

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ADRIAN SCHOOLCRAFT,
Plaintiff,

Case No:
10 CV 06005

- against -

THE CITY OF NEW YORK, ET AL.,
Defendants.

-----X
111 Broadway
New York, New York

May 14, 2014
10:24 a.m.

DEPOSITION OF JESSICA MARQUEZ, pursuant to
Notice, taken at the above place, date and
time, before DENISE ZIVKU, a Notary Public
within and for the State of New York.

1 JESSICA MARQUEZ

2 MR. LEE: Thank you.

3 MR. SMITH: I think this is so
4 much clearer than the copies that I
5 have. Can we just go make copies for
6 everybody?

7 MR. RADOMISLI: I think we could
8 do that later. I think it's pretty
9 clear. I would like to just get this
10 done. You're going to have her read it
11 out loud anyway.

12 MR. SMITH: The text, yes, for
13 sure I will have her read out the text,
14 because there's all these markings and
15 checks and...

16 MR. RADOMISLI: Let's just
17 conduct the deposition. We have
18 previously sent you of copies of the
19 chart. I will make you another copy if
20 you want later.

21 MR. SMITH: Okay, all right. We
22 will make a copy during the break,
23 okay.

24 Q. All right, do you have in front
25 of you the original Jamaica Hospital PCR

1 JESSICA MARQUEZ

2 form for Adrian Schoolcraft?

3 MR. RADOMISLI: The one that's
4 contained in the chart?

5 MR. SMITH: Yeah.

6 A. Yes.

7 Q. What is this document?

8 A. This is the patient care report,
9 which contains patient personal information
10 and your medical findings.

11 Q. And where does this form come
12 from?

13 A. Comes from what? What do you
14 mean? Like who supplies it to me?

15 Q. Yes, who supplies this document?

16 A. Oh, Jamaica Hospital does.

17 Q. And is this a document that you
18 are required to fill out as part of your
19 duties as an EMT at Jamaica Hospital?

20 A. Yes, it is.

21 Q. Why is this document created?

22 A. It's created to generate reports
23 as to what you responded to and for the
24 hospital.

25 Q. No, I understand that. I

JESSICA MARQUEZ

1
2 understand the information. What's the
3 underlying reason for creating this report?

4 A. To document your medical
5 findings.

6 Q. Does this document get
7 transmitted to anybody?

8 A. Yes, it does. To the fire
9 department.

10 Q. Why is it sent to the fire
11 department?

12 A. Cause the fire department of New
13 York runs the EMS system.

14 Q. So why is it sent to the fire
15 department?

16 MR. RADOMISLI: She just
17 answered that.

18 Q. Can you explain that answer to
19 me a little bit more?

20 A. The fire department has to
21 document and have on record all paperwork
22 generated for every job that you respond to.

23 Q. Is the copy of this PCR provided
24 to anybody else?

25 A. I don't know that.

1 JESSICA MARQUEZ

2 Q. Is a copy of the PCR provided to
3 anybody else at Jamaica Hospital?

4 A. I know the hospital has either a
5 copy or this copy of the form attached to
6 the patient's folder. The patient's medical
7 record.

8 Q. Does this PCR constitute a part
9 of the patient chart?

10 MR. RADOMISLI: Objection. You
11 could answer.

12 A. I believe so.

13 Q. And is this a document that's
14 used by the hospital personnel to make
15 decisions about the patient?

16 MR. RADOMISLI: Objection. You
17 could you answer.

18 A. I don't know that.

19 Q. Well, is it important when
20 filling out this PCR to be accurate?

21 A. You document your findings and
22 what the patient tells you.

23 Q. So you agree with me that it's
24 important that this form be filled out
25 accurately, right?

JESSICA MARQUEZ

1 A. Correct.

2 Q. And it's important because the
3 information in here may be pertinent to use
4 in subsequent medical decisions; isn't that
5 right?
6

7 MR. RADOMISLI: Objection. You
8 could answer.

9 A. This document is not used to
10 diagnose a patient. This document is used,
11 as to my opinion and what the patient tells
12 me. A doctor -- I don't think a doctor is
13 going to treat a patient because of what I
14 said. I am not -- he is of higher medical
15 authority than I. I only write what the
16 patient tells me their symptoms and that's
17 it, so.

18 Q. Thank you. I am just asking you
19 questions. I am not trying to suggest
20 anything, but I don't know -- well, I might
21 be suggesting something later, but right now
22 I am just trying to find out what your
23 understanding is about why this document is
24 created and for what purposes it is. That's
25 what I am trying to get at.

