

**IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO**

MEMBER WILLIAMS, <i>et al.</i> , Plaintiffs, vs. KISLING, NESTICO & REDICK, LLC, <i>et al.</i> , Defendants.	Case No. 2016-CV-09-3928 Judge James Brogan Notice of Filing Redacted Deposition Transcript of Brandy Gobrogge
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Now come Plaintiffs, by and through undersigned counsel, and hereby give notice that the attached Redacted Deposition Transcript of Brandy Gobrogge, taken on October 16, 2018, and October 17, 2018, has been filed with the Court. Pursuant to the Protective Order dated September 12, 2017, Plaintiffs have redacted all portions of testimony deemed confidential by Defendants.

Respectfully submitted,

/s/ Rachel Hazelet

Peter Pattakos (0082884)
Dean Williams (0079785)
Rachel Hazelet (0097855)
THE PATTAKOS LAW FIRM LLC
101 Ghent Road
Fairlawn, Ohio 44333
Phone: 330.836.8533
Fax: 330.836.8536
peter@pattakoslaw.com
dwilliams@pattakoslaw.com
rhazelet@pattakoslaw.com

Joshua R. Cohen (0032368)
Ellen Kramer (0055552)
COHEN ROSENTHAL & KRAMER LLP
The Hoyt Block Building, Suite 400
Cleveland, Ohio 44113
Phone: 216.781.7956
Fax: 216.781.8061
jcohen@crklaw.com
Attorneys for Plaintiffs

Certificate of Service

The foregoing document was filed on December 20, 2018, using the Court's electronic-filing system, which will serve copies on all necessary parties.

/s/ Rachel Hazelet
Attorney for Plaintiffs

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1 IN THE COURT OF COMMON PLEAS
2 OF SUMMIT COUNTY, OHIO

3 ~~~~~

4 MEMBER WILLIAMS, et al.,

5 Plaintiffs,

6 vs. Case No. CV-2016-09-3928

7 KISLING NESTICO & REDICK, LLC, et al.,

8 Defendants.

9 ~~~~~

10 Video Deposition of
11 BRANDY GOBROGGE

12 October 16, 2018

13 9:39 a.m.

14 Taken at:

15 The Pattakos Law Firm, LLC
16 101 Ghent Road
17 Akron, Ohio 44333

18 Tracy Morse, RPR
19
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1 APPEARANCES:

2 On behalf of the Plaintiff:

3 The Pattakos Law Firm, LLC, by
4 PETER PATTAKOS, ESQ.
101 Ghent Road
5 Akron, Ohio 44333
330-836-8533
6 peter@pattakoslaw.com
7

8 On behalf of the Defendant Kisling
9 Nestico & Redick, LLC:

10 Lewis Brisbois, by
11 THOMAS P. MANNION, ESQ.
1375 East 9th Street
Suite 2250
11 Cleveland, Ohio 44114
216-344-9467
12 tom.mannion@lewisbrisbois.com

13 and

14 Sutter O'Connell, by
15 NATHAN F. STUDENY, ESQ
3600 Erieview Tower
1301 East 9th Street
16 Cleveland, Ohio 44114
216-928-3566
17 nstudeny@sutter-law.com

18 ~ ~ ~ ~ ~

19 ALSO PRESENT:

20 John J. Reagan, Esq.
Alberto Nestico, Esq.*
21 Rachel Hazelet, Law Clerk
Joseph VanDetta, Videographer
22

23 ~ ~ ~ ~ ~

24 * -- Via phone

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1 VIDEOGRAPHER: We are now on the
2 record. The date is October 16, 2018. The
3 time is 9:39 a.m. The caption of this case is
4 Member Williams, et al. versus Kisling
5 Nestico & Redick, LLC, et al. The name of the
6 witness is Brandy Gobrogge.

7 At this time the attorneys present will
8 identify themselves and the parties they
9 represent.

10 MR. PATTAKOS: Attorney Peter
11 Pattakos for the plaintiffs.

12 MS. HAZELET: Rachel Hazelet for
13 the plaintiffs.

14 MR. MANNION: Tom Mannion on
15 behalf of KNR. And as Mr. Pattakos and I
16 discussed beforehand, we're designating the
17 entire deposition testimony at this point as
18 confidential and subject to paragraph 4 and the
19 entire protective order. We can parse out
20 later which is and which is not confidential so
21 we don't have to break up the deposition.

22 MR. PATTAKOS: I would ask you to
23 do that and not me. You know, I'm fine with
24 you designating the whole thing as confidential
25 now, but within short order I would expect to

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1 receive from you designation of what
2 specifically is confidential.

3 MR. MANNION: And then once we do
4 that, if you think there's something that we
5 designated confidential that's not, please let
6 me know and we can talk about it.

7 MR. PATTAKOS: That sounds like a
8 great plan, Tom. Thank you.

9 MR. MANNION: Great.

10 MR. STUDENY: Nathan Studeny also
11 on behalf of the KNR defendants.

12 VIDEOGRAPHER: Will the court
13 reporter, please, swear in the witness.

14 BRANDY GOBROGGE, of lawful age, called
15 for examination, as provided by the Ohio Rules
16 of Civil Procedure, being by me first duly
17 sworn, as hereinafter certified, deposed and
18 said as follows:

19 EXAMINATION OF BRANDY GOBROGGE

20 BY MR. PATTAKOS:

21 Q. Good morning. My name is Peter
22 Pattakos and I represent the plaintiffs in the
23 lawsuit in which you are here today to provide
24 testimony. I will ask you first to please
25 state your name for the record.

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1 A. Brandy Gobrogge.

2 Q. Thank you, Ms. Gobrogge. Have you
3 taken any medication or ingested any other
4 substances that would impair your ability to
5 remember events accurately or testify
6 truthfully today?

7 A. No.

8 Q. Is there any other reason you would
9 be unable to remember events accurately or
10 testify truthfully today?

11 A. No.

12 Q. Have you ever had your deposition
13 taken before?

14 A. No.

15 Q. Have you ever provided sworn
16 testimony in any form before?

17 A. No.

18 Q. Well, how it generally goes is that
19 I ask questions and you answer them. It is
20 important that you give an audible answer like
21 "Yes," or, "No", as opposed to, "Um-hum," or,
22 "Uh-huh," because that doesn't show up on the
23 transcript. Understood?

24 A. Yes.

25 Q. And if you don't understand a

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1 question, I would ask you to please tell me and
2 I can do my best to rephrase it for you. Okay?

3 A. Yes.

4 Q. Now, your attorney here today may
5 register objections to the questions I ask you
6 today, but that is only to preserve those
7 objections for the record. You are still
8 required to answer my questions, even when your
9 attorney objects; unless your attorney
10 specifically instructs you not to answer the
11 question, in which case the Court will decide
12 whether you have to answer the question or not
13 generally. Do you understand that?

14 A. Yes.

15 Q. Okay. As a final preliminary
16 matter, I want to assure that this lawsuit and
17 the questions I ask are nothing personal. I'm
18 only here to do my job, which is to ask
19 questions to expose the truth as to whether my
20 clients are entitled to recovery under Ohio
21 law, as we believe they are; and whether you
22 believe that or not, I do appreciate your
23 participation in this process, so thank you.

24 MR. MANNION: Motion to strike.

25 MR. PATTAKOS: Okay.

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1 BY MR. PATTAKOS:

2 Q. What's your address?

3 A. 2304 Canterbury Circle, Akron, Ohio
4 44319.

5 Q. Where were you born?

6 A. Akron.

7 Q. Did you graduate from high school?

8 A. Yes.

9 Q. From where?

10 A. North High School.

11 Q. What year?

12 A. 1999.

13 Q. You were a freshman, when I was a
14 senior. Did you go to college?

15 A. Yes.

16 Q. Where did you go?

17 A. University of Akron.

18 Q. And did you obtain a degree from
19 the University of Akron?

20 A. Yes.

21 Q. In what?

22 A. Bachelor's degree in political
23 science and criminal justice.

24 Q. What year did you obtain that
25 degree?

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1 A. 2009.

2 Q. Did you undertake any postgraduate
3 study?

4 A. No.

5 Q. Okay. What did you do in between
6 high school and obtaining your bachelor's
7 degree?

8 A. I worked full-time at a law firm
9 and I went to college at night and on the
10 weekends.

11 Q. Wow. Okay. What law firm?

12 A. Aronson Law Firm.

13 Q. And when did you start working
14 there?

15 A. 1998, when I was a senior in high
16 school. I went to school half a day and I
17 worked half a day.

18 Q. Wow. And that is A-r-o-n-s-o-n?

19 A. Yes.

20 Q. That's Dan Aronson --

21 A. Yes.

22 Q. -- right up the street?

23 A. Yes.

24 Q. Was he always right up the street?

25 A. Yes.

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1 Q. Okay. Why did you start working
2 for Stan?

3 A. I was in a program at school where
4 they taught you typing and sort of -- it was a
5 business education class. And part of the
6 class, they worked with employers to -- they
7 send you on job interviews. So the job
8 interview that I had was with a law firm and I
9 went on the interview and I got the job.

10 Q. Stan's law firm?

11 A. Uh-huh.

12 Q. Right. Wow. And what did you do
13 for him?

14 A. Well, I started out filing and
15 picking up lunch. I would go to the courthouse
16 and file documents with the court, request
17 medical records, really just general office
18 stuff.

19 Q. The whole time you were there?

20 A. No. That's what I started out.
21 When I left, I was -- case manager was my
22 title. I was his head paralegal. I did
23 paralegal work on a variety of cases.

24 Q. And you were going to get your
25 undergraduate degree at the same time that you

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1 were at the firm?

2 A. Yes.

3 Q. Okay. Were you still at Stan's
4 firm in 2009, when you graduated?

5 A. No.

6 Q. When did you leave Stan's firm?

7 A. I believe it was around 2008. I
8 actually had left there one time in between.
9 I'm not really sure what year, and I think it
10 was for a short period of time and he had
11 called and asked me to come back. So I don't
12 know dates or anything like that.

13 Q. Okay. Why did you leave in 2008?

14 A. I was getting ready to finish my
15 degree. And when you're that far along in
16 college, you have like -- I had those classes
17 where there's only one offered per semester and
18 the scheduling became very difficult. And with
19 those being the senior level classes, I wanted
20 to focus on my degree and finishing that,
21 because I had sort of put that on the
22 back-burner for work --

23 Q. Um-hum.

24 A. -- so I just wanted to focus on
25 school and get it done.

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1 Q. What was Stan paying you, by the
2 time you had a --

3 MR. MANNION: What does that have
4 to do with this case, what Stan was paying her?
5 No --

6 Q. -- what was your salary at
7 Stan's --

8 MR. MANNION: -- you don't need
9 to answer that question.

10 MR. PATTAKOS: Tom, it's relevant.

11 MR. MANNION: How is it relevant?

12 MR. PATTAKOS: It's relevant to
13 how much she's making now.

14 MR. MANNION: No, it's not.

15 You don't have to answer that question.

16 MR. PATTAKOS: You're instructing
17 the witness not to answer that question?

18 MR. MANNION: How much she made
19 at another law firm that's not involved in this
20 lawsuit, what possible reason -- how could that
21 lead to discoverable evidence?

22 MR. PATTAKOS: It's pretty
23 interesting, Tom, that you're not letting her
24 answer that question. That's fine.

25 MR. MANNION: No. I'm asking you

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1 for the relevance.

2 MR. PATTAKOS: We can move on. I
3 don't have to explain relevance to you, Tom.

4 MR. MANNION: Let me ask you:
5 Brandy, do you feel comfortable giving him your
6 salary with what you were making at Aronson?

7 THE WITNESS: No.

8 MR. MANNION: Okay.

9 BY MR. PATTAKOS:

10 Q. Why don't you feel comfortable
11 giving me that information?

12 A. I don't feel that it's relevant.

13 Q. Okay. We can move on. What was
14 your next job, after leaving the Aronson firm?

15 A. I was a bartender at Brubaker's
16 Pub.

17 Q. Which one?

18 A. Downtown Akron.

19 Q. How long did you work there?

20 A. I'm really not sure. Maybe a year.

21 Q. Then what was your next job?

22 A. It was at ADP, Automatic Data
23 Processing.

24 Q. What did you do there?

25 A. I was a -- I don't really remember

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1 my specific title. I can't think of my title
2 right now, but I did sales, payroll sales for
3 small businesses.

4 Q. How long were you there?

5 A. Only a few months.

6 Q. Why did you leave?

7 A. Rob approached me at Starbuck's.

8 Q. Rob Nestico --

9 A. Yes.

10 Q. -- approached you at Starbuck's?

11 A. Yes.

12 Q. Tell me about this.

13 A. I was drinking coffee, getting
14 ready to go to work and I saw Rob. I knew him.
15 He was -- I would say, hi, to him, like just
16 being out in the community. I would see him at
17 Starbuck's in the morning. And he sat down and
18 asked me what I was doing, where I was working,
19 and I told him I was doing sales at ADP and
20 that I really liked working there. You know,
21 we had talked about small talk. And he said,
22 "Well, I'd like to have you come work for me,"
23 and I was kind of surprised. But he explained
24 to me what I would be doing there. And I asked
25 him if I could think about it and he said,

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1 "Sure," and that's it.

2 Q. What year was that?

3 A. Well, I've been at KNR -- I started
4 at KNR in November of 2010. I believe that
5 could have been around August -- it was, I
6 think in the summer. I'm not really sure on
7 exact dates, but I know I didn't go work there
8 right away.

9 Q. So when Rob described to you what
10 your job would be or what he wanted you to do,
11 what did he tell you?

12 A. He told me I'd be reporting
13 directly to him and I would be doing -- I don't
14 know what the word is -- I would be reporting
15 directly to him and helping him manage the
16 firm. I don't know if that's -- I mean, this
17 was a really long time ago, so --

18 Q. Sure.

19 A. -- it was something along those
20 lines.

21 Q. So what was your experience with
22 him beforehand, besides seeing him around? You
23 were familiar with him from your work at the
24 Aronson firm?

25 A. I would see Rob at Cav's games and

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1 we would say hello. I would see him at
2 Starbuck's and we would say hello. I had asked
3 him in that conversation -- I said, "You know,
4 you don't really know me that well. I'm kind
5 of surprised you're offering me a job." And he
6 knew that I worked for Stan for ten years and
7 Stan is not the easiest person. So he said,
8 "You know, you worked for Stan for that long,"
9 he inferred, you know, I think you would be
10 good to come work for me.

11 Q. Rob has a personal connection with
12 Stan, doesn't he?

13 A. Yes.

14 Q. And what's that?

15 A. Rob was engaged to Stan Aronson's
16 daughter.

17 Q. Okay. They didn't end up getting
18 married.

19 A. No.

20 Q. Do you know why?

21 MR. MANNION: Objection.

22 Go ahead, if you know.

23 A. I believe she cheated on him.

24 Q. And was this before or after you
25 started to work for him, if you remember?

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1 A. He was not with -- he was married
2 to Patty, when I started working for him. So
3 this all happened before I started working for
4 Rob.

5 Q. Okay. So his relationship with
6 Stan's daughter ended, before you started
7 working for him?

8 A. Correct.

9 Q. Okay. So during your time working
10 for Stan, you didn't become familiar with Rob
11 at social events, besides just in the
12 community --

13 A. No. I never really --

14 Q. --or through his relationship with
15 Stan's daughter?

16 A. No.

17 Q. Okay. Were there any other jobs
18 that you held between high school and starting
19 to work for KNR, besides the job at Stan's
20 firm, Brubaker's and ADP?

21 A. I worked at a root-beer stand.

22 Q. A root-beer stand?

23 A. Yeah.

24 Q. Where?

25 A. In Cuyahoga Falls. It's no longer

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1 there.

2 Q. What was it called?

3 A. BK Root-beer Stand.

4 Q. Did they sell burgers and stuff
5 too?

6 A. Yeah.

7 Q. Okay.

8 MR. MANNION: Like a Swanson's
9 type.

10 A. You drive up and it was exactly
11 like Swanson's.

12 Q. Sure. Okay. That's one of the
13 neatest employment histories I've ever heard.
14 You must be good. Okay. So are you in the
15 same position at KNR that you started in?

16 A. No.

17 Q. Do you have a title?

18 A. Yes.

19 Q. What's your title?

20 A. Director of operations.

21 Q. What was your title, when you
22 started?

23 A. I didn't have a title.

24 Q. Have you had any other titles,
25 besides director of operations?

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1 A. Executive assistant.

2 Q. What did you make as an executive
3 assistant?

4 MR. MANNION: Objection. Again,
5 I'm not sure that this has any discoverability.
6 If the Judge determines that you're entitled to
7 that, we'll give you her salary history, but
8 we're not going to talk about it at the
9 deposition.

10 MR. PATTAKOS: You're going to
11 make us file a motion to find out what an
12 employee witness makes at the job working for
13 the defendant in this lawsuit?

14 MR. MANNION: I'm not
15 understanding what the relevance of her salary
16 has to do with anything.

17 MR. PATTAKOS: Tom, it goes to a
18 witness's bias. It's very clear. I'm sure
19 you're -- I really do not think this is
20 subject -- it's a legitimate question.

21 MR. MANNION: I don't -- you're
22 right. I don't think it's a legitimate
23 question for you to ask her that --

24 MR. PATTAKOS: Okay.

25 MR. MANNION: -- but, I mean, if

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1 you want, I mean, perhaps we can get you this
2 information off the record, but I don't
3 necessarily want a deposition being filed that
4 lists her salary for everybody to know about
5 either.

6 MR. PATTAKOS: Tom, I want to ask
7 questions about when her salary changed and why
8 and I'm entitled to do that. So if you're
9 going to prevent me from doing that and we have
10 to come back here, then your client is going to
11 have to pay for it.

12 MR. MANNION: Like we have to go
13 back for your client's depositions because you
14 failed to bring records that they reviewed?

15 MR. PATTAKOS: Tom, you can take
16 that up with the Court. This isn't -- that's
17 not relevant right now.

18 MR. MANNION: Well, I'll tell you
19 what I will do, is I'll confer with my client
20 at the next break to see what their position is
21 on this.

22 MR. PATTAKOS: Tom, why don't you
23 confer with your client right now, because I
24 have my deposition outline that I'm working
25 from and there's no reason for you to interrupt

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1 it. Okay? This is not legitimate. Please
2 confer with your client right now, so that we
3 can then move on with this deposition.

4 MR. MANNION: Well, if you want
5 to take a break, I'll do that, but if you want
6 to keep going until it's time --

7 I think you had that personal issue at
8 10:30.

9 THE WITNESS: Yeah.

10 MR. PATTAKOS: We can take a
11 break, Tom. Why don't you go ahead and confer
12 with your client.

13 MR. MANNION: Sure. We'll take a
14 little break. Okay.

15 VIDEOGRAPHER: Off the record
16 9:55.

17 (Recess taken.)

18 VIDEOGRAPHER: On the record
19 10:02.

20 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods used to collect and analyze data. It includes a detailed description of the sampling process and the statistical techniques employed to interpret the results.

3. The third part of the document presents the findings of the study. It shows that there is a significant correlation between the variables being studied, which supports the hypothesis that was tested.

4. The fourth part of the document discusses the implications of the findings for future research and practice. It suggests that the results could be used to inform policy decisions and to guide the development of new programs and initiatives.

5. The fifth part of the document provides a conclusion and a summary of the key points. It reiterates the importance of the study and the need for continued research in this area.

6. The sixth part of the document includes a list of references to the sources used in the study. It also includes a list of appendices that provide additional information and data.

7. The seventh part of the document is a glossary of terms used in the study. It defines the key concepts and provides a clear understanding of the terminology used throughout the document.

8. The eighth part of the document is a list of figures and tables. It includes a detailed description of each figure and table, and provides a clear understanding of the data presented.

9. The ninth part of the document is a list of footnotes. It includes additional information and references that are not included in the main text of the document.

10. The tenth part of the document is a list of acknowledgments. It includes a list of the individuals and organizations that provided support and assistance during the course of the study.

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[illegible]

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Q. What were your responsibilities as executive assistant, when you first started?

A. Oh, they varied. I don't remember exactly. [REDACTED]

[REDACTED]

Really anything that Rob needed. They had just moved in the building. I had to order furniture, do all -- you know, what you're doing here. Those are like the two things that are standing out to me. It was eight years ago. I mean --

Q. Sure.

A. -- so much has changed between then and now.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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[REDACTED]

20 Q. Okay. Have you had any position,
21 besides executive assistant and director of
22 operations?

23 A. At Kisling Nestico & Redick?

24 Q. Yes.

25 A. No.

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

6 Q. When did you become director of
7 operations?

8 A. My role as executive assistant had
9 grown. At some point -- I think it may have
10 been -- we hired another employee who held that
11 role at Elk & Elk and that was his title there.
12 So we like kind of reviewed job duties and I
13 had asked Rob if we could change my title,
14 because my role had grown and changed.

15 Q. I'm sorry. You said you had an
16 employee at Elk & Elk?

17 A. So we had Kevin Thompson, who
18 worked there doing sort of the same thing that
19 I do at KNR; he did it at Elk & Elk. So when
20 we brought him on, we were trying to figure out
21 what his title would be and we were kind of
22 shifting around responsibilities. And at that
23 time I had done some research on titles and
24 that's when I felt that I was doing more than
25 an executive assistant would do.

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1 Q. Understood. Thank you. So Kevin
2 was at Elk & Elk and came over to KNR. What
3 was his position at KNR?

4 [REDACTED]
[REDACTED]
[REDACTED]

7 A. Correct.

8 Q. So what was it that Kevin did that
9 was different than what you did?

10 A. So Kevin -- can you rephrase
11 that --

12 Q. Sure. Well --

13 A. -- I'm not sure what you're asking.

14 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

21 Q. Okay. Is Kevin still there?

22 A. Yes.

23 Q. So what does Kevin do?

24 [REDACTED]
[REDACTED]

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Q. You do marketing too, though, don't you?

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██████████ ██████████ ██████████ ██████████ ██████████ ██████████

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Q. Why don't you walk me through a typical day.

MR. MANNION: I'm going to object to form.

But go ahead.

A. I don't really think there is like a typical day. Every day is very different.

Q. Every day is very different?

A. Um-hum.

Q. Give me then examples of three different kinds of different days that you would have.

MR. MANNION: Go ahead.

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 Today I'm here doing a deposition. I mean,
5 there really is no two days that are the same.

6 Q. It depends on what needs to be
7 done. And you still directly report to
8 Mr. Nestico, correct?

9 A. Correct.

10 Q. He's the only one you report to,
11 correct?

12 A. Correct.

13 Q. Do any attorneys report to you?

14 A. No.

15 Q. But you're routinely authorized to
16 give directions and instructions to attorneys,
17 correct?

18 MR. MANNION: Object to form.

19 Go ahead, if you can.

20 A. Can you ask me that again? I'm
21 sorry.

22 Q. You are authorized to give
23 instructions to KNR attorneys by Mr. Nestico,
24 correct?

25 MR. MANNION: Objection, form.

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1 Go ahead, if you can.

2 A. I mean, there could be times that I
3 would be giving directions or suggestions. It
4 just depends on the scenario.

5. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 Q. Kevin reports to you?

9	A .	Um-hum .
---	-----	----------

[illegible]

22 Q. What did you change it from?

23 A. Executive assistant.

24 Q. To who?

25 A. Sarah Knoch, that was her title and

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1 I changed it to something else.

2 Q. Who was she executive assistant to?

3 A. To Rob and I.

4 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 Q. Okay.

9 A. -- also, [REDACTED]

[REDACTED]

11 Q. Okay. So you only report to Rob
12 Nestico. You don't report to anyone else. I
13 assume this means you're in constant
14 communication with Mr. Nestico --

15 MR. MANNION: Objection to form.

16 Go ahead.

17 Q. -- is that correct?

18 A. No.

19 Q. No. How many times a day do you
20 talk to him?

21 A. There could be days that I don't
22 talk to him at all. It just depends. There's
23 partners now at the firm, so I often
24 communicate more with them than I do with him.

25 Q. Okay. How often do you speak with

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1 him?

2 A. With Rob?

3 Q. Yes.

4 A. Like I said, there could be days
5 that I don't speak to him at all. There could
6 be days that I have conversations with him. I
7 don't really count how many times.

8 Q. Several times a day, though,
9 wouldn't be unusual?

10 MR. MANNION: Objection. Asked
11 and answered.

12 Go ahead.

13 A. I mean, like I said, there are days
14 I don't talk to him at all. There are days I
15 have conversations. I don't count. I don't
16 pay attention to how many.

17 Q. Okay. You would never take action
18 on behalf of the law firm unless you believed
19 that it was what Rob Nestico wanted for the
20 firm, correct?

21 MR. MANNION: I'm going to object
22 to form on that. That's pretty broad there.

23 But go ahead, if you can.

24 A. Can you rephrase that, please?

25 Q. No, I can't.

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1 A. Well, I don't know how to answer
2 that question.

3 Q. You would never take action on
4 behalf of the law firm unless you believed that
5 it was what Rob Nestico wanted for the firm,
6 correct?

7 MR. MANNION: Well, I'm going to
8 object by what you mean by, "Action on behalf
9 of the law firm."

10 But to the extent you can answer, go
11 ahead.

12 A. I -- I'm -- I don't know like what
13 you mean when you're asking that.

14 Q. I don't think this is --

15 MR. MANNION: Wait, wait, wait,
16 wait, wait. Stop with the facial expressions
17 to her. What are you doing? Don't do that
18 again, please. You're not here to try to
19 intimidate this witness. She said she didn't
20 understand what you meant.

21 MR. PATTAKOS: Tom, I did not make
22 any facial expression that was inappropriate
23 and --

24 MR. MANNION: You absolutely did.

25 MR. PATTAKOS: -- I did not try to

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1 intimidate this witness. What you're doing
2 right now is completely inappropriate.

3 MR. MANNION: No. What you're
4 doing -- she said she didn't understand the
5 question. Rephrase it.

6 MR. PATTAKOS: Tom, I asked her a
7 very simple question.

8 MR. MANNION: I'm not sure it's
9 simple.

10 MR. PATTAKOS: You're speaking
11 objections are apparently --

12 MR. MANNION: Peter, are you
13 serious? Look at your transcripts. I haven't
14 been giving speaking objections at all, not
15 even close. You did throughout the
16 depositions. She said she didn't understand
17 what you're asking and asked you to rephrase
18 it.

19 MR. PATTAKOS: Tracy, would you
20 please read the question back to the witness.

21 She can answer it as best she can. Mr.
22 Mannion's objections are noted.

23 THE NOTARY: Am I going to read
24 it back?

25 MR. MANNION: In a second.

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1 If she doesn't understand a question, she
2 can't answer it, Peter. She asked you what you
3 meant by it.

4 Okay. Go ahead.

5 THE NOTARY: Okay. One second. I
6 need to go back to it.

7 (Record was read.)

8 A. I still am unclear on what you mean
9 by, "Action," and like --

10 Q. Anything on behalf of the firm.
11 You wouldn't do anything on behalf of the firm,
12 send an instruction to a KNR employee or
13 communicate on behalf of the firm to say, "KNR
14 wants this to happen," or, "We want KNR
15 employees to do this," unless it was something
16 that you believed Rob wanted you to do or
17 wanted on behalf of the firm, correct?

18 MR. MANNION: Objection to form.

19 But go ahead.

20 A. I don't know really what you mean
21 there. I mean, there's plenty of times that I
22 just do my job. I don't think, what would Rob
23 Nestico do.

24 Q. Okay. But you wouldn't actively do
25 anything that you believed he didn't want you

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1 to do, correct?

2 A. I wouldn't do anything that I felt
3 was wrong. Is that --

4 Q. Is there any example of anything
5 you've ever done in your position at KNR where
6 you thought, Rob Nestico does not want me to do
7 this, but I am going to do it anyway?

8 A. Yes.

9 Q. Explain.

10 A. I can't -- I can't think of
11 anything in particular, but I for sure have
12 done things that I didn't think that -- he
13 might not like a picture on the wall and I
14 might get it anyway. I mean --

15 Q. Any other example?

16 A. I can't think of anything
17 specifically.

18 Q. I don't think what I'm asking is
19 complicated. You know, Rob Nestico is your
20 boss and you want to do what your boss wants
21 you to do generally. Isn't that correct?

22 MR. MANNION: Objection to form.

23 Go ahead.

24 A. Rob is my boss, yes. Like I just
25 think what you're asking is just so much. I --

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1 I don't do anything any particular way like
2 every single thing --

3 Q. Okay.

4 A. -- that's why I think I'm having a
5 hard time with what you're asking.

6 Q. Okay. We can leave it at that.

7 MR. PATTAKOS: I'm going to ask
8 anyone else in the room if they're willing to
9 go on record and say they agree with Tom that I
10 did anything that was intended to intimidate
11 this witness.

12 MR. MANNION: I don't think
13 anybody has to go on the record with anything.

14 MR. PATTAKOS: Nathan, did you see
15 me do anything that was intended to intimidate
16 Ms. Gobrogge?

17 MR. STUDENY: Peter, I don't
18 think I need to make any further comment about
19 that, but I agree with Mr. Mannion.

20 MR. PATTAKOS: John?

21 MR. MANNION: No, no. You're
22 going to ask my client to make a statement on
23 the record? That is completely improper and do
24 not do that again. Do not do that again. What
25 are you laughing about? You can't sit here and

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1 ask my client questions like that in a
2 deposition when he's not under oath. You know
3 he's a witness.

4 MR. PATTAKOS: I'm going to
5 continue.

6 MR. MANNION: You better not --

7 MR. PATTAKOS: I would ask you to
8 stop making false accusations against me on
9 this transcript.

10 MR. MANNION: It wasn't a false
11 accusation. It wasn't a false accusation.

12 MR. PATTAKOS: It absolutely was.

13 MR. MANNION: Well, it wasn't.

14 BY MR. PATTAKOS:

15 Q. Ms. Gobrogge, do you believe I just
16 threatened you?

17 MR. MANNION: I'm going to
18 object. I never said you threatened her.

19 But go ahead.

20 Q. Do you believe I was trying to
21 intimidate you just now?

22 A. I didn't feel threatened.

23 Q. Did you feel intimidated?

24 A. No.

25 Q. Thank you.

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1 MR. MANNION: Okay. And, again,
2 for the record shaking his head.

3 You don't have to pay attention to those
4 types of body movements.

5 MR. PATTAKOS: I was shaking my
6 head at you, Tom. Okay?

7 MR. MANNION: Yeah. Before you
8 were laughing and making a spectacle of it with
9 a big smile about one of her answers. That's
10 what you were doing, when I said it.

11 Q. You wouldn't send instructions or
12 directions to KNR employees on the company's
13 behalf unless you believed that those
14 instructions or directions were what Rob
15 Nestico wanted to take place, correct?

16 MR. MANNION: Objection. Asked and
17 answered.

18 Go ahead.

19 A. I didn't always have Rob's -- he
20 didn't review everything that I sent out. I
21 didn't have him proofread everything.

22 Q. I understand that, but that's not
23 my question, though.

24 A. Okay. I'm -- can you rephrase your
25 question or can you ask it again?

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1 Q. I'll read it again.

2 A. Okay.

3 Q. You would never send instructions
4 or directions to KNR employees on the company's
5 behalf unless you believed that those
6 instructions or directions were what Rob
7 Nestico wanted to happen, correct?

8 MR. MANNION: Objection. Asked and
9 answered and form.

10 But go ahead.

11 A. I -- I have like a hard time
12 answering this, because I feel like you're
13 asking me an all-encompassing question and I
14 just don't feel like -- I never had him review
15 every email that I sent. He never told me to
16 send everything specifically. So I kind of was
17 just doing my job, so I guess I'm afraid to
18 answer that because you're -- it's so much.

19 Q. It's really not, but if you think
20 it is, that's fine. That can be your
21 testimony. It's a, "Yes," or, "No,"
22 question --

23 MR. MANNION: Objection.

24 Q. -- but that's fine.

25 MR. MANNION: Objection.

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1 MR. PATTAKOS: Tom, I'm going to
2 ask you to stop making speaking objections.
3 Thank you. Please refer to the local rules
4 on that.

5 MR. MANNION: Will you please
6 review those? And review your conduct at the
7 last few depositions. All I said was,
8 "Objection." Just because you tell her it's a
9 "Yes," or, "No," doesn't mean it's a, "Yes,"
10 or, "No" question. It wasn't a, "Yes," or,
11 "No."

12 MR. PATTAKOS: Tom, you keep
13 making speaking objections.

14 MR. MANNION: No, I don't.

15 MR. PATTAKOS: Yeah, you do, Tom.

16 MR. MANNION: Not even close.

17 MR. PATTAKOS: And I'm going to
18 ask you to stop that, please. Thank you.

19 BY MR. PATTAKOS:

20 Q. Can you ever remember any example
21 when you sent instructions or directions to KNR
22 employees where you thought that you were doing
23 something that Rob did not want you to do?

24 MR. MANNION: Object to form.

25 Go ahead.

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1 A. No. I don't -- nothing stands out
2 to me.

3 Q. Okay. Is there any aspect of your
4 job in which you would say you have discretion
5 to decide what's best for the KNR firm?

6 A. Sure.

7 Q. And what are those areas?

8 A. Can you repeat the question?

9 Q. Is there any aspect of your job in
10 which you would say you have discretion to
11 decide what's best for the KNR firm?

12 A. Like can you elaborate on that? I
13 do a lot at KNR, so.

14 Q. Do you know what, "Discretion,"
15 means?

16 A. What I believe -- like what I have
17 permission to do or what I want to do --

18 Q. Sure.

19 A. -- sure. I mean, I ordered food
20 trucks for the summer for the employees for
21 lunch --

22 Q. Right.

23 A. -- I didn't ask Rob if we could
24 have food trucks. I mean --

25 Q. That's great.

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1 A. -- there are so many parts of my
2 job that like -- there's so much.

3 Q. That's a great example. Give me
4 some other examples of instances where you have
5 discretion and you don't have to worry about
6 what Rob would think or what he would approve.

7 MR. MANNION: Objection to form.

8 Go ahead.

9 A. I mean, there's so much. It's hard
10 for me to like narrow it down.

11 Q. Like hanging pictures on the wall
12 would be another example?

13 A. I guess so.

14 Q. Okay.

15 A. I don't ask him for permission to
16 do everything.

17 Q. Okay. Have you ever been
18 disciplined by Mr. Nestico --

19 MR. MANNION: Objection.

20 Go ahead.

21 Q. -- in connection with your work
22 performance?

23 A. I'm sorry. I'm trying to remember.

24 Q. Take your time.

25 A. I wouldn't say, "Disciplined."

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1 Q. What would you say?

2 A. He's had harsh words with me
3 before, but I've never been written up --

4 Q. Okay.

5 A. -- like suspended or anything. To
6 me, that's what discipline would mean.

7 Q. Sure. So, okay. So you've never
8 been formally disciplined but perhaps you've
9 been informally criticized. Is that fair?

10 MR. MANNION: Objection.

11 But go ahead.

12 A. Sure.

13 Q. Okay. How often has this happened
14 where he's had harsh words with you?

15 A. Not very often. He's been -- he's
16 typically very patient. If I do something
17 wrong, he'll explain to me what I did wrong
18 and --

19 Q. Okay.

20 A. -- it's a conversation.

21 Q. I'd like you to remember all these
22 examples where he's had harsh words with you
23 and what these subjects were about.

24 MR. MANNION: Objection. I'm not
25 sure some of these subjects have any bearing on

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1 this case.

2 But go ahead to the extent you can
3 remember.

4 A. He -- the only thing that really
5 sticks out to me is more recent. He thought
6 that I was gossiping about someone in the
7 accounting department --

8 Q. Okay.

9 A. -- and he yelled at me. And it was
10 determined that I, of course was not gossiping
11 about anyone in the accounting department and
12 he apologized to me.

13 Q. Okay. Is there any aspect of your
14 job where Mr. Nestico has been critical of your
15 work performance, whether he had harsh words
16 with you about it or whether it was a polite
17 and friendly conversation about it?

18 MR. MANNION: Objection. Asked and
19 answered.

20 Go ahead.

21 A. I feel like we have a pretty good
22 working relationship that, like I said, if I
23 were to do something that was wrong, he would
24 have a conversation with me about it.

25 Q. Right. I'm asking about what are

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1 the subjects of any of those conversations that
2 you can remember.

3 A. I just did -- the one that stood
4 out to me was just most recent. It happened
5 earlier this year. I can't think -- I work
6 very hard, so I can't -- I can't think of
7 anything.

8 Q. So there hasn't been any real
9 issues then that you can remember where Rob has
10 said, "Brandy, You're doing this wrong. I want
11 you to change"?

12 A. I'm sure that there has. I just
13 really -- nothing stands out, I guess to me.

14 Q. Okay. Well, I'm asking you to
15 remember. It's important to me that you try
16 your best to remember --

17 A. I wish I could remember everything
18 that you want me to remember. I do. But it's
19 just -- it's so many years of working there,
20 it's -- I just don't have -- I'm sure that
21 there has been conversations. I'm not perfect,
22 so. I just can't -- other than the one that
23 stood out to me, I can't think of anything.

24 Q. Okay. Is there anyone else,
25 Mr. Redick or any other attorneys or anyone

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1 else at KNR who has criticized your work
2 performance or told you, you were doing
3 something wrong that you can remember, whether
4 it was harsh words or otherwise or just
5 corrective?

6 A. No, not that I can think of. I --
7 no.

8 Q. Okay. So I trust then that there
9 is no example of anything you've done where
10 your supervisor has told you that you'd be
11 fired if you took a certain action again or
12 anything like that?

13 A. I've never had a conversation where
14 there has been a threat of termination.

15 Q. Okay.

16 MR. MANNION: It is 10:30. If
17 you want to finish this line of questioning,
18 that's fine, but the witness does have the
19 issue we talked about, the personal issue that
20 she has to attend to.

21 MR. PATTAKOS: Yes. Well, I think
22 this is a great place to stop.

23 MR. MANNION: Okay.

24 MR. PATTAKOS: Thank you.

25 VIDEOGRAPHER: Off the record

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1	10:30.
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2 (Recess taken.)

3 VIDEOGRAPHER: On the record

4	10:50.
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5 BY MR. PATTAKOS:

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23 Q. Okay. And you mean Robert Redick?

24	A. Yeah.
----	----------

25 Q. So Rob is known as -- Nestico is

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1 known as, "Rob," and Redick is known as,
2 "Robert," generally?

3 A. Correct.

4 Q. Okay. Are you copied on all of
5 these lists?

6 A. What lists?

7 Q. All of the email lists that are
8 used, the list addresses. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 A. No.

11 Q. You don't?

12 A. No.

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED]

15 A. I mean, it's definitely these
16 things have changed through the years, so I --
17 you would have to be specific on like what
18 timeframe you're referring to.

19 Q. Okay. What do you remember?

20 MR. MANNION: Objection. About
21 what?

22 A. Like what?

23 Q. About how these have changed, how
24 these email addresses have changed.

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED]

4 Q. Okay. That's fine. Have you ever
5 reviewed the complaint in this lawsuit?

6 MR. MANNION: I'm going to just --
7 I'm going to let her answer it, but you're
8 allowed to ask what she's reviewed to prepare
9 for the deposition. You're not necessarily
10 allowed to ask her anything that is
11 attorney-client privilege or that she's
12 reviewed with attorneys outside of the
13 deposition preparation.

14 But I will let you answer the question.

15 A. I saw the complaint, when it first
16 came out. Then, so, yeah.

17 Q. Do you understand that your emails
18 are quoted extensively in the complaint?

19 MR. MANNION: Objection to,
20 "Extensively."

21 Go ahead.

22 A. Yeah. I saw my emails in there.

23 Q. Okay. And you reviewed the emails
24 that were attached to one version of the
25 complaint that were largely your emails?

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1 A. Yes.

2 Q. Are you aware of any example in the
3 complaint where you are quoted inaccurately?

4 MR. MANNION: I'm going to object,
5 unless you want to show her that.

6 Go ahead, if you can.

7 A. Yeah, I mean, like -- I don't --
8 nothing stands out at me. I would have to look
9 at the complaint and all of the emails.

10 Q. That's fine. I'm asking, does
11 anything stand out to you?

12 A. I haven't reviewed the complaint
13 in -- when was the lawsuit filed?

14 Q. I'm not -- Ms. Gobrogge, I'm not
15 asking you when you've reviewed the complaint.
16 I'm just asking very simply: Is there any
17 example that sticks out in your mind as to
18 whether you've been misquoted or not?

19 A. I feel like I -- my emails have
20 been misinterpreted grossly.

21 Q. That's not what I'm asking. I'm
22 asking if you were misquoted in any of the
23 emails.

24 MR. MANNION: Well, again, I'm
25 going to object. She said she doesn't recall.

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1 If you want to show her one, that's fine.

2 A. I don't recall.

3 Q. Okay. To the best of your
4 knowledge right now, did you actually make all
5 of the communications that are attributed to
6 you in the complaint?

7 MR. MANNION: I'm going to object,
8 unless you want to show her all those. She's
9 told you she doesn't recall.

10 MR. PATTAKOS: Tom, why are you
11 talking? I really --

12 MR. MANNION: Why am I talking?

13 MR. PATTAKOS: That's a simple
14 question.

15 MR. MANNION: Not giving her an
16 answer that she doesn't recall.

17 But go ahead.

18 MR. PATTAKOS: She has not answered
19 the question, Tom. I just asked that question.
20 I will ask it again.

21 BY MR. PATTAKOS:

22 Q. To the best of your knowledge, did
23 you actually make all of the communications
24 that are attributed to you in the complaint?

25 MR. MANNION: I'm going to

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1 objection to, "Attributed."

2 But go ahead.

3 A. Are you -- are you asking the
4 emails, that say they were from me in the
5 complaint, were they actually from me?

6 Q. Yes.

7 A. Yes.

8 Q. Okay. But wherever it says that
9 you've sent an email that says something, you
10 did actually send that email, correct?

11 MR. MANNION: Objection to form.

12 Go ahead.

13 A. I don't remember drafting every
14 single email. It -- some of them were a really
15 long time ago, but if they say they're from me,
16 then, yes.

17 Q. Okay. Are you aware of any example
18 in the complaint where anyone is quoted
19 inaccurately?

20 MR. MANNION: Objection. Wait.
21 Anyone?

22 MR. PATTAKOS: Anyone.

23 MR. MANNION: Well, we're going
24 to have to get out the complaint then. If you
25 want to get it out and have her go through it.

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1 MR. PATTAKOS: I'm asking her if
2 she's aware right now. We don't need to go
3 through the complaint.

4 Q. It's a simple question.

5 A. I can't answer that question. I
6 reviewed that document two years ago.

7 Q. You are either aware right now or
8 you're not.

9 MR. MANNION: No, that's not
10 true. Stop it. She just answered your
11 question.

12 MR. PATTAKOS: Tracy, can you
13 please read the witness's answer.

14 (Record was read.)

15 Q. Why can't you answer that question?

16 A. Because I read the complaint -- I
17 believe it was filed in 2016 -- two years ago,
18 so I don't -- I don't remember exactly what it
19 says and nor do I remember if someone was
20 misquoted.

21 Q. Okay. That's all I'm asking. So
22 you have no memory of any example in the
23 complaint where anyone was misquoted?

24 MR. MANNION: Objection. One way
25 or another. Don't twist her words.

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1 MR. PATTAKOS: Tracy, please
2 re-read the question to the witness.

3 (Record was read.)

4 MR. MANNION: Same objection.
5 She's already answered it.

6 Tell him again.

7 A. I have no memory of reading the
8 complaint and anyone being misquoted. I don't
9 even remember what the complaint specifically
10 said.

11 Q. Okay. Are you aware of any example
12 of an email that was attributed to you in the
13 complaint where you were untruthful in writing
14 the email?

15 A. I mean, I don't know. I'd have to
16 see the emails, the specific emails.

17 Q. So you're not aware right now from
18 your memory, correct?

19 A. What is the question?

20 Q. Whether you are aware of any
21 example of an email that you wrote that is
22 attributed to you in the complaint where you
23 were untruthful in writing the email.

24 MR. MANNION: Objection to form.

25 But go ahead.

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1 A. I don't think so. Again, I
2 don't -- I don't have the complaint memorized
3 or all of the emails.

4 Q. I understand. Okay. Are you aware
5 of any example of an email that someone else
6 wrote that is quoted in the complaint where the
7 author of the email was untruthful in writing
8 that email?

9 A. I don't have a memory of the
10 complaint and all of the emails. I don't have
11 it memorized.

12 Q. Okay. Is it your understanding
13 that Mr. Mannion represents you here in this
14 lawsuit today?

15 MR. MANNION: Yes, I represent
16 her.

17 Q. Is that what --

18 MR. MANNION: She's an employee
19 of KNR.

20 Q. Is that what you understand?

21 A. Yes.

22 Q. Okay. Mr. Nestico is not your
23 attorney in this lawsuit, correct?

24 A. No.

25 Q. And Mr. Redick is not your attorney

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1 either, is he?

2 A. No.

3 Q. Okay. So your only attorneys in
4 this case are the same attorneys as
5 Mr. Nestico's and Mr. Redick's?

6 MR. MANNION: Objection.

7 To the extent you know, go ahead.

8 A. I guess so.

9 Q. Are you ware of anyone else who is
10 representing you in this lawsuit, besides the
11 attorneys who are representing KNR, Mr. Nestico
12 and Mr. Redick in this lawsuit?

13 A. No.

14 Q. Okay. So I'd like you to go

15 briefly [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

19 MR. MANNION: Objection as to
20 timeframe.

21 A. Which timeframe are you referring
22 to? There's been a lot of changes through the
23 years.

24 Q. Okay. You can just go through how
25 it's changed over the years then, if you would.

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1 You can start with now. I'll suggest that you
2 start with explaining how this works now and
3 then talk about what's different as you go or
4 after.

5 MR. MANNION: For the record,
6 I'll object to how things are done now as to
7 those are events after the complaint.

8	But go ahead.
---	---------------

9. [REDACTED]

12	Q.	Um-hum.
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[illegible]

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Q. Um-hum.

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A. -- like I said, every case is

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1 different, so there could be lots of different
2 intricacies there.

3 Q. Thank you. What percentages of the
4 cases you think go into litigation?

5 MR. MANNION: Objection.

6	Go ahead.
---	-----------

7 A. I can't answer that. I don't have
8 that number.

9 Q. I'm not asking for an exact number.

10 You can estimate.

11 MR. MANNION: Objection.

12	Go ahead.
----	-----------

13 A. I would have no idea.

14

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[illegible]

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1 [REDACTED] [REDACTED] [REDACTED]

2 A. Correct.

3 Q. Anything else that we're missing
4 there?

5 A. I mean, I think -- as I said,
6 that's a basic outline. I don't have like the
7 whole form memorized.

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

12 Q. To get their signature on the
13 firm's paperwork, correct?

14 MR. MANNION: Objection to form.
15 Go ahead.

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

9 Q. Okay. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 A. Um-hum.

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 A. What?

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

19 Q. Varies based on what?

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

23 Q. What are the other contributing

24 factors?

25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 Q. I want to back up. This is binder
4 of emails that you reviewed, in preparation for
5 the complaint --

6 MR. MANNION: Objection. In
7 preparation for the deposition.

8 MR. PATTAKOS: I'm sorry.

9 Q. -- in preparation for the
10 deposition. Do you recognize this?

11 A. Yes.

12 MR. PATTAKOS: I guess we should
13 mark this. (Indicating.)

14 MR. MANNION: That's fine, yeah.

15 MR. PATTAKOS: I'm not going to
16 make copies, but this is Exhibit 1.

17 - - - - -

18 (Thereupon, Deposition Exhibit 1,
19 Binder of Documents Witness Reviewed
20 of Various Bates Numbers, was marked
21 for purposes of identification.)

22 - - - - -

23 BY MR. PATTAKOS:

24 Q. So just to clarify, Mr. Mannion,
25 your attorney, told me that this is a binder of

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1 all of the documents that you reviewed in
2 preparation for this deposition. Is that true?

3 A. Yes.

4 Q. How much time did you spend with
5 those documents?

6 MR. MANNION: And, Peter, you
7 just mean with the documents themselves --

8 MR. PATTAKOS: Yeah.

9 MR. MANNION: -- on her own or
10 meeting with us or --

11 MR. PATTAKOS: How much time did
12 she spend working on, reviewing those
13 documents, whether it's with you or not.

14 MR. MANNION: All right.

15 Go ahead, as best you can.

16 A. Oh, gosh, I mean, I didn't like set
17 a timer or anything. I would say, a few hours
18 a day over a few -- like three or four days
19 maybe. I carry -- I spent more time carrying
20 it out around with me than actually reading
21 them --

22 Q. Sure.

23 A. -- if that makes sense.

24 Q. Sure. But you said you reviewed
25 them for maybe a few hours a day for three or

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1 four days?

2 A. Sure.

3 Q. Okay. I'm going to ask you the
4 same questions that I asked you about the
5 complaint. Is there any example in any of
6 those emails where you wrote something that you
7 believed was untruthful at the time that you
8 wrote it?

9 A. Well, I am more familiar with these
10 binders and these emails than I am with the
11 complaint. I don't have these all memorized --

12 Q. I know.

13 A. -- I just -- I feel like they were
14 misinterpreted.

15 Q. I understand that. I'm not -- I'm
16 not asking you that, though. Is there any
17 example of any document in there where you were
18 being untruthful when you wrote what you wrote?

19 A. Not that I can think of in my head.

20 Q. Okay. Is there any example of any
21 document in there where you were aware of
22 anyone else writing something that you believed
23 was untruthful as written?

24 MR. MANNION: Objection to form.

25 Go ahead.

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1 A. I don't -- I don't have these
2 memorized.

3 Q. Again, I understand. So if you
4 don't remember, you can say that you don't
5 remember.

6 A. I'm sorry. I don't feel
7 comfortable answering that, because I don't
8 have them memorized. I'd have to look at them
9 all to give you an answer on that.

10 Q. Okay. That's fine. Are you aware
11 of any emails in there that you sent -- or that
12 reflected that you sent them where you did not
13 actually send the email or receive the email?

14 A. In looking at these emails, nothing
15 stood out at me that I thought in my mind that,
16 I didn't send that. I don't remember sending
17 every email in here. Some of these are really
18 old. And I don't -- I certainly don't remember
19 receiving all of these emails. I mean, some of
20 them are six years old --

21 Q. Sure.

22 A. -- so. Okay.

23 Q. All I'm asking is what you just
24 answered. And I just want to be clear.

25 A. Okay.

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1 Q. As you were reading through these
2 documents, you were not aware of any instance
3 where you said, Well, wait a minute, I didn't
4 actually send this email, or, I never received
5 this email, or, the email actually said this,
6 not that. Is that correct?

7 A. Correct.

8 MR. MANNION: And, Peter, for the
9 record, we're not claiming that either.

10 MR. PATTAKOS: Look, I'm just
11 trying --

12 MR. MANNION: -- just so you
13 know. I'm just letting you know, we're not
14 making that claim.

15 MR. PATTAKOS: Okay.

16 BY MR. PATTAKOS:

17 Q. Okay. Thank you. We can set that
18 aside. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for ensuring the integrity of the financial system and for facilitating the timely resolution of any disputes that may arise.

2. In addition, the document outlines the various methods used to collect and analyze data. It notes that the use of advanced statistical techniques is crucial for identifying trends and patterns in the data, which can then be used to inform decision-making.

3. The document also addresses the challenges associated with data collection and analysis. It highlights the need for a robust infrastructure to support the collection and storage of large volumes of data, as well as the importance of ensuring the security and confidentiality of the information.

4. Furthermore, the document discusses the role of technology in improving the efficiency of data collection and analysis. It notes that the use of automated systems can significantly reduce the time and effort required to process large amounts of data, thereby enabling more timely and accurate analysis.

5. The document also touches upon the importance of training and education in the field of data analysis. It emphasizes that individuals involved in the collection and analysis of data must have a strong understanding of the relevant concepts and techniques, and must be able to apply this knowledge in a practical context.

6. Finally, the document concludes by reiterating the importance of maintaining accurate records and the need for a robust infrastructure to support data collection and analysis. It notes that these factors are essential for ensuring the integrity of the financial system and for facilitating the timely resolution of any disputes that may arise.

19 MR. MANNION: And I'm just going
20 to object. She's not here to talk for the firm
21 on how attorneys handle their cases. You can
22 ask these questions and she can give her
23 answers to the best of her knowledge, but I
24 don't want you to somehow think this is our
25 30(B) rep or something for that.

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1 Go ahead.

2 MR. PATTAKOS: Thanks, Tom. I
3 understand that.

4 A. I was actually going to say, it's
5 up to the attorney on when the demand package
6 is submitted to the insurance company. This is
7 just -- I'm just giving you a very basic
8 outline.

