

COURT OF COMMON PLEAS OF CUYAHOGA COUNTY

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CAROLINE F. ZARZOUR, )  
Individually and as Executrix )  
of the Estate of Marie H. )  
Burkett (Deceased), )  
 )  
Plaintiff, )  
 )  
vs. ) Case No.  
 ) 19 909055  
MANOR CARE OF PARMA, OH, LLC )  
d/b/a Manorcare Health Services )  
Parma a/k/a MCHS Parma, et al., )  
 )  
Defendants. )  
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Monday, February 22, 2021  
3:45 P.M.

REMOTE DEPOSITION OF KATHERINE M. LANGE

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Jackie Olexa White  
Registered Merit Reporter  
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A P P E A R A N C E S

REPRESENTING THE PLAINTIFF:

MARK ABRAMOWITZ:

Dicello, Levitt, Gutzler

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REPRESENTING THE DEFENDANTS:

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Monday Afternoon Session

February 22, 2021

3:45 P.M.

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STIPULATIONS

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It is stipulated by and between counsel  
for the respective parties that the deposition of  
KATHERINE M. LANGE, a witness herein, called by the  
defendants under the statute, may be taken at this  
time and reduced to writing in stenotypy by the  
Notary, whose notes may then after be transcribed out  
of the presence of the witness; that proof of the  
official character and qualification of the Notary is  
waived; that the examination, reading and signature  
of the said KATHERINE M. LANGE to the transcript of  
her deposition are not waived by counsel and the  
witness.

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1 (Thereupon, both counsel agreed that the  
2 reporter could swear the witness in remotely.)

3 - - -

4 KATHERINE M. LANGE  
5 being first duly sworn, as hereinafter certified,  
6 testifies and says as follows:

7 CROSS-EXAMINATION

8 BY MR. ENGWERT:

9 Q. Hi. You're Kathy, right?

10 A. Yes.

11 Q. My name is Randy, last name is Engwert.  
12 I'm the attorney representing the nursing home --  
13 I'll just say it this way -- that you guys have a  
14 lawsuit filed against.

15 This is my chance to ask you questions  
16 about the case. And I think you probably know it by  
17 now, your job here today first was to raise your  
18 right hand and swear to tell the truth, and now it's  
19 to answer my questions.

20 I will ask you, please, answer my  
21 questions out loud using words rather than uh-huhs or  
22 huh-huhs. We'll know what you mean, but it doesn't  
23 read well on a transcript.

24 A. Okay.

25 Q. If you don't understand the question I'm

1 asking, just let me know, and I'll try to rephrase it  
2 to make it easier to understand. If you ever want to  
3 take a break, just let me know. That's fine. We can  
4 do that. We may be here a couple hours, so odds are  
5 we will take a break.

6 The only thing I'll ask is if we do take a  
7 break, and if I've asked a question, that you answer  
8 it before we part ways for any break. Okay.

9 If you would, please, state your name for  
10 the record, first, middle and last?

11 A. Katherine, K A T H E R I N E, M., like  
12 Mary, Lange, L A N G E.

13 Q. Is Mary your middle name?

14 A. It's Marie.

15 Q. You were Marie Burkett's oldest child,  
16 correct?

17 A. Yes.

18 Q. Can I call you Kathy?

19 A. Yes.

20 Q. Kathy, are you married?

21 A. Yes.

22 Q. And what is your spouse's name?

23 A. Douglas.

24 Q. Where do you and Douglas live?

25 A. In Copley, Ohio.

1 Q. What is your address there?

2 A. 464 Rachel, R A C H E L, Court.

3 Q. And how long have you lived at that  
4 address?

5 A. Twenty years.

6 Q. Do you have children?

7 A. Yes.

8 Q. How many?

9 A. One.

10 Q. Boy or girl?

11 A. A girl.

12 Q. How old is she?

13 A. Thirty-one.

14 Q. What is her name?

15 A. Her name is Katelyn, K A T E L Y N.

16 Q. Same last name, Lange?

17 A. No, it's Kirby. She's married, K I R B Y.

18 Q. What is her husband's name?

19 A. Matthew.

20 Q. Do either Katelyn or Matthew work in the  
21 medical field?

22 A. No.

23 Q. Where do they live?

24 A. Doylestown, Ohio.

25 Q. Do you have any grand babies?

1 A. Not yet. We're hoping.

2 Q. Do you work outside the home?

3 A. Right now I'm on unemployment because of  
4 Covid, but I work for Almost Mom Child Care  
5 Development Center. It's a day care.

6 Q. You're getting practice to be a grandma  
7 then?

8 A. Yes, yes.

9 Q. Has that been closed because of Covid?

10 A. Part of our floor is open. Our upstairs  
11 of classes were open. I'm downstairs with our  
12 toddlers, and we didn't have any kids that had been  
13 coming back yet. Plus then we had -- they are doing  
14 road construction on the road outside of our school,  
15 and there was -- they had a pipe, a water main pipe,  
16 and it flooded our downstairs.

17 Q. And how long have you worked at Almost  
18 Mom?

19 A. It would have been almost eight years.

20 Q. Did you graduate high school?

21 A. Yes.

22 Q. Did you go to school after that?

23 A. No.

24 Q. Do you have any education or training in  
25 the medical field?

1 A. Well, I did go to medical assistant school  
2 for six months, so, I don't know if that would count  
3 as school.

4 Q. Well, I think so. Did you obtain a  
5 certificate as a medical assistant?

6 A. I never got -- I graduated, but I don't  
7 have a certificate.

8 Q. Is that something -- do you have to be  
9 licensed to be a medical assistant and then work?

10 A. Not back when I was doing it. That was  
11 back in about 197 -- the end of '76.

12 Q. Did you then work as a medical assistant?

13 A. I worked, yes.

14 Q. How long did you work as a medical  
15 assistant?

16 A. About two and a half years.

17 Q. What kind of a setting did you work in as  
18 a medical assistant?

19 A. Six months for a cardiologist, and then  
20 two years for internal medicine doctors.

21 Q. Those would have been more like office  
22 practice settings?

23 A. I did answer phones, receptionist-type  
24 work, and I also did EKG's on patients, took the  
25 patients to the rooms.



1 Q. Okay. Did you stop working then as a  
2 medical assistant?

3 A. Yes, I went to -- because of needing of  
4 health insurance, I went to work for a medical  
5 insurance company. I worked for Blue Cross and Blue  
6 Shield of Ohio for 17 years.

7 Q. Did you work outside the home after Blue  
8 Cross and Blue Shield and before you went to Almost  
9 Mom?

10 A. Yes, I was home for -- when we moved, I  
11 was home for about five years. And then I went to  
12 work at Michael's, the arts and crafts store.

13 Q. Yes, like the retail store?

14 A. Um-hum, yep. I was there for 11 years,  
15 and then I went to the day care.

16 Q. Does your husband Douglas work outside the  
17 home?

18 A. He is retired from UPS, but he was working  
19 a part-time job, but he's not working right now  
20 because of Covid.

21 Q. What did he do for UPS?

22 A. He was an on the road supervisor.

23 Q. Does he have any education or training in  
24 the field?

25 A. No.

1 Q. Does Katelyn work outside the home?

2 A. Yes.

3 Q. What does she do?

4 A. She works as a receptionist for a  
5 furniture store.

6 Q. So I met your sister Caroline, and I met  
7 your brother Jeff, who you probably crossed paths  
8 with today. I know a fair amount about your family,  
9 you know, big picture, so I'll probably skip over  
10 some of that stuff.

11 One thing I want to get some clarity on,  
12 though, from you, Kathy, is with regard to your mom  
13 and I guess I'll just say her life generally. It's  
14 my understanding you were her power of attorney for  
15 health care decisions, right?

16 A. Right.

17 Q. When did you become her power of attorney  
18 for health care decisions?

19 A. When did I become --

20 Q. Yes.

21 A. It was in my parents' will, and so it  
22 would have been right when my mom went into the  
23 nursing home.

24 Q. Okay. When you say my parents, are you  
25 referring to your --

1 A. My mom and my stepfather.

2 Q. Okay. So it was in her estate plan that  
3 you would become her power of attorney for health  
4 care decisions, and then when your stepfather passed  
5 away, is that when you became the power of attorney?

6 A. Right. And it was going to be Carrie  
7 along with me if I couldn't do it.

8 Q. Your stepfather had children of his own,  
9 right?

10 A. Yes.

11 Q. How involved were they in your mom's life?

12 MR. ABRAMOWITZ: Objection. Can you  
13 clarify just time frame? Like is it pre-nursing  
14 home, post time-wise?

15 Q. When were your mom and stepdad married?

16 A. I'm thinking -- you'll have to bear with  
17 me. I got married in '86, and they got married in  
18 about, I want to say -- let's see, I'm going to be  
19 63. And they got married when I was 21. I turned 21  
20 in May, they got married that August. So I'm not  
21 sure. What does that come to?

22 MR. ABRAMOWITZ: Can I help with the math  
23 here? I don't want to step on your toes here. I  
24 think that would be the '70s, late 70's, right? I  
25 was born in '84, that's 36 years, so take off -- you

1 put four more years, and that puts you to 1980. So  
2 probably '79 or '80, based on the math that you just  
3 did. You can go ahead and answer that and tell him  
4 the math you just did.

5 Q. Is his testimony your testimony?

6 A. Yes, because we were figuring out the  
7 numbers, because I'm not very good with math. I know  
8 they were married over 30 years. I know they were  
9 getting close to 40. What is it? I can't calculate  
10 that out.

11 MR. ABRAMOWITZ: If it's 40 years, that  
12 would make it 1970 -- 1979, 1980 time frame.

13 THE WITNESS: That would probably be  
14 about -- yeah -- about right. Yeah, because I'll be  
15 62 in May. So I would have been 21 that May. And  
16 then they got married that August, the 11th or 12th  
17 of August. So I'm -- yeah 63 from -- okay, I'm  
18 trying to figure that out. I'm sorry.

19 MR. ABRAMOWITZ: That is all right. Take  
20 your time.

21 MR. ABBARNO: 1980, 1979, somewhere in  
22 that range?

23 THE WITNESS: 1979 or '80 it would be.

24 Q. Okay. When your mom and stepdad married,  
25 were all the kids still living in the home?

1 A. His children were all out of the home --  
2 when my parents got married, his youngest daughter  
3 was briefly living at their home. My sister Carrie  
4 was living at home, Sandy by herself, and my brother  
5 for a little bit. My two oldest step siblings were  
6 already married and out of the house.

7 Q. Okay. Your stepfather, he had a wife  
8 prior, right?

9 A. He what, please?

10 Q. Was he married before he was married to  
11 your mom?

12 A. Yes.

13 Q. Was he divorced or did she pass away?

14 A. He was divorced.

15 Q. So were your step-siblings -- was there  
16 mother still alive while your mom and stepdad were  
17 married?

18 A. Yes, but then she passed away.

19 Q. Did your step-siblings refer to your mom  
20 as mom?

21 A. No.

22 Q. Do you know, Kathy, are your step-siblings  
23 making claims in the context of this lawsuit that  
24 we're talking about?

25 MR. ABRAMOWITZ: Objection, that is if you

1 know.

2 MR. ENGWERT: That is how I said it.

3 A. They were informed of it, but -- they were  
4 informed of it. They signed a paper saying they were  
5 informed of it.

6 MR. ABRAMOWITZ: If you don't know the  
7 answer, it's okay to answer you don't know. I think  
8 the estate paperwork is different than this.

9 THE WITNESS: Okay. So I'm going to say I  
10 don't know.

11 Q. How many step-siblings do you have?

12 A. Three.

13 Q. When is the last time you saw any one of  
14 them?

15 A. My stepbrother lives in my neighborhood,  
16 so I see them at a restaurant a couple times just in  
17 passing.

18 Q. And when you say that, is that since your  
19 mom passed away?

20 A. Yes.

21 Q. Is her funeral the last time you saw the  
22 three of them together?

23 A. My stepbrother was not there, he was out  
24 of town. This is regarding my mother, right?

25 Q. Right.

1 A. My youngest stepsister, Lynn, was not  
2 there. So my stepbrother was not there, my youngest  
3 stepsister was not there. And, truthfully, I cannot  
4 remember whether my stepsister Sheila was there or  
5 not.

6 Q. When is the last time you saw Lynn?

7 A. At my stepfather's funeral.

8 Q. That would have been back in 2013?

9 A. Yes, if that's when he passed away.

10 Q. Yes. So stepsister Lynn, when is the last  
11 time you saw her?

12 A. Yeah, she's the one that I haven't seen,  
13 that I did not see since my -- Lynn is the one that  
14 the last time I saw her was at my stepfather's  
15 funeral.

16 Q. Okay. Sorry. Then Sheila, when is the  
17 last time you saw your stepsister Sheila?

18 A. Sheila was at the hospital. She came to  
19 the hospital when my mom passed away -- or to the  
20 nursing home, rather, pardon me.

