

## CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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

3                   ~~~~~

4           MEMBER WILLIAMS, et al.,

5                   Plaintiffs,

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

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

8                   Defendants.

9                   ~~~~~

10                   Continued Video Deposition of  
11                   BRANDY GOBROGGE

12                   October 17, 2018

13                   9:16 a.m.

14                   Taken at:

15                   The Pattakos Law Firm, LLC

16                   101 Ghent Road

17                   Akron, Ohio 44333

18                   Tracy Morse, RPR

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## 1 APPEARANCES:

2 On behalf of the Plaintiff:

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

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

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

13 and

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

18 ~ ~ ~ ~ ~

## 19 ALSO PRESENT:

20 John J. Reagan, Esq.  
Alberto Nestico, Esq.\*  
21 Robert Redick, Esq.\*  
Rachel Hazelet, Law Clerk  
22 Joseph VanDetta, Videographer  
23 ~ ~ ~ ~ ~

24  
25 \* -- Via phone

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1 VIDEOGRAPHER: On the record,  
2 October 17, 2018, 9:16 a.m.

3 CONTINUED EXAMINATION OF BRANDY GOBROGGE  
4 BY MR. PATTAKOS:

5 Q. Good morning.

6 A. Good morning.

7 Q. Last night I got some unredacted  
8 copies of some of the documents you went over  
9 yesterday that were redacted. Tom provided me  
10 unredacted copies. So I'm going to go over  
11 those to see if you remember anything about  
12 these documents that's new with the redactions  
13 missing, so.

14 MR. PATTAKOS: What number are we  
15 on, Tracy? I'm just going to mark new  
16 exhibits.

17 MR. MANNION: 40.

18 MR. STUDENY: 40.

19 Q. So this is Exhibit 40.

20 - - - - -

21 (Thereupon, Deposition Exhibit 40,  
22 1/23/2012 Email To Staff and Rob  
23 Nestico From Brandy Brewer, was  
24 marked for purposes of  
25 identification.)

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1 - - - - -

2 MR. MANNION: Rob, this is  
3 December 23, 2012, email.

4 MR. NESTICO: Tom, can you put on  
5 the record that Attorney Robert Redick is in  
6 attendance with me here today.

7 MR. MANNION: Okay.

8 Hi, Robert.

9 MR. REDICK: Yes.

10 BY MR. PATTAKOS:

11 Q. Okay. So does this refresh your  
12 recollection at all of this document where you  
13 write, "NO narrative fee checks to any of the  
14 Plambeck chiros EXCEPT Floros & Patrice"?

15 A. No.

16 Q. Who's Patrice?

17 A. Dr. Lee-Seyon.

18 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,



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1 correct?

2 A. Yes.

3 Q. Okay.

4 MR. MANNION: That was the right  
5 spelling, by the way, from the other document.

6 THE WITNESS: Okay.

7 BY MR. PATTAKOS:

8 Q. Okay. You have no recollection at  
9 all of why no narrative fee checks were to be  
10 sent to any of the Plambeck chiros --

11 A. I don't.

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

13 MR. PATTAKOS: Let's mark  
14 Exhibit 41.

15 Q. Actually --

16 - - - - -

17 (Thereupon, Deposition Exhibit 41,  
18 1/23/2012 Email To Rob Nestico From  
19 Brandy Brewer, was marked for  
20 purposes of identification.)

21 - - - - -

22 MR. MANNION: Just a reminder to  
23 let him finish the question.

24 THE WITNESS: Oh, okay.

25 MR. MANNION: You guys just talked

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1 over a little bit.

2 THE WITNESS: I'm sorry.

3 MR. MANNION: No, that's okay.

4 BY MR. PATTAKOS:

5 Q. Now, just let me ask you about  
6 Exhibit 40 again, just to get some additional  
7 information here. You know, if you can't  
8 remember why you sent that email, do you  
9 remember who instructed you to send that email?

10 MR. MANNION: Objection. Assumes  
11 she was instructed.

12 But go ahead.

13 A. I don't.

14 Q. Do you think someone instructed you  
15 to send that email?

16 A. Honestly I don't remember.

17 Q. Do you know who would be able to  
18 explain that email better than you can?

19 A. Rob.

20 Q. Nestico?

21 A. Yes.

22 Q. Okay, okay. Let's look at  
23 Exhibit 41.

24 A. Well --

25 MR. MANNION: Go ahead.

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1 Q. I'm sorry?

2 MR. MANNION: Go ahead.

3 Q. What were you going to say?

4 A. On January 23, in this other  
5 exhibit here, number 41 at 12:31, Rob sent me  
6 an email--

7 Q. Yes.

8 A. -- right there, right?

9 Q. Yes.

10 A. So I didn't remember it, but it's  
11 on the other piece of paper that's in front of  
12 me.

13 Q. Right. Okay. So you write -- on  
14 Exhibit 41, you write in response to Rob's  
15 instruction, "No fees paid on these except  
16 Floros and patrice."

17 You write, "None to Shane, Maurer or any  
18 others?" Who is Shane?

19 A. He was a chiropractor in Columbus.

20 Q. What's his last name?

21 A. I don't remember.

22 Q. Okay. Who's Maurer?

23 A. He's a chiropractor in Cincinnati.

24 Q. Okay.

25 MR. MANNION: It's Jason Maurer.

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1 MR. PATTAKOS: Okay.

2 BY MR. PATTAKOS:

3 Q. Do you remember why you asked this  
4 question?

5 A. I don't.

6 Q. Okay. Do you have any idea why you  
7 might have asked this question?

8 A. I don't.

9 Q. Okay. Exhibit 42.

10 - - - - -

11 (Thereupon, Deposition Exhibit 42,  
12 1/23/2012 Email Trail Between Rob  
13 Nestico And Brandy Brewer, was  
14 marked for purposes of  
15 identification.)

16 - - - - -

17 MR. MANNION: January 23, 2012,  
18 still.

19 Q. So this looks like a response from  
20 Mr. Redick to your January 23 email that was  
21 sent in Exhibit 40 where you write, "No  
22 narrative fee checks to any of the Plambeck  
23 chiros EXCEPT Floros & Patrice."

24 And Mr. Redick responds, "Including  
25 Tassi.....interesting," and then writes a

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1 smiley face there. Does this refresh your  
2 recollection about this document?

3 A. It does not.

4 Q. You have no idea what Mr. Redick  
5 was talking about here?

6 A. I do not.

7 Q. Or why it would be interesting to  
8 him?

9 A. You would have to ask him.

10 Q. Okay.

11 - - - - -

12 (Thereupon, Deposition Exhibit 43,  
13 6/12/2012 Email Trail Between Julie  
14 Branch, Robert Redick And Brandy  
15 Brewer, was marked for purposes of  
16 identification.)

17 - - - - -

18 Q. Okay. Okay. So this -- if we look  
19 at Exhibit 43. We don't need to spend very  
20 much time on this.

21 MR. MANNION: June 12, 2012.

22 Q. This just confirms that it's Jason  
23 Maurer who drove you F'ing crazy, correct?

24 A. Yes.

25 Q. Okay. Okay.

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1 MR. PATTAKOS: I'm sorry. Did I  
2 hand these to you guys? Sorry. That's 43.  
3 (Handing.)

4 Q. 44.

5 - - - - -

6 (Thereupon, Deposition Exhibit 44,  
7 3/1/2012 Email To Alyssa Kirk, Etc.  
8 From Brandy Brewer, was marked for  
9 purposes of identification.)

10 - - - - -

11 MR. MANNION: March 1, 2012.

12 BY MR. PATTAKOS:

13 Q. Okay. This is an email where you  
14 write -- this is March 1, 2012. You write to,  
15 it looks like a number of paralegals copying  
16 Mr. Nestico and Mr. Redick saying, "We are  
17 paying narrative fees to the following," and  
18 you list Dr. Lee-Seyon -- which is Patrice,  
19 right? -- Dr. Schober, Dr. Floros, Dr. Tassi  
20 and Dr. Maurer. Do you remember sending this  
21 email?

22 A. I do not.

23 Q. Do you have any memory of why you  
24 would be -- the firm would be paying narrative  
25 fees to these five chiropractors specifically?

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1           A.       I'm sorry. Can you ask that again?

2                   MR. PATTAKOS: Tracy.

3                           (Record was read.)

4           A.       I don't remember sending this  
5 email.

6           Q.       Okay. Well, do you remember why  
7 these five chiropractors would be different  
8 from any other chiropractors, in terms of why  
9 they would get paid narrative fees and why you  
10 would be sending this email?

11          A.       Well, if they sent a narrative  
12 report, then we would pay them a fee for it.  
13 And these wouldn't be the only doctors. We pay  
14 narrative fees to plenty of other doctors.

15          Q.       Well, then why would you send this  
16 email?

17          A.       I don't know. I don't remember  
18 sending it.

19          Q.       If these weren't the only doctors  
20 you were paying narrative fees to and there  
21 were plenty of other doctors, wouldn't there be  
22 some reason that you would be telling people  
23 about these five doctors?

24          A.       No. I have a vague memory of the  
25 paralegals forgetting to request the checks for

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1 the narrative payments, but I don't know if  
2 that specifically why I sent this email. It  
3 was six years ago.

4 Q. Okay. And the paralegals must have  
5 kept forgetting and forgetting, because you  
6 keep sending these emails, correct?

7 MR. MANNION: Objection.

8 Go ahead.

9 A. Sure. I mean, it was difficult to  
10 get people to remember to do things. That  
11 would be why I would send a reminder.

12 Q. Okay. And so is it your testimony  
13 that the paralegals would forget to send checks  
14 only to certain chiropractors and that's why  
15 you would need to remind them about specific  
16 chiropractors?

17 A. No. I mean, they would -- they  
18 forget a lot of things.

19 Q. Well, I guess my question is: The  
20 question is raised is why -- if the paralegals  
21 are forgetting to send these checks for the  
22 narratives, why would it be only for specific  
23 chiropractors? Why wouldn't you just say,  
24 "Please remember to send narrative reports to  
25 all the chiropractors"? Why would you specify?



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1 MR. MANNION: Objection to form.

2 Go ahead.

3 A. I mean, as I stated, I don't  
4 remember typing this email. It was six years  
5 ago --

6 Q. I understand that.

7 A. -- so --

8 MR. MANNION: Let her finish,  
9 please.

10 A. -- I can't answer that question.

11 Q. Okay. I mean, this was your job,  
12 so I'm asking why -- you know, I'm not asking  
13 you to remember the day you typed this email.  
14 I'm asking you to testify based on your  
15 understanding of what your responsibilities  
16 were as to what might be going on here. That's  
17 all.

18 MR. MANNION: Objection. She  
19 answered the question. That wasn't a question,  
20 by the way.

21 MR. PATTAKOS: So it is a question.

22 MR. MANNION: What?

23 Q. Do you have any idea why you would  
24 be singling out these five chiropractors as  
25 opposed to just saying, "Please remember to

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

3 MR. MANNION: Objection. Asked and  
4 answered multiple times.

5 Go ahead.

6 A. I don't remember why I sent this  
7 email.

8 Q. Okay. So you have testified and a  
9 lot of these documents reflect that the firm  
10 would call the chiropractors to schedule the  
11 appointments, call the chiropractor's offices  
12 to schedule the appointments for the client,  
13 correct?

14 MR. MANNION: Objection to form.

15 Go ahead.

16 A. Actually, I testified that there  
17 were times that I would tell the doctors about  
18 the appointment and they would call the clients  
19 to schedule it. There are emails that state  
20 that the attorneys were scheduling the  
21 appoint -- I mean, it was -- the scheduling was  
22 done different ways at different times.

23 Q. I mean, was it -- do you mean that  
24 the policy changed over the years or do you  
25 just mean there was never any policy and it

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1 just happened in random ways at different times  
2 depending on the case?

3 A. So it wasn't a policy, how the  
4 appointments got scheduled. There never was a  
5 policy on that --

6 Q. Okay.

7 A. -- the clients could schedule their  
8 own appointments with the doctor. The doctor  
9 could call the client and schedule the  
10 appointment. The attorneys could call the  
11 chiropractor and schedule the appointment. It  
12 could happen a variety of ways.

13 Q. And the firm didn't have any policy  
14 or preference?

15 A. We tried it different ways to kind  
16 of see what worked and what worked better --  
17 really I guess at the end of the day, it  
18 depended on what was in the best interest of  
19 the client. If the client preferred to  
20 schedule their own appointment, they would do  
21 that. If it was easier to have the  
22 chiropractor call or the attorney could call  
23 based on, you know, their time limitations or  
24 what the attorneys preference was. So there  
25 was -- there was no set way to do that, I guess

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1 is what I'm trying to say.

2 Q. Are you saying there was never any  
3 set way to do that or are you saying that there  
4 at one time was a set way to do that and the  
5 firm changed its practices?

6 MR. MANNION: Objection to form.

7 Go ahead.

8 A. So there was never a specific  
9 policy or practice. We tried a variety of  
10 different things back then. And then now  
11 today, it's -- it's still the same, whatever is  
12 easier and works best.

13 Q. Okay. Well, let's take a look at  
14 Exhibit 45.

15 - - - - -

16 (Thereupon, Deposition Exhibit 45,  
17 3/12/2013 Email To Prelit Attorney  
18 From Brandy Lamtman, Bates Number  
19 Williams000442, was marked for  
20 purposes of identification.)

21 - - - - -

22 MR. MANNION: March 12, 2013.

23 BY MR. PATTAKOS:

24 Q. Okay. This is an email from you on  
25 March 12, 2013, to prelit attorneys copying

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1 Mr. Nestico where you write, "PLEASE," in all  
2 capitals, "make sure you are calling the chiro  
3 and scheduling the appointment. This has been  
4 discussed before." How do you explain this --  
5 let me ask you first: Did you send this email?

6 A. Yes.

7 Q. So how do you explain this email,  
8 in light of your testimony that there was never  
9 a firm policy to call the chiropractors for the  
10 clients?

11 MR. MANNION: Objection to form.

12 Go ahead.

13 A. Okay. So I'm asking them to call  
14 the chiropractor and schedule the appointment.  
15 I didn't say in here, "It's firm policy that  
16 you call the chiropractor and schedule the  
17 appointment." This is something that at that  
18 time we were trying out that way of doing  
19 things. And actually, I can tell you that  
20 didn't really work out so well. The attorneys  
21 didn't have time to schedule all of those  
22 appointments.

23 Q. So you're saying that you're asking  
24 them to call the chiropractors here --

25 A. Yes.

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1 Q. -- and not telling them to do so?

2 A. Correct.

3 Q. So when you write, "PLEASE make  
4 sure you are calling the chiro and scheduling  
5 the appointment," period, you were not giving a  
6 command there?

7 MR. MANNION: Objection. That's  
8 ridiculous, Peter.

9 Go ahead.

10 A. Yeah, I don't read that as me  
11 giving a command.

12 Q. Okay.

13 MR. MANNION: These are lawyers  
14 she's talking to, Peter.

15 Q. "This has been discussed before."  
16 What were these discussions?

17 A. I don't remember the specific  
18 discussions. It was five years ago.

19 MR. MANNION: Six and a half, five  
20 and a half.

21 THE WITNESS: Right.

22 MR. PATTAKOS: Okay.

23 MR. MANNION: Move to strike the  
24 extraneous comments.

25 BY MR. PATTAKOS:

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1 Q. So on this document where you say,  
2 "PLEASE make sure you are calling the chiro and  
3 scheduling the appointment," this is for every  
4 referral, right --

5 MR. MANNION: Objection.

6 Q. -- this is for every case, right?

7 MR. MANNION: Objection. Look at  
8 the subject. Stop it.

9 MR. PATTAKOS: Stop testifying.

10 MR. MANNION: No. You stop it.  
11 You're twisting things that you know aren't  
12 true and you're doing it on purpose. You can  
13 laugh all you want. What you're doing is a lie  
14 and you know it's a lie.

15 MR. PATTAKOS: Tom, what you're  
16 doing is pathetic --

17 MR. MANNION: No. It says,  
18 "Subject: Chiropractor Referrals" --

19 MR. PATTAKOS: -- and  
20 unprofessional --

21 MR. MANNION: -- and you've now  
22 turned it into every case.

23 MR. PATTAKOS: You should stop.

24 MR. MANNION: You should stop  
25 lying.

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1 MR. PATTAKOS: Tom, the Court --

2 MR. MANNION: -- because that's  
3 what you've been doing --

4 MR. PATTAKOS: -- is going to  
5 strike all of this from the record. The jury  
6 isn't going to see any of this. They're just  
7 going to see --

8 MR. MANNION: I'm not talking to  
9 the jury. I'm trying to have you act  
10 professional with the witness.

11 MR. PATTAKOS: Unless where we see  
12 that you are obviously trying to coach the  
13 witness and testify for her --

14 MR. MANNION: Oh, my lord.

15 MR. PATTAKOS: -- you know, then  
16 the jury will see that.

17 MR. MANNION: Okay. All right.  
18 Okay, Peter. I'm sorry. The rules by Peter.  
19 Can you get me a copy of that rule book?

20 BY MR. PATTAKOS:

21 Q. So, Ms. Gobrogge, are you in this  
22 email referring to every case that comes into  
23 the firm? Are you instructing the attorneys to  
24 call a chiropractor and schedule the  
25 appointment?



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1           A.       No. It doesn't say, "Every case in  
2 the firm."

3           Q.       Okay. So what's the qualifier  
4 here? What cases do you do this on, if it's  
5 just a certain set, if not every case?

6           A.       This is only for clients who needed  
7 a chiropractor referral --

8           Q.       Okay.

9           A.       -- and only for times that the  
10 client didn't schedule their own appointment or  
11 that the doctor didn't call them to schedule  
12 it.

13          Q.       Okay.

14               MR. MANNION: He's basically  
15 trying to trick you, is what he's trying to do.

16               MR. PATTAKOS: Tom, please, this is  
17 completely inappropriate for you to speak.

18               MR. MANNION: So is your question.  
19 So is your question.

20               MR. PATTAKOS: Tom, I know you  
21 don't like what these documents show --

22               MR. MANNION: No. (Inaudible) --

23               MR. PATTAKOS: -- I wouldn't like  
24 them either, if I had acted like you throughout  
25 the course of this litigation.

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1 MR. MANNION: That has nothing --  
2 are you kidding me? I have no problem with  
3 this email.