1 JESSICA MARQUEZ

2 A. Understood.

3 Q. You believe that if any Jamaica
4 Hospital doctor gets this information
5 they're going to do their own independent
6 assessment about the patient; is that
7 correct?

8 A. That's correct.

9 Q. Did you fill out this entire
10 document yourself?

11 A. Yes.

12 Q. Is there any handwriting on this
13 document that's not yours?

14 A. No, this is all my handwriting
15 besides the receiving nurse signature.
16 That's not mine, but everything else on this
17 document is mine.

18 Q. Okay. On the top of this
19 document says agency name and then there's
20 some scribbling over the word j-a-m. What is
21 that?

22 A. The scribbling over it?

23 Q. Yes.

24 A. I don't know.

25 Q. Whose handwriting is that?

1 JESSICA MARQUEZ

2 A. I couldn't tell you.

3 Q. Is it yours?

4 A. I don't recall if I wrote that.
5 This is a carbon, so anything that you write
6 on top of this with another sheet will
7 transfer over. So I can't tell if I wrote
8 that. I know I wrote Jamaica Hospital
9 Medical Center, but those numbers on top, I
10 couldn't tell you.

11 MR. RADOMISLI: The numbers near
12 the box agency name, that's what he's
13 referring to.

14 A. Is that where you're referring
15 to?

16 Q. Yes.

17 A. These -- 2, 3, 9, 1, 1?

18 Q. So you have in front of you the
19 carbon copy. Do you know where the original
20 is?

21 MR. LEE: Objection to the form.

22 A. I don't know.

23 Q. Is the original sent to the fire
24 department?

25 A. That's possible.

1 [!WITNESS NAME]

2

3

4

5

Q. This is a summary of your
6 interview at the Queens DA's office, right?

7

A. That's correct.

8

9

Q. And do you recall going to the
Queens DA's office?

10

A. Yes.

11

12

13

Q. You went there with -- you had
counsel with you, a person by the name of
Thomas Mofilia; is that correct?

14

A. That's correct.

15

16

17

Q. Was that your own personal
counsel or was that supplied to you by your
job?

18

A. By my job.

19

20

Q. This was a Jamaica Hospital
supplied attorney?

21

A. Yes.

22

23

24

Q. You met with this individual by
the name of Bureau Chief Leander; is that
right?

25

A. Yes.

1 [!WITNESS NAME]

2 Q. And you also met with Sergeant
3 Scott from the IAB Unit of the police
4 department; is that right?

5 A. That's correct.

6 Q. How long did this interview
7 last?

8 A. I don't recall.

9 Q. Do you know if it was recorded
10 in any fashion?

11 A. I don't remember.

12 Q. Were you sworn to tell the
13 truth, like you were sworn to tell the truth
14 this morning?

15 A. I don't remember if I was.

16 Q. To the best your ability, did
17 the answers to the question that you
18 provided, were those true?

19 A. Yes.

20 Q. On the last page of this
21 document, actually, it's the bottom of page
22 2 going on to page 3, there is a statement
23 that says that EMT Marquez clarified that
24 Police Officer Schoolcraft did go into the
25 ambulance when he left voluntarily the first

1 [!WITNESS NAME]

2 time. She acknowledged that the wording on
3 the PCR wasn't correct and maintained that
4 he was inside of the ambulance. You see
5 that?

6 A. Yes.

7 Q. So that was one of the errors
8 that you mentioned earlier; is that right?

9 MR. RADOMISLI: Objection to the
10 form.

11 Q. Let me just clarify that. What
12 in the PCR, which you have in front of you,
13 was incorrect?

14 A. My PCR, I stated that the
15 patient walked away even before --

16 MR. RADOMISLI: Read it.

17 A. Before patient was detained,
18 patient walked down with 50 Eddie three and
19 NYPD. As patient approached bus he turned
20 around and stated he did not need help and
21 walked way. Patient was then detained and
22 transport resumed. Patient is an officer
23 with the 81st Precinct.

24 Q. So it there something in the
25 portion of the PCR that you just read into

1 [!WITNESS NAME]

2 the record that was incorrect?

3 A. That's correct.

4 Q. What was the error?

5 MR. RADOMISLI: Just read the
6 portion that was incorrect.

7 A. As patient approached the bus he
8 turned and stated he did not need help and
9 walked away.

10 Q. How was that incorrect?

11 A. Because the patient actually
12 walked in my ambulance with me, sat down on
13 the stretcher and let me reevaluate him and
14 then when he was told that he was not going
15 to go to Forest Hills Hospital, that is when
16 he stated he did not need our services. He
17 stood up and walked out of the ambulance and
18 walked back to his residence.

