

1	Q	Okay. "Ct contacts RN via phone and	01:32:18
FSPK,		states she had an argument with husband JD	01:32:21
F/A,	2		
H			
3		previous night. Ct states husband JD has left	01:32:24
4		home and she is unaware of his location. Client	01:32:27
5		reports getting into verbal disagreement with	01:32:31
6		husband at their home in downtown LA. She	01:32:33
7		states husband JD was inebriated. Ct states the	01:32:36
8		disagreement escalated and states husband JD	01:32:38
9		used his forehead to hit her in her head. Ct	01:32:40
10		denies loss of consciousness. States she has a	01:32:45
11		headache and bruised eye. RN encouraged Ct to	01:32:45
12		notify Dr. Kipper and/or go to emergency room if	01:32:48
13		she was injured or felt like she was in danger.	01:32:50
14		Ct declined and stated friend Rocky is with her	01:32:54
15		and that husband JD will not be able to reenter	01:32:57
16		home."	01:33:00
17		Then at 12-17-15, it says, "RN in	01:33:01
18		contact with Ct to notify her that she would be	01:33:04
19		able to deliver medication to her home. RN	01:33:07
20		waited at home -- waited at door for several	01:33:11
21		minutes after knocking. Ct greeted RN at door	01:33:13
22		looking disheveled. Hair appeared unbrushed.	01:33:17

1
FSPK,
E/A,2
H

1	Ct appeared weepy and sad. Posture is slouched.	01:33:18
2	Ct told RN about argument with husband.	01:33:23
3	"RN offered emotional support but	01:33:25
4	reminded Ct that RN could not stay as was on	01:33:25
5	duty with another client and was only visiting	01:33:29
6	in order to deliver medication. Per Ct, she was	01:33:32
7	not -- she has not had contact with husband	01:33:35
8	since altercation. Ct had visible bright red	01:33:38
9	blood appearing at center of lower lip. When RN	01:33:40
10	made client aware that she was actively bleeding	01:33:43
11	on her lip, Ct stated it was from an injury she	01:33:46
12	sustained in the argument between her and her	01:33:49
13	husband and that it continues to bleed actively.	01:33:52
14	"Ct also states that her head is	01:33:55
15	bruised and that she lost clumps of hair in	01:33:57
16	altercation. RN briefly looked at Ct's scalp	01:33:58
17	but was unable to visualize the hematomas Ct had	01:33:58
18	described. RN encouraged Ct to be seen by	01:34:04
19	physician Dr. Kipper or go to emergency/urgent	01:34:06
20	care for thorough assessment. Ct states she	01:34:09
21	will contact Dr. Kipper tomorrow. Cis supported	01:34:12
22	by friends, Rocky and iO, who will be staying in	01:34:15

1
FSPK,
F/A,2
H

1	Ct's home with her."	01:34:20
2	And then "RN reminds Ct to hydrate	01:34:21
3	with oral fluids and to limit/abstain from	01:34:22
4	alcohol. Ct was consuming red wine with RN --	01:34:27
5	when RN left but assured RN she would consume in	01:34:30
6	moderation. RN left and will follow up with Ct	01:34:33
7	tomorrow and will notify Dr. Kipper."	01:34:36
8	And then it says at 12-18-15, "Ct	01:34:37
9	states she went to Dr. Kipper's office and was	01:34:41
10	assessed by NP Monroe T. as Dr. Kipper was out	01:34:43
11	of the office."	01:34:48
12	Do you see all that?	01:34:49
13	A Uh-huh.	01:34:49
14	Q Do you recall seeing Amber at this	01:34:50
15	time frame?	01:34:54
16	A I do recall her coming to the office,	01:34:56
17	uh-huh.	01:34:57
18	Q And can you tell me about the visit.	01:34:59
19	A I was sitting in David's office in	01:35:01
20	his -- by his desk, and the manager stated --	01:35:05
21	she told me would it be possible if I could see	01:35:09
22	her. It was an impromptu appointment. And I	01:35:13

1	said of course.	01:35:18
2	Q Who was the manager?	01:35:19
3	A I believe her name was Lisa.	01:35:21
4	Q Lisa Beane?	01:35:24
5	A That sounds familiar.	01:35:26
6	Q And so Amber came into your -- Amber	01:35:30
7	came into the office?	01:35:34
8	A I was in the office sitting in	01:35:39
9	David's office, so yes, she came into the	01:35:41
10	office, I guess, and was put in a room.	01:35:46
11	Q Okay. And describe what happened	01:35:50
12	next.	01:35:51
13	A Then the office manager came in and	01:35:54
14	said, "Hey, Monroe, do you have time to see	01:35:56
15	Amber? She just came into the office." And I	01:35:58
16	said, "Of course."	01:36:01
17	Q And then you went into the office and	01:36:03
18	saw Amber, correct?	01:36:05
19	A I went into the room, yes.	01:36:07
20	Q And what happened? What happened	01:36:10
21	then?	01:36:12
22	A I asked her, "Are you okay?" There	01:36:14

1	was no response.	01:36:19
2	Q And then what did you do next?	01:36:24
3	A I believe nothing happened, so I, you	01:36:29
4	know, walked out of the office. I walked out of	01:36:31
5	the examination room, rather, not the office.	01:36:35
6	Q So you walked into the examination	01:36:43
7	room and Amber was sitting in the examination	01:36:45
8	room?	01:36:47
9	A Yes, to my recollection. She could	01:36:49
10	have been standing, too. I don't know.	01:36:53
11	Q Was she dressed or was she in, like,	01:36:55
12	a medical gown?	01:36:58
13	A I believe she was dressed. She	01:37:00
14	wasn't put in a medical gown.	01:37:01
15	Q And you asked if she was okay?	01:37:04
16	A Uh-huh.	01:37:06
17	Q Yes? Sorry.	01:37:07
18	A Yes.	01:37:08
19	Q And Amber did not respond?	01:37:10
20	A No, she did not respond to me.	01:37:13
21	Q Did she -- did Amber seem sad?	01:37:15
22	MS. RYCKMAN: Objection. Calls for	01:37:22

1	speculation.	01:37:22
2	A Yeah, I would be guessing.	01:37:23
IH, FSPK 3	Q Is it typical for you to walk into an	01:37:29
4	office, ask how someone is doing and get no	01:37:32
5	response?	01:37:35
6	A No.	01:37:35
7	Q Okay.	01:37:36
8	A Usually people who make appointments,	01:37:36
IH, FSPK 9	the physician -- you know, you come into the	01:37:37
10	office, you say, "Hey, what are you here for	01:37:39
11	today? What can I help you with?"	01:37:42
12	Q Was -- did Amber appear to be crying?	01:37:46
13	A I can't remember.	01:37:51
14	Q Did you do any sort of examination of	01:37:54
15	Amber?	01:37:56
16	A No. I would have asked for	01:37:56
17	permission, and there was also no one else in	01:38:00
18	the room to be a -- you know, you can't do an	01:38:02
19	examination of a woman alone in a room. I would	01:38:08
20	have to have another, you know, female there.	01:38:10
21	And I would have had to ask for permission	01:38:13
22	first.	01:38:17

1	Q	Did you observe Amber's face at all?	01:38:17
2	A	I can't recall, but yes, I'm sure I	01:38:23
3		saw her face.	01:38:24
4	Q	Do you recall if you saw any bruises	01:38:25
5		on her face?	01:38:27
6	A	I can't recall.	01:38:28
7	Q	Do you recall if you saw anything on	01:38:30
8		her lip?	01:38:32
9	A	I can't recall.	01:38:35
10	Q	So you walked out of the exam room	01:38:37
11		and what did you do next?	01:38:43
12	A	I basically told -- I think I -- I	01:38:47
13		may have -- I may have spoken to the nurse	01:38:51
14		manager and said, "She's not telling me	01:38:52
15		anything. She's not saying anything."	01:38:55
16	Q	And then what happened next?	01:38:57
17	A	I can't recall.	01:39:00
18	Q	Did the nurse manager go in the	01:39:02
19		office -- go in the room with you to talk to	01:39:03
20		Amber?	01:39:07
21	A	I don't remember. I don't recall	01:39:08
22		that.	01:39:09

