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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,
Plaintiff,

Case No:
10 CV 06005

- against -

THE CITY OF NEW YORK, ET AL.,

Defendants.

-----X

100 Church Street
New York, New York

January 30, 2014
10:22 a.m.

DEPOSITION OF CATHERINE LAMSTEIN-REISS, M.D.,
pursuant to Subpoena, taken at the above
place, date and time, before DENISE ZIVKU, a
Notary Public within and for the State of
New York.

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(Continued.)

1 C. LAMSTEIN-REISS, M.D.

2 A. That I gave that feedback to Dr.
3 Ciuffo, not necessarily. That if something
4 that was part of our evaluation that I gave
5 feedback to the officer, yes, that's
6 documented.

7 Q. I'm not asking about your
8 feedback with the officer. I am asking
9 about your feedback to the physician who
10 referred the patient or the person to you.
11 That's all I am focusing on. Can we stay
12 focused on that?

13 A. Yes. This says treatment
14 recommended. I recommended a treatment with
15 a psychologist and medication evaluation
16 with a psychiatrist.

17 Q. I understand that. I can read
18 that just as clearly as you can --

19 A. I'm not clear --

20 Q. But the problem is that you came
21 back after the break and you told me that
22 you not only recommended this, but you
23 recommended some other things, long-term
24 therapy and a psychiatrist and I'm trying to
25 clarify in my mind, whether or not there's

1 C. LAMSTEIN-REISS, M.D.

2 him, right?

3 MS. PUBLICKER METTHAM:

4 Objection.

5 Q. Am I correct about that, you
6 weren't recommending it?

7 MS. PUBLICKER METTHAM:

8 Objection.

9 A. I recommended that to deal with
10 issues other than the physical symptoms of
11 stress.

12 Q. Were you recommending on April
13 15, 2009 long-term therapy for Schoolcraft,
14 yes or no?

15 A. Yes.

16 Q. Were you recommending --

17 A. That was one of my two
18 recommendations -- three recommendations.

19 Q. Were you recommending -- were
20 you recommending that Schoolcraft take any
21 kind of medication as of April 15, 2009?

22 MS. PUBLICKER METTHAM:

23 Objection.

24 A. I never make such
25 recommendations.

1 C. LAMSTEIN-REISS, M.D.

2 Q. So the answer to my question is,
3 no, you didn't make a recommendation?

4 A. Correct, because it's outside my
5 scope of practice.

6 Q. Well, whether it's inside or
7 outside your scope of practice, you
8 understand that it's a possibility that
9 somebody could do something even though it's
10 outside of the scope of their practice.
11 That's a possibility; isn't it?

12 MS. PUBLICKER METTHAM:

13 Objection.

14 A. Could somebody do something
15 outside their scope of practice, sure --

16 Q. All right, okay, did you
17 recommend --

18 A. I can give you plumbing advice,
19 I'm not a plumber. You could listen to it
20 or not listen to it.

21 Q. All right, well, did you
22 recommend that Schoolcraft take antianxiety
23 medication at any time on or before
24 April 15, 2009?

25 MS. PUBLICKER METTHAM:

1 C. LAMSTEIN-REISS, M.D.

2 Objection.

3 A. I did not because it would be
4 outside of my scope of practice to do so.

5 Q. Where in your notes is the
6 reference to you recommending that
7 Schoolcraft go see a psychiatrist?

8 A. I would have to refer to my
9 notes.

10 Q. And if you could use the
11 exhibit, that will be more helpful.

12 A. I'll find it -- it would be
13 easier for me to find it here. Then I will
14 find the exact page through here. The same
15 page number that included that telephone
16 contact with Dr. Ciuffo.

17 MS. PUBLICKER METTHAM: So that
18 is NYC2997.

19 A. Correct.

20 Q. Where on that page?

21 A. Under where it says feedback
22 given to MOS.

23 Q. The middle of the page, the top
24 of the page, the bottom of the page?

25 A. About a quarter of the way down.

1 C. LAMSTEIN-REISS, M.D.
2 Provided MOS with psycho education. In that
3 paragraph.

4 MS. PUBLICKER METTHAM: I will
5 just note for the record it's also
6 found on the document bearing Bates
7 Number D306.

