

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, <i>et al.</i> , Plaintiff, vs. KISLING, NESTICO & REDICK, LLC, <i>et al.</i> , Defendants.	Case No. CV-2016-09-3928 Judge James A. Brogan Notice of Filing Unredacted Deposition Transcript of Brandy Gobrogge
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On January 8, 2019, the Court granted Plaintiffs' December 6, 2018 Motion to Strike the Confidentiality Designations regarding Brandy Gobrogge's Deposition Testimony. Pursuant to the Court's order, Plaintiffs hereby give notice that the full and complete Unredacted Deposition Transcript of Brandy Gobrogge, **attached as Exhibit 1**, has been filed with the Court.

Respectfully submitted,

/s/ Rachel Hazelet

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Certificate of Service

The foregoing document was filed on January 9, 2019, using the Court's e-filing system, which will serve copies on all necessary parties.

/s/ Rachel Hazelet
Attorney for Plaintiffs

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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IN THE COURT OF COMMON PLEAS
OF SUMMIT COUNTY, OHIO

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MEMBER WILLIAMS, et al.,

Plaintiffs,

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

KISLING NESTICO & REDICK, LLC, et al.,

Defendants.

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Video Deposition of
BRANDY GOBROGGE

October 16, 2018
9:39 a.m.

Taken at:
The Pattakos Law Firm, LLC
101 Ghent Road
Akron, Ohio 44333

Tracy Morse, RPR

EXHIBIT 1

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 2

1 APPEARANCES:

2

3 On behalf of the Plaintiff:

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10

11 On behalf of the Defendant Kisling

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~ ~ ~ ~ ~

19 ALSO PRESENT:

20 John J. Reagan, Esq.

21 Alberto Nestico, Esq.*

22 Rachel Hazelet, Law Clerk

23 Joseph VanDetta, Videographer

24

25 * -- Via phone

Page 4

1 INDEX OF EXHIBITS

2 NUMBER DESCRIPTION MARKED

3 Exhibit 1 Binder of Documents Witness.. 66

4 Reviewed of Various Bates

5 Numbers

6 Exhibit 2 2/11/2013 Email To Prelit.... 81

7 Attorney From Brandy Brewer,

8 Bates Number Williams000246

9 Exhibit 3 3/18/2014 Email To Intake.... 85

10 From Holly Tusko, Bates

11 Number Willias000247

12 Exhibit 4 5/6/2013 Email To Prelit....105

13 Attorney From Brandy Lamtman,

14 Bates Number 000001

15 Exhibit 5 6/3/2014 Email Trail Between.117

16 Prelit Support and Brandy

17 Brewer, Bates Number

18 Williams000014

19 Exhibit 6 12/6/2012 Email To Attorneys.122

20 From Brandy Lamtman, Bates

21 Number Williams000039

22 Exhibit 7 2/28/2012 Email Trail.....126

23 Between Brandy Brewer, Holly

24 Tusko, Etc. And Redacted

25 Individuals, Bates Number

Williams000043

15 Exhibit 8 2/13/2013 Email To Attorneys.133

16 From Brandy Lamtman, Bates

17 Number Williams000560

18 Exhibit 9 11/27/12 Email To Attorneys..142

19 From Holly Tusko, Bates

20 Number Williams000040

21 Exhibit 10 3/19/2012 Email To Attorneys.145

22 From Brandy Brewer, Bates

23 Number Williams 000046

24 Exhibit 11 6/10/2014 Email To We Steel..161

25 Etc. From Holly Tusko,

Bates Number KNR03226

21 Exhibit 12 6/3/2015 Email To Paul.....170

22 Hillenbrand From Holly

23 Tusko, Bates Number KNR00756

24 Exhibit 13 Intake Spreadsheets, Bates...174

25 Numbers Williams000018-36

Exhibit 14 12/7/2012 Email To Robert....204

Redick From Brandy Lamtman,

Bates Number KNR003327

Page 3

1 TRANSCRIPT INDEX

2

3 APPEARANCES..... 2

4 INDEX OF EXHIBITS..... 4

5 EXAMINATION OF BRANDY GOBROGGE

6 By MR. PATTAKOS..... 8

7 REPORTER'S CERTIFICATE..... 327

8 EXHIBIT CUSTODY

9 EXHIBITS RETAINED BY COURT REPORTER, 1-39

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 5

1 INDEX OF EXHIBITS (Continued)

2 NUMBER DESCRIPTION MARKED

3 Exhibit 15 12/7/2012 Email To Staff.....217

4 From Robert Redick, Bates

5 Number KNR003289

6 Exhibit 16 How To Add an Investigator...223

7 Check, Bates Number KNR03337

8 Exhibit 17 1/14/2014 Email To Intake....225

9 From Holly Tusko, Bates

10 Number Williams000168

11 Exhibit 18 5/22/2013 Email To Prelit....229

12 Attorney From Brandy Lamtman,

13 Bates Number Williams000301

14 Exhibit 19 6/9/2014 Email To Prelit.....237

15 Attorney From Brandy Brewer,

16 Bates Number Williams000165

17 Exhibit 20 6/23/2014 Email To Prelit....239

18 Attorney From Brandy Brewer,

19 Bates Number Williams000455

20 Exhibit 21 1/17/2014 Email Trail.....241

21 Between Courtney Warner,

22 Brandy Brewer and Kimberly

23 Lubrani, Bates Number

24 KNR03385

25 Exhibit 22 10/17/2012 Email To Prelit...248

Attorney From Brandy Brewer,

Bates Number Williams000379

15 Exhibit 23 8/21//2013 Email To Prelit...252

16 Attorney From Brandy Lamtman,

17 Bates Number Williams000154

18 Exhibit 24 5/29/2012 Email To.....254

19 Attorneys, Prelit Support

20 From Brandy Brewer, Bates

21 Number Williams000222

22 Exhibit 25 4/8/2013 Email To Prelit....257

23 Attorney From Brandy Lamtman,

24 Bates Number Williams000306

25 Exhibit 26 7/12/2013 Email To.....262

[Redacted]From Brandy

Lamtman, Bates Number

Williams000428

22 Exhibit 27 5/30/2014 Email To Sarah.....267

23 Knoch From Brandy Brewer,

24 Bates Number Williams000553

25 Exhibit 28 9/23/2013 Email To Prelit....269

Attorney From Brandy Lamtman,

Bates Number Williams000514

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 6

1 INDEX OF EXHIBITS (Continued)

2 NUMBER DESCRIPTION MARKED

3 Exhibit 29 11/15/2012 Email To Staff....271
From Brandy Lamtman, Bates

4 Number Williams000459

5 Exhibit 30 11/1/2013 Email To Prelit....279
Group From Brandy Brewer,

6 Bates Number Williams000551

7 Exhibit 31 3/1/2012 Email To Katy.....291
Newton, Etc. From Brandy

8 Brewer, Bates No. KNR03769

9 Exhibit 32 10/2/2013 Email To Prelit....293
Attorneys, Etc. From Brandt

10 Lamtman, Bates Number

11 Williams000570

12 Exhibit 33 Updated Narrative and WD....297
Procedure for Plambec Clinics

13 And Referring Physicians,

14 Bates Number KNR03278

15 Exhibit 34 1/23/2012 Email Trail.....313
Between Staff, Rob Nestico

16 And Brandy Brewer, Bates

17 Numbers KNR03782-83

18 Exhibit 35 1/23/2012 Email Trail.....317
Between Staff, Rob Nestico

19 And Brandy Brewer, Bates

20 Numbers KNR03782-83

21 Exhibit 36 6/12/2012 Email Trail.....318
Between Julie Branch, Robert

22 Redick and Brandy Brewer,

23 Bates Number KNR03809

24 Exhibit 37 1/11/2014 Email Trail.....321
Between Rob Nestico, Robert

25 Redick, John Reagan and

Kristen Lewis, Bates Number

KNR03693

20 Exhibit 38 4/2/2014 Email To Prelit....322
Support, Prelit Attorney

21 From Brandy Brewer, Bates

22 Number WILLIAMS000211

23 Exhibit 39 3/24/2014 Email To Prelit....324
Group, Litigation Group From

24 Jenna Wiley, Bates Number

25 KNR03678

Page 8

1 receive from you designation of what

2 specifically is confidential.

3 MR. MANNION: And then once we do

4 that, if you think there's something that we

5 designated confidential that's not, please let

6 me know and we can talk about it.

7 MR. PATTAKOS: That sounds like a

8 great plan, Tom. Thank you.

9 MR. MANNION: Great.

10 MR. STUDENY: Nathan Studeny also

11 on behalf of the KNR defendants.

12 VIDEOGRAPHER: Will the court

13 reporter, please, swear in the witness.

14 BRANDY GOBROGGE, of lawful age, called

15 for examination, as provided by the Ohio Rules

16 of Civil Procedure, being by me first duly

17 sworn, as hereinafter certified, deposed and

18 said as follows:

19 EXAMINATION OF BRANDY GOBROGGE

20 BY MR. PATTAKOS:

21 Q. Good morning. My name is Peter

22 Pattakos and I represent the plaintiffs in the

23 lawsuit in which you are here today to provide

24 testimony. I will ask you first to please

25 state your name for the record.

Page 7

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

Page 9

1 A. Brandy Gobrogge.

2 Q. Thank you, Ms. Gobrogge. Have you

3 taken any medication or ingested any other

4 substances that would impair your ability to

5 remember events accurately or testify

6 truthfully today?

7 A. No.

8 Q. Is there any other reason you would

9 be unable to remember events accurately or

10 testify truthfully today?

11 A. No.

12 Q. Have you ever had your deposition

13 taken before?

14 A. No.

15 Q. Have you ever provided sworn

16 testimony in any form before?

17 A. No.

18 Q. Well, how it generally goes is that

19 I ask questions and you answer them. It is

20 important that you give an audible answer like

21 "Yes," or, "No", as opposed to, "Um-hum," or,

22 "Uh-huh," because that doesn't show up on the

23 transcript. Understood?

24 A. Yes.

25 Q. And if you don't understand a

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 10</p> <p>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.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. 2009. 2 Q. Did you undertake any postgraduate 3 study? 4 A. No. 5 Q. Okay. What did you do in between 6 high school and obtaining your bachelor's 7 degree? 8 A. I worked full-time at a law firm 9 and I went to college at night and on the 10 weekends. 11 Q. Wow. Okay. What law firm? 12 A. Aronson Law Firm. 13 Q. And when did you start working 14 there? 15 A. 1998, when I was a senior in high 16 school. I went to school half a day and I 17 worked half a day. 18 Q. Wow. And that is A-r-o-n-s-o-n? 19 A. Yes. 20 Q. That's Dan Aronson -- 21 A. Yes. 22 Q. -- right up the street? 23 A. Yes. 24 Q. Was he always right up the street? 25 A. Yes.</p>
<p style="text-align: right;">Page 11</p> <p>1 BY MR. PATTAKOS: 2 Q. What's your address? 3 A. 2304 Canterbury Circle, Akron, Ohio 4 44319. 5 Q. Where were you born? 6 A. Akron. 7 Q. Did you graduate from high school? 8 A. Yes. 9 Q. From where? 10 A. North High School. 11 Q. What year? 12 A. 1999. 13 Q. You were a freshman, when I was a 14 senior. Did you go to college? 15 A. Yes. 16 Q. Where did you go? 17 A. University of Akron. 18 Q. And did you obtain a degree from 19 the University of Akron? 20 A. Yes. 21 Q. In what? 22 A. Bachelor's degree in political 23 science and criminal justice. 24 Q. What year did you obtain that 25 degree?</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. Why did you start working 2 for Stan? 3 A. I was in a program at school where 4 they taught you typing and sort of -- it was a 5 business education class. And part of the 6 class, they worked with employers to -- they 7 send you on job interviews. So the job 8 interview that I had was with a law firm and I 9 went on the interview and I got the job. 10 Q. Stan's law firm? 11 A. Uh-huh. 12 Q. Right. Wow. And what did you do 13 for him? 14 A. Well, I started out filing and 15 picking up lunch. I would go to the courthouse 16 and file documents with the court, request 17 medical records, really just general office 18 stuff. 19 Q. The whole time you were there? 20 A. No. That's what I started out. 21 When I left, I was -- case manager was my 22 title. I was his head paralegal. I did 23 paralegal work on a variety of cases. 24 Q. And you were going to get your 25 undergraduate degree at the same time that you</p>

4 (Pages 10 - 13)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 14	<p>1 were at the firm?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Were you still at Stan's</p> <p>4 firm in 2009, when you graduated?</p> <p>5 A. No.</p> <p>6 Q. When did you leave Stan's firm?</p> <p>7 A. I believe it was around 2008. I</p> <p>8 actually had left there one time in between.</p> <p>9 I'm not really sure what year, and I think it</p> <p>10 was for a short period of time and he had</p> <p>11 called and asked me to come back. So I don't</p> <p>12 know dates or anything like that.</p> <p>13 Q. Okay. Why did you leave in 2008?</p> <p>14 A. I was getting ready to finish my</p> <p>15 degree. And when you're that far along in</p> <p>16 college, you have like -- I had those classes</p> <p>17 where there's only one offered per semester and</p> <p>18 the scheduling became very difficult. And with</p> <p>19 those being the senior level classes, I wanted</p> <p>20 to focus on my degree and finishing that,</p> <p>21 because I had sort of put that on the</p> <p>22 back-burner for work --</p> <p>23 Q. Um-hum.</p> <p>24 A. -- so I just wanted to focus on</p> <p>25 school and get it done.</p>	Page 16	<p>1 for the relevance.</p> <p>2 MR. PATTAKOS: We can move on. I</p> <p>3 don't have to explain relevance to you, Tom.</p> <p>4 MR. MANNION: Let me ask you:</p> <p>5 Brandy, do you feel comfortable giving him your</p> <p>6 salary with what you were making at Aronson?</p> <p>7 THE WITNESS: No.</p> <p>8 MR. MANNION: Okay.</p> <p>9 BY MR. PATTAKOS:</p> <p>10 Q. Why don't you feel comfortable</p> <p>11 giving me that information?</p> <p>12 A. I don't feel that it's relevant.</p> <p>13 Q. Okay. We can move on. What was</p> <p>14 your next job, after leaving the Aronson firm?</p> <p>15 A. I was a bartender at Brubaker's</p> <p>16 Pub.</p> <p>17 Q. Which one?</p> <p>18 A. Downtown Akron.</p> <p>19 Q. How long did you work there?</p> <p>20 A. I'm really not sure. Maybe a year.</p> <p>21 Q. Then what was your next job?</p> <p>22 A. It was at ADP, Automatic Data</p> <p>23 Processing.</p> <p>24 Q. What did you do there?</p> <p>25 A. I was a -- I don't really remember</p>
Page 15	<p>1 Q. What was Stan paying you, by the</p> <p>2 time you had a --</p> <p>3 MR. MANNION: What does that have</p> <p>4 to do with this case, what Stan was paying her?</p> <p>5 No --</p> <p>6 Q. -- what was your salary at</p> <p>7 Stan's --</p> <p>8 MR. MANNION: -- you don't need</p> <p>9 to answer that question.</p> <p>10 MR. PATTAKOS: Tom, it's relevant.</p> <p>11 MR. MANNION: How is it relevant?</p> <p>12 MR. PATTAKOS: It's relevant to</p> <p>13 how much she's making now.</p> <p>14 MR. MANNION: No, it's not.</p> <p>15 You don't have to answer that question.</p> <p>16 MR. PATTAKOS: You're instructing</p> <p>17 the witness not to answer that question?</p> <p>18 MR. MANNION: How much she made</p> <p>19 at another law firm that's not involved in this</p> <p>20 lawsuit, what possible reason -- how could that</p> <p>21 lead to discoverable evidence?</p> <p>22 MR. PATTAKOS: It's pretty</p> <p>23 interesting, Tom, that you're not letting her</p> <p>24 answer that question. That's fine.</p> <p>25 MR. MANNION: No. I'm asking you</p>	Page 17	<p>1 my specific title. I can't think of my title</p> <p>2 right now, but I did sales, payroll sales for</p> <p>3 small businesses.</p> <p>4 Q. How long were you there?</p> <p>5 A. Only a few months.</p> <p>6 Q. Why did you leave?</p> <p>7 A. Rob approached me at Starbuck's.</p> <p>8 Q. Rob Nestico --</p> <p>9 A. Yes.</p> <p>10 Q. -- approached you at Starbuck's?</p> <p>11 A. Yes.</p> <p>12 Q. Tell me about this.</p> <p>13 A. I was drinking coffee, getting</p> <p>14 ready to go to work and I saw Rob. I knew him.</p> <p>15 He was -- I would say, hi, to him, like just</p> <p>16 being out in the community. I would see him at</p> <p>17 Starbuck's in the morning. And he sat down and</p> <p>18 asked me what I was doing, where I was working,</p> <p>19 and I told him I was doing sales at ADP and</p> <p>20 that I really liked working there. You know,</p> <p>21 we had talked about small talk. And he said,</p> <p>22 "Well, I'd like to have you come work for me,"</p> <p>23 and I was kind of surprised. But he explained</p> <p>24 to me what I would be doing there. And I asked</p> <p>25 him if I could think about it and he said,</p>

5 (Pages 14 - 17)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 18	<p>1 "Sure," and that's it.</p> <p>2 Q. What year was that?</p> <p>3 A. Well, I've been at KNR -- I started</p> <p>4 at KNR in November of 2010. I believe that</p> <p>5 could have been around August -- it was, I</p> <p>6 think in the summer. I'm not really sure on</p> <p>7 exact dates, but I know I didn't go work there</p> <p>8 right away.</p> <p>9 Q. So when Rob described to you what</p> <p>10 your job would be or what he wanted you to do,</p> <p>11 what did he tell you?</p> <p>12 A. He told me I'd be reporting</p> <p>13 directly to him and I would be doing -- I don't</p> <p>14 know what the word is -- I would be reporting</p> <p>15 directly to him and helping him manage the</p> <p>16 firm. I don't know if that's -- I mean, this</p> <p>17 was a really long time ago, so --</p> <p>18 Q. Sure.</p> <p>19 A. -- it was something along those</p> <p>20 lines.</p> <p>21 Q. So what was your experience with</p> <p>22 him beforehand, besides seeing him around? You</p> <p>23 were familiar with him from your work at the</p> <p>24 Aronson firm?</p> <p>25 A. I would see Rob at Cav's games and</p>	Page 20	<p>1 A. He was not with -- he was married</p> <p>2 to Patty, when I started working for him. So</p> <p>3 this all happened before I started working for</p> <p>4 Rob.</p> <p>5 Q. Okay. So his relationship with</p> <p>6 Stan's daughter ended, before you started</p> <p>7 working for him?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. So during your time working</p> <p>10 for Stan, you didn't become familiar with Rob</p> <p>11 at social events, besides just in the</p> <p>12 community --</p> <p>13 A. No. I never really --</p> <p>14 Q. --or through his relationship with</p> <p>15 Stan's daughter?</p> <p>16 A. No.</p> <p>17 Q. Okay. Were there any other jobs</p> <p>18 that you held between high school and starting</p> <p>19 to work for KNR, besides the job at Stan's</p> <p>20 firm, Brubaker's and ADP?</p> <p>21 A. I worked at a root-beer stand.</p> <p>22 Q. A root-beer stand?</p> <p>23 A. Yeah.</p> <p>24 Q. Where?</p> <p>25 A. In Cuyahoga Falls. It's no longer</p>
Page 19	<p>1 we would say hello. I would see him at</p> <p>2 Starbuck's and we would say hello. I had asked</p> <p>3 him in that conversation -- I said, "You know,</p> <p>4 you don't really know me that well. I'm kind</p> <p>5 of surprised you're offering me a job." And he</p> <p>6 knew that I worked for Stan for ten years and</p> <p>7 Stan is not the easiest person. So he said,</p> <p>8 "You know, you worked for Stan for that long,"</p> <p>9 he inferred, you know, I think you would be</p> <p>10 good to come work for me.</p> <p>11 Q. Rob has a personal connection with</p> <p>12 Stan, doesn't he?</p> <p>13 A. Yes.</p> <p>14 Q. And what's that?</p> <p>15 A. Rob was engaged to Stan Aronson's</p> <p>16 daughter.</p> <p>17 Q. Okay. They didn't end up getting</p> <p>18 married.</p> <p>19 A. No.</p> <p>20 Q. Do you know why?</p> <p>21 MR. MANNION: Objection.</p> <p>22 Go ahead, if you know.</p> <p>23 A. I believe she cheated on him.</p> <p>24 Q. And was this before or after you</p> <p>25 started to work for him, if you remember?</p>	Page 21	<p>1 there.</p> <p>2 Q. What was it called?</p> <p>3 A. BK Root-beer Stand.</p> <p>4 Q. Did they sell burgers and stuff</p> <p>5 too?</p> <p>6 A. Yeah.</p> <p>7 Q. Okay.</p> <p>8 MR. MANNION: Like a Swanson's</p> <p>9 type.</p> <p>10 A. You drive up and it was exactly</p> <p>11 like Swanson's.</p> <p>12 Q. Sure. Okay. That's one of the</p> <p>13 neatest employment histories I've ever heard.</p> <p>14 You must be good. Okay. So are you in the</p> <p>15 same position at KNR that you started in?</p> <p>16 A. No.</p> <p>17 Q. Do you have a title?</p> <p>18 A. Yes.</p> <p>19 Q. What's your title?</p> <p>20 A. Director of operations.</p> <p>21 Q. What was your title, when you</p> <p>22 started?</p> <p>23 A. I didn't have a title.</p> <p>24 Q. Have you had any other titles,</p> <p>25 besides director of operations?</p>

6 (Pages 18 - 21)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 22

1 A. Executive assistant.
 2 Q. What did you make as an executive
 3 assistant?
 4 MR. MANNION: Objection. Again,
 5 I'm not sure that this has any discoverability.
 6 If the Judge determines that you're entitled to
 7 that, we'll give you her salary history, but
 8 we're not going to talk about it at the
 9 deposition.
 10 MR. PATTAKOS: You're going to
 11 make us file a motion to find out what an
 12 employee witness makes at the job working for
 13 the defendant in this lawsuit?
 14 MR. MANNION: I'm not
 15 understanding what the relevance of her salary
 16 has to do with anything.
 17 MR. PATTAKOS: Tom, it goes to a
 18 witness's bias. It's very clear. I'm sure
 19 you're -- I really do not think this is
 20 subject -- it's a legitimate question.
 21 MR. MANNION: I don't -- you're
 22 right. I don't think it's a legitimate
 23 question for you to ask her that --
 24 MR. PATTAKOS: Okay.
 25 MR. MANNION: -- but, I mean, if

Page 23

1 you want, I mean, perhaps we can get you this
 2 information off the record, but I don't
 3 necessarily want a deposition being filed that
 4 lists her salary for everybody to know about
 5 either.
 6 MR. PATTAKOS: Tom, I want to ask
 7 questions about when her salary changed and why
 8 and I'm entitled to do that. So if you're
 9 going to prevent me from doing that and we have
 10 to come back here, then your client is going to
 11 have to pay for it.
 12 MR. MANNION: Like we have to go
 13 back for your client's depositions because you
 14 failed to bring records that they reviewed?
 15 MR. PATTAKOS: Tom, you can take
 16 that up with the Court. This isn't -- that's
 17 not relevant right now.
 18 MR. MANNION: Well, I'll tell you
 19 what I will do, is I'll confer with my client
 20 at the next break to see what their position is
 21 on this.
 22 MR. PATTAKOS: Tom, why don't you
 23 confer with your client right now, because I
 24 have my deposition outline that I'm working
 25 from and there's no reason for you to interrupt

Page 24

1 it. Okay? This is not legitimate. Please
 2 confer with your client right now, so that we
 3 can then move on with this deposition.
 4 MR. MANNION: Well, if you want
 5 to take a break, I'll do that, but if you want
 6 to keep going until it's time --
 7 I think you had that personal issue at
 8 10:30.
 9 THE WITNESS: Yeah.
 10 MR. PATTAKOS: We can take a
 11 break, Tom. Why don't you go ahead and confer
 12 with your client.
 13 MR. MANNION: Sure. We'll take a
 14 little break. Okay.
 15 VIDEOGRAPHER: Off the record
 16 9:55.
 17 (Recess taken.)
 18 VIDEOGRAPHER: On the record
 19 10:02.
 20 MR. MANNION: Mr. Pattakos, we do
 21 not believe this is discoverable. However,
 22 since this is subject to the protective order,
 23 you can ask your questions on the salary
 24 issues.
 25 MR. PATTAKOS: Thank you.

Page 25

1 BY MR. PATTAKOS:
 2 Q. So what did you make, when you
 3 started as an executive assistant?
 4 A. I had a base salary of \$50,000 a
 5 year.
 6 Q. And that was just the base,
 7 correct?
 8 A. Yes.
 9 Q. And what other wages or salary were
 10 you able to earn, besides the base?
 11 A. I had bonuses.
 12 Q. How did bonuses work?
 13 A. They were discretionary bonuses.
 14 Q. In Rob's discretion?
 15 A. Yes.
 16 Q. What was the most you ever got paid
 17 in discretionary bonuses?
 18 MR. MANNION: Objection.
 19 Timeframe. You mean ever?
 20 Q. While your salary was still
 21 \$50,000, what would your bonus be?
 22 A. I honestly don't remember. They
 23 varied.
 24 Q. They varied from what to what?
 25 A. I honestly -- it was eight years

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<p style="text-align: right;">Page 26</p> <p>1 ago.</p> <p>2 Q. You can't give me a range or an</p> <p>3 estimate?</p> <p>4 A. No.</p> <p>5 Q. Was the bonus \$50,000?</p> <p>6 A. No.</p> <p>7 Q. Was it \$10,000?</p> <p>8 A. Probably not that high.</p> <p>9 Q. Okay. About \$5,000 maybe?</p> <p>10 A. One time I got a bonus for \$5,000</p> <p>11 for my five year anniversary --</p> <p>12 Q. Okay.</p> <p>13 A. -- that was only once and that was</p> <p>14 higher than -- considerably higher than any</p> <p>15 other bonus that I received. But as far as</p> <p>16 like specific bonus numbers, I mean, it was so</p> <p>17 long ago, I don't remember.</p> <p>18 Q. Okay. But never more than \$5,000,</p> <p>19 except for once?</p> <p>20 A. Not that I can remember, no.</p> <p>21 Q. Okay. What's your salary now?</p> <p>22 A. \$100,000.</p> <p>23 Q. Do you still get bonuses?</p> <p>24 A. No.</p> <p>25 Q. Okay. Do you get vacation?</p>	<p style="text-align: right;">Page 28</p> <p>1 reports as well.</p> <p>2 Q. When you say you reviewed</p> <p>3 referrals, is that the same thing essentially</p> <p>4 as a marketing report, how the client found</p> <p>5 your law firm?</p> <p>6 A. Yes.</p> <p>7 Q. Were you talking about outgoing</p> <p>8 referrals as well?</p> <p>9 A. Both.</p> <p>10 Q. Okay. And when you say you</p> <p>11 reviewed referrals, what does that mean? What</p> <p>12 were you reviewing them for?</p> <p>13 A. I was reviewing them so, you know,</p> <p>14 we have TV commercials, phone books, a variety</p> <p>15 of, you know, avenues for the clients to find</p> <p>16 KNR. So doctor referrals. When the client</p> <p>17 calls in and the attorney does what we call an</p> <p>18 intake, they ask, "How did you find our law</p> <p>19 firm?"</p> <p>20 Q. Okay. Have you had any position,</p> <p>21 besides executive assistant and director of</p> <p>22 operations?</p> <p>23 A. At Kisling Nestico & Redick?</p> <p>24 Q. Yes.</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 27</p> <p>1 A. Yes.</p> <p>2 Q. How many weeks?</p> <p>3 A. Four.</p> <p>4 Q. And health insurance?</p> <p>5 A. Yes.</p> <p>6 Q. 401(k)?</p> <p>7 A. Yes.</p> <p>8 Q. What were your responsibilities as</p> <p>9 executive assistant, when you first started?</p> <p>10 A. Oh, they varied. I don't remember</p> <p>11 exactly. I know that I created marketing</p> <p>12 reports. I know that I reviewed referrals.</p> <p>13 Really anything that Rob needed. They had just</p> <p>14 moved in the building. I had to order</p> <p>15 furniture, do all -- you know, what you're</p> <p>16 doing here. Those are like the two things that</p> <p>17 are standing out to me. It was eight years</p> <p>18 ago. I mean --</p> <p>19 Q. Sure.</p> <p>20 A. -- so much has changed between then</p> <p>21 and now.</p> <p>22 Q. Um-hum. What are marketing</p> <p>23 reports?</p> <p>24 A. So if a client comes to our law</p> <p>25 firm, how they found our law firm. Performance</p>	<p style="text-align: right;">Page 29</p> <p>1 Q. Okay. Your responsibilities as</p> <p>2 director of operations, what are those?</p> <p>3 A. I oversee the day-to-day operations</p> <p>4 of the firm. Managers of each department</p> <p>5 report to me.</p> <p>6 Q. When did you become director of</p> <p>7 operations?</p> <p>8 A. My role as executive assistant had</p> <p>9 grown. At some point -- I think it may have</p> <p>10 been -- we hired another employee who held that</p> <p>11 role at Elk & Elk and that was his title there.</p> <p>12 So we like kind of reviewed job duties and I</p> <p>13 had asked Rob if we could change my title,</p> <p>14 because my role had grown and changed.</p> <p>15 Q. I'm sorry. You said you had an</p> <p>16 employee at Elk & Elk?</p> <p>17 A. So we had Kevin Thompson, who</p> <p>18 worked there doing sort of the same thing that</p> <p>19 I do at KNR; he did it at Elk & Elk. So when</p> <p>20 we brought him on, we were trying to figure out</p> <p>21 what his title would be and we were kind of</p> <p>22 shifting around responsibilities. And at that</p> <p>23 time I had done some research on titles and</p> <p>24 that's when I felt that I was doing more than</p> <p>25 an executive assistant would do.</p>

8 (Pages 26 - 29)

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Page 30	Page 32
<p>1 Q. Understood. Thank you. So Kevin 2 was at Elk & Elk and came over to KNR. What 3 was his position at KNR? 4 A. Director of business development. 5 Q. Okay. And that was something 6 different from director of operations? 7 A. Correct. 8 Q. So what was it that Kevin did that 9 was different than what you did? 10 A. So Kevin -- can you rephrase 11 that -- 12 Q. Sure. Well -- 13 A. -- I'm not sure what you're asking. 14 Q. Well, I guess I want to know what 15 the difference is between your position and 16 Kevin's position. 17 A. So I oversee the operations of the 18 firm. So the paralegal managers, they report 19 to me. Kevin has nothing to do with any of 20 that. 21 Q. Okay. Is Kevin still there? 22 A. Yes. 23 Q. So what does Kevin do? 24 A. Kevin, the main part of his job, he 25 does -- works in marketing. He's also customer</p>	<p>1 know, issues in their departments and we're 2 moving around managers and creating new roles 3 and discussing the functions of the paralegals. 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.</p>
Page 31	Page 33
<p>1 service. 2 Q. You do marketing too, though, don't 3 you? 4 A. Yeah. I oversee marketing, the 5 departments. I oversee the departments at KNR, 6 so marketing falls under that umbrella. 7 Q. Why don't you walk me through a 8 typical day. 9 MR. MANNION: I'm going to object 10 to form. 11 But go ahead. 12 A. I don't really think there is like 13 a typical day. Every day is very different. 14 Q. Every day is very different? 15 A. Um-hum. 16 Q. Give me then examples of three 17 different kinds of different days that you 18 would have. 19 MR. MANNION: Go ahead. 20 A. So one day I may be, you know, in 21 Cleveland working on TV commercials at the news 22 station and at a new marketing company that 23 we're working with, maybe reviewing scripts and 24 working on that part of my job. Another day I 25 may be working with paralegal managers on, you</p>	<p>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 Q. Okay. Who directly reports to you? 6 A. The paralegal managers, the intake 7 managers, Kevin, we just talked about. 8 Q. Kevin reports to you? 9 A. Um-hum. 10 Q. Who are the paralegal managers and 11 intake managers? 12 A. Holly Tusko is the intake manager. 13 Jenna Wiley is a paralegal manager. Paige 14 Sawyer is a paralegal manager. There's an -- I 15 think it's administrative assistant to senior 16 management. That's Rob Nestico's assistant, 17 Nicole Dick. Jaime McCuen, director of 18 communication. Actually, Jamie Vazzana. She 19 got married. Sarah Knoch, I just changed her 20 title to -- I don't remember what her title is. 21 I just changed it last week -- 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</p>

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<p style="text-align: right;">Page 34</p> <p>1 I changed it to something else. 2 Q. Who was she executive assistant to? 3 A. To Rob and I. 4 -- Megan Underwood, purchasing and 5 facilities coordinator. I've got two new 6 managers that aren't yet in their roles who 7 just recently got promoted -- 8 Q. Okay. 9 A. -- also, human resources manager 10 Karen Holland. I think that's it. 11 Q. Okay. So you only report to Rob 12 Nestico. You don't report to anyone else. I 13 assume this means you're in constant 14 communication with Mr. Nestico -- 15 MR. MANNION: Objection to form. 16 Go ahead. 17 Q. -- is that correct? 18 A. No. 19 Q. No. How many times a day do you 20 talk to him? 21 A. There could be days that I don't 22 talk to him at all. It just depends. There's 23 partners now at the firm, so I often 24 communicate more with them than I do with him. 25 Q. Okay. How often do you speak with</p>	<p style="text-align: right;">Page 36</p> <p>1 A. Well, I don't know how to answer 2 that question. 3 Q. You would never take action on 4 behalf of the law firm unless you believed that 5 it was what Rob Nestico wanted for the firm, 6 correct? 7 MR. MANNION: Well, I'm going to 8 object by what you mean by, "Action on behalf 9 of the law firm." 10 But to the extent you can answer, go 11 ahead. 12 A. I -- I'm -- I don't know like what 13 you mean when you're asking that. 14 Q. I don't think this is -- 15 MR. MANNION: Wait, wait, wait, 16 wait, wait. Stop with the facial expressions 17 to her. What are you doing? Don't do that 18 again, please. You're not here to try to 19 intimidate this witness. She said she didn't 20 understand what you meant. 21 MR. PATTAKOS: Tom, I did not make 22 any facial expression that was inappropriate 23 and -- 24 MR. MANNION: You absolutely did. 25 MR. PATTAKOS: -- I did not try to</p>
<p style="text-align: right;">Page 35</p> <p>1 him? 2 A. With Rob? 3 Q. Yes. 4 A. Like I said, there could be days 5 that I don't speak to him at all. There could 6 be days that I have conversations with him. I 7 don't really count how many times. 8 Q. Several times a day, though, 9 wouldn't be unusual? 10 MR. MANNION: Objection. Asked 11 and answered. 12 Go ahead. 13 A. I mean, like I said, there are days 14 I don't talk to him at all. There are days I 15 have conversations. I don't count. I don't 16 pay attention to how many. 17 Q. Okay. You would never take action 18 on behalf of the law firm unless you believed 19 that it was what Rob Nestico wanted for the 20 firm, correct? 21 MR. MANNION: I'm going to object 22 to form on that. That's pretty broad there. 23 But go ahead, if you can. 24 A. Can you rephrase that, please? 25 Q. No, I can't.</p>	<p style="text-align: right;">Page 37</p> <p>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.</p>

10 (Pages 34 - 37)

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Page 38

1 If she doesn't understand a question, she
 2 can't answer it, Peter. She asked you what you
 3 meant by it.
 4 Okay. Go ahead.
 5 THE NOTARY: Okay. One second. I
 6 need to go back to it.
 7 (Record was read.)
 8 A. I still am unclear on what you mean
 9 by, "Action," and like --
 10 Q. Anything on behalf of the firm.
 11 You wouldn't do anything on behalf of the firm,
 12 send an instruction to a KNR employee or
 13 communicate on behalf of the firm to say, "KNR
 14 wants this to happen," or, "We want KNR
 15 employees to do this," unless it was something
 16 that you believed Rob wanted you to do or
 17 wanted on behalf of the firm, correct?
 18 MR. MANNION: Objection to form.
 19 But go ahead.
 20 A. I don't know really what you mean
 21 there. I mean, there's plenty of times that I
 22 just do my job. I don't think, what would Rob
 23 Nestico do.
 24 Q. Okay. But you wouldn't actively do
 25 anything that you believed he didn't want you

Page 39

1 to do, correct?
 2 A. I wouldn't do anything that I felt
 3 was wrong. Is that --
 4 Q. Is there any example of anything
 5 you've ever done in your position at KNR where
 6 you thought, Rob Nestico does not want me to do
 7 this, but I am going to do it anyway?
 8 A. Yes.
 9 Q. Explain.
 10 A. I can't -- I can't think of
 11 anything in particular, but I for sure have
 12 done things that I didn't think that -- he
 13 might not like a picture on the wall and I
 14 might get it anyway. I mean --
 15 Q. Any other example?
 16 A. I can't think of anything
 17 specifically.
 18 Q. I don't think what I'm asking is
 19 complicated. You know, Rob Nestico is your
 20 boss and you want to do what your boss wants
 21 you to do generally. Isn't that correct?
 22 MR. MANNION: Objection to form.
 23 Go ahead.
 24 A. Rob is my boss, yes. Like I just
 25 think what you're asking is just so much. I --

Page 40

1 I don't do anything any particular way like
 2 every single thing --
 3 Q. Okay.
 4 A. -- that's why I think I'm having a
 5 hard time with what you're asking.
 6 Q. Okay. We can leave it at that.
 7 MR. PATTAKOS: I'm going to ask
 8 anyone else in the room if they're willing to
 9 go on record and say they agree with Tom that I
 10 did anything that was intended to intimidate
 11 this witness.
 12 MR. MANNION: I don't think
 13 anybody has to go on the record with anything.
 14 MR. PATTAKOS: Nathan, did you see
 15 me do anything that was intended to intimidate
 16 Ms. Gobrogge?
 17 MR. STUDENY: Peter, I don't
 18 think I need to make any further comment about
 19 that, but I agree with Mr. Mannion.
 20 MR. PATTAKOS: John?
 21 MR. MANNION: No, no. You're
 22 going to ask my client to make a statement on
 23 the record? That is completely improper and do
 24 not do that again. Do not do that again. What
 25 are you laughing about? You can't sit here and

Page 41

1 ask my client questions like that in a
 2 deposition when he's not under oath. You know
 3 he's a witness.
 4 MR. PATTAKOS: I'm going to
 5 continue.
 6 MR. MANNION: You better not --
 7 MR. PATTAKOS: I would ask you to
 8 stop making false accusations against me on
 9 this transcript.
 10 MR. MANNION: It wasn't a false
 11 accusation. It wasn't a false accusation.
 12 MR. PATTAKOS: It absolutely was.
 13 MR. MANNION: Well, it wasn't.
 14 BY MR. PATTAKOS:
 15 Q. Ms. Gobrogge, do you believe I just
 16 threatened you?
 17 MR. MANNION: I'm going to
 18 object. I never said you threatened her.
 19 But go ahead.
 20 Q. Do you believe I was trying to
 21 intimidate you just now?
 22 A. I didn't feel threatened.
 23 Q. Did you feel intimidated?
 24 A. No.
 25 Q. Thank you.

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Page 42

1 MR. MANNION: Okay. And, again,
 2 for the record shaking his head.
 3 You don't have to pay attention to those
 4 types of body movements.
 5 MR. PATTAKOS: I was shaking my
 6 head at you, Tom. Okay?
 7 MR. MANNION: Yeah. Before you
 8 were laughing and making a spectacle of it with
 9 a big smile about one of her answers. That's
 10 what you were doing, when I said it.
 11 Q. You wouldn't send instructions or
 12 directions to KNR employees on the company's
 13 behalf unless you believed that those
 14 instructions or directions were what Rob
 15 Nestico wanted to take place, correct?
 16 MR. MANNION: Objection. Asked and
 17 answered.
 18 Go ahead.
 19 A. I didn't always have Rob's -- he
 20 didn't review everything that I sent out. I
 21 didn't have him proofread everything.
 22 Q. I understand that, but that's not
 23 my question, though.
 24 A. Okay. I'm -- can you rephrase your
 25 question or can you ask it again?

Page 43

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

Page 44

1 MR. PATTAKOS: Tom, I'm going to
 2 ask you to stop making speaking objections.
 3 Thank you. Please refer to the local rules
 4 on that.
 5 MR. MANNION: Will you please
 6 review those? And review your conduct at the
 7 last few depositions. All I said was,
 8 "Objection." Just because you tell her it's a
 9 "Yes," or, "No," doesn't mean it's a, "Yes,"
 10 or, "No" question. It wasn't a, "Yes," or,
 11 "No."
 12 MR. PATTAKOS: Tom, you keep
 13 making speaking objections.
 14 MR. MANNION: No, I don't.
 15 MR. PATTAKOS: Yeah, you do, Tom.
 16 MR. MANNION: Not even close.
 17 MR. PATTAKOS: And I'm going to
 18 ask you to stop that, please. Thank you.
 19 BY MR. PATTAKOS:
 20 Q. Can you ever remember any example
 21 when you sent instructions or directions to KNR
 22 employees where you thought that you were doing
 23 something that Rob did not want you to do?
 24 MR. MANNION: Object to form.
 25 Go ahead.

Page 45

1 A. No. I don't -- nothing stands out
 2 to me.
 3 Q. Okay. Is there any aspect of your
 4 job in which you would say you have discretion
 5 to decide what's best for the KNR firm?
 6 A. Sure.
 7 Q. And what are those areas?
 8 A. Can you repeat the question?
 9 Q. Is there any aspect of your job in
 10 which you would say you have discretion to
 11 decide what's best for the KNR firm?
 12 A. Like can you elaborate on that? I
 13 do a lot at KNR, so.
 14 Q. Do you know what, "Discretion,"
 15 means?
 16 A. What I believe -- like what I have
 17 permission to do or what I want to do --
 18 Q. Sure.
 19 A. -- sure. I mean, I ordered food
 20 trucks for the summer for the employees for
 21 lunch --
 22 Q. Right.
 23 A. -- I didn't ask Rob if we could
 24 have food trucks. I mean --
 25 Q. That's great.

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<p style="text-align: right;">Page 46</p> <p>1 A. -- there are so many parts of my 2 job that like -- there's so much. 3 Q. That's a great example. Give me 4 some other examples of instances where you have 5 discretion and you don't have to worry about 6 what Rob would think or what he would approve. 7 MR. MANNION: Objection to form. 8 Go ahead. 9 A. I mean, there's so much. It's hard 10 for me to like narrow it down. 11 Q. Like hanging pictures on the wall 12 would be another example? 13 A. I guess so. 14 Q. Okay. 15 A. I don't ask him for permission to 16 do everything. 17 Q. Okay. Have you ever been 18 disciplined by Mr. Nestico -- 19 MR. MANNION: Objection. 20 Go ahead. 21 Q. -- in connection with your work 22 performance? 23 A. I'm sorry. I'm trying to remember. 24 Q. Take your time. 25 A. I wouldn't say, "Disciplined."</p>	<p style="text-align: right;">Page 48</p> <p>1 this case. 2 But go ahead to the extent you can 3 remember. 4 A. He -- the only thing that really 5 sticks out to me is more recent. He thought 6 that I was gossiping about someone in the 7 accounting department -- 8 Q. Okay. 9 A. -- and he yelled at me. And it was 10 determined that I, of course was not gossiping 11 about anyone in the accounting department and 12 he apologized to me. 13 Q. Okay. Is there any aspect of your 14 job where Mr. Nestico has been critical of your 15 work performance, whether he had harsh words 16 with you about it or whether it was a polite 17 and friendly conversation about it? 18 MR. MANNION: Objection. Asked and 19 answered. 20 Go ahead. 21 A. I feel like we have a pretty good 22 working relationship that, like I said, if I 23 were to do something that was wrong, he would 24 have a conversation with me about it. 25 Q. Right. I'm asking about what are</p>
<p style="text-align: right;">Page 47</p> <p>1 Q. What would you say? 2 A. He's had harsh words with me 3 before, but I've never been written up -- 4 Q. Okay. 5 A. -- like suspended or anything. To 6 me, that's what discipline would mean. 7 Q. Sure. So, okay. So you've never 8 been formally disciplined but perhaps you've 9 been informally criticized. Is that fair? 10 MR. MANNION: Objection. 11 But go ahead. 12 A. Sure. 13 Q. Okay. How often has this happened 14 where he's had harsh words with you? 15 A. Not very often. He's been -- he's 16 typically very patient. If I do something 17 wrong, he'll explain to me what I did wrong 18 and -- 19 Q. Okay. 20 A. -- it's a conversation. 21 Q. I'd like you to remember all these 22 examples where he's had harsh words with you 23 and what these subjects were about. 24 MR. MANNION: Objection. I'm not 25 sure some of these subjects have any bearing on</p>	<p style="text-align: right;">Page 49</p> <p>1 the subjects of any of those conversations that 2 you can remember. 3 A. I just did -- the one that stood 4 out to me was just most recent. It happened 5 earlier this year. I can't think -- I work 6 very hard, so I can't -- I can't think of 7 anything. 8 Q. So there hasn't been any real 9 issues then that you can remember where Rob has 10 said, "Brandy, You're doing this wrong. I want 11 you to change"? 12 A. I'm sure that there has. I just 13 really -- nothing stands out, I guess to me. 14 Q. Okay. Well, I'm asking you to 15 remember. It's important to me that you try 16 your best to remember -- 17 A. I wish I could remember everything 18 that you want me to remember. I do. But it's 19 just -- it's so many years of working there, 20 it's -- I just don't have -- I'm sure that 21 there has been conversations. I'm not perfect, 22 so. I just can't -- other than the one that 23 stood out to me, I can't think of anything. 24 Q. Okay. Is there anyone else, 25 Mr. Redick or any other attorneys or anyone</p>

13 (Pages 46 - 49)

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<p style="text-align: right;">Page 50</p> <p>1 else at KNR who has criticized your work 2 performance or told you, you were doing 3 something wrong that you can remember, whether 4 it was harsh words or otherwise or just 5 corrective? 6 A. No, not that I can think of. I -- 7 no. 8 Q. Okay. So I trust then that there 9 is no example of anything you've done where 10 your supervisor has told you that you'd be 11 fired if you took a certain action again or 12 anything like that? 13 A. I've never had a conversation where 14 there has been a threat of termination. 15 Q. Okay. 16 MR. MANNION: It is 10:30. If 17 you want to finish this line of questioning, 18 that's fine, but the witness does have the 19 issue we talked about, the personal issue that 20 she has to attend to. 21 MR. PATTAKOS: Yes. Well, I think 22 this is a great place to stop. 23 MR. MANNION: Okay. 24 MR. PATTAKOS: Thank you. 25 VIDEOGRAPHER: Off the record</p>	<p style="text-align: right;">Page 52</p> <p>1 known as, "Rob," and Redick is known as, 2 "Robert," generally? 3 A. Correct. 4 Q. Okay. Are you copied on all of 5 these lists? 6 A. What lists? 7 Q. All of the email lists that are 8 used, the list addresses. Like do you get all 9 of the intake emails, for example? 10 A. No. 11 Q. You don't? 12 A. No. 13 Q. Okay. So only the intake employees 14 get those? 15 A. I mean, it's definitely these 16 things have changed through the years, so I -- 17 you would have to be specific on like what 18 timeframe you're referring to. 19 Q. Okay. What do you remember? 20 MR. MANNION: Objection. About 21 what? 22 A. Like what? 23 Q. About how these have changed, how 24 these email addresses have changed. 25 A. Well, we've created new groups.</p>
<p style="text-align: right;">Page 51</p> <p>1 10:30. 2 (Recess taken.) 3 VIDEOGRAPHER: On the record 4 10:50. 5 BY MR. PATTAKOS: 6 Q. Okay. Thank you. I want to shift 7 gears and talk about just real briefly how the 8 email lists work at KNR. So on these emails, 9 for example, there will be an email that just 10 says -- an email address that says, "Staff." 11 Who gets those? 12 A. All of the employees who work at 13 KNR. 14 Q. Okay. So an email that goes to 15 staff, will go to everyone? 16 A. There is a -- I don't know if it's 17 current or -- there was a period of time that 18 Rob and Robert had themselves removed from 19 staff emails, but it would be -- I'm not sure 20 of when that happened specifically. But aside 21 from that, it would be everyone who works 22 there. 23 Q. Okay. And you mean Robert Redick? 24 A. Yeah. 25 Q. So Rob is known as -- Nestico is</p>	<p style="text-align: right;">Page 53</p> <p>1 There are old groups that we don't use. There 2 are -- who is copied on what has just changed 3 through the years. 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?</p>

14 (Pages 50 - 53)

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<p style="text-align: right;">Page 54</p> <p>1 A. Yes.</p> <p>2 Q. Are you aware of any example in the</p> <p>3 complaint where you are quoted inaccurately?</p> <p>4 MR. MANNION: I'm going to object,</p> <p>5 unless you want to show her that.</p> <p>6 Go ahead, if you can.</p> <p>7 A. Yeah, I mean, like -- I don't --</p> <p>8 nothing stands out at me. I would have to look</p> <p>9 at the complaint and all of the emails.</p> <p>10 Q. That's fine. I'm asking, does</p> <p>11 anything stand out to you?</p> <p>12 A. I haven't reviewed the complaint</p> <p>13 in -- when was the lawsuit filed?</p> <p>14 Q. I'm not -- Ms. Gobrogge, I'm not</p> <p>15 asking you when you've reviewed the complaint.</p> <p>16 I'm just asking very simply: Is there any</p> <p>17 example that sticks out in your mind as to</p> <p>18 whether you've been misquoted or not?</p> <p>19 A. I feel like I -- my emails have</p> <p>20 been misinterpreted grossly.</p> <p>21 Q. That's not what I'm asking. I'm</p> <p>22 asking if you were misquoted in any of the</p> <p>23 emails.</p> <p>24 MR. MANNION: Well, again, I'm</p> <p>25 going to object. She said she doesn't recall.</p>	<p style="text-align: right;">Page 56</p> <p>1 objection to, "Attributed."</p> <p>2 But go ahead.</p> <p>3 A. Are you -- are you asking the</p> <p>4 emails, that say they were from me in the</p> <p>5 complaint, were they actually from me?</p> <p>6 Q. Yes.</p> <p>7 A. Yes.</p> <p>8 Q. Okay. But wherever it says that</p> <p>9 you've sent an email that says something, you</p> <p>10 did actually send that email, correct?</p> <p>11 MR. MANNION: Objection to form.</p> <p>12 Go ahead.</p> <p>13 A. I don't remember drafting every</p> <p>14 single email. It -- some of them were a really</p> <p>15 long time ago, but if they say they're from me,</p> <p>16 then, yes.</p> <p>17 Q. Okay. Are you aware of any example</p> <p>18 in the complaint where anyone is quoted</p> <p>19 inaccurately?</p> <p>20 MR. MANNION: Objection. Wait.</p> <p>21 Anyone?</p> <p>22 MR. PATTAKOS: Anyone.</p> <p>23 MR. MANNION: Well, we're going</p> <p>24 to have to get out the complaint then. If you</p> <p>25 want to get it out and have her go through it.</p>
<p style="text-align: right;">Page 55</p> <p>1 If you want to show her one, that's fine.</p> <p>2 A. I don't recall.</p> <p>3 Q. Okay. To the best of your</p> <p>4 knowledge right now, did you actually make all</p> <p>5 of the communications that are attributed to</p> <p>6 you in the complaint?</p> <p>7 MR. MANNION: I'm going to object,</p> <p>8 unless you want to show her all those. She's</p> <p>9 told you she doesn't recall.</p> <p>10 MR. PATTAKOS: Tom, why are you</p> <p>11 talking? I really --</p> <p>12 MR. MANNION: Why am I talking?</p> <p>13 MR. PATTAKOS: That's a simple</p> <p>14 question.</p> <p>15 MR. MANNION: Not giving her an</p> <p>16 answer that she doesn't recall.</p> <p>17 But go ahead.</p> <p>18 MR. PATTAKOS: She has not answered</p> <p>19 the question, Tom. I just asked that question.</p> <p>20 I will ask it again.</p> <p>21 BY MR. PATTAKOS:</p> <p>22 Q. To the best of your knowledge, did</p> <p>23 you actually make all of the communications</p> <p>24 that are attributed to you in the complaint?</p> <p>25 MR. MANNION: I'm going to</p>	<p style="text-align: right;">Page 57</p> <p>1 MR. PATTAKOS: I'm asking her if</p> <p>2 she's aware right now. We don't need to go</p> <p>3 through the complaint.</p> <p>4 Q. It's a simple question.</p> <p>5 A. I can't answer that question. I</p> <p>6 reviewed that document two years ago.</p> <p>7 Q. You are either aware right now or</p> <p>8 you're not.</p> <p>9 MR. MANNION: No, that's not</p> <p>10 true. Stop it. She just answered your</p> <p>11 question.</p> <p>12 MR. PATTAKOS: Tracy, can you</p> <p>13 please read the witness's answer.</p> <p>14 (Record was read.)</p> <p>15 Q. Why can't you answer that question?</p> <p>16 A. Because I read the complaint -- I</p> <p>17 believe it was filed in 2016 -- two years ago,</p> <p>18 so I don't -- I don't remember exactly what it</p> <p>19 says and nor do I remember if someone was</p> <p>20 misquoted.</p> <p>21 Q. Okay. That's all I'm asking. So</p> <p>22 you have no memory of any example in the</p> <p>23 complaint where anyone was misquoted?</p> <p>24 MR. MANNION: Objection. One way</p> <p>25 or another. Don't twist her words.</p>

15 (Pages 54 - 57)

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<p style="text-align: right;">Page 58</p> <p>1 MR. PATTAKOS: Tracy, please 2 re-read the question to the witness. 3 (Record was read.) 4 MR. MANNION: Same objection. 5 She's already answered it. 6 Tell him again. 7 A. I have no memory of reading the 8 complaint and anyone being misquoted. I don't 9 even remember what the complaint specifically 10 said. 11 Q. Okay. Are you aware of any example 12 of an email that was attributed to you in the 13 complaint where you were untruthful in writing 14 the email? 15 A. I mean, I don't know. I'd have to 16 see the emails, the specific emails. 17 Q. So you're not aware right now from 18 your memory, correct? 19 A. What is the question? 20 Q. Whether you are aware of any 21 example of an email that you wrote that is 22 attributed to you in the complaint where you 23 were untruthful in writing the email. 24 MR. MANNION: Objection to form. 25 But go ahead.</p>	<p style="text-align: right;">Page 60</p> <p>1 either, is he? 2 A. No. 3 Q. Okay. So your only attorneys in 4 this case are the same attorneys as 5 Mr. Nestico's and Mr. Redick's? 6 MR. MANNION: Objection. 7 To the extent you know, go ahead. 8 A. I guess so. 9 Q. Are you aware of anyone else who is 10 representing you in this lawsuit, besides the 11 attorneys who are representing KNR, Mr. Nestico 12 and Mr. Redick in this lawsuit? 13 A. No. 14 Q. Okay. So I'd like you to go 15 briefly -- give me a brief summary of the basic 16 procedures for handling a case from the time a 17 client first calls the firm to the settlement 18 of a client's case. 19 MR. MANNION: Objection as to 20 timeframe. 21 A. Which timeframe are you referring 22 to? There's been a lot of changes through the 23 years. 24 Q. Okay. You can just go through how 25 it's changed over the years then, if you would.</p>
<p style="text-align: right;">Page 59</p> <p>1 A. I don't think so. Again, I 2 don't -- I don't have the complaint memorized 3 or all of the emails. 4 Q. I understand. Okay. Are you aware 5 of any example of an email that someone else 6 wrote that is quoted in the complaint where the 7 author of the email was untruthful in writing 8 that email? 9 A. I don't have a memory of the 10 complaint and all of the emails. I don't have 11 it memorized. 12 Q. Okay. Is it your understanding 13 that Mr. Mannion represents you here in this 14 lawsuit today? 15 MR. MANNION: Yes, I represent 16 her. 17 Q. Is that what -- 18 MR. MANNION: She's an employee 19 of KNR. 20 Q. Is that what you understand? 21 A. Yes. 22 Q. Okay. Mr. Nestico is not your 23 attorney in this lawsuit, correct? 24 A. No. 25 Q. And Mr. Redick is not your attorney</p>	<p style="text-align: right;">Page 61</p> <p>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 A. So a person is injured in an 10 accident and they call KNR, because they feel 11 like they need an attorney to help them -- 12 Q. Um-hum. 13 A. -- so the intake department fills 14 out a form. It's called an intake form. It's 15 in our computer software. It's called Needles. 16 And they ask a variety of questions. You know, 17 name, address, phone number, injuries, accident 18 location, whether or not anyone else was in the 19 car, property damage. You know, they go 20 through all of the information that has to do 21 with the case. The call gets transferred over 22 to a pre-litigation attorney. Pre-litigation 23 attorney does the intake. I can't say, you 24 know, specifically what they say. They're the 25 attorneys.</p>

16 (Pages 58 - 61)

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<p style="text-align: right;">Page 62</p> <p>1 The client -- the case gets signed up, 2 gets assigned to an attorney and a paralegal 3 team. And the client, as they, you know, get 4 medical treatment. Once they're feeling better 5 or there's as good as they're going to be -- 6 you know, some clients have permanent 7 injuries -- we get together all of the medical 8 records and the medical bills. And once 9 everything is gathered up, any documentation 10 that has to do with the case, photograph, 11 records, bills, lost wages, damage to the 12 vehicle, gets sent over to the insurance 13 company and gets assigned to a new paralegal. 14 The attorney either negotiates a 15 settlement -- if he can't, then it could go 16 over to our litigation department. Not every 17 one case is the same. This is just a very 18 basic process here. And after it gets settled, 19 the client signs off on everything and the case 20 gets closed or it goes over to litigation. And 21 if it goes to litigation, we go through the 22 whole entire litigation process. And that's -- 23 that's a very basic outline -- 24 Q. Um-hum. 25 A. -- like I said, every case is</p>	<p style="text-align: right;">Page 64</p> <p>1 intake form, correct? 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 Q. Sure. When you say the case gets 9 signed up, how does the case get signed up? 10 A. An investigator will meet with the 11 client. 12 Q. To get their signature on the 13 firm's paperwork, correct? 14 MR. MANNION: Objection to form. 15 Go ahead. 16 A. So they actually have a list of 17 things that they need to do. So part of it is 18 getting the signature for the fee agreement and 19 the medical authorization. Maybe a Medicare 20 form, if they have Medicare, but they also get 21 photographs of any visible injuries. They get 22 photographs of the vehicle, if it's there, if 23 it hasn't been fixed. They'll get any 24 documents, so health insurance cards, Medicare, 25 Medicaid cards; any kind of correspondence from</p>
<p style="text-align: right;">Page 63</p> <p>1 different, so there could be lots of different 2 intricacies there. 3 Q. Thank you. What percentages of the 4 cases you think go into litigation? 5 MR. MANNION: Objection. 6 Go ahead. 7 A. I can't answer that. I don't have 8 that number. 9 Q. I'm not asking for an exact number. 10 You can estimate. 11 MR. MANNION: Objection. 12 Go ahead. 13 A. I would have no idea. 14 Q. Okay. So the intake form, you said 15 name, address, phone number, injuries, 16 description of the accident, including the 17 location and whether or not anyone else was in 18 the car. 19 A. Whether or not they had their 20 seatbelt on. I mean, there's -- just gathering 21 the basic information. 22 Q. Property damage? 23 A. Yes. 24 Q. And you'll also get the referral 25 source on the intake department -- on that</p>	<p style="text-align: right;">Page 65</p> <p>1 the insurance company. If the car is already 2 fixed and they have a copy of like the property 3 damage estimate, any kind of documentation, 4 anything that pertains to the case, they're 5 responsible for gathering all of that 6 information. 7 Q. At this initial signup appointment? 8 A. Yes. 9 Q. Okay. Then you said the case gets 10 sent to an attorney and paralegal team -- 11 A. Um-hum. 12 Q. -- how does that work? 13 A. What? 14 Q. How do the cases get assigned? 15 A. Well, sometimes it's by 16 geographical location. It's -- it could be 17 assigned to the attorney who speaks with the 18 client originally. It kind of just varies. 19 Q. Varies based on what? 20 A. Like I said, who does the intake, 21 location. That's just two. It could vary -- 22 there could be other contributing factors. 23 Q. What are the other contributing 24 factors? 25 A. The attorney could be behind on</p>

17 (Pages 62 - 65)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 66

1 their client contacts, so another attorney
 2 might be assigned to the case.
 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

Page 67

1 all of the documents that you reviewed in
 2 preparation for this deposition. Is that true?
 3 A. Yes.
 4 Q. How much time did you spend with
 5 those documents?
 6 MR. MANNION: And, Peter, you
 7 just mean with the documents themselves --
 8 MR. PATTAKOS: Yeah.
 9 MR. MANNION: -- on her own or
 10 meeting with us or --
 11 MR. PATTAKOS: How much time did
 12 she spend working on, reviewing those
 13 documents, whether it's with you or not.
 14 MR. MANNION: All right.
 15 Go ahead, as best you can.
 16 A. Oh, gosh, I mean, I didn't like set
 17 a timer or anything. I would say, a few hours
 18 a day over a few -- like three or four days
 19 maybe. I carry -- I spent more time carrying
 20 it out around with me than actually reading
 21 them --
 22 Q. Sure.
 23 A. -- if that makes sense.
 24 Q. Sure. But you said you reviewed
 25 them for maybe a few hours a day for three or

Page 68

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.

Page 69

1 A. I don't -- I don't have these
 2 memorized.
 3 Q. Again, I understand. So if you
 4 don't remember, you can say that you don't
 5 remember.
 6 A. I'm sorry. I don't feel
 7 comfortable answering that, because I don't
 8 have them memorized. I'd have to look at them
 9 all to give you an answer on that.
 10 Q. Okay. That's fine. Are you aware
 11 of any emails in there that you sent -- or that
 12 reflected that you sent them where you did not
 13 actually send the email or receive the email?
 14 A. In looking at these emails, nothing
 15 stood out at me that I thought in my mind that,
 16 I didn't send that. I don't remember sending
 17 every email in here. Some of these are really
 18 old. And I don't -- I certainly don't remember
 19 receiving all of these emails. I mean, some of
 20 them are six years old --
 21 Q. Sure.
 22 A. -- so. Okay.
 23 Q. All I'm asking is what you just
 24 answered. And I just want to be clear.
 25 A. Okay.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 70</p> <p>1 Q. As you were reading through these 2 documents, you were not aware of any instance 3 where you said, Well, wait a minute, I didn't 4 actually send this email, or, I never received 5 this email, or, the email actually said this, 6 not that. Is that correct? 7 A. Correct. 8 MR. MANNION: And, Peter, for the 9 record, we're not claiming that either. 10 MR. PATTAKOS: Look, I'm just 11 trying -- 12 MR. MANNION: -- just so you 13 know. I'm just letting you know, we're not 14 making that claim. 15 MR. PATTAKOS: Okay. 16 BY MR. PATTAKOS: 17 Q. Okay. Thank you. We can set that 18 aside. So you say the assignments go to the 19 attorneys -- you said it could be with the 20 attorney who speaks with the client originally. 21 But how is it supposed to go? Isn't there a 22 process that ensures that these are distributed 23 in a certain way? 24 MR. MANNION: Well, I'm going to 25 object. She doesn't assign cases. She gave</p>	<p style="text-align: right;">Page 72</p> <p>1 Go ahead. 2 MR. PATTAKOS: Thanks, Tom. I 3 understand that. 4 A. I was actually going to say, it's 5 up to the attorney on when the demand package 6 is submitted to the insurance company. This is 7 just -- I'm just giving you a very basic 8 outline. 9 Q. Okay. You know, once it's 10 submitted, you said the case gets assigned to a 11 new paralegal. 12 MR. MANNION: Wait, once -- what 13 did you say? 14 Q. Once the medical records are 15 submitted to the insurance company -- 16 MR. MANNION: I think you 17 misunderstood, but go ahead. 18 Q. At some point you said the case 19 gets assigned to a new paralegal at some point. 20 Can you explain that to me? 21 A. So we have closing paralegals. 22 They handle sort of the back half of a case. 23 Q. What's involved with the back half 24 of the case? 25 A. They work with health insurance</p>
<p style="text-align: right;">Page 71</p> <p>1 you her best knowledge. 2 But go ahead. 3 A. So, as I stated before, it's -- it 4 could be by area. It could be the attorney who 5 does the intake. And then another thing that 6 kind of stands out at me is that if that 7 attorney is behind on his client contacts, he 8 may not get new cases that day meaning he's 9 behind on communicating with his clients. So 10 those -- any given scenario could apply there 11 and do apply there. 12 Q. Okay. So you said that the client, 13 as they get medical treatment, once they are 14 feeling better or as good as they're going to 15 be, that is when generally the firm will pull 16 together all of the medical records and submit 17 it to the insurance company to settle the case, 18 correct? 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.</p>	<p style="text-align: right;">Page 73</p> <p>1 companies to get subrogation to make sure like 2 for Medicaid that we have the interim and it's 3 reviewed and we have finals. They deal with 4 the Medicare -- the Medicare form -- sorry -- 5 portal and any other health insurance issues, 6 medical bill issues, verifying their balances 7 with, you know, a variety of hospitals and 8 doctors. 9 Once the attorney actually settles the 10 case, they request the checks from the 11 accounting department. They may call -- 12 contact the client to come in to sign all of 13 the documents. Different attorneys, you 14 know -- that's, again, just an outline. 15 Different attorneys handle their cases, you 16 know, in their way. 17 Q. Sure. So closing paralegals handle 18 the back half of a case. What do you call the 19 paralegals that handle the front half of the 20 case? 21 A. Just "Paralegals" -- 22 Q. Okay. 23 A. -- yeah. 24 Q. What do they do? 25 A. They communicate with the client</p>

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 74

1 throughout the -- you know, while they're still
 2 treating. They -- you know, both paralegals
 3 assist the attorney with whatever the attorney
 4 may need. They request medical records,
 5 communicate with the client. And once the
 6 records all come in, they create the packages
 7 and send them off to the insurance company.
 8 They also -- I mean, I'm sure I'm
 9 forgetting some things. It's been a long time,
 10 since I actually did that, but they make sure
 11 everything is noted in the system. They update
 12 if there's any new medical providers. The main
 13 thing is probably communicating with the
 14 clients and assisting the attorney with
 15 whatever the attorney may need.
 16 Q. Thank you. So what do the
 17 pre-litigation attorneys do?
 18 A. They oversee all that I've just
 19 said about the paralegals and they work with
 20 their paralegals and they represent the client.
 21 They make sure the client is being taken care
 22 of and they negotiate and settle their case. I
 23 mean, they're the attorney. They represent the
 24 client.
 25 Q. Okay. So essentially they ensure

Page 75

1 that all of this is happening.
 2 MR. MANNION: Objection. Her
 3 answer was more than that.
 4 But go ahead.
 5 A. They assure that that all happens
 6 and --
 7 Q. They oversee the process --
 8 MR. MANNION: Wait, she wasn't
 9 finished with her answer.
 10 Go ahead.
 11 MR. PATTAKOS: Okay.
 12 Q. Sorry.
 13 A. I wouldn't really say, "Oversee the
 14 process." There's a paralegal manager who
 15 oversees the paralegals and the process. The
 16 attorney, in my eyes, they represent the
 17 client. They also communicate with the client
 18 and advise the client. They help with the
 19 property damage. They -- they're representing
 20 their clients. I think each attorney probably
 21 does their job in the way that they see fit.
 22 Q. I guess I'm not hearing what the
 23 attorneys do that's different from what the
 24 paralegals do.
 25 MR. MANNION: I'm going to

Page 76

1 object. She's not a 30(B).
 2 But go ahead.
 3 A. I don't know what you mean by that.
 4 Q. Well, I mean, I guess I'm not
 5 hearing any description of anything that the
 6 attorneys do that is not -- that was not
 7 already in your description of what the
 8 paralegals do. So apart from overseeing -- you
 9 did say, "Oversee," and that makes sense to me.
 10 I'm just trying to understand what the special
 11 role of the pre-litigation attorneys are, since
 12 they don't commun -- since they don't do
 13 litigation, since they don't actually file
 14 cases. So I'm just trying to understand what
 15 the basic tasks are that each of these key
 16 positions handles.
 17 MR. MANNION: I'm going to object
 18 to form and already asked and answered. And I
 19 think she has actually already given you some
 20 differences already.
 21 But go ahead.
 22 A. So the attorneys represent the
 23 clients. They advise the clients. There may
 24 be legal issues involved. I mean, I'm not an
 25 attorney, so I can't speak on behalf of the

Page 77

1 attorney. Like I said, I can only give you
 2 like a general outline. So they -- the client,
 3 you know, they could be disputing their ticket,
 4 so they would be involved with that. They
 5 communicate with the insurance company. There
 6 could be recorded statements. Paralegals may
 7 schedule that, but the attorney is handling
 8 that. The attorneys negotiate the settlement.
 9 Paralegals have no part in that process. So
 10 anything that has to do with the legal aspects
 11 of it would be handled by the attorney.
 12 Q. Got it. Thank you. That's exactly
 13 what I was trying to understand, so I
 14 appreciate that. How many litigation attorneys
 15 are there at the firm in comparison to
 16 pre-litigation attorneys? What's the ratio?
 17 A. I believe we have 36 attorneys,
 18 around there. Our litigation team is pretty --
 19 I don't know how many. I'd have to break down
 20 each attorney's name, but, I mean, it's -- I
 21 would say, there's a pretty -- maybe half and
 22 half or close to now --
 23 Q. Okay.
 24 A. -- I don't know the exact numbers.
 25 If I was looking, I could tell you.

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Page 78

1 Q. Okay. What is the intake
 2 department made up of?
 3 A. What does that mean?
 4 Q. Well, who is in the intake
 5 department?
 6 A. We have about twenty employees in
 7 the intake department. We have an intake
 8 manager.
 9 Q. And that's Holly Tusko?
 10 A. Correct.
 11 Q. And what do -- these twenty
 12 employees, who are they? What do they do?
 13 A. They're intake employees. They
 14 answer phones. They do intakes.
 15 Q. Are they all the same? Do they all
 16 do the same job under Holly? Is there like
 17 twenty people that work under Holly to simply
 18 answer phones and do intakes and get the intake
 19 information?
 20 A. No. There's different jobs, I
 21 would say, different titles and job
 22 descriptions for that department, yeah.
 23 Q. Okay. What are those jobs?
 24 A. So there's -- I think she has
 25 intake 1, 2 and 3. That's divided out by

Page 79

1 responsibilities and I don't remember the exact
 2 details. But, for example, a couple of the
 3 employees are in charge of faxes. So they
 4 answer phones, do intakes and they do faxes
 5 where a couple of the other employees don't do
 6 faxes. She's got some case coordinators. They
 7 actually open the cases in the system, create
 8 the files. And then there's the data
 9 department.
 10 Q. What do they do?
 11 A. They -- the data department where
 12 -- we have a computer software called Argo.
 13 They do like labels and they kind of pull the
 14 police reports, at least the ones that are
 15 online.
 16 Q. So it's intake's job to pull the
 17 police reports?
 18 MR. MANNION: Objection. That's
 19 not what she said. She said, "Online."
 20 A. Correct. So the data department
 21 does the computer software that has the police
 22 reports on it and they type up the actual
 23 labels. And that's for the police departments
 24 that are online.
 25 Q. Um-hum. And some police

Page 80

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 A. So I'm a little bit removed from
 6 these processes in that department. I believe
 7 some are still picked up. Some are online.
 8 And, again, this is something that has evolved
 9 and changed several times through the years.
 10 Q. How so?
 11 A. So the crash report site coming
 12 online, that gave access to a lot of police
 13 reports that are online. Through the years,
 14 some departments have moved over to that site
 15 whereas other departments have not.
 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.

Page 81

1 A. I mean, in the eight years that
 2 I've been there, some departments are online,
 3 some aren't online. Sometimes we just get
 4 names. Sometimes we get the reports.
 5 Sometimes there are addendums. Sometimes there
 6 are photographs, like -- there's not any like
 7 thing that is particularly standing out at me.
 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

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 82

1 Holly Tusko, correct?
 2 A. Yes.
 3 Q. Okay. I just want to clarify this
 4 for the record. You're listed in these emails
 5 as, "Brandy Brewer," and, "Brandy Lamtman," in
 6 some of these emails, correct?
 7 A. Yes.
 8 Q. And those were your names before
 9 and your name has changed due to marriage,
 10 correct?
 11 A. Yes.
 12 Q. So these are the names -- Brandy
 13 Brewer is you and Brandy Lamtman is you and now
 14 you're Brandy Gobrogge, correct?
 15 A. Yes.
 16 Q. Okay. So you're emailing the
 17 group. And you write, "We are having a HUGE
 18 issue locating accident reports. When you are
 19 doing the intake it is imperative that you ask
 20 the person where the accident
 21 happened.....city, intersection, etc. Also,
 22 police department and ask if they have a police
 23 report number. We get thousands of reports and
 24 if we do not have it the intake department has
 25 to either call or fax a request or they pull it

Page 83

1 online." Am I reading that correctly?
 2 A. What do you mean?
 3 Q. Am I reading that correctly?
 4 A. Well, yeah, you read it as I typed
 5 it, yes.
 6 Q. Right. Okay. Now, you sent this
 7 to prelit attorneys as well as prelit support.
 8 Is prelit support the intake department?
 9 A. No. That's the paralegals, the
 10 prelit paralegals.
 11 Q. Before you said there was closing
 12 paralegals and regular paralegals. Are regular
 13 paralegals also called, "Prelit paralegals," or
 14 is this a third group of paralegals?
 15 A. So today there's paralegals and
 16 closing paralegals. I believe in 2013, we just
 17 had paralegals. And when I refer to, "Prelit
 18 attorneys," and, "Prelit paralegals," or,
 19 "Prelit support," that's kind of just our
 20 interoffice way of describing them so that
 21 there's a differentiation between the
 22 pre-litigation department and the litigation
 23 department. So it's kind of an internal --
 24 Q. Okay. So how does -- how does this
 25 relate to -- I guess my question is: If

Page 84

1 it's -- why isn't the intake department being
 2 copied here?
 3 A. Well, because Holly is the intake
 4 manager, so I don't address -- I try not to
 5 address her department. That's her job to do
 6 that.
 7 Q. Okay. So whose job was it to
 8 locate accident reports?
 9 MR. MANNION: Objection.
 10 Timeframe.
 11 Go ahead.
 12 Q. At the time this email was sent.
 13 A. So it would be the paralegal and
 14 attorney's job to make sure that it landed in
 15 the file, but the intake department could get
 16 the police reports. If we needed something
 17 that needed to be picked up or that wasn't
 18 online, then the investigators would get those
 19 reports.
 20 Q. But that would be at someone's
 21 direction either in the intake department or
 22 prelit attorney or prelit support, correct?
 23 A. So if we had the police report,
 24 then we have the police report. If -- it could
 25 have been that we had the report, because they

Page 85

1 had already gotten that report or found that
 2 report.
 3 MR. MANNION: When you say,
 4 "they" -- you said, "They."
 5 A. I'm sorry. The investigators. The
 6 investigators could have already provided that,
 7 like there's no way for me to know.
 8 Q. Okay. But you're not writing to
 9 any investigators here, are you?
 10 A. No.
 11 Q. Why not?
 12 A. Because I was -- I was asking --
 13 the premise of this email was for me to ask the
 14 attorneys to get the current information so
 15 that we could locate the report. This had
 16 nothing to do with me directing a department or
 17 speaking to the investigators. This was just
 18 saying, Hey, it will make things easier if you
 19 get the correct information at the intake.
 20 Q. Got it. Okay.
 21 MR. PATTAKOS: Excuse me one
 22 moment. I need to get organized.
 23 Let's mark this as Exhibit 3.
 24 - - - - -
 25 (Thereupon, Deposition Exhibit 3,

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 86

1 3/18/2014 Email To Intake From Holly
 2 Tusko, Bates Number Willias000247,
 3 was marked for purposes of
 4 identification.)
 5 - - - - -
 6 Q. Are you finished reviewing this?
 7 A. Yes.
 8 Q. Okay. And this is an email that
 9 Holly Tusko sent, who is the intake manager,
 10 correct?
 11 A. Yes.
 12 Q. And did you receive this email?
 13 A. Yes.
 14 Q. Okay. And she is saying here,
 15 "Attached is a spreadsheet of what intake
 16 specialist is" prepared, "up with our pre-lit
 17 and lit paralegals."
 18 By, "Intake specialist," does that refer
 19 to an employee of the intake department?
 20 MR. MANNION: I'm going to object.
 21 I think you inadvertently said, "Prepared up,"
 22 instead of, "Paired up."
 23 Q. Paired up.
 24 A. Yes.
 25 Q. What is an intake specialist?

Page 87

1 A. That's -- we talked about that.
 2 That's the employee who does the intakes,
 3 answers the phones.
 4 Q. Okay. And she writes here on
 5 March 18, 2014, that, "Intake is responsible
 6 for following up on their paralegals police
 7 reports daily when the new case email is sent
 8 out as well as sending initial ER and hospital
 9 requests for their prelit paralegals."
 10 Does that mean that intake will follow up
 11 to locate the police reports and obtain them in
 12 whatever way that they can unless it's
 13 necessary to send an investigator to pick it
 14 up?
 15 MR. MANNION: Objection to form.
 16 But go ahead.
 17 A. Yeah, 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 A. "Intake is responsible for
 24 following up on their paralegals police reports
 25 daily when the new case email is sent out as

Page 88

1 well as sending initial ER and hospital
 2 requests for their prelit paralegals."
 3 So there's, you know -- as I kind of
 4 mentioned before, there's different avenues on
 5 how the police reports end up at KNR, whether
 6 they're picked up by an investigator, they're
 7 found on the Internet. There's addendums.
 8 There's photographs. I mean, there's just --
 9 so their job was just to kind of match it to
 10 the case. They didn't go pick anything up or
 11 call any departments or anything like that.
 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 Ms. Tusko refers to "Police report
 19 spreadsheets"?
 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

Page 89

1 paragraph?
 2 A. I -- I don't know what she's
 3 actually referring to. I mean, there's just
 4 different times, like I -- I don't know. I
 5 don't like work in this specific department,
 6 so.
 7 Q. Isn't it true that at certain times
 8 the firm has sent out an email summarizing all
 9 of the new cases that come in that includes
 10 information about every intake that has come in
 11 on that day?
 12 A. Yes, I've seen emails where -- yes.
 13 Q. Don't you think that's what she's
 14 referring to here?
 15 MR. MANNION: Objection. Asked and
 16 answered.
 17 Go ahead.
 18 A. I mean, I'm actually not really
 19 sure. She could send out another email to her
 20 department just to her department or to her
 21 employees. I don't know --
 22 Q. Okay.
 23 A. -- I don't -- it doesn't say like
 24 which new case email.
 25 Q. So you're saying there may be

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 90</p> <p>1 multiple new case emails, but you just don't 2 know. 3 A. Yeah. I don't know what Holly 4 specifically did in her department. 5 Q. Okay. Are any of these people 6 copied on this email an investigator? 7 A. No. 8 Q. Are those all attorneys? 9 A. No. 10 Q. Which of those people are not 11 attorneys on this list? 12 A. Nicole Rittmaier, Kim Headley, 13 Amanda Palaski, Kim Major, Christy Rowe, Jill 14 Gardner. 15 Q. And are those intake employees? 16 A. No. 17 Q. Are they secretaries? 18 A. No. 19 Q. Well, what is Nicole Rittmaier's 20 job? 21 A. She was a paralegal. 22 Q. What's Kim Headley's job? 23 A. Paralegal. 24 Q. Amanda Palaski? 25 A. I'm -- I don't remember what her</p>	<p style="text-align: right;">Page 92</p> <p>1 like to use the restroom, too, if that's okay. 2 MR. PATTAKOS: Do you want to take 3 a five-minute break now? 4 MR. MANNION: Yeah, if you want to 5 do that. 6 VIDEOGRAPHER: Off the record 7 11:38. 8 (Recess taken.) 9 VIDEOGRAPHER: On the record 11:49. 10 BY MR. PATTAKOS: 11 Q. Okay. So you have spoken briefly 12 about KNR's policy of employing people they 13 call, "Investigators," like Mike Simpson and 14 Aaron Czetli, who go to meet with the clients 15 and obtain the paperwork, perform the signup 16 procedures, correct? 17 A. I don't know what you're asking. 18 Q. Well, I'm not really asking you 19 anything. I would like to talk about this, the 20 investigators. So, strike that. Would you 21 agree that the main job of the investigators 22 was to go meet with the clients and sign them 23 up? 24 A. No, not necessarily. 25 Q. Not necessarily. Okay. What was</p>
<p style="text-align: right;">Page 91</p> <p>1 job was, but it wasn't paralegal. 2 Q. She wasn't an investigator, though. 3 A. No. 4 Q. Bobbie Dubecky? 5 A. She was a paralegal. 6 Q. Kim Major? 7 A. Paralegal. 8 Q. Christy Rowe? 9 A. She was not a paralegal. 10 Q. What was she? 11 A. I don't remember her title. 12 Q. What did she do? 13 A. I actually don't remember that. 14 Q. And Jill Gardner? 15 A. She was a paralegal. 16 Q. Okay. Thank you. 17 MR. STUDENY: Peter, are you 18 jumping to another exhibit? I need to use the 19 restroom. 20 MR. PATTAKOS: Do you want me to 21 wait for you? 22 MR. STUDENY: No. You can just 23 mark it. 24 MR. PATTAKOS: Okay. 25 THE WITNESS: At some point I'd</p>	<p style="text-align: right;">Page 93</p> <p>1 their main job, if it wasn't to sign the 2 clients up? 3 MR. MANNION: Objection. She's not 4 here as a 30 (B). 5 But go ahead. 6 A. There's a variety of investigative 7 work that they can do on a case at any given 8 time. 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.</p>

24 (Pages 90 - 93)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 94</p> <p>1 MR. PATTAKOS: -- whether she's a 2 30(B) deposition deponent or not just doesn't 3 matter, Tom. You don't have to say that on 4 every single subject. Okay? 5 MR. MANNION: Well, she's not in 6 charge of the investigators and you know that 7 and you're asking her questions. And I want 8 you to understand she's not the person that 9 we're designating to testify about the 10 investigators. 11 MR. PATTAKOS: I understand it. 12 I'm going to keep asking her questions about 13 it, as I'm entitled to do. Thank you. 14 BY MR. MANNION: 15 Q. What's the investigator's main job, 16 if it's not to sign up clients? 17 MR. MANNION: Objection. 18 Go ahead. 19 A. So the investigators do not report 20 to me. Their main -- they don't have like a 21 main job, I guess, not that I can say. They do 22 a variety of different things and it's kind of 23 different on a case-by-case basis. 24 Q. So you're saying the investigators 25 don't have a main job?</p>	<p style="text-align: right;">Page 96</p> <p>1 and representing the clients. 2 Q. Okay. You understand that an 3 investigator receives a payment on nearly -- 4 from nearly every client settlement at the 5 firm? 6 MR. MANNION: Objection to form. 7 Go ahead. 8 A. I mean, I don't know really how to 9 answer that. I've never -- I didn't look at 10 like every single settlement for every single 11 client. 12 Q. You know the firm generally charges 13 an investigative fee for the investigator's 14 services, correct? 15 MR. MANNION: Objection. 16 Go ahead. 17 A. I mean, you would have to -- you 18 would have to look at all the cases. I don't 19 know. 20 Q. So you don't know that the firm 21 charges an investigation fee on nearly every 22 client settlement? 23 A. I'm saying, I don't look at all of 24 the settlement memorandums and I don't know how 25 many times that they've been paid on cases.</p>
<p style="text-align: right;">Page 95</p> <p>1 MR. MANNION: Objection. 2 Go ahead. 3 A. I didn't say that. I can't like 4 tell you what a main job for them would be, 5 because they do a variety of different things 6 on a variety of different cases. 7 Q. Okay. You said the investigators 8 do not report to you. Who do they report to? 9 MR. MANNION: I'm going to object. 10 Go ahead. 11 A. They don't report to anybody. 12 They're hired. They're independent 13 contractors, I guess. They don't work for KNR. 14 They're not employees, is what I'm trying to 15 get at. 16 Q. So who's responsible at KNR for 17 dealing with the investigators? 18 A. The attorneys, I guess. 19 Q. Is there one attorney who manages 20 the relationships with the investigators? 21 MR. MANNION: Objection. 22 Go ahead. 23 A. No. I mean, it's -- everything is 24 on a case-by-case basis. So you would have to 25 kind of talk to each attorney who is handling</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. So you're not aware that it's the 2 general policy of the firm to charge an 3 investigation fee? 4 MR. MANNION: Well, I'm going to 5 object. Now you're testifying. 6 But go ahead. 7 She's already -- 8 A. I wouldn't call it a general 9 policy. 10 Q. What would you call it? 11 A. They're independent contractors 12 that provide investigative services for our 13 clients. 14 Q. You understand that the 15 investigation fee was often called a, "Signup 16 fee," within the KNR firm, correct? 17 A. Not necessarily. 18 Q. So you're not aware of that? 19 MR. MANNION: Objection. She 20 answered the question. 21 A. I refer to them as, 22 "Investigators." I -- can you rephrase this? 23 Q. I'll ask the question again. 24 A. Thank you. 25 Q. Are you aware that the</p>

25 (Pages 94 - 97)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 98

1 investigation fee was often referred to within
 2 the firm as a, "Signup fee"?
 3 A. I mean, I can't speak on how people
 4 refer to the investigators. Sometimes the
 5 investigators sign clients up. Sometimes they
 6 do other work. So if we refer to it as a,
 7 "Signup fee," because they signed somebody up,
 8 like I can't -- I don't know.
 9 Q. But the investigators were supposed
 10 to be sent to sign clients up on every single
 11 case, right?
 12 MR. MANNION: Objection.
 13 Go ahead.
 14 A. Clients were signed up in different
 15 ways, too, not just the investigators.
 16 Q. Okay. We can talk about that. How
 17 were the other ways that clients signed up,
 18 besides the investigators? Let's take a
 19 detour.
 20 A. A client could come into the
 21 office. They could sign up DocuSign.
 22 Q. What's DocuSign?
 23 A. It's like a -- I don't know -- I
 24 signed my loan documents with my house. You
 25 electronically sign.

Page 99

1 Q. Like over email?
 2 A. Kind of. They weren't emailed.
 3 They could sign up via email. The attorney
 4 could email forms to a client and they could --
 5 if they had access, they could print it out and
 6 sign it and scan and email it back. Same as
 7 fax. DocuSign kind of works in that way. They
 8 could come to the office. They could sign
 9 it -- we've had sign at a library or like a
 10 FedEx store. They could sign at a doctor's
 11 office. I mean, I'm sure that there's, just
 12 like anything else, a variety of different ways
 13 that someone could sign a piece of paper.
 14 Q. They could sign at a doctor's
 15 office or a chiropractor's office, right?
 16 A. Sure.
 17 Q. But generally speaking, you didn't
 18 want them to sign at a chiropractor's office,
 19 correct?
 20 A. I wouldn't say, "Generally
 21 speaking." I mean, again, this is over so many
 22 years. The preference would be for the
 23 investigator to meet with the client to sign
 24 the documents, because they got additional
 25 paperwork. They took photographs. If somebody

Page 100

1 has bruises, it's obviously, you know, our
 2 client's best interest for us to have those on
 3 file. So the preference would be, sure, for
 4 the investigator to do it, because they
 5 gathered all of the other documentation and
 6 they took photographic evidence of injuries and
 7 the vehicles and things like that.
 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,

Page 101

1 please, read it back to the witness.
 2 THE WITNESS: Thank you.
 3 (Record was read Page 100, Lines 8-13.)
 4 A. So I wouldn't use the word,
 5 "Policy." If a client could come in in person,
 6 if they -- I mean, whatever made things easier
 7 for the client. So if it was easier for the
 8 client to get in the car and drive to KNR, then
 9 that would be -- if it was easier for the
 10 client to have an investigator come out, if
 11 they -- if it was easier for them to sign at a
 12 doctor's office, like whatever was for the
 13 client.
 14 Q. So you're saying if it was easier
 15 for the client to sign at the doctor's office,
 16 that's what you would do for the client,
 17 that's --
 18 A. If that's what the client wanted,
 19 then, yes.
 20 Q. Then you wouldn't send an
 21 investigator to that client?
 22 A. If that's what the client wanted.
 23 I mean, I can't speak on behalf of the
 24 attorney. I'm don't -- I'm not present when
 25 they speak with the clients. That would be at

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 102

1 his discretion -- or hers on how the client got
 2 signed up.
 3 Q. Okay. But I just want to --
 4 MR. MANNION: Well, please stop
 5 laughing at the witness. Please stop laughing
 6 at the witness's answer.
 7 MR. PATTAKOS: Tom, I'm not
 8 laughing at the witness.
 9 MR. MANNION: Yes, you were.
 10 What were you laughing at?
 11 MR. PATTAKOS: I wasn't laughing
 12 at anything.
 13 MR. MANNION: Yes, you were.
 14 MR. PATTAKOS: Boy, oh, boy.
 15 MR. MANNION: You clearly were
 16 laughing.
 17 MR. PATTAKOS: Boy, oh, boy. Tom,
 18 if I was laughing, I think it would show up on
 19 the microphone.
 20 MR. MANNION: Wow, we're going to
 21 have to get a video camera and put it on you,
 22 during these depositions.
 23 MR. PATTAKOS: Maybe we can do
 24 that, Tom.
 25 MR. MANNION: We probably should.

Page 103

1 MR. PATTAKOS: I think maybe that
 2 would keep you from injecting inappropriate,
 3 false accusations.
 4 MR. MANNION: You clearly were
 5 just doing that.
 6 MR. PATTAKOS: Okay.
 7 BY MR. PATTAKOS:
 8 Q. Ms. Gobrogge, I'm trying to
 9 understand -- I think -- let me ask it this
 10 way: Would you agree that KNR employees were
 11 instructed to send an investigator to sign up
 12 clients on every single intake that came into
 13 the firm?
 14 MR. MANNION: Objection.
 15 Go ahead.
 16 A. No, I don't -- I -- no, because the
 17 attorney is actually speaking to the client.
 18 So how the case got signed up on these intakes
 19 was ultimately up to him or her.
 20 Q. Okay. Would you agree that when an
 21 investigator was sent to sign up the client,
 22 that the investigator was generally paid a fee
 23 for that work?
 24 MR. MANNION: Objection.
 25 Go ahead.

