

Cassaglia walked off towards the Office, which was some ten to twenty metres away. And yet Ms Davis does not log onto Modulab until 15.57. Assuming that it took at most ten minutes, which on the evidence of Dr Cassaglia and Ms Davis seems to be too long a time frame, you are at around the 15.47 mark when Dr Cassaglia approaches Ms Davis. This still leaves some 13 minutes of Dr Cassaglia's whereabouts unaccounted for. Where did he go and why has he omitted to tell both the investigative board and this tribunal were he went? Did he go back to his office possibly to await senior managers to return to the department? If so, it would support Mr Mahubani's version of events. It is perplexing.

Taking the evidence as a whole I am inclined to accept Mr Mahubani's version as to why he did not provide Dr Cassaglia with the print out. Indeed in my view it assists in explaining the build up of frustration and anger which Dr Cassaglia admits to feeling by the time the incident in the Histology laboratory occurred.

The parties are also agreed that at some point between 16.10 and 16.16 Dr Cassaglia visits the Pathology Department for a second time, that he enters the department through the Blood Production Entrance, that at the time of entering the department Mr Mahubani, Ms Davis and Mrs Barea were standing in the corridor speaking to Mr Stagnetto who was standing in the doorway of the Histology Department, that a conversation ensued between Mr Stagnetto and Dr Cassaglia in the Histology Department, that at one point Dr Cassaglia apologises to Mr Stagnetto, that at one point Mrs Smith enters the Histology Department and a conversation takes place, that Mrs Smith and Dr Cassaglia leave the Histology Department together. Save as to these facts the Claimants and Dr Cassaglia, not the Respondent as it takes a neutral stance with regard to all evidence given, are in complete disagreement as to what occurred. So let's consider the evidence of each witness.

Mr Mahubani:-

In his e-mail of the 20<sup>th</sup> September Mr Mahubani makes no mention whatsoever of the events at the Histology Department but in his e-mail of the 21<sup>st</sup> September he states as follows:-

*"I was standing outside Histology (with the door propped open) with Jacqueline, Megan and Lawrence talking to them when the Medical Director Danny Cassaglia came in from the entrance by the Chemotherapy Unit. He walked past us and pushed Lawrence on the shoulders into the Histology Department and shut the door behind himself. He was talking to Lawrence inside Histology about the issue of the release of the logs for (blacked out)".*

It is clear from this that Mr Mahubani alleges a physical assault by Dr Cassaglia on Mr Stagnetto but not verbal aggression.

Mr Isola, as indeed the investigative board, did as well, examined Mr Mahubani about why in the e-mail of the 20<sup>th</sup> September no mention of the assault was made. To the investigative board Mr Mahubani stated:-

*“They were two different incidents. The first one was my interaction. With Dr Cassaglia. The second one was a witness statement that I was asked to write for a colleague of mine”.*

*“Well I wanted to support a colleague after what had happened. So I wrote it for myself”.*

*“Well cause as soon as I wrote my statement on the twentieth I went home cause that when my day was I had finished my work. And then until we heard that there was a complaint put in we didn't have to write a statement. We weren't asked to witness. We weren't witnessing anything. Till we heard, when we heard a complaint was put in, I felt like as a witness there at the incident I had to write a statement”.*

and to this tribunal in evidence he stated:-

*“I had a concern. I wanted the PSM to know and that is why I wrote the 20<sup>th</sup> September account”.*

*“No one requested me to provide the 20<sup>th</sup> September account. I had a concern of what had happened and I wanted the PSM to know. My concern was that he had come down asking for something I could not give him”.*

Mr Isola, in cross examination, took matters further with Mr Mahbubani since he suggested to Mr Mahbubani, as a result of the similarity of the structure and/or the wording in the e-mails of the 21<sup>st</sup> September written by Ms Davis, Ms Barea and Mr Mahbubani and that they were sent by each of them within a 30 minute period, that they had colluded with each other to write these e-mails. Indeed it went further in that Mr Isola suggested to all three witnesses that they had spoken to Mrs Smith before writing the e-mails. The same thought must have occurred to the investigative board as the following question shows:-

*“Mr Grech –Okay because the language to describe the push seems to be, I mean if this is I mean if, if two or three people see exactly the same incident whatever it is. And you ask them to describe usually the language tends to be different. But the language seems to be very, very similar.*

*“Mr Mahbubani – No we wrote it individually”.*

Such a line of questioning fitted in, as referred to earlier on in this judgment, with Dr Cassaglia's belief about why this case had arisen in the first place.

I accept that there are similarities in the wording of the three e-mails in question and the timings raise issues and even some of the replies given are curious but in my opinion taking the evidence and the circumstances as a whole it is nowhere near enough to justify the conclusion which Mr Isola wishes me to draw. In my opinion this does not indicate or suggest collusion to concoct a case against Dr Cassaglia.



When before the investigative board Mr Mahbubani made the following statements with regard to the events outside the Histology Department:-

*“Well I thought it was an aggressive push. But I wasn't the one feeling the force of the push”; and*

*“So I can't describe to you the force of how much how the push was. For me it was aggressive. He walked in quite angry as well”; and*

*“Well the door was shut so it was quite muffled. But I could hear that they were talking, he was taking in a raised voice”; and*

*“But it was all muffled cause the door was shut”; and*

*“We saw him coming yeah”; and*

*“He looked angry but”; and*

*“For me it was a deliberate intentional push cause he didn't take his hands like if you barge into someone you're not going to move your hands to barge into them”; and*

*“For me it was a push. For me it was a forceful push”; and*

*“On both shoulders”; and*

*“It was just a push. It was just a push”.*

It is quite clear from this that Mr Mahbubani is adamant that Dr Cassaglia internationally and aggressively pushed Mr Stagnetto and that at the time Dr Cassaglia was angry.

In his witness statement Mr Mahbubani states as follows:-

*“Later that day, at around 16.30 hrs, I was standing outside histology (with the door propped open) with Jacqueline, Megan and Lawrence talking to them when the medical Director, Danny Cassaglia, came in from the entrance by the chemotherapy unit. He walked past us and pushed Lawrence on the shoulders into the Histology Section and shut the door behind himself. I could hear Dr Cassaglia shouting at Lawrence inside the Histology Section”.*

With the exception of the last sentence the wording is exactly the same as that of the e-mail of the 21<sup>st</sup> September. The difference in the emails is that in the witness statement Mr Mahbubani states that Dr Cassaglia was shouting at Mr Stagnetto inside the Histology office. Mr Mahbubani did not say this in either the e-mail of the 21<sup>st</sup> September or to the investigative board.

