

1 Q. I am not getting charged for any of
2 this, right? Mr. Saltzburg is paying for this.

3 MR. SALTZBURG: We'll be happy
4 to let you contribute.

5 THE WITNESS: This is your job
6 to come here and advocate for your client,
7 so far as I can tell you are doing a good
8 job.

9 BY MR. MAYERSON:

10 Q. Thank?

11 A. I would hire you.

12 Q. Doctor, do you agree that defense
13 attorney first contacted you for testifying today?

14 A. You know, I don't know who contacted me;
15 could have been the CDC, could have been him. I
16 don't recall.

17 Q. I want to get back to the \$4500 an hour
18 that you are being paid. You don't make that much
19 money from treating patients being paid by Blue
20 Cross Blue Shield, do you?

21 A. Oh, geez, I wish I did.

22 Q. Is that why you do this type of work,
23 for the pay?

24 A. Actually, I do this so I can treat

IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA

* * *

ROBERT BRAZIER : CIVIL ACTION

-vs-

:

NO. 07-08720

KYLE P. KELLY :

* * *

Videotaped deposition of DR.
STEPHEN FEDDER, held in the offices of Dr. Fedder,
100 E. Lancaster Avenue, Lankenau Medical Building
East, Wynnewood, Pennsylvania, on Monday, February
9, 2009, beginning at approximately 9:45 a.m.,
before Audree E. Burg, Certified Court Reporter and
Notary Public in and for the Commonwealth of
Pennsylvania.

* * *

ERSA COURT REPORTERS
30 SOUTH 17TH STREET
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FEB 12 2009

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ALSO PRESENT:

12
Lydia Ozdzinski, Video Specialist
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1 condition that predated this accident?

2 A. Yes.

3 Q. Doctor, have all of your opinions been
4 rendered to a reasonable degree of medical and
5 neurological certainty?

6 A. Yes.

7 MR. BLAKE: That's all of the
8 questions that I have.

9

10 CROSS-EXAMINATION

11

12 BY MR. MAYERSON:

13 Q. Dr. Fedder, my name is Ben Mayerson. We met
14 once before. I don't know if you recall that.

15 A. Sure I do.

16 Q. I took your deposition before?

17 A. Yes, and I complemented you.

18 Q. Yes, you did. You told me that you would
19 hire me, as a matter of fact.

20 A. I did, and I would.

21 Q. Thank you, Doctor, I appreciate that.

22 So you understand that my job is to expose
23 any possible bias you might have, and that may be
24 the driving force behind your opinions today;

1 correct?

2 A. Your job is to make sure there isn't any
3 bias behind my opinions, or if there is you bring it
4 to light.

5 Q. Exactly. Isn't it true that for your time
6 here today you are being paid more than \$1,000 an
7 hour?

8 A. Exactly. I'm being paid \$5,000.

9 Q. How much?

10 A. \$5,000, actually.

11 Q. \$5,000 per hour?

12 A. Per hour, including a half hour pre-meet,
13 which I don't think we spent a half hour, yes.

14 Q. You were paid before today as well for your
15 time in reviewing the records and writing your
16 report?

17 A. That is right.

18 Q. Same rate of pay?

19 A. No. If you indulge me for a minute, I can
20 check my database and tell you exactly how much I
21 was paid.

22 Q. That would be great.

23 VIDEO SPECIALIST: The time is

24 10:12. Off the video record.

1 record.

2 VIDEO SPECIALIST: The time is
3 10:15. We're back on video record.

4 BY MR. MAYERSON:

5 Q. Doctor, I'll rephrase the question for you.
6 You will agree with me that when you are treating
7 your patients and submitting the billing to any
8 insurance company, that they will not pay you \$5,000
9 an hour for your time?

10 A. Actually, insurance companies compensate you
11 by procedure code, and I don't know if that answers
12 your question.

13 If you do a complex instrumented fusion of
14 the spine, which also involves a decompression,
15 generally one collects slightly more than \$4,000.

16 Those are -- I think that's correct. Most
17 cases, even craniotomies for brain tumors are not
18 compensated at that rate.

19 Q. So the procedure that you were talking about
20 that paid slightly more than \$4,000, how long does
21 that procedure take?

22 A. Anywhere from two to five hours.

23 Q. So for the best paid procedure that takes
24 two to five hours, you are paid less than you are

1 today for one hour of your time?

2 A. I believe that's true.

3 Q. Doctor, you were hired today by State Farm
4 Insurance Company; correct?

5 MR. BLAKE: Objection.

6 VIDEO SPECIALIST: The time is
7 10:15. Off video record.

8 MR. BLAKE: I know I have a
9 continuing objecting. I'm really objecting
10 to you giving specific names. It is
11 improper. I will just have a continuing.

12 MR. MAYERSON: Yes, you have a
13 continuing objection.

14 Back on the record.

15 VIDEO SPECIALIST: The time is
16 10:16. We're back on video record.

17 BY MR. MAYERSON:

18 Q. Doctor, let me rephrase the question and lay
19 a little groundwork.

20 Do you know who Kyle Kelly is?

21 A. Not offhand.

22 Q. He is the other driver involved in this
23 accident. He did not retain you, did he?

24 A. Not that I'm aware of.