

APPELLANT’S
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Tab 1

*Jacquelyn M. Hughes v
Eric L. Anderson, et al.*

*Lasonya Natividad, APRN
October 20, 2022*

*Charles Fisher Court Reporting
442 East Mendenhall
Bozeman, MT 59715
(406) 587-9016
maindesk@fishercourtreporting.com*

Min-U-Script® with Word Index

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<p>1 MONTANA THIRTEENTH JUDICIAL DISTRICT COURT 2 YELLOWSTONE 3 ----- 4 JACQUELYN M. HUGHES, 5 PLAINTIFF, 6 VS. CAUSE NO. 7 ERIC L. ANDERSON AND DV-56-2020-0635-PI 8 MID-CENTURY INSURANCE 9 COMPANY, 10 DEFENDANTS. 11 ----- 12 VIDEOTAPED VIDEOCONFERENCE DEPOSITION UPON ORAL 13 EXAMINATION OF 14 LASONYA NATIVIDAD, APRN 15 ----- 16 BE IT REMEMBERED, that the deposition 17 upon oral examination of LASONYA NATIVIDAD, APRN, 18 appearing at the instance of Attorneys for 19 Plaintiff, was taken via videoconference on 20 Thursday, October 20, 2022, beginning at the hour 21 of 12:10 p.m. MDT, pursuant to the Montana Rules 22 of Civil Procedure, before Jacqueline A. Hill, 23 Court Reporter and Notary Public. 24 25</p>	<p>1 I N D E X 2 3 EXAMINATION OF LASONYA NATIVIDAD, APRN BY: PAGE: 4 EXAMINATION BY MS. LEE 5 5 EXAMINATION BY MR. STACEY 31 6 EXAMINATION BY MS. LEE 36 7 8 E X H I B I T S 9 10 DEPOSITION EXHIBITS: PAGE: 11 Exhibit No exhibits marked for 12 identification 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 2 APPEARANCES 3 ATTORNEY APPEARING ON BEHALF OF THE 4 PLAINTIFF, JACQUELYN M. HUGHES: 5 MICHELLE LEE 6 Lee Law Firm, LLC 7 2625 St. Johns Avenue 8 Billings, Montana 59102 9 10 JACQUELYN M. HUGHES 11 Hughes Law, PLLC 12 3031 Grand Avenue #114 13 Billings, Montana 59102 14 15 ATTORNEY APPEARING ON BEHALF OF THE 16 DEFENDANTS, ERIC L. ANDERSON AND MID-CENTURY 17 INSURANCE COMPANY: 18 CALVIN J. STACEY 19 MORGAN M. SERENA 20 Stacey & Funyak 21 100 North 27th Street, Suite 700 22 P.O. Box 1139 23 Billings, Montana 59103-1139 24 25 ALSO PRESENT: Jacquelyn M. Hughes</p>	<p>1 THE VIDEOGRAPHER: This is the video 2 recorded and videoconference deposition of Lasonya 3 Natividad, APRN, taken in the Montana Thirteenth 4 Judicial District Court, Yellowstone County, Cause 5 No. DV-56-2020-00635-PI, Jacquelyn M. Hughes 6 versus Eric L. Anderson and Mid-Century Insurance 7 Company. 8 Today is October 20th, 2022. The time is 9 12:11 p.m. Mountain Time. 10 The deposition is being taken remotely 11 with the witness appearing via video from 12 Rochester, Minnesota. 13 The court reporter is Jackie Hill and the 14 video operator and Nicole Tomac of Fisher Court 15 Reporting. 16 The deposition is being taken pursuant to 17 notice. All parties have agreed to conduct this 18 deposition by video conference. 19 I would now ask the attorneys to identify 20 themselves, who they represent, and whoever else 21 is present. Please note from where you are 22 appearing. 23 MS. LEE: Michelle Lee, I'm appearing 24 from Billings, Montana. And I am sitting here 25 with Jacquelyn Hughes, and I represent the</p>

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1 Q. Would that be the records of Mayo Clinic?
 2 A. Yes.
 3 Q. And do you recall if the Mayo Clinic had
 4 records from other medical care providers or not?
 5 A. I don't recall.
 6 Q. Okay. My question was a bad question.
 7 It is -- obviously she went to the Mayo Clinic and
 8 developed medical records there which you were
 9 privy to? Is that fair to say?
 10 A. Yes.
 11 Q. But you don't know if there were records
 12 beyond her -- her trip to the Mayo Clinic in 2019?
 13 A. I don't remember. I -- I would have to
 14 look. I don't remember that.
 15 Q. Do you -- since that's the only time that
 16 you saw her in September of 2019, I assume you
 17 have no information from that date forward as to
 18 how Ms. Hughes is doing both physically or
 19 mentally or both; is that right?
 20 A. That is correct.
 21 Q. So if I understood, some of the questions
 22 asked to you in your notes under the one heading
 23 that's some bullet points. And if I understood
 24 it, you were describing what those were and what
 25 they meant, what you were discussing with her.

