

In the Superior Court at Anchorage, Alaska

**Media No.:** 3AN6108-196

**Judge:** W. Morse [telephonic @ API]

**Date:** Thursday, November 06, 2008

**Clerk:** T. Smallwood

**Case Title:** IN THE MATTER OF:

**Name of Minor(s):**

**Case Number:**

W.B.

3AN-08-1252PR

**Type of Proceedings:** Hearing to address medication / Status of hospitalization

**Parties Present:** Assistant Attorney General:Laura Derry / Erin Pohland  
Psychiatrist  
Petitioner: Linda David [NP]  
Attorney for Mr. Bigley James Gottstein  
Respondent, Mr. Bigley [Present, in part]

**Others Present:** Mr. Jonathan Hughes, Guar

**Court Orders/Master Recommends:**

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**Summary of Proceedings:**

8:35:38 AM Court continues hearing to 11-10-08 @ 8:30 a.m. – 1:30 p.m.  
Exhibit F admitted / Exhibit E not admitted  
**On record**

8:35:49 AM Court  
-calls case  
-conducts roll call [summarizes who is present]  
-from yesterday, have three copies of CDs and lognotes

8:36:41 AM Unidentified Party [Gottstein ?]  
-just served a copy of protective order yesterday...not sure if this issue is mute

Unidentified Party [Derry / Pohland ?]  
-responds

8:37:16 AM Court  
-motion to strike clarified w/ protective order...

Unidentified Party [Gottstein ?]  
-am seeking clarification on what it is that I can do here ...for example, am I permitted to respond to motions: motion to strike and protective order

Court  
-what was done w/ those two motions yesterday / comments

**CONFIDENTIAL**

Not confidential -- Jim  
Gottstein

8:39:10 AM Unidentified Party [Derry / Pohland ?]  
-States' position summarized

8:39:39 AM Court  
-let's take this up later... addresses Gottstein

8:39:52 AM Unidentified Party [Gottstein ?]  
-comments

8:40:38 AM Court  
-need to use time today and try to get through the witnesses...  
  
Unidentified Party [Gottstein ?]  
-will be requesting a settlement conference  
  
Unidentified Party [Derry / Pohland ?]  
-not sure of that purpose / request

8:41:40 AM Unidentified Party [Gottstein ?]  
-timing of / scheduling of witnesses addressed

8:43:03 AM Unidentified Party [Derry / Pohland ?]  
-addresses clerk / Court – RE: clarification on yesterday's lognote... my title and who I represent, for the record  
-calls witness

8:43:28 AM **Witness Sworn/Affirmed:**  
  
**Khari, Kahnaz**

8:43:58 AM **Direct Examination by Derry**  
  
(my medical school / education and training summarized  
(I am board certified psychiatrist / have treated Mr. Bigley...not able to discuss medications w/ me  
(in his case, what medications were prescribed / addressed...unfortunately, in his case, his thinking process / rationale was limited in his ability to engage w/ me  
(medications: level [s] of injection versus oral / when medication take effect and when begun / taken  
(oral form in morning / injections – 25 mmg, initially

8:48:15 AM **PAUSE**  
  
[Court addresses W.B. – admonishes to be quiet during proceedings] - ? [inaudible]

8:48:47 AM (if he had any side effects to the medications at that time  
(looking at the chart – some mild form of dementia ...not really sure...cannot at this point...I did not directly see / report side effects

8:49:33 AM (when on Rispadone...injections / how often  
(if that medication helped him: if that is indicated on the [his] chart: addressed  
(I have evaluated him since Oct. 20, 2007...actually, yes...on daily basis including weekends to evaluate his state of mind; yes, Saturdays are my days off