Page 104

1 A. What -- can you say that again,
 2 please?
 3 MR. PATTAKOS: Tracy, will you,
 4 please, read that question back.
 5 (Record was read.)
 6 A. Yeah.
 7 Q. And that fee would come out of the
 8 client's settlement?
 9 A. Yes.
 10 Q. And it was called an,
 11 "Investigation fee"?
 12 A. Yes.
 13 Q. And it was also sometimes called a,
 14 "Signup fee"?
 15 MR. MANNION: Objection. Do you
 16 mean for the client? Is that what you're
 17 asking? because you're talking about what it's
 18 called. I'm trying to find out what you mean.
 19 Called by whom? Called where?
 20 MR. PATTAKOS: Called within the
 21 firm, referred to within the firm as a, "Signup
 22 fee," that very same fee.
 23 MR. MANNION: I'm going to object.
 24 Go ahead.
 25 A. I mean, it's an investigative fee.

Page 105

1 So I don't know if it was referred to in
 2 another way, I guess --
 3 Q. Okay.
 4 A. -- I don't know where.
 5 Q. Okay. I guess we'll just have to
 6 look at some documents.
 7 MR. MANNION: Move to strike.
 8 - - - - -
 9 (Thereupon, Deposition Exhibit 4,
 10 5/6/2013 Email To Prelit Attorney
 11 From Brandy Lamtman, Bates Number
 12 000001, was marked for purposes of
 13 identification.)
 14 - - - - -
 15 MR. MANNION: Rob, we're referring
 16 to May 6, 2013, email from Brandy to the prelit
 17 attorneys that you're copied on, since you're
 18 on the phone.
 19 Q. Please review this email and let me
 20 know when you're finished.
 21 MR. NESTICO: I'm sorry. Tom, did
 22 you say, "2013"?
 23 MR. MANNION: Yes. May 6, 2013.
 24 A. Okay. I've read it.
 25 Q. Okay. This is a May 6, 2013, email

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Page 106	<p>1 that you sent to pre-litigation attorneys</p> <p>2 copying Mr. Nestico, correct?</p> <p>3 A. Correct.</p> <p>4 Q. Did you send this email?</p> <p>5 A. Yes.</p> <p>6 Q. And it says, "We MUST" -- and,</p> <p>7 "Must," is in all capital letters -- "send an</p> <p>8 investigator to sign up clients," with two</p> <p>9 exclamation marks. "We cannot refer to Chiro</p> <p>10 and have them sign forms there. This is why we</p> <p>11 have investigators. We are losing too many</p> <p>12 cases doing this," one, two, three, four, five,</p> <p>13 six, seven, eight exclamation points. Am I</p> <p>14 reading that correctly?</p> <p>15 A. Yes.</p> <p>16 Q. So here you are instructing KNR</p> <p>17 pre-litigation attorneys that when a new</p> <p>18 potential client calls, it is important to send</p> <p>19 the investigator to meet them right away to</p> <p>20 sign them up, correct?</p> <p>21 MR. MANNION: Objection to the</p> <p>22 characterization.</p> <p>23 But go ahead.</p> <p>24 A. Correct.</p> <p>25 Q. Specifically you are saying that</p>	Page 108	<p>1 the two options, the preference would be the</p> <p>2 investigator.</p> <p>3 Q. Okay. So some of the chiropractors</p> <p>4 to whom the firm refers clients keep KNR</p> <p>5 paperwork at their offices then. That's part</p> <p>6 of why you wrote this, correct?</p> <p>7 MR. MANNION: Objection. Assumes</p> <p>8 facts not in evidence and it's not what she</p> <p>9 testified to.</p> <p>10 But go ahead.</p> <p>11 MR. PATTAKOS: Tom, those aren't</p> <p>12 appropriate objections for a deposition.</p> <p>13 MR. MANNION: Have you looked at</p> <p>14 your objections?</p> <p>15 MR. PATTAKOS: Tom.</p> <p>16 MR. MANNION: Have you looked at</p> <p>17 your objections? You're completely</p> <p>18 misconstruing things. Don't do that.</p> <p>19 MR. PATTAKOS: Tom, you can object</p> <p>20 to the form of a question and you can --</p> <p>21 MR. MANNION: Have you looked at</p> <p>22 your objections?</p> <p>23 MR. PATTAKOS: -- and you can</p> <p>24 object.</p> <p>25 MR. MANNION: Have you looked at</p>
Page 107	<p>1 KNR employees should not simply refer clients</p> <p>2 to a chiropractor and expect the clients to</p> <p>3 sign forms at the chiropractor's office, but</p> <p>4 rather they should send an investigator to meet</p> <p>5 the client even before the clients go to the</p> <p>6 chiropractor's office, correct?</p> <p>7 MR. MANNION: Objection to form.</p> <p>8 Go ahead.</p> <p>9 A. I mean, I believe I was -- my email</p> <p>10 said to send an investigator to sign up</p> <p>11 clients.</p> <p>12 Q. So it wouldn't matter -- so if they</p> <p>13 were sending them to the chiropractor's office,</p> <p>14 that would be fine, too, as long as they sent</p> <p>15 the investigator, correct?</p> <p>16 MR. MANNION: Excuse me. I missed</p> <p>17 the question. Can you repeat that?</p> <p>18 MR. PATTAKOS: Tracy, can you repeat</p> <p>19 that.</p> <p>20 (Record was read.)</p> <p>21 A. So the preference would be for the</p> <p>22 investigator to meet with the client versus the</p> <p>23 forms just being signed at the doctor's office,</p> <p>24 because they gather all of the other</p> <p>25 documentation and they take photos. So given</p>	Page 109	<p>1 your objections?</p> <p>2 MR. PATTAKOS: -- and you can</p> <p>3 object based on privilege.</p> <p>4 MR. MANNION: Peter, have you</p> <p>5 looked at your objections? You testified more</p> <p>6 than the witness at times.</p> <p>7 MR. PATTAKOS: Tom, whatever I'm</p> <p>8 doing --</p> <p>9 MR. MANNION: Is improper.</p> <p>10 MR. PATTAKOS: -- has nothing to do</p> <p>11 with this right now.</p> <p>12 MR. MANNION: Well, when you</p> <p>13 misconstrue things, it's not right and it's not</p> <p>14 fair to twist things.</p> <p>15 MR. PATTAKOS: Tom, I'm going to</p> <p>16 ask you again to stop making your speaking</p> <p>17 objections and your improper objections.</p> <p>18 MR. MANNION: I am not making</p> <p>19 speaking objections. I am not making speaking</p> <p>20 objections.</p> <p>21 MR. PATTAKOS: Tracy, please read</p> <p>22 the last question back to the witness.</p> <p>23 (Record was read.)</p> <p>24 MR. MANNION: I'm going to object</p> <p>25 again. And obviously, there's an entire email</p>

28 (Pages 106 - 109)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 110</p> <p>1 here.</p> <p>2 If you remember why you wrote it, tell</p> <p>3 him.</p> <p>4 A. I wrote the email because the</p> <p>5 preference would be to have the investigator</p> <p>6 sign up the client to gather all of the</p> <p>7 information that I previously stated than just</p> <p>8 to have them sign the forms.</p> <p>9 Q. Okay. But what I'm asking is: You</p> <p>10 say, "We cannot refer to Chiro and have them</p> <p>11 sign forms there." What are you referring to</p> <p>12 there?</p> <p>13 A. I was stating that given the two</p> <p>14 choices, that's why we have investigators. The</p> <p>15 chiropractors don't -- they don't take photos.</p> <p>16 They don't get health insurance information.</p> <p>17 They don't get police information. They don't</p> <p>18 get all of that other information. So the</p> <p>19 investigators do. So given the preference</p> <p>20 between the two, just those two options, the</p> <p>21 preference would be to meet with the</p> <p>22 investigator.</p> <p>23 Q. But the chiros do have the forms at</p> <p>24 their office, or at least did at the time you</p> <p>25 sent that email, correct?</p>	<p style="text-align: right;">Page 112</p> <p>1 reason you wrote this email was to tell the</p> <p>2 pre-litigation attorneys not to wait but rather</p> <p>3 to send an investigator right away to sign the</p> <p>4 clients up, because otherwise the firm risks</p> <p>5 losing the clients to other firms?</p> <p>6 MR. MANNION: Objection.</p> <p>7 Go ahead.</p> <p>8 A. No.</p> <p>9 Q. So then why did you write this, "We</p> <p>10 are losing too many cases doing this," with</p> <p>11 eight exclamation points?</p> <p>12 A. So it wasn't about losing the case</p> <p>13 to another firm. It's for our client's sake.</p> <p>14 So insurance companies send people out to have</p> <p>15 people sign releases that they have like no</p> <p>16 idea what it says. So it's actually to help --</p> <p>17 you know, it's for sure the best interest of</p> <p>18 the client. We've had that happen many times.</p> <p>19 And then they -- they call -- they call us and,</p> <p>20 "Oh, I was injured, but I signed this piece of</p> <p>21 paper and I got \$200 from the insurance</p> <p>22 company." They had no idea what that even</p> <p>23 meant. No one even explained it to them. The</p> <p>24 insurance company wasn't looking out for them.</p> <p>25 But I didn't say anywhere in here about another</p>
<p style="text-align: right;">Page 111</p> <p>1 MR. MANNION: I'm going to</p> <p>2 object. You clearly haven't read the whole</p> <p>3 email.</p> <p>4 Go ahead.</p> <p>5 A. So the attorneys, they fax the</p> <p>6 forms -- or they ask the intake department to</p> <p>7 fax the forms over to the chiropractor's</p> <p>8 office. So whether or not the chiropractors</p> <p>9 keep forms at their office, you would have to</p> <p>10 ask them.</p> <p>11 Q. Okay. Did you ever receive a</p> <p>12 response to this email from anyone at the firm</p> <p>13 that you recall?</p> <p>14 A. Not that I can remember.</p> <p>15 Q. Okay. You don't say anything about</p> <p>16 the need to gather additional information in</p> <p>17 this email, do you?</p> <p>18 A. No.</p> <p>19 Q. Does anything in here refer to what</p> <p>20 you're telling me about how you prefer to send</p> <p>21 the investigators because they can take the</p> <p>22 photographs, et cetera, in this email?</p> <p>23 A. Well, no. I mean, the attorneys</p> <p>24 knew what the investigators did.</p> <p>25 Q. Okay. Isn't it true that the</p>	<p style="text-align: right;">Page 113</p> <p>1 firm taking the case.</p> <p>2 Q. So you're saying that -- when you</p> <p>3 write, "We are losing too many cases doing</p> <p>4 this," you are not referring at all to losing a</p> <p>5 case to another chiropractor -- or losing a</p> <p>6 case to another law firm; you are talking about</p> <p>7 losing the case completely?</p> <p>8 A. So, I mean, this was five years</p> <p>9 ago. Like I can't tell you what I was feeling</p> <p>10 the moment that I sent this email, but I can</p> <p>11 just tell you what I think I could have been</p> <p>12 thinking. I mean, there's no way for me to</p> <p>13 know exactly. I just -- that's what stands out</p> <p>14 to me.</p> <p>15 Q. So what you think is that -- let me</p> <p>16 back up. Strike that. Your testimony just</p> <p>17 know is that this statement, "We are losing too</p> <p>18 many cases doing this," refers to a concern</p> <p>19 that an insurance company would sign the</p> <p>20 client -- make the client sign some kind of</p> <p>21 settlement agreement that would then preclude</p> <p>22 the firm from representing that client?</p> <p>23 A. It would be a release that the</p> <p>24 insurance company would pay them a nominal</p> <p>25 amount of money and have them sign a release</p>

29 (Pages 110 - 113)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 114

1 and they would have to -- they would be stuck.
 2 So if they were -- if there's more injuries
 3 that came out or, you know, they didn't get
 4 better, they -- yeah. I'm saying that I don't
 5 know what I was thinking on May 6, 2013, at
 6 6:14, but that's what sticks out in my mind --
 7 Q. Okay.
 8 A. -- there's no way for me to know
 9 five years ago what I was thinking at that
 10 exact moment.
 11 Q. Okay. Is it possible that you were
 12 referring to -- I understand that your
 13 testimony is there's no way for you to know and
 14 that you don't remember now what you meant
 15 here. Is it possible that you were referring
 16 to losing cases to other law firms, because you
 17 didn't send the investigator to sign them up
 18 fast enough?
 19 MR. MANNION: Objection to,
 20 possibility, and asked and answered.
 21 But go ahead.
 22 A. That's not -- no, that's not
 23 something that sticks out in my mind.
 24 Q. I'm not asking if it's sticks out
 25 in your mind. I'm asking --

Page 115

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

Page 116

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.

Page 117

1 A. No. That's not something that
 2 comes to my mind. I can't be certain what I
 3 meant five years ago.
 4 Q. Okay. We can leave it at that.
 5 - - - - -
 6 (Thereupon, Deposition Exhibit 5,
 7 6/3/2014 Email Trail Between Prelit
 8 Support and Brandy Brewer, Bates
 9 Number Williams000014, was marked
 10 for purposes of identification.)
 11 - - - - -
 12 Q. Exhibit 5. Please review this
 13 email and let me know when you're finished.
 14 MR. NESTICO: Tom, what's the
 15 date on the email?
 16 MR. MANNION: Oh, sorry about
 17 that. It's June 3, 2014, email from Brandy to
 18 prelit support and then she forwarded it on a
 19 few minutes later that same day to the prelit
 20 attorney.
 21 MR. NESTICO: I'm sorry. You
 22 said, "June 3"?
 23 MR. MANNION: Yeah, 2014. It
 24 starts, "We have two intakes today."
 25 BY MR. PATTAKOS:

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 118</p> <p>1 Q. Are you ready?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So am I correct that this is</p> <p>4 an email from you on June 3, 2014, to prelit</p> <p>5 support with the subject line, "Investigators"?</p> <p>6 A. Correct.</p> <p>7 Q. And you sent this email?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And you write, "We have two</p> <p>10 intakes today that were referred to ASC and</p> <p>11 they are signing forms there. This shouldn't</p> <p>12 be happening unless the client cannot meet with</p> <p>13 Mike/Aaron/Chuck and they can only sign at</p> <p>14 chiro."</p> <p>15 "The cases today are in Akron. There</p> <p>16 should be no reason why an investigator cannot</p> <p>17 sign." Did I read that correctly?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And by, "Mike/Aaron/Chuck,"</p> <p>20 you are referring to the investigators Michael</p> <p>21 Simpson, Aaron Czetli and Chuck DeRemer,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So when you say, "The cases</p> <p>25 today are in Akron. There should be no reason</p>	<p style="text-align: right;">Page 120</p> <p>1 A. I mean, I can't speak on behalf of</p> <p>2 the client and the client who is scheduling the</p> <p>3 investigator. That would be entirely up to</p> <p>4 them where a client signs.</p> <p>5 Q. Okay. Are you testifying that it's</p> <p>6 not common for KNR to send investigators to</p> <p>7 chiropractor's offices to sign with clients?</p> <p>8 Is that your testimony?</p> <p>9 A. I don't know what is common and</p> <p>10 what is not common. I'm not on the phone. I'm</p> <p>11 not the attorney who is scheduling these</p> <p>12 appointments. That would be -- you would have</p> <p>13 to ask them.</p> <p>14 Q. Okay. Now, you write, "The cases</p> <p>15 today are in Akron." Why would -- you said,</p> <p>16 "The cases today are in Akron. There should be</p> <p>17 no reason why an investigator cannot sign."</p> <p>18 What did you mean by that, by saying that the</p> <p>19 cases were in Akron?</p> <p>20 A. I actually don't know.</p> <p>21 Q. Okay. Would this have been any</p> <p>22 different if this case was not in Akron? Would</p> <p>23 your instructions have been any different?</p> <p>24 A. No. I don't know why I put that in</p> <p>25 there.</p>
<p style="text-align: right;">Page 119</p> <p>1 why an investigator cannot sign," you mean to</p> <p>2 say that there's no reason the firm shouldn't</p> <p>3 at least try to send an investigator to the</p> <p>4 chiro to sign the paperwork, correct?</p> <p>5 MR. MANNION: Objection. Did you</p> <p>6 say, Send the investigator to the chiro's</p> <p>7 office?</p> <p>8 MR. PATTAKOS: Yes.</p> <p>9 Q. Here, "ASC," refers to Akron Square</p> <p>10 Chiropractic, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. I didn't say anything in here about</p> <p>14 the investigator signing at the chiropractor's</p> <p>15 office.</p> <p>16 Q. But it wouldn't matter, right, if</p> <p>17 they went to sign at the chiropractor's</p> <p>18 office --</p> <p>19 MR. MANNION: Objection.</p> <p>20 Q. -- it wouldn't have mattered to</p> <p>21 you -- if the client wanted to meet with the</p> <p>22 investigator at the chiropractor's office, the</p> <p>23 firm would do that, correct? They would send</p> <p>24 an investigator to meet the client at the</p> <p>25 chiropractor's office.</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. Okay. Now, how would you have</p> <p>2 found out that these two particular intakes</p> <p>3 were referred to Akron Square and are signing</p> <p>4 forms there?</p> <p>5 A. I don't -- I don't know how I would</p> <p>6 have found out. I probably would have looked</p> <p>7 at the intakes, the forms. I could have, I</p> <p>8 guess, I should say.</p> <p>9 Q. How would those -- how would you</p> <p>10 have seen those forms? How does that work?</p> <p>11 A. So the intakes are created in the</p> <p>12 Needle software and I could have -- I could</p> <p>13 have -- I should say, I could have looked at</p> <p>14 those. I don't know. It was four years ago.</p> <p>15 Q. Okay. So you would have -- you</p> <p>16 would have just happened to be browsing the</p> <p>17 Needles software and seen that there are two</p> <p>18 intakes that came into ASC and that they're</p> <p>19 signing forms there?</p> <p>20 A. Sure.</p> <p>21 Q. Okay. Is there any other way that</p> <p>22 you would have found that out?</p> <p>23 A. I mean, I could have found out in,</p> <p>24 I guess a variety of different ways.</p> <p>25 Q. What are those ways?</p>

31 (Pages 118 - 121)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 122

1 A. I could have walked into an
 2 attorney's office and heard him say it. Holly
 3 could have told me she saw it on an intake.
 4 You know, I don't --
 5 Q. You don't remember here?
 6 A. No, I apparently don't remember.
 7 Q. Why do you write, "If you have
 8 questions about this, please see me"?
 9 A. I mean, I feel like that's a common
 10 way to close out an email. Should you have any
 11 questions, please see me, it's a common closer
 12 for an email or a letter.
 13 Q. Okay.
 14 MR. PATTAKOS: Mark this as
 15 Exhibit 6, please.
 16 - - - - -
 17 (Thereupon, Deposition Exhibit 6,
 18 12/6/2012 Email To Attorneys From
 19 Brandy Lamtman, Bates Number
 20 Williams000039, was marked for
 21 purposes of identification.)
 22 - - - - -
 23 MR. MANNION: Rob, we're
 24 referring to December 6, 2012, from Brandy to
 25 attorneys, Akron Cleveland intakes. It starts,

Page 123

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

Page 124

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

Page 125

1 MR. PATTAKOS: I'm asking the
 2 witness questions.
 3 MR. MANNION: Yeah, you're asking
 4 the witness questions by twisting things that
 5 you know you're twisting and it's not fair to
 6 this witness.
 7 Go ahead answer the question.
 8 A. So I don't view this as dictating
 9 firm policy. This wasn't a firm policy. And,
 10 again, it's up to the attorneys. They're
 11 actually the ones speaking with the clients.
 12 So how a client gets signed, was up to them.
 13 Q. If this was up to the attorneys,
 14 why did you send this email at all?
 15 A. I was reminding them of the
 16 preference to have the investigator sign versus
 17 signing at the chiropractor's office.
 18 Q. Okay. Now, would you agree that it
 19 was firm policy to send the investigator to
 20 sign the client up on the same day as the
 21 client first communicated with the firm?
 22 MR. MANNION: Objection as to,
 23 "Firm policy."
 24 Go ahead.
 25 A. I wouldn't say that it's a policy.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 126

1 It's -- that is determined between the attorney
 2 and the client, when the attorney speaks with
 3 the client. I'm sure not everyone was
 4 available on the same day.
 5 Q. But it was the firm's policy to
 6 sign the client up with the investigator on the
 7 same day, unless there was some reason not to,
 8 correct?
 9 MR. MANNION: Objection. She's not
 10 here, again, to testify as to what the firm
 11 policy is.
 12 But you can answer the question to the
 13 best of your knowledge.
 14 A. It was not a policy.
 15 Q. What was it?
 16 A. A preference.
 17 Q. Okay.
 18 - - - - -
 19 (Thereupon, Deposition Exhibit 7,
 20 2/28/2012 Email Trail Between Brandy
 21 Brewer, Holly Tusko, Etc. And
 22 [Redacted] Individuals, Bates Number
 23 Williams000043, was marked for
 24 purposes of identification.)
 25 - - - - -

Page 127

1 MR. MANNION: Rob, this is
 2 Tuesday, February 28, 2012, from Brandy, cannot
 3 tell who it is to. It's blacked out and I
 4 don't know that that's our redaction.
 5 MR. NESTICO: December 28?
 6 MR. MANNION: No. February 28,
 7 2012, subject, something about, "Referred to,"
 8 and, "Signing there tomorrow."
 9 MR. NESTICO: Okay.
 10 MR. PATTAKOS: Tom, I'm going to
 11 ask you not to be taking up the transcript with
 12 these interruptions explaining to Mr. Nestico
 13 what these documents are.
 14 MR. MANNION: Well, I'm going to
 15 ask you not to take up the deposition time by
 16 typing away for a minute after you get an
 17 answer.
 18 MR. PATTAKOS: Tom --
 19 MR. MANNION: I'm giving him the
 20 document that we're at. All I'm telling him is
 21 the date and who it's from. I'm not telling
 22 him anything else.
 23 MR. PATTAKOS: Tom, what you're
 24 doing is you're needlessly creating expense, by
 25 lengthening this deposition transcript. You're

Page 128

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

Page 129

1 at that book and --
 2 MR. NESTICO: I have it in front
 3 of me as dates, Mr. Pattakos. That's all I
 4 need, is just the date.
 5 MR. MANNION: Take a look at this
 6 binder right here. They're not organized by
 7 Bates number.
 8 BY MR. PATTAKOS:
 9 Q. Okay. Have you reviewed this
 10 email?
 11 A. Yes.
 12 Q. This is an email from you to an
 13 undisclosed recipient. Yeah, I believe Rob
 14 Horton redacted these documents, so. I don't
 15 know why he redacted what he redacted. We can
 16 ask him. But you are writing to Holly -- well,
 17 you're copying Ms. Tusko and Mr. Nestico and
 18 Mr. Redick in this email at the top on
 19 February 28 where it looks like in the subject
 20 line, a client's name is redacted, "referred
 21 to," somewhere and is, "Signing there
 22 tomorrow." Would you agree that that's
 23 probably a chiropractor that's redacted in that
 24 second redaction in the subject line?
 25 A. Not necessarily.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 130

1 Q. Where else would it be?
 2 A. Well, we refer clients to all sorts
 3 of doctors, not just chiropractors.
 4 Q. But would you agree it's probably
 5 some kind of doctor or healthcare provider
 6 then?
 7 A. I mean, I don't want to speculate
 8 on what someone redacted out. That's kind of
 9 unfair. I don't --
 10 Q. Okay.
 11 A. -- I don't know what that says.
 12 Q. Okay. But you write, "We need to
 13 send the investigator to sign her up today
 14 then. RememberS..ALL signups must be same day,
 15 unless approved."
 16 A. Correct.
 17 Q. And you wrote that because it was
 18 the firm's policy for all signups to be on the
 19 same day, correct?
 20 A. I'm never going to tell you that
 21 it's the firm's policy, because it was not a
 22 policy. It's a preference, which is why I say,
 23 "Unless approved" --
 24 Q. Okay.
 25 A. -- so I'm giving --

Page 131

1 Q. Okay. And how would -- how would
 2 that preference -- how would -- how would --
 3 how would you get approval to do a signup not
 4 on the same day?
 5 Let me ask you this: Who would be the
 6 one to approve a signup that happened not on
 7 the same day?
 8 A. I believe in one of the other
 9 emails it said, "Rob, Robert or Brandy."
 10 Q. Meaning you?
 11 A. No. Rob, Robert or Brandy.
 12 Q. Right. "Brandy," meaning you?
 13 A. Yes.
 14 Q. Okay. So under what circumstances,
 15 would you approve a signup not being on the
 16 same day?
 17 A. I mean, it could be a variety of
 18 reasons. The client is unavailable. The
 19 client was at work. The client is sick. The
 20 client -- I mean, they're human beings. People
 21 have appointments or things that they can and
 22 cannot do. I can't speak for the client.
 23 Q. Right. But you can speak for the
 24 circumstances under which you would approve a
 25 signup not being on the same day.

Page 132

1 A. I mean, sure.
 2 Q. Okay. And despite that this wasn't
 3 a policy but a preference, KNR employees still
 4 had to obtain approval from either you,
 5 Mr. Nestico or Mr. Redick to deviate from this
 6 preference, correct?
 7 A. I wouldn't say that they -- they
 8 didn't have to ask permission. It would go
 9 something like, Hey, this person can't sign up
 10 because they're sick. They're going to sign
 11 tomorrow. And the answer would be, Okay,
 12 because how do you dispute something like that?
 13 You don't. So the attorney would just inform
 14 of why.
 15 Q. Okay. How would you know, if a
 16 signup didn't happen on the same day?
 17 A. Well, I would -- again, Holly could
 18 tell me. The attorney could tell me. I could
 19 overhear something. I could go in and look at
 20 the intakes. I mean, there's a variety of
 21 different ways.
 22 Q. Isn't it true that you received an
 23 email every time an intake came in providing
 24 information about the referral and how the case
 25 was getting signed up?

Page 133

1 MR. MANNION: Objection to
 2 timeframe.
 3 A. That was my question, timeframe,
 4 because I didn't always get those emails and --
 5 Q. At some point you did, though,
 6 correct?
 7 A. There was a time. And --
 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 Q. Okay. But there was a time that
 16 every time an intake came in, you received an
 17 email listing what the referral was, if the
 18 patient -- if the client was referred out for
 19 treatment and also how the client was being
 20 signed up, correct?
 21 A. Yes.
 22 Q. Okay. And this was reflected in
 23 this document, which I will ask Tracy to mark
 24 as Exhibit 8.
 25 - - - - -

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 134</p> <p>1 (Thereupon, Deposition Exhibit 8, 2 2/13/2013 Email To Attorneys From 3 Brandy Lamtman, Bates Number 4 Williams000560, was marked for 5 purposes of identification.) 6 - - - - - 7 MR. MANNION: February 13, 2013, 8 at 5:55 from Brandy to intake. 9 MR. PATTAKOS: Sorry. Can you read 10 the last question, please? 11 (Record was read, Page 133, Lines 15-24.) 12 Q. So you know what? Strike that as a 13 separate question. This is an email from you 14 to KNR attorneys copying Mr. Nestico and 15 Ms. Tusko dated February 13, 2013, correct? 16 A. Yes. 17 Q. And you write, "Every time you do 18 an intake you need to send an email to Rob, 19 Robert, Holly, Sarah and I. EVERYONE," in all 20 capital, "needs to do this," exclamation mark, 21 exclamation mark. "The email should list what 22 the referral is, if you referred out for 23 treatment and how it is getting signed up." 24 "No exceptions," exclamation mark. 25 Am I reading that correctly?</p>	<p style="text-align: right;">Page 136</p> <p>1 and we can finish, so it will be fast. 2 Q. So how was it determined which 3 investigator would do which signup? 4 MR. MANNION: Wait a minute. That 5 has nothing to do with that email. 6 MR. PATTAKOS: I have two more 7 emails. 8 MR. MANNION: Okay. Well, if 9 you're going to get into a different line of 10 questioning, we're going to take our lunch 11 break. 12 MR. PATTAKOS: Tom -- 13 MR. MANNION: You said you had two 14 more emails along this line and then you 15 switched over to something different. 16 MR. PATTAKOS: Tom, we are going to 17 have two more emails along this line. 18 MR. MANNION: Okay. Then we're 19 going to take our lunch break now then, if 20 you're going to -- 21 MR. PATTAKOS: There's a question 22 pending. 23 MR. MANNION: No. We said we were 24 going to take a lunch break and you said you 25 had to more emails on this line.</p>
<p style="text-align: right;">Page 135</p> <p>1 A. Yes. 2 Q. What was the reason for you sending 3 this email? 4 A. Because I wanted them to send the 5 information over. 6 Q. Why? 7 A. There's a variety of reasons. For 8 marketing purposes, so, you know, TV, phone 9 book, Internet. We have a variety of different 10 ways that we market. Also, if it was referred 11 to a doctor, I would let that doctor know so 12 that they could call the client to schedule the 13 appointment. 14 Q. Okay. Why did you stop doing this? 15 A. I -- I believe this is still being 16 done today. I -- it's just not part of my job. 17 Q. Okay. Who handles this now? 18 A. Her name is Alex. 19 Q. What's her last name? 20 A. VanAllen. 21 MR. MANNION: It is 20 to 1. So 22 after you finish up with this email, let's take 23 a lunch break. 24 MR. PATTAKOS: I'll tell you what, 25 I have two more emails that are along this line</p>	<p style="text-align: right;">Page 137</p> <p>1 MR. PATTAKOS: Well, I'm asking for 2 the basic courtesy. Yes, this is a line of 3 questions that I want to finish before we 4 break. 5 MR. MANNION: Well, I asked for a 6 lunch break. 7 MR. PATTAKOS: Tom, it won't take 8 more than 10 minutes. 9 MR. MANNION: You just 10 specifically misrepresented to me what you were 11 going to do. You said -- 12 MR. PATTAKOS: No, I didn't. 13 MR. MANNION: Yeah, you did. Now 14 you switched into an investigator question. 15 MR. PATTAKOS: This is all about 16 investigators and signups, Tom, so I'd like 17 to -- 18 MR. MANNION: That's not at all -- 19 MR. PATTAKOS: -- ask about -- 20 MR. MANNION: That's not at all 21 what that email had to say at all. It just 22 talked about listing the referral and we were 23 going to take a lunch break. You said you had 24 two more emails on this issue. 25 MR. PATTAKOS: Tom, I'm asking you</p>

35 (Pages 134 - 137)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 138</p> <p>1 to give me 10 more minutes and two more emails. 2 MR. MANNION: No, I'm not going to 3 give you 10 more minutes, because I need to 4 take a break, but if you have two more emails 5 along this line, fine. 6 BY MR. PATTAKOS: 7 Q. How is it determined which 8 investigator would do each signup? 9 MR. MANNION: Object. 10 Go ahead, if you know. 11 A. Based on geographical location. 12 Q. Okay. So if the witness -- if the 13 client was in a certain area, the investigator 14 from that area would be sent? 15 A. Correct. 16 MR. MANNION: Okay. We'll take 17 our lunch break now. There's no question 18 pending. Right now we'll take our break. You 19 said you had two emails to talk about -- 20 MR. PATTAKOS: Tom, this is 21 completely unprofessional. 22 MR. MANNION: No. We're taking a 23 lunch break. It's 20 to 1. 24 MR. PATTAKOS: Tom, I'm asking 25 for 10 more minutes to finish up this subject.</p>	<p style="text-align: right;">Page 140</p> <p>1 correct? 2 A. Yes. 3 Q. And, "Holly," is Holly Tusko? 4 A. Yes. 5 Q. And, "Sarah," is who? 6 A. Sarah Knoch. 7 Q. Sarah Knoch, K-n-o-x? 8 A. K-n-o-c-h. 9 Q. K-n-o-c-h, but that's pronounced 10 Knoch -- 11 A. Yes. 12 Q. -- like it has an X at the end? 13 Okay. Why is it that you want this email to 14 say how it is getting signed up? 15 A. I actually am not -- I'm not sure. 16 Q. You have no idea? 17 A. No. 18 Q. Okay. Can you think of any reason 19 why it would be important for you to know -- 20 you, Rob, Robert, Holly, Sarah to know how a 21 case is getting signed up as soon as an intake 22 comes in? 23 A. I think that one thing that comes 24 to mind would be so that Holly can follow up on 25 if like, let's say the client doesn't actually</p>
<p style="text-align: right;">Page 139</p> <p>1 MR. MANNION: It's 20 to 1. You 2 can finish it, when we're done with lunch. You 3 don't get to control everything including when 4 we get hungry, when we need breaks. You said 5 you had two more emails and I was willing to do 6 it and you went on to a different line. 7 MR. PATTAKOS: And I have two more 8 emails. 9 MR. MANNION: That you're 10 apparently not getting to, so we'll take our 11 lunch break now. And it's 12:41. Let's not 12 take a full hour. How does 1:30 sound? 13 MR. PATTAKOS: 1:30 is fine, Tom. 14 MR. MANNION: Okay. 15 VIDEOGRAPHER: Off the record 16 12:41. 17 (Lunch Recess taken.) 18 VIDEOGRAPHER: On the record 1:41. 19 MR. PATTAKOS: Okay. I'd like to 20 go back to Exhibit 8, Tracy. Oh, there you go. 21 BY MR. PATTAKOS: 22 Q. This is the email you say, "Every 23 time you do an intake you need to send an email 24 to Rob, Robert, Holly, Sarah and I." I assume, 25 "Rob," and, "Robert," are Nestico and Redick,</p>	<p style="text-align: right;">Page 141</p> <p>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, how it was determined 8 which investigator would do which signup and 9 you mentioned that this was by geographical 10 area -- 11 A. Yes. 12 Q. -- that largely it would depend on 13 where the signup was and then you would send an 14 investigator in that area, but were there any 15 procedures that you're aware of as to how an 16 investigator would be assigned to a signup, if 17 there were more than one investigator in a 18 location, such as, for example, Mike and Aaron? 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?</p>

36 (Pages 138 - 141)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 142

1 Q. Is that how it worked?
 2 A. I mean, I can't speak on their
 3 behalf, but there have been times where that
 4 has been their practice, I guess.
 5 Q. Do you remember anything else
 6 whether Mike or Aaron would do any given
 7 signup?
 8 A. No, not particularly --
 9 Q. Okay.
 10 A. -- maybe based on availability.
 11 Q. Okay. Okay. Let's take a look at
 12 Exhibit 9 here.
 13 - - - - -
 14 (Thereupon, Deposition Exhibit 9,
 15 11/27/2012 Email To Attorneys From
 16 Holly Tusko, Bates Number
 17 Williams000040, was marked for
 18 purposes of identification.)
 19 - - - - -
 20 MR. MANNION: November 27, 2012.
 21 Q. You'll see this is an email from
 22 Holly Tusko to all attorneys where you and Rob
 23 Nestico are copied. Is that correct?
 24 A. Yes.
 25 Q. November 27, 2012, correct?

Page 143

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

Page 144

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

Page 145

1 information, it was not the investigator's job
 2 to obtain this information, correct?
 3 MR. MANNION: Objection. Did you
 4 say it says that on here, Peter?
 5 MR. PATTAKOS: I'm asking her.
 6 MR. MANNION: Oh.
 7 Q. This is referring to information.
 8 Holly's email is referring to obtaining
 9 information, basic intake information that was
 10 not the investigator's job to obtain, correct?
 11 MR. MANNION: Objection. Again,
 12 mischaracterizes this.
 13 A. So earlier when I explained to you
 14 the process of how a case works at KNR, I said
 15 that the person calls into the office. They
 16 speak with the attorney and the attorney gets
 17 the information or our intake team gets
 18 information. So the intake form, the
 19 investigator's job is not to fill out our
 20 computer software intake form. That would be
 21 the job of the KNR employee, either the intake
 22 person or the attorney.
 23 Q. Thank you. Okay. Let's move on to
 24 Exhibit 10.
 25 - - - - -

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 146

1 (Thereupon, Deposition Exhibit 10,
 2 3/19/2012 Email To Attorneys From
 3 Brandy Brewer, Bates Number Williams
 4 000046, was marked for purposes of
 5 identification.)
 6 - - - - -
 7 MR. MANNION: March 19, 2012, Rob.
 8 Q. Okay. This is an email from you to
 9 all attorneys sent on March 19, 2012, correct?
 10 A. Yes.
 11 Q. Did you send this email?
 12 A. Yes.
 13 Q. Okay. It says, "I know we've had a
 14 lot of intakes today, but we still need to make
 15 sure we're handling them properly. Please make
 16 sure you are getting DOB and SSN, otherwise
 17 records and bills cannot be requested when the
 18 case is opened, which will then create more
 19 work for your paralegal. Note as much
 20 information as possible, the more info we have
 21 the easier it is to get opened. If the client
 22 is super concerned about something, note that.
 23 This is very important. If the client wants a
 24 rental car ASAP or the property damage needs
 25 handledS..whatever it is, note it so that we

Page 147

1 can handle that portion immediately after the
 2 case gets opened. Signups MUST be on the
 3 calendar." "Must," is in all caps. "I am
 4 positive that all of the signups for today
 5 aren't on the calendar. If you are having
 6 issues with this, please see me."
 7 "I've also noticed that signups aren't
 8 being scheduled for the same day as the intake.
 9 Obviously this isn't always possible, but
 10 always try your best to make that happen. This
 11 is a sure way to not get the case," exclamation
 12 mark, exclamation mark.
 13 Am I reading that correctly?
 14 A. Yes.
 15 Q. Okay. So you say, "I've...noticed
 16 that signups aren't being scheduled for the
 17 same day as the intake." How would you have
 18 noticed that?
 19 A. I would have -- I could have -- I
 20 feel like I've already answered this. I could
 21 have looked at the intakes in the system. I
 22 could have overheard an attorney. Holly could
 23 have told me. I mean, there's a variety of
 24 different ways that this could have been
 25 brought to my attention.

Page 148

1 Q. What's the calendar you refer to
 2 here?
 3 A. That would be Outlook.
 4 Q. Okay. And you say, "Signups must
 5 be on the calendar," correct?
 6 A. Yes.
 7 Q. So what do you mean by that?
 8 A. So in and effort to not double like
 9 book the investigators, I created an internal
 10 calendar for the signups to be -- to be put on
 11 the calendar so that, you know, Aaron didn't
 12 have two signups at the same time or -- you
 13 know, to avoid scheduling conflicts.
 14 Q. Okay. Do you think this is around
 15 the time when you were receiving an email on
 16 every single intake?
 17 A. I don't know when that started
 18 and --
 19 Q. Okay.
 20 A. -- so I don't know.
 21 Q. That would have been one way that
 22 you could have figured out --
 23 A. Yeah.
 24 Q. -- that the signups weren't on the
 25 calendar, correct?

Page 149

1 A. Correct.
 2 Q. Okay. You write here, "I know
 3 we've had a lot of intakes today." How did you
 4 know there were a lot of intakes on that day?
 5 Was it because you received those emails?
 6 A. I don't know if I was receiving
 7 emails on this day or not. I would have known
 8 that we've had a lot of intakes. Again, it
 9 could have been conversation. It could have
 10 been -- I could have been reviewing intakes.
 11 Holly could have told me. I mean, there's a
 12 variety of different ways that I would have
 13 come to that conclusion.
 14 Q. Okay. What would be a lot of
 15 intakes for one day?
 16 A. Jeez, I don't know, especially six
 17 years ago.
 18 Q. You can't estimate?
 19 A. No.
 20 Q. What's a lot of intakes today?
 21 A. We have way more attorneys today.
 22 I mean, we have a lot of intakes regularly. I
 23 don't -- there is no number in my mind that
 24 would cause it to be a lot.
 25 Q. But there was here, because you

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 150	<p>1 said there were a lot, correct?</p> <p>2 MR. MANNION: Well, objection.</p> <p>3 Wait a minute. There was what? Please clarify</p> <p>4 the question. You said "There was here." Are</p> <p>5 you asking her if there was a number involved</p> <p>6 here?</p> <p>7 MR. PATTAKOS: Tracy, can you,</p> <p>8 please, read the witness's testimony.</p> <p>9 MR. MANNION: Well, I have a right</p> <p>10 to know what the question is, Peter. I'm just</p> <p>11 trying to find out what it was.</p> <p>12 MR. PATTAKOS: Tom, there's no need</p> <p>13 to get upset. I'm asking Tracy to read the</p> <p>14 testimony and then -- to read Brandy's</p> <p>15 testimony and then read my question.</p> <p>16 (Record was read, Pages 149-150, Lines 20-1.)</p> <p>17 MR. MANNION: I'm going to, again,</p> <p>18 object. And ask what your question is. What</p> <p>19 do you mean, "There was here"? Do you mean a</p> <p>20 number?</p> <p>21 MR. PATTAKOS: Well, she says</p> <p>22 there's no number in her mind that would be a</p> <p>23 lot, but -- she says, "A lot," here.</p> <p>24 Q. So I'm asking, if it's not a</p> <p>25 number, then what would, "A lot," mean?</p>	Page 152	<p>1 scheduling signups for the same day as the</p> <p>2 intake, correct?</p> <p>3 MR. MANNION: I'm going to object.</p> <p>4 She didn't dispute that you read that language</p> <p>5 right. She was disputing your use of the word,</p> <p>6 "Instruction," versus, "Suggestion." So please</p> <p>7 listen to her answer.</p> <p>8 MR. PATTAKOS: Tom --</p> <p>9 MR. MANNION: No. Seriously.</p> <p>10 MR. PATTAKOS: -- please stop</p> <p>11 testifying for the witness.</p> <p>12 MR. MANNION: No, no. You just</p> <p>13 completely misconstrued what she said.</p> <p>14 MR. PATTAKOS: Tom, I'm going to</p> <p>15 ask you one more time, please --</p> <p>16 MR. MANNION: Well, I'm going to</p> <p>17 ask you to quit twisting things.</p> <p>18 MR. PATTAKOS: -- stop testifying</p> <p>19 for the witness.</p> <p>20 MR. MANNION: I haven't been</p> <p>21 testifying for this witness at all.</p> <p>22 MR. PATTAKOS: It is inappropriate</p> <p>23 for you to inject your own interpretation of</p> <p>24 how you believe I am twisting things.</p> <p>25 MR. MANNION: No, I'm not. You</p>
Page 151	<p>1 A. I mean, this was six years ago. I</p> <p>2 don't know what I meant by, "A lot."</p> <p>3 Q. Okay. More than usual, though?</p> <p>4 A. Not necessarily. "A lot," doesn't</p> <p>5 always mean more than usual.</p> <p>6 Q. What would, "A lot," mean in this</p> <p>7 context, apart from, more than usual?</p> <p>8 A. In the email, I felt like there was</p> <p>9 a lot of intakes. I don't know six years ago</p> <p>10 what that meant.</p> <p>11 Q. Okay. And even when there was a</p> <p>12 lot of intakes, the firm's policy or</p> <p>13 preference, as you call it, was still to send</p> <p>14 an investigator on the same day to sign the</p> <p>15 clients up, correct?</p> <p>16 MR. MANNION: Objection to form.</p> <p>17 Go ahead.</p> <p>18 A. Again, it would be the preference,</p> <p>19 not the policy.</p> <p>20 Q. Um-hum. And something that you</p> <p>21 instructed KNR attorneys to always try your</p> <p>22 best to make happen, correct?</p> <p>23 A. I would feel like maybe reminded.</p> <p>24 Q. Well, you write here, "Always try</p> <p>25 your best to make that happen," referring to</p>	Page 153	<p>1 asked a question that says, you instructed, and</p> <p>2 the witness said -- I'm repeating her</p> <p>3 testimony that she said she suggested.</p> <p>4 MR. PATTAKOS: Tom, that will be a</p> <p>5 great example for the Court of what you're</p> <p>6 doing here, so, you know, keep it up, I guess.</p> <p>7 I don't know what else to say at this point.</p> <p>8 MR. MANNION: I don't know what</p> <p>9 else to say either. You asked the question and</p> <p>10 she answered it and corrected you and I'm not</p> <p>11 sure why you're upset with me over that.</p> <p>12 MR. PATTAKOS: Tracy, please read</p> <p>13 my question again to the witness. Thank you.</p> <p>14 (Record was read Page 151-152, Lines 20-2.)</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And when you write, "This is</p> <p>17 a sure way to not get the case," here again</p> <p>18 you're affirming that the reason to send the</p> <p>19 investigator to do the signup on the same day</p> <p>20 is to get the case, correct?</p> <p>21 MR. MANNION: Objection.</p> <p>22 Go ahead.</p> <p>23 A. No. As I stated earlier,</p> <p>24 oftentimes, insurance adjusters rush out to the</p> <p>25 clients and they sign a release that they have</p>

39 (Pages 150 - 153)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 154</p> <p>1 no idea what they're signing. So it's in the 2 best interest for us to be able to sign the 3 case up on the same day. Also, so we can get a 4 letter of representation over to the insurance 5 company so we can start working on their case. 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.</p>	<p style="text-align: right;">Page 156</p> <p>1 Tracy, can you please read my question 2 back to the witness. 3 (Record was read, Pages 155, Lines 6-16.) 4 MR. PATTAKOS: Go back to the 5 question and read that question again. I'd 6 like to get an answer from the witness. 7 MR. MANNION: She answered it. 8 She said -- 9 THE NOTARY: Hold on. You guys, 10 since we're on the record, when you guys talk, 11 I have no choice but to take the record and 12 then I can't read back, so we got to kind of 13 like -- 14 MR. MANNION: Got it. 15 THE NOTARY: All right. 16 (Record was read, Pages 154-155, Lines 6-6.) 17 MR. MANNION: She answered the 18 question. 19 BY MR. PATTAKOS: 20 Q. Okay. You know what? We can leave 21 it at that. We can leave it at that. If 22 that's what you want your answer to be, that's 23 what it will be. 24 MR. MANNION: Objection. Move to 25 strike.</p>
<p style="text-align: right;">Page 155</p> <p>1 Q. I'm asking -- I'm not asking you to 2 speculate. I'm asking you to remember. 3 A. Well, anything that you're asking 4 me to do would be speculation, because I 5 already told you I don't remember. 6 Q. Okay. So it's possible that you 7 were referring to losing cases to other firms 8 because you don't -- you don't remember enough 9 to say that it's not -- 10 MR. MANNION: Objection. 11 A. That's not what stands out in my 12 mind. 13 Q. I'm trying to get a clear answer 14 one way or another, so. 15 A. I think you're trying to confuse 16 me. 17 MR. MANNION: And I think you're 18 arguing with the witness. Stop it. 19 You don't have to say a word. He didn't 20 ask you a question right now. He's just 21 staring at you, for some reason, and shaking 22 his head. 23 MR. PATTAKOS: Again, I will ask 24 Mr. Mannion to stop making misrepresentations 25 on the record.</p>	<p style="text-align: right;">Page 157</p> <p>1 Q. Can you explain the process of how 2 the investigators were paid? 3 A. Can you be more specific? 4 Q. Do you need me to be? 5 MR. MANNION: She asked you to be. 6 A. I don't work in the accounting 7 department, so. 8 Q. So you have no knowledge of how and 9 when the investigators were paid? 10 A. I've seen expenses on cases for 11 investigators being paid. I don't have -- it's 12 not something that I oversaw -- 13 Q. Okay. 14 A. -- like specifically. 15 Q. So is your answer, no, you have no 16 idea how the investigators were paid or when in 17 the process they were paid? 18 A. No, that wasn't my answer. I 19 didn't say that. 20 Q. Okay. So please explain to me what 21 you know about when the investigators were 22 paid. 23 A. So, again, it's not something that 24 I oversaw. I don't work in the accounting 25 department. There are case expenses that I've</p>

40 (Pages 154 - 157)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 158

1 seen where checks have been requested, I guess.
 2 I -- a paralegal would request a check. But as
 3 far as like the exact process, I definitely
 4 can't say that, because that's not any part of
 5 my job specifically.
 6 Q. Whose job is it?
 7 MR. MANNION: Objection.
 8 Go ahead.
 9 A. So the paralegals request the
 10 checks and the accounting department prints the
 11 checks.
 12 Q. Do you have any idea when in the
 13 process a paralegal is supposed to request a
 14 check for the investigator?
 15 MR. MANNION: Objection.
 16 Go ahead.
 17 A. Probably the beginning phase of the
 18 case, but I can't like -- actually, I shouldn't
 19 even say that, because I don't -- I don't for
 20 sure entirely know.
 21 Q. What do you know? If you don't
 22 entirely know, what do you partially know?
 23 A. I know the investigators get paid.
 24 Q. Okay. If I told you that it was
 25 the firm's policy or practice to pay the

Page 159

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

Page 160

1 was cut as soon as the case was opened in
 2 Needles? Is it possible that that's what the
 3 firm's practice is?
 4 MR. MANNION: Objection as to,
 5 possibility.
 6 Go ahead.
 7 A. I mean, I can't speak to that. I
 8 can't comfortably give you an answer to that.
 9 It's changed.
 10 Q. So you don't know?
 11 A. Correct.
 12 Q. Okay. You don't know if it's
 13 possible or not?
 14 A. I'm saying, I don't know what the
 15 specific process is on how the investigators
 16 get paid.
 17 Q. That wasn't my question.
 18 A. Okay. Can you please ask me the
 19 question again?
 20 Q. The question is: If I told you
 21 that it was KNR's practice to pay the
 22 investigator check as soon as the case was
 23 opened in Needles, do you have any reason to
 24 believe that is not what happens?
 25 MR. MANNION: Objection. Asked and

Page 161

1 answered.
 2 Go ahead.
 3 A. I mean, yes, because you're telling
 4 me that and you don't work there.
 5 Q. Any other reason?
 6 A. I have no reason to believe
 7 anything -- if you were to tell me any part of
 8 that, because it's not -- I don't know the
 9 specific answer to that question. It's not my
 10 job --
 11 Q. Okay.
 12 A. -- I don't do that. I never did
 13 that.
 14 Q. Okay.
 15 - - - - -
 16 (Thereupon, Deposition Exhibit 11,
 17 6/10/2014 Email To We Steel, Etc.
 18 From Holly Tusko, Bates Number
 19 KNR03226, was marked for purposes of
 20 identification.)
 21 - - - - -
 22 Q. This is Exhibit 11.
 23 A. Thank you.
 24 MR. NESTICO: Tom.
 25 MR. MANNION: I apologize. June

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 162</p> <p>1 10, my birthday, 2014. I was a young 51 at the 2 time. 3 MR. PATTAKOS: I hope it was a 4 happy birthday for you, Tom. 5 MR. MANNION: Fiftieth is better. 6 I had a couple bands. 7 BY MR. PATTAKOS: 8 Q. Are you through reading this email? 9 A. Um-hum, yes. 10 Q. So this is an email on June 10, 11 2014, from Holly Tusko to a number of people 12 including Wes Steele, Gary Monto, Dennis Rees, 13 Aaron Czetli and Mike Simpson. Those are 14 investigators, correct? 15 A. Correct. 16 Q. Okay. Are these all investigators 17 here in the, "To," field? 18 A. Yes. 19 Q. Okay. Do you know whose email 20 address Juanjudo@aol is? 21 A. No. 22 Q. Do you know who Tfish878 is, Tom 23 someone? 24 A. Tom Fisher. 25 Q. Tom Fisher. Okay.</p>	<p style="text-align: right;">Page 164</p> <p>1 addresses and I think at a time we created KNR 2 email addresses for them. 3 Q. When did that happen? 4 A. I have no idea. I don't remember 5 an exact timeframe. 6 Q. Okay. Why did you do that for 7 them? Why did you create KNR email addresses 8 for the investigators? 9 MR. MANNION: I'm going to object. 10 I don't think she said she created them. You 11 said, "You." 12 Q. Why did the firm create them? 13 A. They had iPads that they used for 14 photos and collecting all of this information 15 and getting the signatures. A lot of them had 16 issues with learning how to use it and 17 technological issues, so for our support team 18 to kind of help with that, I believe it 19 probably made things easier. 20 Q. For the firm? 21 A. Well, for the investigators and for 22 the firm -- 23 Q. Sure. 24 A. -- kind of to streamline things. 25 Q. Sure. Did the firm give them their</p>
<p style="text-align: right;">Page 163</p> <p>1 A. Well, I guess JudanJudo would be 2 Gary Monto. 3 Q. Really? 4 A. Yes. 5 Q. What makes you say that? 6 A. Well, Tom -- it says, "TOM," and 7 then it says, "Tfish878." 8 Q. Yeah, but I think that's in 9 brackets, if you see, so -- 10 A. The way I read it, is that Tom is 11 Tom Fisher. Then there's David French, Gary 12 Monto, JudanJudo. 13 Q. It looks to me like JudanJudo is a 14 separate address from Gary Monto. 15 A. It could be. 16 Q. Yeah. Is the reason that some of 17 these investigators just appear as their names, 18 like Wes Steele or Aaron Czetli or Mike 19 Simpson, is that because they had KNR email 20 addresses? 21 A. Oh, I don't know why their names 22 would just show up and others wouldn't. 23 Q. But the investigator did have KNR 24 email addresses, didn't they? 25 A. I believe they used personal email</p>	<p style="text-align: right;">Page 165</p> <p>1 iPads? 2 A. Yes. 3 Q. So these were firm property, these 4 iPads? 5 A. Correct. 6 Q. Did the investigators use any other 7 tools in doing their jobs that you're aware of, 8 besides these iPads? 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.</p>

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 166</p> <p>1 "The subject line of your email should always 2 contain the client(s) name." That's 1. 3 "2.) The contingency fee agreement, 4 patient authorization and proof of 5 representation forms need to be signed and 6 dated as well as a discharge letter, if 7 applicable." What is the discharge letter 8 there? 9 A. That would be if the client was 10 discharging another law firm. 11 Q. I see. Okay. Okay. And then she 12 lists, "3.) Photo(s) of insurance cards." 13 "4.) Photo of client (from the chest 14 up)." 15 "5.) Photo(s) of ANY visible injuries 16 (cuts, red marks, bruises, scratches, braces, 17 casts, etc)." 18 "6.) Photo(s) of the vehicle." 19 "7.) Photo of police report." And then 20 she puts in parentheses, "(we send out direct 21 mailers so a lot of the time the client will 22 have the police report there with them)." 23 Am I reading that correctly? 24 A. Yes. 25 Q. Okay. She then says at the bottom,</p>	<p style="text-align: right;">Page 168</p> <p>1 A. Yes, that's what this email says. 2 Q. Okay. And do you have any reason 3 to believe that anything contrary to that is 4 true? 5 MR. MANNION: Anything contrary? 6 MR. PATTAKOS: Yeah. 7 Q. Is the policy anything else but 8 what is reflected here, to your knowledge? 9 MR. MANNION: I'm going to object 10 to the word, "Policy." 11 Go ahead. 12 A. So there's a variety of other 13 things that investigators could do on a 14 case-by-case basis. Is that what you're 15 asking? 16 Q. No. 17 A. Okay. I'm confused. 18 Q. I'm asking if there was anything 19 else that you know of that an investigator had 20 to do to get paid their investigation fee 21 that's not listed on this email. 22 MR. MANNION: Objection. 23 Go ahead. 24 A. I mean, you would have to speak 25 with the attorneys. I feel like you're trying</p>
<p style="text-align: right;">Page 167</p> <p>1 "...this must be done by all Investigators for 2 all sign ups," correct? 3 A. Yes. 4 Q. Okay. So as long as the 5 investigators perform these tasks, they would 6 be paid, correct? 7 MR. MANNION: Objection. 8 Go ahead. 9 A. As long as they perform these 10 tasks, they would be paid, that's what her 11 email says, correct. 12 Q. Yes. Do you have any reason to 13 believe that's not the case? 14 A. I mean, this was something that 15 Holly was in charge of, so I can't really speak 16 for her, but, no. I mean -- 17 Q. You were Holly's boss, correct? 18 A. Correct. 19 Q. Okay. So this email confirms KNR's 20 policy -- or preference that an investigator 21 gets paid as long as they turn in this 22 information listed in this email. Isn't that 23 correct? 24 MR. MANNION: Objection, form. 25 Go ahead.</p>	<p style="text-align: right;">Page 169</p> <p>1 to trick me. I don't know. 2 Q. No. I'm trying to get an answer 3 out of you. That's all. 4 MR. MANNION: Move to strike. 5 Q. I'm asking you if this email 6 accurately reflect -- let me rephrase it. Let 7 me just ask you: Does this email accurately 8 reflect KNR policy at this time or does it not? 9 MR. MANNION: Objection as to, 10 "Policy." 11 Go ahead. 12 A. So I wouldn't say this is a policy, 13 but this is -- she is telling the investigators 14 in this email she would like these tasks to be 15 complete for them to be paid for this -- for 16 doing these tasks. 17 Q. Okay. You never corrected her for 18 sending this email, did you? 19 A. Not that I can remember. 20 Q. Do you remember anyone else 21 correcting her for sending this email? 22 A. I mean, I can't speak -- not that I 23 was ever aware of. You'd have to ask her. 24 Q. Can you think of any reason why she 25 should have been corrected for writing this</p>

43 (Pages 166 - 169)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 170</p> <p>1 email?</p> <p>2 A. No. She wanted this information.</p> <p>3 Q. Okay. Let's move on to Exhibit 12.</p> <p>4 - - - - -</p> <p>5 (Thereupon, Deposition Exhibit 12,</p> <p>6 6/3/2015 Email To Paul Hillenbrand</p> <p>7 From Holly Tusko, Bates Number</p> <p>8 KNR00756, was marked for purposes of</p> <p>9 identification.)</p> <p>10 - - - - -</p> <p>11 MR. NESTICO: Tom, can I get the</p> <p>12 date?</p> <p>13 MR. MANNION: I apologize.</p> <p>14 June 3, 2015.</p> <p>15 MR. NESTICO: I'm sorry. June 13,</p> <p>16 '15?</p> <p>17 MR. MANNION: June 3, 2015.</p> <p>18 BY MR. PATTAKOS:</p> <p>19 Q. Okay. Just let me know when you're</p> <p>20 ready.</p> <p>21 A. I'm ready.</p> <p>22 Q. Okay. So this is another email</p> <p>23 from Holly Tusko, correct?</p> <p>24 A. Correct.</p> <p>25 Q. She emails, it looks like another</p>	<p style="text-align: right;">Page 172</p> <p>1 forms there. Is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And it says that the</p> <p>4 photos -- it says underneath the second</p> <p>5 heading, "Photos are to be provided with EVERY</p> <p>6 sign up, NO EXCEPTIONS," and then it shows what</p> <p>7 the photos are supposed to be of, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And then these forms are to be</p> <p>10 emailed by a certain time to a -- these forms</p> <p>11 are to be emailed to signups@knrlegal as well</p> <p>12 as to intake@knrlegal, correct?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. She said, "Should all of the</p> <p>15 above listed criteria not be met you will NOT</p> <p>16 receive payment on the signup(s)," correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. Is it true, Ms. Gobrogge,</p> <p>19 that if the investigators fulfill these</p> <p>20 criteria, these forms and these photos, that</p> <p>21 they would then receive payment on the signup?</p> <p>22 MR. MANNION: Objection.</p> <p>23 Go ahead.</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Did you ever criticize</p>
<p style="text-align: right;">Page 171</p> <p>1 group of investigators, correct?</p> <p>2 A. Correct.</p> <p>3 Q. And you are copied along with Rob</p> <p>4 Nestico, Paul Steele and Thomas Vasvari,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. And it looks like there's also an</p> <p>8 address for signups there. Do you see that?</p> <p>9 A. Yeah.</p> <p>10 Q. What's that signups email list?</p> <p>11 A. I don't remember exactly who's on</p> <p>12 the signup email, but it's a group that we</p> <p>13 created for them to send the forms to and all</p> <p>14 of the information.</p> <p>15 Q. For who to send the forms to?</p> <p>16 A. For the investigators. I believe</p> <p>17 the employees, some of the -- I don't know who</p> <p>18 all was on that email but the case</p> <p>19 coordinators, the people that work on the</p> <p>20 cases.</p> <p>21 Q. Okay. So she lists a number of</p> <p>22 criteria first under the headline, "Attached</p> <p>23 you will find the following form examples of</p> <p>24 EXACTLY how EVERY form needs to be filled out</p> <p>25 when completing a sign up," and it lists four</p>	<p style="text-align: right;">Page 173</p> <p>1 Ms. Tusko in sending this email or tell her</p> <p>2 that she was wrong to send it?</p> <p>3 A. Not that I can remember.</p> <p>4 Q. Do you remember anyone else doing</p> <p>5 it?</p> <p>6 A. I can't speak on behalf of anybody</p> <p>7 else.</p> <p>8 Q. I'm not asking you to that. I'm</p> <p>9 asking you to speak to your own memory. Do you</p> <p>10 remember anyone else criticizing Ms. Tusko or</p> <p>11 telling her that she was wrong in sending this</p> <p>12 email?</p> <p>13 A. I don't remember.</p> <p>14 Q. Okay. Is there anything else</p> <p>15 you're aware that an investigator had to do,</p> <p>16 during this time period that this email was</p> <p>17 sent, to get paid?</p> <p>18 A. I mean, the investigator, as I</p> <p>19 stated previously, they did other things other</p> <p>20 than just the signup and gather this particular</p> <p>21 information.</p> <p>22 Q. I know that you've said that, but</p> <p>23 I'm not asking that question. I'm asking: Are</p> <p>24 you aware of anything else that an investigator</p> <p>25 had to do to get paid their signup fee or their</p>

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 174

1 investigation fee that's not on this list?
 2 MR. MANNION: Objection.
 3 Go ahead.
 4 A. I don't understand what you're
 5 asking me.
 6 Q. Here's a list of things that an
 7 investigator is required to do by KNR, and
 8 Ms. Tusko says, "Should all of the above listed
 9 criteria not be met you will NOT receive
 10 payment on the signup(s)." I'm asking you if
 11 you are aware of anything else that an
 12 investigator had to do to get paid on the
 13 signups --
 14 MR. MANNION: Objection.
 15 Go ahead.
 16 Q. -- that's not listed on this email.
 17 A. No.
 18 Q. Okay. Thank you.
 19 MR. PATTAKOS: Pardon me for one
 20 second here. Okay. Exhibit 13.
 21 - - - - -
 22 (Thereupon, Deposition Exhibit 13,
 23 Intake Spreadsheets, Bates Numbers
 24 Williams000018-36, was marked for
 25 purposes of identification.)

Page 175

1 - - - - -
 2 MR. NESTICO: The date, Tom.
 3 MR. PATTAKOS: There's a lot of
 4 dates on this one.
 5 MR. MANNION: Yeah, it's
 6 Williams000018 through -- it's not in the email
 7 binder, I don't think. It starts October 17
 8 of '14, but there's a number of different dates
 9 in that timeframe.
 10 Q. Do you recognize what these emails
 11 are?
 12 A. Yes.
 13 Q. What are they?
 14 A. These are case intake emails.
 15 Q. Okay. And at some point during
 16 the -- well, during the time that these emails
 17 were sent, it was the firm's practice to send
 18 an email summarizing the intakes for any given
 19 day, correct?
 20 A. They were sent out, yes.
 21 Q. Yes. And that's what these emails
 22 are, are the daily summary email of all of the
 23 intakes that the firm took in on any given day?
 24 A. They're actually not intakes.
 25 These are actually cases that were opened.

Page 176

1 Q. Cases opened?
 2 A. Yeah.
 3 Q. And that's different from intake?
 4 A. Correct.
 5 Q. Okay. So this is a case that is
 6 opened in Needles at this point. Maybe, is
 7 this all the new cases -- strike that. Are
 8 these emails, emails reflecting all of the new
 9 cases that were opened in Needles on that day?
 10 A. Yes. That's what this looks like
 11 to me.
 12 Q. Okay. And these documents were
 13 provided to me by Mr. Horton and there's some
 14 information that has been redacted. I assume
 15 in this left-hand column is the client's name.
 16 Do you believe that's the case?
 17 A. Yeah.
 18 Q. Okay. And then I see two different
 19 dates here and I'm wondering what those two
 20 different dates are. Do you have any idea?
 21 MR. MANNION: Yeah, I think you
 22 mean two columns.
 23 MR. PATTAKOS: Yeah, two columns
 24 for each intake.
 25 Q. For each intake, there's two

Page 177

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

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 178</p> <p>1 third column, there is a notation that is 2 either an, "A," or in some cases it's, "O." 3 Just looking on the first page, you see a 4 number of As and then an O. Look on the first 5 page. I'm sorry. It's Bates number 6 Williams000018. 7 A. Correct. 8 Q. "O," stands for objective injury, 9 does it not? 10 A. No. 11 Q. What does it stand for? 12 A. It stands for, Other. 13 Q. Okay. What does, "A," stand for? 14 A. Auto. 15 Q. I see. Okay. So then if we look 16 at the third page, we see, "Dog." 17 A. That's a dog bite case. 18 Q. Okay. And, "SF," if we look at 19 page 27 here, is slip and fall. 20 A. Yes. 21 Q. I see one here that says, "Knee," 22 on page 25. What is, "Knee"? 23 A. That could have been some sort of 24 mass tort case that we were handling at that 25 time.</p>	<p style="text-align: right;">Page 180</p> <p>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</p>
<p style="text-align: right;">Page 179</p> <p>1 Q. Okay. Maybe relating to knee 2 replacements; do you remember? 3 A. I mean, it says, "Watson," next to 4 it, so. I don't remember if it was a knee 5 replacement or what specific the case was. 6 Q. Okay. This fourth column here 7 lists two names, like, "Lisa and Amanda," or, 8 "Lindsey and Brian," "Nicole and Devin," 9 "Courtney and Josh." Does this reflect the 10 paralegal and attorney that is assigned to each 11 case? 12 A. Yes. 13 Q. Okay. And then the next column 14 lists names like Wes Steele, MRS, AMC. These 15 are the investigators on every case, correct? 16 A. Yes. 17 Q. And there's a dollar sign and then 18 a dollar amount there next to every 19 investigator, correct? 20 A. Yes. 21 Q. And this shows the signup fee that 22 was paid to each investigator, correct? 23 MR. MANNION: Objection to the 24 characterization of, "Signup fee." 25 Go ahead.</p>	<p style="text-align: right;">Page 181</p> <p>1 my client why they didn't have to answer your 2 questions. That's a different story, Tom. 3 MR. MANNION: I don't think that's 4 true. I don't think that's accurate. 5 MR. PATTAKOS: Well, okay. 6 MR. MANNION: I'm still going to 7 object to the mischaracterization. 8 But go ahead. 9 MR. PATTAKOS: I'm going to ask you 10 for now the eleventh or twelfth time to not 11 make speaking objections. 12 MR. MANNION: And I'm going to 13 ask you to quit wasting time by typing in the 14 answers. We have a court reporter here. 15 MR. PATTAKOS: What, Tom? I don't 16 understand what you're talking about. 17 MR. MANNION: About half the time 18 we're wasting is you typing up her answers or 19 whatever you're typing away here in between 20 questions, so let's get moving. 21 MR. PATTAKOS: Okay, Tom. 22 Tracy, can you please read the question 23 back. 24 (Record was read.) 25 MR. MANNION: Objection.</p>

46 (Pages 178 - 181)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 182

1 Go ahead.
 2 A. When you say, "Signup fee,"
 3 investigator fee, is that what you mean?
 4 Q. Sure.
 5 A. Okay. Yes, that's the investigator
 6 fee.
 7 Q. Okay. Also, the same thing that
 8 the firm -- people within the firm commonly
 9 refer to as, "The signup fee," correct?
 10 MR. MANNION: Objection. Asked and
 11 answered.
 12 Go ahead.
 13 A. It's referred to as -- it just
 14 depends on the person that you would ask what
 15 word they would use to --
 16 Q. Okay. But I guess I'm trying to
 17 confirm again. This isn't two separate things.
 18 This is the signup fee, the same thing that
 19 people call, "The signup fee," correct?
 20 MR. MANNION: Objection.
 21 Go ahead.
 22 A. I'm referring to this as, "The
 23 investigator fee."
 24 Q. Okay. Right. And if someone else
 25 referred to as a, "Signup fee," you would not

Page 183

1 disagree, correct?
 2 MR. MANNION: Objection. Disagree
 3 with what?
 4 MR. PATTAKOS: With them referring
 5 to this as, "The signup fee."
 6 A. This in my mind is the investigator
 7 fee.
 8 Q. Okay. And it's the investigator
 9 fee that gets paid as long as the investigators
 10 fulfill the criteria that was listed on those
 11 emails from Holly Tusko that you just reviewed,
 12 correct?
 13 A. Not just that criteria.
 14 Q. But if they do meet that criteria,
 15 this is the fee that gets paid, right?
 16 A. There is other things that they do
 17 on cases they get paid for.
 18 Q. Sure. I understand that's your
 19 testimony. I understand that's your
 20 testimony --
 21 A. Okay.
 22 Q. -- but this is the same fee that
 23 Holly Tusko is referring to in the emails that
 24 you just reviewed, correct?
 25 A. Holly was referring to the actual

Page 184

1 signups --
 2 Q. Yeah.
 3 A. -- the actual meeting with the
 4 client. There's different parts to all of
 5 this. So she was referring in that specific
 6 email, the way that I read it was, when you
 7 meet with a client and this is the stuff that
 8 you need to do. That's the way I read her
 9 email, but there are other pieces to that that
 10 wasn't on her email.
 11 Q. Well, when I asked you about that,
 12 you didn't tell me anything else that -- the
 13 other pieces were that would be necessary for
 14 an investigator to get paid. Are you changing
 15 that testimony now?
 16 MR. MANNION: Objection,
 17 argumentative.
 18 Go ahead.
 19 A. You were asking me specifically
 20 about her emails, so I was answering questions
 21 about the email. You weren't asking me in
 22 general about everything that investigators
 23 could do on cases --
 24 Q. And I'm --
 25 A. -- to me, that's two different

Page 185

1 things --
 2 Q. But I'm --
 3 A. -- but I feel like you're trying to
 4 twist it.
 5 MR. MANNION: She's not here to
 6 speak for the company on investigator fees.
 7 There's other people that can talk to that,
 8 Peter. You keep asking her questions. She's
 9 giving you the information the best she knows.
 10 MR. PATTAKOS: Tom, I'm just asking
 11 the witness questions and I don't have --
 12 MR. MANNION: No, you're not.
 13 MR. PATTAKOS: -- and I don't have
 14 to take any instructions from you.
 15 MR. MANNION: No, you're not.
 16 MR. PATTAKOS: This is the firm's
 17 operations manager. She should be able to
 18 answer these questions.
 19 MR. MANNION: Well, wait a minute.
 20 Wait a minute. Now you've made a comment on
 21 the record that she should be able to answer
 22 questions about investigators and you don't run
 23 the firm --
 24 MR. PATTAKOS: Okay. Let's
 25 continue.

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<p style="text-align: right;">Page 186</p> <p>1 MR. MANNION: -- and you don't 2 decide who at our firm can answer questions 3 about investigators. 4 MR. PATTAKOS: "Our firm?" Are you 5 part of the firm, too, now, Tom? 6 MR. MANNION: That's not what I 7 mean and you know that's not what I mean. 8 That's how I refer to a client -- 9 MR. PATTAKOS: Okay. 10 MR. MANNION: -- just like in 11 opening or closing, I say, "We," I'm referring 12 to the client and that side. 13 MR. PATTAKOS: Thank you, Tom. 14 MR. MANNION: Yeah. I know I 15 don't roll around in the jury box. 16 BY MR. PATTAKOS: 17 Q. I am referring back to Exhibit 18 Number 11 and Exhibit Number 12. I guess we'll 19 have to look at these again. So Holly Tusko is 20 saying in both of these emails -- she's listing 21 criteria that an investigator has to meet to 22 get paid, correct? 23 A. If the -- if they're going out and 24 actually doing the signup, for them to be paid 25 on that particular signup, then that's what</p>	<p style="text-align: right;">Page 188</p> <p>1 in this email. 2 Q. And, "In this email," you are 3 referring to Exhibit 11 -- 4 A. And 12. 5 Q. -- and 12? Okay. 6 A. Correct. 7 Q. But this fee that's listed in 8 Exhibit 13, this is the signup fee, is it not? 9 MR. MANNION: Objection. 10 A. This is the investigator fee for 11 cases. 12 Q. Yes. That they end up getting, 13 that the investigators get for performing -- 14 for obtaining the information that's listed in 15 Exhibits 11 and 12, correct? 16 MR. MANNION: Objection. Asked 17 and answered numerous times. 18 MR. PATTAKOS: Stop speaking. 19 MR. MANNION: Wait a minute. I'm 20 allowed to object. 21 MR. PATTAKOS: You are not allowed 22 to say, "Asked and answered." You are simply 23 not. 24 MR. MANNION: Are you serious? 25 MR. PATTAKOS: Yes, I am serious.</p>
<p style="text-align: right;">Page 187</p> <p>1 they would need to do. 2 Q. Right. And once they complete that 3 signup, then the case gets opened up in 4 Needles, correct? 5 A. Yes. 6 Q. And then this email gets sent here 7 that's in Exhibit 13 that summarizes all of the 8 cases that were opened up in Needles, correct? 9 A. Yes. 10 Q. And that fee that is being 11 reflected here to the investigators is the same 12 fee that the investigator gets paid for 13 obtaining this information that's listed here 14 in Exhibits 11 and 12, correct? 15 MR. MANNION: Objection to the 16 form. 17 Go ahead. 18 A. It could be. 19 Q. It could be. What else could it 20 be? 21 A. They -- if the investigator did the 22 signup, then they got paid the fee that she's 23 referring to in this email. The investigators 24 also do other investigative work on cases on a 25 case-by-case basis that she's not referring to</p>	<p style="text-align: right;">Page 189</p> <p>1 MR. MANNION: Really? I can't 2 say, "Objection. Asked and answered?" 3 MR. PATTAKOS: At this point we're 4 going to ask the Court to ask you to stop 5 making speaking objections. 6 MR. MANNION: I'm going to ask the 7 Court to ask a lot of things for you to stop 8 doing, believe me, but I'm allowed to say, 9 "Objection. Asked and answered." 10 Go ahead. 11 MR. PATTAKOS: No, you're not. 12 It's not appropriate. Your interpretation of 13 whether my question has been answered is 14 irrelevant and you're coaching the witness. 15 MR. MANNION: How in god's name is 16 that coaching the witness? I'm not telling her 17 what to say. 18 MR. PATTAKOS: You're telling her 19 to repeat her answer, is what you're doing. 20 MR. MANNION: That's not what I 21 said. 22 MR. PATTAKOS: I don't need to 23 debate this. 24 MR. MANNION: That's not what I 25 said.</p>

48 (Pages 186 - 189)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 190	Page 192
<p>1 MR. PATTAKOS: Tom, you know what 2 you're doing. I don't -- 3 MR. MANNION: You're going to try 4 to drag this out for three days by asking the 5 same question over and over again. 6 MR. PATTAKOS: Let's continue. 7 Tracy, can you please go back to the last 8 question. 9 (Record was read, Page 188, Lines 7-11.) 10 MR. PATTAKOS: I don't need his 11 objection. Read that question again. 12 THE NOTARY: Okay. 13 (Record was read, Page 188, Lines 12-16.) 14 MR. MANNION: Objection. 15 A. I can't -- can you repeat that, 16 please? 17 Q. I will rephrase. 18 A. Thank you. 19 Q. This fee that is listed here in 20 Exhibit 13 -- 21 A. Um-hum. 22 Q. -- right next to each 23 investigator's name in this fifth column here, 24 that is the same fee that the investigator is 25 paid as referred to in Ms. Tusko's email of</p>	<p>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.</p>
Page 191	Page 193
<p>1 Exhibits 11 and 12, is it not? 2 MR. MANNION: Objection, form. 3 Go ahead. 4 A. It's -- no, it's not always. 5 Q. It's not always. So what is it, 6 when it is not that? 7 A. So the investigators perform other 8 duties that are not on this sheet. I feel like 9 I said that before -- 10 Q. Okay. 11 A. -- they could pick up medical 12 records. I mean, there's a variety of other 13 things that they do throughout the duration of 14 the case that is not on this email. And by, 15 "This email," I mean, Exhibit 11 and 16 Exhibit 12. She's sending this email to ensure 17 that when they do meet with the client that 18 they get all of this information that's 19 itemized 1 through 7 on here. That is just one 20 part of it. (Indicating.) 21 Q. Explain that to me. She's sending 22 this to ensure that the investigators obtain 23 information? 24 A. Well, yes. If an investigator goes 25 out to meet with a client, we want them to get</p>	<p>1 A. No, not always. 2 Q. Okay. So that all goes under one 3 fee, is what you're saying? 4 A. Not always. It depends on the 5 timeframe that you're referring to and the 6 investigators. 7 Q. Okay. So you're saying that on 8 Exhibit 13, this fee is possibly not for a 9 signup but possibly for something else? 10 A. It could be for investigative work. 11 Q. Okay. That has been performed on 12 the day that a case is opened up in Needles? 13 A. It could be, or it could be later 14 on in the case. 15 Q. Oh, so you're prepaying the 16 investigator for work that might be done later 17 in the case. Is that what you're saying? 18 A. I wouldn't say we were prepaying. 19 Q. Well, what would this mean -- what 20 would the dollar amount mean, if this was sent 21 the day that the case is opened up in Needles 22 reflecting that an investigator was paid this 23 much? I'm trying to understand what the 24 investigator is being paid for here. 25 MR. MANNION: And I've told you,</p>

49 (Pages 190 - 193)

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<p style="text-align: right;">Page 194</p> <p>1 again, this isn't the person to ask. 2 But go ahead and tell him what you know. 3 A. Everything is on a case-by-case 4 basis. And you'd have to talk to the attorney 5 who worked on that case. But I can tell you 6 that this isn't all the work that they do. 7 Q. I know that's your testimony. I've 8 heard that many times. 9 MR. MANNION: Objection. Move to 10 strike. 11 Q. Okay. So this payment here in 12 column 5, this payment is sent as soon as the 13 case is opened up in Needles. Is that correct? 14 A. I don't know. I already told you 15 that. 16 Q. Okay. Who would know? 17 A. You'd have to talk to Rob, the 18 accounting department. 19 Q. Okay. If we look at page 25 here, 20 you'll see on Exhibit 13 -- 21 It's Williams 25. 22 A. 25? 23 Q. Yes. 24 A. Okay. 25 Q. -- you'll see that, "MRS" -- which</p>	<p style="text-align: right;">Page 196</p> <p>1 A. Yes. 2 Q. Okay. "TV-Columbus," that is a TV 3 ad. The client saw a TV ad and then came in 4 from a Columbus TV station or -- yeah, a 5 Columbus TV station, correct? 6 A. Yes. 7 Q. Okay. 8 MR. MANNION: Just for the record, 9 though, quick, Page 81 of Thera Reid's 10 deposition, Mr. Pattakos, objection, asked and 11 answered, just to clarify. 12 MR. PATTAKOS: That's great, Tom. 13 Q. So, "Direct Mail-Columbus," if we 14 look down a little further, this is the 15 client -- the client called the firm because 16 they received a direct mail, correct? 17 A. Yes. 18 Q. Okay. "YP," is Yellow Pages. Is 19 that correct? 20 A. Yes. 21 Q. Okay. 22 MR. MANNION: Can we take a break, 23 when you're done with this document? 24 MR. PATTAKOS: I have one more 25 document after this, Tom, that we need to</p>
<p style="text-align: right;">Page 195</p> <p>1 is Michael R. Simpson, correct? MRS is Michael 2 Simpson's investigation company. 3 A. Yes. 4 Q. And AMC is Aaron M. Czetli's 5 investigation company, correct? 6 A. Yes. 7 Q. You'll see that for October 14, 8 Czetli and Simpson were paid on a total of 22 9 cases. Do you see that? 10 A. Yes. 11 Q. Okay. And what is this in this 12 column that's next to the investigator? 13 A. Which column are you referring to? 14 Q. Just to the right. 15 MR. MANNION: I can't see. 16 MR. PATTAKOS: Just to the right. 17 MR. MANNION: Okay. 18 Q. Is this the referral source? 19 A. Yes. 20 Q. Okay. So at the top of this 21 page 25, we see, "Akron Square." That's the 22 chiropractor's office, correct? 23 A. Yes. 24 Q. "Town & Country," that's a 25 chiropractor's office, correct?</p>	<p style="text-align: right;">Page 197</p> <p>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 --</p>

50 (Pages 194 - 197)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 198</p> <p>1 MR. MANNION: I'm going to the 2 restroom. We've been going for an hour, Peter. 3 MR. PATTAKOS: You want a break to 4 confer with the witness -- 5 MR. MANNION: We've been going for 6 an hour, Peter. 7 (Recess taken.) 8 VIDEOGRAPHER: On the record 2:51. 9 BY MR. PATTAKOS: 10 Q. Okay. On this break, did you just 11 confer with Mr. Mannion, your attorney? 12 MR. MANNION: You can't talk to her 13 about what we talked about. 14 Q. Did you confer with him? 15 A. We had a conversation. 16 Q. Okay. Just wanted to make that 17 clear. So back to this document, Exhibit 13, 18 we see that MRS or AMC was paid a \$50 fee on 22 19 different cases that came in on October 14, 20 correct? 21 A. Correct. 22 Q. You'll see, if you look at some of 23 these cases, if you look -- now, the first one 24 came in from Akron Square and then we see, 25 "...Stark Red Bag," "...Stark Red Bag," and</p>	<p style="text-align: right;">Page 200</p> <p>1 what does that mean? 2 Q. Well, you agree that Aaron and Mike 3 performed other work around the office, 4 correct -- 5 MR. MANNION: Objection. 6 Q. -- that didn't relate to any 7 specific client case? 8 MR. MANNION: Objection. 9 Go ahead. 10 A. Not that they were paid for. I -- 11 I don't have any knowledge of that. 12 Q. Whether they got paid for it or 13 not, you understand that Mike and Aaron stuffed 14 envelopes around the office for firm mailers 15 and helped decorate the office for Christmas 16 and things like that, correct? 17 A. No, no. 18 Q. You never saw them do that? 19 A. No, not that I can remember. 20 Q. Okay. If I told you that KNR, in 21 its written discovery responses, admitted that 22 they did work around the office, like stuff 23 envelopes for mailers and put up holiday 24 decorations, do you have any reason to believe 25 that that's not true?</p>
<p style="text-align: right;">Page 199</p> <p>1 then we see "Toledo Injury," "Atlantic Chiro." 2 Do you know what Atlantic Chiro is? 3 A. It's in Canton. 4 Q. Okay. And then, "Shaker Boulevard 5 Rehab". And then we see, "Direct 6 Mail-Columbus," on three different direct mail 7 Columbus cases, MRS was paid \$50. Do you have 8 any idea why AMC and MRS were being paid on 9 cases coming in from Toledo and Columbus? 10 A. I mean, I -- I can't tell you on 11 these three cases what kind of investigative 12 work they would have done. You'd have to talk 13 to the attorney who handled that case. 14 Q. Okay. Do you believe the truth 15 could be that the investigation fee was going 16 to be charged to these clients anyway, 17 regardless of whether a signup was performed or 18 not and that it got charged to Aaron and Mike 19 because they were the firm's primary 20 investigators and this was a way to compensate 21 for them for other work that they performed 22 around the office? 23 MR. MANNION: Objection to form. 24 Go ahead. 25 A. "Other work...around the office,"</p>	<p style="text-align: right;">Page 201</p> <p>1 A. I mean, like I stated earlier on, 2 Mike and Aaron did not report to me so what 3 they did around the office, I really can't give 4 you an answer on that. 5 Q. Okay. Well, you were laughing as 6 though it was impossible that they were doing 7 that. 8 A. I was laughing about decorating for 9 the holidays, because I just don't really think 10 that -- I can't picture them doing that. 11 That's why I laughed -- 12 Q. Okay. 13 A. -- it's kind of silly -- 14 Q. Okay. 15 A. -- they're not very festive guys. 16 Q. So your testimony is that for every 17 one of these cases listed on this email, that 18 Mike or Aaron -- every one of these 22 cases, 19 that Mike and Aaron did some investigative work 20 on each of these cases? 21 MR. MANNION: Objection. What do 22 you mean, is that her testimony? 23 A. My testimony is that what work Mike 24 and Aaron did on any particular case would be 25 on a case-by-case basis and you would have to</p>

51 (Pages 198 - 201)

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Page 202

1 discuss that with the attorney who is
 2 representing that client on that particular
 3 case --
 4 Q. That's not --
 5 A. -- I can't testify to that.
 6 Q. That's not my question. My
 7 question is --
 8 MR. MANNION: It was.
 9 Q. -- do you believe that Mike and
 10 Aaron performed investigative work on every one
 11 of these 22 cases as of the date that this
 12 email was sent?
 13 A. I cannot answer that question. You
 14 would have to talk to the attorneys on these 22
 15 cases to find out what investigative work Mike
 16 and Aaron did.
 17 Q. So you don't know?
 18 A. Correct. I cannot answer that
 19 question. You'd have to speak to those
 20 attorneys.
 21 Q. So as far as you know, Mike and
 22 Aaron were paid an investigative fee, even if
 23 they didn't do any work on any of these cases?
 24 MR. MANNION: Objection. Come on.
 25 A. That's not what I said at all. I

Page 203

1 said that I don't know what work they did.
 2 You'd have to speak with the attorney.
 3 Q. But you agree that they wouldn't
 4 have been paid on this day, unless they had
 5 done some work --
 6 MR. MANNION: Objection.
 7 Q. -- on the case, at least sign the
 8 client up?
 9 MR. MANNION: Objection.
 10 A. I do not agree to that.
 11 Q. Okay.
 12 MR. MANNION: She said she doesn't
 13 know.
 14 Q. It's got to be one or the other.
 15 MR. MANNION: Objection.
 16 MR. PATTAKOS: Tom, just please
 17 keep it to yourself. Your interruptions are
 18 constant and they're inappropriate.
 19 MR. MANNION: I objected without
 20 giving a basis. I thought that's what you
 21 wanted me to do.
 22 Q. You're saying on one hand that you
 23 don't know whether Mike and Aaron did work on
 24 all 22 of these cases as of October 14. Is
 25 that correct?

Page 204

1 MR. MANNION: Objection.
 2 A. I'm saying you would have to ask
 3 the attorney that worked -- that handled these
 4 cases. I don't have an answer for you for
 5 that.
 6 Q. Because you don't know, correct?
 7 A. I'm saying, I don't have an answer.
 8 Q. Why don't you have an answer?
 9 A. Because Mike and Aaron did not
 10 report to me.
 11 Q. Right. Okay. We can leave it at
 12 that.
 13 MR. MANNION: You can ignore the
 14 eye rolling.
 15 THE WITNESS: Okay.
 16 - - - - -
 17 (Thereupon, Deposition Exhibit 14,
 18 12/7/2012 Email To Robert Redick
 19 From Brandy Lamtman, Bates Number
 20 KNR003327, was marked for purposes
 21 of identification.)
 22 - - - - -
 23 MR. MANNION: Date is December 7,
 24 2012.
 25 Q. Please let me know, once you've

Page 205

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

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<p style="text-align: right;">Page 206</p> <p>1 "However, no checks for anything other 2 than the SU fee should ever be requested 3 without getting in-writing approval from the 4 handling attorney, myself and/or Brandy." 5 Am I reading this correctly so far? 6 A. Yes. 7 Q. Okay. "Under no circumstances" -- 8 he continues, "Under no circumstances should 9 any additional checks to MRS or AMC be 10 requested other than at the time the case is 11 set-up." 12 "Please see me if you have any 13 questions." Am I reading that correctly? 14 A. Yes. 15 Q. Okay. And you did receive these 16 emails -- this email? 17 A. Yes. 18 Q. Okay. And you responded, "Agree," 19 with Mr. Redick's suggestion that this email be 20 sent to the staff, correct? 21 A. Yes. 22 Q. Okay. Do you agree that the SU fee 23 Mr. Redick was referring to here was in fact, 24 he meant the signup fee? 25 A. So, "Signup fee," and,</p>	<p style="text-align: right;">Page 208</p> <p>1 records or taking photographs or doing a whole 2 plethora of other things that they could be 3 doing. 4 Q. Okay. And this is -- in this 5 column on page 13 listing the investigators and 6 the fee amount, this is the same thing as the 7 signup fee, correct? 8 A. Yes. 9 Q. Okay. Thank you. And the signup 10 fee was always at least \$50, was it not? 11 MR. MANNION: You can take a look 12 at the exhibit, if you need to. 13 A. Yeah, I don't -- this? 14 Q. (Nodding.) 15 A. So there's one on here for \$25. 16 Q. Okay. Do you have any idea why 17 that would be a \$25 -- 18 A. I don't. 19 Q. Okay. Could that be because it was 20 a companion from the same accident where the 21 investigator simply only had to go to one place 22 to do a signup and it was two people that were 23 in the same accident? That would be a reason 24 that an investigation fee would be less 25 than 50, correct?</p>
<p style="text-align: right;">Page 207</p> <p>1 "Investigator fee," I feel like we go back -- 2 we go round and round about that. They're the 3 same thing like in -- 4 Q. Sure. Okay. I'm glad we are clear 5 on that. You hadn't said that yet today. 6 A. -- so like here he's referring to 7 it as a, "Signup fee." It could be referred to 8 as that or it could be, "Investigator fee." 9 He's calling this a signup fee in here for 10 doing other work, like it's -- 11 Q. Okay. 12 A. -- tomato, tomato like they're -- 13 Q. The same thing? 14 A. Yeah. 15 Q. Thank you. Here, back to 16 Exhibit 13, in this column with the 17 investigators and the fee amount, this is the 18 same thing; this is the signup fee, correct? 19 MR. MANNION: Objection. Asked and 20 answered. 21 Go ahead. 22 A. Yeah, I just said that. Signup and 23 investigator fee -- "Signup," didn't have to 24 mean they were actually signing up the case. 25 That fee could be that they're picking up</p>	<p style="text-align: right;">Page 209</p> <p>1 A. I'm not sure. 2 Q. But does that make sense to you? 3 A. I mean, I don't know if that makes 4 sense or not. 5 Q. Okay. But would you agree that if 6 the investigation fee was greater than \$50, 7 that that would mean it had to do with the 8 investigator having to travel a certain amount 9 and that this fee was dependent to some degree 10 on the miles that the investigator had to 11 travel? 12 MR. MANNION: Objection. 13 A. I don't know. 14 Q. Okay. Do you have any reason to 15 believe that's not the case? 16 MR. MANNION: Objection. 17 A. I don't know. 18 Q. Okay. Okay. Back to Exhibit 14 19 here. So you agree that this email was 20 intended to make clear that the firm's policy 21 was that any task beyond the basic signup could 22 be charged separately and paid to the 23 investigator on a case-by-case basis, depending 24 on the task performed, unless it was Aaron or 25 Mike who performed the task?</p>

53 (Pages 206 - 209)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 210</p> <p>1 MR. MANNION: I'm going to object 2 again, form. 3 Go ahead. 4 A. No. 5 Q. So what do you think he meant, 6 Mr. Redick, when he emailed you and Mr. Nestico 7 only to say that, "...any investigator WHO IS 8 NOT MIKE OR AARON...CAN be paid on a case by 9 case basis depending on the task performed, if 10 that's not what he meant? 11 MR. MANNION: Objection. 12 Go ahead. 13 A. So what he meant was; there were 14 five cases where Aaron was paid two 15 investigator fees and Mike was paid two 16 investigator fees on two cases. They were -- 17 they -- we -- there was an error and this was 18 to point that out and we caught it thankfully 19 and corrected it. That was the intention of 20 this email. 21 Q. So what does this mean -- what's 22 the difference between Mike or Aaron on one 23 hand and the other investigators on the other 24 as to why they would be treated differently? 25 MR. MANNION: Objection.</p>	<p style="text-align: right;">Page 212</p> <p>1 A. I don't know what that means. 2 Q. I'm trying to understand what 3 Mr. Redick meant here and why you agreed with 4 him in saying that, "...any investigator WHO IS 5 NOT MIKE OR AARON," "...can be paid on a case 6 by case basis depending on the task performed." 7 A. So you would have to ask Mr. Redick 8 what he meant by that. I was agreeing to the 9 part that I was aware of, which is this last 10 sentence on here where I -- I brought the error 11 to Robert Redick's attention, so I was agreeing 12 on that. So you would have to ask Robert what 13 he meant by this email. 14 Q. So you have no idea what he meant 15 by this email? 16 A. No. I can tell you, I came to him 17 because I found an error and this is the email 18 he drafted and I agreed to the email based on 19 the error that was found. (Indicating.) 20 Q. And the error was that Aaron was 21 being paid more than -- Aaron got paid more 22 than one investigative fee on five cases and 23 Mike was paid an investigative fee -- more than 24 one investigative fee on two cases? 25 A. Yes, I was concerned about that --</p>
<p style="text-align: right;">Page 211</p> <p>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.</p>	<p style="text-align: right;">Page 213</p> <p>1 Q. Okay. 2 A. -- so we corrected it. 3 Q. And your testimony is you have no 4 idea what he means when he says that, "If the 5 attorney requests any investigator--WHO IS NOT 6 MIKE OR AARON," "they can be paid on a case by 7 case basis," even for a case that has already 8 been opened -- 9 MR. MANNION: Objection. 10 Q. -- but -- 11 MR. MANNION: Objection. You're 12 misreading it. 13 Q. -- that can never happen with Mike 14 or Aaron, correct? 15 A. I'm just telling you -- 16 MR. MANNION: I'm going to object 17 again -- 18 Wait a minute. 19 I'm going to object again. You're 20 misreading this and you're acting like you're 21 reading from it. 22 A. I'm just telling you, you have to 23 ask Robert what he meant. 24 Q. I'm asking you. You have no idea 25 what he meant there?</p>

54 (Pages 210 - 213)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 214

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

Page 215

1 from the handling attorney, myself and/or
 2 Brandy."
 3 And, "Under no circumstances should any
 4 additional checks to MRS or AMC be requested."
 5 What I'm asking is: Why is he making
 6 this distinction between Mike or Aaron on one
 7 hand and all of the other investigators on the
 8 other?
 9 MR. MANNION: Objection.
 10 Go ahead.
 11 A. I'm saying, you would have to ask
 12 Robert.
 13 Q. So you're saying you have no idea
 14 at all?
 15 A. I'm saying, I'm not going to speak
 16 on Robert's behalf.
 17 Q. I'm asking you for your
 18 understanding.
 19 A. I'm not -- I'm not going to give
 20 you my understanding, because that could be
 21 completely different than what Robert's
 22 intention was.
 23 MR. PATTAKOS: Tom, will you please
 24 instruct your witness that she has to tell me
 25 what her understanding is?