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1 Do you -- you don't have any up-to-date
 2 information in regard to any one of those bullet
 3 points as to what has developed, what is taking
 4 place or anything of that sort; is that correct?
 5 A. That is correct. We don't do follow-up.
 6 Q. And as a nurse practitioner, I understood
 7 your qualifications that -- that you have -- you
 8 moved over into the -- is it the fibromyalgia and
 9 chronic fatigue clinic at -- about four and a half
 10 years ago?
 11 A. Correct.
 12 Q. And you received some training as a nurse
 13 practitioner in that regard?
 14 A. Correct.
 15 Q. On the subject?
 16 A. Uh-huh.
 17 Q. Would you agree with a statement that
 18 I'll read from the deposition of Dr. Saadiq,
 19 S-A-A-D-I-Q, and I don't know if you know her or
 20 not.
 21 A. Uh-huh, I do.
 22 Q. Let me read. She said -- we were talking
 23 about fibromyalgia. She said, "We don't know why
 24 or how a person gets it." She said that on page
 25 13 of her deposition.

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1 Is -- do you agree with Dr. Saadiq -- or
 2 Saadiq, excuse me?
 3 A. Yes. Yes. We do not know why it doesn't
 4 happen to everybody in the population, correct.
 5 Q. And it's a diagnosis; is that correct?
 6 A. It is a diagnosis.
 7 Q. And it's a -- as lawyers say, a diagnosis
 8 of exclusion? You try to look for other things,
 9 and if you can't find something, then you kind of
 10 fall back to this diagnosis; is that correct?
 11 A. Not a diagnosis of exclusion anymore. It
 12 used to be, but it's no longer.
 13 Q. All right. Boy, I think that's all we
 14 have.
 15 Just a second, let me ask somebody
 16 smarter than me, might have a question. Anything?
 17 No.
 18 We're done. Thank you so much for your
 19 time.
 20 A. Absolutely.
 21 Q. Go see that doctor, just -- just down the
 22 hall. Okay.
 23 THE VIDEOGRAPHER: Michelle, any
 24 follow-up?
 25 MS. LEE: I do have one follow-up

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1 question.
 2 EXAMINATION
 3 BY MS. LEE:
 4 Q. Lasonya, are there recognized triggers
 5 for fibromyalgia?
 6 A. Yes.
 7 Q. What are those triggers?
 8 A. Disease processes like COVID. Traumas --
 9 physical or emotional traumas, genetic
 10 predisposition, stress, sleep issues, mental
 11 health issues, just to name a few.
 12 Q. Have you seen cases where an individual
 13 has been in a car accident and has developed
 14 fibromyalgia?
 15 A. Yes.
 16 Q. All right. Thank you. I have no further
 17 questions.
 18 THE VIDEOGRAPHER: That concludes -- oh,
 19 sorry.
 20 MR. STACEY: No. No follow-up.
 21 THE VIDEOGRAPHER: That concludes the
 22 deposition. The time is 12:52 p.m.
 23 (The deposition was concluded at
 24 12:53 p.m. Witness excused; signature
 25 reserved.)

DEPONENT'S CERTIFICATE

I, LASONYA NATIVIDAD, APRN, the deponent in the foregoing deposition, DO HEREBY CERTIFY, that I have read the foregoing - 36 - pages of typewritten material and that the same is, with any changes thereon made in ink on the corrections sheet, and signed by me, a full, true and correct transcript of my oral deposition given at the time and place hereinbefore mentioned.

LASONYA NATIVIDAD, APRN

Subscribed and sworn to before me this _____ day of _____, 2022.

PRINT NAME: _____
Notary Public, State of
Montana
Residing at: _____
My commission expires: _____

JH - Hughes v. Anderson

C E R T I F I C A T E

STATE OF MONTANA)
COUNTY OF YELLOWSTONE) : ss

I, Jacqueline A. Hill, court reporter and Notary Public for the State of Montana, residing in Billings, Montana, do hereby certify:

That I was duly authorized to and did swear in the witness and report the deposition of LASONYA NATIVIDAD, APRN in the above-entitled cause; that the foregoing pages of this deposition constitute a true and accurate transcription of my stenotype notes of the testimony of said witness, all done to the best of my skill and ability; that the reading and signing of the deposition by the witness have been expressly reserved.

