

ENCINO-TARZANA REGIONAL MEDICAL CENTER

JUDICIAL REVIEW HEARING

CERTIFIED COPY

In the Matter of)

GIL N. MILEIKOWSKY, M.D.)

VOLUME XI

(Pages 1215 - 1362)

Encino-Tarzana Regional Medical Center
18321 Clark Street
Tarzana, California 91356

Thursday, November 1, 2001

REPORTED BY:
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File No. 11-1-010



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17 FOR THE MEDICAL EXECUTIVE COMMITTEE:

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APPEARANCES:

(Continued)

MEMBERS OF THE HEARING PANEL:

Lawrence Fleet, M.D.

Darryl Ballin, M.D.

Jean Miyashita, M.D.

Michael Persky, M.D.

Zahi Nassoura, M.D.

Arthur Fleisher, M.D.

Marlon Brooks, M.D.

Also Present:

Debra Miller, Director of Medical
Staff Services

Layne Hastings

Daniel Wiseman, M.D.

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I N D E X

(Procedural Matters contained in
separate Confidential Volume.)

WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
FOR THE MEC				
Rebecca Perlow, M.D.	1221	1228	1261	1263
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Examination by Dr. Pleet - page	1265			
Examination by Dr. Brooks - page	1266			
Examination by Dr. Persky - pages	1267, 1275, 1276			
Examination by Dr. Miyashita - pages	1269, 1281			
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Diane Levinson, R.N.	1284	1301	1352	1354
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I N D E X

(Continued)

MEC EXHIBITS REFERENCED

- 3 12-1-00 Kayne letter to Mileikowsky
- 128 CQI Care Sheet Re: Circumcision
(MR #492180T)
- 129B MR #492180T chart

HEARING OFFICER EXHIBITS

- H-1 Perlow diagram

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TARZANA, CALIFORNIA

Thursday, November 1, 2001, 6:57 p.m.

* * * * *

P R O C E E D I N G S

THE HEARING OFFICER: On the record.

Good evening, Dr. Perlow. I'm the hearing officer in this hearing, which is a medical staff hearing concerning Dr. Gil Mileikowsky. Seated to my right and my left are members of the hearing committee.

To my extreme right is Dr. Ballin, Dr. Persky, Dr. Miyashita, Dr. Pleet, Dr. Fleisher, Dr. Nassoura, and Dr. Brooks.

Dr. Mileikowsky is there. Dr. Wiseman, who is advising Dr. Mileikowsky, is to his right.

Dr. Wulfsberg is to his right. Then Ms. Miller and Mr. Hastings at the extreme right. And next to you is the court reporter.

The court reporter is going to place you under oath, and you will be asking questions first by Dr. Wulfsberg and then by Dr. Mileikowsky and perhaps by members of the hearing committee.

/ / /

1 REBECCA PERLOW, M.D.,
2 called as a witness by and on behalf
3 of the MEC, having been duly sworn,
4 testified as follows:

5
6 THE HEARING OFFICER: Dr. Wulfsberg.

7
8 DIRECT EXAMINATION

9 BY DR. WULFSBERG:

10 Q Good evening. Thank you for being here.
11 Where did you attend medical school?

12 A The College of Osteopathic Medicine of the
13 Pacific, now known as the Western University of Health
14 Sciences.

15 Q When did you graduate?

16 A 1993.

17 Q Have you done any residency in a specialty?

18 A Yes. Obstetrics and gynecology.

19 Q Are you board-certified?

20 A Yes.

21 Q And do you currently practice obstetrics and
22 gynecology.

23 A Yes.

24 Q Since when?

25 A 1997.

1 Q And do you practice in a group or by yourself?

2 A I'm in a practice by myself.

3 Q Are you a member of this medical staff?

4 A Yes.

5 Q How long have you been on the staff?

6 A 1997.

7 Q What is your practice? What kind of a practice
8 do you have?

9 A I do primarily obstetrics and gynecology, just
10 routine obstetrics and gynecology.

11 Q No subspecialty in that?

12 A No.

13 Q Have you in the past been involved with peer
14 review at this hospital?

15 A No.

16 Q Peer review committees, anything of that sort?

17 A Yeah.

18 Q Okay, in the past. Are you currently?

19 A I'm supposed to attend the meetings.

20 Q But you do not?

21 A I have not been attending.

22 Q Do you know Dr. Mileikowsky?

23 A Sort of.

24 Q Would you describe your relationship with
25 Dr. Mileikowsky.

1 A I know that he has worked at the hospital. I
2 know that my husband knows him.

3 Q And your husband is?

4 A An OB/GYN also who was on the medical staff
5 here for a long time.

6 Q Have you had any social contact with
7 Dr. Mileikowsky in the past?

8 A No.

9 Q Any friendly contact of any kind?

10 A (No audible response.)

11 Q You knew who he was, and that's all?

12 A Yes.

13 Q Do you recall an event that occurred at the
14 Women's Pavilion in August of 2000?

15 A Yes.

16 Q Could you tell us about that, please.

17 A I was in labor and delivery. I just finished a
18 delivery and was carrying my clothes in a bag and
19 walking down the hallway from the Women's Pavilion to
20 the doctors' parking lot.

21 And about a quarter of the way down the
22 hallway, I saw him in the hallway at the end of the
23 doorway with the door open a little bit.

24 Q When you say "him," you mean Dr. Mileikowsky?

25 A Yes. Taking a picture of me or taking a

1 picture of me in the hallway.

2 Q Was it a flash picture?

3 A Yes.

4 Q Were you startled?

5 A Yeah.

6 Q What did you do then?

7 A Well, I wasn't sure what I was going to do, so
8 I wasn't sure whether I should turn back and go to labor
9 and delivery or what I should do. So I just kept
10 walking until I hit the alcove, and then in the alcove I
11 knew there was a phone. So I just sort of ducked in
12 there.

13 Q What did you do then?

14 A I was not comfortable going all the way to the
15 door.

16 Q What did you do then?

17 A I called labor and delivery.

18 Q Why did you do that?

19 A Because I was intimidated. And felt like I
20 didn't know why somebody would do that, and it seemed
21 weird at 5:00 in the morning. I'm a female OB/GYN
22 leaving into a parking lot; I was not comfortable.

23 So I just called them to notify them I was
24 there, and that -- I think I told them that he had taken
25 a picture of me; and that I was a little intimidated;

1 and that I was going to go out to my car anyway, and I
2 just wanted to make sure I let them know.

3 Q Did you call security?

4 A No.

5 Q Do you ever call security?

6 A No.

7 Q Why is that?

8 A Because it takes too long for them to get
9 there. And because I feel like I notify them, and by
10 the time I'm going to go out -- and I usually tell the
11 nurses in labor and delivery when I'm going to leave
12 late at night, and then I call them from my car when I
13 get there. So they know if they don't hear from me,
14 there's something not right.

15 Q After Dr. Mileikowsky's snapped this flash in
16 the hallway, did he say anything to you?

17 A No.

18 He was far away. He wouldn't have had an
19 opportunity to speak to me.

20 Q Okay. Did he make any attempt to introduce
21 himself to you?

22 A No. No.

23 Q Or explain to you why he took the picture?

24 A No.

25 Q What did you feel about this incident?

1 A I just felt like it was a very strange thing to
2 do at 5:00 in the morning. I don't know -- it just
3 seemed very strange and very intimidating, and I didn't
4 like it.

5 Q Has it affected your behavior at this hospital?

6 A It made me nervous to attend our OB/GYN
7 meetings. I just felt like -- we're all sitting in a
8 meeting like this, and I felt like a sitting duck. So I
9 don't go there. I don't go to the OB meetings. I just
10 wait for the minutes to come.

11 Q When you say you felt like a "sitting duck,"
12 what do you mean by that?

13 A I feel like -- you know, you're just sitting in
14 a room like this, and anyone could walk through the door
15 and do anything they want to. I feel like it's kind of
16 like -- like I said before, it felt like it was, like, a
17 possible Columbine waiting to happen. It's very
18 intimidating to me, and I don't want to put myself in
19 that situation.

20 Q Did it make you fearful for your life?

21 A I don't know.

22 Q Because when you use the word "Columbine," you
23 suggest that you were afraid Dr. Mileikowsky might enter
24 the room with a gun and shoot you.

25 A Yeah. I mean, I don't know that he would do

1 that, but I'm certainly not going to take any chances.
2 I have a six-year-old son, and I'm not going to take any
3 chances. I just didn't feel comfortable at all.

4 There's no security there. There's nobody
5 checking anything. I'm not comfortable with that.

6 Q Have you been back to any of the OB/GYN
7 meetings since that time?

8 A I don't think I have attended any meetings.

9 Q So it changed your life.

10 A I don't know.

11 Q With respect to this hospital, with respect to
12 your behavior at these meetings, this has changed your
13 behavior at this meeting, this event. Is that a fair
14 statement?

15 A Yes.

16 Q Thank you.

17 Has any other doctor on the staff done that to
18 you --

19 A No.

20 Q -- taken your picture at 5:00 in the morning?

21 A No.

22 Q Would you feel the same way if another doctor
23 on the staff had done that?

24 A No.

25 Q Would you might have said something to them had

1 they done that?

2 A Yeah. I definitely would have.

3 Q You wouldn't have felt intimidated?

4 A Huh-uh. Not at all.

5 Q Have you felt this way about anybody else on
6 this staff --

7 A No.

8 Q -- this fear?

9 A No.

10 Q Have you felt this way about anybody?

11 A No.

12 Q So this is the first time you've had this kind
13 of experience in your life?

14 A Yes.

15 Q Thank you.

16 THE HEARING OFFICER: No further questions?

17 DR. WULFSBERG: No further questions.

18 THE HEARING OFFICER: Cross-examination,
19 Dr. Mileikowsky.

20 DR. MILEIKOWSKY: Thank you.

21

22 CROSS-EXAMINATION

23 BY DR. MILEIKOWSKY:

24 Q Good evening, Dr. Perlow. How many times, to
25 the best of your recollection, have we ever seen each

1 other?

2 A Once, twice.

3 Q Could it have been someone else that took that
4 picture that night?

5 A No.

6 Q Was I alone?

7 A No.

8 Q Who was with me?

9 A A relatively tall, African-American female in a
10 nursing uniform.

11 Q Did she appear intimidated by me?

12 A No.

13 Q But you're absolutely sure you recognized me?

14 A Yes.

15 Q Was there any reason why you should assume that
16 I recognized you?

17 A No. I don't know. I really don't know.

18 Q Do you believe that I could have, at a distance
19 of probably 300 feet behind a corner in an empty
20 corridor, assumed that by the time my flash would click,
21 that anyone would show up behind the corner?

