

Monday, July 26, 1954.

RICHARD A. LEASE, being first duly sworn, was examined and testified as follows:

EXAMINATION OF RICHARD A. LEASE

By Coroner Gerber:

Q What is your name please?

A R. A. Lease.

Q Where do you live?

A 28208 Osborne Road, Bay Village.

Q How long have you lived there?

A Since November, 1952.

Q What is your occupation at the present time?

A Administrator for Bay View Hospital.

Q Is that an occupation or profession?

A That is a debatable question. Some say that it is a profession. Some call it a very ticklish occupation.

Q What is the date that you said that you started?

A The date I started at the hospital? You asked me when I moved here.

Q What date did you start at the hospital?

A I first went to the hospital on September 19, 1952. As I recall that was on a Saturday. Regular employment began the following Monday.

Q When you started was Susan Hayes an employee of the

hospital at that time in Bay View Hospital?

A Yes, she was.

Q Have you checked your records?

A Yes.

Q With regard to Susan Hayes?

A Relative to her employment, yes.

Q What are the dates of her employment?

A She was first employed January 1, 1949 and then she left 12/31/52. Was re-employed 8/29/53 and left 2/3/54.

Q According to your records was the employment continuous from January 1, 1949, to December 31, 1952?

A Yes, it was. It was continuous as we consider employment. There were vacations in there, but that is considered employment.

Q At any time during this period was she off the payroll except vacation?

A No, not to my knowledge.

Q What were her duties during the time that she was employed?

A She was a laboratory technician with some superficial responsibility in the absence of the pathologist.

Q Supervisory responsibility where?

A In the laboratory relative to other technicians.

Q Where were the other technicians employed?

A In the laboratory.

Q Did the superficial work or the work which was necessary for the technicians to perform take them out of the laboratory at any time?

A Yes, it did. It was necessary for them to go on the floor to draw blood and occasionally if internes or orderlies were not available they would even assist in bringing patients to the laboratory and taking samples and so forth.

Q How many hours a day was it usual for a technician to work?

A We consider a standard eight hour day. However, there were special calls.

Q These special calls, are they listed or registered any place?

A I think they are. I couldn't say definitely that we would be able to check all special calls.

Q Special calls were in excess of the usual amount of time expected from them to put in on the job?

A You mean in addition to the regular eight hours?

Q Yes.

A That is correct.

Q Were they paid separately for that?

A No, not -- in instances if they were domiciled at some distance from the hospital we paid transportation, otherwise their employment of emergency calls were included

in the regular rate of pay.

Q Do you have any idea as to the frequency that was necessary for these emergency or special calls?

A I could not give you positive information on that. I would say it would not be unusual to have three or four or possibly five special calls during the week.

Q Who initiated these special calls?

A That could be either an interne or the doctor in charge of the case that might be brought in.

Q Were the special calls cleared with the head of the laboratory department?

A Not individually I don't think. Do you mean by that the pathologist?

Q Yes.

A No, I don't believe that he was consulted each time that it was necessary to bring in a technician.

Q Do you know the reasons for the making of the special calls?

A No, I would not be in a position to discuss clinical reasons for the calls. Our understanding was that no technician should be called in for any duty that an interne or a resident on the floor was competent to handle. Other than that I could not discuss it.

Q How many technicians were employed?

A That varied. I would say from two to three registered

technicians.

Q Daily?

A Yes.

Q How many bed hospital is Bay View Hospital?

A We have approximately 100 beds, not counting bassinets.

Q How long did you have these 100 beds?

A Since last November, around the 20th. I am not exactly sure what day we opened that wing.

Q November 20, 1953?

A That is correct.

Q Prior to November 20, 1953, how many beds were in existence?

A 53, that is adult beds. I am not considering bassinets.

Q Do you know whether or not when there were 53 beds in existence there were as many special laboratory calls or technician calls as there were after November 20, 1953?

A I would assume that there were fewer.

Q Were there two to three technicians at the time you had the 53 beds?

A There were two, yes, sir.

Q And after the figure was raised to 100 there were just three?

A Three.

Q Can you tell me how many emergency operations that you average after five o'clock at night time?

A The best that I could do on that would be a guess and I don't think that I should guess. I was not asked to check that figure and I don't know.

Q What would be your best guess?

A My best guess would be very poor. It varied considerably. There would be some occasions when we would have two or three in a night. Then we might go for a period of nights with none at all.

Q Would special laboratory work or emergency laboratory work would be necessary in all these cases?

A I would say the majority of them.

Q The emergency calls made for technicians were they supposed to be rotated amongst the three technicians after you got the 100 beds?