4 MR. PATTAKOS: Please be  
5 professional and let me --

6 MR. MANNION: I have no problem  
7 with this email.

8 MR. PATTAKOS: -- ask my questions.  
9 You can take up your questions with the  
10 Court --

11 MR. MANNION: You are trying to  
12 twist and turn --

13 THE NOTARY: I can't take you  
14 both at the same time.

15 MR. PATTAKOS: You can take up your  
16 questions with the Court, if you have issues  
17 with the questions I ask.

18 MR. MANNION: Just try to be  
19 realistic and fair and honest, which you're not  
20 doing.

21 MR. PATTAKOS: Tom, Tom, I know you  
22 have a client that's in a bad position here. I  
23 sympathize with you -- or I should say, I  
24 empathize with you --

25 MR. MANNION: Oh, yeah.

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1 MR. PATTAKOS: -- but that's not an  
2 excuse for your histrionics.

3 MR. MANNION: My histrionics?  
4 What are you doing? What was that?

5 MR. PATTAKOS: Let's mark the next  
6 exhibit.

7 MR. MANNION: Yeah, I don't go  
8 around talking to other people's associates  
9 either and trying to talk to them about what  
10 firm they should be with or who they're  
11 involved with that apparently you think is  
12 appropriate to do.

13 MR. PATTAKOS: I think it's a real  
14 shame.

15 THE NOTARY: I need to mark this  
16 exhibit. Okay? Can we do that?

17 MR. PATTAKOS: 46.

18 THE NOTARY: Thank you.

19 - - - - -

20 (Thereupon, Deposition Exhibit 46,  
21 11/19/2012 Email To Attorneys And  
22 Prelit Support From Brandy Lamtman,  
23 Bates Number Williams000296, was  
24 marked for purposes of  
25 identification.)

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1 - - - - -

2 MR. MANNION: Read the entire  
3 email, before he asks you questions, including  
4 all of it.

5 MR. NESTICO: Date, Tom?

6 MR. MANNION: Yeah. Oh,  
7 November 19, 2012.

8 BY MR. PATTAKOS:

9 Q. So in this exhibit, this is an that  
10 you sent to all attorneys, prelit support  
11 copying Rob Nestico, Robert Redick and Holly  
12 Tusko, correct?

13 THE WITNESS: Excuse me.

14 MR. MANNION: Bless you.

15 MR. PATTAKOS: Gesundheit.

16 THE WITNESS: Thank you. Sorry.

17 A. Can you start over or someone --

18 Q. This is an email from you to all  
19 attorneys, prelit support copying Rob Nestico,  
20 Robert Redick and Holly Tusko sent on  
21 November --

22 THE WITNESS: I'm sorry.

23 MR. PATTAKOS: Gesundheit.

24 MR. MANNION: Bless you.

25 A. Okay.

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1 Q. -- November 19, 2012, correct?

2 A. Yes.

3 Q. And did you send this email?

4 A. Yes.

5 Q. Okay. And you write -- the subject  
6 line is, "Chiropractor Referrals." And you  
7 write, "I know that many of you already" --

8 THE WITNESS: I'm so sorry.

9 A. Okay.

10 Q. Take your time.

11 A. Okay.

12 Q. -- you write, "I know that many of  
13 you already do this, but for those of you that  
14 do not, PLEASE put the intake on hold" --  
15 "Please, in all caps -- "and call the  
16 chiropractor's office and set up the  
17 appointment for the client and then let the  
18 client know the time they need to be there. It  
19 is IMPERATIVE that this gets done."

20 "Paralegals, when you do your first phone  
21 call with the client after the case gets  
22 opened, make sure the client went to see the  
23 chiropractor."

24 Now, how does this -- how is this  
25 consistent with what you just told me about how

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1 the firm only -- I'm sorry. Strike that. You  
2 just testified the firm does not direct its  
3 clients to treat with chiropractors, but isn't  
4 that exactly what's going on in this email?

5 MR. MANNION: Objection. It  
6 completely mischaracterizes the testimony.  
7 Stop doing that.

8 MR. PATTAKOS: Tom, stop --

9 MR. MANNION: No. You stop it.

10 MR. PATTAKOS: -- your speaking  
11 objections.

12 MR. MANNION: No. You're saying  
13 for the record that she testified to something  
14 that didn't happen. Ask her a question about  
15 the document. Don't try to paraphrase her  
16 testimony.

17 BY MR. PATTAKOS:

18 Q. Well, are you not saying in this  
19 email that for every intake that comes in, the  
20 attorneys or prelit support employees are  
21 supposed to call the chiropractor's office and  
22 set up an appointment with the client and that  
23 it is imperative that this gets done? Are you  
24 not saying that the firm should make an  
25 appointment for every single intake with a

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1 chiropractor?

2 A. I didn't say, "Every single," on  
3 here at all.

4 Q. So what are you qualifying here?  
5 Where's the qualification?

6 A. I said, "Please put the intake on  
7 hold and call the chiropractor's office." So  
8 that means intake, not every single intake.

9 Q. Well, which ones?

10 A. The clients that needed a referral  
11 to the chiropractor. They needed a doctor.

12 MR. MANNION: Perhaps you could  
13 look at the subject line, Peter.

14 Q. When you say at the bottom,  
15 "Paralegals, when you do your first phone call  
16 with the client after the case gets opened,  
17 make sure the client went to see the  
18 chiropractor," why did you write that?

19 A. Because clients don't realize that  
20 the insurance company is going to use it  
21 against them, if they're not consistently going  
22 to the doctor and documenting their injuries.  
23 So they may think it's okay to wait a week or  
24 two, but then the insurance company is going to  
25 turn around and use that against them.

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1 Q. But what if the client doesn't want  
2 chiropractic treatment?

3 A. Well, then they wouldn't be  
4 referred to a chiropractor.

5 Q. Okay.

6 - - - - -

7 (Thereupon, Deposition Exhibit 47,  
8 3/26/2013 Email To Attorneys From  
9 Brandy Lamtman, Bates Number  
10 Williams000441, was marked for  
11 purposes of identification.)

12 - - - - -

13 MR. NESTICO: Date, Tom?

14 MR. MANNION: Oh, I apologize.

15 March 26, 2013.

16 Q. Okay. So this is an email from you  
17 to all KNR attorneys dated March 26, 2013, with  
18 the subject heading, "Intakes." Did you send  
19 this email?

20 A. Yes.

21 Q. Okay. In this email, you write,  
22 "If you do an intake and the person already has  
23 an appointment with a chiropractor we do not  
24 work with, either pull it and send to one of  
25 our doctors or call the chiropractor directly.



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1 You MUST do this on all intakes, otherwise the  
2 chiropractor will pull and send to one of their  
3 attorneys," exclamation mark.

4 What does it mean to say, "Pull it"?

5 A. That would mean that they would  
6 send the client to a different attorney.

7 Q. When you are instructing the  
8 attorneys to, "Pull it," here --

9 A. No. I didn't tell the attorneys to  
10 pull anything. I asked the attorneys to call  
11 the doctor or send it to another doctor, but I  
12 gave -- there's an option there to either call  
13 that specific chiropractor. But it's better  
14 for our clients to work with a doctor that we  
15 know than a doctor that we don't know.

16 Q. Well, you write here, "If you do an  
17 intake and the person already has an  
18 appointment with a chiropractor we do not work  
19 with, either pull it and send to one of our  
20 doctors or call the chiropractor directly."  
21 What does, "Pull" -- I'm asking what you mean  
22 by, "Pull it," here.

23 A. So I'm sorry. When you asked me  
24 the question the first time, I was reading it  
25 and the last -- the doctor would pull it and

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1 send to one of their attorneys --

2 Q. Okay.

3 A. -- so either, "Pull it," means  
4 refer it to another doctor or call this other  
5 chiropractor.

6 Q. What would you call the other  
7 chiropractor for?

8 A. To let them know that we're  
9 representing the client and to make sure that  
10 they would sign a lien or they would wait to  
11 get paid until the case is settled; that they  
12 were okay with our firm representing them; they  
13 were okay with being involved in a potential  
14 lawsuit; that they would be open to negotiate  
15 their bill, if we needed that; that if the  
16 client needed transportation, they had that  
17 available. I mean, it could have been a  
18 variety of different thing.

19 Q. What's this last part of this  
20 sentence, "...otherwise" -- the last part of  
21 the last sentence, you say, "You MUST do this  
22 on all intakes, otherwise the chiropractor will  
23 pull and send to one of their attorneys!" --

24 MR. MANNION: Objection. Asked and  
25 answered.

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1 Go ahead.

2 Q. -- why are you concerned with that?

3 A. Well, the client called us to  
4 represent them, so I wouldn't want the  
5 chiropractor to send it to another law firm --

6 Q. Okay.

7 A. -- that may not even be in the best  
8 interest of our client.

9 Q. But you don't really know, do you?

10 A. Well, no. I don't have a crystal  
11 ball.

12 Q. Well, I mean, what if the  
13 attorneys -- or what if the client trusts that  
14 chiropractor and wants to go to another  
15 attorney?

16 A. Then that would be up to the  
17 client.

18 Q. Okay. Do chiropractors have  
19 attorneys?

20 MR. MANNION: Objection to form.

21 A. I mean, I wouldn't say they have  
22 attorneys.

23 Q. Well, you said it here. You said,  
24 "...otherwise the chiropractor will pull and  
25 send to one of their attorneys!" What do you

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1 mean by that?

2 A. An attorney that they work with or  
3 that they may refer cases to.

4 Q. So you're recognizing here that  
5 it's common for attorneys to have relationships  
6 with chiropractors, correct?

7 MR. MANNION: Objection. That's  
8 not what she said.

9 A. That's not what I said.

10 Q. Well, then what do you mean then?

11 MR. MANNION: She explained it  
12 already.

13 MR. PATTAKOS: Tom.

14 A. I just said, the chiropractors may  
15 have attorneys that they prefer to work with.

16 Q. Okay. Okay. So you would refer  
17 clients to chiropractors, even if they already  
18 had their own doctor, correct?

19 MR. MANNION: I'm going to object.  
20 Do you mean her --

21 MR. PATTAKOS: The firm.

22 MR. MANNION: -- or KNR? Okay.

23 A. I'm sorry. What was the question?

24 Q. The firm would refer clients to  
25 chiropractors, as a matter of policy, even when

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1 the clients already had a doctor, correct?

2 MR. MANNION: Objection, form.

3 Go ahead.

4 A. No, there is not a policy for that.

5 Q. Okay. Let's look at Exhibit 48.

6 - - - - -

7 (Thereupon, Deposition Exhibit 48,  
8 5/1/2013 Email To Prelit Attorney  
9 From Brandy Lamtman, Bates Number  
10 Williams000164, was marked for  
11 purposes of identification.)

12 - - - - -

13 MR. MANNION: May 1, 2013.

14 THE NOTARY: I'm sorry. I have  
15 to mark it. (Indicating.)

16 THE WITNESS: Oh, sorry.  
17 (Handing.)

18 MR. MANNION: Did I give you the  
19 date already? "Subject: Chiro Referrals,"  
20 date, May 1, 2013. Sorry, if I didn't.

21 MR. NESTICO: Yes.

22 BY MR. PATTAKOS:

23 Q. So this is an email from you to all  
24 prelit attorneys copying Rob Nestico dated  
25 May 1, 2013, correct?

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1 A. Yes.

2 Q. And did you send this email?

3 A. Yes.

4 Q. And you write, "This happens  
5 frequently so we wanted to address this with  
6 all of you. When doing an intake, just bc they  
7 tell you they are treating with pcp, doesn't  
8 mean you shouldn't refer to a chiro."

9 "PCP" means primary care physician,  
10 correct?

11 A. Yes.

12 Q. You then say, "Always refer to a  
13 chiro bc they can do both."

14 "This is especially an issue in  
15 Youngstown." Am I reading that correctly?

16 A. Yes.

17 Q. Okay. When you say, "We," who are  
18 you referring to here? Where you say, "...we  
19 wanted to address this with all of you"?

20 A. I don't know what I meant by, "We."

21 Q. Do you think you meant you and Rob,  
22 since Rob is copied here?

23 MR. MANNION: Objection. Asked  
24 and answered.

25 A. Not necessarily.

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1 Q. Okay. So when you write, "Always  
2 refer to a Chiro," even when they tell you they  
3 are treating with a primary care physician --

4 MR. MANNION: Objection. You just  
5 misread that.

6 Q. -- when you write that --

7 MR. MANNION: Objection. You  
8 misread that.

9 MR. PATTAKOS: Tom, your objection  
10 is noted for the record.

11 Q. -- when you write, "Always refer to  
12 a Chiro," and you write that in the sentence  
13 after, you say to do this even when, "...they  
14 tell you they are treating with," a primary  
15 care physician, are you telling me that you are  
16 not communicating a firm policy by writing  
17 that?

18 A. I am not communicating a firm  
19 policy by writing that.

20 Q. And you're not communicating an  
21 instruction or a command there either?

22 A. No.

23 Q. It's just a suggestion. Is that  
24 your testimony?

25 A. Yes.

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1           Q.       What I did you make this  
2 suggestion?

3           A.       Well, I don't remember sending this  
4 email specifically. I can infer that I was  
5 making a statement that they could treat with  
6 their family doctor and have chiropractic care  
7 at the same time.

8           Q.       And why is it so important for you  
9 to send the clients -- for the firm to send the  
10 clients to a chiropractor, even when they  
11 already -- even when the clients already tell  
12 you that they're treating with a doctor?

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

15           A.       Well, I wouldn't say that it's so  
16 important to me.

17           Q.       Well, why did you write,  
18 "Always..."? And why did you write, "This  
19 happens frequently..."? And that this is an  
20 issue you?

21                   MR. MANNION: Objection to form.  
22 Go ahead.

23           A.       I stated a minute ago that I don't  
24 specifically remember sending this email.

25           Q.       Wouldn't the client's doctor be in



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1 a better position to know whether the client  
2 would benefit from chiropractic care?

3 MR. MANNION: Objection. She  
4 didn't say otherwise.

5 Go ahead.

6 A. Yeah, I can't speak on behalf of  
7 the doctor. Maybe the doctor did refer them to  
8 chiropractic or physical therapy.

9 Q. So why would the firm play any role  
10 there at all, if the client already has their  
11 doctor?

12 MR. MANNION: Objection to form.  
13 Go ahead.

14 A. Often it takes a while to get in  
15 with their family doctor --

16 Q. Okay.

17 A. -- I don't know -- I can't say that  
18 that's exactly why, but I know that's a common  
19 issue.

20 Q. So you write, "This happens  
21 frequently..." What did you mean by that?  
22 What happens frequently?

23 A. I don't know. I don't remember  
24 sending this email, so I don't remember the  
25 exact context --

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1 Q. Well --

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

3 Q. -- it seems that you're referring  
4 to a practice among the prelit attorneys of not  
5 referring clients to chiropractors, when the  
6 clients are saying they are treating with a  
7 PCP. Does that seem right to you?

8 MR. MANNION: Objection to form.  
9 Go ahead.

10 A. No. It seems that there was some  
11 kind of issue that happened in Youngstown --  
12 that's what I said in there -- but I don't  
13 remember what that issue is leading up to why I  
14 would send this email.

15 Q. And that issue is not the issue of  
16 the firm's prelit attorneys not making chiro  
17 referrals, when the clients are saying that  
18 they treated with a PCP?

19 MR. MANNION: Objection to form and  
20 a triple negative.

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

22 Q. Okay.

23 MR. PATTAKOS: Let's mark  
24 Exhibit 49.

25 - - - - -

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1 (Thereupon, Deposition Exhibit 49,  
2 1/16/2013 Email To Rob Horton From  
3 Brandy Lamtman, Bates Number  
4 Williams000378, was marked for  
5 purposes of identification.)

6 - - - - -

7 MR. MANNION: September 16, 2013.  
8 I'm a little slow on the draw today, Rob.

9 Q. So this is an email from you to Rob  
10 Horton, correct?

11 A. Yes.

12 Q. Dated Monday, September 16, 2013.  
13 The subject line is, "My referral." Did you  
14 send this email?

15 A. Yes.

16 Q. And you write, "Since she is a  
17 nurse, she may not want chiro. Feel her out  
18 for that before you refer. She may want family  
19 doc and PT." What did you mean by -- who is,  
20 "My referral"?

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

22 Q. Okay.

23 A. -- I wouldn't really say, "A  
24 friend." More of like an acquaintance's mom.  
25 I haven't seen her in a long time.

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1 MR. MANNION: Do not say the name.

2 THE WITNESS: Okay.

3 BY MR. PATTAKOS:

4 Q. Okay. And you referred this person  
5 to the firm, correct?

6 A. Yes.

7 Q. And you knew that Horton was  
8 handling the case, correct?

9 A. Yes.

10 Q. Okay. So you write, "Since she is  
11 a nurse, she may not want chiro." Why did you  
12 write that?

13 A. I thought that, since she was a  
14 nurse, she may want to see a medical doctor,  
15 but it turns out I was wrong. She actually  
16 wanted to see a chiropractor.

17 Q. Well, why would a nurse not want to  
18 see a chiropractor?

19 A. I thought that since she's in the  
20 medical field and she works for medical doctors  
21 that she might want to see a medical doctor,  
22 but, like I said, I was wrong. She actually  
23 wanted to see a chiropractor.

24 Q. Okay. Why wouldn't any client want  
25 to see a family doctor and a physical

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1 therapist?

2 MR. MANNION: I'm sorry. Say that  
3 again. I didn't hear the question.

4 Q. Why wouldn't any client want a  
5 family doctor and a physical therapist? What  
6 would make a nurse any different?

7 MR. MANNION: Objection. Asked and  
8 answered.

9 But go ahead.

10 A. Well, I can't speak on behalf of  
11 any client. I can only speak on behalf of her.  
12 And it was because she worked for a medical  
13 doctor, I thought she may have that preference.  
14 Well, like I said, she actually wanted to see a  
15 chiropractor. She actually treated with a  
16 chiropractor.

17 Q. What this looks like, is that the  
18 firm has a policy of recommending all of its  
19 clients to chiropractors; and then you made a  
20 special exception for this person, because she  
21 is a nurse. Are you saying that's not what the  
22 case is here?

23 MR. MANNION: Objection to form.  
24 Move to strike the testimony of the plaintiff's  
25 attorney.

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1           But go ahead.

2           A.       I know you have this idea in your

3 head that there's some kind of policy, but

4 there's not.

5           [REDACTED]

6 [REDACTED]

7           [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11           [REDACTED]

12 [REDACTED]

13           [REDACTED]

14           [REDACTED]

15           [REDACTED]

16           [REDACTED]

17 [REDACTED]

18           [REDACTED]

19           [REDACTED]

20           [REDACTED]

21 [REDACTED]

22 [REDACTED]

23           [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 Q. Okay. So you do remember that that  
3 is the case?

