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Case Number: DA 24-0215

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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** 

## Lasonya Natividad, APRN

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## Lasonya Natividad, APRN

		1	
	Page 33		Page 35
1	Q. Would that be the records of Mayo Clinic?	1	Is do you agree with Dr. Saadiq or
2	A. Yes.	2	Saadiq, excuse me?
3	Q. And do you recall if the Mayo Clinic had	3	A. Yes. Yes. We do not know why it doesn't
4	records from other medical care providers or not?	4	happen to everybody in the population, correct.
5	A. I don't recall.	5	Q. And it's a diagnosis; is that correct?
6	Q. Okay. My question was a bad question.	6	A. It is a diagnosis.
7	It is obviously she went to the Mayo Clinic and	7	Q. And it's a as lawyers say, a diagnosis
8	developed medical records there which you were	8	of exclusion? You try to look for other things,
9	privy to? Is that fair to say?	9	and if you can't find something, then you kind of
10	A. Yes.	10	fall back to this diagnosis; is that correct?
11	Q. But you don't know if there were records	11	A. Not a diagnosis of exclusion anymore. It
12	beyond her her trip to the Mayo Clinic in 2019?	12	used to be, but it's no longer.
13	A. I don't remember. I I would have to	13	Q. All right. Boy, I think that's all we
14	look. I don't remember that.	14	have.
15	Q. Do you since that's the only time that	15	Just a second, let me ask somebody
16	you saw her in September of 2019, I assume you	16	smarter than me, might have a question. Anything?
17	have no information from that date forward as to	17	No.
18	how Ms. Hughes is doing both physically or	18	We're done. Thank you so much for your
19	mentally or both; is that right?	19	time.
20	A. That is correct.	20	A. Absolutely.
21	Q. So if I understood, some of the questions	21	Q. Go see that doctor, just just down the
22 23	asked to you in your notes under the one heading that's some bullet points. And if I understood	22 23	hall. Okay. THE VIDEOGRAPHER: Michelle, any
23 24	it, you were describing what those were and what	23 24	follow-up?
24 25	they meant, what you were discussing with her.	24 25	MS. LEE: I do have one follow-up
20	they meanly what you were discussing with her.	23	
	Page 34		Page 36
1	Do you you don't have any up-to-date information in regard to any one of those bullet	1	question. EXAMINATION
2	points as to what has developed, what is taking	2	BY MS. LEE:
3	place or anything of that sort; is that correct?	4	Q. Lasonya, are there recognized triggers
5	A. That is correct. We don't do follow-up.	5	for fibromyalgia?
6	Q. And as a nurse practitioner, I understood	6	A. Yes.
7	your qualifications that that you have you	7	Q. What are those triggers?
8	moved over into the is it the fibromyalgia and	8	A. Disease processes like COVID. Traumas
9	chronic fatigue clinic at about four and a half	9	physical or emotional traumas, genetic
10	years ago?	10	predisposition, stress, sleep issues, mental
11	A. Correct.	11	health issues, just to name a few.
12	Q. And you received some training as a nurse	12	Q. Have you seen cases where an individual
13	practitioner in that regard?	13	has been in a car accident and has developed
14	A. Correct.	14	fibromyalgia?
15	Q. On the subject?	15	A. Yes.
16	A. Uh-huh.	16	Q. All right. Thank you. I have no further
17	Q. Would you agree with a statement that	17	questions.
18	I'll read from the deposition of Dr. Saadiq,	18	<b>THE VIDEOGRAPHER:</b> That concludes oh,
19	S-A-A-D-I-Q, and I don't know if you know her or	19	sorry.
20	not.	20	MR. STACEY: No. No follow-up.
21	A. Uh-huh, I do.	21	<b>THE VIDEOGRAPHER:</b> That concludes the
22	Q. Let me read. She said we were talking	22	deposition. The time is 12:52 p.m.
23	about fibromyalgia. She said, "We don't know why	23	(The deposition was concluded at 12:52 n m. Witness evolved) signature
24	or how a person gets it." She said that on page	24	12:53 p.m. Witness excused; signature
25	13 of her deposition.	25	reserved.)