A Well, that is the understanding. However, we have one technician that is domiciled right there in the nurse headquarters and being available she gets more than her share of calls.

Q How long has this technician been domiciled there?

A Oh, I would say a matter of three months approximately.

Q Prior to that time you did not comicile a technician?

A No, no, we did not.

Q Is there any way of telling from your records the names of the technicians who handled the emergency work since 1951?

A I could find some of it, I am certain now. Whether I could find the record of all of it or not I don't know. Those that were paid transportation for coming in or any additional stipend was paid of course and we have a record of it, otherwise I doubt whether I would know.

Q Does the laboratory record in and of itself indicate the name of the technician that performed the work?

A It is my impression that it does.

Q Could you then tell from these laboratory resumes or record whether or not you could get the name of the technician who performed the emergency work?

A If the record was available and if the technician's name is on it we could.

Q When you say it is available, what do you mean?

A Well, whether or not it is available now. As far as I recollect they are all available, but I would not want to say that they just are without really knowing.

Q Are they two sets of records, one that is held for the laboratory and one that is put into the chart of the patient itself?

A That is correct.

Q Does the one that goes into the chart of the patient

have the name of the technician on it?

A I don't believe that it does. I think all that it carries is the doctor's signature.

Q Then the one place that you could find this would be in the log of the laboratory itself?

A I believe so.

Q Why did Miss Hayes leave on December 31, 1952?

A Miss Hayes had been there quite a while and as I indicated she had some supervisory responsibility. As a result of that responsibility she incurred the dislike of some of the other people in the hospital and after a series of consultations and conferences I think that was quite well cleared up, and she continued her employment. Then along shortly before she left she came to me and wanted to requisition a piece of equipment, as I remember it was a calorimeter. I discussed it with her and said I would take it under advisement. Her idea was that she had to have it immediately and finally she said if she did not get it she would leave. I said in effect okay and she left after giving her regular notice. She did not leave immediately.

Q These difficulties that you speak of, who did these difficulties concern?

A Oh, they would concern or did concern other employees, I would say mostly women employees. To me I would interpret

it as an effort to demonstrate perhaps the authority that she did not possess.

Q Where were these employees working or what were their jobs?

A Certain other technicians. Occasionally somebody on the switchboards. Perhaps office people.

Q Was the contact which she had with these employees one that was necessary in her job?

A Not entirely.

Q Could you explain any reason why she would have difficulty with the telephone operator?

A I imagine various reasons. I would have to be a pretty good psychologist in order to explain all of them. I don't think I would be justified in going any further than to indicate that she had no authority whatsoever over the switchboard but occasionally would more or less order the person on the switchboard to do something and it was resented.

Q Would she have any difficulty with people that were working in the dietary department?

A I don't recall any difficulty that she had with anybody in the dietary department. She may have had. I know of none.

Q What about the lab maid or lab help other than the technicians, did she have difficulty with them?

A Not that I know of. At least not of anything that I would consider enough to make a note of or a remark about. We have one laboratory maid, she is still in our employ and it may be that there was some little difference of opinion, but it was never reported to me by the maid.

Q But she would have direct control over the laboratory maid?

A Yes, yes, she would.

Q What about the difficulty with the business people?

A That was mostly a matter of getting the slips and the reports up to the office on time. The blood bank reports and matters of that kind that I know are difficult. Everybody tries to get away from having late charges come up. I know the office, I know that at time it was considered that they perhaps could have been arranged a little bit more routine than they were.

Q I would like to have you elaborate on that. I will ask the questions that would help me straighten it out in my own mind.

A All right.

Q Did the business office think that the records from the laboratory were not put in expeditiously or they did not arrive on time?

A That was the main point. We would have more late charges

coming up than we thought we should have. However, we find that that same thing was true in the X-ray department and some of the other places. They are working against it all the time.

Q The difficulty that you had with the telephone operators what was the nature of these particular difficulties?

A Really I told you all that I can on that. It was not anything that I considered serious enough to get into detail, but I know that there were these little differences that came about.

Q What I am trying to find out is what she ordered them to do or direct them to do that would cause difficulty with the telephone operator?

A Well, I would assume there that it would be a question of calling people in for emergencies and oh, things of that nature. That is the only reason she would have to say anything to the telephone operator.

Q If this Miss Hayes had to be reached in emergencies, at home or other places, would she leave her telephone number?

A Yes.

Q When she was on call?

A That is correct.

Q And who established the order of call?

A The pathologist in charge of the department. You mean

the rotation of technicians?

Q Yes.

A That is correct.

Q Did you ever have any complaints that Miss Hayes was not available when it was her time to be called?

