

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 Video Deposition of
11 BRANDY GOBROGGE

12 October 16, 2018

13 9:39 a.m.

14 Taken at:

15 The Pattakos Law Firm, LLC

16 101 Ghent Road

17 Akron, Ohio 44333

18 Tracy Morse, RPR

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

23 ~ ~ ~ ~ ~

24 * -- Via phone

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

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

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

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

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

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

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

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

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

9 MR. MANNION: Great.

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

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

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

19 EXAMINATION OF BRANDY GOBROGGE

20 BY MR. PATTAKOS:

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

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1 A. Brandy Gobrogge.

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

7 A. No.

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

11 A. No.

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

14 A. No.

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

17 A. No.

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

24 A. Yes.

25 Q. And if you don't understand a

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

3 A. Yes.

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

14 A. Yes.

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

24 MR. MANNION: Motion to strike.

25 MR. PATTAKOS: Okay.

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1 BY MR. PATTAKOS:

2 Q. What's your address?

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

5 Q. Where were you born?

6 A. Akron.

7 Q. Did you graduate from high school?

8 A. Yes.

9 Q. From where?

10 A. North High School.

11 Q. What year?

12 A. 1999.

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

15 A. Yes.

16 Q. Where did you go?

17 A. University of Akron.

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

20 A. Yes.

21 Q. In what?

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

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

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1 A. 2009.

2 Q. Did you undertake any postgraduate
3 study?

4 A. No.

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

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

11 Q. Wow. Okay. What law firm?

12 A. Aronson Law Firm.

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

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

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

19 A. Yes.

20 Q. That's Dan Aronson --

21 A. Yes.

22 Q. -- right up the street?

23 A. Yes.

24 Q. Was he always right up the street?

25 A. Yes.

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

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

10 Q. Stan's law firm?

11 A. Uh-huh.

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

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

19 Q. The whole time you were there?

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

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

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1 were at the firm?

2 A. Yes.

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

5 A. No.

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

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

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

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

23 Q. Um-hum.

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

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

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

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

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

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

11 MR. MANNION: How is it relevant?

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

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

15 You don't have to answer that question.

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

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

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

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

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1 for the relevance.

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

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

7 THE WITNESS: No.

8 MR. MANNION: Okay.

9 BY MR. PATTAKOS:

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

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

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

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

17 Q. Which one?

18 A. Downtown Akron.

19 Q. How long did you work there?

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

21 Q. Then what was your next job?

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

24 Q. What did you do there?

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

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

4 Q. How long were you there?

5 A. Only a few months.

6 Q. Why did you leave?

7 A. Rob approached me at Starbuck's.

8 Q. Rob Nestico --

9 A. Yes.

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

11 A. Yes.

12 Q. Tell me about this.

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

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1 "Sure," and that's it.

2 Q. What year was that?

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

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

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

18 Q. Sure.

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

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

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

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

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

13 A. Yes.

14 Q. And what's that?

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

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

19 A. No.

20 Q. Do you know why?

21 MR. MANNION: Objection.

22 Go ahead, if you know.

23 A. I believe she cheated on him.

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

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

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

8 A. Correct.

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

13 A. No. I never really --

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

16 A. No.

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

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

22 Q. A root-beer stand?

23 A. Yeah.

24 Q. Where?

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

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1 there.

2 Q. What was it called?

3 A. BK Root-beer Stand.

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

6 A. Yeah.

7 Q. Okay.

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

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

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

16 A. No.

17 Q. Do you have a title?

18 A. Yes.

19 Q. What's your title?

20 A. Director of operations.

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

23 A. I didn't have a title.

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

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1 A. Executive assistant.

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

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

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

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

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

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

24 MR. PATTAKOS: Okay.

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

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

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

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

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

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

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

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

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

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

9 THE WITNESS: Yeah.

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

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

15 VIDEOGRAPHER: Off the record
16 9:55.

17 (Recess taken.)

18 VIDEOGRAPHER: On the record
19 10:02.

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 MR. PATTAKOS: [REDACTED]

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1 BY MR. PATTAKOS:

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

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

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

5 [REDACTED]

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

7 [REDACTED]

8 [REDACTED] [REDACTED]

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

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

11 [REDACTED] [REDACTED] [REDACTED]

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

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

14 [REDACTED] [REDACTED] [REDACTED]

15 [REDACTED] [REDACTED]

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

17 [REDACTED] [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED] [REDACTED]

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

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

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

23 [REDACTED]

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

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

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[illegible]

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

A. Oh, they varied. I don't remember exactly. [REDACTED] Really anything that Rob needed. They had just moved in the building. I had to order furniture, do all -- you know, what you're doing here. Those are like the two things that are standing out to me. It was eight years ago. I mean --

Q. Sure.

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

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1 [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
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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]
19 [REDACTED]

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

23 A. At Kisling Nestico & Redick?

24 Q. Yes.

25 A. No.

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

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

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

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

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

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

4 [REDACTED]
5 [REDACTED]
6 [REDACTED]

7 A. Correct.

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

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

12 Q. Sure. Well --

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

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

21 Q. Okay. Is Kevin still there?

22 A. Yes.

23 Q. So what does Kevin do?

24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]

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

4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

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

11 But go ahead.

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

14 Q. Every day is very different?

15 A. Um-hum.

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

19 MR. MANNION: Go ahead.

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [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]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

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

9 A. Correct.

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

12 A. Correct.

13 Q. Do any attorneys report to you?

14 A. No.

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

18 MR. MANNION: Object to form.

19 Go ahead, if you can.

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

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

25 MR. MANNION: Objection, form.

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1 Go ahead, if you can.

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

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. Kevin reports to you?

9 A. Um-hum.

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 Q. What did you change it from?

23 A. Executive assistant.

24 Q. To who?

25 A. Sarah Knoch, that was her title and

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1 I changed it to something else.

2 Q. Who was she executive assistant to?

3 A. To Rob and I.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. Okay.

9 [REDACTED]

10 [REDACTED]

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

15 MR. MANNION: Objection to form.

16 Go ahead.

17 Q. -- is that correct?

18 A. No.

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

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

25 Q. Okay. How often do you speak with

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1 him?

2 A. With Rob?

3 Q. Yes.

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

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

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

12 Go ahead.

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

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

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

23 But go ahead, if you can.

24 A. Can you rephrase that, please?

25 Q. No, I can't.

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

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

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

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

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

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

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

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

24 MR. MANNION: You absolutely did.

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

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

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

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

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

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

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

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

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

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

25 MR. MANNION: In a second.

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

4 Okay. Go ahead.

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

7 (Record was read.)

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

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

18 MR. MANNION: Objection to form.

19 But go ahead.

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

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

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1 to do, correct?

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

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

8 A. Yes.

9 Q. Explain.

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

15 Q. Any other example?

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

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

22 MR. MANNION: Objection to form.

23 Go ahead.

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

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

3 Q. Okay.

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

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

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

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

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

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

20 MR. PATTAKOS: John?

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

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

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

6 MR. MANNION: You better not --

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

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

12 MR. PATTAKOS: It absolutely was.

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

14 BY MR. PATTAKOS:

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

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

19 But go ahead.

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

22 A. I didn't feel threatened.

23 Q. Did you feel intimidated?

24 A. No.

25 Q. Thank you.

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

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

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

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

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

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

18 Go ahead.

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

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

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

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1 Q. I'll read it again.

2 A. Okay.

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

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

10 But go ahead.

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

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

23 MR. MANNION: Objection.

24 Q. -- but that's fine.

25 MR. MANNION: Objection.

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

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

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

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

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

16 MR. MANNION: Not even close.

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

19 BY MR. PATTAKOS:

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

24 MR. MANNION: Object to form.

25 Go ahead.

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

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

6 A. Sure.

7 Q. And what are those areas?

8 A. Can you repeat the question?

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

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

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

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

18 Q. Sure.

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

22 Q. Right.

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

25 Q. That's great.

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

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

7 MR. MANNION: Objection to form.

8 Go ahead.

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

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

13 A. I guess so.

14 Q. Okay.

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

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

19 MR. MANNION: Objection.

20 Go ahead.

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

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

24 Q. Take your time.

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

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1 Q. What would you say?

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

4 Q. Okay.

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

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

10 MR. MANNION: Objection.

11 But go ahead.

12 A. Sure.

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

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

19 Q. Okay.

20 A. -- it's a conversation.

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

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

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1 this case.

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

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

8 Q. Okay.

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

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

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

20 Go ahead.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Q. Okay.

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

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

23 MR. MANNION: Okay.

24 MR. PATTAKOS: Thank you.

25 VIDEOGRAPHER: Off the record

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1 10:30.

2 (Recess taken.)

3 VIDEOGRAPHER: On the record

4 10:50.

5 BY MR. PATTAKOS:

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 Q. Okay. And you mean Robert Redick?

24 A. Yeah.

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

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

3 A. Correct.

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

6 A. What lists?

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

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

10 A. No.

11 Q. You don't?

12 A. No.

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

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

19 Q. Okay. What do you remember?

20 MR. MANNION: Objection. About
21 what?

22 A. Like what?

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

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

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

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

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

14 But I will let you answer the question.

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

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

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

21 Go ahead.

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

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

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1 A. Yes.

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

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

6 Go ahead, if you can.

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

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

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

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

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

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

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

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

2 A. I don't recall.

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

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

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

12 MR. MANNION: Why am I talking?

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

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

17 But go ahead.

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

21 BY MR. PATTAKOS:

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

25 MR. MANNION: I'm going to

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1 objection to, "Attributed."

2 But go ahead.

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

6 Q. Yes.

7 A. Yes.

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

11 MR. MANNION: Objection to form.

12 Go ahead.

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

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

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

22 MR. PATTAKOS: Anyone.

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

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

4 Q. It's a simple question.

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

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

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

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

14 (Record was read.)

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

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

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

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

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

3 (Record was read.)

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

6 Tell him again.

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

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

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

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

19 A. What is the question?

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

24 MR. MANNION: Objection to form.

25 But go ahead.

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

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

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

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

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

17 Q. Is that what --

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

20 Q. Is that what you understand?

21 A. Yes.

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

24 A. No.

25 Q. And Mr. Redick is not your attorney

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1 either, is he?

2 A. No.

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

6 MR. MANNION: Objection.

7 To the extent you know, go ahead.

8 A. I guess so.

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

13 A. No.

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

15 briefly -- [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 MR. MANNION: Objection as to
20 timeframe.

