

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SAN FRANCISCO

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4 HON. WALLACE P. DOUGLASS, JUDGE

DEPARTMENT 318

5 JOHN S. KAO,

6 Plaintiff,

7 vs.

Case No. CGC-09-489576

8 UNIVERSITY OF SAN FRANCISCO,

9 et al.

10 Defendants.
_____ /

11
12 REPORTER'S TRANSCRIPT OF PROCEEDINGS

13 Wednesday, February 22, 2012

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15
16 A P P E A R A N C E S:

17 For the Plaintiff:

18 KATZENBACH & KHTIKIAN

19 By: CHRISTOPHER W. KATZENBACH and

CONOR MACK, ATTORNEYS AT LAW

1714 Stockton Street, Suite 300

20 San Francisco, California 94133

21 For the Defendants:

22 VARTAIN LAW GROUP

23 By: MICHAEL J. VARTAIN and LINDA K. ADLER,

ATTORNEYS AT LAW

601 Montgomery Street, Suite 540

24 San Francisco, California 94111

25 REPORTED BY: SANDRA L. CARRANZA, CSR No. 7062, RPR

I N D E X

February 22, 2012

PLAINTIFF'S WITNESS

(under Evidence Code 776)

PAGE VOL.JENNIFER E. TURPIN

Direct by Mr. Katzenbach

2242 10

Cross by Mr. Vartain

2279 10

DEFENDANTS' WITNESSESPAGE VOL.BRANDON BROWN

Cross by Mr. Katzenbach (resumed)

2097 10

Redirect by Mr. Vartain

2123 10

Recross by Mr. Katzenbach

2124 10

JAMES MISSETT

Direct by Mr. Vartain

2132 10

Cross by Mr. Katzenbach

2170 10

Redirect by Mr. Vartain

2223 10

Recross by Mr. Katzenbach

2228 10

Further Redirect by Mr. Vartain

2230 10

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1 (Discussion off the record and outside the
2 presence of the jury.)

3 THE COURT: Ms. Sargent is going to follow
4 Ms. Tanner's example and tough it out at least until
5 noon and we'll see how she feels then. She has
6 permission to leave precipitously if the need arises.

7 All right, Mr. Vartain, you're calling a
8 witness?

9 MR. VARTAIN: Just so happens I am going to
10 call a doctor, Your Honor.

11 JUROR: Just what we need.

12 MR. VARTAIN: Dr. James Missett, MD, Ph.D.

13
14 JAMES MISSETT, M.D. Ph.D.,
15 having been duly sworn, testified as follows:

16
17 THE WITNESS: I do.

18 THE CLERK: Please be seated. State your name
19 and spell it for the record.

20 THE WITNESS: My name is James, J-A-M-E-S,
21 Missett, M-I-S-S-E-T-T.

22 THE COURT: Mr. Vartain, you may inquire.

23 MR. VARTAIN: Thank you, Your Honor.

24
25 DIRECT EXAMINATION BY MR. VARTAIN

1 MR. VARTAIN: Q. Good morning, Dr. Missett

2 A. Mr. Vartain.

3 Q. How long have you been a physician?

4 A. Since 1970.

5 Q. How long have you practiced medicine in
6 California?

7 A. Since 1974 -- well, from '70 through '71 I was
8 an intern and then from 1974 on.

9 Q. Where, since 1974, have you practiced medicine
10 within the State of California?

11 A. My office -- well, initially for four years I
12 was a resident and chief resident in psychiatry at
13 Stanford University Hospital. And starting in 1978, I
14 opened an office in Menlo Park, and I'm in the same
15 building now as I was 34 years ago.

16 Q. How long have you been involved with the
17 medical aspects of evaluating people's behaviors as to
18 whether those are a risk of danger or not? How long
19 have you --

20 THE REPORTER: "A risk of what," I'm sorry?

21 MR. VARTAIN: Q. Danger or not. How long have
22 you been doing that?

23 A. Starting in 1975.

24 Q. How long have you been a physician who takes
25 care of patients, that is treats patients in their own