A No, I never did.

Q Did you ever have any complaint from the telephone operator that Miss Hayes would direct that some other technician would be called when she was called?

A No, I think not.

Q Why was Miss Hayes re-employed on August 29, 1953?

A We needed another technician and the pathologist and I were both attempting to find a well-qualified technician and Miss Hayes was a very well-qualified technician. The need was urgent and she was re-employed.

Q Do you know whether or not when Miss Hayes left the first time whether she had told you she was going to California, do you remember?

A No, I don't remember. I would have to check some dates there. I don't know when Dorothy Shabla, the other technician who was employed a good many years, she went to California and shortly after that Miss Hayes did remark that she was considering going out there for employment. That is March '53. I would say not before she left the first time, just from comparing dates.

Q Was Miss Hayes a visitor to the hospital after she had quit on January 31, 1952?

A Do you mean --

Q Did she come back and see people?

A She may have. I couldn't say, I couldn't answer that yes or no.

Q Not to your knowledge?

A That is correct.

Q A person who has been employed the length of time that Miss Hayes was employed and left, was it usual for some of the hospital personnel to give a little party for them?

A No.

Q When did Miss Hayes leave after she was re-employed on August 29, 1953?

A Her pay record shows that she drew her last pay as of February 3, 1954.

Q Do you know she left then?

A As I understand her objective then was to go to California and join someone with whom she had worked in the laboratory. There was a little discussion there on that point too that she wanted additional help in the laboratory, which maybe I should have got for her. However, I did not think it was necessary. It was always a question in a thing like that as to who is right.

Q The pathologist who is in charge of the laboratory is he responsible for making the recommendation as to the number of employees or individuals that should be working in the laboratory?

A He is responsible, but he does not pay their salaries.

Q Is he responsible for making the recommendations?

A Yes.

Q Then if the recommendation for an extra technician was necessary shouldn't it come from the pathologist?

A I assume it probably did.

Q What is the name of the pathologist?

A Dr. Hartman.

Q What is his first name, please?

A I think it is C.E. I am not certain of that.

Q Is he a Cleveland resident?

A Yes, he is.

Q I mean Cuyahoga County?

A Yes.

Q Does he spend a full day at Bay View Hospital?

A No, he is not presently the pathologist in the hospital.

Q When he was employed as a pathologist did he spend a full day there?

A No.

Q Was it part-time employment?

A Well, it was part-time in terms of the number of hours that he put in. However, he would complete his work say usually up until two o'clock in the afternoon and then if something came up that was necessary for him to come back he would come back. If by part-time you mean a straight eight hour day proposition then it was part-time.

Q He was permitted to do other work other than for the hospital?

A Yes, that is right.

Q Were the technicians permitted to do other work other than performed at the hospital?

A No. Now, when you say permitted, I don't recall that there was anything in our understanding with the technicians that would delimit their activities in that respect, but we do have an understanding with all our employees that they have enough to do there to use up the energy that they have.

Q Dorothy Shabla, she worked as a technician at Bay View Hospital?

A Yes, she did.

Q Can you give us the dates, please?

A From February 2, 1948 to March 31, 1953.

Q She resigned on March 31, 1953?

A That was the date of her last pay. Mrs. Shabla --

now let us see, she is married now. It was Miss Casale, and it is Mrs. Shabla now, told me that I would say at least six months before she left that she was going to leave.

Q Did Mrs. Shabla experience some difficulties with the other people as Miss Hayes did?

A No, I think not.

Q Miss Enola J. Lombardo, she was employed at Bay View Hospital?

A Yes, the record shows that she was there from October 1, 1951, to April 13, 1952.

Q She left to go to other fields of employment?

A Yes, the only thing that I can say as far as Enola Lombardo is concerned is what the record shows. She was not an employee after I came to the hospital.

Q Ruth Gahagen, was she employed at Bay View Hospital?

A Yes, she started December 16, 1947 and is presently employed.

Q What does she do?

A She has responsibility in the kitchen as an assistant dietician.

Q Do you know of your own knowledge whether she had had any difficulty with Susan Hayes?

A No, I couldn't say specifically.

Q Did she ever make any complaint to you about a matter

in which she was being treated by Dr. Sam Sheppard?

A Ruth may have. Specifically, I couldn't name any. I get complaints about various things about the hospital quite frequently.

Q Do you recall what this complaint was?

A The only answers that I know of that was perhaps as a result of something Dr. Sam said is the difference of opinion relative to whether or not internes should eat the regular provisions that was served or be allowed to order breakfast on a short order and I was consulted about that and I authorized the people in the kitchen to take care of the internes just the same as we had always taken care of them and that they would not be given any special privileges as far as ordering special meals.

