IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, *et al.*, Plaintiffs, vs. KISLING, NESTICO & REDICK, LLC, *et al.*, Defendants.	Case No. 2016-CV-09-3928 Judge James Brogan **Notice of Filing Redacted Deposition Transcript of Brandy Gobrogge**

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

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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

1 IN THE COURT OF COMMON PLEAS
OF SUMMIT COUNTY, OHIO
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MEMBER WILLIAMS, et al.,
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5 Plaintiffs,
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vs. Case No. CV-2016-09-3928
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8 KISLING NESTICO & REDICK, LLC, et al.,
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Defendants.
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11 ~~~~~~~~~~~~~~~~~~~~
12 Video Deposition of
BRANDY GOBROGGE
13
14 October 16, 2018
9:39 a.m.
15
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17 Taken at:
The Pattakos Law Firm, LLC
18 101 Ghent Road
Akron, Ohio 44333
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20 Tracy Morse, RPR
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~ ~ ~ ~ ~

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Alberto Nestico, Esq.*
Rachel Hazelet, Law Clerk
Joseph VanDetta, Videographer

~ ~ ~ ~ ~

* -- Via phone

1 TRANSCRIPT INDEX
2

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX OF EXHIBITS

INDEX OF EXHIBITS (Continued)

INDEX OF EXHIBITS (Continued)

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

receive from you designation of what specifically is confidential.

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

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

MR. MANNION: Great.

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

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

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

EXAMINATION OF BRANDY GOBROGGE

BY MR. PATTAKOS:

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

A. Brandy Gobrogge.
Q. Thank you, Ms. Gobrogge. Have you taken any medication or ingested any other substances that would impair your ability to remember events accurately or testify truthfully today?
A. No.
Q. Is there any other reason you would be unable to remember events accurately or testify truthfully today?
A. No.
Q. Have you ever had your deposition taken before?
A. No.
Q. Have you ever provided sworn testimony in any form before?
A. No.
Q. Well, how it generally goes is that I ask questions and you answer them. It is important that you give an audible answer like "Yes," or, "No", as opposed to, "Um-hum," or, "Uh-huh," because that doesn't show up on the transcript. Understood?
A. Yes.
Q. And if you don't understand a

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.

BY MR. PATTAKOS:
Q. What's your address?
A. 2304 Canterbury Circle, Akron, Ohio 44319.
Q. Where were you born?
A. Akron.
Q. Did you graduate from high school?
A. Yes.
Q. From where?
A. North High School.
Q. What year?
A. 1999.
Q. You were a freshman, when I was a senior. Did you go to college?
A. Yes.
Q. Where did you go?
A. University of Akron.
Q. And did you obtain a degree from the University of Akron?
A. Yes.
Q. In what?
A. Bachelor's degree in political science and criminal justice.
Q. What year did you obtain that degree?

A. 2009.
Q. Did you undertake any postgraduate study?
A. No.
Q. Okay. What did you do in between high school and obtaining your bachelor's degree?
A. I worked full-time at a law firm and I went to college at night and on the weekends.
Q. Wow. Okay. What law firm?
A. Aronson Law Firm.
Q. And when did you start working there?
A. 1998, when I was a senior in high school. I went to school half a day and I worked half a day.
Q. Wow. And that is A-r-o-n-s-o-n?
A. Yes.
Q. That's Dan Aronson --
A. Yes.
Q. -- right up the street?
A. Yes.
Q. Was he always right up the street?
A. Yes.

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

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

Q. Stan's law firm?

A. Uh-huh.

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

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

Q. The whole time you were there?

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

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

were at the firm?
A. Yes.
Q. Okay. Were you still at Stan's firm in 2009, when you graduated?
A. No.
Q. When did you leave Stan's firm?
A. I believe it was around 2008. I actually had left there one time in between. I'm not really sure what year, and I think it was for a short period of time and he had called and asked me to come back. So I don't know dates or anything like that.
Q. Okay. Why did you leave in 2008?
A. I was getting ready to finish my degree. And when you're that far along in college, you have like -- I had those classes where there's only one offered per semester and the scheduling became very difficult. And with those being the senior level classes, I wanted to focus on my degree and finishing that, because I had sort of put that on the back-burner for work --
Q. Um-hum.
A. -- so I just wanted to focus on school and get it done.

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

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

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

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

MR. PATTAKOS: Tom, it's relevant.

MR. MANNION: How is it relevant?

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

MR. MANNION: No, it's not. You don't have to answer that question.

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

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

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

MR. MANNION: No. I'm asking you

for the relevance.

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

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

THE WITNESS: No.

MR. MANNION: Okay.

BY MR. PATTAKOS:

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

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

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

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

Q. Which one?

A. Downtown Akron.

Q. How long did you work there?

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

Q. Then what was your next job?

A. It was at ADP, Automatic Data Processing.

Q. What did you do there?

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

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

Q. How long were you there?

A. Only a few months.

Q. Why did you leave?

A. Rob approached me at Starbuck's.

Q. Rob Nestico --

A. Yes.

Q. -- approached you at Starbuck's?

A. Yes.

Q. Tell me about this.

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

"Sure," and that's it.
Q. What year was that?
A. Well, I've been at KNR -- I started at KNR in November of 2010. I believe that could have been around August -- it was, I think in the summer. I'm not really sure on exact dates, but I know I didn't go work there right away.
Q. So when Rob described to you what your job would be or what he wanted you to do, what did he tell you?
A. He told me I'd be reporting directly to him and I would be doing -- I don't know what the word is -- I would be reporting directly to him and helping him manage the firm. I don't know if that's -- I mean, this was a really long time ago, so --
Q. Sure.
A. -- it was something along those lines.
Q. So what was your experience with him beforehand, besides seeing him around? You were familiar with him from your work at the Aronson firm?
A. I would see Rob at Cav's games and

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

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

A. Yes.

Q. And what's that?

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

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

A. No.

Q. Do you know why?

MR. MANNION: Objection.

Go ahead, if you know.

A. I believe she cheated on him.

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

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

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

A. Correct.

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

A. No. I never really --

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

A. No.

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

A. I worked at a root-beer stand.

Q. A root-beer stand?

A. Yeah.

Q. Where?

A. In Cuyahoga Falls. It's no longer

there.
Q. What was it called?
A. BK Root-beer Stand.
Q. Did they sell burgers and stuff too?
A. Yeah.
Q. Okay.
MR. MANNION: Like a Swanson's type.
A. You drive up and it was exactly like Swanson's.
Q. Sure. Okay. That's one of the neatest employment histories I've ever heard. You must be good. Okay. So are you in the same position at KNR that you started in?
A. No.
Q. Do you have a title?
A. Yes.
Q. What's your title?
A. Director of operations.
Q. What was your title, when you started?
A. I didn't have a title.
Q. Have you had any other titles, besides director of operations?

A. Executive assistant.
Q. What did you make as an executive assistant?
MR. MANNION: Objection. Again, I'm not sure that this has any discoverability. If the Judge determines that you're entitled to that, we'll give you her salary history, but we're not going to talk about it at the deposition.
MR. PATTAKOS: You're going to make us file a motion to find out what an employee witness makes at the job working for the defendant in this lawsuit?
MR. MANNION: I'm not understanding what the relevance of her salary has to do with anything.
MR. PATTAKOS: Tom, it goes to a witness's bias. It's very clear. I'm sure you're -- I really do not think this is subject -- it's a legitimate question.
MR. MANNION: I don't -- you're right. I don't think it's a legitimate question for you to ask her that --
MR. PATTAKOS: Okay.
MR. MANNION: -- but, I mean, if

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

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

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

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

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

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

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

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

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

THE WITNESS: Yeah.

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

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

VIDEOGRAPHER: Off the record 9:55.

(Recess taken.)

VIDEOGRAPHER: On the record 10:02.

[redacted]

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22

1 [redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
8 Q. What were your responsibilities as
9 executive assistant, when you first started?
10 A. Oh, they varied. I don't remember
11 exactly. [redacted]
[redacted]
13 Really anything that Rob needed. They had just
14 moved in the building. I had to order
15 furniture, do all -- you know, what you're
16 doing here. Those are like the two things that
17 are standing out to me. It was eight years
18 ago. I mean --
19 Q. Sure.
20 A. -- so much has changed between then
21 and now.
22 [redacted]
[redacted]
[redacted]
[redacted]

1 [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.

1 [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.

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

[redacted]

A. Correct.

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

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

Q. Sure. Well --

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

[redacted]

Q. Okay. Is Kevin still there?

A. Yes.

Q. So what does Kevin do?

[redacted]

[redacted]

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

[redacted]

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.

[redacted]

1 [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.

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]
8 Q. Kevin reports to you?
9 A. Um-hum.
10 [redacted]
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

I changed it to something else.

Q. Who was she executive assistant to?

A. To Rob and I.

[redacted]

Q. Okay.

A. -- also, [redacted]

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

MR. MANNION: Objection to form.

Go ahead.

Q. -- is that correct?

A. No.

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

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

Q. Okay. How often do you speak with

him?
A. With Rob?
Q. Yes.
A. Like I said, there could be days that I don't speak to him at all. There could be days that I have conversations with him. I don't really count how many times.
Q. Several times a day, though, wouldn't be unusual?
MR. MANNION: Objection. Asked and answered.
Go ahead.
A. I mean, like I said, there are days I don't talk to him at all. There are days I have conversations. I don't count. I don't pay attention to how many.
Q. Okay. You would never take action on behalf of the law firm unless you believed that it was what Rob Nestico wanted for the firm, correct?
MR. MANNION: I'm going to object to form on that. That's pretty broad there.
But go ahead, if you can.
A. Can you rephrase that, please?
Q. No, I can't.

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

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

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

But to the extent you can answer, go ahead.

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

Q. I don't think this is --

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

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

MR. MANNION: You absolutely did.

MR. PATTAKOS: -- I did not try to

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.

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

Okay. Go ahead.

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

(Record was read.)

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

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

MR. MANNION: Objection to form.

But go ahead.

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

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

to do, correct?
A. I wouldn't do anything that I felt was wrong. Is that --
Q. Is there any example of anything you've ever done in your position at KNR where you thought, Rob Nestico does not want me to do this, but I am going to do it anyway?
A. Yes.
Q. Explain.
A. I can't -- I can't think of anything in particular, but I for sure have done things that I didn't think that -- he might not like a picture on the wall and I might get it anyway. I mean --
Q. Any other example?
A. I can't think of anything specifically.
Q. I don't think what I'm asking is complicated. You know, Rob Nestico is your boss and you want to do what your boss wants you to do generally. Isn't that correct?
MR. MANNION: Objection to form.
Go ahead.
A. Rob is my boss, yes. Like I just think what you're asking is just so much. I --

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

Q. Okay.

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

Q. Okay. We can leave it at that.

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

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

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

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

MR. PATTAKOS: John?

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

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

MR. PATTAKOS: I'm going to continue.

MR. MANNION: You better not --

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

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

MR. PATTAKOS: It absolutely was.

MR. MANNION: Well, it wasn't.

BY MR. PATTAKOS:

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

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

But go ahead.

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

A. I didn't feel threatened.

Q. Did you feel intimidated?

A. No.

Q. Thank you.

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

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

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

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

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

MR. MANNION: Objection. Asked and answered.

Go ahead.

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

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

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

Q. I'll read it again.
A. Okay.
Q. You would never send instructions or directions to KNR employees on the company's behalf unless you believed that those instructions or directions were what Rob Nestico wanted to happen, correct?
MR. MANNION: Objection. Asked and answered and form.
But go ahead.
A. I -- I have like a hard time answering this, because I feel like you're asking me an all-encompassing question and I just don't feel like -- I never had him review every email that I sent. He never told me to send everything specifically. So I kind of was just doing my job, so I guess I'm afraid to answer that because you're -- it's so much.
Q. It's really not, but if you think it is, that's fine. That can be your testimony. It's a, "Yes," or, "No," question --
MR. MANNION: Objection.
Q. -- but that's fine.
MR. MANNION: Objection.

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

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

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

MR. MANNION: No, I don't.

MR. PATTAKOS: Yeah, you do, Tom.

MR. MANNION: Not even close.

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

BY MR. PATTAKOS:

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

MR. MANNION: Object to form.

Go ahead.

A. No. I don't -- nothing stands out to me.
Q. Okay. Is there any aspect of your job in which you would say you have discretion to decide what's best for the KNR firm?
A. Sure.
Q. And what are those areas?
A. Can you repeat the question?
Q. Is there any aspect of your job in which you would say you have discretion to decide what's best for the KNR firm?
A. Like can you elaborate on that? I do a lot at KNR, so.
Q. Do you know what, "Discretion," means?
A. What I believe -- like what I have permission to do or what I want to do --
Q. Sure.
A. -- sure. I mean, I ordered food trucks for the summer for the employees for lunch --
Q. Right.
A. -- I didn't ask Rob if we could have food trucks. I mean --
Q. That's great.

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

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

MR. MANNION: Objection to form.

Go ahead.

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

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

A. I guess so.

Q. Okay.

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

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

MR. MANNION: Objection.

Go ahead.

Q. -- in connection with your work performance?

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

Q. Take your time.

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

Q. What would you say?
A. He's had harsh words with me before, but I've never been written up --
Q. Okay.
A. -- like suspended or anything. To me, that's what discipline would mean.
Q. Sure. So, okay. So you've never been formally disciplined but perhaps you've been informally criticized. Is that fair?
MR. MANNION: Objection.
But go ahead.
A. Sure.
Q. Okay. How often has this happened where he's had harsh words with you?
A. Not very often. He's been -- he's typically very patient. If I do something wrong, he'll explain to me what I did wrong and --
Q. Okay.
A. -- it's a conversation.
Q. I'd like you to remember all these examples where he's had harsh words with you and what these subjects were about.
MR. MANNION: Objection. I'm not sure some of these subjects have any bearing on

this case.

But go ahead to the extent you can remember.

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

Q. Okay.

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

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

MR. MANNION: Objection. Asked and answered.

Go ahead.

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

Q. Right. I'm asking about what are

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

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

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

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

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

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

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

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

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

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

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

Q. Okay.

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

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

MR. MANNION: Okay.

MR. PATTAKOS: Thank you.

VIDEOGRAPHER: Off the record

1 10:30.

2 (Recess taken.)

3 VIDEOGRAPHER: On the record

4 10:50.

5 BY MR. PATTAKOS:

6 [redacted]

23 Q. Okay. And you mean Robert Redick?

24 A. Yeah.

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

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

A. Correct.

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

A. What lists?

Q. All of the email lists that are used, the list addresses. [redacted]

A. No.

Q. You don't?

A. No.

[redacted]

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

Q. Okay. What do you remember?

MR. MANNION: Objection. About what?

A. Like what?

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

[redacted]

1 [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?

A. Yes.
Q. Are you aware of any example in the complaint where you are quoted inaccurately?
MR. MANNION: I'm going to object, unless you want to show her that.
Go ahead, if you can.
A. Yeah, I mean, like -- I don't -- nothing stands out at me. I would have to look at the complaint and all of the emails.
Q. That's fine. I'm asking, does anything stand out to you?
A. I haven't reviewed the complaint in -- when was the lawsuit filed?
Q. I'm not -- Ms. Gobrogge, I'm not asking you when you've reviewed the complaint. I'm just asking very simply: Is there any example that sticks out in your mind as to whether you've been misquoted or not?
A. I feel like I -- my emails have been misinterpreted grossly.
Q. That's not what I'm asking. I'm asking if you were misquoted in any of the emails.
MR. MANNION: Well, again, I'm going to object. She said she doesn't recall.

If you want to show her one, that's fine.
A. I don't recall.
Q. Okay. To the best of your knowledge right now, did you actually make all of the communications that are attributed to you in the complaint?
MR. MANNION: I'm going to object, unless you want to show her all those. She's told you she doesn't recall.
MR. PATTAKOS: Tom, why are you talking? I really --
MR. MANNION: Why am I talking?
MR. PATTAKOS: That's a simple question.
MR. MANNION: Not giving her an answer that she doesn't recall.
But go ahead.
MR. PATTAKOS: She has not answered the question, Tom. I just asked that question. I will ask it again.
BY MR. PATTAKOS:
Q. To the best of your knowledge, did you actually make all of the communications that are attributed to you in the complaint?
MR. MANNION: I'm going to

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.

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

Q. It's a simple question.

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

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

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

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

(Record was read.)

Q. Why can't you answer that question?

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

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

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

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

(Record was read.)

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

Tell him again.

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

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

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

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

A. What is the question?

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

MR. MANNION: Objection to form.

But go ahead.

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

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

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

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

MR. MANNION: Yes, I represent her.

Q. Is that what --

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

Q. Is that what you understand?

A. Yes.

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

A. No.

Q. And Mr. Redick is not your attorney

either, is he?
A. No.
Q. Okay. So your only attorneys in this case are the same attorneys as Mr. Nestico's and Mr. Redick's?
MR. MANNION: Objection.
To the extent you know, go ahead.
A. I guess so.
Q. Are you ware of anyone else who is representing you in this lawsuit, besides the attorneys who are representing KNR, Mr. Nestico and Mr. Redick in this lawsuit?
A. No.
Q. Okay. So I'd like you to go briefly [redacted]
MR. MANNION: Objection as to timeframe.
A. Which timeframe are you referring to? There's been a lot of changes through the years.
Q. Okay. You can just go through how it's changed over the years then, if you would.

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.
13 [redacted]

1 [redacted]

24 Q. Um-hum.

25 A. -- like I said, every case is

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

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

MR. MANNION: Objection.

Go ahead.

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

Q. I'm not asking for an exact number. You can estimate.

MR. MANNION: Objection.

Go ahead.

A. I would have no idea.

[redacted]

1 [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]
12 Q. To get their signature on the
13 firm's paperwork, correct?
14 MR. MANNION: Objection to form.
15 Go ahead.
16 [redacted]

1 [redacted]

9 Q. Okay. [redacted]

11 A. Um-hum.

12 [redacted]

13 A. What?

14 [redacted]

19 Q. Varies based on what?

20 [redacted]

23 Q. What are the other contributing

24 factors?

25 [redacted]

1 [redacted]
2 [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

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

A. Yes.

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

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

MR. PATTAKOS: Yeah.

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

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

MR. MANNION: All right.

Go ahead, as best you can.

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

Q. Sure.

A. -- if that makes sense.

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

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.

A. I don't -- I don't have these memorized.
Q. Again, I understand. So if you don't remember, you can say that you don't remember.
A. I'm sorry. I don't feel comfortable answering that, because I don't have them memorized. I'd have to look at them all to give you an answer on that.
Q. Okay. That's fine. Are you aware of any emails in there that you sent -- or that reflected that you sent them where you did not actually send the email or receive the email?
A. In looking at these emails, nothing stood out at me that I thought in my mind that, I didn't send that. I don't remember sending every email in here. Some of these are really old. And I don't -- I certainly don't remember receiving all of these emails. I mean, some of them are six years old --
Q. Sure.
A. -- so. Okay.
Q. All I'm asking is what you just answered. And I just want to be clear.
A. Okay.

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

A. Correct.

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

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

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

MR. PATTAKOS: Okay.

BY MR. PATTAKOS:

Q. Okay. Thank you. We can set that aside. [redacted]

1 [redacted]

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.

Go ahead.

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

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

Q. Okay. [redacted]

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

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

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

[redacted]

1 [redacted]

21 A. Just "Paralegals" --

22 Q. Okay.

23 A. -- yeah.

24 Q. What do they do?

25 A. [redacted]

1 [redacted]

16 Q. Thank you. So what do the

17 pre-litigation attorneys do?

18 [redacted]

25 Q. Okay. So essentially they ensure

that all of this is happening.

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

But go ahead.

A. They assure that that all happens and --

Q. They oversee the process --

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

Go ahead.

MR. PATTAKOS: Okay.

Q. Sorry.

[redacted]

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

MR. MANNION: I'm going to

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

But go ahead.

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

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

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

But go ahead.

[redacted]

1

12

[redacted]

A. What does that mean?

[redacted]

Q. And that's Holly Tusko?

A. Correct.

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

[redacted]

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

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

Q. Okay. What are those jobs?

[redacted]

1 [redacted]

10 Q. What do they do?

11 [redacted]

18 MR. MANNION: Objection. That's

19 not what she said. She said, "Online."

20 [redacted]

25 Q. Um-hum. And some police

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]
10 Q. How so?
11 [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.

1 [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

Holly Tusko, correct?

A. Yes.

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

A. Yes.

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

A. Yes.

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

A. Yes.

Q. Okay. So you're emailing the group. And you write, [redacted]

[redacted] Am I reading that correctly?

A. What do you mean?

Q. Am I reading that correctly?

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

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

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

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

[redacted]

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

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

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

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

MR. MANNION: Objection. Timeframe.

Go ahead.

Q. At the time this email was sent.

[redacted]

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

[redacted]

had already gotten that report or found that report.

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

[redacted]

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

A. No.

Q. Why not?

[redacted]

Q. Got it. Okay.

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

Let's mark this as Exhibit 3.

- - - - -

(Thereupon, Deposition Exhibit 3,

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

- - - - -

Q. Are you finished reviewing this?

A. Yes.

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

A. Yes.

Q. And did you receive this email?

A. Yes.

[redacted]

1 [redacted]

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]

1 [redacted]

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]

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

paragraph?

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

[redacted]

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

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

MR. MANNION: Objection. Asked and answered.

Go ahead.

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

Q. Okay.

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

Q. So you're saying there may be

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

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

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

A. No.

Q. Are those all attorneys?

A. No.

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

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

Q. And are those intake employees?

A. No.

Q. Are they secretaries?

A. No.

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

A. She was a paralegal.

Q. What's Kim Headley's job?

A. Paralegal.

Q. Amanda Palaski?

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

job was, but it wasn't paralegal.
Q. She wasn't an investigator, though.
A. No.
Q. Bobbie Dubecky?
A. She was a paralegal.
Q. Kim Major?
A. Paralegal.
Q. Christy Rowe?
A. She was not a paralegal.
Q. What was she?
A. I don't remember her title.
Q. What did she do?
A. I actually don't remember that.
Q. And Jill Gardner?
A. She was a paralegal.
Q. Okay. Thank you.
MR. STUDENY: Peter, are you jumping to another exhibit? I need to use the restroom.
MR. PATTAKOS: Do you want me to wait for you?
MR. STUDENY: No. You can just mark it.
MR. PATTAKOS: Okay.
THE WITNESS: At some point I'd

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

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

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

VIDEOGRAPHER: Off the record 11:38.

(Recess taken.)

VIDEOGRAPHER: On the record 11:49.

BY MR. PATTAKOS:

[redacted]

1 [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.

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

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

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

BY MR. MANNION:

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

MR. MANNION: Objection.

Go ahead.

[redacted]

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

MR. MANNION: Objection.
Go ahead.
[redacted]
Q. Okay. You said the investigators do not report to you. Who do they report to?
MR. MANNION: I'm going to object.
Go ahead.
A. They don't report to anybody. They're hired. They're independent contractors, I guess. They don't work for KNR. They're not employees, is what I'm trying to get at.
Q. So who's responsible at KNR for dealing with the investigators?
A. The attorneys, I guess.
Q. Is there one attorney who manages the relationships with the investigators?
MR. MANNION: Objection.
Go ahead.
A. No. I mean, it's -- everything is on a case-by-case basis. So you would have to kind of talk to each attorney who is handling

and representing the clients.
Q. Okay. You understand that an investigator receives a payment on nearly -- from nearly every client settlement at the firm?
MR. MANNION: Objection to form. Go ahead.
A. I mean, I don't know really how to answer that. I've never -- I didn't look at like every single settlement for every single client.
Q. You know the firm generally charges an investigative fee for the investigator's services, correct?
MR. MANNION: Objection. Go ahead.
A. I mean, you would have to -- you would have to look at all the cases. I don't know.
Q. So you don't know that the firm charges an investigation fee on nearly every client settlement?
A. I'm saying, I don't look at all of the settlement memorandums and I don't know how many times that they've been paid on cases.

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

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

But go ahead.

She's already --

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

Q. What would you call it?

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

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

A. Not necessarily.

Q. So you're not aware of that?

MR. MANNION: Objection. She answered the question.

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

Q. I'll ask the question again.

A. Thank you.

Q. Are you aware that the

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

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

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

MR. MANNION: Objection.

Go ahead.

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

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

[redacted]

1 Q. Like over email?
2 [redacted]
14 Q. They could sign at a doctor's
15 office or a chiropractor's office, right?
16 A. Sure.
17 [redacted]
20 A. I wouldn't say, "Generally
21 speaking." [redacted]

1 [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,

please, read it back to the witness.

THE WITNESS: Thank you.

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

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

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

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

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

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

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

Q. Okay. But I just want to --

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

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

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

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

MR. MANNION: Yes, you were.

MR. PATTAKOS: Boy, oh, boy.

MR. MANNION: You clearly were laughing.

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

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

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

MR. MANNION: We probably should.

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

MR. MANNION: You clearly were just doing that.

MR. PATTAKOS: Okay.

BY MR. PATTAKOS:

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

MR. MANNION: Objection.

Go ahead.

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

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

MR. MANNION: Objection.

Go ahead.

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

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

(Record was read.)

A. Yeah.

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

A. Yes.

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

A. Yes.

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

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

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

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

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

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

Q. Okay.

A. -- I don't know where.

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

MR. MANNION: Move to strike.

- - - - -

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

- - - - -

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

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

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

MR. MANNION: Yes. May 6, 2013.

A. Okay. I've read it.

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

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

A. Correct.

Q. Did you send this email?

A. Yes.

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

A. Yes.

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

MR. MANNION: Objection to the characterization.

But go ahead.

A. Correct.

Q. Specifically you are saying that

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

MR. MANNION: Objection to form. Go ahead.

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

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

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

MR. PATTAKOS: Tracy, can you repeat that.

(Record was read.)

[redacted]

1 [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

your objections?
MR. PATTAKOS: -- and you can object based on privilege.
MR. MANNION: Peter, have you looked at your objections? You testified more than the witness at times.
MR. PATTAKOS: Tom, whatever I'm doing --
MR. MANNION: Is improper.
MR. PATTAKOS: -- has nothing to do with this right now.
MR. MANNION: Well, when you misconstrue things, it's not right and it's not fair to twist things.
MR. PATTAKOS: Tom, I'm going to ask you again to stop making your speaking objections and your improper objections.
MR. MANNION: I am not making speaking objections. I am not making speaking objections.
MR. PATTAKOS: Tracy, please read the last question back to the witness.
(Record was read.)
MR. MANNION: I'm going to object again. And obviously, there's an entire email

here.

If you remember why you wrote it, tell him.

[redacted]

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

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

Go ahead.

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

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

A. Not that I can remember.

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

A. No.

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

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

Q. Okay. Isn't it true that the

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

MR. MANNION: Objection.

Go ahead.

A. No.

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

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

firm taking the case.

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

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

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

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

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

Q. Okay.

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

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

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

But go ahead.

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

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

A. If you're asking if it's possible, no.
Q. Could it be possibly be --
A. No, no, it's not.
Q. Okay. Why is that?
MR. MANNION: Why is what?
Q. Why is it that you can be so sure about that?
MR. MANNION: About what?
MR. PATTAKOS: About that she certainly wasn't referring to losing the cases to other law firms.
A. Well, I already told you, I don't know what I was thinking at this moment. So if you're like -- I feel like you're forcing me to answer the question. So I can only tell you where my mind would go when I read this email right now. We don't lose tons of cases to other law firms. It's way more often a client would get bullied into settling a case from an insurance adjuster than to lose a case to another law firm. So I feel like you're forcing me to answer this question. So I can only tell you where my mind would go right now and that's what comes to my mind. That's the

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.

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

Q. Okay. We can leave it at that.

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

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

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

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

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

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

BY MR. PATTAKOS:

Q. Are you ready?
A. Yes.
Q. Okay. So am I correct that this is an email from you on June 3, 2014, to prelit support with the subject line, "Investigators"?
A. Correct.
Q. And you sent this email?
A. Correct.
Q. Okay. And you write, "We have two intakes today that were referred to ASC and they are signing forms there. This shouldn't be happening unless the client cannot meet with Mike/Aaron/Chuck and they can only sign at chiro."
"The cases today are in Akron. There should be no reason why an investigator cannot sign." Did I read that correctly?
A. Yes.
Q. Okay. And by, "Mike/Aaron/Chuck," you are referring to the investigators Michael Simpson, Aaron Czetli and Chuck DeRemer, correct?
A. Yes.
Q. Okay. So when you say, "The cases today are in Akron. There should be no reason

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

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

MR. PATTAKOS: Yes.

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

A. Yes.

Q. Okay.

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

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

MR. MANNION: Objection.

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

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

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

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

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

A. I actually don't know.

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

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

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

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

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

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

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

A. Sure.

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

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

Q. What are those ways?

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

Q. You don't remember here?

A. No, I apparently don't remember.

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

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

Q. Okay.

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

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

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

"If an intake calls in," December 6, 2012.
MR. NESTICO: Thanks.
BY MR. PATTAKOS:
Q. Am I correct this is an email from you sent on December 6, 2012, to all KNR attorneys?
A. Yes.
Q. And you write, "If an intake calls in and It's in the Akron/Cleveland area send Mike or Aaron to sign ASAP. Do not wait for them to go to the Chiro." Am I reading that correctly?
A. Yes.
Q. Why did you write that?
A. I think that kind of goes to the premise of the first email that we talked about. If given the choice between signing at the doctor's office and signing with an investigator, their choice would always be the investigator, because they -- of all the other work that they do.
Q. All the other information that they obtain?
A. The photographs as well, yes.
Q. Okay. So in addition to the forms,

they get photographs, too?
A. Photographs, insurance cards, documents from the insurance company, property damage information.
Q. Okay. What if the client wanted to sign at the chiro's office?
A. Then the client could sign at the chiro's office.
Q. But you don't seem to care what the clients want in this email, correct?
MR. MANNION: Objection. That is so over the top.
Go ahead.
A. Yeah, no, that's not what I --
Q. Well, you're saying as a matter -- you're essentially dictating firm policy that you need to send Mike or Aaron to sign the clients ASAP as opposed to waiting for them to go to the chiro, correct?
MR. MANNION: And she's explained why. So don't be turning this and starting to accuse her of things.
MR. PATTAKOS: Tom.
MR. MANNION: That's what you're doing.

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

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

Go ahead answer the question.

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

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

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

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

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

Go ahead.

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

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

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

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

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

A. It was not a policy.

Q. What was it?

A. A preference.

Q. Okay.

- - - - -

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

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

MR. NESTICO: December 28?

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

MR. NESTICO: Okay.