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

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

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

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

8 But go ahead.

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

12 Q. Um-hum.

13 A. [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 [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 Q. Um-hum.

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

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

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

5 MR. MANNION: Objection.

6 Go ahead.

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

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

11 MR. MANNION: Objection.

12 Go ahead.

13 A. I would have no idea.

14 [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]

2 A. Correct.

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

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

8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED]

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

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

16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

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

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

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

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

6 [REDACTED]

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

8 [REDACTED] [REDACTED]

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

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

11 A. Um-hum.

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

13 A. What?

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

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

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

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

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

19 Q. Varies based on what?

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

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

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

23 Q. What are the other contributing

24 factors?

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

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

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

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

8 MR. PATTAKOS: I'm sorry.

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

11 A. Yes.

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

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

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

17 - - - - -

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

22 - - - - -

23 BY MR. PATTAKOS:

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

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

3 A. Yes.

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

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

8 MR. PATTAKOS: Yeah.

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

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

14 MR. MANNION: All right.

15 Go ahead, as best you can.

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

22 Q. Sure.

23 A. -- if that makes sense.

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

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1 four days?

2 A. Sure.

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

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

12 Q. I know.

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

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

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

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

24 MR. MANNION: Objection to form.

25 Go ahead.

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

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

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

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

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

21 Q. Sure.

22 A. -- so. Okay.

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

25 A. Okay.

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

7 A. Correct.

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

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

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

15 MR. PATTAKOS: Okay.

16 BY MR. PATTAKOS:

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

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

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1 Go ahead.

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

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

9 Q. Okay. [REDACTED]
10 [REDACTED]
11 [REDACTED]

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

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

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

18 [REDACTED]
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] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [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]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [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]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [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] [REDACTED] [REDACTED]
20 [REDACTED]
21 A. Just "Paralegals" --
22 Q. Okay.
23 A. -- yeah.
24 Q. What do they do?
25 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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1 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [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] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [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]
14 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED]

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

18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED]

25 Q. Okay. So essentially they ensure

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1 that all of this is happening.

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

4 But go ahead.

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

7 Q. They oversee the process --

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

10 Go ahead.

11 MR. PATTAKOS: Okay.

12 Q. Sorry.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

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

25 MR. MANNION: I'm going to

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

2 But go ahead.

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

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

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

21 But go ahead.

22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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

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

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

10 [REDACTED] [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] [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]

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

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

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

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

23 [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]

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

3 A. What does that mean?

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

5 [REDACTED]

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

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

8 [REDACTED]

9 Q. And that's Holly Tusko?

10 A. Correct.

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

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

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

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

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

23 Q. Okay. What are those jobs?

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

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

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

10 Q. What do they do?

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

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

20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED]

25 Q. Um-hum. And some police

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1 departments are not online?

2 A. Correct.

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

5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]

10 Q. How so?

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

16 Q. Anything else?

17 A. Like --

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

20 A. Oh, gosh --

21 Q. -- in any significant way?

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

25 Q. So tell me what's changed.

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

8 Q. Okay. That's fine.

9 MR. PATTAKOS: Tracy, Exhibit 2.

10 - - - - -

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

16 - - - - -

17 Q. Have you reviewed this document?

18 A. Yes.

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

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

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

23 A. Yes.

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

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1 Holly Tusko, correct?

2 A. Yes.

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

7 A. Yes.

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

11 A. Yes.

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

15 A. Yes.

16 Q. Okay. So you're emailing the
17 group. And you write, [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [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] Am I reading that correctly?

2 A. What do you mean?

3 Q. Am I reading that correctly?

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

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

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

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

15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

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

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

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

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

9 MR. MANNION: Objection.
10 Timeframe.

11 Go ahead.

12 Q. At the time this email was sent.

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

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

23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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

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

5 A. [REDACTED]
6 [REDACTED]
7 [REDACTED]

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

10 A. No.

11 Q. Why not?

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

20 Q. Got it. Okay.

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

23 Let's mark this as Exhibit 3.

24 - - - - -

25 (Thereupon, Deposition Exhibit 3,

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

5 - - - - -

6 Q. Are you finished reviewing this?

7 A. Yes.

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

11 A. Yes.

12 Q. And did you receive this email?

13 A. Yes.

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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15 MR. MANNION: Objection to form.

16 But go ahead.

17 A. [REDACTED] I'm a little confused about
18 the way you asked that.19 Q. Well, tell me what she's saying
20 here in this sentence. What does this mean to
21 you, the first sentence of the second
22 paragraph?

23

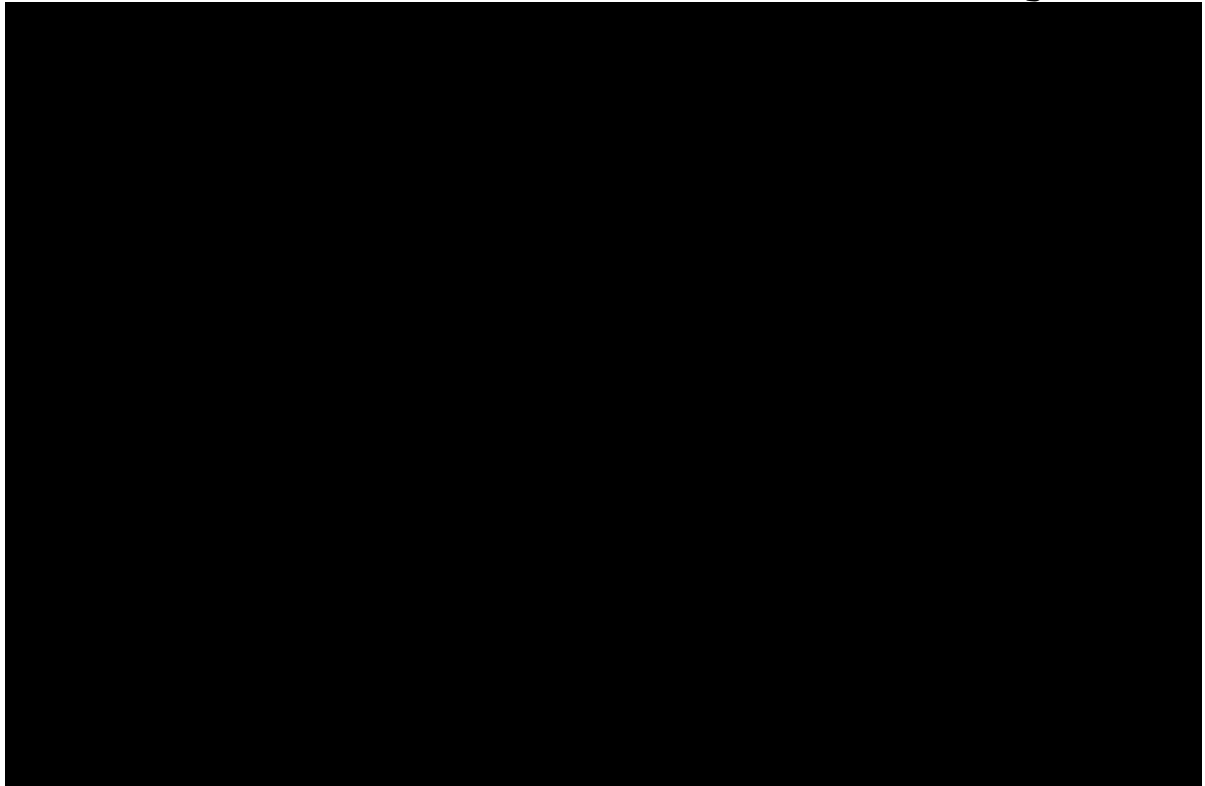
24

25

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

A. That I don't know.

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



A. I do see that.

Q. You have no idea what that is?

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

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

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1 paragraph?

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

7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]

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

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

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

17 Go ahead.

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

22 Q. Okay.

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

25 Q. So you're saying there may be

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

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

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

7 A. No.

8 Q. Are those all attorneys?

9 A. No.

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

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

15 Q. And are those intake employees?

16 A. No.

17 Q. Are they secretaries?

18 A. No.

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

21 A. She was a paralegal.

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

23 A. Paralegal.

24 Q. Amanda Palaski?

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

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1 job was, but it wasn't paralegal.

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

3 A. No.

4 Q. Bobbie Dubecky?

5 A. She was a paralegal.

6 Q. Kim Major?

7 A. Paralegal.

8 Q. Christy Rowe?

9 A. She was not a paralegal.

10 Q. What was she?

11 A. I don't remember her title.

12 Q. What did she do?

13 A. I actually don't remember that.

14 Q. And Jill Gardner?

15 A. She was a paralegal.

16 Q. Okay. Thank you.

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

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

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

24 MR. PATTAKOS: Okay.

25 THE WITNESS: At some point I'd

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

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

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

6 VIDEOGRAPHER: Off the record
7 11:38.

8 (Recess taken.)

9 VIDEOGRAPHER: On the record 11:49.

10 BY MR. PATTAKOS:

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] [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED]

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

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

15 MR. PATTAKOS: That's the question.

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

18 But go ahead.

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

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

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

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

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

14 BY MR. MANNION:

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

17 MR. MANNION: Objection.

18 Go ahead.

19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

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

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1 MR. MANNION: Objection.

2 Go ahead.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

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

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

10 Go ahead.

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

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

18 A. The attorneys, I guess.

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

21 MR. MANNION: Objection.

22 Go ahead.

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

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1 and representing the clients.

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

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

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

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

15 MR. MANNION: Objection.
16 Go ahead.

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

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

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

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

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

6 But go ahead.

7 She's already --

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

10 Q. What would you call it?

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

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

17 A. Not necessarily.

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

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

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

23 Q. I'll ask the question again.

24 A. Thank you.

25 Q. Are you aware that the

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

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

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

12 MR. MANNION: Objection.

13 Go ahead.

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

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

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 Q. Like over email?

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

16 A. Sure.

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 A. I wouldn't say, "Generally
21 speaking." [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 Q. Okay. And that was the preference
9 and that was the policy, to try to send an
10 investigator every time a signup came in,
11 because you could then get all those documents
12 and you could get the client signed up and get
13 the signatures that you needed, correct?

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

16 But go ahead.

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

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

21 MR. MANNION: Objection.

22 Go ahead.

23 A. Can you ask the question again?

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

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1 please, read it back to the witness.