Q Mary Johnson.

A There are two Mary Johnsons, which one do you mean?

Q The dietician.

A She came to us from Deaconess Hospital in March, March 9, 1953.

Q She is presently employed?

A Yes, she is.

Q Did she make a complaint to you about Dr. Sam?

A As I think about this particular thing I believe that she is the one rather than Miss Gahagan that spoke to me about this little hassle about whether the internes

should have special meals or not.

Q Did she make a complaint about Hayes?

A Not to my knowledge.

Q You say there was another Mary Johnson?

A Yes, she is a switchboard operator and has charge of the schedule of people on the switchboard.

Q Is her name Mary or Elmira?

A Elmira, but they are both Johnson.

Q Isn't one Johnson and the other Johnston?

A That is correct. Let me see what was on this slip? That's right, on the slip it was Johnson, she would have been the dietician. So that I do have that one name Elmira Johnston which was not requested. That is my error. I did not check that close enough.

Q Marjory Wiggins is she employed?

A Yes, she is employed and has been there since January 17, 1949.

She is in charge of the business office, in charge of the bookkeeping and so forth.

Q Did she ever make any complaint to you about the activities of Susan Hayes?

A No, I don't recall any complaints about the activities. She did talk with me about trying to expedite the transmission of charges and that type of thing.

Q Did she ever tell you that she was unhappy about the

actions of Dr. Sam Sheppard?

A I don't think she did in so many words.

Q What was your impression of what she was talking about, what she meant?

A I think that some of this difficulty, and as I mentioned before arose due to the fact that the young woman was probably a little bit too familiar with the internes, and perhaps a few members of the staff and that was resented.

Q Didn't Miss Marjory Wiggins complain to you that because of the fact that Dr. Sam Sheppard telling her not to bear down on Susan Hayes?

A I don't think he ever told her that. As far as I know he never did.

Q Elmira Johnston, she is the telephone operator at Bay View Hospital?

A Yes, she is the co-ordinator on the switchboard, in other words, in charge of the switchboard.

Q When did her employment start?

A August 17, 1953.

Q She had an opportunity to be acquainted with Susan Hayes?

A Yes, she probably knew who she was.

Q Did she ever make any complaints?

A No.

Q Alice Mauss?

A She has been there since January 27, 1947.

Q She is now presently employed?

A That's correct.

Q And she is a telephone operator?

A Yes.

Q Did she complain to the administration of the hospital that she was having difficulty because of the telephone calls during working hours that Susan Hayes was making to Dr. Sheppard?

A She never complained to me about that.

Q Did you ever have any reports from anyone else about this condition?

A No, not as far as Dr. Sheppard is concerned. We did make a study of the telephone calls, because our telephone bills in my judgment are too large and I asked the switchboard girls to check every outgoing call and find out if -- well, I'll put it this way, find out whether any people in the -- whether they were employees or staff members were doing their telephone work at the expense of the hospital. It was carried through for a period of time, approximately two months.

Q What did you find?

A We found that -- well, I would say the usual thing I expect, that employees were talking to their friends and

occasionally even members of the staff would come in and call their patients and so forth, using the regular hospital phones.

Q Weren't some of these calls personal calls?

A I imagine they were.

Q Did you at that time elicit who some of the individuals were that were making these calls?

A Yes, we did.

Q Was Susan Hayes one of them?

A No, she was not, I am quite sure. I believe I still have that list. As I recall her name was not on it. That was after she left anyway now that I stop to think about it.

Q Who is Daisy Dove?

A She is the maid in the laboratory, washes glassware and so forth.

Q How long has she been employed?

A Since May 12, 1949.

Q Did Daisy Dove complain to anyone in particular about the actions of Susan Hayes and Dr. Sam in the laboratory?

A She never complained to me about the actions of the two people.

Q Was such information imparted to you by other persons?

A Not in the laboratory or any other place. Maybe I am associating the two. I am not taking them separately. You asked the question about the two of them.

Q The two individuals?

A She did complain about what she considered sort of a high and mighty attitude on the part of Miss Hayes directing her relative to her employment.

Q Wasn't there some conversation about Daisy Dove not being able to do her work because of the actions of Dr. Sam and Susan Hayes, she did not want to be around when those actions were in progress and that she could not finish her work and had to work late?

A Not to my knowledge.

Q No one to your knowledge informed you of that difficulty?

A No one did.

Q Shirley Nimmergood is she employed by the Bay View Hospital?

A No. We kept the record of her employment at the hospital. She was employed 12/31/51, that is her employment, not with the hospital from 12/31/51 to 11/3/52.

