

COMMONWEALTH OF KENTUCKY
JEFFERSON CIRCUIT COURT
DIVISION 4
CIVIL ACTION NO. 18-CI-005283

Electronically Filed

CASONYA SLONE, Individually
and as Administrator of the Estate
of Brent Sloane

PLAINTIFFS

CASONYA SLONE, as Mother and
Next Friend of Celecia Sloane, a Minor

vs.

DEFENDANTS' EXPERT WITNESS DISCLOSURE

COMMONWEALTH PAIN ASSOCIATES, PLLC
d/b/a COMMONWEALTH PAIN AND SPINE;
STEPHEN KYLE YOUNG, MD and
JAMES JACKSON, M.D.

DEFENDANTS

* * * * *

Come the Defendants, Commonwealth Pain Associates, PLLC d/b/a Commonwealth Pain and Spine, Stephen Kyle Young, MD and James Jackson, MD, by counsel, and in compliance with the Court's Order concerning disclosure of experts, hereby lists the following expert witnesses who are expected to testify at the trial of this matter.:

1. **Dr. Timothy R. Deer, M.D.**
The Center for Pain Relief
400 Court Street, Suite 304
Charleston, West Virginia 258301
(CV attached)

a. The subject matter on which the expert is expected to testify:

1. General principles of, and techniques for, medical pain management, including the use of pain medication;

2. Different treatment modalities utilized by pain management physicians;
3. Evaluation, diagnosis and treatment of medical issues that require treatment by pain management physicians;
4. The potential effects of long-term use of opioids, including codone and oxycodone;
5. The applicability of, and/or utility of guidelines, and recommendations for opioid administration;
6. Differences in the utilization of pain management medication in in-patient versus out-patient settings; and
7. The care and treatment of Brent Slone.

b. Substance of the facts and opinions as to which Dr. Deer is expected to testify:

1. Commonwealth met the standard of care in the care and treatment of Brent Slone;
2. It was not below the standard of care for Commonwealth Pain Associates, to not have a written policy on tapering opioids or on bridging narcotics;
3. The medications, including dosage and frequency of administration, ordered for by Commonwealth for Brent Slone were reasonable and appropriate;
4. Employees of Commonwealth exercised reasonable and accurate record keeping related to Brent Slone;
5. Documentation from other providers, including, The Cove at La Jolla, was appropriately considered when prescribing medication to Brent Slone;
6. Commonwealth followed appropriate and reasonable standards in prescribing opioid medication for Brent Slone;
7. Commonwealth policies and procedures with respect to non-compliant patients comply with the standard of care;

8. Commonwealth adequately trains its staff regarding appropriate dosing of MME/MDE and medication reduction;
9. Commonwealth followed their "Treatment and Prescription Agreement" with respect to Brent Slone;
10. Commonwealth could not anticipate that Brent Slone would commit suicide; and
11. Brent Slone's suicide was not caused or contributed to by any negligent act or omission of Commonwealth Pain Associates, PLLC and its employees.

c. The above opinions will be based upon:

1. Dr. Deer's review of the medical records and phone texting records in this action;
2. Dr. Deer's education, training and experience;
3. Dr. Deer's treatment and diagnosis of similar conditions and presentations; and
4. Dr. Deer's understanding and familiarity with the relevant medical literature.

2. **Dr. Christopher G. Gharibo, M.D.**

NYU Center for Study and Treatment of Pain
333 East 38th Street, 6th floor
New York, NY 10016
(CV attached)

a. The subject matter on which the expert is expected to testify:

1. General principles of, and techniques for, medical pain management, including the use of pain medication;
2. Different treatment modalities utilized by pain management physicians;
3. Evaluation, diagnosis and treatment of medical issues that require treatment by pain management physicians;
4. The potential effects of long-term use of opioids, including codone and oxycodone;

5. The applicability of, and/or utility of guidelines, and recommendations for opioid administration;
6. Differences in the utilization of pain management medication in in-patient versus out-patient settings; and
7. The care and treatment of Brent Slone.

b. Substance of the facts and opinions as to which Dr. Gharibo is expected to testify:

