

IN THE DISTRICT COURT OF DOUGLAS COUNTY, NEBRASKA

THE STATE OF NEBRASKA

Plaintiff,

vs.

ANTHONY J. GARCIA,

Defendant.

Case No. CR 13-2322

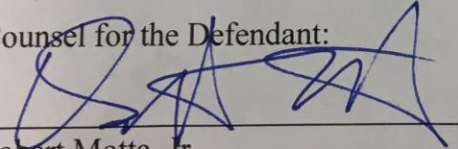
STIPULATIONS OF THE PARTIES

COMES NOW the State of Nebraska, Plaintiff and Anthony J. Garcia, Defendant, and hereby states that the following stipulations, entered by and through the parties, will be submitted as evidence for trial:

1. Exhibit 1688 consists of 331 pages of documents from Creighton University. These documents pertain to the employment of the Defendant, Anthony J. Garcia, as a first-year resident in the Creighton University School of Medicine's Department of Pathology.
2. The documents contained in Exhibit 1688 are documents that were created and are regularly kept during the ordinary course of business. These documents are admissible and meet the requirements of Neb. Rev. Stat. § 27-803(5).

ANTHONY J. GARCIA, Defendant

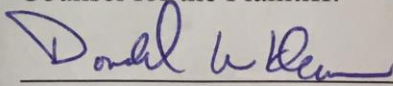
Counsel for the Defendant:


Robert Motta, Jr.

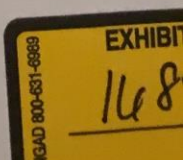
Date: 10/11/16

STATE OF NEBRASKA, Plaintiff

Counsel for the Plaintiff:

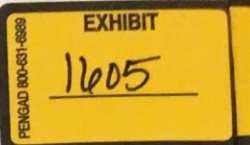

Donald W. Kleine
Douglas County Attorney

Date: 10/11/2016





CREIGHTON UNIVERSITY
DEPARTMENT OF PATHOLOGY



RESIDENT EVALUATION FORM
PRE-ROTATION REVIEW

Resident:

A. Garcia

Rotation:

S.P.

PGY Level:

1

Dates:

11-1-00 thru 11-30-00

Assigned Faculty:

Dr. Bewtra

Number of Previous Rotation Months in this Area:

THE FOLLOWING TOPICS ARE TO BE DISCUSSED WITH THE RESIDENT:

discussed many times

I. Goals of the Rotation:

- Acquire basic surg path skills

II. Attendance Requirements:

- 100%

III. Required Conference Attendance:

- all SP Teaching conf.

IV. Reading Requirements:

- Required main surg path text, Sternberg, Robbins
- Suggested Reference Material

V. Special Projects or Other Requirements:

VI. Specific Requests and Goals of Resident Read assigned topics

VII. House Staff Time Sheet Given to Resident:

Yes No

Resident:

(Signature)

M.A.

Date:

12-4-00

Assigned Rotation Faculty:

(Signature)

Date:



CREIGHTON UNIVERSITY DEPARTMENT OF PATHOLOGY

RESIDENT EVALUATION FORM POST-ROTATION REVIEW

Note: Reviews and Time Sheet should be returned to Residency Director by the 5th working day of next calendar month.

Resident: A. Garcia

Rotation: SP

Assigned Faculty: Dr. Bewtra

		Unacceptable	↔	Acceptable	↔	Outstanding
I.	Attendance/Participation..... <i>missed conf. Specifically asked to attend</i>	1	2	(3)	4	5 NA
II.	Technical Proficiency (Skills) During Rotation..... <i>good FS cutting & staining</i>	1	2	3	(4)	5 NA
★ III.	Attitude/Initiative..... <i>very passive/aggressive</i>	1	(2)	3	4	5 NA
IV.	Ability to Work with Present Staff/Faculty	1	2	(3)	4	5 NA
V.	Ability to Work with Clinicians	1	2	3	4	5 (NA)
★ VI.	Skills and Knowledge Acquisition During Rotation ..	1	(2)	3	4	5 NA
VII.	Oral Presentation Skills	1	2	3	(4)	5 NA
VIII.	Written presentation Skills	1	2	3	4	5 (NA)
★ IX.	Overall Performance.....	1	(2)	3	4	5 NA
★ X.	Completed Time Sheet Reviewed.....	yes		Comment		

Narrative: Dr. Garcia showed marked lack of initiative & interest. He took no responsibility for his case. His knowledge of basic histo is very poor. When specifically asked to read up on certain topics & report back, he never did & tried his best to avoid assignments.