Page 216

1 MR. MANNION: If you recall what
 2 your understanding was --
 3 A. I don't --
 4 MR. MANNION: -- feel free.
 5 A. -- it was six years ago.
 6 Q. Well, what's your best guess as to
 7 what Robert Redick was referring to here?
 8 A. I can't give you my best guess. I
 9 don't have a best guess --
 10 Q. So you have no idea?
 11 A. -- I don't have an opinion on this
 12 and I don't have a best guess and I don't want
 13 to speak on Robert's behalf.
 14 Q. So you have no idea what he might
 15 have been referring to here?
 16 A. I'm not going to say that, no.
 17 Q. So you have some idea?
 18 A. No.
 19 MR. MANNION: What?
 20 Q. So you have no idea?
 21 A. No.
 22 Q. Okay. We can leave it at that.
 23 You sure?
 24 MR. MANNION: Stop it, please. We
 25 already told you, she's not the person who the

Page 217

1 investigators reported to for that process.
 2 You're doing this whole deposition so far on
 3 something that she wasn't responsible for.
 4 There are other people you could ask these
 5 questions to.
 6 MR. PATTAKOS: She is one of --
 7 MR. MANNION: I commend you for
 8 your patience, Brandy.
 9 - - - - -
 10 (Thereupon, Deposition Exhibit 15,
 11 12/7/2012 Email To Staff From Robert
 12 Redick, Bates Number KNR003289, was
 13 marked for purposes of
 14 identification.)
 15 - - - - -
 16 Q. So here's Exhibit 15. Do you
 17 remember -- Ms. Gobrogge, first, about the last
 18 email, do you remember if Mr. Nestico had any
 19 input on that?
 20 A. I don't remember.
 21 MR. MANNION: December 7, 2012.
 22 It's the same email, Rob.
 23 MR. PATTAKOS: It's not the same
 24 email.
 25 Q. You would agree this is the email

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 218</p> <p>1 that actually went out to the staff, correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So the very email that</p> <p>4 Robert Redick asked for your and Mr. Nestico's</p> <p>5 opinion on and you said you agreed it should be</p> <p>6 sent, he did in fact send that, correct?</p> <p>7 A. Yes.</p> <p>8 Q. And nobody corrected him for</p> <p>9 sending it, to your knowledge?</p> <p>10 A. I don't know --</p> <p>11 Q. Okay.</p> <p>12 A. -- not that I remember.</p> <p>13 Q. Okay. So under what circumstances</p> <p>14 would you approve -- how many times did this</p> <p>15 happen? Let me say this. He says that, "...no</p> <p>16 checks for anything other than the," signup,</p> <p>17 "fee should ever be requested without getting</p> <p>18 in-writing approval from the handling attorney,</p> <p>19 myself and/or Brandy."</p> <p>20 How many times have you approved a check</p> <p>21 to an investigator that was for something other</p> <p>22 than a signup fee?</p> <p>23 A. I don't -- I don't remember.</p> <p>24 Q. Have you ever done it?</p> <p>25 A. I don't remember. I don't</p>	<p style="text-align: right;">Page 220</p> <p>1 investigation fees or signup fees, was that</p> <p>2 something that the firm was engaged in before</p> <p>3 you started --</p> <p>4 MR. MANNION: Objection to form.</p> <p>5 Go ahead.</p> <p>6 Q. -- started working at the firm?</p> <p>7 A. Yes. Mike and Aaron -- yes.</p> <p>8 Q. So Mike and Aaron were doing</p> <p>9 signups and getting paid investigation fees at</p> <p>10 the time you joined the firm?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Any other investigators at</p> <p>13 the time?</p> <p>14 A. Not that I can think of.</p> <p>15 Q. Okay. Were you involved at all in</p> <p>16 the decision as to why -- in the decision to</p> <p>17 charge a separate fee for the investigator's</p> <p>18 work?</p> <p>19 A. No.</p> <p>20 Q. Do you know who was?</p> <p>21 A. It was something that was set up,</p> <p>22 before I started there.</p> <p>23 Q. Okay. Who do you believe knows the</p> <p>24 most about the firm's policy regarding</p> <p>25 investigators --</p>
<p style="text-align: right;">Page 219</p> <p>1 remember.</p> <p>2 Q. Okay.</p> <p>3 A. Something came to my attention.</p> <p>4 Q. What's that?</p> <p>5 MR. MANNION: Go ahead.</p> <p>6 A. The investigator in Toledo and one</p> <p>7 of the investigators in Columbus, we pay them a</p> <p>8 fee -- the firm pays them a fee, not the</p> <p>9 client, to take our mail to the post office</p> <p>10 every day --</p> <p>11 Q. Okay.</p> <p>12 A. -- that was more of a recent thing,</p> <p>13 I think, which is why I remember.</p> <p>14 Q. Did you approve those expenses?</p> <p>15 A. I was part of the conversation --</p> <p>16 Q. Okay.</p> <p>17 A. -- I don't remember who exactly</p> <p>18 would have approved that. We had an issue with</p> <p>19 the employees not taking the mail to the post</p> <p>20 office, so that was my suggested fix for the</p> <p>21 issue.</p> <p>22 Q. Did this happen over email?</p> <p>23 A. I don't think so. I -- I don't</p> <p>24 have any -- I don't know.</p> <p>25 Q. Okay. The practice of charging</p>	<p style="text-align: right;">Page 221</p> <p>1 MR. MANNION: Objection.</p> <p>2 Go ahead.</p> <p>3 Q. -- and why the fee is charged and</p> <p>4 how --</p> <p>5 A. Rob.</p> <p>6 Q. Nestico?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Okay. So we saw in some of</p> <p>9 these emails that you've reviewed that</p> <p>10 sometimes the investigators meet directly with</p> <p>11 the clients at the chiropractor's offices,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. And sometimes the clients sign KNR</p> <p>15 paperwork at the chiropractor's offices,</p> <p>16 correct?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And this was a routine</p> <p>19 practice of the firm, to keep its paperwork at</p> <p>20 various chiropractor's offices and have the</p> <p>21 clients sign there, was it not?</p> <p>22 A. No.</p> <p>23 MR. MANNION: Objection.</p> <p>24 MR. PATTAKOS: Tom --</p> <p>25 MR. MANNION: What?</p>

56 (Pages 218 - 221)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 222

1 MR. PATTAKOS: -- you began
 2 scoffing at my question before the witness had
 3 answered and I'm going to ask you not to do
 4 that.
 5 MR. MANNION: Completely untrue.
 6 You weren't even looking. You were looking at
 7 your computer, so I'm not sure how you would
 8 know that.
 9 MR. PATTAKOS: I can hear you, Tom.
 10 That's -- I have ears and it's on the
 11 microphone, so. There's a recording of this.
 12 MR. MANNION: Well, Peter, you
 13 were trying to take a question you had from
 14 before --
 15 MR. PATTAKOS: Tom, I'm not
 16 interested in your opinion on what I'm doing.
 17 MR. MANNION: Well --
 18 MR. PATTAKOS: I'm just asking you
 19 to stop.
 20 MR. MANNION: -- I'll tell you why
 21 I objected.
 22 MR. PATTAKOS: I'm asking you to
 23 stop --
 24 MR. MANNION: Well, I'm asking you
 25 to stop with the faces that you make at the

Page 223

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?

Page 224

1 A. No. I've never seen it before.
 2 Q. Okay. If I told you that this was
 3 in the firm's handbook, would you have any
 4 reason to disagree with that?
 5 A. Yes.
 6 Q. Why is that?
 7 A. I just think it would be odd, how
 8 to request a check, that would be in our
 9 handbook.
 10 Q. Why?
 11 A. Because our handbook is, You must
 12 arrive to work on time or things like that.
 13 Q. This would be -- you don't believe
 14 this would be in any training manual or
 15 anything for any of the firm's employees?
 16 MR. MANNION: Objection. Different
 17 question.
 18 Go ahead.
 19 A. Well, training manual and handbook
 20 are different.
 21 Q. Okay. So do you have any reason to
 22 believe that this wasn't in a training manual?
 23 A. No.
 24 Q. Is there any reason why that you're
 25 aware of that there would be a different

Page 225

1 procedure for adding an investigator check as
 2 opposed to any other check that the firm would
 3 cut in connection with a case?
 4 A. I would think they would probably
 5 be the same.
 6 - - - - -
 7 (Thereupon, Deposition Exhibit 17,
 8 1/14/2014 Email To Intake From Holly
 9 Tusko, Bates Number Williams000168,
 10 was marked for purposes of
 11 identification.)
 12 - - - - -
 13 Q. Okay. This is Exhibit 17.
 14 MR. MANNION: January 14, 2014,
 15 from Holly Tusko to intake and attorneys.
 16 Q. You ready?
 17 A. Yes.
 18 Q. Okay. This is an email sent by
 19 Holly Tusko on January 14, 2014, correct?
 20 A. Yes.
 21 Q. And it was sent to the intake
 22 department, all attorneys and you separately,
 23 correct?
 24 A. Correct.
 25 Q. Okay. And Ms. Tusko writes, "If a

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 226

1 doctor calls in" -- sorry. The subject line
 2 is, "Chiro Referrals," and she writes, "If a
 3 doctor calls in and asks for a specific
 4 attorney you RING THIS out to the attorney
 5 intake button. They do not get sent to any
 6 specific attorney. PERIOD, NO EXCEPTIONS
 7 unless Brandy, Rob or myself tell you
 8 differently." What does this mean?
 9 A. It means if a doctor calls with a
 10 new client to do an intake to ring it out on
 11 the intake button instead of allowing the
 12 doctor to ask for a specific attorney.
 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.

Page 227

1 Q. Well, still, why did she write, "NO
 2 Exceptions unless Brandy, Rob or myself tell
 3 you differently"? I'm asking, what would an
 4 exception be?
 5 A. There wouldn't be. I don't know
 6 why she said that. It's kind of odd. I think
 7 maybe she was just using my name and Rob's name
 8 to like enforce it.
 9 Q. Okay. She writes at the end of the
 10 second paragraph there, "When the doctor calls
 11 and the patient is there with them, THAT is
 12 when the intake gets completed by the attorney
 13 that will get the case." Is that something
 14 that happened frequently, the doctor calling
 15 the firm with the patient there with them?
 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 A. I mean, sure. Doctors called while
 22 the client was there to speak with the
 23 attorney.
 24 Q. Okay. Would you agree that one of
 25 the big parts of your job is to help manage the

Page 228

1 firm's relationship with chiropractors?
 2 A. No.
 3 Q. No. That is part of your job,
 4 though.
 5 A. No, not anymore.
 6 Q. It was part of your job.
 7 A. My job was never to manage
 8 relationships with doctors. That wouldn't be
 9 the way -- the words that I would choose to
 10 describe.
 11 Q. What are the words you would
 12 choose?
 13 A. Well, for example, when we opened
 14 an office in Columbus, I would set up meetings
 15 with doctors so that we could find good doctors
 16 to refer our clients to in specific areas.
 17 Q. What made a good doctor, in your
 18 opinion?
 19 A. Someone who had a good bedside
 20 manner; treated our clients fairly;
 21 communicated with them well; a doctor that
 22 provided transportation, if the clients needed
 23 it; they were open, if necessary, to
 24 negotiating their bill; they had flexible
 25 office hours; they had a decent turnaround time

Page 229

1 on getting records and bills. I'm sure there
 2 are other things, but those are kind of what
 3 sticks out in my mind.
 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.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 230</p> <p>1 Q. Subject line, "Referrals," correct?</p> <p>2 A. Yes.</p> <p>3 Q. In the first paragraph, you write,</p> <p>4 "I work hard to maintain a close relationship</p> <p>5 with chiropractors and I am in contact with</p> <p>6 most of them several times a day," correct?</p> <p>7 A. I said that, yes.</p> <p>8 Q. You said that because it's true,</p> <p>9 correct?</p> <p>10 A. No. I feel like that's a sentence</p> <p>11 that I used five years ago in an email. It's</p> <p>12 not the way that I would explain my job duties.</p> <p>13 Q. Was this not the case at the time</p> <p>14 you sent this email?</p> <p>15 A. I feel like it was the words that I</p> <p>16 chose in this email, but it wasn't -- it</p> <p>17 wouldn't be words that I would use to describe</p> <p>18 my job as a whole.</p> <p>19 Q. Well, was it true or not at the</p> <p>20 time you sent this email, that you worked hard</p> <p>21 to maintain a close relationship with</p> <p>22 chiropractors and you were in contact with most</p> <p>23 of them several times a day?</p> <p>24 A. So I was in contact with them to</p> <p>25 let them know when clients were being referred</p>	<p style="text-align: right;">Page 232</p> <p>1 "...in contact with most of," the chiropractors,</p> <p>2 "several times a day." Are you telling me now</p> <p>3 that that actually was not the case?</p> <p>4 A. That's not what I said. I said</p> <p>5 that I am in contact with the chiropractors</p> <p>6 that we referred places to, or if there's any</p> <p>7 kind of customer service-type issues. I can't</p> <p>8 tell you how many on any given day I would have</p> <p>9 been in contact with, but, I mean, yeah,</p> <p>10 there's a lot.</p> <p>11 Q. You agree that would be a lot of</p> <p>12 conversations with chiropractors, if you were</p> <p>13 in touch with most of them several times a day?</p> <p>14 A. It was a lot. It was a lot.</p> <p>15 Q. Okay. What is a referral mistake</p> <p>16 that you refer to in this email?</p> <p>17 A. Referral mistake. So if they</p> <p>18 referred a client to a doctor -- and it doesn't</p> <p>19 have to be a chiropractor. We refer to all</p> <p>20 other kinds of doctors -- that would mean that</p> <p>21 they didn't fill in the box.</p> <p>22 Q. As to who the attorneys referred</p> <p>23 the case to?</p> <p>24 A. Yeah.</p> <p>25 Q. Could it also be a referral mistake</p>
<p style="text-align: right;">Page 231</p> <p>1 to them so they could schedule the</p> <p>2 appointments. And also, you know, working on</p> <p>3 customer service issues, that was a large part</p> <p>4 of it. "Close relationship," I guess that was</p> <p>5 the words I used on that day.</p> <p>6 Q. Okay. So when you say you were,</p> <p>7 "...in contact with most of," the</p> <p>8 chiropractors, "Several times a day," who are</p> <p>9 the chiropractors?</p> <p>10 A. So any doctors that we would have</p> <p>11 referred clients to.</p> <p>12 Q. How many of those were there at the</p> <p>13 time?</p> <p>14 A. I would say, a couple hundred;</p> <p>15 maybe more, maybe a little less.</p> <p>16 Q. So it couldn't be true then that</p> <p>17 you were in contact with most of those couple</p> <p>18 hundred several times a day?</p> <p>19 A. So it would depend on, you know --</p> <p>20 it goes by geographical location. So if</p> <p>21 someone came in and they were referred to a</p> <p>22 chiropractor, I mean, there's no way for me to</p> <p>23 know like exactly which chiropractor it was on</p> <p>24 any given day. I would just let them know.</p> <p>25 Q. It says in this email that you are,</p>	<p style="text-align: right;">Page 233</p> <p>1 as to -- a mistake as to where the referral</p> <p>2 came from?</p> <p>3 A. "PLEASE make sure" --</p> <p>4 MR. MANNION: Just so I understand</p> <p>5 your question, Peter, are you saying somebody</p> <p>6 wrote down the wrong name in the referral box?</p> <p>7 Is that what you were asking?</p> <p>8 MR. PATTAKOS: Yeah.</p> <p>9 Q. Whether it was a referred to or</p> <p>10 referred from.</p> <p>11 A. I believe in this email, I was</p> <p>12 referring to the referred to --</p> <p>13 Q. Sure.</p> <p>14 A. -- I actually say, "Regarding the</p> <p>15 referred to's" --</p> <p>16 Q. I see that. Okay. Okay.</p> <p>17 A. -- and I think relationship -- when</p> <p>18 you're working with someone, you know, you're</p> <p>19 friendly with them, I guess.</p> <p>20 Q. Uh-huh. So what would the reason</p> <p>21 be to talk with chiropractors several times a</p> <p>22 day?</p> <p>23 A. To let them know that a client was</p> <p>24 referred to them. So give them the client's</p> <p>25 name and phone number, so that they could call</p>

59 (Pages 230 - 233)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 234

1 and schedule the appointment. They may let me
 2 know that a client didn't show up for their
 3 appointment. They may let me know that, you
 4 know, a client is upset that their property
 5 damage didn't get handled. I mean, it could
 6 be -- there's a whole variety --
 7 Q. Okay.
 8 A. -- of reasons, of issues that could
 9 arise.
 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

Page 235

1 chiropractors?
 2 MR. MANNION: Objection to the
 3 form.
 4 Go ahead.
 5 A. Again, I didn't work to maintain
 6 relationships. I worked to find doctors to
 7 refer our clients to. And, no, I wouldn't say
 8 anyone else did that job.
 9 Q. Okay. Can you tell me what the
 10 chiro boards are?
 11 A. Sure. It's a white board. It's
 12 about 12 inches and it has a list of doctors to
 13 refer cases to based on geographical location
 14 prelit attorneys have in their offices.
 15 Q. So each attorney has a board in
 16 their office?
 17 A. Pre-litigation attorneys, yes.
 18 Q. Okay. And you were the one who was
 19 responsible for changing the names on those
 20 chiro boards?
 21 A. I was responsible for the names
 22 that went on the board. I may have asked
 23 someone else to actually physically write them
 24 on there.
 25 Q. Okay. So when you wanted to change

Page 236

1 the name on the chiro boards, you would give
 2 that direction -- maybe sometimes you would do
 3 it yourself, but generally you would give the
 4 direction; and then someone would go around and
 5 change every chiro board that was in the intake
 6 attorney's offices?
 7 A. Yes.
 8 Q. Okay. And you made this
 9 determination based on geographical location?
 10 A. Yes.
 11 Q. Okay. Geographic location only or
 12 was there another consideration?
 13 A. Another consideration would have
 14 been to make sure that I was spreading out in
 15 an area. I wouldn't want all of our clients in
 16 one specific area to go to one doctor. I would
 17 want to make sure that we're referring to
 18 different doctors in that geographical
 19 location.
 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

Page 237

1 a client to had nothing to do with the number
 2 of referrals that that chiropractor had sent to
 3 the firm?
 4 A. We often sent to chiropractors
 5 and/or doctors who didn't refer any business to
 6 us. So we actually sent to people that did
 7 send business to us and people that didn't.
 8 Q. So is your answer then, yes, that
 9 it hadn't -- your decision to send a client to
 10 a given chiropractor had nothing to do with how
 11 many cases that chiropractor sent you?
 12 A. So given the choice, if I had
 13 chiropractor A on one side of the street and
 14 chiropractor B on the other side of the street
 15 and we'll say they were both good doctors. I
 16 had met with both of them. I knew both of
 17 them. And chiropractor A sent us cases, sure,
 18 I'd prefer to send over to A --
 19 Q. Okay.
 20 A. -- that doesn't mean B wouldn't get
 21 any referrals from us.
 22 Q. Okay.
 23 MR. MANNION: June 9, 2014.
 24 - - - - -
 25 (Thereupon, Deposition Exhibit 19,

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 238

1 6/9/2014 Email To Prelit Attorney
 2 From Brandy Brewer, Bates Number
 3 Williams000165, was marked for
 4 purposes of identification.)
 5 - - - - -
 6 Q. Okay. So this is an email from you
 7 on June 9, 2014, with the subject line, "Chiro
 8 Referrals," to prelit attorneys where you
 9 write, "Please make sure you are using the
 10 chiro boards. When I left on Wednesday I
 11 switch Akron to Akron Injury and you sent ZERO
 12 cases there and 4 to ASC, I also added Tru
 13 Health and removed Shaker Square and you sent 3
 14 cases to Shaker Square and ZERO to Tru Health."
 15 "Core was removed as well and you sent a
 16 case there!"
 17 So what is the purpose of this email?
 18 A. To make sure that the referrals
 19 were being spread out.
 20 Q. Okay. And you would agree that the
 21 referrals were managed very strictly by the
 22 firm, correct?
 23 MR. MANNION: Objection to
 24 characterization.
 25 Go ahead.

Page 239

1 A. I wouldn't say, "Managed strictly."
 2 I saw the big picture, so I saw where the
 3 cases -- all the cases were going, but
 4 ultimately the attorney was the person who was
 5 speaking to the client and making the referral.
 6 Q. Okay. Let's mark Exhibit 20.
 7 - - - - -
 8 (Thereupon, Deposition Exhibit 20,
 9 6/23/2014 Email To Prelit Attorney
 10 From Brandy Brewer, Bates Number
 11 Williams000455, was marked for
 12 purposes of identification.)
 13 - - - - -
 14 MR. MANNION: June 23, 2014.
 15 Q. Here is an email June 23, 2014,
 16 where you write to prelit attorneys in the
 17 second paragraph -- well, you write in the
 18 first paragraph, "I have sent this email
 19 several times. Please pay attention to the
 20 chiro referral email Sarah or I send out and
 21 also, the board."
 22 "Referrals are not up for negotiation."
 23 Did you send this email?
 24 A. Yes.
 25 Q. Okay. Well, Sarah is not an

Page 240

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

Page 241

1 A. Yes.
 2 Q. Is it still true?
 3 A. No.
 4 Q. Okay. Who does that now?
 5 A. Sarah actually had a baby so she
 6 works from home. She does all of the referral
 7 reports --
 8 Q. Sarah Knoch?
 9 A. Uh-huh.
 10 Q. Okay.
 11 A. -- and as far as working with the
 12 doctors, I think I said that earlier, Alex
 13 VanAllen.
 14 Q. Okay.
 15 - - - - -
 16 (Thereupon, Deposition Exhibit 21,
 17 1/17/2014 Email Trail Between
 18 Courtney Warner, Brandy Brewer and
 19 Kimberly Lubrani, Bates Number
 20 KNR03385, was marked for purposes of
 21 identification.)
 22 - - - - -
 23 Q. Okay. Take a look at Exhibit 21.
 24 MR. MANNION: January 17, 2014.
 25 Q. So this shows several emails, but

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 242</p> <p>1 I'm looking at the one which looks like the 2 second one from the bottom where you write on 3 January 17, 2014, to Courtney Warner, Sarah 4 Knoch and staff, "Nobody releases ANY 5 information regarding referrals to anyone other 6 than me," exclamation mark. 7 Why did you write that? 8 A. Courtney sent an email that said 9 that a chiropractor from Deaconess called and 10 wanted us to email the names of all clients we 11 referred in January and going forward email the 12 clients we refer every time we refer. 13 Q. And you didn't want to do that? 14 A. No, that's not what -- I said that 15 I didn't want them doing that. 16 Q. Who is, "Them"? 17 A. Well, I emailed it to Courtney and 18 copied the staff. So I didn't want the staff, 19 the paralegals emailing doctors with referrals. 20 That would be something that was part of my 21 job. I had previously told you that I would 22 let the doctors know when we referred the 23 client so they could schedule the appointment. 24 Q. Why would the Deaconess chiro want 25 you to email them the names of all the clients</p>	<p style="text-align: right;">Page 244</p> <p>1 scheduled? 2 MR. MANNION: I'm going to object. 3 You mixed and matched there. 4 But go ahead. 5 A. I agree. I didn't think it was 6 funny. 7 Q. Okay. Did you end up sending 8 Deaconess chiro this info? 9 A. Oh, boy, I don't remember. 10 Q. Is there any reason why you 11 wouldn't have? 12 A. I don't know. 13 Q. Okay. Why would they need you to 14 email them the names of clients referred to 15 schedule appointments? 16 A. Well, I mean, I was just at my 17 doctor and got referred for a nerve conduction 18 test and they scheduled that for me. So just 19 make it easier for the client. 20 Q. Okay. 21 MR. MANNION: While there's a 22 little pause, it's 3:47. Do you know when the 23 next time you need to -- 24 THE WITNESS: So I would say, like 25 between now and -- before 4:30, between now and</p>
<p style="text-align: right;">Page 243</p> <p>1 that the firm referred to the chiro in January 2 and going forward? 3 A. Well, I can't speak on their 4 behalf, but probably to schedule the 5 appointments. 6 Q. To schedule the appointments? 7 A. Um-hum. 8 Q. Why would it have mattered whether 9 anyone else at the firm did that? What was the 10 point of controlling that information? 11 MR. MANNION: Objection. 12 Go ahead. 13 A. Well, Courtney was a paralegal. 14 She had her paralegal work, just like I had my 15 job to do, so that is my job. 16 Q. Why is -- what's so funny in Kim 17 Lubrani's email when she says, "So they want us 18 to keep track of their referrals for 19 them...LOL"? 20 A. I have no idea. You would have to 21 ask Kim Lubrani that. 22 Q. Okay. Do you agree that there 23 would be nothing really funny about that; that 24 it would be natural for a chiropractor to want 25 to be called so that appointments could be</p>	<p style="text-align: right;">Page 245</p> <p>1 4:30, so. 2 MR. MANNION: Okay. 3 When we get to a good spot, let's take 4 one in a few minutes, a little break here. 5 MR. PATTAKOS: We can stop right 6 now. 7 MR. MANNION: Want to do that? 8 Okay. 9 VIDEOGRAPHER: Off the record 3:47. 10 (Recess taken.) 11 VIDEOGRAPHER: On the record at 12 4:07. 13 BY MR. PATTAKOS: 14 Q. Okay. Back to the firm's 15 relationships with chiropractors. So you deny 16 that the firm's practice is to trade referrals 17 in exchange for referrals, correct? 18 A. Correct. 19 MR. MANNION: Objection to form. 20 But go ahead. 21 Q. And you say that the main reason 22 that the firm manages its referrals so closely 23 is so that the referrals can be spread out 24 evenly, correct? 25 MR. MANNION: Objection. That</p>

62 (Pages 242 - 245)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 246

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

Page 247

1 A. I mean, that's not -- so if they
 2 have their own doctor, they can, you know,
 3 treat with their own doctor. If they need a
 4 different kind of doctor, they, you know, will
 5 ask us for any kind of referral.
 6 Q. So you're saying that if a client
 7 already has a doctor to treat with, you will
 8 not refer them to a chiropractor?
 9 MR. MANNION: Objection. Not what
 10 she said.
 11 But go ahead.
 12 A. I think it depends on the
 13 circumstance.
 14 Q. Okay. Under what circumstance --
 15 how does it depend on the circumstance?
 16 A. Are you referencing a particular
 17 email?
 18 Q. Well, no, I'm not. I'm asking you
 19 a question generally.
 20 A. Okay. So what's the question?
 21 Q. Well, under what circumstance would
 22 you refer a client to a chiropractor, even when
 23 they already had a doctor?
 24 A. So I -- the attorney -- I may ask
 25 the attorney to call the chiropractor or the

Page 248

1 doctor that they're treating with to make sure
 2 that they're aware that there's a law firm
 3 involved. Some doctors don't want to be
 4 involved in that sort of thing. They don't
 5 want to have to testify. They -- they don't
 6 want to work on a letter of protection. I
 7 mean, there could be a whole variety of
 8 reasons --
 9 Q. Okay.
 10 A. -- it could be a chiropractor that
 11 doesn't want to work with our law firm. It
 12 could be a chiropractor where -- I don't
 13 know -- an attorney made a mistake and didn't
 14 honor their lien and they're mad at us. There
 15 could be like a whole variety of reasons.
 16 Q. Okay. But it has nothing to do
 17 with trading referrals for referrals, correct?
 18 A. No, nothing to do with that.
 19 Q. Okay. Exhibit 22, please.
 20 - - - - -
 21 (Thereupon, Deposition Exhibit 22,
 22 10/17/2012 Email To Prelit Attorney
 23 From Brandy Brewer, Bates Number
 24 Williams000379, was marked for
 25 purposes of identification.)

Page 249

1 - - - - -
 2 MR. MANNION: October 17, 2012.
 3 Q. Okay. Would you agree that this is
 4 an October 17, 2012, email that you sent to all
 5 prelit attorneys with the subject, "Shaker
 6 Square," and the importance level, high?
 7 A. Yes.
 8 Q. Okay. Did you send this email?
 9 A. Yes.
 10 Q. Okay. You said, "PLEASE," in
 11 capital letters, "make sure you refer intakes
 12 thereS," meaning to Shaker Square, correct?
 13 A. Yes.
 14 Q. And then you say, "I just noticed
 15 that we've sent two cases to A Plus Accident &
 16 Injury...when these cases could've gone to
 17 Shaker, who sends us way more cases."
 18 "I've sent this email three times now,
 19 please note this so next time you are on a
 20 Cleveland intake you remember this" --
 21 MR. MANNION: Is there a question?
 22 Q. -- the question is: How does an
 23 email like this reflect an intent to spread out
 24 referrals?
 25 A. So just because I didn't say that

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 250

1 in the email doesn't mean that that wasn't an
 2 intention of sending the email.
 3 Q. So you're saying that your intent
 4 in sending this email was to make sure that
 5 referrals were fairly spread out so that you
 6 were not trading referrals for referrals?
 7 MR. MANNION: Objection.
 8 Go ahead.
 9 A. So I had two intentions in this
 10 email --
 11 Q. Okay.
 12 A. -- one is to make sure that they're
 13 spread out. Two, as I said earlier, if given
 14 the choice between a chiropractor that sends
 15 clients to KNR versus a chiropractor who
 16 doesn't and I have met both of them and they're
 17 both good doctors, I would choose the one who
 18 sent referrals to KNR.
 19 Q. Why don't you ask the client where
 20 the client wants to go?
 21 A. I -- I would think that the
 22 attorney does do that, when they're on the
 23 intake.
 24 Q. But you don't say anything about
 25 that in this email, do you?

Page 251

1 A. What the attorney discusses with
 2 the client on the intake, that is up to the
 3 attorney. This is only for clients that need a
 4 doctor in a certain location. If the client
 5 already has their own doctor and would like to
 6 go somewhere else, that's up to them.
 7 Q. Okay. How does this email show an
 8 intent to spread referrals evenly?
 9 MR. MANNION: Objection. You keep
 10 throwing in, "Evenly." That was never said.
 11 But go ahead.
 12 MR. PATTAKOS: Well --
 13 A. I didn't always put every single
 14 word in every single email that I sent, so
 15 there is -- like I said, I saw the big picture
 16 and I was just trying to ensure that we were
 17 spreading things out.
 18 Q. And why did you want to spread
 19 things out? Tom just said that you never said
 20 it was to spread things out evenly. Then what
 21 was the intent in spreading things out?
 22 A. To make sure that we weren't
 23 sending everyone to one doctor.
 24 Q. What would be wrong with sending
 25 everything to one doctor?

Page 252

1 MR. MANNION: Objection.
 2 Go ahead.
 3 A. That's what Rob told me he
 4 wanted --
 5 Q. Okay.
 6 A. -- so that's what I was doing.
 7 - - - - -
 8 (Thereupon, Deposition Exhibit 23,
 9 8/21//2013 Email To Prelit Attorney
 10 From Brandy Lamtman, Bates Number
 11 Williams000154, was marked for
 12 purposes of identification.)
 13 - - - - -
 14 MR. MANNION: August 21, 2013.
 15 Q. This is an email from you to prelit
 16 attorneys that was sent on August 21, 2013,
 17 correct?
 18 A. Yes.
 19 Q. And you did send this email?
 20 A. Yes.
 21 Q. And the subject heading is "A Plus
 22 Injury," correct?
 23 A. Yes.
 24 Q. And that's a chiro clinic, correct?
 25 A. Yes.

Page 253

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

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 254

1 send any more clients there because that 7
 2 cases in one month and you think that's too
 3 many?
 4 A. I think that we should -- I
 5 thought -- well, I can't really say what I
 6 thought at the time. It was five years ago,
 7 but in my mind, I would want to send some cases
 8 over to a different chiropractor in that area.
 9 Q. Okay. And this is because Rob
 10 Nestico told you that you needed to spread
 11 these out and not send too many to one chiro,
 12 right?
 13 A. Rob told me that I needed to spread
 14 out referrals, correct.
 15 Q. Okay.
 16 - - - - -
 17 (Thereupon, Deposition Exhibit 24,
 18 5/29/2012 Email To Attorneys, Prelit
 19 Support From Brandy Brewer, Bates
 20 Number Williams000222, was marked
 21 for purposes of identification.)
 22 - - - - -
 23 MR. MANNION: May 29, 2012.
 24 Q. So here's an email where you are
 25 emailing all attorneys and prelit support,

Page 255

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.

Page 256

1 Q. And why would the number of cases
 2 that a chiropractor sent you matter?
 3 A. The number of cases didn't matter.
 4 This email, and I think there were a couple
 5 other where I had sent out emails regarding the
 6 referred to's, was one of the reasons why I
 7 wanted everyone to send the email that said the
 8 referred by and the referred to and the
 9 client's phone number. So that I could let the
 10 doctors know when we were referring clients
 11 there so that they could schedule the
 12 appointment. So a lot of this is -- these
 13 emails that I was sending, it was kind of
 14 ironing out those issues.
 15 Q. What in here refers to scheduling
 16 appointments? Anything? Is there any sentence
 17 in this that refers in any way to scheduling
 18 appointments?
 19 A. It's the premise of why I sent the
 20 email, the referred to's. That's why I
 21 communicated with the doctors to let them know
 22 when we referred clients to them so that they
 23 could call and schedule them.
 24 Q. But why would you need to have the
 25 information to tell a chiropractor how many

Page 257

1 cases that you sent to that firm?
 2 A. I didn't. I needed it so that the
 3 doctor knew about the cases and the clients
 4 that we were referring to them so that they
 5 could schedule the appointments. That's the
 6 whole reason why I started tracking the
 7 referred to's, to make it easier.
 8 Q. But here you say, "I was unable to
 9 tell her how many we sent to her..."
 10 A. I may have typed those specific
 11 words, but I'm telling you the meaning behind
 12 it --
 13 Q. Okay.
 14 A. -- I'm telling you the meaning that
 15 I think -- it's 2018 -- why I would have said
 16 that in 2012, to the best of my ability.
 17 Q. Okay. We saved some time. I'm
 18 Xing out parts of my outline. We're making
 19 progress here. Let's look at Exhibit 25.
 20 - - - - -
 21 (Thereupon, Deposition Exhibit 25,
 22 4/8/2013 Email To Prelit Attorney
 23 From Brandy Lamtman, Bates Number
 24 Williams000306, was marked for
 25 purposes of identification.)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 258

1 - - - - -

2 MR. MANNION: April 8, 2013.

3 MR. NESTICO: Sorry. Repeat that

4 again, Tom.

5 MR. MANNION: April 8, 2013.

6 Q. So this is an email that you sent

7 to the prelit attorneys, correct?

8 A. Yes.

9 Q. And it's dated April 8, 2013, and

10 you write, "Please make sure you are paying

11 attention to your referral board in your

12 office. We sent 5 cases to Warrensville

13 Physical Medicine last week..we need to get

14 some cases to A Plus Injury since they sent

15 us 10 cases last month and Warrensville

16 Physical Medicine hasn't sent us ANY cases in

17 2013," exclamation mark, exclamation mark,

18 exclamation mark, exclamation mark. Am I

19 reading that correctly?

20 A. Yes.

21 Q. Did you send that email?

22 A. Yes.

23 Q. And why did you send this email?

24 A. I think I said a couple times

25 before, given the option of two different

Page 259

1 clinics who are in the same area, the

2 preference would be to send to the doctor who

3 we work with most and who sends us cases.

4 Q. But you're not spreading things out

5 here, per se.

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

7 MR. MANNION: Right.

8 A. -- I read it as we were. We

9 already sent one chiropractic clinic cases.

10 Let's get some over to the other.

11 Q. Okay. And you're saying, We

12 shouldn't have sent these cases to

13 Warrensville, because Warrensville hasn't sent

14 us any cases in 2013.

15 A. That's not what I said.

16 Q. Well, it says, "We sent 5 cases to

17 Warrensville Physical Medicine last weekS..we

18 need to," send, "some cases to A Plus Injury,"

19 because "they sent us 10 cases last month and

20 Warrensville Physical Medicine hasn't sent us

21 ANY cases in 2013."

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

23 You did not read that correctly.

24 But go ahead.

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

Page 260

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

Page 261

1 in determining what the referral boards say, do

2 you?

3 A. That would be up to the attorney

4 who is the one who is actually speaking to the

5 client. I am not --

6 Q. Okay.

7 A. -- I'm sure that the client -- the

8 attorney is looking out for the client's best

9 interest. That's their job.

10 Q. Well, it's their job to follow the

11 instructions on the chiro boards, isn't it --

12 MR. MANNION: Objection.

13 Q. -- aren't you writing to attorneys

14 to say, Please follow the instructions on the

15 referral board?

16 A. Are we talking about this email

17 here? (Indicating.)

18 Q. Yeah.

19 A. Okay. What was the question?

20 Q. Isn't that what you're telling --

21 you are giving directions to attorneys --

22 MR. MANNION: Don't raise your

23 voice.

24 Q. -- to follow instructions on the

25 referral board, correct?

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 262

1 A. I'm not giving instructions to the
 2 attorneys. I'm simply telling the attorneys
 3 what their options are. And I simply said, "We
 4 sent 5 cases to one place. We need to get some
 5 cases over to another place."
 6 Q. So this isn't an instruction?
 7 A. No.
 8 Q. It's a suggestion?
 9 A. Yes, absolutely.
 10 Q. Okay. Let's look at Exhibit 26.
 11 - - - - -
 12 (Thereupon, Deposition Exhibit 26,
 13 7/12/2013 Email To [Redacted] From
 14 Brandy Lamtman, Bates Number
 15 Williams000428, was marked for
 16 purposes of identification.)
 17 - - - - -
 18 MR. MANNION: July 12, 2013.
 19 Q. Okay. So I believe this is an
 20 email exchange between you and Rob Horton. He
 21 provided these documents to me redacted. I
 22 believe he redacted his own name here --
 23 MR. MANNION: How do you know he
 24 redacted his own name?
 25 MR. PATTAKOS: Well, because that's

Page 263

1 what I believe. I believe this is an email
 2 that he had. We can find out. In fact, you
 3 know, your client can find this email and can
 4 confirm.
 5 Q. So let's just assume this is
 6 between you and Horton.
 7 MR. MANNION: Well, wait a minute.
 8 Before she assumes something like that, it's
 9 not what it says and I don't know why Rob would
 10 black out his own name. So I don't know who
 11 this is to. I don't have the emails memorized,
 12 so.
 13 MR. PATTAKOS: I don't either. We
 14 can ask him. I don't have any other copy of
 15 this email. It would be very --
 16 MR. MANNION: Does it matter for
 17 your question that it's Rob Horton versus some
 18 other lawyer?
 19 MR. PATTAKOS: No --
 20 MR. MANNION: Okay.
 21 MR. PATTAKOS: -- no, but, you
 22 know, I think there's good reason to assume
 23 it's Horton, so she can -- it doesn't really
 24 matter.
 25 BY MR. PATTAKOS:

Page 264

1 Q. Let's assume it was a KNR lawyer.
 2 So it looks like maybe there's two clients at
 3 issue, because he -- whoever this lawyer is
 4 uses the term -- well, and, look, it says,
 5 "Attorney At Law," at the bottom, so we can
 6 assume it was an attorney in the signature who
 7 sent it.
 8 A. Um-hum.
 9 Q. It says, "Web referrals," meaning
 10 the clients came in from the web. "They
 11 live 20 minutes from Cain chiro (ken's friend)
 12 and 30 minutes from ASC or West Tusc. Holly
 13 indicated they should go to ASC. Is that
 14 correct, or do we want to send them to somebody
 15 else closer to them?"
 16 You say, "ASC if you can, I already told
 17 Minas. Plus Cain doesn't send us shit."
 18 Am I reading that correctly?
 19 A. Yes.
 20 Q. And did you write that?
 21 A. Yes.
 22 Q. And you received this email from
 23 the attorney?
 24 A. Yes.
 25 Q. Do you remember who sent you this

Page 265

1 email?
 2 A. No.
 3 Q. Okay. So why did you want to send
 4 this case to ASC?
 5 A. Because I know ASC. I've met with
 6 him. I know that he -- we work with him. I've
 7 never met Dr. Cain. I don't know anything
 8 about him. So given the choice, I would choose
 9 Akron Square.
 10 Q. What about West Tusc? You know
 11 West Tusc, right?
 12 A. Yes, sure.
 13 Q. And that's Philip Tassi, right?
 14 A. I guess it depends on the
 15 timeframe.
 16 Q. Okay. So why wouldn't you send the
 17 client to West Tusc?
 18 A. I -- I probably would have.
 19 Q. But you didn't.
 20 A. I had already told Dr. Floros about
 21 it.
 22 Q. Why would that matter?
 23 A. It wouldn't. He may have already
 24 called the client. To me it wouldn't have
 25 mattered if he would have gone to ASC or West

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 266

1 Tusc. I just have never met Dr. Cain. I don't
 2 know if he would negotiate his bill. I don't
 3 know what kind of doctor he is. I know that
 4 the doctors at Akron Square and West Tusc are
 5 good doctors. I've met them. I would feel
 6 more comfortable.
 7 Q. So why wouldn't you want to send
 8 the client to a chiropractor that's at least 10
 9 minutes closer to their house?
 10 A. Because I -- I don't know the
 11 doctor. I don't know if he's a good doctor or
 12 a bad doctor. I don't know if he would
 13 negotiate on his bills. I don't know what kind
 14 of office hours he holds. I don't know if
 15 he -- how he -- if he would bill -- insist on
 16 billing med pay. I don't know any of those
 17 things that could come up.
 18 Q. Okay. And Cain Chiro is Ken's
 19 friend. Do you think whoever wrote this email
 20 meant Ken Zerrusen?
 21 A. Probably.
 22 Q. Did the firm ever work with Cain
 23 Chiro?
 24 A. The name -- when I read this email,
 25 I mean, Cain Chiropractic, I would say, not

Page 267

1 often. I'm not sure how many times.
 2 Q. But you don't write here that Cain
 3 is not a good chiro. You say, "Cain doesn't
 4 send us shit." What do you mean by that? Why
 5 did that matter?
 6 A. I meant that Cain -- that we don't
 7 work with Cain very often.
 8 Q. Okay.
 9 A. I'm kind of embarrassed I used that
 10 kind of language in an email, yes.
 11 MR. MANNION: What was the exhibit
 12 number on this one?
 13 MR. PATTAKOS: 26.
 14 MR. MANNION: I forgot to write it
 15 down.
 16 - - - - -
 17 (Thereupon, Deposition Exhibit 27,
 18 5/30/2014 Email To Sarah Knoch From
 19 Brandy Brewer, Bates Number
 20 Williams000553, was marked for
 21 purposes of identification.)
 22 - - - - -
 23 Q. Let's look at 27.
 24 MR. MANNION: May 30, 2014.
 25 Q. So here you're writing to Sarah

Page 268

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?

Page 269

1 A. They were just creepy, yeah --
 2 Q. Okay.
 3 A. -- like I -- I wouldn't want any of
 4 my family or friends to be going there, let
 5 alone any of our clients. I don't remember
 6 like the specifics of it, but creepy would come
 7 to mind.
 8 Q. Okay.
 9 - - - - -
 10 (Thereupon, Deposition Exhibit 28,
 11 9/23/2013 Email To Prelit Attorney
 12 From Brandy Lamtman, Bates Number
 13 Williams000514, was marked for
 14 purposes of identification.)
 15 - - - - -
 16 Q. Okay. What about -- let's look at
 17 Exhibit 28.
 18 MR. MANNION: September 23, 2013.
 19 We had a client recently ask one of our
 20 female attorneys if he could take a picture of
 21 her feet.
 22 THE WITNESS: Was it Dr. Tariq?
 23 MR. MANNION: No, it was not. It
 24 was an insured's risk manager and it freaked
 25 her out.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 270

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

Page 271

1 really don't remember.
 2 Q. Well, what would it have been?
 3 A. I don't know.
 4 Q. Isn't it a big deal to say that a
 5 chiropractor is so substandard that you won't
 6 send your clients to them anymore?
 7 MR. MANNION: Well, I'm going to
 8 object. It doesn't say, "Anymore."
 9 A. Yeah, I didn't mean like ever
 10 again. Just I guess at the time. I don't
 11 remember --
 12 Q. Okay.
 13 A. -- he was kind of annoying, I
 14 guess. That kind of comes to my mind. I don't
 15 know why that would be why I wouldn't send to
 16 him, though.
 17 Q. Annoying in what way?
 18 A. He was always asking for referrals.
 19 - - - - -
 20 (Thereupon, Deposition Exhibit 29,
 21 11/15/2012 Email To Staff From
 22 Brandy Lamtman, Bates Number
 23 Williams000459, was marked for
 24 purposes of identification.)
 25 - - - - -

Page 272

1 Q. Okay. Moving on. Let's look at
 2 Exhibit 29.
 3 MR. MANNION: November 15, 2012.
 4 BY MR. PATTAKOS:
 5 Q. So here's an email that Rob --
 6 well, it looks like two different emails. It
 7 looks like the first one Rob Nestico is sending
 8 you an email on November 15, 2012, with the
 9 subject line, "Referrals," and then you went
 10 ahead and forwarded that email to the staff.
 11 Is that correct?
 12 A. Yes.
 13 Q. And it's Rob writing, "Please make
 14 sure to refer ALL Akron cases to ASC this
 15 month. We are 30-0." Why do you think he
 16 wrote that?
 17 A. I mean, you would have to ask Rob
 18 why he wrote that.
 19 Q. What do you think he meant by that?
 20 MR. MANNION: Objection.
 21 Go ahead.
 22 A. I don't -- I can't speak on Rob's
 23 behalf.
 24 Q. I'm not asking you to speak on his
 25 behalf. I'm asking you: What did you

Page 273

1 understand that to mean?
 2 MR. MANNION: Objection. Asked and
 3 answered.
 4 But go ahead.
 5 A. Well, it sounds like he wants -- it
 6 was on November 15 -- any cases that came in in
 7 Akron for the rest of that month, to go to
 8 Akron Square.
 9 Q. Why?
 10 A. Well, if we hadn't sent them any,
 11 then it could be assumed that they all went to
 12 different chiropractors in the area and he was
 13 trying to spread them out.
 14 Q. So you think, "We are 30-0," means
 15 that they had sent the firm 30 cases and the
 16 firm hadn't sent ASC any cases?
 17 A. Well, kind of just like the other
 18 email where those numbers were like that, it
 19 could have meant Akron Square sent us 30 cases
 20 or we sent them 30. It could go either way.
 21 It doesn't specify.
 22 Q. But if Akron Square had sent you 30
 23 cases, why would that mean that you should be
 24 sending them more cases?
 25 A. It doesn't --

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 274</p> <p>1 Q. Okay.</p> <p>2 A. -- it doesn't say that. It doesn't</p> <p>3 mean that.</p> <p>4 Q. But Rob is saying to send all Akron</p> <p>5 cases to ASC this month.</p> <p>6 A. He's saying that he wants them to</p> <p>7 be referred to Akron Square that month for the</p> <p>8 remainder of the month --</p> <p>9 Q. Um-hum.</p> <p>10 A. -- this was sent on November 15.</p> <p>11 Q. Okay. I want to know what he means</p> <p>12 by, "We are 30-0" --</p> <p>13 MR. MANNION: Objection. Ask him.</p> <p>14 Q. -- I want to know what you</p> <p>15 understood that to mean, "We are 30-0" --</p> <p>16 MR. MANNION: Objection. Asked and</p> <p>17 answered.</p> <p>18 Go ahead.</p> <p>19 A. Yes.</p> <p>20 Q. -- what does that have to do with</p> <p>21 why he would want to refer all Akron cases to</p> <p>22 ASC this month?</p> <p>23 MR. MANNION: Ask him.</p> <p>24 A. I think you would have to ask Rob.</p> <p>25 And I don't read it to be the way that you just</p>	<p style="text-align: right;">Page 276</p> <p>1 Akron cases to," Akron Square -- how are you</p> <p>2 helping -- how do you think the firm is helping</p> <p>3 its clients by doing that?</p> <p>4 A. The attorneys who are</p> <p>5 representing --</p> <p>6 MR. MANNION: Well, wait a minute.</p> <p>7 THE WITNESS: Sorry.</p> <p>8 MR. MANNION: Objection. That's a</p> <p>9 question for Rob.</p> <p>10 But go ahead to the extent you know.</p> <p>11 A. So the attorneys who are</p> <p>12 representing the clients, they're looking out</p> <p>13 for the client's needs. I don't feel like</p> <p>14 this -- this has nothing --</p> <p>15 Q. It's not Rob Nestico's job to look</p> <p>16 out for the client's needs, is that what you're</p> <p>17 saying?</p> <p>18 MR. MANNION: Objection. That's</p> <p>19 not what -- come on.</p> <p>20 A. Sure, Rob cares about all of our</p> <p>21 clients. Of course he does.</p> <p>22 Q. Don't you?</p> <p>23 A. Absolutely.</p> <p>24 Q. And don't you view it as your job</p> <p>25 to look out for your client's needs?</p>
<p style="text-align: right;">Page 275</p> <p>1 explained it.</p> <p>2 Q. How do you read it?</p> <p>3 A. Well, there's two separate</p> <p>4 sentences. He's stating that he wants</p> <p>5 referrals to go to Akron Square for the rest of</p> <p>6 the month. It was November 15. So we're</p> <p>7 halfway through the month. So he wants any</p> <p>8 remainder of Akron cases or clients to be</p> <p>9 referred to Akron Square. So that's one part.</p> <p>10 The, "We are 30-0," as I said before, it could</p> <p>11 have been us 30 to their 0 or -- either/or. I</p> <p>12 don't think it has -- the two have anything to</p> <p>13 do with each other.</p> <p>14 Q. Ah, okay. So you don't think the</p> <p>15 first sentence there has anything to do with</p> <p>16 the second sentence?</p> <p>17 A. No. He didn't say, "Because</p> <p>18 we're 30 and 0."</p> <p>19 Q. Okay. What does this have to do</p> <p>20 with client needs?</p> <p>21 MR. MANNION: Excuse me? I didn't</p> <p>22 hear. What does what have to do with client</p> <p>23 needs?</p> <p>24 Q. What does this email and the</p> <p>25 decision, "...to refer ALL," in all caps, "ALL</p>	<p style="text-align: right;">Page 277</p> <p>1 MR. MANNION: Objection.</p> <p>2 A. I'm not an attorney. They're not</p> <p>3 my clients.</p> <p>4 Q. I understand. But if you saw an</p> <p>5 attorney do something that was contrary to a</p> <p>6 client's interest, you wouldn't want that to</p> <p>7 happen, would you?</p> <p>8 A. I've never seen an attorney do</p> <p>9 something that wasn't contrary to the client's</p> <p>10 interest.</p> <p>11 Q. It's part of your job to look out</p> <p>12 for KNR clients, isn't it?</p> <p>13 MR. MANNION: Objection.</p> <p>14 Go ahead.</p> <p>15 A. Sure, I care about our clients --</p> <p>16 Q. Okay.</p> <p>17 A. -- we're in the business of helping</p> <p>18 people.</p> <p>19 Q. Right. Okay. What does this mean,</p> <p>20 "...Any time" -- what do you understand it to</p> <p>21 mean anyway? "...any time you refer a patient</p> <p>22 to any Chiro have your assistant follow up and</p> <p>23 make sure they go on obviously cases that are</p> <p>24 signed up outside of Chiro office."</p> <p>25 A. So if they signed up in the</p>

70 (Pages 274 - 277)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 278</p> <p>1 chiropractor's office, then obviously they have 2 gone to their appointment. So this kind of 3 goes back to the other emails about the 4 scheduling of the appointments. 5 Q. So you're saying if a client was 6 signed up at a chiro's office, that they should 7 continue to treat with that chiro. Is that 8 what you understand this to mean? 9 A. No. 10 Q. I don't understand what you said. 11 A. If they were already at the 12 chiropractor's office for their appointment -- 13 Q. Uh-huh. 14 A. -- then there was no need to follow 15 up, because they already made their 16 appointment. They already were there. 17 MR. MANNION: I think, Peter, if 18 you realize that on, "...obviously cases that 19 are signed up...", refers to the previous part. 20 Maybe there should have been a period or a 21 comma or whatever in there, is what she's 22 trying to say. 23 Q. What does, "Outside of Chiro 24 office," mean then? 25 A. That they hadn't been to the</p>	<p style="text-align: right;">Page 280</p> <p>1 MR. MANNION: November 1, 2013. 2 Q. So this is an email that you sent 3 to the prelit group dated November 1, 2013, 4 correct? 5 A. Yes. 6 Q. With the subject line, "Columbus 7 Cases," correct? 8 A. Yes. 9 Q. And you write, "The Columbus chiros 10 are VERY needy and demanding." What did you 11 mean by that? 12 A. I don't remember like specifically 13 on this day in this email, what I meant by 14 that. In general I didn't particularly like 15 working with the chiropractors in Columbus. I 16 guess I could safely say that. 17 Q. Why? 18 A. They took up a lot of my time, 19 annoying, demanding, needy. Just a different 20 dynamic in Columbus. 21 Q. Why? 22 MR. MANNION: What do you mean, 23 "Why?" "Why," what? 24 Q. In what way was it a different 25 dynamic?</p>
<p style="text-align: right;">Page 279</p> <p>1 chiropractor's office yet for their 2 appointment. They had signed up by a different 3 way. The attorney signed them up. The 4 investigator signed them up. 5 Q. I see. So he's saying, have your 6 assistant follow up and make sure they go to 7 the chiropractor in general. Is that what you 8 understand this to mean? 9 MR. MANNION: Objection. Please 10 read it. It doesn't say, "In general." It 11 says, "...any time you refer a patient...follow 12 up" to, "make sure they go..." 13 A. This goes back to the scheduling. 14 When I started letting the doctors know that 15 the client name and their phone number, that 16 made these things irrelevant, because they were 17 calling and scheduling it themselves. 18 Q. Okay. 19 - - - - - 20 (Thereupon, Deposition Exhibit 30, 21 11/1/2013 Email To Prelit Group From 22 Brandy Brewer, Bates Number 23 Williams000551, was marked for 24 purposes of identification.) 25 - - - - -</p>	<p style="text-align: right;">Page 281</p> <p>1 A. I didn't really enjoy their 2 personalities. 3 Q. Because they were annoying and 4 demanding? 5 A. Sure. 6 Q. Okay. How did they take up a lot 7 of your time? 8 A. There just seemed to be a lot more 9 issues. 10 Q. Such as? 11 A. Customer service issues -- 12 Q. Okay. 13 A. -- it's been a long time. Like I 14 don't feel that way now about the doctors. I 15 think it was just a -- kind of a rocky start, I 16 guess and it was a dynamic that I really wasn't 17 used to, communication that I really wasn't 18 used to. 19 Q. What doctors are you referring to 20 here? 21 A. I mean, the Columbus chiropractors. 22 Q. Who were they? 23 A. Any clinic that was in the Columbus 24 market -- 25 Q. Ms. Gobrogge --</p>

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 282</p> <p>1 A. -- I'm going to have to look at a 2 list. 3 Q. -- you're testifying how annoying 4 and demanding and needy these people are and 5 you can't -- you won't identify who they are? 6 A. Well, it was in 2013. I mean, 7 there's a lot of them. 8 Q. And now you're telling me that you 9 don't know who specifically you're referring 10 to? 11 A. I don't remember all of their 12 names. 13 Q. So you're saying that when -- you 14 can recall this email and you can recall how -- 15 A. I can recall the way I felt in this 16 email. 17 Q. -- annoying and demanding and needy 18 these chiropractors were, but you can't 19 identify a single one of them by name that made 20 you feel this way? 21 A. I'm saying that they all in the 22 Columbus market made me feel this way. 23 Q. All of them. How many were there 24 at this point? 25 A. I don't have a number.</p>	<p style="text-align: right;">Page 284</p> <p>1 A. I said, "The...chiro's are...needy 2 and demanding." I -- the cases sitting 3 wouldn't just have to do with them. It would 4 also have to do with our client. Just because 5 I didn't say it, it's definitely inferred here. 6 Q. Okay. So when you say, "...this 7 will harm our relationships," you're not 8 referring to the relationships with the chiro's? 9 A. I was referring to the 10 chiropractors and our clients. 11 Q. Okay. "Paul deals with this on a 12 daily basis." That's Paul Steele, correct? 13 A. Yes. 14 Q. And Paul moved down to the Columbus 15 area to work at the KNR Columbus office, 16 correct? 17 A. Yes. 18 Q. Okay. 19 A. My guess is Paul called me 20 complaining and I sent this email. 21 Q. Okay. Were the chiropractors at 22 Town & Country Chiropractic part of the 23 chiropractors you were referring to in this 24 email? 25 A. The chiropractors at Town &</p>
<p style="text-align: right;">Page 283</p> <p>1 Q. Can you estimate? Was there a 2 hundred or was there ten? 3 A. Ten or twenty, maybe. 4 Q. Who's Antonio? 5 A. He was an attorney that worked in 6 our Columbus office. 7 Q. And he left? 8 A. Yes. 9 Q. What's his last name? 10 A. Oh, I actually don't remember. 11 Q. Why did he leave? 12 A. I actually don't remember. 13 Q. Okay. "...these cases need to be 14 settled ASAP." What was it about these cases 15 that required them to be settled ASAP? 16 A. Antonio, I don't -- I don't 17 remember the exact like, I guess scenario in 18 this situation; but I guess if I had to say, I 19 would say that maybe there was a period of time 20 where there was a transition there and I was 21 concerned, you know, for the client's sake that 22 the cases had been sitting for a while. 23 Q. The client's sake, but here you 24 write about how the chiro's are needy and 25 demanding, not the clients, correct?</p>	<p style="text-align: right;">Page 285</p> <p>1 Country, it wasn't so much them. It was their 2 support staff that I had an issue with. 3 Q. And what was the issue there? 4 A. Their support staff is rude. They 5 were rude to me. The doctors themselves, I 6 wouldn't say they were rude to me. 7 Q. But they were needy and demanding? 8 A. Sure. I could refer to Dr. Kahn as 9 needy and demanding. 10 Q. Nazreen Kahn? 11 A. Yes. 12 Q. So now you remember, because your 13 recollection has been refreshed, that in part 14 you were at least referring to Dr. Kahn at 15 Town & Country in this email, correct? 16 A. I mean, I don't really know if it 17 was her particularly in this email or not. 18 Q. The firm sent a lot of cases to 19 Town & Country, did it not? 20 MR. MANNION: Objection. 21 Go ahead. 22 A. We've referred cases to Dr. Kahn, 23 correct. 24 Q. The firm sent more cases to 25 Dr. Kahn than any other chiropractor in</p>

72 (Pages 282 - 285)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 286

1 Columbus. Would you not agree?
 2 A. I'd have to -- I'd have to look
 3 that up --
 4 Q. Okay.
 5 A. -- we refer to doctors all over
 6 Columbus --
 7 Q. Sure.
 8 A. -- especially based on location.
 9 Q. These numbers surely exist. So,
 10 you know, we can look them up. I want you to
 11 tell me, based on your memory, is there any --
 12 based on your experience in dealing with these
 13 needy chiros, is there any chiropractor in
 14 Columbus that the firm refers more clients to
 15 than Dr. Kahn, to your knowledge?
 16 A. I mean, we refer to cases --
 17 client -- I'm sorry. We refer to chiropractors
 18 all over Columbus. It's based on the location.
 19 She, I believe is on the east side. So I would
 20 say, a good majority of our clients on the east
 21 side of Columbus would probably be referred to
 22 Dr. Kahn, but we also refer to other doctors on
 23 the east side of Columbus.
 24 Q. That doesn't really answer my
 25 question. I'm asking: Is there another

Page 287

1 Columbus area chiropractor that you refer more
 2 cases to -- that the firm refers more cases to
 3 than Town & Country?
 4 MR. MANNION: Objection. Asked and
 5 answered.
 6 Go ahead again.
 7 A. I don't have an answer for that.
 8 On the east side, she gets a majority of our
 9 cases, but we also refer to other chiropractors
 10 on the east side.
 11 Q. How was the support staff rude to
 12 you?
 13 A. They just don't have very good
 14 manners.
 15 Q. You don't remember specifics?
 16 A. No. I mean, his -- her
 17 receptionist would talk to me as if she was
 18 ordering me around or she would even yell. I
 19 mean, she just --
 20 Q. So if this was happening, if the
 21 chiropractors were being so annoying and
 22 demanding and rude and their staff was being
 23 rude, why didn't you just stop referring KNR
 24 clients to these chiropractors?
 25 MR. MANNION: Well, I'm going to

Page 288

1 object. She doesn't refer anybody --
 2 MR. PATTAKOS: Tom, stop testifying
 3 for the witness.
 4 MR. MANNION: No, no. You're
 5 using the word, "You," and I need to know
 6 whether you're using it as KNR or her
 7 personally.
 8 MR. PATTAKOS: Tom, if the witness
 9 didn't understand my question, she can tell
 10 me --
 11 MR. MANNION: I have a right to
 12 understand the question as well.
 13 MR. PATTAKOS: For the fifteenth
 14 time --
 15 MR. MANNION: I have a right to
 16 understand the question as well.
 17 MR. PATTAKOS: -- stop answering
 18 questions for the witness.
 19 MR. MANNION: Okay. By, "You," do
 20 you mean her or KNR? I have a right to
 21 understand the question.
 22 MR. PATTAKOS: I mean KNR.
 23 MR. MANNION: Okay.
 24 BY MR. PATTAKOS:
 25 A. What was the question? I'm sorry.

Page 289

1 Q. If these chiropractors were so
 2 demanding and needy and if their support staff
 3 was so rude, why wouldn't you simply stop
 4 referring cases to them?
 5 A. So Dr. Rendek and the other doctors
 6 at Town & Country, they were good doctors.
 7 They've actually worked on me. My personal
 8 situation with her receptionist had no bearing
 9 on whether or not they were good doctors. They
 10 provided rides. They had flexible scheduling.
 11 They were able to negotiate on bills if we
 12 needed them to. So that's why --
 13 Q. Okay.
 14 A. -- and needy and demanding, I mean,
 15 we worked with them a lot, so. I guess we
 16 communicated a lot and -- it was a lot for me,
 17 going into the new market, to take on
 18 communicating with that many more people, too.
 19 Q. Okay. What's a narrative fee?
 20 A. I believe it's when a doctor
 21 provides a report and they charge a fee for it.
 22 Q. And that fee is deducted from the
 23 client's settlement, right?
 24 MR. MANNION: Objection.
 25 Go ahead.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 290

1 A. Yes. That's how it typically --
 2 Q. Okay. And that's on top of the
 3 chiropractor's bill, a separate narrative fee
 4 is paid, correct, to some chiros?
 5 A. Chiros, doctors, surgeons, yes --
 6 Q. Okay.
 7 A. -- not just chiropractors.
 8 Q. And at some points in the recent
 9 past, the firm would pay narrative fees to
 10 certain chiropractors as a matter of policy --
 11 MR. MANNION: Objection.
 12 Q. -- as soon as a case was signed up,
 13 correct?
 14 MR. MANNION: Objection.
 15 A. No, never --
 16 Q. Okay. Never. Okay.
 17 A. -- we would -- we wouldn't pay for
 18 a report that we didn't receive. And it
 19 wouldn't be as soon as the case is signed up,
 20 unless the doctor had already been treating and
 21 had already provided the report and the invoice
 22 was submitted, you know, it was an existing
 23 case, not a new case.
 24 Q. At some point, with respect to
 25 certain chiropractors, there was a policy of

Page 291

1 paying the narrative when the case was signed
 2 up --
 3 A. No.
 4 Q. -- is that correct?
 5 A. No, not to my knowledge --
 6 Q. Okay.
 7 A. -- no, never.
 8 - - - - -
 9 (Thereupon, Deposition Exhibit 31,
 10 3/1/2012 Email To Katy Newton, Etc.
 11 From Brandy Brewer, Bates Number
 12 KNR03769, was marked for purposes of
 13 identification.)
 14 - - - - -
 15 Q. So this is Exhibit 31.
 16 MR. MANNION: March 1, 2012.
 17 Q. So this is an email that you wrote
 18 on March 1, 2012, to a number of people
 19 including Alyssa Kirk, Jodi Miller, Jenna
 20 Sanzone, Amber Vince, Marti Dunlavy, Nicole
 21 Holland, Katy Newton, Megan Jennings, Courtney
 22 Warner, Matt Stewart and Deidra Lopez. Are
 23 those paralegals?
 24 A. Yes.
 25 Q. Are they all paralegals?

Page 292

1 A. Yes.
 2 Q. Okay. And you copy Mr. Nestico and
 3 Mr. Redick. And you say, "We are paying
 4 narrative fees to the following," and it says,
 5 "Dr. Floros," "Akron Square." This document
 6 has been redacted, so I assume that there were
 7 other doctors that are listed here who get
 8 narrative fees. Do you agree with that?
 9 A. Do I -- what's the question?
 10 Q. That there's likely a list of more
 11 doctors that has been redacted here.
 12 A. Yes.
 13 Q. Okay. So why would the firm pay
 14 narrative fees to certain doctors?
 15 A. Because they write narrative
 16 reports.
 17 Q. Okay. No other reason?
 18 A. No.
 19 Q. Weren't there some doctors who
 20 wrote narrative reports and they wouldn't get
 21 paid a narrative fee anyway?
 22 A. Not that I can remember.
 23 Q. Okay.
 24 A. There's a certain threshold of
 25 where the paralegal has to get permission to

Page 293

1 spend an excessive amount for a report.
 2 Q. Okay. When you started working at
 3 the firm, was the firm always paying narrative
 4 fees?
 5 A. I don't remember.
 6 Q. You don't remember when this
 7 practice started?
 8 A. No.
 9 Q. Okay.
 10 - - - - -
 11 (Thereupon, Deposition Exhibit 32,
 12 10/2/2013 Email To Prelit Attorneys,
 13 Etc. From Brandt Lamtman, Bates
 14 Number Williams000570, was marked
 15 for purposes of identification.)
 16 - - - - -
 17 Q. Okay. Let's look at Exhibit 32.
 18 MR. MANNION: October 2, 2013.
 19 Q. So this is an email from you to
 20 various groups, including prelit support,
 21 prelit attorney, litigation support, litigation
 22 attorney dated October 2, 2013, with the
 23 subject, "Plambeck Clinics," correct?
 24 A. Yes.
 25 Q. What's a Plambeck Clinic?

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 294

1 A. Clinics that used to be owned by
 2 Kent Plambeck.
 3 Q. Who are they owned by now?
 4 A. I'm not really sure. I think some
 5 of the doctors may have -- may own them now.
 6 Or maybe they owned them then. I'm not --
 7 Q. Do you know that Kent Plambeck
 8 doesn't own these clinics anymore?
 9 A. I don't. I don't have any
 10 knowledge of who owns what. I just remember
 11 hearing that some of the doctors may have --
 12 Q. Okay. So this says, "These are the
 13 only Narrative Fees that get paid in addition to
 14 Dr. Alex Frantzis with NorthCoast Rehab
 15 (\$200.00)(NOT PLAMBEC)."
 16 So does this mean that all the other
 17 chiropractors listed here worked for
 18 Plambeck-owned clinics --
 19 MR. MANNION: Huh?
 20 Q. -- in this list here from Akron
 21 Square down to Youngstown?
 22 A. Yes.
 23 Q. Okay. And then it says that --
 24 well, let me say this: Why are these the only
 25 chiropractors that got paid narrative fees?

Page 295

1 A. They're not.
 2 Q. Why does it say, "These are the
 3 only Narrative Fees that get paid" --
 4 A. So these chiropractors regularly
 5 wrote -- refer -- I'm sorry -- narrative
 6 reports, so that's what this meant. There's
 7 tons of other chiropractors and doctors that
 8 wrote narrative reports that we paid for.
 9 Q. Tons?
 10 A. I mean, I guess let me rephrase.
 11 There are other doctors and chiropractors that
 12 wrote narrative reports that were paid for.
 13 Q. And why would you write, "These are
 14 the only Narrative Fees that get paid..."?
 15 A. These are chiropractic offices that
 16 regularly wrote narrative reports.
 17 Q. Why would people need to know that?
 18 A. Because they would get the
 19 narrative report and they would forget to
 20 request a check for it.
 21 Q. But why wouldn't that just be
 22 included in the chiro's bill?
 23 A. I don't know. You'd have to ask
 24 the chiropractor that.
 25 Q. Well, if I'm a law firm or running

Page 296

1 a law firm and I'm --
 2 A. Like the bill, isn't that for the
 3 medical charges? I don't think it would be
 4 common for any doctor to put a report fee on
 5 the client's medical bill. They're two
 6 separate things. One is a case expense. One
 7 is the client's medical expense.
 8 Q. Okay. So in a sense, the
 9 chiropractor is serving as an expert witness of
 10 some type. Is that what you're saying?
 11 A. If they needed to be, sure.
 12 Q. Okay. But these doctors all wrote
 13 the narrative reports automatically, correct?
 14 A. They wrote narrative reports, yes.
 15 Q. And you knew that any time you sent
 16 a client to one of these chiros, they were
 17 going to write a narrative and that they were
 18 going to get paid a narrative fee, correct?
 19 MR. MANNION: Objection to, "Any."
 20 But go ahead.
 21 A. If they wrote a narrative report,
 22 they got paid a narrative fee.
 23 Q. Okay. Why were -- what's with the
 24 different prices here?
 25 A. I don't know. I don't know that.

Page 297

1 Q. Okay. And why was the payment made
 2 to the doctor personally?
 3 MR. MANNION: Wait. I think
 4 you're referring to one specific doctor.
 5 MR. PATTAKOS: Okay. I don't know.
 6 It's hard to say.
 7 Q. It says, "...to the doctor
 8 personally (all doctors are in needles)."
 9 A. That would be up to the doctor, who
 10 the check is made payable to. That would be at
 11 their request.
 12 Q. Okay. Why does it matter that
 13 Dr. Alex Frantzis is not Plambeck?
 14 A. I don't know --
 15 Q. Why did you write that?
 16 A. -- it doesn't.
 17 Q. Why did you write that?
 18 A. I don't remember.
 19 Q. And you have no idea why you might
 20 have written that?
 21 A. No.
 22 Q. Okay.
 23 - - - - -
 24 (Thereupon, Deposition Exhibit 33,
 25 Updated Narrative and WD Procedure

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 298	<p>1 for Plambec Clinics and Referring 2 Physicians, Bates Number KNR03278, 3 was marked for purposes of 4 identification.) 5 - - - - - 6 MR. MANNION: This is not an email, 7 Rob. KNR03278, "Updated Narrative and WD 8 Procedure For Plambec Clinics and Referring 9 Physicians." 10 Is that 33? 11 MR. PATTAKOS: 33. 12 MR. MANNION: When you're done with 13 this one, let's take another break. 14 MR. PATTAKOS: Tom, I have a lot to 15 go on this subject, so if you want to take a 16 break in the middle of this particular subject 17 of narrative fees and Plambec Clinics, I would 18 ask you to not confer with your client at the 19 break. 20 MR. MANNION: Well, first of all, 21 if there's no question pending, I can confer 22 with my client, but we've been going for a 23 while. I say when you're done with this 24 document, let's take a break. 25 MR. PATTAKOS: Well, I'm going to</p>	Page 300	<p>1 MR. MANNION: I'm not going to tell 2 you one way or another. Quite frankly, you're 3 not entitled to know. If I feel like talking 4 to her, I'll talk to her. But we're going to 5 take a break about every hour or so, just like 6 you did with your clients. 7 MR. PATTAKOS: That's fine, Tom. If 8 you would have asked me not to confer with my 9 clients -- 10 MR. MANNION: Yeah, right. 11 MR. PATTAKOS: -- and had a good 12 reason for it, then I would have agreed. 13 MR. MANNION: Well, you have no 14 basis to ask me. Quite frankly I didn't even 15 confer with her. Last time we talked about the 16 timing that she needed for the personal matter 17 we've been talking about, but I'm not going to 18 agree. I have no idea if a question will come 19 up or if she'll have a question. 20 MR. PATTAKOS: Why would that 21 matter? 22 MR. MANNION: Well, can you show me 23 one case that says during just a regular 24 discovery deposition and there's no question 25 pending, on a break, I can't talk to my client?</p>
Page 299	<p>1 ask you during that break -- you can take a 2 break -- I'm going to ask you not to confer 3 with your client in the middle of the subject 4 matter. If we were at trial, she would have to 5 sit on the stand and answer questions. You 6 would not be permitted to confer with her. So 7 I'm asking you to preserve the integrity of her 8 testimony about these documents, to not confer 9 with her during the break. Will you agree to 10 do that? 11 MR. MANNION: Peter, you talked 12 with your clients at breaks. 13 MR. PATTAKOS: Yeah, but we took 14 breaks at specific times. There was no -- 15 MR. MANNION: That's what we're 16 doing. It's been about an hour, since the last 17 break. 18 MR. PATTAKOS: My client's conduct 19 isn't at issue in this lawsuit. 20 MR. MANNION: Yeah, it is. 21 MR. PATTAKOS: No. 22 MR. MANNION: What are you talking 23 about? 24 MR. PATTAKOS: No. Okay. Tom, are 25 you going to agree to my request to not --</p>	Page 301	<p>1 MR. PATTAKOS: That's fine, Tom. It 2 will just go into the record that you insisted 3 on consulting with your client in the middle of 4 this questioning about a particular subject. 5 MR. MANNION: I have no idea what 6 you're talking about. 7 MR. PATTAKOS: Okay, Tom. 8 MR. MANNION: I told you, if you 9 want to finish this email, then we'll take a 10 break. 11 MR. PATTAKOS: That's fine, Tom. I 12 made a request. If you're going to deny the 13 request, you can deny the request. 14 MR. MANNION: No, I'm not denying 15 the request. What I'm telling you is, you have 16 no right to know whether I talk with her or not 17 or what we talk about. 18 MR. PATTAKOS: Well, okay. We'll 19 see about that. Let's -- 20 MR. MANNION: The rules by Peter 21 Pattakos, get your copy now. 22 MR. PATTAKOS: Okay, Tom. 23 BY MR. PATTAKOS: 24 Q. So do you recognize this document? 25 A. No.</p>

76 (Pages 298 - 301)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 302</p> <p>1 Q. You've never seen it before?</p> <p>2 A. Not this particular document, no.</p> <p>3 Q. If I told you that KNR produced it</p> <p>4 to me as a page from the firm's handbook or</p> <p>5 training manual, do you have any reason to</p> <p>6 disagree with that?</p> <p>7 A. No.</p> <p>8 Q. Okay. It says here in the middle</p> <p>9 within the highlighted section, "No cases are</p> <p>10 to be submitted without the narratives. If you</p> <p>11 need assistance obtaining, please let Jenna</p> <p>12 know." "Jenna," is Jenna Wiley, correct?</p> <p>13 A. Correct.</p> <p>14 Q. And that's your direct report,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. So this here says, "Those</p> <p>18 high" -- well, it says, "Updated Narrative and</p> <p>19 WD Procedure for Plambec Clinics and Referring</p> <p>20 Physicians." Do you know why the firm would</p> <p>21 have a separate procedure, with respect to</p> <p>22 Plambeck Clinics as opposed to any other</p> <p>23 clinic?</p> <p>24 A. No.</p> <p>25 Q. You have no idea?</p>	<p style="text-align: right;">Page 304</p> <p>1 and at the bottom where it says in parentheses,</p> <p>2 "(Not Plambec)," correct?</p> <p>3 A. Well, at the top it's Plambeck. In</p> <p>4 the middle, there are other chiropractors that</p> <p>5 are not Plambeck. I'm assume -- I can't speak</p> <p>6 on behalf of Jenna, but maybe it was just</p> <p>7 easier for her to reference them this way.</p> <p>8 Q. Okay. And, "WD procedure," means</p> <p>9 withdrawal procedure?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Do you know why narratives</p> <p>12 are not to be paid for minors 12 and under?</p> <p>13 A. I mean, sometimes we get narratives</p> <p>14 for minors. Oftentimes if they go to a</p> <p>15 chiropractor -- they don't often go to</p> <p>16 chiropractors. If they did, it would probably</p> <p>17 just be a few visits. If they actually treated</p> <p>18 more than that at the chiropractor, there would</p> <p>19 be a narrative on the case.</p> <p>20 Q. But why would it say, "NO</p> <p>21 NARRATIVES ARE TO BE PAID FOR MINORS 12 AND</p> <p>22 UNDER!"?</p> <p>23 A. Because probably more often than</p> <p>24 not, they either don't treat at a chiropractor</p> <p>25 or they would only go a few times, but if they</p>
<p style="text-align: right;">Page 303</p> <p>1 A. No --</p> <p>2 Q. Okay.</p> <p>3 A. -- it looks like there are tons of</p> <p>4 other doctors on here that aren't Plambeck</p> <p>5 Clinics, though.</p> <p>6 Q. Okay. Who's that?</p> <p>7 A. Dr. Chonko, Dr. Bhajji,</p> <p>8 Dr. Ghoubrial, Dr. Markarian.</p> <p>9 Q. Those aren't chiros, are they?</p> <p>10 A. No.</p> <p>11 Q. Those are referring physicians. So</p> <p>12 up at the top, it says, "...Plambec Clinics and</p> <p>13 Referring Physicians."</p> <p>14 A. Okay. Dr. Frantziz, Dr. Waldron,</p> <p>15 Accident Injury of Akron, Accident Care &</p> <p>16 Wellness, Columbus Injury, those are all</p> <p>17 chiropractors that are not Plambeck --</p> <p>18 Q. Right.</p> <p>19 A. -- Northcoast Rehab --</p> <p>20 Q. And above there, it says, "In</p> <p>21 addition to," and, "(Not Plambec)," so.</p> <p>22 A. -- so in my mind, these are all</p> <p>23 Plambeck Clinics and then these are the others.</p> <p>24 (Indicating.)</p> <p>25 Q. At the top is all Plambeck Clinics</p>	<p style="text-align: right;">Page 305</p> <p>1 did, then there would be a narrative --</p> <p>2 Q. Okay.</p> <p>3 A. -- there would be no point in</p> <p>4 requesting a report for \$150 or \$200, if</p> <p>5 there's only a couple hundred dollars in</p> <p>6 billing.</p> <p>7 Q. So this says, "Those highlighted</p> <p>8 are the only Narrative Fees that get paid</p> <p>9 automatically..." --</p> <p>10 MR. MANNION: You didn't finish.</p> <p>11 "To the doctor personally..." "...paid</p> <p>12 automatically...to the doctor personally." You</p> <p>13 didn't read it all.</p> <p>14 Q. -- "(all doctors are in Needles)."</p> <p>15 So you agree then that some narrative fees do</p> <p>16 get paid automatically?</p> <p>17 MR. MANNION: Objection.</p> <p>18 A. No --</p> <p>19 MR. MANNION: Objection. You</p> <p>20 didn't finish the sentence. "...to the doctor</p> <p>21 personally..." You can't pick and choose. You</p> <p>22 have to read the whole sentence.</p> <p>23 A. -- so we only paid for narratives,</p> <p>24 if we got a narrative report.</p> <p>25 Q. Right. Okay. And so we go back to</p>

77 (Pages 302 - 305)

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<p style="text-align: right;">Page 306</p> <p>1 this -- let's go back to Exhibit 33 where it 2 says, "...to the doctor personally..." 3 MR. MANNION: This is 33. 4 MR. PATTAKOS: The other one -- oh. 5 A. 32? 6 Q. Right. Let's go back to 32. You 7 would agree that this probably refers to -- 8 this is an instruction to pay the doctors 9 personally on all of these narrative fees, 10 correct? 11 A. So if the doctor requested that the 12 check be made payable to themselves for their 13 narrative reports, then we would pay it -- just 14 like any other expert, we would pay them 15 however they requested it -- 16 Q. Okay. 17 A. -- and I think she's referring to 18 these as, "Plambeck Clinics." It's difficult 19 to remember all of these doctors. 20 Q. What do you mean by that? 21 A. I mean, there's probably -- I don't 22 know -- fifty doctors on here, twenty, thirty, 23 forty, fifty. It's difficult to remember them 24 all, so. 25 Q. I mean, why would you distinguish</p>	<p style="text-align: right;">Page 308</p> <p>1 A. Right, yes. 2 MR. MANNION: Okay. 3 Q. How do you know that? 4 A. Because she created the manual. 5 And I told you I didn't write this. 6 Q. When I first asked you if you knew 7 what this document was, you said you didn't 8 know what it was. 9 A. I said that I had never seen this. 10 Jenna created the training manual. 11 Q. Okay. So this is a page in the 12 training manual that -- 13 MR. MANNION: You told her that, 14 Peter. 15 A. You told me that it was in the 16 manual. 17 MR. MANNION: Jesus. 18 Q. And you're agreeing that it is now 19 and you're remembering that Jenna wrote this? 20 MR. MANNION: Wait, wait. You 21 asked her to assume it was in the manual. With 22 that assumption, she's telling you Jenna wrote 23 it. Please stop twisting things. 24 Q. So if this is in the manual, then 25 Jenna wrote it?</p>
<p style="text-align: right;">Page 307</p> <p>1 between Plambeck Clinics and not Plambeck 2 Clinics? 3 MR. MANNION: Well, I'm going to 4 object. She said this wasn't her document. 5 But go ahead. 6 You mean, why would this person 7 distinguish? 8 Q. Whoever wrote this training manual. 9 A. I can't speak on Jenna's behalf, 10 but -- 11 Q. You don't know that Jenna wrote 12 this. 13 MR. MANNION: Which one are you 14 referring to now? 15 MR. PATTAKOS: This document, 16 Exhibit 33. 17 MR. MANNION: Okay. Look, she was 18 looking at a different document at the time. 19 MR. PATTAKOS: Okay. 20 A. I do know that Jenna wrote this. 21 MR. MANNION: See, you're referring 22 to different documents, I think. 23 BY MR. PATTAKOS: 24 Q. You do know that Jenna wrote 25 Exhibit 33?</p>	<p style="text-align: right;">Page 309</p> <p>1 A. Yes. 2 Q. Okay. So you're saying that where 3 this document says, "Those highlighted are the 4 only Narrative Fees that get paid 5 automatically..." that that means -- 6 MR. MANNION: Wait a minute. You 7 have to read -- 8 MR. PATTAKOS: Stop testifying for 9 the witness. 10 MR. MANNION: No. You have to read 11 the entire sentence. You are not allowed -- 12 MR. PATTAKOS: I am asking her about 13 a particular part of this document. 14 MR. MANNION: No. You have to read 15 the whole sentence. 16 MR. PATTAKOS: Tom, stop 17 interrupting me. 18 MR. MANNION: That is crazy. You 19 are not allowed to read part of a sentence and 20 mislead a witness. That's not proper. 21 BY MR. PATTAKOS: 22 Q. So it's your testimony -- or your 23 lawyer's testimony -- 24 MR. MANNION: Stop it, stop it -- 25 Q. -- it's frankly hard to tell the</p>

78 (Pages 306 - 309)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 310

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?

Page 311

1 A. Not that I'm aware of.
 2 Q. So why the specific instruction?
 3 MR. MANNION: Please ask Jenna.
 4 A. This I actually told you --
 5 sorry -- that they would forget to request the
 6 check on it, so that's why she's reminding them
 7 of this.
 8 Q. Okay. The attorneys would forget
 9 to request a check?
 10 A. The paralegals actually physically
 11 request the check.
 12 Q. Okay. So -- and you have no idea
 13 why these prices are different, why some
 14 doctors get 200 and some get 150?
 15 A. I would have to say that the
 16 doctor -- that's the price that they charge for
 17 their time and their -- to write the report.
 18 Q. You see that it says here, "No
 19 cases are to be submitted without narratives,"
 20 right?
 21 A. Where does it say that?
 22 Q. Here in the black highlighted
 23 portion.
 24 A. "If you need assistance obtaining,
 25 please let Jenna know." Okay.

Page 312

1 Q. So every time a client treats with
 2 one of these doctors, the cases will have to be
 3 submitted with a narrative, according to this
 4 manual, correct?
 5 MR. MANNION: Objection.
 6 A. Well, this isn't a manual. And I
 7 just pointed out that if the clients only treat
 8 a couple of times, then the doctors don't
 9 all -- they don't always write a narrative --
 10 Q. Okay.
 11 A. -- there could be reasons why they
 12 didn't.
 13 Q. Okay. She writes -- whoever wrote
 14 this writes, "Any doctor that we regularly work
 15 with and/or have a lien on file with MUST be
 16 notified when we withdraw and note the file
 17 with a fax confirmation or copy of the email."
 18 Am I reading that correctly?
 19 A. Yes.
 20 Q. Why would that apply just to
 21 doctors that you regularly work with as opposed
 22 to any doctor?
 23 A. I think it probably does apply to
 24 any doctor.
 25 Q. But why doesn't it say so?

Page 313

1 A. I mean, we don't have time to call
 2 every single doctor that every single one of
 3 our clients ever treated with. So if there's a
 4 lien on file, we try to notify them.
 5 Q. Okay. Did you ever discipline
 6 Jenna for writing this document?
 7 A. No.
 8 Q. Are you aware that anyone was ever
 9 criticized for creating this document?
 10 A. No.
 11 MR. PATTAKOS: Okay. We can take a
 12 break.
 13 VIDEOGRAPHER: Off the record 5:24.
 14 (Record was read.)
 15 VIDEOGRAPHER: Back on the record
 16 5:32.
 17 MR. PATTAKOS: So just to be clear,
 18 we're going to go for another half hour --
 19 MR. MANNION: Yeah.
 20 MR. PATTAKOS: -- and then we'll
 21 resume tomorrow at 9 a.m.
 22 MR. MANNION: Sounds good.
 23 MR. PATTAKOS: Okay.
 24 - - - - -
 25 (Thereupon, Deposition Exhibit 34,

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 314

1 1/23/2012 Email Trail Between Staff,
 2 Rob Nestico And Brandy Brewer, Bates
 3 Numbers KNR03782-83, was marked for
 4 purposes of identification.)
 5 - - - - -
 6 MR. MANNION: January 23, 2012.
 7 MR. PATTAKOS: Sorry.
 8 BY MR. PATTAKOS:
 9 Q. So this looks like two emails that
 10 were sent on January 23. One of them at
 11 1:18 -- well, actually three emails. First,
 12 Rob Nestico writing to you on January 23, 2012,
 13 "No fees paid on these except Floros and,"
 14 blank; and this has apparently been redacted.
 15 And you respond, "None to," blank, "or any
 16 others?" Do you remember what this refers to?
 17 A. No.
 18 Q. Okay. Do you have any idea why
 19 this was redacted?
 20 MR. MANNION: Objection.
 21 A. No.
 22 MR. MANNION: That's -- that goes
 23 to attorney-client privilege issues.
 24 MR. PATTAKOS: But she knows she has
 25 to testify.

