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THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

Case No. 1:03-CV-1183 LJM-WTL

SUE GILLIATT,)
)
Plaintiff,)
)
vs.)
)
GREGORY J. CATON,)
LUMEN FOOD CORPORATION)
d/b/a ALPHA OMEGA LABS,)
DAN RABER, APPALACHIAN)
HERBAL REMEDIES,)
PANGEA REMEDIES, THE)
DEODORANT STONE CO., and)
DSMC,)
)
Defendants.)

The deposition upon oral examination of SUE ANN CREECH GILLIATT, a witness produced and sworn before me, Linda C. Callahan, a Court Reporter and Notary Public in and for the County of Hamilton, State of Indiana, taken on behalf of the Defendants, Caton and Lumen Food Corporation, in the offices of Miller, Muller, Mendleson & Kennedy, 8900 Keystone Crossing, Suite 1250, Indianapolis, Marion County, Indiana on the 22nd day of July, 2004, commencing at 10:12 a.m., pursuant to the Federal Rules of Civil Procedure, and by Notice and Agreement of the parties as to time and place thereof.

CALLAHAN REPORTING
151 Sunblest Boulevard South
Fishers, Indiana 46038
(317) 637-2777

1 A-P-P-E-A-R-A-N-C-E-S

2

3 FOR THE PLAINTIFF:
 MILLER, MULLER, MENDELSON & KENNEDY
 4 BY: JOHN MULLER, ESQ.
 8900 Keystone Crossing, Suite 1250
 5 Indianapolis, IN 46240

6

7 FOR THE DEFENDANTS:
 GREGORY J. CATON, LUMEN FOOD COR;PORATION,
 8 d/b/a ALPHA OMEGA LABS:
 KIGHTLINGER & GRAY
 9 BY: ROBERT M. KELSO, ESQ.
 151 N. Delaware Street, Suite 600
 10 Indianapolis, IN 46204

11 PRESENT TELEPHONICALLY:
 Gregory J. Caton

12

13

14 EXHIBITS MARKED FOR IDENTIFICATION

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25

1 S_U_E A_N_N C_R_E_E_C_H G_I_L_L_I_A_T_T, the

2 witness herein, having been first duly sworn to
3 tell the truth, the whole truth, and nothing but
4 the truth relating to said matter, was examined
5 and testified as follows:

6

7 (Whereupon, Defendants' Deposition Exhibits
8 A through H were marked for identification.)

9

10 DIRECT EXAMINATION,

11 QUESTIONS BY MR ROBERT M. KELSO:

12

13 Q. Would you state your name, please.

14 A. My full name is Sue Ann Creech Gilliatt.

15 MR. KELSO: Ms. Gilliatt, my name is Robert
16 Kelso, we were introduced before the deposition.

17 I represent the defendants, Gregory J. Caton,
18 Lumen Food Corporation, d/b/a, Alpha Omega Labs
19 in a lawsuit that you filed. It's about twelve
20 after ten on Wednesday, the 22nd of July, 2004.
21 If you have any questions today during the course
22 of this deposition about any of the questions
23 that I'm asking you or if you don't understand
24 any of the questions that I'm asking you, would
25 you bring that to my attention?

1 THE WITNESS: Yes.

2 MR. KELSO: And as you just did, would you
3 continue to answer out loud to my questions --

4 THE WITNESS: Yes.

5 MR. KELSO: -- so that there's a clear
6 record of what your answers are?

7 THE WITNESS: Yes.

8 Q. Thank you. What is your current address?

9 A. My current address is 1702 South Meridian Street,
10 Indianapolis, Indiana,

11 Q. How long have you lived at that address?

12 A. Approximately three and a half years.

13 Q. And where did you live before that?

14 A. I lived at 1924 North Talbot Street, Apartment 4,

15 Q. How long did you live at the Talbot Street
16 address?

17 A. Seven years.

18 Q. Does anybody live with you at your South Meridian
19 address?

20 A. No.

21 Q. What about the North Talbot Street; did anybody
22 live with you then?

23 A. No.

24 Q. Are you employed at the present time?

25 A. Yes, I am.

- 1 Q. Where is that?
- 2 A. I'm employed at Community Hospital East.
- 3 Q. What is your job position there?
- 4 A. I am a licensed practical nurse.
- 5 Q. How long have you been employed at Community
6 Hospital East as a licensed practical nurse?
- 7 A. Twenty-nine years this coming September.
- 8 Q. What is your date of birth?
- 9 A. December 12, 1954.
- 10 Q. And the Social Security number?
- 11 A. 316-64-3046.
- 12 Q. Are you a high school graduate?
- 13 A. Yes, I am.
- 14 Q. And where was that from?
- 15 A. Bloomington High School South.
- 16 Q. What year did you graduate there?
- 17 A. 1973.
- 18 Q. Have you had any formal education since then?
- 19 A. Yes, I have.
- 20 Q. Would you describe that for me, please.
- 21 A. I attended Indiana Vocational-Technical College
22 for licensed practical nurses and graduated in
23 1974. I also graduated with a Bachelor's Degree
24 in Fine Arts from Herron in 1988.
- 25 Q. Any other formal education since graduating

1 Bloomington South, other than the I.U. Vocational
2 Tech and Herron?

3 A. I enrolled in the graduate non-degree program at
4 IUPUI so that I could continue to take classes at
5 Herron, one credit hour per semester for a total
6 of nine credit hours. That was the limit.

7 Q. When did you take those classes at Herron?

8 A. 1988 through approximately 1992, to the best of
9 my recollection.

10 Q. Your classes at I.U. Vocational Tech that led to
11 your LPN, what sort of classes did you take for
12 that?

13 A. An advanced physiology, pediatric nursing,
14 nursing of adults, medication courses; just
15 general studies of disease.

16 Q. In the course of your work as an LPN, are there
17 continuing education requirements?

18 A. Yes.

19 Q. Have you been attending classes and seminars in
20 that regard?

21 A. The continuing education requirements that I
22 complete are offered by the hospital.

23 Q. Who is in charge of that program there at the
24 hospital?

25 A. I don't know. Carla Smith is my supervisor.

- 1 Q. When you take these classes at the hospital, how
2 are they conducted?
- 3 A. Some are self-learning, some are scheduled that
4 we have to sign up for.
- 5 Q. Are there reporting requirements for your
6 continuing education to an LPN certification
7 program or something like that?
- 8 A. No. The continuing education classes that we are
9 required to complete are -- we have to complete a
10 certain amount, some mandatory and some not
11 mandatory for our yearly performance appraisals.
- 12 Q. In the last five or six years, can you recall
13 some of the continuing education programs that
14 you have had?
- 15 A. The mandatory programs are fire and safety,
16 infection control. I can't -- I'm drawing a
17 blank here; sorry.
- 18 Q. Do you know who at your employer would have a
19 listing of these classes that you have attended?
- 20 A. Yes, yes.
- 21 Q. Who would that be?
- 22 A. That would be Carla Smith, my supervisor.
- 23 Q. Okay.
- 24 A. I know we have two, we have HIPAA disclosure,
25 that was one of the classes. I think intravenous

1 therapy. That's all I can recall right now.

2 Q. All right. Do you recall what year it was that
3 you began employment at Community?

4 A. 1975.

5 Q. Has your title during that whole time been a
6 licensed practical nurse?

7 A. Yes.

8 Q. Have you worked at the same location?

9 A. I -- as far as the hospital facility or --

10 Q. Yes, ma'am.

11 A. Yes.

12 Q. And what is the address there?

13 A. 1500 North Ritter Avenue.

14 Q. How long has Carla Smith been your supervisor?

15 A. I believe two years, approximately. No, longer
16 than that. It's been three.

17 Q. Who was your supervisor before Carla Smith?

18 A. Lynn Royer.

19 Q. How long was Lynn Royer your supervisor?

20 A. I don't recall exactly. I know a period of
21 several years.

22 Q. Is Ms. Royer still with Community?

23 A. I don't know that, either.

24 Q. What is Carla Smith's current job title there?

25 A. The clinical manager for the renal oncology unit.

1 Q. What about Lynn Royer?

2 A. The same.

3 Q. All right. Even though you have been employed as
4 a licensed practical nurse for Community since
5 1975, have there been different areas that they
6 have assigned you to, as far as your work?

7 A. Yes.

8 Q. Can you briefly outline for me, beginning in
9 1975, what assignments that you have had as a
10 licensed practical nurse for Community Hospital?

11 A. I have worked on the medical/surgical unit, I
12 worked on the oncology unit.

13 Q. Let me interrupt you just for a minute there. If
14 there's a length of time that you worked at these
15 places, could you give name the order, please,
16 and also insert the year or approximate?

17 A. I don't know the length of time or the year.

18 Q. Okay. Do they rotate you periodically --

19 A. No.

20 Q. -- to different places?

21 A. No.

22 Q. Do you recall where you were first assigned?

23 A. I was first assigned to the medical/surgical
24 area.

25 Q. Okay. And that was in 1975?

- 1 A. Yes.
- 2 Q. And how long did you work in the medical/surgical
3 area?
- 4 A. I don't know.
- 5 Q. Do you have any idea approximately?
- 6 A. I couldn't say.
- 7 Q. Greater than five or less than ten years or --
- 8 A. I honestly couldn't -- couldn't say.
- 9 Q. Was it a period of some years?
- 10 A. It was a period of some years, yes.
- 11 Q. Okay. What were your duties there in the
12 medical/surgical unit?
- 13 A. Checking vital signs, administering medication,
14 dressing changes; just general patient care, as
15 far as making sure that people got fed, getting
16 them up, walking them, helping them with their
17 toileting and daily living activities, as far as
18 bathing.
- 19 Q. What sort of patients were you dealing with in
20 your capacity as a medical/surgical nurse at
21 Community?
- 22 A. Patients with just general medical/surgical
23 problems; heart disease, diabetes, urinary tract
24 infections, congestive heart failure, high blood
25 pressure.

- 1 Q. So these would be people that had surgery and
2 then were recovering from the surgery?
- 3 A. We had some surgery patients, yes, but that was
4 not the general focus of the patient population.
- 5 Q. What was the general focus?
- 6 A. Just general medical/surgical problems.
- 7 Q. All right. What was your next assignment at
8 Community after the medical/surgical unit?
- 9 A. I recall I worked on the oncology wing.
- 10 Q. Do you recall approximately what year that was
11 that you worked on the oncology?
- 12 A. No.
- 13 Q. Was that your next assignment, though?
- 14 A. As to the best of my knowledge, yes. I've been
15 there so long, things just kind of run together.
- 16 Q. I understand. But you do know that your next
17 assignment after medical/surgical, to the best of
18 your recollection, was the oncology unit?
- 19 A. Yes.
- 20 Q. Do you recall whether or not you worked there
21 some period of years?
- 22 A. I worked there some period of years, correct.
- 23 Q. And what type of patients were you dealing with
24 there?
- 25 A. Patients who had cancer.

1 Q. What were your duties with regard to them?

2 A. Essentially the same, bathing, toileting,
3 assisting with activities, dressing changes,
4 vital signs, administering medications.

5 Q. When you speak of administering medications, what
6 would your role be in that?

7 A. Giving the scheduled medications in a timely
8 fashion, as well as medications as needed for
9 comfort and other symptoms like fever.

10 Q. And these medications would be those prescribed
11 by the treating physicians?

12 A. Yes.

13 Q. Do you recall when it was that you ended your
14 assignment in the oncology unit?

15 A. No.

16 Q. Do you recall what your next assignment was at
17 Community Hospital?

18 A. I believe it was on the geriatric wing.

19 Q. Do you know approximately when that was that you
20 began working there?

21 A. No.

22 Q. All right. Did your assignment in the geriatric
23 wing last some period of years?

24 A. Yes.

25 Q. What type of patients were you dealing with in

1 the geriatric wing?

2 A. Patients that were the more older population.

3 Q. What were your duties there?

4 A. Essentially the same.

5 Q. The same as in the oncology unit and the --

6 A. Med/surge.

7 Q. -- medical/surgical?

8 A. Yes.

9 Q. Do you recall when it was that you left your
10 assignment in the geriatric wing?

11 A. No.

12 Q. What was your next assignment?

13 A. I believe it was the diabetic unit.

14 Q. And what type of patients were you dealing with
15 there?

16 A. We had patients focused specifically with
17 diabetes. However, we also had general
18 medical/surgical patients, as well.

19 Q. What sort of treatments were those patients
20 getting?

21 A. Testing their blood sugars, administering insulin
22 and oral hypoglycemic agents, and then the same
23 duties as before.

24 Q. How long were you in the diabetic unit?

25 A. A period of several years, but I can't recall the

1 exact amount of time.

2 Q. All right. Do you recall when it was that you
3 left the diabetic unit?

4 A. Whenever the hospital decided to phase out that
5 unit. They decided that diabetic patients could
6 receive the same quality of care anywhere in the
7 hospital and a specific unit was not necessary.

8 Q. Do you recall approximately what year that was?

9 A. No.

10 Q. All right. What was your next assignment?

11 A. The renal oncology floor.

12 Q. What is renal oncology?

13 A. We take care of patients who have kidney disease,
14 patients who are on dialysis, patients with
15 urinary tract infections, digestive disorders,
16 cancer, blood dyscrasias, like porphyria or
17 sickle cell, autoimmune diseases like Lupus,
18 AIDS. That about covers it.

19 Q. All right. What were your duties there?

20 A. Essentially the same; however, we did undergo
21 training to -- because the lab department was
22 phased out, the phlebotomist who would come to
23 the floor and draw our labs, that was phased out
24 and the floor nurses underwent training to draw
25 labs, and then after we completed that training,

1 we were also trained to start IV's because the IV
2 team was phased out, as well.

3 Q. So in addition to the duties that you told me
4 previously in the diabetic, geriatric, and so
5 forth, once you got to the renal oncology unit,
6 in addition to those, you also did lab work and
7 starting IV's?

8 A. Yes, and also administration of IV medication,
9 because when the duties of the IV team started
10 being phased out, we were trained to administer
11 IV drugs, hang IV fluids, give IV antibiotics,
12 pain medications, so on and so forth.

13 Q. How long were you then in the renal oncology
14 unit?

15 A. From -- I can't recall exactly when -- when that
16 started.

17 Q. Do you recall when it ended?

18 A. It hasn't ended.

19 Q. Okay. You're still there?

20 A. I'm still there.

21 Q. And you have been there at least five years?

22 A. Probably closer to twelve or fourteen, as a --
23 just a guess.

24 Q. During the time you have been employed at
25 Community Hospital, have you had employment

1 anywhere else?

2 A. No.

3 Q. Other than the training that you were given at
4 the hospital and the classes that you took at
5 Herron, did you take any other education classes?

6 A. The other education classes that I have taken
7 have been supplied by the hospital.

8 Q. Now, you have been married previously?

9 A. Yes.

10 Q. Here in front of you, there's an exhibit marked
11 Exhibit A. These are your Answers to
12 Interrogatories. The last two pages of that is a
13 Dissolution of Marriage Decree, and the caption
14 of that references you and Jan Allan Gilliatt.
15 Is he a former husband of yours?

16 A. Yes, he is.

17 Q. Other than Mr. Gilliatt, have you ever been
18 married before?

19 A. No, I have not.

20 Q. When were you first married to Mr. Gilliatt?

21 A. August 2, 1974. It was the year that I was
22 graduating from LPN school.

23 Q. All right. And then you were divorced from him
24 in 1991?

25 A. Yes.

1 Q. Have you been married since that time?

2 A. No, I have not.

3 Q. Did you have any children?

4 A. No, we did not.

5 Q. Have you had any children from -- at all?

6 A. No. You phrased that very delicately. Thank
7 you.

8 Q. After your divorce from 1991 up until the fall of
9 2001, would you describe for me your social life,
10 please?

11 A. I dated very little. I -- that about wraps it
12 up.

13 Q. All right. I'd like to explore that in some more
14 detail if I could, please. Did you have any
15 boyfriends following breaking up with your
16 husband in 1991?

17 A. I went out, I had one date with an accountant.
18 Let's see. That was it until earlier this year,
19 I was with a dating service, and I had one date
20 with a lawyer in Tipton, Indiana. I had two
21 dates with a fellow who's a supervisor for
22 Indiana Power & Light, although I don't know if
23 you could really call the second date a date. He
24 took me to WalMart. Had we gone to Sam's Club,
25 he'd have been a keeper, so -- and I presently

1 have been seeing a man that I met about two weeks
2 ago.

3 Q. What is his name?

4 A. John Domont, D-O-M-O-N-T.

5 Q. I'd like to go back to the time period in between
6 December of '91 and 2001. You mentioned that you
7 had one date with an accountant during that time?

8 A. Uh-huh.

9 Q. Did you have dates with anybody else during that
10 entire time period --

11 A. No.

12 Q. -- from December '91 through October of 2001?

13 A. No, no. I had a dry spell.

14 Q. Was there a particular reason for that; I mean,
15 were you out attempting to meet people and --

16 A. I had been attempting to meet people, I did all
17 the recommended things like joining a gym, taking
18 college classes, going to like art galleries and
19 openings and antique shows and museums, but I
20 just had not met anyone.

