

1  
CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

4 IN RE: THE GUARDIANSHIP OF  
5 THERESA MARIE SCHIAVO,

6 Incapacitated.

7 MICHAEL SCHIAVO, AS GUARDIAN OF THE  
8 PERSON OF THERESA MARIE SCHIAVO,

9 Petitioner,

APPEAL

10 vs.

11 ROBERT SCHINDLER AND MARY SCHINDLER,

12 Respondents.

13 BEFORE: GEORGE W. GREER  
14 Circuit Court Judge

15 PLACE: Clearwater Courthouse  
16 Clearwater, FL 33756

17 DATE: January 24, 2000

18 TIME: 9:00 a.m.

19 REPORTED BY: Beth Ann Erickson, RPR  
20 Court Reporter  
21 Notary Public

22 TRIAL

23 ROBERT A. DEMPSTER & ASSOCIATES  
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Volume I

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COPY

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## P-R-O-C-E-E-D-I-N-G-S

THE BAILIFF: All rise. Circuit Court in and for Pinellas County is now in session with the Honorable George W. Greer, circuit court judge, presiding. Be seated.

THE COURT: Good morning. Is the

MS. CAMPBELL: Yes, Your Honor.

THE COURT: Introduce those at counsel table.

MR. FELOS: George Felos, Felos and Felos PA.

MS. FELOS: Constance Felos, from the firm of Felos and Felos, PA. This is the petitioner, Michael Schiavo.

MS. CAMPBELL: Pam Campbell here representing Mr. and Mrs. Schindler, the parents of Theresa Schiavo and respondent, Bob Schindler, father. My legal assistant, Theresa, and Mrs. Schindler, the mother.

THE COURT: Opening statements?

MR. FELOS: We do have an opening

1 to swear in witnesses now and invoke the rule of  
2 witnesses?

3 THE COURT: I'll swear the witnesses in  
4 as they take the stand. The Court does not invoke  
5 the rule. Do you wish to invoke the rule?

6 MR. FELOS: We wish to invoke the rule.

7 THE COURT: Aside from the parties, is  
8 there anyone present that is a witness or intends  
9 to be a witness in this case?

10 MS. CAMPBELL: Yes, Your Honor.

11 THE COURT: Sir, the rule has been  
12 invoked, which is a rule of sequestration. What  
13 that means is that the only time you can be  
14 present in court is when you are testifying. From  
15 this point forward, you are not to discuss your  
16 testimony with anybody or the facts of this case  
17 with anyone other than the lawyers, Ms. Campbell  
18 or Mr. Felos -- you can talk to them -- but other  
19 than that, you are not to discuss the case with  
20 anyone.

21 So the bailiff will show you where you  
22 can stay, if you are called to testify. Counsel,  
23 be so kind as to advise your other witnesses that  
24 the rule has been invoked. Very well. Mr. Felos?

25 MR. FELOS: Thank you, Your Honor.

1 Your Honor, in this case there are no winners.  
2 Whatever the outcome of this case, everyone has  
3 lost. A little less than ten years ago, February  
4 1990, a beautiful vivacious young woman's heart  
5 stopped beating. Her brain was deprived of oxygen  
6 and since that time she's existed in a permanent  
7 vegetative state, whereas her parents have agreed  
8 in the pleadings, it's an irreversible, profoundly  
9 debilitating condition.

10 On that day close to ten years ago, my  
11 client, Mr. Schiavo, lost the wife he knew. Her  
12 parents lost their dreams and hopes of a full life  
13 with their daughter and her siblings, and friends  
14 lost a shining presence in their lives. So in  
15 this case, there is no final judgment order,  
16 decree, that can ever bring Theresa Schiavo back.

17 If this Court grants the petition and  
18 permits Theresa Schiavo's artificial life support  
19 to be removed, all the parties will have to suffer  
20 the agony of watching a beloved one die, even  
21 though it is my client's belief and wish that is  
22 what his wife wanted. If this Court does not  
23 grant the petition, Theresa Schiavo's body will be  
24 maintained in this condition, perhaps for decades,  
25 and there is no victory or win in that for anyone.

The evidence will show in this case that

Catholics at the time. She meets Michael in community college in the Philadelphia area. They fell in love. They married. They lived there from, as a married couple, from 1984 to 1986. They met in 1982. They had a family oriented life in Philadelphia, both with Michael and Theresa's family.

They moved to Florida in 1986. She worked for Prudential Insurance and he worked in food service management as a restaurant manager, assistant restaurant manager, working nights. You will also hear evidence that Theresa once had a weight problem. Was heavy in her early adulthood and lost a significant amount of weight. You will hear evidence that Theresa wanted to become pregnant. Wanted to have a family. Was under a doctor's care to become pregnant, and while under that doctor's care, developed a potassium imbalance which caused her heart to stop beating, which caused the incident in question.

You will hear much evidence as to how Mr. Schiavo cared for his wife. Fought for his

1 wife. Fought to get experimental treatment for  
2 his wife. Raised funds for his wife to go out to  
3 California and have electrical implants to try to  
4 stimulate her brain. Engaged in fund raisers.  
5 How he stayed with her for day and night for  
6 periods of years. How he has been termed, as he

9 level of care that most other patients would not  
10 have received.

11 You will hear evidence how he hired a  
12 private aide over a 2-year period to take Theresa  
13 out to museums, hairdressers, beauty makeovers, to  
14 try to stimulate her in some hope that she may  
15 improve or may revive. You will also hear  
16 evidence from physicians, Your Honor, that there  
17 is no hope of recovery for Theresa. That she is  
18 in a permanent vegetative condition.

19 You will also hear doctor's evidence  
20 that the process of removal of a feeding tube and  
21 the death process involved there takes seven to  
22 ten days. That a patient does not starve to  
23 death. A patient quickly develops an electrolyte  
24 imbalance which causes death within a short time,  
25 and that death as a result of this process is not

1 painful.

2 You will hear disputed evidence as to  
3 the cognition of Theresa Schiavo. I am sure you  
4 will hear evidence by the respondent that they  
5 believe Theresa is aware of their presence.  
6 However, it is important for the Court to remember  
7 that that is really a non issue in this case. The  
8 major issue in this case is what Terri's intent  
9 was.

10 And we will present testimony from Mr.  
11 Schiavo and his brother and sister-in-law as to  
12 conversations Theresa Schiavo had with them in  
13 which she stated that if she had to be dependent  
14 on the care of others, she would not want to live  
15 that way. She would rather die. Also, if she was  
16 in that condition, she would not want to be kept  
17 alive or maintained artificially. Her wishes were  
18 not contingent upon being totally unconscious or  
19 vegetative, but broadly expressed in that way. So  
20 although there may be dispute in this case as to  
21 whether Theresa has some awareness of her  
22 surroundings, minimal awareness, it really is a  
23 non issue in terms of her expression of intent.

24 There may be some evidence that while  
25 Theresa was living with her parents, she may have

1 made comments about the Karen Ann Quinlan case.  
2 We believe that the Court will not find that  
3 evidence particularly credible, and certainly if  
4 it is, contrary to her later statements, would  
5 have been a change of position for Theresa.

6 You will also receive testimony, Your  
7 Honor, from some experts. One will be an expert  
8 witness testifying as to the doctrine and policies  
9 of the Catholic church regarding artificial life  
10 support. That testimony will show that the  
11 request of the petitioner in this case is highly  
12 consistent with the teachings of the Catholic  
13 faith.

14 You will also hear evidence from an  
15 expert in American's attitudes and expressions  
16 concerning end of life care, who will also testify  
17 that the manner of expression, the manner in which  
18 Theresa expressed her wishes, is very consistent

20 statements are made as a catalyst to a particular  
21 event and illness of a relative; watching a movie

24 customarily made.

1 testimony regarding the relationship between the  
2 parties, the petitioner and respondents, which was  
3 a good relationship and a supportive relationship  
4 until the malpractice award was given in this  
5 case. You will hear evidence that in 1992 a  
6 verdict was issued in a medical malpractice case  
7 brought on Theresa's behalf and Theresa, the  
8 guardianship estate, netted over \$700,000 and that  
9 Mr. Schiavo netted approximately \$300,000 in a  
10 loss of consortium award.

11 You will hear evidence -- you will hear  
12 testimony from the respondents that there was an  
13 alleged agreement between Mr. Schiavo and the  
14 respondents that he would split his loss of  
15 consortium award with them. You will hear  
16 testimony from Mr. Schiavo that that was not the  
17 case. You will hear testimony that the  
18 respondents were in significant financial  
19 difficulties at that time and were upset that they  
20 didn't receive a portion of Mr. Schiavo's award.

21 You will hear testimony of basically an  
22 unfortunate falling apart of that relationship and  
23 also testimony that shortly after that falling  
24 apart, the respondents filed a suit in this court  
25 to remove Mr. Schiavo as Theresa's guardian

1 alleging that he was in a relationship with  
2 another woman, that he was not caring for her  
3 medically, and that he had a financial conflict of  
4 interest. You will hear testimony that that suit  
5 was dismissed with prejudice by the respondents.

6 There will be testimony that three years  
7 after Theresa's incident, yes, Mr. Schiavo did  
8 have a relationship and is in a relationship  
9 currently. You will hear testimony that, yes, Mr.  
10 Schiavo wants to have a family in the future. He  
11 wants to be a father in the future. And you will  
12 also hear that that doesn't mean that he doesn't  
13 love Terri and will always love Terri and wants  
14 what's best for her.

15 You will hear testimony that it's always  
16 been the respondents' wish for Mr. Schiavo to move  
17 on with his life, and Mr. and Mrs. Schindler take  
18 over the guardianship and take over the care of  
19 Terri. You will hear testimony regarding the  
20 Schindlers' beliefs concerning medical treatment  
21 and their wishes concerning Terri. Terri's  
22 medical treatment. Some of that evidence, which  
23 may be disturbing.