Page 315

1 MR. MANNION: No, she doesn't.
 2 MR. PATTAKOS: Sure, she does.
 3 MR. MANNION: What?
 4 MR. PATTAKOS: If she has knowledge
 5 of why this document was redacted, she has to
 6 testify.
 7 MR. MANNION: So if I told her
 8 why in our mind we redacted something, then she
 9 has to tell you?
 10 MR. PATTAKOS: She doesn't have to
 11 tell me you told her, but if she knows
 12 something that's relevant --
 13 MR. MANNION: Not if it came from
 14 us.
 15 MR. PATTAKOS: Sure, Tom.
 16 MR. MANNION: That's not true.
 17 MR. PATTAKOS: That's a
 18 misinterpretation of the attorney-client
 19 privilege --
 20 MR. MANNION: No --
 21 MR. PATTAKOS: -- if she knows
 22 why --
 23 MR. MANNION: -- first of all, I
 24 don't think she does know, but it's not fair to
 25 ask somebody why something was redacted, unless

Page 316

1 it came from information outside of counsel.
 2 MR. PATTAKOS: I'll tell you what's
 3 not fair is that this was redacted at all.
 4 It's ridiculous that this document was
 5 redacted. And, you know, it will get
 6 unredacted at some point, I assume, but at this
 7 point I'm definitely allowed to ask her if she
 8 knows why it was redacted.
 9 MR. MANNION: You can ask her if
 10 she knows outside of any conversations with
 11 lawyers, but I don't think she knows either
 12 way.
 13 MR. PATTAKOS: Okay. You know
 14 what? What's the point?
 15 BY MR. PATTAKOS:
 16 Q. So you write to staff and
 17 Mr. Nestico, "No narrative fee checks to any of
 18 the," blank, "except Floros &," blank. Do you
 19 remember what this referred to?
 20 A. I do not.
 21 Q. Okay. No idea? You have no idea
 22 what this refers to?
 23 A. No.
 24 Q. Okay.
 25 - - - - -

Page 317

1 (Thereupon, Deposition Exhibit 35,
 2 1/23/2012 Email Trail Between Staff,
 3 Rob Nestico, Brandy Brewer and
 4 Robert Redick, Bates Number
 5 KNR03812, was marked for purposes of
 6 identification.)
 7 - - - - -
 8 Q. Well, that was sent on January 23,
 9 2012. Let's look at --
 10 MR. MANNION: Same date,
 11 January 23, 2012.
 12 Q. -- Exhibit 35. So this looks like
 13 the same email from Exhibit 34. At the bottom
 14 here, "NO narrative fee checks to any of the,"
 15 blank, "except Floros," and -- well, the, "And"
 16 is redacted here. But would you agree that
 17 this bottom email on Exhibit 35 is the same as
 18 the first page on Exhibit 34?
 19 A. Yes.
 20 Q. Okay. And Mr. Redick writes to you
 21 back in response to this, "Including," blank --
 22 assuming this is redacted --
 23 ".....interesting," smiley face. Am I reading
 24 that correctly?
 25 A. Yes.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 318

1 Q. Did you receive this email from
 2 Mr. Redick?
 3 A. Yes.
 4 Q. Does this refresh your memory about
 5 what this was about?
 6 A. It doesn't.
 7 MR. PATTAKOS: Okay. Wow --
 8 MR. MANNION: Move to strike.
 9 MR. PATTAKOS: -- that's really
 10 something --
 11 MR. MANNION: Move to strike.
 12 MR. PATTAKOS: -- to have a
 13 document redacted in that way.
 14 MR. MANNION: Move to strike.
 15 - - - - -
 16 (Thereupon, Deposition Exhibit 36,
 17 6/12/2012 Email Trail Between Julie
 18 Branch, Robert Redick and Brandy
 19 Brewer, Bates Number KNR03809, was
 20 marked for purposes of
 21 identification.)
 22 - - - - -
 23 BY MR. PATTAKOS:
 24 Q. Okay. Exhibit 36.
 25 MR. MANNION: June 12, 2012.

Page 319

1 Q. Okay. Here, this is another
 2 redacted document. And this is an email from
 3 you to Julie Branch and Robert Redick. Who is
 4 Julie Branch?
 5 A. She was our bookkeeper.
 6 Q. Okay. And you sent this email on
 7 June 12, "Subject:" Redacted, "narrative
 8 Checks," correct?
 9 A. Correct.
 10 Q. It looks like someone's name there
 11 was redacted from the subject.
 12 A. Yes.
 13 Q. Do you remember who?
 14 A. No.
 15 Q. No idea?
 16 A. No.
 17 Q. You write here, "I've requested
 18 this before.....can his checks please be sent
 19 out as they are requested? He drives me
 20 fucking crazy and I've wasted at least 30
 21 minutes this afternoon tracking down his checks
 22 for him," exclamation mark, exclamation mark.
 23 "He doesn't have as many as Floros so it
 24 shouldn't be that big of a deal, right,"
 25 question mark.

Page 320

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

Page 321

1 chiros are and why they were being discussed in
 2 this way. So I hope that by tomorrow, I can
 3 get unredacted copies of these emails.
 4 MR. MANNION: We'll take that
 5 under consideration. I'll talk with my
 6 clients.
 7 MR. PATTAKOS: Thank you. Okay.
 8 We are really close to wrapping up for today.
 9 What number are we on now?
 10 THE NOTARY: 37.
 11 - - - - -
 12 (Thereupon, Deposition Exhibit 37,
 13 1/11/2014 Email Trail Between Rob
 14 Nestico, Robert Redick, John Reagan
 15 and Kristen Lewis, Bates Number
 16 KNR03693, was marked for purposes of
 17 identification.)
 18 - - - - -
 19 MR. MANNION: February 11, 2014.
 20 BY MR. PATTAKOS:
 21 A. Thank you.
 22 Q. Okay. Who is Kristen Lewis?
 23 A. She's an attorney at KNR.
 24 Q. Okay. Who is Jess Robinson?
 25 A. She was her paralegal.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 322

1 Q. And who is Amy Papuga?
 2 A. Her paralegal.
 3 Q. Okay. No, I don't have any
 4 questions about this one for you.
 5 A. Thank you.
 6 MR. PATTAKOS: Let's mark the next
 7 exhibit.
 8 - - - - -
 9 (Thereupon, Deposition Exhibit 38,
 10 4/2/2014 Email To Prelit Support,
 11 Prelit Attorney From Brandy Brewer,
 12 Bates Number WILLIAMS000211, was
 13 marked for purposes of
 14 identification.)
 15 - - - - -
 16 MR. MANNION: April 2, 2014.
 17 BY MR. PATTAKOS:
 18 Q. So here's an email where you are
 19 emailing prelit support and prelit attorney on
 20 April 2, 2014. You sent this email, correct?
 21 A. Yes.
 22 Q. In here you're saying, "Nothing has
 23 changed except the amount for narratives
 24 and...."
 25 "NO NARRATIVES ARE TO BE PAID ON ANY

Page 323

1 MINOR PATIENT."
 2 Now, do you remember why you sent this
 3 email explaining that no narratives are to be
 4 paid on any minor patient?
 5 A. No.
 6 Q. And is it still your testimony that
 7 narratives sometimes are paid on minor
 8 patients?
 9 A. Yes.
 10 Q. Okay. They get paid if a narrative
 11 is received, is what you're saying?
 12 A. Correct.
 13 Q. So you can't explain why you would
 14 write, "NO NARRATIVES ARE TO BE PAID ON ANY
 15 MINOR PATIENT"?
 16 A. Well, I think I answered that
 17 before, in the other email.
 18 Q. And what's the answer?
 19 A. So typically, if a minor were to
 20 choose a chiropractor, they may only go for a
 21 couple of appointments. In that case, if the
 22 bill is only a couple hundred dollars, then we
 23 wouldn't spend \$150 on a report for any client.
 24 And -- but sometimes clients did treat with
 25 chiropractors, depending on their injuries, you

Page 324

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.

Page 325

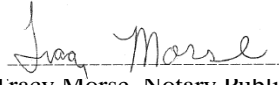
1 Q. Jenna Wiley is writing to the
 2 prelit group and litigation group. Narrative
 3 fees for minors, "Are to no longer be paid,
 4 regardless if you receive a narrative. This
 5 goes for ANY clinic." What does this mean?
 6 A. Well, I think it means what she
 7 said.
 8 Q. How would you not have to pay a
 9 narrative fee, if you received a narrative?
 10 A. Well, I don't really think that's
 11 possible. I think that's why she's being
 12 challenged by one of the attorneys --
 13 Q. Okay.
 14 A. -- I think she sent an overly broad
 15 email and there was just no possible way --
 16 Q. Okay.
 17 A. -- the attorney also copied Rob on
 18 that email.
 19 MR. PATTAKOS: Okay. We're at a
 20 good place to stop for today.
 21 VIDEOGRAPHER: Off the record 5:49.
 22 (Thereupon, the deposition
 23 was adjourned at 5:49 p.m.)
 24
 25

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 326

1 Whereupon, counsel was requested to give
 2 instruction regarding the witness's review of
 3 the transcript pursuant to the Civil Rules.
 4
 5 SIGNATURE:
 6 Transcript review was requested pursuant to the
 7 applicable Rules of Civil Procedure.
 8
 9 TRANSCRIPT DELIVERY:
 10 Counsel was requested to give instruction
 11 regarding delivery date of transcript.
 12 Thomas Mannion ordered the original transcript
 13 Expedited 6-day delivery.
 14 Copy--Peter Pattakos, Regular copy delivery
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 328

1 I do further certify that I am not
 2 a relative, counsel or attorney for either
 3 party, or otherwise interested in the event of
 4 this action.
 5 IN WITNESS WHEREOF, I have hereunto
 6 set my hand and affixed my seal of office at
 7 Cleveland, Ohio, on this 22nd day of
 8 October, 2018.
 9

 14 Tracy Morse, Notary Public
 15 within and for the State of Ohio
 16 My commission expires 1/26/2023.
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 327

1 REPORTER'S CERTIFICATE
 2 The State of Ohio,)
 3 SS:
 4 County of Cuyahoga.)
 5
 6 I, Tracy Morse, a Notary Public
 7 within and for the State of Ohio, duly
 8 commissioned and qualified, do hereby certify
 9 that the within named witness, BRANDY GOBROGGE,
 10 was by me first duly sworn to testify the
 11 truth, the whole truth and nothing but the
 12 truth in the cause aforesaid; that the
 13 testimony then given by the above-referenced
 14 witness was by me reduced to stenotypy in the
 15 presence of said witness; afterwards
 16 transcribed, and that the foregoing is a true
 17 and correct transcription of the testimony so
 18 given by the above-referenced witness.
 19 I do further certify that this
 20 deposition was taken at the time and place in
 21 the foregoing caption specified and was
 22 completed without adjournment.
 23
 24
 25

Page 329

1 Veritext Legal Solutions
 2 1100 Superior Ave
 3 Suite 1820
 4 Cleveland, Ohio 44114
 5 Phone: 216-523-1313
 6
 7 October 22, 2018
 8 To: Thomas P. Mannion
 9
 10 Case Name: Williams, Member, et al. v. Kisling, Nestico & Redick, LLC,
 11 et al.
 12 Veritext Reference Number: 3028224
 13 Witness: Brandy Gobrogge Deposition Date: 10/16/2018
 14
 15 Dear Sir/Madam:
 16
 17 Enclosed please find a deposition transcript. Please have the witness
 18 review the transcript and note any changes or corrections on the
 19 included errata sheet, indicating the page, line number, change, and
 20 the reason for the change. Have the witness' signature notarized and
 21 forward the completed page(s) back to us at the Production address
 22 shown
 23 above, or email to production-midwest@veritext.com.
 24
 25 If the errata is not returned within thirty days of your receipt of
 this letter, the reading and signing will be deemed waived.
 Sincerely,
 Production Department
 NO NOTARY REQUIRED IN CA

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 330

1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 3028224
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
11 Notary Public in and for the State and County,
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

Page 331

1 DEPOSITION REVIEW
CERTIFICATION OF WITNESS

2

3 ASSIGNMENT REFERENCE NO: 3028224
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 _____
14 Date _____ Brandy Gobrogge

15 Sworn to and subscribed before me, a
16 Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

17 They have read the transcript;
18 They have listed all of their corrections
in the appended Errata Sheet;
19 They signed the foregoing Sworn
Statement; and
20 Their execution of this Statement is of
their free act and deed.

21 I have affixed my name and official seal
22 this ____ day of _____, 20____.

23 _____
24 Notary Public
25 _____
Commission Expiration Date

Page 332

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 _____
24 Notary Public
25 _____
Commission Expiration Date

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[& - 2013]

Page 1

&	10/17/2012 5:14 248:22	12:41 139:11,16 13 4:22 134:7,15 170:15 174:20,22 187:7 188:8 190:20 193:8 194:20 198:17 207:16 208:5	1998 12:15 1999 11:12 1:18 314:11 1:30 139:12,13 1:41 139:18
& 1:8 2:8 7:5 28:23 29:11,16,19 30:2 195:24 249:15 268:7 284:22,25 285:15 285:19 287:3 289:6 303:15 316:18 329:6 330:3 331:3	10/2/2013 6:7 293:12 100 101:3 100,000 26:22 101 1:18 2:4 105 4:7 10:02 24:19 10:30 24:8 50:16 51:1 10:50 51:4	1301 2:15 133 134:11 1375 2:10 14 4:23 175:8 195:7 198:19 203:24 204:17 209:18 225:14,19 142 4:16 149-150 150:16 15 5:3 170:16 217:10,16 272:3,8 273:6 274:10 275:6 15-24 134:11 150 305:4 311:14 323:23 151-152 153:14 154-155 156:16 155 156:3 16 1:14 5:4 7:2 223:14,20 161 4:19 17 5:5 175:7 225:7 225:13 241:24 242:3 249:2,4 170 4:21 174 4:22 18 5:7 87:5 229:14 229:20 1820 329:2 188 190:9,13 19 5:8 146:7,9 154:19 237:25	2 2 3:2 4:4 78:25 81:9,11 166:3 293:18,22 322:16 322:20 2/11/2013 4:4 81:12 2/13/2013 4:15 134:2 2/28/2012 4:12 126:20 20 5:10 135:21 138:23 139:1 239:6,8 264:11 330:16 331:22 332:22 20-1 150:16 20-2 153:14 200 112:21 305:4 311:14 200.00 294:15 2008 14:7,13 2009 12:1 14:4 2010 18:4 2012 122:24 123:1 123:5 127:2,7 142:20,25 146:7,9 154:20 204:24 205:2,7 217:21 249:2,4 254:23 255:4 257:16 272:3,8 291:16,18 314:6,12 317:9,11 318:25 320:5 2013 5:15 81:22 83:16 105:16,22
0	11 4:19 81:22 161:16,22 186:18 187:14 188:3,15 191:1,15 192:15 321:19 11/1/2013 6:4 279:21 11/15/2012 6:3 271:21 11/27/12 4:16 11/27/2012 142:15 1100 329:1 11:38 92:7 11:49 92:9 12 4:21 170:3,5 186:18 187:14 188:4,5,15 191:1 191:16 192:15 235:12 262:18 304:12,21 318:25 319:7 12-16 190:13 12/6/2012 4:11 122:18 12/7/2012 4:23 5:3 204:18 217:11 12427 328:13 126 4:12		
0 275:11,18 000001 4:8 105:12 000046 4:19 146:4			
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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[2013 - 50]

Page 2

105:23,25 114:5 134:7,15 229:21 252:9,14,16 258:2 258:5,9,17 259:14 259:21 262:18 269:18 270:4 280:1,3 282:6 293:18,22 2014 87:5 117:17 117:23 118:4 162:1,11 225:14 225:19 237:23 238:7 239:14,15 241:24 242:3 267:24 268:3 321:19 322:16,20 324:25 2015 170:14,17 2016 57:17 2016-09-3928 1:6 2018 1:14 7:2 257:15 328:8 329:4 204 4:23 21 5:11 241:16,23 252:14,16 216-344-9467 2:11 216-523-1313 329:3 216-928-3566 2:16 217 5:3 22 5:14 195:8 198:18 201:18 202:11,14 203:24 229:21 248:19,21 329:4 223 5:4 225 5:5 2250 2:10 229 5:7	22nd 328:7 23 5:15 239:14,15 252:8 269:18 270:4 314:6,10,12 317:8,11 2304 11:3 237 5:8 239 5:10 24 5:17 254:17 324:25 241 5:11 248 5:14 25 5:19 178:22 194:19,21,22 195:21 208:15,17 257:19,21 252 5:15 254 5:17 257 5:19 26 5:20 262:10,12 267:13 262 5:20 267 5:22 269 5:24 27 5:22 142:20,25 178:19 267:17,23 271 6:3 279 6:4 28 5:24 127:2,5,6 129:19 269:10,17 270:3 29 6:3 254:23 255:4 271:20 272:2 291 6:6 293 6:7 297 6:9 2:45 197:8 2:51 198:8	3 3 4:6 78:25 85:23 85:25 117:17,22 118:4 166:12 170:14,17 238:13 3/1/2012 6:6 291:10 3/18/2014 4:6 86:1 3/19/2012 4:18 146:2 3/24/2014 6:22 324:18 30 6:4 71:25 76:1 93:4,17 94:2 264:12 267:24 268:3 273:15,19 273:20,22 275:11 275:18 279:20 319:20 30-0 272:15 273:14 274:12,15 275:10 3028224 329:8 330:2 331:2 31 6:6 291:9,15 313 6:11 317 6:13 318 6:15 32 6:7 293:11,17 306:5,6 321 6:17 322 6:20 324 6:22 327 3:6 33 6:9 297:24 298:10,11 306:1,3 307:16,25 330-836-8533 2:5 34 6:11 313:25 317:13,18 320:17	35 6:13 317:1,12 317:17 320:17 36 6:15 77:17 318:16,24 320:17 3600 2:15 37 6:17 321:10,12 38 6:20 322:9 39 6:22 324:17,24 3:47 244:22 245:9 4 4 3:3 4:7 7:18 105:9 166:13 238:12 4/2/2014 6:20 322:10 4/8/2013 5:19 257:22 401 27:6 44114 2:11,16 329:2 44319 11:4 44333 1:18 2:5 4:07 245:12 4:30 244:25 245:1 5 5 4:9 117:6,12 166:15 194:12 258:12 259:16 262:4 5,000 26:9,10,18 5/22/2013 5:7 229:15 5/29/2012 5:17 254:18 5/30/2014 5:22 267:18 5/6/2013 4:7 105:10 50 198:18 199:7 208:10,25 209:6
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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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Page 3

50,000 25:4,21 26:5 51 162:1 5:24 313:13 5:32 313:16 5:49 325:21,23 5:55 134:8	8 8 3:5 4:15 133:24 134:1 139:20 258:2,5,9 8-13 101:3 8/21 5:15 252:9 81 4:4 196:9 85 4:6	320:25 absolutely 36:24 41:12 116:3,6 262:9 276:23 access 80:12 99:5 accident 61:10,17 63:16 82:18,20 84:8 208:20,23 249:15 303:15,15 accounting 48:7 48:11 73:11 157:6 157:24 158:10 194:18 accurate 181:4 accurately 9:5,9 169:6,7 accusation 41:11 41:11 accusations 41:8 103:3 accuse 124:22 acknowledge 330:11 331:16 act 330:14 331:20 acting 213:20 action 35:17 36:3 36:8 38:9 50:11 328:4 actively 38:24 actual 79:22 183:25 184:3 ad 196:3,3 add 5:4 211:17 223:15,22 added 238:12 addendums 81:5 88:7 adding 225:1 addition 123:25 211:9 294:13 303:21	additional 99:24 111:16 206:9 211:10 215:4 additionally 128:2 address 11:2 51:10 61:17 63:15 84:4,5 162:20 163:14 171:8 205:24 214:21 329:16 addresses 52:8,24 163:20,24 164:1,2 164:7 adjourned 325:23 adjournment 327:22 adjuster 115:21 adjusters 153:24 administrative 33:15 admitted 200:21 adp 16:22 17:19 20:20 advanced 268:6 advances 268:17 advise 75:18 76:23 143:25 advised 205:18 affirming 153:18 affixed 328:6 330:15 331:21 aforesaid 327:12 afraid 43:17 afternoon 319:21 age 8:14 ago 18:17 26:1,17 27:18 56:15 57:6 57:17 113:9 114:9 117:3 121:14 149:17 151:1,9 154:12,21,24
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7			
7 4:12 126:19 166:19 191:19 204:23 205:2,7 217:21 253:7,8 254:1 7-11 190:9 7/12/2013 5:20 262:13			

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[ago - anybody]

Page 4

216:5 230:11 254:6 agree 40:9,19 92:21 103:10,20 125:18 129:22 130:4 200:2 203:3 203:10 206:18,22 209:5,19 214:9 217:25 227:24 229:4 232:11 238:20 243:22 244:5 249:3 286:1 292:8 299:9,25 300:18 305:15 306:7 317:16 agreed 212:3,18 214:10 218:5 300:12 agreeing 212:8,11 308:18 agreement 64:18 113:21 166:3 ah 275:14 ahead 19:22 24:11 31:11,19 32:19 33:1 34:16 35:12 35:23 36:11 38:4 38:19 39:23 41:19 42:18 43:10 44:25 46:8,20 47:11 48:2,20 53:21 54:6 55:17 56:2 56:12 58:25 60:7 61:8 63:6,12 64:15 67:15 68:25 71:2 72:1,17 75:4 75:10 76:2,21 84:11 87:16 89:17 93:5,18 94:18 95:2,10,22 96:7,16 97:6 98:13 100:16	100:22 103:15,25 104:24 106:23 107:8 108:10 111:4 112:7 114:21 116:19,25 124:13 125:7,24 138:10 151:17 153:22 158:8,16 159:18 160:6 161:2 167:8,25 168:11,23 169:11 172:23 174:3,15 177:11 179:25 180:17 181:8 182:1,12,21 184:18 187:17 189:10 191:3 194:2 199:24 200:9 207:21 210:3,12 211:1,25 215:10 219:5 220:5 221:2 224:18 227:17 229:8 234:15 235:4 238:25 243:12 244:4 245:20 246:2 247:11 250:8 251:11 252:2 253:21 259:24 272:10,21 273:4 274:18 276:10 277:14 285:21 287:6 289:25 296:20 307:5 320:9 324:8 akron 1:18 2:5 11:3,6,17,19 16:18 118:15,25 119:9 120:15,16,19,22 121:3 122:25	123:9 141:24 195:21 198:24 238:11,11 265:9 266:4 272:14 273:7,8,19,22 274:4,7,21 275:5,8 275:9 276:1,1 292:5 294:20 303:15 al 1:3,8 7:4,5 329:6,7 alberto 2:20 alex 135:18 241:12 294:14 297:13 allowed 53:8,10 188:20,21 189:8 309:11,19 316:7 allowing 226:11 alternated 141:22 alyssa 291:19 amanda 90:13,24 179:7 amber 291:20 amc 179:14 195:4 198:18 199:8 206:9 211:11 215:4 amount 113:25 179:18 193:20 207:17 208:6 209:8 293:1 322:23 amy 322:1 anniversary 26:11 annoying 271:13 271:17 280:19 281:3 282:3,17 287:21 answer 9:19,20 10:8,10,12 15:9,15 15:17,24 36:1,10	37:21 38:2 43:18 53:7,14 55:16 57:5,13,15 63:7 69:9 75:3,9 78:14 78:18 79:4 93:25 96:9 102:6 115:16 115:23 116:1 125:7 126:12 127:17 132:11 152:7 155:13 156:6,22 157:15 157:18 159:16 160:8 161:9 169:2 181:1 185:18,21 186:2 189:19 201:4 202:13,18 204:4,7,8 237:8 286:24 287:7 299:5 323:18 answered 35:11 42:17 43:9 48:19 55:18 57:10 58:5 69:24 76:18 89:16 97:20 114:20 116:18 147:20 153:10 156:7,17 161:1 182:11 188:17,22 189:2,9 189:13 196:11 207:20 222:3 273:3 274:17 287:5 323:16 answering 43:12 69:7 184:20 288:17 answers 42:9 71:23 87:3 181:14 181:18 antonio 283:4,16 anybody 40:13 95:11 173:6
---	--	---	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[anybody - attention]

Page 5

<p>260:19 288:1 anymore 228:5 271:6,8 294:8 anyway 39:7,14 199:16 277:21 292:21 aol 162:20 apart 76:8 151:7 apologize 161:25 170:13 apologized 48:12 apparently 37:11 122:6 139:10 314:14 appear 163:17 330:11 331:15 appearances 2:1 3:2 appended 331:11 331:18 applicable 166:7 326:7 apply 71:10,11 312:20,23 appointment 65:7 135:13 234:1,3 242:23 256:12 278:2,12,16 279:2 appointments 120:12 131:21 231:2 243:5,6,25 244:15 256:16,18 257:5 278:4 323:21 appreciate 10:22 77:14 approached 17:7 17:10 appropriate 108:12 189:12</p>	<p>approval 131:3 132:4 206:3 214:25 218:18 approve 46:6 131:6,15,24 218:14 219:14 approved 130:15 130:23 218:20 219:18 april 258:2,5,9 322:16,20 area 71:4 123:9 138:13,14 141:10 141:14,23,24 143:11 236:15,16 254:8 259:1 270:18 273:12 284:15 287:1 areas 45:7 141:22 228:16 argo 79:12 arguing 116:23 155:18 argumentative 184:17 arif 268:10,17 aronson 12:12,20 16:6,14 18:24 aronson's 19:15 arrive 224:12 asap 123:10 124:18 146:24 283:14,15 asc 118:10 119:9 121:18 238:12 264:12,13,16 265:4,5,25 272:14 273:16 274:5,22 aside 51:20 70:18 asked 14:11 17:18 17:24 19:2 29:13</p>	<p>35:10 37:6,17 38:2 42:16 43:8 48:18 55:19 68:4 76:18 87:18 89:15 114:20 116:17 137:5 153:1,9 157:5 160:25 182:10 184:11 188:16,22 189:2,9 196:10 197:21 207:19 218:4 229:10 235:22 273:2 274:16 287:4 300:8 308:6 308:21 asking 15:25 30:13 36:13 37:17 39:18,25 40:5 43:13 48:25 49:14 54:10,15,16,21,22 56:3 57:1,21 63:9 68:16 69:23 85:12 92:17,18 93:10 94:7,12 104:17 110:9 114:24,25 115:1 125:1,3 137:1,25 138:24 145:5 150:5,13,24 154:23 155:1,1,2,3 168:15,18 169:5 173:8,9,23,23 174:5,10 184:19 184:21 185:8,10 190:4 213:24 214:6 215:5,17 222:18,22,24 227:3 233:7 234:23 247:18 271:18 272:24,25 286:25 299:7 309:12</p>	<p>asks 226:3,16 aspect 45:3,9 48:13 aspects 77:10 assign 70:25 assigned 62:2,13 65:14,17 66:2 72:10,19 141:16 179:10 assignment 330:2 331:2 332:2 assignments 70:18 assist 74:3 assistance 302:11 311:24 assistant 22:1,3 25:3 27:9 28:21 29:8,25 33:15,16 33:23 34:2 255:8 277:22 279:6 assisting 74:14 assume 34:13 139:24 176:14 263:5,22 264:1,6 292:6 304:5 308:21 316:6 assumed 273:11 assumes 108:7 263:8 assuming 317:22 assumption 308:22 assure 10:16 75:5 atlantic 199:1,2 attached 53:24 86:15 88:17 171:22 331:7 attend 50:20 attention 35:16 42:3 147:25 212:11 219:3</p>
---	--	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[attention - bates]

Page 6

239:19 258:11 260:4 attorney 4:5,8 5:7 5:9,10,14,16,19,24 6:20 7:10 10:4,9,9 28:17 53:11 59:23 59:25 61:11,22,23 62:2,14 65:10,17 65:25 66:1,25 70:20 71:4,7 72:5 73:9 74:3,3,14,15 74:23 75:16,20 76:25 77:1,7,11 81:12,25 84:22 95:19,25 99:3 101:24 103:17 105:10 117:20 120:11 126:1,2 132:13,18 141:5 144:22 145:16,16 145:22 147:22 179:10 194:4 198:11 199:13 202:1 203:2 204:3 205:19 206:4 213:5 214:16 215:1 218:18 226:4,4,6,12,16,19 227:12,23 229:15 235:15 238:1 239:4,9 240:1 247:24,25 248:13 248:22 250:22 251:1,3 252:9 257:22 261:3,8 264:5,6,23 269:11 277:2,5,8 279:3 283:5 293:21,22 314:23 315:18 321:23 322:11,19 324:9 325:17	328:2 attorney's 77:20 84:14 122:2 236:6 attorneys 4:16 5:17 6:8 7:7 32:13 32:16,23 49:25 53:12 60:3,4,11 61:25 70:19 71:21 73:13,15 74:17 75:23 76:6,11,22 77:8,14,16,17 83:7 83:18 85:14 90:8 90:11 95:18 105:17 106:1,17 111:5,23 112:2 122:18,25 123:6 125:10,13 134:2 134:14 142:15,22 144:10,12,14,14 144:19,21 146:2,9 149:21 151:21 165:13 168:25 202:14,20 225:15 225:22 226:18,24 229:23 232:22 235:14,17 238:8 239:16 240:4,13 249:5 252:16 254:18,25 258:7 260:11 261:13,21 262:2,2 268:1 269:20 270:5 276:4,11 293:12 311:8 325:12 attorneys.122 4:11 attorneys.133 4:15 attorneys.145 4:18 attributed 55:5,24 56:1 58:12,22 audible 9:20	august 18:5 252:14,16 author 59:7 authorization 64:19 166:4 authorize 331:11 authorized 32:15 32:22 auto 178:14 automatic 16:22 automatically 296:13 305:9,12 305:16 309:5 310:4,6,16,17 availability 142:10 available 126:4 ave 329:1 avenues 28:15 88:4 avoid 148:13 aware 54:2 56:17 57:2,7 58:11,17,20 59:4 68:21 69:10 70:2 97:1,18,25 141:15 165:7 169:23 173:15,24 174:11 212:9 224:25 248:2 311:1 313:8	100:25 101:1 104:4 109:22 113:16 139:20 156:2,4,12 181:23 186:17 190:7 198:17 207:1,15 209:18 245:14 253:17 268:7 278:3 279:13 305:25 306:1,6 313:15 317:21 329:16 bad 266:12 bag 198:25,25 balances 73:6 bands 162:6 bartender 16:15 base 25:4,6,10 based 65:19 109:3 138:11 142:10 212:18 235:13 236:9 286:8,11,12 286:18 basic 60:15 62:18 62:23 63:21 64:6 72:7 76:15 137:2 145:9 209:21 basis 94:23 95:24 168:14 187:25 194:4 201:25 203:20 205:25 209:23 210:9 211:8 212:6 213:7 214:22 284:12 300:14 bates 4:3,5,6,8,10 4:11,14,15,17,18 4:20,22,22,24 5:3 5:5,6,8,9,11,13,15 5:16,18,20,21,23 5:25 6:3,5,7,8,11
		b	
		b 71:25 76:1 93:4 93:17 94:2 237:14 237:20 baby 241:5 bachelor's 11:22 12:6 back 14:11,22 23:10,13 37:20,24 38:6 66:3 72:22 72:23 73:18 99:6	

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[bates - brandy]

Page 7

6:12,14,17,19,21 6:23 66:20 81:13 86:2 105:11 117:8 122:19 126:22 128:13,16,22,24 129:7 134:3 142:16 146:3 161:18 170:7 174:23 178:5 204:19 217:12 223:16 225:9 229:16 238:2 239:10 241:19 248:23 252:10 254:19 257:23 262:14 267:19 269:12 271:22 279:22 291:11 293:13 298:2 314:2 317:4 318:19 321:15 322:12 324:20 bearing 47:25 289:8 bedside 228:19 beer 20:21,22 21:3 began 222:1 beginning 158:17 behalf 2:2,7 7:15 8:11 35:18 36:4,8 38:10,11,13,17 42:13 43:5 76:25 101:23 120:1 142:3 173:6 215:16 216:13 243:4 272:23,25 304:6 307:9 behave 268:23 behavior 180:13 268:20	beings 131:20 believe 10:21,22 14:7 18:4 19:23 24:21 41:15,20 45:16 57:17 77:17 80:6 83:16 107:9 129:13 131:8 135:15 152:24 159:4 160:24 161:6 163:25 164:18 167:13 168:3 171:16 176:16 177:13 189:8 199:14 200:24 202:9 209:15 220:23 224:13,22 233:11 253:2 262:19,22 263:1,1 286:19 289:20 believed 35:18 36:4 38:16,25 42:13 43:5 68:7 68:22 best 10:2 37:21 45:5,11 49:16 55:3,22 67:15 71:1,23 100:2 112:17 126:13 147:10 151:22,25 154:2 165:18 185:9 216:6,8,9,12 246:19 257:16 261:8 better 41:6 62:4 71:14 114:4 162:5 180:14 between.117 4:9 beyond 209:21 bhaiji 303:7	bias 22:18 big 42:9 227:25 239:2 251:15 271:4 319:24 324:5 bill 73:6 228:24 266:2,15 290:3 295:22 296:2,5 310:15 323:22 324:6,10 billing 266:16 305:6 bills 62:8,11 146:17 229:1 266:13 289:11 binder 4:3 66:3,19 66:25 129:6 175:7 binders 68:10 birthday 162:1,4 bit 80:5 bite 178:17 bk 21:3 black 263:10 311:22 blacked 127:3 blank 314:14,15 316:18,18 317:15 317:21 board 235:11,15 235:22 236:5 239:21 258:11 260:5,14 261:15 261:25 boards 235:10,20 236:1 238:10 261:1,11 bobbie 91:4 body 42:4 bonus 25:21 26:5 26:10,15,16	bonuses 25:11,12 25:13,17 26:23 book 129:1 135:9 148:9 bookkeeper 319:5 books 28:14 born 11:5 boss 39:20,20,24 167:17 bottom 166:25 205:15 242:2 264:5 270:15 304:1 317:13,17 boulevard 199:4 box 186:15 232:21 233:6 255:14 boy 102:14,14,17 102:17 244:9 braces 166:16 brackets 163:9 branch 6:16 318:18 319:3,4 brandt 6:8 293:13 brandy 1:12 3:4 4:5,8,9,11,13,15 4:18,24 5:7,9,10 5:12,14,16,18,19 5:21,23,24 6:3,5,6 6:12,14,16,21 7:6 8:14,19 9:1 16:5 49:10 81:13 82:5 82:5,12,13,14 105:11,16 117:8 117:17 122:19,24 126:20 127:2 131:9,11,12 134:3 134:8 146:3 204:19 206:4 215:2 217:8 218:19 226:7,20 227:2 229:16
---	---	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[brandy - case]

Page 8

238:2 239:10 241:18 248:23 252:10 254:19 257:23 262:14 267:19 269:12 271:22 279:22 291:11 314:2 317:3 318:18 322:11 327:9 329:9 330:4,9 331:4,13 332:20 brandy's 150:14 break 7:21 23:20 24:5,11,14 77:19 92:3 135:23 136:11,19,24 137:4,6,23 138:4 138:17,18,23 139:11 196:22 197:5,11,21,22,25 198:3,10 245:4 298:13,16,19,24 299:1,2,9,17 300:5 300:25 301:10 313:12 breaks 139:4 299:12,14 brewer 4:5,10,13 4:18 5:9,10,12,14 5:18,23 6:5,7,12 6:14,16,21 81:13 82:5,13 117:8 126:21 146:3 238:2 239:10 241:18 248:23 254:19 267:19 279:22 291:11 314:2 317:3 318:19 322:11 brian 179:8	brief 60:15 briefly 51:7 60:15 92:11 bring 23:14 brisbois 2:9 broad 35:22 325:14 brought 29:20 147:25 212:10 browsing 121:16 brubaker's 16:15 20:20 bruises 100:1 166:16 building 27:14 bullied 115:20 burgers 21:4 burner 14:22 business 13:5 30:4 237:5,7 268:9,16 277:17 businesses 17:3 button 226:5,11 226:19 c c 140:8,9 ca 329:25 cain 264:11,17 265:7 266:1,18,22 266:25 267:2,3,6,7 calendar 147:3,5 148:1,5,10,11,25 call 28:17 61:10,21 73:11,18 82:25 88:11 92:13 97:8 97:10 112:19,19 135:12 151:13 182:19 233:25 247:25 255:10 256:23 268:11,12 313:1	called 8:14 14:11 21:2 61:14,15 79:12 83:13 97:15 104:10,13,18,19 104:19,20 196:15 227:21 242:9 243:25 265:24 284:19 calling 207:9 227:14 279:17 calls 28:17 60:17 106:18 123:1,8 145:15 226:1,3,9 226:15 227:10 camera 102:21 canterbury 11:3 canton 199:3 capital 106:7 134:20 249:11 capitals 143:5 255:17,19,20 caps 147:3 205:20 275:25 caption 7:3 327:21 car 61:19 63:18 65:1 101:8 146:24 192:1 cards 64:24,25 124:2 166:12 care 74:21 124:9 128:9 277:15 303:15 cares 276:20 carry 67:19 carrying 67:19 case 1:6 7:3 10:11 13:21 15:4 48:1 60:4,16,18 61:21 62:1,10,17,19,25 64:8,9 65:4,9 66:2 71:17 72:10,18,22	72:24 73:10,18,20 74:22 79:6 87:7 87:25 88:10,24 89:24 90:1 93:7 94:23,23 95:24,24 98:11 103:18 112:12 113:1,5,6,7 115:20,21 120:22 132:24 140:21 145:14 146:18 147:2,11 153:17 153:20 154:3,5,7 154:14,16,17 157:25 158:18 159:20 160:1,22 167:13 168:14,14 171:18 175:14 176:5,16 177:9 178:17,24 179:5 179:11,15 187:3 187:25,25 191:14 192:6 193:12,14 193:17,21 194:3,3 194:5,13 199:13 200:7 201:24,25 201:25 202:3 203:7 205:19,21 205:24,24 206:10 207:24 209:15,23 209:23 210:8,9 211:8,8,12 212:5,6 213:6,7,7 214:17 214:18,21,21 225:3 227:13 230:13 232:3,23 238:16 255:14 265:4 290:12,19 290:23,23 291:1 296:6 300:23 304:19 323:21 324:14 329:6
---	---	---	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[case - chiropractor's]

Page 9

330:3 331:3 cases 13:23 63:4 65:14 70:25 71:8 71:21 73:15 76:14 79:7 89:9 95:6 96:18,25 106:12 112:10 113:3,18 114:16 115:11,18 116:4,15 118:15 118:24 120:14,16 120:19 143:23 155:7 157:10 171:20 175:25 176:1,7,9 178:2 183:17 184:23 187:8,24 188:11 192:5,20 195:9 198:19,23 199:7,9 199:11 201:17,18 201:20 202:11,15 202:23 203:24 204:4 210:14,16 211:3,4 212:22,24 235:13 237:11,17 238:12,14 239:3,3 240:11 249:15,16 249:17 253:8 254:2,7 255:11,15 256:1,3 257:1,3 258:12,14,15,16 259:3,9,12,14,16 259:18,19,21 260:1,6,11,15,16 262:4,5 272:14 273:6,15,16,19,23 273:24 274:5,21 275:8 276:1 277:23 278:18 280:7 283:13,14 283:22 284:2 285:18,22,24	286:16 287:2,2,9 289:4 302:9 311:19 312:2 casts 166:17 caught 210:18 cause 149:24 327:12 causing 128:1 cav's 18:25 certain 50:11 70:23 89:7 116:3 116:5,22 117:2 138:13 172:10 209:8 251:4 290:10,25 292:14 292:24 certainly 69:18 115:11 certificate 3:6 327:1 331:11 certification 330:1 331:1 certified 8:17 certify 327:8,19 328:1 cetera 111:22 chain 205:6 challenged 325:12 chance 116:7 change 29:13 33:22 49:11 235:25 236:5 329:14,15 331:8 332:3 changed 23:7 27:20 29:14 33:19 33:21 34:1 52:16 52:23,24 53:2 60:25 80:9,23,25 82:9 160:9 322:23	changes 60:22 329:13 330:7 331:7,9 changing 116:13 184:14 235:19 characterization 106:22 179:24 238:24 charge 79:3 94:6 97:2 167:15 220:17 289:21 311:16 charged 199:16,18 209:22 221:3 charges 96:12,21 296:3 charging 219:25 chart 177:23 cheated 19:23 check 5:5 158:2,14 159:2,22,25 160:22 218:20 223:15,22 224:8 225:1,2 295:20 297:10 306:12 311:6,9,11 checks 73:10 158:1,10,11 206:1 206:9 211:10 214:23 215:4 218:16 316:17 317:14 319:8,18 319:21 320:2 chest 166:13 chiro 106:9 110:10 118:14 119:4 123:11 124:19 143:20 199:1,2 226:2 235:10,20 236:1,5 238:7,10 239:20 242:24	243:1 244:8 252:24 254:11 261:11 264:11 266:18,23 267:3 270:5 277:22,24 278:7,23 chiro's 119:6 124:6,8 278:6 295:22 chiropractic 119:10 253:8 259:9 266:25 268:6 284:22 295:15 chiropractor 107:2 113:5 129:23 231:22,23 232:19 236:25 237:2,10,11,13,14 237:17 242:9 243:24 246:15 247:8,22,25 248:10,12 250:14 250:15 254:8 255:10 256:2,25 266:8 270:8,12 271:5 279:7 285:25 286:13 287:1 295:24 296:9 304:15,18 304:24 320:2 323:20 chiropractor's 99:15,18 107:3,6 107:13 111:7 119:14,17,22,25 120:7 125:17 195:22,25 221:11 221:15,20 278:1 278:12 279:1 290:3 324:6
--	--	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[chiropractors - clinics]

Page 10

chiropractors 108:3 110:15 111:8 130:3 228:1 229:6 230:5,22 231:8,9 232:1,5,12 233:21 234:12,20 235:1 237:4 245:15 246:22 268:2,16 273:12 280:15 281:21 282:18 284:10,21 284:23,25 286:17 287:9,21,24 289:1 290:7,10,25 294:17,25 295:4,7 295:11 303:17 304:4,16 323:25	218:13 cities 270:7 city 82:21 270:13 civil 8:16 326:3,7 330:5 331:5 claim 70:14 claiming 70:9 clarify 66:24 82:3 150:3 196:11 class 13:5,6 classes 14:16,19 clear 22:18 69:24 154:15 155:13 159:15 198:17 207:4 209:20 313:17 clearly 102:15 103:4 111:2 clerk 2:21 cleveland 2:11,16 31:21 122:25 123:9 141:23 249:20 253:2 270:18 328:7 329:2 client 23:10,19,23 24:2,12 27:24 28:4,16 40:22 41:1 53:11 60:17 62:1,3,19 64:11 65:18 66:1 70:20 71:7,12 73:12,25 74:5,20,21,24 75:17,17,18 77:2 96:4,11,22 98:20 99:4,23 100:12 101:5,7,8,10,13,15 101:16,18,21,22 102:1 103:17,21 104:16 106:18 107:5,22 110:6	112:18 113:20,20 113:22 115:19 118:12 119:21,24 120:2,2,4 124:5,7 125:12,20,21 126:2,3,6 131:18 131:19,19,20,22 133:18,19 135:12 138:13 140:25 146:21,23 166:2,9 166:13,21 177:7,8 181:1 184:4,7 186:8,12 191:17 191:25 196:3,15 196:15 200:7 202:2 203:8 219:9 226:10 227:22 232:18 233:23 234:2,4 237:1,9 239:5 242:23 244:19 246:12 247:6,22 250:19 250:20 251:2,4 260:21,21,25,25 261:5,7 263:3 265:17,24 266:8 269:19 275:20,22 278:5 279:15 284:4 286:17 296:16 298:18,22 299:3 300:25 301:3 310:13 312:1 314:23 315:18 323:23 client's 23:13 60:18 100:2 104:8 112:13 129:20 143:3 176:15 233:24 246:18 256:9 261:8 276:13,16,25	277:6,9 283:21,23 289:23 296:5,7 299:18 clients 10:20 28:15 62:6 71:9 74:14 75:20 76:23,23 92:14,22 93:2,11 93:14 94:16 96:1 97:13 98:5,10,14 98:17 101:25 103:12 106:8 107:1,2,5,11 108:4 112:4,5 116:4 120:7 124:10,18 125:11 130:2 151:15 153:25 165:18 199:16 221:11,14,21 228:16,20,22 230:25 231:11 235:7 236:15 242:10,12,25 244:14 246:21 250:15 251:3 253:4,19 254:1 256:10,22 257:3 264:2,10 268:23 269:5 271:6 275:8 276:3,12,21 277:3 277:12,15 283:25 284:10 286:14,20 287:24 299:12 300:6,9 312:7 313:3 321:6 323:24 clinic 252:24 253:9 259:9 281:23 293:25 302:23 325:5 clinics 6:10 259:1 270:17,18 293:23
--	--	--	--

Veritext Legal Solutions

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888-391-3376

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[clinics - consideration]

Page 11

294:1,8,18 298:1,8 298:17 302:19,22 303:5,12,23,25 306:18 307:1,2 close 37:15 44:16 77:22 122:10 229:5,11 230:4,21 231:4 234:19 321:8 closed 62:20 closely 245:22 closer 122:11 264:15 266:9 closing 72:21 73:17 83:11,16 186:11 coaching 93:24 189:14,16 223:2,3 coffee 17:13 collected 192:8 collecting 164:14 college 11:14 12:9 14:16 columbus 143:11 143:16 196:2,4,5 196:13 199:6,7,9 219:7 228:14 280:6,9,15,20 281:21,23 282:22 283:6 284:14,15 286:1,6,14,18,21 286:23 287:1 303:16 column 176:15 178:1 179:6,13 190:23 194:12 195:12,13 207:16 208:5 columns 176:22 176:23 177:1	come 14:11 17:22 19:10 23:10 73:12 74:6 89:9,10 98:20 99:8 101:5 101:10 104:7 149:13 202:24 266:17 269:6 276:19 300:18 comes 27:24 115:25 117:2 140:22,23 246:12 271:14 comfortable 16:5 16:10 69:7 266:6 268:21,22 comfortably 160:8 coming 80:11 199:9 comma 278:21 commend 217:7 comment 40:18 185:20 commercials 28:14 31:21 commission 328:16 330:19 331:25 332:25 commissioned 327:8 common 1:1 120:6 120:9,10 122:9,11 296:4 commonly 182:8 commun 76:12 communicate 34:24 38:13 73:25 74:5 75:17 77:5 communicated 125:21 228:21 256:21 289:16	communicating 71:9 74:13 289:18 communication 33:18 34:14 281:17 communications 55:5,23 community 17:16 20:12 companies 73:1 112:14 companion 208:20 company 31:22 62:13 65:1 71:17 72:6,15 74:7 77:5 112:22,24 113:19 113:24 124:3 154:5 185:6 195:2 195:5 company's 42:12 43:4 comparison 77:15 compensate 199:20 complaining 284:20 complaint 53:5,15 53:18,25 54:3,9,12 54:15 55:6,24 56:5,18,24 57:3,16 57:23 58:8,9,13,22 59:2,6,10 61:7 66:5 68:5,11 complete 159:2,3 169:15 187:2 completed 227:12 327:22 329:16 completely 37:2 40:23 108:17 113:7 138:21 152:13 192:11	211:15 215:21 222:5 completing 171:25 complicated 39:19 compound 100:15 computer 61:15 79:12,21 145:20 222:7 concern 113:18 116:11 concerned 146:22 212:25 283:21 conclusion 149:13 conduct 44:6 299:18 conduction 244:17 confer 23:19,23 24:2,11 197:10,25 198:4,11,14 298:18,21 299:2,6 299:8 300:8,15 conferring 197:19 confidential 7:18 7:20,24 8:2,5 320:24 confirm 182:17 263:4 confirmation 312:17 confirms 167:19 conflicts 148:13 confuse 155:15 confused 87:17 168:17 connection 19:11 46:21 225:3 considerably 26:14 consideration 236:12,13 321:5
--	---	---	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[constant - courtesy]

Page 12

constant 34:13 203:18 consulting 301:3 contact 73:12 230:5,22,24 231:7 231:17 232:1,5,9 contacted 177:7 contacts 66:1 71:7 contain 166:2 context 151:7 contingency 166:3 continue 41:5 128:5 185:25 190:6 197:1 278:7 continued 5:1 6:1 93:21 continues 206:8 contractors 95:13 97:11 contrary 168:3,5 277:5,9 contributing 65:22,23 control 139:3 controlling 243:10 conversation 19:3 47:20 48:17,24 50:13 149:9 198:15 219:15 conversations 35:6,15 49:1,21 232:12 316:10 coordinator 34:5 coordinators 79:6 171:19 copied 52:4 53:2 84:2 90:6 105:17 142:23 144:6,7 165:12 171:3 242:18 325:17	copies 66:16 320:16 321:3 copy 65:2 144:10 263:14 292:2 301:21 312:17 326:14,14 copying 106:2 129:17 134:14 229:23 255:1 core 238:15 correct 20:8 25:7 30:7 32:8,9,11,12 32:17,24 34:17 35:20 36:6 38:17 39:1,21 42:15 43:7 52:3 56:10 58:18 59:23 64:1 64:2,13 70:6,7 71:18 78:10 79:20 80:2 81:22 82:1,6 82:10,14 84:22 85:19 86:10 92:16 96:14 97:16 99:19 100:13 106:2,3,20 106:24 107:6,15 108:6 110:25 118:3,6,8,22 119:4 119:10,23 123:4 124:10,19 126:8 130:16,19 132:6 133:6,20 134:15 138:15 140:1 142:23,25 144:16 144:23 145:2,10 146:9 148:5,25 149:1 150:1 151:15,22 152:2 153:20 160:11 162:14,15 165:5 165:13 167:2,6,11 167:17,18,23	170:23,24 171:1,2 171:5,6 172:1,7,8 172:12,13,16,17 175:19 176:4 178:7 179:15,19 179:22 182:9,19 183:1,12,24 186:22 187:4,8,14 188:6,15 192:16 192:24 194:13 195:1,5,22,25 196:5,16,19 198:20,21 200:4 200:16 202:18 203:25 204:6 205:8 206:20 207:18 208:7,25 213:14 218:1,6 221:12,16 225:19 225:23,24 229:24 230:1,6,9 238:22 240:25 245:17,18 245:24 246:23 248:17 249:12 252:17,22,24 254:14 255:2,4 258:7 261:25 264:14 268:3 270:9,13 272:11 280:4,7 283:25 284:12,16 285:15 285:23 290:4,13 291:4 293:23 296:13,18 302:12 302:13,15,16 304:2 306:10 312:4 319:8,9 322:20 323:12 324:14 327:17 corrected 153:10 169:17,25 210:19	211:5 213:2 218:8 correcting 169:21 corrections 329:13 331:17 corrective 50:5 correctly 83:1,3 106:14 118:17 123:12 134:25 147:13 165:23 166:23 206:5,13 255:22,23 258:19 259:23 264:18 312:18 317:24 correspondence 64:25 could've 249:16 counsel 316:1 326:1,10 328:2 count 35:7,15 country 195:24 284:22 285:1,15 285:19 287:3 289:6 county 1:1 327:4 330:10 331:15 couple 79:2,5 162:6 231:14,17 255:15 256:4 258:24 305:5 310:19 312:8 323:21,22 324:11 324:11 course 48:10 276:21 court 1:1 3:7 8:12 10:11 13:16 23:16 128:1 153:5 181:14 189:4,7 330:7 courtesy 137:2
--	--	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[courthouse - department]

Page 13

courthouse 13:15	cv 1:6	125:20 126:4,7	decorating 201:8
courtney 5:12	czetli 92:14 118:21	130:14,19 131:4,7	decorations
179:9 241:18	162:13 163:18	131:16,25 132:16	200:24
242:3,8,17 243:13	195:8	147:8,17 149:4,7	deducted 289:22
291:21	czetli's 195:4	149:15 151:14	deed 330:14
crash 80:11	d	152:1 153:19	331:20
crazy 309:18	daily 87:7,25	154:3 175:19,23	deemed 329:20
319:20 320:1	175:22 284:12	176:9 193:12,21	defendant 2:7
create 74:6 79:7	damage 61:19	203:4 219:10	22:13
146:18 164:7,12	62:11 63:22 65:3	230:6,23 231:5,8	defendants 1:9
created 27:11	75:19 124:4	231:18,24 232:2,8	8:11
52:25 121:11	146:24 234:5	232:13 233:22	definitely 52:15
148:9 164:1,10	dan 12:20	280:13 326:13	158:3 246:18
171:13 308:4,10	data 16:22 79:8,11	328:7 330:16	284:5 316:7
creating 32:2	79:20	331:22 332:22	degree 11:18,22
127:24 313:9	date 7:2 117:15	days 31:17 32:5	11:25 12:7 13:25
creep 270:24	127:21 129:4	34:21 35:4,6,13,14	14:15,20 209:9
creepy 269:1,6	170:12 175:2	67:18 68:1 190:4	deidra 291:22
criminal 11:23	177:6,8,8 202:11	329:19	delivery 326:9,11
criteria 165:19,20	204:23 223:23	dayton 268:2,6,8	326:13,14
171:22 172:15,20	317:10 326:11	deaconess 242:9	demand 72:5
174:9 183:10,13	329:9 330:3,9,19	242:24 244:8	demanding 280:10
183:14 186:21	331:3,13,25	deal 73:3 271:4	280:19 281:4
critical 48:14	332:20,25	319:24	282:4,17 283:25
criticize 172:25	dated 134:15	dealing 95:17	284:2 285:7,9
260:19	166:6 258:9 280:3	286:12	287:22 289:2,14
criticized 47:9	293:22	deals 284:11	dennis 162:12
50:1 313:9	dates 14:12 18:7	dear 329:10	deny 245:15
criticizing 173:10	128:25 129:3	debate 189:23	301:12,13
260:10	175:4,8 176:19,20	december 81:22	denying 301:14
current 51:17	177:4	122:24 123:1,5	department 29:4
85:14	daughter 19:16	127:5 204:23	48:7,11 61:13
custody 3:7	20:6,15	205:2,7 217:21	62:16 63:25 73:11
customer 30:25	dave 143:10	decent 228:25	78:2,5,7,22 79:9
231:3 232:7	david 143:4,6	decide 10:11 45:5	79:11,20 80:6
281:11	163:11	45:11 186:2	82:22,24 83:8,22
cut 160:1 225:3	day 12:16,17 29:3	decision 220:16,16	83:23 84:1,5,15,21
cuts 166:16	29:3 31:8,13,13,14	236:25 237:9	85:16 86:19 89:5
cuyahoga 20:25	31:20,24 34:19	275:25 324:4	89:20,20 90:4
327:4	35:8 67:18,25	decorate 200:15	111:6 157:7,25
	71:8 89:11 117:19		158:10 194:18

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[department - disputing]

Page 14

225:22 329:22 departments 31:5 31:5 32:1 79:23 80:1,14,15 81:2 88:11 depend 141:12,20 231:19 247:15 dependent 209:9 depending 205:25 209:23 210:9 212:6 214:22 323:25 depends 32:6 33:4 34:22 177:22 182:14 193:4 247:12 265:14 deponent 94:2 deposed 8:17 deposition 1:12 7:17,21 9:12 22:9 23:3,24 24:3 32:4 41:2 53:9,13 66:7 66:10,18 67:2 81:11 85:25 93:20 94:2 105:9 108:12 117:6 122:17 126:19 127:15,25 134:1 142:14 146:1 161:16 170:5 174:22 180:12 196:10 204:17 217:2,10 223:14 225:7 229:14 237:25 239:8 241:16 248:21 252:8 254:17 257:21 262:12 267:17 269:10 271:20 279:20 291:9 293:11 297:24	300:24 313:25 317:1 318:16 320:21 321:12 322:9 324:17 325:22 327:20 329:9,12 330:1,3 331:1,3 depositions 23:13 37:16 44:7 102:22 deremer 118:21 describe 228:10 230:17 described 18:9 describing 83:20 description 4:2 5:2 6:2 63:16 76:5 76:7 descriptions 78:22 designated 8:5 designating 7:16 7:24 94:9 designation 8:1 despite 132:2 details 79:2 255:16 determination 236:9 determined 48:10 126:1 136:2 138:7 141:7 determines 22:6 determining 261:1 detour 98:19 development 30:4 deviate 132:5 devin 179:8 dick 33:17 dictate 240:5 dictating 124:16 125:8	difference 30:15 210:22 211:20 310:1 differences 76:20 different 30:6,9 31:13,14,17,17 61:3 63:1,1 73:13 73:15 75:23 78:20 78:21 88:4 89:4 94:22,23 95:5,6 98:14 99:12 116:12 120:22,23 121:24 132:21 135:9 136:9,15 139:6 147:24 149:12 175:8 176:3,18,20 181:2 184:4,25 198:19 199:6 211:19 215:21 224:16,20 224:25 236:18 247:4 254:8 258:25 272:6 273:12 279:2 280:19,24 296:24 307:18,22 311:13 differentiation 83:21 differently 210:24 226:8,22 227:3 difficult 14:18 226:15,17 306:18 306:23 direct 166:20 196:13,16 199:5,6 268:12 302:14 directing 85:16 226:24,25 direction 84:21 236:2,4	directions 32:16 33:3 42:12,14 43:4,6 44:21 261:21 directly 18:13,15 32:7 33:5 211:16 221:10 director 21:20,25 28:21 29:2,6 30:4 30:6 33:17 disagree 143:16 183:1,2 224:4 302:6 discharge 166:6,7 discharging 166:10 discipline 47:6 313:5 disciplined 46:18 46:25 47:8 discoverability 22:5 discoverable 15:21 24:21 discovery 200:21 300:24 discretion 25:14 45:4,10,14 46:5 102:1 discretionary 25:13,17 discuss 202:1 discussed 7:16 321:1 discusses 251:1 discussing 32:3 dispute 132:12 152:4 disputing 77:3 152:5
---	--	--	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[distinction - eleventh]

Page 15

distinction 215:6 distinguish 306:25 307:7 distributed 70:22 divided 78:25 dob 146:16 doctor 28:16 130:5 135:11,11 226:1,3,9,12 227:10,14 228:17 228:21 232:18 236:16 244:17 246:13,15,16,23 247:2,3,4,7,23 248:1 251:4,5,23 251:25 257:3 259:2 266:3,11,11 266:12 289:20 290:20 296:4 297:2,4,7,9 305:11 305:12,20 306:2 306:11 310:5 311:16 312:14,22 312:24 313:2 320:11 324:2 doctor's 99:10,14 101:12,15 107:23 123:18 141:4 doctors 73:8 130:3 227:21 228:8,15 228:15 231:10 232:20 235:6,12 236:18 237:5,15 240:23 241:12 242:19,22 246:16 246:20 248:3 250:17 256:10,21 266:4,5 279:14 281:14,19 285:5 286:5,22 289:5,6,9 290:5 292:7,11,14	292:19 294:5,11 295:7,11 296:12 297:8 303:4 305:14 306:8,19 306:22 310:12,20 310:23 311:14 312:2,8,21 document 57:6 68:17,21 81:17 127:20 128:6,19 133:23 196:23,25 197:4 198:17 223:25 292:5 298:24 301:24 302:2 307:4,15,18 308:7 309:3,13 313:6,9 315:5 316:4 318:13 319:2 documentation 62:9 65:3 100:5 107:25 documents 4:3 13:16 64:24 66:19 67:1,5,7,13 70:2 73:13 98:24 99:24 100:11 105:6 124:3 127:13 129:14 176:12 262:21 299:8 307:22 docusign 98:21,22 99:7 dog 178:16,17 doing 17:18,19,24 18:13 23:9 27:16 29:18,24 32:4 36:17 37:1,4 42:10 43:17 44:22 49:10 50:2 82:19 103:5 106:12	109:8 112:10 113:3,18 124:25 127:24 135:14 153:6 165:7,19,21 169:16 173:4 186:24 189:8,19 190:2 201:6,10 207:10 208:1,3 217:2 220:8 222:16 242:15 252:6 268:9,15 276:3 299:16 dollar 179:17,18 193:20 dollars 305:5 323:22 324:11,12 door 205:23 214:20 double 148:8 downtown 16:18 dr 265:7,20 266:1 268:10,10,17,19 269:22 270:17 285:8,14,22,25 286:15,22 289:5 292:5 294:14 297:13 303:7,7,8,8 303:14,14 drafted 212:18 drafting 56:13 drag 190:4 drinking 17:13 drive 21:10 101:8 driven 320:1 drives 319:19 dubecky 91:4 due 82:9 duly 8:16 327:7,10 dunlavy 291:20 duration 191:13 192:20	duties 29:12 191:8 192:20 230:12 dynamic 280:20 280:25 281:16 e earlier 49:5 145:13 153:23 201:1 229:10 241:12 250:13 earn 25:10 ears 222:10 earthly 320:6 easier 85:18 101:6 101:7,9,11,14 146:21 164:19 226:14,19 244:19 257:7 304:7 easiest 19:7 east 2:10,15 286:19,20,23 287:8,10 education 13:5 effort 148:8 165:16 eight 25:25 27:17 81:1 106:13 112:11 either 23:5 57:7 60:1 62:14 70:9 82:25 84:21 132:4 145:21 153:9 178:2 253:9 260:23 263:13 268:11 273:20 275:11 304:24 316:11 328:2 elaborate 45:12 electronically 98:25 eleventh 181:10
---	--	--	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[elk - entire]

Page 16

elk 29:11,11,16,16 29:19,19 30:2,2 ellis 268:10,19 email 4:4,6,7,9,11 4:12,15,16,18,19 4:21,23 5:3,5,7,8 5:10,11,14,15,17 5:19,20,22,24 6:3 6:4,6,7,11,13,15 6:17,20,22 43:15 51:8,9,10,14 52:7 52:24 56:9,10,14 58:12,14,21,23 59:5,7,8 69:13,13 69:17 70:4,5,5 81:12,21,25 84:12 85:13 86:1,8,12 87:7,25 88:24 89:8,19,24 90:6 99:1,3,4,6 105:10 105:16,19,25 106:4 107:9 109:25 110:4,25 111:3,12,17,22 112:1 113:10 115:17 116:16 117:7,13,15,17 118:4,7 122:10,12 122:18 123:4,16 124:10 125:14 126:20 129:10,12 129:18 132:23 133:17 134:2,13 134:18,21 135:3 135:22 136:5 137:21 139:22,23 140:13 142:15,21 144:6,8 145:8 146:2,8,11 148:15 151:8 161:17 162:8,10,19	163:19,24,25 164:2,7 165:12 166:1 167:11,19 167:22 168:1,21 169:5,7,14,18,21 170:1,6,22 171:10 171:12,18 173:1 173:12,16 174:16 175:6,18,22 184:6 184:9,10,21 187:6 187:23 188:1,2 190:25 191:14,15 191:16 201:17 202:12 204:18 205:1,6,10,11,15 205:17,18 206:16 206:19 209:19 210:20 211:2 212:13,15,17,18 214:4 217:11,18 217:22,24,25 218:3 219:22 225:8,18 229:15 229:22 230:11,14 230:16,20 231:25 232:16 233:11 238:1,6,17 239:9 239:15,18,20,23 240:7 241:17 242:8,10,11,25 243:17 244:14 247:17 248:22 249:4,8,18,23 250:1,2,4,10,25 251:7,14 252:9,15 252:19 254:18,24 256:4,7,20 257:22 258:6,21,23 260:10 261:16 262:13,20 263:1,3 263:15 264:22	265:1 266:19,24 267:10,18 268:13 269:11 270:3 271:21 272:5,8,10 273:18 275:24 279:21 280:2,13 282:14,16 284:20 284:24 285:15,17 291:10,17 293:12 293:19 298:6 301:9 312:17 314:1 317:2,13,17 318:1,17 319:2,6 320:15 321:13 322:10,18,20 323:3,17 324:18 324:23 325:15,18 329:17 emailed 99:2 172:10,11 210:6 242:17 emailing 82:16 144:10,11 214:6 242:19 254:25 322:19 emails 51:8,19 52:9 53:17,22,23 53:25 54:9,19,23 56:4 58:16,16 59:3,10 66:4 68:6 68:10 69:11,14,19 82:4,6 89:12 90:1 131:9 133:4,11,13 135:25 136:7,14 136:17,25 137:24 138:1,4,19 139:5,8 149:5,7 170:25 175:10,14,16,21 176:8,8 177:18,20 183:11,23 184:20 186:20 192:12	205:12 206:16 221:9 241:25 256:5,13 263:11 272:6 278:3 314:9 314:11 320:16,22 321:3 embarrassed 267:9 employee 22:12 29:10,16 38:12 59:18 86:19 87:2 145:21 employees 38:15 42:12 43:4 44:22 45:20 51:12 52:13 78:6,12,13 79:3,5 89:21 90:15 95:14 100:20 103:10 107:1 132:3 171:17 219:19 224:15 employers 13:6 employing 92:12 employment 21:13 enclosed 329:12 encompassing 43:13 ended 20:6 enforce 227:8 engaged 19:15 220:2 enjoy 281:1 ensure 74:25 165:17 191:16,22 251:16 ensures 70:22 entered 255:18 331:9 entire 7:17,19 62:22 109:25 309:11 330:5
--	--	--	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[entire - face]

Page 17

<p>331:5 entirely 120:3 158:20,22 240:8 entitled 10:20 22:6 23:8 94:13 223:21 300:3 envelopes 200:14 200:23 er 87:8 88:1 ericka 255:1,6 erieview 2:15 errata 329:14,19 331:7,10,18 332:1 error 210:17 211:4 212:10,17 212:19,20 especially 149:16 286:8 esq 2:4,9,14,20,20 essentially 28:3 74:25 124:16 estimate 26:3 63:10 65:3 149:18 283:1 et 1:3,8 7:4,5 111:22 329:6,7 evenly 245:24 251:8,10,20 event 328:3 events 9:5,9 20:11 61:7 everybody 23:4 evidence 15:21 100:6 108:8 evolved 80:8,19 exact 18:7 63:9 77:24 79:1 114:10 158:3 164:5 283:17 exactly 21:10 27:11 57:18 77:12</p>	<p>113:13 171:11,24 219:17 231:23 examination 3:4 8:15,19 example 39:4,15 44:20 46:3,12 50:9 51:9 52:9 54:2,17 56:17 57:22 58:11,21 59:5 68:5,17,20 79:2 141:18 153:5 214:19 228:13 240:10 examples 31:16 46:4 47:22 171:23 exception 227:4 exceptions 134:24 172:6 226:6 227:2 excessive 293:1 exchange 245:17 262:20 exclamation 106:9 106:13 112:11 134:20,21,24 147:11,12 242:6 258:17,17,18,18 319:22,22 excuse 85:21 93:12 107:16 275:21 executed 331:10 execution 330:14 331:19 executive 22:1,2 25:3 27:9 28:21 29:8,25 33:23 34:2 exhibit 3:7 4:3,4,6 4:7,9,11,12,15,16 4:18,19,21,22,23 5:3,4,5,7,8,10,11</p>	<p>5:14,15,17,19,20 5:22,24 6:3,4,6,7,9 6:11,13,15,17,20 6:22 66:16,18 81:9,11 85:23,25 91:18 105:9 117:6 117:12 122:15,17 126:19 133:24 134:1 139:20 142:12,14 145:24 146:1 161:16,22 170:3,5 174:20,22 186:17,18 187:7 188:3,8 190:20 191:15,16 193:8 194:20 198:17 204:17 207:16 208:12 209:18 217:10,16 223:14 223:20 225:7,13 229:14,20 237:25 239:6,8 241:16,23 248:19,21 252:8 254:17 257:19,21 262:10,12 267:11 267:17 269:10,17 270:3 271:20 272:2 279:20 291:9,15 293:11 293:17 297:24 306:1 307:16,25 313:25 317:1,12 317:13,17,18 318:16,24 321:12 322:7,9 324:17,24 exhibited 268:19 exhibits 3:3,7 4:1 5:1 6:1 187:14 188:15 191:1 192:15</p>	<p>exist 286:9 existing 290:22 expect 7:25 107:2 expedited 326:13 expense 127:24 296:6,7 expenses 157:10 157:25 219:14 experience 18:21 286:12 expert 296:9 306:14 expiration 330:19 331:25 332:25 expires 328:16 explain 16:3 39:9 47:17 72:20 157:1 157:20 180:19,20 191:21 230:12 323:13 explained 17:23 112:23 124:20 145:13 234:21 275:1 explaining 61:2 127:12 180:25 323:3 expose 10:19 expression 36:22 expressions 36:16 extensively 53:18 53:20 extent 36:10 48:2 60:7 276:10 eye 204:14 eyes 75:16</p> <hr/> <p style="text-align: center;">f</p> <hr/> <p>f 2:14 f'ing 320:1 face 317:23</p>
--	--	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[faces - firm]

Page 18

faces 222:25	182:2,3,6,9,18,19	294:13,25 295:3	53:4 54:10 55:1
facial 36:16,22	182:23,25 183:5,7	295:14 298:17	66:14 69:10 81:8
facilities 34:5	183:9,15,22	305:8,15 306:9	107:14 138:5
fact 206:23 218:6	187:10,12,22	309:4 314:13	139:13 197:7
263:2	188:7,8,10 190:19	320:21 325:3	300:7 301:1,11
factors 65:22,24	190:24 193:3,8	feet 269:21 270:24	finish 14:14 50:17
facts 108:8	198:18 199:15	felt 29:24 39:2	135:22 136:1
failed 23:14	202:22 206:2,22	151:8 154:19	137:3 138:25
fair 47:9 109:14	206:24,25 207:1,7	282:15	139:2 301:9
125:5 159:8,8,10	207:8,9,17,18,23	female 269:20	305:10,20
159:12 211:17	207:25 208:6,7,10	festive 201:15	finished 75:9 86:6
315:24 316:3	208:24 209:6,9	fetish 268:18	105:20 117:13
fairfield 268:7	211:9 212:22,23	field 162:17	159:24
fairly 228:20	212:24 214:24	fifteenth 288:13	finishing 14:20
250:5	218:17,22 219:8,8	fifth 190:23	fired 50:11
fall 178:19	220:17 221:3	fiftieth 162:5	firm 1:17 2:3 12:8
falls 20:25 31:6	289:19,21,22	fifty 306:22,23	12:11,12 13:8,10
false 41:8,10,11	290:3 292:21	figure 29:20	14:1,4,6 15:19
103:3	296:4,18,22 310:6	figured 148:22	16:14 18:16,24
familiar 18:23	310:22,25 316:17	file 13:16 22:11	20:20 27:25,25
20:10 68:9 223:24	317:14 324:5	76:13 84:15 100:3	28:5,19 29:4
family 269:4	325:9	192:3 312:15,16	30:18 34:23 35:18
far 14:15 26:15	feel 16:5,10,12	313:4	35:20 36:4,5,9
158:3 165:23	41:22,23 43:12,14	filed 23:3 54:13	38:10,11,13,17
202:21 206:5	48:21 54:19 61:10	57:17	45:5,11 60:17
217:2 241:11	68:13 69:6 115:15	files 79:8	71:15,20 77:15
fast 114:18 136:1	115:22 122:9	filing 13:14	80:4 89:8 96:5,12
fax 82:25 99:7	147:20 151:23	fill 145:19 232:21	96:20 97:2,16
111:5,7 312:17	154:11 168:25	filled 171:24	98:2 103:13
faxes 79:3,4,6	185:3 191:8 207:1	filling 255:20	104:21,21 108:4
february 127:2,6	216:4 223:8	fills 61:13	111:12 112:4,13
129:19 134:7,15	229:12 230:10,15	final 10:15	113:1,6,22 115:22
321:19	266:5 268:20,22	finals 73:3	119:2,23 124:16
fedex 99:10	276:13 281:14	find 22:11 28:15	125:9,9,19,21,23
fee 64:18 96:13,21	282:20,22 300:3	28:18 104:18	126:10 143:15
97:3,15,16 98:1,2	feeling 62:4 71:14	150:11 171:23	154:8,14,18
98:7 103:22 104:7	113:9	202:15 228:15	164:12,20,22,25
104:11,14,22,22	fees 185:6 210:15	235:6 263:2,3	165:3 166:10
104:25 166:3	210:16 211:22,22	329:12	175:23 177:7
168:20 173:25	220:1,1,9 290:9	fine 7:23 15:24	182:8,8 185:23
174:1 179:21,24	292:4,8,14 293:4	43:20,24 50:18	186:2,4,5 196:15

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[firm - generally]

Page 19

200:14 219:8 220:2,6,10 221:19 225:2 227:15 234:10,24 237:3 238:22 240:12 243:1,9 245:22 248:2,11 253:16 257:1 266:22 273:15,16 276:2 285:18,24 286:14 287:2 290:9 292:13 293:3,3 295:25 296:1 302:20 firm's 64:13 126:5 130:18,21 151:12 158:25 160:3 175:17 185:16 199:19 209:20 220:24 224:3,15 228:1 245:14,16 302:4 firms 112:5 114:16 115:12,19 116:15 155:7 first 8:16,24 27:9 53:15 60:17 87:21 123:16 125:21 171:22 178:3,4 198:23 205:12 217:17 230:3 239:18 272:7 275:15 298:20 308:6 314:11 315:23 317:18 327:10 fisher 162:24,25 163:11 fit 75:21 five 26:11 92:3 106:12 113:8	114:9 117:3 210:14 211:3 212:22 230:11 254:6 fix 219:20 fixed 64:23 65:2 flexible 228:24 289:10 floros 265:20 292:5 314:13 316:18 317:15 319:23 focus 14:20,24 follow 87:10 140:24 141:3 261:10,14,24 277:22 278:14 279:6,11 320:14 following 87:6,24 165:22 171:23 292:4 follows 8:18 food 45:19,24 foot 268:18 forcing 115:15,23 foregoing 327:16 327:21 330:13 331:18 forget 295:19 311:5,8 forgets 141:1 forgetting 74:9 forgot 267:14 form 9:16 31:10 32:18,25 34:15 35:22 38:18 39:22 43:9 44:24 46:7 56:11 58:24 61:14 61:14 63:14 64:1 64:7,14,20 68:24 73:4 76:18 87:15	96:6 100:15 107:7 108:20 145:18,20 151:16 167:24 171:23,24 187:16 191:2 199:23 210:2 220:4 227:16 229:7 234:14 235:3 245:19 320:8 formally 47:8 former 255:7 forms 99:4 106:10 107:3,23 110:8,11 110:23 111:6,7,9 118:11 121:4,7,10 121:19 123:25 141:1 143:4 166:5 171:13,15 172:1,9 172:10,20 192:8 forty 306:23 forward 242:11 243:2 329:16 forwarded 117:18 272:10 found 27:25 28:4 85:1 88:7 121:2,6 121:22,23 211:4 212:17,19 four 27:3 67:18 68:1 106:12 121:14 171:25 fourth 179:6 frankly 300:2,14 309:25 frantzis 294:14 297:13 frantziz 303:14 freaked 269:24 free 216:4 330:14 331:20	french 163:11 frequently 227:14 freshman 11:13 friday 255:10 friend 264:11 266:19 friendly 48:17 233:19 friends 269:4 front 73:19 128:24 128:25 129:2 fucking 319:20 fulfill 172:19 183:10 full 12:8 139:12 functions 32:3 funny 243:16,23 244:6 furniture 27:15 further 40:18 196:14 327:19 328:1
g			
games 18:25 gardner 90:14 91:14 gary 162:12 163:2 163:11,14 gather 107:24 110:6 111:16 173:20 gathered 62:9 100:5 gathering 63:20 65:5 gears 51:7 general 13:17 77:2 97:2,8 184:22 279:7,10 280:14 generally 9:18 10:13 39:21 52:2			

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[generally - going]

Page 20

71:15 96:12 99:17 99:20 103:22 236:3 247:19 geographic 236:11 geographical 65:16 138:11 141:9 231:20 235:13 236:9,18 getting 14:14 17:13 19:17 64:18 132:25 133:12 134:23 139:10 140:14,21 146:16 164:15 188:12 206:3 214:25 218:17 220:9 229:1 310:6 ghent 1:18 2:4 ghoubrial 303:8 give 9:20 22:7 26:2 31:16 32:16,22 46:3 60:15 69:9 71:22 77:1 138:1 138:3 160:8 164:25 201:3 215:19 216:8 233:24 236:1,3 326:1,10 given 71:10 76:19 93:7 107:25 110:13,19 123:17 142:6 175:18,23 231:24 232:8 237:10,12 250:13 258:25 265:8 327:13,18 giving 16:5,11 33:3 37:14 55:15 72:7 127:19 130:25 185:9 197:22 203:20	261:21 262:1 glad 207:4 go 11:14,16 13:15 17:14 18:7 19:22 23:12 24:11 31:11 31:19 32:19 33:1 34:16 35:12,23 36:10 38:4,6,19 39:23 40:9,13 41:19 42:18 43:10 44:25 46:8,20 47:11 48:2,20 51:15 53:21 54:6 55:17 56:2,12,25 57:2 58:25 60:7 60:14,24 61:3,8,19 62:15,21 63:4,6,12 64:15 67:15 68:25 70:18,21 71:2 72:1,17 75:4,10 76:2,21 84:11 87:16 88:10 89:17 92:14,22 93:5,18 94:18 95:2,10,22 96:7,16 97:6 98:13 100:16,22 100:24 103:15,25 104:24 106:23 107:5,8 108:10 111:4 112:7 114:21 115:17,24 116:19,25 123:11 124:13,19 125:7 125:24 132:8,19 138:10 139:20,20 151:17 153:22 156:4 158:8,16 159:18 160:6 161:2 167:8,25 168:11,23 169:11 172:23 174:3,15	177:11 179:25 180:17 181:8 182:1,12,21 184:18 187:17 189:10 190:7 191:3 194:2 197:16,17 199:24 200:9 207:1,2,21 208:21 210:3,12 211:1,25 215:10 219:5 220:5 221:2 224:18 227:17 229:8 234:15 235:4 236:4,16 238:25 243:12 244:4 245:20 246:2 247:11 250:8,20 251:6,11 252:2 253:21 259:24 260:21 264:13 270:9,12 272:21 273:4,7,20 274:18 275:5 276:10 277:14,23 279:6,12 285:21 287:6 289:25 296:20 298:15 301:2 304:14,15 304:25 305:25 306:1,6 307:5 313:18 320:9 323:20 324:8 gobrogge 1:12 3:4 7:6 8:14,19 9:1,2 40:16 41:15 54:14 82:14 103:8 172:18 217:17 281:25 320:20 327:9 329:9 330:4 330:9 331:4,13 332:20	god's 189:15 goes 9:18 22:17 51:14 62:20,21 123:15 191:24 193:2 231:20 278:3 279:13 310:18 314:22 325:5 going 13:24 22:8 22:10 23:9,10 24:6 31:9 35:21 36:7 37:23 39:7 40:7,22 41:4,17 44:1,17 53:6,7 54:4,25 55:7,25 56:23 62:5 66:15 68:3 70:24 71:14 71:19 72:4 75:25 76:17 86:20 93:16 94:12 95:9 97:4 102:20 104:23 109:15,24 111:1 127:10,14 128:3,5 128:7 130:20 132:10 136:9,10 136:16,19,20,24 137:11,23 138:2 150:17 152:3,14 152:16 154:13 164:9 168:9 180:9 180:11 181:6,9,12 186:23 189:4,6 190:3 192:10 197:9,14 198:1,2,5 199:15 210:1 211:14 213:16,19 215:15,19 216:16 222:3 239:3 242:11 243:2 244:2 259:22 269:4 271:7 282:1
---	--	--	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[going - holly]

Page 21

287:25 289:17 296:17,18 298:22 298:25 299:2,25 300:1,4,17 301:12 307:3 310:14,19 313:18 320:20 good 8:21 19:10 21:14 48:21 62:5 71:14 165:15 228:15,17,19 237:15 245:3 250:17 263:22 266:5,11 267:3 286:20 287:13 289:6,9 300:11 313:22 325:20 gosh 67:16 80:20 gossiping 48:6,10 gotten 85:1 graduate 11:7 graduated 14:4 grave 116:11 great 8:8,9 45:25 46:3 50:22 153:5 196:12 223:12 greater 209:6 grossly 54:20 group 6:5,22,22 82:17 83:14 171:1 171:12 279:21 280:3 324:18,19 325:2,2 groups 52:25 53:1 293:20 grown 29:9,14 guess 30:14 43:17 46:13 49:13 60:8 66:12 75:22 76:4 83:25 94:21 95:13 95:18 105:2,5 116:12 121:8,24	141:20 142:4 153:6 158:1 163:1 182:16 186:18 216:6,8,9,12 231:4 233:19 265:14 271:10,14 280:16 281:16 283:17,18 284:19 289:15 295:10 guys 156:9,10 201:15 h h 140:8,9 half 12:16,17 72:22,23 73:18,19 77:21,22 181:17 313:18 halfway 275:7 hand 176:15 203:22 210:23 215:7 328:6 handbook 224:3,9 224:11,19 302:4 handle 71:21 72:22 73:15,17,19 147:1 handled 77:11 199:13 204:3 234:5 handleds 146:25 handles 76:16 135:17 handling 60:16 77:7 95:25 146:15 178:24 206:4 215:1 218:18 hanging 46:11 happen 38:14 43:7 112:18 116:10 132:16 133:8 147:10 151:22,25	164:3 213:13 218:15 219:22 277:7 happened 20:3 47:13 49:4 51:20 82:21 100:19 121:16 131:6 227:14 happening 75:1 118:12 287:20 happens 75:5 160:24 happy 162:4 hard 40:5 43:11 46:9 49:6 229:5 230:4,20 234:18 297:6 309:25 harm 284:7 harsh 47:2,14,22 48:15 50:4 hazelet 2:21 7:12 7:12 he'll 47:17 head 13:22 42:2,6 68:19 155:22 heading 172:5 252:21 headley 90:12 headley's 90:22 headline 171:22 health 27:4 64:24 72:25 73:5 110:16 238:13,14 healthcare 130:5 hear 222:9 275:22 heard 21:13 122:2 194:8 hearing 75:22 76:5 294:11 held 20:18 29:10	hello 19:1,2 help 61:11 75:18 112:16 164:18 227:25 helped 200:15 helping 18:15 276:2,2 277:17 hereinafter 8:17 hereunto 328:5 hey 85:18 132:9 260:14 hi 17:15 high 11:7,10 12:6 12:15 20:18 26:8 249:6 302:18 higher 26:14,14 highlighted 302:9 305:7 309:3 311:22 hillenbrand 4:21 170:6 hired 29:10 95:12 histories 21:13 history 22:7 hogan 143:5,6,10 hold 156:9 holds 266:14 holiday 200:23 holidays 201:9 holland 34:10 291:21 holly 4:6,13,17,20 4:21 5:6 33:12 78:9,16,17 82:1 84:3 86:1,9 90:3 122:2 126:21 129:16 132:17 134:19 139:24 140:3,3,20,24 142:16,22 143:2 143:19 144:4,9
---	---	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[holly - injuries]

Page 22

147:22 149:11 161:18 162:11 167:15 170:7,23 183:11,23,25 186:19 225:8,15 225:19 226:21 264:12 holly's 145:8 167:17 home 241:6 honest 116:1 honestly 25:22,25 honor 248:14 hope 162:3 321:2 horton 129:14 176:13 240:10 262:20 263:6,17 263:23 hospital 87:8 88:1 hospitals 73:7 hour 139:12 198:2 198:6 299:16 300:5 313:18 hours 67:17,25 228:25 266:14 house 98:24 266:9 huge 82:17 huh 9:22 13:11 233:20 241:9 278:13 294:19 hum 9:21 14:23 27:22 31:15 33:9 61:12 62:24 65:11 79:25 151:20 162:9 190:21 243:7 264:8 270:1 270:10,14 274:9 human 34:9 131:20 hundred 231:14 231:18 283:2	305:5 323:22 324:11,12 hungry 139:4 i i.e. 205:22 idea 63:13 88:21 112:16,22 140:16 144:7 154:1 157:16 158:12 164:4 176:20 199:8 208:16 212:14 213:4,24 214:2 215:13 216:10,14,17,20 243:20 297:19 300:18 301:5 302:25 311:12 314:18 316:21,21 319:15 320:6 identification 66:21 81:15 86:4 105:13 117:10 122:21 126:24 134:5 142:18 146:5 161:20 170:9 174:25 204:21 217:14 223:17 225:11 229:18 238:4 239:12 241:21 248:25 252:12 254:21 257:25 262:16 267:21 269:14 271:24 279:24 291:13 293:15 298:4 314:4 317:6 318:21 321:17 322:14 324:21 identify 7:8 81:19 81:20 282:5,19	ignore 204:13 immediately 147:1 impair 9:4 imperative 82:19 importance 249:6 important 9:20 49:15 106:18 140:19 146:23 255:17 impossible 159:20 201:6 improper 40:23 109:9,17 inaccurately 54:3 56:19 inadvertently 86:21 inappropriate 36:22 37:2 103:2 152:22 180:19 203:18 inches 235:12 included 295:22 329:14 includes 89:9 including 63:16 139:3 162:12 291:19 293:20 317:21 incorporated 331:12 independent 95:12 97:11 index 3:1,3 4:1 5:1 6:1 indicate 177:16 indicated 264:13 indicates 177:14 indicating 66:13 191:20 192:22 212:19 261:17	303:24 329:14 individuals 4:14 126:22 inferred 19:9 284:5 info 146:20 244:8 inform 132:13 informally 47:9 information 16:11 23:2 61:20 63:21 65:6 78:19 85:14 85:19 89:10 110:7 110:16,17,18 111:16 123:22 124:4 128:22 132:24 135:5 143:5,6,24 144:1 144:15 145:1,2,7,9 145:9,17,18 146:20 164:14 167:22 170:2 171:14 173:21 176:14 185:9 187:13 188:14 191:18,23 192:2 242:5 243:10 255:13,17,21 256:25 316:1 ingested 9:3 initial 65:7 87:8 88:1 inject 152:23 injecting 103:2 injured 61:9 112:20 246:13 injuries 61:17 62:7 63:15 64:21 100:6 114:2 166:15 192:1 323:25
--	--	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[injury - investigator]

Page 23

injury 178:8 199:1 238:11 249:16 252:22 253:16 258:14 259:18 303:15,16 input 214:6 217:19 insist 266:15 insisted 301:2 instance 70:2 instances 46:4 instruct 215:24 instructed 100:20 103:11 151:21 153:1 instructing 15:16 106:16 instruction 38:12 152:6 262:6 306:8 311:2 326:2,10 instructions 32:16 32:23 42:11,14 43:3,6 44:21 120:23 185:14 261:11,14,24 262:1 instructs 10:10 insurance 27:4 62:12 64:24 65:1 71:17 72:6,15,25 73:5 74:7 77:5 110:16 112:14,21 112:24 113:19,24 115:21 124:2,3 153:24 154:4 166:12 insured's 269:24 intake 4:6,22 5:5 28:18 33:6,11,12 52:9,13 61:13,14 61:23 63:14,25	64:1 65:20 71:5 78:1,4,7,7,13,18 78:25 82:19,24 83:8 84:1,3,15,21 85:19 86:1,9,15,18 86:19,25 87:5,10 87:23 89:10 90:15 103:12 111:6 122:3 123:1,8 132:23 133:16 134:8,18 139:23 140:21 143:2,20 143:22,22 144:14 144:16,18,23,25 145:9,17,18,20,21 147:8,17 148:16 152:2 159:1,3,23 172:12 174:23 175:14 176:3,24 176:25 225:8,15 225:21 226:5,10 226:11,19,25 227:12 236:5 249:20 250:23 251:2 255:18,21 intake's 79:16 intakes 78:14,18 79:4 87:2 103:18 117:24 118:10 121:2,7,11,18 122:25 132:20 146:14 147:21 149:3,4,8,10,15,20 149:22 151:9,12 175:18,23,24 249:11 integrity 299:7 intended 40:10,15 209:20 intent 249:23 250:3 251:8,21	intention 210:19 215:22 250:2 260:18 intentions 250:9 interest 100:2 112:17 154:2 246:19 261:9 277:6,10 interested 222:16 328:3 interesting 15:23 317:23 interim 73:2 internal 83:23 148:9 internet 88:7 135:9 interoffice 83:20 interpretation 152:23 189:12 interrupt 23:25 interrupting 309:17 interruptions 93:21 127:12 203:17 intersection 82:21 interview 13:8,9 interviews 13:7 intimidate 36:19 37:1 40:10,15 41:21 intimidated 41:23 intricacies 63:2 investigation 96:21 97:3,15 98:1 104:11 168:20 174:1 195:2,5 199:15 208:24 209:6 211:22 220:1,9	investigative 93:6 96:13 97:12 104:25 187:24 193:10 199:11 201:19 202:10,15 202:22 212:22,23 212:24 investigator 5:4 64:10 87:13 88:6 90:6 91:2 96:3 99:23 100:4,10 101:10,21 103:11 103:21,22 106:8 106:19 107:4,10 107:15,22 108:2 110:5,22 112:3 114:17 118:16 119:1,3,6,14,22,24 120:3,17 123:19 123:20 125:16,19 126:6 130:13 136:3 137:14 138:8,13 141:4,8 141:14,16,17 143:8,11,15,21 151:14 153:19 158:14 160:22 163:23 167:20 168:19 173:15,18 173:24 174:7,12 179:19,22 182:3,5 182:23 183:6,8 184:14 185:6 186:21 187:12,21 188:10 190:24 191:24 192:7 193:16,22,24 195:12 205:20 207:1,8,23 208:21 209:8,10,23 210:7 210:15,16 211:7
---	---	---	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[investigator - kind]

Page 24

212:4 213:5 214:17 218:21 219:6 223:15,22 225:1 279:4 investigator's 94:15 96:13 144:2 144:3 145:1,10,19 190:23 220:17 investigators 84:18 85:5,6,9,17 92:13,20,21 94:6 94:10,19,24 95:7 95:17,20 97:22 98:4,5,9,15,18 106:11 110:14,19 111:21,24 118:5 118:20 120:6 137:16 148:9 157:2,9,11,16,21 158:23 159:1,2 160:15 162:14,16 163:17 164:8,21 165:6,16 167:1,5 168:13 169:13 171:1,16 172:19 179:15 183:9 184:22 185:22 186:3 187:11,23 188:13 191:7,22 192:19 193:6 199:20 207:17 208:5 210:23 215:7 217:1 219:7 220:12,25 221:10 invoice 290:21 involved 15:19 72:23 76:24 77:4 150:5 220:15 248:3,4 ipads 164:13 165:1,4,8	ironing 256:14 irrelevant 189:14 279:16 issue 24:7 50:19 50:19 82:18 137:24 159:2 219:18,21 240:17 264:3 285:2,3 299:19 issues 24:24 32:1 49:9 73:5,6 76:24 147:6 164:16,17 231:3 232:7 234:8 256:14 281:9,11 314:23 itemized 191:19	38:22 43:17 45:4 45:9 46:2 48:14 75:21 78:16,21 79:16 84:5,7,14 88:9 90:20,22 91:1 92:21 93:1 93:10,13 94:15,21 94:25 95:4 135:16 144:2,3 145:1,10 145:19,21 158:5,6 161:10 227:25 228:3,6,7 230:12 230:18 234:16 235:8 240:14 242:21 243:15,15 261:9,10 276:15 276:24 277:11 jobs 20:17 78:20 78:23 165:7 jodi 291:19 joe 226:16 john 2:20 6:18 40:20 321:14 joined 220:10 joseph 2:21 josh 179:9 juanjudo 162:20 judanjudo 163:1 163:12,13 judge 22:6 julie 6:16 318:17 319:3,4 july 262:18 jumping 91:18 june 117:17,22 118:4 161:25 162:10 170:14,15 170:17 237:23 238:7 239:14,15 318:25 319:7	jury 186:15 justice 11:23 k k 27:6 140:7,8,9 kahn 285:8,10,14 285:22,25 286:15 286:22 karen 34:10 katy 6:6 291:10,21 keep 24:6 44:12 94:12 103:2 108:4 111:9 153:6 185:8 203:17 221:19 243:18 251:9 ken 266:20 ken's 264:11 266:18 kent 294:2,7 kevin 29:17 30:1,8 30:10,19,21,23,24 33:7,8 kevin's 30:16 key 76:15 kim 90:12,13,22 91:6 243:16,21 kimberly 5:12 241:19 kind 17:23 19:4 29:12,21 43:16 64:25 65:3,18 71:6 79:13 83:19 83:23 88:3,9 94:22 95:25 99:2 99:7 113:20 123:15 130:5,8 156:12 164:18,24 199:11 201:13 227:6 229:2 232:7 246:16 247:4,5 256:13 266:3,13 267:9,10 268:22
	j j 2:20 255:1 jaime 33:17 jamie 33:18 january 225:14,19 241:24 242:3,11 243:1 314:6,10,12 317:8,11 jeez 149:16 jenna 6:23 33:13 291:19 302:11,12 302:12 304:6 307:11,20,24 308:10,19,22,25 311:3,25 313:6 324:19 325:1 jenna's 307:9 jennings 291:21 jess 321:24 jesus 308:17 jill 90:13 91:14 job 10:18 13:7,7,9 16:14,21 18:10 19:5 20:19 22:12 29:12 30:24 31:24		