4 MR. MANNION: Objection to form.

5 Go ahead.

6 A. I remember re -- sorry -- reviewing  
7 emails that said that. I don't remember that  
8 actually happening. It was a long time ago.

9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]

13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 MR. MANNION: Objection. Asked and  
23 answered.

24 Go ahead.

25 A. Could you show me an email? I

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1 don't know what you're saying --

2 Q. So you don't --

3 A. -- I don't know the context around  
4 what you're asking.

5 Q. Okay. But right now, without  
6 looking at an email, you can't tell me what a  
7 delivery referral is?

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

10 A. Correct.

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 Q. Okay. Let's take a look at  
19 Exhibit 50.

20 - - - - -

21 (Thereupon, Deposition Exhibit 50,  
22 6/4/2013 Email To Intake And  
23 Attorneys From Holly Tusko, Bates  
24 Number Williams000310, was marked  
25 for purposes of identification.)



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1 - - - - -

2 MR. MANNION: June 4, 2013.

3 Q. So this is an email that Holly  
4 Tusko sent to all intake employees, all  
5 attorneys as well as copying you and  
6 Mr. Nestico with the subject, "Referrals," and  
7 the importance level marked high. Did you  
8 receive this email from Holly Tusko?

9 A. I mean, it says she sent it to me.  
10 I don't remember specifically receiving it.

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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

2 [REDACTED] [REDACTED]

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

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

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

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

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

8 [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

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

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

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

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

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

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

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

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

21 [REDACTED] [REDACTED]

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

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

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

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

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

4 Q. Okay.

5 A. -- what was -- what were they  
6 looking at.

7 Q. Got it. Thank you.

8 - - - - -

9 (Thereupon, Deposition Exhibit 51,  
10 7/17/2013 Email To Prelit Attorneys  
11 From Brandy Lamtman, Bates Number  
12 Williams000157, was marked for  
13 purposes of identification.)

14 - - - - -

15 Q. Exhibit 51 --

16 MR. MANNION: July 17, 2013.

17 Q. -- so this is an email from you to  
18 all prelit attorneys with the subject, "Akron  
19 Injury," sent on July 17, 2013. Did you send  
20 this email?

21 A. Yes.

22 Q. And you write, "Today we sent 3 to  
23 ASC...." That means Akron Square Chiropractic,  
24 correct?

25 A. Yes.

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1           Q.       Then you write, "....please get the  
2 next Akron case to Dr. Holland at Akron Injury.  
3 Please just make sure it's not a red bag  
4 referral and not a current or former client  
5 that treated at ASC" --

6                   MR. MANNION: Is there a question?

7           Q.       -- why would it matter whether it  
8 were a red bag referral or not?

9           A.       I -- I don't have an answer for  
10 that. I don't remember.

11          Q.       Who's Dr. Holland?

12          A.       She was a doctor that worked at  
13 Akron Injury.

14          Q.       What's her first name?

15          A.       I don't know.

16          Q.       Anything you remember about her  
17 that made her different from any of the other  
18 chiros that the firm referred cases to?

19                   MR. MANNION: Objection to form.

20               Go ahead.

21          A.       No.

22          Q.       And you can't think of any reason  
23 why you would not send a red bag referral to  
24 Dr. Holland?

25          A.       I don't know.

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1 Q. Do you remember who instructed you  
2 to make this request, to make sure that  
3 Dr. Holland is not sent a red bag referral?

4 MR. MANNION: Objection to form.  
5 Go ahead.

6 A. I don't know that it was  
7 necessarily not to send red bags to  
8 Dr. Holland. That's --

9 Q. Well, then what is it? If you're  
10 saying, "...please get the next Akron case to  
11 Dr. Holland... Please just make sure it's not  
12 a red bag referral....," what are you saying  
13 there if not to say, don't send Dr. Holland a  
14 red bag referral?

15 A. The red bag referrals were sent to  
16 Akron Square.

17 Q. They were?

18 A. Yeah. That's in all of those  
19 emails for that.

20 Q. So why was that the case?

21 A. I don't know.

22 Q. Who would know?

23 A. Rob.

24 Q. Nestico?

25 A. Yes. I don't -- I don't know. If

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1 I did know at the time -- I don't know.

2 Q. Okay. Well, that will save us some  
3 time on some of these documents.

4 MR. MANNION: Before you ask the  
5 next question, just timing wise, I wanted to  
6 let you know as far as the personal issue,  
7 probably close to 11:00, if we can get that far  
8 before we take a break, is when she'll need a  
9 break for the personal issue --

10 MR. PATTAKOS: Okay.

11 MR. MANNION: -- Just wanted to  
12 let you know timing wise.

13 MR. PATTAKOS: That's fine.  
14 Thanks.

15 THE WITNESS: What time is it?

16 MR. MANNION: 10:06. Will that be  
17 okay timing wise, somewhere in that frame?

18 THE WITNESS: Yeah. My neck is  
19 just really bothering me.

20 MR. REAGAN: Do you want to take  
21 a short break now?

22 THE WITNESS: Is that okay?

23 MR. MANNION: Take like a 2  
24 minute, 5 minute just to --

25 MR. PATTAKOS: Fine.

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1 MR. MANNION: Yeah, let's take 5  
2 minutes then.

3 VIDEOGRAPHER: Off the record  
4 10:07.

5 (Recess taken.)

6 - - - - -

7 (Thereupon, Deposition Exhibit 52,  
8 12/19/2012 Email To Prelit Attorneys  
9 From Brandy Lamtman, Bates Number  
10 Williams000284, was marked for  
11 purposes of identification.)

12 - - - - -

13 MR. MANNION: December 19, 2012.

14 VIDEOGRAPHER: On the record 10:13.

15 BY MR. PATTAKOS:

16 Q. Okay. So Exhibit 52 is an email  
17 that you sent to all prelit attorneys with the  
18 subject line, "REMINDER," and you mark it, high  
19 importance. What does it mean when you mark an  
20 email, high importance?

21 A. That I want it to stand out.

22 Q. You didn't mark every email as  
23 highly important, did you?

24 A. Well, back then I marked a lot of  
25 emails, high importance.

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1 Q. Why did you do that?

2 A. I don't know.

3 Q. Well, you marked it as important,  
4 because it was important, right?

5 A. We get a lot of emails at KNR back  
6 and forth either interoffice or -- hundreds a  
7 day, so I wanted it to stand out.

8 Q. Um-hum. Okay. And you write in  
9 all capital letters, "ALL RED BAG REFERRALS  
10 NEED TO GO TO AKRON SQUARE." This was  
11 December 19, 2012. Do you have any memory as  
12 to why you sent this email?

13 A. I don't.

14 Q. And you have no memory, no idea why  
15 all red bag referrals needed to go to Akron  
16 Square on December 19, 2012?

17 A. I don't.

18 Q. Okay.

19 MR. PATTAKOS: Let's mark  
20 Exhibit 53.

21 - - - - -

22 (Thereupon, Deposition Exhibit 53,  
23 7/24/2013 Email Trail Between Prelit  
24 Attorney And Brandy Lamtman, Bates  
25 Number Williams000461, was marked



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1 for purposes of identification.)

2 - - - - -

3 MR. MANNION: July 24, 2013,  
4 "Subject: Chiro Referrals."

5 Q. So this is an email that you sent  
6 to all prelit attorneys copying Sarah Rucker  
7 with the subject line, "Chiro Referrals," on  
8 July 24, 2013. Did you send this email?

9 A. Yes.

10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 Q. Okay.

2 - - - - -

3 (Thereupon, Deposition Exhibit 54,  
4 3/18/2014 Email To Attorneys From  
5 Brandy Brewer, Bates Number  
6 Williams000312, was marked for  
7 purposes of identification.)

8 - - - - -

9 MR. MANNION: March 18, 2014.

10 Q. So this is an email that you sent  
11 on March 18, 2014, to all attorneys copying  
12 Holly Tusko with the subject, "Lorain  
13 Delivery," with high importance. Did you send  
14 this email?

15 A. Yes.

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
4 [REDACTED] [REDACTED]  
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
6 [REDACTED] [REDACTED]

7 Q. Let's look at Exhibit 55.

8 - - - - -

9 (Thereupon, Deposition Exhibit 55,  
10 12/26/2013 Email Trail Between Rob  
11 Horton, Rob Nestico And Brandy  
12 Brewer, Bates Number  
13 Williams0000048, was marked for  
14 purposes of identification.)

15 - - - - -

16 MR. MANNION: December 26, 2013.

17 It's a two pager.

18 MR. PATTAKOS: Okay. I don't know  
19 why this is two pages.

20 THE WITNESS: I don't think --

21 MR. PATTAKOS: Yeah, I don't think  
22 these relate, so let's just take the second  
23 page off of this exhibit.

24 MR. MANNION: It's a one pager.

25 THE WITNESS: Yeah.

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1 BY MR. PATTAKOS:

2 Q. So here it looks like this is a  
3 document that should have been redacted with  
4 the client's name. But we see the client's  
5 name and the subject line apparently --

6 MR. MANNION: Just for the record,  
7 this was apparently a document that Horton must  
8 have given to you and you produced to us.

9 MR. PATTAKOS: I think that's  
10 right. I don't think there's any dispute as to  
11 that.

12 BY MR. PATTAKOS:

13 Q. So the client's name is in the  
14 subject heading. It says the client's name,  
15 "red bag, no referral, signing with Mike at 3  
16 today," and this is on December 26, '13.

17 Horton indicates at the bottom of the  
18 page, "Already set up with akron square."

19 Rob Nestico replies copying you saying,  
20 "Make sure Akron square does not have it as a  
21 referral to us." What does that mean?

22 A. You would have to ask Rob. I don't  
23 know.

24 Q. You have no idea?

25 A. No.

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1 Q. Okay. You wrote, "Handled," up at  
2 the top. That means that you understood Rob's  
3 request and handled it, correct?

4 MR. MANNION: Objection to form.  
5 Go ahead.

6 A. I don't know. I don't remember  
7 what I handled and what I knew at the time.

8 Q. Okay. And you have no idea what  
9 you might have been referring to there?

10 A. No.

11 Q. No idea what you might have  
12 handled?

13 A. No.

14 Q. Okay.

15 MR. PATTAKOS: Are we Exhibit 56  
16 now?

17 THE NOTARY: Correct.

18 - - - - -

19 (Thereupon, Deposition Exhibit 56,  
20 Typewritten Document, Bates Numbers  
21 KNR03330-03332, was marked for  
22 purposes of identification.)

23 - - - - -

24 MR. MANNION: No date on this one.  
25 KNR03330 through 332. I'll take a picture and

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1 send it to you.

2 MR. NESTICO: Okay.

3 Q. Do you recognize this document?

4 A. No.

5 Q. Do you believe this could have come  
6 from a training manual or an employee handbook?

7 A. Perhaps a training manual, not a  
8 handbook.

9 Q. Okay. Do you know who might have  
10 created this document?

11 A. Holly Tusko.

12 Q. Do you know that she did create  
13 this document?

14 A. I don't.

15 Q. Why do you think that she might  
16 have?

17 A. Because it looks like it's training  
18 for how to process phone calls --

19 Q. Okay.

20 A. -- and that's her department.

21 Q. Okay. Okay. So on the -- there's  
22 a lot of redactions on this document.

23 MR. PATTAKOS: Tom, can you get me  
24 an unredacted copy of this document?

25 MR. MANNION: I have no idea.

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1 I'll talk to my client. I don't recall offhand  
2 what was redacted and what wasn't, Peter. I'll  
3 take a look at the issue.

4 MR. PATTAKOS: Okay.

5 BY MR. PATTAKOS:

6 Q. On the second page at the bottom,  
7 it says, "DON'T EVER TELL A CLIENT THAT THEIR  
8 CASE HAS BEEN TRANSFERRED OR THERE  
9 ATTORNEY/PARALEGAL IS NO LONGER WITH US" --

10 MR. MANNION: Can you just point  
11 to where you were?

12 MR. PATTAKOS: At the very bottom  
13 of the second page.

14 MR. MANNION: Okay. Thanks.

15 Q. -- do you remember this policy?

16 MR. MANNION: Objection to form.  
17 Go ahead.

18 A. I wouldn't call this a, "Policy."

19 Q. What is it then?

20 A. It's a statement.

21 Q. Do you have any idea why this  
22 statement would have been made in this  
23 document?

24 A. Sure.

25 Q. Why?

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1           A.       I wouldn't want -- well, not I.  
2       The client shouldn't be informed that their  
3       case has been transferred or that an attorney  
4       or paralegal has left the firm by somebody who  
5       is answering the phone. They should be  
6       informed that by an attorney, not a  
7       receptionist or an intake person.

8           Q.       On the second -- on the third page,  
9       I should say, the second bullet point from the  
10      bottom, this says, "If Akron Square or," blank,  
11      "calls after hours with a new patient, don't  
12      take any information, just patch them through  
13      to the attorney." Do you know why that would  
14      be written here?

15          A.       Sure. Dr. Floros is very  
16      impatient.

17          Q.       Okay. So you would change your  
18      policies for Dr. Floros, because he is  
19      impatient; and you wouldn't do the same thing  
20      if he called in as opposed to any other  
21      chiropractor, except for whoever was redacted  
22      here?

23                   MR. MANNION: Objection to form.

24          A.       So it's not a policy --

25          Q.       Um-hum.



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1 A. -- and he -- he made a request.

2 Q. Did someone else make a request,  
3 too?

4 A. I'm not sure what's redacted there.

5 Q. Do you have any idea whose name  
6 might be redacted there or what might be  
7 redacted there?

8 A. I don't.

9 Q. Okay. So if this is a training  
10 manual, it must have been common for Akron  
11 Square to call after hours with a new patient.  
12 Do you agree?

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

15 A. I mean, I don't think I can agree  
16 to that. I don't know how many times he called  
17 after hours. The office is open until 8:30 at  
18 night. There's plenty of new clients that call  
19 during that time, which is why we're open.

20 Q. Okay. This says, "AKRON OBJ INJURY  
21 INTAKES," at the bottom. That refers to  
22 objective injuries?

23 A. Yes.

24 Q. Okay. And we talked about other  
25 objectives for after -- if you look at the last

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1 bullet point on this page, "For after our" --  
2 and I think this is, "Hour," spelled  
3 incorrectly. I mean, hours as in hours and  
4 minutes -- "For after our objectives, we still  
5 go through the regular objective list, just  
6 call them on their cell phones instead of  
7 extensions, as well as emailing them the  
8 information." What is the objective list?

9 A. It's the list right here.  
10 (Indicating.)

11 Q. And what does that mean?

12 A. That means if someone had -- if  
13 it's a death case or somebody has extensive  
14 injuries, they would call Josh Angelotta first.

15 Q. Okay. An objective injury case is  
16 treated differently by the firm than other  
17 injuries, correct?

18 MR. MANNION: Objection to form.

19 And that should be a question for  
20 attorneys.

21 But go ahead.

22 A. What do you mean by, "Differently"?

23 Q. Well, they were categorized  
24 differently and they were distributed  
25 differently to the attorneys, correct?

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1 MR. MANNION: Objection to form.

2 Go ahead.

3 A. The more experienced attorneys  
4 would be handling the larger cases.

5 Q. And objective injury is any injury  
6 that was anything more than soft tissue damage,  
7 correct?

8 MR. MANNION: Objection to form.

9 Go ahead.

10 A. No.

11 Q. If someone had a broken bone, that  
12 would be an objective injury, correct?

13 A. Correct.

14 Q. Okay. What would be an example of  
15 an objective injury that was something less --  
16 I'm sorry -- something -- strike that.

17 Would the firm ever classify a soft  
18 tissue case as an objective injury?

19 A. Yes and no.

20 Q. Explain.

21 A. Somebody could have, you know,  
22 extensive soft tissue injuries where they've  
23 gone through, you know, extensive treatment.  
24 It could have --

25 Q. Okay.

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1           A.       -- and could later find out there's  
2       a herniation.

3           Q.       Which would be a tear?

4           A.       A disk herniation.

5           Q.       Okay. Let's look at Exhibit 57.

6                   - - - - -

7                   (Thereupon, Deposition Exhibit 57,  
8                   9/4/2014 Email To Prelit Attorney  
9                   And Prelit Support From Brandy  
10                  Brewer, Bates Number Williams000449,  
11                  was marked for purposes of  
12                  identification.)

13                  - - - - -

14                  MR. MANNION: September 4, 2014.

15           Q.       This is an email that you sent to  
16       prelit attorneys and prelit support copying Rob  
17       Nestico and Jenna Wiley on September 4, 2014,  
18       correct?

19           A.       Yes.

20           Q.       And you write, "When there is an  
21       insurance issue or even a possibility of an  
22       insurance issues on ASC Cases, please send an  
23       email to akron2@csgonline.net and  
24       katie@managedservices4u.com with the  
25       information. This MUST be done. Thank you."

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1           Why must this be done on ASC cases?

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

3           Q.       Do you have any idea?

4           A.       I really don't.

5           Q.       Do you think it has something to do  
6 with the fact that you stated that Dr. Floros  
7 is impatient?

8                   MR. MANNION:   Objection to form.

9           Go ahead.

10          A.       I stated that Dr. Floros was  
11 impatient about after hours intakes. I didn't  
12 say that he was an impatient person.

13          Q.       Okay. So this doesn't have to do  
14 with his impatience?

15          A.       No.

16          Q.       Okay. But you don't remember what  
17 it does have to do with?

18          A.       No.

19          Q.       Okay. What do you mean by,  
20 "Insurance issue," here?

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

22                   MR. MANNION:   Sorry about that,  
23 Guys.

24          Q.       Who would remember this, if anyone?

25          A.       I don't think anyone. This isn't

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1 something that was a common --

2 Q. "A common," what?

3 A. I -- this isn't -- I don't have any  
4 memory of this. This isn't something that we  
5 do, so I don't know why I would have done this  
6 and sent this email.

7 Q. Well, you agree you're giving a  
8 command there and not just a suggestion,  
9 correct.

10 MR. MANNION: Objection.

11 A. No.

12 Q. You say, "This MUST be done," and  
13 you say, "Must," in all capital letters.

14 A. I did not say, "I command you to do  
15 this."

16 Q. But, you know, it's a basic  
17 grammatical construct; "Command" is a  
18 declarative sentence giving an order or a  
19 command. That's like the -- you agree that's  
20 written as a command and not a suggestion,  
21 correct?