22 A I don't know what you mean.

23 Q If I may, let me take this sheet of paper as an
24 example. Where was I standing? Outside the building;
25 correct?

1 A No. Right in the doorjamb.

2 Q In the door --

3 A Right in the doorway.

4 Q Correct.

5 The door that is in the Women's Pavilion on the
6 side of the emergency room; correct?

7 A Yes.

8 Q Thank you.

9 You were coming from the elevator from labor
10 and delivery; correct?

11 A Yeah. I had already turned the corner.

12 Q Forgive me one second. Right now you're at the
13 elevator.

14 A Okay.

15 Q Can I see you coming out of the elevator from
16 where I am?

17 A No.

18 Q What's the distance between the elevator and
19 the corridor where you have to turn left in order to
20 come in my direction?

21 A I don't know. I'm not good with feet at all.

22 Q All right.

23 You're familiar with regular cameras, aren't
24 you? You have a camera, a Sure Shot?

25 A Uh-huh.

1 Q Whenever you push the button to take a picture
2 at night, does the flash come instantaneously? Or
3 depending on the strength of the battery, is there a
4 sort of a little delay time between the time you push
5 the button to take a picture and the actual time when
6 the flash comes up?

7 A I have no idea.

8 Q You don't take pictures?

9 A I do not take pictures.

10 Q Is there any reason for you to believe that
11 standing at about 300 feet at the other end of the
12 corridor that I could hear or see anything other than
13 the corridor?

14 A I saw you. I don't know why you couldn't see
15 me.

16 Q After you turned into the corridor.

17 A Yeah.

18 Q Please focus on my question.

19 DR. WULFSBERG: I am going to object.

20 DR. MILEIKOWSKY: Excuse me. You're
21 interrupting me.

22 DR. WULFSBERG: He's used this phrase --

23 (Simultaneous colloquy.)

24 THE REPORTER: I can't --

25 DR. WULFSBERG: I'm going to object. He has

1 used this phrase innumerable times. It's clear that the
2 witness is focusing on the question. The assumption
3 when he makes this statement is that she is either
4 ignoring his question or not paying attention, and I
5 think that this kind of statement suggests to the panel
6 that the witness is not appropriately answering the
7 question.

8 So I think the instruction should be given that
9 this phrase should no longer be used in this hearing.

10 THE HEARING OFFICER: The phrase "Please focus
11 on the question"?

12 DR. WULFSBERG: Which has been used probably 20
13 times when the witnesses are paying direct attention to
14 each and every question he has asked.

15 THE HEARING OFFICER: At this point, I'm not
16 going to order him to do that.

17 Next question.

18 DR. MILEIKOWSKY: Thank you very much.

19 Also, just for everybody's knowledge,
20 including Dr. Wulfsberg, I grew up in French --

21 THE HEARING OFFICER: Dr. Mileikowsky --

22 DR. MILEIKOWSKY: Excuse me. I'd like to
23 respond.

24 THE HEARING OFFICER: No. No. I overruled the
25 objection.

1 DR. MILEIKOWSKY: I did not grow up in
2 English.

3 THE HEARING OFFICER: Dr. Mileikowsky, next
4 question.

5 DR. MILEIKOWSKY: All right.

6 Q Anyhow, please concentrate instead of focusing
7 on my question.

8 You're not tired? It's about 5:00 in the
9 morning. You come out of a delivery; correct? You may
10 have had more than one delivery that night.

11 How many deliveries did you have?

12 A One.

13 Q But you're tired; right?

14 A No. I'm not tired.

15 Q You're not tired?

16 A No. I get kind of up.

17 Q So you're walking out of the elevator towards,
18 basically, behind us in this direction, towards the
19 entrance -- main entrance of the hospital, which is
20 closed at 5:00 in the morning; correct?

21 A Correct.

22 Q And you're going towards the emergency room
23 doctors' parking lot, which is where you're parked;
24 correct?

25 A Correct.

1 Q Is there any way that anyone standing where I
2 was standing at the door could see anything in the
3 corridor where you're coming from out of the elevator
4 when you are standing out of the elevator?

5 A No.

6 Q Whatever distance exists between the corridor
7 at the end of which I stand into which you're going to
8 turn into would take reasonably -- what? -- 10 to 20
9 seconds from the time you will get out of the elevator,
10 depends how fast you're walking, until you even reach a
11 corner; correct?

12 A Uh-huh. Yes. Sorry.

13 Q So you have no reason to believe that anyone,
14 myself or anyone else, could see through the walls who
15 was coming out of the elevator which is not in front of
16 the corridor; correct?

17 A Correct.

18 Q Do you have any reason to believe that I had
19 any desire to take a picture of you that night?

20 A No.

21 Q Since the corridor was empty, what would have
22 been the purpose of my picture, other than the corridor?

23 A I don't know.

24 Q All right.

25 A I didn't know. I had clothes underneath my

1 arm, and I thought -- I was paranoid, and I was thinking
2 that, you know -- I don't know -- I was going to get in
3 trouble for taking my uniform, my scrubs out of the
4 hospital. Well, you're not supposed to do that.

5 So I was tired -- I was enough tired that I
6 didn't want to change my clothes.

7 Q So did you assume that I was working undercover
8 for Tenet or something of that nature to catch
9 physicians walking out of labor and delivery with their
10 uniforms?

11 A I don't know. I did not make that assumption.

12 Q Since I was with another lady, did we appear
13 agitated in any way?

14 A No.

15 Q Was there anything in the interaction between
16 the other lady and myself that would lead you to be
17 anxious or anyone else to be anxious?

18 A It just made me very nervous to have someone
19 take a picture of me at 5:00 in the morning. I mean, I
20 was at least a quarter of the way down the hallway. It
21 just seemed very strange, very uncomfortable, and very
22 intimidating to a female OB/GYN going out to the parking
23 lot at 5:00 in the morning.

24 Q Have you ever seen the picture?

25 A No.

1 Q Have you ever asked to see the picture?

2 A No.

3 Q Do you know that that picture is in a public
4 record?

5 A No.

6 Q Do you know there's no way to recognize you in
7 the picture?

8 A No.

9 Q What prevented you from asking me, or anyone
10 else who would have been at that door taking a picture
11 at 5:00 in the morning, as an attending of the staff of
12 this hospital in good standing -- to ask me why I was
13 taking a picture?

14 DR. WULFSBERG: Asked and answered. I asked
15 her that direct question. She answered that she was
16 intimidated by him; that she would not have been
17 intimidated by another witness. She has already
18 answered the question.

19 THE HEARING OFFICER: Sustained.

20 Next question.

21 DR. MILEIKOWSKY: I would like the hearing
22 officer to note that I did not interrupt Dr. Wulfsberg
23 while he was asking questions. And we had more than one
24 witness answer in a different way the same questions
25 when he asked and when I asked. And this is improper.

1 THE HEARING OFFICER: May I have the pending
2 question, please.

3 (The record was read as follows:

4 "What prevented you from asking me, or anyone
5 else who would have been at that door taking a
6 picture at 5:00 in the morning, as an attending of
7 the staff of this hospital in good standing -- to
8 ask me why I was taking a picture?")

9 THE HEARING OFFICER: Do you understand the
10 question?

11 THE WITNESS: Yes.

12 THE HEARING OFFICER: You may answer.

13 THE WITNESS: I think that -- I know that you
14 have been friendly with my husband. And I don't really
15 know you at all, but I have seen you at the counters
16 with a towel around your neck looking very upset and,
17 you know -- I don't know -- sometimes upset, sometimes
18 not.

19 I was intimidated. I don't know you very well.
20 It was very intimidating. You're much taller than I
21 am. I would not have approached you. I would not.

22 BY DR. MILEIKOWSKY:

23 Q Did I have a towel around my neck that night?

24 A No. But I have seen you, you know, there just
25 sometimes very -- I don't know how to say that. Just I

1 would have been intimidated to ask you that at 5:00 in
2 the morning. I just wanted to duck away and go home.

3 Q What counter were you referring to?

4 A The counter in labor and delivery sometimes.

5 Q How long ago compared to --

6 A Before that, like four or six months. Four
7 months, three months, two months; something.

8 Q Was I upset at you?

9 A No.

10 Q Was I ever upset at you?

11 A No.

12 Q Did I actually ever say anything to you other
13 than "hello" and "good-bye"?

14 A No.

15 Q Did you discuss that night your feelings with
16 your husband?

17 THE HEARING OFFICER: Wait. There's a
18 doctrine of law that conversations between spouses are
19 privileged and do not have to be disclosed.

20 DR. MILEIKOWSKY: She opened the door. She
21 said her husband is friendly with me. He also was a
22 former very important member of our department. And,
23 furthermore, there's a very long history of professional
24 interactions between Dr. Perlow, the husband of Rebecca
25 Perlow. And that's the sole interest of my question.

1 I'm not interested in their private life.

2 So my question is absolutely important because
3 she said earlier under Dr. Wulfsberg's questions that
4 she knew that I knew her husband, and she just stated
5 that she knew that I was friendly with her husband. So
6 it would be normal, since her husband knows me, to find
7 out what he said and what his interpretation would have
8 been that evening or that morning when she discussed it
9 with him.

10 THE HEARING OFFICER: I'm not going to order
11 her to answer the question. If she chooses not to
12 answer the question based on what's called the spousal
13 communication privilege, she doesn't have to; just like
14 there were inquiries made of you earlier in this
15 proceeding, which I will not go into, where your privacy
16 was protected, and I did not order any breach of your
17 privacy.

18 So if you choose not to answer the question,
19 Dr. Perlow, you don't have to answer that question.

20 THE WITNESS: I cannot recall if I talked to
21 him about it or not.

22 THE HEARING OFFICER: All right. Next
23 question.

24 BY DR. MILEIKOWSKY:

25 Q Well, if you were that frightened, wouldn't it

1 have been natural for you to have at least attempted to
2 maybe explore if your interpretation of your fears were
3 legitimately based, since he knows me and you know that
4 he knows me and you don't know me? So it could be
5 natural --

6 A Yes, it would have been natural for me to do
7 that. I simply cannot recall, if you were to ask me,
8 anything about anything he said. But it would
9 definitely be natural to do that.

10 Q Now, did you discuss it with anybody else after
11 that incident -- after that night, rather, after you
12 called labor and delivery?

13 A No.

14 Q Until today you haven't discussed it with
15 anyone?

16 A No. I cannot recall how I was asked to come
17 here. I cannot recall how that -- oh, I know what
18 happened.

19 That night when I ducked into the alcove, I
20 called labor and delivery and told them that I had
21 someone take a picture of me; that I was going to wait a
22 few minutes on the phone with them; that I was
23 intimidated; and that I just, you know, wanted them to
24 talk to me for a little while.

25 Then I waited until you were gone, and then I

1 said, "Okay. I'm going to my car," and I hung up and I
2 went to my car and left.

3 That was the last time I ever talked to anybody
4 about it besides when they started asking me the
5 questions.

6 Q When did they start asking you the questions?

7 A I don't recall. I don't recall.

8 Q Before we go into that, is it your testimony
9 that when you went through the double door that I wasn't
10 there anymore?