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[kind - knrlegal]

Page 25

271:13,14 273:17 278:2 281:15 kinds 31:17 232:20 kirk 291:19 kisling 1:8 2:7 7:4 28:23 329:6 330:3 331:3 knee 178:21,22 179:1,4 knew 17:14 19:6 111:24 237:16 257:3 296:15 308:6 knoch 5:23 33:19 33:25 140:6,7,10 241:8 242:4 267:18 268:1 knock 205:23 214:20 know 7:23 8:6 14:12 17:20 18:7 18:14,16 19:3,4,8 19:9,20,22 23:4 27:11,12,15 28:13 28:15 30:14 31:20 32:1 36:1,12 38:20 39:19 41:2 45:14 51:16 58:15 60:7 61:16,19,24 62:3,6 68:12 70:13,13 72:9 73:7,14,16 74:1,2 76:3 77:3,19,24 85:7 88:3,15 89:2 89:4,21 90:2,3 92:17 94:6 96:8 96:12,19,20,24 98:8,23 100:1 105:1,4,20 112:17 113:13,17 114:3,5	114:8,13 115:14 117:13 120:9,20 120:24 121:5,14 122:4 125:5 127:4 129:15 130:11 132:15 134:12 135:8,11 138:10 140:19,20 141:3 143:7 144:4,11 146:13 148:11,13 148:17,20 149:2,4 149:6,16 150:10 151:2,9 153:6,7,8 156:20 157:21 158:20,21,22,22 158:23 159:7 160:10,12,14 161:8 162:19,22 163:21 165:10 168:19 169:1 170:19 171:17 173:22 177:3,5,17 186:7,14 190:1 194:2,7,14,16 199:2 202:17,21 203:1,13,23 204:6 204:25 209:3,13 209:17 212:1 218:10 219:24 220:20 222:8 227:5 230:25 231:2,19,23,24 233:18,23 234:2,3 234:4,21 240:11 240:17,19 242:22 244:12,22 246:11 246:19 247:2,4 248:13 253:11 256:10,21 262:23 263:3,9,10,22 265:5,6,7,10 266:2	266:3,3,10,11,12 266:13,14,16 271:3,15 274:11 274:14 276:10 279:14 282:9 283:21 285:16 286:10 288:5 290:22 294:7 295:17,23 296:25 296:25 297:5,14 300:3 301:16 302:12,20 304:11 306:22 307:11,20 307:24 308:3,8 311:25 315:24 316:5,13 324:1,15 knowledge 55:4 55:22 71:1,2,3 126:13 157:8 168:8 200:11 218:9 286:15 291:5 294:10 315:4 known 51:25 52:1 52:1 149:7 knows 185:9 220:23 314:24 315:11,21 316:8 316:10,11 knr 7:15 8:11 18:3 18:4 20:19 21:15 28:16 29:19 30:2 30:3 31:5 32:23 38:12,13,14 39:5 42:12 43:4 44:21 45:5,11,13 50:1 51:8,13 59:19 60:11 61:10 88:5 95:13,16 97:16 100:20 101:8 103:10 106:16	107:1 108:4 120:6 123:5 132:3 134:14 145:14,21 151:21 163:19,23 164:1,7 165:15 169:8 174:7 200:20 221:14 250:15,18 264:1 277:12 284:15 287:23 288:6,20 288:22 302:3 320:21 321:23 knr's 92:12 160:21 167:19 knr003289 5:4 217:12 knr003327 4:24 204:20 knr00756 4:22 170:8 knr03226 4:20 161:19 knr03278 6:11 298:2,7 knr03337 5:5 223:16,22 knr03385 5:13 241:20 knr03678 6:23 324:20 knr03693 6:19 321:16 knr03769 6:7 291:12 knr03782-83 6:13 6:15 314:3 knr03809 6:17 318:19 knr03812 317:5 knrlegal 172:11 172:12
--	--	---	---

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[kristen - look]

Page 26

kristen 6:19 321:15,22	lawyer 226:21 263:18 264:1,3	166:1 226:1 230:1 238:7 255:2 268:2	325:2
l	lawyer's 309:23	272:9 280:6	little 24:14 80:5 87:17 196:14 231:15 244:22 245:4
labels 79:13,23	lawyers 316:11	329:14 331:7 332:3	live 264:11
lamtman 4:8,11 4:15,24 5:7,16,19 5:21,24 6:3,8 82:5 82:13 105:11 122:19 134:3 204:19 229:16 252:10 257:23 262:14 269:12 271:22 293:13	lead 15:21	lines 18:20 101:3 134:11 150:16 153:14 156:3,16 190:9,13	llc 1:8,17 2:3,8 7:5 329:6 330:3 331:3
landed 84:14	learning 164:16	lisa 179:7	loan 98:24
language 152:4 267:10	leave 14:6,13 17:6 40:6 117:4 156:20 156:21 204:11 216:22 283:11	list 52:8 64:16 81:25 90:11 134:21 171:10 174:1,6 235:12 270:6,7,8 282:2 292:10 294:20 320:11	local 44:3
large 231:3	leaving 16:14	listed 82:4 167:22 168:21 172:15 174:8,16 183:10 187:13 188:7,14 190:19 201:17 292:7 294:17 331:7,17	locate 84:8 85:15 87:11
largely 53:25 141:12	left 13:21 14:8 141:7 176:15 238:10 283:7	listen 152:7	locating 82:18
laughed 201:11	legal 76:24 77:10 329:1 332:1	listing 133:17 137:22 186:20 208:5 331:7	location 61:18 63:17 65:16,21 138:11 141:18 231:20 235:13 236:9,11,19 251:4 286:8,18
laughing 40:25 42:8 102:5,5,8,10 102:11,16,18 201:5,8	legitimate 22:20 22:22 24:1 93:20	lists 23:4 51:8 52:5 52:6,7 165:25 166:12 171:21,25 179:7,14 268:6	lol 243:19
law 1:17 2:3,21 10:21 12:8,11,12 13:8,10 15:19 27:24,25 28:5,18 35:18 36:4,9 113:6 114:16 115:12,19,22 154:8,14,18 166:10 248:2,11 264:5 295:25 296:1	lengthening 127:25	lit 86:16,17	long 16:19 17:4 18:17 19:8 26:17 56:15 74:9 107:14 167:4,9,21 183:9 281:13
law.com 2:17	letter 122:12 154:4 166:6,7 248:6 329:20	litigation 6:22 61:22,22 62:16,20 62:21,22 63:4 74:17 76:11,13 77:14,16,18 83:22 83:22 106:1,17 112:2 235:17 293:21,21 324:19	longer 20:25 268:9 268:15 325:3
lawful 8:14	letters 106:7 249:11		look 37:13 54:8 69:8 70:10 96:9 96:18,23 105:6 128:19,25 129:5 132:19 142:11 177:4 178:4,15,18 186:19 194:19 196:14 198:22,23 208:11 223:19 229:20 241:23 257:19 260:13 262:10 264:4 267:23 269:16 272:1 276:15,25
lawsuit 8:23 10:16 15:20 22:13 53:5 54:13 59:14,23 60:10,12 299:19	letting 15:23 70:13 279:14		
	level 14:19 249:6		
	lewis 2:9 6:19 321:15,22		
	lewisbrisbois.com 2:12		
	library 99:9		
	lien 248:14 312:15 313:4		
	liked 17:20		
	lindsey 179:8		
	line 50:17 118:5 129:20,24 135:25 136:9,14,17,25 137:2 138:5 139:6		

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[look - mannion]

Page 27

277:11 282:1 286:2,10 293:17 307:17 317:9 324:24 looked 108:13,16 108:21,25 109:5 121:6,13 147:21 looking 69:14 77:25 112:24 178:3 222:6,6 242:1 261:8 276:12 307:18 looks 129:19 163:13 170:25 171:7 176:10 177:24 242:1 264:2 272:6,7 303:3 314:9 317:12 319:10 lopez 291:22 lose 115:18,21 154:13 losing 106:11 112:5,10,12 113:3 113:4,5,7,17 114:16 115:11 116:4,15 154:7,17 155:7 lost 62:11 141:2 lot 45:13 60:22 80:12 146:14 149:3,4,8,14,20,22 149:24 150:1,23 150:23,25 151:2,4 151:6,9,12 164:15 166:21 175:3 189:7 232:10,11 232:14,14 240:21 256:12 280:18 281:6,8 282:7 285:18 289:15,16	289:16 298:14 lots 63:1 lubrani 5:13 241:19 243:21 lubrani's 243:17 lunch 13:15 45:21 135:23 136:10,19 136:24 137:6,23 138:17,23 139:2 139:11,17 141:7 m m 195:4 mad 248:14 madam 329:10 mail 196:13,16 199:6,6 219:9,19 mailers 166:21 200:14,23 main 30:24 74:12 92:21 93:1,10,13 94:15,20,21,25 95:4 245:21 246:8 246:10,11 maintain 229:5 230:4,21 234:19 234:25 235:5 maintaining 229:11 234:12,17 major 90:13 91:6 majority 286:20 287:8 making 15:13 16:6 41:8 42:8 44:2,13 70:14 109:16,18 109:19 155:24 180:10 189:5 215:5 239:5 240:14 257:18 male 320:10,11 manage 18:15 227:25 228:7	managed 238:21 239:1 management 33:16 manager 13:21 33:12,13,14 34:9 75:14 78:8 84:4 86:9 185:17 269:24 managers 29:4 30:18 31:25 32:2 33:6,7,10,11 34:6 manages 95:19 245:22 manner 228:20 manners 287:14 mannion 2:9 7:14 7:14 8:3,9 10:24 15:3,8,11,14,18,25 16:4,8 19:21 21:8 22:4,14,21,25 23:12,18 24:4,13 24:20 25:18 31:9 31:19 32:18,25 34:15 35:10,21 36:7,15,24 37:3,8 37:12,25 38:18 39:22 40:12,19,21 41:6,10,13,17 42:1 42:7,16 43:8,23,25 44:5,14,16,24 46:7 46:19 47:10,24 48:18 50:16,23 52:20 53:6,19 54:4,24 55:7,12,15 55:25 56:11,20,23 57:9,24 58:4,24 59:13,15,18 60:6 60:19 61:5 63:5 63:11 64:14 66:6 66:14,24 67:6,9,14	68:24 70:8,12,24 71:19 72:12,16 75:2,8,25 76:17 79:18 84:9 85:3 86:20 87:15 89:15 92:4 93:3,12,16,23 94:5,14,17 95:1,9 95:21 96:6,15 97:4,19 98:12 100:14,21 102:4,9 102:13,15,20,25 103:4,14,24 104:15,23 105:7 105:15,23 106:21 107:7,16 108:7,13 108:16,21,25 109:4,9,12,18,24 111:1 112:6 114:19 115:6,9 116:17,23 117:16 117:23 119:5,19 122:23 124:11,20 124:24 125:3,22 126:9 127:1,6,14 127:19 128:4,9,14 128:17,23 129:5 133:1 134:7 135:21 136:4,8,13 136:18,23 137:5,9 137:13,18,20 138:2,9,16,22 139:1,9,14 142:20 145:3,6,11 146:7 150:2,9,17 151:16 152:3,9,12,16,20 152:25 153:8,21 155:10,17,24 156:7,14,17,24 157:5 158:7,15 159:6,11,17 160:4 160:25 161:25
---	--	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[mannion - mean]

Page 28

162:5 164:9 167:7 167:24 168:5,9,22 169:4,9 170:13,17 172:22 174:2,14 175:5 176:21 177:10 179:23 180:3,11,22 181:3 181:6,12,17,25 182:10,20 183:2 184:16 185:5,12 185:15,19 186:1,6 186:10,14 187:15 188:9,16,19,24 189:1,6,15,20,24 190:3,14 191:2 192:10,25 193:25 194:9 195:15,17 196:8,22 197:2,7 197:12,17,23 198:1,5,11,12 199:23 200:5,8 201:21 202:8,24 203:6,9,12,15,19 204:1,13,23 205:3 207:19 208:11 209:12,16 210:1 210:11,25 211:13 211:24 213:9,11 213:16 214:11 215:9 216:1,4,19 216:24 217:7,21 219:5 220:4 221:1 221:23,25 222:5 222:12,17,20,24 223:3,6,21 224:16 225:14 227:16 229:7,21 233:4 234:13 235:2 237:23 238:23 239:14 241:24 243:11 244:2,21	245:2,7,19,25 247:9 249:2,21 250:7 251:9 252:1 252:14 253:20 254:23 258:2,5 259:7,22 261:12 261:22 262:18,23 263:7,16,20 267:11,14,24 269:18,23 271:7 272:3,20 273:2 274:13,16,23 275:21 276:6,8,18 277:1,13 278:17 279:9 280:1,22 285:20 287:4,25 288:4,11,15,19,23 289:24 290:11,14 291:16 293:18 294:19 296:19 297:3 298:6,12,20 299:11,15,20,22 300:1,10,13,22 301:5,8,14,20 305:10,17,19 306:3 307:3,13,17 307:21 308:2,13 308:17,20 309:6 309:10,14,18,24 310:2,8 311:3 312:5 313:19,22 314:6,20,22 315:1 315:3,7,13,16,20 315:23 316:9 317:10 318:8,11 318:14,25 320:8 320:17 321:4,19 322:16 324:7,25 326:12 329:5 mannion's 37:22	manual 224:14,19 224:22 302:5 307:8 308:4,10,12 308:16,21,24 312:4,6 march 87:5 146:7 146:9 154:19 291:16,18 324:25 mark 66:13 85:23 91:23 122:14 133:23 134:20,21 134:24 147:12,12 239:6 242:6 258:17,17,18,18 319:22,22,25 320:24 322:6 markarian 303:8 marked 4:2 5:2 6:2 66:20 81:14 86:3 105:12 117:9 122:20 126:23 134:4 142:17 146:4 161:19 170:8 174:24 204:20 217:13 223:16 225:10 229:17 238:3 239:11 241:20 248:24 252:11 254:20 257:24 262:15 267:20 269:13 271:23 279:23 291:12 293:14 298:3 314:3 317:5 318:20 321:16 322:13 324:20 market 135:10 281:24 282:22 289:17	marketing 27:11 27:22 28:4 30:25 31:2,4,6,22 135:8 marks 106:9 166:16 marriage 82:9 married 19:18 20:1 33:19 marti 291:20 mass 178:24 match 88:9 matched 244:3 matching 192:11 matt 291:22 matter 10:16 94:3 107:12 119:16 124:15 256:2,3 260:20 263:16,24 265:22 267:5 290:10 297:12 299:4 300:16,21 mattered 119:20 243:8 265:25 mccuen 33:17 mean 18:16 22:25 23:1 25:19 26:16 27:18 28:11 32:4 33:2 35:13 36:8 36:13 38:8,20,21 39:14 44:9 45:19 45:24 46:9 47:6 51:23 52:15 54:7 58:15 63:20 64:5 67:7,16 69:19 74:8,23 76:3,4,24 77:20 78:3 80:23 81:1,20 83:2 87:10,20 88:8 89:3,18 95:23 96:8,17 98:3 99:11,21 101:6,23
--	--	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[mean - misconstrued]

Page 29

104:16,18,25	meaning 71:8	meetings 228:14	210:22 211:3,7,21
107:9 111:23	131:10,12 249:12	megan 34:4	212:5,23 213:6,13
113:8,12 119:1	257:11,14 264:9	291:21	214:18 215:6
120:1,18 121:23	means 34:13 45:15	member 1:3 7:4	220:7,8
122:9 130:7	212:1 213:4 226:9	329:6 330:3 331:3	miles 209:10
131:17,20 132:1	240:18 273:14	memorandums	miller 291:19
132:20 142:2	274:11 304:8	96:24	minas 264:17
144:4 147:23	309:5 325:6	memorized 59:2	mind 54:17 69:15
148:7 149:11,22	meant 36:20 38:3	59:11 64:7 68:11	114:6,23,25
150:19,19,25	112:23 114:14	69:2,8 263:11	115:17,24,25
151:1,5,6 160:7	117:3 151:2,10	memory 57:22	116:11 117:2
161:3 165:9	154:24 206:24	58:7,18 59:9	140:24 149:23
167:14,16 168:24	210:5,10,13 212:3	173:9 270:22	150:22 154:22,25
169:22 173:18	212:8,13,14	286:11 318:4	155:12 183:6
176:22 177:2,12	213:23,25 234:22	320:4	229:3 254:7 269:7
179:3 182:3 186:7	240:8 253:7	men 268:23	271:14 303:22
186:7 191:12,15	266:20 267:6	mentioned 88:4	315:8
193:19,20 199:10	272:19 273:19	141:9	minor 323:1,4,7
200:1 201:1,22	280:13 295:6	met 165:21 172:15	323:15,19
207:24 209:3,7	med 266:16	174:9 237:16	minors 304:12,14
210:21 226:8	medicaid 64:25	246:17 250:16	304:21 310:18
227:21 229:9	73:2	265:5,7 266:1,5	325:3
231:22 232:9,20	medical 13:17	michael 118:20	minute 70:3 92:3
234:5 237:20	62:4,7,8 64:19	195:1,1	127:16 136:4
240:9 244:16	71:13,16 72:14	microphone	150:3 185:19,20
247:1 248:7 250:1	73:6 74:4,12	102:19 222:11	188:19 213:18
253:5,15 266:25	191:11 296:3,5,7	middle 197:20	263:7 276:6 309:6
267:4 268:24	medicare 64:19,20	298:16 299:3	minutes 117:19
271:9 272:17	64:24 73:4,4	301:3 302:8 304:4	137:8 138:1,3,25
273:1,23 274:3,15	medication 9:3	midwest 329:17	245:4 264:11,12
277:19,21 278:8	medicine 258:13	332:1	266:9 319:21
278:24 279:8	258:16 259:17,20	mike 92:13 118:13	mischaracterizat...
280:11,22 281:21	meet 64:10 92:14	118:19 123:10	181:7
282:6 285:16	92:22 99:23	124:17 141:18,21	mischaracterized
286:16 287:16,19	106:19 107:4,22	142:6 162:13	180:15
288:20,22 289:14	110:21 118:12	163:18 199:18	mischaracterizes
294:16 295:10	119:21,24 183:14	200:2,13 201:2,18	145:12 246:1
304:13 306:20,21	184:7 186:21	201:19,23 202:9	misconstrue
306:25 307:6	191:17,25 221:10	202:15,21 203:23	109:13
313:1 320:10	meeting 67:10	204:9 205:21	misconstrued
324:15 325:5	184:3	209:25 210:8,15	152:13

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[misconstruing - negotiate]

Page 30

misconstruing 108:18	morning 8:21 17:17 165:15	244:14 282:12	128:18,21 129:4
misinterpretation 315:18	320:19	narrative 6:9	130:12 134:18
misinterpreted 54:20 68:14	morse 1:20 327:6	289:19 290:3,9	138:3 139:4,23
mislead 309:20	328:14	291:1 292:4,8,14	143:22 146:14
misquoted 54:18	motion 10:24	292:15,20,21	150:12 157:4
54:22 57:20,23	22:11	293:3 294:13,25	165:22 166:5
58:8	move 16:2,13 24:3	295:3,5,8,12,14,16	184:8 187:1
misread 211:15	105:7 128:11,14	296:17,18,21,22	189:22 190:10
misreading 213:12	128:14 145:23	297:25 298:7,17	196:25 208:12
213:20	156:24 169:4	302:18 304:19	244:13,23 246:14
misrepresentatio...	170:3 194:9 318:8	305:1,8,15,24	247:3 251:3
155:24	318:11,14	306:9,13 309:4	256:24 258:13
misrepresented	moved 27:14	310:12,14,25	259:18 262:4
137:10	80:14 284:14	312:3,9 316:17	278:14 283:13
missed 107:16	movements 42:4	317:14 319:7	288:5 295:17
missing 64:3	moving 32:2	323:10 324:2,5,12	302:11 311:24
mistake 232:15,17	181:20 272:1	324:14 325:2,4,9,9	320:15,24
232:25 233:1	multiple 90:1	narratives 302:10	needed 27:13
248:13	100:14 180:23	304:11,13,21	84:16,17 100:13
misunderstood	n	305:23 311:19	228:22 254:10,13
72:17	n 12:18,18 140:7,8	322:23,25 323:3,7	257:2 289:12
mixed 244:3	140:9	323:14	296:11 300:16
mixing 192:11	name 7:5 8:21,25	narrow 46:10	needle 121:12
modifies 310:4	61:17 63:15 77:20	nathan 2:14 8:10	needles 61:15
moment 85:22	82:9 129:20	40:14	121:17 159:21
113:10 114:10	135:18,19 143:4	natural 243:24	160:2,23 176:6,9
115:14	166:2 176:15	nazreen 285:10	187:4,8 192:6,7
money 113:25	189:15 190:23	nearly 96:3,4,21	193:12,21 194:13
month 141:22,24	227:7,7 233:6,25	neatest 21:13	297:8 305:14
253:4,19 254:2	236:1 262:22,24	necessarily 23:3	needlessly 127:24
258:15 259:19	263:10 266:24	53:9 92:24,25	needs 32:6 134:20
272:15 273:7	279:15 282:19	97:17 129:25	146:24 171:24
274:5,7,8,22 275:6	283:9 319:10	151:4	270:9 275:20,23
275:7	329:6 330:3,4,15	necessary 87:13	276:13,16,25
months 17:5	331:3,4,21	184:13 228:23	needy 280:10,19
monto 162:12	named 327:9	need 15:8 38:6	282:4,17 283:24
163:2,12,14	names 81:4 82:8	40:18 57:2 61:11	284:1 285:7,9
	82:12 163:17,21	64:17 74:4,15	286:13 289:2,14
	179:7,14 235:19	85:22 91:18 93:21	negotiate 74:22
	235:21 242:10,25	111:16 124:17	77:8 266:2,13
			289:11

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[negotiates - objection]

Page 31

negotiates 62:14 negotiating 228:24 negotiation 239:22 240:6,18 neither 240:12 nerve 244:17 nestico 1:8 2:8,20 6:12,14,18 7:5 17:8 28:23 32:8 32:23 34:12,14 35:19 36:5 38:23 39:6,19 42:15 43:7 46:18 48:14 51:25 59:22 60:11 105:21 106:2 117:14,21 123:2 127:5,9,12 128:6 129:2,17 132:5 134:14 139:25 142:23 161:24 165:13 170:11,15 171:4 175:2 205:2 205:4,8,13 210:6 217:18 221:6 229:23 254:10 258:3 272:7 292:2 314:2,12 316:17 317:3 321:14 329:6 330:3 331:3 nestico's 33:16 60:5 218:4 276:15 never 20:13 26:18 35:17 36:3 41:18 43:3,14,15 47:3,7 50:13 70:4 88:22 96:9 130:20 161:12 169:17 200:18 213:13 224:1 228:7 251:10,19 265:7 266:1 277:8	290:15,16 291:7 302:1 308:9 new 31:22 32:2 34:5 52:25 62:13 71:8 72:11,19 74:12 87:7,25 88:24 89:9,24 90:1 106:17 176:7 176:8 192:5 226:10 289:17 290:23 news 31:21 newton 6:6 291:10 291:21 nicole 33:17 90:12 90:19 179:8 291:20 night 12:9 nodding 208:14 nominal 113:24 north 11:10 northcoast 294:14 303:19 notarized 329:15 notary 37:23 38:5 156:9,15 190:12 321:10 327:6 328:14 329:25 330:10,18 331:15 331:23 332:23 notation 178:1 note 146:19,22,25 165:20 249:19 312:16 329:13 noted 37:22 74:11 noticed 147:7,15 147:18 249:14 notified 312:16 notify 313:4 november 18:4 142:20,25 272:3,8	273:6 274:10 275:6 280:1,3 nstudyen 2:17 number 4:2,5,7,8 4:10,12,14,16,17 4:19,20,22,24 5:2 5:4,5,6,8,9,11,13 5:15,16,18,20,21 5:23,25 6:2,4,5,8 6:11,17,19,21,23 61:17 63:8,9,15 81:13 82:23 86:2 105:11 117:9 122:19 126:22 128:13,16,22,24 129:7 134:3 142:16 146:3 149:23 150:5,20 150:22,25 161:18 162:11 170:7 171:21 175:8 178:4,5 186:18,18 204:19 217:12 223:16 225:9 229:16 233:25 237:1 238:2 239:10 241:19 248:23 252:10 254:20 255:11 256:1,3,9 257:23 262:14 267:12,19 269:12 270:6,7 271:22 279:15,22 282:25 291:11,18 293:14 298:2 317:4 318:19 321:9,15 322:12 324:20 329:8,14 numbers 4:4,23 6:13,15 26:16 66:20 77:24	174:23 273:18 286:9 314:3 331:7 numerous 188:17 o o 12:18,18 140:7,8 140:9 178:2,4,8 o'connell 2:14 oath 41:2 object 31:9 32:18 35:21 36:8 41:18 44:24 54:4,25 55:7 61:6 70:25 71:20 76:1,17 86:20 93:16 95:9 97:5 100:15 104:23 108:19,24 109:3,24 111:2 138:9 150:18 152:3 159:11,14 159:15,17 164:9 168:9 180:7,7,20 181:7 188:20 192:10 210:1 211:14 213:16,19 214:12 244:2 259:22 271:8 288:1 307:4 objected 180:4,15 203:19 222:21 objection 19:21 22:4 25:18 32:25 34:15 35:10 38:18 39:22 42:16 43:8 43:23,25 44:8 46:7,19 47:10,24 48:18 52:20 53:19 56:1,11,20 57:24 58:4,24 60:6,19 63:5,11 64:14 66:6 68:24 75:2 79:18 84:9 87:15
---	--	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[objection - okay]

Page 32

89:15 93:3,20	276:18 277:1,13	107:13,23 110:24	24:1,14 26:9,12,18
94:17 95:1,21	279:9 285:20	111:8,9 119:7,15	26:21,25 28:10,20
96:6,15 97:19	287:4 289:24	119:18,22,25	29:1 30:5,21 33:5
98:12 100:14,21	290:11,14 296:19	122:2 123:18	34:8,11,25 35:17
103:14,24 104:15	305:17,19 312:5	124:6,8 125:17	38:4,5,24 40:3,6
106:21 107:7	314:20 320:8	141:4 145:15	42:1,6,24 43:2
108:7 112:6	324:7	195:22,25 199:22	45:3 46:14,17
114:19 116:17	objections 10:5,7	199:25 200:3,14	47:4,7,13,19 48:8
119:5,19 124:11	37:11,14,22 44:2	200:15,22 201:3	48:13 49:14,24
125:22 126:9	44:13 93:22	219:9,20 228:14	50:8,15,23 51:6,14
133:1 145:3,11	108:12,14,17,22	228:25 235:16	51:23 52:4,13,19
150:2 151:16	109:1,5,17,17,19	258:12 260:5	53:4,23 55:3 56:8
153:21 155:10	109:20 180:2,10	266:14 277:24	56:17 57:21 58:11
156:24 158:7,15	180:23 181:11	278:1,6,12,24	59:4,12,22 60:3,14
159:6 160:4,25	189:5	279:1 283:6	60:24 63:14 65:9
167:7,24 168:22	objective 178:8	284:15 328:6	68:3,20 69:10,22
169:9 172:22	objects 10:9	offices 108:5 120:7	69:25 70:15,17
174:2,14 177:10	obtain 11:18,24	221:11,15,20	71:12 72:9 73:22
179:23 180:8,8	80:3,4 87:11	235:14 236:6	74:25 75:11 77:23
181:25 182:10,20	92:15 123:23	295:15	78:1,23 81:8 82:3
183:2 184:16	132:4 144:3 145:2	official 330:15	82:16 83:6,24
187:15 188:9,16	145:10 191:22	331:21	84:7 85:8,20 86:8
189:2,9 190:11,14	obtaining 12:6	oftentimes 153:24	86:14 87:4 88:24
191:2 192:25	145:8 187:13	304:14	89:22 90:5 91:16
194:9 196:10	188:14 302:11	oh 27:10 67:16	91:24 92:1,11,25
199:23 200:5,8	311:24	80:20 102:14,17	94:4 95:7 96:2
201:21 202:24	obviously 100:1	112:20 117:16	98:16 100:8 102:3
203:6,9,15 204:1	109:25 147:9	139:20 145:6	103:6,20 105:3,5
207:19 209:12,16	277:23 278:1,18	163:21 192:14	105:24,25 108:3
210:11,25 211:24	october 1:14 7:2	193:15 244:9	110:9 111:11,15
213:9,11 215:9	175:7 195:7	283:10 306:4	111:25 114:7,11
220:4 221:1,23	198:19 203:24	ohio 1:1,18 2:5,11	115:5 117:4 118:3
223:7,9 224:16	249:2,4 293:18,22	2:16 8:15 10:20	118:9,19,24
227:16 229:7	328:8 329:4	11:3 270:7 327:2	119:12 120:5,14
234:13 235:2	odd 224:7 227:6	327:7 328:7,15	120:21 121:1,15
238:23 243:11	offended 268:19	329:2	121:21 122:13
245:19,25 247:9	offered 14:17	okay 10:2,15,25	123:25 124:5
250:7 251:9 252:1	offering 19:5	12:5,11 13:1 14:3	125:18 126:17
253:20 261:12	office 13:17 98:21	14:13 16:8,13	127:9 129:9
272:20 273:2	99:8,11,15,15,18	19:17 20:5,9,17	130:10,12,24
274:13,16 276:8	101:12,15 107:3,6	21:7,12,14 22:24	131:1,14 132:2,11

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[okay - oversee]

Page 33

132:15 133:15,22	205:6,12 206:7,15	289:13,19 290:2,6	opening 186:11
135:14,17 136:8	206:18,22 207:4	290:16,16 291:6	operations 21:20
136:18 138:12,16	207:11 208:4,9,16	292:2,13,17,23	21:25 28:22 29:2
139:14,19 140:13	208:19 209:5,14	293:2,9,17 294:12	29:3,7 30:6,17
140:18 141:6	209:18,18 213:1	294:23 296:8,12	185:17
142:9,11,11	216:22 218:3,11	296:23 297:1,5,12	opinion 216:11
143:14,19 144:13	218:13 219:2,11	297:22 299:24	218:5 222:16
144:25 145:23	219:16,25 220:12	301:7,18,22 302:8	228:18
146:8,13 147:15	220:15,23 221:8,8	302:17 303:2,6,14	opposed 9:21
148:4,14,19 149:2	221:18 223:5,12	304:8,11 305:2,25	124:18 225:2
149:14 151:3,11	223:19 224:2,21	306:16 307:17,19	302:22 310:5
153:16 154:6	225:13,18,25	308:2,11 309:2	312:21
155:6 156:20	227:9,24 229:20	311:8,12,25	option 258:25
157:13,20 158:24	231:6 232:15	312:10,13 313:5	options 108:1
160:12,18 161:11	233:16,16 234:7	313:11,23 314:18	110:20 262:3
161:14 162:16,19	235:9,18,25 236:8	316:13,21,24	order 7:19,25
162:25 164:6	236:11,24 237:19	317:20 318:7,24	24:22 27:14
165:11,15 166:11	237:22 238:6,20	319:1,6 320:12	320:23
166:11,25 167:4	239:6,25 241:4,10	321:7,22,24 322:3	ordered 45:19
167:19 168:2,17	241:14,23 243:22	323:10 324:13,13	326:12
169:17 170:3,19	244:7,13,20 245:2	324:23 325:13,16	ordering 287:18
170:22 171:21	245:8,14 246:21	325:19	organized 85:22
172:3,14,18,25	247:14,20 248:9	old 53:1 69:18,20	129:6
173:14 174:18,20	248:16,19 249:3,8	once 8:3 26:13,19	original 326:12
175:15 176:5,12	249:10 250:11	62:4,8 71:13 72:9	originally 65:18
176:18 177:25	251:7 252:5 253:3	72:12,14 73:9	70:20
178:13,15,18	253:25 254:9,15	74:5 187:2 204:25	outgoing 28:7
179:1,6,13 181:5	255:9 257:13,17	ones 79:14 125:11	outline 23:24
181:21 182:5,7,16	259:11 260:17,20	online 79:15,19,24	62:23 64:6 72:8
182:24 183:8,21	261:6,19 262:10	80:1,7,12,13 81:2	73:14 77:2 257:18
185:24 186:9	262:19 263:20	81:3 83:1 84:18	outlook 148:3
188:5 190:12	265:3,16 266:18	open 79:7 143:24	outside 53:12
191:10 192:18,23	267:8 268:24	159:20 228:23	277:24 278:23
193:2,7,11 194:11	269:2,8,16 270:11	opened 146:18,21	316:1,10
194:16,19,24	270:15 271:12	147:2 160:1,23	overhear 132:19
195:11,17,20	272:1 274:1,11	175:25 176:1,6,9	overheard 147:22
196:2,7,18,21	275:14,19 277:16	187:3,8 192:6,7	overly 325:14
197:7 198:10,16	277:19 279:18	193:12,21 194:13	oversaw 157:12,24
199:4,14 200:20	281:6,12 283:13	205:22 213:8	oversee 29:3 30:17
201:5,12,14	284:6,11,18,21	214:19 228:13	31:4,5 74:18 75:7
203:11 204:11,15	286:4 288:19,23		75:13 76:9

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[overseeing - pattakos]

Page 34

<p>overseeing 76:8</p> <p>oversees 75:15</p> <p>owned 294:1,3,6 294:18</p> <p>owns 270:17 294:10</p>	<p>213:6 214:21</p> <p>220:9 290:4</p> <p>292:21 294:25</p> <p>295:3,8,12,14</p> <p>296:18,22 304:12</p> <p>304:21 305:8,11</p> <p>305:16,23 309:4</p> <p>310:5,6 314:13</p> <p>322:25 323:4,7,10</p> <p>323:14 325:3</p> <p>paidin 294:13</p> <p>paige 33:13</p> <p>pain 268:7</p> <p>paired 86:22,23</p> <p>palaski 90:13,24</p> <p>paper 99:13 112:21</p> <p>paperwork 64:13 92:15 99:25 108:5 119:4 221:15,19</p> <p>papuga 322:1</p> <p>paragraph 7:18 87:22 89:1 227:10 230:3 239:17,18</p> <p>paralegal 13:22,23 30:18 31:25 33:6 33:10,13,14 62:2 62:13 65:10 72:11 72:19 75:14 84:13 90:21,23 91:1,5,7 91:9,15 146:19 158:2,13 179:10 243:13,14 292:25 321:25 322:2</p> <p>paralegals 32:3 72:21 73:17,19,21 74:2,19,20 75:15 75:24 76:8 77:6,9 83:9,10,12,12,13 83:13,14,15,16,17 83:18 86:17 87:6</p>	<p>87:9,24 88:2</p> <p>158:9 242:19</p> <p>291:23,25 311:10</p> <p>pardon 174:19</p> <p>parentheses 166:20 304:1</p> <p>parse 7:19</p> <p>part 13:5 30:24 31:24 64:17 77:9 108:5 135:16 158:4 159:12 161:7 186:5 191:20 192:21 212:9 219:15 228:3,6 231:3 240:14 242:20 275:9 277:11 278:19 284:22 285:13 309:13,19 331:9</p> <p>partially 158:22</p> <p>participating 205:8,9</p> <p>participation 10:23</p> <p>particular 39:11 40:1 121:2 173:20 186:25 201:24 202:2 247:16 298:16 301:4 302:2 309:13</p> <p>particularly 81:7 142:8 280:14 285:17</p> <p>parties 7:8</p> <p>partners 34:23</p> <p>parts 46:1 184:4 227:25 257:18</p> <p>party 328:3</p> <p>patience 217:8</p>	<p>patient 47:16 133:18 166:4 227:11,15 277:21 279:11 323:1,4,15</p> <p>patients 323:8</p> <p>pattakos 1:17 2:3 2:4 3:5 7:10,11,15 7:22 8:7,20,22 10:25 11:1 15:10 15:12,16,22 16:2,9 22:10,17,24 23:6 23:15,22 24:10,20 24:25 25:1 36:21 36:25 37:6,10,19 40:7,14,20 41:4,7 41:12,14 42:5 44:1,12,15,17,19 50:21,24 51:5 55:10,13,18,21 56:22 57:1,12 58:1 66:8,12,15,23 67:8,11 70:10,15 70:16 72:2 75:11 81:9 85:21 91:20 91:24 92:2,10 93:15,19 94:1,11 100:24 102:7,11 102:14,17,23 103:1,6,7 104:3,20 107:18 108:11,15 108:19,23 109:2,7 109:10,15,21 115:10 117:25 119:8 122:14 123:3 124:23 125:1 127:10,18 127:23 128:7,12 128:15,21 129:3,8 134:9 135:24 136:6,12,16,21 137:1,7,12,15,19</p>
p			
<p>p 2:9 329:5</p> <p>p.m. 325:23</p> <p>package 72:5</p> <p>packages 74:6</p> <p>page 101:3 134:11 153:14 165:17 178:3,5,16,19,22 190:9,13 194:19 195:21 196:9 208:5 302:4 308:11 317:18 329:14,16 331:7 332:3</p> <p>pages 150:16 156:3,16 196:18</p> <p>paid 25:16 96:25 103:22 157:2,9,11 157:16,17,22 158:23 160:16 165:21 167:6,10 167:21 168:20 169:15 173:17,25 174:12 179:22 183:9,15,17 184:14 186:22,24 187:12,22 190:25 192:23 193:22,24 195:8 198:18 199:7,8 200:10,12 202:22 203:4 205:24 209:22 210:8,14,15 211:2 211:3,8,22,23 212:5,21,21,23</p>			

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[pattakos - photos]

Page 35

137:25 138:6,20 138:24 139:7,13 139:19,21 145:5 150:7,12,21 152:8 152:10,14,18,22 153:4,12 155:23 156:4,19 159:9,14 162:3,7 168:6 170:18 174:19 175:3 176:23 180:1,5,18,25 181:5,9,15,21 183:4 185:10,13 185:16,24 186:4,9 186:13,16 188:18 188:21,25 189:3 189:11,18,22 190:1,6,10 192:14 192:17 195:16 196:10,12,24 197:5,9,14,19,24 198:3,9 203:16 205:5 211:18 215:23 217:6,23 221:24 222:1,9,15 222:18,22 223:2,5 223:10,12 233:8 245:5,13 251:12 262:25 263:13,19 263:21,25 267:13 270:2 272:4 288:2 288:8,13,17,22,24 297:5 298:11,14 298:25 299:13,18 299:21,24 300:7 300:11,20 301:1,7 301:11,18,21,22 301:23 306:4 307:15,19,23 309:8,12,16,21 313:11,17,20,23	314:7,8,24 315:2,4 315:10,15,17,21 316:2,13,15 318:7 318:9,12,23 320:13,18 321:7 321:20 322:6,17 325:19 326:14 pattakoslaw.com 2:6 patty 20:2 paul 4:21 170:6 171:4 284:11,12 284:14,19 pause 244:22 pay 23:11 35:16 42:3 113:24 158:25 160:21 219:7 239:19 266:16 290:9,17 292:13 306:8,13 306:14 310:15,21 310:24 320:21 325:8 payable 297:10 306:12 paying 15:1,4 258:10 260:4 291:1 292:3 293:3 payment 96:3 172:16,21 174:10 194:11,12 297:1 payroll 17:2 pays 219:8 pending 136:22 138:18 143:22 298:21 300:25 people 78:17 90:5 90:10 92:12 98:3 112:14,15 131:20 162:11 171:19 182:8,19 185:7	208:22 217:4 237:6,7 277:18 282:4 289:18 291:18 295:17 percentages 63:3 perfect 49:21 perform 92:15 167:5,9 191:7 192:19 performance 27:25 46:22 48:15 50:2 performed 193:11 199:17,21 200:3 202:10 205:25 209:24,25 210:9 212:6 214:22 performing 188:13 period 14:10 51:17 141:20 143:12 173:16 177:22 226:6 255:8 278:20 283:19 324:1 permanent 62:6 permission 45:17 46:15 132:8 292:25 permitted 299:6 person 19:7 61:9 82:20 94:8 101:5 132:9 141:2 145:15,22 154:21 182:14 194:1 216:25 239:4 307:6 personal 10:17 19:11 24:7 50:19 163:25 289:7 300:16	personalities 281:2 personally 288:7 297:2,8 305:11,12 305:21 306:2,9 310:5 330:11 331:15 pertains 65:4 peter 2:4,6 7:10 8:21 37:12 38:2 40:17 67:6 70:8 91:17 109:4 145:4 150:10 185:8 198:2,6 222:12 233:5 278:17 299:11 301:20 308:14 326:14 phase 158:17 philip 265:13 phone 2:24 28:14 61:17 63:15 105:18 120:10 135:8 233:25 256:9 279:15 329:3 phones 78:14,18 79:4 87:3 photo 166:12,13 166:15,18,19 photograph 62:10 photographic 100:6 photographs 64:21,22 81:6 88:8 99:25 111:22 123:24 124:1,2 192:1 208:1 photos 107:25 110:15 164:14 172:4,5,7,20
--	---	--	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[physical - prelit]

Page 36

physical 258:13,16 259:17,20	36:18 37:20 44:3 44:5,18 57:13	316:7,14 320:13	325:11,15
physically 159:22 235:23 311:10	58:1 81:19 101:1 102:4,5 104:2,4	pointed 312:7	possibly 115:3 193:8,9
physicians 6:10 298:2,9 302:20 303:11,13	105:19 109:21 117:12 122:8,11 122:15 134:10	pointing 192:12 192:13,15	post 219:9,19
pick 87:13 88:10 191:11 205:22 214:20 305:21	143:25 146:15 147:6 150:3,8 152:6,10,15	points 106:13 112:11 290:8	postgraduate 12:2
picked 80:7 84:17 88:6	153:12 156:1 157:20 160:18	police 79:14,17,21 79:23,25 80:12 82:22,22 84:16,23 84:24 87:6,11,24 88:5,12,13,18,22 110:17 166:19,22	potential 106:18
picking 13:15 207:25	165:17,19,20 180:1 181:22	policy 92:12 97:2 97:9 100:9,17,18 100:25 101:5 124:16 125:9,9,19 125:23,25 126:5 126:11,14 130:18 130:21,22 132:3 151:12,19 158:25 167:20 168:7,10 169:8,10,12 209:20 220:24 290:10,25	practice 142:4 158:25 160:3,21 175:17 219:25 221:19 245:16 293:7
picture 39:13 201:10 239:2 251:15 269:20	190:7,16 203:16 204:25 205:18 206:12 215:23 216:24 233:3 238:9 239:19	polite 48:16	pre 61:22,22 74:17 76:11 77:16 83:22 86:16 106:1,17 112:2 235:17
pictures 46:11	240:17 248:19 249:10,19 253:3 255:19 258:10 260:4 261:14 268:5 272:13	political 11:22	preclude 113:21
piece 99:13 112:20	279:9 302:11 308:23 311:3,25 319:18 329:12,12	portal 73:5	prefer 111:20 237:18
pieces 184:9,13	plenty 38:21	portion 147:1 311:23	preference 99:22 100:3,8 107:21 108:1 110:5,19,21 125:16 126:16 130:22 131:2 132:3,6 151:13,18 167:20 259:2
place 42:15 50:22 208:21 262:4,5 325:20 327:20	plethora 208:2	position 21:15 23:20 28:20 30:3 30:15,16 39:5	preliminary 10:15
places 232:6	plus 249:15 252:21 253:16 258:14 259:18 260:22 264:17	positions 76:16	prelit 4:4,7,9 5:7,8 5:10,14,15,17,19 5:24 6:4,7,20,20 6:22 81:12,24,25 83:7,7,8,10,13,17 83:18,19 84:22,22 87:9 88:2 105:10 105:16 117:7,18 117:19 118:4 144:14,19 165:13 226:18 229:15,23 235:14 238:1,8 239:9,16 240:13 248:22 249:5 252:9,15 254:18
plaintiff 2:2	point 7:17 29:9 72:18,19 91:25 133:5 153:7 175:15 176:6 177:21 189:3 210:18 243:10 282:24 290:24 305:3 310:1 316:6	possibility 114:20 116:8 160:5	
plaintiffs 1:5 7:11 7:13 8:22		possible 15:20 114:11,15 115:1 146:20 147:9 155:6 160:2,13 253:14,22,23	
plambec 6:10 294:15 298:1,8 302:19 303:12,21 304:2			
plambeck 293:23 293:25 294:2,7,18 297:13 298:17 302:22 303:4,17 303:23,25 304:3,5 306:18 307:1,1			
plan 8:8			
pleas 1:1			
please 8:5,13,24 10:1 24:1 35:24			

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[prelit - question]

Page 37

254:25 257:22 258:7 260:11 268:1,1 269:11 270:5 279:21 280:3 293:12,20 293:21 322:10,11 322:19,19 324:18 325:2 premise 85:13 123:16 256:19 preparation 53:13 66:4,7,9 67:2 prepare 53:8 prepared 86:16,21 prepaying 193:15 193:18 presence 327:15 present 2:19 7:7 101:24 preserve 10:6 299:7 presumably 143:3 pretty 15:22 35:22 48:21 77:18,21 prevent 23:9 previous 278:19 previously 110:7 173:19 242:21 price 311:16 prices 296:24 311:13 primary 199:19 print 99:5 prints 158:10 privilege 53:11 109:3 314:23 315:19 privileged 159:16 probably 26:8 74:13 75:20 102:25 121:6	129:23 130:4 144:9 158:17 164:19 225:4 243:4 265:18 266:21 286:21 304:16,23 306:7 306:21 312:23 procedure 6:10 8:16 225:1 297:25 298:8 302:19,21 304:8,9 326:7 330:5 331:5 procedures 60:16 92:16 141:15 process 10:23 62:18,22 70:22 75:7,14,15 77:9 80:19,23 145:14 157:1,17 158:3,13 159:7 160:15 214:4 217:1 processes 80:6 processing 16:23 produced 302:3 production 329:16 329:17,22 program 13:3 progress 257:19 prolonged 324:1 promoted 34:7 pronounced 140:9 proof 166:4 proofread 42:21 proper 309:20 properly 146:15 255:18 property 61:19 63:22 65:2 75:19 124:3 146:24 165:3 234:4	protection 248:6 protective 7:19 24:22 320:23 provide 8:23 97:12 provided 8:15 9:15 85:6 172:5 176:13 228:22 262:21 289:10 290:21 provider 130:5 providers 74:12 provides 289:21 providing 132:23 pub 16:16 public 327:6 328:14 330:10,18 331:15,23 332:23 pull 71:15 79:13 79:16 82:25 purchasing 34:4 purport 211:15 purpose 238:17 purposes 66:21 81:15 86:3 105:12 117:10 122:21 126:24 134:5 135:8 142:18 146:4 161:19 170:8 174:25 204:20 217:13 223:17 225:10 229:18 238:4 239:12 241:20 248:25 252:12 254:21 257:25 262:16 267:21 269:14 271:24 279:24 291:12 293:15 298:3 314:4 317:5	318:20 321:16 322:13 324:21 pursuant 326:3,6 put 14:21 102:21 120:24 148:10 200:23 251:13 296:4 puts 166:20 q qualified 327:8 question 10:1,11 10:12 15:9,15,17 15:24 22:20,23 36:2 37:5,7,20 38:1 42:23,25 43:13,22 44:10 45:8 53:14 55:14 55:19,19 57:4,5,11 57:15 58:2,19 83:25 93:15 97:20 97:23 100:23,25 104:4 107:17 108:20 109:22 115:16,23 125:7 126:12 133:3 134:10,13 136:21 137:14 138:17 150:4,10,15,18 153:1,9,13 155:20 156:1,5,5,18 159:8 159:8,10,12,15,16 160:17,19,20 161:9 173:23 180:4,7,21 181:22 189:13 190:5,8,11 202:6,7,13,19 214:13 222:2,13 224:17 233:5 247:19,20 249:21 249:22 261:19 263:17 276:9
--	---	---	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[question - record]

Page 38

286:25 288:9,12 288:16,21,25 292:9 298:21 300:18,19,24 319:25 questionable 268:20,24 questioning 50:17 136:10 197:21 301:4 questions 9:19 10:5,8,17,19 23:7 24:23 41:1 61:16 68:4 71:22 94:7 94:12 122:8,11 125:2,4 137:3 181:2,20 184:20 185:8,11,18,22 186:2 206:13 217:5 288:18 299:5 320:25 322:4 quick 196:9 quit 152:17 181:13 quite 300:2,14 quoted 53:18 54:3 56:18 59:6	134:9,11 150:8,13 150:14,15,16 152:4 153:12,14 156:1,3,5,12,16 163:10 181:22,24 184:6,8 190:9,11 190:13 226:23,24 227:20 246:7 255:23 259:6,8,23 266:24 274:25 275:2 279:10 305:13,22 309:7 309:10,14,19 310:11 313:14 330:5,6,12 331:5,6 331:17 reading 58:7 67:20 70:1 83:1,3 106:14 123:11 134:25 147:13 162:8 165:23 166:23 206:5,13 211:16 213:21 255:22 258:19 264:18 312:18 317:23 329:20 ready 14:14 17:14 118:1 170:20,21 225:16 reagan 2:20 6:18 321:14 real 49:8 51:7 realize 278:18 really 13:17 14:9 16:20,25 17:20 18:6,17 19:4 20:13 22:19 27:13 31:12 32:5 35:7 38:20 43:19 48:4 49:13 55:11 56:14 69:17 75:13 89:18	92:18 96:8 143:7 163:3 167:15 189:1 201:3,9 243:23 254:5 263:23 271:1 281:1,16,17 285:16 286:24 294:4 318:9 321:8 325:10 reason 9:8 15:20 23:25 112:1 118:16,25 119:2 120:17 126:7 135:2 140:18 143:16 153:18 154:12 155:21 159:4 160:23 161:5,6 163:16 167:12 168:2 169:24 177:12 200:24 208:23 209:14 214:7 224:4,21,24 233:20 244:10 245:21 246:9,9,10 246:12 257:6 263:22 292:17 300:12 302:5 320:22 329:15 331:8 332:3 reasons 131:18 135:7 234:8 248:8 248:15 256:6 312:11 recall 54:25 55:2,9 55:16 111:13 216:1 282:14,14 282:15 receipt 329:19 receive 8:1 69:13 86:12 111:11	172:16,21 174:9 206:15 290:18 318:1 325:4 received 26:15 70:4 132:22 133:16 149:5 177:18 196:16 264:22 323:11 325:9 receives 96:3 receiving 69:19 148:15 149:6 177:21 receptionist 255:7 287:17 289:8 recess 24:17 51:2 92:8 139:17 198:7 245:10 recipient 129:13 recognize 66:10 175:10 301:24 recollection 285:13 record 7:2 8:25 10:7 23:2 24:15 24:18 38:7 40:9 40:13,23 42:2 50:25 51:3 57:14 58:3 61:5 70:9 82:4 92:6,9 101:3 104:5 107:20 109:23 134:11 139:15,18 150:16 153:14 155:25 156:3,10,11,16 181:24 185:21 190:9,13 196:8 197:8,16,18 198:8 227:20 245:9,11 246:7 301:2 313:13,14,15
r			
r 12:18 195:1 rachel 2:21 7:12 raise 261:22 randomly 100:19 range 26:2 ratio 77:16 read 37:20,23 38:7 43:1 57:13,14,16 58:2,3 83:4 101:1 101:3 104:4,5 105:24 107:20 109:21,23 111:2 115:17 118:17			

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[record - rehab]

Page 39

<p>325:21 331:9 recorded 77:6 recording 222:11 records 13:17 23:14 62:8,11 71:16 72:14 74:4 74:6 146:17 191:12 205:23 208:1 214:20 229:1 recovery 10:20 red 166:16 198:25 198:25 redacted 4:13 5:21 126:22 129:14,15 129:15,20,23 130:8 143:4 176:14 262:13,21 262:22,24 292:6 292:11 314:14,19 315:5,8,25 316:3,5 316:8 317:16,22 318:13 319:2,7,11 320:23 redaction 127:4 129:24 redick 1:8 2:8 4:24 5:3 6:16,18 7:5 28:23 49:25 51:23 52:1 59:25 60:12 129:18 132:5 139:25 204:18 205:7,12 206:23 210:6 212:3,7 214:16 216:7 217:12 218:4 292:3 317:4,20 318:2,18 319:3 321:14 329:6 330:3 331:3</p>	<p>redick's 60:5 206:19 212:11 reduced 327:14 rees 162:12 refer 44:3 83:17 86:18 97:21 98:4 98:6 106:9 107:1 110:10 111:19 130:2 148:1 182:9 186:8 228:16 232:16,19 234:16 235:7,13 237:5 242:12,12 246:16 247:8,22 249:11 272:14 274:21 275:25 277:21 279:11 285:8 286:5,16,17,22 287:1,9 288:1 295:5 reference 304:7 329:8 330:2 331:2 referenced 327:13 327:18 330:11 331:15 referencing 247:16 referral 63:24 132:24 133:17 134:22 137:22 195:18 232:15,17 232:25 233:1,6 239:5,20 241:6 247:5 258:11 260:5 261:1,15,25 270:8,12 referrals 27:12 28:3,8,11,16 226:2 230:1 237:2,21 238:8,18,21 239:22 240:4,4,15</p>	<p>240:22 242:5,19 243:18 245:16,17 245:22,23 248:17 248:17 249:24 250:5,6,6,18 251:8 253:5,6,7,15,17 254:14 264:9 270:6 271:18 272:9 275:5 referred 98:1 104:21 105:1 118:10 121:3 127:7 129:20 133:18 134:22 135:10 182:13,25 190:25 207:7 230:25 231:11,21 232:6,18,22 233:9 233:10,12,15,24 240:12 242:11,22 243:1 244:14,17 255:2,14 256:6,8,8 256:20,22 257:7 274:7 275:9 285:22 286:21 316:19 referring 6:10 52:18 60:21 89:3 89:14 105:15 110:11 113:4 114:12,15 115:11 116:3,9,15 118:20 122:24 141:25 144:1 145:7,8 151:25 154:17 155:7 177:23 182:22 183:4,23 183:25 184:5 186:11,17 187:23 187:25 188:3 193:5 195:13</p>	<p>206:23 207:6 216:7,15 233:12 236:17 256:10 257:4 268:22 281:19 282:9 284:8,9,23 285:14 287:23 289:4 297:4 298:1,8 302:19 303:11,13 306:17 307:14,21 320:7 refers 88:17,18,25 108:4 113:18 119:9 256:15,17 278:19 286:14 287:2 306:7 314:16 316:22 reflect 169:6,8 179:9 249:23 reflected 69:12 133:22 168:8 187:11 reflecting 176:8 193:22 refresh 318:4 refreshed 285:13 regarding 220:24 233:14 242:5 256:5 326:2,11 regardless 199:17 325:4 register 10:5 registered 180:9 regular 83:12,12 300:23 326:14 regularly 149:22 295:4,16 310:12 312:14,21 rehab 199:5 294:14 303:19</p>
--	---	--	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[reid's - responsibilities]

Page 40

reid's 196:9 relate 83:25 200:6 relating 179:1 relationship 20:5 20:14 48:22 228:1 229:5,11 230:4,21 231:4 233:17 234:19 relationships 95:20 228:8 234:12,17,25 235:6 245:15 284:7,8 relative 328:2 release 113:23,25 153:25 releases 112:15 242:4 relevance 16:1,3 22:15 relevant 15:10,11 15:12 16:12 23:17 315:12 remainder 274:8 275:8 remember 9:5,9 16:25 19:25 25:22 26:17,20 27:10 33:20 44:20 46:23 47:21 48:3 49:2,9 49:15,16,17,18 50:3 52:19 56:13 57:18,19 58:9 69:4,5,16,18 79:1 80:19 90:25 91:11 91:13 110:2 111:14 114:14 122:5,6 133:14 142:5 143:9,10 155:2,5,8 164:4 169:19,20 171:11	173:3,4,10,13 177:20 179:2,4 200:19 217:17,18 217:20 218:12,23 218:25 219:1,13 219:17 244:9 249:20 253:13 264:25 269:5 270:21 271:1,11 280:12 282:11 283:10,12,17 285:12 287:15 292:22 293:5,6 294:10 297:18 306:19,23 314:16 316:19 319:13 320:1 323:2 remembered 255:14 remembering 308:19 remembers 130:14 reminded 151:23 reminding 125:15 260:13 311:6 remove 268:5 removed 51:18 80:5 238:13,15 rendek 289:5 rental 146:24 rep 71:25 repeat 45:8 107:17 107:18 189:19 190:15 246:5 258:3 repeating 153:2 rephrase 10:2 30:10 35:24 37:5 37:17 42:24 97:22 169:6 190:17	295:10 replacement 179:5 replacements 179:2 report 28:4 29:5 30:18 32:7,10,13 34:11,12 80:11 82:23 84:23,24,25 85:1,2,15 88:12,13 88:18,23 94:19 95:8,8,11 166:19 166:22 201:2 204:10 289:21 290:18,21 293:1 295:19 296:4,21 302:14 305:4,24 310:20,21 311:17 323:23 324:3,12 reported 144:9 217:1 reporter 3:7 8:13 128:1 181:14 330:7 reporter's 3:6 327:1 reporting 18:12 18:14 reports 27:12,23 28:1 33:5,8 79:14 79:17,22 80:4,13 81:4 82:18,23 84:8,16,19 87:7,11 87:24 88:5 241:7 292:16,20 295:6,8 295:12,16 296:13 296:14 306:13 310:12,21,24 represent 7:9 8:22 59:15 74:20,23 75:16 76:22	representation 154:4 166:5 representing 60:10,11 75:19 96:1 113:22 202:2 276:5,12 represents 59:13 request 13:16 73:10 74:4 82:25 158:2,9,13 159:22 224:8 295:20 297:11 299:25 301:12,13,13,15 311:5,9,11 320:14 324:4 331:9,11 requested 146:17 158:1 206:2,10 211:11 214:25 215:4 218:17 306:11,15 319:17 319:19 326:1,6,10 requesting 305:4 320:2 requests 87:9 88:2 205:19 213:5 214:17 required 10:8 174:7 283:15 329:25 research 29:23 resources 34:9 respect 290:24 302:21 respond 314:15 responded 206:18 response 111:12 317:21 responses 200:21 responsibilities 27:8 29:1,22 79:1
---	---	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[responsibility - saying]

Page 41

responsibility 234:11	129:6 131:12,23 138:18 143:23	227:2 236:23 240:10 252:3	rude 285:4,5,6 287:11,22,23 289:3
responsible 65:5 87:5,23 95:16 217:3 235:19,21	144:22 150:9 152:5 155:20 156:15 159:23	254:9,13 262:20 263:9,17 268:21 272:5,7,13,17	ruin 128:4 ruins 128:2
rest 273:7 275:5	182:24 183:15	274:4,24 276:9,15	rules 8:15 44:3 301:20 326:3,7 330:5 331:5
restroom 91:19 92:1 197:3 198:2	187:2 190:22 195:14,16 197:6	276:20 298:7 314:2,12 317:3 321:13 325:17	run 185:22
resume 313:21	204:11 245:5	rob's 25:14 42:19 227:7 272:22	running 295:25
retained 3:7	254:12 259:7	robert 4:23 5:3 6:16,18 51:18,23	rush 153:24
returned 329:19	265:11,13 277:19	52:2 131:9,11 134:19 139:24,25 140:20 204:18 205:10 212:11,12 213:23 214:1,16 215:12 216:7 217:11 218:4 317:4 318:18 319:3 321:14	s
review 42:20 43:14 44:6,6 105:19 117:12 180:12 255:10 326:2,6 329:13 330:1 331:1	288:11,15,20 289:23 300:10 301:16 303:18 305:25 306:6 308:1 311:20 319:24	robert's 214:4 215:16,21 216:13	s 12:18 166:2,12 166:15,18 172:16 174:10 329:16 331:8,8 332:3
reviewed 4:3 23:14 27:12 28:2 28:11 29:12 53:5 53:8,12,23 54:12 54:15 57:6 66:4 66:19 67:1,24 73:3 81:17 129:9 183:11,24 205:1 221:9	ring 226:4,10 risk 269:24 risks 112:4 rittmaier 90:12 rittmaier's 90:19 road 1:18 2:4 rob 6:12,14,18 17:7,8,14 18:9,25 19:11,15 20:4,10 27:13 29:13 33:16 34:3,11 35:2,19 36:5 38:16,22 39:6,19,24 42:14 43:6 44:23 45:23 46:6 49:9 51:18 51:25 52:1 105:15 122:23 127:1 129:13 131:9,11 134:18 139:24,25 140:20 142:22 146:7 165:12 171:3 194:17 205:10 217:22 221:5 226:7,20,21	rob's 25:14 42:19 227:7 272:22	safely 280:16 sake 112:13 283:21,23 salary 15:6 16:6 22:7,15 23:4,7 24:23 25:4,9,20 26:21 sales 17:2,2,19 sanzone 291:20 sarah 5:22 33:19 33:25 134:19 139:24 140:5,6,7 140:20 239:20,25 240:5 241:5,8 242:3 267:18,25
reviewing 28:12 28:13 31:23 67:12 86:6 149:10	rides 289:10	rocky 281:15 role 29:8,11,14 76:11 roles 32:2 34:6 roll 186:15 rolling 204:14 room 40:8 root 20:21,22 21:3 rosenberg 270:16 270:16,17 round 207:2,2 routine 221:18 routinely 32:15 rowe 90:13 91:8 rpr 1:20	sat 17:17 saved 257:17 saw 17:14 53:15 53:22 122:3 196:3 200:18 221:8 239:2,2 251:15 277:4 sawyer 33:14 saying 85:18 86:14 87:19 88:16 89:25
ridiculous 316:4	right 12:22,24 13:12 17:2 18:8 22:22 23:17,23 24:2 37:2 45:22 48:25 55:4 57:2,7 58:17 67:14 83:6 98:11 99:15 106:19 109:11,13 112:3 115:18,24 119:16 128:11		

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[saying - sent]

Page 42

94:24 96:23	scared 154:13	163:9 165:19	239:23 246:21
101:14 106:25	scenario 33:4	166:11 171:8	249:8 252:19
113:2 114:4	71:10 283:17	176:18 177:25	253:4 254:1,7,11
120:18 124:15	schedule 77:7	178:3,15,16,21	255:15 256:7
144:13,17 154:11	135:12 231:1	180:12 192:14	258:21,23 259:2
160:14 186:20	234:1 242:23	194:20,25 195:7,9	259:18 260:15
192:4 193:3,7,17	243:4,6 244:15	195:15,21 198:18	264:14,17 265:3
203:22 204:2,7	256:11,23 257:5	198:22,24 199:1,5	265:16 266:7
211:20 212:4	scheduled 147:8	206:12 233:16	267:4 268:13
215:11,13,15	147:16 244:1,18	279:5 301:19	270:16 271:6,15
223:9 233:5 247:6	scheduling 14:18	307:21 311:18	274:4
250:3 253:25	120:2,11 148:13	320:22	sending 69:16
259:11 260:3,6	152:1 256:15,17	seeing 18:22	87:8 88:1 107:13
274:4,6 276:17	278:4 279:13,17	177:20	135:2 169:18,21
278:5 279:5	289:10	seen 88:22 89:12	173:1,11 191:16
282:13,21 296:10	schmidt 255:1,6	121:10,17 157:10	191:21 218:9
309:2 310:7	schmoe 226:16	158:1 177:23	240:20 244:7
322:22 323:11	school 11:7,10	224:1 277:8 302:1	250:2,4 251:23,24
says 51:10,10 56:8	12:6,16,16 13:3	308:9	253:18 256:13
56:9 57:19 106:6	14:25 20:18	sell 21:4	260:10,11 270:19
112:16 130:11	science 11:23	semester 14:17	272:7 273:24
143:2,19 145:4	scoffing 222:2	send 13:7 38:12	sends 249:17
146:13 150:21,23	scratches 166:16	42:11 43:3,16	250:14 259:3
153:1 163:6,7	scripts 31:23	56:10 69:13,16	senior 11:14 12:15
165:11,15 166:25	se 259:5	70:4 74:7 87:13	14:19 33:15
167:11 168:1	seal 328:6 330:15	89:19 100:9	sense 67:23 76:9
172:3,4 174:8	331:21	101:20 103:11	209:2,4 296:8
178:21 179:3	seatbelt 63:20	106:4,7,18 107:4	324:10
205:13,15 213:4	second 37:25 38:5	107:10 111:20	sent 42:20 43:15
218:15 231:25	87:21 88:25	112:3,14 114:17	44:21 56:9 62:12
234:18 243:17	129:24 172:4	119:3,6,23 120:6	65:10 69:11,12
259:16 263:9	174:20 177:8	123:9 124:17	81:21,22,24 83:6
264:4,9 279:11	227:10 239:17	125:14,19 130:13	84:12 86:9 87:7
292:4 294:12,23	242:2 275:16	134:18 135:4	87:25 89:8 98:10
297:7 300:23	secretaries 90:17	139:23 141:1,13	103:21 106:1
302:8,17,18	section 302:9	146:11 151:13	107:14 110:25
303:12,20 304:1	see 17:16 18:25	153:18 166:20	113:10 118:7
305:7 306:2 309:3	19:1 23:20 40:14	171:13,15 173:2	123:5 138:14
310:17 311:18	58:16 75:21 88:16	175:17 205:14,16	144:20 146:9
scan 99:6	88:20 122:8,11	218:6 236:25	173:17 175:17,20
	142:21 147:6	237:7,9,18 239:20	187:6 192:13

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[sent - signups]

Page 43

193:20 194:12 202:12 205:10 206:20 218:6 225:18,21 226:5 230:14,20 237:2,4 237:6,11,17 238:11,13,15 239:18 242:8 249:4,15,18 250:18 251:14 252:16 253:9,9,16 253:17,23,23,24 253:24 255:11,11 255:12 256:2,5,19 257:1,9 258:6,12 258:14,16 259:9 259:12,13,16,19 259:20 260:1,6,15 262:4 264:7,25 270:4 273:10,15 273:16,19,20,22 274:10 280:2 284:20 285:18,24 296:15 314:10 317:8 319:6,18 322:20 323:2 325:14 sentence 87:20,21 212:10 230:10 256:16 275:15,16 305:20,22 309:11 309:15,19 sentences 275:4 separate 134:13 163:14 182:17 220:17 275:3 290:3 296:6 302:21 separately 192:23 209:22 225:22	september 269:18 270:4 serious 37:13 188:24,25 seriously 152:9 service 31:1 231:3 232:7 281:11 services 96:14 97:12 servicing 165:18 serving 296:9 set 67:16 70:17 206:11 211:12 220:21 228:14 328:6 settle 71:17 74:22 settled 62:18 283:14,15 settlement 60:17 62:15 77:8 96:4 96:10,22,24 104:8 113:21 289:23 settles 73:9 settling 115:20 seven 106:13 165:25 sexual 268:17 sexually 268:25 sf 178:18 shaker 199:4 238:13,14 249:5 249:12,17 shaking 42:2,5 155:21 she'll 300:19 sheet 143:22 144:18 191:8 255:18,21 329:14 331:7,10,18 332:1 shift 51:6	shifting 29:22 shit 264:17 267:4 short 7:25 14:10 143:12 255:8 show 9:22 54:5 55:1,8 102:18 163:22 234:2 251:7 300:22 shown 329:16 shows 172:6 179:21 241:25 sick 131:19 132:10 side 186:12 237:13 237:14 286:19,21 286:23 287:8,10 sign 73:12 92:22 93:1,11,13 94:16 98:5,10,21,25 99:3 99:6,8,9,10,13,14 99:18,23 101:11 101:15 103:11,21 106:8,10,20 107:3 107:10 110:6,8,11 112:3,15 113:19 113:20,25 114:17 118:13,17 119:1,4 119:17 120:7,17 123:10 124:6,7,17 125:16,20 126:6 130:13 132:9,10 141:1 144:2 151:14 153:25 154:2 165:20,22 167:2 171:25 172:6 179:17 203:7 221:14,21 signature 64:12,18 264:6 326:5 328:13 329:15 signatures 100:13 164:15	signed 62:1 64:9,9 98:7,14,17,24 100:12 102:2 103:18 107:23 112:20 125:12 132:25 133:20 134:23 140:14,21 143:4 166:5 177:9 277:24,25 278:6 278:19 279:2,3,4 290:12,19 291:1 330:13 331:18 significant 80:21 signing 118:11 119:14 121:3,19 123:17,18 125:17 127:8 129:21 143:21 154:1 207:24 329:20 signs 62:19 120:4 signup 65:7 92:15 97:15 98:2,7 100:10 104:14,21 131:3,6,15,25 132:16 136:3 138:8 141:8,13,16 142:7 153:19 171:12 172:16,21 173:20,25 174:10 179:21,24 182:2,9 182:18,19,25 183:5 186:24,25 187:3,22 188:8 193:9 199:17 206:24,25 207:7,9 207:18,22,23 208:7,9,22 209:21 211:9,22 214:24 218:16,22 220:1 signups 130:14,18 137:16 141:23,24
---	---	---	--

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888-391-3376

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[signups - staff]

Page 44

147:2,4,7,16 148:4 148:10,12,24 152:1 171:8,10 172:11 174:13 184:1 220:9 silly 201:13 simple 37:7,9 55:13 57:4 simply 54:16 78:17 107:1 188:22 208:21 262:2,3 289:3 310:6 simpson 92:13 118:21 162:13 163:19 195:1,8 simpson's 195:2 sincerely 329:21 single 40:2 56:14 94:4 96:10,10 98:10 103:12 148:16 251:13,14 282:19 313:2,2 sir 329:10 sit 40:25 299:5 site 80:11,14 sitting 143:23 283:22 284:2 situation 283:18 289:8 six 69:20 106:13 149:16 151:1,9 154:12,20,24 216:5 slip 178:19 small 17:3,21 smile 42:9 128:19 smiley 317:23 smirk 128:19 social 20:11	software 61:15 79:12,21 121:12 121:17 145:20 solutions 329:1 332:1 somebody 98:7 99:25 141:1 233:5 264:14 315:25 someone's 84:20 319:10 soon 140:21 159:1 159:3 160:1,22 194:12 290:12,19 sorry 29:15 32:21 46:23 66:8 69:6 73:4 75:12 85:5 105:21 117:16,21 134:9 159:25 170:15 178:5 226:1 227:19 246:4 258:3 270:14 276:7 286:17 288:25 295:5 311:5 314:7 sort 13:4 14:21 29:18 72:22 178:23 248:4 sorts 130:2 sound 139:12 sounds 8:7 273:5 313:22 source 63:25 195:18 speak 34:25 35:5 76:25 98:3 101:23 101:25 120:1 131:22,23 142:2 145:16 160:7 165:9 167:15 168:24 169:22 173:6,9 185:6	202:19 203:2 215:15 216:13 227:22 243:3 268:11 272:22,24 304:5 307:9 speaking 37:10,14 44:2,13 85:17 99:17,21 103:17 109:16,19,19 125:11 180:2,10 180:23 181:11 188:18 189:5 239:5 261:4 speaks 65:17 70:20 126:2 special 76:10 specialist 86:16,18 86:25 specific 17:1 26:16 52:17 58:16 80:22 89:5 157:3 160:15 161:9 179:5 184:5 200:7 226:3,6,12 228:16 236:16 257:10 270:8 297:4 299:14 311:2 specifically 8:2 10:10 39:17 43:16 51:20 58:9 61:24 90:4 106:25 137:10 154:20 157:14 158:5 180:6 184:19 280:12 282:9 specifics 269:6 287:15 specified 327:21 specify 273:21 spectacle 42:8	speculate 130:7 154:23 155:2 214:3 speculation 155:4 spend 67:4,12 240:21 293:1 323:23 324:11 spent 67:19 spine 268:7 spoken 92:11 spot 245:3 spread 238:19 240:15 245:23 249:23 250:5,13 251:8,18,20 254:10,13 273:13 spreading 236:14 251:17,21 259:4 spreadsheet 86:15 88:14 spreadsheets 4:22 88:13,19,23 174:23 square 119:9 121:3 195:21 198:24 238:13,14 249:6,12 265:9 266:4 273:8,19,22 274:7 275:5,9 276:1 292:5 294:21 ss 327:3 ssn 146:16 staff 5:3 6:3,12,14 51:10,15,19 205:16 206:20 217:11 218:1 242:4,18,18 271:21 272:10 285:2,4 287:11,22 289:2 314:1
---	--	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[staff - sure]

Page 45

<p>316:16 317:2 stan 13:2 15:1,4 19:6,7,8,12,15 20:10 stan's 13:10 14:3,6 15:7 20:6,15,19 stand 20:21,22 21:3 54:11 178:11 178:13 299:5 standing 27:17 81:7 stands 45:1 49:13 54:8 71:6 113:13 154:22,24 155:11 178:8,12 214:7 starbuck's 17:7,10 17:17 19:2 staring 155:21 stark 198:25,25 start 12:13 13:1 61:1,2 154:5 281:15 started 13:14,20 18:3 19:25 20:2,3 20:6 21:15,22 25:3 27:9 148:17 220:3,6,22 257:6 279:14 293:2,7 starting 20:18 124:21 starts 117:24 122:25 175:7 state 8:25 327:2,7 328:15 330:10 331:15 stated 71:3 110:7 153:23 173:19 201:1 statement 40:22 113:17 214:14 330:13,14 331:19</p>	<p>331:19 statements 77:6 stating 110:13 275:4 station 31:22 196:4,5 steel 4:19 161:17 stele 162:12 163:18 171:4 179:14 284:12 stenotypy 327:14 steps 165:22,25 stewart 291:22 sticks 48:5 54:17 114:6,23,24 229:3 stood 49:3,23 69:15 270:25 stop 36:16 41:8 44:2,18 50:22 57:10 102:4,5 109:16 128:10 133:12 135:14 152:10,18 155:18 155:24 180:1,10 188:18 189:4,7 197:23 216:24 222:19,23,25 245:5 287:23 288:2,17 289:3 308:23 309:8,16 309:24,24 310:2,2 325:20 store 99:10 story 181:2 streamline 164:24 street 2:10,15 12:22,24 237:13 237:14 strictly 238:21 239:1</p>	<p>strike 10:24 92:20 105:7 113:16 134:12 156:25 169:4 176:7 194:10 318:8,11 318:14 strong 205:10 229:12 stuck 114:1 studeny 2:14 8:10 8:10 40:17 91:17 91:22 study 12:3 stuff 13:18 21:4 184:7 200:22 stuffed 200:13 su 206:2,22 subject 7:18 22:20 24:22 94:4 118:5 127:7 129:19,24 138:25 166:1 226:1 230:1 238:7 249:5 252:21 255:1 268:2 270:5 272:9 280:6 293:23 298:15,16 299:3 301:4 319:7 319:11 subjects 47:23,25 49:1 submit 71:16 submitted 72:6,10 72:15 290:22 302:10 311:19 312:3 subrogation 73:1 subscribed 330:10 331:14 332:21 substances 9:4 substandard 271:5</p>	<p>substantive 180:24 suggest 61:1 suggested 153:3 205:11,17 219:20 suggesting 270:11 suggestion 152:6 206:19 262:8 suggestions 33:3 suggestive 268:25 suggests 205:14 suite 2:10 329:2 summarizes 187:7 summarizing 89:8 175:18 summary 60:15 175:22 192:5 summer 18:6 45:20 summit 1:1 super 146:22 superior 329:1 supervisor 50:10 support 4:9 5:17 6:20 81:25 83:7,8 83:19 84:22 117:8 117:18 118:5 164:17 254:19,25 268:1 285:2,4 287:11 289:2 293:20,21 322:10 322:19 supposed 70:21 98:9 158:13 172:7 sure 14:9 16:20 18:1,6,18 21:12 22:5,18 24:13 27:19 30:12,13 37:8 39:11 45:6 45:18,19 47:7,12 47:25 49:12,20</p>
---	--	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[sure - testimony]

Page 46

51:19 64:8 67:22 67:24 68:2 69:21 73:1,17 74:8,10,21 84:14 89:19 99:11 99:16 100:3 112:17 115:7 121:20 126:3 132:1 140:15 141:19 143:7 146:15,16 147:11 153:11,17 154:16 158:20 164:23,25 182:4 183:18 207:4 209:1 216:23 222:7 227:21 229:1 233:3,13 235:11 236:14,17 237:17 238:9,18 240:15 248:1 249:11 250:4,12 251:22 255:16,19 258:10 260:4 261:7 265:12 267:1 272:14 276:20 277:15,23 279:6 279:12 281:5 285:8 286:7 294:4 296:11 315:2,15 surely 286:9 surgeons 290:5 surprised 17:23 19:5 suspended 47:5 sutter 2:14,17 swanson's 21:8,11 swear 8:13 switch 238:11 switched 136:15 137:14	sworn 8:17 9:15 327:10 330:10,13 331:14,18 332:21 system 74:11 79:7 147:21 <hr/> t <hr/> take 23:15 24:5,10 24:13 35:17 36:3 42:15 46:24 92:2 98:18 107:25 110:15 111:21 127:15 128:25 129:5 135:22 136:10,19,24 137:7,23 138:4,16 138:18 139:10,12 142:11 156:11 185:14 196:22 197:5 208:11 219:9 222:13 223:19 241:23 245:3 269:20 281:6 289:17 298:13,15,24 299:1 300:5 301:9 313:11 321:4 taken 1:17 9:3,13 24:17 51:2 74:21 92:8 139:17 144:15 165:22 198:7 245:10 327:20 talk 8:6 17:21 22:8 34:20,22 35:14 51:7 61:3 71:20 92:19 95:25 98:16 138:19 156:10 185:7 194:4,17 198:12 199:12 202:14 233:21 240:19 287:17	300:4,25 301:16 301:17 321:5 talked 17:21 33:7 50:19 87:1 123:16 137:22 198:13 268:21 299:11 300:15 talking 28:7 55:11 55:12 104:17 113:6 141:6 180:3 181:16 214:8 261:16 299:22 300:3,17 301:6 tariq 268:10,17 269:22 task 205:25 209:21,24,25 210:9 212:6 214:22 tasks 76:15 167:5 167:10 169:14,16 tassi 265:13 taught 13:4 team 62:3 65:10 77:18 145:17 164:17 226:25 technological 164:17 tell 10:1 17:12 18:11 23:18 44:8 58:6 77:25 80:25 87:19 95:4 110:2 112:1 113:9,11 115:16,24 127:3 128:5,16,17,18 130:20 132:18,18 135:24 154:22 159:19 161:7 173:1 184:12 194:2,5 199:10 212:16 215:24	222:20 226:7,21 227:2 232:8 235:9 255:12 256:25 257:9 286:11 288:9 300:1 309:25 315:9,11 316:2 telling 111:20 127:20,21 161:3 169:13 173:11 180:5 189:16,18 213:15,22 223:8 232:2 240:3 257:11,14 260:14 261:20 262:2 282:8 301:15 308:22 tells 93:24 ten 19:6 283:2,3 tenth 180:9 term 264:4 termination 50:14 terms 211:21 test 244:18 testified 108:9 109:5 testify 9:5,10 94:9 126:10 202:5 223:9 248:5 314:25 315:6 327:10 testifying 97:5 120:5 152:11,18 152:21 282:3 288:2 309:8 testimony 7:17 8:24 9:16 43:21 113:16 114:13 116:14 120:8 150:8,14,15 153:3 154:6,10 183:19
--	---	---	--

Veritext Legal Solutions

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888-391-3376

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[testimony - times]

Page 47

183:20 184:15	182:17 183:16	275:12,14 276:2	127:15 128:11,15
192:9 194:7	185:1 189:7	278:17 281:15	132:23 133:7,15
201:16,22,23	191:13 200:16	294:4 296:3 297:3	133:16 134:17
213:3 236:24	208:2 211:17,17	306:17 307:22	139:23 141:21
260:9 299:8	224:12 226:14	312:23 315:24	143:13 148:12,15
309:22,23 310:3	229:2 251:17,19	316:11 323:16	152:15 162:2
323:6 327:13,17	251:20,21 259:4	325:6,10,11,14	164:1 166:21
330:6,7 331:6,9,12	266:17 279:16	thinking 113:12	169:8 172:10
tfish878 162:22	296:6 308:23	114:5,9 115:14	173:16 175:16
163:7	think 8:4 14:9	third 83:14 178:1	177:21,22 178:25
thank 8:8 9:2	17:1,25 18:6 19:9	178:16	180:10 181:10,13
10:23 24:25 30:1	22:19,22 24:7	thirty 306:22	181:17 192:6
41:25 44:3,18	29:9 31:12 33:15	329:19	206:10 211:11
50:24 51:6 63:3	34:10 36:14 38:22	thomas 2:9 171:4	214:15 220:10,13
70:17 74:16 77:12	39:10,12,16,18,25	326:12 329:5	224:12 228:25
91:16 94:13 97:24	40:4,12,18 43:19	thompson 29:17	230:13,20 231:13
101:2 145:23	46:6 49:5,6,23	thought 39:6	234:11 240:22
153:13 161:23	50:6,21 59:1 63:4	44:22 48:5 69:15	242:12 244:23
174:18 186:13	64:5 68:19 71:24	180:15 192:4	249:19 254:6
190:18 205:4	72:16 75:20 76:19	203:20 214:4	255:8 257:17
207:15 208:9	78:24 86:21 89:13	234:21 254:5,6	271:10 277:20,21
255:21 310:8	102:18 103:1,9	thousands 82:23	279:11 280:18
321:7,21 322:5	113:11,15 123:15	threat 50:14	281:7,13 283:19
thankfully 210:18	128:18 140:18,23	threatened 41:16	288:14 296:15
thanks 72:2 123:2	148:14 154:21	41:18,22	300:15 307:18
thera 196:9	155:15,17 163:8	three 31:16 67:18	311:17 312:1
thing 7:24 28:3	164:1,10 169:24	67:25 106:12	313:1 324:1
29:18 40:2 48:4	175:7 176:21	190:4 199:6,11	327:20
71:5 74:13 81:7	177:5,9,15 181:3,4	249:18 314:11	timeframe 25:19
140:23 182:7,18	201:9 205:9,13,15	threshold 292:24	52:18 60:20,21
207:3,13,18 208:6	210:5 219:13,23	throwing 251:10	84:10 133:2,3
219:12 248:4	220:14 224:7	ticket 77:3	164:5 175:9 193:5
things 27:16 39:12	225:4 227:6	time 7:3,7 12:8	265:15
52:16 61:6 64:17	233:17 241:12	13:19,25 14:8,10	timer 67:17
74:9 85:18 94:22	244:5 246:18	15:2 18:17 20:9	times 33:2 34:19
95:5 100:7 101:6	247:12 250:21	24:6 26:10 29:23	35:7,8 38:21 80:9
108:18 109:13,14	253:22 254:2,4	40:5 43:11 46:24	80:24 89:4,7
124:22 125:4	256:4 257:15	51:17 56:15 60:16	96:25 109:6
131:21 152:17,24	258:24 263:22	67:4,11,19 68:7	112:18 142:3
164:19,24 168:13	266:19 272:15,19	74:9 84:12 93:8	188:17 194:8
173:19 174:6	273:14 274:24	100:10 110:24	218:14,20 230:6

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[times - true]

Page 48

230:23 231:8,18 232:2,13 233:21 239:19 249:18 258:24 267:1 299:14 304:25 310:19 312:8 timing 300:16 title 13:22 17:1,1 21:17,19,21,23 29:11,13,21 33:20 33:20,25 91:11 177:2 titles 21:24 29:23 78:21 to's 233:15 256:6 256:20 257:7 today 8:23 9:6,10 10:4,6 32:4 59:14 83:15 117:24 118:10,15,25 120:15,16 130:13 135:16 141:20 146:14 147:4 149:3,20,21 154:22 205:16 207:5 321:8 325:20 told 17:19 18:12 43:15 50:2,10 55:9 66:25 115:13 122:3 143:14 147:23 149:11 155:5 158:24 159:6 160:20 193:25 194:14 200:20 214:10 216:25 224:2 236:21 242:21 252:3 254:10,13 264:16 265:20 301:8 302:3 308:5	308:13,15 311:4 315:7,11 toledo 199:1,9 219:6 tom 7:14 8:8 15:10 15:23 16:3 22:17 23:6,15,22 24:11 36:21 37:6 40:9 42:6 44:1,12,15 55:10,19 72:2 93:19 94:3 102:7 102:17,24 105:21 108:11,15,19 109:7,15 117:14 124:23 127:10,18 127:23 128:22 136:12,16 137:7 137:16,25 138:20 138:24 139:13 150:12 152:8,14 153:4 161:24 162:4,22,24,25 163:6,6,10,11 170:11 175:2 180:1,21 181:2,15 181:21 185:10 186:5,13 190:1 196:12,25 197:24 203:16 215:23 221:24 222:9,15 251:19 258:4 288:2,8 298:14 299:24 300:7 301:1,7,11,22 309:16 315:15 320:13 tom.mannion 2:12 tomato 207:12,12 tomorrow 127:8 129:22 132:11 313:21 320:18	321:2 tons 115:18 295:7 295:9 303:3 tools 165:7 top 124:12 129:18 195:20 290:2 303:12,25 304:3 tort 178:24 total 195:8 touch 232:13 tower 2:15 town 195:24 284:22,25 285:15 285:19 287:3 289:6 track 226:15,17 243:18 tracking 240:22 257:6 319:21 tracy 1:20 37:19 57:12 58:1 81:9 100:24 104:3 107:18 109:21 133:23 139:20 150:7,13 153:12 156:1 181:22 190:7 197:16 327:6 328:14 trade 245:16 trading 248:17 250:6 trail 4:9,12 5:11 6:11,13,15,17 117:7 126:20 241:17 314:1 317:2 318:17 321:13 training 224:14,19 224:22 302:5 307:8 308:10,12	transcribed 327:16 330:7 transcript 3:1 9:23 41:9 127:11 127:25 128:2,5 326:3,6,9,11,12 329:12,13 330:5 330:12 331:5,11 331:17 transcription 327:17 transcripts 37:13 transferred 61:21 transition 283:20 transportation 228:22 travel 209:8,11 treat 246:14,23 247:3,7 278:7 304:24 312:7 323:24 treated 210:24 211:21 228:20 246:14 304:17 310:13 313:3 treating 74:2 248:1 290:20 treatment 62:4 71:13 133:19 134:23 treats 312:1 trial 299:4 trick 169:1 tru 238:12,14 trucks 45:20,24 true 57:10 67:2 89:7 111:25 132:22 159:5 168:4 172:18 181:4 200:25 230:8,19 231:16
--	--	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[true - vanallen]

Page 49

240:25 241:2 315:16 327:16 trust 50:8 truth 10:19 199:14 327:11,11,12 truthfully 9:6,10 try 36:18,25 49:15 84:4 100:9 119:3 147:10 151:21,24 190:3 313:4 trying 29:20 41:20 46:23 70:11 76:10 76:14 77:13 95:14 103:8 104:18 150:11 155:13,15 168:25 169:2 182:16 185:3 193:23 212:2 222:13 251:16 273:13 278:22 tuesday 127:2 turn 167:21 turnaround 228:25 turning 124:21 tusc 264:12 265:10 265:11,17 266:1,4 tusko 4:6,13,17,20 4:22 5:6 33:12 78:9 82:1 86:2,9 88:18 126:21 129:17 134:15 140:3 142:16,22 161:18 162:11 170:7,23 173:1,10 174:8 183:11,23 186:19 225:9,15 225:19,25 229:24 tusko's 190:25 tv 28:14 31:21 135:8 196:2,2,3,4	196:5 twelfth 181:10 twenty 78:6,11,17 283:3 306:22 twice 211:3,3 twist 57:25 109:14 185:4 twisting 125:4,5 152:17,24 308:23 two 27:16 32:5 34:5 57:6,17 65:21 106:8,12 108:1 110:13,20 110:20 117:24 118:9 121:2,17 135:25 136:6,13 136:17 137:24 138:1,4,19 139:5,7 143:23 148:12 176:18,19,22,23 176:25 179:7 182:17 184:25 208:22 210:14,15 210:16 211:4 212:24 249:15 250:9,13 258:25 264:2 272:6 275:3 275:12 296:5 314:9 type 21:9 79:22 128:1 232:7 296:10 typed 83:4 257:10 types 42:4 typical 31:8,13 typically 47:16 290:1 323:19 typing 13:4 127:16 181:13,18,19	u uh 9:22 13:11 223:10 233:20 241:9 278:13 ultimately 103:19 239:4 240:16 um 9:21 14:23 27:22 31:15 33:9 61:12 62:24 65:11 79:25 151:20 162:9 190:21 243:7 264:8 270:1 270:10,14 274:9 umbrella 31:6 unable 9:9 255:12 257:8 unavailable 131:18 unclear 38:8 undergraduate 13:25 underneath 172:4 understand 9:25 10:13 36:20 37:4 37:16 38:1 42:22 53:17 59:4,20 68:15 69:3 72:3 76:10,14 77:13 93:9 94:8,11 96:2 97:14 103:9 114:12 174:4 181:16 183:18,19 193:23 200:13 212:2 214:5 233:4 234:23 273:1 277:4,20 278:8,10 279:8 288:9,12,16 288:21 understanding 22:15 59:12 215:18,20,25	216:2 understood 9:23 30:1 214:8 274:15 undertake 12:2 underwood 34:4 undisclosed 129:13 unfair 130:9 159:17 university 11:17 11:19 unprofessional 138:21 unredacted 316:6 320:16 321:3 untrue 222:5 untruthful 58:13 58:23 59:7 68:7 68:18,23 unusual 35:9 update 74:11 updated 6:9 297:25 298:7 302:18 ups 165:20 167:2 upset 150:13 153:11 234:4 use 53:1 91:18 92:1 101:4 128:12 152:5 164:16 165:6 182:15 197:2 230:17 uses 264:4 usual 151:3,5,7 v v 329:6 330:3 331:3 vacation 26:25 vanallen 135:20 241:13
--	--	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[vandetta - week]

Page 50

vandetta 2:21	view 125:8 276:24	216:12 236:15,17	103:10 105:2
varied 25:23,24 27:10	vince 291:20	242:13,15,18,24	113:12 114:8,13
varies 65:18,19	visible 64:21 166:15	243:17,24 245:7	115:19 121:21
variety 13:23	visits 304:17	248:3,5,6,11	122:10 147:11
28:14 61:16 73:7	voice 261:23	251:18 254:7	148:21 149:21
93:6 94:22 95:5,6	vs 1:6	264:14 265:3	153:17 154:16
99:12 121:24	w	266:7 269:3	155:14 159:21
131:17 132:20	wages 25:9 62:11	274:11,14,21	163:10 177:13
135:7,9 147:23	wait 36:15,15,15 36:16,16 56:20	277:6 286:10	180:13,13,13,13
149:12 168:12	70:3 72:12 75:8	298:15 301:9	180:13,13,14,14
191:12 234:6	91:21 112:2	320:24	180:14,14,14
248:7,15	123:10 136:4	wanted 14:19,24 18:10 35:19 36:5	184:6,8 199:20
various 4:3 66:20	150:3 185:19,20	38:16,17 42:15	211:19,21 228:9
221:20 270:18	188:19 211:13,13	43:7 101:18,22	230:12 231:22
293:20	211:13,14,14,14	119:21 124:5	249:17 256:17
vary 65:21	211:14 213:18	135:4 170:2	268:25 271:17
vasvari 171:4	214:11 263:7	198:16 203:21	273:20 274:25
vazzana 33:18	276:6 297:3	235:25 242:10	279:3 280:24
vehicle 62:12	308:20,20 309:6	252:4 256:7	281:14 282:15,20
64:22 166:18	waiting 124:18	260:21	282:22 300:2
vehicles 100:7	waived 329:20	wants 38:14 39:20 146:23 250:20	304:7 316:12
verify 205:23	waldron 303:14	260:25 273:5	318:13 321:2
214:20	walk 31:7	274:6 275:4,7	325:15
verifying 73:6	walked 122:1	ware 60:9	ways 80:18 98:15
veritext 329:1,8	wall 39:13 46:11	warner 5:12 241:18 242:3	98:17 99:12
332:1	want 10:16 23:1,3 23:6 24:4,5 30:14	291:22	121:24,25 132:21
veritext.com.	38:14,25 39:6,20	warrensville	135:10 147:24
329:17	44:23 45:17 49:10	258:12,15 259:13	149:12
version 53:24	49:18 50:17 51:6	259:13,17,20	wd 6:9 297:25
versus 7:4 107:22	54:5 55:1,8 56:25	260:2,6,12,22	298:7 302:19
125:16 152:6	66:3 69:24 71:24	wasted 319:20	304:8
226:18 250:15	82:3 91:20 92:2,4	wasting 128:10 181:13,18	we've 52:25 99:9
263:17	94:7 99:18 102:3	watson 179:3	112:18 146:13
video 1:12 102:21	124:10 128:20	way 40:1 57:24 70:23 73:16 75:21	149:3,8 198:2,5
videographer 2:21	130:7 137:3	80:21 83:20 85:7	246:17,17 249:15
7:1 8:12 24:15,18	140:13 156:22	87:12,18 99:7	285:22 298:22
50:25 51:3 92:6,9	191:25 197:24		300:17
139:15,18 197:8	198:3 214:3		web 264:9,10
198:8 245:9,11			wednesday 238:10
313:13,15 325:21			week 33:21 258:13

Veritext Legal Solutions

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888-391-3376

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[weekends - worry]

Page 51

weekends 12:10	williams000222	152:11,19,21	98:6 103:23
weeks 27:2 259:17	5:18 254:20	153:2,13 155:18	121:10 123:21
weird 268:18	williams000246	156:2,6 180:6,20	131:19 146:19
wellness 303:16	4:5 81:14	185:11 189:14,16	157:6,24 161:4
went 12:9,16 13:9	williams000301	192:16 197:10,20	171:19 187:24
119:17 139:6	5:8 229:17	197:25 198:4	193:10,16 194:6
218:1 235:22	williams000306	204:15 215:24	199:12,21,25
272:9 273:11	5:20 257:24	222:2 223:11	200:3,22 201:19
wes 162:12 163:18	williams000379	244:24 246:5	201:23 202:10,15
179:14	5:15 248:24	269:22 270:1	202:23 203:1,5,23
west 264:12	williams000428	276:7 288:3,8,18	207:10 220:18
265:10,11,17,25	5:22 262:15	296:9 309:9,20	224:12 230:4
266:4	williams000455	327:9,14,15,18	234:18 235:5
whereof 328:5	5:11 239:11	328:5 329:9,12	243:14 246:19
white 235:11	williams000459	330:1,4,11 331:1,4	248:6,11 259:3
wiley 6:23 33:13	6:4 271:23	331:15	265:6 266:22
302:12 324:19	williams000514	witness's 22:18	267:7 284:15
325:1	5:25 269:13	57:13 102:6 150:8	312:14,21
williams 1:3 4:19	williams000551	326:2	worked 12:8,17
7:4 146:3 194:21	6:5 279:23	witnesses 223:1	13:6 19:6,8 20:21
329:6 330:3 331:3	williams000553	witness' 329:15	29:18 142:1
williams000014	5:23 267:20	wondering 176:19	143:15 194:5
4:10 117:9	williams000560	word 18:14 101:4	204:3 229:4
williams000018	4:16 134:4	152:5 155:19	230:20 234:24
175:6 178:6	williams000570	168:10 182:15	235:6 246:17
williams000018...	6:9 293:14	205:10 223:6	283:5 289:7,15
4:23 174:24	willias000247 4:7	251:14 288:5	294:17
williams000039	86:2	310:4	working 12:13
4:12 122:20	willing 40:8 139:5	words 47:2,14,22	13:1 17:18,20
williams000040	wish 49:17	48:15 50:4 57:25	20:2,3,7,9 22:12
4:17 142:17	withdraw 312:16	228:9,11 229:12	23:24 31:21,23,24
williams000043	withdrawal 304:9	230:15,17 231:5	31:25 48:22 49:19
4:14 126:23	witness 4:3 7:6	257:11	67:12 154:5 220:6
williams000154	8:13 15:17 16:7	work 13:23 14:22	231:2 233:18
5:16 252:11	22:12 24:9 36:19	16:19 17:14,22	240:22 241:11
williams000165	37:1,20 40:11	18:7,23 19:10,25	280:15 293:2
5:9 238:3	41:3 50:18 58:2	20:19 25:12 46:21	works 30:25 51:21
williams000168	66:19 91:25 93:24	48:15 49:5 50:1	61:2 99:7 145:14
5:6 225:9	101:1,2 102:5,8	51:8,12 65:12	241:6
williams000211	109:6,22 116:24	72:25 74:19 78:17	worry 46:5
6:21 322:12	125:2,4,6 138:12	89:5 93:7 95:13	

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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Page 52

wow 12:11,18 13:12 102:20 318:7 wrapping 321:8 write 82:17 112:9 113:3 118:9 120:14 122:7 123:8,14 130:12 134:17 149:2 151:24 153:16 154:15 227:1 230:3 235:23 238:9 239:16,17 240:21 242:2,7 255:9 258:10 264:20 267:2,14 268:5 280:9 283:24 292:15 295:13 296:17 297:15,17 308:5 310:20,20,21,23 311:17 312:9 316:16 319:17 323:14 writes 87:4 205:17 205:18 214:16 225:25 226:2 227:9 312:13,14 317:20 324:3 writing 58:13,23 59:7 68:22 85:8 129:16 169:25 206:3 214:25 218:18 261:13 267:25 272:13 313:6 314:12 320:15 325:1 written 47:3 68:23 200:21 297:20 wrong 39:3 47:17 47:17 48:23 49:10	50:3 173:2,11 233:6 251:24 wrote 58:21 59:6 68:6,8,18,18 108:6 110:2,4 112:1 130:17 214:9 233:6 240:7 255:24 266:19 272:16,18 291:17 292:20 295:5,8,12 295:16 296:12,14 296:21 307:8,11 307:20,24 308:19 308:22,25 312:13 x x 140:7,12 xing 257:18 y yeah 20:23 21:6 24:9 31:4 42:7 44:15 51:24 53:16 53:22 54:7 66:14 67:8 73:23 78:22 83:4 87:17 90:3 92:4 104:6 114:4 117:23 124:14 125:3 129:13 137:13 148:23 163:8,16 168:6 171:9 175:5 176:2 176:17,21,23 177:5 184:2 186:14 196:4 207:14,22 208:13 232:9,24 233:8 261:18 269:1 271:9 299:13,20 300:10 313:19 year 11:11,24 14:9 16:20 18:2 25:5	26:11 49:5 years 19:6 25:25 27:17 49:19 52:16 53:3 57:6,17 60:23,25 69:20 80:9,13 81:1 99:22 113:8 114:9 117:3 121:14 141:21 149:17 151:1,9 154:12,20 154:24 216:5 230:11 254:6 yell 287:18 yelled 48:9 yellow 196:18 young 162:1 youngstown 294:21 yp 196:18 z zero 143:5,6 238:11,14 zerrusen 266:20
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Ohio Rules of Civil Procedure

Title V. Discovery

Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign. The witness shall have thirty days from submission of the deposition to the witness to review and sign the deposition. If the deposition is taken within thirty days of a trial or hearing, the witness shall have seven days from submission of the deposition to the witness to review and sign the deposition. If the trial or hearing is scheduled to commence less than seven days before the deposition is submitted to the witness, the court may establish a deadline for the

witness to review and sign the deposition. If the deposition is not signed by the witness during the period prescribed in this division, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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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.

