Return to
FILE COPY
Clerk, Supreme Court of Appeals
Richmond, Va.

214 Va. 485

IN THE

Supreme Court of Virginia

RICHMOND

GEORGE RAISOVICH,	)	
Appellant	)	
vs.	)	Record No. 8271
EDWIN C. GIDDINGS,	)	
Appellee	)	

APPENDIX

Myron C. Smith, Esq.
Fitzgerald and Smith
10560 Main Street
Fairfax, Virginia 22030

Counsel for Appellant

TABLE OF CONTENTS

	Page
Motion for Judgment	1
Motion to Set Aside Jury Verdict	3
Judgment Order	4
Letter of Trial Judge dated November 14, 1972	6
Index to Transcript	9
Transcript of the Trial on October 12, 1972	12
Exhibit No. 1	225
Exhibit No. 2	226
Exhibit No. 3	227
Exhibit No. 4	228
Exhibit No. 5	229
Exhibit No. 6	230
Exhibit No. 7	243
Exhibit No. 8	244
Exhibit No. 9	246
Exhibit No. 10	248
Exhibit No. 11	249
Exhibit No. 12	251
Exhibit No. 13	252

Filed 12/8/69

MOTION FOR JUDGMENT

TO THE HONORABLE JUDGES OF SAID COURT:

COMES NOW the Plaintiff, George Raisovich, by counsel, and moves the Circuit Court of Fairfax County for judgment in the sum of Seventy-five Thousand and no/100 Dollars ($75,000.00) against Edwin C. Giddings, the Defendant herein, for the damages and wrongs hereinafter set forth:

1. That on April 13, 1968, at approximately 9:30 p.m. the Plaintiff herein, George Raisovich, was operating a 1962 Chevrolet Sedan and was stopped on Braddock Road at its intersection with Backlick Road.

2. At the aforesaid time and place, the Defendant, Edwin C. Giddings was operating a 1966 Pontiac in a westerly direction on Braddock Road approaching the point where Mr. Raisovich's automobile was stopped.

3. That it thereupon became the duty of the Defendant, Edwin C. Giddings, to operate the said automobile in a safe manner, to keep the automobile under proper control, to maintain a proper lookout, to operate the automobile in a manner so as not to endanger the life, limb or property of any person.

4. That the Defendant, Edwin C. Giddings, while proceeding westbound on Braddock Road carelessly, recklessly, and negligently operated his vehicle which, as a result of his careless, reckless, and negligent operation, crashed with great

LAW OFFICES
GERALD
TH
& DAVIS
THE MOSBY
60 MAIN STREET
VIRGINIA 22030

force and violence into the rear of the Plaintiff's vehicle and, as a result thereof, Plaintiff sustained serious and permanent injuries.

5. That the Defendant, Edwin C. Giddings, was negligent in that he (a) failed to operate the said automobile in a safe manner for the traffic and weather conditions that then and there existed, (b) failed to keep the automobile under proper control, (c) failed to maintain a proper lookout, and (d) failed to operate the automobile in a manner so as not to endanger the life, limb, or property of any person.

6. As a direct and proximate result of the negligence, carelessness, and recklessness aforesaid, the Plaintiff, George Raisovich, suffered severe and painful injuries to his person, to-wit: severe back injuries causing him to be hospitalized, all of which resulted in severe pain and suffering, mental anguish and permanent injuries. Plaintiff has been forced to expend large sums of money in an effort to be cured of his injuries and will continue to expend money in the future. Plaintiff has lost wages as a result of his time lost from his employment and will continue to lose time from his employment in the future. Plaintiff has also lost monies as a result of the damage to his automobile.

WHEREFORE, Plaintiff, George Raisovich, moves for judgment against the Defendant, Edwin C. Giddings, in the sum of Seventy-five Thousand and no/100 Dollars ($75,000.00) together with the costs of this proceeding and that the Clerk of the Court appoint a Guardian ad Litem to represent the interests of the infant Defendant herein, Edwin C. Giddings.

GEORGE RAISOVICH

COPY

Filed 10/24/72

MOTION TO SET ASIDE JURY VERDICT

Comes now the Plaintiff, George Raisovich, by counsel, and moves this honorable court to set aside the jury verdict rendered in the above styled case on the 11th day of October, 1972 for the reasons set forth:

1. The verdict is grossly inadequate in that the total damages proved were in excess of $19,000.00.

2. The verdict is contrary to the law and the evidence in that the jury obviously considered the question of other insurance or medical and sick benefits as indicated by their three questions propounded to the court during the course of their deliberations.

3. The court during the course of Plaintiff's counsel's examination of witnesses frequently interrupted the examination with the sustaining of objections that had not been made by Defense counsel, which action may have prejudiced the jury against the Plaintiff.

GEORGE RAISOVICH

By Myron C. Smith
Counsel

FITZGERALD AND SMITH

By Myron C. Smith
Myron C. Smith
Counsel for Plaintiff

LAW OFFICES
FITZGERALD
& SMITH
1010, THE MOSBY
MAIN STREET
FAX VIRGINIA
130

JUDGMENT ORDER

On the 11th day of October, 1972, came the parties, in person and by counsel, on the issues joined; thereupon a jury was chosen, drawn, summoned and impaneled in the manner and form required by law and who were duly sworn to well and truly try the issues joined between the plaintiff and the defendant and render a true verdict according to the law and evidence, who, upon examination being found duly qualified, the following were selected and sworn according to law:

John E. Alden
Emil Lowenthal
Henry A. Minor
Mrs. Agnes R. Cole
Morgan J. Musgrave
Ralph Tobin

The evidence of both parties was presented on that day and summary judgment on liability was entered in favor of the plaintiff. The Court recessed for the day. On the 12th day of October, 1972, the trial continued, the court instructed the jury and closing arguments were made by counsel. The jury deliberated and returned their verdict as follows:

> "We, the jury, on the issue joined in the case of George Raisovich v. Edwin C. Giddings, find in favor of the plaintiff, and set the damages at $14,500.00."

It is therefore

ORDERED that a judgment be, and it hereby is, entered in favor of the plaintiff and that the plaintiff recover the sum of Fourteen Thousand Five Hundred Dollars ($14,500.00) plus costs expended herein with interest from the date of judgment.

ENTERED this 27th day of October, 1972.

/s/ James Keith
JUDGE

FITZGERALD, SMITH & DAVIS

By /s/ Myron C. Smith
Myron C. Smith
10560 Main Street
Fairfax, Va. 22030

SICILIANO, DALY, ELLIS & SHERIDAN

By
1911 Ft. Myer Drive, Suite 800
Arlington, Va. 22209
524-5400

O, DALY, ELLIS & SHERIDAN

SIXTEENTH JUDICIAL CIRCUIT OF VIRGINIA

PRINCE WILLIAM COUNTY FAIRFAX COUNTY ALEXANDRIA CITY

ARTHUR W. SINCLAIR
BARNARD F. JENNINGS
JAMES KEITH
WILLIAM G. PLUMMER
LEWIS D. MORRIS
PERCY THORNTON, JR.
BURCH MILLSAP
JAMES C. CACHERIS
JUDGES

Fairfax County Courthouse,
Fairfax, Virginia, 22030,
November 14, 1972.

Mr. Myron C. Smith,
10560 Main Street,
Fairfax, Virginia. 22030

Mr. Paul F. Sheridan,
1911 Ft. Myer Drive,
Arlington, Virginia. 22209

Re: Raisovich v. Giddings;
At Law No. 22120.

Gentlemen:

I have had an opportunity to read the cases cited by Mr. Smith and to review my trial notes. In Glass v. Pender Grocery, 174 Va. 196, there was no dispute as to the facts: liability was established, plaintiff had $1,000.00 specials, foreseeable expenses of $1,000.00, and 8 months suffering from serious and extensive injuries resulting from the accident. A verdict of $3,000.00 obviously bore no reasonable relation to the loss sustained by the plaintiff. Not so in the case at bar. A question of fact was raised as to the necessity for the first operation and the subsequent 13 months absence from work. Further question was raised as to whether the injury to the low back was caused by the accident. In view of the conflict in the evidence, I do not feel the Pender case is applicable. Nor can it be argued that a $14,500.00 verdict is a nominal verdict from which the court could infer that the jury was actuated by bias or prejudice, so as to bring it within Rawle v. McIlhenny, 163 Va. 735, also relied on by plaintiff.

I cannot say the verdict is inadequate or that it is not supported by the evidence. As to the third ground assigned, it has always seemed unfair to require repeated objections to

questions on the ground that the same are leading. In such cases, which was true in the instant case, the court feels it is called on to stop the leading of the witness in order to protect the interests of the injured party.

The motion to set aside the verdict is denied. Mr. Sheridan can prepare an order and submit it to Mr. Smith for his approval as to form.

Very truly yours,

James Keith.

JK:elc

Filed 11/21/72

V I R G I N I A :

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

GEORGE RAISOVICH,	)	
Plaintiff	)	
vs.	)	AT LAW NO. 22120
EDWIN C. GIDDINGS,	)	
Defendant	)	

NOTICE OF APPEAL AND ASSIGNMENTS OF ERROR

The Plaintiff, George Raisovich, hereby gives notice that he will appeal from the final order entered by the court on October 27, 1972. The transcript of the testimony and incidents of the trial are filed herewith and made a part hereof.

ASSIGNMENTS OF ERROR

The Plaintiff, George Raisovich, assigns the following:

1. The Court erred in its failure to set aside the verdict of the jury on the ground that it was grossly inadequate.

2. The Court erred in its failure to set aside the jury's verdict on the ground that the jury considered the question of insurance and medical or sick benefits as indicated by their three questions propounded to the court during the course of their deliberations.

GEORGE RAISOVICH

By /s/ Myron C. Smith
Counsel

FITZGERALD AND SMITH

By /s/ Myron C. Smith
Myron C. Smith

I N D E X

	Page
PLAINTIFF'S EVIDENCE	
OFFICER KRASSENSKY	
Direct Examination by Mr. Smith	1
Cross Examination by Mr. Sheridan	5
Redirect Examination by Mr. Smith	7
Recross Examination by Mr. Sheridan	8
GEORGE RAISOVICH	
Direct Examination by Mr. Smith	9
Cross Examination by Mr. Sheridan	46
Redirect Examination by Mr. Smith	69
WILEY P. SALE	
Direct Examination by Mr. Smith	69
Cross Examination by Mr. Sheridan	77
THEODORE TAMARIZ, M.D.	
Direct Examination by Mr. Smith	79
Cross Examination by Mr. Sheridan	97
Redirect Examination by Mr. Smith	102
PEGGY SUE RAISOVICH	
Direct Examination by Mr. Smith	104
ERNESTO CASTRO, M.D.	
Direct Examination by Mr. Smith	115
Cross Examination by Mr. Sheridan	134
Redirect Examination by Mr. Smith	145
Recorss Examination by Mr. Sheridan	148
JAMES H. MASTERSON, M.D.	
Direct Examination by Mr. Smith	148
Cross Examination by Mr. Sheridan	166
Redirect Examination by Mr. Smith	171
GARRETT MICHAEL SWAIN, M.D.	
Direct Examination by Mr. Smith	172
Cross Examination by Mr. Sheridan	183

DEFENDANT'S EVIDENCE

	Page
OTTO A. ENGH, M.D.	
Direct Examination by Mr. Sheridan	189
Cross Examination by Mr. :mith	194
Redirect Examination by Mr. Sheridan	202
Recross Examination by Mr. Smith	206
EDWIN CHESTER GIDDINGS	
Direct Examination by Mr. Sheridan	209
Cross Examination by Mr. Smith	215
Redirect Examination by Mr. Sheridan	219
Recross Examination by Mr. Smith	220

PLAINTIFF'S EXHIBITS		Page Marked
1	The same being a Wage Loss Report	41
2	The same being Prescription Receipts	42
3	The same being a Statement from Brumer Brace Company	42
4	The same being Dr. Tamariz's Bill	95
5	The same being a Statement from Delmart Laboratory	96
6	The same being Three Hospital Bills	131
7	The same being a statement from the Anesthesiologist	132
8	The same being Dr. Castro's Bill	133
9	The same being Dr. Masterson's Statement	165
10	The same being the Statement from Anderson Clinic	165
11	The same being a statement for a brace	165

		Page Marked
12	The same being a Statement from Dr. Garrett Swain	182

DEFENDANT'S EXHIBITS

1	The same being a photograph	213

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 OFFICER KRASSENSKY,

2 called for examination by Counsel for the Plaintiff and

3 being first duly sworn by the Clerk, was examined and

4 testified as follows:

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. SMITH:

7 Q Would you state your name, please?

8 A Nickolas Krassensky.

9 Q And are you employed by the Fairfax County

10 Police Department?

11 MR. SHERIDAN: I will stipulate he was the

12 official investigator in the course of the event.

13 Q (Mr. Smith continuing): What time did you arrive

14 at the accident in question at Backlick and Braddock Roads?

15 A May I use this? This is just a copy of the - -

16 Q (Mr. Smith interrupting): Yes, go ahead.

17 Q (continuing): Arrived at 2136, which is about

18 nine-thirty.

19 Q Would you tell the Jury and Judge what the weather

20 conditions were that existed that evening?

21 A Weather conditions were normal; it was not raining.

22 Q Dry?

23 A Dry pavement.

1 Q Okay. Do you recall if, at that time, there was
2 a posted speed limit on Backlick or Braddock Road in this
3 area?
4 A I couldn't tell you the exact speed limit. I
5 believe it was forty-five miles an hour.
6 Q Now is it true this intersection is controlled by
7 a red light?
8 A Yes, that is correct.
9 Q Tell us what you found when you arrived at the
10 scene.
11 A Upon arrival I talked to the two drivers. Driver
12 of the car that was stopped in the traffic lane was
13 Mr. Raisovich. The striking vehicle was driven by
14 Edwin C. Giddings.
15 Q Is that this gentleman seated here (indicating)?
16 MR. SHERIDAN: Yes, it is, we will stipulate
17 that.
18 THE COURT: All right.
19 Q (Mr. Smith continuing): Okay. Were there others
20 besides these two drivers in either of these vehicles?
21 A Mr. Giddings had other passengers in his vehicle
22 and there was another passenger in the Raisovich vehicle,
23 and right now I can't tell you who it was.

1 Q Mrs. Raisovich, wasn't it?

2 A I believe so.

3 Q Did you ascertain how the accident has occurred?

4 A In questioning - - in questions that I asked the

5 two drivers, it was determined that - -

6 MR. SHERIDAN: Your Honor, I would have to object.

7 THE COURT: Sustained.

8 Q (Mr. Smith continuing): Did you discuss how

9 the accident occurred with Mr. Giddings?

10 A Yes, I did.

11 Q How did he say it happened?

12 A I don't exactly remember the exact words.

13 MR. SHERIDAN: Then I would have to object unless

14 he can quote it.

15 WITNESS: I can't quote it.

16 THE COURT: If you can remember the substance of

17 what he said, I'll let you testify.

18 WITNESS: It was to the affect that something had

19 distracted him and this is the reason he had

20 collided with the vehicle in front of him.

21 Q And he had struck the Raisovich vehicle from the

22 rear?

23 A That is correct.

1 Q What did Mr. Raisovich tell you he was doing at
2 the time he was struck?
3 A He was standing still.
4 Q Very well. Did you ascertain from him what color
5 the light was when he was stopped there?
6 A It was red.
7 Q Were there any injuries indicated at the time
8 to you?
9 MR. SHERIDAN: Your Honor I - - could we approach
10 the Bench on that?
11 THE COURT: Yes.
12 WHEREUPON THE FOLLOWING WAS OUT OF THE
13 HEARING OF THE JURY
14 MR. SHERIDAN: It seems that would be self-
15 serving, I mean, it is a conclusion, the word
16 injury.
17 THE COURT: I don't know. You must have seen
18 his report. Did you see it?
19 MR. SHERIDAN: I haven't seen what he is looking
20 at right now, but if he said anything about injuries, it
21 is self-serving. The Plaintiff is here to say himself.
22 THE COURT: It seems to me that if he says, "Yes,
23 he did complain of injuries." It would be self-serving,

1 but if he said, "No, he wasn't hurt." It would be an
2 admission and you have to take your chances.
3 The objection is sustained.
4 WHEREUPON THE FOLLOWING WAS IN
5 THE HEARING OF THE JURY
6 Q As a result of your investigation of the
7 accident, did you place any charges against the driver?
8 A Yes, I did. I charged Mr. Giddings with the
9 violation.
10 MR. SMITH: Very well, I think that is all.
11 CROSS EXAMINATION
12 QUESTIONS BY MR. SHERIDAN:
13 Q Officer, could I see what you were just
14 testifying to?
15 A All right.
16 (Witness hands documents to Mr. Sheridan.)
17 And this is a copy of the summary.
18 (Witness hands second document to Mr. Sheridan.)
19 Q All right. Directing your attention, if I may,
20 to the bottom of the first page. On investigating accidents,
21 there is a part of this form that you made out in the
22 normal course of investigating for injuries, is that
23 correct?

1 A That is correct.

2 Q What injury is entered on this form?

3 A None.

4 Q The words "None"?

5 A That is correct. The word "None" I wrote here.

6 Q And this is your report?

7 A Right.

8 Q Did the two drivers involved come to the cruiser

9 and get in and talk to you about how the accident happened?

10 A That is correct.

11 Q Do you have any memory of what the damage to

12 the rear of the Raisovich vehicle looked like?

13 A I sure don't.

14 Q Was his car a Chevrolet sedan?

15 A Yes, that is what I have, a four door sedan.

16 Q What color?

17 A That I don't have.

18 MR. SHERIDAN: That's all I have. Thank you very

19 much.

20 MR. SMITH: May I inquire into something Defendant's

21 counsel brought out?

22 THE COURT: All right.

23

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 REDIRECT EXAMINATION

2 QUESTIONS BY MR. SMITH:

3 Q Did you ask Mr. and Mrs. Raisovich if they

4 required the assistance of an ambulance?

5 A That is correct.

6 Q Why?

7 A It is a normal thing that I do when I get to the

8 scene of an accident. That is the first thing I ask them,

9 whether anybody wants an ambulance.

10 Q So some injury was indicated to you, was it not?

11 MR. SHERIDAN: Your Honor, that is argumentative.

12 THE COURT: Objection sustained. It is a leading

13 question.

14 Q (Mr. Smith continuing): What did Mr. Raisovich

15 say to you about any injury he sustained?

16 A I mentioned about the ambulance, but he said

17 he didn't feel that he was injured and that is why I put

18 "None" on here, but I also advised them that if later on

19 - -

20 MR. SHERIDAN (interrupting): Your Honor, that is

21 going beyond the question.

22 THE COURT: Go ahead and finish your answer.

23 WITNESS: I also advised Mr. Raisovich if he - -

1 I told him that if anything came up later that he
2 should get in touch with me so that I could get a
3 supplement to the accident. I received none.
4 Q And in this explanation, did you conclude that - -
5 MR. SHERIDAN (interrupting): Your Honor please
6 I object - -
7 THE COURT: Sustained.
8 MR. SMITH: All right.
9 RECROSS EXAMINATION
10 QUESTIONS BY MR. SHERIDAN:
11 Q Did you say in response to Mr. Smith's question
12 that you suggested to Mr. Raisovich that if any injury
13 developed that he should contact you so that you could
14 make a supplementary report, but that you received none by
15 way of a supplement?
16 A That is correct, because I have a supplement to the
17 accident.
18 MR. SHERIDAN: All right. Thank you very much.
19 THE COURT: You may step down, Officer.
20 (Witness excused.)
21
22
23

1 GEORGE RAISOVICH,

2 having been first duly sworn by the Clerk, was examined

3 and testified in his own behalf as follows:

4 DIRECT EXAMINATION

5 QUESTIONS BY MR. SMITH:

6 Q Will you state your name?

7 A George Raisovich.

8 Q Are you the Plaintiff in this case?

9 A Yes.

10 Q How old are you?

11 A Thirty-nine.

12 Q Where do you live?

13 A 724 North Iverson Street, Alexandria, Virginia.

14 Q How long have you lived there?

15 A Since '63.

16 Q Since 1963?

17 A Yes.

18 Q Okay. Are you married to Peggy Raisovich?

19 A That's right, yes.

20 Q Do you have any children?

21 A One boy.

22 Q How old is he?

23 A He is four.

1 Q Where were you born?

2 A West Virginia.

3 Q How long have you resided in the Northern

4 Virginia area?

5 A I come here in June, '60; 1960.

6 Q Okay. What is your educational achievement, your

7 background?

8 A I left school in the ninth grade when I was in

9 West Virginia.

10 Q And have you, since then, undertaken any

11 occupational training?

12 A Yes, I went to vocational school after I got back

13 out of service.

14 Q Was that in West Virginia?

15 A Yes, I took a welder's course.

16 Q How long did you go to school to become a

17 welder?

18 A I think it was about a year.

19 Q Where are you employed, Mr. Raisovich?

20 A Now?

21 Q Yes.

22 A Fruitgrower's Express in Alexandria. It's a

23 railroad.

1 Q. It's a railroad company?

2 A Yes.

3 Q And what is the nature of your job at the

4 present time?

5 A Well, I am working as a mechanic now building

6 doors.

7 Q And back in 1968, at the time of the accident,

8 were you doing a different job for the railroad than at

9 this time?

10 A At the time of the accident, yes. We were hanging

11 the doors on the cars, two other men and I as a welder.

12 Q You were a welder then?

13 A No, I started out as a journeyman mechanic and

14 we had to work our way up.

15 Q You worked your way up to be a welder?

16 A I was qualified as a mechanic, but I had all the

17 welding experience and they let me weld without bidding on

18 the job.

19 Q And you were paid as a welder, were you not?

20 A Yes.

21 Q And is that a different job, Mr. Raisovich?

22 Tell the Jury what you actually do as a welder.

23 A Well, as a welder you have to climb over the top

1 of the railroad car to get to it. It is maybe a three foot
2 clearance and you have to sit down and weld, you know,
3 in a stooping position, you know. It's a lot of heavy
4 steel you have to lift and work with, you know.
5 Q Okay. Have you always been in good health?
6 A Well, I thought I was. I have always been active,
7 you know.
8 Q You said you were in the Army for a period of
9 time.
10 A Two years.
11 Q When was that?
12 A 1953 to April '55.
13 Q Did you receive an honorable discharge?
14 A Yes.
15 Q Where did you serve while you were in the Army?
16 A Served most of the time in Germany and then at
17 Camp Breckenridge, Kansas.
18 Q Was there a period of time when you worked in
19 the coal mines?
20 A I worked there before I went in service and after
21 I come back out, why, in '67 I quit.
22 Q "57 or '67?
23 A '57, I'm sorry.

1 Q Did you become involved in an automobile accident
2 in April, 1968?
3 A Yes.
4 Q Do you know what date exactly that the accident
5 happened?
6 A April 13, on a Saturday.
7 Q And about what time of day was it?
8 A It was around nine o'clock at night, nine or
9 nine-thirty.
10 Q Where did the accident occur?
11 A On Braddock and Backlick Road in Annandale.
12 Q Would you describe the intersection?
13 A Well, we were on Braddock Road headed east,
14 going toward home, at the intersection and we had pulled
15 up to the red light and was sitting there.
16 Q Where had you been just prior to the accident?
17 A We had been maybe two hundred yards back down
18 Braddock Road at the Leewood Nursing Home.
19 Q What were you doing there?
20 A Well my wife's mother, she works there and her
21 youngest sister was staying with us the weekend, from
22 Friday night to Saturday and we had to take her back to
23 the nursing home so that she could get a ride home with

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 her mother, because no one else was home.

2 Q And your wife was with you at the time?

3 A Yes, she was.

4 Q Was she pregnant at the time?

5 A She was six months pregnant.

6 Q Tell the Court and Jury how the accident occurred.

7 A Well, we were sitting there at the red light

8 waiting for the light to turn green and I was relaxed, you

9 know, and I heard these brakes squealing. I didn't see

10 anything; I don't know where they came from and the next

11 thing I know something struck the rear end of the car.

12 And right away I felt something tear in the middle

13 of my back. It kind of made me sick on my stomach.

14 I sat there maybe five or ten minutes and then one of

15 the boys came up.

16 Q One of the boys?

17 A That was in the other car, there was three of them.

18 Q Was it this man here (indicating)?

19 A No, sir I don't know which one it was. This is

20 the first time I seen him.

21 And he wanted to know what to do and I told him to

22 go over and call the police and to come back. We sat there

23 and waited until this officer came.

1 Q Okay. What happened when the officer arrived?

2 A He investigated the accident, what, you know,

3 how it happened. We were sitting in the cruiser, Mr.

4 Giddings and myself.

5 Q Did you have a conversation with the officer at

6 that time?

7 A He asked us about the accident and Mr. Giddings

8 said it was his fault, he wasn't paying attention to what

9 he was doing, something struck his attention.

10 He was writing a ticket and the officer got a call,

11 a radio call that they were having trouble, one of the

12 other officers had a problem, or something, you know, so

13 he told us to get out and wait until he came back, and

14 he came back in about ten or fifteen minutes.

15 Q Was this after you had the conversation in the

16 car?

17 A I'm not sure. He came back and we got back in

18 the car and he asked if anybody was hurt. I told him I

19 thought I hurt my back. He said, "Do you want an ambulance

20 to go to the hospital?" And I said, "No," I didn't think

21 it was that bad, and because my wife was pregnant I didn't

22 want to leave her and he told me that I should go see a

23 doctor and I let it go at that and I went home.

1 Q You went on home from there?

2 A Yes, sir.

3 Q You don't know how the officer happened to say

4 in his report that no one was injured, do you?

5 A Well, he was sitting in the front seat of the

6 cruiser writing it up, and I don't know what he writ (sic).

7 Q When you were waiting for the officer to arrive,

8 were you out walking about or did you remain in the car?

9 A I think I sat there, like I say for about ten

10 or fifteen minutes, maybe, you know, and then I got out and

11 I sat on the curb by the car for a few minutes until they

12 did come.

13 Q Now, after the officer investigated the accident

14 where did you go?

15 A I went on home after the investigation.

16 Q Can you describe how you were feeling by the time

17 you got home?

18 A My back was bothering me some. I went on to

19 bed. The next day was Sunday and it was still bothering

20 me some.

21 Q Where was it bothering you?

22 A It was up in the middle of my back, like something

23 was pressing against it, and like I say, it was like some-

1 thing was torn loose.

2 Q How did your lower back feel?

3 A It was a little sensitive, I think. It didn't

4 bother me much, the lower back then.

5 Q How about your legs, did you have any trouble with

6 your legs at that time?

7 A No. Maybe a couple of months or so after that my

8 legs started bothering me after I was working.

9 Q Let's not get that far ahead.

10 You said that the majority of your pain was about in

11 the middle part of your back?

12 A Yes.

13 Q Did there come a time when you called the doctor?

14 A I went to work Monday and I called for an

15 appointment.

16 Q With who?

17 A Dr.Morgan Delaney.

18 Q Did you see him or someone else in the office?

19 A I went to see him and he wasn't in the office.

20 Q Now, this would have been the Tuesday or Wednesday

21 following the accident?

22 A Yes. I was sitting there waiting for the doctor

23 and the nurse said he will be with you in a little while.

1 Q So you went to work that Monday following the
2 accident?
3 A Well, I know it was bothering me, you know, so
4 I thought I'd better go to a doctor.
5 Q What specifically was bothering you?
6 A The middle of my back, when I was doing welding,
7 you know, right back there (indicating).
8 Q Now, what was the doctor's name that you saw?
9 A Well, the receptionist, you know, told me the
10 doctor was upstairs so I went on up. I went to see
11 Dr. Delaney and this other man came in. I had never seen
12 him before.
13 Q Did you then talk with Dr. Tamariz?
14 A That's right.
15 Q What did he do?
16 A He gave me some physiotherapy, heat packs on my
17 back and they took some x-rays. So I kept on working and
18 he told me he didn't think it was anything serious.
19 Q You say they took x-rays after the accident?
20 A They sent me to the next building. They are both
21 in Delaney's office and they sent me over to the next
22 building to have x-rays.
23 Q Now, what did Dr. Tamariz do for you?

1 A Well, like I say, he put hot packs on my back
2 every day for about a half hour.
3 Q Explain how the therapy worked.
4 A Well, they laid me on a table and they had these
5 pack things like that they placed on the middle of my
6 back about a half hour every evening.
7 Q Did you receive any medication along with this?
8 A Yes, I had muscle - - I don't know what they
9 were, muscle pains, pills for muscle pains.
10 Q Was this pain in the small of your back?
11 A Yes.
12 Q Now, how did you feel - - well - - how long did
13 you take the therapy treatment?
14 A Maybe it was a week or two, I don't remember
15 exactly.
16 Q How often did you receive them?
17 A Every day, every evening after work.
18 Q For what period of time?
19 A I don't remember, it seems like it was a
20 week or two. I know it was a week, at least.
21 Q How did you feel after these therapy treatments?
22 A I felt like I got some relief, you know. I didn't
23 feel all that well and I felt well, maybe it was just muscle

1 strain or something wrong.

2 Q Did you continue to work during this time?

3 A Yes, I did.

4 Q Did there come a time when the physiotherapy

5 treatments terminated?

6 A Yes.

7 Q And how were you feeling then, were you feeling

8 a little better?

9 A Right at the time, you know, I got some relief.

10 I don't know, maybe a month or so, I didn't feel too bad,

11 but it was still there.

12 It seemed like after that my legs started bothering me

13 a couple of months later and when I would get home in the

14 evening after working all day my wife would have to rub

15 my legs with alcohol.

16 Q About what period of time was this?

17 A About two months after the accident. I had some

18 general weakness along with it.

19 Q Did you go back to the doctor?

20 A No, I did not.

21 Q Why didn't you go back to the doctor?

22 A Well, like I say my wife was pregnant and she was

23 expecting the baby in August and I always worked hard all my

1 life, so I just kept on working.

2 Q Did the pain in your back and legs continue

3 through the summer of '68 and the fall of '69?

4 A The pain in my legs that fall, I would say they

5 kind of tapered off, you know, but the pain in my back

6 just continued.

7 Q Did these pains continue until you went back to

8 the doctor?

9 A Yes, they did.

10 Q When did you go back to Dr. Tamariz?

11 A I didn't go back until the following March.

12 Q March of '64?

13 A That's right.

14 Q What did he do for you?

15 A I think he gave me some pills to take for a week

16 or two there and he seen that it didn't do any good, so he

17 said, "Well, I'll have to send you to a specialist" because

18 there was something else wrong with me.

19 Q How long was it from the time you went to see him

20 until the time you went to see the specialist?

21 A Well, he made - - they made an appointment for

22 me to see Dr. Castro, two or three weeks then; I don't know

23 for sure.

1 Q Did you go to Dr. Castro at that time?

2 A They set up the appointment in April, in April or

3 March, I'm not sure, maybe three weeks later.

4 Q That is the first time you had seen Dr. Castro,

5 in April of '69?