9 Q. Okay. [REDACTED]

[REDACTED]
[REDACTED]

12 MR. MANNION: Wait, once -- what
13 did you say?

14 Q. Once the medical records are
15 submitted to the insurance company --

16 MR. MANNION: I think you
17 misunderstood, but go ahead.

18 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]

21 A. Just "Paralegals" --

22 Q. Okay.

23 A. -- yeah.

24 Q. What do they do?

25 A. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1. **Introduction**

The purpose of this study is to investigate the effects of a new educational program on student performance. The program is designed to improve critical thinking and problem-solving skills through a series of interactive modules.

The study was conducted over a period of six months, involving a sample of 120 students from a local university. The participants were divided into two groups: a control group and an experimental group. The experimental group received the new educational program, while the control group received the traditional curriculum.

The data was collected through a series of standardized tests and surveys. The results of the study indicate that the experimental group showed significantly higher scores in critical thinking and problem-solving tasks compared to the control group.

The findings suggest that the new educational program is effective in enhancing student performance. Further research is needed to explore the long-term effects of the program and to identify the specific components that contribute to its success.

The study has several limitations, including a relatively small sample size and a short duration. Future studies should aim to address these limitations and to provide more comprehensive evidence of the program's effectiveness.

In conclusion, the results of this study support the implementation of the new educational program in schools and universities. It provides a valuable insight into the importance of critical thinking and problem-solving skills in modern education.

16 Q. Thank you. So what do the
17 pre-litigation attorneys do?

[illegible]

25 Q. Okay. So essentially they ensure

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1 | that all of this is happening.

2 MR. MANNION: Objection. Her
3 answer was more than that.

4	But go ahead.
---	---------------

5 A. They assure that that all happens
6 and --

7 Q. They oversee the process --

8 MR. MANNION: Wait, she wasn't
9 finished with her answer.

10	Go ahead.
----	-----------

11 MR. PATTAKOS: Okay.

12	Q.	Sorry.
----	----	--------

[illegible]

22 Q. I guess I'm not hearing what the
23 attorneys do that's different from what the
24 paralegals do.

25 MR. MANNION: I'm going to

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1 object. She's not a 30(B).

2 But go ahead.

3 A. I don't know what you mean by that.

4 Q. Well, I mean, I guess I'm not
5 hearing any description of anything that the
6 attorneys do that is not -- that was not
7 already in your description of what the
8 paralegals do. So apart from overseeing -- you
9 did say, "Oversee," and that makes sense to me.
10 I'm just trying to understand what the special
11 role of the pre-litigation attorneys are, since
12 they don't commun -- since they don't do
13 litigation, since they don't actually file
14 cases. So I'm just trying to understand what
15 the basic tasks are that each of these key
16 positions handles.

17 MR. MANNION: I'm going to object
18 to form and already asked and answered. And I
19 think she has actually already given you some
20 differences already.

21 But go ahead.

22 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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1

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the situation.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete them.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress to ensure that the project is on track.

5. The final step is to evaluate the results of the project. This involves assessing the outcomes against the objectives and goals and identifying any areas for improvement.

[illegible]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 A. What does that mean?

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

5 [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 [REDACTED]

9 Q. And that's Holly Tusko?

10 A. Correct.

11 Q. And what do -- these twenty
12 employees, who are they? What do they do?

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 Q. Are they all the same? Do they all
16 do the same job under Holly? Is there like
17 twenty people that work under Holly to simply
18 answer phones and do intakes and get the intake
19 information?

20 A. No. There's different jobs, I
21 would say, different titles and job
22 descriptions for that department, yeah.

23 Q. Okay. What are those jobs?

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 Q. What do they do?

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 MR. MANNION: Objection. That's
19 not what she said. She said, "Online."

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

25 Q. Um-hum. And some police

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1 departments are not online?

2 A. Correct.

3 Q. And how do you obtain those? How
4 does the firm obtain those reports?

5 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

10 Q. How so?

11 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

16 Q. Anything else?

17 A. Like --

18 Q. Any other ways that you can
19 remember in which the process has evolved --

20 A. Oh, gosh --

21 Q. -- in any significant way?

22 A. -- can you be more specific,
23 because I -- I mean, the process has changed so
24 many times, I --

25 Q. So tell me what's changed.

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1 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8 Q. Okay. That's fine.

9 MR. PATTAKOS: Tracy, Exhibit 2.

10 - - - - -

11 (Thereupon, Deposition Exhibit 2,
12 2/11/2013 Email To Prelit Attorney
13 From Brandy Brewer, Bates Number
14 Williams000246, was marked for
15 purposes of identification.)

16 - - - - -

17 Q. Have you reviewed this document?

18 A. Yes.

19 Q. Can you identify it for me, please?

20 A. What do you mean by, "Identify"?

21 Q. This is an email sent on
22 December 11, 2013, that you sent, correct?

23 A. Yes.

24 Q. And you sent it to the prelit
25 attorney email list and prelit support and

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1 Holly Tusko, correct?

2 A. Yes.

3 Q. Okay. I just want to clarify this
4 for the record. You're listed in these emails
5 as, "Brandy Brewer," and, "Brandy Lamtman," in
6 some of these emails, correct?

7 A. Yes.

8 Q. And those were your names before
9 and your name has changed due to marriage,
10 correct?

11 A. Yes.

12 Q. So these are the names -- Brandy
13 Brewer is you and Brandy Lamtman is you and now
14 you're Brandy Gobrogge, correct?

15 A. Yes.

16 Q. Okay. So you're emailing the
17 group. And you write, [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED] Am I reading that correctly?

2 | A. What do you mean?

3 Q. Am I reading that correctly?

4 A. Well, yeah, you read it as I typed
5 it, yes.

6 Q. Right. Okay. Now, you sent this
7 to prelit attorneys as well as prelit support.
8 Is prelit support the intake department?

9 A. No. That's the paralegals, the
10 prelit paralegals.

11 Q. Before you said there was closing
12 paralegals and regular paralegals. Are regular
13 paralegals also called, "Prelit paralegals," or
14 is this a third group of paralegals?

[illegible]

24 Q. Okay. So how does -- how does this
25 relate to -- I guess my question is: If

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1 it's -- why isn't the intake department being
2 copied here?

3 A. Well, because Holly is the intake
4 manager, so I don't address -- I try not to
5 address her department. That's her job to do
6 that.

7 Q. Okay. So whose job was it to
8 locate accident reports?

9 MR. MANNION: Objection.
10 Timeframe.

11 Go ahead.

12 Q. At the time this email was sent.

13 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20 Q. But that would be at someone's
21 direction either in the intake department or
22 prelit attorney or prelit support, correct?

23 [REDACTED]
[REDACTED]
[REDACTED]

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1 had already gotten that report or found that
2 report.

3 MR. MANNION: When you say,
4 "they" -- you said, "They."

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 Q. Okay. But you're not writing to
9 any investigators here, are you?

10 A. No.

11 Q. Why not?

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Q. Got it. Okay.

21 MR. PATTAKOS: Excuse me one
22 moment. I need to get organized.

23 Let's mark this as Exhibit 3.

24 - - - - -

25 (Thereupon, Deposition Exhibit 3,

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1 3/18/2014 Email To Intake From Holly
2 Tusko, Bates Number Willias000247,
3 was marked for purposes of
4 identification.)

5			-	-	-	-	-
---	--	--	---	---	---	---	---

6 Q. Are you finished reviewing this?

7	A. Yes.
---	---------

8 Q. Okay. And this is an email that
9 Holly Tusko sent, who is the intake manager,
10 correct?

11	A. Yes.
----	---------

12 Q. And did you receive this email?

13	A. Yes.
----	---------

[illegible]

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1. **Introduction**

The purpose of this study is to investigate the effects of a new educational program on student performance. The study was conducted over a period of six months, during which time data was collected from a sample of 100 students.

The results of the study indicate that the new program had a positive impact on student performance, with scores increasing significantly compared to the control group. This finding is supported by the data collected during the study, which shows a clear trend of improvement in student performance over time.

Based on the findings of this study, it is recommended that the new program be implemented on a larger scale to allow more students to benefit from its positive effects. Further research is needed to explore the long-term effects of the program and to identify any potential challenges that may arise during implementation.

In conclusion, the study has shown that the new educational program is effective in improving student performance. The results of the study provide strong evidence for the implementation of the program on a larger scale, and the findings suggest that the program has the potential to make a significant impact on student learning outcomes.

15 MR. MANNION: Objection to form.

16	But go ahead.
----	---------------

17 A. [REDACTED] I'm a little confused about
18 the way you asked that.

19 Q. Well, tell me what she's saying
20 here in this sentence. What does this mean to
21 you, the first sentence of the second
22 paragraph?

23 [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[illegible]

12 Q. So what is the police report
13 spreadsheets? What is a police report
14 spreadsheet?

15 A. That I don't know.

16 Q. She's saying -- do you see where
17 she refers in here, "Attached" -- where

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

20 A. I do see that.

21 Q. You have no idea what that is?

22 A. No. I've never seen her police
23 report spreadsheets.

24 Q. Okay. What is the new case email
25 that she refers to here in the second

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1 paragraph?

2 A. I -- I don't know what she's
3 actually referring to. I mean, there's just
4 different times, like I -- I don't know. I
5 don't like work in this specific department,
6 so.

7 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

12 A. Yes, I've seen emails where -- yes.

13 Q. Don't you think that's what she's
14 referring to here?

15 MR. MANNION: Objection. Asked and
16 answered.

17 Go ahead.

18 A. I mean, I'm actually not really
19 sure. She could send out another email to her
20 department just to her department or to her
21 employees. I don't know --

22 Q. Okay.

23 A. -- I don't -- it doesn't say like
24 which new case email.

25 Q. So you're saying there may be

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1 multiple new case emails, but you just don't
2 know.

3 A. Yeah. I don't know what Holly
4 specifically did in her department.

5 Q. Okay. Are any of these people
6 copied on this email an investigator?

7 A. No.

8 Q. Are those all attorneys?

9 A. No.

10 Q. Which of those people are not
11 attorneys on this list?

12 A. Nicole Rittmaier, Kim Headley,
13 Amanda Palaski, Kim Major, Christy Rowe, Jill
14 Gardner.

15 Q. And are those intake employees?

16 A. No.

17 Q. Are they secretaries?

18 A. No.

19 Q. Well, what is Nicole Rittmaier's
20 job?

21 A. She was a paralegal.

22 Q. What's Kim Headley's job?

23 A. Paralegal.

24 Q. Amanda Palaski?

25 A. I'm -- I don't remember what her

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1 job was, but it wasn't paralegal.

2 Q. She wasn't an investigator, though.

3 A. No.

4 Q. Bobbie Dubecky?

5 A. She was a paralegal.

6 Q. Kim Major?

7 A. Paralegal.

8 Q. Christy Rowe?

9 A. She was not a paralegal.

10 Q. What was she?

11 A. I don't remember her title.

12 Q. What did she do?

13 A. I actually don't remember that.

14 Q. And Jill Gardner?

15 A. She was a paralegal.

16 Q. Okay. Thank you.

17 MR. STUDENY: Peter, are you
18 jumping to another exhibit? I need to use the
19 restroom.

20 MR. PATTAKOS: Do you want me to
21 wait for you?

22 MR. STUDENY: No. You can just
23 mark it.

24 MR. PATTAKOS: Okay.

25 THE WITNESS: At some point I'd

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1 | like to use the restroom, too, if that's okay.

2 MR. PATTAKOS: Do you want to take
3 a five-minute break now?

4 MR. MANNION: Yeah, if you want to
5 do that.

6 VIDEOGRAPHER: Off the record
7 11:38.

8	(Recess taken.)
---	-----------------

9 VIDEOGRAPHER: On the record 11:49.

10 BY MR. PATTAKOS:

[illegible]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

9 Q. I understand that. Actually, but
10 I'm asking what their main job will be, if it
11 wasn't to sign the clients up.

12 MR. MANNION: Excuse me. What
13 their main job is, if it's not to sign the
14 clients up?

15 MR. PATTAKOS: That's the question.

16 MR. MANNION: I'm going to object.
17 Again, she's not here as a 30(B).

18 But go ahead.

19 MR. PATTAKOS: Tom, that's not a
20 legitimate objection at a deposition. I don't
21 need your continued interruptions with
22 objections that have nothing to do with --

23 MR. MANNION: That's not
24 coaching. That tells the witness nothing about
25 the answer.

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1 MR. PATTAKOS: -- whether she's a
2 30(B) deposition deponent or not just doesn't
3 matter, Tom. You don't have to say that on
4 every single subject. Okay?

5 MR. MANNION: Well, she's not in
6 charge of the investigators and you know that
7 and you're asking her questions. And I want
8 you to understand she's not the person that
9 we're designating to testify about the
10 investigators.

11 MR. PATTAKOS: I understand it.
12 I'm going to keep asking her questions about
13 it, as I'm entitled to do. Thank you.

14 BY MR. MANNION:

15 Q. What's the investigator's main job,
16 if it's not to sign up clients?

17 MR. MANNION: Objection.

18 Go ahead.

19 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

24 Q. So you're saying the investigators
25 don't have a main job?

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1 MR. MANNION: Objection.

2 Go ahead.

3 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

7 Q. Okay. You said the investigators
8 do not report to you. Who do they report to?

9 MR. MANNION: I'm going to object.
10 Go ahead.

11 A. They don't report to anybody.
12 They're hired. They're independent
13 contractors, I guess. They don't work for KNR.
14 They're not employees, is what I'm trying to
15 get at.

16 Q. So who's responsible at KNR for
17 dealing with the investigators?

18 A. The attorneys, I guess.

19 Q. Is there one attorney who manages
20 the relationships with the investigators?

21 MR. MANNION: Objection.

22 Go ahead.

23 A. No. I mean, it's -- everything is
24 on a case-by-case basis. So you would have to
25 kind of talk to each attorney who is handling

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1 and representing the clients.

2 Q. Okay. You understand that an
3 investigator receives a payment on nearly --
4 from nearly every client settlement at the
5 firm?

6 MR. MANNION: Objection to form.
7 Go ahead.

8 A. I mean, I don't know really how to
9 answer that. I've never -- I didn't look at
10 like every single settlement for every single
11 client.

12 Q. You know the firm generally charges
13 an investigative fee for the investigator's
14 services, correct?

15 MR. MANNION: Objection.
16 Go ahead.

17 A. I mean, you would have to -- you
18 would have to look at all the cases. I don't
19 know.

20 Q. So you don't know that the firm
21 charges an investigation fee on nearly every
22 client settlement?

23 A. I'm saying, I don't look at all of
24 the settlement memorandums and I don't know how
25 many times that they've been paid on cases.

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1 Q. So you're not aware that it's the
2 general policy of the firm to charge an
3 investigation fee?

4 MR. MANNION: Well, I'm going to
5 object. Now you're testifying.

6 But go ahead.

7 She's already --

8 A. I wouldn't call it a general
9 policy.

10 Q. What would you call it?

11 A. They're independent contractors
12 that provide investigative services for our
13 clients.

14 Q. You understand that the
15 investigation fee was often called a, "Signup
16 fee," within the KNR firm, correct?

17 A. Not necessarily.

18 Q. So you're not aware of that?

19 MR. MANNION: Objection. She
20 answered the question.

21 A. I refer to them as,
22 "Investigators." I -- can you rephrase this?

23 Q. I'll ask the question again.

24 A. Thank you.

25 Q. Are you aware that the

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1 investigation fee was often referred to within
2 the firm as a, "Signup fee"?

3 A. I mean, I can't speak on how people
4 refer to the investigators. Sometimes the
5 investigators sign clients up. Sometimes they
6 do other work. So if we refer to it as a,
7 "Signup fee," because they signed somebody up,
8 like I can't -- I don't know.

9 Q. But the investigators were supposed
10 to be sent to sign clients up on every single
11 case, right?

12 MR. MANNION: Objection.

13 Go ahead.

14 A. Clients were signed up in different
15 ways, too, not just the investigators.

16 Q. Okay. We can talk about that. How
17 were the other ways that clients signed up,
18 besides the investigators? Let's take a
19 detour.

20 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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1 Q. Like over email?

2

14 Q. They could sign at a doctor's
15 office or a chiropractor's office, right?

16	A. Sure.
----	----------

[illegible]

20 A. I wouldn't say, "Generally

21 speaking." [REDACTED]

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64	1	2	3	4	5	6	7

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[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

8 Q. Okay. And that was the preference
9 and that was the policy, to try to send an
10 investigator every time a signup came in,
11 because you could then get all those documents
12 and you could get the client signed up and get
13 the signatures that you needed, correct?

14 MR. MANNION: Objection. Multiple
15 compound in there. So I object to the form.

16 But go ahead.

17 A. I wouldn't say, "Policy."

18 Q. It's not a policy. It's just
19 something that happened randomly? Or something
20 that KNR employees were instructed to do?

21 MR. MANNION: Objection.

22 Go ahead.

23 A. Can you ask the question again?

24 MR. PATTAKOS: Tracy, can you go
25 back to my question about the policy and,

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1 please, read it back to the witness.

2 THE WITNESS: Thank you.

3 (Record was read Page 100, Lines 8-13.)

4 A. So I wouldn't use the word,
5 "Policy." If a client could come in in person,
6 if they -- I mean, whatever made things easier
7 for the client. So if it was easier for the
8 client to get in the car and drive to KNR, then
9 that would be -- if it was easier for the
10 client to have an investigator come out, if
11 they -- if it was easier for them to sign at a
12 doctor's office, like whatever was for the
13 client.

14 Q. So you're saying if it was easier
15 for the client to sign at the doctor's office,
16 that's what you would do for the client,
17 that's --

18 A. If that's what the client wanted,
19 then, yes.

20 Q. Then you wouldn't send an
21 investigator to that client?

22 A. If that's what the client wanted.
23 I mean, I can't speak on behalf of the
24 attorney. I'm don't -- I'm not present when
25 they speak with the clients. That would be at

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1 his discretion -- or hers on how the client got
2 signed up.

3 Q. Okay. But I just want to --

4 MR. MANNION: Well, please stop
5 laughing at the witness. Please stop laughing
6 at the witness's answer.

7 MR. PATTAKOS: Tom, I'm not
8 laughing at the witness.

9 MR. MANNION: Yes, you were.
10 What were you laughing at?

11 MR. PATTAKOS: I wasn't laughing
12 at anything.

13 MR. MANNION: Yes, you were.

14 MR. PATTAKOS: Boy, oh, boy.

15 MR. MANNION: You clearly were
16 laughing.

17 MR. PATTAKOS: Boy, oh, boy. Tom,
18 if I was laughing, I think it would show up on
19 the microphone.

20 MR. MANNION: Wow, we're going to
21 have to get a video camera and put it on you,
22 during these depositions.

23 MR. PATTAKOS: Maybe we can do
24 that, Tom.

25 MR. MANNION: We probably should.

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1 MR. PATTAKOS: I think maybe that
2 would keep you from injecting inappropriate,
3 false accusations.

4 MR. MANNION: You clearly were
5 just doing that.

6 MR. PATTAKOS: Okay.

7 BY MR. PATTAKOS:

8 Q. Ms. Gobrogge, I'm trying to
9 understand -- I think -- let me ask it this
10 way: Would you agree that KNR employees were
11 instructed to send an investigator to sign up
12 clients on every single intake that came into
13 the firm?

14 MR. MANNION: Objection.

15 Go ahead.

16 A. No, I don't -- I -- no, because the
17 attorney is actually speaking to the client.
18 So how the case got signed up on these intakes
19 was ultimately up to him or her.

20 Q. Okay. Would you agree that when an
21 investigator was sent to sign up the client,
22 that the investigator was generally paid a fee
23 for that work?

24 MR. MANNION: Objection.

25 Go ahead.

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1 A. What -- can you say that again,
2 please?

3 MR. PATTAKOS: Tracy, will you,
4 please, read that question back.

5 (Record was read.)

6 A. Yeah.

7 Q. And that fee would come out of the
8 client's settlement?

9 A. Yes.

10 Q. And it was called an,
11 "Investigation fee"?

12 A. Yes.

13 Q. And it was also sometimes called a,
14 "Signup fee"?

15 MR. MANNION: Objection. Do you
16 mean for the client? Is that what you're
17 asking? because you're talking about what it's
18 called. I'm trying to find out what you mean.
19 Called by whom? Called where?

20 MR. PATTAKOS: Called within the
21 firm, referred to within the firm as a, "Signup
22 fee," that very same fee.

23 MR. MANNION: I'm going to object.
24 Go ahead.

25 A. I mean, it's an investigative fee.

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1 So I don't know if it was referred to in
2 another way, I guess --

3 Q. Okay.

4 A. -- I don't know where.

5 Q. Okay. I guess we'll just have to
6 look at some documents.

7 MR. MANNION: Move to strike.

8 - - - - -

9 (Thereupon, Deposition Exhibit 4,
10 5/6/2013 Email To Prelit Attorney
11 From Brandy Lamtman, Bates Number
12 000001, was marked for purposes of
13 identification.)

14 - - - - -

15 MR. MANNION: Rob, we're referring
16 to May 6, 2013, email from Brandy to the prelit
17 attorneys that you're copied on, since you're
18 on the phone.

19 Q. Please review this email and let me
20 know when you're finished.

21 MR. NESTICO: I'm sorry. Tom, did
22 you say, "2013"?

23 MR. MANNION: Yes. May 6, 2013.

24 A. Okay. I've read it.

25 Q. Okay. This is a May 6, 2013, email

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1 that you sent to pre-litigation attorneys
2 copying Mr. Nestico, correct?

3 A. Correct.

4 Q. Did you send this email?

5 A. Yes.

6 Q. And it says, "We MUST" -- and,
7 "Must," is in all capital letters -- "send an
8 investigator to sign up clients," with two
9 exclamation marks. "We cannot refer to Chiro
10 and have them sign forms there. This is why we
11 have investigators. We are losing too many
12 cases doing this," one, two, three, four, five,
13 six, seven, eight exclamation points. Am I
14 reading that correctly?

15 A. Yes.

16 Q. So here you are instructing KNR
17 pre-litigation attorneys that when a new
18 potential client calls, it is important to send
19 the investigator to meet them right away to
20 sign them up, correct?

21 MR. MANNION: Objection to the
22 characterization.

23 But go ahead.

24 A. Correct.

25 Q. Specifically you are saying that

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1 KNR employees should not simply refer clients
2 to a chiropractor and expect the clients to
3 sign forms at the chiropractor's office, but
4 rather they should send an investigator to meet
5 the client even before the clients go to the
6 chiropractor's office, correct?

7 MR. MANNION: Objection to form.

8 Go ahead.

9 A. I mean, I believe I was -- my email
10 said to send an investigator to sign up
11 clients.

12 Q. So it wouldn't matter -- so if they
13 were sending them to the chiropractor's office,
14 that would be fine, too, as long as they sent
15 the investigator, correct?

16 MR. MANNION: Excuse me. I missed
17 the question. Can you repeat that?

18 MR. PATTAKOS: Tracy, can you repeat
19 that.

20 (Record was read.)

21 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

3 Q. Okay. So some of the chiropractors
4 to whom the firm refers clients keep KNR
5 paperwork at their offices then. That's part
6 of why you wrote this, correct?

7 MR. MANNION: Objection. Assumes
8 facts not in evidence and it's not what she
9 testified to.

10 But go ahead.

11 MR. PATTAKOS: Tom, those aren't
12 appropriate objections for a deposition.

13 MR. MANNION: Have you looked at
14 your objections?

15 MR. PATTAKOS: Tom.

16 MR. MANNION: Have you looked at
17 your objections? You're completely
18 misconstruing things. Don't do that.

19 MR. PATTAKOS: Tom, you can object
20 to the form of a question and you can --

21 MR. MANNION: Have you looked at
22 your objections?

23 MR. PATTAKOS: -- and you can
24 object.

25 MR. MANNION: Have you looked at

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1 your objections?

2 MR. PATTAKOS: -- and you can
3 object based on privilege.

4 MR. MANNION: Peter, have you
5 looked at your objections? You testified more
6 than the witness at times.

7 MR. PATTAKOS: Tom, whatever I'm
8 doing --

9 MR. MANNION: Is improper.

10 MR. PATTAKOS: -- has nothing to do
11 with this right now.

12 MR. MANNION: Well, when you
13 misconstrue things, it's not right and it's not
14 fair to twist things.

15 MR. PATTAKOS: Tom, I'm going to
16 ask you again to stop making your speaking
17 objections and your improper objections.

18 MR. MANNION: I am not making
19 speaking objections. I am not making speaking
20 objections.

21 MR. PATTAKOS: Tracy, please read
22 the last question back to the witness.

23 (Record was read.)

24 MR. MANNION: I'm going to object
25 again. And obviously, there's an entire email

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1	here.
---	-------

2 If you remember why you wrote it, tell
3 him.

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23 Q. But the chiros do have the forms at
24 their office, or at least did at the time you
25 sent that email, correct?

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1 MR. MANNION: I'm going to
2 object. You clearly haven't read the whole
3 email.

4 Go ahead.

5 A. So the attorneys, they fax the
6 forms -- or they ask the intake department to
7 fax the forms over to the chiropractor's
8 office. So whether or not the chiropractors
9 keep forms at their office, you would have to
10 ask them.

11 Q. Okay. Did you ever receive a
12 response to this email from anyone at the firm
13 that you recall?

14 A. Not that I can remember.

15 Q. Okay. You don't say anything about
16 the need to gather additional information in
17 this email, do you?

18 A. No.

19 Q. Does anything in here refer to what
20 you're telling me about how you prefer to send
21 the investigators because they can take the
22 photographs, et cetera, in this email?

23 A. Well, no. I mean, the attorneys
24 knew what the investigators did.

25 Q. Okay. Isn't it true that the

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1 reason you wrote this email was to tell the
2 pre-litigation attorneys not to wait but rather
3 to send an investigator right away to sign the
4 clients up, because otherwise the firm risks
5 losing the clients to other firms?

6 MR. MANNION: Objection.

7 Go ahead.

8 A. No.

9 Q. So then why did you write this, "We
10 are losing too many cases doing this," with
11 eight exclamation points?

12 A. So it wasn't about losing the case
13 to another firm. It's for our client's sake.
14 So insurance companies send people out to have
15 people sign releases that they have like no
16 idea what it says. So it's actually to help --
17 you know, it's for sure the best interest of
18 the client. We've had that happen many times.
19 And then they -- they call -- they call us and,
20 "Oh, I was injured, but I signed this piece of
21 paper and I got \$200 from the insurance
22 company." They had no idea what that even
23 meant. No one even explained it to them. The
24 insurance company wasn't looking out for them.
25 But I didn't say anywhere in here about another

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1 firm taking the case.

2 Q. So you're saying that -- when you
3 write, "We are losing too many cases doing
4 this," you are not referring at all to losing a
5 case to another chiropractor -- or losing a
6 case to another law firm; you are talking about
7 losing the case completely?

8 A. So, I mean, this was five years
9 ago. Like I can't tell you what I was feeling
10 the moment that I sent this email, but I can
11 just tell you what I think I could have been
12 thinking. I mean, there's no way for me to
13 know exactly. I just -- that's what stands out
14 to me.

15 Q. So what you think is that -- let me
16 back up. Strike that. Your testimony just
17 know is that this statement, "We are losing too
18 many cases doing this," refers to a concern
19 that an insurance company would sign the
20 client -- make the client sign some kind of
21 settlement agreement that would then preclude
22 the firm from representing that client?

23 A. It would be a release that the
24 insurance company would pay them a nominal
25 amount of money and have them sign a release

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1 and they would have to -- they would be stuck.
2 So if they were -- if there's more injuries
3 that came out or, you know, they didn't get
4 better, they -- yeah. I'm saying that I don't
5 know what I was thinking on May 6, 2013, at
6 6:14, but that's what sticks out in my mind --

7 Q. Okay.

8 A. -- there's no way for me to know
9 five years ago what I was thinking at that
10 exact moment.

11 Q. Okay. Is it possible that you were
12 referring to -- I understand that your
13 testimony is there's no way for you to know and
14 that you don't remember now what you meant
15 here. Is it possible that you were referring
16 to losing cases to other law firms, because you
17 didn't send the investigator to sign them up
18 fast enough?

19 MR. MANNION: Objection to,
20 possibility, and asked and answered.

21 But go ahead.

22 A. That's not -- no, that's not
23 something that sticks out in my mind.

24 Q. I'm not asking if it's sticks out
25 in your mind. I'm asking --

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1 A. If you're asking if it's possible,
2 no.

3 Q. Could it be possibly be --

4 A. No, no, it's not.

5 Q. Okay. Why is that?

6 MR. MANNION: Why is what?

7 Q. Why is it that you can be so sure
8 about that?

9 MR. MANNION: About what?

10 MR. PATTAKOS: About that she
11 certainly wasn't referring to losing the cases
12 to other law firms.

13 A. Well, I already told you, I don't
14 know what I was thinking at this moment. So if
15 you're like -- I feel like you're forcing me to
16 answer the question. So I can only tell you
17 where my mind would go when I read this email
18 right now. We don't lose tons of cases to
19 other law firms. It's way more often a client
20 would get bullied into settling a case from an
21 insurance adjuster than to lose a case to
22 another law firm. So I feel like you're
23 forcing me to answer this question. So I can
24 only tell you where my mind would go right now
25 and that's what comes to my mind. That's the

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1 honest answer.

2 Q. But what you said was you're
3 certain that you absolutely were not referring
4 to losing cases to other clients.

5 A. I didn't say that I was certain
6 that I absolutely not.

7 Q. You said there was no chance. You
8 said there was no possibility that that's what
9 you were referring to.

10 A. No. I said it didn't often happen.
11 It wasn't like a grave concern in my mind.

12 Q. Well, that's different. So I guess
13 I'll ask you again, if you're changing your
14 testimony, to say that you could have been
15 referring to losing cases to other firms in
16 this email.

17 MR. MANNION: Objection. Asked and
18 answered.

19 Go ahead.

20 A. I said, no.

21 Q. So you couldn't have been. You're
22 certain?

23 MR. MANNION: You're arguing with
24 the witness now.

25 Go ahead, again.

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1 A. No. That's not something that
2 comes to my mind. I can't be certain what I
3 meant five years ago.

4 Q. Okay. We can leave it at that.

5 - - - - -

6 (Thereupon, Deposition Exhibit 5,
7 6/3/2014 Email Trail Between Prelit
8 Support and Brandy Brewer, Bates
9 Number Williams000014, was marked
10 for purposes of identification.)

11 - - - - -

12 Q. Exhibit 5. Please review this
13 email and let me know when you're finished.

14 MR. NESTICO: Tom, what's the
15 date on the email?

16 MR. MANNION: Oh, sorry about
17 that. It's June 3, 2014, email from Brandy to
18 prelit support and then she forwarded it on a
19 few minutes later that same day to the prelit
20 attorney.

21 MR. NESTICO: I'm sorry. You
22 said, "June 3"?

23 MR. MANNION: Yeah, 2014. It
24 starts, "We have two intakes today."

25 BY MR. PATTAKOS:

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1 Q. Are you ready?

2 A. Yes.

3 Q. Okay. So am I correct that this is
4 an email from you on June 3, 2014, to prelit
5 support with the subject line, "Investigators"?

6 A. Correct.

7 Q. And you sent this email?

8 A. Correct.

9 Q. Okay. And you write, "We have two
10 intakes today that were referred to ASC and
11 they are signing forms there. This shouldn't
12 be happening unless the client cannot meet with
13 Mike/Aaron/Chuck and they can only sign at
14 chiro."

15 "The cases today are in Akron. There
16 should be no reason why an investigator cannot
17 sign." Did I read that correctly?

18 A. Yes.

19 Q. Okay. And by, "Mike/Aaron/Chuck,"
20 you are referring to the investigators Michael
21 Simpson, Aaron Czetli and Chuck DeRemer,
22 correct?

23 A. Yes.

24 Q. Okay. So when you say, "The cases
25 today are in Akron. There should be no reason

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1 why an investigator cannot sign," you mean to
2 say that there's no reason the firm shouldn't
3 at least try to send an investigator to the
4 chiro to sign the paperwork, correct?

5 MR. MANNION: Objection. Did you
6 say, Send the investigator to the chiro's
7 office?

8 MR. PATTAKOS: Yes.

9 Q. Here, "ASC," refers to Akron Square
10 Chiropractic, correct?

11 A. Yes.

12 Q. Okay.

13 A. I didn't say anything in here about
14 the investigator signing at the chiropractor's
15 office.

16 Q. But it wouldn't matter, right, if
17 they went to sign at the chiropractor's
18 office --

19 MR. MANNION: Objection.

20 Q. -- it wouldn't have mattered to
21 you -- if the client wanted to meet with the
22 investigator at the chiropractor's office, the
23 firm would do that, correct? They would send
24 an investigator to meet the client at the
25 chiropractor's office.

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1 A. I mean, I can't speak on behalf of
2 the client and the client who is scheduling the
3 investigator. That would be entirely up to
4 them where a client signs.

5 Q. Okay. Are you testifying that it's
6 not common for KNR to send investigators to
7 chiropractor's offices to sign with clients?
8 Is that your testimony?

9 A. I don't know what is common and
10 what is not common. I'm not on the phone. I'm
11 not the attorney who is scheduling these
12 appointments. That would be -- you would have
13 to ask them.

14 Q. Okay. Now, you write, "The cases
15 today are in Akron." Why would -- you said,
16 "The cases today are in Akron. There should be
17 no reason why an investigator cannot sign."
18 What did you mean by that, by saying that the
19 cases were in Akron?

20 A. I actually don't know.

21 Q. Okay. Would this have been any
22 different if this case was not in Akron? Would
23 your instructions have been any different?

24 A. No. I don't know why I put that in
25 there.

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1 Q. Okay. Now, how would you have
2 found out that these two particular intakes
3 were referred to Akron Square and are signing
4 forms there?

5 A. I don't -- I don't know how I would
6 have found out. I probably would have looked
7 at the intakes, the forms. I could have, I
8 guess, I should say.

9 Q. How would those -- how would you
10 have seen those forms? How does that work?

11 A. So the intakes are created in the
12 Needle software and I could have -- I could
13 have -- I should say, I could have looked at
14 those. I don't know. It was four years ago.

15 Q. Okay. So you would have -- you
16 would have just happened to be browsing the
17 Needles software and seen that there are two
18 intakes that came into ASC and that they're
19 signing forms there?

20 A. Sure.

21 Q. Okay. Is there any other way that
22 you would have found that out?

23 A. I mean, I could have found out in,
24 I guess a variety of different ways.

25 Q. What are those ways?

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1 A. I could have walked into an
2 attorney's office and heard him say it. Holly
3 could have told me she saw it on an intake.
4 You know, I don't --

5 Q. You don't remember here?

6 A. No, I apparently don't remember.

7 Q. Why do you write, "If you have
8 questions about this, please see me"?

9 A. I mean, I feel like that's a common
10 way to close out an email. Should you have any
11 questions, please see me, it's a common closer
12 for an email or a letter.

13 Q. Okay.

14 MR. PATTAKOS: Mark this as
15 Exhibit 6, please.

16 - - - - -

17 (Thereupon, Deposition Exhibit 6,
18 12/6/2012 Email To Attorneys From
19 Brandy Lamtman, Bates Number
20 Williams000039, was marked for
21 purposes of identification.)

22 - - - - -

23 MR. MANNION: Rob, we're
24 referring to December 6, 2012, from Brandy to
25 attorneys, Akron Cleveland intakes. It starts,

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1 "If an intake calls in," December 6, 2012.

2 MR. NESTICO: Thanks.

3 BY MR. PATTAKOS:

4 Q. Am I correct this is an email from
5 you sent on December 6, 2012, to all KNR
6 attorneys?

7 A. Yes.

8 Q. And you write, "If an intake calls
9 in and It's in the Akron/Cleveland area send
10 Mike or Aaron to sign ASAP. Do not wait for
11 them to go to the Chiro." Am I reading that
12 correctly?

13 A. Yes.

14 Q. Why did you write that?

15 A. I think that kind of goes to the
16 premise of the first email that we talked
17 about. If given the choice between signing at
18 the doctor's office and signing with an
19 investigator, their choice would always be the
20 investigator, because they -- of all the other
21 work that they do.

22 Q. All the other information that they
23 obtain?

24 A. The photographs as well, yes.

25 Q. Okay. So in addition to the forms,

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1 they get photographs, too?

2 A. Photographs, insurance cards,
3 documents from the insurance company, property
4 damage information.

5 Q. Okay. What if the client wanted to
6 sign at the chiro's office?

7 A. Then the client could sign at the
8 chiro's office.

9 Q. But you don't seem to care what the
10 clients want in this email, correct?

11 MR. MANNION: Objection. That is
12 so over the top.

13 Go ahead.

14 A. Yeah, no, that's not what I --

15 Q. Well, you're saying as a matter --
16 you're essentially dictating firm policy that
17 you need to send Mike or Aaron to sign the
18 clients ASAP as opposed to waiting for them to
19 go to the chiro, correct?

20 MR. MANNION: And she's explained
21 why. So don't be turning this and starting to
22 accuse her of things.

23 MR. PATTAKOS: Tom.

24 MR. MANNION: That's what you're
25 doing.

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1 MR. PATTAKOS: I'm asking the
2 witness questions.

3 MR. MANNION: Yeah, you're asking
4 the witness questions by twisting things that
5 you know you're twisting and it's not fair to
6 this witness.

7 Go ahead answer the question.

8 A. So I don't view this as dictating
9 firm policy. This wasn't a firm policy. And,
10 again, it's up to the attorneys. They're
11 actually the ones speaking with the clients.
12 So how a client gets signed, was up to them.

13 Q. If this was up to the attorneys,
14 why did you send this email at all?

15 A. I was reminding them of the
16 preference to have the investigator sign versus
17 signing at the chiropractor's office.

18 Q. Okay. Now, would you agree that it
19 was firm policy to send the investigator to
20 sign the client up on the same day as the
21 client first communicated with the firm?

22 MR. MANNION: Objection as to,
23 "Firm policy."

24 Go ahead.

25 A. I wouldn't say that it's a policy.

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1 It's -- that is determined between the attorney
2 and the client, when the attorney speaks with
3 the client. I'm sure not everyone was
4 available on the same day.

5 Q. But it was the firm's policy to
6 sign the client up with the investigator on the
7 same day, unless there was some reason not to,
8 correct?

9 MR. MANNION: Objection. She's not
10 here, again, to testify as to what the firm
11 policy is.

12 But you can answer the question to the
13 best of your knowledge.

14 A. It was not a policy.

15 Q. What was it?

16 A. A preference.

17 Q. Okay.

18 - - - - -

19 (Thereupon, Deposition Exhibit 7,
20 2/28/2012 Email Trail Between Brandy
21 Brewer, Holly Tusko, Etc. And
22 [Redacted] Individuals, Bates Number
23 Williams000043, was marked for
24 purposes of identification.)

25 - - - - -

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1 MR. MANNION: Rob, this is
2 Tuesday, February 28, 2012, from Brandy, cannot
3 tell who it is to. It's blacked out and I
4 don't know that that's our redaction.

5 MR. NESTICO: December 28?

6 MR. MANNION: No. February 28,
7 2012, subject, something about, "Referred to,"
8 and, "Signing there tomorrow."

9 MR. NESTICO: Okay.

10 MR. PATTAKOS: Tom, I'm going to
11 ask you not to be taking up the transcript with
12 these interruptions explaining to Mr. Nestico
13 what these documents are.

14 MR. MANNION: Well, I'm going to
15 ask you not to take up the deposition time by
16 typing away for a minute after you get an
17 answer.

18 MR. PATTAKOS: Tom --

19 MR. MANNION: I'm giving him the
20 document that we're at. All I'm telling him is
21 the date and who it's from. I'm not telling
22 him anything else.

23 MR. PATTAKOS: Tom, what you're
24 doing is you're needlessly creating expense, by
25 lengthening this deposition transcript. You're

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1 causing the court reporter to type
2 additionally. It ruins the transcript. I'm
3 going to ask you not to do it.

4 MR. MANNION: It doesn't ruin any
5 transcript and I'm going to continue to tell
6 Mr. Nestico what document we're on.

7 MR. PATTAKOS: What I'm going to
8 ask you to do --

9 MR. MANNION: I don't care what
10 you ask me to do. Stop it. You're wasting
11 time right now. Move on.

12 MR. PATTAKOS: -- is to just use
13 the Bates number.

14 MR. MANNION: Move on, move on.

15 MR. PATTAKOS: Next time you can
16 just tell him what the Bates number is.

17 MR. MANNION: No. I'll tell him
18 what I think I need to tell him so that he can
19 look at the document. You can smirk and smile
20 and do whatever you want.

21 MR. PATTAKOS: Why does he need
22 more information than the Bates number, Tom?

23 MR. MANNION: Maybe he doesn't
24 have then in front of him as Bates number. He
25 has them in front of him as dates. Take a look

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1 at that book and --

2 MR. NESTICO: I have it in front
3 of me as dates, Mr. Pattakos. That's all I
4 need, is just the date.

5 MR. MANNION: Take a look at this
6 binder right here. They're not organized by
7 Bates number.

8 BY MR. PATTAKOS:

9 Q. Okay. Have you reviewed this
10 email?

11 A. Yes.

12 Q. This is an email from you to an
13 undisclosed recipient. Yeah, I believe Rob
14 Horton redacted these documents, so. I don't
15 know why he redacted what he redacted. We can
16 ask him. But you are writing to Holly -- well,
17 you're copying Ms. Tusko and Mr. Nestico and
18 Mr. Redick in this email at the top on
19 February 28 where it looks like in the subject
20 line, a client's name is redacted, "referred
21 to," somewhere and is, "Signing there
22 tomorrow." Would you agree that that's
23 probably a chiropractor that's redacted in that
24 second redaction in the subject line?

25 A. Not necessarily.

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1 Q. Where else would it be?

2 A. Well, we refer clients to all sorts
3 of doctors, not just chiropractors.

4 Q. But would you agree it's probably
5 some kind of doctor or healthcare provider
6 then?

7 A. I mean, I don't want to speculate
8 on what someone redacted out. That's kind of
9 unfair. I don't --

10 Q. Okay.

11 A. -- I don't know what that says.

12 Q. Okay. But you write, "We need to
13 send the investigator to sign her up today
14 then. RememberS..ALL signups must be same day,
15 unless approved."

16 A. Correct.

17 Q. And you wrote that because it was
18 the firm's policy for all signups to be on the
19 same day, correct?

20 A. I'm never going to tell you that
21 it's the firm's policy, because it was not a
22 policy. It's a preference, which is why I say,
23 "Unless approved" --

24 Q. Okay.

25 A. -- so I'm giving --

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1 Q. Okay. And how would -- how would
2 that preference -- how would -- how would --
3 how would you get approval to do a signup not
4 on the same day?

5 Let me ask you this: Who would be the
6 one to approve a signup that happened not on
7 the same day?

8 A. I believe in one of the other
9 emails it said, "Rob, Robert or Brandy."

10 Q. Meaning you?

11 A. No. Rob, Robert or Brandy.

12 Q. Right. "Brandy," meaning you?

13 A. Yes.

14 Q. Okay. So under what circumstances,
15 would you approve a signup not being on the
16 same day?

17 A. I mean, it could be a variety of
18 reasons. The client is unavailable. The
19 client was at work. The client is sick. The
20 client -- I mean, they're human beings. People
21 have appointments or things that they can and
22 cannot do. I can't speak for the client.

23 Q. Right. But you can speak for the
24 circumstances under which you would approve a
25 signup not being on the same day.

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1 A. I mean, sure.

2 Q. Okay. And despite that this wasn't
3 a policy but a preference, KNR employees still
4 had to obtain approval from either you,
5 Mr. Nestico or Mr. Redick to deviate from this
6 preference, correct?

7 A. I wouldn't say that they -- they
8 didn't have to ask permission. It would go
9 something like, Hey, this person can't sign up
10 because they're sick. They're going to sign
11 tomorrow. And the answer would be, Okay,
12 because how do you dispute something like that?
13 You don't. So the attorney would just inform
14 of why.

15 Q. Okay. How would you know, if a
16 signup didn't happen on the same day?

17 A. Well, I would -- again, Holly could
18 tell me. The attorney could tell me. I could
19 overhear something. I could go in and look at
20 the intakes. I mean, there's a variety of
21 different ways.

22 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Q. Does that still happen?

9

A. No.

10

Q. Why not?

11

A. I don't get those emails.

12

Q. Why did you stop getting those

13

emails?

14

A. I -- I actually don't remember.

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Q. Okay. And this was reflected in

23

this document, which I will ask Tracy to mark

24

as Exhibit 8.

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- - - - -

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(Thereupon, Deposition Exhibit 8, 2/13/2013 Email To Attorneys From Brandy Lamtman, Bates Number Williams000560, was marked for purposes of identification.)

— — — — —

MR. MANNION: February 13, 2013,
at 5:55 from Brandy to intake.

MR. PATTAKOS: Sorry. Can you read the last question, please?

(Record was read, Page 133, Lines 15-24.)

Q. So you know what? Strike that as a separate question. This is an email from you to KNR attorneys copying Mr. Nestico and Ms. Tusko dated February 13, 2013, correct?

A. Yes.

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Q. What was the reason for you sending this email?

A. Because I wanted them to send the information over.

Q. Why?

Q. Okay. Why did you stop doing this?

A. I -- I believe this is still being done today. I -- it's just not part of my job.

Q. Okay. Who handles this now?

A. Her name is Alex.

Q. What's her last name?

A. VanAllen.

MR. MANNION: It is 20 to 1. So after you finish up with this email, let's take a lunch break.

MR. PATTAKOS: I'll tell you what, I have two more emails that are along this line

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1 and we can finish, so it will be fast.

2 Q. So how was it determined which
3 investigator would do which signup?

4 MR. MANNION: Wait a minute. That
5 has nothing to do with that email.

6 MR. PATTAKOS: I have two more
7 emails.

8 MR. MANNION: Okay. Well, if
9 you're going to get into a different line of
10 questioning, we're going to take our lunch
11 break.

12 MR. PATTAKOS: Tom --

13 MR. MANNION: You said you had two
14 more emails along this line and then you
15 switched over to something different.

16 MR. PATTAKOS: Tom, we are going to
17 have two more emails along this line.

18 MR. MANNION: Okay. Then we're
19 going to take our lunch break now then, if
20 you're going to --

21 MR. PATTAKOS: There's a question
22 pending.

23 MR. MANNION: No. We said we were
24 going to take a lunch break and you said you
25 had to more emails on this line.

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1 MR. PATTAKOS: Well, I'm asking for
2 the basic courtesy. Yes, this is a line of
3 questions that I want to finish before we
4 break.

5 MR. MANNION: Well, I asked for a
6 lunch break.

7 MR. PATTAKOS: Tom, it won't take
8 more than 10 minutes.

9 MR. MANNION: You just
10 specifically misrepresented to me what you were
11 going to do. You said --

12 MR. PATTAKOS: No, I didn't.

13 MR. MANNION: Yeah, you did. Now
14 you switched into an investigator question.

15 MR. PATTAKOS: This is all about
16 investigators and signups, Tom, so I'd like
17 to --

18 MR. MANNION: That's not at all --

19 MR. PATTAKOS: -- ask about --

20 MR. MANNION: That's not at all
21 what that email had to say at all. It just
22 talked about listing the referral and we were
23 going to take a lunch break. You said you had
24 two more emails on this issue.

25 MR. PATTAKOS: Tom, I'm asking you

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1 to give me 10 more minutes and two more emails.

2 MR. MANNION: No, I'm not going to
3 give you 10 more minutes, because I need to
4 take a break, but if you have two more emails
5 along this line, fine.

6 BY MR. PATTAKOS:

7 Q. How is it determined which
8 investigator would do each signup?

9 MR. MANNION: Object.

10 Go ahead, if you know.

11 A. Based on geographical location.

12 Q. Okay. So if the witness -- if the
13 client was in a certain area, the investigator
14 from that area would be sent?

15 A. Correct.

16 MR. MANNION: Okay. We'll take
17 our lunch break now. There's no question
18 pending. Right now we'll take our break. You
19 said you had two emails to talk about --

20 MR. PATTAKOS: Tom, this is
21 completely unprofessional.

22 MR. MANNION: No. We're taking a
23 lunch break. It's 20 to 1.

24 MR. PATTAKOS: Tom, I'm asking
25 for 10 more minutes to finish up this subject.

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1 MR. MANNION: It's 20 to 1. You
2 can finish it, when we're done with lunch. You
3 don't get to control everything including when
4 we get hungry, when we need breaks. You said
5 you had two more emails and I was willing to do
6 it and you went on to a different line.

7 MR. PATTAKOS: And I have two more
8 emails.

9 MR. MANNION: That you're
10 apparently not getting to, so we'll take our
11 lunch break now. And it's 12:41. Let's not
12 take a full hour. How does 1:30 sound?

13 MR. PATTAKOS: 1:30 is fine, Tom.

14 MR. MANNION: Okay.

15 VIDEOGRAPHER: Off the record
16 12:41.

17 (Lunch Recess taken.)

18 VIDEOGRAPHER: On the record 1:41.

19 MR. PATTAKOS: Okay. I'd like to
20 go back to Exhibit 8, Tracy. Oh, there you go.
21 BY MR. PATTAKOS:

22 Q. This is the email you say, "Every
23 time you do an intake you need to send an email
24 to Rob, Robert, Holly, Sarah and I." I assume,
25 "Rob," and, "Robert," are Nestico and Redick,

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1 correct?

2 A. Yes.

3 Q. And, "Holly," is Holly Tusko?

4 A. Yes.

5 Q. And, "Sarah," is who?

6 A. Sarah Knoch.

7 Q. Sarah Knoch, K-n-o-x?

8 A. K-n-o-c-h.

9 Q. K-n-o-c-h, but that's pronounced
10 Knoch --

11 A. Yes.

12 Q. -- like it has an X at the end?
13 Okay. Why is it that you want this email to
14 say how it is getting signed up?

15 A. I actually am not -- I'm not sure.

16 Q. You have no idea?

17 A. No.

18 Q. Okay. Can you think of any reason
19 why it would be important for you to know --
20 you, Rob, Robert, Holly, Sarah to know how a
21 case is getting signed up as soon as an intake
22 comes in?

23 A. I think that one thing that comes
24 to mind would be so that Holly can follow up on
25 if like, let's say the client doesn't actually

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1 sign up or somebody forgets to send forms over
2 or something gets lost, she would be the person
3 that would, you know, follow up with the
4 investigator or the doctor's office or the
5 attorney.

6 Q. Okay. So we were talking about,

7 before we left for lunch, [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. Yes.

12 Q. -- [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A. So I'm not sure if they do that

20 today. I guess it would depend on what period

21 of time through the years. Mike and Aaron,

22 they sometimes alternated areas. So one month,

23 one would do Cleveland area signups and one

24 month the other would do Akron area signups.

25 Is that what you're referring to?

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1 Q. Is that how it worked?

2 A. I mean, I can't speak on their
3 behalf, but there have been times where that
4 has been their practice, I guess.

5 Q. Do you remember anything else
6 whether Mike or Aaron would do any given
7 signup?

8 A. No, not particularly --

9 Q. Okay.

10 A. -- maybe based on availability.

11 Q. Okay. Okay. Let's take a look at
12 Exhibit 9 here.

13 - - - - -

14 (Thereupon, Deposition Exhibit 9,
15 11/27/2012 Email To Attorneys From
16 Holly Tusko, Bates Number
17 Williams000040, was marked for
18 purposes of identification.)

19 - - - - -

20 MR. MANNION: November 27, 2012.

21 Q. You'll see this is an email from
22 Holly Tusko to all attorneys where you and Rob
23 Nestico are copied. Is that correct?

24 A. Yes.

25 Q. November 27, 2012, correct?

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1 A. Yes.

2 Q. And Holly says, "Who did an intake
3 for," and then presumably this is a client's
4 name redacted. "I have signed forms from David
5 Hogan and ZERO INFORMATION." In all capitals,
6 "Zero information." Who is David Hogan?

7 A. You know, I'm not even really sure.

8 Q. He's an investigator, is he not?

9 A. Not that I can remember.

10 Q. You don't remember that Dave Hogan
11 is an investigator in the Columbus area?

12 A. He may have been for a short period
13 of time.

14 Q. Okay. If I told you he was an
15 investigator that worked for the firm out of
16 Columbus, would you have any reason to disagree
17 with me?

18 A. No.

19 Q. Okay. And Holly says, "Whenever
20 you do an intake from a chiro that the
21 investigator is signing up and there isn't a
22 pending intake you need to do an intake sheet.
23 I have two cases sitting here right now and
24 have no information to open them with."

25 "Please advise."

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1 Here was she referring to information
2 that it was not the investigator's job to sign
3 up -- not the investigator's job to obtain?

4 A. I mean, I don't know what Holly --
5 what -- I don't --

6 Q. Well, you're copied on this email,
7 so do you have any idea why you would be copied
8 on that email?

9 A. Probably because Holly reported to
10 me and she was emailing the attorneys to copy
11 me on it to let me know that she was emailing
12 the attorneys.

