

CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
STATE OF FLORIDA IN AND FOR PINELLAS COUNTY
PROBATE DIVISION
CASE NO. 90-2908-GD3

IN RE: THE GUARDIANSHIP OF
THERESA MARIE SCHIAVO,

Incapacitated.

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

Petitioner,

APPEAL

vs.

ROBERT SCHINDLER AND MARY SCHINDLER,

Respondents.

BEFORE: GEORGE W. GREER
Circuit Court Judge .

PLACE: Clearwater Courthouse
Clearwater, FL 33756

DATE: January 26, 2000

TIME: 10:00 a.m.

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

TRIAL

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MS. FELOS: Thank you. My next witness I would like to call is Suzanne Carr.

THE BAILIFF: Stand here. Face the judge. Raise your right hand to receive the oath.

THE BAILIFF: Be seated in the witness box, please.

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q We have established the acoustics in the room are difficult, so if you can speak up, please. State your name.

A Suzanne Carr.

Q Where do you live?

A St. Petersburg, Florida.

Q Are you the sister to Theresa Schiavo?

A Yes.

Q How old are you?

A Thirty-one.

Q How many years difference between you and Terri?

A I'd say about four-and-a-half years.

Q Would you please review your educational background briefly?

1 A I have a high school diploma. A four
2 year BS in business. Recently passed Series 7 for
3 stockbroker.

4 Q Where did you go to high school?

5 A Arch Bishop Wood. Warminster, PA.

6 Q Outside of Philadelphia?

7 A Yes.

8 Q What is your current employment?

9 A TD Waterhouse Investors Services.

10 Q Where were you raised?

11 A Outside of Philadelphia, Pennsylvania.

12 Q Can you describe what it was like
13 growing up in the Schindler household?

14 A Very normal. Close knit family. Happy
15 childhood. Friendly, nice neighborhood. We lived
16 in a nice house in a nice neighborhood. Catholic
17 school.

18 Q Were you close with any of your
19 grandparents?

20 A Yes.

21 Q Did your grandmother Schindler live
22 nearby?

23 A Yes.

24 Q Do you know where you were when your
25 grandmother passed away?

1 A I was actually out front of my house. I
2 remember hearing the news standing out front.

3 Q In Philadelphia?

4 A Right.

5 Q Do you recall the year?

6 A '86.

7 Q Was Theresa also in Philadelphia during
8 that time?

9 A She had moved to Florida in '86. I
10 believe she was still there at the time.

11 Q Is it your testimony that she moved to
12 Florida after your grandmother died?

13 A No. I think -- yes. I'm sorry.

14 Q When did you move to Florida?

15 A Summer of '86.

16 Q Had Theresa and Terri and Michael
17 already moved to Florida?

18 A Yes.

19 Q Do you know anything about a train ride
20 that Terri may have taken to Florida?

21 A Not -- not really. No. Not that I can
22 testify to.

23 Q Describe your relationship with Terri in
24 the late 80s prior to the accident.

25 A I spoke to her periodically. I was away

1 at school at the time. We spoke often. I came
2 home on the weekends. I was in Orlando at the
3 time.

4 Q How often would you see Terri?

5 A I would say a couple weekends a month
6 during -- while I was at school.

7 Q Would you confide in each other?

8 A Sure. We talked on the phone.

9 Q Would you consider your relationship
10 close?

11 A Sure.

12 Q Did she ever talk to you about wanting
13 to get pregnant?

14 A We talked about her wanting to have
15 children. I can vaguely recall. Yes.

16 Q Did she talk to you about going to a
17 physician regarding that?

18 A I vaguely recall her seeing a doctor
19 regarding her -- about that.

20 Q Do you know when in proximity was that
21 prior to the -- in relationship to the accident?

22 A It was in the past, I would say prior,
23 maybe a year. During the year or two prior to
24 that.

25 Q Would you spend time with Terri and

1 Mike? I'm referring to the time frame of 1989.

2 A Here and there, if I came home from
3 school or prior to leaving for school. Because I
4 was not there the whole year so --

5 Q Did you ever observe them as a couple?

6 A Sure.

7 Q Did they appear to be happy together as
8 a couple?

9 MS. FELOS: Objection. That is a
10 leading question and irrelevant here.

11 THE COURT: Overruled.

12 Q (By Ms. Campbell) Go ahead and answer.

13 A I --

14 Q Could you describe how they were as a
15 couple?

16 A Well, knowing what I know, I know that
17 Terri was not 100 percent happy. So I probably
18 would say no.

19 Q What is it that you know that you are
20 referring to?

21 A I knew that Terri was not happy in the
22 marriage. Not very happy with her marriage.

23 Q What makes you say that?

24 A Different things that I knew. Just
25 comments she would make. Some of the ways she was

1 being treated.

2 Q Could you give me a specific example?

3 A Um, I knew that there were times that,
4 you know, she could only drive her -- they had a
5 new car and he would note the miles. She could
6 only drive certain miles. He was very strict
7 where she could park it. Things like she always
8 would make comments I can only drive so many miles .
9 a day. They had a new Toyota.

10 He would give her a hard time about
11 maybe spending too much money. Just off-the-cuff
12 comments she would make, if he was working. He
13 worked long hours. There were times she was real
14 glad about that, you know. I just knew she was
15 not happy.

16 Q Did you ever visit your mother (sic) at
17 Majestic Towers? Your grandmother?

18 A Yes.

19 Q Did you ever go with Terri?

20 A Yes.

21 Q When would that generally be? During
22 the week? On weekends?

23 A Both.

24 Q Did you go by yourself as well?

25 A Yes.

1 Q Could you give a general description of
2 the residence at Majestic Towers?

3 A The people themselves?

4 Q Um-hmm.

5 A There were some -- it was primarily
6 older. There was some older people in there that
7 were -- it's assisted living. Some were in bed.
8 You know, elderly in pretty poor shape.

9 Q What do you mean pretty poor shape?

10 A Bedridden. That kind of thing.

11 Q Did you used to assist your mom when she
12 was the assistant activities director?

13 A You mean work with her?

14 Q Yes.

15 A No. Not really.

16 Q Do you remember what happened on
17 February 25, 1990?

18 A I remember I got a phone call. Sure.

19 Q Tell us about what happened.

20 A I got a phone call from my mom. I was
21 in Orlando at school. Mom said Terri was in the
22 hospital. It was not until I hopped in my car --
23 it was at night; I drove home -- because she did
24 not want to alarm me because I had a 2-hour ride
25 home. When I got home, I realized Terri had

1 fallen into cardiac arrest and was really in bad
2 shape in ICU.

3 Q Were you able to spend time with Terri
4 and the family during that initial time?

5 A We were almost sleeping at the hospital
6 during those first several weeks.

7 Q Was Michael also there?

8 A Oh, yes.

9 Q Did you continue with school that
10 semester?

11 A I went back on the weekends. I mean, I
12 would go back periodically during the week. I
13 pretty much let that semester go and then I moved
14 home.

15 Q Did you assist in taking any care of
16 Terri?

17 A Um, not day-to-day care. But I was
18 there with my parents and Michael, too.

19 Q Did you assist with any fund raisers for
20 Terri?

21 A Yes.

22 Q Describe what you did.

23 A We had, through a lot my mother's
24 friends that we knew for some years, we had a
25 Valentine's Day dance. We had prepared the hall.

1 We also -- I remember the luminaries on
2 Pass-A-Grille Beach. We raised money and set
3 luminaries all along. It was real pretty. With
4 the help of -- we knew the owners of the Hurricane
5 Restaurant. All were really supportive and we
6 raised quite a bit of money.

7 Q How often do you see Terri now?

8 A I'd say three or four times a month.

9 Q Does she react to you?

10 A Slightly to me. More to my mom. There
11 is a connection with my mom that I see.

12 Q Do you go there by yourself?

13 A With my daughter. I will take my
14 daughter with me.

15 Q Do you also go with your mother?

16 A Yes.

17 Q Describe what you see when your mother
18 visits Terri.

19 A Um, if we go in and Terri is just laying
20 there awake, then we will walk in. It is sort
21 of -- my mom will say, "Hi Terri. It's mommy."
22 There is a visible, to me there is a visible
23 reaction in her face. She'll just sort of like
24 sometimes almost like light up a little bit. Just
25 a -- or a smile. On occasion, I have seen her cry

1 when she sees my mom, too. Her face. Cry.

2 Just -- my mom, one time I was there and
3 my mom walked on the other side of the bed and
4 Terri turned her head to the other side. I see a
5 definite connection.

6 Q Do you see any change in Terri from the
7 earlier days of her accident versus now?

8 A I do.

9 Q Can you describe that change?

10 A Just, it seems as though she connects
11 more often with my mother. Also, aware that my
12 mom, even that we are there. There is a definite
13 awareness. You can see it in her eyes.

14 Q Did you ever discuss any end of life
15 issues with Terri?

16 A No. Not that I can recall.

17 Q Did you ever discuss anything concerning
18 a vegetative state or feeding tubes?

19 A Not that I can recall. Before this
20 happened, she was in her early twenties. I was in
21 my teens. We never really talked about it.

22 Q Do you have knowledge about Terri's
23 intent or what she would want to do as to being
24 maintained regarding a feeding tube?

25 A You mean as far as if Terri ever

1 mentioned that to me?

2 Q Right.

3 A She never said to me that either way.

4 Q What are your personal thoughts for
5 yourself regarding end of life decisions?

6 A Well, I'd honestly have to, depending on
7 what the situation was at the time, I mean, there
8 is so many different conditions that you can be in
9 and medical technology continuing to further, I
10 don't know. I know what I don't believe in as far
11 as certain things, but I'd have to wait and see
12 with the life and death decision.

13 Q With your upbringing, do you have any
14 religious views you strongly believe in one way
15 yourself personally?

16 A Pro life, Pro life in those positions.
17 You know, I feel with, again, with medical
18 technology, I believe they are advancing so much
19 to find ways for curing. Helping people get
20 through certain illnesses. I suspect if I had a
21 chance, I would rely on that medical technology.

22 Q What do you mean when you say pro life?

23 A I'm against abortion. Pro life for life
24 itself, I support.

25 MS. CAMPBELL: I have no further

1 questions at this point.

2 THE COURT: Thank you. Cross-
3 examination?

4 CROSS-EXAMINATION

5 BY MS. FELOS:

6 Q Good morning. You mentioned you had a
7 close relationship with your sister, Terri; is
8 that correct?

9 A I believe so.

10 Q And you knew she was trying to have a
11 child, did you?

12 A I recall --

13 Q But Terri did not confide in you
14 regarding the fact that she was going to a doctor;
15 did she?

16 A I recall her mentioning -- with regard
17 to her --

18 Q Going to a doctor with respect to
19 getting pregnant?

20 A I recall her mentioning something about
21 looking into maybe a fertility problem with her
22 husband. That is what I recall. Maybe going to a
23 physician for that reason.

24 Q Okay. So she did not actually say to
25 you, confide in you about going to a doctor?

1 A I recall -- I can't think of a
2 particular conversation. Very well she could
3 have. It has been quite a while. I do recall
4 something said about that.

5 Q But it would have been in passing or
6 fairly vague; is that correct?

7 A Sure. Because it's been many years.

8 Q Is that your recollection or that she
9 only mentioned it in passing?

10 A I vaguely recall there was something
11 said about going to a physician. I'm not sure if
12 in regard to the infertility or something to that
13 effect.

14 Q That seems like a pretty important
15 thing that a young woman would talk about to a
16 close friend, wouldn't you think? Whether she was
17 going to a physician to try to get pregnant?

18 A I don't know. Depends on the friend.
19 It depends on, you know, I don't know.

20 Q Okay. You mentioned something about the
21 relationship with Michael Schiavo. That there
22 were maybe some comments made off the cuff or some
23 way she was treated, but you don't have any direct
24 information regarding a relationship with Mike
25 Schiavo that you just mentioned that Terri had; do

1 you? You have no direct information from Terri
2 regarding any problems with her relationship with
3 Mike; do you?

4 A Well, yeah. I know she was not happy.
5 She would make comments to me a lot about being
6 unhappy. You know, off-the-cuff comments about
7 she was not very -- there was comments that were
8 not very favorable to Michael toward the later
9 years.

10 Q Did she say she was abused?

11 A Physically abused? She never told me --
12 she never told me she was physically abused.
13 There were times where he rough-housed with her.
14 There would be a bruise on her arm. I recall that
15 but --

16 Q So Terri never told you that she was
17 abused in any way; is that correct?

18 A She would never tell me that. She knows
19 I would go -- she would never say something like
20 that to me.

21 Q So Terri never told you that Michael
22 abused her; is that correct?

23 A Even if he did, she would not tell me
24 that.

25 Q Would you dispute Michael Schiavo's

1 statement that you never stayed in the hospital
2 during those early days with Terri?

3 A In the first several weeks?

4 Q Right.

5 A Would I dispute that?

6 Q Right.

7 A I can remember sleeping there.

8 Q Explain --

9 A I came home from school and did not go
10 back to college for like two weeks.

11 Q When were you married?

12 A 1991.

13 Q You were divorced?

14 A Yes.

15 Q In what time?

16 A '95.

17 Q When did you separate?

18 A I was divorced in '96. Separated in
19 '95.

20 Q Do you recall when?

21 A March.

22 Q March of?

23 A '95.

24 Q Were you divorced in 1995 actually?

25 MS. CAMPBELL: Objection, Your Honor. I

1 don't see the relevancy of this line of
2 questioning.

3 THE COURT: I'm not sure either. What
4 is the relevance of her marital status?

5 MS. FELOS: Judge, if you would let me
6 continue.

7 THE COURT: Where are we going with
8 this?

9 MS. FELOS: Where we are going? If I
10 can ask her a couple more questions about -- well, .
11 judge, I'll mention it. Based on the deposition
12 that we have previously of this witness, there is
13 some discussion that Terri wanted to have a child
14 because she wanted to help their relationship,
15 which is the statement that the witness made. It
16 appears from the witness's background --

17 THE COURT: Does it make any difference
18 if she was divorced in '95 or '96?

19 MS. FELOS: We believe that the witness
20 was having a child in order to keep her
21 relationship together and she was projecting that
22 viewpoint on Terri, and in fact that was not the
23 case. So that is basically what I was trying to
24 elicit.

25 THE COURT: But the latest she could

1 have talked to her sister was February 24, 1990.
2 What does '95 and '96 have to do with that? Ask
3 the questions that are probative. If you need to
4 tie it up, go ahead. But there is certainly no
5 relevancy at this time as to when this lady was
6 divorced.

7 MS. FELOS: All right. Thank you,
8 Your Honor.

9 Q (By Ms. Felos) Ms. Carr, you have said
10 you communicate in some way with your sister;
11 haven't you?

12 A Um-hmm.

13 Q You have even made the statement that
14 she, Terri, squeezes your hand; isn't that
15 correct?

16 A She did on occasion. Once or twice I
17 felt something from her. Yes.

18 Q You know that Terri's hands are in a
19 rigid, contracted state; don't you?

20 A Sometimes they are not so rigid. At
21 times yes and at times no. If my mom is in there
22 talking, stroking her, she relaxes and you can
23 slip your hand in her hand.

24 Q When her hands are contracted, would
25 you agree it would be impossible to hold hands

1 with your sister?

2 A I don't think -- I can put my hand and
3 hold her hand if her hand is contracted. And I
4 do.

5 Q You want your sister to be acting
6 volitionally, on purpose, don't you? You would
7 like that to be the case; wouldn't you?

8 A I would like her to get up from the
9 bed. Sure. Sit up and talk to me, Mrs. Felos.

10 Q You really don't know whether or not she
11 does act on purpose or with volition; do you?

12 A I absolutely believe she does. I can
13 say that.

14 Q You do believe you would like her to; is
15 that correct?

16 A Well, as I said, sure. Absolutely. I'd
17 like to think she would get right up off that bed.

18 Q You would like to believe that the
19 actions that you see, the reactions or reflexes
20 you see are being done by her on purpose; wouldn't
21 you?

22 A Mrs. Felos, I know what you are getting
23 at. Just because I want to think they are on
24 purpose does not automatically -- is not like I'm
25 saying it's on purpose because I want it to be.

1 Sometimes I'm in there and, you know, if I talk to
2 her and she squeezes my hand or I feel her come
3 back to my hand, it's not because I wished it to
4 happen or I wanted it to happen. It is because
5 she did.

6 Q All right. Let me read from your
7 deposition.

8 A Okay.

9 Q The deposition was taken September 27,
10 1999. Page 11. Line 19. Do you hold hands with
11 Terri when you are there?

12 Yes. Sure.

13 Does she squeeze your hand sometimes?

14 Sometimes.

15 Have you noticed any volition or purpose
16 to that?

17 It's hard for me so say either
18 way. Right.

19 Is it fair to say you don't know?

20 It is fair to say I'd like to believe it
21 was on purpose, but I don't know. I would like to
22 believe that. I may say yes, it was on purpose,
23 as what I felt it to be.

24 Q So is that correct? Is that really your
25 statement?

1 A Sure. Again, if I put my hand in there,
2 I feel her come back with me, sure.

3 Q Thank you. Do you believe that taking
4 away artificial life support is murder?

5 A I believe starving someone to death is
6 inhumane.

7 Q So you are saying that you don't believe
8 that taking away other forms of artificial life
9 support would be murder, but taking away a feeding
10 tube would be murder? Is that your testimony?

11 A I think it depends on the situation.

12 Q Could you just answer that question?

13 A Well, I can't. I don't know. It's per
14 situation.

15 Q I'm asking you just generally your
16 preference. Do you believe that taking away
17 artificial life support is murder?

18 A Well, if I refer to my grandmother who
19 was taken away from a respirator and she died,
20 then no, not in that respect. She was -- no.

21 Q So you don't believe that taking away
22 artificial life support is murder. Thank you.

23 A I can't generalize. I can't say in
24 every single case. I have to know a little bit
25 more about what the situation is.

1 Q May I refer to your deposition again?
2 Same deposition. Page 26, Line 21. Taking life
3 support away is murder. Period.