22 MR. MANNION: Objection. Move to  
23 strike the apparent grammar lesson.

24 But go ahead.

25 A. No.

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1           Q.       Okay. So can you talk to me about  
2 the policy of Mr. Nestico approving all of the  
3 chiropractor reductions on the settlement  
4 statements?

5                   MR. MANNION: I'm going to object.  
6 But go ahead, if you know.

7           A.       It's not a policy and you'd have to  
8 talk to him about that.

9           Q.       You know nothing about it?

10          A.       No.

11          Q.       You remember that it was done.

12          A.       Sure. I used to hand him the  
13 files.

14          Q.       Okay. And you used to email  
15 reminders to KNR attorneys and staff that Rob  
16 needed to approve every reduction, correct?

17          A.       Because that's what Rob asked for.

18          Q.       Okay. But you had no role in the  
19 process?

20          A.       No. I handed him the files. I  
21 sometimes scanned them to him, if he was out of  
22 town, and there were times where I was copied  
23 on them.

24                   MR. PATTAKOS: This will be  
25 Exhibit 58.

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1 MR. MANNION: You can ignore the  
2 huff and puff.

3 - - - - -

4 (Thereupon, Deposition Exhibit 58,  
5 7/31/2013 Email To Attorneys From  
6 Brandy Lamtman, Bates Number  
7 Williams000544, was marked for  
8 purposes of identification.)

9 - - - - -

10 MR. MANNION: July 31, 2013,  
11 "Subject: Chiropractor Reductions."

12 Q. This is an email from you to all  
13 attorneys dated July 31, 2013, where you write,  
14 "Chiropractor Reductions," correct?

15 A. Yes.

16 Q. And you sent this email, correct?

17 A. Yes.

18 Q. And you write, "As you are aware,  
19 Rob approves chiropractor reductions." You  
20 were referring to Rob Nestico here, correct?

21 A. Yes.

22 Q. And you write, "If you ask me if he  
23 calls a certain chiropractor or if you do and  
24 the answer is you are responsible for the call,  
25 you should still give Rob the breakdown to



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1 approve PRIOR to contacting the chiropractor."

2 So at this point, you would determine  
3 whether Rob called the chiropractor or the  
4 attorney handling the case did, correct?

5 MR. MANNION: Objection.

6 Go ahead.

7 A. That's not what that says. I  
8 didn't determine that.

9 Q. Well, what did you mean by this?

10 A. There were some chiropractors that  
11 Rob called himself and there are some  
12 chiropractors that the attorneys called.

13 Q. Why does it say, "If you ask  
14 me..., " "...and the answer is," then? What's  
15 the meaning of those words, in that sentence?

16 A. It means if they ask me if Rob  
17 calls the doctor or if they are supposed to  
18 call the doctor.

19 Q. So you're not the one who decides  
20 that?

21 A. No.

22 Q. Okay. Who does decide?

23 A. Rob.

24 Q. Okay. So you have no role in this  
25 process?

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1 MR. MANNION: Objection to form.

2 Go ahead.

3 A. My role in the process is, I used  
4 to hand him the files. I at some point in time  
5 scanned him, when he was out of town, or I was  
6 copied on it, but I had no role in this.

7 Q. Why would you have to hand him the  
8 files? Why couldn't anyone else do that? Why  
9 couldn't the attorneys hand him the files?

10 A. While I was his executive  
11 assistant, my desk was right outside of his  
12 office. So oftentimes he was either not there  
13 or his door was closed, so they would give me  
14 the files, because I didn't have a door --

15 Q. Got it.

16 A. -- so I would give it to him.

17 Q. Got it.

18 MR. MANNION: Peter, if you want,  
19 on Exhibit 56, I can give you some of the  
20 information right now, if you want, on those  
21 redactions --

22 MR. PATTAKOS: Sure.

23 MR. MANNION: -- if you want to  
24 grab your exhibit out.

25 MR. PATTAKOS: Okay.

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1 MR. MANNION: On the first page --  
2 there apparently are no redactions on the first  
3 page.

4 MR. PATTAKOS: Yeah, it doesn't  
5 look like it.

6 MR. MANNION: Okay. On the second  
7 page, the, "Open/Pending," blank, "case calls,"  
8 that has to do with a law firm on mass torts,  
9 so I don't think that has anything to do with  
10 this case.

11 MR. PATTAKOS: Um-hum.

12 MR. MANNION: The second one has  
13 to do with referrals and workers' comp cases  
14 that doesn't have to do with this.

15 MR. PATTAKOS: Um-hum.

16 MR. MANNION: The, "Open/Pending,"  
17 "case calls," this one right here, if you look  
18 where I'm at, the third one down there --

19 MR. PATTAKOS: Um-hum.

20 MR. MANNION: -- that has to do  
21 with med mal referrals, so that doesn't have to  
22 do with that. So those are the only redactions  
23 on that page.

24 MR. PATTAKOS: Oh, there's another,  
25 a third -- oh, I see. Okay. I see what you're

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1 saying.

2 MR. MANNION: Yeah.

3 MR. PATTAKOS: What about the  
4 bottom -- what about the fourth one, "When an  
5 Open," blank, "Case calls in," on the --

6 MR. MANNION: Let's see, where you  
7 at? That's the same thing. That's part of the  
8 med mal.

9 MR. PATTAKOS: Okay.

10 MR. MANNION: Under the, "Second  
11 Shift," where it says, "If Akron Square or,"  
12 blank, that's Town & Country.

13 And then the only thing that was redacted  
14 by Josh, Ken, Robert, Devin and Matt are their  
15 actual phone numbers.

16 MR. PATTAKOS: Okay. I'd still  
17 like to see an unredacted copy of this document  
18 to verify.

19 MR. MANNION: I just want to give  
20 you the opportunity to ask those questions.

21 MR. PATTAKOS: I appreciate it.

22 BY MR. PATTAKOS:

23 Q. So I guess we can go back to this.  
24 Do you -- you know, this is a document where  
25 you said that Akron Square was impatient about

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1 after hours intakes. Is that your testimony  
2 about Town & Country as well?

3 A. Yeah, yesterday I mentioned the  
4 receptionist at Town & Country.

5 Q. You did.

6 A. Yes, that's what I was referring to  
7 there.

8 Q. And it's your testimony that this  
9 has nothing to do with the number of cases that  
10 Akron Square or Town & Country sends to the  
11 firm?

12 A. Oh, no.

13 Q. Okay. You would agree that Akron  
14 Square sends the firm more cases than any other  
15 chiropractic clinic in the Akron area, correct?

16 MR. MANNION: Objection.

17 A. I mean, I'd have to look at the  
18 referral reports.

19 Q. Well, is there any other clinic in  
20 Akron that you think is close or could be  
21 close?

22 MR. MANNION: Objection to form.

23 Go ahead.

24 A. I would have to look at the  
25 reports. I wouldn't want to testify to

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1 something without knowing for sure.

2 Q. But you can't, just based on your  
3 knowledge and your constant conversations with  
4 the chiropractors, make an estimate or  
5 suggestion of a chiropractic clinic that would  
6 maybe be comparable to Akron Square, in terms  
7 of the number of referrals that that clinic  
8 sent to the firm?

9 MR. MANNION: Objection to form.

10 Go ahead.

11 A. So, as I stated yesterday, my  
12 constant communication with chiropractors  
13 wasn't about referrals. They were customer  
14 service issues.

15 Q. Okay. But I'm just asking you to  
16 make an estimate or to make a guess as to what  
17 firms are comparable to Akron Square, in terms  
18 of the number of referrals. If your testimony  
19 is that you are unable to make such a guess,  
20 then that's your testimony. I'm just asking  
21 you to confirm.

22 A. I am unable to make such a guess,  
23 without seeing the reports.

24 Q. Okay. Thanks.

25 MR. PATTAKOS: If you'll excuse me.

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1 I just need to make a note here on Town &  
2 Country.

3 Okay. Let's mark the next Exhibit 59.

4 - - - - -

5 (Thereupon, Deposition Exhibit 59,  
6 2/13/2013 Emails To Attorneys From  
7 Rob Nestico, Bates Number  
8 Williams000586, was marked for  
9 purposes of identification.)

10 - - - - -

11 MR. MANNION: February 13, 2013.

12 Q. This is an email from Rob Nestico  
13 to all attorneys saying, "Any fee's being  
14 reduced more than 1,000.00" -- actually, it's  
15 two emails that he sent. The first one says,  
16 "Any fee's being reduced more than 1,000.00  
17 will need to be approved by me and only me.  
18 Please give the settlement memos to Sarah.  
19 Thank you."

20 And then he clarifies. He writes shortly  
21 thereafter -- actually, it looks like 9 minutes  
22 after, he says, "For clarification this is on  
23 cases outside Chiro. All Chiro are to still be  
24 submitted as usual. Thanks."

25 Do you have any idea what this refers to?

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1           A.       Any case that the -- our legal fee  
2       is being reduced and he wants to approve that.

3           Q.       But this is legal fees? How do you  
4       know it's legal fees that he's referring to  
5       here?

6           A.       Our fee, legal fees.

7           Q.       It doesn't say, "Legal fee." It  
8       says, "Any fee's." How do you know that's not  
9       doctor fees?

10          A.       That's legal fee. That's what he  
11       meant there --

12          Q.       Okay.

13          A.       -- you asked me what I thought it  
14       meant. That's my opinion on that.

15          Q.       Okay. So what does, "All Chiro are  
16       to still be submitted as usual," mean?

17          A.       Any reduction to a chiropractor  
18       bill or a reduction to our legal fee, he wanted  
19       to approve it.

20          Q.       Then what does, "For clarification  
21       this is on cases outside," of, "Chiro"?

22          A.       You would have to ask Rob that.

23          Q.       Okay. Exhibit 60.

24                   - - - - -

25                   (Thereupon, Deposition Exhibit 60,



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1 9/19/2012 Email To Brandy Brewer  
2 From Rob Nestico, Bates Number  
3 Williams000576, was marked for  
4 purposes of identification.)

5 - - - - -

6 MR. MANNION: September 19, 2012.

7 Q. So this is an email that you sent.  
8 It's hard to tell who you sent the email to,  
9 but it looks like Nestico then forwards it to  
10 you and all attorneys, prelit attorneys and  
11 litigation attorneys where you write, "Per Rob,  
12 please start scanning his settlement approvals  
13 with notes to the client folder. This makes  
14 things easier b/c you have notes on the  
15 settlement memorandum that explain why the  
16 offer is so low.example: low impact, etc. At  
17 times, he needs to have this information  
18 readily available so he can discuss with  
19 chiropractor."

20 What do you mean by, "Makes things  
21 easier"?

22 A. I -- I don't know like what you  
23 mean by that. He wants -- he's requesting that  
24 this information be scanned so that he can  
25 easily find it.

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1 Q. Okay. To whom would anyone have to  
2 explain why an offer is so low?

3 A. So any time, whether it's a  
4 chiropractor or any doctor, if you're not  
5 paying them the full amount of the bill, he  
6 would have to call them and ask them to reduce  
7 their bill.

8 Q. Okay. And this happened  
9 frequently, correct?

10 A. I can't really say how often a bill  
11 is reduced. You'd have to ask the attorneys.

12 Q. Well, it's on almost every case,  
13 the bills are reduced, aren't they?

14 A. I can't say that.

15 Q. You can't. Okay. Let's look at  
16 Exhibit 61.

17 - - - - -

18 (Thereupon, Deposition Exhibit 61,  
19 11/8/2012 Email To Brandy Brewer  
20 From Rob Nestico, Etc., Bates Number  
21 GMP000022, was marked for purposes  
22 of identification.)

23 - - - - -

24 MR. MANNION: November 20, 2012.

25 Q. So this is an email that you sent.

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1 It doesn't show who you sent this to. It looks  
2 like maybe to staff, because Rob Nestico  
3 responds, but on November 8, you wrote, "No  
4 settlement memos are to leave the office  
5 without Rob's approval until further notice.  
6 No fax disbursements and no mail disbursements  
7 period. If you have any approvals tomorrow,  
8 please bring to me." Did you send this email?

9 A. Yes.

10 Q. Why did you send it?

11 A. I have no idea.

12 Q. Do you have any idea why you  
13 instructed that, "No settlement memos are to  
14 leave the office without Rob's approval until  
15 further notice"?

16 A. I have no idea.

17 Q. No idea. And Rob says, "If anyone  
18 does this or faxes any client information  
19 outside this office without approval will be  
20 terminated without question." Do you remember  
21 why this would have been subject to  
22 termination?

23 A. I don't.

24 Q. And you have no idea as to why?

25 A. No.

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1 Q. Okay. This is Exhibit 62.

2 - - - - -

3 (Thereupon, Deposition Exhibit 62,  
4 11/20/2014 Email To Staff From  
5 Brandy Brewer, Bates Number  
6 Williams000373, was marked for  
7 purposes of identification.)

8 - - - - -

9 MR. MANNION: November 20, 2014.

10 Q. So this is an email that you sent  
11 to staff on November 20, 2014, with high  
12 importance. Did you send this email?

13 A. Yes.

14 Q. Did you write -- I'm sorry. You  
15 wrote, "Several months ago I met with  
16 Dr. Hochman. He is an MD and does PT in his  
17 office. He is located in Bedford. If you have  
18 someone that doesn't want chiropractic  
19 treatment, please send there. Keep in mind  
20 Ghoubrial is now working with Shaker Square  
21 though so that is always the first option."

22 Am I reading that correctly?

23 A. Yes.

24 Q. Okay. Why -- what happened, when  
25 you met with Dr. Hochman?

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1           A.       I -- I don't remember the  
2       specifics.

3           Q.       Do you remember anything about it?

4           A.       He seemed like a nice guy.

5           Q.       Do you remember anything else about  
6       your meeting with Dr. Hochman or why you would  
7       recommend him?

8           A.       He seemed like a nice guy. He had  
9       physical therapy, was another option. I  
10      believe he was recommended by another -- he was  
11      recommended by somebody. I don't remember who.

12          Q.       And did you go up to his office to  
13      see him or did he come down to KNR to see you?

14          A.       I went to see him.

15          Q.       In Bedford?

16          A.       Yes.

17          Q.       Do you remember why?

18          A.       I don't remember why. I think it  
19      was because he was recommended. That kind of  
20      sticks out in my mind. I just don't remember  
21      the details of it.

22          Q.       You don't remember who recommended  
23      him?

24          A.       I don't.

25          Q.       Okay. And when you write,

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1 "Ghoubrial," you're referring to Sam Ghoubrial,  
2 correct?

3 A. Yes.

4 Q. And you say that he is, "...always  
5 the first option." Why is he the first option?

6 A. Well, I said, "Ghoubrial is now  
7 working with Shaker Square...so that is always  
8 the first option."

9 Q. Yeah. What does that mean?

10 A. That given the choice, that would  
11 be the first option.

12 Q. And why is that?

13 A. I -- we've worked with Ghoubrial  
14 and Shaker Square. I knew them better. I knew  
15 that, we were --- you know, they were good with  
16 our clients. This other guy, I -- I had only  
17 met him once based on a recommendation.

18 Q. What about other doctors?

19 A. What other doctors?

20 Q. Well, these aren't the only two  
21 doctors that treat patients in this area. And  
22 you testified yesterday that you wanted to make  
23 sure that referrals were distributed evenly or  
24 among other doctors, so you weren't sending too  
25 many to one doctor --

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1 MR. MANNION: Objection. Motion to  
2 strike your characterization of her testimony.

3 Q. -- so why would you be saying that  
4 Ghoubrial is the first option, if that's what  
5 you tried to do?

6 A. So there were other doctors near  
7 Shaker Square that we did work with. In this  
8 situation, I said that Ghoubrial and Shaker  
9 Square would be the first option, because we  
10 had worked with them. They had treated our  
11 clients and they were good with our clients.  
12 Ghoubrial is a good doctor. He's actually my  
13 family doctor.

14 Q. So is the policy different, when it  
15 comes to doctors versus chiropractors --

16 MR. MANNION: Objection.

17 Q. -- in terms of who to recommend the  
18 firm's clients to?

19 MR. MANNION: Objection to form.

20 A. You keep using the word, "Policy."  
21 There is no policy.

22 Q. Preference.

23 A. Can you ask me the question again?

24 Q. So is the firm's preferences, as  
25 you put it, with respect to recommending

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1 chiropractors to clients different than it is  
2 with respect to recommending doctors to  
3 clients?

4 A. It would be up to the attorney and  
5 based on what the needs are of the client.

6 Q. If it's up to the attorney, why are  
7 you sending instructions to, "Keep in mind,"  
8 that, "Ghoubrial...is always the first option"?

9 MR. MANNION: Objection to form.

10 Go ahead.

11 A. That's not the premise of this  
12 email. I was actually informing the attorney  
13 of -- or the staff -- not the attorneys -- of  
14 this other option that they had.

15 Q. And there's two options: Hochman  
16 and Ghoubrial, correct?

17 MR. MANNION: Objection.

18 Go ahead.

19 A. That's what this email says. There  
20 are plenty of other doctors in this area that  
21 they had as options as well.

22 Q. But Ghoubrial was the first option?

23 MR. MANNION: Objection.

24 Go ahead.

25 A. That's what this email says. He



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1 was the first option, because he is a good  
2 doctor and he's good with our clients, but they  
3 had this other option, Dr. Hochman. They also  
4 had several other options in the Shaker Square  
5 area.

6 Q. But Ghoubrial, again, is the  
7 first --

8 MR. MANNION: Objection. Asked and  
9 answered four times.

10 Q. -- so --

11 A. I don't understand.

12 Q. Well, I'm trying to understand how  
13 these two things can be true at the same time;  
14 that on one hand, you testified yesterday that  
15 you would send your client -- the firm would  
16 send its clients or suggest to its clients to  
17 treat with certain chiropractors, based on the  
18 need to not send too many cases to one  
19 chiropractor; and then when it comes to  
20 Ghoubrial, you're saying that he's the first  
21 choice, because he's the best --

22 MR. MANNION: Objection to form.

23 Q. -- so how do you reconcile those  
24 two things? I'm simply asking: Are the  
25 recommendations made differently for doctors

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1     than they are to chiropractors?

2             A.       So you said like a lot of things in  
3     there. I'm trying to decipher all of the  
4     different statements and questions. So can you  
5     rephrase your question for me so that I can  
6     answer it?

7             MR. MANNION:     Peter, perhaps part  
8     of the trouble is you're mixing and matching  
9     MDs with chiropractors in your question.