6 A That's right. I think it was the first of

7 April or last of March, I'm not sure.

8 Q Did he examine you at that time?

9 A Yes he did.

10 Q What did he do for you at that time?

11 A He gave me some muscle relaxants, or something,

12 maybe for two weeks and it didn't do me any good and he

13 said that he would have to put me in the hospital in

14 Alexandria to perform a myelogram.

15 Q Did there come a time when you were put in

16 the hospital for a myelogram?

17 A Yes, that was in April, '69.

18 Q Describe how the myelogram was done at that time?

19 A Well, they laid me on this table with a TV

20 screen, you know, maybe so wide (indicating) about like

21 this (indicating) and they injected the needle in my back,

22 about this big (indicating) I learned after that. They

23 laid me on this table and rocked me up and down and this

way (indicating) and sideways.

Q The table was on a fulcrum?

A That they could tilt.

Q How did that feel?

A It felt very painful when they put that pressure on my spine and when they tilted the table.

Q Do you know what the results of that - -

THE COURT (interrupting): Sustained.

Q (Mr. Smith continuing); Well, what did Dr. Castro do then after the myelogram?

A Well, they sent me back to my room. I didn't see him, I don't think, for a couple of days.

Dr. Bortnick came back and said - -

Q (interrupting): I don't want you to tell what they said, that would be hearsay.

A Well, they sent me back to the room, that's what they did.

Q Well, describe what they did.

A I don't remember if they gave me medication or not, it seemed like they did, while I was in the hospital. They kept me in there four or five days I think.

Q That was when?

A That was April, '69.

1 Q All right. Now, after you got out of the
2 hospital, were you able to go back to work?
3 THE COURT: Don't lead the witness, just ask
4 what happened.
5 A No, I stayed off three weeks, had me stay off
6 three weeks the last time I was in the hospital.
7 THE COURT: When would that have been, when you
8 went back to work, about?
9 WITNESS: It was three weeks after, from the time
10 I went in the hospital, it was three weeks from there
11 on.
12 Q (Mr. Smith continuing): How did you feel?
13 A He gave me some medication to take, I think, but
14 it kept bothering me all the time.
15 Q What part of your back was bothering you at
16 that time?
17 A At that time, it was in the middle of my back.
18 Q Okay. Did there come a time when you sought
19 further relief, or further prescription or treatment was
20 prescribed for you?
21 A I think I went to see him maybe a couple of
22 times after that, you know, then he said he was going to
23 have to put me in the hospital.

1 MR. SHERIDAN: May I ask who that was?

2 WITNESS: That was Dr. Castro; Dr. Castro.

3 Q (Mr. Smith continuing): All right. When was

4 that?

5 A That was in July of '69.

6 Q July of '69?

7 A Yes.

8 Q He, in fact, did put you in the hospital at that

9 time?

10 A In Seminary Hospital, yes.

11 Q And what was done at that time?

12 A He said they found - -

13 THE COURT: No, he just wants to know what they

14 did. He didn't ask what they said.

15 WITNESS: Well, they performed a laminectomy on

16 me.

17 MR. SHERIDAN: Your Honor, I object - -

18 THE COURT: Yes, just say an operation. You

19 don't know what it is. He is going to come in and

20 testify to all these things.

21 WITNESS: They put me in the hospital.

22 Q (Mr. Smith continuing): And they operated?

23 A And they operated on me.

1 THE COURT: All right.

2 Q (Mr. Smith continuing): How long were you in

3 the hospital at that time?

4 A Ten days.

5 Q And how did you feel when you got out of the

6 hospital?

7 A After an operation, you feel it; it just keeps

8 hurting.

9 Q How long was it before you were able to go back

10 to work?

11 A October 14th. Sometime in the beginning of the

12 month, of that same year.

13 Q Of '69?

14 A Yes.

15 Q And did your back bother you at work after that?

16 A Yes it did.

17 Q How did it bother you?

18 A Well, it seemed like there was something there

19 that kept squeezing together, kept putting pressure on it

20 like.

21 After I got out of the hospital, my lower back started

22 bothering me. As I went back to work I noticed, when I

23 went to do something and then I stand up and there would be

1 a stiffness down there. That is when I started - - well - -
2 Q Did you have any difficulty with any other
3 part of your body at that time?
4 A At that time? Not as I know of.
5 Q Your legs are feeling pretty good?
6 A Yes, my legs were feeling all right by then.
7 Q Now, did you continue to work steadily from the
8 time you went back to work in October, '69?
9 A Yes, I did.
10 Q All right. Did there come a time - - well, you
11 were continuing to see a doctor during this time, were
12 you not?
13 A I was going maybe every two weeks or a month
14 inbetween.
15 Q Did you see Dr. Castro?
16 A Castro, yes.
17 Q Did he prescribe certain treatments at these
18 visits?
19 A I don't remember exactly. He may have given
20 me medication, I just don't know. It seemed like he did.
21 Q Did he prescribe any kind of a support or anything
22 for you?
23 A At that time, no.

1 Q. Now, how long did you continue these two or
2 three weekly visits to Dr. Castro?
3 A Well, I kept complaining after I went back to
4 work. I told them it was still bothering me.
5 He wanted me to go to work a month before that, but
6 it was really bothering me a lot, you know, so it seemed
7 like to me I should wait a while.
8 Q Go ahead.
9 A So I continued to see him all through the
10 winter, you know, every month or so, maybe two months there
11 at the last and I get to feeling pretty good there maybe
12 November, on up to January, I was feeling pretty good.
13 And after the winter there, it started coming back on me
14 and it started bothering me and I started sagging like I
15 did before, So I kept going back telling him about it; I
16 just kept going to him.
17 Q All right. Did there come a time when he
18 prescribed some other action for you?
19 A Well, it went on til June, the last part of
20 June, '70 there.
21 He said he was going to put me in the hospital - -
22 no, he sent me to the hospital there to take physiotherapy,
23 to Alexandria Hospital for two weeks there each evening.

1 So I went down there a half hour, maybe forty-five minutes
2 every day from work to take physiotherapy.
3 Q And that was June, 1970?
4 A Yes, the last part of June.
5 Q And what did that do?
6 A It didn't do me no good.
7 Q I didn't hear you.
8 A It didn't help.
9 Q Did there come a time after you took that
10 physiotherapy in June of '70 that some other treatment
11 was prescribed?
12 A Well, I kept complaining and he decided to send
13 me to Fairfax Hospital and run an EEG test on my back,
14 from my shoulders down to the lower part of my back.
15 Doctor - - I forget his name. Anyhow, I was an out-
16 patient so they ran this test on me.
17 Q When were you put into Fairfax Hospital?
18 A He sent me up there one day. I was an out-
19 patient, and I just went up there and back, you know. I
20 don't remember now, it was July or August. I don't know.
21 Q Did there come a time when you were admitted?
22 A Yes, in August he put me in the hospital again
23 up there. They ran a myelogram on my back, all the way down,

1 that is when they found the disc.

2 Q This is the second myelogram?

3 A Yes.

4 Q How long were you in the hospital at that time?

5 A I was in ten days at that time.

6 Q Now, after you got out were you able to go

7 back to work?

8 A No, I didn't go back to work. I stayed off.

9 Q Why were you unable to go back to work?

10 A Because my back bothered me so much I knew I

11 wouldn't be able to do the work.

12 Q Did you continue to see Dr. Castro after this

13 period of time?

14 A Yes, I did.

15 Q About when were you released from the hospital

16 on this occasion?

17 A don't know; it was in August, I think, sometime

18 in August.

19 Q This had been the third time you had been in

20 the hospital, right?

21 A Let's see. Yes.

22 Q Okay. You were unable to go back to work, and

23 did you continue to see Dr. Castro?

1 A Yes.

2 Q How frequently did you see him?

3 A I don't know. Every two weeks, three weeks,

4 something like that.

5 Q What were your complaints at this time now?

6 This was in the fall of '70?

7 A Up until then, I was having a lot of pain in

8 my lower back and my right hip all the time, you know,

9 and up here in my middle back (indicating), always

10 across the side like. That really gave me a lot of pain.

11 Q All right.

12 A And he said he would fit me up with a brace and

13 he sent me to the Bremer brace shop to have a brace made.

14 So I went up there and they fit me up with a brace.

15 Q And how were you instructed with regard to when

16 and how you were to wear the brace?

17 A They told me to wear it all the time.

18 Q And did you wear it all the time.

19 A They put it on me there and told me to keep it on,

20 you know, is what they told me.

21 Q Did it provide relief for you?

22 A No, it made me ache - - it hurt worse, because it

23 arched my back.

1 Q Are you wearing the brace now?

2 A I have an extended corset on now.

3 Q Stand up and show the Jury how it works.

4 A It works - - it goes from right here (indicating)

5 to the top of my back (indicating).

6 Q Now, Dr. Castro didn't do another operation

7 on you, did he?

8 A I kept seeing him there until, I think it was

9 November.

10 He decided, well, he would do another operation.

11 He didn't do it though. He told me to go home and think

12 about it. He said to take two weeks, I mean a week to think

13 about it. He said it was a serious operation. He said

14 if he goes back in there he may have to clip some nerves

15 in my back to kill the pain in the upper part of my back.

16 I thought about it and I said no, I ain't going to do

17 that. So I called him up and told him to forget it. I

18 wasn't going back after that.

19 Q Well, what did you do?

20 A Well, I called Dr. Masterson, made an appointment

21 to see him in December, the second I think. I went to him,

22 he took the brace, he didn't like the brace, he said it

23 wasn't doing what it should do. So he prescribed another

1 brace for me over there at the Anderson Hospital there in
2 Arlington.
3 Q Okay. Is that the one you are wearing now?
4 A No, it is the other brace that I had.
5 Q Okay.
6 A I wore it from December, '70 on up to June,
7 '71, and it didn't do me no good. I told him I wanted
8 to go back to work, to do something. I had to do something.
9 Q You hadn't worked in all this time?
10 A No.
11 Q And you were being treated by Masterson during
12 this period of time?
13 A Yes.
14 Q And you first saw him when, sir?
15 A That was in December of 1970.
16 Q And how frequently would you see him after that
17 first visit?
18 A Well, he had me wearing a brace and I would
19 have to go back maybe every month or so, you know, for a
20 check-up.
21 Q Did there come a time when you were hospitalized
22 again?
23 A Yes.

1 Q How did that happen?

2 A June of '71.

3 Well, he sent me to see Dr. Swain, between times, before

4 I went into the hospital. He examined me and said I

5 needed a spinal fusion to take that disc out. And they

6 decided to put me in the hospital and do the operation

7 in June.

8 Q And that is June of what year?

9 A '71.

10 Q Okay. And was another operation performed on

11 your back then?

12 A Yes, it was over at Orthopedic Hospital.

13 Q That is the National Orthopedic Hospital?

14 A Yes.

15 Q And what part of your back was operated on at

16 that time?

17 A That was my lower part.

18 Q The lower part of your back.

19 A Yes, down low.

20 Q Now, how were you feeling when you were released

21 from the hospital after that?

22 A Not too good, I'll tell you, it was lousy.

23 Q How long was it before you went back to work?

1 A I think it was around the 4th of October, I'm
2 not sure. I think that is when it was that I went back.
3 Q Of 1971?
4 A Yes.
5 Q Now, how did you feel after you went back to
6 work?
7 A Well, it bothered me a lot when I worked. If I
8 would bend or do something, a short pain would hit me
9 down there and I was weak.
10 Q Did you get some job other than a welder at this
11 time?
12 THE COURT: Don't lead the witness, Mr. Smith.
13 I understand but there are times when it is best
14 not to try to do that.
15 Q (Mr. Smith continuing); What was the nature of
16 your work?
17 A Well, the supervisor - - Dr. Masterson gave me a
18 light work slip. He put on there that he thought I could
19 do light work, you know that I could go back to work. So
20 I took that to the supervisor and he told me to go back
21 to the door spot, that's where they worked the doors,
22 so I went back and I have been back ever since.
23 Q Are you paid a lesser amount of money in this than

1 in your other job, sir?

2 A It is six cents less on the hour than a welder

3 and a mechanic.

4 Q Have you continued to work steadily since you

5 went back to work after the operation that Masterson and

6 Swain did?

7 A Yes, I have.

8 Q How do you feel at the present time, Mr. Raisovich?

9 A My back still bothers me, the upper part mostly.

10 I still have some pain down here now (indicating). The last

11 few weeks or so it bothered me.

12 My legs, the last few days, yesterday my legs really

13 hurt a lot.

14 Q Has it continued to bother you ever since the

15 accident?

16 MR. SHERIDAN: That is leading, your Honor.

17 THE COURT: Don't lead the witness.

18 Q (Mr. Smith continuing): Have there been any

19 periods of time when your back did not hurt?

20 THE COURT: That's leading the witness.

21 WITNESSS: Very little.

22 MR. SMITH: I don't think that is a leading

23 question.

1 THE COURT: It is and the objection is sustained.

2 MR. SMITH: It can be answered yes or no.

3 THE COURT: The objection is sustained.

4 MR. SMITH: Note my exception.

5 Q (Mr. Smith continuing): Are there any things

6 that you are unable to do now that you were able to do

7 prior to the accident?

8 A I don't drive a car any distance. I tried that

9 one time here Labor Day. We drove out toward Warrenton,

10 you know, my back hurt so bad I had to come back and I

11 haven't been out since for any distance, you know, unless

12 it's around town to go to the store or something and that

13 is it. I've got to have the corset on to do that.

14 Q You wear that corset all the time or part of the

15 time?

16 A I wear it seven days a week now.

17 Q Are there any other things that you could do

18 prior to the accident that you can't do now?

19 A Well, I always liked to hunt and fish and I

20 don't do that any more now. I just gave it up.

21 Q Why don't you do it?

22 A Well, I know I can't do it and there is no sense

23 in trying.

1 I went out in the spring of this year one time. I
2 took my little boy out to Burke Lake fishing, maybe a half
3 hour. And my back got to bothering me so much that we had
4 to come home and I haven't been back since.
5 Q Have you tried hunting since the accident?
6 A No, I haven't.
7 Q Did you hunt prior to the accident?
8 A Have I tried hunting since the accident?
9 Q Yes.
10 A Yes, I did some hunting in '68 a couple of
11 times. After I went back to work in '69, after the
12 operation, I went a couple of times with a guy, but I
13 haven't been since.
14 Q How did you feel hunting?
15 A Well, it was always my back was weak, you know.
16 If I did too much walking it would really hurt, a lot of
17 pain in my middle back. It always felt like there was
18 pressure on a nerve there and it really hurt. I had to
19 quite and come back.
20 Q Okay. Are there other things, besides what
21 you mentioned, that you could do before and can't do now?
22 A Well, if I have to watch the television or
23 something I have to lay on the floor and watch it. I can't

1 sit up any period, you know.

2 I can't pick my little boy up and play with him,

3 anything like that.

4 Q Are you able to do the work of a welder?

5 MR. SHERIDAN: That is a conclusion, your Honor,

6 whether he is able.

7 Q (Mr. Smith continuing): How do you feel, knowing

8 that type of work, have you tried to do it?

9 A The work I am doing now?

10 Q Yes.

11 A Well, my back bothers me now a lot, you know.

12 Some things I can't do. Any hard strain, I don't do,

13 I let the other guy do it.

14 THE COURT: Have you been asked to be reassigned

15 to a welding job?

16 WITNESS: They come after me two times, the

17 Assistant Superintendent, wanted me to go do some

18 welding and I told him I just couldn't do it.

19 THE COURT: This seems like a good time to take

20 a short recess, we'll be in recess about ten minutes.

21 WHEREUPON AT THIS POINT IN THE PROCEEDINGS

22 AND AT 11:30 A.M. A TEMPORARY RECESS WAS

23 DECLARED AFTER WHICH TIME AND AT 11:40 A.M.

~~THE FOLLOWING PROCEEDINGS WERE HAD~~

1 Q (Mr. Smith continuing): Mr. Raisovich, you
2 testified to certain periods of time that you were off of
3 work as a result of your injuries.
4 A Yes.
5 Q Have you examined a letter from your employer,
6 Mr. Sale?
7 A Yes, sir.
8 Q Have you perpared, with my assistance, a certain
9 exhibit showing the periods of time you were off from work
10 and the rate of pay?
11 A Yes, I have it here.
12 Q Would you state what that reveals, sir?
13 A Well, from 4-24-69 to 5-14-69, 120 hours at
14 $3.5630 per hour, a total of $427.56.
15 From 7-21-69 through 10-10-69, 480 hours, at 3.5630
16 per hour, a total of $1,710.24.
17 6-29-70 through 8-31-70, 305 hours at $4.2368 per
18 hour, total of $1,294.34.
19 9-1-70 through 9-30-71, 2,264 hours at $4.2768 per
20 hour, total of $9,682.68.
21 10-1-70, 8 hours at $4.21 per hour, total $33.68.
22 Total altogether, $13,148.50.
23 Q The period from 9-30-71 til October 1, '71, shows

1 that the amount of money you made per hour went from
2 $4.27 to $4.21, is that correct? If so, what is the
3 reason for that?
4 A Well, I was cut back to mechanic's wages.
5 Q That is when you ceased working as a welder?
6 A Yes.
7 MR. SHERIDAN: No objection to that.
8 THE COURT: All right. It will be Plaintiff's
9 Exhibit Number 1 without objection.
10 WHEREUPON, PLAINTIFF'S EXHIBIT 1,
11 THE SAME BEING A WAGE LOSS REPORT,
12 WAS MARKED FOR IDENTIFICATION AND
13 RECEIVED IN EVIDENCE WITHOUT OBJECTION.
14 Q (Mr. Smith continuing): Mr. Raisovich, did you
15 expend certain monies for prescriptions during the period
16 of time that you were injured?
17 A Yes, I did, prescriptions and braces.
18 Q I would like to show you these documents and ask
19 you if they are receipts for the prescriptions?
20 A Yes they are.
21 MR. SHERIDAN: No objection.
22 THE COURT: All right. They will be Plaintiff's
23 Exhibit Number 2 and they show a total of $86.52.

1 WHEREUPON, PLAINTIFF'S EXHIBIT 2,
2 THE SAME BEING PRESCRIPTION RECEIPTS,
3 WAS MARKED FOR IDENTIFICATION AND
4 RECEIVED IN EVIDENCE WITHOUT OBJECTION.
5 Q (Mr. Smith continuing): Mr. Raisovich, you
6 testified that Dr. Castro prescribed a certain brace for
7 you that you purchased and used?
8 A Yes, he did.
9 Q I would like for you to examine this document
10 and ask if it is a receipt for the purchase of that brace.
11 A It's a hundred and twenty-five dollars; yes.
12 THE COURT: Any objection?
13 MR. SHERIDAN: No objection.
14 THE COURT: Number 3 for the Plaintiff, without
15 objection.
16 WHEREUPON, PLAINTIFF'S EXHIBIT 3,
17 THE SAME BEING A STATEMENT FROM
18 BRUMER BRACE COMPANY WAS MARKED
19 FOR IDENTIFICATION AND RECEIVED IN
20 EVIDENCE WITHOUT OBJECTION.
21 Q (Mr. Smith continuing): Mr. Raisovich, have you
22 ever suffered any injuries in the past?
23 A Yes, I have.

1 Q And what injuries were they, will you tell the
2 Jury what they were?
3 A When I was in service stationed in Germany, we
4 were on leave and we had no way of getting back to the
5 camp and they sent a jeep down to the camp - - down to
6 the town, this town, to pick us up. There was seven of
7 us altogether.
8 So we got in this little jeep, was going along, it was
9 winter time of '64 - - I mean, '54, correction. And we
10 were on our way to camp and it was icy roads and we was
11 just barely creeping along, all seven of us on a little
12 jeep. And we kind of slid over the bank like, kind of
13 eased over there and slopped over. We just all kind of
14 piled on top of each other and I was on the next to the
15 bottom and it cracked a couple of ribs in my side.
16 So they sent another boy - - they sent us to the
17 dispensary, taped me up for about a week, I would say and
18 I got all right and went back to my duties.
19 Q Were you hospitalized in the Army at that time?
20 A It seemed like we were in there a couple of days,
21 in the dispensary like, you know.
22 Q Have you suffered any other injuries in your
23 life since that time?

1 A Well, I come out of the Army, it was in '55, we
2 had an automobile accident in West Virginia. It was a
3 head-on collision on a turn. We were both at fault, and
4 I suffered a knee injury to my left knee. And this thing
5 hit me in the chest and I cut my skin a little bit on the
6 horn.
7 Q All right. And how long did it take you to
8 recover from that?
9 A I was working in the mines, so I was off three
10 months. I had a cast on my leg.
11 Q Did you recover all right from that?
12 A Yes, I did.
13 Q How were you able to operate in your employment
14 and get around after that?
15 A Well, I went back to my regular job in the
16 mines.
17 Q Have you ever suffered any other injuries, other
18 than the two you mentioned?
19 A In '65, at the Fruitgrowers, where I am employed
20 now, I pulled a muscle in my back, so I was told by the
21 doctor.
22 I was walking up the track and this man had a brake
23 cylinder on the car which weighs about forty pounds. He

1 couldn't hold it up there and put the nuts and the bolts on
2 it too, so he called me over there to help him. So I went
3 over there and kind of sit down on the car and hold it up
4 there for him. He said I pulled a muscle in my back.
5 Q And what treatment did you receive for that
6 injury?
7 A Well, I let it go until the next day or so, I
8 think. That morning it was bothering me pretty bad, you
9 know, So I called the company and they wanted to know if
10 they could send a truck out to get me to pick me up. I
11 told them no, I couldn't sit up. My whole shoulder was
12 aching, my left side.
13 I told my wife, just call the ambulance. I said I
14 wouldn't ride the truck down there. So she called the
15 ambulance and they come and got me and took me down to
16 the hospital. I stayed there I think four days, three or
17 four days.
18 Q And did you go back to work after that?
19 A Yes, I did.
20 Q How long were you off work at that time, do you
21 recall?
22 A Just the time I was in the hospital, three or
23 four days there. Might have been a weekend involved when I

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 was home, I'm not sure. I went back to my regular job.

2 Q How did you perform in respect to your regularity

3 at work after that?

4 A Well, we were working on the old wrecked cars and

5 had to hang five sheets on them and do a lot of heavy work.

6 There was three of us working together.

7 Q Well, did you work steadily from that time on?

8 A Oh, yes, I never missed.

9 Q Til when?

10 A On up until '68. I never missed any time off from

11 work, maybe a day or two a year, that's it.

12 Q From the time of this accident in April 13, 1968,

13 up to the present time, have you suffered any injury, any

14 other injuries?

15 A Not as I know of. I might had stuck a nail in

16 my foot up there I think once.

17 Q Have you suffered any injuries to your back?

18 A Oh, no, never have.

19 Q No question about that?

20 A That's right.

21 MR. SMITH: You may cross examine.

22 CROSS EXAMINATION

23 QUESTIONS BY MR. SHERIDAN:

1 Q Mr. Raisovich, when you read to his Honor and
2 the Jury that document about time off from work, you started,
3 I think, with April 24 of '69, is that right?
4 A April 24, '69.
5 Q When did this accident happen?
6 A April 13.
7 Q 1968?
8 A '68, yes.
9 Q And you worked the Monday right after this Saturday
10 accident, didn't you?
11 A Yes.
12 Q And you worked those first few weeks when you
13 were seeing Dr. Tamariz, didn't you?
14 A I did.
15 Q In fact, the first day you took off work after
16 this accident was the one you list right here, April 24,
17 '69?
18 A That is when I got so I couldn't work no more.
19 Q What, if any, vacation did you take in '68?
20 A '68? I don't remember when I took my vacation.
21 Q What, if any, vacation did you take in '69?
22 A That was before - - it was the one after the
23 operation. I took off two weeks before the operation, my

1 vacation. I told them I wanted time off to rest before I
2 went into the hospital. That's when I took off, the first
3 of July, I think.
4 Q What, if any, vacation did you take in '70?
5 A I didn't take any. I let it go on to the end
6 of the year and they paid me, though. You either took it
7 or lost it, so they had to pay me, they sent me the money
8 through the mail.
9 Q You actually stopped working in mid-July of '70
10 and you didn't go back to work til October 1, '71?
11 A Yes.
12 Q During the time here of mid-July of 70 til the
13 first of October, '71, did you work anywhere else?
14 A No, I did not.
15 Q Were you living in the same place that you lived
16 are living now?
17 A Yes.
18 Q Were your wife and child living with you at
19 that time?
20 A Yes.
21 Q Was your wife working at the time?
22 A She went to work there, let's see, it was late in
23 '70, in the fall. I'm not sure. She worked all through the

1 winter there, I think, through '70-'71. I think it was
2 through '70, on up until '71 and I made her quit.
3 Q Did a doctor tell you to quit work in '70?
4 A He didn't tell me to quit work, I just wasn't
5 able. They filed the forms where I got the sick benefits,
6 where I was eligible for them.
7 Q But it was your personal judgment that you
8 couldn't work?
9 A I was unable, yes.
10 Q Dr. Castro didn't tell you to quit work, did he?
11 A They put on there the first week, said something
12 like that I would be up there the first week, off a week,
13 to give me some money. But I just wasn't able to work.
14 Q Well, the form that you are talking about right
15 now, did Dr. Castro indicate you were going to be off work
16 a week?
17 A That is what he told the girl that was working
18 out front.
19 Q But then you made the judgment that you could
20 not work?
21 A That's right.
22 Q And was this because of back pain?
23 A Yes, sir.

1 Q Where in the back?

2 A It was in my low back and in the middle of my

3 back. I would be around the house doing something, and

4 it would just tie me up in knots like. I just couldn't

5 stand the pain.

6 Q You told his Honor and the Jury about a gross

7 wage of $13,148.50, is that the best you can figure with

8 your days and hours and time off?

9 A That's what come from the company. That's all

10 I know.

11 Q So it is a combination of what the company

12 records show and what you - -

13 A (interrupting): I had one W-2 form from last

14 year, '70. That's all I have. I didn't save any of the

15 others.

16 Q Do you know what your net pay was out of that

17 $13,148.50?

18 A No, I do not.

19 Q Do you know what your highest tax bracket was

20 at that time?

21 A No.

22 Q You indicated earlier in Mr. Smith's questions,

23 that you considered yourself to be in good health and then

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 you told the Jury about certain injuries you had sustained
2 before the accident in '68.
3 A That's right.
4 Q Didn't you have an amputation?
5 A Have what?
6 Q An amputation.
7 A I had one on my right foot, of my little toe.
8 Q Well, was that the result of an injury?
9 A That was back in, maybe, '57, I'm not sure,
10 when I hurt my little toe and they took it off.
11 Q Mr. Raisovich, how long would you estimate you
12 were at the scene of this accident?
13 A In '68?
14 Q Yes, sir.
15 A Well, I would say about an hour or so we were
16 there.
17 Q Did you walk around?
18 A Well, I sit there in the car after the accident,
19 like I say, maybe ten minutes or so. After that time, I
20 got up and got out and walked around outside a little.
21 Q Did your wife go to a doctor after this accident?
22 A No, she didn't.
23 Q She was six months pregnant at the time?

1 A She went to her doctor for the baby, you know,
2 she was having check-ups. She asked him did he think it
3 had any affect on the baby and he told her no he didn't
4 think so.
5 Q She was going to the doctor about the baby anyhow,
6 wasn't she?
7 A Yes.
8 Q Did you see this young man's car before it hit
9 you?
10 A No, I didn't.
11 Q You were stopped at the light, right?
12 A Yes.
13 Q Did anybody stop ahead of you?
14 A I was the first car at the light.
15 Q Do you know - - the first notice you had was
16 skidding, skidding of the tires?
17 A I heared brakes ascreaming like. The brakes or
18 the wheels, I don't know what it was, it was making a
19 screaming noise, you know. But it sounded to me like it
20 was off in the distance. The next thing I knowed something
21 ran me in the rear.
22 Q Were you sitting there with your foot on the
23 brakes, or do you remember?

1 A Yes, I had my foot on the brake. The car was in
2 gear.
3 Q Did you hit the wheel, the steering wheel?
4 A Did I hit it?
5 Q Right.
6 A No.
7 Q Did you hit the dashboard?
8 A No, sir.
9 Q Did you hit the windshield?
10 A No.
11 Q Did you hit the driver's door?
12 A I don't think so.
13 Q You did drive home after the accident?
14 A Yes.
15 Q The same car that was in the accident?
16 A Right.
17 Q You told us about your left knee. That was a
18 fractured left knee, wasn't it?
19 A Yes.
20 Q In Lackie, West Virginia?
21 A Yes.
22 Q In the '65 incident you told us about, working and
23 pulling a muscle, did Dr. Mourot of Alexandria put you in

1 traction for two or three days?

2 A Yes, he did.

3 Q That was in the Alexandria Hospital?

4 A Right.

5 Q Where was the traction on your body?

6 A I forget now. It seems like it was around

7 my hips, I don't know.

8 Q But in any event, you went to bed with traction

9 devise pulling on you, is that right?

10 A That's right.

11 Q And you were ambulanced to the hospital at that

12 time?

13 A Yes, I took the ambulance to the hospital.

14 Q Did Dr. Tamariz, at some point when he was seeing

15 you, tell you that he couldn't find out what your trouble

16 was?

17 A He told me he couldn't seem to find anything wrong,

18 you know.

19 Q Did Dr. Tamariz tell you that your x-rays were

20 normal?

21 A He said they came back negative, yes.

22 Q Negative, meaning no injury that is readable on

23 x-ray?

1 A Yes.

2 Q Okay. Did Dr. Castro tell you at one point that

3 you had a slipped disc and then tell you that it wasn't

4 a slipped disc later?

5 A I had them fill out a form or something that

6 was put there probable herniated disc. That's the last

7 I remember about that. Never heard anymore about it and

8 that is the last I had seen of it.

9 Q Did Dr. Castro tell you at some point later that

10 it was not a slipped disc?

11 A That was after the operation, yes.

12 Q When he opened your back up, right?

13 A Yes.

14 Q He told you it was a laminectomy, didn't he?

15 A That is what it was supposed to have been.

16 Q Do you now know that today that you did not have

17 a laminectomy?

18 A It was in the hospital records.

19 Q Well, do you understand now that you did or did

20 not have a laminectomy?

21 A Well, that is what I thought I had all abng.

22 That is what I still think.

23 Q Did Dr. Castro tell you that once he opened you

1 up that he decided he wouldn't do a laminectomy?

2 A No, he didn't, no such thing.

3 Q Did he tell you that once he opened you up he

4 saw what are called epidural veins?

5 A It seems like it was after the operation that he

6 told me it was epidural vein and ligaments. He said it was

7 a hell of a mess in there, that's what he told me he had

8 to clean up.

9 Q He meant the mid-back, didn't he?

10 A In the middle of my back, yes.

11 Q When you say middle, where do you mean?

12 A Half way up my back there (indicating).

13 Q Half way between the waist and shoulder blades?

14 A Yes.

15 Q When you saw Dr. Tamariz and when you went to

16 see Dr. Castro first, it was that portion of your back that

17 was bothering you, wasn't it?