1	Q	Do you recall what Amber did after	01:39:10
2		you walked out of the room?	01:39:15
3	A	No, I can't recall.	01:39:16
4	Q	Do you know why -- from anyone why	01:39:22
5		Amber was in the office that -- Dr. Kipper's	01:39:26
6		office that day?	01:39:31
7	A	Again, it was an impromptu	01:39:33
8		appointment. I was doing work behind the desk,	01:39:37
9		catching up on paperwork, and the -- Lisa had	01:39:39
10		asked me, she said, you know, "Amber just came	01:39:45
11		in," you know, "can you take a look at her?"	01:39:47
12		So ... that's all I can, you know, remember.	01:39:49
13		And I took a look at her and I asked her if she	01:39:53
14		was okay.	01:39:57
15	Q	Do you recall telling Lisa, the	01:40:13
16		office manager, that Mr. Depp had been violent	01:40:16
17		toward Amber?	01:40:20
18	A	No.	01:40:21
19	Q	Do you recall saying that at any time	01:40:29
20		to Lisa Beane?	01:40:32
21	O	MS. MEYERS: Objection. Calls for	01:40:35
22		hearsay.	01:40:36

1	A	No.	01:40:37
2		MR. NADELHAFT: Ashby, can you put up	01:40:42
3		attachment 5.	01:40:48
4		(Tinker Exhibit 5 marked for	01:40:49
5		identification and attached to the transcript.)	01:40:49
6	Q	Mr. Tinker, this Tinker 5 is a part	01:41:05
7		of the deposition transcript of Lisa Beane in	01:41:09
8		this case. And on page 108 it says, at the	01:41:12
9		bottom, "Okay. Tell me everything you recall	01:41:26
10		about the conversation you had, that you just	01:41:28
11		mentioned with Monroe Tinker." And on the page	01:41:30
12		109 Ms. Beane wrote -- Ms. Beane said "That	01:41:36
13		Mr. Depp injured his wife, physically injured	01:41:41
14		his wife." And the question was "Monroe Tinker	01:41:44
15		told you that?" And she said, "Yes, we were	01:41:47
16		both aware because Dr. Kipper told us and we	01:41:49
17		were discussing it."	01:41:52
18		Does this refresh your recollection	01:41:54
19		at all that you had a conversation about	01:41:55
20		Mr. Depp injuring his wife?	01:41:57
21	A	No.	01:41:59
22	Q	And if you look on 111, it says,	01:42:01

1	"During your conversation between just you and	01:42:37
2	Monroe, what do you recall Monroe saying?" And	01:42:41
3	then on the next page it says:	01:42:44
4	"A: Being aware that Mr. Depp	01:42:49
5	injured his wife, hit his wife."	01:42:53
6	Do you recall that conversation at	01:42:55
7	all?	01:42:56
8	A No.	01:42:57
9	Q Do you have any reason to believe	01:42:59
10	that Ms. Beane is not telling the truth?	01:43:01
11	MS. MEYERS: Objection. Calls for	01:43:05
12	speculation.	01:43:07
13	A I would be guessing. No.	01:43:07
14	MR. NADELHAFT: Okay. Why don't we	01:43:12
15	take a break -- it's 1:43 Eastern, so what is	01:43:13
16	that? That's -- can't do my math -- 10:43. Why	01:43:13
17	don't we come back at 11:00 Pacific?	01:43:21
18	THE WITNESS: Okay.	01:43:37
19	MS. MEYERS: That works.	01:43:37
20	THE VIDEOGRAPHER: Off the record,	01:43:40
21	1:43.	01:43:41
22	(A recess was taken.)	01:43:41

1	THE VIDEOGRAPHER: On record, 2:05.	02:05:17
2	MR. NADELHAFT: Back on the record.	02:05:21
3	As I told the court reporter before, Amber Heard	02:05:22
4	joined in the middle of the deposition. She's	02:05:28
5	attending now.	02:05:31
6	BY MR. NADELHAFT:	02:05:32
7	Q Mr. Tinker, I wanted to go back to	02:05:34
8	the visit you had with Amber Heard when she came	02:05:36
9	to Dr. Kipper's office. And that -- you recall	02:05:41
10	that was in December of 2015, correct?	02:05:46
11	A Yes.	02:05:50
12	Q And your testimony is that the office	02:05:53
13	manager of Dr. Kipper -- do you recall that the	02:05:57
14	office manager was Lisa Beane at the time?	02:06:02
15	A Yes.	02:06:05
16	Q And your testimony is that Lisa told	02:06:07
17	you that Amber was here for an impromptu visit;	02:06:09
18	is that right?	02:06:15
19	A To the best of my recollection, yes.	02:06:16
20	Q And that Amber was in the patient	02:06:18
21	room for you to examine; is that right?	02:06:21
22	A To speak to or to see -- you know,	02:06:30

1 Q You've certainly examined women when 02:17:07
2 you were at Dr. Kipper's office when there 02:17:09
3 wasn't another woman in the room, correct? 02:17:12
4 A I can't recall. 02:17:15
5 Q So there could have been times that 02:17:16
6 you did examine a woman when there wasn't 02:17:17
7 another woman in the room with you, correct. 02:17:20
8 MS. RYCKMAN: Objection -- 02:17:22
9 MS. MEYERS: Objection. Calls for 02:17:23
10 speculation. 02:17:24
11 MS. RYCKMAN: -- incomplete 02:17:25
12 hypothetical. Argumentative. 02:17:26
13 A I don't know. 02:17:29
14 Q Did you write any notes of this 02:17:36
ICD, 15 visit? 02:17:37
F, 16 A No, I don't believe I did. If there 02:17:38
SP 17 was no complaint generated, I believe I wouldn't 02:17:42
18 have written a note. 02:17:45
19 MR. NADELHAFT: Ashby, could you put 02:17:47
20 up attachment 6, please. 02:17:48
21 (Tinker Exhibit 6 marked for 02:17:56
22 identification and attached to the transcript.) 02:17:56

1	Q	Mr. Tinker --	02:18:09
2	A	Uh-huh. I'm looking at it, yep.	02:18:12
3	Q	Yeah. Do you recognize this	02:18:14
4	document?		02:18:15
ICD			
5	A	Uh-huh.	02:18:16
6	Q	What is it?	02:18:16
7	A	It's a SOAP note.	02:18:17
8	Q	It's a what note?	02:18:19
9	A	It's a SOAP note. SOAP note --	02:18:21
10	Q	What is that?	02:18:22
11	A	-- S-O-A-P, subjective, objective,	02:18:22
12	assessment and plan.		02:18:25
13	Q	Okay. And what is it?	02:18:27
14	A	It's a bare bones note of what	02:18:31
15	happened.		02:18:33
16	Q	Okay. And do you know who wrote this	02:18:34
17	note?		02:18:36
18	A	It looks like my note. I write a	02:18:37
19	note like this.		02:18:40
20	Q	Now, this says there was a	02:18:42
ICD			
21	consultation on 12-17-15, correct?		02:18:45
22	A	If that's what it says.	02:18:50

1	Q	Well, does it say it or doesn't it?	02:18:53
ICD, FSPK 2	A	Well, that's what it says, but I	02:18:55
3		could have, you know, gotten the dates mixed up.	02:18:57
4		So that's what it says, but it could have been.	02:19:00
5	Q	All right. It also says "Phone	02:19:03
6		Consultation." That's not correct, right?	02:19:05
7	A	I don't know. I may have had a phone	02:19:12
8		consultation on that day. I don't know.	02:19:14
9	Q	Do you recall talking to Ms. Heard on	02:19:15
10		the phone?	02:19:17
11	A	Where does it say phone consultation?	02:19:26
12	Q	Right there, "Phone Consultation," in	02:19:28
13		bold.	02:19:30
14	A	Oh. No.	02:19:30
15	Q	You don't recall having a phone	02:19:31
16		consultation with Amber, correct?	02:19:32
17	A	I don't recall. I don't recall that,	02:19:35
18		no, I don't recall doing a phone consultation	02:19:36
19		with her.	02:19:39
20	Q	Okay. Then next to "Phone	02:19:40
ICD, FSPK 21		Consultation" it says, "Headache." What did you	02:19:42
22		base that on?	02:19:45

1	A	If a patient reports that, that	02:19:45
2		they're having a headache, then they're having a	02:19:48
CD, FSPK, H	3	headache.	02:19:51
4	Q	So did Amber report to you that she	02:19:51
5		had a headache?	02:19:54
6	A	It says there, "Today the patient	02:19:56
7		reports a headache after she bumped her head	02:19:58
8		while standing up -- while standing up two days	02:20:01
9		ago."	02:20:03
10	Q	Where did that come from? I thought	02:20:04
11		Amber said nothing to you.	02:20:06
ICD, A, FSPK, H	12	MS. RYCKMAN: Objection. This is	02:20:11
13		argumentative. It's assuming that this note is	02:20:12
14		from the same day that was discussed previously.	02:20:15
15		You can answer, if you know.	02:20:18
16	A	Yeah, I don't know.	02:20:19
17	Q	Do you recall a conversation you had	02:20:19
18		with Amber where she said she had bumped her	02:20:21
19		head while standing two days ago?	02:20:24
20	A	I can't remember.	02:20:27
21	Q	What you can remember is that you	02:20:29
22		went into the -- is that she came to your	02:20:30