8 A. It may be also in here too, but
9 that's --

10 Q. What's the date of this entry?

11 A. April 13, 2009.

12 Q. Where did you see that date? Is
13 that on the prior page?

14 A. Yes.

15 Q. At the top where the f-i-f-t
16 something O Adrian Schoolcraft?

17 A. Say cont for c-o-n-t, like
18 continuation of F/F meaning face-to-face
19 with DO Adrian Schoolcraft on 4/13/09.

20 MS. PUBLICKER METTHAM: And
21 again, this page is NYC2996 and NYC --
22 or I'm sorry D305.

23 Q. Can you read the entry that
24 you're referring to feedback given to MOS,
25 after that what does the entry say?

1 C. LAMSTEIN-REISS, M.D.

2 A. Sure. Provided MOS with psycho
3 education on mind body connection and urged
4 him to see a psychologist who specializes in
5 that. He agreed. Also, recommended a
6 medication evaluation with a psychiatrist
7 instead of his primary care physician, but
8 he declined, preferring to avoid meds if
9 possible.

10 MR. CALLAN: Off the record.

11 (Discussion off the record.)

12 Q. Is there a reference in your
13 notes to you recommending that he do
14 long-term therapy?

15 A. I believe there is. Let me find
16 it. I don't see it my notes. However, it's
17 very clear in my mind. The initial
18 interview and I may have -- if I did mention
19 it in the subsequent interviews, it will be
20 on the recordings.

21 Q. So you don't see a reference in
22 your file recommending long-term therapy; is
23 that right?

24 A. I don't, because that was not
25 what was most important for the fitness for

1 C. LAMSTEIN-REISS, M.D.

2 duty evaluation. It was for his own
3 personal benefit.

4 Q. So, it wasn't that important; is
5 that what you're saying to me?

6 MS. PUBLICKER METHAM:

7 Objection.

8 A. To the decision about at what
9 point we would return him to full duty work
10 whether or not he dealt with those issues
11 would not have been an issue, as far as
12 fitness for police duty. For his own
13 personal life satisfaction, it would have
14 been helpful.

15 Q. What did Schoolcraft have to do
16 in order to return to full duty?

17 MS. PUBLICKER METHAM:

18 Objection.

19 A. He would have, you know, he
20 would have needed to have been assessed as
21 being psychologically fit for full duty. My
22 biggest concerns would be that he was
23 asymptomatic for a period of time. I would
24 have felt much better about returning him
25 had he done the stress management training

1 C. LAMSTEIN-REISS, M.D.

2 to know that should stressful -- when
3 stressful things happen with his life again
4 that these symptoms would not reoccur. We
5 need a significant period of time to know
6 that things really are calm and it's
7 possible. It's not something that I had
8 discussed with supervisors at that point,
9 but it's possible that we might have been
10 able to return him to full duty without
11 being able to speak to the doctor who
12 prescribed the Seroquel. Some doctor
13 thought he needed an antipsychotic and it
14 would not be prudent of us to give someone
15 back their gun in position of police
16 authority without knowing why that was.

17 Q. Well, did you ever find out why
18 some physician prescribed Seroquel?

19 A. The officer refused to allow me
20 to obtain that information.

21 Q. Who was it that prescribed
22 Seroquel?

23 A. Dr. Sure.

24 Q. How do you know that Dr. Sure
25 prescribed Seroquel?

1 C. LAMSTEIN-REISS, M.D.

2 A. Because Officer Schoolcraft told
3 me that he did and that Officer Schoolcraft
4 told me he was not sure why it was
5 prescribed.

6 Q. Don't you, as a doctor reviewing
7 the fitness for duty of a police officer,
8 have a right to gain access to his medical
9 file?

10 A. No. We do not have a right to
11 do that without his written permission. We
12 do have a right to say that the person
13 cannot be cleared to go back to full duty if
14 we don't have it. But he is not required to
15 release his personal medical information if
16 he does not want to.

17 Q. So am I correct that you would
18 not have returned Schoolcraft to full duty
19 without getting a release from him to talk
20 to Dr. Sure about why Sure prescribed
21 Seroquel?

22 MS. PUBLICKER METTHAM:

23 Objection.

24 A. I don't know because I do not
25 make those decisions by myself and I had not

1 C. LAMSTEIN-REISS, M.D.
2 you were the psychologist that had seen
3 Schoolcraft when he called?

4 MS. PUBLICKER METTHAM:
5 Objection.

6 A. I don't believe he did. What
7 happens is they call the sick desk
8 supervisor, who looks up and sees who is on
9 duty and they call whoever is on duty.