19 Q. And you saw him walk out of the
20 ambulance?

21 A. Yes.

22 Q. And the correction that you want
23 to make here is that the portion that you
24 just read suggests that he never got inside
25 the ambulance; is that correct?

1 [!WITNESS NAME]

2 A. That is correct.

3 Q. Further along in that paragraph
4 that I was just reading from says: EMT
5 Marquez denied speaking to anyone in regards
6 to Police Officer Schoolcraft being -- it
7 says and, but it means an EDP, I think, when
8 they arrived at Jamaica Hospital, are you
9 with me?

10 A. No, I'm not. Going back to the
11 top paragraph?

12 Q. No, we're on the third page of
13 Exhibit 124 there is a thing that says: EMT
14 Marquez disclosed that she gave the triage
15 nurse at Jamaica Hospital her medical
16 findings. Do you see that?

17 MR. RADOMISLI: Where are you
18 now?

19 MR. SMITH: I am trying to draw
20 her attention to the sentence that says
21 EMT Marquez disclosed that she gave the
22 triage nurse at Jamaica Hospital her
23 medical findings.

24 MR. RADOMISLI: Show me where
25 you're reading from.

1 [!WITNESS NAME]

2 MR. SMITH: EMT Marquez

3 disclosed.

4 A. Yes.

5 Q. That's where I'm at right now.

6 Do you see that portion?

7 A. Okay.

8 Q. So you told the Queens DA that
9 you gave the triage nurse your medical
10 findings; is that right?

11 A. That's correct.

12 Q. And was that correct that you
13 gave the triage nurse your medical findings?

14 A. Yes, I did.

15 Q. What were the medical findings
16 that you gave her?

17 A. I told her that the patient was
18 in a hypertension crisis.

19 Q. Did you tell her anything else?

20 A. Yes, and I stated that patient
21 stated he had abdominal pain and that he
22 felt dizzy and I also told her that he drank
23 Nyquil because he said he wanted to sleep.

24 Q. Did you tell her anything else?

25 A. No, I did not.

1 [!WITNESS NAME]

2 Q. Do you know the name of the
3 triage nurse that you spoke to about
4 Schoolcraft?

5 A. No, I don't.

6 Q. Can you describe her to me?

7 A. I can't do that.

8 Q. Male, female?

9 A. I don't remember.

10 Q. The sentence goes on to say:
11 Semi colon that police officer is agitated
12 and that she wasn't sure why he was
13 exhibiting signs of hypertension. Is that
14 also information that you told the Queens DA
15 that you told the triage nurse?

16 A. Yes.

17 Q. Did you, in fact, tell the
18 triage nurse that Schoolcraft was agitated?

19 A. That's correct.

20 Q. Did you tell her that you
21 weren't sure why he was exhibiting signs of
22 hypertension?

23 A. The reason I said that was
24 because patient stated he had no medical
25 history. I explained to her he was in a

1 [!WITNESS NAME]

2 hypertension crisis and to what ideology I
3 had no idea, because he had stated he had no
4 hypertension history. So it had to do with
5 either him being agitated or what was going
6 on possibly elevated his blood pressure to
7 that extent.

8 Q. The next sentence says: EMT
9 Marquez stated that Lieutenant Broschart
10 filled in the blanks as she left. You see
11 that?

12 A. Yes.

13 Q. This is what you told the Queens
14 DA?

15 A. After I told the triage nurse
16 what was going on. He then began to speak
17 to the triage nurse. What did he say, I
18 don't know.

19 Q. Let me just clarify something
20 here for a second. Did you tell the Queens
21 DA that a Lieutenant Broschart filled in the
22 blanks as you left?

23 A. I didn't -- I don't know if
24 those are my exact words that he filled in
25 the blanks, but I did say whoever rode with

1 [!WITNESS NAME]

2 me on the ambulance was the one who told the
3 nurse what was going on after I gave her my
4 medical report on the patient.

5 Q. I see. Who is Lieutenant
6 Broschart?

7 A. As far as names I did not give
8 any names, because I don't even know the
9 names of any officer, lieutenant, captain,
10 chief, whoever was on scene with us.

11 Q. When you were talking to the
12 triage nurse --

13 A. Yes.

14 Q. -- you were giving her your
15 medical findings, right?

16 A. Correct.

17 Q. And there was also a police
18 officer or member of the PD standing there
19 with you, correct?

20 A. Correct. That's correct.

21 Q. And the three of you were
22 talking, is that what you're saying is that
23 the triage nurse and you and some member of
24 the police department were standing
25 providing information to the triage nurse?