24 You will hear testimony that the  
25 Schindlers, if in Terri's condition, would want

1 all possible medical treatment to keep them alive  
2 at all costs, even if they were permanently  
3 unconscious. You will hear testimony that they  
4 would choose chemotherapy. They would choose, if  
5 they developed gangrene, they would choose to have  
6 their limbs amputated to remain in a permanent  
7 vegetative condition.

8 You will also hear testimony from  
9 Theresa's father that if Terri needed open heart  
10 surgery, he would choose to have open heart  
11 surgery performed on her rather than have her die.  
12 You will hear testimony from her father that if  
13 Theresa developed gangrene and limbs needed to be  
14 amputated, he would choose to have that for his  
15 daughter. You will also hear testimony,  
16 Your Honor, that those beliefs and intents have  
17 nothing to do with being Catholic or part of the  
18 Catholic faith.

19 You will hear -- I am sure you will hear  
20 testimony in this case about the guardianship  
21 estate, and yes, if Theresa Schiavo dies at this  
22 time and the petition is granted, Mr. Schiavo will  
23 inherit those funds of Theresa's Schiavo's  
24 intestate. You will hear testimony that Mr. and  
25 Mrs. Schindler also, if the petition is denied and

1 Mr. Schiavo does remarry, will be Theresa's  
2 intestate heirs and will inherit.

3 At the end of the evidence, the Court I  
4 believe will conclude that Mr. Schiavo is not  
5 concerned with his financial interests.

7 interests of his wife. You will also hear  
8 evidence regarding the time period that has  
9 elapsed since Terri's incident and the request to  
10 remove the feeding tube. It has been ten years,  
11 and the argument has been made and was made by the  
12 guardian ad litem's report that is in the file  
13 that that somehow affects Mr. Schiavo's  
14 credibility.

15 The Court will hear evidence for the  
16 first four years or so that Mr. Schiavo  
17 aggressively, aggressively treated or tried to  
18 seek treatment for Terri in the hope of recovery.  
19 Despite doctor's advice there was no hope, he did  
20 not give up hope. And I believe the evidence will  
21 show he can't be faulted for trying as hard as he  
22 did to help his wife in the hope of recovery.

23 In 1994, at the suggestion of his  
24 doctors, the Court will hear that Mr. Schiavo made  
25 a decision not to treat an infection, which would

1 have resulted in Terri's death. In response to  
2 that, Your Honor, the evidence will show that Mr.  
3 and Mrs. Schindler amended their petition to  
4 remove Mr. Schiavo as guardian, alleging he was  
5 not treating the infection and alleging that  
6 constituted an abuse of Terri.

7 The evidence will show that at that  
8 time, my client was emotionally unable to proceed.  
9 After making a decision not to treat an infection,  
10 he was attacked for it and not emotionally able to  
11 proceed with the removal of the feeding tube.  
12 That about a year later, he started to take steps  
13 to do that which has resulted in this petition.

14 The Court will, as part of the evidence  
15 in this case, review the report of the guardian ad  
16 litem and also the suggestion of bias filed in  
17 response. The Court will also hear testimony that  
18 the guardian ad litem at the time he issued his  
19 report had one piece of evidence regarding Terri's  
20 intent and that was the statements relayed to him  
21 by Mr. Schiavo. You will hear the guardian ad  
22 litem testify that had he known of the statements  
23 of Mr. Schiavo's brother and sister-in-law, that  
24 his conclusions may very well have been  
25 different.

1           You will also hear testimony regarding  
2           the guardian ad litem of his personal feelings  
3           regarding removal of feeding tubes. The guardian  
4           ad litem has been very candid, and the evidence  
5           will show, personally, he has great difficulty  
6           with placing removal of artificial provision of  
7           sustenance as medical treatment, which is the law  
8           in Florida.

9           You will hear testimony of the guardian  
10          ad litem to the effect that he believes patients  
11          should not have the right, although the Supreme  
12          Court of Florida has given the patient the right  
13          to cease food and water, in his belief that should  
14          not be the case and the patient should not have  
15          that right. We will argue to the Court that may  
16          have affected the close call, and I use the words  
17          of the guardian ad litem, the close call he made  
18          in his report.

19          We believe at the conclusion of the case  
20          the Court will find clear and convincing evidence  
21          that Theresa Schiavo would not want to be kept  
22          alive in this condition and would want the feeding  
23          tube removed. Also, if it's necessary for the  
24          Court's determination, we believe the Court will  
25          find the removal of the feeding tube is in Theresa

1 Schiavo's best interest. I say, if necessary,  
2 Your Honor.

3 Obviously, the primary question before  
4 the Court is Theresa's intent. If the Court does  
5 not find clear and convincing intent, which we  
6 believe the Court will do, but if that should  
7 occur, we intend to argue to the Court that the  
8 Court does have the authority, absent clear and  
9 convincing evidence of intent under a best  
10 interest test, to grant the petition.

11 Your Honor, in closing here, while the  
12 petitioner agrees that life is sacred and should  
13 be preserved, he also believes, and we will  
14 suggest to the Court, that neither the law, nor  
15 Theresa's religion, or moral dictates would  
16 require that life be artificially preserved at all  
17 costs. Thank you.

18 THE COURT: Thank you, Mr. Felos.  
19 Ms. Campbell.

20 MS. CAMPBELL: Mr. Felos has already  
21 very eloquently and accurately set forth a lot of  
22 the history in this case going over the dates and  
23 times of the testimony dictated here in the next  
24 week. Our differences where we come is as to what  
25 the Court will find and also the credibility of

1 the witnesses.

2 Mr. Felos has his witnesses that will  
3 tell what Ms. Terri Schiavo's wishes would be  
4 regarding the feeding tube. You will also hear  
5 from our side of it. On our side, you will hear  
6 from a long childhood friend of Terri's. You will  
7 also hear from a co-worker that was more closely  
8 related to Terri close to the time of the incident  
9 of the accident, which was February of 1990.

10 You will hear a lot of medical testimony  
11 concerning the persistent vegetative state that  
12 Theresa Schiavo currently exists in. We do not  
13 doubt she's in a permanent vegetative state.  
14 However, a lot goes to the cognitive activity and  
15 brain activity of Theresa Schiavo. In reading  
16 through some of the medical records, you will hear  
17 testimony about her no recognition. However, you  
18 will hear testimony from our side there is  
19 recognition. ~~She does recognize her mother~~

20 There is a videotape we would like for  
21 the Court to see, very brief, that is a videotape

25 case, he will be testifying. The guardian ad

1 litem was appointed to investigate and make a  
2 report to this Court, which he did, which the  
3 court file contains a copy of his report.

4 Mr. Pearce thoroughly investigated the  
5 whole case and interviewed various witnesses; met  
6 with people at the nursing home staff; saw  
7 different physicians; and came to the ultimate  
8 conclusion that the feeding tube should be  
9 maintained. It's our position here that the  
10 guiding case for the court in setting precedence  
11 is the Estele Browning case, which sets forth that  
12 clear and convincing evidence should be  
13 established of the patient's wishes, and that if  
14 it's oral evidence, that the petitioner would bear  
15 the burden of showing this was by clear and  
16 convincing evidence.

17 We do not believe, as the guardian ad  
18 litem also found, that the evidence you will hear  
19 is credible. We have contradictory evidence that  
20 will show in fact that it is not credible as to  
21 what her wishes her. You will also hear from her  
22 long time childhood friend that when the Karen Ann  
23 Quinlan case was being discussed in conversations  
24 between Terri Schiavo and this long childhood  
25 friend regarding the Karen Ann Quinlan case, which

1 we believe ultimately sets forth Terri's beliefs,  
2 it would be in the situation she is in one that  
3 she would not ultimately choose to be in the  
4 situation she is in, but the circumstances she  
5 faces, that Theresa Schiavo would want to maintain  
6 her feeding tube.

7 As a public policy statement, we also  
8 believe the Court is firmly held to review the  
9 conflict of interest of Michael Schiavo and the  
10 financial situation that would rest in the  
11 intestate estate. There is case law precedent to  
12 that which we will be arguing in our closing  
13 argument that we believe firmly sets forth this  
14 conflict of interest. Thank you and good luck for  
15 this week.

16 THE COURT: Call your first witness.

17 MR. FELOS: Thank you, Your Honor. Call  
18 Mr. Schiavo.

19 THE COURT: Call your first witness.

20 MR. FELOS: Thank you, Your Honor. Call  
21 Mr. Schiavo.

22 (THEREUPON, THE WITNESS WAS SWORN ON OATH BY  
23 THE COURT.)  
24  
25

## DIRECT EXAMINATION

1

2

4

for the record, please.

5

6

A My name is Michael Schiavo. My address is 2807 Marie Court, Clearwater, Florida.

7

Q What is your date of birth?

8

A 4-3-63.

9

10

Q Mr. Schiavo, how are you employed at this time?

11

12

A I work for Morton Plant/Mease Countryside Hospital as a respiratory therapist.

13

14

Q Please tell the Court what your employment background is.

15

16

17

A I worked for Morton Plant/Mease ever since I became a respiratory therapist five years ago.

18

Q Before that?

19

20

21

A I worked for various amounts of restaurants. Right before I got into medical, I worked for Agostino's Restaurant.

22

Q Um-hmm.

23

24

25

A Prior to that, I worked for the Columbia. And prior to that, I worked for the Breckenridge Hotel.

1 Q Tell the Court, please, what your  
2 educational background is

4 year-and-a-half in the Philadelphia area. Bucks  
5 County Community College, starting, I believe, in  
6 1983. Don't hold me to the dates. I'm not good  
7 with dates. I went to St. Pete Junior College. I  
8 received a certificate for my EMT license.

9 Q What is that?

10 A Emergency Medical Technician. I went  
11 back to school and received an AS degree in  
12 respiratory therapy and back to back received my  
13 SA in nursing. I just took my boards and passed  
14 last week.