8:51:29 AM (medications' effect on him addressed: escalated anger / upset him  
(no, he has no insight – if he knows if he has a mental illness  
(he has had a lot of anger...  
8:52:11 AM (he has requested to talk to me / expressions of anger, yelling, etc...recalls conversation w/ him,  
in summary  
8:54:10 AM (no, he does not ... cannot assimilate facts about his illness  
(having ability to be rational...that doesn't exist...makes sounds that are not understandable /  
sounds not possible to engage in conversation  
(yes, he was in an assisted living facility...  
8:57:32 AM (no, he does not really make sense / he does think that...medications' side effects...impacts his  
brain; then he makes other statements that do not have anything to do w/ medications and side  
effects  
8:58:25 AM (what I think will happen if he is not treated w/ full spectrum of what API can provide...addressed  
(he has a severe schizophrenia [? – inaudible]...prognosis can become worse...explains  
(placing him in position where it can be difficult  
  
Gottstein  
-objection...have not been provided with ...[inaudible?]  
9:00:54 AM Court  
-inquires of A.G. – if discovery has been provided / was there a request for providing...?  
  
Derry  
-an essay / summation of her opinion and what she knows ...if a single study ...explains / no  
specific reference...  
9:02:02 AM Court  
-addresses Gottstein  
  
Gottstein  
-remarks  
  
Derry  
-object [ed]  
  
**PAUSE**  
  
Derry  
-basis of objection: timeliness factor  
  
Court  
-inquires / comment  
  
9:03:22 AM Derry continues to inquire of witness  
(one article / basis of profession – information ...  
  
Court  
-am going to overrule the objection ...remarks explained  
  
Derry  
-I can inquire of her general knowledge on ...RE: foundation / education and knowledge,

familiarity

Gottstein

-I ought to be able to look at the study that she is referring to ...

Court

-will let her testify to what her general knowledge is... what she can address...

9:05:31 AM

Gottstein

-written testimony addressed and I just want to see them...

Court

-my concerns...

9:06:09 AM

Gottstein

-and I am not asking for that

Court

-continues w/ comments...

-asks witness to spell the medication referenced in testimony

Derry continues direct exam

(Riscrapadone [inaudible- ? ] – Witness spells medication for Court

(brand name...

9:08:24 AM

**PAUSE**

9:08:33 AM

(whether or not...effects of not being on medication : addressed – information based on articles from different journals... a bunch of them out there; how many I read a month: I try to keep up on whatever... explains w/ titles of journals; four or five times a week ...

9:10:22 AM

Gottstein

-objection... clarifies w/ Court on how to correctly object or when permitted to cross examine her ... on issues / objections

Court

-[inaudible] comments

(yes...for the last six months...not on medications

(again, the overall understanding ...if not on medications / treatment...poor mental health ; more violent; more aggressive conduct ; being more [likely to be] victim of [a] crime

Gottstein

-asks witness to repeat last portion of answer

9:12:20 AM

(being involved in crime / victim

(some level of having some ability to be in community / case manager / state of mind

(his access is limited if he does not receive medications / his basic needs, for example, shelter

Derry

-no further questions



9:15:36 AM

**Cross Examination by Gottstein**

(In one of his charts, yes, it said it was "mild"  
(effect on brain – addressed / level of condition – effect  
(medications – on brain: addressed / receptors  
(motor movement, if effected by medication [s]: addressed – yes ...but on other parts of the brain  
/ what parts are not impacted  
(there are lots of studies / articles out there...would be happy to help you find some

Gottstein

-addresses Court...RE: if she should / required to provide studies – results of

Derry

-remarks [inaudible]

Court

-remarks [inaudible]

Gottstein

-continues to cross examine witness

Derry

-objection...is there a question or are you testifying?

Court

-clarifies how questions are to be posed

9:19:25 AM

**Cross Examination by Gottstein, continues**

(yes / Risperdal – addressed  
(he took that and then he stopped ...no, I don't know why he stopped

9:21:40 AM

Derry

-objection, mischaracterization of testimony

Court

-overruled

9:22:00 AM

(prognosis ...if it declines / if not stable ...  
(I do read articles / I am busy, right...if I read the whole article or just the abstract: well, it depends  
– explains w/ clarification...every case is different ...I do read articles ...explains if I focus on one  
thing or several  
(if I ever re-analyze the data: not sure what you mean by that

Gottstein

-explains w/ example...