4 A I was referring to the feeding, taking
5 my sister's feeding tube away.

6 Q Let me read the question.

7 A Okay.

8 Q Line 15. Well, so if a person would
9 die, that hypothetical person would die without
10 life support but would not die with life support,
11 who is to say what's God's will? Is it a human
12 decision that's going to be made to put life
13 support in this case? Why isn't it just as much
14 God's will that the patient die without life
15 support?

16 Your answer, first line is, taking life
17 support away is murder. Then you went on to
18 discuss human decisions, et cetera.

19 A Right.

20 Q But yet today you said, no, taking away
21 artificial life support is not murder?

22 A I did not say that. I did not say, no,
23 it is not.

24 Q Well, we'll have a transcript of what
25 you said.

1 A I believe --

2 Q Would you be against removing a
3 respirator of somebody who is brain dead?

4 MS. CAMPBELL: Objection, Your Honor.
5 This line of hypothetical questions, this is not
6 relevant to the decision the Court is to make
7 regarding the specific accident of Terri's
8 regarding this feeding tube.

9 THE COURT: I am sure her opinions from
10 lots of witnesses, what they believe regarding the
11 decision on both sides, so I'll allow some of this
12 testimony.

13 Q (By Ms. Felos) Could you answer the
14 question?

15 A Can you repeat the question?

16 Q I gather that you would be against
17 removing a respirator of someone who is brain
18 dead?

19 A I am for pro life. If there is a way --

20 Q Excuse me. We were talking about a
21 respirator of someone who is brain dead. Would
22 you be --

23 THE COURT: She started to answer you,
24 counselor.

25 MS. FELOS: I thought she was answering

1 about someone different.

2 THE COURT: She used pro life in her
3 answer, which is a more global view than just
4 abortion.

5 MS. FELOS: I see.

6 A I think if the person were brain dead,
7 if there was no, if they are completely brain dead
8 and the only thing keeping them alive was just a
9 breathing machine I would -- it's hard for me to
10 say. In some respects I'm -- I don't know. I
11 think I would keep them on a breathing machine for
12 the time being. See where it goes from there.

13 Q (By Ms. Felos) So you advocate the use
14 of all medical treatment; is that correct?

15 A I do.

16 Q That is no matter what the treatment is?

17 A What are you referring to as far as what
18 the treatment is?

19 Q Any treatment that would be medically
20 available?

21 A I advocate medical treatment. Sure.

22 Q So is it fair to say if it's available,
23 you would advocate it?

24 A I agree. That is fair to say.

25 Q What if the patient does not want the

1 treatment? Do you think they should have it
2 anyway, even if they don't want it if it will keep
3 them alive?

4 A Is this -- is the patient -- I think I
5 need to know more information. Is the patient 90
6 years old? Is the patient 16? What is wrong with
7 the patient?

8 Q So then the age of the patient would be
9 relevant to your decision and the diagnosis would
10 be relevant to your decision?

11 A Well, I am all for medical treatment for
12 keeping someone alive. I think there is so many
13 other variables that do come into play, sure. I'm
14 still all for medical treatment. I'm still for
15 that. Yes.

16 Q And you also testified that you would
17 keep a brain dead person on a respirator. Would
18 the age of that person be a relevant factor if the
19 patient were 20 versus the patient were 80?

20 A Yes. There is a lot of -- for me to
21 make these decisions such as those, there is a lot
22 of relevance with regard to age and what the
23 conditions are. Sure.

24 Q Another condition would be a diagnosis?

25 A I think that would come into play

1 depending on again what the condition is.

2 Q So what if the patient, regardless of
3 the condition, didn't want the medical treatment?
4 Would you still advocate that medical treatment be
5 employed, even though the patient didn't want it?
6 If it is available, that is.

7 A Again, I am all for medical treatment.
8 I still think I need to know more information
9 about the patient themselves.

10 Q The question would be whether or not the
11 patient wanted it. The patient does not want it,
12 but it is available to keep the patient alive.
13 Let's say the patient is young. Would that help?
14 Would you want that treatment to be given to that
15 patient whether or not the patient wanted it or
16 not?

17 A Mrs. Felos, you are asking me to make a
18 decision like that. I think I maybe want to talk
19 to the physicians involved in the case. In the
20 treatment of the patient.

21 Q Let me read from the deposition again.
22 Page 27, Line 11. What if the patient doesn't
23 want the treatment, do you think the patient
24 should have medical treatment to keep them alive
25 even if a patient does not want it?

1 Answer. If it's available, yes.

2 And so your belief, obviously, is that
3 is something that you would advocate for yourself
4 as well?

5 Answer. Yes. Is that -- I would
6 advocate that for myself.

7 A I recall making those statements. You
8 have to think -- I recall making those. I have to
9 think a little more into it, too. I answered
10 deposition questions as Mr. Felos was coming at me
11 with all these hypotheticals. I recall making
12 these answers. Yes. Yes. Given when you leave
13 there, you have to give -- a little more thought
14 process goes into making it.

15 Q Well, thank you. And today you are
16 saying you do agree with that? You are saying if
17 a patient does not want medical treatment you
18 would advocate that; is that correct? To keep
19 them alive?

20 MS. CAMPBELL: Objection, Your Honor.
21 Asked and answered.

22 THE COURT: I think it's been answered
23 for the third time. The first time she said it
24 would depend on the variables. So you are not
25 going to get any better with that with a general

question, Mrs. Felos. You may want to ask a specific question, but that was the answer that the Court remembers her saying to your general inquiry.

Q (By Ms. Felos) Is it fair to say that you would advocate being treated against your will if it would keep you alive?

A I think to a certain -- it's a little in depth in answering that question because you know at the time maybe I'll go into a little detail. Maybe the doctor said I was in a grave condition but we can medically treatment you with experimental treatment. I say no. I don't want that. And if they really believe this is experimental treatment, let's do it.

If in that case, if I did not want it because you are in a state of despair when the doctors are telling you so, something is so seriously wrong in a grave condition, and maybe that experimental treatment might cure me, sure, I would go for all medical treatment because of the technology these days they are making. So who knows what they are going to come up with to treat?

Being myself, maybe if I didn't want

1 that but they felt maybe it would cure me, they
2 tried it, it did, there you go. I'm cured. And I
3 didn't want that treatment, but I go back and
4 shake that doctor's hand and and say thanks.

5 Q So you advocate treatment against your
6 will?

7 A For myself, I probably would.

8 Q What if you were in a condition where
9 you were not cognizant, no awareness, no
10 reasonable likelihood of you ever gaining
11 awareness. Would you want your body kept alive
12 through medical treatment and artificial life
13 support?

14 A Mrs. Felos, am I 80 or 30? That is hard
15 to say. I advocate medical treatment. Yes. I
16 recall answering again in the deposition, but
17 sitting here I -- there is -- there are still more
18 variables and I need more information.

19 Q On Page 27 of the same deposition you
20 answered that question absolutely.

21 A I recall that. I do. Again, I recall
22 Mr. Felos with all the hypotheticals and I recall
23 that answer. I do.

24 Q Again, let's say you developed cancer in
25 that same condition and in order to have a chance

1 of beating the cancer you would need aggressive
2 chemotherapy. Is it your position that you want
3 your body to receive radiation and receive chemo?

4 A My answer would be the same.

5 Q Do you recall what it was or do you want
6 me to read it?

7 A I remember when Mr. Felos was coming at
8 me and I was absolutely, with all the
9 hypotheticals, on a hypothetical I said
10 absolutely. And leaving there, knowing there are
11 more variables to just making an on-the-spot life
12 and death decision.

13 Q So were your answers true at the time of
14 the deposition?

15 A At the time that is what -- when he was
16 coming at me with all the hypotheticals, that is
17 what came to my mind. That, and I'll leave it at
18 that. Again, there are more variables in making
19 life and death decisions than just what you gave
20 me. I need to know. I want to talk to my
21 physicians. You just can't make a life and death
22 decision, even in a three minute answer or taking
23 three minutes to answer it.

24 Q One of the things you mentioned that
25 would not come into consideration is what the

1 patient wanted; isn't that right? You look at
2 age, diagnosis, talk to your doctors, and a lot of
3 other variables; true?

4 A Are you talking for myself or somebody
5 else?

6 Q For yourself.

7 A Sure. There's a whole lot of variables
8 there.

9 Q Are you angry at Mike Schiavo?

10 A Angry? No.

11 Q Are you angry at the fact your sister's
12 money is being spent for this litigation, this
13 adversarial proceeding?

14 A I think probably yeah. I mean --

15 Q So you are angry that Mike Schiavo is
16 spending your sister's money for this litigation,
17 but not angry at him? That is your testimony?

18 A I don't think anger is a good word.

19 Q What is the right word?

20 A I think taking that money away from her
21 care, as opposed to going into the care for Terri,
22 I think it is kind of sad it's come to this.

23 MS. FELOS: I have no further questions
24 at this time.

25 THE COURT: Thank you? Redirect?

1 MS. CAMPBELL: No further questions.

2 THE COURT: Stand in recess for about
3 fifteen minutes.

4 MS. CAMPBELL: Thank you, Your Honor.

5 THE BAILIFF: All rise. Court stands in
6 recess.

7 (THEREUPON, A 15 MINUTE BREAK WAS HAD AT
8 10:40 A.M.)

9 THE BAILIFF: All rise. Circuit Court
10 is back in session.

11 MS. CAMPBELL: Thank you, Your Honor. I
12 would like to ask if Suzanne Carr -- we don't plan
13 on calling her back and we would ask that she
14 remain in the courtroom.

15 THE COURT: Do you intend to call her as
16 a rebuttal witness?

17 MR. FELOS: Your Honor, I may call her
18 as rebuttal.

19 THE COURT: Okay. Sorry about that.

20 MS. CAMPBELL: Your Honor, the next
21 witness I would like to call is Mr. Robert
22 Schindler.

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

25 THE COURT: Thank you. Be seated in

1 the witness chair, please.

2 DIRECT EXAMINATION

3 BY MS. CAMPBELL:

4 Q Please state your full name.

5 A Robert Schindler.

6 Q Where do you live?

7 A Presently we live in St. Petersburg.

8 Q Are you married to Mary Schindler?

9 A That is correct.

10 Q How long have you been married?

11 A 1963.

12 Q Could you give us a brief background of
13 your educational history?

14 A Background, I went to Penn State
15 University for a semester. I went to Temple
16 University for three or four semesters. I went to
17 Eckerd College for a semester. I have had hours
18 and hours and hours of business seminars,
19 business related seminars.

20 Q Tell us what you do professionally?

21 A Now I am a systems designer presently.

22 Q What does that mean?

23 A I design systems.

24 Q What type?

25 A Mechanical systems. For example, I was

1 doing a great deal of refinery work involving
2 carrying different fluids in refineries. Process
3 fluids. Things like that.

4 Q You heard your wife testify yesterday
5 regarding your children and how they were raised.
6 Do you have any testimony -- without repeating
7 that same testimony, is there anything different
8 that you would like to add to that?

9 A I can embellish you on the way she
10 raised them.

11 Q How was that?

12 A Magnificent.

13 Q Please tell the Court about your
14 brother, Terri's uncle.

15 A My brother, Fred?

16 Q Yeah.

17 A My brother, Fred, was a cross between
18 Dean Martin and Tony Curtis, if you can remember
19 back to those days. He employed me as a sales
20 engineer for ten years. In that time frame, his
21 wife and daughter were killed by a train collision
22 outside of Philadelphia and he had two surviving
23 children. The eldest daughter was 17 years old
24 when this happened. It happened on May 3, 1969.

25 At that point in time, my mother was

1 living in Philadelphia. She was living in our
2 family home in Philadelphia. She closed the
3 residence and moved to my brother's home to care
4 for the two children. She was almost like a
5 housekeeper, so to speak.

6 She lived there. Prepared the food and
7 was a substitute mother for the children, and also
8 cooked and cleaned. Washed for my brother.

9 Q After the children moved out, did she
10 continue to live there?

11 A Yes.

12 Q What happened to your brother subsequent
13 to that?

14 A In 1980, my brother had an automobile
15 accident and suffered severe head injuries. He
16 hit a tree one evening late in the night. It was
17 on a rural country road. Someone had diverted his
18 course where he ran into, trying to avoid an
19 accident, ran into a tree. From that, he was
20 taken to the Avington Memorial Hospital in the
21 Intensive Care Unit.

22 At the time, the next day, I was
23 notified. Our family was vacationing at the
24 Jersey seashore. Stone Harbor. A doctor friend
25 of mine told me that he had been in the hospital

1 that evening and they admitted my brother and he
2 was in intensive care. More?

3 Q Yes, please.

4 A We returned from the vacation and went
5 to the hospital. My brother was in the intensive
6 care and he was unconscious obviously. Subsequent
7 to that episode, he was in a coma because he had
8 suffered some head injuries and was in a coma for
9 possibly -- possibly at the outside one week. He
10 came out of that coma and maybe spent another, I
11 don't remember the time frame with this one, but
12 he was in the hospital, Avington Hospital,
13 recuperating from the physical injuries other than
14 the head injuries, and from there he went to Craig
15 Institute in Colorado.

16 That came about really because of the
17 business he was in, we were in. We had associates
18 throughout the United States and everyone
19 collectively came back and indicated the best
20 possible place for rehabilitation at that time was
21 the Craig Institute in Colorado.

22 So he went to Colorado. And he was in
23 Colorado -- he came back from Colorado maybe in
24 three or four months. When he came back, he was
25 not fully recovered. He looked like he was a

1 recovering stroke victim where the one side of his
2 body was somewhat shut down. He had a problem
3 like speaking where there was slurring. He
4 recovered from that amazingly.

5 My brother, he used to go to the gym
6 every day. That was his work habit. He would
7 leave work around three o'clock and he would work
8 out. And he was in outstanding physical shape.
9 And the doctors were almost, not amazed, but they
10 attributed his successes and recovery to the
11 condition of his body.

12 Q He was working out. This was after the
13 accident?

14 A Prior to the accident, he worked out.
15 Then he came home and he went through like a rehab
16 and when he came out he was working out at home.
17 Also, he went back to the club that he belonged to
18 and was working out there to the point where it
19 restored him. He still had a problem with his
20 hand. It was not 100 percent. And his one leg,
21 he would drag it when he walked.

22 Q Were you working with your brother after
23 this car accident?

24 A No. I was not. I had purchased his
25 business.

1 Q You continued to run the business?

2 A Yes.

3 Q How often did you see your brother?

4 A What?

5 Q After the accident. Say '83 to '85 time
6 frame.

7 A After the accident, I would see him on a
8 fairly regular basis. There was a period of time,
9 and I had to stop and think, between when I bought
10 the business through 1980 where we had somewhat of
11 a misunderstanding on the way I was running the
12 business. He was not pleased, frankly, As my
13 older brother, he sometimes was a father to me as
14 well. He looked at me like I was abusing what he
15 built.

16 We had quite a, for a couple of years,
17 we were kind of at each other, but when this
18 happened to him, naturally when there is a tragedy
19 in the family, it reunited everybody.

20 Q Could you describe your brother's
21 physical condition from a visual standpoint in
22 '84, '85?

23 A Visually, he would walk and walk where
24 his leg would somewhat trail. There was -- like
25 his foot was like stiff at the ankle. His arm was

1 not completely functional.

2 Q Did he continue to drive during that
3 time frame?

4 A My brother used to go to work everyday
5 up to the time that he retired in the early '90s.
6 My brother would drive to the Jersey seashore. He
7 owned a home in Stone Harbor. That is roughly a
8 hundred miles one way. He used to go down Friday
9 evening and by himself drive to the Jersey
10 seashore. Go bar hopping, if I can say that.
11 Because he was a very attractive man. He would
12 spend the weekend at his Jersey residence and come
13 back Monday mornings. That was routine.

14 Q Was your mother living with him during
15 that '83 to '85 time frame?

16 A My mother was there. She was at the
17 time in 1983, she's like 77 years old. She was
18 beginning to get a little slower on her feet than
19 what she was prior.

20 Q At any time, are you aware whether his
21 children had to step in to run his business?

22 A No way. Again, I worked with the man
23 all those years. There is no way. He had running
24 the business -- he had three people that he used
25 to consult with on financial aspects. One of the

1 names is a man's name everybody saw. President of
2 Shellhand Bank' (phonetic) in Philadelphia. One
3 was an attorney.' Another one was president of
4 another bank in Philadelphia.

5 The three of them, they were with him
6 continually through his business. He consulted.
7 He continued to operate his business the same way
8 as he did prior to the accident.

9 Q Was Terri close with your mother?

10 A She was -- Terri was. Yes.

11 Q Do you recall was Terri in Florida when
12 your mother passed away?

13 A Yes.

14 Q Let me repeat the question.

15 A Yes.

16 MR. FELOS: I believe the question was
17 clear as stated...

18 THE WITNESS: I beg pardon?

19 MR. FELOS: I object. The question is
20 asked and answered.

21 THE WITNESS: I totally misunderstood
22 what you were saying.

23 Q (By Ms. Campbell) Was Terri in Florida
24 when you passed -- when your mother passed away?

25 A No. We were all in Florida at the time.

1 Q Is there any way you can recall your
2 specific event?

3 A Oh?, My mother passing away?

4 Q Um-hmm.

5 A She passed away on March the 7th. She
6 had been admitted into the hospital. I had some
7 discussion on this with my niece. My niece is
8 saying it was --

9 MR. FELOS: Object on the basis of
10 hearsay as to what the niece was saying.

11 THE COURT: Sustained.

12 THE WITNESS: Pardon me. I had my
13 memory refreshed on the time frame. Can I say
14 that?

15 Q (By Ms. Campbell) Go ahead.

16 A It was somewhere between a week, maybe
17 two weeks, she was in the hospital. She went in.
18 She had a viral pneumonia-type infection and was
19 treated for that.

20 Q This was her last illness prior to her
21 death?

22 A Yes.. She was treated for that.
23 Eventually it developed into a more serious
24 thing.

25 Q Did your mother have any life support

1 prior to her death?

2 A She was on a ventilator. She was on a
3 ventilator. At one time she was off the
4 ventilator and she died and when we all went to
5 visit her -- and I was just talking about this
6 with my wife recently. My mother was like 80
7 years old and frail and she died ultimately of
8 kidney failure.