1	office, you went in there, and she said nothing.	02:20:31
2	That's your testimony?	02:20:34
3	A Yes, that's what I remember.	02:20:35
4	Q So a phone con- -- so this note, by	02:20:41
ICD, FSPK, ⁵ IH, AF	5 the way, the date is wrong, correct?	02:20:44
6	A It's possible. I'm not sure.	02:20:45
7	Q The phone consultation is either	02:20:47
8	wrong or you don't remember it, right?	02:20:49
9	A Or maybe I spoke to David on the	02:20:51
10	phone about it and maybe I put phone	02:20:52
11	consultation. I had just started my practice so	02:20:55
12	maybe because I was giving David my report, I	02:20:58
13	called it a phone consultation.	02:21:00
14	Q This is six months after you were	02:21:02
15	working with -- started working with Dr. Kipper	02:21:03
16	as a nurse practitioner.	02:21:07
17	A Yeah.	02:21:08
18	Q Okay. Do you recall talking with --	02:21:09
ICD, FSPK, IH, AF	19 do you recall talking with Dr. Kipper about	02:21:12
20	Amber bumping her head?	02:21:15
21	A No, I don't recall.	02:21:17
22	Q And then it says, "The patient	02:21:22

1
ICD,
FSPK,
H 3

1	reports no loss of consciousness, no nausea or	02:21:23
2	vomiting." When did that occur with a	02:21:27
3	conversation between you and Amber?	02:21:30
4	A I imagine if I would have asked her,	02:21:33
5	those would have been the questions that I would	02:21:36
6	have probably asked.	02:21:39
7	Q But you don't recall asking her any	02:21:40
8	of that, correct? Again, the only thing you --	02:21:42
9	A But I would have --	02:21:43
10	Q Go ahead.	02:21:43
11	A No, I would say had I spoken to her	02:21:43
12	or had I done a -- you know, if you had a	02:21:51
13	headache, then I would have asked those type of	02:21:54
14	questions.	02:21:56
15	Q But the only thing you recall is that	02:21:58
16	Ms. Heard was mute when you asked her any sort	02:22:00
17	of questions, correct?	02:22:03
18	MS. RYCKMAN: Objection.	02:22:06
19	Misrepresents testimony.	02:22:06
20	MS. MEYERS: Objection. Again, this	02:22:09
21	is assuming that the incident previously	02:22:09
22	discussed is the same incident where this note	02:22:11

1	was generated. It assumes facts not in	02:22:13
2	evidence.	02:22:15
ICD, FSPK,	3 Q Do you know of another note you wrote	02:22:19
4	when Ms. -- when Amber visited you?	02:22:21
5	A I can't recall.	02:22:26
6	Q Do you recall writing this note?	02:22:27
ICD, FSPK, UN	7 A She never -- I've only seen her in	02:22:28
8	the office one time. The other time that I saw	02:22:32
9	her was at their Los Angeles apartment where I	02:22:34
10	gave her an IV infusion and then at their Sunset	02:22:40
11	house, where they were going to an event and I	02:22:47
12	gave her another IV infusion.	02:22:50
13	Q The only time she came to the office	02:22:52
14	was the time you were talking about, correct,	02:22:53
15	previously in your testimony?	02:22:55
16	A That's correct.	02:22:57
17	Q And you don't recall having a phone	02:22:58
NC	18 consultation with Amber, correct?	02:23:00
19	A I can't recall that, no.	02:23:04
ICD, FSPK, IH, H	20 Q Okay. And then it says, "No change	02:23:06
21	in mental status, or vision changes." Would	02:23:12
22	that have been something Amber told you?	02:23:15

ICD, FSPK, IH, H	1 2 3 4 5 6 7 8 9 10	A Yeah, I basically would have asked her, "Did you pass out?" That's what "No change in mental status" means. And then, and vision changes, "Did you have blurry vision?" So I would have asked her something to that extent, you know, do you have problem seeing, do you have any problems like, you know, memory -- you know, remembering anything, et cetera. So that's why I wrote "No change in mental status, or vision changes."	02:23:20 02:23:22 02:23:25 02:23:28 02:23:31 02:23:33 02:23:35 02:23:36 02:23:39 02:23:42
ICD, FSPK, IH, H, F	11 12 13 14	Q So if Amber had a head injury, you would be asking her if she had passed out or if she -- those kind of questions, correct?	02:23:45 02:23:48 02:23:50
	15 16 17	A Yes, I would have. I believe so.	02:23:52
	18 19 20 21 22	Q And then it says, "Last seen in the office on 12-23-2015." That can't be right, right?	02:23:54 02:23:57 02:24:03
		A Yep. It's common, typos in a note.	02:24:05
		Q And then it says, "Symptomatically she denies chest pain or dyspnea, PND orthopnea and ankle edema. She denies palpitations, syncope or pre-syncope." Do you recall having	02:24:10 02:24:14 02:24:21 02:24:25

1	that conversation with Amber?	02:24:30
2	A No, I don't recall it, but if it's in	02:24:31
3	my note, I must have discussed it. I guess.	02:24:34
4	Q Okay. What does NKDA in red mean?	02:24:37
5	A No known drug allergies.	02:24:44
6	Q Okay. Now it says, "Review of	02:24:50
7	Systems: Nine-point ROS negative except as	02:24:52
8	stated in HPI." What does that mean?	02:24:55
9	A So a review of systems is where you	02:25:00
10	systematically go through each of the systems	02:25:02
11	and then you ask if there has been any change,	02:25:05
12	for instance.	02:25:09
13	A system would be the heart. Have	02:25:09
14	you had any chest pain? Have you had any	02:25:11
15	shortness of breath? Pulmonary would be the	02:25:14
16	lungs. Are you short of breath? Have you been	02:25:17
17	coughing up any kind of tinged sputum?"	02:25:20
18	So when you say that, as a provider,	02:25:22
19	you're saying that you have discussed everything	02:25:26
20	with regard to the systems except as stated in	02:25:30
21	the history of present illness, which is above.	02:25:33
22	Q So you did this nine-point ROS with	02:25:36

ICD

1	Amber?	02:25:40
ICD, 2	A I believe so.	02:25:42
IH, 3	Q And that was when?	02:25:50
FSPK 4	A I believe it would be at the time of	02:25:57
5	this note.	02:25:59
6	Q Okay. And so can you do that over	02:25:59
7	the phone?	02:26:00
8	A No. I think that that was just a	02:26:01
9	typo, I guess. I don't know.	02:26:05
10	Q Okay. So you would have given Amber	02:26:07
11	a nine-point ROS when she was in the office,	02:26:10
12	correct?	02:26:13
13	A I would have discussed a nine-point	02:26:15
14	ROS. If she was in the office and I was doing	02:26:16
15	an assessment and she told me, "I'm here today	02:26:21
16	because I am -- I've got a urinary tract	02:26:25
17	infection or an upper respiratory infection,"	02:26:30
18	then I would have addressed the note	02:26:33
19	accordingly.	02:26:35
ICD, 20	Q Or a headache after being hit in the	02:26:36
IH, 21	head, correct?	02:26:39
FSPK, 22	MS. MEYERS: Objection.	02:26:41

1	Misrepresents the evidence.	02:26:41
ICD, IH, FSPK, AF	2 A Yeah, I guess. I'm not sure what 3 you're asking exactly.	02:26:46 02:26:48
ICD, IH, FSPK	4 Q Well, so you did this nine-point ROS 5 for Amber, right?	02:26:51 02:26:54
6	A Uh-huh. Well, I imagine I did if I 7 put it in the note, yeah.	02:26:55 02:26:59
8	Q And she had to be physically in front 9 of you when you did that, right?	02:27:00 02:27:02
10	A Yes. It's a discussion, yep.	02:27:08
ICD, FSPK	11 Q So you did have a discussion with 12 Amber Heard when she visited your office, 13 correct?	02:27:11 02:27:14 02:27:16
14	A No. I went inside there and I asked 15 her what was going on, and so she said nothing. 16 She didn't say anything to me. So I didn't 17 write down anything. Again, this note may have 18 been charting afterwards, the day afterwards.	02:27:17 02:27:20 02:27:24 02:27:26 02:27:29
19	Q What does that -- I don't understand. 20 If you didn't speak to her, how could you write 21 down "Nine-point ROS negative," if you didn't 22 speak to her?	02:27:33 02:27:34 02:27:36 02:27:40