18 A When I went to see Dr. Tamariz?

19 Q Yes, sir.

20 A Yes.

21 Q When was it that you first got the problems with

22 your low back?

23 A A month or two later my legs started bothering me,

1 you know.

2 Q A month or two after the accident?

3 A After the accident, yes.

4 Q And you were working that month or two, weren't

5 you?

6 A Yes.

7 Q And the work that you described on the old box-

8 cars was heavy work?

9 A No, we was working new cars. I was hanging doors.

10 I was doing the welding for those guys.

11 Q What did that involve in your participation?

12 What did you do?

13 A The welding?

14 Q Yes, sir.

15 A I did the welding for the man after they put

16 the doors on the car.

17 Q How did they put the doors on?

18 A They had a hoist, they pulled them up there with

19 a hoist. Two men works together, a mechanic and a junior

20 mechanic. They slide them on there on rollers.

21 Q What did you do as a welder?

22 A On those doors?

23 Q Yes, just a month or two after our accident.

1 A Well, that is what we were doing, working those
2 doors.
3 Q What did you physically do?
4 A Well, they put wrenches on the handles and pulled
5 them in, I mean pipes that pulled the door on the car and
6 they had two handles on it, pulled them around, they haul
7 them around and I welded on the handles and several pieces
8 on the side of the car.
9 Q What is it though that you weld?
10 A Metal.
11 Q The metal that held the rollers in the door or
12 something, or what?
13 A The handles on, the pipe that goes up and down
14 the door. They put them in with wrenches, you know, they
15 had a crank that cranked in there and I welded the handles
16 around.
17 Q Right. Did that involve your standing up and
18 moving around?
19 A Yes.
20 Q How did you weld, with a torch or with a rod?
21 A No, it was a hand rod, you know.
22 Q And you were operating it with your right hand?
23 A Yes.

1 Q During a month or two right after our accident
2 that you described this welding thing that you did, was it
3 your mid-back that was bothering you then?
4 A Mostly, yes.
5 Q And then after a period of time, then you
6 started experiencing something in your low back?
7 A I noticed my legs, they give me a lot of pain,
8 you know.
9 Q Both legs or only one?
10 A Seems like it was mostly my right one.
11 Q Do you still have problems in your right leg
12 recently?
13 A This past week I have had pains down my right
14 leg and lower hips, yes.
15 Q Did you tell the doctors that you have seen about
16 that right leg pain?
17 A I haven't seen them since then, since this started
18 bothering me like that.
19 Q To return to the question I asked you previously,
20 did Dr. Castro ever tell you that your problem was not a
21 slipped disc?
22 A After the operation, yes.
23 Q He did say that?

1 A Yes.

2 Q Okay. Now, when you were operated on by

3 Dr. Castro, was that particular operation the laminectomy

4 that you have called it?

5 A It's the middle of my back, yes.

6 Q And you say that helped for a month or so?

7 A I feel pretty good, you know, it still bothers

8 some, but I overlook that. I thought it would leave, you

9 know. Then the winter sat in and it started bothering me

10 more.

11 Q Did Dr. Castro tell you soon after that first

12 operation that he did, that surgery wouldn't help you,

13 and that you would have to learn to live with it?

14 A He told me that, but I don't remember when it

15 was.

16 Q Between October, '69 and July 8, of '70, you

17 didn't miss any time from work, other than the hours that

18 were listed, one hour at a time through June -July, '70?

19 A That's right.

20 Q Were those one hour losses from work in June -

21 July, '70 to go to a doctor and to go to therapy?

22 A Yes, I went to Northern Virginia Hospital.

23 Q So as of September, 1970, the only doctors that

1 you had seen were Doctors Tamariz and Castro?

2 A Yes.

3 Q Did you tell Dr. Castro that you were in an

4 accident on May 25, 1968?

5 A No, I don't think I told him. He asked me how

6 it happened, this thing, and I told him it came from this

7 '68 accident.

8 Q Did Dr. Tamariz and you discuss the fact that

9 you were asymptomatic about a week after he gave you some

10 physiotherapy?

11 A No, he didn't say anything like that.

12 Q Did you ever tell Dr. Tamariz that you didn't

13 have any problems about a week after he gave you some

14 physiotherapy treatments?

15 A No, I did not. I got a thing from Richmond,

16 a letter or something, to fill out - -

17 Q (interrupting): Well, let me just ask you if

18 you told Dr. Tamariz that.

19 A No, I told him I still had pain.

20 Q Now the back brace that was put into evidence

21 for $125, that is the back brace that Dr. Masterson didn't

22 like, isn't it?

23 A That's right.

1 Q He switched you as soon as you went in, he put
2 you on another type brace?
3 A No, he rearranged that one somehow, the back
4 piece that went up and down the spine.
5 Q Right.
6 A He said it was arching my back and he tried to
7 straighten it up. He said, "You might use this brace, to
8 save you the money."
9 So I went on and wore it maybe a month or so, I
10 don't know, and I told him still they were no good. And
11 he said, "Well, we are going to change braces."
12 Q But at any rate, as soon as he saw that brace he
13 did something to change it, didn't he?
14 A Yes.
15 Q Did he tell you that he didn't like the way it
16 held your back, the way it affected your spine?
17 A Yes.
18 Q Did he tell you that was bad for you, the way
19 that brace was holding your back?
20 A Yes.
21 Q Where do you have back problems recently,
22 if you have any?
23 A Up in the middle of my back, on the left side of

1 my spine, in the middle of my back.

2 Q Do you know where in your back that Doctors

3 Masterson and Swain did their surgery?

4 A Down in the lower part of my back.

5 Q Below the waist?

6 A Yes.

7 Q Do you have any pains or problems in that part

8 of your back, the low back?

9 A It bothers me now if I do any strenuous work or

10 anything, bending over a lot.

11 Q You told us that in April or May of '69, that

12 you stayed off work for three weeks including your

13 hospital time. That was following a myelogram, wasn't it?

14 A Repeat that question.

15 Q Do you remember in April or May of '69, after

16 Dr. Castro put you in the hospital, for a myelogram?

17 A Yes.

18 Q I think you said to Mr. Smith that you then

19 stayed off three weeks, including the hospital time. How

20 much of that was hospital time?

21 A I was in five days, I think.

22 Q Why did you stay off the rest of the time?

23 A Well, he had me off.

1 Q He told you to?

2 A Yes.

3 Q Then in July, '69, is when Dr. Castro did that

4 operation that we have called sometimes a laminectomy,

5 is that right?

6 A Yes.

7 Q And then you went back to work in mid October of

8 '69?

9 A Yes.

10 Q How did you feel in September of '69?

11 A September of '69?

12 Q Yes, sir.

13 A Before I went to work?

14 Q Yes, sir.

15 A I don't think I was feeling too good.

16 Q Is that the time period that you said Dr. Castro

17 told you to go back earlier?

18 A Yes, about a month before that he wanted me to

19 go to work then, but my back was still bothering me a lot.

20 He told me to use my arms more. I used an electric

21 razor, and like I use that razor and I'm shaving and it

22 starts my back to hurting if I hold my arms up, you know.

23 Q So Dr. Castro had told you to return to work

1 sometime in September of '69, right? About a month before
2 you went back?
3 A Yes, and I told him I just wasn't able to go back.
4 He told me to wait another month and I told him I would
5 try and if I felt like it okay, I would try to go to work
6 then.
7 Q When you did return to work in October of '69
8 how did your condition differ from what it had been in
9 September of '69, when you didn't think you could go back
10 to work?
11 A Well, it was feeling somewhat better, you know.
12 Q How do you mean, less pain?
13 A Less pain.
14 Q Could you move your back freely?
15 A I could get around fairly good.
16 Q When you went back to work in October of '69,
17 what job did you return to.
18 A They put me on working old doors, light work.
19 Q As a welder or as something else?
20 A I was tack welding for the door man.
21 Q What does that mean?
22 A Well, they put a piece of metal on and just
23 tack it here and there.

1 A Well, how does that differ from what you had
2 to do that you described to us before?
3 A The welding on new doors?
4 Q Right.
5 A Well, the new doors is all welding.
6 Q Well, I don't understand. I don't know anything
7 about welding. Please tell me what you do.
8 A Well, just the same as you stick a pin in
9 something to hold it together, and somebody else come
10 along and sewed it.
11 Q All right.
12 A It's the same category.
13 Q What was the difference in physical movement
14 that you had to make in welding the new doors and this
15 tacking as you called it?
16 A Well, I had a bench about this high (indicating)
17 that you had to climb up on and I had to hold my arms
18 up like this (indicating).
19 Q Would you repeat that please I didn't understand
20 it.
21 A I had a little bench about three foot high that
22 had steps on it, and I climbed up on that and reached up
23 to the handles to weld. I had to hold my arms up to

1 approximately the top of my head, you know.

2 Q Is that for the new doors?

3 A Yes.

4 Q Okay. How does that differ from the tacking.

5 A When I went back to work, you are talking about

6 the new doors. The new cars were gone, they weren't working

7 new cars. They was working old wrecks and things.

8 Q So the work itself that was available, was

9 different than it had been before?

10 A That's right.

11 Q So when you went back to tacking these old

12 doors, that was the type of work that was being done then

13 at Fruitgrowers, wasn't it?

14 A No, not necessarily. That is where they put

15 the men that was disabled; that's where he sent me. He

16 told me if I felt like it to sit down.

17 Q Have you ever had a job title of welder?

18 A Yes.

19 Q When and where?

20 A Springfield, Virginia, when I first came up to

21 this area.

22 Q What year?

23 A 1960; June.- July.

1 Q Have you ever had the title of welder at
2 Fruitgrowers Express?
3 A Not as a title, no.
4 Q What is your title now?
5 A Mechanic.
6 Q What was your title the day of our accident?
7 A I was classified as a mechanic, but I always
8 did welding.
9 Q Well, were you a junior mechanic or a mechanic
10 on the day of our accident?
11 A Well, I was a mechanic then.
12 Q In this accident and in this lawsuit, we are
13 talking about injuries just to your back, you didn't injure
14 your arms, did you?
15 A No.
16 Q And you didn't injure your head?
17 A No.
18 Q Did you injure your neck at all?
19 A Well, it snapped my whole back and neck, but it
20 didn't injure my neck, it seemed like, I never had any
21 problems other than headaches.
22 Q Did you tell Dr. Castro you hurt your neck?
23 A I told him I had a lot of headaches that summer.

1 I didn't say anything about hurting my neck.

2 MR. SHERIDAN: That's all I have at the moment.

3 MR. SMITH: I have just one question.

4 REDIRECT EXAMINATION

5 QUESTIONS BY MR. SMITH:

6 Q Mr. Raisovich, at the time of this accident, you

7 stated your job title was a mechanic?

8 A Yes.

9 Q Were you being paid as a welder or as a mechanic?

10 A As a welder.

11 MR. SMITH: That's all.

12 THE COURT: Step down.

13 (Witness is excused.)

14 WILEY P. SALE,

15 called for examination by Counsel for Plaintiff and being

16 first duly sworn by the Clerk, was examined and testified

17 as follows:

18 DIRECT EXAMINATION

19 QUESTIONS BY MR. SMITH:

20 Q What is your name?

21 A Wiley P. Sale.

22 Q And what is your address?

23 A 14616 Minnieville Road, Woodbridge, Virginia.

1 Q By whom are you employed?

2 A Fruitgrowers Express Company.

3 Q And what is your job?

4 A I am the Shop Superintendent.

5 Q How long have you been so employed?

6 A As a Shop Superintendent?

7 Q Yes.

8 A Little over a year.

9 Q And prior to that time, what was your job

10 with the Fruitgrowers?

11 A Well, I was Senior General Foreman and before that

12 I was a foreman.

13 Q How long have you been with the Fruitgrowers

14 total?

15 A Twenty-two years; over twenty-two years.

16 Q Do you know George Raisovich?

17 A Yes, sir.

18 Q How do you know him, sir?

19 A Well, as an employee. I hired George

20 about ten years ago.

21 Q He has been with your company about ten years?

22 A Yes.

23 Q And over that period of time, have you had

1 occasion to observe him doing his job?

2 A Yes.

3 Q What observations have you made about the way

4 George Raisovich does his job?

5 A Well, George has been a very good worker. He

6 is an every day man and he has done his job very

7 satisfactorily.

8 Q By every day man, what do you mean, Mr. Sale?

9 A Well, I mean he is a man that works every day.

10 Q He shows up for work every day?

11 A Yes, sir.

12 Q Have you ever engaged in any outside, off the job

13 activities with George?

14 A When I was a foreman I went hunting with George

15 a couple of times, yes.

16 Q Very well. You haven't done that since you have

17 been a Shop Superintendent?

18 A No, No, sir I haven't.

19 Q Did it come to your attention Mr. Sale that

20 Mr. Raisovich was involved in an automobile accident in

21 April of 1968?

22 A Yes.

23 Q You were aware of that?

1 A I was aware of it.

2 Q And as a Shop Superintendent, you are responsible

3 for keeping certain records concerning employment of

4 employees and so on, is that right?

5 A Yes, sir.

6 Q And at my request, did you search the records

7 of Fruitgrowers for certain times that Raisovich was off

8 work since April of 1968?

9 A Yes, sir.

10 Q I would like to show you this letter which is

11 signed by you, W. P. Sales, Shop Superintendent.

12 A Yes, sir.

13 Q Does it indicate the times that Raisovich, as

14 indicated by the company's records, was absent from work, in

15 the period of time from 1968 to the present, or near the

16 present?

17 A Yes. Well, yes, sir. This starts in 1969, and

18 this is accurate.

19 Q Would you tell the Judge and Jury what is reflected

20 to be his absences from work during this period of time.

21 A Yes, your Honor and Jury. George was absent,

22 according to our records, from April 24, 1969, through

23 May 14, 1969.

1 He went on vacation July 7, 1969 through July 18, 1969.
2 And he was absent - - this is after his vacation was
3 over the following month, he was absent from July 21st,
4 1969 through October 10th, 1969.
5 In addition to that, in June 29, 1970, he was off one
6 hour; June 30, 1970 he lost another hour; July 2, 1970,
7 he lost an hour, July 7, 1970 he lost a half an hour;
8 August - - excuse me, July 8, 1970, he lost five and a half
9 hours and July 9, 1970 - -
10 MR. SHERIDAN: If I may interrupt, I think this
11 is going into evidence, this document, I think it
12 is going into evidence.
13 Q (Mr. Smith continuing): If I may do it this way,
14 Mr. Sale, if I may interrupt you. This document has been
15 placed in evidence as Plaintiff's Exhibit Number 1. Would
16 you examine it and state whether it agrees with the
17 records you prepared from the company payroll records.
18 A It takes me a little longer, I have to compute
19 the regular pay at this time. I am not adding these up,
20 all I can do is substantiate that these are the rate of
21 pay per hour. Now, somebody else can add them up.
22 Q And those were the periods of time that he was
23 off from work, is that right?

1 A Yes, sir.

2 Q And it also accurately reflects his rate of

3 pay during the periods?

4 A Yes, sir.

5 Q Now, the Exhibit of the Plaintiff, Number 1,

6 indicates that Raisovich was off work from

7 September 30th, 1970 until October 1st, 1971. Was he just

8 taken off the payroll during that period of time?

9 A Well, after a man loses as much as thirty days

10 from work, we normally remove him from payroll as far as

11 our active roster is concerned, but he is still carried on

12 the inactive roster. He didn't lose any seniority.

13 Q What that means is that he was taken off the

14 payroll but didn't lose any seniority?

15 A Yes.

16 Q What job does Raisovich do for the Fruitgrowers

17 company now?

18 A He is a car repairman now.

19 Q Do you call that a mechanic?

20 A Yes, sir that is the one terminology.

21 Q And previous to the present time, what was his

22 job with the company?

23 A Well, Mr. Raisovich served a four year apprentice-

1 ship with the Fruitgrowers and he took up the trade of
2 welding and steel repairman, and he bid this job in, and
3 this is what he has done.
4 Q What do you mean he bid this job in?
5 A Well, this is a bid in job, and he was a bid
6 welder, a qualified welder, He became certified. We
7 certified him for the position, which is a railroad
8 requirement.
9 Q Now, at the present time, he is not working as
10 a welder, is that right?
11 A No, sir.
12 Q Do you know the reason for that?
13 MR. SHERIDAN: Your Honor, I think this is
14 going to be a compound of what this man said and
15 what he talked to the doctors about.
16 I don't think this man can explain any reason
17 for his physical incapabilities.
18 THE COURT: He can answer yes or no.
19 MR. SHERIDAN: Up to that point there is no
20 objection.
21 WITNESS: Would you ask the question again?
22 Q (Mr. Smith continuing): Do you know the reason
23 why Mr. Raisovich is not presently employed as a welder?

1 A Well, this, the only thing I can say he is just - -

2 THE COURT: You just answer yes or no.

3 WITNESS: No.

4 Q (Mr. Smith continuing): Would he be of any

5 more value to the company in one capacity or another?

6 MR. SHERIDAN: The company is not claiming

7 damages.

8 THE COURT: I don't know. What is the purpose

9 of that question? They might be just crazy to have

10 guys go out and fix the tracks. That might be the

11 scarcest job there is.

12 Q (Mr. Smith continuing): Let me ask this question.

13 Is he being paid any less than he was as a welder?

14 A Yes.

15 Q How much less, sir?

16 A It is six cents an hour less.

17 Q Okay. The job that he does now is sort of

18 classified as lighter duty than what he was doing?

19 THE COURT: Sustained. That is a leading

20 question.

21 Q (Mr. Smith continuing): Is there a difference

22 in the job that he does now than what he did in 1968 and

23 shortly thereafter?

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 A Yes.

2 Q What is that difference?

3 A Well, now his job is - - it's a - - well, it's

4 a job that we have for some of our older employees,

5 normally.

6 Q Why is that?

7 A Well, it is an easier job. It is a job where he

8 doesn't have to do any climbing.

9 MR. SMITH: Very well. Your witness.

10 CROSS EXAMINATION

11 QUESTIONS BY MR. SHERIDAN:

12 Q Mr. Sale, did you know that when Mr. Raisovich

13 was out of work between September and October 10, 1969,

14 that he had been told by Dr. Castro to come back to work a

15 month earlier?

16 A No, sir I didn't.

17 Q Did you know that when he took off work in mid-

18 July of '70 and didn't return to work until October 1 of

19 '71, that Dr. Castro had indicated the probable time off

20 from work of one week in July of '70?

21 MR. SMITH: I object to that, there is no

22 basis for that.

23 MR. SHERIDAN: By the Plaintiff's own statement.

1 THE COURT: Sir?

2 MR. SHERIDAN: The Plaintiff said - -

3 MR. SMITH (interrupting): I don't think there

4 is any basis in fact for that.

5 THE COURT: For what?

6 MR. SMITH: It has to be based on hearsay.

7 THE COURT: What is that?

8 MR. SMITH: Whatever he is asking.

9 THE COURT: He just wants to know if he knew it

10 or not.

11 WITNESS: I wasn't aware of that, or if I was,

12 I am not now. I don't remember.

13 MR. SHERIDAN: That's all I have. Thank you, sir.

14 THE COURT: All right. Step down.

15 (Witness is excused.)

16 MR. SMITH: Your Honor, I also have a bookkeeper

17 from Fruitgrowers and I would like him to be excused

18 also. Any objection Paul?

19 MR. SHERIDAN: No, not at all.

20 THE COURT: All right

21 THEODORE TAMARIZ, M.D.,

22 called for examination by Counsel for Plaintiff and being

23 first duly sworn by the Clerk, was examined and testified

1 as follows:

2 DIRECT EXAMINATION

3 QUESTIONS BY MR. SMITH:

4 Q What is your name and occupation, sir?

5 A Theodore Tamariz and I am an M.D.

6 Q And where do you practice, sir?

7 A In Alexandria.

8 Q Are you licensed by the Commonwealth of Virginia

9 to practice medicine?

10 A Yes.

11 Q And what is your medical speciality?

12 A General practice.

13 MR. SMITH: Do you want me to go into this?

14 MR. SHERIDAN: No, that is all right.

15 Q (Mr. Smith continuing): Do you know the

16 Plaintiff, George Raisovich, this man here (indicating)?

17 A Yes, sir.

18 Q Have you had occasion to have him as a patient

19 in the past?

20 A Yes, sir. He came over to the office in 1968.

21 Q Very well. He came as a patient at that time,

22 did he not?

23 A Yes, sir.

1 A Yes, sir.

2 Q What history did you obtain from Mr. Raisovich

3 at that time?

4 A Well, he was involved in an automobile accident.

5 Q Did he tell you when that accident occurred?

6 A Yes.

7 MR. SHERIDAN: Would the record reflect that the

8 doctor is refreshing his recollection from the

9 record of his files.

10 Q (Mr. Smith continuing): What did he tell you?

11 A Yes, sir. He came in April 16, of 1968.

12 Q April 16?

13 A Yes.

14 Q Okay.

15 A He was involved in an automobile accident the

16 13th.

17 Q He told you at that time that the accident

18 was April 13 of '68?

19 A Right.

20 Q All right. Now, what medical history did he

21 give you?

22 A Well, he gave me the history of a rear end type

23 of collision, in which his head and neck jerked forward with

1 force.

2 And he came complaining of pain in the back of the

3 neck and especially in the dorsal area of the back.

4 Q All right.

5 A And on physical examination he had muscle

6 spasm and limitation of motion in trying to move the

7 neck in every direction.

8 So he - - I gave him some muscle relaxant, pain

9 medication and physiotherapy, diathermy.

10 Q Now, you say muscle spasm. Would you explain

11 what that is, sir, so that the Jury can understand that.

12 A Well, that is the mechanism of the body to

13 defend against pain. When you have pain, the muscle

14 contracts to immobilize the, in this case the spine, and

15 then you can see and feel the muscles contract.

16 Q That is an objective sign, is it not?

17 A Right.

18 Q You can see that and feel it?

19 A And feel it.

20 Q Now, after your examinations, what did you diagnose

21 his difficulty to be at that time?

22 A Well, this is a typical cervical - dorsal

23 strain, whiplash they call it, following this type ofiinjury.

1 So that was my diagnosis and impression at that
2 time.
3 Q Did you make that on April 16, three days after
4 the accident?
5 A Yes.
6 Q The first time you saw him?
7 A Um-hum.
8 Q Okay. Now, did you prescribe a course of treat-
9 ment for Mr. Raisovich at that time?
10 A Yes, sir. As I said, I gave him medication for
11 pain, muscle relaxants and physiotherapy in the form of
12 heat treatment.
13 Q Okay. Now, where is this physiotherapy performed?
14 A In my office.
15 Q Do you do that, or do some one of the - -
16 A (interrupting): One of the aids.
17 Q How long did he have that physiotherapy treatment?
18 A He had it for one week and then he came back the
19 next week, in which he was much improved.
20 Q Now, this is still in April, 1968, is that
21 correct?
22 A Right.
23 Q Did you see him after that time again?

1 A No, he was okay and didn't show up until almost
2 the next year.
3 Q When was the next time that you saw Mr. Raisovich?
4 A In 3-21-69.
5 Q All right, sir.
6 A And he was complaining again of pain over the
7 dorsal spine, but he did not reveal any recent injury which
8 I questioned him.
9 Q You checked for any recent injuries and found
10 no sign?
11 A Yes, because that is the first thing that I
12 thought, but he denied that.
13 On physical examination, he was tender in that area.
14 Q Which area is that, sir?
15 A The dorsal spine.
16 Q Okay.
17 A So again he was given medication, but he came
18 back the next week with no relief at all from the
19 medication.
20 Q And when was that?
21 A 3-28-69, the next time he came over. And I
22 told him to come back the next week, and again he did not
23 have any response to the medication, so at that time I

1 referred him to a specialist, a neurosurgeon.

2 Q What was the doctor's name that you referred

3 him to?

4 A Dr. Castro.

5 Q You are not aware of what Mr. Raisovich's

6 present condition is?

7 A No, I have not seen him.

8 Q All right. Now, the times that you saw him in

9 '68 and '69, Doctor, can you say to a reasonable degree

10 of medical certainty that the injuries you diagnosed and

11 treated at that time were caused by the accident that he

12 told you he was involved in in April 13, '66?

13 A Yes, sir.

14 Q Since you haven't seen him, you have no opinion

15 as to what the future holds for this man?

16 A No, I do not.

17 Q And what were the total number of visits that

18 he made to you?

19 A Well, I think my bill - - I don't have it - -

20 this would be one, two, three, four, five visits.

21 Q What is the amount of your bill, sir?

22 MR. SHERIDAN: Before he says that, can I look

23 at it?

1 MR. SMITH: All right.

2 (Mr. Smith hands document to Mr. Sheridan.)

3 MR. SHERIDAN: I have no objection.

4 Q (Mr. Smith continuing): Well, what was the

5 answer to the question, which was the amount of your bill?

6 MR. SHERIDAN: I will stipulate it is $74.

7 THE COURT: All right. That will be Plaintiff's

8 Exhibit Number what?

9 THE CLERK: Four.

10 THE COURT: Four, without objection.

11 WHEREUPON, PLAINTIFF'S EXHIBIT 4,

12 THE SAME BEING DR. TAMARIZ'S BILL,

13 WAS MARKED FOR IDENTIFICATION AND

14 RECEIVED IN EVIDENCE WITHOUT OBJECTION.

15 Q (Mr. Smith continuing): Did you also cause

16 x-rays to be taken?

17 A Oh, yes.

18 Q At the Delmart Lab?

19 A Yes. That was reported negative to us for any

20 bone injury.

21 Q I would like to show you this bill which reports

22 to be the bill for the x-rays.

23 (Mr. Smith hands document to Witness.)

A Yes.

Q What is the amount?

A $25.00.

MR. SHERIDAN: Can you tell us the date on which these were taken?

WITNESS: Date of what?

MR. SHERIDAN: The x-rays.

WITNESS: 4-29- - - no, the x-ray report is 4-19-68.

Q (Mr. Smith continuing): April 29 is the date of the bill.

A The date of the bill, yes.

MR. SHERIDAN: No objection.

THE COURT: All right, that will be Exhibit 5 without objection.

WHEREUPON, PLAINTIFF'S EXHIBIT 5, THE SAME BEING A STATEMENT FROM DELMART LABORATORY, WAS MARKED FOR IDENTIFICATION AND RECEIVED IN EVIDENCE WITHOUT OBJECTION.

Q (Mr. Smith continuing): Did you make the results of the x-rays known to Mr. Raisovich, Dr. Tamariz?

A Yes.

1 MR. SMITH: Very well. Your witness.

2 CROSS EXAMINATION

3 QUESTIONS BY MR. SHERIDAN:

4 Q Doctor, when you saw this man on March 21, '69,

5 did I understand you to say that you immediately suspected a

6 recent injury?

7 A The first time I saw him, you mean, in '68?

8 Q No, sir, no, sir. When you saw him on March 21

9 of '69.

10 A No, I said I questioned him whether he had any

11 recent injury, because of the time lapses since the last

12 therapy.

13 Q And he said he had had none?

14 A No.

15 Q What did you find in - - let me see your file,

16 if I can, please? Do you have your entries from March 21,

17 1969?

18 A Yes.

19 Q Do you have those?

20 A It is right there. (indicating)

21 Q Okay, thank you. So when you told us there

22 was no recent injury, that is based on questions asked

23 of Mr. Raisovich?

1 A Right, and of course, the physical findings.

2 Q What were your physical findings on March 21,

3 '69?

4 A Well, they were not much. He had normal flexion,

5 but he was complaining of pain, which is subjective.

6 Q Now, Mr. Smith asked you about the word objective

7 and you just mentioned subjective. Can you tell the Jury

8 and us what is the difference?

9 A Yes, sir.

10 Q Please do.

11 A Subjective symptom is what the patient feels.

12 Objective findings is what we find.

13 Q What is there regardless of what the patient

14 says, right?

15 A Right.

16 Q Such as a positive x-ray reading or a positive

17 diagnosis through some sort of testing, would they be

18 examples?

19 A I didn't understand that.

20 Q Well, let me ask you this:

21 On March 21, 1969, when you examined the man, did

22 you find any objective signs showing a definite injury?

23 A No, not a recent injury, no.

1 Q All right. He talked to you, and you told us
2 about these complaints on March 21, 1969, that is based
3 on what Mr. Raisovich said, and that is subjective?
4 A Subjective, yes.
5 Q Dr. Tamariz, is it true that in April of '68, the
6 man's primary complaint of pain was in the dorsal area?
7 A He was complaining of pain in the dorsal area,
8 yes. Of course, the neck and dorsal, this is why my - -
9 this is my writing here (indicating), and he was having
10 pain in the neck and dorsal area.
11 Q How did you characterize the muscle spasm
12 that you found in your records?
13 A What do you mean by that?
14 Q Doesn't the word "slight" come right before
15 muscle spasm?
16 A Yes.
17 Q That's your finding, slight muscle spasm?
18 A Yes.
19 Q And that is something you found on examination,
20 right?
21 A Yes.
22 Q What, if any, pain did this man complain of in
23 his low back, below his waist, as reflected in your

1 records?

2 A No, he complained of pain in the dorsal area.

3 Q That is the mid-back?

4 A Right.

5 Q Your records have no complaint whatever of

6 pain below the waist?

7 A No. Most of the time the patients give you

8 complaints, but I am not going to write everything he

9 says.

10 Q What, if any, complaints did he ever make of

11 radiating pain in the hip or leg?

12 A None to me.

13 Q When you saw and treated him in 1958, do I

14 understand that that was three visits to you?

15 A Yes.

16 Q And then some visits for therapy?

17 A Um-hum.

18 Q And your total bill is $74.00?

19 A Yes.

20 Q And you didn't see him again until March 21 of

21 '69?

22 A Right.

23 Q And you saw him sometime either March or April,

1 '69, and referred him to Dr. Castro?

2 A Right.

3 Q Was that referral to Dr. Castro because of the

4 man's continued complaint of back pain?

5 A Yes. My medication was not helping him, so

6 I usually refer them to a specialist when they are not

7 responding.

8 Q When you answered Mr. Smith and said with

9 reasonable medical certainty that the problems he was

10 complaining about to you were causally related to this

11 accident we are talking about, that is based on, at

12 least, partly the history of the accident and how he

13 was injured, is that right?

14 A Yes, sir.

15 Q All right. May I once again look at your file,

16 if I can, please?

17 A Um-hum.

18 (Witness hands document to Mr. Sheridan.)

19 Q Doctor, now directing your attention to a

20 report to Mr. Smith dated December 6 of '68, would you

21 read us the paragraph that I am pointing to, it is the

22 third paragraph.