9 All the fluids were in her body. She
10 looked magnificent. She was there. She was off
11 the respirator. All the wrinkles were gone
12 because her flesh had filled. Her coloration was
13 not that good, but we remarked how young she
14 looked. But for a while, I thought she was on the
15 ventilator till the end, but she was off the
16 ventilator.

17 Q Were you involved in the decision making
18 for your mother regarding the ventilator?

19 A I was not -- my brother -- I was and my
20 brother.

21 Q Were you asked to make a decision
22 whether or not to have a ventilator added to your
23 mother's care?

24 A Yes. The doctor suggested we do that
25 because of the situation when she developed

1 pneumonia that she needed assistance in breathing.

2 Q Were you part of the decision making to
3 remove the ventilator?

4 A Yes.

5 Q Did you and Terri have any conversations
6 pertaining to that decision making process
7 specifically?

8 A We had conversation. She was very
9 supportive to what I was doing. What the family
10 was doing. Her contention was that she loved her
11 grandmother and she wanted her alive. If you were
12 to describe that, that was her position.

13 Q In '85, do you recall your mother going
14 in the hospital during the year prior to her
15 death?

16 A My mother went into the hospital in '85,
17 in the fall of 1985. The time frame when that
18 would be is somewhere around the end of
19 September. She had been in the hospital prior to
20 that a number of times over the past years for
21 observation. I'm saying going back three or four
22 years.

23 Q Let's --

24 A -- of the sequence to her death when she
25 was in the hospital prior to.

1 Q Are you referring to 1985?

2 A Correct.

3 Q When your mother was in the hospital, I
4 think you said the fall of '85, were you in
5 Philadelphia or the Philadelphia area at that
6 time?

7 A We lived in Philadelphia. Correct. The
8 sequence of what happened is I sold the business I
9 had and I was in the process of moving down here
10 permanently to Florida. I spent the calendar year
11 of 1985, I spent a great amount of time here in
12 Florida. And I was in Florida and my mother got
13 ill and I went home. That is why I say this thing
14 is very vivid.

15 I went home to visit and see what was
16 going on, when she was going to be admitted into
17 the hospital, and they told me it was basically an
18 electrolyte problem. That everything was out of
19 proportion in her body. That she was only in the
20 hospital then for a few days. And I turned around
21 and flew back to Florida again. To answer your
22 question, it's a long answer, but that is the
23 answer.

24 Q Do you recall whether or not Terri and
25 Michael, where they were during that time frame?

1 A What time frame?

2 Q In the fall of '85?

3 A In October of '85 they were in Florida.

4 Q How do you know that?

5 A They were vacationing at my condo.

6 Q Were you in Florida at the same time?

7 A Yes.

8 Q Do you recall how Terri and Mike came to
9 Florida on that trip?

10 A By train.

11 Q How do you know that?

12 A Because I was in Florida when they
13 arrived. I know they told me they would never,
14 they were not very happy with the train, number
15 one. And they took the train back after a week to
16 Philadelphia. On route back to the train, they
17 were in an automobile accident.

18 Q Was anyone else on the train trip with
19 them?

20 A Brother Brian.

21 Q Michael's brother?

22 A Michael's brother, Brian.

23 Q Is there anything specific you remember
24 pertaining to that trip in October when you were
25 in Florida?

1 A Brian.

2 Q What is it you recall about Brian?

3 A Brian, in my opinion, of the Schiavo
4 family, Brian had all the --

5 MR. FELOS: I object. His opinion of
6 the Schiavo family is irrelevant.

7 THE COURT: Sustained.

8 A Brian was a charming man. Gushed with
9 personality. Brian went with myself and we had a
10 good time because we were on vacation. We spent a
11 lot of time in the Don Cesar in the lounge area.
12 We spent a lot of time at the pool bars.

13 Q Was Mary with you on that trip?

14 A No. I was alone.

15 Q Was your mother in the hospital in that
16 October time frame? Was that considered serious?

17 A No. She was in and out. See, I went
18 home. I went back to Philadelphia. She went into
19 the hospital and was in there for very briefly.
20 Had whatever those electrolyte problems were
21 corrected, and I went back to Florida to resume my
22 job search or business search.

23 Q When did you ultimately move to Florida?

24 A In 1986. In June. End of June 1986.

25 Q Was that after your mother passed away?

1 A My mother passed away March 7, 1986.

2 Q When did Terri and Mike move to Florida?

3 A In April. Give or take a week or two.

4 Q Did you assist them financially with
5 their move?

6 A I paid their moving expenses to Florida.
7 We paid to have two cats flown to Florida. Terri
8 had two cats, Tolly and Shane, that were living
9 with Terri and Michael. They were living in our
10 home in Philadelphia. When we moved we moved --
11 they moved down and preceded us by a couple months
12 and we moved all the furniture and everything down
13 the end of June.

14 Q Was there ever any agreement concerning
15 the financing of the move?

16 A For me to pay it, but I would be
17 reimbursed.

18 Q Approximately how much did you think you
19 would be reimbursed?

20 A Close to a thousand dollars. Nine
21 hundred and pennies.

22 Q Was that reimbursed for all of the
23 furniture?

24 A That was their share of the moving
25 expense. United Vans moved us. I specifically

1 had them come in and they quoted us. It's done by
2 weight when you move. We had our house of
3 things. Here is ours. Here is theirs. So the
4 prices were segregated.

5 Q Were you employed during that time
6 frame?

7 A No.

8 Q While you lived in Philadelphia, did you
9 attend church?

10 A Did I attend church? Oh, yeah. Our
11 Lady of Good Counsel.

12 Q Did you go regularly?

13 A Every Sunday.

14 Q Did Terri go with you growing up?

15 A Yes.

16 Q After you moved to Florida, did you find
17 a new church here?

18 A We went to church at St. Johns on the
19 Beach. We did not register with the church
20 because we were not sure where we were going to
21 live. That is another story again. To answer
22 your question, yes, we went to St. Johns on the
23 Beach.

24 Q Who handled the finances in your family?

25 A I did.

1 Q When you moved to Florida, where did you
2 live?

3 A We lived in a townhouse in Tierra Verde
4 that we rented.

5 Q Why were you not living in your own
6 condo?

7 A Well, this background story again. When
8 we decided to move to Florida and informed the
9 family, we informed our children that we would
10 like to go to Florida. My son was at that point a
11 junior in college. My daughter, Suzanne, was
12 going to be graduating from high school that
13 summer. We said here is our intentions. We want
14 to do that. My son said that he would join us
15 after his senior year in Florida. Suzanne said
16 she would go with us.

17 So our initial thinking was Mary and I
18 would move into our two bedroom condo in Florida.
19 When Michael was informed of what we were doing,
20 they came back and said they would also like to
21 move to Florida. Could we let them use our condo
22 until they got on their feet. We said fine, but
23 the problem there was I was paying a very high
24 mortgage on the condo and I could not afford to
25 keep that condo for any length of time and carry

1 two rental payments.

2 My original plan was to live in the
3 condo, move to a house and sell the condo. That
4 was the original plan. So at any rate, to answer
5 your question, yes.

6 Q Were they supposed to pay you rent?

7 A I told Michael just what I said now.
8 Terri, too. I said it was costing me close to
9 \$800 a month to carry that condo. That with the
10 rental for our family to live in, Mary and myself,
11 Suzanne, and eventually my son, I could under no
12 circumstances afford to pay that.

13 So the deal was roughly I'll go along
14 with that for maybe a year, but you have to split
15 the cost with me. So it was costing me 800. I
16 asked them to pay me 400 a month and consider it a
17 rental fee. He agreed to that.

18 Q Did they pay rent when they first moved
19 down?

20 A The first couple of months, because we
21 were not there, were kind of -- I didn't have a
22 double expense at that point, so there was no rent
23 charge. It was a free ride. But the rent for the
24 most part would have started in July of '86.

25 Q Was that agreement ever condensed to

1 writing?

2 A Well, no. Can I add something to that?

3 Q Yes.

4 A I just, as a family person, you don't
5 ask your family, for something in writing. That's
6 why it was never done in writing.

7 Q So after you moved down, was rent being
8 paid at that time?

9 A The rent was being paid for roughly the
10 first year, but sporadically.

11 Q When you moved, did you have a job here
12 already?

13 A No. I did not. I was still looking.

14 Q What did you ultimately do from an
15 employment standpoint after you moved to Florida?
16 When did you get employment?

17 A I was not employed until '88. We moved
18 down in '86. I spent two years and they were very
19 difficult years. There is a variety of things
20 that happened in that time frame with Mary's
21 mother. It was a financial drain with no income
22 coming in. Expenses were very difficult, which I
23 don't think Mary ever knew that.

24 Q What did you do then in '88?

25 A I, through an acquaintance I had up

1 north, I started a business as a furniture
2 distributor in Florida.

3 Q How did that business go?

4 A Terrible. That was in 1989, August of
5 1989. I had to file a bankruptcy for that
6 business. It was a disaster.

7 Q What were your living circumstances then
8 after that point? During the bankruptcy time
9 frame.

10 A Well, we were living. I have to back
11 you up. We were in a townhouse in Tierra Verde.
12 At that time frame, Mary's mother had a stroke.
13 Mastectomy. A variety of illnesses. Mary began
14 flying -- her mother lived in upstate New York.
15 So Mary would fly to New York, spend a couple
16 weekends her mother, and fly back to Florida and
17 spend it with Suzanne and myself. We were living
18 in Tierra Verde.

19 What we did next is we elected to bring
20 Mary's mother down from New York. We rented a
21 home on St. Pete Beach on 55th Avenue. The reason
22 we rented that is it was a ground level home and
23 the mother was in a wheelchair so we could
24 transport her through the house and whatnot. So
25 we were in St. Pete Beach at the time.

1 The business collapsed. I literally
2 pleaded with Terri and Michael to get out of my
3 condo because I could not afford any longer to pay
4 the expenses for the house. Mary's mother since
5 had been in a nursing home. Her stay with us
6 lasted maybe three or four months. I finally
7 convinced Terri and Michael to please leave our
8 condo so we have a place to live. It's as basic
9 as that.

10 Q Were they paying you rent in that time
11 frame?

12 A They were not paying us rent. The rent
13 started in July, maybe of '86. Continued through
14 sporadically maybe July of '87. Then it stopped.
15 So there was '87, in the summer, there was
16 nothing. So I was paying both the rental unit
17 where we were living, plus my expenses for the
18 condo.

19 If I can add something to your thing. I
20 put the condo up for sale. I listed it with
21 Brook's Realty at Isla Del Sol. They came back to
22 me and told me they have a problem showing the
23 unit. Every time they bring a prospective
24 customer --

25 MR. FELOS: I object. Hearsay.

1 THE COURT: Have your client kind of
2 answer your question.

3 THE WITNESS: I had difficulty showing
4 the unit.

5 Q (By Ms. Campbell) That's fine. So when
6 did Terri and Mike move out of the condo?

7 A When we moved back in, which would have
8 been sometime, being somewhat vague on this,
9 sometime in 19 -- what year am I? 1989. Like in
10 the summer of 1989 they moved out. They went up
11 to some place up on 4th Street. Mary, myself, and
12 Suzanne moved back to our condo.

13 Q What were you doing employment wise in
14 February 1990 the following year?

15 A That is when Terri had her seizure. I
16 was employed by a company name of Consotech
17 Engineers in Tampa. I had just begun to work
18 after the disaster. I had in August of 1989. We
19 really had no income. I fortunately had to fall
20 back on some of my -- at any rate, I got the job
21 with Consotech Engineers in Tampa.

22 Q What do you remember of February 25,
23 1990?

24 A Getting a phone call from Michael
25 Schiavo explaining something was obviously wrong.

1 I can recall calling my son who lived up in that
2 same area. Saying to my son, please go over
3 there. There is something afoul. Michael was not
4 very descriptive in what was happening. He
5 seemed -- I said I would like to have you go check
6 it out. See what was going on.

7 My son called me back. He said, "Dad
8 get to the hospital because they are taking Terri
9 to the hospital in the emergency vehicle." She
10 was having a problem. I was not aware at that
11 point, nor was Mary, of the severity of the
12 problem. It was not till we got to the Northside
13 Hospital up on 54th Avenue, somewhere up there,
14 that I found out actually the seriousness of what
15 was wrong with Terri.

16 Q Were you at the hospital during that
17 initial time frame?

18 A The first -- for me, the first couple of
19 days I remember sleeping there with the family.
20 Suzanne came in from central Florida, University
21 of Central Florida where she was going to school.
22 We slept there in the ICU Unit waiting room with
23 the Schiavo family.

24 Q What was your relationship with Michael
25 like at that time? How would you describe it?

1 A I -- let me think when that was. When
2 that happened? It was congenial.

3 Q Were you involved in Terri's day-to-day
4 care initially?

5 A At where? At Humana?

6 Q Yes.

7 A Well, when we first went in, we were
8 only there for a short period of time when Dan
9 Greco approached Mary and myself and said for --

10 MR. FELOS: I object. Hearsay.

11 THE COURT: Sustained.

12 Q (By Ms. Campbell) At the time, were
13 any -- at the time of Terri's accident, were there
14 any legal proceedings that were begun?

15 A At the recommendation of Dan -- am I
16 saying the wrong thing?

17 Q You don't need to say what Dan told you.

18 A We were advised for expediency sake it
19 would be in our better interests if Mike was
20 appointed guardian, since he was the husband and
21 he would be the clearinghouse for the decisions
22 rather than go to all the people, the parents and
23 whatnot. So we acquiesced to that suggestion and
24 Michael became Terri's guardian.

25 Q In those initial days, did you see --

1 was Michael there assisting with Terri's care?

2 A Yes.

3 Q Did you see, did you believe anything to
4 be lacking on Terri's behalf as reason for
5 Michael --

6 A No. The scene at that point, we had
7 people converging. There were a lot of people
8 that were interested. "Can I have some water?
9 Thank you very much. The people were rallying
10 around us. We were all there. Everyone was
11 shocked at what was happening. And Michael, all
12 of us, our focus was Terri.

13 It was like a family unit. When there
14 is a problem like when my brother had his problem
15 in 1980, there were people coming from -- everyone
16 joins together when your family is united like
17 that. So we had a problem with Terri and we were
18 there, the families. The Schiavo and Schindler
19 family.

20 Q Do you recall was Terri on a ventilator
21 at that time?

22 A You know, I don't know. I am trying to
23 remember. I think she was.

24 Q Do you recall anything to assist her in
25 breathing?

1 A You are asking that question and I don't
2 know if anyone has asked me that question before.
3 I can recall visiting her in the ICU. I can
4 recall when she was isolated, in the isolation
5 room, because something was going on and they were
6 concerned about some kind of disease that was
7 contaminating everyone.

8 I remember all the beepers and
9 everything else, the tubes, but I can't honestly
10 say I can visualize her on the ventilator. Maybe
11 if you ask me later.

12 Q When you say you can visualize the
13 tubes, describe the tubes..

14 A I mean, it looked like an octopus of
15 tubes coming from her body. She had all kinds of
16 monitors. I would presume they were IV units. If
17 I remember, I think she had a tube in her
18 nostrils, that was, I think now. I'm not sure.
19 It was -- it's not a very pleasant experience.

20 Q At any time, did anyone ask you whether
21 any of those tubes should be provided to Terri?

22 A Did they ask if they should be provided?

23 Q Yes.

24 A I don't think that was -- never. Not to
25 my knowledge. No. Should they be provided or

1 shouldn't they?

2 Q The question is at any time did anyone
3 ask you for a decision whether they should be
4 provided?

5 A No. I was not asked.

6 Q How long do you recall Terri being in
7 the Northside facility?

8 A March. Maybe April.

9 Q Were you there on a day-to-day basis?

10 A I was working in Tampa. I would go to
11 work in the mornings, come back, stop at --
12 initially, before I went to work I'd stop at
13 Northside. Then I'd go to Tampa. Then the back
14 leg, stop at the hospital to see Terri.

15 Q Was there any time following the
16 accident that you were involved in her day-to-day
17 care that you were not working? In other words --

18 A I don't know what you mean.

19 Q Well, I'll move to the next question.
20 When did you move from the condominium you were
21 living in then?

22 A The original condo I owned, we moved
23 there the following July of 1990.

24 Q Where did you move?

25 A We moved to Vina Del Mar. We moved to a

1 house that I rented. Let me qualify what I'm
2 saying. I made arrangements through a mutual
3 friend to rent a house.

4 Q Was your name on the lease?

5 A No. My name was not on anything at that
6 time frame.

7 Q Whose name was on the lease?

8 A Michael Schiavo. I believe, Terri.

9 Q Why was your name not on the lease?

10 A Frankly?

11 Q Yes.

12 A Because I didn't want to embarrass
13 myself with my credit rating, number one. Number
14 two, if they ever looked at my credit at that
15 point, I could not have rented anything.

16 Q So who all lived in the house at that
17 time?

18 A Mary, myself, Michael.

19 Q Was the plan for Terri to live in the
20 house?

21 A Our objective was to bring Terri -- I
22 have to back up for a second. We were having
23 problems at that time with Prudential, which was
24 her Pru care. Her carrier. We were not getting
25 the support from them to pay for the medical. I

1 had a heck of a battle with Dr. Newhart, who was
2 their physician in Tampa, who ruled on all the
3 cases whether they would be permitted or not.

4 I went to see him personally to try to
5 get him to at least get some finances from
6 Prudential. They were really hard-nosed. So with
7 that problem, and with Terri literally going to be
8 forced out of the hospital, if we knew we were
9 going to be bringing her home -- we wanted to
10 bring her home. So we rented the house in Vina
11 Del Mar.

12 Q What was the relationship between you
13 and Michael then?

14 A The relationship was good. Again, our
15 focus, everything we were doing was for Terri.

16 Q What happened with the expenses on that
17 house? Who paid for the expenses?

18 A They were divided. Michael --
19 everything was split in half. Michael paid half.
20 We paid half.

21 Q Was Michael working at the time?

22 A He had been working at Agostino's at
23 that time. When we first went into the house, I'm
24 not 100 percent sure if he was working or not.
25 Something says that he may have been working like

1 part-time. Something says he was not. I can't be
2 positive.