In the evidence to this Tribunal Mr Mahbubani stated as follows:-

*“I told Lawrence that Dr Cassaglia had come down asking for the logs for one of his patients, Dr Cassaglia's, and that I had refused to give it to him and to go and speak to the acting PSM. At this point I was only a*

*junior member of staff. I made the report outside Histology. When I got there I can't recall if I got there first or Jacky and Megan were already there first. I can't recall who got there first. I recall being outside Histology with Lawrence holding the door open. I recall being there with Jacky, Megan and Lawrence but I can't recall who got there first. I was walking back from Audrey's office to histology. We were all standing outside histology in the corridor with Lawrence holding the door open. I did not hear what anyone else said to Lawrence at the time".*

*"The next thing I recall was Dr Cassaglia walking in from the chemotherapy entrance, I saw him coming in. I can't recall if we stopped talking when we saw him coming in. He approached us quite angry and just walked past us and he pushed Lawrence with both his hands on his shoulders. He ignored us and went through us. He didn't even acknowledge us there. He did not ask us if he could go past. He did not say excuse me or anything else. I can't recall if I stepped back. I was standing in the same place I hadn't moved. I can't recall exactly where I was standing. Lawrence stumbled backwards into Histology".*

*"I can't recall if his body turned. Lawrence was in Histology with the door open by the door frame".*

*"Dr Cassaglia put his hands on Lawrence's shoulders. On both shoulders; I clearly saw what happened but I can't recall where I was standing".*

*"They were talking I can't say all I can say is that I heard voices. I could not really tell what they were talking about but I assumed that it was what he had come to me about. All I can say is that something was being said".*

*"When Dr Cassaglia pushed Lawrence he stumbled backwards. I can't remember seeing his head hitting anything. It happened in such a flash. Dr Cassaglia followed him in. I can't recall where I was standing at the time".*

*"Dr Cassaglia was angry. He walked in a aggressive manner and his face was angry".*

In this evidence to the Tribunal Mr Mahbubani again confirms that Dr Cassaglia appeared to be angry and that he did push Mr Stagnetto into the office but he does not say that Dr Cassaglia was shouting.

It is my opinion that in essence Mr Mahbubani has been consistent throughout all the statements made since September 2017 save for the issue as to whether or not Dr Cassaglia screamed at or spoke in a raised voice to Mr Stagnetto. I disregard the statement in the witness statement to the effect that Mr Mahbubani heard Dr Cassaglia shouting at Mr Stagnetto.

Ms Davis:-



In her e-mail of the 20<sup>th</sup> September 2017, Ms Davis stated as follows with regard to this part of events:-

*“He repeatedly said he was the MD and no one has the authorisation to stop me from sending that e-mail, to do it immediately. Once the phone was handed up I went inside Histology office to hand in the reports, when he automatically appeared. He barged into the office and stayed alone with Lawrence”.*

It is clear from this statement that (i) very shortly after 16.10 Ms Davis went to the Histology Department and (ii) that she alleges Dr Cassaglia “barged” into the Histology Department. No mention is made of Dr Cassaglia touching Mr Stagnetto.

In her e-mail of the 21<sup>st</sup> September 2017, Ms Davis changes, to an extent, her version of events since she states:-

*“When Jacqueline, Mohit, Lawrence and myself were standing outside the Histology Department, when Daniel Cassaglia marched into the department from the end of the corridor. Once he approached us, he aggressively pushed Lawrence into Histology, and strongly closed the door. I only had a chance to hear him scream into Lawrence’s face and repeatedly said he was the medical director and that no one should stand above him”.*

This is without doubt a statement which is materially more prejudicial to Dr Cassaglia than the earlier one since it alleges a physical assault and an aggressive verbal assault on Mr Stagnetto. Ms Davis was cross-examined on this point to which she replied as follows:-

*“The fact that the e-mail of the 20<sup>th</sup> September did not include many things is because it was to let my manager Alex know that I had everything done under my name was because Dr Cassaglia had asked me to do it”.*

*“I gave two written accounts one on the 20<sup>th</sup> September and one on the 21<sup>st</sup> September. I provided the account because he had told me to delete everything and that is why I thought because there is a private confidential investigation if anyone was to check the patients log again my name would have come out and I would have not anything to back up myself. This is when I decided to let Alex and Audrey know that everything done under my name was because Dr Cassaglia has asked for it”.*

*“The same afternoon I saw Lawrence quite emotional before I left and I thought it only correct for me to write a statement as to what had occurred which is what I did the following day”.*

Mr Isola has asked me to view the discrepancies in the e-mails of the 20<sup>th</sup> September and 21<sup>st</sup> September, in Ms Davis case as in the case of Mr Mahubani, with suspicion and as possible evidence of the commencement of a strategy by the Pathology Department to build a case against Dr Cassaglia. As previously stated, taking the evidence and the circumstances as a whole. I

do not accept this at all. In my opinion it is perfectly rational and reasonable for both Mr Mahubani and Ms Davis to have the sole thought of employee self preservation on their minds on the 20<sup>th</sup> September and the precaution to await the unfolding of events before putting their heads above the parapet, which they both did in their respective e-mails of the 21<sup>st</sup> September.

In her interview with the investigative board Ms Davis makes the following statements according to the transcript with regard to this part of the evidence:-

*“I went to give a histology report to Histology at that time Lawrence was in the room. I afterwards, before I walked through I left the door open. He said if I had done the urgent one. I also told him that over the phone I had spoken to very, very rudely. He, he. Jackie approached us. Mohit my colleague was there also asking what was it that he want etc etc. I had told them and about that time Jackie saw how he marched in from the other end of the corridor. Once he approached us he literary just pushed Lawrence very aggressively inside”.*

*“He said que “Who the fuck do you thing you are blocking all of this I am the Medical Director this shouldn't be stopped”. I was, I was shocked. This is my first job I have never seen anything such”.*

*“I had to, eh que if I tell you and if I am honest. I felt so guilty the next day cause he came so irritated so red and he pushed Lawrence in such an aggressive way. That I felt so guilty cause he came so pissed off that if Lawrence would have been there I felt what about myself if Audrey wouldn't have appeared. Would he have pushed me, just because I didn't send him the e-mail”.*

*“No its fine eh que. Eh que Lawrence is a very good colleague of mine and I felt that because of me he got pushed. Just because I didn't send the e-mail, pero really I was following protocol and that's what makes me feel so”.*

*“Yeo weno Lawrence was here literally here on his left hand side. Mohit was in the middle, Jackie was there. That's why Jackie was the one that saw him coming. I was I had my back turned I didn't see him coming. He just looked down at me and pushed Lawrence inside and he just tumbled back”.*

*“Against the door. Weno the door are the fire ones but as soon as it get closed they that one actually slams. He turned round and he slammed the door and he said who the fuck do you think you are etc etc”.*

*“They were inside. I was just staring though the door. I was staring through the door. I didn't look inside I didn't see anything of what happened inside. I just heard that. And left”.*

*“He was shouting”.*

*“It wasn't as such let's go in the office. It was a push. It was an aggressive push and I know that he was so angry and didn't understand why. But he was so angry”.*



It is clear from the statements made to the investigative board that Ms Davis is adamant that (i) Dr Cassaglia was angry (ii) that Dr Cassaglia pushed Mr Stagnetto in to the office (iii) that Dr Cassaglia swore at Mr Stagnetto and (iv) that Dr Cassaglia accused Mr Stagnetto of preventing the dispatch of the e-mail.

In her witness statement Ms Davis simply produces her transcript of the investigative board interview and makes no mention of any specific event.