2 THE WITNESS: Thank you.

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

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

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

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

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

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

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

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

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

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

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

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

13 MR. MANNION: Yes, you were.

14 MR. PATTAKOS: Boy, oh, boy.

15 MR. MANNION: You clearly were
16 laughing.

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

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

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

25 MR. MANNION: We probably should.

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

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

6 MR. PATTAKOS: Okay.

7 BY MR. PATTAKOS:

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

14 MR. MANNION: Objection.

15 Go ahead.

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

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

24 MR. MANNION: Objection.

25 Go ahead.

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

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

5 (Record was read.)

6 A. Yeah.

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

9 A. Yes.

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

12 A. Yes.

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

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

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

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

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

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

3 Q. Okay.

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

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

7 MR. MANNION: Move to strike.

8 - - - - -

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

14 - - - - -

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

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

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

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

24 A. Okay. I've read it.

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

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

3 A. Correct.

4 Q. Did you send this email?

5 A. Yes.

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

15 A. Yes.

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

21 MR. MANNION: Objection to the
22 characterization.

23 But go ahead.

24 A. Correct.

25 Q. Specifically you are saying that

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

7 MR. MANNION: Objection to form.

8 Go ahead.

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

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

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

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

20 (Record was read.)

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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

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

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

10 But go ahead.

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

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

15 MR. PATTAKOS: Tom.

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

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

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

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

25 MR. MANNION: Have you looked at

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1 your objections?

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

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

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

9 MR. MANNION: Is improper.

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

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

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

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

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

23 (Record was read.)

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

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1 here.

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

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

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

4 Go ahead.

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

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

14 A. Not that I can remember.

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

18 A. No.

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

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

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

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

6 MR. MANNION: Objection.

7 Go ahead.

8 A. No.

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

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

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1 firm taking the case.

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

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

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

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

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

7 Q. Okay.

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

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

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

21 But go ahead.

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

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

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

3 Q. Could it be possibly be --

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

5 Q. Okay. Why is that?

6 MR. MANNION: Why is what?

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

9 MR. MANNION: About what?

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

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

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1 honest answer.

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

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

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

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

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

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

19 Go ahead.

20 A. I said, no.

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

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

25 Go ahead, again.

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

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

5 - - - - -

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

11 - - - - -

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

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

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

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

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

25 BY MR. PATTAKOS:

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1 Q. Are you ready?

2 A. Yes.

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

6 A. Correct.

7 Q. And you sent this email?

8 A. Correct.

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

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

18 A. Yes.

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

23 A. Yes.

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

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

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

8 MR. PATTAKOS: Yes.

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

11 A. Yes.

12 Q. Okay.

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

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

19 MR. MANNION: Objection.

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

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

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

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

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

20 A. I actually don't know.

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

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

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

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

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

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

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

20 A. Sure.

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

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

25 Q. What are those ways?

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

5 Q. You don't remember here?

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

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

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

13 Q. Okay.

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

16 - - - - -

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

22 - - - - -

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

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

2 MR. NESTICO: Thanks.

3 BY MR. PATTAKOS:

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

7 A. Yes.

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

13 A. Yes.

14 Q. Why did you write that?

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

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

24 A. The photographs as well, yes.

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

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1 they get photographs, too?

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

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

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

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

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

13 Go ahead.

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

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

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

23 MR. PATTAKOS: Tom.

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

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

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

7 Go ahead answer the question.

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

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

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

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

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

24 Go ahead.

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

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

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

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

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

14 A. It was not a policy.

15 Q. What was it?

16 A. A preference.

17 Q. Okay.

18 - - - - -

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

25 - - - - -

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

5 MR. NESTICO: December 28?

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

9 MR. NESTICO: Okay.

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

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

18 MR. PATTAKOS: Tom --

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

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

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

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

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

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

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

14 MR. MANNION: Move on, move on.

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

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

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

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

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1 at that book and --

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

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

8 BY MR. PATTAKOS:

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

11 A. Yes.

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

25 A. Not necessarily.

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1 Q. Where else would it be?

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

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

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

10 Q. Okay.

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

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

16 A. Correct.

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

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

24 Q. Okay.

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

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

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

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

10 Q. Meaning you?

11 A. No. Rob, Robert or Brandy.

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

13 A. Yes.

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

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

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

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1 A. I mean, sure.

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

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

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

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

22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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Q. Does that still happen?

A. No.

Q. Why not?

A. I don't get those emails.

Q. Why did you stop getting those emails?

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

Q. Okay. And this was reflected in this document, which I will ask Tracy to mark as Exhibit 8.

- - - - -

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

6 - - - - -

7 MR. MANNION: February 13, 2013,
8 at 5:55 from Brandy to intake.

9 MR. PATTAKOS: Sorry. Can you read
10 the last question, please?

11 (Record was read, Page 133, Lines 15-24.)

12 Q. So you know what? Strike that as a
13 separate question. This is an email from you
14 to KNR attorneys copying Mr. Nestico and
15 Ms. Tusko dated February 13, 2013, correct?

16 A. Yes.

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

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

6 Q. Why?

7 [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] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED]

14 Q. Okay. Why did you stop doing this?

15 A. I -- I believe this is still being
16 done today. I -- it's just not part of my job.

17 Q. Okay. Who handles this now?

18 A. Her name is Alex.

19 Q. What's her last name?

20 A. VanAllen.

21 MR. MANNION: It is 20 to 1. So
22 after you finish up with this email, let's take
23 a lunch break.

24 MR. PATTAKOS: I'll tell you what,
25 I have two more emails that are along this line

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1 and we can finish, so it will be fast.

2 Q. So how was it determined which
3 investigator would do which signup?

4 MR. MANNION: Wait a minute. That
5 has nothing to do with that email.

6 MR. PATTAKOS: I have two more
7 emails.

8 MR. MANNION: Okay. Well, if
9 you're going to get into a different line of
10 questioning, we're going to take our lunch
11 break.

12 MR. PATTAKOS: Tom --

13 MR. MANNION: You said you had two
14 more emails along this line and then you
15 switched over to something different.

16 MR. PATTAKOS: Tom, we are going to
17 have two more emails along this line.

18 MR. MANNION: Okay. Then we're
19 going to take our lunch break now then, if
20 you're going to --

21 MR. PATTAKOS: There's a question
22 pending.

23 MR. MANNION: No. We said we were
24 going to take a lunch break and you said you
25 had to more emails on this line.

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

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

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

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

12 MR. PATTAKOS: No, I didn't.

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

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

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

19 MR. PATTAKOS: -- ask about --

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

25 MR. PATTAKOS: Tom, I'm asking you

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1 to give me 10 more minutes and two more emails.

2 MR. MANNION: No, I'm not going to
3 give you 10 more minutes, because I need to
4 take a break, but if you have two more emails
5 along this line, fine.

6 BY MR. PATTAKOS:

7 Q. How is it determined which
8 investigator would do each signup?

9 MR. MANNION: Object.

10 Go ahead, if you know.

11 A. Based on geographical location.

12 Q. Okay. So if the witness -- if the
13 client was in a certain area, the investigator
14 from that area would be sent?

15 A. Correct.

16 MR. MANNION: Okay. We'll take
17 our lunch break now. There's no question
18 pending. Right now we'll take our break. You
19 said you had two emails to talk about --

20 MR. PATTAKOS: Tom, this is
21 completely unprofessional.

22 MR. MANNION: No. We're taking a
23 lunch break. It's 20 to 1.

24 MR. PATTAKOS: Tom, I'm asking
25 for 10 more minutes to finish up this subject.

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

7 MR. PATTAKOS: And I have two more
8 emails.

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

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

14 MR. MANNION: Okay.

15 VIDEOGRAPHER: Off the record
16 12:41.

17 (Lunch Recess taken.)

18 VIDEOGRAPHER: On the record 1:41.

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

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

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1 correct?

2 A. Yes.

3 Q. And, "Holly," is Holly Tusko?

4 A. Yes.

5 Q. And, "Sarah," is who?

6 A. Sarah Knoch.

7 Q. Sarah Knoch, K-n-o-x?

8 A. K-n-o-c-h.

9 Q. K-n-o-c-h, but that's pronounced
10 Knoch --

11 A. Yes.

12 Q. -- like it has an X at the end?
13 Okay. Why is it that you want this email to
14 say how it is getting signed up?

15 A. I actually am not -- I'm not sure.

16 Q. You have no idea?

17 A. No.

18 Q. Okay. Can you think of any reason
19 why it would be important for you to know --
20 you, Rob, Robert, Holly, Sarah to know how a
21 case is getting signed up as soon as an intake
22 comes in?

23 A. I think that one thing that comes
24 to mind would be so that Holly can follow up on
25 if like, let's say the client doesn't actually

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1 sign up or somebody forgets to send forms over
2 or something gets lost, she would be the person
3 that would, you know, follow up with the
4 investigator or the doctor's office or the
5 attorney.

6 Q. Okay. So we were talking about,
7 before we left for lunch, [REDACTED]

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 A. Yes.

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

19 A. So I'm not sure if they do that
20 today. I guess it would depend on what period
21 of time through the years. Mike and Aaron,
22 they sometimes alternated areas. So one month,
23 one would do Cleveland area signups and one
24 month the other would do Akron area signups.
25 Is that what you're referring to?

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1 Q. Is that how it worked?

2 A. I mean, I can't speak on their
3 behalf, but there have been times where that
4 has been their practice, I guess.

5 Q. Do you remember anything else
6 whether Mike or Aaron would do any given
7 signup?

8 A. No, not particularly --

9 Q. Okay.

10 A. -- maybe based on availability.

11 Q. Okay. Okay. Let's take a look at
12 Exhibit 9 here.

13 - - - - -

14 (Thereupon, Deposition Exhibit 9,
15 11/27/2012 Email To Attorneys From
16 Holly Tusko, Bates Number
17 Williams000040, was marked for
18 purposes of identification.)

19 - - - - -

20 MR. MANNION: November 27, 2012.

21 Q. You'll see this is an email from
22 Holly Tusko to all attorneys where you and Rob
23 Nestico are copied. Is that correct?

24 A. Yes.

25 Q. November 27, 2012, correct?

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1 A. Yes.

2 Q. And Holly says, "Who did an intake
3 for," and then presumably this is a client's
4 name redacted. "I have signed forms from David
5 Hogan and ZERO INFORMATION." In all capitals,
6 "Zero information." Who is David Hogan?