I further certify that I am not an attorney nor counsel of any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on this the 20th day of October, 2022.

Tab 2

IN THE SUPREME COURT OF THE STATE OF MONTANA

SUPREME COURT CAUSE NO. DA-24-0215

JACQUELYN M. HUGHES,

Plaintiff and Appellant,

vs.

**ERIC L. ANDERSON and MID-
CENTURY INSURANCE COMPANY,**

Defendants and Appellees.

AFFIDAVIT OF JACQUELYN M. HUGHES

On Appeal from the Thirteenth Judicial District
Yellowstone County, Montana Cause No. DV 56-2020-635
The Honorable Mary Jane Knisely

Appearances

For Appellant

Jacquelyn M. Hughes
HUGHES LAW, P.L.L.C.
1690 Rimrock Rd. Ste. F
Billings, Montana 59102
Telephone: (406) 850-1239
jhughes@hugheslawmt.com

For Appellant

Calvin J. Stacey
Morgan Sorena
STACEY & FUNYAK
P.O. BOX 1139
Billings, MT 59103
cstacey@staceyfunyak.com
msorena@staceyfunyak.com

dishonesty until the litigation was over so as not to interfere with the litigation process.

7. The scheduling order in the district court was vacated before experts were disclosed but Counsel for Appellee were regularly arguing that there was no causation and I wanted to ensure that they had evidence of causation prior to the mandatory appellate mediation. I obtained an affidavit from Dr. Andrea Chadwick, who I'd retained in 2021. A true and correct copy of that affidavit is attached at Exhibit B.

8. I sent copies of Dr. Chadwick's affidavit to Cal Stacey and Morgan Sorena, as well as the adjuster on my case, on May 31, 2024. A true and accurate copy of that email correspondence is attached hereto at Exhibit C.

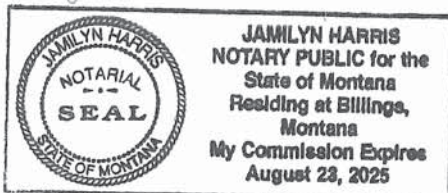
9. On December 6, 2021, prior to serving this lawsuit, I conveyed to Mr. Stacey that I'd obtained a preliminary opinion from Dr. Chadwick, who indicated that my condition was caused by the April 23, 2024 car accident.

DATED this 26th day of September 2024.

By: Jacquelyn M. Hughes
Jacquelyn M. Hughes

SUBSCRIBED AND SWORN to before me this 26th day of September 2024.

State of Montana
County of Yellowstone



Jamilyn Harris

Exhibit A



Jacquelyn Hughes <jhughes@hugheslawmt.com>

Re: Body of Ethics Complaint

1 message

Eric Anderson <eternallyfit@ymail.com>
To: Jacquelyn Hughes <jhughes@hugheslawmt.com>

Fri, May 5, 2023 at 4:34 PM

Yes, that statement is an accurate representation of my position.

Eric Anderson

> On May 5, 2023, at 4:09 PM, Jacquelyn Hughes <jhughes@hugheslawmt.com> wrote:
>
>
>
> Hey -
>
> Attached is the complaint I'll be filing against Cal and Morgan. Can you confirm that the sentence "At all times prior to April 23, 2020, Eric and I agreed that I had six years to file" is an accurate representation of your position?
>
>
> Thank you!
>
> --
> Jacquelyn M. Hughes
> Hughes Law, P.L.L.C.
> 1690 Rimrock Rd. Ste. F
> Billings, MT 59102
> (406) 855-4979
> <Complaint.pdf>

Exhibit B

JACQUELYN M. HUGHES,)	
)	
Plaintiff,)	
vs.)	AFFIDAVIT OF
)	ANDREA L. CHADWICK, MD, MSc,
ERIC L. ANDERSON AND MID-)	FASA
CENTURY INSURANCE COMPANY,)	
)	
Defendants.)	