10            Q.       Well, I'm certainly trying to  
11     understand the difference between the reasons  
12     the firm would make suggestions of certain  
13     chiropractors versus the reasons they would  
14     make suggestions of certain doctors, because it  
15     seems like it's two different things. And  
16     that, you know, Ghoubrial is the first option,  
17     when it comes to doctors, but when it comes to  
18     chiropractors, we don't want to send too many  
19     cases -- the firm doesn't want to send too many  
20     cases to one chiropractor --

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

23            Q.       -- so what's the difference?

24            A.       What's the difference with what?

25            Q.       Why you treat chiropractic

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1 referrals -- why the firm treats chiropractic  
2 referrals one way and doctor referrals another  
3 way.

4 MR. MANNION: Objection to form.  
5 Go ahead.

6 A. I don't believe that we do.

7 Q. Is there a chiropractor that's a  
8 first choice the way Ghoubrial is in this  
9 email?

10 MR. MANNION: Objection to form.  
11 Go ahead.

12 A. I don't -- I don't understand. I  
13 guess I'm kind of getting lost here.  
14 Chiropractors are not medical doctors, so  
15 they -- there's two different treatments. I've  
16 been to a chiropractor. They do adjustments  
17 and therapy whereas a medical doctor can  
18 prescribe treatment and recommendations. So to  
19 me, they're very different. Well, it's not  
20 even just to me. They are different.

21 Q. Of course they are, but that's not  
22 what I'm asking. I'm asking why -- let me just  
23 make very clear, since you seem to be confused  
24 by what I'm asking --

25 MR. MANNION: By the way, before

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1 you ask another question, we have to take the  
2 break. No. We have to. It's 11:00. I told  
3 you this 50 minutes ago.

4 MR. PATTAKOS: Well, Tom, we have a  
5 question pending right now.

6 MR. MANNION: No, you don't have a  
7 pending question. I won't talk to her.

8 MR. PATTAKOS: We absolutely --

9 MR. MANNION: I won't talk to her,  
10 during the break.

11 MR. PATTAKOS: -- have a question  
12 pending. Tom, this is very inappropriate.

13 MR. MANNION: No, it's -- I told  
14 you 50 minutes ago that we had to take a break  
15 at 11:00.

16 MR. PATTAKOS: That's right. And,  
17 Tom, breaks don't happen like that in a  
18 deposition.

19 MR. MANNION: You were in the  
20 middle of talking, so we couldn't have had a  
21 question pending.

22 BY MR. PATTAKOS:

23 Q. So, Brandy, please, I'm asking --

24 MR. MANNION: Wait. Was there a  
25 question pending? Do --

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1 MR. PATTAKOS: Tom, there is a  
2 question pending.

3 MR. MANNION: You were in the  
4 middle of talking.

5 MR. PATTAKOS: The witness keeps  
6 telling me she doesn't understand the question,  
7 so I'm going to ask it in a way that she  
8 understands it and can give an answer. Okay?  
9 So we're going to continue. You don't need to  
10 stop right this second.

11 MR. MANNION: No. We need to stop  
12 right this second. I told you we had to stop  
13 at 11. I won't talk to her, on the break.

14 BY MR. PATTAKOS:

15 Q. Do you believe that we need to  
16 stop right this second?

17 MR. MANNION: No. I need to stop  
18 right now.

19 MR. PATTAKOS: Tom, she could look  
20 at her phone. She could do anything. I don't  
21 want to take a break right now, while this  
22 question is pending.

23 MR. MANNION: There is no question  
24 pending.

25 MR. PATTAKOS: Tom, there certainly

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1 is a question pending and it's about the  
2 difference between the firm's recommendations  
3 of doctors versus the firm's recommendations of  
4 chiropractors. She said yesterday --

5 MR. MANNION: No, no. Stop with  
6 this. We need to take a break --

7 MR. PATTAKOS: Wow.

8 MR. MANNION: -- now --

9 MR. PATTAKOS: Wow.

10 MR. MANNION: -- okay?

11 MR. PATTAKOS: Okay, Tom. Why  
12 don't you see if you can sort out your  
13 witness's testimony over the break?

14 MR. MANNION: Stop it. I won't  
15 even talk to her on the break. It's not a  
16 problem.

17 MR. PATTAKOS: Tom, take your  
18 break.

19 MR. MANNION: Do you know the  
20 difference -- answer his question the best you  
21 can, so we can take this break.

22 BY MR. PATTAKOS:

23 A. What's the question?

24 Q. Yesterday you testified -- and  
25 correct me if I'm wrong. Yesterday you

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1 testified that the firm tracked its referrals  
2 very closely, and all of those emails, like we  
3 were 30 to nothing on referrals or we are 6  
4 to 1 on referrals. That you managed those very  
5 carefully and used the chiro boards and updated  
6 them constantly, so that you could ensure that  
7 the firm did not send too many cases to one  
8 chiropractor, correct?

9 A. That was one of the reasons, yes.

10 Q. Yeah. Okay. So why did the firm  
11 apparently not do the same thing with respect  
12 to doctors?

13 A. But that's not what this email says  
14 and that's not true.

15 Q. Well, what this email says is,  
16 "Keep in mind that Ghoubrial...is always the  
17 first option."

18 A. As I stated before, Ghoubrial is a  
19 good doctor. I just met this Dr. Hochman and  
20 we didn't even have any clients with him. So  
21 Ghoubrial would be the first option, given the  
22 choice, because I knew he was a good doctor. I  
23 knew he was good for our clients. This  
24 Dr. Hochman seemed like a nice guy. He was  
25 recommended to me. I don't remember by who,

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1 but we didn't have any cases with him. None of  
2 our clients had met him or had treated with  
3 him. So I already knew that Ghoubrial was a  
4 good doctor. I actually have firsthand  
5 knowledge of that. This Dr. Hochman, I did  
6 not. So in this specific situation,  
7 Dr. Ghoubrial would be the first option.

8 MR. MANNION: Okay.

9 Q. Okay.

10 MR. MANNION: She answered the  
11 question.

12 MR. PATTAKOS: No.

13 MR. MANNION: No. We're taking a  
14 break.

15 MR. PATTAKOS: No, Tom.

16 MR. MANNION: Stop it.

17 MR. PATTAKOS: Tom --

18 MR. MANNION: Stop it.

19 MR. PATTAKOS: -- she testified  
20 before --

21 MR. MANNION: Stop it.

22 MR. PATTAKOS: -- she's being  
23 inconsistent.

24 MR. MANNION: She answered the  
25 question. You can follow up after the break.



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1 MR. PATTAKOS: She testified  
2 before --

3 MR. MANNION: We're taking a  
4 break.

5 MR. PATTAKOS: -- that when I asked  
6 if there were -- when I asked --

7 MR. MANNION: Let's go. We're  
8 taking a break.

9 MR. PATTAKOS: -- when I asked if  
10 there were two doctors --

11 MR. MANNION: We told you --

12 MR. PATTAKOS: Wow.

13 MR. MANNION: -- we were taking a  
14 break at 11:00 --

15 MR. PATTAKOS: Wow.

16 MR. MANNION: -- she answered the  
17 question. There's no question pending. Stop  
18 it --

19 MR. PATTAKOS: You really don't  
20 like this testimony, do you, Tom?

21 MR. MANNION: -- stop it. I --

22 What are you talking about? It has  
23 nothing to do with that. Jeez.

24 THE WITNESS: I have to --

25 (Indicating.)

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1 MR. PATTAKOS: Sure.

2 THE WITNESS: Okay.

3 VIDEOGRAPHER: Off the record

4 11:03.

5 (Recess taken.)

6 VIDEOGRAPHER: On the record 11:25.

7 MR. MANNION: Okay. Before you  
8 ask a question, I'll make a statement. I did  
9 not talk with the witness during the break at  
10 all. In fact, I stood outside and walked in.  
11 And there was no question pending. We gave 50  
12 minute's notice for a very personal matter for  
13 this witness and we waited until there was no  
14 question pending.

15 And, John, would you please relate what  
16 you heard, even though the court reporter had  
17 her headphones in and didn't hear it.

18 MR. REAGAN: Mr. Pattakos telling  
19 someone in this room that the witness is lying  
20 her ass off where the witness could hear it and  
21 I could hear it.

22 MR. MANNION: Proceed. I don't  
23 think it's funny.

24 MR. PATTAKOS: I don't either, Tom.

25 MR. MANNION: Yeah. You have no

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1 regard for a very personal matter for this  
2 witness that we told you about 50 minutes  
3 beforehand. You're making comments that should  
4 not be made.

5 MR. PATTAKOS: Tom, this witness is  
6 contradicting herself left and right and you  
7 didn't like the testimony she was getting --

8 MR. MANNION: That had nothing to  
9 do with it.

10 MR. PATTAKOS: -- so you forced her  
11 to take a break --

12 MR. MANNION: Oh, so --

13 MR. PATTAKOS: -- you got up in  
14 front of the camera --

15 MR. MANNION: -- 50 minutes  
16 beforehand I knew that that was going to be a  
17 rough time period?

18 MR. PATTAKOS: -- and you dragged  
19 her out of the room.

20 MR. MANNION: No. I didn't even  
21 talk to her. I went outside.

22 MR. PATTAKOS: She didn't say she  
23 needed a break. You did.

24 MR. MANNION: We told you 50  
25 minutes beforehand she needed a break then.

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1 MR. PATTAKOS: Okay. Tom, that's  
2 fine. You've registered your concerns for the  
3 record. Let's move on.

4 MR. MANNION: Yeah, do not call my  
5 witnesses liars to anybody.

6 MR. PATTAKOS: Tom, my private  
7 conversations with my associate are between me  
8 and my associate. I'm sorry --

9 MR. MANNION: It's not a private  
10 conversation, when my witness can hear you.

11 MR. PATTAKOS: Well, if your  
12 witness would just tell the truth instead of  
13 trying to cover up for her employer, we  
14 wouldn't have these issues.

15 MR. MANNION: You can ignore that  
16 comment. Yeah, he's accusing you of perjury to  
17 cover up. Why? Because he's --

18 MR. PATTAKOS: We'll talk about it.

19 MR. MANNION: -- trying to  
20 threaten you. He's trying to threaten you.

21 MR. PATTAKOS: We'll talk about --  
22 we'll talk about that later. We'll talk about  
23 perjury later. I know Judge Brogan said on the  
24 phone call -- he mentioned the word, "Perjury,"  
25 four times, when it came to Mr. Nestico's

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1 testimony, so it's certainly a concern of the  
2 Court.

3 MR. MANNION: Well --

4 MR. PATTAKOS: Tom, were you on --  
5 did you hear that phone call?

6 MR. MANNION: Well, you know what?  
7 I wasn't allowed to be on there. I would have  
8 loved to be on there. The point is Rob doesn't  
9 have testimony in this case, so how would he  
10 say that?

11 MR. PATTAKOS: Tom, these are  
12 serious issues. I wish you would be  
13 approaching this representation with a little  
14 more respect and professionalism than you're  
15 showing. That's all I ask.

16 MR. MANNION: Respect or  
17 professionalism. You told the Plain Dealer  
18 that I threatened and harassed a witness, when  
19 his lawyer and the witness said I did not.

20 MR. PATTAKOS: Tom, I'm not going  
21 to argue with you about this right now. We can  
22 take it up with the Court.

23 MR. MANNION: You don't throw out  
24 comments like that and not expect a response.

25 MR. PATTAKOS: Tom, unfortunately

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1 your conduct has required it.

2 Tracy, can you read the witness's last  
3 bit of testimony. You don't need to read  
4 Mr. Mannion's interjections.

5 THE NOTARY: It's going to take a  
6 minute.

7 MR. MANNION: There was a question  
8 and answer.

9 (Record was read Pages 427-428, Lines 10-7.)

10 MR. PATTAKOS: Okay. Thank you.

11 BY MR. PATTAKOS:

12 Q. So earlier, before we took the  
13 break and when I first asked you about this  
14 document, Exhibit 62, you said that there were  
15 many other doctors in this area that you would  
16 also refer clients to. Isn't that correct?

17 A. I don't remember if I said that or  
18 not.

19 Q. Is it true or not? Whether you  
20 said it or not, is it true?

21 A. There are other chiropractors  
22 located near Shaker Square that we would refer  
23 clients to.

24 Q. But this isn't chiropractors, is  
25 it? You're not talking about chiropractors

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1 here. You're talking about doctors.

2 A. I was talking about chiropractors,  
3 when I said, "There are other chiropractors in  
4 the area." It's not as often that medical  
5 doctors would work on personal injury  
6 matters --

7 Q. Okay.

8 A. -- they're a little bit more  
9 difficult to find.

10 Q. So when I asked you before if  
11 Dr. Hochman and Dr. Ghoubrial were the only two  
12 doctors in the area that --

13 A. I don't know.

14 Q. Okay. But they're the only two  
15 that you would have sent your clients to in  
16 that area on November 20, 2014?

17 MR. MANNION: I'm going to object.  
18 Just when you say, "You," are you referring to  
19 KNR?

20 MR. PATTAKOS: Of course.

21 MR. MANNION: Well, go ahead.

22 A. I don't know --

23 Q. Okay.

24 A. -- I'm -- I just am -- I don't  
25 know. I'm confused by this.

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1 Q. I think we've heard enough  
2 testimony from you on this document --

3 MR. MANNION: Move to strike.

4 Q. -- we can move on.

5 Do you recall any instances where any of  
6 the firm's attorneys raised concerns over the  
7 firm's relationship with Dr. Ghoubrial?

8 MR. MANNION: Objection to form.

9 But go ahead.

10 A. I don't know what you mean by a,  
11 "Relationship with Dr. Ghoubrial." And, no, I  
12 don't remember any conversations --

13 Q. Okay.

14 A. -- about concerns.

15 Q. Do you recall any instances -- any  
16 instances where any of the firm's attorneys or  
17 employees or anyone raised concerns over the  
18 firm's relationships with certain  
19 chiropractors?

20 MR. MANNION: Objection. Assumes  
21 facts not in evidence.

22 Go ahead.

23 A. I don't know what you mean by,  
24 "Relationships," but I don't -- I don't  
25 remember any conversations --



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1 Q. Okay.

2 A. -- nothing stands out in my mind.

3 Q. Okay. I have to go back to --

4 MR. PATTAKOS: Let's mark the next  
5 exhibit.

6 - - - - -

7 (Thereupon, Deposition Exhibit 63,  
8 11/13/2012 Email Trail Between  
9 Intake, Attorneys, Brandy Lamtman  
10 And Gary Petti, Bates Number  
11 GMP000027-28, was marked for  
12 purposes of identification.)

13 - - - - -

14 MR. MANNION: November 13, 2012.

15 MR. PATTAKOS: What exhibit is  
16 this, Tracy?

17 THE NOTARY: 63.

18 BY MR. PATTAKOS:

19 Q. I should have asked you about this  
20 earlier, when we were talking about red bags,  
21 but this document contains an email from you to  
22 all intake employees and all attorneys copying  
23 Mr. Nestico and Ms. Tusko with the subject  
24 line, "Franklin Red Bag Deliveries," with high  
25 importance. And you write, "Any case that has

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1 the referral Franklin red bag needs to be  
2 referred to Columbus Chiropractic West." Did  
3 you send this email?

4 A. Yes.

5 Q. Do you remember why Franklin red  
6 bag referrals were sent to Columbus  
7 Chiropractic West?

8 A. No.

9 Q. Do you recall who instructed you,  
10 if anyone, to send this email?

11 A. No.

12 Q. Who would know why Franklin red bag  
13 deliveries were sent to this clinic?

14 A. Rob.

15 Q. Okay.

16 MR. PATTAKOS: Let's mark  
17 Exhibit 64.

18 - - - - -

19 (Thereupon, Deposition Exhibit 64,  
20 11/9/2012 Email Trail Between Staff,  
21 Brandy Brewer, Nomiki Tsarnas, Rob  
22 Nestico and Megan Jennings, Bates  
23 Numbers GMP000047-48, was marked for  
24 purposes of identification.)

25 - - - - -

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1 MR. MANNION: November 9, 2012,  
2 concerning, "LOP's," in the subject line.

3 Q. So at the bottom of this document,  
4 between the first and second pages, you send an  
5 email on November 9, 2012, to all staff copying  
6 Mr. Nestico with high importance saying -- with  
7 the subject line, "LOP's." Did you send this  
8 email?

9 A. Yes.

10 Q. And, "LOP," is a letter of  
11 protection, right?

12 A. Yes.

13 Q. And that is a letter by which a  
14 doctor will have the client guarantee their  
15 payment at some level, correct?

16 MR. MANNION: Objection to form.  
17 But go ahead.

18 A. A letter of protection would be --  
19 as it reads here, on firm letterhead, would be  
20 the firm guaranteeing payment.

21 Q. To the doctor?

22 A. Yes, which we did not do. I was  
23 saying not to do that.

24 Q. Were people doing that?

25 A. I mean, I was asking them not to.

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1 Q. Why?

2 A. Because the firm wouldn't want to  
3 guarantee. That would be putting -- making the  
4 firm liable to pay something, not the client.

5 Q. So you write, "Absolutely NO LOP's  
6 should be sent out of this office on  
7 letterhead. Please see me if you have any  
8 questions." I'm reading that correctly, right?

9 A. Yes.

10 Q. Okay. And Nomiki Tsarnas responds  
11 and says, "Is someone going to create a new  
12 LOP? The current medical assignment comes up  
13 on our letterhead." What does that mean?

14 A. I don't know what Nomiki meant  
15 there.

16 Q. Okay. So it's your testimony that  
17 what you intended here was to communicate that  
18 the firm should not be guaranteeing the  
19 client's fees itself to the doctors?

20 A. Fees?

21 Q. If client's medical bills.

22 A. Correct. Rob -- we don't want to  
23 say, Kisling Nestico & Redick is going to pay  
24 our client's medical bills.

25 Q. Are you sure that's what you meant

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1 here?

2 A. Yes.

3 Q. Okay. Now, a letter of protection  
4 would typically be something that the client  
5 would sign for the doctors, correct?

6 A. I wouldn't call that a, "Letter of  
7 protection." I would call it a, "Lien."

8 Q. Isn't a letter of protection a form  
9 of a lien?

10 A. A letter of protection would be, in  
11 my opinion, that -- what I was referring to  
12 here where it would be the firm guaranteeing  
13 the client's medical bills, which makes no  
14 sense.

15 Q. Wouldn't it simply be the client --  
16 why wouldn't it simply be the client  
17 guaranteeing the medical provider's bills and  
18 guaranteeing or allowing KNR to deduct a  
19 certain portion of the settlement proceeds to  
20 pay the client's medical bills that relate to  
21 the case?

