

Appendix 4

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLUMBIA
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4 ----- x
5 CATHERINE ANN DEEP, :
6 Plaintiff, :
7 vs. : Civil Action
8 ELI LILLY AND COMPANY, : No. 1:06-CV-0011
9 Defendant. :
10 ----- x
11
12 Deposition of CATHERINE ANN DEEP
13 Washington, D.C.
14 Tuesday, October 17, 2006
15 11:43 a.m.
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19
20 Job No.: 1-87407
21 Pages: 1 - 101
22 Reported by: Sarah M. Bickel

1 A P P E A R A N C E S
2 ON BEHALF OF THE PLAINTIFF:
3 BRANDON J. LEVINE, ESQ.
4 Aaron M. Levine & Associates
5 1320 19th Street, N.W.
6 Suite 500
7 Washington, D.C. 20036
8 (202) 833-8040
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11
12 ON BEHALF OF THE DEFENDANT:
13 EMILY J. LAIRD, ESQ.
14 Shook, Hardy & Bacon, LLP
15 600 14th Street, N.W.
16 Suite 800
17 Washington, D.C. 20005
18 (202) 783-8400
19
20
21
22

1 Deposition of CATHERINE ANN DEEP,
2 held at the offices of:
3 AARON M. LEVINE & ASSOCIATES
4 1320 19th Street, N.W.
5 Suite 500
6 Washington, D.C. 20036
7 (202) 833-8040
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14 Pursuant to agreement, before Sarah M.
15 Bickel, Court Reporter and Notary Public in and for
16 the District of Columbia.
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1 C O N T E N T S
2 EXAMINATION OF CATHERINE ANN DEEP PAGE
3 By Ms. Laird 5, 95
4 By Mr. Levine 90
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7
8 E X H I B I T S
9 (Attached to the Transcript)
10 DEEP DEPOSITION EXHIBIT PAGE
11 No. 1 10
12 No. 2 11
13 No. 3 14
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1 work was the first time I believe.

2 Q Like an ultrasound or --

3 A They did a vaginal ultrasound but I think

4 that was when I first visited them the week before or

5 something.

6 Q Do you remember the results of that?

7 A No, she said it was measured fine. I

8 remember her saying that.

9 Q By saying her, what doctor was that?

10 A I don't know.

11 Q Do you remember any discussions over the

12 course of your treatment at Shady Grove about any

13 fibroids that you might have?

14 A Discussions, no.

15 Q Have you had any fibroids?

16 A Not to my knowledge.

17 Q Have you had any ovarian cysts?

18 A Not to my knowledge.

19 Q Did you have another HSG after that first

20 one that you had?

21 A After the second attempt?

22 Q Correct.

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1 A I have no clue.

2 Q Did you have any discussions with Dr.

3 Gopalani about your treatments at Shady Grove?

4 A Yes.

5 Q What happened, did you call her office?

6 A Yes, I did.

7 Q What did you talk about?

8 A I said this doctor said I'm a DES

9 daughter.

10 Q What did Dr. Gopalani's office say?

11 A They took a message and she called me back

12 a couple days later and said, "You're not a DES

13 daughter. Continue to try to get pregnant."

14 Q Did she say why she thought you were not a

15 DES daughter?

16 A She said all my examinations have been

17 fine.

18 Q Did you just have one phone call with

19 Dr. Gopalani's office or several?

20 A I called there, left a message and she

21 called me back.

22 Q Is that the last contact you've had with

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1 A No, I have not.

2 Q Do you recall ever discussing with your

3 doctors a condition called cervical stenosis?

4 A Which doctors?

5 Q At Shady Grove.

6 A I think Dr. Stillman might have mentioned

7 it on the 23rd when we went back to him.

8 Q For the follow-up HSG?

9 A Yeah.

10 MR. LEVINE: She didn't have a follow-up

11 HSG. She had a --

12 MS. LAIRD: An attempt.

13 MR. LEVINE: I think she's referring to

14 after her HSG that was successful, she went back to

15 Dr. Stillman for a follow-up consultation.

16 THE WITNESS: Correct.

17 MR. LEVINE: Is what the record said?

18 THE WITNESS: That is when I remember him

19 saying something about whatever that word was.

20 BY MS. LAIRD:

21 Q What's your understanding of what cervical

22 stenosis is?

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1 her office?