In her evidence to this Tribunal Ms Davis made, amongst other statements, the following with regard to this part of the evidence:-

*“I was finishing the histology report. We give it to histology and they do any corrections and give it back to us. There was more than one report to hand in. They were in a book. I went with the book to the Histology Department. We leave the book on a table inside the section. This is the reason why I went to histology. This is why I was with Lawrence when Dr Cassaglia came into the Department. I walked into histology. I saw Lawrence there. He was at his desk”.*

*“When I drop the book Lawrence said Meg what’s the matter?. He asked if I had done the urgent one the one with the code which I had gone in the very beginning. I said ‘Yes’. He stands up and approaches me and I step back and Jackie and Mohit approached us”.*

*“I said Dr Cassaglia had spoken to me really badly in the presence of Jackie and Mohit. Hay que ve como me ha hablado’ and he said ‘who’ and I said ‘Dr Cassaglia’. ‘What does he want?’ I said ‘the log of a patient’. Whilst I was saying this Jackie and Mohit arrived”.*

*“He was standing underneath the door holding the door. I know the door was half open and I was standing to his left. I was in the corridor. Lawrence was underneath the door frame. I suppose he was just in just out of the door/corridor. I remember it. The three of us were in front of him. My back would have been facing the chemotherapy entrance”.*

*“Jackie saw him coming in from there. I did not see him”. I had my back to him”.*

*“When Audrey walked in Jackie and me were just looking at each other. We were sat down at our desks. Audrey came in and said something. I can’t remember what she said. I just said he is in the office with Lawrence, I can’t recall what we said but she rushed into his office. Everything happened so quickly”.*

*“We spoke to her in a rush so that she would rush into histology. I never saw her, she could have gone anywhere”.*

*“When the door was closing with Lawrence and Dr Cassaglia in the room I heard Dr Cassaglia say I am the medical director and no one should stand above me. I assume he screamed in his face. For me it was*

*a shout. When the door closed you could still hear that things were being said”.*

*“I don't know if he slammed the door or not the door just slammed. I originally said that Dr Cassaglia slammed the door but as I said now I don't know if this is actually the case, I did hear who the fuck are you?”.*

*“He passed through me. Between me or Mohit/Jackie. I stayed completely still. I don't know who was in the middle. He walked through. Only Lawrence was by the door. Lawrence was in the frame of the door and he basically pushed Lawrence inside. Dr Cassaglia used two hands to push Lawrence. He was under the frame of the door. He was not in the corridor. He is a big man whether he was a little bit this way or that he was still there under the door frame. I was to his left”.*

*“Lawrence went backwards. He did not spin to one side. I did not mention in my account that Dr Casasselia pushed with two hands”.*

*“Dr Cassaglia aggressively pushed Lawrence. I say this because you could see the anger on his face”.*

It is clear from the evidence given to the tribunal that Mr Davis is adamant that (i) Dr Cassaglia was angry (ii) Dr Cassaglia pushed Mr Stagnetto into the office (iii) Dr Cassaglia did swear at Mr Stagnetto and (iv) with a degree of assumption on her part, that Dr Cassaglia was shouting/screaming.

Ms Barea:-

In her e-mail of the 21<sup>st</sup> September 2017, Ms Barea made the following statement:-

*“On the incident that happened yesterday 20.09. 2017 at around 16.30 outside the Histology Department, Lawrence, Megan Mohit and myself were having a conversation related to a histology report when the MD just barged in front of us push Lawrence into the room, he confronted Lawrence and started yelling saying that at that moment he was not Danny Cassaglia he was the medical director your boss”.*

It is clear from this statement that Mr Barea is alleging Dr Cassaglia pushed Mr Stagnetto and yelled at him. In her witness statement for the purposes of these proceedings Mrs Barea basically repeats nearly word for word the statement contained in this e-mail.

When interviewed by the investigative board the following statements are recorded in the transcript with regard to this part of events:-

*“About what happened. If I would have been saying the contrary I would have been lying to myself and you guys. What I do recall is what I have written in my statement. The second time that Mr Cassaglia came there was, Lawrence on the Histology door. Mohit, Megan and myself were just speaking there and I just looked to my right and Dr Cassaglia is coming through the door. I eye contact Megan and I eye*



*contact Lawrence saying that Mr Cassaglia is coming back. He just barged into us pushed Lawrence inside the door. He virtually screamed at Lawrence and its what I said there. He screamed these words exactly. I am not here as Danny Cassaglia, I am here as your Medical Director, your boss. At that moment I just went blank, I just Oh God what's happening. I couldn't believe what had just happened".*

and later on in the transcript

*"Lawrence was there just holding the door. There's myself, Megan and Mohit and he just barged in pushed Lawrence inside the histology room"*

and later on in transcript

*"No, No he just, barged in and pushed Lawrence inside the Histology room. Because Lawrence was actually standing by the door holding the door open, so he just barged in".*

and later on in transcript

*"On the way in like I am not here as Danny Cassaglia eh que vamos I can close my eyes and just hear those words".*

*"I am not Danny Cassaglia I am here as your Medical Director, your boss. And that just shocked me like this".*

and later on in the transcript

*"Mr Gil – Jackie you've been very clear. But I am just going to ask you once again. You have no doubt that there was an aggressive push.*

*Ms Barea – At all. Hundred percent because he just.*

*Mr Gil – You couldn't have mistaken that move for anything.*

*Ms Barea – He came he pushed, he barged into us three and he pushed Lawrence inside the room. And that is what I said there and I've got no doubt in at all. Hundred per cent sure that's what happened in front of me  
.....*

*Mr Gil – Did you hear any insults? Any words.*

*Ms Barea – ..... But I think like, Megan and myself were so nervous on what had happened that we were hearing it but we were not hearing it like it was lots of, not from Lawrence because Lawrence was really, really calm. It was Dr Cassaglia or Mr Cassaglia or Directing Manager or whatever you wanna call him. He came like I said in the beginning. He barged in very aggressively. He pushed Lawrence in and just*

*aggressively start talking to him to Lawrence towards Lawrence in a very unbelievable manner and that my point of view. Coming from the person so high Director's wise no like Managing Director speaking like that at him, acting in that way for me was unbelievable, I was shocked".*

and later on in the transcript

*"Mr Gil – And the tone of Dr Cassalia's voice was he shouting, screaming.*

*Mrs Barea – Very. He was shouting and screaming and its like I said in the beginning it was unbelievable for a person high so high in that like a Managing Director speak. Nobody should speak like that to anybody but coming from a high person like that to act the way he was acting. I was shocked.*

It is clear from the statements contained in the transcript Mrs Barea was adamant that (i) Dr Cassaglia had barged into herself and Megan Mohit (ii) Dr Cassaglia had pushed Mr Stagnetto into the office and (iii) Dr Cassaglia had screamed at Mr Stagnetto in a manner which shocked her. I also note that at no time does Mrs Barea state that Dr Cassaglia used the "fuck" word

In her evidence to this tribunal Mrs Barea made the following statements as to this part of events:-

*"I saw Dr Cassaglia coming in when Mohit, Megan and myself were standing outside the Histology and Lawrence was standing by the door of the histology department the door was half way open. Dr Cassaglia just barged in front of us pushed Lawrence and that precise moment the only words I heard "I am not here as Danny Cassaglia I am here as your medical director your boss". At that moment in time Dr Cassaglia pushed Lawrence in the histology department and that for me was the end. He started shouting and I just walked back to the office and this is my whole evidence. This is the only evidence I have got".*

*"Dr Cassaglia said what I heard as he pushed Lawrence in. I am not giving an incorrect answer. What I witnessed I recorded. I can't say anything else that I have not witnessed or heard".*

*"I did not hear Dr Cassaglia say to Lawrence I would like to have a private word with you." I heard Dr Cassaglia shouting but I could not hear what he was shouting about. I did not hear any of the words he used".*

*"My opinion of the matter is that Dr Cassaglia was screaming".*

*"He pushed Lawrence. He did not push us. He did not touch any of us. He just barged in front of us. I probably did step back. It happened really quick. He definitely pushed Lawrence. He pushed Lawrence into the histology section. My view of Lawrence was exactly the same before*



*and after Dr Cassaglia barged in front of us. My view was not impaired at all. I did not hear Dr Cassaglia say 'I would like to have a private word with you'. When Dr Cassaglia pushed Lawrence both went in. Not that I recall Lawrence did not turn as he went in".*

In her evidence to this tribunal Mrs Barea was adamant that (i) Dr Cassaglia pushed Mr Stagnetto into the office and (ii) Dr Cassaglia was shouting/screaming at Mr Stagnetto when they were inside histology with the door shutting/shut.

