

## 6.5 TREATING PHYSICIAN

Martha Hiller is suing Thomas Randolph for personal injuries suffered in an auto accident on February 10, [-3]. Her suit asks for substantial damages. Her claim is based primarily on the pain and suffering she says have resulted from the accident.

The case is now on trial. Hiller will testify that her neck and head pains are as severe today as they were when she saw Dr. Flanagan. She will say she stopped going to the doctor because he was not helping her and she did not want to incur additional expense.

Hiller was not employed at the time of the accident, having retired one year earlier after 30 years of employment at Western Electric.

Aside from Dr. Flanagan's bill, her actual expenses were:

St. Joseph's Hospital emergency treatment	\$ 250.00
X-rays	200.00
Prescriptions	200.00

Dr. Robert Flanagan is now called as a witness for the plaintiff. His report and the hospital x-rays are attached. Assume there is a stipulation that Dr. Flanagan is a qualified physician, specializing in the field of orthopedics.

1. For the plaintiff, conduct a direct examination of Dr. Flanagan.
2. For the defendant, cross-examine Dr. Flanagan.

Robert Flanagan, M.D.  
30 North Michigan Avenue  
July 18, [-1]

Samuel Levin  
Attorney at Law  
221 N. La Salle Street

Re: Martha Hiller

Dear Mr. Levin:

I have written this report pursuant to your request for information concerning my patient, and your client, Martha Hiller, of 5770 N. Washtenaw. Miss Hiller has signed the appropriate consent form for release of this information.

Martha Hiller is a 62-year-old white female. She is five feet, three inches in height and weighs 120 pounds. I first saw her in the emergency room at St. Joseph's Hospital on February 10, [-3]. She had been brought there by a Fire Department ambulance after an auto accident that took place at the intersection off Sheridan Road and Surf Street.

The patient told me she was proceeding north on Sheridan Road when a westbound car went through a red light on Surf Street and struck her vehicle at about the right front door. She described the impact as "heavy." She said that on impact her body was "thrown to the left and back again." She felt stunned and just sat behind the wheel for a few minutes. When the police came to the scene she asked to be transported to the hospital. She said she never before had suffered any injuries in an accident. She reported no prior injuries to, or difficulties with, her neck, back, or head.

In the emergency room Miss Hiller complained of soreness in her neck and shoulders. A visual examination was made and no sign of trauma was found. X-rays were taken and were negative. The patient was released with the suggestion she rest at home for the balance of the day and take aspirin as needed.

I next saw Miss Hiller on Feb. 14, [-3], at my office. She had called for an appointment that morning.

The patient reported that the pain in her neck and shoulders had been steadily increasing. In addition, she complained of severe headaches for the past two days.



A thorough physical examination was conducted, including the usual sensory, motor, and radiographic tests. All tests were negative for objective findings, although I noted a slight limitation in head movement. I could find no objective explanation for the pain she described, although she obviously was in discomfort.

I suggested she use an electric heating pad, take hot baths, and use aspirin as required. I asked her to see me again if the pain were to continue.

I saw Miss Hiller again on Feb. 21, [-3]. She told me the pain in her shoulders had diminished, but that the neck pain and the headaches had not diminished, and had, in fact, become worse.

Again, I conducted a complete physical examination, although I did not order radiographic tests. I made no objective findings. I gave her a prescription for the analgesic Emperin Compound No. 3, with codeine, and I recommended bed rest and the taking of hot baths.

I next saw Miss Hiller on March 10, [-3]. She again described continuous pain in her neck, at the base of the skull, along with severe headaches, at least once a day. I told her to continue taking the Emperin Compound, and I recommended she restrict herself to light activity and as much bed rest as possible.

The next and final time I saw Miss Hiller was April 10, [-3]. She again complained of neck pain. She said the headaches now occurred every two to three days. I renewed the prescription for the Emperin Compound, and told her to refrain from any exertion.

I have not seen or heard from Miss Hiller since that last visit.

I find it difficult to make an exact diagnosis. I believe the pain is real and that she is not malingering. Since she told me she never experienced neck or shoulder pain or anything other than an occasional mild headache before the accident, it is my opinion that Miss Hiller's condition was caused by the accident of February 10, [-3]. I would classify her condition as cervical sprain.

Since I have not seen the patient for more than two years, I have no opinion concerning her present condition.

My fee for services to Miss Hiller, in the hospital

and at my office, was a total of \$375. Those bills were paid. My fee for preparing this report is an additional \$300. If I am called upon to testify in this case, I, of course, expect to be paid for my time.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert Flanagan".

Robert Flanagan, M.D.