7 A. You know, I'm not even really sure.

8 Q. He's an investigator, is he not?

9 A. Not that I can remember.

10 Q. You don't remember that Dave Hogan
11 is an investigator in the Columbus area?

12 A. He may have been for a short period
13 of time.

14 Q. Okay. If I told you he was an
15 investigator that worked for the firm out of
16 Columbus, would you have any reason to disagree
17 with me?

18 A. No.

19 Q. Okay. And Holly says, "Whenever
20 you do an intake from a chiro that the
21 investigator is signing up and there isn't a
22 pending intake you need to do an intake sheet.
23 I have two cases sitting here right now and
24 have no information to open them with."

25 "Please advise."

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1 Here was she referring to information
2 that it was not the investigator's job to sign
3 up -- not the investigator's job to obtain?

4 A. I mean, I don't know what Holly --
5 what -- I don't --

6 Q. Well, you're copied on this email,
7 so do you have any idea why you would be copied
8 on that email?

9 A. Probably because Holly reported to
10 me and she was emailing the attorneys to copy
11 me on it to let me know that she was emailing
12 the attorneys.

13 Q. Okay. And she's saying that the
14 intake attorneys or the prelit attorneys should
15 have taken this information down when they did
16 the intake, correct?

17 A. She's saying that she would like
18 them to do an intake sheet.

19 Q. The prelit attorneys?

20 A. Well, she sent this to all
21 attorneys.

22 Q. Right. But any attorney that did
23 an intake, correct?

24 A. Yes.

25 Q. Okay. And that this intake

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

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

5 MR. PATTAKOS: I'm asking her.

6 MR. MANNION: Oh.

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

11 MR. MANNION: Objection. Again,
12 mischaracterizes this.

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

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

25 - - - - -

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1 (Thereupon, Deposition Exhibit 10,
2 3/19/2012 Email To Attorneys From
3 Brandy Brewer, Bates Number Williams
4 000046, was marked for purposes of
5 identification.)

6 - - - - -

7 MR. MANNION: March 19, 2012, Rob.

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

10 A. Yes.

11 Q. Did you send this email?

12 A. Yes.

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

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

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

13 Am I reading that correctly?

14 A. Yes.

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

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

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1 Q. What's the calendar you refer to
2 here?

3 A. That would be Outlook.

4 Q. Okay. And you say, "Signups must
5 be on the calendar," correct?

6 A. Yes.

7 Q. So what do you mean by that?

8 A. So in an effort to not double like
9 book the investigators, I created an internal
10 calendar for the signups to be -- to be put on
11 the calendar so that, you know, Aaron didn't
12 have two signups at the same time or -- you
13 know, to avoid scheduling conflicts.

14 Q. Okay. Do you think this is around
15 the time when you were receiving an email on
16 every single intake?

17 A. I don't know when that started
18 and --

19 Q. Okay.

20 A. -- so I don't know.

21 Q. That would have been one way that
22 you could have figured out --

23 A. Yeah.

24 Q. -- that the signups weren't on the
25 calendar, correct?

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1 A. Correct.

2 Q. Okay. You write here, "I know
3 we've had a lot of intakes today." How did you
4 know there were a lot of intakes on that day?
5 Was it because you received those emails?

6 A. I don't know if I was receiving
7 emails on this day or not. I would have known
8 that we've had a lot of intakes. Again, it
9 could have been conversation. It could have
10 been -- I could have been reviewing intakes.
11 Holly could have told me. I mean, there's a
12 variety of different ways that I would have
13 come to that conclusion.

14 Q. Okay. What would be a lot of
15 intakes for one day?

16 A. Jeez, I don't know, especially six
17 years ago.

18 Q. You can't estimate?

19 A. No.

20 Q. What's a lot of intakes today?

21 A. We have way more attorneys today.
22 I mean, we have a lot of intakes regularly. I
23 don't -- there is no number in my mind that
24 would cause it to be a lot.

25 Q. But there was here, because you

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1 said there were a lot, correct?

2 MR. MANNION: Well, objection.
3 Wait a minute. There was what? Please clarify
4 the question. You said "There was here." Are
5 you asking her if there was a number involved
6 here?

7 MR. PATTAKOS: Tracy, can you,
8 please, read the witness's testimony.

9 MR. MANNION: Well, I have a right
10 to know what the question is, Peter. I'm just
11 trying to find out what it was.

12 MR. PATTAKOS: Tom, there's no need
13 to get upset. I'm asking Tracy to read the
14 testimony and then -- to read Brandy's
15 testimony and then read my question.

16 (Record was read, Pages 149-150, Lines 20-1.)

17 MR. MANNION: I'm going to, again,
18 object. And ask what your question is. What
19 do you mean, "There was here"? Do you mean a
20 number?

21 MR. PATTAKOS: Well, she says
22 there's no number in her mind that would be a
23 lot, but -- she says, "A lot," here.

24 Q. So I'm asking, if it's not a
25 number, then what would, "A lot," mean?

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1 A. I mean, this was six years ago. I
2 don't know what I meant by, "A lot."

3 Q. Okay. More than usual, though?

4 A. Not necessarily. "A lot," doesn't
5 always mean more than usual.

6 Q. What would, "A lot," mean in this
7 context, apart from, more than usual?

8 A. In the email, I felt like there was
9 a lot of intakes. I don't know six years ago
10 what that meant.

11 Q. Okay. And even when there was a
12 lot of intakes, the firm's policy or
13 preference, as you call it, was still to send
14 an investigator on the same day to sign the
15 clients up, correct?

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

18 A. Again, it would be the preference,
19 not the policy.

20 Q. Um-hum. And something that you
21 instructed KNR attorneys to always try your
22 best to make happen, correct?

23 A. I would feel like maybe reminded.

24 Q. Well, you write here, "Always try
25 your best to make that happen," referring to

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1 scheduling signups for the same day as the
2 intake, correct?

3 MR. MANNION: I'm going to object.
4 She didn't dispute that you read that language
5 right. She was disputing your use of the word,
6 "Instruction," versus, "Suggestion." So please
7 listen to her answer.

8 MR. PATTAKOS: Tom --

9 MR. MANNION: No. Seriously.

10 MR. PATTAKOS: -- please stop
11 testifying for the witness.

12 MR. MANNION: No, no. You just
13 completely misconstrued what she said.

14 MR. PATTAKOS: Tom, I'm going to
15 ask you one more time, please --

16 MR. MANNION: Well, I'm going to
17 ask you to quit twisting things.

18 MR. PATTAKOS: -- stop testifying
19 for the witness.

20 MR. MANNION: I haven't been
21 testifying for this witness at all.

22 MR. PATTAKOS: It is inappropriate
23 for you to inject your own interpretation of
24 how you believe I am twisting things.

25 MR. MANNION: No, I'm not. You

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1 asked a question that says, you instructed, and
2 the witness said -- I'm repeating her
3 testimony that she said she suggested.

4 MR. PATTAKOS: Tom, that will be a
5 great example for the Court of what you're
6 doing here, so, you know, keep it up, I guess.
7 I don't know what else to say at this point.

8 MR. MANNION: I don't know what
9 else to say either. You asked the question and
10 she answered it and corrected you and I'm not
11 sure why you're upset with me over that.

12 MR. PATTAKOS: Tracy, please read
13 my question again to the witness. Thank you.

14 (Record was read Page 151-152, Lines 20-2.)

15 A. Yes.

16 Q. Okay. And when you write, "This is
17 a sure way to not get the case," here again
18 you're affirming that the reason to send the
19 investigator to do the signup on the same day
20 is to get the case, correct?

21 MR. MANNION: Objection.

22 Go ahead.

23 A. No. As I stated earlier,
24 oftentimes, insurance adjusters rush out to the
25 clients and they sign a release that they have

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

6 Q. Okay. And your testimony is that
7 this has nothing to do with losing the case to
8 another law firm?

9 A. No.

10 Q. No, that is not your testimony?

11 A. No. I'm saying, no, I don't feel
12 like the reason why I said that six years ago
13 was because I was scared we were going to lose
14 a case to another law firm.

15 Q. So just to be clear, when you write
16 here, "This is a sure way not to get the case,"
17 you are not referring to losing the case to
18 another law firm?

19 A. I can't say what I felt on March 19
20 of 2012, specifically. It was over six years
21 ago. I don't think any person could, but I can
22 tell you that what stands out in my mind today
23 of -- you're asking me to speculate what I
24 meant six years ago. That's what stands out in
25 my mind.

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

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

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

10 MR. MANNION: Objection.

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

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

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

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

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

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

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

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

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

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

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

14 MR. MANNION: Got it.

15 THE NOTARY: All right.

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

17 MR. MANNION: She answered the
18 question.

19 BY MR. PATTAKOS:

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

24 MR. MANNION: Objection. Move to
25 strike.

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1 Q. Can you explain the process of how
2 the investigators were paid?

3 A. Can you be more specific?

4 Q. Do you need me to be?

5 MR. MANNION: She asked you to be.

6 A. I don't work in the accounting
7 department, so.

8 Q. So you have no knowledge of how and
9 when the investigators were paid?

10 A. I've seen expenses on cases for
11 investigators being paid. I don't have -- it's
12 not something that I oversaw --

13 Q. Okay.

14 A. -- like specifically.

15 Q. So is your answer, no, you have no
16 idea how the investigators were paid or when in
17 the process they were paid?

18 A. No, that wasn't my answer. I
19 didn't say that.

20 Q. Okay. So please explain to me what
21 you know about when the investigators were
22 paid.

23 A. So, again, it's not something that
24 I oversaw. I don't work in the accounting
25 department. There are case expenses that I've

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

6 Q. Whose job is it?

7 MR. MANNION: Objection.

8 Go ahead.

9 A. So the paralegals request the
10 checks and the accounting department prints the
11 checks.

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

15 MR. MANNION: Objection.

16 Go ahead.

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

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

23 A. I know the investigators get paid.

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

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1 investigators as soon as the intake was
2 complete, to issue a check to the investigators
3 as soon as the intake was complete, would you
4 have any reason to believe that that is not
5 true?

6 MR. MANNION: Objection. She told
7 you she doesn't know the process. That's not a
8 fair question. It's not a fair question.