10 Q. So on October 31, 2009, you
11 happened to be on pager duty?

12 A. Correct.

13 Q. So Captain Lauterborn called the
14 sick desk and he was looking for somebody
15 from the psychological evaluation services?

16 MS. PUBLICKER METTHAM:
17 Objection.

18 A. Psychological evaluation
19 section. Although, the psychological
20 services section, which does pre-employment
21 screening, they also do pager duty. He was
22 looking for a department psychologist to
23 give him a call to consult about the
24 situation.

25 Q. Did you tell Captain Lauterborn

1 C. LAMSTEIN-REISS, M.D.

2 you had evaluated and met with Schoolcraft?

3 A. Yes.

4 Q. And told him that during the
5 conversation that you had with him on
6 October 31st?

7 A. Yes.

8 Q. What else did you tell Captain
9 Lauterborn?

10 A. He was asking me if there was
11 any reason to be concerned about the fact
12 that he went AWOL and that he seemed to be
13 upset and said he had stomach pains and
14 should they be concerned, do they need to go
15 look for him, make sure he's okay.
16 Typically, in that situation they do. He
17 said he wasn't sure they wanted to suspend
18 him, because they thought this was more of a
19 psychological problem as opposed to a
20 disciplinary one and so he wanted to consult
21 with me.

22 I told him that as of the last
23 time I saw him, which was a few days
24 earlier, I had no reason to think he was a
25 danger to himself or others. Never

1 C. LAMSTEIN-REISS, M.D.

2 expressed thoughts of suicide. It didn't
3 seem to be anything that serious that would
4 lead me to be concerned. However, he had
5 also never acted like that before. He never
6 went AWOL, leaving even though he was told
7 to stay and was now saying he had stomach
8 pains, while being visibly upset. So I did
9 not know if that meant something new
10 happened that led him to be so upset that he
11 was acting in a different manner going AWOL
12 and that kind of stuff and led to a
13 reoccurrence of stomach pains badly enough
14 that he did that or maybe the stomach pains
15 never went away to begin with and I wasn't
16 sure and that my evaluation is -- even
17 though, I was not saying this person is
18 suicidal, he's had these thoughts, you must
19 -- it was nothing like that. I had no
20 reason to think he was, except my evaluation
21 was only as good as the last time I saw
22 them.

23 So if something happened since
24 then or they're acting different since then,
25 that may be different. And so I thought he

1 C. LAMSTEIN-REISS, M.D.
2 absolutely did need to find him and make
3 sure that he was okay.

4 Q. Was your sharing of information
5 about Schoolcraft with Lauterborn a
6 violation of Schoolcraft's privacy?

7 MS. PUBLICKER METHAM:

8 Objection.

9 A. No. This is -- they're not
10 treatment records. Whenever they come to
11 our office before they -- before I allow
12 them to open their mouth on all, I make sure
13 that they know that the interview is on the
14 record only within the department and only
15 on a need to know basis, so within that it
16 is on the record.

17 So in this case, someone is AWOL
18 and they're upset and they leave and they
19 say their stomach hurts and they're acting
20 in that manner, I deemed there was a need to
21 know, for him to know some basic information
22 about why he was on restricted duty. Not
23 information like, you know, whether or not
24 his father used -- had any kind of drug
25 problem, whether or not he's had sex in the

1 C. LAMSTEIN-REISS, M.D.
2 last few years. I mean, like that's not his
3 business. He doesn't need to know that.
4 That does not relate to the situation at
5 hand.

6 What did relate was issues of do
7 we need to be concerned about this guy and
8 so I released information that I deemed
9 pertinent to that, while keeping everything
10 else as confidential. Like I said, even
11 though it's on the record within the
12 department, it's an NYPD evaluation. It's
13 not private treatment records. Not
14 everything needs to be known -- to be given
15 out rather.

16 Q. The entry here says that Captain
17 Lauterborn kept you informed throughout the
18 night; is that right, he did that?