3 Q Who was taking care of Terri's primary
4 day-to-day needs at that point?

5 A Where was Terri now? Was she at our
6 place? I don't know what you mean by that
7 question.

8 Q Were Michael and Mary taking care of
9 Terri together?

10 A Yeah. They were continually together.

11 Q Did Terri ever come live in that house?

12 A Yes.

13 Q Later on that year, did Terri go to
14 California?

15 A She went to California for the operation
16 by a doctor called Hoshibushi. An Oriental
17 doctor.

18 Q Did you go to California with her?

19 A No. I did not.

20 Q Could you describe Terri at that time
21 frame when she went to California from a physical
22 appearance? Visual?

23 A Compared to her condition today, I think
24 she's in better condition today than she was
25 then.

1 Q Did you -- how much longer did you
2 continue to live in that house with Michael?

3 A We lived at the one house from August up
4 through, I believe February. The house that we
5 went into, the original house, the man that owned
6 that came up to me and said that his brother and
7 sister-in-law needed a home, so on and so forth.

8 MR. FELOS: Objection. Hearsay.
9 Relevance.

10 THE COURT: Overruled. Truth of the
11 voracity of the statement. Ms. Campbell, please
12 ask your witness to just answer your questions.
13 He gives us all the background. We can read
14 through all the history.

15 THE WITNESS: Yes, Your Honor. Loud and
16 clear.

17 Q (By Ms. Campbell) Did you live in a
18 second house with Michael Schiavo?

19 A Yes. Hemosita.

20 Q Was your name on that lease?

21 A My name was not on that lease. No.

22 Q Whose name was on the lease at the
23 second house?

24 A Michael's name.

25 Q Did you share the expenses in that

1 house?

2 A Yes.

3 Q Did Terri ever come live in that house?

4 A Yes.

5 Q Do you remember about how long?

6 A Sporadically. I'll answer like that. I
7 remember she was coming there. We had
8 difficulty.

9 Q What were the difficulties?

10 A Well, with her, if I remember correctly,
11 she had some problems where there was concerns
12 about her care. We could not care for her.

13 Q When you say sporadically, I don't
14 understand.

15 A She'd be okay for one day and the next
16 day there's a problem.

17 Q And she'd have to go to the hospital?

18 A She was winding up in the hospital.

19 Q So ultimately then, did Terri go live
20 somewhere else?

21 A From there she went into the nursing
22 home. Yes..

23 Q Was there a time that you and Michael
24 separated? Moved apart?

25 A Well, correct. We were at that Hemosita

1 address and we moved into Isla, Mary and myself.
2 I believe that was in '92. That would have been
3 in May of '92.

4 Q Was it an amicable separation between
5 you?

6 A It was amicable. Other than that, I
7 don't know if I can -- at that time, it was
8 amicable.

9 Q Were you involved in fund raisers for
10 Terri's care?

11 A Yeah. I was kind of like behind the
12 scenes. See, I was involved, but there were other
13 people more prominently involved than I was.

14 Q Did you provide any business, accounting
15 assistance, for Michael in that regard with the
16 fund raisers?

17 A No. I did not.

18 Q Were you aware of how much money was
19 collected through the fund raisers?

20 A There was money coming in from a variety
21 of different sources. I had people I knew sending
22 me checks from various parts of the country.

23 MR. FELOS: I believe the question was
24 did he know how much money he raised. The answer
25 is not responsive.

1 THE WITNESS: I'm embellishing.

2 Q (By Ms. Campbell) What type of fund
3 raising was being provided?

4 A Prudential nationally had a fund raiser.
5 There was fund raisers held on St. Pete Beach.
6 There were cake sales. The media was even
7 promoting, collecting money for Terri.

8 Q Are you familiar with what happened to
9 the money?

10 A No. I'm not familiar at all.

11 Q Do you know where the money was kept?
12 Was it kept in a bank?

13 A The money was with First Union.

14 Q At the time you and Michael separated,
15 was Michael seeing other women?

16 A Michael was seeing a girl by the name of
17 Cindy.

18 Q How did you feel about that?

19 A At that juncture, I felt that Michael
20 was more than likely going to get ahead with his
21 life. I thought that he would ultimately be
22 seeking a new life with another woman. To resume
23 his life after what happened to him. A logical
24 thing.

25 MS. CAMPBELL: From a time sequence

1 standpoint, it's clear we are going to be going
2 longer. I would suggest a break at some point in
3 time and then resume his testimony after lunch.

4 THE COURT: Obviously, we will need to
5 do that. I have an appointment over the noon
6 hour. We can go until 5 minutes to 12:00.

7 MS. CAMPBELL: Okay. Thank you.

8 Q (By Ms. Campbell) Was there a
9 malpractice litigation instituted in that time
10 frame? We're talking May '92.

11 A Yes.

12 Q Were you a named party in the
13 malpractice suit?

14 A No.

15 Q Were you involved at all in the
16 malpractice action?

17 A Behind the scenes.

18 Q What do you mean behind the scenes?

19 A I was meeting with the attorney at the
20 time on numerous occasions. Mary met with the
21 attorney all the time. I met with him
22 periodically. Usually to discuss things where he
23 had some difficulties.

24 Q Were you there during the trial?

25 A Sporadically. I was working.

1 Q Were you there when the verdict came in?

2 A Yes.

3 Q Do you recall who else from the family
4 was there?

5 A Mary. Our family was there.

6 Q What were you doing at the time when the
7 verdict was brought in?

8 A I was me and Bill Schiavo who were
9 writing down the numbers that this Judge Federico
10 was saying. It was as confusing as anything. He
11 quoted a number and it was unusual. I thought a
12 very unusual decision. It was hard to follow.

13 Q What did you just say?

14 A It was hard to follow it mathematically.

15 Q Thank you. Did you ever have any
16 conversations with Michael as to you receiving any
17 part of money from any award?

18 A The conversations mostly were with my
19 wife where he was making and telling her that when
20 he received his personal award money that he was
21 going to share that with us. I personally had a
22 conversation with Michael Schiavo at the Isla Del
23 Sol residence. That would have been on a
24 Thanksgiving Eve that he and I were having dinner
25 at this residence.

1 We were discussing the impending award
2 money and the fact that he was going to share that
3 with us, which would have paid me back all the
4 money I fronted him over the past couple of
5 years. So I viewed that settlement at the time
6 that that was going to resolve most of Michael's
7 financials.

8 I laid out a lot of money. I thought he
9 was going to pay me back, plus I expected him to
10 share in the award. And things were difficult
11 then. As a family, we struggled. Michael was
12 struggling. It was a cheap reward for Terri's
13 condition.

14 Q What do you mean by share in the reward?
15 What were your plans for the money?

16 A He was anticipating a personal award,
17 and the therapy at that time -- they were
18 anticipating a major multimillion dollar award for
19 Terri. Michael was talking primarily about his
20 personal award that, since we were going through
21 all this stuff together, I'll share that with
22 you. Maybe not those words, but interpreting
23 that.

24 Terri's money was -- God. They did a
25 study. I'm sorry, Your Honor for embellishing.

1 Q (By Ms. Campbell) I don't think you
2 need to go into the study.

3 A Okay.

4 Q Was there ever a time that you or
5 Michael were talking about Terri's money?

6 A Terri's money, the anticipation was that
7 there was going to be a tremendous amount of
8 money. The thought was there would be a home
9 provided for Terri and Terri would have all the
10 medical facilities in that normal household and
11 Mary and I would essentially live there with Terri
12 and look after her. That was the master plan.

13 Q Was that the master plan of Terri's
14 money or part of the money Michael received?

15 A Terri's money would be utilized to buy
16 the house that would provide for her care.

17 Q Do you remember any incident
18 specifically or argument or disagreement between
19 you and Michael over these money issues?

20 A It happened at the nursing home at Sabal
21 Palms. Yes.

22 Q Describe that incident.

23 A I will be embellishing again. It
24 revolves around there was promises made about
25 Terri's care.

1 MR. FELOS: Your Honor, I believe the
2 question was to describe the incident and the
3 question is -- the answer is unresponsive.

4 THE COURT: Sir, if you can just -- your
5 lawyer knows what she wants to get out by way of
6 evidence. So following her questions, be
7 responsive. If she needs more information, she
8 will ask. If you need to explain your answer --

9 THE WITNESS: I understand.

10 Q (By Ms. Campbell) Describe the incident
11 in Terri's room.

12 A Michael and I had a confrontation.

13 Q What happened in the confrontation?

14 A I asked Michael about Terri's medical
15 and neurological care and what he was going to
16 provide. Also, I asked him about the money he had
17 promised to repay us.

18 Q What was Michael's response?

19 A Michael told me that he was not repaying
20 the money. Forget the money. He said he did not
21 have any money. He said that as far as Terri was
22 concerned, it is his wife, he will make all the
23 decisions.

24 Q Was there any physical display of anger
25 or emotions?

1 A Michael had some books that he threw
2 across the room, pushed a table, and got up.
3 Started coming toward me. Mary jumped in front of
4 him and I thought we were going to get into a good
5 donnybrook.

6 Q What happened after that?

7 A Then Michael said that he was going to
8 have his, have us banned from the nursing home.
9 Mary was kind of dragging me out of the room down
10 the hallway. Michael ran down the hallway and
11 said something about an attorney or something.

12 Q Was there something as far as medical
13 care or treatment that you believe Terri should be
14 receiving that she was not?

15 A What precipitated my feelings was there
16 was a doctor that came in that followed up from
17 the operation in California. Dr. Yinghling. Dr.
18 Yinghling came to Mediplex. He examined Terri.
19 That evening Dr. Yinghling, we took him out to
20 dinner. We wined him. Dined him. Dr. Yinghling
21 was to explain he had seen --

22 MR. FELOS: Objection. It's hearsay
23 expressing the opinion of Dr. Yinghling.

24 THE COURT: Also something from outside
25 of court that he intends for us to believe. It is

1 hearsay. Sustained.

2 Q (By Ms. Campbell) Did you receive hope
3 from Dr. Yinghling?

4 MR. FELOS: Same objection.

5 THE COURT: Overruled.

6 A It was very encouraging, Terri's
7 prospects. The next thing was to have Terri taken
8 to Shands Hospital in Gainesville. We were
9 ecstatic over that, Mary and I were. The
10 difficulty there is we had no money, and at the
11 time, the award had not come through yet.

12 When Dr. Yinghling came in, we were
13 living in Hemosita. I confronted Michael. We
14 didn't have any money then, but when the money
15 came in, it was going to pay for Terri's move to
16 go up to Shands Hospital. It was kind of all
17 agreed upon.

18 When the money came in and I confronted
19 Michael at the nursing home, I got a negative
20 answer. That really upset me because I was very,
21 very upset at that.

22 Q Did Michael say anything to you
23 regarding your ability to see Terri?

24 A He was going to have us -- very briefly,
25 yes, he did.

1 Q What did he say?

2 A That he was going to have us banned from
3 the nursing home.

4 Q Did you continue to see Terri after
5 that?

6 A Absolutely.

7 Q Were you able to receive medical
8 information pertaining to Terri after that?

9 A No.

10 Q Were you ever denied information
11 pertaining to Terri's medical condition?

12 A Yes.

13 Q Did Terri remain in that nursing home
14 much longer?

15 A Sabal Palms? Yes.

16 Q Was there ever an incident regarding
17 Michael or that you heard Michael was not going to
18 treat an infection?

19 A Yes.

20 Q Could you give me some information about
21 that?

22 A The information was that we had retained
23 Jim Sheehan as an attorney because Michael had
24 sent Mary and I a threatening letter from another
25 attorney where Michael was demanding, I think \$600

1 he said we owed him from when we lived together.
2 I forget this person's name. Threatened to sue or
3 take legal action with Mary and myself.

4 That was like the straw that broke the
5 camel's back. I got really ticked off. I wound
6 up with Jim Sheehan. I explained the money thing
7 with Michael. Jim Sheehan felt at the time that
8 Mike was liable for it. Then this incident came
9 up with Terri in the nursing home. We were
10 petrified when we heard Michael would not treat
11 Terri for infection and we were told she would
12 die.

13 Q Did you seek to have Michael removed as
14 guardian at that time?

15 A Absolutely.

16 Q Was that action successful?

17 A Well, no.

18 Q Why do you think it was not successful?

19 A Why was it not successful? That was the
20 report given by the guardian ad litem, a John
21 something that came back. After this whole thing
22 was investigated by people from the court who
23 apparently felt that we were well within our
24 rights to go for the guardianship, he comes back
25 with this letter saying Michael is a wonderful

1 story. Judge Penick closes his books and walks
2 out of the courtroom.

3 Q Was that litigation financially
4 expensive for you?

5 A We paid for it. We have been financing
6 all the litigation.

7 Q How often do you visit Terri now?

8 A I try to get there once a week.
9 Sometimes if we are sick or Mary works -- and she
10 works at, in the retail business -- sometimes she
11 works Saturdays. Sometimes she works Sundays. We
12 try to do it weekly to answer your question.
13 Sorry, judge.

14 MS. CAMPBELL: Now may be a good place
15 to stop because we go off to a new section.

16 THE COURT: You know your questions far
17 better than I.

18 MR. FELOS: Your Honor, on scheduling,
19 we do have some rebuttal witnesses to call. I
20 would just like to tell them to be here tomorrow
21 rather than this afternoon because it does not
22 look like, with Mr. Shindler's continued direct,
23 cross, and I believe there are a couple other
24 witnesses that the respondents have, I wanted to
25 inform the Court that if we did get through a

1 little quicker, breaking a little early.

2 THE COURT: Mr. Felos, my hope is to
3 conclude the respondents' case-in-chief today. If
4 we succeed in doing that, then tomorrow we will
5 get to your rebuttal. So we would not get to
6 those witnesses.

7 MS. CAMPBELL: I may have one minor
8 problem. One of my witnesses is snowed in in
9 Philadelphia. She was supposed to be here
10 yesterday. The airports were closed. When I
11 talked to her last evening, she thought she would
12 be in Tampa at 3:00, if there were no delays, but
13 they were expecting delays. She's a very brief
14 witness.

15 THE COURT: If we have to take her
16 tomorrow morning, we will. We have Mr. Schindler
17 and Mr. Pearse.

18 MS. CAMPBELL: And Jackie Rhodes.

19 THE COURT: So I don't anticipate those
20 witnesses and the remainder of Mr. Schindler's
21 testimony, I don't think we'll be through early
22 today. So with that caveat, you might have your
23 witnesses come at like 9:30 tomorrow morning. We
24 will not get to them before then. If this lady
25 can't come at all, we will sit around and talk and

1 wait. Let's break till quarter after 1:00 by my
2 watch. I now have 11:58.

3 THE BAILIFF: Court stands in recess.

4 THE COURT: Mr. Schindler, sir, you are
5 still on the witness stand through the noon hour.
6 I do not want you talking or hearing anything
7 about this case. My suggestion might be that you
8 have lunch with yourself. You guys can talk about
9 anything you want to, but please don't sit close
10 to Ms. Campbell or your wife and hear what they
11 are discussing. Technically, you are still on the
12 witness stand. Fair enough?

13 THE WITNESS: Certainly.

14 (THEREUPON, A RECESS WAS HAD FROM 11:58 -
15 1:15 AND THE FOLLOWING PROCEEDINGS WERE HAD.)

16 THE BAILIFF: All rise. Circuit court
17 is back in session.

18 THE COURT: Be seated, please. Ms.
19 Campbell, are you ready to proceed. All set?

20 MS. CAMPBELL: All set.

21 THE COURT: Mr. Schindler, you are still
22 under oath, I remind you.

23 THE WITNESS: Yes.

24 THE COURT: Please proceed.

25 Q (By Ms. Campbell) Where is Terri now?

1 A At Palm Gardens.

2 Q In a nursing home?

3 A Yes.

4 Q How often do you visit Terri?

5 A We try to get there weekly.

6 Q When was the last time you saw Terri?

7 A Sunday.

8 Q Do you usually go by yourself or with
9 you wife?

10 A Mary.

11 Q You go with Mary?

12 A With Mary.

13 Q You saw the video yesterday of Terri and
14 Mary. Is that -- were you there when the video
15 was made?

16 A I walked in with my granddaughter after
17 they had completed the video.

18 Q In your seeing the video yesterday, did
19 you watch that?

20 A I didn't really watch it all.

21 Q When you and Mary go to the nursing
22 home, please describe what occurs when you walk
23 into Terri's room or when you see Terri in the
24 hallway.

25 A Normally, what will happen is that Mary

1 will go up and usually say "Terri, it's mommy."
2 And at that time, 'Terri -- the TV could be on in
3 the room or whatever. She will say, "It's
4 mommy." Then Terri will start to smile. She will
5 have a broad smile on her face. Then the smile
6 will turn into tears. She will start to cry.

7 Sometimes like a sob. Mary will say,
8 "Everything is going to be fine, Terri.
9 Everything is going to be fine now. Mommy is
10 here." And invariably, within a short period of
11 time, Terri relaxes again. And there are times
12 where that will happen again in the same visit and
13 there are other times where it does not happen
14 again in the same visit.

15 Q Are there any other things that you
16 observe on your visits with Terri?

17 A Well, when I talk to her -- usually it's
18 Mary first because I don't have the same impact
19 with her. I kind of tease her a little bit
20 because she was never fond of any athletic
21 events. I tease her and tell her, geez, you're
22 missing the baseball game. Something along those
23 lines.

24 And a couple of times she like reacted
25 where it was like she knew exactly what I was

1 saying and I felt there was some type of a
2 recognition there. She would have like a slight
3 smile or -- there was one time that was eerie as
4 anything. She followed me around that bed when I
5 went in there with Mary. She started tracking me.

6 Q What do you mean by tracking?

7 A With her eyes. From the one side. As
8 she was doing it, I was going like that
9 (indicates) snapping my fingers for Mary to
10 observe that. But it was scary. She was looking
11 at me and I walked around the bed. I was on the
12 other side. She was on the other side looking at
13 me.

14 Q Are there any other types of movement
15 that you think that you witnessed Terri do?

16 A Nothing I would put any significance to
17 other than the thing with Mary is, it's so real
18 when her mother --

19 Q What do you mean by that?

20 A It's a mother consoling a child. The
21 laugh, the mother is there. And then the cry
22 probably, I assume she is expressing her
23 discomfort of being in the situation she is in.
24 That is my interpretation. You have the laugh.
25 Thank God you're here, mom. The cry. Look at

1 me. And then, I'm at ease. I'm relaxing. So
2 that is how I interpret that.