11 A No. I think you were in the parking lot.

12 Q So I was not at the double door when you came
13 through?

14 A No.

15 Q How close were you to me at any point in time
16 that night?

17 A I think my car was parked about three cars --
18 two, three cars away from you.

19 Q How well could you see me from that distance?
20 What would it be, 20 feet? 30 feet? 50 feet?

21 A Yeah. Maybe not as far as -- maybe a quarter
22 of the distance between us now. You know, a little
23 further back.

24 Q So about four cars, three to four cars?

25 A Three cars.

1 Q At night. Was there any light outside at
2 5:00 in the morning?

3 A Yes. Yes, there was. It was underneath the
4 lamppost.

5 Q Who was, you or me?

6 A You.

7 Q You don't remember signing a declaration filed
8 in court in September of the year 2000?

9 A A declaration of?

10 Q You.

11 A A statement, you mean?

12 Q Yes.

13 A No. I may have.

14 Q How often do you sign declarations that go to
15 court?

16 A Never.

17 Q So wouldn't it sort of stand up in your mind?

18 A It wasn't -- I don't know. I guess not.

19 Q I'm sorry?

20 A I guess not. I don't recall.

21 Q Can you tell us how it came about that from
22 August -- the incident happened on the morning of --
23 what? -- August 30, and your declaration was signed on
24 September 11 -- was filed September 11.

25 How many people did you talk to between

1 August 30 and September 11?

2 A I don't know. An innumerable amount, but not
3 about this.

4 Q I'm only focusing about this.

5 A I'm sorry.

6 I didn't talk to anybody about it.

7 Q Well, how did your declaration make it to court
8 if you didn't talk to anyone?

9 A I don't know. I think they just sat me down,
10 asked me what happened that night, and I told them.

11 Q Who's "they"?

12 A I think it was here with this team.

13 Q Who's "this team"?

14 A I cannot recall his name. I'm sorry.

15 DR. WULFSBERG: You wouldn't be the first.

16 BY DR. MILEIKOWSKY:

17 Q Dr. Wulfsberg?

18 A Yes.

19 Q Who was the attorney? Was it Ms. Anna Suda,
20 the lady you just spoke to in the other room?

21 A I believe so.

22 Q Or was it Mr. Christensen?

23 A No. It was a female.

24 Q Would it have been Ms. Turman from the office
25 of Mr. Kawa?

1 A I don't know. I recognized this lady's face.

2 Q All right.

3 So to the best of your recollection, you met
4 with Dr. Wulfsberg, Ms. Miller, and Anna Suda.

5 A I didn't meet with her.

6 Q No? You said "this team."

7 A This man's team, whoever that was. He had a
8 group of people.

9 It wasn't her; that's all I know.

10 DR. MILEIKOWSKY: You had a football team you
11 didn't tell us about?

12 DR. WULFSBERG: Making an impression.

13 THE WITNESS: I'm sorry.

14 BY DR. MILEIKOWSKY:

15 Q Are you intimidated by Dr. Wulfsberg?

16 A I'm sorry?

17 Q Are you intimidated by Dr. Wulfsberg?

18 A No.

19 Q You think he is a team, just on his own?

20 A Well, he had -- I don't know, two people with
21 him or something.

22 Q Who else intimidates you?

23 A On staff?

24 Q Anyone.

25 A Anyone in my life?

1 Q Other than Osama bin Laden.

2 A That's a good one.

3 Q Who else intimidates you in your daily life?

4 A No one.

5 Q How about on staff?

6 A No one.

7 Q You have never been intimidated in your life?

8 A No.

9 Q Have you had any traumatic experience at
10 nighttime that anyone has stalked you --

11 A No.

12 Q -- or attempted to --

13 A No.

14 Q -- steal anything from you or anything else?

15 A No.

16 Q Physically attacked you?

17 A No.

18 Q Dr. Wulfsberg skipped quite a little of your
19 background. If I'm not mistaken, before you went to
20 osteopathic medical school, weren't you a nurse?

21 A Yes.

22 Q Could you tell us where did you go to nursing
23 school?

24 A County USC.

25 Q What years were you at County USC?

1 A I graduated nursing school in January of 1982.

2 Q So you graduated two years before I came to
3 USC. Where did you work since 1982 when you left USC?

4 A I got a job at Tarzana Hospital in labor and
5 delivery and worked there until 1987.

6 Q What happened in 1987?

7 A I was moonlighting for Dr. Greenberg doing
8 laparoscopic egg retrieval and going to school full
9 time.

10 Q And you started working with Dr. Greenberg in
11 '87?

12 A No. I started working with him in '84, but I
13 started doing more work of that in '87. I also worked
14 for Dr. Barry Shiffrin doing reviews of obstetrical
15 cases.

16 Q Were you assisting in egg retrievals with
17 Dr. Greenberg in the operating room?

18 A Yes.

19 Q Were you also with Dr. Vermesh?

20 A No.

21 THE HEARING OFFICER: Dr. Mileikowsky, we're
22 approaching the end of the time that's allocated for
23 your cross-examination. I will give you approximately
24 five more minutes.

25 DR. MILEIKOWSKY: For the record, I was

1 interrupted by Dr. Wulfsberg numerous times, and --

2 THE HEARING OFFICER: And I'm giving you more
3 than the time that my ruling allows, so --

4 DR. MILEIKOWSKY: For the record also, the
5 whole purpose of the hearing is for me to cross-examine
6 my accusers, despite the attempts of Dr. Wulfsberg and
7 Dr. Rebecca Perlow to fly stealth. Dr. Perlow has been
8 extremely important in the impact of her declaration
9 September --

10 DR. WULFSBERG: This is argument. I object.

11 DR. MILEIKOWSKY: It's not argument. It's a
12 reality that you don't like.

13 DR. WULFSBERG: This is argument. I will
14 object.

15 (Simultaneous colloquy.)

16 THE HEARING OFFICER: Sustained. Sustained.
17 Next question, please. You have five minutes.

18 DR. MILEIKOWSKY: I have as long as I need by
19 the law.

20 THE HEARING OFFICER: Nope.

21 DR. MILEIKOWSKY: If you do errors of law, it's
22 your problem. I have the right to cross-examine my
23 accusers. If you want to violate my rights, be my
24 guest. It's on the record.

25 Q Dr. Perlow, have you worked with Dr. Vermesh?

1 A No.

2 Q Who else have you worked with on the IVF team?

3 A Dr. Ben-Ozer.

4 Q How long were you with Dr. Ben-Ozer?

5 A I've never -- I have only assisted in surgery
6 with her. I have never actually worked with her. I
7 never did any IVF work with her.

8 Q So you assisted her in GYN surgeries?

9 A Correct. One.

10 Q As a scrub tech?

11 A No. No. Just --

12 Q So as what?

13 A Just like six months ago I assisted her in
14 surgery. That's all.

15 Q Oh, no. No. No. I'm still in 1987.

16 A Oh, no. Oh, my gosh, no. That's it.

17 Q All right.

18 So you mean now you have assisted Dr. Ben-Ozer
19 now that you are a physician and obstetrician/
20 gynecologist on staff.

21 A Correct.

22 Q Forgive me for forgetting, but when did you get
23 married with Dennis, your husband?

24 A 1990.

25 Q 1990.

1 Now, you're very familiar with the nurses in
2 labor and delivery at Tarzana since you were one of them
3 for many years.

4 A Correct.

5 Q Can you tell us what the nurses and yourself
6 were told was the reason for the notice on the billboard
7 in labor and delivery placed June 23 last year signed by
8 Mr. Surowitz indicating publicly to the whole hospital
9 that whenever I would come to the premises, the nurses
10 and the personnel of this staff is instructed by
11 Mr. Surowitz to call security and have me escorted
12 everywhere -- correct?

13 A Yes.

14 THE HEARING OFFICER: Did you see that notice?

15 THE WITNESS: I did see that notice. Now that
16 he reminds me, yes, I did see that notice.

17 THE HEARING OFFICER: Okay. Next question.

18 BY DR. MILEIKOWSKY:

19 Q What were you told by the nurses in labor and
20 delivery was the reason for that notice?

21 A I wasn't -- I never asked them about that. I
22 never talked to them about that.

23 Q What were you told by anyone, any
24 obstetrician/gynecologist or any administrator on
25 staff? Or what did you hear the physicians or nurses

1 talk between themselves, or with you or any other
2 conversations, "What did Mileikowsky do that was so
3 terrible that needed to have such drastic measures?"

4 A I do not know. I do not recall asking anyone
5 that. Really, I just -- August of 2000, my husband just
6 had a stroke. I was very busy and very -- you know,
7 just focused, focused on my work. I wasn't going to do
8 anything else.

9 Q In your career as a nurse at USC, have you ever
10 seen such a notice placed on any physician, resident,
11 fellow?

12 A No.

13 Q In your career as a nurse at Tarzana, have you
14 ever seen such a notice placed on any member of the
15 staff, physician or nonphysician?

16 A No.

17 Q Since being an obstetrician/gynecologist back
18 on staff here, have you ever seen such a notice other
19 than that one?

20 A No.

21 Q While you were in training at USC -- I'm sorry.
22 You did your training in obstetrics and gynecology where?

23 A Kaiser Sunset.

24 Q Have you ever seen such a notice --

25 A No.

1 Q -- at Kaiser Sunset or anyplace on any
2 physician or any nurse?

3 A No.

4 Q So that notice worried you?

5 A Yes.

6 Q It worried you because it raised your antennae
7 that there must be some danger where Mileikowsky is
8 walking around.

9 A Correct.

10 Q Did anyone ever share with you any information
11 of why Mileikowsky is such a big danger that he needs to
12 have an escort around him when he's walking in the
13 premises?

14 A No.

15 Q There also was an incident about four hours to
16 five hours before you came in labor and delivery, wasn't
17 there?

18 A I don't know.

19 Q The nurses didn't tell you I was there around
20 midnight, 12:30, 1:00 in the morning --

21 A No.

22 Q -- taking pictures in labor and delivery?

23 A No.

24 Q Nobody told you anything?

25 A No.

1 Q The head nurse that night was Dori, wasn't she?

2 A Yes.

3 Q You know Dori well. She's been here for a long
4 time; right?

5 A Yes.

6 Q How long have you known the supervisor nurse
7 who only started a year earlier?

8 A Who is it?

9 Q I don't remember her name right now.

10 A I don't either. I don't know who was on.

11 Q So Dori and you are very good friends for a
12 long time.

13 A Yeah. But I was busy. I came in. I did my
14 delivery. I go home.

15 Q All right.

16 Are you aware of the fact that July 11, 2000,
17 Judge Yaffe had very clear orders placed on this
18 hospital administration --

19 DR. WULFSBERG: Excuse me. I object to this
20 immediately.

21 BY DR. MILEIKOWSKY:

22 Q -- preventing them from escorting me --

23 THE HEARING OFFICER: Sustained.

24 Next question. You should be finishing up now,
25 Dr. Mileikowsky.

1 DR. MILEIKOWSKY: For the record --

2 THE HEARING OFFICER: You have had
3 approximately more than 25 minutes in
4 cross-examination. The direct examination liberally
5 took 15 minutes. Under my prior ruling I gave you
6 150 percent of the time of the direct examination, so
7 finish up, please.