19 A. Correct.

20 Q. Did he tell you that he spoke
21 with Schoolcraft's father?

22 A. I would have to reference my
23 notes, but I believe he did. Yes, he
24 definitely did.

25 Q. Did he tell you that

1 C. LAMSTEIN-REISS, M.D.
2 about discussing this delayed entry with
3 anybody?

4 MS. PUBLICKER METHAM:
5 Objection.

6 MR. KRETZ: She's answered that.

7 MR. SMITH: I think she has --

8 A. I only recall at some point --
9 at some point I reviewed all my notes with
10 IAB --

11 Q. But you don't have a
12 recollection sitting here today --

13 A. No.

14 Q. -- of discussing?

15 A. I don't recall if that was
16 before or after I made that entry.

17 Q. Do you have a recollection
18 sitting here of discussing the delayed entry
19 with IAB?

20 MS. PUBLICKER METHAM:
21 Objection.

22 A. No. I recall discussing the
23 full case and that would have been part of
24 it if that conversation was after that date.

25 Q. All right, thank you. I think I

1 C. LAMSTEIN-REISS, M.D.

2 understand what you're telling me. Did you
3 ever speak with anybody from the media about
4 Schoolcraft?

5 A. No. We never speak to the
6 media.

7 Q. Okay. So you never spoke to
8 anybody from the media about Schoolcraft,
9 right?

10 A. Correct.

11 Q. Continue reading the delayed
12 entry.

13 THE WITNESS: Do you have where
14 I left off?

15 Q. The first sentence ends with in
16 writer's memory.

17 A. Undersigned.

18 Q. Undersigned's memory, right.
19 Can you go on from there?

20 A. From there, Captain Lauterborn
21 asked if MOS was suicidal or depressed
22 because he needed to know how concerned they
23 should be about MOS's safety given his going
24 AWOL, not answering phone calls, not
25 answering door of home, but his car was

1 C. LAMSTEIN-REISS, M.D.

2 there, et cetera. I informed captain that I
3 last saw MOS at PES on 10/27/09 and at that
4 time he looked okay and reported being
5 asymptomatic. At no time had he ever
6 expressed thoughts of suicide, but he also
7 never went AWOL before and acted the way he
8 was acting on 10/31/09. My assessment of
9 his suicide risk is only as good as the last
10 time I saw him. If something happened after
11 and led him to be so upset that he left work
12 without permission an hour before the end of
13 his tour, said he had stomach pains, et
14 cetera. Then I am unable to say with any
15 reasonable amount of certainty that he is
16 not at risk for suicidal ideation under
17 present circumstances.

18 I provided captain with basic
19 information about reason MOS was on
20 restricted duty. That he had significant
21 physical symptoms of stress insomnia, GI
22 symptoms, cardiac symptoms, et cetera.
23 Unclear if MOS was reporting openly on
24 10/27/09 when he said all of his symptoms
25 went away without treatment. Motivation to

1 C. LAMSTEIN-REISS, M.D.

2 minimize is that he did not want to be
3 psychological restricted duty. He was open
4 during initial evaluation, but denied any
5 and all symptoms in subsequent monitoring
6 sessions. When also expressed being upset
7 about being on psychological restricted
8 duty. His reporting on 10/31/09 that he had
9 stomach pains severe enough to warrant
10 leaving work before end of tour without
11 permission suggests either the symptoms
12 never did go away or they reoccurred on
13 10/31/09 due to his being really upset about
14 something. It is also possible that there
15 was medical cause for the stomach pain, but
16 the angry manner in which he left work
17 suggests a psychological cause and I signed
18 my name.

19 MS. PUBLICKER METTHAM: D284

20 and --

21 MR. OSTERMAN: 2890.

22 Q. Had you, when you prepared this
23 note, any thoughts that there was going to
24 be litigation about what happened to
25 Schoolcraft on October 31, 2009?

1 C. LAMSTEIN-REISS, M.D.

2 MS. PUBLICKER METHAM:

3 Objection.

4 A. I don't remember. I would have
5 to refer to my full notes, including
6 redacted information.

7 Q. When did it first occur --

8 A. I don't recall.

9 Q. You don't recall?

10 A. I don't recall.

11 Q. Had you been named as a
12 defendant in those two lawsuits Howard and
13 Nelson as of the time of this delayed entry?

14 MS. PUBLICKER METHAM:

15 Objection.

16 A. Howard -- this more recent than
17 that. Actually, I am really not sure. I
18 think -- I don't remember the dates of those
19 when they first started.

20 Q. Have you ever made a delayed
21 entry like this in a patient's file or file
22 like this?

23 MS. PUBLICKER METHAM:

24 Objection.

25 A. Yes.