3 Q Has she ever made any reactions to you
4 -- do you tell her jokes?

5 A Just frowns, because they are bad
6 jokes. Nothing of any great significance.

7 Q Is there any difference in the number of
8 reactions or intensity of the reactions now versus
9 when the incident first occurred?

10 A Dramatically different.

11 Q Can you describe what is the dramatic
12 difference?

13 A You can see almost on a regular basis
14 when we will go visit her. We are expecting this
15 reaction from Terri. Initially, when we would see
16 her, there was nothing. Little to no reaction.
17 We were doing everything at that time to try to
18 provoke a reaction. We were not getting
19 anything.

20 Now, we are really not doing a heck of a
21 lot and we are getting the reaction. It's been
22 over the period of the past couple of years. The
23 consistency of it on a regular basis and
24 increasing in an upward trend.

25 Q Did Terri talk to you regarding any end

1 of life decisions prior to her accident?

2 A No. She did not.

3 Q You said she expressed support to you
4 regarding your mother and during the time with
5 your mother, her grandmother. Were there any
6 discussions there specifically pertaining to any
7 life support issues?

8 A After the issue was said and done, you
9 know, you think back on the situation. A couple
10 times I said to her about gram. Terri felt bad
11 for her. What she was doing. She was very
12 reenforcing for me. Daddy, you did everything you
13 should do. It's your mother. It's grandma. That
14 type of thing.

15 MS. CAMPBELL: Thank you. No more
16 questions at this point.

17 THE COURT: Thank you. Cross-
18 examination?

19 CROSS-EXAMINATION

20 BY MR. FELOS:

21 Q Mr. Schindler, you don't want your
22 daughter to die; do you?

23 A Pardon me?

24 Q You don't want your daughter to die?

25 A No.

1 Q You are spending this money and pursuing
2 this litigation because you don't want your
3 daughter to die?

4 A Correct.

5 Q Haven't you said before that you would
6 do whatever it takes to keep your daughter alive?

7 A When did I say that?

8 Q My question is, have you said that? You
9 would do whatever it takes to keep your daughter
10 alive?

11 A I very probably would have said that.

12 Q Would you lie to do that?

13 A Would I lie?

14 Q Um-hmm.

15 A It would depend. Possibly.

16 Q Um-hmm. Regarding the video at the
17 nursing home, did you receive information within
18 the last week or two that the nursing home would
19 not permit you to make a video of Terri?

20 A Did I? Qualify that. In what way?

21 Q Did you receive any information within
22 the past two weeks that the nursing home would not
23 allow you or someone on your behalf to take a
24 video of Terri?

25 A On Sunday when I was there with my

1 wife --

2 Q Um-hmm.

3 A -- I was informed that we could not take
4 videos.

5 Q And in fact, didn't you lie to the
6 nursing home personnel and say that this video was
7 being taped for memories and not for court
8 purposes?

9 A I said I'd like to take a video -- that
10 was on Sunday -- for memories of my daughter and
11 not for a court purpose.

12 Q Let's talk about your mother's passing.
13 I believe that you testified on direct examination
14 that your mother was in the hospital about two
15 weeks before she died?

16 A I very probably did. Yes.

17 Q In your deposition I took on August
18 August 12, 1999, on Page 16, Line 4, I asked you a
19 question. You mentioned your mom died in March of
20 1986 and she was in the hospital about a month
21 before she died?

22 Answer. Roughly. Yes.

23 Was your mom, is it more accurate to say
24 your mom was in the hospital for a month before
25 she died and not two weeks?

1 A No.

2 Q Can you explain why you answered yes to
3 this question at your deposition?

4 A Read that question again, please.

5 Q Yes. Question. You mentioned your mom
6 died in March of 1986 and she was in the hospital
7 about a month before she died?

8 Answer. Roughly. Yes.

9 A In my recollection of it as I'm sitting
10 here right now it's two to three weeks. I may
11 very well have misunderstood your question when
12 you said a month or so. I may have misunderstood
13 that to mean in February, which would have meant
14 the month of February. She died in March.

15 Q So she may have entered the hospital in
16 February then?

17 A Yes.

18 Q You also stated that your mom had a, and
19 we heard this from Mrs. Schindler, that your mom
20 had a hospitalization in October of this year?

21 A Yes.

22 Q A few months before the hospitalization
23 in which she died; is that correct?

24 A Yes.

25 Q Now back on Page 16 of your deposition,

1 I asked you, right after the question I asked you,
2 question. You mentioned your mom died in March of
3 1986 and she was in the hospital about a month
4 before she died?

5 Answer. Roughly. Yes.

6 Question. Other than that
7 hospitalization, had she been in the hospital
8 before for any other reason?

9 Answer. She had been in, I'd say a
10 number of times for observation, and years ago she
11 had her gallbladder removed.

12 Question. Were those other
13 hospitalizations close to March 7, 1986?

14 Answer. They were years before that.

15 Can you explain, sir, your testimony
16 today in which you say your mother was
17 hospitalized in October of 1985, when a few months
18 ago you said her hospitalization prior to the one
19 in March was years before?

20 A Very simply. After we had the
21 deposition and I went home and I got to thinking
22 about that, I remembered vividly when my mother
23 was in the hospital that my brother was admitted
24 to the hospital for emergency appendectomy.

25 I was with my mother visiting her in her

1 room. My niece called me on the phone and said
2 daddy is going from the house to the hospital on
3 an emergency basis and there is something wrong
4 with him. I went from my mother's room down to
5 the emergency ward. I met my brother. He was
6 admitted. He was examined. They told me, as a
7 result of the examination, that he needed an
8 emergency appendectomy.

9 Q So you are saying that by remembering
10 your brother's situation, it triggered your mother
11 being in the hospital?

12 A I'll continue. At the time, I remember
13 it vividly because we had to select a doctor to
14 perform the operation. The doctor I wanted to
15 have perform it was not available. I had another
16 doctor who was unknown. I questioned the staff.
17 After remembering this, I called my niece. I
18 asked her about this time her father went into the
19 hospital. She said that is when grandma was in
20 there. Don't you remember? She had a problem and
21 was in there for a couple days back in October or
22 September. I said, my gosh, I remember it.

23 Q So you were relaying the recollection of
24 your niece?

25 A Well, my mother and my brother -- my

1 brother was not in the hospital when my mother was
2 dying. So it was a totally separate --

3 Q So as I understand this, you are
4 testifying now that your brother and mother were
5 in the hospital at the same time?

6 A Absolutely correct.

7 Q And you saw your brother in the
8 hospital?

9 A Yes. I did.

10 Q Were they in the same hospital?

11 A Yes. They were.

12 Q You were involved in selecting a doctor
13 for your brother, as I recall?

14 A That's correct.

15 Q And that hospitalization was in October
16 of 1985? Isn't that what you testified?

17 A It was in the period of the end of
18 September, September beginning of October 1985.

19 Q Didn't you testify earlier on direct
20 examination that you were in Florida at the time
21 in October of 1985?

22 A Correct.

23 Q That you found out your mother was in
24 the hospital while you were in Florida?

25 A That is correct.

1 Q So --

2 A Let me rephrase that. I was in Florida,
3 and when I was in Florida, I was informed my
4 mother was going in the hospital. I flew back to
5 Philadelphia when my mother was admitted to the
6 hospital. That was sometime the end of September.
7 In that area. That time frame. And my brother
8 was brought in while she was in there for his
9 emergency operation.

10 Q You testified before that your mother's
11 ventilator was removed?

12 A At the very end it was removed.

13 Q Did your mom participate in the
14 decision? Let me ask it this way. Isn't it true
15 that you and your brother made the decision to
16 place your mother on a ventilator?

17 A Correct.

18 Q Now regarding Terri, you have testified
19 today that you made decisions, you and your
20 brother made a decision, to put your grandmother
21 (sic) on a ventilator and that Terri was
22 supportive of your decision; is that correct?

23 A Correct.

24 Q I wrote this down during your
25 examination. I believe you testified that when

1 you informed Terri of the decision and she was
2 supportive, she said to you that she loved her
3 grandmother and wanted her alive. Do you recall
4 testifying to that on direct examination?

5 A Not really. Maybe tomorrow I will. But
6 she loved her grandmother. I know I said that.

7 Q You don't remember what you said this
8 morning? That is your testimony.

9 A I don't remember some of it. I don't
10 remember word for word.

11 Q Let me rephrase. Do you remember
12 testifying this morning to the substance of this
13 statement that Terri told you when you informed
14 her of the decision to ventilate your grandmother
15 (sic) that she loved her grandmother and wanted
16 her alive? Do you remember testifying this
17 morning to that effect?

18 A Along those lines, yes.

19 Q All right. Along those lines. I asked
20 you about this conversation regarding this decision
21 to put your mother on the ventilator and relaying
22 it to your family and Terri giving her support.
23 Page 19, Line 18. Your deposition. This is what
24 you said.

25 I can relay to you -- I said, as best

1 you can, as best you can, can you relay to me that
2 conversation and the circumstances?

3 Answer. I can relay to you generally
4 they were very supportive because I was going
5 through a very difficult time with my mother and
6 they were extremely supportive. That is my
7 recollection.

8 Question. Is it accurate to say you and
9 your brother had made the decision and you
10 communicated it to your family and they were
11 supportive of you?

12 Answer. Yes.

13 Question. Do you have any current
14 recollection of what, of Theresa saying anything
15 during that conversation?

16 Answer. Not verbatim. I can recall her
17 being very comforting to me at the time because
18 she, Terri, is a very sympathetic girl. She is
19 very deep when it came to feelings. She was very
20 supportive.

21 Mr. Schindler, I asked you to tell me if
22 Terri said anything. If you could remember
23 anything specifically about what Terri said. You
24 said you could not recite it verbatim. You had a
25 general recollection. You did not mention

1 anything about Terri telling you she loved her
2 grandmother and wanted her alive.

3 My question is, why didn't you tell me
4 that when I asked you that question at your
5 deposition? Why didn't you rely Terri's
6 statement?

7 A I remembered it vividly this morning. I
8 may not have remembered it vividly in your
9 presence in the deposition.

10 Q Would you agree usually, as times goes
11 on, memories fade and most people remember more
12 vividly closer to the event than farther from the
13 event?

14 A It depends.

15 Q You would not agree with that as a
16 general rule?

17 A Not totally.

18 Q Not totally, but generally?

19 A I'm not going to say yes or no. I am
20 not going to debate it.

21 Q I'm trying to find out your opinion.

22 A In some cases, yes. In some cases, no.

23 Q Did you prepare at all for your
24 deposition?

25 A Did I prepare in what fashion?

1 Q Well --

2 A I read through my notes. Yes. I
3 prepared.

4 Q You generally had an idea what I was
5 going to be asking you about; didn't you?

6 A Did I know what you would ask me about?
7 I assumed.

8 Q You assumed I would ask you questions
9 about Terri's views about life support. If you
10 had any conversations with her. Didn't you assume
11 I would be asking you those type of questions?

12 A No. What I did in preparing for this
13 was mostly remember the events that led up to this
14 situation. I was not really concerned about the
15 questions you were going to ask me.

16 Q So is it your testimony that in
17 preparing for your deposition, did you not assume
18 that I would ask you if you had any conversations
19 with Terri which might shed light on her intent?

20 A I said before, I assumed you would ask
21 me questions. My preparation was primarily not
22 the questions you would ask me.

23 Q What was your preparation?

24 A I just told you.

25 Q Can you tell me again?

1 A It was mostly about the facts of Terri.

2 Q Isn't this a fact of Terri, what she
3 might have said to you when her grandmother died?

4 A That is why I remembered.

5 Q Why didn't you remember it --

6 A Because I did not prepare in the same
7 fashion.

8 Q Do you believe that Terri's statement to
9 you about your grandmother (sic) shed any light on
10 Terri's intent regarding removal of artificial
11 life support?

12 A I believe that statement is consistent
13 with Terri, with her demeanor and the way Terri
14 that been from a young lady on.

15 Q Very supportive and comforting?

16 A Yes.

17 Q My question was, do you believe that
18 Terri's statement that you relayed, that you said
19 was told to you at the time she was informed of
20 your decision about the grandmother's ventilator,
21 do you think that statement is relevant at all to
22 what Terri's intent may be regarding her own
23 wishes?

24 A I think that would have to be
25 interpreted by other people.

1 Q So you have no opinion about that?

2 A It depends on the interpretation.

3 Q I'm asking your interpretation.

4 A I have no interpretation of that.

5 Q So you have no, you have no opinion.

6 Why -- did you have any idea why your attorney
7 asked you that question?

8 A My attorney asked me what question?

9 Q The question regarding what Terri told
10 you in response to your grandmother's (sic)
11 ventilator?

12 A That was a normal part of the questions
13 she was asking me today.

14 Q So you have no opinion as to whether
15 that question touches on Terri's own intent? Is
16 that your answer --

17 A No.

18 Q -- if you never had a conversation with
19 Terri regarding the question of Terri's intent or
20 what Terri's intent may be --

21 A No.

22 Q -- regarding artificial life support?

23 A No.

24 Q So obviously, you would not fit, since
25 have you answered no, you would not fit or

1 characterize the conversation you had with Terri
2 regarding your grandmother's (sic) ventilator as a
3 question regarding a conversation relating to
4 Terri's intent?

5 A I didn't make that statement in order to
6 put it in any classification. I made the
7 statement because that is what happened.

8 Q That was not my question, sir.

9 A I don't understand your question,
10 Mr. Felos.

11 Q That is appropriate, if you don't
12 understand.

13 A I don't know where you are heading. Let
14 me put it that way.

15 Q You don't have to know where I am
16 heading. If you don't understand, please tell me
17 and I'll rephrase it for you. You stated you
18 never had a discussion with Terri regarding the
19 issue of what Terri's intention might be regarding
20 removal of artificial life support.

21 From your answer no to that question,
22 can we assume that you do not believe the
23 conversation with Terri regarding her grandmother
24 has anything to do with what Terri's intent may
25 be?

1 A I want to back you up. Please read the
2 question again. The part where I said no. That
3 is related to my, to the next part of that.

4 MS., CAMPBELL: Page?

5 MR. FELOS: Forty-one.

6 Q (By Mr. Felos) On Page 41 of your
7 deposition we were talking about the question of
8 what Terri's intent might be regarding removal of
9 life support. I asked you, question, and you
10 never had a discussion with Terri regarding this
11 issue?

12 Answer. A direct conversation?

13 Question. Right.

14 Answer. Not that I recall.

15 Now can I assume from that answer in
16 your deposition and your testimony today, that
17 your conversation with Terri regarding her
18 grandmother's ventilator was not relevant to the
19 question of what Terri's intent might be regarding
20 removal of life support?

21 A I'm having a difficult time trying to
22 understand that question. I really am. I am not
23 making a connection. A correlation.

24 Q I guess what I'm getting at, sir, is in
25 your deposition I asked you in two or three

1 different places tell me what Terri said. Did you
2 have any discussions with her regarding what her
3 intent might be. Tell me specifically what she
4 said regarding her grandmother. And you didn't
5 tell me this conversation that you had. You never
6 told me in your deposition the statement she loved
7 her grandmother and wanted her alive. I am trying
8 to understand why that was?

9 A I'm trying to tell you that at that
10 point in time, it did not come into my memory. It
11 came in after the deposition.

12 Q You mentioned that you attended various
13 colleges. Have you received a degree?

14 A I said I had no degree.

15 Q You mentioned that you are working as
16 a -- what is your position at this time?

17 A A systems designer.

18 Q How long have you been working as a
19 systems designer?

20 A Since 19 -- when Terri had her seizure.
21 1990.

22 Q Well, your current position that you are
23 holding now, when did you start that?

24 A Just recently.

25 Q Was there a gap? How long was it before

1 you had another full-time job? How long
2 previously was it?

3 A I worked at a company prior to that for
4 about a year-and-a-half.

5 Q What was the amount of time between that
6 job where you worked for another company for a
7 year-and-a-half and your current position?

8 A Maybe a month, four or five weeks.

9 Q Mr. Schindler, is it fair to say you
10 have no knowledge or information about what Terri
11 might want under the circumstances she finds
12 herself in?

13 A Say the question again, please.

14 MR. FELOS: Could you read the question.
15 back?

16 (THEREUPON, THE LAST QUESTION WAS READ BACK
17 BY THE COURT REPORTER.)

18 Q (By Mr. Felos) That is regarding
19 removal of life support.

20 A I have no information about what she
21 would want? That is the question?

22 Q Yes. That was the question.

23 A No.

24 Q Now isn't it true, Mr. Schindler, and
25 I'm going to, this is a hypothetical question,

1 that even if your daughter, Terri, had expressed
2 her intent not to be kept alive artificially, that
3 would not change your position in this case?

4 A Can I give you a hypothetical answer?

5 Q You need to answer my question.

6 A Well, hypothetical, hypothetical is
7 what? A synonym for ridiculous.

8 Q Sir, you don't have the opportunity to
9 comment on my question. My question is simple.
10 If your daughter had expressed her intent not to
11 be kept alive artificially, would that change your
12 position in this case?

13 A It would depend on who she expressed her
14 intent to, as a candid answer, hypothetically.

15 Q Well, let's say hypothetically Terri
16 told her husband I don't want to be kept alive
17 artificially. If she had said that to Michael,
18 would that change your position in this case?

19 A Under these circumstances?

20 Q No. No. Under a hypothetical
21 circumstance that I'm asking you to assume for
22 this question.

23 A Put more facts into it for me.

24 THE COURT: Excuse me. Mr. Felos, the
25 hypothetical is assuming one fact. These

1 circumstances. It is not recreating the wheel; is
2 it?

3 MR. FELOS: No.

4 THE COURT: So when the witness asked
5 under these circumstances is that not where we
6 find ourselves in the hypothetical you present?

7 MR. FELOS: If I may rephrase my
8 hypothetical, Your Honor.

9 THE COURT: Okay.

10 Q (By Mr. Felos) Assume that Terri had
11 told Michael, said the words to Michael, I don't
12 want to be kept alive artificially. Would that
13 change your position in this case?

14 MS. CAMPBELL: Objection, Your Honor. I
15 don't believe this is a hypothetical. I'm not
16 sure what the answer would be.