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

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

MR. PATTAKOS: Tom --

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

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

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

at that book and --

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

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

BY MR. PATTAKOS:

Q. Okay. Have you reviewed this email?

A. Yes.

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

A. Not necessarily.

Q. Where else would it be?
A. Well, we refer clients to all sorts of doctors, not just chiropractors.
Q. But would you agree it's probably some kind of doctor or healthcare provider then?
A. I mean, I don't want to speculate on what someone redacted out. That's kind of unfair. I don't --
Q. Okay.
A. -- I don't know what that says.
Q. Okay. But you write, "We need to send the investigator to sign her up today then. RememberS..ALL signups must be same day, unless approved."
A. Correct.
Q. And you wrote that because it was the firm's policy for all signups to be on the same day, correct?
A. I'm never going to tell you that it's the firm's policy, because it was not a policy. It's a preference, which is why I say, "Unless approved" --
Q. Okay.
A. -- so I'm giving --

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

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

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

Q. Meaning you?

A. No. Rob, Robert or Brandy.

Q. Right. "Brandy," meaning you?

A. Yes.

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

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

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

A. I mean, sure.

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

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

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

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

[redacted]

1 [redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
8 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.
15 [redacted]
[redacted]
[redacted]
[redacted]
[redacted]
22 Q. Okay. And this was reflected in
23 this document, which I will ask Tracy to mark
24 as Exhibit 8.
25 - - - - -

(Thereupon, Deposition Exhibit 8, 2/13/2013 Email To Attorneys From Brandy Lamtman, Bates Number Williams000560, was marked for purposes of identification.)

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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.

[redacted]

[redacted]

Q. What was the reason for you sending this email?

A. Because I wanted them to send the information over.

Q. Why?

[redacted]

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

and we can finish, so it will be fast.
Q. So how was it determined which investigator would do which signup?
MR. MANNION: Wait a minute. That has nothing to do with that email.
MR. PATTAKOS: I have two more emails.
MR. MANNION: Okay. Well, if you're going to get into a different line of questioning, we're going to take our lunch break.
MR. PATTAKOS: Tom --
MR. MANNION: You said you had two more emails along this line and then you switched over to something different.
MR. PATTAKOS: Tom, we are going to have two more emails along this line.
MR. MANNION: Okay. Then we're going to take our lunch break now then, if you're going to --
MR. PATTAKOS: There's a question pending.
MR. MANNION: No. We said we were going to take a lunch break and you said you had to more emails on this line.

MR. PATTAKOS: Well, I'm asking for the basic courtesy. Yes, this is a line of questions that I want to finish before we break.

MR. MANNION: Well, I asked for a lunch break.

MR. PATTAKOS: Tom, it won't take more than 10 minutes.

MR. MANNION: You just specifically misrepresented to me what you were going to do. You said --

MR. PATTAKOS: No, I didn't.

MR. MANNION: Yeah, you did. Now you switched into an investigator question.

MR. PATTAKOS: This is all about investigators and signups, Tom, so I'd like to --

MR. MANNION: That's not at all --

MR. PATTAKOS: -- ask about --

MR. MANNION: That's not at all what that email had to say at all. It just talked about listing the referral and we were going to take a lunch break. You said you had two more emails on this issue.

MR. PATTAKOS: Tom, I'm asking you

to give me 10 more minutes and two more emails.
MR. MANNION: No, I'm not going to give you 10 more minutes, because I need to take a break, but if you have two more emails along this line, fine.
BY MR. PATTAKOS:
Q. How is it determined which investigator would do each signup?
MR. MANNION: Object.
Go ahead, if you know.
A. Based on geographical location.
Q. Okay. So if the witness -- if the client was in a certain area, the investigator from that area would be sent?
A. Correct.
MR. MANNION: Okay. We'll take our lunch break now. There's no question pending. Right now we'll take our break. You said you had two emails to talk about --
MR. PATTAKOS: Tom, this is completely unprofessional.
MR. MANNION: No. We're taking a lunch break. It's 20 to 1.
MR. PATTAKOS: Tom, I'm asking for 10 more minutes to finish up this subject.

MR. MANNION: It's 20 to 1. You can finish it, when we're done with lunch. You don't get to control everything including when we get hungry, when we need breaks. You said you had two more emails and I was willing to do it and you went on to a different line.

MR. PATTAKOS: And I have two more emails.

MR. MANNION: That you're apparently not getting to, so we'll take our lunch break now. And it's 12:41. Let's not take a full hour. How does 1:30 sound?

MR. PATTAKOS: 1:30 is fine, Tom.

MR. MANNION: Okay.

VIDEOGRAPHER: Off the record 12:41.

(Lunch Recess taken.)

VIDEOGRAPHER: On the record 1:41.

MR. PATTAKOS: Okay. I'd like to go back to Exhibit 8, Tracy. Oh, there you go.

BY MR. PATTAKOS:

Q. This is the email you say, "Every time you do an intake you need to send an email to Rob, Robert, Holly, Sarah and I." I assume, "Rob," and, "Robert," are Nestico and Redick,

correct?
A. Yes.
Q. And, "Holly," is Holly Tusko?
A. Yes.
Q. And, "Sarah," is who?
A. Sarah Knoch.
Q. Sarah Knoch, K-n-o-x?
A. K-n-o-c-h.
Q. K-n-o-c-h, but that's pronounced Knoch --
A. Yes.
Q. -- like it has an X at the end? Okay. Why is it that you want this email to say how it is getting signed up?
A. I actually am not -- I'm not sure.
Q. You have no idea?
A. No.
Q. Okay. Can you think of any reason why it would be important for you to know -- you, Rob, Robert, Holly, Sarah to know how a case is getting signed up as soon as an intake comes in?
A. I think that one thing that comes to mind would be so that Holly can follow up on if like, let's say the client doesn't actually

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]
11 A. Yes.
12 Q. -- [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?

Q. Is that how it worked?
A. I mean, I can't speak on their behalf, but there have been times where that has been their practice, I guess.
Q. Do you remember anything else whether Mike or Aaron would do any given signup?
A. No, not particularly --
Q. Okay.
A. -- maybe based on availability.
Q. Okay. Okay. Let's take a look at Exhibit 9 here.

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(Thereupon, Deposition Exhibit 9, 11/27/2012 Email To Attorneys From Holly Tusko, Bates Number Williams000040, was marked for purposes of identification.)

- - - - -

MR. MANNION: November 27, 2012.
Q. You'll see this is an email from Holly Tusko to all attorneys where you and Rob Nestico are copied. Is that correct?
A. Yes.
Q. November 27, 2012, correct?

A. Yes.
Q. And Holly says, "Who did an intake for," and then presumably this is a client's name redacted. "I have signed forms from David Hogan and ZERO INFORMATION." In all capitals, "Zero information." Who is David Hogan?
A. You know, I'm not even really sure.
Q. He's an investigator, is he not?
A. Not that I can remember.
Q. You don't remember that Dave Hogan is an investigator in the Columbus area?
A. He may have been for a short period of time.
Q. Okay. If I told you he was an investigator that worked for the firm out of Columbus, would you have any reason to disagree with me?
A. No.
Q. Okay. And Holly says, "Whenever you do an intake from a chiro that the investigator is signing up and there isn't a pending intake you need to do an intake sheet. I have two cases sitting here right now and have no information to open them with."
"Please advise."

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

information, it was not the investigator's job to obtain this information, correct?

MR. MANNION: Objection. Did you say it says that on here, Peter?

MR. PATTAKOS: I'm asking her.

MR. MANNION: Oh.

Q. This is referring to information. Holly's email is referring to obtaining information, basic intake information that was not the investigator's job to obtain, correct?

MR. MANNION: Objection. Again, mischaracterizes this.

[redacted]

Q. Thank you. Okay. Let's move on to Exhibit 10.

- - - - -

(Thereupon, Deposition Exhibit 10, 3/19/2012 Email To Attorneys From Brandy Brewer, Bates Number Williams 000046, was marked for purposes of identification.)

- - - - -

MR. MANNION: March 19, 2012, Rob.

Q. Okay. This is an email from you to all attorneys sent on March 19, 2012, correct?

A. Yes.

Q. Did you send this email?

A. Yes.

Q. Okay. It says, "I know we've had a lot of intakes today, but we still need to make sure we're handling them properly. Please make sure you are getting DOB and SSN, otherwise records and bills cannot be requested when the case is opened, which will then create more work for your paralegal. Note as much information as possible, the more info we have the easier it is to get opened. If the client is super concerned about something, note that. This is very important. If the client wants a rental car ASAP or the property damage needs handledS..whatever it is, note it so that we

can handle that portion immediately after the case gets opened. Signups MUST be on the calendar." "Must," is in all caps. "I am positive that all of the signups for today aren't on the calendar. If you are having issues with this, please see me."

"I've also noticed that signups aren't being scheduled for the same day as the intake. Obviously this isn't always possible, but always try your best to make that happen. This is a sure way to not get the case," exclamation mark, exclamation mark.

Am I reading that correctly?

A. Yes.

Q. Okay. So you say, "I've...noticed that signups aren't being scheduled for the same day as the intake." How would you have noticed that?

A. I would have -- I could have -- I feel like I've already answered this. I could have looked at the intakes in the system. I could have overheard an attorney. Holly could have told me. I mean, there's a variety of different ways that this could have been brought to my attention.

Q. What's the calendar you refer to here?
A. That would be Outlook.
Q. Okay. And you say, "Signups must be on the calendar," correct?
A. Yes.
Q. So what do you mean by that?
A. So in and effort to not double like book the investigators, I created an internal calendar for the signups to be -- to be put on the calendar so that, you know, Aaron didn't have two signups at the same time or -- you know, to avoid scheduling conflicts.
Q. Okay. Do you think this is around the time when you were receiving an email on every single intake?
A. I don't know when that started and --
Q. Okay.
A. -- so I don't know.
Q. That would have been one way that you could have figured out --
A. Yeah.
Q. -- that the signups weren't on the calendar, correct?

A. Correct.
Q. Okay. You write here, "I know we've had a lot of intakes today." How did you know there were a lot of intakes on that day? Was it because you received those emails?
A. I don't know if I was receiving emails on this day or not. I would have known that we've had a lot of intakes. Again, it could have been conversation. It could have been -- I could have been reviewing intakes. Holly could have told me. I mean, there's a variety of different ways that I would have come to that conclusion.
Q. Okay. What would be a lot of intakes for one day?
A. Jeez, I don't know, especially six years ago.
Q. You can't estimate?
A. No.
Q. What's a lot of intakes today?
A. We have way more attorneys today. I mean, we have a lot of intakes regularly. I don't -- there is no number in my mind that would cause it to be a lot.
Q. But there was here, because you

said there were a lot, correct?
MR. MANNION: Well, objection. Wait a minute. There was what? Please clarify the question. You said "There was here." Are you asking her if there was a number involved here?
MR. PATTAKOS: Tracy, can you, please, read the witness's testimony.
MR. MANNION: Well, I have a right to know what the question is, Peter. I'm just trying to find out what it was.
MR. PATTAKOS: Tom, there's no need to get upset. I'm asking Tracy to read the testimony and then -- to read Brandy's testimony and then read my question.
(Record was read, Pages 149-150, Lines 20-1.)
MR. MANNION: I'm going to, again, object. And ask what your question is. What do you mean, "There was here"? Do you mean a number?
MR. PATTAKOS: Well, she says there's no number in her mind that would be a lot, but -- she says, "A lot," here.
Q. So I'm asking, if it's not a number, then what would, "A lot," mean?

A. I mean, this was six years ago. I don't know what I meant by, "A lot."
Q. Okay. More than usual, though?
A. Not necessarily. "A lot," doesn't always mean more than usual.
Q. What would, "A lot," mean in this context, apart from, more than usual?
A. In the email, I felt like there was a lot of intakes. I don't know six years ago what that meant.
Q. Okay. And even when there was a lot of intakes, the firm's policy or preference, as you call it, was still to send an investigator on the same day to sign the clients up, correct?
MR. MANNION: Objection to form. Go ahead.
A. Again, it would be the preference, not the policy.
Q. Um-hum. And something that you instructed KNR attorneys to always try your best to make happen, correct?
A. I would feel like maybe reminded.
Q. Well, you write here, "Always try your best to make that happen," referring to

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

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

1 [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.

Q. I'm asking -- I'm not asking you to speculate. I'm asking you to remember.

A. Well, anything that you're asking me to do would be speculation, because I already told you I don't remember.

Q. Okay. So it's possible that you were referring to losing cases to other firms because you don't -- you don't remember enough to say that it's not --

MR. MANNION: Objection.

A. That's not what stands out in my mind.

Q. I'm trying to get a clear answer one way or another, so.

A. I think you're trying to confuse me.

MR. MANNION: And I think you're arguing with the witness. Stop it.

You don't have to say a word. He didn't ask you a question right now. He's just staring at you, for some reason, and shaking his head.

MR. PATTAKOS: Again, I will ask Mr. Mannion to stop making misrepresentations on the record.

Tracy, can you please read my question back to the witness.

(Record was read, Pages 155, Lines 6-16.)

MR. PATTAKOS: Go back to the question and read that question again. I'd like to get an answer from the witness.

MR. MANNION: She answered it. She said --

THE NOTARY: Hold on. You guys, since we're on the record, when you guys talk, I have no choice but to take the record and then I can't read back, so we got to kind of like --

MR. MANNION: Got it.

THE NOTARY: All right.

(Record was read, Pages 154-155, Lines 6-6.)

MR. MANNION: She answered the question.

BY MR. PATTAKOS:

Q. Okay. You know what? We can leave it at that. We can leave it at that. If that's what you want your answer to be, that's what it will be.

MR. MANNION: Objection. Move to strike.

Q. Can you explain the process of how the investigators were paid?
A. Can you be more specific?
Q. Do you need me to be?
MR. MANNION: She asked you to be.
A. I don't work in the accounting department, so.
Q. So you have no knowledge of how and when the investigators were paid?
A. I've seen expenses on cases for investigators being paid. I don't have -- it's not something that I oversaw --
Q. Okay.
A. -- like specifically.
Q. So is your answer, no, you have no idea how the investigators were paid or when in the process they were paid?
A. No, that wasn't my answer. I didn't say that.
Q. Okay. So please explain to me what you know about when the investigators were paid.
A. So, again, it's not something that I oversaw. I don't work in the accounting department. There are case expenses that I've

seen where checks have been requested, I guess. I -- a paralegal would request a check. But as far as like the exact process, I definitely can't say that, because that's not any part of my job specifically.

Q. Whose job is it?

MR. MANNION: Objection.

Go ahead.

A. So the paralegals request the checks and the accounting department prints the checks.

Q. Do you have any idea when in the process a paralegal is supposed to request a check for the investigator?

MR. MANNION: Objection.

Go ahead.

A. Probably the beginning phase of the case, but I can't like -- actually, I shouldn't even say that, because I don't -- I don't for sure entirely know.

Q. What do you know? If you don't entirely know, what do you partially know?

A. I know the investigators get paid.

Q. Okay. If I told you that it was the firm's policy or practice to pay the

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

was cut as soon as the case was opened in Needles? Is it possible that that's what the firm's practice is?

MR. MANNION: Objection as to, possibility.

Go ahead.

A. I mean, I can't speak to that. I can't comfortably give you an answer to that. It's changed.

Q. So you don't know?

A. Correct.

Q. Okay. You don't know if it's possible or not?

A. I'm saying, I don't know what the specific process is on how the investigators get paid.

Q. That wasn't my question.

A. Okay. Can you please ask me the question again?

Q. The question is: If I told you that it was KNR's practice to pay the investigator check as soon as the case was opened in Needles, do you have any reason to believe that is not what happens?

MR. MANNION: Objection. Asked and

answered.

Go ahead.

A. I mean, yes, because you're telling me that and you don't work there.

Q. Any other reason?

A. I have no reason to believe anything -- if you were to tell me any part of that, because it's not -- I don't know the specific answer to that question. It's not my job --

Q. Okay.

A. -- I don't do that. I never did that.

Q. Okay.

- - - - -

(Thereupon, Deposition Exhibit 11, 6/10/2014 Email To We Steel, Etc. From Holly Tusko, Bates Number KNR03226, was marked for purposes of identification.)

- - - - -

Q. This is Exhibit 11.

A. Thank you.

MR. NESTICO: Tom.

MR. MANNION: I apologize. June

10, my birthday, 2014. I was a young 51 at the time.

MR. PATTAKOS: I hope it was a happy birthday for you, Tom.

MR. MANNION: Fiftieth is better. I had a couple bands.

BY MR. PATTAKOS:

Q. Are you through reading this email?

A. Um-hum, yes.

Q. So this is an email on June 10, 2014, from Holly Tusko to a number of people including Wes Steele, Gary Monto, Dennis Rees, Aaron Czetli and Mike Simpson. Those are investigators, correct?

A. Correct.

Q. Okay. Are these all investigators here in the, "To," field?

A. Yes.

Q. Okay. Do you know whose email address Juanjudo@aol is?

A. No.

Q. Do you know who Tfish878 is, Tom someone?

A. Tom Fisher.

Q. Tom Fisher. Okay.

A. Well, I guess JudanJudo would be Gary Monto.
Q. Really?
A. Yes.
Q. What makes you say that?
A. Well, Tom -- it says, "TOM," and then it says, "Tfish878."
Q. Yeah, but I think that's in brackets, if you see, so --
A. The way I read it, is that Tom is Tom Fisher. Then there's David French, Gary Monto, JudanJudo.
Q. It looks to me like JudanJudo is a separate address from Gary Monto.
A. It could be.
Q. Yeah. Is the reason that some of these investigators just appear as their names, like Wes Steele or Aaron Czetli or Mike Simpson, is that because they had KNR email addresses?
A. Oh, I don't know why their names would just show up and others wouldn't.
Q. But the investigator did have KNR email addresses, didn't they?
A. I believe they used personal email

addresses and I think at a time we created KNR email addresses for them.

Q. When did that happen?

A. I have no idea. I don't remember an exact timeframe.

Q. Okay. Why did you do that for them? Why did you create KNR email addresses for the investigators?

MR. MANNION: I'm going to object. I don't think she said she created them. You said, "You."

Q. Why did the firm create them?

[redacted]

Q. For the firm?

A. Well, for the investigators and for the firm --

Q. Sure.

[redacted]

1 [redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
[redacted]
9 A. I mean, I can't speak to what they
10 would have used. I don't know.
11 Q. Okay. So here she says -- and
12 you're copied on this email along with Rob
13 Nestico and the prelit attorneys, correct?
14 A. Yes.
15 Q. Okay. She says, "Good Morning KNR
16 investigators. In an effort to get everyone on
17 the same page please and to ensure that we are
18 servicing our clients to" the, "best of our
19 ability please see the below criteria for doing
20 sign ups. Please note that if this criteria is
21 not met you will not be paid. When doing a
22 sign up the following steps need to be taken."
23 Am I reading that correctly so far?
24 A. Yes.
25 Q. And she lists seven steps here.

"The subject line of your email should always contain the client(s) name." That's 1.

"2.) The contingency fee agreement, patient authorization and proof of representation forms need to be signed and dated as well as a discharge letter, if applicable." What is the discharge letter there?

A. That would be if the client was discharging another law firm.

Q. I see. Okay. Okay. And then she lists, "3.) Photo(s) of insurance cards."

"4.) Photo of client (from the chest up)."

"5.) Photo(s) of ANY visible injuries (cuts, red marks, bruises, scratches, braces, casts, etc)."

"6.) Photo(s) of the vehicle."

"7.) Photo of police report." And then she puts in parentheses, "(we send out direct mailers so a lot of the time the client will have the police report there with them)."

Am I reading that correctly?

A. Yes.

Q. Okay. She then says at the bottom,

"...this must be done by all Investigators for all sign ups," correct?

A. Yes.

Q. Okay. So as long as the investigators perform these tasks, they would be paid, correct?

MR. MANNION: Objection.

Go ahead.

A. As long as they perform these tasks, they would be paid, that's what her email says, correct.

Q. Yes. Do you have any reason to believe that's not the case?

A. I mean, this was something that Holly was in charge of, so I can't really speak for her, but, no. I mean --

Q. You were Holly's boss, correct?

A. Correct.

Q. Okay. So this email confirms KNR's policy -- or preference that an investigator gets paid as long as they turn in this information listed in this email. Isn't that correct?

MR. MANNION: Objection, form.

Go ahead.

A. Yes, that's what this email says.
Q. Okay. And do you have any reason to believe that anything contrary to that is true?
MR. MANNION: Anything contrary?
MR. PATTAKOS: Yeah.
Q. Is the policy anything else but what is reflected here, to your knowledge?
MR. MANNION: I'm going to object to the word, "Policy."
Go ahead.
A. So there's a variety of other things that investigators could do on a case-by-case basis. Is that what you're asking?
Q. No.
A. Okay. I'm confused.
Q. I'm asking if there was anything else that you know of that an investigator had to do to get paid their investigation fee that's not listed on this email.
MR. MANNION: Objection.
Go ahead.
A. I mean, you would have to speak with the attorneys. I feel like you're trying

to trick me. I don't know.
Q. No. I'm trying to get an answer out of you. That's all.
MR. MANNION: Move to strike.
Q. I'm asking you if this email accurately reflect -- let me rephrase it. Let me just ask you: Does this email accurately reflect KNR policy at this time or does it not?
MR. MANNION: Objection as to, "Policy."
Go ahead.
A. So I wouldn't say this is a policy, but this is -- she is telling the investigators in this email she would like these tasks to be complete for them to be paid for this -- for doing these tasks.
Q. Okay. You never corrected her for sending this email, did you?
A. Not that I can remember.
Q. Do you remember anyone else correcting her for sending this email?
A. I mean, I can't speak -- not that I was ever aware of. You'd have to ask her.
Q. Can you think of any reason why she should have been corrected for writing this

email?
A. No. She wanted this information.
Q. Okay. Let's move on to Exhibit 12.
- - - - -
(Thereupon, Deposition Exhibit 12, 6/3/2015 Email To Paul Hillenbrand From Holly Tusko, Bates Number KNR00756, was marked for purposes of identification.)
- - - - -
MR. NESTICO: Tom, can I get the date?
MR. MANNION: I apologize. June 3, 2015.
MR. NESTICO: I'm sorry. June 13, '15?
MR. MANNION: June 3, 2015.
BY MR. PATTAKOS:
Q. Okay. Just let me know when you're ready.
A. I'm ready.
Q. Okay. So this is another email from Holly Tusko, correct?
A. Correct.
Q. She emails, it looks like another

group of investigators, correct?
A. Correct.
Q. And you are copied along with Rob Nestico, Paul Steele and Thomas Vasvari, correct?
A. Correct.
Q. And it looks like there's also an address for signups there. Do you see that?
A. Yeah.
Q. What's that signups email list?
A. I don't remember exactly who's on the signup email, but it's a group that we created for them to send the forms to and all of the information.
Q. For who to send the forms to?
A. For the investigators. I believe the employees, some of the -- I don't know who all was on that email but the case coordinators, the people that work on the cases.
Q. Okay. So she lists a number of criteria first under the headline, "Attached you will find the following form examples of EXACTLY how EVERY form needs to be filled out when completing a sign up," and it lists four

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

Ms. Tusko in sending this email or tell her that she was wrong to send it?

A. Not that I can remember.

Q. Do you remember anyone else doing it?

A. I can't speak on behalf of anybody else.

Q. I'm not asking you to that. I'm asking you to speak to your own memory. Do you remember anyone else criticizing Ms. Tusko or telling her that she was wrong in sending this email?

A. I don't remember.

Q. Okay. Is there anything else you're aware that an investigator had to do, during this time period that this email was sent, to get paid?

A. I mean, the investigator, as I stated previously, they did other things other than just the signup and gather this particular information.

Q. I know that you've said that, but I'm not asking that question. I'm asking: Are you aware of anything else that an investigator had to do to get paid their signup fee or their

investigation fee that's not on this list?
MR. MANNION: Objection.
Go ahead.
A. I don't understand what you're asking me.
Q. Here's a list of things that an investigator is required to do by KNR, and Ms. Tusko says, "Should all of the above listed criteria not be met you will NOT receive payment on the signup(s)." I'm asking you if you are aware of anything else that an investigator had to do to get paid on the signups --
MR. MANNION: Objection.
Go ahead.
Q. -- that's not listed on this email.
A. No.
Q. Okay. Thank you.
MR. PATTAKOS: Pardon me for one second here. Okay. Exhibit 13.
- - - - -
(Thereupon, Deposition Exhibit 13, Intake Spreadsheets, Bates Numbers Williams000018-36, was marked for purposes of identification.)

- - - - -

MR. NESTICO: The date, Tom.

MR. PATTAKOS: There's a lot of dates on this one.

MR. MANNION: Yeah, it's Williams000018 through -- it's not in the email binder, I don't think. It starts October 17 of '14, but there's a number of different dates in that timeframe.

Q. Do you recognize what these emails are?

A. Yes.

Q. What are they?

A. These are case intake emails.

Q. Okay. And at some point during the -- well, during the time that these emails were sent, it was the firm's practice to send an email summarizing the intakes for any given day, correct?

A. They were sent out, yes.

Q. Yes. And that's what these emails are, are the daily summary email of all of the intakes that the firm took in on any given day?

A. They're actually not intakes. These are actually cases that were opened.

Q. Cases opened?
A. Yeah.
Q. And that's different from intake?
A. Correct.
Q. Okay. So this is a case that is opened in Needles at this point. Maybe, is this all the new cases -- strike that. Are these emails, emails reflecting all of the new cases that were opened in Needles on that day?
A. Yes. That's what this looks like to me.
Q. Okay. And these documents were provided to me by Mr. Horton and there's some information that has been redacted. I assume in this left-hand column is the client's name. Do you believe that's the case?
A. Yeah.
Q. Okay. And then I see two different dates here and I'm wondering what those two different dates are. Do you have any idea?
MR. MANNION: Yeah, I think you mean two columns.
MR. PATTAKOS: Yeah, two columns for each intake.
Q. For each intake, there's two

columns.
A. I mean, they don't have a title --
Q. No. I know that.
A. --they look like dates.
Q. Yeah. Well, you know what I think maybe what it is, is that one is the date that the client contacted the firm and then the second date is the date when the client was signed up. Do you think that's the case?
MR. MANNION: Objection.
But go ahead.
A. I mean, I don't have any reason to believe that one way or the other. There's nothing in here that indicates that to me.
Q. Well, what do you think this could indicate?
A. I actually don't know.
Q. You received these emails, didn't you?
A. I remember seeing these emails at some point in time. Me receiving them, you'd have to -- it depends on what period of time you're referring to, but I've seen a chart that looks like this before.
Q. Okay. And you'll see that in the

1 third column, there is a notation that is
2 either an, [redacted]
[redacted]
6 [redacted]
7 A. Correct.
8 [redacted]

Q. Okay. Maybe relating to knee replacements; do you remember?

A. I mean, it says, "Watson," next to it, so. I don't remember if it was a knee replacement or what specific the case was.

Q. Okay. This fourth column here lists two names, like, "Lisa and Amanda," or, "Lindsey and Brian," "Nicole and Devin," "Courtney and Josh." Does this reflect the paralegal and attorney that is assigned to each case?

A. Yes.

Q. Okay. And then the next column lists names like Wes Steele, MRS, AMC. These are the investigators on every case, correct?

A. Yes.

Q. And there's a dollar sign and then a dollar amount there next to every investigator, correct?

A. Yes.

Q. And this shows the signup fee that was paid to each investigator, correct?

MR. MANNION: Objection to the characterization of, "Signup fee."

Go ahead.

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

my client why they didn't have to answer your questions. That's a different story, Tom.

MR. MANNION: I don't think that's true. I don't think that's accurate.

MR. PATTAKOS: Well, okay.

MR. MANNION: I'm still going to object to the mischaracterization.

But go ahead.

MR. PATTAKOS: I'm going to ask you for now the eleventh or twelfth time to not make speaking objections.

MR. MANNION: And I'm going to ask you to quit wasting time by typing in the answers. We have a court reporter here.

MR. PATTAKOS: What, Tom? I don't understand what you're talking about.

MR. MANNION: About half the time we're wasting is you typing up her answers or whatever you're typing away here in between questions, so let's get moving.

MR. PATTAKOS: Okay, Tom.

Tracy, can you please read the question back.

(Record was read.)

MR. MANNION: Objection.

Go ahead.
A. When you say, "Signup fee," investigator fee, is that what you mean?
Q. Sure.
A. Okay. Yes, that's the investigator fee.
Q. Okay. Also, the same thing that the firm -- people within the firm commonly refer to as, "The signup fee," correct?
MR. MANNION: Objection. Asked and answered.
Go ahead.
A. It's referred to as -- it just depends on the person that you would ask what word they would use to --
Q. Okay. But I guess I'm trying to confirm again. This isn't two separate things. This is the signup fee, the same thing that people call, "The signup fee," correct?
MR. MANNION: Objection.
Go ahead.
A. I'm referring to this as, "The investigator fee."
Q. Okay. Right. And if someone else referred to as a, "Signup fee," you would not

disagree, correct?
MR. MANNION: Objection. Disagree with what?
MR. PATTAKOS: With them referring to this as, "The signup fee."
A. This in my mind is the investigator fee.
Q. Okay. And it's the investigator fee that gets paid as long as the investigators fulfill the criteria that was listed on those emails from Holly Tusko that you just reviewed, correct?
A. Not just that criteria.
Q. But if they do meet that criteria, this is the fee that gets paid, right?
A. There is other things that they do on cases they get paid for.
Q. Sure. I understand that's your testimony. I understand that's your testimony --
A. Okay.
Q. -- but this is the same fee that Holly Tusko is referring to in the emails that you just reviewed, correct?
A. Holly was referring to the actual

signups --
Q. Yeah.
A. -- the actual meeting with the client. There's different parts to all of this. So she was referring in that specific email, the way that I read it was, when you meet with a client and this is the stuff that you need to do. That's the way I read her email, but there are other pieces to that that wasn't on her email.
Q. Well, when I asked you about that, you didn't tell me anything else that -- the other pieces were that would be necessary for an investigator to get paid. Are you changing that testimony now?
MR. MANNION: Objection, argumentative.
Go ahead.
A. You were asking me specifically about her emails, so I was answering questions about the email. You weren't asking me in general about everything that investigators could do on cases --
Q. And I'm --
A. -- to me, that's two different

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.

MR. MANNION: -- and you don't decide who at our firm can answer questions about investigators.

MR. PATTAKOS: "Our firm?" Are you part of the firm, too, now, Tom?

MR. MANNION: That's not what I mean and you know that's not what I mean. That's how I refer to a client --

MR. PATTAKOS: Okay.

MR. MANNION: -- just like in opening or closing, I say, "We," I'm referring to the client and that side.

MR. PATTAKOS: Thank you, Tom.

MR. MANNION: Yeah. I know I don't roll around in the jury box.

BY MR. PATTAKOS:

Q. I am referring back to Exhibit Number 11 and Exhibit Number 12. I guess we'll have to look at these again. So Holly Tusko is saying in both of these emails -- she's listing criteria that an investigator has to meet to get paid, correct?

