

EXHIBIT AA

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IN THE COURT OF COMMON PLEAS

SUMMIT COUNTY, OHIO

MEMBER WILLIAMS, et al.,

Plaintiffs,

-vs-

CASE NO. CV-2016-09-3928

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

Defendants.

- - - -

Videotaped deposition of MICHAEL SIMPSON,
taken as if upon examination before Chana
Margareten, a Notary Public within and for the
State of Ohio, at Griffin Law LLC, 4051 Whipple
Avenue Northwest, Canton, Ohio 44718, at 10:08
a.m., on Wednesday, March 6, 2019, pursuant to
notice and/or stipulations of counsel, on behalf
of the Plaintiffs.

- - - -

JK COURT REPORTING
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CLEVELAND, OHIO 44113
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www.jarkub.com

9

1 A. **Yes.**

2 Q. You're the person at MRS Investigations who does

3 the work for Kisling, Nestico & Redick; is that

4 right?

5 A. **Yes.**

6 Q. Has MRS Investigations ever had someone, other

7 than you, do work for Kisling, Nestico & Redick?

8 A. **Yes.**

9 Q. And who was that?

10 A. **Well, I mean, throughout the years I've had**

11 **people help, as far as meeting with clients.**

12 Q. Okay. So you -- MRS Investigations has employed

13 other individuals to meet with clients; is that

14 accurate?

15 A. **Not employed, no.**

16 Q. Just had people informally help out?

17 A. **Yeah.**

18 Q. Explain to me how it worked.

19 A. **Well, they were independent contractors, so to**

20 **speak.**

21 Q. And your company paid them to do -- meet with

22 clients?

23 A. **Yes.**

24 Q. Okay. Was that for purposes of doing sign-ups

25 for KNR?

10

1 A. **Yeah. That was one of the reasons.**

2 Q. Any other reasons?

3 A. **No.**

4 Q. And in those situations, were you employed

5 independent con -- or engaged independent

6 contractors to do these things, did payment for

7 those jobs come to you and then you paid the

8 independent contractors or did it work some other

9 way?

10 A. **No, that's correct.**

11 Q. They came to you?

12 A. **They came to me.**

13 Q. And then you paid them out?

14 A. **Yep.**

15 Q. When did you personally begin -- well, let me

16 just ask you: How regularly did you employ

17 independent contractors to do these -- to do

18 sign-ups for KNR?

19 A. **It was mostly a -- a weekend thing.**

20 Q. Weekend thing?

21 A. **Yeah.**

22 Q. And is it still going on?

23 A. **Yes.**

24 Q. You do it most weekends?

25 A. **Most weekends, yeah.**

11

1 Q. Are there any particular independent contractors

2 that you use for this purpose?

3 A. **Yes.**

4 Q. Could you tell me who they are?

5 A. **Currently?**

6 Q. Yeah. Currently.

7 A. **His name is Eddy Schumacher.**

8 Q. And you've used other people in the past?

9 A. **Yes.**

10 Q. How many different people have you used?

11 A. **I don't know for sure.**

12 Q. Is KNR -- have you informed KNR that you've used

13 these independent contractors to do the sign-ups?

14 A. **Yes.**

15 Q. Whom at KNR did you inform?

16 A. **The intake manager.**

17 Q. Who is that?

18 A. **Holly Tusko.**

19 Q. Okay. And do you have to get her approval

20 beforehand to do that?

21 A. **No.**

22 Q. Okay.

23 A. **It was just letting her know.**

24 Q. Okay. And there was no objection?

25 A. **No.**

12

1 Q. Okay. And I may have asked you, and if I did,

2 I'm sorry for repeating myself: When did you

3 start doing that? When did you first do that?

4 A. **I couldn't tell you the exact year.**

5 Q. Has it been more than two years that you've been

6 doing it?

7 A. **Yes.**

8 Q. You started doing work for -- you started doing

9 work for KNR when?

10 A. **2010.**

11 Q. And did you start -- when -- how long after that,

12 did you start using these independent

13 contractors; could you say?

14 A. **A few years.**

15 Q. A few years.

16 - - - -

17 (Thereupon, Plaintiff's Exhibit 1 was marked

18 for purposes of identification.)

19 - - - -

20 Q. Okay. Let me hand you what I have marked as

21 Simpson Exhibit 1.

22 MR. COHEN: And I will just ask

23 you to pass those around.