Resident: _____ Date: _____

(Signature)

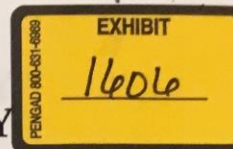
Assigned Rotation Faculty: Dr. Bewtra Date: 12-4-00

(Signature)

DEC. 2000



**CREIGHTON UNIVERSITY
DEPARTMENT OF PATHOLOGY**



**RESIDENT EVALUATION FORM
PRE-ROTATION REVIEW**

Resident:

A. Garcia

Rotation:

SP

PGY Level:

1

Dates:

12/1/00 - 12/31/00

Assigned Faculty:

Dr. Bewtra

Number of Previous Rotation Months in this Area: _____

THE FOLLOWING TOPICS ARE TO BE DISCUSSED WITH THE RESIDENT:

I. Goals of the Rotation:

-
-

II. Attendance Requirements:

-
-

III. Required Conference Attendance:

-
-

IV. Reading Requirements:

- Required
- Suggested Reference Material

V. Special Projects or Other Requirements:

-
-

VI. Specific Requests and Goals of Resident

VII. House Staff Time Sheet Given to Resident:

Yes

No

Resident:

(Signature)
(Signature)

Date:

Assigned Rotation Faculty:

(Signature)

Date:



CREIGHTON UNIVERSITY DEPARTMENT OF PATHOLOGY

RESIDENT EVALUATION FORM POST-ROTATION REVIEW

Note: Reviews and Time Sheet should be returned to Residency Director by the 5th working day of next calendar month.

Resident: A. Garcia.

Rotation: SP

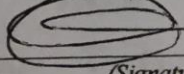
Assigned Faculty: Dr. Bewtra.


Unacceptable ↔ Acceptable ↔ Outstanding

- | | | | | | | |
|--|-----|---------------|---|---|---|----|
| I. Attendance/Participation | 1 | 2 | 3 | 4 | 5 | NA |
| II. Technical Proficiency (Skills) During Rotation | 1 | 2 | 3 | 4 | 5 | NA |
| III. Attitude/Initiative | 1 | 2 | 3 | 4 | 5 | NA |
| IV. Ability to Work with Present Staff/Faculty | 1 | 2 | 3 | 4 | 5 | NA |
| V. Ability to Work with Clinicians | 1 | 2 | 3 | 4 | 5 | NA |
| VI. Skills and Knowledge Acquisition During Rotation .. | 1 | 2 | 3 | 4 | 5 | NA |
| VII. Oral Presentation Skills | 1 | 2 | 3 | 4 | 5 | NA |
| VIII. Written presentation Skills | 1 | 2 | 3 | 4 | 5 | NA |
| IX. Overall Performance | 1 | 2 | 3 | 4 | 5 | NA |
| X. Completed Time Sheet Reviewed | yes | Comment _____ | | | | |

Narrative: In sufficient contact.

Due to vacations, sick days, holidays e
he never got to sign out with me

Resident:  M.P. Date: 1-8-2001
(Signature) No pre-rotation was done for m

Assigned Rotation Faculty:  AB Date: 1/3/01
(Signature)



MEMORANDUM

TO: Record/File
FROM: Dr. W.J. Hunter, *WJH* Residency Program Director
DATE: February 14, 2001
SUBJECT: Dr. Tony Garcia

At approximately 9:30 a.m. on February 14, Dr. Hunter and Dr. Healy entered the autopsy room during the performance of an autopsy by Dr. Garcia. Dr. Healy and myself made some suggestions to Dr. Garcia on autopsy technique. Dr. Garcia responded in a somewhat disrespectful manner that was not appropriate for a resident. I left the room at that time and Dr. Healy explained to Dr. Garcia the reasons why we do certain things in an autopsy.