13 Q. Okay. And she's saying that the
14 intake attorneys or the prelit attorneys should
15 have taken this information down when they did
16 the intake, correct?

17 A. She's saying that she would like
18 them to do an intake sheet.

19 Q. The prelit attorneys?

20 A. Well, she sent this to all
21 attorneys.

22 Q. Right. But any attorney that did
23 an intake, correct?

24 A. Yes.

25 Q. Okay. And that this intake

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1 information, it was not the investigator's job
2 to obtain this information, correct?

3 MR. MANNION: Objection. Did you
4 say it says that on here, Peter?

5 MR. PATTAKOS: I'm asking her.

6 MR. MANNION: Oh.

7 Q. This is referring to information.
8 Holly's email is referring to obtaining
9 information, basic intake information that was
10 not the investigator's job to obtain, correct?

11 MR. MANNION: Objection. Again,
12 mischaracterizes this.

23 Q. Thank you. Okay. Let's move on to
24 Exhibit 10.

25	-	-	-	-	-
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1 (Thereupon, Deposition Exhibit 10,
2 3/19/2012 Email To Attorneys From
3 Brandy Brewer, Bates Number Williams
4 000046, was marked for purposes of
5 identification.)

6 - - - - -

7 MR. MANNION: March 19, 2012, Rob.

8 Q. Okay. This is an email from you to
9 all attorneys sent on March 19, 2012, correct?

10 A. Yes.

11 Q. Did you send this email?

12 A. Yes.

13 Q. Okay. It says, "I know we've had a
14 lot of intakes today, but we still need to make
15 sure we're handling them properly. Please make
16 sure you are getting DOB and SSN, otherwise
17 records and bills cannot be requested when the
18 case is opened, which will then create more
19 work for your paralegal. Note as much
20 information as possible, the more info we have
21 the easier it is to get opened. If the client
22 is super concerned about something, note that.
23 This is very important. If the client wants a
24 rental car ASAP or the property damage needs
25 handledS..whatever it is, note it so that we

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1 can handle that portion immediately after the
2 case gets opened. Signups MUST be on the
3 calendar." "Must," is in all caps. "I am
4 positive that all of the signups for today
5 aren't on the calendar. If you are having
6 issues with this, please see me."

7 "I've also noticed that signups aren't
8 being scheduled for the same day as the intake.
9 Obviously this isn't always possible, but
10 always try your best to make that happen. This
11 is a sure way to not get the case," exclamation
12 mark, exclamation mark.

13 Am I reading that correctly?

14 A. Yes.

15 Q. Okay. So you say, "I've...noticed
16 that signups aren't being scheduled for the
17 same day as the intake." How would you have
18 noticed that?

19 A. I would have -- I could have -- I
20 feel like I've already answered this. I could
21 have looked at the intakes in the system. I
22 could have overheard an attorney. Holly could
23 have told me. I mean, there's a variety of
24 different ways that this could have been
25 brought to my attention.

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1 Q. What's the calendar you refer to
2 here?

3 A. That would be Outlook.

4 Q. Okay. And you say, "Signups must
5 be on the calendar," correct?

6 A. Yes.

7 Q. So what do you mean by that?

8 A. So in an effort to not double like
9 book the investigators, I created an internal
10 calendar for the signups to be -- to be put on
11 the calendar so that, you know, Aaron didn't
12 have two signups at the same time or -- you
13 know, to avoid scheduling conflicts.

14 Q. Okay. Do you think this is around
15 the time when you were receiving an email on
16 every single intake?

17 A. I don't know when that started
18 and --

19 Q. Okay.

20 A. -- so I don't know.

21 Q. That would have been one way that
22 you could have figured out --

23 A. Yeah.

24 Q. -- that the signups weren't on the
25 calendar, correct?

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1 A. Correct.

2 Q. Okay. You write here, "I know
3 we've had a lot of intakes today." How did you
4 know there were a lot of intakes on that day?
5 Was it because you received those emails?

6 A. I don't know if I was receiving
7 emails on this day or not. I would have known
8 that we've had a lot of intakes. Again, it
9 could have been conversation. It could have
10 been -- I could have been reviewing intakes.
11 Holly could have told me. I mean, there's a
12 variety of different ways that I would have
13 come to that conclusion.

14 Q. Okay. What would be a lot of
15 intakes for one day?

16 A. Jeez, I don't know, especially six
17 years ago.

18 Q. You can't estimate?

19 A. No.

20 Q. What's a lot of intakes today?

21 A. We have way more attorneys today.
22 I mean, we have a lot of intakes regularly. I
23 don't -- there is no number in my mind that
24 would cause it to be a lot.

25 Q. But there was here, because you

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1 said there were a lot, correct?

2 MR. MANNION: Well, objection.
3 Wait a minute. There was what? Please clarify
4 the question. You said "There was here." Are
5 you asking her if there was a number involved
6 here?

7 MR. PATTAKOS: Tracy, can you,
8 please, read the witness's testimony.

9 MR. MANNION: Well, I have a right
10 to know what the question is, Peter. I'm just
11 trying to find out what it was.

12 MR. PATTAKOS: Tom, there's no need
13 to get upset. I'm asking Tracy to read the
14 testimony and then -- to read Brandy's
15 testimony and then read my question.

16 (Record was read, Pages 149-150, Lines 20-1.)

17 MR. MANNION: I'm going to, again,
18 object. And ask what your question is. What
19 do you mean, "There was here"? Do you mean a
20 number?

21 MR. PATTAKOS: Well, she says
22 there's no number in her mind that would be a
23 lot, but -- she says, "A lot," here.

24 Q. So I'm asking, if it's not a
25 number, then what would, "A lot," mean?

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1 A. I mean, this was six years ago. I
2 don't know what I meant by, "A lot."

3 Q. Okay. More than usual, though?

4 A. Not necessarily. "A lot," doesn't
5 always mean more than usual.

6 Q. What would, "A lot," mean in this
7 context, apart from, more than usual?

8 A. In the email, I felt like there was
9 a lot of intakes. I don't know six years ago
10 what that meant.

11 Q. Okay. And even when there was a
12 lot of intakes, the firm's policy or
13 preference, as you call it, was still to send
14 an investigator on the same day to sign the
15 clients up, correct?

16 MR. MANNION: Objection to form.
17 Go ahead.

18 A. Again, it would be the preference,
19 not the policy.

20 Q. Um-hum. And something that you
21 instructed KNR attorneys to always try your
22 best to make happen, correct?

23 A. I would feel like maybe reminded.

24 Q. Well, you write here, "Always try
25 your best to make that happen," referring to

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1 scheduling signups for the same day as the
2 intake, correct?

3 MR. MANNION: I'm going to object.
4 She didn't dispute that you read that language
5 right. She was disputing your use of the word,
6 "Instruction," versus, "Suggestion." So please
7 listen to her answer.

8 MR. PATTAKOS: Tom --

9 MR. MANNION: No. Seriously.

10 MR. PATTAKOS: -- please stop
11 testifying for the witness.

12 MR. MANNION: No, no. You just
13 completely misconstrued what she said.

14 MR. PATTAKOS: Tom, I'm going to
15 ask you one more time, please --

16 MR. MANNION: Well, I'm going to
17 ask you to quit twisting things.

18 MR. PATTAKOS: -- stop testifying
19 for the witness.

20 MR. MANNION: I haven't been
21 testifying for this witness at all.

22 MR. PATTAKOS: It is inappropriate
23 for you to inject your own interpretation of
24 how you believe I am twisting things.

25 MR. MANNION: No, I'm not. You

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1 asked a question that says, you instructed, and
2 the witness said -- I'm repeating her
3 testimony that she said she suggested.

4 MR. PATTAKOS: Tom, that will be a
5 great example for the Court of what you're
6 doing here, so, you know, keep it up, I guess.
7 I don't know what else to say at this point.

8 MR. MANNION: I don't know what
9 else to say either. You asked the question and
10 she answered it and corrected you and I'm not
11 sure why you're upset with me over that.

12 MR. PATTAKOS: Tracy, please read
13 my question again to the witness. Thank you.

14 (Record was read Page 151-152, Lines 20-2.)

15 A. Yes.

16 Q. Okay. And when you write, "This is
17 a sure way to not get the case," here again
18 you're affirming that the reason to send the
19 investigator to do the signup on the same day
20 is to get the case, correct?

21 MR. MANNION: Objection.

22 Go ahead.

23 A. No. As I stated earlier,
24 oftentimes, insurance adjusters rush out to the
25 clients and they sign a release that they have

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

6 Q. Okay. And your testimony is that
7 this has nothing to do with losing the case to
8 another law firm?

9 A. No.

10 Q. No, that is not your testimony?

11 A. No. I'm saying, no, I don't feel
12 like the reason why I said that six years ago
13 was because I was scared we were going to lose
14 a case to another law firm.

15 Q. So just to be clear, when you write
16 here, "This is a sure way not to get the case,"
17 you are not referring to losing the case to
18 another law firm?

19 A. I can't say what I felt on March 19
20 of 2012, specifically. It was over six years
21 ago. I don't think any person could, but I can
22 tell you that what stands out in my mind today
23 of -- you're asking me to speculate what I
24 meant six years ago. That's what stands out in
25 my mind.

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1 Q. I'm asking -- I'm not asking you to
2 speculate. I'm asking you to remember.

3 A. Well, anything that you're asking
4 me to do would be speculation, because I
5 already told you I don't remember.

6 Q. Okay. So it's possible that you
7 were referring to losing cases to other firms
8 because you don't -- you don't remember enough
9 to say that it's not --

10 MR. MANNION: Objection.

11 A. That's not what stands out in my
12 mind.

13 Q. I'm trying to get a clear answer
14 one way or another, so.

15 A. I think you're trying to confuse
16 me.

17 MR. MANNION: And I think you're
18 arguing with the witness. Stop it.

19 You don't have to say a word. He didn't
20 ask you a question right now. He's just
21 staring at you, for some reason, and shaking
22 his head.

23 MR. PATTAKOS: Again, I will ask
24 Mr. Mannion to stop making misrepresentations
25 on the record.

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1 Tracy, can you please read my question
2 back to the witness.

3 (Record was read, Pages 155, Lines 6-16.)

4 MR. PATTAKOS: Go back to the
5 question and read that question again. I'd
6 like to get an answer from the witness.

7 MR. MANNION: She answered it.
8 She said --

9 THE NOTARY: Hold on. You guys,
10 since we're on the record, when you guys talk,
11 I have no choice but to take the record and
12 then I can't read back, so we got to kind of
13 like --

14 MR. MANNION: Got it.

15 THE NOTARY: All right.

16 (Record was read, Pages 154-155, Lines 6-6.)

17 MR. MANNION: She answered the
18 question.

19 BY MR. PATTAKOS:

20 Q. Okay. You know what? We can leave
21 it at that. We can leave it at that. If
22 that's what you want your answer to be, that's
23 what it will be.

24 MR. MANNION: Objection. Move to
25 strike.

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1 Q. Can you explain the process of how
2 the investigators were paid?

3 A. Can you be more specific?

4 Q. Do you need me to be?

5 MR. MANNION: She asked you to be.

6 A. I don't work in the accounting
7 department, so.

8 Q. So you have no knowledge of how and
9 when the investigators were paid?

10 A. I've seen expenses on cases for
11 investigators being paid. I don't have -- it's
12 not something that I oversaw --

13 Q. Okay.

14 A. -- like specifically.

15 Q. So is your answer, no, you have no
16 idea how the investigators were paid or when in
17 the process they were paid?

18 A. No, that wasn't my answer. I
19 didn't say that.

20 Q. Okay. So please explain to me what
21 you know about when the investigators were
22 paid.

23 A. So, again, it's not something that
24 I oversaw. I don't work in the accounting
25 department. There are case expenses that I've

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1 seen where checks have been requested, I guess.
2 I -- a paralegal would request a check. But as
3 far as like the exact process, I definitely
4 can't say that, because that's not any part of
5 my job specifically.

6 Q. Whose job is it?

7 MR. MANNION: Objection.

8 Go ahead.

9 A. So the paralegals request the
10 checks and the accounting department prints the
11 checks.

12 Q. Do you have any idea when in the
13 process a paralegal is supposed to request a
14 check for the investigator?

15 MR. MANNION: Objection.

16 Go ahead.

17 A. Probably the beginning phase of the
18 case, but I can't like -- actually, I shouldn't
19 even say that, because I don't -- I don't for
20 sure entirely know.

21 Q. What do you know? If you don't
22 entirely know, what do you partially know?

23 A. I know the investigators get paid.

24 Q. Okay. If I told you that it was
25 the firm's policy or practice to pay the

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1 investigators as soon as the intake was
2 complete, to issue a check to the investigators
3 as soon as the intake was complete, would you
4 have any reason to believe that that is not
5 true?

6 MR. MANNION: Objection. She told
7 you she doesn't know the process. That's not a
8 fair question. It's not a fair question.

9 MR. PATTAKOS: You don't get to say
10 what a fair question is.

11 MR. MANNION: I do get to object
12 if a question is not fair. That's part of
13 this.

14 MR. PATTAKOS: You can object if a
15 question is not clear and you can object if the
16 answer to a question is privileged.

17 MR. MANNION: Object. Unfair.
18 Go ahead.

19 A. I would tell you that that's
20 impossible, because the case wouldn't be open
21 in Needles, so there would be no way to
22 actually physically request the check to them,
23 if it was done right when the intake was
24 finished.

25 Q. I'm sorry. Then what if the check

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1 was cut as soon as the case was opened in
2 Needles? Is it possible that that's what the
3 firm's practice is?

4 MR. MANNION: Objection as to,
5 possibility.

6 Go ahead.

7 A. I mean, I can't speak to that. I
8 can't comfortably give you an answer to that.
9 It's changed.

10 Q. So you don't know?

11 A. Correct.

12 Q. Okay. You don't know if it's
13 possible or not?

14 A. I'm saying, I don't know what the
15 specific process is on how the investigators
16 get paid.

17 Q. That wasn't my question.

18 A. Okay. Can you please ask me the
19 question again?

20 Q. The question is: If I told you
21 that it was KNR's practice to pay the
22 investigator check as soon as the case was
23 opened in Needles, do you have any reason to
24 believe that is not what happens?

25 MR. MANNION: Objection. Asked and

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1 answered.

2 Go ahead.

3 A. I mean, yes, because you're telling
4 me that and you don't work there.

5 Q. Any other reason?

6 A. I have no reason to believe
7 anything -- if you were to tell me any part of
8 that, because it's not -- I don't know the
9 specific answer to that question. It's not my
10 job --

11 Q. Okay.

12 A. -- I don't do that. I never did
13 that.

14 Q. Okay.

15 - - - - -

16 (Thereupon, Deposition Exhibit 11,
17 6/10/2014 Email To We Steel, Etc.
18 From Holly Tusko, Bates Number
19 KNR03226, was marked for purposes of
20 identification.)

21 - - - - -

22 Q. This is Exhibit 11.

23 A. Thank you.

24 MR. NESTICO: Tom.

25 MR. MANNION: I apologize. June

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1 10, my birthday, 2014. I was a young 51 at the
2 time.

3 MR. PATTAKOS: I hope it was a
4 happy birthday for you, Tom.

5 MR. MANNION: Fiftieth is better.
6 I had a couple bands.

7 BY MR. PATTAKOS:

8 Q. Are you through reading this email?

9 A. Um-hum, yes.

10 Q. So this is an email on June 10,
11 2014, from Holly Tusko to a number of people
12 including Wes Steele, Gary Monto, Dennis Rees,
13 Aaron Czetli and Mike Simpson. Those are
14 investigators, correct?

15 A. Correct.

16 Q. Okay. Are these all investigators
17 here in the, "To," field?

18 A. Yes.

19 Q. Okay. Do you know whose email
20 address Juanjudo@aol is?

21 A. No.

22 Q. Do you know who Tfish878 is, Tom
23 someone?

24 A. Tom Fisher.

25 Q. Tom Fisher. Okay.

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1 A. Well, I guess JudanJudo would be
2 Gary Monto.

3 Q. Really?

4 A. Yes.

5 Q. What makes you say that?

6 A. Well, Tom -- it says, "TOM," and
7 then it says, "Tfish878."

8 Q. Yeah, but I think that's in
9 brackets, if you see, so --

10 A. The way I read it, is that Tom is
11 Tom Fisher. Then there's David French, Gary
12 Monto, JudanJudo.

13 Q. It looks to me like JudanJudo is a
14 separate address from Gary Monto.

15 A. It could be.

16 Q. Yeah. Is the reason that some of
17 these investigators just appear as their names,
18 like Wes Steele or Aaron Czetli or Mike
19 Simpson, is that because they had KNR email
20 addresses?

21 A. Oh, I don't know why their names
22 would just show up and others wouldn't.

23 Q. But the investigator did have KNR
24 email addresses, didn't they?

25 A. I believe they used personal email

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1 addresses and I think at a time we created KNR
2 email addresses for them.

3 Q. When did that happen?

4 A. I have no idea. I don't remember
5 an exact timeframe.

6 Q. Okay. Why did you do that for
7 them? Why did you create KNR email addresses
8 for the investigators?

9 MR. MANNION: I'm going to object.
10 I don't think she said she created them. You
11 said, "You."

12 Q. Why did the firm create them?

13 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

20 Q. For the firm?

21 A. Well, for the investigators and for
22 the firm --

23 Q. Sure.

24 [REDACTED]
[REDACTED]

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[REDACTED]

[REDACTED]

A. I mean, I can't speak to what they would have used. I don't know.

Q. Okay. So here she says -- and you're copied on this email along with Rob Nestico and the prelit attorneys, correct?

A. Yes.

Q. Okay. She says, "Good Morning KNR investigators. In an effort to get everyone on the same page please and to ensure that we are servicing our clients to" the, "best of our ability please see the below criteria for doing sign ups. Please note that if this criteria is not met you will not be paid. When doing a sign up the following steps need to be taken." Am I reading that correctly so far?

A. Yes.

Q. And she lists seven steps here.

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1 "The subject line of your email should always
2 contain the client(s) name." That's 1.

3 "2.) The contingency fee agreement,
4 patient authorization and proof of
5 representation forms need to be signed and
6 dated as well as a discharge letter, if
7 applicable." What is the discharge letter
8 there?

9 A. That would be if the client was
10 discharging another law firm.

11 Q. I see. Okay. Okay. And then she
12 lists, "3.) Photo(s) of insurance cards."

13 "4.) Photo of client (from the chest
14 up)."

15 "5.) Photo(s) of ANY visible injuries
16 (cuts, red marks, bruises, scratches, braces,
17 casts, etc)."

18 "6.) Photo(s) of the vehicle."

19 "7.) Photo of police report." And then
20 she puts in parentheses, "(we send out direct
21 mailers so a lot of the time the client will
22 have the police report there with them)."

23 Am I reading that correctly?

24 A. Yes.

25 Q. Okay. She then says at the bottom,

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1 "...this must be done by all Investigators for
2 all sign ups," correct?

3 A. Yes.

4 Q. Okay. So as long as the
5 investigators perform these tasks, they would
6 be paid, correct?

7 MR. MANNION: Objection.

8 Go ahead.

9 A. As long as they perform these
10 tasks, they would be paid, that's what her
11 email says, correct.

12 Q. Yes. Do you have any reason to
13 believe that's not the case?

14 A. I mean, this was something that
15 Holly was in charge of, so I can't really speak
16 for her, but, no. I mean --

17 Q. You were Holly's boss, correct?

18 A. Correct.

19 Q. Okay. So this email confirms KNR's
20 policy -- or preference that an investigator
21 gets paid as long as they turn in this
22 information listed in this email. Isn't that
23 correct?

24 MR. MANNION: Objection, form.

25 Go ahead.

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1 A. Yes, that's what this email says.

2 Q. Okay. And do you have any reason
3 to believe that anything contrary to that is
4 true?

5 MR. MANNION: Anything contrary?

6 MR. PATTAKOS: Yeah.

7 Q. Is the policy anything else but
8 what is reflected here, to your knowledge?

9 MR. MANNION: I'm going to object
10 to the word, "Policy."

11 Go ahead.

12 A. So there's a variety of other
13 things that investigators could do on a
14 case-by-case basis. Is that what you're
15 asking?

16 Q. No.

17 A. Okay. I'm confused.

18 Q. I'm asking if there was anything
19 else that you know of that an investigator had
20 to do to get paid their investigation fee
21 that's not listed on this email.

22 MR. MANNION: Objection.

23 Go ahead.

24 A. I mean, you would have to speak
25 with the attorneys. I feel like you're trying

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1 to trick me. I don't know.

2 Q. No. I'm trying to get an answer
3 out of you. That's all.

4 MR. MANNION: Move to strike.

5 Q. I'm asking you if this email
6 accurately reflect -- let me rephrase it. Let
7 me just ask you: Does this email accurately
8 reflect KNR policy at this time or does it not?

9 MR. MANNION: Objection as to,
10 "Policy."

11 Go ahead.

12 A. So I wouldn't say this is a policy,
13 but this is -- she is telling the investigators
14 in this email she would like these tasks to be
15 complete for them to be paid for this -- for
16 doing these tasks.

17 Q. Okay. You never corrected her for
18 sending this email, did you?

19 A. Not that I can remember.

20 Q. Do you remember anyone else
21 correcting her for sending this email?

22 A. I mean, I can't speak -- not that I
23 was ever aware of. You'd have to ask her.

24 Q. Can you think of any reason why she
25 should have been corrected for writing this

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1 email?

2 A. No. She wanted this information.

3 Q. Okay. Let's move on to Exhibit 12.

4 - - - - -

5 (Thereupon, Deposition Exhibit 12,

6 6/3/2015 Email To Paul Hillenbrand

7 From Holly Tusko, Bates Number

8 KNR00756, was marked for purposes of
9 identification.)

10 - - - - -

11 MR. NESTICO: Tom, can I get the
12 date?

13 MR. MANNION: I apologize.
14 June 3, 2015.

15 MR. NESTICO: I'm sorry. June 13,
16 '15?

17 MR. MANNION: June 3, 2015.

18 BY MR. PATTAKOS:

19 Q. Okay. Just let me know when you're
20 ready.

21 A. I'm ready.

22 Q. Okay. So this is another email
23 from Holly Tusko, correct?

24 A. Correct.

25 Q. She emails, it looks like another

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1 group of investigators, correct?

2 A. Correct.

3 Q. And you are copied along with Rob
4 Nestico, Paul Steele and Thomas Vasvari,
5 correct?

6 A. Correct.

7 Q. And it looks like there's also an
8 address for signups there. Do you see that?

9 A. Yeah.

10 Q. What's that signups email list?

11 A. I don't remember exactly who's on
12 the signup email, but it's a group that we
13 created for them to send the forms to and all
14 of the information.

15 Q. For who to send the forms to?

16 A. For the investigators. I believe
17 the employees, some of the -- I don't know who
18 all was on that email but the case
19 coordinators, the people that work on the
20 cases.

21 Q. Okay. So she lists a number of
22 criteria first under the headline, "Attached
23 you will find the following form examples of
24 EXACTLY how EVERY form needs to be filled out
25 when completing a sign up," and it lists four

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1 forms there. Is that correct?

2 A. Yes.

3 Q. Okay. And it says that the
4 photos -- it says underneath the second
5 heading, "Photos are to be provided with EVERY
6 sign up, NO EXCEPTIONS," and then it shows what
7 the photos are supposed to be of, correct?

8 A. Correct.

9 Q. And then these forms are to be
10 emailed by a certain time to a -- these forms
11 are to be emailed to signups@knrlegal as well
12 as to intake@knrlegal, correct?

13 A. Correct.

14 Q. Okay. She said, "Should all of the
15 above listed criteria not be met you will NOT
16 receive payment on the signup(s)," correct?

17 A. Correct.

18 Q. Okay. Is it true, Ms. Gobrogge,
19 that if the investigators fulfill these
20 criteria, these forms and these photos, that
21 they would then receive payment on the signup?

22 MR. MANNION: Objection.

23 Go ahead.

24 A. Yes.

25 Q. Okay. Did you ever criticize

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1 Ms. Tusko in sending this email or tell her
2 that she was wrong to send it?

3 A. Not that I can remember.

4 Q. Do you remember anyone else doing
5 it?

6 A. I can't speak on behalf of anybody
7 else.

8 Q. I'm not asking you to that. I'm
9 asking you to speak to your own memory. Do you
10 remember anyone else criticizing Ms. Tusko or
11 telling her that she was wrong in sending this
12 email?

13 A. I don't remember.

14 Q. Okay. Is there anything else
15 you're aware that an investigator had to do,
16 during this time period that this email was
17 sent, to get paid?

18 A. I mean, the investigator, as I
19 stated previously, they did other things other
20 than just the signup and gather this particular
21 information.

22 Q. I know that you've said that, but
23 I'm not asking that question. I'm asking: Are
24 you aware of anything else that an investigator
25 had to do to get paid their signup fee or their

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1 investigation fee that's not on this list?

2 MR. MANNION: Objection.

3 Go ahead.

4 A. I don't understand what you're
5 asking me.

6 Q. Here's a list of things that an
7 investigator is required to do by KNR, and
8 Ms. Tusko says, "Should all of the above listed
9 criteria not be met you will NOT receive
10 payment on the signup(s)." I'm asking you if
11 you are aware of anything else that an
12 investigator had to do to get paid on the
13 signups --

14 MR. MANNION: Objection.

15 Go ahead.

16 Q. -- that's not listed on this email.

17 A. No.

18 Q. Okay. Thank you.

19 MR. PATTAKOS: Pardon me for one
20 second here. Okay. Exhibit 13.

21 - - - - -

22 (Thereupon, Deposition Exhibit 13,
23 Intake Spreadsheets, Bates Numbers
24 Williams000018-36, was marked for
25 purposes of identification.)

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1 - - - - -

2 MR. NESTICO: The date, Tom.

3 MR. PATTAKOS: There's a lot of
4 dates on this one.

5 MR. MANNION: Yeah, it's
6 Williams000018 through -- it's not in the email
7 binder, I don't think. It starts October 17
8 of '14, but there's a number of different dates
9 in that timeframe.

10 Q. Do you recognize what these emails
11 are?

12 A. Yes.

13 Q. What are they?

14 A. These are case intake emails.

15 Q. Okay. And at some point during
16 the -- well, during the time that these emails
17 were sent, it was the firm's practice to send
18 an email summarizing the intakes for any given
19 day, correct?

20 A. They were sent out, yes.

21 Q. Yes. And that's what these emails
22 are, are the daily summary email of all of the
23 intakes that the firm took in on any given day?

24 A. They're actually not intakes.
25 These are actually cases that were opened.

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1 Q. Cases opened?

2 A. Yeah.

3 Q. And that's different from intake?

4 A. Correct.

5 Q. Okay. So this is a case that is
6 opened in Needles at this point. Maybe, is
7 this all the new cases -- strike that. Are
8 these emails, emails reflecting all of the new
9 cases that were opened in Needles on that day?

10 A. Yes. That's what this looks like
11 to me.

12 Q. Okay. And these documents were
13 provided to me by Mr. Horton and there's some
14 information that has been redacted. I assume
15 in this left-hand column is the client's name.
16 Do you believe that's the case?

17 A. Yeah.

18 Q. Okay. And then I see two different
19 dates here and I'm wondering what those two
20 different dates are. Do you have any idea?

21 MR. MANNION: Yeah, I think you
22 mean two columns.

23 MR. PATTAKOS: Yeah, two columns
24 for each intake.

25 Q. For each intake, there's two

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1 columns.

2 A. I mean, they don't have a title --

3 Q. No. I know that.

4 A. --they look like dates.

5 Q. Yeah. Well, you know what I think
6 maybe what it is, is that one is the date that
7 the client contacted the firm and then the
8 second date is the date when the client was
9 signed up. Do you think that's the case?

10 MR. MANNION: Objection.

11 But go ahead.

12 A. I mean, I don't have any reason to
13 believe that one way or the other. There's
14 nothing in here that indicates that to me.

15 Q. Well, what do you think this could
16 indicate?

17 A. I actually don't know.

18 Q. You received these emails, didn't
19 you?

20 A. I remember seeing these emails at
21 some point in time. Me receiving them, you'd
22 have to -- it depends on what period of time
23 you're referring to, but I've seen a chart that
24 looks like this before.

25 Q. Okay. And you'll see that in the

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1 third column, there is a notation that is
2 either an, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED]
7 A. Correct.
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED]
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18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
26 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
27 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
28 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
29 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
30 [REDACTED]

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1 Q. Okay. Maybe relating to knee
2 replacements; do you remember?

3 A. I mean, it says, "Watson," next to
4 it, so. I don't remember if it was a knee
5 replacement or what specific the case was.

6 Q. Okay. This fourth column here
7 lists two names, like, "Lisa and Amanda," or,
8 "Lindsey and Brian," "Nicole and Devin,"
9 "Courtney and Josh." Does this reflect the
10 paralegal and attorney that is assigned to each
11 case?

12 A. Yes.

13 Q. Okay. And then the next column
14 lists names like Wes Steele, MRS, AMC. These
15 are the investigators on every case, correct?

16 A. Yes.

17 Q. And there's a dollar sign and then
18 a dollar amount there next to every
19 investigator, correct?

20 A. Yes.

21 Q. And this shows the signup fee that
22 was paid to each investigator, correct?

23 MR. MANNION: Objection to the
24 characterization of, "Signup fee."

25 Go ahead.

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1 MR. PATTAKOS: Tom, please stop
2 with the speaking objections.

3 MR. MANNION: What are you talking
4 about? I objected to your question.

5 MR. PATTAKOS: You're telling the
6 witness specifically what it is about my
7 question that you object to. You can object.
8 Just say, "Objection," and your objection is
9 registered. I'm going to ask you for the tenth
10 time to stop making speaking objections.

11 MR. MANNION: I'm going to ask you
12 to review your deposition and you'll see that
13 my behavior is way, way, way, way, way, way,
14 way, way, way, way, way better. Now, I
15 objected because I thought you mischaracterized
16 it.

17 But go ahead.

18 MR. PATTAKOS: You don't have to
19 explain -- it's inappropriate for you to
20 explain to the witness why you object to my
21 question, Tom.

22 MR. MANNION: Why did you have
23 multiple speaking objections that were
24 substantive?

25 MR. PATTAKOS: I was explaining to

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1 my client why they didn't have to answer your
2 questions. That's a different story, Tom.

3 MR. MANNION: I don't think that's
4 true. I don't think that's accurate.

5 MR. PATTAKOS: Well, okay.

6 MR. MANNION: I'm still going to
7 object to the mischaracterization.

8 But go ahead.

9 MR. PATTAKOS: I'm going to ask you
10 for now the eleventh or twelfth time to not
11 make speaking objections.

12 MR. MANNION: And I'm going to
13 ask you to quit wasting time by typing in the
14 answers. We have a court reporter here.

15 MR. PATTAKOS: What, Tom? I don't
16 understand what you're talking about.

17 MR. MANNION: About half the time
18 we're wasting is you typing up her answers or
19 whatever you're typing away here in between
20 questions, so let's get moving.

21 MR. PATTAKOS: Okay, Tom.

22 Tracy, can you please read the question
23 back.

24 (Record was read.)

25 MR. MANNION: Objection.

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1 Go ahead.

2 A. When you say, "Signup fee,"
3 investigator fee, is that what you mean?

4 Q. Sure.

5 A. Okay. Yes, that's the investigator
6 fee.

7 Q. Okay. Also, the same thing that
8 the firm -- people within the firm commonly
9 refer to as, "The signup fee," correct?

10 MR. MANNION: Objection. Asked and
11 answered.

12 Go ahead.

13 A. It's referred to as -- it just
14 depends on the person that you would ask what
15 word they would use to --

16 Q. Okay. But I guess I'm trying to
17 confirm again. This isn't two separate things.
18 This is the signup fee, the same thing that
19 people call, "The signup fee," correct?

20 MR. MANNION: Objection.

21 Go ahead.

22 A. I'm referring to this as, "The
23 investigator fee."

24 Q. Okay. Right. And if someone else
25 referred to as a, "Signup fee," you would not

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1 disagree, correct?

2 MR. MANNION: Objection. Disagree
3 with what?

4 MR. PATTAKOS: With them referring
5 to this as, "The signup fee."

6 A. This in my mind is the investigator
7 fee.

8 Q. Okay. And it's the investigator
9 fee that gets paid as long as the investigators
10 fulfill the criteria that was listed on those
11 emails from Holly Tusko that you just reviewed,
12 correct?

13 A. Not just that criteria.

14 Q. But if they do meet that criteria,
15 this is the fee that gets paid, right?

16 A. There is other things that they do
17 on cases they get paid for.

18 Q. Sure. I understand that's your
19 testimony. I understand that's your
20 testimony --

21 A. Okay.

22 Q. -- but this is the same fee that
23 Holly Tusko is referring to in the emails that
24 you just reviewed, correct?

25 A. Holly was referring to the actual

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1 signups --

2 Q. Yeah.

3 A. -- the actual meeting with the
4 client. There's different parts to all of
5 this. So she was referring in that specific
6 email, the way that I read it was, when you
7 meet with a client and this is the stuff that
8 you need to do. That's the way I read her
9 email, but there are other pieces to that that
10 wasn't on her email.

11 Q. Well, when I asked you about that,
12 you didn't tell me anything else that -- the
13 other pieces were that would be necessary for
14 an investigator to get paid. Are you changing
15 that testimony now?

16 MR. MANNION: Objection,
17 argumentative.

18 Go ahead.

19 A. You were asking me specifically
20 about her emails, so I was answering questions
21 about the email. You weren't asking me in
22 general about everything that investigators
23 could do on cases --

24 Q. And I'm --

25 A. -- to me, that's two different

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1 things --

2 Q. But I'm --

3 A. -- but I feel like you're trying to
4 twist it.

5 MR. MANNION: She's not here to
6 speak for the company on investigator fees.
7 There's other people that can talk to that,
8 Peter. You keep asking her questions. She's
9 giving you the information the best she knows.

10 MR. PATTAKOS: Tom, I'm just asking
11 the witness questions and I don't have --

12 MR. MANNION: No, you're not.

13 MR. PATTAKOS: -- and I don't have
14 to take any instructions from you.

15 MR. MANNION: No, you're not.

16 MR. PATTAKOS: This is the firm's
17 operations manager. She should be able to
18 answer these questions.

19 MR. MANNION: Well, wait a minute.
20 Wait a minute. Now you've made a comment on
21 the record that she should be able to answer
22 questions about investigators and you don't run
23 the firm --

24 MR. PATTAKOS: Okay. Let's
25 continue.

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1 MR. MANNION: -- and you don't
2 decide who at our firm can answer questions
3 about investigators.

4 MR. PATTAKOS: "Our firm?" Are you
5 part of the firm, too, now, Tom?

6 MR. MANNION: That's not what I
7 mean and you know that's not what I mean.
8 That's how I refer to a client --

9 MR. PATTAKOS: Okay.

10 MR. MANNION: -- just like in
11 opening or closing, I say, "We," I'm referring
12 to the client and that side.

13 MR. PATTAKOS: Thank you, Tom.

14 MR. MANNION: Yeah. I know I
15 don't roll around in the jury box.

16 BY MR. PATTAKOS:

17 Q. I am referring back to Exhibit
18 Number 11 and Exhibit Number 12. I guess we'll
19 have to look at these again. So Holly Tusko is
20 saying in both of these emails -- she's listing
21 criteria that an investigator has to meet to
22 get paid, correct?

23 A. If the -- if they're going out and
24 actually doing the signup, for them to be paid
25 on that particular signup, then that's what

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1 they would need to do.

2 Q. Right. And once they complete that
3 signup, then the case gets opened up in
4 Needles, correct?

5 A. Yes.

6 Q. And then this email gets sent here
7 that's in Exhibit 13 that summarizes all of the
8 cases that were opened up in Needles, correct?

9 A. Yes.

10 Q. And that fee that is being
11 reflected here to the investigators is the same
12 fee that the investigator gets paid for
13 obtaining this information that's listed here
14 in Exhibits 11 and 12, correct?

15 MR. MANNION: Objection to the
16 form.

17 Go ahead.

18 A. It could be.

19 Q. It could be. What else could it
20 be?

21 A. They -- if the investigator did the
22 signup, then they got paid the fee that she's
23 referring to in this email. The investigators
24 also do other investigative work on cases on a
25 case-by-case basis that she's not referring to

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1 in this email.

2 Q. And, "In this email," you are
3 referring to Exhibit 11 --

4 A. And 12.

5 Q. -- and 12? Okay.

6 A. Correct.

7 Q. But this fee that's listed in
8 Exhibit 13, this is the signup fee, is it not?

9 MR. MANNION: Objection.

10 A. This is the investigator fee for
11 cases.

12 Q. Yes. That they end up getting,
13 that the investigators get for performing --
14 for obtaining the information that's listed in
15 Exhibits 11 and 12, correct?

16 MR. MANNION: Objection. Asked
17 and answered numerous times.

18 MR. PATTAKOS: Stop speaking.

19 MR. MANNION: Wait a minute. I'm
20 allowed to object.

21 MR. PATTAKOS: You are not allowed
22 to say, "Asked and answered." You are simply
23 not.

24 MR. MANNION: Are you serious?

25 MR. PATTAKOS: Yes, I am serious.

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1 MR. MANNION: Really? I can't
2 say, "Objection. Asked and answered"?

3 MR. PATTAKOS: At this point we're
4 going to ask the Court to ask you to stop
5 making speaking objections.

6 MR. MANNION: I'm going to ask the
7 Court to ask a lot of things for you to stop
8 doing, believe me, but I'm allowed to say,
9 "Objection. Asked and answered."

10 Go ahead.

11 MR. PATTAKOS: No, you're not.
12 It's not appropriate. Your interpretation of
13 whether my question has been answered is
14 irrelevant and you're coaching the witness.

15 MR. MANNION: How in god's name is
16 that coaching the witness? I'm not telling her
17 what to say.

18 MR. PATTAKOS: You're telling her
19 to repeat her answer, is what you're doing.

20 MR. MANNION: That's not what I
21 said.

22 MR. PATTAKOS: I don't need to
23 debate this.

24 MR. MANNION: That's not what I
25 said.

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1 MR. PATTAKOS: Tom, you know what
2 you're doing. I don't --

3 MR. MANNION: You're going to try
4 to drag this out for three days by asking the
5 same question over and over again.

6 MR. PATTAKOS: Let's continue.

7 Tracy, can you please go back to the last
8 question.

9 (Record was read, Page 188, Lines 7-11.)

10 MR. PATTAKOS: I don't need his
11 objection. Read that question again.

12 THE NOTARY: Okay.

13 (Record was read, Page 188, Lines 12-16.)

14 MR. MANNION: Objection.

15 A. I can't -- can you repeat that,
16 please?

17 Q. I will rephrase.

18 A. Thank you.

19 Q. This fee that is listed here in
20 Exhibit 13 --

21 A. Um-hum.

22 Q. -- right next to each
23 investigator's name in this fifth column here,
24 that is the same fee that the investigator is
25 paid as referred to in Ms. Tusko's email of

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1 Exhibits 11 and 12, is it not?

2 MR. MANNION: Objection, form.

3 Go ahead.

4 A. It's -- no, it's not always.

5 Q. It's not always. So what is it,
6 when it is not that?

7 A. So the investigators perform other
8 duties that are not on this sheet. I feel like
9 I said that before --

10 Q. Okay.

11 A. -- they could pick up medical
12 records. I mean, there's a variety of other
13 things that they do throughout the duration of
14 the case that is not on this email. And by,
15 "This email," I mean, Exhibit 11 and
16 Exhibit 12. She's sending this email to ensure
17 that when they do meet with the client that
18 they get all of this information that's
19 itemized 1 through 7 on here. That is just one
20 part of it. (Indicating.)

21 Q. Explain that to me. She's sending
22 this to ensure that the investigators obtain
23 information?

24 A. Well, yes. If an investigator goes
25 out to meet with a client, we want them to get

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1 the photographs of the car and the injuries and
2 all of this other information on here so that
3 we can have it for our file. That's --

4 Q. But I thought that you were saying
5 that this was a summary of the new cases that
6 were opened in Needles. So by the time a case
7 gets opened in Needles, the investigator has
8 already collected the forms. Did you not --
9 was that not your testimony?

10 MR. MANNION: I'm going to object.
11 You're mixing and matching completely. She was
12 pointing to these emails, when she said why
13 these were sent out. She wasn't pointing to --

14 MR. PATTAKOS: Oh, I see. She was
15 pointing to Exhibits 11 and 12.

16 THE WITNESS: Correct.

17 BY MR. PATTAKOS:

18 Q. Okay.

19 A. The investigators perform other
20 duties throughout the duration of these cases.
21 This isn't just the only part that has to do
22 with them. (Indicating.)

23 Q. Okay. But they get paid separately
24 for that, when they do that, correct?

25 MR. MANNION: Objection.

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1 A. No, not always.

2 Q. Okay. So that all goes under one
3 fee, is what you're saying?

4 A. Not always. It depends on the
5 timeframe that you're referring to and the
6 investigators.

7 Q. Okay. So you're saying that on
8 Exhibit 13, this fee is possibly not for a
9 signup but possibly for something else?

10 A. It could be for investigative work.

11 Q. Okay. That has been performed on
12 the day that a case is opened up in Needles?

13 A. It could be, or it could be later
14 on in the case.

15 Q. Oh, so you're prepaying the
16 investigator for work that might be done later
17 in the case. Is that what you're saying?

18 A. I wouldn't say we were prepaying.

19 Q. Well, what would this mean -- what
20 would the dollar amount mean, if this was sent
21 the day that the case is opened up in Needles
22 reflecting that an investigator was paid this
23 much? I'm trying to understand what the
24 investigator is being paid for here.

25 MR. MANNION: And I've told you,

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1 again, this isn't the person to ask.

2 But go ahead and tell him what you know.

3 A. Everything is on a case-by-case
4 basis. And you'd have to talk to the attorney
5 who worked on that case. But I can tell you
6 that this isn't all the work that they do.

7 Q. I know that's your testimony. I've
8 heard that many times.

9 MR. MANNION: Objection. Move to
10 strike.

11 Q. Okay. So this payment here in
12 column 5, this payment is sent as soon as the
13 case is opened up in Needles. Is that correct?

14 A. I don't know. I already told you
15 that.

16 Q. Okay. Who would know?

17 A. You'd have to talk to Rob, the
18 accounting department.

19 Q. Okay. If we look at page 25 here,
20 you'll see on Exhibit 13 --

21 It's Williams 25.

22 A. 25?

23 Q. Yes.

24 A. Okay.

25 Q. -- you'll see that, "MRS" -- which

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1 is Michael R. Simpson, correct? MRS is Michael
2 Simpson's investigation company.

3 A. Yes.

4 Q. And AMC is Aaron M. Czetli's
5 investigation company, correct?

6 A. Yes.

7 Q. You'll see that for October 14,
8 Czetli and Simpson were paid on a total of 22
9 cases. Do you see that?

10 A. Yes.

11 Q. Okay. And what is this in this
12 column that's next to the investigator?

13 A. Which column are you referring to?

14 Q. Just to the right.

15 MR. MANNION: I can't see.

16 MR. PATTAKOS: Just to the right.

17 MR. MANNION: Okay.

18 Q. Is this the referral source?

19 A. Yes.

20 Q. Okay. So at the top of this
21 page 25, we see, "Akron Square." That's the
22 chiropractor's office, correct?

23 A. Yes.

24 Q. "Town & Country," that's a
25 chiropractor's office, correct?

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1 A. Yes.

2 Q. Okay. "TV-Columbus," that is a TV
3 ad. The client saw a TV ad and then came in
4 from a Columbus TV station or -- yeah, a
5 Columbus TV station, correct?

6 A. Yes.

7 Q. Okay.

8 MR. MANNION: Just for the record,
9 though, quick, Page 81 of Thera Reid's
10 deposition, Mr. Pattakos, objection, asked and
11 answered, just to clarify.

12 MR. PATTAKOS: That's great, Tom.

13 Q. So, "Direct Mail-Columbus," if we
14 look down a little further, this is the
15 client -- the client called the firm because
16 they received a direct mail, correct?

17 A. Yes.

18 Q. Okay. "YP," is Yellow Pages. Is
19 that correct?

20 A. Yes.

21 Q. Okay.

22 MR. MANNION: Can we take a break,
23 when you're done with this document?

24 MR. PATTAKOS: I have one more
25 document after this, Tom, that we need to

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1 continue on.

2 MR. MANNION: No. I have to use
3 the restroom, so when you're done with this
4 document --

5 MR. PATTAKOS: We can take a break
6 right now.

7 MR. MANNION: Okay. That's fine.

8 VIDEOGRAPHER: Off the record 2:45.

9 MR. PATTAKOS: I'm going to ask you
10 not to confer with the witness during this
11 break.

12 MR. MANNION: You can't ask me
13 that.

14 MR. PATTAKOS: I'm going to ask
15 you that.

16 Tracy, can you go on the record?

17 MR. MANNION: Don't go on the
18 record.

19 MR. PATTAKOS: You are conferring
20 with the witness in the middle of my
21 questioning. You've asked for a break. I'm
22 giving you a break.

23 MR. MANNION: Stop it.

24 MR. PATTAKOS: Tom, if you want a
25 break to confer with the witness --

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1 MR. MANNION: I'm going to the
2 restroom. We've been going for an hour, Peter.

3 MR. PATTAKOS: You want a break to
4 confer with the witness --

5 MR. MANNION: We've been going for
6 an hour, Peter.

7 (Recess taken.)

8 VIDEOGRAPHER: On the record 2:51.

9 BY MR. PATTAKOS:

10 Q. Okay. On this break, did you just
11 confer with Mr. Mannion, your attorney?

12 MR. MANNION: You can't talk to her
13 about what we talked about.

14 Q. Did you confer with him?

15 A. We had a conversation.

16 Q. Okay. Just wanted to make that
17 clear. So back to this document, Exhibit 13,
18 we see that MRS or AMC was paid a \$50 fee on 22
19 different cases that came in on October 14,
20 correct?

21 A. Correct.

22 Q. You'll see, if you look at some of
23 these cases, if you look -- now, the first one
24 came in from Akron Square and then we see,
25 "...Stark Red Bag," "...Stark Red Bag," and

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1 then we see "Toledo Injury," "Atlantic Chiro."
2 Do you know what Atlantic Chiro is?

3 A. It's in Canton.

4 Q. Okay. And then, "Shaker Boulevard
5 Rehab". And then we see, "Direct
6 Mail-Columbus," on three different direct mail
7 Columbus cases, MRS was paid \$50. Do you have
8 any idea why AMC and MRS were being paid on
9 cases coming in from Toledo and Columbus?

10 A. I mean, I -- I can't tell you on
11 these three cases what kind of investigative
12 work they would have done. You'd have to talk
13 to the attorney who handled that case.

14 Q. Okay. Do you believe the truth
15 could be that the investigation fee was going
16 to be charged to these clients anyway,
17 regardless of whether a signup was performed or
18 not and that it got charged to Aaron and Mike
19 because they were the firm's primary
20 investigators and this was a way to compensate
21 for them for other work that they performed
22 around the office?

23 MR. MANNION: Objection to form.

24 Go ahead.

25 A. "Other work...around the office,"

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1 what does that mean?

2 Q. Well, you agree that Aaron and Mike
3 performed other work around the office,
4 correct --

5 MR. MANNION: Objection.

6 Q. -- that didn't relate to any
7 specific client case?

8 MR. MANNION: Objection.

9 Go ahead.

10 A. Not that they were paid for. I --
11 I don't have any knowledge of that.

12 Q. Whether they got paid for it or
13 not, you understand that Mike and Aaron stuffed
14 envelopes around the office for firm mailers
15 and helped decorate the office for Christmas
16 and things like that, correct?

17 A. No, no.

18 Q. You never saw them do that?

19 A. No, not that I can remember.

20 Q. Okay. If I told you that KNR, in
21 its written discovery responses, admitted that
22 they did work around the office, like stuff
23 envelopes for mailers and put up holiday
24 decorations, do you have any reason to believe
25 that that's not true?

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1 A. I mean, like I stated earlier on,
2 Mike and Aaron did not report to me so what
3 they did around the office, I really can't give
4 you an answer on that.

5 Q. Okay. Well, you were laughing as
6 though it was impossible that they were doing
7 that.

8 A. I was laughing about decorating for
9 the holidays, because I just don't really think
10 that -- I can't picture them doing that.
11 That's why I laughed --

12 Q. Okay.

13 A. -- it's kind of silly --

14 Q. Okay.

15 A. -- they're not very festive guys.

16 Q. So your testimony is that for every
17 one of these cases listed on this email, that
18 Mike or Aaron -- every one of these 22 cases,
19 that Mike and Aaron did some investigative work
20 on each of these cases?

21 MR. MANNION: Objection. What do
22 you mean, is that her testimony?

23 A. My testimony is that what work Mike
24 and Aaron did on any particular case would be
25 on a case-by-case basis and you would have to

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1 discuss that with the attorney who is
2 representing that client on that particular
3 case --

4 Q. That's not --

5 A. -- I can't testify to that.

6 Q. That's not my question. My
7 question is --

8 MR. MANNION: It was.

9 Q. -- do you believe that Mike and
10 Aaron performed investigative work on every one
11 of these 22 cases as of the date that this
12 email was sent?

13 A. I cannot answer that question. You
14 would have to talk to the attorneys on these 22
15 cases to find out what investigative work Mike
16 and Aaron did.

17 Q. So you don't know?

18 A. Correct. I cannot answer that
19 question. You'd have to speak to those
20 attorneys.

21 Q. So as far as you know, Mike and
22 Aaron were paid an investigative fee, even if
23 they didn't do any work on any of these cases?

24 MR. MANNION: Objection. Come on.

25 A. That's not what I said at all. I

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1 said that I don't know what work they did.

2 You'd have to speak with the attorney.

3 Q. But you agree that they wouldn't
4 have been paid on this day, unless they had
5 done some work --

6 MR. MANNION: Objection.

7 Q. -- on the case, at least sign the
8 client up?

9 MR. MANNION: Objection.

10 A. I do not agree to that.

11 Q. Okay.

12 MR. MANNION: She said she doesn't
13 know.

14 Q. It's got to be one or the other.

15 MR. MANNION: Objection.

16 MR. PATTAKOS: Tom, just please
17 keep it to yourself. Your interruptions are
18 constant and they're inappropriate.

19 MR. MANNION: I objected without
20 giving a basis. I thought that's what you
21 wanted me to do.

22 Q. You're saying on one hand that you
23 don't know whether Mike and Aaron did work on
24 all 22 of these cases as of October 14. Is
25 that correct?

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1 MR. MANNION: Objection.

2 A. I'm saying you would have to ask
3 the attorney that worked -- that handled these
4 cases. I don't have an answer for you for
5 that.

6 Q. Because you don't know, correct?

7 A. I'm saying, I don't have an answer.

8 Q. Why don't you have an answer?

9 A. Because Mike and Aaron did not
10 report to me.

11 Q. Right. Okay. We can leave it at
12 that.

13 MR. MANNION: You can ignore the
14 eye rolling.

15 THE WITNESS: Okay.

16 - - - - -

17 (Thereupon, Deposition Exhibit 14,
18 12/7/2012 Email To Robert Redick
19 From Brandy Lamtman, Bates Number
20 KNR003327, was marked for purposes
21 of identification.)

22 - - - - -

23 MR. MANNION: Date is December 7,
24 2012.

25 Q. Please let me know, once you've

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1 reviewed this email.

2 MR. NESTICO: December 7, 2012?

3 MR. MANNION: Yes.

4 MR. NESTICO: Thank you.

5 BY MR. PATTAKOS:

6 Q. Okay. So this is an email chain of
7 December 7, 2012, where you, Mr. Redick and
8 Mr. Nestico are participating, correct?

9 A. I think, "Participating," is a
10 strong word. Robert sent an email to Rob and
11 I, a suggested email.

12 Q. Okay. So Mr. Redick first emails
13 you and Mr. Nestico and says, "I think we
14 should send this to..." -- he suggests an
15 email. And at the bottom he says, "I think we
16 should send this to the staff today."

17 In that email, he writes -- the suggested
18 email he writes, "Please be advised that if the
19 attorney on the case requests any
20 investigator" -- now all caps -- "WHO IS NOT
21 MIKE OR AARON, to do something for a case that
22 has already been opened, i.e. pick up
23 records--knock on the door to verify
24 address--they CAN be paid on a case by case
25 basis depending on the task performed."

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1 "However, no checks for anything other
2 than the SU fee should ever be requested
3 without getting in-writing approval from the
4 handling attorney, myself and/or Brandy."

5 Am I reading this correctly so far?

6 A. Yes.

7 Q. Okay. "Under no circumstances" --
8 he continues, "Under no circumstances should
9 any additional checks to MRS or AMC be
10 requested other than at the time the case is
11 set-up."

12 "Please see me if you have any
13 questions." Am I reading that correctly?