15 Q Where did you grow up, Mr. Schiavo?

16 A Levittown, Pennsylvania. Suburb of  
17 Philadelphia.

18 Q Tell us about your family background.  
19 Are your parents alive? Do you have brothers and  
20 sisters?

21 A I have four older brothers. My mother  
22 is deceased. It will be three years in July. My  
23 father is still alive living here in Florida.

24 Q Did you have a relationship with any of  
25 your grandparents?

1 A Yes. I did. All my grandparents.

2 ~~Q Do you recall any conversations at the~~

4 A Yes. My father's mother.

5 Q How did that come about?

6 A She had a heart attack. Prior to that,  
7 she had open heart ten years prior to that. She  
8 had a heart attack. She ended up on a ventilator,  
9 which was against her wishes. She had a living  
10 will in place. A DNR in place.

11 The doctors did intubate her. My family  
12 showed up. It was told to the doctor this was not  
13 her wishes. Her living will and DNR was shown to  
14 the doctor, I believe, and the ventilator was  
15 removed.

16 Q Where were you and Terri living when  
17 your grandmother died?

18 A Here in Florida. St. Pete Beach.

19 Q Did you attend the funeral?

20 A Yes. We did. We flew up.

21 Q Did Terri know or have a relationship  
22 with your grandmother?

23 A She had a close relationship with my  
24 grandmother.

25 Q Do you recall any conversations at the

1 funeral, the funeral luncheon after that,

4 A I vaguely remember a conversation that  
5 happened, but my brother, Scott, had the  
6 conversation. He would know better about the  
7 conversation.

8 Q Is there anyone in your family that has  
9 a particular reputation for having a good memory?

10 A My brother, Scott. We always tease him  
11 about having the mind of an elephant.

12 Q Please tell me how you and Terri met?

13 A At Bucks County Community College in one  
14 of our classes. I can't remember which class it  
15 was.

16 Q Tell us a little about your courtship  
17 with Terri.

18 A Terri and I dated approximately about a  
19 year. We did the usual things. Family parties.  
20 Movies. We went to dinner a lot. We were engaged  
21 probably about a year into our relationship. We  
22 were engaged for a year before we got married.

23 Q When did you and Terri marry?

24 A November 10, 1984.

25 Q Where did that occur?

1 A In Huntingdon Valley, PA.

2 Q Is that a suburb?

3 A Suburb of Philadelphia.

4 Q Describe for us Terri's personality.

5 A She was a very outspoken person. She  
6 believed in what she believed in. But on the  
7 other hand, she had a heart of gold. Somebody  
8 that was sweet. Very personable. You would meet  
9 her and just be charmed with her. Somebody -- to  
10 me, she was everything.

11 Q Before you met -- when you met Terri,  
12 what was her weight?

13 A Approximately 155 pounds.

14 Q Before you met Terri, had she been  
15 heavier?

16 A Yes. She was in her early childhood.

17 Q Did she lose any weight during the  
18 course of your marriage?

19 A Terri lost weight throughout the course  
20 of our marriage. Yes. She did.

21 Q I would like to show you, Mr. Schiavo;  
22 Petitioner's Exhibit Number One and Number Two  
23 marked for identification and ask you if you can  
24 identify what those are, please.

25 A This young lady right here is Terri.

1 That is her sister, Suzanne. This is when they  
2 used to go away to -- I forget. They used to stay  
3 at a hotel every year. This is Terri in Florida,  
4 I believe. Actually on our honeymoon. This is  
5 Terri and I. This is a good picture of her. This  
6 is Terri right before we left for Florida. This  
7 is Terri right here at her brother's graduation.

8 Q In Petitioner's Exhibit Number One, was  
9 that the weight of Terri approximately at the time  
10 you married her?

11 A The bottom picture? No.

12 Q The top picture?

13 A The top picture, yes.

14 Q In Petitioner's Exhibit Number Two, is  
15 that Terri's approximate weight during your  
16 marriage?

17 A Yes.

18 MR. FELOS: Your Honor, we move to  
19 introduce these photos into evidence.

20 THE COURT: Is there an objection?

21 MS. CAMPBELL: No objection, Your Honor.

22 THE COURT: So received.

23 (THEREUPON, PETITIONER'S EXHIBITS NUMBERS 1 &  
24 2 WERE RECEIVED IN EVIDENCE.)

25 Q (By Mr. Felos) Now that the Court has

1 had the benefit to see the photographs, I'd like

2  
3  
4 two pictures are?

5 A The bottom picture here was Terri at a  
6 younger age. This is on a family vacation. To  
7

8  
9 was our honeymoon.

10 Q Okay. Now Petitioner's Exhibit Number  
11 Two, can you explain when approximately these  
12 pictures were taken, and where, starting with the  
13 upper left?

14 A The upper left, that is Terri and I  
15 outside of our apartment at Thunder Bay. I don't  
16 know the approximate year of that. Date. To the  
17 right of that is a party thrown for us about a  
18 week before we left for Florida. That is my  
19 mother with her back toward you. My brother and  
20 sister-in-law.

21 Down on the bottom on the left with the  
22 truck leasing, that is her brother's graduation.  
23 That is Terri in the white. That is her sister in  
24 the black. To the right of that, that is a  
25 picture at Disney World. I believe that is -- I

1 don't know the approximate date on that one.

4 the back with the red suit. That is approximately  
5 about six or so months prior to her accident.

6 Q Did you notice that Terri was losing  
7 weight during the course of the marriage?

8 A Yes. I did.

9 Q To your knowledge, while living with  
10 Terri, did you know whether or not she ever had an  
11 eating disorder such as anorexia or bulimia?

12 A I did not. No. There was speculation  
13 made to that, but there was nothing ever proven in  
14 court as to that diagnosis.

15 Q Once you were married, tell us the type  
16 of things that Terri and you liked to do together.

17 A After we are were married, I did work a  
18 lot. I worked a lot of nights. On the days off  
19 that I did have, we would go to the movies. Spent  
20 a lot of time with her parents. We would go out  
21 to dinner a lot. Spend time at home.

22 Q Were you in love with your wife?

23 A I was deeply in love with my wife and I  
24 still am.

25 Q How long did you live in Philadelphia

1 after your marriage in 1984?

2

4 for Florida in 1986.

5 Q Did you and Terri socialize with any of  
6 your family members?

9 We went to adult parties. Kids' parties.

10 Holidays. We spent a lot of time with family.

12 at that time?

13 A I'm sorry?

14 Q Where did your parents and siblings live  
15 at that time?

16 A My parents lived in Levittown,  
17 Pennsylvania. My brother, one brother in Trevoze,  
18 Pennsylvania. One brother lived in Fairless  
19 Hills. One brother lived in Philadelphia. One  
20 brother was not married yet. Kind of lived with  
21 my parents and had his own place for a while.

22 Q Was that all in the greater Philadelphia  
23 area?

24 A Yes.

25 Q Was Terri particularly close to any of

1 your brothers or sister-in-laws?

2 A Terri was very close with my brothers.  
3 Especially my sister-in-laws and especially my  
4 sister-in-law, Joan. They were best friends.

5 Q At that time, how would you describe  
6 your relationship with Terri's parents and family  
7. while you were living in Philadelphia?

9 She was very close with her brother, Bobby. She  
10 was not so close with her sister, Suzanne.

11 Q Did Terri have any close friends in  
12 particular in the Philadelphia area?

13 A She had a very close friend, Sue Cobb.  
14 She had other acquaintances. Other friends.

15 Q Why is it that you and Terri decided to  
16 move to Florida?

17 A We were over the cold. We wanted  
18 something new.

19 Q After you and Terri were married, but  
20 before you moved to Florida, did you ever take any  
21 trips here?

22 A Yes. We did. I remember one  
23 especially.

24 Q What was particularly special about that  
25 trip?

1           A     That is before we left her grandmother  
2     was gravely ill.

3           Q     Um-hmm. Did Terri have any concerns  
4     about taking the trip to Florida given her  
5     grandmother's condition?

6           A     She was very concerned. She did not  
7     want to leave her grandmother. She was pretty ill  
8     at the time. She was in the hospital in intensive  
9     care.

10          Q     Do you know why she decided to take the  
11     trip?

12          A     Her mother told us to go.

13          Q     Did the subject of Terri's grandmother  
14     -- by the way, did you fly, drive, or take the  
15     train?

16          A     We took a train.

17          Q     Did the subject of Terri's grandmother  
18     come up at all during that train trip?

19          A     Yes. It did. We were taking the train  
20     trip. We are sitting there. Terri was reading a  
21     book. She put the book down and looked at me.  
22     She says, "I'm kind of concerned about leaving."  
23     I told her, "Your mom said to go." She says,  
24     "Well, I'm concerned about my grandmother. What  
25     if she dies? Who is going to take care of my

1       uncle?" She says, "If I ever have to be a burden  
2       to anybody, I don't want to live like that."

3           Q     You made reference -- did you say  
4       anything in response to that?

5           A     I told her that -- I told her that she  
6       should remember that for me, too.

7           Q     Do you know why Terri made a reference  
8       to her uncle in connection with her grandmother's  
9       illness?

10          A     Years prior, her uncle was in a severe  
11       car accident. He was depressed because his wife  
12       and child were killed in a car accident. They  
13       were hit by a train coming home from the mall. He  
14       became, as what Terri says, severely depressed.  
15       Had a few drinks one night. Went out. On the  
16       drive home, he hit a tree. He ended up in a comma  
17       for a few weeks.

18                When he came out of his comma, he was  
19       pretty much severely handicapped. Had a lot of  
20       impediments. Had to live with his mother.

21          Q     Did -- regarding Terri's uncle, did you  
22       ever meet him?

23          A     Yes. I did.

24          Q     You observed his condition?

25          A     Yes.

1 Q Did you observe any infirmities in the  
2 uncle?

4 right arm was paralyzed, I believe. He had a  
5 severe limp. He used a cane. He had slurred  
6 speech. Difficulty. He had to sit for long  
7 periods. He could not get up and move around a  
8 lot. Difficulty in thought processes, I believe.  
9 That he could not process his thoughts quick  
10 enough with his answers.