8 DR. MILEIKOWSKY: For the record, I was, once
9 again, interrupted. Dr. Wulfsberg likes to claim that I
10 disrupt his questions, and that is what he does all the
11 time.

12 THE HEARING OFFICER: Dr. Mileikowsky, ask the
13 question, please.

14 DR. MILEIKOWSKY: I'm sorry. If you're allowed
15 to do personal attacks against me, and Dr. Wulfsberg
16 also, I'm entitled to put the record clear. If you do
17 not want me to respond, you should give clear
18 instructions to Dr. Wulfsberg to stop interrupting me
19 with personal attacks.

20 THE HEARING OFFICER: He made an objection,
21 which I sustained. Ask the next question, please.

22 DR. MILEIKOWSKY: For the record, the objection
23 which was sustained is against information which is
24 extremely important for this hearing committee to be
25 aware of and is another error of law of the hearing --

1 DR. WULFSBERG: I object. This is argument.

2 DR. MILEIKOWSKY: It's not argument; it's
3 reality.

4 THE HEARING OFFICER: Sustained.

5 Next question.

6 BY DR. MILEIKOWSKY:

7 Q Dr. Perlow, what did you know about anything
8 regarding a conflict between myself and administration
9 of this hospital on August 30, 2000?

10 A Nothing. Just -- I agree with you; I had
11 forgotten about that notice, but I did know --

12 Q An August 14 --

13 A -- about that.

14 THE HEARING OFFICER: Wait. Let her finish
15 her answer.

16 BY DR. MILEIKOWSKY:

17 Q I apologize. I'm sorry.

18 A I said I just do remember about that notice
19 now. I hadn't recalled that before.

20 Q Did you attend the obstetrics and gynecology
21 meeting of August 14, 2000?

22 A I don't know.

23 Q I raised at that time and at a previous meeting
24 of June what I thought were serious deficiencies in the
25 criterias for pulling charts for peer review; namely,

1 that if a patient was readmitted within 30 days for
2 surgery --

3 DR. WULFSBERG: I'm going to object to this.
4 This is not relevant to the charges.

5 BY DR. MILEIKOWSKY:

6 Q -- that chart should be automatically --
7 (Simultaneous colloquy.)

8 DR. WULFSBERG: This has nothing to do with
9 the current charge this witness is here testifying
10 specifically about.

11 THE HEARING OFFICER: I'm going to overrule
12 that.

13 Do you recall attending an OB/GYN department
14 meeting or meetings in which Dr. Mileikowsky raised
15 objections regarding chart review?

16 THE WITNESS: No.

17 THE HEARING OFFICER: All right. Next
18 question.

19 THE WITNESS: I'm sure I wasn't at that
20 meeting. I think I would have remembered it.

21 THE HEARING OFFICER: Next question. Please
22 finish up.

23 DR. MILEIKOWSKY: Yes.

24 Q Did you during the meeting of June of 2000 when
25 I raised that issue -- I believe it was June 12 --

1 A No. I had not been to a meeting where you were
2 attending. I went to a meeting once that you were not
3 at but that had some follow-up meeting of
4 Dr. Mileikowsky; but you were not there.

5 Q Do you remember what the subject was?

6 A No. They just said you're not here, so we're
7 not going to address it.

8 THE HEARING OFFICER: Please finish.

9 DR. MILEIKOWSKY: Yes. I'm just trying to --

10 THE HEARING OFFICER: There will be some more
11 redirect and some questions by the hearing committee,
12 and you will have an opportunity to follow up on that,
13 if there are such questions.

14 BY DR. MILEIKOWSKY:

15 Q Are you aware of the fact that I agreed to be
16 an expert witness in a lawsuit filed against a member of
17 our department at Tarzana Hospital?

18 A No.

19 Q You have an exhibit book in front of you. I
20 ask everybody to take Exhibit 3, page 4.

21 When was the first time you wrote an incident
22 report or any kind of a statement or report or
23 declaration regarding that night, me taking pictures?

24 A An incident report?

25 Q Anything. When did you first write anything;

1 maybe a note at home, anything? First time.

2 A I did not write anything.

3 Q You never wrote anything with your handwriting
4 whatsoever or typed anything?

5 A No.

6 Q So the only document that exists of your
7 recollection is the declaration that you signed under
8 oath, which is in the public records of the lawsuit
9 filed September -- not a lawsuit, but the declaration
10 filed for September 1 last year? There's no other
11 document you ever completed? You never completed an
12 incident report?

13 A No.

14 Q You never discussed this with the chairman of
15 the department of obstetrics and gynecology?

16 A I don't even know who the chairman is.

17 Q Dr. Fenmore.

18 A No.

19 Q You never discussed this with Dr. Pine or
20 Dr. Entin?

21 A No.

22 Q Dr. Rubenstein?

23 A No.

24 Q Chief of staff, Dr. Dosik?

25 A Definitely not.

1 Q Why not?

2 A I don't even know him.

3 Q How about Mr. Surowitz?

4 A I'm sorry?

5 Q Mr. Surowitz.

6 A Oh, no. Definitely not.

7 Q How about Mr. Clute?

8 A No.

9 Q Did you discuss this with any representatives
10 of the union of the nurses?

11 A No.

12 Q Were you a member of the union of the nurses?

13 A No.

14 Q Was Dori the nurse you spoke to when you called
15 upstairs?

16 A I don't recall.

17 Q Do you recall at all -- did you speak with one
18 or more than one nurse?

19 A No. Just one.

20 Q Nothing triggers your memory who it was, which
21 nurse?

22 A No.

23 Q I'd like to focus your attention on Paragraph 3
24 of that page. Can you please read it to us at 0505.

25 A At 0505 the same day, RP --

1 Q Is that you?

2 A Yeah. I'm sure that's me.

3 Q Okay.

4 A -- a female medical staff obstetrician, exited
5 the hospital from the ER exit. She noticed
6 Dr. Mileikowsky standing in the dark. He then
7 started to take pictures of her. She was startled,
8 frightened, and upset.

9 Q Did you ever see this text before today?

10 A No.

11 Q Do you have any idea who wrote it?

12 A No.

13 Q Is that consistent with your recollection of
14 the events?

15 A Yes. Sort of. I mean, I didn't think you were
16 really kind of in the dark. You were standing in the
17 doorway, and it was light in the hallway; I could
18 certainly see you.

19 But to say I was startled, frightened, and
20 upset, yeah. I was intimidated. It was just like --
21 you know, I didn't know what was happening, so I was
22 calling my friends to say, "Watch out for me."

23 Q The second sentence of that paragraph in the
24 middle, "He then started to take pictures of her," is
25 that consistent with your recollection?

1 A Well, I didn't know what you were taking a
2 picture of. It could have been the corridor. But I
3 told you I was feeling guilty for carrying my scrubs,
4 and I thought you were taking a picture of me. I could
5 have been wrong.

6 Q What does the word "startled" refer to, since
7 you've never seen this text, you never wrote this text?

8 A That accurately describes getting a flash at
9 5:00 in the morning down the hall.

10 Q But then it should come in the beginning of the
11 paragraph. The way it reads, it looks like you came to
12 me, and I took pictures and you were close by to me;
13 correct?

14 A I don't know.

15 Q So that's not what happened?

16 A No.

17 Q What was the distance between you and me when I
18 took the pictures? 300 feet?

19 A It was almost exactly in front of the door to
20 the Women's Resource Center.

21 Q So basically the whole length of the corridor?

22 A Almost.

23 Q Thank you very much.

24 THE HEARING OFFICER: Any Redirect?

25 DR. WULFSBERG: Just to clarify.

1 REDIRECT EXAMINATION

2 BY DR. WULFSBERG:

3 Q You could clearly see Dr. Mileikowsky, and you
4 recognized him?

5 A Correct.

6 Q And there was plenty of light in the hallway?

7 A Correct.

8 Q Okay. And prior to the time that you saw the
9 notice in -- do you remember where you saw the notice
10 regarding the issues regarding the security and
11 Dr. Mileikowsky?12 A Yes. And I had seen the security guards there
13 before, so I just didn't recall that until he reminded
14 me.15 Q Prior to that time did you know
16 Dr. Mileikowsky?17 A Did I know him? No more than I have previously
18 described.19 Q Had you formulated some idea about him before
20 you saw this security notice?

21 A No, I don't think so.

22 Q No issues at all?

23 A No. Just that the towel around your neck all
24 the time, it's weird.

25 Q Did you feel that his behavior at any time was

1 odd prior to that time?

2 A No. Just that.

3 Q Okay. Had this been anybody else, would you
4 have been as surprised as -- would you have been
5 surprised if it had been anybody else who had had this
6 security notice?

7 A Yes.

8 Q Were you surprised that it was Dr. Mileikowsky
9 who had the security notice?

10 A I think it's surprising when anyone -- if
11 anyone would have had one. Yes, it's surprising. But
12 not unexpected. I mean

13 Q So you weren't shocked?

14 A No.

15 Q Had it been Dr. Pine, would you have been
16 shocked?

17 A Yes.

18 DR. MILEIKOWSKY: I apologize for this. This
19 is absolutely exactly what Dr. Wulfsberg claims I never
20 do. He's trying to --

21 THE HEARING OFFICER: Sustained.

22 Next question.

23 Disregard the last answer.

24 DR. MILEIKOWSKY: Thank you.

25 DR. WULFSBERG: No further questions.

1 DR. MILEIKOWSKY: I would like the question and
2 the answer to be striked --

3 THE HEARING OFFICER: The question and the
4 answer are stricken.

5 DR. MILEIKOWSKY: Thank you very much.

6 THE HEARING OFFICER: Anything else within the
7 scope of the redirect?

8 DR. MILEIKOWSKY: Yes.

9 THE HEARING OFFICER: All right.

10

11 FURTHER CROSS-EXAMINATION

12 BY DR. MILEIKOWSKY;

13 Q How did you feel when you came to labor and
14 delivery and you've never seen security guards before in
15 labor and delivery?

16 A Nervous.

17 Q Nervous about seeing security guards?

18 A Yes.

19 Q Why?

20 A I think that's highly irregular in a labor and
21 delivery unit to have security guards watching someone
22 on medical staff.

23 Q So you didn't think that the security guards
24 were there to protect some star that was delivering or
25 something of that nature; or some personality, foreign

1 or domestic, that may need protection? You knew those
2 security guards were there because of my presence?