STATE OF Kansas)
: ss
County of ~~Yellowstone~~ Jackson)

1. I am over the age of eighteen and make the following statements of my own free will.
2. I am a board-certified anesthesiologist with subspecialty certification and board certification in Pain Medicine from the American Board of Anesthesiology. My training included residency in Anesthesiology from 2006-2009 and a Pain Medicine fellowship at the University of California Los Angeles from 2009-2011. I was on faculty at the University of California Los Angeles for approximately 2-1/2 years prior to joining faculty at the University of Kansas Medical Center. I am currently an Associate Professor since 2018. My clinical care is focused on comprehensive and interventional pain medicine. I have broad expertise in the assessment, diagnosis, and management of complex chronic pain syndromes, with a focus on central sensitization pain syndromes, including fibromyalgia. I am regionally, nationally, and internationally regarded as an expert in the condition of fibromyalgia and I have published numerous book, chapters, and manuscripts on the topic.
3. Ms. Hughes contacted me to provide opinions regarding her case in August of 2021.

4. I reviewed medical records for Ms. Hughes spanning from April 23, 2011 to September 19, 2019 which were obtained in Yellowstone County Cause No. DV 56-2020-635-Pl.

5. I have not prepared a final expert report in that matter. However, I have reviewed the medical records for three years leading up to the April 23, 2014 accident, as well as the medical records from April 23, 2014 through September 15, 2019. Based on those records, my interview with Ms. Hughes, and my understanding of the various causes of fibromyalgia, it is my opinion, to a reasonable degree of medical certainty, that Ms. Hughes' fibromyalgia was more probably than not by caused the auto accident that occurred on April 23, 2014.

DATED this 19 day of May 2024.

By: Andrea L. Chadwick
Andrea L. Chadwick, MD, MSc. FASA

SUBSCRIBED AND SWORN to before me this 19 day of May 2024.

[Signature]

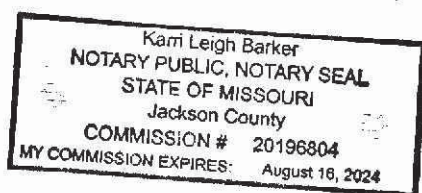


Exhibit C



Jacquelyn Hughes <jhughes@hugheslawmt.com>

Claim No. 3000423376-1

1 message

Jacquelyn Hughes <jhughes@hugheslawmt.com>

Fri, May 31, 2024 at 2:42 PM

To: myclaim@farmersinsurance.com, Cal Stacey <cstacey@staceyfunyak.com>, Morgan Sorena <msorena@staceyfunyak.com>

Dear Mr. Warner,

I understand that you are now the representative on my claim. There are two things I wanted to provide to you in advance of the June 11, 2024 mediation, as I do not get the impression these things have previously been provided. First, in the briefing on the statute of limitations, the defense attorneys represented that Eric Anderson (my spouse at the time of the accident) never made any agreement that would have allowed me to wait until April 23, 2020 to file my *Complaint*. When the attorneys made this representation, they did not provide an affidavit from their client to support it. Attached is an email exchange between Eric and I which occurred while I was represented by Jon Moyers. The email exchange confirms that Eric agreed I had until April 23, 2020 to file the *Complaint*. I think it is problematic that Eric's position was misrepresented to the Court, by attorneys hired by Mid-Century - for purposes of procuring dismissal of my claim. Obviously, I have no idea whether Eric's attorneys have conveyed to you that Eric told them he'd agreed I had until April 23, 2020 to file. I am providing this email to you so that you are aware of Eric's position in the event it was not conveyed to you. I am hopeful that you will take Mr. Anderson's actual position into consideration when it is time to mediate this matter.

The second attachment is an affidavit from Dr. Andrea Chadwick. My understanding is that the defense attorneys have made a significant issue that there is no medical provider who can provide an opinion that my condition is related to the accident. While the attached affidavit is not a complete expert report, it does provide Dr. Chadwick's opinion that my injury was caused by the April 23, 2014 accident.

It's been my understanding that Mid Century would be mediating from a standpoint that there was never an agreement regarding the timeline for filing and that there is no evidence of medical causation, essentially treating this as a nuisance value case. It is typically difficult to shift a mediation position when information such as Dr. Chadwick's affidavit or Eric's email is provided the day of mediation. I'm hopeful that by providing these two documents to you prior to mediation, Mid-Century will be in a better position to evaluate its risks and resolve this matter.

I've copied Mr. Stacey and Ms. Sorena on this email so that they, too, have the documents provided to you today. I look forward to meeting you on June 11, 2024.