1	DEPONENT'S CERTIFICATE
2 3 4 5 6 7 8 9 10 11	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.
12 13	LASONYA NATIVIDAD, APRN
14	
15	Subscribed and sworn to before me this
16	day of, 2022.
17	
18	
19	PRINT NAME:
	Notary Public, State of
20	
21	Montana
22	Residing at:
23	My commission expires:
24	JH - Hughes v. Anderson
25	
1	CERTIFICATE
1 2	CERTIFICATE
_	STATE OF MONTANA )
2	
2 3	STATE OF MONTANA ) : ss COUNTY OF YELLOWSTONE )
2 3 4	STATE OF MONTANA ) : ss COUNTY OF YELLOWSTONE )
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## 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

## STATE OF MONTANA ) : ss County of Yellowstone )

1. I am over the age of eighteen and make the following statements of my own free will.

I was represented by Jon Moyers in this matter from November of
 2022 until May 31, 2024.

3. Upon reading Morgan Sorena's representations that Eric and I never had an agreement about how long I had to file, I also noticed that Ms. Sorena had not obtained an affidavit from Eric to support her representations.

4. I researched whether Montana Rule of Professional Conduct 4.2 prohibited me from discussing the case with my co-parent. It only pertains to attorneys "In representing a client..." As I was a party to litigation, represented by an attorney, Rule 4.2 did not prohibit contact between Eric and I at that time.

5. I approached Eric regarding the representations being made to the Court and he indicated that he was asked about these representations and conveyed to his attorneys that they were accurate. I asked him if he'd confirm that in writing, which he agreed to do.

 Attached at Exhibit A is a true and accurate copy of the communication between Eric and I on this issue. The Office of Disciplinary Counsel advised me that it would not investigate this complaint of attorney 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 26<sup>th</sup> day of September 2024.

Montana My Commission Expires August 23, 2025

By: <u>ACGUERN</u> Moughes Jacquelyn M. Hughes

SUBSCRIBED AND SWORN to before me this 26th day of September 2024. State of Montana County of Vellowstone JAMILYN HARRIS NOTARY PUBLIC for the State of Montana Residing at Billinge.

## 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. ERIC L. ANDERSON AND MID- CENTURY INSURANCE COMPANY,	) ) ) AFFIDAVIT OF ) ANDREA L. CHADWICK, MD, MSc, ) FASA )
Defendants.	
STATE OF Kansas ) County of <del>Yellowstone</del> 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.

Inden Chadente Bv:

Andrea L. Chadwick, MD, MSc. FASA

SUBSCRIBED AND SWORN to before me this **/9** day of May 2024.

Karri Leigh Barker NOTARY PUBLIC, NOTARY SEAL STATE OF MISSOURI Jackson County COMMISSION # 20196804 Y COMMISSION EXPIRES: August 16, 2024

# Exhibit C



### Jacquelyn Hughes <jhughes@hugheslawmt.com>

### Claim No. 3000423376-1

<msorena@staceyfunyak.com>

1 message

Jacquelyn Hughes <jhughes@hugheslawmt.com> To: myclaim@farmersinsurance.com, Cal Stacey <cstacey@staceyfunyak.com>, Morgan Sorena

Fri, May 31, 2024 at 2:42 PM

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 *Compliant*. 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 Email re filing.pdf** 