Chhanda Bewtra, 2/15/01 5:05 AM +0600, Rude behaviour of Dr. Antony Garcia

Date: Thu, 15 Feb 2001 05:05:00 +0600
Subject: Rude behaviour of Dr. Antony Garcia
From: "Chhanda Bewtra" <bewtra@pathology.creighton.edu>
To: Bill Hunter <hunter@pathology.creighton.edu>
CC: Brumback <rbrumback@pathology.creighton.edu>
X-Priority: 3

Today, in the CTTR conference, Dr. Garcia was extremely unpleasant in his behavior. Without any reason or provocation, he began mouthing off, calling me names and in spite of repeated efforts of the chief resident Dr. Xue, continued his belligerent tirade.

In my opinion, this recent event, in addition to his past attitude problems, poor performances, problems with other staff members, and writing anonymous notes slandering faculty members should go on his record and he should be put on probation. If this continues, his contract should be terminated.

*reviewed -
put in Dr. Garcia's
file.*



MEMORANDUM

TO: Record/File
FROM: Dr. W.J. Hunter, Residency Program Director
DATE: February 16, 2001
SUBJECT: Dr. Tony Garcia

On February 9, 2001, Ms. Karen Fisher, Clerical Supervisor, informed me of a telephone conversation between Dr. Garcia and Dr. Jon Rouse of the Alegent Hospital System regarding an autopsy. Ms. Fisher noted Dr. Garcia's abrupt unprofessional language, which appeared to be totally uncalled for. After Dr. Garcia hung up, Dr. Rouse called back and asked for his name. I tried to contact Dr. Rouse to get his side of the story. This is another example of Dr. Garcia's continued unprofessional behavior.

Creighton Pathology, 2/16/01 10:35 AM -0600, FW: Bewtra

User-Agent: Microsoft Outlook Express Macintosh Edition - 5.01 (1630)
Date: Fri, 16 Feb 2001 10:35:58 -0600
Subject: FW: Bewtra
From: Creighton Pathology <agarcia@pathology.creighton.edu>
To: Chhanda Bewtra <bewtra@pathology.creighton.edu>,
Bill Hunter <hunter@pathology.creighton.edu>

From: Creighton Pathology <agarcia@pathology.creighton.edu>
Date: Fri, 16 Feb 2001 10:34:11 -0600
To: <www.jxue@pathology.creighton.edu>
Subject: FW: Bewtra

Dear Xue,

As you are chief resident, I would like you to inform Bewtra that she has insolent behavior and she has on many occasions humiliated, degraded, and has insulted me. If she illegally defames my name again or abuses me again I will sue her.

Anthony J. Garcia, M.D.

cc: Drs. Hunter and Brumback

From: "Chhanda Bewtra" <bewtra@pathology.creighton.edu>
To: Brumback <rbrumback@pathology.creighton.edu>
Date: Fri, Feb 16, 2001, 11:11 AM
Subject: FW: Bewtra

From: Creighton Pathology <agarcia@pathology.creighton.edu>
To: Chhanda Bewtra <bewtra@pathology.creighton.edu>, Bill Hunter
<hunter@pathology.creighton.edu>
Subject: FW: Bewtra
Date: Fri, Feb 16, 2001, 10:35 AM

From: Creighton Pathology <agarcia@pathology.creighton.edu>
Date: Fri, 16 Feb 2001 10:34:11 -0600
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Anthony J. Garcia, M.D.

cc: Drs. Hunter and Brumback

Bill,

Well, how many more documentations ~~do~~ do you need? I think we ~~have~~ have enough 'good cause' for immediate termination of a probationary 1st yr resident. He should have been on probation long ago. Is he? I got this handbook for you from Walter D'D. No, I didn't mention anything by name, yet, but I ^{may} have to, if nothing happens this end.

Page 1 of 1

CB

EXHIBIT

611

Thu, Mar 15, 2001 1:35 PM

From: Creighton Pathology <agarcia@pathology.creighton.edu>
To: Chhanda Bewtra <bewtra@pathology.creighton.edu>
Date: Thursday, March 15, 2001 1:32 PM

Dr. Bewtra,

Have spoken with Dr. Hunter and he said that you feel that I owe you an apology. I am sorry if any of my words have insulted you, a teacher whose efforts shape the future minds of Pathologists.

I have spoken to the GME office and Dr. Hunter about my second year of Pathology residency here and I expressed my goals to not run from problems here to another residency program. I want to work out any problems here. I have told Dr. Hunter that I will change to be the resident the faculty wants.

Anthony Garcia