Best Regards,
Jacqui

--

Jacquelyn M. Hughes
Hughes Law, P.L.L.C.
1690 Rimrock Rd. Ste. F
Billings, MT 59102
(406) 855-4979**2 attachments****2024-05-20 Signed Affidavit Dr. Chadwick.pdf**
303K**2024 Email re filing.pdf**
58K

Exhibit D



Jacquelyn Hughes <jhughes@hugheslawmt.com>

Re: Hughes v. Anderson

1 message

Jacquelyn Hughes <jhughes@hugheslawmt.com>
To: Cal Stacey <cstacey@staceyunyak.com>

Mon, Dec 6, 2021 at 12:03 PM

Cal,

After receipt of this letter, I retained an expert to provide an opinion on causation. One of her opinions is that the hives were triggered by the accident. She also connects fibromyalgia to the accident. She is in the process of preparing a report, which is taking quite some time given the extensive nature of the medical records, a situation with which I'm sure you can sympathize with. Her hourly fee is \$700 per hour, which I will ask Farmers to pay since it denied causation for the hives and I had to hire an expert to get compensation for that.

For purposes of my policy limits demand, I limited my estimate of lost wages to the next five years. It is uncomfortably clear that the work restrictions and lifestyle management requirements for fibromyalgia are permanent. Obviously, I will have to get an expert to evaluate lost wages fully, but since you are an attorney, you understand that 30 hours per week yields a substantially smaller paycheck for an attorney than does 40 hours a week. My lost wages, alone, are over a million. I don't want the permanent restrictions, but that's not really an option that is open to me.

As policy limits are off the table, Farmers declined to pay medical bills that are related, and I had to obtain an expert to causally relate them to recover medical payments, my demand now is \$1.2 million plus whatever my expert's fees are. Once I get the report, I will send that to you along with the invoice. I don't doubt that I won't see a counteroffer until after Dr. Chadwick's report is provided, but I did want to convey the status of things on this end.

Best Regards,
Jacqui

On Thu, Aug 26, 2021 at 4:11 PM Cal Stacey <cstacey@staceyunyak.com> wrote:

Please see my letter attached hereto with enclosures.

Calvin J. Stacey**STACEY & FUNYAK LAW FIRM**

The Grand Building

100 North 27th Street, Suite 700

P.O. Box 1139

Billings, Montana 59103-1139

Telephone: (406) 259-4545

Fax: (406) 259-4540

cstacey@staceyunyak.com

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--

Jacquelyn M. Hughes
Hughes Law, P.L.L.C.
3031 Grand Ave. # 151
Billings, MT 59102
(406) 855-4979

Tab 3

Page 1

MONTANA THIRTEENTH JUDICIAL DISTRICT COURT
YELLOWSTONE COUNTY

JACQUELYN M. HUGHES,

Plaintiff,

vs.

Cause No. DV 56-2020-0635-PI

ERIC L. ANDERSON AND MID-

CENTURY INSURANCE COMPANY,

Defendants.

VIDEOTAPED VIDEOCONFERENCE DEPOSITION

UPON ORAL EXAMINATION OF

RAYYA SAADIQ, DO, FACP

BE IT REMEMBERED, that the videotaped
videoconference deposition upon oral examination
of RAYYA SAADIQ, DO, FACP, present at Mayo in
Minnesota, appearing at the instance of Plaintiff,
was taken at the offices of Fisher Court
Reporting, 442 East Mendenhall, Bozeman, Montana,
on Thursday, September 15, 2022, beginning at the
hour of 1:00 p.m., Mountain Standard Time,
pursuant to the Montana Rules of Civil Procedure,
before Kasey L. Fisher, Registered Professional
Reporter - Notary Public.

Page 2

APPEARANCES

ATTORNEY APPEARING ON BEHALF OF THE

PLAINTIFF, JACQUELYN M. HUGHES:

Ms. Michelle Lee, Esq.

Lee Law Firm, L.L.C.

2625 St. Johns Avenue

Billings, Montana 59102

leelawllc@gmail.com

(Present via Zoom in Billings, MT)

ATTORNEY APPEARING ON BEHALF OF THE
DEFENDANTS, ERIC L. ANDERSON AND MID-
CENTURY INSURANCE COMPANY:

Ms. Morgan Sorena, Esq.