1	A	I don't know. I mean, I -- this note	02:27:48
ICD, FSPK	2	could have been a telephone encounter. I'm not	02:27:52
3		sure.	02:27:55
4	Q	Well, let's keep going. It says,	02:27:55
5		"Physical Exam: Vital Signs. Heart Rate: 66	02:27:57
6		and regular." How did you do that over the	02:28:00
7		phone?	02:28:03
8	A	So I think that that may have been	02:28:04
9		done by whoever was in the office that did the	02:28:06
10		vital signs. Maybe that was the LVN.	02:28:08
11	Q	So the LVN met with Amber. That's	02:28:13
12		your testimony now?	02:28:16
13	A	I don't remember. It's possible that	02:28:17
14		she was in the office at the time and did the	02:28:19
15		vital signs because I never did vital signs on a	02:28:21
16		patient.	02:28:25
17	MS. RYCKMAN:	And I'll just impose a	02:28:25
18		delayed objection. This entire line of	02:28:25
19		questioning is calling for speculation and	02:28:28
20		assuming that this note was written on the same	02:28:30
21		day where Mr. Tinker testified that Ms. Heard	02:28:32
22		did not speak when he walked in the room.	02:28:35

1	MR. NADELHAFT: I think Mr. Tinker	02:28:39
2	knows what he's doing here. He knows -- but	02:28:41
3	I'll continue.	02:28:43
4	Q So you think this nurse practitioner	02:28:43
5	now -- this nurse who you weren't even sure was	02:28:46
6	in the office did all of these -- did this whole	02:28:50
7	physical exam?	02:28:53
8	MS. MEYERS: Objection.	02:28:55
9	Misrepresents the testimony.	02:28:55
10	MS. RYCKMAN: Form.	02:29:02
11	MR. NADELHAFT: He's misrepresenting	02:29:02
12	the testimony.	02:29:02
13	A I'm sorry, the way that this	02:29:03
14	office -- if there was -- I can't remember her	02:29:03
15	name, but if the LVN was in the office, she	02:29:06
16	usually filled out a piece of paper, and she	02:29:09
17	would fill all of this information in, vital	02:29:12
18	signs, et cetera, and leave the chief complaint	02:29:15
19	for me. And if this --	02:29:18
20	Q Let me ask you --	02:29:23
21	A Hold on. And if this paperwork --	02:29:23
22	and if there was -- you know, I generated a	02:29:23

1	document afterwards, using her notes with the	02:29:25
2	vital signs.	02:29:29
3	But if the patient didn't report	02:29:30
4	anything to me, then I wouldn't have reported	02:29:34
5	anything on the day that she saw me in the	02:29:36
6	office. I may have wrote this note from a	02:29:40
7	previous encounter or, you know, off of memory.	02:29:42
8	Q You may have been doing her vital	02:29:47
9	signs off of a previous --	02:29:51
10	A No, no, no, no, no.	02:29:53
11	Q -- visit?	02:29:54
12	A I'm saying -- what I'm trying to say	02:29:54
13	is that it may have been the LVN that did the	02:29:55
14	vital signs, but -- and the review of systems.	02:29:58
15	She would usually do, like, those kind of	02:30:01
16	things. So it's like when I'm dictating the	02:30:03
17	note back in or typing it in, then I would fill	02:30:05
18	in all of this stuff based off of that piece of	02:30:07
19	paper.	02:30:10
20	Q All right. And then "General:	02:30:18
ICD 21	Well-nourished male in NAD, alert and oriented,"	02:30:19
22	that's wrong too, correct?	02:30:25

1	A	Yep.	02:30:28
ICD, 2	Q	Okay. And then it says, "Skin:	02:30:30
IH,			
FSPK 3		Intact, normal color, moisture, hair	02:30:31
4		distribution, texture," all of that. Who would	02:30:35
5		have done that exam?	02:30:38
6	A	That would have been a standard exam,	02:30:41
7		yep. That would have been like --	02:30:43
8	Q	By whom?	02:30:44
9	A	The person that's seeing the patient.	02:30:44
10	Q	Which is you, right?	02:30:46
11	A	Uh-huh, but it's not on the date that	02:30:49
12		she came into the office, isn't it? So it could	02:30:51
13		have been the day after. So she came in on	02:30:53
14		12-17 or 12-16?	02:30:56
15	Q	Well, your note says 12-17.	02:31:00
16	A	Well, it could be possible that it's	02:31:02
17		wrong.	02:31:05
18	Q	Okay.	02:31:05
19	A	There's a lot of typos in that.	02:31:05
20	Q	I mean, is there any -- this is a	02:31:08
21		tough note to trust, correct?	02:31:10
22		MS. MEYERS: Objection. Calls for	02:31:18

1	speculation.	02:31:20
ICD, IH, FSPK	2 A Yeah, I wouldn't -- I don't know.	02:31:21
3	Q Well, reading this note now, there's	02:31:23
4	a number -- there is multiple, multiple mistakes	02:31:25
5	here, correct?	02:31:28
6	MS. MEYERS: Objection. The document	02:31:30
7	speaks for itself. Misrepresenting the	02:31:31
8	evidence.	02:31:32
9	MR. NADELHAFT: Right. It speaks	02:31:32
10	wrongly.	02:31:34
11	Q Is there anything we can trust of	02:31:34
12	this document? You wrote it.	02:31:36
13	MS. RYCKMAN: Objection.	02:31:38
14	Argumentative. Disrespectful of my client.	02:31:38
15	Calls for speculation.	02:31:42
16	MR. NADELHAFT: I just want him to	02:31:55
17	tell me the truth.	02:31:56
18	Q Okay. So let me -- just so I'm	02:31:57
19	understanding, it's your testimony that the	02:31:57
20	physical exam was likely -- the vital signs was	02:31:59
21	likely not done by you, correct?	02:32:02
22	A Likely, yep. I never -- I don't	02:32:05

1	remember ever doing vitals on patients.	02:32:08
2	Q Okay. And then when we go into the	02:32:11
ICD, 3	"General" and you're looking at the skin and the	02:32:13
IH, 4	HEENT and the neck and the pulmonary and the	02:32:16
FSPK 5	cardiac and the abdomen and the back and the	02:32:20
6	extremities, who was doing that?	02:32:22
7	A That probably would have been me, the	02:32:24
8	provider.	02:32:27
9	Q Okay. And then it says,	02:32:28
10	"Neurological: At present the patient is awake,	02:32:29
11	alert and fully oriented. There is no evidence	02:32:32
12	of cognitive or language dysfunction."	02:32:35
13	How did you determine that if she	02:32:37
14	didn't speak?	02:32:39
15	A Well, I imagine if she's having a	02:32:42
16	conversation with the manager, I imagine, you	02:32:44
17	know, she would be cognitively intact.	02:32:47
18	Q Is that what you recall happened?	02:32:52
19	A I can't recall.	02:32:56
20	Q Then you said, "Cranial nerves:	02:32:59
21	Visual fields are full."	02:33:01
22	How did you perform that exam?	02:33:03

1	A	If you can track a patient -- if a	02:33:06
ICD, 2		patient can track you with their eyes, then	02:33:10
IH, 3		their field of movement should be intact, the	02:33:13
FSPK 4		EOM.	02:33:15
5	Q	Did you do that in the patient visit	02:33:15
6		you had with Amber?	02:33:17
7	A	No. But if you're -- if she's	02:33:18
8		tracking me, looking at me, looking at things in	02:33:21
9		the room, then it would go to stay that, you	02:33:24
10		know, it's normal.	02:33:26
11	Q	Now, you said you were in the room	02:33:29
12		for about a minute. Would you be able to do all	02:33:30
13		of this exam within that minute you were in the	02:33:33
14		exam room?	02:33:38
15	A	I don't know.	02:33:39
16	Q	Is that your typical, that it would	02:33:40
17		take a minute to do all of this examination?	02:33:42
18	A	No. It would take greater than a	02:33:44
19		minute, most likely.	02:33:47
20	Q	It would take a lot more than a	02:33:48
21		minute, right?	02:33:50
22	A	Not necessarily. I can do a full	02:33:51