A. If the -- if they're going out and actually doing the signup, for them to be paid on that particular signup, then that's what

they would need to do.
Q. Right. And once they complete that signup, then the case gets opened up in Needles, correct?
A. Yes.
Q. And then this email gets sent here that's in Exhibit 13 that summarizes all of the cases that were opened up in Needles, correct?
A. Yes.
Q. And that fee that is being reflected here to the investigators is the same fee that the investigator gets paid for obtaining this information that's listed here in Exhibits 11 and 12, correct?
MR. MANNION: Objection to the form.
Go ahead.
A. It could be.
Q. It could be. What else could it be?
A. They -- if the investigator did the signup, then they got paid the fee that she's referring to in this email. The investigators also do other investigative work on cases on a case-by-case basis that she's not referring to

in this email.
Q. And, "In this email," you are referring to Exhibit 11 --
A. And 12.
Q. -- and 12? Okay.
A. Correct.
Q. But this fee that's listed in Exhibit 13, this is the signup fee, is it not?
MR. MANNION: Objection.
A. This is the investigator fee for cases.
Q. Yes. That they end up getting, that the investigators get for performing -- for obtaining the information that's listed in Exhibits 11 and 12, correct?
MR. MANNION: Objection. Asked and answered numerous times.
MR. PATTAKOS: Stop speaking.
MR. MANNION: Wait a minute. I'm allowed to object.
MR. PATTAKOS: You are not allowed to say, "Asked and answered." You are simply not.
MR. MANNION: Are you serious?
MR. PATTAKOS: Yes, I am serious.

MR. MANNION: Really? I can't say, "Objection. Asked and answered"?

MR. PATTAKOS: At this point we're going to ask the Court to ask you to stop making speaking objections.

MR. MANNION: I'm going to ask the Court to ask a lot of things for you to stop doing, believe me, but I'm allowed to say, "Objection. Asked and answered."

Go ahead.

MR. PATTAKOS: No, you're not. It's not appropriate. Your interpretation of whether my question has been answered is irrelevant and you're coaching the witness.

MR. MANNION: How in god's name is that coaching the witness? I'm not telling her what to say.

MR. PATTAKOS: You're telling her to repeat her answer, is what you're doing.

MR. MANNION: That's not what I said.

MR. PATTAKOS: I don't need to debate this.

MR. MANNION: That's not what I said.

MR. PATTAKOS: Tom, you know what you're doing. I don't --

MR. MANNION: You're going to try to drag this out for three days by asking the same question over and over again.

MR. PATTAKOS: Let's continue.

Tracy, can you please go back to the last question.

(Record was read, Page 188, Lines 7-11.)

MR. PATTAKOS: I don't need his objection. Read that question again.

THE NOTARY: Okay.

(Record was read, Page 188, Lines 12-16.)

MR. MANNION: Objection.

A. I can't -- can you repeat that, please?

Q. I will rephrase.

A. Thank you.

Q. This fee that is listed here in Exhibit 13 --

A. Um-hum.

Q. -- right next to each investigator's name in this fifth column here, that is the same fee that the investigator is paid as referred to in Ms. Tusko's email of

Exhibits 11 and 12, is it not?
MR. MANNION: Objection, form.
Go ahead.
A. It's -- no, it's not always.
Q. It's not always. So what is it, when it is not that?
A. So the investigators perform other duties that are not on this sheet. I feel like I said that before --
Q. Okay.
A. -- they could pick up medical records. I mean, there's a variety of other things that they do throughout the duration of the case that is not on this email. And by, "This email," I mean, Exhibit 11 and Exhibit 12. She's sending this email to ensure that when they do meet with the client that they get all of this information that's itemized 1 through 7 on here. That is just one part of it. (Indicating.)
Q. Explain that to me. She's sending this to ensure that the investigators obtain information?
A. Well, yes. If an investigator goes out to meet with a client, we want them to get

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.

A. No, not always.
Q. Okay. So that all goes under one fee, is what you're saying?
A. Not always. It depends on the timeframe that you're referring to and the investigators.
Q. Okay. So you're saying that on Exhibit 13, this fee is possibly not for a signup but possibly for something else?
A. It could be for investigative work.
Q. Okay. That has been performed on the day that a case is opened up in Needles?
A. It could be, or it could be later on in the case.
Q. Oh, so you're prepaying the investigator for work that might be done later in the case. Is that what you're saying?
A. I wouldn't say we were prepaying.
Q. Well, what would this mean -- what would the dollar amount mean, if this was sent the day that the case is opened up in Needles reflecting that an investigator was paid this much? I'm trying to understand what the investigator is being paid for here.
MR. MANNION: And I've told you,

again, this isn't the person to ask.
But go ahead and tell him what you know.
A. Everything is on a case-by-case basis. And you'd have to talk to the attorney who worked on that case. But I can tell you that this isn't all the work that they do.
Q. I know that's your testimony. I've heard that many times.
MR. MANNION: Objection. Move to strike.
Q. Okay. So this payment here in column 5, this payment is sent as soon as the case is opened up in Needles. Is that correct?
A. I don't know. I already told you that.
Q. Okay. Who would know?
A. You'd have to talk to Rob, the accounting department.
Q. Okay. If we look at page 25 here, you'll see on Exhibit 13 --
It's Williams 25.
A. 25?
Q. Yes.
A. Okay.
Q. -- you'll see that, "MRS" -- which

is Michael R. Simpson, correct? MRS is Michael Simpson's investigation company.

A. Yes.

Q. And AMC is Aaron M. Czetli's investigation company, correct?

A. Yes.

Q. You'll see that for October 14, Czetli and Simpson were paid on a total of 22 cases. Do you see that?

A. Yes.

Q. Okay. And what is this in this column that's next to the investigator?

A. Which column are you referring to?

Q. Just to the right.

MR. MANNION: I can't see.

MR. PATTAKOS: Just to the right.

MR. MANNION: Okay.

Q. Is this the referral source?

A. Yes.

Q. Okay. So at the top of this page 25, we see, "Akron Square." That's the chiropractor's office, correct?

A. Yes.

Q. "Town & Country," that's a chiropractor's office, correct?

A. Yes.
Q. Okay. "TV-Columbus," that is a TV ad. The client saw a TV ad and then came in from a Columbus TV station or -- yeah, a Columbus TV station, correct?
A. Yes.
Q. Okay.
MR. MANNION: Just for the record, though, quick, Page 81 of Thera Reid's deposition, Mr. Pattakos, objection, asked and answered, just to clarify.
MR. PATTAKOS: That's great, Tom.
Q. So, "Direct Mail-Columbus," if we look down a little further, this is the client -- the client called the firm because they received a direct mail, correct?
A. Yes.
Q. Okay. "YP," is Yellow Pages. Is that correct?
A. Yes.
Q. Okay.
MR. MANNION: Can we take a break, when you're done with this document?
MR. PATTAKOS: I have one more document after this, Tom, that we need to

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 --

MR. MANNION: I'm going to the restroom. We've been going for an hour, Peter.

MR. PATTAKOS: You want a break to confer with the witness --

MR. MANNION: We've been going for an hour, Peter.

(Recess taken.)

VIDEOGRAPHER: On the record 2:51.

BY MR. PATTAKOS:

Q. Okay. On this break, did you just confer with Mr. Mannion, your attorney?

MR. MANNION: You can't talk to her about what we talked about.

Q. Did you confer with him?

A. We had a conversation.

Q. Okay. Just wanted to make that clear. So back to this document, Exhibit 13, we see that MRS or AMC was paid a $50 fee on 22 different cases that came in on October 14, correct?

A. Correct.

Q. You'll see, if you look at some of these cases, if you look -- now, the first one came in from Akron Square and then we see, "...Stark Red Bag," "...Stark Red Bag," and

then we see "Toledo Injury," "Atlantic Chiro." Do you know what Atlantic Chiro is?

A. It's in Canton.

Q. Okay. And then, "Shaker Boulevard Rehab". And then we see, "Direct Mail-Columbus," on three different direct mail Columbus cases, MRS was paid $50. Do you have any idea why AMC and MRS were being paid on cases coming in from Toledo and Columbus?

A. I mean, I -- I can't tell you on these three cases what kind of investigative work they would have done. You'd have to talk to the attorney who handled that case.

Q. Okay. Do you believe the truth could be that the investigation fee was going to be charged to these clients anyway, regardless of whether a signup was performed or not and that it got charged to Aaron and Mike because they were the firm's primary investigators and this was a way to compensate for them for other work that they performed around the office?

MR. MANNION: Objection to form. Go ahead.

A. "Other work...around the office,"

what does that mean?

Q. Well, you agree that Aaron and Mike performed other work around the office, correct --

MR. MANNION: Objection.

Q. -- that didn't relate to any specific client case?

MR. MANNION: Objection.

Go ahead.

A. Not that they were paid for. I -- I don't have any knowledge of that.

Q. Whether they got paid for it or not, you understand that Mike and Aaron stuffed envelopes around the office for firm mailers and helped decorate the office for Christmas and things like that, correct?

A. No, no.

Q. You never saw them do that?

A. No, not that I can remember.

Q. Okay. If I told you that KNR, in its written discovery responses, admitted that they did work around the office, like stuff envelopes for mailers and put up holiday decorations, do you have any reason to believe that that's not true?

A. I mean, like I stated earlier on, Mike and Aaron did not report to me so what they did around the office, I really can't give you an answer on that.

Q. Okay. Well, you were laughing as though it was impossible that they were doing that.

A. I was laughing about decorating for the holidays, because I just don't really think that -- I can't picture them doing that. That's why I laughed --

Q. Okay.

A. -- it's kind of silly --

Q. Okay.

A. -- they're not very festive guys.

Q. So your testimony is that for every one of these cases listed on this email, that Mike or Aaron -- every one of these 22 cases, that Mike and Aaron did some investigative work on each of these cases?

MR. MANNION: Objection. What do you mean, is that her testimony?

A. My testimony is that what work Mike and Aaron did on any particular case would be on a case-by-case basis and you would have to

discuss that with the attorney who is representing that client on that particular case --

Q. That's not --

A. -- I can't testify to that.

Q. That's not my question. My question is --

MR. MANNION: It was.

Q. -- do you believe that Mike and Aaron performed investigative work on every one of these 22 cases as of the date that this email was sent?

A. I cannot answer that question. You would have to talk to the attorneys on these 22 cases to find out what investigative work Mike and Aaron did.

Q. So you don't know?

A. Correct. I cannot answer that question. You'd have to speak to those attorneys.

Q. So as far as you know, Mike and Aaron were paid an investigative fee, even if they didn't do any work on any of these cases?

MR. MANNION: Objection. Come on.

A. That's not what I said at all. I

said that I don't know what work they did. You'd have to speak with the attorney.

Q. But you agree that they wouldn't have been paid on this day, unless they had done some work --

MR. MANNION: Objection.

Q. -- on the case, at least sign the client up?

MR. MANNION: Objection.

A. I do not agree to that.

Q. Okay.

MR. MANNION: She said she doesn't know.

Q. It's got to be one or the other.

MR. MANNION: Objection.

MR. PATTAKOS: Tom, just please keep it to yourself. Your interruptions are constant and they're inappropriate.

MR. MANNION: I objected without giving a basis. I thought that's what you wanted me to do.

Q. You're saying on one hand that you don't know whether Mike and Aaron did work on all 22 of these cases as of October 14. Is that correct?

MR. MANNION: Objection.
A. I'm saying you would have to ask the attorney that worked -- that handled these cases. I don't have an answer for you for that.
Q. Because you don't know, correct?
A. I'm saying, I don't have an answer.
Q. Why don't you have an answer?
A. Because Mike and Aaron did not report to me.
Q. Right. Okay. We can leave it at that.
MR. MANNION: You can ignore the eye rolling.
THE WITNESS: Okay.
- - - - -
(Thereupon, Deposition Exhibit 14, 12/7/2012 Email To Robert Redick From Brandy Lamtman, Bates Number KNR003327, was marked for purposes of identification.)
- - - - -
MR. MANNION: Date is December 7, 2012.
Q. Please let me know, once you've

reviewed this email.
MR. NESTICO: December 7, 2012?
MR. MANNION: Yes.
MR. NESTICO: Thank you.
BY MR. PATTAKOS:
Q. Okay. So this is an email chain of December 7, 2012, where you, Mr. Redick and Mr. Nestico are participating, correct?
A. I think, "Participating," is a strong word. Robert sent an email to Rob and I, a suggested email.
Q. Okay. So Mr. Redick first emails you and Mr. Nestico and says, "I think we should send this to..." -- he suggests an email. And at the bottom he says, "I think we should send this to the staff today."
In that email, he writes -- the suggested email he writes, "Please be advised that if the attorney on the case requests any investigator" -- now all caps -- "WHO IS NOT MIKE OR AARON, to do something for a case that has already been opened, i.e. pick up records--knock on the door to verify address--they CAN be paid on a case by case basis depending on the task performed."

"However, no checks for anything other than the SU fee should ever be requested without getting in-writing approval from the handling attorney, myself and/or Brandy."

Am I reading this correctly so far?

A. Yes.

Q. Okay. "Under no circumstances" -- he continues, "Under no circumstances should any additional checks to MRS or AMC be requested other than at the time the case is set-up."

"Please see me if you have any questions." Am I reading that correctly?

A. Yes.

Q. Okay. And you did receive these emails -- this email?

A. Yes.

Q. Okay. And you responded, "Agree," with Mr. Redick's suggestion that this email be sent to the staff, correct?

A. Yes.

Q. Okay. Do you agree that the SU fee Mr. Redick was referring to here was in fact, he meant the signup fee?

A. So, "Signup fee," and,

"Investigator fee," I feel like we go back -- we go round and round about that. They're the same thing like in --

Q. Sure. Okay. I'm glad we are clear on that. You hadn't said that yet today.

A. -- so like here he's referring to it as a, "Signup fee." It could be referred to as that or it could be, "Investigator fee." He's calling this a signup fee in here for doing other work, like it's --

Q. Okay.

A. -- tomato, tomato like they're --

Q. The same thing?

A. Yeah.

Q. Thank you. Here, back to Exhibit 13, in this column with the investigators and the fee amount, this is the same thing; this is the signup fee, correct?

MR. MANNION: Objection. Asked and answered.

Go ahead.

A. Yeah, I just said that. Signup and investigator fee -- "Signup," didn't have to mean they were actually signing up the case. That fee could be that they're picking up

records or taking photographs or doing a whole plethora of other things that they could be doing.

Q. Okay. And this is -- in this column on page 13 listing the investigators and the fee amount, this is the same thing as the signup fee, correct?

A. Yes.

Q. Okay. Thank you. And the signup fee was always at least $50, was it not?

MR. MANNION: You can take a look at the exhibit, if you need to.

A. Yeah, I don't -- this?

Q. (Nodding.)

A. So there's one on here for $25.

Q. Okay. Do you have any idea why that would be a $25 --

A. I don't.

Q. Okay. Could that be because it was a companion from the same accident where the investigator simply only had to go to one place to do a signup and it was two people that were in the same accident? That would be a reason that an investigation fee would be less than 50, correct?

A. I'm not sure.
Q. But does that make sense to you?
A. I mean, I don't know if that makes sense or not.
Q. Okay. But would you agree that if the investigation fee was greater than $50, that that would mean it had to do with the investigator having to travel a certain amount and that this fee was dependent to some degree on the miles that the investigator had to travel?
MR. MANNION: Objection.
A. I don't know.
Q. Okay. Do you have any reason to believe that's not the case?
MR. MANNION: Objection.
A. I don't know.
Q. Okay. Okay. Back to Exhibit 14 here. So you agree that this email was intended to make clear that the firm's policy was that any task beyond the basic signup could be charged separately and paid to the investigator on a case-by-case basis, depending on the task performed, unless it was Aaron or Mike who performed the task?

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

Go ahead.

A. No.

Q. So what do you think he meant, Mr. Redick, when he emailed you and Mr. Nestico only to say that, "...any investigator WHO IS NOT MIKE OR AARON...CAN be paid on a case by case basis depending on the task performed, if that's not what he meant?

MR. MANNION: Objection.

Go ahead.

A. So what he meant was; there were five cases where Aaron was paid two investigator fees and Mike was paid two investigator fees on two cases. They were -- they -- we -- there was an error and this was to point that out and we caught it thankfully and corrected it. That was the intention of this email.

Q. So what does this mean -- what's the difference between Mike or Aaron on one hand and the other investigators on the other as to why they would be treated differently?

MR. MANNION: Objection.

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.

A. I don't know what that means.
Q. I'm trying to understand what Mr. Redick meant here and why you agreed with him in saying that, "...any investigator WHO IS NOT MIKE OR AARON," "...can be paid on a case by case basis depending on the task performed."
A. So you would have to ask Mr. Redick what he meant by that. I was agreeing to the part that I was aware of, which is this last sentence on here where I -- I brought the error to Robert Redick's attention, so I was agreeing on that. So you would have to ask Robert what he meant by this email.
Q. So you have no idea what he meant by this email?
A. No. I can tell you, I came to him because I found an error and this is the email he drafted and I agreed to the email based on the error that was found. (Indicating.)
Q. And the error was that Aaron was being paid more than -- Aaron got paid more than one investigative fee on five cases and Mike was paid an investigative fee -- more than one investigative fee on two cases?
A. Yes, I was concerned about that --

Q. Okay.
A. -- so we corrected it.
Q. And your testimony is you have no idea what he means when he says that, "If the attorney requests any investigator--WHO IS NOT MIKE OR AARON," "they can be paid on a case by case basis," even for a case that has already been opened --
MR. MANNION: Objection.
Q. -- but --
MR. MANNION: Objection. You're misreading it.
Q. -- that can never happen with Mike or Aaron, correct?
A. I'm just telling you --
MR. MANNION: I'm going to object again --
Wait a minute.
I'm going to object again. You're misreading this and you're acting like you're reading from it.
A. I'm just telling you, you have to ask Robert what he meant.
Q. I'm asking you. You have no idea what he meant there?

A. You would have to ask Robert.
Q. So you have no idea?
A. I don't want to speculate on what Robert's thought process was on this email.
Q. What did you understand him -- he was emailing you and asking for your input on this, so it stands to reason that you understood what he was talking about when you wrote, "Agree."
A. I told you I agreed --
MR. MANNION: Wait.
Object.
He didn't ask you a question. He made a statement.
Q. So I will ask you one more time. When Robert Redick writes, "...if the attorney on the case requests any investigator--WHO IS NOT MIKE OR AARON--to do something for a case that has already been opened," for example, "pick up records--knock on the door to verify address--they CAN be paid on a case by case basis depending on the task performed."
"However, no checks for anything other than the," signup, "fee should ever be requested without getting in-writing approval

from the handling attorney, myself and/or Brandy."

And, "Under no circumstances should any additional checks to MRS or AMC be requested."

What I'm asking is: Why is he making this distinction between Mike or Aaron on one hand and all of the other investigators on the other?

MR. MANNION: Objection.

Go ahead.

A. I'm saying, you would have to ask Robert.

Q. So you're saying you have no idea at all?

A. I'm saying, I'm not going to speak on Robert's behalf.

Q. I'm asking you for your understanding.

A. I'm not -- I'm not going to give you my understanding, because that could be completely different than what Robert's intention was.

MR. PATTAKOS: Tom, will you please instruct your witness that she has to tell me what her understanding is?

MR. MANNION: If you recall what your understanding was --

A. I don't --

MR. MANNION: -- feel free.

A. -- it was six years ago.

Q. Well, what's your best guess as to what Robert Redick was referring to here?

A. I can't give you my best guess. I don't have a best guess --

Q. So you have no idea?

A. -- I don't have an opinion on this and I don't have a best guess and I don't want to speak on Robert's behalf.

Q. So you have no idea what he might have been referring to here?

A. I'm not going to say that, no.

Q. So you have some idea?

A. No.

MR. MANNION: What?

Q. So you have no idea?

A. No.

Q. Okay. We can leave it at that. You sure?

MR. MANNION: Stop it, please. We already told you, she's not the person who the

investigators reported to for that process. You're doing this whole deposition so far on something that she wasn't responsible for. There are other people you could ask these questions to.

MR. PATTAKOS: She is one of --

MR. MANNION: I commend you for your patience, Brandy.

- - - - -

(Thereupon, Deposition Exhibit 15, 12/7/2012 Email To Staff From Robert Redick, Bates Number KNR003289, was marked for purposes of identification.)

- - - - -

Q. So here's Exhibit 15. Do you remember -- Ms. Gobrogge, first, about the last email, do you remember if Mr. Nestico had any input on that?

A. I don't remember.

MR. MANNION: December 7, 2012. It's the same email, Rob.

MR. PATTAKOS: It's not the same email.

Q. You would agree this is the email

that actually went out to the staff, correct?
A. Yes.
Q. Okay. So the very email that Robert Redick asked for your and Mr. Nestico's opinion on and you said you agreed it should be sent, he did in fact send that, correct?
A. Yes.
Q. And nobody corrected him for sending it, to your knowledge?
A. I don't know --
Q. Okay.
A. -- not that I remember.
Q. Okay. So under what circumstances would you approve -- how many times did this happen? Let me say this. He says that, "...no checks for anything other than the," signup, "fee should ever be requested without getting in-writing approval from the handling attorney, myself and/or Brandy."
How many times have you approved a check to an investigator that was for something other than a signup fee?
A. I don't -- I don't remember.
Q. Have you ever done it?
A. I don't remember. I don't

remember.
Q. Okay.
A. Something came to my attention.
Q. What's that?
MR. MANNION: Go ahead.
A. The investigator in Toledo and one of the investigators in Columbus, we pay them a fee -- the firm pays them a fee, not the client, to take our mail to the post office every day --
Q. Okay.
A. -- that was more of a recent thing, I think, which is why I remember.
Q. Did you approve those expenses?
A. I was part of the conversation --
Q. Okay.
A. -- I don't remember who exactly would have approved that. We had an issue with the employees not taking the mail to the post office, so that was my suggested fix for the issue.
Q. Did this happen over email?
A. I don't think so. I -- I don't have any -- I don't know.
Q. Okay. The practice of charging

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 --

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?

MR. PATTAKOS: -- you began scoffing at my question before the witness had answered and I'm going to ask you not to do that.

MR. MANNION: Completely untrue. You weren't even looking. You were looking at your computer, so I'm not sure how you would know that.

MR. PATTAKOS: I can hear you, Tom. That's -- I have ears and it's on the microphone, so. There's a recording of this.

MR. MANNION: Well, Peter, you were trying to take a question you had from before --

MR. PATTAKOS: Tom, I'm not interested in your opinion on what I'm doing.

MR. MANNION: Well --

MR. PATTAKOS: I'm just asking you to stop.

MR. MANNION: -- I'll tell you why I objected.

MR. PATTAKOS: I'm asking you to stop --

MR. MANNION: Well, I'm asking you to stop with the faces that you make at the

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?

A. No. I've never seen it before.
Q. Okay. If I told you that this was in the firm's handbook, would you have any reason to disagree with that?
A. Yes.
Q. Why is that?
A. I just think it would be odd, how to request a check, that would be in our handbook.
Q. Why?
A. Because our handbook is, You must arrive to work on time or things like that.
Q. This would be -- you don't believe this would be in any training manual or anything for any of the firm's employees?
MR. MANNION: Objection. Different question.
Go ahead.
A. Well, training manual and handbook are different.
Q. Okay. So do you have any reason to believe that this wasn't in a training manual?
A. No.
Q. Is there any reason why that you're aware of that there would be a different

procedure for adding an investigator check as opposed to any other check that the firm would cut in connection with a case?

A. I would think they would probably be the same.

- - - - -

(Thereupon, Deposition Exhibit 17, 1/14/2014 Email To Intake From Holly Tusko, Bates Number Williams000168, was marked for purposes of identification.)

- - - - -

Q. Okay. This is Exhibit 17.

MR. MANNION: January 14, 2014, from Holly Tusko to intake and attorneys.

Q. You ready?

A. Yes.

Q. Okay. This is an email sent by Holly Tusko on January 14, 2014, correct?

A. Yes.

Q. And it was sent to the intake department, all attorneys and you separately, correct?

A. Correct.

[redacted]

1 [redacted]

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.

1 [redacted]

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]

24 Q. Okay. Would you agree that one of

25 the big parts of your job is to help manage the

firm's relationship with chiropractors?

A. No.

Q. No. That is part of your job, though.

A. No, not anymore.

Q. It was part of your job.

A. My job was never to manage relationships with doctors. That wouldn't be the way -- the words that I would choose to describe.

Q. What are the words you would choose?

[redacted]

Q. What made a good doctor, in your opinion?

[redacted]

1 [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.

Q. Subject line, "Referrals," correct?
A. Yes.
Q. In the first paragraph, you write, "I work hard to maintain a close relationship with chiropractors and I am in contact with most of them several times a day," correct?
A. I said that, yes.
Q. You said that because it's true, correct?
A. No. I feel like that's a sentence that I used five years ago in an email. It's not the way that I would explain my job duties.
Q. Was this not the case at the time you sent this email?
A. I feel like it was the words that I chose in this email, but it wasn't -- it wouldn't be words that I would use to describe my job as a whole.
Q. Well, was it true or not at the time you sent this email, that you worked hard to maintain a close relationship with chiropractors and you were in contact with most of them several times a day?
[redacted]

1

1 [redacted]
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.
15 [redacted]
22 Q. As to who the attorneys referred
23 the case to?
24 A. Yeah.
25 Q. Could it also be a referral mistake

as to -- a mistake as to where the referral came from?

A. "PLEASE make sure" --

MR. MANNION: Just so I understand your question, Peter, are you saying somebody wrote down the wrong name in the referral box? Is that what you were asking?

MR. PATTAKOS: Yeah.

Q. Whether it was a referred to or referred from.

A. I believe in this email, I was referring to the referred to --

Q. Sure.

A. -- I actually say, "Regarding the referred to's" --

Q. I see that. Okay. Okay.

A. -- and I think relationship -- when you're working with someone, you know, you're friendly with them, I guess.

[redacted]

1 [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

1 chiropractors?
2 MR. MANNION: Objection to the
3 form.
4 Go ahead.
5 [redacted]

1 [redacted]

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

a client to had nothing to do with the number of referrals that that chiropractor had sent to the firm?

A. We often sent to chiropractors and/or doctors who didn't refer any business to us. So we actually sent to people that did send business to us and people that didn't.

Q. So is your answer then, yes, that it hadn't -- your decision to send a client to a given chiropractor had nothing to do with how many cases that chiropractor sent you?

A. So given the choice, if I had chiropractor A on one side of the street and chiropractor B on the other side of the street and we'll say they were both good doctors. I had met with both of them. I knew both of them. And chiropractor A sent us cases, sure, I'd prefer to send over to A --

Q. Okay.

A. -- that doesn't mean B wouldn't get any referrals from us.

Q. Okay.

MR. MANNION: June 9, 2014.

- - - - -

(Thereupon, Deposition Exhibit 19,

6/9/2014 Email To Prelit Attorney From Brandy Brewer, Bates Number Williams000165, was marked for purposes of identification.)

- - - - -

Q. Okay. So this is an email from you on June 9, 2014, with the subject line, "Chiro Referrals," to prelit attorneys where you write, "Please make sure you are using the chiro boards. When I left on Wednesday I switch Akron to Akron Injury and you sent ZERO cases there and 4 to ASC, I also added Tru Health and removed Shaker Square and you sent 3 cases to Shaker Square and ZERO to Tru Health."

"Core was removed as well and you sent a case there!"

So what is the purpose of this email?

A. To make sure that the referrals were being spread out.

Q. Okay. And you would agree that the referrals were managed very strictly by the firm, correct?

MR. MANNION: Objection to characterization.

Go ahead.

A. I wouldn't say, "Managed strictly." I saw the big picture, so I saw where the cases -- all the cases were going, but ultimately the attorney was the person who was speaking to the client and making the referral.

Q. Okay. Let's mark Exhibit 20.

- - - - -

(Thereupon, Deposition Exhibit 20, 6/23/2014 Email To Prelit Attorney From Brandy Brewer, Bates Number Williams000455, was marked for purposes of identification.)

- - - - -

MR. MANNION: June 23, 2014.

Q. Here is an email June 23, 2014, where you write to prelit attorneys in the second paragraph -- well, you write in the first paragraph, "I have sent this email several times. Please pay attention to the chiro referral email Sarah or I send out and also, the board."

"Referrals are not up for negotiation."

Did you send this email?

A. Yes.

Q. Okay. Well, Sarah is not an

attorney, is she?
A. No.
Q. And here you're telling the attorneys that referrals -- the referrals that you and Sarah dictate are not up for negotiation, are you not?
A. That's what I wrote in the email. That's not entirely what I meant.
Q. What did you mean?
A. So Rob Horton, for example, he doesn't know all of the other cases in the firm, where they're being referred to. Neither do any of the other prelit attorneys, so. I do. That's part of my job. So I was making sure that the referrals are spread out. And ultimately I say on here, "If you have an issue, please let me know," so that doesn't -- that means that's up for negotiation, that we should talk about it or they should let me know if they're sending it somewhere else.
Q. You also write here, "I spend a lot of time tracking referrals and working with doctors" --
A. Yes.
Q. -- and that was true, correct?

A. Yes.
Q. Is it still true?
A. No.
Q. Okay. Who does that now?
A. Sarah actually had a baby so she works from home. She does all of the referral reports --
Q. Sarah Knoch?
A. Uh-huh.
Q. Okay.
A. -- and as far as working with the doctors, I think I said that earlier, Alex VanAllen.
Q. Okay.

- - - - -

(Thereupon, Deposition Exhibit 21, 1/17/2014 Email Trail Between Courtney Warner, Brandy Brewer and Kimberly Lubrani, Bates Number KNR03385, was marked for purposes of identification.)

- - - - -

Q. Okay. Take a look at Exhibit 21.
MR. MANNION: January 17, 2014.
Q. So this shows several emails, but

I'm looking at the one which looks like the second one from the bottom where you write on January 17, 2014, to Courtney Warner, Sarah Knoch and staff, "Nobody releases ANY information regarding referrals to anyone other than me," exclamation mark.

Why did you write that?

[redacted]

Q. And you didn't want to do that?

A. No, that's not what -- I said that I didn't want them doing that.

Q. Who is, "Them"?

A. Well, I emailed it to Courtney and copied the staff. So I didn't want the staff, the paralegals emailing doctors with referrals. That would be something that was part of my job. I had previously told you that I would let the doctors know when we referred the client so they could schedule the appointment.

Q. Why would the Deaconess chiro want you to email them the names of all the clients

that the firm referred to the chiro in January and going forward?

A. Well, I can't speak on their behalf, but probably to schedule the appointments.

Q. To schedule the appointments?

A. Um-hum.

Q. Why would it have mattered whether anyone else at the firm did that? What was the point of controlling that information?

MR. MANNION: Objection.

Go ahead.

A. Well, Courtney was a paralegal. She had her paralegal work, just like I had my job to do, so that is my job.

Q. Why is -- what's so funny in Kim Lubrani's email when she says, "So they want us to keep track of their referrals for them...LOL"?

A. I have no idea. You would have to ask Kim Lubrani that.

Q. Okay. Do you agree that there would be nothing really funny about that; that it would be natural for a chiropractor to want to be called so that appointments could be

scheduled?

MR. MANNION: I'm going to object. You mixed and matched there.

But go ahead.