21 Q. Was that the first time Sheila saw your  
22 mom at the nursing home?

23 A. Let me think about that for a moment. The  
24 two never came, and maybe Sheila was there maybe  
25 twice.

1 Q. What was your stepbrother's first name?

2 A. Brian.

3 Q. He lives in your neighborhood, so that  
4 means I assume he lives in Copley?

5 A. He actually lives in Bath.

6 Q. Where does Lynn live, if you know?

7 A. I have no idea.

8 Q. Is it in, like, the northeast Ohio area?

9 A. I assume so.

10 Q. And then Sheila, do you know where Sheila  
11 lives?

12 A. Broadview Heights, I believe.

13 Q. Were Brian, Lynn or Sheila your  
14 step-siblings involved at all in making decisions  
15 related to your mom's health care once you became  
16 power of attorney?

17 A. Nope.

18 Q. I talked earlier with your brother about  
19 care conferences at the nursing home. And we went  
20 through some of the notes related to those care  
21 conferences as I'm sure Mr. Abbarno told you. And it  
22 mentions various times about daughter and siblings or  
23 son being present. Were Brian, Lynn or Sheila, any  
24 of those individuals, referred to as daughter or son?

25 A. I'm sorry, could you repeat that again?



1 Q. Did any of your step-siblings ever attend  
2 a care conference ad Manorcare Health Services Parma,  
3 the nursing home?

4 A. No.

5 Q. Did you ever invite any of them to come to  
6 a care conference?

7 A. No.

8 Q. Did you ever tell any of them about the  
9 results or what was discussed at the care conference  
10 at the nursing home?

11 A. No.

12 Q. Is it fair to say they were not involved  
13 in her life at all once she went to the nursing home?

14 A. Pretty accurate.

15 MR. ABRAMOWITZ: Objection. She was there  
16 for a long time --

17 MR. ENGWERT: Your objection is noted for  
18 the record, Mark.

19 MR. ABRAMOWITZ: Well, she was there a  
20 long time.

21 MR. ENGWERT: You tend to do speaking  
22 objections, and they're inappropriate.

23 MR. ABRAMOWITZ: Randy, I appreciate your  
24 comment. I'm not trying to frustrate you. I'm  
25 trying to make sure we're all on the same page here.

1 The question is a little confusing, and I just want  
2 to make sure we're on the same page, so...

3 MR. ENGWERT: It's up to the witness to  
4 decide if she's confused. If she's confused, she can  
5 let me know. It's not for you to tell her.

6 MR. ABRAMOWITZ: Randy, that's not what  
7 I'm doing. I just want to make sure we are all on  
8 the same page. You seem frustrated, and I apologize.  
9 I just want to make sure, because I'm sitting here as  
10 her counsel and to help counsel her. I want her to  
11 understand the question, and I want to make sure  
12 we're on the same page.

13 I don't want you to come back one day and  
14 say, listen, this is what it was, and I didn't think  
15 it was clear, so I just want to make sure we're all  
16 on the same page here.

17 MR. ENGWERT: And that's why you as the  
18 attorney are authorized to object to the form of the  
19 question. Unless you're otherwise instructing her  
20 not to answer, you really don't have a whole lot to  
21 say here today unless you're going to question her  
22 yourself.

23 Mr. Abbarno does this repeatedly himself.  
24 And I'm making a record that you guys tend to do  
25 this, and it's inappropriate, and you guys know it.

1 MR. ABRAMOWITZ: Randy, again, we're not  
2 trying to get in your way here. We apologize if you  
3 think we are. I feel bad if you feel that someone in  
4 my office is doing something inappropriate. Again,  
5 please continue with your questions. If you want to  
6 talk more about this, we can go off the record for a  
7 minute and we can talk some more.

8 Again, if it's not clear, we'll do our  
9 best to clear it up before a question is answered,  
10 because we want to make sure we're all on the same  
11 page here. Please carry on unless you want to talk  
12 more about this.

13 Q. So, Kathy, when your mom went to the  
14 nursing home in 2013, whose decision was that?

15 A. It was the decision of my siblings, my  
16 brother, my sisters and I. And we had taken my mom  
17 to the hospital because we knew something wasn't  
18 right. And they had recommended she be sent over to  
19 Marymount, to the mental health ward at Marymount  
20 Hospital for seniors.

21 And the doctor that evaluated her there  
22 said we would not be able to take care of her at  
23 home, and it would be best that she go to a facility  
24 that she can be taken care of.

25 Q. Okay. And then how was the decision made

1 to go to the Manorcare Health Services Parma?

2 A. Well, as a group, we took a day off from  
3 our jobs, and we spent the day looking at different  
4 nursing homes. And our aunt Carol had been at  
5 Manorcare. And when we evaluated Manorcare, we felt  
6 that that was really a good place for mom to go at  
7 the time, and that she would be with her sister. And  
8 that is how we decided on Manorcare for our mother.

9 Q. Did you tour any other facilities?

10 A. Yes, we did. We spent a whole day looking  
11 at other facilities.

12 Q. Oh, okay.

13 A. We were only given -- the nurse only gave  
14 us -- excuse me, the doctor only had given us a few  
15 days in which we would be able to find a facility for  
16 mom.

17 Q. By that point in time, how long had your  
18 aunt Carol been at the Manorcare in Parma?

19 MR. ABRAMOWITZ: Objection. You can  
20 answer.

21 A. I don't know for sure. I don't recall how  
22 many years she had been there.

23 Q. Okay. Had you ever visited your aunt  
24 Carol at the Manorcare in Parma?

25 A. Of course.

1 Q. I guess what I'm getting at, so you had  
2 some familiarity with the facility before your mom  
3 went there?

4 A. Correct.

5 Q. As I understand it, your aunt Carol was  
6 your mom's sister, right?

7 A. Sister, yes, um-hum. They were extremely  
8 close.

9 Q. When your mom went to the nursing home in  
10 2013, did she recognize Carol as her sister?

11 A. Yes.

12 Q. Would she say her name?

13 A. She didn't -- she knew Carol was her  
14 sister, but I don't recall her saying her name.

15 Q. Was your mom -- well, let me ask it this  
16 way: Your mom was diagnosed with Alzheimer's,  
17 correct?

18 A. Dementia, yes.

19 Q. Do you know whether it was a different  
20 form of dementia than Alzheimer's?

21 A. Do you mean like was it stroke induced?  
22 Because you can have stroke-induced Alzheimer's --  
23 dementia, rather. So stroke, no. As far as we know,  
24 it was just dementia going into Alzheimer's.

25 Q. Okay. When was she diagnosed with

1 dementia or Alzheimer's?

2 A. Right before -- we know for sure when we  
3 had taken her to the hospital right before she came  
4 into the nursing home, she had been to see a doctor  
5 maybe a year or two before, that she was having  
6 some -- that she was having some issues. She was  
7 still living at home with my dad, my stepdad.

8 Q. And when she saw a doctor a year or two  
9 before she went to the nursing home, did that doctor  
10 diagnose her with dementia?

11 A. He said she had the beginning of it.

12 Q. What did that doctor explain to you, if  
13 anything, with regard to what was going to happen  
14 with your mom and dementia over time?

15 A. That it would progress.

16 Q. Okay. Did they explain what that meant in  
17 terms of the progression of the disease?

18 A. I know we all had an understanding of what  
19 was coming.

20 Q. And what was your understanding of what  
21 was coming at that time?

22 A. That she would fully lose her ability to  
23 take care of herself; her speech. I've saw some  
24 things about Alzheimer's, our grandmother had  
25 Alzheimer's.

1 Q. So you had prior experience in your life  
2 with somebody who had that disease, right?

3 A. Yes, yes.

4 Q. When your mom went to the hospital before  
5 she went to the nursing home, what caused her to go  
6 to the hospital?

7 A. Our dad wasn't going to be able to -- he  
8 felt he wasn't going to be able to take care of her  
9 very well. He was keeping -- not that he was keeping  
10 from us, he just was trying to protect her from how  
11 bad her situation was becoming. And he had been in  
12 the hospital, and we had decided that we needed to  
13 find out what was going on with her, because she was  
14 showing some signs that something wasn't -- that  
15 something wasn't right.

16 Q. And you took her to the hospital, and then  
17 it sounds like she went to a psychiatric --

18 A. First we took her to -- I'm trying to  
19 think which hospital it was. I don't want to say the  
20 wrong hospital, but we took her to a medical hospital  
21 telling her that we were taking her for -- to get a  
22 checkup. And when we had taken her in to the  
23 hospital, they said that they felt that she was going  
24 to need to be examined by a psychiatric hospital --

25 Q. Okay.

1 A. -- for the dementia.

2 Q. Sure. The psychiatric hospital, do you  
3 recall the name of that?

4 A. That hospital was Marymount Hospital in  
5 Garfield Heights.

6 Q. How long was she there before she went to  
7 the nursing home?

8 A. She was there just a couple of days. But  
9 they told us, again, that we would not be able to  
10 take her home, and she would be better off in a  
11 facility.

12 Q. When your mom went to the nursing home  
13 then, did you have any expectation that she would  
14 ever leave a nursing home in her life?

15 A. No. We pretty much knew that once she  
16 went in there, she wasn't coming back home. Because  
17 it was kind of hard to know that she was leaving from  
18 the facility and ended up going into a nursing home  
19 and never going back to her own home.

20 Q. And then, as I understand it,  
21 unfortunately, pretty shortly after your mom went  
22 into the nursing home, her husband passed away,  
23 right?

24 A. Yes.

25 Q. Were you there the day in the restaurant



1 that Carrie told me about that he had a stroke?

2 A. No, I was not there.

3 Q. One thing, Kathy, this is not a criticism,  
4 this is just normal interaction. Let's be careful  
5 not to talk over each other.

6 A. I apologize. I didn't --

7 Q. You just did it again. It's okay. It's  
8 totally okay. But for Jackie's benefit, it's hard  
9 for her to get us both at the same time.

10 A. I apologize. That's something I work on  
11 all the time not to do that.

12 Q. After your mom went to the nursing home,  
13 how did things go at first when she got there?

14 A. When she got there everything seemed to be  
15 going okay. She was having to learn for her to  
16 adjust to be in a nursing home. She wasn't sure  
17 where she was. She wanted to go home. She didn't  
18 recall where she used to live. She referred to back  
19 where she grew up at. Because we would take her out  
20 sometimes at the beginning. We were allowed to take  
21 her out. And then when we would bring her back home,  
22 she would want to go to her old home where she grew  
23 up.

24 But everything seemed to be fine. I  
25 didn't have any complaints at the beginning on the

1 care she was getting. She was adjusting.

2 Q. Those times when you would take her out,  
3 would you take her to the home she had lived in with  
4 her husband?

5 A. No, because my stepfather had -- after my  
6 mom went in the nursing home, my stepfather ended up  
7 moving in with my stepsister, Sheila, his oldest  
8 daughter.

9 Q. When you said earlier you would take her  
10 out and you would go home, when you say home, where  
11 was home?

12 A. She would think where it was where she  
13 grew up, on Hamm Avenue in Cleveland, her childhood  
14 home.

15 Q. Okay. I'm sorry. Go ahead.

16 A. Then we would bring her back to the  
17 nursing home, and she would be, this isn't where I  
18 live. Then we would have to tell her, yes, mom, this  
19 is where you live now.

20 Q. Was she angry?

21 A. No, just confused.

22 Q. When you would take her out of the  
23 facility, where would you take her?

24 MR. ABRAMOWITZ: This is in the beginning,  
25 right?

1 MR. ENGWERT: Until she died.

2 MR. ABRAMOWITZ: So the entire, like, time  
3 she was there?

4 MR. ENGWERT: That's the way I asked the  
5 question, Mark.

6 MR. ABRAMOWITZ: Then objection. Please  
7 specify what time frame so we can be clear.

8 MR. ENGWERT: Are you instructing her to  
9 not answer the question?

10 MR. ABRAMOWITZ: No, I'm asking you to  
11 clarify the question.

12 Q. Okay. So, Kathy, you testified earlier  
13 after your mom went to the nursing home, you were  
14 allowed to take her out of the facility. Did that  
15 ever change to where you were not allowed to take her  
16 out of the facility?

17 A. No. It was for her -- we took her out  
18 when she was able to be able to get around. We would  
19 take her out to someone's house or for meals just to  
20 get her out, and then we would bring her back. After  
21 she started to -- after she started to decline, then  
22 we didn't -- we didn't take her out. The last time  
23 we had taken her out was at Christmas before she  
24 passed away.

25 Q. According to your sister's testimony, that

1 was Christmas Eve in 2017, right?

2 A. Yes.

3 Q. Your mom passed away on January 20th, I  
4 think it was 2018, right?

5 A. Yes, it was 2018.

6 Q. So about four weeks before she passed away  
7 was the last time you took her out?

8 A. Yes. We wanted to take her out so she  
9 could enjoy Christmas with her whole family, with all  
10 of her grandchildren and great grandchildren and her  
11 kids.

12 Q. Did the nursing home ever tell you you  
13 couldn't take her out?

14 A. No.

15 Q. How often did you personally take your mom  
16 out of the nursing home?

17 A. Early on, maybe a couple times I would  
18 take her to -- where did I take her to? I had taken  
19 her to -- where was it that we had gone to.  
20 Actually, I can't recall specifically the times that  
21 I took her out.

22 Q. Those times when you did take her out, do  
23 you recall what, if anything, in particular you guys  
24 did together?