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IN THE COURT OF COMMON PLEAS
OF SUMMIT COUNTY, OHIO

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MEMBER WILLIAMS, et al.,

Plaintiffs,

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

KISLING NESTICO & REDICK, LLC, et al.,

Defendants.

~~~~~

Continued Video Deposition of
BRANDY GOBROGGE

October 17, 2018
9:16 a.m.

Taken at:
The Pattakos Law Firm, LLC
101 Ghent Road
Akron, Ohio 44333

Tracy Morse, RPR

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 334

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2

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10

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18 216-344-9467

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21 Sutter O'Connell, by

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28 ~ ~ ~ ~ ~

29 ALSO PRESENT:

30 John J. Reagan, Esq.

31 Alberto Nestico, Esq.*

32 Robert Redick, Esq.*

33 Rachel Hazelet, Law Clerk

34 Joseph VanDetta, Videographer

35 ~ ~ ~ ~ ~

36 * -- Via phone

Page 335

1 TRANSCRIPT INDEX

2

3 APPEARANCES..... 334

4 INDEX OF EXHIBITS..... 336

5 EXAMINATION OF BRANDY GOBROGGE

6 By MR. PATTAKOS..... 339

7 By MR. MANNION..... 509

8 REPORTER'S CERTIFICATE..... 512

9

10 EXHIBIT CUSTODY

11 EXHIBITS RETAINED BY COURT REPORTER, 40-75

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Page 336

1 INDEX OF EXHIBITS

2 NUMBER DESCRIPTION MARKED

3 Exhibit 40 1/23/2012 Email To Staff.....339

4 And Rob Nestico From Brandy

5 Brewer

6 Exhibit 41 1/23/2012 Email To Rob.....341

7 Nestico From Brandy Brewer

8 Exhibit 42 1/23/2012 Email Trail.....344

9 Between Rob Nestico And

10 Brandy Brewer

11 Exhibit 43 6/12/2012 Email Trail.....345

12 Between Julie Branch, Robert

13 Redick And Brandy Brewer

14 Exhibit 44 3/1/2012 Email To Alyssa.....346

15 Kirk, Etc. From Brandy Brewer

16 Exhibit 45 3/12/2013 Email To Predit.....352

17 Attorney From Brandy Lamtman,

18 Bates Number Williams000442

19 Exhibit 46 11/19/2012 Email To.....359

20 Attorneys And Predit Support

21 From Brandy Lamtman, Bates

22 Number Williams000296

23 Exhibit 47 3/26/2013 Email To Attorneys.364

24 From Brandy Lamtman, Bates

25 Number Williams000441

26 Exhibit 48 5/1/2013 Email To Predit.....369

27 Attorney From Brandy Lamtman,

28 Bates Number Williams000164

29 Exhibit 49 1/16/2013 Email To Rob.....374

30 Horton From Brandy Lamtman,

31 Bates Number Williams000378

32 Exhibit 50 6/4/2013 Email To Intake.....380

33 And Attorneys From Holly

34 Tusko, Bates Number

35 Williams000310

36 Exhibit 51 7/17/2013 Email To Predit.....383

37 Attorneys From Brandy

38 Lamtman, Bates Number

39 Williams000157

40 Exhibit 52 12/19/2012 Email To Predit...387

41 Attorneys From Brandy

42 Lamtman, Bates Number

43 Williams000284

44 Exhibit 53 7/24/2013 Email Trail.....388

45 Between Predit Attorney And

46 Brandy Lamtman, Bates

47 Number Williams000461

Page 337

1 INDEX OF EXHIBITS (Continued)

2 NUMBER DESCRIPTION MARKED

3 Exhibit 54 3/18/2014 Email To Attorneys.390

4 From Brandy Brewer, Bates

5 Number Williams000312

6 Exhibit 55 12/26/2013 Email Trail

7 Between Rob Horton, Rob.....391

8 Nestico And Brandy Brewer,

9 Bates Number Williams000048

10 Exhibit 56 Typewritten Document, Bates...393

11 Numbers KNR03330-03332

12 Exhibit 57 9/4/2014 Email To Predit.....400

13 Attorney And Predit Support

14 From Brandy Brewer, Bates

15 Number Williams000449

16 Exhibit 58 7/31/2013 Email To Attorneys.404

17 From Brandy Lamtman, Bates

18 Number Williams000544

19 Exhibit 59 2/13/2013 Emails To.....411

20 Attorneys From Rob Nestico,

21 Bates Number Williams000586

22 Exhibit 60 9/19/2012 Email To Brandy....412

23 Brewer From Rob Nestico,

24 Bates Number Williams000576

25 Exhibit 61 11/8/2012 Email To Brandy....414

26 Brewer From Rob Nestico,

27 Etc., Bates Number GMP000022

28 Exhibit 62 11/20/2014 Email To Staff....416

29 From Brandy Brewer, Bates

30 Number Williams000373

31 Exhibit 63 11/13/2012 Email Trail.....437

32 Between Intake, Attorneys,

33 Brandy Lamtman And Gary

34 Petti, Bates Number

35 GMP000027-28

36 Exhibit 64 11/9/2012 Email Trail.....438

37 Between Staff, Brandy Brewer,

38 Nomiki Tsarnas, Rob Nestico

39 And Megan Jennings, Bates

40 Numbers GMP000047-48

41 Exhibit 65 11/6/2013 Email To Predit....445

42 Attorney From Brandy Brewer,

43 Bates Number Williams000226

44 Exhibit 66 7/24/2012 Email To Predit....459

45 Attorney From Brandy Brewer,

46 Bates Number KNR03751

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 338

1 INDEX OF EXHIBITS (Continued)

2 NUMBER	DESCRIPTION	MARKED
3 Exhibit 67	6/11/2013 Email To Prelit....464	
	Support From Brandy Lamtman,	
4	Bates Number Williams000505	
5 Exhibit 68	6/18-19/2013 Email Trail....468	
	Between Robert Redick,	
	Hillary Kornas And Brandy	
6	Brewer, Bates Number KNR03802	
7 Exhibit 69	12/3/2012 Email Trail.....470	
	Between Prelit Group,	
	Brandy Lamtman and Gary	
8	Petti, Bates Number	
	GMP000004-5	
9 Exhibit 70	12/3/2012 Email Trail.....473	
	Between Prelit Group, Brandy	
10	Lamtman and Gary Petti,	
	Bates Number GMP000004-5	
11 Exhibit 71	5/14/2012 Email Trail.....479	
	Between Staff, Brandy Brewer	
12	And Gary Kisling, Bates	
	Number KNR03391	
13 Exhibit 72	5/9-11/2012 Email Trail.....480	
	Between Ciro Cerrato and	
14	Rob Nestico, Bates Number	
	Williams000255-256	
15 Exhibit 73	11/27/2012 Email To Prelit...485	
	Attorney From Sarah Rucker,	
16	Bates Number KNR03433	
17 Exhibit 74	1/7/2014 Email Trail.....487	
	Between Rob Nestico And	
	Brandy Brewer, Bates Number	
18	KNR03474	
19 Exhibit 75	1/28/2014 Email To Staff....489	
	From Brandy Brewer, Bates	
	Number Williams000248	
20		
21		
22		
23		
24		
25		

Page 340

1 - - - - -

2 MR. MANNION: Rob, this is

3 December 23, 2012, email.

4 MR. NESTICO: Tom, can you put on

5 the record that Attorney Robert Redick is in

6 attendance with me here today.

7 MR. MANNION: Okay.

8 Hi, Robert.

9 MR. REDICK: Yes.

10 BY MR. PATTAKOS:

11 Q. Okay. So does this refresh your

12 recollection at all of this document where you

13 write, "NO narrative fee checks to any of the

14 Plambeck chiros EXCEPT Floros & Patrice"?

15 A. No.

16 Q. Who's Patrice?

17 A. Dr. Lee-Seyon.

18 Q. Pardon?

19 A. Her last name is Lee-Seyon.

20 Q. How do you spell that?

21 A. L-e-e, dash, S-e-y-o-n, maybe.

22 She's listed on the --

23 Q. Okay. Where does she work?

24 A. In Toledo.

25 Q. Okay. You sent this email,

Page 339

1 VIDEOGRAPHER: On the record,

2 October 17, 2018, 9:16 a.m.

3 CONTINUED EXAMINATION OF BRANDY GOBROGGE

4 BY MR. PATTAKOS:

5 Q. Good morning.

6 A. Good morning.

7 Q. Last night I got some unredacted

8 copies of some of the documents you went over

9 yesterday that were redacted. Tom provided me

10 unredacted copies. So I'm going to go over

11 those to see if you remember anything about

12 these documents that's new with the redactions

13 missing, so.

14 MR. PATTAKOS: What number are we

15 on, Tracy? I'm just going to mark new

16 exhibits.

17 MR. MANNION: 40.

18 MR. STUDENY: 40.

19 Q. So this is Exhibit 40.

20 - - - - -

21 (Thereupon, Deposition Exhibit 40,

22 1/23/2012 Email To Staff and Rob

23 Nestico From Brandy Brewer, was

24 marked for purposes of

25 identification.)

Page 341

1 correct?

2 A. Yes.

3 Q. Okay.

4 MR. MANNION: That was the right

5 spelling, by the way, from the other document.

6 THE WITNESS: Okay.

7 BY MR. PATTAKOS:

8 Q. Okay. You have no recollection at

9 all of why no narrative fee checks were to be

10 sent to any of the Plambeck chiros --

11 A. I don't.

12 Q. -- except for these two? Okay.

13 MR. PATTAKOS: Let's mark

14 Exhibit 41.

15 Q. Actually --

16 - - - - -

17 (Thereupon, Deposition Exhibit 41,

18 1/23/2012 Email To Rob Nestico From

19 Brandy Brewer, was marked for

20 purposes of identification.)

21 - - - - -

22 MR. MANNION: Just a reminder to

23 let him finish the question.

24 THE WITNESS: Oh, okay.

25 MR. MANNION: You guys just talked

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 342

1 over a little bit.
 2 THE WITNESS: I'm sorry.
 3 MR. MANNION: No, that's okay.
 4 BY MR. PATTAKOS:
 5 Q. Now, just let me ask you about
 6 Exhibit 40 again, just to get some additional
 7 information here. You know, if you can't
 8 remember why you sent that email, do you
 9 remember who instructed you to send that email?
 10 MR. MANNION: Objection. Assumes
 11 she was instructed.
 12 But go ahead.
 13 A. I don't.
 14 Q. Do you think someone instructed you
 15 to send that email?
 16 A. Honestly I don't remember.
 17 Q. Do you know who would be able to
 18 explain that email better than you can?
 19 A. Rob.
 20 Q. Nestico?
 21 A. Yes.
 22 Q. Okay, okay. Let's look at
 23 Exhibit 41.
 24 A. Well --
 25 MR. MANNION: Go ahead.

Page 343

1 Q. I'm sorry?
 2 MR. MANNION: Go ahead.
 3 Q. What were you going to say?
 4 A. On January 23, in this other
 5 exhibit here, number 41 at 12:31, Rob sent me
 6 an email--
 7 Q. Yes.
 8 A. -- right there, right?
 9 Q. Yes.
 10 A. So I didn't remember it, but it's
 11 on the other piece of paper that's in front of
 12 me.
 13 Q. Right. Okay. So you write -- on
 14 Exhibit 41, you write in response to Rob's
 15 instruction, "No fees paid on these except
 16 Floros and patrice."
 17 You write, "None to Shane, Maurer or any
 18 others?" Who is Shane?
 19 A. He was a chiropractor in Columbus.
 20 Q. What's his last name?
 21 A. I don't remember.
 22 Q. Okay. Who's Maurer?
 23 A. He's a chiropractor in Cincinnati.
 24 Q. Okay.
 25 MR. MANNION: It's Jason Maurer.

Page 344

1 MR. PATTAKOS: Okay.
 2 BY MR. PATTAKOS:
 3 Q. Do you remember why you asked this
 4 question?
 5 A. I don't.
 6 Q. Okay. Do you have any idea why you
 7 might have asked this question?
 8 A. I don't.
 9 Q. Okay. Exhibit 42.
 10 - - - - -
 11 (Thereupon, Deposition Exhibit 42,
 12 1/23/2012 Email Trail Between Rob
 13 Nestico And Brandy Brewer, was
 14 marked for purposes of
 15 identification.)
 16 - - - - -
 17 MR. MANNION: January 23, 2012,
 18 still.
 19 Q. So this looks like a response from
 20 Mr. Redick to your January 23 email that was
 21 sent in Exhibit 40 where you write, "No
 22 narrative fee checks to any of the Plambeck
 23 chiros EXCEPT Floros & Patrice."
 24 And Mr. Redick responds, "Including
 25 Tassi.....interesting," and then writes a

Page 345

1 smiley face there. Does this refresh your
 2 recollection about this document?
 3 A. It does not.
 4 Q. You have no idea what Mr. Redick
 5 was talking about here?
 6 A. I do not.
 7 Q. Or why it would be interesting to
 8 him?
 9 A. You would have to ask him.
 10 Q. Okay.
 11 - - - - -
 12 (Thereupon, Deposition Exhibit 43,
 13 6/12/2012 Email Trail Between Julie
 14 Branch, Robert Redick And Brandy
 15 Brewer, was marked for purposes of
 16 identification.)
 17 - - - - -
 18 Q. Okay. Okay. So this -- if we look
 19 at Exhibit 43. We don't need to spend very
 20 much time on this.
 21 MR. MANNION: June 12, 2012.
 22 Q. This just confirms that it's Jason
 23 Maurer who drove you F'ing crazy, correct?
 24 A. Yes.
 25 Q. Okay. Okay.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 346

1 MR. PATTAKOS: I'm sorry. Did I
 2 hand these to you guys? Sorry. That's 43.
 3 (Handing.)
 4 Q. 44.
 5 - - - - -
 6 (Thereupon, Deposition Exhibit 44,
 7 3/1/2012 Email To Alyssa Kirk, Etc.
 8 From Brandy Brewer, was marked for
 9 purposes of identification.)
 10 - - - - -
 11 MR. MANNION: March 1, 2012.
 12 BY MR. PATTAKOS:
 13 Q. Okay. This is an email where you
 14 write -- this is March 1, 2012. You write to,
 15 it looks like a number of paralegals copying
 16 Mr. Nestico and Mr. Redick saying, "We are
 17 paying narrative fees to the following," and
 18 you list Dr. Lee-Seyon -- which is Patrice,
 19 right? -- Dr. Schober, Dr. Floros, Dr. Tassi
 20 and Dr. Maurer. Do you remember sending this
 21 email?
 22 A. I do not.
 23 Q. Do you have any memory of why you
 24 would be -- the firm would be paying narrative
 25 fees to these five chiropractors specifically?

Page 347

1 A. I'm sorry. Can you ask that again?
 2 MR. PATTAKOS: Tracy.
 3 (Record was read.)
 4 A. I don't remember sending this
 5 email.
 6 Q. Okay. Well, do you remember why
 7 these five chiropractors would be different
 8 from any other chiropractors, in terms of why
 9 they would get paid narrative fees and why you
 10 would be sending this email?
 11 A. Well, if they sent a narrative
 12 report, then we would pay them a fee for it.
 13 And these wouldn't be the only doctors. We pay
 14 narrative fees to plenty of other doctors.
 15 Q. Well, then why would you send this
 16 email?
 17 A. I don't know. I don't remember
 18 sending it.
 19 Q. If these weren't the only doctors
 20 you were paying narrative fees to and there
 21 were plenty of other doctors, wouldn't there be
 22 some reason that you would be telling people
 23 about these five doctors?
 24 A. No. I have a vague memory of the
 25 paralegals forgetting to request the checks for

Page 348

1 the narrative payments, but I don't know if
 2 that specifically why I sent this email. It
 3 was six years ago.
 4 Q. Okay. And the paralegals must have
 5 kept forgetting and forgetting, because you
 6 keep sending these emails, correct?
 7 MR. MANNION: Objection.
 8 Go ahead.
 9 A. Sure. I mean, it was difficult to
 10 get people to remember to do things. That
 11 would be why I would send a reminder.
 12 Q. Okay. And so is it your testimony
 13 that the paralegals would forget to send checks
 14 only to certain chiropractors and that's why
 15 you would need to remind them about specific
 16 chiropractors?
 17 A. No. I mean, they would -- they
 18 forget a lot of things.
 19 Q. Well, I guess my question is: The
 20 question is raised is why -- if the paralegals
 21 are forgetting to send these checks for the
 22 narratives, why would it be only for specific
 23 chiropractors? Why wouldn't you just say,
 24 "Please remember to send narrative reports to
 25 all the chiropractors"? Why would you specify?

Page 349

1 MR. MANNION: Objection to form.
 2 Go ahead.
 3 A. I mean, as I stated, I don't
 4 remember typing this email. It was six years
 5 ago --
 6 Q. I understand that.
 7 A. -- so --
 8 MR. MANNION: Let her finish,
 9 please.
 10 A. -- I can't answer that question.
 11 Q. Okay. I mean, this was your job,
 12 so I'm asking why -- you know, I'm not asking
 13 you to remember the day you typed this email.
 14 I'm asking you to testify based on your
 15 understanding of what your responsibilities
 16 were as to what might be going on here. That's
 17 all.
 18 MR. MANNION: Objection. She
 19 answered the question. That wasn't a question,
 20 by the way.
 21 MR. PATTAKOS: So it is a question.
 22 MR. MANNION: What?
 23 Q. Do you have any idea why you would
 24 be singling out these five chiropractors as
 25 opposed to just saying, "Please remember to

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 350

1 send the narrative checks to the chiropractors
 2 that give us narratives"?

3 MR. MANNION: Objection. Asked and
 4 answered multiple times.
 5 Go ahead.
 6 A. I don't remember why I sent this
 7 email.
 8 Q. Okay. So you have testified and a
 9 lot of these documents reflect that the firm
 10 would call the chiropractors to schedule the
 11 appointments, call the chiropractor's offices
 12 to schedule the appointments for the client,
 13 correct?
 14 MR. MANNION: Objection to form.
 15 Go ahead.
 16 A. Actually, I testified that there
 17 were times that I would tell the doctors about
 18 the appointment and they would call the clients
 19 to schedule it. There are emails that state
 20 that the attorneys were scheduling the
 21 appoint -- I mean, it was -- the scheduling was
 22 done different ways at different times.
 23 Q. I mean, was it -- do you mean that
 24 the policy changed over the years or do you
 25 just mean there was never any policy and it

Page 351

1 just happened in random ways at different times
 2 depending on the case?
 3 A. So it wasn't a policy, how the
 4 appointments got scheduled. There never was a
 5 policy on that --
 6 Q. Okay.
 7 A. -- the clients could schedule their
 8 own appointments with the doctor. The doctor
 9 could call the client and schedule the
 10 appointment. The attorneys could call the
 11 chiropractor and schedule the appointment. It
 12 could happen a variety of ways.
 13 Q. And the firm didn't have any policy
 14 or preference?
 15 A. We tried it different ways to kind
 16 of see what worked and what worked better --
 17 really I guess at the end of the day, it
 18 depended on what was in the best interest of
 19 the client. If the client preferred to
 20 schedule their own appointment, they would do
 21 that. If it was easier to have the
 22 chiropractor call or the attorney could call
 23 based on, you know, their time limitations or
 24 what the attorneys preference was. So there
 25 was -- there was no set way to do that, I guess

Page 352

1 is what I'm trying to say.
 2 Q. Are you saying there was never any
 3 set way to do that or are you saying that there
 4 at one time was a set way to do that and the
 5 firm changed its practices?
 6 MR. MANNION: Objection to form.
 7 Go ahead.
 8 A. So there was never a specific
 9 policy or practice. We tried a variety of
 10 different things back then. And then now
 11 today, it's -- it's still the same, whatever is
 12 easier and works best.
 13 Q. Okay. Well, let's take a look at
 14 Exhibit 45.
 15 - - - - -
 16 (Thereupon, Deposition Exhibit 45,
 17 3/12/2013 Email To Prelit Attorney
 18 From Brandy Lamtman, Bates Number
 19 Williams000442, was marked for
 20 purposes of identification.)
 21 - - - - -
 22 MR. MANNION: March 12, 2013.
 23 BY MR. PATTAKOS:
 24 Q. Okay. This is an email from you on
 25 March 12, 2013, to prelit attorneys copying

Page 353

1 Mr. Nestico where you write, "PLEASE," in all
 2 capitals, "make sure you are calling the chiro
 3 and scheduling the appointment. This has been
 4 discussed before." How do you explain this --
 5 let me ask you first: Did you send this email?
 6 A. Yes.
 7 Q. So how do you explain this email,
 8 in light of your testimony that there was never
 9 a firm policy to call the chiropractors for the
 10 clients?
 11 MR. MANNION: Objection to form.
 12 Go ahead.
 13 A. Okay. So I'm asking them to call
 14 the chiropractor and schedule the appointment.
 15 I didn't say in here, "It's firm policy that
 16 you call the chiropractor and schedule the
 17 appointment." This is something that at that
 18 time we were trying out that way of doing
 19 things. And actually, I can tell you that
 20 didn't really work out so well. The attorneys
 21 didn't have time to schedule all of those
 22 appointments.
 23 Q. So you're saying that you're asking
 24 them to call the chiropractors here --
 25 A. Yes.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 354

1 Q. -- and not telling them to do so?
 2 A. Correct.
 3 Q. So when you write, "PLEASE make
 4 sure you are calling the chiro and scheduling
 5 the appointment," period, you were not giving a
 6 command there?
 7 MR. MANNION: Objection. That's
 8 ridiculous, Peter.
 9 Go ahead.
 10 A. Yeah, I don't read that as me
 11 giving a command.
 12 Q. Okay.
 13 MR. MANNION: These are lawyers
 14 she's talking to, Peter.
 15 Q. "This has been discussed before."
 16 What were these discussions?
 17 A. I don't remember the specific
 18 discussions. It was five years ago.
 19 MR. MANNION: Six and a half, five
 20 and a half.
 21 THE WITNESS: Right.
 22 MR. PATTAKOS: Okay.
 23 MR. MANNION: Move to strike the
 24 extraneous comments.
 25 BY MR. PATTAKOS:

Page 355

1 Q. So on this document where you say,
 2 "PLEASE make sure you are calling the chiro and
 3 scheduling the appointment," this is for every
 4 referral, right --
 5 MR. MANNION: Objection.
 6 Q. -- this is for every case, right?
 7 MR. MANNION: Objection. Look at
 8 the subject. Stop it.
 9 MR. PATTAKOS: Stop testifying.
 10 MR. MANNION: No. You stop it.
 11 You're twisting things that you know aren't
 12 true and you're doing it on purpose. You can
 13 laugh all you want. What you're doing is a lie
 14 and you know it's a lie.
 15 MR. PATTAKOS: Tom, what you're
 16 doing is pathetic --
 17 MR. MANNION: No. It says,
 18 "Subject: Chiropractor Referrals" --
 19 MR. PATTAKOS: -- and
 20 unprofessional --
 21 MR. MANNION: -- and you've now
 22 turned it into every case.
 23 MR. PATTAKOS: You should stop.
 24 MR. MANNION: You should stop
 25 lying.

Page 356

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?

Page 357

1 A. No. It doesn't say, "Every case in
 2 the firm."
 3 Q. Okay. So what's the qualifier
 4 here? What cases do you do this on, if it's
 5 just a certain set, if not every case?
 6 A. This is only for clients who needed
 7 a chiropractor referral --
 8 Q. Okay.
 9 A. -- and only for times that the
 10 client didn't schedule their own appointment or
 11 that the doctor didn't call them to schedule
 12 it.
 13 Q. Okay.
 14 MR. MANNION: He's basically
 15 trying to trick you, is what he's trying to do.
 16 MR. PATTAKOS: Tom, please, this is
 17 completely inappropriate for you to speak.
 18 MR. MANNION: So is your question.
 19 So is your question.
 20 MR. PATTAKOS: Tom, I know you
 21 don't like what these documents show --
 22 MR. MANNION: No. (Inaudible) --
 23 MR. PATTAKOS: -- I wouldn't like
 24 them either, if I had acted like you throughout
 25 the course of this litigation.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 358

1 MR. MANNION: That has nothing --
 2 are you kidding me? I have no problem with
 3 this email.
 4 MR. PATTAKOS: Please be
 5 professional and let me --
 6 MR. MANNION: I have no problem
 7 with this email.
 8 MR. PATTAKOS: -- ask my questions.
 9 You can take up your questions with the
 10 Court --
 11 MR. MANNION: You are trying to
 12 twist and turn --
 13 THE NOTARY: I can't take you
 14 both at the same time.
 15 MR. PATTAKOS: You can take up your
 16 questions with the Court, if you have issues
 17 with the questions I ask.
 18 MR. MANNION: Just try to be
 19 realistic and fair and honest, which you're not
 20 doing.
 21 MR. PATTAKOS: Tom, Tom, I know you
 22 have a client that's in a bad position here. I
 23 sympathize with you -- or I should say, I
 24 empathize with you --
 25 MR. MANNION: Oh, yeah.

Page 359

1 MR. PATTAKOS: -- but that's not an
 2 excuse for your histrionics.
 3 MR. MANNION: My histrionics?
 4 What are you doing? What was that?
 5 MR. PATTAKOS: Let's mark the next
 6 exhibit.
 7 MR. MANNION: Yeah, I don't go
 8 around talking to other people's associates
 9 either and trying to talk to them about what
 10 firm they should be with or who they're
 11 involved with that apparently you think is
 12 appropriate to do.
 13 MR. PATTAKOS: I think it's a real
 14 shame.
 15 THE NOTARY: I need to mark this
 16 exhibit. Okay? Can we do that?
 17 MR. PATTAKOS: 46.
 18 THE NOTARY: Thank you.
 19 - - - - -
 20 (Thereupon, Deposition Exhibit 46,
 21 11/19/2012 Email To Attorneys And
 22 Prelit Support From Brandy Lamtman,
 23 Bates Number Williams000296, was
 24 marked for purposes of
 25 identification.)

Page 360

1 - - - - -
 2 MR. MANNION: Read the entire
 3 email, before he asks you questions, including
 4 all of it.
 5 MR. NESTICO: Date, Tom?
 6 MR. MANNION: Yeah. Oh,
 7 November 19, 2012.
 8 BY MR. PATTAKOS:
 9 Q. So in this exhibit, this is an that
 10 you sent to all attorneys, prelit support
 11 copying Rob Nestico, Robert Redick and Holly
 12 Tusko, correct?
 13 THE WITNESS: Excuse me.
 14 MR. MANNION: Bless you.
 15 MR. PATTAKOS: Gesundheit.
 16 THE WITNESS: Thank you. Sorry.
 17 A. Can you start over or someone --
 18 Q. This is an email from you to all
 19 attorneys, prelit support copying Rob Nestico,
 20 Robert Redick and Holly Tusko sent on
 21 November --
 22 THE WITNESS: I'm sorry.
 23 MR. PATTAKOS: Gesundheit.
 24 MR. MANNION: Bless you.
 25 A. Okay.

Page 361

1 Q. -- November 19, 2012, correct?
 2 A. Yes.
 3 Q. And did you send this email?
 4 A. Yes.
 5 Q. Okay. And you write -- the subject
 6 line is, "Chiropractor Referrals." And you
 7 write, "I know that many of you already" --
 8 THE WITNESS: I'm so sorry.
 9 A. Okay.
 10 Q. Take your time.
 11 A. Okay.
 12 Q. -- you write, "I know that many of
 13 you already do this, but for those of you that
 14 do not, PLEASE put the intake on hold" --
 15 "Please, in all caps -- "and call the
 16 chiropractor's office and set up the
 17 appointment for the client and then let the
 18 client know the time they need to be there. It
 19 is IMPERATIVE that this gets done."
 20 "Paralegals, when you do your first phone
 21 call with the client after the case gets
 22 opened, make sure the client went to see the
 23 chiropractor."
 24 Now, how does this -- how is this
 25 consistent with what you just told me about how

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 362

1 the firm only -- I'm sorry. Strike that. You
 2 just testified the firm does not direct its
 3 clients to treat with chiropractors, but isn't
 4 that exactly what's going on in this email?
 5 MR. MANNION: Objection. It
 6 completely mischaracterizes the testimony.
 7 Stop doing that.
 8 MR. PATTAKOS: Tom, stop --
 9 MR. MANNION: No. You stop it.
 10 MR. PATTAKOS: -- your speaking
 11 objections.
 12 MR. MANNION: No. You're saying
 13 for the record that she testified to something
 14 that didn't happen. Ask her a question about
 15 the document. Don't try to paraphrase her
 16 testimony.
 17 BY MR. PATTAKOS:
 18 Q. Well, are you not saying in this
 19 email that for every intake that comes in, the
 20 attorneys or prelit support employees are
 21 supposed to call the chiropractor's office and
 22 set up an appointment with the client and that
 23 it is imperative that this gets done? Are you
 24 not saying that the firm should make an
 25 appointment for every single intake with a

Page 363

1 chiropractor?
 2 A. I didn't say, "Every single," on
 3 here at all.
 4 Q. So what are you qualifying here?
 5 Where's the qualification?
 6 A. I said, "Please put the intake on
 7 hold and call the chiropractor's office." So
 8 that means intake, not every single intake.
 9 Q. Well, which ones?
 10 A. The clients that needed a referral
 11 to the chiropractor. They needed a doctor.
 12 MR. MANNION: Perhaps you could
 13 look at the subject line, Peter.
 14 Q. When you say at the bottom,
 15 "Paralegals, when you do your first phone call
 16 with the client after the case gets opened,
 17 make sure the client went to see the
 18 chiropractor," why did you write that?
 19 A. Because clients don't realize that
 20 the insurance company is going to use it
 21 against them, if they're not consistently going
 22 to the doctor and documenting their injuries.
 23 So they may think it's okay to wait a week or
 24 two, but then the insurance company is going to
 25 turn around and use that against them.

Page 364

1 Q. But what if the client doesn't want
 2 chiropractic treatment?
 3 A. Well, then they wouldn't be
 4 referred to a chiropractor.
 5 Q. Okay.
 6 - - - - -
 7 (Thereupon, Deposition Exhibit 47,
 8 3/26/2013 Email To Attorneys From
 9 Brandy Lamtman, Bates Number
 10 Williams000441, was marked for
 11 purposes of identification.)
 12 - - - - -
 13 MR. NESTICO: Date, Tom?
 14 MR. MANNION: Oh, I apologize.
 15 March 26, 2013.
 16 Q. Okay. So this is an email from you
 17 to all KNR attorneys dated March 26, 2013, with
 18 the subject heading, "Intakes." Did you send
 19 this email?
 20 A. Yes.
 21 Q. Okay. In this email, you write,
 22 "If you do an intake and the person already has
 23 an appointment with a chiropractor we do not
 24 work with, either pull it and send to one of
 25 our doctors or call the chiropractor directly.

Page 365

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

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 366</p> <p>1 send to one of their attorneys --</p> <p>2 Q. Okay.</p> <p>3 A. -- so either, "Pull it," means</p> <p>4 refer it to another doctor or call this other</p> <p>5 chiropractor.</p> <p>6 Q. What would you call the other</p> <p>7 chiropractor for?</p> <p>8 A. To let them know that we're</p> <p>9 representing the client and to make sure that</p> <p>10 they would sign a lien or they would wait to</p> <p>11 get paid until the case is settled; that they</p> <p>12 were okay with our firm representing them; they</p> <p>13 were okay with being involved in a potential</p> <p>14 lawsuit; that they would be open to negotiate</p> <p>15 their bill, if we needed that; that if the</p> <p>16 client needed transportation, they had that</p> <p>17 available. I mean, it could have been a</p> <p>18 variety of different thing.</p> <p>19 Q. What's this last part of this</p> <p>20 sentence, "...otherwise" -- the last part of</p> <p>21 the last sentence, you say, "You MUST do this</p> <p>22 on all intakes, otherwise the chiropractor will</p> <p>23 pull and send to one of their attorneys!" --</p> <p>24 MR. MANNION: Objection. Asked and</p> <p>25 answered.</p>	<p style="text-align: right;">Page 368</p> <p>1 mean by that?</p> <p>2 A. An attorney that they work with or</p> <p>3 that they may refer cases to.</p> <p>4 Q. So you're recognizing here that</p> <p>5 it's common for attorneys to have relationships</p> <p>6 with chiropractors, correct?</p> <p>7 MR. MANNION: Objection. That's</p> <p>8 not what she said.</p> <p>9 A. That's not what I said.</p> <p>10 Q. Well, then what do you mean then?</p> <p>11 MR. MANNION: She explained it</p> <p>12 already.</p> <p>13 MR. PATTAKOS: Tom.</p> <p>14 A. I just said, the chiropractors may</p> <p>15 have attorneys that they prefer to work with.</p> <p>16 Q. Okay. Okay. So you would refer</p> <p>17 clients to chiropractors, even if they already</p> <p>18 had their own doctor, correct?</p> <p>19 MR. MANNION: I'm going to object.</p> <p>20 Do you mean her --</p> <p>21 MR. PATTAKOS: The firm.</p> <p>22 MR. MANNION: -- or KNR? Okay.</p> <p>23 A. I'm sorry. What was the question?</p> <p>24 Q. The firm would refer clients to</p> <p>25 chiropractors, as a matter of policy, even when</p>
<p style="text-align: right;">Page 367</p> <p>1 Go ahead.</p> <p>2 Q. -- why are you concerned with that?</p> <p>3 A. Well, the client called us to</p> <p>4 represent them, so I wouldn't want the</p> <p>5 chiropractor to send it to another law firm --</p> <p>6 Q. Okay.</p> <p>7 A. -- that may not even be in the best</p> <p>8 interest of our client.</p> <p>9 Q. But you don't really know, do you?</p> <p>10 A. Well, no. I don't have a crystal</p> <p>11 ball.</p> <p>12 Q. Well, I mean, what if the</p> <p>13 attorneys -- or what if the client trusts that</p> <p>14 chiropractor and wants to go to another</p> <p>15 attorney?</p> <p>16 A. Then that would be up to the</p> <p>17 client.</p> <p>18 Q. Okay. Do chiropractors have</p> <p>19 attorneys?</p> <p>20 MR. MANNION: Objection to form.</p> <p>21 A. I mean, I wouldn't say they have</p> <p>22 attorneys.</p> <p>23 Q. Well, you said it here. You said,</p> <p>24 "...otherwise the chiropractor will pull and</p> <p>25 send to one of their attorneys!" What do you</p>	<p style="text-align: right;">Page 369</p> <p>1 the clients already had a doctor, correct?</p> <p>2 MR. MANNION: Objection, form.</p> <p>3 Go ahead.</p> <p>4 A. No, there is not a policy for that.</p> <p>5 Q. Okay. Let's look at Exhibit 48.</p> <p>6 - - - - -</p> <p>7 (Thereupon, Deposition Exhibit 48,</p> <p>8 5/1/2013 Email To Prelit Attorney</p> <p>9 From Brandy Lamtman, Bates Number</p> <p>10 Williams000164, was marked for</p> <p>11 purposes of identification.)</p> <p>12 - - - - -</p> <p>13 MR. MANNION: May 1, 2013.</p> <p>14 THE NOTARY: I'm sorry. I have</p> <p>15 to mark it. (Indicating.)</p> <p>16 THE WITNESS: Oh, sorry.</p> <p>17 (Handing.)</p> <p>18 MR. MANNION: Did I give you the</p> <p>19 date already? "Subject: Chiro Referrals,"</p> <p>20 date, May 1, 2013. Sorry, if I didn't.</p> <p>21 MR. NESTICO: Yes.</p> <p>22 BY MR. PATTAKOS:</p> <p>23 Q. So this is an email from you to all</p> <p>24 prelit attorneys copying Rob Nestico dated</p> <p>25 May 1, 2013, correct?</p>

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 370</p> <p>1 A. Yes.</p> <p>2 Q. And did you send this email?</p> <p>3 A. Yes.</p> <p>4 Q. And you write, "This happens</p> <p>5 frequently so we wanted to address this with</p> <p>6 all of you. When doing an intake, just bc they</p> <p>7 tell you they are treating with pcp, doesn't</p> <p>8 mean you shouldn't refer to a chiro."</p> <p>9 "PCP" means primary care physician,</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. You then say, "Always refer to a</p> <p>13 chiro bc they can do both."</p> <p>14 "This is especially an issue in</p> <p>15 Youngstown." Am I reading that correctly?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. When you say, "We," who are</p> <p>18 you referring to here? Where you say, "...we</p> <p>19 wanted to address this with all of you"?</p> <p>20 A. I don't know what I meant by, "We."</p> <p>21 Q. Do you think you meant you and Rob,</p> <p>22 since Rob is copied here?</p> <p>23 MR. MANNION: Objection. Asked</p> <p>24 and answered.</p> <p>25 A. Not necessarily.</p>	<p style="text-align: right;">Page 372</p> <p>1 Q. What I did you make this</p> <p>2 suggestion?</p> <p>3 A. Well, I don't remember sending this</p> <p>4 email specifically. I can infer that I was</p> <p>5 making a statement that they could treat with</p> <p>6 their family doctor and have chiropractic care</p> <p>7 at the same time.</p> <p>8 Q. And why is it so important for you</p> <p>9 to send the clients -- for the firm to send the</p> <p>10 clients to a chiropractor, even when they</p> <p>11 already -- even when the clients already tell</p> <p>12 you that they're treating with a doctor?</p> <p>13 MR. MANNION: Objection to form.</p> <p>14 Go ahead.</p> <p>15 A. Well, I wouldn't say that it's so</p> <p>16 important to me.</p> <p>17 Q. Well, why did you write,</p> <p>18 "Always..."? And why did you write, "This</p> <p>19 happens frequently..."? And that this is an</p> <p>20 issue you?</p> <p>21 MR. MANNION: Objection to form.</p> <p>22 Go ahead.</p> <p>23 A. I stated a minute ago that I don't</p> <p>24 specifically remember sending this email.</p> <p>25 Q. Wouldn't the client's doctor be in</p>
<p style="text-align: right;">Page 371</p> <p>1 Q. Okay. So when you write, "Always</p> <p>2 refer to a Chiro," even when they tell you they</p> <p>3 are treating with a primary care physician --</p> <p>4 MR. MANNION: Objection. You just</p> <p>5 misread that.</p> <p>6 Q. -- when you write that --</p> <p>7 MR. MANNION: Objection. You</p> <p>8 misread that.</p> <p>9 MR. PATTAKOS: Tom, your objection</p> <p>10 is noted for the record.</p> <p>11 Q. -- when you write, "Always refer to</p> <p>12 a Chiro," and you write that in the sentence</p> <p>13 after, you say to do this even when, "...they</p> <p>14 tell you they are treating with," a primary</p> <p>15 care physician, are you telling me that you are</p> <p>16 not communicating a firm policy by writing</p> <p>17 that?</p> <p>18 A. I am not communicating a firm</p> <p>19 policy by writing that.</p> <p>20 Q. And you're not communicating an</p> <p>21 instruction or a command there either?</p> <p>22 A. No.</p> <p>23 Q. It's just a suggestion. Is that</p> <p>24 your testimony?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 373</p> <p>1 a better position to know whether the client</p> <p>2 would benefit from chiropractic care?</p> <p>3 MR. MANNION: Objection. She</p> <p>4 didn't say otherwise.</p> <p>5 Go ahead.</p> <p>6 A. Yeah, I can't speak on behalf of</p> <p>7 the doctor. Maybe the doctor did refer them to</p> <p>8 chiropractic or physical therapy.</p> <p>9 Q. So why would the firm play any role</p> <p>10 there at all, if the client already has their</p> <p>11 doctor?</p> <p>12 MR. MANNION: Objection to form.</p> <p>13 Go ahead.</p> <p>14 A. Often it takes a while to get in</p> <p>15 with their family doctor --</p> <p>16 Q. Okay.</p> <p>17 A. -- I don't know -- I can't say that</p> <p>18 that's exactly why, but I know that's a common</p> <p>19 issue.</p> <p>20 Q. So you write, "This happens</p> <p>21 frequently..." What did you mean by that?</p> <p>22 What happens frequently?</p> <p>23 A. I don't know. I don't remember</p> <p>24 sending this email, so I don't remember the</p> <p>25 exact context --</p>

11 (Pages 370 - 373)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 374

1 Q. Well --

2 A. -- or what led to this email.

3 Q. -- it seems that you're referring

4 to a practice among the prelit attorneys of not

5 referring clients to chiropractors, when the

6 clients are saying they are treating with a

7 PCP. Does that seem right to you?

8 MR. MANNION: Objection to form.

9 Go ahead.

10 A. No. It seems that there was some

11 kind of issue that happened in Youngstown --

12 that's what I said in there -- but I don't

13 remember what that issue is leading up to why I

14 would send this email.

15 Q. And that issue is not the issue of

16 the firm's prelit attorneys not making chiro

17 referrals, when the clients are saying that

18 they treated with a PCP?

19 MR. MANNION: Objection to form and

20 a triple negative.

21 A. No, I -- I have no idea.

22 Q. Okay.

23 MR. PATTAKOS: Let's mark

24 Exhibit 49.

25 - - - - -

Page 375

1 (Thereupon, Deposition Exhibit 49,

2 1/16/2013 Email To Rob Horton From

3 Brandy Lamtman, Bates Number

4 Williams000378, was marked for

5 purposes of identification.)

6 - - - - -

7 MR. MANNION: September 16, 2013.

8 I'm a little slow on the draw today, Rob.

9 Q. So this is an email from you to Rob

10 Horton, correct?

11 A. Yes.

12 Q. Dated Monday, September 16, 2013.

13 The subject line is, "My referral." Did you

14 send this email?

15 A. Yes.

16 Q. And you write, "Since she is a

17 nurse, she may not want chiro. Feel her out

18 for that before you refer. She may want family

19 doc and PT." What did you mean by -- who is,

20 "My referral"?

21 A. It was a friend of mine's mom --

22 Q. Okay.

23 A. -- I wouldn't really say, "A

24 friend." More of like an acquaintance's mom.

25 I haven't seen her in a long time.

Page 376

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

Page 377

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.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 378

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 Q. Okay. Okay. What is a red bag

6 referral?

7 A. A red bag is our mailer. It's a

8 marketing piece that goes inside of a red bag;

9 and instead of being mailed to a client's

10 house, it's hand delivered.

11 Q. What else do you remember about the

12 red bags?

13 MR. MANNION: Objection to form.

14 Go ahead.

15 A. What does that mean?

16 Q. What else do you remember about

17 them?

18 MR. MANNION: Objection to form.

19 Go ahead.

20 A. They're a marketing piece that goes

21 inside a red bag that's hand delivered. I

22 mean, there's --

23 Q. Didn't the firm make referrals

24 based on whether the client came in through a

25 red bag or not?

Page 379

1 A. Maybe at one point in time.

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 Q. And you don't have any idea as to

10 why, if a client came in on a red bag referral,

11 that they would be sent to a particular

12 chiropractor?

13 A. I do not.

14 Q. What is a delivery referral? Is

15 that the same thing as a red bag referral?

16 A. I don't know what a delivery

17 referral is.

18 Q. Well, the email refers to, "Red bag

19 referrals," and, "Delivery referrals," and I'm

20 wondering if those are the same thing or if

21 they are two different things.

22 MR. MANNION: Objection. Asked and

23 answered.

24 Go ahead.

25 A. Could you show me an email? I

Page 380

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 Q. Okay. So it's your testimony that

12 you don't remember any policy that the firm had

13 regarding sending red bag referrals to

14 particular chiropractors?

15 MR. MANNION: Objection to form.

16 Go ahead.

17 A. There was never a policy for that.

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.)

Page 381

1 - - - - -

2 MR. MANNION: June 4, 2013.

3 Q. So this is an email that Holly

4 Tusko sent to all intake employees, all

5 attorneys as well as copying you and

6 Mr. Nestico with the subject, "Referrals," and

7 the importance level marked high. Did you

8 receive this email from Holly Tusko?

9 A. I mean, it says she sent it to me.

10 I don't remember specifically receiving it.

11 Q. Okay. And Holly writes, "I CANNOT

12 express enough the importance of making sure

13 that the referred by's are correct (regardless

14 if it's chiros, directs, etc). I have been

15 having to chase these down daily and correct A

16 LOT of them."

17 "If they received a direct mail YOU MUST

18 ASK," and she writes, "You must ask," in all

19 capital letters, underlined -- "if they

20 received a red bag on their door or if they

21 received a mailer in their mailbox. They all

22 have DVD's, magnets, etc so you MUST" -- again,

23 "Must," in all capitals -- "specify red bag or

24 in the mailbox. There is a difference" --

25 MR. MANNION: Is there a question?

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 382

1 Q. -- am I reading that correctly?
 2 A. Yes.
 3 Q. Why would Holly Tusko have sent
 4 this email requiring intakes and attorneys to
 5 specify whether an intake came in through a red
 6 bag on their door or a mailer in their mailbox?
 7 MR. MANNION: Objection to form.
 8 Go ahead.
 9 A. Cost.
 10 Q. Cost. Okay. Explain that.
 11 A. Red bags are expensive. They have
 12 to be hand delivered versus mailed through the
 13 post office. So the postage could be anywhere
 14 between, I think \$1.50 range; and for the red
 15 bags, they're about \$7. That's an estimate.
 16 Q. Okay. So you're saying that the
 17 firm would measure the cost of the referrals
 18 that came in, whether it was \$7 or, you know,
 19 whatever you said the mailers cost?
 20 MR. MANNION: Objection to form.
 21 Go ahead.
 22 A. So Holly didn't measure anything.
 23 Holly's job was just to make sure that her team
 24 was getting the correct information. But of
 25 course, the firm spends money, again, on Yellow

Page 383

1 Pages, Internet, TV. We want to know what
 2 works and what caused the client to -- to call
 3 KNR --
 4 Q. Okay.
 5 A. -- what was -- what were they
 6 looking at.
 7 Q. Got it. Thank you.
 8 - - - - -
 9 (Thereupon, Deposition Exhibit 51,
 10 7/17/2013 Email To Prelit Attorneys
 11 From Brandy Lamtman, Bates Number
 12 Williams000157, was marked for
 13 purposes of identification.)
 14 - - - - -
 15 Q. Exhibit 51 --
 16 MR. MANNION: July 17, 2013.
 17 Q. -- so this is an email from you to
 18 all prelit attorneys with the subject, "Akron
 19 Injury," sent on July 17, 2013. Did you send
 20 this email?
 21 A. Yes.
 22 Q. And you write, "Today we sent 3 to
 23 ASC...." That means Akron Square Chiropractic,
 24 correct?
 25 A. Yes.

Page 384

1 Q. Then you write, "...please get the
 2 next Akron case to Dr. Holland at Akron Injury.
 3 Please just make sure it's not a red bag
 4 referral and not a current or former client
 5 that treated at ASC" --
 6 MR. MANNION: Is there a question?
 7 Q. -- why would it matter whether it
 8 were a red bag referral or not?
 9 A. I -- I don't have an answer for
 10 that. I don't remember.
 11 Q. Who's Dr. Holland?
 12 A. She was a doctor that worked at
 13 Akron Injury.
 14 Q. What's her first name?
 15 A. I don't know.
 16 Q. Anything you remember about her
 17 that made her different from any of the other
 18 chiros that the firm referred cases to?
 19 MR. MANNION: Objection to form.
 20 Go ahead.
 21 A. No.
 22 Q. And you can't think of any reason
 23 why you would not send a red bag referral to
 24 Dr. Holland?
 25 A. I don't know.

Page 385

1 Q. Do you remember who instructed you
 2 to make this request, to make sure that
 3 Dr. Holland is not sent a red bag referral?
 4 MR. MANNION: Objection to form.
 5 Go ahead.
 6 A. I don't know that it was
 7 necessarily not to send red bags to
 8 Dr. Holland. That's --
 9 Q. Well, then what is it? If you're
 10 saying, "...please get the next Akron case to
 11 Dr. Holland... Please just make sure it's not
 12 a red bag referral..." what are you saying
 13 there if not to say, don't send Dr. Holland a
 14 red bag referral?
 15 A. The red bag referrals were sent to
 16 Akron Square.
 17 Q. They were?
 18 A. Yeah. That's in all of those
 19 emails for that.
 20 Q. So why was that the case?
 21 A. I don't know.
 22 Q. Who would know?
 23 A. Rob.
 24 Q. Nestico?
 25 A. Yes. I don't -- I don't know. If

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 386

1 I did know at the time -- I don't know.
 2 Q. Okay. Well, that will save us some
 3 time on some of these documents.
 4 MR. MANNION: Before you ask the
 5 next question, just timing wise, I wanted to
 6 let you know as far as the personal issue,
 7 probably close to 11:00, if we can get that far
 8 before we take a break, is when she'll need a
 9 break for the personal issue --
 10 MR. PATTAKOS: Okay.
 11 MR. MANNION: -- Just wanted to
 12 let you know timing wise.
 13 MR. PATTAKOS: That's fine.
 14 Thanks.
 15 THE WITNESS: What time is it?
 16 MR. MANNION: 10:06. Will that be
 17 okay timing wise, somewhere in that frame?
 18 THE WITNESS: Yeah. My neck is
 19 just really bothering me.
 20 MR. REAGAN: Do you want to take
 21 a short break now?
 22 THE WITNESS: Is that okay?
 23 MR. MANNION: Take like a 2
 24 minute, 5 minute just to --
 25 MR. PATTAKOS: Fine.

Page 387

1 MR. MANNION: Yeah, let's take 5
 2 minutes then.
 3 VIDEOGRAPHER: Off the record
 4 10:07.
 5 (Recess taken.)
 6 - - - - -
 7 (Thereupon, Deposition Exhibit 52,
 8 12/19/2012 Email To Prelit Attorneys
 9 From Brandy Lamtman, Bates Number
 10 Williams000284, was marked for
 11 purposes of identification.)
 12 - - - - -
 13 MR. MANNION: December 19, 2012.
 14 VIDEOGRAPHER: On the record 10:13.
 15 BY MR. PATTAKOS:
 16 Q. Okay. So Exhibit 52 is an email
 17 that you sent to all prelit attorneys with the
 18 subject line, "REMINDER," and you mark it, high
 19 importance. What does it mean when you mark an
 20 email, high importance?
 21 A. That I want it to stand out.
 22 Q. You didn't mark every email as
 23 highly important, did you?
 24 A. Well, back then I marked a lot of
 25 emails, high importance.

Page 388

1 Q. Why did you do that?
 2 A. I don't know.
 3 Q. Well, you marked it as important,
 4 because it was important, right?
 5 A. We get a lot of emails at KNR back
 6 and forth either interoffice or -- hundreds a
 7 day, so I wanted it to stand out.
 8 Q. Um-hum. Okay. And you write in
 9 all capital letters, "ALL RED BAG REFERRALS
 10 NEED TO GO TO AKRON SQUARE." This was
 11 December 19, 2012. Do you have any memory as
 12 to why you sent this email?
 13 A. I don't.
 14 Q. And you have no memory, no idea why
 15 all red bag referrals needed to go to Akron
 16 Square on December 19, 2012?
 17 A. I don't.
 18 Q. Okay.
 19 MR. PATTAKOS: Let's mark
 20 Exhibit 53.
 21 - - - - -
 22 (Thereupon, Deposition Exhibit 53,
 23 7/24/2013 Email Trail Between Prelit
 24 Attorney And Brandy Lamtman, Bates
 25 Number Williams000461, was marked

Page 389

1 for purposes of identification.)
 2 - - - - -
 3 MR. MANNION: July 24, 2013,
 4 "Subject: Chiro Referrals."
 5 Q. So this is an email that you sent
 6 to all prelit attorneys copying Sarah Rucker
 7 with the subject line, "Chiro Referrals," on
 8 July 24, 2013. Did you send this email?
 9 A. Yes.
 10 Q. Okay. And you say, "We need to get
 11 one case to Rolling Acres and Summit Injury.
 12 Please email me once you've sent the case to
 13 them so I can update the rest of the attorneys.
 14 Please make sure you do not send a delivery
 15 referral to them thoughS...these only go to
 16 ASC." Does this refresh your memory as to
 17 whether a delivery referral is the same thing
 18 as a red bag referral?
 19 A. Yes, a delivery referral would be
 20 the same as a red bag.
 21 Q. Okay. So -- and that simply refers
 22 to the fact that the red bag is delivered
 23 personally to the potential client's home,
 24 correct?
 25 A. Yes.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 390

1 Q. Okay.
 2 - - - - -
 3 (Thereupon, Deposition Exhibit 54,
 4 3/18/2014 Email To Attorneys From
 5 Brandy Brewer, Bates Number
 6 Williams000312, was marked for
 7 purposes of identification.)
 8 - - - - -
 9 MR. MANNION: March 18, 2014.
 10 Q. So this is an email that you sent
 11 on March 18, 2014, to all attorneys copying
 12 Holly Tusko with the subject, "Lorain
 13 Delivery," with high importance. Did you send
 14 this email?
 15 A. Yes.
 16 Q. And you write, "We are trying out
 17 red bag deliveries in Lorain. All chiro
 18 referrals go to Xcell Chiropractic. Please
 19 make note of this. Thank you."
 20 Do you remember why all chiro referrals
 21 went to Xcell Chiropractic at that time?
 22 A. No.
 23 Q. Do you remember if all red bag
 24 referrals went to Xcell Chiropractic in Lorain
 25 County?

Page 391

1 A. Well, I think that would be
 2 impossible, because it would only be for the
 3 clients that needed a chiropractor referral --
 4 Q. Okay.
 5 A. -- and I'm sure that they went to
 6 different chiropractors.
 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.

Page 392

1 BY MR. PATTAKOS:
 2 Q. So here it looks like this is a
 3 document that should have been redacted with
 4 the client's name. But we see the client's
 5 name and the subject line apparently --
 6 MR. MANNION: Just for the record,
 7 this was apparently a document that Horton must
 8 have given to you and you produced to us.
 9 MR. PATTAKOS: I think that's
 10 right. I don't think there's any dispute as to
 11 that.
 12 BY MR. PATTAKOS:
 13 Q. So the client's name is in the
 14 subject heading. It says the client's name,
 15 "red bag, no referral, signing with Mike at 3
 16 today," and this is on December 26, '13.
 17 Horton indicates at the bottom of the
 18 page, "Already set up with akron square."
 19 Rob Nestico replies copying you saying,
 20 "Make sure Akron square does not have it as a
 21 referral to us." What does that mean?
 22 A. You would have to ask Rob. I don't
 23 know.
 24 Q. You have no idea?
 25 A. No.

Page 393

1 Q. Okay. You wrote, "Handled," up at
 2 the top. That means that you understood Rob's
 3 request and handled it, correct?
 4 MR. MANNION: Objection to form.
 5 Go ahead.
 6 A. I don't know. I don't remember
 7 what I handled and what I knew at the time.
 8 Q. Okay. And you have no idea what
 9 you might have been referring to there?
 10 A. No.
 11 Q. No idea what you might have
 12 handled?
 13 A. No.
 14 Q. Okay.
 15 MR. PATTAKOS: Are we Exhibit 56
 16 now?
 17 THE NOTARY: Correct.
 18 - - - - -
 19 (Thereupon, Deposition Exhibit 56,
 20 Typewritten Document, Bates Numbers
 21 KNR03330-03332, was marked for
 22 purposes of identification.)
 23 - - - - -
 24 MR. MANNION: No date on this one.
 25 KNR03330 through 332. I'll take a picture and

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 394</p> <p>1 send it to you.</p> <p>2 MR. NESTICO: Okay.</p> <p>3 Q. Do you recognize this document?</p> <p>4 A. No.</p> <p>5 Q. Do you believe this could have come</p> <p>6 from a training manual or an employee handbook?</p> <p>7 A. Perhaps a training manual, not a</p> <p>8 handbook.</p> <p>9 Q. Okay. Do you know who might have</p> <p>10 created this document?</p> <p>11 A. Holly Tusko.</p> <p>12 Q. Do you know that she did create</p> <p>13 this document?</p> <p>14 A. I don't.</p> <p>15 Q. Why do you think that she might</p> <p>16 have?</p> <p>17 A. Because it looks like it's training</p> <p>18 for how to process phone calls --</p> <p>19 Q. Okay.</p> <p>20 A. -- and that's her department.</p> <p>21 Q. Okay. Okay. So on the -- there's</p> <p>22 a lot of redactions on this document.</p> <p>23 MR. PATTAKOS: Tom, can you get me</p> <p>24 an unredacted copy of this document?</p> <p>25 MR. MANNION: I have no idea.</p>	<p style="text-align: right;">Page 396</p> <p>1 A. I wouldn't want -- well, not I.</p> <p>2 The client shouldn't be informed that their</p> <p>3 case has been transferred or that an attorney</p> <p>4 or paralegal has left the firm by somebody who</p> <p>5 is answering the phone. They should be</p> <p>6 informed that by an attorney, not a</p> <p>7 receptionist or an intake person.</p> <p>8 Q. On the second -- on the third page,</p> <p>9 I should say, the second bullet point from the</p> <p>10 bottom, this says, "If Akron Square or," blank,</p> <p>11 "calls after hours with a new patient, don't</p> <p>12 take any information, just patch them through</p> <p>13 to the attorney." Do you know why that would</p> <p>14 be written here?</p> <p>15 A. Sure. Dr. Floros is very</p> <p>16 impatient.</p> <p>17 Q. Okay. So you would change your</p> <p>18 policies for Dr. Floros, because he is</p> <p>19 impatient; and you wouldn't do the same thing</p> <p>20 if he called in as opposed to any other</p> <p>21 chiropractor, except for whoever was redacted</p> <p>22 here?</p> <p>23 MR. MANNION: Objection to form.</p> <p>24 A. So it's not a policy --</p> <p>25 Q. Um-hum.</p>
<p style="text-align: right;">Page 395</p> <p>1 I'll talk to my client. I don't recall offhand</p> <p>2 what was redacted and what wasn't, Peter. I'll</p> <p>3 take a look at the issue.</p> <p>4 MR. PATTAKOS: Okay.</p> <p>5 BY MR. PATTAKOS:</p> <p>6 Q. On the second page at the bottom,</p> <p>7 it says, "DON'T EVER TELL A CLIENT THAT THEIR</p> <p>8 CASE HAS BEEN TRANSFERRED OR THERE</p> <p>9 ATTORNEY/PARALEGAL IS NO LONGER WITH US" --</p> <p>10 MR. MANNION: Can you just point</p> <p>11 to where you were?</p> <p>12 MR. PATTAKOS: At the very bottom</p> <p>13 of the second page.</p> <p>14 MR. MANNION: Okay. Thanks.</p> <p>15 Q. -- do you remember this policy?</p> <p>16 MR. MANNION: Objection to form.</p> <p>17 Go ahead.</p> <p>18 A. I wouldn't call this a, "Policy."</p> <p>19 Q. What is it then?</p> <p>20 A. It's a statement.</p> <p>21 Q. Do you have any idea why this</p> <p>22 statement would have been made in this</p> <p>23 document?</p> <p>24 A. Sure.</p> <p>25 Q. Why?</p>	<p style="text-align: right;">Page 397</p> <p>1 A. -- and he -- he made a request.</p> <p>2 Q. Did someone else make a request,</p> <p>3 too?</p> <p>4 A. I'm not sure what's redacted there.</p> <p>5 Q. Do you have any idea whose name</p> <p>6 might be redacted there or what might be</p> <p>7 redacted there?</p> <p>8 A. I don't.</p> <p>9 Q. Okay. So if this is a training</p> <p>10 manual, it must have been common for Akron</p> <p>11 Square to call after hours with a new patient.</p> <p>12 Do you agree?</p> <p>13 MR. MANNION: Objection to form.</p> <p>14 Go ahead.</p> <p>15 A. I mean, I don't think I can agree</p> <p>16 to that. I don't know how many times he called</p> <p>17 after hours. The office is open until 8:30 at</p> <p>18 night. There's plenty of new clients that call</p> <p>19 during that time, which is why we're open.</p> <p>20 Q. Okay. This says, "AKRON OBJ INJURY</p> <p>21 INTAKES," at the bottom. That refers to</p> <p>22 objective injuries?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And we talked about other</p> <p>25 objectives for after -- if you look at the last</p>

17 (Pages 394 - 397)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 398

1 bullet point on this page, "For after our" --
 2 and I think this is, "Hour," spelled
 3 incorrectly. I mean, hours as in hours and
 4 minutes -- "For after our objectives, we still
 5 go through the regular objective list, just
 6 call them on their cell phones instead of
 7 extensions, as well as emailing them the
 8 information." What is the objective list?
 9 A. It's the list right here.
 10 (Indicating.)
 11 Q. And what does that mean?
 12 A. That means if someone had -- if
 13 it's a death case or somebody has extensive
 14 injuries, they would call Josh Angelotta first.
 15 Q. Okay. An objective injury case is
 16 treated differently by the firm than other
 17 injuries, correct?
 18 MR. MANNION: Objection to form.
 19 And that should be a question for
 20 attorneys.
 21 But go ahead.
 22 A. What do you mean by, "Differently"?
 23 Q. Well, they were categorized
 24 differently and they were distributed
 25 differently to the attorneys, correct?

Page 399

1 MR. MANNION: Objection to form.
 2 Go ahead.
 3 A. The more experienced attorneys
 4 would be handling the larger cases.
 5 Q. And objective injury is any injury
 6 that was anything more than soft tissue damage,
 7 correct?
 8 MR. MANNION: Objection to form.
 9 Go ahead.
 10 A. No.
 11 Q. If someone had a broken bone, that
 12 would be an objective injury, correct?
 13 A. Correct.
 14 Q. Okay. What would be an example of
 15 an objective injury that was something less --
 16 I'm sorry -- something -- strike that.
 17 Would the firm ever classify a soft
 18 tissue case as an objective injury?
 19 A. Yes and no.
 20 Q. Explain.
 21 A. Somebody could have, you know,
 22 extensive soft tissue injuries where they've
 23 gone through, you know, extensive treatment.
 24 It could have --
 25 Q. Okay.

Page 400

1 A. -- and could later find out there's
 2 a herniation.
 3 Q. Which would be a tear?
 4 A. A disk herniation.
 5 Q. Okay. Let's look at Exhibit 57.
 6 - - - - -
 7 (Thereupon, Deposition Exhibit 57,
 8 9/4/2014 Email To Prelit Attorney
 9 And Prelit Support From Brandy
 10 Brewer, Bates Number Williams000449,
 11 was marked for purposes of
 12 identification.)
 13 - - - - -
 14 MR. MANNION: September 4, 2014.
 15 Q. This is an email that you sent to
 16 prelit attorneys and prelit support copying Rob
 17 Nestico and Jenna Wiley on September 4, 2014,
 18 correct?
 19 A. Yes.
 20 Q. And you write, "When there is an
 21 insurance issue or even a possibility of an
 22 insurance issues on ASC Cases, please send an
 23 email to akron2@csgonline.net and
 24 katie@managedservices4u.com with the
 25 information. This MUST be done. Thank you."

Page 401

1 Why must this be done on ASC cases?
 2 A. I -- I don't remember.
 3 Q. Do you have any idea?
 4 A. I really don't.
 5 Q. Do you think it has something to do
 6 with the fact that you stated that Dr. Floros
 7 is impatient?
 8 MR. MANNION: Objection to form.
 9 Go ahead.
 10 A. I stated that Dr. Floros was
 11 impatient about after hours intakes. I didn't
 12 say that he was an impatient person.
 13 Q. Okay. So this doesn't have to do
 14 with his impatience?
 15 A. No.
 16 Q. Okay. But you don't remember what
 17 it does have to do with?
 18 A. No.
 19 Q. Okay. What do you mean by,
 20 "Insurance issue," here?
 21 A. I -- I don't remember.
 22 MR. MANNION: Sorry about that,
 23 Guys.
 24 Q. Who would remember this, if anyone?
 25 A. I don't think anyone. This isn't

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 402

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.

Page 403

1 Q. Okay. So can you talk to me about
 2 the policy of Mr. Nestico approving all of the
 3 chiropractor reductions on the settlement
 4 statements?
 5 MR. MANNION: I'm going to object.
 6 But go ahead, if you know.
 7 A. It's not a policy and you'd have to
 8 talk to him about that.
 9 Q. You know nothing about it?
 10 A. No.
 11 Q. You remember that it was done.
 12 A. Sure. I used to hand him the
 13 files.
 14 Q. Okay. And you used to email
 15 reminders to KNR attorneys and staff that Rob
 16 needed to approve every reduction, correct?
 17 A. Because that's what Rob asked for.
 18 Q. Okay. But you had no role in the
 19 process?
 20 A. No. I handed him the files. I
 21 sometimes scanned them to him, if he was out of
 22 town, and there were times where I was copied
 23 on them.
 24 MR. PATTAKOS: This will be
 25 Exhibit 58.

Page 404

1 MR. MANNION: You can ignore the
 2 huff and puff.
 3 - - - - -
 4 (Thereupon, Deposition Exhibit 58,
 5 7/31/2013 Email To Attorneys From
 6 Brandy Lamtman, Bates Number
 7 Williams000544, was marked for
 8 purposes of identification.)
 9 - - - - -
 10 MR. MANNION: July 31, 2013,
 11 "Subject: Chiropractor Reductions."
 12 Q. This is an email from you to all
 13 attorneys dated July 31, 2013, where you write,
 14 "Chiropractor Reductions," correct?
 15 A. Yes.
 16 Q. And you sent this email, correct?
 17 A. Yes.
 18 Q. And you write, "As you are aware,
 19 Rob approves chiropractor reductions." You
 20 were referring to Rob Nestico here, correct?
 21 A. Yes.
 22 Q. And you write, "If you ask me if he
 23 calls a certain chiropractor or if you do and
 24 the answer is you are responsible for the call,
 25 you should still give Rob the breakdown to

Page 405

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?

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 406</p> <p>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.</p>	<p style="text-align: right;">Page 408</p> <p>1 saying. 2 MR. MANNION: Yeah. 3 MR. PATTAKOS: What about the 4 bottom -- what about the fourth one, "When an 5 Open," blank, "Case calls in," on the -- 6 MR. MANNION: Let's see, where you 7 at? That's the same thing. That's part of the 8 med mal. 9 MR. PATTAKOS: Okay. 10 MR. MANNION: Under the, "Second 11 Shift," where it says, "If Akron Square or," 12 blank, that's Town & Country. 13 And then the only thing that was redacted 14 by Josh, Ken, Robert, Devin and Matt are their 15 actual phone numbers. 16 MR. PATTAKOS: Okay. I'd still 17 like to see an unredacted copy of this document 18 to verify. 19 MR. MANNION: I just want to give 20 you the opportunity to ask those questions. 21 MR. PATTAKOS: I appreciate it. 22 BY MR. PATTAKOS: 23 Q. So I guess we can go back to this. 24 Do you -- you know, this is a document where 25 you said that Akron Square was impatient about</p>
<p style="text-align: right;">Page 407</p> <p>1 MR. MANNION: On the first page -- 2 there apparently are no redactions on the first 3 page. 4 MR. PATTAKOS: Yeah, it doesn't 5 look like it. 6 MR. MANNION: Okay. On the second 7 page, the, "Open/Pending," blank, "case calls," 8 that has to do with a law firm on mass torts, 9 so I don't think that has anything to do with 10 this case. 11 MR. PATTAKOS: Um-hum. 12 MR. MANNION: The second one has 13 to do with referrals and workers' comp cases 14 that doesn't have to do with this. 15 MR. PATTAKOS: Um-hum. 16 MR. MANNION: The, "Open/Pending," 17 "case calls," this one right here, if you look 18 where I'm at, the third one down there -- 19 MR. PATTAKOS: Um-hum. 20 MR. MANNION: -- that has to do 21 with med mal referrals, so that doesn't have to 22 do with that. So those are the only redactions 23 on that page. 24 MR. PATTAKOS: Oh, there's another, 25 a third -- oh, I see. Okay. I see what you're</p>	<p style="text-align: right;">Page 409</p> <p>1 after hours intakes. Is that your testimony 2 about Town & Country as well? 3 A. Yeah, yesterday I mentioned the 4 receptionist at Town & Country. 5 Q. You did. 6 A. Yes, that's what I was referring to 7 there. 8 Q. And it's your testimony that this 9 has nothing to do with the number of cases that 10 Akron Square or Town & Country sends to the 11 firm? 12 A. Oh, no. 13 Q. Okay. You would agree that Akron 14 Square sends the firm more cases than any other 15 chiropractic clinic in the Akron area, correct? 16 MR. MANNION: Objection. 17 A. I mean, I'd have to look at the 18 referral reports. 19 Q. Well, is there any other clinic in 20 Akron that you think is close or could be 21 close? 22 MR. MANNION: Objection to form. 23 Go ahead. 24 A. I would have to look at the 25 reports. I wouldn't want to testify to</p>

20 (Pages 406 - 409)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 410

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.

Page 411

1 I just need to make a note here on Town &
 2 Country.
 3 Okay. Let's mark the next Exhibit 59.
 4 - - - - -
 5 (Thereupon, Deposition Exhibit 59,
 6 2/13/2013 Emails To Attorneys From
 7 Rob Nestico, Bates Number
 8 Williams000586, was marked for
 9 purposes of identification.)
 10 - - - - -
 11 MR. MANNION: February 13, 2013.
 12 Q. This is an email from Rob Nestico
 13 to all attorneys saying, "Any fee's being
 14 reduced more than 1,000.00" -- actually, it's
 15 two emails that he sent. The first one says,
 16 "Any fee's being reduced more than 1,000.00
 17 will need to be approved by me and only me.
 18 Please give the settlement memos to Sarah.
 19 Thank you."
 20 And then he clarifies. He writes shortly
 21 thereafter -- actually, it looks like 9 minutes
 22 after, he says, "For clarification this is on
 23 cases outside Chiro. All Chiro are to still be
 24 submitted as usual. Thanks."
 25 Do you have any idea what this refers to?

Page 412

1 A. Any case that the -- our legal fee
 2 is being reduced and he wants to approve that.
 3 Q. But this is legal fees? How do you
 4 know it's legal fees that he's referring to
 5 here?
 6 A. Our fee, legal fees.
 7 Q. It doesn't say, "Legal fee." It
 8 says, "Any fee's." How do you know that's not
 9 doctor fees?
 10 A. That's legal fee. That's what he
 11 meant there --
 12 Q. Okay.
 13 A. -- you asked me what I thought it
 14 meant. That's my opinion on that.
 15 Q. Okay. So what does, "All Chiro are
 16 to still be submitted as usual," mean?
 17 A. Any reduction to a chiropractor
 18 bill or a reduction to our legal fee, he wanted
 19 to approve it.
 20 Q. Then what does, "For clarification
 21 this is on cases outside," of, "Chiro"?
 22 A. You would have to ask Rob that.
 23 Q. Okay. Exhibit 60.
 24 - - - - -
 25 (Thereupon, Deposition Exhibit 60,

Page 413

1 9/19/2012 Email To Brandy Brewer
 2 From Rob Nestico, Bates Number
 3 Williams000576, was marked for
 4 purposes of identification.)
 5 - - - - -
 6 MR. MANNION: September 19, 2012.
 7 Q. So this is an email that you sent.
 8 It's hard to tell who you sent the email to,
 9 but it looks like Nestico then forwards it to
 10 you and all attorneys, prelit attorneys and
 11 litigation attorneys where you write, "Per Rob,
 12 please start scanning his settlement approvals
 13 with notes to the client folder. This makes
 14 things easier b/c you have notes on the
 15 settlement memorandum that explain why the
 16 offer is so low.example: low impact, etc. At
 17 times, he needs to have this information
 18 readily available so he can discuss with
 19 chiropractor."
 20 What do you mean by, "Makes things
 21 easier"?
 22 A. I -- I don't know like what you
 23 mean by that. He wants -- he's requesting that
 24 this information be scanned so that he can
 25 easily find it.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 414

1 Q. Okay. To whom would anyone have to
 2 explain why an offer is so low?
 3 A. So any time, whether it's a
 4 chiropractor or any doctor, if you're not
 5 paying them the full amount of the bill, he
 6 would have to call them and ask them to reduce
 7 their bill.
 8 Q. Okay. And this happened
 9 frequently, correct?
 10 A. I can't really say how often a bill
 11 is reduced. You'd have to ask the attorneys.
 12 Q. Well, it's on almost every case,
 13 the bills are reduced, aren't they?
 14 A. I can't say that.
 15 Q. You can't. Okay. Let's look at
 16 Exhibit 61.
 17 - - - - -
 18 (Thereupon, Deposition Exhibit 61,
 19 11/8/2012 Email To Brandy Brewer
 20 From Rob Nestico, Etc., Bates Number
 21 GMP000022, was marked for purposes
 22 of identification.)
 23 - - - - -
 24 MR. MANNION: November 20, 2012.
 25 Q. So this is an email that you sent.

Page 415

1 It doesn't show who you sent this to. It looks
 2 like maybe to staff, because Rob Nestico
 3 responds, but on November 8, you wrote, "No
 4 settlement memos are to leave the office
 5 without Rob's approval until further notice.
 6 No fax disbursements and no mail disbursements
 7 period. If you have any approvals tomorrow,
 8 please bring to me." Did you send this email?
 9 A. Yes.
 10 Q. Why did you send it?
 11 A. I have no idea.
 12 Q. Do you have any idea why you
 13 instructed that, "No settlement memos are to
 14 leave the office without Rob's approval until
 15 further notice"?
 16 A. I have no idea.
 17 Q. No idea. And Rob says, "If anyone
 18 does this or faxes any client information
 19 outside this office without approval will be
 20 terminated without question." Do you remember
 21 why this would have been subject to
 22 termination?
 23 A. I don't.
 24 Q. And you have no idea as to why?
 25 A. No.

Page 416

1 Q. Okay. This is Exhibit 62.
 2 - - - - -
 3 (Thereupon, Deposition Exhibit 62,
 4 11/20/2014 Email To Staff From
 5 Brandy Brewer, Bates Number
 6 Williams000373, was marked for
 7 purposes of identification.)
 8 - - - - -
 9 MR. MANNION: November 20, 2014.
 10 Q. So this is an email that you sent
 11 to staff on November 20, 2014, with high
 12 importance. Did you send this email?
 13 A. Yes.
 14 Q. Did you write -- I'm sorry. You
 15 wrote, "Several months ago I met with
 16 Dr. Hochman. He is an MD and does PT in his
 17 office. He is located in Bedford. If you have
 18 someone that doesn't want chiropractic
 19 treatment, please send there. Keep in mind
 20 Ghoubrial is now working with Shaker Square
 21 though so that is always the first option."
 22 Am I reading that correctly?
 23 A. Yes.
 24 Q. Okay. Why -- what happened, when
 25 you met with Dr. Hochman?

Page 417

1 A. I -- I don't remember the
 2 specifics.
 3 Q. Do you remember anything about it?
 4 A. He seemed like a nice guy.
 5 Q. Do you remember anything else about
 6 your meeting with Dr. Hochman or why you would
 7 recommend him?
 8 A. He seemed like a nice guy. He had
 9 physical therapy, was another option. I
 10 believe he was recommended by another -- he was
 11 recommended by somebody. I don't remember who.
 12 Q. And did you go up to his office to
 13 see him or did he come down to KNR to see you?
 14 A. I went to see him.
 15 Q. In Bedford?
 16 A. Yes.
 17 Q. Do you remember why?
 18 A. I don't remember why. I think it
 19 was because he was recommended. That kind of
 20 sticks out in my mind. I just don't remember
 21 the details of it.
 22 Q. You don't remember who recommended
 23 him?
 24 A. I don't.
 25 Q. Okay. And when you write,

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 418

1 "Ghoubrial," you're referring to Sam Ghoubrial,
 2 correct?
 3 A. Yes.
 4 Q. And you say that he is, "...always
 5 the first option." Why is he the first option?
 6 A. Well, I said, "Ghoubrial is now
 7 working with Shaker Square...so that is always
 8 the first option."
 9 Q. Yeah. What does that mean?
 10 A. That given the choice, that would
 11 be the first option.
 12 Q. And why is that?
 13 A. I -- we've worked with Ghoubrial
 14 and Shaker Square. I knew them better. I knew
 15 that, we were --- you know, they were good with
 16 our clients. This other guy, I -- I had only
 17 met him once based on a recommendation.
 18 Q. What about other doctors?
 19 A. What other doctors?
 20 Q. Well, these aren't the only two
 21 doctors that treat patients in this area. And
 22 you testified yesterday that you wanted to make
 23 sure that referrals were distributed evenly or
 24 among other doctors, so you weren't sending too
 25 many to one doctor --

Page 419

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

Page 420

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

Page 421

1 was the first option, because he is a good
 2 doctor and he's good with our clients, but they
 3 had this other option, Dr. Hochman. They also
 4 had several other options in the Shaker Square
 5 area.
 6 Q. But Ghoubrial, again, is the
 7 first --
 8 MR. MANNION: Objection. Asked and
 9 answered four times.
 10 Q. -- so --
 11 A. I don't understand.
 12 Q. Well, I'm trying to understand how
 13 these two things can be true at the same time;
 14 that on one hand, you testified yesterday that
 15 you would send your client -- the firm would
 16 send its clients or suggest to its clients to
 17 treat with certain chiropractors, based on the
 18 need to not send too many cases to one
 19 chiropractor; and then when it comes to
 20 Ghoubrial, you're saying that he's the first
 21 choice, because he's the best --
 22 MR. MANNION: Objection to form.
 23 Q. -- so how do you reconcile those
 24 two things? I'm simply asking: Are the
 25 recommendations made differently for doctors

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 422</p> <p>1 than they are to chiropractors? 2 A. So you said like a lot of things in 3 there. I'm trying to decipher all of the 4 different statements and questions. So can you 5 rephrase your question for me so that I can 6 answer it? 7 MR. MANNION: Peter, perhaps part 8 of the trouble is you're mixing and matching 9 MDs with chiropractors in your question. 10 Q. Well, I'm certainly trying to 11 understand the difference between the reasons 12 the firm would make suggestions of certain 13 chiropractors versus the reasons they would 14 make suggestions of certain doctors, because it 15 seems like it's two different things. And 16 that, you know, Ghoubrial is the first option, 17 when it comes to doctors, but when it comes to 18 chiropractors, we don't want to send too many 19 cases -- the firm doesn't want to send too many 20 cases to one chiropractor -- 21 MR. MANNION: I'm going to object 22 to form. 23 Q. -- so what's the difference? 24 A. What's the difference with what? 25 Q. Why you treat chiropractic</p>	<p style="text-align: right;">Page 424</p> <p>1 you ask another question, we have to take the 2 break. No. We have to. It's 11:00. I told 3 you this 50 minutes ago. 4 MR. PATTAKOS: Well, Tom, we have a 5 question pending right now. 6 MR. MANNION: No, you don't have a 7 pending question. I won't talk to her. 8 MR. PATTAKOS: We absolutely -- 9 MR. MANNION: I won't talk to her, 10 during the break. 11 MR. PATTAKOS: -- have a question 12 pending. Tom, this is very inappropriate. 13 MR. MANNION: No, it's -- I told 14 you 50 minutes ago that we had to take a break 15 at 11:00. 16 MR. PATTAKOS: That's right. And, 17 Tom, breaks don't happen like that in a 18 deposition. 19 MR. MANNION: You were in the 20 middle of talking, so we couldn't have had a 21 question pending. 22 BY MR. PATTAKOS: 23 Q. So, Brandy, please, I'm asking -- 24 MR. MANNION: Wait. Was there a 25 question pending? Do --</p>
<p style="text-align: right;">Page 423</p> <p>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</p>	<p style="text-align: right;">Page 425</p> <p>1 MR. PATTAKOS: Tom, there is a 2 question pending. 3 MR. MANNION: You were in the 4 middle of talking. 5 MR. PATTAKOS: The witness keeps 6 telling me she doesn't understand the question, 7 so I'm going to ask it in a way that she 8 understands it and can give an answer. Okay? 9 So we're going to continue. You don't need to 10 stop right this second. 11 MR. MANNION: No. We need to stop 12 right this second. I told you we had to stop 13 at 11. I won't talk to her, on the break. 14 BY MR. PATTAKOS: 15 Q. Do you believe that we need to 16 stop right this second? 17 MR. MANNION: No. I need to stop 18 right now. 19 MR. PATTAKOS: Tom, she could look 20 at her phone. She could do anything. I don't 21 want to take a break right now, while this 22 question is pending. 23 MR. MANNION: There is no question 24 pending. 25 MR. PATTAKOS: Tom, there certainly</p>