A. I agree. I didn't think it was funny.

Q. Okay. Did you end up sending Deaconess chiro this info?

A. Oh, boy, I don't remember.

Q. Is there any reason why you wouldn't have?

A. I don't know.

Q. Okay. Why would they need you to email them the names of clients referred to schedule appointments?

A. Well, I mean, I was just at my doctor and got referred for a nerve conduction test and they scheduled that for me. So just make it easier for the client.

Q. Okay.

MR. MANNION: While there's a little pause, it's 3:47. Do you know when the next time you need to --

THE WITNESS: So I would say, like between now and -- before 4:30, between now and

4:30, so.

MR. MANNION: Okay.

When we get to a good spot, let's take one in a few minutes, a little break here.

MR. PATTAKOS: We can stop right now.

MR. MANNION: Want to do that? Okay.

VIDEOGRAPHER: Off the record 3:47.

(Recess taken.)

VIDEOGRAPHER: On the record at 4:07.

BY MR. PATTAKOS:

Q. Okay. Back to the firm's relationships with chiropractors. So you deny that the firm's practice is to trade referrals in exchange for referrals, correct?

A. Correct.

MR. MANNION: Objection to form.

But go ahead.

Q. And you say that the main reason that the firm manages its referrals so closely is so that the referrals can be spread out evenly, correct?

MR. MANNION: Objection. That

mischaracterizes.
Go ahead.
A. Could you ask me that again? I'm sorry.
THE WITNESS: Or could you repeat it?
(Record was read.)
A. I didn't say that was the main reason. I said that was a reason.
Q. What is the main reason then?
A. I don't know that there is a main reason, other than -- so if a client comes to us and is injured and doesn't have a doctor to treat with, so they need to be treated by a doctor, whether it's a chiropractor or any other kind of doctor, we refer them to doctors that we've met, that we've worked with. And I definitely would think it's in the client's best interest for us to, you know, work with these doctors.
Q. Okay. But you will send clients to chiropractors, even when they already have a doctor to treat with, correct?
A. No.
Q. You won't?

A. I mean, that's not -- so if they have their own doctor, they can, you know, treat with their own doctor. If they need a different kind of doctor, they, you know, will ask us for any kind of referral.

Q. So you're saying that if a client already has a doctor to treat with, you will not refer them to a chiropractor?

MR. MANNION: Objection. Not what she said.

But go ahead.

A. I think it depends on the circumstance.

Q. Okay. Under what circumstance -- how does it depend on the circumstance?

A. Are you referencing a particular email?

Q. Well, no, I'm not. I'm asking you a question generally.

A. Okay. So what's the question?

Q. Well, under what circumstance would you refer a client to a chiropractor, even when they already had a doctor?

A. So I -- the attorney -- I may ask the attorney to call the chiropractor or the

doctor that they're treating with to make sure that they're aware that there's a law firm involved. Some doctors don't want to be involved in that sort of thing. They don't want to have to testify. They -- they don't want to work on a letter of protection. I mean, there could be a whole variety of reasons --

Q. Okay.

A. -- it could be a chiropractor that doesn't want to work with our law firm. It could be a chiropractor where -- I don't know -- an attorney made a mistake and didn't honor their lien and they're mad at us. There could be like a whole variety of reasons.

Q. Okay. But it has nothing to do with trading referrals for referrals, correct?

A. No, nothing to do with that.

Q. Okay. Exhibit 22, please.

- - - - -

(Thereupon, Deposition Exhibit 22, 10/17/2012 Email To Prelit Attorney From Brandy Brewer, Bates Number Williams000379, was marked for purposes of identification.)

- - - - -

MR. MANNION: October 17, 2012.

Q. Okay. Would you agree that this is an October 17, 2012, email that you sent to all prelit attorneys with the subject, "Shaker Square," and the importance level, high?

A. Yes.

Q. Okay. Did you send this email?

A. Yes.

Q. Okay. You said, "PLEASE," in capital letters, "make sure you refer intakes thereS," meaning to Shaker Square, correct?

A. Yes.

Q. And then you say, "I just noticed that we've sent two cases to A Plus Accident & Injury...when these cases could've gone to Shaker, who sends us way more cases."

"I've sent this email three times now, please note this so next time you are on a Cleveland intake you remember this" --

MR. MANNION: Is there a question?

Q. -- the question is: How does an email like this reflect an intent to spread out referrals?

A. So just because I didn't say that

in the email doesn't mean that that wasn't an intention of sending the email.

Q. So you're saying that your intent in sending this email was to make sure that referrals were fairly spread out so that you were not trading referrals for referrals?

MR. MANNION: Objection.

Go ahead.

A. So I had two intentions in this email --

Q. Okay.

A. -- one is to make sure that they're spread out. Two, as I said earlier, if given the choice between a chiropractor that sends clients to KNR versus a chiropractor who doesn't and I have met both of them and they're both good doctors, I would choose the one who sent referrals to KNR.

Q. Why don't you ask the client where the client wants to go?

A. I -- I would think that the attorney does do that, when they're on the intake.

Q. But you don't say anything about that in this email, do you?

A. What the attorney discusses with the client on the intake, that is up to the attorney. This is only for clients that need a doctor in a certain location. If the client already has their own doctor and would like to go somewhere else, that's up to them.

Q. Okay. How does this email show an intent to spread referrals evenly?

MR. MANNION: Objection. You keep throwing in, "Evenly." That was never said.

But go ahead.

MR. PATTAKOS: Well --

A. I didn't always put every single word in every single email that I sent, so there is -- like I said, I saw the big picture and I was just trying to ensure that we were spreading things out.

Q. And why did you want to spread things out? Tom just said that you never said it was to spread things out evenly. Then what was the intent in spreading things out?

A. To make sure that we weren't sending everyone to one doctor.

Q. What would be wrong with sending everything to one doctor?

MR. MANNION: Objection.
Go ahead.
A. That's what Rob told me he wanted --
Q. Okay.
A. -- so that's what I was doing.
- - - - -
(Thereupon, Deposition Exhibit 23, 8/21//2013 Email To Prelit Attorney From Brandy Lamtman, Bates Number Williams000154, was marked for purposes of identification.)
- - - - -
MR. MANNION: August 21, 2013.
Q. This is an email from you to prelit attorneys that was sent on August 21, 2013, correct?
A. Yes.
Q. And you did send this email?
A. Yes.
Q. And the subject heading is "A Plus Injury," correct?
A. Yes.
Q. And that's a chiro clinic, correct?
A. Yes.

Q. And where is that?
A. I believe somewhere in Cleveland.
Q. Okay. And you say, "Please do not send any more clients there this month. We are 6 to 1 on referrals." What do you mean by, "We are 6 to 1 on referrals"?
A. That meant that we had 7 referrals with 7 cases that were with that chiropractic clinic. And either he sent us 6 or we sent him 6 to 1.
Q. You don't know which is which there?
A. No. I don't remember this.
Q. So is it possible that when you say, "We are 6 to 1 on referrals," you mean that the firm has sent A Plus Injury 6 referrals and he has only sent 1 back and therefore, you should not be sending any more clients there to him this month?
MR. MANNION: Objection.
Go ahead.
A. Well, I think it's possible that we sent them 6 and he sent us 1 just as possible as we sent them 1 and he sent us 6.
Q. Okay. And you're saying, don't

send any more clients there because that 7 cases in one month and you think that's too many?

A. I think that we should -- I thought -- well, I can't really say what I thought at the time. It was five years ago, but in my mind, I would want to send some cases over to a different chiropractor in that area.

Q. Okay. And this is because Rob Nestico told you that you needed to spread these out and not send too many to one chiro, right?

A. Rob told me that I needed to spread out referrals, correct.

Q. Okay.

- - - - -

(Thereupon, Deposition Exhibit 24, 5/29/2012 Email To Attorneys, Prelit Support From Brandy Brewer, Bates Number Williams000222, was marked for purposes of identification.)

- - - - -

MR. MANNION: May 29, 2012.

Q. So here's an email where you are emailing all attorneys and prelit support,

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.

Q. And why would the number of cases that a chiropractor sent you matter?

A. The number of cases didn't matter. This email, and I think there were a couple other where I had sent out emails regarding the referred to's, was one of the reasons why I wanted everyone to send the email that said the referred by and the referred to and the client's phone number. So that I could let the doctors know when we were referring clients there so that they could schedule the appointment. So a lot of this is -- these emails that I was sending, it was kind of ironing out those issues.

Q. What in here refers to scheduling appointments? Anything? Is there any sentence in this that refers in any way to scheduling appointments?

A. It's the premise of why I sent the email, the referred to's. That's why I communicated with the doctors to let them know when we referred clients to them so that they could call and schedule them.

Q. But why would you need to have the information to tell a chiropractor how many

cases that you sent to that firm?
A. I didn't. I needed it so that the doctor knew about the cases and the clients that we were referring to them so that they could schedule the appointments. That's the whole reason why I started tracking the referred to's, to make it easier.
Q. But here you say, "I was unable to tell her how many we sent to her..."
A. I may have typed those specific words, but I'm telling you the meaning behind it --
Q. Okay.
A. -- I'm telling you the meaning that I think -- it's 2018 -- why I would have said that in 2012, to the best of my ability.
Q. Okay. We saved some time. I'm Xing out parts of my outline. We're making progress here. Let's look at Exhibit 25.

- - - - -

(Thereupon, Deposition Exhibit 25, 4/8/2013 Email To Prelit Attorney From Brandy Lamtman, Bates Number Williams000306, was marked for purposes of identification.)

- - - - -

MR. MANNION: April 8, 2013.

MR. NESTICO: Sorry. Repeat that again, Tom.

MR. MANNION: April 8, 2013.

Q. So this is an email that you sent to the prelit attorneys, correct?

A. Yes.

Q. And it's dated April 8, 2013, and you write, "Please make sure you are paying attention to your referral board in your office. We sent 5 cases to Warrensville Physical Medicine last week..we need to get some cases to A Plus Injury since they sent us 10 cases last month and Warrensville Physical Medicine hasn't sent us ANY cases in 2013," exclamation mark, exclamation mark, exclamation mark, exclamation mark. Am I reading that correctly?

A. Yes.

Q. Did you send that email?

A. Yes.

Q. And why did you send this email?

A. I think I said a couple times before, given the option of two different

clinics who are in the same area, the preference would be to send to the doctor who we work with most and who sends us cases.

Q. But you're not spreading things out here, per se.

A. That's not how I read this --

MR. MANNION: Right.

A. -- I read it as we were. We already sent one chiropractic clinic cases. Let's get some over to the other.

Q. Okay. And you're saying, We shouldn't have sent these cases to Warrensville, because Warrensville hasn't sent us any cases in 2013.

A. That's not what I said.

Q. Well, it says, "We sent 5 cases to Warrensville Physical Medicine last weekS..we need to," send, "some cases to A Plus Injury," because "they sent us 10 cases last month and Warrensville Physical Medicine hasn't sent us ANY cases in 2013."

MR. MANNION: I'm going to object. You did not read that correctly.

But go ahead.

A. But nowhere in here did I say, "You

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

in determining what the referral boards say, do you?

A. That would be up to the attorney who is the one who is actually speaking to the client. I am not --

Q. Okay.

A. -- I'm sure that the client -- the attorney is looking out for the client's best interest. That's their job.

Q. Well, it's their job to follow the instructions on the chiro boards, isn't it --

MR. MANNION: Objection.

Q. -- aren't you writing to attorneys to say, Please follow the instructions on the referral board?

A. Are we talking about this email here? (Indicating.)

Q. Yeah.

A. Okay. What was the question?

Q. Isn't that what you're telling -- you are giving directions to attorneys --

MR. MANNION: Don't raise your voice.

Q. -- to follow instructions on the referral board, correct?

A. I'm not giving instructions to the attorneys. I'm simply telling the attorneys what their options are. And I simply said, "We sent 5 cases to one place. We need to get some cases over to another place."

Q. So this isn't an instruction?

A. No.

Q. It's a suggestion?

A. Yes, absolutely.

Q. Okay. Let's look at Exhibit 26.

- - - - -

(Thereupon, Deposition Exhibit 26, 7/12/2013 Email To [Redacted] From Brandy Lamtman, Bates Number Williams000428, was marked for purposes of identification.)

- - - - -

MR. MANNION: July 12, 2013.

Q. Okay. So I believe this is an email exchange between you and Rob Horton. He provided these documents to me redacted. I believe he redacted his own name here --

MR. MANNION: How do you know he redacted his own name?

MR. PATTAKOS: Well, because that's

what I believe. I believe this is an email that he had. We can find out. In fact, you know, your client can find this email and can confirm.

Q. So let's just assume this is between you and Horton.

MR. MANNION: Well, wait a minute. Before she assumes something like that, it's not what it says and I don't know why Rob would black out his own name. So I don't know who this is to. I don't have the emails memorized, so.

MR. PATTAKOS: I don't either. We can ask him. I don't have any other copy of this email. It would be very --

MR. MANNION: Does it matter for your question that it's Rob Horton versus some other lawyer?

MR. PATTAKOS: No --

MR. MANNION: Okay.

MR. PATTAKOS: -- no, but, you know, I think there's good reason to assume it's Horton, so she can -- it doesn't really matter.

BY MR. PATTAKOS:

Q. Let's assume it was a KNR lawyer. So it looks like maybe there's two clients at issue, because he -- whoever this lawyer is uses the term -- well, and, look, it says, "Attorney At Law," at the bottom, so we can assume it was an attorney in the signature who sent it.

A. Um-hum.

Q. It says, "Web referrals," meaning the clients came in from the web. "They live 20 minutes from Cain chiro (ken's friend) and 30 minutes from ASC or West Tusc. Holly indicated they should go to ASC. Is that correct, or do we want to send them to somebody else closer to them?"

You say, "ASC if you can, I already told Minas. Plus Cain doesn't send us shit."

Am I reading that correctly?

A. Yes.

Q. And did you write that?

A. Yes.

Q. And you received this email from the attorney?

A. Yes.

Q. Do you remember who sent you this

email?
A. No.
Q. Okay. So why did you want to send this case to ASC?
A. Because I know ASC. I've met with him. I know that he -- we work with him. I've never met Dr. Cain. I don't know anything about him. So given the choice, I would choose Akron Square.
Q. What about West Tusc? You know West Tusc, right?
A. Yes, sure.
Q. And that's Philip Tassi, right?
A. I guess it depends on the timeframe.
Q. Okay. So why wouldn't you send the client to West Tusc?
A. I -- I probably would have.
Q. But you didn't.
A. I had already told Dr. Floros about it.
Q. Why would that matter?
A. It wouldn't. He may have already called the client. To me it wouldn't have mattered if he would have gone to ASC or West

Tusc. I just have never met Dr. Cain. I don't know if he would negotiate his bill. I don't know what kind of doctor he is. I know that the doctors at Akron Square and West Tusc are good doctors. I've met them. I would feel more comfortable.

Q. So why wouldn't you want to send the client to a chiropractor that's at least 10 minutes closer to their house?

A. Because I -- I don't know the doctor. I don't know if he's a good doctor or a bad doctor. I don't know if he would negotiate on his bills. I don't know what kind of office hours he holds. I don't know if he -- how he -- if he would bill -- insist on billing med pay. I don't know any of those things that could come up.

Q. Okay. And Cain Chiro is Ken's friend. Do you think whoever wrote this email meant Ken Zerrusen?

A. Probably.

Q. Did the firm ever work with Cain Chiro?

A. The name -- when I read this email, I mean, Cain Chiropractic, I would say, not

often. I'm not sure how many times.
Q. But you don't write here that Cain is not a good chiro. You say, "Cain doesn't send us shit." What do you mean by that? Why did that matter?
A. I meant that Cain -- that we don't work with Cain very often.
Q. Okay.
A. I'm kind of embarrassed I used that kind of language in an email, yes.
MR. MANNION: What was the exhibit number on this one?
MR. PATTAKOS: 26.
MR. MANNION: I forgot to write it down.
- - - - -
(Thereupon, Deposition Exhibit 27, 5/30/2014 Email To Sarah Knoch From Brandy Brewer, Bates Number Williams000553, was marked for purposes of identification.)
- - - - -
Q. Let's look at 27.
MR. MANNION: May 30, 2014.
Q. So here you're writing to Sarah

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?

A. They were just creepy, yeah --
Q. Okay.
A. -- like I -- I wouldn't want any of my family or friends to be going there, let alone any of our clients. I don't remember like the specifics of it, but creepy would come to mind.
Q. Okay.

- - - - -

(Thereupon, Deposition Exhibit 28, 9/23/2013 Email To Prelit Attorney From Brandy Lamtman, Bates Number Williams000514, was marked for purposes of identification.)

- - - - -

Q. Okay. What about -- let's look at Exhibit 28.
MR. MANNION: September 23, 2013.
We had a client recently ask one of our female attorneys if he could take a picture of her feet.
THE WITNESS: Was it Dr. Tariq?
MR. MANNION: No, it was not. It was an insured's risk manager and it freaked her out.

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

really don't remember.
Q. Well, what would it have been?
A. I don't know.
Q. Isn't it a big deal to say that a chiropractor is so substandard that you won't send your clients to them anymore?
MR. MANNION: Well, I'm going to object. It doesn't say, "Anymore."
A. Yeah, I didn't mean like ever again. Just I guess at the time. I don't remember --
Q. Okay.
A. -- he was kind of annoying, I guess. That kind of comes to my mind. I don't know why that would be why I wouldn't send to him, though.
Q. Annoying in what way?
A. He was always asking for referrals.
- - - - -
(Thereupon, Deposition Exhibit 29, 11/15/2012 Email To Staff From Brandy Lamtman, Bates Number Williams000459, was marked for purposes of identification.)
- - - - -

Q. Okay. Moving on. Let's look at Exhibit 29.

MR. MANNION: November 15, 2012.

BY MR. PATTAKOS:

Q. So here's an email that Rob -- well, it looks like two different emails. It looks like the first one Rob Nestico is sending you an email on November 15, 2012, with the subject line, "Referrals," and then you went ahead and forwarded that email to the staff. Is that correct?

A. Yes.

Q. And it's Rob writing, "Please make sure to refer ALL Akron cases to ASC this month. We are 30-0." Why do you think he wrote that?

A. I mean, you would have to ask Rob why he wrote that.

Q. What do you think he meant by that?

MR. MANNION: Objection.

Go ahead.

A. I don't -- I can't speak on Rob's behalf.

Q. I'm not asking you to speak on his behalf. I'm asking you: What did you

understand that to mean?
MR. MANNION: Objection. Asked and answered.
But go ahead.
A. Well, it sounds like he wants -- it was on November 15 -- any cases that came in in Akron for the rest of that month, to go to Akron Square.
Q. Why?
A. Well, if we hadn't sent them any, then it could be assumed that they all went to different chiropractors in the area and he was trying to spread them out.
Q. So you think, "We are 30-0," means that they had sent the firm 30 cases and the firm hadn't sent ASC any cases?
A. Well, kind of just like the other email where those numbers were like that, it could have meant Akron Square sent us 30 cases or we sent them 30. It could go either way. It doesn't specify.
Q. But if Akron Square had sent you 30 cases, why would that mean that you should be sending them more cases?
A. It doesn't --

Q. Okay.
A. -- it doesn't say that. It doesn't mean that.
Q. But Rob is saying to send all Akron cases to ASC this month.
A. He's saying that he wants them to be referred to Akron Square that month for the remainder of the month --
Q. Um-hum.
A. -- this was sent on November 15.
Q. Okay. I want to know what he means by, "We are 30-0" --
MR. MANNION: Objection. Ask him.
Q. -- I want to know what you understood that to mean, "We are 30-0" --
MR. MANNION: Objection. Asked and answered.
Go ahead.
A. Yes.
Q. -- what does that have to do with why he would want to refer all Akron cases to ASC this month?
MR. MANNION: Ask him.
A. I think you would have to ask Rob. And I don't read it to be the way that you just

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

Akron cases to," Akron Square -- how are you helping -- how do you think the firm is helping its clients by doing that?

A. The attorneys who are representing --

MR. MANNION: Well, wait a minute.

THE WITNESS: Sorry.

MR. MANNION: Objection. That's a question for Rob.

But go ahead to the extent you know.

A. So the attorneys who are representing the clients, they're looking out for the client's needs. I don't feel like this -- this has nothing --

Q. It's not Rob Nestico's job to look out for the client's needs, is that what you're saying?

MR. MANNION: Objection. That's not what -- come on.

A. Sure, Rob cares about all of our clients. Of course he does.

Q. Don't you?

A. Absolutely.

Q. And don't you view it as your job to look out for your client's needs?

MR. MANNION: Objection.
A. I'm not an attorney. They're not my clients.
Q. I understand. But if you saw an attorney do something that was contrary to a client's interest, you wouldn't want that to happen, would you?
A. I've never seen an attorney do something that wasn't contrary to the client's interest.
Q. It's part of your job to look out for KNR clients, isn't it?
MR. MANNION: Objection.
Go ahead.
A. Sure, I care about our clients --
Q. Okay.
A. -- we're in the business of helping people.
Q. Right. Okay. What does this mean, "...Any time" -- what do you understand it to mean anyway? "...any time you refer a patient to any Chiro have your assistant follow up and make sure they go on obviously cases that are signed up outside of Chiro office."
A. So if they signed up in the

chiropractor's office, then obviously they have gone to their appointment. So this kind of goes back to the other emails about the scheduling of the appointments.

Q. So you're saying if a client was signed up at a chiro's office, that they should continue to treat with that chiro. Is that what you understand this to mean?

A. No.

Q. I don't understand what you said.

A. If they were already at the chiropractor's office for their appointment --

Q. Uh-huh.

A. -- then there was no need to follow up, because they already made their appointment. They already were there.

MR. MANNION: I think, Peter, if you realize that on, "...obviously cases that are signed up...," refers to the previous part. Maybe there should have been a period or a comma or whatever in there, is what she's trying to say.

Q. What does, "Outside of Chiro office," mean then?

A. That they hadn't been to the

chiropractor's office yet for their appointment. They had signed up by a different way. The attorney signed them up. The investigator signed them up.

Q. I see. So he's saying, have your assistant follow up and make sure they go to the chiropractor in general. Is that what you understand this to mean?

MR. MANNION: Objection. Please read it. It doesn't say, "In general." It says, "...any time you refer a patient...follow up" to, "make sure they go..."

A. This goes back to the scheduling. When I started letting the doctors know that the client name and their phone number, that made these things irrelevant, because they were calling and scheduling it themselves.

Q. Okay.

- - - - -

(Thereupon, Deposition Exhibit 30, 11/1/2013 Email To Prelit Group From Brandy Brewer, Bates Number Williams000551, was marked for purposes of identification.)

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MR. MANNION: November 1, 2013.
Q. So this is an email that you sent to the prelit group dated November 1, 2013, correct?
A. Yes.
Q. With the subject line, "Columbus Cases," correct?
A. Yes.
Q. And you write, "The Columbus chiros are VERY needy and demanding." What did you mean by that?
A. I don't remember like specifically on this day in this email, what I meant by that. In general I didn't particularly like working with the chiropractors in Columbus. I guess I could safely say that.
Q. Why?
A. They took up a lot of my time, annoying, demanding, needy. Just a different dynamic in Columbus.
Q. Why?
MR. MANNION: What do you mean, "Why?" "Why," what?
Q. In what way was it a different dynamic?

A. I didn't really enjoy their personalities.
Q. Because they were annoying and demanding?
A. Sure.
Q. Okay. How did they take up a lot of your time?
A. There just seemed to be a lot more issues.
Q. Such as?
A. Customer service issues --
Q. Okay.
A. -- it's been a long time. Like I don't feel that way now about the doctors. I think it was just a -- kind of a rocky start, I guess and it was a dynamic that I really wasn't used to, communication that I really wasn't used to.
Q. What doctors are you referring to here?
A. I mean, the Columbus chiropractors.
Q. Who were they?
A. Any clinic that was in the Columbus market --
Q. Ms. Gobrogge --

A. -- I'm going to have to look at a list.

Q. -- you're testifying how annoying and demanding and needy these people are and you can't -- you won't identify who they are?

A. Well, it was in 2013. I mean, there's a lot of them.

Q. And now you're telling me that you don't know who specifically you're referring to?

A. I don't remember all of their names.

Q. So you're saying that when -- you can recall this email and you can recall how --

A. I can recall the way I felt in this email.

Q. -- annoying and demanding and needy these chiropractors were, but you can't identify a single one of them by name that made you feel this way?

A. I'm saying that they all in the Columbus market made me feel this way.

Q. All of them. How many were there at this point?

A. I don't have a number.

Q. Can you estimate? Was there a hundred or was there ten?
A. Ten or twenty, maybe.
Q. Who's Antonio?
A. He was an attorney that worked in our Columbus office.
Q. And he left?
A. Yes.
Q. What's his last name?
A. Oh, I actually don't remember.
Q. Why did he leave?
A. I actually don't remember.
Q. Okay. "...these cases need to be settled ASAP." What was it about these cases that required them to be settled ASAP?
A. Antonio, I don't -- I don't remember the exact like, I guess scenario in this situation; but I guess if I had to say, I would say that maybe there was a period of time where there was a transition there and I was concerned, you know, for the client's sake that the cases had been sitting for a while.
Q. The client's sake, but here you write about how the chiros are needy and demanding, not the clients, correct?

A. I said, "The...chiros are...needy and demanding." I -- the cases sitting wouldn't just have to do with them. It would also have to do with our client. Just because I didn't say it, it's definitely inferred here.

Q. Okay. So when you say, "...this will harm our relationships," you're not referring to the relationships with the chiros?

A. I was referring to the chiropractors and our clients.

Q. Okay. "Paul deals with this on a daily basis." That's Paul Steele, correct?

A. Yes.

Q. And Paul moved down to the Columbus area to work at the KNR Columbus office, correct?

A. Yes.

Q. Okay.

A. My guess is Paul called me complaining and I sent this email.

Q. Okay. Were the chiropractors at Town & Country Chiropractic part of the chiropractors you were referring to in this email?

A. The chiropractors at Town &

Country, it wasn't so much them. It was their support staff that I had an issue with.

Q. And what was the issue there?

A. Their support staff is rude. They were rude to me. The doctors themselves, I wouldn't say they were rude to me.

Q. But they were needy and demanding?

A. Sure. I could refer to Dr. Kahn as needy and demanding.

Q. Nazreen Kahn?

A. Yes.

Q. So now you remember, because your recollection has been refreshed, that in part you were at least referring to Dr. Kahn at Town & Country in this email, correct?

A. I mean, I don't really know if it was her particularly in this email or not.

Q. The firm sent a lot of cases to Town & Country, did it not?

MR. MANNION: Objection.

Go ahead.

A. We've referred cases to Dr. Kahn, correct.

Q. The firm sent more cases to Dr. Kahn than any other chiropractor in

Columbus. Would you not agree?
A. I'd have to -- I'd have to look that up --
Q. Okay.
A. -- we refer to doctors all over Columbus --
Q. Sure.
A. -- especially based on location.
Q. These numbers surely exist. So, you know, we can look them up. I want you to tell me, based on your memory, is there any -- based on your experience in dealing with these needy chiros, is there any chiropractor in Columbus that the firm refers more clients to than Dr. Kahn, to your knowledge?
A. I mean, we refer to cases -- client -- I'm sorry. We refer to chiropractors all over Columbus. It's based on the location. She, I believe is on the east side. So I would say, a good majority of our clients on the east side of Columbus would probably be referred to Dr. Kahn, but we also refer to other doctors on the east side of Columbus.
Q. That doesn't really answer my question. I'm asking: Is there another

Columbus area chiropractor that you refer more cases to -- that the firm refers more cases to than Town & Country?

MR. MANNION: Objection. Asked and answered.

Go ahead again.

A. I don't have an answer for that. On the east side, she gets a majority of our cases, but we also refer to other chiropractors on the east side.

Q. How was the support staff rude to you?

A. They just don't have very good manners.

Q. You don't remember specifics?

A. No. I mean, his -- her receptionist would talk to me as if she was ordering me around or she would even yell. I mean, she just --

Q. So if this was happening, if the chiropractors were being so annoying and demanding and rude and their staff was being rude, why didn't you just stop referring KNR clients to these chiropractors?

MR. MANNION: Well, I'm going to

object. She doesn't refer anybody --
MR. PATTAKOS: Tom, stop testifying for the witness.
MR. MANNION: No, no. You're using the word, "You," and I need to know whether you're using it as KNR or her personally.
MR. PATTAKOS: Tom, if the witness didn't understand my question, she can tell me --
MR. MANNION: I have a right to understand the question as well.
MR. PATTAKOS: For the fifteenth time --
MR. MANNION: I have a right to understand the question as well.
MR. PATTAKOS: -- stop answering questions for the witness.
MR. MANNION: Okay. By, "You," do you mean her or KNR? I have a right to understand the question.
MR. PATTAKOS: I mean KNR.
MR. MANNION: Okay.
BY MR. PATTAKOS:
A. What was the question? I'm sorry.

Q. If these chiropractors were so demanding and needy and if their support staff was so rude, why wouldn't you simply stop referring cases to them?

A. So Dr. Rendek and the other doctors at Town & Country, they were good doctors. They've actually worked on me. My personal situation with her receptionist had no bearing on whether or not they were good doctors. They provided rides. They had flexible scheduling. They were able to negotiate on bills if we needed them to. So that's why --

Q. Okay.

A. -- and needy and demanding, I mean, we worked with them a lot, so. I guess we communicated a lot and -- it was a lot for me, going into the new market, to take on communicating with that many more people, too.

Q. Okay. What's a narrative fee?

A. I believe it's when a doctor provides a report and they charge a fee for it.

Q. And that fee is deducted from the client's settlement, right?

MR. MANNION: Objection.

Go ahead.

A. Yes. That's how it typically --
Q. Okay. And that's on top of the chiropractor's bill, a separate narrative fee is paid, correct, to some chiros?
A. Chiros, doctors, surgeons, yes --
Q. Okay.
A. -- not just chiropractors.
Q. And at some points in the recent past, the firm would pay narrative fees to certain chiropractors as a matter of policy --
MR. MANNION: Objection.
Q. -- as soon as a case was signed up, correct?
MR. MANNION: Objection.
A. No, never --
Q. Okay. Never. Okay.
A. -- we would -- we wouldn't pay for a report that we didn't receive. And it wouldn't be as soon as the case is signed up, unless the doctor had already been treating and had already provided the report and the invoice was submitted, you know, it was an existing case, not a new case.
Q. At some point, with respect to certain chiropractors, there was a policy of

paying the narrative when the case was signed up --

A. No.

Q. -- is that correct?

A. No, not to my knowledge --

Q. Okay.

A. -- no, never.

- - - - -

(Thereupon, Deposition Exhibit 31, 3/1/2012 Email To Katy Newton, Etc. From Brandy Brewer, Bates Number KNR03769, was marked for purposes of identification.)

- - - - -

Q. So this is Exhibit 31.

MR. MANNION: March 1, 2012.

Q. So this is an email that you wrote on March 1, 2012, to a number of people including Alyssa Kirk, Jodi Miller, Jenna Sanzone, Amber Vince, Marti Dunlavy, Nicole Holland, Katy Newton, Megan Jennings, Courtney Warner, Matt Stewart and Deidra Lopez. Are those paralegals?