25 MR. ABRAMOWITZ: Objection. Can we get a

1 time frame again?

2 MR. ENGWERT: Just answer the question  
3 that that she took her mom out a couple times.

4 MR. ABRAMOWITZ: Randy, Randy. I asked  
5 you to clarify the time. Can you please clarify it?

6 MR. ENGWERT: I am clarifying the time at  
7 your request.

8 Q. Kathy, you testified you took your mom out  
9 of the facility a couple times. When you took your  
10 mom out of the facility a couple times, do you  
11 remember anything in particular that you guys did  
12 together?

13 A. It would just be to go to someone's house,  
14 to someone in the family's house.

15 Q. Kathy, in your role as the health care  
16 power of attorney and decision maker, did you confer  
17 with your siblings before you made any particular  
18 decision?

19 A. Yes, we always talked about things we were  
20 going to do.

21 Q. Okay. And in that regard would you agree  
22 that your siblings were always kept in the loop and  
23 aware of what was going on in terms of you making  
24 decisions for her?

25 A. Yes.

1 Q. Like when the nursing home would have care  
2 conferences that were scheduled, would you invite  
3 your siblings to come to those, too?

4 A. They knew that I was available to go  
5 because they were working. But if they wanted to  
6 come, they were welcome to come.

7 Q. Right. But what I was asking is: Would  
8 you tell them, your sisters and your brother that,  
9 hey, there's a care conference scheduled at the  
10 nursing home on a particular day and time?

11 A. Yes, they would know.

12 Q. Okay. You said things seemed okay at  
13 first when your mom got to the nursing home. Did  
14 that change then at some point in time? Did you  
15 start to have issues with what was going on there  
16 with your mom?

17 A. Yes, sometimes when I would go to the care  
18 conferences, not all the staff that was supposed to  
19 be there would be there. Sometimes I would just meet  
20 with the dietician and the social worker. It would  
21 just vary, and those conferences would last about 15  
22 minutes.

23 I had concerns over her eating, how often  
24 she was being changed. As time went on, concerns  
25 about her walking around by herself.

1 Q. Does anything else stand out in your mind?

2 A. And that there seemed to be not enough  
3 staff. And this is through part of the time she was  
4 there, this was kind of moving on. That there  
5 wasn't -- it seemed like the staff never seemed to be  
6 the same. My understanding was that they rotated  
7 them.

8 Q. Anything else that stands out in your  
9 mind?

10 A. No, those are the key things.

11 Q. So over time -- and I understand this may  
12 not have been all the time, every time, but would you  
13 raise these issues when you went to your care  
14 conferences?

15 A. They knew about the issues with her  
16 eating. I didn't make a big deal out of it. It was  
17 a 15 minute conference. And it was like everything  
18 is fine, we don't have any problems there, okay.

19 Q. Who would say that, everything is fine, we  
20 don't have any problem with her? Is that something  
21 you would say or the staff would say?

22 A. The staff would say.

23 Q. Would you say, well, wait a minute, I want  
24 to talk about whatever, you know, her eating?

25 A. Yes, I would talk about --

1 MR. ABRAMOWITZ: Just let him finish.

2 THE WITNESS: I'm sorry.

3 Q. But you would raise these issues with the  
4 staff at those meetings; is that what you're saying?

5 A. Yes.

6 Q. Were they responsive to your concerns?

7 A. They would look in to it, that's what I  
8 was told.

9 Q. Did things ever change, you know, in  
10 response to the things that you raised?

11 A. In some ways.

12 Q. So when you say in some ways, I take it  
13 that doesn't mean all ways. But in what ways did  
14 things change when you would raise this issue?

15 A. I guess it would be like with her -- the  
16 big thing with me was with her weight. And it would  
17 be about adding -- like what she would have to  
18 supplement for her meals. But she was a very picky  
19 eater, always was.

20 Q. Did she lose weight after she went to the  
21 nursing home?

22 A. Yes, she did.

23 Q. One of the things your brother said  
24 earlier today is when your mom was still at home with  
25 her husband, and before the nursing home, is that she



1 was not eating. Is that consistent with your  
2 recollection of when she was at home.

3 MR. ABRAMOWITZ: Objection. You can  
4 answer. You can answer.

5 A. She was always concerned with what  
6 everybody else was doing. If we were over and people  
7 were there, if everybody was being taken care of.  
8 She did -- my stepdad was doing the best he could as  
9 far as, like, providing meals for them. Because he  
10 was doing all of the work. He was doing the cooking.  
11 And he wasn't in the best of health. So he tried to  
12 make things to get Maria to eat. And she wasn't a  
13 big eater, but she would like to have her snacks and  
14 things.

15 Q. Okay. When it came to eating, your  
16 mother, would she eat in the dining room or was she  
17 eating in her room, her patient room?

18 A. Majority of the time --

19 MR. ABRAMOWITZ: Objection. You can  
20 answer.

21 A. Majority of the time, she ate in the  
22 dining room.

23 Q. When she would go to the dining room, did  
24 you ever go to the dining room with her at meal time?

25 A. Oh, yes, I was there.

1 Q. How would she do in terms of eating when  
2 you were there with her?

3 A. She would -- they would put her tray down,  
4 they would take the lid off, and she would eat. If  
5 it was stuff that she wanted to eat, she would eat.  
6 She loved her ice cream, so she would eat her ice  
7 cream first, and then she would eat her other stuff.

8 Q. Would the nursing home offer her  
9 alternatives if whatever the meal was she didn't  
10 like?

11 A. Nope, they did not.

12 Q. Did you ask them ever to offer an  
13 alternative?

14 A. I just wanted for her to have things that  
15 she would eat. I said that if she eats -- if she  
16 wants to have two pieces of pie, and that's what  
17 she'll eat, then give her two pieces of pie. And  
18 they said they couldn't, because they had to follow  
19 what the guidelines were. You know, make sure all  
20 patients got the same thing. That's when I was  
21 concerned about her weight.

22 Q. Did she lose weight or gain weight over  
23 the time she was at the nursing home?

24 A. For a while there was concern about her  
25 losing weight, but then she put some back on, and

1 then she pretty much stayed steady.

2 Q. Okay.

3 A. There were times when they would bring  
4 food in to her room, if she was in her room, and they  
5 would bring the tray in. And they would just  
6 leave -- you know, they would leave the tray there.  
7 And I would ask them, did she eat, and they would  
8 say -- and I would get the response, well, she ate  
9 some, she had a little. And I would check the tray.

10 Q. Go ahead.

11 A. If I was there when she was in the dining  
12 room eating, I would know what she would eat. If I  
13 came there, and they were bringing in a tray, the  
14 tray had been brought in, I would look at it to see  
15 how much she had eaten.

16 Q. Have you ever reviewed your mom's medical  
17 record from the nursing home?

18 A. You mean like at a care conference?

19 Q. At a care conference or ever before today?

20 A. Looked at her records personally, like in  
21 a book?

22 Q. Yes.

23 A. No.

24 Q. So in terms of what the staff at the  
25 facility were documenting with regard to your mom's

1 eating, you're not aware of what's in the medical  
2 record, are you?

3 A. No, it's just by what they would tell me.

4 Q. Okay. When your mom would have things  
5 like labs done or blood work done, did anybody ever  
6 she's malnourished or she's dehydrated because she's  
7 not eating or drinking enough?

8 MR. ABRAMOWITZ: Objection, but you can  
9 answer.

10 A. No.

11 Q. You mentioned you had concerns with regard  
12 to how often she was being changed. When you say  
13 changed, can I take that to mean with regard to,  
14 like, her briefs or her incontinence briefs?

15 A. Yes. There were times --

16 Q. I'm sorry.

17 A. There were times when she would be  
18 sitting -- she would be sitting and she would be very  
19 wet.

20 Q. Was your mom incontinent of her bladder  
21 before she went to the nursing home?

22 A. No.

23 Q. How long after she went to the nursing  
24 home did she become incontinent?

25 A. I don't know.

1 Q. Okay.

2 A. Because she was able to go to the  
3 bathroom. They would take her to the bathroom  
4 themselves.

5 Q. Sure. Sure. Did that change at some  
6 point, though, where she needed to wear the briefs?

7 A. Yes. She was actually like in a diaper.

8 Q. Right. Then was that just with regard to  
9 her bladder, or did she need that also for bowel  
10 movements?

11 A. That also towards the end.

12 Q. You mentioned you had concerns with your  
13 mom walking around by herself. At what point in time  
14 in her stay at the nursing home did you become  
15 concerned about her walking around?

16 A. Probably in about the last six months,  
17 because she was able to walk by herself, but then she  
18 became a little, like, wobbly, when she would get out  
19 of a chair or when she was out of her bed or when she  
20 was walking.

21 Q. Okay. Did you have discussions with the  
22 facility, like at care conferences or otherwise, with  
23 regard to her walking around by herself?

24 A. Yes.

25 Q. What, if anything, was to be done about

1 those concerns?

2 MR. ABRAMOWITZ: Objection. You can  
3 answer.

4 A. To have somebody for things like keeping  
5 an eye on her, somebody walking with her. She would  
6 walk -- she would be like walking all over the place.  
7 Because I would come in and I would say, like,  
8 where's Marie, and they would say she's walking  
9 around some place. So they were made aware that we  
10 had concerns.

11 When I would come -- and I'm sure my  
12 siblings did the same thing -- I would walk behind  
13 her with my hands out to make sure she wouldn't fall,  
14 or I would put my arms to the back of her.

15 Q. Did you ever put her in a wheelchair and  
16 wheel her around in the facility?

17 MR. ABRAMOWITZ: Objection, but you can  
18 answer.

19 A. On occasion I took her for a walk in a  
20 wheelchair. It was a black regular wheelchair.

21 Q. Say that again?

22 A. A regular wheelchair.

23 Q. Did she ever use a walker?

24 A. She did not use a walker that I am aware  
25 of.

1 Q. Was there ever a discussion with you in  
2 the facility about having her use a walker?

3 MR. ABRAMOWITZ: Objection, but you can  
4 answer.

5 A. No, not that I am aware.

6 Q. Did anybody ever state it would be  
7 inappropriate to let your mom use a walker?

8 MR. ABRAMOWITZ: Objection. You can  
9 answer.

10 A. No.

11 Q. What about a cane, did she ever use a  
12 cane?

13 A. No.

14 Q. You know, there were these discussions  
15 about her being -- let me make sure I use the right  
16 words -- unsteady when she was walking. I'm not sure  
17 how you said it, I'm sorry, Kathy. There was  
18 discussion about keeping an eye on her and walking  
19 with her. Did the facility ever explain to you and  
20 the family that they couldn't stay with her all the  
21 time?

22 MR. ABRAMOWITZ: Objection. You can  
23 answer.

24 A. Yeah, because they were short staffed, and  
25 they had other patients to care for.

1 Q. By your observation was there ever enough  
2 staff there for the staff to be like one on one with  
3 every patient?

4 MR. ABRAMOWITZ: Objection.

5 A. No.

6 Q. Did you expect that there would be enough  
7 staff there to be one on one with every patient?

8 MR. ABRAMOWITZ: Objection.

9 A. Not necessarily for every patient, but  
10 that there would be enough staff there to accommodate  
11 the patients on the floor.

12 Q. So what do you mean when you say  
13 accommodate the patients on the floor?

14 A. Okay. So if there's ten rooms, how many  
15 staff would be spread amongst those ten rooms.

16 Q. I don't know. I'm trying to understand  
17 when you say --

18 A. Okay. So, like, if you -- I'm going to  
19 use an example with children -- if you have six  
20 children -- you have to have two staff members if you  
21 have more than six. Do you know what I'm saying?  
22 It's like that. I'm not sure you understand what I'm  
23 saying.

24 Q. Are you talking to me?

25 A. Yeah, just the way I was explaining it.



1 Q. Okay. Is that like a standard that  
2 applies to the day care where you work?

3 A. Yes.

4 Q. That's something that the State of Ohio  
5 mandates or is that like a company policy?

6 A. It's by the state. You have to have so  
7 many personnel per groups depending on their age.

8 Q. Is that how your day care staffs to have  
9 two staff per six children?

10 A. Yes.

11 Q. Are you familiar at all with any  
12 regulations that apply to nursing homes and staffing?

13 A. No.

14 Q. Do you have any knowledge whether  
15 Manorcare Health Services Parma was ever staffed in  
16 violation of any state regulation for staffing  
17 nursing homes?

18 MR. ABRAMOWITZ: Objection, but you can  
19 answer.

20 A. I'm not sure I understand what you mean.

21 Q. You've said -- you're not aware of any  
22 regulation applicable to nursing homes and their  
23 staff, like staff to patients, like you just  
24 discussed with the day care?

25 A. No.

1 Q. You otherwise have no knowledge whether  
2 Manorcare Health Services Parma violated any state  
3 regulation or law with regard to staffing, are you?

4 A. No.

5 MR. ABRAMOWITZ: Objection.

6 Q. These issues with your mom walking around  
7 with regard to her dementia progressed over time.  
8 Was there ever any discussion about moving your mom  
9 to a different facility?