Mr. Calvin J. Stacey

Stacey & Funyak

The Grand Building, Suite 700

100 North 27th Street

P.O. Box 1139

Billings, Montana 59103

Msorena@stacefunyak.com

Cstacey@stacefunyak.com

Also present: Jacquelyn Hughes-via Zoom

Page 3

I N D E X

EXAMINATION OF DR. RAYYA SAADIQ, DO, FACP BY:PAGE:

Ms. Michelle Lee, Esq.....4

E X H I B I T S

DEPOSITION EXHIBITS: PAGE:

Exhibit A Curriculum Vitae of Dr. Saadiq....9

Exhibit B Mayo Clinic notes.....10,12

Page 4

WHEREUPON, the following proceedings were
had and testimony taken, to-wit:

* * * * *

VIDEOGRAPHER: This is the video recorded
and video conference deposition of Rayya Saadiq,
DO FACP, taken in the Montana Thirteenth Judicial
District Court, Yellowstone County, Cause No. DV-
56-2020-0635-PI, Jacquelyn M. Hughes versus
Eric L. Anderson and Mid-Century Insurance
Company.

Today is September 15, 2022. The time is
1:00 p.m. Mountain Time. The deposition is being
taken remotely with the witness appearing via
video from Rochester, Minnesota.

The court reporter is Kasey Fisher and
the video operator is Nicole Tomac of Fisher Court
Reporting.

The deposition is being taken pursuant to
Notice. All parties have agreed to conduct this
deposition by video conference.

I would now ask the attorneys to identify
themselves, who they represent, and whoever else
is present. Please note from where you are
appearing.

MS. LEE: My name is Michele Lee. I am

Page 9

1 receive a copy of that?

2 A. Yes.

3 Q. All right. And so I'm showing you what's

4 been marked as Exhibit A for deposition purposes.

5 Does this appear to be a -- a copy of

6 your curriculum vitae?

7 A. The one that was e-mailed to me, yes.

8 Q. Yes. And does that curriculum vitae that

9 I e-mailed to you -- does that fairly and

10 accurately depict your work history and your

11 qualifications?

12 A. Yes.

13 MS. LEE: And I would move for that to be

14 admitted as Exhibit A to the deposition.

15 (Whereupon, Exhibit No. A was

16 marked for purposes of

17 identification.)

18 BY MS. LEE:

19 Q. So I am going to kind of go into more of

20 the intake process that you have with the Mayo

21 Clinic.

22 Are you familiar with your intake

23 process?

24 A. I don't understand what you mean by that.

25 Q. So when somebody contacts the Mayo Clinic

Page 10

1 or if somebody is referred to the Mayo Clinic, is

2 there a certain intake procedure that they have to

3 go through before they can be seen by a doctor at

4 the Mayo Clinic?

5 A. I'm not involved in that part of the

6 initial contact with the patient. I only was

7 involved with the part where she came to the

8 clinic and I saw her directly.

9 Q. Okay. So you're not involved in

10 determining what specialists Ms. Hughes needed to

11 see or any part of that?

12 A. No.

13 Q. Okay.

14 MS. LEE: So I'm going to move directly

15 to Exhibit B.

16 (Whereupon, Exhibit No. B was

17 marked for purposes of

18 identification.)

19 BY MS. LEE:

20 Q. Did you receive Exhibit B that I had

21 e-mailed over to you?

22 A. Yes, my note.

23 Q. Okay. And is that what Exhibit B is? Is

24 that your clinical notes for Ms. Hughes dated

25 September 13th of 2019?

Page 11

1 A. Yes.

2 Q. And do these clinical notes -- do they

3 fairly and accurately depict what your analysis

4 and what your recommendations were for Ms. Hughes?

5 A. It was my discussion with the patient and

6 we summarized what every other doctor recommended

7 into my notes so it's easy for the local person to

8 follow.

9 Q. Okay. Perfect. Thank you. Can you tell

10 me what Ms. Hughes's primary complaints were when

11 she came to the Mayo Clinic?

12 A. I won't be able to, because I saw her in

13 follow-up, and the discussions I had with her I

14 can tell.

15 Q. Okay. Can you describe those

16 communications that you had with her?

17 A. Primarily we talked about fibromyalgia

18 and pain control.

19 Q. Okay. And when Ms. Hughes came in, had

20 she been diagnosed with fibromyalgia?

21 A. I'm not sure of it because I only saw her

22 after she had been seen at the fibromyalgia

23 clinic, and I followed up the recommendations

24 given by them with the patient.

25 Q. Okay. So were you aware of what tests

Page 12

1 had been done with Ms. Hughes at that point?

2 A. Yes. We went through all the testing

3 that was done in Mayo Clinic but not outside.

4 Q. Okay. Can you tell me what testing was

5 done inside the Mayo Clinic.

6 A. I won't be able to. There was a lot of

7 tests that was done. The important ones and the

8 recommendations are in the note.