21 Q. Now, you had -- you identified some friends on
22 your witness list. The Creeches, Joan Creech and
23 Brian Creech?

24 A. That, Joan Creech is my mother, Brian Creech is
25 my oldest brother.

1 Q. Did you have people during this time period from
2 December '91 through October 2001 in which you
3 socialized with even though they weren't really
4 dates?

5 A. Just people at work.

6 Q. Other than people at work during the period
7 December 1991 through October 2001, did you
8 socialize with other people?

9 A. No.

10 Q. I'd like to speak with you, if I could, please,
11 about your medical and psychological history, if
12 any, back before August 30, 2001.

13 A. Okay.

14 Q. Had you been hospitalized before that time?

15 A. Never, except for when I was about six years old,
16 I had my tonsils out.

17 Q. Had you been ever diagnosed with cancer before
18 that time?

19 A. No.

20 Q. Referring to Exhibit A again, please, your Answer
21 to Interrogatory No. 9 refers to Dr. Ford.

22 A. Yes.

23 Q. Do you see that?

24 A. Yes.

25 Q. Was Dr. Ford your regular doctor immediately

1 prior to August of 2001?

2 A. Yes.

3 Q. How long had he been your regular doctor?

4 A. Just a period of a few years.

5 Q. Did you have a regular doctor before him?

6 A. I had seen the partner in his office, Dr. Cater,
7 and when Dr. Cater left the office, I assume to
8 establish his own practice, I remained with Dr.
9 Ford, because that's where my records were.

10 Q. How long had you seen Dr. Cater?

11 A. Only about a year.

12 Q. Did you have a doctor before that?

13 A. I can't recall who it was. I -- I haven't really
14 needed to see doctors because I've not had any
15 health problems, so --

16 Q. Was there a particular doctor before you began
17 seeing Dr. Cater that you would go to for any
18 sort of health problem at all?

19 A. I can't recall who it was.

20 Q. Do you recall where it was or anything about
21 those occasions?

22 A. I know for a while, I was seeing Dr. Frederick
23 Rice, but this was years ago when I was still
24 married.

25 Q. Where is Frederick Rice located?

- 1 A. I'm not familiar right off the top of my head
2 with where his office is.
- 3 Q. Do you know where it was back at that time?
- 4 A. I know on the east side of town, around Pendleton
5 Pike, I believe.
- 6 Q. What type of medical issues were you seeing Dr.
7 Rice about?
- 8 A. I can't recall. It seems like maybe it was just
9 for the usual pelvic and PAP exams.
- 10 Q. Then you have also, in your Answer to
11 Interrogatory No. 9, you reference a Dr. Kathy
12 Carr.
- 13 A. Yes.
- 14 Q. How long have you been seeing her?
- 15 A. I'm trying to recall. I probably started seeing
16 her when I was about forty-three or forty-four
17 years old. I'm not exact on that, though. It's
18 just an estimate, so I'd say five or six years.
- 19 Q. Did you start seeing her after you were seeing
20 Dr. Rice for those issues?
- 21 A. Yes.
- 22 Q. Was there anybody in between Dr. Rice and Dr.
23 Carr?
- 24 A. Not to the best of my knowledge.
- 25 Q. Other than Dr. Carr, Dr. Ford, Dr. Cater, Dr.

1 Rice, do you recall any other physicians that you
2 saw, say, from 1985 up through October of 2001?

3 A. No, I don't recall any.

4 Q. Had you ever been treated for any psychiatric or
5 psychologic treatment or counseling since you
6 have been an adult?

7 A. No, none.

8 Q. None at all?

9 A. No.

10 Q. At some point in August of 2001, you went to see
11 Dr. Ford about a nose lesion; is that correct?

12 A. That's correct.

13 Q. Had you ever had anything like that before?

14 A. No.

15 Q. Can you describe to me when you first noticed it,
16 what was its appearance?

17 A. To the best of my knowledge, I first noticed it
18 around June of 2001, there was a lesion on the
19 left upper bridge of my nose that was irregularly
20 shaped, bright pink, approximately the size of a
21 pencil eraser, and there was dry layers of dry,
22 scaly skin on top, and when I scratched the dry,
23 scaly skin away, the tissue directly underneath
24 was open and raw instead of being intact like it
25 should have been.

- 1 Q. And when you first noticed it, was it already in
2 that condition, it appeared all at once?
- 3 A. Yes.
- 4 Q. Had you had any trauma to your nose in that area?
- 5 A. No. Unless you want to count sunburns.
- 6 Q. I mean just recently, in the May-June 2001 time
7 period.
- 8 A. No.
- 9 Q. There was no striking or a blow to that area or
10 anything like that?
- 11 A. No.
- 12 Q. No scratch?
- 13 A. No.
- 14 Q. Prior to August 2 of 2001, had you ever used any
15 sort of alternative medicines or folk remedies?
- 16 A. No.
- 17 Q. Had you ever been to a store or purchased
18 anything of that nature?
- 19 A. No.
- 20 Q. What about foods; were you a natural food person,
21 organic food, that kind of thing, or did you buy
22 just regular stuff out of the grocery store?
- 23 A. I buy regular foods, but I do have an organic
24 garden.
- 25 Q. Okay. Would you tell me about that, please.

- 1 A. I don't use any chemical fertilizer or pesticides
2 or herbicides.
- 3 Q. How long have you done that gardening?
- 4 A. Years.
- 5 Q. More than ten years?
- 6 A. More than ten years.
- 7 Q. What sorts of things do you grow?
- 8 A. Rhubarb, green beans, asparagus, beans, corn,
9 pumpkins, tomatoes, peas, squash, lettuce,
10 catnip, a few herbs.
- 11 Q. Do you can the things that you grow out of your
12 garden?
- 13 A. I've use -- use it fresh.
- 14 Q. Before August of 2001, had you ever purchased
15 items off the Internet?
- 16 A. No. I had just purchased my computer a few
17 months prior.
- 18 Q. You didn't purchase that off the Internet?
- 19 A. No.
- 20 Q. What local stores did you go to to purchase your
21 groceries and your products for your garden?
- 22 A. Kroger's, Aldi's, WalMart, Farm Bureau Co-op,
23 various other nurseries and garden stores,
24 like --
- 25 Q. You said you purchased your computer shortly

- 1 before August of 2001?
- 2 A. Yes.
- 3 Q. Where did you purchase that?
- 4 A. At CompUSA. No, that's not right. Oh. I know
- 5 the store is next to Value City near Greenwood.
- 6 It may be CompUSA.
- 7 Q. Do you recall what sort of computer it was?
- 8 A. It's a Hewlitt-Packard.
- 9 Q. Do you still have it?
- 10 A. Yes, I do.
- 11 Q. Have you ever had anybody work on it, repair it
- 12 or service it at your home?
- 13 A. No.
- 14 Q. You just brought it home, set it up, and started
- 15 working it?
- 16 A. Yes.
- 17 Q. And you made no Internet purchases before August
- 18 of 2001?
- 19 A. No.
- 20 Q. What sort of cosmetic products did you use before
- 21 August of 2001?
- 22 A. I use -- I can't think of the name of it.
- 23 Neostrata. I can't --
- 24 Q. What is that?
- 25 A. It's an alpha hydroxy lotion that exfoliates the

1 top layer of dead skin cells on the face and
2 body.

3 Q. All right. Anything else?

4 A. Just mascara, eyeshadow, a little blush. I know
5 the blush is Benitint. The mascara that I have
6 is probably Cover Girl.

7 Q. Where did you purchase those products?

8 A. Benitint, through the mail, mail-order catalog,
9 the mascara and eye shadow that I was using at
10 that time, from the drug store. Also, I have
11 some Mary Kay eye shadow that I was using at that
12 time.

13 Q. All right. I'd like to focus for a while, if we
14 could, please, on your first communications or
15 contacts with any of the people that you're suing
16 in your lawsuit.

17 A. Okay.

18 Q. What was your first contact with anyone
19 associated with Alpha Omega?

20 A. I assume that would be when I ordered the
21 product.

22 Q. Before you ordered the product, did you look at
23 their website?

24 A. I had looked at their website extensively.

25 Q. When was it that you first looked at the Alpha

1 Omega website?

2 A. Probably starting sometime in August of 2001.

3 Q. In this time period been June of 2001 until you
4 first looked at the Alpha Omega website in August
5 of 2001, did you seek any treatment for the
6 lesion that you noticed on your nose?

7 A. No. I did research traditional treatments for
8 skin cancer through my medical books and also on
9 line, as well.

10 Q. Well, let's back up, then, for just a minute,
11 please, if we could. Beginning in June 2001 when
12 you first noticed the lesion on your nose, you
13 described for me, I believe, that you scraped
14 some of the skin off, I assume with your
15 fingernail or --

16 A. The skin -- yes, the scaly skin.

17 Q. And then you examined it?

18 A. Yes.

19 Q. And would you describe what you saw at that time,
20 please.

21 A. It was open, raw tissue, red, moist, just like
22 the layer of skin had been peeled back and the
23 underlying tissue was exposed.

24 Q. What were your concerns and thoughts at that
25 time?

1 A. I was concerned at that time that the lesion was
2 cancerous.

3 Q. Well, describe to me, if you would, please, what
4 you did beginning at that point about those
5 concerns.

6 A. I just kept an eye on it until I decided that it
7 wasn't going away and I would need to make an
8 appointment with the doctor.

9 Q. And how long a period was that?

10 A. Approximately two or three months.

11 Q. During that time of two to three months, did the
12 lesion have the same appearance as when you first
13 saw it?

14 A. It did change some. The dry scaly skin was
15 replaced by a crusty, scabby material. It looked
16 like that the lesion was sinking deeper into the
17 tissue and moving toward my left eye.

18 Q. Did you treat this with any sort of
19 over-the-counter topical medicine?

20 A. No, I did not.

21 Q. Did you cover it with a Band-aid or makeup for
22 when you went to work?

23 A. No.

24 Q. During this time period, did you discuss it with
25 anybody at work before you did your research?

1 A. No, I did not.

2 Q. Did you discuss it with anybody at work before
3 you first saw Dr. Ford?

4 A. No.

5 Q. Did you discuss it with anybody else at all
6 before you first saw Dr. Ford?

7 A. No.

8 Q. Were you concerned and worried about it during
9 that whole time period?

10 A. Yes.

11 Q. When did you first begin doing your research?

12 A. On the Internet and in my medical books, sometime
13 in August of 2001.

14 Q. Did you research the Internet first or look at
15 your medical books first?

16 A. I looked at my medical books first.

17 Q. Would you tell me what medical books you looked
18 at?

19 A. The Merck Manual.

20 Q. Is that something you had at work or at home?

21 A. No, I have it at home. It's a very old version,
22 I think a 1973 copy.

23 Q. What do you recall seeing in there?

24 A. The standard medical treatments would include
25 X-ray therapy, surgery. I don't know if

1 cryotherapy was mentioned or not.

2 Q. What is cryotherapy?

3 A. Using cold to destroy tissue.

4 Q. How was it that you were familiar with that at
5 that time?

6 A. Just from my nurse's training.

7 Q. All right. In your research, did you look at any
8 other books at that time other than the Merck
9 Manual that you had at home?

10 A. No. That was all I had available to me.

11 Q. And then you did some research on the Internet?

12 A. Yes.

13 Q. Tell me when you first began your research on the
14 Internet.

15 A. I recall it was sometime in August, I checked not
16 only alternative treatments but also traditional
17 medical treatments for skin cancer.

18 Q. So you said you first saw the Alpha Omega website
19 in August of 2001. Did you see other websites at
20 that same time when you were doing your research?

21 A. Yes. I saw the Appalachian Herbal Remedies'
22 website, I think that's what it's called. The
23 site owned by Mr. Raber.

24 Q. Do you recall which one you saw first, Alpha
25 Omega or Appalachian Herbal?

1 A. I believe I saw the Alpha Omega site first.

2 Q. As you were doing your research, was the Alpha
3 Omega website the first very first site that you
4 looked at?

5 A. It seems so, yes.

6 Q. You said that you researched traditional medicine
7 and alternatives.

8 A. Yes.

9 Q. The Alpha Omega website was the first alternative
10 website that you looked at?

11 A. Yes, I believe so.

12 Q. And what about traditional?

13 A. Well, I cannot recall the names of the websites
14 that I researched the traditional treatments on.

15 Q. Had you made your appointment with Dr. Ford
16 before or after you began doing your Internet
17 research?

18 A. I believe I made the appointment before, because
19 it took several weeks for me to actually get in
20 to see him, and I started the Internet research
21 while I was waiting for the appointment.

22 Q. Do you recall seeing any other websites relating
23 to cancer other than Alpha Omega and the
24 Appalachian Herbal Remedies' website?

25 A. No, sir. No. Those were the two I focused on

1 because they had bloodroot products.

2 Q. What was it about the fact that they had
3 bloodroot products that caused you to focus on
4 them?

5 A. I am of Native American heritage, and I knew from
6 being Native American that bloodroot has been
7 used for thousands of years in this country as a
8 treatment for skin cancer.

9 Q. Tell me what you knew about that before you did
10 your site search in August of 2001, please.

11 A. All I knew was that bloodroot was an indigenous
12 North American plant and that the sap has been
13 used to treat skin lesions like cancer and warts
14 and moles.

15 Q. And where did you learn that?

16 A. I can't really give you a definite answer on
17 that. It's just something that I've known
18 growing up.

19 Q. You say you are of Native American background.

20 A. That's correct.

21 Q. Tell me about that, please.

22 A. My great-great grandmother was full-blooded on my
23 mother's side. That would be -- wait a minute.
24 It would be my great-great-great grandmother; my
25 great-great grandmother, my great-grandmother was

1 half, because my great-great grandmother married
2 a half-Cherokee man, as well. And I'm
3 one-sixteenth, and my mother's cousin, Shirley,
4 is a chief.

5 Q. What is your mother's name?

6 A. JoAnn (phonetic), J-O-A-N Gavin --

7 Q. Where does she live?

8 A. -- Creech.

9 Q. Oh, she's the person on your witness list?

10 A. Yes. And actually, her first name is Helen.

11 Joan is her middle name.

12 Q. Is your father still alive?

13 A. Yes, he is.

14 Q. What is his name?

15 A. Paul Eugene Creech.

16 Q. Where does he live?

17 A. He lives in Port Charlotte, Florida.

18 Q. And do you have regular contact with your mother
19 in Bloomington?

20 A. Yes, I do.

21 Q. And what about your father in Florida?

22 A. Not as much.

23 Q. Your parents are divorced?

24 A. Yes.

25 Q. When did that occur?

1 A. I believe in 1972 or 1973. That's a ball park
2 figure. I'm not sure of the exact year.

3 Q. This information about bloodroot, you think you
4 got that from your mother or your grandmother
5 verbally telling you that, or you think you read
6 it?

7 A. I possibly had read it somewhere.

8 Q. You don't recall?

9 A. I don't recall.

10 Q. Do you recall when it was that you read it,
11 although you may not recall what it was that you
12 read?

13 A. No, I don't.

14 Q. When you saw these references to bloodroot on the
15 Alpha Omega and Appalachian Herbal Remedies'
16 websites, what was your impression of that?

17 A. I was interested in using an herbal product as
18 opposed to traditional medical treatments because
19 traditional medical treatments, surgery
20 specifically to remove cancerous tissue also
21 takes a portion of healthy tissue and leaves
22 scarring, and the Alpha Omega website and the
23 website that Mr. Raber had describe bloodroot as
24 being an herbal product that would not affect
25 healthy tissue, that it would only kill cancerous

1 tissue.

2 MR. KELSO: We have been going almost an
3 hour.

4 MR. MULLER: Do you want to take a break?

5 MR. KELSO: I think we can take a little
6 break at this time, if that's all right with you.

7 THE WITNESS: That's fine.

8 (At this time, a recess was taken.)

9 Q. You had had experience before the fall of 2001
10 with oncology --

11 A. Yes.

12 Q. -- patients?

13 A. Yes.

14 Q. Did any of these patients have skin cancer?

15 A. I don't believe so.

16 Q. Had you ever worked with dermatologists before?

17 A. No.

18 Q. I wanted to make sure whether or not during this
19 period of time between when you first noticed the
20 lesion in June and when you ordered products off
21 the Internet, did you speak with anybody about
22 this lesion?

23 A. No.

24 Q. Did you speak with anybody about potential
25 treatments for the lesion?

- 1 A. No.
- 2 Q. Your garden, approximately how big is that?
- 3 A. I'd say six feet by thirty-five feet.
- 4 Q. And the property that you own now, is that your
5 house?
- 6 A. Yes.
- 7 Q. And this is a piece of land that's directly by
8 the house?
- 9 A. It's in the backyard.
- 10 Q. You said earlier that you grow some catnip?
- 11 A. Yes.
- 12 Q. Do you own cats?
- 13 A. Yes, I do.
- 14 Q. Do you grow any other type of medicinal plants in
15 your garden other than your catnip?
- 16 A. No. I grow some herbs; peppermint, Chives,
17 Cilantro, Lemon Balm.
- 18 Q. What do you use those for?
- 19 A. I grow the peppermint in case I want to use --
20 make peppermint tea. Lemon balm can also be used
21 as a food, but I just like it because it has a
22 nice scent and it's an attractive plant. Chives
23 I cook with, Cilantro, I have not actually
24 harvested any to cook with, but that was the
25 intention.