10 MR. ABRAMOWITZ: Objection, but you can  
11 answer.

12 A. Not with us. We wanted mom to -- the  
13 doctor had recommended that my mom would be best to  
14 stay where she was at, and -- I just need to catch my  
15 breath for a second -- that my mom wouldn't adjust  
16 well to being moved to another facility. They had  
17 felt that the -- the center felt that the -- the  
18 nursing home felt that she might be better off in  
19 another place. The doctor did not think that my mom  
20 would survive going to another facility.

21 Q. Do you recall the point in time where that  
22 discussion was had between the doctor and the nursing  
23 home?

24 MR. ABRAMOWITZ: Objection, but you can  
25 answer.

1 A. I have to think about the time frame. It  
2 was when the doctor was called in to -- it was  
3 like -- I don't remember the exact time, but my  
4 siblings and I had wanted to have a care conference  
5 with the staff at the nursing home. And that is when  
6 the doctor was made aware that we had concerns.

7 MR. ABRAMOWITZ: Rick, we've been going  
8 for an hour now. Any chance for a break when you  
9 find a good stopping point?

10 MR. ENGWERT: I want to ask a couple more  
11 questions on this subject first.

12 MR. ABRAMOWITZ: Of course. That's why I  
13 was asking for a good time.

14 Q. When you refer to the doctor in this  
15 conversation, Kathy, what is the doctor's name?

16 A. Dr. Mandat, he was the doctor for the  
17 nursing home.

18 Q. Kathy, when you say the doctor for the  
19 nursing home, what is your understanding of  
20 Dr. Mandat's role or position at the nursing home?

21 MR. ABRAMOWITZ: Objection, you can  
22 answer.

23 A. That he was in charge of the care of the  
24 patients in the nursing home. If there were any  
25 issues with their medical care, that he would be

1       contacted.

2       Q.               And was that for all the patients in the  
3       whole nursing home?

4                       MR. ABRAMOWITZ:  Objection.

5       A.               That was my understanding.

6       Q.               Okay.  That's all I'm asking.

7       A.               Yeah.

8       Q.               Do you believe that Dr. Mandat worked for  
9       the nursing home?

10                      MR. ABRAMOWITZ:  Objection.

11      A.               I believe he would have been on, like, a  
12      staff at the nursing home.

13      Q.               Did somebody tell you that?

14                      MR. ABRAMOWITZ:  Objection.  You can  
15      answer.

16      A.               That's what I just -- I'm not going to say  
17      I assumed.  He was the doctor that was called to  
18      handle mom -- when mom had health issues.

19      Q.               Okay.  Would it surprise you if Dr. Mandat  
20      was not employed by the nursing home as your mom's  
21      doctor?

22                      MR. ABRAMOWITZ:  Objection.

23      A.               I know that there are -- there are doctors  
24      that have private practices that come to take care of  
25      the patients that they are -- let's say they have

1 their own practices and they come to take care of the  
2 patients or they are in affiliation with the nursing  
3 home.

4 MR. ENGWERT: Okay.

5 MR. ABRAMOWITZ: Would this be a good time  
6 for a break now?

7 MR. ENGWERT: I have a couple more  
8 questions about doctors.

9 Q. Who is Dr. David Thomas to your mom?

10 MR. ABRAMOWITZ: Objection. You can  
11 answer.

12 A. I believe Dr. Thomas is the doctor who saw  
13 my mom before she went to the nursing home. I could  
14 be wrong on that.

15 Q. That's okay. When you filed your lawsuit,  
16 you sued him, too. And I was just curious why -- not  
17 necessarily why you sued him, but who he was in  
18 regard to your mom and her overall care. But you  
19 think the last time she saw him was before she went  
20 to the nursing home?

21 MR. ABRAMOWITZ: Objection.

22 A. I'm sorry --

23 MR. ABRAMOWITZ: Answer if you know.

24 A. I'm sorry, what part was he involved in  
25 this? What did you say?

1 Q. I don't know. That's why I'm asking you.  
2 When you filed your lawsuit you included Dr. Thomas  
3 in the lawsuit. And that's why I was asking, who is  
4 he in regard to your mom's care?

5 MR. ABRAMOWITZ: Objection, but you can  
6 answer.

7 A. I'm not sure who he is. Truthfully, I'm  
8 not sure who he is. I thought it was just Manorcare.

9 Q. Just to be clear, you're not sure of the  
10 time frame when this discussion was had and  
11 Dr. Mandat ultimately said it was better for her to  
12 stay at the nursing home, is that right?

13 MR. ABRAMOWITZ: Objection, but you can  
14 answer.

15 A. I'm sorry, would you repeat that?

16 Q. Yes. I'm just trying to zero in on the  
17 timing of this discussion that included Dr. Mandat  
18 about potentially moving your mom. And he said or he  
19 recommended it would be better for her to stay there.  
20 You're not sure when that discussion occurred?

21 MR. ABRAMOWITZ: Objection, but you can  
22 answer.

23 A. I want to say --

24 MR. ABRAMOWITZ: If you're not sure,  
25 you're not sure.

1 THE WITNESS: I'm not sure. Yeah, I'm not  
2 sure.

3 Q. Okay.

4 A. I have documentation on --

5 MR. ABRAMOWITZ: There is no question.

6 THE WITNESS: I'm sorry.

7 Q. You do have documentation?

8 A. I'm not sure if I have documentation as to  
9 when that would have been.

10 Q. Okay. If you did have documentation where  
11 would it be?

12 A. In my mom's files.

13 Q. What files of your mom's are you referring  
14 to?

15 A. It's just where it has her power of  
16 attorney, that kind of stuff in it.

17 Q. Okay. And --

18 A. I didn't keep a lot of notes.

19 MR. ABRAMOWITZ: Hold on. Let him ask the  
20 question.

21 THE WITNESS: I'm sorry.

22 MR. ABRAMOWITZ: It's all right. You're  
23 doing good.

24 Q. In those files you're referring to, you  
25 think there are things in there related to your mom's

1 medical care and treatment?

2 MR. ABRAMOWITZ: Objection, but you can  
3 answer.

4 A. I know my sister has emails and such.

5 Q. Which sister are you referring to?

6 A. Sandy.

7 Q. Okay. We received some emails today that  
8 include Sandy. What do you mean when you say and  
9 such? I take that to mean something more than  
10 emails. What else do you have?

11 MR. ABRAMOWITZ: Let him finish. You're  
12 doing good.

13 A. No, just where Sandy had kept track -- at  
14 some point Sandy had taken over for talking to -- we  
15 had had a conference meeting, the entire family, and  
16 that's when the doctor got involved, and then he was  
17 going to be speaking with the supervising nurse at  
18 Manorcare. And then Sandy was handling the phone  
19 calls between Dr. Mandat and the supervising nurse at  
20 Manorcare.

21 Sandy has all of what she would have  
22 received. I'm sure it was the date that we had  
23 talked to that Dr. Mandat and he had said about mom  
24 not being moved.

25 Q. Was that discussion before or after she



1 fell in January of 2018, and fractured her femur?

2 MR. ABRAMOWITZ: Objection, but you can  
3 answer.

4 A. That was before.

5 Q. Using that fall and the leg fracture as  
6 like a moment in time, do you know now or can you  
7 remember now how long before that occurrence this  
8 meeting was had where Mandat said, no, leave her  
9 there?

10 MR. ABRAMOWITZ: Objection, but you can  
11 answer if you can. And, Randy, I still want that  
12 break.

13 A. I'm not good with dates, so I don't  
14 recall.

15 MR. ENGWERT: Okay. We'll take a break  
16 for Mark now.

17 MR. ABRAMOWITZ: Thank you. I appreciate  
18 that. I have to deal with some of my own family  
19 issues. Thank you.

20 (Recess taken.)

21 Q. Kathy, right before we took the break, we  
22 were talking about emails that your sister had and  
23 maybe other documents. Speaking of documents, did  
24 you review any documents in preparation for your  
25 deposition today?

1 MR. ABRAMOWITZ: Objection, but you can  
2 answer for any documents that were not created at the  
3 behest of your attorneys. You could answer.

4 THE WITNESS: I'm sorry. What was that  
5 again?

6 MR. ABRAMOWITZ: You can answer, but you  
7 cannot talk about any documents that you created at  
8 the request of your attorneys.

9 A. No. I'm just going off what I had in my  
10 head, which is why I don't have dates.

11 Q. Okay. So when you talked earlier about  
12 emails that your sister Sandra received or sent, have  
13 you ever received those emails?

14 MR. ABRAMOWITZ: Objection, if you know.

15 A. I know that she was keeping track of  
16 everything that was going on. That was my sister  
17 Sandy's style, that's how she keeps track of  
18 everything. I haven't really talked about those  
19 notes in a while.

20 Q. Do you think that Sandy was keeping notes  
21 separate and apart from emails?

22 MR. ABRAMOWITZ: Objection, but you can  
23 answer.

24 A. It was that she was keeping notes -- she  
25 was keeping track of notes that she had with the

1 doctor and with a nursing supervisor. Documentation.

2 Q. Have you ever reviewed those notes that  
3 you're referring to?

4 MR. ABRAMOWITZ: Objection. You can  
5 answer.

6 A. I have not looked at them personally.

7 MR. ENGWERT: Hang on one second. Mark,  
8 for the record, I see a production log from the  
9 plaintiff in this case that does not include any  
10 notes created by any family members. If such notes  
11 do exist, I would kindly ask that they be produced.

12 MR. ABRAMOWITZ: I'll take a look in to  
13 that.

14 MR. ENGWERT: Thank you.

15 MR. ABRAMOWITZ: No problem.

16 Q. So Sandy might have notes. Do you know  
17 whether any of your other siblings kept any records  
18 or created any documents related to your mom's care  
19 or stay at the nursing home?

20 A. I do not believe so.

21 Q. Kathy, do you use any social media like  
22 Facebook or other things like that?

23 MR. ABRAMOWITZ: Objection. You can  
24 answer.

25 A. I look at Facebook, but I don't post

1 anything. If I see something that I like, I might  
2 share it, but that is it. I don't put anything on my  
3 Facebook.

4 Q. So can I take that to mean that you have  
5 like a user account?

6 A. For Facebook?

7 Q. Yes.

8 A. Yes, yes, I'm on Facebook.

9 Q. Do you have any other social media  
10 accounts?

11 A. No.

12 Q. All right. Can I take it what you said  
13 about Facebook, that you have never posted anything  
14 on Facebook about your mom's stay at the Manorcare  
15 Health Services Parma?

16 MR. ABRAMOWITZ: Objection. You can  
17 answer.

18 A. Absolutely not. I have never posted  
19 anything.

20 MR. ABRAMOWITZ: Wait. I just want to be  
21 clear here. You did say that you shared things. Are  
22 you considering, Randy, as sharing something the same  
23 as posting or do you see that as being different?

24 MR. ENGWERT: I honestly don't know the  
25 vernacular when it comes to social media. I'm just

1 taking her words as they come.

2 MR. ABRAMOWITZ: I just to make sure we're  
3 on the same page then. Can you then clarify for us  
4 what you mean between sharing something and posting  
5 something, what you understand the difference to be?

6 THE WITNESS: For me, sharing is if  
7 somebody put something cute, or, let's say, for  
8 example, a prayer, or they put a cute picture of  
9 somebody with a saying, then I would -- you could hit  
10 share. There's different buttons. Then I hit share,  
11 so I'll say, oh, that is cute, then it will go for my  
12 friends, for my good friends to see. They'll be  
13 like, oh, that's so nice, you know, but that's all.  
14 I don't like put any of my own family, my own family  
15 information out there. I don't like post it. I  
16 don't know how to do that.

17 MR. ABRAMOWITZ: Okay.

18 Q. So, in other words, you're not creating  
19 any content that goes on to Facebook?

20 A. Right.

21 Q. All right. With regard to these emails  
22 that were given to us that include your sister Sandy,  
23 I don't see your name or an email address  
24 attributed -- that I could at least attribute to you,  
25 Kathy, on any of these emails. Did you ever email

1 with anybody that worked at the nursing home?

2 A. No, because I don't know how to.

3 Q. Fair enough. That's all I wanted to know.

4 that's what I was getting at. Okay.

5 A. You could email me, and I'll respond to  
6 you, but that's the extent.

7 Q. Okay. In that regard, do you have any  
8 email correspondence with anybody related to your  
9 mom's stay at the nursing home?

10 MR. ABRAMOWITZ: Objection, but you can  
11 answer.

12 A. No.

13 Q. Without disclosing to me the content of  
14 any document that you created at the request of your  
15 attorneys, have you created documents at the request  
16 of your attorneys?

17 MR. ABRAMOWITZ: Objection,  
18 attorney-client privilege. You don't have to answer.

19 MR. ENGWERT: Just to be clear, Mark,  
20 you're asserting the attorney-client privilege with  
21 regard to whether she has created a document at the  
22 request of her attorneys?

23 MR. ABRAMOWITZ: Correct.

24 MR. ENGWERT: Do you understand I'm not  
25 asking for the content of any such document, I'm just

1 asking if any such document has been created.

2 MR. ABRAMOWITZ: I think that in itself,  
3 whether it was created or not created, is also  
4 attorney-client privilege.