11 Q Again, why was Terri concerned about her  
12 uncle because of her grandmother?

13 A Because he lived with the grandmother  
14 and she basically helped take care of him.

15 Q After -- by the way, after the  
16 conversation on the train, what happened to  
17 Terri's grandmother?

18 A She died while we were here in Florida.

19 Q Michael, did you have any other  
20 conversations at all with Terri about removal of  
21 life support?

22 A Yes. I did.

23 Q Tell us about those, please.

24 A Terri and I would be home. We would be  
25 watching TV. You know, a documentary would come

1 on. It would depict you know adults, children  
2 that are being sustained and kept alive by parents  
3 at home. People that had to be on ventilators.  
4 People getting tube feedings. Medications  
5 throughout. IVs.

6 She made the comment to me that she  
7 would never want to be like that. Don't ever keep  
8 her alive on anything artificial. She did not  
9 want to live like that. I looked at her and I  
10 said do the same for me.

11 Q Do you recall how many conversations  
12 like that you had with Terri in response to a TV  
13 program or documentary?

14 A It was two, two or three times.

15 Q When you moved to Florida, when you  
16 first moved to Florida, where did you live?

17 A We lived in the Schindler's condominium.

18 Q How long did you live there?

19 A Approximately a year.

20 Q Did you pay rent?

21 A We paid rent when we could. The  
22 Schindlers were gracious enough to let us slide  
23 when we had to. Terri was not working at the  
24 time.

25 Q Okay. Then after living in Mr. and Mrs.

1 Schindler's condo, where did you live?

2 A We moved to Thunder Bay apartments on  
3 4th Street.

4 Q St. Petersburg?

5 A St. Petersburg.

6 Q Tell us a little bit about the logistics  
7 of your life down here in terms of schedule. You  
8 said Terri did not work initially. Did she  
9 eventually find employment?

10 A Terri did not work initially. I started  
11 work at Olga's Kitchen as a manager. Terri did  
12 not work for a while. About four months. She  
13 previously worked at Prudential up north, and she  
14 went to Prudential here and they hired her on as a  
15 transfer. That is where she stayed.

16 Q Was that Prudential Securities?  
17 Prudential Insurance?

18 A Prudential Insurance.

19 Q Did Terri work days or nights?

20 A Days.

21 Q What were your hours?

22 A My hours usually were 4:00 to close.  
23 3:00 to close.

24 Q Closing is?

25 A Sometimes midnight. Sometimes 11:00.

1 Sometimes I was home at 1:00 in the morning.

2 Q How did Terri feel about you working all  
3 those nights?

4 A She was not particularly thrilled with  
5 it, but she knew I had to do that.

6 Q Did the two of you -- did Terri have any  
7 particularly close friends at Prudential?

8 A She had acquaintances. She had  
9 friends. I would not say they were close.

10 Q Did the two of you have any close mutual  
11 friends here in Florida?

12 A We did not have mutual friends. We had  
13 acquaintances we both knew. We did not have any  
14 close mutual friends.

15 Q Did Terri's parents move to Florida at  
16 some time?

17 A I believe it was a year later after  
18 Terri and I moved here.

19 Q After the Schindlers moved to Florida,  
20 but before Terri's medical accident, how would you  
21 describe the relationship you and Terri had with  
22 Mr. and Mrs. Schindler?

23 A I'm sorry. Repeat that question.

24 Q Once the Schindlers moved to Florida,  
25 how would you describe the relationship you and

1 Terri had with her parents down here? Did you see

4 than I did. In my own opinion, I thought we were  
5 pretty close.

7 little about Terri's religious practice from the  
8 time you knew her. Well, do you know what faith  
9 Terri was brought up?

10 A Terri was brought up Catholic.

11 Q During the time that you knew Terri or  
12 let's say from the time you were married, how  
13 often would Terri go to mass?

14 A I'm sorry. Repeat that for me, George.

15 Q How often would Terri go to mass?

16 A Not very often. Once every few months.

17 Q Did you go with her?

18 A Yes. I did.

19 Q Every time?

20 A Yes. I did.

21 Q Did Terri ever receive communion when  
22 she attended mass?

23 A No. She did not.

24 Q Did Terri ever participate in the  
25 sacrament of confession?

1 A No. She did not.

2 Q Did you and Terri ever consider having a  
3 family?

4 A Yes. We did.

5 Q What was -- what were your feelings  
6 about that and Terri's feelings?

7 A Terri adored children. She wanted  
8 children desperately, as I did.

9 Q Was there a time when the two of you  
10 actually decided to start a family?

11 A Yes. It was -- we decided to wait about  
12 five years before we really wanted to start a  
13 family. It was probably the beginning of 1989 we  
14 started, I believe.

15 Q Did Terri ever became pregnant?

16 A No. She did not.

17 Q What was the difficulty?

18 A Terri was not receiving her period.

20 advice or treatment regarding your desire to have  
21 children?

25 A The gynecologist was Dr. Egel.

1 Q Did Dr. Egel --

2 A Egel. E-g-e-l.

3 Q What time period was Terri consulting  
4 with Dr. Egel in an effort to become pregnant?

5 A I believe starting in the beginning of  
6 1989.

7 Q How long did her -- how long did she go  
8 to Dr. Egel?

9 A For a period of about a year.

10 Q Michael, tell me what occurred on  
11 February 25, 1990.

12 A I got home late from work that night. I  
13 came in the house. Terri woke up. She heard me.  
14 I gave her a kiss good night. She gave me a kiss  
15 good night. A few hours later, I was getting out  
16 of bed for some reason and I heard this thud. So  
17 I ran out into the hall and I found Terri on the  
18 floor. I knelt down next to her and I turned her  
19 over because she sort of fell on her face. On her  
20 stomach and face.

21 I turned her over going, "Terri, Terri.  
22 You okay?" She kind of had this gurgling noise.  
23 I laid her down and ran over and called 911. I  
24 was hysterical. I called 911. I called her  
25 brother, who lived in the same complex as we did.

1 I ran back to Terri. She was not moving. I held  
2 her in my arms until her brother got there. I  
3 rocked her. I didn't know what to do. I was  
4 hysterical. It was a horrible moment.

5 Q Do you know how long it was before the  
6 paramedics came?

9 A I moved away. Her brother was sitting  
10 in the kitchen around the corner. I moved away  
11 and they started working on Terri. They put the  
12 leads on. I heard them say she is flat line.  
13 Start CPR. I am standing there going what is  
14 happening here? Why is this happening? Why isn't  
15 her heart beating? I was just a mess. I was  
16 hysterical.

17 Q Where did the paramedics take her?

18 A To Humana Northside, St. Pete.

19 Q Did you ride with the paramedics?

20 A Yes. I did.

21 Q What is Terri's condition as a result of  
22 the incident that occurred on February 25, 1990?

23 A She's in a chronic vegetative state  
24 anoxic encephalopathy due to cardiac arrest.

25 Q For those of us who did not go to school

1 in medicine --

2 A Lack of oxygen because her heart was not  
3 pumping to her brain.

4 Q Can Terri run?

5 A No.

6 Q Can Terri walk?

7 A No.

8 Q Can Terri stand on her own?

9 A No. She can't.

10 Q Sit on her own?

11 A No. She can't.

12 Q Can Terri turn over?

13 A No. She can't.

14 Q Does she talk?

15 A No.

16 Q Can she eat?

17 A No.

18 Q Can she drink?

19 A No. She can't.

20 Q Can she swallow?

21 A No.

22 Q Can she go the bathroom?

23 A No.

24 Q Can she brush her teeth?

25 A No.

1 Q Can Terri clip her fingernails?

2 A No.

4 A No.

5 Q Can Terri dress herself?

7 Q How are all those activities done for  
8 Terri?

9 A I have her in a nursing home. The  
10 facility employees do all that for her. She has  
11 to be intubated by one person. She wears a diaper  
12 which has to be cleaned, and you know, whether she  
13 has a BM, they have to change the diaper. Clean  
14 her. She has her period, which is at times  
15 extremely heavy and messy. They have to clean  
16 her. They have to do her hair. Her teeth. They  
17 have to do total care for Terri.

18 She can't turn. They have to come in  
19 every two hours and turn her. They have to place  
20 her in a chair. They have to put the side rails  
21 up on the chair to hold her in place.

22 Q Is there a neck support on the chair?

23 A Concave headrest more of. Her head fits  
24 into the support.

25 Q In addition to the total care Terri has

1 received, I would like you to tell the Court some  
2 of the additional medical problems Terri has had.

3 A Terri has had numerous, numerous urinary

6 Q What is that?

7 A Bone infection that was caused by a  
8 pressure sore.

9 Q Has Terri ever had to be hospitalized  
10 because of the urinary tract infections?

11 A Yes, she has. Numerous amounts of time  
12 for that.

13 Q For the removal of her toe?

14 A Yes.

15 Q Go on.

16 A She has kidney stones. She had her  
17 gallbladder removed.

18 Q Did that require hospitalization?

19 A Yes. It did.

20 Q She had vaginitis. She had pelvic  
21 inflammatory disease. She had I believe two D and  
22 Cs.

23 Q Did the pelvic inflammatory disease, or  
24 D and Cs, require hospitalization?

25 A Twenty-four hour admits.

1 Q Um-hmm.

4 Q What respiratory problems?

5 A Upper congestion. She can't control her  
6 gag. When she fills up, she has to be constantly  
7 suctioned down her nose or in the back of her  
8 throat. She was put on some aerosol medications  
9 that helped dry and relieve the congestion. She  
10 has to be watched at those points because she  
11 can't control her gag and she will choke.