1 [!WITNESS NAME]

2 MR. RADOMISLI: Objection to the
3 form.

4 A. That's not what I'm saying.
5 What I'm saying is after I gave my report,
6 yes, this other member of PD was standing
7 there while I was giving the report.
8 Because the patient, at this point, is now
9 handcuffed, so someone has to be with him
10 and he was, this other person who was
11 watching the patient.

12 Q. When it says here EMT Marquez
13 stated that Lieutenant Broschart filled in
14 the blanks as she left, what blanks was he
15 filling in?

16 MR. RADOMISLI: Objection to the
17 form.

18 A. I don't know what filled in the
19 blanks means. What I was trying to state
20 was once I gave my report, the officer who
21 was with us was now telling the triage nurse
22 what was going on as far as the patient
23 being agitated and that they want him to
24 have a psyche eval.

25 Q. Whoever this cop was that was

1 [!WITNESS NAME]

2 with you was also providing information to
3 the triage nurse?

4 A. That is correct.

5 Q. That information, as you recall
6 it, was that he wanted the patient to be
7 evaluated psychologically; is that correct?

8 A. That is correct.

9 Q. Did any of the police officers'
10 information get put into the PCR that you
11 prepared?

12 MR. LEE: Objection to the form.

13 A. Yes, I see that.

14 Q. What information?

15 A. The captain's name.

16 Q. In the narrative section of the
17 PCR it says among other things, upon entry
18 of ESU, NYPD 50 E 3 and C 513 patient was
19 agitated and resistant. Do you see that?

20 A. Yes, I do.

21 Q. Did lieutenant Broschart or
22 somebody from the NYPD provide the
23 information about the patient being agitated
24 and resistant or was that information that
25 you observed with your own eyes?

1 [!WITNESS NAME]

2 A. Captain never provided any
3 information to me.

4 MR. RADOMISLI: Just answer his
5 question.

6 A. Yeah, he was agitated upon
7 coming back to the ambulance the second
8 time.

9 Q. So the answer to my question is
10 that the lieutenant or anybody else from
11 NYPD, they didn't provide any of the
12 information that's set forth in this
13 narrative; is that correct?

14 A. That's correct.

15 Q. Okay. Going back to the first
16 page of the PCR, underneath the name and
17 address information -- well, next to the
18 name and address information, there is a
19 assessment of the patient's weight, how did
20 you make that determination that he weighed
21 150 pounds?

22 MS. PUBLICKER METTHAM:

23 Objection.

24 Q. Two hundred and fifty pounds?

25 A. He told me he weighed 250

1 JESSICA MARQUEZ

2 blood pressure is elevated.

3 Q. What does the 160 number mean,
4 what does that refer to?

5 A. The 160 tells me that the
6 patient's heart is overexerted because it's
7 meeting at 160 systolically.

8 Q. What does the 120 mean?

9 A. What the artery is now at rest
10 after the blood has rushed out of the heart.

11 Q. Do I understand this form to
12 also say that at 9:55 you took Schoolcraft's
13 blood pressure and vital signs, as well?

14 A. Yes, I did.

15 Q. Where did that take place?

16 A. In the ambulance at this point.

17 Q. How many times was Schoolcraft
18 in the ambulance?

19 A. Twice.

20 Q. Did you take his blood pressure
21 the first time he was in the ambulance, as
22 indicated in this form, or the second time?

23 A. The first time.

24 Q. And did you take that blood
25 pressure reading at 10:55 -- I'm sorry,

JESSICA MARQUEZ

1
2 9:55?

3 A. Yes.

4 Q. Is that your handwriting on
5 there on the line 21:55?

6 A. Yes, it is.

7 Q. Did you make that entry in the
8 corresponding entry at 21:55 or did you
9 enter that information at sometime after
10 21:55?

11 A. That information was inputted
12 inside the ambulance.

13 Q. And the information above that
14 was taken at 21:45, was that information
15 about the time and the numbers recorded on
16 this PCR at the time that the blood pressure
17 and other vital readings were being taken or
18 sometime after the readings were taken?

19 A. I don't remember when I put this
20 initial vital sign.

21 Q. Did you have -- was this initial
22 vital taken of Schoolcraft in the apartment?

23 A. Yes, it was.

24 Q. Did you have the PCR form, the
25 original, with you in the apartment?