1 Q. Have you ever grown any other herbs other than
2 the catnip and the ones that you just mentioned
3 since you have had your garden?

4 A. Oh, yes. Oregano, Basil, Sorrel, several other
5 varieties that escape me at this point.

6 Q. Other than the catnip for your cats and the
7 making tea and seasoning food, did you ever use
8 any of these plants for anything else?

9 A. No.

10 Q. Was there some reason that you were concerned
11 about having traditional treatment for the lesion
12 that you saw?

13 A. Yes, from the fact that healthy tissue would be
14 removed as well as diseased tissue, and I was
15 concerned about the amount of scarring and
16 disfigurement.

17 Q. What were the particular things about your
18 experience that led you to have that concern?

19 A. From the traditional websites that I viewed on
20 the Internet, it showed examples of people who
21 had had cancerous lesions removed from their face
22 and the amount of tissue that was removed and the
23 amount of repair and scarring that was left as a
24 result.

25 Q. Which website are you talking about?

- 1 A. I don't recall the specific name of the website.
- 2 Q. That was a traditional medicine website?
- 3 A. Yes.
- 4 Q. When you say traditional medicine, what do you
5 mean by that?
- 6 A. This particular procedure would be called Mohs
7 micrographic surgery, that's M-O-S (sic),
8 micrographic surgery.
- 9 Q. And what was your understanding of what that
10 procedure was back at that time?
- 11 A. That layers of the cancerous, as well as the
12 adjacent healthy tissue would be planed off,
13 examined under a microscope, and as soon as they
14 reached the layer where no more cancerous cells
15 were present, then the surgery was finished.
- 16 Q. Did you believe that you had cancer at that time?
- 17 A. Yes, I did.
- 18 Q. Did you believe that the alternative treatments
19 were a better option for you?
- 20 A. Yes, I did, in terms of removing only the
21 diseased tissue and minimizing the amount of
22 scarring and disfigurement that would occur.
- 23 Q. Do you still believe now that back at that time,
24 you had cancer?
- 25 A. Yes, I do.

1 Q. Do you think you have cancer now?

2 A. No, I do not.

3 Q. Why is it that you think you had cancer back
4 then?

5 A. Prior to the lesion appearing on my nose, I had
6 been to Dr. Ford for an area on my left hip that
7 behaved in a similar fashion, in that it appeared
8 suddenly and had a layer of scaly tissue that I
9 would scratch off. In this instance, the lesion
10 that was underneath was hard tissue that was pink
11 and shiny and oval shaped, it was not irregular
12 in any fashion, and when I had that lesion
13 removed and a biopsy done, it was determined that
14 it was a benign tumor called dermatofibroma.

15 Q. So you did not consider that to be cancer?

16 A. It is benign. It is cancer, but it is benign.

17 Q. What's the difference as you understand it?

18 A. A benign tumor is -- there is no chance of that
19 spreading, as opposed to malignant.

20 Q. Did you believe the nose lesion to be malignant?

21 A. Yes, I did.

22 Q. And why was that?

23 A. Because of the fact that it was irregularly
24 shaped and that the underlying tissue beneath the
25 scaly skin was raw and open.

1 Q. Did you have any other factors about your
2 experience with Dr. Ford about the lesion on your
3 hip that made you think that your nose lesion was
4 cancerous, other than what you have told me?

5 A. No.

6 Q. Were there any other factors that you consider
7 now in support of your opinion that you thought
8 you had cancer at the time, other than what you
9 have told me?

10 A. No.

11 MR. KELSO: Can you read back that last
12 question and answer, please.

13 (Whereupon, the requested material was read
14 back by the reporter.)

15 Q. Have you ever asked any other medical
16 professional whether you had cancer back at that
17 time, the nose lesion?

18 A. No.

19 Q. When you went to see Dr. Ford, did you ask him
20 about that?

21 A. I asked him to take a look at the lesion on my
22 nose. He is a very reticent sort of person, he
23 will come in, he will look, he doesn't voice a
24 whole lot of opinions or speculate as to what the
25 problem might be; he goes out, he, you know,

1 makes his notes and then makes the referral to
2 the dermatologist.

3 Q. You have in front of you there an exhibit that's
4 marked Exhibit B.

5 A. Uh-huh.

6 Q. Do you see that?

7 A. Yes.

8 Q. Is that an affidavit that you prepared with
9 exhibits dated May 29, 2004; is that correct?

10 A. Let me find it. Yes.

11 Q. There on the first page of that Exhibit B, it
12 states, down near the bottom three or four lines,
13 "An appointment was scheduled with the
14 dermatologist on October 1, 2001." When was that
15 appointment first made?

16 A. On August 30 when I saw Dr. Ford.

17 Q. And then it says there, "In the meantime, I began
18 to do research on my own." Did you do any
19 Internet research before you saw Dr. Ford?

20 A. Yes. To the best of my knowledge, I should say.

21 Q. And is that what you described to me before?

22 A. Yes.

23 Q. And you had been on the Alpha Omega website as
24 well as the Appalachian Herbal Remedies' website
25 before you saw Dr. Ford, to the best of your

1 knowledge?

2 A. To the best of my recollection, that's correct.

3 Q. Did you discuss anything that you saw on those
4 websites with Dr. Ford?

5 A. No.

6 Q. Did you discuss your belief that you had skin
7 cancer with Dr. Ford at that time?

8 A. No. I left the determination up to him.

9 Q. What do you recall about what you said to Dr.
10 Ford and about what Dr. Ford said to you during
11 that appointment?

12 A. When I saw him, I told him that I had had this
13 scaly, pink lesion on my nose for approximately
14 three months and I needed to have it evaluated
15 and thought that I needed an appointment with the
16 dermatologist.

17 Q. In front of you, there is an exhibit marked
18 Exhibit C. Do you see that?

19 A. Yes.

20 Q. Have you seen that before?

21 A. Yes.

22 Q. What is that?

23 A. On the top here, that is a time line of events
24 occurring up to the use of the Cansema 7
25 bloodroot paste and the subsequent results and

1 appointments with the dermatologist and the
2 plastic surgeon.

3 Q. Did you prepare this in conjunction with your
4 attorney?

5 A. Yes, I did.

6 Q. I'd like to then follow through this time line,
7 if we could, please, on the events that occurred
8 during this timeframe from August 30 through
9 October 8, 2001.

10 A. Okay.

11 Q. Other than doing your Internet research before
12 you saw Dr. Ford, did you do anything else about
13 the lesion that was on your nose?

14 A. No.

15 Q. Then when you saw Dr. Ford, did he refer you to
16 Dr. Rehme?

17 A. Yes, he did.

18 Q. How did he actually do that?

19 A. He called Dr. Rehme's office and scheduled an
20 appointment for me.

21 Q. And so that appointment was scheduled for October
22 1?

23 A. That's correct.

24 Q. Was that the first he was available, or how do
25 you know --

1 A. That was the first appointment that he had
2 available, to my knowledge.

3 Q. Then this says on September 15, 2001, you had a
4 telephone call to Appalachian Herbal Remedies.

5 A. Yes.

6 Q. Is that correct?

7 A. Yes.

8 Q. Did anything else occur in between August 30 and
9 September 15 regarding your nose lesion or your
10 concerns about cancer at that time?

11 A. I became concerned because the crusty scab had
12 developed, and when the scab came off, there was
13 normal-looking tissue over the top of the lesion
14 but you could still see the lesion underneath, as
15 far as the discoloration, and I was concerned
16 because it seemed to have been sinking deeper
17 into the tissue and it looked like it was
18 spreading toward my left eye, so I was getting
19 pretty panicked.

20 Q. And this was in the time period between August 30
21 and September 15, 2001?

22 A. Yes.

23 Q. Do you recall when this was that you got this
24 panicked feeling?

25 A. No, I don't.

1 Q. Were you continuing to go to work during this
2 time?

3 A. Yes.

4 Q. When you called Appalachian Herbal Remedies on
5 September 15, 2001, who did you speak with?

6 A. I got an answering machine.

7 Q. Did you leave a message there?

8 A. I opted not to, and then I had second thoughts
9 and called back and decided again that I didn't
10 want to leave a message, I'd rather speak to
11 somebody in person.

12 Q. So that was September 15?

13 A. Yes.

14 Q. So on September 15, 2001, you never actually
15 spoke with anyone at Appalachian Herbal Remedies?

16 A. That's correct.

17 Q. Then on September 16 is when you placed an order
18 for Cansema salve?

19 A. Yes.

20 Q. Did you do that over the Internet?

21 A. Yes, I did.

22 Q. Referring you back to Exhibit C, there's a
23 document that begins with the page marked 1,
24 Alpha Omega Labs, about four pages into Exhibit
25 C; do you see that page?

- 1 A. Number 1?
- 2 Q. Yes, ma'am.
- 3 A. Yes.
- 4 Q. Let's go off the record for a moment, and if you
5 would look through the pages that follow that
6 Exhibit 1 just briefly, and then I'd like you to
7 answer whether or not that's the website that you
8 saw at that time.
- 9 A. Portions of this website were what I saw when I
10 first looked on the Alpha Omega website; however,
11 the website had changed from the time when I -- I
12 first started looking at it until these copies
13 were made.
- 14 Q. Can you tell me how it's changed or it was
15 changed?
- 16 A. It seems like there's -- there's much more
17 information than what I had previously accessed.
- 18 Q. There's more information on Exhibit 1 than what
19 you saw on September 16?
- 20 A. Yes.
- 21 Q. To the best of your recollection?
- 22 A. To the best of my recollection.
- 23 Q. What do you recall seeing on the website back on
24 September 16 when you looked at it?
- 25 A. I went to the page that had bloodroot on it, it

1 was a -- a copy of the product brochure, it
2 seemed like, and -- let's see if I can find it
3 here. Here it is. The bloodroot paste. That's
4 what I saw.

5 MR. KELSO: Do you mind if we go off the
6 record a minute, John?

7 MR. MULLER: Uh-huh, sure. Off the record.

8 (Whereupon, a discussion was held off the
9 record.)

10 Q. On September 16, you ordered the Cansema salve
11 over the Internet?

12 A. Yes.

13 Q. Was that basically filling out a form on your
14 computer and sending that in?

15 A. Yes.

16 Q. Did you use a Visa number or something like that?

17 A. I believe so, yes.

18 Q. Then what's the next thing that you did with
19 regard to this issue?

20 A. I waited for an order confirmation to be sent to
21 my e-mail from Alpha Omega Labs to verify that
22 the order had been received, and after a period
23 of three days or so, I had not received the order
24 confirmation.

25 Q. What did you do next?

- 1 A. I assumed that because of the Trade Center
2 bombings, that their computer system possibly was
3 down, and I wanted to get a product to start
4 using right away, so at that time, I called the
5 Appalachian Herbal Remedies and ordered their
6 bloodroot paste.
- 7 Q. Did you speak with somebody on the phone at that
8 time?
- 9 A. I believe I left a message and they returned my
10 call the following morning.
- 11 Q. Do you know who it was that you spoke to?
- 12 A. I know that one of the women that works there is
13 called Gloria, but I don't know if she was
14 actually who I spoke to or not.
- 15 Q. And is this at Appalachian Herbal Remedies?
- 16 A. Yes.
- 17 Q. Did you place an order over the phone there?
- 18 A. Yes, I did.
- 19 Q. Did you give them a credit card number, as well?
- 20 A. I believe so, yes.
- 21 Q. Did you speak with anybody at Alpha Omega before
22 you spoke with the people at Appalachian Herbal
23 Remedies on the phone?
- 24 A. No, I did not.
- 25 Q. Then at some point, the Cansema product arrived

1 at your house?

2 A. Yes.

3 Q. Was that by mail?

4 A. I think it was UPS.

5 Q. Had you spoken with anybody from either of the
6 defendants at that time, other than the telephone
7 call that you had with Appalachian Herbal
8 Remedies, possibly Gloria when you ordered the
9 product?

10 A. Prior to the Cansema salve arriving, I did call
11 Alpha Omega Labs to inquire on the status of my
12 order.

13 Q. Do you recall who you spoke with there?

14 A. No, I do not.

15 Q. What was the nature of that conversation?

16 A. I was -- told them that I had placed an order
17 over the Internet and that I had not received the
18 order confirmation by e-mail so I was checking to
19 see if the order had actually been received.

20 Q. What did they tell you?

21 A. I believe they said that they did have it and
22 they were shipping it.

23 Q. When you received the product, was there anything
24 with the product other than the product?

25 A. There was the product brochure.

1 Q. Anything else?

2 A. No. Invoice.

3 Q. What was in the product brochure?

4 A. It gave instructions as to how to use the Cansema
5 salve, as well as descriptions of other available
6 products and an order form.

7 Q. Did you read the instructions?

8 A. Yes. They were the same instructions that had
9 been posted on the website, so I had read them
10 repeatedly over and over again.

11 Q. Do you recall what it said?

12 A. That Cansema salve would kill cancer cells
13 without harming healthy tissue, but if you put it
14 on healthy tissue, it would not harm the tissue
15 but it would just be wasting the product, that
16 there would be some pain and discomfort involved,
17 that when the cancerous tissue was killed, a scab
18 would form, and eventually, that the scab would
19 have been ejected and healthy tissue would
20 regrow.

21 Q. Was that after work when you read that, or do you
22 recall what day of the week this September was,
23 September 21?

24 A. The product brochure that came with the product
25 or --

- 1 Q. Yes, ma'am.
- 2 A. I did review it the day that I received the
3 product.
- 4 Q. Do you recall what time of day it was that you
5 applied the salve?
- 6 A. Approximately one in the afternoon.
- 7 Q. How big of an area did you apply the salve to?
- 8 A. The area was approximately the size of a dime.
- 9 Q. And how long did you leave it on?
- 10 A. I left it on for about eleven or twelve hours.
- 11 Q. Did you cover it at that time?
- 12 A. Yes. I covered it with a clear dressing.
- 13 Q. What is a clear dressing, what do you mean by
14 that?
- 15 A. There are dressings that we have available that
16 have adhesive on the back but they are a clear --
17 like Saran Wrap, the brand number is -- one of
18 the brand names is Tegaderm.
- 19 Q. Where did you get this product?
- 20 A. From -- from work.
- 21 Q. You just took one home?
- 22 A. I had some left over from an IV start kit.
- 23 Q. So what are they used for in the IV start kit?
- 24 A. To cover the IV site after the IV catheter is
25 placed in the vein to stabilize it, to prevent it

- 1 from coming out, and also to give us the ability
2 to view the site and assess it for signs of
3 infection or drainage.
- 4 Q. And the site that you applied the salve to was on
5 the left side of your nose?
- 6 A. Yes. (Indicating).
- 7 Q. Approximately midway between the point and your
8 eye?
- 9 A. It was closer to the eye, probably about
10 two-thirds of the way up.
- 11 Q. And then you covered it with the Tegaderm?
- 12 A. Yes.
- 13 Q. You say you left it on about how many hours?
- 14 A. Approximately eleven hours.
- 15 Q. Were you able to observe it through the Tegaderm?
- 16 A. Yes.
- 17 Q. Tell me what you observed during that time,
18 please.
- 19 A. Every place that the salve touched turned a
20 yellowish-tan color.
- 21 Q. What color was the lesion at that time?
- 22 A. With the application of the Cansema salve on it?
- 23 Q. Yes, ma'am.
- 24 A. Yes, it was yellow-tan.
- 25 Q. What color was the lesion before you applied the

1 salve?

2 A. Pink.

3 Q. And the surrounding skin?

4 A. The surrounding skin was normal.

5 Q. Was there anything else that you noticed during
6 this time other than the coloration of the skin
7 that you could see through the Tegaderm, and I'm
8 speaking of the eleven-hour or so period of time
9 after you applied the Cansema.

10 A. There was a burning sensation.

11 Q. Where was that?

12 A. In the area where the Cansema salve came in
13 contact with the tissue.

14 Q. Did you have any other sensations in any other
15 part of your body or your face, other than the
16 area directly where you applied the Cansema?

17 A. No.

18 Q. What did you do after the eleven-hour period of
19 time?

20 A. I went home. I got home approximately around
21 midnight, went to the bathroom. I wanted to
22 observe the tissue to evaluate it, so I removed
23 the dressing and noticed that all the tissue had
24 reacted that had come into contact with the
25 Cansema salve.