9:25:29 AM

(I try to look at the / all of the variables that they are looking at...

9:26:45 AM

(if he does not take the medication – addressed: it will have a worse functional outcome : clarifies  
w/ explanation  
(his ability to be engaged in community / his state of mind: addressed

(also, his safety within the community addressed

Derry  
-objection

Court  
-overruled

(no, I was not present during May hearing / testimony  
(I did not read her transcript – evidence

Derry  
-objection, not filed

Gottstein  
-I did file it

Court  
-admonishes parties  
-remarks / may answer question if she has knowledge...

9:29:01 AM

(I did recall reading something about what she was talking about / talked about...  
(if his current functioning was effected by taking psychotropic drugs: addressed  
(first of all, my familiarity of Dr. Jackson addressed  
(second, if she actually had physical observation of patients addressed / the validity of ...

Gottstein summarizes testimony of this witness compared to Dr. Jackson

Derry  
-objection, calls for speculation

(he is not benefiting from being on medication / his level of functioning – decline  
(if there is anything in Dr. Jackson's testimony that I dispute ...

Derry  
-objection, speculation

Court  
-if she can remember then she may answer...

9:32:39 AM

(level of psychosis / what can occur ... one of the hypothesis – recalled, summarized

Derry  
-objection, foundation

Court  
-comments

(I would need to find out specifically... article being referenced  
(yes, if discharged – role of case management [confirmed]  
(late Jan of 2007 [confirmed]

Gottstein  
-have document – marked as Exhibit E

**PAUSE**

9:39:51 AM (no, I did not / have not seen this

Derry  
-objection, not relevant

Court  
-it's not being offered / admitted

9:40:19 AM Gottstein  
-paragraph C if that is what you just said...right?

Derry  
-objection, relevance

Court  
-overruled

9:40:50 AM (10-24-07 : clarification of what I was trying to say [summarized ] ... beyond that, I do not have any other knowledge

Gottstein  
-reads aloud, in part, from document

Derry  
-objection, relevance, foundation, she said she already did not know  
-Mr. Gottstein should not be reading this document...

Court  
-only used to refresh memory / not to be used as hearsay

Gottstein  
-this has been filed / this affidavit

Court  
-it hasn't been offered

Gottstein  
-I know that I filed it  
-the date that was done

Court  
-it's not being offered...your filing does not mean it has been offered

Gottstein  
-I believe I have submitted this as part of evidence on the 28<sup>th</sup> when this was filed...

Court

-to be clear: procedures for filing documents versus offering exhibits...

9:44:22 AM

Gottstein

-okay, so I move to have this affidavit offered and admitted

Derry

-objection, not relevant

9:44:51 AM

Gottstein

-responds

Court

-relevant but is hearsay [clarifies appropriate objection basis]

-the individual is not here for cross examination of this document

**PAUSE**

Gottstein

-okay, so I actually raised this on Oct. 28

Court

-your filing documents does not make the documents admissible...clarifies procedures

-the pile of stuff that you've filed has not been offered...explains

Gottstein

-okay...um...

9:47:43 AM

**PAUSE**

9:48:19 AM

Gottstein

-approaches witness w/ document marked Exhibit F

(yes, it shows list of admissions / discharges – dates

Gottstein

-will be moving

Derry

-will object to this document

Court

-as I understand what Mr. Gottstein is attempting to do here: summarized

-to merely clarify / confirm dates of discharge and admission dates

Derry

-with that limited parameter, no objection

Court

**-Exhibit F is admitted**

Derry  
-objection to question

Court  
-[inaudible] clarifies w/ Mr. Gottstein...how question should be asked / provides example

9:50:53 AM (yes, I see that entry [as addressed by Mr. Gottstein]  
(number of days 4-25 to 6-4: difference of days addressed  
(I'm not sure  
(6-26-08 to 6-30-08: next span of days – yes, four

Derry  
-does he want her to do that now?