14 A. Yes.

15 Q. Okay. And you did receive these
16 emails -- this email?

17 A. Yes.

18 Q. Okay. And you responded, "Agree,"
19 with Mr. Redick's suggestion that this email be
20 sent to the staff, correct?

21 A. Yes.

22 Q. Okay. Do you agree that the SU fee
23 Mr. Redick was referring to here was in fact,
24 he meant the signup fee?

25 A. So, "Signup fee," and,

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1 "Investigator fee," I feel like we go back --
2 we go round and round about that. They're the
3 same thing like in --

4 Q. Sure. Okay. I'm glad we are clear
5 on that. You hadn't said that yet today.

6 A. -- so like here he's referring to
7 it as a, "Signup fee." It could be referred to
8 as that or it could be, "Investigator fee."
9 He's calling this a signup fee in here for
10 doing other work, like it's --

11 Q. Okay.

12 A. -- tomato, tomato like they're --

13 Q. The same thing?

14 A. Yeah.

15 Q. Thank you. Here, back to
16 Exhibit 13, in this column with the
17 investigators and the fee amount, this is the
18 same thing; this is the signup fee, correct?

19 MR. MANNION: Objection. Asked and
20 answered.

21 Go ahead.

22 A. Yeah, I just said that. Signup and
23 investigator fee -- "Signup," didn't have to
24 mean they were actually signing up the case.
25 That fee could be that they're picking up

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1 records or taking photographs or doing a whole
2 plethora of other things that they could be
3 doing.

4 Q. Okay. And this is -- in this
5 column on page 13 listing the investigators and
6 the fee amount, this is the same thing as the
7 signup fee, correct?

8 A. Yes.

9 Q. Okay. Thank you. And the signup
10 fee was always at least \$50, was it not?

11 MR. MANNION: You can take a look
12 at the exhibit, if you need to.

13 A. Yeah, I don't -- this?

14 Q. (Nodding.)

15 A. So there's one on here for \$25.

16 Q. Okay. Do you have any idea why
17 that would be a \$25 --

18 A. I don't.

19 Q. Okay. Could that be because it was
20 a companion from the same accident where the
21 investigator simply only had to go to one place
22 to do a signup and it was two people that were
23 in the same accident? That would be a reason
24 that an investigation fee would be less
25 than 50, correct?

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1 A. I'm not sure.

2 Q. But does that make sense to you?

3 A. I mean, I don't know if that makes
4 sense or not.

5 Q. Okay. But would you agree that if
6 the investigation fee was greater than \$50,
7 that that would mean it had to do with the
8 investigator having to travel a certain amount
9 and that this fee was dependent to some degree
10 on the miles that the investigator had to
11 travel?

12 MR. MANNION: Objection.

13 A. I don't know.

14 Q. Okay. Do you have any reason to
15 believe that's not the case?

16 MR. MANNION: Objection.

17 A. I don't know.

18 Q. Okay. Okay. Back to Exhibit 14
19 here. So you agree that this email was
20 intended to make clear that the firm's policy
21 was that any task beyond the basic signup could
22 be charged separately and paid to the
23 investigator on a case-by-case basis, depending
24 on the task performed, unless it was Aaron or
25 Mike who performed the task?

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1 MR. MANNION: I'm going to object
2 again, form.

3 Go ahead.

4 A. No.

5 Q. So what do you think he meant,
6 Mr. Redick, when he emailed you and Mr. Nestico
7 only to say that, "...any investigator WHO IS
8 NOT MIKE OR AARON...CAN be paid on a case by
9 case basis depending on the task performed, if
10 that's not what he meant?

11 MR. MANNION: Objection.

12 Go ahead.

13 A. So what he meant was; there were
14 five cases where Aaron was paid two
15 investigator fees and Mike was paid two
16 investigator fees on two cases. They were --
17 they -- we -- there was an error and this was
18 to point that out and we caught it thankfully
19 and corrected it. That was the intention of
20 this email.

21 Q. So what does this mean -- what's
22 the difference between Mike or Aaron on one
23 hand and the other investigators on the other
24 as to why they would be treated differently?

25 MR. MANNION: Objection.

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1 Go ahead.

2 A. So in this email, Aaron was paid
3 twice on five cases and Mike was paid twice on
4 two cases. So there was an error that we found
5 and we corrected it.

6 Q. Why does he say that for some of --
7 for any investigator except for Mike and Aaron,
8 "They can be paid on a case by case basis....,"
9 in addition to the signup fee, but, "Under no
10 circumstances should any additional checks to
11 MRS or AMC be requested other than at the time
12 the case is set-up" --

13 MR. MANNION: Wait, wait, wait,
14 wait, wait, wait, wait. I'm going to object.
15 You completely misread that. Don't purport to
16 be reading directly from here and then miss
17 things and add things. That's not fair.

18 BY MR. PATTAKOS:

19 Q. So let me ask it a different way.
20 You're saying there is no difference between
21 the way Mike and Aaron are treated in terms of
22 how investigation fees are paid or signup fees
23 are paid.

24 MR. MANNION: Objection.

25 Go ahead.

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1 A. I don't know what that means.

2 Q. I'm trying to understand what
3 Mr. Redick meant here and why you agreed with
4 him in saying that, "...any investigator WHO IS
5 NOT MIKE OR AARON," "...can be paid on a case
6 by case basis depending on the task performed."

7 A. So you would have to ask Mr. Redick
8 what he meant by that. I was agreeing to the
9 part that I was aware of, which is this last
10 sentence on here where I -- I brought the error
11 to Robert Redick's attention, so I was agreeing
12 on that. So you would have to ask Robert what
13 he meant by this email.

14 Q. So you have no idea what he meant
15 by this email?

16 A. No. I can tell you, I came to him
17 because I found an error and this is the email
18 he drafted and I agreed to the email based on
19 the error that was found. (Indicating.)

20 Q. And the error was that Aaron was
21 being paid more than -- Aaron got paid more
22 than one investigative fee on five cases and
23 Mike was paid an investigative fee -- more than
24 one investigative fee on two cases?

25 A. Yes, I was concerned about that --

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1 Q. Okay.

2 A. -- so we corrected it.

3 Q. And your testimony is you have no
4 idea what he means when he says that, "If the
5 attorney requests any investigator--WHO IS NOT
6 MIKE OR AARON," "they can be paid on a case by
7 case basis," even for a case that has already
8 been opened --

9 MR. MANNION: Objection.

10 Q. -- but --

11 MR. MANNION: Objection. You're
12 misreading it.

13 Q. -- that can never happen with Mike
14 or Aaron, correct?

15 A. I'm just telling you --

16 MR. MANNION: I'm going to object
17 again --

18 Wait a minute.

19 I'm going to object again. You're
20 misreading this and you're acting like you're
21 reading from it.

22 A. I'm just telling you, you have to
23 ask Robert what he meant.

24 Q. I'm asking you. You have no idea
25 what he meant there?

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1 A. You would have to ask Robert.

2 Q. So you have no idea?

3 A. I don't want to speculate on what
4 Robert's thought process was on this email.

5 Q. What did you understand him -- he
6 was emailing you and asking for your input on
7 this, so it stands to reason that you
8 understood what he was talking about when you
9 wrote, "Agree."

10 A. I told you I agreed --

11 MR. MANNION: Wait.

12 Object.

13 He didn't ask you a question. He made a
14 statement.

15 Q. So I will ask you one more time.
16 When Robert Redick writes, "...if the attorney
17 on the case requests any investigator--WHO IS
18 NOT MIKE OR AARON--to do something for a case
19 that has already been opened," for example,
20 "pick up records--knock on the door to verify
21 address--they CAN be paid on a case by case
22 basis depending on the task performed."

23 "However, no checks for anything other
24 than the," signup, "fee should ever be
25 requested without getting in-writing approval

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1 from the handling attorney, myself and/or
2 Brandy."

3 And, "Under no circumstances should any
4 additional checks to MRS or AMC be requested."

5 What I'm asking is: Why is he making
6 this distinction between Mike or Aaron on one
7 hand and all of the other investigators on the
8 other?

9 MR. MANNION: Objection.

10 Go ahead.

11 A. I'm saying, you would have to ask
12 Robert.

13 Q. So you're saying you have no idea
14 at all?

15 A. I'm saying, I'm not going to speak
16 on Robert's behalf.

17 Q. I'm asking you for your
18 understanding.

19 A. I'm not -- I'm not going to give
20 you my understanding, because that could be
21 completely different than what Robert's
22 intention was.

23 MR. PATTAKOS: Tom, will you please
24 instruct your witness that she has to tell me
25 what her understanding is?

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1 MR. MANNION: If you recall what
2 your understanding was --

3 A. I don't --

4 MR. MANNION: -- feel free.

5 A. -- it was six years ago.

6 Q. Well, what's your best guess as to
7 what Robert Redick was referring to here?

8 A. I can't give you my best guess. I
9 don't have a best guess --

10 Q. So you have no idea?

11 A. -- I don't have an opinion on this
12 and I don't have a best guess and I don't want
13 to speak on Robert's behalf.

14 Q. So you have no idea what he might
15 have been referring to here?

16 A. I'm not going to say that, no.

17 Q. So you have some idea?

18 A. No.

19 MR. MANNION: What?

20 Q. So you have no idea?

21 A. No.

22 Q. Okay. We can leave it at that.
23 You sure?

24 MR. MANNION: Stop it, please. We
25 already told you, she's not the person who the

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1 investigators reported to for that process.
2 You're doing this whole deposition so far on
3 something that she wasn't responsible for.
4 There are other people you could ask these
5 questions to.

6 MR. PATTAKOS: She is one of --

7 MR. MANNION: I commend you for
8 your patience, Brandy.

9 - - - - -

10 (Thereupon, Deposition Exhibit 15,
11 12/7/2012 Email To Staff From Robert
12 Redick, Bates Number KNR003289, was
13 marked for purposes of
14 identification.)

15 - - - - -

16 Q. So here's Exhibit 15. Do you
17 remember -- Ms. Gobrogge, first, about the last
18 email, do you remember if Mr. Nestico had any
19 input on that?

20 A. I don't remember.

21 MR. MANNION: December 7, 2012.
22 It's the same email, Rob.

23 MR. PATTAKOS: It's not the same
24 email.

25 Q. You would agree this is the email

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1 that actually went out to the staff, correct?

2 A. Yes.

3 Q. Okay. So the very email that
4 Robert Redick asked for your and Mr. Nestico's
5 opinion on and you said you agreed it should be
6 sent, he did in fact send that, correct?

7 A. Yes.

8 Q. And nobody corrected him for
9 sending it, to your knowledge?

10 A. I don't know --

11 Q. Okay.

12 A. -- not that I remember.

13 Q. Okay. So under what circumstances
14 would you approve -- how many times did this
15 happen? Let me say this. He says that, "...no
16 checks for anything other than the," signup,
17 "fee should ever be requested without getting
18 in-writing approval from the handling attorney,
19 myself and/or Brandy."

20 How many times have you approved a check
21 to an investigator that was for something other
22 than a signup fee?

23 A. I don't -- I don't remember.

24 Q. Have you ever done it?

25 A. I don't remember. I don't

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1 remember.

2 Q. Okay.

3 A. Something came to my attention.

4 Q. What's that?

5 MR. MANNION: Go ahead.

6 A. The investigator in Toledo and one
7 of the investigators in Columbus, we pay them a
8 fee -- the firm pays them a fee, not the
9 client, to take our mail to the post office
10 every day --

11 Q. Okay.

12 A. -- that was more of a recent thing,
13 I think, which is why I remember.

14 Q. Did you approve those expenses?

15 A. I was part of the conversation --

16 Q. Okay.

17 A. -- I don't remember who exactly
18 would have approved that. We had an issue with
19 the employees not taking the mail to the post
20 office, so that was my suggested fix for the
21 issue.

22 Q. Did this happen over email?

23 A. I don't think so. I -- I don't
24 have any -- I don't know.

25 Q. Okay. The practice of charging

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1 investigation fees or signup fees, was that
2 something that the firm was engaged in before
3 you started --

4 MR. MANNION: Objection to form.
5 Go ahead.

6 Q. -- started working at the firm?

7 A. Yes. Mike and Aaron -- yes.

8 Q. So Mike and Aaron were doing
9 signups and getting paid investigation fees at
10 the time you joined the firm?

11 A. Yes.

12 Q. Okay. Any other investigators at
13 the time?

14 A. Not that I can think of.

15 Q. Okay. Were you involved at all in
16 the decision as to why -- in the decision to
17 charge a separate fee for the investigator's
18 work?

19 A. No.

20 Q. Do you know who was?

21 A. It was something that was set up,
22 before I started there.

23 Q. Okay. Who do you believe knows the
24 most about the firm's policy regarding
25 investigators --

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1 MR. MANNION: Objection.

2 Go ahead.

3 Q. -- and why the fee is charged and
4 how --

5 A. Rob.

6 Q. Nestico?

7 A. Yes.

8 Q. Okay. Okay. So we saw in some of
9 these emails that you've reviewed that
10 sometimes the investigators meet directly with
11 the clients at the chiropractor's offices,
12 correct?

13 A. Yes.

14 Q. And sometimes the clients sign KNR
15 paperwork at the chiropractor's offices,
16 correct?

17 A. Yes.

18 Q. Okay. And this was a routine
19 practice of the firm, to keep its paperwork at
20 various chiropractor's offices and have the
21 clients sign there, was it not?

22 A. No.

23 MR. MANNION: Objection.

24 MR. PATTAKOS: Tom --

25 MR. MANNION: What?

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1 MR. PATTAKOS: -- you began
2 scoffing at my question before the witness had
3 answered and I'm going to ask you not to do
4 that.

5 MR. MANNION: Completely untrue.
6 You weren't even looking. You were looking at
7 your computer, so I'm not sure how you would
8 know that.

9 MR. PATTAKOS: I can hear you, Tom.
10 That's -- I have ears and it's on the
11 microphone, so. There's a recording of this.

12 MR. MANNION: Well, Peter, you
13 were trying to take a question you had from
14 before --

15 MR. PATTAKOS: Tom, I'm not
16 interested in your opinion on what I'm doing.

17 MR. MANNION: Well --

18 MR. PATTAKOS: I'm just asking you
19 to stop.

20 MR. MANNION: -- I'll tell you why
21 I objected.

22 MR. PATTAKOS: I'm asking you to
23 stop --

24 MR. MANNION: Well, I'm asking you
25 to stop with the faces that you make at the

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1 witnesses and everything else.

2 MR. PATTAKOS: -- coaching.

3 MR. MANNION: I'm not coaching
4 her.

5 MR. PATTAKOS: Okay.

6 MR. MANNION: I said the word,
7 "Objection."

8 Did you feel like I was telling you how
9 to testify by saying, "Objection"?

10 MR. PATTAKOS: You said, "Uh."

11 THE WITNESS: No, no.

12 MR. PATTAKOS: Okay. That's great.

13 - - - - -

14 (Thereupon, Deposition Exhibit 16,
15 How To Add an Investigator Check,
16 Bates Number KNR03337, was marked
17 for purposes of identification.)

18 - - - - -

19 Q. Okay. Let's take a look at
20 Exhibit 16.

21 MR. MANNION: This is entitled,
22 "How to add an investigator check," KNR03337,
23 no date.

24 Q. Are you familiar with this
25 document?

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1 A. No. I've never seen it before.

2 Q. Okay. If I told you that this was
3 in the firm's handbook, would you have any
4 reason to disagree with that?

5 A. Yes.

6 Q. Why is that?

7 A. I just think it would be odd, how
8 to request a check, that would be in our
9 handbook.

10 Q. Why?

11 A. Because our handbook is, You must
12 arrive to work on time or things like that.

13 Q. This would be -- you don't believe
14 this would be in any training manual or
15 anything for any of the firm's employees?

16 MR. MANNION: Objection. Different
17 question.

18 Go ahead.

19 A. Well, training manual and handbook
20 are different.

21 Q. Okay. So do you have any reason to
22 believe that this wasn't in a training manual?

23 A. No.

24 Q. Is there any reason why that you're
25 aware of that there would be a different

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1 procedure for adding an investigator check as
2 opposed to any other check that the firm would
3 cut in connection with a case?

4 A. I would think they would probably
5 be the same.

6 - - - - -

7 (Thereupon, Deposition Exhibit 17,
8 1/14/2014 Email To Intake From Holly
9 Tusko, Bates Number Williams000168,
10 was marked for purposes of
11 identification.)

12 - - - - -

13 Q. Okay. This is Exhibit 17.

14 MR. MANNION: January 14, 2014,
15 from Holly Tusko to intake and attorneys.

16 Q. You ready?

17 A. Yes.

18 Q. Okay. This is an email sent by
19 Holly Tusko on January 14, 2014, correct?

20 A. Yes.

21 Q. And it was sent to the intake
22 department, all attorneys and you separately,
23 correct?

24 A. Correct.

25 [REDACTED]

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for ensuring the integrity of the financial system and for facilitating the timely resolution of disputes. The document also highlights the need for transparency and accountability in all financial dealings.

2. The second part of the document outlines the specific procedures for recording transactions. It details the steps involved in the recording process, from the initial entry of data into the system to the final review and approval of the records. The document also provides guidance on how to handle errors and discrepancies in the records.

3. The third part of the document discusses the importance of regular audits and reviews of the records. It explains that audits are necessary to ensure that the records are accurate and complete, and to identify any potential areas of concern. The document also provides guidance on how to conduct audits and how to address any issues that may arise.

4. The fourth part of the document discusses the importance of maintaining the confidentiality of the records. It explains that records often contain sensitive information, and it is essential to ensure that this information is protected from unauthorized access. The document also provides guidance on how to implement security measures to protect the records.

5. The fifth part of the document discusses the importance of maintaining the integrity of the records. It explains that records should be stored in a secure and accessible manner, and that they should be protected from tampering or destruction. The document also provides guidance on how to implement measures to ensure the integrity of the records.

6. The sixth part of the document discusses the importance of maintaining the accuracy of the records. It explains that records should be updated regularly to reflect any changes in the data, and that they should be reviewed for accuracy on a regular basis. The document also provides guidance on how to implement measures to ensure the accuracy of the records.

7. The seventh part of the document discusses the importance of maintaining the completeness of the records. It explains that records should include all relevant information, and that they should be organized in a way that makes it easy to find and retrieve the information. The document also provides guidance on how to implement measures to ensure the completeness of the records.

8. The eighth part of the document discusses the importance of maintaining the consistency of the records. It explains that records should be recorded in a consistent manner, and that they should be reviewed for consistency on a regular basis. The document also provides guidance on how to implement measures to ensure the consistency of the records.

9. The ninth part of the document discusses the importance of maintaining the reliability of the records. It explains that records should be recorded in a reliable manner, and that they should be reviewed for reliability on a regular basis. The document also provides guidance on how to implement measures to ensure the reliability of the records.

10. The tenth part of the document discusses the importance of maintaining the validity of the records. It explains that records should be recorded in a valid manner, and that they should be reviewed for validity on a regular basis. The document also provides guidance on how to implement measures to ensure the validity of the records.

13 Q. And why is that?

14 A. Just to make things easier. It's
15 difficult to track down -- if someone calls in
16 and asks for Joe Schmoe, our attorney, it would
17 be -- it could be difficult to track him down
18 versus all of the prelit attorneys who are on
19 that attorney intake button; just easier.

20 Q. Why would you, Brandy or Rob -- or
21 why would you, Rob or Holly ever tell a lawyer
22 differently?

23 A. Well, I didn't read it as she was
24 directing it to the attorneys. I read it as
25 she was directing it to the intake team.

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[illegible]

16 MR. MANNION: Objection to form.

17	Go ahead.
----	-----------

18 A. Can you ask me that again? I'm
19 sorry.

20	(Record was read.)
----	--------------------

21	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED]

24 Q. Okay. Would you agree that one of
25 the big parts of your job is to help manage the

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1 firm's relationship with chiropractors?

2 A. No.

3 Q. No. That is part of your job,
4 though.

5 A. No, not anymore.

6 Q. It was part of your job.

7 A. My job was never to manage
8 relationships with doctors. That wouldn't be
9 the way -- the words that I would choose to
10 describe.

11 Q. What are the words you would
12 choose?

13 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

17 Q. What made a good doctor, in your
18 opinion?

19 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 Q. Would you agree that you worked
5 hard to maintain a close relationship with
6 chiropractors?

7 MR. MANNION: Objection to form.
8 Go ahead.

9 A. I wouldn't say -- I mean, I just
10 said earlier when you asked me, I wouldn't say
11 that I was maintaining a close relationship. I
12 feel like those are strong words.

13 - - - - -

14 (Thereupon, Deposition Exhibit 18,
15 5/22/2013 Email To Prelit Attorney
16 From Brandy Lamtman, Bates Number
17 Williams000301, was marked for
18 purposes of identification.)

19 - - - - -

20 Q. Okay. Let's look at Exhibit 18.

21 MR. MANNION: May 22, 2013.

22 Q. This is an email from you to the
23 prelit attorneys copying Mr. Nestico and
24 Ms. Tusko, correct?

25 A. Yes.

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1 Q. Subject line, "Referrals," correct?

2 A. Yes.

3 Q. In the first paragraph, you write,
4 "I work hard to maintain a close relationship
5 with chiropractors and I am in contact with
6 most of them several times a day," correct?

7 A. I said that, yes.

8 Q. You said that because it's true,
9 correct?

10 A. No. I feel like that's a sentence
11 that I used five years ago in an email. It's
12 not the way that I would explain my job duties.

13 Q. Was this not the case at the time
14 you sent this email?

15 A. I feel like it was the words that I
16 chose in this email, but it wasn't -- it
17 wouldn't be words that I would use to describe
18 my job as a whole.

19 Q. Well, was it true or not at the
20 time you sent this email, that you worked hard
21 to maintain a close relationship with
22 chiropractors and you were in contact with most
23 of them several times a day?

24 [REDACTED]
[REDACTED]

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1

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements. It also highlights the need for regular audits and the importance of transparency in financial reporting.

2. The second part of the document focuses on the implementation of internal controls to prevent fraud and ensure the accuracy of financial data. It outlines the key components of a robust internal control system, including segregation of duties, authorization procedures, and regular monitoring and evaluation.

3. The third part of the document addresses the challenges faced by organizations in managing their financial resources effectively. It discusses the importance of budgeting and forecasting, and the role of the accounting department in providing accurate financial data to support decision-making.

4. The fourth part of the document discusses the impact of technology on the accounting profession. It highlights the benefits of automation and the use of cloud-based accounting systems, while also addressing the challenges of data security and the need for ongoing training and development for accounting professionals.

5. The fifth part of the document discusses the role of the accounting department in supporting the overall strategic goals of the organization. It emphasizes the importance of providing accurate financial data and analysis to support decision-making and the need for the accounting department to stay up-to-date on the latest industry trends and regulations.

6. The sixth part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements. It also highlights the need for regular audits and the importance of transparency in financial reporting.

7. The seventh part of the document focuses on the implementation of internal controls to prevent fraud and ensure the accuracy of financial data. It outlines the key components of a robust internal control system, including segregation of duties, authorization procedures, and regular monitoring and evaluation.

8. The eighth part of the document addresses the challenges faced by organizations in managing their financial resources effectively. It discusses the importance of budgeting and forecasting, and the role of the accounting department in providing accurate financial data to support decision-making.

9. The ninth part of the document discusses the impact of technology on the accounting profession. It highlights the benefits of automation and the use of cloud-based accounting systems, while also addressing the challenges of data security and the need for ongoing training and development for accounting professionals.

10. The tenth part of the document discusses the role of the accounting department in supporting the overall strategic goals of the organization. It emphasizes the importance of providing accurate financial data and analysis to support decision-making and the need for the accounting department to stay up-to-date on the latest industry trends and regulations.

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[illegible]

11 Q. You agree that would be a lot of
12 conversations with chiropractors, if you were
13 in touch with most of them several times a day?

14 A. It was a lot. It was a lot.

[illegible]

22 Q. As to who the attorneys referred
23 the case to?

24	A. Yeah.
----	----------

25 Q. Could it also be a referral mistake

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1 as to -- a mistake as to where the referral
2 came from?

3 A. "PLEASE make sure" --

4 MR. MANNION: Just so I understand
5 your question, Peter, are you saying somebody
6 wrote down the wrong name in the referral box?
7 Is that what you were asking?

8 MR. PATTAKOS: Yeah.

9 Q. Whether it was a referred to or
10 referred from.

11 A. I believe in this email, I was
12 referring to the referred to --

13 Q. Sure.

14 A. -- I actually say, "Regarding the
15 referred to's" --

16 Q. I see that. Okay. Okay.

17 A. -- and I think relationship -- when
18 you're working with someone, you know, you're
19 friendly with them, I guess.

20 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 Q. Did anyone else at the firm at this
11 time have as much responsibility as you did for
12 maintaining relationships with chiropractors?

13 MR. MANNION: Objection to the
14 form.

15 Go ahead.

16 A. I didn't refer to my job as,
17 maintaining relationships.

18 Q. It just says you, "Work hard to
19 maintain a close relationship with
20 chiropractors..."

21 A. I know. I thought I explained what
22 I meant.

23 Q. I understand. I'm asking: Is
24 there anyone else at the firm who worked as
25 much as you did to maintain relationships with

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1	chiropractors?
---	----------------

2 MR. MANNION: Objection to the
3 form.

4	Go ahead.
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1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for ensuring the integrity and transparency of the financial system. This section also outlines the various methods used to collect and analyze data, highlighting the role of technology in streamlining these processes.

2. The second part of the document focuses on the challenges faced by organizations in implementing effective risk management strategies. It identifies key areas such as market volatility, regulatory changes, and operational risks, and provides detailed insights into how these challenges can be mitigated through proactive planning and robust internal controls.

3. The third part of the document explores the impact of emerging technologies on the financial industry. It discusses how artificial intelligence, blockchain, and big data analytics are transforming traditional business models and creating new opportunities for innovation. This section also addresses the potential risks associated with these technologies and offers recommendations for managing them.

4. The fourth part of the document provides a comprehensive overview of the current state of the global economy. It analyzes the effects of recent economic events, such as the COVID-19 pandemic, and discusses the outlook for the future. This section also includes a detailed examination of the role of central banks in maintaining financial stability and the impact of monetary policy on the economy.

5. The fifth part of the document discusses the importance of corporate governance and the role of stakeholders in ensuring the long-term success of an organization. It highlights the need for transparency, accountability, and ethical behavior, and provides practical guidance on how to implement these principles effectively.

6. The sixth part of the document focuses on the role of the financial system in supporting economic growth and development. It discusses the importance of access to capital, the role of financial institutions, and the impact of financial innovation on the economy. This section also includes a detailed examination of the challenges faced by developing countries in accessing financial services and the role of international organizations in addressing these challenges.

7. The seventh part of the document provides a detailed analysis of the current state of the global financial markets. It discusses the impact of recent market events, such as the Brexit vote and the US-China trade war, and provides insights into the future of the global financial system. This section also includes a detailed examination of the role of international organizations in maintaining financial stability and the impact of global economic events on the financial system.

8. The eighth part of the document discusses the importance of sustainable investing and the role of ESG factors in financial decision-making. It highlights the growing demand for sustainable investment options and provides practical guidance on how to integrate ESG factors into investment strategies. This section also includes a detailed examination of the challenges faced by investors in identifying and evaluating sustainable investment opportunities.

9. The ninth part of the document provides a comprehensive overview of the current state of the global financial system. It discusses the impact of recent economic events, such as the COVID-19 pandemic, and provides insights into the future of the global financial system. This section also includes a detailed examination of the role of international organizations in maintaining financial stability and the impact of global economic events on the financial system.

10. The tenth part of the document discusses the importance of financial literacy and the role of financial education in promoting economic growth and development. It highlights the need for accessible and affordable financial education programs and provides practical guidance on how to develop and implement these programs effectively. This section also includes a detailed examination of the challenges faced by individuals in accessing financial services and the role of financial institutions in providing financial education.

20	Q. Why is that?
----	-----------------

21 A. Because that's what I was told.

22 Q. By whom?

23	A.	Rob.
----	----	------

24 Q. Okay. Is it your testimony that
25 your decision as to which chiropractor to send

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1 a client to had nothing to do with the number
2 of referrals that that chiropractor had sent to
3 the firm?

4 A. We often sent to chiropractors
5 and/or doctors who didn't refer any business to
6 us. So we actually sent to people that did
7 send business to us and people that didn't.

8 Q. So is your answer then, yes, that
9 it hadn't -- your decision to send a client to
10 a given chiropractor had nothing to do with how
11 many cases that chiropractor sent you?

12 A. So given the choice, if I had
13 chiropractor A on one side of the street and
14 chiropractor B on the other side of the street
15 and we'll say they were both good doctors. I
16 had met with both of them. I knew both of
17 them. And chiropractor A sent us cases, sure,
18 I'd prefer to send over to A --

19 Q. Okay.

20 A. -- that doesn't mean B wouldn't get
21 any referrals from us.

22 Q. Okay.

23 MR. MANNION: June 9, 2014.

24 - - - - -

25 (Thereupon, Deposition Exhibit 19,

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1 6/9/2014 Email To Prelit Attorney
2 From Brandy Brewer, Bates Number
3 Williams000165, was marked for
4 purposes of identification.)

5 - - - - -

6 Q. Okay. So this is an email from you
7 on June 9, 2014, with the subject line, "Chiro
8 Referrals," to prelit attorneys where you
9 write, "Please make sure you are using the
10 chiro boards. When I left on Wednesday I
11 switch Akron to Akron Injury and you sent ZERO
12 cases there and 4 to ASC, I also added Tru
13 Health and removed Shaker Square and you sent 3
14 cases to Shaker Square and ZERO to Tru Health."

15 "Core was removed as well and you sent a
16 case there!"

17 So what is the purpose of this email?

18 A. To make sure that the referrals
19 were being spread out.

20 Q. Okay. And you would agree that the
21 referrals were managed very strictly by the
22 firm, correct?

23 MR. MANNION: Objection to
24 characterization.

25 Go ahead.

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1 A. I wouldn't say, "Managed strictly."
2 I saw the big picture, so I saw where the
3 cases -- all the cases were going, but
4 ultimately the attorney was the person who was
5 speaking to the client and making the referral.

6 Q. Okay. Let's mark Exhibit 20.

7 - - - - -

8 (Thereupon, Deposition Exhibit 20,
9 6/23/2014 Email To Prelit Attorney
10 From Brandy Brewer, Bates Number
11 Williams000455, was marked for
12 purposes of identification.)

13 - - - - -

14 MR. MANNION: June 23, 2014.

15 Q. Here is an email June 23, 2014,
16 where you write to prelit attorneys in the
17 second paragraph -- well, you write in the
18 first paragraph, "I have sent this email
19 several times. Please pay attention to the
20 chiro referral email Sarah or I send out and
21 also, the board."

22 "Referrals are not up for negotiation."

23 Did you send this email?

24 A. Yes.

25 Q. Okay. Well, Sarah is not an

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1 attorney, is she?

2 A. No.

3 Q. And here you're telling the
4 attorneys that referrals -- the referrals that
5 you and Sarah dictate are not up for
6 negotiation, are you not?

7 A. That's what I wrote in the email.
8 That's not entirely what I meant.

9 Q. What did you mean?

10 A. So Rob Horton, for example, he
11 doesn't know all of the other cases in the
12 firm, where they're being referred to. Neither
13 do any of the other prelit attorneys, so. I
14 do. That's part of my job. So I was making
15 sure that the referrals are spread out. And
16 ultimately I say on here, "If you have an
17 issue, please let me know," so that doesn't --
18 that means that's up for negotiation, that we
19 should talk about it or they should let me know
20 if they're sending it somewhere else.

21 Q. You also write here, "I spend a lot
22 of time tracking referrals and working with
23 doctors" --

24 A. Yes.

25 Q. -- and that was true, correct?

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1 A. Yes.

2 Q. Is it still true?

3 A. No.

4 Q. Okay. Who does that now?

5 A. Sarah actually had a baby so she
6 works from home. She does all of the referral
7 reports --

8 Q. Sarah Knoch?

9 A. Uh-huh.

10 Q. Okay.

11 A. -- and as far as working with the
12 doctors, I think I said that earlier, Alex
13 VanAllen.

14 Q. Okay.

15 - - - - -

16 (Thereupon, Deposition Exhibit 21,
17 1/17/2014 Email Trail Between
18 Courtney Warner, Brandy Brewer and
19 Kimberly Lubrani, Bates Number
20 KNR03385, was marked for purposes of
21 identification.)

22 - - - - -

23 Q. Okay. Take a look at Exhibit 21.

24 MR. MANNION: January 17, 2014.

25 Q. So this shows several emails, but

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1 I'm looking at the one which looks like the
2 second one from the bottom where you write on
3 January 17, 2014, to Courtney Warner, Sarah
4 Knoch and staff, "Nobody releases ANY
5 information regarding referrals to anyone other
6 than me," exclamation mark.

7 Why did you write that?

8 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13 Q. And you didn't want to do that?

14 A. No, that's not what -- I said that
15 I didn't want them doing that.

16 Q. Who is, "Them"?

17 A. Well, I emailed it to Courtney and
18 copied the staff. So I didn't want the staff,
19 the paralegals emailing doctors with referrals.
20 That would be something that was part of my
21 job. I had previously told you that I would
22 let the doctors know when we referred the
23 client so they could schedule the appointment.

24 Q. Why would the Deaconess chiro want
25 you to email them the names of all the clients

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1 that the firm referred to the chiro in January
2 and going forward?

3 A. Well, I can't speak on their
4 behalf, but probably to schedule the
5 appointments.

6 Q. To schedule the appointments?

7 A. Um-hum.

8 Q. Why would it have mattered whether
9 anyone else at the firm did that? What was the
10 point of controlling that information?

11 MR. MANNION: Objection.

12 Go ahead.

13 A. Well, Courtney was a paralegal.
14 She had her paralegal work, just like I had my
15 job to do, so that is my job.

16 Q. Why is -- what's so funny in Kim
17 Lubrani's email when she says, "So they want us
18 to keep track of their referrals for
19 them...LOL"?

20 A. I have no idea. You would have to
21 ask Kim Lubrani that.

22 Q. Okay. Do you agree that there
23 would be nothing really funny about that; that
24 it would be natural for a chiropractor to want
25 to be called so that appointments could be

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1 scheduled?

2 MR. MANNION: I'm going to object.

3 You mixed and matched there.

4 But go ahead.

5 A. I agree. I didn't think it was
6 funny.

7 Q. Okay. Did you end up sending
8 Deaconess chiro this info?

9 A. Oh, boy, I don't remember.

10 Q. Is there any reason why you
11 wouldn't have?

12 A. I don't know.

13 Q. Okay. Why would they need you to
14 email them the names of clients referred to
15 schedule appointments?

16 A. Well, I mean, I was just at my
17 doctor and got referred for a nerve conduction
18 test and they scheduled that for me. So just
19 make it easier for the client.

20 Q. Okay.

21 MR. MANNION: While there's a
22 little pause, it's 3:47. Do you know when the
23 next time you need to --

24 THE WITNESS: So I would say, like
25 between now and -- before 4:30, between now and

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1 4:30, so.

2 MR. MANNION: Okay.

3 When we get to a good spot, let's take
4 one in a few minutes, a little break here.

5 MR. PATTAKOS: We can stop right
6 now.

7 MR. MANNION: Want to do that?
8 Okay.

9 VIDEOGRAPHER: Off the record 3:47.
10 (Recess taken.)

11 VIDEOGRAPHER: On the record at
12 4:07.

13 BY MR. PATTAKOS:

14 Q. Okay. Back to the firm's
15 relationships with chiropractors. So you deny
16 that the firm's practice is to trade referrals
17 in exchange for referrals, correct?

18 A. Correct.

19 MR. MANNION: Objection to form.
20 But go ahead.

21 Q. And you say that the main reason
22 that the firm manages its referrals so closely
23 is so that the referrals can be spread out
24 evenly, correct?

25 MR. MANNION: Objection. That

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1 mischaracterizes.

2 Go ahead.

3 A. Could you ask me that again? I'm
4 sorry.

5 THE WITNESS: Or could you repeat
6 it?

7 (Record was read.)

8 A. I didn't say that was the main
9 reason. I said that was a reason.

10 Q. What is the main reason then?

11 A. I don't know that there is a main
12 reason, other than -- so if a client comes to
13 us and is injured and doesn't have a doctor to
14 treat with, so they need to be treated by a
15 doctor, whether it's a chiropractor or any
16 other kind of doctor, we refer them to doctors
17 that we've met, that we've worked with. And I
18 definitely would think it's in the client's
19 best interest for us to, you know, work with
20 these doctors.

21 Q. Okay. But you will send clients to
22 chiropractors, even when they already have a
23 doctor to treat with, correct?

24 A. No.

25 Q. You won't?

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1 A. I mean, that's not -- so if they
2 have their own doctor, they can, you know,
3 treat with their own doctor. If they need a
4 different kind of doctor, they, you know, will
5 ask us for any kind of referral.

6 Q. So you're saying that if a client
7 already has a doctor to treat with, you will
8 not refer them to a chiropractor?

9 MR. MANNION: Objection. Not what
10 she said.

11 But go ahead.

12 A. I think it depends on the
13 circumstance.

14 Q. Okay. Under what circumstance --
15 how does it depend on the circumstance?

16 A. Are you referencing a particular
17 email?

18 Q. Well, no, I'm not. I'm asking you
19 a question generally.

20 A. Okay. So what's the question?

21 Q. Well, under what circumstance would
22 you refer a client to a chiropractor, even when
23 they already had a doctor?

24 A. So I -- the attorney -- I may ask
25 the attorney to call the chiropractor or the

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1 doctor that they're treating with to make sure
2 that they're aware that there's a law firm
3 involved. Some doctors don't want to be
4 involved in that sort of thing. They don't
5 want to have to testify. They -- they don't
6 want to work on a letter of protection. I
7 mean, there could be a whole variety of
8 reasons --

9 Q. Okay.

10 A. -- it could be a chiropractor that
11 doesn't want to work with our law firm. It
12 could be a chiropractor where -- I don't
13 know -- an attorney made a mistake and didn't
14 honor their lien and they're mad at us. There
15 could be like a whole variety of reasons.

16 Q. Okay. But it has nothing to do
17 with trading referrals for referrals, correct?

18 A. No, nothing to do with that.

19 Q. Okay. Exhibit 22, please.

20 - - - - -

21 (Thereupon, Deposition Exhibit 22,
22 10/17/2012 Email To Prelit Attorney
23 From Brandy Brewer, Bates Number
24 Williams000379, was marked for
25 purposes of identification.)

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1		-	-	-	-	-
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2 MR. MANNION: October 17, 2012.

3 Q. Okay. Would you agree that this is
4 an October 17, 2012, email that you sent to all
5 prelit attorneys with the subject, "Shaker
6 Square," and the importance level, high?

7	A. Yes.
---	---------

8 Q. Okay. Did you send this email?

9	A. Yes.
---	---------

10 Q. Okay. You said, "PLEASE," in
11 capital letters, "make sure you refer intakes
12 thereS," meaning to Shaker Square, correct?

13	A. Yes.
----	---------

14 Q. And then you say, "I just noticed
15 that we've sent two cases to A Plus Accident &
16 Injury...when these cases could've gone to
17 Shaker, who sends us way more cases."

18 "I've sent this email three times now,
19 please note this so next time you are on a
20 Cleveland intake you remember this" --

21 MR. MANNION: Is there a question?

22 Q. -- the question is: How does an
23 email like this reflect an intent to spread out
24 referrals?

25 A. So just because I didn't say that

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1 in the email doesn't mean that that wasn't an
2 intention of sending the email.

3 Q. So you're saying that your intent
4 in sending this email was to make sure that
5 referrals were fairly spread out so that you
6 were not trading referrals for referrals?

7 MR. MANNION: Objection.

8 Go ahead.

9 A. So I had two intentions in this
10 email --

11 Q. Okay.

12 A. -- one is to make sure that they're
13 spread out. Two, as I said earlier, if given
14 the choice between a chiropractor that sends
15 clients to KNR versus a chiropractor who
16 doesn't and I have met both of them and they're
17 both good doctors, I would choose the one who
18 sent referrals to KNR.

19 Q. Why don't you ask the client where
20 the client wants to go?

21 A. I -- I would think that the
22 attorney does do that, when they're on the
23 intake.

24 Q. But you don't say anything about
25 that in this email, do you?

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1 A. What the attorney discusses with
2 the client on the intake, that is up to the
3 attorney. This is only for clients that need a
4 doctor in a certain location. If the client
5 already has their own doctor and would like to
6 go somewhere else, that's up to them.

7 Q. Okay. How does this email show an
8 intent to spread referrals evenly?

9 MR. MANNION: Objection. You keep
10 throwing in, "Evenly." That was never said.

11 But go ahead.

12 MR. PATTAKOS: Well --

13 A. I didn't always put every single
14 word in every single email that I sent, so
15 there is -- like I said, I saw the big picture
16 and I was just trying to ensure that we were
17 spreading things out.

18 Q. And why did you want to spread
19 things out? Tom just said that you never said
20 it was to spread things out evenly. Then what
21 was the intent in spreading things out?

22 A. To make sure that we weren't
23 sending everyone to one doctor.

24 Q. What would be wrong with sending
25 everything to one doctor?

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1 MR. MANNION: Objection.

2 Go ahead.

3 A. That's what Rob told me he
4 wanted --

5 Q. Okay.

6 A. -- so that's what I was doing.

7 - - - - -

8 (Thereupon, Deposition Exhibit 23,
9 8/21//2013 Email To Prelit Attorney
10 From Brandy Lamtman, Bates Number
11 Williams000154, was marked for
12 purposes of identification.)

13 - - - - -

14 MR. MANNION: August 21, 2013.

15 Q. This is an email from you to prelit
16 attorneys that was sent on August 21, 2013,
17 correct?

18 A. Yes.

19 Q. And you did send this email?

20 A. Yes.

21 Q. And the subject heading is "A Plus
22 Injury," correct?

23 A. Yes.

24 Q. And that's a chiro clinic, correct?

25 A. Yes.

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1 Q. And where is that?

2 A. I believe somewhere in Cleveland.

3 Q. Okay. And you say, "Please do not
4 send any more clients there this month. We
5 are 6 to 1 on referrals." What do you mean by,
6 "We are 6 to 1 on referrals"?

7 A. That meant that we had 7 referrals
8 with 7 cases that were with that chiropractic
9 clinic. And either he sent us 6 or we sent
10 him 6 to 1.

11 Q. You don't know which is which
12 there?

13 A. No. I don't remember this.

14 Q. So is it possible that when you
15 say, "We are 6 to 1 on referrals," you mean
16 that the firm has sent A Plus Injury 6
17 referrals and he has only sent 1 back and
18 therefore, you should not be sending any more
19 clients there to him this month?

20 MR. MANNION: Objection.

21 Go ahead.

22 A. Well, I think it's possible that we
23 sent them 6 and he sent us 1 just as possible
24 as we sent them 1 and he sent us 6.

25 Q. Okay. And you're saying, don't

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1 send any more clients there because that 7
2 cases in one month and you think that's too
3 many?

4 A. I think that we should -- I
5 thought -- well, I can't really say what I
6 thought at the time. It was five years ago,
7 but in my mind, I would want to send some cases
8 over to a different chiropractor in that area.

9 Q. Okay. And this is because Rob
10 Nestico told you that you needed to spread
11 these out and not send too many to one chiro,
12 right?

13 A. Rob told me that I needed to spread
14 out referrals, correct.

15 Q. Okay.

16 - - - - -

17 (Thereupon, Deposition Exhibit 24,
18 5/29/2012 Email To Attorneys, Prelit
19 Support From Brandy Brewer, Bates
20 Number Williams000222, was marked
21 for purposes of identification.)

22 - - - - -

23 MR. MANNION: May 29, 2012.

24 Q. So here's an email where you are
25 emailing all attorneys and prelit support,

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1 copying Ericka J. Schmidt with the subject
2 line, "Referred To.....," correct?

3 A. Yes.

4 Q. And this is May 29, 2012, correct?

5 A. Yes.

6 Q. Who is Ericka Schmidt?

7 A. She's a former receptionist who for
8 a short period of time was my assistant.

9 Q. Okay. And you write, "I had a
10 chiropractor call me on Friday to review the
11 number of cases she sent to us and we sent to
12 her. I was unable to tell her how many we sent
13 to her because this information was not in the
14 referred to box in the case. I remembered that
15 we did send her a couple of cases, but I wasn't
16 sure of the details. This is why it is," all
17 capitals, "VERY important that this information
18 is properly entered on the intake sheet."
19 Again, all capitals, "Please make sure you,"
20 are, "filling in," all capitals, "ALL
21 information on the intake sheet. Thank you."
22 Am I reading that correctly?

23 A. You read that correctly.

24 Q. And that's what you wrote?

25 A. Yes.

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1 Q. And why would the number of cases
2 that a chiropractor sent you matter?

3 A. The number of cases didn't matter.
4 This email, and I think there were a couple
5 other where I had sent out emails regarding the
6 referred to's, was one of the reasons why I
7 wanted everyone to send the email that said the
8 referred by and the referred to and the
9 client's phone number. So that I could let the
10 doctors know when we were referring clients
11 there so that they could schedule the
12 appointment. So a lot of this is -- these
13 emails that I was sending, it was kind of
14 ironing out those issues.

15 Q. What in here refers to scheduling
16 appointments? Anything? Is there any sentence
17 in this that refers in any way to scheduling
18 appointments?

19 A. It's the premise of why I sent the
20 email, the referred to's. That's why I
21 communicated with the doctors to let them know
22 when we referred clients to them so that they
23 could call and schedule them.

24 Q. But why would you need to have the
25 information to tell a chiropractor how many

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1 cases that you sent to that firm?

2 A. I didn't. I needed it so that the
3 doctor knew about the cases and the clients
4 that we were referring to them so that they
5 could schedule the appointments. That's the
6 whole reason why I started tracking the
7 referred to's, to make it easier.

8 Q. But here you say, "I was unable to
9 tell her how many we sent to her..."

10 A. I may have typed those specific
11 words, but I'm telling you the meaning behind
12 it --

13 Q. Okay.

14 A. -- I'm telling you the meaning that
15 I think -- it's 2018 -- why I would have said
16 that in 2012, to the best of my ability.

17 Q. Okay. We saved some time. I'm
18 Xing out parts of my outline. We're making
19 progress here. Let's look at Exhibit 25.

20 - - - - -

21 (Thereupon, Deposition Exhibit 25,
22 4/8/2013 Email To Prelit Attorney
23 From Brandy Lamtman, Bates Number
24 Williams000306, was marked for
25 purposes of identification.)

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1 - - - - -

2 MR. MANNION: April 8, 2013.

3 MR. NESTICO: Sorry. Repeat that
4 again, Tom.

5 MR. MANNION: April 8, 2013.

6 Q. So this is an email that you sent
7 to the prelit attorneys, correct?

8 A. Yes.

9 Q. And it's dated April 8, 2013, and
10 you write, "Please make sure you are paying
11 attention to your referral board in your
12 office. We sent 5 cases to Warrensville
13 Physical Medicine last week..we need to get
14 some cases to A Plus Injury since they sent
15 us 10 cases last month and Warrensville
16 Physical Medicine hasn't sent us ANY cases in
17 2013," exclamation mark, exclamation mark,
18 exclamation mark, exclamation mark. Am I
19 reading that correctly?

20 A. Yes.

21 Q. Did you send that email?

22 A. Yes.

23 Q. And why did you send this email?

24 A. I think I said a couple times
25 before, given the option of two different

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1 clinics who are in the same area, the
2 preference would be to send to the doctor who
3 we work with most and who sends us cases.

4 Q. But you're not spreading things out
5 here, per se.

6 A. That's not how I read this --

7 MR. MANNION: Right.

8 A. -- I read it as we were. We
9 already sent one chiropractic clinic cases.
10 Let's get some over to the other.

11 Q. Okay. And you're saying, We
12 shouldn't have sent these cases to
13 Warrensville, because Warrensville hasn't sent
14 us any cases in 2013.

15 A. That's not what I said.

16 Q. Well, it says, "We sent 5 cases to
17 Warrensville Physical Medicine last weekS..we
18 need to," send, "some cases to A Plus Injury,"
19 because "they sent us 10 cases last month and
20 Warrensville Physical Medicine hasn't sent us
21 ANY cases in 2013."

22 MR. MANNION: I'm going to object.
23 You did not read that correctly.

24 But go ahead.

25 A. But nowhere in here did I say, "You

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1 shouldn't have sent these cases to
2 Warrensville." It doesn't say that.

3 Q. So you're saying that when you say,
4 "Please make sure you're paying attention to
5 your referral board in your office," you're not
6 saying that cases were sent to Warrensville
7 when they shouldn't have been?

8 A. I didn't say that at all.

9 Q. So it's your testimony that in
10 sending this email, you were not criticizing
11 the prelit attorneys for sending cases to
12 Warrensville?

13 A. I was reminding them to look at
14 their board. I was telling them, Hey, you
15 already sent some cases over here. Let's send
16 some cases over there --

17 Q. Okay.

18 A. -- my intention was not to
19 criticize anybody.

20 Q. Okay. And it didn't matter what
21 the client -- whether the client wanted to go
22 to Warrensville or A Plus there, did it?

23 A. I didn't say that either.

24 Q. You don't say anything about what
25 the client -- what the client wants to do here

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1 in determining what the referral boards say, do
2 you?

3 A. That would be up to the attorney
4 who is the one who is actually speaking to the
5 client. I am not --

6 Q. Okay.

7 A. -- I'm sure that the client -- the
8 attorney is looking out for the client's best
9 interest. That's their job.

10 Q. Well, it's their job to follow the
11 instructions on the chiro boards, isn't it --

12 MR. MANNION: Objection.

13 Q. -- aren't you writing to attorneys
14 to say, Please follow the instructions on the
15 referral board?

16 A. Are we talking about this email
17 here? (Indicating.)

18 Q. Yeah.

19 A. Okay. What was the question?

20 Q. Isn't that what you're telling --
21 you are giving directions to attorneys --

22 MR. MANNION: Don't raise your
23 voice.

24 Q. -- to follow instructions on the
25 referral board, correct?

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1 A. I'm not giving instructions to the
2 attorneys. I'm simply telling the attorneys
3 what their options are. And I simply said, "We
4 sent 5 cases to one place. We need to get some
5 cases over to another place."

6 Q. So this isn't an instruction?

7 A. No.

8 Q. It's a suggestion?

9 A. Yes, absolutely.

10 Q. Okay. Let's look at Exhibit 26.

11 - - - - -

12 (Thereupon, Deposition Exhibit 26,
13 7/12/2013 Email To [Redacted] From
14 Brandy Lamtman, Bates Number
15 Williams000428, was marked for
16 purposes of identification.)

17 - - - - -

18 MR. MANNION: July 12, 2013.

19 Q. Okay. So I believe this is an
20 email exchange between you and Rob Horton. He
21 provided these documents to me redacted. I
22 believe he redacted his own name here --

23 MR. MANNION: How do you know he
24 redacted his own name?

25 MR. PATTAKOS: Well, because that's

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1 what I believe. I believe this is an email
2 that he had. We can find out. In fact, you
3 know, your client can find this email and can
4 confirm.

5 Q. So let's just assume this is
6 between you and Horton.

7 MR. MANNION: Well, wait a minute.
8 Before she assumes something like that, it's
9 not what it says and I don't know why Rob would
10 black out his own name. So I don't know who
11 this is to. I don't have the emails memorized,
12 so.

13 MR. PATTAKOS: I don't either. We
14 can ask him. I don't have any other copy of
15 this email. It would be very --

16 MR. MANNION: Does it matter for
17 your question that it's Rob Horton versus some
18 other lawyer?

19 MR. PATTAKOS: No --

20 MR. MANNION: Okay.

21 MR. PATTAKOS: -- no, but, you
22 know, I think there's good reason to assume
23 it's Horton, so she can -- it doesn't really
24 matter.

25 BY MR. PATTAKOS:

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1 Q. Let's assume it was a KNR lawyer.
2 So it looks like maybe there's two clients at
3 issue, because he -- whoever this lawyer is
4 uses the term -- well, and, look, it says,
5 "Attorney At Law," at the bottom, so we can
6 assume it was an attorney in the signature who
7 sent it.

8 A. Um-hum.

9 Q. It says, "Web referrals," meaning
10 the clients came in from the web. "They
11 live 20 minutes from Cain chiro (ken's friend)
12 and 30 minutes from ASC or West Tusc. Holly
13 indicated they should go to ASC. Is that
14 correct, or do we want to send them to somebody
15 else closer to them?"

16 You say, "ASC if you can, I already told
17 Minas. Plus Cain doesn't send us shit."

18 Am I reading that correctly?

19 A. Yes.

20 Q. And did you write that?

21 A. Yes.

22 Q. And you received this email from
23 the attorney?

24 A. Yes.

25 Q. Do you remember who sent you this

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1 email?