- 1 Q. Did you have a work shift that day?
- 2 A. A work shift?
- 3 Q. Did you work that day?
- 4 A. Yes, I did.
- 5 Q. Was this eleven hours some of the time you were
6 at work?
- 7 A. Yes. Eight hours, eight and a half.
- 8 Q. Tell me how you spent that day, please.
- 9 A. Just doing the regular, normal patient care, my
10 regular duties.
- 11 Q. What time was your shift?
- 12 A. My shift starts at three p.m. and ends at
13 eleven-thirty p.m.
- 14 Q. So for most of this time that you had the product
15 on, you were at work?
- 16 A. Yes.
- 17 Q. Did you talk with anybody at work about what you
18 were doing at that time?
- 19 A. I believe I had discussed it with a few people,
20 yes.
- 21 Q. All right. Who was that?
- 22 A. I know Leon Vessels, one of my coworkers, I
23 believe Dee Richardson, one of the unit
24 secretaries. While this discussion was ongoing,
25 I believe that Dr. Venkatesh was present in the

1 nurses' station seeing one of his patients.

2 Q. Was there anybody else that you discussed it that
3 day with, other than Leon Vessels and Dee
4 Richardson and Dr. Venkatesh?

5 A. Possibly Dennis Pyritz, that's P-Y-R-I-T-Z, and
6 I'm sure there were other coworkers, as well,
7 that I'm just not able to recall at this time.

8 Q. All right. Describe for me, please, the
9 conversation that you had with Leon Vessels.

10 A. I had just told him that I was using Cansema
11 salve which I believed to be a bloodroot product
12 to treat what I thought was a cancerous skin
13 lesion, and that was essentially the gist of the
14 conversation with all of my co-workers.

15 Q. Do you recall what Leon Vessels' reply to you was
16 after you stated that to him?

17 A. No, I don't.

18 Q. What about Dee Richardson?

19 A. No.

20 Q. Dr. Venkatesh?

21 A. No.

22 Q. Dennis Pyritz?

23 A. Pyritz. Dennis Pyritz responded by showing me --
24 he made a copy of a website by -- from Dr. Andrew
25 Weil which I had already looked at to give me

- 1 information on bloodroot and its source --
- 2 sources for it, where to get it, where to obtain
- 3 it.
- 4 Q. How do you spell Weil?
- 5 A. W-E-I-L.
- 6 Q. Other than making you a copy of the website, what
- 7 else did Dennis by Pyritz?
- 8 A. That was essentially it. I don't recall any
- 9 specific comments that he made.
- 10 Q. What is his position at the hospital?
- 11 A. He is no longer there. He was a registered nurse
- 12 on the oncology ward.
- 13 Q. Do you know where he is now?
- 14 A. I don't know if he's been able to return to work
- 15 or not. He has had a very rare form of leukemia.
- 16 Q. Do you still have a copy of the website that he
- 17 made for you?
- 18 A. Possibly.
- 19 Q. Where would you be keeping that if you did have
- 20 it?
- 21 A. In my file cabinet at home.
- 22 Q. Did any of these four people that you spoke with
- 23 at work about your ongoing treatment have any
- 24 reaction to what you were doing at all other than
- 25 Dennis Pyritz making you a copy of the website?

1 A. No.

2 Q. Did you speak with anyone else that day other
3 than those four people about the treatment that
4 was ongoing?

5 A. I'm sure there were other people that I spoke to
6 because they noticed the dressing and the changes
7 in the skin tissue, but I don't recall who or
8 specifically what was said.

9 Q. We have had Exhibit C Bates stamped and returned
10 at this point. You were referring earlier to a
11 page in the materials that had something that you
12 recalled from the website on it.

13 A. Yes. Page number 79.

14 Q. And what is page 79 in Exhibit C?

15 A. That's the page that I saw when I inquired about
16 bloodroot paste on the Alpha Omega site.

17 Q. Is that the way you recall it looking at the time
18 that you saw it?

19 A. Yes. That is the exact way that I first saw it.

20 Q. Did you order a bloodroot product or did you
21 order a Cansema product?

22 A. I ordered the Cansema salve on the recommendation
23 of the product description where it says, "Unlike
24 Cansema salve, it requires repeated applications,
25 usually over the course of two to three weeks.

1 In certain instances, it can remove skin cancers
2 and even keratosis, but it is not as aggressive
3 as the Cansema black topical salve which usually
4 requires just one application."

5 Q. So when you ordered, did you order the Cancema
6 salve from Alpha Omega or did you order a
7 bloodroot product from Alpha Omega?

8 A. I ordered -- I ordered the Cancema salve.

9 Q. Is it your understanding that that description
10 you were just reading refers to Cansema or refers
11 to a bloodroot product?

12 A. It compares the actions of the bloodroot paste to
13 the Cansema salve. I was under the impression
14 that the Cansema salve was a bloodroot product,
15 only in a stronger concentration.

16 Q. A stronger concentration of what?

17 A. Stronger concentration of bloodroot as opposed to
18 the inert ingredients.

19 Q. What was it about the website that gave you that
20 impression?

21 A. The fact that it said the bloodroot paste would
22 require repeated applications and the Cansema
23 salve would require only one.

24 Q. And you're referring to page 79 up in the top
25 right-hand corner?

1 A. Yes.

2 Q. When you got home from work on September 21, you
3 were describing, I believe, how you had removed
4 the Tegaderm.

5 A. Yes.

6 Q. What did you do next?

7 A. I became alarmed because of the fact that all of
8 the tissue had reacted. The product brochure
9 says that it affects only healthy tissue. I
10 assumed that the cancer was more extensive
11 underneath than what was visible topically, so at
12 that point, I decided to make a large
13 application, an application over a large area to
14 ensure that if I had underlying metastasis, that
15 I would be able to treat it.

16 Q. Did you do any additional research or discuss
17 that decision with anybody before you did it?

18 A. No.

19 Q. Why not?

20 A. Because I was under the impression that from the
21 product brochure and the description and
22 instructions on how to use the Cansema salve,
23 that what was occurring was normal and to be
24 expected.

25 Q. Did you observe anything else at that time, other

1 than what your described to me?

2 A. No.

3 Q. And after you made that decision, what did you
4 do?

5 A. I applied the Cansema salve to a large area, the
6 top of the bridge of the nose in between the
7 eyes, underneath the nose, and the adjacent cheek
8 tissue, and then I went to bed.

9 Q. Did you cover that with anything?

10 A. No.

11 Q. How did you apply the salve?

12 A. I believe I used my finger and then just washed
13 my hands well.

14 Q. How thick of a -- how thick did you apply this?

15 A. A very thick layer. Enough to where the flesh
16 color did not show through the salve.

17 Q. Did you cover all of your nose tissue with the
18 salve?

19 A. Yes.

20 Q. As well as part of the cheeks?

21 A. Yes.

22 Q. Why did you do that?

23 A. Because I was under the impression that it would
24 not harm healthy tissue, and I wanted to be sure
25 that if I had metastasis underlying the

1 normal-looking tissue, topically, that I would be
2 able to get it all.

3 Q. As I understand it, the lesion was on the --
4 toward the top two-thirds of your nose on the
5 left side close to the eye?

6 A. Yes.

7 Q. Why did you choose to apply it in the area where
8 you did as opposed to more up around that area?

9 A. As I said previously, I just wanted to make sure
10 that if there was underlying metastasis, that I
11 treated the entire area, abnormal area in one
12 application.

13 Q. I believe you said earlier that you thought the
14 lesion was moving toward your eye; is that
15 correct?

16 A. Yes.

17 Q. Did you apply it up towards your eye, as well?

18 A. I stopped where the tissue -- the undereye tissue
19 is.

20 Q. Did you put it over on the right side at the same
21 location as on the left side?

22 A. Yes.

23 Q. Did you take any precautions so that it wouldn't
24 be rubbed off while you were sleeping?

25 A. I just propped pillows and slept sitting straight

1 up.

2 Q. How long did you leave it on?

3 A. I was only able to leave it on for approximately
4 six hours.

5 Q. What happened?

6 A. The pain and the burning was so great that I
7 could not leave it on for the entire recommended
8 twenty-four hours.

9 Q. So what did you do?

10 A. I got up about six o'clock in the morning and
11 washed it off.

12 Q. What did you wash it with?

13 A. Soap and water, washcloth.

14 Q. Would you describe for me what you saw at that
15 point, the condition of the skin.

16 A. Every place that the Cansema salve had touched
17 was the yellowish-tan scab looking, scab-like
18 looking area.

19 Q. What you say scab-like looking, what do you mean?

20 A. Just that it was discolored and dead.

21 Q. It was yellowish-tan in color?

22 A. Yellowish-tan, yes.

23 Q. Did you go to work that day?

24 A. No. I was off that weekend.

25 Q. So that morning when you woke up was a Saturday?

- 1 A. Yes.
- 2 Q. September 22?
- 3 A. Yes.
- 4 Q. Was the tissue still sensitive to touch when you
5 touched it?
- 6 A. No.
- 7 Q. In washing it?
- 8 A. No.
- 9 Q. And this is all over the nose area?
- 10 A. Yes.
- 11 Q. Referring back to Exhibit C, there's a
12 photograph, a series of photographs that are item
13 number 9 in Exhibit C.
- 14 A. Okay.
- 15 Q. Do you see those?
- 16 A. Yes.
- 17 Q. I know we have original photographs elsewhere,
18 but just for purposes of identifying which photo
19 is which, the photos at No. 9 where there are
20 three of them, is one of those photographs one
21 that you took on September 22, 2001?
- 22 A. Yes. It's the lower left-hand one.
- 23 Q. Is that the only one that you took at that time?
- 24 A. Yes.
- 25 Q. Is there any product on your face at that time?

- 1 A. No.
- 2 Q. What did you do in between six a.m. and when you
3 took the photograph?
- 4 A. Had breakfast, read the newspaper, drank coffee.
- 5 Q. Did you call or think about calling a doctor or
6 think about consulting with somebody about what
7 was going on?
- 8 A. No, because I was led to believe that this was a
9 normal progression, according to the description
10 of the product and the instructions for use and
11 the brochure.
- 12 Q. Do you recall anything else that occurred that
13 day before you took the picture?
- 14 A. No.
- 15 Q. What about after you took the picture?
- 16 A. I know at some point over the weekend, I
17 attempted to keep the scab soft by applying
18 Vaseline, but it ended up drying and it felt like
19 a -- it felt waxy, like a hard, lumpy candle.
- 20 Q. You're speaking of the condition of your skin?
- 21 A. Yes.
- 22 Q. So at some point, you applied Vaseline?
- 23 A. Yes. I --
- 24 Q. Do you recall when that was?
- 25 A. I know it was -- I applied it on Saturday and

1 Sunday in an attempt to keep the scab soft.

2 Q. Before we go further, since we have got this
3 packet back, let's go back through here and
4 identify some of these other items in here.

5 Looking at item number 11, do you see that?

6 A. Yes.

7 Q. What page is that?

8 A. 102.

9 Q. What is this?

10 A. That's a copy of my phone bill.

11 Q. Does it show telephone conversations that you had
12 with the Alpha Herbal Remedies?

13 A. The Appalachian Herbal Remedies.

14 Q. Yes, the Appalachian Herbal Remedies' business.

15 A. Yes.

16 Q. Where does that show?

17 A. Well, it's the call that I made to Rochelle,
18 Georgia on September 16.

19 Q. Is it September 18?

20 A. I don't have my contact -- my reading glasses so
21 I'm having a little trouble seeing this print.
22 It looks like September 15.

23 Q. The first one is September 15 and the other call
24 is --

25 A. Or September 18.

- 1 Q. September 18?
- 2 A. Yes.
- 3 Q. All right. Are those other calls to Rochelle the
4 same business?
- 5 A. Yes.
- 6 Q. Number 12 is a credit card statement?
- 7 A. Yes.
- 8 Q. The date of that statement is October 16 of 2001
9 showing up in the upper left-hand corner?
- 10 A. Yes.
- 11 Q. These show payments that you made to the
12 Deodorant Stone Company and Alpha Omega Labs?
- 13 A. That is correct.
- 14 Q. What is the Deodorant Stone Company, to your
15 knowledge?
- 16 A. That is one of the d/b/a names that Dr. -- that
17 Dan Raber uses for his Appalachian Herbal
18 Remedies.
- 19 Q. And then the charges to Alpha Omega Labs?
- 20 A. Uh-huh. The first charge was for the Cansema
21 salve and the QuikHeal, and the second purchase
22 was for the H30 and HRx.
- 23 Q. And that was purchased on September 18 for the
24 Cansema and QuikHeal, and October 3 for the H30?
- 25 A. Yes.

1 Q. Item number 3 in Exhibit C, what is that?

2 A. That is the shipping invoice I received when the
3 Cansema and the QuikHeal arrived.

4 Q. That's what you received with the product?

5 A. Yes.

6 Q. Then photo number 8, what is that photograph?

7 A. That is the photograph that I took prior to
8 applying the first application of Cansema salve.

9 Q. And at that time, is that the application you
10 made about the size of a dime?

11 A. Yes.

12 Q. Why is it that you took this photograph?

13 A. The website recommended that we take photographs
14 prior to using the product, after the application
15 of the product was removed, and subsequent photos
16 to document the use of the product so that we
17 could send it in as testimonials for their
18 website.

19 Q. That was the Alpha Omega website?

20 A. Yes.

21 Q. Then after you took the photograph at item 9 in
22 Exhibit C, what did you do the rest of that
23 weekend?

24 A. I stayed in. I did notice over the course of the
25 weekend, that there was an area next to where the

1 original application was made where the skin
2 popped up, a bump formed, and I became concerned
3 because I had read on the websites that if this
4 occurs and the bump forms, that the treatment was
5 not successful, that all of the cancer had not
6 been destroyed, and repeated treatments would be
7 necessary.

8 Q. Which website did you read this on?

9 A. That may have been on both websites. I don't --
10 I can't recall right off the top of my head.

11 Q. When was it that you first noticed this bump?

12 A. At some point over the weekend, there was a
13 tightening and pulling and drawing sensation
14 across the bone on the side, and then the bump
15 appeared.

16 Q. And that was in the site of approximately where
17 the lesion was?

18 A. Yes.

19 Q. Was there any bumps or reaction other than you
20 have already described in the other parts of your
21 nose?

22 A. No.

23 Q. Do you recall anything else that occurred on the
24 weekend of September 22 and 23 other than what
25 you have described to me?

1 A. My face started swelling, my cheeks, my chin,
2 around my mouth, around my eyes.

3 Q. When you were looking at the Alpha Omega website,
4 do you recall seeing testimonials on there?

5 A. Yes, I did.

6 Q. Do you recall seeing explanations and photographs
7 of decavitations and things like that?

8 A. Yes.

9 Q. Approximately how many different testimonials do
10 you recall seeing on there?

11 A. It seemed like there were hundreds. I read, I
12 don't know, maybe a few dozen in detail.

13 Q. And photographs of --

14 A. Photographs and text, yes.

15 Q. What happened next?

16 A. Let's see. Well, Monday, the bloodroot paste
17 arrived, and I made an application of the
18 bloodroot paste Monday afternoon prior to going
19 to work.

20 Q. Why did you decide to do that?

21 A. Because I was concerned that I had not let the
22 Cansema salve on long enough to kill the
23 cancerous tissue.

24 Q. Approximately what time was it that you applied
25 the bloodroot paste?

- 1 A. Approximately one in the afternoon.
- 2 Q. And that was a Monday?
- 3 A. Yes.
- 4 Q. Did you put anything other than the bloodroot
5 paste on your nose that morning, did you do the
6 Vaseline again?
- 7 A. I might have.
- 8 Q. Did you wash the Vaseline off before you --
- 9 A. I removed the Vaseline before I applied the
10 bloodroot paste, yes.
- 11 Q. Over the course of the weekend after you removed
12 the Cansema salve on Saturday, did you wash your
13 face occasionally?
- 14 A. Yes.
- 15 Q. And you would apply new Vaseline after that?
- 16 A. Yes.
- 17 Q. Approximately how many times did you do that?
- 18 A. I washed my face daily with soap and water. I
19 probably applied Vaseline two or three times
20 daily.
- 21 Q. On Saturday and Sunday?
- 22 A. I believe so.
- 23 Q. And you think you put it on again Monday morning?
- 24 A. I believe so.
- 25 Q. What did you observe about your skin on your nose

- 1 Monday morning, September 24?
- 2 A. It looked essentially the same as the photograph
3 that I took Saturday afternoon.
- 4 Q. What was the color of your skin at that time?
- 5 A. The scabbed area was yellow-tan.
- 6 Q. When you say scabbed area, what portions of your
7 face are you referring to?
- 8 A. The portion where the Cansema salve had been
9 applied.
- 10 Q. And that's on your -- pretty much the entirety of
11 your protruding nose, as well as some areas on
12 your cheeks?
- 13 A. That's correct.
- 14 Q. What is it -- when you say scabbed, was it
15 scabbed like a scab you get when there's been
16 bleeding, was it hard and red-colored like that?
- 17 A. No, it was hard and yellow-tan.
- 18 Q. So then about one p.m., you applied the
19 bloodroot?
- 20 A. Yes.
- 21 Q. Did you cover that?
- 22 A. I covered it with gauze dressings and a clear
23 dressing, as well.
- 24 Q. Did you go to work, then, at that time?
- 25 A. Yes, I did.