9 MR. PATTAKOS: You don't get to say
10 what a fair question is.

11 MR. MANNION: I do get to object
12 if a question is not fair. That's part of
13 this.

14 MR. PATTAKOS: You can object if a
15 question is not clear and you can object if the
16 answer to a question is privileged.

17 MR. MANNION: Object. Unfair.
18 Go ahead.

19 A. I would tell you that that's
20 impossible, because the case wouldn't be open
21 in Needles, so there would be no way to
22 actually physically request the check to them,
23 if it was done right when the intake was
24 finished.

25 Q. I'm sorry. Then what if the check

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

4 MR. MANNION: Objection as to,
5 possibility.

6 Go ahead.

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

10 Q. So you don't know?

11 A. Correct.

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

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

17 Q. That wasn't my question.

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

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

25 MR. MANNION: Objection. Asked and

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1 answered.

2 Go ahead.

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

5 Q. Any other reason?

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

11 Q. Okay.

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

14 Q. Okay.

15 - - - - -

16 (Thereupon, Deposition Exhibit 11,
17 6/10/2014 Email To We Steel, Etc.
18 From Holly Tusko, Bates Number
19 KNR03226, was marked for purposes of
20 identification.)

21 - - - - -

22 Q. This is Exhibit 11.

23 A. Thank you.

24 MR. NESTICO: Tom.

25 MR. MANNION: I apologize. June

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1 10, my birthday, 2014. I was a young 51 at the
2 time.

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

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

7 BY MR. PATTAKOS:

8 Q. Are you through reading this email?

9 A. Um-hum, yes.

10 Q. So this is an email on June 10,
11 2014, from Holly Tusko to a number of people
12 including Wes Steele, Gary Monto, Dennis Rees,
13 Aaron Czetli and Mike Simpson. Those are
14 investigators, correct?

15 A. Correct.

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

18 A. Yes.

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

21 A. No.

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

24 A. Tom Fisher.

25 Q. Tom Fisher. Okay.

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1 A. Well, I guess JudanJudo would be
2 Gary Monto.

3 Q. Really?

4 A. Yes.

5 Q. What makes you say that?

6 A. Well, Tom -- it says, "TOM," and
7 then it says, "Tfish878."

8 Q. Yeah, but I think that's in
9 brackets, if you see, so --

10 A. The way I read it, is that Tom is
11 Tom Fisher. Then there's David French, Gary
12 Monto, JudanJudo.

13 Q. It looks to me like JudanJudo is a
14 separate address from Gary Monto.

15 A. It could be.

16 Q. Yeah. Is the reason that some of
17 these investigators just appear as their names,
18 like Wes Steele or Aaron Czetli or Mike
19 Simpson, is that because they had KNR email
20 addresses?

21 A. Oh, I don't know why their names
22 would just show up and others wouldn't.

23 Q. But the investigator did have KNR
24 email addresses, didn't they?

25 A. I believe they used personal email

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1 addresses and I think at a time we created KNR
2 email addresses for them.

3 Q. When did that happen?

4 A. I have no idea. I don't remember
5 an exact timeframe.

6 Q. Okay. Why did you do that for
7 them? Why did you create KNR email addresses
8 for the investigators?

9 MR. MANNION: I'm going to object.
10 I don't think she said she created them. You
11 said, "You."

12 Q. Why did the firm create them?

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]

20 Q. For the firm?

21 A. Well, for the investigators and for
22 the firm --

23 Q. Sure.

24 [REDACTED]
25 [REDACTED]

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1 [REDACTED]
2 [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED]
5 [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED]

9 A. I mean, I can't speak to what they
10 would have used. I don't know.

11 Q. Okay. So here she says -- and
12 you're copied on this email along with Rob
13 Nestico and the prelit attorneys, correct?

14 A. Yes.

15 Q. Okay. She says, "Good Morning KNR
16 investigators. In an effort to get everyone on
17 the same page please and to ensure that we are
18 servicing our clients to" the, "best of our
19 ability please see the below criteria for doing
20 sign ups. Please note that if this criteria is
21 not met you will not be paid. When doing a
22 sign up the following steps need to be taken."
23 Am I reading that correctly so far?

24 A. Yes.

25 Q. And she lists seven steps here.

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1 "The subject line of your email should always
2 contain the client(s) name." That's 1.

3 "2.) The contingency fee agreement,
4 patient authorization and proof of
5 representation forms need to be signed and
6 dated as well as a discharge letter, if
7 applicable." What is the discharge letter
8 there?

9 A. That would be if the client was
10 discharging another law firm.

11 Q. I see. Okay. Okay. And then she
12 lists, "3.) Photo(s) of insurance cards."

13 "4.) Photo of client (from the chest
14 up)."

15 "5.) Photo(s) of ANY visible injuries
16 (cuts, red marks, bruises, scratches, braces,
17 casts, etc)."

18 "6.) Photo(s) of the vehicle."

19 "7.) Photo of police report." And then
20 she puts in parentheses, "(we send out direct
21 mailers so a lot of the time the client will
22 have the police report there with them)."

23 Am I reading that correctly?

24 A. Yes.

25 Q. Okay. She then says at the bottom,

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1 "...this must be done by all Investigators for
2 all sign ups," correct?

3 A. Yes.

4 Q. Okay. So as long as the
5 investigators perform these tasks, they would
6 be paid, correct?

7 MR. MANNION: Objection.

8 Go ahead.

9 A. As long as they perform these
10 tasks, they would be paid, that's what her
11 email says, correct.

12 Q. Yes. Do you have any reason to
13 believe that's not the case?

14 A. I mean, this was something that
15 Holly was in charge of, so I can't really speak
16 for her, but, no. I mean --

17 Q. You were Holly's boss, correct?

18 A. Correct.

19 Q. Okay. So this email confirms KNR's
20 policy -- or preference that an investigator
21 gets paid as long as they turn in this
22 information listed in this email. Isn't that
23 correct?

24 MR. MANNION: Objection, form.

25 Go ahead.

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1 A. Yes, that's what this email says.

2 Q. Okay. And do you have any reason
3 to believe that anything contrary to that is
4 true?

5 MR. MANNION: Anything contrary?

6 MR. PATTAKOS: Yeah.

7 Q. Is the policy anything else but
8 what is reflected here, to your knowledge?

9 MR. MANNION: I'm going to object
10 to the word, "Policy."

11 Go ahead.

12 A. So there's a variety of other
13 things that investigators could do on a
14 case-by-case basis. Is that what you're
15 asking?

16 Q. No.

17 A. Okay. I'm confused.

18 Q. I'm asking if there was anything
19 else that you know of that an investigator had
20 to do to get paid their investigation fee
21 that's not listed on this email.

22 MR. MANNION: Objection.

23 Go ahead.

24 A. I mean, you would have to speak
25 with the attorneys. I feel like you're trying

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1 to trick me. I don't know.

2 Q. No. I'm trying to get an answer
3 out of you. That's all.

4 MR. MANNION: Move to strike.

5 Q. I'm asking you if this email
6 accurately reflect -- let me rephrase it. Let
7 me just ask you: Does this email accurately
8 reflect KNR policy at this time or does it not?

9 MR. MANNION: Objection as to,
10 "Policy."

11 Go ahead.

12 A. So I wouldn't say this is a policy,
13 but this is -- she is telling the investigators
14 in this email she would like these tasks to be
15 complete for them to be paid for this -- for
16 doing these tasks.

17 Q. Okay. You never corrected her for
18 sending this email, did you?

19 A. Not that I can remember.

20 Q. Do you remember anyone else
21 correcting her for sending this email?

22 A. I mean, I can't speak -- not that I
23 was ever aware of. You'd have to ask her.

24 Q. Can you think of any reason why she
25 should have been corrected for writing this

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1 email?

2 A. No. She wanted this information.

3 Q. Okay. Let's move on to Exhibit 12.

4 - - - - -

5 (Thereupon, Deposition Exhibit 12,

6 6/3/2015 Email To Paul Hillenbrand

7 From Holly Tusko, Bates Number

8 KNR00756, was marked for purposes of
9 identification.)

10 - - - - -

11 MR. NESTICO: Tom, can I get the
12 date?

13 MR. MANNION: I apologize.
14 June 3, 2015.

15 MR. NESTICO: I'm sorry. June 13,
16 '15?

17 MR. MANNION: June 3, 2015.

18 BY MR. PATTAKOS:

19 Q. Okay. Just let me know when you're
20 ready.

21 A. I'm ready.

22 Q. Okay. So this is another email
23 from Holly Tusko, correct?

24 A. Correct.

25 Q. She emails, it looks like another

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1 group of investigators, correct?

2 A. Correct.

3 Q. And you are copied along with Rob
4 Nestico, Paul Steele and Thomas Vasvari,
5 correct?

6 A. Correct.

7 Q. And it looks like there's also an
8 address for signups there. Do you see that?

9 A. Yeah.

10 Q. What's that signups email list?

11 A. I don't remember exactly who's on
12 the signup email, but it's a group that we
13 created for them to send the forms to and all
14 of the information.

15 Q. For who to send the forms to?

16 A. For the investigators. I believe
17 the employees, some of the -- I don't know who
18 all was on that email but the case
19 coordinators, the people that work on the
20 cases.

21 Q. Okay. So she lists a number of
22 criteria first under the headline, "Attached
23 you will find the following form examples of
24 EXACTLY how EVERY form needs to be filled out
25 when completing a sign up," and it lists four

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1 forms there. Is that correct?

2 A. Yes.

3 Q. Okay. And it says that the
4 photos -- it says underneath the second
5 heading, "Photos are to be provided with EVERY
6 sign up, NO EXCEPTIONS," and then it shows what
7 the photos are supposed to be of, correct?

8 A. Correct.

9 Q. And then these forms are to be
10 emailed by a certain time to a -- these forms
11 are to be emailed to signups@knrlegal as well
12 as to intake@knrlegal, correct?

13 A. Correct.

14 Q. Okay. She said, "Should all of the
15 above listed criteria not be met you will NOT
16 receive payment on the signup(s)," correct?

17 A. Correct.

18 Q. Okay. Is it true, Ms. Gobrogge,
19 that if the investigators fulfill these
20 criteria, these forms and these photos, that
21 they would then receive payment on the signup?

22 MR. MANNION: Objection.

23 Go ahead.

24 A. Yes.

25 Q. Okay. Did you ever criticize

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1 Ms. Tusko in sending this email or tell her
2 that she was wrong to send it?