Appellant's Supplemental Appendix Pg. 014

# Exhibit D



### Jacquelyn Hughes <jhughes@hugheslawmt.com>

## Re: Hughes v. Anderson

1 message

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

<u>cstacey@staceyfunyak.com</u>

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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       Page 3         1       MONTANA THIRTEENTH JUDICIAL DISTRICT COURT       1       I N D E X         2       YELLOWSTONE COUNTY       2       EXAMINATION OF DR. RAYYA SAADIQ, DO, FACP I         3	
2       YELLOWSTONE COUNTY       1       I N D E X         3       2       YELLOWSTONE COUNTY       2       EXAMINATION OF DR. RAYYA SAADIQ, DO, FACP ID         3       3       Ms. Michelle Lee, Esq	
3	
4       JACQUELYN M. HUGHES,       5       MS. HICHFIE Dee, ESQ         5       Plaintiff,       6       E X H I B I T S         6       VS.       Cause No. DV 56-2020-0635-PI       6       Exhibit A Curriculum Vitae of Dr. Saadi         7       ERIC L. ANDERSON AND MID-       7       Exhibit B Mayo Clinic notes         8       CENTURY INSURANCE COMPANY,       8         9       Defendants.       9         10       10       10         11       VIDEOTAPED VIDEOCONFERENCE DEPOSITION       11	4
5       Plaintiff,       5       DEPOSITION EXHIBITS:         6       VS.       Cause No. DV 56-2020-0635-PI       6       Exhibit A       Curriculum Vitae of Dr. Saadi         7       ERIC L. ANDERSON AND MID-       7       Exhibit B       Mayo Clinic notes         8       CENTURY INSURANCE COMPANY,       8         9       Defendants.       9         10       10       10         11       VIDEOTAPED VIDEOCONFERENCE DEPOSITION       11	
6       vs.       Cause No. DV 56-2020-0635-PI       6       Exhibit A       Curriculum Vitae of Dr. Saadi         7       ERIC L. ANDERSON AND MID-       7       Exhibit B       Mayo Clinic notes         8       CENTURY INSURANCE COMPANY,       8         9       Defendants.       9         10       10       10         11       VIDEOTAPED VIDEOCONFERENCE DEPOSITION       11	
7     ERIC L. ANDERSON AND MID-     7     Exhibit B     Mayo Clinic notes       8     CENTURY INSURANCE COMPANY,     8       9     Defendants.     9       10     10       11     VIDEOTAPED VIDEOCONFERENCE DEPOSITION     11	PAGE:
8     CENTURY INSURANCE COMPANY,     8       9     Defendants.     9       10     10     10       11     VIDEOTAPED VIDEOCONFERENCE DEPOSITION     11	
9     Defendants.     9       10     10     10       11     VIDEOTAPED VIDEOCONFERENCE DEPOSITION     11	10,12
10     10       11     VIDEOTAPED VIDEOCONFERENCE DEPOSITION     11	
11 VIDEOTAPED VIDEOCONFERENCE DEPOSITION 11	
12 UPON OBAL EXAMINATION OF	
13 RAYYA SAADIQ, DO, FACP 13	
14 14	
15 BE IT REMEMBERED, that the videotaped 15	
16 videoconference deposition upon oral examination 16	
17 of RAYYA SAADIQ, DO, FACP, present at Mayo in 17	
18 Minnesota, appearing at the instance of Plaintiff, 18	
19 was taken at the offices of Fisher Court 19	
20 Reporting, 442 East Mendenhall, Bozeman, Montana, 20	
21 on Thursday, September 15, 2022, beginning at the 21	
22 hour of 1:00 p.m., Mountain Standard Time, 22	
23 pursuant to the Montana Rules of Civil Procedure, 23	
24 before Kasey L. Fisher, Registered Professional 24	
25 Reporter - Notary Public. 25	
Page 2 Page 4	
1     APPEARANCES     1     WHEREUPON, the following proceeding	
2 had and testimony taken, to-wit:	35 WELE
3 ATTORNEY APPEARING ON BEHALF OF THE 3 ** * * * *	
4 PLAINTIFF, JACQUELYN M. HUGHES: 4 VIDEOGRAPHER: This is the video r	corded
5 Ms. Michelle Lee, Esq. 5 and video conference deposition of Rayya Sat	
6 Lee Law Firm, L.L.C. 6 DO FACP, taken in the Montana Thirteenth Juc	
7     2625 St. Johns Avenue     7     District Court, Yellowstone County, Cause No	hestorense wet.
8         Billings, Montana 59102         8         56-2020-0635-PI, Jacquelyn M. Hughes versus	J. DV-
<ul> <li>9 leelawllc@gmail.com</li> <li>9 Eric L. Anderson and Mid-Century Insurance</li> </ul>	
10     (Present via Zoom in Billings, MT)     10     Company.	
11	Sec. Sec.
** Today 15 September 13, 2022. The f	
13 Department of the second of	
is called remotely with the withest appealing of	a
14     CENTURY INSURANCE COMPANY:     14     video from Rochester, Minnesota.       15     Ms. Morgan Sorena, Esq.     15     The court reporter is Kasey Fisher	and
in court reporter is makey itsher	
16     Mr. Calvin J. Stacey     16     the video operator is Nicole Tomac of Fisher       17     Stacey & Funyak     17     Reporting.	COULT
10 reputing.	ant to
in apportion to being taken pulse	
an a	01118
apported by video contribute.	and Fre
in the second se	erse
	T. DM
25       Also present: Jacquelyn Hughes-via Zoom       25       MS. LEE: My name is Michele Lee.	I am