A. Yes.

Q. Are they all paralegals?

A. Yes.
Q. Okay. And you copy Mr. Nestico and Mr. Redick. And you say, "We are paying narrative fees to the following," and it says, "Dr. Floros," "Akron Square." This document has been redacted, so I assume that there were other doctors that are listed here who get narrative fees. Do you agree with that?
A. Do I -- what's the question?
Q. That there's likely a list of more doctors that has been redacted here.
A. Yes.
Q. Okay. So why would the firm pay narrative fees to certain doctors?
A. Because they write narrative reports.
Q. Okay. No other reason?
A. No.
Q. Weren't there some doctors who wrote narrative reports and they wouldn't get paid a narrative fee anyway?
A. Not that I can remember.
Q. Okay.
A. There's a certain threshold of where the paralegal has to get permission to

spend an excessive amount for a report.
Q. Okay. When you started working at the firm, was the firm always paying narrative fees?
A. I don't remember.
Q. You don't remember when this practice started?
A. No.
Q. Okay.
- - - - -
(Thereupon, Deposition Exhibit 32, 10/2/2013 Email To Prelit Attorneys, Etc. From Brandt Lamtman, Bates Number Williams000570, was marked for purposes of identification.)
- - - - -
Q. Okay. Let's look at Exhibit 32.
MR. MANNION: October 2, 2013.
Q. So this is an email from you to various groups, including prelit support, prelit attorney, litigation support, litigation attorney dated October 2, 2013, with the subject, "Plambeck Clinics," correct?
A. Yes.
Q. What's a Plambeck Clinic?

A. Clinics that used to be owned by Kent Plambeck.

Q. Who are they owned by now?

A. I'm not really sure. I think some of the doctors may have -- may own them now. Or maybe they owned them then. I'm not --

Q. Do you know that Kent Plambeck doesn't own these clinics anymore?

A. I don't. I don't have any knowledge of who owns what. I just remember hearing that some of the doctors may have --

Q. Okay. So this says, "These are the only Narrative Fees that get paidin addition to Dr. Alex Frantzis with NorthCoast Rehab ($200.00)((NOT PLAMBEC)."

So does this mean that all the other chiropractors listed here worked for Plambeck-owned clinics --

MR. MANNION: Huh?

Q. -- in this list here from Akron Square down to Youngstown?

A. Yes.

Q. Okay. And then it says that -- well, let me say this: Why are these the only chiropractors that got paid narrative fees?

A. They're not.
Q. Why does it say, "These are the only Narrative Fees that get paid" --
A. So these chiropractors regularly wrote -- refer -- I'm sorry -- narrative reports, so that's what this meant. There's tons of other chiropractors and doctors that wrote narrative reports that we paid for.
Q. Tons?
A. I mean, I guess let me rephrase. There are other doctors and chiropractors that wrote narrative reports that were paid for.
Q. And why would you write, "These are the only Narrative Fees that get paid..."?
A. These are chiropractic offices that regularly wrote narrative reports.
Q. Why would people need to know that?
A. Because they would get the narrative report and they would forget to request a check for it.
Q. But why wouldn't that just be included in the chiro's bill?
A. I don't know. You'd have to ask the chiropractor that.
Q. Well, if I'm a law firm or running

a law firm and I'm --
A. Like the bill, isn't that for the medical charges? I don't think it would be common for any doctor to put a report fee on the client's medical bill. They're two separate things. One is a case expense. One is the client's medical expense.
Q. Okay. So in a sense, the chiropractor is serving as an expert witness of some type. Is that what you're saying?
A. If they needed to be, sure.
Q. Okay. But these doctors all wrote the narrative reports automatically, correct?
A. They wrote narrative reports, yes.
Q. And you knew that any time you sent a client to one of these chiros, they were going to write a narrative and that they were going to get paid a narrative fee, correct?
MR. MANNION: Objection to, "Any." But go ahead.
A. If they wrote a narrative report, they got paid a narrative fee.
Q. Okay. Why were -- what's with the different prices here?
A. I don't know. I don't know that.

Q. Okay. And why was the payment made to the doctor personally?

MR. MANNION: Wait. I think you're referring to one specific doctor.

MR. PATTAKOS: Okay. I don't know. It's hard to say.

Q. It says, "...to the doctor personally (all doctors are in needles)."

A. That would be up to the doctor, who the check is made payable to. That would be at their request.

Q. Okay. Why does it matter that Dr. Alex Frantzis is not Plambeck?

A. I don't know --

Q. Why did you write that?

A. -- it doesn't.

Q. Why did you write that?

A. I don't remember.

Q. And you have no idea why you might have written that?

A. No.

Q. Okay.

- - - - -

(Thereupon, Deposition Exhibit 33, Updated Narrative and WD Procedure

for Plambec Clinics and Referring Physicians, Bates Number KNR03278, was marked for purposes of identification.)

- - - - -

MR. MANNION: This is not an email, Rob. KNR03278, "Updated Narrative and WD Procedure For Plambec Clinics and Referring Physicians."

Is that 33?

MR. PATTAKOS: 33.

MR. MANNION: When you're done with this one, let's take another break.

MR. PATTAKOS: Tom, I have a lot to go on this subject, so if you want to take a break in the middle of this particular subject of narrative fees and Plambeck Clinics, I would ask you to not confer with your client at the break.

MR. MANNION: Well, first of all, if there's no question pending, I can confer with my client, but we've been going for a while. I say when you're done with this document, let's take a break.

MR. PATTAKOS: Well, I'm going to

ask you during that break -- you can take a break -- I'm going to ask you not to confer with your client in the middle of the subject matter. If we were at trial, she would have to sit on the stand and answer questions. You would not be permitted to confer with her. So I'm asking you to preserve the integrity of her testimony about these documents, to not confer with her during the break. Will you agree to do that?

MR. MANNION: Peter, you talked with your clients at breaks.

MR. PATTAKOS: Yeah, but we took breaks at specific times. There was no --

MR. MANNION: That's what we're doing. It's been about an hour, since the last break.

MR. PATTAKOS: My client's conduct isn't at issue in this lawsuit.

MR. MANNION: Yeah, it is.

MR. PATTAKOS: No.

MR. MANNION: What are you talking about?

MR. PATTAKOS: No. Okay. Tom, are you going to agree to my request to not --

MR. MANNION: I'm not going to tell you one way or another. Quite frankly, you're not entitled to know. If I feel like talking to her, I'll talk to her. But we're going to take a break about every hour or so, just like you did with your clients.

MR. PATTAKOS: That's fine, Tom. If you would have asked me not to confer with my clients --

MR. MANNION: Yeah, right.

MR. PATTAKOS: -- and had a good reason for it, then I would have agreed.

MR. MANNION: Well, you have no basis to ask me. Quite frankly I didn't even confer with her. Last time we talked about the timing that she needed for the personal matter we've been talking about, but I'm not going to agree. I have no idea if a question will come up or if she'll have a question.

MR. PATTAKOS: Why would that matter?

MR. MANNION: Well, can you show me one case that says during just a regular discovery deposition and there's no question pending, on a break, I can't talk to my client?

MR. PATTAKOS: That's fine, Tom. It will just go into the record that you insisted on consulting with your client in the middle of this questioning about a particular subject.

MR. MANNION: I have no idea what you're talking about.

MR. PATTAKOS: Okay, Tom.

MR. MANNION: I told you, if you want to finish this email, then we'll take a break.

MR. PATTAKOS: That's fine, Tom. I made a request. If you're going to deny the request, you can deny the request.

MR. MANNION: No, I'm not denying the request. What I'm telling you is, you have no right to know whether I talk with her or not or what we talk about.

MR. PATTAKOS: Well, okay. We'll see about that. Let's --

MR. MANNION: The rules by Peter Pattakos, get your copy now.

MR. PATTAKOS: Okay, Tom.

BY MR. PATTAKOS:

Q. So do you recognize this document?

A. No.

Q. You've never seen it before?
A. Not this particular document, no.
Q. If I told you that KNR produced it to me as a page from the firm's handbook or training manual, do you have any reason to disagree with that?
A. No.
Q. Okay. It says here in the middle within the highlighted section, "No cases are to be submitted without the narratives. If you need assistance obtaining, please let Jenna know." "Jenna," is Jenna Wiley, correct?
A. Correct.
Q. And that's your direct report, correct?
A. Correct.
Q. Okay. So this here says, "Those high" -- well, it says, "Updated Narrative and WD Procedure for Plambec Clinics and Referring Physicians." Do you know why the firm would have a separate procedure, with respect to Plambeck Clinics as opposed to any other clinic?
A. No.
Q. You have no idea?

A. No --
Q. Okay.
A. -- it looks like there are tons of other doctors on here that aren't Plambeck Clinics, though.
Q. Okay. Who's that?
A. Dr. Chonko, Dr. Bhaiji, Dr. Ghoubrial, Dr. Markarian.
Q. Those aren't chiros, are they?
A. No.
Q. Those are referring physicians. So up at the top, it says, "...Plambec Clinics and Referring Physicians."
A. Okay. Dr. Frantziz, Dr. Waldron, Accident Injury of Akron, Accident Care & Wellness, Columbus Injury, those are all chiropractors that are not Plambeck --
Q. Right.
A. -- Northcoast Rehab --
Q. And above there, it says, "In addition to," and, "((Not Plambec)," so.
A. -- so in my mind, these are all Plambeck Clinics and then these are the others. (Indicating.)
Q. At the top is all Plambeck Clinics

and at the bottom where it says in parentheses, "((Not Plambec)," correct?

A. Well, at the top it's Plambeck. In the middle, there are other chiropractors that are not Plambeck. I'm assume -- I can't speak on behalf of Jenna, but maybe it was just easier for her to reference them this way.

Q. Okay. And, "WD procedure," means withdrawal procedure?

A. Yes.

Q. Okay. Do you know why narratives are not to be paid for minors 12 and under?

A. I mean, sometimes we get narratives for minors. Oftentimes if they go to a chiropractor -- they don't often go to chiropractors. If they did, it would probably just be a few visits. If they actually treated more than that at the chiropractor, there would be a narrative on the case.

Q. But why would it say, "NO NARRATIVES ARE TO BE PAID FOR MINORS 12 AND UNDER!"?

A. Because probably more often than not, they either don't treat at a chiropractor or they would only go a few times, but if they

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

this -- let's go back to Exhibit 33 where it says, "...to the doctor personally..."

MR. MANNION: This is 33.

MR. PATTAKOS: The other one -- oh.

A. 32?

Q. Right. Let's go back to 32. You would agree that this probably refers to -- this is an instruction to pay the doctors personally on all of these narrative fees, correct?

A. So if the doctor requested that the check be made payable to themselves for their narrative reports, then we would pay it -- just like any other expert, we would pay them however they requested it --

Q. Okay.

A. -- and I think she's referring to these as, "Plambeck Clinics." It's difficult to remember all of these doctors.

Q. What do you mean by that?

A. I mean, there's probably -- I don't know -- fifty doctors on here, twenty, thirty, forty, fifty. It's difficult to remember them all, so.

Q. I mean, why would you distinguish

between Plambeck Clinics and not Plambeck Clinics?

MR. MANNION: Well, I'm going to object. She said this wasn't her document.

But go ahead.

You mean, why would this person distinguish?

Q. Whoever wrote this training manual.

A. I can't speak on Jenna's behalf, but --

Q. You don't know that Jenna wrote this.

MR. MANNION: Which one are you referring to now?

MR. PATTAKOS: This document, Exhibit 33.

MR. MANNION: Okay. Look, she was looking at a different document at the time.

MR. PATTAKOS: Okay.

A. I do know that Jenna wrote this.

MR. MANNION: See, you're referring to different documents, I think.

BY MR. PATTAKOS:

Q. You do know that Jenna wrote Exhibit 33?

A. Right, yes.
MR. MANNION: Okay.
Q. How do you know that?
A. Because she created the manual. And I told you I didn't write this.
Q. When I first asked you if you knew what this document was, you said you didn't know what it was.
A. I said that I had never seen this. Jenna created the training manual.
Q. Okay. So this is a page in the training manual that --
MR. MANNION: You told her that, Peter.
A. You told me that it was in the manual.
MR. MANNION: Jesus.
Q. And you're agreeing that it is now and you're remembering that Jenna wrote this?
MR. MANNION: Wait, wait. You asked her to assume it was in the manual. With that assumption, she's telling you Jenna wrote it. Please stop twisting things.
Q. So if this is in the manual, then Jenna wrote it?

A. Yes.
Q. Okay. So you're saying that where this document says, "Those highlighted are the only Narrative Fees that get paid automatically...," that that means --
MR. MANNION: Wait a minute. You have to read --
MR. PATTAKOS: Stop testifying for the witness.
MR MANNION: No. You have to read the entire sentence. You are not allowed --
MR. PATTAKOS: I am asking her about a particular part of this document.
MR. MANNION: No. You have to read the whole sentence.
MR. PATTAKOS: Tom, stop interrupting me.
MR. MANNION: That is crazy. You are not allowed to read part of a sentence and mislead a witness. That's not proper.
BY MR. PATTAKOS:
Q. So it's your testimony -- or your lawyer's testimony --
MR. MANNION: Stop it, stop it --
Q. -- it's frankly hard to tell the

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?

A. Not that I'm aware of.
Q. So why the specific instruction?
MR. MANNION: Please ask Jenna.
A. This I actually told you -- sorry -- that they would forget to request the check on it, so that's why she's reminding them of this.
Q. Okay. The attorneys would forget to request a check?
A. The paralegals actually physically request the check.
Q. Okay. So -- and you have no idea why these prices are different, why some doctors get 200 and some get 150?
A. I would have to say that the doctor -- that's the price that they charge for their time and their -- to write the report.
Q. You see that it says here, "No cases are to be submitted without narratives," right?
A. Where does it say that?
Q. Here in the black highlighted portion.
A. "If you need assistance obtaining, please let Jenna know." Okay.

Q. So every time a client treats with one of these doctors, the cases will have to be submitted with a narrative, according to this manual, correct?

MR. MANNION: Objection.

A. Well, this isn't a manual. And I just pointed out that if the clients only treat a couple of times, then the doctors don't all -- they don't always write a narrative --

Q. Okay.

A. -- there could be reasons why they didn't.

Q. Okay. She writes -- whoever wrote this writes, "Any doctor that we regularly work with and/or have a lien on file with MUST be notified when we withdraw and note the file with a fax confirmation or copy of the email." Am I reading that correctly?

A. Yes.

Q. Why would that apply just to doctors that you regularly work with as opposed to any doctor?

A. I think it probably does apply to any doctor.

Q. But why doesn't it say so?

A. I mean, we don't have time to call every single doctor that every single one of our clients ever treated with. So if there's a lien on file, we try to notify them.

Q. Okay. Did you ever discipline Jenna for writing this document?

A. No.

Q. Are you aware that anyone was ever criticized for creating this document?

A. No.

MR. PATTAKOS: Okay. We can take a break.

VIDEOGRAPHER: Off the record 5:24.

(Record was read.)

VIDEOGRAPHER: Back on the record 5:32.

MR. PATTAKOS: So just to be clear, we're going to go for another half hour --

MR. MANNION: Yeah.

MR. PATTAKOS: -- and then we'll resume tomorrow at 9 a.m.

MR. MANNION: Sounds good.

MR. PATTAKOS: Okay.

- - - - -

(Thereupon, Deposition Exhibit 34,

1/23/2012 Email Trail Between Staff, Rob Nestico And Brandy Brewer, Bates Numbers KNR03782-83, was marked for purposes of identification.)

- - - - -

MR. MANNION: January 23, 2012.

MR. PATTAKOS: Sorry.

BY MR. PATTAKOS:

Q. So this looks like two emails that were sent on January 23. One of them at 1:18 -- well, actually three emails. First, Rob Nestico writing to you on January 23, 2012, "No fees paid on these except Floros and," blank; and this has apparently been redacted. And you respond, "None to," blank, "or any others?" Do you remember what this refers to?

A. No.

Q. Okay. Do you have any idea why this was redacted?

MR. MANNION: Objection.

A. No.

MR. MANNION: That's -- that goes to attorney-client privilege issues.

MR. PATTAKOS: But she knows she has to testify.

MR. MANNION: No, she doesn't.
MR. PATTAKOS: Sure, she does.
MR. MANNION: What?
MR. PATTAKOS: If she has knowledge of why this document was redacted, she has to testify.
MR. MANNION: So if I told her why in our mind we redacted something, then she has to tell you?
MR. PATTAKOS: She doesn't have to tell me you told her, but if she knows something that's relevant --
MR. MANNION: Not if it came from us.
MR. PATTAKOS: Sure, Tom.
MR. MANNION: That's not true.
MR. PATTAKOS: That's a misinterpretation of the attorney-client privilege --
MR. MANNION: No --
MR. PATTAKOS: -- if she knows why --
MR. MANNION: -- first of all, I don't think she does know, but it's not fair to ask somebody why something was redacted, unless

it came from information outside of counsel.
MR. PATTAKOS: I'll tell you what's not fair is that this was redacted at all. It's ridiculous that this document was redacted. And, you know, it will get unredacted at some point, I assume, but at this point I'm definitely allowed to ask her if she knows why it was redacted.
MR. MANNION: You can ask her if she knows outside of any conversations with lawyers, but I don't think she knows either way.
MR. PATTAKOS: Okay. You know what? What's the point?
BY MR. PATTAKOS:
Q. So you write to staff and Mr. Nestico, "No narrative fee checks to any of the," blank, "except Floros &," blank. Do you remember what this referred to?
A. I do not.
Q. Okay. No idea? You have no idea what this refers to?
A. No.
Q. Okay.
- - - - -

(Thereupon, Deposition Exhibit 35, 1/23/2012 Email Trail Between Staff, Rob Nestico, Brandy Brewer and Robert Redick, Bates Number KNR03812, was marked for purposes of identification.)

- - - - -

Q. Well, that was sent on January 23, 2012. Let's look at --

MR. MANNION: Same date, January 23, 2012.

Q. -- Exhibit 35. So this looks like the same email from Exhibit 34. At the bottom here, "NO narrative fee checks to any of the," blank, "except Floros," and -- well, the, "And" is redacted here. But would you agree that this bottom email on Exhibit 35 is the same as the first page on Exhibit 34?

A. Yes.

Q. Okay. And Mr. Redick writes to you back in response to this, "Including," blank -- assuming this is redacted -- ".....interesting," smiley face. Am I reading that correctly?

A. Yes.

Q. Did you receive this email from Mr. Redick?
A. Yes.
Q. Does this refresh your memory about what this was about?
A. It doesn't.
MR. PATTAKOS: Okay. Wow --
MR. MANNION: Move to strike.
MR. PATTAKOS: -- that's really something --
MR. MANNION: Move to strike.
MR. PATTAKOS: -- to have a document redacted in that way.
MR. MANNION: Move to strike.
- - - - -
(Thereupon, Deposition Exhibit 36, 6/12/2012 Email Trail Between Julie Branch, Robert Redick and Brandy Brewer, Bates Number KNR03809, was marked for purposes of identification.)
- - - - -
BY MR. PATTAKOS:
Q. Okay. Exhibit 36.
MR. MANNION: June 12, 2012.

Q. Okay. Here, this is another redacted document. And this is an email from you to Julie Branch and Robert Redick. Who is Julie Branch?

A. She was our bookkeeper.

Q. Okay. And you sent this email on June 12, "Subject:" Redacted, "narrative Checks," correct?

A. Correct.

Q. It looks like someone's name there was redacted from the subject.

A. Yes.

Q. Do you remember who?

A. No.

Q. No idea?

A. No.

Q. You write here, "I've requested this before.....can his checks please be sent out as they are requested? He drives me fucking crazy and I've wasted at least 30 minutes this afternoon tracking down his checks for him," exclamation mark, exclamation mark.

"He doesn't have as many as Floros so it shouldn't be that big of a deal, right," question mark.

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

chiros are and why they were being discussed in this way. So I hope that by tomorrow, I can get unredacted copies of these emails.

MR. MANNION: We'll take that under consideration. I'll talk with my clients.

MR. PATTAKOS: Thank you. Okay. We are really close to wrapping up for today. What number are we on now?

THE NOTARY: 37.

- - - - -

(Thereupon, Deposition Exhibit 37, 1/11/2014 Email Trail Between Rob Nestico, Robert Redick, John Reagan and Kristen Lewis, Bates Number KNR03693, was marked for purposes of identification.)

- - - - -

MR. MANNION: February 11, 2014.

BY MR. PATTAKOS:

A. Thank you.

Q. Okay. Who is Kristen Lewis?

A. She's an attorney at KNR.

Q. Okay. Who is Jess Robinson?

A. She was her paralegal.

Q. And who is Amy Papuga?
A. Her paralegal.
Q. Okay. No, I don't have any questions about this one for you.
A. Thank you.
MR. PATTAKOS: Let's mark the next exhibit.
- - - - -
(Thereupon, Deposition Exhibit 38, 4/2/2014 Email To Prelit Support, Prelit Attorney From Brandy Brewer, Bates Number WILLIAMS000211, was marked for purposes of identification.)
- - - - -
MR. MANNION: April 2, 2014.
BY MR. PATTAKOS:
Q. So here's an email where you are emailing prelit support and prelit attorney on April 2, 2014. You sent this email, correct?
A. Yes.
Q. In here you're saying, "Nothing has changed except the amount for narratives and...."
"NO NARRATIVES ARE TO BE PAID ON ANY

MINOR PATIENT."

Now, do you remember why you sent this email explaining that no narratives are to be paid on any minor patient?

A. No.

Q. And is it still your testimony that narratives sometimes are paid on minor patients?

A. Yes.

Q. Okay. They get paid if a narrative is received, is what you're saying?

A. Correct.

Q. So you can't explain why you would write, "NO NARRATIVES ARE TO BE PAID ON ANY MINOR PATIENT"?

A. Well, I think I answered that before, in the other email.

Q. And what's the answer?

A. So typically, if a minor were to choose a chiropractor, they may only go for a couple of appointments. In that case, if the bill is only a couple hundred dollars, then we wouldn't spend $150 on a report for any client. And -- but sometimes clients did treat with chiropractors, depending on their injuries, you

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.

Q. Jenna Wiley is writing to the prelit group and litigation group. Narrative fees for minors, "Are to no longer be paid, regardless if you receive a narrative. This goes for ANY clinic." What does this mean?

A. Well, I think it means what she said.

Q. How would you not have to pay a narrative fee, if you received a narrative?

A. Well, I don't really think that's possible. I think that's why she's being challenged by one of the attorneys --

Q. Okay.

A. -- I think she sent an overly broad email and there was just no possible way --

Q. Okay.

A. -- the attorney also copied Rob on that email.

MR. PATTAKOS: Okay. We're at a good place to stop for today.

VIDEOGRAPHER: Off the record 5:49.

(Thereupon, the deposition was adjourned at 5:49 p.m.)

Whereupon, counsel was requested to give instruction regarding the witness's review of the transcript pursuant to the Civil Rules.

SIGNATURE:

Transcript review was requested pursuant to the applicable Rules of Civil Procedure.

TRANSCRIPT DELIVERY:

Counsel was requested to give instruction regarding delivery date of transcript.
Thomas Mannion ordered the original transcript Expedited 6-day delivery.
Copy--Peter Pattakos, Regular copy delivery

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.

I do further certify that I am not a relative, counsel or attorney for either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this 22nd day of October, 2018.

Tracy Morse, Notary Public
within and for the State of Ohio
My commission expires 1/26/2023.

1 Veritext Legal Solutions
1100 Superior Ave
2 Suite 1820
Cleveland, Ohio 44114
3 Phone: 216-523-1313
4

October 22, 2018

5

To: Thomas P. Mannion

6

Case Name: Williams, Member, et al. v. Kisling, Nestico & Redick, LLC,
7 et al.
8 Veritext Reference Number: 3028224
9 Witness: Brandy Gobrogge Deposition Date: 10/16/2018
10

Dear Sir/Madam:

11

12 Enclosed please find a deposition transcript. Please have the witness
13 review the transcript and note any changes or corrections on the
14 included errata sheet, indicating the page, line number, change, and
15 the reason for the change. Have the witness' signature notarized and
16 forward the completed page(s) back to us at the Production address
shown

17

above, or email to production-midwest@veritext.com.

18

19 If the errata is not returned within thirty days of your receipt of
20 this letter, the reading and signing will be deemed waived.
21

Sincerely,

22

Production Department

23
24
25 NO NOTARY REQUIRED IN CA

1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS
2
ASSIGNMENT REFERENCE NO: 3028224
3 CASE NAME: Williams, Member v. Kisling, Nestico & Redick, LLC
DATE OF DEPOSITION: 10/16/2018
4 WITNESS' NAME: Brandy Gobrogge
5 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7 I have made no changes to the testimony
as transcribed by the court reporter.
8
_____ _____
9 Date Brandy Gobrogge
10 Sworn to and subscribed before me, a
Notary Public in and for the State and County,
11 the referenced witness did personally appear
and acknowledge that:
12
They have read the transcript;
13 They signed the foregoing Sworn
Statement; and
14 Their execution of this Statement is of
their free act and deed.
15
I have affixed my name and official seal
16
this _____ day of_____, 20____.
17
_____
18 Notary Public
19 _____
Commission Expiration Date
20
21
22
23
24
25

1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS
2
ASSIGNMENT REFERENCE NO: 3028224
3 CASE NAME: Williams, Member v. Kisling, Nestico & Redick, LLC
DATE OF DEPOSITION: 10/16/2018
4 WITNESS' NAME: Brandy Gobrogge
5 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7 I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
8 well as the reason(s) for the change(s).
9 I request that these changes be entered
as part of the record of my testimony.
10
I have executed the Errata Sheet, as well
11 as this Certificate, and request and authorize
that both be appended to the transcript of my
12 testimony and be incorporated therein.
13 _____ _____
Date Brandy Gobrogge
14
Sworn to and subscribed before me, a
15 Notary Public in and for the State and County,
the referenced witness did personally appear
16 and acknowledge that:
17 They have read the transcript;
They have listed all of their corrections
18 in the appended Errata Sheet;
They signed the foregoing Sworn
19 Statement; and
Their execution of this Statement is of
20 their free act and deed.
21 I have affixed my name and official seal
22 this _____ day of_____, 20____.
23 _____
Notary Public
24
_____
25 Commission Expiration Date

1 ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST
2 ASSIGNMENT NO: 10/16/2018
3 PAGE/LINE(S) / CHANGE /REASON
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16 _____
17 _____
18 _____
19
_____ _____
20 Date Brandy Gobrogge
21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
22 DAY OF _____, 20_____ .
23 _____
Notary Public
24
_____
25 Commission Expiration Date

f

g

q

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.

