

EXHIBIT 5

CONFIDENTIAL FOR ATTORNEYS' EYES ONLY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF OHIO

EASTERN DIVISION

REBECCA MCNEIL, BETH MACIOCE-

QUINN, EARLENE ROMINE, EDWARD

WRIGHT, BRANDI WELLS, AKEELA

BOWENS, AMELIA POWERS, CHAD

READOUT, JESSICA SHEETS, and

DERON LUNDY,

Plaintiffs,

-vs-

Case No. 2:20-cv-258

MOUNT CARMEL HEALTH SYSTEM,

TRINITY HEALTH CORPORATION,

and EDWARD LAMB,

Defendants.

DEPOSITION OF DANIEL ROTH, M.D.

July 22, 2022

Reported by: Pamela Mocerì

Job No. 214523

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DANIEL ROTH, M.D.

MR. O'SHEA: You asked him whether
there the power plan was mandatory.

BY MR. GRAFF:

Q. Is there a maximum dose?

A. I'd be speculating. I'm not going to
speculate.

Q. Well, your testimony on the stand
under oath in Dr. Husel's trial was that in none
of the 88 hospitals there was a maximum dose for
palliative withdrawals. Are you changing that
testimony now?

A. That's not the question you asked, so
no. The answer to your question is no.

Q. Was there ever a maximum dose for
palliative vent withdrawals in any policy in any
one of your 88 hospitals during the relative
period of time of October and November of 2018?

A. Can you restate it more slowly,
please?

Q. Sure. Of all of your hospitals in
the Trinity system during October and November
of 2018 --

A. Yes.

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DANIEL ROTH, M.D.

Q. -- was there any maximum dose for a palliative withdrawal?

A. No, I don't believe so. All of the hospitals, no.

Q. None of them?

A. No, that's correct.

Q. Not even in the Trinity power plan?

A. I don't know that that's true.

Q. Was there ever one prior?

A. I don't know the answer to that question.

Q. Is there one now?

A. There are order sets that provide ranges, and there are reviews if they are to be exceeding that. Does that answer your question?

Q. Yes. And those were part of the new policies and power plans that were put in either at the end of 2018 or the beginning of '19, right?

A. That's correct.

Q. But your testimony there was no maximum dose policy at that time for palliative withdrawals in October and November of '18?