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Tuesday Afternoon Session, December 14, 1954, 1:20 o'clock p.m.

MR. CORRIGAN: Dr. Novatney, will you please take the stand?

Thereupon, further to maintain the issues on his part to be maintained, the Defendant called as a witness DR. JOHN FRANK NOVATNEY, who, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION OF DR. JOHN FRANK NOVATNEY

By Mr. Corrigan:

Q Will you state your name for the Court and jury?

A John Frank Novatney.

Q And you are a doctor of dentistry?

A Yes, sir.

Q Where is your office, Doctor?

A At 1015 The National City Bank Building.

Q And where do you live?

A 371 Northcliff Drive, Rocky River, Ohio.

Q How long have you resided in this community?

A Ever since I was born.

Q Whereabouts were you born?

A Broadway and 55th.

Q Good old spot. Now, then, where did you go to school?

- A I went to Barkwill School, elementary school, but I went to West Commerce High School on the west side at 41st and Randall, and then to Ohio State University for my dental training.
- Q And when did you graduate from Ohio State University?
- A In 1924.
- Q And after that you were regularly admitted to the practice of dentistry in Ohio?
- A Yes, sir.
- Q And have you practiced your profession ever since?
- A I have practiced my profession ever since then.
- Q Did you know Marilyn Sheppard?
- A Yes, sir.
- Q How long did you know Marilyn Sheppard?
- A I would safely say about 10 years.
- Q Were you her dentist?
- A Yes, sir.
- Q Do you recall when the last time was that you attended her professionally?
- A In May of 1954.
- Q During the period that you have known her and have been her professional advisor you, of course, are acquainted with the teeth that Marilyn Sheppard had?
- A Yes.
- Q In May, 1954, will you describe to the jury what kind of

teeth Marilyn Sheppard had?

A Well, the last session, the last dental session in which I took care of Marilyn's teeth, she had fractured an upper right lateral. Now, that is the second tooth from the median line and on the right side of her face. She told me at the time that this tooth was fractured while she was eating a crust of bread. The tooth in question was broken at the gum line, the complete crown was removed and only the root remained.

We then technically replaced the tooth on a bridge.

Q Now, can you tell the jury the general condition of the front teeth of Marilyn Sheppard?

A Well, frankly, the front teeth of Marilyn Sheppard -- now,

I am speaking of her upper front teeth -- were in extensive repair. They had been filled a good many times in the past, and our next procedure in the completion of her dental work was to have jacketed the upper remaining four teeth, exclusive of the bridge section or segment, which we placed in May of 1954.

Q Can you state, Doctor, whether those front teeth of Marilyn Sheppard were more fracturable than the ordinary set of teeth?

A In my opinion, her teeth were very fracturable because of this said extensive dentistry which was done in the past, and it didn't take much to break the upper right lateral.

in my estimation.

Q In your opinion, could the front teeth of Marilyn Sheppard be fractured by biting on the finger or the hand of an individual?

MR. PARRINO: I object to that, if the Court please.

THE COURT: Yes. I think that is objectionable, Mr. Corrigan.

MR. CORRIGAN: We except.

Q But you did find that they were -- the tooth had fractured in the front, the one that had fractured in the front when she bit on a hard crust of bread?

A Yes, sir.

MR. CORRIGAN: Cross-examine.

CROSS-EXAMINATION OF DR. JOHN FRANK NOVATNEY

By Mr. Parrino:

Q What tooth was that, Doctor, that had been fractured? Will you show me, please? I am not quite sure.

A Yes. It was the second tooth from the front on the upper arch and on the right side of the face, and the tooth I am pointing to at present. (Indicating).

Q Is that what you would call the incisor?

A I would call it -- it is the upper right lateral incisor.

Q I see. And when had she done that, do you know?

A She had fractured it just a day or two before we commenced the technical work, and that, I would say, was perhaps the latter part of April of 1954. The bridge construction was finished in about 10 days.

Q And of what did that bridge construction consist and for what teeth?

A The bridge construction, technically, involved the upper right cuspid, and that is the third tooth from the median line, and to which the false tooth was anchored replacing the one which Marilyn had fractured. We call that a swing-on cantilever bridge.

Q And had your work been completed in May of 1954, sir?

A No. We still had one session to go, and that was in the jacketing of her upper front teeth. We were going to replace all of the natural enamel with artificial media.

Q I see. And how much time would that take you to do that job, sir?

A That would have taken us a period of about 10 days from the time that we would have prepared the teeth for these jackets to the time when the technician has completed his technical work and the jackets placed upon the stubs which were remaining.

Q In other words, that jacket would be a covering for certain teeth in the front, is that correct?

A Yes. People used to call it a crown. Jacket is a synonymous

term.

Q How was Marilyn getting along without that jacket before that work was done?

A She was comfortable. Her teeth were serviceable, except that with the extensive fillings which she had had to her front teeth, the esthetics was the objectionable feature, and she felt as though she wanted a nicer appearing mouth, and as a result we had that in mind and we were going to eject them.

Q And had she had any fillings in the front teeth, Doctor, the incisor?

A Yes, sir. They were all filled with so-called synthetic porcelain.

Q And what kind of a substance is that?

A Synthetic porcelain is a silicate material mixed with an acid called salycic acid, and it makes a paste or a cement.

Q Is that quite hard?

A It gets quite hard, but it doesn't make for a nice looking filling when it gets large due to the fact that in --

Q Yes, but is it quite hard?

A It gets quite hard.

Q And durable, is it, rather durable, would you say?

A Generally durable.

MR. PARRINO: That is all, Doctor.

MR. CORRIGAN: Thank you, Doctor.

THE COURT: Thank you.