1 IN THE COURT OF COMMON PLEAS
OF SUMMIT COUNTY, OHIO
2
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3
MEMBER WILLIAMS, et al.,
4
5 Plaintiffs,
6
vs. Case No. CV-2016-09-3928
7
8 KISLING NESTICO & REDICK, LLC, et al.,
9
Defendants.
10
11 ~~~~~~~~~~~~~~~~~~~~
12 Continued Video Deposition of
BRANDY GOBROGGE
13
14 October 17, 2018
9:16 a.m.
15
16
17 Taken at:
The Pattakos Law Firm, LLC
18 101 Ghent Road
Akron, Ohio 44333
19
20 Tracy Morse, RPR
21
22
23
24
25
~~~~~~~~~~~~~~~~~~~~

1 APPEARANCES:
2
On behalf of the Plaintiff:
3
The Pattakos Law Firm, LLC, by
4 PETER PATTAKOS, ESQ.
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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

1 TRANSCRIPT INDEX
2

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX OF EXHIBITS

INDEX OF EXHIBITS (Continued)

INDEX OF EXHIBITS (Continued)

VIDEOGRAPHER: On the record, October 17, 2018, 9:16 a.m.

CONTINUED EXAMINATION OF BRANDY GOBROGGE BY MR. PATTAKOS:

Q. Good morning.

A. Good morning.

Q. Last night I got some unredacted copies of some of the documents you went over yesterday that were redacted. Tom provided me unredacted copies. So I'm going to go over those to see if you remember anything about these documents that's new with the redactions missing, so.

MR. PATTAKOS: What number are we on, Tracy? I'm just going to mark new exhibits.

MR. MANNION: 40.

MR. STUDENY: 40.

Q. So this is Exhibit 40.

- - - - -

(Thereupon, Deposition Exhibit 40, 1/23/2012 Email To Staff and Rob Nestico From Brandy Brewer, was marked for purposes of identification.)

- - - - -

MR. MANNION: Rob, this is December 23, 2012, email.

MR. NESTICO: Tom, can you put on the record that Attorney Robert Redick is in attendance with me here today.

MR. MANNION: Okay. Hi, Robert.

MR. REDICK: Yes.

BY MR. PATTAKOS:

Q. Okay. So does this refresh your recollection at all of this document where you write, "NO narrative fee checks to any of the Plambeck chiros EXCEPT Floros & Patrice"?

A. No.

Q. Who's Patrice?

A. Dr. Lee-Seyon.

Q. Pardon?

A. Her last name is Lee-Seyon.

Q. How do you spell that?

A. L-e-e, dash, S-e-y-o-n, maybe. She's listed on the --

Q. Okay. Where does she work?

A. In Toledo.

Q. Okay. You sent this email,

correct?
A. Yes.
Q. Okay.
MR. MANNION: That was the right spelling, by the way, from the other document.
THE WITNESS: Okay.
BY MR. PATTAKOS:
Q. Okay. You have no recollection at all of why no narrative fee checks were to be sent to any of the Plambeck chiros --
A. I don't.
Q. -- except for these two? Okay.
MR. PATTAKOS: Let's mark Exhibit 41.
Q. Actually --
- - - - -
(Thereupon, Deposition Exhibit 41, 1/23/2012 Email To Rob Nestico From Brandy Brewer, was marked for purposes of identification.)
- - - - -
MR. MANNION: Just a reminder to let him finish the question.
THE WITNESS: Oh, okay.
MR. MANNION: You guys just talked

over a little bit.
THE WITNESS: I'm sorry.
MR. MANNION: No, that's okay.
BY MR. PATTAKOS:
Q. Now, just let me ask you about Exhibit 40 again, just to get some additional information here. You know, if you can't remember why you sent that email, do you remember who instructed you to send that email?
MR. MANNION: Objection. Assumes she was instructed.
But go ahead.
A. I don't.
Q. Do you think someone instructed you to send that email?
A. Honestly I don't remember.
Q. Do you know who would be able to explain that email better than you can?
A. Rob.
Q. Nestico?
A. Yes.
Q. Okay, okay. Let's look at Exhibit 41.
A. Well --
MR. MANNION: Go ahead.

Q. I'm sorry?
MR. MANNION: Go ahead.
Q. What were you going to say?
A. On January 23, in this other exhibit here, number 41 at 12:31, Rob sent me an email--
Q. Yes.
A. -- right there, right?
Q. Yes.
A. So I didn't remember it, but it's on the other piece of paper that's in front of me.
Q. Right. Okay. So you write -- on Exhibit 41, you write in response to Rob's instruction, "No fees paid on these except Floros and patrice."
You write, "None to Shane, Maurer or any others?" Who is Shane?
A. He was a chiropractor in Columbus.
Q. What's his last name?
A. I don't remember.
Q. Okay. Who's Maurer?
A. He's a chiropractor in Cincinnati.
Q. Okay.
MR. MANNION: It's Jason Maurer.

MR. PATTAKOS: Okay.
BY MR. PATTAKOS:
Q. Do you remember why you asked this question?
A. I don't.
Q. Okay. Do you have any idea why you might have asked this question?
A. I don't.
Q. Okay. Exhibit 42.
- - - - -
(Thereupon, Deposition Exhibit 42, 1/23/2012 Email Trail Between Rob Nestico And Brandy Brewer, was marked for purposes of identification.)
- - - - -
MR. MANNION: January 23, 2012, still.
Q. So this looks like a response from Mr. Redick to your January 23 email that was sent in Exhibit 40 where you write, "No narrative fee checks to any of the Plambeck chiros EXCEPT Floros & Patrice."
And Mr. Redick responds, "Including Tassi.....interesting," and then writes a

smiley face there. Does this refresh your recollection about this document?

A. It does not.

Q. You have no idea what Mr. Redick was talking about here?

A. I do not.

Q. Or why it would be interesting to him?

A. You would have to ask him.

Q. Okay.

- - - - -

(Thereupon, Deposition Exhibit 43, 6/12/2012 Email Trail Between Julie Branch, Robert Redick And Brandy Brewer, was marked for purposes of identification.)

- - - - -

Q. Okay. Okay. So this -- if we look at Exhibit 43. We don't need to spend very much time on this.

MR. MANNION: June 12, 2012.

Q. This just confirms that it's Jason Maurer who drove you F'ing crazy, correct?

A. Yes.

Q. Okay. Okay.

MR. PATTAKOS: I'm sorry. Did I hand these to you guys? Sorry. That's 43. (Handing.)

Q. 44.

- - - - -

(Thereupon, Deposition Exhibit 44, 3/1/2012 Email To Alyssa Kirk, Etc. From Brandy Brewer, was marked for purposes of identification.)

- - - - -

MR. MANNION: March 1, 2012.

BY MR. PATTAKOS:

Q. Okay. This is an email where you write -- this is March 1, 2012. You write to, it looks like a number of paralegals copying Mr. Nestico and Mr. Redick saying, "We are paying narrative fees to the following," and you list Dr. Lee-Seyon -- which is Patrice, right? -- Dr. Schober, Dr. Floros, Dr. Tassi and Dr. Maurer. Do you remember sending this email?

A. I do not.

Q. Do you have any memory of why you would be -- the firm would be paying narrative fees to these five chiropractors specifically?

A. I'm sorry. Can you ask that again?
MR. PATTAKOS: Tracy.
(Record was read.)
A. I don't remember sending this email.
Q. Okay. Well, do you remember why these five chiropractors would be different from any other chiropractors, in terms of why they would get paid narrative fees and why you would be sending this email?
A. Well, if they sent a narrative report, then we would pay them a fee for it. And these wouldn't be the only doctors. We pay narrative fees to plenty of other doctors.
Q. Well, then why would you send this email?
A. I don't know. I don't remember sending it.
Q. If these weren't the only doctors you were paying narrative fees to and there were plenty of other doctors, wouldn't there be some reason that you would be telling people about these five doctors?
A. No. I have a vague memory of the paralegals forgetting to request the checks for

the narrative payments, but I don't know if that specifically why I sent this email. It was six years ago.

Q. Okay. And the paralegals must have kept forgetting and forgetting, because you keep sending these emails, correct?

MR. MANNION: Objection.

Go ahead.

A. Sure. I mean, it was difficult to get people to remember to do things. That would be why I would send a reminder.

Q. Okay. And so is it your testimony that the paralegals would forget to send checks only to certain chiropractors and that's why you would need to remind them about specific chiropractors?

A. No. I mean, they would -- they forget a lot of things.

Q. Well, I guess my question is: The question is raised is why -- if the paralegals are forgetting to send these checks for the narratives, why would it be only for specific chiropractors? Why wouldn't you just say, "Please remember to send narrative reports to all the chiropractors"? Why would you specify?

MR. MANNION: Objection to form. Go ahead.

A. I mean, as I stated, I don't remember typing this email. It was six years ago --

Q. I understand that.

A. -- so --

MR. MANNION: Let her finish, please.

A. -- I can't answer that question.

Q. Okay. I mean, this was your job, so I'm asking why -- you know, I'm not asking you to remember the day you typed this email. I'm asking you to testify based on your understanding of what your responsibilities were as to what might be going on here. That's all.

MR. MANNION: Objection. She answered the question. That wasn't a question, by the way.

MR. PATTAKOS: So it is a question.

MR. MANNION: What?

Q. Do you have any idea why you would be singling out these five chiropractors as opposed to just saying, "Please remember to

send the narrative checks to the chiropractors that give us narratives"?

MR. MANNION: Objection. Asked and answered multiple times.

Go ahead.

A. I don't remember why I sent this email.

Q. Okay. So you have testified and a lot of these documents reflect that the firm would call the chiropractors to schedule the appointments, call the chiropractor's offices to schedule the appointments for the client, correct?

MR. MANNION: Objection to form.

Go ahead.

A. Actually, I testified that there were times that I would tell the doctors about the appointment and they would call the clients to schedule it. There are emails that state that the attorneys were scheduling the appoint -- I mean, it was -- the scheduling was done different ways at different times.

Q. I mean, was it -- do you mean that the policy changed over the years or do you just mean there was never any policy and it

just happened in random ways at different times depending on the case?

A. So it wasn't a policy, how the appointments got scheduled. There never was a policy on that --

Q. Okay.

A. -- the clients could schedule their own appointments with the doctor. The doctor could call the client and schedule the appointment. The attorneys could call the chiropractor and schedule the appointment. It could happen a variety of ways.

Q. And the firm didn't have any policy or preference?

A. We tried it different ways to kind of see what worked and what worked better -- really I guess at the end of the day, it depended on what was in the best interest of the client. If the client preferred to schedule their own appointment, they would do that. If it was easier to have the chiropractor call or the attorney could call based on, you know, their time limitations or what the attorneys preference was. So there was -- there was no set way to do that, I guess

is what I'm trying to say.
Q. Are you saying there was never any set way to do that or are you saying that there at one time was a set way to do that and the firm changed its practices?
MR. MANNION: Objection to form.
Go ahead.
A. So there was never a specific policy or practice. We tried a variety of different things back then. And then now today, it's -- it's still the same, whatever is easier and works best.
Q. Okay. Well, let's take a look at Exhibit 45.
- - - - -
(Thereupon, Deposition Exhibit 45, 3/12/2013 Email To Prelit Attorney From Brandy Lamtman, Bates Number Williams000442, was marked for purposes of identification.)
- - - - -
MR. MANNION: March 12, 2013.
BY MR. PATTAKOS:
Q. Okay. This is an email from you on March 12, 2013, to prelit attorneys copying

Mr. Nestico where you write, "PLEASE," in all capitals, "make sure you are calling the chiro and scheduling the appointment. This has been discussed before." How do you explain this -- let me ask you first: Did you send this email?

A. Yes.

Q. So how do you explain this email, in light of your testimony that there was never a firm policy to call the chiropractors for the clients?

MR. MANNION: Objection to form. Go ahead.

A. Okay. So I'm asking them to call the chiropractor and schedule the appointment. I didn't say in here, "It's firm policy that you call the chiropractor and schedule the appointment." This is something that at that time we were trying out that way of doing things. And actually, I can tell you that didn't really work out so well. The attorneys didn't have time to schedule all of those appointments.

Q. So you're saying that you're asking them to call the chiropractors here --

A. Yes.

Q. -- and not telling them to do so?
A. Correct.
Q. So when you write, "PLEASE make sure you are calling the chiro and scheduling the appointment," period, you were not giving a command there?
MR. MANNION: Objection. That's ridiculous, Peter.
Go ahead.
A. Yeah, I don't read that as me giving a command.
Q. Okay.
MR. MANNION: These are lawyers she's talking to, Peter.
Q. "This has been discussed before." What were these discussions?
A. I don't remember the specific discussions. It was five years ago.
MR. MANNION: Six and a half, five and a half.
THE WITNESS: Right.
MR. PATTAKOS: Okay.
MR. MANNION: Move to strike the extraneous comments.
BY MR. PATTAKOS:

Q. So on this document where you say, "PLEASE make sure you are calling the chiro and scheduling the appointment," this is for every referral, right --

MR. MANNION: Objection.

Q. -- this is for every case, right?

MR. MANNION: Objection. Look at the subject. Stop it.

MR. PATTAKOS: Stop testifying.

MR. MANNION: No. You stop it. You're twisting things that you know aren't true and you're doing it on purpose. You can laugh all you want. What you're doing is a lie and you know it's a lie.

MR. PATTAKOS: Tom, what you're doing is pathetic --

MR. MANNION: No. It says, "Subject: Chiropractor Referrals" --

MR. PATTAKOS: -- and unprofessional --

MR. MANNION: -- and you've now turned it into every case.

MR. PATTAKOS: You should stop.

MR. MANNION: You should stop lying.

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?

A. No. It doesn't say, "Every case in the firm."
Q. Okay. So what's the qualifier here? What cases do you do this on, if it's just a certain set, if not every case?
A. This is only for clients who needed a chiropractor referral --
Q. Okay.
A. -- and only for times that the client didn't schedule their own appointment or that the doctor didn't call them to schedule it.
Q. Okay.
MR. MANNION: He's basically trying to trick you, is what he's trying to do.
MR. PATTAKOS: Tom, please, this is completely inappropriate for you to speak.
MR. MANNION: So is your question. So is your question.
MR. PATTAKOS: Tom, I know you don't like what these documents show --
MR. MANNION: No. (Inaudible) --
MR. PATTAKOS: -- I wouldn't like them either, if I had acted like you throughout the course of this litigation.

MR. MANNION: That has nothing -- are you kidding me? I have no problem with this email.

MR. PATTAKOS: Please be professional and let me --

MR. MANNION: I have no problem with this email.

MR. PATTAKOS: -- ask my questions. You can take up your questions with the Court --

MR. MANNION: You are trying to twist and turn --

THE NOTARY: I can't take you both at the same time.

MR. PATTAKOS: You can take up your questions with the Court, if you have issues with the questions I ask.

MR. MANNION: Just try to be realistic and fair and honest, which you're not doing.

MR. PATTAKOS: Tom, Tom, I know you have a client that's in a bad position here. I sympathize with you -- or I should say, I empathize with you --

MR. MANNION: Oh, yeah.

MR. PATTAKOS: -- but that's not an excuse for your histrionics.

MR. MANNION: My histrionics? What are you doing? What was that?

MR. PATTAKOS: Let's mark the next exhibit.

MR. MANNION: Yeah, I don't go around talking to other people's associates either and trying to talk to them about what firm they should be with or who they're involved with that apparently you think is appropriate to do.

MR. PATTAKOS: I think it's a real shame.

THE NOTARY: I need to mark this exhibit. Okay? Can we do that?

MR. PATTAKOS: 46.

THE NOTARY: Thank you.

- - - - -

(Thereupon, Deposition Exhibit 46, 11/19/2012 Email To Attorneys And Prelit Support From Brandy Lamtman, Bates Number Williams000296, was marked for purposes of identification.)

- - - - -

MR. MANNION: Read the entire email, before he asks you questions, including all of it.

MR. NESTICO: Date, Tom?

MR. MANNION: Yeah. Oh, November 19, 2012.

BY MR. PATTAKOS:

Q. So in this exhibit, this is an that you sent to all attorneys, prelit support copying Rob Nestico, Robert Redick and Holly Tusko, correct?

THE WITNESS: Excuse me.

MR. MANNION: Bless you.

MR. PATTAKOS: Gesundheit.

THE WITNESS: Thank you. Sorry.

A. Can you start over or someone --

Q. This is an email from you to all attorneys, prelit support copying Rob Nestico, Robert Redick and Holly Tusko sent on November --

THE WITNESS: I'm sorry.

MR. PATTAKOS: Gesundheit.

MR. MANNION: Bless you.

A. Okay.

Q. -- November 19, 2012, correct?
A. Yes.
Q. And did you send this email?
A. Yes.
Q. Okay. And you write -- the subject line is, "Chiropractor Referrals." And you write, "I know that many of you already" --
THE WITNESS: I'm so sorry.
A. Okay.
Q. Take your time.
A. Okay.
Q. -- you write, "I know that many of you already do this, but for those of you that do not, PLEASE put the intake on hold" -- "Please, in all caps -- "and call the chiropractor's office and set up the appointment for the client and then let the client know the time they need to be there. It is IMPERATIVE that this gets done."
"Paralegals, when you do your first phone call with the client after the case gets opened, make sure the client went to see the chiropractor."
Now, how does this -- how is this consistent with what you just told me about how

the firm only -- I'm sorry. Strike that. You just testified the firm does not direct its clients to treat with chiropractors, but isn't that exactly what's going on in this email?

MR. MANNION: Objection. It completely mischaracterizes the testimony. Stop doing that.

MR. PATTAKOS: Tom, stop --

MR. MANNION: No. You stop it.

MR. PATTAKOS: -- your speaking objections.

MR. MANNION: No. You're saying for the record that she testified to something that didn't happen. Ask her a question about the document. Don't try to paraphrase her testimony.

BY MR. PATTAKOS:

Q. Well, are you not saying in this email that for every intake that comes in, the attorneys or prelit support employees are supposed to call the chiropractor's office and set up an appointment with the client and that it is imperative that this gets done? Are you not saying that the firm should make an appointment for every single intake with a

chiropractor?
A. I didn't say, "Every single," on here at all.
Q. So what are you qualifying here? Where's the qualification?
A. I said, "Please put the intake on hold and call the chiropractor's office." So that means intake, not every single intake.
Q. Well, which ones?
A. The clients that needed a referral to the chiropractor. They needed a doctor.
MR. MANNION: Perhaps you could look at the subject line, Peter.
Q. When you say at the bottom, "Paralegals, when you do your first phone call with the client after the case gets opened, make sure the client went to see the chiropractor," why did you write that?
A. Because clients don't realize that the insurance company is going to use it against them, if they're not consistently going to the doctor and documenting their injuries. So they may think it's okay to wait a week or two, but then the insurance company is going to turn around and use that against them.

Q. But what if the client doesn't want chiropractic treatment?

A. Well, then they wouldn't be referred to a chiropractor.

Q. Okay.

- - - - -

(Thereupon, Deposition Exhibit 47, 3/26/2013 Email To Attorneys From Brandy Lamtman, Bates Number Williams000441, was marked for purposes of identification.)

- - - - -

MR. NESTICO: Date, Tom?

MR. MANNION: Oh, I apologize. March 26, 2013.

Q. Okay. So this is an email from you to all KNR attorneys dated March 26, 2013, with the subject heading, "Intakes." Did you send this email?

A. Yes.

Q. Okay. In this email, you write, "If you do an intake and the person already has an appointment with a chiropractor we do not work with, either pull it and send to one of our doctors or call the chiropractor directly.

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

send to one of their attorneys --
Q. Okay.
A. -- so either, "Pull it," means refer it to another doctor or call this other chiropractor.
Q. What would you call the other chiropractor for?
A. To let them know that we're representing the client and to make sure that they would sign a lien or they would wait to get paid until the case is settled; that they were okay with our firm representing them; they were okay with being involved in a potential lawsuit; that they would be open to negotiate their bill, if we needed that; that if the client needed transportation, they had that available. I mean, it could have been a variety of different thing.
Q. What's this last part of this sentence, "...otherwise" -- the last part of the last sentence, you say, "You MUST do this on all intakes, otherwise the chiropractor will pull and send to one of their attorneys!" --
MR. MANNION: Objection. Asked and answered.

Go ahead.
Q. -- why are you concerned with that?
A. Well, the client called us to represent them, so I wouldn't want the chiropractor to send it to another law firm --
Q. Okay.
A. -- that may not even be in the best interest of our client.
Q. But you don't really know, do you?
A. Well, no. I don't have a crystal ball.
Q. Well, I mean, what if the attorneys -- or what if the client trusts that chiropractor and wants to go to another attorney?
A. Then that would be up to the client.
Q. Okay. Do chiropractors have attorneys?
MR. MANNION: Objection to form.
A. I mean, I wouldn't say they have attorneys.
Q. Well, you said it here. You said, "...otherwise the chiropractor will pull and send to one of their attorneys!" What do you

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

the clients already had a doctor, correct?
MR. MANNION: Objection, form.
Go ahead.
A. No, there is not a policy for that.
Q. Okay. Let's look at Exhibit 48.
- - - - -
(Thereupon, Deposition Exhibit 48, 5/1/2013 Email To Prelit Attorney From Brandy Lamtman, Bates Number Williams000164, was marked for purposes of identification.)
- - - - -
MR. MANNION: May 1, 2013.
THE NOTARY: I'm sorry. I have to mark it. (Indicating.)
THE WITNESS: Oh, sorry. (Handing.)
MR. MANNION: Did I give you the date already? "Subject: Chiro Referrals," date, May 1, 2013. Sorry, if I didn't.
MR. NESTICO: Yes.
BY MR. PATTAKOS:
Q. So this is an email from you to all prelit attorneys copying Rob Nestico dated May 1, 2013, correct?

A. Yes.
Q. And did you send this email?
A. Yes.
Q. And you write, "This happens frequently so we wanted to address this with all of you. When doing an intake, just bc they tell you they are treating with pcp, doesn't mean you shouldn't refer to a chiro."
"PCP" means primary care physician, correct?
A. Yes.
Q. You then say, "Always refer to a chiro bc they can do both."
"This is especially an issue in Youngstown." Am I reading that correctly?
A. Yes.
Q. Okay. When you say, "We," who are you referring to here? Where you say, "...we wanted to address this with all of you"?
A. I don't know what I meant by, "We."
Q. Do you think you meant you and Rob, since Rob is copied here?
MR. MANNION: Objection. Asked and answered.
A. Not necessarily.

Q. Okay. So when you write, "Always refer to a Chiro," even when they tell you they are treating with a primary care physician --

MR. MANNION: Objection. You just misread that.

Q. -- when you write that --

MR. MANNION: Objection. You misread that.

MR. PATTAKOS: Tom, your objection is noted for the record.

Q. -- when you write, "Always refer to a Chiro," and you write that in the sentence after, you say to do this even when, "...they tell you they are treating with," a primary care physician, are you telling me that you are not communicating a firm policy by writing that?

A. I am not communicating a firm policy by writing that.

Q. And you're not communicating an instruction or a command there either?

A. No.

Q. It's just a suggestion. Is that your testimony?

A. Yes.

Q. What I did you make this suggestion?

A. Well, I don't remember sending this email specifically. I can infer that I was making a statement that they could treat with their family doctor and have chiropractic care at the same time.

Q. And why is it so important for you to send the clients -- for the firm to send the clients to a chiropractor, even when they already -- even when the clients already tell you that they're treating with a doctor?

MR. MANNION: Objection to form.

Go ahead.

A. Well, I wouldn't say that it's so important to me.

Q. Well, why did you write, "Always..."? And why did you write, "This happens frequently..."? And that this is an issue you?

MR. MANNION: Objection to form.

Go ahead.

A. I stated a minute ago that I don't specifically remember sending this email.

Q. Wouldn't the client's doctor be in

a better position to know whether the client would benefit from chiropractic care?

MR. MANNION: Objection. She didn't say otherwise.

Go ahead.

A. Yeah, I can't speak on behalf of the doctor. Maybe the doctor did refer them to chiropractic or physical therapy.

Q. So why would the firm play any role there at all, if the client already has their doctor?

MR. MANNION: Objection to form.

Go ahead.

A. Often it takes a while to get in with their family doctor --

Q. Okay.

A. -- I don't know -- I can't say that that's exactly why, but I know that's a common issue.

Q. So you write, "This happens frequently..." What did you mean by that? What happens frequently?

A. I don't know. I don't remember sending this email, so I don't remember the exact context --

Q. Well --
A. -- or what led to this email.
Q. -- it seems that you're referring to a practice among the prelit attorneys of not referring clients to chiropractors, when the clients are saying they are treating with a PCP. Does that seem right to you?
MR. MANNION: Objection to form.
Go ahead.
A. No. It seems that there was some kind of issue that happened in Youngstown -- that's what I said in there -- but I don't remember what that issue is leading up to why I would send this email.
Q. And that issue is not the issue of the firm's prelit attorneys not making chiro referrals, when the clients are saying that they treated with a PCP?
MR. MANNION: Objection to form and a triple negative.
A. No, I -- I have no idea.
Q. Okay.
MR. PATTAKOS: Let's mark Exhibit 49.
- - - - -

(Thereupon, Deposition Exhibit 49, 1/16/2013 Email To Rob Horton From Brandy Lamtman, Bates Number Williams000378, was marked for purposes of identification.)

- - - - -

MR. MANNION: September 16, 2013. I'm a little slow on the draw today, Rob.

Q. So this is an email from you to Rob Horton, correct?

A. Yes.

Q. Dated Monday, September 16, 2013. The subject line is, "My referral." Did you send this email?

A. Yes.

Q. And you write, "Since she is a nurse, she may not want chiro. Feel her out for that before you refer. She may want family doc and PT." What did you mean by -- who is, "My referral"?

A. It was a friend of mine's mom --

Q. Okay.

A. -- I wouldn't really say, "A friend." More of like an acquaintance's mom. I haven't seen her in a long time.

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

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.

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.
5 [redacted]

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.
9 [redacted]
22 MR. MANNION: Objection. Asked and
23 answered.
24 Go ahead.
25 A. Could you show me an email? I

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]
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.)

- - - - -

MR. MANNION: June 4, 2013.

Q. So this is an email that Holly Tusko sent to all intake employees, all attorneys as well as copying you and Mr. Nestico with the subject, "Referrals," and the importance level marked high. Did you receive this email from Holly Tusko?

A. I mean, it says she sent it to me. I don't remember specifically receiving it.

[redacted]

1

[redacted]

Q. Okay.

A. -- what was -- what were they looking at.

Q. Got it. Thank you.

- - - - -

(Thereupon, Deposition Exhibit 51, 7/17/2013 Email To Prelit Attorneys From Brandy Lamtman, Bates Number Williams000157, was marked for purposes of identification.)

- - - - -

Q. Exhibit 51 --

MR. MANNION: July 17, 2013.

Q. -- so this is an email from you to all prelit attorneys with the subject, "Akron Injury," sent on July 17, 2013. Did you send this email?

A. Yes.

Q. And you write, "Today we sent 3 to ASC...." That means Akron Square Chiropractic, correct?

A. Yes.

Q. Then you write, "....please get the next Akron case to Dr. Holland at Akron Injury. Please just make sure it's not a red bag referral and not a current or former client that treated at ASC" --

MR. MANNION: Is there a question?

Q. -- why would it matter whether it were a red bag referral or not?

A. I -- I don't have an answer for that. I don't remember.

Q. Who's Dr. Holland?

A. She was a doctor that worked at Akron Injury.

Q. What's her first name?

A. I don't know.

Q. Anything you remember about her that made her different from any of the other chiros that the firm referred cases to?

MR. MANNION: Objection to form.

Go ahead.

A. No.

Q. And you can't think of any reason why you would not send a red bag referral to Dr. Holland?

A. I don't know.

Q. Do you remember who instructed you to make this request, to make sure that Dr. Holland is not sent a red bag referral?

MR. MANNION: Objection to form. Go ahead.

A. I don't know that it was necessarily not to send red bags to Dr. Holland. That's --

Q. Well, then what is it? If you're saying, "...please get the next Akron case to Dr. Holland... Please just make sure it's not a red bag referral...," what are you saying there if not to say, don't send Dr. Holland a red bag referral?

A. The red bag referrals were sent to Akron Square.

Q. They were?

A. Yeah. That's in all of those emails for that.

Q. So why was that the case?

A. I don't know.

Q. Who would know?

A. Rob.

Q. Nestico?

A. Yes. I don't -- I don't know. If

I did know at the time -- I don't know.
Q. Okay. Well, that will save us some time on some of these documents.
MR. MANNION: Before you ask the next question, just timing wise, I wanted to let you know as far as the personal issue, probably close to 11:00, if we can get that far before we take a break, is when she'll need a break for the personal issue --
MR. PATTAKOS: Okay.
MR. MANNION: -- Just wanted to let you know timing wise.
MR. PATTAKOS: That's fine. Thanks.
THE WITNESS: What time is it?
MR. MANNION: 10:06. Will that be okay timing wise, somewhere in that frame?
THE WITNESS: Yeah. My neck is just really bothering me.
MR. REAGAN: Do you want to take a short break now?
THE WITNESS: Is that okay?
MR. MANNION: Take like a 2 minute, 5 minute just to --
MR. PATTAKOS: Fine.

MR. MANNION: Yeah, let's take 5 minutes then.

VIDEOGRAPHER: Off the record 10:07.

(Recess taken.)

- - - - -

(Thereupon, Deposition Exhibit 52, 12/19/2012 Email To Prelit Attorneys From Brandy Lamtman, Bates Number Williams000284, was marked for purposes of identification.)

- - - - -

MR. MANNION: December 19, 2012.

VIDEOGRAPHER: On the record 10:13.

BY MR. PATTAKOS:

Q. Okay. So Exhibit 52 is an email that you sent to all prelit attorneys with the subject line, "REMINDER," and you mark it, high importance. What does it mean when you mark an email, high importance?

A. That I want it to stand out.

Q. You didn't mark every email as highly important, did you?

A. Well, back then I marked a lot of emails, high importance.

Q. Why did you do that?
A. I don't know.
Q. Well, you marked it as important, because it was important, right?
A. We get a lot of emails at KNR back and forth either interoffice or -- hundreds a day, so I wanted it to stand out.
Q. Um-hum. Okay. And you write in all capital letters, "ALL RED BAG REFERRALS NEED TO GO TO AKRON SQUARE." This was December 19, 2012. Do you have any memory as to why you sent this email?
A. I don't.
Q. And you have no memory, no idea why all red bag referrals needed to go to Akron Square on December 19, 2012?
A. I don't.
Q. Okay.
MR. PATTAKOS: Let's mark Exhibit 53.

- - - - -

(Thereupon, Deposition Exhibit 53, 7/24/2013 Email Trail Between Prelit Attorney And Brandy Lamtman, Bates Number Williams000461, was marked

for purposes of identification.)

- - - - -

MR. MANNION: July 24, 2013, "Subject: Chiro Referrals."

Q. So this is an email that you sent to all prelit attorneys copying Sarah Rucker with the subject line, "Chiro Referrals," on July 24, 2013. Did you send this email?

A. Yes.

[redacted]

Q. Okay.

- - - - -

(Thereupon, Deposition Exhibit 54, 3/18/2014 Email To Attorneys From Brandy Brewer, Bates Number Williams000312, was marked for purposes of identification.)

- - - - -

MR. MANNION: March 18, 2014.

Q. So this is an email that you sent on March 18, 2014, to all attorneys copying Holly Tusko with the subject, "Lorain Delivery," with high importance. Did you send this email?

A. Yes.

[redacted]

1 [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.

BY MR. PATTAKOS:
Q. So here it looks like this is a document that should have been redacted with the client's name. But we see the client's name and the subject line apparently --
MR. MANNION: Just for the record, this was apparently a document that Horton must have given to you and you produced to us.
MR. PATTAKOS: I think that's right. I don't think there's any dispute as to that.
BY MR. PATTAKOS:
Q. So the client's name is in the subject heading. It says the client's name, "red bag, no referral, signing with Mike at 3 today," and this is on December 26, '13.
Horton indicates at the bottom of the page, "Already set up with akron square."
Rob Nestico replies copying you saying, "Make sure Akron square does not have it as a referral to us." What does that mean?
A. You would have to ask Rob. I don't know.
Q. You have no idea?
A. No.

Q. Okay. You wrote, "Handled," up at the top. That means that you understood Rob's request and handled it, correct?

MR. MANNION: Objection to form. Go ahead.

A. I don't know. I don't remember what I handled and what I knew at the time.

Q. Okay. And you have no idea what you might have been referring to there?

A. No.

Q. No idea what you might have handled?

A. No.

Q. Okay.

MR. PATTAKOS: Are we Exhibit 56 now?

THE NOTARY: Correct.

- - - - -

(Thereupon, Deposition Exhibit 56, Typewritten Document, Bates Numbers KNR03330-03332, was marked for purposes of identification.)

