

DR. KATZ - DEFENDANT - CROSS

1 you examined him primarily for the shoulder, correct?

2 A Right.

3 Q And you didn't examine his foot on that second
4 occasion, correct?

5 A Correct.

6 THE COURT: Keep your voice up, Doctor.

7 THE WITNESS: Yes, thank you.

8 Q Doctor, on that first exam I believe you said you
9 took 45 minutes; is that correct?

10 A Right.

11 Q And on that second exam of the shoulder how long did
12 that take?

13 A That's uncertain.

14 Q Uncertain?

15 A I don't think I have it recorded. No, I don't think
16 I have it recorded, no. I don't think it's recorded.

17 Q Or would you say it's more or less than 30 minutes?

18 A I don't really recall at this point.

19 Q Do you have a custom and practice when you're doing a
20 shoulder exam as to how long you generally take?

21 A I don't really have, you know, an allocated time.

22 Q Well, would you believe in at light of your
23 experience that it would be more or less than 15 minutes?

24 A Quite frankly, I don't know.

25 THE COURT: Excuse me, Doctor, I cannot accept an I

DR. KATZ - DEFENDANT - CROSS

1 don't know. You have been doing this for awhile. I will
2 have to insist on what your custom and practice would be
3 as to what type of, the length of an exam of this type.

4 THE WITNESS: I think in the range of between ten and
5 20 minutes would be appropriate.

6 Q And, Doctor, in the prior occasions when you've
7 testified has the time that you've actually spent examining a
8 plaintiff ever been called into question?

9 A No.

10 Q Doctor, do you recall testifying in a case of Miller
11 versus Tacopina in Manhattan back on January 18th, 2005?

12 A I don't remember that.

13 Q Do you recall on that particular case being asked if
14 the examination had actually taken only three minutes?

15 A I don't remember that.

16 Q And well could your examination have taken two to
17 three minutes, Doctor?

18 A I would seriously doubt that.

19 Q And but it could?

20 A I would doubt it. I don't think that's really
21 potentially possible.

22 Q Because if it took that short of a period of time
23 that would actually be not really a good exam, would it,
24 Doctor?

25 A No, I wouldn't say that. I would say that it

DR. KATZ - DEFENDANT - CROSS

1 couldn't take three minutes because there'd been detailed
2 measurements done, including measurements for atrophy,
3 measurements for force generation, all of these things take
4 time.

5 Q And so if, in fact, it did take only two or three
6 minutes that would call into question the quality of your exam,
7 would it not, Doctor?

8 MR. REILLY: Objection. Relevancy.

9 THE COURT: Overruled.

10 A Yeah, I don't think the quality of the exam has been
11 called into question.

12 Q Well, what if it took one minute? Would that fall
13 into question the quality of your exam?

14 MR. REILLY: Objection.

15 THE COURT: Overruled.

16 A I think that would call into question the person
17 that's making that allegation, the veracity of that person.

18 Q You took 45 minutes on the first examination. Is
19 that a normal amount of time that you would expend on an
20 examination of an individual?

21 A That's within a range of a new patient evaluation or
22 a new evaluation where the person is unfamiliar, yes, it is.

23 Q And now, how many times a day do you do these
24 physical examinations that result in \$250,000 a year?

25 A Not necessarily done everyday on a weekly basis.