1	assessment pretty good, pretty fast.	02:33:53
ICD, 2	Q Then it says, "Assessment/Plan:	02:33:59
IH,		
FSPK 3	Discussion: Interval history, symptoms, exam,	02:34:01
4	lifestyle." Did you have a discussion with	02:34:04
5	her -- with Amber about her interval history,	02:34:07
6	symptoms, exam and lifestyle?	02:34:09
7	A Not in the day that she came into the	02:34:11
8	office.	02:34:12
9	Q And then it says, "OTC Tylenol	02:34:15
10	650 milligrams PO q eight hours or Ibuprofen	02:34:18
11	600 milligrams q 12 hours PO for headache."	02:34:22
12	What is that?	02:34:27
13	A Over-the-counter Tylenol	02:34:28
14	650 milligrams by mouth, PO, every eight hours	02:34:30
15	or Ibuprofen 600 milligrams every 12 hours by	02:34:34
16	mouth for headache.	02:34:38
17	Q And you prescribed that?	02:34:39
18	A Over-the-counter.	02:34:41
19	Q But you told Amber to take those	02:34:42
20	medications?	02:34:44
21	A I said you could take those two	02:34:45
22	medications.	02:34:48

1	Q	What does that mean? Did you tell	02:34:50
ICD, IH, FSPK	2	her that she -- did you tell Amber that she	02:34:52
3		could take those medications?	02:34:54
4	A	Possibly, yes, I guess. That would	02:34:56
5		have been my plan for someone like that.	02:34:59
6	Q	Okay. And then it says,	02:35:01
7		"Reassurance." What does that -- what does that	02:35:02
8		mean?	02:35:07
9	A	It's -- I use a standard, like, a	02:35:09
10		discussion that I have in the office. For	02:35:13
11		instance, if the patient came to me for high	02:35:14
12		blood pressure, "Don't worry, it's going to be	02:35:17
13		okay, you're going to get your blood pressure	02:35:19
14		under control, tomorrow is another day, start	02:35:21
15		with a low sodium diet," et cetera.	02:35:24
16	Q	So what was the discussion you had	02:35:27
17		with Amber about reassurance?	02:35:28
18	A	I don't recall.	02:35:33
19	Q	Would you have put in the reassurance	02:35:34
20		note if you did not have a discussion with Amber	02:35:37
21		about reassurance?	02:35:39
22	A	I don't recall. I don't know. I	02:35:43

1	wouldn't know. It depends. It just depends.	02:35:44
2	Q Then it says, "Dr. Kipper is aware of	02:35:48
ICD, IH, 3	the medical plan" -- oh, I see the word "pan" --	02:35:50
FSPK, H 4	"medical plan and is in agreement."	02:35:53
5	So you had a discussion with	02:35:55
6	Dr. Kipper about Amber having a headache,	02:35:56
7	correct?	02:36:00
8	A I may have.	02:36:02
9	Q You may have, you may not have?	02:36:07
10	A Yeah, I may have. I usually discuss	02:36:09
11	all patients with David afterwards.	02:36:12
12	Q And do you recall discussing Amber	02:36:14
13	with Dr. Kipper after she came into the office?	02:36:17
14	A I don't remember.	02:36:26
15	Q Then it says, "The patient	02:36:27
16	understands medical plan, all questions	02:36:28
17	answered."	02:36:30
18	Do you recall what questions Amber	02:36:30
19	asked?	02:36:33
20	A Well, if she didn't say anything to	02:36:35
ICD, IU, 21	me, then there were no questions.	02:36:38
FSPK, H 22	Q So you're writing -- instead of	02:36:39

ICD, UN	1	writing "No questions," you wrote, "All	02:36:41
	2	questions answered."	02:36:44
	3	A Uh-huh.	02:36:44
	4	Q That's how you answer when someone	02:36:48
	5	says -- if someone says nothing, you write "All	02:36:50
	6	questions answered" or do you write "No	02:36:54
	7	questions"?	02:36:56
	8	MS. RYCKMAN: Objection. Assumes	02:36:57
	9	facts not in evidence. It hasn't been	02:36:58
	10	established that this note is from the same	02:37:01
	11	visit referenced.	02:37:03
	12	Q Did she ask -- you don't recall	02:37:05
	13	getting this supposed telephone conversation,	02:37:07
	14	right?	02:37:10
	15	A No.	02:37:10
	16	Q And you recall only seeing Amber one	02:37:17
	17	time in the office, correct?	02:37:21
	18	A One time in the office.	02:37:22
CD, FSKP, H	19	Q Right. It also says, "The patient	02:37:23
	20	understands the medical plan." How did you know	02:37:25
	21	that Amber understood the medical plan?	02:37:27
	22	A Well, I knew David was going to be	02:37:30

ICD, FSPK, H, IH	1	speaking with her. If she wasn't going to be	02:37:32
	2	speaking with me, she would have spoken to	02:37:34
	3	David.	02:37:37
	4	Q It says, "The patient understands the	02:37:38
	5	medical plan." How do you know that Amber	02:37:39
ICD, FSPK, H, NC, IH	6	understood the medical plan?	02:37:42
	7	A Well, if I had spoken to David, I'm	02:37:43
	8	sure David would have followed up with her	02:37:46
	9	that's how I would have known that she would	02:37:48
	10	have understood the plan. And David always	02:37:51
	11	followed up with the patients afterwards.	02:37:54
	12	Q What about you? You're the one	02:37:56
ICD, FSPK, H, IH	13	dealing with the patient now. Did you ask her,	02:37:58
	14	do you understand the medical plan that we're	02:38:00
	15	having?	02:38:03
	16	A I don't remember. I don't recall.	02:38:08
	17	Q And then it says, "The patient was	02:38:13
	18	told to contact Dr. Kipper or Monroe AGACNP if	02:38:15
	19	there are any questions or changes to health."	02:38:20
	20	Do you recall having that	02:38:22
	21	conversation with Amber?	02:38:24
	22	A I can't recall.	02:38:25

1	Q	And you recall telling Amber "to go	02:38:26
2		directly to the emergency room or dial 911	02:38:28
ICD, FSPK,3		should she experience dizziness, extreme	02:38:31
H, IH	4	sleepiness, breathing problems, nausea and	02:38:35
	5	vomiting, confusion, difficulty walking, slurred	02:38:36
	6	speech, memory loss, poor coordination, seizures	02:38:38
	7	or numbness or paralysis in any part of the	02:38:41
	8	body"?	02:38:44
	9	A	02:38:47
	10	I don't recall saying that to her but	02:38:49
	11	it had -- you know, I would have given her those	02:38:52
	12	instructions.	02:38:54
	13	Q	02:38:55
	14	You would have given her those	02:38:56
	15	instructions?	02:38:58
	16	A	02:39:00
	17	Had I had the discussion, it's like I	02:39:03
	18	would have given those instructions, yeah. I	02:39:06
	19	mean, it's like if this was a visit, if this was	02:39:07
	20	a telephone encounter -- a telephone -- I would	02:39:11
	21	have told her that.	02:39:12
	22	Q	02:39:13
ICD	19	And then there's this "Kipper" signed	02:39:07
	20	there.	02:39:11
	21	A	02:39:12
	22	Uh-huh.	02:39:13
		Q	02:39:13
		What does that mean?	02:39:13

ICD	1	A	To me, that looks like he read the	02:39:14
	2		note and he was aware.	02:39:16
	3	Q	Okay. So you would have given this	02:39:17
	4		note to Dr. Kipper.	02:39:19
	5	A	Uh-huh.	02:39:23
	6	Q	Okay. But you wouldn't have given a	02:39:25
	7		note or done anything for -- if there was a	02:39:28
	8		separate meeting when Amber then would have come	02:39:32
	9		into the office and said absolutely nothing.	02:39:36
	10		You would do nothing.	02:39:39
	11	A	I wouldn't have generated a note if	02:39:40
	12		she said nothing, no.	02:39:42
	13	Q	You wouldn't -- would that have	02:39:44
	14		caused you any sort of concern, that she came	02:39:45
	15		into the office and said nothing?	02:39:48
	16	A	Not necessarily.	02:39:52
	17	Q	Really?	02:39:54
	18	A	Yes. A lot of times concierge	02:39:56
	19		patients don't want to deal with the nurse	02:40:00
	20		practitioner. They want to deal with David	02:40:02
	21		directly. They feel it's a waste of time.	02:40:04
	22	Q	Do you know that Amber told Erin	02:40:06