9 Q. Okay. So if I can have you look at

10 Exhibit B, it looks like Ms. Hughes had come in

11 with concerns of -- it looks like seven different

12 concerns, one of them being fibromyalgia, another

13 being a concern with patient cognitive function,

14 another was apnea sleep obstructive, hypersomnia,

15 depression, and anxiety, arthralgia and myalgia.

16 Can you tell me if when you were looking

17 at her final diagnosis if those primary concerns

18 were ruled out?

19 A. Of the things that you said,

20 fibromyalgia -- fibromyalgia is the main one we

21 talked about. Arthralgia part was discussed by

22 the rheumatology team as copied in the note. And

23 she was not seen, per my note, in sleep medicine

24 at the time.

25 Q. So I kind of want to go through these

Page 17

1 retrain your brain, you retrain how you do
2 functioning of it. So it's not recovering from a
3 stroke, but the pathology you can think of it as
4 retraining your body.

5 Q. And when you're rebuilding those neural
6 pathways, how -- how are you doing that? Are you
7 shutting off old pathways and creating new
8 pathways?

9 A. It is cognitive behavioral therapy, so
10 you're relearning -- you can't say you're shutting
11 off or anything. You're training your body to do
12 something new or do something old in a new way.

13 Q. Okay. Do you find that it's difficult
14 for individuals who are struggling with
15 fibromyalgia to maintain a lifestyle that is
16 without difficulty?

17 A. I'm unable to say, because all patients
18 are so different.

19 Q. Okay. If you see anyone has fibromyalgia
20 and you've recommended all of these changes,
21 lifestyle changes, modalities, if they follow all
22 of that, what's the reasonable timeline for I
23 guess symptom recovery?

24 A. I'm unable to answer once again. It all
25 depends on the person and everything else.

Page 18

1 Q. So is it a fair statement to say that you
2 took all of the work that everyone else had done
3 and simply summarized it into a final diagnosis
4 that was fibromyalgia?

5 A. Yes.

6 Q. And you did rule out any kind of
7 cognitive function disorders?

8 A. Prior to evaluation done by the
9 fibromyalgia colleagues, they said this is more
10 likely but we didn't do any further extensive
11 cognitive evaluation during per the note.

12 Q. Okay. And you did rule out hypersomnia?

13 A. Just one second. Let me take a quick
14 look at my note to make sure.

15 We did not talk about hypersomnia. We
16 checked to see if her CPAP machine is providing
17 her with adequate saturation during the sleep, and
18 that was normal. It was doing its job.

19 Q. Okay. And then arthralgia, did you rule
20 that out?

21 A. Arthralgia was evaluated by rheumatology
22 colleagues as per my note. It was discussed by
23 the rheumatology colleagues, yes.

24 Q. Okay. And ruled out?

25 A. Arthralgia per se is just joint pain.

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1 Everybody has it.

2 Q. Yes. Okay.

3 A. But she did not have a medical condition
4 of arthritis or inflammation arthritis, yes.

5 Q. And same with myalgia, she did not have
6 any, you ruled that out?

7 A. Myalgia, once again, you and everybody
8 has myalgia. It's like, I'm having pain in the
9 muscle. But myositis and all that caused the
10 inflammatory condition and disease process, did
11 not have.

12 Q. Okay. Thank you. At the time of final
13 diagnosis, what specialists had been contacted?

14 A. The ones that is in my note.

15 Q. Okay. So the rheumatology with
16 Dr. Sanchez?

17 A. Yes.

18 Q. And then the sleep specialist was....

19 A. No. Sleep was a study that was done.

20 Q. Okay. But there was no sleep study
21 specialist that was brought in --

22 A. No. During the time -- during the time
23 frame she was unable to get an appointment.
24 Nothing was done.

25 Q. Okay. And you had discussed weight loss

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1 and making that sustainable, correct?

2 A. Yes, per my note, yes.

3 Q. And there were no issues with her liver,
4 if her liver function has gone back up? You don't
5 see that there were any concerns with her liver?

6 A. We discussed that there was an
7 abnormality noted, but based on the data that I
8 had, I cannot say either way. So recommendation
9 was to follow-up with the local doctor. But I
10 couldn't say either way which way it was. So in
11 my note, as you can see, it says "transient or."

12 Q. Okay. And same with the vitamin D
13 deficiency, she had a low vitamin D, but she just
14 needs to take medication for the vitamin D,
15 correct?