5 Q. Do you recall there being a time in 2017,  
6 I think it was September of 2017, when you or your  
7 siblings told the facility, the nursing home, to stop  
8 giving your mom medications other than pain  
9 medication?

10 MR. ABRAMOWITZ: Objection, but you can  
11 answer.

12 A. No, I did not give them, and definitely my  
13 siblings did not give any message to stop medication.  
14 Mom was given something, and then she ended up  
15 getting sick from the medication. So they decided  
16 that they were going to wait to see how her system  
17 cleared out because she had thrown up and had  
18 diarrhea.

19 So we would never tell them to stop the  
20 medication. That would be up to the doctor to decide  
21 or the staff.

22 Q. Do you recall the day that your mom fell  
23 and suffered her leg fracture?

24 A. Yes.

25 Q. Tell me what you remember about that day.

1       A.           I walked into the nursing home. I was  
2 walking down the hallway. I started to come around  
3 the corner. I saw the staff standing there. I  
4 happened to look down, and there was a person, a  
5 body, a woman, laying on the floor with her face  
6 against the wall.

7                   As I walked by I thought to myself, oh,  
8 that's sad, something happened to somebody. And I  
9 kept looking. And then did I realize that that was  
10 my mother. And I said -- and in my hands I had bags  
11 because I had stuff to take to my mom, clothes and  
12 things, so I had bags in my hands, and I had dropped  
13 them, and I said, oh my God, mom.

14                  As I came in there what I noticed was that  
15 they were all just standing there, just standing  
16 there, the staff. And this is permanently in my  
17 brain. And the staff was standing there (zoom  
18 interruption.) The staff was just standing there,  
19 and then they started to, like, move.

20                  My feeling was they started to move when  
21 they realized that I was there, that that was my mom.  
22 Would you like to me to continue with what took  
23 place?

24       Q.           Yes, please.

25       A.           So then I stood at the end -- I stood at



1 the end of my mom looking down at her. And I believe  
2 it was an aide who had said did you want her to be --  
3 that she had fallen, that she had slipped on -- that  
4 she had slipped on water. And there were towels  
5 laying on the floor. And that she had been carrying  
6 that cup, and she had dropped her water and she had  
7 slipped on it, which I don't know why she was  
8 carrying a cup of water when she shouldn't have been  
9 walking around anyway.

10 So I -- they asked me if -- the aide then  
11 asked me if I wanted her to be taken to the hospital.  
12 And I was like I don't know what your protocol is as  
13 to what you're supposed to do. At that point I said,  
14 well, I was going to call my sister -- I said, I need  
15 to call my sister, which was Carrie, if she could  
16 please come, because she was close -- where she  
17 worked at the time is right where she still works,  
18 but she was close, and I asked her to come. And so  
19 she said she would be right on her way.

20 And they were calling to my mom. It was  
21 an African American nurse, and he was telling my mom  
22 to get up off of the floor. And my mom had -- I was  
23 calling to my mom, calling to my mom, too. And my  
24 mom like leaned up just a little bit, looked at me,  
25 and I felt for a moment that my mom had recognized

1 who I was. And a nurse was telling her to get up off  
2 the floor. He said, Marie, you need to get up off  
3 the floor.

4 And then they went -- and they went and  
5 got a wheelchair. And they were going to lift her up  
6 to put her in to the wheelchair, and I said to them  
7 that there is something -- I said there is something  
8 wrong with her leg. And you can tell by the way they  
9 were moving her that her leg was going in a different  
10 direction, and it was kind of hanging there. You  
11 didn't need a medical degree to know that something  
12 was wrong with her leg.

13 So then they put her in to a chair, and  
14 they were going to take her -- they felt that there  
15 was something wrong. The nurse agreed that there was  
16 something wrong, and then they were going to take  
17 her -- two other nurses were going to take her down  
18 to her room to see what was going on. And they  
19 wouldn't let me follow. And that's the last on that,  
20 until they came back and said, yes, something is  
21 broken, and they were going to have to do an x-ray.  
22 At that time, we didn't know exactly what was broken.

23 Q. Kathy, I made a lot of note here, so I'm  
24 going to ask you a bunch of follow-up questions, but  
25 I want to start with what you said there at the end.

1 When they took her to her room, you said they would  
2 not let you follow.

3 A. Right.

4 Q. Okay. How did they express to you that  
5 you could not follow your mom?

6 MR. ABRAMOWITZ: Let him finish the  
7 question. Now go ahead.

8 A. I'm cutting him off again. I so apologize  
9 for interrupting you. They said -- that I couldn't  
10 come. I think at that point my sister was either on  
11 her way or had arrived. It's a little bit of a blur  
12 at that point for me.

13 Q. Sure. But somebody told you you can't  
14 come with us to take her back to her room?

15 A. Yes, one of the nurses, and I don't know  
16 which one it was. They said they were going to  
17 evaluate her.

18 Q. Did you just accept that and not follow?

19 MR. ABRAMOWITZ: Objection. You can  
20 answer.

21 A. Yes, because they were the medical staff.

22 Q. Okay. And then when did you see your mom  
23 next?

24 A. They put her in her bed.

25 Q. When they got your mom up off the floor,

1 how was that done?

2 A. They lifted -- the gentleman, the African  
3 American nurse, lifted her under her arms. She's  
4 laying on the floor, and he lifted her under her arms  
5 and put her in to the chair. He lifts her under her  
6 arms and puts her in to the chair, which, as I said,  
7 I'm not going to say anything further, my opinion on  
8 that.

9 Q. Well, what is your opinion on that, that  
10 he lifted her to put her in the chair?

11 MR. ABRAMOWITZ: Objection, but you can  
12 answer.

13 A. I didn't understand why they were picking  
14 her up and putting her into a wheelchair when there  
15 was something wrong with her leg. Why they didn't  
16 have some kind of a, what do they call that, a --  
17 something that they could, like, put down next to  
18 her, laid her on it, and then carry her in to her  
19 room so that she wasn't -- when they were lifting her  
20 up and putting her in to the chair, whatever was  
21 broken in there was just kind of, like, just hanging  
22 there, and she had to be in pain.

23 Q. I wanted to ask you about that. Was your  
24 mom saying anything during this time?

25 MR. ABRAMOWITZ: Objection. You can

1 answer.

2 A. She kind of -- she just -- she was  
3 extremely quiet. There was no moaning, no nothing.

4 Q. Okay. Was she conscious? I think you  
5 said her eyes were open, right?

6 A. Well, yes, when she was laying on the  
7 floor facing the wall, her eyes were closed. Then  
8 when she looked up, and she didn't respond to the  
9 nurse, she responded to me, and she looked up at me  
10 with her eyes open.

11 Q. Did her eyes stay open the whole time  
12 while the nurse was getting her up in the wheelchair?

13 A. Yes, that I can recall. And she had to  
14 have been in extreme pain, but, you know, with that  
15 disease, the brain doesn't always regulate its  
16 emotions.

17 Q. Did she remain extremely quiet that whole  
18 time getting her up off the floor in the wheelchair  
19 and taking her to the room?

20 MR. ABRAMOWITZ: Objection. You can  
21 answer.

22 A. I don't recall her moaning at that point.  
23 She just was kind of like there. Now, I wasn't -- I  
24 not follow them to the room. So if she was moaning  
25 when they got her to the room or when they put her in

1 to her bed, I'm not aware.

2 Q. Okay. And I'm only asking what you saw  
3 and what you heard.

4 A. They were going to --

5 Q. Do you want to take a break?

6 A. No, I'm okay.

7 Q. When you say they were going to, what were  
8 you going to say? They were going to what?

9 MR. ABRAMOWITZ: Objection. You can  
10 answer.

11 A. Took her in to the room to evaluate her,  
12 and then they said they were going to have x-rays  
13 done.

14 Q. At this time up until they took her to the  
15 room, did anybody say that they had called  
16 Dr. Mandat?

17 A. No.

18 Q. When you walked down the hallway around  
19 the corner and saw this scene that turned out to  
20 involve your mom on the floor, you said staff were  
21 standing around, do you remember the names of any of  
22 those staff?

23 A. I think it was, I could be wrong, but I  
24 believe her name was Mitzy. She was a taller woman,  
25 probably maybe a little smaller than me in built,

1 short. She had curly -- like a lot of hair curls.  
2 And then I think -- I'm not sure for sure on what the  
3 male nurse's name was. I don't recall having seen  
4 him very often on that side of the floor. He did  
5 have a little bit of an accent.

6 Q. Okay. I'm sorry, did you say Missy,  
7 M I S S Y?

8 A. No, Mitzy. Like M I T -- Mitzy.

9 Q. Okay.

10 A. She would be on my mom's side -- on that  
11 side a lot.

12 Q. Other than those two, the female who you  
13 think is Mitzy, then a male nurse. Is that the  
14 African American that you referred to?

15 A. Yes, he had a bit of an accent. I don't  
16 recall seeing him too often.

17 Q. Were they the only two staff that were  
18 there or were there more people?

19 A. I only can recall those two. I know there  
20 was somebody else, but it's -- as far as people -- I  
21 never seen her, because she was standing right there.  
22 And then I know he went to pick up mom. It seemed  
23 like people were standing there doing knowing. And I  
24 thought that it must have been something pretty  
25 serious with this person laying there, which turned

1 out to be my mom.

2 Q. You said that she was walking around with  
3 a cup and dropped it or somehow something got  
4 spilled. Did you see a cup there near by?

5 MR. ABRAMOWITZ: Objection, but you could  
6 answer.

7 A. I did not see a cup around. This is what  
8 I was told.

9 Q. Okay.

10 A. That she had dropped a cup and slipped.  
11 The only thing I did see was some towels. And I  
12 remember specifically the towels, because I thought  
13 why would there be towels just laying there. They  
14 hadn't been moved, they were just laying there.

15 Q. Did the towels look wet to you?

16 MR. ABRAMOWITZ: Objection, but you can  
17 answer.

18 A. I didn't look at them that close. I just  
19 saw towels there.

20 Q. Okay. Were the towels white?

21 A. White, about like that (indicating).

22 Q. Sure. So were they discolored in any way?  
23 What I'm getting at ultimately is like could it have  
24 been a juice or soda or did you not notice any  
25 discoloration?



1 A. I just saw the towels. I was more  
2 concerned with my mom.

3 Q. I understand. I understand. By the way,  
4 Kathy, I hope you know my role here is to find out  
5 what happened from your perspective. So I'm not  
6 trying to be mean or harsh about any of this.

7 I mean, you guys have filed a lawsuit  
8 against my client. You're asking for a lot of money.  
9 You know, we've got an opportunity to ask you  
10 questions, and that's why we're here today. Okay?

11 A. It's just --

12 MR. ABRAMOWITZ: There's no question.

13 Q. Getting back to a spill, did you observe  
14 any liquid or fluid on the floor or was it somebody  
15 said there was a spill and there were towels, and you  
16 put two and two together.

17 A. I saw no liquid on the floor, no cup.

18 Q. Okay.

19 A. Or whatever she might have had.

20 Q. Sure. You said earlier that when you  
21 approached this scene and someone said she was  
22 walking and holding something, you said she shouldn't  
23 have been walking around anyway. I was going to ask:  
24 Is this comment about she shouldn't have been walking  
25 around anyway, does that get back to the walking that

1 we discussed earlier?

2 A. Yes.

3 Q. Okay.

4 A. And my feeling is she should not have been  
5 walking without someone being there with her. And  
6 she shouldn't have been carrying something in her  
7 hand that could have -- that they should have  
8 taken -- made sure she wasn't carrying something that  
9 could have caused a slip, if that's what supposedly  
10 happened.

11 Q. Okay. By the way, Kathy, when your mom --  
12 let's just talk about the day of this fall. As of  
13 that day when she fell, was she able to know to use  
14 the call light to seek assistance if she needed or  
15 wanted something?

16 MR. ABRAMOWITZ: Objection, but you can  
17 answer.

18 A. I would say no, because she was -- she was  
19 in an extreme amount of pain. She was just -- when  
20 they put her in her bed, there was -- no, she would  
21 not have been able to.

22 Q. Okay. I'm talking just in the abstract.  
23 Let's talk about the day before she fell. And let's  
24 say she was in her room, and she wanted to get up and  
25 go, or she felt like she needed something or wanted

1 something. Did she have the mental awareness or  
2 acuity to pick up her call light and hit the button  
3 to get that assistance?

4 A. No.

5 MR. ABRAMOWITZ: Objection.

6 Q. Okay. Was it more like, you know,  
7 impulsively, if she needed or wanted something, she  
8 was going to get up and go do it because she didn't  
9 know that it wasn't safe for her, you know, from your  
10 perspective to go walk and do things on her own?

11 MR. ABRAMOWITZ: Objection. You can  
12 answer if you know.

13 A. Yes, if she wanted something.

14 Q. She was just going to do it without asking  
15 for help, is that right?

16 A. Yes.

17 MR. ABRAMOWITZ: Objection. Again, if you  
18 know.

19 A. Yes.

20 Q. Is that something that you would attribute  
21 to the Alzheimer's or the dementia, she just didn't  
22 know like what her risk factors were?