1	Boerum that she went to see you?	02:40:09
2	MS. MEYERS: Objection. Lack of	02:40:12
3	foundation. Assumes facts not in evidence.	02:40:13
4	Q You can answer.	02:40:20
5	A No, I did not know that.	02:40:21
6	MR. NADELHAFT: Can we put up	02:40:25
7	attachment 10, please.	02:40:26
8	(Tinker Exhibit 7 marked for	02:40:28
9	identification and attached to the transcript.)	02:40:28
10	Q I'll represent to you that this is a	02:40:38
11	text message chain between Amber and Erin	02:40:40
12	Boerum. Do you see that?	02:40:44
13	A Yes.	02:40:46
14	Q Okay. At the bottom it says, "Hey, I	02:40:56
15	have had a headache basically for the last" --	02:40:58
16	This is Amber saying, "Hey, I have had a	02:40:59
17	headache basically for the last couple of days	02:41:01
18	and I've been taking Advil nonstop. My head is	02:41:04
19	still really bruised. I still feel a lot of	02:41:07
20	welts on it. I call Kipper's office and Lisa	02:41:08
21	said he was away until tomorrow but that Monroe	02:41:11
22	could look at me. Do you think I should go and	02:41:14

1	get checked out by him?"	02:41:17
2	"I think if you still are hurting at	02:41:18
3	this point, then it wouldn't hurt to get a full	02:41:21
4	check-up/assessment. Monroe is a really good	02:41:24
5	guy and very smart nurse practitioner." And	02:41:27
6	she's very nice to you. And then "Are the	02:41:31
7	headaches picking up when you're sleeping? Are	02:41:32
8	you okay? Did you go to the office?"	02:41:32
9	"Yes, I did. I saw Monroe and went	02:41:33
10	to the therapist's and lawyer's office today.	02:41:36
11	Just really sad."	02:41:39
12	So, I mean, she told -- Amber told	02:41:40
13	the nurse that she went to see you. Did you	02:41:41
14	talk to Erin at all?	02:41:43
15	A No, I didn't. And why didn't Erin --	02:41:45
16	if Erin had this kind of concern, why didn't	02:41:47
17	Erin reach out to me directly, and why didn't we	02:41:50
18	bring this up, do a group conversation with	02:41:54
19	David?	02:41:57
20	Q That's a good question. I don't know	02:41:57
21	why you didn't do that. But why -- you really	02:41:59
22	think, though, that she came to you and you	02:42:01

1	did -- and she said absolutely nothing to you	02:42:02
2	when you came into the office?	02:42:05
3	A I --	02:42:06
4	Q And then she reported it to Erin that	02:42:06
5	she went there too --	02:42:09
6	A Yes. And --	02:42:09
7	Q -- to your office --	02:42:09
8	A -- she did not say anything.	02:42:10
9	Q -- and that she said nothing?	02:42:12
10	A She said nothing, nothing. Uh-huh.	02:42:13
11	Q Okay. And you understood that Erin	02:42:19
12	was -- did you understand that Erin was Amber's	02:42:27
13	nurse?	02:42:31
14	A Yeah. I mean, from what I knew going	02:42:32
15	on in the office, I knew that they were being	02:42:35
16	seen by Erin, you know, Erin and Debbie Lloyd, I	02:42:38
17	guess. They were -- you know, they were there	02:42:41
18	all the time.	02:42:42
19	Q Who was there all the time?	02:42:45
20	A I believe Erin and Debra Lloyd	02:42:48
21	were -- you know, if they were -- they were	02:42:51
22	there. You mentioned them before then, you	02:42:51

1	know. They were the nurses.	02:42:53
2	Q Did you think at all about calling	02:43:00
3	Erin or Debbie when Amber wouldn't respond?	02:43:02
4	A No. It was a busy practice, and I	02:43:09
5	was seeing -- you know, so I didn't think to do	02:43:11
6	it. You know, if the patient didn't complain to	02:43:11
7	me or she didn't want to talk to me, then	02:43:12
8	some -- you know, there must be a reason.	02:43:14
9	Q You said you went back to your	02:43:18
10	paperwork when Amber wouldn't talk to you.	02:43:20
11	A Uh-huh.	02:43:23
12	Q What else was happening at the office	02:43:24
13	at the time?	02:43:26
14	A Could be seeing patients. I could be	02:43:27
15	getting calls to go out into one of the hotels	02:43:29
16	and see a patient at the hotel.	02:43:33
17	Q Do you recall doing any of that when	02:43:38
18	Amber came to visit?	02:43:40
19	A I may have done it afterwards. So I	02:43:42
20	may have, you know, gone in to see Amber and	02:43:44
21	then gotten called and say, hey, you know can	02:43:46
22	you go to the Montage and see somebody. So I	02:43:49

1	don't know. I don't recall what I was doing	02:43:51
2	after I saw Amber.	02:43:53
3	MR. NADELHAFT: You can take this	02:44:02
4	down.	02:44:03
5	Q Do you have familiarity with any of	02:44:14
6	the legal issues that Dr. Kipper has had in his	02:44:15
7	practice?	02:44:15
8	A No.	02:44:15
9	Q You didn't under- -- did you	02:44:16
10	understand that he was sued by certain patients	02:44:17
11	of his?	02:44:19
12	A No.	02:44:20
13	Q Including Ozzie Os- --	02:44:23
14	A If I heard any of that stuff or	02:44:24
15	office gossip, I didn't pay attention to it.	02:44:27
16	And I didn't have a relationship like that to	02:44:29
17	know that kind of stuff for David.	02:44:32
18	Q Did you hear that Ozzie Osbourne had	02:44:34
19	sued Dr. Kipper?	02:44:37
20	A I don't know.	02:44:38
21	MS. MEYERS: Objection. Relevance.	02:44:39
22	A I don't pay attention to any of that	02:44:40

1	stuff.	02:44:42
2	Q Did you sign any agreements with	02:44:47
3	Dr. Kipper when you left the practice?	02:44:49
4	A I don't recall.	02:44:52
5	Q Did you sign any sort of	02:44:54
6	non-disclosure agreement?	02:44:56
7	A I don't recall. No, I don't -- not	02:44:57
8	to my recollection.	02:44:59
9	Q You may have, you just don't recall?	02:45:01
10	A I may have, yeah. I don't know. I	02:45:03
11	don't -- I don't recall, yeah. But I don't	02:45:05
12	believe I did. I don't remember.	02:45:08
13	Q Did the attorney who was with	02:45:10
14	Dr. Kipper give you any documents when you were	02:45:12
15	meeting with them?	02:45:15
16	A No.	02:45:17
17	Q That, you remember?	02:45:17
18	A Well, I just remember that he was his	02:45:19
19	attorney because we had taken care of him -- I	02:45:22
20	had taken care of him. And I had mentioned to	02:45:24
21	David, I said, "Hey" -- when the attorney was	02:45:25
22	there, I was like, "It was me that coordinated	02:45:29

1	your care at Cedars." And he said, "Really,	02:45:32
2	Monroe?" And I was like, "Yeah." I said, "I	02:45:34
3	was the guy that coordinated you to see this	02:45:36
4	surgeon and that person." And he said, "Oh,	02:45:39
5	okay."	02:45:41
6	Q Where was -- you said the meeting	02:45:42
7	with Dr. Kipper and his attorney was at	02:45:43
8	Dr. Kipper's house?	02:45:46
9	A Yeah.	02:45:47
10	Q Was it in Dr. Kipper's -- did	02:45:48
11	Dr. Kipper have, like, a home office?	02:45:50
12	A Uh-huh, yes.	02:45:53
13	Q And is that where the meeting was?	02:45:53
14	A Yes.	02:45:55
15	Q And in that meeting was Dr. Kipper,	02:45:55
16	his attorney and you?	02:45:57
17	A Yes.	02:45:59
18	Q Did you have an attorney?	02:46:00
19	A No.	02:46:01
20	Q Okay. So Dr. Kipper's attorney just	02:46:04
21	happened to be in the office with him when you	02:46:07
22	came into the office?	02:46:09

1	A	Yeah, I guess. They were -- they	02:46:10
2		were visiting.	02:46:12
3	Q	So Dr. Kipper had this conversation	02:46:14
4		about your employment, with his attorney just	02:46:16
5		there as a friend? Or was his attorney there as	02:46:20
6		Dr. Kipper's attorney?	02:46:23
7		MS. MEYERS: Objection. Form --	02:46:26
8	A	I don't know.	02:46:26
9		MS. MEYERS: -- calls for	02:46:26
10		speculation.	02:46:27
11	A	I don't know.	02:46:28
12	Q	They were talk- -- Dr. Kipper and you	02:46:28
13		were talking about your employment when	02:46:30
14		Dr. Kipper's attorney was there with him,	02:46:33
15		correct?	02:46:35
16	A	Correct.	02:46:35
17	Q	I mean, so Dr. Kipper's attorney was	02:46:36
18		there as Dr. Kipper's attorney. You had to have	02:46:41
19		known that, right?	02:46:44
20	A	No.	02:46:45
21	Q	No?	02:46:46
22	A	David had lots of friends over	02:46:46