It is clear on reviewing the evidence of Mr Mahubani, Ms Davies and Mrs Barea in totality that all three of them are in agreement that (i) Dr Cassaglia pushed Mr Stagnetto into histology and (ii) Dr Cassaglia spoke to Mr Stagnetto at the very least in a raised voice. It is also clear from the evidence of all three witnesses that whilst they all refer to Dr Cassaglia barging passed them none of them at any time say that Dr Cassaglia touched or brushed or had contact with any of them as he went passed. I therefore deduce from this that due to Dr Cassaglia's large frame all of them moved to one side when they saw him heading for Mr Stagnetto/the door.

Mr Stagnetto:-

In his e-mail statement of the 20<sup>th</sup> September 2017, Mr Stagnetto makes the following statement with regard to this part of events:-

*"Megan and Jackie then came to the histology department to tell me they had been spoken to very rudely by Dr Cassaglia and that they wanted to tell Audrey about it. Whilst this was going on he appeared again and said he wanted to speak to me in private so he stepped forward and physically pushed me into my department with both hands on my shoulders. At this point I was alone with him. He then proceeded to ask me who the fuck I thought I was to tell a GHA clerk not to e-mail me the screenshots. I told him I had said nothing of the sort. He said he was the Medical Director of this hospital and he was my boss and I was interfering in an official investigation. He said I was no one to have any authority over what he was doing. I asked him to speak to me properly and why he was speaking to me in that manner. He told me it was none of my fucking business and as Medical Director he was carrying out a legitimate investigation and I was no one to block this. I was shocked at his aggressive outpouring of anger and reminded him that we had always got on professionally and why it was he taking this tack in the conversation. He said I had to separate Danny Cassaglia from the Medical Director and that this was coming from the medical director. He said he was incensed by the treatment he had received in the department and that we were no one to block an investigation. Again he asked me why I had told Megan to block her sending the e-mails. Again I said I hadn't told Megan anything. I insisted as to why he was speaking to me in this unacceptable manner and he offered me a very curt apology. He then was about to walk out saying he was going to ask Megan himself who it was that had blocked it. At this moment Audrey walked in and the three of us were in the histology department. He asked her who had blocked the sending of the e-mail to which Audrey responded it had been herself. I said that I didn't want to pass the buck*

*but as I had already told him it had not been me. With this both Audrey and Dr Cassaglia walked out of the histology department”.*

It is clear from this statement that according to Mr Stagnetto (i) Dr Cassaglia asked to have a private word with him (ii) Dr Cassaglia pushed him physically into the office (iii) Dr Cassaglia swore at him accusing him more then once of instructing Ms Davis not to send the e-mail with the screen shots and (iv) at one stage Dr Cassaglia apologised to him. I note that at no time does Mr Stagnetto state that Dr Cassaglia barged passed people or spoke to him in a shouting or screaming manner. I also note that there is no mention of Dr Cassaglia being aggressive to Mrs Smith or pointing his finger at Mrs Smith or invading her space. I also note that on two occasions Mr Stagnetto states that, in effect, he stood up for himself.

In his interview with the investigative board Mr Stagnetto is recorded in the transcript as having stated the following with regard to this part of events:-

*“Mr Stagnetto:-So I went to my office, to my lab, carried on setting up the work I had to do, I had another pathologist coming to assist me with the cut up for that day, then Megan came, Megan Davis came and said look Lawrence there is something strange here, been spoken to really badly by Doctor Cassaglia, I have told Audrey about it, he wants he to get all these logs and then Mohit came as well and he said look he has come to me as well, cos I was the most senior person in the department at that moment, at that precise moment. So I said look I have spoken to Audrey I said ok fine. Then there was another lady there as well, Jackie Barea she was there in one of the office. Things just didn't seem right, they weren't confident giving this information away especially when it was on their login on the computer. So then Jackie says “oh he is coming again”. Right so he came from the back door, he entered through the back door of the laboratory. He just made a bee line straight for me, he kind of sought of barged through people that were there gathered around me, he took me by the shoulders, first he said “I want have a private word with you”, took me by the shoulders and just put me in and sort of shut the door quite sternly and can I speak freely completely?”*

*Mr Gomez:- Of course, that is the whole point Lawrence.*

*Mr Stagnetto:- He said “who the fuck do you think you are, you are no one” he just kept on repeating “you are no one, you are no one”, it was just (unclear) torrents of abuse and stuff, you know very unpleasant.*

*Mr Gomez:- That was inside once the door was completely shut?*

*Mr Stagnetto:- This was inside when I was on my own with him, so at first I was completely shocked you know and I was like “Danny hablame bien, por favor hablame bien” I was*



like speak to me properly what's wrong, "you know what is wrong this and that" he said "I am the authority in this hospital I am your boss, I am the Medical Director, who blocked that clerk from sending me the email, you have blocked that clerk" I said Danny I don't know what you are talking about. "Who blocked that clerk you must have done it" I was like look I haven't done anything and again he started swearing you know, "this is none of your fucking business, this is a legitimate investigation and you are interfering with a legitimate investigation" again he just carried on saying the same thing "I am your boss, I am the Medical Director of this hospital". So again I insisted I said look "hablame bien please talk to me properly, you know maybe we can" and I said "look Danny we have always got on well what is wrong" and he said "look no Lawrence you have to differentiate the Medical Director from Danny Cassaglia and this is the Medical Director talking to you right now" so I guess I said "look speak to me properly" so then he said "ok I apologise" but then he carried on, so he just said I apologise but he then carried on berating and he said you've usurped my authority in this case, and one thing I didn't put in here at the time was I told him "what would happened if I went up to the seventh floor and I spoke to you like that?" and he said "well but I am the Medical Director" I said "it doesn't matter because you don't have any right to come here and speak to us like this, to me like this" and he goes "ok so if I go out there to that clerk and I asked her who blocked her sending me the emails she is not gonna say you is she?" I am like "no I haven't gone to her if you want I don't mind".

and later on in transcript

*"yeah the only time I felt there was any kind, I got through to him at all was when I told him the second time speak to me properly and he apologised but it was a very dishonest apology in my opinion and he just carried on afterwards. And the last thing he said to me personally was, he got very close to me and pointed because you are usurping my authority, and he was very pale he was sweating you know he was obviously enraged and he also said to me "I am incensed by the way I have been treated in this department" or words to that effect".*

and later on in the transcript

*"no he got very close to me, and he said" I want to have a private word with you "he put his hands on my shoulders in fact after the event I could feel his left hand had dug into my shoulder a bit, I could feel you know when somebody digs their hand, you feel something there you know. He just put his hands on my shoulder, he was very forceful, very kind of, he just wanted to get me into the room".*

and later on in the transcript

*“Mr Stagnetto – I don’t think he was trying to hurt me, but he kind of manhandled me into do what he wanted you know.”*

