

FILED

AUG 06 2008

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

PATRICK BRADY,

Plaintiff,

v.

TIMOTHY FISHBACK, et al.,

Defendants.

Case No. 1:06-cv-00136 ALA (P)

WRITTEN RESPONSES OF DR. K. KNIGHT TO PLAINTIFF PATRICK BRADY'S DEPOSITION QUESTIONS

I, Dr. Kevin Knight, answer the following questions of Plaintiff Patrick Brady as follows:

QUESTION NO. 1:

Are you aware that your answers are made under penalty of perjury?

RESPONSE NO. 1:

Yes.

PUTTINMAN &
DUPRE LLP

WRITTEN RESPONSES OF DR. K. KNIGHT TO PLAINTIFF'S DEPOSITION QUESTIONS
CASE NO. 1:06-cv-00136 ALA (P)

1 QUESTION NO. 2:

2 Were you ever ordered to not prescribe stimulants, including Ritalin, to prisoners for
3 ADHD? If so by whom and when?

4 RESPONSE NO. 2:

5 *No,*

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14 QUESTION NO. 3:

15 Did Dr. Juarez ever tell you that he was ordered to not allow anyone to prescribe Ritalin
16 or any stimulants to treat ADHD? If so when and by who?

17 RESPONSE NO. 3:

18 *No,*

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1 QUESTION NO. 4:

2 Are stimulants a common and effective medication prescribed to treat ADHD?

3 RESPONSE NO. 4:

4 Yes,

14 QUESTION NO. 5

15 Do you work at Corcoran State Prison? If so, please explain your duties.

16 RESPONSE NO. 5:

17 Yes,

18 I am currently a staff psychiatrist whose duties
19 include but are not limited to treating mentally
20 ill inmates.

1 QUESTION NO. 6:

2 Was there ever a time at Corcoran when there were no approved medications available to
3 treat prisoners with ADHD? If so when and why? If no which medications were available?

4 RESPONSE NO. 6:

5 Understanding the question to be limited to the relevant times as set forth in Mr. Brady's
6 complaint, February 24, 1999 through the present, Dr. Knight responds as follows:

7 *NO.*
8 *I do not know which medications were available.*

9

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14 QUESTION NO. 7:

15 Was there ever a time at Corcoran when you were told not to treat prisoners with ADHD?
16 If yes, who told you not to treat them?

17 RESPONSE NO. 7:

18 *NO.*

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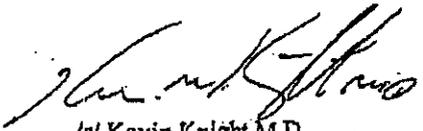
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I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

31 July 2008
Dated: ~~August~~ 2008
PK


By: /s/ Kevin Knight M.D.
Dr. Kevin Knight

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SEP 16 2008

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

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EASTERN DISTRICT OF CALIFORNIA
BY 
DEPUTY CLERK

PATRICK BRADY,
Plaintiff,
vs.
TIMOTHY FISHBACK, et al.,
Defendants.

CASE NO: 1:06-CV-00136 ALA P

**WRITTEN DEPOSITION ANSWERS
BY RENEE KANAN, M.D.**

WRITTEN DEPOSITION QUESTION NO. 1:

Do you work for CDCR? If so, what position do you hold?

RESPONSE:

Yes. Chief Medical Officer and Health Care Manager at Folsom State Prison.

WRITTEN DEPOSITION QUESTION NO. 2:

Does the health care services division have or did it have a policy proscribing the use of stimulants, including Ritalin, in all of CDCR? If so, who started it?

RESPONSE:

I am not aware of any policy regarding prescribing stimulants.

WRITTEN DEPOSITION QUESTION NO. 3:

At any time did you discuss a policy proscribing stimulants with Dr. Timothy Fishback?

If so, please explain.

RESPONSE:

No I never discussed a policy regarding prescribing stimulants with Dr. Fishback.

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EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

However, DR. Fishback and I did discuss clinical guidelines regarding the appropriate use of stimulants.

WRITTEN DEPOSITION QUESTION NO. 4:

Have you had any complaints from prisoners concerning the discontinuation of Ritalin?

RESPONSE:

No.

WRITTEN DEPOSITION QUESTION NO. 5:

Has the policy to discontinue Ritalin been under review since 2005? If so, what was the result?

RESPONSE:

I am not aware of any policy to discontinue the use of Ritalin.