1	constantly. His house was always full of	02:46:48
2	people.	02:46:50
3	Q You would have talked about your	02:46:51
4	employment and what you were going to do after	02:46:52
5	working with Dr. Kipper with just anyone there?	02:46:54
6	A It depends, you know. I mean, I	02:47:00
7	guess, you know, David wanted to talk about	02:47:02
8	renewing my job there at the time. So maybe he	02:47:05
9	wanted him to be there, but I wouldn't have	02:47:07
10	second-guessed it. I mean, to me, that was just	02:47:10
11	a regular meeting. I didn't, you know -- I	02:47:12
12	didn't think of anything, you know, like I had	02:47:15
13	to have a lawyer there.	02:47:19
14	Q And were there any -- when you had	02:47:22
15	started with Dr. Kipper's office, did you have	02:47:25
16	to sign any documents regarding confidentiality?	02:47:27
17	A I may have. I would have to look. I	02:47:32
18	don't know. I don't remember. It would have	02:47:35
19	been sent to me by his wife.	02:47:38
20	Q Did you --	02:47:40
21	A Or the --	02:47:41
22	Q Did you have to sign any documents	02:47:41

1 regarding confidentiality when you left 02:47:43
2 Dr. Kipper's office -- working for Dr. Kipper? 02:47:45
3 A I don't recall. I don't recall. 02:47:49
4 Q Did you receive any sort of severance 02:47:50
5 or money when you left Dr. Kipper? 02:47:52
6 MS. RYCKMAN: Objection. This is a 02:47:55
7 violation of his right to privacy. 02:47:58
8 MR. NADELHAFT: I think he needs to 02:48:01
9 answer this question. I'm not even asking him 02:48:02
10 how much. 02:48:05
11 A No, nothing. 02:48:05
12 Q So you received nothing from 02:48:08
13 Dr. Kipper? 02:48:09
14 A Nothing. 02:48:10
15 Q And you made no promises to 02:48:12
16 Dr. Kipper when you left? 02:48:14
17 A Nothing. 02:48:16
18 Q And your work now and where you work, 02:48:18
19 is it -- do you get clients through 02:48:21
20 recommendations? 02:48:23
21 A No. 02:48:25
22 Q No? Where do you work now? 02:48:26

1	A	I work at Ronald Reagan UCLA.	02:48:31
2	Q	Okay. And where did you work after	02:48:34
3		Dr. Kipper's office again?	02:48:35
4	A	Facey Medical.	02:48:37
5	Q	And what is Facey Medical?	02:48:38
6	A	It's a primary care provider office	02:48:43
7		where I saw patients.	02:48:45
8	Q	And at Facey Medical, was that	02:48:46
9		relying on recommendations?	02:48:49
10	A	No.	02:48:51
11	Q	No?	02:48:51
12	A	They had ten, fifteen thousand	02:48:51
13		patients. The doctor's panel was huge.	02:48:55
14	Q	Okay. So recommendations from other	02:48:58
15		doctors isn't important to you?	02:49:00
16	A	No, but patient satisfaction is	02:49:02
17		because that's how my salary would be adjusted.	02:49:05
18	Q	So -- and keeping confidences of	02:49:09
19		patients is -- I assume you would want to do	02:49:13
20		that, correct?	02:49:16
21	A	Of course, yes.	02:49:17
22	Q	And would you be discreet even if the	02:49:18

1	patients were doing things that they shouldn't	02:49:22
2	be doing?	02:49:29
3	A Would I be discreet? What do you	02:49:30
4	mean?	02:49:32
5	Q I mean, if you knew that Mr. Depp had	02:49:32
6	abused Amber Heard, would you be discreet about	02:49:34
7	that?	02:49:39
Q	8 MS. RYCKMAN: Objection. Calls for	02:49:40
	9 speculation. Incomplete hypothetical.	02:49:43
	10 MS. MEYERS: I join in that	02:49:45
	11 objection.	02:49:46
12	A No.	02:49:46
13	Q No? What would --	02:49:46
14	A I would not.	02:49:46
15	Q What would you have done?	02:49:46
16	A I would not have been discreet with	02:49:46
17	that. Having been someone who has been abused,	02:49:51
18	I would have not been discreet with something	02:49:54
19	like that.	02:49:58
20	Q You have been abused?	02:49:59
21	A Uh-huh.	02:49:59
22	Q Is that what you testified to?	02:49:59

1	You've been abused?	02:50:01
2	A Uh-huh, yes.	02:50:03
R 3	Q When did that happen?	02:50:05
4	MS. RYCKMAN: Objection. That's a	02:50:07
5	violation of his right to privacy.	02:50:08
6	A Yeah, that has nothing to do with	02:50:10
R 7	today.	02:50:12
8	MR. NADELHAFT: He brought it up. He	02:50:12
9	can't --	02:50:13
10	MS. RYCKMAN: He can bring it up,	02:50:14
11	but --	02:50:15
12	MR. NADELHAFT: He opened the door.	02:50:16
13	He opened the door.	02:50:17
14	MS. RYCKMAN: No, his history of	02:50:19
15	abuse --	02:50:20
16	MR. NADELHAFT: I asked when.	02:50:20
17	MS. RYCKMAN: -- he doesn't have to	02:50:20
18	tell you.	02:50:20
19	MR. NADELHAFT: He said he was	02:50:21
20	abused. I asked when. He can answer that.	02:50:21
21	MS. RYCKMAN: His history is	02:50:21
22	irrelevant.	02:50:21

1	MR. NADELHAFT: He said he was	02:50:21
2	abused. I asked when.	02:50:21
R		
3	A In my lifetime.	02:50:29
4	Q Throughout your lifetime?	02:50:33
5	A In my lifetime.	02:50:34
6	Q And did you go to doctors about your	02:50:37
7	abuse?	02:50:39
8	MS. RYCKMAN: This is completely	02:50:40
9	irrelevant and a violation of his right to	02:50:41
10	privacy. He can testify that he's been abused.	02:50:44
11	He does not have to tell you any details of it.	02:50:46
12	Q Did you go to doctors for your abuse?	02:50:50
13	Are you going to answer that question or not?	02:50:52
14	A No.	02:50:55
15	Q You did not go to doctors?	02:50:56
16	A I have seen doctors. I've talked to	02:50:58
17	physicians.	02:51:00
18	Q Okay. And when you went to the	02:51:01
19	physicians' offices, did you answer their	02:51:02
20	questions when they came into your -- when they	02:51:04
21	came into the patient room?	02:51:05
22	A Not necessarily.	02:51:09

1	MS. RYCKMAN: Same objection.	02:51:10
2	Q Not necessarily. Okay. Did it take	02:51:11
3	some prodding to get answers out of you?	02:51:13
4	A No, not necessarily.	02:51:18
5	Q No. Okay. So you -- I'm still	02:51:20
6	baffled, I've got to say, by your testimony that	02:51:24
7	Amber walked into the office on her own, you	02:51:26
8	walked in there, and you said -- you asked her	02:51:30
9	what's wrong, she says absolutely nothing, and	02:51:34
10	that's the end of the visit? That's really your	02:51:36
11	testimony?	02:51:39
12	MS. RYCKMAN: Objection --	02:51:39
13	MS. MEYERS: Objection.	02:51:40
14	Argumentative --	02:51:40
15	MS. RYCKMAN: -- asked and answered.	02:51:41
16	MS. MEYERS: -- asked and answered.	02:51:41
17	MS. RYCKMAN: Asked and answered a	02:51:43
18	thousand times, argumentative, incomplete	02:51:44
19	hypothetical. He doesn't need to answer it	02:51:47
20	again.	02:51:49
21	MS. MEYERS: I would add also	02:51:50
22	misrepresents testimony.	02:51:52