3 A. Not that I can remember.

4 Q. Do you remember anyone else doing
5 it?

6 A. I can't speak on behalf of anybody
7 else.

8 Q. I'm not asking you to that. I'm
9 asking you to speak to your own memory. Do you
10 remember anyone else criticizing Ms. Tusko or
11 telling her that she was wrong in sending this
12 email?

13 A. I don't remember.

14 Q. Okay. Is there anything else
15 you're aware that an investigator had to do,
16 during this time period that this email was
17 sent, to get paid?

18 A. I mean, the investigator, as I
19 stated previously, they did other things other
20 than just the signup and gather this particular
21 information.

22 Q. I know that you've said that, but
23 I'm not asking that question. I'm asking: Are
24 you aware of anything else that an investigator
25 had to do to get paid their signup fee or their

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1 investigation fee that's not on this list?

2 MR. MANNION: Objection.

3 Go ahead.

4 A. I don't understand what you're
5 asking me.

6 Q. Here's a list of things that an
7 investigator is required to do by KNR, and
8 Ms. Tusko says, "Should all of the above listed
9 criteria not be met you will NOT receive
10 payment on the signup(s)." I'm asking you if
11 you are aware of anything else that an
12 investigator had to do to get paid on the
13 signups --

14 MR. MANNION: Objection.

15 Go ahead.

16 Q. -- that's not listed on this email.

17 A. No.

18 Q. Okay. Thank you.

19 MR. PATTAKOS: Pardon me for one
20 second here. Okay. Exhibit 13.

21 - - - - -

22 (Thereupon, Deposition Exhibit 13,
23 Intake Spreadsheets, Bates Numbers
24 Williams000018-36, was marked for
25 purposes of identification.)

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1 - - - - -

2 MR. NESTICO: The date, Tom.

3 MR. PATTAKOS: There's a lot of
4 dates on this one.

5 MR. MANNION: Yeah, it's
6 Williams000018 through -- it's not in the email
7 binder, I don't think. It starts October 17
8 of '14, but there's a number of different dates
9 in that timeframe.

10 Q. Do you recognize what these emails
11 are?

12 A. Yes.

13 Q. What are they?

14 A. These are case intake emails.

15 Q. Okay. And at some point during
16 the -- well, during the time that these emails
17 were sent, it was the firm's practice to send
18 an email summarizing the intakes for any given
19 day, correct?

20 A. They were sent out, yes.

21 Q. Yes. And that's what these emails
22 are, are the daily summary email of all of the
23 intakes that the firm took in on any given day?

24 A. They're actually not intakes.
25 These are actually cases that were opened.

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1 Q. Cases opened?

2 A. Yeah.

3 Q. And that's different from intake?

4 A. Correct.

5 Q. Okay. So this is a case that is
6 opened in Needles at this point. Maybe, is
7 this all the new cases -- strike that. Are
8 these emails, emails reflecting all of the new
9 cases that were opened in Needles on that day?

10 A. Yes. That's what this looks like
11 to me.

12 Q. Okay. And these documents were
13 provided to me by Mr. Horton and there's some
14 information that has been redacted. I assume
15 in this left-hand column is the client's name.
16 Do you believe that's the case?

17 A. Yeah.

18 Q. Okay. And then I see two different
19 dates here and I'm wondering what those two
20 different dates are. Do you have any idea?

21 MR. MANNION: Yeah, I think you
22 mean two columns.

23 MR. PATTAKOS: Yeah, two columns
24 for each intake.

25 Q. For each intake, there's two

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1 columns.

2 A. I mean, they don't have a title --

3 Q. No. I know that.

4 A. --they look like dates.

5 Q. Yeah. Well, you know what I think
6 maybe what it is, is that one is the date that
7 the client contacted the firm and then the
8 second date is the date when the client was
9 signed up. Do you think that's the case?

10 MR. MANNION: Objection.

11 But go ahead.

12 A. I mean, I don't have any reason to
13 believe that one way or the other. There's
14 nothing in here that indicates that to me.

15 Q. Well, what do you think this could
16 indicate?

17 A. I actually don't know.

18 Q. You received these emails, didn't
19 you?

20 A. I remember seeing these emails at
21 some point in time. Me receiving them, you'd
22 have to -- it depends on what period of time
23 you're referring to, but I've seen a chart that
24 looks like this before.

25 Q. Okay. And you'll see that in the

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1 third column, there is a notation that is
2 either an, [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
4 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 Williams000018.
7 A. Correct.
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
13 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
14 [REDACTED] [REDACTED]
15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
22 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
23 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED]

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1 Q. Okay. Maybe relating to knee
2 replacements; do you remember?

3 A. I mean, it says, "Watson," next to
4 it, so. I don't remember if it was a knee
5 replacement or what specific the case was.

6 Q. Okay. This fourth column here
7 lists two names, like, "Lisa and Amanda," or,
8 "Lindsey and Brian," "Nicole and Devin,"
9 "Courtney and Josh." Does this reflect the
10 paralegal and attorney that is assigned to each
11 case?

12 A. Yes.

13 Q. Okay. And then the next column
14 lists names like Wes Steele, MRS, AMC. These
15 are the investigators on every case, correct?

16 A. Yes.

17 Q. And there's a dollar sign and then
18 a dollar amount there next to every
19 investigator, correct?

20 A. Yes.

21 Q. And this shows the signup fee that
22 was paid to each investigator, correct?

23 MR. MANNION: Objection to the
24 characterization of, "Signup fee."

25 Go ahead.

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1 MR. PATTAKOS: Tom, please stop
2 with the speaking objections.

3 MR. MANNION: What are you talking
4 about? I objected to your question.

5 MR. PATTAKOS: You're telling the
6 witness specifically what it is about my
7 question that you object to. You can object.
8 Just say, "Objection," and your objection is
9 registered. I'm going to ask you for the tenth
10 time to stop making speaking objections.

11 MR. MANNION: I'm going to ask you
12 to review your deposition and you'll see that
13 my behavior is way, way, way, way, way, way,
14 way, way, way, way, way better. Now, I
15 objected because I thought you mischaracterized
16 it.

17 But go ahead.

18 MR. PATTAKOS: You don't have to
19 explain -- it's inappropriate for you to
20 explain to the witness why you object to my
21 question, Tom.

22 MR. MANNION: Why did you have
23 multiple speaking objections that were
24 substantive?

25 MR. PATTAKOS: I was explaining to

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1 my client why they didn't have to answer your
2 questions. That's a different story, Tom.

3 MR. MANNION: I don't think that's
4 true. I don't think that's accurate.

5 MR. PATTAKOS: Well, okay.

6 MR. MANNION: I'm still going to
7 object to the mischaracterization.

8 But go ahead.

9 MR. PATTAKOS: I'm going to ask you
10 for now the eleventh or twelfth time to not
11 make speaking objections.

12 MR. MANNION: And I'm going to
13 ask you to quit wasting time by typing in the
14 answers. We have a court reporter here.

15 MR. PATTAKOS: What, Tom? I don't
16 understand what you're talking about.

17 MR. MANNION: About half the time
18 we're wasting is you typing up her answers or
19 whatever you're typing away here in between
20 questions, so let's get moving.

21 MR. PATTAKOS: Okay, Tom.

22 Tracy, can you please read the question
23 back.

24 (Record was read.)

25 MR. MANNION: Objection.

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1 Go ahead.

2 A. When you say, "Signup fee,"
3 investigator fee, is that what you mean?

4 Q. Sure.

5 A. Okay. Yes, that's the investigator
6 fee.

7 Q. Okay. Also, the same thing that
8 the firm -- people within the firm commonly
9 refer to as, "The signup fee," correct?

10 MR. MANNION: Objection. Asked and
11 answered.

12 Go ahead.

13 A. It's referred to as -- it just
14 depends on the person that you would ask what
15 word they would use to --

16 Q. Okay. But I guess I'm trying to
17 confirm again. This isn't two separate things.
18 This is the signup fee, the same thing that
19 people call, "The signup fee," correct?

20 MR. MANNION: Objection.

21 Go ahead.

22 A. I'm referring to this as, "The
23 investigator fee."

24 Q. Okay. Right. And if someone else
25 referred to as a, "Signup fee," you would not

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1 disagree, correct?

2 MR. MANNION: Objection. Disagree
3 with what?

4 MR. PATTAKOS: With them referring
5 to this as, "The signup fee."

6 A. This in my mind is the investigator
7 fee.

8 Q. Okay. And it's the investigator
9 fee that gets paid as long as the investigators
10 fulfill the criteria that was listed on those
11 emails from Holly Tusko that you just reviewed,
12 correct?

13 A. Not just that criteria.

14 Q. But if they do meet that criteria,
15 this is the fee that gets paid, right?

16 A. There is other things that they do
17 on cases they get paid for.

18 Q. Sure. I understand that's your
19 testimony. I understand that's your
20 testimony --

21 A. Okay.

22 Q. -- but this is the same fee that
23 Holly Tusko is referring to in the emails that
24 you just reviewed, correct?

25 A. Holly was referring to the actual

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1 signups --

2 Q. Yeah.

3 A. -- the actual meeting with the
4 client. There's different parts to all of
5 this. So she was referring in that specific
6 email, the way that I read it was, when you
7 meet with a client and this is the stuff that
8 you need to do. That's the way I read her
9 email, but there are other pieces to that that
10 wasn't on her email.

11 Q. Well, when I asked you about that,
12 you didn't tell me anything else that -- the
13 other pieces were that would be necessary for
14 an investigator to get paid. Are you changing
15 that testimony now?

16 MR. MANNION: Objection,
17 argumentative.

18 Go ahead.

19 A. You were asking me specifically
20 about her emails, so I was answering questions
21 about the email. You weren't asking me in
22 general about everything that investigators
23 could do on cases --

24 Q. And I'm --

25 A. -- to me, that's two different

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1 things --

2 Q. But I'm --

3 A. -- but I feel like you're trying to
4 twist it.

5 MR. MANNION: She's not here to
6 speak for the company on investigator fees.
7 There's other people that can talk to that,
8 Peter. You keep asking her questions. She's
9 giving you the information the best she knows.