WRITTEN DEPOSITION QUESTION NO. 6:

To your knowledge, why did Dr. Fishback leave health care services division?

RESPONSE:

Dr. Fishback still works for the CDCR for the health care division. He does not work at headquarters any longer.

WRITTEN DEPOSITION QUESTION NO. 8 :

Are you aware that these answers are sworn under penalty of perjury?

RESPONSE:

Yes.

Dated: 9/11/08



Renee Kanan, M.D.

DIVISION OF ADULT INSTITUTIONS
CALIFORNIA STATE PRISON - CORCORAN
P.O. Box 8800
Corcoran, CA 93212



October 17, 2008

Re: P. Brady, Plaintiff
CDC# J89194

WRITTEN DEPOSITION

1. Are you aware that the answers you provide are provided under the penalty of perjury?

I am.

2. Do you work at Corcoran State Prison? If so, please explain your duties.

I work at CSP-Corcoran as one of the psychiatrists treating inmates enrolled in the Correctional Clinical Case Management Services (CCCMS) Program. I evaluate and prescribe psychotropic medications to the inmates assigned to my yards.

3. Were you ever told to not prescribe stimulants for prisoners with ADHD? If so, who told you and when?

No.

4. Are stimulants a common and effective medication prescribed to treat ADHD?

Stimulants are one of the approved classes of medication for the treatment of ADHD. They are effective when properly prescribed.

5. Have you prescribed any medication for plaintiff to reduce his ADHD symptoms?

I prescribed medications for symptoms consistent with a mood disorder as well as medications that could alleviate possible ADHD symptoms. I have not prescribed stimulants to the plaintiff.

6. If so, did you prescribe said medication because you believed plaintiff had ADHD?

No. The medications were prescribed based on plaintiff's symptoms and past history of possible ADHD-like symptoms. A review of the old records and poor response to medications effective for ADHD did not support the diagnosis of ADHD. Currently plaintiff is no longer prescribed ADHD medications.

PAGE 2
Brady, P.
CDC# J89194

7. Do you ensure a prisoner is correctly diagnosed before prescribing a specific medication?

Always.

8. Would you prescribe any psychotropic medication based solely upon a prisoner's self-diagnosis?

Absolutely not.



R. Barda, M.D.
CSP-Corcoran

1 **WILLIAMS & ASSOCIATES**
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2 Sacramento, CA 95822
3 (916) 456-1122
(916) 737-1126 (fax)

4 Kathleen J. Williams, CSB #127021

5 Attorneys for defendant
6 TIMOTHY FISHBACK, M.D.

7 **IN THE UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**

9 PATRICK BRADY,

10 Plaintiff,

11 vs.

12 TIMOTHY FISHBACK, et al.,

13 Defendants.

CASE NO: 1:06-CV-00136 ALA P

**DEFENDANT TIMOTHY FISHBACK
M.D.'S OBJECTIONS TO WRITTEN
DEPOSITION QUESTIONS
DIRECTED TO PSYCH TECH LAVINE**

14
15 **WRITTEN DEPOSITION QUESTION NO. 1:**

16 Do you understand that your answers are sworn under penalty of perjury. [sic]

17 **OBJECTION:**

18
19 **WRITTEN DEPOSITION QUESTION NO. 2:**

20 Were you working at Corcoran as a psychiatric technician? If so, please state
21 when, where and define your duties.

22 **OBJECTION:**

23 *from Feb 2000 UNTIL 2007*
24 *Returned to work Feb 2008*

25 **WRITTEN DEPOSITION QUESTION NO. 3:**

26 Were you ever told that Dr. Fishback ordered Dr. Jesus Juarez to discontinue
27

1 prisoners [sic] treatment with Ritalin for ADHD? If so who told you and when?

2 **OBJECTION:**

DONT RECALL WITH ANY SPECIFICITY
TO THIS INMATES TREATMENT

4 **WRITTEN DEPOSITION QUESTION NO. 4:**

5 To your knowledge why was plaintiffs [sic] Ritalin discontinued?

6 **OBJECTION:**

7 Objection. Lacks foundation.

8 **WRITTEN DEPOSITION QUESTION NO. 5:**

9 Did Dr. Juarez ever tell you that he received a memorandum directing him to
10 discontinue prescription [sic] of Ritalin? If so, when and what were his exact words. [sic]

11 **OBJECTION:**

I DONT RECALL ANY SPECIFIC
MEMO SAYING SO.