- - - - -

MR. MANNION: No date on this one. KNR03330 through 332. I'll take a picture and

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.

I'll talk to my client. I don't recall offhand what was redacted and what wasn't, Peter. I'll take a look at the issue.

MR. PATTAKOS: Okay.

BY MR. PATTAKOS:

Q. On the second page at the bottom, it says, "DON'T EVER TELL A CLIENT THAT THEIR CASE HAS BEEN TRANSFERRED OR THERE ATTORNEY/PARALEGAL IS NO LONGER WITH US" --

MR. MANNION: Can you just point to where you were?

MR. PATTAKOS: At the very bottom of the second page.

MR. MANNION: Okay. Thanks.

Q. -- do you remember this policy?

MR. MANNION: Objection to form.

Go ahead.

A. I wouldn't call this a, "Policy."

Q. What is it then?

A. It's a statement.

Q. Do you have any idea why this statement would have been made in this document?

A. Sure.

Q. Why?

A. I wouldn't want -- well, not I. The client shouldn't be informed that their case has been transferred or that an attorney or paralegal has left the firm by somebody who is answering the phone. They should be informed that by an attorney, not a receptionist or an intake person.

Q. On the second -- on the third page, I should say, the second bullet point from the bottom, this says, "If Akron Square or," blank, "calls after hours with a new patient, don't take any information, just patch them through to the attorney." Do you know why that would be written here?

A. Sure. Dr. Floros is very impatient.

Q. Okay. So you would change your policies for Dr. Floros, because he is impatient; and you wouldn't do the same thing if he called in as opposed to any other chiropractor, except for whoever was redacted here?

MR. MANNION: Objection to form.

A. So it's not a policy --

Q. Um-hum.

A. -- and he -- he made a request.
Q. Did someone else make a request, too?
A. I'm not sure what's redacted there.
Q. Do you have any idea whose name might be redacted there or what might be redacted there?
A. I don't.
Q. Okay. So if this is a training manual, it must have been common for Akron Square to call after hours with a new patient. Do you agree?
MR. MANNION: Objection to form.
Go ahead.
A. I mean, I don't think I can agree to that. I don't know how many times he called after hours. The office is open until 8:30 at night. There's plenty of new clients that call during that time, which is why we're open.
Q. Okay. This says, "AKRON OBJ INJURY INTAKES," at the bottom. That refers to objective injuries?
A. Yes.
Q. Okay. And we talked about other objectives for after -- if you look at the last

bullet point on this page, "For after our" -- and I think this is, "Hour," spelled incorrectly. I mean, hours as in hours and minutes -- "For after our objectives, we still go through the regular objective list, just call them on their cell phones instead of extensions, as well as emailing them the information." What is the objective list?

A. It's the list right here. (Indicating.)

Q. And what does that mean?

A. That means if someone had -- if it's a death case or somebody has extensive injuries, they would call Josh Angelotta first.

Q. Okay. An objective injury case is treated differently by the firm than other injuries, correct?

MR. MANNION: Objection to form.

And that should be a question for attorneys.

But go ahead.

A. What do you mean by, "Differently"?

Q. Well, they were categorized differently and they were distributed differently to the attorneys, correct?

MR. MANNION: Objection to form. Go ahead.

A. The more experienced attorneys would be handling the larger cases.

Q. And objective injury is any injury that was anything more than soft tissue damage, correct?

MR. MANNION: Objection to form. Go ahead.

A. No.

Q. If someone had a broken bone, that would be an objective injury, correct?

A. Correct.

Q. Okay. What would be an example of an objective injury that was something less -- I'm sorry -- something -- strike that.

Would the firm ever classify a soft tissue case as an objective injury?

A. Yes and no.

Q. Explain.

A. Somebody could have, you know, extensive soft tissue injuries where they've gone through, you know, extensive treatment. It could have --

Q. Okay.

A. -- and could later find out there's a herniation.

Q. Which would be a tear?

A. A disk herniation.

Q. Okay. Let's look at Exhibit 57.

- - - - -

(Thereupon, Deposition Exhibit 57, 9/4/2014 Email To Prelit Attorney And Prelit Support From Brandy Brewer, Bates Number Williams000449, was marked for purposes of identification.)

- - - - -

MR. MANNION: September 4, 2014.

Q. This is an email that you sent to prelit attorneys and prelit support copying Rob Nestico and Jenna Wiley on September 4, 2014, correct?

A. Yes.

Q. And you write, "When there is an insurance issue or even a possibility of an insurance issues on ASC Cases, please send an email to akron2@csgonline.net and katie@managedservices4u.com with the information. This MUST be done. Thank you."

Why must this be done on ASC cases?
A. I -- I don't remember.
Q. Do you have any idea?
A. I really don't.
Q. Do you think it has something to do with the fact that you stated that Dr. Floros is impatient?
MR. MANNION: Objection to form.
Go ahead.
A. I stated that Dr. Floros was impatient about after hours intakes. I didn't say that he was an impatient person.
Q. Okay. So this doesn't have to do with his impatience?
A. No.
Q. Okay. But you don't remember what it does have to do with?
A. No.
Q. Okay. What do you mean by, "Insurance issue," here?
A. I -- I don't remember.
MR. MANNION: Sorry about that, Guys.
Q. Who would remember this, if anyone?
A. I don't think anyone. This isn't

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.

Q. Okay. So can you talk to me about the policy of Mr. Nestico approving all of the chiropractor reductions on the settlement statements?

MR. MANNION: I'm going to object. But go ahead, if you know.

A. It's not a policy and you'd have to talk to him about that.

Q. You know nothing about it?

A. No.

Q. You remember that it was done.

A. Sure. I used to hand him the files.

Q. Okay. And you used to email reminders to KNR attorneys and staff that Rob needed to approve every reduction, correct?

A. Because that's what Rob asked for.

Q. Okay. But you had no role in the process?

A. No. I handed him the files. I sometimes scanned them to him, if he was out of town, and there were times where I was copied on them.

MR. PATTAKOS: This will be Exhibit 58.

MR. MANNION: You can ignore the huff and puff.

- - - - -

(Thereupon, Deposition Exhibit 58, 7/31/2013 Email To Attorneys From Brandy Lamtman, Bates Number Williams000544, was marked for purposes of identification.)

- - - - -

MR. MANNION: July 31, 2013, "Subject: Chiropractor Reductions."

Q. This is an email from you to all attorneys dated July 31, 2013, where you write, "Chiropractor Reductions," correct?

A. Yes.

Q. And you sent this email, correct?

A. Yes.

Q. And you write, "As you are aware, Rob approves chiropractor reductions." You were referring to Rob Nestico here, correct?

A. Yes.

Q. And you write, "If you ask me if he calls a certain chiropractor or if you do and the answer is you are responsible for the call, you should still give Rob the breakdown to

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?

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.

MR. MANNION: On the first page -- there apparently are no redactions on the first page.

MR. PATTAKOS: Yeah, it doesn't look like it.

MR. MANNION: Okay. On the second page, the, "Open/Pending," blank, "case calls," that has to do with a law firm on mass torts, so I don't think that has anything to do with this case.

MR. PATTAKOS: Um-hum.

MR. MANNION: The second one has to do with referrals and workers' comp cases that doesn't have to do with this.

MR. PATTAKOS: Um-hum.

MR. MANNION: The, "Open/Pending," "case calls," this one right here, if you look where I'm at, the third one down there --

MR. PATTAKOS: Um-hum.

MR. MANNION: -- that has to do with med mal referrals, so that doesn't have to do with that. So those are the only redactions on that page.

MR. PATTAKOS: Oh, there's another, a third -- oh, I see. Okay. I see what you're

saying.

MR. MANNION: Yeah.

MR. PATTAKOS: What about the bottom -- what about the fourth one, "When an Open," blank, "Case calls in," on the --

MR. MANNION: Let's see, where you at? That's the same thing. That's part of the med mal.

MR. PATTAKOS: Okay.

MR. MANNION: Under the, "Second Shift," where it says, "If Akron Square or," blank, that's Town & Country.

And then the only thing that was redacted by Josh, Ken, Robert, Devin and Matt are their actual phone numbers.

MR. PATTAKOS: Okay. I'd still like to see an unredacted copy of this document to verify.

MR. MANNION: I just want to give you the opportunity to ask those questions.

MR. PATTAKOS: I appreciate it.

BY MR. PATTAKOS:

Q. So I guess we can go back to this. Do you -- you know, this is a document where you said that Akron Square was impatient about

after hours intakes. Is that your testimony about Town & Country as well?

A. Yeah, yesterday I mentioned the receptionist at Town & Country.

Q. You did.

A. Yes, that's what I was referring to there.

Q. And it's your testimony that this has nothing to do with the number of cases that Akron Square or Town & Country sends to the firm?

A. Oh, no.

Q. Okay. You would agree that Akron Square sends the firm more cases than any other chiropractic clinic in the Akron area, correct?

MR. MANNION: Objection.

A. I mean, I'd have to look at the referral reports.

Q. Well, is there any other clinic in Akron that you think is close or could be close?

MR. MANNION: Objection to form.

Go ahead.

A. I would have to look at the reports. I wouldn't want to testify to

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.

I just need to make a note here on Town & Country.

Okay. Let's mark the next Exhibit 59.

- - - - -

(Thereupon, Deposition Exhibit 59, 2/13/2013 Emails To Attorneys From Rob Nestico, Bates Number Williams000586, was marked for purposes of identification.)

- - - - -

MR. MANNION: February 13, 2013.

Q. This is an email from Rob Nestico to all attorneys saying, "Any fee's being reduced more than 1,000.00" -- actually, it's two emails that he sent. The first one says, "Any fee's being reduced more than 1,000.00 will need to be approved by me and only me. Please give the settlement memos to Sarah. Thank you."

And then he clarifies. He writes shortly thereafter -- actually, it looks like 9 minutes after, he says, "For clarification this is on cases outside Chiro. All Chiro are to still be submitted as usual. Thanks."

Do you have any idea what this refers to?

A. Any case that the -- our legal fee is being reduced and he wants to approve that.

Q. But this is legal fees? How do you know it's legal fees that he's referring to here?

A. Our fee, legal fees.

Q. It doesn't say, "Legal fee." It says, "Any fee's." How do you know that's not doctor fees?

A. That's legal fee. That's what he meant there --

Q. Okay.

A. -- you asked me what I thought it meant. That's my opinion on that.

Q. Okay. So what does, "All Chiro are to still be submitted as usual," mean?

A. Any reduction to a chiropractor bill or a reduction to our legal fee, he wanted to approve it.

Q. Then what does, "For clarification this is on cases outside," of, "Chiro"?

A. You would have to ask Rob that.

Q. Okay. Exhibit 60.

- - - - -

(Thereupon, Deposition Exhibit 60,

9/19/2012 Email To Brandy Brewer From Rob Nestico, Bates Number Williams000576, was marked for purposes of identification.)

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MR. MANNION: September 19, 2012.

Q. So this is an email that you sent. It's hard to tell who you sent the email to, but it looks like Nestico then forwards it to you and all attorneys, prelit attorneys and litigation attorneys where you write, "Per Rob, please start scanning his settlement approvals with notes to the client folder. This makes things easier b/c you have notes on the settlement memorandum that explain why the offer is so low.example: low impact, etc. At times, he needs to have this information readily available so he can discuss with chiropractor."

What do you mean by, "Makes things easier"?

A. I -- I don't know like what you mean by that. He wants -- he's requesting that this information be scanned so that he can easily find it.

Q. Okay. To whom would anyone have to explain why an offer is so low?

A. So any time, whether it's a chiropractor or any doctor, if you're not paying them the full amount of the bill, he would have to call them and ask them to reduce their bill.

Q. Okay. And this happened frequently, correct?

A. I can't really say how often a bill is reduced. You'd have to ask the attorneys.

Q. Well, it's on almost every case, the bills are reduced, aren't they?

A. I can't say that.

Q. You can't. Okay. Let's look at Exhibit 61.

- - - - -

(Thereupon, Deposition Exhibit 61, 11/8/2012 Email To Brandy Brewer From Rob Nestico, Etc., Bates Number GMP000022, was marked for purposes of identification.)

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MR. MANNION: November 20, 2012.

Q. So this is an email that you sent.

It doesn't show who you sent this to. It looks like maybe to staff, because Rob Nestico responds, but on November 8, you wrote, "No settlement memos are to leave the office without Rob's approval until further notice. No fax disbursements and no mail disbursements period. If you have any approvals tomorrow, please bring to me." Did you send this email?

A. Yes.

Q. Why did you send it?

A. I have no idea.

Q. Do you have any idea why you instructed that, "No settlement memos are to leave the office without Rob's approval until further notice"?

A. I have no idea.

Q. No idea. And Rob says, "If anyone does this or faxes any client information outside this office without approval will be terminated without question." Do you remember why this would have been subject to termination?

A. I don't.

Q. And you have no idea as to why?

A. No.

Q. Okay. This is Exhibit 62.

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(Thereupon, Deposition Exhibit 62, 11/20/2014 Email To Staff From Brandy Brewer, Bates Number Williams000373, was marked for purposes of identification.)

- - - - -

MR. MANNION: November 20, 2014.

Q. So this is an email that you sent to staff on November 20, 2014, with high importance. Did you send this email?

A. Yes.

Q. Did you write -- I'm sorry. You wrote, "Several months ago I met with Dr. Hochman. He is an MD and does PT in his office. He is located in Bedford. If you have someone that doesn't want chiropractic treatment, please send there. Keep in mind Ghoubrial is now working with Shaker Square though so that is always the first option."

Am I reading that correctly?

A. Yes.

Q. Okay. Why -- what happened, when you met with Dr. Hochman?

A. I -- I don't remember the specifics.
Q. Do you remember anything about it?
A. He seemed like a nice guy.
Q. Do you remember anything else about your meeting with Dr. Hochman or why you would recommend him?
A. He seemed like a nice guy. He had physical therapy, was another option. I believe he was recommended by another -- he was recommended by somebody. I don't remember who.
Q. And did you go up to his office to see him or did he come down to KNR to see you?
A. I went to see him.
Q. In Bedford?
A. Yes.
Q. Do you remember why?
A. I don't remember why. I think it was because he was recommended. That kind of sticks out in my mind. I just don't remember the details of it.
Q. You don't remember who recommended him?
A. I don't.
Q. Okay. And when you write,

"Ghoubrial," you're referring to Sam Ghoubrial, correct?

A. Yes.

Q. And you say that he is, "...always the first option." Why is he the first option?

A. Well, I said, "Ghoubrial is now working with Shaker Square...so that is always the first option."

Q. Yeah. What does that mean?

A. That given the choice, that would be the first option.

Q. And why is that?

A. I -- we've worked with Ghoubrial and Shaker Square. I knew them better. I knew that, we were --- you know, they were good with our clients. This other guy, I -- I had only met him once based on a recommendation.

Q. What about other doctors?

A. What other doctors?

Q. Well, these aren't the only two doctors that treat patients in this area. And you testified yesterday that you wanted to make sure that referrals were distributed evenly or among other doctors, so you weren't sending too many to one doctor --

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

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

was the first option, because he is a good doctor and he's good with our clients, but they had this other option, Dr. Hochman. They also had several other options in the Shaker Square area.

Q. But Ghoubrial, again, is the first --

MR. MANNION: Objection. Asked and answered four times.

Q. -- so --

A. I don't understand.

Q. Well, I'm trying to understand how these two things can be true at the same time; that on one hand, you testified yesterday that you would send your client -- the firm would send its clients or suggest to its clients to treat with certain chiropractors, based on the need to not send too many cases to one chiropractor; and then when it comes to Ghoubrial, you're saying that he's the first choice, because he's the best --

MR. MANNION: Objection to form.

Q. -- so how do you reconcile those two things? I'm simply asking: Are the recommendations made differently for doctors

than they are to chiropractors?
A. So you said like a lot of things in there. I'm trying to decipher all of the different statements and questions. So can you rephrase your question for me so that I can answer it?
MR. MANNION: Peter, perhaps part of the trouble is you're mixing and matching MDs with chiropractors in your question.
Q. Well, I'm certainly trying to understand the difference between the reasons the firm would make suggestions of certain chiropractors versus the reasons they would make suggestions of certain doctors, because it seems like it's two different things. And that, you know, Ghoubrial is the first option, when it comes to doctors, but when it comes to chiropractors, we don't want to send too many cases -- the firm doesn't want to send too many cases to one chiropractor --
MR. MANNION: I'm going to object to form.
Q. -- so what's the difference?
A. What's the difference with what?
Q. Why you treat chiropractic

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

you ask another question, we have to take the break. No. We have to. It's 11:00. I told you this 50 minutes ago.

MR. PATTAKOS: Well, Tom, we have a question pending right now.

MR. MANNION: No, you don't have a pending question. I won't talk to her.

MR. PATTAKOS: We absolutely --

MR. MANNION: I won't talk to her, during the break.

MR. PATTAKOS: -- have a question pending. Tom, this is very inappropriate.

MR. MANNION: No, it's -- I told you 50 minutes ago that we had to take a break at 11:00.

MR. PATTAKOS: That's right. And, Tom, breaks don't happen like that in a deposition.

MR. MANNION: You were in the middle of talking, so we couldn't have had a question pending.

BY MR. PATTAKOS:

Q. So, Brandy, please, I'm asking --

MR. MANNION: Wait. Was there a question pending? Do --

MR. PATTAKOS: Tom, there is a question pending.

MR. MANNION: You were in the middle of talking.

MR. PATTAKOS: The witness keeps telling me she doesn't understand the question, so I'm going to ask it in a way that she understands it and can give an answer. Okay? So we're going to continue. You don't need to stop right this second.

MR. MANNION: No. We need to stop right this second. I told you we had to stop at 11. I won't talk to her, on the break.

BY MR. PATTAKOS:

Q. Do you believe that we need to stop right this second?

MR. MANNION: No. I need to stop right now.

MR. PATTAKOS: Tom, she could look at her phone. She could do anything. I don't want to take a break right now, while this question is pending.

MR. MANNION: There is no question pending.

MR. PATTAKOS: Tom, there certainly

is a question pending and it's about the difference between the firm's recommendations of doctors versus the firm's recommendations of chiropractors. She said yesterday --

MR. MANNION: No, no. Stop with this. We need to take a break --

MR. PATTAKOS: Wow.

MR. MANNION: -- now --

MR. PATTAKOS: Wow.

MR. MANNION: -- okay?

MR. PATTAKOS: Okay, Tom. Why don't you see if you can sort out your witness's testimony over the break?

MR. MANNION: Stop it. I won't even talk to her on the break. It's not a problem.

MR. PATTAKOS: Tom, take your break.

MR. MANNION: Do you know the difference -- answer his question the best you can, so we can take this break.

BY MR. PATTAKOS:

A. What's the question?

Q. Yesterday you testified -- and correct me if I'm wrong. Yesterday you

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,

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.

MR. PATTAKOS: She testified before --

MR. MANNION: We're taking a break.

MR. PATTAKOS: -- that when I asked if there were -- when I asked --

MR. MANNION: Let's go. We're taking a break.

MR. PATTAKOS: -- when I asked if there were two doctors --

MR. MANNION: We told you --

MR. PATTAKOS: Wow.

MR. MANNION: -- we were taking a break at 11:00 --

MR. PATTAKOS: Wow.

MR. MANNION: -- she answered the question. There's no question pending. Stop it --

MR. PATTAKOS: You really don't like this testimony, do you, Tom?

MR. MANNION: -- stop it. I -- What are you talking about? It has nothing to do with that. Jeez.

THE WITNESS: I have to -- (Indicating.)

MR. PATTAKOS: Sure.
THE WITNESS: Okay.
VIDEOGRAPHER: Off the record 11:03.
(Recess taken.)
VIDEOGRAPHER: On the record 11:25.
MR. MANNION: Okay. Before you ask a question, I'll make a statement. I did not talk with the witness during the break at all. In fact, I stood outside and walked in. And there was no question pending. We gave 50 minute's notice for a very personal matter for this witness and we waited until there was no question pending.
And, John, would you please relate what you heard, even though the court reporter had her headphones in and didn't hear it.
MR. REAGAN: Mr. Pattakos telling someone in this room that the witness is lying her ass off where the witness could hear it and I could hear it.
MR. MANNION: Proceed. I don't think it's funny.
MR. PATTAKOS: I don't either, Tom.
MR. MANNION: Yeah. You have no

regard for a very personal matter for this witness that we told you about 50 minutes beforehand. You're making comments that should not be made.

MR. PATTAKOS: Tom, this witness is contradicting herself left and right and you didn't like the testimony she was getting --

MR. MANNION: That had nothing to do with it.

MR. PATTAKOS: -- so you forced her to take a break --

MR. MANNION: Oh, so --

MR. PATTAKOS: -- you got up in front of the camera --

MR. MANNION: -- 50 minutes beforehand I knew that that was going to be a rough time period?

MR. PATTAKOS: -- and you dragged her out of the room.

MR. MANNION: No. I didn't even talk to her. I went outside.

MR. PATTAKOS: She didn't say she needed a break. You did.

MR. MANNION: We told you 50 minutes beforehand she needed a break then.

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

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

your conduct has required it.

Tracy, can you read the witness's last bit of testimony. You don't need to read Mr. Mannion's interjections.

THE NOTARY: It's going to take a minute.

MR. MANNION: There was a question and answer.

(Record was read Pages 427-428, Lines 10-7.)

MR. PATTAKOS: Okay. Thank you.

BY MR. PATTAKOS:

Q. So earlier, before we took the break and when I first asked you about this document, Exhibit 62, you said that there were many other doctors in this area that you would also refer clients to. Isn't that correct?

A. I don't remember if I said that or not.

Q. Is it true or not? Whether you said it or not, is it true?

A. There are other chiropractors located near Shaker Square that we would refer clients to.

Q. But this isn't chiropractors, is it? You're not talking about chiropractors

here. You're talking about doctors.
A. I was talking about chiropractors, when I said, "There are other chiropractors in the area." It's not as often that medical doctors would work on personal injury matters --
Q. Okay.
A. -- they're a little bit more difficult to find.
Q. So when I asked you before if Dr. Hochman and Dr. Ghoubrial were the only two doctors in the area that --
A. I don't know.
Q. Okay. But they're the only two that you would have sent your clients to in that area on November 20, 2014?
MR. MANNION: I'm going to object. Just when you say, "You," are you referring to KNR?
MR. PATTAKOS: Of course.
MR. MANNION: Well, go ahead.
A. I don't know --
Q. Okay.
A. -- I'm -- I just am -- I don't know. I'm confused by this.

Q. I think we've heard enough testimony from you on this document --

MR. MANNION: Move to strike.

Q. -- we can move on.

Do you recall any instances where any of the firm's attorneys raised concerns over the firm's relationship with Dr. Ghoubrial?

MR. MANNION: Objection to form.

But go ahead.

A. I don't know what you mean by a, "Relationship with Dr. Ghoubrial." And, no, I don't remember any conversations --

Q. Okay.

A. -- about concerns.

Q. Do you recall any instances -- any instances where any of the firm's attorneys or employees or anyone raised concerns over the firm's relationships with certain chiropractors?

MR. MANNION: Objection. Assumes facts not in evidence.

Go ahead.

A. I don't know what you mean by, "Relationships," but I don't -- I don't remember any conversations --

Q. Okay.
A. -- nothing stands out in my mind.
Q. Okay. I have to go back to --
MR. PATTAKOS: Let's mark the next exhibit.
- - - - -
(Thereupon, Deposition Exhibit 63, 11/13/2012 Email Trail Between Intake, Attorneys, Brandy Lamtman And Gary Petti, Bates Number GMP000027-28, was marked for purposes of identification.)
- - - - -
MR. MANNION: November 13, 2012.
MR. PATTAKOS: What exhibit is this, Tracy?
THE NOTARY: 63.
BY MR. PATTAKOS:
Q. I should have asked you about this earlier, when we were talking about red bags, but this document contains an email from you to all intake employees and all attorneys copying Mr. Nestico and Ms. Tusko with the subject line, "Franklin Red Bag Deliveries," with high importance. And you write, "Any case that has

the referral Franklin red bag needs to be referred to Columbus Chiropractic West." Did you send this email?

A. Yes.

Q. Do you remember why Franklin red bag referrals were sent to Columbus Chiropractic West?

A. No.

Q. Do you recall who instructed you, if anyone, to send this email?

A. No.

Q. Who would know why Franklin red bag deliveries were sent to this clinic?

A. Rob.

Q. Okay.

MR. PATTAKOS: Let's mark Exhibit 64.

- - - - -

(Thereupon, Deposition Exhibit 64, 11/9/2012 Email Trail Between Staff, Brandy Brewer, Nomiki Tsarnas, Rob Nestico and Megan Jennings, Bates Numbers GMP000047-48, was marked for purposes of identification.)

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MR. MANNION: November 9, 2012, concerning, "LOP's," in the subject line.

Q. So at the bottom of this document, between the first and second pages, you send an email on November 9, 2012, to all staff copying Mr. Nestico with high importance saying -- with the subject line, "LOP's." Did you send this email?

A. Yes.

Q. And, "LOP," is a letter of protection, right?

A. Yes.

Q. And that is a letter by which a doctor will have the client guarantee their payment at some level, correct?

MR. MANNION: Objection to form. But go ahead.

A. A letter of protection would be -- as it reads here, on firm letterhead, would be the firm guaranteeing payment.

Q. To the doctor?

A. Yes, which we did not do. I was saying not to do that.

Q. Were people doing that?

A. I mean, I was asking them not to.

Q. Why?
A. Because the firm wouldn't want to guarantee. That would be putting -- making the firm liable to pay something, not the client.
Q. So you write, "Absolutely NO LOP's should be sent out of this office on letterhead. Please see me if you have any questions." I'm reading that correctly, right?
A. Yes.
Q. Okay. And Nomiki Tsarnas responds and says, "Is someone going to create a new LOP? The current medical assignment comes up on our letterhead." What does that mean?
A. I don't know what Nomiki meant there.
Q. Okay. So it's your testimony that what you intended here was to communicate that the firm should not be guaranteeing the client's fees itself to the doctors?
A. Fees?
Q. If client's medical bills.
A. Correct. Rob -- we don't want to say, Kisling Nestico & Redick is going to pay our client's medical bills.
Q. Are you sure that's what you meant

here?
A. Yes.
Q. Okay. Now, a letter of protection would typically be something that the client would sign for the doctors, correct?
A. I wouldn't call that a, "Letter of protection." I would call it a, "Lien."
Q. Isn't a letter of protection a form of a lien?
A. A letter of protection would be, in my opinion, that -- what I was referring to here where it would be the firm guaranteeing the client's medical bills, which makes no sense.
Q. Wouldn't it simply be the client -- why wouldn't it simply be the client guaranteeing the medical provider's bills and guaranteeing or allowing KNR to deduct a certain portion of the settlement proceeds to pay the client's medical bills that relate to the case?
MR. MANNION: Objection to form. That makes no sense.
But go ahead.
A. Yeah, I'm kind of confused by what

you're saying.
Q. Is it your testimony that the firm did not have its clients -- or let me say it this way -- let me ask you this way: Is it your testimony that the firm did not -- the firm's clients did not regularly sign letters of protection with doctors that authorized the KNR law firm to pay the doctor's fees out of the client's set KNR settlement?
MR. MANNION: Objection to form. But go ahead.
A. Yeah, I'm still not understanding what you're asking.
MR. PATTAKOS: Tracy, can you please read it back to her.
Q. I'm going to ask you to try to follow that.
(Record was read.)
MR. MANNION: Objection to form. Go ahead.
A. So what the client signed -- I mean, you'd have to talk to the clients or the doctors -- I wouldn't call that a, "Letter of protection." I would call that a, "Lien."
Q. But the firm was aware of these

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

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?

MR. MANNION: Wait.
I'm going to object. Where does it say, "Signing"?
MR. PATTAKOS: That's what her testimony is.
A. I said -- my purpose of this email is to tell them not to put letters of protections on company letterhead. I also testified that I didn't remember what occurred leading up to why I sent this email --
Q. Okay. That's fine.
A. -- I feel like you put words in my mouth --
Q. Okay. I'm sorry --
A. -- and then you get mad, when I don't give you the answer you're looking for. Sorry.
Q. -- I'm sorry you feel that way.
- - - - -
(Thereupon, Deposition Exhibit 65, 11/6/2013 Email To Prelit Attorney From Brandy Brewer, Bates Number Williams000226, was marked for purposes of identification.)
- - - - -

Q. Let's look at Exhibit 65.
MR. MANNION: November, 6, 2013.
Q. So you're sending out an email on Wednesday, November 6, 2013, to all prelit attorneys and Mike Simpson -- who is the investigator, correct?
A. Yes.
Q. -- and the subject line is, "Rooms." This was -- you write, "Room Arrangements," and you list a bunch of names and that's the end of the email. Am I reading this correctly?
A. Yes.
Q. So who are these people?
A. Do you want me to itemize specifically who each person is?
Q. If you would.
A. Dr. Cawley.
Q. Is he a chiropractor or doctor?
A. He's a chiropractor.
Q. What's his first name?
A. Eric.
Q. Okay. And where does he practice out of?
A. He used to be in Canton. He's in

Cleveland now.
Q. Do you know the name of his clinic?
A. No. I don't remember.
Q. Okay. And then Floros is obviously Dr. Floros.
A. Yes.
Q. Okay.
A. Dr. Tassi.
Q. That's Phil Tassi?
A. Yes.
Q. Out of West Tusc?
A. He's in a different state now.
Q. What state is he in now?
A. I don't remember. He doesn't prac -- I don't know.
Q. Who's Schneider?
A. He's a chiropractor.
Q. What's his first name?
A. I don't remember. I don't know where he's at now either.
Q. Who are Tony and Waleed?
A. Tony Lababidi and Waleed Lababidi.
Q. And who are they?
A. Tony Lababidi is a doctor. He's a pain management doctor.

Q. Um-hum.
A. Waleed is some kind of nurse maybe. That's his brother.
Rob Nestico, Paul Steele.
Q. Um-hum.
A. Sam Ghoubrial, he's a doctor.
Q. Um-hum.
A. Michael Simpson, he's an investigator.
Q. Um-hum.
A. Matt Stewart.
Q. Who's Matt Stewart?
A. He's a paralegal.
Rob Horton. You know Rob Horton.
Q. Okay.
A. Robert Redick.
Q. Okay.
A. Brian Zaber.
Q. Who is Brian Zaber?
A. He's an attorney.
Q. KNR attorney?
A. He used to be.
Q. Where is he now?
A. He's at a firm in Cleveland. I don't remember the name.

Q. Okay.
A. Tom Vasvari.
Q. Attorney?
A. Yes, at KNR.
Q. Um-hum.
A. Jason St.George.
Q. Still a KNR attorney, right?
A. Yes.
Q. Um-hum.
A. And Josh Angelotta.
Q. What was the purpose of this email?
A. Room arrangements, to let them know who was rooming together.
Q. Rooming together where?
A. I think this was on a golf trip.
Q. Where?
A. Alabama or Georgia, Florida maybe.
Q. Could it have been Cancun?
A. I feel like this was a golf trip.
Q. Why?
A. That's just my recollection.
Q. There were trips to Cancun and Dominican Republic, too, weren't there?
MR. MANNION: Objection.
A. Yes.

Q. And were these same people on these trips to Cancun and Dominican Republic as well?
A. I don't know if the exact same people. I'd have to see a list.
Q. But some of them?
A. Maybe.
Q. Okay. Did you go on this trip?
A. If this is a golf trip, I did not go golfing. I don't golf.
Q. Okay. Why were all these people going to golf together?
A. Because they liked golfing.
Q. Okay. Why were you emailing them their room arrangements?
A. I don't know. I guess to let them know who was going to be rooming with who.
Q. Who determined that?
A. I don't remember if I did that or if Rob did that.
Q. Do you have any idea why these certain people were selected to go on this trip?
MR. MANNION: Objection to the phrase, "Selected."
But go ahead.

A. I don't know.
Q. How many trips did you participate in the planning of involving KNR attorneys and healthcare providers?
MR. MANNION: Objection.
Go ahead.
A. I -- I mean, Rob booked his own trips. I didn't book his travel, so I --
Q. But you --
MR. MANNION: Let her finish.