2 A. No.

3 Q. Okay. So why did you want to send
4 this case to ASC?

5 A. Because I know ASC. I've met with
6 him. I know that he -- we work with him. I've
7 never met Dr. Cain. I don't know anything
8 about him. So given the choice, I would choose
9 Akron Square.

10 Q. What about West Tusc? You know
11 West Tusc, right?

12 A. Yes, sure.

13 Q. And that's Philip Tassi, right?

14 A. I guess it depends on the
15 timeframe.

16 Q. Okay. So why wouldn't you send the
17 client to West Tusc?

18 A. I -- I probably would have.

19 Q. But you didn't.

20 A. I had already told Dr. Floros about
21 it.

22 Q. Why would that matter?

23 A. It wouldn't. He may have already
24 called the client. To me it wouldn't have
25 mattered if he would have gone to ASC or West

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1 Tusc. I just have never met Dr. Cain. I don't
2 know if he would negotiate his bill. I don't
3 know what kind of doctor he is. I know that
4 the doctors at Akron Square and West Tusc are
5 good doctors. I've met them. I would feel
6 more comfortable.

7 Q. So why wouldn't you want to send
8 the client to a chiropractor that's at least 10
9 minutes closer to their house?

10 A. Because I -- I don't know the
11 doctor. I don't know if he's a good doctor or
12 a bad doctor. I don't know if he would
13 negotiate on his bills. I don't know what kind
14 of office hours he holds. I don't know if
15 he -- how he -- if he would bill -- insist on
16 billing med pay. I don't know any of those
17 things that could come up.

18 Q. Okay. And Cain Chiro is Ken's
19 friend. Do you think whoever wrote this email
20 meant Ken Zerrusen?

21 A. Probably.

22 Q. Did the firm ever work with Cain
23 Chiro?

24 A. The name -- when I read this email,
25 I mean, Cain Chiropractic, I would say, not

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1 often. I'm not sure how many times.

2 Q. But you don't write here that Cain
3 is not a good chiro. You say, "Cain doesn't
4 send us shit." What do you mean by that? Why
5 did that matter?

6 A. I meant that Cain -- that we don't
7 work with Cain very often.

8 Q. Okay.

9 A. I'm kind of embarrassed I used that
10 kind of language in an email, yes.

11 MR. MANNION: What was the exhibit
12 number on this one?

13 MR. PATTAKOS: 26.

14 MR. MANNION: I forgot to write it
15 down.

16 - - - - -

17 (Thereupon, Deposition Exhibit 27,
18 5/30/2014 Email To Sarah Knoch From
19 Brandy Brewer, Bates Number
20 Williams000553, was marked for
21 purposes of identification.)

22 - - - - -

23 Q. Let's look at 27.

24 MR. MANNION: May 30, 2014.

25 Q. So here you're writing to Sarah

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1 Knoch, prelit attorneys and prelit support with
2 the subject line, "Dayton Chiropractors," on
3 May 30, 2014, correct?

4 A. Yes.

5 Q. And you write, "Please remove
6 Advanced Chiropractic in Dayton from all lists
7 and also Back Pain & Spine in both Fairfield
8 and Dayton."

9 "We will no longer be doing business with
10 Dr. Ellis or Dr. Tariq Arif."

11 "If either of them call, DO NOT speak
12 with them. Direct the call to me."

13 Did you send this email?

14 A. Yes.

15 Q. What were you no longer doing
16 business with these chiropractors?

17 A. Dr. Tariq Arif made sexual advances
18 to me -- he had a weird foot fetish -- and I
19 was very offended. And Dr. Ellis exhibited
20 questionable behavior as well and I didn't feel
21 comfortable. And I had talked to Rob about, I
22 didn't feel comfortable referring any kind of
23 clients to men who would behave like that.

24 Q. Okay. You mean questionable in
25 like a sexually suggestive way?

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1 A. They were just creepy, yeah --

2 Q. Okay.

3 A. -- like I -- I wouldn't want any of
4 my family or friends to be going there, let
5 alone any of our clients. I don't remember
6 like the specifics of it, but creepy would come
7 to mind.

8 Q. Okay.

9 - - - - -

10 (Thereupon, Deposition Exhibit 28,
11 9/23/2013 Email To Prelit Attorney
12 From Brandy Lamtman, Bates Number
13 Williams000514, was marked for
14 purposes of identification.)

15 - - - - -

16 Q. Okay. What about -- let's look at
17 Exhibit 28.

18 MR. MANNION: September 23, 2013.

19 We had a client recently ask one of our
20 female attorneys if he could take a picture of
21 her feet.

22 THE WITNESS: Was it Dr. Tariq?

23 MR. MANNION: No, it was not. It
24 was an insured's risk manager and it freaked
25 her out.

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1 THE WITNESS: Um-hum.

2 BY MR. PATTAKOS:

3 Q. So here's an email, Exhibit 28,
4 that was sent on September 23, 2013, by you to
5 prelit attorneys with the subject, "Chiro
6 Referrals." And you list a number of -- you
7 list a number of cities in Ohio and then you
8 list a specific chiropractor that each referral
9 needs to go to. Is that correct?

10 A. Um-hum.

11 Q. Okay. And this is you suggesting
12 which chiropractor referral should go from each
13 city, correct?

14 A. Um-hum, yes. Sorry.

15 Q. Okay. And at the bottom you say,
16 "DO NOT SEND TO ROSENBERG." Who is Rosenberg?

17 A. Dr. Rosenberg owns some clinics in
18 the Cleveland area, like various clinics.

19 Q. And why were you not sending to
20 him?

21 A. I don't remember.

22 Q. No memory at all?

23 A. No. It's not something -- he
24 didn't creep me out about my feet, so it wasn't
25 anything like that like stood out to me. I

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1 really don't remember.

2 Q. Well, what would it have been?

3 A. I don't know.

4 Q. Isn't it a big deal to say that a
5 chiropractor is so substandard that you won't
6 send your clients to them anymore?

7 MR. MANNION: Well, I'm going to
8 object. It doesn't say, "Anymore."

9 A. Yeah, I didn't mean like ever
10 again. Just I guess at the time. I don't
11 remember --

12 Q. Okay.

13 A. -- he was kind of annoying, I
14 guess. That kind of comes to my mind. I don't
15 know why that would be why I wouldn't send to
16 him, though.

17 Q. Annoying in what way?

18 A. He was always asking for referrals.

19 - - - - -

20 (Thereupon, Deposition Exhibit 29,
21 11/15/2012 Email To Staff From
22 Brandy Lamtman, Bates Number
23 Williams000459, was marked for
24 purposes of identification.)

25 - - - - -

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1 Q. Okay. Moving on. Let's look at
2 Exhibit 29.

3 MR. MANNION: November 15, 2012.
4 BY MR. PATTAKOS:

5 Q. So here's an email that Rob --
6 well, it looks like two different emails. It
7 looks like the first one Rob Nestico is sending
8 you an email on November 15, 2012, with the
9 subject line, "Referrals," and then you went
10 ahead and forwarded that email to the staff.
11 Is that correct?

12 A. Yes.

13 Q. And it's Rob writing, "Please make
14 sure to refer ALL Akron cases to ASC this
15 month. We are 30-0." Why do you think he
16 wrote that?

17 A. I mean, you would have to ask Rob
18 why he wrote that.

19 Q. What do you think he meant by that?

20 MR. MANNION: Objection.

21 Go ahead.

22 A. I don't -- I can't speak on Rob's
23 behalf.

24 Q. I'm not asking you to speak on his
25 behalf. I'm asking you: What did you

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1 understand that to mean?

2 MR. MANNION: Objection. Asked and
3 answered.

4 But go ahead.

5 A. Well, it sounds like he wants -- it
6 was on November 15 -- any cases that came in in
7 Akron for the rest of that month, to go to
8 Akron Square.

9 Q. Why?

10 A. Well, if we hadn't sent them any,
11 then it could be assumed that they all went to
12 different chiropractors in the area and he was
13 trying to spread them out.

14 Q. So you think, "We are 30-0," means
15 that they had sent the firm 30 cases and the
16 firm hadn't sent ASC any cases?

17 A. Well, kind of just like the other
18 email where those numbers were like that, it
19 could have meant Akron Square sent us 30 cases
20 or we sent them 30. It could go either way.
21 It doesn't specify.

22 Q. But if Akron Square had sent you 30
23 cases, why would that mean that you should be
24 sending them more cases?

25 A. It doesn't --

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1 Q. Okay.

2 A. -- it doesn't say that. It doesn't
3 mean that.

4 Q. But Rob is saying to send all Akron
5 cases to ASC this month.

6 A. He's saying that he wants them to
7 be referred to Akron Square that month for the
8 remainder of the month --

9 Q. Um-hum.

10 A. -- this was sent on November 15.

11 Q. Okay. I want to know what he means
12 by, "We are 30-0" --

13 MR. MANNION: Objection. Ask him.

14 Q. -- I want to know what you
15 understood that to mean, "We are 30-0" --

16 MR. MANNION: Objection. Asked and
17 answered.

18 Go ahead.

19 A. Yes.

20 Q. -- what does that have to do with
21 why he would want to refer all Akron cases to
22 ASC this month?

23 MR. MANNION: Ask him.

24 A. I think you would have to ask Rob.
25 And I don't read it to be the way that you just

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1 explained it.

2 Q. How do you read it?

3 A. Well, there's two separate
4 sentences. He's stating that he wants
5 referrals to go to Akron Square for the rest of
6 the month. It was November 15. So we're
7 halfway through the month. So he wants any
8 remainder of Akron cases or clients to be
9 referred to Akron Square. So that's one part.
10 The, "We are 30-0," as I said before, it could
11 have been us 30 to their 0 or -- either/or. I
12 don't think it has -- the two have anything to
13 do with each other.

14 Q. Ah, okay. So you don't think the
15 first sentence there has anything to do with
16 the second sentence?

17 A. No. He didn't say, "Because
18 we're 30 and 0."

19 Q. Okay. What does this have to do
20 with client needs?

21 MR. MANNION: Excuse me? I didn't
22 hear. What does what have to do with client
23 needs?

24 Q. What does this email and the
25 decision, "...to refer ALL," in all caps, "ALL

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1 Akron cases to," Akron Square -- how are you
2 helping -- how do you think the firm is helping
3 its clients by doing that?

4 A. The attorneys who are
5 representing --

6 MR. MANNION: Well, wait a minute.

7 THE WITNESS: Sorry.

8 MR. MANNION: Objection. That's a
9 question for Rob.

10 But go ahead to the extent you know.

11 A. So the attorneys who are
12 representing the clients, they're looking out
13 for the client's needs. I don't feel like
14 this -- this has nothing --

15 Q. It's not Rob Nestico's job to look
16 out for the client's needs, is that what you're
17 saying?

18 MR. MANNION: Objection. That's
19 not what -- come on.

20 A. Sure, Rob cares about all of our
21 clients. Of course he does.

22 Q. Don't you?

23 A. Absolutely.

24 Q. And don't you view it as your job
25 to look out for your client's needs?

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1 MR. MANNION: Objection.

2 A. I'm not an attorney. They're not
3 my clients.

4 Q. I understand. But if you saw an
5 attorney do something that was contrary to a
6 client's interest, you wouldn't want that to
7 happen, would you?

8 A. I've never seen an attorney do
9 something that wasn't contrary to the client's
10 interest.

11 Q. It's part of your job to look out
12 for KNR clients, isn't it?

13 MR. MANNION: Objection.

14 Go ahead.

15 A. Sure, I care about our clients --

16 Q. Okay.

17 A. -- we're in the business of helping
18 people.

19 Q. Right. Okay. What does this mean,
20 "...Any time" -- what do you understand it to
21 mean anyway? "...any time you refer a patient
22 to any Chiro have your assistant follow up and
23 make sure they go on obviously cases that are
24 signed up outside of Chiro office."

25 A. So if they signed up in the

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1 chiropractor's office, then obviously they have
2 gone to their appointment. So this kind of
3 goes back to the other emails about the
4 scheduling of the appointments.

5 Q. So you're saying if a client was
6 signed up at a chiro's office, that they should
7 continue to treat with that chiro. Is that
8 what you understand this to mean?

9 A. No.

10 Q. I don't understand what you said.

11 A. If they were already at the
12 chiropractor's office for their appointment --

13 Q. Uh-huh.

14 A. -- then there was no need to follow
15 up, because they already made their
16 appointment. They already were there.

17 MR. MANNION: I think, Peter, if
18 you realize that on, "...obviously cases that
19 are signed up...", refers to the previous part.
20 Maybe there should have been a period or a
21 comma or whatever in there, is what she's
22 trying to say.

23 Q. What does, "Outside of Chiro
24 office," mean then?

25 A. That they hadn't been to the

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1 chiropractor's office yet for their
2 appointment. They had signed up by a different
3 way. The attorney signed them up. The
4 investigator signed them up.

5 Q. I see. So he's saying, have your
6 assistant follow up and make sure they go to
7 the chiropractor in general. Is that what you
8 understand this to mean?

9 MR. MANNION: Objection. Please
10 read it. It doesn't say, "In general." It
11 says, "...any time you refer a patient...follow
12 up" to, "make sure they go..."

13 A. This goes back to the scheduling.
14 When I started letting the doctors know that
15 the client name and their phone number, that
16 made these things irrelevant, because they were
17 calling and scheduling it themselves.

18 Q. Okay.

19 - - - - -

20 (Thereupon, Deposition Exhibit 30,
21 11/1/2013 Email To Prelit Group From
22 Brandy Brewer, Bates Number
23 Williams000551, was marked for
24 purposes of identification.)

25 - - - - -

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1 MR. MANNION: November 1, 2013.

2 Q. So this is an email that you sent
3 to the prelit group dated November 1, 2013,
4 correct?

5 A. Yes.

6 Q. With the subject line, "Columbus
7 Cases," correct?

8 A. Yes.

9 Q. And you write, "The Columbus chiros
10 are VERY needy and demanding." What did you
11 mean by that?

12 A. I don't remember like specifically
13 on this day in this email, what I meant by
14 that. In general I didn't particularly like
15 working with the chiropractors in Columbus. I
16 guess I could safely say that.

17 Q. Why?

18 A. They took up a lot of my time,
19 annoying, demanding, needy. Just a different
20 dynamic in Columbus.

21 Q. Why?

22 MR. MANNION: What do you mean,
23 "Why?" "Why," what?

24 Q. In what way was it a different
25 dynamic?

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1 A. I didn't really enjoy their
2 personalities.

3 Q. Because they were annoying and
4 demanding?

5 A. Sure.

6 Q. Okay. How did they take up a lot
7 of your time?

8 A. There just seemed to be a lot more
9 issues.

10 Q. Such as?

11 A. Customer service issues --

12 Q. Okay.

13 A. -- it's been a long time. Like I
14 don't feel that way now about the doctors. I
15 think it was just a -- kind of a rocky start, I
16 guess and it was a dynamic that I really wasn't
17 used to, communication that I really wasn't
18 used to.

19 Q. What doctors are you referring to
20 here?

21 A. I mean, the Columbus chiropractors.

22 Q. Who were they?

23 A. Any clinic that was in the Columbus
24 market --

25 Q. Ms. Gobrogge --

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1 A. -- I'm going to have to look at a
2 list.

3 Q. -- you're testifying how annoying
4 and demanding and needy these people are and
5 you can't -- you won't identify who they are?

6 A. Well, it was in 2013. I mean,
7 there's a lot of them.

8 Q. And now you're telling me that you
9 don't know who specifically you're referring
10 to?

11 A. I don't remember all of their
12 names.

13 Q. So you're saying that when -- you
14 can recall this email and you can recall how --

15 A. I can recall the way I felt in this
16 email.

17 Q. -- annoying and demanding and needy
18 these chiropractors were, but you can't
19 identify a single one of them by name that made
20 you feel this way?

21 A. I'm saying that they all in the
22 Columbus market made me feel this way.

23 Q. All of them. How many were there
24 at this point?

25 A. I don't have a number.

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1 Q. Can you estimate? Was there a
2 hundred or was there ten?

3 A. Ten or twenty, maybe.

4 Q. Who's Antonio?

5 A. He was an attorney that worked in
6 our Columbus office.

7 Q. And he left?

8 A. Yes.

9 Q. What's his last name?

10 A. Oh, I actually don't remember.

11 Q. Why did he leave?

12 A. I actually don't remember.

13 Q. Okay. "...these cases need to be
14 settled ASAP." What was it about these cases
15 that required them to be settled ASAP?

16 A. Antonio, I don't -- I don't
17 remember the exact like, I guess scenario in
18 this situation; but I guess if I had to say, I
19 would say that maybe there was a period of time
20 where there was a transition there and I was
21 concerned, you know, for the client's sake that
22 the cases had been sitting for a while.

23 Q. The client's sake, but here you
24 write about how the chiros are needy and
25 demanding, not the clients, correct?

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1 A. I said, "The...chiros are...needy
2 and demanding." I -- the cases sitting
3 wouldn't just have to do with them. It would
4 also have to do with our client. Just because
5 I didn't say it, it's definitely inferred here.

6 Q. Okay. So when you say, "...this
7 will harm our relationships," you're not
8 referring to the relationships with the chiros?

9 A. I was referring to the
10 chiropractors and our clients.

11 Q. Okay. "Paul deals with this on a
12 daily basis." That's Paul Steele, correct?

13 A. Yes.

14 Q. And Paul moved down to the Columbus
15 area to work at the KNR Columbus office,
16 correct?

17 A. Yes.

18 Q. Okay.

19 A. My guess is Paul called me
20 complaining and I sent this email.

21 Q. Okay. Were the chiropractors at
22 Town & Country Chiropractic part of the
23 chiropractors you were referring to in this
24 email?

25 A. The chiropractors at Town &

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1 Country, it wasn't so much them. It was their
2 support staff that I had an issue with.

3 Q. And what was the issue there?

4 A. Their support staff is rude. They
5 were rude to me. The doctors themselves, I
6 wouldn't say they were rude to me.

7 Q. But they were needy and demanding?

8 A. Sure. I could refer to Dr. Kahn as
9 needy and demanding.

10 Q. Nazreen Kahn?

11 A. Yes.

12 Q. So now you remember, because your
13 recollection has been refreshed, that in part
14 you were at least referring to Dr. Kahn at
15 Town & Country in this email, correct?

16 A. I mean, I don't really know if it
17 was her particularly in this email or not.

18 Q. The firm sent a lot of cases to
19 Town & Country, did it not?

20 MR. MANNION: Objection.

21 Go ahead.

22 A. We've referred cases to Dr. Kahn,
23 correct.

24 Q. The firm sent more cases to
25 Dr. Kahn than any other chiropractor in

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1 Columbus. Would you not agree?

2 A. I'd have to -- I'd have to look
3 that up --

4 Q. Okay.

5 A. -- we refer to doctors all over
6 Columbus --

7 Q. Sure.

8 A. -- especially based on location.

9 Q. These numbers surely exist. So,
10 you know, we can look them up. I want you to
11 tell me, based on your memory, is there any --
12 based on your experience in dealing with these
13 needy chiros, is there any chiropractor in
14 Columbus that the firm refers more clients to
15 than Dr. Kahn, to your knowledge?

16 A. I mean, we refer to cases --
17 client -- I'm sorry. We refer to chiropractors
18 all over Columbus. It's based on the location.
19 She, I believe is on the east side. So I would
20 say, a good majority of our clients on the east
21 side of Columbus would probably be referred to
22 Dr. Kahn, but we also refer to other doctors on
23 the east side of Columbus.

24 Q. That doesn't really answer my
25 question. I'm asking: Is there another

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1 Columbus area chiropractor that you refer more
2 cases to -- that the firm refers more cases to
3 than Town & Country?

4 MR. MANNION: Objection. Asked and
5 answered.

6 Go ahead again.

7 A. I don't have an answer for that.
8 On the east side, she gets a majority of our
9 cases, but we also refer to other chiropractors
10 on the east side.

11 Q. How was the support staff rude to
12 you?

13 A. They just don't have very good
14 manners.

15 Q. You don't remember specifics?

16 A. No. I mean, his -- her
17 receptionist would talk to me as if she was
18 ordering me around or she would even yell. I
19 mean, she just --

20 Q. So if this was happening, if the
21 chiropractors were being so annoying and
22 demanding and rude and their staff was being
23 rude, why didn't you just stop referring KNR
24 clients to these chiropractors?

25 MR. MANNION: Well, I'm going to

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1 object. She doesn't refer anybody --

2 MR. PATTAKOS: Tom, stop testifying
3 for the witness.

4 MR. MANNION: No, no. You're
5 using the word, "You," and I need to know
6 whether you're using it as KNR or her
7 personally.

8 MR. PATTAKOS: Tom, if the witness
9 didn't understand my question, she can tell
10 me --

11 MR. MANNION: I have a right to
12 understand the question as well.

13 MR. PATTAKOS: For the fifteenth
14 time --

15 MR. MANNION: I have a right to
16 understand the question as well.

17 MR. PATTAKOS: -- stop answering
18 questions for the witness.

19 MR. MANNION: Okay. By, "You," do
20 you mean her or KNR? I have a right to
21 understand the question.

22 MR. PATTAKOS: I mean KNR.

23 MR. MANNION: Okay.

24 BY MR. PATTAKOS:

25 A. What was the question? I'm sorry.

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1 Q. If these chiropractors were so
2 demanding and needy and if their support staff
3 was so rude, why wouldn't you simply stop
4 referring cases to them?

5 A. So Dr. Rendek and the other doctors
6 at Town & Country, they were good doctors.
7 They've actually worked on me. My personal
8 situation with her receptionist had no bearing
9 on whether or not they were good doctors. They
10 provided rides. They had flexible scheduling.
11 They were able to negotiate on bills if we
12 needed them to. So that's why --

13 Q. Okay.

14 A. -- and needy and demanding, I mean,
15 we worked with them a lot, so. I guess we
16 communicated a lot and -- it was a lot for me,
17 going into the new market, to take on
18 communicating with that many more people, too.

19 Q. Okay. What's a narrative fee?

20 A. I believe it's when a doctor
21 provides a report and they charge a fee for it.

22 Q. And that fee is deducted from the
23 client's settlement, right?

24 MR. MANNION: Objection.

25 Go ahead.

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1 A. Yes. That's how it typically --

2 Q. Okay. And that's on top of the
3 chiropractor's bill, a separate narrative fee
4 is paid, correct, to some chiros?

5 A. Chiros, doctors, surgeons, yes --

6 Q. Okay.

7 A. -- not just chiropractors.

8 Q. And at some points in the recent
9 past, the firm would pay narrative fees to
10 certain chiropractors as a matter of policy --

11 MR. MANNION: Objection.

12 Q. -- as soon as a case was signed up,
13 correct?

14 MR. MANNION: Objection.

15 A. No, never --

16 Q. Okay. Never. Okay.

17 A. -- we would -- we wouldn't pay for
18 a report that we didn't receive. And it
19 wouldn't be as soon as the case is signed up,
20 unless the doctor had already been treating and
21 had already provided the report and the invoice
22 was submitted, you know, it was an existing
23 case, not a new case.

24 Q. At some point, with respect to
25 certain chiropractors, there was a policy of

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1 paying the narrative when the case was signed
2 up --

3 A. No.

4 Q. -- is that correct?

5 A. No, not to my knowledge --

6 Q. Okay.

7 A. -- no, never.

8 - - - - -

9 (Thereupon, Deposition Exhibit 31,
10 3/1/2012 Email To Katy Newton, Etc.
11 From Brandy Brewer, Bates Number
12 KNR03769, was marked for purposes of
13 identification.)

14 - - - - -

15 Q. So this is Exhibit 31.

16 MR. MANNION: March 1, 2012.

17 Q. So this is an email that you wrote
18 on March 1, 2012, to a number of people
19 including Alyssa Kirk, Jodi Miller, Jenna
20 Sanzone, Amber Vince, Marti Dunlavy, Nicole
21 Holland, Katy Newton, Megan Jennings, Courtney
22 Warner, Matt Stewart and Deidra Lopez. Are
23 those paralegals?

24 A. Yes.

25 Q. Are they all paralegals?

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1 A. Yes.

2 Q. Okay. And you copy Mr. Nestico and
3 Mr. Redick. And you say, "We are paying
4 narrative fees to the following," and it says,
5 "Dr. Floros," "Akron Square." This document
6 has been redacted, so I assume that there were
7 other doctors that are listed here who get
8 narrative fees. Do you agree with that?

9 A. Do I -- what's the question?

10 Q. That there's likely a list of more
11 doctors that has been redacted here.

12 A. Yes.

13 Q. Okay. So why would the firm pay
14 narrative fees to certain doctors?

15 A. Because they write narrative
16 reports.

17 Q. Okay. No other reason?

18 A. No.

19 Q. Weren't there some doctors who
20 wrote narrative reports and they wouldn't get
21 paid a narrative fee anyway?

22 A. Not that I can remember.

23 Q. Okay.

24 A. There's a certain threshold of
25 where the paralegal has to get permission to

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1 spend an excessive amount for a report.

2 Q. Okay. When you started working at
3 the firm, was the firm always paying narrative
4 fees?

5 A. I don't remember.

6 Q. You don't remember when this
7 practice started?

8 A. No.

9 Q. Okay.

10 - - - - -

11 (Thereupon, Deposition Exhibit 32,
12 10/2/2013 Email To Prelit Attorneys,
13 Etc. From Brandt Lamtman, Bates
14 Number Williams000570, was marked
15 for purposes of identification.)

16 - - - - -

17 Q. Okay. Let's look at Exhibit 32.

18 MR. MANNION: October 2, 2013.

19 Q. So this is an email from you to
20 various groups, including prelit support,
21 prelit attorney, litigation support, litigation
22 attorney dated October 2, 2013, with the
23 subject, "Plambeck Clinics," correct?

24 A. Yes.

25 Q. What's a Plambeck Clinic?

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1 A. Clinics that used to be owned by
2 Kent Plambeck.

3 Q. Who are they owned by now?

4 A. I'm not really sure. I think some
5 of the doctors may have -- may own them now.
6 Or maybe they owned them then. I'm not --

7 Q. Do you know that Kent Plambeck
8 doesn't own these clinics anymore?

9 A. I don't. I don't have any
10 knowledge of who owns what. I just remember
11 hearing that some of the doctors may have --

12 Q. Okay. So this says, "These are the
13 only Narrative Fees that get paid in addition to
14 Dr. Alex Frantzis with NorthCoast Rehab
15 (\$200.00)((NOT PLAMBEC))."

16 So does this mean that all the other
17 chiropractors listed here worked for
18 Plambeck-owned clinics --

19 MR. MANNION: Huh?

20 Q. -- in this list here from Akron
21 Square down to Youngstown?

22 A. Yes.

23 Q. Okay. And then it says that --
24 well, let me say this: Why are these the only
25 chiropractors that got paid narrative fees?

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1 A. They're not.

2 Q. Why does it say, "These are the
3 only Narrative Fees that get paid" --

4 A. So these chiropractors regularly
5 wrote -- refer -- I'm sorry -- narrative
6 reports, so that's what this meant. There's
7 tons of other chiropractors and doctors that
8 wrote narrative reports that we paid for.

9 Q. Tons?

10 A. I mean, I guess let me rephrase.
11 There are other doctors and chiropractors that
12 wrote narrative reports that were paid for.

13 Q. And why would you write, "These are
14 the only Narrative Fees that get paid..."?

15 A. These are chiropractic offices that
16 regularly wrote narrative reports.

17 Q. Why would people need to know that?

18 A. Because they would get the
19 narrative report and they would forget to
20 request a check for it.

21 Q. But why wouldn't that just be
22 included in the chiro's bill?

23 A. I don't know. You'd have to ask
24 the chiropractor that.

25 Q. Well, if I'm a law firm or running

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1 a law firm and I'm --

2 A. Like the bill, isn't that for the
3 medical charges? I don't think it would be
4 common for any doctor to put a report fee on
5 the client's medical bill. They're two
6 separate things. One is a case expense. One
7 is the client's medical expense.

8 Q. Okay. So in a sense, the
9 chiropractor is serving as an expert witness of
10 some type. Is that what you're saying?

11 A. If they needed to be, sure.

12 Q. Okay. But these doctors all wrote
13 the narrative reports automatically, correct?

14 A. They wrote narrative reports, yes.

15 Q. And you knew that any time you sent
16 a client to one of these chiros, they were
17 going to write a narrative and that they were
18 going to get paid a narrative fee, correct?

19 MR. MANNION: Objection to, "Any."

20 But go ahead.

21 A. If they wrote a narrative report,
22 they got paid a narrative fee.

23 Q. Okay. Why were -- what's with the
24 different prices here?

25 A. I don't know. I don't know that.

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1 Q. Okay. And why was the payment made
2 to the doctor personally?

3 MR. MANNION: Wait. I think
4 you're referring to one specific doctor.

5 MR. PATTAKOS: Okay. I don't know.
6 It's hard to say.

7 Q. It says, "...to the doctor
8 personally (all doctors are in needles)."

9 A. That would be up to the doctor, who
10 the check is made payable to. That would be at
11 their request.

12 Q. Okay. Why does it matter that
13 Dr. Alex Frantzis is not Plambeck?

14 A. I don't know --

15 Q. Why did you write that?

16 A. -- it doesn't.

17 Q. Why did you write that?

18 A. I don't remember.

19 Q. And you have no idea why you might
20 have written that?

21 A. No.

22 Q. Okay.

23 - - - - -

24 (Thereupon, Deposition Exhibit 33,
25 Updated Narrative and WD Procedure

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1 for Plambec Clinics and Referring
2 Physicians, Bates Number KNR03278,
3 was marked for purposes of
4 identification.)

5 - - - - -

6 MR. MANNION: This is not an email,
7 Rob. KNR03278, "Updated Narrative and WD
8 Procedure For Plambec Clinics and Referring
9 Physicians."

10 Is that 33?

11 MR. PATTAKOS: 33.

12 MR. MANNION: When you're done with
13 this one, let's take another break.

14 MR. PATTAKOS: Tom, I have a lot to
15 go on this subject, so if you want to take a
16 break in the middle of this particular subject
17 of narrative fees and Plambeck Clinics, I would
18 ask you to not confer with your client at the
19 break.

20 MR. MANNION: Well, first of all,
21 if there's no question pending, I can confer
22 with my client, but we've been going for a
23 while. I say when you're done with this
24 document, let's take a break.

25 MR. PATTAKOS: Well, I'm going to

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1 ask you during that break -- you can take a
2 break -- I'm going to ask you not to confer
3 with your client in the middle of the subject
4 matter. If we were at trial, she would have to
5 sit on the stand and answer questions. You
6 would not be permitted to confer with her. So
7 I'm asking you to preserve the integrity of her
8 testimony about these documents, to not confer
9 with her during the break. Will you agree to
10 do that?

11 MR. MANNION: Peter, you talked
12 with your clients at breaks.

13 MR. PATTAKOS: Yeah, but we took
14 breaks at specific times. There was no --

15 MR. MANNION: That's what we're
16 doing. It's been about an hour, since the last
17 break.

18 MR. PATTAKOS: My client's conduct
19 isn't at issue in this lawsuit.

20 MR. MANNION: Yeah, it is.

21 MR. PATTAKOS: No.

22 MR. MANNION: What are you talking
23 about?

24 MR. PATTAKOS: No. Okay. Tom, are
25 you going to agree to my request to not --

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1 MR. MANNION: I'm not going to tell
2 you one way or another. Quite frankly, you're
3 not entitled to know. If I feel like talking
4 to her, I'll talk to her. But we're going to
5 take a break about every hour or so, just like
6 you did with your clients.

7 MR. PATTAKOS: That's fine, Tom. If
8 you would have asked me not to confer with my
9 clients --

10 MR. MANNION: Yeah, right.

11 MR. PATTAKOS: -- and had a good
12 reason for it, then I would have agreed.

13 MR. MANNION: Well, you have no
14 basis to ask me. Quite frankly I didn't even
15 confer with her. Last time we talked about the
16 timing that she needed for the personal matter
17 we've been talking about, but I'm not going to
18 agree. I have no idea if a question will come
19 up or if she'll have a question.

20 MR. PATTAKOS: Why would that
21 matter?

22 MR. MANNION: Well, can you show me
23 one case that says during just a regular
24 discovery deposition and there's no question
25 pending, on a break, I can't talk to my client?

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1 MR. PATTAKOS: That's fine, Tom. It
2 will just go into the record that you insisted
3 on consulting with your client in the middle of
4 this questioning about a particular subject.

5 MR. MANNION: I have no idea what
6 you're talking about.

7 MR. PATTAKOS: Okay, Tom.

8 MR. MANNION: I told you, if you
9 want to finish this email, then we'll take a
10 break.

11 MR. PATTAKOS: That's fine, Tom. I
12 made a request. If you're going to deny the
13 request, you can deny the request.

14 MR. MANNION: No, I'm not denying
15 the request. What I'm telling you is, you have
16 no right to know whether I talk with her or not
17 or what we talk about.

18 MR. PATTAKOS: Well, okay. We'll
19 see about that. Let's --

20 MR. MANNION: The rules by Peter
21 Pattakos, get your copy now.

22 MR. PATTAKOS: Okay, Tom.

23 BY MR. PATTAKOS:

24 Q. So do you recognize this document?

25 A. No.

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1 Q. You've never seen it before?

2 A. Not this particular document, no.

3 Q. If I told you that KNR produced it
4 to me as a page from the firm's handbook or
5 training manual, do you have any reason to
6 disagree with that?

7 A. No.

8 Q. Okay. It says here in the middle
9 within the highlighted section, "No cases are
10 to be submitted without the narratives. If you
11 need assistance obtaining, please let Jenna
12 know." "Jenna," is Jenna Wiley, correct?

13 A. Correct.

14 Q. And that's your direct report,
15 correct?

16 A. Correct.

17 Q. Okay. So this here says, "Those
18 high" -- well, it says, "Updated Narrative and
19 WD Procedure for Plambec Clinics and Referring
20 Physicians." Do you know why the firm would
21 have a separate procedure, with respect to
22 Plambeck Clinics as opposed to any other
23 clinic?

24 A. No.

25 Q. You have no idea?

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1 A. No --

2 Q. Okay.

3 A. -- it looks like there are tons of
4 other doctors on here that aren't Plambeck
5 Clinics, though.

6 Q. Okay. Who's that?

7 A. Dr. Chonko, Dr. Bhaiji,
8 Dr. Ghoubrial, Dr. Markarian.

9 Q. Those aren't chiros, are they?

10 A. No.

11 Q. Those are referring physicians. So
12 up at the top, it says, "...Plambec Clinics and
13 Referring Physicians."

14 A. Okay. Dr. Frantziz, Dr. Waldron,
15 Accident Injury of Akron, Accident Care &
16 Wellness, Columbus Injury, those are all
17 chiropractors that are not Plambeck --

18 Q. Right.

19 A. -- Northcoast Rehab --

20 Q. And above there, it says, "In
21 addition to," and, "((Not Plambec)," so.

22 A. -- so in my mind, these are all
23 Plambeck Clinics and then these are the others.
24 (Indicating.)

25 Q. At the top is all Plambeck Clinics

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1 and at the bottom where it says in parentheses,
2 "((Not Plambec)," correct?

3 A. Well, at the top it's Plambeck. In
4 the middle, there are other chiropractors that
5 are not Plambeck. I'm assume -- I can't speak
6 on behalf of Jenna, but maybe it was just
7 easier for her to reference them this way.

8 Q. Okay. And, "WD procedure," means
9 withdrawal procedure?

10 A. Yes.

11 Q. Okay. Do you know why narratives
12 are not to be paid for minors 12 and under?

13 A. I mean, sometimes we get narratives
14 for minors. Oftentimes if they go to a
15 chiropractor -- they don't often go to
16 chiropractors. If they did, it would probably
17 just be a few visits. If they actually treated
18 more than that at the chiropractor, there would
19 be a narrative on the case.

20 Q. But why would it say, "NO
21 NARRATIVES ARE TO BE PAID FOR MINORS 12 AND
22 UNDER!"?

23 A. Because probably more often than
24 not, they either don't treat at a chiropractor
25 or they would only go a few times, but if they

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1 did, then there would be a narrative --

2 Q. Okay.

3 A. -- there would be no point in
4 requesting a report for \$150 or \$200, if
5 there's only a couple hundred dollars in
6 billing.

7 Q. So this says, "Those highlighted
8 are the only Narrative Fees that get paid
9 automatically..." --

10 MR. MANNION: You didn't finish.
11 "To the doctor personally..." "...paid
12 automatically...to the doctor personally." You
13 didn't read it all.

14 Q. -- "(all doctors are in Needles)."
15 So you agree then that some narrative fees do
16 get paid automatically?

17 MR. MANNION: Objection.

18 A. No --

19 MR. MANNION: Objection. You
20 didn't finish the sentence. "...to the doctor
21 personally..." You can't pick and choose. You
22 have to read the whole sentence.

23 A. -- so we only paid for narratives,
24 if we got a narrative report.

25 Q. Right. Okay. And so we go back to

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1 this -- let's go back to Exhibit 33 where it
2 says, "...to the doctor personally..."

3 MR. MANNION: This is 33.

4 MR. PATTAKOS: The other one -- oh.

5 A. 32?

6 Q. Right. Let's go back to 32. You
7 would agree that this probably refers to --
8 this is an instruction to pay the doctors
9 personally on all of these narrative fees,
10 correct?

11 A. So if the doctor requested that the
12 check be made payable to themselves for their
13 narrative reports, then we would pay it -- just
14 like any other expert, we would pay them
15 however they requested it --

16 Q. Okay.

17 A. -- and I think she's referring to
18 these as, "Plambeck Clinics." It's difficult
19 to remember all of these doctors.

20 Q. What do you mean by that?

21 A. I mean, there's probably -- I don't
22 know -- fifty doctors on here, twenty, thirty,
23 forty, fifty. It's difficult to remember them
24 all, so.

25 Q. I mean, why would you distinguish

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1 between Plambeck Clinics and not Plambeck
2 Clinics?

3 MR. MANNION: Well, I'm going to
4 object. She said this wasn't her document.

5 But go ahead.

6 You mean, why would this person
7 distinguish?

8 Q. Whoever wrote this training manual.

9 A. I can't speak on Jenna's behalf,
10 but --

11 Q. You don't know that Jenna wrote
12 this.

13 MR. MANNION: Which one are you
14 referring to now?

15 MR. PATTAKOS: This document,
16 Exhibit 33.

17 MR. MANNION: Okay. Look, she was
18 looking at a different document at the time.

19 MR. PATTAKOS: Okay.

20 A. I do know that Jenna wrote this.

21 MR. MANNION: See, you're referring
22 to different documents, I think.

23 BY MR. PATTAKOS:

24 Q. You do know that Jenna wrote
25 Exhibit 33?

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1 A. Right, yes.

2 MR. MANNION: Okay.

3 Q. How do you know that?

4 A. Because she created the manual.

5 And I told you I didn't write this.

6 Q. When I first asked you if you knew
7 what this document was, you said you didn't
8 know what it was.

9 A. I said that I had never seen this.
10 Jenna created the training manual.

11 Q. Okay. So this is a page in the
12 training manual that --

13 MR. MANNION: You told her that,
14 Peter.

15 A. You told me that it was in the
16 manual.

17 MR. MANNION: Jesus.

18 Q. And you're agreeing that it is now
19 and you're remembering that Jenna wrote this?

20 MR. MANNION: Wait, wait. You
21 asked her to assume it was in the manual. With
22 that assumption, she's telling you Jenna wrote
23 it. Please stop twisting things.

24 Q. So if this is in the manual, then
25 Jenna wrote it?

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1 A. Yes.

2 Q. Okay. So you're saying that where
3 this document says, "Those highlighted are the
4 only Narrative Fees that get paid
5 automatically...", that that means --

6 MR. MANNION: Wait a minute. You
7 have to read --

8 MR. PATTAKOS: Stop testifying for
9 the witness.

10 MR MANNION: No. You have to read
11 the entire sentence. You are not allowed --

12 MR. PATTAKOS: I am asking her about
13 a particular part of this document.

14 MR. MANNION: No. You have to read
15 the whole sentence.

16 MR. PATTAKOS: Tom, stop
17 interrupting me.

18 MR. MANNION: That is crazy. You
19 are not allowed to read part of a sentence and
20 mislead a witness. That's not proper.

21 BY MR. PATTAKOS:

22 Q. So it's your testimony -- or your
23 lawyer's testimony --

24 MR. MANNION: Stop it, stop it --

25 Q. -- it's frankly hard to tell the

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1 difference at this point --

2 MR. MANNION: -- stop it, stop it.

3 Q. -- but is it your testimony that
4 the word, "Automatically," modifies whether the
5 doctor gets paid personally as opposed to
6 simply the fee getting paid automatically? Is
7 that what you're saying?

8 MR. MANNION: Thank you.

9 A. No.

10 Q. No.

11 A. I read this to say that these
12 doctors regularly do narrative reports. So if
13 you have a client that treated there, you're
14 going to likely get a narrative, so you should
15 pay that bill.

16 Q. Automatically?

17 A. Not automatically. It says on here
18 that minors are a, no. If someone only goes
19 there like a couple of times, they're not going
20 to write a report. These doctors write
21 reports. If they write a report, then we pay
22 the fee.

23 Q. So are there doctors who write
24 reports then for which you don't pay a
25 narrative fee?

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1 A. Not that I'm aware of.

2 Q. So why the specific instruction?

3 MR. MANNION: Please ask Jenna.

4 A. This I actually told you --
5 sorry -- that they would forget to request the
6 check on it, so that's why she's reminding them
7 of this.

8 Q. Okay. The attorneys would forget
9 to request a check?

10 A. The paralegals actually physically
11 request the check.

12 Q. Okay. So -- and you have no idea
13 why these prices are different, why some
14 doctors get 200 and some get 150?

15 A. I would have to say that the
16 doctor -- that's the price that they charge for
17 their time and their -- to write the report.

18 Q. You see that it says here, "No
19 cases are to be submitted without narratives,"
20 right?

21 A. Where does it say that?

22 Q. Here in the black highlighted
23 portion.

24 A. "If you need assistance obtaining,
25 please let Jenna know." Okay.

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1 Q. So every time a client treats with
2 one of these doctors, the cases will have to be
3 submitted with a narrative, according to this
4 manual, correct?

5 MR. MANNION: Objection.

6 A. Well, this isn't a manual. And I
7 just pointed out that if the clients only treat
8 a couple of times, then the doctors don't
9 all -- they don't always write a narrative --

10 Q. Okay.

11 A. -- there could be reasons why they
12 didn't.

13 Q. Okay. She writes -- whoever wrote
14 this writes, "Any doctor that we regularly work
15 with and/or have a lien on file with MUST be
16 notified when we withdraw and note the file
17 with a fax confirmation or copy of the email."
18 Am I reading that correctly?

19 A. Yes.

20 Q. Why would that apply just to
21 doctors that you regularly work with as opposed
22 to any doctor?

23 A. I think it probably does apply to
24 any doctor.

25 Q. But why doesn't it say so?

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1 A. I mean, we don't have time to call
2 every single doctor that every single one of
3 our clients ever treated with. So if there's a
4 lien on file, we try to notify them.

5 Q. Okay. Did you ever discipline
6 Jenna for writing this document?

7 A. No.

8 Q. Are you aware that anyone was ever
9 criticized for creating this document?

10 A. No.

11 MR. PATTAKOS: Okay. We can take a
12 break.

13 VIDEOGRAPHER: Off the record 5:24.

14 (Record was read.)

15 VIDEOGRAPHER: Back on the record
16 5:32.

17 MR. PATTAKOS: So just to be clear,
18 we're going to go for another half hour --

19 MR. MANNION: Yeah.

20 MR. PATTAKOS: -- and then we'll
21 resume tomorrow at 9 a.m.

22 MR. MANNION: Sounds good.

23 MR. PATTAKOS: Okay.

24 - - - - -

25 (Thereupon, Deposition Exhibit 34,

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1 1/23/2012 Email Trail Between Staff,
2 Rob Nestico And Brandy Brewer, Bates
3 Numbers KNR03782-83, was marked for
4 purposes of identification.)

5 - - - - -

6 MR. MANNION: January 23, 2012.

7 MR. PATTAKOS: Sorry.

8 BY MR. PATTAKOS:

9 Q. So this looks like two emails that
10 were sent on January 23. One of them at
11 1:18 -- well, actually three emails. First,
12 Rob Nestico writing to you on January 23, 2012,
13 "No fees paid on these except Floros and,"
14 blank; and this has apparently been redacted.
15 And you respond, "None to," blank, "or any
16 others?" Do you remember what this refers to?

17 A. No.

18 Q. Okay. Do you have any idea why
19 this was redacted?

20 MR. MANNION: Objection.

21 A. No.

22 MR. MANNION: That's -- that goes
23 to attorney-client privilege issues.

24 MR. PATTAKOS: But she knows she has
25 to testify.

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1 MR. MANNION: No, she doesn't.

2 MR. PATTAKOS: Sure, she does.

3 MR. MANNION: What?

4 MR. PATTAKOS: If she has knowledge
5 of why this document was redacted, she has to
6 testify.

7 MR. MANNION: So if I told her
8 why in our mind we redacted something, then she
9 has to tell you?

10 MR. PATTAKOS: She doesn't have to
11 tell me you told her, but if she knows
12 something that's relevant --

13 MR. MANNION: Not if it came from
14 us.

15 MR. PATTAKOS: Sure, Tom.

16 MR. MANNION: That's not true.

17 MR. PATTAKOS: That's a
18 misinterpretation of the attorney-client
19 privilege --

20 MR. MANNION: No --

21 MR. PATTAKOS: -- if she knows
22 why --

23 MR. MANNION: -- first of all, I
24 don't think she does know, but it's not fair to
25 ask somebody why something was redacted, unless

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1 it came from information outside of counsel.

2 MR. PATTAKOS: I'll tell you what's
3 not fair is that this was redacted at all.
4 It's ridiculous that this document was
5 redacted. And, you know, it will get
6 unredacted at some point, I assume, but at this
7 point I'm definitely allowed to ask her if she
8 knows why it was redacted.

9 MR. MANNION: You can ask her if
10 she knows outside of any conversations with
11 lawyers, but I don't think she knows either
12 way.

13 MR. PATTAKOS: Okay. You know
14 what? What's the point?

15 BY MR. PATTAKOS:

16 Q. So you write to staff and
17 Mr. Nestico, "No narrative fee checks to any of
18 the," blank, "except Floros &," blank. Do you
19 remember what this referred to?

20 A. I do not.

21 Q. Okay. No idea? You have no idea
22 what this refers to?

23 A. No.

24 Q. Okay.

25 - - - - -

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1 (Thereupon, Deposition Exhibit 35,
2 1/23/2012 Email Trail Between Staff,
3 Rob Nestico, Brandy Brewer and
4 Robert Redick, Bates Number
5 KNR03812, was marked for purposes of
6 identification.)

7 - - - - -

8 Q. Well, that was sent on January 23,
9 2012. Let's look at --

10 MR. MANNION: Same date,
11 January 23, 2012.

12 Q. -- Exhibit 35. So this looks like
13 the same email from Exhibit 34. At the bottom
14 here, "NO narrative fee checks to any of the,"
15 blank, "except Floros," and -- well, the, "And"
16 is redacted here. But would you agree that
17 this bottom email on Exhibit 35 is the same as
18 the first page on Exhibit 34?

19 A. Yes.

20 Q. Okay. And Mr. Redick writes to you
21 back in response to this, "Including," blank --
22 assuming this is redacted --
23 ".....interesting," smiley face. Am I reading
24 that correctly?

25 A. Yes.

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1 Q. Did you receive this email from
2 Mr. Redick?

3 A. Yes.

4 Q. Does this refresh your memory about
5 what this was about?

6 A. It doesn't.

7 MR. PATTAKOS: Okay. Wow --

8 MR. MANNION: Move to strike.

9 MR. PATTAKOS: -- that's really
10 something --

11 MR. MANNION: Move to strike.

12 MR. PATTAKOS: -- to have a
13 document redacted in that way.

14 MR. MANNION: Move to strike.

15 - - - - -

16 (Thereupon, Deposition Exhibit 36,
17 6/12/2012 Email Trail Between Julie
18 Branch, Robert Redick and Brandy
19 Brewer, Bates Number KNR03809, was
20 marked for purposes of
21 identification.)

22 - - - - -

23 BY MR. PATTAKOS:

24 Q. Okay. Exhibit 36.

25 MR. MANNION: June 12, 2012.

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1 Q. Okay. Here, this is another
2 redacted document. And this is an email from
3 you to Julie Branch and Robert Redick. Who is
4 Julie Branch?

5 A. She was our bookkeeper.

6 Q. Okay. And you sent this email on
7 June 12, "Subject:" Redacted, "narrative
8 Checks," correct?

9 A. Correct.

10 Q. It looks like someone's name there
11 was redacted from the subject.

12 A. Yes.

13 Q. Do you remember who?

14 A. No.

15 Q. No idea?

16 A. No.

17 Q. You write here, "I've requested
18 this before.....can his checks please be sent
19 out as they are requested? He drives me
20 fucking crazy and I've wasted at least 30
21 minutes this afternoon tracking down his checks
22 for him," exclamation mark, exclamation mark.

23 "He doesn't have as many as Floros so it
24 shouldn't be that big of a deal, right,"
25 question mark.

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1 Do you remember being driven F'ing crazy
2 by a chiropractor requesting checks?

3 A. No.

4 Q. You have no memory of this?

5 A. No, not from 2012, no.

6 Q. So you have no earthly idea who you
7 could have been referring to here?

8 MR. MANNION: Objection to form.

9 Go ahead.

10 A. I mean, it was a male, so it could
11 have been any male doctor on that list.

12 Q. Okay.

13 MR. PATTAKOS: Tom, at this point I
14 have to request -- and I'll follow up in
15 writing with an email, but I need to get
16 unredacted copies of these emails --

17 MR. MANNION: So 34, 35, 36?

18 MR. PATTAKOS: -- by tomorrow
19 morning, because if I don't and I have to ask
20 Ms. Gobrogge about them again, I'm going to
21 have to ask KNR to pay for the deposition fees.
22 I don't see any reason why these emails were
23 redacted. We have a protective order. If you
24 want to mark them confidential, but I need to
25 be able to ask her questions about who these

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1 chiros are and why they were being discussed in
2 this way. So I hope that by tomorrow, I can
3 get unredacted copies of these emails.

4 MR. MANNION: We'll take that
5 under consideration. I'll talk with my
6 clients.

7 MR. PATTAKOS: Thank you. Okay.
8 We are really close to wrapping up for today.
9 What number are we on now?

10 THE NOTARY: 37.

11 - - - - -

12 (Thereupon, Deposition Exhibit 37,
13 1/11/2014 Email Trail Between Rob
14 Nestico, Robert Redick, John Reagan
15 and Kristen Lewis, Bates Number
16 KNR03693, was marked for purposes of
17 identification.)

18 - - - - -

19 MR. MANNION: February 11, 2014.

20 BY MR. PATTAKOS:

21 A. Thank you.

22 Q. Okay. Who is Kristen Lewis?

23 A. She's an attorney at KNR.

24 Q. Okay. Who is Jess Robinson?

25 A. She was her paralegal.

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1 Q. And who is Amy Papuga?

2 A. Her paralegal.

3 Q. Okay. No, I don't have any
4 questions about this one for you.

5 A. Thank you.

6 MR. PATTAKOS: Let's mark the next
7 exhibit.

8 - - - - -

9 (Thereupon, Deposition Exhibit 38,
10 4/2/2014 Email To Prelit Support,
11 Prelit Attorney From Brandy Brewer,
12 Bates Number WILLIAMS000211, was
13 marked for purposes of
14 identification.)

15 - - - - -

16 MR. MANNION: April 2, 2014.

17 BY MR. PATTAKOS:

18 Q. So here's an email where you are
19 emailing prelit support and prelit attorney on
20 April 2, 2014. You sent this email, correct?

21 A. Yes.

22 Q. In here you're saying, "Nothing has
23 changed except the amount for narratives
24 and...."

25 "NO NARRATIVES ARE TO BE PAID ON ANY

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1 MINOR PATIENT."

2 Now, do you remember why you sent this
3 email explaining that no narratives are to be
4 paid on any minor patient?

5 A. No.

6 Q. And is it still your testimony that
7 narratives sometimes are paid on minor
8 patients?

9 A. Yes.

10 Q. Okay. They get paid if a narrative
11 is received, is what you're saying?

12 A. Correct.

13 Q. So you can't explain why you would
14 write, "NO NARRATIVES ARE TO BE PAID ON ANY
15 MINOR PATIENT"?

16 A. Well, I think I answered that
17 before, in the other email.

18 Q. And what's the answer?

19 A. So typically, if a minor were to
20 choose a chiropractor, they may only go for a
21 couple of appointments. In that case, if the
22 bill is only a couple hundred dollars, then we
23 wouldn't spend \$150 on a report for any client.
24 And -- but sometimes clients did treat with
25 chiropractors, depending on their injuries, you

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1 know, for a prolonged period of time. So there
2 may be a narrative on that, if the doctor
3 writes a report.

