

EXHIBIT

19

CONFIDENTIAL - AOE - S. McKIBBEN
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

REBECCA McNEIL, et al.,
Plaintiffs,

v. Case No. 2:20-CV-258

TRINITY HEALTH
CORPORATION, et al.,
Defendants.

- CONFIDENTIAL -

DEPOSITION OF SEAN McKIBBEN

APPEARING REMOTELY

DATE TAKEN: July 14, 2022

TIME: 10:03 a.m. - 12:37 p.m.

JOB NO: 214016

Stenographically reported by:

Luanne K. Howe

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2 with previous extubations and lack of comfort of
3 patient."

4 Do you read that the same way I do?

5 A. Could you repeat that, Rob?

6 Q. Sure. There's a triangle, which I
7 think means discontinuance. There's a C with a
8 line over it, which I think means with or about.

9 And so this is how I read it. Husel confirmed
10 giving these meds, slash, dosages, anesthesia
11 background. Physician stated this is his
12 practice for code status discontinuation.

13 Originates when family asks to discontinue code
14 status. Proceeds with medications. Has had
15 issue with previous extubations and lack of
16 comfort of patient.

17 A. Okay.

18 Q. Is that about how you would read that?

19 A. I would agree with that.

20 Q. I've expanded on some of the
21 abbreviations. Do you recall being told that?

22 A. You know, again, I wouldn't remember
23 when exactly. But you know, these were the
24 notes of the meeting and I was in that then.

25 Q. Forgetting the meeting, do you

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2 remember being given that information regarding
3 what Dr. Husel said at some point?

4 A. So I think again the best way for me
5 to recollect is that there was a presumption by
6 Dr. Husel that this, quote, unquote, comfort
7 care that he was providing was related to some
8 form of education, training, research,
9 literature that he read to provide a much more
10 dignified and less pain, if you will, expiration
11 for patients.

12 That's what I generally recall of Dr.
13 Husel's side of things, that he was not trying
14 to hasten death, that he was utilizing this new
15 technique. It was outside -- later we found out
16 that this was outside the bounds of the
17 hospital's palliative extubation policies and
18 practice. But that was his generalization, if
19 you will.

20 Q. All right. What were the hospital's
21 palliative extubation policies and practices at
22 that point?

23 A. Yeah. There was a policy and
24 procedure. I would not be able to recite it to
25 you with the exact dosing or the exact

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2 A. Peterson.

3 Q. All right. How long did that meeting
4 last?

5 A. I don't recall the length of the
6 meeting.

7 Q. Approximately. The entire day, an
8 hour? Closer to one hour, six hours or twelve
9 hours?

10 A. One. I would say closer to one.

11 Q. Do you recall whether the prosecutor
12 provided any written material at the meeting?

13 A. I don't believe there was any written
14 material there.

15 Q. Were you the person that made the
16 decision to contact the prosecutor?

17 A. I was not.

18 Q. Do you have an understanding who it
19 was?

20 A. My recollection is Dr. Rick Gilfillan,
21 who's the chief executive officer of Trinity at
22 the time.

23 Q. Were you part of any discussion on
24 whether or not to contact the prosecutor?

25 A. There was a dialogue that day with

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2 Trinity about that.

3 Q. Was it a "should we or shouldn't we"
4 type of dialogue, or was it "this is what
5 Trinity is telling you to do" sort of dialogue?

6 A. There was direction that we would make
7 contact with the prosecutor that day.

8 Q. Did you have any meeting -- given that
9 counsel would be involved, I'm going to be very
10 careful about the questions. Don't answer
11 anything other than what I specifically ask you.

12 Was there a meeting in advance of the
13 meeting with the prosecutor's office for the
14 purpose of preparing for that meeting?

15 A. I don't remember that. What I recall,
16 there was a meeting during the day and then we
17 met with the prosecutor later that night.

18 Q. Who was in the meeting during the day?

19 A. It was a group of Mount Carmel
20 executives and Trinity executives.

21 Q. In person?

22 A. The Trinity -- I believe the Trinity
23 folks were telephonically, and most of the Mount
24 Carmel team was at our CSC, our corporate
25 offices.