23 A "At the time of his next visit on April 25, 1968

1 after one week of physiotherapy he was relatively
2 asymptomatic in regard to symptoms referable to his
3 back."
4 Q What does the word asymptomatic mean?
5 A No symptoms.
6 Q And that is based on what, what the patient
7 says?
8 A Yes.
9 Q So, sometime in April, '68, after one week of
10 therapy, your records indicate he was not complaining of
11 any problems?
12 A Right.
13 MR. SHERIDAN: That's all I have. Thank you.
14 REDIRECT EXAMINATION
15 QUESTIONS BY MR. SMITH:
16 Q You preface that with "relatively", sir, what
17 would that indicate?
18 A Well, it is not complete.
19 Q And is it or is it not proper to base medical
20 opinion, in part, upon the history that the patient gives
21 you?
22 A That is correct.
23 Q There is nothing uncommon about that, is there?

1 A No.

2 Q And your statement concerning the fact that you -

3 that there was no recent injury made in March of '69, was

4 based upon not only what the patient said, but also upon

5 your examination at that time?

6 A Yes. Of course, the typical type of injury that

7 he had, which is - - usually they have recurrence of pain

8 related to the original injury.

9 MR. SMITH: Very well. Thank you.

10 THE COURT: All right. You may step down.

11 (Witness is excused.)

12 THE COURT: Since we have no further doctors to

13 testify at this time, it will be a good time to take

14 the noon recess.

15 WHEREUPON AT THIS POINT IN THE

16 PROCEEDINGS AND AT 12:40 P.M. THE

17 NOON RECESS WAS DECLARED, AFTER WHICH

18 TIME AND AT 1:30 P.M. THE FOLLOWING

19 PROCEEDINGS WERE HAD.

20 PEGGY SUE RAISOVICH,

21 called for examination by Counsel for Plaintiff and

22 being first duly sworn by the Clerk, was examined and

23 testified as follows:

1 DIRECT EXAMINATION

2 QUESTIONS BY MR. SMITH:

3 Q Will you state your name?

4 A Peggy Sue Raisovich.

5 Q And your address?

6 A 724 North Iverson Street, Alexandria, Virginia.

7 Q And this is your husband, George Raisovich?

8 A Yes.

9 Q Do you have any children?

10 A Yes, sir, we have one son.

11 Q And how old is he?

12 A Four years old.

13 Q Four years old? How long have you lived at

14 your present address?

15 A About nine years.

16 Q And where is your husband employed?

17 A At Fruitgrowers Express.

18 Q Okay. You know the length of time that he has

19 worked there?

20 A He has been there since '60 - '62, something

21 like that.

22 Q Did there come a time in 1968 that you were

23 involved in an automobile accident?

1 A Yes, sir, we were.

2 Q And specifically, what date in 1968 was that?

3 A It was April 13.

4 Q All right, and that was a Saturday, was it?

5 A Yes, sir.

6 Q Where did the accident happen, what intersection?

7 A At the intersection of Braddock and Backlick.

8 Q And is that in the Annandale area of Fairfax

9 County?

10 A Yes, it is.

11 Q Okay. You were riding in the car with your

12 husband?

13 A Yes, sir.

14 Q Explain how the accident happened.

15 A Well, we were in the left hand lane at the

16 intersection, waiting for the light to turn. And I

17 remember, I was sitting there and I heard, you know,

18 brakes, you know, tires squeal and I started to turn

19 like this (indicating), and as soon as I got this way

20 (indicating) well, they hit us.

21 Q From which direction?

22 A Well, they hit us from the back.

23 Q Okay. And what happened then?

1 A Well, when they hit us, well, it snapped my neck
2 and I sat there for a few minutes.
3 Q Were you pregnant at the time?
4 A Yes, sir, I was.
5 Q How long?
6 A I was five months.
7 Q Okay.
8 A So George, he sat like this (indicating) and
9 he held his back and he said, you know, "I've hurt my
10 back."
11 Q Was anyone else around at that time, or was that
12 right after the impact?
13 A That was right after the impact.
14 And then the boys got out of the car, and I think
15 one of them came to the window, and they really didn't
16 know what to do, so George told them to go call the
17 police.
18 Q These were the boys from where?
19 A These were the boys that hit us.
20 Q How many boys were there?
21 A There were three.
22 And so, I think George opened the door, and I
23 remember he sat with his feet - - there's like a little

1 curb, you know, there and he sat with his feet in there,
2 and he sat in the car a few minutes, and then I think
3 we got out of the car. I can remember getting out of the
4 car and walking to the back. And I began to feel kind of
5 weak in the knees and when I got to the back of the car
6 the three boys were there. And one of them said, I can't
7 remember which one it was, he said, "I told you you were
8 going to do it."
9 MR. SHERIDAN: Objection, your Honor, unless
10 it is this boy here.
11 THE COURT: Sustained. Don't say what somebody
12 said, unless it is the Defendant.
13 Q (Mr. Smith continuing): Did you have any
14 conversation with this man here, Mr. Giddings?
15 A No, sir, as I said I felt weak and I got back
16 and I stayed in the car.
17 Q Did you have any conversation with the police
18 officer when he arrived?
19 A No, sir.
20 Q And what happened then when the policeman was
21 finished at the scene?
22 A Well, we went on home when the policeman
finished with the investigation.
23

1 Q Did your husband complain of any pain at that
2 time?
3 A Yes, sir, he did.
4 Q What were his complaints?
5 A Well, he was complaining of pain in the middle
6 part of his back.
7 Q Any other areas of his body?
8 A Not at that time.
9 Q And what did he do?
10 A Well the following morning - - I mean, the
11 following Monday, I think he got an appointment to see
12 Dr. Delaney. Well, I think he was supposed to see Delaney,
13 but I think Dr. Tamariz saw him.
14 Q Dr. Tamariz saw him, do you know when that was?
15 A The following week, the following week. I think
16 it was on the sixteenth.
17 Q Did you observe any treatment that your husband
18 underwent?
19 A He had therapy, I think, for about three weeks.
20 Q Did he take any treatment home or was there
21 any medication that he was on?
22 A He was on pain pills that Dr. Tamariz gave him.
23 Q Did you notice anything different about the way he

1 acted after the accident?

2 A Well, he complained of pain in his legs.

3 I know - - you know, when he came home from work a lot of

4 times I would rub his legs with alcohol and he would

5 complain of pain in the back of his legs and in his back

6 and I would rub his back with alcohol. And I know finally,

7 I left the heat lamp on the bed, so when he came home I

8 would put the heat lamp on him.

9 Q How often did he use the heat lamp?

10 A He complained, I think, almost every evening

11 I did that for him.

12 Q Were you working at this period of time?

13 A Yes, sir, I was.

14 Q Where were you working?

15 A At Leewood Nursing Home. I was working in the

16 annex at the time.

17 Q What kind of work did you do there?

18 A Well, it was considered Nurse's Aide, but they

19 put me there when I was pregnant, because the work over

20 there, the patients are self care, and you just more or

21 less have to be with them.

22 Q Are you still employed there or anywhere else?

23 A No, sir, I am not.

1 Q How long did you continue to work there?

2 A I worked, I think, until May.

3 Q And did you resume working then after the birth

4 of your son?

5 A I didn't until George was off for that year.

6 I went back, I think it was November of '70 that I went

7 back and I worked until, I think, March of this year.

8 Q You went back to work in November of '70 and

9 worked until March of '72?

10 A Yes, sir.

11 Q And that was for what purpose?

12 A Well, to supplement the income. All we had was

13 the sick pay.

14 Q How long did your husband continue to have these

15 complaints and continue to use the heat lamp after he

16 went to see Dr. Tamariz?

17 A Well, he constantly complained with his back.

18 Q Did there come a time then when he went back to

19 see Dr. Tamariz after the first visit?

20 A Yes, sir, I think he made three or four visits

21 to Dr. Tamariz.

22 Q Now, did there come a time when he went to

23 another doctor?

1 A Yes, I think the last visit he made to Dr. Tamariz
2 he referred him to Dr. Castro.
3 Q Did he in fact, go to Dr. Castro?
4 A Yes, sir, he did.
5 Q Do you know what treatment he gave him?
6 A Well, Dr. Castro decided to put him in the
7 hospital to run a myelogram.
8 Q Do you recall about when that was?
9 A That was April of '69.
10 Q How had your husband been feeling, just prior to
11 that time?
12 A Well, as I say, he complained from the night
13 that we were hit and he was still complaining then.
14 Q Did this have any disruptive effect on your
15 home life?
16 MR. SHERIDAN: Your Honor, if that is going to
17 be - -
18 THE COURT (interrupting): Sustained.
19 Q (Mr. Smith continuing): Well, you said that it
20 caused you to rub his legs from time to time with alcohol?
21 A Yes, sir, and to keeppillows under his knees.
22 Q Did you do anything else like that?
23 A Well, I would rub his back and legs and I would

1 put pillows under his knees.

2 Q You say that he had a myelogram?

3 A Yes.

4 Q Do you know approximately when that was?

5 MR. SHERIDAN: Your Honor, I am not going to

6 contest this, the dates of the myelogram this time.

7 THE COURT: I know that, but I think we are

8 just waiting for the doctors.

9 Q (Mr. Smith continuing): All right. Will you

10 relate how your husband felt during this entire time,

11 from the accident up until now, beginning with the

12 trips to Dr. Castro.

13 A Well, as I say, you know, he complained, you

14 know, from the onset of the accident.

15 Dr. Tamariz's x-rays, you know, apparently didn't

16 show anything, you know.

17 Q Well, you don't know that.

18 A Well, anyway, George thought that, you know,

19 that he would get better, you know. He had the therapy

20 and so he kept on, and on, and on, you know and it

21 just didn't go away, just kept getting worse.

22 Q How is your husband now?

23 A Well, he has just as much pain now, I think, as

1 he had in his upper back.

2 Q Are his complaints any different now than they

3 were then?

4 A Well, the lower back did begin to bother him,

5 but he still, I think, has the most pain in the upper

6 part.

7 Q Where?

8 A In the upper part, the middle part of his

9 back.

10 Q Now, have you observed anything that he was

11 able to do prior to the accident that he is unable to do

12 at this time?

13 A Well, yes, sir.

14 MR. SHERIDAN: Your Honor, if the word "Unable"

15 can be withdrawn, because that is a medical question.

16 If he doesn't do it, I don't have any objection.

17 THE COURT: All right. That is what it means.

18 You just say what he doesn't do now that he used to

19 do.

20 WITNESS: Well, he always loved to hunt and fish.

21 And you know, he goes out and tries, but usually he

22 has to come back home.

23 Several times he has told me, you know, when he

1 has tried to go hunting he had to lay down in the
2 woods before he came home, and he was always, you
3 know, he loved the outdoors.
4 THE COURT: We just want to know what you
5 observed, not what he told you.
6 WITNESS: Well, like I say, he comes home.
7 THE COURT: Well, I know, but we don't want
8 to know what he told you. The question is what did
9 you observe.
10 WITNESS: Well, he doesn't resume the activities
11 that he did. I mean, because he would go, you know,
12 hunting, maybe two or three nights a week. He loves
13 to coon hunt, and now he doesn't do that. He used
14 to go to Burke Lake a lot on weekends and now he
15 doesn't do that anymore.
16 We used to go to movies, and we can't do that
17 anymore, because - - Well, I think we have been to
18 the movies four times in the last four years because
19 he can't sit for a long period of time without being
20 uncomfortable.
21 Q Have you made any trips to his home in southern
22 West Virginia since the accident?
23 A His mother has come to see us twice.

1 Q Has he been down there?

2 A The last vacation I remember us taking, that

3 we went anyplace was in '67 and we went to Pennsylvania,

4 because I was pregnant in '68.

5 Q To your knowledge, has this injury had any

6 effect upon the amount of money he brings home?

7 A Well, he does make less money per hour now than

8 he did.

9 MR. SMITH: You may cross examine.

10 MR. SHERIDAN: No questions.

11 (Witness is excused.)

12 MR. SMITH: Call Dr. Castro.

13 ERNESTO V. CASTRO, M.D.,

14 called for examination by Counsel for Plaintiff and

15 being first duly sworn by the Clerk, was examined and

16 testified as follows:

17 DIRECT EXAMINATION

18 QUESTIONS BY MR. SMITH:

19 Q What is your name and occupation, sir?

20 A My name is Ernesto V. Castro, and my occupation

21 is neurosurgeon.

22 MR. SHERIDAN: I will stipulate he is qualified

23 as a neurosurgeon to practice in this area.

1 Q (Mr. Smith continuing): Very well. Have you
2 had occasion, in early 1969, to professionally see and
3 treat the Plaintiff, Mr. George Raisovich, this gentleman
4 here (indicating)?
5 A Yes, I have. I saw him in my office on April 14,
6 1969.
7 Q On that occasion, did you receive a history,
8 a prior history of his condition?
9 A The patient stated that he was in an automobile
10 accident, I have it here on May 25, but apparently that
11 was an error. It was April 13, 1968.
12 Q Very well. And was he referred to you by another
13 doctor, Dr. Castro?
14 A Yes, he was referred to me by Dr. Tamariz in
15 Alexandria.
16 Q Very well, then, sir. Continue with the history
17 you obtained.
18 A The patient was in an automobile accident and he
19 hurt his back and neck. For about a week after the
20 accident his knees gave away. He started having pain in
21 the low back that was increased since the accident. He
22 was complaining of pain on the right ankle with no numbness.
23 Q Okay. What were your findings upon your first

1 examination?

2 A Well, the findings were, the neurological

3 examination was within normal limits, with the exception

4 of tenderness at the lower dorsal region, which is right

5 here (indicating), in the middle of the back, right in

6 the mid-line on the spinal processes, which are the

7 bones which you feel in your back. The sensation was

8 intact.

9 The deep tendon reflexes were 2+, all of them.

10 The patient was admitted to the hospital, Alexandria

11 Hospital on April 25, 1969.

12 Q Now, after your first examination, did you

13 determine it advisable to admit the patient to the

14 hospital?

15 A Yes.

16 Q Very well, and the purpose of that was to do

17 what, sir?

18 A A myelogram.

19 Q To do a myelogram?

20 A A myelogram, that's right.

21 Q Would you explain to the Jury what a myelogram

22 is?

23 A A myelogram is a special test that we use to

1 determine if there is any pinching of the nerves in the
2 spinal cord, or close by. It consists of laying the
3 patient on the left side of the x-ray table and putting
4 some novocain inbetween the lumbar spine, which is the
5 low back. We put a special type of needle on the spine
6 and then we inject a substance which is opaque to the
7 x-rays.
8 And once the substance is on the spine, we ask the
9 patient to lie on the stomach, and by tilting the table
10 down or up we determine the level where we want the dye
11 to go, so we can obtain the x-rays where we are
12 interested.
13 Q How do you determine the level where the dye
14 is to go?
15 A Well, if the patient has pain in the lower
16 back, then we do just a lumbar-myelogram.
17 If it is above the low back, then we do a dorsal-
18 myelogram.
19 If it is up on the neck, then we do the myelogram
20 in the cervical region.
21 Q On Mr. Raisovich at that time, where did you
22 do the myelogram?
23 A On the dorsal region, where he was complaining

1 of the pain.

2 Q Did you also do it in any other part of his

3 back?

4 A Yes, we did also the lumbar region, because it

5 was so close.

6 Q Okay. Any other part also?

7 A No, that was it, dorsal and the lumbar.

8 Q Dorsal and lumbar?

9 A That's right.

10 Q Now, the myelogram was also for the purpose of

11 assisting you in your diagnosis, was it not?

12 A That's right.

13 Q What was causing the complaints, okay. And what

14 did you find?

15 A On the myelogram we found that there was a

16 compression and there is a pressure there on the spinal

17 cord at the level of D11 and 12 - - no, excuse me,

18 level of D10 and 11.

19 Q Could you explain what that compression is in

20 lay terms?

21 A The myelogram usually shows that there is a nice

22 even column, and when there is some pressure from some

23 area, then there is a pushing of the dye or substance

Bobby McCune Block, Shorthand Reporter, 5600 Marble Arch Way, Alexandria, Virginia 22310

1 and this will produce an indentation on the column,
2 and that way we know that there is something that is
3 pushing against the spine or that it is pushing against
4 the spinal cord.
5 Q And what did you find as a result of this
6 myelogram?
7 A That there was some compression between D10 and
8 D11, about the level where he was complaining of pain.
9 At the same time, it was found that there was a
10 compression on both sides of the L4 and L5 interspace,
11 which is that of the low back. The needle was placed on
12 the same space. On that time the radiologist thought
13 that it was due to the needle insertion on the same
14 space. But there was also what seems to be a compression
15 at that level.
16 Q So what was the diagnosis as a result of the
17 examination and the myelogram?
18 A We thought, at that time, that the patient had
19 a disc herination, or it could be a benign growth, or a
20 benign tumor.
21 Q Where did you think it was at that time, Doctor?
22 A At the level of the dorsal region, D10 and 11,
23 on the left side.

Bobby McCune Block, Shorthand Reporter, 5600 Marble Arch Way, Alexandria, Virginia 22310

1 Q Is it true that there was also a compression
2 at the L4-L5 level at that time?
3 A Well, yes, there was a defect there.
4 Q There was a defect there?
5 A That's right.
6 Q Go ahead.
7 A The patient was discharged from the hospital and
8 he was followed in the office. He was seen on May 14, 1969,
9 and he was still having the same complaints of hurting
10 on the dorsal - lumbar region.
11 Q Did you begin with some sort of treatments at
12 this time?
13 A Yes, he was having the treatments of heat and
14 massage and so forth.
15 Q Okay. When did you see him again then after
16 May 14? What was your prognosis as of the May 14th
17 examination?
18 A The prognosis was that as the last time the
19 patient was seen, which was on April 14 - - May 14, 1969,
20 the patient was still having tenderness on the dorsal
21 area, however, there was no - - any further weakness of
22 the lower extremities.
23 Surgery on this dorsal spinal defect has been seriously

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 considered in the near future.

2 Q You are considering surgery as a cure at that

3 time, is that correct?

4 A Yes, sir.

5 Q Okay. Now, did there come a time when you saw

6 the patient again after that?

7 A He was seen again on June 30, 1969. He was

8 complaining of pain in the back, which was worse, and

9 he could not stand any more. The patient was again

10 tender over the lower dorsal area. There was no change

11 on sensation; there was no change on the abdominal reflexes.

12 Due to this complaint of severe pain, he was advised

13 to have a dorsal laminectomy.

14 Q And what is a dorsal laminectomy, Doctor?

15 A A dorsal laminectomy consists of making an

16 incision, in this particular case, on the lower dorsal

17 region, between D9, 10, 11 and 12, the spinal processes.

18 The incision was carried to the left side of the

19 spine and the operation is done under general anesthesia.

20 On the side of the spine, we dissect the muscles on

21 the side of the spine and with special instruments we

22 retract these muscles.

23 We go through the posterior "conpondo, the vertebra",

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 we call lamina. We removed some of that lamina and the
2 ligaments around there.
3 We identify the space, and by careful retraction of
4 the intercostal nerves and the spinal cord, we look on
5 the outside of the spine to see if there is any pressure
6 or not.
7 On this particular case, this operation was performed
8 on July 18, 1969. The operation was performed at the
9 level of D10 - 11, and also the level of D9 and 10.
10 No disc was found.
11 What we were able to find, was large veins, which
12 were around the nerve root on the left side. These veins
13 were electrocoagulated.
14 Q What does that mean, Doctor?
15 A With electrical leads from a special current,
16 electricity that we use to electrocoagulate the vessels.
17 We don't need to tie them down. It is very difficult to
18 do this in that small region [illegible], so we coagulate, we
19 burn the vessels and this is what we found, and the
20 operation was ended on that time.
21 Q Was any material taken out of Mr. Raisovich's
22 back?
23 A No. We removed some of the ligamentus material.

1 Q You removed some of the ligamentus material?

2 A Yes.

3 Q All right. When did you see the patient again?

4 Strike that question, and let me ask this one.

5 How long was he hospitalized at that time, sir?

6 A He was admitted July 17, 1969 and he was discharged

7 July 27, 1969, ten days.

8 Q When was the next time that you saw him then

9 after that?

10 A August 11, 1969.

11 Q And what did you find his condition to be at

12 that time?

13 A He was having a lot of pain at the left side

14 of the dorsal region, mainly when getting up, and the

15 pain became better when lying down. That is what he

16 stated.

17 The examination showed tenderness on the left side

18 of the dorsal incision.

19 Q Did you prescribe some medication at that time?

20 A Yes, there was prescribed muscle relaxants on

21 that time.

22 Q Did there come a time when you saw him again after

23 August 11, 1969?

1 A Yes, on September 22, 1969. He was complaining
2 of pain across the dorsal region, and this pain was
3 present as long as he was standing up.
4 Q All right. Did he also have pain in any other
5 areas at that time?
6 A He was having some pain on the right lower portion
7 of the abdomen for a few minutes only.
8 Q And what did you find the condition of the
9 lumbar area to be at that time?
10 A The patient has some muscle spasm on the left
11 lumbar - dorsal muscles.
12 Q That is the low back area?
13 A Yes.
14 Q How did he progress then after that, Doctor?
15 A The patient kept coming to my office practically
16 almost every month.
17 He was in on October 6, 1969. At that time he was
18 better. He still was taking muscle relaxants.
19 Q Okay.
20 A He was working for the railroad at that time
21 and he was back to doing only light lifting. At that time
22 there was no muscle spasm in the muscles of the dorsal
23 area.

1 Q Do you know when he had gone back to work after
2 the operation?
3 A No, I don't have the date here.
4 Q But you had advised him to do light lifting?
5 A Yes, on that time, yes.
6 Q Then, did there come a time in November, 1969,
7 when you again saw him?
8 A That's right, he was in on November 17, 1969.
9 Q And how was he doing then?
10 A He was complaining of pain at the level of the
11 incision, where the operation was performed.
12 He was bending quite often at work and there was
13 still tenderness over the upper half of the incision.
14 At that time, he described the way he worked. He
15 was squatting down and bending forward at his welding
16 job for the railroad, an uncomfortable position for his
17 dorsal back.
18 Q How long did that condition continue then?
19 Did there come a time when you advised him to do another
20 myelogram?
21 A Yes, he was seen on February 23, 1970.
22 Q When did you advise him to have the additional
23 myelogram?

1 A On August 5, 1970, the patient was admitted to
2 Fairfax Hospital on August 5, 1970, and he was discharged
3 on August 14, 1970. On August 6, 1970 the patient had
4 dorsal and lumbar myelogram. The lumbar myelogram showed
5 a defect central and to the right at L4 - L5 interspace.
6 The dorsal myelogram showed no definite defect at D10 or
7 11.
8 Q What was the defect at L4 - L5?
9 A That it was considered that the disc herination.
10 Q Okay. And that defect had been noticed also
11 in the prior.
12 MR. SHERIDAN: Your Honor, I will have to object
13 to his leading the witness.
14 THE COURT: All right. Don't lead the witness.
15 MR. SHERIDAN: I think the Doctor said something
16 else.
17 Q (Mr. Smith continuing): Well, you said that when
18 you did the second myelogram - -
19 THE COURT: No, you just ask him the questions,
20 don't say what he said.
21 MR. SMITH: Well, we are looking to see what he
22 says.
23 THE COURT: All right. Just ask the question.

1 Q (Mr. Smith continuing): What was the defect
2 noted at L4 and L5 in August, 1970?
3 A A disc herination.
4 Q Has this defect been noted prior to this time?
5 A Yes.
6 Q When was that?
7 A On the first myelogram.
8 Q Very well, sir, okay. How long was he hospitalized
9 then in August of 1970?
10 A He was discharged on August 14, 1970, again, ten
11 days.
12 Q And what course of treatment did you prescribe
13 then Doctor, at this time?
14 A We put him in a brace and also the muscle
15 relaxants and also some low back exercises.
16 Q And how did he progress after the second
17 myelogram?
18 A He didn't improve.
19 Q Didn't improve?
20 A No.
21 Q What were his complaints after that time?
22 A He was still complaining of the pain at the level
23 of the incision where the operation was performed before, and

1 also he was having low back pain. However, there was
2 pain on both the lower extremities. There was no numbness
3 and no tingling.
4 The next examination was done on October 19, 1970.
5 Q And how was he doing then?
6 A Still having pain.
7 Q And was he seen again after that?
8 A Yes, he was seen on November 2, 1970.
9 He continued to complain of pain at the level of the
10 surgery incision on the dorsal area.
11 Q Very well.
12 A The patient said the pain was severe enough that
13 he could not work.
14 The examination showed tenderness at the level of the
15 incision. The patient was complaining on the left hip
16 area of pain due to the low back disc. The examination
17 showed that the straight leg raising signs on both lower
18 extremities was mildly restricted at forty-five degrees
19 up.
20 Q Okay.
21 A There was no change on the reflexes.
22 Q Was that the last time that you personally saw
23 Mr. Raisovich?

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 A Yes.

2 Q On November of 1970?

3 A Yes.

4 Q And what was his condition at that time?

5 A He was still having a lot of pain on the dorsal

6 region and also on the low back.

7 Q Very well. Was he working at that time?

8 A I don't think so.

9 Q Okay. Do you know how long he had been off, if

10 you know.

11 A I don't have the dates.

12 Q Okay.

13 MR. SHERIDAN: May I ask, was the dorsal

14 laminectomy that you talked about Doctor, in

15 July of '69?

16 THE COURT: Is this in regard to some

17 bill?

18 MR. SHERIDAN: That's right, a different bill.

19 I don't object to them other than that.

20 WITNESS: July, 1969 was the dorsal

21 laminectomy.

22 MR. SHERIDAN: I don't object to it.

23 MR. SMITH: I would like to offer them as the

1 Plaintiff's next exhibit.

2 MR. SHERIDAN: No objection.

3 THE COURT: They will be exhibit number - -

4 MR. SHERIDAN: Are those going to be offered

5 as a package?

6 THE COURT: How many bills are there?

7 MR. SMITH: There are hospital bills for the

8 period April 24, 1969; July 17 of '69; and

9 July, 1970.

10 THE COURT: All right.

11 MR. SMITH: Three separate bills, three

12 separate hospitalizations.

13 THE COURT: All as one exhibit, Plaintiff's

14 Exhibit Number 6, without objection.

15 WHEREUPON, PLAINTIFF'S EXHIBIT 6,

16 THE SAME BEING THREE HOSPITAL BILLS,

17 WAS MARKED FOR IDENTIFICATION AND

18 RECEIVED IN EVIDENCE WITHOUT OBJECTION.

19 MR. SMITH: This should have been with them,

20 it is an anesthesiologist charge for July 1970.

21 MR. SHERIDAN: No objection.

22 THE COURT: All right, that will be Exhibit

23 Number 7, without objection.

1 WHEREUPON, PLAINTIFF'S EXHIBIT 7,
2 THE SAME BEING A STATEMENT FROM THE
3 ANESTHESIOLOGIST, WAS MARKED FOR
4 IDENTIFICATION AND RECEIVED IN
5 EVIDENCE WITHOUT OBJECTION
6 Q (Mr. Smith continuing): Dr. Castro, can you say
7 with a degree of reasonable medical certainty, that the
8 injuries you diagnosed and treated were a result of the
9 automobile accident of April, 1968?
10 A Yes, sir.
11 Q Doctor, does your record indicate the number of
12 times that you saw the patient or the number of visits?
13 A About twenty-three times, with the exception
14 of hospital visits.
15 Q Does that include the times seen in the hospital?
16 A No.
17 Q Twenty-three times in the office?
18 A Yes, approximately. There is an itemized bill
19 here.
20 Q Okay. And what is the amount of your bill,
21 Dr. Castro?
22 MR. SHERIDAN: Your Honor, may I interrupt
23 before he says it?

1 THE COURT: Yes.

2 MR. SHERIDAN: Your Honor there are certain

3 report charges I object to, other than that I don't

4 have any objection.

5 THE COURT: I will strike those out.

6 Q (Mr. Smith continuing): Go ahead and tell what

7 it is.

8 A It is $1,260.

9 MR. SHERIDAN: Can we know the report amount?

10 Q (Mr. Smith continuing): Could you state that?

11 How much is the cost for the medical reports that you

12 supplied to me?

13 A $210.

14 THE COURT: All right. So that would make it

15 ten-fifty.

16 MR. SHERIDAN: Could the Jury be instructed to

17 disregard that?

18 THE COURT: The bill is for ten-fifty, members

19 of the Jury.

20 Plaintiff's Number 8, without objection.

21 WHEREUPON, PLAINTIFF'S EXHIBIT 8,

22 THE SAME BEING DR. CASTRO'S BILL,

23 WAS MARKED FOR IDENTIFICATION AND

RECEIVED IN EVIDENCE WITHOUT OBJECTION.

1 THE COURT: It shows ten-fifty-five, as a
2 matter of fact, is that right, or ten-fifty?
3 MR. SHERIDAN: I'd take either one, it doesn't
4 matter.
5 MR. SMITH: I'll take ten-fifty-five.
6 THE COURT: All right. Ten-fifty-five. Number
7 8.
8 MR. SMITH: Counsel may examine.
9 CROSS EXAMINATION
10 QUESTIONS BY MR. SHERIDAN:
11 Q Doctor, did you do a real total laminectomy?
12 A No, partial.
13 Q In fact, once you got the man opened up
14 surgically, you decided you shouldn't do a laminectomy,
15 isn't that true?
16 A No, no, no. A laminectomy, there are several
17 types of laminectomies. One is a total laminectomy, the
18 other is a partial laminectomy. We use partial
19 laminectomies for disc cases only.
20 Q When you had the myelogram done, the first
21 myelogram, isn't it true that your records indicate that
22 the so-called defect at L4 - L5 was judged to be the
23 result of the needle being there?

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 A That was the x-ray report.

2 Q In fact, you agreed with that too, didn't you?

3 A There was no clinical finding at that time for

4 a lumbar disc.

5 Q That's right, so when you told Mr. Smith that

6 there was, in the first myelogram, a defect at L4 - 5,

7 it's really because you had the benefit of a year later,

8 seeing another myelogram, a defect at L4 - 5, and then

9 going back and realizing that maybe it wasn't the needle,

10 isn't that true?

11 A Well, it is very difficult to determine if the

12 defect is due to the needle, that is the reason why it

13 was not called a defect, I mean it was described, it was

14 interpreted as being due to the needle insertion.

15 Q So the needle insert in the first myelogram was

16 judged to be the cause of the abnormal reading at L4 - L5?

17 A Yes.

18 Q And in fact, if you had known that there was an

19 L4 - L5 herinated disc at the time of the first myelogram,

20 you would have started treating the man and undergone

21 further diagnosis and efforts, wouldn't you?