3 A I assumed they were there -- I did not ask
4 anyone. I assumed they were there because the notice
5 was there, and you had a patient on the board.

6 Q Did you ever ask me or anyone else why I wear a
7 towel when I'm in the operating room in labor and
8 delivery?

9 A No.

10 Q I admit it's unique, but is that something that
11 makes you feel threatened or intimidated?

12 A No. I agree with you. It's probably unique,
13 but it's -- I don't know.

14 Q You notice I have a turtleneck, and I think I'm
15 the only one in the room?

16 A Uh-huh.

17 Q Could it be that maybe I catch a cold easily,
18 and that's why I always wear something around my neck to
19 protect myself from the air conditioning?

20 A It's a possibility.

21 Q Is that something that makes you feel
22 threatened?

23 A No.

24 Q Never thought maybe I was hiding something in
25 my towel?

1 A No.

2 DR. MILEIKOWSKY: Thank you.

3 THE HEARING OFFICER: Any more direct?

4 DR. WULFSBERG: No.

5 THE HEARING OFFICER: Hearing committee, any
6 questions?

7 DR. PLEET:

8 THE HEARING OFFICER: Yes, Dr. Pleet.

9

10 EXAMINATION

11 BY DR. PLEET:

12 Q You stated that if it had been any other doctor
13 that had taken that picture that you would not be -- not
14 have had the same reaction?

15 A Correct.

16 Q And in trying to figure out why that would be,
17 I got the impression that it was because you thought his
18 behavior was bizarre with the towel around his neck.
19 Now you have indicated that that really shouldn't be
20 something that would intimidate you.

21 My question, then, is: Why at that time was
22 there a difference between Dr. Mileikowsky taking the
23 picture and someone else? I'm still not clear what was
24 going on in your head.

25 A Number one, I have never spoken to him this

1 much. I have never seen his mannerisms. I have never
2 seen him speak. I have never seen anything. I've only
3 seen him at the counter with a towel around his neck.
4 And labor and delivery is, you know, hot.

5 And I've seen him get upset occasionally; I
6 don't know what about. I never even investigated that.
7 I have seen him do that. He's a tall man. He walks
8 back and forth sometimes, you know. I just stay out of
9 there. That just seems intimidating to me.

10 So when he explains it, it doesn't sound
11 like -- it sounds like a silly, stupid thing for a woman
12 to be afraid of. But when you're in labor and delivery
13 and seeing someone you've never seen before and you see
14 that kind of behavior, it's intimidating.

15 Q So it was his previous body language and his
16 physical size that intimidated you at 5:00 in the
17 morning?

18 A Correct.

19 DR. PLEET: Okay.

20 THE HEARING OFFICER: Anyone else? Dr. Brooks.

21

22 EXAMINATION

23 BY DR. BROOKS:

24 Q I'm trying to clarify. It says in this
25 statement, or whatever this is, that there were

1 pictures. Was there more than one flash? Were there
2 numerous pictures taken, or do you remember just one?

3 A I can't remember if there was one or two. I
4 know for sure there was one; you know, one flash for
5 sure that happened. I can't remember if it was one or
6 two, but I seem to recall it was like "click, click";
7 something like that.

8

9

EXAMINATION

10 BY DR. PERSKY:

11 Q Did you have any idea when you saw
12 Dr. Mileikowsky taking the pictures what he was doing at
13 the hospital at 5:00 in the morning?

14 A No.

15 Q Did you have a thought process why he was in
16 the corridor? Was he there because of a patient? Was
17 he there because he was taking pictures?

18 A I don't know. I don't even know if he was
19 upstairs in labor and delivery before that. I just
20 thought it was pretty -- I don't know. I didn't think
21 about why exactly he was there. It didn't look like it
22 was patient-related when he was taking a picture of me
23 walking down the hallway.

24 It didn't seem, you know, you were focused on
25 some patient.

1 Q So you had no idea that he had been in the
2 hospital that evening or during the morning?

3 A Huh-uh.

4 Q And you began your tenure on the staff here in
5 1997?

6 A Correct. September.

7 Q And so this occurred in August of 2000, the
8 incident with the pictures?

9 A Correct.

10 Q So there are three years, give or take, that
11 you were on the staff. And you were married to
12 Dr. Perlow at that time?

13 A I am still.

14 Q And in conversations with other staff members,
15 either socially or professionally, in the doctors dining
16 room or in the operating room, as well as with any of
17 the labor and delivery nurses or personnel, did you ever
18 hear any story about Dr. Mileikowsky about his
19 reputation?

20 A You know, I would say yes, I probably heard
21 stories. What are they? I can't recall.

22 I'm not a very, medical-staffwise, social
23 person. I don't go to the doctors' dining room. I
24 really do just come and do my work and leave.

25 Q Nor are you an inquiring mind, like we all

1 would like to know the gossip about something?

2 A I don't like that. I am not a gossip person.
3 I do not like gossip.

4 DR. PERSKY: That's all the questions I have.

5 THE HEARING OFFICER: Any other questions from
6 the hearing committee? Dr. Miyashita.

7

8 EXAMINATION

9 BY DR. MIYASHITA:

10 Q Dr. Perlow, I'm a little confused about the
11 logistics of where you were and where Dr. Mileikowsky
12 was at the time of the picture. You were coming down
13 the elevator from the second floor?

14 A Yes. As you come down the elevator from the
15 second floor, then you have to go towards the Women's
16 Pavilion.

17 Q Towards the ER exit past the auditorium?

18 A No. First you go towards the front of the
19 hospital, and then you have to make a left past the
20 Women's Resource Center.

21 Q Correct. And past the auditorium?

22 A Correct, and past the auditorium.

23 So the Women's Resource Center is the first
24 thing you hit when you make a left down the hallway, and
25 then you hit another hallway that is --

1 Q You can take a right into.

2 A No. You can take a left into.

3 DR. MILEIKOWSKY: And a right. She's right.
4 When you go to the lobby, to the main lobby, it's to the
5 right.

6 THE WITNESS: That's later.

7 THE HEARING OFFICER: Wait. Wait.

8 BY DR. MIYASHITA:

9 Q So here's the auditorium -- I'm sorry. There's
10 the elevator, and you take a left. Do you pass by the
11 auditorium?

12 A First you pass by the Women's Resource Center.
13 Then you pass by a hallway. Then you pass by the
14 auditorium, and there's a place to go to your right --

15 Q Correct.

16 A -- and a place to go to the left, an alcove to
17 the auditorium.

18 DR. MILEIKOWSKY: And almost facing that
19 alcove, but not exactly facing, is the corridor towards
20 the lobby.

21 BY DR. MIYASHITA:

22 Q So in other words, you had to take a left to go
23 out the ER exit?

24 DR. WULFSBERG: Do we need to hop over there to
25 see the area?

1 DR. MILEIKOWSKY: That's not a bad idea.

2 DR. MIYASHITA: I'm having a hard time knowing
3 where Dr. Mileikowsky was --

4 DR. MILEIKOWSKY: Do you have any objection if
5 we go downstairs and --

6 THE HEARING OFFICER: Well, wait. Why don't
7 we do this to clarify this.

8 DR. MIYASHITA: Draw me a picture.

9 THE HEARING OFFICER: Exactly. Do you want to
10 give a slip of paper to Dr. Perlow and have her draw the
11 schematic?

12 DR. MILEIKOWSKY: And have it as an exhibit.

13 THE HEARING OFFICER: Sure.

14 DR. MILEIKOWSKY: Thank you.

15 (A discussion was held off the record.)

16 THE HEARING OFFICER: And on your diagram,
17 Dr. Perlow, why don't you mark where you were standing
18 when the flash went off with a P and where
19 Dr. Mileikowsky was standing when the flash went off
20 with an M.

21 THE WITNESS: My husband says no one can read
22 my writing, so

23 THE HEARING OFFICER: Hang on. Let's let
24 Dr. Mileikowsky see -- I'm sorry. Where is
25 Dr. Mileikowsky in this?

1 (Simultaneous colloquy.)

2 THE REPORTER: I can't hear you if you want any
3 of this on the record, and I have no idea what you're
4 talking about.

5 (A discussion was held off the record.)

6 THE HEARING OFFICER: Wait. Wait. The
7 reporter isn't getting any of this.

8 Both Dr. Wulfsberg and Dr. Mileikowsky have had
9 an opportunity to see the schematic --

10 DR. MILEIKOWSKY: And I would like this to
11 be --

12 THE HEARING OFFICER: We'll mark it.

13 DR. MILEIKOWSKY: Uh-huh.

14 THE HEARING OFFICER: We'll put it in as an
15 exhibit. We can make it --

16 Are there any hearing officer exhibits?

17 THE REPORTER: I don't think so.

18 THE HEARING OFFICER: Let's make it H-1. And
19 I'll give it to the court reporter to circulate or
20 attach to the transcript.

21 DR. MILEIKOWSKY: Wait. Don't write on it.

22 THE HEARING OFFICER: We wrote H-1 --

23 DR. MILEIKOWSKY: Oh, sorry.

24 THE HEARING OFFICER: Do you have any questions
25 based upon that, Dr. Miyashita?

1 DR. MILEIKOWSKY: No. Thank you.

2 THE HEARING OFFICER: Why don't we let the
3 other panel members see it.

4 BY DR. MIYASHITA:

5 Q This little square thing here?

6 A That's the Women's Resource Center, just so you
7 would have some idea what that door was.

8 DR. MILEIKOWSKY: Maybe you would like to
9 write "Women's Resource" so people will know.

10 DR. MIYASHITA: Thank you.

11 THE HEARING OFFICER: While the hearing
12 committee members are looking at that, did you have a
13 question, Dr. Nassoura?

14 DR. NASSOURA: Yes. Just a couple of
15 questions.

16

17 EXAMINATION

18 BY DR. NASSOURA:

19 Q You mentioned that your husband and
20 Dr. Mileikowsky either are or were friends. First, can
21 you elaborate on this friendship; and, second, do they
22 continue to be friends until now? Are they friends,
23 colleagues? What kind of friendship is this?

24 A I would say that they are friendly. He has
25 always expressed that Mileikowsky had some animosity

1 with other OB/GYNS in the department, but he never had a
2 problem with him. He always said that to me, always
3 reiterated that to me.

4 Q It's not that they were socializing together?

5 A No. They are not socializing together. He
6 just didn't seem to take him as other people would.

7 Q You mean he had a positive opinion about
8 Dr. Mileikowsky?

9 A Correct.

10 THE HEARING OFFICER: Dr. Fleisher.

11

12

EXAMINATION

13 BY DR. FLEISHER:

14 Q You delivered a patient at 5:00 in the morning?

15 A Probably about 3:30 or 4:00.

16 Q How long had you been there with the patient in
17 labor?

18 A I don't recall.

19 Q Had you been to bed at all that night?

20 A I don't recall. Probably. It was only one
21 patient, so I probably had some sleep for that. I just
22 know it wasn't anything stressful, and it wasn't a
23 Cesarean section, and it wasn't anything that took a lot
24 of power.