4 Q. So the decision to request a
5 narrative fee would have to do with how big the
6 chiropractor's bill was?

7 MR. MANNION: Objection.

8 Go ahead.

9 A. That would be up to the attorney,
10 but it wouldn't make sense if the bill was only
11 a couple hundred dollars to spend a couple
12 hundred dollars on a narrative report.

13 Q. Okay. Okay. So you wouldn't get a
14 narrative at all in that case, correct?

15 A. I mean, I wouldn't know.

16 - - - - -

17 (Thereupon, Deposition Exhibit 39,
18 3/24/2014 Email To Prelit Group,
19 Litigation Group From Jenna Wiley,
20 Bates Number KNR03678, was marked
21 for purposes of identification.)

22 - - - - -

23 Q. Okay. Well, here's an email.
24 Let's look at Exhibit 39.

25 MR. MANNION: March 24, 2014.

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1 Q. Jenna Wiley is writing to the
2 prelit group and litigation group. Narrative
3 fees for minors, "Are to no longer be paid,
4 regardless if you receive a narrative. This
5 goes for ANY clinic." What does this mean?

6 A. Well, I think it means what she
7 said.

8 Q. How would you not have to pay a
9 narrative fee, if you received a narrative?

10 A. Well, I don't really think that's
11 possible. I think that's why she's being
12 challenged by one of the attorneys --

13 Q. Okay.

14 A. -- I think she sent an overly broad
15 email and there was just no possible way --

16 Q. Okay.

17 A. -- the attorney also copied Rob on
18 that email.

19 MR. PATTAKOS: Okay. We're at a
20 good place to stop for today.

21 VIDEOGRAPHER: Off the record 5:49.

22 (Thereupon, the deposition
23 was adjourned at 5:49 p.m.)
24
25

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1 Whereupon, counsel was requested to give
2 instruction regarding the witness's review of
3 the transcript pursuant to the Civil Rules.

SIGNATURE:

6 Transcript review was requested pursuant to the
7 applicable Rules of Civil Procedure.

TRANSCRIPT DELIVERY:

10 Counsel was requested to give instruction
11 regarding delivery date of transcript.
12 Thomas Mannion ordered the original transcript
13 Expedited 6-day delivery.
14 Copy--Peter Pattakos, Regular copy delivery

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REPORTER'S CERTIFICATE

The State of Ohio,)

SS:

County of Cuyahoga.)

I, Tracy Morse, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, BRANDY GOBROGGE, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

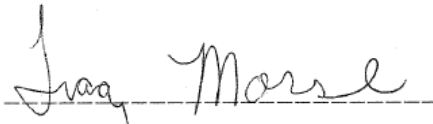
I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

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1 I do further certify that I am not
2 a relative, counsel or attorney for either
3 party, or otherwise interested in the event of
4 this action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this 22nd day of
8 October, 2018.

9
10
11
12 
13

14 Tracy Morse, Notary Public
15 within and for the State of Ohio
16 My commission expires 1/26/2023.

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Veritext Legal Solutions
1100 Superior Ave
Suite 1820
Cleveland, Ohio 44114
Phone: 216-523-1313

October 22, 2018

To: Thomas P. Mannion

Case Name: Williams, Member, et al. v. Kisling, Nestico & Redick, LLC,
et al.

Veritext Reference Number: 3028224

Witness: Brandy Gobrogge Deposition Date: 10/16/2018

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown

above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3028224

CASE NAME: Williams, Member v. Kisling, Nestico & Redick, LLC

DATE OF DEPOSITION: 10/16/2018

WITNESS' NAME: Brandy Gobrogge

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

Date Brandy Gobrogge

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3028224

CASE NAME: Williams, Member v. Kisling, Nestico & Redick, LLC

DATE OF DEPOSITION: 10/16/2018

WITNESS' NAME: Brandy Gobrogge

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date_____
Brandy Gobrogge

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;
They have listed all of their corrections in the appended Errata Sheet;
They signed the foregoing Sworn Statement; and
Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public_____
Commission Expiration Date

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ERRATA SHEET

VERITEXT LEGAL SOLUTIONS MIDWEST

ASSIGNMENT NO: 10/16/2018

PAGE / LINE (S) / CHANGE / REASON

Date _____ Brandy Gobrogge

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

DAY OF _____, 20____.

Notary Public

Commission Expiration Date

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Ohio Rules of Civil Procedure

Title V. Discovery

Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign. The witness shall have thirty days from submission of the deposition to the witness to review and sign the deposition. If the deposition is taken within thirty days of a trial or hearing, the witness shall have seven days from submission of the deposition to the witness to review and sign the deposition. If the trial or hearing is scheduled to commence less than seven days before the deposition is submitted to the witness, the court may establish a deadline for the

witness to review and sign the deposition. If the deposition is not signed by the witness during the period prescribed in this division, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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1 IN THE COURT OF COMMON PLEAS
2 OF SUMMIT COUNTY, OHIO

3 ~~~~~

4 MEMBER WILLIAMS, et al.,

5 Plaintiffs,

6 vs. Case No. CV-2016-09-3928

7 KISLING NESTICO & REDICK, LLC, et al.,

8 Defendants.

9 ~~~~~

10 Continued Video Deposition of
11 BRANDY GOBROGGE

12 October 17, 2018

13 9:16 a.m.

14 Taken at:

15 The Pattakos Law Firm, LLC

16 101 Ghent Road

17 Akron, Ohio 44333

18 Tracy Morse, RPR

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1 APPEARANCES:

2 On behalf of the Plaintiff:

3 The Pattakos Law Firm, LLC, by
4 PETER PATTAKOS, ESQ.
101 Ghent Road
5 Akron, Ohio 44333
330-836-8533
6 peter@pattakoslaw.com
7

8 On behalf of the Defendant Kisling
9 Nestico & Redick, LLC:

10 Lewis Brisbois, by
11 THOMAS P. MANNION, ESQ.
1375 East 9th Street
Suite 2250
11 Cleveland, Ohio 44114
216-344-9467
12 tom.mannion@lewisbrisbois.com

13 and

14 Sutter O'Connell, by
15 NATHAN F. STUDENY, ESQ
3600 Erieview Tower
1301 East 9th Street
16 Cleveland, Ohio 44114
216-928-3566
17 nstudeny@sutter-law.com

18 ~ ~ ~ ~ ~

19 ALSO PRESENT:

20 John J. Reagan, Esq.
Alberto Nestico, Esq.*
21 Robert Redick, Esq.*
Rachel Hazelet, Law Clerk
22 Joseph VanDetta, Videographer
23 ~ ~ ~ ~ ~

24
25 * -- Via phone

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1 VIDEOGRAPHER: On the record,
2 October 17, 2018, 9:16 a.m.

3 CONTINUED EXAMINATION OF BRANDY GOBROGGE
4 BY MR. PATTAKOS:

5 Q. Good morning.

6 A. Good morning.

7 Q. Last night I got some unredacted
8 copies of some of the documents you went over
9 yesterday that were redacted. Tom provided me
10 unredacted copies. So I'm going to go over
11 those to see if you remember anything about
12 these documents that's new with the redactions
13 missing, so.

14 MR. PATTAKOS: What number are we
15 on, Tracy? I'm just going to mark new
16 exhibits.

17 MR. MANNION: 40.

18 MR. STUDENY: 40.

19 Q. So this is Exhibit 40.

20 - - - - -

21 (Thereupon, Deposition Exhibit 40,
22 1/23/2012 Email To Staff and Rob
23 Nestico From Brandy Brewer, was
24 marked for purposes of
25 identification.)

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1		-	-	-	-	-
---	--	---	---	---	---	---

2 MR. MANNION: Rob, this is
3 December 23, 2012, email.

4 MR. NESTICO: Tom, can you put on
5 the record that Attorney Robert Redick is in
6 attendance with me here today.

7 MR. MANNION: Okay.

8	Hi, Robert.
---	-------------

9 MR. REDICK: Yes.

10 BY MR. PATTAKOS:

11 Q. Okay. So does this refresh your
12 recollection at all of this document where you
13 write, "NO narrative fee checks to any of the
14 Plambeck chiros EXCEPT Floros & Patrice"?

15	A.	No.
----	----	-----

16 Q. Who's Patrice?

17 | A. Dr. Lee-Seyon.

18	O.	Pardon?
----	----	---------

19 A. Her last name is Lee-Seyon.

20 Q. How do you spell that?

21 A. L-e-e, dash, S-e-y-o-n, maybe.

22 | She's listed on the --

23 0. Okay. Where does she work?

24 A. In Toledo.

25 Q. Okay. You sent this email,

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1 correct?

2 A. Yes.

3 Q. Okay.

4 MR. MANNION: That was the right
5 spelling, by the way, from the other document.

6 THE WITNESS: Okay.

7 BY MR. PATTAKOS:

8 Q. Okay. You have no recollection at
9 all of why no narrative fee checks were to be
10 sent to any of the Plambeck chiros --

11 A. I don't.

12 Q. -- except for these two? Okay.

13 MR. PATTAKOS: Let's mark
14 Exhibit 41.

15 Q. Actually --

16 - - - - -

17 (Thereupon, Deposition Exhibit 41,
18 1/23/2012 Email To Rob Nestico From
19 Brandy Brewer, was marked for
20 purposes of identification.)

21 - - - - -

22 MR. MANNION: Just a reminder to
23 let him finish the question.

24 THE WITNESS: Oh, okay.

25 MR. MANNION: You guys just talked

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1 over a little bit.

2 THE WITNESS: I'm sorry.

3 MR. MANNION: No, that's okay.

4 BY MR. PATTAKOS:

5 Q. Now, just let me ask you about
6 Exhibit 40 again, just to get some additional
7 information here. You know, if you can't
8 remember why you sent that email, do you
9 remember who instructed you to send that email?

10 MR. MANNION: Objection. Assumes
11 she was instructed.

12 But go ahead.

13 A. I don't.

14 Q. Do you think someone instructed you
15 to send that email?

16 A. Honestly I don't remember.

17 Q. Do you know who would be able to
18 explain that email better than you can?

19 A. Rob.

20 Q. Nestico?

21 A. Yes.

22 Q. Okay, okay. Let's look at
23 Exhibit 41.

24 A. Well --

25 MR. MANNION: Go ahead.

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1 Q. I'm sorry?

2 MR. MANNION: Go ahead.

3 Q. What were you going to say?

4 A. On January 23, in this other
5 exhibit here, number 41 at 12:31, Rob sent me
6 an email--

7 Q. Yes.

8 A. -- right there, right?

9 Q. Yes.

10 A. So I didn't remember it, but it's
11 on the other piece of paper that's in front of
12 me.

13 Q. Right. Okay. So you write -- on
14 Exhibit 41, you write in response to Rob's
15 instruction, "No fees paid on these except
16 Floros and patrice."

17 You write, "None to Shane, Maurer or any
18 others?" Who is Shane?

19 A. He was a chiropractor in Columbus.

20 Q. What's his last name?

21 A. I don't remember.

22 Q. Okay. Who's Maurer?

23 A. He's a chiropractor in Cincinnati.

24 Q. Okay.

25 MR. MANNION: It's Jason Maurer.

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1 MR. PATTAKOS: Okay.

2 BY MR. PATTAKOS:

3 Q. Do you remember why you asked this
4 question?

5 A. I don't.

6 Q. Okay. Do you have any idea why you
7 might have asked this question?

8 A. I don't.

9 Q. Okay. Exhibit 42.

10 - - - - -

11 (Thereupon, Deposition Exhibit 42,
12 1/23/2012 Email Trail Between Rob
13 Nestico And Brandy Brewer, was
14 marked for purposes of
15 identification.)

16 - - - - -

17 MR. MANNION: January 23, 2012,
18 still.

19 Q. So this looks like a response from
20 Mr. Redick to your January 23 email that was
21 sent in Exhibit 40 where you write, "No
22 narrative fee checks to any of the Plambeck
23 chiros EXCEPT Floros & Patrice."

24 And Mr. Redick responds, "Including
25 Tassi.....interesting," and then writes a

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1 smiley face there. Does this refresh your
2 recollection about this document?

3 A. It does not.

4 Q. You have no idea what Mr. Redick
5 was talking about here?

6 A. I do not.

7 Q. Or why it would be interesting to
8 him?

9 A. You would have to ask him.

10 Q. Okay.

11 - - - - -

12 (Thereupon, Deposition Exhibit 43,
13 6/12/2012 Email Trail Between Julie
14 Branch, Robert Redick And Brandy
15 Brewer, was marked for purposes of
16 identification.)

17 - - - - -

18 Q. Okay. Okay. So this -- if we look
19 at Exhibit 43. We don't need to spend very
20 much time on this.

21 MR. MANNION: June 12, 2012.

22 Q. This just confirms that it's Jason
23 Maurer who drove you F'ing crazy, correct?

24 A. Yes.

25 Q. Okay. Okay.

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1 MR. PATTAKOS: I'm sorry. Did I
2 hand these to you guys? Sorry. That's 43.
3 (Handing.)

4 Q. 44.

5 - - - - -

6 (Thereupon, Deposition Exhibit 44,
7 3/1/2012 Email To Alyssa Kirk, Etc.
8 From Brandy Brewer, was marked for
9 purposes of identification.)

10 - - - - -

11 MR. MANNION: March 1, 2012.

12 BY MR. PATTAKOS:

13 Q. Okay. This is an email where you
14 write -- this is March 1, 2012. You write to,
15 it looks like a number of paralegals copying
16 Mr. Nestico and Mr. Redick saying, "We are
17 paying narrative fees to the following," and
18 you list Dr. Lee-Seyon -- which is Patrice,
19 right? -- Dr. Schober, Dr. Floros, Dr. Tassi
20 and Dr. Maurer. Do you remember sending this
21 email?

22 A. I do not.

23 Q. Do you have any memory of why you
24 would be -- the firm would be paying narrative
25 fees to these five chiropractors specifically?

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1 A. I'm sorry. Can you ask that again?

2 MR. PATTAKOS: Tracy.

3 (Record was read.)

4 A. I don't remember sending this
5 email.

6 Q. Okay. Well, do you remember why
7 these five chiropractors would be different
8 from any other chiropractors, in terms of why
9 they would get paid narrative fees and why you
10 would be sending this email?

11 A. Well, if they sent a narrative
12 report, then we would pay them a fee for it.
13 And these wouldn't be the only doctors. We pay
14 narrative fees to plenty of other doctors.

15 Q. Well, then why would you send this
16 email?

17 A. I don't know. I don't remember
18 sending it.

19 Q. If these weren't the only doctors
20 you were paying narrative fees to and there
21 were plenty of other doctors, wouldn't there be
22 some reason that you would be telling people
23 about these five doctors?

24 A. No. I have a vague memory of the
25 paralegals forgetting to request the checks for

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1 the narrative payments, but I don't know if
2 that specifically why I sent this email. It
3 was six years ago.

4 Q. Okay. And the paralegals must have
5 kept forgetting and forgetting, because you
6 keep sending these emails, correct?

7 MR. MANNION: Objection.

8 Go ahead.

9 A. Sure. I mean, it was difficult to
10 get people to remember to do things. That
11 would be why I would send a reminder.

12 Q. Okay. And so is it your testimony
13 that the paralegals would forget to send checks
14 only to certain chiropractors and that's why
15 you would need to remind them about specific
16 chiropractors?

17 A. No. I mean, they would -- they
18 forget a lot of things.

19 Q. Well, I guess my question is: The
20 question is raised is why -- if the paralegals
21 are forgetting to send these checks for the
22 narratives, why would it be only for specific
23 chiropractors? Why wouldn't you just say,
24 "Please remember to send narrative reports to
25 all the chiropractors"? Why would you specify?

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1 MR. MANNION: Objection to form.

2 Go ahead.

3 A. I mean, as I stated, I don't
4 remember typing this email. It was six years
5 ago --

6 Q. I understand that.

7 A. -- so --

8 MR. MANNION: Let her finish,
9 please.

10 A. -- I can't answer that question.

11 Q. Okay. I mean, this was your job,
12 so I'm asking why -- you know, I'm not asking
13 you to remember the day you typed this email.
14 I'm asking you to testify based on your
15 understanding of what your responsibilities
16 were as to what might be going on here. That's
17 all.

18 MR. MANNION: Objection. She
19 answered the question. That wasn't a question,
20 by the way.

21 MR. PATTAKOS: So it is a question.

22 MR. MANNION: What?

23 Q. Do you have any idea why you would
24 be singling out these five chiropractors as
25 opposed to just saying, "Please remember to

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1 send the narrative checks to the chiropractors
2 that give us narratives"?

3 MR. MANNION: Objection. Asked and
4 answered multiple times.

5 Go ahead.

6 A. I don't remember why I sent this
7 email.

8 Q. Okay. So you have testified and a
9 lot of these documents reflect that the firm
10 would call the chiropractors to schedule the
11 appointments, call the chiropractor's offices
12 to schedule the appointments for the client,
13 correct?

14 MR. MANNION: Objection to form.

15 Go ahead.

16 A. Actually, I testified that there
17 were times that I would tell the doctors about
18 the appointment and they would call the clients
19 to schedule it. There are emails that state
20 that the attorneys were scheduling the
21 appoint -- I mean, it was -- the scheduling was
22 done different ways at different times.

23 Q. I mean, was it -- do you mean that
24 the policy changed over the years or do you
25 just mean there was never any policy and it

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1 just happened in random ways at different times
2 depending on the case?

3 A. So it wasn't a policy, how the
4 appointments got scheduled. There never was a
5 policy on that --

6 Q. Okay.

7 A. -- the clients could schedule their
8 own appointments with the doctor. The doctor
9 could call the client and schedule the
10 appointment. The attorneys could call the
11 chiropractor and schedule the appointment. It
12 could happen a variety of ways.

13 Q. And the firm didn't have any policy
14 or preference?

15 A. We tried it different ways to kind
16 of see what worked and what worked better --
17 really I guess at the end of the day, it
18 depended on what was in the best interest of
19 the client. If the client preferred to
20 schedule their own appointment, they would do
21 that. If it was easier to have the
22 chiropractor call or the attorney could call
23 based on, you know, their time limitations or
24 what the attorneys preference was. So there
25 was -- there was no set way to do that, I guess

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1 is what I'm trying to say.

2 Q. Are you saying there was never any
3 set way to do that or are you saying that there
4 at one time was a set way to do that and the
5 firm changed its practices?

6 MR. MANNION: Objection to form.

7 Go ahead.

8 A. So there was never a specific
9 policy or practice. We tried a variety of
10 different things back then. And then now
11 today, it's -- it's still the same, whatever is
12 easier and works best.

13 Q. Okay. Well, let's take a look at
14 Exhibit 45.

15 - - - - -

16 (Thereupon, Deposition Exhibit 45,
17 3/12/2013 Email To Prelit Attorney
18 From Brandy Lamtman, Bates Number
19 Williams000442, was marked for
20 purposes of identification.)

21 - - - - -

22 MR. MANNION: March 12, 2013.

23 BY MR. PATTAKOS:

24 Q. Okay. This is an email from you on
25 March 12, 2013, to prelit attorneys copying

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1 Mr. Nestico where you write, "PLEASE," in all
2 capitals, "make sure you are calling the chiro
3 and scheduling the appointment. This has been
4 discussed before." How do you explain this --
5 let me ask you first: Did you send this email?

6 A. Yes.

7 Q. So how do you explain this email,
8 in light of your testimony that there was never
9 a firm policy to call the chiropractors for the
10 clients?

11 MR. MANNION: Objection to form.

12 Go ahead.

13 A. Okay. So I'm asking them to call
14 the chiropractor and schedule the appointment.
15 I didn't say in here, "It's firm policy that
16 you call the chiropractor and schedule the
17 appointment." This is something that at that
18 time we were trying out that way of doing
19 things. And actually, I can tell you that
20 didn't really work out so well. The attorneys
21 didn't have time to schedule all of those
22 appointments.

23 Q. So you're saying that you're asking
24 them to call the chiropractors here --

25 A. Yes.

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1 Q. -- and not telling them to do so?

2 A. Correct.

3 Q. So when you write, "PLEASE make
4 sure you are calling the chiro and scheduling
5 the appointment," period, you were not giving a
6 command there?

7 MR. MANNION: Objection. That's
8 ridiculous, Peter.

9 Go ahead.

10 A. Yeah, I don't read that as me
11 giving a command.

12 Q. Okay.

13 MR. MANNION: These are lawyers
14 she's talking to, Peter.

15 Q. "This has been discussed before."
16 What were these discussions?

17 A. I don't remember the specific
18 discussions. It was five years ago.

19 MR. MANNION: Six and a half, five
20 and a half.

21 THE WITNESS: Right.

22 MR. PATTAKOS: Okay.

23 MR. MANNION: Move to strike the
24 extraneous comments.

25 BY MR. PATTAKOS:

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1 Q. So on this document where you say,
2 "PLEASE make sure you are calling the chiro and
3 scheduling the appointment," this is for every
4 referral, right --

5 MR. MANNION: Objection.

6 Q. -- this is for every case, right?

7 MR. MANNION: Objection. Look at
8 the subject. Stop it.

9 MR. PATTAKOS: Stop testifying.

10 MR. MANNION: No. You stop it.
11 You're twisting things that you know aren't
12 true and you're doing it on purpose. You can
13 laugh all you want. What you're doing is a lie
14 and you know it's a lie.

15 MR. PATTAKOS: Tom, what you're
16 doing is pathetic --

17 MR. MANNION: No. It says,
18 "Subject: Chiropractor Referrals" --

19 MR. PATTAKOS: -- and
20 unprofessional --

21 MR. MANNION: -- and you've now
22 turned it into every case.

23 MR. PATTAKOS: You should stop.

24 MR. MANNION: You should stop
25 lying.

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1 MR. PATTAKOS: Tom, the Court --

2 MR. MANNION: -- because that's
3 what you've been doing --

4 MR. PATTAKOS: -- is going to
5 strike all of this from the record. The jury
6 isn't going to see any of this. They're just
7 going to see --

8 MR. MANNION: I'm not talking to
9 the jury. I'm trying to have you act
10 professional with the witness.

11 MR. PATTAKOS: Unless where we see
12 that you are obviously trying to coach the
13 witness and testify for her --

14 MR. MANNION: Oh, my lord.

15 MR. PATTAKOS: -- you know, then
16 the jury will see that.

17 MR. MANNION: Okay. All right.
18 Okay, Peter. I'm sorry. The rules by Peter.
19 Can you get me a copy of that rule book?

20 BY MR. PATTAKOS:

21 Q. So, Ms. Gobrogge, are you in this
22 email referring to every case that comes into
23 the firm? Are you instructing the attorneys to
24 call a chiropractor and schedule the
25 appointment?

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1 A. No. It doesn't say, "Every case in
2 the firm."

3 Q. Okay. So what's the qualifier
4 here? What cases do you do this on, if it's
5 just a certain set, if not every case?

6 A. This is only for clients who needed
7 a chiropractor referral --

8 Q. Okay.

9 A. -- and only for times that the
10 client didn't schedule their own appointment or
11 that the doctor didn't call them to schedule
12 it.

13 Q. Okay.

14 MR. MANNION: He's basically
15 trying to trick you, is what he's trying to do.

16 MR. PATTAKOS: Tom, please, this is
17 completely inappropriate for you to speak.

18 MR. MANNION: So is your question.
19 So is your question.

20 MR. PATTAKOS: Tom, I know you
21 don't like what these documents show --

22 MR. MANNION: No. (Inaudible) --

23 MR. PATTAKOS: -- I wouldn't like
24 them either, if I had acted like you throughout
25 the course of this litigation.

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1 MR. MANNION: That has nothing --
2 are you kidding me? I have no problem with
3 this email.

4 MR. PATTAKOS: Please be
5 professional and let me --

6 MR. MANNION: I have no problem
7 with this email.

8 MR. PATTAKOS: -- ask my questions.
9 You can take up your questions with the
10 Court --

11 MR. MANNION: You are trying to
12 twist and turn --

13 THE NOTARY: I can't take you
14 both at the same time.

15 MR. PATTAKOS: You can take up your
16 questions with the Court, if you have issues
17 with the questions I ask.

18 MR. MANNION: Just try to be
19 realistic and fair and honest, which you're not
20 doing.

21 MR. PATTAKOS: Tom, Tom, I know you
22 have a client that's in a bad position here. I
23 sympathize with you -- or I should say, I
24 empathize with you --

25 MR. MANNION: Oh, yeah.

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1 MR. PATTAKOS: -- but that's not an
2 excuse for your histrionics.

3 MR. MANNION: My histrionics?
4 What are you doing? What was that?

5 MR. PATTAKOS: Let's mark the next
6 exhibit.

7 MR. MANNION: Yeah, I don't go
8 around talking to other people's associates
9 either and trying to talk to them about what
10 firm they should be with or who they're
11 involved with that apparently you think is
12 appropriate to do.

13 MR. PATTAKOS: I think it's a real
14 shame.

15 THE NOTARY: I need to mark this
16 exhibit. Okay? Can we do that?

17 MR. PATTAKOS: 46.

18 THE NOTARY: Thank you.

19 - - - - -

20 (Thereupon, Deposition Exhibit 46,
21 11/19/2012 Email To Attorneys And
22 Prelit Support From Brandy Lamtman,
23 Bates Number Williams000296, was
24 marked for purposes of
25 identification.)

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1 - - - - -

2 MR. MANNION: Read the entire
3 email, before he asks you questions, including
4 all of it.

5 MR. NESTICO: Date, Tom?

6 MR. MANNION: Yeah. Oh,
7 November 19, 2012.

8 BY MR. PATTAKOS:

9 Q. So in this exhibit, this is an that
10 you sent to all attorneys, prelit support
11 copying Rob Nestico, Robert Redick and Holly
12 Tusko, correct?

13 THE WITNESS: Excuse me.

14 MR. MANNION: Bless you.

15 MR. PATTAKOS: Gesundheit.

16 THE WITNESS: Thank you. Sorry.

17 A. Can you start over or someone --

18 Q. This is an email from you to all
19 attorneys, prelit support copying Rob Nestico,
20 Robert Redick and Holly Tusko sent on
21 November --

22 THE WITNESS: I'm sorry.

23 MR. PATTAKOS: Gesundheit.

24 MR. MANNION: Bless you.

25 A. Okay.

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1 Q. -- November 19, 2012, correct?

2 A. Yes.

3 Q. And did you send this email?

4 A. Yes.

5 Q. Okay. And you write -- the subject
6 line is, "Chiropractor Referrals." And you
7 write, "I know that many of you already" --

8 THE WITNESS: I'm so sorry.

9 A. Okay.

10 Q. Take your time.

11 A. Okay.

12 Q. -- you write, "I know that many of
13 you already do this, but for those of you that
14 do not, PLEASE put the intake on hold" --
15 "Please, in all caps -- "and call the
16 chiropractor's office and set up the
17 appointment for the client and then let the
18 client know the time they need to be there. It
19 is IMPERATIVE that this gets done."

20 "Paralegals, when you do your first phone
21 call with the client after the case gets
22 opened, make sure the client went to see the
23 chiropractor."

24 Now, how does this -- how is this
25 consistent with what you just told me about how

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1 the firm only -- I'm sorry. Strike that. You
2 just testified the firm does not direct its
3 clients to treat with chiropractors, but isn't
4 that exactly what's going on in this email?

5 MR. MANNION: Objection. It
6 completely mischaracterizes the testimony.
7 Stop doing that.

8 MR. PATTAKOS: Tom, stop --

9 MR. MANNION: No. You stop it.

10 MR. PATTAKOS: -- your speaking
11 objections.

12 MR. MANNION: No. You're saying
13 for the record that she testified to something
14 that didn't happen. Ask her a question about
15 the document. Don't try to paraphrase her
16 testimony.

17 BY MR. PATTAKOS:

18 Q. Well, are you not saying in this
19 email that for every intake that comes in, the
20 attorneys or prelit support employees are
21 supposed to call the chiropractor's office and
22 set up an appointment with the client and that
23 it is imperative that this gets done? Are you
24 not saying that the firm should make an
25 appointment for every single intake with a

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1 chiropractor?

2 A. I didn't say, "Every single," on
3 here at all.

4 Q. So what are you qualifying here?
5 Where's the qualification?

6 A. I said, "Please put the intake on
7 hold and call the chiropractor's office." So
8 that means intake, not every single intake.

9 Q. Well, which ones?

10 A. The clients that needed a referral
11 to the chiropractor. They needed a doctor.

12 MR. MANNION: Perhaps you could
13 look at the subject line, Peter.

14 Q. When you say at the bottom,
15 "Paralegals, when you do your first phone call
16 with the client after the case gets opened,
17 make sure the client went to see the
18 chiropractor," why did you write that?

19 A. Because clients don't realize that
20 the insurance company is going to use it
21 against them, if they're not consistently going
22 to the doctor and documenting their injuries.
23 So they may think it's okay to wait a week or
24 two, but then the insurance company is going to
25 turn around and use that against them.

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1 Q. But what if the client doesn't want
2 chiropractic treatment?

3 A. Well, then they wouldn't be
4 referred to a chiropractor.

5 Q. Okay.

6 - - - - -

7 (Thereupon, Deposition Exhibit 47,
8 3/26/2013 Email To Attorneys From
9 Brandy Lamtman, Bates Number
10 Williams000441, was marked for
11 purposes of identification.)

12 - - - - -

13 MR. NESTICO: Date, Tom?

14 MR. MANNION: Oh, I apologize.
15 March 26, 2013.

16 Q. Okay. So this is an email from you
17 to all KNR attorneys dated March 26, 2013, with
18 the subject heading, "Intakes." Did you send
19 this email?

20 A. Yes.

21 Q. Okay. In this email, you write,
22 "If you do an intake and the person already has
23 an appointment with a chiropractor we do not
24 work with, either pull it and send to one of
25 our doctors or call the chiropractor directly.

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1 You MUST do this on all intakes, otherwise the
2 chiropractor will pull and send to one of their
3 attorneys," exclamation mark.

4 What does it mean to say, "Pull it"?

5 A. That would mean that they would
6 send the client to a different attorney.

7 Q. When you are instructing the
8 attorneys to, "Pull it," here --

9 A. No. I didn't tell the attorneys to
10 pull anything. I asked the attorneys to call
11 the doctor or send it to another doctor, but I
12 gave -- there's an option there to either call
13 that specific chiropractor. But it's better
14 for our clients to work with a doctor that we
15 know than a doctor that we don't know.

16 Q. Well, you write here, "If you do an
17 intake and the person already has an
18 appointment with a chiropractor we do not work
19 with, either pull it and send to one of our
20 doctors or call the chiropractor directly."
21 What does, "Pull" -- I'm asking what you mean
22 by, "Pull it," here.

23 A. So I'm sorry. When you asked me
24 the question the first time, I was reading it
25 and the last -- the doctor would pull it and

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1 send to one of their attorneys --

2 Q. Okay.

3 A. -- so either, "Pull it," means
4 refer it to another doctor or call this other
5 chiropractor.

6 Q. What would you call the other
7 chiropractor for?

8 A. To let them know that we're
9 representing the client and to make sure that
10 they would sign a lien or they would wait to
11 get paid until the case is settled; that they
12 were okay with our firm representing them; they
13 were okay with being involved in a potential
14 lawsuit; that they would be open to negotiate
15 their bill, if we needed that; that if the
16 client needed transportation, they had that
17 available. I mean, it could have been a
18 variety of different thing.

19 Q. What's this last part of this
20 sentence, "...otherwise" -- the last part of
21 the last sentence, you say, "You MUST do this
22 on all intakes, otherwise the chiropractor will
23 pull and send to one of their attorneys!" --

24 MR. MANNION: Objection. Asked and
25 answered.

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1 Go ahead.

2 Q. -- why are you concerned with that?

3 A. Well, the client called us to
4 represent them, so I wouldn't want the
5 chiropractor to send it to another law firm --

6 Q. Okay.

7 A. -- that may not even be in the best
8 interest of our client.

9 Q. But you don't really know, do you?

10 A. Well, no. I don't have a crystal
11 ball.

12 Q. Well, I mean, what if the
13 attorneys -- or what if the client trusts that
14 chiropractor and wants to go to another
15 attorney?

16 A. Then that would be up to the
17 client.

18 Q. Okay. Do chiropractors have
19 attorneys?

20 MR. MANNION: Objection to form.

21 A. I mean, I wouldn't say they have
22 attorneys.

23 Q. Well, you said it here. You said,
24 "...otherwise the chiropractor will pull and
25 send to one of their attorneys!" What do you

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1 mean by that?

2 A. An attorney that they work with or
3 that they may refer cases to.

4 Q. So you're recognizing here that
5 it's common for attorneys to have relationships
6 with chiropractors, correct?

7 MR. MANNION: Objection. That's
8 not what she said.

9 A. That's not what I said.

10 Q. Well, then what do you mean then?

11 MR. MANNION: She explained it
12 already.

13 MR. PATTAKOS: Tom.

14 A. I just said, the chiropractors may
15 have attorneys that they prefer to work with.

16 Q. Okay. Okay. So you would refer
17 clients to chiropractors, even if they already
18 had their own doctor, correct?

19 MR. MANNION: I'm going to object.
20 Do you mean her --

21 MR. PATTAKOS: The firm.

22 MR. MANNION: -- or KNR? Okay.

23 A. I'm sorry. What was the question?

24 Q. The firm would refer clients to
25 chiropractors, as a matter of policy, even when

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1 the clients already had a doctor, correct?

2 MR. MANNION: Objection, form.

3 Go ahead.

4 A. No, there is not a policy for that.

5 Q. Okay. Let's look at Exhibit 48.

6 - - - - -

7 (Thereupon, Deposition Exhibit 48,
8 5/1/2013 Email To Prelit Attorney
9 From Brandy Lamtman, Bates Number
10 Williams000164, was marked for
11 purposes of identification.)

12 - - - - -

13 MR. MANNION: May 1, 2013.

14 THE NOTARY: I'm sorry. I have
15 to mark it. (Indicating.)

16 THE WITNESS: Oh, sorry.
17 (Handing.)

18 MR. MANNION: Did I give you the
19 date already? "Subject: Chiro Referrals,"
20 date, May 1, 2013. Sorry, if I didn't.

21 MR. NESTICO: Yes.

22 BY MR. PATTAKOS:

23 Q. So this is an email from you to all
24 prelit attorneys copying Rob Nestico dated
25 May 1, 2013, correct?

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1 A. Yes.

2 Q. And did you send this email?

3 A. Yes.

4 Q. And you write, "This happens
5 frequently so we wanted to address this with
6 all of you. When doing an intake, just bc they
7 tell you they are treating with pcp, doesn't
8 mean you shouldn't refer to a chiro."

9 "PCP" means primary care physician,
10 correct?

11 A. Yes.

12 Q. You then say, "Always refer to a
13 chiro bc they can do both."

14 "This is especially an issue in
15 Youngstown." Am I reading that correctly?

16 A. Yes.

17 Q. Okay. When you say, "We," who are
18 you referring to here? Where you say, "...we
19 wanted to address this with all of you"?

20 A. I don't know what I meant by, "We."

21 Q. Do you think you meant you and Rob,
22 since Rob is copied here?

23 MR. MANNION: Objection. Asked
24 and answered.

25 A. Not necessarily.

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1 Q. Okay. So when you write, "Always
2 refer to a Chiro," even when they tell you they
3 are treating with a primary care physician --

4 MR. MANNION: Objection. You just
5 misread that.

6 Q. -- when you write that --

7 MR. MANNION: Objection. You
8 misread that.

9 MR. PATTAKOS: Tom, your objection
10 is noted for the record.

11 Q. -- when you write, "Always refer to
12 a Chiro," and you write that in the sentence
13 after, you say to do this even when, "...they
14 tell you they are treating with," a primary
15 care physician, are you telling me that you are
16 not communicating a firm policy by writing
17 that?

18 A. I am not communicating a firm
19 policy by writing that.

20 Q. And you're not communicating an
21 instruction or a command there either?

22 A. No.

23 Q. It's just a suggestion. Is that
24 your testimony?

25 A. Yes.

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1 Q. What I did you make this
2 suggestion?

3 A. Well, I don't remember sending this
4 email specifically. I can infer that I was
5 making a statement that they could treat with
6 their family doctor and have chiropractic care
7 at the same time.

8 Q. And why is it so important for you
9 to send the clients -- for the firm to send the
10 clients to a chiropractor, even when they
11 already -- even when the clients already tell
12 you that they're treating with a doctor?

13 MR. MANNION: Objection to form.
14 Go ahead.

15 A. Well, I wouldn't say that it's so
16 important to me.

17 Q. Well, why did you write,
18 "Always..."? And why did you write, "This
19 happens frequently..."? And that this is an
20 issue you?

21 MR. MANNION: Objection to form.
22 Go ahead.

23 A. I stated a minute ago that I don't
24 specifically remember sending this email.

25 Q. Wouldn't the client's doctor be in

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1 a better position to know whether the client
2 would benefit from chiropractic care?

3 MR. MANNION: Objection. She
4 didn't say otherwise.

5 Go ahead.

6 A. Yeah, I can't speak on behalf of
7 the doctor. Maybe the doctor did refer them to
8 chiropractic or physical therapy.

9 Q. So why would the firm play any role
10 there at all, if the client already has their
11 doctor?

12 MR. MANNION: Objection to form.
13 Go ahead.

14 A. Often it takes a while to get in
15 with their family doctor --

16 Q. Okay.

17 A. -- I don't know -- I can't say that
18 that's exactly why, but I know that's a common
19 issue.

20 Q. So you write, "This happens
21 frequently..." What did you mean by that?
22 What happens frequently?

23 A. I don't know. I don't remember
24 sending this email, so I don't remember the
25 exact context --

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1 Q. Well --

2 A. -- or what led to this email.

3 Q. -- it seems that you're referring
4 to a practice among the prelit attorneys of not
5 referring clients to chiropractors, when the
6 clients are saying they are treating with a
7 PCP. Does that seem right to you?

8 MR. MANNION: Objection to form.
9 Go ahead.

10 A. No. It seems that there was some
11 kind of issue that happened in Youngstown --
12 that's what I said in there -- but I don't
13 remember what that issue is leading up to why I
14 would send this email.

15 Q. And that issue is not the issue of
16 the firm's prelit attorneys not making chiro
17 referrals, when the clients are saying that
18 they treated with a PCP?

19 MR. MANNION: Objection to form and
20 a triple negative.

21 A. No, I -- I have no idea.

22 Q. Okay.

23 MR. PATTAKOS: Let's mark
24 Exhibit 49.

25 - - - - -

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1 (Thereupon, Deposition Exhibit 49,
2 1/16/2013 Email To Rob Horton From
3 Brandy Lamtman, Bates Number
4 Williams000378, was marked for
5 purposes of identification.)

6 - - - - -

7 MR. MANNION: September 16, 2013.
8 I'm a little slow on the draw today, Rob.

9 Q. So this is an email from you to Rob
10 Horton, correct?

11 A. Yes.

12 Q. Dated Monday, September 16, 2013.
13 The subject line is, "My referral." Did you
14 send this email?

15 A. Yes.

16 Q. And you write, "Since she is a
17 nurse, she may not want chiro. Feel her out
18 for that before you refer. She may want family
19 doc and PT." What did you mean by -- who is,
20 "My referral"?

21 A. It was a friend of mine's mom --

22 Q. Okay.

23 A. -- I wouldn't really say, "A
24 friend." More of like an acquaintance's mom.
25 I haven't seen her in a long time.

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1 MR. MANNION: Do not say the name.

2 THE WITNESS: Okay.

3 BY MR. PATTAKOS:

4 Q. Okay. And you referred this person
5 to the firm, correct?

6 A. Yes.

7 Q. And you knew that Horton was
8 handling the case, correct?

9 A. Yes.

10 Q. Okay. So you write, "Since she is
11 a nurse, she may not want chiro." Why did you
12 write that?

13 A. I thought that, since she was a
14 nurse, she may want to see a medical doctor,
15 but it turns out I was wrong. She actually
16 wanted to see a chiropractor.

17 Q. Well, why would a nurse not want to
18 see a chiropractor?

19 A. I thought that since she's in the
20 medical field and she works for medical doctors
21 that she might want to see a medical doctor,
22 but, like I said, I was wrong. She actually
23 wanted to see a chiropractor.

24 Q. Okay. Why wouldn't any client want
25 to see a family doctor and a physical

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1 therapist?

2 MR. MANNION: I'm sorry. Say that
3 again. I didn't hear the question.

4 Q. Why wouldn't any client want a
5 family doctor and a physical therapist? What
6 would make a nurse any different?

7 MR. MANNION: Objection. Asked and
8 answered.

9 But go ahead.

10 A. Well, I can't speak on behalf of
11 any client. I can only speak on behalf of her.
12 And it was because she worked for a medical
13 doctor, I thought she may have that preference.
14 Well, like I said, she actually wanted to see a
15 chiropractor. She actually treated with a
16 chiropractor.

17 Q. What this looks like, is that the
18 firm has a policy of recommending all of its
19 clients to chiropractors; and then you made a
20 special exception for this person, because she
21 is a nurse. Are you saying that's not what the
22 case is here?

23 MR. MANNION: Objection to form.
24 Move to strike the testimony of the plaintiff's
25 attorney.

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1	But go ahead.
---	---------------

2 A. I know you have this idea in your
3 head that there's some kind of policy, but
4 there's not.

[illegible]

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1 [REDACTED]
2 Q. Okay. So you do remember that that
3 is the case?

4 MR. MANNION: Objection to form.
5 Go ahead.

6 A. I remember re -- sorry -- reviewing
7 emails that said that. I don't remember that
8 actually happening. It was a long time ago.

[illegible]

22 MR. MANNION: Objection. Asked and
23 answered.

24 | Go ahead.

25 | A. Could you show me an email? I

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1 | don't know what you're saying --

2 Q. So you don't --

3 A. -- I don't know the context around
4 what you're asking.

5 Q. Okay. But right now, without
6 looking at an email, you can't tell me what a
7 delivery referral is?

8 MR. MANNION: Objection. Asked and
9 answered.

10	A. Correct.
----	-------------

11	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 Q. Okay. Let's take a look at
19 Exhibit 50.

20	—	—	—	—	—
----	---	---	---	---	---

21 (Thereupon, Deposition Exhibit 50,
22 6/4/2013 Email To Intake And
23 Attorneys From Holly Tusko, Bates
24 Number Williams000310, was marked
25 for purposes of identification.)

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1	-	-	-	-	-
---	---	---	---	---	---

2 MR. MANNION: June 4, 2013.

3 Q. So this is an email that Holly
4 Tusko sent to all intake employees, all
5 attorneys as well as copying you and
6 Mr. Nestico with the subject, "Referrals," and
7 the importance level marked high. Did you
8 receive this email from Holly Tusko?

9 A. I mean, it says she sent it to me.
10 I don't remember specifically receiving it.

[illegible]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

4 Q. Okay.

5 A. -- what was -- what were they
6 looking at.

7 Q. Got it. Thank you.

8 - - - - -

9 (Thereupon, Deposition Exhibit 51,
10 7/17/2013 Email To Prelit Attorneys
11 From Brandy Lamtman, Bates Number
12 Williams000157, was marked for
13 purposes of identification.)

14 - - - - -

15 Q. Exhibit 51 --

16 MR. MANNION: July 17, 2013.

17 Q. -- so this is an email from you to
18 all prelit attorneys with the subject, "Akron
19 Injury," sent on July 17, 2013. Did you send
20 this email?

21 A. Yes.

22 Q. And you write, "Today we sent 3 to
23 ASC...." That means Akron Square Chiropractic,
24 correct?

25 A. Yes.

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1 Q. Then you write, "....please get the
2 next Akron case to Dr. Holland at Akron Injury.
3 Please just make sure it's not a red bag
4 referral and not a current or former client
5 that treated at ASC" --

6 MR. MANNION: Is there a question?

7 Q. -- why would it matter whether it
8 were a red bag referral or not?

9 A. I -- I don't have an answer for
10 that. I don't remember.

11 Q. Who's Dr. Holland?

12 A. She was a doctor that worked at
13 Akron Injury.

14 Q. What's her first name?

15 A. I don't know.

16 Q. Anything you remember about her
17 that made her different from any of the other
18 chiros that the firm referred cases to?

19 MR. MANNION: Objection to form.

20 Go ahead.

21 A. No.

22 Q. And you can't think of any reason
23 why you would not send a red bag referral to
24 Dr. Holland?

25 A. I don't know.

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1 Q. Do you remember who instructed you
2 to make this request, to make sure that
3 Dr. Holland is not sent a red bag referral?

4 MR. MANNION: Objection to form.
5 Go ahead.

6 A. I don't know that it was
7 necessarily not to send red bags to
8 Dr. Holland. That's --

9 Q. Well, then what is it? If you're
10 saying, "...please get the next Akron case to
11 Dr. Holland... Please just make sure it's not
12 a red bag referral....," what are you saying
13 there if not to say, don't send Dr. Holland a
14 red bag referral?

15 A. The red bag referrals were sent to
16 Akron Square.

17 Q. They were?

18 A. Yeah. That's in all of those
19 emails for that.

20 Q. So why was that the case?

21 A. I don't know.

22 Q. Who would know?

23 A. Rob.

24 Q. Nestico?

25 A. Yes. I don't -- I don't know. If

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1 I did know at the time -- I don't know.

2 Q. Okay. Well, that will save us some
3 time on some of these documents.

4 MR. MANNION: Before you ask the
5 next question, just timing wise, I wanted to
6 let you know as far as the personal issue,
7 probably close to 11:00, if we can get that far
8 before we take a break, is when she'll need a
9 break for the personal issue --

10 MR. PATTAKOS: Okay.

11 MR. MANNION: -- Just wanted to
12 let you know timing wise.

13 MR. PATTAKOS: That's fine.
14 Thanks.

15 THE WITNESS: What time is it?

16 MR. MANNION: 10:06. Will that be
17 okay timing wise, somewhere in that frame?

18 THE WITNESS: Yeah. My neck is
19 just really bothering me.

20 MR. REAGAN: Do you want to take
21 a short break now?

22 THE WITNESS: Is that okay?

23 MR. MANNION: Take like a 2
24 minute, 5 minute just to --

25 MR. PATTAKOS: Fine.

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1 MR. MANNION: Yeah, let's take 5
2 minutes then.

3 VIDEOGRAPHER: Off the record
4 10:07.

5 (Recess taken.)

6 - - - - -

7 (Thereupon, Deposition Exhibit 52,
8 12/19/2012 Email To Prelit Attorneys
9 From Brandy Lamtman, Bates Number
10 Williams000284, was marked for
11 purposes of identification.)

12 - - - - -

13 MR. MANNION: December 19, 2012.

14 VIDEOGRAPHER: On the record 10:13.

15 BY MR. PATTAKOS:

16 Q. Okay. So Exhibit 52 is an email
17 that you sent to all prelit attorneys with the
18 subject line, "REMINDER," and you mark it, high
19 importance. What does it mean when you mark an
20 email, high importance?

21 A. That I want it to stand out.

22 Q. You didn't mark every email as
23 highly important, did you?

24 A. Well, back then I marked a lot of
25 emails, high importance.

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1 Q. Why did you do that?

2 A. I don't know.

3 Q. Well, you marked it as important,
4 because it was important, right?

5 A. We get a lot of emails at KNR back
6 and forth either interoffice or -- hundreds a
7 day, so I wanted it to stand out.

8 Q. Um-hum. Okay. And you write in
9 all capital letters, "ALL RED BAG REFERRALS
10 NEED TO GO TO AKRON SQUARE." This was
11 December 19, 2012. Do you have any memory as
12 to why you sent this email?

13 A. I don't.

14 Q. And you have no memory, no idea why
15 all red bag referrals needed to go to Akron
16 Square on December 19, 2012?

17 A. I don't.

18 Q. Okay.

19 MR. PATTAKOS: Let's mark
20 Exhibit 53.

21 - - - - -

22 (Thereupon, Deposition Exhibit 53,
23 7/24/2013 Email Trail Between Prelit
24 Attorney And Brandy Lamtman, Bates
25 Number Williams000461, was marked

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1 for purposes of identification.)

2	
	- - - - -

3 MR. MANNION: July 24, 2013,

4	"Subject: Chiro Referrals."
---	-----------------------------

5 Q. So this is an email that you sent
6 to all prelit attorneys copying Sarah Rucker
7 with the subject line, "Chiro Referrals," on
8 July 24, 2013. Did you send this email?

9	A. Yes.
---	---------

[illegible]

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1	Q.	Okay.
---	----	-------

2	-	-	-	-	-
---	---	---	---	---	---

3 (Thereupon, Deposition Exhibit 54,
4 3/18/2014 Email To Attorneys From
5 Brandy Brewer, Bates Number
6 Williams000312, was marked for
7 purposes of identification.)

8		-	-	-	-	-
---	--	---	---	---	---	---

9 MR. MANNION: March 18, 2014.

10 Q. So this is an email that you sent
11 on March 18, 2014, to all attorneys copying
12 Holly Tusko with the subject, "Lorain
13 Delivery," with high importance. Did you send
14 this email?

15	A. Yes.
----	---------

[illegible]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED]

7 Q. Let's look at Exhibit 55.

8 - - - - -

9 (Thereupon, Deposition Exhibit 55,
10 12/26/2013 Email Trail Between Rob
11 Horton, Rob Nestico And Brandy
12 Brewer, Bates Number
13 Williams0000048, was marked for
14 purposes of identification.)

15 - - - - -

16 MR. MANNION: December 26, 2013.
17 It's a two pager.

18 MR. PATTAKOS: Okay. I don't know
19 why this is two pages.

20 THE WITNESS: I don't think --

21 MR. PATTAKOS: Yeah, I don't think
22 these relate, so let's just take the second
23 page off of this exhibit.

24 MR. MANNION: It's a one pager.

25 THE WITNESS: Yeah.

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1 BY MR. PATTAKOS:

2 Q. So here it looks like this is a
3 document that should have been redacted with
4 the client's name. But we see the client's
5 name and the subject line apparently --

6 MR. MANNION: Just for the record,
7 this was apparently a document that Horton must
8 have given to you and you produced to us.

9 MR. PATTAKOS: I think that's
10 right. I don't think there's any dispute as to
11 that.

12 BY MR. PATTAKOS:

13 Q. So the client's name is in the
14 subject heading. It says the client's name,
15 "red bag, no referral, signing with Mike at 3
16 today," and this is on December 26, '13.

17 Horton indicates at the bottom of the
18 page, "Already set up with akron square."

19 Rob Nestico replies copying you saying,
20 "Make sure Akron square does not have it as a
21 referral to us." What does that mean?

22 A. You would have to ask Rob. I don't
23 know.

24 Q. You have no idea?

25 A. No.

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1 Q. Okay. You wrote, "Handled," up at
2 the top. That means that you understood Rob's
3 request and handled it, correct?

4 MR. MANNION: Objection to form.
5 Go ahead.

6 A. I don't know. I don't remember
7 what I handled and what I knew at the time.

8 Q. Okay. And you have no idea what
9 you might have been referring to there?

10 A. No.

11 Q. No idea what you might have
12 handled?

13 A. No.

14 Q. Okay.

15 MR. PATTAKOS: Are we Exhibit 56
16 now?

17 THE NOTARY: Correct.

18 - - - - -

19 (Thereupon, Deposition Exhibit 56,
20 Typewritten Document, Bates Numbers
21 KNR03330-03332, was marked for
22 purposes of identification.)

23 - - - - -

24 MR. MANNION: No date on this one.
25 KNR03330 through 332. I'll take a picture and

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1 send it to you.

2 MR. NESTICO: Okay.

3 Q. Do you recognize this document?

4 A. No.

5 Q. Do you believe this could have come
6 from a training manual or an employee handbook?

7 A. Perhaps a training manual, not a
8 handbook.

9 Q. Okay. Do you know who might have
10 created this document?

11 A. Holly Tusko.

12 Q. Do you know that she did create
13 this document?

14 A. I don't.

15 Q. Why do you think that she might
16 have?

17 A. Because it looks like it's training
18 for how to process phone calls --

19 Q. Okay.

20 A. -- and that's her department.

21 Q. Okay. Okay. So on the -- there's
22 a lot of redactions on this document.

23 MR. PATTAKOS: Tom, can you get me
24 an unredacted copy of this document?

25 MR. MANNION: I have no idea.

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1 I'll talk to my client. I don't recall offhand
2 what was redacted and what wasn't, Peter. I'll
3 take a look at the issue.