22 A No.

23 Q You would not have?

1 A No, the defects were in the dorsal region.
2 There were none in the low back.
3 Q At the time of the first myelogram, even with
4 the myelogram helping you, the only problems that you
5 could see with this man was within the dorsal spine?
6 A That's right.
7 Q So then about a year later the second myelogram
8 told you that there was a herinated disc at L4 - L5?
9 A That's right.
10 Q And that is the first time that you put
11 symptoms, complaints, history and tests together and
12 diagnosed a herinated disc at L4 - L5?
13 A Well, there was a herinated disc there according
14 to the x-rays, but I did not think there was an indication
15 at that time for surgery.
16 Q When do you mean it was indicated on x-ray?
17 A On the second myelogram.
18 Q On the second myelogram?
19 A Yes.
20 Q And the myelogram too, besides the x-rays, that
21 showed you that there was a herinated disc?
22 A That's right.
23 Q And it was your judgment then that it should not

1 be operated on?

2 A My judgment, at the time he was with me, there

3 was not enough symptoms to operate.

4 Q Do you know why this man went to Dr. Swain and

5 Masterson and left you?

6 A No.

7 Q Did you have a conference when he stopped

8 seeing you?

9 A No. The last time he was in the office, he was

10 advised of the complications of re-exploration on the

11 dorsal area.

12 Q Doctor, isn't it true - - do you have a four

13 page report dated April 16, 1971, it may be more than

14 four pages; five pages?

15 A Yes.

16 Q Did you testify, in reply to Mr. Smith's

17 questions, did you refer to that to help you refresh your

18 memory?

19 A Yes, I have to. I went down the chart yesterday.

20 Q You reviewed these yesterday, so that you

21 would be able to know what we are talking about now, right?

22 A Well, for the second time yesterday.

23 Q And isn't it true sir that in the second sentence

1 of that report that is dated April 15, 1971 your
2 records say
3 "He stated that on May 25, 1968 he was in an
4 automobile accident and he hurt his back and neck."
5 Let me show you my copy. Did I just read that
6 second sentence?
7 THE COURT: I think he corrected that date on
8 his prior testimony.
9 MR. SHERIDAN: He did your Honor but I want
10 to know where in his records he corrected it.
11 WITNESS: What was the question?
12 Q (Mr. Sheridan continuing): Would you read to
13 the Jury the second sentence of your records?
14 A "He stated that on May 25, 1968 he was in an
15 automobile accident - - "
16 Q Now, you told us on Mr. Smith's question that
17 the date was wrong. Can you show us in your records where
18 the date has been corrected, or tell us why it was
19 corrected?
20 A The date, I was not familiar with that. It was
21 taken by my secretary, so it was copied from here.
22 Q It is actually handwritten in your own files?
23 A That's right.

1 Q Okay.

2 A But not by me.

3 Q Who told you the accident was April 13, 1968,

4 and when?

5 A April 13, 1968? Mr. Smith, the last time.

6 Q When he and I came to see you in May, back in

7 May?

8 A I don't remember that time, but I remember he

9 came yesterday to see me, he told me the accident was

10 April 13.

11 Q So Mr. Smith told you that the date that is

12 shown in your April '71 report is wrong?

13 A That's right.

14 Q The Plaintiff didn't tell you?

15 A No.

16 Q Mr. Raisovich didn't tell you?

17 A No. The history from this information from

18 my secretary at that time.

19 Q Doctor, you talked about epidural veins at the

20 dorsal area. Is the dorsal area the mid-back?

21 A We must say it is on the lower of the middle

22 back.

23 Q Is it above the waist?

Bobby McCune Block, Shorthand Reporter, 5600 Marble Arch Way, Alexandria, Virginia 22310

1 A Yes, about three inches above.

2 Q Is it below the shoulder blades?

3 A Yes.

4 Q So the operation that you performed, you say

5 that was a partial laminectomy?

6 A That's right.

7 Q Did you take out any disc?

8 A No.

9 Q Did you fuse anything?

10 A No.

11 Q You electrocoagulated epidural veins, is that

12 right?

13 A That's right.

14 Q That means that there were veins that were

15 affecting the man's spine?

16 A They were affecting the - - narrower on that level.

17 Q Did you make a judgment that his complaint and

18 symptoms in the dorsal spine were caused by those epidural

19 veins that you found when you opened him up?

20 A Yes, that was the only cause that we found

21 there.

22 Q Directing your attention to page four of your

23 record dated April 16, 1971.

1 A Yes?

2 Q Can I - - please correct me if I read this

3 incorrectly, tell me if I read your record right or not.

4 "Finally the patient had a dorsal laminectomy at

5 this level, showing that the dorsal defect was at the

6 level of large epidural veins, which origin was unknown."

7 A Read the next sentence please.

8 Q Just a minute, just a second please, I'll leave

9 that to Mr.Smith. This is your file, and these are your

10 records and notes dated April, '71, aren't they?

11 A That's right.

12 Q And when you wrote this in April of '71, you

13 then had knowledge that this man had had an accident

14 either in April or May of '68?

15 A Yes, sir.

16 Q Now Doctor, you talked about the straight leg

17 raising test, showing some restriction in the leg lifts,

18 as of November '70.

19 Had you ever done straight leg raising tests on him

20 before November of '70?

21 A Yes, sir.

22 Q Can you show me in your records where?

23 A On 9-22-69, the straight leg raising test - -

1 Q (interrupting): What was that date again?

2 A September 22, 1969.

3 Q And what is the straight leg raising test?

4 A Elevation of the lower extremity straight up,

5 and at the same time pushing the foot toward the patient's

6 head in order to stretch the back of the leg.

7 Q Does the patient lay flat on his back and

8 actually you lift the leg?

9 A That's right.

10 Q And the leg is extended straight, isn't it?

11 A Yes.

12 Q And you take it up as far as it will go without

13 pain, isn't that true?

14 A Yes.

15 Q And isn't that test designed to find whether the

16 man has a herinated muscle or disc, among other purposes?

17 A That's right. It is one of the, not typical but

18 it is very interesting to find it.

19 Q And on September 22, 1969, when you did have the

20 man raise his leg up, and you went through the straight

21 leg raising test, it did not show any signs of injury

22 at that time?

23 A Not at that time.

1 Q In fact, the first time you got any positive
2 reading on your straight leg raising test was in
3 November of '70, isn't that true, as far as the records
4 go?
5 A November what?
6 Q November, '70, isn't that right?
7 A On the right and left straight leg raising signs
8 was negative on 11-17-69.
9 Q So, on November 17, 1969, it was also negative,
10 there was no positive finding?
11 A Yes, sir. The right and left straight leg raising
12 signs were mildly restricted at forty-five degrees up.
13 THE COURT: What was the date of that?
14 WITNESS: That was on 11-2-70.
15 Q (Mr. Smith continuing): November 2 of 1970?
16 A That's right.
17 Q All right. Doctor, isn't it true that herinated
18 disc do not necessarily come from traumatic injury?
19 A That's right.
20 Q They can come, in fact, from wear and tear
21 can't they?
22 A Excuse me?
23 Q Just normal wear and tear.

1 A Well, it has to be a sick disc to come out.

2 Q Would it be better to say that you could get

3 a disc problem - - let me withdraw it.

4 So, when you were telling Mr. Smith, with reasonable

5 medical certainty the cause of these problems you talked

6 about, for which you treated Mr. Raisovich, you based it

7 partly on the history of an automobile accident, right?

8 A Yes.

9 Q And you based it on these answers?

10 A Yes.

11 Q Do you know that this man was in traction for

12 what he called a muscle pull, I think it was in 1965,

13 but in any event, it was before our accident?

14 A No.

15 Q Did you know that Dr. Mourot, of Prince Street

16 in Alexandria hospitalized Mr. Raisovich two or three

17 years before our accident for this so-called muscle

18 pulled?

19 A No, I don't.

20 Q Doctor, I think your records show that your

21 first exam of the man show no objective signs of injury

22 other than tenderness in the dorsal spine, is that true?

23 A Yes.

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 Q So you ran through a series of tests and
2 exams, and the only spot that you found that is called
3 an objective sign of injury was the dorsal spine tenderness?
4 A Yes, and the fact that he had the temporary
5 weakness of the lower extremities after the accident.
6 Q But you didn't see that and measure that, did you?
7 A No.
8 Q He told you that?
9 A Yes.
10 Q So that is subjective?
11 A Well, to me, yes, on that time.
12 MR. SHERIDAN: Thank you very much, Doctor.
13 REDIRECT EXAMINATION
14 QUESTIONS BY MR. SMITH:
15 Q Doctor, these reports or letters of yours did
16 not go to Mr. Raisovich, they went to me, did they not,
17 sir, these letters that you made up?
18 A Yes.
19 Q So there has been something made of the fact that
20 you have an error in the date of the accident. That was
21 something that was never stated to you until I brought
22 it to your attention, was it sir?
23 A That's right.

1 Q And you did not get that date directly from
2 Raisovich, that came through your secretary?
3 A That's right.
4 Q Somewhere in your office?
5 A That's right.
6 Q Now, there are other tests for the difficulty in
7 a lumbar disc, other than the leg raising test, are they
8 not?
9 A Yes.
10 Q What are they?
11 A The one we call the Lasegue's sign, which
12 consist of laying the patient on the back and bending the
13 knee, and then by bending the knee we straighten the
14 lower portion of the leg up, and at the same time, we
15 push behind the knee with the thumb in order to push the
16 sciatic nerve.
17 The patient who has sciatica, will scream of pain,
18 and the patient who does not have the sciatica, then we
19 have no difficulty.
20 Q Now, the myelogram is the test for the same thing?
21 A The myelogram, that's right.
22 Q How would you comment on its accuracy as opposed
23 to the leg raising test?

1 A I would say clinical findings are more important.
2 Q What do you mean by that, sir?
3 A Complaints of the patient, with radiation of
4 pain, changes in the reflexes and sensations and so forth.
5 Q Very well. There has never been any indication
6 to you or history, during the time that you observed
7 the patient of any other accidents causing the problems that
8 you diagnosed and treated, is that not true?
9 A No, just the occupation.
10 Q Well, he does hard work, is that not true?
11 A Well, his bending over continuously, the
12 flexion is over the dorsal region, dorsal area.
13 Q I understand that, but there was never any
14 indication to you, over the course of your treatment,
15 that he had been in any other accident?
16 A No, no.
17 Q Okay. And you found no signs of it in your
18 examinations, did you?
19 A That's right.
20 Q You don't know what his record was for
21 attendance at work between 1965 and the time you started
22 treating him, do you?
23 A No.

1 MR. SMITH: I think that is all.

2 RECROSS EXAMINATION

3 QUESTIONS BY MR. SHERIDAN:

4 Q Doctor, did you indicate that the bending over

5 at work would put some strain on the dorsal spine?

6 A On the dorsal-lumbar area, yes.

7 Q On the dorsal and lumbar area?

8 A Yes.

9 Q Doctor, I think Mr. Smith asked you about a

10 Lasegue test to reveal sciatica.

11 A Yes.

12 Q You rendered those when you thought they were

13 appropriate too, didn't you?

14 A That's right.

15 MR. SHERIDAN: That's all I have, thank you.

16 (Witness is excused.)

17 JAMES H. MASTERSON, M.D.,

18 called for examination by Counsel for Plaintiff and being

19 first duly sworn by the Clerk, was examined and testified

20 as follows:

21 DIRECT EXAMINATION

22 QUESTIONS BY MR. SMITH:

23 Q State your name and occupation, please.

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 A Dr. James H. Masterson, orthopedic surgeon.

2 MR. SHERIDAN: I will stipulate he is qualified,

3 and practices in this area.

4 MR. SMITH: All right.

5 Q (Mr. Smith continuing): Have you had occasion

6 since December of 1970 to have the Plaintiff, George

7 Raisovich as one of your patients?

8 A I have.

9 Q Would you tell the Court when you first saw him

10 and what history you obtained at that time?

11 A Saw him first on the second of December, 1970.

12 He told me that he had come for an independent opinion

13 of the residual of an injury he had on his back, which

14 he sustained on April 13, 1968, when he was struck from

15 the rear at a red light in Annandale, at the intersection

16 of Backlick and Braddock Roads, but was seen by Dr.

17 Tamariz of Alexandria, who was associated with Dr. Morgan

18 Delancy at the time.

19 He told me x-rays were taken and he was treated for

20 some time with heat and other conservative measures, but

21 his upper back became worse and he subsequently came under

22 the care of Dr. Castro, who had been following him since

23 that time.

1 He told me that studies, by introducing dye into
2 the spine were done in April of '69, and again in
3 August of '70.
4 Q That would be the myelogram, the first myelogram?
5 A Yes, sir. Those films were available for my
6 view at the date I saw him, and they did show a defect in
7 the region of D10 and 11, that is in the mid-dorsal spine,
8 which was subsequently explored by Dr. Castro, but the
9 patient was not sure of exactly what was found, but he
10 did state that he had continued pain in the area of D10-11
11 since the surgery.
12 At a repeat myelogram, which was done in August,
13 there was still some defect in the lower dorsal spine, but
14 another defect was present at the L5, S1 interspace,
15 suggested of a disc in the lower back area.
16 Q Did it come to your attention that that defect
17 had shown up on the first myelogram?
18 THE COURT: Sustained, the objection is sustained.
19 You have to rephrase that question and not lead the
20 witness.
21 Q (Mr. Smith continuing): Very well. Did it
22 come to your attention, at any time, any other defects in
23 the lower back area?

1 THE COURT: Did you say that you had an opportunity
2 to examine the myelograms in the hospital?
3 WITNESS: Yes.
4 THE COURT: Did you notice any other defects in
5 the first myelogram?
6 WITNESS: There was a suggestive defect in the
7 first myelogram at L4-L5.
8 THE COURT: All right. Go ahead, Mr. Smith.
9 Q (Mr. Smith continuing): Go ahead, Doctor.
10 A He also stated that a muscle test we call an
11 electromyelograph was done in August of '70, while at
12 Fairfax, which is reported as being negative.
13 The patient also told me that he had been wearing
14 a back support, but he did not have it with him on the
15 day I examined him, and I asked hi to bring it to my office
16 so I could evaluate it.
17 We reviewed the patient's past history. He said he
18 had been born and brought up in Annawalt, West Virginia.
19 He had an infection as a child, which caused the loss of
20 the fourth toe on the right foot.
21 Q That was caused by an infection?
22 A An infection.
23 Q Not an accident?

1 A But he was acceptable and served some time in
2 the service. He was injured in a jeep accident in 1954,
3 in which he fractured a rib, but he had no trouble with his
4 back while in service, nor until the accident.
5 He is married, and the father of a two year old boy
6 and he stated that since the accident he had lost some
7 twenty pounds, but he felt this was good. He stated his
8 general health was good and he had been unable to work
9 since the surgery in 1969.
10 On physical examination on that day, he was alert,
11 cooperative and appeared to be of his stated age. He
12 could bent forward to about eight inches from the floor,
13 and the bending was done in asymnetrical fashion. His
14 reflexes were equal in the knee and ankle and also in the
15 upper extremities.
16 A check with the back revealed a well healed midline
17 scar, which was tender to touching it. The low back
18 was not tender on that date. The leg lengths appeared to
19 be normal, and the neck on examination, showed only
20 minimal tightness.
21 I checked to see at that time if all the x-rays
22 which had been taken were available for review, and after
23 looking them all over, I felt that no true studies of the

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 low back had been taken that I felt were of diagnostic
2 quality and I asked that these be repeated.
3 These were taken and reviewed and they did show some
4 narrowing in the lumbar area between L4 and L5, and some
5 asymnetry of the facets as well.
6 I felt, after reviewing the entire picture, he was
7 still suffering from the result of his accident, and
8 because of the findings that further surgery could
9 well be in order.
10 It was my opinion at the time, that perhaps the
11 lumbar disc might be triggering the upper back and the
12 use of a proper fitting, low back support would be helpful,
13 and I felt this should be gone into more deeply as time
14 went on.
15 Q And did you proceed to do that or prescribe a
16 course of treatment at that time.
17 A I checked the brace which he had on the
18 4th of December. It was keeping the back in a little
19 hyperextension and we were able to modify it so it would
20 flatten his back a little bit. It was not the type of
21 brace that you could flatten easily, in that it had
22 projections that came around in the front, and I told
23 him I felt a new brace might well be in order.

1 Q Did you prescribe another brace?

2 A Not at that time, but I did later on during the
3 month of December. We constructed a different type of
4 brace that we call a modified Williams brace and we
5 checked that on him. And I asked him to wear this and
6 stay with exercises and see how he got along and return
7 for evaluation in approximately six weeks.

8 Q And did he do that?

9 A He did that and he was seen on the 12th of
10 February, 1971. He complained of pains in his back,
11 especially after he had been at work for four or five
12 hours.

13 However, if he would rest for a half hour or so, the
14 pain would subside and he would continue working. He
15 still had normal reflexes and the back was moving more
16 freely. I recommended that he continue to follow a
17 conservative program at that time.

18 Q When did you see him again after February, '71?

19 A He was rechecked on the second of April, '71,
20 having severe pain in the low back with point tenderness
21 over mid-dorsal spine, but also over the lower lumbar
22 segments, specifically 3-4, 4-5 and 5-S1. His reflexes
23 were remaining normal, but in the x-ray changes and the

Bobby McCune Block, Shorthand Reporter, 5600 Marble Arch Way, Alexandria, Virginia 22310

1 myelographic pattern which we know to be present, it was
2 my opinion at that time that exploration of the L4-5
3 interspace would be in order and that the disc would
4 probably have to come out and the back should be
5 stabilized.
6 I recommended that he be seen by another neurosurgeon,
7 and he was checked by Dr. Garrett Swain on the 8th of
8 April, 1971.
9 Q And did Dr. Swain also have available for him
10 the previous medical records?
11 A He did.
12 Q Did the Plaintiff, Mr. Raisovich, then indicate
13 that he wanted to proceed with the operation?
14 A He was continuing to be unable to do his work
15 as he felt he wanted to and he decided to go ahead and
16 have the surgery.
17 However, we felt that we should repeat this myelogram
18 and this was done after admission to National Orthopedic
19 Hospital.
20 Q What was the result of that? This is now the
21 - -
22 A (interrupting): The third myelogram.
23 Q (continuing): - - third myelogram, is it not?

1 A Yes.

2 MR. SHERIDAN: Could we have the dates, please?

3 WITNESS: Yes, you can. It was done on the 8th

4 of June, 1971.

5 Q (Mr. Smith continuing): What were the findings

6 from that myelogram procedure.

7 A It showed an hourglass deformity with bulging

8 on the crosstable films at L4-L5. A little bit clearer

9 than some of these initial films, but still at the same

10 level.

11 Q And what was your recommendation with respect

12 to procedure at that time?

13 A Well, this was confirmatory evidence that the

14 disc had not shifted and surgery was then carried out on

15 the 9th of June at the same hospitalization.

16 A protruding disc was removed at the L4-L5 level,

17 and stabilization was done, utilizing a graft from the

18 right posterior ileum.

19 Q Now, would you state what that is. You said there

20 was a graft from the right posterior ileum, would you

21 state that in lay terms?

22 A In the back part of the anatomy to the side of

23 the bone (indicating). You can feel the crest of the ileum,

an

1 and where it dips in it becomes part of the sacrum, and
2 this is where the bone is taken from.
3 Q And this bone, what did you do with it?
4 A We placed it between the spinous processes of the
5 fourth and fifth lumbar vertebrae.
6 Q Okay.
7 A He made reasonable progress, and was allowed to
8 go home from the hospital on the 18th of June.
9 Q Do your records show when he was admitted?
10 A Yes, sir. He was admitted on the 7th of June.
11 Q Now, how did he progress after he was released
12 from the hospital after this spinal fusion.
13 A He made reasonable good progress; he was
14 rechecked on the 13th of August, some two months after
15 his surgery. He still complained of some pain in his mid-
16 back and occasional right leg pain. But he had improved
17 enough by that time that I felt he probably could return to
18 light work, if they had any light work available.
19 I asked him to check with me two months later.
20 He was seen again on October 8, 1971 and he continued
21 to do well, but he complained of increasing pain in the
22 mid-dorsal spine. My notes at that time indicate this is
23 the site of the original operation by Dr. Castro. We had

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 been trying to obtain a copy of the operative report of
2 Dr. Castro's findings.
3 We did see some deformity in the myelogram we did
4 at that space, but it was not felt to be diagnostic.
5 Q At what space are you referring?
6 A D10 and 11, where he was complaining of pain on
7 the 8th of October, 1971.
8 Q All right. We recommended on that date that he
9 be seen on consultation by Dr. John Bucur for further
10 evaluation.
11 The patient himself felt that the source of pain
12 in the mid-dorsal area had not been discovered and that
13 further surgery would be helpful.
14 Q Did you consider this a possibility, a medical
15 possibility at that time?
16 A I felt it was possible. I did not feel, however
17 that, in this particular area, that surgery would be
18 helpful, and this is why I wished to get another opinion.
19 Q All right.
20 A Dr. Bucur checked him over on the 22nd of October
21 and found no evidence of neurological damage that would
22 make surgery warranted. And he seemed to understand that
23 there are some things surgery can do and some it can't do,

1 and he was anxious to carry on in a conservative fashion.

2 He was seen by me again on the 27th of December,

3 '71.

4 A trigger area in the mid portion of the dorsal spine

5 was injected on that day, and it was my opinion that he

6 was still not having enough trouble to warrant further

7 surgery.

8 Q All right.

9 A He was checked again on February 7, '72. The

10 low back appeared to be holding its own; he was still

11 complaining of pain in the mid-dorsal area. The pain

12 would disappear when the patient laid down and was not

13 terribly severe, but apparently it was bothering him enough

14 that he wished something done about it, and I asked

15 Dr. Bucur to re-evaluate him. This was done on the 25th

16 of February, and again it was not felt that any further

17 surgical procedure would be helpful.

18 We were opposed to cutting the nerves as causing

19 more problems, and felt because of the findings of

20 Dr. Castro, whose report we had received where he did have

21 some enlarged veins, that this could cause an inflammation

22 of the nerves that we call a neuritis, and it would be

23 preferable to treat this conservatively, rather than consider

Bobby McCune Block, Shorthand Reporter, 5600 Marble Arch Way, Alexandria, Virginia 22310

1 any operative management.

2 He was checked again on March 7. He had normal

3 reflexes at that time and I went over Dr. Bucur's report

4 with Mr. Raisovich, and I told him that although I felt

5 his back was not as good as it had been before he had

6 his problem, that he was doing very well considering the

7 problem he had. I recommended that he stay with his

8 back support and avoid extreme heavy lifting and that I

9 would check him in two months.

10 He was checked again on the 7th of June, 1972. He

11 had been seen in consultation by Dr. Engh at that time,

12 and Dr. Engh felt that there was some arthritis in the

13 dorsal spine. Dr. Engh had suggested that perhaps an

14 extended lumbosacral support would be helpful, and I

15 saw no reason not to try this and so such an order was

16 given. He was told to wear this for the next month or so

17 to see if he would get any significant relief and I told

18 him I would check him again in six weeks.

19 The patient was checked again on the 23rd of August,

20 1972. He did feel that the extended support took some

21 strain off his back, and there was very little change

22 from the examination of June 7.

23 I recommended that he have bending films taken

1 shortly after that visit, and these were obtained on the
2 6th of October, and they show solid stabilization at
3 4-5 and 5-1.
4 Q That is in which part of the back?
5 A Lower lumbar area.
6 Q Very well. Did you see him in September of this
7 year?
8 A September 20th was his last visit.
9 Q How was he doing at that time?
10 A Doing well; he still had some discomfort.
11 Q Did he have any complaints at that time about
12 any specific activity?
13 A Not that I recorded.
14 Q I have a copy of the report here.
15 (Mr. Smith hands document to witness.)
16 WITNESS: We are talking about two different
17 reports, one in August and one in September.
18 Q I am referring to the one in September.
19 A Oh, we have not testified to that as of the
20 moment.
21 Q I'm sorry.
22 A My note on that date stated that the patient was
23 riding toward Warrenton and he had some pains start in his

1 low back and radiated down the sciatic nerves. We checked
2 his reflexes and they were normal, and I did not wish
3 to get any x-rays at that time, unless there was more
4 spasms than he now shows. I felt that he may have had some
5 scar tissue pulled loose and gave him a temporary increase
6 in symptoms. I stated that if he did not improve, x-rays
7 of the back should be repeated.
8 Q What would you say Mr. Raisovich's present
9 condition is, Dr. Masterson?
10 A I think his present condition is relatively good.
11 He does have a back that has had to have surgery, and
12 it is not as good as a back that did not require it.
13 However, I think he is - -
14 Q (interrupting): Is that a permanent condition?
15 A It is a permanent condition. I feel he is more
16 vulnerable than the ordinary man who has not had surgery,
17 and this will continue for an indefinite period.
18 Q Very well, sir. Are there things that he could
19 do prior to the accident that he cannot do now?
20 A Primarily, it would be a matter of his stamina
21 and staying power. He can do most everything he did, but
22 he cannot do it for as long, nor be as vigorous about it.
23 Q Very well. Are you aware of any change in his

1 employment situation?

2 A No, I am not.

3 Q Very well. You are aware that he was off work

4 for periods of time?

5 A Yes, I am.

6 Q And this was a medical necessity, was it not,

7 sir?

8 A I feel that it was.

9 Q Dr. Masterson, can you say with a reasonable

10 degree of medical certainty, based on your examination

11 and your examination of past medical records in this case,

12 that the injuries you have diagnosed and treated are the

13 result of the automobile accident of April, 1968?

14 A It would be my opinion that the precipitation

15 cause of Mr. Raisovich's trouble began with the time of

16 his accident.

17 Q Very well, sir. What is your prognosis for the

18 future for Mr. Raisovich?

19 MR. SHERIDAN: No objection to these bills being

20 submitted.

21 WITNESS: My prognosis for the future is relatively

22 good. He will not have guarantee that he will not

23 have further trouble, but then, none of us have that.

1 Q (Mr. Smith continuing): Would he need another
2 operation in the future?
3 MR. SHERIDAN: Is the doctor testifying to these
4 with reasonable medical certainty?
5 THE COURT: Right. Go ahead and ask your
6 question.
7 WITNESS: I don't have a crystal ball, Counsellor;
8 I have no idea.
9 Q (Mr. Smith continuing): Very well, sir. Does
10 your record indicate the number of visits by Mr. Raisovich
11 to you, Dr. Masterson?
12 A It does.
13 Q Do you have that number, sir?
14 A I haven't totaled it up.
15 Q What is the amount of your bill?
16 A Total charges to date are $830.50. Total
17 credits are $768.50. Balance due, $62.00.
18 Q $830 was your total bill?
19 A Yes, sir.
20 Q Is Mr. Raisovich still under your care?
21 A Yes, he is.
22 Q Very well, sir.
23 I would like to offer those on behalf of the Plaintiff

1 the hospital bill from National Orthopedic Hospital in the
2 amount of $1,431.20. Also from National Orthopedic
3 Hospital, bills for two braces in the amount of $87.50.
4 If your Honor please, we will agree to strike the
5 charges for medical support submitted to the Plaintiff in
6 Dr. Masterson's bill.
7 MR. SHERIDAN: Whatever they are.
8 THE COURT: All right. His bill will be Number
9 9.
10 WHEREUPON , PLAINTIFF'S EXHIBIT 9,
11 THE SAME BEING DR. MASTERSON'S
12 STATEMENT, WAS MARKED FOR IDENTIFICATION
13 AND RECEIVED IN EVIDENCE WITHOUT OBJECTION.
14 THE COURT: The hospital bill from Anderson's
15 Clinic is 10.
16 WHEREUPON, PLAINTIFF'S EXHIBIT 10,
17 THE SAME BEING THE STATEMENT FROM THE
18 ANDERSON CLINIC INCORPORATED, WAS MARKED
19 FOR IDENTIFICATION AND RECEIVED IN
20 EVIDENCE WITHOUT OBJECTION.
21 THE COURT: The brace then is 11.
22 WHEREUPON, PLAINTIFF'S EXHIBIT 11,
23 THE SAME BEING A STATEMENT FOR A BRACE

DEFENDANT'S EVIDENCE

	Page
OTTO A. ENGH, M.D.	
Direct Examination by Mr. Sheridan	189
Cross Examination by Mr. Smith	194
Redirect Examination by Mr. Sheridan	202
Recross Examination by Mr. Smith	206
EDWIN CHESTER GIDDINGS	
Direct Examination by Mr. Sheridan	209
Cross Examination by Mr. Smith	215
Redirect Examination by Mr. Sheridan	219
Recross Examination by Mr. Smith	220

PLAINTIFF'S EXHIBITS		Page Marked
1	The same being a Wage Loss Report	41
2	The same being Prescription Receipts	42
3	The same being a Statement from Brumer Brace Company	42
4	The same being Dr. Tamariz's Bill	95
5	The same being a Statement from Delmart Laboratory	96
6	The same being Three Hospital Bills	131
7	The same being a Statement from the Anesthesiologist	132
8	The same being Dr. Castro's Bill	133
9	The same being Dr. Masterson's Statement	165
10	The same being the Statement from Anderson Clinic	165
11	The same being a Statement for a Brace	165

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 WAS MARKED FOR IDENTIFICATION AND

2 RECEIVED IN EVIDENCE WITHOUT OBJECTION.

3 MR. SMITH: You may examine, Counsellor.

4 CROSS EXAMINATION

5 QUESTIONS BY MR. SHERIDAN:

6 Q Doctor, did you consult with Dr. Castro regarding

7 this patient?

8 A Yes, I did talk to Dr. Castro.

9 Q On how many occasions?

10 A One.

11 Q Did he tell you what he had done during this

12 dorsal surgery?

13 A We had trouble finding out exactly what was

14 done.

15 Q In fact, you had trouble getting his report?

16 A We did.

17 Q And the operative summary?

18 A We did.

19 Q And when you finally did get it, was it your

20 opinion that he had done a total laminectomy?

21 A It was not my opinion that a total laminectomy

22 had been done.

23 Q Did he tell you that he had electrocoagulated

1 some epidural veins?

2 A Not according to some notes that I have. I have

3 his reports and I don't recall reading that.

4 Q Did your examination reveal that man has any

5 fusion or regity in the dorsal area as a result of

6 Dr. Castro's surgery?

7 A There was no attempt made to fuse the area

8 at the time of Dr. Castro's surgery.

9 Q Did he have all the discs and spinal material

10 in the dorsal region that he would have if the surgery

11 had not been performed by Dr. Castro?

12 A As far as I know, yes.

13 Q Doctor, when you have a herinated disc at

14 L4-L5 and you are attempting to diagnose the cause of

15 it, is it significant how long after an accident such

16 as ours, the first objective findings are made?

17 A Not necessarily, no.

18 Q Would you say the man could go as long as three

19 or four years and have no objective findings whatever,

20 and that you would still relate it to an automobile

21 accident.