25 THE HEARING OFFICER: Any other questions from

1 that if a patient was readmitted within 30 days for
2 surgery --

3 DR. WULFSBERG: I'm going to object to this.
4 This is not relevant to the charges.

5 BY DR. MILEIKOWSKY:

6 Q -- that chart should be automatically --
7 (Simultaneous colloquy.)

8 DR. WULFSBERG: This has nothing to do with
9 the current charge this witness is here testifying
10 specifically about.

11 THE HEARING OFFICER: I'm going to overrule
12 that.

13 Do you recall attending an OB/GYN department
14 meeting or meetings in which Dr. Mileikowsky raised
15 objections regarding chart review?

16 THE WITNESS: No.

17 THE HEARING OFFICER: All right. Next
18 question.

19 THE WITNESS: I'm sure I wasn't at that
20 meeting. I think I would have remembered it.

21 THE HEARING OFFICER: Next question. Please
22 finish up.

23 DR. MILEIKOWSKY: Yes.

24 Q Did you during the meeting of June of 2000 when
25 I raised that issue -- I believe it was June 12 --

1 A No. I had not been to a meeting where you were
2 attending. I went to a meeting once that you were not
3 at but that had some follow-up meeting of
4 Dr. Mileikowsky; but you were not there.

5 Q Do you remember what the subject was?

6 A No. They just said you're not here, so we're
7 not going to address it.

8 THE HEARING OFFICER: Please finish.

9 DR. MILEIKOWSKY: Yes. I'm just trying to --

10 THE HEARING OFFICER: There will be some more
11 redirect and some questions by the hearing committee,
12 and you will have an opportunity to follow up on that,
13 if there are such questions.

14 BY DR. MILEIKOWSKY:

15 Q Are you aware of the fact that I agreed to be
16 an expert witness in a lawsuit filed against a member of
17 our department at Tarzana Hospital?

18 A No.

19 Q You have an exhibit book in front of you. I
20 ask everybody to take Exhibit 3, page 4.

21 When was the first time you wrote an incident
22 report or any kind of a statement or report or
23 declaration regarding that night, me taking pictures?

24 A An incident report?

25 Q Anything. When did you first write anything;

1 maybe a note at home, anything? First time.

2 A I did not write anything.

3 Q You never wrote anything with your handwriting
4 whatsoever or typed anything?

5 A No.

6 Q So the only document that exists of your
7 recollection is the declaration that you signed under
8 oath, which is in the public records of the lawsuit
9 filed September -- not a lawsuit, but the declaration
10 filed for September 1 last year? There's no other
11 document you ever completed? You never completed an
12 incident report?

13 A No.

14 Q You never discussed this with the chairman of
15 the department of obstetrics and gynecology?

16 A I don't even know who the chairman is.

17 Q Dr. Fenmore.

18 A No.

19 Q You never discussed this with Dr. Pine or
20 Dr. Entin?

21 A No.

22 Q Dr. Rubenstein?

23 A No.

24 Q Chief of staff, Dr. Dosik?

25 A Definitely not.

1 Q Why not?

2 A I don't even know him.

3 Q How about Mr. Surowitz?

4 A I'm sorry?

5 Q Mr. Surowitz.

6 A Oh, no. Definitely not.

7 Q How about Mr. Clute?

8 A No.

9 Q Did you discuss this with any representatives
10 of the union of the nurses?

11 A No.

12 Q Were you a member of the union of the nurses?

13 A No.

14 Q Was Dori the nurse you spoke to when you called
15 upstairs?

16 A I don't recall.

17 Q Do you recall at all -- did you speak with one
18 or more than one nurse?

19 A No. Just one.

20 Q Nothing triggers your memory who it was, which
21 nurse?

22 A No.

23 Q I'd like to focus your attention on Paragraph 3
24 of that page. Can you please read it to us at 0505.

25 A At 0505 the same day, RP --

1 Q Is that you?

2 A Yeah. I'm sure that's me.

3 Q Okay.

4 A -- a female medical staff obstetrician, exited
5 the hospital from the ER exit. She noticed
6 Dr. Mileikowsky standing in the dark. He then
7 started to take pictures of her. She was startled,
8 frightened, and upset.

9 Q Did you ever see this text before today?

10 A No.

11 Q Do you have any idea who wrote it?

12 A No.

13 Q Is that consistent with your recollection of
14 the events?

15 A Yes. Sort of. I mean, I didn't think you were
16 really kind of in the dark. You were standing in the
17 doorway, and it was light in the hallway; I could
18 certainly see you.

19 But to say I was startled, frightened, and
20 upset, yeah. I was intimidated. It was just like --
21 you know, I didn't know what was happening, so I was
22 calling my friends to say, "Watch out for me."

23 Q The second sentence of that paragraph in the
24 middle, "He then started to take pictures of her," is
25 that consistent with your recollection?

1 A Well, I didn't know what you were taking a
2 picture of. It could have been the corridor. But I
3 told you I was feeling guilty for carrying my scrubs,
4 and I thought you were taking a picture of me. I could
5 have been wrong.

6 Q What does the word "startled" refer to, since
7 you've never seen this text, you never wrote this text?

8 A That accurately describes getting a flash at
9 5:00 in the morning down the hall.

10 Q But then it should come in the beginning of the
11 paragraph. The way it reads, it looks like you came to
12 me, and I took pictures and you were close by to me;
13 correct?

14 A I don't know.

15 Q So that's not what happened?

16 A No.

17 Q What was the distance between you and me when I
18 took the pictures? 300 feet?

19 A It was almost exactly in front of the door to
20 the Women's Resource Center.

21 Q So basically the whole length of the corridor?

22 A Almost.

23 Q Thank you very much.

24 THE HEARING OFFICER: Any Redirect?

25 DR. WULFSBERG: Just to clarify.

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REDIRECT EXAMINATION

BY DR. WULFSBERG:

Q You could clearly see Dr. Mileikowsky, and you recognized him?

A Correct.

Q And there was plenty of light in the hallway?

A Correct.

Q Okay. And prior to the time that you saw the notice in -- do you remember where you saw the notice regarding the issues regarding the security and Dr. Mileikowsky?

A Yes. And I had seen the security guards there before, so I just didn't recall that until he reminded me.

Q Prior to that time did you know Dr. Mileikowsky?

A Did I know him? No more than I have previously described.

Q Had you formulated some idea about him before you saw this security notice?

A No, I don't think so.

Q No issues at all?

A No. Just that the towel around your neck all the time, it's weird.

Q Did you feel that his behavior at any time was

1 odd prior to that time?

2 A No. Just that.

3 Q Okay. Had this been anybody else, would you
4 have been as surprised as -- would you have been
5 surprised if it had been anybody else who had had this
6 security notice?

7 A Yes.

8 Q Were you surprised that it was Dr. Mileikowsky
9 who had the security notice?

10 A I think it's surprising when anyone -- if
11 anyone would have had one. Yes, it's surprising. But
12 not unexpected. I mean

13 Q So you weren't shocked?

14 A No.

15 Q Had it been Dr. Pine, would you have been
16 shocked?

17 A Yes.

18 DR. MILEIKOWSKY: I apologize for this. This
19 is absolutely exactly what Dr. Wulfsberg claims I never
20 do. He's trying to --

21 THE HEARING OFFICER: Sustained.

22 Next question.

23 Disregard the last answer.

24 DR. MILEIKOWSKY: Thank you.

25 DR. WULFSBERG: No further questions.

1 DR. MILEIKOWSKY: I would like the question and
2 the answer to be striked --

3 THE HEARING OFFICER: The question and the
4 answer are stricken.

5 DR. MILEIKOWSKY: Thank you very much.

6 THE HEARING OFFICER: Anything else within the
7 scope of the redirect?

8 DR. MILEIKOWSKY: Yes.

9 THE HEARING OFFICER: All right.

10

11 FURTHER CROSS-EXAMINATION

12 BY DR. MILEIKOWSKY;

13 Q How did you feel when you came to labor and
14 delivery and you've never seen security guards before in
15 labor and delivery?

16 A Nervous.

17 Q Nervous about seeing security guards?

18 A Yes.

19 Q Why?

20 A I think that's highly irregular in a labor and
21 delivery unit to have security guards watching someone
22 on medical staff.

23 Q So you didn't think that the security guards
24 were there to protect some star that was delivering or
25 something of that nature; or some personality, foreign

1 or domestic, that may need protection? You knew those
2 security guards were there because of my presence?

3 A I assumed they were there -- I did not ask
4 anyone. I assumed they were there because the notice
5 was there, and you had a patient on the board.

6 Q Did you ever ask me or anyone else why I wear a
7 towel when I'm in the operating room in labor and
8 delivery?

9 A No.

10 Q I admit it's unique, but is that something that
11 makes you feel threatened or intimidated?

12 A No. I agree with you. It's probably unique,
13 but it's -- I don't know.

14 Q You notice I have a turtleneck, and I think I'm
15 the only one in the room?

16 A Uh-huh.

17 Q Could it be that maybe I catch a cold easily,
18 and that's why I always wear something around my neck to
19 protect myself from the air conditioning?

20 A It's a possibility.

21 Q Is that something that makes you feel
22 threatened?

23 A No.

24 Q Never thought maybe I was hiding something in
25 my towel?

1 A No.

2 DR. MILEIKOWSKY: Thank you.

3 THE HEARING OFFICER: Any more direct?

4 DR. WULFSBERG: No.

5 THE HEARING OFFICER: Hearing committee, any
6 questions?

7 DR. PLEET:

8 THE HEARING OFFICER: Yes, Dr. Pleet.

9

10 EXAMINATION

11 BY DR. PLEET:

12 Q You stated that if it had been any other doctor
13 that had taken that picture that you would not be -- not
14 have had the same reaction?

15 A Correct.

16 Q And in trying to figure out why that would be,
17 I got the impression that it was because you thought his
18 behavior was bizarre with the towel around his neck.
19 Now you have indicated that that really shouldn't be
20 something that would intimidate you.

21 My question, then, is: Why at that time was
22 there a difference between Dr. Mileikowsky taking the
23 picture and someone else? I'm still not clear what was
24 going on in your head.

25 A Number one, I have never spoken to him this

1 much. I have never seen his mannerisms. I have never
2 seen him speak. I have never seen anything. I've only
3 seen him at the counter with a towel around his neck.
4 And labor and delivery is, you know, hot.

5 And I've seen him get upset occasionally; I
6 don't know what about. I never even investigated that.
7 I have seen him do that. He's a tall man. He walks
8 back and forth sometimes, you know. I just stay out of
9 there. That just seems intimidating to me.