1	MR. NADELHAFT: Misrepresents	02:51:56
2	testimony?	02:51:57
3	Q So she did speak? What was it?	02:51:57
4	A She did not speak. She did not say	02:52:03
5	anything to me.	02:52:05
6	Q And that was it. That was the end of	02:52:07
7	the visit even though --	02:52:09
8	MS. RYCKMAN: Asked and answered.	02:52:10
9	Q You had no concerns. That is just	02:52:10
10	mind blowing to me. No concerns at all? Okay.	02:52:13
11	A No.	02:52:18
12	MR. NADELHAFT: All right. Why don't	02:52:19
13	we take another break. It's about 2:50 my time.	02:52:19
14	How about noon, we'll come -- let's make it	02:52:26
15	12:10, give ourselves a little more time. I	02:52:30
16	don't think I have many more questions.	02:52:33
17	THE VIDEOGRAPHER: Off record, 2:52.	02:52:37
18	(A recess was taken.)	02:52:41
19	THE VIDEOGRAPHER: On record, 3:12.	03:12:37
20	BY MR. NADELHAFT:	03:12:39
21	Q Mr. Tinker, did you see a	03:12:43
22	psychologist or a psychiatrist for any of the	03:12:46

1	abuse you -- that you endured?	03:12:49
2	MS. RYCKMAN: Objection. Violation	03:12:51
3	of his right to privacy, violation of HIPAA.	03:12:52
4	I'm instructing him not to answer, and I will	03:12:54
5	instruct him not to answer anything related to	03:12:57
6	the care -- related to his abuse.	03:13:02
7	Q Are you following your counsel's	03:13:04
8	instruction?	03:13:05
9	A Yes.	03:13:06
10	Q How long after the abuse did you tell	03:13:06
11	your physician or psychiatrist or --	03:13:09
12	MS. RYCKMAN: Objection --	03:13:12
13	Q -- psychologist?	03:13:12
14	MS. RYCKMAN: -- violation of his	03:13:13
15	HIPAA rights, violation of his right to privacy.	03:13:15
16	I am instructing him not to answer.	03:13:18
17	MR. NADELHAFT: The amount of time it	03:13:20
18	took between his -- when the abuse happened and	03:13:21
19	when he reported it is HIPAA?	03:13:24
20	MS. RYCKMAN: Correct. It's	03:13:27
21	completely irrelevant.	03:13:28
22	Q And you're following your attorney's	03:13:31

1	instruction?	03:13:33
2	A I am.	03:13:34
3	Q Okay. In your experience, both as a	03:13:35
4	nurse practitioner and as an EMT and as an abuse	03:13:39
5	survivor yourself, is it typical for a victim of	03:13:43
6	abuse to take time before reporting abuse?	03:13:47
7	MS. MEYERS: Objection --	03:13:54
8	MS. RYCKMAN: Objection.	03:13:54
9	MS. MEYERS: -- calls for	03:13:54
10	speculation. Calls for expert testimony.	03:13:54
11	Q You can answer that one.	03:13:57
12	A I don't know.	03:14:00
13	Q You don't know? Really? Okay.	03:14:03
14	Have you talked to -- have you spoken	03:14:07
15	to any survivors of abuse, either as a nurse	03:14:10
16	practitioner or as an EMT?	03:14:14
17	A I may have in my -- in my history.	03:14:19
18	Q You don't know one way or the other?	03:14:24
19	A I don't -- I wouldn't remember it. I	03:14:28
20	can't recall off -- off the top of my mind, no.	03:14:30
21	Q And it's your testimony that there	03:14:38
22	was no discussions about any sort of abuse by	03:14:41

1	Mr. Depp of Amber Heard in Dr. Kipper's office;	03:14:41
2	is that correct?	03:14:46
3	A On the day that I saw her, she made	03:14:48
4	no mention, no nothing.	03:14:51
5	Q How about on other days? Was there	03:14:53
6	ever any discussion of abuse of Amber Heard?	03:14:55
7	A No.	03:14:57
8	Q That's your testimony?	03:15:01
9	A Yes.	03:15:09
10	Q You have counsel today, correct?	03:15:10
11	A Yes.	03:15:12
12	Q Who is paying for your attorney?	03:15:12
13	A My malpractice insurance.	03:15:14
14	Q Your malpractice insurance, okay.	03:15:16
15	You're not being sued for	03:15:19
16	malpractice, are you?	03:15:22
17	A No.	03:15:23
18	Q Are you concerned about malpractice?	03:15:26
19	A No.	03:15:28
20	Q But your malpractice insurance is	03:15:33
21	taking care of this -- is paying for your	03:15:36
22	attorney. Is that -- that's what you're saying?	03:15:37

1	A	Yes, because I couldn't afford to	03:15:39
2		retain an attorney.	03:15:41
3	Q	Have you spoken to anyone at all from	03:15:47
4		Dr. Kipper's office since you left working for	03:15:50
5		Dr. Kipper?	03:15:54
6	A	I can't recall.	03:15:57
7	Q	Do you know who Johnny Depp is,	03:16:04
8		outside of being a patient?	03:16:06
9	A	Yes.	03:16:12
10	Q	Have you seen -- Johnny Depp is a	03:16:14
11		movie star, correct?	03:16:16
12	A	Yes.	03:16:18
13	Q	Have you seen any of Johnny Depp's	03:16:19
14		movies?	03:16:21
15	A	Yes.	03:16:22
16	Q	Have you seen the Pirates of the	03:16:24
17		Caribbean?	03:16:25
18	A	Yes.	03:16:27
19	Q	Have you seen any of his other	03:16:30
20		movies?	03:16:32
21	A	I'm sure I have, but I can't recall	03:16:35
22		all of them.	03:16:37

1	Q	Okay. He's been -- Mr. Depp has been	03:16:38
2		in a lot of movies over his career, correct?	03:16:40
3	A	I guess so.	03:16:45
4	Q	Did you see him when he was in	03:16:46
5		21 Jump Street?	03:16:48
6		MS. MEYERS: Objection. Relevance.	03:16:50
7	A	No, I didn't have a TV at that point	03:16:51
8		in my life.	03:16:54
9	Q	But you did start to see Mr. Depp	03:16:55
10		when he was in movies, correct?	03:16:58
11	A	I saw him when I worked for David.	03:17:01
12		That was the first time I ever saw Johnny Depp.	03:17:03
13	Q	No, I mean saw him in the mov- -- saw	03:17:06
14		him as an actor in the movies, correct?	03:17:07
15	A	Yes.	03:17:11
16	Q	Being out in Los Angeles, you would	03:17:14
17		agree that Mr. Depp is a pretty powerful person	03:17:15
18		in Hollywood, correct?	03:17:18
19		MS. MEYERS: Objection. Irrelevant.	03:17:20
20		Leading.	03:17:23
21	A	I don't know.	03:17:23
22	Q	You don't know?	03:17:24

1	A	No.	03:17:24
2	Q	Do you know anything about the movie	03:17:25
3		or television industry?	03:17:28
4	A	No.	03:17:30
5	Q	When you were with Dr. Kipper,	03:17:32
6		without saying any names, other than Amber Heard	03:17:35
7		or Mr. Depp, did you see any other patients who	03:17:38
8		were movie stars or TV stars?	03:17:41
9	A	I can't recall.	03:17:45
10	Q	You can't -- you don't recall that	03:17:46
11		either?	03:17:47
12	A	Uh-huh.	03:17:48
13	Q	And I just want to make sure we tied	03:17:57
14		the bow here. You saw -- when you were at	03:18:02
15		Dr. Kipper's, you saw -- when you worked for	03:18:08
16		Dr. Kipper, you saw Amber three times, twice	03:18:10
17		giving her an IV and once when she came to your	03:18:12
18		office in December of 2015, correct?	03:18:16
19	A	I think so. I believe so. I believe	03:18:19
20		those are the only times I saw her.	03:18:21
21	Q	Okay. And you do not remember any	03:18:23
22		sort of telephone conversation that you had with	03:18:25

1	Amber, correct?	03:18:27
2	A I don't, but it doesn't mean I didn't	03:18:30
3	have one.	03:18:32
4	Q But you don't recall it?	03:18:34
5	A Yes.	03:18:35
6	Q Okay. And I'm giving you the	03:18:36
7	opportunity now. If you recall a conversation	03:18:38
8	or you recall another meeting with Amber, now is	03:18:40
9	the time. Did you have any other meetings or	03:18:43
10	calls that you had with Amber that you can	03:18:45
11	recall?	03:18:47
12	A No, not that I can recall.	03:18:47
13	MR. NADELHAFT: Thank you. I have no	03:18:56
14	further questions at this time.	03:18:57
15	MS. MEYERS: Mr. Tinker, thank you	03:19:02
16	for your time. I'll be asking some questions,	03:19:03
17	but before I begin, I see that it's lunchtime	03:19:05
18	there. So if you would like a break, please let	03:19:08
19	me know, but if not, we can just get started.	03:19:11
20	THE WITNESS: We can get started.	03:19:14
21	MS. MEYERS: Okay.	03:19:17
22	EXAMINATION BY COUNSEL FOR THE PLAINTIFF	