- 1 Q. And what was the appearance of what you -- of
2 your face when you went to work that day?
- 3 A. It was extremely swollen.
- 4 Q. Were you wearing bandages or the gauze and --
- 5 A. Just the bandage over the bloodroot application.
- 6 Q. Did you put a clear covering on first and then a
7 gauze bandage and then a clear covering?
- 8 A. I believe I put the clear on first to help
9 contain the paste, since it was like a
10 semi-liquid, and then I applied the gauze
11 dressings over that to hide the appearance of the
12 lesion.
- 13 Q. When you say lesion, what you are you referring
14 to?
- 15 A. The scabbed area.
- 16 Q. Did you speak with anybody at work that day about
17 what you were doing?
- 18 A. Several people had asked, yes, and I told them
19 that I had made an application of bloodroot
20 paste.
- 21 Q. Do you recall who you spoke to on that day?
- 22 A. My supervisor, Carla Smith. I believe Dee
23 Richardson, the unit secretary. Various other
24 coworkers. I can't remember exactly who was
25 working at that time.

- 1 Q. Do you recall anything that any of them said to
2 you?
- 3 A. Everybody that I came in contact with was
4 essentially appalled at the appearance of my face
5 because of the swelling.
- 6 Q. Did you seek any medical treatment at that time?
- 7 A. No, I didn't.
- 8 Q. What was your response to them?
- 9 A. That I was using the bloodroot as an herbal
10 product to treat the cancerous lesion on my nose.
- 11 Q. Did any of them advise you to seek other medical
12 care?
- 13 A. No. I informed my supervisor at the time that I
14 did have an appointment with a dermatologist.
- 15 Q. What was her response to that?
- 16 A. I continued and finished out my shift, and I felt
17 too badly to return to work, so she told me to
18 take time off and get back in touch with her
19 after I saw the dermatologist.
- 20 Q. So then when you got home at approximately
21 midnight --
- 22 A. Yes.
- 23 Q. -- and now we're talking about September 25,
24 midnight?
- 25 A. Yes.

1 Q. Early morning on September 25?

2 A. Yes.

3 Q. All right. What did you do then?

4 A. I removed the bloodroot application because it
5 had been on for approximately twelve hours and
6 applied Vaseline and went to bed.

7 Q. What did you observe about the condition of your
8 skin when you saw it at that time?

9 A. It essentially looked the same as before I made
10 the bloodroot application.

11 Q. What did you do next?

12 A. The following morning, I called Mr. Raber for
13 advice. I explained that I had used a product
14 for skin cancer and that it had burned so badly,
15 I could not leave the application on for the
16 recommend twenty-four hours, so subsequently, I
17 used his bloodroot paste, left the application on
18 for twelve hours.

19 Q. Well, let's back up to this phone conversation,
20 please.

21 A. Okay.

22 Q. What did he say to you and what did you say to
23 him?

24 A. Okay. I called him and explained to him that I
25 was trying to treat a lesion on my nose that I

1 believed was malignant, skin cancer.

2 Q. When did you make this call to him?

3 A. Tuesday morning.

4 Q. And what did he say to you?

5 A. I did go ahead and continue to tell him that I
6 had used the Alpha Omega product but I could not
7 leave it on because the pain and discomfort was
8 so great, and I wanted to be certain that I
9 killed all of the cancer that was present, so I
10 had used an application of his bloodroot product
11 and left it on for twelve hours.

12 Q. And what did he say?

13 A. He recommended that I make another application of
14 bloodroot paste and leave it on for twenty-four
15 hours.

16 Q. Did you describe to him how the lesion had
17 appeared before you applied any product at all?

18 A. No.

19 Q. You didn't tell him that it was the size of a
20 pencil eraser up in one area?

21 A. No.

22 Q. Do you recall anything else about that
23 conversation other than what you have already
24 told me?

25 A. I can't recall anything specifically.

- 1 Q. Looking back at Exhibit C again, items 5 and 6,
2 what is item number 5?
- 3 A. Item number 5 is the invoice that came when the
4 bloodroot paste arrived.
- 5 Q. And item number 6?
- 6 A. Number item number 6 is the product information
7 that arrived with the product and was also posted
8 on the website for Alpha -- for Appalachian
9 Herbal Remedies.
- 10 Q. So after your telephone conversation with Mr.
11 Raber on September 25, did you put his product on
12 again?
- 13 A. Yes.
- 14 Q. What area did you apply it to?
- 15 A. The same area that was yellow and tan,
16 discolored.
- 17 Q. And did you cover it?
- 18 A. Yes.
- 19 Q. Tell me how you did that, please.
- 20 A. With a clear dressing. At the time, I was out of
21 Tegaderm, so I used Saran Wrap and taped it down.
- 22 Q. How long did you leave it on?
- 23 A. I left it on for twenty-four hours, per his
24 recommendation.
- 25 Q. Could you see through the Saran Wrap during that

1 time period?

2 A. Yes.

3 Q. What did you observe during that time?

4 A. Just the reddish-colored paste.

5 Q. What did you do during that time, that
6 twenty-four hours?

7 A. I stayed in.

8 Q. You just stayed in your house?

9 A. Stayed in the house, did the normal activities,
10 cooking, reading, cleaning.

11 Q. We discussed earlier that you had done some
12 Internet research before you ordered the
13 products.

14 A. Yes.

15 Q. After ordering the products, did you ever do any
16 other Internet research?

17 A. I didn't do any more research, but I did revisit
18 the websites and noticed that they had been
19 changed.

20 Q. Tell me about that, please.

21 A. The Appalachian Herbal Remedies' website no
22 longer contains these instructions that -- they
23 have instructions, but it's been changed to where
24 the testimonial I believe is no longer present,
25 and also -- let's see. Let me find it here.

1 Okay. It says on page 89, number 5 at the top,
2 "It has been our observation that the topical
3 cancer salve causes the least-possible amount of
4 scarring. It only kills the cancer without
5 affecting the healthy tissue." That has been
6 changed on the current website to say that the
7 bloodroot paste causes minimal damage to healthy
8 tissue.

9 Q. What page on Exhibit C are you referring to
10 there?

11 A. Page 89.

12 Q. When was it that you noticed that change?

13 A. I don't recall. I do know that I made copies of
14 the website, the current website, and we should
15 have that available here somewhere.

16 Q. Did you do any of this research back at that time
17 when you were staying home after the application
18 of the second bloodroot application?

19 A. No. I felt too bad.

20 Q. Then referring back to item 9 in Exhibit C,
21 there's some other photographs?

22 A. Yes.

23 Q. When did you take these?

24 A. I believe the following Thursday, to the best of
25 my knowledge. They were taken when the edges of

1 the scab started to lift. They're the
2 three-quarter view photographs.

3 Q. So you left the second Appalachian Herbal
4 Remedies' Bloodroot application on for
5 twenty-four hours?

6 A. Yes.

7 Q. Then you removed the dressing, the Saran Wrap,
8 and the product?

9 A. Yes.

10 Q. How did you do that?

11 A. I washed the area with -- removed the bloodroot
12 paste with water, and I was concerned because of
13 the scab being hard, and it would need to be --
14 to keep -- be kept soft in order to minimize the
15 amount of scarring that would occur. Mr. Raber
16 told me that to manage the scar tissue, I would
17 need to stand under the shower and let the warm
18 water run over the scab tissue and that would
19 help soften it. And then he gave me instructions
20 on how to make a saline solution using Morton
21 Light Salt and spring water, and I was to spray
22 that on after I used the shower and then make
23 applications of Vaseline and a dressing.

24 Q. When was that telephone conversation with him?

25 A. That may have been with the initial call that I

1 first made.

2 Q. So did you then do some of these actions?

3 A. Yes.

4 Q. So other -- after you removed the Saran Wrap and
5 the second bloodroot, Appalachian Herbal
6 Remedies' product, did you do anything else as
7 far as treatment goes, other than using the
8 shower?

9 A. I used the warm water from the shower, I used the
10 saline solution that Mr. Raber instructed me to
11 make, and I applied Vaseline and a TELFA
12 dressing.

13 Q. Had you done that before these photographs in
14 Exhibit C, item 9 were taken?

15 A. I did that prior to the three-quarter view
16 photographs.

17 Q. What do you mean?

18 A. That would be in the upper left and also on the
19 right.

20 Q. Yes, thank you. Then on October 1, you had an
21 appointment with Dr. Rehme?

22 A. Yes.

23 Q. Did anything else occur as far as any treatment
24 or the condition of your nose during that time
25 period before you saw Dr. Rehme?

- 1 A. No.
- 2 Q. Was it essentially in the same condition?
- 3 A. Yes.
- 4 Q. Describe that for me, please.
- 5 A. The entire affected area where I had applied the
6 Cansema salve and the subsequent bloodroot paste
7 had yellow-tan dead tissue.
- 8 Q. You said the scab was starting to raise?
- 9 A. The edges of the scab had started to lift as the
10 tissue was excavated, according to the
11 decavitation process.
- 12 Q. What do you mean, excavated?
- 13 A. The definition escapes me. It's -- I guess
14 decavitation would be the proper term.
- 15 Q. What do you mean by that?
- 16 A. The dead tissue is ejected and the healthy tissue
17 is exposed underneath.
- 18 Q. And is that something that you expected to occur?
- 19 A. Yes.
- 20 Q. From the application of the product?
- 21 A. Of both products.
- 22 Q. And then when you saw Dr. Rehme, what did you
23 tell him?
- 24 A. I told him that I believed that I had a lesion
25 that was malignant and that I had used the two

1 products, and he was not familiar with either one
2 of them.

3 Q. Did he examine your skin at that point?

4 A. Yes.

5 Q. What did he tell you?

6 A. He was not able to make a determination as to the
7 extent of the damage because of the fact that the
8 scar was there, so he didn't know how deeply the
9 damage would extend.

10 Q. Did he tell you anything else that you recall?

11 A. I don't believe so. He told me he wanted to see
12 me again in a week.

13 Q. Did he tell you to do anything as far as treating
14 the area during that week?

15 A. I believe I described to him what I was doing as
16 far as the water. I ended up -- I felt like the
17 shower might not be the best thing to use because
18 of the Chlorine and the minerals, so rather than
19 use the shower, I bought a second spray bottle
20 and would put plain spring water in it and heat
21 it in the microwave. I would use that initially
22 to remove the Vaseline, and then I would use the
23 warm saline solution and apply a new layer of
24 Vaseline. I described what I was doing to him,
25 this process that I was doing, to Dr. Rehme, and

1 he -- I believe he told me to continue and just
2 to see him in a week. And at that point, I did
3 ask him for stronger pain medication, as well.

4 Q. Did he give you some pain medication?

5 A. He gave me Darvocet.

6 Q. When you say stronger pain medication, what do
7 you mean?

8 A. I had been taking six hundred milligrams, I
9 believe six hundred milligrams of Ibuprofen every
10 six hours and was not getting adequate pain
11 control.

12 Q. When did you start taking that?

13 A. It seems like I started taking it Wednesday after
14 I removed the second application of bloodroot
15 paste and started with the dressing changes and
16 wound care.

17 Q. Anything else that occurred with your appointment
18 with Dr. Rehme that we haven't discussed?

19 A. I don't believe so.

20 Q. Have we covered all the facts that you know that
21 occurred up until this with Dr. Rehme that you
22 feel pertinent to your claim --

23 A. To the be --

24 Q. -- during this part of the deposition?

25 A. To the best of my knowledge, yes.

1 MR. KELSO: Why don't we take a lunch break
2 at this point.

3 (At this time, a luncheon recess was
4 taken.)

5 Q. Ms. Gilliatt, earlier in your deposition, you
6 testified that you believed you had cancer before
7 you applied either of the products to your nose;
8 is that correct?

9 A. Yes, it is.

10 Q. And you also believe that you don't have it now;
11 is that correct?

12 A. I believe so, yes.

13 Q. Do you have an opinion as to what removed the
14 cancer from your body?

15 A. I assume that it was a combination of both of the
16 products.

17 Q. How do you know that only healthy tissue was
18 removed from your nose, or how do you know that
19 any healthy tissue was removed from your nose?

20 A. When I made the applications of the products, I
21 assumed that the majority of the tissue that I
22 covered was healthy, and I made the applications
23 with the assumption that the products would not
24 harm healthy tissue, in accordance with the
25 claims that were made in the product brochures

1 and the instructions for use.

2 Q. Do you believe that the product removed any
3 healthy tissue?

4 A. I believe that the majority of the tissue that
5 was removed was in fact healthy.

6 Q. And what is the basis for that belief, your basis
7 for that belief?

8 A. Well, for one thing, the part of the tissue that
9 was affected by the application of the products
10 and subsequently destroyed was cartilage, and
11 cartilage, since it does not undergo mitosis, is
12 not -- does not get cancer.

13 Q. Do you have any other basis for that belief?

14 A. Repeat that question again, please.

15 Q. Do you have any other basis for your belief
16 that --

17 A. The previous question.

18 Q. With your permission, let's start again. Do you
19 have any other basis for your belief that healthy
20 tissue was destroyed other than what you have
21 told me in the last answers to the last three or
22 four questions?

23 A. No.

24 Q. Have you had any other therapy specifically
25 directed towards cancer other than your

1 application of the two salves?

2 A. No, I have not.

3 Q. You reviewed a number of testimonials on the
4 Alpha Omega website?

5 A. Yes.

6 Q. At the time you read them, did you believe or did
7 you not believe the testimonials?

8 A. I believed the testimonials.

9 Q. And you thought they were truthful at that time?

10 A. Yes.

11 Q. Do you still think they're truthful?

12 A. I don't believe so.

13 Q. And what's the basis for that belief?

14 A. That -- from -- I'm getting bogged down here.

15 Okay. I believe that the products were
16 represented as being able to cure skin cancer
17 without effecting healthy tissue and that the
18 testimonials that were supplied possibly could
19 have been fictionalized or falsified in order to
20 support this claim.

21 Q. Do you have any evidence other than your own
22 opinion that these testimonials have been
23 fictionalized?

24 A. No, I do not.

25 Q. Do you know what edema is?

- 1 A. Yes.
- 2 Q. What is that?
- 3 A. That is swelling of -- tissue swelling.
- 4 Q. Do you recall reading anything on the Alpha Omega
5 website about edema being a side effect of the
6 application of Cansema salve?
- 7 A. Yes. It said that the tissue that surrounded the
8 scab tissue that formed would show swelling or
9 edema.
- 10 Q. I believe in our questioning this morning before
11 our lunch break, we took you up to the time of
12 your appointment with Dr. Rehme; is that correct?
- 13 A. I believe so.
- 14 Q. Okay. And Dr. Rehme told you to come back in a
15 week?
- 16 A. Yes.
- 17 Q. After that, you had a telephone call with Dan
18 Raber; is that correct?
- 19 A. I have to refer to this here. Yes.
- 20 Q. That would have been on October 1?
- 21 A. It is on October 1.
- 22 Q. Did you see Dr. Rehme on October 1 before you had
23 the telephone call with Dan Raber?
- 24 A. I believe so.
- 25 Q. So that would have been first thing in the

1 morning that day?

2 A. I think the appointment with Dr. Rehme was in the
3 morning.

4 Q. Tell me what occurred during the phone
5 conversation with Dan Raber; that is, what you
6 said to him and what he said to you.

7 A. I believe with that phone conversation, I was
8 informing him of how my condition was progressing
9 and that I was continuing to take the pain
10 medication and do the dressing changes as
11 recommended.

12 Q. Do you recall what you said to him at that time?

13 A. Not word for word.

14 Q. Can you tell me as best you recall?

15 A. As best I recall, that I -- I can't recall at
16 that time if the edges of the scab had started to
17 lift. And to the best of my knowledge, I just
18 told him that the -- I was continuing with the --
19 I may have told him that I stopped using the
20 shower water and was using warm spring water in
21 place of it, and also, that I was continuing with
22 the saline cleansing after I used the shower
23 water and then putting the Vaseline ointment on
24 and continuing to change the dressings every six
25 hours, approximately, and that I was starting to

1 get drainage.

2 Q. And then you already discussed his instructions
3 to you. Have you already told me everything you
4 can recall about what he said to you in that
5 phone conversation?

6 A. Yes, and I believe at this point is when he
7 recommended that I get the pancreatic enzyme and
8 the MSM tablets to facilitate the regeneration of
9 new tissue.

10 Q. Did you then call back and order those products
11 from Appalachian Herbal Remedies?

12 A. Yes.

13 Q. Referring to Exhibit C, item 11 --

14 A. Okay.

15 Q. -- does it show those items, those telephone
16 calls?

17 A. Let's see. Yes.

18 Q. I note the first call there on October 1 to
19 Rochelle, Georgia is about twenty-two minutes
20 long.

21 A. Uh-huh.

22 Q. Do you recall there being additional discussions
23 during that time that you haven't described, or
24 you just don't recall anything more than what you
25 already told me?