17 THE COURT: Well, it's hypothetical from
18 the standpoint that the witness is asked to assume
19 it's true rather than have the witness comment on
20 the testimony. I think for that purpose it's a
21 hypothetical.

22 MS. CAMPBELL: Thank you.

23 A I think that the question you are asking
24 me is tainted.

25 Q (By Mr. Felos) Sir?

1 A I am answering you the best I can.

2 Q You can't comment to the nature of my
3 question. Do you understand the question?

4 A I hear what you're saying.

5 Q Do you understand the question?

6 A The question you are asking is a very
7 difficult question to answer. There is too many
8 factors influencing any kind of decision. You are
9 taking a real life situation now and making it
10 into a hypothetical.

11 Q That is the nature.

12 A That is the --

13 Q That's the nature of a hypothetical
14 question.

15 A No. It is not. A hypothetical question
16 is a "what if" question.

17 Q I believe the question --

18 THE COURT: What if you believe your
19 daughter told her husband she would not want to
20 live like this. Does that help you?

21 A If I believed she said that, I would
22 give some reconsideration to what she is saying.

23 Q Sir, in your deposition on Page 67, Line
24 24, I asked you hypothetically if Terri told
25 Michael I don't want to be kept alive artificially

1 would that change your position in this case?

2 Your answer. No.

3 A Can I answer that?

4 Q Can you -- can you explain the
5 difference?

6 A I just explained it. Because there
7 is -- it's not a hypothetical thing when you have
8 a real life situation where Michael is saying that
9 Terri said that, and I know in my heart that Terri
10 did not say that.

11 MR. FELOS: I move to strike that. The
12 witness is giving a speech and is not responsive
13 to the question.

14 THE COURT: That is a pretty open
15 question you asked, Mr. Felos. You asked him an
16 open ended question. He is telling you, I guess
17 under no circumstances can he believe the
18 statement was made.

19 MR. FELOS: That does not explain his
20 deposition testimony.

21 THE COURT: I understand.

22 MR. FELOS: The deposition testimony
23 says hypothetically if Terri told Michael.

24 THE WITNESS: That's a hypothetical
25 answer to a hypothetical question.

1 Q (By Mr. Felos) When you say a
2 hypothetical answer, is that a way of saying that
3 maybe you were not answering truthful in your
4 deposition?

5 A No. It is a maybe. Hypothetical means
6 maybe. What if. That is a "what if" answer.

7 Q Your answer was not maybe in your
8 deposition. It was no. I guess my further
9 question is, do you recall what Terri's intent is
10 regarding removal of life support?

11 A I love my daughter. I care about my
12 daughter. I know I believe in my heart what her
13 intent is. Not hypothetically.

14 Q If you were in a permanent unconscious
15 state, would you want all medical treatment to
16 keep you alive?

17 A Is that a hypothetical question?

18 Q Now obviously it is, unless you are in a
19 permanent unconscious state at the moment. So
20 sir, you know it is a hypothetical question.

21 A I don't know how to answer that right
22 now. I have to think about that.

23 Q In your deposition on Page 20, Line 24,
24 I asked you this question. So if you were in a
25 permanent unconscious state, it's your testimony

1 you would want all medical treatment to keep you
2 alive?

3 Answer. Yes.

4 Mr. Schindler, isn't it true that there
5 is no medical condition you can conceive of that
6 could be so bad that it would warrant a decision
7 to terminate artificial life support?

8 A Say that again, please.

9 Q Isn't it true that there is no medical
10 condition that you can conceive of that would be
11 so bad that it would warrant a decision to
12 terminate artificial life support?

13 A To make a decision like that, I have to
14 know all the facts in the situation.

15 THE COURT: No, sir. That question is
16 easy to answer.

17 THE WITNESS: Okay. No, sir.

18 THE COURT: It's easy to answer. The
19 question is is there any medical condition so bad
20 that would warrant removal of life support in your
21 judgment?

22 A I don't see any situation.

23 Q (By Mr. Felos) Sir, isn't that what
24 you want for Terri? To have her life, her body,
25 perpetuated by any medical treatment possible?

1 A I want her life perpetuated, and by any
2 medical necessity possible. I think I would have
3 to make that decision at the time as to what was
4 required to perpetuate her life.

5 Q If she needed open heart surgery to
6 survive?

7 A I will not make any -- we are in the
8 hypotheticals. If something like that came up, I
9 would take that into consideration. Consult with
10 my physician, then talk with my wife and talk with
11 the experts. Then make a decision after a period
12 of time.

13 Q So is your answer, I gather now, that
14 you can't say whether you would want Terri to have
15 open heart surgery if that was needed to
16 perpetuate her life?

17 A I didn't say that. That is a major
18 decision. I would want all the facts involved.
19 You are asking me to make an arbitrary decision.
20 I could not do that at this point.

21 Q Well, sir, I asked you that at your
22 deposition. I said, question: Page 68, Line 11.
23 If Terri required, again hypothetically, open
24 heart surgery to remain alive, would you be in
25 favor of that to have that procedure?

1 Answer. To keep her alive, if she
2 needed that?

3 Question. Uh-huh.

4 Answer. Hypothetically, probably.

5 A Everything you were asking at that
6 deposition was hypothetical. I was giving you
7 hypothetical answers. .

8 Q Yeah. You did say hypothetically in
9 response to that. Now we discussed at your
10 deposition what would happen if Terri developed
11 gangrene and needed to have a limb amputated. I
12 will ask you that question again and see if your
13 opinion has changed. If Terri developed gangrene
14 and a limb had to be amputated to save her life,
15 would you be in favor of that?

16 A Before I made that decision, I would
17 consult with the experts medically. Physicians
18 that I would select. Get their opinions and be
19 darn certain that I had all the facts on the table
20 before I made that decision.

21 Q In your deposition on Page 68, Line 25,
22 I asked you, my question, if she developed
23 gangrene and her leg needed to be amputated to
24 save her life, would you be in favor of that?

25 Answer. Absolutely.

1 Is there anything hypothetical about
2 that?

3 A The questions you were asking before
4 that were all hypothetical. If you turn the page
5 back a few, every question was hypothetical. I
6 was giving you hypothetical answers.

7 Q Sir, do you deny that you answered that
8 question with the answer absolutely?

9 A I said that, but it should have had in
10 there hypothetically.

11 Q I asked you the question, if another leg
12 had to be amputated?

13 Answer. Yes.

14 Question. And an arm?

15 If necessary.

16 Sir --

17 A Hypothetically.

18 Q Sir, is it your testimony today that
19 there is any circumstance that you could really
20 conceive of where you would consent to such a
21 procedure for your daughter?

22 A I'll answer your question again. Before
23 I consent to any procedure to my daughter, I would
24 get proper information from qualified medical
25 people. People I selected. I then would take

1 that into consideration. Consult with other
2 people. Then I would make my decision.

3 Back to your deposition. Everything in
4 that deposition you gave me was hypothetical,
5 hypothetical, hypothetical. Then you draw off a
6 hypothetical and start asking me other questions,
7 but the vein of the questions --

8 Q Are you saying that you were confused at
9 your deposition?

10 A I'm not saying --

11 Q That you didn't understand the
12 questions?

13 A I'm not saying I was confused. I am
14 saying when you read the deposition now --

15 Q My question is were you confused and you
16 said you were not. You had an opportunity to, at
17 the deposition, to say I would consult with
18 doctors and look at the evidence and make a
19 decision.

20 A George, we were dealing with
21 hypotheticals.

22 Q Sir, was that your answer?

23 A No. That was not my answer.

24 Q Thank you. Isn't it true, Mr.
25 Schindler, that you don't want Mr. Schiavo to be

1 your daughter's guardian and you would like to
2 have you and your wife to have that
3 responsibility?'

4 A Yeah. I would like to have the
5 responsibility of my daughter.

6 Q Isn't it a fact that you mentioned a
7 relationship that Mr. Schiavo had with a woman
8 named Cindy? Do you recall that?

9 A Cindy?

10 Q On your direct.

11 A Very well.

12 Q Wasn't that relationship years after
13 Terri's incident?

14 A In the Cindy relationship it was at the
15 Hemosita address. In 1992, I believe.

16 Q That would have been years?

17 A '91. '91. Not '92. We moved out of
18 Hermacida in '92. 1991.

19 Q Didn't you encourage -- didn't you
20 actually encourage Mr. Schiavo to have a
21 relationship with another woman?

22 A Mr. Schiavo gave my wife and myself all
23 indications at that point in time that he was
24 considering moving on with his life. That my wife
25 and I would be taking care of Terri. At that

1 point, it appeared to me that was, Cindy being his
2 whatever, that that was his move. Because I knew
3 he and Cindy were looking at property in St. Pete.

4 Q My question is did you encourage that?

5 A Absolutely.

6 Q I would like to read you a statement of
7 your wife and ask you if you agree or disagree
8 with this.

9 Question. Well, in your mind, does
10 there come a point in time where the experience of
11 discomfort or pain on the part of the patient
12 becomes a factor in deciding whether to remove
13 life support?

14 Answer. No.

15 Do you agree with your wife?

16 A Read the question once again, please.

17 MS. CAMPBELL: Page, please?

18 Q (By Mr. Felos) Page 39. Line 16.

19 Well, in your mind, does there come a point in
20 time where the experience of discomfort or pain on
21 the part of the patient becomes a factor in
22 deciding whether to remove life support?

23 Answer. No.

24 A I said it would depend.

25 Q Well, you would like to take, you and

1 your wife would like to take over Terri's care and
2 be responsible for it. Would the pain, if you
3 believe that Terri was experiencing pain, would
4 that be a factor you would take into consideration
5 in deciding whether or not to have her remain
6 artificially alive?

7 A It depends. ,

8 Q Well, what does it depend upon?

9 A Other factors. And don't ask me what
10 they are.

11 Q If you believed your daughter was in
12 agony, suffering, would you be inclined to make a
13 decision, or more inclined to make a decision to
14 remove the artificial life support?

15 A I would be looking for some kind of
16 expertise from someone.

17 Q What expertise would you be looking
18 for?

19 A I would want to know the full entire
20 situation.

21 Q Sir, is it your opinion that if Terri
22 were aware of her situation now, had cognizance of
23 it, it would be a torment?

24 A I'm sure Terri would be quite upset with
25 what's happened to her.

1 Q I believe in your deposition -- I can
2 read the line and page -- you described it as a
3 torment?

4 A Um-hmm. It's a word.

5 Q That is your word, sir.

6 A Well, okay. I used that word then.

7 Q I think most of us could understand for
8 somebody locked inside of a body with the
9 disability that she has that it would be a torment
10 to be aware of that. You said that yourself; have
11 you not?

12 A You said I said that.

13 Q Yes. Are you disputing that?

14 A I'm not disputing you. You are saying I
15 said it.

16 Q As I understand your testimony on direct
17 examination, you believe that Terri had
18 cognizance, and correct me if I'm wrong, I heard
19 you say in your direct examination that you
20 interpret Terri's responses to her mother as
21 crying because she recognized -- as laughing or
22 crying because she is aware that her mother is
23 there.

24 My question is, if you believe that
25 Terri has that cognizance, don't you also believe

1 that she is in torment?

2 A I believe Terri has waves of
3 cognizance. I think she has periodic cognizance.
4 I don't think Terri is cognizant 24 hours a day.

5 Q Well, in the periods of time during the
6 24 hours she is cognizant, will you agree that she
7 would be in torment being aware of her situation?

8 A I don't think that she is that cognizant
9 to be aware of it.

10 Q So the fact is, sir, you really don't
11 know what degree of cognizance your daughter has,
12 if any, do you?

13 A From a neurological standpoint, I do not
14 know. From a layman's standpoint. I see a
15 reaction.

16 Q Would you agree that certainly some of
17 Terri's movements are reflex actions?

18 A From what I hear the doctors say.

19 Q Well.

20 A It sounds very logical to me.

21 Q Um-hmm. Would you agree that the
22 movement of Terri's hands are reflex actions?

23 A Sounds logical.

24 Q And the movement of her fingers and
25 legs, feet, are reflex actions?

1 A Very possibly.

2 Q Well, when you say very possible, let me
3 read from your deposition. This is your '93
4 deposition on Page 12, Line 21.

5 Question. Was she able to move any of
6 her extremities? Hands, fingers, legs, or feet in
7 your presence?

8 Answer. Reflexes. So you agree those
9 type of movements for Terri are reflex actions?

10 A That is what I said then.

11 Q I am asking you now, do you agree that
12 those type of movements are reflex actions?

13 A Yes.

14 Q Do you believe that Terri's moaning is
15 a reflex action to a painful stimulus?

16 A I don't know how to answer that.

17 Q Do you know one way or the other?

18 A Do I know that? I don't know that.

19 Q Do you know -- have you seen Terri moan?

20 A I have heard.

21 Q You have heard Terri moan?

22 A I have heard Terri moan.

23 Q Isn't it true that you just don't know
24 why Terri moans?

25 A I'm not qualified to know that.

1 Q Have you ever seen Terri turn her head?

2 A Have I seen her turn her head? I'm
3 going to say I'm not sure.

4 Q Okay.

5 A Let me back that up. Yes. I have.

6 Q Do you know for a fact by what mechanism
7 Terri turns her head? . What process that occurs?

8 A Well, the time that she tracked me, she
9 turned her head, and what caused her to do that, I
10 really don't have an answer for it.

11 Q So as I understand it, one time that you
12 walked into her room and you walked around her and
13 her head turned in the direction that you were
14 walking; is that correct?

15 A That's correct. . Let me back up a second
16 and say this: Over the years that we have been
17 seeing Terri, there may have been times Terri
18 moved her head. I have not been looking for that.
19 I have not really went in there and said I am
20 going to go in there today and watch for Terri to
21 move her head. That is not what I looked for.

22 Q I understand that. So you mentioned
23 that you walked in. I believe you used the word
24 uncanny. You walked in once, moved across the
25 room, and Terri's head tracked you. Do you recall

1 that testimony?

2 A I just gave that testimony.

3 Q My question is do you recall it?

4 A Yes.

5 Q But haven't there been many occasions in
6 which you walked in her room and her head has not
7 tracked your movement?

8 A That's correct.

9 Q Have you seen any changes in Terri's
10 face movements? Movement of facial muscles?
11 Lips?

12 A In regard?

13 Q At any time?

14 A I don't know how to answer that. What
15 am I looking for? Mr. Felos, we just saw it
16 yesterday. Her face does move.

17 MR. FELOS: He said he did not see the
18 video, Your Honor. I'm asking him if he has ever
19 seen Terri's facial expression.

20 THE WITNESS: Smile?

21 THE COURT: No. Is he seeing any
22 change at all? There's not a witness in here that
23 says she is stonefaced.

24 Q (By Mr. Felos) Sir?

25 A Yes, sir.

1 Q Do you know the mechanism by which or
2 the reasons why Terri's face changes or facial
3 muscles change?

4 A Do I know that?

5 Q Yes.

6 A No.

7 Q Now I wanted to ask you about one of
8 your witnesses. A Diane Meyer?

9 A Diane. Yes.

10 Q Do you know a Diane Meyer?

11 A Yes.

12 Q Am I correct that you had a conversation
13 with Diane Meyer about two years ago and you
14 believe from that conversation, you believe that
15 Diane Meyer may have some information relevant to
16 your daughter's intent?

17 A Yes.

18 Q Now you met with Mr. Pearse. You know
19 who Richard Pearse is? Have you ever met him?

20 A Yes.

21 Q He is the guardian ad litem previously
22 appointed by the Court?

23 A Yes.

24 Q You knew that Mr. Pearse would be giving
25 a recommendation to the Court as to whether or not

1 to remove Terri's feeding tube?

2 A Yes.

3 Q In your own mind, wouldn't you agree
4 that the information you received from Diane Meyer
5 was an important piece of information?

6 A Could be interpreted as that.

7 Q Wouldn't you agree that that information
8 was certainly something you would want to convey
9 to Mr. Pearse?

10 A I would -- I'm not sure as I'm sitting
11 here now. Go ahead. Yes. Yes.

12 Q You are hear to save your daughter's
13 life. You have important information.

14 A Yes. Go ahead.

15 Q You want to tell Mr. Pearse about that.

16 A Go on.

17 Q Why didn't you tell him?

18 A Why did I not tell him?

19 Q Why didn't you tell Mr. Pearse? You met
20 with Mr. Pearse. I believe in his notes he has a
21 three hour conference with you and your wife. He
22 mentioned they had a lot to tell me. Why didn't
23 you mention Diane Meyer to Mr. Pearse?

24 A I am positive when I walk out of this
25 courtroom today, I will be driving home and

1 remember there is a few things that I should have
2 said in the courtroom and I forgot. The same
3 thing may have happened with Mr. Pearse.

4 Q By the same token, you did not tell Mr.
5 Pearse, did you, about the conversation you had
6 with Terri regarding your mother's ventilator; did
7 you?

8 A I don't recall. The conversation I gave
9 today about Terri and the ventilator is something
10 vivid in my mind today. When did I see Mr.
11 Pearse? When was that? The date on that?

12 Q I don't know off hand, sir.

13 A I don't know.

14 Q In fact, isn't it true that when you
15 became involved in this litigation you contacted
16 friends, family, you really scoured your
17 associates, to talk to people to see if anyone had
18 any information that might be helpful to your
19 cause; isn't that correct?

20 A Yes.

21 Q You took great effort to do that?

22 A Yes.

23 Q Then at the meeting with the person, the
24 guardian ad litem who is going to make a
25 recommendation to the Court, your testimony is you

1 just forgot to tell him?

2 A I'm saying I'm a human being. I don't
3 have retention of everything.

4 Q Now Mr. Schindler, let's talk about the
5 prior litigation. You and your wife filed suit
6 back in '93, I believe May of '93, to remove Mr.
7 Schiavo as Theresa's guardian; is that correct?

8 A Are the dates -- was it May of '93?

9 MR. FELOS: Your Honor, may I see the
10 exhibits? May I see the exhibits, Your Honor?

11 Q (By Mr. Felos) I am referring to
12 Petitioner's Exhibit 3. Excuse me. The date is
13 July 1993.

14 A Thank you.

15 Q Petition for removal of guardian. And
16 in 1994, in March of '94, an amended petition was
17 filed. The amended petition included the
18 allegation that Mr. Schiavo --

19 A When was the date on that?

20 Q March of 1994.

21 A March?

22 Q The amended petition added the
23 allegation that Mr. Schiavo was abusing Terri
24 because he was not treating her infection.