22 A No, I don't think that would necessarily follow.

23 Although, this is not beyond the realm of possibilities.

1 THE COURT: Well, let's stay within the realm
2 of reasonable medical certainty.
3 Q (Mr. Sheridan continuing): Doctor, isn't it
4 true that if an automobile in 1968 had herinated a disc
5 in this man at L4-5, that there would have been some
6 objective findings before November '70, for instance in
7 a straight leg raising or Lasegue test?
8 A Well Counsellor, let's not argue the facts.
9 He did not have positive findings of a straight leg
10 raising test even when - -
11 Q (interrupting): That's not my question - -
12 THE COURT: Wait a minute Doctor, you are not
13 answering the question.
14 WITNESS: Yes I am.
15 THE COURT: Repeat the question, please.
16 Q (Mr. Sheridan continuing): If an accident in
17 April, '68, which we know to have happened in this case
18 is followed without any objective finding until November
19 2 of 1970, according to Dr. Castro's testimony, and the
20 test included straight leg raising test and I think it
21 is a Lasegue, correct me if I am wrong; that on November
22 2 of '70, taking into account that this man has been
23 working in some physical capacity during that time, during

1 '68 and '70, isn't it significant to you that there were
2 no objective findings between November 2 of '70
3 and assume those facts to be true?
4 A Yes and no.
5 Q Well, okay. Now let's - - okay.
6 How long after a traumatic incident like, you know,
7 we've got a rear end collision, we know that, would you
8 normally, within the realm of reasonable medical certainty
9 that we have to talk about, should there have been
10 objective findings in the man's lower back, or in his legs
11 or in his hips?
12 MR. SMITH: Well, if your Honor please, I think
13 that isn't quite what the facts of the matter is,
14 because there are objective findings. There was
15 defects noted at L4 and L5 in the first myelogram.
16 MR. SHERIDAN: Dr. Castro said it was a needle,
17 your Honor.
18 For my questions, I think we should stay with
19 the facts as I have stated them.
20 THE COURT: I don't think anybody stated what
21 they were with reasonable medical certainty. Go
22 ahead. I think the question is proper.
23 MR. SHERIDAN: I am sort of lost now, could I

1 hear it again?

2 WHEREUPON THE REPORTER READ

3 BACK THE LAST QUESTION

4 WITNESS: This would be the usual case.

5 Q (Mr. Sheridan continuing): And when you give

6 a causal diagnosis in cases like this, you are, at least

7 partially, considering history in making these diagnosis,

8 aren't you?

9 A Yes.

10 Q Isn't it true that it is not necessary that any

11 traumatic incident happened to a man for him to have a

12 herinated disc at L4-5?

13 A That is true.

14 Q In fact, isn't it true that the majority of

15 herinated disc come about without trauma? Correct me if I

16 am using the word majority.

17 A Counsellor, I don't think we can discuss that

18 unless you perfer to define trauma in a strict sense.

19 Q I can't do it.

20 A All right.

21 Q Any time you see L4-5 disc and you operate on

22 them in incidents where you do not have a history of some

23 specific injury starting them, isn't that true?

1 A That is true.

2 Q Did you know that this man had been in traction

3 under Dr. Mourot's care for sometime about three years

4 before our accident?

5 A No, I did not.

6 Q When you wanted a neurological consultation,

7 why did you use Drs. Bucur and Swain, rather than

8 Dr. Castro?

9 A I routinely work with them.

10 Q Was it anything that the patient expressed by

11 way of preference?

12 A No, sir.

13 Q Doctor, I think you told us in August, '71,

14 October, '71 and a later date in '71, February of '72 that

15 the man continued to complain of mid-dorsal pain, and it

16 seemed to be located around an incision made by Dr. Castro?

17 A Yes, sir.

18 Q Was that his prime complaint on those dates?

19 A Yes.

20 MR. SHERIDAN: That's all I have. I thank you

21 very much.

22 REDIRECT EXAMINATION

23 QUESTIONS BY MR. SMITH:

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 Q Just one question, Doctor. You said in making
2 your diagnosis you considered the history, including the
3 automobile accident. There is nothing unusual in that,
4 that is accepted medical practice, is it not?
5 A I think it is.
6 MR. SMITH: Very well, that's all.
7 THE COURT: All right, you may step down.
8 (Witness is excused.)
9 THE COURT: We'll take a temporary recess.
10 WHEREUPON AT THIS POINT IN THE PROCEEDINGS
11 AND AT 3:18 P.M. A TEMPORARY RECESS WAS
12 DECLARED AFTER WHICH TIME AND AT 3:30
13 P.M. THE FOLLOWING PROCEEDINGS WERE HAD.
14 GARRETT MICHAEL SWAIN, M.D.,
15 called for examination by Counsel for Plaintiff and being
16 first duly sworn by the Clerk, was examined and testified
17 as follows:
18 DIRECT EXAMINATION
19 QUESTIONS BY MR. SMITH:
20 Q Will you state your full name and your
21 profession please?
22 A Garrett Michael Swain. I am a doctor of medicine.
23 MR. SHERIDAN: I will stipulate that he is not

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 only a doctor of medicine but a qualified neuro-
2 surgeon practicing in this area.
3 Q (Mr. Smith continuing): Dr. Swain, have you
4 had occasion and do you have occasion to have
5 Mr. Raisovich, the Plaintiff in this case, as your
6 patient?
7 A Yes, sir.
8 Q When did you first see him?
9 A I first saw him in my office on the 8th of
10 April, 1971.
11 Q Had he come there by way of referral by way of
12 some other doctor?
13 A Yes, sir, he had been referred by Dr. James
14 Masterson.
15 Q Very well, sir. And did you ever take a history
16 from the man at that time, sir?
17 A Yes, sir.
18 Q What history did you receive from him?
19 A He stated that on the 13th of April, 1968, he
20 had been involved in a rear end collision. He had
21 subsequently developed a back discomfort and was treated
22 by Dr. Ernesto Castro.
23 A myelogram had been done at the Alexandria Hospital on

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 Seminary Road in April of 1969, and in July of 1969,
2 a thoracic laminectomy had been done. He continued to
3 have discomfort in the back and a repeat myelogram was
4 done at the Fairfax Hospital in August of 1970.
5 An electromyelograph was also done at Fairfax Hospital
6 in August of 1970, which was reported as being negative.
7 Q What is an electromyelograph?
8 A An electromyelograph is a test to indicate
9 whether there is irritation of a nerve or a nerve root.
10 The way it is done, is a small needle electro is
11 placed in the muscle, and we know what a resting record
12 should look like, and the patient is asked to move that
13 particular muscle, and by watching on a cyloscope and
14 listening to a - - it is usually hooked up to a microphone
15 or amphlifier also, it makes a noise very much like
16 static. There are normal patterns that occur when a nerve
17 has been damaged.
18 Q And this test was negative?
19 A It was reported as being negative.
20 Q Go ahead.
21 A He had first seen Dr. Masterson on the 2nd of
22 December, 1970, and had last been seen on the 2nd of
23 April, 1971, shortly before my examination.

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 His chief complaint at the time of my examination
2 was of low back discomfort, and occasionally some dis-
3 comfort into the left foot. He felt that his condition
4 was about the same as the preceeding August. He was on
5 no medication at the time of my examination.
6 Q Did you have available to you the past medical
7 records and history concerning this patient?
8 A Not at that time, other than the report from - -
9 I have a letter here from Dr. Masterson dated April 2,
10 1971, and I think this was - - I had this on hand,
11 and I think the remainder of the history was as I obtained
12 it from Mr. Raisovich.
13 Q All right, sir. Did you have occasion at any
14 time to go back over the prior records?
15 A Subsequently the records of Dr. Castro's surgery
16 were obtained, and I have copies of those in the records
17 here.
18 Q And you did consider those in your diagnosis and
19 treatment, is that not true?
20 A Yes, sir.
21 Q Now, after your first examination, then what
22 action did you take in respect to this patient?
23 A I felt that if Dr. Masterson contemplated doing a

1 spinal fusion because of his back discomfort, that I didn't
2 feel it would be worthwhile to, or attempt to explore the
3 nerve roots at the time of my initial examination.
4 Q So when did you then have the next contact with
5 the patient?
6 A He was examined on the 3rd of May. The myelogram
7 at that time was reported as showing a central defect at
8 the L4-L5 level, without other abnormality.
9 Q Now, this was based on prior medical evidence?
10 A This was the myelogram that was done between
11 the time I saw him originally and the next note that I
12 have in the chart.
13 Q All right.
14 A And the myelogram was abnormal, and I felt that
15 in the face of an abnormal myelogram, if Dr. Masterson
16 was going to do a spinal fusion on the patient as he had
17 indicated, that the nerve roots should be explored at that
18 time.
19 It is not usually a good thing to do, to do a fusion
20 in the presence of an abnormal myelogram at least without
21 looking to see why the myelogram is abnormal.
22 Q What was abnormal in the myelogram?
23 A There was a filling defect.

1 Now, I don't know what testimony has gone ahead
2 of me, but a myelogram is a special kind of an x-ray.
3 If we take an x-ray of a patient's back, we see the
4 bones, but we don't see the intervertebral discs and we
5 don't see the nerve roots. An x-ray is a shadow picture.
6 The bones throw a shadow on the x-ray plate and this is
7 what we see.
8 We put a dye into the patient's back. First, your
9 spinal cord ends at the level of the waist, and from
10 there down you don't have a spinal cord, you have a sac,
11 in which the nerve roots that are going to run your
12 legs float, and they have come out of the spinal cord
13 above.
14 If we put a dye into that sac, then under a fluoroscope
15 we will be able to see the outline of the sac. Each
16 nerve root, as it comes out, one on each side and runs
17 into a thing in front of your hip that looks like a rail-
18 road yard, has a little sleeve with it. If there is
19 something squeezing the nerve root or the sac containing
20 the nerves, then the dye will come down and flow around
21 that, and this is what I refer to as a filling defect.
22 In Mr. Raisovich's case, between the fourth and fifth
23 lumbar vertebra , there was such a filling defect.

1 Dr. Masterson was contemplating doing a fusion because
2 of the persistance of his back discomfort, and I felt
3 under those circumstances, in the presence of an abnormal
4 myelogram, that we should indeed take a look at that
5 interspace, that disc and those nerve roots.
6 Q And that defect indicated, indicated what,
7 medically?
8 A That there was something that was causing
9 pressure on the nerves.
10 Q Now, did there come a time when the operation
11 on the lower part of the back was performed?
12 A Yes.
13 Q And you were there and participated?
14 A Yes, sir. Dr. Masterson and I did it as a
15 combined procedure. I did the initial laminectomy and
16 the decompression of the nerve roots. This was done on
17 the 6th of June, 1971.
18 Q All right.
19 A And Dr. Masterson then performed the spinal
20 fusion.
21 Q All right. Now, would you state in lay terms
22 precisely what you did?
23 A The disc is the washer between the vertebrae

1 we have five lumbar vertebrae, these are the ones that
2 don't have ribs on them. They are counted from above to
3 below, and the last one attaches to the sacrum, which is
4 the shield shaped bone which is part of your pelvis.
5 Between the fourth and fifth lumbar vertebra on the
6 myelogram, there was a so-called filling defect. My
7 operative notes indicated that there was a bulging
8 intervertebral disc lying almost mid-line. The annulus,
9 this is the thing that holds the disc in place, was incised
10 and the disc material removed with pituitary forceps.
11 Pituitary forceps are like long aligator forceps. They
12 have little biters on the end and you can reach in small
13 holes with them.
14 At the conclusion of this procedure the nerve root
15 was free. Dr. Masterson then entered the operation to
16 perform a stabilization.
17 So there was a protrusion of the intervertebral disc
18 between the fourth and fifth lumbar vetebra; it was
19 almost mid-line; this would produce primarily back
20 discomfort, rather than leg discomfort. If it is out
21 to one side, then usually most of the discomfort is down
22 the leg on the side of the protrusion.
23 Q What do you mean by discomfort, sir?

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 A Pain.

2 Q Did you continue to see the patient while he

3 was in the hospital duruing his recovery period?

4 A Yes, sir.

5 Q And how did he progress?

6 A My notes indicate that he did satisfactorily

7 while he was in the hospital.

8 Q Very well, sir. Did you prescribe any

9 treatment, or did Dr. Masterson?

10 A Dr. Masterson handled him following his discharge

11 from the hospital. Usually when a fusion is done the

12 orthopedic surgeon will be in charge of the patient's

13 post-operative course, unless there is some indication

14 of further nerve roots involvement or damage.

15 Q Very well, sir. Have you seen him since that

16 time, sir?

17 No, sir. My partner, Dr. John Bucur did see him

18 subsequently though, on the 22nd of October, 1971.

19 Q All right. I think Dr. Masterson has touched

20 on that.

21 What was his condition the last time you saw him?

22 A The last time I saw him he was more or less

23 immediately post-operative. He was improved over his

1 condition prior to surgery. He was still somewhat
2 sore. He was not having any leg pain at that time.
3 Q But he was sore where?
4 A In the operative area, where his surgery had
5 been done.
6 Q Is that a painful operation?
7 A I think that is a relative thing. It depends
8 on the patient. Some people have very little pain
9 after it, others have a great deal.
10 I would say it is a major surgical procedure and
11 there is a certain amount of pain and discomfort with
12 it, yes.
13 Q Very well, sir. Dr. Swain, can you say with
14 a reasonable degree of medical certainty if the operation
15 you assisted in performing, based on your knowledge of
16 prior medical records and of your examination of the
17 patient, was a result of his accident in April of 1968?
18 A I think it is medically probable that it was.
19 Q You have no reason to believe that it came from
20 any other cause?
21 A No, sir, I do not.
22 Q Do you have a prognosis for the future for
23 Mr. Raisovich?

1 A I would rather leave that to Dr. Masterson.
2 I really have not examined him carefully or closely in
3 the ensuing months.
4 Q What is the sum of your bill, sir?
5 A I don't have a copy here.
6 MR. SHERIDAN: I have no objection to this.
7 THE COURT: All right.
8 MR. SHERIDAN: If he wants to refresh his
9 recollection it is all right.
10 Q (Mr. Smith continuing): Your office sent
11 me one, Dr. Swain, is that it?
12 A Yes, that is it.
13 Q And what is the amount?
14 A $770.
15 MR. SMITH: Thank you, sir.
16 THE COURT: All right, that will be admitted
17 as Plaintiff's Exhibit 12.
18 WHEREUPON, PLAINTIFF'S EXHIBIT 12,
19 THE SAME BEING THE STATEMENT FROM
20 DR. GARRETT SWAIN, WAS MARKED FOR
21 IDENTIFICATION AND RECEIVED IN
22 EVIDENCE WITHOUT OBJECTION.
23 MR. SMITH: Your witness.

1 CROSS EXAMINATION

2 QUESTIONS BY MR. SHERIDAN:

3 Q Doctor, did you have an opportunity to review

4 the operative summary of Dr. Castro's dorsal surgery?

5 A Yes, I did.

6 Q Was that a laminectomy?

7 A Yes, sir.

8 Q Was it a partial or total?

9 A I think it was a partial as the description is

10 given.

11 Q Did the man continue to complain of dorsal

12 pain, as far as you know?

13 A There was some, although at the time I examined

14 him, his primary discomfort was of lumbar pain, which

15 would be lower down.

16 Q Low back?

17 A Yes, sir.

18 Q Doctor, in the course of diagnosing the causes

19 of herinated discs, is it true that the majority of

20 herinated discs do not have an identifiable trauma as

21 their cause?

22 A I wouldn't say the majority of them. I think

23 that probably the majority of them do have an injury which

1 you can pinpoint as the cause. I think there is a
2 significant number that come on insidiously, as the
3 patient has no recollection of such an injury, yes.
4 Q Assuming that there was an automobile accident
5 April 13, 1968 in which these two gentlemen were involved,
6 and that following that, the Plaintiff continued to work
7 as either a mechanic or in some capacity, working on
8 railroad doors on a boxcar, from then, was sometime off
9 from work sporadically, through November 2, 1970, and it
10 is in the record what the dates are, I'll accept the
11 record what the dates are, but more or less regularly
12 worked; and that he was seen by the neurosurgeon,
13 Dr. Castro, and that Dr. Castro, during that period
14 undertook straight leg raising test and a test called the
15 Lasegue test and other examinations, and that until
16 November 2, 1970, Dr. Castro said there was no objective
17 finding of any lumbar disc.
18 Now, would that weaken your causal tie-in, in your
19 expert opinion with reasonable medical certainty, between
20 the April 13 accident, in 1968, and the disc problem you
21 saw in '70-'71?
22 A Well, there is one other bit of information.
23 Q Make me give it to you please.

1 A All right. Dr. Castro's myelogram, prior to the
2 time that he did his surgery, showed a defect in the
3 dorsal spine where he did the surgery.
4 The myelographic report also indicates at that time
5 that there was a defect at the 4-5 level.
6 Q But assume please - - we know that, that is
7 in evidence, but assume that Dr. Castro has said that the
8 defect shown at L4-L5 in '69, was in his judgment caused
9 by the needle.
10 A Yes.
11 Q And then he said, in evidence, that there were
12 no objective findings until November 2, 1970. Would you
13 then still relate causally this man's lumbar disc problem
14 to the accident in April, 1968?
15 A Well, again I have to qualify what you are
16 giving me. The patient had a mid-line protrusion or a
17 mid-line defect in the myelogram when Dr. Castro did it.
18 I know that Dr. Castro felt in view of the other defect
19 that that was the needle defect.
20 I think in second guessing Dr. Castro, since the
21 second myelogram was done, that in truth that was not
22 a needle defect, and that it was, at that time, a
23 myelographic defect caused by a disc protrusion, and you

1 can't tell the difference. I can't tell it, nobody can
2 tell it and Dr. Castro's assumption was perfectly
3 reasonable at that time. Now, again, if I am testifying
4 the way I feel now, after having second guessed him - -
5 Q (interrupting): I understand.
6 A I am saying that he is perfectly competent, but
7 I think he made a mistake in saying at that time that it
8 was a needle defect. I don't think it was.
9 Q Okay. The Jury I'm sure understands that.
10 But taking my hypothetical question to you as an expert on
11 the basis of Dr. Castro's reading - - but you didn't see
12 this man until how long after the accident?
13 A It must be two years.
14 Q All right. Taking what Dr. Castro's opinion was,
15 to be a fact.
16 A Yes.
17 Q Isn't it true then that you would have difficulty
18 relating the lumbar disc to the automobile accident?
19 A Very much so, if there had been no defect at
20 4-5 at the original myelogram, and then later a myelogram
21 was done and there was a defect there, then I would have
22 some difficulty in relating the two.
23 But since it was there originally, even though it was

Bobby McCune Block, Shorthand Reporter, 5600 Marble Arch Way, Alexandria, Virginia 22310

1 interpreted as a needle defect, and then it was there
2 subsequently, I think it was there from the beginning.
3 Q And that is your interpretation, but you are
4 not saying the interpretation of the needle causing the
5 L4-5 reading is wrong, are you?
6 A No, sir.
7 Q They are both legitimate medical readings?
8 A Right.
9 Q Doctor, how long after a traumatic incident,
10 assuming a traumatic incident causes the lumbar disc,
11 how long after should a man start complaining of
12 symptoms, assuming that he goes to work within seventy-two
13 hours after the accident, and in fact doesn't miss aday
14 of work for the months immediately following the accident,
15 how would you expect - - when would you expect to
16 hear symptoms from a man who works with his body all day?
17 A I think that a patient would normally be
18 complaining of back discomfort fairly promptly after the
19 injury. Whether that would keep him from working or not
20 depends upon the make-up of the individual.
21 Q What is prompt?
22 A I think with most injuries forty-eight - seventy-
23 two hours.

1 Q And specifically related to a herinated lumbar
2 disc, does that time period apply to that too?
3 A I think as a general rule with an injury that
4 you can take this for granted. There are always exceptions,
5 of course.
6 Q I know that.
7 A Okay.
8 Q Doctor, did you get a history from this man,
9 and I think I am quoting from your report dated 13 April,
10 '71 that he sustained - - second page, at the top of it,
11 Doctor.
12 A All right, sir.
13 Q In a jeep, in 1954, he suffered a fractured rib
14 and had an injury to his back?
15 A Yes.
16 Q Did he tell you that?
17 A Yes.
18 Q In 1965 he had had a pulled muscle with back
19 discomfort for two or three days and was hospitalized
20 at the Alexandria Hospital, did he tell you that?
21 A Yes, sir, he did.
22 Q Did he tell you he was in traction in 1965?
23 A I don't have that in my records. I would suspect

1 that if he had been in the hospital for two or three days
2 he probably would have been put in traction.
3 Q Did you know that Dr. Mourot had treated him
4 at that time?
5 A No, my records do not indicate who treated him.
6 MR. SHERIDAN: That's all I have, I thank you
7 Doctor.
8 MR. SMITH: Thank you Dr. Swain.
9 THE COURT: You may step down.
10 (Witness is excused.)
11 MR. SMITH: Plaintiff rests.
12 MR. SHERIDAN: Your Honor, in the interest of
13 time, could I put Dr. Engh and my client on without
14 waiving my motion?
15 THE COURT: Yes.
16 MR. SHERIDAN: I call Dr. Engh.
17 DEFENDANT'S EVIDENCE
18 OTTO ANDERSON ENGH, M.D.,
19 called for examination by Counsel for Defendant and being
20 first duly sworn by the Clerk, was examined and testified
21 as follows:
22 EXAMINATION BY COUNSEL FOR DEFENDANT
23 QUESTIONS BY MR. SHERIDAN:

1 Q Would you tell the Jury your full name and
2 profession please?
3 A Otto Anderson Engh and I am an orthopedic
4 surgeon.
5 Q Where do you practice?
6 A The Anderson Clinic.
7 Q What is your relationship to the Anderson
8 Clinic?
9 A I am the founder.
10 Q For how long have you practiced orthopedic
11 surgery?
12 A Thirty-seven years.
13 Q How long have you practiced orthopedics in
14 the Northern Virginia area?
15 A Thirty-five years.
16 Q What, if any, background do you have in the
17 diagnosis and rating of injuries for government agencies?
18 Would you repeat that?
19 Q What, if any, background and experience do you
20 have as a consultant, a consulting physician for government
21 agencies on traumatic injuries and related problems?
22 MR. SMITH: I will stipulate that he is qualified.
23 Q (Mr. Sheridan continuing): Doctor, did you see

1 Mr. George Raisovich on or about December 7, 1971 at
2 my request?
3 A Yes.
4 Q Did he give you a history?
5 A Yes.
6 Q Did he tell you he had been seen by Dr. Tamariz,
7 Dr. Castro, Dr. Masterson and Dr. Swain?
8 A Yes.
9 Q Did he tell you about dorsal surgery and lumbar
10 surgery?
11 A Yes.
12 Q And did you render a report as a result of
13 seeing this man?
14 A Yes.
15 Q Did the patient - - excuse me. Did Mr. Raisovich,
16 when he saw you, deny any previous injuries to his upper
17 or lower back?
18 A Yes, he denied any previous injuries to the
19 upper or lower back.
20 Q Was this history given to you?
21 A Yes.
22 Q Doctor, did you learn through talking to
23 George Raisovich and through medical records that

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 Dr. Castro had provided you, that Dr. Castro did a
2 dorsal surgical procedure on this man and found large
3 epidural veins present around D10 and D11?
4 A Yes.
5 Q What, if any, relationship based upon your
6 knowledge of Dr. Castro's records and what Mr. Raisovich
7 told you and you found in examining Mr. Raisovich and
8 your expert opinion, with reasonable medical certainty
9 on all this, please, what relationship is there between
10 the presence of large epidural veins at D10 -11 and an
11 automobile accident on or about April 13, 1968?
12 A Large epidural veins in that area would be
13 extremely unusual. It is not usually related to trauma.
14 Q What is usually the cause of large epidural
15 veins?
16 A Usually it is a congenital abnormality. They
17 sometimes increase as a person gets older.
18 Q What is congenital?
19 A Something a person is born with.
20 Q Would you then causally relate, with reasonable
21 medical certainty the large epidural veins and the
22 automobile accident that youbknow about in April of 1968,
23 or to something else?

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 A I don't think it is due to an automobile
2 accident. It is not usually due to trauma.
3 Q Doctor, are you aware that Dr. Masterson and
4 Dr. Swain cooperated and did a fusion and laminectomy on
5 this man's lumbar spine?
6 A Yes.
7 Q What, if any, arthritis did you find in this
8 man's back?
9 A Well, he had evidence of arthritis.
10 Q How did you find it?
11 A By x-ray.
12 Q And can you identify the date and the cause - -
13 excuse me the date of the onset of the arthritis, or the
14 cause of the arthritis?
15 A I can't give the date of the onset of the
16 arthritis, except to say it is of a long duration.
17 Q Would it predate April 13 of 1968?
18 A Yes.
19 Q And this is something you could see on x-ray?
20 A Yes.
21 Q In your opinion, did the fusion and the laminectomy
22 in the lumbar spine have a successful result?
23 A Yes.

1 MR. SHERIDAN: That's all I have.

2 CROSS EXAMINATION

3 QUESTIONS BY MR. SMITH:

4 Q Dr. Engh, you testified that you first saw

5 the Plaintiff on December 7, 1971?

6 A Yes.

7 Q You had never seen him prior to that time?

8 A No.

9 Q How long did that examination take on that day,

10 do your notes reflect that?

11 A That would be difficult to ascertain. One

12 would have to figure the time it took to determining whether

13 spasm was present, the range of motion in his back,

14 whether he had reflex changes, whether he had sensory

15 disturbances; whether there were any atrophy of musculature.

16 I can't say exactly how long it would take.

17 Q Well, tell us approximately. Do you say fifteen -

18 twenty minutes?

19 A I would think so.

20 Q Any longer than that?

21 A May have been, if you are taking into consideration

22 the history and going over the x-rays, and doing the

23 physical examination, it would take considerable longer

1 than that.

2 Q Well, about how long did it take you?

3 A I mean all toll, probably, taking into consider-

4 ation all these factors, probably forty minutes.

5 Q Forty minutes at the most?

6 A Yes.

7 Q Did you ever see him after that time?

8 A No.

9 Q So your entire report is based on, at the most,

10 forty minutes time now. Was all of that with - -

11 MR. SHERIDAN (interrupting): Your Honor, was

12 that a question or a statement? I object and ask

13 that it be stricken if it is a statement.

14 THE COURT: All right.

15 Q (Mr. Smith continuing): Well, wasn't that your

16 testimony, Dr. Engh?

17 THE COURT: He attempted to make that as a

18 summary, and I will strike it as that, members of

19 the Jury. You heard what the Doctor said.

20 Q (Mr. Smith continuing): Was it true then that

21 your report was based on a maximum time of forty minutes?

22 A Yes.

23 Q And was all that time spent with Mr. Raisovich?

1 A No.

2 Q How much of that time was spent with Mr. Raisovich?

3 A I imagine about thirty minutes.

4 Q Okay. Did you have occasion to review the

5 previous medical records of his case, including the

6 results of prior myelograms, operations and x-rays?

7 A Yes.

8 Q Where did you see them?

9 A These were provided to me before he came.

10 Q By whom?

11 A I would imagine they were provided by the

12 Defendant.

13 Q Well, did you check in the various hospitals to

14 look at x-rays, actual x-rays and the reports of myelograms,

15 or did you just see letters from other doctors?

16 A From other doctors.

17 Q That's all?

18 A Yes.

19 Q So you didn't go to the Fairfax Hospital or the

20 Alexandria, or the National Orthopedic Hospital and check

21 the records there concerning x-rays and review those

22 x-rays and so on?

23 A I didn't go to the other hospitals.

1 Q Okay. Now, you say that the history he gave you
2 was given to you, rather than to a secretary in your
3 office?
4 A History was given to me.
5 Q Very well. Now, you have down here that he
6 was involved in an automobile accident on April 3, 1968.
7 Can you show me in your notes where you wrote down April 3?
8 A This would have been in one of the reports of
9 one of the other doctors.
10 Q You copies it from the report of the other
11 doctors?
12 A It may have been, yes.
13 Wait a minute, no. The first line of my report says
14 an automobile accident April 13, 1968.
15 Q I would like to show you a copy of the report
16 that was provided to me. On the first line it says the
17 date of the accident. What does that say, sir?
18 A April 3, 1968.
19 Q So it is possible, I guess, for doctors to make
20 mistakes on dates, isn't it?
21 MR. SHERIDAN: I will stipulate to that.
22 Q (Mr. Smith continuing): Now, your history states
23 that he saw Dr. Tamariz two days after the accident.

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 A Yes.

2 Q Is that true, sir? And at that time he was

3 complaining of difficulties in his upper and lower back

4 and some difficulty in his legs at work?

5 A Yes.

6 Q The lower back would be the lumbosacral area,

7 would it not, sir?

8 A Or the lumbar area.

9 Q The lumbar area, the area of L4-L5, in that

10 general vicinity?

11 A It could be in that area.

12 Q Did the report furnished you by other

13 doctors, indicate prior injury that this man had suffered,

14 one when he was in the Army and one in West Virginia and

15 another one after that time?

16 A I don't believe that these injuries you mentioned

17 are in the history. They may be, I would have to check

18 closely.

19 Q Well, did you have a report from Dr. Swain,

20 a letter from Dr. Swain?

21 A Yes.

22 Q Did it say anything about prior injuries or

23 illnesses?

1 A Yes.

2 Q It did? Well, when you wrote down here that

3 he denied any prior injuries, did you ask him about that?

4 A No, the patient told me this. You are asking

5 about whether he had any difficulty before, and this is

6 the report of Dr. Swain.

7 Q Yes.

8 A And what I wrote on my report is what the

9 patient told me.

10 Q And you didn't ask him about what he told

11 Dr. Swain?

12 A No, because I took the history from the patient

13 and I expected it to be the reliable history.

14 Q You didn't feel that was important?

15 A I thought what the patient told me was most

16 important.

17 Q Very well, sir. These epidural veins in

18 the dorsal area of the back, are they painful?

19 A The normal epidural is not considered painful.

20 Q But this man had complained of pain in that

21 area, had he not?

22 A Apparently he had.

23 Q Now, you say they are not usually due to trauma.

1 Have you seen cases where they were caused by trauma
2 in your opinion?
3 A No.
4 Q You have not, sir?
5 A No.
6 Q And you disagreed with Dr. Castro's finding in
7 that regard then?
8 A No.
9 MR. SHERIDAN: Your Honor please, the only
10 evidence is that Dr. Castro said the origin was
11 unknown, that is the only evidence.
12 THE COURT: Right.
13 Q (Mr. Smith continuing): Now, you said that you
14 found arthritic changes in Mr. Raisovich's back?
15 A Yes.
16 Q Do you feel that those changes were keeping
17 with a working man of his age?
18 A It could be.
19 Q The pictures of his back, medically, look like
20 that of a man who has worked hard all the time, is that
21 not true?
22 A The arthritic changes in the spine vary with
23 individuals.