22 MR. MANNION: Objection to form.  
23 That makes no sense.

24 But go ahead.

25 A. Yeah, I'm kind of confused by what

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1     you're saying.

2             Q.     Is it your testimony that the firm  
3     did not have its clients -- or let me say it  
4     this way -- let me ask you this way: Is it  
5     your testimony that the firm did not -- the  
6     firm's clients did not regularly sign letters  
7     of protection with doctors that authorized the  
8     KNR law firm to pay the doctor's fees out of  
9     the client's set KNR settlement?

10            MR. MANNION: Objection to form.

11            But go ahead.

12            A.     Yeah, I'm still not understanding  
13     what you're asking.

14            MR. PATTAKOS: Tracy, can you  
15     please read it back to her.

16            Q.     I'm going to ask you to try to  
17     follow that.

18            (Record was read.)

19            MR. MANNION: Objection to form.

20            Go ahead.

21            A.     So what the client signed -- I  
22     mean, you'd have to talk to the clients or the  
23     doctors -- I wouldn't call that a, "Letter of  
24     protection." I would call that a, "Lien."

25            Q.     But the firm was aware of these

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1 letters, weren't they?

2 MR. MANNION: Objection. What do  
3 you mean by, "The firm"?

4 Q. The firm would take the money  
5 directly out of the settlements to pay the  
6 doctors, correct?

7 A. So you would have to talk to the  
8 attorneys and the clients. I can't speak on  
9 behalf of them. I didn't handle that portion  
10 of this, but it would ultimately be the  
11 client's decision on what they wanted to pay  
12 and what they signed.

13 Q. The attorneys themselves -- KNR  
14 would never be responsible for the client's  
15 medical bills --

16 MR. MANNION: Objection.

17 Q. -- would they?

18 MR. MANNION: Objection. Asks for  
19 a legal conclusion.

20 Go ahead, if you know.

21 A. All that I'm saying is that I was  
22 instructing them not to send LOPs on company  
23 letterhead.

24 Q. And why?

25 A. Because that would make the firm

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1 responsible for client's medical bills versus  
2 the client being responsible for their own  
3 medical bills. That's what that means in my  
4 mind.

5 Q. Why would -- why would anyone need  
6 instructions about something so basic? Was  
7 this something that was happening --

8 A. No.

9 Q. -- the firm's lawyers or the firm's  
10 employees were binding the firm on the client's  
11 medical bills?

12 A. It --

13 MR. MANNION: Wait.

14 Objection to form.

15 Go ahead.

16 A. It doesn't sound so basic, if  
17 you're asking me all these questions about it.

18 Q. Well, I'll withhold my comment on  
19 that.

20 MR. MANNION: But not your facial  
21 expressions.

22 Q. I'm asking you why you would send  
23 this email? Why would you have to remind  
24 attorneys or staff not to be signing agreements  
25 to pay the doctor's medical bills?



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1 MR. MANNION: Wait.

2 I'm going to object. Where does it say,  
3 "Signing"?

4 MR. PATTAKOS: That's what her  
5 testimony is.

6 A. I said -- my purpose of this email  
7 is to tell them not to put letters of  
8 protections on company letterhead. I also  
9 testified that I didn't remember what occurred  
10 leading up to why I sent this email --

11 Q. Okay. That's fine.

12 A. -- I feel like you put words in my  
13 mouth --

14 Q. Okay. I'm sorry --

15 A. -- and then you get mad, when I  
16 don't give you the answer you're looking for.  
17 Sorry.

18 Q. -- I'm sorry you feel that way.

19 - - - - -

20 (Thereupon, Deposition Exhibit 65,  
21 11/6/2013 Email To Prelit Attorney  
22 From Brandy Brewer, Bates Number  
23 Williams000226, was marked for  
24 purposes of identification.)

25 - - - - -

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1 Q. Let's look at Exhibit 65.

2 MR. MANNION: November, 6, 2013.

3 Q. So you're sending out an email on  
4 Wednesday, November 6, 2013, to all prelit  
5 attorneys and Mike Simpson -- who is the  
6 investigator, correct?

7 A. Yes.

8 Q. -- and the subject line is,  
9 "Rooms." This was -- you write, "Room  
10 Arrangements," and you list a bunch of names  
11 and that's the end of the email. Am I reading  
12 this correctly?

13 A. Yes.

14 Q. So who are these people?

15 A. Do you want me to itemize  
16 specifically who each person is?

17 Q. If you would.

18 A. Dr. Cawley.

19 Q. Is he a chiropractor or doctor?

20 A. He's a chiropractor.

21 Q. What's his first name?

22 A. Eric.

23 Q. Okay. And where does he practice  
24 out of?

25 A. He used to be in Canton. He's in

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1 Cleveland now.

2 Q. Do you know the name of his clinic?

3 A. No. I don't remember.

4 Q. Okay. And then Floros is obviously  
5 Dr. Floros.

6 A. Yes.

7 Q. Okay.

8 A. Dr. Tassi.

9 Q. That's Phil Tassi?

10 A. Yes.

11 Q. Out of West Tusc?

12 A. He's in a different state now.

13 Q. What state is he in now?

14 A. I don't remember. He doesn't  
15 prac -- I don't know.

16 Q. Who's Schneider?

17 A. He's a chiropractor.

18 Q. What's his first name?

19 A. I don't remember. I don't know  
20 where he's at now either.

21 Q. Who are Tony and Waleed?

22 A. Tony Lababidi and Waleed Lababidi.

23 Q. And who are they?

24 A. Tony Lababidi is a doctor. He's a  
25 pain management doctor.

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1 Q. Um-hum.

2 A. Waleed is some kind of nurse  
3 maybe. That's his brother.

4 Rob Nestico, Paul Steele.

5 Q. Um-hum.

6 A. Sam Ghoubrial, he's a doctor.

7 Q. Um-hum.

8 A. Michael Simpson, he's an  
9 investigator.

10 Q. Um-hum.

11 A. Matt Stewart.

12 Q. Who's Matt Stewart?

13 A. He's a paralegal.

14 Rob Horton. You know Rob Horton.

15 Q. Okay.

16 A. Robert Redick.

17 Q. Okay.

18 A. Brian Zaber.

19 Q. Who is Brian Zaber?

20 A. He's an attorney.

21 Q. KNR attorney?

22 A. He used to be.

23 Q. Where is he now?

24 A. He's at a firm in Cleveland. I  
25 don't remember the name.

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1 Q. Okay.

2 A. Tom Vasvari.

3 Q. Attorney?

4 A. Yes, at KNR.

5 Q. Um-hum.

6 A. Jason St.George.

7 Q. Still a KNR attorney, right?

8 A. Yes.

9 Q. Um-hum.

10 A. And Josh Angelotta.

11 Q. What was the purpose of this email?

12 A. Room arrangements, to let them know  
13 who was rooming together.

14 Q. Rooming together where?

15 A. I think this was on a golf trip.

16 Q. Where?

17 A. Alabama or Georgia, Florida maybe.

18 Q. Could it have been Cancun?

19 A. I feel like this was a golf trip.

20 Q. Why?

21 A. That's just my recollection.

22 Q. There were trips to Cancun and  
23 Dominican Republic, too, weren't there?

24 MR. MANNION: Objection.

25 A. Yes.

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1 Q. And were these same people on these  
2 trips to Cancun and Dominican Republic as well?

3 A. I don't know if the exact same  
4 people. I'd have to see a list.

5 Q. But some of them?

6 A. Maybe.

7 Q. Okay. Did you go on this trip?

8 A. If this is a golf trip, I did not  
9 go golfing. I don't golf.

10 Q. Okay. Why were all these people  
11 going to golf together?

12 A. Because they liked golfing.

13 Q. Okay. Why were you emailing them  
14 their room arrangements?

15 A. I don't know. I guess to let them  
16 know who was going to be rooming with who.

17 Q. Who determined that?

18 A. I don't remember if I did that or  
19 if Rob did that.

20 Q. Do you have any idea why these  
21 certain people were selected to go on this  
22 trip?

23 MR. MANNION: Objection to the  
24 phrase, "Selected."

25 But go ahead.

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1 A. I don't know.

2 Q. How many trips did you participate  
3 in the planning of involving KNR attorneys and  
4 healthcare providers?

5 MR. MANNION: Objection.

6 Go ahead.

7 A. I -- I mean, Rob booked his own  
8 trips. I didn't book his travel, so I --

9 Q. But you --

10 MR. MANNION: Let her finish.

11 A. -- you asked me if I sent this  
12 email and why I sent it. I don't know if he  
13 asked me to send it or if I did it myself. I  
14 don't know.

15 Q. Okay. I'm just asking about any  
16 kind of participation at all, including sending  
17 emails of room arrangements -- or frankly, I  
18 can ask you instead: How many of these trips  
19 do you remember happening?

20 MR. MANNION: Objection to form.

21 But go ahead.

22 A. Maybe a handful. I'm not really  
23 sure.

24 Q. What's, "A handful"?

25 A. Well, "A handful," would be around

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1 five.

2 Q. So name the different locations  
3 that you can remember. I know we already  
4 talked about Cancun, Dominican Republic. Is  
5 there anyone else you can remember?

6 MR. MANNION: Objection.

7 Go ahead.

8 A. Mass tort convention in Las Vegas.

9 Q. The doctors went on that, too?

10 A. Oh, I don't -- I don't -- no, I  
11 don't think so. Are you -- can you ask me the  
12 question again? Are you talking about group  
13 trips or doctor --

14 Q. To the best of your recollection,  
15 what destinations can you recall for trips that  
16 KNR personnel or employees took with doctors or  
17 chiropractors?

18 MR. MANNION: Objection to form.

19 But go ahead.

20 A. Is Rob KNR personnel?

21 Q. Yes.

22 A. So Cancun, Dominican. I think  
23 there may have been a cruise.

24 Q. Where?

25 A. I don't remember the exact



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1 locations. As I stated, I didn't book Rob's  
2 travel. I'm not sure if that's it or -- I  
3 mean, it's -- it's been a lot of years. He's  
4 traveled a lot of different places.

5 Q. Well, I understand that. I'm just  
6 asking if you can remember any trips that he  
7 took with chiropractors or doctors that treated  
8 the firm's patients -- or treated the firm's  
9 clients.

10 MR. MANNION: Objection to form.

11 But go ahead.

12 A. That's all I can think of right  
13 now. Like I said, he's traveled a lot of  
14 different times. So who he traveled with on  
15 each trip every time he's gone on vacation,  
16 like I definitely don't remember.

17 Q. And I'm not asking you to. Okay.

18 MR. MANNION: But you just did.

19 Q. Did you ever go on any of these  
20 trips?

21 A. I went to Mexico and the Dominican.

22 Q. Okay. Can you tell me everyone  
23 that you remember being on the Mexico trip?  
24 This is Cancun, right?

25 A. Mexico is -- okay. Mexico and

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1 Dominican trips kind of blur together for me.

2 Q. That's fine. Tell me who you  
3 remember was at either one of these then.

4 A. Oh, boy. Kristen Lewis, Kim  
5 Lubrani, Chris Van Blargan, Michael Maillis,  
6 Rob, John Reagan, Rob Horton, Amanda Lantz,  
7 Paul Steele, Robert Redick. That's all that I  
8 can remember right now.

9 Q. But what about the healthcare  
10 providers?

11 A. I -- I don't remember that they  
12 were on those trips.

13 Q. Okay. Are you saying that they  
14 were not on those trips?

15 MR. MANNION: Objection. She just  
16 testified --

17 A. I'm saying, I don't remember.

18 Q. So they might have been, but you  
19 wouldn't remember even -- on either one of  
20 those trips, you don't remember whether any of  
21 the providers went?

22 MR. MANNION: Objection.

23 Go ahead.

24 A. Oh, Ken Zerrusen.

25 In the Dominican, I don't remember

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1 hanging out -- like none of my memories have --  
2 have any doctors in it --

3 Q. Okay.

4 A. -- yeah. I'm sorry. I'm trying to  
5 go through my --

6 Q. Take your time.

7 MR. MANNION: Well, I think she  
8 did that.

9 MR. PATTAKOS: Okay.

10 Q. So before when I asked you to  
11 identify the locations, the destinations of all  
12 trips where KNR personnel went on trips with  
13 healthcare providers, you identified Cancun,  
14 the Dominican Republic and -- well, you  
15 identified -- you identified Cancun and the  
16 Dominican Republic. You then testified that  
17 you went to Mexico and the Dominican Republic.  
18 And now you're testifying that you can't  
19 remember that any healthcare providers went on  
20 those trips.

21 MR. MANNION: Objection to form.

22 But go ahead.

23 A. So my memory is like -- is not very  
24 good here obviously, if I'm struggling to --  
25 I'm going through in my mind. I don't remember

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1 hanging out with any of the doctors on that  
2 trip.

3 Q. There were two trips.

4 A. Actually, the Cancun trip, I can  
5 remember the hotel. I just -- I don't remember  
6 any of the real details of it. I've traveled  
7 so many other times since then. Like it's just  
8 not something that's standing out in my mind --

9 Q. Okay.

10 A. -- I mean, you can definitely ask  
11 Rob.

12 Q. Okay. There are other people we  
13 can ask, too.

14 A. Sure.

15 MR. MANNION: Move to strike.

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED] [REDACTED]

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

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

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

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

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

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

8 [REDACTED] [REDACTED] [REDACTED]

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

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

11 [REDACTED] [REDACTED] [REDACTED]

12 [REDACTED] [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

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

15 [REDACTED]

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

17 [REDACTED]

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

19 [REDACTED]

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

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

22 [REDACTED] [REDACTED] [REDACTED]

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

24 [REDACTED] [REDACTED]

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

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

2 [REDACTED] [REDACTED]

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

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

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

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

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

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

9 [REDACTED] [REDACTED]

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

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

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

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

15 [REDACTED] [REDACTED] [REDACTED]

16 [REDACTED] [REDACTED]

17 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

18 (Record was read.)

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

20 [REDACTED] [REDACTED]

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

22 [REDACTED]

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

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

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

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1 [REDACTED] [REDACTED] [REDACTED]

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

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

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

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

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

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

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

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

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

12 [REDACTED] [REDACTED]

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

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

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

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

17 [REDACTED]

18 - - - - -

19 (Thereupon, Deposition Exhibit 66,

20 7/24/2012 Email To Prelit Attorney

21 From Brandy Brewer, Bates Number

22 KNR03751, was marked for purposes of

23 identification.)

24 - - - - -

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

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

2 [REDACTED]

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

4 Q. This is Exhibit 66.

5 MR. NESTICO: What year?

6 MR. MANNION: 2012.

7 BY MR. PATTAKOS:

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

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

10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

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

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

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

15 [REDACTED] [REDACTED]

16 Q. Why did you send this email?

17 A. To see who needs records and bills  
18 and narrative report from Akron Square.

19 Q. And why?

20 A. So I could send him a list.

21 Q. Who's, "Him"?

22 A. Dr. Floros.

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

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

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



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

2 [REDACTED] [REDACTED]

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

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

5 [REDACTED] [REDACTED]

6 Q. Okay. So this had nothing to do  
7 with attorney goals?

8 A. No.

9 MR. MANNION: Well, that sure  
10 clarified the quotas.

11 MR. PATTAKOS: What's that?

12 MR. MANNION: That sure clarified  
13 the quotas, as you told us it was going to.

14 MR. PATTAKOS: Thanks, Tom.

15 MR. MANNION: Appreciate it.

16 BY MR. PATTAKOS:

17 Q. So why would you be asking about  
18 Akron Square here, if you're concerned about  
19 paralegals making their numbers and sending a  
20 number of demand packages?

21 A. So I could send him a list.

22 Q. Well, why not any other  
23 chiropractor? Why just Akron Square?

24 A. Well, because in this email, I was  
25 referring to Akron Square. We send hospital

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1 lists. We send tons of providers lists. In  
2 this email, I was referring to Akron Square.

3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]

8 MR. MANNION: Objection to form.

9 Go ahead.

10 A. And hospitals and medical doctors  
11 and physical therapists and surgeons and  
12 everywhere else.

13 Q. So you're saying there would be  
14 emails -- similar emails to this where you're  
15 not referring to ASC, but you're referring to  
16 some other healthcare providers that treats  
17 your firm's clients. Is that your testimony?

18 MR. MANNION: Objection to form.

19 Go ahead.

20 A. Sure.

21 Q. Okay. Like who?

22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 [REDACTED]  
2 [REDACTED]

3 MR. MANNION: You know how to ask  
4 for documents in discovery.

5 MR. PATTAKOS: Okay. You're right.

6 MR. MANNION: It's been over 100  
7 days and we still can't get the documents that  
8 Matt Johnson left on his counter.

9 THE WITNESS: Interesting.

10 MR. MANNION: Yeah. He claims he  
11 never emailed with us.

12 THE WITNESS: Well, I saw the  
13 email, so.

14 BY MR. PATTAKOS:

15 Q. Do you know how the people who went  
16 on -- the healthcare providers who went on  
17 these trips, do you know how they were chosen?

18 MR. MANNION: Objection as to,  
19 "Chosen."

20 But go ahead.

21 A. I do not.

22 Q. You have no idea why certain  
23 providers went on these trips with KNR  
24 employees?

25 MR. MANNION: Objection.

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1 Go ahead.

2 A. No, I don't.

3 Q. Okay.

4 - - - - -

5 (Thereupon, Deposition Exhibit 67,  
6 6/11/2013 Email To Prelit Support  
7 From Brandy Lamtman, Bates Number  
8 Williams000505, was marked for  
9 purposes of identification.)

10 - - - - -

11 Q. Let's look at Exhibit 67.

12 MR. MANNION: June 11, 2013.

13 Q. So here's another email from you to  
14 prelit support and prelit attorneys where you  
15 write, "I need an ACCURATE list of charts and  
16 narratives needed from ASC by 5 p.m. today!!  
17 Please make sure that you actually need the  
18 records, the case isn't a withdraw, the client  
19 is finished treating, Etc."

20 "I am trying to help you reach your  
21 submission goals," exclamation mark.

22 Am I reading that correctly?

23 A. Yeah.

24 Q. Did you send this email?

25 A. Yes.

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1 Q. And this relates to Akron Square  
2 Chiropractic, correct?

3 A. Yes.

4 Q. And you are not -- you're not  
5 asking for charts and narratives from any other  
6 provider, correct?

7 A. In this email, I'm asking for a  
8 list for Akron Square.

9 Q. Okay. And you're saying there  
10 would be other emails where you were asking for  
11 the same things from other healthcare  
12 providers, correct?