12 Q Has Terri been hospitalized due to  
13 respiratory infections?

14 A Yes.

15 Q Go on, please.

16 A I lost my train of thought.

17 Q Did Terri ever suffer seizures?

18 A Yes. She's suffered seizures. She  
19 makes constant muscle twitching. She has severe  
20 contractures of the hands, the elbows, the knees,  
21 the feet. Her foot drop is to the point where --

22 Q What is a foot drop?

23 A Foot drop is where your foot drops and  
24 sticks into a certain spot. Her feet are  
25 basically lower than her leg, when she sticks it

1 out. She's had a couple cysts removed off her  
2 neck. Numerous amounts of things. I'm trying to  
3 think. She has a food tube that has been infected  
4 a few times that she had to be taken to the doctor  
5 to remove.

6 Q Gastronomy tube?

7 A Yes. Infection. Inflammation around

9 in between is starting to break down. She's had,  
10 she has constant diarrhea which leads to  
11 dehydration which leads to --

12 Q Has she ever been hospitalized for  
13 dehydration or diarrhea?

14 A She has in the past. This previous  
15 dehydration she stayed in the nursing home.

16 Q Michael, you have spent more time with  
17 Terri and have seen Terri more often than anyone  
18 since her incident. Have you ever seen any  
19 voluntary or volitional response on her part in  
20 all these years?

21 A I have not.

22 Q Does Terri, does Terri emit any noises?  
23 Does her face move? Her head?

24 A Terri will moan, but it's not to  
25 anything. We could -- I could be sitting next to

1 her and she will start to moan. Her eyes will

2  
3  
4 into this spasm where she will hyperflex her neck  
5 and will make these noises.

6 She will move her, I shouldn't say --  
7 her arms move to where it looks like it is  
8 tightening up and she is almost sitting in like a  
9 praying mantis position. I have never ever seen  
10 Terri have any voluntary movement or follow  
11 through with any commands.

12 Q Does Terri have tears at times?

13 A I have noticed she had a tear or two,  
14 but to me it was after she would kind of take a  
15 big deep breath. Almost looks like a yawn, and  
16 her eyes would tear.

17 Q Have you ever seen Terri laugh or smile?

18 A I have not seen Terri laugh or smile.  
19 She makes a moaning noise and her mouth opens up  
20 kind of, but I would not call that a smile.

21 Q Do you know of any treatment method or  
22 drug or thing that can be done which will improve  
23 Terri's condition?

24 A No. I don't.

25 Q Has any doctor informed you there is any

things that can be done

order to try to improve Terri's condition?

surgeries on people that are in vegetative states. He was placing a stimulator inside their brain in hopes that that would stimulate the dormant cells that were not actually dead yet. I took her there.

The doctor was Hoshibushi (phonetic). He was doing experimental surgery. The protocol was one month. There was no improvement from that. I brought Terri back. I hired a private aide.

Q Let me backtrack. When was it that you brought Terri to California? Do you recall?

A I believe '91. '92.

Q That was before the medical malpractice award?

A Yes. It was.

Q How did you come by the funds in order

1 to send Terri to California?

2 A We were on the news. I sold hot dogs on  
3 St. Pete Beach. Sold pretzels. The association

4  
5  
6 raised some money to get her out there.

7 Q Did you go to California with Terri?

8 A Yes. I did.

9 Q You mentioned that stimulators were put  
10 into Terri. Where were they put into Terri?

11 A Into her brain. Right on top of the  
12 gray matter, which is the top part of your brain.

13 Q How were they -- were these electric  
14 stimulators?

15 A It looked like your hand and had wires  
16 that came out at a certain point of your brain.  
17 It was electrodes in the back. I don't want to  
18 say electrodes. I don't know what it was called.  
19 Placed here that the wires ran off of. Ran down  
20 the side of her neck and would go into her chest.  
21 It looked like a pacemaker. They turn off and on  
22 at that point.

23 Q An external device?

24 A Right.

25 Q You mentioned when you came back you

1 hired a private aide?

2 A Yes. I did.

3 Q Tell me why you did that.

4 A To continue to stimulate Terri. I  
5 wanted to make sure she was dressed in everyday  
6 clothes. I had Diane take her to museums. I had  
7 Diane make sure when I was not there that she was  
8 taken her for walks. I had Diane take her to  
9 museums. To beauty makeovers. I made Terri's  
10 hair done the way she did it. Makeup on.  
11 Earrings. Necklaces.

12 Q Were any of these efforts successful,  
13 Mike?

14 A No. They were not.

15 Q Have you ever received any opinion from  
16 any doctor or physician to the effect that Terri  
17 has any mental ability?

18 A No. I have not.

19 Q Any opinion from any doctor or physician  
20 that she has any cognitive skill or cognitive  
21 interaction with her environment?

22 A No. I have not.

23 Q I would like to outline with you Terri's  
24 care after the accident. You mentioned that she  
25 went to Humana Northside?

1 A Yes. She did.

2 Q How long was she in Humana Northside?

3 A Approximately two-and-a-half months.

4 Q Was she in the ICU?

5 A Yes. She was. I spent the first  
6 sixteen days and nights there. Never left her.

7 Q Where did you sleep?

9 most of the times, out in the waiting room on the  
10 chairs.

11 Q After those first sixteen days, did  
12 you -- how often did you see Terri at Humana  
13 Northside?

14 A I came every day.

15 Q Where did Terri go after Humana  
16 Northside?

17 A She went to College Harbor.

18 Q What type of facility is that?

19 A Skilled nursing.

20 Q How long did you see Terri at College  
21 Harbor?

22 A I saw Terri every day.

23 Q How much time did you spend?

24 A I went in the morning. Left in the  
25 evening. Spent 8, 10, 12 hours a day.

1 Q After College Harbor, where did Terri  
2 go?

3 A She went to Bayfront --

4 Q Um-hmm.

5 A -- Medical Center under the care of  
6 Dr. Baras.

7 Q What was the purpose of Bayfront?

8 A She had 90 days of skilled rehab.

9 Q Was there any problem in getting the  
10 insurance money for Bayfront?

11 A Yes. There was. I had to actually  
12 fight the insurance company for that.

13 Q What type of rehabilitation was given to  
14 Terri at Bayfront?

15 A Aggressive rehabilitation. They also  
16 got to take the trach out. Remove the trach.

17 Q When you say rehabilitation, is that  
18 physical therapy?

19 A Physical, occupational. Special  
20 therapists worked with her.

21 Q Other than removing the trach, was  
22 there any improvement in Terri's condition?

23 A No. There was not.

24 Q How often did you see Terri at Bayfront?

25 A I was there every day.

1 Q Where did Terri go after Bayfront?

2 A She went to my home.

3 Q How long was Terri at home?

6 A I did 98 percent of it. My

7 ~~mother-in-law did help~~ My father-in-law

9 Q Were your in-laws living with you at  
10 that time?

11 A Yes. They were.

12 Q Why is it you said she was home for  
13 about four months? Why didn't she stay home  
14 longer than that?

15 A Because Terri needs total care. It is a  
16 lot of work. We could not afford nurses. I could  
17 not do it by myself. My mother-in-law was afraid  
18 to have her there. My father-in-law was concerned  
19 about that.

20 Q Did your mother-in-law express why she  
21 was afraid?

22 A In case something happened to Terri that  
23 she didn't know how to do.

24 Q After Terri was at home, where did she  
25 go?

1 A She went back to College Harbor.

2 Q How long was she there?

3 A She was there for a couple of weeks.

4 Q How often did you see her at College  
5 Harbor?

6 A Every day.

7 Q And from College Harbor?

9 Q Where were you in California for this  
10 experimental treatment?

11 A We went to the University of California  
12 at San Francisco Hospital.

13 Q How long were you there?

14 A At the hospital, itself, we were there  
15 about a week. For the rehab portion, we were  
16 there about a month. A little over a month and a  
17 week.

18 Q How often did you see Terri in the  
19 hospital in the rehab in California?

20 A At the hospital, I stayed in her room 24  
21 hours a day. I slept in a cot next to her. At  
22 the rehab center, I was there every day with her.  
23 Morning, noon, and night.

24 Q When you came home from California,  
25 where did Terri go?

1           A     She came home with us, with me, for a  
2     couple of weeks.

3           Q     Who took care of her at home?

4           A     I did, plus we were able to, since we  
5     had the money from the fund raisers, we were able

7     us.

8           Q     After Terri was at home a short time,  
9     after that where did she go?

10          A     Bradenton Medical Rehab.

11          Q     What type of institution is Mediplex  
12     (phonetic)?

13          A     Mediplex deals mainly with brain  
14     injury, strokes, anything that has to do with the  
15     brain.

16          Q     How long was Terri at Mediplex in  
17     Bradenton?

18          A     Approximately three months.

19          Q     Why did Terri leave Mediplex?

20          A     Because the doctors informed us there  
21     was nothing more they can do for Terri and we had  
22     to find a facility to put her in or take her home.

23          Q     How often did you see Terri at Mediplex  
24     in Bradenton?

25          A     Every day.

1 Q Where did Terri go after Mediplex?

2 A Sabal Palms.

3 Q Where is that located?

4 A In Largo, I believe.

5 Q At Sabal Palms, did you have any  
6 conflicts or disputes with the nursing home  
7 regarding Terri's care?

8 A Yes. I did. I had many conflicts and  
9 disputes. They had a lot of agency nurses on the  
10 floor and they did not have enough staff. Terri  
11 was getting the wrong medications. Terri was  
12 laying in her dirty diaper for hours and hours on  
13 end. Many grievances. She was not getting her  
14 shower. Her teeth were not getting done. Her  
15 medication to her mouth was not put on. When she  
16 had the osteomyelitis, it was not cleaned properly  
17 after the hospitalization.

18 They did not have enough CNAs on the  
19 floor to care for the people and the amount of  
20 care that was needed for certain people.

21 Q What did you do to make sure that those  
22 deficiencies did not affect Terri's care?

23 A I went through the grievance policy that  
24 they give to the family members when there is a  
25 problem.

1

Q What were those?

4

Nurses would read them and supposedly they would fix them. And they would write you a little letter back, and most of the time nothing was done because they did not have enough staff to handle the problems.

9

Q Were you a particularly popular person with the nursing home administration?

10

11

A No. I was not.

