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American Investigative Services

July 22, 1994

Robert Sheketoff, Esquire  
Sheketoff & Homan  
Attorneys at Law  
84 State Street  
Boston, MA 02109

PERSONAL & CONFIDENTIAL

Re: Michael Elberry  
AIS File No.: 11746-94  
D.O.A.: September 29, 1992

Dear Mr. Sheketoff:

Pursuant to your letter dated June 17, 1994, we have conducted an investigation into the above captioned matter. The results of our investigation to date are detailed below.

Medical Center of Central Massachusetts - July 11, 1994

On this date, we initiated our investigation by proceeding to the above location in an effort to obtain the requested information. Upon our arrival, we proceeded directly into the Emergency Room where we conversed with the RN on duty. We were directed to the medical records section of the hospital.

Upon arrival at the medical records section, we were able to speak with the clerks on duty. We were advised that we would most probably have to speak with Dr. Dennis Arinella in person. We requested information pertaining to his location and we were advised that Dr. Arinella is located at 585 Lincoln Street in Worcester, across from the Days Inn.

We then reviewed the medical records at hand and we were able to obtain further information. We were advised that Dr. Lemmons was the treating physician and we were provided with his full name as Mark Lemmons and the number provided was (508)793-6481. We were also informed that the nurse was Judith Grenier, whose name appears on the first page as the individual who took in the information from the patient. We also determined that Dr. Francis O'Connell was another physician who treated the patient and whose address was provided as being 33 Oak Avenue in

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Worcester.

We next tried to obtain information pertaining to the nurse, Judith Grenier and were advised that she was no longer employed by the Hospital. No other information was forthcoming from the staff or the Human Resources Department which we also subsequently contacted.

We were advised by Human Resources that they do not provide anybody with information pertaining to past or present employees addresses.

At this time we were also able to have the clerk on duty contact Dr. Arinella's Office and we were able to speak with Jacqueline Pellegrino, the doctor's secretary. We explained to her the purpose of our call and initially, we were informed that the only information she had was that the patient was seen in the doctor's office and not the hospital for a scratch with a thumb nail. She could not tell whether this was an accidental poke or an intentional or deliberate act as the patient did not state that. She also stated that the previous pages were not written by Dr. Arinella and that the hospital referred the patient to the doctor's office. She also informed us that the patient was poked in the left eye and went to Mass Medical Hospital. She also advised that the records stated that the patient said that he got poked in the eye last night, but her assumption was that last night was late in the evening and he was seen in the morning at the doctor's office. X

We asked if we could schedule an appointment to meet with the doctor to clarify some of his notes and she stated that we could meet at the office later on in the afternoon. We then scheduled an appointment to meet with the doctor that day as suggested.

Attempted Interview of Jacqueline Pellegrino, Dr. Arinella's Office

As we had previously scheduled an appointment to meet with Doctor Arinella, we arrived at his office. However, we noted that we were provided with the wrong address. The correct address was 591 Lincoln Street, Worcester, MA and not 585 Lincoln Street.

Upon our arrival, we were able to speak with Jackie again. Jackie advised us that she was unaware that the doctor was called out to a meeting and could not make our scheduled appointment. However, upon our arrival, we were able to obtain a translation of the doctor's notes. We were also able to verify that the last page of the reports provided to us by your office was signed by Dr. Arinella. We were advised that the doctor's signature is the scribbling above "Condition of Patient."

She then reviewed the last page of the medical record and

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deciphered Dr. Arinella's writing and gave us the following information.

"43 2/10 Police Officer states that he was working this evening when he was at Winner's Circle off duty. States someone came in and assaulted patron. Patient chased person and got finger in left eye. Felt fluid and blood come out of eye. Complained of blurred vision." (The patient is the Police Officer Mr. King.)

Physical exam objective reveals the following: "External examine revealed superficial abrasion to his lids and two swelling left upper lids. Conjunctival was plus 3; injected with superficial Keroatin nasally and temporally. Anterior chamber formed and quiet. Dialed fundus revealed disc flat, sharp pink, cup to disc. Disc point to commotio retina nasally and temporally globe appears intact."

Diagnosis: Conjunctival laceration, long discussion. Told of possible infection and retinal damage. Given Erythromycin Ointment and pressure patch. To Office in the AM.

Instructions: To office at 591 Lincoln Street in AM.

This was all that Jackie could explain with regard to this chart.

We asked whether this was consistent with an accidental poke or an intentional gouging and she could not answer. She did state that no other lawyer, District Attorney or Police Officer had spoken to the doctor about this treatment of Officer King

We subsequently learned that this was the last week the doctor was available as he was scheduled for a vacation.

Having obtained this information we departed this location and returned to the Brookline Office.

#### Verbal Update

We next provided you with a verbal update of our investigation to date. We advised you that the doctor would be going on vacation and he was unable to meet with us at our scheduled appointment. You suggested that we follow up with the doctor to determine what else he could tell us about this incident and whether or not he has any recollection of whether this was an intentional or deliberate act.

We advised you that we would follow up with this investigation as directed.

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Contact of Dr. Arinella's Office - (508)853-2020 - July 13, 1994

On this date we contacted Dr. Arinella's office and again spoke with Jacqueline. We were advised that the doctor was not in today and that he was leaving on vacation and would not return until August 1, 1994. We advised her of our intentions to interview the doctor in person. She requested that we fax her a letter addressing our intentions so that she could schedule an appointment with the doctor to meet with us. We stated that we would do as requested and faxed a letter indicating our request, copies of which are enclosed for your review.

Further Investigation

In an effort to follow up with the witness, Christina Mann we proceeded to the Registry of Motor Vehicles in an effort to obtain an address for her. In inputting into the Registry's computer, her name, we found that Christina M. Mann has a status active license, number 014-68-8523, listing her date of birth as November 15, 1973, with an address of 3 Kinglet Drive, Shrewsbury, MA 01545.

Contact By Attorney George Balko (508)791-3511 X362 - July 15, 1994

Subsequently we were contacted by Dr. Arinella's Attorney who stated that he had advised his client not to speak with us without a court order. When we advised him that we had already received the medical records through a court order, this was not acceptable to him. Since his understanding of the Statute was that this order was only protection for the hospital and not the Doctor personally. It was his feeling that the doctor may be liable and this was the necessity of the court order prior to his having Dr. Arinella talk with us. With the agent unable to convince Mr. Balko otherwise, concluded the discussion with him.

Synopsis of Investigation:

Based upon our investigation to date, we have learned that Dr. Arinella did treat Officer King in the morning following his being seen at the hospital at his office.

Unfortunately, we were unable to learn if the injury was consistent with a deliberate act or intentionally done as we had not had the opportunity to speak with the doctor personally.

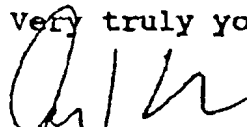
Dr. O'Connell and Dr. Lemmon did see Officer King at the hospital and the intake nurse was Judith Grenier. In speaking with Dr. Arinella's secretary, we were informed that no other law enforcement person or attorney had contacted them regarding this matter previously.

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We would recommend locating the nurse, Judith Grenier and the other treating physician in an effort to determine their impression of the injury.

We therefore are submitting the above report and bill for services rendered. Should you have any questions and/or comments, please contact our office.

Very truly yours,



Jay L. Groob,  
Managing Director

JLG:fk:D:E.M01

Enclosure(s)