4 MR. PATTAKOS: Okay.

5 BY MR. PATTAKOS:

6 Q. On the second page at the bottom,
7 it says, "DON'T EVER TELL A CLIENT THAT THEIR
8 CASE HAS BEEN TRANSFERRED OR THERE
9 ATTORNEY/PARALEGAL IS NO LONGER WITH US" --

10 MR. MANNION: Can you just point
11 to where you were?

12 MR. PATTAKOS: At the very bottom
13 of the second page.

14 MR. MANNION: Okay. Thanks.

15 Q. -- do you remember this policy?

16 MR. MANNION: Objection to form.
17 Go ahead.

18 A. I wouldn't call this a, "Policy."

19 Q. What is it then?

20 A. It's a statement.

21 Q. Do you have any idea why this
22 statement would have been made in this
23 document?

24 A. Sure.

25 Q. Why?

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1 A. I wouldn't want -- well, not I.
2 The client shouldn't be informed that their
3 case has been transferred or that an attorney
4 or paralegal has left the firm by somebody who
5 is answering the phone. They should be
6 informed that by an attorney, not a
7 receptionist or an intake person.

8 Q. On the second -- on the third page,
9 I should say, the second bullet point from the
10 bottom, this says, "If Akron Square or," blank,
11 "calls after hours with a new patient, don't
12 take any information, just patch them through
13 to the attorney." Do you know why that would
14 be written here?

15 A. Sure. Dr. Floros is very
16 impatient.

17 Q. Okay. So you would change your
18 policies for Dr. Floros, because he is
19 impatient; and you wouldn't do the same thing
20 if he called in as opposed to any other
21 chiropractor, except for whoever was redacted
22 here?

23 MR. MANNION: Objection to form.

24 A. So it's not a policy --

25 Q. Um-hum.

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1 A. -- and he -- he made a request.

2 Q. Did someone else make a request,
3 too?

4 A. I'm not sure what's redacted there.

5 Q. Do you have any idea whose name
6 might be redacted there or what might be
7 redacted there?

8 A. I don't.

9 Q. Okay. So if this is a training
10 manual, it must have been common for Akron
11 Square to call after hours with a new patient.
12 Do you agree?

13 MR. MANNION: Objection to form.
14 Go ahead.

15 A. I mean, I don't think I can agree
16 to that. I don't know how many times he called
17 after hours. The office is open until 8:30 at
18 night. There's plenty of new clients that call
19 during that time, which is why we're open.

20 Q. Okay. This says, "AKRON OBJ INJURY
21 INTAKES," at the bottom. That refers to
22 objective injuries?

23 A. Yes.

24 Q. Okay. And we talked about other
25 objectives for after -- if you look at the last

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1 bullet point on this page, "For after our" --
2 and I think this is, "Hour," spelled
3 incorrectly. I mean, hours as in hours and
4 minutes -- "For after our objectives, we still
5 go through the regular objective list, just
6 call them on their cell phones instead of
7 extensions, as well as emailing them the
8 information." What is the objective list?

9 A. It's the list right here.
10 (Indicating.)

11 Q. And what does that mean?

12 A. That means if someone had -- if
13 it's a death case or somebody has extensive
14 injuries, they would call Josh Angelotta first.

15 Q. Okay. An objective injury case is
16 treated differently by the firm than other
17 injuries, correct?

18 MR. MANNION: Objection to form.

19 And that should be a question for
20 attorneys.

21 But go ahead.

22 A. What do you mean by, "Differently"?

23 Q. Well, they were categorized
24 differently and they were distributed
25 differently to the attorneys, correct?

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1 MR. MANNION: Objection to form.

2 Go ahead.

3 A. The more experienced attorneys
4 would be handling the larger cases.

5 Q. And objective injury is any injury
6 that was anything more than soft tissue damage,
7 correct?

8 MR. MANNION: Objection to form.

9 Go ahead.

10 A. No.

11 Q. If someone had a broken bone, that
12 would be an objective injury, correct?

13 A. Correct.

14 Q. Okay. What would be an example of
15 an objective injury that was something less --
16 I'm sorry -- something -- strike that.

17 Would the firm ever classify a soft
18 tissue case as an objective injury?

19 A. Yes and no.

20 Q. Explain.

21 A. Somebody could have, you know,
22 extensive soft tissue injuries where they've
23 gone through, you know, extensive treatment.
24 It could have --

25 Q. Okay.

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1 A. -- and could later find out there's
2 a herniation.

3 Q. Which would be a tear?

4 A. A disk herniation.

5 Q. Okay. Let's look at Exhibit 57.

6 - - - - -

7 (Thereupon, Deposition Exhibit 57,
8 9/4/2014 Email To Prelit Attorney
9 And Prelit Support From Brandy
10 Brewer, Bates Number Williams000449,
11 was marked for purposes of
12 identification.)

13 - - - - -

14 MR. MANNION: September 4, 2014.

15 Q. This is an email that you sent to
16 prelit attorneys and prelit support copying Rob
17 Nestico and Jenna Wiley on September 4, 2014,
18 correct?

19 A. Yes.

20 Q. And you write, "When there is an
21 insurance issue or even a possibility of an
22 insurance issues on ASC Cases, please send an
23 email to akron2@csgonline.net and
24 katie@managedservices4u.com with the
25 information. This MUST be done. Thank you."

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1 Why must this be done on ASC cases?

2 A. I -- I don't remember.

3 Q. Do you have any idea?

4 A. I really don't.

5 Q. Do you think it has something to do
6 with the fact that you stated that Dr. Floros
7 is impatient?

8 MR. MANNION: Objection to form.

9 Go ahead.

10 A. I stated that Dr. Floros was
11 impatient about after hours intakes. I didn't
12 say that he was an impatient person.

13 Q. Okay. So this doesn't have to do
14 with his impatience?

15 A. No.

16 Q. Okay. But you don't remember what
17 it does have to do with?

18 A. No.

19 Q. Okay. What do you mean by,
20 "Insurance issue," here?

21 A. I -- I don't remember.

22 MR. MANNION: Sorry about that,
23 Guys.

24 Q. Who would remember this, if anyone?

25 A. I don't think anyone. This isn't

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1 something that was a common --

2 Q. "A common," what?

3 A. I -- this isn't -- I don't have any
4 memory of this. This isn't something that we
5 do, so I don't know why I would have done this
6 and sent this email.

7 Q. Well, you agree you're giving a
8 command there and not just a suggestion,
9 correct.

10 MR. MANNION: Objection.

11 A. No.

12 Q. You say, "This MUST be done," and
13 you say, "Must," in all capital letters.

14 A. I did not say, "I command you to do
15 this."

16 Q. But, you know, it's a basic
17 grammatical construct; "Command" is a
18 declarative sentence giving an order or a
19 command. That's like the -- you agree that's
20 written as a command and not a suggestion,
21 correct?

22 MR. MANNION: Objection. Move to
23 strike the apparent grammar lesson.

24 But go ahead.

25 A. No.

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1 Q. Okay. So can you talk to me about
2 the policy of Mr. Nestico approving all of the
3 chiropractor reductions on the settlement
4 statements?

5 MR. MANNION: I'm going to object.
6 But go ahead, if you know.

7 A. It's not a policy and you'd have to
8 talk to him about that.

9 Q. You know nothing about it?

10 A. No.

11 Q. You remember that it was done.

12 A. Sure. I used to hand him the
13 files.

14 Q. Okay. And you used to email
15 reminders to KNR attorneys and staff that Rob
16 needed to approve every reduction, correct?

17 A. Because that's what Rob asked for.

18 Q. Okay. But you had no role in the
19 process?

20 A. No. I handed him the files. I
21 sometimes scanned them to him, if he was out of
22 town, and there were times where I was copied
23 on them.

24 MR. PATTAKOS: This will be
25 Exhibit 58.

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1 MR. MANNION: You can ignore the
2 huff and puff.

3 - - - - -

4 (Thereupon, Deposition Exhibit 58,
5 7/31/2013 Email To Attorneys From
6 Brandy Lamtman, Bates Number
7 Williams000544, was marked for
8 purposes of identification.)

9 - - - - -

10 MR. MANNION: July 31, 2013,
11 "Subject: Chiropractor Reductions."

12 Q. This is an email from you to all
13 attorneys dated July 31, 2013, where you write,
14 "Chiropractor Reductions," correct?

15 A. Yes.

16 Q. And you sent this email, correct?

17 A. Yes.

18 Q. And you write, "As you are aware,
19 Rob approves chiropractor reductions." You
20 were referring to Rob Nestico here, correct?

21 A. Yes.

22 Q. And you write, "If you ask me if he
23 calls a certain chiropractor or if you do and
24 the answer is you are responsible for the call,
25 you should still give Rob the breakdown to

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1 approve PRIOR to contacting the chiropractor."

2 So at this point, you would determine
3 whether Rob called the chiropractor or the
4 attorney handling the case did, correct?

5 MR. MANNION: Objection.

6 Go ahead.

7 A. That's not what that says. I
8 didn't determine that.

9 Q. Well, what did you mean by this?

10 A. There were some chiropractors that
11 Rob called himself and there are some
12 chiropractors that the attorneys called.

13 Q. Why does it say, "If you ask
14 me..., " "...and the answer is," then? What's
15 the meaning of those words, in that sentence?

16 A. It means if they ask me if Rob
17 calls the doctor or if they are supposed to
18 call the doctor.

19 Q. So you're not the one who decides
20 that?

21 A. No.

22 Q. Okay. Who does decide?

23 A. Rob.

24 Q. Okay. So you have no role in this
25 process?

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1 MR. MANNION: Objection to form.

2 Go ahead.

3 A. My role in the process is, I used
4 to hand him the files. I at some point in time
5 scanned him, when he was out of town, or I was
6 copied on it, but I had no role in this.

7 Q. Why would you have to hand him the
8 files? Why couldn't anyone else do that? Why
9 couldn't the attorneys hand him the files?

10 A. While I was his executive
11 assistant, my desk was right outside of his
12 office. So oftentimes he was either not there
13 or his door was closed, so they would give me
14 the files, because I didn't have a door --

15 Q. Got it.

16 A. -- so I would give it to him.

17 Q. Got it.

18 MR. MANNION: Peter, if you want,
19 on Exhibit 56, I can give you some of the
20 information right now, if you want, on those
21 redactions --

22 MR. PATTAKOS: Sure.

23 MR. MANNION: -- if you want to
24 grab your exhibit out.

25 MR. PATTAKOS: Okay.

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1 MR. MANNION: On the first page --
2 there apparently are no redactions on the first
3 page.

4 MR. PATTAKOS: Yeah, it doesn't
5 look like it.

6 MR. MANNION: Okay. On the second
7 page, the, "Open/Pending," blank, "case calls,"
8 that has to do with a law firm on mass torts,
9 so I don't think that has anything to do with
10 this case.

11 MR. PATTAKOS: Um-hum.

12 MR. MANNION: The second one has
13 to do with referrals and workers' comp cases
14 that doesn't have to do with this.

15 MR. PATTAKOS: Um-hum.

16 MR. MANNION: The, "Open/Pending,"
17 "case calls," this one right here, if you look
18 where I'm at, the third one down there --

19 MR. PATTAKOS: Um-hum.

20 MR. MANNION: -- that has to do
21 with med mal referrals, so that doesn't have to
22 do with that. So those are the only redactions
23 on that page.

24 MR. PATTAKOS: Oh, there's another,
25 a third -- oh, I see. Okay. I see what you're

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1 saying.

2 MR. MANNION: Yeah.

3 MR. PATTAKOS: What about the
4 bottom -- what about the fourth one, "When an
5 Open," blank, "Case calls in," on the --

6 MR. MANNION: Let's see, where you
7 at? That's the same thing. That's part of the
8 med mal.

9 MR. PATTAKOS: Okay.

10 MR. MANNION: Under the, "Second
11 Shift," where it says, "If Akron Square or,"
12 blank, that's Town & Country.

13 And then the only thing that was redacted
14 by Josh, Ken, Robert, Devin and Matt are their
15 actual phone numbers.

16 MR. PATTAKOS: Okay. I'd still
17 like to see an unredacted copy of this document
18 to verify.

19 MR. MANNION: I just want to give
20 you the opportunity to ask those questions.

21 MR. PATTAKOS: I appreciate it.

22 BY MR. PATTAKOS:

23 Q. So I guess we can go back to this.
24 Do you -- you know, this is a document where
25 you said that Akron Square was impatient about

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1 after hours intakes. Is that your testimony
2 about Town & Country as well?

3 A. Yeah, yesterday I mentioned the
4 receptionist at Town & Country.

5 Q. You did.

6 A. Yes, that's what I was referring to
7 there.

8 Q. And it's your testimony that this
9 has nothing to do with the number of cases that
10 Akron Square or Town & Country sends to the
11 firm?

12 A. Oh, no.

13 Q. Okay. You would agree that Akron
14 Square sends the firm more cases than any other
15 chiropractic clinic in the Akron area, correct?

16 MR. MANNION: Objection.

17 A. I mean, I'd have to look at the
18 referral reports.

19 Q. Well, is there any other clinic in
20 Akron that you think is close or could be
21 close?

22 MR. MANNION: Objection to form.

23 Go ahead.

24 A. I would have to look at the
25 reports. I wouldn't want to testify to

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1 something without knowing for sure.

2 Q. But you can't, just based on your
3 knowledge and your constant conversations with
4 the chiropractors, make an estimate or
5 suggestion of a chiropractic clinic that would
6 maybe be comparable to Akron Square, in terms
7 of the number of referrals that that clinic
8 sent to the firm?

9 MR. MANNION: Objection to form.

10 Go ahead.

11 A. So, as I stated yesterday, my
12 constant communication with chiropractors
13 wasn't about referrals. They were customer
14 service issues.

15 Q. Okay. But I'm just asking you to
16 make an estimate or to make a guess as to what
17 firms are comparable to Akron Square, in terms
18 of the number of referrals. If your testimony
19 is that you are unable to make such a guess,
20 then that's your testimony. I'm just asking
21 you to confirm.

22 A. I am unable to make such a guess,
23 without seeing the reports.

24 Q. Okay. Thanks.

25 MR. PATTAKOS: If you'll excuse me.

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1 I just need to make a note here on Town &
2 Country.

3 Okay. Let's mark the next Exhibit 59.

4 - - - - -

5 (Thereupon, Deposition Exhibit 59,
6 2/13/2013 Emails To Attorneys From
7 Rob Nestico, Bates Number
8 Williams000586, was marked for
9 purposes of identification.)

10 - - - - -

11 MR. MANNION: February 13, 2013.

12 Q. This is an email from Rob Nestico
13 to all attorneys saying, "Any fee's being
14 reduced more than 1,000.00" -- actually, it's
15 two emails that he sent. The first one says,
16 "Any fee's being reduced more than 1,000.00
17 will need to be approved by me and only me.
18 Please give the settlement memos to Sarah.
19 Thank you."

20 And then he clarifies. He writes shortly
21 thereafter -- actually, it looks like 9 minutes
22 after, he says, "For clarification this is on
23 cases outside Chiro. All Chiro are to still be
24 submitted as usual. Thanks."

25 Do you have any idea what this refers to?

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1 A. Any case that the -- our legal fee
2 is being reduced and he wants to approve that.

3 Q. But this is legal fees? How do you
4 know it's legal fees that he's referring to
5 here?

6 A. Our fee, legal fees.

7 Q. It doesn't say, "Legal fee." It
8 says, "Any fee's." How do you know that's not
9 doctor fees?

10 A. That's legal fee. That's what he
11 meant there --

12 Q. Okay.

13 A. -- you asked me what I thought it
14 meant. That's my opinion on that.

15 Q. Okay. So what does, "All Chiro are
16 to still be submitted as usual," mean?

17 A. Any reduction to a chiropractor
18 bill or a reduction to our legal fee, he wanted
19 to approve it.

20 Q. Then what does, "For clarification
21 this is on cases outside," of, "Chiro"?

22 A. You would have to ask Rob that.

23 Q. Okay. Exhibit 60.

24 - - - - -

25 (Thereupon, Deposition Exhibit 60,

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1 9/19/2012 Email To Brandy Brewer
2 From Rob Nestico, Bates Number
3 Williams000576, was marked for
4 purposes of identification.)

5 - - - - -

6 MR. MANNION: September 19, 2012.

7 Q. So this is an email that you sent.
8 It's hard to tell who you sent the email to,
9 but it looks like Nestico then forwards it to
10 you and all attorneys, prelit attorneys and
11 litigation attorneys where you write, "Per Rob,
12 please start scanning his settlement approvals
13 with notes to the client folder. This makes
14 things easier b/c you have notes on the
15 settlement memorandum that explain why the
16 offer is so low.example: low impact, etc. At
17 times, he needs to have this information
18 readily available so he can discuss with
19 chiropractor."

20 What do you mean by, "Makes things
21 easier"?

22 A. I -- I don't know like what you
23 mean by that. He wants -- he's requesting that
24 this information be scanned so that he can
25 easily find it.

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1 Q. Okay. To whom would anyone have to
2 explain why an offer is so low?

3 A. So any time, whether it's a
4 chiropractor or any doctor, if you're not
5 paying them the full amount of the bill, he
6 would have to call them and ask them to reduce
7 their bill.

8 Q. Okay. And this happened
9 frequently, correct?

10 A. I can't really say how often a bill
11 is reduced. You'd have to ask the attorneys.

12 Q. Well, it's on almost every case,
13 the bills are reduced, aren't they?

14 A. I can't say that.

15 Q. You can't. Okay. Let's look at
16 Exhibit 61.

17 - - - - -

18 (Thereupon, Deposition Exhibit 61,
19 11/8/2012 Email To Brandy Brewer
20 From Rob Nestico, Etc., Bates Number
21 GMP000022, was marked for purposes
22 of identification.)

23 - - - - -

24 MR. MANNION: November 20, 2012.

25 Q. So this is an email that you sent.

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1 It doesn't show who you sent this to. It looks
2 like maybe to staff, because Rob Nestico
3 responds, but on November 8, you wrote, "No
4 settlement memos are to leave the office
5 without Rob's approval until further notice.
6 No fax disbursements and no mail disbursements
7 period. If you have any approvals tomorrow,
8 please bring to me." Did you send this email?

9 A. Yes.

10 Q. Why did you send it?

11 A. I have no idea.

12 Q. Do you have any idea why you
13 instructed that, "No settlement memos are to
14 leave the office without Rob's approval until
15 further notice"?

16 A. I have no idea.

17 Q. No idea. And Rob says, "If anyone
18 does this or faxes any client information
19 outside this office without approval will be
20 terminated without question." Do you remember
21 why this would have been subject to
22 termination?

23 A. I don't.

24 Q. And you have no idea as to why?

25 A. No.

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1 Q. Okay. This is Exhibit 62.

2 - - - - -

3 (Thereupon, Deposition Exhibit 62,
4 11/20/2014 Email To Staff From
5 Brandy Brewer, Bates Number
6 Williams000373, was marked for
7 purposes of identification.)

8 - - - - -

9 MR. MANNION: November 20, 2014.

10 Q. So this is an email that you sent
11 to staff on November 20, 2014, with high
12 importance. Did you send this email?

13 A. Yes.

14 Q. Did you write -- I'm sorry. You
15 wrote, "Several months ago I met with
16 Dr. Hochman. He is an MD and does PT in his
17 office. He is located in Bedford. If you have
18 someone that doesn't want chiropractic
19 treatment, please send there. Keep in mind
20 Ghoubrial is now working with Shaker Square
21 though so that is always the first option."

22 Am I reading that correctly?

23 A. Yes.

24 Q. Okay. Why -- what happened, when
25 you met with Dr. Hochman?

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1 A. I -- I don't remember the
2 specifics.

3 Q. Do you remember anything about it?

4 A. He seemed like a nice guy.

5 Q. Do you remember anything else about
6 your meeting with Dr. Hochman or why you would
7 recommend him?

8 A. He seemed like a nice guy. He had
9 physical therapy, was another option. I
10 believe he was recommended by another -- he was
11 recommended by somebody. I don't remember who.

12 Q. And did you go up to his office to
13 see him or did he come down to KNR to see you?

14 A. I went to see him.

15 Q. In Bedford?

16 A. Yes.

17 Q. Do you remember why?

18 A. I don't remember why. I think it
19 was because he was recommended. That kind of
20 sticks out in my mind. I just don't remember
21 the details of it.

22 Q. You don't remember who recommended
23 him?

24 A. I don't.

25 Q. Okay. And when you write,

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1 "Ghoubrial," you're referring to Sam Ghoubrial,
2 correct?

3 A. Yes.

4 Q. And you say that he is, "...always
5 the first option." Why is he the first option?

6 A. Well, I said, "Ghoubrial is now
7 working with Shaker Square...so that is always
8 the first option."

9 Q. Yeah. What does that mean?

10 A. That given the choice, that would
11 be the first option.

12 Q. And why is that?

13 A. I -- we've worked with Ghoubrial
14 and Shaker Square. I knew them better. I knew
15 that, we were --- you know, they were good with
16 our clients. This other guy, I -- I had only
17 met him once based on a recommendation.

18 Q. What about other doctors?

19 A. What other doctors?

20 Q. Well, these aren't the only two
21 doctors that treat patients in this area. And
22 you testified yesterday that you wanted to make
23 sure that referrals were distributed evenly or
24 among other doctors, so you weren't sending too
25 many to one doctor --

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1 MR. MANNION: Objection. Motion to
2 strike your characterization of her testimony.

3 Q. -- so why would you be saying that
4 Ghoubrial is the first option, if that's what
5 you tried to do?

6 A. So there were other doctors near
7 Shaker Square that we did work with. In this
8 situation, I said that Ghoubrial and Shaker
9 Square would be the first option, because we
10 had worked with them. They had treated our
11 clients and they were good with our clients.
12 Ghoubrial is a good doctor. He's actually my
13 family doctor.

14 Q. So is the policy different, when it
15 comes to doctors versus chiropractors --

16 MR. MANNION: Objection.

17 Q. -- in terms of who to recommend the
18 firm's clients to?

19 MR. MANNION: Objection to form.

20 A. You keep using the word, "Policy."
21 There is no policy.

22 Q. Preference.

23 A. Can you ask me the question again?

24 Q. So is the firm's preferences, as
25 you put it, with respect to recommending

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1 chiropractors to clients different than it is
2 with respect to recommending doctors to
3 clients?

4 A. It would be up to the attorney and
5 based on what the needs are of the client.

6 Q. If it's up to the attorney, why are
7 you sending instructions to, "Keep in mind,"
8 that, "Ghoubrial...is always the first option"?

9 MR. MANNION: Objection to form.

10 Go ahead.

11 A. That's not the premise of this
12 email. I was actually informing the attorney
13 of -- or the staff -- not the attorneys -- of
14 this other option that they had.

15 Q. And there's two options: Hochman
16 and Ghoubrial, correct?

17 MR. MANNION: Objection.

18 Go ahead.

19 A. That's what this email says. There
20 are plenty of other doctors in this area that
21 they had as options as well.

22 Q. But Ghoubrial was the first option?

23 MR. MANNION: Objection.

24 Go ahead.

25 A. That's what this email says. He

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1 was the first option, because he is a good
2 doctor and he's good with our clients, but they
3 had this other option, Dr. Hochman. They also
4 had several other options in the Shaker Square
5 area.

6 Q. But Ghoubrial, again, is the
7 first --

8 MR. MANNION: Objection. Asked and
9 answered four times.

10 Q. -- so --

11 A. I don't understand.

12 Q. Well, I'm trying to understand how
13 these two things can be true at the same time;
14 that on one hand, you testified yesterday that
15 you would send your client -- the firm would
16 send its clients or suggest to its clients to
17 treat with certain chiropractors, based on the
18 need to not send too many cases to one
19 chiropractor; and then when it comes to
20 Ghoubrial, you're saying that he's the first
21 choice, because he's the best --

22 MR. MANNION: Objection to form.

23 Q. -- so how do you reconcile those
24 two things? I'm simply asking: Are the
25 recommendations made differently for doctors

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1 than they are to chiropractors?

2 A. So you said like a lot of things in
3 there. I'm trying to decipher all of the
4 different statements and questions. So can you
5 rephrase your question for me so that I can
6 answer it?

7 MR. MANNION: Peter, perhaps part
8 of the trouble is you're mixing and matching
9 MDs with chiropractors in your question.

10 Q. Well, I'm certainly trying to
11 understand the difference between the reasons
12 the firm would make suggestions of certain
13 chiropractors versus the reasons they would
14 make suggestions of certain doctors, because it
15 seems like it's two different things. And
16 that, you know, Ghoubrial is the first option,
17 when it comes to doctors, but when it comes to
18 chiropractors, we don't want to send too many
19 cases -- the firm doesn't want to send too many
20 cases to one chiropractor --

21 MR. MANNION: I'm going to object
22 to form.

23 Q. -- so what's the difference?

24 A. What's the difference with what?

25 Q. Why you treat chiropractic

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1 referrals -- why the firm treats chiropractic
2 referrals one way and doctor referrals another
3 way.

4 MR. MANNION: Objection to form.
5 Go ahead.

6 A. I don't believe that we do.

7 Q. Is there a chiropractor that's a
8 first choice the way Ghoubrial is in this
9 email?

10 MR. MANNION: Objection to form.
11 Go ahead.

12 A. I don't -- I don't understand. I
13 guess I'm kind of getting lost here.
14 Chiropractors are not medical doctors, so
15 they -- there's two different treatments. I've
16 been to a chiropractor. They do adjustments
17 and therapy whereas a medical doctor can
18 prescribe treatment and recommendations. So to
19 me, they're very different. Well, it's not
20 even just to me. They are different.

21 Q. Of course they are, but that's not
22 what I'm asking. I'm asking why -- let me just
23 make very clear, since you seem to be confused
24 by what I'm asking --

25 MR. MANNION: By the way, before

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1 you ask another question, we have to take the
2 break. No. We have to. It's 11:00. I told
3 you this 50 minutes ago.

4 MR. PATTAKOS: Well, Tom, we have a
5 question pending right now.

6 MR. MANNION: No, you don't have a
7 pending question. I won't talk to her.

8 MR. PATTAKOS: We absolutely --

9 MR. MANNION: I won't talk to her,
10 during the break.

11 MR. PATTAKOS: -- have a question
12 pending. Tom, this is very inappropriate.

13 MR. MANNION: No, it's -- I told
14 you 50 minutes ago that we had to take a break
15 at 11:00.

16 MR. PATTAKOS: That's right. And,
17 Tom, breaks don't happen like that in a
18 deposition.

19 MR. MANNION: You were in the
20 middle of talking, so we couldn't have had a
21 question pending.

22 BY MR. PATTAKOS:

23 Q. So, Brandy, please, I'm asking --

24 MR. MANNION: Wait. Was there a
25 question pending? Do --

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1 MR. PATTAKOS: Tom, there is a
2 question pending.

3 MR. MANNION: You were in the
4 middle of talking.

5 MR. PATTAKOS: The witness keeps
6 telling me she doesn't understand the question,
7 so I'm going to ask it in a way that she
8 understands it and can give an answer. Okay?
9 So we're going to continue. You don't need to
10 stop right this second.

11 MR. MANNION: No. We need to stop
12 right this second. I told you we had to stop
13 at 11. I won't talk to her, on the break.

14 BY MR. PATTAKOS:

15 Q. Do you believe that we need to
16 stop right this second?

17 MR. MANNION: No. I need to stop
18 right now.

19 MR. PATTAKOS: Tom, she could look
20 at her phone. She could do anything. I don't
21 want to take a break right now, while this
22 question is pending.

23 MR. MANNION: There is no question
24 pending.

25 MR. PATTAKOS: Tom, there certainly

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1 is a question pending and it's about the
2 difference between the firm's recommendations
3 of doctors versus the firm's recommendations of
4 chiropractors. She said yesterday --

5 MR. MANNION: No, no. Stop with
6 this. We need to take a break --

7 MR. PATTAKOS: Wow.

8 MR. MANNION: -- now --

9 MR. PATTAKOS: Wow.

10 MR. MANNION: -- okay?

11 MR. PATTAKOS: Okay, Tom. Why
12 don't you see if you can sort out your
13 witness's testimony over the break?

14 MR. MANNION: Stop it. I won't
15 even talk to her on the break. It's not a
16 problem.

17 MR. PATTAKOS: Tom, take your
18 break.

19 MR. MANNION: Do you know the
20 difference -- answer his question the best you
21 can, so we can take this break.

22 BY MR. PATTAKOS:

23 A. What's the question?

24 Q. Yesterday you testified -- and
25 correct me if I'm wrong. Yesterday you

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1 testified that the firm tracked its referrals
2 very closely, and all of those emails, like we
3 were 30 to nothing on referrals or we are 6
4 to 1 on referrals. That you managed those very
5 carefully and used the chiro boards and updated
6 them constantly, so that you could ensure that
7 the firm did not send too many cases to one
8 chiropractor, correct?

9 A. That was one of the reasons, yes.

10 Q. Yeah. Okay. So why did the firm
11 apparently not do the same thing with respect
12 to doctors?

13 A. But that's not what this email says
14 and that's not true.

15 Q. Well, what this email says is,
16 "Keep in mind that Ghoubrial...is always the
17 first option."

18 A. As I stated before, Ghoubrial is a
19 good doctor. I just met this Dr. Hochman and
20 we didn't even have any clients with him. So
21 Ghoubrial would be the first option, given the
22 choice, because I knew he was a good doctor. I
23 knew he was good for our clients. This
24 Dr. Hochman seemed like a nice guy. He was
25 recommended to me. I don't remember by who,

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1 but we didn't have any cases with him. None of
2 our clients had met him or had treated with
3 him. So I already knew that Ghoubrial was a
4 good doctor. I actually have firsthand
5 knowledge of that. This Dr. Hochman, I did
6 not. So in this specific situation,
7 Dr. Ghoubrial would be the first option.

8 MR. MANNION: Okay.

9 Q. Okay.

10 MR. MANNION: She answered the
11 question.

12 MR. PATTAKOS: No.

13 MR. MANNION: No. We're taking a
14 break.

15 MR. PATTAKOS: No, Tom.

16 MR. MANNION: Stop it.

17 MR. PATTAKOS: Tom --

18 MR. MANNION: Stop it.

19 MR. PATTAKOS: -- she testified
20 before --

21 MR. MANNION: Stop it.

22 MR. PATTAKOS: -- she's being
23 inconsistent.

24 MR. MANNION: She answered the
25 question. You can follow up after the break.

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1 MR. PATTAKOS: She testified
2 before --

3 MR. MANNION: We're taking a
4 break.

5 MR. PATTAKOS: -- that when I asked
6 if there were -- when I asked --

7 MR. MANNION: Let's go. We're
8 taking a break.

9 MR. PATTAKOS: -- when I asked if
10 there were two doctors --

11 MR. MANNION: We told you --

12 MR. PATTAKOS: Wow.

13 MR. MANNION: -- we were taking a
14 break at 11:00 --

15 MR. PATTAKOS: Wow.

16 MR. MANNION: -- she answered the
17 question. There's no question pending. Stop
18 it --

19 MR. PATTAKOS: You really don't
20 like this testimony, do you, Tom?

21 MR. MANNION: -- stop it. I --

22 What are you talking about? It has
23 nothing to do with that. Jeez.

24 THE WITNESS: I have to --

25 (Indicating.)

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1 MR. PATTAKOS: Sure.

2 THE WITNESS: Okay.

3 VIDEOGRAPHER: Off the record

4 11:03.

5 (Recess taken.)

6 VIDEOGRAPHER: On the record 11:25.

7 MR. MANNION: Okay. Before you
8 ask a question, I'll make a statement. I did
9 not talk with the witness during the break at
10 all. In fact, I stood outside and walked in.
11 And there was no question pending. We gave 50
12 minute's notice for a very personal matter for
13 this witness and we waited until there was no
14 question pending.

15 And, John, would you please relate what
16 you heard, even though the court reporter had
17 her headphones in and didn't hear it.

18 MR. REAGAN: Mr. Pattakos telling
19 someone in this room that the witness is lying
20 her ass off where the witness could hear it and
21 I could hear it.

22 MR. MANNION: Proceed. I don't
23 think it's funny.

24 MR. PATTAKOS: I don't either, Tom.

25 MR. MANNION: Yeah. You have no

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1 regard for a very personal matter for this
2 witness that we told you about 50 minutes
3 beforehand. You're making comments that should
4 not be made.

5 MR. PATTAKOS: Tom, this witness is
6 contradicting herself left and right and you
7 didn't like the testimony she was getting --

8 MR. MANNION: That had nothing to
9 do with it.

10 MR. PATTAKOS: -- so you forced her
11 to take a break --

12 MR. MANNION: Oh, so --

13 MR. PATTAKOS: -- you got up in
14 front of the camera --

15 MR. MANNION: -- 50 minutes
16 beforehand I knew that that was going to be a
17 rough time period?

18 MR. PATTAKOS: -- and you dragged
19 her out of the room.

20 MR. MANNION: No. I didn't even
21 talk to her. I went outside.

22 MR. PATTAKOS: She didn't say she
23 needed a break. You did.

24 MR. MANNION: We told you 50
25 minutes beforehand she needed a break then.

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1 MR. PATTAKOS: Okay. Tom, that's
2 fine. You've registered your concerns for the
3 record. Let's move on.

4 MR. MANNION: Yeah, do not call my
5 witnesses liars to anybody.

6 MR. PATTAKOS: Tom, my private
7 conversations with my associate are between me
8 and my associate. I'm sorry --

9 MR. MANNION: It's not a private
10 conversation, when my witness can hear you.

11 MR. PATTAKOS: Well, if your
12 witness would just tell the truth instead of
13 trying to cover up for her employer, we
14 wouldn't have these issues.

15 MR. MANNION: You can ignore that
16 comment. Yeah, he's accusing you of perjury to
17 cover up. Why? Because he's --

18 MR. PATTAKOS: We'll talk about it.

19 MR. MANNION: -- trying to
20 threaten you. He's trying to threaten you.

21 MR. PATTAKOS: We'll talk about --
22 we'll talk about that later. We'll talk about
23 perjury later. I know Judge Brogan said on the
24 phone call -- he mentioned the word, "Perjury,"
25 four times, when it came to Mr. Nestico's

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1 testimony, so it's certainly a concern of the
2 Court.

3 MR. MANNION: Well --

4 MR. PATTAKOS: Tom, were you on --
5 did you hear that phone call?

6 MR. MANNION: Well, you know what?
7 I wasn't allowed to be on there. I would have
8 loved to be on there. The point is Rob doesn't
9 have testimony in this case, so how would he
10 say that?

11 MR. PATTAKOS: Tom, these are
12 serious issues. I wish you would be
13 approaching this representation with a little
14 more respect and professionalism than you're
15 showing. That's all I ask.

16 MR. MANNION: Respect or
17 professionalism. You told the Plain Dealer
18 that I threatened and harassed a witness, when
19 his lawyer and the witness said I did not.

20 MR. PATTAKOS: Tom, I'm not going
21 to argue with you about this right now. We can
22 take it up with the Court.

23 MR. MANNION: You don't throw out
24 comments like that and not expect a response.

25 MR. PATTAKOS: Tom, unfortunately

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1 your conduct has required it.

2 Tracy, can you read the witness's last
3 bit of testimony. You don't need to read
4 Mr. Mannion's interjections.

5 THE NOTARY: It's going to take a
6 minute.

7 MR. MANNION: There was a question
8 and answer.

9 (Record was read Pages 427-428, Lines 10-7.)

10 MR. PATTAKOS: Okay. Thank you.

11 BY MR. PATTAKOS:

12 Q. So earlier, before we took the
13 break and when I first asked you about this
14 document, Exhibit 62, you said that there were
15 many other doctors in this area that you would
16 also refer clients to. Isn't that correct?

17 A. I don't remember if I said that or
18 not.

19 Q. Is it true or not? Whether you
20 said it or not, is it true?

21 A. There are other chiropractors
22 located near Shaker Square that we would refer
23 clients to.

24 Q. But this isn't chiropractors, is
25 it? You're not talking about chiropractors

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1 here. You're talking about doctors.

2 A. I was talking about chiropractors,
3 when I said, "There are other chiropractors in
4 the area." It's not as often that medical
5 doctors would work on personal injury
6 matters --

7 Q. Okay.

8 A. -- they're a little bit more
9 difficult to find.

10 Q. So when I asked you before if
11 Dr. Hochman and Dr. Ghoubrial were the only two
12 doctors in the area that --

13 A. I don't know.

14 Q. Okay. But they're the only two
15 that you would have sent your clients to in
16 that area on November 20, 2014?

17 MR. MANNION: I'm going to object.
18 Just when you say, "You," are you referring to
19 KNR?

20 MR. PATTAKOS: Of course.

21 MR. MANNION: Well, go ahead.

22 A. I don't know --

23 Q. Okay.

24 A. -- I'm -- I just am -- I don't
25 know. I'm confused by this.

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1 Q. I think we've heard enough
2 testimony from you on this document --

3 MR. MANNION: Move to strike.

4 Q. -- we can move on.

5 Do you recall any instances where any of
6 the firm's attorneys raised concerns over the
7 firm's relationship with Dr. Ghoubrial?

8 MR. MANNION: Objection to form.

9 But go ahead.

10 A. I don't know what you mean by a,
11 "Relationship with Dr. Ghoubrial." And, no, I
12 don't remember any conversations --

13 Q. Okay.

14 A. -- about concerns.

15 Q. Do you recall any instances -- any
16 instances where any of the firm's attorneys or
17 employees or anyone raised concerns over the
18 firm's relationships with certain
19 chiropractors?

20 MR. MANNION: Objection. Assumes
21 facts not in evidence.

22 Go ahead.

23 A. I don't know what you mean by,
24 "Relationships," but I don't -- I don't
25 remember any conversations --

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1 Q. Okay.

2 A. -- nothing stands out in my mind.

3 Q. Okay. I have to go back to --

4 MR. PATTAKOS: Let's mark the next
5 exhibit.

6 - - - - -

7 (Thereupon, Deposition Exhibit 63,
8 11/13/2012 Email Trail Between
9 Intake, Attorneys, Brandy Lamtman
10 And Gary Petti, Bates Number
11 GMP000027-28, was marked for
12 purposes of identification.)

13 - - - - -

14 MR. MANNION: November 13, 2012.

15 MR. PATTAKOS: What exhibit is
16 this, Tracy?

17 THE NOTARY: 63.

18 BY MR. PATTAKOS:

19 Q. I should have asked you about this
20 earlier, when we were talking about red bags,
21 but this document contains an email from you to
22 all intake employees and all attorneys copying
23 Mr. Nestico and Ms. Tusko with the subject
24 line, "Franklin Red Bag Deliveries," with high
25 importance. And you write, "Any case that has

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1 the referral Franklin red bag needs to be
2 referred to Columbus Chiropractic West." Did
3 you send this email?

4 A. Yes.

5 Q. Do you remember why Franklin red
6 bag referrals were sent to Columbus
7 Chiropractic West?

8 A. No.

9 Q. Do you recall who instructed you,
10 if anyone, to send this email?

11 A. No.

12 Q. Who would know why Franklin red bag
13 deliveries were sent to this clinic?

14 A. Rob.

15 Q. Okay.

16 MR. PATTAKOS: Let's mark
17 Exhibit 64.

18 - - - - -

19 (Thereupon, Deposition Exhibit 64,
20 11/9/2012 Email Trail Between Staff,
21 Brandy Brewer, Nomiki Tsarnas, Rob
22 Nestico and Megan Jennings, Bates
23 Numbers GMP000047-48, was marked for
24 purposes of identification.)

25 - - - - -

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1 MR. MANNION: November 9, 2012,
2 concerning, "LOP's," in the subject line.

3 Q. So at the bottom of this document,
4 between the first and second pages, you send an
5 email on November 9, 2012, to all staff copying
6 Mr. Nestico with high importance saying -- with
7 the subject line, "LOP's." Did you send this
8 email?

9 A. Yes.

10 Q. And, "LOP," is a letter of
11 protection, right?

12 A. Yes.

13 Q. And that is a letter by which a
14 doctor will have the client guarantee their
15 payment at some level, correct?

16 MR. MANNION: Objection to form.
17 But go ahead.

18 A. A letter of protection would be --
19 as it reads here, on firm letterhead, would be
20 the firm guaranteeing payment.

21 Q. To the doctor?

22 A. Yes, which we did not do. I was
23 saying not to do that.

24 Q. Were people doing that?

25 A. I mean, I was asking them not to.

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1 Q. Why?

2 A. Because the firm wouldn't want to
3 guarantee. That would be putting -- making the
4 firm liable to pay something, not the client.

5 Q. So you write, "Absolutely NO LOP's
6 should be sent out of this office on
7 letterhead. Please see me if you have any
8 questions." I'm reading that correctly, right?

9 A. Yes.

10 Q. Okay. And Nomiki Tsarnas responds
11 and says, "Is someone going to create a new
12 LOP? The current medical assignment comes up
13 on our letterhead." What does that mean?

14 A. I don't know what Nomiki meant
15 there.

16 Q. Okay. So it's your testimony that
17 what you intended here was to communicate that
18 the firm should not be guaranteeing the
19 client's fees itself to the doctors?

20 A. Fees?

21 Q. If client's medical bills.

22 A. Correct. Rob -- we don't want to
23 say, Kisling Nestico & Redick is going to pay
24 our client's medical bills.

25 Q. Are you sure that's what you meant

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1 here?

2 A. Yes.

3 Q. Okay. Now, a letter of protection
4 would typically be something that the client
5 would sign for the doctors, correct?

6 A. I wouldn't call that a, "Letter of
7 protection." I would call it a, "Lien."

8 Q. Isn't a letter of protection a form
9 of a lien?

10 A. A letter of protection would be, in
11 my opinion, that -- what I was referring to
12 here where it would be the firm guaranteeing
13 the client's medical bills, which makes no
14 sense.

15 Q. Wouldn't it simply be the client --
16 why wouldn't it simply be the client
17 guaranteeing the medical provider's bills and
18 guaranteeing or allowing KNR to deduct a
19 certain portion of the settlement proceeds to
20 pay the client's medical bills that relate to
21 the case?

22 MR. MANNION: Objection to form.
23 That makes no sense.

24 But go ahead.

25 A. Yeah, I'm kind of confused by what

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1 you're saying.

2 Q. Is it your testimony that the firm
3 did not have its clients -- or let me say it
4 this way -- let me ask you this way: Is it
5 your testimony that the firm did not -- the
6 firm's clients did not regularly sign letters
7 of protection with doctors that authorized the
8 KNR law firm to pay the doctor's fees out of
9 the client's set KNR settlement?

10 MR. MANNION: Objection to form.

11 But go ahead.

12 A. Yeah, I'm still not understanding
13 what you're asking.

14 MR. PATTAKOS: Tracy, can you
15 please read it back to her.

16 Q. I'm going to ask you to try to
17 follow that.

18 (Record was read.)

19 MR. MANNION: Objection to form.

20 Go ahead.

21 A. So what the client signed -- I
22 mean, you'd have to talk to the clients or the
23 doctors -- I wouldn't call that a, "Letter of
24 protection." I would call that a, "Lien."

25 Q. But the firm was aware of these

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1 letters, weren't they?

2 MR. MANNION: Objection. What do
3 you mean by, "The firm"?

4 Q. The firm would take the money
5 directly out of the settlements to pay the
6 doctors, correct?

7 A. So you would have to talk to the
8 attorneys and the clients. I can't speak on
9 behalf of them. I didn't handle that portion
10 of this, but it would ultimately be the
11 client's decision on what they wanted to pay
12 and what they signed.

13 Q. The attorneys themselves -- KNR
14 would never be responsible for the client's
15 medical bills --

16 MR. MANNION: Objection.

17 Q. -- would they?

18 MR. MANNION: Objection. Asks for
19 a legal conclusion.

20 Go ahead, if you know.

21 A. All that I'm saying is that I was
22 instructing them not to send LOPs on company
23 letterhead.

24 Q. And why?

25 A. Because that would make the firm

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1 responsible for client's medical bills versus
2 the client being responsible for their own
3 medical bills. That's what that means in my
4 mind.

5 Q. Why would -- why would anyone need
6 instructions about something so basic? Was
7 this something that was happening --

8 A. No.

9 Q. -- the firm's lawyers or the firm's
10 employees were binding the firm on the client's
11 medical bills?

12 A. It --

13 MR. MANNION: Wait.

14 Objection to form.

15 Go ahead.

16 A. It doesn't sound so basic, if
17 you're asking me all these questions about it.

18 Q. Well, I'll withhold my comment on
19 that.

20 MR. MANNION: But not your facial
21 expressions.

22 Q. I'm asking you why you would send
23 this email? Why would you have to remind
24 attorneys or staff not to be signing agreements
25 to pay the doctor's medical bills?

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1 MR. MANNION: Wait.

2 I'm going to object. Where does it say,
3 "Signing"?

4 MR. PATTAKOS: That's what her
5 testimony is.

6 A. I said -- my purpose of this email
7 is to tell them not to put letters of
8 protections on company letterhead. I also
9 testified that I didn't remember what occurred
10 leading up to why I sent this email --

11 Q. Okay. That's fine.

12 A. -- I feel like you put words in my
13 mouth --

14 Q. Okay. I'm sorry --

15 A. -- and then you get mad, when I
16 don't give you the answer you're looking for.
17 Sorry.

18 Q. -- I'm sorry you feel that way.

19 - - - - -

20 (Thereupon, Deposition Exhibit 65,
21 11/6/2013 Email To Prelit Attorney
22 From Brandy Brewer, Bates Number
23 Williams000226, was marked for
24 purposes of identification.)

25 - - - - -

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1 Q. Let's look at Exhibit 65.

2 MR. MANNION: November, 6, 2013.

3 Q. So you're sending out an email on
4 Wednesday, November 6, 2013, to all prelit
5 attorneys and Mike Simpson -- who is the
6 investigator, correct?

7 A. Yes.

8 Q. -- and the subject line is,
9 "Rooms." This was -- you write, "Room
10 Arrangements," and you list a bunch of names
11 and that's the end of the email. Am I reading
12 this correctly?

13 A. Yes.

14 Q. So who are these people?

15 A. Do you want me to itemize
16 specifically who each person is?

17 Q. If you would.

18 A. Dr. Cawley.

19 Q. Is he a chiropractor or doctor?

20 A. He's a chiropractor.

21 Q. What's his first name?

22 A. Eric.

23 Q. Okay. And where does he practice
24 out of?

25 A. He used to be in Canton. He's in

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1 Cleveland now.

2 Q. Do you know the name of his clinic?

3 A. No. I don't remember.

4 Q. Okay. And then Floros is obviously
5 Dr. Floros.

6 A. Yes.

7 Q. Okay.

8 A. Dr. Tassi.

9 Q. That's Phil Tassi?

10 A. Yes.

11 Q. Out of West Tusc?

12 A. He's in a different state now.

13 Q. What state is he in now?

14 A. I don't remember. He doesn't
15 prac -- I don't know.

16 Q. Who's Schneider?

17 A. He's a chiropractor.

18 Q. What's his first name?

19 A. I don't remember. I don't know
20 where he's at now either.

21 Q. Who are Tony and Waleed?

22 A. Tony Lababidi and Waleed Lababidi.

23 Q. And who are they?

24 A. Tony Lababidi is a doctor. He's a
25 pain management doctor.

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1 Q. Um-hum.

2 A. Waleed is some kind of nurse
3 maybe. That's his brother.

4 Rob Nestico, Paul Steele.

5 Q. Um-hum.

6 A. Sam Ghoubrial, he's a doctor.

7 Q. Um-hum.

8 A. Michael Simpson, he's an
9 investigator.

10 Q. Um-hum.

11 A. Matt Stewart.

12 Q. Who's Matt Stewart?

13 A. He's a paralegal.

14 Rob Horton. You know Rob Horton.

15 Q. Okay.

16 A. Robert Redick.

17 Q. Okay.

18 A. Brian Zaber.

19 Q. Who is Brian Zaber?

20 A. He's an attorney.

21 Q. KNR attorney?

22 A. He used to be.

23 Q. Where is he now?

24 A. He's at a firm in Cleveland. I
25 don't remember the name.

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1 Q. Okay.

2 A. Tom Vasvari.

3 Q. Attorney?

4 A. Yes, at KNR.

5 Q. Um-hum.

6 A. Jason St.George.

7 Q. Still a KNR attorney, right?

8 A. Yes.

9 Q. Um-hum.

10 A. And Josh Angelotta.

11 Q. What was the purpose of this email?

12 A. Room arrangements, to let them know
13 who was rooming together.

14 Q. Rooming together where?

15 A. I think this was on a golf trip.

16 Q. Where?

17 A. Alabama or Georgia, Florida maybe.

18 Q. Could it have been Cancun?

19 A. I feel like this was a golf trip.

20 Q. Why?

21 A. That's just my recollection.

22 Q. There were trips to Cancun and
23 Dominican Republic, too, weren't there?

24 MR. MANNION: Objection.

25 A. Yes.

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1 Q. And were these same people on these
2 trips to Cancun and Dominican Republic as well?

3 A. I don't know if the exact same
4 people. I'd have to see a list.

5 Q. But some of them?

6 A. Maybe.

7 Q. Okay. Did you go on this trip?

8 A. If this is a golf trip, I did not
9 go golfing. I don't golf.

10 Q. Okay. Why were all these people
11 going to golf together?

12 A. Because they liked golfing.

13 Q. Okay. Why were you emailing them
14 their room arrangements?

15 A. I don't know. I guess to let them
16 know who was going to be rooming with who.

17 Q. Who determined that?

18 A. I don't remember if I did that or
19 if Rob did that.

20 Q. Do you have any idea why these
21 certain people were selected to go on this
22 trip?

23 MR. MANNION: Objection to the
24 phrase, "Selected."

25 But go ahead.

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1 A. I don't know.

2 Q. How many trips did you participate
3 in the planning of involving KNR attorneys and
4 healthcare providers?

5 MR. MANNION: Objection.

6 Go ahead.

7 A. I -- I mean, Rob booked his own
8 trips. I didn't book his travel, so I --

9 Q. But you --

10 MR. MANNION: Let her finish.

11 A. -- you asked me if I sent this
12 email and why I sent it. I don't know if he
13 asked me to send it or if I did it myself. I
14 don't know.

15 Q. Okay. I'm just asking about any
16 kind of participation at all, including sending
17 emails of room arrangements -- or frankly, I
18 can ask you instead: How many of these trips
19 do you remember happening?

20 MR. MANNION: Objection to form.

21 But go ahead.

22 A. Maybe a handful. I'm not really
23 sure.

24 Q. What's, "A handful"?

25 A. Well, "A handful," would be around

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1 five.

2 Q. So name the different locations
3 that you can remember. I know we already
4 talked about Cancun, Dominican Republic. Is
5 there anyone else you can remember?

6 MR. MANNION: Objection.

7 Go ahead.

8 A. Mass tort convention in Las Vegas.

9 Q. The doctors went on that, too?

10 A. Oh, I don't -- I don't -- no, I
11 don't think so. Are you -- can you ask me the
12 question again? Are you talking about group
13 trips or doctor --

14 Q. To the best of your recollection,
15 what destinations can you recall for trips that
16 KNR personnel or employees took with doctors or
17 chiropractors?

18 MR. MANNION: Objection to form.

19 But go ahead.

20 A. Is Rob KNR personnel?

21 Q. Yes.

22 A. So Cancun, Dominican. I think
23 there may have been a cruise.

24 Q. Where?

25 A. I don't remember the exact

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1 locations. As I stated, I didn't book Rob's
2 travel. I'm not sure if that's it or -- I
3 mean, it's -- it's been a lot of years. He's
4 traveled a lot of different places.

5 Q. Well, I understand that. I'm just
6 asking if you can remember any trips that he
7 took with chiropractors or doctors that treated
8 the firm's patients -- or treated the firm's
9 clients.

10 MR. MANNION: Objection to form.

11 But go ahead.

12 A. That's all I can think of right
13 now. Like I said, he's traveled a lot of
14 different times. So who he traveled with on
15 each trip every time he's gone on vacation,
16 like I definitely don't remember.

17 Q. And I'm not asking you to. Okay.

18 MR. MANNION: But you just did.

19 Q. Did you ever go on any of these
20 trips?

21 A. I went to Mexico and the Dominican.

22 Q. Okay. Can you tell me everyone
23 that you remember being on the Mexico trip?
24 This is Cancun, right?

25 A. Mexico is -- okay. Mexico and

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1 Dominican trips kind of blur together for me.

2 Q. That's fine. Tell me who you
3 remember was at either one of these then.

4 A. Oh, boy. Kristen Lewis, Kim
5 Lubrani, Chris Van Blargan, Michael Maillis,
6 Rob, John Reagan, Rob Horton, Amanda Lantz,
7 Paul Steele, Robert Redick. That's all that I
8 can remember right now.

9 Q. But what about the healthcare
10 providers?

11 A. I -- I don't remember that they
12 were on those trips.

13 Q. Okay. Are you saying that they
14 were not on those trips?

15 MR. MANNION: Objection. She just
16 testified --

17 A. I'm saying, I don't remember.

18 Q. So they might have been, but you
19 wouldn't remember even -- on either one of
20 those trips, you don't remember whether any of
21 the providers went?