1 Arthritic changes can start as early as twenty-five
2 years of age.
3 Arthritic changes are normally present at about thirty-
4 eight - forty, and you have more progression as a person
5 gets older.
6 Q Now, if he were bothered by this arthritis in
7 a job that required squatting and stooping and things of
8 that nature, that would affect his employment, would
9 it not, his attendance at work?
10 A If he was bothered by it, it would affect his
11 employment.
12 Q Did you go into that question with him?
13 A No.
14 Q You had no reason to believe that this arthritis
15 had bothered him prior to this accident, had you?
16 A No.
17 Q Or that he had any other complaints prior to the
18 accident?
19 A No.
20 Q Now, a lumbar disc has been removed from this
21 man's back, is that not true?
22 A Yes.
23 Q And that is a permanent condition, is it not?

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 A Yes.

2 Q You said in your report here that his range of

3 motion is restricted, is that a situation that will

4 continue in the future.

5 A Restricted motion is a subjective complaint;

6 it is not objective.

7 Q I see. And the backward extension, you found

8 restriction there in his motion backwards, moving back-

9 wards.

10 A In the examination.

11 Q Does the removal of a disc have anything to do with

12 that?

13 A Patients usually, who have a disc removed have

14 good motion.

15 Q There isn't any question in that his back will

16 not be the same as it was before the removal of the disc,

17 is that right?

18 A A patient who has a disc removed never has a

19 normal back.

20 MR. SMITH: Thank you.

21 REDIRECT EXAMINATION

22 QUESTIONS BY MR. SHERIDAN:

23 Q Doctor, you are asked about arthritis and

1 symptoms before the accident. To what, with reasonable
2 medical certainty, do you attribute his complaints and
3 symptoms in the mid-back at this time?
4 A I would say that the patient's complaints are
5 related to an arthritis that he has in the low back.
6 I can't state that having a disc removed may not be a
7 factor.
8 Q To what extent do you attribute the present com-
9 plaint in the mid-back to the automobile accident of 1968?
10 as opposed to the arthritis?
11 A I would feel the arthritis is his problem.
12 Q Doctor, Mr. Smith asked you about the amount of
13 time you spent in examining this man. Would you go ahead
14 and read to the Jury the history that you took? Well,
15 let me ask you this question:
16 Directing your attention to your report dated December
17 7, 1971, which I think we are dealing with, would you
18 look through there and tell us where there is any co plaint
19 that this man complained of lumbar symptoms within days
20 after the accident?
21 A I don't see any.
22 Q It is true that in this report it doesn't say
23 that, does it?

1 A No.

2 Q And you learned from him about these other

3 doctors, right?

4 A Yes.

5 Q Now, would you describe, going to page 2 of your

6 report the test that you undertook on this man?

7 A On examination of the patient unclothed, it is

8 found that the patient walks with a coordinate riciprocal

9 gate and with no weakness demonstrated in the lower

10 extremity. He is able to squat and arise without any

11 difficulty. The jar test produced by desending forcefully

12 on his heel causes no pain. There is no atrophy of the

13 thighs or legs by actual measurements. In the low back

14 he has good range of motion except bending forward when

15 he is restricted to a mild degree, being able to bend

16 within five inches of the floor with his fingertips.

17 Backward extension is slightly limited also, but lateral

18 and rotary movement are performed normally. The straight

19 leg raising test surprisingly can be performed completely

20 to ninety degrees on each side, and this is difficult to

21 understand since he has some difficulty of bending forward

22 while standing.

23 Q What was his chief problem he told you about during

1 this exam?

2 A Would you repeat your question?

3 Q What did he tell you his chief problem was in

4 the upper back while you were examining him?

5 A His chief complaint is in the upper back where

6 some tenderness is present but no muscle spasm is noted

7 here or in any other portion of the back or neck, and a

8 complete muscle examination of the upper extremities

9 revealed no weakness in the arms, forearms or hands and

10 no sensory disturbances to light touch, pain or position

11 as was found in the lower extremities, and there are no

12 circulatory problems present. The biceps, triceps, and

13 radioperiosteal reflexes are normal. The patient

14 complains of bending his upper back into extension.

15 Q And those things you just read to us by way of

16 findings, you conducted that examination, right?

17 A Yes.

18 Q And you had the man x-rayed too, during the

19 time he was there, right?

20 A Yes.

21 Q And you read the x-rays in regard to the

22 arthritis, right?

23 A Yes.

1 Q Was there anything else you wanted to do to be
2 more complete in your examination?
3 A I recommended that he have x-rays taken
4 bending forward and backward to see whether he had
5 obtained a good fusion.
6 Q Did the x-rays show he had obtained a good
7 fusion?
8 A Yes.
9 MR. SHERIDAN: Thank you, that's all I have.
10 RECROSS EXAMINATION
11 QUESTIONS BY MR. SMITH:
12 Q Just to clarify a couple of things. You said
13 that there was no complaint in the history you received
14 of low back pains shortly after the accident. Isn't that
15 in the first paragraph of your report, Doctor?
16 MR. SHERIDAN: Where are you reading?
17 Q (Mr. Smith continuing): Well, start with the
18 first sentence that says, "He was seen two days later by
19 Dr. Tamariz." Do you see where I am referring to?
20 A Yes.
21 Q Now what is the next sentence?
22 A "He states that after his examination he put
23 him on some medication and had x-rays taken of his upper

1 and lower back. No fractures were present. He also
2 stated that he had some difficulties with his legs, but
3 he continued to work."
4 Q All right. What was the difficulty to his leg?
5 A I don't know.
6 Q You didn't ask him what that was?
7 A Well, that is a symptom; that is subjective.
8 Q And you didn't feel you should go into that to
9 see what his complaint was about his leg problem?
10 A I felt that I should examine his legs, and
11 as I read the report, I stated he walked with a
12 coordinate reciprocal gait with no weakness and
13 reflexes were normal. He was able to squat and arise
14 with no difficulty. The jar test produced by desending
15 forcefully on his heel produced no pain and there was
16 no atrophy of the legs or thighs by actual measurements.
17 Q I thought we were referring to complaints that
18 he made right after the accident.
19 MR. SHERIDAN: Your Honor, I think he has read
20 it, I think he has read the sentence that Mr. Smith
21 believes said that he had made a complaint.
22 THE COURT: All right. Go ahead with your
23 recross.

1 Q (Mr. Smith continuing): Now, just one or two
2 more questions. You said that x-rays were taken by
3 Dr. Tamariz, or it certainly implies that they were
4 taken by Dr. Tamariz, is that your understanding, sir?
5 A Yes.
6 Q Did you review those x-rays to see if they
7 showed any arthritic changes?
8 A I didn't go to the hospital.
9 Q And it is your medical opinion, based on
10 your examination of this patient, that trauma has nothing
11 to do with his complaint?
12 A The statement I made was that it had nothing to
13 do with epidural veins as causing pain.
14 Q I see, and that you were referring only to that,
15 is that correct?
16 A I think you would have to repeat your question.
17 I am not sure that I entirely understand it.
18 Q Well, in paragraph 2 - - I mean page 2, paragraph
19 3, you refer to - - you have the words in the second
20 sentence, "He has some difficulties with the upper back,
21 which, in my opinion, is due to a chronic strain - - "
22 What did you mean by that?
23 A Well, strain is the involvement of stretching of

1 ligaments or muscles.

2 Q Well, do you mean that that was the result of

3 trauma or some other cause?

4 A I feel that that was his problem, that he had

5 a strain.

6 MR. SMITH: All right sir, that's all.

7 MR. SHERIDAN: No questions. Can the doctor

8 be excused?

9 THE COURT: Any objection?

10 MR. SMITH: No.

11 THE COURT: You are free to go, Doctor.

12 (Witness is excused.)

13 EDWIN CHESTER GIDDINGS,

14 Defendant herein, having been first duly sworn by the

15 Clerk, was examined and testified in his own behalf

16 as follows:

17 DIRECT EXAMINATION

18 QUESTIONS BY MR. SHERIDAN:

19 Q Would you give his Honor and the Jury your

20 full name?

21 A Edwin Chester Giddings.

22 Q How old are you?

23 A Twenty-one.

1 Q Where do you live?

2 A 311 Forest Grove Avenue, Jacksonville, North

3 Carolina.

4 Q What do you do?

5 A I'm a student.

6 Q What school?

7 A East Carolina University.

8 Q Where is your parents' home?

9 A In Jacksonville, North Carolina.

10 Q Is your father here in the Court Room?

11 A Yes, sir.

12 Q Were you the driver of the car that hit this

13 man?

14 A Yes, sir.

15 Q Whose car were you driving at the time?

16 A My father's car.

17 Q Where were you coming from?

18 A From a friend of mines house.

19 Q Why did you hit him?

20 A I wasn't paying full time and attention to my

21 driving.

22 Q Did you get out of the car at the scene of the

23 accident?

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 A Yes, sir.

2 Q Did Mr. Raisovich get out of his car at the

3 scene of the accident?

4 A Yes, sir.

5 Q What, if any, sign of injury did you see on

6 him at the scene of the accident?

7 MR. SMITH: I object to that, he is not

8 qualified to say.

9 THE COURT: He can say what he did.

10 MR. SHERIDAN: I'll rephrase it.

11 Q (Mr. Sheridan continuing): What, if any,

12 apparent injuries did you observe on this man at the

13 scene of the accident?

14 A None.

15 MR. SMITH: I object to that question and ask

16 that it be stricken. It is not a proper question.

17 THE COURT: Well, I think the man is entitled

18 to testify what Mr. Raisovich did.

19 MR. SMITH: Well, he said he didn't see any

20 apparent injury, I don't think that refers to what

21 Mr. Raisovich did.

22 THE COURT: I don't think that means anything

23 either, Mr. Smith, that is why I want the question

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 rephrased.

2 Q (Mr. Sheridan continuing): What, if any, blood

3 did you see?

4 A None.

5 Q What, if any, apparent inability to walk did you

6 see?

7 A None.

8 Q What, if any, apparent unconsciousness did you

9 observe?

10 A None.

11 Q What, if any, ability to stand and walk did

12 you see?

13 A None.

14 Q What, if any, impairment to the man's speech

15 and mental facilities was apparent to you?

16 A None.

17 MR. SMITH: I object to the leading question.

18 THE COURT: All right. Don't lead the witness.

19 MR. SHERIDAN: Your Honor, what, if any, I think

20 takes out the leading.

21 THE COURT: I don't. I think it suggests the

22 answer. Go ahead.

23 Q Did you see the damage to Mr. Raisovich's

BOBBY McCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 Chevrolet?

2 A Yes, sir.

3 Q I show you this picture, does that accurately

4 reproduce the damage that you witnessed right after the

5 accident?

6 A Yes, sir.

7 MR. SHERIDAN: I move this in as Defendant's

8 Exhibit 1, your Honor.

9 THE COURT: Any objection.

10 MR. SMITH: No objection.

11 THE COURT: All right it will be Defendant's

12 Exhibit 1.

13 WHEREUPON, DEFENDANT'S EXHIBIT 1,

14 THE SAME BEING A PHOTOGRAPH, WAS

15 MARKED FOR IDENTIFICATION AND

16 RECEIVED IN EVIDENCE WITHOUT OBJECTION.

17 MR. SHERIDAN: Could I hand that to the Jury

18 while I am continuing?

19 THE COURT: Um-hum.

20 (Defendant's Exhibit 1 was passed to Jury.)

21 Q (Mr. Sheridan continuing): How long were you

22 at the scene with Mr. Raisovich?

23 A Approximately a half an hour or forty-five minutes.

1 Q Did you observe him drive away?

2 A Yes, sir.

3 Q When is the next time you saw him?

4 A In the Court, Traffic Court.

5 Q You came to Court, but you were charged, right?

6 A Yes, sir.

7 Q What, if any, limitations did you observe inhhis

8 walking at that time, if any?

9 A None.

10 Q What, if any, orthopedic - - strike that.

11 What, if any, crutches, braces, canes, any medical

12 equipment - -

13 MR. SMITH (interrupting): I object, he is

14 leading the witness.

15 THE COURT: Don't lead the witness.

16 Q (Mr. Sheridan continuing): What, if any,

17 medical aids did you observe this man using or wearing

18 at the time in the Traffic Court?

19 MR. SMITH: I object to this for the same reason.

20 THE COURT: I think you are leading the witness.

21 Just ask him, "How did he appear to you?"

22 Q (Mr. Sheridan continuing): How did he appear to

23 you?

BOBBY MCCUNE BLOCK, SHORTHAND REPORTER, 5600 MARBLE ARCH WAY, ALEXANDRIA, VIRGINIA 22310

1 A He appeared fine to me.

2 Q How long after the accident was that?

3 A Approximately two or three weeks, I believe.

4 MR. SHERIDAN: That's all I have.

5 CROSS EXAMINATION

6 QUESTIONS BY MR. SMITH:

7 Q What did you say the reason for striking

8 Mr. Raisovich from the rear was?

9 A Failure to pay attention to my driving.

10 Q Did you have some passengers in the car with you?

11 A Yes, sir.

12 Q How many did you have?

13 A Two.

14 Q Were they friends of yours?

15 A Yes, sir.

16 Q Were you talking with them at the time the

17 accident happened?

18 A Yes, sir.

19 Q Was it they who distracted your attention?

20 A Yes, sir.

21 Q How did they do that?

22 A By talking to me.

23 Q By talking to you?

1 A Yes, sir.

2 Q And how old were you at the time the accident

3 happened?

4 A I believe I was seventeen.

5 Q How long had you been driving?

6 A I believe since I was sixteen.

7 Q About a year?

8 A Yes, sir.

9 Q And you were a student at Annandale High School

10 at that time?

11 A Yes, sir.

12 Q Had you taken driver's training - -

13 A (interrupting): Yes, sir.

14 Q (continuing): - - when you got your license?

15 A Yes, sir.

16 Q What was the speed limit on Braddock Road?

17 A I believe it was forty-five miles an hour.

18 Q How fast were you going as you approached the

19 intersection?

20 A At the speed limit.

21 Q At the speed limit forty-five?

22 A I believe so, sir.

23 Q How far away were you when you first noticed the

1 Raisovich car?

2 A I would estimate, I really don't remember it

3 that well, but I would say, I would estimate twenty or

4 thirty feet.

5 Q Twenty or thirty feet?

6 A I am estimating that.

7 Q The road was straight and level there where the

8 accident occurred, wasn't it?

9 A Yes, sir.

10 Q How far do you suppose you can see back to the

11 west from the point where the accident happened?

12 A Well, you - - there is no obstacle to your vision.

13 Q You can see two, three, four hundred yards, can't

14 you?

15 A I would imagine.

16 Q But you didn't see him until you were twenty

17 or thirty feet away?

18 A I didn't notice him, put it that way.

19 Q You didn't notice him?

20 A No, sir.

21 Q And you were proceeding along at forty miles an

22 hour?

23 A Yes, sir.

1 Q And then, when you were about twenty-five
2 feet away, what did you do, if anything?
3 A Well, I stopped the car.
4 Q You stopped the car? Well, what did you do
5 when you first saw the Raisovich vehicle?
6 A I stopped the car.
7 Q You didn't stop it until after you hit him, did
8 you?
9 A I was in the process of stopping.
10 Q You were in the process of stopping. Okay, what
11 did you do when you were in the process of stopping and
12 you saw the Raisovich car?
13 A I applied the brakes.
14 Q How far away were you when you applied the brakes?
15 A I would estimate maybe fifteen feet.
16 Q Fifteen feet.
17 A Yes, sir.
18 Q Was there a squealing of the tires when you
19 applied the brakes?
20 A I don't recall.
21 Q Did you jam them down as hard as you could?
22 A I believe so, yes, sir.
23 Q You did? Because you saw another car right in

1 front of you, right, and you were going forty miles an
2 hour?
3 A I don't believe I was going that fast when I
4 was only fifteen feet away.
5 Q How fast do you think you were going?
6 A That is hard to estimate, but I would imagine
7 maybe thirty.
8 Q Maybe thirty when you were fifteen feet away?
9 How fast were you going when you hit him?
10 A That would be hard to estimate. I would
11 imagine maybe fifteen miles an hour.
12 Q Going fifteen miles an hour when you hit him?
13 Okay. There was no reason why you couldn't see him,
14 he was there to be seen, right?
15 A Yes, sir.
16 MR. SMITH: All right. That's all I have.
17 REDIRECT EXAMINATION
18 QUESTIONS BY MR. SHERIDAN:
19 Q In those distance and speed estimates, are you
20 reasonable certain of what you are saying or are
21 those your best estimates?
22 A That is my best estimate.
23 Q How far was his car moved by the impact, as far

1 as you could tell.

2 A No noticeable distance.

3 Q Did you hit the steering wheel when your car

4 came to rest?

5 A No, sir.

6 Q Did you go up against the dashboard?

7 A No, sir.

8 Q Did you hit the windshield?

9 A No, sir.

10 Q Did you drive your car away from the scene?

11 A No, sir.

12 Q The front end was damaged?

13 A Yes, sir.

14 MR. SHERIDAN: That's all.

15 RECROSS EXAMINATION

16 QUESTIONS BY MR. SMITH:

17 Q Your front end was damaged? How much was it

18 damaged?

19 MR. SHERIDAN: I object to that, unless he is

20 an appraiser.

21 Q (Mr. Smith continuing): Well, what parts were

22 damaged?

23 A The front fender.

1 Q The front fender?

2 A Yes, sir.

3 Q How about the grill?

4 A Well, the grill on the car, I guess it was damaged.

5 Q As a matter of fact, all the antifreeze ran

6 out on the ground, didn't it?

7 A I don't remember that.

8 Q You don't remember that?

9 A No, sir.

10 Q Were both front fenders damaged?

11 A I believe it was just the driver's side.

12 Q Just the driver's side? Was it pushed back

13 in against the wheel?

14 A Yes, sir.

15 Q How come you couldn't drive it away, was that the

16 reason?

17 A Yes, sir.

18 Q Smashed your fender all the way back against the

19 wheel?

20 A Yes, sir.

21 Q Did it blow the tire?

22 A No, sir.

23 Q It did not. How come you don't have a picture

1 of your car, or do you have one?

2 A I did not take a picture; I didn't take any

3 pictures.

4 Q You didn't take any of your car, but you did

5 of Raisovich's?

6 A I didn't take any pictures.

7 MR. SHERIDAN: He didn't take any pictures.

8 Q You didn't take it?

9 A No, sir.

10 MR. SMITH: All right. That's all.

11 (Witness is excused.)

12 THE COURT: Anything further?

13 MR. SHERIDAN: No, the Defendant would rest and

14 would like to renew the previous motion.

15 THE COURT: Any rebuttal?

16 MR. SMITH: No.

17 THE COURT: No rebuttal. Plaintiff rest.

18 All right members of the Jury, that is about as

19 far as we can go.

20 WHEREUPON AT THIS POINT IN THE

21 PROCEEDINGS AND AT 4:35 P.M. THE

22 EVENING RECESS FOR THE JURY WAS

23 DECLARED.

VIRGINIA:

I, Bobby McCune Block, do hereby certify that I was the Court Reporter who, stenographically reported the proceedings in the above captioned cause on the date and of the time indicated, that I thereafter caused the said proceedings to be reduced to typewriting under my direction and supervision, and that the same is a correct, true and accurate testimony of such proceedings, to the best of my knowledge and belief.

Bobby McCune Block

Bobby McCune Block
Reporter

Exhibit No. 1

4/24/69 thru 5/14/69	120 hrs. at $3.5630 per hr.	$ 427.56
7/21/69 thru 10/10/69	480 hrs. at $3.5630 per hr.	1,710.24
6/29/70 thru 8/31/70	305.5 hrs. at $4.2368 per hr.	1,294.34
9/ 1/70 thru 9/30/71	2,264 hrs. at $4.2768 per hr.	9,682.68
10/ 1/71	8 hrs. at $4.21 per hr.	33.68
		$13,148.50

Exhibit No. 2

Prescription Receipts

Total $86.52

Exhibit No. 3

Cremer Brace and Service

Manufacturers of Orthopedic and Surgical Appliances

533-2265

108 E. Broad Street

Falls Church, Virginia 22046 July 24, 1970

In Account with

Mr. George Raisovich
724 N. Iverson St.
Alexandria, Virginia

Pt. George Raisovich — OUR ORDER NO. 1328

Pres. By. Dr.: Castro — YOUR ORDER NO.

1	Knight Spinal Back Brace with pectoral horns & corset front	125.00

Thx 3 DK

PAID IN FULL
7-24-70
J. Cremer

Exhibit No. 4

323 - 329 North Washington Street

Alexandria, Virginia 22314

[illegible] 19, [illegible]

Mr. George [illegible]
7[illegible] N. Iverson
Alexandria, Va.

To Martin D. Delaney, Jr., M. D.

William M. Delaney, M. D.

For Professional Services to date 74.[illegible]

Did [illegible] April [illegible] 1970

Received Payment [illegible]

Thank you!

Exhibit No. 5

Delma. Laboratory
329 N. Washington Street
Alexandria, Virginia 22314

April 29, 1968

Mr. George Raisovich
724 N. Iverson Street
Alexandria, Virginia

For Professional Services Rendered $25.00

X-ray of Dorso-Lumbar Spine

Received Payment

Exhibit No. 6

DEPARTMENT OF NORFOLK HOSPITAL

4320 SEMINARY ROAD • ALEXANDRIA, VIRGINIA 22314

PATIENT RAISCVICH GEORGE

PATIENT NO. 423551-1 ADM. DATE C4/24/9

BILL TO GEORGE RAISCVICH
724 N IVERSCN
ALEXANDRIA VA 22304

DISCH. DATE C4/29/9 BILLING DATE

INSURANCE CO. TRAVELERS

TO INSURE PROPER CREDIT TO YOUR ACCOUNT, THIS PORTION MUST BE RETURNED WITH REMITTANCE.

DATE	SERVICE RENDERED	CODE	PACK NO.	CHARGES	ESTIMATED INSURANCE FIRST COMPANY	ESTIMATED INSURANCE SECOND COMPANY	CHARGE TO PATIENT
C4/24	SEMI-PRIV 5 DAYS@ 43.CC			215.CC	215.CC		
				215.CC	215.CC		*
C4/27	DRUGS	2582		2.50	2.50		
				2.50	2.50		*
C4/24	ADMISSION KIT	5599		3.25	3.25		
				3.25	3.25		*
	TOTAL HOSPITAL SERVICES			220.75	220.75		*

Pl Ex #6
10-11-79
JC

DIOLOGISTS
[illegible] D
[illegible] MD
[illegible] MAN, MD
[illegible] MD

PATHOLOGISTS
RICHARD E. PALMER, M.D.
DEE R PARKINSON, M.D.
RALPH THOMPSON, M.D.

ANESTHESIOLOGISTS
FRANCISCO BUENAVENTURA, M.D.
ROY S. GILLINSON, M.D.
JOHN J. O'CONNOR, M.D.
RONALDO SCHKOLNIK, M. D.
OGUZ TEMUCIN, M.D.
JACK WOODSIDE, M.D.

EMERGENCY DEPARTMENT

FOR INFORMATION REGARDING THIS STATEMENT CALL

PAY THIS

FINAL STATEMENT

INTERNATIONAL MEDICAL CENTERS, L.L.

4320 SEMINARY ROAD • ALEXANDRIA, VIRGINIA 22314

PATIENT RAISCVICH GECRGE

PATIENT NO. 423551-1

ADM. DATE C4/24/S

DISCH. DATE C4/29/S

BILLING DATE

BILL TO CECRGE RAISCVICH
724 N IVERSCN
ALEXANDRIA VA 22304

INSURANCE CO. TRAVELERS

TO INSURE PROPER CREDIT TO YOUR ACCOUNT, THIS PORTION MUST BE RETURNED WITH REMITTANCE.

DATE	SERVICE RENDERED	CODE	PAGE NO.	CHARGES	ESTIMATED INSURANCE FIRST COMPANY	ESTIMATED INSURANCE SECOND COMPANY	CHARGE TO PATIENT
C4/25	LAB-BIOCHEMISTRY	8726		3.50	3.50		
C4/25	LAB-BIOCHEMISTRY	8733		6.00	6.00		
C4/25	LAB-HEMATOLOGY	8625		3.50	3.50		
C4/25	LAB-HEMATOLOGY	8628		6.00	6.00		
C4/25	LAB SEROLOGY	8661		3.50	3.50		
C4/25	LAB SEROLOGY	8861		12.00	12.00		
C4/25	LAB SEROLOGY	8661		3.50	3.50		
C4/25	LAB-URINALYSIS	8933		2.50	2.50		
				40.50	40.50		*
C4/27	X RAY	7218		40.00	40.00		
				40.00	40.00		*
	TOTAL PROFESSIONAL SERVICES			80.50	80.50		*
	TOTAL ALL SERVICES			301.25	301.25		**
				301.25	301.25		**

RADIOLOGISTS
[illegible] M.D.
[illegible] REIN M.D.
[illegible] WEIMAN, M.D.
[illegible] HELLO M.D.

PATHOLOGISTS
RICHARD E. PALMER, M.D.
DEE R. PARKINSON, M.D.
RALPH THOMPSON, M.D.

ANESTHESIOLOGISTS
FRANCISCO BUENAVENTURA, M.D.
ROY S. GREENSON, M.D.
JOHN J. O'CONNOR, M.D.
RONALDO SCHKOLNIK, M.D.
OGUZ TEMUCIN, M.D.
JACK WOODSIDE, M.D.

EMERGENCY DEPARTMENT
C.A. LOUGHRIDGE, M.D.
JOHN P. McDADE, M.D.
JAMES D. MILLS, JR., M.D.
WILLIAM J. WEAVER, JR., M.D.
STEPHEN J. BEDNAR, M.D.
ROBERT EGGERS, M.D.

OTHER MEDICAL SERVICES
F. VARGUS, M.D.

FOR INFORMATION REGARDING THIS STATEMENT CALL 931 - 2000

PAY THIS AMOUNT

PATIENT'S COPY

FINAL STATEMENT

[illegible] HOSPITAL

4320 SEMINARY ROAD • ALEXANDRIA, VIRGINIA 22314

PATIENT RAISOVICH GEORGE

PATIENT NO. 303890-8

ADM. DATE 07/17/9

BILL TO GEORGE RAISOVICH
724 N IVERSON ST
ALEXANDRIA VA

DISCH. DATE 07/27/9

BILLING DATE

INSURANCE CO. TRAVELERS

TO INSURE PROPER CREDIT TO YOUR ACCOUNT, THIS PORTION MUST BE RETURNED WITH REMITTANCE.

DATE	SERVICE RENDERED	CODE	PAGE NO.	CHARGES	ESTIMATED INSURANCE FIRST COMPANY	ESTIMATED INSURANCE SECOND COMPANY	[illegible]
[illegible]/17	SEMI-PRIV 10 DAYS@ 48.00			480.00	480.00		
				480.00	480.00		*
[illegible]/18	OPERATING ROOM	6250		160.00	160.00		
				160.00	160.00		*
[illegible]/16	RECOVERY ROOM	6990		25.50	25.50		
				25.50	25.50		*
[illegible]/19	DRUGS	4464		2.48	2.48		
[illegible]/19	DRUGS	2598		2.20	2.20		
[illegible]7/19	DRUGS	2438		2.15	2.15		
[illegible]/19	DRUGS	2636		2.50	2.50		
[illegible]/19	DRUGS	2598		2.20	2.20		
[illegible]/18	DRUGS	4625		4.88	4.88		
[illegible]7/18	DRUGS	4608		3.71	3.71		
[illegible]/18	ANEST MATERIALS	6000		48.50	48.50		
[illegible]/18	I V SOLUTIONS	5696		12.00	12.00		
[illegible]7/20	DRUGS	2583		4.40	4.40		
[illegible]/19	DRUGS	2583		3.80	3.80		
[illegible]/19	DRUGS	2594		2.50	2.50		
[illegible]7/21	DRUGS	2583		5.00	5.00		
[illegible]/21	DRUGS	2866		4.60	4.60		
[illegible]/21	DRUGS	4464		2.48	2.48		
[illegible]/21	DRUGS	2583		4.40	4.40		
[illegible]/24	DRUGS	4098		2.10	2.10		
[illegible]/2[illegible]	DRUGS	2583		3.80	3.80		
[illegible]/2[illegible]	DRUGS	4098		2.20	2.20		
[illegible]7/2[illegible]	DRUGS	4173		2.72	2.72		
				118.62	118.62		*
[illegible]/17	ADMISSION KIT	5599		3.25	3.25		
[illegible]/18	MED. SUPPLIES	5471		6.00	6.00		
[illegible]/18	MED. SUPPLIES	6496		6.00	6.00		
[illegible]/18	MED. SUPPLIES	6401		1.80	1.80		

[illegible]OGISTS
[illegible] M.D.
[illegible] M.D.
[illegible] M.D.
[illegible] M.D.

PATHOLOGISTS
RICHARD E. PALMER, M.D.
DEE R. PARKINSON, M.D.

EMERGENCY DEPARTMENT
C.A. LOUGHRIDGE M.D.
JOHN P. McGADE, M.D.

FOR INFORMATION REGARDING THIS STATEMENT CALL 931 - 2000

PAY THIS AMOUNT

PATIENT'S COPY

FINAL STATEMENT

THE ALEXANDRIA HOSPITAL

4320 SEMINARY ROAD • ALEXANDRIA, VIRGINIA 22314

PATIENT RAISOVICH GEORGE

PATIENT NO. 303890-8

ADM. DATE 07/17/9

DISCH. DATE 07/27/9

BILLING DATE

BILL TO GEORGE RAISOVICH
724 N IVERSON ST
ALEXANDRIA VA

INSURANCE CO. TRAVELERS

TO INSURE PROPER CREDIT TO YOUR ACCOUNT, THIS PORTION MUST BE RETURNED WITH REMITTANCE.

DATE	SERVICE RENDERED	CODE	PACK NO.	CHARGES	ESTIMATED INSURANCE FIRST COMPANY	ESTIMATED INSURANCE SECOND COMPANY	CHARGE TO PATIENT
07/18	MED. SUPPLIES	5328		1.50	1.50		
07/18	I V SETS	5830		4.00	4.00		
07/18	MED. SUPPLIES	6401		1.50	1.50		
07/26	MEDICAL SUPPLIES	5516		3.00	3.00		
				27.05	27.05		
	TOTAL HOSPITAL SERVICES			811.17	811.17		

RADIOLOGISTS
[illegible] M.D.
[illegible] LIN, M.D.
[illegible] WYMAN M.D.
[illegible] LUS, M.D.

PATHOLOGISTS
RICHARD E. PALMER, M.D.
DEE R. PARKINSON, M.D.

EMERGENCY DEPARTMENT

- 233 -

FOR INFORMATION REGARDING THIS STATEMENT CALL 931-2000

PAY THIS AMOUNT

FINAL STATEMENT

THE ALEXANDRIA HOSPITAL

4320 SEMINARY ROAD • ALEXANDRIA, VIRGINIA 22314

PATIENT RAISOVICH GEORGE

PATIENT NO. 303890-8

ADM. DATE 07/17/9

BILL TO GEORGE RAISOVICH
724 N IVERSON ST
ALEXANDRIA VA

DISCH. DATE 07/27/9

BILLING DATE

INSURANCE CO. TRAVELERS

TO INSURE PROPER CREDIT TO YOUR ACCOUNT, THIS PORTION MUST BE RETURNED WITH REMITTANCE.