25 A Was that in March? I'm going off

1 memory. The sequence does not sound that way to
2 me.

3 Q Sir, I can show you. Here's your
4 amended petition. I believe the date of your
5 petition is March 3, 1994.

6 A Can I ask you this? What did the first
7 petition say? Do you recall?

8 Q Sir, the question is was your amended
9 petition filed on March 3, 1994?

10 A It says 'it.

11 Q Okay. Now one of the allegations in
12 your initial petition was that Mr. Schiavo had a
13 financial conflict of interest. He had a
14 relationship with another woman and he was not
15 taking care of Terri. You added the later
16 allegation that he was not treating an infection.

17 Now was there not a report by the
18 guardian ad litem which said, which interviewed
19 the nursing home personnel, and did make the
20 conclusion that Mr. Schiavo was taking care of
21 Terri's needs?

22 A Can I stop for you a minute? What is
23 confusing to me is the sequence was, as I remember
24 it, was that Terri stopped -- Michael tried to
25 prevent Terri from taking the medicine and she had

1 some kind of infection and if she didn't have the
2 antibiotics she would have died. That happened in
3 August. I believe it was August.

4 My recollection is that we were in front
5 of Judge Penick sometime in February and that is
6 when the guardian ad litem report was introduced.
7 Then I can recall the attorney at that time filing
8 something prior to that. But my impression to
9 what he filed was a request for a rehearing. That
10 is -- I'm just telling you my recollection of that
11 case.

12 Q Do you agree that your allegation
13 regarding nontreatment of Terri was added after
14 your initial petition?

15 A I just told you my recollection. I
16 don't know that. I can't honestly sit here and
17 recall.

18 Q Sir, I read and you can read, too, your
19 petition for removal of guardian and appointment
20 of guardian and it says nothing about Mr. Schiavo
21 not treating an infection in the petition
22 addressing that claim. Can we assume in your
23 first petition you did not raise that issue?

24 A I assume it was omitted.

25 Q My question is this, sir. Why did you

1 dismiss the action, the first action to remove Mr.
2 Schiavo? The guardian ad litem's report had
3 nothing to do with information regarding conflict
4 of interest. Why didn't you pursue those claims
5 to remove Mr. Schiavo as guardian?

6 A I had a total misunderstanding from the
7 attorney that was, that had been representing us,
8 and then did not represent us when he brought this
9 issue. Actually, he called my wife and told my
10 wife, if I'm talking about the same thing, that
11 this case was going to be dismissed. And my wife
12 informed me and my interpretation from the
13 attorney at the time was that we lost round one
14 and we can come back and fight in round two. That
15 was my interpretation..

16 Q Is it your position -- and Mr. Sheehan
17 was that attorney?

18 A Yes.

19 Q Is it your position here today, Sir,
20 that Mr. Sheehan dismissed your claim with
21 prejudice without explaining to you what that
22 meant?

23 A I have to say, in all due respect, I did
24 not understand. He did not explain it properly.
25 Let me put it that way. To me.

1 Q In your deposition, Page 59, Line 18,
2 Question. Mr. Sheehan dismissed your claim with
3 prejudice without explaining to you what it
4 meant?

5 Answer. Yes.

6 Do you stand by that answer?

7 A That is, to me it is one in the same.

8 Q Is it also your position, is it also
9 your position that Mr. Sheehan was not
10 representing you at the time that he dismissed
11 your claim with prejudice?

12 A That is true.

13 Q Do you understand that with prejudice
14 means that you can't file a similar suit and raise
15 similar issues?

16 A I understand it very well now.

17 Q You are saying you did not understand it
18 then?

19 A Absolutely not.

20 Q Because your attorney or the person who
21 was not representing you anymore, did not explain
22 it?

23 A It was pure ignorance on our part. We
24 had no idea.

25 Q Do you understand, Mr. Schindler, that

1 if Mr. Schiavo, divorced Terri that you and your
2 wife would be Terri's heirs and you would inherit
3 her estate upon her death?

4 A I understand that now. Yes.

5 Q And you understood it at the time I took
6 your deposition as well?

7 A Yes.

8 Q Approximately what is your current net
9 worth at this time, Mr. Schindler?

10 A Poor.

11 Q Mr. Schindler, didn't you expect to
12 receive one-half of Mr. Schiavo's loss of
13 consortium award?

14 A Something along those lines.

15 Q Sir, in your deposition, 1993
16 deposition, Page 41, Line 14 you said, I expected
17 half the money.

18 A Then that is what I expected.

19 Q Now you claim that Mr. Schiavo owed you
20 some money, I believe, for moving expenses. Back
21 rent?

22 A Yes.

23 Q What is the amount of money do you think
24 that Mr. Schiavo owed you for the moving
25 expenses? Back rent?

1 A You have rental from the time he was in
2 our condominium. And he went in in '86 and moved
3 out -- was it 1990? Was that when he moved out?
4 No. He moved out when he moved up to 4th Street.

5 Q Would you say he owes you for moving
6 expenses and back rental more than \$10,000 or less
7 than that?

8 A Probably -- probably more than that.

9 Q More than \$20,000?

10 A Could be.

11 Q More than \$30,000?

12 A I don't know. I would have to go into
13 the accounting of it.

14 Q I mean two years of back rent is \$8000.
15 Moving expenses of \$1000 is 9,000.

16 A It was money that we advanced them to
17 move out of the condo when they moved out to 4th
18 Street.

19 Q How much was that?

20 A Another 5 or 600.

21 Q Okay. That brings us up to about
22 \$10,000?

23 A There was money we paid when Terri was
24 sick. We paid nursing homes at College Harbor.
25 That was a couple thousand dollars. Because

1 Michael did not have any money. We were paying
2 some doctor's bills. We were paying, paying. I
3 can't put a dollar figure on it.

4 Q Do you think it is fair to say it does
5 not exceed \$20,000?

6 A Probably somewhere between 10, 12. I
7 don't know the dollar amount.

8 Q Ten or 12,000?

9 A Or more. If I sit down and calculate
10 every penny.

11 Q You know, don't you, that Mr. Schiavo
12 netted out approximately \$300,000 on this loss of
13 consortium award?

14 A Yes.

15 Q You were there for the verdict?

16 A Yes.

17 Q You know what the money was. Certainly
18 one-half of his loss of consortium, which is
19 approximately \$150,000, well exceeded any money
20 that you thought was owed to you by Mr. Schiavo;
21 did it not?

22 A I don't think that was the intent. The
23 intent, it was not he was going to pay us back
24 \$20,000. His statements were he would share the
25 award because we were all living together. We

1 were all in the same boat.

2 Q I understand that. I just want to
3 clarify.

4 A And he was family.

5 Q Your intent, you believe the intent was
6 not just to repay you back, but give you half the
7 award?

8 A Well, he was family.

9 Q And you were struggling financially at
10 that time?

11 A We were all struggling.

12 Q Didn't you once say regarding that money
13 back then, we have to get something, referring to
14 you and your wife?

15 A I have to get what?

16 Q That you have to get some of the money?

17 A I don't understand. What context was
18 that said?

19 Q Did you have some sort of tax problem
20 where you felt an immediate need that you have to
21 receive some of the money from Mr. Schiavo's
22 consortium award?

23 A I was not making any money to have a tax
24 problem. They should have paid me tax refunds.

25 Q In your '93 deposition, you were talking

1 about receiving money from the loss of consortium
2 award.

3 MS. CAMPBELL: Page?

4 Q (By Mr. Felos) Page 44, Line 21. I was
5 asking -- you were asked by the attorney at that
6 time about the discussions you had about sharing
7 the money.

8 Question. Was it discussed more
9 specifically in any other way?

10 Answer. Other than I mentioned to him
11 about tax problems I would have.

12 Question. What was discussed about
13 that?

14 Answer. I said to him we have, have to
15 get something because of my tax situation. Does
16 that refresh your recollection at all?

17 A Yeah. I think that is taken out of
18 context the way you said it. I had said at one
19 time that Michael was sharing this money. I said
20 if the money is shared like that, it could present
21 a tax problem for me getting money like that
22 because it would be considered on my tax return as
23 ordinary income and become completely taxable. I
24 said that to Michael. That is how that came
25 about.

1 Q So in other words, in addition to the
2 money that you were going to receive from the loss
3 of consortium award, you were concerned about tax
4 consequences of receiving it as well?

5 A I said his award, his award is usually
6 tax free. If you are going to turn around and are
7 going to take from your award any amount of money
8 and give it to me, the IRS will view that as a
9 gift. They'll look at that as ordinary income. I
10 may need something to cover that.

11 Q The fact is, sir, that you were in
12 financial need at that time and you expected the
13 money from Michael and you were counting on it and
14 you did not get any money; is that correct?

15 A That was my -- I was disappointed at
16 Michael's integrity.

17 Q Sir, that was not my question. Would
18 you read back the prior question, please?

19 (THEREUPON, THE COURT REPORTER READ BACK THE
20 LAST QUESTION.)

21 A I'll answer that. I was in financial
22 need at that time. I expected the money from
23 Michael and I was disappointed. I was not
24 counting on it. I was disappointed I did not get
25 the money. I was disappointed in Michael's

1 integrity.

2 Q Isn't it a fact that you got, I mean
3 that you got upset and you almost got into a fist
4 fight with your son-in-law at the nursing home
5 when you had this discussion, when you found out
6 you were not getting the money?

7 A It was not over the money.

8 Q Sir, before you moved to Florida in
9 1986, you were a successful businessman in
10 Philadelphia; were you not?

11 A Correct.

12 Q Were you not the president and chief
13 executive officer of a material handling equipment
14 business?

15 A Correct.

16 Q You owned half of that business?

17 A Correct.

18 Q Didn't that business have over fifty
19 employees?

20 A Correct.

21 Q As chief president and chief executive
22 officer, you had authority over those employees?

23 A Correct.

24 Q You sold your business interest sometime
25 in 1984?

1 A Correct.

2 Q How much did you receive?

3 A I don't recall the dollar amount.

4 Q Was it a substantial sum?

5 A Fairly large sum.

6 Q You lived in, I gather, a substantial
7 home in Philadelphia?

8 A It was a nice home.

9 Q You moved to Florida and lost all your
10 funds in a business venture that went bad?

11 A Yeah. I lost my funds in a business
12 venture that went bad. Yes.

13 Q That bankruptcy was not just business,
14 but also a personal bankruptcy for you, your wife,
15 and your son?

16 A Correct. We all went down the tube.

17 Q And you're struggling financially.
18 That must have been a hard blow to build up that
19 successful business in Philadelphia and then come
20 to Florida and lose that money; was it not?

21 A For any male, or any person I should
22 say, to be successful in business and have a
23 failed business is a horrible blow.

24 Q It's a horrible blow understandably.
25 And you believed you were going to be receiving

1 funds from Mr. Schiavo. You testified that you
2 were behind the scenes in the malpractice case?

3 A Correct.

4 Q Although you were not a party, you sat
5 and listened to the verdict and you are saying
6 that you were not upset over the fact that you
7 were not receiving money from Michael?

8 A I was very disappointed.

9 Q Doesn't the thought that Michael Schiavo
10 would inherit Theresa's money, if his petition is
11 granted, doesn't that burn you up?

12 A I think, under the circumstances, what
13 he is trying to do is have my daughter put to
14 death to get her money. That more than burns me
15 up. He is killing my daughter to get her money.

16 Q That is how you see it, sir?

17 A That is exactly --

18 Q The fact that --

19 A Wait a minute. I just want to stop and
20 settle down.

21 THE COURT: Do you want a recess?

22 THE WITNESS: You are touching a raw
23 nerve now.

24 THE COURT: Now, we try to run this
25 orderly. The questions get completed and the

1 answers do. We don't talk over each other. Take
2 a deep breath. Let's get through this. We will
3 take a break after this cross-examination. I
4 trust you are winding this down?

5 MR. FELOS: Excuse me?

6 THE COURT: I trust you are winding down
7 the cross?

8 MR. FELOS: I think we are over the
9 hump.

10 THE COURT: I hope well over. Let's see
11 if we can get to it.

12 Q (By Mr. Felos) Mr. Schindler, isn't it
13 true that you blame Mr. Schiavo for what happened
14 to Terri on February 25, 1990?

15 A Do I blame him for it?

16 Q Um-hmm.

17 A I never said I blame him, but I --

18 Q Do you?

19 A Let's clarify. What I said was that
20 when a person is married to a person, a male is
21 married to a female, he should be acutely aware of
22 what she does in her health. All my comments were
23 that I felt that he could have moderated Terri
24 better than what he did, in essence. I'm not
25 holding him responsible for it. We don't even

1 know what happened to her.

2 Q Well, when you say that Mr. Schiavo
3 should have monitored Terri better, what do you
4 mean?

5 A When someone is, particularly my wife is
6 having difficulties, I'll press and press and
7 press to get to the root of the problem. That is
8 what had me a little bit concerned. Because I
9 can't be specific, but out of memory, that thing
10 was apparently lasting longer than what I maybe
11 thought it should have lasted. What led up to the
12 sickness that led up to the --

13 Q You knew your daughter was seeking
14 medical treatment for her failure to menstruate;
15 don't you?

16 A I'm aware of that. But there are some
17 other things with her that had me concerned
18 physically.

19 Q What were those?

20 A Dizziness. Other things that had me
21 concerned about her that he was informed of and
22 she was. It never seemed to get corrected. The
23 whole thing culminated with Terri having a
24 seizure.

25 Q Well.

1 A Let me back this up. I'm not saying
2 that it was his fault that Terri's, these ailments
3 were not corrected. I just felt that at the time
4 that some of those things could have been
5 expedited a little quicker than what they were.

6 Q We heard testimony from your wife, I
7 believe, that certainly because Mr. Schiavo was
8 working nights when all of you were living in
9 Florida that Terri was over at your house a lot,
10 you saw each other frequently. It was a very
11 close relationship. Didn't you recognize any of
12 those other problems?

13 A She was telling me -- she told me some
14 of the difficulties, which were in turn
15 communicated and apparently, you know, that whole
16 scenario. It's so unpleasant to think about,
17 prior to that. That was the worst day of my
18 life. If you had children, it would be the worst
19 day in your life.

20 Q It would. The point --

21 A I'm trying. I'm not trying to be
22 evasive. When you go back to that time frame,
23 Your Honor, it's very unpleasant and some of the
24 things are not as clear to me.

25 Q In your deposition on Page 63, that is

1 your '93 deposition, of Mr. Schiavo you are saying
2 how this girl could live with the man for the
3 years they lived together and all of a sudden
4 succumbs to a problem like she had and him not
5 even recognizing it through that period.

6 I asked you the question, did you
7 recognize it through that period?

8 Answer. I didn't live with her.

9 Question. She was still your daughter;
10 wasn't she?

11 Yes. But I did not live with her.

12 Question. Did you have contact with
13 her?

14 Answer. Yes. I did.

15 Question. Did you see her?

16 Yes.

17 Did you talk to her?

18 Yes.

19 Question. But you were not able to
20 recognize the problem yourself?

21 Answer. She was not in my custody.

22 Question. Were you able to recognize
23 the problem?

24 Answer. I didn't live with her. No, to
25 answer your question.

1 It appears from your deposition
2 testimony that you are saying that you no more
3 recognized Terri's problem than did Michael?

4 A Appears that way.

5 Q Okay. You said today that Terri did
6 tell you about her problem. That she did tell
7 you?

8 A As I said here today, I have not talked
9 about this in what; six years? That deposition
10 what '93?

11 Q Yes.

12 A That is six years ago. Over a period of
13 six years and I'm sitting here now, you are
14 bringing back, recreating for me an episode that
15 happened in my life and right now, as I'm sitting
16 here, that is what comes to my mind. Six years
17 from now something else may come to my mind.

18 Q Let's make this simple, sir. Do you
19 hold Mr. Schiavo responsible in any way for the
20 accident or incident that occurred to Terri on
21 February 25, 1990?

22 MS. CAMPBELL: Objection, Your Honor.
23 This already has been asked. He already provided
24 the answer for that.

25 THE COURT: I thought that is what we

1 have been talking about. You opened up with that.

2 MR. FELOS: I believe he said he did
3 not blame him.

4 THE COURT: What's the difference?
5 Blame or responsibility?

6 MR. FELOS: The witness seems to think
7 there is a difference, Your Honor.

8 THE COURT: He has answered the
9 question. Please move on. Thank you.

10 Q (By Mr. Felos) I want to talk about
11 your brother's disability. You testified about
12 that. Is it true that your brother needs a device
13 or mechanism to help him drive?

14 A He has a spinner knob.

15 Q A what?

16 A A spinner knob.

17 Q What is that, sir?

18 A It's a little knob that mounts on the
19 steering wheel. Like a fist. It sticks up. You
20 have seen it.

21 Q Isn't that device used for persons who
22 are paralyzed in one arm and need to drive a car
23 with only one arm?

24 A I have no expertise in that matter. I
25 don't know.

1 Q Your brother is disabled to this day;
2 isn't he?

3 A To this day?

4 Q Yes.

5 A My brother is really disabled to this
6 day.

7 Q Has he passed away?

8 A He died.

9 Q I'm sorry. I didn't know that. Prior
10 to his death, did he still have a disability as a
11 result of that automobile accident of his?

12 A I said previously he suffered some of
13 the effects from a stroke. He had a disability in
14 his arm and he dragged his leg.

15 Q The dragging of the leg and paralysis in
16 the arm were disabilities he carried throughout
17 his entire life till his death?

18 A His entire life? Subsequent to the
19 accident. Yes.

20 Q You mentioned I believe you were
21 working on the disputes with Prudential
22 Insurance. Isn't it true that dispute with
23 Prudential Insurance was handled by an attorney,
24 Roland Lamb, and not you?

25 A My interpretation was that I was working

1 on it. There was a lawsuit filed against
2 Prudential. I went to Prudential. I went to the
3 doctor. I forgot his title. Dr. Newhart.
4 Because he was the guy when we were trying to get
5 authorization for Terri's benefits, he was the
6 person that was not approving it.