*Mr Gomez – which was get you into the room.*

*Mr Stagnetto – which was to get you into the room quickly and shut the door so that he could have a private word with me”*

and later on in the transcript

*“He didn’t insult me, he didn’t say you idiot or anything like that you know”.*

and later on in the transcript

*“He definitely was raising his voice, I wouldn’t say he was screaming at me, but he was definitely, was raising his voice and his manner of speaking was aggressive. Bu I wouldn’t say he was screaming, we wasn’t shouting or ……………”.*

and later on in the transcript

*“Mr Stagnetto– me, Dr Cassaglia and Audrey. The first thing he asked was “who has told Megan to not send me that” or something along those lines and she said I did, his face kind of changed a bit, I think he realised he sort of put his foot in it a bit with he me I think.*

*Mr Gomez –So it his him there but he hadn’t accepted it from you by the way he carried on.*

*Mr Stagnetto –So then he said I want to have a word or something like that to Audrey so Audrey and him went out and that is when I said I don’t wanna pass the buck but there you go, and then Audrey and him walked out”.*

It is clear from the transcript that Mr Stagnetto is adamant that Dr Cassaglia (i) stated that he wanted a private word with Mr Stagnetto (ii) accused Mr Stagnetto on more than one occasion of blocking the e-mail with the screen shots attached to it (iii) apologised to Mr Stagnetto and (iv) used a raised voice in the course of the exchanges that occurred. Interestingly at no time does Mr Stagnetto state that Dr Cassaglia pushed him into the room. All he says is that Dr Cassaglia took him by the shoulders or put his hands on his shoulders and kind of manhandled him into the room. There is an obvious difference in the language used by Mr Stagnetto when speaking to the Investigate board and when writing his statement. It is also pertinent that Mr Stagnetto states that Dr Cassaglia did not insult him. I also do not lose sight of the



fact that none of Mrs Barea, Mr Mahubani or Ms Davis refer to Dr Cassaglia stating that he wanted to speak privately with Mr Stagnetto and yet both Mr Stagnetto and Dr Cassaglia do. I also note that according to Mr Stagnetto nothing untoward appears to have occurred between Dr Cassaglia and Mrs Smith.

In this witness statement Mr Stagnetto states the following with regard to this part of events:-

*“I carried on preparing the table when, Megan came into my section. She stood by the door and I was standing by the door holding it open with my right foot ..... She told me that she had been spoken to extremely aggressively and rudely by Dr Cassaglia on the phone and he had requested a patient’s log to be emailed to him and she was not comfortable doing this without Audrey’s authority. Megan was then joined at the door by Jackie Barea and Mohit Mahubani. They all seemed alarmed by his rude and threatening demeanour. Megan then saw him coming into the Pathology Department through the back door and storming down the corridor towards us. When he arrived at the Histology Section door he got between Mohit and Megan and in a low dismissive tone said he wanted to speak to me in private. At the same time as he said this he physically pushed me into the Histology Section with both hands on my shoulders and I remember taking a few steps back. This all happened at quite a speed. At this stage, I was alone with him in the Histology Section. He asked me who the fuck [I thought I was] to tell a GHA clerk not to email him the screenshots. I was extremely shocked and confused and told him I hadn’t done anything of the sort. He was sweating profusely and pale. He leaned his considerable frame over me, pointing his finger while raising his voice and said he was the medical director of this hospital and he was my boss and that I was interfering in an official investigation. He said I was no one to have any authority over what he was doing. I felt alarmed, intimidated and distressed by his behaviour.*

*I also felt stunned by his aggressive tone but managed to tell him to speak to me properly (I actually said this in Spanish, “hablame bien”). I asked him why he was speaking to me in this manner. He told me this was none of [my] fucking business and as medical director he was carrying out a legitimate investigation and that I was no one to block it. I reminded him we had always got on well professionally and asked why he was acting this way. He looked perplexed and said I had to separate ‘Danny Cassaglia’ from the ‘Medical Director’ and that this was coming from the ‘Medical Director’. I remember I asked him how he would feel if I walked into his office with this attitude. He moved away slightly but then again got very close to me, well into my personal space and pointing his finger at me said he was incensed with the treatment he had received in the department and that we were no one to block this investigation. Again he asked me why I had told “that girl” not to send him the emails. Again I said I hadn’t told Megan anything. I insisted as to why he was speaking to me in this*

*unacceptable manner and again I told him "hablame bien". At this point he offered me a very curt apology under his breath in a flat tone, I think the only words he said were "I apologise". That didn't sound genuine at all to me. He then leant in again and in a threatening tone said I was "usurping his authority" which I thought was a bizarre thing to say directly after an apology. He then said that if he went outside and asked "that girl" who had blocked the email "she is not going to say it was you then?" I told him to go ahead and ask her.*

*At this point Audrey walked into the Histology Section. Dr Cassaglia asked Audrey who had blocked the sending of the email to which Audrey replied that it had been herself. Dr Cassaglia then started on Audrey by telling her in the same manner that she was no one to block his request. Both Dr Cassaglia and Audrey then started to walk out of the Histology Section and I told him I didn't want to "pass the buck" to Audrey but as I had already told him more than once it hadn't been me. He didn't say anything to this. Dr Cassaglia and Audrey then both walked out of the room".*

The statements made by Mr Stagnetto in his witness statement are more extensive and detailed than the statement made to the investigative board and therefore in some respects contain information which had not previously come to light. Having said this, the essence of Mr Stagnetto's version of events was to the effect that Dr Cassaglia (i) stated he wanted a private word with Mr Stagnetto (ii) pushed Mr Stagnetto making him go backwards (iii) accused Mr Stagnetto on more than one occasion of blocking the sending of the e-mail with the screen shots (iv) pointed his finger at Mr Stagnetto and invaded Mr Stagnetto's personal space and (v) apologised to Mr Stagnetto at one stage. Interestingly Mr Stagnetto does not refer to Dr Cassaglia using a raised voice or screaming or shouting but he does refer to Dr Cassaglia's tone of voice being threatening and aggressive. I note here that Mr Stagnetto refers to Dr Cassaglia "*starting on Audrey by telling her in the same manner*" but he does not refer to Dr Cassaglia pointing his finger at Mrs Smith or invading her space.

In his evidence to this Tribunal Mr Stagnetto had the following to say with regard to events at the Histology department:-

*"Megan came first and for a few seconds I was alone with Megan. She said she had been spoken to really aggressively and threateningly by Dr Cassaglia on the phone and told to e-mail the screen shot to him. She said she was not comfortable with this and I believe she said she had rang Mrs Smith. Then Jackie Barea came and she was also backing up what Megan was saying that Dr Cassaglia had been rude. I don't know from where Mohit came from but he also turned up".*

*"They came to me because they were just like no vea lo que me ha dicho. Megan was most upset. Jackie was upset also. They were*



*all talking at the same time. Megan and Jackie were the most/more alarmed. Mohit was stunned”.*

I pause to point out that this evidence does not seem to me to conform with the evidence which Mr Mahbubani or Mrs Barea gave and that for the first time Mr Stagnetto refers to the possibility that Ms Davis had or may have rang Mrs Smith prior to this stage of events.