Gottstein  
-provide a summary of reasons of admission / discharges

Derry  
-would object

9:52:48 AM Court  
-comments / what is being asked / what is useful...how did he do back then as compared to now:  
what the chart[s] should indicate

Derry  
-would it be appropriate for her to look back in the charts / her familiarity...to summarize

Court  
-clarifies what is being requested  
-can take a break and have her review the charts then and be able to have a summation for her  
response when we go back on record

**Off Record Subject to Call**

10:25:14 AM **On record**

10:25:24 AM Dr. Kahnaz  
  
(dates of when on medication addressed / 20 day commitment

Derry  
-objection

Court  
-ask a question

10:28:01 AM (in his case...he could not be given medication – why / explained  
10:28:44 AM (June 25 – came to evaluation / why he came to the facility  
(Aug. 1<sup>st</sup> – was in correctional facility / case was dropped / found to be not restorable  
(yes, API found that he did not meet criteria

10:31:06 AM (Sept 22 – admitted ex-parte status : explained / involuntary commitment for further evaluation

(I would need to review documents to confirm who filed for commitment  
(basically, in the community – his safety and for others / was gravely disabled and unable to care  
for himself – why admitted into facility  
(clinician has obligations to know what has to be done / Statutes addressed...if he does not fully  
meet the criteria then I would have to respect that and let him go

Derry  
-objection, that was already answered

Gottstein  
-I don't think it was

**PAUSE**

10:33:28 AM (what it says here: patient continues to call Office of Public Advocacy / yelling ... cannot identify  
plan ... his demeanor and status summarized in notes [reads directly aloud, in part]  
10:35:44 AM (during the 9-22 period, if psychotropic drugs were not authorized...[reviews notes for June 25 /  
Aug. date]  
10:36:33 AM (Sept 30<sup>th</sup> – what brought him into facility...even though he was showing the  
symptoms... addresses dates when medication was denied / when commitment was denied

10:39:53 AM **PAUSE**

10:40:02 AM **Court inquires of witness**

**PAUSE**

(June 26 – Dr. Maile in notes / role  
(when I was involved – clarified / recalls my role

10:41:03 AM **Cross Examination by Gottstein, continues**

(this was / had been on Taku Unit, yes: designation of floor – who is assigned there  
(if he is eligible for / eligibility for Katmai Unit – addressed  
(no, not at this point, I do not want / recommend him going there  
10:42:30 AM (Title 12: familiarity of / purpose of – if most people not on psychotropic drugs – who are on Title  
12  
(I am primary psychiatrist, yes  
(I don't know what percentage of patients are on psychotropic drugs  
10:43:56 AM (June 26- if he was given psychotropic drugs

Derry  
-objection, asked and answered

Court  
-remarks [inaudible]

Unidentified Voice  
-addresses Court... specific drug [s] or all drugs... clarification of question

10:44:57 AM (what he was given / basis for ... he was offered it and he didn't take it

(he was given ... medication for May 6<sup>th</sup> ...

Court / Gottstein  
-June 26<sup>th</sup>

Derry  
-were on the wrong page, Your Honor

10:46:06 AM **PAUSE**

10:46:13 AM (no...

**PAUSE**

**[Witness reviews document further]**

(no, I don't see... 6-26 to 6-30: no

Unidentified Voice  
-what does I.M. mean? Emergency?

10:47:30 AM Gottstein inquires of witness  
(no I.M. medications: what that means

Court  
-[inaudible] comments  
-[inaudible] directs witness to look at chart on her own [?]

10:48:58 AM (what that means... as situation arises... if further evaluation needed...  
(case by case... each is different

Derry  
-inquires / dates / question... clarification

10:49:47 AM (in emergency situations... what I.M. means – explains  
(yes, could be [mean] emergency

Gottstein  
-I am confused... could you tell me what "no I.M. medication" means ... when written in chart

10:50:46 AM (explains – different forms of medication: liquid, tablet / pill, ...

10:51:09 AM Derry  
-clarification ...