1 A. I don't recall anything more.

2 Q. Would you agree with me that surely, something
3 more occurred during that time, you just can't
4 recall it?

5 A. I believe so.

6 Q. Item number 16, does that show the invoice for
7 those products that you ordered at that time?

8 A. Yes.

9 Q. And that was shipped to you, along with the
10 products?

11 A. Yes.

12 Q. Item 17, is that your check for payment of those
13 products?

14 A. Yes.

15 Q. Now, on October 1, did you also have a
16 conversation with anyone Alpha Omega?

17 A. A call. I know I called Alpha Omega Labs after I
18 had the appointment with Dr. Rehme, yes.

19 Q. Was that on October 1?

20 A. Yes.

21 Q. Tell me what you recall about that telephone
22 conversation.

23 A. I spoke with someone who identified himself as
24 George. I expressed concern because I had
25 applied the Cansema salve to a large area on my

1 face, assuming that the majority of the tissue
2 that I was covering was healthy tissue, and it
3 had all reacted. And at that point, George told
4 me that the reason that my skin reacted to the
5 Cansema salve was because I had an occult
6 neoplastic process occurring somewhere in my body
7 that was making my skin Ph too acidic, and he
8 recommended that I purchase two more products,
9 H3O and HRx.

10 Q. Did you understand what an occult neoplastic
11 problem was at that time?

12 A. Yes.

13 Q. Can you tell me what your understanding was of
14 that?

15 A. It is a cancerous condition that is not
16 apparently obvious, hidden.

17 Q. At that time, did you know whether or not that
18 could cause skin Ph problems?

19 A. No, I did not. I had never heard of cancer being
20 diagnosed by using a litmus test.

21 Q. Did you speak with anyone else other than George
22 in that telephone conversation?

23 A. Whoever answered the phone, I can't recall the
24 name of the person, but they referred me to
25 George so that I could have my questions

1 answered.

2 Q. Is it possible you spoke with Georege and also
3 somebody named James Carr?

4 A. No, that name -- I believe it was a woman that I
5 spoke with when I called.

6 Q. Is it -- do you agree that George told you your
7 skin Ph was too acidic?

8 A. Yes. Those were his exact words.

9 Q. When you called the company at that time, Alpha
10 Omega, did you complain that your eschar wasn't
11 healing fast enough and you asked how the healing
12 process could be sped up?

13 A. Not to -- not to my knowledge. I don't recall
14 that at all.

15 Q. Did you believe at that time that your skin might
16 be too acidic?

17 A. No.

18 Q. Do you know who George Akerson is?

19 A. No, I don't.

20 Q. Did you ever have communications with George
21 Akerson, to your knowledge?

22 A. To my knowledge, no.

23 Q. When you called Alpha Omega Labs, did you tell
24 them about your use of Dan Raber's bloodroot
25 product in the same treatment process as the

1 Cansema salve?

2 A. No.

3 Q. When you spoke with the people at Appalachian
4 Herbal Remedies, did you tell them that you were
5 using Cansema salve in addition to their
6 bloodroot product?

7 A. I believe I did, yes.

8 Q. Why didn't you tell the people at Alpha Omega you
9 were using another product at the same time you
10 were using theirs?

11 A. It didn't occur to me.

12 Q. Do you know whether or not H3O is an acidic
13 product?

14 A. Yes, it is.

15 Q. How do you know that?

16 A. We have had lab analysis done, and it is -- I
17 believe that analysis came back that it is nine
18 percent sulfuric acid.

19 Q. Did you know that it was acidic then when you
20 ordered it?

21 A. As he described the use of the product to me, he
22 said that I would need to mix it with distilled
23 water to a Ph of just less than two and apply it
24 to the scab and the open wound, and I knew that a
25 Ph of two was extremely acidic and was concerned

1 that it would cause burning and further damage,
2 but I was assured that it would not.

3 Q. Was this in this same October 1 telephone
4 conversation?

5 A. I made a few phone calls, I don't recall how
6 many, because I was concerned that the Ph would
7 cause damage, that it would possibly blind me if
8 I got it in my eyes and that it would cause pain,
9 and George assured me repeatedly that this was
10 not the case, but I felt like he was not being
11 truthful.

12 Q. You had that feeling in the telephone
13 conversation of October 1?

14 A. Yes, I did.

15 Q. That a person named George was not being
16 truthful?

17 A. Yes.

18 Q. Did you express that feeling in the telephone
19 conversation?

20 A. No, I didn't.

21 Q. Did you then go ahead and order the product?

22 A. Yes, I did.

23 Q. Why did you do that if you didn't feel the person
24 was being truthful?

25 A. As evidence.

1 Q. As evidence of what?

2 A. Evidence that there was a potential problem with
3 fraud.

4 Q. And this was on October 13 that you had those --
5 I'm sorry, this was on October 1 that you had
6 that conclusion?

7 A. Either on October 1 or with the subsequent three
8 or so phone calls that I made. Because I had
9 uneasy feelings about what I had been told about
10 the skin Ph and the -- it did not seem to me that
11 I could correct an acidic skin Ph by using acidic
12 products, that the imbalance would have to be
13 corrected by using alkaline products, so that
14 sent up a red flag.

15 Q. So as you sit here today, is it your best
16 recollection that you came to that conclusion on
17 October 1, during that telephone conversation?

18 A. Maybe not on October 1, but within the -- a short
19 timeframe around that date.

20 Q. I'd like to refer you to item 13 in Exhibit C.

21 A. Okay.

22 Q. Is that the shipping order for the HRx, the H30,
23 and some Ph strips?

24 A. Yes.

25 Q. And that shows an order dated, I think, of

1 October 2, 2001?

2 A. Yes.

3 Q. Is that correct?

4 A. Yes.

5 Q. Is that the date, as best you recall, that you
6 ordered it?

7 A. I believe so.

8 Q. Did you order it in that telephone conversation
9 with George or did you make some other
10 communication?

11 A. No, I had to call back to another number to make
12 the actual purchase, I believe.

13 Q. And is it true that when you made this purchase,
14 that when you ordered these products that are
15 shown on item 13 of Exhibit C, that you made that
16 order not for purposes of using the products but
17 for purposes of obtaining evidence?

18 A. Yes.

19 Q. Did you ever use the H30 product?

20 A. No.

21 Q. Did you ever use the HRx product?

22 A. No.

23 Q. I just want to make sure that we're absolutely
24 clear on this, that the H30 product that was
25 shipped to you by Alpha Omega and the HRx product

1 that was shipped to you by Alpha Omega, at any
2 time, did you ever use any of those products?

3 A. No. I never even opened them.

4 Q. You never even opened them; is that correct?

5 A. I opened the package that they came in, but I did
6 not open the containers that the products were
7 contained in.

8 Q. What was your condition as you observed it then,
9 on October 1 until October 4?

10 A. The area that I was treating with the yellow
11 scabby tissue on it, the edges started to lift
12 and I had a considerable amount of purulent
13 drainage.

14 Q. During this time period, October 1 until October
15 4, what were you doing as far as treating your
16 nose?

17 A. I was continuing with the warm spring water
18 rinse, the warm saline rinse, the application of
19 Vaseline and TELFA dressings, as well as taking
20 pain medication.

21 Q. Anything else during that time period?

22 A. No.

23 Q. And you were still off work during this time
24 period?

25 A. Yes.

1 Q. Now, on October 4, 2001, did you take some action
2 with regard to your nose?

3 A. Yes. I removed all the dead tissue that was
4 loose and hanging.

5 Q. How did you do this?

6 A. With a pair of scissors.

7 Q. Can you describe for me how you did this, please.

8 A. I lifted the edge of the loose, dead tissue up
9 and trimmed sections of it off until I had
10 removed all of the tissue except for the part
11 that was -- that had fibrous tissue that was
12 causing it to adhere to the bone in my nose.

13 Q. What type of scissors did you use?

14 A. I have some sharp, little embroidery scissors.

15 Q. Can you describe their size and their appearance,
16 please.

17 A. They're approximately, oh, I'd say four inches
18 long, the blades are maybe two inches long, very
19 thin and sharp.

20 Q. And what were you actually cutting with the
21 scissors?

22 A. I was removing dead tissue.

23 Q. This was tissue between the scab and --

24 A. This was the scab.

25 Q. So you were cutting the scab itself?

1 A. Yes.

2 Q. And did you remove that in essentially one
3 operation, one piece, or was it done a piece at a
4 time?

5 A. I had to take small pieces at a time.

6 Q. Was that painful?

7 A. No, because the tissue was dead.

8 Q. What was the appearance of your nose immediately
9 before you did that?

10 A. I had the scab that was loose and hanging, except
11 for the area where it was still attached to the
12 dead bone. The tissue directly underneath was
13 red and raw.

14 Q. Was that tissue sensitive to touch?

15 A. Yes.

16 Q. How long did that take you to do that?

17 A. Oh, just a few minutes. Maybe ten minutes.

18 Q. Is that similar to any type of procedure that you
19 had done as a nurse?

20 A. No. Normally, physicians debride dead tissue, if
21 it's like on a bedsore or something of that
22 nature.

23 Q. Had you seen that process take place before?

24 A. Yes.

25 Q. Is what you did similar to what you had seen

1 doctors do?

2 A. Yes.

3 Q. Did you use disinfectant when you did that?

4 A. I disinfected the scissors with alcohol prior to
5 proceeding.

6 Q. And did you use disinfectant following that
7 procedure?

8 A. After I removed the dead tissue, I cleaned the
9 open, raw areas with the warm spring water
10 followed by the saline solution, followed by an
11 application of Vaseline.

12 Q. What did you do next?

13 A. I called Mr. Raber rather alarmed because my
14 entire nose had come off.

15 Q. Can you describe the appearance at the time you
16 called Mr. Raber?

17 A. I had exposed and dead bone in the bridge, I had
18 no nostrils, I had no tip to my nose.

19 Q. What did you say to Mr. Raber and what did he say
20 to you?

21 A. I told him that my entire nose had come off, and
22 he assured me that the tissue would grow back.

23 Q. And again, referring to item number 11 in Exhibit
24 C, it appears as though there were three phone
25 calls to Rochelle, Georgia on October 4; is that

1 correct?

2 A. Yes.

3 Q. Is what you're describing to me is a condensation
4 of all three of those phone calls, or do you
5 recall different things being said other than
6 what you have already told me?

7 A. No, there was -- one phone call was to the actual
8 company it -- one phone number is to the actual
9 company itself where you can order products, and
10 the other phone number was Mr. Raber's number,
11 and I never could remember which was which, and
12 so I called the -- the 7141 number a couple of
13 times trying to reach Mr. Raber and got the
14 company instead. So then I realized that, you
15 know, I had the wrong number and I needed to --
16 needed to try to reach him at his number. One of
17 the phone calls may have been an attempt to reach
18 him there at the store.

19 Q. So you think you actually only spoke to him on
20 one phone call on that day?

21 A. Yes.

22 Q. Do you recall anything else about that phone call
23 other than what you have told me?

24 A. I can't recall anything else.

25 Q. What did you do then next and in between October

1 4 and October 8 when you saw Dr. Rehme?

2 A. I continued to do the wound care as prescribed
3 and take the pain medication.

4 Q. There's a photograph here that's another -- three
5 photographs at item 10 of Exhibit C. Again,
6 these are Xeroxes, but we have originals; I just
7 want you to be able to identify which photographs
8 we're talking about.

9 A. Okay.

10 Q. In these photographs here, is this the condition
11 of your nose as of October 1, 2001?

12 A. It is essentially the same condition, yes.

13 Q. When you say essentially, do you know when those
14 photographs were taken?

15 A. These photographs were taken by Dr. Biggerstaff,
16 I believe at the initial visit with him.

17 Q. Did he do any surgical procedure, any additional
18 cleaning or debriding before those photographs
19 were taken?

20 A. No, he did not.

21 Q. Tell me, please, then, what you did with regard
22 to treating your nose from October 4 until you
23 saw Dr. Biggerstaff.

24 A. I continued cleaning the Vaseline off with the
25 warm spring water, followed by cleansing the

1 wound with the warm saline solution, followed by
2 application of Vaseline to keep the tissue moist
3 and application of TELFA dressings.

4 Q. Anything else?

5 A. No, no. I took pain medicine.

6 Q. Did you have any other medical treatment or
7 consult with anybody else until you saw Dr.
8 Rehme?

9 A. No.

10 Q. And what occurred during your appointment with
11 Dr. Rehme?

12 A. I removed the dressing, and he was completely
13 aghast. He just held his head down, shook it,
14 said, "Oh, my God", and went in back and
15 immediately made an emergency referral to Dr.
16 Biggerstaff.

17 Q. And when did you see Dr. Biggerstaff?

18 A. The following day.

19 Q. Do you recall anything else that happened during
20 your appointment with Dr. Rehme other than that?

21 A. No.

22 Q. Did you see Dr. Biggerstaff the next day?

23 A. Yes.

24 Q. Tell me about that, please.

25 A. He -- after I took the dressing off, he evaluated

1 the extent of the damage, took the photographs,
2 and immediately scheduled me for hyperbaric
3 oxygen treatment in an attempt to get tissue to
4 regrow over the exposed bone that had not
5 suffered necrosis.

6 Q. So you had some hyperbaric oxygen treatments, was
7 the first procedure that you had?

8 A. Yes.

9 Q. Tell me about those, please.

10 A. I had those at the facility at Methodist
11 Hospital, I believe the extent of the treatments
12 were several hours, three or four hours for each
13 treatment, and I had them daily for a week.

14 Q. Any other treatment during that time period?

15 A. No.

16 Q. What did you do during those treatments; I mean,
17 how does it physically work?

18 A. You get in a chamber, it's sealed off, the oxygen
19 level is gradually increased to where the tissues
20 are hyperoxygenated, and after the course of the
21 treatment is over, then the oxygen level is
22 gradually decreased. It -- if they depressurize
23 it too quickly, it's like a diver getting the
24 bends.

25 Q. So you're in an area where it is supplied to your

1 whole body, you're in a chamber?

2 A. Yes, I'm lying in a chamber, a sealed chamber.

3 Q. Were those treatments painful in any way?

4 A. No.

5 Q. Were you having ongoing pain from your nose?

6 A. Yes.

7 Q. Tell me about that, please.

8 A. It got to be pretty severe. The Darvocet that
9 Dr. Rehme prescribed seemed to -- I seemed to
10 have been -- to get fairly good pain control with
11 it. Not only was the Ibuprofen I was taking not
12 giving me adequate relief but it caused me to
13 have a nosebleed.

14 Q. So were you prescribed other medication?

15 A. Just the Darvocet.

16 Q. Other than the hyperbaric treatments during that
17 week, did you have any other treatment?

18 A. No.

19 Q. Then did you follow up with Dr. Biggerstaff after
20 that series of treatments?

21 A. Yes, I did.

22 Q. And what was the result of that?

23 A. He concluded that the hyperbaric treatments were
24 minimally successful, some tissue did regrow over
25 the bone, but not as much as he would have liked,

1 and I believe at that time, he scheduled me for
2 surgery to have the dead bone removed.

3 Q. Now, you have had a series of surgeries with Dr.
4 Biggerstaff --

5 A. Yes.

6 Q. -- following that. Could you describe for me
7 just generally, please, the course of those
8 treatments?

9 A. I've had seven surgeries to date. The first
10 surgery was to remove the exposed and dead bone,
11 the second surgery was the first major
12 reconstructive surgery. The third surgery was to
13 release the pedicle of the forehead flap. The
14 fourth surgery, I believe, was more
15 reconstruction, as well as the fifth and the
16 sixth, and the last surgery that I had with the
17 sixth surgery, the nostril opening had scarred
18 down to where it was the size of a pinhead and I
19 was not able to breath through it, so that was
20 revised.

21 Q. That was the seventh surgery?

22 A. Yes.

23 Q. Okay. Do you have any additional surgeries
24 scheduled with Dr. Biggerstaff?

25 A. I will need further surgery, yes, but at this

1 point, I do not have them scheduled.

2 Q. I wanted to make sure before we move on to
3 another area, that in this portion of the
4 deposition since lunch, we kind of picked up
5 where you saw Dr. Rehme, and then through now
6 generally your appointments with Dr. Biggerstaff.
7 From the time you first saw Dr. Rehme up until
8 the time you first saw Dr. Biggerstaff, have we
9 covered all the facts that you think are
10 pertinent to your claim?

11 A. I believe so.

12 Q. And then I wanted to review these photographs,
13 just for purposes so that we know where they were
14 taken and when they were taken. There's an
15 Exhibit D here?

16 A. Yes.

17 Q. And I think some of these might even be
18 duplicates, but were those the ones taken at Dr.
19 Biggerstaff's office the first time you saw him?

20 A. Yes.

21 Q. And there's an Exhibit E. These photographs, do
22 you know when they were taken?

23 A. These were taken, it would have been prior to the
24 surgery to revise the left nostril opening, and
25 they were taken in Mr. Muller's office.