24 MR. GRIFFIN: Okay. I'm glad to.

25 MR. COHEN: Could I have one back?

13	<p>1 I'm sorry.</p> <p>2 MR. GRIFFIN: Sure.</p> <p>3 MR. COHEN: Thanks.</p> <p>4 Q. And my question to you is whether you could</p> <p>5 identify this document or this exhibit as</p> <p>6 including the Articles of Organization that you</p> <p>7 filed with the Secretary of State for purposes of</p> <p>8 forming MRS Investigations?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And your signature appears on the last</p> <p>11 page of the document, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Your signature is dated June 16, 2010, correct?</p> <p>14 A. Yes.</p> <p>15 Q. And it was in June 2010 that you formed MRS</p> <p>16 Investigations, correct?</p> <p>17 A. Yes.</p> <p>18 Q. And is that when you started doing work for KNR,</p> <p>19 around that time?</p> <p>20 A. Yes.</p> <p>21 Q. Did you form MRS for the purpose of doing work</p> <p>22 for KNR?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Did anyone -- did you -- this is just a</p> <p>25 yes or no question. Did you get the advice of</p>	15	<p>1 A. Not exactly, no.</p> <p>2 Q. Was it -- it was before you formed MRS</p> <p>3 Investigations?</p> <p>4 A. Oh, yeah.</p> <p>5 Q. And you met him through Aaron; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And prior to that time, had you and he socialized</p> <p>8 together?</p> <p>9 A. Yes.</p> <p>10 Q. And played golf?</p> <p>11 A. Right.</p> <p>12 Q. Did you consider him to be a personal friend at</p> <p>13 the time that you formed MRS Investigations?</p> <p>14 A. I mean, I played golf with him. But I don't --</p> <p>15 yeah. I would say, yes.</p> <p>16 Q. Someone you would play golf with?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. All right. And when you formed MRS</p> <p>19 Investigations, had you had -- do you have some</p> <p>20 sort of commitment that KNR would use your</p> <p>21 company to do investigations?</p> <p>22 A. No.</p> <p>23 Q. So you were just, at that time, hoping that you</p> <p>24 would be able to do work for the company?</p> <p>25 A. Yeah.</p>
14	<p>1 anyone regarding the formation of MRS</p> <p>2 Investigations? Did anyone advise you about</p> <p>3 doing it?</p> <p>4 A. No.</p> <p>5 Q. Okay. And how did you come up with the idea to</p> <p>6 form this company?</p> <p>7 A. It was through -- it was through Aaron Czetli.</p> <p>8 Q. And Mr. Czetli had his own company, AMC</p> <p>9 Investigations, correct?</p> <p>10 A. Yes.</p> <p>11 Q. And he was doing work for KNR at the time,</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. Is Mr. Czetli a cousin of yours?</p> <p>15 A. Yes, second cousin.</p> <p>16 Q. Second cousin. And he alerted you to the</p> <p>17 possibility of doing investigation work for KNR;</p> <p>18 is that right?</p> <p>19 A. Yes.</p> <p>20 Q. Did you have a discussion with Rob Nestico about</p> <p>21 doing investigation work for KNR prior to the</p> <p>22 time you formed MRS Investigations?</p> <p>23 A. Yes.</p> <p>24 Q. When did you first meet Rob Nestico? Do you</p> <p>25 recall?</p>	16	<p>1 Q. Did you have any other -- well, let me ask it</p> <p>2 this way: Could you generally describe for me</p> <p>3 what the business of MRS Investigations is?</p> <p>4 A. Could you say that again?</p> <p>5 Q. Could you generally describe what the business of</p> <p>6 the company is? In what line of business is the</p> <p>7 company engaged?</p> <p>8 A. Well, it's designed to -- I get contacted by KNR</p> <p>9 about clients that are interested in becoming</p> <p>10 clients, so to speak. Before they've just talked</p> <p>11 to them on the phone, so I'll meet with them and</p> <p>12 -- and get different tasks done that they need</p> <p>13 done in order for them to become clients.</p> <p>14 Q. That's the purpose of MRS Investigations?</p> <p>15 A. That's one of them.</p> <p>16 Q. What are the others?</p> <p>17 A. Well, once they're clients, there is numerous</p> <p>18 other things that -- that I do as well, while</p> <p>19 they're clients.</p> <p>20 Q. Give me an example, if you would, please.</p> <p>21 A. Sure. As far as getting paperwork signed,</p> <p>22 whether it's fee agreements or patient</p> <p>23 authorization forms, fire letters, if they have</p> <p>24 attorneys, taking pictures of cars, property</p> <p>25 damage, injuries, if there is physical injuries.</p>