13 MR. MANNION: Objection. That's  
14 not what she said.

15 But go ahead.

16 A. Yes, there are other emails that  
17 are a list of clients trying to get medical  
18 records and medical bills from other providers.

19 Q. Okay. And where you're connecting  
20 that to the need to -- the need to connect --  
21 I'm sorry -- where you're connecting that with  
22 the need to make monthly submission goals?

23 A. Yes --

24 Q. Okay.

25 A. -- it's also for our client's best

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1 interest. This means they've been released  
2 from the doctor. So oftentimes gathering  
3 medical records and medical bills from  
4 facilities, all facilities -- doctor's offices,  
5 chiropractor's offices, hospitals, surgeons --  
6 it's difficult to get that information,  
7 especially from those two hospitals that I  
8 mentioned. It could take months and months to  
9 get that together.

10 Q. But you don't write any of that in  
11 this email, right --

12 MR. MANNION: Objection.

13 Q. -- does anything in this email  
14 relate to that?

15 MR. MANNION: Objection.

16 A. I'm explaining to you the thought  
17 process behind it.

18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1

[REDACTED]

2

[REDACTED]

3

[REDACTED]

4

[REDACTED]

5

[REDACTED]

6

[REDACTED]

7

[REDACTED]

8

[REDACTED]

9

[REDACTED]

10

[REDACTED]

11

[REDACTED]

12

[REDACTED]

13

[REDACTED]

14

[REDACTED]

15

[REDACTED]

16

[REDACTED]

17

[REDACTED]

18

[REDACTED]

19

[REDACTED]

20

[REDACTED]

21

[REDACTED]

22

[REDACTED]

23

[REDACTED]

24

[REDACTED]

25

[REDACTED]

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1 [REDACTED] [REDACTED]  
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
5 [REDACTED]  
6 [REDACTED] [REDACTED]  
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
10 [REDACTED] [REDACTED]  
11 [REDACTED] [REDACTED] [REDACTED]  
12 [REDACTED] [REDACTED] [REDACTED]

13 MR. PATTAKOS: What are we on, 68?

14 - - - - -

15 (Thereupon, Deposition Exhibit 68,  
16 6/18-19/2013 Email Trail Between  
17 Robert Redick, Hillary Kornas And  
18 Brandy Brewer, Bates Number  
19 KNR03802, was marked for purposes of  
20 identification.)

21 - - - - -

22 MR. MANNION: June 19, 2013.

23 Q. So this is an email from Robert  
24 Redick to you -- I want to focus on the top of  
25 the document -- sent on Wednesday, June 19,



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1 2013. He writes to you, "Are you (or Sarah)  
2 going to FU on these ASC cases we need?" And  
3 that's -- does that, "FU," stand for follow up?

4 A. Yes.

5 Q. Okay. "Not pushing (well, maybe a  
6 little) but I want Hillary to make her goal."  
7 So am I understanding correctly that Mr. Redick  
8 is asking you here to follow up on ASC cases so  
9 that Hillary, a paralegal, can make her monthly  
10 submission goal?

11 A. Yes.

12 Q. Okay.

13 MR. MANNION: For the record, I  
14 think at the bottom, you can see the email  
15 relating to some of the other providers, Peter,  
16 if you want to ask, at the bottom.

17 MR. PATTAKOS: Yeah, but that  
18 doesn't have anything to do with making goals  
19 here. You'll see, there's no reference to,  
20 "Submission goals." This is just a list of ten  
21 cases where they're following up on.

22 MR. MANNION: I think you're  
23 mistaken in that, if you want to ask her.

24 Q. Where in this bottom email from  
25 Hillary to Mr. Redick does anything say

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1 anything about submission goals?

2 A. Well, Robert is referring to the  
3 bottom email and her goal and it says other  
4 providers down there.

5 Q. Okay. Thanks. It's true, is it  
6 not, that the firm signed objective injury  
7 cases to attorneys that did the most intakes?

8 MR. MANNION: I'm going to object  
9 to form and discoverability or relevance.

10 But go ahead.

11 A. No, that's --

12 MR. PATTAKOS: Let's mark another  
13 exhibit then.

14 - - - - -

15 (Thereupon, Deposition Exhibit 69,  
16 12/3/2012 Email Trail Between Prelit  
17 Group, Brandy Lamtman and Gary  
18 Petti, Bates Number GMP000004-5, was  
19 marked for purposes of  
20 identification.)

21 - - - - -

22 Q. Okay. Sorry. This is 69.

23 MR. MANNION: December 3, 2012.

24 Q. So here's an email sent on  
25 December 3, 2012, where you write, "November

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1 Intakes." And you email the prelit group and  
2 you say, "Intakes During Business Hours for  
3 November," and you list six attorneys and the  
4 number of -- it looks like the number of  
5 intakes and the percentage of intakes that they  
6 took in that month. Is that correct?

7 A. That's what it looks like.

8 Q. Okay. And then you write, "Just a  
9 reminder that objective cases will be assigned  
10 to the attorneys who are doing intakes!!" What  
11 does that mean?

12 A. Objective cases would be assigned  
13 to the attorneys who are doing intakes.

14 Q. Yeah. What did you mean by that?

15 A. Exactly what it said.

16 Q. And why would the objective cases  
17 be assigned to attorneys who are doing intakes?  
18 Why did you write that?

19 A. Because they have to do the intake  
20 to get assigned the case.

21 Q. Why would anyone need a reminder of  
22 that then?

23 A. I don't know why I had to remind  
24 them of that at that time.

25 Q. Well, is it possible that you meant

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1 to say there that more objective cases would be  
2 assigned to attorneys who handled more intakes?

3 A. I don't -- I don't remember that  
4 being the premise of this email.

5 Q. Are you denying that that is the  
6 premise of this email?

7 A. I said, "I don't remember." I  
8 didn't say, "I deny."

9 Q. Okay. Is it possible that that's  
10 the premise of this email?

11 MR. MANNION: Objection --

12 A. I don't know.

13 MR. MANNION: -- to, possibility.  
14 Go ahead.

15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
16 [REDACTED] [REDACTED]

17 - - - - -  
18 (Thereupon, Deposition Exhibit 70,  
19 11/9/2012 Email Trail Between Prelit  
20 Attorney, Brandy Brewer and Gary  
21 Petti, Bates Number GMP000041-42,  
22 was marked for purposes of  
23 identification.)

24 - - - - -  
25 MR. NESTICO: Date?

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1 Q. Are you denying --

2 MR. MANNION: Wait a minute.

3 What? Would you stop with the facial  
4 expressions? He just asked for the date of the  
5 document.

6 November 9, 2012.

7 She hasn't even had a chance to look at  
8 this yet, Peter.

9 MR. PATTAKOS: I'm not asking her  
10 about this document right now.

11 MR. MANNION: Well, we just handed  
12 it to her.

13 BY MR. PATTAKOS:

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 MR. MANNION: Objection,  
20 mischaracterization.

21 Go ahead.

22 [REDACTED]  
23 [REDACTED]  
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1 A. -- this is six years ago.

2 Q. Who would know?

3 A. I don't know if anyone would  
4 remember. It's six years ago --

5 Q. Okay.

6 A. -- you can ask Rob --

7 Q. Okay.

8 A. -- these are all tenured attorneys.  
9 They've all handled objective cases --

10 Q. Um-hum.

11 A. -- I don't know that I would want  
12 Gary Petti to handle an objective case.

13 Q. We can talk about that.

14 A. Okay.

15 Q. What do you remember about the  
16 firm's relationship with Liberty Capital?

17 MR. MANNION: Objection to the  
18 form.

19 But go ahead.

20 A. I don't know what you mean by,  
21 "Relationship." I know Liberty Capital was a  
22 lending company.

23 Q. And the firm was involved with that  
24 lending company, correct?

25 MR. MANNION: Objection as to,

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1 "Involved."

2 But go ahead.

3 A. Yeah, I wouldn't say, "Involved."  
4 It's a lending company that our clients had  
5 loans with.

6 Q. Okay. And at one point Rob Nestico  
7 directed the firm's attorneys that for all cash  
8 advances, the company should -- the firm should  
9 recommend its clients to Liberty Capital,  
10 correct?

11 A. I don't remember him saying that.  
12 I do remember seeing it in an email.

13 Q. Okay. Do you have any idea why he  
14 said that?

15 A. I do not.

16 Q. Okay. Let's look at Exhibit 71.

17 - - - - -

18 (Thereupon, Deposition Exhibit 71,  
19 5/14/2012 Email Trail Between Staff,  
20 Brandy Brewer And Gary Kisling,  
21 Bates Number KNR03391, was marked  
22 for purposes of identification.)

23 - - - - -

24 MR. MANNION: May 14, 2012.

25 MR. PATTAKOS: You know what? Let's

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1 also mark 72.

2 Q. Let's look at these at the same  
3 time.

4 - - - - -

5 (Thereupon, Deposition Exhibit 72,  
6 5/9-11/2012 Email Trail Between Ciro  
7 Cerrato and Rob Nestico, Bates  
8 Number Williams000255-256, was  
9 marked for purposes of  
10 identification.)

11 - - - - -

12 MR. MANNION: May 12, 2012, and  
13 May 11, 2012.

14 Q. Let's look at 72 first. It's Rob  
15 Nestico with the subject line, "Liberty Capital  
16 Funding." He sends to all attorneys. "For any  
17 Plambeck patients only please use the below  
18 company for cash advances."

19 Then if you look at the next page --

20 And this is on May 10, 2012.

21 On the next page, on May 11, 2012, he  
22 writes, "Sorry," it, "applies to all cases not  
23 just Plambeck." Do you see that? Am I reading  
24 that correctly?

25 A. Yes.

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1 Q. Okay. Do you remember this  
2 happening?

3 A. No.

4 Q. You don't remember Rob saying that  
5 everybody should use Liberty Capital for all  
6 cash advances?

7 A. No.

8 Q. Okay. Then a few days later, we  
9 see on May 14, just three or four days later,  
10 you write to all staff -- so when you write to  
11 staff, does that mean everybody at the firm  
12 gets this email?

13 MR. MANNION: Objection. Asked and  
14 answered yesterday.

15 But go ahead.

16 A. Yes, except there were times when  
17 Rob and Robert weren't on the staff email.

18 Q. Okay. But all attorneys and other  
19 employees would get this, correct?

20 A. Yes.

21 Q. Okay. And you write, "For today or  
22 until further notice, please use Preferred  
23 Capital instead of new company. We are ironing  
24 out some glitches." Did you send this email?

25 A. Yes.

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1           Q.       Okay. So you wrote, "For today..."  
2       Was the firm recommending cash advances every  
3       day?

4                   MR. MANNION:     Excuse me. I'm  
5       sorry?

6                   MR. PATTAKOS:    I'm asking --

7                   MR. MANNION:    Peter, what do you  
8       mean? Recommending to whom?

9                   MR. PATTAKOS:    To the clients.

10                  MR. MANNION:     Okay.

11       Go ahead.

12           A.       I -- I mean, you would have to ask  
13       the attorneys, but I -- I don't think they  
14       recommended lending companies.

15           Q.       What do you mean by, "Used  
16       Preferred Capital"?

17           A.       I mean, if a client needed a loan,  
18       that would be the lending company.

19           Q.       That the firm would recommend?

20           A.       If the client needed a loan.

21           Q.       So the firm did recommend certain  
22       loan companies?

23                   MR. MANNION:     Well, I'm going to  
24       object. Your question initially was that they  
25       recommended loans and that's what she was

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1     trying to clarify.

2                   MR. PATTAKOS:    Is it?

3                   MR. MANNION:    That's what your  
4     question was, did they recommend loans every  
5     day.

6                   MR. PATTAKOS:    And you know what  
7     she was trying to clarify?

8                   MR. MANNION:    Your question was,  
9     did they recommend loans every day, and she  
10    said, No.

11                   MR. PATTAKOS:   Tom, I don't need  
12    you to tell me what's inside of her head.  
13    Thank you --

14                   MR. MANNION:    Well, I don't  
15    need --

16                   MR. PATTAKOS:   -- I know you want  
17    her answers to be a certain way, Tom --

18                   MR. MANNION:    Oh, my god.

19                   MR. PATTAKOS:   -- but, please --  
20    again, this just shows why your testimony --  
21    your continued testimony is inappropriate.

22                   MR. MANNION:    I am not testifying.  
23    You're mixing and matching words.

24                   MR. PATTAKOS:   You just told me  
25    what she intended and I think it's really

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1 interesting.

2 MR. MANNION: You changed your  
3 question. You said, "Recommended loans," not,  
4 loan companies, and I was trying to tell you  
5 she answered the question you asked perhaps not  
6 the one you wanted to ask.

7 MR. PATTAKOS: Well, first she said  
8 that the company did not recommend loans or  
9 loan companies and --

10 MR. MANNION: That's --

11 MR. PATTAKOS: Okay. You know  
12 what? We can move on.

13 MR. MANNION: Just ask her.

14 BY MR. PATTAKOS:

15 Q. So Gary Kisling then writes to you,  
16 "Why are we using the new firm rather than  
17 Preferred Capital? Brian is excellent at  
18 getting reductions on his loans to get cases  
19 settled."

20 And you respond, "Rob wants to try this  
21 new company." Do you remember this?

22 A. No.

23 Q. Do you remember why Rob wanted to  
24 try this new company?

25 A. I do not.



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1 Q. Okay. Did you ever talk with Gary  
2 about this?

3 A. I don't -- not that I can remember.

4 Q. And this is Gary Kisling, the main  
5 partner of Kisling Nestico & Redick, right?

6 A. Yes.

7 Q. Okay. Do you remember what the  
8 glitches were that were being ironed out?

9 A. I don't.

10 Q. Do you have any idea what those  
11 might have been?

12 A. I have no idea.

13 Q. Okay. And you don't remember if  
14 the firm was recommending a loan company on a  
15 daily basis?

16 MR. MANNION: Objection to form.  
17 Go ahead.

18 A. No.

19 Q. Okay. Exhibit 73.

20 - - - - -

21 (Thereupon, Deposition Exhibit 73,  
22 11/27/2012 Email To Prelit Attorney  
23 From Sarah Rucker, Bates Number  
24 KNR03433, was marked for purposes of  
25 identification.)

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1 - - - - -

2 MR. MANNION: November 27, 2012.

3 Q. So this is an email from Sarah  
4 Rucker to prelit attorneys copying you and  
5 Mr. Nestico with the subject, "Lunch with Ciro  
6 from Liberty Capital Funding." Did you receive  
7 this email?

8 A. Yes.

9 Q. And Ms. Rucker writes, "Tomorrow  
10 there will be a lunch with Ciro Cerrato from  
11 Liberty Capital Funding at 12. Rob would like  
12 each Pre-Lit Attorney to attend, if you are  
13 unable to attend please have your paralegal  
14 attend in your place. Thanks." Do you have  
15 any recollection of this lunch?

16 A. I do not.

17 Q. Do you have any idea why KNR  
18 attorneys or paralegals would attend a lunch  
19 with a representative from a loan company?

20 A. I wasn't at the lunch, so I can't  
21 speak on what the premise of the lunch was.  
22 Maybe to learn about the company. It was a new  
23 company, but I wasn't there, so.

24 Q. What would they need to learn about  
25 the new company?

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

2 Q. Okay. Do you remember any issues  
3 with Liberty Capital?

4 A. I don't remember any issues. I  
5 remember an email where it asks if there were  
6 issues.

7 Q. Because you reviewed it in  
8 preparation for this --

9 A. Yeah. I told you --

10 Q. -- deposition?

11 A. -- I read the emails.

12 Q. Yeah. Okay. But you have no  
13 memory of what any issues with Liberty Capital  
14 were?

15 A. No.

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

17 - - - - -

18 (Thereupon, Deposition Exhibit 74,  
19 1/7/2014 Email Trail Between Rob  
20 Nestico And Brandy Brewer, Bates  
21 Number KNR03474, was marked for  
22 purposes of identification.)

23 - - - - -

24 MR. MANNION: January 7, 2014.

25 Q. Sorry. So this is an email where

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1 you are writing to Nestico at the bottom. This  
2 is an email exchange between you and  
3 Mr. Nestico on January 7, 2014. First Nestico  
4 writes, "Everyone please use Liberty ONLY for  
5 loans any question come see me."

6 Then you write, "Need to have a talk with  
7 Ciro about customer service then. He only has  
8 one guy. And he doesn't get back to us right  
9 away." Do you remember this?

10 A. I don't.

11 Q. Do you remember why you wanted Rob  
12 to have a talk with Ciro about customer  
13 service?

14 A. Well, it says that he doesn't get  
15 back to us right away.

16 Q. Do you remember anything else about  
17 this?

18 A. No.

19 Q. Rob responds to you, "There is a  
20 reason and this will only be temporary." Do  
21 you remember what that reason was?

22 A. No.

23 Q. Okay.

24 MR. PATTAKOS: Let's mark  
25 Exhibit -- What are we on now? -- 75.

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1 - - - - -

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 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
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4 [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
5 [REDACTED] [REDACTED]

6 MR. PATTAKOS: Okay. I think I can  
7 finish up in about 20 minutes, if we take a  
8 break --

9 MR. MANNION: Okay.

10 MR. PATTAKOS: -- the last break.

11 MR. MANNION: Sounds good.

12 VIDEOGRAPHER: Off the record

13 12:30.

14 (Recess taken.)

15 VIDEOGRAPHER: On the record 12:43.

16 BY MR. PATTAKOS:

17 Q. Were you aware of any changes to --  
18 any major changes to any KNR policies or  
19 practices that were made after this lawsuit was  
20 filed?

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

22 But go ahead, if you know.

23 A. No.

24 Q. Was there ever an email that went  
25 out about how the firm's policies on

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1 investigator fees would change?

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

3 Q. You don't remember?

4 A. No. Nothing is standing out in my  
5 mind.

6 Q. Something went around about how  
7 they would -- how the investigators would only  
8 get the fee now if they actually go meet with  
9 the client?

10 A. No. I don't remember that.

11 Q. Do you know who Breanna Dianetti  
12 is?

13 A. I do.

14 Q. And she used to work at the firm?

15 A. Yes.

16 Q. She was a paralegal?

17 A. She was Rob Horton's paralegal.

18 Q. Okay. And Kevin Gates is currently  
19 a paralegal at the firm, or is he not there  
20 anymore?

21 A. He doesn't work there anymore. His  
22 last name isn't Gates, though.

23 Q. Oh, what's his last name?

24 A. Kevin -- I can't think of it right  
25 now. Sorry.

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1 Q. There's a paralegal named Kevin?