12

13

Q At some point, did the nursing home take some sort of legal action against you?

14

A Yes. They did.

15

Q Tell us about that, please.

16

17

A They basically tried to have me restrained from the nursing home.

18

19

Q What was -- how did that play out, Mr. Schiavo?

20

21

A It kind of coincided with the Schindler's petition.

22

Q Was the nursing home successful?

23

A They were not.

24

25

Q Did the court appoint a guardian ad litem to investigate the nursing home charges?

1 A Yes.

4 A Yes. He did.

5 MR. FELLOS: Your Honor, we, at the  
6 status conference last week, agreed to take  
7 judicial notice of the prior matters in the file,  
8 but for convenience, I would like to introduce  
9 into evidence Petitioner's Exhibit Number Three  
10 which are certain pleadings and documents from  
11 prior proceedings.

12 THE COURT: Is there an objection?

13 MS. CAMPBELL: No, Your Honor.

14 THE COURT: Thank you. They will be  
15 received as Petitioner's Number Three.

16 (THEREUPON, PETITIONER'S EXHIBIT 3 WAS  
17 RECEIVED IN EVIDENCE.)

18 Q (By Mr. Fellos) Mr. Schiavo, I would  
19 like you to read a paragraph from the report of  
20 John Pacaric, (phonetic). Report of the guardian  
21 ad litem. This is the paragraph that starts on  
22 the bottom of Page 2 of the report and ends on top  
23 of Page 3.

24 A The guardian of the person, Michael  
25 Schiavo, is reported by everyone interviewed to be

1       attentive to the pleas of his wife. He is at the  
2       nursing home on almost a daily basis. He is  
3       constantly reviewing the ward's chart at the  
4       nursing home and not hesitant to point out errors  
5       and omissions in the care of his wife. There are  
6       reported incidents of the guardian yelling and  
7       concerning the hallway nurse is being and

9                       Although I have concluded Mr. Schiavo is  
10       a nursing home administrator's nightmare, I  
11       believe that the ward gets care and attention from

14       family member of another resident at Sabal Palms  
15       reports that his relative receives less care as a  
16       result of the staff spending so much time with  
17       Mrs. Schiavo.

18               Q     How often did you see Terri at Sabal  
19       Palms?

20               A     Every day at Sabal Palms.

21               Q     How long was she there?

22               A     Approximately two years, I want to say.

23               Q     How long would you see her?

24               A     Um, 8, 10 hours a day.

25               Q     Did you have a dispute with Mr. and Mrs.

1 Schindler at Sabal Palms Nursing Home in February  
2 of 1993?

3 A Yes. I did.

4 Q Describe, please, what happened at Sabal  
5 Palms on February 14, 1993.

6 A February 14th I was in Theresa's room.  
7 I had the door closed. I was studying for some  
8 homework I had. The Schindlers came into the room  
9 and they went over and said hello to Theresa. The  
10 first words out of my father-in-law's mouth was  
11 how much money he was going to get. I was, what  
12 do you mean? Well, you owe me money.

13 I said to him to stop everything. I  
14 said I did not receive any money. I gave it all  
15 to Terri. He then, in turn, pointed at Terri and  
16 said how much money is she going to give me. I  
17 said to him you need to talk to the guardian of  
18 the property. I'm not that person. With that, he  
19 call me a few choice words, went out and slammed  
20 the door.

21 With those words, I followed him and my  
22 mother-in-law stepped in the way. She started  
23 saying this is my daughter, our daughter, and we  
24 deserve some of that money.

25 Q Mr. Schiavo, do you know what money

1 Mr. Schindler was talking about?

2 A He was talking about the award that I  
3 received.

4 Q Approximately how much did you receive  
5 net in your loss of consortium award?

6 A Approximately 300,000.

7 Q Was Mr. Schindler let me backtrack

9 A The malpractice?

10 Q Yes.

11 A Um.

12 Q Does November '92 sound right to you?

13 A Yes.

14 Q How much in funds did Terri receive net?

15 A I think she netted 700,000.

16 Q Who was sued?

17 A The doctors were. Doctor Egel and  
18 Power.

19 Q The gynecologist Terri was seeing to  
20 become pregnant?

21 A Right. And the family doctor.

22 Q Was Mr. Schindler aware of the  
23 malpractice proceeding?

24 A Yes.

25 Q He attended the trial?

1 A Yes.

2 Q Do you know whether or not he was there  
3 the day the verdict was entered?

4 A Yes. He was there with pencil and  
5 paper. He wrote the verdict amounts down to the  
6 point that he was so upset that he thought the  
7 judge did not calculate right. He could not go to  
8 work the next day.

9 Q Did Mr. Schindler ever tell you why he  
10 thought he was entitled to a portion of your loss  
11 of consortium award?

12 A Because it was his daughter and he  
13 deserved it.

14 Q Did you ever say to Mr. and Mrs.  
15 Schindler that you would split with them your loss  
16 of consortium award or pay them any portion of it?

17 A No. I did not.

18 Q I think you testified that you told  
19 Mr. Schindler that you gave your money away?

20 A Yes. I did.

21 Q Was that a correct statement?

22 A No. It was not.

23 Q Why did you say this?

24 A Just basically to shut him up because he  
25 was screaming.

3 discussion of lawsuits or lawyers?

4

6 were clenched. He got in my face. Said he's  
7 coming down on me. Going to get on this  
8 guardianship and he was going to get a lawyer.

9 Q At any time have you told Mr. or Mrs.  
10 Schindler that they could not come to the nursing  
11 home or visit Terri?

12 A No. I did not.

13 Q Did you ever tell the nursing home not  
14 to give the Schindlers information on Terri's  
15 medical condition?

16 A At one point, yes.

17 Q Why did you do that?

18 A When Terri was in the hospital for, I  
19 believe a urinary tract -- no. I forget what she  
20 was in the hospital for. It was for some  
21 hospitalization. And the Schindlers never showed  
22 up or even called about her care.

23 Q Did you change your position about  
24 giving the Schindlers access to medical  
25 information?

1 A Yes. I did.

2 Q Looking back on it, was that a moment  
3 that you are proud of?

4 A No. I was not. It was done. It was  
5 emotions running. I was angry.

6 Q Back then in 1993, that was still three  
7 years after Terri's incident, how were you doing  
8 emotionally? How were you taking it?

9 A I'm sorry. Repeat that, George.

10 Q Back in 1993, how well were you coping  
11 emotionally with what happened to Terri? How were  
12 you doing?

13 A I don't know how I was doing it. I was  
14 an emotional wreck. I was seeing a  
15 psychiatrist. A psychologist, I should say. I  
16 had a lot of unanswered questions of why.

17 Q Did you ever tell your in-laws that  
18 Terri would be better off dead than coming out of  
19 her coma?

20 A No. I did not, sir.

21 Q Did you ever have a conversation or make  
22 a statement about her coming out of the coma?

23 A I made a mention to Mr. Schindler one  
24 day out in the hall. I said, this was after

1 condition, I said to him maybe it was in Terri's  
2 best interests. It was not feasible to come out  
3 and find out you are going to be a quadraplegic  
4 and you can't walk anymore.

5 Q On what basis did you believe she would  
6 be a quadraplegic?

9 Q How has her (sic) relationship been with  
10 Mr. and Mrs. Schindler since the February '93  
11 incident?

14 A I have not spoken to them since, except  
15 through trials or --

16 Q Have they spoken to you?

17 A No. They have not. I did, on one  
18 occasion when Terri had her gallbladder removed, I  
19 did on one occasion when the mother called the  
20 nursing home, I tried to talk to her and she  
21 refused to talk to me.

22 Q Did Mr. Schindler ever follow up on his  
23 threat to get a lawyer?

24 A Yes. He did.

25 Q I believe a petition was filed in July

3 the Court to do?

4 A That I was not taking care of Terri. I  
5 was seeing other people. And that I was in  
6 conflict due to her money that if Terri died I  
7 would inherit it.

8 Q Mr. Schiavo, since Terri's incident, did  
9

11 A Yes. I did.

12 Q When did that occur?

13 A Approximately five years after the  
14 incident. I don't know the exact dates.

15 Q How long did that relationship last?

16 A Approximately eight months.

17 Q Did Mr. and Mrs. Schindler know about  
18 it?

19 A Yes. They did. Mr. Schindler wanted me  
20 to do it. He condoned it, along with Mrs.  
21 Schindler. They met the person I was seeing.

22 Q Do you currently have an intimate  
23 relationship with a woman?

24 A Yes. I do.

25 Q How long have you known her?

1 A Five-and-a-half years.

2 Q Would you like to have a family  
3 sometime?

4 A Very much so.

5 Q Because you're involved, because you  
6 have a relationship with someone else, does that  
7

9 will.

10 Q Michael, does your petition have  
11 anything to do with Terri's money at all?

12 A No. It does not.

13 Q How was the lawsuit the Schindler's  
14 brought against you disposed of?

15 A They dismissed their case with prejudice  
16 as long as I would not seek attorney's fees.

17 Q At some point in time, did you move  
18 Terri from Sabal Palms Nursing Center?

19 A Yes. I did.

20 Q Where did Terri move to?

21 A Palm Garden, Largo.

22 Q Is that where she is currently staying?

23 A Yes. It is.

24 Q When did that occur?

25 A 1996, I believe.

1 Q How often did you -- how often do you  
2 see Terri at Palm Garden in Largo?

3 A Currently?

4 Q Yes.

5 A Once or twice a week.

6 Q What do you do? How long do you stay?

7 What do you do?

9 usually get there when Olga is bringing her out of  
10 the shower. Help lift her. Get her dressed.  
11 Usually blow dry her hair. Dry her hands off.  
12 Put her pads in her hands. Usually check over her  
13 skin. Make sure she does not have any tears or  
14 whatever.

15 Q Do you still buy Terri's clothes for  
16 her?

17 A Yes.

18 Q Do you still help dress Terri?

19 A Yes. Make sure she has her haircut  
20 appointment. Do her wash. Make sure all her  
21 needs are met.

22 Q By the way, Mr. Schiavo, all the times  
23 that Terri has been hospitalized, how many times  
24 would you say Terri has been hospitalized?