- 1 Q. He's your lawyer?
- 2 A. Yes.
- 3 Q. So that would have been before the seventh
- 4 surgery?
- 5 A. Yes.
- 6 Q. Do you recall approximately when this was?
- 7 A. I had the seventh surgery in December. It was
- 8 probably late September, early October, would be
- 9 my best guess.
- 10 Q. All right. Then there's a photograph at C-7.
- 11 A. Okay.
- 12 Q. Do you recall when that photograph was taken?
- 13 A. This was taken several years ago at work. We
- 14 have a board on the wall with photographs of the
- 15 employees that work on our floor.
- 16 Q. And this would have been sometime before 2001?
- 17 A. Yes. It was prior to the appearance of the
- 18 lesion.
- 19 Q. Do you think it was taken in the year 2001
- 20 sometime, or was it before then?
- 21 A. It was probably taken in the year 2000.
- 22 Q. And then the photographs at C-8, we have
- 23 identified that was taken at the initial
- 24 application of the Cansema product?
- 25 A. Yes. That's correct.

- 1 Q. Photographs number 9, I believe you covered
2 those, as well?
- 3 A. Yes.
- 4 Q. Photograph C-10, are those the ones at
5 Biggerstaff's office?
- 6 A. Yes.
- 7 Q. And you got a Response to Request for Production
8 that we have marked as Exhibit G there.
- 9 A. Okay.
- 10 Q. Are these the same ones, I think, that are on C,
11 item 9?
- 12 A. I don't know what you're referring to.
- 13 Q. I was referring to these photographs in Exhibit
14 G --
- 15 A. Okay.
- 16 Q. -- that are about the sixth page back in your
17 Request for Production.
- 18 A. Right here.
- 19 Q. Yes. And I just wanted to verify that those are
20 the same ones as we have in Exhibit C at item 9.
- 21 A. Yes, they're the same.
- 22 Q. Okay. Do you know of any other photographs that
23 were taken of you at any time during this process
24 from August 30, 2001 through your initial
25 appointment with Dr. Biggerstaff?

1 A. No.

2 Q. I wanted to make sure that we have discussed all
3 the conversations you had with Alpha Omega
4 employees or Greg Caton. Did you have
5 discussions with anybody named James Carr at any
6 time?

7 A. No one ever identified themselves as Jame --
8 James Carr when I phoned the Alpha Omega company.

9 Q. To the best of your knowledge, have we discussed
10 today all your conversations with both the Alpha
11 Omega defendants and the Appalachian Herbal
12 Remedies' defendants?

13 A. To the best of my knowledge, yes.

14 Q. Before filing suit, did you ever make a complaint
15 to the people at Alpha Omega about the way the
16 product worked?

17 A. Just in the conversation that I had on October 1.

18 Q. And what was the nature of the complaint that you
19 made at that time?

20 A. I called them, that was the conversation when I
21 called and spoke to George and said that all of
22 the tissue that was -- came in contact with the
23 Cansema salve had reacted.

24 Q. Did you ever make a statement in conversations
25 with Alpha Omega that your only complaint was

1 that it was taking longer than expected for the
2 decavitation to heal?

3 A. No.

4 Q. The H30 product that you purchased, at no time,
5 did you ever use that product?

6 A. No.

7 Q. And you returned it for a refund in January of
8 2003?

9 A. No. I had -- I didn't return the H30.

10 Q. Did you ever make inquiry about returning any of
11 the products?

12 A. I think I had inquired about returning them, but
13 they told me that too much time had passed from
14 the initial orders.

15 Q. And you're not claiming that any of your injuries
16 in this matter were caused by H30 or any other
17 product from Alpha Omega other than Cansema; is
18 that correct?

19 A. That's correct, that's correct.

20 Q. You gave some statements to WISH TV, Channel 8.

21 A. Yes.

22 Q. Did you ever make statements to any other news
23 media other than WISH TV, Channel 8?

24 A. No, I have not.

25 Q. Could you refer to Exhibit F, please.

1 A. Okay.

2 Q. There's three pages to the Exhibit F; is that
3 correct?

4 A. Yes.

5 Q. On the first page there at the -- near the
6 bottom, it says when you woke up the next morning
7 and you washed it off, you saw a large scab. Is
8 that what you told them?

9 A. Yes.

10 Q. The rest of the statements in that paragraph, is
11 that what you told them, as well?

12 MR. MULLER: I'm sorry; what paragraph are
13 you talking about?

14 MR. KELSO: The paragraph beginning at the
15 bottom of page one.

16 MR. MULLER: The one that begins, "Gilliatt
17 ordered"?

18 MR. KELSO: Yes.

19 MR. MULLER: And are you asking also about
20 the sentences on the next page?

21 MR. KELSO: I was going to get to that when
22 we get to the next page.

23 Q. But the paragraph at the bottom of page one, does
24 that truly and accurately reflect what you told
25 the people of Channel 8?

1 A. Yes.

2 Q. At the top of the next page, there's a first
3 paragraph there. Is that what you told them, as
4 well?

5 A. Yes.

6 Q. That next paragraph that begins, "By the time she
7 got to the dermatologist", is that what you told
8 them, also?

9 MR. MULLER: Let's slow down. I want to
10 make sure that Sue reads these before she
11 responds to them, to your question.

12 A. No. They got things out of sequence here,
13 because with the initial visit to the
14 dermatologist, the -- I had not removed the
15 tissue.

16 Q. I've asked you several questions about Exhibit F;
17 is that correct?

18 A. Yes.

19 Q. In your responses to those questions, have you
20 had adequate time to review Exhibit F as you have
21 been responding up to this time?

22 A. Up to this time, yes.

23 Q. So I haven't rushed you about making those
24 responses?

25 A. No, no.

- 1 Q. Did you tell Channel 8 about the debridement that
2 you did yourself?
- 3 A. I can't recall.
- 4 Q. Referring, again, to page two, down near the
5 bottom of page two, the second paragraph that
6 begins, "The Armstrong Forensic Lab report"?
- 7 A. Yes.
- 8 Q. Would you review that paragraph, please.
- 9 A. Yes.
- 10 Q. Is that what you told them?
- 11 A. No. This was an independent lab report.
- 12 Q. Did you give them a copy of the lab report?
- 13 A. I believe my attorney, Mr. Muller did, yes.
- 14 Q. The bottom of page two that begins, "Gilliatt
15 believes the makers", would you read that
16 paragraph, please.
- 17 A. Okay.
- 18 Q. Did you tell them that?
- 19 A. No, I did not. I did not say that I thought that
20 the makers of the products might have confused
21 zinc chloride with zinc oxide. What I did say
22 was that that average lay person would look at a
23 product label and if they didn't have a knowledge
24 of chemistry or any experience with working with
25 chemicals, that they would assume that zinc

1 chloride would be zinc oxide which is found in
2 diaper rash ointments.

3 Q. Did you make the statement that zinc chloride is
4 made by pouring hydrochloric acid over zinc, it's
5 an acid product?

6 A. Yes.

7 Q. There on page three near the bottom, the second
8 paragraph from the bottom, it starts out, "Some
9 of the money". Would you review that, please.

10 A. Okay.

11 Q. Did you tell them that?

12 A. No. I have no way of knowing where they -- where
13 they keep their bank accounts.

14 Q. Do you know whether or not zinc chloride is an
15 acid or not an acid?

16 A. Zinc chloride is an acid.

17 Q. How do you know that?

18 A. This is something that I have learned as a result
19 of my experience with using these products.

20 Q. Do you know the Ph of Cansema salve?

21 A. No, I do not.

22 Q. Do you know the Ph of zinc chloride?

23 A. No.

24 Q. Do you know yourself firsthand what kind of tests
25 Armstrong Chemical Lab did?

- 1 A. I know they did a chemical analysis, and as to
2 what that entails, I'm not familiar with it.
- 3 Q. Other than Appalachian Herbal Remedies and the
4 Alpha Omega website, can you identify any of the
5 other Internet websites you looked at before you
6 used the product?
- 7 A. I don't recall which ones they were.
- 8 Q. Do you have any information that zinc chloride is
9 toxic to cell structures?
- 10 A. That information was included in the analysis
11 done by Armstrong Forensic Labs.
- 12 Q. Now, did you know zinc chloride was a major
13 component of Cancema before you ordered it?
- 14 A. No. The Cansema website or the container that it
15 came in did not list ingredients.
- 16 Q. Do you know whether or not hydrochloric acid is
17 in H3O?
- 18 A. No. H3O is sulfuric acid. That is another error
19 that the new station made.
- 20 Q. Do you know anything about weapons found on Mr.
21 Caton's property?
- 22 A. Just from the news program that I viewed.
- 23 Q. Did you tell them information about that or is
24 that information they got somewhere else?
- 25 A. That's information they got somewhere else.

- 1 Q. Your Interrogatories, we have marked as Exhibit
2 A, your Interrogatory answers.
- 3 A. Okay. The first set of Interrogatories?
- 4 Q. That would be the ones marked as Exhibit A. Do
5 you have Exhibit A in front of you and is Exhibit
6 A Plaintiff Sue Gilliatt's Answers to Defendant
7 Caton's First Set of Interrogatories to
8 Plaintiff?
- 9 A. Yes.
- 10 Q. We asked about doctors that you have seen and
11 charges for those treatments, and in question
12 number 2, you have got your answer, "See
13 attachment"?
- 14 A. Uh-huh, yes.
- 15 Q. Do you know what the total medical bills to date
16 have been for your treatments?
- 17 A. I have an itemized list, but I don't believe I
18 have the totals.
- 19 Q. So as far as the total amount of medical bills
20 you're claiming at this time, you don't know what
21 that total is?
- 22 A. Not at this time.
- 23 Q. Are you making a claim for psychological injury
24 in this lawsuit?
- 25 A. No.

1 Q. You have got witnesses listed as Brian Creech,
2 and is it JoAnn (phonetic) Creech?

3 A. Yes.

4 Q. And I think earlier you said he was a cousin of
5 yours some way or a cousin of your mother. Could
6 you identify that more specifically, please, with
7 regard to Brian?

8 A. Brian is my brother, my oldest brother.

9 Q. And is he still living at the address that you
10 have listed in Exhibit G?

11 MR. MULLER: Did you say Exhibit G?

12 MR. KELSO: Yes, but I think I'm confused
13 about it. I think it's Exhibit H.

14 MR. MULLER: Yes.

15 A. Yes.

16 Q. How long has he lived there, if you know?

17 A. I'd say fifteen years or more.

18 Q. And Joan Creech lives at the same address?

19 A. Yes.

20 Q. How old is Brian?

21 A. He is -- I believe he's forty-five.

22 Q. Is there anybody else there that lives at the
23 2017 West Allen Street address other than Joan
24 and Brian?

25 A. No.

- 1 Q. Referring back to Exhibit A again, in your answer
2 to number 12 --
- 3 A. Okay.
- 4 Q. -- we were asking about your lost income, and you
5 state, "Total income lost to date, twenty-three
6 thousand". What do you base that on?
- 7 A. I base that on the amount of hours that I was not
8 able to work. Also, the hours that I could not
9 work, I did not receive my evening shift
10 differential, nor did I receive my Saturday,
11 Sunday, and holiday bonuses.
- 12 Q. All of the days that you missed from work, were
13 they covered under your employer's sick leave
14 policy?
- 15 A. I had enough extended illness time banked and
16 also paid time-off hours to supplement my income
17 during the time that I was not able to work.
- 18 Q. So you continued to receive regular paychecks
19 during that time period but you lost your banked
20 up sick hours?
- 21 A. Yes.
- 22 Q. The list that's an attachment here to your
23 Interrogatories, does that show the various times
24 that you were off work?
- 25 A. Let's see. These earnings statements, yes, and

1 then I made a spreadsheet. Let's see. Find it.

2 Here we go.

3 Q. Is that the one that starts at the top with the
4 ending date of September 30, 2001?

5 A. Yes.

6 Q. And how did you figure these times out?

7 A. I used my earnings statements which would be my
8 paycheck stubs to total up the amount of paid
9 time-off hours that I had. Also, to total up the
10 lost wages according to the shift differential
11 that I would have earned, had I been working, and
12 the Saturday, Sunday, and holiday bonuses that I
13 would have earned, had I been working.

14 Q. As far as the actual out-of-pocket, is there any
15 way to figure that out from these papers that you
16 have prepared?

17 A. Okay, on page number 2, Answer to Interrogatory
18 No. 2-A, these are out-of-pocket expenses or
19 co-pay for prescriptions.

20 Q. I was speaking in terms of lost wages at this
21 point.

22 A. Of lost wages?

23 Q. Yes, ma'am.

24 A. No.

25 Q. You can't figure it out from these documents that

1 you have prepared?

2 A. Could you go back and review that question again?

3 Q. Yes.

4 A. I get bogged down.

5 Q. What I was asking was you told me you received
6 your regular paycheck because you had banked up
7 sick hours.

8 A. Yes.

9 Q. That were applied to give you sick pay for all
10 the time you were off.

11 A. Yes.

12 Q. My question was, taking that into account and
13 taking into account that you project that you
14 might have received some of these, you know,
15 other holiday and shift differential and things
16 like that, is there any way to figure out your
17 actual out-of-pocket salary loss during this
18 period of time from these documents that you have
19 provided?

20 A. Yes.

21 Q. How would you do that?

22 A. By going through on my earnings statements,
23 totaling up the amount of extended illness or
24 paid vacation hours that were used and my hourly
25 wage at the time, and then factoring in the

1 two-dollar per hour shift differential and my
2 Saturday-Sunday bonus.

3 Q. I'm not going to ask you to make that calculation
4 now, but if we sent you an interrogatory over
5 that, would it be possible for you to do that?

6 A. Using this spreadsheet that I have prepared, yes.

7 Q. And how would you do that again?

8 A. I would refer back to my earnings statements and
9 on the left-hand column where it says, "PTO or
10 sick", figure the amount of hours, the rate of
11 pay, and the evening shift differential that I
12 would have received had I been working, as well
13 as the Saturday, Sunday, and holiday bonuses that
14 I would have received.

15 Q. How would you figure the shift differential?

16 A. I get two dollars per hour, so I would just take
17 the number of paid time-off hours and multiply
18 that by two dollars.

19 Q. And then how were your Saturday, Sunday, and
20 holiday bonuses figured?

21 A. That is twenty percent when you work Saturday,
22 Sunday, or a holiday.

23 Q. And what was your normal practice or what would
24 you have expected to have worked Saturday,
25 Sunday, or holidays during this time period?

1 A. I work every other weekend and every other
2 holiday. The hospital recognizes six holidays
3 per year, and we alternate from one year to the
4 next.

5 MR. MULLER: We have been going about an
6 hour and a half now. Can we take a break?

7 MR. KELSO: That's a great idea. Thank
8 you.

9 (At this time, a recess was taken.)

10 Q. Ms. Gilliatt, before the break, we covered the
11 process that you did when you debrided your nose
12 with the scissors.

13 A. Yes.

14 Q. And I want to go back and cover a couple of
15 issues that we discussed during that questioning.
16 You used the phrase at one point, dead bone, I
17 believe.

18 A. Yes.

19 Q. What did you mean by that?

20 A. When -- normal live, healthy bone is opaque, and
21 when it dies, it turns white.

22 Q. Did you observe bone of that nature when you were
23 doing that process?

24 A. Yes, I did.

25 Q. Where did you observe that?

1 A. In the bridge.

2 Q. And what did you do during the process with
3 regard to that dead bone?

4 A. After I removed the scab, I continued with the
5 dressing process with using the warm spring water
6 and the saline solution and the Vaseline to keep
7 the bone and the surrounding tissue moist.

8 Q. Did you know that the procedure that you
9 performed that you call debridement, is that --

10 A. Debridement.

11 Q. -- debridement. How do you know the debridement
12 procedure was not a source of cartilage damage?

13 A. Because the dead tissue that lifted up, it was
14 completely loose and flapping and there was no
15 cartilage in the nostrils or in the tip of my
16 nose underneath this dead tissue.

17 Q. How do you know that the debridement --

18 A. Debridement.

19 Q. Debridement was not a source of bone damage?

20 A. Because the process just removed the dead skin
21 tissue without touching the bone.

22 Q. In your review of the website, did you see any
23 information that would have called for removing
24 the eschar from a site which had been treated
25 with either the Cansema product or the

1 Appalachian Herbal Remedies' bloodroot product?

2 A. Normally the tissue would be ejected by the
3 process of the healthy tissue, that the -- the
4 dead tissue separating from the healthy tissue,
5 and this occurred, except for the one area on the
6 bone that was attached by the fibrous material.

7 Q. So what process did you observe occurring that
8 was at the time you did the debridement?

9 A. The process was as I expected, the dead tissue at
10 the edges started to lift and separate from the
11 healthy tissue underneath, and as it
12 progressively got looser and looser, under normal
13 circumstances, it would have come off by itself,
14 but because it was still attached by the fibrous
15 material to the bone, it was necessary for me to
16 use a scissors to trim it, to -- to remove it.