1. Commonwealth met the standard of care in the care and treatment of Brent Slone;
2. It was not below the standard of care for Commonwealth Pain Associates, to not have a written policy on tapering opioids or on bridging narcotics;
3. The medications, including dosage and frequency of administration, ordered for by Commonwealth for Brent Slone were reasonable and appropriate;
4. Employees of Commonwealth exercised reasonable and accurate record keeping related to Brent Slone;
5. Documentation from other providers, including, The Cove at La Jolla, was appropriately considered when prescribing medication to Brent Slone;
6. Commonwealth followed appropriate and reasonable standards in prescribing opioid medication for Brent Slone;
7. Commonwealth policies and procedures with respect to non-compliant patients comply with the standard of care;
8. Commonwealth adequately trains its staff regarding appropriate dosing of MME/MDE and medication reduction;
9. Commonwealth followed their "Treatment and Prescription Agreement" with respect to Brent Slone;
10. Commonwealth could not anticipate that Brent Slone would commit suicide; and

11. Brent Slone's suicide was not caused or contributed to by any negligent act or omission of Commonwealth Pain Associates, PLLC and its employees.
- c. The above opinions will be based upon:
 1. Dr. Gharibo's review of the medical records and phone texting records in this action;
 2. Dr. Gharibo's education, training and experience;
 3. Dr. Gharibo's treatment and diagnosis of similar conditions and presentations; and
 4. Dr. Gharibo's understanding and familiarity with the relevant medical literature.

3. **Dr. Stephen G. Noffsinger, M.D.**
Department of Psychiatry
University Hospital Cleveland Medical Center
Mailstop WLK 5080
W.O. Walker Center - Suite 7135A
10524 Euclid Avenue
Cleveland, OH 44106
(CV attached)

- a. The subject matter on which the expert is expected to testify:
 1. Principles of psychiatry and psychiatric care, including but not limited to those specifically dealing with depression, suicidality, suicidal and homicidal ideation, and behavioral health care generally;
 2. Diagnostic and prognostic considerations with respect to individuals suffering from depression and/or medical problems;
 3. Evaluation, treatment, monitoring, and appropriate precautions for patients with suicidal and/or homicidal ideations;
 4. The care and treatment provided to Brent Slone at Commonwealth Pain Associates, PLLC;
 5. The suicide of Brent Slone on September 12, 2017; and
 6. The expert testimony and opinions offered on behalf of Plaintiff and the basis, therefore.

b. Substance of the facts and opinions as to which Dr. Noffsinger is expected to testify:

1. That the staff at Commonwealth Pain Associates, PLLC met the standard of care in their care and treatment of Brent Slone;
2. That Commonwealth Pain Associates, PLLC nurses and personnel, appropriately and reasonably assessed Brent Slone at the clinic, given his clinical presentation and the symptoms related by him;
3. That the Commonwealth staff took appropriate steps to communicate with Dr. Young and Dr. Jackson and that they took appropriate precautions in light of those concerns;
4. That Commonwealth had no reason to anticipate or foresee that Brent Slone would commit suicide; and
5. That no action or inaction of the staff at Commonwealth Pain Associates, PLLC caused or contributed to cause Brent Slone's subsequent suicide.

c. The above opinions will be based upon:

1. Dr. Noffsinger's education, training and experience;
2. Dr. Noffsinger's treatment and diagnosis of similar conditions and presentations;
3. Dr. Noffsinger's understanding and familiarity with the relevant medical literature.

4. Defendant reserves the right to elicit opinion testimony from Brent Slone's treating healthcare providers and rely on the facts or opinions documented in their treatment records and/or deposition testimony.

5. Defendant reserves the right to call at trial any witness identified by Plaintiff as an expert witness, including Plaintiff's retained expert, Marc P. Orlando.

Respectfully submitted,

PHILLIPS PARKER ORBERSON & ARNETT, PLC

/s/ Sean Ragland
SEAN RAGLAND
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CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing was electronically filed and forwarded, via U.S. Mail, postage pre-paid, this 28th day of February 2020 to:

Hans G. Poppe
Kirk A. Laughlin
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Louisville, KY 40242
Counsel for Plaintiffs

/s/ Sean Ragland
Sean Ragland