## Saadiq, Rayya Vol. 1 09/15/2022

Page	9	Page	11
1	receive a copy of that?	1	A. Yes.
2	A. Yes.	2	Q. And do these clinical notes do they
3	Q. All right. And so I'm showing you what's	3	fairly and accurately depict what your analysis
4	been marked as Exhibit A for deposition purposes.	4	and what your recommendations were for Ms. Hughes?
5	Does this appear to be a a copy of	5	A. It was my discussion with the patient and
6	your curriculum vitae?	6	we summarized what every other doctor recommended
7	A. The one that was e-mailed to me, yes.	7	into my notes so it's easy for the local person to
8	Q. Yes. And does that curriculum vitae that	8	follow.
9	I e-mailed to you does that fairly and	9	Q. Okay. Perfect. Thank you. Can you tell
10	accurately depict your work history and your	10	me what Ms. Hughes's primary complaints were when
11	qualifications?	11	she came to the Mayo Clinic?
12	A. Yes.	12	A. I won't be able to, because I saw her in
13	MS. LEE: And I would move for that to be	13	follow-up, and the discussions I had with her I
14	admitted as Exhibit A to the deposition.	14	can tell.
15	(Whereupon, Exhibit No. A was	15	Q. Okay. Can you describe those
16	marked for purposes of	16	communications that you had with her?
17	identification.)	17	A. Primarily we talked about fibromyalgia
18	BY MS. LEE:	18	and pain control.
19	Q. So I am going to kind of go into more of	19	Q. Okay. And when Ms. Hughes came in, had
20	the intake process that you have with the Mayo	20	she been diagnosed with fibromyalgia?
21	Clinic.	21	A. I'm not sure of it because I only saw her
22	Are you familiar with your intake	22	after she had been seen at the fibromyalgia
23	process?	23	clinic, and I followed up the recommendations
24	A. I don't understand what you mean by that.	24	given by them with the patient.
25	Q. So when somebody contacts the Mayo Clinic	25	Q. Okay. So were you aware of what tests
	10		
Page		Page	
1	or if somebody is referred to the Mayo Clinic, is	1	had been done with Ms. Hughes at that point?
1 2	or if somebody is referred to the Mayo Clinic, is there a certain intake procedure that they have to	1 2	had been done with Ms. Hughes at that point? A. Yes. We went through all the testing
1 2 3	or if somebody is referred to the Mayo Clinic, is there a certain intake procedure that they have to go through before they can be seen by a doctor at	1 2 3	had been done with Ms. Hughes at that point? A. Yes. We went through all the testing that was done in Mayo Clinic but not outside.
1 2	or if somebody is referred to the Mayo Clinic, is there a certain intake procedure that they have to go through before they can be seen by a doctor at the Mayo Clinic?	1 2 3 4	had been done with Ms. Hughes at that point? A. Yes. We went through all the testing that was done in Mayo Clinic but not outside. Q. Okay. Can you tell me what testing was
1 2 3 4	or if somebody is referred to the Mayo Clinic, is there a certain intake procedure that they have to go through before they can be seen by a doctor at the Mayo Clinic? A. I'm not involved in that part of the	1 2 3 4 5	had been done with Ms. Hughes at that point? A. Yes. We went through all the testing that was done in Mayo Clinic but not outside. Q. Okay. Can you tell me what testing was done inside the Mayo Clinic.
1 2 3 4 5	or if somebody is referred to the Mayo Clinic, is there a certain intake procedure that they have to go through before they can be seen by a doctor at the Mayo Clinic? A. I'm not involved in that part of the initial contact with the patient. I only was	1 2 3 4 5 6	<ul> <li>had been done with Ms. Hughes at that point?</li> <li>A. Yes. We went through all the testing that was done in Mayo Clinic but not outside.</li> <li>Q. Okay. Can you tell me what testing was done inside the Mayo Clinic.</li> <li>A. I won't be able to. There was a lot of</li> </ul>
1 2 3 4 5 6	or if somebody is referred to the Mayo Clinic, is there a certain intake procedure that they have to go through before they can be seen by a doctor at the Mayo Clinic? A. I'm not involved in that part of the initial contact with the patient. I only was involved with the part where she came to the	1 2 4 5 6 7	<ul> <li>had been done with Ms. Hughes at that point?</li> <li>A. Yes. We went through all the testing that was done in Mayo Clinic but not outside.</li> <li>Q. Okay. Can you tell me what testing was done inside the Mayo Clinic.</li> <li>A. I won't be able to. There was a lot of tests that was done. The important ones and the</li> </ul>
