

judgment, a conflict between the providers' recommendations and Appellant's desires. (E.85). Again, Dr. Richardson's opinions were based on the medical records and deposition testimony of the treating physicians, namely, Drs. Weiner and Kariya, both of whom testified before this jury. (Apx. 13 – 136). Notably, Dr. Weiner, one of Mr. Neustadter's treating pulmonologists, testified that he never believed there to be any conflict between his recommendations and Mr. Neustadter's desires. (Apx. 118)(Tr., June 4, 2008, pg. 176). Furthermore, Dr. Kariya, another pulmonologist treating Mr. Neustadter, did not believe there were any conflicts between the physicians' recommendations and family's desires. (Apx. 74)(Tr., June 4, 2008, pg. 76). **Niether Dr. Kariya nor Dr. Weiner believed that re-intubation was in the best interests of Mr. Neustadter and accordignly, never recommended this course of treatment for him.** (Apx. 53, 119-120)(Tr. June 4,