*“When Dr Cassaglia entered the lab he did so by the door beside the Blood Product lab. I was inside the histology lab, just inside. To the right Jackie. Megan in the middle and Mohit to the left. Jackie saw him first. Here he is coming again. I heard his footsteps. There were with intent. I was just inside the door”.*

*“Megan came to the door and opened it a bit and she asked if she could speak to me. I went towards the door. I got up as I could see she was upset. I was sat down and/or looking over my work. I opened the door completely and stood inside the office. She said Dr Cassaglia had spoken to her really badly and he had told her “Don’t you know who I am or don’t you know who this is or I am the medical director” or something along those lines. She also said that he has asked for the logs of the patient and that she was not comfortable giving it to him and that either she had rang or was going to ring Audrey to get her permission before giving the logs to Dr Cassaglia”.*

*“There comes to a point when you can see me and at that point he made a bee line towards me. Not that close. I have checked the angle myself. I have worked there for 15 years. It was 3 or 4 metres away whilst the corridor is 30 metres long from where he entered to the door where I was”.*

*“I was within the confinements of the frame of the door. Dr Cassaglia did not push me into the office. I was standing in the office. He pushed me further into the office”.*

*“He was not screening or shouting”.*

*“I remember saying something like” how would you feel if I went to your office and spoke to you like that”. How he would feel if I walked into his office with this attitude. He did apologise to me. It was one of the most insincere apologies that I have ever heard. He said something like ‘I am incensed with the lab about how I have been treated by it today”.*

*“His initial opening phrase was” who the fuck do you think you are? “He said this repeatedly. I think this is offensive”.*

*“The encounter maybe took less than 2 minutes. Time stood still. Between 1 to 2 minutes”.*

*“From his point of view the issue was that I had blocked his receiving information. He kept saying “why have you blocked me*

*from having the information". He did not touch me at all in the room but he did at one point near the end get into my personal space. He did push me at the beginning".*

*"I had my foot against the door keeping it open. I would not have bumped my head. There was no tumbling. I recall taking a few steps back and I was in the room. Dr Cassaglia did not push the door open for me. I was not turning round when he was opening the door for me. The door was already open".*

*"I am sure it did not happen by chance. It was a move to get me into the room".*

It is clear from the evidence given by Mr Stagnetto to the Tribunal that he states that (i) Dr Cassaglia was not screaming or shouting (ii) Dr Cassaglia pushed him further into the office (iii) Dr Cassaglia stated he was incensed as to how he had been treated by the Lab that day (iv) Dr Cassaglia accused him of having blocked the sending of the e-mail with the screenshots (v) Dr Cassaglia did apologise to him and (iv) the whole incident took less than two minutes. I note that Mr Stagnetto does refer to Dr Cassaglia invading his personal space once but does not refer to Dr Cassaglia pointing his finger at him.

Mrs Smith:-

In her e-mail statement of the 24<sup>th</sup> September 2017, Mrs Smith makes the following statement with regard to this portion of events:-

*"When I got back from my lunch break, I was informed that Dr Cassaglia was in the histology section. When I went into the section, he was shouting at Lawrence Stagnetto saying that he had blocked his authority. Lawrence told him that it wasn't him and Dr Cassaglia wanted to know who had. I told him that I had. He then started shouting and pointing the finger at me, saying that he was the Medical Director and that I was no one to block his request. I was taken aback by his aggressive behaviour and told him that I hadn't blocked it but had told Megan that I would call him for clarification as to ensure that we processed and provided him with the exact data he was requesting for said investigation. What was the problem.*

*Dr Cassaglia continued to act in a very aggressive manner and told me that I didn't have to ask about the investigation. I responded that I was not asking or blocking the investigation. I re-iterated that I was just about to call him to ask what exactly he wanted as to ensure that we processed and provided him with data he was requesting for said investigation. He then told me that he was the Medical Director and that he had the final authorisation and demanded that blood logs for this investigation be sent to him by e-mail. I told Megan to e-mail him the data that he was requesting. This was using her Modulab account".*



I note and take on board that Mrs Smiths version as set out in the statement as to what transpired and was said when she entered the Histology Department is notably different to what Mr Stagnetto states in the paragraphs quoted in the preceding pages.

In her witness statement Mrs Smith describes events as follows:-

*“As I was opening the door of the Histology Section, Dr Cassaglia opened the door fully. He let me in and then closed the door behind me. He was shouting aggressively at Lawrence and pointing his finger saying that he had blocked his authority. His body language was very overpowering. He was leaning forward in front of Lawrence. Lawrence told him that it wasn't him and Dr Cassaglia wanted to know who had asked Megan not to send him the information.*

*At this point, I stepped in and told him that I had spoken to Megan. Dr Cassaglia then started shouting aggressively at me, continuously was pointing the finger at me, and towering over me. He kept shouting at me saying that he was the Medical Director and that I was no one to block his request. I was taken aback by his aggression and completely overwhelmed by his shocking behaviour. I felt intimidated and numb. I told him that I hadn't blocked it but had told Megan that I would call him for clarification so as to ensure that we processed and provided him with the exact data he was requesting for said investigation. What was the problem? I couldn't understand why he was acting in this manner. I wasn't blocking anything as I had simply put it on hold until I has spoken to him and provided him with the exact data he was requesting”.*

Once again Mrs Smith's statements as to what was said by Dr Cassaglia to her in the presence of Mr Stagnetto are not collaborated by what Mr Stagnetto stated occurred, as far as Mr Stagnetto was concerned, once Mrs Smith confirmed to Dr Cassaglia that it was her who had stopped Ms Davis from sending the e-mail, both Dr Cassaglia and Mrs Smith left the room.

In the course of her interview with the investigative board Mrs Smith made the following statements with regard to this part of events:-

*“Mrs Olivares:- When I arrived I saw Jackie and Megan in the office and they told me that Doctor Cassaglia was in the histology section. So I walked in, I went in and Doctor Cassaglia was very aggressive with Lawrence. Pointing the finger at him telling who had blocked. Who had stopped this investigation? Really, really aggressive and then when he asked him who had done this, who had, I stepped in and he started pointing the finger at me. It was very*

*intimidating, it was very, very aggressive. Telling me that he was the Medical Director that he was, no one had the right to stop this investigation. No one had the right to block anything. Really, really intimidating pointing the finger at me, you know really sort of over me. Then I felt so intimidated eventually I had to forward the information because he was so, he was so aggressive it was just shocking and then we left the department”.*

and later on in the transcript she stated:-

*“Mrs Olivares:-*

*He was very aggressive he just switched from Lawrence and then he went on to me. It was just, I just didn't know how to react in that respect. He was so aggressive I just didn't expect this kind of behaviour, I am not used to this kind of behaviour. Coming in and pointing a finger at me. I just couldn't react in that moment, it was very intimidating and very, very aggressive”.*

and later on in the transcript she stated:-

*“Mrs Olivares:-*

*As I said earlier and I went into the section shouting and really aggressive with Lawrence and then when I said I had, then he turned on to me and started pointing the finger at me and very, very aggressive, very very intimidating. And he said why had I blocked you know this investigation why had you know, why was I asking about the investigation and I said, look I am not asking about this investigation. I haven't blocked anything I was just about to call you to find out what exactly what you wanted so if it's a result then we can maybe those results were not in the actual system because we are still in the process of putting microbiology and some things on line. Maybe you can't find it there, we will provide you with this result. So he just started shouting at me and pointing the finger at me inaudible sort of over at me shall we say. And then he said that he had the final authorisation and he was the Medical Director and he had the final authorisation and to send those results to him. He wanted the blood log and he wanted it to be sent by email to him now”.*

Once again Mrs Smith's version of what transpired appears to me to be very little like the version of events given by Mr Stagnetto. Different people experience events in different ways and have different perceptions as to the



sequence of events, the manner they unfolded and how it affected them. I take this on board but even so the differences are significant.