7 We were having a very difficult time
8 with Prudential. That culminated with me going
9 over, and I went to see Dr. Newhart. I sat in his
10 office for about an hour having a discussion with
11 him.

12 Q Thank you. There was some conversation
13 about thoughts of buying a house for Terri to live
14 in to care for her. Isn't it true that it was
15 just not found to be practical to have Terri live
16 at home? That that was tried on two occasions and
17 it was overwhelming for your wife and Mr. Schiavo
18 to continue that care for Terri at home?

19 A Yes.

20 Q You mentioned regarding Terri's
21 condition that it is greatly improved. Let me
22 backtrack. It's improved or changed since the
23 initial incident, is that correct?

24 A Yes.

25 Q As I understand it, after the initial

1 incident, Terri was on a ventilator and your wife
2 testified that she was basically unresponsive. Do
3 you agree with that?

4 A Yes.

5 Q In the first few months after the
6 incident, isn't it true that by 1993 or at least a
7 couple years later that Terri, whatever
8 improvement in Terri's condition, had already
9 occurred and that the improvements that you are
10 referring to happened in the first two or three
11 years after the incident?

12 A No. I'll dispute that. Is it true?

13 No.

14 Q Have you seen any improvement in Terri?

15 A Read that question to me before I answer
16 that.

17 Q Let me ask it another way. I think I
18 misinterpreted what you said. Do you believe
19 Terri's condition has changed since 1993, the time
20 the first lawsuit was brought?

21 A Yes..

22 Q How has it changed?

23 A Favorably.

24 Q In what way?

25 A She is more responsive.

1 MR. FELOS: No other questions.

2 THE COURT: Thank you. Redirect?

3 'REDIRECT EXAMINATION

4 BY MS. CAMPBELL:

5 Q Mr. Schindler, when Mr. Felos was first
6 asking you questions about the video --

7 A Yes.

8 Q -- the taking of the video, when was
9 this video taken that has been entered into
10 evidence?

11 A Saturday.

12 Q When you were told by the nursing home
13 staff regarding your ability to take a video, what
14 day was that?

15 A Sunday.

16 Q Was the same person there on Saturday
17 that told you that you could not take the video?

18 A No.

19 Q When you visit the nursing home, are you
20 free to discuss with the nursing home personnel
21 Terri's health issues?

22 A Terri's health issues have been denied
23 to us since, I will say, 19 -- when Michael got
24 the award money. That is another thing that is so
25 aggravating in this case is that for the past six

1 years they have withheld all medical information
2 about Terri to her mother and myself. There is a
3 directive in her medical file. "Do not tell
4 parents".

5 Q Are the nursing home staff cautious when
6 they talk to you?

7 A Extremely. They are afraid of their
8 jobs, except a few.

9 Q Regarding the time frame when the action
10 was dismissed, regarding the petition to remove
11 the guardian, to remove Michael as the guardian,
12 in that time frame, 1994 time frame, Mr. Felos
13 believes you have made a statement that says you
14 would do anything to save your daughter; is that
15 right?

16 A Did he say that?

17 Q I believe he said that --

18 A I --

19 Q I believe he said you said that.

20 A Was that a hypothetical answer?

21 Q Do you recall saying in '94 that you
22 would do anything to save your daughter?

23 A I very possibly -- sure. I would do
24 anything to save my daughter.

25 Q When you say that, is there any

1 condition on that?

2 A Well, I'm not going to violate the law
3 to save her. I'll do what any type of integrity
4 act that I can do to save her.

5 Q Are there any financial restrictions on
6 your ability to do anything for Terri?

7 A I don't have the finances to do what I
8 would love to do. I don't have the finances to do
9 what was originally proposed to do with Terri. I
10 would be ecstatic to be able to do that for her.

11 Q When you and Michael Schiavo were
12 discussing the sharing of the settlement money, I
13 believe you previously testified that you were
14 referring to the money that Mike was to receive as
15 as opposed to the money for Terri; is that
16 correct?

17 A Correct.

18 Q What were your plans, what were you
19 going to do with that money that you were to share
20 in that you believed you would share in from
21 Michael?

22 A What? With my personal? If he was
23 going to give it to Mary and myself?

24 Q Yes. Were there plans for that money?

25 A I don't know. I just, our focus at that

1 time was primarily on Terri. That whole -- what
2 we wanted was to have the ability to try and get
3 Terri to the very best neurological people. Get
4 the best for her. That was -- you ask me now.
5 That is all I can think of to answer your
6 question. It was Terri.

7 Q Do you believe at this time that Theresa
8 has received all the medical attention you believe
9 would assist her in her condition?

10 A After the money came down on the lawsuit
11 and I saw a dramatic change in Michael's, not his
12 attention to Terri, but all these promises that he
13 made of what he was going to do for her, I was
14 hoping that when we had the ability to pay for all
15 these treatments that we could take her and have
16 something done to improve her. Rehabilitation.
17 So on and so forth. But nothing happened.

18 Q Do you believe there are treatments
19 potentially available to Theresa that have not
20 been pursued?

21 A Absolutely.

22 Q During this ten year time frame, except
23 for the last two years of this litigation, so
24 let's say eight years prior to that, did anyone
25 ever come to you, did Michael, Joan Schiavo,

1 Brian Schiavo, Scott Schiavo, did anybody ever
2 come and tell you that Theresa told me she would
3 not want to live like this?

4 A Never. No.

5 Q Anybody else that I have not mentioned?

6 A No one ever said that.

7 MS. CAMPBELL: Thank you. Nothing
8 further.

9 THE COURT: Anything further?

10 RECROSS-EXAMINATION

11 BY MR. FELOS:

12 Q Sir, when asked on redirect if there was
13 any limitations on your statement that whatever I
14 have to do or whatever we have to do to sustain
15 Terri's life we will do, you conditioned that by
16 saying you would do any integrity act. Is lying
17 an act of integrity?

18 A Did I say I would lie?

19 Q Yes. You did on your cross-examination.

20 A In what way?

21 THE COURT: You simply said that you
22 might.

23 THE WITNESS: Oh.

24 Q (By Mr. Felos) My question --

25 A Interpret that as you please. Yes.

1 Whatever you want to interpret it as.

2 Q No. I'm asking you, sir, in your mind
3 is lying an act of integrity?

4 A Not normally. No.

5 Q Regarding medical records, medical
6 information, do you know who Betty Snowden is?

7 A I have heard the name. I don't know who
8 she is.

9 Q Well, you were informed by a letter to
10 you and your wife of August 19, 1996, which is in
11 evidence from attorney Deborah Bushnell, of the
12 procedure for responding to your inquiries as to
13 Terri's medical condition. Were you not told that
14 Betty Snowden was the contact person, the day
15 shift nurse, who would answer your questions and
16 give you general information regarding Terri's
17 care?

18 A I hired an attorney.

19 Q Sir, I didn't ask you if you hired an
20 attorney. My question is, do you know there is a
21 Betty Snowden and were you informed by letter that
22 Betty Snowden, the day shift nurse, is available
23 to answer your inquiries regarding Terri's
24 condition? That was you were informed that in
25 August of 1996?

1 A I could very well have been.

2 Q Well, have you taken the trouble to call
3 Betty Snowden and talk to her about Terri's
4 condition?

5 A Have I?

6 Q Yes.

7 A I don't normally call. I go to the
8 facility.

9 Q When you are at the facility, have you
10 asked to speak with Betty Snowden to talk about
11 Terri's condition?

12 A I talk to the nurses on the floor. At
13 the desk. I ask them about Terri's condition.
14 They will tell me nothing.

15 Q My question is --

16 A I'm her father.

17 Q -- have you asked to speak with Betty
18 Snowden?

19 A Have I? No.

20 Q Regarding the video, what is the day
21 that it was taken again?

22 A Saturday.

23 Q You said you talked to a, some personnel
24 at the nursing home?

25 A The DON. The Director of Nursing on

1 Sunday.

2 Q You talked to Ms. Don (sic) on the 22nd?

3 A Who?

4 THE COURT: DON is a title.

5 Q (By Mr. Felos) You talked to the
6 Director of Nursing on the 22nd of January?

7 A No. That is an acronym.

8 Q Yes. I understand that now.

9 A All right. I talked to her on the way
10 out of the facility. And she stopped me and said
11 you are not permitted to take any pictures of
12 Terri unless, I believe -- I will not say this --
13 may not be 100 percent accurate -- unless approved
14 by Michael Schiavo.

15 I said to her that we wanted to have a
16 video of Terri for our family because I did not
17 know what the outcome of this trial would be. I
18 wanted that for whatever reasons, but I wanted
19 that.

20 Q Okay. What medical treatment, process,
21 or thing are you aware of that can be done to
22 improve Terri's condition?

23 A I'm not aware of any. I have no
24 expertise. All I know is that I'm the father of
25 this girl. She never got a chance. I'd like to

1 give her a chance. I feel Michael Schiavo never
2 gave her a chance after he got his award money.
3 That is my feeling. I feel very strong about
4 that.

5 Q But you know of no treatment that can
6 help her?

7 A I have no knowledge of any treatment
8 other than to bring up the girl what woke up after
9 sixteen years. I don't know what they did with
10 her. I'd like to talk to her doctor.

11 Q On redirect, you testified under oath
12 that you believe there are treatments to improve
13 Terri's condition?

14 A Excuse me?

15 Q But you don't know of any?

16 A I believe there is something out there
17 that can do it. I'm sure if you search for
18 something long enough, you will find it.

19 Q Has any doctor or health care provider
20 ever told you that there is a -- any doctor or
21 health care provider advised you there is a
22 treatment or procedure that can improve Terri's
23 condition now?

24 A I think a doctor that could say that to
25 me would have to see Terri.

1 Q Well.

2 A To do that, to answer your question,
3 no. We can't put a doctor in there to have her
4 evaluated.

5 Q So you know of no doctor that told you
6 she can be helped?

7 A No.

8 Q You know of no procedure that can help
9 her?

10 A I have no medical information to date.
11 THE COURT: Ms. Campbell?

12 MS. CAMPBELL: Briefly.

13 FURTHER REDIRECT EXAMINATION

14 BY MS. CAMPBELL:

15 Q Mr. Schindler, would you lie to save
16 your daughter's life?

17 A Would I lie to save it?

18 Q Right.

19 A I would not like to lie to save
20 it. That's a difficult question to answer.

21 Q Has any of your testimony today been
22 untruthful?

23 A No.

24 Q Were you ever told by Dr. Yinghling as
25 to a medical treatment that could assist your

1 daughter at Shands in Gainesville that he believed
2 may be treatment to help her?

3 A Yes.

4 MR. FELOS: That question was asked on
5 direct and it was objected to. It calls for a
6 hearsay answer. He has already answered that no
7 doctor has told him.

8 THE COURT: I think I did sustain that
9 objection. The question that you went to after
10 that, which is in the record, is were you given
11 hope as a result of the conversation. So that is
12 as far as we can go on that. Objection sustained.

13 Q (By Ms. Campbell) Mr. Felos just asked
14 you about any doctors, did you know of any
15 information currently. Did you know of any
16 information to assist Terri. Did you interpret
17 that to mean currently?

18 A I don't know. Your question again?

19 Q When you just answered Mr. Felos
20 concerning any medical information that would
21 assist Terri, when you answered him no, did you
22 mean currently, that you don't know of any current
23 specific information that would assist Terri?

24 A I'm having a hard time answering that
25 question. I don't have a phone number that I can

1 call today to a doctor that I know is the person
2 that is going to do something for Terri.

3 Q So you don't know of anything specific?

4 A I don't have a specific name to go to
5 other than the Shands hospital thing. But I'd
6 like to have Terri evaluated by my doctors. Not
7 hired doctors.

8 MS. CAMPBELL: Thank you. Noghing
9 further.

10 MR. FELOS: Your Honor, I have one other
11 question.

12 THE COURT: One question, Mr. Felos.

13 FURTHER RECROSS-EXAMINATION

14 BY MR. FELOS:

15 Q Sir, didn't you have an opportunity in
16 this case to get an independent medical
17 examination of Terri?

18 A Did I?

19 Q That is my question. Or did you realize
20 that you had an opportunity to request an
21 independent medical examination?

22 A Did I?

23 Q Yes.

24 A No. I didn't realize that.

25 MR. FELOS: Nothing else.

1 THE COURT: Ms. Campbell, anything else?

2 MS. CAMPBELL: No.

3 THE COURT: I'm confused. The video we
4 saw yesterday was taken Saturday morning?

5 THE WITNESS: Correct.

6 THE COURT: On Sunday, you had a
7 conversation with the Director of Nursing about a
8 video. Did you have a video camera with you at
9 that time?

10 THE WITNESS: On Sunday?

11 THE COURT: Yes, sir.

12 THE WITNESS: We went in Sunday. What
13 essentially happened is we were discussing the
14 video we took Saturday. We gave it to our
15 attorney. So we had no video.

16 THE COURT: I understand.

17 THE WITNESS: I said, let's go back and
18 get another video that we will have something for
19 our personal use. So we went back Sunday.

20 THE COURT: And you took a video camera
21 with you?

22 THE WITNESS: Yes.

23 THE COURT: Was this gentleman that
24 testified yesterday with you?

25 THE WITNESS: Yes.

1 THE COURT: So you came back to do
2 another video?

3 THE WITNESS: On Sunday. He came back
4 in again and the Director of Nursing saw it was a
5 camera and said you can't take that.

6 THE COURT: Okay. Any questions based
7 on the Court's inquiry?

8 MS. CAMPBELL: No.

9 THE COURT: Mr. Felos? Okay, sir. You
10 can stand down.

11 THE WITNESS: I'm sorry, judge, for
12 being long winded.

13 THE COURT: Is your next witness
14 Mr. Pearse?

15 MS. CAMPBELL: Well, no. I do have one
16 very quick -- I would like to recall Mary
17 Schindler.

18 THE COURT: Let's take a ten minute
19 break. We are going to go through Mr. Pearse
20 today and whatever else we can put on. Take it
21 today. We are moving like a tortoise.

22 MR. FELOS: Here is the exhibit.

23 THE BAILIFF: All rise. Court is in
24 recess for ten minutes.

25 (THEREUPON, A RECESS WAS HAD FROM 3:15 P.M. -

1 3:25 P.M.)

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

4 THE COURT: Be seated, please. Okay.
5 Ms. Campbell?

6 MS. CAMPBELL: I would like to recall
7 Mary Schindler briefly.

8 THE BAILIFF: Remember you are still
9 under oath, ma'am.

10 THE COURT: Ma'am, you are still under
11 oath.

12 MRS. SCHINDLER: Thank you.

13 FURTHER REDIRECT EXAMINATION

14 BY MS. CAMPBELL:

15 Q Mrs. Schindler, did you just hear Mr.
16 Felos tell your husband about a letter that went
17 from Deborah Bushnell to you and Mr. Schindler
18 concerning a lady named Betty Snowden who was a
19 lady to contact at that time at the nursing home?

20 A Yes.

21 Q Are you familiar with her?

22 A Yes.

23 Q Who is Betty Snowden?

24 A She used to be the head nurse at C Wing,
25 which was Terri's station.

1 Q At the current nursing home?

2 A At Palm Gardens, Largo.

3 Q Is she currently there?

4 A Not that I know of. I do know that I
5 called one time and talked to her. She did tell
6 me, you know, a few things about Terri. The next
7 time I called, they said she was transferred, so
8 that is all I know.

9 Q So do you recall the specific time, time
10 frame between the time you got the letter and the
11 time of the first call?

12 A No. Because I was calling periodically,
13 but I think it was like a week or two later. I
14 called just about every day or every other day to
15 see how she was doing. The day I asked for her
16 again, they said she was transferred.

17 Q When was that? Approximately how long?

18 A Um, I don't know. Maybe a month. I'm
19 not exactly sure.

20 MS. CAMPBELL: Okay. Thank you.

21 Nothing further.

22 THE COURT: Cross-examination?

23 MR. FELOS: Thank you, Your Honor. Just
24 one moment, please.
25

FURTHER RECROSS-EXAMINATION

BY MR. FELOS:

Q Mrs. Schindler, as I understand it, you did, after you received the letter from attorney Bushnell, you did speak with Betty Snowden?

A Yes.

Q At Palm Gardens?

A Yes.

Q Over how long a period of time did you speak with her and receive medical information about Terri?

A Whenever I called within that time, which I'm not sure when it was, she used to tell me things about Terri. Then one day I called to speak to her and they told me she was transferred. That is all I remember.

Q Well, was it a couple of years?

A No.

Q A couple years later?

A No.

Q A couple of weeks later?

A It could have been a month later. It could have been two months later. I'm not exactly sure.

Q Okay. So I believe the letter from

1 Attorney Bushnell was in September of 1996. So by
2 the end of 1996, you no longer had -- Betty
3 Snowden was no longer at Palm Gardens to your
4 understanding?

5 A To my understanding I did not know where
6 she was.

7 Q Now I believe that, and we will check my
8 recollection, that the guardian ad litem who did
9 his report and investigation, I believe in the
10 calendar year 1998, at least a year-and-a-half
11 later, reports meeting and talking with Betty
12 Snowden while she was still working at Palm
13 Gardens.

14 A I did not know she was still working
15 there.

16 Q Well, when you were told that Betty
17 Snowden was not there anymore, did you
18 specifically ask who you should speak to as the
19 contact person?

20 A Yes.

21 Q What were you told?

22 A They told my Ellen Delancey.

23 Q So did you call Ellen Delancey?

24 A Yes.

25 Q Did you get information from Ellen?

1 A Not as much as from Betty Snowden.

2 Q So you did continue to receive some
3 information about Terri?

4 A The only information I received about
5 Terri, after Betty Snowden left, was that Terri
6 was okay or that she was doing fine or that she
7 had no infection. That was about it.

8 Q Did you mention to Ellen that you had
9 received a letter from the guardian's attorney
10 authorizing Betty Snowden to give you information
11 regarding Terri's condition?

12 A No.

13 MR. FELOS: I have no other questions.

14 THE COURT: Redirect for this witness?

15 MS. CAMPBELL: No, Your Honor. No
16 further questions.

17 THE COURT: Thank you, ma'am. You may
18 stand down. Call your next witness.
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