13 **WRITTEN DEPOSITION QUESTION NO. 6:**

14 Did Dr. Villa ever tell you that he read a memorandum that instructed him to
15 discontinue prescriptions of Ritalin? If so, when and what were his exact words?

16 **OBJECTION:**

I DONT RECALL ANY SPECIFIC
MEMO SAYING SO.

18 **WRITTEN DEPOSITION QUESTION NO. 7:**

19 Did plaintiff ever complain about the discontinuation of Ritalin? If so when and
20 how many times?

21 **OBJECTION:**

I RECALL HIM COMPLAINING OF
LACK OF MEDS. NEVER SPECIFIED
WHICH MEDICATION.

23 **WRITTEN DEPOSITION QUESTION NO. 8:**

24 Did Dr. Juarez ever tell you that he was being threatened with insubordination if
25 he allowed anyone to prescribe Ritalin to prisoners with ADHD? If so, who threatened
26 him and when. [sic]

NO SUCH KNOWLEDGE

1 **OBJECTION:**

2
3 Dated: May 30, 2008

WILLIAMS & ASSOCIATES

4
5
6 By: /s/ KATHLEEN J. WILLIAMS
KATHLEEN J. WILLIAMS, CSB 127021
7 Attorneys for defendant
TIMOTHY FISHBACK, M.D.
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7 **IN THE UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF CALIFORNIA**

9 PATRICK BRADY,

10 Plaintiff,

11 vs.

12 TIMOTHY FISHBACK, et al.,

13 Defendants.

CASE NO: 1:06-CV-00136 ALA P

**DEFENDANT TIMOTHY FISHBACK
M.D.'S OBJECTIONS TO WRITTEN
DEPOSITION QUESTIONS
DIRECTED TO PSYCH TECH
GONZALES**

14
15 **WRITTEN DEPOSITION QUESTION NO. 1:**

16 Do you understand that your answers are sworn under penalty of perjury. [sic]

17 **OBJECTION:**

18 *yep*

19 **WRITTEN DEPOSITION QUESTION NO. 2:**

20 Were you working at Corcoran as a psychiatric technician? If so, please state
21 when, where and define your duties.

22 **OBJECTION:**

23 *SINCE MAY 2008, PRIMARILY ASSIGNED
24 TO S.M. BASIC PT DUTIES*

25 **WRITTEN DEPOSITION QUESTION NO. 3:**

26 Were you ever told that Dr. Fishback ordered Dr. Jesus Juarez to discontinue
27

1 prisoners [sic] treatment with Ritalin for ADHD? If so who told you and when?

2 **OBJECTION:** NO RECOLLECTION OF THIS MATTER

3
4 **WRITTEN DEPOSITION QUESTION NO. 4:**

5 To your knowledge why was plaintiffs [sic] Ritalin discontinued?

6 **OBJECTION:**

7 Objection. Lacks foundation. N/A

8 **WRITTEN DEPOSITION QUESTION NO. 5:**

9 Did Dr. Juarez ever tell you that he received a memorandum directing him to
10 discontinue prescription(s) of Ritalin? If so, when and what were his exact words?

11 **OBJECTION:** N/A

12
13 **WRITTEN DEPOSITION QUESTION NO. 6:**

14 Did Dr. Villa ever tell you that he read a memorandum that instructed him to
15 discontinue prescriptions of Ritalin? If so, when and what were his exact words?

16 **OBJECTION:**

17 N/A

18 **WRITTEN DEPOSITION QUESTION NO. 7:**

19 Did plaintiff ever complain about the discontinuation of Ritalin? If so when and
20 how many times?

21 **OBJECTION:**

22 CONSTANT COMPLAIN NOT SPECIFIC
23 TO THIS SUBJECT.

24 **WRITTEN DEPOSITION QUESTION NO. 8:**

25 Did Dr. Juarez ever tell you that he was being threatened with insubordination if
26 he allowed anyone to prescribe Ritalin to prisoners with ADHD? If so, who threatened
27 him and when?

28 No

1 **OBJECTION:**

2
3
4 Dated: May 30, 2008

WILLIAMS & ASSOCIATES

5
6
7 By: /s/ KATHLEEN J. WILLIAMS
8 KATHLEEN J. WILLIAMS, CSB 127021
9 Attorneys for defendant
10 TIMOTHY FISHBACK, M.D.
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