In her evidence to this Tribunal Mrs Smith made the following statements with regard to these events:-

*“The door to the office has a window in it. I approached the door and before I did anything else Dr Cassaglia turned round and opened the door. He allowed the door to close”.*

*“When I went to the Histology section Dr Cassaglia was shouting aggressively at Lawrence pointing the finger at him and towering over him and engaging his personal space. He was very aggressive and was asking who had blocked his investigation.*

*I told Dr Cassaglia that I had. He then turned towards me started pointing the finger at me, he was very aggressive, he raised his voice, he invaded my personal space, he told me that he was the Medical Director and that I was no one to block his investigation or ask about his investigation. I told him I had not blocked it and I was going to give him a call to ask him exactly what he wanted for clarification for said investigation. He again told me that I was no one to block this investigation that he was the ultimate authority and demanded that I send those logs via e-mail. I was very shocked and numb, I felt threatened and I could not act accordingly”.*

*“Dr Cassaglia opened the door for me. I was looking through the glass. He was berating Mr Stagnetto”.*

*“When I went in he was talking to Lawrence asking who had blocked the investigation and I said that I had done so and he then started shouting at me. I am sure he was shouting and screaming at Lawrence being very aggressive when I walked in. He had voice raised pointing his finger. He was aggressive raising his voice yes shouting and when he asked who had blocked the investigation I said it was me”.*

As I have mentioned above there is a significant disparity in the totality of the evidence given by Mrs Smith with regard as to what transpired and was said when compared with the totality of the evidence given by Mr Stagnetto. It is possible that one could explain this disparity by saying that due to Mr Stagnetto's reaction to Dr Cassaglia's behaviour and statements Mr Stagnetto didn't fully register and recollect what transpired once Mrs Smith entered the room and/or that Mrs Smith is confused and that some of the conversation she says occurred in the Histology office actually occurred later in the corridor. Taking all possible scenarios into account, as well as how the witnesses gave their evidence, and doing as best as I can, it is my opinion that where and to the extent that there is disparity between the versions of events between Mr Stagnetto and Mrs Smith it is Mr Stagnetto's version that generally should be accepted. I do not accept Mr Cardona's submission that Mr Stagnetto corroborates Mrs Smith's version of events.

Dr Cassaglia:-

In the statement he produced for the purposes of the investigative board hearings, Dr Cassaglia has this to say about the events in the Histology Department:-

*“I entered the lab from the Chemotherapy Unit end, the lab doors open in a long corridor leading to the other entrance to the lab approximately 25 m away. At the other end of the corridor, and as I walked along, I could see Megan Davis, the other receptionist, Mohi Mahbubani and Lawrence Stagnetto talking just outside the histology lab door. Lawrence was standing with his back to the door looking out towards the corridor and he was holding it slightly ajar (the door is a self closing fire door), Mohit, Megan and the other receptionist were all in the corridor standing together facing Lawrence and the door to the Histology lab. The four people that I had asked to help me with my investigation were all gathered together and talking including Mohit who usually works at the other end of the laboratory in the biochemistry section. I deduced they had got together to discuss my investigation and my telephone conversation with Megan”.*

*“I was upset the e-mail had not been sent”.*

*“After I asked Lawrence for a chat in private, Lawrence who was standing at the door holding it slightly ajar, turned round and started to push the self-closing fire door open in front of him (These doors can be quite heavy to push and will usually immediately flick back as soon as you let them go). Meanwhile, Megan, Mohit and the other receptionist stepped away and let me pass toward the door behind Lawrence. Lawrence walked in as he was pushing the door open, I then put my hand on the door to hold it open so I could walk in after him. We stood inside the Histology room and I waited for the door to self-close, sometimes these doors do not fully close and I made sure the door was fully shut before I spoke.*

*I then asked Lawrence what was going on and why the information had been withheld. He told me he had not instructed Megan to withhold the information. He became defiant and told me I couldn't just come down to the lab and take information without authorisation. He added that he wouldn't come upstairs to my office and collect information without authorisation. At this point I told him that I was the medical and I was carrying out an official GHA investigation and I did have the authority to collect the relevant information. I also told him that I couldn't believe that the lab staff would deliberately block the medical director in the course of an investigation. Lawrence then said he felt I had been disrespectful to him and that in the years we had worked together we had never had any issues. I agreed and said that we had never had an issue and worked well together in the past. I apologised if he felt I had been rude to him personally, that was certainly not my intention, I was indeed upset at the attitude in the lab bewildered that they attempt to frustrate the Medical Director in the course of an investigation. Furthermore, in my role as the Medical Director, it was my job to ensure this type of interference did not happen and that I would be following this up from a management perspective. At no time was there any humiliating, insulting or demeaning language directed at Lawrence personally. I apologised*



immediately when he told me that he thought I had disrespected him. At no time was there any physical contact between me and Lawrence that I am aware of. I can categorically state that an assault did not take place at any stage in my interaction with Lawrence.

*“At this point Audrey Olivares Smith opened the door and came into the lab. I explained the issue and she told me that she had instructed Megan not to send me the information. I understand that before coming into the histopathology room to speak to me, Audrey had instructed Megan to send me the information.”*

*I told Audrey that I was carrying out an investigation for the GHA and also asked her to ensure that the details of the investigation and patient remained confidential. I did not want anyone other than those involved in helping retrieve the information knowing about the patient details (as I have already mentioned, this investigation was now very sensitive, I had discovered in my investigation that it involved a number of GHA staff members who had accessed the results of the patient, one of which was a family member of the complainant).”*

It is clear from this statement that Dr Cassaglia (i) whilst admitting to being upset denies assaulting or touching Mr Stagnetto in any way and/or using humiliating insulting or demeaning language when speaking to Mr Stagnetto (ii) makes no mention of shouting or screaming at Mr Stagnetto or Mrs Smith (iii) admits to apologising to Mr Stagnetto if Mr Stagnetto felt Dr Cassaglia had been rude (iv) states that Messrs Davis Mahubani and Barea moved aside to let him pass into the room (v) states Mrs Smith opened the door to the room (vi) confirms Mrs Smith admitted to being the person who told Ms Davis not to send the e-mail and (vii) admits to accusing Mr Stagnetto of blocking the sending of the e-mail. I take note that there is a significant discrepancy between Mrs Smith’s evidence and that of Dr Cassaglia as to what occurred in the Histology office.

On the 15<sup>th</sup> March 2018, Dr Cassaglia made a further statement in which he makes the following statements with regard to the events in the histology room:-

*“Ms Olivares Smith had still not returned from lunch. As I approached, I asked Mr Stagnetto if we could talk in his room. As he was the most senior member of staff present and given that he had been curious about what I had been requesting from Ms Davis, I thought I was doing the right thing to speak to him privately, particularly as I assumed he had been responsible for Ms Davis not sending the information requested, and because I did not want to challenge him in front of any junior members of staff. I was upset at the fact that the email had not been sent; I was working under pressure and had spent almost an hour in the lab trying to get the information I needed. I couldn’t understand why Ms Davis had refused a direct instruction after having been so helpful earlier and believed that she would not have made the decision not to send the email herself.*

*After I asked Mr Stagnetto for a chat in his room, he turned around to push open the self-closing fire door. The other members of staff moved*