22 MR. MANNION: Objection.

23 Go ahead.

24 A. Oh, Ken Zerrusen.

25 In the Dominican, I don't remember

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1 hanging out -- like none of my memories have --
2 have any doctors in it --

3 Q. Okay.

4 A. -- yeah. I'm sorry. I'm trying to
5 go through my --

6 Q. Take your time.

7 MR. MANNION: Well, I think she
8 did that.

9 MR. PATTAKOS: Okay.

10 Q. So before when I asked you to
11 identify the locations, the destinations of all
12 trips where KNR personnel went on trips with
13 healthcare providers, you identified Cancun,
14 the Dominican Republic and -- well, you
15 identified -- you identified Cancun and the
16 Dominican Republic. You then testified that
17 you went to Mexico and the Dominican Republic.
18 And now you're testifying that you can't
19 remember that any healthcare providers went on
20 those trips.

21 MR. MANNION: Objection to form.

22 But go ahead.

23 A. So my memory is like -- is not very
24 good here obviously, if I'm struggling to --
25 I'm going through in my mind. I don't remember

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1 hanging out with any of the doctors on that
2 trip.

3 Q. There were two trips.

4 A. Actually, the Cancun trip, I can
5 remember the hotel. I just -- I don't remember
6 any of the real details of it. I've traveled
7 so many other times since then. Like it's just
8 not something that's standing out in my mind --

9	Q.	Okay.
---	----	-------

10 A. -- I mean, you can definitely ask
11 Rob.

12 Q. Okay. There are other people we
13 can ask, too.

14	A. Sure.
----	----------

15 MR. MANNION: Move to strike.

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and the role of the accounting department in ensuring the integrity of the financial statements. It also highlights the need for regular audits and the importance of transparency in financial reporting.

2. The second part of the document focuses on the implementation of internal controls to prevent fraud and ensure the accuracy of financial data. It outlines the key components of a robust internal control system, including segregation of duties, authorization procedures, and regular monitoring and evaluation.

3. The third part of the document addresses the challenges faced by organizations in managing their financial resources effectively. It discusses the importance of budgeting and forecasting, and the role of the accounting department in providing accurate financial data to support decision-making.

4. The fourth part of the document discusses the impact of technology on accounting and the need for organizations to embrace digital transformation. It highlights the benefits of using accounting software and the importance of ensuring data security and privacy.

5. The fifth part of the document discusses the role of the accounting department in supporting the organization's strategic goals. It emphasizes the importance of providing accurate financial data to management and the need for the accounting department to stay up-to-date with the latest industry trends and regulations.

6. The sixth part of the document discusses the importance of communication and collaboration between the accounting department and other departments in the organization. It highlights the need for clear lines of communication and the importance of working together to achieve the organization's goals.

7. The seventh part of the document discusses the importance of training and development for accounting staff. It emphasizes the need for ongoing education and the importance of staying up-to-date with the latest accounting standards and regulations.

8. The eighth part of the document discusses the importance of ethics in accounting. It highlights the need for accounting professionals to adhere to a code of ethics and the importance of maintaining the integrity of the financial statements.

9. The ninth part of the document discusses the importance of risk management in accounting. It highlights the need for accounting professionals to identify and assess risks and the importance of implementing effective risk management strategies.

10. The tenth part of the document discusses the importance of sustainability in accounting. It highlights the need for accounting professionals to consider the environmental and social impact of the organization's activities and the importance of reporting on these issues.

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(Record was read.)

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(Thereupon, Deposition Exhibit 66, 7/24/2012 Email To Prelit Attorney From Brandy Brewer, Bates Number KNR03751, was marked for purposes of identification.)

— — — — —

□ □ □ □ □

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

2 [REDACTED]

3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 Q. This is Exhibit 66.

5 MR. NESTICO: What year?

6 MR. MANNION: 2012.

7 BY MR. PATTAKOS:

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

16 Q. Why did you send this email?

17 A. To see who needs records and bills

18 and narrative report from Akron Square.

19 Q. And why?

20 A. So I could send him a list.

21 Q. Who's, "Him"?

22 A. Dr. Floros.

23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

6 Q. Okay. So this had nothing to do
7 with attorney goals?

8 A. No.

9 MR. MANNION: Well, that sure
10 clarified the quotas.

11 MR. PATTAKOS: What's that?

12 MR. MANNION: That sure clarified
13 the quotas, as you told us it was going to.

14 MR. PATTAKOS: Thanks, Tom.

15 MR. MANNION: Appreciate it.

16 BY MR. PATTAKOS:

17 Q. So why would you be asking about
18 Akron Square here, if you're concerned about
19 paralegals making their numbers and sending a
20 number of demand packages?

21 A. So I could send him a list.

22 Q. Well, why not any other
23 chiropractor? Why just Akron Square?

24 A. Well, because in this email, I was
25 referring to Akron Square. We send hospital

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1 lists. We send tons of providers lists. In
2 this email, I was referring to Akron Square.

3 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8 MR. MANNION: Objection to form.

9 Go ahead.

10 A. And hospitals and medical doctors
11 and physical therapists and surgeons and
12 everywhere else.

13 Q. So you're saying there would be
14 emails -- similar emails to this where you're
15 not referring to ASC, but you're referring to
16 some other healthcare providers that treats
17 your firm's clients. Is that your testimony?

18 MR. MANNION: Objection to form.

19 Go ahead.

20 A. Sure.

21 Q. Okay. Like who?

22 [REDACTED]
[REDACTED]
[REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 [REDACTED]

3 MR. MANNION: You know how to ask
4 for documents in discovery.

5 MR. PATTAKOS: Okay. You're right.

6 MR. MANNION: It's been over 100
7 days and we still can't get the documents that
8 Matt Johnson left on his counter.

9 THE WITNESS: Interesting.

10 MR. MANNION: Yeah. He claims he
11 never emailed with us.

12 THE WITNESS: Well, I saw the
13 email, so.

14 BY MR. PATTAKOS:

15 Q. Do you know how the people who went
16 on -- the healthcare providers who went on
17 these trips, do you know how they were chosen?

18 MR. MANNION: Objection as to,
19 "Chosen."

20 But go ahead.

21 A. I do not.

22 Q. You have no idea why certain
23 providers went on these trips with KNR
24 employees?

25 MR. MANNION: Objection.

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1 Go ahead.

2 A. No, I don't.

3 Q. Okay.

4 - - - - -

5 (Thereupon, Deposition Exhibit 67,
6 6/11/2013 Email To Prelit Support
7 From Brandy Lamtman, Bates Number
8 Williams000505, was marked for
9 purposes of identification.)

10 - - - - -

11 Q. Let's look at Exhibit 67.

12 MR. MANNION: June 11, 2013.

13 Q. So here's another email from you to
14 prelit support and prelit attorneys where you
15 write, "I need an ACCURATE list of charts and
16 narratives needed from ASC by 5 p.m. today!!
17 Please make sure that you actually need the
18 records, the case isn't a withdraw, the client
19 is finished treating, Etc."

20 "I am trying to help you reach your
21 submission goals," exclamation mark.

22 Am I reading that correctly?

23 A. Yeah.

24 Q. Did you send this email?

25 A. Yes.

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1 Q. And this relates to Akron Square
2 Chiropractic, correct?

3 A. Yes.

4 Q. And you are not -- you're not
5 asking for charts and narratives from any other
6 provider, correct?

7 A. In this email, I'm asking for a
8 list for Akron Square.

9 Q. Okay. And you're saying there
10 would be other emails where you were asking for
11 the same things from other healthcare
12 providers, correct?

13 MR. MANNION: Objection. That's
14 not what she said.

15 But go ahead.

16 A. Yes, there are other emails that
17 are a list of clients trying to get medical
18 records and medical bills from other providers.

19 Q. Okay. And where you're connecting
20 that to the need to -- the need to connect --
21 I'm sorry -- where you're connecting that with
22 the need to make monthly submission goals?

23 A. Yes --

24 Q. Okay.

25 A. -- it's also for our client's best

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1 interest. This means they've been released
2 from the doctor. So oftentimes gathering
3 medical records and medical bills from
4 facilities, all facilities -- doctor's offices,
5 chiropractor's offices, hospitals, surgeons --
6 it's difficult to get that information,
7 especially from those two hospitals that I
8 mentioned. It could take months and months to
9 get that together.

10 Q. But you don't write any of that in
11 this email, right --

12 MR. MANNION: Objection.

13 Q. -- does anything in this email
14 relate to that?

15 MR. MANNION: Objection.

16 A. I'm explaining to you the thought
17 process behind it.

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1

Age Group	Percentage
18-24	100
25-34	90
35-44	80
45-54	70
55-64	60
65-74	50
75-84	40
85-94	30
95-104	20

□ □ □ □ □ □ □ □ □

_____, _____

Country	Year	Population (millions)	Urban population (millions)
China	2000	1,210	350
China	2005	1,300	450
China	2010	1,370	550
China	2015	1,420	650
China	2020	1,450	750
China	2025	1,470	850
China	2030	1,480	950
China	2035	1,490	1,050
China	2040	1,500	1,150
China	2045	1,510	1,250
China	2050	1,520	1,350
China	2055	1,530	1,450
China	2060	1,540	1,550
China	2065	1,550	1,650
China	2070	1,560	1,750
China	2075	1,570	1,850
China	2080	1,580	1,950
China	2085	1,590	2,050
China	2090	1,600	2,150
China	2095	1,610	2,250
China	2100	1,620	2,350
China	2105	1,630	2,450
China	2110	1,640	2,550
China	2115	1,650	2,650
China	2120	1,660	2,750
China	2125	1,670	2,850
China	2130	1,680	2,950
China	2135	1,690	3,050
China	2140	1,700	3,150
China	2145	1,710	3,250
China	2150	1,720	3,350
China	2155	1,730	3,450
China	2160	1,740	3,550
China	2165	1,750	3,650
China	2170	1,760	3,750
China	2175	1,770	3,850
China	2180	1,780	3,950
China	2185	1,790	4,050
China	2190	1,800	4,150
China	2195	1,810	4,250
China	2200	1,820	4,350
China	2205	1,830	4,450
China	2210	1,840	4,550
China	2215	1,850	4,650
China	2220	1,860	4,750
China	2225	1,870	4,850
China	2230	1,880	4,950
China	2235	1,890	5,050
China	2240	1,900	5,150
China	2245	1,910	5,250
China	2250	1,920	5,350
China	2255	1,930	5,450
China	2260	1,940	5,550
China	2265	1,950	5,650
China	2270	1,960	5,750
China	2275	1,970	5,850
China	2280	1,980	5,950
China	2285	1,990	6,050
China	2290	2,000	6,150
China	2295	2,010	6,250
China	2300	2,020	6,350
China	2305	2,030	6,450
China	2310	2,040	6,550
China	2315	2,050	6,650
China	2320	2,060	6,750
China	2325	2,070	6,850
China	2330	2,080	6,950
China	2335	2,090	7,050
China	2340	2,100	7,150
China	2345	2,110	7,250
China	2350	2,120	7,350
China	2355	2,130	7,450
China	2360	2,140	7,550
China	2365	2,150	7,650
China	2370	2,160	7,750
China	2375	2,170	7,850
China	2380	2,180	7,950
China	2385	2,190	8,050
China	2390	2,200	8,150
China	2395	2,210	8,250
China	2400	2,220	8,350
China	2405	2,230	8,450
China	2410	2,240	8,550
China	2415	2,250	8,650
China	2420	2,260	8,750
China	2425	2,270	8,850
China	2430	2,280	8,950
China	2435	2,290	9,050

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Year	2000	2001	2002	2003	2004
1	100	100	100	100	100
2	100	100	100	100	100
3	100	100	100	100	100
4	100	100	100	100	100
5	100	100	100	100	100
6	100	100	100	100	100
7	100	100	100	100	100
8	100	100	100	100	100
9	100	100	100	100	100
10	100	100	100	100	100
11	100	100	100	100	100
12	100	100	100	100	100
13	100	100	100	100	100
14	100	100	100	100	100
15	100	100	100	100	100
16	100	100	100	100	100
17	100	100	100	100	100
18	100	100	100	100	100
19	100	100	100	100	100
20	100	100	100	100	100
21	100	100	100	100	100
22	100	100	100	100	100
23	100	100	100	100	100
24	100	100	100	100	100
25	100	100	100	100	100
26	100	100	100	100	100
27	100	100	100	100	100
28	100	100	100	100	100
29	100	100	100	100	100
30	100	100	100	100	100
31	100	100	100	100	100
32	100	100	100	100	100
33	100	100	100	100	100
34	100	100	100	100	100
35	100	100	100	100	100
36	100	100	100	100	100
37	100	100	100	100	100
38	100	100	100	100	100
39	100	100	100	100	100
40	100	100	100	100	100
41	100	100	100	100	100
42	100	100	100	100	100
43	100	100	100	100	100
44	100	100	100	100	100
45	100	100	100	100	100
46	100	100	100	100	100
47	100	100	100	100	100
48	100	100	100	100	100
49	100	100	100	100	100
50	100	100	100	100	100
51	100	100	100	100	100
52	100	100	100	100	100
53	100	100	100	100	100
54	100	100	100	100	100
55	100	100	100	100	100
56	100	100	100	100	100
57	100	100	100	100	100
58	100	100	100	100	100
59	100	100	100	100	100
60	100	100	100	100	100
61	100	100	100	100	100
62	100	100	100	100	100
63	100	100	100	100	100
64	100	100	100	100	100
65	100	100	100	100	100
66	100	100	100	100	100
67	100	100	100	100	100

Abstract

Figure 1

Abstract

114

Abstract

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1

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MR. PATTAKOS: What are we on, 68?

14

- - - - -

15

(Thereupon, Deposition Exhibit 68,

16

6/18-19/2013 Email Trail Between

17

Robert Redick, Hillary Kornas And

18

Brandy Brewer, Bates Number

19

KNR03802, was marked for purposes of

20

identification.)

21

- - - - -

22

MR. MANNION: June 19, 2013.

23

Q. So this is an email from Robert

24

Redick to you -- I want to focus on the top of

25

the document -- sent on Wednesday, June 19,

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1 2013. He writes to you, "Are you (or Sarah)
2 going to FU on these ASC cases we need?" And
3 that's -- does that, "FU," stand for follow up?

4 A. Yes.

5 Q. Okay. "Not pushing (well, maybe a
6 little) but I want Hillary to make her goal."
7 So am I understanding correctly that Mr. Redick
8 is asking you here to follow up on ASC cases so
9 that Hillary, a paralegal, can make her monthly
10 submission goal?

11 A. Yes.

12 Q. Okay.

13 MR. MANNION: For the record, I
14 think at the bottom, you can see the email
15 relating to some of the other providers, Peter,
16 if you want to ask, at the bottom.

17 MR. PATTAKOS: Yeah, but that
18 doesn't have anything to do with making goals
19 here. You'll see, there's no reference to,
20 "Submission goals." This is just a list of ten
21 cases where they're following up on.

22 MR. MANNION: I think you're
23 mistaken in that, if you want to ask her.

24 Q. Where in this bottom email from
25 Hillary to Mr. Redick does anything say

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1 anything about submission goals?

2 A. Well, Robert is referring to the
3 bottom email and her goal and it says other
4 providers down there.

5 Q. Okay. Thanks. It's true, is it
6 not, that the firm signed objective injury
7 cases to attorneys that did the most intakes?

8 MR. MANNION: I'm going to object
9 to form and discoverability or relevance.

10 But go ahead.

11 A. No, that's --

12 MR. PATTAKOS: Let's mark another
13 exhibit then.

14 - - - - -

15 (Thereupon, Deposition Exhibit 69,
16 12/3/2012 Email Trail Between Prelit
17 Group, Brandy Lamtman and Gary
18 Petti, Bates Number GMP000004-5, was
19 marked for purposes of
20 identification.)

21 - - - - -

22 Q. Okay. Sorry. This is 69.

23 MR. MANNION: December 3, 2012.

24 Q. So here's an email sent on
25 December 3, 2012, where you write, "November

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1 Intakes." And you email the prelit group and
2 you say, "Intakes During Business Hours for
3 November," and you list six attorneys and the
4 number of -- it looks like the number of
5 intakes and the percentage of intakes that they
6 took in that month. Is that correct?

7 A. That's what it looks like.

8 Q. Okay. And then you write, "Just a
9 reminder that objective cases will be assigned
10 to the attorneys who are doing intakes!!" What
11 does that mean?

12 A. Objective cases would be assigned
13 to the attorneys who are doing intakes.

14 Q. Yeah. What did you mean by that?

15 A. Exactly what it said.

16 Q. And why would the objective cases
17 be assigned to attorneys who are doing intakes?
18 Why did you write that?

19 A. Because they have to do the intake
20 to get assigned the case.

21 Q. Why would anyone need a reminder of
22 that then?

23 A. I don't know why I had to remind
24 them of that at that time.

25 Q. Well, is it possible that you meant

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1 to say there that more objective cases would be
2 assigned to attorneys who handled more intakes?

3 A. I don't -- I don't remember that
4 being the premise of this email.

5 Q. Are you denying that that is the
6 premise of this email?

7 A. I said, "I don't remember." I
8 didn't say, "I deny."

9 Q. Okay. Is it possible that that's
10 the premise of this email?

11 MR. MANNION: Objection --

12 A. I don't know.

13 MR. MANNION: -- to, possibility.

14	Go ahead.
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[illegible]

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1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for ensuring the integrity of the financial system and for facilitating the audit process. The document also highlights the need for transparency and accountability in all financial dealings.

2. The second part of the document outlines the specific requirements for record-keeping. It states that all transactions must be recorded in a timely and accurate manner, and that the records must be maintained for a minimum of five years. The document also specifies that the records must be organized in a clear and concise manner, and that they must be readily accessible for review.

3. The third part of the document discusses the consequences of failing to comply with the record-keeping requirements. It states that any individual or entity that fails to maintain accurate records may be subject to penalties, including fines and imprisonment. The document also notes that failure to comply with the requirements may result in the disqualification of the individual or entity from participating in certain financial activities.

4. The fourth part of the document provides guidance on how to implement the record-keeping requirements. It suggests that individuals and entities should establish a system of record-keeping that is tailored to their specific needs, and that they should ensure that the system is properly maintained and updated. The document also recommends that individuals and entities should regularly review their records to ensure their accuracy and completeness.

5. The fifth part of the document discusses the role of the audit process in ensuring the integrity of the financial system. It states that the audit process is a critical component of the financial system, and that it plays a key role in identifying and preventing fraud and other financial crimes. The document also notes that the audit process is a complex and demanding task, and that it requires the expertise and resources of qualified auditors.

6. The sixth part of the document discusses the importance of ongoing education and training for individuals involved in the financial system. It states that the financial system is constantly evolving, and that individuals must stay up-to-date on the latest developments and best practices. The document also recommends that individuals should participate in regular training and education programs to ensure they have the necessary skills and knowledge to perform their duties effectively.

7. The seventh part of the document discusses the role of technology in the financial system. It states that technology has revolutionized the financial system, and that it has made many tasks easier and more efficient. The document also notes that technology has also introduced new risks and challenges, and that individuals must be vigilant in identifying and mitigating these risks.

8. The eighth part of the document discusses the importance of collaboration and communication in the financial system. It states that the financial system is a complex and interconnected system, and that individuals must work together to ensure its integrity and stability. The document also recommends that individuals should maintain open and honest communication with their colleagues and superiors, and that they should seek out opportunities for collaboration and teamwork.

9. The ninth part of the document discusses the importance of ethical behavior in the financial system. It states that ethical behavior is a fundamental principle of the financial system, and that individuals must always act with integrity and honesty. The document also notes that ethical behavior is essential for maintaining the trust and confidence of the public, and that it is a key factor in the success of the financial system.

10. The tenth part of the document discusses the importance of staying informed about the latest developments in the financial system. It states that the financial system is constantly evolving, and that individuals must stay up-to-date on the latest news and trends. The document also recommends that individuals should regularly read financial news and analysis, and that they should participate in industry conferences and events.

17

18 (Thereupon, Deposition Exhibit 70,
19 11/9/2012 Email Trail Between Prelit
20 Attorney, Brandy Brewer and Gary
21 Petti, Bates Number GMP000041-42,
22 was marked for purposes of
23 identification.)

24 — — — — —

25 MR. NESTICO: Date?

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1 Q. Are you denying --

2 MR. MANNION: Wait a minute.

3 What? Would you stop with the facial
4 expressions? He just asked for the date of the
5 document.

6 November 9, 2012.

7 She hasn't even had a chance to look at
8 this yet, Peter.

9 MR. PATTAKOS: I'm not asking her
10 about this document right now.

11 MR. MANNION: Well, we just handed
12 it to her.

13 BY MR. PATTAKOS:

14 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

19 MR. MANNION: Objection,
20 mischaracterization.

21 Go ahead.

22 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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1

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the situation.

2. Once the problem is identified, the next step is to define the objectives and goals of the project. This helps to clarify what needs to be achieved and provides a clear direction for the team.

3. The third step is to develop a plan or strategy to address the problem. This involves breaking down the problem into smaller, manageable tasks and determining the resources needed to complete each task.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress regularly. It is important to stay flexible and make adjustments as needed.

5. The final step is to evaluate the results of the project. This involves comparing the actual outcomes with the objectives and goals to determine the effectiveness of the intervention.

6. After evaluation, it is important to reflect on the process and learn from any challenges or successes. This can help to improve future projects and ensure that the same mistakes are not repeated.

7. Finally, it is important to communicate the results of the project to all stakeholders involved. This helps to build transparency and trust, and ensures that everyone is aware of the progress and outcomes.

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1

A black and white photograph of a large, multi-story building with a complex facade, featuring numerous windows and architectural details. The building appears to be a government or institutional structure. The image is framed by a thick black border.

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1 A. -- this is six years ago.

2 Q. Who would know?

3 A. I don't know if anyone would
4 remember. It's six years ago --

5 Q. Okay.

6 A. -- you can ask Rob --

7 Q. Okay.

8 A. -- these are all tenured attorneys.
9 They've all handled objective cases --

10 Q. Um-hum.

11 A. -- I don't know that I would want
12 Gary Petti to handle an objective case.

13 Q. We can talk about that.

14 A. Okay.

15 Q. What do you remember about the
16 firm's relationship with Liberty Capital?

17 MR. MANNION: Objection to the
18 form.

19 But go ahead.

20 A. I don't know what you mean by,
21 "Relationship." I know Liberty Capital was a
22 lending company.

23 Q. And the firm was involved with that
24 lending company, correct?

25 MR. MANNION: Objection as to,

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1 "Involved."

2 But go ahead.

3 A. Yeah, I wouldn't say, "Involved."
4 It's a lending company that our clients had
5 loans with.

6 Q. Okay. And at one point Rob Nestico
7 directed the firm's attorneys that for all cash
8 advances, the company should -- the firm should
9 recommend its clients to Liberty Capital,
10 correct?

11 A. I don't remember him saying that.
12 I do remember seeing it in an email.

13 Q. Okay. Do you have any idea why he
14 said that?

15 A. I do not.

16 Q. Okay. Let's look at Exhibit 71.

17 - - - - -

18 (Thereupon, Deposition Exhibit 71,
19 5/14/2012 Email Trail Between Staff,
20 Brandy Brewer And Gary Kisling,
21 Bates Number KNR03391, was marked
22 for purposes of identification.)

23 - - - - -

24 MR. MANNION: May 14, 2012.

25 MR. PATTAKOS: You know what? Let's

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1 also mark 72.

2 Q. Let's look at these at the same
3 time.

4 - - - - -

5 (Thereupon, Deposition Exhibit 72,
6 5/9-11/2012 Email Trail Between Ciro
7 Cerrato and Rob Nestico, Bates
8 Number Williams000255-256, was
9 marked for purposes of
10 identification.)

11 - - - - -

12 MR. MANNION: May 12, 2012, and
13 May 11, 2012.

14 Q. Let's look at 72 first. It's Rob
15 Nestico with the subject line, "Liberty Capital
16 Funding." He sends to all attorneys. "For any
17 Plambeck patients only please use the below
18 company for cash advances."

19 Then if you look at the next page --

20 And this is on May 10, 2012.

21 On the next page, on May 11, 2012, he
22 writes, "Sorry," it, "applies to all cases not
23 just Plambeck." Do you see that? Am I reading
24 that correctly?

25 A. Yes.

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1 Q. Okay. Do you remember this
2 happening?

3 A. No.

4 Q. You don't remember Rob saying that
5 everybody should use Liberty Capital for all
6 cash advances?

7 A. No.

8 Q. Okay. Then a few days later, we
9 see on May 14, just three or four days later,
10 you write to all staff -- so when you write to
11 staff, does that mean everybody at the firm
12 gets this email?

13 MR. MANNION: Objection. Asked and
14 answered yesterday.

15 But go ahead.

16 A. Yes, except there were times when
17 Rob and Robert weren't on the staff email.

18 Q. Okay. But all attorneys and other
19 employees would get this, correct?

20 A. Yes.

21 Q. Okay. And you write, "For today or
22 until further notice, please use Preferred
23 Capital instead of new company. We are ironing
24 out some glitches." Did you send this email?

25 A. Yes.

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1 Q. Okay. So you wrote, "For today..."
2 Was the firm recommending cash advances every
3 day?

4 MR. MANNION: Excuse me. I'm
5 sorry?

6 MR. PATTAKOS: I'm asking --

7 MR. MANNION: Peter, what do you
8 mean? Recommending to whom?

9 MR. PATTAKOS: To the clients.

10 MR. MANNION: Okay.

11 Go ahead.

12 A. I -- I mean, you would have to ask
13 the attorneys, but I -- I don't think they
14 recommended lending companies.

15 Q. What do you mean by, "Used
16 Preferred Capital"?

17 A. I mean, if a client needed a loan,
18 that would be the lending company.

19 Q. That the firm would recommend?

20 A. If the client needed a loan.

21 Q. So the firm did recommend certain
22 loan companies?

23 MR. MANNION: Well, I'm going to
24 object. Your question initially was that they
25 recommended loans and that's what she was

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1 trying to clarify.

2 MR. PATTAKOS: Is it?

3 MR. MANNION: That's what your
4 question was, did they recommend loans every
5 day.

6 MR. PATTAKOS: And you know what
7 she was trying to clarify?

8 MR. MANNION: Your question was,
9 did they recommend loans every day, and she
10 said, No.

11 MR. PATTAKOS: Tom, I don't need
12 you to tell me what's inside of her head.
13 Thank you --

14 MR. MANNION: Well, I don't
15 need --

16 MR. PATTAKOS: -- I know you want
17 her answers to be a certain way, Tom --

18 MR. MANNION: Oh, my god.

19 MR. PATTAKOS: -- but, please --
20 again, this just shows why your testimony --
21 your continued testimony is inappropriate.

22 MR. MANNION: I am not testifying.
23 You're mixing and matching words.

24 MR. PATTAKOS: You just told me
25 what she intended and I think it's really

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1 interesting.

2 MR. MANNION: You changed your
3 question. You said, "Recommended loans," not,
4 loan companies, and I was trying to tell you
5 she answered the question you asked perhaps not
6 the one you wanted to ask.

7 MR. PATTAKOS: Well, first she said
8 that the company did not recommend loans or
9 loan companies and --

10 MR. MANNION: That's --

11 MR. PATTAKOS: Okay. You know
12 what? We can move on.

13 MR. MANNION: Just ask her.

14 BY MR. PATTAKOS:

15 Q. So Gary Kisling then writes to you,
16 "Why are we using the new firm rather than
17 Preferred Capital? Brian is excellent at
18 getting reductions on his loans to get cases
19 settled."

20 And you respond, "Rob wants to try this
21 new company." Do you remember this?

22 A. No.

23 Q. Do you remember why Rob wanted to
24 try this new company?

25 A. I do not.

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1 Q. Okay. Did you ever talk with Gary
2 about this?

3 A. I don't -- not that I can remember.

4 Q. And this is Gary Kisling, the main
5 partner of Kisling Nestico & Redick, right?

6 A. Yes.

7 Q. Okay. Do you remember what the
8 glitches were that were being ironed out?

9 A. I don't.

10 Q. Do you have any idea what those
11 might have been?

12 A. I have no idea.

13 Q. Okay. And you don't remember if
14 the firm was recommending a loan company on a
15 daily basis?

16 MR. MANNION: Objection to form.
17 Go ahead.

18 A. No.

19 Q. Okay. Exhibit 73.

20 - - - - -

21 (Thereupon, Deposition Exhibit 73,
22 11/27/2012 Email To Prelit Attorney
23 From Sarah Rucker, Bates Number
24 KNR03433, was marked for purposes of
25 identification.)

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1 - - - - -

2 MR. MANNION: November 27, 2012.

3 Q. So this is an email from Sarah
4 Rucker to prelit attorneys copying you and
5 Mr. Nestico with the subject, "Lunch with Ciro
6 from Liberty Capital Funding." Did you receive
7 this email?

8 A. Yes.

9 Q. And Ms. Rucker writes, "Tomorrow
10 there will be a lunch with Ciro Cerrato from
11 Liberty Capital Funding at 12. Rob would like
12 each Pre-Lit Attorney to attend, if you are
13 unable to attend please have your paralegal
14 attend in your place. Thanks." Do you have
15 any recollection of this lunch?

16 A. I do not.

17 Q. Do you have any idea why KNR
18 attorneys or paralegals would attend a lunch
19 with a representative from a loan company?

20 A. I wasn't at the lunch, so I can't
21 speak on what the premise of the lunch was.
22 Maybe to learn about the company. It was a new
23 company, but I wasn't there, so.

24 Q. What would they need to learn about
25 the new company?

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1 A. I don't -- I don't know.

2 Q. Okay. Do you remember any issues
3 with Liberty Capital?

4 A. I don't remember any issues. I
5 remember an email where it asks if there were
6 issues.

7 Q. Because you reviewed it in
8 preparation for this --

9 A. Yeah. I told you --

10 Q. -- deposition?

11 A. -- I read the emails.

12 Q. Yeah. Okay. But you have no
13 memory of what any issues with Liberty Capital
14 were?

15 A. No.

16 Q. Okay. Let's look at Exhibit 74.

17 - - - - -

18 (Thereupon, Deposition Exhibit 74,
19 1/7/2014 Email Trail Between Rob
20 Nestico And Brandy Brewer, Bates
21 Number KNR03474, was marked for
22 purposes of identification.)

23 - - - - -

24 MR. MANNION: January 7, 2014.

25 Q. Sorry. So this is an email where

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1 you are writing to Nestico at the bottom. This
2 is an email exchange between you and
3 Mr. Nestico on January 7, 2014. First Nestico
4 writes, "Everyone please use Liberty ONLY for
5 loans any question come see me."

6 Then you write, "Need to have a talk with
7 Ciro about customer service then. He only has
8 one guy. And he doesn't get back to us right
9 away." Do you remember this?

10 A. I don't.

11 Q. Do you remember why you wanted Rob
12 to have a talk with Ciro about customer
13 service?

14 A. Well, it says that he doesn't get
15 back to us right away.

16 Q. Do you remember anything else about
17 this?

18 A. No.

19 Q. Rob responds to you, "There is a
20 reason and this will only be temporary." Do
21 you remember what that reason was?

22 A. No.

23 Q. Okay.

24 MR. PATTAKOS: Let's mark
25 Exhibit -- What are we on now? -- 75.

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1		-	-	-	-	-
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(Thereupon, Deposition Exhibit 75,
1/28/2014 Email To Staff From Brandy
Brewer, Bates Number Williams000248,
was marked for purposes of
identification.)

7	- - - - -
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8 MR. MANNION: January 28, 2014.

9 Q. So here you're writing to staff on
10 January 28, 2014, about the Needles computer
11 system, correct?

12	A. Correct.
----	-------------

13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

6 MR. PATTAKOS: Okay. I think I can
7 finish up in about 20 minutes, if we take a
8 break --

9 MR. MANNION: Okay.

10 MR. PATTAKOS: -- the last break.

11 MR. MANNION: Sounds good.

12 VIDEOGRAPHER: Off the record

13 12:30.

14 (Recess taken.)

15 VIDEOGRAPHER: On the record 12:43.

16 BY MR. PATTAKOS:

17 Q. Were you aware of any changes to --
18 any major changes to any KNR policies or
19 practices that were made after this lawsuit was
20 filed?

21 MR. MANNION: I'm going to object.

22 But go ahead, if you know.

23 A. No.

24 Q. Was there ever an email that went
25 out about how the firm's policies on

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1 investigator fees would change?

2 A. I -- I don't know.

3 Q. You don't remember?

4 A. No. Nothing is standing out in my
5 mind.

6 Q. Something went around about how
7 they would -- how the investigators would only
8 get the fee now if they actually go meet with
9 the client?

10 A. No. I don't remember that.

11 Q. Do you know who Breanna Dianetti
12 is?

13 A. I do.

14 Q. And she used to work at the firm?

15 A. Yes.

16 Q. She was a paralegal?

17 A. She was Rob Horton's paralegal.

18 Q. Okay. And Kevin Gates is currently
19 a paralegal at the firm, or is he not there
20 anymore?

21 A. He doesn't work there anymore. His
22 last name isn't Gates, though.

23 Q. Oh, what's his last name?

24 A. Kevin -- I can't think of it right
25 now. Sorry.

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1 Q. There's a paralegal named Kevin?

2 A. Yes.

3 Q. Okay. And do you know why he
4 doesn't work at the firm anymore?

5 A. Sure. He got a job at maybe
6 Bridgestone. I could be wrong about that --

7 Q. Okay.

8 A. -- I believe his brother got him a
9 new job, at least that's what he said.

10 Q. Okay. Do you know why Rob Horton
11 was terminated?

12 A. Yes.

13 Q. Why is that?

14 MR. MANNION: Objection. No, no,
15 no, no. She's not answering questions about
16 this.

17 MR. PATTAKOS: Why?

18 MR. MANNION: Because she's not.

19 MR. PATTAKOS: Why?

20 MR. MANNION: She's not answering
21 questions about this. As you know, there's a
22 confidentiality order on a lawsuit. And in
23 addition, why Rob Horton was terminated has
24 nothing to do with this.

25 MR. PATTAKOS: Oh, it sure does.

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1 MR. MANNION: Well, you can ask
2 Rob Nestico about it then.

3 MR. PATTAKOS: Why can't Brandy
4 tell me what she knows about it?

5 MR. MANNION: Because she's not
6 going to?

7 MR. PATTAKOS: Why?

8 MR. MANNION: Because.

9 MR. PATTAKOS: How is it not
10 relevant?

11 MR. MANNION: Look, I'm not going
12 to sit here and have her start saying things
13 that could potentially impact somebody's career
14 or license or anything else.

15 MR. PATTAKOS: What?

16 MR. MANNION: She's not going to
17 answer. You can take it up with the Judge.
18 She's not answering the questions today. You
19 can take it up with the Judge. It's the first
20 time I've told her not to answer and she's not
21 going to answer.

22 Q. Do you believe Rob Horton is a
23 dishonest person?

24 MR. MANNION: Objection.

25 You can answer, if you can.

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1 A. Absolutely.

2 Q. Why is that?

3 A. He stole documents and he lied
4 about it.

5 Q. What did he lie about?

6 MR. MANNION: Don't go any further.
7 That's enough. She's not going to answer
8 any more questions.

9 Q. When you say, "He stole
10 documents" --

11 MR. MANNION: She's not going to
12 answer any more questions on this. You can
13 take it up with the Judge.

14 Q. -- are you referring to the
15 documents that he gave to me?

16 MR. MANNION: Objection.
17 Do not answer. He can take it up with
18 the Judge.

19 MR. PATTAKOS: Wow. Okay.

20 Q. Do you know why Gary Petti was
21 terminated?

22 MR. MANNION: Objection.

23 Go ahead. If you know, go ahead.

24 A. I don't remember the specific
25 details surrounding Gary Petti's termination.

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1 I have a vague memory of him making a lot of
2 errors. And in my opinion, he wasn't that
3 great of an attorney. I don't remember the
4 exact specifics, but I remember there being
5 issues over and over and over again.

6 Q. What kind of issues?

7 A. So one issue that I do remember,
8 he -- there was a family that had signed liens.
9 They signed a lien with the chiropractor at a
10 chiropractor's office in Springfield, Ohio.
11 And Gary Petti didn't pay the doctor for the
12 client's medical bills. He gave the money to
13 the clients and the chiropractor's office, they
14 were very, very, very upset.

15 Q. Because Petti didn't pay the
16 chiropractors?

17 A. Um-hum. The client signed a lien
18 with the chiropractor's office.

19 Q. And Gary Petti didn't protect the
20 chiropractor's interests?

21 A. He didn't -- the client signed a
22 lien with that doctor's office and the
23 chiropractor was expecting to be paid out of
24 the settlement and he made a mistake.

25 Q. And that's why you think he's a bad

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1 lawyer?

2 A. Well, that's one of -- that's a
3 specific example.

4 Q. The only one you can remember?

5 A. That stands out because I had to --
6 there weren't any other chiropractors in
7 Springfield, so.

8 Q. Remember any other instances that
9 support your opinion that Gary Petti is not a
10 good lawyer?

11 MR. MANNION: I'll object. Just,
12 I mean, these are lay opinions. She's not a
13 lawyer.

14 THE WITNESS: Yeah.

15 MR. MANNION: But go ahead.

16 A. I don't really remember. I -- I
17 just remember that there were issues over and
18 over again. And I remember thinking to myself
19 that if my mother was in an accident, I would
20 never want Gary Petti to be her attorney.

21 Q. The only specific issue you
22 remember -- I just want to make clear. I want
23 you really to try to remember any specific
24 issues, because the only one you remembered so
25 far is that he didn't pay a chiropractor money

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1 out of a client settlement.

2 A. Because I had to talk to that
3 chiropractor. And we didn't have any other
4 chiropractors in Springfield, Ohio, because
5 that's such a small town, to send our clients
6 to and we had other clients who didn't have a
7 doctor. So that's why that stands out to me.
8 I do remember feeling frustrated about Gary
9 Petti. I just don't remember exactly what the
10 instances we were. And, like I said, I
11 remember feeling and maybe even saying out
12 loud, that if my mother was in an accident, I
13 wouldn't want him to be her attorney --

14 Q. Okay.

15 A. -- I just don't remember -- I
16 remember the feeling he gave me. I just don't
17 remember the specifics of it. It was a very
18 long time ago. And he was there for just a
19 very short period of time.

20 Q. Springfield is a small town?

21 A. Yeah.

22 Q. Do you know 59,000 people live in
23 Springfield?

24 A. No.

25 Q. It used to be the capital of Ohio.

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1 MR. MANNION: When was that, Peter?

2 Q. Have you ever been to Springfield?

3 A. I think that I have actually been
4 there. It's down by Dayton. They don't have a
5 lot of chiropractors there. I don't know why
6 that stands out in my head, but it does.

7 Q. Okay. I mean, as of 2016,
8 Springfield's population was 59,000 people.
9 That's a small town to you?

10 MR. MANNION: Well, first of all,
11 you're saying it has 59,000 people.

12 MR. PATTAKOS: You don't believe
13 what the census data says?

14 MR. MANNION: I don't know. I
15 haven't seen the census data, Peter.

16 MR. PATTAKOS: Maybe you should
17 look it up.

18 A. I don't research the census of
19 different cities and towns in Ohio.

20 Q. Okay. Do you think Gary Petti is a
21 dishonest person?

22 MR. MANNION: Objection.

23 A. Yes.

24 Q. Why?

25 A. Because --

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1 MR. MANNION: He doesn't practice
2 law, so I'm not worried about his license.

3 So go ahead.

4 MR. PATTAKOS: Tom.

5 MR. MANNION: I'm just telling her
6 why I'm not objecting the same way as last
7 time.

8 A. -- I mean, he was emailing himself
9 work documents. I found that to be
10 inappropriate.

11 Q. Do you have any other reason to
12 think that Gary Petti is a dishonest person,
13 besides the fact that he emailed himself
14 documents from KNR?

15 A. No.

16 Q. Why does the fact that Gary Petti
17 emailed himself documents from KNR indicate to
18 you that he's a dishonest person?

19 A. Those are work documents. I
20 don't -- I don't take work documents and show
21 them to people. I signed a confidentiality
22 agreement when I took my job and I take that
23 very seriously.

24 Q. Okay. Do you know why Amanda Lantz
25 was terminated?

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1 A. I don't remember.

2 Q. Do you believe Amanda Lantz is a
3 dishonest person?

4 A. Yes.

5 Q. Why?

6 A. There was a time that she called
7 our receptionist a fat pig and then lied about
8 it and other witnesses saw it --

9 Q. Okay.

10 A. -- so that stands out in my mind
11 about Amanda Lantz.

12 Q. Which receptionist?

13 A. I don't remember the exact
14 receptionist. I just remember the situation --

15 Q. Who else was witness to this?

16 A. -- and she was crying and her
17 feelings were very hurt.

18 Q. The person was crying and her
19 feelings were hurt; and you don't remember who
20 the person was?

21 A. No. I just remember, I was just in
22 shock that an attorney would behave that way.

23 Q. And when did -- how did she lie
24 about it?

25 A. Well, she said that she didn't say

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1 it.

2 Q. And who was a witness to this?

3 A. I don't remember. I'm -- like
4 these situations happened years ago --

5 Q. I don't need you to explain to me
6 why you don't remember. If you don't remember,
7 you don't remember. Thank you.

8 MR. MANNION: Do not cut her off
9 again.

10 Finish your answer.

11 A. -- these situations happened years
12 ago, so they're just tiny little fragments that
13 kind of stand out in my mind.

14 Q. You've said that many times. So
15 Kelly Phillips, do you know why he was
16 terminated?

17 A. I don't remember the exact details.
18 I know he couldn't get to work on time and that
19 was an issue that had been addressed multiple
20 times.

21 Q. Were there emails about this?

22 A. I don't know.

23 Q. Do you remember any other reason
24 why Kelly Phillips was terminated?

25 A. You could ask Paul Steele why.

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1 Q. Paul would know?

2 A. Paul was very offended that Kelly
3 couldn't arrive to work and he brought it to my
4 attention multiple times.

5 Q. Do you remember anything else about
6 Kelly Phillip's work on KNR's cases that sticks
7 out in your mind?

8 A. I don't.

9 Q. Do you believe Kelly Phillip is a
10 dishonest person?

11 A. I don't know him to -- to answer
12 that question. I didn't know him well. He was
13 at KNR for a very short time.

14 MR. PATTAKOS: Tom, why is it that
15 you are permitting the witness to testify about
16 these other former employees and not about
17 Horton?

18 MR. MANNION: You can keep asking
19 questions.

20 BY MR. PATTAKOS:

21 Q. So do you know why Rob Horton was
22 terminated?

23 MR. MANNION: Objection. She's
24 not answering questions about Rob Horton.

25 MR. PATTAKOS: So why is that, Tom?

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1 What's the basis for that?

2 MR. MANNION: I already put it on
3 the record. You can bring it up with the
4 Judge. She's not going to answer any more
5 questions on it.

6 BY MR. PATTAKOS:

7 Q. So I know you reviewed that binder
8 of documents that's marked as Exhibit 1 in
9 preparation for this deposition. You said that
10 you spent a few hours over three or four
11 days -- a few hours each day for three or four
12 days doing that, if I recall your testimony
13 correctly. Did you do anything else to prepare
14 for this deposition?

15 A. No. I mean, I reviewed those. I
16 met with Tom.

17 Q. How long did you meet with Tom?
18 How many times did you meet with Tom?

19 A. Three or four.

20 Q. When did those meetings take place?

21 A. Oh, I'd have to look at my
22 calendar.

23 Q. Were they all in the last week or
24 were they over the course of a month?

25 A. Oh, they were all this past week.

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1 Q. How long did those meetings last?

2 A. Three or four hours.

3 Q. Three or four hours each?

4 A. Um-hum.

5 Q. With Tom?

6 A. Yes. Well, yes.

7 Q. Okay. Was anyone else in the room
8 with you and Tom?

9 A. Yes.

10 Q. Who?

11 A. Jim Popson.

12 Q. Anyone else?

13 A. Rob and John were kind of in and
14 out.

15 Q. Rob Nestico?

16 A. Yes. And John Reagan.

17 Q. And John Reagan, who is sitting in
18 this room?

19 A. Yes.

20 Q. Okay. Were all of those people in
21 all of those meetings?

22 A. Popson was in and out. Mannion was
23 in and out. And John Reagan and Rob Nestico
24 were in and out, too.

25 Q. Okay. Has Mr. Nestico ever

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1 expressed his opinions to you about this
2 lawsuit?

3 MR. MANNION: You mean, outside
4 the presence of counsel, I assume?

5 MR. PATTAKOS: Sure.

6 MR. MANNION: Outside the presence
7 of me, Jim or anybody who represents the firm
8 or you guys.

9 THE WITNESS: Okay.

10 A. We've talked about it.

11 Q. What did you talk about?

12 A. I don't remember exactly what Rob
13 would have said about it. I know he's not
14 happy about it --

15 Q. Okay.

16 A. -- he didn't have anything
17 favorable to say. I just -- I don't remember
18 exactly what his words --

19 Q. Are you aware that KNR and
20 Mr. Nestico have filed counterclaims against
21 the name -- against the former KNR clients who
22 have -- who are the plaintiffs in this lawsuit?

23 MR. MANNION: And I'm just going
24 to object.

25 The questions he's asking now should only

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1 be answered if you know things outside of what
2 you learned from counsel.

3 A. I didn't know that.

4 Q. Okay. So you had said before, when
5 you were talking about Mr. Petti, that you
6 signed a confidentiality agreement with KNR.

7 A. Yes.

8 Q. And when did you sign that?

9 A. I don't remember.

10 Q. Do you remember what it says?

11 A. No.

12 Q. Did you sign it shortly after you
13 started working there?

14 A. I don't remember when I signed it.

15 Q. Okay. Do you remember what that
16 confidentiality agreement requires of you?

17 A. No.

18 Q. Well, you're here today and you
19 testified because you understand that your
20 confidentiality agreement doesn't apply to keep
21 you from providing testimony in this case,
22 correct?

23 MR. MANNION: I'm going to object.
24 She's not a lawyer.

25 But go ahead.

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1 A. I don't understand the question.

2 Q. Well, you spent, you know, the last
3 day and a half testifying, providing
4 information about your experience with KNR and
5 you did so because you understand that your
6 confidentiality agreement doesn't apply to bar
7 you from doing that, correct?

8 MR. MANNION: Objection. She's not
9 a lawyer.

10 Go ahead, if you can.

11 A. Yeah, I don't know.

12 Q. Well, did anyone tell you that your
13 confidentiality agreement applied to your
14 testimony here today?

15 MR. MANNION: Wait, wait. When
16 you say, "Anyone" --

17 First of all, I don't know if you've had
18 any conversations with anybody, but don't tell
19 him about any conversations with lawyers who
20 represent you.

21 But go ahead.

22 A. Yeah, I don't know what you're --

23 Q. Okay. Do you understand that
24 Mr. Nestico and Mr. Redick are defendants
25 personally in this case, in addition to the law

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1 firm?

2 A. Yes.

3 Q. Have you ever considered whether
4 you need your own attorney in this lawsuit?

5 MR. MANNION: Objection.

6 A. I feel like Mr. Mannion is my
7 attorney.

8 Q. But have you ever considered
9 whether you need a separate attorney; that is,
10 separate from Mr. Nestico's attorney,
11 Mr. Redick's attorney or KNR's attorney?

12 A. No. I don't feel like I did
13 anything wrong.

14 Q. Have Mr. Nestico or Mr. Redick ever
15 suggested to you that you should not or do not
16 need to hire your own attorney in this case?

17 A. We've never talked about that.

18 Q. Okay. Have you ever considered the
19 possibility that you could face criminal
20 charges arising from the events at issue in
21 this case?

22 MR. MANNION: Objection.

23 A. No. I don't feel like I did
24 anything wrong.

25 Q. Have you ever discussed that

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1 possibility with Mr. Nestico or Mr. Redick or
2 anyone?

3 A. No.

4 MR. MANNION: Well, wait a minute.
5 "Or anyone," again --

6 Q. Anyone who is not a lawyer.

7 A. No. I -- I don't feel like I did
8 anything wrong or that the firm did anything
9 wrong.

10 Q. Okay. Do you have anything else
11 you want to add to any of your testimony,
12 before we conclude?

13 A. No.

14 MR. PATTAKOS: Okay. That's a
15 wrap. Thank you.

16 EXAMINATION OF BRANDY GOBROGGE

17 BY MR. MANNION:

18 Q. Well, just real quickly, I don't
19 know if this is exactly correct, but it looks
20 like the capital moved to Columbus in 1816; and
21 before that, it was Chillicothe and Zanesville.
22 Do you happen to know when Springfield was the
23 capital, if it was at all?

24 A. No, I don't.

25 Q. No. Did you look up the population

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1 of Springfield, before you came here?

2 A. No. I -- I didn't even think about
3 Springfield, before I came here.

4 Q. Do you think that -- have you ever
5 felt that Mr. Nestico or Mr. Kisling or
6 Mr. Redick or Mr. Reagan or any of the partners
7 at KNR ever asked you to do anything that you
8 thought was improper, illegal or unethical?

9 A. No, never.

10 MR. MANNION: Okay. That's all I
11 have.

12 MR. PATTAKOS: Okay. Thank you.

13 VIDEOGRAPHER: Off the record 1:01.

14 (Thereupon, the deposition
15 was adjourned at 1:01 p.m.)
16
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1 Whereupon, counsel was requested to give
2 instruction regarding the witness's review of
3 the transcript pursuant to the Civil Rules.

SIGNATURE:

6 Transcript review was requested pursuant to the
7 applicable Rules of Civil Procedure.

TRANSCRIPT DELIVERY:

10 Counsel was requested to give instruction
11 regarding delivery date of transcript.
12 Thomas Mannion ordered the original transcript
13 expedited 6-day delivery.
14 Copy--Peter Pattakos, Regular

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REPORTER'S CERTIFICATE

The State of Ohio,)

SS:

County of Cuyahoga.)

I, Tracy Morse, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, BRANDY GOBROGGE, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

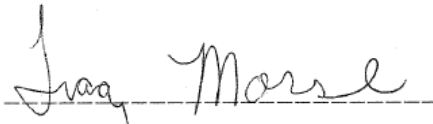
I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

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1 I do further certify that I am not
2 a relative, counsel or attorney for either
3 party, or otherwise interested in the event of
4 this action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this 23rd day of
8 October, 2018.

9
10
11
12 
13

14 Tracy Morse, Notary Public
15 within and for the State of Ohio
16 My commission expires 1/26/2023.
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25

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Veritext Legal Solutions
1100 Superior Ave
Suite 1820
Cleveland, Ohio 44114
Phone: 216-523-1313

October 23, 2018

To: Mr. Mannion

Case Name: Williams, Member, et al. v. Kisling, Nestico & Redick, LLC,
et al.

Veritext Reference Number: 3066363

Witness: Brandy Gobrogge, Vol. II Deposition Date: 10/17/2018

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown

above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,

Production Department

NO NOTARY REQUIRED IN CA

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3066363

CASE NAME: Williams, Member v. Kisling, Nestico & Redick, LLC

DATE OF DEPOSITION: 10/17/2018

WITNESS' NAME: Brandy Gobrogge, Vol. II

In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
my testimony or it has been read to me.

I have made no changes to the testimony
as transcribed by the court reporter.

Date Brandy Gobrogge, Vol. II

Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

They have read the transcript;
They signed the foregoing Sworn
Statement; and
Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal

this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

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DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 3066363

CASE NAME: Williams, Member v. Kisling, Nestico & Redick, LLC

DATE OF DEPOSITION: 10/17/2018

WITNESS' NAME: Brandy Gobrogge, Vol. II

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have listed my changes on the attached Errata Sheet, listing page and line numbers as well as the reason(s) for the change(s).

I request that these changes be entered as part of the record of my testimony.

I have executed the Errata Sheet, as well as this Certificate, and request and authorize that both be appended to the transcript of my testimony and be incorporated therein.

Date_____
Brandy Gobrogge, Vol. II

Sworn to and subscribed before me, a Notary Public in and for the State and County, the referenced witness did personally appear and acknowledge that:

They have read the transcript;

They have listed all of their corrections

in the appended Errata Sheet;

They signed the foregoing Sworn

Statement; and

Their execution of this Statement is of their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public_____
Commission Expiration Date

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ERRATA SHEET

VERITEXT LEGAL SOLUTIONS MIDWEST

ASSIGNMENT NO: 10/17/2018

PAGE/LINE(S)	CHANGE	REASON
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Date Brandy Gobrogge, Vol. II

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

DAY OF _____, 20____.

Notary Public

Commission Expiration Date

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Ohio Rules of Civil Procedure

Title V. Discovery

Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign. The witness shall have thirty days from submission of the deposition to the witness to review and sign the deposition. If the deposition is taken within thirty days of a trial or hearing, the witness shall have seven days from submission of the deposition to the witness to review and sign the deposition. If the trial or hearing is scheduled to commence less than seven days before the deposition is submitted to the witness, the court may establish a deadline for the

witness to review and sign the deposition. If the deposition is not signed by the witness during the period prescribed in this division, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF SEPTEMBER 1, 2016. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.