25 A Hospitalized?

1 Q For the various medical problems you  
2 testified to before.

3 A Twenty times.

4 Q Has she ever been in the hospital one  
5 day when you were not there?

6 A No. She has not.

7 Q How many times?

9 A Over a hundred, 130.

10 Q What is the logistics, mechanism of  
11 getting Terri to the doctor?

12 A Depending on what the problem is, prior  
13 we used to have to put her in SunStar ambulance.  
14 Now she basically is transported by wheelchair  
15 transport.

16 Q In those hundred or so doctor visits,  
17 has there ever been a doctor visit for Terri where  
18 you have not been there with her?

19 A No. There has not. I was there for  
20 every one of them.

21 Q Was there a point in Terri's care where  
22 you came to the decision that she should not be  
23 medically treated for any longer?

1 A I believe it was in '94. '93, '94.  
2 Q When did -- tell me how that came about?  
3 A I took Terri to the doctors for a

6 have a "Do Not Resuscitate" order in place.

7 Q

9 A I was emotional, but I felt it was what  
10 Terri would want.

11 Q Did you bring up the subject of the DNR  
12 order, not treating the infection, first?

13 A No. The doctor did.

14 Q Did you make a decision to implement,  
15 institute, a Do Not Resuscitate order and Do Not  
16 Treat The Infection?

17 A Yes. I did.

18 Q What would have been the medical  
19 consequences of not treating that infection?

20 A Terri -- the infection would basically  
21 turn into a septic-type infection throughout her  
22 body. It would naturally shut down her organs.  
23 A painless process.

25 A Yes. It was.

all upset. Telling me it was against the law to do something like that.

Q How did -- did Mr. and Mrs. Schindler do anything in response to your decision not to treat the infection?

A They amended their original petition

and brought the case back to court.

Q Didn't they accuse you of abusing Terri by not treating the infection?

A Yes. They did.

Q Did you back off of the decision at that time?

A Yes. I did. I had the nursing home, I had the petition, and my emotions were running. So I backed way off.

Q Back then in, I believe it was March of 1994, the Schindler's amended their petition in regarding the decision not to treat. At that time, why didn't you pursue removal of the feeding tube?

A Because at that time my emotions were running. I couldn't -- I was ready to do the

1 natural thing. I was not ready to pull the  
2 feeding tube at that time.

3 Q Even though you knew Terri wanted it?

4 A Yes.

5 O Why were you not able?

6 A It was -- I was not ready for that yet.

7 Q The Schindlers dismissed their petition  
8 with prejudice in September of 1995 and this  
9 petition was filed in 19 -- your current petition  
10 to remove artificial life support was filed in May  
11 of 1988 (sic). Why did you wait two-and-a-half  
12 years to file the petition?

13 A I did not wait. I met you in the  
14 beginning of 1996, I believe. I was talking to  
15 another attorney.

16 Q Well, okay. I have to caution you not  
17 to testify as to any communication you might have  
18 with your attorney because of attorney/client  
19 privilege. Let me ask it this way. Did you seek  
20 to put into motion your decision to remove the  
21 feeding tube before the petition was filed in May  
22 of 1988 (sic)?

23 THE COURT: You keep saying '88.

24 MR. FELOS: '98. Thank you,

1 Q (By Mr. Felos) When did you make the  
2 decision and start putting it in motion?

3 A In 1995. End of 1995.

4 Q Mr. Schiavo, I would like to show you  
5 Petitioner's Exhibit Number Four for  
6 identification and ask you if you can identify  
7 what those are.

8 A This is an affidavit from Dr. Gambone.  
9 I believe it explains Terri's condition.

10 Q Affidavit of Dr. Gambone and affidavit  
11 of --

12 A I'm sorry. James Barnhill.

13 Q And?

14 A Dr. Kamp.

15 MR. FELOS: Your Honor, I move to  
16 introduce these into evidence as Petitioner's  
17 Exhibit Number Four.

18 THE COURT: Is there an objection?

19 MS. CAMPBELL: No objection.

20 THE COURT: Thank you. There will be no

21 mentioned that your mother passed away. When did

1           that occur?

2           A     1997.   July.

3           Q     Did that experience at all affect your  
4           decision to bring this petition?

5           A     My mother gave me a gift when she was  
6           dying.  We stopped her feeding because that is  
7           what she wanted, and her medications.  She gave me  
8           that gift that it was okay to die.

9           Q     Mr. Schiavo, why have you filed this  
10          petition?  Why are you asking the Court for  
11          permission to remove Terri's feeding tube?

12          A     Because that is what Terri wanted, and  
13          it's my responsibility because I love her so much  
14          to follow out what she wanted.

15               MR. FELOS:  Thank you.  No further  
16          questions.

17               THE COURT:  Why don't we take a short  
18          break.  Five minutes ought to be enough to stretch  
19          and use the facilities and get back.

20               THE BAILIFF:  All rise.  Court stands in  
21          recess.

22               (THEREUPON, A RECESS WAS HAD FROM 10:40 -  
23          10:50 A.M.)

24               MR. FELOS:  Your Honor, may I step out  
25          and find co-counsel?

1 THE COURT: Yes, sir.

2 THE BAILIFF: Circuit court is back in  
3 session.

4 THE COURT: Thank you.

5 MR. FELOS: May we approach a moment?

6 (THEREUPON, THE FOLLOWING PROCEEDINGS WERE

7 HAD A COURT SESSION )

9 requests that the proceedings not be recorded by  
10 the media, and he believes that it would impair  
11 the privacy rights of the ward and we make that  
12 request.

13 THE COURT: What is the legal basis for  
14 that? Is there any authority for keeping the  
15 media out of here?

16 MR. FELOS: I have not researched the  
17 issue, Your Honor. I have no case to present.

18 THE COURT: The bases are juvenile  
19 proceedings are private and they cannot be in  
20 those, but they can be outside the court. It's  
21 interesting they can take --

22 MR. FELOS: There is some precedent in  
23 the guardianship statute. There is a provision  
24 for the court to be closed in incompetency

25

1 THE COURT: Incompetency proceedings.  
2 And I have so ruled the media had no right to  
3 those files or proceedings. This is different.  
4 Do you know of any authority?

5 MS. CAMPBELL: I don't know of any.  
6 While I'd like to see it agreed to, I don't know  
7 of any legal authority that we could, because I  
8 don't think there is anything under Chapter 119.

9 THE COURT: Absent authority, I don't  
10 know how I can ask them to leave. If you would  
11 like to take an additional recess and see if you  
12 can prevail upon them, I'm willing to do that, but  
13 I don't know of any legal authority for them to  
14 not be here.

15 MR. FELOS: Then I say let's proceed, if  
16 that is the ruling of the Court.

17 THE COURT: Thank you.

18 CROSS-EXAMINATION

19 BY MS. CAMPBELL:

20 Q Good morning, Mr. Schiavo. As you  
21 recall, I am Pam Campbell. I represent Mr. and  
22 Mrs. Schindler.

23 A Good morning.

24 Q The relationship that you currently  
25 have, the lady's name, is it Jody Sintonsay

1 (phonetic)?

2 A Yes.

3 Q Could you describe that relationship for  
4 me?

5 A We are boyfriend/girlfriend. We live  
6 together.

7 Q Would you consider her your fiancée?

8 A I would consider her -- yes. Yes.

9 Q Has she ever been so noticed as anything  
10 in writing in the newspaper as your fiancée?

11 A Yes.

12 Q You and she own a house together; is  
13 that correct?

14 A Yes.

15 Q Can you recall going on the train tip  
16 incident that you referred to with Mr. Felos, can  
17 can you recall the time frame when you and Terri  
18 were coming on the train to Florida?

19 A What do you mean the time frame?

20 Q When was that?

21 A I believe it was in '86.

22 Q 1986?

23 A Yeah. '86. I'm not good with dates and  
24 times, like I told you before.

1           A     I don't recall the month. It was the  
2           month that her grandmother passed away.

3           Q     You were married November of '84?

4           A     November 1984.

6           in St. Petersburg for a honeymoon right after  
7           that?

8           A     Correct.

9           Q     Then in '85, the spring of '85, did you  
10          come back to St. Petersburg for a vacation?

11          A     Did we come back?

12          Q     A plane trip?

13          A     I don't believe so. I don't recall  
14          that.

15          Q     After Terri's accident, which was  
16          February 1990, were you employed at that time?

17          A     After Terri's accident? Yes. I was.

18          Q     Shortly after the accident, didn't you  
19          stop working at Agostino's?

20          A     Yes.

21          Q     When did you then become reemployed?

22          A     I went back to Agostino's for a month or  
23          so. I worked part-time for them. They were under  
24          new ownership so -- and that went belly up. Then  
25          I just -- I didn't work. I went back to school in

1 '93, I believe.

2 Q And you began your employment with  
3 Morton Plant in 1996?

4 A Correct.

5 Q So basically from the beginning of 1990  
6 until 1996 you were unemployed; is that correct?

7 A Yes.

9 raisers that you testified to previously. Can you  
10 tell me about some of the details of the fund  
11 raisers?

12 A We sold hot dogs, or I sold hot dogs on  
13 St. Petersburg Beach. We sold pretzels at the  
14 Publix. We had a Valentine's Day dance for her  
15 with the association. The association I believe,  
16 around Christmas, they put a luminary -- you buy  
17 the bag in Terri's name. They did that on St.  
18 Pete Beach to help raise money.

19 Q Where were all those funds that you were  
20 raising, where were they being maintained?

21 A At First Union Bank.

22 Q Did she work for Prudential at the time?

23 A Yes.

24 Q Did the Prudential employees get  
25 together and have a fund rasier?

1 A I don't recall. I don't remember that.

2

4 A Yes. I said I was on the news.

5 Q About how much money did all those  
6 different fund raisers raise?

7 A Probably close to about 20,000. I'm not  
8 sure. You would have to check on the old  
9 records.

10 Q Did you also receive a payment, pay-out,  
11 from Prudential from insurance proceeds that Terri  
12 was entitled to?