10 So when he explains it, it doesn't sound
11 like -- it sounds like a silly, stupid thing for a woman
12 to be afraid of. But when you're in labor and delivery
13 and seeing someone you've never seen before and you see
14 that kind of behavior, it's intimidating.

15 Q So it was his previous body language and his
16 physical size that intimidated you at 5:00 in the
17 morning?

18 A Correct.

19 DR. PLEET: Okay.

20 THE HEARING OFFICER: Anyone else? Dr. Brooks.

21

22 EXAMINATION

23 BY DR. BROOKS:

24 Q I'm trying to clarify. It says in this
25 statement, or whatever this is, that there were

1 pictures. Was there more than one flash? Were there
2 numerous pictures taken, or do you remember just one?

3 A I can't remember if there was one or two. I
4 know for sure there was one; you know, one flash for
5 sure that happened. I can't remember if it was one or
6 two, but I seem to recall it was like "click, click";
7 something like that.

8

9

EXAMINATION

10 BY DR. PERSKY:

11 Q Did you have any idea when you saw
12 Dr. Mileikowsky taking the pictures what he was doing at
13 the hospital at 5:00 in the morning?

14 A No.

15 Q Did you have a thought process why he was in
16 the corridor? Was he there because of a patient? Was
17 he there because he was taking pictures?

18 A I don't know. I don't even know if he was
19 upstairs in labor and delivery before that. I just
20 thought it was pretty -- I don't know. I didn't think
21 about why exactly he was there. It didn't look like it
22 was patient-related when he was taking a picture of me
23 walking down the hallway.

24 It didn't seem, you know, you were focused on
25 some patient.

1 Q So you had no idea that he had been in the
2 hospital that evening or during the morning?

3 A Huh-uh.

4 Q And you began your tenure on the staff here in
5 1997?

6 A Correct. September.

7 Q And so this occurred in August of 2000, the
8 incident with the pictures?

9 A Correct.

10 Q So there are three years, give or take, that
11 you were on the staff. And you were married to
12 Dr. Perlow at that time?

13 A I am still.

14 Q And in conversations with other staff members,
15 either socially or professionally, in the doctors dining
16 room or in the operating room, as well as with any of
17 the labor and delivery nurses or personnel, did you ever
18 hear any story about Dr. Mileikowsky about his
19 reputation?

20 A You know, I would say yes, I probably heard
21 stories. What are they? I can't recall.

22 I'm not a very, medical-staffwise, social
23 person. I don't go to the doctors' dining room. I
24 really do just come and do my work and leave.

25 Q Nor are you an inquiring mind, like we all

1 would like to know the gossip about something?

2 A I don't like that. I am not a gossip person.
3 I do not like gossip.

4 DR. PERSKY: That's all the questions I have.

5 THE HEARING OFFICER: Any other questions from
6 the hearing committee? Dr. Miyashita.

7

8 EXAMINATION

9 BY DR. MIYASHITA:

10 Q Dr. Perlow, I'm a little confused about the
11 logistics of where you were and where Dr. Mileikowsky
12 was at the time of the picture. You were coming down
13 the elevator from the second floor?

14 A Yes. As you come down the elevator from the
15 second floor, then you have to go towards the Women's
16 Pavilion.

17 Q Towards the ER exit past the auditorium?

18 A No. First you go towards the front of the
19 hospital, and then you have to make a left past the
20 Women's Resource Center.

21 Q Correct. And past the auditorium?

22 A Correct, and past the auditorium.

23 So the Women's Resource Center is the first
24 thing you hit when you make a left down the hallway, and
25 then you hit another hallway that is --

1 Q You can take a right into.

2 A No. You can take a left into.

3 DR. MILEIKOWSKY: And a right. She's right.
4 When you go to the lobby, to the main lobby, it's to the
5 right.

6 THE WITNESS: That's later.

7 THE HEARING OFFICER: Wait. Wait.

8 BY DR. MIYASHITA:

9 Q So here's the auditorium -- I'm sorry. There's
10 the elevator, and you take a left. Do you pass by the
11 auditorium?

12 A First you pass by the Women's Resource Center.
13 Then you pass by a hallway. Then you pass by the
14 auditorium, and there's a place to go to your right --

15 Q Correct.

16 A -- and a place to go to the left, an alcove to
17 the auditorium.

18 DR. MILEIKOWSKY: And almost facing that
19 alcove, but not exactly facing, is the corridor towards
20 the lobby.

21 BY DR. MIYASHITA:

22 Q So in other words, you had to take a left to go
23 out the ER exit?

24 DR. WULFSBERG: Do we need to hop over there to
25 see the area?

1 DR. MILEIKOWSKY: That's not a bad idea.

2 DR. MIYASHITA: I'm having a hard time knowing
3 where Dr. Mileikowsky was --

4 DR. MILEIKOWSKY: Do you have any objection if
5 we go downstairs and --

6 THE HEARING OFFICER: Well, wait. Why don't
7 we do this to clarify this.

8 DR. MIYASHITA: Draw me a picture.

9 THE HEARING OFFICER: Exactly. Do you want to
10 give a slip of paper to Dr. Perlow and have her draw the
11 schematic?

12 DR. MILEIKOWSKY: And have it as an exhibit.

13 THE HEARING OFFICER: Sure.

14 DR. MILEIKOWSKY: Thank you.

15 (A discussion was held off the record.)

16 THE HEARING OFFICER: And on your diagram,
17 Dr. Perlow, why don't you mark where you were standing
18 when the flash went off with a P and where
19 Dr. Mileikowsky was standing when the flash went off
20 with an M.

21 THE WITNESS: My husband says no one can read
22 my writing, so

23 THE HEARING OFFICER: Hang on. Let's let
24 Dr. Mileikowsky see -- I'm sorry. Where is
25 Dr. Mileikowsky in this?

1 (Simultaneous colloquy.)

2 THE REPORTER: I can't hear you if you want any
3 of this on the record, and I have no idea what you're
4 talking about.

5 (A discussion was held off the record.)

6 THE HEARING OFFICER: Wait. Wait. The
7 reporter isn't getting any of this.

8 Both Dr. Wulfsberg and Dr. Mileikowsky have had
9 an opportunity to see the schematic --

10 DR. MILEIKOWSKY: And I would like this to
11 be --

12 THE HEARING OFFICER: We'll mark it.

13 DR. MILEIKOWSKY: Uh-huh.

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15 exhibit. We can make it --

16 Are there any hearing officer exhibits?

17 THE REPORTER: I don't think so.

18 THE HEARING OFFICER: Let's make it H-1. And
19 I'll give it to the court reporter to circulate or
20 attach to the transcript.

21 DR. MILEIKOWSKY: Wait. Don't write on it.

22 THE HEARING OFFICER: We wrote H-1 --

23 DR. MILEIKOWSKY: Oh, sorry.

24 THE HEARING OFFICER: Do you have any questions
25 based upon that, Dr. Miyashita?

1 DR. MILEIKOWSKY: No. Thank you.

2 THE HEARING OFFICER: Why don't we let the
3 other panel members see it.

4 BY DR. MIYASHITA:

5 Q This little square thing here?

6 A That's the Women's Resource Center, just so you
7 would have some idea what that door was.

8 DR. MILEIKOWSKY: Maybe you would like to
9 write "Women's Resource" so people will know.

10 DR. MIYASHITA: Thank you.

11 THE HEARING OFFICER: While the hearing
12 committee members are looking at that, did you have a
13 question, Dr. Nassoura?

14 DR. NASSOURA: Yes. Just a couple of
15 questions.

16

17

EXAMINATION

18 BY DR. NASSOURA:

19 Q You mentioned that your husband and
20 Dr. Mileikowsky either are or were friends. First, can
21 you elaborate on this friendship; and, second, do they
22 continue to be friends until now? Are they friends,
23 colleagues? What kind of friendship is this?

24 A I would say that they are friendly. He has
25 always expressed that Mileikowsky had some animosity

1 with other OB/GYNS in the department, but he never had a
2 problem with him. He always said that to me, always
3 reiterated that to me.

4 Q It's not that they were socializing together?

5 A No. They are not socializing together. He
6 just didn't seem to take him as other people would.

7 Q You mean he had a positive opinion about
8 Dr. Mileikowsky?

9 A Correct.

10 THE HEARING OFFICER: Dr. Fleisher.

11

12

EXAMINATION

13 BY DR. FLEISHER:

14 Q You delivered a patient at 5:00 in the morning?

15 A Probably about 3:30 or 4:00.

16 Q How long had you been there with the patient in
17 labor?

18 A I don't recall.

19 Q Had you been to bed at all that night?

20 A I don't recall. Probably. It was only one
21 patient, so I probably had some sleep for that. I just
22 know it wasn't anything stressful, and it wasn't a
23 Cesarean section, and it wasn't anything that took a lot
24 of power.

25 THE HEARING OFFICER: Any other questions from

1 the hearing committee?

2 Dr. Persky.

3

4

FURTHER EXAMINATION

5 BY DR. PERSKY:

6 Q You worked with Dr. Greenberg?

7 A Correct.

8 Q Did he ever have anything to say about
9 Dr. Mileikowsky and his relationship to Dr. Mileikowsky?

10 A No. I'd never even heard of him.

11 DR. PERSKY: Okay.

12 THE HEARING OFFICER: Any other questions?

13 All right. Any questions by --

14 Sorry. Dr. Ballin.

15

16

EXAMINATION

17 BY DR. BALLIN:

18 Q That morning when you called up to labor and
19 delivery before you left the hospital, do you recall
20 what the nurse told you on the phone when you told her
21 of your situation?

22 A No. I just sort of told her that I wanted her
23 to stay on the phone with me for a few minutes. Just
24 "Stay on the phone with me for a few minutes." She
25 didn't say anything.

1 THE HEARING OFFICER: Dr. Persky.

2

3 FURTHER EXAMINATION

4 BY DR. PERSKY:

5 Q So you were --

6 A I was in the alcove.

7 Q You were startled, frightened, and upset for a
8 given time while you were talking on the phone. And
9 then you decided that it was okay to walk within a few
10 cars of Dr. Mileikowsky outside in the parking lot.

11 What transpired between being frightened,
12 startled, and scared to coming very close to him, almost
13 passing by him, to get into your car? Was there
14 something that happened? Did somebody say something to
15 you?

16 A No, nobody said anything to me. I think you
17 just sort of gather your wits. I mean, it's a weird
18 thing that happened, and I just started thinking to
19 myself, "It's a weird thing that happened. Just calm
20 down, go to your car, and go home."

21 So it just took me a few minutes to sort of
22 gather my wits and go.

23 THE HEARING OFFICER: Any other questions of
24 the hearing committee?

25 Any other questions from Dr. Wulfsberg?

1 Dr. Mileikowsky?

2 DR. MILEIKOWSKY: Yes.

3 THE HEARING OFFICER: Dr. Miyashita has to
4 answer a page. Let's see if we can finish this up real
5 quick.

6

7 FURTHER CROSS-EXAMINATION

8 BY DR. MILEIKOWSKY:

9 Q Isn't it a fact that your husband was actually
10 one of my strongest supporters and that he was a healthy
11 and a strong member of the department?