23 MR. ABRAMOWITZ: Objection. You can  
24 answer.

25 A. I would say yes. May I say something?

1 She was in a facility such as Manorcare to be taken  
2 care of because of her disease of dementia, to be  
3 looked after and cared for in a way that we couldn't  
4 take care of her at home. We entrusted that they at  
5 Manorcare, that the staff, was going to be looking  
6 after her.

7 Q. In your mind or from your perspective,  
8 have Kathy, what does that mean, look after her? Did  
9 you think they would have eyes on her 24 hours a day,  
10 seven days a week, or something less than that?

11 MR. ABRAMOWITZ: Objection, but you can  
12 answer.

13 A. I knew that it wouldn't be 24 hours a day,  
14 seven days a week. I just would have expected that  
15 they would had been there periodically throughout the  
16 day to make sure that she was clean, she didn't have  
17 any accidents, that she was not in to doing something  
18 she shouldn't be.

19 Q. Given that she had dementia, and like we  
20 had talked about earlier, you know, she wouldn't know  
21 because of dementia to use the call light if she  
22 needed help with something, you know, coupled with  
23 the fact that they didn't have eyes on her 24/7, and  
24 you didn't even expect that they would. I mean,  
25 didn't that always leave open the possibility that

1 she was going to get up and move around and possibly  
2 fall or other things happen?

3 MR. ABRAMOWITZ: Objection, but you can  
4 answer. You can answer, if you can.

5 A. Well, when it got to that point where  
6 she -- simple things like her having been -- like  
7 carrying the water, that she shouldn't have been,  
8 someone should have taken that away from her. If she  
9 was near the nurse's station, that somebody would  
10 have taken the water away from her as soon as they  
11 seen it. You know, simple things. Making sure that  
12 they knew where she was -- you know, if they saw her,  
13 Marie, where are you going.

14 I don't think that that's asking a lot  
15 there being that the facility -- if that's their job  
16 to be watching after them, the patients that are  
17 there, especially the mobile ones.

18 Q. Where you found this scene with your mom  
19 being on the floor, you said you went in, you went  
20 down the hallway and around the corner, where within  
21 the facility more specifically than that did this --

22 A. Like right near the -- when you come  
23 down -- when you come down the hall and go left, and  
24 there's rest rooms like right around that corner  
25 there, like a little farther going to the nurse's

1 station.

2 Q. So when you go into the Manorcare Health  
3 Services Parma, in the front door, you go straight  
4 in, and then there's some hallways right there in the  
5 front --

6 A. Yes, so --

7 Q. It runs into a deadend, right?

8 A. I'm sorry?

9 Q. When you go in the front door, if you just  
10 keep walking straight, you hit a deadend, and you  
11 have to go left or right?

12 A. Left, I went left. You go left. She was  
13 over there.

14 Q. Then how far down around the corner after  
15 you went left did you find her?

16 A. I can't quite recall the distance. It was  
17 a little bit past where the bathrooms were, almost  
18 to, like, the nurse's station.

19 Q. Was it kind of like by that activities  
20 room where there's a piano and things like that?

21 A. If I had a picture of the facility, I  
22 could show you exactly where, but I'm trying to  
23 recall it in my brain. I just remember coming down,  
24 and I started to go around -- to go around that turn.  
25 Because I could see the nurse -- the aide standing

1 there. Coming around and seeing the nurse, the aide  
2 standing there, and then looking and then seeing her  
3 on the floor.

4 Q. From where she was on the floor, could you  
5 see the nurse station?

6 A. Yeah, I want to say it wasn't far from the  
7 nurse station.

8 Q. When your mom was on the floor, before  
9 they tried to get her up, did you see the staff do  
10 any kind of an assessment of her?

11 A. No, they were all standing there.

12 Q. That's why I'm asking. From the time you  
13 saw them standing there, until she was placed in the  
14 wheelchair, did they do any kind of an assessment  
15 from your perspective of how she was on the floor?

16 A. No, not from the time I was there.

17 Q. When your mom was still on the floor, did  
18 you or any of the staff say to her, are you hurt?

19 MR. ABRAMOWITZ: Objection, but you can  
20 answer.

21 A. No, not while I was there.

22 Q. Okay. If you had asked your mom, are you  
23 hurt, was she capable or able to answer you?

24 MR. ABRAMOWITZ: Objection. You can  
25 answer.

1 A. I would say no.

2 Q. When you say I would say no, is that  
3 because of the dementia?

4 A. Yes.

5 Q. All right.

6 A. That's why I said when she acknowledged  
7 me -- and I seen this happen with my grandmother --  
8 for one brief moment -- excuse me -- for one brief  
9 moment I felt that she and I connected, that she knew  
10 who I was for just a split second, and then she was  
11 gone. I'm sorry.

12 Q. Are you referring to your grandma or your  
13 mom?

14 A. No, I'm referring to my mom. When I  
15 called to my mom, I said, ma, ma, that she  
16 realized -- that in her brain some place that she had  
17 realized that I was her daughter just for a split  
18 second. And I had experienced the same thing with my  
19 grandmother before my grandmother had passed away,  
20 for a brief second, my grandma said my name.

21 Q. All right. Moms and grandmas are very  
22 important people.

23 A. My mom was everything to us.

24 Q. That moment when your mom was on the floor  
25 and you think there was some recognition of your



1 voice or someone saying mom to her, and she looked at  
2 you, was that a common occurrence in those last  
3 couple years of her life, or was that a unique  
4 occurrence?

5 A. That was a unique occurrence for me.

6 MR. ABRAMOWITZ: Objection. I want to  
7 make sure we're clear. In the last years, do you  
8 have the time frame on that.

9 MR. ENGWERT: Yeah, the last couple years  
10 of her life.

11 MR. ABRAMOWITZ: I mean, I want to make  
12 sure we're on the same page here time-wise. The last  
13 day was maybe different than the first day she got  
14 there.

15 MR. ENGWERT: Right, which was more than a  
16 couple years before the date of the incident.

17 Q. Did you understand what I was asking,  
18 Kathy?

19 A. Um-hum, yes.

20 MR. ENGWERT: Thank you.

21 MR. ABRAMOWITZ: Objection. Again, Randy,  
22 I know we already went through this once, but I'm  
23 counsel here, and I represent my client. I don't  
24 talk you about how you represent your client, but I  
25 know you want to do what is best for your client.

1 I'm here in the same role. I'm trying to make sure  
2 that the record is clear. That in trial one day, I  
3 don't see a transcript come out where you try to, you  
4 know, frame something other than what it really was  
5 because the question wasn't clear in the time frame.  
6 That's all I'm asking.

7 Q. Kathy, when before January 7, 2018, when  
8 you called to your mom when she was on the floor of  
9 the nursing home and you feel like she recognized  
10 your voice or who you were, was the last time you had  
11 that same feeling with regard to your mom?

12 A. It had been years. It was just -- that  
13 was just one of those moments.

14 Q. So in terms of the timeline and the chain  
15 of events, they get her to her room, they get her in  
16 her bed, and then you come into the room at some  
17 point, right?

18 A. Yes.

19 Q. Okay. Was Carrie there by then, do you  
20 think?

21 A. Yes.

22 Q. Were any of your other siblings there or  
23 family there by then?

24 A. No, just Carrie. The rest were trying to  
25 come.

1 Q. Okay. So tell me from that moment, you  
2 know, what did you see, what did you hear, what  
3 happened next?

4 A. That they were going to -- that they were  
5 going to be ordering an x-ray. Honestly, it's  
6 somewhat of a blur to me.

7 Q. I understand.

8 A. You know, it's somewhat of a blur to me.  
9 They were going to do an x-ray. Yeah, it's a blur to  
10 me.

11 Q. How, by your perception, how did your mom  
12 seem to be doing at that point in time?

13 MR. ABRAMOWITZ: Objection. You you can  
14 answer.

15 A. She was just laying there.

16 Q. Were her eyes open?

17 A. I don't recall.

18 Q. Was she making any sounds or was she still  
19 quiet?

20 A. She was quiet. She just pretty much laid  
21 there after that.

22 Q. Okay. Did you go and talk to her and let  
23 her know that you were there?

24 A. Oh, yes. We were like trying to --  
25 standing there with her just trying to reassure her.

1 Q. Was it the same connection that you had  
2 when she was on the floor in the hallway, like there  
3 was that recognition of you?

4 A. No, that lasted just, you know, that  
5 briefly.

6 Q. Okay. And then did the x-ray happen?

7 A. They did order an x-ray. I can't recall  
8 if it was that day or the next that they had done the  
9 x-ray, and that it came back -- they thought she had  
10 a broken hip, and it came back as a broken femur.

11 Q. Do you recall --

12 A. I don't remember --

13 Q. Sorry.

14 A. I don't recall the time -- I don't recall  
15 the time or the days exactly when things took place  
16 other than the x-ray. The doctor saying he did not  
17 believe she would survive surgery. That if they had  
18 done surgery, she wouldn't survive it. The only  
19 thing that they would be able to do is put this  
20 special brace between her legs to stabilize her.

21 Again, I cannot recall the date, the  
22 timeline on that. I know that -- I was going to say  
23 between that time -- yeah, but it was a couple days  
24 before she got the brace. So it was a couple days  
25 from the day she fell, it was a couple days until she

1 got the brace.

2 Q. How would you describe the brace? Was it  
3 like a cast that went on the leg and it had straps  
4 that went around it, what was the brace?

5 A. It was like a piece of foam that fit like  
6 between her legs, that they had some Velcro stuff  
7 over it to support -- to kind of support that leg.  
8 To me it almost looked like it was a contraption  
9 between her leg with a strap to kind of support it.

10 Q. Did they call that an abductor pillow?

11 A. I don't know what it was called.

12 Q. Okay. That's okay. Was it like blue, and  
13 the straps were blue, darker blue?

14 A. Yes.

15 Q. Would that have been something you would  
16 have taken a picture of?

17 MR. ABRAMOWITZ: Objection, but you can  
18 answer.

19 A. Yes.

20 Q. Do you remember, Kathy, which of your  
21 mom's legs was fractured?

22 A. Her right one.

23 Q. Was there ever any discussion about  
24 sending her to the hospital?

25 MR. ABRAMOWITZ: Objection, but you can

1 answer.

2 A. They had asked me about taking her to the  
3 hospital -- I said that earlier -- and I said I  
4 didn't know what their protocol was on that, why  
5 aren't they contacting the doctor to find out what he  
6 wanted to do. And then he had said that she would  
7 not survive -- not survive the surgery.

8 And so there was all the trauma about  
9 getting her to the hospital, what would they do.  
10 Again, call up the doctor for his decision.

11 Q. When you say the doctor, you're talking  
12 about Dr. --

13 A. Dr. Mandat. I'm sorry, I should have  
14 clarified that.

15 Q. That is okay. I don't know the guy. Is  
16 it Mandat, that's how you say it?

17 A. Mandat. Yeah, I say Mandat. I think my  
18 sister says Mandat (pronouncing differently.)

19 Q. Okay. Did you ever talk to Dr. Mandat,  
20 you know, about send her to the hospital, what are  
21 the options?

22 MR. ABRAMOWITZ: Objection, but you can  
23 answer.

24 A. They had -- everything was done by -- I  
25 believe everything was done by phone. I did not talk

1 to him myself.

2 Q. Do you know if any of your siblings did  
3 talk to him?

4 A. If they did, it would have been Sandy.

5 Q. By the way, Does Sandy have, to your  
6 knowledge, any medical training or experience?

7 MR. ABRAMOWITZ: Objection, but you can  
8 answer.

9 A. No. She's a social worker for  
10 Cuyahoga County.

11 Q. Your mom, even before the day that she  
12 fell and this fracture occurred, she was on hospice  
13 care, right?

14 A. We had brought in hospice for extra care.

15 Q. How long before that day had hospice been  
16 brought in for the extra care?

17 A. I don't recall. I don't want to guess.

18 Q. It was more than a couple years, right?

19 MR. ABRAMOWITZ: Objection.

20 A. I don't recall.

21 Q. When you say you had hospice brought in  
22 for extra care, what does that mean to you?

23 A. Well, it doesn't mean that our mom was in  
24 the final stages of her life. I know hospice can be  
25 brought in to offer additional -- you can have them

1     come in to add additional care for the patient. Like  
2     in the case -- I shouldn't say in the case. That  
3     they could be there and offer additional assistance  
4     to the nursing home.

5     Q.           I guess what I was trying to ask, Kathy, I  
6     guess that extra assistance, extra care, from your  
7     perspective, what does that mean in particular?

8                 MR. ABRAMOWITZ: Objection, asked and  
9     answered. I'll let you answer it again. So you  
10    know, you've already asked it once. Go ahead and  
11    answer.

12    A.           That they would come in to -- for extra  
13    assistance to mom. Again, I know that -- that they  
14    just don't have to come in for when a patient is  
15    dying for that final -- you know, to take care of  
16    them for those final days or hours. They could be  
17    brought in to assist with the patient's care.

18    Q.           That's what I'm trying to get at. From  
19    your perspective, what was that care? What care was  
20    hospice providing?

21                 MR. ABRAMOWITZ: Objection, asked and  
22    answered. One more time I'll let you answer it  
23    before I find this burdensome. It's already been two  
24    hours and 15 minutes for this depo. But last time.