Gottstein  
-thought I.M. meant same ... just trying to understand... I apologize  
-continues cross-exam

10:51:49 AM (what I.M. is : addressed...

10:52:28 AM (distinction of oral medication / I.M. medication – explained



Derry  
-objection, mischaracterization of ...

10:53:57 AM (by Statute, authorization – medications addressed: when appropriate – patient may benefit

Derry  
-objection, calls for speculation as to what Dr. Wolf testified to...

10:55:58 AM (refusing medications and any other treatment options...role of staff – to make sure no other breakdowns occur or safety of others is at risk...

Derry  
-objection, relevance

Court  
-what is the relevance?

Gottstein  
-want to know what the procedure is

Court  
-what difference does it make?  
-Lay the foundation

10:57:57 AM (in the admissions, if he has refused medications

Derry  
-objection...explains

Court  
-if she knows...

10:58:27 AM (he may have resisted but not sure on exact...

Derry  
-objection, asked and answered

Court  
-remarks

**Cross Examination by Gottstein continues**

10:59:22 AM (no, I do not know  
(date 6-30 addressed : if he was given medications

Court  
-no medications on 6-30

Gottstein confirms w/ witness...

-if he was on Title 12 then...

Derry  
-objection, asked and answered

11:00:53 AM Court  
-dates to be addressed...[inaudible] comments  
-need to confirm whether the DOT transfer...[inaudible]...find out whether or not ...given emergency medications  
-if he could have been committed / Supreme Court ... [inaudible]  
-beginning w/ April 25<sup>th</sup> date...what I have in my notes here

11:02:27 AM -summation of dates: actions that were taken  
[directs witness to confirm]

11:03:32 AM **PAUSE**

**[Witness reviews notes]**

(May 25 to June 4: notes – yes, May 5 / 6 [?], medication he received: one emergency medication received by injection  
(medication for period of time: how long  
11:05:39 AM (other date – different medication taken [spells name for Judge]  
11:06:18 AM (the other date – other drug administered [spells name for Judge]  
(has a longer time ... oral: 72 hours and I.M. has about 24-48 hours...injection  
11:07:36 AM (other medication spelled for Judge...  
(yes, all three of those drugs are psychotropic

11:08:28 AM Court continues to inquire of witness  
-if he would have been kept in / at API longer : addressed

11:09:05 AM (as a clinician, obligations to be followed...if he would stay / leave: what must be considered  
(by Statute, criteria must be met versus obligations to maintain / consider public safety and stability

***Court inquires of witness***

11:10:42 AM -June 26 – 30: addressed / notes and courses of action taken  
-if he met commitment criteria  
-when API evaluated him...findings addressed  
-was there ever a time when API was going to file ...  
  
(I would say "yes" / provides explanation

11:13:54 AM ***Court inquires of witness***  
-very basic level of medications...just to get him to calm down – example  
-level [s] of course of action addressed...

11:14:33 AM -API understanding of resistance of medications addressed / legal resistance – if influenced API to go seek authority whether to medicate  
  
(yes  
(if he had an aggressive attorney...

Derry  
-comments to Court's last question...

(as to his admission / factor of consideration ... aspects of the legal system... safety of the patient and symptoms need to be taken care of...

Court seeks clarification / confirmation...if API decided not to administer medication because of complainant issues / attorney involvement

11:19:59 AM (if always exercise clinical judgment: addressed  
(medical team's actions...

11:21:10 AM **PAUSE**

***Court inquires of witness***

-Aug. 25 : reviews notes / course of action - disposition

-Sept. 24 – 30: – same

-Oct 8: same

-confirms w/ witness : course of action taken for dates as addressed in notes

11:23:53 AM **[Witness responds to Court's inquiry addressing dates]**

11:26:05 AM -inquires of witness: hypothetical scenario – in crisis / if emergency medications needed...what is done?

11:26:38 AM (explains procedure / course of action...to try to calm him down before medications administered  
11:27:19 AM (when the patient is considered not competent and not capable of understanding what is going on...it depends on what the situation is: explains.