24 (Pages 422 - 425)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 426	<p>1 is a question pending and it's about the 2 difference between the firm's recommendations 3 of doctors versus the firm's recommendations of 4 chiropractors. She said yesterday -- 5 MR. MANNION: No, no. Stop with 6 this. We need to take a break -- 7 MR. PATTAKOS: Wow. 8 MR. MANNION: -- now -- 9 MR. PATTAKOS: Wow. 10 MR. MANNION: -- okay? 11 MR. PATTAKOS: Okay, Tom. Why 12 don't you see if you can sort out your 13 witness's testimony over the break? 14 MR. MANNION: Stop it. I won't 15 even talk to her on the break. It's not a 16 problem. 17 MR. PATTAKOS: Tom, take your 18 break. 19 MR. MANNION: Do you know the 20 difference -- answer his question the best you 21 can, so we can take this break. 22 BY MR. PATTAKOS: 23 A. What's the question? 24 Q. Yesterday you testified -- and 25 correct me if I'm wrong. Yesterday you</p>	Page 428	<p>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.</p>
Page 427	<p>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,</p>	Page 429	<p>1 MR. PATTAKOS: She testified 2 before -- 3 MR. MANNION: We're taking a 4 break. 5 MR. PATTAKOS: -- that when I asked 6 if there were -- when I asked -- 7 MR. MANNION: Let's go. We're 8 taking a break. 9 MR. PATTAKOS: -- when I asked if 10 there were two doctors -- 11 MR. MANNION: We told you -- 12 MR. PATTAKOS: Wow. 13 MR. MANNION: -- we were taking a 14 break at 11:00 -- 15 MR. PATTAKOS: Wow. 16 MR. MANNION: -- she answered the 17 question. There's no question pending. Stop 18 it -- 19 MR. PATTAKOS: You really don't 20 like this testimony, do you, Tom? 21 MR. MANNION: -- stop it. I -- 22 What are you talking about? It has 23 nothing to do with that. Jeez. 24 THE WITNESS: I have to -- 25 (Indicating.)</p>

25 (Pages 426 - 429)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 430

1 MR. PATTAKOS: Sure.
 2 THE WITNESS: Okay.
 3 VIDEOGRAPHER: Off the record
 4 11:03.
 5 (Recess taken.)
 6 VIDEOGRAPHER: On the record 11:25.
 7 MR. MANNION: Okay. Before you
 8 ask a question, I'll make a statement. I did
 9 not talk with the witness during the break at
 10 all. In fact, I stood outside and walked in.
 11 And there was no question pending. We gave 50
 12 minute's notice for a very personal matter for
 13 this witness and we waited until there was no
 14 question pending.
 15 And, John, would you please relate what
 16 you heard, even though the court reporter had
 17 her headphones in and didn't hear it.
 18 MR. REAGAN: Mr. Pattakos telling
 19 someone in this room that the witness is lying
 20 her ass off where the witness could hear it and
 21 I could hear it.
 22 MR. MANNION: Proceed. I don't
 23 think it's funny.
 24 MR. PATTAKOS: I don't either, Tom.
 25 MR. MANNION: Yeah. You have no

Page 431

1 regard for a very personal matter for this
 2 witness that we told you about 50 minutes
 3 beforehand. You're making comments that should
 4 not be made.
 5 MR. PATTAKOS: Tom, this witness is
 6 contradicting herself left and right and you
 7 didn't like the testimony she was getting --
 8 MR. MANNION: That had nothing to
 9 do with it.
 10 MR. PATTAKOS: -- so you forced her
 11 to take a break --
 12 MR. MANNION: Oh, so --
 13 MR. PATTAKOS: -- you got up in
 14 front of the camera --
 15 MR. MANNION: -- 50 minutes
 16 beforehand I knew that that was going to be a
 17 rough time period?
 18 MR. PATTAKOS: -- and you dragged
 19 her out of the room.
 20 MR. MANNION: No. I didn't even
 21 talk to her. I went outside.
 22 MR. PATTAKOS: She didn't say she
 23 needed a break. You did.
 24 MR. MANNION: We told you 50
 25 minutes beforehand she needed a break then.

Page 432

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

Page 433

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

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 434

1 your conduct has required it.
 2 Tracy, can you read the witness's last
 3 bit of testimony. You don't need to read
 4 Mr. Mannion's interjections.
 5 THE NOTARY: It's going to take a
 6 minute.
 7 MR. MANNION: There was a question
 8 and answer.
 9 (Record was read Pages 427-428, Lines 10-7.)
 10 MR. PATTAKOS: Okay. Thank you.
 11 BY MR. PATTAKOS:
 12 Q. So earlier, before we took the
 13 break and when I first asked you about this
 14 document, Exhibit 62, you said that there were
 15 many other doctors in this area that you would
 16 also refer clients to. Isn't that correct?
 17 A. I don't remember if I said that or
 18 not.
 19 Q. Is it true or not? Whether you
 20 said it or not, is it true?
 21 A. There are other chiropractors
 22 located near Shaker Square that we would refer
 23 clients to.
 24 Q. But this isn't chiropractors, is
 25 it? You're not talking about chiropractors

Page 435

1 here. You're talking about doctors.
 2 A. I was talking about chiropractors,
 3 when I said, "There are other chiropractors in
 4 the area." It's not as often that medical
 5 doctors would work on personal injury
 6 matters --
 7 Q. Okay.
 8 A. -- they're a little bit more
 9 difficult to find.
 10 Q. So when I asked you before if
 11 Dr. Hochman and Dr. Ghoubrial were the only two
 12 doctors in the area that --
 13 A. I don't know.
 14 Q. Okay. But they're the only two
 15 that you would have sent your clients to in
 16 that area on November 20, 2014?
 17 MR. MANNION: I'm going to object.
 18 Just when you say, "You," are you referring to
 19 KNR?
 20 MR. PATTAKOS: Of course.
 21 MR. MANNION: Well, go ahead.
 22 A. I don't know --
 23 Q. Okay.
 24 A. -- I'm -- I just am -- I don't
 25 know. I'm confused by this.

Page 436

1 Q. I think we've heard enough
 2 testimony from you on this document --
 3 MR. MANNION: Move to strike.
 4 Q. -- we can move on.
 5 Do you recall any instances where any of
 6 the firm's attorneys raised concerns over the
 7 firm's relationship with Dr. Ghoubrial?
 8 MR. MANNION: Objection to form.
 9 But go ahead.
 10 A. I don't know what you mean by a,
 11 "Relationship with Dr. Ghoubrial." And, no, I
 12 don't remember any conversations --
 13 Q. Okay.
 14 A. -- about concerns.
 15 Q. Do you recall any instances -- any
 16 instances where any of the firm's attorneys or
 17 employees or anyone raised concerns over the
 18 firm's relationships with certain
 19 chiropractors?
 20 MR. MANNION: Objection. Assumes
 21 facts not in evidence.
 22 Go ahead.
 23 A. I don't know what you mean by,
 24 "Relationships," but I don't -- I don't
 25 remember any conversations --

Page 437

1 Q. Okay.
 2 A. -- nothing stands out in my mind.
 3 Q. Okay. I have to go back to --
 4 MR. PATTAKOS: Let's mark the next
 5 exhibit.
 6 - - - - -
 7 (Thereupon, Deposition Exhibit 63,
 8 11/13/2012 Email Trail Between
 9 Intake, Attorneys, Brandy Lamtman
 10 And Gary Petti, Bates Number
 11 GMP000027-28, was marked for
 12 purposes of identification.)
 13 - - - - -
 14 MR. MANNION: November 13, 2012.
 15 MR. PATTAKOS: What exhibit is
 16 this, Tracy?
 17 THE NOTARY: 63.
 18 BY MR. PATTAKOS:
 19 Q. I should have asked you about this
 20 earlier, when we were talking about red bags,
 21 but this document contains an email from you to
 22 all intake employees and all attorneys copying
 23 Mr. Nestico and Ms. Tusko with the subject
 24 line, "Franklin Red Bag Deliveries," with high
 25 importance. And you write, "Any case that has

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 438</p> <p>1 the referral Franklin red bag needs to be 2 referred to Columbus Chiropractic West." Did 3 you send this email? 4 A. Yes. 5 Q. Do you remember why Franklin red 6 bag referrals were sent to Columbus 7 Chiropractic West? 8 A. No. 9 Q. Do you recall who instructed you, 10 if anyone, to send this email? 11 A. No. 12 Q. Who would know why Franklin red bag 13 deliveries were sent to this clinic? 14 A. Rob. 15 Q. Okay. 16 MR. PATTAKOS: Let's mark 17 Exhibit 64. 18 - - - - - 19 (Thereupon, Deposition Exhibit 64, 20 11/9/2012 Email Trail Between Staff, 21 Brandy Brewer, Nomiki Tsarnas, Rob 22 Nestico and Megan Jennings, Bates 23 Numbers GMP000047-48, was marked for 24 purposes of identification.) 25 - - - - -</p>	<p style="text-align: right;">Page 440</p> <p>1 Q. Why? 2 A. Because the firm wouldn't want to 3 guarantee. That would be putting -- making the 4 firm liable to pay something, not the client. 5 Q. So you write, "Absolutely NO LOP's 6 should be sent out of this office on 7 letterhead. Please see me if you have any 8 questions." I'm reading that correctly, right? 9 A. Yes. 10 Q. Okay. And Nomiki Tsarnas responds 11 and says, "Is someone going to create a new 12 LOP? The current medical assignment comes up 13 on our letterhead." What does that mean? 14 A. I don't know what Nomiki meant 15 there. 16 Q. Okay. So it's your testimony that 17 what you intended here was to communicate that 18 the firm should not be guaranteeing the 19 client's fees itself to the doctors? 20 A. Fees? 21 Q. If client's medical bills. 22 A. Correct. Rob -- we don't want to 23 say, Kisling Nestico & Redick is going to pay 24 our client's medical bills. 25 Q. Are you sure that's what you meant</p>
<p style="text-align: right;">Page 439</p> <p>1 MR. MANNION: November 9, 2012, 2 concerning, "LOP's," in the subject line. 3 Q. So at the bottom of this document, 4 between the first and second pages, you send an 5 email on November 9, 2012, to all staff copying 6 Mr. Nestico with high importance saying -- with 7 the subject line, "LOP's." Did you send this 8 email? 9 A. Yes. 10 Q. And, "LOP," is a letter of 11 protection, right? 12 A. Yes. 13 Q. And that is a letter by which a 14 doctor will have the client guarantee their 15 payment at some level, correct? 16 MR. MANNION: Objection to form. 17 But go ahead. 18 A. A letter of protection would be -- 19 as it reads here, on firm letterhead, would be 20 the firm guaranteeing payment. 21 Q. To the doctor? 22 A. Yes, which we did not do. I was 23 saying not to do that. 24 Q. Were people doing that? 25 A. I mean, I was asking them not to.</p>	<p style="text-align: right;">Page 441</p> <p>1 here? 2 A. Yes. 3 Q. Okay. Now, a letter of protection 4 would typically be something that the client 5 would sign for the doctors, correct? 6 A. I wouldn't call that a, "Letter of 7 protection." I would call it a, "Lien." 8 Q. Isn't a letter of protection a form 9 of a lien? 10 A. A letter of protection would be, in 11 my opinion, that -- what I was referring to 12 here where it would be the firm guaranteeing 13 the client's medical bills, which makes no 14 sense. 15 Q. Wouldn't it simply be the client -- 16 why wouldn't it simply be the client 17 guaranteeing the medical provider's bills and 18 guaranteeing or allowing KNR to deduct a 19 certain portion of the settlement proceeds to 20 pay the client's medical bills that relate to 21 the case? 22 MR. MANNION: Objection to form. 23 That makes no sense. 24 But go ahead. 25 A. Yeah, I'm kind of confused by what</p>

28 (Pages 438 - 441)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 442

1 you're saying.
 2 Q. Is it your testimony that the firm
 3 did not have its clients -- or let me say it
 4 this way -- let me ask you this way: Is it
 5 your testimony that the firm did not -- the
 6 firm's clients did not regularly sign letters
 7 of protection with doctors that authorized the
 8 KNR law firm to pay the doctor's fees out of
 9 the client's set KNR settlement?
 10 MR. MANNION: Objection to form.
 11 But go ahead.
 12 A. Yeah, I'm still not understanding
 13 what you're asking.
 14 MR. PATTAKOS: Tracy, can you
 15 please read it back to her.
 16 Q. I'm going to ask you to try to
 17 follow that.
 18 (Record was read.)
 19 MR. MANNION: Objection to form.
 20 Go ahead.
 21 A. So what the client signed -- I
 22 mean, you'd have to talk to the clients or the
 23 doctors -- I wouldn't call that a, "Letter of
 24 protection." I would call that a, "Lien."
 25 Q. But the firm was aware of these

Page 443

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

Page 444

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?

Page 445

1 MR. MANNION: Wait.
 2 I'm going to object. Where does it say,
 3 "Signing"?
 4 MR. PATTAKOS: That's what her
 5 testimony is.
 6 A. I said -- my purpose of this email
 7 is to tell them not to put letters of
 8 protections on company letterhead. I also
 9 testified that I didn't remember what occurred
 10 leading up to why I sent this email --
 11 Q. Okay. That's fine.
 12 A. -- I feel like you put words in my
 13 mouth --
 14 Q. Okay. I'm sorry --
 15 A. -- and then you get mad, when I
 16 don't give you the answer you're looking for.
 17 Sorry.
 18 Q. -- I'm sorry you feel that way.
 19 - - - - -
 20 (Thereupon, Deposition Exhibit 65,
 21 11/6/2013 Email To Prelit Attorney
 22 From Brandy Brewer, Bates Number
 23 Williams000226, was marked for
 24 purposes of identification.)
 25 - - - - -

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 446	<p>1 Q. Let's look at Exhibit 65.</p> <p>2 MR. MANNION: November, 6, 2013.</p> <p>3 Q. So you're sending out an email on</p> <p>4 Wednesday, November 6, 2013, to all prelit</p> <p>5 attorneys and Mike Simpson -- who is the</p> <p>6 investigator, correct?</p> <p>7 A. Yes.</p> <p>8 Q. -- and the subject line is,</p> <p>9 "Rooms." This was -- you write, "Room</p> <p>10 Arrangements," and you list a bunch of names</p> <p>11 and that's the end of the email. Am I reading</p> <p>12 this correctly?</p> <p>13 A. Yes.</p> <p>14 Q. So who are these people?</p> <p>15 A. Do you want me to itemize</p> <p>16 specifically who each person is?</p> <p>17 Q. If you would.</p> <p>18 A. Dr. Cawley.</p> <p>19 Q. Is he a chiropractor or doctor?</p> <p>20 A. He's a chiropractor.</p> <p>21 Q. What's his first name?</p> <p>22 A. Eric.</p> <p>23 Q. Okay. And where does he practice</p> <p>24 out of?</p> <p>25 A. He used to be in Canton. He's in</p>	Page 448	<p>1 Q. Um-hum.</p> <p>2 A. Waleed is some kind of nurse</p> <p>3 maybe. That's his brother.</p> <p>4 Rob Nestico, Paul Steele.</p> <p>5 Q. Um-hum.</p> <p>6 A. Sam Ghoubrial, he's a doctor.</p> <p>7 Q. Um-hum.</p> <p>8 A. Michael Simpson, he's an</p> <p>9 investigator.</p> <p>10 Q. Um-hum.</p> <p>11 A. Matt Stewart.</p> <p>12 Q. Who's Matt Stewart?</p> <p>13 A. He's a paralegal.</p> <p>14 Rob Horton. You know Rob Horton.</p> <p>15 Q. Okay.</p> <p>16 A. Robert Redick.</p> <p>17 Q. Okay.</p> <p>18 A. Brian Zaber.</p> <p>19 Q. Who is Brian Zaber?</p> <p>20 A. He's an attorney.</p> <p>21 Q. KNR attorney?</p> <p>22 A. He used to be.</p> <p>23 Q. Where is he now?</p> <p>24 A. He's at a firm in Cleveland. I</p> <p>25 don't remember the name.</p>
Page 447	<p>1 Cleveland now.</p> <p>2 Q. Do you know the name of his clinic?</p> <p>3 A. No. I don't remember.</p> <p>4 Q. Okay. And then Floros is obviously</p> <p>5 Dr. Floros.</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 A. Dr. Tassi.</p> <p>9 Q. That's Phil Tassi?</p> <p>10 A. Yes.</p> <p>11 Q. Out of West Tusc?</p> <p>12 A. He's in a different state now.</p> <p>13 Q. What state is he in now?</p> <p>14 A. I don't remember. He doesn't</p> <p>15 prac -- I don't know.</p> <p>16 Q. Who's Schneider?</p> <p>17 A. He's a chiropractor.</p> <p>18 Q. What's his first name?</p> <p>19 A. I don't remember. I don't know</p> <p>20 where he's at now either.</p> <p>21 Q. Who are Tony and Waleed?</p> <p>22 A. Tony Lababidi and Waleed Lababidi.</p> <p>23 Q. And who are they?</p> <p>24 A. Tony Lababidi is a doctor. He's a</p> <p>25 pain management doctor.</p>	Page 449	<p>1 Q. Okay.</p> <p>2 A. Tom Vasvari.</p> <p>3 Q. Attorney?</p> <p>4 A. Yes, at KNR.</p> <p>5 Q. Um-hum.</p> <p>6 A. Jason St.George.</p> <p>7 Q. Still a KNR attorney, right?</p> <p>8 A. Yes.</p> <p>9 Q. Um-hum.</p> <p>10 A. And Josh Angelotta.</p> <p>11 Q. What was the purpose of this email?</p> <p>12 A. Room arrangements, to let them know</p> <p>13 who was rooming together.</p> <p>14 Q. Rooming together where?</p> <p>15 A. I think this was on a golf trip.</p> <p>16 Q. Where?</p> <p>17 A. Alabama or Georgia, Florida maybe.</p> <p>18 Q. Could it have been Cancun?</p> <p>19 A. I feel like this was a golf trip.</p> <p>20 Q. Why?</p> <p>21 A. That's just my recollection.</p> <p>22 Q. There were trips to Cancun and</p> <p>23 Dominican Republic, too, weren't there?</p> <p>24 MR. MANNION: Objection.</p> <p>25 A. Yes.</p>

30 (Pages 446 - 449)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 450</p> <p>1 Q. And were these same people on these 2 trips to Cancun and Dominican Republic as well? 3 A. I don't know if the exact same 4 people. I'd have to see a list. 5 Q. But some of them? 6 A. Maybe. 7 Q. Okay. Did you go on this trip? 8 A. If this is a golf trip, I did not 9 go golfing. I don't golf. 10 Q. Okay. Why were all these people 11 going to golf together? 12 A. Because they liked golfing. 13 Q. Okay. Why were you emailing them 14 their room arrangements? 15 A. I don't know. I guess to let them 16 know who was going to be rooming with who. 17 Q. Who determined that? 18 A. I don't remember if I did that or 19 if Rob did that. 20 Q. Do you have any idea why these 21 certain people were selected to go on this 22 trip? 23 MR. MANNION: Objection to the 24 phrase, "Selected." 25 But go ahead.</p>	<p style="text-align: right;">Page 452</p> <p>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</p>
<p style="text-align: right;">Page 451</p> <p>1 A. I don't know. 2 Q. How many trips did you participate 3 in the planning of involving KNR attorneys and 4 healthcare providers? 5 MR. MANNION: Objection. 6 Go ahead. 7 A. I -- I mean, Rob booked his own 8 trips. I didn't book his travel, so I -- 9 Q. But you -- 10 MR. MANNION: Let her finish. 11 A. -- you asked me if I sent this 12 email and why I sent it. I don't know if he 13 asked me to send it or if I did it myself. I 14 don't know. 15 Q. Okay. I'm just asking about any 16 kind of participation at all, including sending 17 emails of room arrangements -- or frankly, I 18 can ask you instead: How many of these trips 19 do you remember happening? 20 MR. MANNION: Objection to form. 21 But go ahead. 22 A. Maybe a handful. I'm not really 23 sure. 24 Q. What's, "A handful"? 25 A. Well, "A handful," would be around</p>	<p style="text-align: right;">Page 453</p> <p>1 locations. As I stated, I didn't book Rob's 2 travel. I'm not sure if that's it or -- I 3 mean, it's -- it's been a lot of years. He's 4 traveled a lot of different places. 5 Q. Well, I understand that. I'm just 6 asking if you can remember any trips that he 7 took with chiropractors or doctors that treated 8 the firm's patients -- or treated the firm's 9 clients. 10 MR. MANNION: Objection to form. 11 But go ahead. 12 A. That's all I can think of right 13 now. Like I said, he's traveled a lot of 14 different times. So who he traveled with on 15 each trip every time he's gone on vacation, 16 like I definitely don't remember. 17 Q. And I'm not asking you to. Okay. 18 MR. MANNION: But you just did. 19 Q. Did you ever go on any of these 20 trips? 21 A. I went to Mexico and the Dominican. 22 Q. Okay. Can you tell me everyone 23 that you remember being on the Mexico trip? 24 This is Cancun, right? 25 A. Mexico is -- okay. Mexico and</p>

31 (Pages 450 - 453)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 454</p> <p>1 Dominican trips kind of blur together for me. 2 Q. That's fine. Tell me who you 3 remember was at either one of these then. 4 A. Oh, boy. Kristen Lewis, Kim 5 Lubrani, Chris Van Blargan, Michael Maillis, 6 Rob, John Reagan, Rob Horton, Amanda Lantz, 7 Paul Steele, Robert Redick. That's all that I 8 can remember right now. 9 Q. But what about the healthcare 10 providers? 11 A. I -- I don't remember that they 12 were on those trips. 13 Q. Okay. Are you saying that they 14 were not on those trips? 15 MR. MANNION: Objection. She just 16 testified -- 17 A. I'm saying, I don't remember. 18 Q. So they might have been, but you 19 wouldn't remember even -- on either one of 20 those trips, you don't remember whether any of 21 the providers went? 22 MR. MANNION: Objection. 23 Go ahead. 24 A. Oh, Ken Zerrusen. 25 In the Dominican, I don't remember</p>	<p style="text-align: right;">Page 456</p> <p>1 hanging out with any of the doctors on that 2 trip. 3 Q. There were two trips. 4 A. Actually, the Cancun trip, I can 5 remember the hotel. I just -- I don't remember 6 any of the real details of it. I've traveled 7 so many other times since then. Like it's just 8 not something that's standing out in my mind -- 9 Q. Okay. 10 A. -- I mean, you can definitely ask 11 Rob. 12 Q. Okay. There are other people we 13 can ask, too. 14 A. Sure. 15 MR. MANNION: Move to strike. 16 Q. So the firm imposed quotas on its 17 lawyers to measure their performance based on 18 the amount of attorneys fees they brought in 19 every month, correct? 20 MR. MANNION: Objection to form. 21 Go ahead. 22 A. I wouldn't call it a, "Quota." 23 Q. What would you call it? 24 A. Performance management maybe, like 25 performance goal.</p>
<p style="text-align: right;">Page 455</p> <p>1 hanging out -- like none of my memories have -- 2 have any doctors in it -- 3 Q. Okay. 4 A. -- yeah. I'm sorry. I'm trying to 5 go through my -- 6 Q. Take your time. 7 MR. MANNION: Well, I think she 8 did that. 9 MR. PATTAKOS: Okay. 10 Q. So before when I asked you to 11 identify the locations, the destinations of all 12 trips where KNR personnel went on trips with 13 healthcare providers, you identified Cancun, 14 the Dominican Republic and -- well, you 15 identified -- you identified Cancun and the 16 Dominican Republic. You then testified that 17 you went to Mexico and the Dominican Republic. 18 And now you're testifying that you can't 19 remember that any healthcare providers went on 20 those trips. 21 MR. MANNION: Objection to form. 22 But go ahead. 23 A. So my memory is like -- is not very 24 good here obviously, if I'm struggling to -- 25 I'm going through in my mind. I don't remember</p>	<p style="text-align: right;">Page 457</p> <p>1 Q. Okay. 2 MR. MANNION: You know, you've got 3 a lot of leeway here, Peter. I know the Judge 4 said this isn't limited just to the class and 5 whether it's certified or not. He gave some 6 latitude, but quotas for attorneys is way far 7 beyond that. I'll let her answer, but -- 8 BY MR. PATTAKOS: 9 Q. So you're saying it was a 10 performance goal. And how did the firm monitor 11 that goal -- 12 MR. MANNION: Objection. 13 Go ahead. 14 Q. -- did the firm monitor those 15 goals? 16 A. There are performance reports for 17 attorneys. 18 Q. And when were those reports 19 published? 20 A. They're not published. 21 Q. When were they shared with other 22 attorneys at the firm? 23 MR. MANNION: Objection to form. 24 Go ahead. 25 A. I think that maybe it would depend</p>

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 458

1 on the timeframe. Things have changed through
2 the years.
3 Q. Okay. Who creates these reports?
4 A. The accounting department sends
5 over the numbers. Sarah creates those.
6 Q. Attorneys were criticized if they
7 didn't meet their performance goals, correct?
8 MR. MANNION: Objection to form.
9 Go ahead.
10 A. I wouldn't say, "Criticized."
11 Q. What would happen to an attorney
12 who didn't meet their performance goals?
13 MR. MANNION: Objection to form.
14 Is there some reason you're not asking Rob
15 Nestico these questions?
16 Go ahead.
17 A. What was the question?
18 (Record was read.)
19 A. I think it would depend.
20 Q. On what?
21 A. On the situation, I guess, and the
22 timeframe.
23 Q. Well, it's true that when an
24 attorney started at the firm, their performance
25 goals were lower than once they were an

Page 459

1 experienced attorney, correct?
2 A. That's not necessarily true.
3 MR. MANNION: I'm going to object.
4 Peter, before you keep going on this issue, I
5 mean, how does this have any bearing on
6 discoverability on this case? And why this
7 witness as opposed to talking with somebody
8 like Mr. Nestico about this? I don't get it.
9 I mean, we have limited time here. You said
10 you'd be done by noon --
11 MR. PATTAKOS: I wasn't -- well,
12 Tom --
13 MR. MANNION: That's what you said
14 yesterday and now you're asking about --
15 MR. PATTAKOS: Why don't we just
16 show Brandy an email where she talks about
17 this.
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 MR. MANNION: That's fine. I'm

Page 460

1 just asking what the relevance is to this
2 lawsuit.
3 July 24 -- 2012, July 24.
4 Q. This is Exhibit 66.
5 MR. NESTICO: What year?
6 MR. MANNION: 2012.
7 BY MR. PATTAKOS:
8 Q. This is an email where you write to
9 all prelit support and prelit attorneys with
10 the subject, "ASC." "Who needs recs/narrative
11 report from ASC in order to make your number?"
12 Send me the list of names. He is working on
13 getting caught up. Rob and I both spoke with
14 him yesterday." Did you send this email?
15 A. Yes.
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 Q. Okay. And you were asking this --
24 well, why did you ask, "Who needs
25 recs/narrative report from ASC in order to make

Page 461

1 your number?" What did a number have to do
2 with it?
3 A. The paralegals have goals on the
4 number of demand packages to send to the
5 insurance company.
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

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 462	<p>1 lists. We send tons of providers lists. In 2 this email, I was referring to Akron Square. 3 Q. Okay. So you would send requests 4 for records and narrative reports from other 5 chiropractors and chiropractor's offices for 6 the same reason, to help paralegals or 7 attorneys make their number for the month? 8 MR. MANNION: Objection to form. 9 Go ahead. 10 A. And hospitals and medical doctors 11 and physical therapists and surgeons and 12 everywhere else. 13 Q. So you're saying there would be 14 emails -- similar emails to this where you're 15 not referring to ASC, but you're referring to 16 some other healthcare providers that treats 17 your firm's clients. Is that your testimony? 18 MR. MANNION: Objection to form. 19 Go ahead. 20 A. Sure. 21 Q. Okay. Like who? 22 A. So MetroHealth, University 23 Hospital. I can't think of every single place. 24 Other chiropractic offices, doctor's offices. 25 MR. PATTAKOS: Okay. We're going</p>	Page 464	<p>1 Go ahead. 2 A. No, I don't. 3 Q. Okay. 4 - - - - - 5 (Thereupon, Deposition Exhibit 67, 6 6/11/2013 Email To Prelit Support 7 From Brandy Lamtman, Bates Number 8 Williams000505, was marked for 9 purposes of identification.) 10 - - - - - 11 Q. Let's look at Exhibit 67. 12 MR. MANNION: June 11, 2013. 13 Q. So here's another email from you to 14 prelit support and prelit attorneys where you 15 write, "I need an ACCURATE list of charts and 16 narratives needed from ASC by 5 p.m. today!! 17 Please make sure that you actually need the 18 records, the case isn't a withdraw, the client 19 is finished treating, Etc." 20 "I am trying to help you reach your 21 submission goals," exclamation mark. 22 Am I reading that correctly? 23 A. Yeah. 24 Q. Did you send this email? 25 A. Yes.</p>
Page 463	<p>1 to ask for those emails to be produced, Tom, 2 so -- 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.</p>	Page 465	<p>1 Q. And this relates to Akron Square 2 Chiropractic, correct? 3 A. Yes. 4 Q. And you are not -- you're not 5 asking for charts and narratives from any other 6 provider, correct? 7 A. In this email, I'm asking for a 8 list for Akron Square. 9 Q. Okay. And you're saying there 10 would be other emails where you were asking for 11 the same things from other healthcare 12 providers, correct? 13 MR. MANNION: Objection. That's 14 not what she said. 15 But go ahead. 16 A. Yes, there are other emails that 17 are a list of clients trying to get medical 18 records and medical bills from other providers. 19 Q. Okay. And where you're connecting 20 that to the need to -- the need to connect -- 21 I'm sorry -- where you're connecting that with 22 the need to make monthly submission goals? 23 A. Yes -- 24 Q. Okay. 25 A. -- it's also for our client's best</p>

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 466

1 interest. This means they've been released
 2 from the doctor. So oftentimes gathering
 3 medical records and medical bills from
 4 facilities, all facilities -- doctor's offices,
 5 chiropractor's offices, hospitals, surgeons --
 6 it's difficult to get that information,
 7 especially from those two hospitals that I
 8 mentioned. It could take months and months to
 9 get that together.
 10 Q. But you don't write any of that in
 11 this email, right --
 12 MR. MANNION: Objection.
 13 Q. -- does anything in this email
 14 relate to that?
 15 MR. MANNION: Objection.
 16 A. I'm explaining to you the thought
 17 process behind it.
 18 Q. So you're saying that this doesn't
 19 actually have to do with helping attorneys
 20 reach their submission goals? Is that your
 21 testimony?
 22 A. I was trying to help reach
 23 submission goals. That's what that says. That
 24 means that the clients have already been
 25 released from the doctor, so they're finished.

Page 467

1 Their case is ready to be settled. So it -- I
 2 was trying to help get the records and bills
 3 together so that it can be sent off to the
 4 insurance company.
 5 Q. Okay.
 6 MR. MANNION: The question was
 7 about attorney submission goals.
 8 A. No.
 9 Q. Or paralegal submission goals.
 10 MR. MANNION: Well, that's not
 11 what the question was.
 12 Q. Does your answer change, based on
 13 if it was about paralegal submission goals?
 14 MR. MANNION: What? I'm lost as
 15 to what you mean by, "Does your answer change?"
 16 I just didn't want you to think that she was
 17 saying it was attorney submission goals,
 18 because she had told you earlier it was
 19 paralegal, and you said, "Attorney," and I
 20 didn't want it to get caught up in the shuffle
 21 here.
 22 BY MR. PATTAKOS:
 23 Q. So this had nothing to do with
 24 attorney submission goals, this last document?
 25 A. No, it had nothing to do with

Page 468

1 attorney goals.
 2 Q. Okay. How do you know?
 3 A. Because I said, "Submission goal."
 4 Q. So attorneys don't have submission
 5 goals?
 6 A. No.
 7 Q. They have performance goals.
 8 A. That are different than this.
 9 Q. Okay. So what would you call the
 10 attorney goals?
 11 A. Performance goal.
 12 Q. Performance. Okay. Okay.
 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,

Page 469

1 2013. He writes to you, "Are you (or Sarah)
 2 going to FU on these ASC cases we need?" And
 3 that's -- does that, "FU," stand for follow up?
 4 A. Yes.
 5 Q. Okay. "Not pushing (well, maybe a
 6 little) but I want Hillary to make her goal."
 7 So am I understanding correctly that Mr. Redick
 8 is asking you here to follow up on ASC cases so
 9 that Hillary, a paralegal, can make her monthly
 10 submission goal?
 11 A. Yes.
 12 Q. Okay.
 13 MR. MANNION: For the record, I
 14 think at the bottom, you can see the email
 15 relating to some of the other providers, Peter,
 16 if you want to ask, at the bottom.
 17 MR. PATTAKOS: Yeah, but that
 18 doesn't have anything to do with making goals
 19 here. You'll see, there's no reference to,
 20 "Submission goals." This is just a list of ten
 21 cases where they're following up on.
 22 MR. MANNION: I think you're
 23 mistaken in that, if you want to ask her.
 24 Q. Where in this bottom email from
 25 Hillary to Mr. Redick does anything say

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 470

1 anything about submission goals?
 2 A. Well, Robert is referring to the
 3 bottom email and her goal and it says other
 4 providers down there.
 5 Q. Okay. Thanks. It's true, is it
 6 not, that the firm signed objective injury
 7 cases to attorneys that did the most intakes?
 8 MR. MANNION: I'm going to object
 9 to form and discoverability or relevance.
 10 But go ahead.
 11 A. No, that's --
 12 MR. PATTAKOS: Let's mark another
 13 exhibit then.
 14 - - - - -
 15 (Thereupon, Deposition Exhibit 69,
 16 12/3/2012 Email Trail Between Prelit
 17 Group, Brandy Lamtman and Gary
 18 Petti, Bates Number GMP000004-5, was
 19 marked for purposes of
 20 identification.)
 21 - - - - -
 22 Q. Okay. Sorry. This is 69.
 23 MR. MANNION: December 3, 2012.
 24 Q. So here's an email sent on
 25 December 3, 2012, where you write, "November

Page 471

1 Intakes." And you email the prelit group and
 2 you say, "Intakes During Business Hours for
 3 November," and you list six attorneys and the
 4 number of -- it looks like the number of
 5 intakes and the percentage of intakes that they
 6 took in that month. Is that correct?
 7 A. That's what it looks like.
 8 Q. Okay. And then you write, "Just a
 9 reminder that objective cases will be assigned
 10 to the attorneys who are doing intakes!!" What
 11 does that mean?
 12 A. Objective cases would be assigned
 13 to the attorneys who are doing intakes.
 14 Q. Yeah. What did you mean by that?
 15 A. Exactly what it said.
 16 Q. And why would the objective cases
 17 be assigned to attorneys who are doing intakes?
 18 Why did you write that?
 19 A. Because they have to do the intake
 20 to get assigned the case.
 21 Q. Why would anyone need a reminder of
 22 that then?
 23 A. I don't know why I had to remind
 24 them of that at that time.
 25 Q. Well, is it possible that you meant

Page 472

1 to say there that more objective cases would be
 2 assigned to attorneys who handled more intakes?
 3 A. I don't -- I don't remember that
 4 being the premise of this email.
 5 Q. Are you denying that that is the
 6 premise of this email?
 7 A. I said, "I don't remember." I
 8 didn't say, "I deny."
 9 Q. Okay. Is it possible that that's
 10 the premise of this email?
 11 MR. MANNION: Objection --
 12 A. I don't know.
 13 MR. MANNION: -- to, possibility.
 14 Go ahead.
 15 Q. Okay. But it's true that at some
 16 point the firm assigned more objective cases to
 17 attorneys who did more intakes. Isn't that
 18 right?
 19 A. The way that cases have been
 20 assigned through the years of my tenure at KNR
 21 has changed multiple times --
 22 Q. Okay.
 23 A. -- so I can tell you that current,
 24 brand new graduates don't get objective cases.
 25 It goes to the more tenured attorneys, more

Page 473

1 experienced attorneys. John Reagan gets all of
 2 our trucking cases, so he is our trucking guy.
 3 That doesn't mean every single case. That
 4 means he's our trucking guy. So he may work on
 5 other trucking cases with other attorneys or
 6 they may be assigned to them. There isn't an
 7 exact way that we do this.
 8 Q. And there never was?
 9 A. I said that it has changed several
 10 times through the years.
 11 Q. So there was a time when objective
 12 cases were assigned to attorneys based on the
 13 number of intakes they took in, correct?
 14 A. I did not say that.
 15 Q. Okay. Let's look at Exhibit 70.
 16 A. Thank you.
 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?

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 474</p> <p>1 Q. Are you denying --</p> <p>2 MR. MANNION: Wait a minute.</p> <p>3 What? Would you stop with the facial</p> <p>4 expressions? He just asked for the date of the</p> <p>5 document.</p> <p>6 November 9, 2012.</p> <p>7 She hasn't even had a chance to look at</p> <p>8 this yet, Peter.</p> <p>9 MR. PATTAKOS: I'm not asking her</p> <p>10 about this document right now.</p> <p>11 MR. MANNION: Well, we just handed</p> <p>12 it to her.</p> <p>13 BY MR. PATTAKOS:</p> <p>14 Q. Well, let me ask her a question.</p> <p>15 Are you denying -- please don't look at that</p> <p>16 document. Are you denying that objective cases</p> <p>17 were ever assigned based on the number of</p> <p>18 intakes that an attorney did for a month?</p> <p>19 MR. MANNION: Objection,</p> <p>20 mischaracterization.</p> <p>21 Go ahead.</p> <p>22 A. I'm saying that it's changed</p> <p>23 several times through the years. Like I can't</p> <p>24 tell you on any given time period what -- how</p> <p>25 those cases are assigned. I can tell you</p>	<p style="text-align: right;">Page 476</p> <p>1 A. Okay.</p> <p>2 Q. Does it refresh your memory to my</p> <p>3 last question?</p> <p>4 A. It doesn't --</p> <p>5 Q. Okay.</p> <p>6 A. -- I don't remember this.</p> <p>7 Q. Okay. So you write on</p> <p>8 November 9 -- pardon me. You write on</p> <p>9 November 9 to -- November 9, 2012, to all</p> <p>10 prelit attorneys copying Rob Nestico, Robert</p> <p>11 Redick and Holly Tusko with high importance,</p> <p>12 "From now on, objective injuries will not be</p> <p>13 distributed evenly. These cases will be</p> <p>14 distributed to the prelit attorneys that are</p> <p>15 doing intakes by percentage from the month</p> <p>16 before."</p> <p>17 Then further below you write, "Percentage</p> <p>18 numbers from the month before, this is how we</p> <p>19 will distribute objective cases for the</p> <p>20 following month."</p> <p>21 And then you list six attorneys: Gary</p> <p>22 Petti did 8 percent; Jason St.George, I assume</p> <p>23 did 15 percent; Josh Angelotta did 27 percent</p> <p>24 of the intakes; Ken Zerrusen did 10 percent;</p> <p>25 Paul Steele did 23 percent, and Horton -- Rob</p>
<p style="text-align: right;">Page 475</p> <p>1 today -- what today we do, but I can't tell you</p> <p>2 on any specific date what was happening. It's</p> <p>3 one of those things that has changed.</p> <p>4 Q. I'm asking you if you remember at</p> <p>5 any point if the firm ever assigned objective</p> <p>6 cases based on the number of intakes that the</p> <p>7 firm took in.</p> <p>8 MR. MANNION: Objection.</p> <p>9 Completely irrelevant to this suit.</p> <p>10 But go ahead, if you can.</p> <p>11 A. I'm saying that I don't remember</p> <p>12 all of the specifics on how objectives were</p> <p>13 assigned at any given period --</p> <p>14 Q. Once again --</p> <p>15 A. -- I can offer to tell you today</p> <p>16 how it's done.</p> <p>17 Q. -- I'm not asking you to remember</p> <p>18 all the specifics. I'm just asking you if you</p> <p>19 remember any time in the past when the firm</p> <p>20 assigned objective intakes based on the number</p> <p>21 of cases an attorney brought --</p> <p>22 A. I don't remember.</p> <p>23 Q. You don't remember. Okay. Look at</p> <p>24 Exhibit 70 and tell me if this refreshes your</p> <p>25 memory.</p>	<p style="text-align: right;">Page 477</p> <p>1 Horton did 17 percent. So that is the</p> <p>2 proportions by which objective cases were going</p> <p>3 to be distributed to this attorneys, correct?</p> <p>4 MR. MANNION: Objection to form.</p> <p>5 Go ahead.</p> <p>6 A. So that's what this email says.</p> <p>7 Q. And that is what happened, correct?</p> <p>8 MR. MANNION: Objection.</p> <p>9 Go ahead.</p> <p>10 A. Sure.</p> <p>11 Q. And that's what you intended to</p> <p>12 communicate here, correct?</p> <p>13 A. That's what the email says.</p> <p>14 Q. What was the firm's -- why was</p> <p>15 this -- why was this done?</p> <p>16 A. I -- I don't know.</p> <p>17 Q. Why would attorneys who do more</p> <p>18 intakes be better qualified to handle objective</p> <p>19 cases?</p> <p>20 MR. MANNION: Objection.</p> <p>21 Go ahead.</p> <p>22 A. It doesn't -- it doesn't say that</p> <p>23 they would be better qualified. I don't know</p> <p>24 why this was decided. I don't remember --</p> <p>25 Q. Who would know?</p>

37 (Pages 474 - 477)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 478

1 A. -- this is six years ago.
 2 Q. Who would know?
 3 A. I don't know if anyone would
 4 remember. It's six years ago --
 5 Q. Okay.
 6 A. -- you can ask Rob --
 7 Q. Okay.
 8 A. -- these are all tenured attorneys.
 9 They've all handled objective cases --
 10 Q. Um-hum.
 11 A. -- I don't know that I would want
 12 Gary Petti to handle an objective case.
 13 Q. We can talk about that.
 14 A. Okay.
 15 Q. What do you remember about the
 16 firm's relationship with Liberty Capital?
 17 MR. MANNION: Objection to the
 18 form.
 19 But go ahead.
 20 A. I don't know what you mean by,
 21 "Relationship." I know Liberty Capital was a
 22 lending company.
 23 Q. And the firm was involved with that
 24 lending company, correct?
 25 MR. MANNION: Objection as to,

Page 479

1 "Involved."
 2 But go ahead.
 3 A. Yeah, I wouldn't say, "Involved."
 4 It's a lending company that our clients had
 5 loans with.
 6 Q. Okay. And at one point Rob Nestico
 7 directed the firm's attorneys that for all cash
 8 advances, the company should -- the firm should
 9 recommend its clients to Liberty Capital,
 10 correct?
 11 A. I don't remember him saying that.
 12 I do remember seeing it in an email.
 13 Q. Okay. Do you have any idea why he
 14 said that?
 15 A. I do not.
 16 Q. Okay. Let's look at Exhibit 71.
 17 - - - - -
 18 (Thereupon, Deposition Exhibit 71,
 19 5/14/2012 Email Trail Between Staff,
 20 Brandy Brewer And Gary Kising,
 21 Bates Number KNR03391, was marked
 22 for purposes of identification.)
 23 - - - - -
 24 MR. MANNION: May 14, 2012.
 25 MR. PATTAKOS: You know what? Let's

Page 480

1 also mark 72.
 2 Q. Let's look at these at the same
 3 time.
 4 - - - - -
 5 (Thereupon, Deposition Exhibit 72,
 6 5/9-11/2012 Email Trail Between Ciro
 7 Cerrato and Rob Nestico, Bates
 8 Number Williams000255-256, was
 9 marked for purposes of
 10 identification.)
 11 - - - - -
 12 MR. MANNION: May 12, 2012, and
 13 May 11, 2012.
 14 Q. Let's look at 72 first. It's Rob
 15 Nestico with the subject line, "Liberty Capital
 16 Funding." He sends to all attorneys. "For any
 17 Plambeck patients only please use the below
 18 company for cash advances."
 19 Then if you look at the next page --
 20 And this is on May 10, 2012.
 21 On the next page, on May 11, 2012, he
 22 writes, "Sorry," it, "applies to all cases not
 23 just Plambeck." Do you see that? Am I reading
 24 that correctly?
 25 A. Yes.

Page 481

1 Q. Okay. Do you remember this
 2 happening?
 3 A. No.
 4 Q. You don't remember Rob saying that
 5 everybody should use Liberty Capital for all
 6 cash advances?
 7 A. No.
 8 Q. Okay. Then a few days later, we
 9 see on May 14, just three or four days later,
 10 you write to all staff -- so when you write to
 11 staff, does that mean everybody at the firm
 12 gets this email?
 13 MR. MANNION: Objection. Asked and
 14 answered yesterday.
 15 But go ahead.
 16 A. Yes, except there were times when
 17 Rob and Robert weren't on the staff email.
 18 Q. Okay. But all attorneys and other
 19 employees would get this, correct?
 20 A. Yes.
 21 Q. Okay. And you write, "For today or
 22 until further notice, please use Preferred
 23 Capital instead of new company. We are ironing
 24 out some glitches." Did you send this email?
 25 A. Yes.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 482

1 Q. Okay. So you wrote, "For today..."
 2 Was the firm recommending cash advances every
 3 day?
 4 MR. MANNION: Excuse me. I'm
 5 sorry?
 6 MR. PATTAKOS: I'm asking --
 7 MR. MANNION: Peter, what do you
 8 mean? Recommending to whom?
 9 MR. PATTAKOS: To the clients.
 10 MR. MANNION: Okay.
 11 Go ahead.
 12 A. I -- I mean, you would have to ask
 13 the attorneys, but I -- I don't think they
 14 recommended lending companies.
 15 Q. What do you mean by, "Used
 16 Preferred Capital"?
 17 A. I mean, if a client needed a loan,
 18 that would be the lending company.
 19 Q. That the firm would recommend?
 20 A. If the client needed a loan.
 21 Q. So the firm did recommend certain
 22 loan companies?
 23 MR. MANNION: Well, I'm going to
 24 object. Your question initially was that they
 25 recommended loans and that's what she was

Page 483

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

Page 484

1 interesting.
 2 MR. MANNION: You changed your
 3 question. You said, "Recommended loans," not,
 4 loan companies, and I was trying to tell you
 5 she answered the question you asked perhaps not
 6 the one you wanted to ask.
 7 MR. PATTAKOS: Well, first she said
 8 that the company did not recommend loans or
 9 loan companies and --
 10 MR. MANNION: That's --
 11 MR. PATTAKOS: Okay. You know
 12 what? We can move on.
 13 MR. MANNION: Just ask her.
 14 BY MR. PATTAKOS:
 15 Q. So Gary Kisling then writes to you,
 16 "Why are we using the new firm rather than
 17 Preferred Capital? Brian is excellent at
 18 getting reductions on his loans to get cases
 19 settled."
 20 And you respond, "Rob wants to try this
 21 new company." Do you remember this?
 22 A. No.
 23 Q. Do you remember why Rob wanted to
 24 try this new company?
 25 A. I do not.

Page 485

1 Q. Okay. Did you ever talk with Gary
 2 about this?
 3 A. I don't -- not that I can remember.
 4 Q. And this is Gary Kisling, the main
 5 partner of Kisling Nestico & Redick, right?
 6 A. Yes.
 7 Q. Okay. Do you remember what the
 8 glitches were that were being ironed out?
 9 A. I don't.
 10 Q. Do you have any idea what those
 11 might have been?
 12 A. I have no idea.
 13 Q. Okay. And you don't remember if
 14 the firm was recommending a loan company on a
 15 daily basis?
 16 MR. MANNION: Objection to form.
 17 Go ahead.
 18 A. No.
 19 Q. Okay. Exhibit 73.
 20 - - - - -
 21 (Thereupon, Deposition Exhibit 73,
 22 11/27/2012 Email To Prelit Attorney
 23 From Sarah Rucker, Bates Number
 24 KNR03433, was marked for purposes of
 25 identification.)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 486

1 - - - - -

2 MR. MANNION: November 27, 2012.

3 Q. So this is an email from Sarah

4 Rucker to prelit attorneys copying you and

5 Mr. Nestico with the subject, "Lunch with Ciro

6 from Liberty Capital Funding." Did you receive

7 this email?

8 A. Yes.

9 Q. And Ms. Rucker writes, "Tomorrow

10 there will be a lunch with Ciro Cerrato from

11 Liberty Capital Funding at 12. Rob would like

12 each Pre-Lit Attorney to attend, if you are

13 unable to attend please have your paralegal

14 attend in your place. Thanks." Do you have

15 any recollection of this lunch?

16 A. I do not.

17 Q. Do you have any idea why KNR

18 attorneys or paralegals would attend a lunch

19 with a representative from a loan company?

20 A. I wasn't at the lunch, so I can't

21 speak on what the premise of the lunch was.

22 Maybe to learn about the company. It was a new

23 company, but I wasn't there, so.

24 Q. What would they need to learn about

25 the new company?

Page 487

1 A. I don't -- I don't know.

2 Q. Okay. Do you remember any issues

3 with Liberty Capital?

4 A. I don't remember any issues. I

5 remember an email where it asks if there were

6 issues.

7 Q. Because you reviewed it in

8 preparation for this --

9 A. Yeah. I told you --

10 Q. -- deposition?

11 A. -- I read the emails.

12 Q. Yeah. Okay. But you have no

13 memory of what any issues with Liberty Capital

14 were?

15 A. No.

16 Q. Okay. Let's look at Exhibit 74.

17 - - - - -

18 (Thereupon, Deposition Exhibit 74,

19 1/7/2014 Email Trail Between Rob

20 Nestico And Brandy Brewer, Bates

21 Number KNR03474, was marked for

22 purposes of identification.)

23 - - - - -

24 MR. MANNION: January 7, 2014.

25 Q. Sorry. So this is an email where

Page 488

1 you are writing to Nestico at the bottom. This

2 is an email exchange between you and

3 Mr. Nestico on January 7, 2014. First Nestico

4 writes, "Everyone please use Liberty ONLY for

5 loans any question come see me."

6 Then you write, "Need to have a talk with

7 Ciro about customer service then. He only has

8 one guy. And he doesn't get back to us right

9 away." Do you remember this?

10 A. I don't.

11 Q. Do you remember why you wanted Rob

12 to have a talk with Ciro about customer

13 service?

14 A. Well, it says that he doesn't get

15 back to us right away.

16 Q. Do you remember anything else about

17 this?

18 A. No.

19 Q. Rob responds to you, "There is a

20 reason and this will only be temporary." Do

21 you remember what that reason was?

22 A. No.

23 Q. Okay.

24 MR. PATTAKOS: Let's mark

25 Exhibit -- What are we on now? -- 75.

Page 489

1 - - - - -

2 (Thereupon, Deposition Exhibit 75,

3 1/28/2014 Email To Staff From Brandy

4 Brewer, Bates Number Williams000248,

5 was marked for purposes of

6 identification.)

7 - - - - -

8 MR. MANNION: January 28, 2014.

9 Q. So here you're writing to staff on

10 January 28, 2014, about the Needles computer

11 system, correct?

12 A. Correct.

13 Q. And you write, "Make sure you are

14 noting Everything you do on a case in

15 needles" --

16 MR. MANNION: Was that a question?

17 Q. -- can you tell me what all gets

18 noted in Needles on a regular basis?

19 A. Conversations with clients;

20 conversations with adjusters; conversations

21 with medical providers; any work done on the

22 case; and correspondence with any of the

23 providers, any other attorneys on the case;

24 insurance claim numbers; adjuster's contact

25 information; defense counsel information; any

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 490</p> <p>1 pleadings; any medical bills; any medical 2 records, anything that pertains to the case. 3 Q. Would all the information from the 4 intake be in Needles? 5 A. Yes. 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</p>	<p style="text-align: right;">Page 492</p> <p>1 Q. There's a paralegal named Kevin? 2 A. Yes. 3 Q. Okay. And do you know why he 4 doesn't work at the firm anymore? 5 A. Sure. He got a job at maybe 6 Bridgestone. I could be wrong about that -- 7 Q. Okay. 8 A. -- I believe his brother got him a 9 new job, at least that's what he said. 10 Q. Okay. Do you know why Rob Horton 11 was terminated? 12 A. Yes. 13 Q. Why is that? 14 MR. MANNION: Objection. No, no, 15 no, no. She's not answering questions about 16 this. 17 MR. PATTAKOS: Why? 18 MR. MANNION: Because she's not. 19 MR. PATTAKOS: Why? 20 MR. MANNION: She's not answering 21 questions about this. As you know, there's a 22 confidentiality order on a lawsuit. And in 23 addition, why Rob Horton was terminated has 24 nothing to do with this. 25 MR. PATTAKOS: Oh, it sure does.</p>
<p style="text-align: right;">Page 491</p> <p>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.</p>	<p style="text-align: right;">Page 493</p> <p>1 MR. MANNION: Well, you can ask 2 Rob Nestico about it then. 3 MR. PATTAKOS: Why can't Brandy 4 tell me what she knows about it? 5 MR. MANNION: Because she's not 6 going to? 7 MR. PATTAKOS: Why? 8 MR. MANNION: Because. 9 MR. PATTAKOS: How is it not 10 relevant? 11 MR. MANNION: Look, I'm not going 12 to sit here and have her start saying things 13 that could potentially impact somebody's career 14 or license or anything else. 15 MR. PATTAKOS: What? 16 MR. MANNION: She's not going to 17 answer. You can take it up with the Judge. 18 She's not answering the questions today. You 19 can take it up with the Judge. It's the first 20 time I've told her not to answer and she's not 21 going to answer. 22 Q. Do you believe Rob Horton is a 23 dishonest person? 24 MR. MANNION: Objection. 25 You can answer, if you can.</p>

41 (Pages 490 - 493)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 494

1 A. Absolutely.
 2 Q. Why is that?
 3 A. He stole documents and he lied
 4 about it.
 5 Q. What did he lie about?
 6 MR. MANNION: Don't go any further.
 7 That's enough. She's not going to answer
 8 any more questions.
 9 Q. When you say, "He stole
 10 documents" --
 11 MR. MANNION: She's not going to
 12 answer any more questions on this. You can
 13 take it up with the Judge.
 14 Q. -- are you referring to the
 15 documents that he gave to me?
 16 MR. MANNION: Objection.
 17 Do not answer. He can take it up with
 18 the Judge.
 19 MR. PATTAKOS: Wow. Okay.
 20 Q. Do you know why Gary Petti was
 21 terminated?
 22 MR. MANNION: Objection.
 23 Go ahead. If you know, go ahead.
 24 A. I don't remember the specific
 25 details surrounding Gary Petti's termination.

Page 495

1 I have a vague memory of him making a lot of
 2 errors. And in my opinion, he wasn't that
 3 great of an attorney. I don't remember the
 4 exact specifics, but I remember there being
 5 issues over and over and over again.
 6 Q. What kind of issues?
 7 A. So one issue that I do remember,
 8 he -- there was a family that had signed liens.
 9 They signed a lien with the chiropractor at a
 10 chiropractor's office in Springfield, Ohio.
 11 And Gary Petti didn't pay the doctor for the
 12 client's medical bills. He gave the money to
 13 the clients and the chiropractor's office, they
 14 were very, very, very upset.
 15 Q. Because Petti didn't pay the
 16 chiropractors?
 17 A. Um-hum. The client signed a lien
 18 with the chiropractor's office.
 19 Q. And Gary Petti didn't protect the
 20 chiropractor's interests?
 21 A. He didn't -- the client signed a
 22 lien with that doctor's office and the
 23 chiropractor was expecting to be paid out of
 24 the settlement and he made a mistake.
 25 Q. And that's why you think he's a bad

Page 496

1 lawyer?
 2 A. Well, that's one of -- that's a
 3 specific example.
 4 Q. The only one you can remember?
 5 A. That stands out because I had to --
 6 there weren't any other chiropractors in
 7 Springfield, so.
 8 Q. Remember any other instances that
 9 support your opinion that Gary Petti is not a
 10 good lawyer?
 11 MR. MANNION: I'll object. Just,
 12 I mean, these are lay opinions. She's not a
 13 lawyer.
 14 THE WITNESS: Yeah.
 15 MR. MANNION: But go ahead.
 16 A. I don't really remember. I -- I
 17 just remember that there were issues over and
 18 over again. And I remember thinking to myself
 19 that if my mother was in an accident, I would
 20 never want Gary Petti to be her attorney.
 21 Q. The only specific issue you
 22 remember -- I just want to make clear. I want
 23 you really to try to remember any specific
 24 issues, because the only one you remembered so
 25 far is that he didn't pay a chiropractor money

Page 497

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.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 498	Page 500
<p>1 MR. MANNION: When was that, Peter?</p> <p>2 Q. Have you ever been to Springfield?</p> <p>3 A. I think that I have actually been</p> <p>4 there. It's down by Dayton. They don't have a</p> <p>5 lot of chiropractors there. I don't know why</p> <p>6 that stands out in my head, but it does.</p> <p>7 Q. Okay. I mean, as of 2016,</p> <p>8 Springfield's population was 59,000 people.</p> <p>9 That's a small town to you?</p> <p>10 MR. MANNION: Well, first of all,</p> <p>11 you're saying it has 59,000 people.</p> <p>12 MR. PATTAKOS: You don't believe</p> <p>13 what the census data says?</p> <p>14 MR. MANNION: I don't know. I</p> <p>15 haven't seen the census data, Peter.</p> <p>16 MR. PATTAKOS: Maybe you should</p> <p>17 look it up.</p> <p>18 A. I don't research the census of</p> <p>19 different cities and towns in Ohio.</p> <p>20 Q. Okay. Do you think Gary Petti is a</p> <p>21 dishonest person?</p> <p>22 MR. MANNION: Objection.</p> <p>23 A. Yes.</p> <p>24 Q. Why?</p> <p>25 A. Because --</p>	<p>1 A. I don't remember.</p> <p>2 Q. Do you believe Amanda Lantz is a</p> <p>3 dishonest person?</p> <p>4 A. Yes.</p> <p>5 Q. Why?</p> <p>6 A. There was a time that she called</p> <p>7 our receptionist a fat pig and then lied about</p> <p>8 it and other witnesses saw it --</p> <p>9 Q. Okay.</p> <p>10 A. -- so that stands out in my mind</p> <p>11 about Amanda Lantz.</p> <p>12 Q. Which receptionist?</p> <p>13 A. I don't remember the exact</p> <p>14 receptionist. I just remember the situation --</p> <p>15 Q. Who else was witness to this?</p> <p>16 A. -- and she was crying and her</p> <p>17 feelings were very hurt.</p> <p>18 Q. The person was crying and her</p> <p>19 feelings were hurt; and you don't remember who</p> <p>20 the person was?</p> <p>21 A. No. I just remember, I was just in</p> <p>22 shock that an attorney would behave that way.</p> <p>23 Q. And when did -- how did she lie</p> <p>24 about it?</p> <p>25 A. Well, she said that she didn't say</p>
Page 499	Page 501
<p>1 MR. MANNION: He doesn't practice</p> <p>2 law, so I'm not worried about his license.</p> <p>3 So go ahead.</p> <p>4 MR. PATTAKOS: Tom.</p> <p>5 MR. MANNION: I'm just telling her</p> <p>6 why I'm not objecting the same way as last</p> <p>7 time.</p> <p>8 A. -- I mean, he was emailing himself</p> <p>9 work documents. I found that to be</p> <p>10 inappropriate.</p> <p>11 Q. Do you have any other reason to</p> <p>12 think that Gary Petti is a dishonest person,</p> <p>13 besides the fact that he emailed himself</p> <p>14 documents from KNR?</p> <p>15 A. No.</p> <p>16 Q. Why does the fact that Gary Petti</p> <p>17 emailed himself documents from KNR indicate to</p> <p>18 you that he's a dishonest person?</p> <p>19 A. Those are work documents. I</p> <p>20 don't -- I don't take work documents and show</p> <p>21 them to people. I signed a confidentiality</p> <p>22 agreement when I took my job and I take that</p> <p>23 very seriously.</p> <p>24 Q. Okay. Do you know why Amanda Lantz</p> <p>25 was terminated?</p>	<p>1 it.</p> <p>2 Q. And who was a witness to this?</p> <p>3 A. I don't remember. I'm -- like</p> <p>4 these situations happened years ago --</p> <p>5 Q. I don't need you to explain to me</p> <p>6 why you don't remember. If you don't remember,</p> <p>7 you don't remember. Thank you.</p> <p>8 MR. MANNION: Do not cut her off</p> <p>9 again.</p> <p>10 Finish your answer.</p> <p>11 A. -- these situations happened years</p> <p>12 ago, so they're just tiny little fragments that</p> <p>13 kind of stand out in my mind.</p> <p>14 Q. You've said that many times. So</p> <p>15 Kelly Phillips, do you know why he was</p> <p>16 terminated?</p> <p>17 A. I don't remember the exact details.</p> <p>18 I know he couldn't get to work on time and that</p> <p>19 was an issue that had been addressed multiple</p> <p>20 times.</p> <p>21 Q. Were there emails about this?</p> <p>22 A. I don't know.</p> <p>23 Q. Do you remember any other reason</p> <p>24 why Kelly Phillips was terminated?</p> <p>25 A. You could ask Paul Steele why.</p>

43 (Pages 498 - 501)

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CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 502	<p>1 Q. Paul would know?</p> <p>2 A. Paul was very offended that Kelly</p> <p>3 couldn't arrive to work and he brought it to my</p> <p>4 attention multiple times.</p> <p>5 Q. Do you remember anything else about</p> <p>6 Kelly Phillip's work on KNR's cases that sticks</p> <p>7 out in your mind?</p> <p>8 A. I don't.</p> <p>9 Q. Do you believe Kelly Phillip is a</p> <p>10 dishonest person?</p> <p>11 A. I don't know him to -- to answer</p> <p>12 that question. I didn't know him well. He was</p> <p>13 at KNR for a very short time.</p> <p>14 MR. PATTAKOS: Tom, why is it that</p> <p>15 you are permitting the witness to testify about</p> <p>16 these other former employees and not about</p> <p>17 Horton?</p> <p>18 MR. MANNION: You can keep asking</p> <p>19 questions.</p> <p>20 BY MR. PATTAKOS:</p> <p>21 Q. So do you know why Rob Horton was</p> <p>22 terminated?</p> <p>23 MR. MANNION: Objection. She's</p> <p>24 not answering questions about Rob Horton.</p> <p>25 MR. PATTAKOS: So why is that, Tom?</p>	Page 504	<p>1 Q. How long did those meetings last?</p> <p>2 A. Three or four hours.</p> <p>3 Q. Three or four hours each?</p> <p>4 A. Um-hum.</p> <p>5 Q. With Tom?</p> <p>6 A. Yes. Well, yes.</p> <p>7 Q. Okay. Was anyone else in the room</p> <p>8 with you and Tom?</p> <p>9 A. Yes.</p> <p>10 Q. Who?</p> <p>11 A. Jim Popson.</p> <p>12 Q. Anyone else?</p> <p>13 A. Rob and John were kind of in and</p> <p>14 out.</p> <p>15 Q. Rob Nestico?</p> <p>16 A. Yes. And John Reagan.</p> <p>17 Q. And John Reagan, who is sitting in</p> <p>18 this room?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Were all of those people in</p> <p>21 all of those meetings?</p> <p>22 A. Popson was in and out. Mannion was</p> <p>23 in and out. And John Reagan and Rob Nestico</p> <p>24 were in and out, too.</p> <p>25 Q. Okay. Has Mr. Nestico ever</p>
Page 503	<p>1 What's the basis for that?</p> <p>2 MR. MANNION: I already put it on</p> <p>3 the record. You can bring it up with the</p> <p>4 Judge. She's not going to answer any more</p> <p>5 questions on it.</p> <p>6 BY MR. PATTAKOS:</p> <p>7 Q. So I know you reviewed that binder</p> <p>8 of documents that's marked as Exhibit 1 in</p> <p>9 preparation for this deposition. You said that</p> <p>10 you spent a few hours over three or four</p> <p>11 days -- a few hours each day for three or four</p> <p>12 days doing that, if I recall your testimony</p> <p>13 correctly. Did you do anything else to prepare</p> <p>14 for this deposition?</p> <p>15 A. No. I mean, I reviewed those. I</p> <p>16 met with Tom.</p> <p>17 Q. How long did you meet with Tom?</p> <p>18 How many times did you meet with Tom?</p> <p>19 A. Three or four.</p> <p>20 Q. When did those meetings take place?</p> <p>21 A. Oh, I'd have to look at my</p> <p>22 calendar.</p> <p>23 Q. Were they all in the last week or</p> <p>24 were they over the course of a month?</p> <p>25 A. Oh, they were all this past week.</p>	Page 505	<p>1 expressed his opinions to you about this</p> <p>2 lawsuit?</p> <p>3 MR. MANNION: You mean, outside</p> <p>4 the presence of counsel, I assume?</p> <p>5 MR. PATTAKOS: Sure.</p> <p>6 MR. MANNION: Outside the presence</p> <p>7 of me, Jim or anybody who represents the firm</p> <p>8 or you guys.</p> <p>9 THE WITNESS: Okay.</p> <p>10 A. We've talked about it.</p> <p>11 Q. What did you talk about?</p> <p>12 A. I don't remember exactly what Rob</p> <p>13 would have said about it. I know he's not</p> <p>14 happy about it --</p> <p>15 Q. Okay.</p> <p>16 A. -- he didn't have anything</p> <p>17 favorable to say. I just -- I don't remember</p> <p>18 exactly what his words --</p> <p>19 Q. Are you aware that KNR and</p> <p>20 Mr. Nestico have filed counterclaims against</p> <p>21 the name -- against the former KNR clients who</p> <p>22 have -- who are the plaintiffs in this lawsuit?</p> <p>23 MR. MANNION: And I'm just going</p> <p>24 to object.</p> <p>25 The questions he's asking now should only</p>

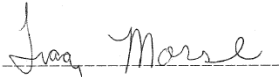
44 (Pages 502 - 505)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 506</p> <p>1 be answered if you know things outside of what 2 you learned from counsel. 3 A. I didn't know that. 4 Q. Okay. So you had said before, when 5 you were talking about Mr. Petti, that you 6 signed a confidentiality agreement with KNR. 7 A. Yes. 8 Q. And when did you sign that? 9 A. I don't remember. 10 Q. Do you remember what it says? 11 A. No. 12 Q. Did you sign it shortly after you 13 started working there? 14 A. I don't remember when I signed it. 15 Q. Okay. Do you remember what that 16 confidentiality agreement requires of you? 17 A. No. 18 Q. Well, you're here today and you 19 testified because you understand that your 20 confidentiality agreement doesn't apply to keep 21 you from providing testimony in this case, 22 correct? 23 MR. MANNION: I'm going to object. 24 She's not a lawyer. 25 But go ahead.</p>	<p style="text-align: right;">Page 508</p> <p>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</p>
<p style="text-align: right;">Page 507</p> <p>1 A. I don't understand the question. 2 Q. Well, you spent, you know, the last 3 day and a half testifying, providing 4 information about your experience with KNR and 5 you did so because you understand that your 6 confidentiality agreement doesn't apply to bar 7 you from doing that, correct? 8 MR. MANNION: Objection. She's not 9 a lawyer. 10 Go ahead, if you can. 11 A. Yeah, I don't know. 12 Q. Well, did anyone tell you that your 13 confidentiality agreement applied to your 14 testimony here today? 15 MR. MANNION: Wait, wait. When 16 you say, "Anyone" -- 17 First of all, I don't know if you've had 18 any conversations with anybody, but don't tell 19 him about any conversations with lawyers who 20 represent you. 21 But go ahead. 22 A. Yeah, I don't know what you're -- 23 Q. Okay. Do you understand that 24 Mr. Nestico and Mr. Redick are defendants 25 personally in this case, in addition to the law</p>	<p style="text-align: right;">Page 509</p> <p>1 possibility with Mr. Nestico or Mr. Redick or 2 anyone? 3 A. No. 4 MR. MANNION: Well, wait a minute. 5 "Or anyone," again -- 6 Q. Anyone who is not a lawyer. 7 A. No. I -- I don't feel like I did 8 anything wrong or that the firm did anything 9 wrong. 10 Q. Okay. Do you have anything else 11 you want to add to any of your testimony, 12 before we conclude? 13 A. No. 14 MR. PATTAKOS: Okay. That's a 15 wrap. Thank you. 16 EXAMINATION OF BRANDY GOBROGGE 17 BY MR. MANNION: 18 Q. Well, just real quickly, I don't 19 know if this is exactly correct, but it looks 20 like the capital moved to Columbus in 1816; and 21 before that, it was Chillicothe and Zanesville. 22 Do you happen to know when Springfield was the 23 capital, if it was at all? 24 A. No, I don't. 25 Q. No. Did you look up the population</p>

45 (Pages 506 - 509)

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

<p style="text-align: right;">Page 510</p> <p>1 of Springfield, before you came here? 2 A. No. I -- I didn't even think about 3 Springfield, before I came here. 4 Q. Do you think that -- have you ever 5 felt that Mr. Nestico or Mr. Kisling or 6 Mr. Redick or Mr. Reagan or any of the partners 7 at KNR ever asked you to do anything that you 8 thought was improper, illegal or unethical? 9 A. No, never. 10 MR. MANNION: Okay. That's all I 11 have. 12 MR. PATTAKOS: Okay. Thank you. 13 VIDEOGRAPHER: Off the record 1:01. 14 (Thereupon, the deposition 15 was adjourned at 1:01 p.m.) 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 512</p> <p>1 REPORTER'S CERTIFICATE 2 The State of Ohio,) 3 SS: 4 County of Cuyahoga.) 5 6 I, Tracy Morse, a Notary Public 7 within and for the State of Ohio, duly 8 commissioned and qualified, do hereby certify 9 that the within named witness, BRANDY GOBROGGE, 10 was by me first duly sworn to testify the 11 truth, the whole truth and nothing but the 12 truth in the cause aforesaid; that the 13 testimony then given by the above-referenced 14 witness was by me reduced to stenotypy in the 15 presence of said witness; afterwards 16 transcribed, and that the foregoing is a true 17 and correct transcription of the testimony so 18 given by the above-referenced witness. 19 I do further certify that this 20 deposition was taken at the time and place in 21 the foregoing caption specified and was 22 completed without adjournment. 23 24 25</p>
<p style="text-align: right;">Page 511</p> <p>1 Whereupon, counsel was requested to give 2 instruction regarding the witness's review of 3 the transcript pursuant to the Civil Rules. 4 5 SIGNATURE: 6 Transcript review was requested pursuant to the 7 applicable Rules of Civil Procedure. 8 9 TRANSCRIPT DELIVERY: 10 Counsel was requested to give instruction 11 regarding delivery date of transcript. 12 Thomas Mannion ordered the original transcript 13 expedited 6-day delivery. 14 Copy--Peter Pattakos, Regular 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 513</p> <p>1 I do further certify that I am not 2 a relative, counsel or attorney for either 3 party, or otherwise interested in the event of 4 this action. 5 IN WITNESS WHEREOF, I have hereunto 6 set my hand and affixed my seal of office at 7 Cleveland, Ohio, on this 23rd day of 8 October, 2018. 9 10 11 12 13  14 Tracy Morse, Notary Public 15 within and for the State of Ohio 16 My commission expires 1/26/2023. 17 18 19 20 21 22 23 24 25</p>

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

Page 514

1 Veritext Legal Solutions
 2 1100 Superior Ave
 3 Suite 1820
 4 Cleveland, Ohio 44114
 5 Phone: 216-523-1313

6 October 23, 2018

7 To: Mr. Mannion

8 Case Name: Williams, Member, et al. v. Kisling, Nestico & Redick, LLC,
 9 et al.
 10 Veritext Reference Number: 3066363
 11 Witness: Brandy Gobrogge, Vol. II Deposition Date: 10/17/2018

12 Dear Sir/Madam:

13 Enclosed please find a deposition transcript. Please have the witness
 14 review the transcript and note any changes or corrections on the
 15 included errata sheet, indicating the page, line number, change, and
 16 the reason for the change. Have the witness' signature notarized and
 17 forward the completed page(s) back to us at the Production address
 18 shown
 19 above, or email to production-midwest@veritext.com.

20 If the errata is not returned within thirty days of your receipt of
 21 this letter, the reading and signing will be deemed waived.

22 Sincerely,
 23 Production Department

24
 25 NO NOTARY REQUIRED IN CA

Page 515

1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS

3 ASSIGNMENT REFERENCE NO: 3066363
 4 CASE NAME: Williams, Member v. Kisling, Nestico & Redick, LLC
 5 DATE OF DEPOSITION: 10/17/2018
 6 WITNESS' NAME: Brandy Gobrogge, Vol. II
 7 In accordance with the Rules of Civil
 8 Procedure, I have read the entire transcript of
 9 my testimony or it has been read to me.
 10 I have made no changes to the testimony
 11 as transcribed by the court reporter.

12 _____
 13 Date Brandy Gobrogge, Vol. II
 14 Sworn to and subscribed before me, a
 15 Notary Public in and for the State and County,
 16 the referenced witness did personally appear
 17 and acknowledge that:
 18 They have read the transcript;
 19 They signed the foregoing Sworn
 20 Statement; and
 21 Their execution of this Statement is of
 22 their free act and deed.
 23 I have affixed my name and official seal
 24 this ____ day of _____, 20____.
 25 _____
 Notary Public

 Commission Expiration Date

Page 516

1 DEPOSITION REVIEW
 2 CERTIFICATION OF WITNESS

3 ASSIGNMENT REFERENCE NO: 3066363
 4 CASE NAME: Williams, Member v. Kisling, Nestico & Redick, LLC
 5 DATE OF DEPOSITION: 10/17/2018
 6 WITNESS' NAME: Brandy Gobrogge, Vol. II
 7 In accordance with the Rules of Civil
 8 Procedure, I have read the entire transcript of
 9 my testimony or it has been read to me.
 10 I have listed my changes on the attached
 11 Errata Sheet, listing page and line numbers as
 12 well as the reason(s) for the change(s).
 13 I request that these changes be entered
 14 as part of the record of my testimony.

15 I have executed the Errata Sheet, as well
 16 as this Certificate, and request and authorize
 17 that both be appended to the transcript of my
 18 testimony and be incorporated therein.

19 _____
 20 Date Brandy Gobrogge, Vol. II
 21 Sworn to and subscribed before me, a
 22 Notary Public in and for the State and County,
 23 the referenced witness did personally appear
 24 and acknowledge that:
 25 They have read the transcript;
 26 They have listed all of their corrections
 27 in the appended Errata Sheet;
 28 They signed the foregoing Sworn
 29 Statement; and
 30 Their execution of this Statement is of
 31 their free act and deed.
 32 I have affixed my name and official seal
 33 this ____ day of _____, 20____.
 34 _____
 35 Notary Public

 36 Commission Expiration Date

Page 517

1 ERRATA SHEET
 2 VERITEXT LEGAL SOLUTIONS MIDWEST
 3 ASSIGNMENT NO: 10/17/2018
 4 PAGE/LINE(S) / CHANGE /REASON
 5 _____
 6 _____
 7 _____
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 9 _____
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 11 _____
 12 _____
 13 _____
 14 _____
 15 _____
 16 _____
 17 _____
 18 _____
 19 _____

20 Date Brandy Gobrogge, Vol. II
 21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____
 22 DAY OF _____, 20____ .
 23 _____
 24 Notary Public

 25 Commission Expiration Date

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[& - 352]

Page 1

&	11/27/2012 338:15 485:22	1:01 510:13,15	216-523-1313 514:3
& 333:8 334:8 340:14 344:23 408:12 409:2,4,10 411:1 440:23 485:5 514:6 515:3 516:3	11/6/2013 337:22 445:21 11/8/2012 337:14 414:19 11/9/2012 337:19 438:20 473:19 1100 514:1	2 2 386:23 2/13/2013 337:11 411:6 20 414:24 416:9,11 435:16 490:7 515:16 516:22 517:22	216-928-3566 334:16 2250 334:10 23 340:3 343:4 344:17,20 476:25 514:4 23rd 513:7
1	11:00 386:7 424:2 424:15 429:14 11:03 430:4 11:25 430:6 12 345:21 352:22 352:25 480:12 486:11	2012 340:3 344:17 345:21 346:11,14 360:7 361:1 387:13 388:11,16 413:6 414:24 437:14 439:1,5 460:3,6 470:23,25 474:6 476:9 479:24 480:12,13 480:20,21 486:2	24 389:3,8 460:3,3 26 364:15,17 391:16 392:16 27 476:23 486:2 28 489:8,10
1 346:11,14 369:13 369:20,25 427:4 503:8 1,000.00 411:14,16 1.50 382:14 1/16/2013 336:16 375:2 1/23/2012 336:3,4 336:5 339:22 341:18 344:12 1/26/2023 513:16 1/28/2014 338:18 489:3 1/7/2014 338:16 487:19 10 476:24 480:20 10-7 434:9 10/17/2018 514:9 515:3 516:3 517:2 100 463:6 101 333:18 334:4 10:06 386:16 10:07 387:4 10:13 387:14 11 425:13 464:12 480:13,21 11/13/2012 337:17 437:8 11/19/2012 336:11 359:21 11/20/2014 337:15 416:4	12/19/2012 336:21 387:8 12/26/2013 337:4 391:10 12/3/2012 338:6,9 470:16 12427 513:13 12:30 490:13 12:31 343:5 12:43 490:15 13 392:16 411:11 437:14 1301 334:15 1375 334:10 14 479:24 481:9 15 476:23 16 375:7,12 17 333:14 339:2 383:16,19 477:1 18 390:9,11 1816 509:20 1820 514:2 19 360:7 361:1 387:13 388:11,16 413:6 468:22,25	2013 352:22,25 364:15,17 369:13 369:20,25 375:7 375:12 381:2 383:16,19 389:3,8 391:16 404:10,13 411:11 446:2,4 464:12 468:22 469:1 2014 390:9,11 400:14,17 416:9 416:11 435:16 487:24 488:3 489:8,10 2016 498:7 2016-09-3928 333:6 2018 333:14 339:2 513:8 514:4 216-344-9467 334:11	3 3 383:22 392:15 470:23,25 3/1/2012 336:8 346:7 3/12/2013 336:9 352:17 3/18/2014 337:3 390:4 3/26/2013 336:13 364:8 30 427:3 3066363 514:8 515:2 516:2 31 404:10,13 330-836-8533 334:5 332 393:25 334 335:2 336 335:3 339 335:5 336:3 341 336:4 344 336:5 345 336:7 346 336:8 352 336:9

Veritext Legal Solutions

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888-391-3376

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[359 - act]

Page 2

359 336:11	468 338:4	6	71 338:11 479:16
3600 334:15	47 336:13 364:7	6 427:3 446:2,4	479:18
369 336:14	470 338:6	511:13	72 338:13 480:1,5
374 336:16	473 338:9	6/11/2013 338:3	480:14
380 336:17	479 338:11	464:6	73 338:15 485:19
383 336:19	48 336:14 369:5,7	6/12/2012 336:7	485:21
387 336:21	480 338:13	345:13	74 338:16 487:16
388 336:23	485 338:15	6/18-19/2013	487:18
391 337:5	487 338:16	338:4 468:16	75 338:18 488:25
393 337:6	489 338:18	6/4/2013 336:17	489:2
4	49 336:16 374:24	380:22	8
4 381:2 400:14,17	375:1	60 337:12 412:23	8 415:3 476:22
40 336:3 339:17,18	5	412:25	8:30 397:17
339:19,21 342:6	5 386:24 387:1	61 337:14 414:16	9
344:21	464:16	414:18	9 411:21 439:1,5
40-75 335:8	5/1/2013 336:14	62 337:15 416:1,3	474:6 476:8,9,9
400 337:7	369:8	434:14	9/19/2012 337:12
41 336:4 341:14,17	5/14/2012 338:11	63 337:17 437:7,17	413:1
342:23 343:5,14	479:19	64 337:19 438:17	9/4/2014 337:7
411 337:11	5/9-11/2012	438:19	400:8
412 337:12	338:13 480:6	65 337:22 445:20	9:16 333:14 339:2
414 337:14	50 336:17 380:19	446:1	9th 334:10,15
416 337:15	380:21 424:3,14	66 337:23 459:19	a
42 336:5 344:9,11	430:11 431:2,15	460:4	a.m. 333:14 339:2