25    A.           Same thing as I said before. But



1 additional medical care in place of the doctor, the  
2 actual, like -- in place of the doctor, the nurse,  
3 the nurse part.

4 Q. Who was the hospice provider, was it like  
5 a company? What was it?

6 A. It was a company, and I don't want to say  
7 the wrong one, so I'm going to say I don't recall.

8 Q. Did you interact with the hospice  
9 provider?

10 A. Yes.

11 Q. Would you have, like, care conferences  
12 with hospice like you would have with the Manorcare  
13 Nursing Home?

14 MR. ABRAMOWITZ: Objection, but you can  
15 answer.

16 A. We didn't have -- we did not have care  
17 conferences, but we would discuss my mom's situation.

18 Q. Were those, like, scheduled discussions?

19 A. No.

20 Q. Okay.

21 A. No, they were not.

22 Q. When would those discussions occur, would  
23 you call them, they call you, certain events  
24 happening? Was there any particular reason or rhyme  
25 to it?

1 A. They happen to be there. I don't recall  
2 the reason what they were there for, but I know we  
3 sat down and talked with two of the nurses.

4 Q. Okay. Did that happen -- how frequently  
5 did those -- you know, they happened to be there and  
6 we talked to them events occur?

7 A. One time that I can recall.

8 Q. Okay. In looking at some records, it  
9 looked like she was under the care of hospice dating  
10 back to 2015. So from 2015 until she passed in  
11 January of 2018, you can only recall one conversation  
12 with hospice?

13 MR. ABRAMOWITZ: Objection, but you can  
14 answer.

15 A. Just sitting here -- I recall sitting in  
16 one of their rooms there at Manorcare talking about  
17 my mom. And I don't recall what we talked about.  
18 2015, that goes, like, way back for me. But, you  
19 know, we would talk to the hospice people when they  
20 were in the room, when the nurses were in the room  
21 for whatever the situation they were there for.

22 Q. Kathy, in terms of hospice, was hospice  
23 from your perspective doing anything more or  
24 different than what the Manorcare Nursing Home staff  
25 were doing?

1 MR. ABRAMOWITZ: Objection, but you can  
2 answer.

3 A. I'd say that they were doing more.

4 Q. And what more were they doing, you know,  
5 than the nursing home folks were doing?

6 MR. ABRAMOWITZ: Objection, but you can  
7 answer, if you know.

8 A. I can't think of the answers to these  
9 things.

10 Q. I'm sorry, I can't hear.

11 A. I'm trying to -- I'm trying to give myself  
12 a moment to clarify in my head. More trained to be  
13 able to deal with some of the things my mom might  
14 have been suffering from as far as health-wise goes.

15 Q. Did the folks from hospice ever offer any  
16 criticisms of the nursing home staff to you?

17 MR. ABRAMOWITZ: Objection, but you can  
18 answer.

19 A. The only thing that they said is that they  
20 didn't -- put it this way, in my own words, was that  
21 hospice felt like that they were stepping on  
22 Manorcare's toes by coming in there. That they  
23 didn't care whether it was all nursing homes or just  
24 Manorcare, not caring for when people are brought in  
25 outside of their staff. That was kind of the gist of

1 what I got from the hospice staff.

2 Q. Okay. I just want to make sure I  
3 understand what you mean when you say that. Does  
4 that mean like hospice wanted your mom to be in  
5 hospice facility?

6 A. No.

7 MR. ABRAMOWITZ: Objection, but you can  
8 answer.

9 A. No, no. Meaning that -- maybe I explained  
10 that wrong. Meaning that Manorcare staff being like  
11 that that's their job, they are in charge of the  
12 patients, and not liking the fact that hospice comes  
13 in there to oversee them. I hope that makes more  
14 sense.

15 Q. I get that. Thank you for that.

16 A. Okay.

17 Q. Was it your perception that hospice was  
18 overseeing the nursing home?

19 MR. ABRAMOWITZ: Objection, but you can  
20 answer based on what you know.

21 A. No, it wasn't that. It was that we were  
22 able to request hospice to come in to give my mom  
23 additional care, and Manorcare, the staff, doesn't  
24 necessarily care for that. That, you know, they  
25 don't get along.

1 Q. Did you ever observe any conflicts between  
2 hospice staff and nursing home staff?

3 A. No, they just didn't seem very friendly to  
4 each other, more so Manorcare to hospice.

5 Q. What did you observe that led you to  
6 believe that?

7 A. Not really talking to each other.

8 Q. Did you observe that where hospice would  
9 be in the room and Manorcare staff are in the room  
10 and they wouldn't talk to each other?

11 MR. ABRAMOWITZ: Objection, but you can  
12 answer.

13 A. You could kind of feel that a little bit.  
14 You know, like you could feel friction in the air.

15 Q. Okay. I guess what I'm getting at, Kathy,  
16 if I say, Kathy, what day is today, and you don't  
17 answer me, did you observe any interaction like that  
18 between hospice and the nursing home staff?

19 MR. ABRAMOWITZ: Objection, but I guess  
20 you could answer. You already said the answer more  
21 than once, but try again.

22 A. No, but you know like when you feel like  
23 somebody is -- when someone doesn't necessarily like  
24 what you're doing. I'm trying to -- I can't figure  
25 out a way to explain that better than -- again, other

1 than someone stepping on, like, your toes. Like this  
2 is my facility, I'm in charge here, you come in, and  
3 you think you know more than me.

4 Q. Kathy, are you aware of circumstances  
5 where hospice wanted something done for your mom, but  
6 then the nursing home didn't do it?

7 MR. ABRAMOWITZ: Objection, but you can  
8 answer.

9 A. Not that I know of. Not that I am aware  
10 of.

11 Q. Okay.

12 A. If there were things going on, if they  
13 went up to ask for something, and they wouldn't give  
14 it to them, they didn't go into that specific.

15 Q. Kathy, with regard to -- well, I'll say it  
16 this way more broadly. With regard to any aspect of  
17 your mom's stay at the Manorcare Health Services  
18 Parma Nursing Home, did you ever complain to the  
19 State of Ohio, Department of Health?

20 MR. ABRAMOWITZ: Objection, but you can  
21 answer.

22 A. The family did.

23 Q. Was it one time or more than one time?

24 A. One time.

25 Q. And do you recall the time or the reason

1 that you made a complaint to the Ohio Department of  
2 Health?

3 A. Well, it would have been the care that she  
4 was receiving, and I don't recall the time.

5 Q. Okay. Was it near the end or was it near  
6 the beginning?

7 A. It was near the end.

8 Q. Okay.

9 A. It was getting closer to the end.

10 Q. Was it before or after the fall and the  
11 leg fracture?

12 A. I believe after.

13 Q. Did you, yourself, ever interact with  
14 anybody from the Department of Health?

15 A. No.

16 Q. Do you know who within your family did?

17 MR. ABRAMOWITZ: Objection, but you can  
18 answer if you know.

19 A. You mean -- may I ask a question?

20 Q. Of course.

21 A. Do you mean who filed the complaint?

22 Q. Right, yes.

23 A. Yes, I know who it was.

24 Q. Who was that?

25 A. I'm pretty positive it was my sister

1 Caroline.

2 Q. And then do you know, did the Ohio  
3 Department of Health investigate the complaint?

4 A. Yes.

5 Q. And what was the result?

6 MR. ABRAMOWITZ: Objection, but you can  
7 answer.

8 A. My understanding is that they didn't find  
9 anything wrong.

10 MR. ENGWERT: Do you want to take a break?

11 THE WITNESS: Thank you.

12 MR. ABRAMOWITZ: Let's take a break.

13 (Recess taken.)

14 Q. Kathy, is it safe for me to assume that --  
15 before I do that, is there anybody else in the room  
16 with you and Mark?

17 MR. ABRAMOWITZ: Nope, just us.

18 A. I just had this in my hand.

19 Q. No, that's all right. I heard some noise  
20 too.

21 Kathy, if you had issues with regard to  
22 the care and treatment and services being provided to  
23 your mom at Manorcare Health Services Parma would you  
24 let them know?

25 MR. ABRAMOWITZ: Objection, but you can



1 answer.

2 A. Yes. And I did on occasion mention  
3 things.

4 Q. I'm going to share my screen with you. Do  
5 you see a document up here on the screen with some  
6 yellow in the middle section?

7 A. Can you read that to me?

8 MR. ABRAMOWITZ: I'm going to move the TV  
9 closer to you a few inches.

10 Is there a Bates stamp at the bottom so we  
11 could make the clear as to what we're looking at,  
12 please.

13 Q. Yes, I just asked the first question. Can  
14 you see a document on your screen?

15 A. Yes.

16 Q. Kathy, for the record, I want to represent  
17 to you that this is a page out of your mom's  
18 electronic medical record from the Manorcare Health  
19 Services Parma Nursing Home. It's Bates labeled PCC  
20 Clinical 003011 down here at the bottom. And I've  
21 highlighted this entry here in the yellow, which has  
22 a date of October 17, 2017. Do you see that?

23 A. Yes.

24 Q. I'm sorry, were you saying something more?

25 A. I read it.

1 Q. Okay. And would you agree with me that  
2 that was about three months before your mom passed  
3 away?

4 A. Yes.

5 Q. And you see it says, Type of Notes, Social  
6 Services, right?

7 A. Yes.

8 Q. And then its author down here is a  
9 Jacqueline Benko. Do you remember a Jacqueline Benko  
10 from the nursing home?

11 A. Yes.

12 Q. Was she a social worker, to your  
13 knowledge?

14 A. Yes.

15 Q. Take a second, if you would. There are  
16 three lines here. If you would read those, read them  
17 to yourself and let me know when you're done?

18 A. Okay.

19 Q. Okay. Would you agree with me that if you  
20 had any issues with regard to the care and treatment  
21 your mom was receiving at the nursing home, you would  
22 have scheduled a care conference in October of 2017?

23 A. The reason that we decided not to do that  
24 conference was because we were going to be  
25 planning -- we had spoken. We were not happy with

1 the care she was getting. We were not just going to  
2 go to a meeting that would last 15 minutes and  
3 discuss my mom's care. We had planned to have a  
4 meeting with the entire staff, with all my siblings  
5 at it and my aunt.

6 So that is why we decided to cancel that  
7 meeting and not participate in that quarterly meeting  
8 because we were planning on having a meeting with --  
9 we had wanted to have the doctor and the nurse  
10 supervisor and everybody else involved in that  
11 meeting.

12 Q. Okay. When you refer to an aunt, who was  
13 your aunt?

14 A. My aunt Joanie. She was my mom's -- she's  
15 my mom's last remaining sister that's alive. She  
16 oversaw the care of Carol, my aunt that was in the  
17 nursing home.

18 Q. What is Joanie's last name?

19 A. Campbell.

20 Q. I'm sorry, say that again.

21 A. Campbell, like the soup.

22 Q. And is aunt Joanie still alive today?

23 A. Yes, she is.

24 Q. Where does she live?

25 A. In Strongsville.

1 Q. Do you happen to know her address?

2 A. I'm not very good with remembering street  
3 addresses.

4 Q. That's okay.

5 A. I could get you that information.

6 Q. What about -- is her name Joanie or is it  
7 Joan?

8 A. We call her Joanie. We don't call her  
9 aunt. We call her Joanie. We always did, but her  
10 official name is Joanie.

11 Q. Is she married?

12 A. She is a widow.

13 Q. So what were you doing to schedule that  
14 meeting you were talking about having in lieu of this  
15 quarterly care conference?

16 A. That's where Sandy -- my sister Sandy took  
17 it from. I was just supposed to let -- sorry to  
18 interrupt you.

19 Q. That's okay. Do you know what if any  
20 actions Sandy was taking to schedule that meeting  
21 you're referring to?

22 MR. ABRAMOWITZ: Objection, but you can  
23 answer.

24 A. I don't recall when it got scheduled for.  
25 I know Sandy's the last one to give her deposition,

1 so she would have that information.

2 Q. Speaking of your siblings' depositions,  
3 did you talk to your brother Jeff after his  
4 deposition ended today?

5 MR. ABRAMOWITZ: Objection.

6 A. No, I said hello and goodbye.

7 Q. Did you tell Jacqueline Benko, when she  
8 spoke with you on or around October 17, 2017, to  
9 schedule a quarterly care conference, that instead of  
10 doing a quarterly care conference, your sister Sandy  
11 was working on scheduling a different kind of  
12 meeting?

13 A. No, we just left it at that.

14 Q. Did that other meeting occur?

15 A. Yes, it did.

16 Q. Do you recall the date when that happened?

17 A. No.

18 Q. Do you recall who was there?

19 A. My siblings, myself, the nursing  
20 supervisor, I don't remember what her name was, and  
21 then they called the doctor on the phone. And I  
22 believe the social worker was there, too.

23 Q. Would it have been this Jacqueline Benko  
24 that we see on this social worker note right here on  
25 October 17, 2017?