17 Q. Was there anything on the websites about removing
18 eschar?

19 A. No.

20 Q. Was it recommended on the websites to do that?

21 A. Not on the website, no.

22 Q. Did you see it recommended anywhere to do that?

23 A. From my experience as a nurse, I knew that I
24 would need to remove the dead tissue because it
25 was a source of bacteria and could pose a

1 potential for infection if it continued to come
2 into contact with the healthy underlying tissues,
3 as well as pose a danger of infection because of
4 the proximity of the sinus cavities.

5 Q. You testified earlier that when you ordered the
6 H30, that you were doing that for purposes of
7 gathering evidence.

8 A. Yes.

9 Q. Was there anyone else that had encouraged you to
10 gather evidence at that point?

11 A. No. This was a completely intuitive decision.

12 Q. And that was based on that phone conversation?

13 A. Yes.

14 Q. I'd like to refer you to Exhibit G, if we can,
15 for just a moment. What I'd like to do is go
16 through these materials and identify what they
17 are. That first page of the attachments, that's
18 the photographs you have already discussed, is
19 the first page; is that correct?

20 A. Yes.

21 Q. Okay. And then there's some documents attached
22 to that that have bank documents of some sort.

23 A. Yes. These are my credit union statements.

24 Q. What do they show or what purpose have you
25 offered these?

- 1 A. To show out-of-pocket expenses for the doctor's
2 office co-pays and prescription drugs.
- 3 Q. Now, you had medical insurance during this time?
- 4 A. Yes.
- 5 Q. Who was that with?
- 6 A. Encore ProHealth.
- 7 Q. Have they paid all of your medical, surgical, and
8 drug expenses?
- 9 A. Except for my deductible, and I believe I'm
10 responsible for ten percent of the bill, if I
11 remember my policy correctly.
- 12 Q. How much is your deductible?
- 13 A. Over the past three years, I think it's been five
14 hundred dollars per year.
- 15 Q. And that's on a per-year basis?
- 16 A. Yes.
- 17 Q. So every year, you pay five hundred dollars, and
18 then ten percent of any medical charges that
19 exceed five hundred dollars?
- 20 A. Yes.
- 21 Q. And following those bank statement records,
22 there's something here to Express Scripts; do you
23 see that? It shows -- you're looking at them?
- 24 A. Yes.
- 25 Q. That shows the medical charges there, \$313.00.

- 1 What are those for?
- 2 A. Those are for prescription drugs, antibiotics,
3 pain medications, ointment.
- 4 Q. The next page there, "Consensus Pharmacy System"
5 at the top?
- 6 A. Yes.
- 7 Q. What is that for?
- 8 A. That is for an antibiotic I had filled, I think
9 at Kroger's -- no, WalMart.
- 10 Q. The rest of these pages as we go back, there's
11 some from WalMart and Kroger. Are those there to
12 show additional expenses for medicine and --
- 13 A. Medical supplies.
- 14 Q. Medical supplies. It looks like you checked some
15 of these, peroxide, Bacitracin, tape, things like
16 that.
- 17 A. Yes.
- 18 Q. Are those the reason you attached these?
- 19 A. Yes.
- 20 Q. And then following that, there's some explanation
21 of benefits from Encore?
- 22 A. Uh-huh, yes.
- 23 Q. What are those, is that your insurance company?
- 24 A. This is the insurance company. It's documenting
25 the expenses that I have incurred with the

1 doctors' visits, office visits, and surgical
2 expenses.

3 Q. And where it says, "co-insurance amount" on these
4 things, would that be the amount that you would
5 actually pay out of pocket?

6 A. Yes.

7 Q. So would you write a check, then, to Encore or
8 would you write it to the doctor?

9 A. I would write it to the doctor.

10 Q. Have you paid all those amounts to the doctors
11 that would show up here as being the deductible
12 amounts?

13 A. Yes, sir.

14 Q. And also the co-insurance amounts?

15 A. Yes. The deductible I paid in the insurance
16 company.

17 Q. I misspoke, I meant to say coinsurance. But you
18 have been paying the coinsurance amounts to the
19 extent they're on these bills?

20 A. Yes.

21 Q. And then at the end of these attachments, there's
22 some income tax returns.

23 A. Yes.

24 Q. I see one for '94, one for '95, '96, '97, '98,
25 '99, 2000, 2001, 2002, 2003. Are these true and

1 accurate copies of the income tax returns that
2 you actually filed for those years?

3 A. Yes.

4 Q. I think we were provided some materials from your
5 personnel file, and there was a note in there
6 about on October 2 -- or in October of '02, that
7 you gave a talk about alternative medicine in a
8 staff meeting, or perhaps the talk you gave was
9 after that, but it referred to that date. Did
10 you ever give a talk in a staff meeting about
11 alternative medicine being not reliable?

12 A. I think my manager at that time had planned for
13 me to give a presentation, but we never actually
14 got around to doing it.

15 Q. Who was your manager at that time?

16 A. Let's see. The evening shift manager was Peg --
17 I can't recall her last name.

18 Q. Peg somebody?

19 A. Peg somebody.

20 Q. And Peg is an evening nurse manager at Community?

21 A. She was.

22 Q. What does she do now?

23 A. I believe she works at Community Hospital North
24 in the OB area.

25 Q. Had you had discussions with Peg about

1 alternative medicine?

2 A. I had discussed with her what I had used and that
3 the outcome was not what I had expected.

4 Q. When did these discussions occur with Peg?

5 A. It was after the injury occurred and after my
6 first reconstructive surgery at some point when I
7 had returned to work.

8 Q. Now, your performance at work, it's been
9 considered by your employers to be excellent both
10 before and after your injury; is that correct?

11 A. Yes.

12 MR. KELSO: At this time, I would move to
13 admit Exhibits A through G for purposes of the
14 deposition, I guess A through H for purposes of
15 the deposition.

16 Q. Let's take a look at Exhibit H, if we could, for
17 a minute, please. On page two, there's a listing
18 of tangible items. The H3O concentrate bottle,
19 do you still have that in your possession?

20 A. No. My lawyer, John Muller, does.

21 Q. And is that the bottle that you ordered but never
22 actually opened?

23 A. Yes.

24 Q. The Cansema bottle, when did you receive that; is
25 that the bottle that you ordered and actually

1 used --

2 A. Yes.

3 Q. -- the product out of?

4 A. Yes.

5 Q. As I understand it, that's in the possession of
6 your experts at this time?

7 MR. MULLER: Yes. It's down in Texas.

8 Q. There's a reference to bloodroot paste bottle,
9 item number 3 in the tangible items.

10 A. Yes.

11 Q. What is that?

12 A. That is the product I received and used.

13 Q. From Appalachian Herbal Remedies?

14 A. Yes.

15 Q. That's also with the experts?

16 MR. MULLER: That's right.

17 Q. The next item there is Alpha Omega test kit, item
18 number 4. What is that?

19 A. That's the Ph test kit to test the Ph of the H3O
20 prior to use.

21 Q. Did you ever use that?

22 A. No.

23 Q. The next thing there is pancreatic enzymes
24 bottle. What is that?

25 A. The pancreatic enzyme was one of the supplements

1 that Mr. Raber recommended to take in order to
2 facilitate the regeneration of healthy tissue.

3 Q. And the Appalachian Herbal Remedies' people sent
4 you that?

5 A. Yes.

6 Q. Did you ever use that?

7 A. Yes.

8 Q. Item number 6, the HRx bottle, what is that?

9 A. That is the second product that I ordered at the
10 same time with the H30 that I never used.

11 Q. So you never used item number 6, the HRx bottle
12 that you received from Alpha Omega?

13 A. No.

14 Q. Just so the record is clear, it's correct that
15 you did not use the HRx bottle; is that right?

16 A. I did not use the HRx bottle or the H30 bottle.

17 Q. Very good. Item number 7 where it refers to
18 103x, what is that?

19 A. I assume that that was the spray bottle to mix
20 the H30 in.

21 Q. And you never used that, either?

22 A. That's correct.

23 Q. All right. Item number 8, H30 hydronium
24 preparation, what is that?

25 A. I don't know.

1 Q. Did you ever use that?

2 A. No.

3 MR. KELSO: Let's go off the record a
4 minute.

5 (Whereupon, a discussion was held off the
6 record.)

7 A. That may be the bottle to mix it in, and then the
8 103x bottle may be the bottle to spray it with.

9 Q. Okay. Then underneath the tangible item
10 listings, there's a listing for documents.

11 A. Uh-huh, yes.

12 Q. The number 1 there, Alpha Omega Labs, 1/15/03,
13 www.altcancer.com, is that the document that we
14 have referred to in Exhibit C that would be item
15 number 1?

16 A. I believe it is.

17 Q. And then number 2 on the list is Alternative
18 Cancer Treatments, www.skincancer.com. Is that
19 the Appalachian Herbal Remedies' website?

20 A. Yes.

21 Q. And that's item 2 of Exhibit C?

22 A. Yes.

23 Q. The next one there, invoice 9-17-01, that's item
24 3 on the documents of Exhibit H?

25 A. Yes.

- 1 Q. Is that the same invoice as item 3 from Exhibit
2 C?
- 3 A. Yes, it is.
- 4 Q. The Alpha Omega Labs' brochure, item 4 in Exhibit
5 H is the same at item 4 in Exhibit C?
- 6 A. Yes.
- 7 Q. Number 5, the invoice for 9-20-01, bloodroot
8 paste is the same as number 5 in Exhibit C?
- 9 A. Yes.
- 10 Q. In fact, it appears that all the rest of the
11 items down through item number 17 are the same as
12 those listed in Exhibit C; is that correct? And
13 take as much time as you want to to verify that,
14 please.
- 15 A. Okay. Yes.
- 16 Q. Thank you. Then the other items on this list
17 from Exhibit H are the medical records of Dr.
18 Biggerstaff, Dr. Rehme, and Dr. Ford; is that
19 correct?
- 20 A. Yes.
- 21 MR. KELSO: I don't have any -- well, let's
22 go off the record for a second.
- 23 (Whereupon, a discussion was held off the
24 record.)
- 25 MR. KELSO: That's all the questions I

1 have. Thank you.

2 MR. MULLER: I have just a few questions,

3 Sue.

4

5 CROSS EXAMINATION,

6 QUESTIONS BY MR. JOHN MULLER:

7 Q. I wanted to go back and clarify the condition of
8 your nose after the meeting with Dr. Rehme. Let
9 me begin by asking you, if you would, to describe
10 the condition of your nose on October 1 when you
11 had your first office visit with Dr. Rehme.

12 MR. KELSO: And just for the record, I'll
13 object to the use of the word clarify, to the
14 extent it's argumentative, but you can answer.

15 A. Okay. The condition of my nose was that I had --
16 the large area had yellowish-tan tissue that
17 extended from this area underneath my nose all
18 the way up to the point in between my eyes and
19 the nostrils and then either side, including the
20 adjacent cheek tissue.

21 Q. Okay. For the record, what you have just pointed
22 to and described is essentially your entire nose?

23 A. My entire nose.

24 Q. Okay.

25 A. By the time I had the first appointment with Dr.

1 Rehme, the edges of the dead tissue had started
2 to lift and there was exposed raw, healthy tissue
3 underneath.

4 Q. All right. At the time that you saw Dr. Rehme,
5 what was the color of this scab?

6 A. Yellow-tan.

7 Q. And can you tell us what the texture or
8 consistency of it was; was it hard, was it soft,
9 was it moist?

10 A. It was tough. It had gone from being hard to
11 being a little bit more soft with the use of the
12 spring water and saline solution and the Vaseline
13 applications, it had made it softer.

14 Q. All right. Was your nose swollen?

15 A. Yes.

16 Q. Okay. Tell us, then, if you would, how that --
17 how that scab changed over time in the next few
18 days.

19 A. By October 4, the edges had continued to lift
20 away from the healthy tissue underneath, until
21 finally, it was just loose and flapping.

22 Q. When you say it was loose and flapping, are you
23 talking about the scab?

24 A. The scab, yes, and the entire nose structure that
25 had been affected.

- 1 Q. When you say it was loose and flapping, I mean,
2 how was it attached?
- 3 A. It was attached by fibrous material where the
4 dead bone was in the bridge of my nose on the
5 left side.
- 6 Q. When you say fibrous material, what are you
7 describing; is it like a ribbon, is it like a
8 thread; what is it?
- 9 A. Bunches of small dried threads.
- 10 Q. And when you say it's flapping, do you literally
11 mean that the scab had come loose?
- 12 A. I could lift it and peel it up to my forehead.
- 13 Q. Okay.
- 14 A. Or take it and move it completely over to one
15 side or the other.
- 16 Q. All right. So had the scab at that time come
17 completely off of the rest of your face?
- 18 A. Yes.
- 19 Q. And when you say you used a scissors, what
20 exactly is it that you used a scissors on?
- 21 A. The dead, scabbed tissue.
- 22 Q. And are you describing these threads that you
23 talked about?
- 24 A. I had to cut the threads that were -- that had
25 adhered to the bone in order to completely

1 release the dead scab.

2 Q. Okay. And Mr. Kelso was asking you how it was
3 that you knew that you didn't damage any healthy
4 tissue. In the process of cutting those threads,
5 were you cutting any healthy tissue?

6 A. No.

7 Q. Were you near any healthy tissue?

8 A. No.

9 Q. Would you look at Exhibit C, and if you could,
10 look at page 100 which is the photographs that
11 were taken by Dr. Biggerstaff's office.

12 A. Yes.

13 Q. Do you see that?

14 A. Yes.

15 Q. I'm going to ask you, if you would, to take a pen
16 and mark on one of those photographs of page 100
17 the site to which the scab was attached.

18 A. Okay. I'm not sure if it's in the photograph,
19 if -- it would be the left or the right, so I'm
20 assuming it would be -- it was the left on me so
21 it should be on the right of the photograph.

22 Q. And it was only attached on one side of the nose?

23 A. Yes.

24 Q. Okay.

25 A. Okay. It was approximately like right in that

1 area (indicating).

2 Q. All right. Have you drawn that approximately to
3 scale; and by that I mean, you have drawn a
4 little circle there. Is that approximately the
5 area that was still attached?

6 A. Yes, approximately.

7 Q. Okay. So you described earlier on scabs that
8 heal and come off naturally. Had this scab come
9 off naturally except to the extent it was still
10 dangling by some dead, fibrous tissue?

11 A. Yes.

12 Q. So when you talk about a debridement, and
13 sometimes doctors talk about debridement, they're
14 talking about cutting healthy tissue; cutting
15 dead tissue out but also cutting healthy tissue.
16 Were you doing that?

17 A. No.

18 Q. I noticed in the photograph taken before your
19 injury, that the photograph taken at Community,
20 that you wore your hair differently then, didn't
21 you?

22 A. Yes.

23 Q. And you wore it sort of pulled back; is that
24 right?

25 A. Uh-huh.

1 Q. And as you sit here today, you have bangs; right?

2 A. Yes.

3 Q. And why do you have bangs?

4 A. To cover up the scars on my forehead from where
5 the forehead flap had to be harvested.

6 Q. I don't want to embarrass you, but I think Mr.
7 Kelso is entitled to see what is going on. Could
8 you show Mr. Kelso the scars?

9 A. (Witness complies with request.)

10 Q. Could you describe how those scars came about?

11 A. The tissue that is covering my nose, the doctor
12 used a template, it was turned at 180 degrees so
13 that this part of the flap came from up here and
14 the scalp line. He cut away the tissue and
15 rotated it down at a 180-degree angle and
16 attached it after he had done the reconstructive
17 process and left it attached here, that was
18 called a pedicle, and that is to supply the flap
19 tissue with blood and nerves until it heals in
20 place.

21 MR. MULLER: Okay. Thanks. That's all I
22 have.

23 MR. KELSO: Let's take a short break, then.

24 (At this time, a recess was taken.)

25 MR. KELSO: Thank you. I don't have any

1 redirect.

2

3

4 AND FURTHER THE DEPONENT SAITH NOT

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Sue Ann Creech Gilliatt

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1 REPORTER'S CERTIFICATE

2 I, LINDA C. CALLAHAN, a court Reporter and
3 Notary Public, do hereby certify;

4 That the foregoing proceedings were taken before
5 me at the time and place therein set forth, at which
6 time, the witness was put under oath by me;

7 That the testimony of the witness, the questions
8 propounded, and all objections and statements made at
9 the time of the examination were recorded
10 stenographically by me and were thereafter transcribed,
11 the original presented to the witness for signature;

12 That the foregoing is a true and correct
13 transcript of my shorthand notes so taken.

14 I further certify that I am not a relative or
15 employee of any attorney of the parties, nor financially
16 interested in the action.

17 I declare under penalty of perjury under the laws
18 of Indiana that the foregoing is true and correct.

19 Dated this ____ day of _____, 2004.

20

21

22 _____
Linda C. Callahan

23

24 My county of residence: Hamilton

25 My commission expires: 11-3-08

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