Q Who was she employed by?

A Dr. Samuel Sheppard.

Q Why was the record kept at the hospital?

A She checked a good many of the records that were there and spent oh, I would say a rather large part of her

time in the hospital building.

Q Where was her office?

A She had one office that is cubicle adjacent to the technicians room.

Q You say that she was the secretary to Sam Sheppard?

A Yes.

Q Were the secretaries of any other doctors that are on the staff at Bay View Hospital quartered in the hospital?

A She was no quartered in the hospital. All the secretaries of the doctors have access to the medical records and other records for purposes of getting information for insurance reports and so forth.

Q Did they have offices the same as Shirley Nimmergood had?

A We made space available for them there or some other places.

Q Each day?

A No.

Q Was Shirley Nimmergood there each day?

A That I wouldn't know.

Q You say you would not know?

A No, I would not.

Q Did you keep a record of any other secretary to any other doctor?

A No, we did not.

Q This was the only one?

A That's right.

Q Did any portion of her pay come from the hospital?

A No.

Q How did she receive her money insofar as you know, payment by check or through the hospital?

A That was before I took over at the hospital. I would assume that she was paid by the clinic, but I am not sure about that.

Q Are there any phones in the hospital that do not go through the switchboard?

A No, we have no direct lines out.

Q Do you keep a record of long distance calls

A Yes, at least we try to.

Q How do you keep that record, how is it recorded?

A That is under the direction of the person in charge of the switchboard and the way it works say a person takes off the receiver and asks for an outside line and unless the person calling tells the switchboard operator that it is a long distance call the only way that she would know that it is a long distance call would be to listen in. That is the reason that I say we try to.

Q Would the operator, that is the operator in the hospital know what number is being called?

A No.

Q What city is being called?

A No.

Q What individual is being called?

A No.

Q What sort of record would they keep?

A The only record they could keep would be if a person calling out would get the switchboard operator and say, "I am going to call long distance, such and such a place, charge it to my account." If they don't say that, they pick up the receiver and dial 211 and then they will have long distance and she would not know.

Q If a long distance call to any city in the United States or any other place would appear on the charge account would they check out with the telephone company who made the call, where it went to, to make a subsequent charge to the proper party?

A We have tried to do that.

Q Have you been successful?

A Not entirely.

Q Do you have a record of those calls?

A We have all the telephone bills that have been paid, if that is what you mean.

Q Yes.

A Every invoice is available.

Q Do you have it listed in accordance with the telephone number, is that in your record, do you have that available?

A I don't think it would show a telephone number. What we would have to do would be turn to the invoice for the Ohio Bell Telephone Company each month and then check the slips. Now, if Philadelphia is called it would show Philadelphia, but it would not show what the telephone number is.

Q But as the renter from the Telephone Company you can then inquire as to the place where that call was made, say in Philadelphia?

A Yes, I think that could be done.

Q Do you have all the records available since January 1, 1954 of long distance calls?

A I think we do have.

Q Would you furnish those please at some future date inclusive of the present date? I suggest that those which have not been billed you can get them from the Telephone Company in advance?

A I don't know if they will do that just on a request, but I can ask them.

Q They will do it. Has your investigation that you made disclosed any telephone calls made, long distance calls or otherwise, that you have a record of by Dr. Sam Sheppard?

A I don't recall if they did. That is something that I would want to check.

Q Would you check that and make a report?

A Yes, I will.

Q Do you recall or were you present at any meeting of the Board of Trustees or of the Sheppard family that took up the problem that arose from the association of Dr. Sam and Susan Hayes?

A That question was never discussed at the Board of Trustees meeting during the time that I was at the hospital and neither was it discussed at a family gathering of which I was a member.

Q At which you were present?

A That's right.

Q Do you have any information or knowledge of such a gathering?

A No, I don't.

Q Could you explain to me why a record of Shirley Nimmergood was kept and not of any other person in similar circumstances?

A Well, I don't think the circumstances were similar. As I mentioned that was before I took over at the hospital, but as I get the picture she was doing clinical work instead of all the doctors in the clinic sending people over to check the records for reports and so forth, either Miss or Mrs., I am not sure which she was, she did not work for them and as a matter of convenience the time when

she came in I imagine she had a time clock, and there again I don't know for certain, that was recorded. It was just simply a matter of convenience.

Q You stated that you thought that she was paid from the Clinic, Sheppard Clinic, not from Bay View Hospital?

A I believe that is right.

Q Do you have a record of the Sheppard Clinic in your office?

A No.

Q That is not one of your responsibilities?

A No, not at all.

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