10 MR. PATTAKOS: Tom, I'm just asking
11 the witness questions and I don't have --

12 MR. MANNION: No, you're not.

13 MR. PATTAKOS: -- and I don't have
14 to take any instructions from you.

15 MR. MANNION: No, you're not.

16 MR. PATTAKOS: This is the firm's
17 operations manager. She should be able to
18 answer these questions.

19 MR. MANNION: Well, wait a minute.
20 Wait a minute. Now you've made a comment on
21 the record that she should be able to answer
22 questions about investigators and you don't run
23 the firm --

24 MR. PATTAKOS: Okay. Let's
25 continue.

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1 MR. MANNION: -- and you don't
2 decide who at our firm can answer questions
3 about investigators.

4 MR. PATTAKOS: "Our firm?" Are you
5 part of the firm, too, now, Tom?

6 MR. MANNION: That's not what I
7 mean and you know that's not what I mean.
8 That's how I refer to a client --

9 MR. PATTAKOS: Okay.

10 MR. MANNION: -- just like in
11 opening or closing, I say, "We," I'm referring
12 to the client and that side.

13 MR. PATTAKOS: Thank you, Tom.

14 MR. MANNION: Yeah. I know I
15 don't roll around in the jury box.

16 BY MR. PATTAKOS:

17 Q. I am referring back to Exhibit
18 Number 11 and Exhibit Number 12. I guess we'll
19 have to look at these again. So Holly Tusko is
20 saying in both of these emails -- she's listing
21 criteria that an investigator has to meet to
22 get paid, correct?

23 A. If the -- if they're going out and
24 actually doing the signup, for them to be paid
25 on that particular signup, then that's what

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1 they would need to do.

2 Q. Right. And once they complete that
3 signup, then the case gets opened up in
4 Needles, correct?

5 A. Yes.

6 Q. And then this email gets sent here
7 that's in Exhibit 13 that summarizes all of the
8 cases that were opened up in Needles, correct?

9 A. Yes.

10 Q. And that fee that is being
11 reflected here to the investigators is the same
12 fee that the investigator gets paid for
13 obtaining this information that's listed here
14 in Exhibits 11 and 12, correct?

15 MR. MANNION: Objection to the
16 form.

17 Go ahead.

18 A. It could be.

19 Q. It could be. What else could it
20 be?

21 A. They -- if the investigator did the
22 signup, then they got paid the fee that she's
23 referring to in this email. The investigators
24 also do other investigative work on cases on a
25 case-by-case basis that she's not referring to

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1 in this email.

2 Q. And, "In this email," you are
3 referring to Exhibit 11 --

4 A. And 12.

5 Q. -- and 12? Okay.

6 A. Correct.

7 Q. But this fee that's listed in
8 Exhibit 13, this is the signup fee, is it not?

9 MR. MANNION: Objection.

10 A. This is the investigator fee for
11 cases.

12 Q. Yes. That they end up getting,
13 that the investigators get for performing --
14 for obtaining the information that's listed in
15 Exhibits 11 and 12, correct?

16 MR. MANNION: Objection. Asked
17 and answered numerous times.

18 MR. PATTAKOS: Stop speaking.

19 MR. MANNION: Wait a minute. I'm
20 allowed to object.

21 MR. PATTAKOS: You are not allowed
22 to say, "Asked and answered." You are simply
23 not.

24 MR. MANNION: Are you serious?

25 MR. PATTAKOS: Yes, I am serious.

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1 MR. MANNION: Really? I can't
2 say, "Objection. Asked and answered"?

3 MR. PATTAKOS: At this point we're
4 going to ask the Court to ask you to stop
5 making speaking objections.

6 MR. MANNION: I'm going to ask the
7 Court to ask a lot of things for you to stop
8 doing, believe me, but I'm allowed to say,
9 "Objection. Asked and answered."

10 Go ahead.

11 MR. PATTAKOS: No, you're not.
12 It's not appropriate. Your interpretation of
13 whether my question has been answered is
14 irrelevant and you're coaching the witness.

15 MR. MANNION: How in god's name is
16 that coaching the witness? I'm not telling her
17 what to say.

18 MR. PATTAKOS: You're telling her
19 to repeat her answer, is what you're doing.

20 MR. MANNION: That's not what I
21 said.

22 MR. PATTAKOS: I don't need to
23 debate this.

24 MR. MANNION: That's not what I
25 said.

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1 MR. PATTAKOS: Tom, you know what
2 you're doing. I don't --

3 MR. MANNION: You're going to try
4 to drag this out for three days by asking the
5 same question over and over again.

6 MR. PATTAKOS: Let's continue.

7 Tracy, can you please go back to the last
8 question.

9 (Record was read, Page 188, Lines 7-11.)

10 MR. PATTAKOS: I don't need his
11 objection. Read that question again.

12 THE NOTARY: Okay.

13 (Record was read, Page 188, Lines 12-16.)

14 MR. MANNION: Objection.

15 A. I can't -- can you repeat that,
16 please?

17 Q. I will rephrase.

18 A. Thank you.

19 Q. This fee that is listed here in
20 Exhibit 13 --

21 A. Um-hum.

22 Q. -- right next to each
23 investigator's name in this fifth column here,
24 that is the same fee that the investigator is
25 paid as referred to in Ms. Tusko's email of

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1 Exhibits 11 and 12, is it not?

2 MR. MANNION: Objection, form.

3 Go ahead.

4 A. It's -- no, it's not always.

5 Q. It's not always. So what is it,
6 when it is not that?

7 A. So the investigators perform other
8 duties that are not on this sheet. I feel like
9 I said that before --

10 Q. Okay.

11 A. -- they could pick up medical
12 records. I mean, there's a variety of other
13 things that they do throughout the duration of
14 the case that is not on this email. And by,
15 "This email," I mean, Exhibit 11 and
16 Exhibit 12. She's sending this email to ensure
17 that when they do meet with the client that
18 they get all of this information that's
19 itemized 1 through 7 on here. That is just one
20 part of it. (Indicating.)

21 Q. Explain that to me. She's sending
22 this to ensure that the investigators obtain
23 information?

24 A. Well, yes. If an investigator goes
25 out to meet with a client, we want them to get

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1 the photographs of the car and the injuries and
2 all of this other information on here so that
3 we can have it for our file. That's --

4 Q. But I thought that you were saying
5 that this was a summary of the new cases that
6 were opened in Needles. So by the time a case
7 gets opened in Needles, the investigator has
8 already collected the forms. Did you not --
9 was that not your testimony?

10 MR. MANNION: I'm going to object.
11 You're mixing and matching completely. She was
12 pointing to these emails, when she said why
13 these were sent out. She wasn't pointing to --

14 MR. PATTAKOS: Oh, I see. She was
15 pointing to Exhibits 11 and 12.

16 THE WITNESS: Correct.

17 BY MR. PATTAKOS:

18 Q. Okay.

19 A. The investigators perform other
20 duties throughout the duration of these cases.
21 This isn't just the only part that has to do
22 with them. (Indicating.)

23 Q. Okay. But they get paid separately
24 for that, when they do that, correct?

25 MR. MANNION: Objection.

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1 A. No, not always.

2 Q. Okay. So that all goes under one
3 fee, is what you're saying?

4 A. Not always. It depends on the
5 timeframe that you're referring to and the
6 investigators.

7 Q. Okay. So you're saying that on
8 Exhibit 13, this fee is possibly not for a
9 signup but possibly for something else?

10 A. It could be for investigative work.

11 Q. Okay. That has been performed on
12 the day that a case is opened up in Needles?

13 A. It could be, or it could be later
14 on in the case.

15 Q. Oh, so you're prepaying the
16 investigator for work that might be done later
17 in the case. Is that what you're saying?

18 A. I wouldn't say we were prepaying.

19 Q. Well, what would this mean -- what
20 would the dollar amount mean, if this was sent
21 the day that the case is opened up in Needles
22 reflecting that an investigator was paid this
23 much? I'm trying to understand what the
24 investigator is being paid for here.

25 MR. MANNION: And I've told you,

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1 again, this isn't the person to ask.

2 But go ahead and tell him what you know.

3 A. Everything is on a case-by-case
4 basis. And you'd have to talk to the attorney
5 who worked on that case. But I can tell you
6 that this isn't all the work that they do.

7 Q. I know that's your testimony. I've
8 heard that many times.

9 MR. MANNION: Objection. Move to
10 strike.

11 Q. Okay. So this payment here in
12 column 5, this payment is sent as soon as the
13 case is opened up in Needles. Is that correct?

14 A. I don't know. I already told you
15 that.

16 Q. Okay. Who would know?

17 A. You'd have to talk to Rob, the
18 accounting department.

19 Q. Okay. If we look at page 25 here,
20 you'll see on Exhibit 13 --

21 It's Williams 25.

22 A. 25?

23 Q. Yes.

24 A. Okay.

25 Q. -- you'll see that, "MRS" -- which

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1 is Michael R. Simpson, correct? MRS is Michael
2 Simpson's investigation company.

3 A. Yes.

4 Q. And AMC is Aaron M. Czetli's
5 investigation company, correct?

6 A. Yes.

7 Q. You'll see that for October 14,
8 Czetli and Simpson were paid on a total of 22
9 cases. Do you see that?

10 A. Yes.

11 Q. Okay. And what is this in this
12 column that's next to the investigator?

13 A. Which column are you referring to?

14 Q. Just to the right.

15 MR. MANNION: I can't see.

16 MR. PATTAKOS: Just to the right.

17 MR. MANNION: Okay.

18 Q. Is this the referral source?

19 A. Yes.

20 Q. Okay. So at the top of this
21 page 25, we see, "Akron Square." That's the
22 chiropractor's office, correct?

23 A. Yes.

24 Q. "Town & Country," that's a
25 chiropractor's office, correct?

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1 A. Yes.

2 Q. Okay. "TV-Columbus," that is a TV
3 ad. The client saw a TV ad and then came in
4 from a Columbus TV station or -- yeah, a
5 Columbus TV station, correct?

6 A. Yes.

7 Q. Okay.

8 MR. MANNION: Just for the record,
9 though, quick, Page 81 of Thera Reid's
10 deposition, Mr. Pattakos, objection, asked and
11 answered, just to clarify.

12 MR. PATTAKOS: That's great, Tom.

13 Q. So, "Direct Mail-Columbus," if we
14 look down a little further, this is the
15 client -- the client called the firm because
16 they received a direct mail, correct?

17 A. Yes.

18 Q. Okay. "YP," is Yellow Pages. Is
19 that correct?

20 A. Yes.

21 Q. Okay.

22 MR. MANNION: Can we take a break,
23 when you're done with this document?

24 MR. PATTAKOS: I have one more
25 document after this, Tom, that we need to

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1 continue on.