2 A. Yes.

3 Q. Okay. And do you know why he  
4 doesn't work at the firm anymore?

5 A. Sure. He got a job at maybe  
6 Bridgestone. I could be wrong about that --

7 Q. Okay.

8 A. -- I believe his brother got him a  
9 new job, at least that's what he said.

10 Q. Okay. Do you know why Rob Horton  
11 was terminated?

12 A. Yes.

13 Q. Why is that?

14 MR. MANNION: Objection. No, no,  
15 no, no. She's not answering questions about  
16 this.

17 MR. PATTAKOS: Why?

18 MR. MANNION: Because she's not.

19 MR. PATTAKOS: Why?

20 MR. MANNION: She's not answering  
21 questions about this. As you know, there's a  
22 confidentiality order on a lawsuit. And in  
23 addition, why Rob Horton was terminated has  
24 nothing to do with this.

25 MR. PATTAKOS: Oh, it sure does.



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1 MR. MANNION: Well, you can ask  
2 Rob Nestico about it then.

3 MR. PATTAKOS: Why can't Brandy  
4 tell me what she knows about it?

5 MR. MANNION: Because she's not  
6 going to?

7 MR. PATTAKOS: Why?

8 MR. MANNION: Because.

9 MR. PATTAKOS: How is it not  
10 relevant?

11 MR. MANNION: Look, I'm not going  
12 to sit here and have her start saying things  
13 that could potentially impact somebody's career  
14 or license or anything else.

15 MR. PATTAKOS: What?

16 MR. MANNION: She's not going to  
17 answer. You can take it up with the Judge.  
18 She's not answering the questions today. You  
19 can take it up with the Judge. It's the first  
20 time I've told her not to answer and she's not  
21 going to answer.

22 Q. Do you believe Rob Horton is a  
23 dishonest person?

24 MR. MANNION: Objection.

25 You can answer, if you can.

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1 A. Absolutely.

2 Q. Why is that?

3 A. He stole documents and he lied  
4 about it.

5 Q. What did he lie about?

6 MR. MANNION: Don't go any further.  
7 That's enough. She's not going to answer  
8 any more questions.

9 Q. When you say, "He stole  
10 documents" --

11 MR. MANNION: She's not going to  
12 answer any more questions on this. You can  
13 take it up with the Judge.

14 Q. -- are you referring to the  
15 documents that he gave to me?

16 MR. MANNION: Objection.

17 Do not answer. He can take it up with  
18 the Judge.

19 MR. PATTAKOS: Wow. Okay.

20 Q. Do you know why Gary Petti was  
21 terminated?

22 MR. MANNION: Objection.

23 Go ahead. If you know, go ahead.

24 A. I don't remember the specific  
25 details surrounding Gary Petti's termination.

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1 I have a vague memory of him making a lot of  
2 errors. And in my opinion, he wasn't that  
3 great of an attorney. I don't remember the  
4 exact specifics, but I remember there being  
5 issues over and over and over again.

6 Q. What kind of issues?

7 A. So one issue that I do remember,  
8 he -- there was a family that had signed liens.  
9 They signed a lien with the chiropractor at a  
10 chiropractor's office in Springfield, Ohio.  
11 And Gary Petti didn't pay the doctor for the  
12 client's medical bills. He gave the money to  
13 the clients and the chiropractor's office, they  
14 were very, very, very upset.

15 Q. Because Petti didn't pay the  
16 chiropractors?

17 A. Um-hum. The client signed a lien  
18 with the chiropractor's office.

19 Q. And Gary Petti didn't protect the  
20 chiropractor's interests?

21 A. He didn't -- the client signed a  
22 lien with that doctor's office and the  
23 chiropractor was expecting to be paid out of  
24 the settlement and he made a mistake.

25 Q. And that's why you think he's a bad

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1 lawyer?

2 A. Well, that's one of -- that's a  
3 specific example.

4 Q. The only one you can remember?

5 A. That stands out because I had to --  
6 there weren't any other chiropractors in  
7 Springfield, so.

8 Q. Remember any other instances that  
9 support your opinion that Gary Petti is not a  
10 good lawyer?

11 MR. MANNION: I'll object. Just,  
12 I mean, these are lay opinions. She's not a  
13 lawyer.

14 THE WITNESS: Yeah.

15 MR. MANNION: But go ahead.

16 A. I don't really remember. I -- I  
17 just remember that there were issues over and  
18 over again. And I remember thinking to myself  
19 that if my mother was in an accident, I would  
20 never want Gary Petti to be her attorney.

21 Q. The only specific issue you  
22 remember -- I just want to make clear. I want  
23 you really to try to remember any specific  
24 issues, because the only one you remembered so  
25 far is that he didn't pay a chiropractor money

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1 out of a client settlement.

2 A. Because I had to talk to that  
3 chiropractor. And we didn't have any other  
4 chiropractors in Springfield, Ohio, because  
5 that's such a small town, to send our clients  
6 to and we had other clients who didn't have a  
7 doctor. So that's why that stands out to me.  
8 I do remember feeling frustrated about Gary  
9 Petti. I just don't remember exactly what the  
10 instances we were. And, like I said, I  
11 remember feeling and maybe even saying out  
12 loud, that if my mother was in an accident, I  
13 wouldn't want him to be her attorney --

14 Q. Okay.

15 A. -- I just don't remember -- I  
16 remember the feeling he gave me. I just don't  
17 remember the specifics of it. It was a very  
18 long time ago. And he was there for just a  
19 very short period of time.

20 Q. Springfield is a small town?

21 A. Yeah.

22 Q. Do you know 59,000 people live in  
23 Springfield?

24 A. No.

25 Q. It used to be the capital of Ohio.

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1 MR. MANNION: When was that, Peter?

2 Q. Have you ever been to Springfield?

3 A. I think that I have actually been  
4 there. It's down by Dayton. They don't have a  
5 lot of chiropractors there. I don't know why  
6 that stands out in my head, but it does.

7 Q. Okay. I mean, as of 2016,  
8 Springfield's population was 59,000 people.  
9 That's a small town to you?

10 MR. MANNION: Well, first of all,  
11 you're saying it has 59,000 people.

12 MR. PATTAKOS: You don't believe  
13 what the census data says?

14 MR. MANNION: I don't know. I  
15 haven't seen the census data, Peter.

16 MR. PATTAKOS: Maybe you should  
17 look it up.

18 A. I don't research the census of  
19 different cities and towns in Ohio.

20 Q. Okay. Do you think Gary Petti is a  
21 dishonest person?

22 MR. MANNION: Objection.

23 A. Yes.

24 Q. Why?

25 A. Because --

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1 MR. MANNION: He doesn't practice  
2 law, so I'm not worried about his license.

3 So go ahead.

4 MR. PATTAKOS: Tom.

5 MR. MANNION: I'm just telling her  
6 why I'm not objecting the same way as last  
7 time.

8 A. -- I mean, he was emailing himself  
9 work documents. I found that to be  
10 inappropriate.

11 Q. Do you have any other reason to  
12 think that Gary Petti is a dishonest person,  
13 besides the fact that he emailed himself  
14 documents from KNR?

15 A. No.

16 Q. Why does the fact that Gary Petti  
17 emailed himself documents from KNR indicate to  
18 you that he's a dishonest person?

19 A. Those are work documents. I  
20 don't -- I don't take work documents and show  
21 them to people. I signed a confidentiality  
22 agreement when I took my job and I take that  
23 very seriously.

24 Q. Okay. Do you know why Amanda Lantz  
25 was terminated?

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1 A. I don't remember.

2 Q. Do you believe Amanda Lantz is a  
3 dishonest person?

4 A. Yes.

5 Q. Why?

6 A. There was a time that she called  
7 our receptionist a fat pig and then lied about  
8 it and other witnesses saw it --

9 Q. Okay.

10 A. -- so that stands out in my mind  
11 about Amanda Lantz.

12 Q. Which receptionist?

13 A. I don't remember the exact  
14 receptionist. I just remember the situation --

15 Q. Who else was witness to this?

16 A. -- and she was crying and her  
17 feelings were very hurt.

18 Q. The person was crying and her  
19 feelings were hurt; and you don't remember who  
20 the person was?

21 A. No. I just remember, I was just in  
22 shock that an attorney would behave that way.

23 Q. And when did -- how did she lie  
24 about it?

25 A. Well, she said that she didn't say



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1 it.

2 Q. And who was a witness to this?

3 A. I don't remember. I'm -- like  
4 these situations happened years ago --

5 Q. I don't need you to explain to me  
6 why you don't remember. If you don't remember,  
7 you don't remember. Thank you.

8 MR. MANNION: Do not cut her off  
9 again.

10 Finish your answer.

11 A. -- these situations happened years  
12 ago, so they're just tiny little fragments that  
13 kind of stand out in my mind.

14 Q. You've said that many times. So  
15 Kelly Phillips, do you know why he was  
16 terminated?

17 A. I don't remember the exact details.  
18 I know he couldn't get to work on time and that  
19 was an issue that had been addressed multiple  
20 times.

21 Q. Were there emails about this?

22 A. I don't know.

23 Q. Do you remember any other reason  
24 why Kelly Phillips was terminated?

25 A. You could ask Paul Steele why.

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1 Q. Paul would know?

2 A. Paul was very offended that Kelly  
3 couldn't arrive to work and he brought it to my  
4 attention multiple times.

5 Q. Do you remember anything else about  
6 Kelly Phillip's work on KNR's cases that sticks  
7 out in your mind?

8 A. I don't.

9 Q. Do you believe Kelly Phillip is a  
10 dishonest person?

11 A. I don't know him to -- to answer  
12 that question. I didn't know him well. He was  
13 at KNR for a very short time.

14 MR. PATTAKOS: Tom, why is it that  
15 you are permitting the witness to testify about  
16 these other former employees and not about  
17 Horton?

18 MR. MANNION: You can keep asking  
19 questions.

20 BY MR. PATTAKOS:

21 Q. So do you know why Rob Horton was  
22 terminated?

23 MR. MANNION: Objection. She's  
24 not answering questions about Rob Horton.

25 MR. PATTAKOS: So why is that, Tom?

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1 What's the basis for that?

2 MR. MANNION: I already put it on  
3 the record. You can bring it up with the  
4 Judge. She's not going to answer any more  
5 questions on it.

6 BY MR. PATTAKOS:

7 Q. So I know you reviewed that binder  
8 of documents that's marked as Exhibit 1 in  
9 preparation for this deposition. You said that  
10 you spent a few hours over three or four  
11 days -- a few hours each day for three or four  
12 days doing that, if I recall your testimony  
13 correctly. Did you do anything else to prepare  
14 for this deposition?

15 A. No. I mean, I reviewed those. I  
16 met with Tom.

17 Q. How long did you meet with Tom?  
18 How many times did you meet with Tom?

19 A. Three or four.

20 Q. When did those meetings take place?

21 A. Oh, I'd have to look at my  
22 calendar.

23 Q. Were they all in the last week or  
24 were they over the course of a month?

25 A. Oh, they were all this past week.

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1 Q. How long did those meetings last?

2 A. Three or four hours.

3 Q. Three or four hours each?

4 A. Um-hum.

5 Q. With Tom?

6 A. Yes. Well, yes.

7 Q. Okay. Was anyone else in the room  
8 with you and Tom?

9 A. Yes.

10 Q. Who?

11 A. Jim Popson.

12 Q. Anyone else?

13 A. Rob and John were kind of in and  
14 out.

15 Q. Rob Nestico?

16 A. Yes. And John Reagan.

17 Q. And John Reagan, who is sitting in  
18 this room?

19 A. Yes.

20 Q. Okay. Were all of those people in  
21 all of those meetings?

22 A. Popson was in and out. Mannion was  
23 in and out. And John Reagan and Rob Nestico  
24 were in and out, too.

25 Q. Okay. Has Mr. Nestico ever

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1 expressed his opinions to you about this  
2 lawsuit?

3 MR. MANNION: You mean, outside  
4 the presence of counsel, I assume?

5 MR. PATTAKOS: Sure.

6 MR. MANNION: Outside the presence  
7 of me, Jim or anybody who represents the firm  
8 or you guys.

9 THE WITNESS: Okay.

10 A. We've talked about it.

11 Q. What did you talk about?

12 A. I don't remember exactly what Rob  
13 would have said about it. I know he's not  
14 happy about it --

15 Q. Okay.

16 A. -- he didn't have anything  
17 favorable to say. I just -- I don't remember  
18 exactly what his words --

19 Q. Are you aware that KNR and  
20 Mr. Nestico have filed counterclaims against  
21 the name -- against the former KNR clients who  
22 have -- who are the plaintiffs in this lawsuit?

23 MR. MANNION: And I'm just going  
24 to object.

25 The questions he's asking now should only

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1 be answered if you know things outside of what  
2 you learned from counsel.

3 A. I didn't know that.

4 Q. Okay. So you had said before, when  
5 you were talking about Mr. Petti, that you  
6 signed a confidentiality agreement with KNR.

7 A. Yes.

8 Q. And when did you sign that?

9 A. I don't remember.

10 Q. Do you remember what it says?

11 A. No.

12 Q. Did you sign it shortly after you  
13 started working there?

14 A. I don't remember when I signed it.

15 Q. Okay. Do you remember what that  
16 confidentiality agreement requires of you?

17 A. No.

18 Q. Well, you're here today and you  
19 testified because you understand that your  
20 confidentiality agreement doesn't apply to keep  
21 you from providing testimony in this case,  
22 correct?

23 MR. MANNION: I'm going to object.  
24 She's not a lawyer.

25 But go ahead.

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1           A.       I don't understand the question.

2           Q.       Well, you spent, you know, the last  
3       day and a half testifying, providing  
4       information about your experience with KNR and  
5       you did so because you understand that your  
6       confidentiality agreement doesn't apply to bar  
7       you from doing that, correct?

8                   MR. MANNION:   Objection.   She's not  
9       a lawyer.

10          Go ahead, if you can.

11          A.       Yeah, I don't know.

12          Q.       Well, did anyone tell you that your  
13       confidentiality agreement applied to your  
14       testimony here today?

15                   MR. MANNION:   Wait, wait.   When  
16       you say, "Anyone" --

17          First of all, I don't know if you've had  
18       any conversations with anybody, but don't tell  
19       him about any conversations with lawyers who  
20       represent you.

21          But go ahead.

22          A.       Yeah, I don't know what you're --

23          Q.       Okay.   Do you understand that  
24       Mr. Nestico and Mr. Redick are defendants  
25       personally in this case, in addition to the law

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1 firm?

2 A. Yes.

3 Q. Have you ever considered whether  
4 you need your own attorney in this lawsuit?

5 MR. MANNION: Objection.

6 A. I feel like Mr. Mannion is my  
7 attorney.

8 Q. But have you ever considered  
9 whether you need a separate attorney; that is,  
10 separate from Mr. Nestico's attorney,  
11 Mr. Redick's attorney or KNR's attorney?

12 A. No. I don't feel like I did  
13 anything wrong.

14 Q. Have Mr. Nestico or Mr. Redick ever  
15 suggested to you that you should not or do not  
16 need to hire your own attorney in this case?

17 A. We've never talked about that.

18 Q. Okay. Have you ever considered the  
19 possibility that you could face criminal  
20 charges arising from the events at issue in  
21 this case?

22 MR. MANNION: Objection.

23 A. No. I don't feel like I did  
24 anything wrong.

25 Q. Have you ever discussed that



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1 possibility with Mr. Nestico or Mr. Redick or  
2 anyone?

3 A. No.

4 MR. MANNION: Well, wait a minute.  
5 "Or anyone," again --

6 Q. Anyone who is not a lawyer.

7 A. No. I -- I don't feel like I did  
8 anything wrong or that the firm did anything  
9 wrong.

10 Q. Okay. Do you have anything else  
11 you want to add to any of your testimony,  
12 before we conclude?

13 A. No.

14 MR. PATTAKOS: Okay. That's a  
15 wrap. Thank you.

16 EXAMINATION OF BRANDY GOBROGGE

17 BY MR. MANNION:

18 Q. Well, just real quickly, I don't  
19 know if this is exactly correct, but it looks  
20 like the capital moved to Columbus in 1816; and  
21 before that, it was Chillicothe and Zanesville.  
22 Do you happen to know when Springfield was the  
23 capital, if it was at all?

24 A. No, I don't.

25 Q. No. Did you look up the population

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1 of Springfield, before you came here?

2 A. No. I -- I didn't even think about  
3 Springfield, before I came here.

4 Q. Do you think that -- have you ever  
5 felt that Mr. Nestico or Mr. Kisling or  
6 Mr. Redick or Mr. Reagan or any of the partners  
7 at KNR ever asked you to do anything that you  
8 thought was improper, illegal or unethical?

9 A. No, never.

10 MR. MANNION: Okay. That's all I  
11 have.

12 MR. PATTAKOS: Okay. Thank you.

13 VIDEOGRAPHER: Off the record 1:01.

14 (Thereupon, the deposition  
15 was adjourned at 1:01 p.m.)  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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1 Whereupon, counsel was requested to give  
2 instruction regarding the witness's review of  
3 the transcript pursuant to the Civil Rules.

## SIGNATURE:

6 Transcript review was requested pursuant to the  
7 applicable Rules of Civil Procedure.

## TRANSCRIPT DELIVERY:

10 Counsel was requested to give instruction  
11 regarding delivery date of transcript.  
12 Thomas Mannion ordered the original transcript  
13 expedited 6-day delivery.  
14 Copy--Peter Pattakos, Regular

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## REPORTER'S CERTIFICATE

The State of Ohio, )

SS:

County of Cuyahoga. )

I, Tracy Morse, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, BRANDY GOBROGGE, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

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1 I do further certify that I am not  
2 a relative, counsel or attorney for either  
3 party, or otherwise interested in the event of  
4 this action.

5 IN WITNESS WHEREOF, I have hereunto  
6 set my hand and affixed my seal of office at  
7 Cleveland, Ohio, on this 23rd day of  
8 October, 2018.

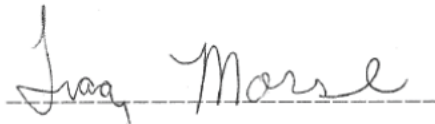
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12

13

A handwritten signature in cursive script, reading "Tracy Morse", is written over a horizontal dashed line.

14

Tracy Morse, Notary Public

15

within and for the State of Ohio

16

My commission expires 1/26/2023.

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