13 A It was her life insurance, yes, that she  
14 was entitled to.

15 Q How much was that?

16 A 10,000.

17 Q Did you also receive Terri's social  
18 security checks during that time frame?

19 A No. Terri could not get social security  
20 because she was still receiving her payment from  
21 work.

22 Q Did you receive any SSI from Terri?

23 A No.

24 Q Did you move to Florida from  
25 Philadelphia in April 1986?

1 A That sounds correct.

2 Q And you lived in the Schindlers' condo?

3 A Yes. We did.

4 Q How much rent were you paying at the  
5 time?

6 A I don't recall.

7 Q About \$400 a month?

8 A Sounds correct. Yeah.

9 Q Now you testified previously that  
10 afterwards you moved to Thunder Bay. Isn't it  
11 true that you moved to McGregor Place?

12 A Yes. Yes. I'm sorry. I forgot about  
13 that one.

14 Q You moved to McGregor Place in September  
15 1989; is that correct?

16 A I don't remember the date.

17 Q If you could bear with me and listen to  
18 the time frame. I believe you testified that you  
19 moved into the Schindlers' condo in April of '86  
20 and then moved to McGregor Place.

21 A I don't recall the dates that we moved

1 in there and moved around. The accident happened

2  
3  
4 A I just remembered it. I don't  
5 remember.

6 Q Months?

7 A It was a few months. Yeah.

8 Q How long did you live in Thunder Bay  
9 prior to Terri's accident?

10 A Eight months, I believe. I'm not sure.

11 Q During that entire time that you were  
12 living in the Schindlers' condo, from '86 until  
13 sometime in '89, were you paying rent consistently  
14 during that time?

15 A No. We were not.

16 MR. FELOS: Objection. I believe that  
17 is a mischaracterization of his testimony. He  
18 didn't testify that he lived in the Schindler's  
19 condo from '86 to 1989.

20 THE COURT: I'll overrule the  
21 objection. I think there is enough in there to  
22 allow that kind of question.

23 THE WITNESS: I'm sorry. Repeat the  
24 question.

25 Q (By Ms. Campbell) Did you pay rent to

3 A No. They were gracious and let us slide  
4 a couple months when we could not afford it.

5 Q Just a few months?

6 A I don't remember how many months, ma'am.

7 Q Did the Schindlers assist you in moving  
8 from Philadelphia to St. Petersburg?

9 A No. I don't recall.

10 Q Did they contribute \$900 for your moving  
11 expenses?

12 A I don't recall that.

13 Q When you moved from the Schindlers'  
14 condo, is it your testimony then that you moved  
15 from the Schindlers' condo to McGregor Place?

16 A That would have to be. Yeah.

17 Q When you moved from the condo to  
18 McGregor Place, did the Schindlers loan you money  
19 at that time to secure a new apartment?

20 A I don't recall.

21 Q Right after Terri's accident, wasn't  
22 Mrs. Schindler right there by your side helping  
23 with Terri each step of the way?

24 A Not all the time. No.

25 Q Would you describe your relationship with the Schindlers?

1 close in trying to assist Terri?

2 A My mother-in-law and I were close. Yes.

3 Q In February of 1991, a year after the  
4 accident, didn't you, the three of you, live  
5 together?

6 A Yes.

9 Q With the hopes that Terri would then  
10 ultimately come home and live there with you?

11 A Yes.

12 Q At that time, were you sharing in the  
13 expenses, you and the Schindlers?

14 A Which home are you speaking of?

15 Q Hemosita in Del Mar?

16 A That home was in my name. I was paying  
17 half the rent. Mr. and Mrs. Schindler and their  
18 daughter were paying the other half.

19 Q Other expenses that you shared, Florida  
20 Power, telephone bill, they were shared as well?

21 A Yes.

22 Q You were in the larger home with hopes

23 that Terri would be able to come and live there.

1 not with the hopes that Terri could live with us.  
2 Because we only rented the place.

3 Q Was there a reason why it was in, the  
4

6 A Because Mr. and Mrs. Schindler went  
7 bankrupt and they could not get credit.

8 Q But you all shared the home equally?

9 A Mr. and Mrs. Schindler and Suzanne and  
10 myself.

11 Q Was there a time then in that you moved  
12 from that house to another house with the  
13 Schindlers?

14 A No.

15 Q When you were describing the different  
16 places where Terri went, from Northside to  
17 Bayfront and to the Mediplex, College Harbor,  
18 would Mrs. Schindler go with you to those  
19 individual facilities to visit Terri?

20 A She went. Yes. But not all the time.

21 Q The time Terri was home living in the  
22 home with you, Mrs. Schindler lived there, too?

23 A Yes.

24 Q Did she assist you in taking care of  
25 Terri during that time frame?

1 A Yes. She did.

2 Q The incident then that happened, the  
3 disagreement in Terri's room in February of 1993  
4 between you and Mr. and Mrs. Schindler, to that  
5 time frame, was it shortly thereafter that you  
6 decided to withhold medical information from the  
7 Schindlers?

9 believe it was.

10 Q Do you recall then how long it was then  
11 until you started allowing the Schindlers to learn  
12 more about the medical condition of their  
13 daughter?

14 A I don't recall the time frame.

15 Q Do you recall in 1996 your attorney,  
16 Deborah Bushnell, sending a letter to the  
17 Schindlers allowing them to now be able to get  
18 information about their daughter?

19 A Yes. I remember that.

20 Q Prior to that kind of communication  
21 going in 1996 -- so from '93 to 1996, did you  
22 allow the nursing home to talk to Mr. and Mrs.  
23 Schindler about their daughter's medical  
24 condition?

25

1 Q It's your testimony here today that the  
2 nursing home was permitted, from 1993 to 1996, to  
3 discuss Terri's medical condition with the  
4 Schindlers?

5 A I believe after I left I told them not  
6 to -- to disregard or whatever, that other order.  
7

9 nursing home was not giving out information during  
10 that time frame to Mr. and Mrs. Schindler?

11 MR. FELOS: Objection. Lack of  
12 foundation.

13 THE COURT: Overruled.

14 A I'm sorry. Repeat your question.

15 Q (By Ms. Campbell) Would it surprise you  
16 to know that the nursing home was not giving out  
17 information to Mr. and Mrs. Schindler from '93 to  
18 '96?

19 A The way Sabal Palms went, it would not  
20 surprise me. But I know they get information.

21 Q I'm sorry. What was the last point?  
22

1 Q From Sabal Palms?

2 A Yes.

3 Q And the different facilities that you

6 you ever requested as the guardian as to whether  
7 or not there were any advanced directives from  
8 Theresa Schiavo?

9 A From the hospital?

10 Q Yes.

11 A I don't remember any of those.

12 Q On any of the hospital admission dates,  
13 do you recall anyone from admissions going over  
14 paperwork with you?

15 A Yeah.

16 Q Do you recall them asking you whether or  
17 not Theresa Schiavo had any advanced directives  
18 such as a living will?

19 A I don't recall them asking that.

20 Q What do you believe that your testimony  
21 would have been to that? What do you think your  
22 answer would have been?

23 A If they would have asked me at that time  
24 frame that she was --

25 Q The question is whether or not she had a

1 living will?

2 A My answer would be no. She does not  
3 have a living will.

6 reimbursement to you of the Schindlers for some  
7 money for a credit card debt?

8 A This -- I don't recall that.

9 Q In 1993, do you recall an attorney Jan  
10 Piper?

11 A Yes. I do.

12 Q Do you recall Mr. Piper sending a letter  
13 to Mr. and Mrs. Schindler on your behalf demanding  
14 payment of, a refund of some credit card debt?

15 A I remember him sending a letter. I  
16 don't know if it was about a credit card.

17 Q What was your recollection of what was  
18 the dispute between you and Mr. and Mrs.  
19 Schindler?

20 A I don't remember, but I don't think it  
21 was a credit card.

22 Q You do recall Mr. Piper sending a letter  
23 on your behalf to the Schindlers? A demand  
24 letter?

25 A I do recall that. Yes.

1           Q     Is it your testimony here today that  
2     you never agreed with Mr. and Mrs. Schindler to  
3     reimburse them for any of the expenses that they  
4     had advanced to you and Terri in the way of moving  
5     expenses?

6           A     I never agreed with them.

7           Q     You never agreed to reimburse them?

8           A     I never agreed. They never even brought  
9     it up.

10          Q     So your testimony is today that you and  
11     the Schindlers never discussed repayment of any of  
12     the loans made to you?

13          A     No. We have never discussed that.

14               MR. FELOS: Your Honor, objection. The  
15     question is improper because the witness has  
16     denied that there were any loans. The question  
17     is --

18               THE COURT: The question is did you ever  
19     agree to reimburse. I don't know how you  
20     categorize it. We can get real technical. I  
21     think the Court understands the nature of the  
22     question. I will allow it.

23               MS. CAMPBELL: The question went to a  
24     discussion between he and the Schindlers, and I  
25     believe the answer was no. There was no other

1 discussions. No further questions.

2 THE COURT: Thank you. Redirect?

3 REDIRECT EXAMINATION

6 Schiavo, there was some testimony about life  
7 insurance. Was in fact the payments that Terri  
8 received disability payments from Prudential?

9 A Yes.

10 Q Not life insurance benefits?

11 A Yes.

12 Q You also testified about social security  
13 benefits. I recall you saying that Terri did not  
14 receive social security benefits. Was that during  
15 the time she was receiving disability from  
16 Prudential?

17 A Say it again to me.

18 Q Did Terri ever -- did Terri ever receive  
19 any social security benefits while she was  
20 receiving disability payments from Prudential?

21 A No.

22 Q Did she receive social security payments  
23 after that?

24 A Yes.

25 Q In fact, are you aware of any written