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Page 17Page 191retrain your brain, you retrain how you do2functioning of it. So it's not recovering from a3stroke, but the pathology you can think of it as4retraining your body.50. And when you're rebuilding those neural6pathways, how how are you doing that? Are you7shutting off old pathways and creating new8n. It is cognitive behavioral therapy, so9A. It is cognitive behavioral therapy, so10you're relearning you can't say you're a hutting11of of anything. You're training your body to do12something new or do something old in a new way.130. Okay. Do you find that it's dificult14for individuals who are struggling with15fibromyalgia to maintain a lifestyle that is16without difficulty?17A. I''' unable to say, because all patients18and you've recommended all of these changes.11lifestyle changes, modalities, if they follow all22of that, what's the reasonable timeline for I23guess symptom recovery?4A. Yes.24A. Yes.250. Okay. And you had discussed weight loss7A. Yes.261017A. I''' unable to any errore else had done3and simply summarized i into a final diagnosis4that was fibromyalgia?5A. Yes.60. And you did rule out any Kind of70. And you did	
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3       stroke, but the pathology you can think of it as         4       retraining your body.         5       0. And when you're rebuilding these neural         6       0. And when you're rebuilding these neural         7       0. And when you're rebuilding these neural         8       pathways, howhow are you doing that? Are you         7       shutting off old pathways and creating new         8       pathways?         9       A. It is cognitive behavioral therapy, so         9       You're relearning you can't say you're abutting         10       off or anything. You're training your body to do         12       something new or do accething old in a new way.         13       0. Okay. Do you find that it's difficult         14       for individuals who are atruggling with         15       fibromyalgia to maintain a lifestyle that is         16       without difficulty?         17       A. I's unable to say, because all patients         18       are so different.         19       0. Okay. If you see anyone has fibromyalgia         20       of that, what's the reasonable timeline for I         21       and you've recommended all of these changes.         21       0. So is it a fair statement to say thaty you         22	
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7       cognitive function disorders?       7       abnormality noted, but based on the data that I         8       A. Prior to evaluation done by the       8       had, I cannot say either way. So recommendation         9       fibromyalgia colleagues, they said this is more       9       was to follow-up with the local doctor. But I	
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9 fibromyalgia colleagues, they said this is more 9 was to follow-up with the local doctor. But I	
the obtain to by stand may make may at most of an	
11 cognitive evaluation during per the note. 11 my note, as you can see, it says "transient or."	
12     Q. Okay. And you did rule out hypersomnia?     12     Q. Okay. And same with the vitamin D	
13     A. Just one second. Let me take a quick     13     deficiency, she had a low vitamin D, but she just	
14       look at my note to make sure.         14       needs to take medication for the vitamin D,	
15 We did not talk about hypersomnia. We 15 correct?	
16 checked to see if her CPAP machine is providing 16 A. Take medication vitamin D for with the	
17 her with adequate saturation during the sleep, and 17 local doctor.	
18 that was normal. It was doing its job. 18 Q. And same with the Ferritin?	
19     Q.     Okay. And then arthralgia, did you rule     19     A.     Same.	
20     that out?       20     Q. All right. And the hypothyroidism?	
21     A. Arthralgia was evaluated by rheumatology     21     A. Repeating test with the local doctor. It	
colleagues as per my note. It was discussed by 22 was subclinical. She did not have the disease	
<ul> <li>22 was subclinical. She did not have the disease</li> <li>23 the rheumatology colleagues, yes.</li> <li>23 itself.</li> </ul>	
and a second sec	
25 A. Arthralgia per se is just joint pain. 25 hypothyroidism with her?	