17

1 **And then during the case -- during the course**
 2 **of when they're clients, I mean, I could pick up**
 3 **medical bills for them if they are having issues**
 4 **getting medical bills. File lawsuits if it gets**
 5 **to litigation.**
 6 **You know, if clients move or get a new phone**
 7 **number, KNR can't get ahold of them, I'll go back**
 8 **to the house, looking for them, trying to get the**
 9 **information. I mean, that's some of it. It's**
 10 **not all of it, but that's --**
 11 Q. Those are the ones that come to mind?
 12 A. **What is that?**
 13 Q. Those are the ones that come to mind?
 14 MR. GRIFFIN: One second. Do you
 15 have your phone on? I'm hearing Siri or
 16 something.
 17 THE WITNESS: I don't think it's
 18 on, but I have it. It's on silent.
 19 MR. GRIFFIN: Okay. I thought I
 20 heard Siri so -- it's not you.
 21 MR. COHEN: She's giving me the
 22 questions to ask, so --
 23 A. **You know, I know I've also delivered settlement**
 24 **checks when the case is over. There is a lot of**
 25 **different things.**

18

1 Q. Is it accurate to say that doing sign-ups is the
 2 primary business of MRS Investigations?
 3 MR. POPSON: Objection. Form.
 4 Q. You could answer.
 5 A. **I mean, I consider sign-ups that whole stuff I**
 6 **just told you. It's not just getting paperwork**
 7 **signed, if that's what you mean.**
 8 Q. So -- so some of the steps that you -- some of
 9 the tasks that you describe are -- are part of
 10 what you call sign-ups, correct?
 11 A. **Yeah.**
 12 Q. Okay. Did you have any particular training
 13 before you started doing work for KNR?
 14 A. **No.**
 15 Q. Do you believe that the work that you do for KNR
 16 requires any particular type of expertise?
 17 A. **No.**
 18 MR. POPSON: Objection.
 19 Q. Do you understand that under certain
 20 circumstances that Ohio, the State of Ohio,
 21 requires persons who are engaged in the business
 22 of private investigations to have a license?
 23 MR. GRIFFIN: Objection.
 24 A. **No.**
 25 Q. Have you ever considered getting a license to

19

1 engage in the business of private investigation?
 2 A. **No.**
 3 Q. Have you -- has MRS Investigations ever done work
 4 for any client, other than KNR?
 5 A. **Yes.**
 6 Q. What other clients? Well, I don't necessarily
 7 need to know their names. Could you generally
 8 describe the other clients for whom --
 9 A. **There's different -- there's different areas, as**
 10 **far as like when other attorneys are doing like**
 11 **different forms of malpractice, whether it's a**
 12 **drug or hip replacements or -- those are a couple**
 13 **that come to mind.**
 14 **But throughout the years, they do -- it's**
 15 **through other attorneys, but I still do the work**
 16 **for them, but it's different class actions, I**
 17 **guess, that they do.**
 18 Q. These are -- this is in connection with class
 19 actions --
 20 A. **Yeah.**
 21 Q. -- is that correct?
 22 A. **Yeah.**
 23 Q. And these are class actions in which KNR is
 24 participating as counsel; is that right?
 25 A. **As far as I know.**

20

1 Q. Okay. So KNR is involved in those cases, to your
 2 knowledge?
 3 A. **Yes.**
 4 Q. Okay. Do you -- does MRS Investigations have any
 5 other clients besides those and KNR?
 6 A. **No.**
 7 Q. Do -- does MRS Investigations advertise?
 8 A. **No.**
 9 Q. Does MRS Investigations have its own website?
 10 A. **No.**
 11 Q. How about its own telephone number?
 12 A. **No.**
 13 Q. Own fax number?
 14 A. **No.**
 15 Q. Okay.
 16 - - - -
 17 (Thereupon, Plaintiff's Exhibit 2 was marked
 18 for purposes of identification.)
 19 - - - -
 20 Q. Let me hand you what's been marked as Simpson
 21 Exhibit 2, and ask whether you could identify
 22 this as a copy of an e-mail that you received
 23 from Holly Tusko?
 24 A. **Yes.**
 25 Q. Okay. And the date of this e-mail is June 10,