11:30:13 AM **PAUSE**

Court

-I appreciate your answers...just need to make some notes as to ...your answers

**[Judge making notes of witness's testimony]**

**PAUSE**

11:31:38 AM ***Court confirms w/ witness...***

-RE: course of action given hypothetical scenario posed

-RE: distinction of injection versus oral medication : if effects / outcomes are to be same

(depends on the type of medication / the time it takes to go into system

11:33:20 AM **PAUSE**

11:34:11 AM Gottstein continues to cross examine witness

11:36:26 AM **PAUSE**

11:36:42 AM (Aug dates addressed in notes / chart – courses of action

11:37:27 AM (spells medication for Court

11:38:30 AM (page 16 addressed

11:39:08 AM (Sept 30 admission – ex parte basis

Derry  
-objection, asked and answered

Gottstein  
-remarks

Court  
-confirms date addressed

Gottstein  
-Sept. 30<sup>th</sup>

(yes

Derry  
-objection, relevance  
-what I thought this line of questioning was to be for...

Court  
-[inaudible] remarks

11:40:33 AM ***Witness reads aloud from notes directly...***

11:43:01 AM **PAUSE**

**[Witness reviews notes]**

11:43:31 AM (was discharged – when  
(page 18 addressed – Exhibit E

11:43:50 AM ***Witness reads aloud from notes directly...***

11:44:44 AM (next page addressed: his request to leave...clarifies...this is when he was involuntarily...

Gottstein  
-apologizes  
-continues to inquire [RE: Oct. 8 admission]

11:45:33 AM (criteria – familiarity of  
11:46:34 AM (page 20 addressed: contents – Providence, yes  
(status / reporting party: who it could be...clarified  
(patient's behavior noted, confirmed – yes  
(medications administered – status / why...

Derry  
-objection...explains

(yes, it says "attempt" for / regarding API admission  
(what that means – explains / it says what it means  
(who signed the POA ...[reviews document]

**PAUSE**

(signed by Dr. Baker...no, I don't know him  
(if I know if he is psychiatrist

Derry  
-objection, speculation

Court  
-responds

(I don't know what he means by that

11:50:17 AM

**PAUSE**

11:50:36 AM

(on his current admission: addressed – yes, POA  
(grounds for that: addressed – where he came from...whose name on document...

**PAUSE**

Derry  
-If I may...Lisa Davis

11:51:38 AM

(why admitted: ***reads directly from document***  
(his behavior addressed  
(treatment / course of action – outcome[s] addressed  
(Mr. Bigley compared to others in facility  
(he does [confirmed] – he has difficulty in maintaining housing  
(if not welcome at shelter / assisted living arrangements – if that is an option

Derry  
-objection, asked and answered...

Court  
-inquires of Gottstein

Gottstein  
-it was a different question

Court  
-[inaudible] response

12:01:39 PM

**Cross Examination by Gottstein continues**

(if he has successfully been released on “passes” basis  
(forensic patient – status  
(yes, he could / should use intensive case management  
(yes, if he has someone in the community – if useful to him: depends on his ability to create and  
maintain a healthy bond – explains further

12:04:07 PM

(when he was stable – [if] I had taken him out to lunch: addressed  
(he would benefit from any kind of support

(if and when he begins to become hostile : if it's possible that someone with him could help de-escalate his behavior – addressed

Derry

-can we take a short break

Court

-inquires of Mr. Gottstein / time left for examination?

Gottstein

-response [inaudible – 15 minutes?]

Court

-will be off record until 12:15

12:06:08 PM

**Off record subject to call**

12:20:26 PM

**On record**

Court Judicial Assistant on record w/ parties

-discusses scheduling of next hearing

Judge Morse

[addresses judicial assistant]

12:35:44 PM

**Monday, Nov. 10: 8:30 – 1:30 continued hearing [confirmed w/ judicial assistant]**

12:38:16 PM

Parties discuss other matters:

RE: confidentiality of proceedings / log notes and CD addressed – clarifies Court's ruling versus procedures

Court

-in court clerk labeled log notes as confidential / technically, correct procedure

-discusses matter further as addressed w/ parties...