DATE	SERVICE RENDERED	CODE	PACK NO.	CHARGES	ESTIMATED INSURANCE FIRST COMPANY	ESTIMATED INSURANCE SECOND COMPANY	CHARGE TO PATIENT
7/17	LAB SEROLOGY	8661		3.50	3.50		
17	CROSSMATCH @ $10.	8736		10.00	10.00		
7/17	LAB-HEMATOLOGY	8628		6.00	6.00		
7/17	CROSSMATCH @ $10.	8736		10.00	10.00		
7 17	LAB-URINALYSIS	8933		2.50	2.50		
				32.00	32.00		*
7 17	X RAY	7100		10.00	10.00		
7 18	X RAY	7207		15.00	15.00		
7/18	PORT CHEST	7468		5.00	5.00		
				30.00	30.00		*
	TOTAL PROFESSIONAL SERVICES			62.00	62.00		*
	TOTAL ALL SERVICES			873.17	873.17		**
				873.17	873.17		**

DIOLOGISTS
[illegible] D.
[illegible] M.D
[illegible] M.D
[illegible] M.D

PATHOLOGISTS
RICHARD E. PALMER, M.D.
DEE R. PARKINSON, M.D.

EMERGENCY DEPARTMENT
C.A. LOUGHRIDGE, M.D.
JOHN P. McDADE, M.D.
JAMES D. MILLS, JR., M.D.
WILLIAM J. WEAVER, JR., M.D.

FOR INFORMATION REGARDING THIS STATEMENT CALL 931 - 2000

PATIENT'S COPY

PAY THIS AMOUNT

THE ALEXANDRIA HOSPITAL

* 4320 SEMINARY ROAD
* ALEXANDRIA, VIRGINIA 22314

FINAL STATEMENT

PATIENT NUMBER: 436052-1

BILLING DATE: 07 21 0 (MO DAY YR.)

PATIENT NAME: RAISOVICH GEORGE

SERVICE DATE

BILL TO: GEORGE RAISOVICH
724 N IVERSON ST
ALEXANDRIA VA 22304

FRUIT GROWERS EXPRESS Y37
16 POLF ST ALEX

PLEASE DETACH AND RETURN TOP PORTION WITH REMITTANCE $_____

DATE	SERVICE RENDERED	CODE	CHARGES	ESTIMATED INSURANCE OR CASH CREDIT	ESTIMATED CHARGE TO PATIENT
	TRAVELERS				
06 29	PHYSICAL THERAPY SERVICE	0326	4.00		
06 29	PHYSICAL THERAPY SERVICE	0136	8.00		
06 30	PHYSICAL THERAPY SERVICE	0326	4.00		
06 30	PHYSICAL THERAPY SERVICE	0136	8.00		
07 01	PHYSICAL THERAPY SERVICE	0326	4.00		
07 01	PHYSICAL THERAPY SERVICE	0136	8.00		
07 02	PHYSICAL THERAPY SERVICE	0326	4.00		
07 02	PHYSICAL THERAPY SERVICE	0136	8.00		
07 06	PHYSICAL THERAPY SERVICE	0326	4.00		

PROFESSIONAL SERVICES RENDERED BY

EMERGENCY DEPARTMENT	PATHOLOGISTS	RADIOLOGISTS
C. A. LOUGHRIDGE, M.D.	RICHARD E. PALMER, M.D.	ZEV EFFIM, M.D.
JOHN P. McDADE, M.D.	DEE R. PARKINSON, M.D.	IRA J. GREEN, M.D.
JAMES D. MILLS, JR., M.D.		ALLAN ZEILS, M.D.
WILLIAM J. WEAVER, JR., M.D.		
STEPHEN J. BEDNAR, M.D.		

PLEASE PAY THIS AMOUNT

PATIENT'S COPY

FOR INFORMATION REGARDING THIS STATEMENT CALL 931-2000 X591

THE ALEXANDRIA HOSPITAL * 4320 SEMINARY ROAD
* ALEXANDRIA, VIRGINIA 22314

FINAL STATEMENT

PATIENT NUMBER: 336097-1

BILLING DATE: 07 21 0 (MO DAY YR.)

PATIENT NAME: RAISOVICH GEORGE

SERVICE DATE: (MO DAY YR.)

BILL TO: GEORGE RAISOVICH
724 N IVERSON ST
ALEXANDRIA VA 22304

FRUIT GROWERS EXPRESS Y37
16 ROLF ST ALEX

PLEASE DETACH AND RETURN TOP PORTION WITH REMITTANCE $_____

DATE	SERVICE RENDERED	CODE	CHARGES	ESTIMATED INSURANCE OR CASH CREDIT	ESTIMATED CHARGE TO PATIENT
	TRAVELERS				
07 06	PHYSICAL THERAPY SERVICE	0136	8.00		
07 07	PHYSICAL THERAPY SERVICE	0326	4.00		
07 07	PHYSICAL THERAPY SERVICE	0136	8.00		
07 08	PHYSICAL THERAPY SERVICE	0326	4.00		
07 08	PHYSICAL THERAPY SERVICE	0136	8.00		
07 09	PHYSICAL THERAPY SERVICE	0326	4.00		
07 09	PHYSICAL THERAPY SERVICE	0136	8.00		
07 10	PHYSICAL THERAPY SERVICE	0326	4.00		
07 10	PHYSICAL THERAPY SERVICE	0136	8.00		

PROFESSIONAL SERVICES RENDERED BY

EMERGENCY DEPARTMENT	PATHOLOGISTS	RADIOLOGISTS
C. A. LOUGHRIDGE, M.D.	RICHARD E. PALMER, M.D.	ZEN EPIN, M.D.
JOHN P. McDADE, M.D.	DEE R. PARKINSON, M.D.	IRA I. GREEN, M.D.
JAMES D. MILLS, JR., M.D.		ALAN ZELLS, M.D.
WILLIAM J. WEAVER, JR., M.D.		
STEPHEN J. BEDNAR, M.D.		

PLEASE PAY THIS AMOUNT

PATIENT'S COPY

FOR INFORMATION REGARDING THIS STATEMENT CALL 931-2000 X591

THE ALEXANDRIA HOSPITAL * 4320 SEMINARY ROAD * ALEXANDRIA, VIRGINIA 22314

FINAL STATEMENT

PATIENT NUMBER: 836032-1

BILLING DATE: 07 21 0 (MO DAY YR.)

PATIENT NAME: RAISOVICH GEORGE

SERVICE DATE: (MO DAY)

BILL TO: GEORGE RAISOVICH
724 N IVERSON ST
ALEXANDRIA VA 22304

FRUIT GROWERS EXPRESS V37
16 ROLF ST ALEX

PLEASE DETACH AND RETURN TOP PORTION WITH REMITTANCE $_____

DATE	SERVICE RENDERED	CODE	CHARGES	ESTIMATED INSURANCE OR CASH CREDIT	ESTIMATED CHARGE TO PATIENT
	TRAVELERS				
07 13	PHYSICAL THERAPY SERVICE	0326	4.00		
07 13	PHYSICAL THERAPY SERVICE	0136	8.00		
			120.00	000.00	120.00

JOHN [illegible] M.D.
JAMES D. [illegible] JR., M.D.
WILLIAM J. WEAVER, JR., M.D.
STEPHEN J. BEDNAR, M.D.

BY RADIOLOGISTS
ZEN [illegible] M.D.
IRA J. GREEN, M.D.
ALLAN ZELLIS, M.D.

PLEASE PAY THIS AMOUNT

PATIENT'S COPY

FOR INFORMATION REGARDING THIS STATEMENT CALL 931-2000 X591

THE FAIRFAX HOSPITAL * 3300 GALLOWS ROAD * FALLS CHURCH, VIRG" * 22046

FINAL STATEMENT

PATIENT NAME: RAISOVICH GEORGE

PATIENT NUMBER: 570131-3

BILLING DATE: 08 27 0 (MO. DAY YR.)

HISTORY NUMBER: 394221

SERVICE DATE: (MO. DAY YR.)

BILL TO: GEORGE RAISOVICH
724 NO IVERSON ST
ALEXANDRIA VA 22304

FRUIT GROWERS EXPRESS

PLEASE DETACH AND RETURN TOP PORTION WITH REMITTANCE $_____

DATE OF SERVICE	SERVICE RENDERED	CODE	CHARGES	ESTIMATED INSURANCE OR CASH CREDIT	ESTIMATED CHARGE TO PATIENT
	SELF PAY				
07 20	E M G	6925	15.00		
			15.00	000.00	15.00

FOR INFORMATION REGARDING THIS STATEMENT

TELEPHONE 698-3434

THE FAIRFAX HOSPITAL
3300 GALLOWS ROAD
FALLS CHURCH, VIRGINIA 22046

PLEASE PAY THIS AMOUNT
PATIENT'S COPY

FORM 11-R-63

The Fairfax Hospital

3300 GALLOWS ROAD • FALLS CHURCH, VIRGINIA

PATIENT NO. 145720-9 ADM. DATE 08/05/0 PAGE NO.

ENT RAISOVICH GEORGE

DISCH. DATE 08/14/0 BILLING DATE

T GEORGE RAISOVICH
724 N IVERSON ST
ALEXANDRIA VA 22304 394271

INSURANCE CO.
TRAVELLERS

IMPORTANT
INSURANCE DOES NOT
IN NO WAY ELIMINATE
YOUR RESPONSIBILITY

TO INSURE PROPER CREDIT TO YOUR ACCOUNT, THIS PORTION MUST BE RETURNED WITH REMITTANCE.

	CODE	CHARGES	INSURANCE FIRST COMPANY	SECOND	
MEDICARE 9 DAYS@ 55.00		495.00			
		495.00			
TELEPHONE 9 DAYS@ 1.50	9010	13.50			13.50
TV CHARGE 9 DAYS@ 1.50	9004	13.50			13.50
		27.00			27.00
PHARMACY INJECTIO	1199	1.72	1.72		
PHARMACY TABLET	1797	2.59	2.59		
PHARMACY INJECTIO	1799	1.00	1.00		
PHARMACY TABLET	1797	2.59	2.59		
PHARMACY CAPSULE	1599	2.22	2.22		
PHARMACY TABLET	1797	2.59	2.59		
		13.51	13.51		
MED SUPPLIES	9401	3.58	3.58		
		3.58	3.58		
X R G	5999	15.00	15.00		
		15.00	15.00		
TOTAL HOSPITAL SERVICES		554.19	527.19		27.00
TOTALS					

BENEFITS ASSIGNED TO THE FAIRFAX HOSPITAL

THE FAIRFAX HOSPITAL
3300 GALLOWS ROAD
FALLS CHURCH, VIRGINIA 22046

FOR INFORMATION REGARDING THIS STATEMENT CALL 560-3111 OR 698-3434

PATIENT'S COPY

FORM 7 (5/70)

The Fairfax Hospital

PATIENT NO. | ADM. DATE | PAGE NO.

AT ENT KAISOVICH GEORGE

DISCH. DATE | BILLING DATE
08/14/0

ILL TO GEORGE KAISOVICH
7[illegible] RIVERSON ST
ALEXANDRIA VA 22304 394221

INSURANCE CO.
TRAVELERS

IMPORTANT
INSURANCE PORTION IS OUR ESTIMATE

TO INSURE PROPER CREDIT TO YOUR ACCOUNT, THIS PORTION MUST BE RETURNED WITH REMITTANCE.

TE OF RVICE	SERVICE RENDERED	CODE	CHARGES	ESTIMATED INSURANCE * FIRST COMPANY	SECOND COMPANY	CHARGE TO PATIENT
	LAB-HOSPITAL COST	[illegible]	[illegible]	[illegible]		
	LAB-HOSPITAL COST	[illegible]	2.0[illegible]	2.[illegible]		
	LAB-HOSPITAL COST	3364	2.[illegible]	2.[illegible]		
	LAB-HOSPITAL COST	3867	4.4[illegible]	4.4		
	LAB-HOSPITAL COST	3625	4.4[illegible]	4.4		
	LAB-HOSPITAL COST	3733	4.4[illegible]	[illegible]		
			22.40	22.4[illegible]		*
	TOTAL PROFESSIONAL SERVICES		22.40	22.4[illegible]		*
	TOTAL ALL SERVICES		576.59	549.5[illegible]		27.00 **
			576.[illegible]	[illegible]		27.00 **
	TOTALS ▷					

THE FAIRFAX HOSPITAL
3300 GALLOWS ROAD
FALLS CHURCH, VIRGINIA 22046

FOR INFORMATION REGARDING
THIS STATEMENT
CALL 560-1111 [illegible]-3434

PATIENT'S COPY

FORM 7 R 80

Fairfax Medical Consultants

3300 GALLOWS ROAD • FALLS CHURCH, VIRGINIA 22046

PATIENT RAISOVICH GEORGE

PATIENT NO. 145740-9 ADM. DATE 08/05/8 PAGE NO.

DISCH. DATE 08/14/8 BILLING DATE

BILL TO GEORGE RAISOVICH
7[illegible] N IVERSON ST
ALEXANDRIA VA 22304 534221

INSURANCE CO.

IMPORTANT
INSURANCE PORTION IS OUR ESTIMATE AND NOT GUARANTEED

TO INSURE PROPER CREDIT TO YOUR ACCOUNT, THIS PORTION MUST BE RETURNED WITH REMITTANCE.

DATE	DETAIL	CODE	CHARGES	ESTIMATE DUE FROM FIRST COMPANY	30	BALANCE DUE PATIENT
[illegible]	HEMATOLOGY	8613	1.[illegible]			1.13
[illegible]	BIOCHEMISTRY	8633	.5[illegible]			.56
[illegible]	SEROLOGY	8664	.7[illegible]			.78
8/[illegible]	UROLOGY	8861	1.1[illegible]			1.15
[illegible]	HEMATOLOGY	8625	1.10			1.10
[illegible]	BIOCHEMISTRY	8733	1.10			1.10
			5.[illegible]			5.60 *
[illegible]	PHYSIATRISTS	8935	30.00			30.00
			3[illegible]			30.00 *
	TOTAL PROFESSIONAL SERVICES		35.60			35.60 *
	TOTAL ALL SERVICES		35.60			35.60 **
			35.6[illegible]			35.60 **
	TOTALS ▷					

BENEFITS ASSIGNED TO FAIRFAX MEDICAL CONSULTANTS

FOR PROFESSIONAL SERVICES RENDERED AT THE FAIRFAX HOSPITAL BY:

PATHOLOGISTS
[illegible] E. COOK, M. D. · IRA D. GODWIN, M. D.
[illegible] S. LINEBERGER, M. D. · MICHAEL VASSALLO, M. D.

RADIOLOGISTS
JAMES A. BURWELL, M. D. · ROBERT M. ALLEN, M. D.
H. B. ZIMMERMAN, M. D. · WALTER J. FARRELL, M. D.

FOR INFORMATION REGARDING THIS STATEMENT CALL 698-3434

ANESTHESIOLOGISTS
[illegible] ERSIEPE, M. D. · B. KRAMER, M. D. · J. T. DOMANN, M. D.
[illegible] ALAZAR, M. D. · ANTONIO LEON, M. D. · H. T. PO, M. D.
[illegible] ARLES YU, M. D. · P. ESCOBAR, M. D. · H. V. GUDNASON, M. D.

PHYSIATRISTS
JOSEPHINE J. BUCHANAN, M. D.
OSCAR AISCORBE, M. D.

PATIENT'S COPY

FORM 7-R-70

FINAL STATEMENT

Fairfax Medical Consultant

330[illegible] GALLOWS ROAD · FALLS CHURCH · VIRGINIA 46

PATIENT NAME: RAISOVICH GEORGE

PATIENT NUMBER: ~~570131-3~~

BILLING DATE: ~~08 27 0~~ (MO. DAY YR.)

HISTORY NUMBER: 394221

SERVICE DATE: (MO. DAY YR.)

BILL TO: GEORGE RAISOVICH
724 NO IVERSON ST
ALEXANDRIA VA 22304

FRUIT GROWERS EXPRESS

PLEASE DETACH AND RETURN TOP PORTION WITH REMITTANCE $_____

DATE OF SERVICE	SERVICE RENDERED	CODE	CHARGES	ESTIMATED INSURANCE OR CASH CREDIT	ESTIMATED CHARGE TO PATIENT
	SELF PAY				
07 20	PHYSIATRISTS	6925	20.00		
			20.00		20.00

FOR INFORMATION REGARDING THIS STATEMENT TELEPHONE 698-3434

FOR PROFESSIONAL SERVICES RENDERED AT THE FAIRFAX HOSPITAL BY:

PATHOLOGISTS
C. BARRIE COOK, M. D. · IRA D. GODWIN, M. D. · A. S. LINEBERGER, M. D. · M. VASSALO, M. D.

RADIOLOGISTS
JAMES A. BURWELL, M. D. · ROBERT M. ALLEN, M. D. · HAROLD B. ZIMMERMAN, M. D. · WALTER J. FARRELL, M. D. · LARRY W. STANTON, M. D.

PHYSICAL MEDICINE
JOSEPHINE J. BUCHANAN, M. D. · OSCAR R. AIZCORBE, M. D.

ANESTHESIOLOGY SERVICES
H. O. SILBERSIEPE, M. D. · B. KRAMER, M. D. · J. T. DOMANN, M. D. · DELFIN SALAZAR, M. D. · ANTONIO LEON, M. D. · H. T. PO, M. D. · CHAS. YU, M. D. · HALLDOR V. GUDNASON, M. D. · PROSPERO S. ESCOBAR, M. D. · JOSEPH R. WILSON, M. D.

PLEASE PAY THIS AMOUNT

PATIENT'S COPY

FORM 11-R 63

Exhibit No. 7

PATIENT Raisovich, George NO SS 44701

STATEMENT OF ANESTHESIOLOGIST

Phone	Office:	Mailing Address:
931 2080 Office Hours 10 - 4	SUITE 104 STRATFORD BLDG. SOUTHERN TOWERS	P.O. BOX 9203 ALEXANDRIA, VA. 22311

JOHN J. O'CONNOR M.D.
ROY S. GILLINSON M.D.
OGUZ TEMUCIN, M.D.

JACK R. WOODSIDE, M.D.
FRANK BUENAVENTURA, M.D.
RONALDO SCHKOLNIK, M.D.

Mr. George Raisovich
724 N. Iverson St.
Alexandria, Va.

FOR PROFESSIONAL SERVICES:

DATE	EXPLANATION	CHARGE	PAID	BALANCE
18Jul69	Anesthesia for self	100.00		100.00
	Pl # 7			
	10-11-72			

CHECKS MAY BE MADE PAYABLE TO ANY OF THE ABOVE PHYSICIANS PLEASE INSIST ON RECEIPT

PAY LAST AMOUNT IN THIS COLUMN.

Exhibit No. 8

ERNESTO V. C F. M.D.
RONALD J. BOR NICK, M.D.
WILLIAM A. ROUADY, M.D.
BRADLEE MEDICAL BUILDING
3543 WEST BRADDOCK ROAD
ALEXANDRIA, VIRGINIA 22302
TELEPHONE: 578-0330

NEUROL AL SURGERY

June 26, 196 9

Re: George Raisovich

FOR PROFESSIONAL SERVICES

Total medical charges	$ 225.00
Medical report	50.00
	$ 275.00
Paid for medical report	50.00
Paid by cash	175.00
BALANCE DUE	$ 50.00

STATE

ERNESTO V. CASTRO, M. D.
RONALD J. BORTNICK, M. D.
WILLIAM A. ROUADY, M. D.
PROFESSIONAL ASSOCIATION
NEUROLOGICAL SURGERY
3543 WEST BRADDOCK ROAD
ALEXANDRIA, VA. 22302
578-0330

DATE July 27, 1970

RE: George Raisovich

FOR PROFESSIONAL SERVICES: $

6/30/69	Office Visit	$ 15.00
7/17/69	Neurosurgical re-examination in Alexandria Hospital	25.00
7/18/69	Dorsal laminectomy	600.00
8/11/69	Office Visit	n/c
9/22/69	Office Visit	10.00
10/6/69	Office Visit	10.00
11/17/69	Office Visit	10.00
2/23/70	Office Visit	10.00
3/18/70	Office Visit	10.00
6/8/70	Office Visit	15.00
7/15/70	Office Visit	15.00
7/22/70	Office Visit	n/c
7/27/70	Supplemental medical report	25.00
		~~$745.00~~

Exhibit No. 9

NORTHERN VIRGINIA ORTHOPAEDIC & ALLIED SPECIALTIES CLINIC

ALLEN M. FERRY, M.D.
FORREST M. SWISHER, M.D.
JAMES H. MASTERSON, M.D.
FREDERICK, W. ROOK, M.D.
ARTHUR E. WHITE, M.D.

FORT WARD TOWERS
2500 NORTH VAN DORN STREET
ALEXANDRIA, VIRGINIA 22302
TELEPHONE 578 1300

JOHN W. CLARKART, M.D.
JOSEPH L. KAST, M.D.
EUGENE R. JACOBS, M.D.
MARION C. RUSTIVO, M.D.

BILLS DUE ON PRESENTATION

FEDERAL ACCOUNT NUMBER 54-0674206

Mr. George Raisovich
724 North Iverson St.
Alexandria, Virginia
22304

RE:

PLEASE DETACH UPPER PORTION AND RETURN WITH REMITTANCE

DATE	DESCRIPTION	CHARGES	CREDITS	BALANCE
DEC 2 70	EXAM M	25.00		
	REPORT M	25.00	0//	50.00
DEC 4 70	OV M	10.00		60.00
DEC 4 70	X RAY 7211 J R	36.00		96.00
DEC 28 70	BRACE CHECK M NC			96.00
JAN 28 71			[illegible]	.00
FEB 12 71	TRAVELERS		[illegible]	[illegible]
FEB 12 71	OV M	11.00		[illegible]
FEB 17 71	REFUND PATIENT	71.00		.00
APR 2 71	OV M	11.00		11.00
APR 26 71			[illegible]	.00
JUN 10 71	SURG 6 9 M	385.00		385.00
JUN 10 71	NORM X RAY 7101 7225 7225 7225 JUN 8	110.00		495.00
JUN 28 71	TRAVELERS		438.00	57.00
AUG 2 71			25.00	32.00
AUG 13 71	OV M NC			32.00
AUG 31 71			32.00	.00
OCT 8 71	OV M NC			.00
DEC 27 71	OV M	11.00		
	INJ M	5.50		16.50
FEB 3 72			16.50	.00
FEB 7 72	OV M	11.00		11.00
MAR 7 72	OV M	11.00		22.00
	Monthly Payments Required	722.50		
	FINANCE CHARGES--NONE			
	ANNUAL PERCENTAGE RATE--NONE			

Plex 69 gc

bc

G.H.I. CONTRACT NO. _____ CODE _____

CLAIM FILED: _____

PAY LAST AMOUNT SHOWN IN THIS COLUMN

KEY TO SYMBOLS

EXM EXAMINATION	INJ INJECTION	NC NO CHARGE
CSN CONSULTATION	XRY X-RAY	PT PHYSICAL THERAPY
SUR SURGERY	GHI GROUP HOSP. INC.	ET EMERGENCY TREATMENT
TFX TREATMENT OF FRACTURE	OV OFFICE VISIT	HV HOSPITAL VISIT

CHECKS MAY BE MADE PAYABLE TO NOVOC

FOR INFORMATION CONCERNING THIS ACCOUNT CALL 578 1300

NORTHERN VIRGINIA ORTHOPAEDIC & ALLIED SPECIALTIES CLINIC

FORT WARD TOWERS
2500 NORTH VAN DORN STREET
ALEXANDRIA, VIRGINIA 22302
TELEPHONE: 578-1300

ALLEN M. FERRY, M.D.
FORREST M. SWISHER, M.D.
JAMES H. MASTERSON, M.D.
FREDERICK, W. ROOK, M.D.
ARTHUR E. WHITE, M.D.

JOHN W. LEAGHART, M.D.
JOSEPH T. KAYE, M.D.
EUGENE R. JACOBS, M.D.
MARION C. RESTIVO, M.D.

BILLS DUE ON PRESENTATION

FEDERAL ACCOUNT NUMBER 54-0674786

Mr. George Raisovich
724 North Iverson Street
Alexandria, Virginia
22304

RE:

PLEASE DETACH UPPER PORTION AND RETURN WITH REMITTANCE

DATE	DESCRIPTION		CHARGES	CREDITS	BALANCE
MAY 10 72	BAL FWD				35.00
MAY 31 72				20.00	15.00
JUN 7 72	OV	M	11.00		26.00
JUL 5 72				10.00	16.00
AUG 1 72				16.00	.00
AUG 23 72	OV	M	11.00		11.00
SEP 20 72	OV	M	11.00		22.00
			33.00		

G.H.I. CONTRACT NO. _____ *CODE* _____

CLAIM FILED: _____

PAY LAST AMOUNT SHOWN IN THIS COLUMN

KEY TO SYMBOLS

EXM EXAMINATION
CSN CONSULTATION
SUR SURGERY
TFX TREATMENT OF FRACTURE

INJ INJECTION
XRY X-RAY
GHI GROUP HOSP. INC.
OV OFFICE VISIT

NC NO CHARGE
PT PHYSICAL THERAPY
ET EMERGENCY TREATMENT
HV HOSPITAL VISIT

CHECKS MAY BE MADE PAYABLE TO NOVOC

FOR INFORMATION CONCERNING THIS ACCOUNT CALL 578-1300

Exhibit No. 10

NATIONAL ORTHOPEDIC AND REHABILITATION HOSPITAL

2455 ARMY-NAVY DRIVE, ARLINGTON, VIRGINIA 22206

A-8-IBM 68

PATIENT	CA O.	ROOM NO.	RATE	CODE	DAYS	ADMIT	CLASS	DOCTORS NAME	CARDIO.
RAISOVICH, GEORGE	135008	422	07.00	2		03771	3	MASTERSON	1

GUARANTOR
RAISOVICH, GEORGE
724 N IVERSON ST
ALEXANDRIA CA 22304

YEAR BORN

DISCHARGE DATE

TIME AM PM

INSURANCE CO. Blue Cross

POLICY NUMBERS [illegible]

BENEFITS

MISCELLANEOUS CHARGES CODE	AMOUNT	CODE	AMOUNT	X-RAY CODE	AMOUNT	DRUGS	LABORATORY	SUPPLIES	DAILY HOSPITAL SERVICE	DATE	CREDITS CODE	AMOUNT	BALANCE
								555	0700	000771			7[illegible]
				7225	2700								
				7101	1000								
				7225	2700								
				7225	2700								
				7101	1000	750	2750	1325	0700	000771			28770
2	2000	1	17500										
3	3600	6	14400			1230	1000	1[illegible]5	0700	000771			77[illegible]
						2730		300	0700	001271			80[illegible]
						3700		500	0700	001171			87[illegible]
						300			0700	001271			104[illegible]
						670		175	0700	001371			112[illegible]
						475			0700	001471			110[illegible]
						335			0700	001571			120[illegible]
						50			0700	001071			133[illegible]
						125		215	0700	001771			140[illegible]
							2050			001071			1[illegible]
TOTALS			37500		10100	10455	7000	4365	73700				143100
DISCHARGE 03071 PATIENT DAYS 11													
										70371	2	90000	531.20
										70371	2	51890	2.30
072071		TRANSFER		5	12.30					72471	1	1230	.00

Dtd 10 DF

MISCELLANEOUS CHARGE CODES:
1. OPERATING ROOM
2. RECOVERY ROOM
3. ANESTHESIA MATERIAL
4. EMERGENCY ROOM
5. INTRAVENOUS
6. ANESTHESIOLOGY
7. BLOOD PROCESSING
8.
9. E.K.G.
10.
11. PHYSICAL THERAPY
12. BRACE
13.
14
15. TELEPHONE L/D
16. MISC. INCOME
17.
18.
19.
20. JOURNAL DR.ADJUSTMENT
21.

CREDIT CODES:
1. CASH
2. INSURANCE
3. ALLOWANCE
4. REFUNDS
5. TRANSFER

AMOUNT EXPECTED FROM:
BLUE CROSS INS.
BLUE SHIELD
PATIENT

ACCOMMODATIONS CODES: ACCOMMODATIONS
1. PRIVATE 5.
PRIVATE _____ DAYS @ $_____

DIAGNOSIS:

REMARKS:

Exhibit No. 11

NATIONAL Orthopaedic and Rehabilitation HOSPITAL
2455 Army-Navy Drive
Arlington, Virginia

12 23 1970

Rajsowich, George

B 25029

DATE	DESCRIPTION	AMOUNT DUE
	Mod. William Back Brace	75 00
	Per Order T. H. Masterson M.D.	
	Pd. 12-23-70	

NOH 114 REV.10/63

NATIONAL Orthopaedic and Rehabili. .on HOSPITAL

2455 Army-Navy Drive Arlington, Virginia 22206

OT 4-6700

ADMISSION NO. [illegible]

TYPE	ACCT. CODE	DATE RECEIVED
		[illegible]

PATIENTS LAST NAME [illegible] INITIAL

RECEIVED FROM [illegible]

REMARKS Brace Shop

FORM 238

CREDIT VOUCHER

RECEIPT NO.	AMOUNT RECEIVED
44527	12.50

☐ CASH ☐ CHECK ☐ OTHER

☐ MAIL ☐ CASHIER ☐ _____

RECEIVED BY [illegible]

Exhibit No. 12

STATEMENT

TELEPHONE 534-

GARRETT M. SWAIN, M. D.
JOHN C. BUCUR, M. D.
EDWARD R. LANG, M. D.
7 CORNERS MEDICAL BUILDING
FALLS CHURCH, VIRGINIA 22044

4 October 19 72

Mr. George Raisovich

FOR PROFESSIONAL SERVICES:

4/8/71	Neurosurgical Consultation	$100.00
5/3/71	Reexamination	15.00
6/7/71	Admitted National Hospital	
6/8/71	Total Myelogram	125.00
6/9/71	Lumbar Laminectomy	500.00
6/18/71	Discharged	
10/22/71	Reexamination	15.00
2/25/72	Reexamination	15.00
	Total Due	$770.00

PLEASE MAKE CHECKS PAYABLE TO:
SEVEN CORNERS NEUROSURGEONS, INC.

Keep this paper with Phillips file

Exhibit No. 13

1. How much of expenses claimed were paid by Insurance?

2. Was any Unemployment Compensation paid during period of illness? If so, how much?

3. How much of out of Pocket Expenses did he suffer?

These questions are not before you and cannot be answered and are not to be speculated upon. Your verdict must be based upon the evidence.

Keith J.

174 Va 196 -
163 Va 735

CLERK
SUPREME COURT OF VIRGINIA
RECEIVED
JUL 23 1973
RICHMOND, VIRGINIA