2 A I don't recall. Everything is in a fog

3 after that.

4 Q What discussions have you had with

5 Dr. Stillman about the shape of your uterus? What

6 did Dr. Stillman tell you?

7 A Well, he showed me the picture and he said

8 it was a severely small T-shape -- actually, it was

9 worse than a T-shaped uterus --

10 Q And then did you also have any discussions

11 with him about your cervix?

12 MR. LEVINE: She talked about the

13 stenosis.

14 THE WITNESS: Right.

15 MR. LEVINE: Other than that conversation.

16 THE WITNESS: Other than that, I don't

17 believe so.

18 BY MS. LAIRD:

19 Q Do you remember any discussions about a

20 button shaped abnormality on your cervix?

21 A -- oh yes, now that you say it. He

22 mentioned a button shape.

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1 Q Did you have any other discussions other
2 than what we've talked about relating to the shape of
3 your reproductive organs with Dr. Stillman?
4 A Other than that conversation with him?
5 Q Right.
6 A Have I talked to him since then?
7 Q Right.
8 A No.
9 Q Did you discuss a plan for IUIs or IVF's
10 or anything like that with Dr. Stillman's office?
11 A I went in there with my list of questions
12 and that's -- that's what I was going to ask him
13 about but, I mean, he just stopped me in my tracks
14 and said there's no way.
15 Q So you never even had an attempted IUI or
16 IVF or anything?
17 A That's correct.
18 Q Did you have any discussions with Dr.
19 Stillman about the condition of your eggs? Are you
20 under the impression that your eggs are okay?
21 A Yes.
22 Q Have you had any discussions about

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1 surrogacy with Dr. Stillman?
2 A He said, you know, that could be a good
3 option for me because I could carry one.
4 Q When did you first talk to your mother
5 about what she took during her pregnancy with you?
6 A Well, that following I believe it was on a
7 Monday I quickly called her, I was at work and she
8 was at work and I called her and I said -- because I
9 was still in denial and I called her and I said "Mom,
10 did you ever take DES when you were pregnant with
11 me?" And she goes, "I don't recall that name DES."
12 I don't know what she said but she said, "I don't
13 recall that drug," and I said, "Okay. Thank you,"
14 and I hung up. That was my first discussion with
15 her.
16 And then my next discussion with her was
17 after we went back to Dr. Stillman and we had that
18 conversation, he told me everything, and he said DES
19 and it's called diethylstilbestrol so my husband and
20 I called my mom and the next day and said, "We need
21 to talk to you," and so we went over, I believe it
22 was the following day. I said, you know, "We went to

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1 Dr. Stillman. We were going to try to have a baby
2 and he said that I'm a DES daughter," and I said,
3 "Did you ever take the drug diethylstilbestrol," and
4 she said, "Well, I was spotting and that's -- I did
5 take that drug," but she said, "I didn't know what
6 the DES stood for," so when I had asked her for DES,
7 she had no idea.
8 Q When you talked to her that first time
9 when you asked if she took DES, when she said she
10 didn't, did you ask her if she was taking anything at
11 all during her pregnancy with you?
12 A No, she didn't say she didn't take it.
13 She said, "I don't remember that. I don't recall
14 doing that," and she said -- no, I hung up the phone
15 with her. I just said, "I need to get off the
16 phone." I just wanted to ask her that one question.
17 I mean, here, I'm still reeling from this information
18 so I did not ask her anything else at that point.
19 Q When you went back and talked with her the
20 second time at her house, did you then talk about
21 that DES and diethylstilbestrol are the same thing.
22 is that something she did not realize?

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1 A Yes.
2 Q When you talked with your mom when you
3 went over to her house, did you have any discussions
4 about what the pills she took looked like or anything
5 like that?
6 A I don't recall doing that. Everybody at
7 that point was crying and I don't recall that.
8 Q Who was present for that conversation,
9 you, your husband, your mom and anyone else?
10 A My mom's husband came in but it was after
11 we had already been discussing that, he came in from
12 work probably about 8 o'clock, something like that.
13 I don't know. It was later.
14 Q Quick side question. What year did your
15 parents get divorced?
16 A I think it was '79 or '80. I don't
17 remember.
18 Q When you talked with your mom that second
19 time at her house, did you start doing any research
20 about DES at that time?
21 A At her house?
22 Q After finding that out from her, did you