Derry

-request all of this to be confidential

12:39:40 PM

-explains why

Court

-[inaudible] comments

12:41:06 PM

Gottstein

-addresses Court

12:41:34 PM

Court

-addresses Mr. Gottstein's comments

-protective order [RE: deposition / witnesses / pleadings]

12:41:53 PM

-clarification

Clerk

-addresses parties to confirm we have been on record since judicial assistant's presence

Clerk  
-judicial assistant has since left the courtroom

12:44:16 PM **Cross Examination by Gottstein resumes**  
  
(that is what I said...  
  
Derry  
-objection, calls for speculation  
  
Court  
-overruled

12:44:51 PM (why he was pretty agitated – [inaudible])  
  
***Clerk asks witness to speak up...voice is fading...***  
  
(what I did [recalled / summarized])

12:45:49 PM **PAUSE**

12:46:06 PM (Exhibit B addressed, page 5: contents of  
  
Derry  
-objection  
-witness merely signed off on this...explained  
  
Court  
-overruled

12:47:08 PM (content of what this says: addressed  
  
Derry  
-objection, relevance  
  
Gottstein  
-what question is relating to  
  
Court  
-ask another question ...[rephrase? – inaudible]  
  
(patient – being non compliant : why – how addressed [course of action]  
(my obligations to the patient / treatment – benefits of  
  
Derry  
-objection, relevance

12:49:45 PM (again...I do understand what his condition was...explains / medications – clarified  
  
Gottstein  
-my role as his attorney : representing his rights



Derry  
-objection, relevance

Court  
-[inaudible] remarks

Derry  
-objection, form – compound question

(both applies: your role as attorney

Derry  
-objection  
-may I speak to witness privately for a moment?

Court  
-no

Derry directly addresses witness

12:52:01 PM Court  
-admonishes Ms. Derry: you cannot talk to your witness as she testifies... I can remove you from courtroom / proceedings and I will do that...

Derry  
-apologizes

12:52:41 PM **Cross Examination by Gottstein, continues**

Derry  
-objection, asking her to comment on legal issues... explains further

Court  
-why is this important?

12:54:25 PM Gottstein  
-asking to find out how he / this is being treated differently

Court  
-[inaudible] move on [?]

12:54:57 PM (why I did not sign document: clarifies why  
12:55:39 PM (if I have assessed him for any possible brain damage: addressed  
(if no specific neuro psych evaluation done

Derry  
-objection, already answered

(what I did / did not do – clarified

Derry  
-objection, mischaracterization of witness's testimony

12:59:16 PM (his brain / cranium – condition of ... imaging ... overview of what the image is at: addressed  
(Exhibit B, page 12: addressed

Derry  
-objection, relevance

Court  
-[inaudible] remarks

12:59:47 PM Gottstein  
-continues cross exam

Derry  
-objection, relevance

Court  
-what is the relevance?

Gottstein  
-trying to show records / documents are not accurate

Derry  
-affidavit indicates contents are true and correct copy...here

1:00:43 PM Court  
-remarks  
-document that has added comments...[inaudible]

Gottstein  
-would you like me to submit a copy w/o added comments

1:01:26 PM **Redirect Examination by Derry**

(yes

Gottstein  
-note that she is leading but will not object

Court  
-I am perfectly capable of knowing when leading questions are being asked

Derry  
-would you like me to re-phrase?