1 A. I can't recall.

2 Q. Do you recall the director of nursing, was  
3 her name Lisa?

4 A. Yes. Lisa was -- yes. At the time, yes,  
5 that is who we were going to be dealing with is Lisa.

6 Q. And then you said there was a social  
7 worker, and then the doctor was on the phone. Was  
8 that Dr. Mandat?

9 A. Mandat, um-hum.

10 Q. And you think that was sometime after  
11 October 17, 2017?

12 A. Yes, um-hum.

13 Q. Was it before your mom fell on January 7,  
14 2018?

15 A. Yes.

16 Q. Do you recall what was discussed at that  
17 meeting?

18 A. I'm sorry, would you repeat that, please?

19 Q. Do you recall what was discussed at that  
20 meeting that happened sometime between October 17,  
21 2017, and January 7, 2018?

22 A. We had discussed -- there was a discussion  
23 about a care plan for my mom. And that Lisa was  
24 going to, along with Dr. Mandat, they were going to  
25 set up a plan for my mom for her care.

1 Q. Was there going to be anything different  
2 about that plan than what was already in place?

3 A. Well, Lisa was going to make sure that she  
4 was aware of what was going on with my mom and keep  
5 in contact with the doctor herself personally.

6 Q. Was anything in particular discussed with  
7 regard to a change going forward?

8 MR. ABRAMOWITZ: Objection, but you can  
9 answer.

10 A. About my mom, about her care pertaining  
11 to, like -- for her walking around and other things.  
12 I don't remember exactly all what it was, but I know  
13 that that was one of them.

14 Q. During that meeting did, like, Lisa or  
15 Dr. Mandat bring up or mention any, I guess, options  
16 that they were going to consider with regard to your  
17 mom walking?

18 MR. ABBARNO: Objection, but you can  
19 answer.

20 A. I don't recall everything from that  
21 meeting.

22 Q. When you went to that meeting, had you  
23 talked with your siblings ahead of time about, you  
24 know, here is the list of things we want to bring up?

25 A. Yes, everyone was aware.

1 Q. And do you know who came with a list of  
2 things in particular?

3 MR. ABRAMOWITZ: Objection. You can  
4 answer.

5 A. I believe Sandy.

6 Q. Was hospice involved in that meeting?

7 A. No.

8 Q. Did that meeting occur before Christmas  
9 when you guys took your mom out of the building on  
10 Christmas Eve?

11 MR. ABRAMOWITZ: Objection, but you can  
12 answer.

13 A. I can't recall.

14 Q. Do you recall that your mom went out to be  
15 with the family on Christmas Eve in 2017?

16 A. Yes.

17 Q. Did you go get her to take her to the  
18 family gathering?

19 A. My sister Carrie did. It was being hosted  
20 at my sister Carrie's house.

21 Q. Were you there when your mom arrived at  
22 Carrie's house?

23 A. My mom was already there.

24 Q. During the time that your mom was out of  
25 the nursing home that day, did you ever observe your



1 mom to walk?

2 MR. ABRAMOWITZ: Objection, but you can  
3 answer.

4 A. Would you repeat that, please?

5 Q. That day, Christmas Eve 2017, when you  
6 were in her presence outside the nursing home did you  
7 observe her walking?

8 A. Yes.

9 Q. How was she doing?

10 A. Someone was always with her.

11 Q. And what do you mean when you say that?  
12 Did someone have their hands on her or walk right by  
13 her side?

14 A. They were right by her or guiding her,  
15 holding her arm.

16 Q. Okay. And where would she be walking to  
17 or from when you observed her walking that day?

18 A. To the dining room.

19 Q. How was she doing that day?

20 A. Okay. She seemed happy.

21 Q. When she was with you guys that day, did  
22 she speak at all?

23 A. A little bit.

24 Q. What kinds of things would she speak  
25 about?

1 A. If it was something she was eating, they  
2 asked her if she liked what she was eating; she said  
3 yes. Did she enjoy -- was something -- I think they  
4 gave her coffee or pop or something, and asking her  
5 what she would like to have, you know, would she like  
6 to have juice.

7 Q. Would you have to say it like that, would  
8 you like juice; or would you simply say, mom, do you  
9 want something to drink, and she would say, yes, I  
10 want juice or I want water?

11 MR. ABRAMOWITZ: Objection, but you can  
12 answer.

13 Are we just talking about this day here on  
14 Christmas or are you talking a time frame?

15 MR. ENGWERT: Yeah, we're with the family  
16 on Christmas Eve in 2017.

17 MR. ABRAMOWITZ: Thanks for clarifying. I  
18 appreciate that.

19 A. Whatever she was asked for, all she would  
20 say is like yes.

21 Q. Okay.

22 A. I was sitting at the table with her.  
23 That's when they asked her whatever it was they  
24 offered her to drink, did she like it, did she like  
25 that.

1 Q. Okay. Was she able to say, you know, hey,  
2 pass me the mashed potatoes, I want some more, or  
3 would that be too much?

4 A. No, she wouldn't have done that. We made  
5 her plate and she ate it.

6 Q. Yeah. Okay. I'm just trying to get some  
7 sense, Kathy, of her functional -- where she was  
8 functionally as of that time.

9 Did you guys do this at a particular time  
10 of day? Was it dinner time or was it earlier in the  
11 day?

12 A. It was -- we always celebrated Christmas  
13 Eve in the evening time, so it was towards the  
14 evening.

15 Q. Okay. Were all of your -- I know the  
16 step-siblings were not there, but were all of your  
17 immediate siblings there that day?

18 A. Oh, yeah. We have a fairly big family.  
19 And all of my nieces and nephews were there, and  
20 spouses, and there's some little ones. My mom had  
21 great grandchildren.

22 Q. What's that, four generations all together  
23 there that day?

24 A. Yes.

25 Q. How did your mom do overall beginning to

1 end? Did she seem to cope okay with being out of the  
2 building in probably what was an unfamiliar setting  
3 by that point in time?

4 A. She seemed to enjoy herself. She seemed  
5 to be enjoying herself. You know, being in an area  
6 or a situation where she hadn't been before in a long  
7 time, she sat on the couch. She seemed to enjoy  
8 herself watching everything that was going on around  
9 her.

10 Q. Then when it came time for her to leave,  
11 did you observe her walk out of the house?

12 MR. ABRAMOWITZ: Objection, but you can  
13 answer.

14 A. She was assisted walking out of the house.  
15 Two cars went back to the nursing home, my husband in  
16 one car, and my brother-in-law in another car. And  
17 they -- and the guys put my mom from the house,  
18 walked her out, and put her in to the car themselves.  
19 And then two cars went to the nursing home. And we  
20 went to get a wheelchair. And then they put her into  
21 the wheelchair so she was bundled up in blankets,  
22 because it was a cold night.

23 And I had to wait until someone came -- we  
24 had waited awhile. I had called, and then I had to  
25 wait for somebody to come to open the door so we

1 could take her in. And then she was put into a  
2 wheelchair coming and going.

3 Q. So when you got to the nursing home did  
4 somebody bring the wheel chair out to the car?

5 A. Yes, when they finally came out. Like I  
6 said, we had to wait a while, but they finally came.  
7 And then I wheeled her back -- I wheeled her in to  
8 the facility and to her room, and they took her from  
9 there. So I stayed with her all the way to her room.

10 Q. Okay. It sounds like, from your  
11 perspective, it took a long time for the staff to  
12 come out with the wheelchair to help her. How long  
13 did that take?

14 A. Ten minutes, maybe, I think, it was,  
15 because it was really -- because people are like --  
16 my family was like, aren't they coming yet. And I  
17 said I called. Because I called to the main number  
18 and said that we are bringing her back.

19 Q. With regard to the fall on January 7,  
20 2017, did anybody from the facility ever say to you,  
21 I'm sorry, we did something wrong, and that's why  
22 your mom fell?

23 A. No.

24 Q. I appreciate your time today, Kathy. A  
25 big part of my job -- maybe in this moment in time

1 with you and I right now, the most important part of  
2 my job is that after your deposition today, I have to  
3 report back to my client about meeting you and who  
4 you are and things that we've talked about.

5 And if they were here today, and I'm sorry  
6 they are not, but they are just not, it's the way  
7 this thing works, if you had the opportunity to say  
8 anything to them, what would it be?

9 MR. ABRAMOWITZ: Objection.

10 Q. What do you want them to know?

11 MR. ABRAMOWITZ: Objection, but you can  
12 answer.

13 A. I wish they could have known my mom before  
14 she got sick, for one thing. What a fine, fine woman  
15 she was. She was a wonderful mom.

16 I would like to see some improvement in  
17 the staffing of the nursing home. I feel they need  
18 more staffing. I believe they need better trained  
19 staff, continuing education, and to treat their  
20 patients with the dignity that they deserve.

21 Q. Okay. I just sprang that on you, and it's  
22 a big question, I know. Take a second, think about  
23 it. Is there anything else you want me to let them  
24 know?

25 MR. ABRAMOWITZ: Objection. You can

1 answer.

2 A. I think they need to become more aware of  
3 what -- what a patient who suffers from that disease  
4 of Alzheimer's is experiencing. I think that the  
5 employees need to go for some kind of a training that  
6 they can actually see and experience what these  
7 patients go through, what they are suffering with  
8 that disease or any other type of disease that an  
9 elderly person has to deal with.

10 Q. Okay. Anything else you can think of?

11 A. That's it. Most important that they are  
12 treated with the dignity that they deserve.

13 I know this is not going to sound right,  
14 but these patients are not just a paycheck. They are  
15 somebody's loved ones.

16 Q. I'm going to ask a couple follow-up  
17 questions about some of the things you said, because  
18 I want to make sure I didn't miss anything, Kathy.  
19 Did you ever see anybody being outwardly mean to your  
20 mom?

21 MR. ABRAMOWITZ: Objection, but you can  
22 answer.

23 A. I wouldn't say that they were mean. They  
24 just were like just doing what they had to do.

25 Q. Did you ever see anybody be like verbally

1 abusive to your mom?

2 A. No, I never saw that.

3 Q. Or like speak unkindly to her?

4 MR. ABRAMOWITZ: Objection, you can  
5 answer.

6 A. I guess it depends on what you mean talk  
7 unkindly. There's a way to -- a gentler way  
8 sometimes to talk to people.

9 Q. I guess what I'm getting at, did you see  
10 folks talk to your mom in a way that was not like  
11 gentler, the way you're describing?

12 A. Yes.

13 Q. Did that happen frequently?

14 A. Not frequently, but on occasion. You  
15 know, if it's a long day for them, they are getting  
16 frustrated. But, again, respect and dignity.

17 Q. I understand. Are there any kind of  
18 specific moments where you remember something like  
19 that happening?

20 MR. ABRAMOWITZ: Objection, but you can  
21 answer.

22 A. Just like simple things. Just to say  
23 things to get her to take a shower. One time I was  
24 there, and it seemed a little abrupt on how they  
25 treated her.



1 Q. Did you comment on that to the person who  
2 was being abrupt?

3 A. No. I probably should have spoke up, but  
4 I didn't.

5 Q. Kathy, do you feel like you've had a fair  
6 opportunity to answer all the questions I've asked  
7 you today?

8 A. Yes.

9 Q. Is there anything more or different you  
10 want me -- when I say me, frankly, I'm speaking about  
11 my client -- to know that we haven't already  
12 discussed today?

13 A. No, I think we went over everything.

14 MR. ENGWERT: Okay. Thank you for your  
15 time today. I appreciate it. I'm sorry for the loss  
16 of your mom?

17 THE WITNESS: Thank you.

18 MR. ABRAMOWITZ: I'll have her read, yes,  
19 please.

20 (Signature not waived.)

21 - - -

22 DEPOSITION CONCLUDED AT 7:15 P.M.

23 - - -

24

25

## A F F I D A V I T

— — —

STATE OF OHIO )  
 ) SS:  
COUNTY OF FRANKLIN )

KATHERINE M. LANGE, having been duly sworn and cautioned, deposes and says that:

I have read the transcript of my deposition taken on Monday, February 22, 2021, and made all necessary changes and/or corrections as noted on the attached correction sheet, if any.

KATHERINE M. LANGE

Sworn to before me and subscribed in my  
presence this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

CERTIFICATE

State of Ohio :  
SS:  
County of Franklin:

I, Jackie Olexa White, Notary Public in  
and for the State of Ohio, duly commissioned and  
qualified, certify that the within named KATHERINE M.  
LANGE was by me duly sworn to testify to the whole  
truth in the cause aforesaid; that the testimony was  
taken down by me in stenotypy in the presence of said  
witness, afterwards transcribed upon a computer; that  
the foregoing is a true and correct transcript of the  
testimony given by said witness taken at the time and  
place in the foregoing caption specified.

I certify that I am not a relative,  
employee, or attorney of any of the parties hereto,  
or of any attorney or counsel employed by the  
parties, or financially interested in the action.

IN WITNESS WHEREOF, I have set my hand and  
affixed my seal of office at Columbus, Ohio, on this  
19th day of April, 2021.

---

JACKIE OLEXA WHITE, Notary Public  
in and for the State of Ohio  
and RPR-CM.

My Commission expires January 21, 2024.

ERRATA SHEET

Please do not write on the transcript. Enter any changes in form or substance on this sheet.

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I have read the entire transcript of my deposition taken on \_\_\_\_\_ of \_\_\_\_\_, 2021, or the same has been read to me, and I have noted all changes in form or substance on this sheet for the reasons indicated.

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