*away and let me pass. As Mr Stagnetto walked in pushing the door, I put my hand on the door, I put my hand on the door to hold it open so I could walk in after him. Once in his office, I asked Mr Stagnetto what was going on and why the information was being withheld. He told me he had not instructed Ms Davis not to send me the e-mail. He then said I couldn't come down to the Lab to take information without authorisation. He //????? compared I was the Medical director and that I was carrying out an official investigation for the GHA and that I did have the authority to collect the information I had requested. I told him I couldn't believe that the Lab staff would deliberately block the Medical Director in the course of an investigation. I would highlight now particularly with hindsight, that is should be obvious to the Board that had Mr Stagnetto felt threatened, he would not have challenged me. I also feel that his response and in particular, the suggestion that my request for information was the same as him accessing my office to obtain information was an inappropriate comparison.*

*Mr Stagnetto told me I had been disrespectful to him and that in the years we had worked together we had never had any issues, I agreed with this, and apologised if he felt I had been rude to him personally as that was certainly not my intention and I was simply upset and frustrated at the attitude in the Lab. Further, in my role as Medical Director, I said I would have to follow up to ensure that that sort of interference did not happen again. I did not direct any insulting or offensive language at Mr Stagnetto. I categorically deny having pushed Mr Stagnetto. I do not believe I even touched him at all, and I definitely did not put both my hands on his shoulders to push him backwards through the door as is being alleged.*

*Ms Olivares Smith then opened the door and came into the lab. I explained the issue and she said she had stopped Ms Davis from sending me the information. She did not explain why.”*

It is clear from this statement, in which Dr Cassaglia set out his thoughts on various points that Dr Cassaglia (i) denies putting both his hands on Mr Stagnetto's shoulders and/or pushing him (ii) confirms that the other staff members moved aside to let him pass into the room (iii) confirms that he accused Mr Stagnetto of instructing Ms Davis not to send the e-mail (iv) makes no mention of shouting or screaming at Mr Stagnetto and/or Mrs Smith (v) admits to apologising to Mr Stagnetto if Mr Stagnetto felt he had been rude (vi) stated that Mr Stagnetto challenged him about coming to the lab to request the information (vii) admitted to being upset and frustrated at not having received the e-mail (viii) admitted that Mrs Smith confirmed that she was person who had stopped Ms Davis sending the e-mail and (ix) stated that Mrs Smith opened the door when she walked in.

In his witness statement of the 8<sup>th</sup> February 2019 Dr Cassaglia simply introduces by way of exhibit his statement of the 15<sup>th</sup> March 2018.

Dr Cassaglia was interviewed on the 16<sup>th</sup> October and 20<sup>th</sup> November 2017 by the investigative board. Unfortunately the board when putting questions to Dr Cassaglia did not adopt a very ordered approach and therefore there was no detailed questioning of what occurred at the Histology lab. The following are statements made at one stage or another in the course of the two interviews:-



“Mr Gil – You must have been pretty ugly when you came down. I would have been in your position.

Dr Cassaglia – I mean as angry, as angry well I was upset. And I felt indignant I felt que hay que ve, que, que”.

Mr Gil – Did not walk causing, you weren't portraying any anger any frustration or anything else. You just walked like you normally do.

Dr Cassaglia – I don't know how you walk portraying anger or frustration. I was frustrated.

Mr Gil – Obviously.

Dr Cassaglia – I was upset. You know. Im not able to see myself walking, I know that I am walking and I know I am getting too and I need to talk to Lawrence.”

and later on in the transcript:

“Dr Cassaglia - I think the two receptionists were sort of facing me, I think Mohit was facing Lawrence, he had his back to me. And Lawrence was standing on the door and I think he could, he could see me coming. See me coming”.

and later on in the transcript:

“Dr Cassaglia – At one point, at one point when I am telling Lawrence to go in the room I don't address the others. I mean the others knew I wanted to talk to Lawrence. I was clear that I wanted to talk to Lawrence and moved out of the way and I walked in behind Lawrence. There was a none, it was a none. That part of it was a non-event and they saying I pushed him at that stage”.

and later on in the transcript:

“Dr Cassaglia - You know. Shouting at him no. Again I don't recall shouting. Si raising my voice and being unequivocally my language si pero shouting at him no”.

and later on in the transcript:

“Dr Cassaglia – Scream que va. okay”.

and later on in the transcript:

“Dr Cassaglia:- No, el que its not really possible tampoco with the doors and the way they are because you've got Lawrence standing at the door. Holding it ajar, cause this door they close we've got one of these really hard

*and difficult to push. So Lawrence would have had to turn round and push the door open. If I pushed Lawrence at that point he would have smacked his face on the door as he's pushing it open. He pushes the door open. I can't walk in after Lawrence. I have to hold the door open otherwise it will close in my face. So I don't understand how, how I could have pushed".*

and later on in the transcript:

*"Dr Cassaglia – There's no way that I would push someone assaulted someone then think well maybe there's a possibility. Did I brush you know, did I brush past somebody and walked through and maybe not even notice, it possible".*

and later on in the transcript:

*"Dr Cassaglia – I was in the room talking to Lawrence wasn't a long conversation at all but, minutes estamo hablando theres a time line the log provides a time line for everything pretty much ....."*

and later on in the transcript:

*"Dr Cassaglia – No that I started, I said something like what the hell is going on. Why isn't this information being released? I ve spent time with Megan collecting the information. I turn my back walk out and suddenly its not forthcoming".*

and later on in the transcript:

*"Mr Gil – Did you say to Lawrence at any time "who the fuck do you think you are?"*

*Dr Cassaglia – I don't talk to people like that. That's not my recollection of what I said to Lawrence at all".*

*"Mr Gil – Did you swear at any time.*

*Dr Cassaglia – I could have done but I don't remember specifically and certainly if there was any swearing it wouldn't have been directed at Lawrence and I think and I think that's important in that you know. I guess everyone uses swear words from time to time out of frustration but not insulting language at him no".*

and later on in the transcript:

*"Dr Cassaglia – No I think it was a backwards and forwards it was, it started off with em what you think you're doing or why would you stop the information given to me, I*



can't remember the exact words. And then he says it wasn't me and then I said hang on a minute you know what do you mean it wasn't you. Words to that effect. And then at one point he says to me you can't just come down here and get the information that you need. Which I thought ..... what you mean I am the medical director of course I can. And then he said well I don't go up to your office and get all the information that I want from your office I've got to go through a process and I said that hang on its not the same issue. Which I thought again I couldn't quite understand. And then at that point I tell him that its you know you may have thought that this was Daniel Cassaglia the Paediatrician coming for information. I wasn't I was there in my capacity as a Medical Director so. It's a totally different scenario you know".

and later on in the transcript:

*“Dr Cassaglia - I told him, I told him that, I asked him what was going on. Why isn't this information being given to me? I think he then said it wasn't him who had, who had this is interesting because I just assume that it was him. But he denied it straight away' .....*”

and later on in the transcript:

*“Dr Cassaglia – And I wanted to express my dissatisfaction to him. I assumed he was the one who had put a stop to getting me the information. When he told me that it wasn't him, I thought that, I didn't think that was plausible to be honest. But I continued to make the point that if the Medical director comes down and requests information, there is nobody there that can overrule that request”.*

and later on in the transcript:

*“Dr Cassaglia – I remember Audrey walking in. I remember that she told me that she'd released the information to me.”*

and later on in the transcript:

*“Dr Cassaglia – I didn't open the door, I didn't open the door. Audrey came into the room”.*

and later on in the transcript:

*“Dr Cassaglia – She said right I tell her but I'm telling Lawrence I'm upset with the fact that you stopped me from getting the information. And she says to me no, no it was me*