A. -- you asked me if I sent this email and why I sent it. I don't know if he asked me to send it or if I did it myself. I don't know.
Q. Okay. I'm just asking about any kind of participation at all, including sending emails of room arrangements -- or frankly, I can ask you instead: How many of these trips do you remember happening?
MR. MANNION: Objection to form.
But go ahead.
A. Maybe a handful. I'm not really sure.
Q. What's, "A handful"?
A. Well, "A handful," would be around

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

locations. As I stated, I didn't book Rob's travel. I'm not sure if that's it or -- I mean, it's -- it's been a lot of years. He's traveled a lot of different places.

Q. Well, I understand that. I'm just asking if you can remember any trips that he took with chiropractors or doctors that treated the firm's patients -- or treated the firm's clients.

MR. MANNION: Objection to form. But go ahead.

A. That's all I can think of right now. Like I said, he's traveled a lot of different times. So who he traveled with on each trip every time he's gone on vacation, like I definitely don't remember.

Q. And I'm not asking you to. Okay.

MR. MANNION: But you just did.

Q. Did you ever go on any of these trips?

A. I went to Mexico and the Dominican.

Q. Okay. Can you tell me everyone that you remember being on the Mexico trip? This is Cancun, right?

A. Mexico is -- okay. Mexico and

Dominican trips kind of blur together for me.
Q. That's fine. Tell me who you remember was at either one of these then.
A. Oh, boy. Kristen Lewis, Kim Lubrani, Chris Van Blargan, Michael Maillis, Rob, John Reagan, Rob Horton, Amanda Lantz, Paul Steele, Robert Redick. That's all that I can remember right now.
Q. But what about the healthcare providers?
A. I -- I don't remember that they were on those trips.
Q. Okay. Are you saying that they were not on those trips?
MR. MANNION: Objection. She just testified --
A. I'm saying, I don't remember.
Q. So they might have been, but you wouldn't remember even -- on either one of those trips, you don't remember whether any of the providers went?
MR. MANNION: Objection.
Go ahead.
A. Oh, Ken Zerrusen.
In the Dominican, I don't remember

hanging out -- like none of my memories have -- have any doctors in it --

Q. Okay.

A. -- yeah. I'm sorry. I'm trying to go through my --

Q. Take your time.

MR. MANNION: Well, I think she did that.

MR. PATTAKOS: Okay.

Q. So before when I asked you to identify the locations, the destinations of all trips where KNR personnel went on trips with healthcare providers, you identified Cancun, the Dominican Republic and -- well, you identified -- you identified Cancun and the Dominican Republic. You then testified that you went to Mexico and the Dominican Republic. And now you're testifying that you can't remember that any healthcare providers went on those trips.

MR. MANNION: Objection to form. But go ahead.

A. So my memory is like -- is not very good here obviously, if I'm struggling to -- I'm going through in my mind. I don't remember

hanging out with any of the doctors on that trip.

Q. There were two trips.

A. Actually, the Cancun trip, I can remember the hotel. I just -- I don't remember any of the real details of it. I've traveled so many other times since then. Like it's just not something that's standing out in my mind --

Q. Okay.

A. -- I mean, you can definitely ask Rob.

Q. Okay. There are other people we can ask, too.

A. Sure.

MR. MANNION: Move to strike.

[redacted]

1

1 [redacted]

18 (Record was read.)

19 [redacted]

1 [redacted]

18 - - - - -

19 (Thereupon, Deposition Exhibit 66,

20 7/24/2012 Email To Prelit Attorney

21 From Brandy Brewer, Bates Number

22 KNR03751, was marked for purposes of

23 identification.)

24 - - - - -

25 [redacted]

1 [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]

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]

1 [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

lists. We send tons of providers lists. In this email, I was referring to Akron Square.

[redacted]

MR. MANNION: Objection to form. Go ahead.

A. And hospitals and medical doctors and physical therapists and surgeons and everywhere else.

Q. So you're saying there would be emails -- similar emails to this where you're not referring to ASC, but you're referring to some other healthcare providers that treats your firm's clients. Is that your testimony?

MR. MANNION: Objection to form. Go ahead.

A. Sure.

Q. Okay. Like who?

[redacted]

1 [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.

Go ahead.
A. No, I don't.
Q. Okay.
- - - - -
(Thereupon, Deposition Exhibit 67, 6/11/2013 Email To Prelit Support From Brandy Lamtman, Bates Number Wiliams000505, was marked for purposes of identification.)
- - - - -
Q. Let's look at Exhibit 67.
MR. MANNION: June 11, 2013.
Q. So here's another email from you to prelit support and prelit attorneys where you write, "I need an ACCURATE list of charts and narratives needed from ASC by 5 p.m. today!! Please make sure that you actually need the records, the case isn't a withdraw, the client is finished treating, Etc."
"I am trying to help you reach your submission goals," exclamation mark.
Am I reading that correctly?
A. Yeah.
Q. Did you send this email?
A. Yes.

Q. And this relates to Akron Square Chiropractic, correct?
A. Yes.
Q. And you are not -- you're not asking for charts and narratives from any other provider, correct?
A. In this email, I'm asking for a list for Akron Square.
Q. Okay. And you're saying there would be other emails where you were asking for the same things from other healthcare providers, correct?
MR. MANNION: Objection. That's not what she said.
But go ahead.
A. Yes, there are other emails that are a list of clients trying to get medical records and medical bills from other providers.
Q. Okay. And where you're connecting that to the need to -- the need to connect -- I'm sorry -- where you're connecting that with the need to make monthly submission goals?
A. Yes --
Q. Okay.
A. -- it's also for our client's best

interest. This means they've been released from the doctor. So oftentimes gathering medical records and medical bills from facilities, all facilities -- doctor's offices, chiropractor's offices, hospitals, surgeons -- it's difficult to get that information, especially from those two hospitals that I mentioned. It could take months and months to get that together.

Q. But you don't write any of that in this email, right --

MR. MANNION: Objection.

Q. -- does anything in this email relate to that?

MR. MANNION: Objection.

A. I'm explaining to you the thought process behind it.

[redacted]

1

1 [redacted]

[redacted]

13 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,

2013. He writes to you, "Are you (or Sarah) going to FU on these ASC cases we need?" And that's -- does that, "FU," stand for follow up?

A. Yes.

Q. Okay. "Not pushing (well, maybe a little) but I want Hillary to make her goal." So am I understanding correctly that Mr. Redick is asking you here to follow up on ASC cases so that Hillary, a paralegal, can make her monthly submission goal?

A. Yes.

Q. Okay.

MR. MANNION: For the record, I think at the bottom, you can see the email relating to some of the other providers, Peter, if you want to ask, at the bottom.

MR. PATTAKOS: Yeah, but that doesn't have anything to do with making goals here. You'll see, there's no reference to, "Submission goals." This is just a list of ten cases where they're following up on.

MR. MANNION: I think you're mistaken in that, if you want to ask her.

Q. Where in this bottom email from Hillary to Mr. Redick does anything say

anything about submission goals?
A. Well, Robert is referring to the bottom email and her goal and it says other providers down there.
Q. Okay. Thanks. It's true, is it not, that the firm signed objective injury cases to attorneys that did the most intakes?
MR. MANNION: I'm going to object to form and discoverability or relevance.
But go ahead.
A. No, that's --
MR. PATTAKOS: Let's mark another exhibit then.
- - - - -
(Thereupon, Deposition Exhibit 69, 12/3/2012 Email Trail Between Prelit Group, Brandy Lamtman and Gary Petti, Bates Number GMP000004-5, was marked for purposes of identification.)
- - - - -
Q. Okay. Sorry. This is 69.
MR. MANNION: December 3, 2012.
Q. So here's an email sent on December 3, 2012, where you write, "November

Intakes." And you email the prelit group and you say, "Intakes During Business Hours for November," and you list six attorneys and the number of -- it looks like the number of intakes and the percentage of intakes that they took in that month. Is that correct?

A. That's what it looks like.

Q. Okay. And then you write, "Just a reminder that objective cases will be assigned to the attorneys who are doing intakes!!" What does that mean?

A. Objective cases would be assigned to the attorneys who are doing intakes.

Q. Yeah. What did you mean by that?

A. Exactly what it said.

Q. And why would the objective cases be assigned to attorneys who are doing intakes? Why did you write that?

A. Because they have to do the intake to get assigned the case.

Q. Why would anyone need a reminder of that then?

A. I don't know why I had to remind them of that at that time.

Q. Well, is it possible that you meant

to say there that more objective cases would be assigned to attorneys who handled more intakes?

A. I don't -- I don't remember that being the premise of this email.

Q. Are you denying that that is the premise of this email?

A. I said, "I don't remember." I didn't say, "I deny."

Q. Okay. Is it possible that that's the premise of this email?

MR. MANNION: Objection --

A. I don't know.

MR. MANNION: -- to, possibility.

Go ahead.

[redacted]

1 [redacted]

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?

Q. Are you denying --

MR. MANNION: Wait a minute. What? Would you stop with the facial expressions? He just asked for the date of the document.

November 9, 2012.

She hasn't even had a chance to look at this yet, Peter.

MR. PATTAKOS: I'm not asking her about this document right now.

MR. MANNION: Well, we just handed it to her.

BY MR. PATTAKOS:

[redacted]

MR. MANNION: Objection, mischaracterization.

Go ahead.

[redacted]

1 [redacted]

1

1

A. -- this is six years ago.
Q. Who would know?
A. I don't know if anyone would remember. It's six years ago --
Q. Okay.
A. -- you can ask Rob --
Q. Okay.
A. -- these are all tenured attorneys. They've all handled objective cases --
Q. Um-hum.
A. -- I don't know that I would want Gary Petti to handle an objective case.
Q. We can talk about that.
A. Okay.
Q. What do you remember about the firm's relationship with Liberty Capital?
MR. MANNION: Objection to the form.
But go ahead.
A. I don't know what you mean by, "Relationship." I know Liberty Capital was a lending company.
Q. And the firm was involved with that lending company, correct?
MR. MANNION: Objection as to,

"Involved."

But go ahead.

A. Yeah, I wouldn't say, "Involved." It's a lending company that our clients had loans with.

Q. Okay. And at one point Rob Nestico directed the firm's attorneys that for all cash advances, the company should -- the firm should recommend its clients to Liberty Capital, correct?

A. I don't remember him saying that. I do remember seeing it in an email.

Q. Okay. Do you have any idea why he said that?

A. I do not.

Q. Okay. Let's look at Exhibit 71.

- - - - -

(Thereupon, Deposition Exhibit 71, 5/14/2012 Email Trail Between Staff, Brandy Brewer And Gary Kisling, Bates Number KNR03391, was marked for purposes of identification.)

- - - - -

MR. MANNION: May 14, 2012.

MR. PATTAKOS: You know what? Let's

also mark 72.

Q. Let's look at these at the same time.

- - - - -

(Thereupon, Deposition Exhibit 72, 5/9-11/2012 Email Trail Between Ciro Cerrato and Rob Nestico, Bates Number Williams000255-256, was marked for purposes of identification.)

- - - - -

MR. MANNION: May 12, 2012, and May 11, 2012.

Q. Let's look at 72 first. It's Rob Nestico with the subject line, "Liberty Capital Funding." He sends to all attorneys. "For any Plambeck patients only please use the below company for cash advances."

Then if you look at the next page --

And this is on May 10, 2012.

On the next page, on May 11, 2012, he writes, "Sorry," it, "applies to all cases not just Plambeck." Do you see that? Am I reading that correctly?

A. Yes.

Q. Okay. Do you remember this happening?
A. No.
Q. You don't remember Rob saying that everybody should use Liberty Capital for all cash advances?
A. No.
Q. Okay. Then a few days later, we see on May 14, just three or four days later, you write to all staff -- so when you write to staff, does that mean everybody at the firm gets this email?
MR. MANNION: Objection. Asked and answered yesterday.
But go ahead.
A. Yes, except there were times when Rob and Robert weren't on the staff email.
Q. Okay. But all attorneys and other employees would get this, correct?
A. Yes.
Q. Okay. And you write, "For today or until further notice, please use Preferred Capital instead of new company. We are ironing out some glitches." Did you send this email?
A. Yes.

Q. Okay. So you wrote, "For today..." Was the firm recommending cash advances every day?

MR. MANNION: Excuse me. I'm sorry?

MR. PATTAKOS: I'm asking --

MR. MANNION: Peter, what do you mean? Recommending to whom?

MR. PATTAKOS: To the clients.

MR. MANNION: Okay.

Go ahead.

A. I -- I mean, you would have to ask the attorneys, but I -- I don't think they recommended lending companies.

Q. What do you mean by, "Used Preferred Capital"?

A. I mean, if a client needed a loan, that would be the lending company.

Q. That the firm would recommend?

A. If the client needed a loan.

Q. So the firm did recommend certain loan companies?

MR. MANNION: Well, I'm going to object. Your question initially was that they recommended loans and that's what she was

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

interesting.

MR. MANNION: You changed your question. You said, "Recommended loans," not, loan companies, and I was trying to tell you she answered the question you asked perhaps not the one you wanted to ask.

MR. PATTAKOS: Well, first she said that the company did not recommend loans or loan companies and --

MR. MANNION: That's --

MR. PATTAKOS: Okay. You know what? We can move on.

MR. MANNION: Just ask her.

BY MR. PATTAKOS:

Q. So Gary Kisling then writes to you, "Why are we using the new firm rather than Preferred Capital? Brian is excellent at getting reductions on his loans to get cases settled."

And you respond, "Rob wants to try this new company." Do you remember this?

A. No.

Q. Do you remember why Rob wanted to try this new company?

A. I do not.

Q. Okay. Did you ever talk with Gary about this?
A. I don't -- not that I can remember.
Q. And this is Gary Kisling, the main partner of Kisling Nestico & Redick, right?
A. Yes.
Q. Okay. Do you remember what the glitches were that were being ironed out?
A. I don't.
Q. Do you have any idea what those might have been?
A. I have no idea.
Q. Okay. And you don't remember if the firm was recommending a loan company on a daily basis?
MR. MANNION: Objection to form.
Go ahead.
A. No.
Q. Okay. Exhibit 73.

- - - - -

(Thereupon, Deposition Exhibit 73, 11/27/2012 Email To Prelit Attorney From Sarah Rucker, Bates Number KNR03433, was marked for purposes of identification.)

- - - - -

MR. MANNION: November 27, 2012.

Q. So this is an email from Sarah Rucker to prelit attorneys copying you and Mr. Nestico with the subject, "Lunch with Ciro from Liberty Capital Funding." Did you receive this email?

A. Yes.

Q. And Ms. Rucker writes, "Tomorrow there will be a lunch with Ciro Cerrato from Liberty Capital Funding at 12. Rob would like each Pre-Lit Attorney to attend, if you are unable to attend please have your paralegal attend in your place. Thanks." Do you have any recollection of this lunch?

A. I do not.

Q. Do you have any idea why KNR attorneys or paralegals would attend a lunch with a representative from a loan company?

A. I wasn't at the lunch, so I can't speak on what the premise of the lunch was. Maybe to learn about the company. It was a new company, but I wasn't there, so.

Q. What would they need to learn about the new company?

A. I don't -- I don't know.
Q. Okay. Do you remember any issues with Liberty Capital?
A. I don't remember any issues. I remember an email where it asks if there were issues.
Q. Because you reviewed it in preparation for this --
A. Yeah. I told you --
Q. -- deposition?
A. -- I read the emails.
Q. Yeah. Okay. But you have no memory of what any issues with Liberty Capital were?
A. No.
Q. Okay. Let's look at Exhibit 74.

- - - - -

(Thereupon, Deposition Exhibit 74, 1/7/2014 Email Trail Between Rob Nestico And Brandy Brewer, Bates Number KNR03474, was marked for purposes of identification.)

- - - - -

MR. MANNION: January 7, 2014.
Q. Sorry. So this is an email where

you are writing to Nestico at the bottom. This is an email exchange between you and Mr. Nestico on January 7, 2014. First Nestico writes, "Everyone please use Liberty ONLY for loans any question come see me."

Then you write, "Need to have a talk with Ciro about customer service then. He only has one guy. And he doesn't get back to us right away." Do you remember this?

A. I don't.

Q. Do you remember why you wanted Rob to have a talk with Ciro about customer service?

A. Well, it says that he doesn't get back to us right away.

Q. Do you remember anything else about this?

A. No.

Q. Rob responds to you, "There is a reason and this will only be temporary." Do you remember what that reason was?

A. No.

Q. Okay.

MR. PATTAKOS: Let's mark Exhibit -- What are we on now? -- 75.

- - - - -

(Thereupon, Deposition Exhibit 75, 1/28/2014 Email To Staff From Brandy Brewer, Bates Number Williams000248, was marked for purposes of identification.)

- - - - -

MR. MANNION: January 28, 2014.

Q. So here you're writing to staff on January 28, 2014, about the Needles computer system, correct?

A. Correct.

[redacted]

1 [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

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.

Q. There's a paralegal named Kevin?
A. Yes.
Q. Okay. And do you know why he doesn't work at the firm anymore?
A. Sure. He got a job at maybe Bridgestone. I could be wrong about that --
Q. Okay.
A. -- I believe his brother got him a new job, at least that's what he said.
Q. Okay. Do you know why Rob Horton was terminated?
A. Yes.
Q. Why is that?
MR. MANNION: Objection. No, no, no, no. She's not answering questions about this.
MR. PATTAKOS: Why?
MR. MANNION: Because she's not.
MR. PATTAKOS: Why?
MR. MANNION: She's not answering questions about this. As you know, there's a confidentiality order on a lawsuit. And in addition, why Rob Horton was terminated has nothing to do with this.
MR. PATTAKOS: Oh, it sure does.

MR. MANNION: Well, you can ask Rob Nestico about it then.

MR. PATTAKOS: Why can't Brandy tell me what she knows about it?

MR. MANNION: Because she's not going to?

MR. PATTAKOS: Why?

MR. MANNION: Because.

MR. PATTAKOS: How is it not relevant?

MR. MANNION: Look, I'm not going to sit here and have her start saying things that could potentially impact somebody's career or license or anything else.

MR. PATTAKOS: What?

MR. MANNION: She's not going to answer. You can take it up with the Judge. She's not answering the questions today. You can take it up with the Judge. It's the first time I've told her not to answer and she's not going to answer.

Q. Do you believe Rob Horton is a dishonest person?

MR. MANNION: Objection.

You can answer, if you can.

A. Absolutely.
Q. Why is that?
A. He stole documents and he lied about it.
Q. What did he lie about?
MR. MANNION: Don't go any further. That's enough. She's not going to answer any more questions.
Q. When you say, "He stole documents" --
MR. MANNION: She's not going to answer any more questions on this. You can take it up with the Judge.
Q. -- are you referring to the documents that he gave to me?
MR. MANNION: Objection. Do not answer. He can take it up with the Judge.
MR. PATTAKOS: Wow. Okay.
Q. Do you know why Gary Petti was terminated?
MR. MANNION: Objection. Go ahead. If you know, go ahead.
A. I don't remember the specific details surrounding Gary Petti's termination.

I have a vague memory of him making a lot of errors. And in my opinion, he wasn't that great of an attorney. I don't remember the exact specifics, but I remember there being issues over and over and over again.

Q. What kind of issues?

A. So one issue that I do remember, he -- there was a family that had signed liens. They signed a lien with the chiropractor at a chiropractor's office in Springfield, Ohio. And Gary Petti didn't pay the doctor for the client's medical bills. He gave the money to the clients and the chiropractor's office, they were very, very, very upset.

Q. Because Petti didn't pay the chiropractors?

A. Um-hum. The client signed a lien with the chiropractor's office.

Q. And Gary Petti didn't protect the chiropractor's interests?

A. He didn't -- the client signed a lien with that doctor's office and the chiropractor was expecting to be paid out of the settlement and he made a mistake.

Q. And that's why you think he's a bad

lawyer?
A. Well, that's one of -- that's a specific example.
Q. The only one you can remember?
A. That stands out because I had to -- there weren't any other chiropractors in Springfield, so.
Q. Remember any other instances that support your opinion that Gary Petti is not a good lawyer?
MR. MANNION: I'll object. Just, I mean, these are lay opinions. She's not a lawyer.
THE WITNESS: Yeah.
MR. MANNION: But go ahead.
A. I don't really remember. I -- I just remember that there were issues over and over again. And I remember thinking to myself that if my mother was in an accident, I would never want Gary Petti to be her attorney.
Q. The only specific issue you remember -- I just want to make clear. I want you really to try to remember any specific issues, because the only one you remembered so far is that he didn't pay a chiropractor money

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.

MR. MANNION: When was that, Peter?
Q. Have you ever been to Springfield?
A. I think that I have actually been there. It's down by Dayton. They don't have a lot of chiropractors there. I don't know why that stands out in my head, but it does.
Q. Okay. I mean, as of 2016, Springfield's population was 59,000 people. That's a small town to you?
MR. MANNION: Well, first of all, you're saying it has 59,000 people.
MR. PATTAKOS: You don't believe what the census data says?
MR. MANNION: I don't know. I haven't seen the census data, Peter.
MR. PATTAKOS: Maybe you should look it up.
A. I don't research the census of different cities and towns in Ohio.
Q. Okay. Do you think Gary Petti is a dishonest person?
MR. MANNION: Objection.
A. Yes.
Q. Why?
A. Because --

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?

A. I don't remember.
Q. Do you believe Amanda Lantz is a dishonest person?
A. Yes.
Q. Why?
A. There was a time that she called our receptionist a fat pig and then lied about it and other witnesses saw it --
Q. Okay.
A. -- so that stands out in my mind about Amanda Lantz.
Q. Which receptionist?
A. I don't remember the exact receptionist. I just remember the situation --
Q. Who else was witness to this?
A. -- and she was crying and her feelings were very hurt.
Q. The person was crying and her feelings were hurt; and you don't remember who the person was?
A. No. I just remember, I was just in shock that an attorney would behave that way.
Q. And when did -- how did she lie about it?
A. Well, she said that she didn't say

it.

Q. And who was a witness to this?

A. I don't remember. I'm -- like these situations happened years ago --

Q. I don't need you to explain to me why you don't remember. If you don't remember, you don't remember. Thank you.

MR. MANNION: Do not cut her off again.

Finish your answer.

A. -- these situations happened years ago, so they're just tiny little fragments that kind of stand out in my mind.

Q. You've said that many times. So Kelly Phillips, do you know why he was terminated?

A. I don't remember the exact details. I know he couldn't get to work on time and that was an issue that had been addressed multiple times.

Q. Were there emails about this?

A. I don't know.

Q. Do you remember any other reason why Kelly Phillips was terminated?

A. You could ask Paul Steele why.

Q. Paul would know?
A. Paul was very offended that Kelly couldn't arrive to work and he brought it to my attention multiple times.
Q. Do you remember anything else about Kelly Phillip's work on KNR's cases that sticks out in your mind?
A. I don't.
Q. Do you believe Kelly Phillip is a dishonest person?
A. I don't know him to -- to answer that question. I didn't know him well. He was at KNR for a very short time.
MR. PATTAKOS: Tom, why is it that you are permitting the witness to testify about these other former employees and not about Horton?
MR. MANNION: You can keep asking questions.
BY MR. PATTAKOS:
Q. So do you know why Rob Horton was terminated?
MR. MANNION: Objection. She's not answering questions about Rob Horton.
MR. PATTAKOS: So why is that, Tom?

What's the basis for that?
MR. MANNION: I already put it on the record. You can bring it up with the Judge. She's not going to answer any more questions on it.
BY MR. PATTAKOS:
Q. So I know you reviewed that binder of documents that's marked as Exhibit 1 in preparation for this deposition. You said that you spent a few hours over three or four days -- a few hours each day for three or four days doing that, if I recall your testimony correctly. Did you do anything else to prepare for this deposition?
A. No. I mean, I reviewed those. I met with Tom.
Q. How long did you meet with Tom?
How many times did you meet with Tom?
A. Three or four.
Q. When did those meetings take place?
A. Oh, I'd have to look at my calendar.
Q. Were they all in the last week or were they over the course of a month?
A. Oh, they were all this past week.

Q. How long did those meetings last?
A. Three or four hours.
Q. Three or four hours each?
A. Um-hum.
Q. With Tom?
A. Yes. Well, yes.
Q. Okay. Was anyone else in the room with you and Tom?
A. Yes.
Q. Who?
A. Jim Popson.
Q. Anyone else?
A. Rob and John were kind of in and out.
Q. Rob Nestico?
A. Yes. And John Reagan.
Q. And John Reagan, who is sitting in this room?
A. Yes.
Q. Okay. Were all of those people in all of those meetings?
A. Popson was in and out. Mannion was in and out. And John Reagan and Rob Nestico were in and out, too.
Q. Okay. Has Mr. Nestico ever

expressed his opinions to you about this lawsuit?

MR. MANNION: You mean, outside the presence of counsel, I assume?

MR. PATTAKOS: Sure.

MR. MANNION: Outside the presence of me, Jim or anybody who represents the firm or you guys.

THE WITNESS: Okay.

A. We've talked about it.

Q. What did you talk about?

A. I don't remember exactly what Rob would have said about it. I know he's not happy about it --

Q. Okay.

A. -- he didn't have anything favorable to say. I just -- I don't remember exactly what his words --

Q. Are you aware that KNR and Mr. Nestico have filed counterclaims against the name -- against the former KNR clients who have -- who are the plaintiffs in this lawsuit?

MR. MANNION: And I'm just going to object.

The questions he's asking now should only

be answered if you know things outside of what you learned from counsel.

A. I didn't know that.

Q. Okay. So you had said before, when you were talking about Mr. Petti, that you signed a confidentiality agreement with KNR.

A. Yes.

Q. And when did you sign that?

A. I don't remember.

Q. Do you remember what it says?

A. No.

Q. Did you sign it shortly after you started working there?

A. I don't remember when I signed it.

Q. Okay. Do you remember what that confidentiality agreement requires of you?

A. No.

Q. Well, you're here today and you testified because you understand that your confidentiality agreement doesn't apply to keep you from providing testimony in this case, correct?

MR. MANNION: I'm going to object. She's not a lawyer.

But go ahead.

A. I don't understand the question.
Q. Well, you spent, you know, the last day and a half testifying, providing information about your experience with KNR and you did so because you understand that your confidentiality agreement doesn't apply to bar you from doing that, correct?
MR. MANNION: Objection. She's not a lawyer.
Go ahead, if you can.
A. Yeah, I don't know.
Q. Well, did anyone tell you that your confidentiality agreement applied to your testimony here today?
MR. MANNION: Wait, wait. When you say, "Anyone" --
First of all, I don't know if you've had any conversations with anybody, but don't tell him about any conversations with lawyers who represent you.
But go ahead.
A. Yeah, I don't know what you're --
Q. Okay. Do you understand that Mr. Nestico and Mr. Redick are defendants personally in this case, in addition to the law

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

possibility with Mr. Nestico or Mr. Redick or anyone?

A. No.

MR. MANNION: Well, wait a minute. "Or anyone," again --

Q. Anyone who is not a lawyer.

A. No. I -- I don't feel like I did anything wrong or that the firm did anything wrong.

Q. Okay. Do you have anything else you want to add to any of your testimony, before we conclude?

A. No.

MR. PATTAKOS: Okay. That's a wrap. Thank you.

EXAMINATION OF BRANDY GOBROGGE

BY MR. MANNION:

Q. Well, just real quickly, I don't know if this is exactly correct, but it looks like the capital moved to Columbus in 1816; and before that, it was Chillicothe and Zanesville. Do you happen to know when Springfield was the capital, if it was at all?

A. No, I don't.

Q. No. Did you look up the population

of Springfield, before you came here?
A. No. I -- I didn't even think about Springfield, before I came here.
Q. Do you think that -- have you ever felt that Mr. Nestico or Mr. Kisling or Mr. Redick or Mr. Reagan or any of the partners at KNR ever asked you to do anything that you thought was improper, illegal or unethical?
A. No, never.
MR. MANNION: Okay. That's all I have.
MR. PATTAKOS: Okay. Thank you.
VIDEOGRAPHER: Off the record 1:01.
(Thereupon, the deposition was adjourned at 1:01 p.m.)

Whereupon, counsel was requested to give instruction regarding the witness's review of the transcript pursuant to the Civil Rules.

SIGNATURE:

Transcript review was requested pursuant to the applicable Rules of Civil Procedure.

TRANSCRIPT DELIVERY:

Counsel was requested to give instruction regarding delivery date of transcript.
Thomas Mannion ordered the original transcript expedited 6-day delivery.
Copy--Peter Pattakos, Regular

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.

I do further certify that I am not a relative, counsel or attorney for either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this 23rd day of October, 2018.

Tracy Morse, Notary Public
within and for the State of Ohio
My commission expires 1/26/2023.

1 Veritext Legal Solutions
1100 Superior Ave
2 Suite 1820
Cleveland, Ohio 44114
3 Phone: 216-523-1313
4
October 23, 2018
5
To: Mr. Mannion
6
Case Name: Williams, Member, et al. v. Kisling, Nestico & Redick, LLC,
7 et al.
8 Veritext Reference Number: 3066363
9 Witness: Brandy Gobrogge, Vol. II Deposition Date: 10/17/2018
10
Dear Sir/Madam:
11
12 Enclosed please find a deposition transcript. Please have the witness
13 review the transcript and note any changes or corrections on the
14 included errata sheet, indicating the page, line number, change, and
15 the reason for the change. Have the witness' signature notarized and
16 forward the completed page(s) back to us at the Production address
shown
17
above, or email to production-midwest@veritext.com.
18
19 If the errata is not returned within thirty days of your receipt of
20 this letter, the reading and signing will be deemed waived.
21
Sincerely,
22
Production Department
23
24
25 NO NOTARY REQUIRED IN CA

1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS
2
ASSIGNMENT REFERENCE NO: 3066363
3 CASE NAME: Williams, Member v. Kisling, Nestico & Redick, LLC
DATE OF DEPOSITION: 10/17/2018
4 WITNESS' NAME: Brandy Gobrogge, Vol. II
5 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7 I have made no changes to the testimony
as transcribed by the court reporter.
8
_____ _____
9 Date Brandy Gobrogge, Vol. II
10 Sworn to and subscribed before me, a
Notary Public in and for the State and County,
11 the referenced witness did personally appear
and acknowledge that:
12
They have read the transcript;
13 They signed the foregoing Sworn
Statement; and
14 Their execution of this Statement is of
their free act and deed.
15
I have affixed my name and official seal
16
this _____ day of_____, 20____.
17
_____
18 Notary Public
19 _____
Commission Expiration Date
20
21
22
23
24
25

1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS
2
ASSIGNMENT REFERENCE NO: 3066363
3 CASE NAME: Williams, Member v. Kisling, Nestico & Redick, LLC
DATE OF DEPOSITION: 10/17/2018
4 WITNESS' NAME: Brandy Gobrogge, Vol. II
5 In accordance with the Rules of Civil
Procedure, I have read the entire transcript of
6 my testimony or it has been read to me.
7 I have listed my changes on the attached
Errata Sheet, listing page and line numbers as
8 well as the reason(s) for the change(s).
9 I request that these changes be entered
as part of the record of my testimony.
10
I have executed the Errata Sheet, as well
11 as this Certificate, and request and authorize
that both be appended to the transcript of my
12 testimony and be incorporated therein.
13 _____ _____
Date Brandy Gobrogge, Vol. II
14
Sworn to and subscribed before me, a
15 Notary Public in and for the State and County,
the referenced witness did personally appear
16 and acknowledge that:
17 They have read the transcript;
They have listed all of their corrections
18 in the appended Errata Sheet;
They signed the foregoing Sworn
19 Statement; and
Their execution of this Statement is of
20 their free act and deed.
21 I have affixed my name and official seal
22 this _____ day of_____, 20____.
23 _____
Notary Public
24
_____
25 Commission Expiration Date

1 ERRATA SHEET
VERITEXT LEGAL SOLUTIONS MIDWEST
2 ASSIGNMENT NO: 10/17/2018
3 PAGE/LINE(S) / CHANGE /REASON
4 _____
5 _____
6 _____
7 _____
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16 _____
17 _____
18 _____
19
_____ _____
20 Date Brandy Gobrogge, Vol. II
21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
22 DAY OF _____, 20_____ .
23 _____
Notary Public
24
_____
25 Commission Expiration Date

b

c

p

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.

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