Gottstein  
-no

1:02:25 PM (no

1:02:33 PM (why he released from API: explained  
(he did not meet the criteria as stated in Statutes / one of the reasons, yes – that his treatment would not benefit him  
(how well people sleep in jail / being homeless; when hungry

1:03:35 PM (yes, he refuses any forms of physical exams when he is at API  
(conducting tests on him for determination of brain damage: capability of [when at API]

1:04:22 PM (distinction of P.O. – Oral or by mouth  
(I.M. – by injection  
(Emergency: means crisis ...explains  
(merely asking one to take a pill or give someone impression that they are empowered, removing one from stimuli: yes...all examples of de-escalating conduct / demeanor  
(once out of crisis, one can be given medication – yes, with clarification

1:06:03 PM (they are able to process what is being done – when no longer in crisis  
(depends on their level of engagement / what level of control is: yes, you could talk to the patient  
(case by case ...depends

Gottstein  
-objection...distinction of what medication we are addressing here

Derry  
-will rephrase

1:07:16 PM (what it looks like when one is in crisis: one is highly agitated, they may hitting their head against the wall, yelling and screaming / not hearing what is being told ; not connecting...

1:08:03 PM (Oct 20-22: when he was admitted: his behavior recalled: yelling and screaming / defecating...  
(he was banging the door / wall[s] ...even the staff not able to intervene

1:09:06 PM (he has been represented by Mr. Gottstein / refusing medications, yes but I am not sure on the exact date [s]  
(yes, he has been in non compliance, time period for 2008  
(how many times he has been in / admitted to API just for 2008

1:10:00 PM **Witness reviews documentation...**  
  
(he has been at API for ten times, yes  
(he has come to API because he was not medicated

Gottstein  
-objection, need foundation

1:10:50 PM (explains further

Derry  
-no further questions

Court  
-[inaudible] comments

1:11:16 PM **-inquires of witness [RE: medications]**  
  
(Medications addressed...  
(side-effects addressed / some can be quite disturbing to patients; examples: weight gain , hypertension, light headiness / dizziness; ...

1:14:06 PM

Court

**-continues inquiry of witness re: oral versus injection of medication**

(impact / effects of medications – when / how used – re: methods of  
(if any sequential order of how medications are administered: addressed – oral, first...then,  
injections...[examples: various forms of medications addressed / situations and outcomes]

Court

**-continues to inquire re: period of medications taking effect on patients [addressed]**

1:18:44 PM

(explains when forms of medications administered / previous history, if any...  
(it takes about 8-10 weeks before he would be out of the hospital before he would have some  
level of stability

1:19:59 PM

(Taku Unit – assignment of  
(long term care / case management – role of

1:23:27 PM

(addresses when patient would benefit from placement of services – i.e. long term involvement /  
case management

1:24:10 PM

(if medicated and stabilized and ready to be discharged: what criteria would be necessary /  
looked for: I work in two units / the individuals served in each unit ...levels of mental illness  
(when they do get discharged...criteria that staff addresses : engagement w/ community /  
services / facilities / case manager / guardian ...

1:26:06 PM

(medical supervision – if and when available / monitoring, if provided  
(API – its level of involvement: described / case manager, clinician...roles of

Court

-have no other questions

1:26:56 PM

**Re-cross Examination by Gottstein**

(if he is offered to stay longer, yes  
(why / if he is not given chances – addressed

Court

-charts / notes to show when discharged, admission – involuntary - , etc...

1:27:59 PM

(for him...what he is experiencing / how long he would be able to stay  
(at some point, yes...if API would say “enough is enough”

1:29:26 PM

**Re- Cross Examination by Gottstein continues**

(his condition [s] addressed: RE: if I know [knew] why he quit taking medications / why admitted  
(if still delusional  
(I believe based on my evaluation of him ...his actions versus if he is actually delusional

Derry

-objection...facts not in evidence

(I am glad that you asked that question...[recalls] I had a patient who had been institutionalized  
for years...he continues to have active psychosis  
(he has taken more charge of his life now that he is / has been released into community; it is  
amazing that he is not still institutionalized...

(Taku Unit is not jail / not set up as jail setting; distinction of facility / unit [s] explained  
(how persons are treated there...I have never worked in a correctional facility so I cannot answer  
that wu

Gottstein

-no other questions

Court

-will resume Monday at 8:30 a.m.

Clerk

-addresses parties... have gone off record and will now disconnect unless someone has anything  
else to add....confirms w/ parties...

Judge / Parties

-confirms nothing to add...

1:34:17 PM

**Off record**