12 A I don't know. Probably so.

13 Q Could you, at a distance of about three to four
14 cars from me in the dawn when there is still darkness
15 and some light -- could you see any details about my
16 face? Did I wear any glasses?

17 A No. You were writing something on the top of
18 your car.

19 Q Was I looking at you at any point in time?

20 A No. You did not look at me, and I did not look
21 at you.

22 Q Did I have any hat?

23 A No, you did not have a hat.

24 Q Did I have tennis shoes?

25 A I don't know.

1 Q Do you remember what color clothing I was
2 wearing?

3 A No. Kind of a light shirt, like a checked
4 shirt. Kind of like that (gesturing), but lighter.

5 Q Did I have a jacket?

6 A No.

7 Q Did I have a tie?

8 A No.

9 Q From the distance you were, you couldn't really
10 see much in detail, you just recognized me --

11 A Yeah.

12 Q -- from a silhouette?

13 A Right. And I wasn't looking for detail. I was
14 just bee-lining to my car.

15 Q So you actually never saw my eyes because we
16 never had crossed each others' eyes --

17 A Correct.

18 Q -- is that correct?

19 A Correct.

20 Q Now, am I the tallest physician attending this
21 hospital?

22 A I don't know.

23 Q Is Dr. Rubenstein almost twice as tall as I am?
24 Peter --

25 DR. WULFSBERG: That would be 12 feet tall, let

1 the record show.

2 BY DR. MILEIKOWSKY:

3 Q Well, isn't Peter one of the tallest,
4 strongest-built OB/GYNs in the department?

5 THE HEARING OFFICER: All right. Let's try and
6 finish this up.

7 DR. MILEIKOWSKY: It's a "yes" or "no" answer.

8 Q You know Peter --

9 THE HEARING OFFICER: I think we'll stipulate
10 that there are other doctors at the hospital taller than
11 you.

12 BY DR. MILEIKOWSKY:

13 Q Is Peter ever intimidating you?

14 A No.

15 Q So it's not my size, then, that could be
16 intimidating if you're not intimidated by Peter?

17 A Well, Peter has delivered my family. I know
18 Peter very well.

19 Q Are you intimidated by anyone else who is tall
20 and strongly built?

21 A Yeah. I would say so.

22 Q Who, for instance?

23 A I don't know.

24 THE HEARING OFFICER: I think we're reaching
25 the point of diminishing returns. Let's finish up so

1 Dr. Miyashita can take her call.

2

3

FURTHER REDIRECT EXAMINATION

4 BY DR. WULFSBERG:

5 Q Just for clarification, there was no doubt in
6 your mind you saw Dr. Mileikowsky --

7 A Right.

8 Q -- both in the hospital taking the picture of
9 you, snapping the flash, and out at his car?

10 A Correct.

11 Q No doubt in your mind?

12 A Correct.

13 Q And did Dr. Mileikowsky ever call you, write
14 you, approach you to explain what he was doing?

15 A No.

16 Q Did you feel it was your duty to ask him why he
17 was taking a picture of you at 5:05 in the morning?

18 A No.

19 Q Thank you.

20 THE HEARING OFFICER: I'll give you the last
21 bite at the apple.

22 DR. MILEIKOWSKY: I'll give it to
23 Dr. Miyashita.

24 DR. MIYASHITA: I have one question.

25 / / /

1 FURTHER EXAMINATION

2 BY DR. MIYASHITA:

3 Q Dr. Perlow, are you aware that there is
4 security in the emergency room and in the entrance right
5 inside the emergency room, the other exit?

6 A What is the question? I'm sorry.

7 Q Are you aware that there is security -- were
8 you aware that there is security usually sitting outside
9 the emergency room?

10 A Yes.

11 Q Were they present that night during that night?

12 A No. You know, it doesn't come -- they're not
13 near the auditorium. They are near the emergency room
14 exit; literally the emergency room exit. They are not
15 near the auditorium exit, so I almost never see them.16 Q Would you have thought to maybe detour around
17 so you could go around and to the back and --

18 A No. I didn't want to --

19 Q Okay.

20 A -- get too upset. I just wanted to call my
21 friends, let them know what's happening, and wait and
22 calm down and go home.23 THE HEARING OFFICER: Dr. Nassoura has a
24 question.

25 DR. NASSOURA: I'm sorry.

1 THE HEARING OFFICER: No. That's all right.

2

3

EXAMINATION

4 BY DR. NASSOURA:

5 Q You said that your husband has been favorable
6 to Dr. Mileikowsky while there has been animosity in the
7 department towards Dr. Mileikowsky. Do you know why?
8 Can you be more elaborate on this?

9 A No. It was way before I was on staff or
10 anything like that. And my husband was chief, but I
11 didn't -- you know, I just hear the stuff. I just take
12 it in, but I don't know what it's about.

13 Do you know what I mean? I mean, I just let
14 him spew stuff, and I never remember it. It's not
15 important.

16 THE HEARING OFFICER: Her husband's motion to
17 strike is granted.

18 DR. MIYASHITA: These meetings are
19 confidential.

20 THE HEARING OFFICER: Yeah. This is all
21 confidential.

22 Any other questions? All right.

23 Thank you very much, Dr. Perlow. We really
24 appreciate your taking the time to come here --

25 THE WITNESS: Sure.

1 THE HEARING OFFICER: -- and testify.

2 Let's take a 10-minute break.

3 (Recess from 8:03 p.m. to 8:29 p.m.)

4 (Dr. Perlow left the proceedings.)

5 (Ms. Levinson joined the proceedings.)

6 THE HEARING OFFICER: Good evening,

7 Ms. Levinson. My name is Dan Willick. I'm the hearing
8 officer. This is a hearing concerning Dr. Mileikowsky,
9 who is to my right.

10 Seated next to me are members of the hearing
11 committee; Dr. Brooks, Dr. Nassoura, Dr. Fleisher,
12 Dr. Pleet, Dr. Miyashita, Dr. Persky, and Dr. Ballin.
13 That's Dr. Wulfsberg in front of you, who represents the
14 Medical Executive Committee. To his left is Ms. Miller
15 and Mr. Hastings, who are assisting him. And
16 Dr. Wiseman, to Dr. Mileikowsky's immediate right, is
17 assisting him.

18 And I'm going to have the court reporter place
19 you under oath at this point, and you're going to be
20 asked some questions.

21

22 DIANE LEVINSON, R.N.,

23 called as a witness by and on behalf
24 of the MEC, having been duly sworn,
25 testified as follows:

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I N D E X

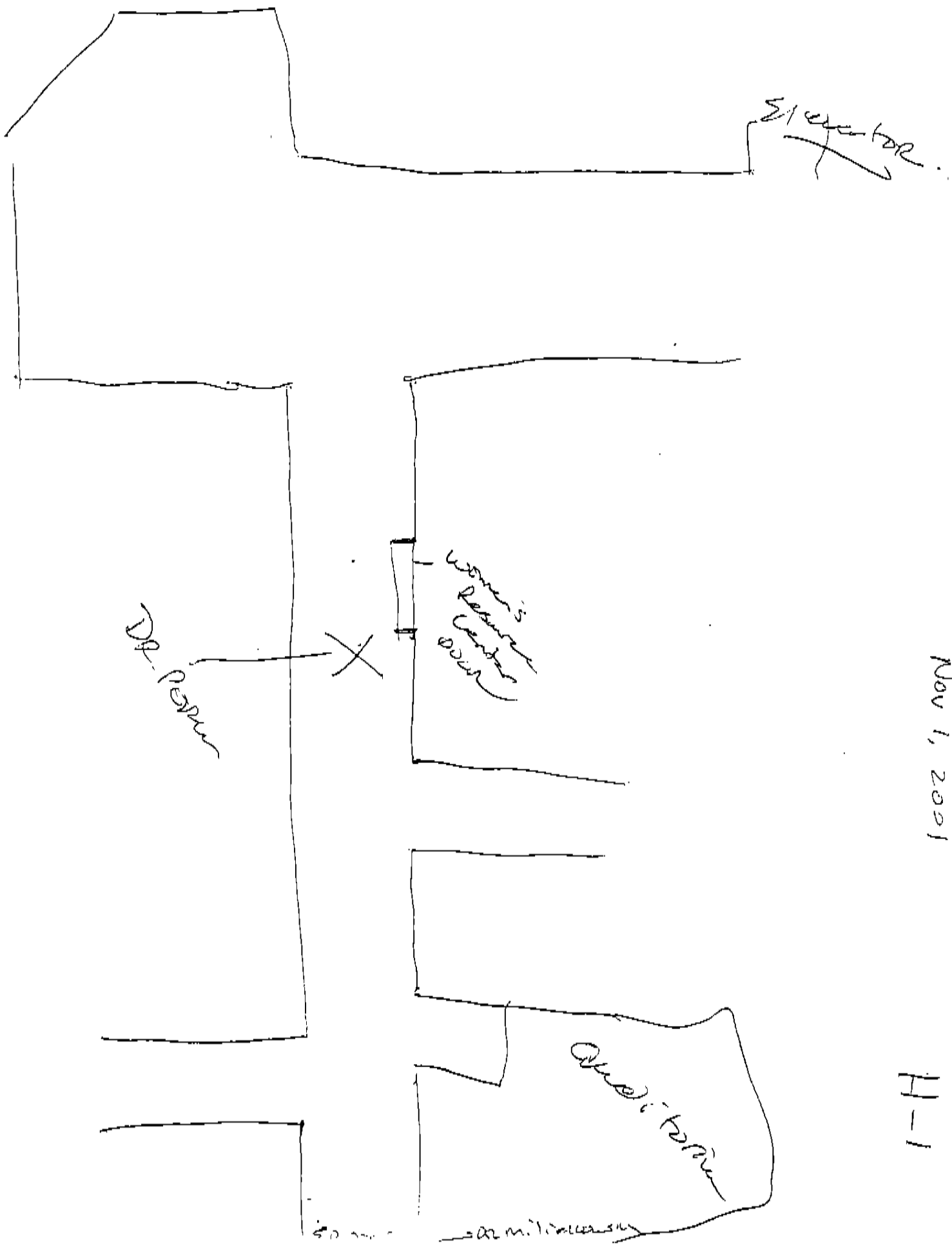
(Continued)

MEC EXHIBITS REFERENCED

- 3 12-1-00 Kayne letter to Mileikowsky
- 128 CQI Care Sheet Re: Circumcision
(MR #492180T)
- 129B MR #492180T chart

HEARING OFFICER EXHIBITS

- H-1 Perlow diagram



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