16 A. Take medication vitamin D for -- with the
17 local doctor.

18 Q. And same with the Ferritin?

19 A. Same.

20 Q. All right. And the hypothyroidism?

21 A. Repeating test with the local doctor. It
22 was subclinical. She did not have the disease
23 itself.

24 Q. Okay. So you didn't find any
25 hypothyroidism with her?

Page 25

1 A. Yes.
2 Q. And we've already discussed, Dr. Saadiq,
3 that your testimony would be that the most
4 effective treatment for fibromyalgia is lifestyle
5 changes?
6 A. Yes.
7 Q. And you can't testify as to what the
8 timeline would be because everybody's different
9 with regards to fibromyalgia?
10 A. I won't be able to say anything on
11 timeline.
12 Q. So you can have somebody that, you know,
13 makes those lifestyle changes and has immediate
14 progress, and then you can have somebody on the
15 other end that makes all those lifestyle changes
16 and then just doesn't have any progress.
17 Is that a fair statement?
18 A. Unable to say that.
19 Q. Okay. For someone with fibromyalgia, do
20 they have kind of what I would refer to as more
21 like brain chatter where there's things that are
22 going on in their brain that they're not able to
23 process?
24 A. I am un -- I won't be able to say that
25 either, because --

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1 Q. Okay.
2 A. -- that's very subjective.
3 Q. So everybody has different -- is that
4 kind of what you're saying is that everybody --
5 A. Yes.
6 Q. -- has different --
7 A. Very different how they perceive and how
8 they respond and how they just explain it.
9 Q. If you have someone that is doing well
10 with lifestyle changes and has made, you know,
11 certain strides with their work schedule and
12 things are going well, would you recommend that
13 that person maintain their current lifestyle
14 changes and their current work schedules?
15 A. It depends on the patient. If they're
16 able to, yes, continue. So it's always good to
17 have good habits.
18 Q. Okay. All right. I don't think I have
19 any further questions for you, Dr. Saadiq.
20 A. Okay.
21 MS. SORENA: Hi, Doctor. I don't think
22 we have any questions for you either. If you want
23 to just give me one minute, I'll look through my
24 notes and make sure, but you might be off the
25 hook.

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1 A. Okay.
2 Q. Thank you very much. I appreciate it.
3 VIDEOGRAPHER: We are going off the
4 record. The time is 1:37 p.m.
5 (Whereupon, a break was then taken.)
6 VIDEOGRAPHER: We back on the record.
7 The time is 1:40 p.m.
8 MS. SORENA: Doctor, I'm going to make it
9 very easy for you. I don't have any questions for
10 you. We appreciate your time. I know you're
11 busy, so thank you very much.
12 VIDEOGRAPHER: That concludes the
13 deposition. The time is 1:40 p.m.
14 (Whereupon, the deposition
15 concluded at 1:40 p.m.)
16 Signature Reserved
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1 DEPONENT'S CERTIFICATE
2
3 I, RAYYA SAADIQ, DO, FACP, the deponent in the
4 foregoing deposition, DO HEREBY CERTIFY, that I
5 have read the foregoing - 27 - pages of
6 typewritten material and that the same is, with
7 any changes thereon made in ink on the corrections
8 sheet, and signed by me a full, true and correct
9 transcript of my oral deposition given at the time
10 and place hereinbefore mentioned.
11
12
13 RAYYA SAADIQ, DO, FACP
14
15
16 Subscribed and sworn to before me this ____
17 day of _____, 2022
18
19 PRINT NAME: _____
20 Notary Public, State of Montana
21 Residing at: _____
22 My commission expires: _____
23
24 KF - Jacquelyn M. Hughes, vs. Eric L. Anderson, et
25 al

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C E R T I F I C A T E

STATE OF MONTANA)
 : Ss
COUNTY OF GALLATIN)

I, Kasey L. Fisher, Registered
Professional Reporter and Notary Public for the
State of Montana, residing in Bozeman, do hereby
certify:

That I was duly authorized to and did
swear in the witness and report the deposition of
RAYYA SAADIQ, DO, FACP in the above-entitled
cause; that the foregoing pages of this deposition
constitute a true and accurate transcription of my
stenotype notes of the testimony of said witness,
all done to the best of my skill and ability; that
the reading and signing of the deposition by the
witness have been expressly reserved.

I further certify that I am not an
attorney nor counsel of any of the parties, nor a
relative or employee of any attorney or counsel
connected with the action, nor financially
interested in the action.

IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my notarial seal on this the
3rd day of October, 2022.