## Saadiq, Rayya Vol. 1 09/15/2022

Pag	e 25	Page	27
1	A. Yes.	1	A. Okay.
2	Q. And we've already discussed, Dr. Saadiq,	2	Q. Thank you very much. I appreciate it.
3	that your testimony would be that the most	3	VIDEOGRAPHER: We are going off the
4	effective treatment for fibromyalgia is lifestyle	4	record. The time is 1:37 p.m.
5	changes?	5	(Whereupon, a break was then taken.)
6	A. Yes.	6	VIDEOGRAPHER: We back on the record.
7	Q. And you can't testify as to what the	7	The time is 1:40 p.m.
8	timeline would be because everybody's different	8	MS. SORENA: Doctor, I'm going to make it
9	with regards to fibromyalgia?	9	very easy for you. I don't have any questions for
10	A. I won't be able to say anything on	10	you. We appreciate your time. I know you're
11	timeline.	11	busy, so thank you very much.
12	Q. So you can have somebody that, you know,	12	VIDEOGRAPHER: That concludes the
13	makes those lifestyle changes and has immediate	13	deposition. The time is 1:40 p.m.
14	progress, and then you can have somebody on the	14	(Whereupon, the deposition
15	other end that makes all those lifestyle changes	15	concluded at 1:40 p.m.)
16	and then just doesn't have any progress.	16	Signature Reserved
17	Is that a fair statement?	17	* * * * * * *
18	A. Unable to say that.	18	
19	Q. Okay. For someone with fibromyalgia, do	19	
20	they have kind of what I would refer to as more	20	
21	like brain chatter where there's things that are	21	
22	going on in their brain that they're not able to	22	
23	process?	23	
24	A. I am un I won't be able to say that	24	
25	either, because	25	
Page	26	Page	28
Page 1	26 Q. Okay.	Page : 1	
- C		1.1	28 DEPONENT'S CERTIFICATE
1	Q. Okay.	1	DEPONENT'S CERTIFICATE
1 2	Q. Okay. A that's very subjective.	1 2	DEPONENT'S CERTIFICATE I, RAYYA SAADIQ, DO, FACP, the deponent in the
1 2 3	Q. Okay. A that's very subjective. Q. So everybody has different is that	1 2 3	DEPONENT'S CERTIFICATE
1 2 3 4	Q. Okay. A that's very subjective. Q. So everybody has different is that kind of what you're saying is that everybody	1 2 3 4	DEPONENT'S CERTIFICATE I, RAYYA SAADIQ, DO, FACP, the deponent in the foregoing deposition, DO HEREBY CERTIFY, that I
1 2 3 4 5	<ul> <li>Q. Okay.</li> <li>A that's very subjective.</li> <li>Q. So everybody has different is that</li> <li>kind of what you're saying is that everybody</li> <li>A. Yes.</li> </ul>	1 2 3 4 5	DEPONENT'S CERTIFICATE I, RAYYA SAADIQ, DO, FACP, the deponent in the foregoing deposition, DO HEREBY CERTIFY, that I have read the foregoing - 27 - pages of
1 2 3 4 5 6	Q. Okay. A that's very subjective. Q. So everybody has different is that kind of what you're saying is that everybody A. Yes. Q has different	1 2 3 4 5 6	DEPONENT'S CERTIFICATE I, RAYYA SAADIQ, DO, FACP, the deponent in the foregoing deposition, DO HEREBY CERTIFY, that I have read the foregoing - 27 - pages of typewritten material and that the same is, with any changes thereon made in ink on the corrections
1 2 3 4 5 6 7	Q. Okay. A that's very subjective. Q. So everybody has different is that kind of what you're saying is that everybody A. Yes. Q has different A. Very different how they perceive and how	1 2 3 4 5 6 7 8	DEPONENT'S CERTIFICATE I, RAYYA SAADIQ, DO, FACP, the deponent in the foregoing deposition, DO HEREBY CERTIFY, that I have read the foregoing - 27 - pages of typewritten material and that the same is, with
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2 CERTIFICATE	
3	
4 STATE OF MONTANA ) 5 COUNTY OF GALLATIN ) 5 SS	
6 I, Kasey L. Fisher, Registered Professional Reporter and Notary Public for the	
State of Montana, residing in Bozeman, do hereby certify:	
8 That I was duly authorized to and did 9 swear in the witness and report the deposition of	
<ul> <li>9 swear in the witness and report the deposition of RAYYA SAADIQ, DO, FACP in the above-entitled</li> <li>10 cause; that the foregoing pages of this deposition</li> </ul>	
11 stenotype notes of the testimony of said witness, all done to the best of my skill and ability; that 12 the reading and signing of the deposition by the	
witness have been expressly reserved.	
I further certify that I am not an	
14 attorney nor counsel of any of the parties, nor a relative or employee of any attorney or counsel 15 connected with the action, nor financially	
16	
IN WITNESS WHEREOF, I have hereunto set 17 my hand and affixed my notarial seal on this the	
3rd day of October, 2022.	
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