427-428 434:9	431:24	67 338:3 464:5,11	able 342:17
43 336:7 345:12,19	509 335:5	68 338:4 468:13,15	absolutely 424:8
346:2	51 336:19 383:9,15	69 338:6 470:15,22	440:5 494:1
437 337:17	512 335:6	7	accident 496:19
438 337:19	52 336:21 387:7,16	7 382:15,18 487:24	497:12
44 336:8 346:4,6	53 336:23 388:20	488:3	accounting 458:4
44114 334:11,16	388:22	7/17/2013 336:19	accurate 464:15
514:2	54 337:3 390:3	383:10	accusing 432:16
44333 333:18	55 337:4 391:7,9	7/24/2012 337:23	acknowledge
334:5	56 337:6 393:15,19	459:20	515:11 516:16
445 337:22	406:19	7/24/2013 336:23	acquaintance's
45 336:9 352:14,16	57 337:7 400:5,7	388:23	375:24
459 337:23	58 337:9 403:25	7/31/2013 337:9	acres 389:11
46 336:11 359:17	404:4	404:5	act 356:9 515:14
359:20	59 337:11 411:3,5	70 338:9 473:15,18	516:20
464 338:3	59,000 497:22	475:24	
	498:8,11		

Veritext Legal Solutions

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888-391-3376

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[acted - approves]

Page 3

acted 357:24	373:13 374:9	akron2 400:23	apparently 359:11
action 513:4	377:9 378:1,14,19	al 333:3,8 514:6,7	392:5,7 407:2
actual 408:15	379:5,24 380:16	alabama 449:17	427:11
add 509:11	382:8,21 384:20	alberto 334:20	appear 515:11
addition 492:23	385:5 393:5	allowed 433:7	516:15
507:25	395:17 397:14	allowing 441:18	appearances
additional 342:6	398:21 399:2,9	alyssa 336:8 346:7	334:1 335:2
address 370:5,19	401:9 402:24	amanda 454:6	appended 516:11
514:16	403:6 405:6 406:2	499:24 500:2,11	516:18
addressed 501:19	409:23 410:10	amount 414:5	applicable 511:7
adjourned 510:15	420:10,18,24	456:18	applied 507:13
adjournment	423:5,11 435:21	angelotta 398:14	applies 480:22
512:22	436:9,22 439:17	449:10 476:23	apply 506:20
adjuster's 489:24	441:24 442:11,20	answer 349:10	507:6
adjusters 489:20	443:20 444:15	384:9 404:24	appoint 350:21
adjustments	450:25 451:6,21	405:14 422:6	appointment
423:16	452:7,19 453:11	425:8 426:20	350:18 351:10,11
advances 479:8	454:23 455:22	434:8 445:16	351:20 353:3,14
480:18 481:6	456:21 457:13,24	457:7 467:12,15	353:17 354:5
482:2	458:9,16 462:9,19	493:17,20,21,25	355:3 356:25
affixed 513:6	463:20 464:1	494:7,12,17	357:10 361:17
515:15 516:21	465:15 470:10	501:10 502:11	362:22,25 364:23
aforesaid 512:12	472:14 474:21	503:4	365:18
ago 348:3 349:5	475:10 477:5,9,21	answered 349:19	appointments
354:18 372:23	478:19 479:2	350:4 366:25	350:11,12 351:4,8
379:8 416:15	481:15 482:11	370:24 377:8	353:22
424:3,14 478:1,4	485:17 490:22	379:23 380:9	appreciate 408:21
497:18 501:4,12	494:23,23 496:15	421:9 428:10,24	461:15
agree 397:12,15	499:3 506:25	429:16 481:14	approaching
402:7,19 409:13	507:10,21	484:5 506:1	433:13
agreement 499:22	akron 333:18	answering 396:5	appropriate
506:6,16,20 507:6	334:5 383:18,23	492:15,20 493:18	359:12
507:13	384:2,2,13 385:10	502:24	approval 415:5,14
agreements	385:16 388:10,15	answers 483:17	415:19
444:24	392:18,20 396:10	anybody 432:5	approvals 413:12
ahead 342:12,25	397:10,20 408:11	505:7 507:18	415:7
343:2 348:8 349:2	408:25 409:10,13	anymore 491:20	approve 403:16
350:5,15 352:7	409:15,20 410:6	491:21 492:4	405:1 412:2,19
353:12 354:9	410:17 460:18	apologize 364:14	approved 411:17
367:1 369:3	461:18,23,25	apparent 402:23	approves 404:19
372:14,22 373:5	462:2 465:1,8		

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[approving - based]

Page 4

approving 403:2 area 409:15 418:21 420:20 421:5 434:15 435:4,12,16 argue 433:21 arising 508:20 arrangements 446:10 449:12 450:14 451:17 arrive 502:3 asc 383:23 384:5 389:16 400:22 401:1 460:10,11 460:25 462:15 464:16 469:2,8 asked 344:3,7 350:3 365:10,23 366:24 370:23 377:7 379:22 380:8 403:17 412:13 421:8 429:5,6,9 434:13 435:10 437:19 451:11,13 455:10 474:4 481:13 484:5 510:7 asking 349:12,12 349:14 353:13,23 365:21 380:4 410:15,20 421:24 423:22,22,24 424:23 439:25 442:13 444:17,22 451:15 453:6,17 458:14 459:14 460:1,23 461:17 465:5,7,10 469:8 474:9 475:4,17,18 482:6 502:18 505:25	asks 360:3 443:18 487:5 ass 430:20 assigned 471:9,12 471:17,20 472:2 472:16,20 473:6 473:12 474:17,25 475:5,13,20 assignment 440:12 515:2 516:2 517:2 assistant 406:11 associate 432:7,8 associates 359:8 assume 476:22 505:4 assumes 342:10 436:20 attached 516:7 attend 486:12,13 486:14,18 attendance 340:6 attention 502:4 attorney 336:10 336:15,24 337:8 337:22,24 338:15 340:5 351:22 352:17 365:6 367:15 368:2 369:8 377:25 388:24 395:9 396:3,6,13 400:8 405:4 420:4,6,12 445:21 448:20,21 449:3,7 458:11,24 459:1,20 461:7 467:7,17,19,24 468:1,10 473:20 474:18 475:21 485:22 486:12 495:3 496:20 497:13 500:22	508:4,7,9,10,11,11 508:16 513:2 attorneys 336:11 336:18,20,22 337:11,17 350:20 351:10,24 352:25 353:20 356:23 359:21 360:10,19 362:20 364:8,17 365:3,8,9,10 366:1 366:23 367:13,19 367:22,25 368:5 368:15 369:24 374:4,16 380:23 381:5 382:4 383:10,18 387:8 387:17 389:6,13 390:4,11 398:20 398:25 399:3 400:16 403:15 404:5,13 405:12 406:9 411:6,13 413:10,10,11 414:11 420:13 436:6,16 437:9,22 443:8,13 444:24 446:5 451:3 456:18 457:6,17 457:22 458:6 460:9 462:7 464:14 466:19 468:4 470:7 471:3 471:10,13,17 472:2,17,25 473:1 473:5,12 476:10 476:14,21 477:3 477:17 478:8 479:7 480:16 481:18 482:13 486:4,18 489:23	attorneys.364 336:13 attorneys.390 337:3 attorneys.404 337:9 authorize 516:11 authorized 442:7 available 366:17 413:18 ave 514:1 aware 404:18 442:25 490:17 505:19 <hr/> b <hr/> b 413:14 back 352:10 387:24 388:5 408:23 437:3 442:15 488:8,15 514:16 bad 358:22 495:25 bag 378:5,7,8,21 378:25 379:10,15 379:18 380:13 381:20,23 382:6 384:3,8,23 385:3 385:12,14,15 388:9,15 389:18 389:20,22 390:17 390:23 392:15 437:24 438:1,6,12 bags 378:12 382:11,15 385:7 437:20 ball 367:11 bar 507:6 based 349:14 351:23 378:24 410:2 418:17 420:5 421:17
--	--	---	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[based - call]

Page 5

456:17 467:12 473:12 474:17 475:6,20 basic 402:16 444:6 444:16 basically 357:14 basis 485:15 489:18 503:1 bates 336:10,12,13 336:15,17,18,20 336:22,24 337:3,6 337:6,8,10,12,13 337:15,16,18,21 337:23,24 338:4,6 338:8,10,12,14,16 338:17,19 352:18 359:23 364:9 369:9 375:3 380:23 383:11 387:9 388:24 390:5 391:12 393:20 400:10 404:6 411:7 413:2 414:20 416:5 437:10 438:22 445:22 459:21 464:7 468:18 470:18 473:21 479:21 480:7 485:23 487:20 489:4 bc 370:6,13 bearing 459:5 bedford 416:17 417:15 behalf 334:2,7 373:6 377:10,11 443:9 behave 500:22 believe 394:5 417:10 423:6	425:15 492:8 493:22 498:12 500:2 502:9 benefit 373:2 best 351:18 352:12 367:7 421:21 426:20 452:14 465:25 better 342:18 351:16 365:13 373:1 418:14 477:18,23 beyond 457:7 bill 366:15 412:18 414:5,7,10 bills 414:13 440:21,24 441:13 441:17,20 443:15 444:1,3,11,25 460:17 465:18 466:3 467:2 490:1 495:12 binder 503:7 binding 444:10 bit 342:1 434:3 435:8 blank 396:10 407:7 408:5,12 blargan 454:5 bless 360:14,24 blur 454:1 boards 427:5 bone 399:11 book 356:19 451:8 453:1 booked 451:7 bothering 386:19 bottom 363:14 392:17 395:6,12 396:10 397:21 408:4 439:3	469:14,16,24 470:3 488:1 boy 454:4 branch 336:7 345:14 brand 472:24 brandy 333:12 335:4 336:3,5,6,8 336:9,10,12,13,15 336:16,20,22,24 337:3,5,8,10,12,14 337:16,18,20,22 337:24 338:3,5,7,9 338:11,17,19 339:3,23 341:19 344:13 345:14 346:8 352:18 359:22 364:9 369:9 375:3 383:11 387:9 388:24 390:5 391:11 400:9 404:6 413:1 414:19 416:5 424:23 437:9 438:21 445:22 459:16,21 464:7 468:18 470:17 473:20 479:20 487:20 489:3 493:3 509:16 512:9 514:9 515:4 515:9 516:4,13 517:20 break 386:8,9,21 424:2,10,14 425:13,21 426:6 426:13,15,18,21 428:14,25 429:4,8 429:14 430:9 431:11,23,25	434:13 490:8,10 breakdown 404:25 breaks 424:17 breanna 491:11 brewer 336:4,5,6 336:8,9 337:3,5,8 337:13,14,16,20 337:22,24 338:6 338:11,17,19 339:23 341:19 344:13 345:15 346:8 390:5 391:12 400:10 413:1 414:19 416:5 438:21 445:22 459:21 468:18 473:20 479:20 487:20 489:4 brian 448:18,19 484:17 bridgestone 492:6 bring 415:8 503:3 brisbois 334:9 brogan 432:23 broken 399:11 brother 448:3 492:8 brought 456:18 475:21 502:3 bullet 396:9 398:1 bunch 446:10 business 471:2 by's 381:13 c c 413:14 ca 514:25 calendar 503:22 call 350:10,11,18 351:9,10,22,22
--	--	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[call - chiropractor]

Page 6

353:9,13,16,24 356:24 357:11 361:15,21 362:21 363:7,15 364:25 365:10,12,20 366:4,6 383:2 395:18 397:11,18 398:6,14 404:24 405:18 414:6 432:4,24 433:5 441:6,7 442:23,24 456:22,23 468:9 called 367:3 396:20 397:16 405:3,11,12 500:6 calling 353:2 354:4 355:2 calls 394:18 396:11 404:23 405:17 407:7,17 408:5 camera 431:14 cancun 449:18,22 450:2 452:4,22 453:24 455:13,15 456:4 canton 446:25 capital 381:19 388:9 402:13 478:16,21 479:9 480:15 481:5,23 482:16 484:17 486:6,11 487:3,13 497:25 509:20,23 capitals 353:2 381:23 caps 361:15 caption 512:21 care 370:9 371:3 371:15 372:6 373:2	career 493:13 carefully 427:5 case 333:6 351:2 355:6,22 356:22 357:1,5 361:21 363:16 366:11 376:8 377:22 379:3 384:2 385:10,20 389:11 389:12 395:8 396:3 398:13,15 399:18 405:4 407:7,10,17 408:5 412:1 414:12 433:9 437:25 441:21 459:6 464:18 467:1 471:20 473:3 478:12 489:14,22 489:23 490:2 506:21 507:25 508:16,21 514:6 515:3 516:3 cases 357:4 368:3 384:18 399:4 400:22 401:1 407:13 409:9,14 411:23 412:21 421:18 422:19,20 427:7 428:1 469:2 469:8,21 470:7 471:9,12,16 472:1 472:16,19,24 473:2,5,12 474:16 474:25 475:6,21 476:13,19 477:2 477:19 478:9 480:22 484:18 502:6 cash 479:7 480:18 481:6 482:2	categorized 398:23 caught 460:13 467:20 cause 512:12 caused 383:2 cawley 446:18 cell 398:6 census 498:13,15 498:18 cerrato 338:13 480:7 486:10 certain 348:14 357:5 404:23 421:17 422:12,14 436:18 441:19 450:21 463:22 482:21 483:17 certainly 422:10 425:25 433:1 certificate 335:6 512:1 516:11 certification 515:1 516:1 certified 457:5 certify 512:8,19 513:1 chance 474:7 change 396:17 467:12,15 491:1 514:14,15 516:8 517:3 changed 350:24 352:5 458:1 472:21 473:9 474:22 475:3 484:2 changes 490:17,18 514:13 515:7 516:7,9	characterization 419:2 charges 508:20 charts 464:15 465:5 chase 381:15 checks 340:13 341:9 344:22 347:25 348:13,21 350:1 chillicothe 509:21 chiro 353:2 354:4 355:2 369:19 370:8,13 371:2,12 374:16 375:17 376:11 389:4,7 390:17,20 411:23 411:23 412:15,21 427:5 chiropractic 364:2 372:6 373:2,8 383:23 390:18,21 390:24 409:15 410:5 416:18 422:25 423:1 438:2,7 462:24 465:2 chiropractor 343:19,23 351:11 351:22 353:14,16 355:18 356:24 357:7 361:6,23 363:1,11,18 364:4 364:23,25 365:2 365:13,18,20 366:5,7,22 367:5 367:14,24 372:10 376:16,18,23 377:15,16 379:12 391:3 396:21 403:3 404:11,14
---	---	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[chiropractor - completed]

Page 7

404:19,23 405:1,3 412:17 413:19 414:4 421:19 422:20 423:7,16 427:8 446:19,20 447:17 461:23 495:9,23 496:25 497:3 chiropractor's 350:11 361:16 362:21 363:7 462:5 466:5 495:10,13,18,20 chiropractors 346:25 347:7,8 348:14,16,23,25 349:24 350:1,10 353:9,24 362:3 367:18 368:6,14 368:17,25 374:5 377:19 380:14 391:6 405:10,12 410:4,12 419:15 420:1 421:17 422:1,9,13,18 423:14 426:4 434:21,24,25 435:2,3 436:19 452:17 453:7 462:5 495:16 496:6 497:4 498:5 chiros 340:14 341:10 344:23 381:14 384:18 choice 418:10 421:21 423:8 427:22 chosen 463:17,19 chris 454:5 cincinnati 343:23	ciro 338:13 480:6 486:5,10 488:7,12 cities 498:19 civil 511:3,7 515:5 516:5 claim 489:24 claims 463:10 clarification 411:22 412:20 clarified 461:10 461:12 clarifies 411:20 clarify 483:1,7 class 457:4 classify 399:17 clear 423:23 496:22 clerk 334:21 cleveland 334:11 334:16 447:1 448:24 513:7 514:2 client 350:12 351:9,19,19 357:10 358:22 361:17,18,21,22 362:22 363:16,17 364:1 365:6 366:9 366:16 367:3,8,13 367:17 373:1,10 376:24 377:4,11 378:24 379:10 383:2 384:4 395:1 395:7 396:2 413:13 415:18 420:5 421:15 439:14 440:4 441:4,15,16 442:21 444:2 464:18 482:17,20 491:9 495:17,21	497:1 client's 372:25 378:9 389:23 392:4,4,13,14 440:19,21,24 441:13,20 442:9 443:11,14 444:1 444:10 465:25 495:12 clients 350:18 351:7 353:10 357:6 362:3 363:10,19 365:14 368:17,24 369:1 372:9,10,11 374:5 374:6,17 377:19 391:3 397:18 418:16 419:11,11 419:18 420:1,3 421:2,16,16 427:20,23 428:2 434:16,23 435:15 442:3,6,22 443:8 453:9 462:17 465:17 466:24 479:4,9 482:9 489:19 495:13 497:5,6 505:21 clinic 409:15,19 410:5,7 438:13 447:2 close 386:7 409:20 409:21 closed 406:13 closely 427:2 coach 356:12 columbus 343:19 438:2,6 509:20 come 394:5 417:13 488:5	comes 356:22 362:19 419:15 421:19 422:17,17 440:12 command 354:6 354:11 371:21 402:8,14,17,19,20 comment 432:16 444:18 comments 354:24 431:3 433:24 commission 513:16 515:19 516:25 517:25 commissioned 512:8 common 333:1 368:5 373:18 397:10 402:1,2 communicate 440:17 477:12 communicating 371:16,18,20 communication 410:12 comp 407:13 companies 482:14 482:22 484:4,9 company 363:20 363:24 443:22 445:8 461:5 467:4 478:22,24 479:4,8 480:18 481:23 482:18 484:8,21 484:24 485:14 486:19,22,23,25 comparable 410:6 410:17 completed 512:22 514:16
---	---	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[completely - day]

Page 8

<p>completely 357:17 362:6 475:9</p> <p>computer 489:10</p> <p>concern 433:1</p> <p>concerned 367:2 461:18</p> <p>concerning 439:2</p> <p>concerns 432:2 436:6,14,17</p> <p>conclude 509:12</p> <p>conclusion 443:19</p> <p>conduct 434:1</p> <p>confidentiality 492:22 499:21 506:6,16,20 507:6 507:13</p> <p>confirm 410:21</p> <p>confirms 345:22</p> <p>confused 423:23 435:25 441:25</p> <p>connect 465:20</p> <p>connecting 465:19 465:21</p> <p>considered 508:3 508:8,18</p> <p>consistent 361:25</p> <p>consistently 363:21</p> <p>constant 410:3,12</p> <p>constantly 427:6</p> <p>construct 402:17</p> <p>contact 489:24</p> <p>contacting 405:1</p> <p>contains 437:21</p> <p>context 373:25 380:3</p> <p>continue 425:9</p> <p>continued 333:12 337:1 338:1 339:3 483:21</p>	<p>contradicting 431:6</p> <p>convention 452:8</p> <p>conversation 432:10</p> <p>conversations 410:3 432:7 436:12,25 489:19 489:20,20 507:18 507:19</p> <p>copied 370:22 403:22 406:6</p> <p>copies 339:8,10</p> <p>copy 356:19 394:24 408:17 511:14</p> <p>copying 346:15 352:25 360:11,19 369:24 381:5 389:6 390:11 392:19 400:16 437:22 439:5 476:10 486:4</p> <p>correct 341:1 345:23 348:6 350:13 354:2 360:12 361:1 368:6,18 369:1,25 370:10 375:10 376:5,8 380:10 381:13,15 382:24 383:24 389:24 393:3,17 398:17 398:25 399:7,12 399:13 400:18 402:9,21 403:16 404:14,16,20 405:4 409:15 414:9 418:2 420:16 426:25 427:8 434:16</p>	<p>439:15 440:22 441:5 443:6 446:6 456:19 458:7 459:1 465:2,6,12 471:6 473:13 477:3,7,12 478:24 479:10 481:19 489:11,12 506:22 507:7 509:19 512:17</p> <p>corrections 514:13 516:17</p> <p>correctly 370:15 382:1 416:22 440:8 446:12 464:22 469:7 480:24 503:13</p> <p>correspondence 489:22</p> <p>cost 382:9,10,17 382:19</p> <p>counsel 489:25 505:4 506:2 511:1 511:10 513:2</p> <p>counter 463:8</p> <p>counterclaims 505:20</p> <p>country 408:12 409:2,4,10 411:2</p> <p>county 333:1 390:25 512:4 515:10 516:15</p> <p>course 357:25 382:25 423:21 435:20 503:24</p> <p>court 333:1 335:8 356:1 358:10,16 430:16 433:2,22 515:7</p> <p>cover 432:13,17</p>	<p>crazy 345:23</p> <p>create 394:12 440:11</p> <p>created 394:10</p> <p>creates 458:3,5</p> <p>criminal 508:19</p> <p>criticized 458:6,10</p> <p>cruise 452:23</p> <p>crying 500:16,18</p> <p>crystal 367:10</p> <p>csgonline.net 400:23</p> <p>current 384:4 440:12 472:23</p> <p>currently 491:18</p> <p>custody 335:7</p> <p>customer 410:13 488:7,12</p> <p>cut 501:8</p> <p>cuyahoga 512:4</p> <p>cv 333:6</p> <p style="text-align: center;">d</p> <p>daily 381:15 485:15</p> <p>damage 399:6</p> <p>dash 340:21</p> <p>data 498:13,15</p> <p>date 360:5 364:13 369:19,20 393:24 473:25 474:4 475:2 511:11 514:9 515:3,9,19 516:3,13,25 517:20,25</p> <p>dated 364:17 369:24 375:12 404:13</p> <p>day 349:13 351:17 388:7 482:3 483:5 483:9 503:11 507:3 511:13</p>
--	---	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[day - doctors]

Page 9

513:7 515:16 516:22 517:22 days 463:7 481:8,9 503:11,12 514:19 dayton 498:4 dealer 433:17 dear 514:10 death 398:13 december 340:3 387:13 388:11,16 391:16 392:16 470:23,25 decide 405:22 decided 477:24 decides 405:19 decipher 422:3 decision 443:11 declarative 402:18 deduct 441:18 deed 515:14 516:20 deemed 514:20 defendant 334:7 defendants 333:9 507:24 defense 489:25 definitely 453:16 456:10 delivered 378:10 378:21 382:12 389:22 deliveries 390:17 437:24 438:13 delivery 379:14,16 379:19 380:7 389:14,17,19 390:13 511:9,11 511:13 demand 461:4,20 deny 472:8	denying 472:5 474:1,15,16 department 394:20 458:4 514:22 depend 457:25 458:19 depended 351:18 depending 351:2 deposition 333:12 339:21 341:17 344:11 345:12 346:6 352:16 359:20 364:7 369:7 375:1 380:21 383:9 387:7 388:22 390:3 391:9 393:19 400:7 404:4 411:5 412:25 414:18 416:3 424:18 437:7 438:19 445:20 459:19 464:5 468:15 470:15 473:18 479:18 480:5 485:21 487:10,18 489:2 503:9,14 510:14 512:20 514:9,12 515:1,3 516:1,3 description 336:2 337:2 338:2 desk 406:11 destinations 452:15 455:11 details 417:21 456:6 494:25 501:17	determine 405:2,8 determined 450:17 devin 408:14 dianetti 491:11 difference 381:24 422:11,23,24 426:2,20 different 347:7 350:22,22 351:1 351:15 352:10 365:6 366:18 377:6 379:21 384:17 391:6 419:14 420:1 422:4,15 423:15 423:19,20 447:12 452:2 453:4,14 468:8 498:19 differently 398:16 398:22,24,25 421:25 difficult 348:9 435:9 466:6 direct 362:2 381:17 directed 479:7 directly 364:25 365:20 443:5 directs 381:14 disbursements 415:6,6 discoverability 459:6 470:9 discovery 463:4 discuss 413:18 discussed 353:4 354:15 508:25 discussions 354:16 354:18	dishonest 493:23 498:21 499:12,18 500:3 502:10 disk 400:4 dispute 392:10 distribute 476:19 distributed 398:24 418:23 476:13,14 477:3 doc 375:19 doctor 351:8,8 357:11 363:11,22 365:11,11,14,15 365:25 366:4 368:18 369:1 372:6,12,25 373:7 373:7,11,15 376:14,21,25 377:5,13 384:12 405:17,18 412:9 414:4 418:25 419:12,13 421:2 423:2,17 427:19 427:22 428:4 439:14,21 446:19 447:24,25 448:6 452:13 466:2,25 495:11 497:7 doctor's 442:8 444:25 462:24 466:4 495:22 doctors 347:13,14 347:19,21,23 350:17 364:25 365:20 376:20 418:18,19,21,24 419:6,15 420:2,20 421:25 422:14,17 423:14 426:3 427:12 429:10 434:15 435:1,5,12
---	--	---	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[doctors - estimate]

Page 10

440:19 441:5	385:8,11,13	347:10,16 348:2	481:12,17,24
442:7,23 443:6	396:15,18 401:6	349:4,13 350:7	485:22 486:3,7
452:9,16 453:7	401:10 416:16,25	352:17,24 353:5,7	487:5,19,25 488:2
455:2 456:1	417:6 421:3	356:22 358:3,7	489:3 490:24
462:10	427:19,24 428:5,7	359:21 360:3,18	514:17
document 337:6	435:11,11 436:7	361:3 362:4,19	emailed 463:11
340:12 341:5	436:11 446:18	364:8,16,19,21	499:13,17
345:2 355:1	447:5,8 460:22	369:8,23 370:2	emailing 398:7
362:15 392:3,7	dragged 431:18	372:4,24 373:24	450:13 499:8
393:20 394:3,10	draw 375:8	374:2,14 375:2,9	emails 337:11
394:13,22,24	drove 345:23	375:14 379:18,25	348:6 350:19
395:23 408:17,24	duly 512:7,10	380:6,22 381:3,8	379:7 385:19
434:14 436:2	dvd's 381:22	382:4 383:10,17	387:25 388:5
437:21 439:3		383:20 387:8,16	411:6,15 427:2
467:24 468:25	e	387:20,22 388:12	451:17 462:14,14
474:5,10,16	e 340:21,21,21	388:23 389:5,8,12	463:1 465:10,16
documenting	earlier 434:12	390:4,10,14	487:11 501:21
363:22	437:20 467:18	391:10 400:8,15	empathize 358:24
documents 339:8	easier 351:21	400:23 402:6	employee 394:6
339:12 350:9	352:12 413:14,21	403:14 404:5,12	employees 362:20
357:21 386:3	easily 413:25	404:16 411:12	381:4 436:17
463:4,7 494:3,10	east 334:10,15	413:1,7,8 414:19	437:22 444:10
494:15 499:9,14	either 357:24	414:25 415:8	452:16 463:24
499:17,19,20	359:9 364:24	416:4,10,12	481:19 502:16
503:8	365:12,19 366:3	420:12,19,25	employer 432:13
doing 353:18	371:21 388:6	423:9 427:13,15	enclosed 514:12
355:12,13,16	406:12 430:24	437:8,21 438:3,10	ensure 427:6
356:3 358:20	447:20 454:3,19	438:20 439:5,8	entered 516:9
359:4 362:7 370:6	513:2	444:23 445:6,10	entire 360:2 515:5
439:24 471:10,13	email 336:3,4,5,7	445:21 446:3,11	516:5
471:17 476:15	336:8,9,11,13,14	449:11 451:12	eric 446:22
503:12 507:7	336:16,17,19,21	459:16,20 460:8	erieview 334:15
dominican 449:23	336:23 337:3,4,7,9	460:14,16 461:24	errata 514:14,19
450:2 452:4,22	337:12,14,15,17	462:2 463:13	516:7,10,18 517:1
453:21 454:1,25	337:19,22,23	464:6,13,24 465:7	errors 495:2
455:14,16,17	338:3,4,6,9,11,13	466:11,13 468:16	especially 370:14
door 381:20 382:6	338:15,16,18	468:23 469:14,24	466:7
406:13,14	339:22 340:3,25	470:3,16,24 471:1	esq 334:4,9,14,20
dr 340:17 346:18	341:18 342:8,9,15	472:4,6,10 473:19	334:20,21
346:19,19,19,20	342:18 343:6	477:6,13 479:12	estimate 382:15
384:2,11,24 385:3	344:12,20 345:13	479:19 480:6	410:4,16
	346:7,13,21 347:5		

Veritext Legal Solutions

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888-391-3376

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[et - firm]

Page 11

et 333:3,8 514:6,7 evenly 418:23 476:13 event 513:3 events 508:20 everybody 481:5 481:11 evidence 436:21 exact 373:25 450:3 452:25 473:7 495:4 500:13 501:17 exactly 362:4 373:18 471:15 497:9 505:12,18 509:19 examination 335:4 339:3 509:16 example 399:14 496:3 excellent 484:17 exception 377:20 exchange 488:2 exclamation 365:3 464:21 excuse 359:2 360:13 410:25 482:4 executed 516:10 execution 515:14 516:19 executive 406:10 exhibit 335:7 336:3,4,5,7,8,9,11 336:13,14,16,17 336:19,21,23 337:3,4,6,7,9,11 337:12,14,15,17 337:19,22,23 338:3,4,6,9,11,13 338:15,16,18	339:19,21 341:14 341:17 342:6,23 343:5,14 344:9,11 344:21 345:12,19 346:6 352:14,16 359:6,16,20 360:9 364:7 369:5,7 374:24 375:1 380:19,21 383:9 383:15 387:7,16 388:20,22 390:3 391:7,9,23 393:15 393:19 400:5,7 403:25 404:4 406:19,24 411:3,5 412:23,25 414:16 414:18 416:1,3 434:14 437:5,7,15 438:17,19 445:20 446:1 459:19 460:4 464:5,11 468:15 470:13,15 473:15,18 475:24 479:16,18 480:5 485:19,21 487:16 487:18 488:25 489:2 503:8 exhibits 335:3,8 336:1 337:1 338:1 339:16 expect 433:24 expecting 495:23 expedited 511:13 expensive 382:11 experience 507:4 experienced 399:3 459:1 473:1 expiration 515:19 516:25 517:25 expires 513:16	explain 342:18 353:4,7 382:10 399:20 413:15 414:2 501:5 explained 368:11 explaining 466:16 express 381:12 expressed 505:1 expressions 444:21 474:4 extensions 398:7 extensive 398:13 399:22,23 extraneous 354:24 f f 334:14 f'ing 345:23 face 345:1 508:19 facial 444:20 474:3 facilities 466:4,4 fact 389:22 401:6 430:10 499:13,16 facts 436:21 fair 358:19 family 372:6 373:15 375:18 376:25 377:5 419:13 495:8 far 386:6,7 457:6 496:25 fat 500:7 favorable 505:17 fax 415:6 faxes 415:18 february 411:11 fee 340:13 341:9 344:22 347:12 412:1,6,7,10,18 491:8	fee's 411:13,16 412:8 feel 375:17 445:12 445:18 449:19 508:6,12,23 509:7 feeling 497:8,11 497:16 feelings 500:17,19 fees 343:15 346:17 346:25 347:9,14 347:20 412:3,4,6,9 440:19,20 442:8 456:18 491:1 felt 510:5 field 376:20 filed 490:20 505:20 files 403:13,20 406:4,8,9,14 find 400:1 413:25 435:9 514:12 fine 386:13,25 432:2 445:11 454:2 459:25 finish 341:23 349:8 451:10 490:7 501:10 finished 464:19 466:25 firm 333:17 334:3 346:24 350:9 351:13 352:5 353:9,15 356:23 357:2 359:10 362:1,2,24 366:12 367:5 368:21,24 371:16,18 372:9 373:9 376:5 377:18 378:23 380:12 382:17,25 384:18 396:4
---	---	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[firm - glitches]

Page 12

398:16 399:17 407:8 409:11,14 410:8 421:15 422:12,19 423:1 427:1,7,10 439:19 439:20 440:2,4,18 441:12 442:2,5,8 442:25 443:3,4,25 444:10 448:24 456:16 457:10,14 457:22 458:24 470:6 472:16 475:5,7,19 478:23 479:8 481:11 482:2,19,21 484:16 485:14 491:14,19 492:4 505:7 508:1 509:8 firm's 374:16 419:18,24 426:2,3 436:6,7,16,18 442:6 444:9,9 453:8,8 462:17 477:14 478:16 479:7 490:25 firms 410:17 first 353:5 361:20 363:15 365:24 384:14 398:14 407:1,2 411:15 416:21 418:5,5,8 418:11 419:4,9 420:8,22 421:1,7 421:20 422:16 423:8 427:17,21 428:7 434:13 439:4 446:21 447:18 480:14 484:7 488:3 493:19 498:10 507:17 512:10	firsthand 428:4 five 346:25 347:7 347:23 349:24 354:18,19 452:1 florida 449:17 floros 340:14 343:16 344:23 346:19 396:15,18 401:6,10 447:4,5 460:22 focus 468:24 folder 413:13 follow 428:25 442:17 469:3,8 following 346:17 469:21 476:20 forced 431:10 foregoing 512:16 512:21 515:13 516:18 forget 348:13,18 forgetting 347:25 348:5,5,21 form 349:1 350:14 352:6 353:11 367:20 369:2 372:13,21 373:12 374:8,19 377:23 378:13,18 379:4 380:15 382:7,20 384:19 385:4 393:4 395:16 396:23 397:13 398:18 399:1,8 401:8 406:1 409:22 410:9 419:19 420:9 421:22 422:22 423:4,10 436:8 439:16 441:8,22 442:10,19 444:14	451:20 452:18 453:10 455:21 456:20 457:23 458:8,13 462:8,18 470:9 477:4 478:18 485:16 former 384:4 502:16 505:21 forth 388:6 forward 514:16 forwards 413:9 found 499:9 four 421:9 432:25 481:9 503:10,11 503:19 504:2,3 fourth 408:4 fragments 501:12 frame 386:17 franklin 437:24 438:1,5,12 frankly 451:17 free 515:14 516:20 frequently 370:5 372:19 373:21,22 414:9 friend 375:21,24 front 343:11 431:14 frustrated 497:8 fu 469:2,3 full 414:5 funding 480:16 486:6,11 funny 430:23 further 415:5,15 476:17 481:22 494:6 512:19 513:1	g gary 337:18 338:7 338:10,12 437:10 470:17 473:20 476:21 478:12 479:20 484:15 485:1,4 494:20,25 495:11,19 496:9 496:20 497:8 498:20 499:12,16 gates 491:18,22 gathering 466:2 georgia 449:17 gesundheit 360:15 360:23 getting 382:24 423:13 431:7 460:13 484:18 ghent 333:18 334:4 ghoubrial 416:20 418:1,1,6,13 419:4 419:8,12 420:8,16 420:22 421:6,20 422:16 423:8 427:16,18,21 428:3,7 435:11 436:7,11 448:6 give 350:2 369:18 404:25 406:13,16 406:19 408:19 411:18 425:8 445:16 511:1,10 given 392:8 418:10 427:21 474:24 475:13 512:13,18 giving 354:5,11 402:7,18 glitches 481:24 485:8
---	---	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[gmp000004-5 - head]

Page 13

gmp000004-5 338:8,10 470:18	458:16 462:9,19 463:20 464:1	455:25 459:3,4 461:13 462:25	h
gmp000022 337:15 414:21	465:15 470:10 472:14 474:21	469:2 470:8 477:2 482:23 490:21	half 354:19,20 507:3
gmp000027-28 337:19 437:11	475:10 477:5,9,21 478:19 479:2	493:6,11,16,21 494:7,11 503:4	hand 346:2 378:10 378:21 382:12 403:12 406:4,7,9 421:14 513:6
gmp000041-42 473:21	481:15 482:11 485:17 490:22	505:23 506:23 golf 449:15,19 450:8,9,11	handbook 394:6,8 handed 403:20 474:11
gmp000047-48 337:21 438:23	491:8 494:6,23,23 496:15 499:3	golfing 450:9,12 good 339:5,6	handful 451:22,24 451:25
go 339:10 342:12 342:25 343:2 348:8 349:2 350:5 350:15 352:7 353:12 354:9 359:7 367:1,14 369:3 372:14,22 373:5,13 374:9 377:9 378:1,14,19 379:5,24 380:16 382:8,21 384:20 385:5 388:10,15 389:15 390:18 393:5 395:17 397:14 398:5,21 399:2,9 401:9 402:24 403:6 405:6 406:2 408:23 409:23 410:10 417:12 420:10,18,24 423:5,11 429:7 435:21 436:9,22 437:3 439:17 441:24 442:11,20 443:20 444:15 450:7,9,21,25 451:6,21 452:7,19 453:11,19 454:23 455:5,22 456:21 457:13,24 458:9	506:25 507:10,21 goal 456:25 457:10,11 468:3 468:11 469:6,10 470:3 goals 457:15 458:7 458:12,25 461:3,7 464:21 465:22 466:20,23 467:7,9 467:13,17,24 468:1,5,7,10 469:18,20 470:1 gobrogge 333:12 335:4 339:3 356:21 509:16 512:9 514:9 515:4 515:9 516:4,13 517:20 god 483:18 goes 378:8,20 472:25 going 339:10,15 343:3 349:16 356:4,6,7 362:4 363:20,21,24 368:19 403:5 422:21 425:7,9 431:16 433:20 434:5 435:17 440:11,23 442:16 445:2 450:11,16	418:15 419:11,12 421:1,2 427:19,22 427:23 428:4 455:24 490:11 496:10 grab 406:24 graduates 472:24 grammar 402:23 grammatical 402:17 great 495:3 group 338:7,9 452:12 470:17 471:1 guarantee 439:14 440:3 guaranteeing 439:20 440:18 441:12,17,18 guess 348:19 351:17,25 408:23 410:16,19,22 423:13 450:15 458:21 guy 417:4,8 418:16 427:24 473:2,4 488:8 guys 341:25 346:2 401:23 505:8	handling 346:3 369:17 handle 443:9 477:18 478:12 handled 393:1,3,7 393:12 472:2 478:9 handling 376:8 399:4 405:4 hanging 455:1 456:1 happen 351:12 362:14 424:17 458:11 509:22 happened 351:1 374:11 414:8 416:24 477:7 501:4,11 happening 379:8 444:7 451:19 475:2 481:2 happens 370:4 372:19 373:20,22 happy 505:14 harassed 433:18 hard 413:8 hazelet 334:21 head 378:3 483:12 498:6

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[heading - informing]

Page 14

heading 364:18 392:14 headphones 430:17 healthcare 451:4 454:9 455:13,19 462:16 463:16 465:11 hear 377:3 430:17 430:20,21 432:10 433:5 heard 430:16 436:1 help 462:6 464:20 466:22 467:2 helping 466:19 hereunto 513:5 herniation 400:2,4 hi 340:8 high 381:7 387:18 387:20,25 390:13 416:11 437:24 439:6 476:11 highly 387:23 hillary 338:5 468:17 469:6,9,25 hire 508:16 histrionics 359:2,3 hochman 416:16 416:25 417:6 420:15 421:3 427:19,24 428:5 435:11 hold 361:14 363:7 holland 384:2,11 384:24 385:3,8,11 385:13 holly 336:18 360:11,20 380:23 381:3,8,11 382:3 382:22 390:12	394:11 476:11 holly's 382:23 home 389:23 honest 358:19 honestly 342:16 horton 336:16 337:5 375:2,10 376:7 391:11 392:7,17 448:14 448:14 454:6 476:25 477:1 492:10,23 493:22 502:17,21,24 horton's 491:17 hospital 461:25 462:23 hospitals 462:10 466:5,7 hotel 456:5 hour 398:2 hours 396:11 397:11,17 398:3,3 401:11 409:1 471:2 503:10,11 504:2,3 house 378:10 huff 404:2 hum 388:8 396:25 407:11,15,19 448:1,5,7,10 449:5 449:9 478:10 495:17 504:4 hundreds 388:6 hurt 500:17,19	401:3 411:25 415:11,12,16,17 415:24 450:20 463:22 479:13 485:10,12 486:17 identification 339:25 341:20 344:15 345:16 346:9 352:20 359:25 364:11 369:11 375:5 380:25 383:13 387:11 389:1 390:7 391:14 393:22 400:12 404:8 411:9 413:4 414:22 416:7 437:12 438:24 445:24 459:23 464:9 468:20 470:20 473:23 479:22 480:10 485:25 487:22 489:6 identified 455:13 455:15,15 identify 455:11 ignore 404:1 432:15 ii 514:9 515:4,9 516:4,13 517:20 illegal 510:8 impact 413:16 493:13 impatience 401:14 impatient 396:16 396:19 401:7,11 401:12 408:25 imperative 361:19 362:23	importance 381:7 381:12 387:19,20 387:25 390:13 416:12 437:25 439:6 476:11 important 372:8 372:16 387:23 388:3,4 imposed 456:16 impossible 391:2 improper 510:8 inappropriate 357:17 424:12 483:21 499:10 inaudible 357:22 included 514:14 including 344:24 360:3 451:16 inconsistent 428:23 incorporated 516:12 incorrectly 398:3 index 335:1,3 336:1 337:1 338:1 indicate 499:17 indicates 392:17 indicating 369:15 398:10 429:25 514:14 infer 372:4 information 342:7 382:24 396:12 398:8 400:25 406:20 413:17,24 415:18 466:6 489:25,25 490:3 507:4 informed 396:2,6 informing 420:12
	i		
idea 344:6 345:4 349:23 374:21 378:2 379:9 388:14 392:24 393:8,11 394:25 395:21 397:5			

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[initially - know]

Page 15

initially 482:24	471:10,13,17	itemize 446:15	502:18 506:20
injuries 363:22	472:2,17 473:13	j	keeps 425:5
397:22 398:14,17	474:18 475:6,20	j 334:20	kelly 501:15,24
399:22 476:12	476:15,24 477:18	january 343:4	502:2,6,9
injury 383:19	intended 440:17	344:17,20 487:24	ken 408:14 454:24
384:2,13 389:11	477:11 483:25	488:3 489:8,10	476:24
397:20 398:15	interest 351:18	jason 343:25	kept 348:5
399:5,5,12,15,18	367:8 466:1	345:22 449:6	kevin 491:18,24
435:5 470:6	interested 513:3	476:22	492:1
inside 378:8,21	interesting 344:25	jeez 429:23	kidding 358:2
483:12	345:7 463:9 484:1	jenna 400:17	kim 454:4
instances 436:5,15	interests 495:20	jennings 337:21	kind 351:15
436:16 496:8	interjections	438:22	374:11 378:3
497:10	434:4	jim 504:11 505:7	417:19 423:13
instructed 342:9	internet 383:1	job 349:11 382:23	441:25 448:2
342:11,14 385:1	interoffice 388:6	492:5,9 499:22	451:16 454:1
415:13 438:9	investigator 446:6	john 334:20	495:6 501:13
instructing 356:23	448:9 491:1	430:15 454:6	504:13
365:7 443:22	investigators	473:1 504:13,16	kirk 336:9 346:7
instruction 343:15	491:7	504:17,23	kisling 333:8
371:21 511:2,10	involved 359:11	johnson 463:8	334:7 338:12
instructions 420:7	366:13 478:23	joseph 334:22	440:23 479:20
444:6	479:1,3	josh 398:14	484:15 485:4,5
insurance 363:20	involving 451:3	408:14 449:10	510:5 514:6 515:3
363:24 400:21,22	ironed 485:8	476:23	516:3
401:20 461:5	ironing 481:23	judge 432:23	knew 376:7 393:7
467:4 489:24	irrelevant 475:9	457:3 493:17,19	418:14,14 427:22
intake 336:17	issue 370:14	494:13,18 503:4	427:23 428:3
337:17 361:14	372:20 373:19	julie 336:7 345:13	431:16
362:19,25 363:6,8	374:11,13,15,15	july 383:16,19	know 342:7,17
363:8 364:22	386:6,9 395:3	389:3,8 404:10,13	347:17 348:1
365:17 370:6	400:21 401:20	460:3,3	349:12 351:23
380:22 381:4	459:4 495:7	june 345:21 381:2	355:11,14 356:15
382:5 396:7 437:9	496:21 501:19	464:12 468:22,25	357:20 358:21
437:22 471:19	508:20	jury 356:5,9,16	361:7,12,18
490:4	issues 358:16	k	365:15,15 366:8
intakes 364:18	400:22 410:14	katie 400:24	367:9 370:20
365:1 366:22	432:14 433:12	keep 348:6 416:19	373:1,17,18,23
382:4 397:21	487:2,4,6,13 495:5	419:20 420:7	378:2 379:16
401:11 409:1	495:6 496:17,24	427:16 459:4	380:1,3 382:18
470:7 471:1,2,5,5			383:1 384:15,25

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[know - line]

Page 16

385:6,21,22,25	403:15 417:13	470:17	lesson 402:23
386:1,1,6,12 388:2	435:19 441:18	lantz 454:6 499:24	letter 439:10,13,18
391:18 392:23	442:8,9 443:13	500:2,11	441:3,6,8,10
393:6 394:9,12	448:21 449:4,7	larger 399:4	442:23 514:20
396:13 397:16	451:3 452:16,20	las 452:8	letterhead 439:19
399:21,23 402:5	455:12 463:23	latitude 457:6	440:7,13 443:23
402:16 403:6,9	472:20 486:17	laugh 355:13	445:8
408:24 412:4,8	490:18 499:14,17	law 333:17 334:3	letters 381:19
413:22 418:15	502:13 505:19,21	334:21 367:5	388:9 402:13
422:16 426:19	506:6 507:4 510:7	407:8 442:8 499:2	442:6 443:1 445:7
432:23 433:6	knr's 502:6 508:11	507:25	level 381:7 439:15
435:13,22,25	knr03330 393:25	law.com 334:17	lewis 334:9 454:4
436:10,23 438:12	knr03330-03332	lawsuit 366:14	lewisbrisbois.com
440:14 443:20	337:7 393:21	460:2 490:19	334:12
447:2,15,19	knr03391 338:12	492:22 505:2,22	liable 440:4
448:14 449:12	479:21	508:4	liars 432:5
450:3,15,16 451:1	knr03433 338:16	lawyer 433:19	liberty 478:16,21
451:12,14 452:3	485:24	496:1,10,13	479:9 480:15
457:2,3 463:3,15	knr03474 338:18	506:24 507:9	481:5 486:6,11
463:17 468:2	487:21	509:6	487:3,13 488:4
471:23 472:12	knr03751 337:24	lawyers 354:13	license 493:14
477:16,23,25	459:22	444:9 456:17	499:2
478:2,3,11,20,21	knr03802 338:6	507:19	lie 355:13,14 494:5
479:25 483:6,16	468:19	lay 496:12	500:23
484:11 487:1	kornas 338:5	leading 374:13	lied 494:3 500:7
490:22 491:2,11	468:17	445:10	lien 366:10 441:7
492:3,10,21	kristen 454:4	learn 486:22,24	441:9 442:24
494:20,23 497:22	I	learned 506:2	495:9,17,22
498:5,14 499:24	I 340:21	leave 415:4,14	liens 495:8
501:15,18,22	lababidi 447:22,22	led 374:2	light 353:8
502:1,11,12,21	447:24	lee 340:17,19	liked 450:12
503:7 505:13	lamtman 336:10	346:18	limitations 351:23
506:1,3 507:2,11	336:12,13,15,16	leeway 457:3	limited 457:4
507:17,22 509:19	336:20,22,24	left 396:4 431:6	459:9
509:22	337:10,18 338:3,7	463:8	line 361:6 363:13
knowing 410:1	338:10 352:18	legal 412:1,3,4,6,7	375:13 387:18
knowledge 410:3	359:22 364:9	412:10,18 443:19	389:7 392:5
428:5	369:9 375:3	514:1 517:1	437:24 439:2,7
knows 493:4	383:11 387:9	lending 478:22,24	446:8 480:15
knr 364:17 368:22	388:24 404:6	479:4 482:14,18	514:14 516:7
383:3 388:5	437:9 464:7		517:3

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[lines - mannion]

Page 17

lines 434:9	407:5,17 409:17	m	359:3,7 360:2,6,14
list 346:18 398:5,8	409:24 414:15	mad 445:15	360:24 362:5,9,12
398:9 446:10	425:19 446:1	madam 514:10	363:12 364:14
450:4 460:12,20	464:11 473:15	magnets 381:22	366:24 367:20
461:21 464:15	474:7,15 475:23	mail 381:17 415:6	368:7,11,19,22
465:8,17 469:20	479:16 480:2,14	mailbox 381:21,24	369:2,13,18
471:3 476:21	480:19 487:16	382:6	370:23 371:4,7
listed 340:22	493:11 498:17	mailed 378:9	372:13,21 373:3
516:7,17	503:21 509:25	382:12	373:12 374:8,19
listing 516:7	looking 380:6	mailer 378:7	375:7 376:1 377:2
lists 462:1,1	383:6 445:16	381:21 382:6	377:7,23 378:13
lit 486:12	looks 344:19	mailers 382:19	378:18 379:4,22
litigation 357:25	346:15 377:17	maillis 454:5	380:8,15 381:2,25
413:11	392:2 394:17	main 485:4	382:7,20 383:16
little 342:1 375:8	411:21 413:9	major 490:18	384:6,19 385:4
433:13 435:8	415:1 471:4,7	making 372:5	386:4,11,16,23
469:6 501:12	509:19	374:16 381:12	387:1,13 389:3
live 497:22	lop 439:10 440:12	431:3 440:3	390:9 391:16,24
llc 333:8,17 334:3	lop's 439:2,7 440:5	461:19 469:18	392:6 393:4,24
334:8 514:6 515:3	lops 443:22	495:1	394:25 395:10,14
516:3	lorain 390:12,17	mal 407:21 408:8	395:16 396:23
loan 482:17,20,22	390:24	managed 427:4	397:13 398:18
484:4,9 485:14	lord 356:14	managementservice...	399:1,8 400:14
486:19	lost 423:13 467:14	400:24	401:8,22 402:10
loans 479:5 482:25	lot 348:18 350:9	management	402:22 403:5
483:4,9 484:3,8,18	381:16 387:24	447:25 456:24	404:1,10 405:5
488:5	388:5 394:22	mannion 334:9	406:1,18,23 407:1
located 416:17	422:2 453:3,4,13	335:5 339:17	407:6,12,16,20
434:22	457:3 495:1 498:5	340:2,7 341:4,22	408:2,6,10,19
locations 452:2	loud 497:12	341:25 342:3,10	409:16,22 410:9
453:1 455:11	loved 433:8	342:25 343:2,25	411:11 413:6
long 375:25 379:8	low 413:16 414:2	344:17 345:21	414:24 416:9
497:18 503:17	low.example	346:11 348:7	419:1,16,19 420:9
504:1	413:16	349:1,8,18,22	420:17,23 421:8
longer 395:9	lower 458:25	350:3,14 352:6,22	421:22 422:7,21
look 342:22	lubrani 454:5	353:11 354:7,13	423:4,10,25 424:6
345:18 352:13	lunch 486:5,10,15	354:19,23 355:5,7	424:9,13,19,24
355:7 363:13	486:18,20,21	355:10,17,21,24	425:3,11,17,23
369:5 380:18	lying 355:25	356:2,8,14,17	426:5,8,10,14,19
391:7 395:3	430:19	357:14,18,22	428:8,10,13,16,18
397:25 400:5		358:1,6,11,18,25	428:21,24 429:3,7

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[mannion - memory]

Page 18

429:11,13,16,21	496:11,15 498:1	470:19 473:22	482:15,17 496:12
430:7,22,25 431:8	498:10,14,22	479:21 480:9	498:7 499:8
431:12,15,20,24	499:1,5 501:8	485:24 487:21	503:15 505:3
432:4,9,15,19	502:18,23 503:2	489:5 503:8	meaning 405:15
433:3,6,16,23	504:22 505:3,6,23	marketing 378:8	means 363:8 366:3
434:7 435:17,21	506:23 507:8,15	378:20	370:9 383:23
436:3,8,20 437:14	508:5,6,22 509:4	mass 407:8 452:8	393:2 398:12
439:1,16 441:22	509:17 510:10	matching 422:8	405:16 444:3
442:10,19 443:2	511:12 514:5	483:23	466:1,24 473:4
443:16,18 444:13	mannion's 434:4	matt 408:14	meant 370:20,21
444:20 445:1	manual 394:6,7	448:11,12 463:8	412:11,14 440:14
446:2 449:24	397:10	matter 368:25	440:25 471:25
450:23 451:5,10	march 346:11,14	384:7 430:12	measure 382:17
451:20 452:6,18	352:22,25 364:15	431:1	382:22 456:17
453:10,18 454:15	364:17 390:9,11	matters 435:6	med 407:21 408:8
454:22 455:7,21	mark 339:15	maurer 343:17,22	medical 376:14,20
456:15,20 457:2	341:13 359:5,15	343:25 345:23	376:20,21 377:12
457:12,23 458:8	365:3 369:15	346:20	423:14,17 435:4
458:13 459:3,13	374:23 387:18,19	md 416:16	440:12,21,24
459:25 460:6	387:22 388:19	mds 422:9	441:13,17,20
461:9,12,15 462:8	411:3 437:4	mean 348:9,17	443:15 444:1,3,11
462:18 463:3,6,10	438:16 464:21	349:3,11 350:21	444:25 462:10
463:18,25 464:12	470:12 480:1	350:23,23,25	465:17,18 466:3,3
465:13 466:12,15	488:24	365:4,5,21 366:17	489:21 490:1,1
467:6,10,14	marked 336:2	367:12,21 368:1	495:12
468:22 469:13,22	337:2 338:2	368:10,20 370:8	meet 458:7,12
470:8,23 472:11	339:24 341:19	373:21 375:19	491:8 503:17,18
472:13 474:2,11	344:14 345:15	378:15,22 381:9	meeting 417:6
474:19 475:8	346:8 352:19	387:19 392:21	meetings 503:20
477:4,8,20 478:17	359:24 364:10	397:15 398:3,11	504:1,21
478:25 479:24	369:10 375:4	398:22 401:19	megan 337:21
480:12 481:13	380:24 381:7	405:9 409:17	438:22
482:4,7,10,23	383:12 387:10,24	412:16 413:20,23	member 333:3
483:3,8,14,18,22	388:3,25 390:6	418:9 436:10,23	514:6 515:3 516:3
484:2,10,13	391:13 393:21	439:25 440:13	memorandum
485:16 486:2	400:11 404:7	442:22 443:3	413:15
487:24 489:8,16	411:8 413:3	451:7 453:3	memories 455:1
490:9,11,21	414:21 416:6	456:10 459:5,9	memory 346:23
492:14,18,20	437:11 438:23	467:15 471:11,14	347:24 388:11,14
493:1,5,8,11,16,24	445:23 459:22	473:3 478:20	389:16 402:4
494:6,11,16,22	464:8 468:19	481:11 482:8,12	455:23 475:25

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[memory - never]

Page 19

476:2 487:13 495:1 memos 411:18 415:4,13 mentioned 409:3 432:24 466:8 met 416:15,25 418:17 427:19 428:2 503:16 metrohealth 462:22 mexico 453:21,23 453:25,25 455:17 michael 448:8 454:5 middle 424:20 425:4 midwest 514:17 517:1 mike 392:15 446:5 mind 416:19 417:20 420:7 427:16 437:2 444:4 455:25 456:8 491:5 500:10 501:13 502:7 mine's 375:21 minute 372:23 386:24,24 434:6 474:2 509:4 minute's 430:12 minutes 387:2 398:4 411:21 424:3,14 431:2,15 431:25 490:7 mischaracterizat... 474:20 mischaracterizes 362:6	misread 371:5,8 missing 339:13 mistake 495:24 mistaken 469:23 mixing 422:8 483:23 mom 375:21,24 monday 375:12 money 382:25 443:4 495:12 496:25 monitor 457:10,14 month 456:19 462:7 471:6 474:18 476:15,18 476:20 503:24 monthly 465:22 469:9 months 416:15 466:8,8 morning 339:5,6 morse 333:20 512:6 513:14 mother 496:19 497:12 motion 419:1 mouth 445:13 move 354:23 377:24 402:22 432:3 436:3,4 456:15 484:12 moved 509:20 multiple 350:4 472:21 501:19 502:4	446:21 447:2,18 448:25 452:2 491:22,23 505:21 514:6 515:3,4,15 516:3,4,21 named 492:1 512:9 names 446:10 460:12 narrative 340:13 341:9 344:22 346:17,24 347:9 347:11,14,20 348:1,24 350:1 460:10,18,25 462:4 narratives 348:22 350:2 464:16 465:5 nathan 334:14 near 419:6 434:22 necessarily 370:25 385:7 459:2 neck 386:18 need 345:19 348:15 359:15 361:18 386:8 388:10 389:10 411:1,17 421:18 425:9,11,15,17 426:6 434:3 444:5 464:15,17 465:20 465:20,22 469:2 471:21 483:11,15 486:24 488:6 501:5 508:4,9,16 needed 357:6 363:10,11 366:15 366:16 388:15 391:3 403:16 431:23,25 464:16	482:17,20 needles 489:10,15 489:18 490:4 needs 413:17 420:5 438:1 460:10,17,24 negative 374:20 negotiate 366:14 nestico 333:8 334:8,20 336:3,5,6 337:5,11,13,14,20 338:14,17 339:23 340:4 341:18 342:20 344:13 346:16 353:1 360:5,11,19 364:13 369:21,24 381:6 385:24 391:11 392:19 394:2 400:17 403:2 404:20 411:7,12 413:2,9 414:20 415:2 437:23 438:22 439:6 440:23 448:4 458:15 459:8 460:5 473:25 476:10 479:6 480:7,15 485:5 486:5 487:20 488:1,3,3 493:2 504:15,23 504:25 505:20 507:24 508:14 509:1 510:5 514:6 515:3 516:3 nestico's 432:25 508:10 never 350:25 351:4 352:2,8 353:8 380:17
	n		
	n 340:21 name 340:19 343:20 376:1 384:14 392:4,5,13 392:14 397:5		

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[never - offices]

Page 20

443:14 463:11 473:8 496:20 508:17 510:9 new 339:12,15 396:11 397:11,18 440:11 472:24 481:23 484:16,21 484:24 486:22,25 492:9 nice 417:4,8 427:24 night 339:7 397:18 nomiki 337:20 438:21 440:10,14 noon 459:10 notarized 514:15 notary 358:13 359:15,18 369:14 393:17 434:5 437:17 512:6 513:14 514:25 515:10,18 516:15 516:23 517:23 note 390:19 411:1 514:13 noted 371:10 489:18 notes 413:13,14 notice 415:5,15 430:12 481:22 noting 489:14 november 360:7 360:21 361:1 414:24 415:3 416:9,11 435:16 437:14 439:1,5 446:2,4 470:25 471:3 474:6 476:8 476:9,9 486:2 nstudy 334:17	number 336:2,10 336:12,14,15,17 336:18,20,22,25 337:2,4,6,9,10,12 337:13,15,16,18 337:23,24 338:2,4 338:6,8,10,12,14 338:16,17,19 339:14 343:5 346:15 352:18 359:23 364:9 369:9 375:3 380:24 383:11 387:9 388:25 390:5 391:12 400:10 404:6 409:9 410:7,18 411:7 413:2 414:20 416:5 437:10 445:22 459:21 460:11 461:1,1,4,20 462:7 464:7 468:18 470:18 471:4,4 473:13,21 474:17 475:6,20 479:21 480:8 485:23 487:21 489:4 514:8,14 numbers 337:7,21 393:20 408:15 438:23 458:5 461:19 476:18 489:24 516:7 nurse 375:17 376:11,14,17 377:6,21 448:2	obj 397:20 object 368:19 403:5 422:21 435:17 445:2 459:3 470:8 482:24 490:21 496:11 505:24 506:23 objecting 499:6 objection 342:10 348:7 349:1,18 350:3,14 352:6 353:11 354:7 355:5,7 362:5 366:24 367:20 368:7 369:2 370:23 371:4,7,9 372:13,21 373:3 373:12 374:8,19 377:7,23 378:13 378:18 379:4,22 380:8,15 382:7,20 384:19 385:4 393:4 395:16 396:23 397:13 398:18 399:1,8 401:8 402:10,22 405:5 406:1 409:16,22 410:9 419:1,16,19 420:9 420:17,23 421:8 421:22 423:4,10 436:8,20 439:16 441:22 442:10,19 443:2,16,18 444:14 449:24 450:23 451:5,20 452:6,18 453:10 454:15,22 455:21 456:20 457:12,23 458:8,13 462:8,18	463:18,25 465:13 466:12,15 472:11 474:19 475:8 477:4,8,20 478:17 478:25 481:13 485:16 492:14 493:24 494:16,22 498:22 502:23 507:8 508:5,22 objections 362:11 objective 397:22 398:5,8,15 399:5 399:12,15,18 470:6 471:9,12,16 472:1,16,24 473:11 474:16 475:5,20 476:12 476:19 477:2,18 478:9,12 objectives 397:25 398:4 475:12 obviously 356:12 447:4 455:24 occurred 445:9 october 333:14 339:2 513:8 514:4 offended 502:2 offer 413:16 414:2 475:15 offhand 395:1 office 361:16 362:21 363:7 382:13 397:17 406:12 415:4,14 415:19 416:17 417:12 440:6 495:10,13,18,22 513:6 offices 350:11 462:5,24,24 466:4 466:5
	o		
	o 340:21 o'connell 334:14		

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[official - paralegals]

Page 21

official 515:15 516:21 oftentimes 406:12 466:2 oh 341:24 356:14 358:25 360:6 364:14 369:16 407:24,25 409:12 431:12 452:10 454:4,24 483:18 491:23 492:25 503:21,25 ohio 333:1,18 334:5,11,16 495:10 497:4,25 498:19 512:2,7 513:7,15 514:2 okay 340:7,11,23 340:25 341:3,6,8 341:12,24 342:3 342:22,22 343:13 343:22,24 344:1,6 344:9 345:10,18 345:18,25,25 346:13 347:6 348:4,12 349:11 350:8 351:6 352:13,24 353:13 354:12,22 356:17 356:18 357:3,8,13 359:16 360:25 361:5,9,11 363:23 364:5,16,21 366:2 366:12,13 367:6 367:18 368:16,16 368:22 369:5 370:17 371:1 373:16 374:22 375:22 376:2,4,10 376:24 378:5,5 379:2 380:5,11,18	381:11 382:10,16 383:4 386:2,10,17 386:22 387:16 388:8,18 389:10 389:21 390:1 391:4,18 393:1,8 393:14 394:2,9,19 394:21,21 395:4 395:14 396:17 397:9,20,24 398:15 399:14,25 400:5 401:13,16 401:19 403:1,14 403:18 405:22,24 406:25 407:6,25 408:9,16 409:13 410:15,24 411:3 412:12,15,23 414:1,8,15 416:1 416:24 417:25 425:8 426:10,11 427:10 428:8,9 430:2,7 432:1 434:10 435:7,14 435:23 436:13 437:1,3 438:15 440:10,16 441:3 445:11,14 446:23 447:4,7 448:15,17 449:1 450:7,10,13 451:15 453:17,22 453:25 454:13 455:3,9 456:9,12 457:1 458:3 460:23 461:6 462:3,21,25 463:5 464:3 465:9,19,24 467:5 468:2,9,12 468:12 469:5,12 470:5,22 471:8 472:9,15,22	473:15 475:23 476:1,5,7 478:5,7 478:14 479:6,13 479:16 481:1,8,18 481:21 482:1,10 484:11 485:1,7,13 485:19 487:2,12 487:16 488:23 490:6,9 491:18 492:3,7,10 494:19 497:14 498:7,20 499:24 500:9 504:7,20,25 505:9 505:15 506:4,15 507:23 508:18 509:10,14 510:10 510:12 once 389:12 418:17 458:25 475:14 ones 363:9 open 366:14 397:17,19 407:7 407:16 408:5 opened 361:22 363:16 opinion 412:14 441:11 495:2 496:9 opinions 496:12 505:1 opportunity 408:20 opposed 349:25 396:20 459:7 option 365:12 416:21 417:9 418:5,5,8,11 419:4 419:9 420:8,14,22 421:1,3 422:16 427:17,21 428:7	options 420:15,21 421:4 order 402:18 460:11,25 492:22 ordered 511:12 original 511:12 outside 406:11 411:23 412:21 415:19 430:10 431:21 505:3,6 506:1 <p style="text-align: center;">p</p> p 334:9 p.m. 464:16 510:15 packages 461:4,20 page 391:23 392:18 395:6,13 396:8 398:1 407:1 407:3,7,23 480:19 480:21 514:14,16 516:7 517:3 pager 391:17,24 pages 383:1 391:19 434:9 439:4 paid 343:15 347:9 366:11 495:23 pain 447:25 paper 343:11 paralegal 395:9 396:4 448:13 467:9,13,19 469:9 486:13 491:16,17 491:19 492:1 paralegals 346:15 347:25 348:4,13 348:20 361:20 363:15 461:3,19 462:6 486:18
---	--	--	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[paraphrase - phillips]

Page 22

paraphrase 362:15	388:19 391:18,21 392:1,9,12 393:15	paul 448:4 454:7 476:25 501:25	perjury 432:16,23 432:24
pardon 340:18 476:8	394:23 395:4,5,12 403:24 406:22,25	502:1,2	permitting 502:15
part 366:19,20 408:7 422:7 516:9	407:4,11,15,19,24 408:3,9,16,21,22	pay 347:12,13 440:4,23 441:20	person 364:22 365:17 376:4
participate 451:2	410:25 424:4,8,11	442:8 443:5,11	377:20 396:7 401:12 446:16
participation 451:16	424:16,22 425:1,5 425:14,19,25	444:25 495:11,15 496:25	493:23 498:21 499:12,18 500:3
particular 379:11 380:14	426:7,9,11,17,22 428:12,15,17,19	paying 346:17,24 347:20 414:5	500:18,20 502:10
partner 485:5	428:22 429:1,5,9	payment 439:15 439:20	personal 386:6,9 430:12 431:1
partners 510:6	429:12,15,19	payments 348:1	435:5
party 513:3	430:1,18,24 431:5	pcp 370:7,9 374:7 374:18	personally 389:23 507:25 515:11
patch 396:12	431:10,13,18,22	pending 407:7,16 424:5,7,12,21,25	516:15
pathetic 355:16	432:1,6,11,18,21	425:2,22,24 426:1 429:17 430:11,14	personnel 452:16 452:20 455:12
patient 396:11 397:11	433:4,11,20,25 434:10,11 435:20	people 347:22 348:10 439:24	pertains 490:2
patients 418:21 453:8 480:17	437:4,15,18 438:16 442:14	446:14 450:1,4,10 450:21 456:12	peter 334:4,6 354:8,14 356:18
patrice 340:14,16 343:16 344:23 346:18	445:4 455:9 457:8 459:11,15 460:7	463:15 497:22 498:8,11 499:21	356:18 363:13 395:2 406:18
pattakos 333:17 334:3,4 335:5 339:4,14 340:10 341:7,13 342:4 344:1,2 346:1,12 347:2 349:21 352:23 354:22,25 355:9,15,19,23 356:1,4,11,15,20 357:16,20,23 358:4,8,15,21 359:1,5,13,17 360:8,15,23 362:8 362:10,17 368:13 368:21 369:22 371:9 374:23 376:3 386:10,13 386:25 387:15	462:25 463:5,14 467:22 468:13 469:17 470:12 474:9,13 479:25 482:6,9 483:2,6,11 483:16,19,24 484:7,11,14 488:24 490:6,10 490:16 492:17,19 492:25 493:3,7,9 493:15 494:19 498:12,16 499:4 502:14,20,25 503:6 505:5 509:14 510:12 511:14	504:20 people's 359:8 percent 476:22,23 476:23,24,25 477:1 percentage 471:5 476:15,17 performance 456:17,24,25 457:10,16 458:7 458:12,24 468:7 468:11,12 period 354:5 415:7 431:17 474:24 475:13 497:19	422:7 457:3 459:4 469:15 474:8 482:7 498:1,15 511:14 petti 337:18 338:8 338:10 437:10 470:18 473:21 476:22 478:12 494:20 495:11,15 495:19 496:9,20 497:9 498:20 499:12,16 506:5 petti's 494:25 phil 447:9 phillip 502:9 phillip's 502:6 phillips 501:15,24
	pattakoslaw.com 334:6		

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[phone - providers]

Page 23

<p>phone 334:25 361:20 363:15 394:18 396:5 408:15 425:20 432:24 433:5 514:3</p> <p>phones 398:6</p> <p>phrase 450:24</p> <p>physical 373:8 376:25 377:5 417:9 462:11</p> <p>physician 370:9 371:3,15</p> <p>picture 393:25</p> <p>piece 343:11 378:8 378:20</p> <p>pig 500:7</p> <p>place 462:23 486:14 503:20 512:20</p> <p>places 453:4</p> <p>plain 433:17</p> <p>plaintiff 334:2</p> <p>plaintiff's 377:24</p> <p>plaintiffs 333:5 505:22</p> <p>plambeck 340:14 341:10 344:22 480:17,23</p> <p>planning 451:3</p> <p>play 373:9</p> <p>pleadings 490:1</p> <p>pleas 333:1</p> <p>please 348:24 349:9,25 353:1 354:3 355:2 357:16 358:4 361:14,15 363:6 384:1,3 385:10,11 389:12,14 390:18 400:22 411:18</p>	<p>413:12 415:8 416:19 424:23 430:15 440:7 442:15 464:17 474:15 480:17 481:22 483:19 486:13 488:4 514:12,12</p> <p>plenty 347:14,21 397:18 420:20</p> <p>point 379:1 395:10 396:9 398:1 405:2 406:4 433:8 472:16 475:5 479:6</p> <p>policies 396:18 490:18,25</p> <p>policy 350:24,25 351:3,5,13 352:9 353:9,15 368:25 369:4 371:16,19 377:18 378:3 380:12,17 395:15 395:18 396:24 403:2,7 419:14,20 419:21</p> <p>popson 504:11,22</p> <p>population 498:8 509:25</p> <p>portion 441:19 443:9</p> <p>position 358:22 373:1</p> <p>possibility 400:21 472:13 508:19 509:1</p> <p>possible 471:25 472:9</p> <p>post 382:13</p> <p>postage 382:13</p>	<p>potential 366:13 389:23</p> <p>potentially 493:13</p> <p>prac 447:15</p> <p>practice 352:9 374:4 446:23 499:1</p> <p>practices 352:5 490:19</p> <p>pre 486:12</p> <p>prefer 368:15</p> <p>preference 351:14 351:24 377:13 419:22</p> <p>preferences 419:24</p> <p>preferred 351:19 481:22 482:16 484:17</p> <p>prelit 336:9,11,14 336:19,21,24 337:7,8,22,23 338:3,7,9,15 352:17,25 359:22 360:10,19 362:20 369:8,24 374:4,16 383:10,18 387:8 387:17 388:23 389:6 400:8,9,16 400:16 413:10 445:21 446:4 459:20 460:9,9 464:6,14,14 470:16 471:1 473:19 476:10,14 485:22 486:4</p> <p>premise 420:11 472:4,6,10 486:21</p> <p>preparation 487:8 503:9</p>	<p>prepare 503:13</p> <p>prescribe 423:18</p> <p>presence 505:4,6 512:15</p> <p>present 334:19</p> <p>primary 370:9 371:3,14</p> <p>prior 405:1</p> <p>private 432:6,9</p> <p>probably 386:7</p> <p>problem 358:2,6 426:16</p> <p>procedure 511:7 515:5 516:5</p> <p>proceed 430:22</p> <p>proceeds 441:19</p> <p>process 394:18 403:19 405:25 406:3 466:17</p> <p>produced 392:8 463:1</p> <p>production 514:16 514:17,22</p> <p>professional 356:10 358:5</p> <p>professionalism 433:14,17</p> <p>proportions 477:2</p> <p>protect 495:19</p> <p>protection 439:11 439:18 441:3,7,8 441:10 442:7,24</p> <p>protections 445:8</p> <p>provided 339:9</p> <p>provider 465:6</p> <p>provider's 441:17</p> <p>providers 451:4 454:10,21 455:13 455:19 462:1,16 463:16,23 465:12 465:18 469:15</p>
--	---	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[providers - reconcile]

Page 24

470:4 489:21,23 providing 506:21 507:3 pt 375:19 416:16 public 512:6 513:14 515:10,18 516:15,23 517:23 published 457:19 457:20 puff 404:2 pull 364:24 365:2 365:4,8,10,19,21 365:22,25 366:3 366:23 367:24 purpose 355:12 445:6 449:11 purposes 339:24 341:20 344:14 345:15 346:9 352:20 359:24 364:11 369:11 375:5 380:25 383:13 387:11 389:1 390:7 391:14 393:22 400:11 404:8 411:9 413:4 414:21 416:7 437:12 438:24 445:24 459:22 464:9 468:19 470:19 473:22 479:22 480:9 485:24 487:22 489:5 pursuant 511:3,6 pushing 469:5 put 340:4 361:14 363:6 419:25 445:7,12 503:2	putting 440:3 q qualification 363:5 qualified 477:18 477:23 512:8 qualifier 357:3 qualifying 363:4 question 341:23 344:4,7 348:19,20 349:10,19,19,21 357:18,19 362:14 365:24 368:23 377:3 381:25 384:6 386:5 398:19 415:20 419:23 422:5,9 424:1,5,7,11,21,25 425:2,6,22,23 426:1,20,23 428:11,25 429:17 429:17 430:8,11 430:14 434:7 452:12 458:17 467:6,11 474:14 476:3 482:24 483:4,8 484:3,5 488:5 489:16 502:12 507:1 questions 358:8,9 358:16,17 360:3 408:20 422:4 440:8 444:17 458:15 492:15,21 493:18 494:8,12 502:19,24 503:5 505:25 quickly 509:18 quota 456:22 quotas 456:16 457:6 461:10,13	r rachel 334:21 raised 348:20 436:6,17 random 351:1 range 382:14 reach 464:20 466:20,22 read 347:3 354:10 360:2 434:2,3,9 442:15,18 458:18 487:11 515:5,6,12 516:5,6,17 readily 413:18 reading 365:24 370:15 382:1 416:22 440:8 446:11 464:22 480:23 514:20 reads 439:19 ready 467:1 reagan 334:20 386:20 430:18 454:6 473:1 504:16,17,23 510:6 real 359:13 456:6 509:18 realistic 358:19 realize 363:19 really 351:17 353:20 367:9 375:23 386:19 401:4 414:10 429:19 451:22 483:25 496:16,23 reason 347:22 384:22 458:14 462:6 488:20,21 499:11 501:23 514:15 516:8	517:3 reasons 422:11,13 427:9 recall 395:1 436:5 436:15 438:9 452:15 503:12 receipt 514:19 receive 381:8 486:6 received 381:17 381:20,21 receiving 381:10 receptionist 396:7 409:4 500:7,12,14 recess 387:5 430:5 490:14 recognize 394:3 recognizing 368:4 recollection 340:12 341:8 345:2 449:21 452:14 486:15 recommend 417:7 419:17 479:9 482:19,21 483:4,9 484:8 recommendation 418:17 recommendations 421:25 423:18 426:2,3 recommended 417:10,11,19,22 427:25 482:14,25 484:3 recommending 377:18 419:25 420:2 482:2,8 485:14 reconcile 421:23
--	--	---	--

Veritext Legal Solutions

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888-391-3376

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[record - remember]

Page 25

record 339:1 340:5 347:3 356:5 362:13 371:10 387:3,14 392:6 430:3,6 432:3 434:9 442:18 458:18 469:13 490:12,15 503:3 510:13 516:9 records 460:17 462:4 464:18 465:18 466:3 467:2 490:2 recs 460:10,25 red 378:5,7,8,12 378:21,25 379:10 379:15,18 380:13 381:20,23 382:5 382:11,14 384:3,8 384:23 385:3,7,12 385:14,15 388:9 388:15 389:18,20 389:22 390:17,23 392:15 437:20,24 438:1,5,12 redacted 339:9 392:3 395:2 396:21 397:4,6,7 408:13 redactions 339:12 394:22 406:21 407:2,22 redick 333:8 334:8 334:21 336:8 338:5 340:5,9 344:20,24 345:4 345:14 346:16 360:11,20 440:23 448:16 454:7 468:17,24 469:7 469:25 476:11	485:5 507:24 508:14 509:1 510:6 514:6 515:3 516:3 redick's 508:11 reduce 414:6 reduced 411:14,16 412:2 414:11,13 512:14 reduction 403:16 412:17,18 reductions 403:3 404:11,14,19 484:18 refer 366:4 368:3 368:16,24 370:8 370:12 371:2,11 373:7 375:18 434:16,22 reference 469:19 514:8 515:2 516:2 referenced 512:13 512:18 515:11 516:15 referral 355:4 357:7 363:10 375:13,20 378:6 379:10,14,15,17 380:7 384:4,8,23 385:3,12,14 389:15,17,18,19 391:3 392:15,21 409:18 438:1 referrals 355:18 361:6 369:19 374:17 378:23 379:19,19 380:13 381:6 382:17 385:15 388:9,15 389:4,7 390:18,20 390:24 407:13,21	410:7,13,18 418:23 423:1,2,2 427:1,3,4 438:6 referred 364:4 376:4 381:13 384:18 438:2 referring 356:22 370:18 374:3,5 393:9 404:20 409:6 412:4 418:1 435:18 441:11 461:25 462:2,15 462:15 470:2 494:14 refers 379:18 389:21 397:21 411:25 reflect 350:9 refresh 340:11 345:1 389:16 476:2 refreshes 475:24 regard 431:1 regarding 380:13 511:2,11 regardless 381:13 registered 432:2 regular 398:5 489:18 511:14 regularly 442:6 relate 391:22 430:15 441:20 466:14 relates 465:1 relating 469:15 relationship 436:7 436:11 478:16,21 relationships 368:5 436:18,24 relative 513:2	released 466:1,25 relevance 460:1 470:9 relevant 493:10 remember 339:11 342:8,9,16 343:10 343:21 344:3 346:20 347:4,6,17 348:10,24 349:4 349:13,25 350:6 354:17 372:3,24 373:23,24 374:13 378:11,16 379:2,6 379:7 380:12 381:10 384:10,16 385:1 390:20,23 393:6 395:15 401:2,16,21,24 403:11 415:20 417:1,3,5,11,17,18 417:20,22 427:25 434:17 436:12,25 438:5 445:9 447:3 447:14,19 448:25 450:18 451:19 452:3,5,25 453:6 453:16,23 454:3,8 454:11,17,19,20 454:25 455:19,25 456:5,5 472:3,7 475:4,11,17,19,22 475:23 476:6 477:24 478:4,15 479:11,12 481:1,4 484:21,23 485:3,7 485:13 487:2,4,5 488:9,11,16,21 491:3,10 494:24 495:3,4,7 496:4,8 496:16,17,18,22 496:23 497:8,9,11
---	---	---	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[remember - saying]

Page 26

497:15,16,17 500:1,13,14,19,21 501:3,6,6,7,17,23 502:5 505:12,17 506:9,10,14,15 remembered 496:24 remind 348:15 444:23 471:23 reminder 341:22 348:11 387:18 471:9,21 reminders 403:15 rephrase 422:5 replies 392:19 report 347:12 460:11,18,25 reporter 335:8 430:16 515:7 reporter's 335:6 512:1 reports 348:24 409:18,25 410:23 457:16,18 458:3 462:4 represent 367:4 507:20 representation 433:13 representative 486:19 representing 366:9,12 represents 505:7 republic 449:23 450:2 452:4 455:14,16,17 request 347:25 385:2 393:3 397:1 397:2 516:9,11	requested 511:1,6 511:10 requesting 413:23 requests 462:3 required 434:1 514:25 requires 506:16 requiring 382:4 research 498:18 respect 419:25 420:2 427:11 433:14,16 respond 484:20 responds 344:24 415:3 440:10 488:19 response 343:14 344:19 433:24 responsibilities 349:15 responsible 404:24 443:14 444:1,2 rest 389:13 retained 335:8 returned 514:19 review 511:2,6 514:13 515:1 516:1 reviewed 487:7 503:7,15 reviewing 379:6 ridiculous 354:8 right 341:4 343:8 343:8,13 346:19 354:21 355:4,6 356:17 374:7 380:5 388:4 392:10 398:9 406:11,20 407:17 424:5,16 425:10	425:12,16,18,21 431:6 433:21 439:11 440:8 449:7 453:12,24 454:8 463:5 466:11 472:18 474:10 485:5 488:8,15 491:24 road 333:18 334:4 rob 336:3,4,6,16 337:5,5,11,13,14 337:20 338:14,17 339:22 340:2 341:18 342:19 343:5 344:12 360:11,19 369:24 370:21,22 375:2,8 375:9 385:23 391:10,11 392:19 392:22 400:16 403:15,17 404:19 404:20,25 405:3 405:11,16,23 411:7,12 412:22 413:2,11 414:20 415:2,17 433:8 438:14,21 440:22 448:4,14,14 450:19 451:7 452:20 454:6,6 456:11 458:14 460:13 476:10,25 478:6 479:6 480:7 480:14 481:4,17 484:20,23 486:11 487:19 488:11,19 491:17 492:10,23 493:2,22 502:21 502:24 504:13,15 504:23 505:12	rob's 343:14 393:2 415:5,14 453:1 robert 334:21 336:7 338:5 340:5 340:8 345:14 360:11,20 408:14 448:16 454:7 468:17,23 470:2 476:10 481:17 role 373:9 403:18 405:24 406:3,6 rolling 389:11 room 430:19 431:19 446:9 449:12 450:14 451:17 504:7,18 rooming 449:13 449:14 450:16 rooms 446:9 rough 431:17 rpr 333:20 rucker 338:15 389:6 485:23 486:4,9 rule 356:19 rules 356:18 511:3 511:7 515:5 516:5
s			
s 340:21 514:16 516:8,8 517:3 sam 418:1 448:6 sarah 338:15 389:6 411:18 458:5 469:1 485:23 486:3 save 386:2 saw 463:12 500:8 saying 346:16 349:25 352:2,3 353:23 362:12,18 362:24 374:6,17			

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[saying - signature]

Page 27

377:21 380:1 382:16 385:10,12 392:19 408:1 411:13 419:3 421:20 439:6,23 442:1 443:21 454:13,17 457:9 462:13 465:9 466:18 467:17 474:22 475:11 479:11 481:4 493:12 497:11 498:11 says 355:17 381:9 392:14 395:7 396:10 397:20 405:7 408:11 411:15,22 412:8 415:17 420:19,25 427:13,15 440:11 466:23 470:3 477:6,13 488:14 498:13 506:10 scanned 403:21 406:5 413:24 scanning 413:12 schedule 350:10 350:12,19 351:7,9 351:11,20 353:14 353:16,21 356:24 357:10,11 scheduled 351:4 scheduling 350:20 350:21 353:3 354:4 355:3 schneider 447:16 schober 346:19 seal 513:6 515:15 516:21 second 391:22 395:6,13 396:8,9	407:6,12 408:10 425:10,12,16 439:4 see 339:11 351:16 356:6,7,11,16 361:22 363:17 376:14,16,18,21 376:23,25 377:14 392:4 407:25,25 408:6,17 417:13 417:13,14 426:12 440:7 450:4 460:17 469:14,19 480:23 481:9 488:5 seeing 410:23 479:12 seen 375:25 498:15 selected 450:21,24 send 342:9,15 347:15 348:11,13 348:21,24 350:1 353:5 361:3 364:18,24 365:2,6 365:11,19 366:1 366:23 367:5,25 370:2 372:9,9 374:14 375:14 383:19 384:23 385:7,13 389:8,14 390:13 394:1 400:22 415:8,10 416:12,19 421:15 421:16,18 422:18 422:19 427:7 438:3,10 439:4,7 443:22 444:22 451:13 460:12,14 460:16,20 461:4 461:21,25 462:1,3	464:24 481:24 497:5 sending 346:20 347:4,10,18 348:6 372:3,24 373:24 380:13 418:24 420:7 446:3 451:16 461:19 sends 409:10,14 458:4 480:16 sense 441:14,23 sent 340:25 341:10 342:8 343:5 344:21 347:11 348:2 350:6 360:10,20 379:11 381:4,9 382:3 383:19,22 385:3 385:15 387:17 388:12 389:5,12 390:10 400:15 402:6 404:16 410:8 411:15 413:7,8 414:25 415:1 416:10 435:15 438:6,13 440:6 445:10 451:11,12 467:3 468:25 470:24 sentence 366:20 366:21 371:12 402:18 405:15 separate 508:9,10 september 375:7 375:12 400:14,17 413:6 serious 433:12 seriously 499:23 service 410:14 488:7,13	set 351:25 352:3,4 357:5 361:16 362:22 392:18 442:9 513:6 settled 366:11 467:1 484:19 settlement 403:3 411:18 413:12,15 415:4,13 441:19 442:9 495:24 497:1 settlements 443:5 seyon 340:17,19 346:18 shaker 416:20 418:7,14 419:7,8 421:4 434:22 shame 359:14 shane 343:17,18 shared 457:21 she'll 386:8 sheet 514:14 516:7 516:10,18 517:1 shift 408:11 shock 500:22 short 386:21 497:19 502:13 shortly 411:20 506:12 show 357:21 379:25 415:1 459:16 499:20 showing 433:15 shown 514:16 shows 483:20 shuffle 467:20 sign 366:10 441:5 442:6 506:8,12 signature 511:5 513:13 514:15
---	---	--	--

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888-391-3376

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[signed - subject]

Page 28

signed 442:21 443:12 470:6 495:8,9,17,21 499:21 506:6,14 515:13 516:18 signing 392:15 444:24 445:3 514:20 similar 462:14 simply 389:21 421:24 441:15,16 simpson 446:5 448:8 sincerely 514:21 single 362:25 363:2,8 462:23 473:3 singling 349:24 sir 514:10 sit 493:12 sitting 504:17 situation 419:8 428:6 458:21 500:14 situations 501:4 501:11 six 348:3 349:4 354:19 471:3 476:21 478:1,4 slow 375:8 small 497:5,20 498:9 smiley 345:1 soft 399:6,17,22 solutions 514:1 517:1 somebody 396:4 398:13 399:21 417:11 459:7 somebody's 493:13	sorry 342:2 343:1 346:1,2 347:1 356:18 360:16,22 361:8 362:1 365:23 368:23 369:14,16,20 377:2 379:6 399:16 401:22 416:14 432:8 445:14,17,18 455:4 465:21 470:22 480:22 482:5 487:25 491:25 sort 426:12 sound 444:16 sounds 490:11 speak 357:17 373:6 377:10,11 443:8 486:21 speaking 362:10 special 377:20 specific 348:15,22 352:8 354:17 365:13 428:6 475:2 494:24 496:3,21,23 specifically 346:25 348:2 372:4,24 381:10 446:16 specifics 417:2 475:12,18 495:4 497:17 specified 512:21 specify 348:25 381:23 382:5 spell 340:20 spelled 398:2 spelling 341:5 spend 345:19	spends 382:25 spent 503:10 507:2 spoke 460:13 springfield 495:10 496:7 497:4,20,23 498:2 509:22 510:1,3 springfield's 498:8 square 383:23 385:16 388:10,16 392:18,20 396:10 397:11 408:11,25 409:10,14 410:6 410:17 416:20 418:7,14 419:7,9 421:4 434:22 460:18 461:18,23 461:25 462:2 465:1,8 ss 512:3 st.george 476:22 st.george. 449:6 staff 336:3 337:15 337:20 338:11,18 339:22 403:15 415:2 416:4,11 420:13 438:20 439:5 444:24 479:19 481:10,11 481:17 489:3,9 stand 387:21 388:7 469:3 501:13 standing 456:8 491:4 stands 437:2 496:5 497:7 498:6 500:10 start 360:17 413:12 493:12	started 458:24 506:13 state 350:19 447:12,13 512:2,7 513:15 515:10 516:15 stated 349:3 372:23 401:6,10 410:11 427:18 453:1 statement 372:5 395:20,22 430:8 515:13,14 516:19 516:19 statements 403:4 422:4 steele 448:4 454:7 476:25 501:25 stenotypy 512:14 stewart 448:11,12 sticks 417:20 502:6 stole 494:3,9 stood 430:10 stop 355:8,9,10,23 355:24 362:7,8,9 425:10,11,12,16 425:17 426:5,14 428:16,18,21 429:17,21 474:3 street 334:10,15 strike 354:23 356:5 362:1 377:24 399:16 402:23 419:2 436:3 456:15 struggling 455:24 studeny 334:14 339:18 subject 355:8,18 361:5 363:13
---	---	---	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[subject - testimony]

Page 29

364:18 369:19 375:13 381:6 383:18 387:18 389:4,7 390:12 392:5,14 404:11 415:21 437:23 439:2,7 446:8 460:10 480:15 486:5 submission 464:21 465:22 466:20,23 467:7,9,13,17,24 468:3,4 469:10,20 470:1 submitted 411:24 412:16 subscribed 515:10 516:14 517:21 suggest 421:16 suggested 508:15 suggestion 371:23 372:2 402:8,20 410:5 suggestions 422:12,14 suit 475:9 suite 334:10 514:2 summit 333:1 389:11 superior 514:1 support 336:11 337:8 338:3 359:22 360:10,19 362:20 400:9,16 460:9 464:6,14 496:9 supposed 362:21 405:17 sure 348:9 353:2 354:4 355:2 361:22 363:17	366:9 381:12 382:23 384:3 385:2,11 389:14 391:5 392:20 395:24 396:15 397:4 403:12 406:22 410:1 418:23 430:1 440:25 451:23 453:2 456:14 461:9,12 462:20 464:17 477:10 489:13 492:5,25 505:5 surgeons 462:11 466:5 surrounding 494:25 sutter 334:14,17 sworn 512:10 515:10,13 516:14 516:18 517:21 sympathize 358:23 system 489:11 t take 352:13 358:9 358:13,15 361:10 380:18 386:8,20 386:23 387:1 391:22 393:25 395:3 396:12 424:1,14 425:21 426:6,17,21 431:11 433:22 434:5 443:4 455:6 466:8 490:7 493:17,19 494:13 494:17 499:20,22 503:20	taken 333:17 387:5 430:5 490:14 512:20 takes 373:14 talk 359:9 395:1 403:1,8 424:7,9 425:13 426:15 430:9 431:21 432:18,21,22,22 442:22 443:7 478:13 485:1 488:6,12 497:2 505:11 talked 341:25 397:24 452:4 505:10 508:17 talking 345:5 354:14 356:8 359:8 424:20 425:4 429:22 434:25 435:1,2 437:20 452:12 459:7 506:5 talks 459:16 tassi 344:25 346:19 447:8,9 team 382:23 tear 400:3 tell 350:17 353:19 365:9 370:7 371:2 371:14 372:11 380:6 395:7 413:8 432:12 445:7 453:22 454:2 472:23 474:24,25 475:1,15,24 483:12 484:4 489:17 493:4 507:12,18 telling 347:22 354:1 371:15	425:6 430:18 499:5 temporary 488:20 ten 469:20 tenure 472:20 tenured 472:25 478:8 terminated 415:20 492:11,23 494:21 499:25 501:16,24 502:22 termination 415:22 494:25 terms 347:8 410:6 410:17 419:17 testified 350:8,16 362:2,13 418:22 421:14 426:24 427:1 428:19 429:1 445:9 454:16 455:16 506:19 testify 349:14 356:13 409:25 502:15 512:10 testifying 355:9 455:18 483:22 507:3 testimony 348:12 353:8 362:6,16 371:24 377:24 380:11 409:1,8 410:18,20 419:2 426:13 429:20 431:7 433:1,9 434:3 436:2 440:16 442:2,5 445:5 462:17 466:21 483:20,21 503:12 506:21 507:14 509:11
--	---	---	--

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[testimony - transcript]

Page 30

512:13,17 515:6,7 516:6,9,12 thank 359:18 360:16 383:7 390:19 400:25 411:19 434:10 473:16 483:13 501:7 509:15 510:12 thanks 386:14 395:14 410:24 411:24 461:14 470:5 486:14 therapist 377:1,5 therapists 462:11 therapy 373:8 417:9 423:17 thing 366:18 379:15,20 389:17 396:19 408:7,13 427:11 things 348:10,18 352:10 353:19 355:11 379:21 413:14,20 421:13 421:24 422:2,15 458:1 465:11 475:3 493:12 506:1 think 342:14 359:11,13 363:23 370:21 382:14 384:22 391:1,20 391:21 392:9,10 394:15 397:15 398:2 401:5,25 407:9 409:20 417:18 430:23 436:1 449:15 452:11,22 453:12 455:7 457:25	458:19 462:23 467:16 469:14,22 482:13 483:25 490:6 491:24 495:25 498:3,20 499:12 510:2,4 thinking 496:18 third 396:8 407:18 407:25 thirty 514:19 thomas 334:9 511:12 thoughts 389:15 thought 376:13,19 377:13 412:13 466:16 510:8 threaten 432:20 432:20 threatened 433:18 three 481:9 503:10 503:11,19 504:2,3 throw 433:23 time 345:20 351:23 352:4 353:18,21 358:14 361:10,18 365:24 372:7 375:25 379:1,8 386:1,3,15 390:21 393:7 397:19 406:4 414:3 421:13 431:17 453:15 455:6 459:9 471:24 473:11 474:24 475:19 480:3 493:20 497:18,19 499:7 500:6 501:18 502:13 512:20 timeframe 458:1 458:22	times 350:4,17,22 351:1 357:9 397:16 403:22 413:17 421:9 432:25 453:14 456:7 472:21 473:10 474:23 481:16 501:14,20 502:4 503:18 timing 386:5,12,17 tiny 501:12 tissue 399:6,18,22 today 340:6 352:11 375:8 383:22 392:16 464:16 475:1,1,15 481:21 482:1 493:18 506:18 507:14 told 361:25 424:2 424:13 425:12 429:11 431:2,24 433:17 461:13 467:18 483:24 487:9 493:20 toledo 340:24 tom 339:9 340:4 355:15 356:1 357:16,20 358:21 358:21 360:5 362:8 364:13 368:13 371:9 394:23 424:4,12 424:17 425:1,19 425:25 426:11,17 428:15,17 429:20 430:24 431:5 432:1,6 433:4,11 433:20,25 449:2 459:12 461:14 463:1 483:11,17	499:4 502:14,25 503:16,17,18 504:5,8 tom.mannion 334:12 tomorrow 415:7 486:9 tons 462:1 tony 447:21,22,24 top 393:2 468:24 tort 452:8 torts 407:8 tower 334:15 town 403:22 406:5 408:12 409:2,4,10 411:1 497:5,20 498:9 towns 498:19 tracked 427:1 tracy 333:20 339:15 347:2 434:2 437:16 442:14 512:6 513:14 trail 336:5,7,23 337:4,17,19 338:4 338:6,9,11,13,16 344:12 345:13 388:23 391:10 437:8 438:20 468:16 470:16 473:19 479:19 480:6 487:19 training 394:6,7 394:17 397:9 transcribed 512:16 515:7 transcript 335:1 511:3,6,9,11,12 514:12,13 515:5 515:12 516:5,11
--	---	--	---

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[transcript - wait]

Page 31

516:17 transcription 512:17 transferred 395:8 396:3 transportation 366:16 travel 451:8 453:2 traveled 453:4,13 453:14 456:6 treat 362:3 372:5 418:21 421:17 422:25 treated 374:18 377:15 384:5 398:16 419:10 428:2 453:7,8 treating 370:7 371:3,14 372:12 374:6 464:19 treatment 364:2 399:23 416:19 423:18 treatments 423:15 treats 423:1 462:16 trick 357:15 tried 351:15 352:9 419:5 trip 449:15,19 450:7,8,22 453:15 453:23 456:2,4 triple 374:20 trips 449:22 450:2 451:2,8,18 452:13 452:15 453:6,20 454:1,12,14,20 455:12,12,20 456:3 463:17,23 trouble 422:8	trucking 473:2,2,4 473:5 true 355:12 421:13 427:14 434:19,20 458:23 459:2 470:5 472:15 512:16 trusts 367:13 truth 432:12 512:11,11,12 try 358:18 362:15 442:16 484:20,24 496:23 trying 352:1 353:18 356:9,12 357:15,15 358:11 359:9 390:16 421:12 422:3,10 432:13,19,20 455:4 464:20 465:17 466:22 467:2 483:1,7 484:4 tsarnas 337:20 438:21 440:10 turn 358:12 363:25 turned 355:22 turns 376:15 tusc 447:11 tusko 336:18 360:12,20 380:23 381:4,8 382:3 390:12 394:11 437:23 476:11 tv 383:1 twist 358:12 twisting 355:11 two 341:12 363:24 379:21 391:17,19 411:15 418:20	420:15 421:13,24 422:15 423:15 429:10 435:11,14 456:3 466:7 typed 349:13 typewritten 337:6 393:20 typically 441:4 typing 349:4 u ultimately 443:10 um 388:8 396:25 407:11,15,19 448:1,5,7,10 449:5 449:9 478:10 495:17 504:4 unable 410:19,22 486:13 underlined 381:19 understand 349:6 421:11,12 422:11 423:12 425:6 453:5 506:19 507:1,5,23 understanding 349:15 442:12 469:7 understands 425:8 understood 393:2 unethical 510:8 unfortunately 433:25 university 462:22 unprofessional 355:20 unredacted 339:7 339:10 394:24 408:17 update 389:13 updated 427:5	upset 495:14 use 363:20,25 480:17 481:5,22 488:4 usual 411:24 412:16 v v 514:6 515:3 516:3 vacation 453:15 vague 347:24 495:1 van 454:5 vandetta 334:22 variety 351:12 352:9 366:18 vasvari 449:2 vegas 452:8 verify 408:18 veritext 514:1,8 517:1 veritext.com. 514:17 versus 382:12 419:15 422:13 426:3 444:1 video 333:12 videographer 334:22 339:1 387:3,14 430:3,6 490:12,15 510:13 vol 514:9 515:4,9 516:4,13 517:20 vs 333:6 w wait 363:23 366:10 424:24 444:13 445:1 474:2 507:15,15 509:4
--	--	--	---

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888-391-3376

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[waited - write]

Page 32

waited 430:13	we've 418:13	williams000312	516:15
waived 514:20	436:1 505:10	337:4 390:6	witness's 426:13
waleed 447:21,22	508:17	williams000373	434:2 511:2
448:2	wednesday 446:4	337:16 416:6	witnesses 432:5
walked 430:10	468:25	williams000378	500:8
want 355:13 364:1	week 363:23	336:17 375:4	witness' 514:15
367:4 375:17,18	503:23,25	williams000441	wondering 379:20
376:11,14,17,21	went 339:8 361:22	336:14 364:10	word 419:20
376:24 377:4	363:17 390:21,24	williams000442	432:24
383:1 386:20	391:5 417:14	336:10 352:19	words 405:15
387:21 396:1	431:21 452:9	williams000449	445:12 483:23
406:18,20,23	453:21 454:21	337:9 400:10	505:18
408:19 409:25	455:12,17,19	williams000461	work 340:23
416:18 422:18,19	463:15,16,23	336:25 388:25	353:20 364:24
425:21 440:2,22	490:24 491:6	williams000544	365:14,18 368:2
446:15 467:16,20	west 438:2,7	337:10 404:7	368:15 419:7
468:24 469:6,16	447:11	williams000576	435:5 473:4
469:23 478:11	whereof 513:5	337:13 413:3	489:21 491:14,21
483:16 496:20,22	wiley 400:17	williams000586	492:4 499:9,19,20
496:22 497:13	williams000505	337:12 411:8	501:18 502:3,6
509:11	338:4 464:8	wise 386:5,12,17	worked 351:16,16
wanted 370:5,19	williams 333:3	wish 433:12	377:12 384:12
376:16,23 377:14	514:6 515:3 516:3	withdraw 464:18	418:13 419:10
386:5,11 388:7	williams0000048	withhold 444:18	workers 407:13
412:18 418:22	337:6 391:13	witness 341:6,24	working 416:20
443:11 484:6,23	williams000157	342:2 354:21	418:7 460:12
488:11	336:21 383:12	356:10,13 360:13	506:13
wants 367:14	williams000164	360:16,22 361:8	works 352:12
412:2 413:23	336:15 369:10	369:16 376:2	376:20 383:2
484:20	williams000226	386:15,18,22	worried 499:2
way 341:5 349:20	337:23 445:23	391:20,25 425:5	wow 426:7,9
351:25 352:3,4	williams000248	429:24 430:2,9,13	429:12,15 494:19
353:18 423:2,3,8	338:19 489:4	430:19,20 431:2,5	wrap 509:15
423:25 425:7	williams000255...	432:10,12 433:18	write 340:13
442:4,4 445:18	338:14 480:8	433:19 459:7	343:13,14,17
457:6 472:19	williams000284	463:9,12 496:14	344:21 346:14,14
473:7 483:17	336:23 387:10	500:15 501:2	353:1 354:3 361:5
499:6 500:22	williams000296	502:15 505:9	361:7,12 363:18
ways 350:22 351:1	336:12 359:23	512:9,14,15,18	364:21 365:16
351:12,15	williams000310	513:5 514:9,12	370:4 371:1,6,11
	336:19 380:24	515:1,4,11 516:1,4	371:12 372:17,18

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

[write - zerrusen]

Page 33

373:20 375:16	455:4 463:10
376:10,12 383:22	464:23 469:17
384:1 388:8	471:14 479:3
390:16 400:20	487:9,12 496:14
404:13,18,22	497:21 507:11,22
413:11 416:14	year 460:5
417:25 437:25	years 348:3 349:4
440:5 446:9 460:8	350:24 354:18
464:15 466:10	453:3 458:2
470:25 471:8,18	472:20 473:10
476:7,8,17 481:10	474:23 478:1,4
481:10,21 488:6	501:4,11
489:13	yellow 382:25
writes 344:25	yesterday 339:9
381:11,18 411:20	409:3 410:11
469:1 480:22	418:22 421:14
484:15 486:9	426:4,24,25
488:4	459:14 460:14
writing 371:16,19	481:14
488:1 489:9	youngstown
written 396:14	370:15 374:11
402:20	z
wrong 376:15,22	zaber 448:18,19
426:25 492:6	zanesville 509:21
508:13,24 509:8,9	zerrusen 454:24
wrote 393:1 415:3	476:24
416:15 482:1	
x	
xcell 390:18,21,24	
y	
y 340:21	
yeah 354:10	
358:25 359:7	
360:6 373:6	
385:18 386:18	
387:1 391:21,25	
407:4 408:2 409:3	
418:9 427:10	
430:25 432:4,16	
441:25 442:12	

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Ohio Rules of Civil Procedure

Title V. Discovery

Rule 30

(e) Submission to Witness; Changes; Signing.

When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill, cannot be found, or refuses to sign. The witness shall have thirty days from submission of the deposition to the witness to review and sign the deposition. If the deposition is taken within thirty days of a trial or hearing, the witness shall have seven days from submission of the deposition to the witness to review and sign the deposition. If the trial or hearing is scheduled to commence less than seven days before the deposition is submitted to the witness, the court may establish a deadline for the

witness to review and sign the deposition. If the deposition is not signed by the witness during the period prescribed in this division, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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