2 MR. MANNION: No. I have to use
3 the restroom, so when you're done with this
4 document --

5 MR. PATTAKOS: We can take a break
6 right now.

7 MR. MANNION: Okay. That's fine.

8 VIDEOGRAPHER: Off the record 2:45.

9 MR. PATTAKOS: I'm going to ask you
10 not to confer with the witness during this
11 break.

12 MR. MANNION: You can't ask me
13 that.

14 MR. PATTAKOS: I'm going to ask
15 you that.

16 Tracy, can you go on the record?

17 MR. MANNION: Don't go on the
18 record.

19 MR. PATTAKOS: You are conferring
20 with the witness in the middle of my
21 questioning. You've asked for a break. I'm
22 giving you a break.

23 MR. MANNION: Stop it.

24 MR. PATTAKOS: Tom, if you want a
25 break to confer with the witness --

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1 MR. MANNION: I'm going to the
2 restroom. We've been going for an hour, Peter.

3 MR. PATTAKOS: You want a break to
4 confer with the witness --

5 MR. MANNION: We've been going for
6 an hour, Peter.

7 (Recess taken.)

8 VIDEOGRAPHER: On the record 2:51.

9 BY MR. PATTAKOS:

10 Q. Okay. On this break, did you just
11 confer with Mr. Mannion, your attorney?

12 MR. MANNION: You can't talk to her
13 about what we talked about.

14 Q. Did you confer with him?

15 A. We had a conversation.

16 Q. Okay. Just wanted to make that
17 clear. So back to this document, Exhibit 13,
18 we see that MRS or AMC was paid a \$50 fee on 22
19 different cases that came in on October 14,
20 correct?

21 A. Correct.

22 Q. You'll see, if you look at some of
23 these cases, if you look -- now, the first one
24 came in from Akron Square and then we see,
25 "...Stark Red Bag," "...Stark Red Bag," and

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1 then we see "Toledo Injury," "Atlantic Chiro."
2 Do you know what Atlantic Chiro is?

3 A. It's in Canton.

4 Q. Okay. And then, "Shaker Boulevard
5 Rehab". And then we see, "Direct
6 Mail-Columbus," on three different direct mail
7 Columbus cases, MRS was paid \$50. Do you have
8 any idea why AMC and MRS were being paid on
9 cases coming in from Toledo and Columbus?

10 A. I mean, I -- I can't tell you on
11 these three cases what kind of investigative
12 work they would have done. You'd have to talk
13 to the attorney who handled that case.

14 Q. Okay. Do you believe the truth
15 could be that the investigation fee was going
16 to be charged to these clients anyway,
17 regardless of whether a signup was performed or
18 not and that it got charged to Aaron and Mike
19 because they were the firm's primary
20 investigators and this was a way to compensate
21 for them for other work that they performed
22 around the office?

23 MR. MANNION: Objection to form.

24 Go ahead.

25 A. "Other work...around the office,"

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1 what does that mean?

2 Q. Well, you agree that Aaron and Mike
3 performed other work around the office,
4 correct --

5 MR. MANNION: Objection.

6 Q. -- that didn't relate to any
7 specific client case?

8 MR. MANNION: Objection.

9 Go ahead.

10 A. Not that they were paid for. I --
11 I don't have any knowledge of that.

12 Q. Whether they got paid for it or
13 not, you understand that Mike and Aaron stuffed
14 envelopes around the office for firm mailers
15 and helped decorate the office for Christmas
16 and things like that, correct?

17 A. No, no.

18 Q. You never saw them do that?

19 A. No, not that I can remember.

20 Q. Okay. If I told you that KNR, in
21 its written discovery responses, admitted that
22 they did work around the office, like stuff
23 envelopes for mailers and put up holiday
24 decorations, do you have any reason to believe
25 that that's not true?

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1 A. I mean, like I stated earlier on,
2 Mike and Aaron did not report to me so what
3 they did around the office, I really can't give
4 you an answer on that.

5 Q. Okay. Well, you were laughing as
6 though it was impossible that they were doing
7 that.

8 A. I was laughing about decorating for
9 the holidays, because I just don't really think
10 that -- I can't picture them doing that.
11 That's why I laughed --

12 Q. Okay.

13 A. -- it's kind of silly --

14 Q. Okay.

15 A. -- they're not very festive guys.

16 Q. So your testimony is that for every
17 one of these cases listed on this email, that
18 Mike or Aaron -- every one of these 22 cases,
19 that Mike and Aaron did some investigative work
20 on each of these cases?

21 MR. MANNION: Objection. What do
22 you mean, is that her testimony?

23 A. My testimony is that what work Mike
24 and Aaron did on any particular case would be
25 on a case-by-case basis and you would have to

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1 discuss that with the attorney who is
2 representing that client on that particular
3 case --

4 Q. That's not --

5 A. -- I can't testify to that.

6 Q. That's not my question. My
7 question is --

8 MR. MANNION: It was.

9 Q. -- do you believe that Mike and
10 Aaron performed investigative work on every one
11 of these 22 cases as of the date that this
12 email was sent?

13 A. I cannot answer that question. You
14 would have to talk to the attorneys on these 22
15 cases to find out what investigative work Mike
16 and Aaron did.

17 Q. So you don't know?

18 A. Correct. I cannot answer that
19 question. You'd have to speak to those
20 attorneys.

21 Q. So as far as you know, Mike and
22 Aaron were paid an investigative fee, even if
23 they didn't do any work on any of these cases?

24 MR. MANNION: Objection. Come on.

25 A. That's not what I said at all. I

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1 said that I don't know what work they did.

2 You'd have to speak with the attorney.

3 Q. But you agree that they wouldn't
4 have been paid on this day, unless they had
5 done some work --

6 MR. MANNION: Objection.

7 Q. -- on the case, at least sign the
8 client up?

9 MR. MANNION: Objection.

10 A. I do not agree to that.

11 Q. Okay.

12 MR. MANNION: She said she doesn't
13 know.

14 Q. It's got to be one or the other.

15 MR. MANNION: Objection.

16 MR. PATTAKOS: Tom, just please
17 keep it to yourself. Your interruptions are
18 constant and they're inappropriate.

19 MR. MANNION: I objected without
20 giving a basis. I thought that's what you
21 wanted me to do.

22 Q. You're saying on one hand that you
23 don't know whether Mike and Aaron did work on
24 all 22 of these cases as of October 14. Is
25 that correct?

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1 MR. MANNION: Objection.

2 A. I'm saying you would have to ask
3 the attorney that worked -- that handled these
4 cases. I don't have an answer for you for
5 that.

6 Q. Because you don't know, correct?

7 A. I'm saying, I don't have an answer.

8 Q. Why don't you have an answer?

9 A. Because Mike and Aaron did not
10 report to me.

11 Q. Right. Okay. We can leave it at
12 that.

13 MR. MANNION: You can ignore the
14 eye rolling.

15 THE WITNESS: Okay.

16 - - - - -

17 (Thereupon, Deposition Exhibit 14,
18 12/7/2012 Email To Robert Redick
19 From Brandy Lamtman, Bates Number
20 KNR003327, was marked for purposes
21 of identification.)

22 - - - - -

23 MR. MANNION: Date is December 7,
24 2012.

25 Q. Please let me know, once you've

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1 reviewed this email.

2 MR. NESTICO: December 7, 2012?

3 MR. MANNION: Yes.

4 MR. NESTICO: Thank you.

5 BY MR. PATTAKOS:

6 Q. Okay. So this is an email chain of
7 December 7, 2012, where you, Mr. Redick and
8 Mr. Nestico are participating, correct?

9 A. I think, "Participating," is a
10 strong word. Robert sent an email to Rob and
11 I, a suggested email.

12 Q. Okay. So Mr. Redick first emails
13 you and Mr. Nestico and says, "I think we
14 should send this to..." -- he suggests an
15 email. And at the bottom he says, "I think we
16 should send this to the staff today."

17 In that email, he writes -- the suggested
18 email he writes, "Please be advised that if the
19 attorney on the case requests any
20 investigator" -- now all caps -- "WHO IS NOT
21 MIKE OR AARON, to do something for a case that
22 has already been opened, i.e. pick up
23 records--knock on the door to verify
24 address--they CAN be paid on a case by case
25 basis depending on the task performed."

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1 "However, no checks for anything other
2 than the SU fee should ever be requested
3 without getting in-writing approval from the
4 handling attorney, myself and/or Brandy."

5 Am I reading this correctly so far?

6 A. Yes.

7 Q. Okay. "Under no circumstances" --
8 he continues, "Under no circumstances should
9 any additional checks to MRS or AMC be
10 requested other than at the time the case is
11 set-up."

12 "Please see me if you have any
13 questions." Am I reading that correctly?

14 A. Yes.

15 Q. Okay. And you did receive these
16 emails -- this email?

17 A. Yes.

18 Q. Okay. And you responded, "Agree,"
19 with Mr. Redick's suggestion that this email be
20 sent to the staff, correct?

21 A. Yes.

22 Q. Okay. Do you agree that the SU fee
23 Mr. Redick was referring to here was in fact,
24 he meant the signup fee?

25 A. So, "Signup fee," and,

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1 "Investigator fee," I feel like we go back --
2 we go round and round about that. They're the
3 same thing like in --

4 Q. Sure. Okay. I'm glad we are clear
5 on that. You hadn't said that yet today.

6 A. -- so like here he's referring to
7 it as a, "Signup fee." It could be referred to
8 as that or it could be, "Investigator fee."
9 He's calling this a signup fee in here for
10 doing other work, like it's --

11 Q. Okay.

12 A. -- tomato, tomato like they're --

13 Q. The same thing?

14 A. Yeah.

15 Q. Thank you. Here, back to
16 Exhibit 13, in this column with the
17 investigators and the fee amount, this is the
18 same thing; this is the signup fee, correct?

19 MR. MANNION: Objection. Asked and
20 answered.

21 Go ahead.

22 A. Yeah, I just said that. Signup and
23 investigator fee -- "Signup," didn't have to
24 mean they were actually signing up the case.
25 That fee could be that they're picking up

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1 records or taking photographs or doing a whole
2 plethora of other things that they could be
3 doing.

4 Q. Okay. And this is -- in this
5 column on page 13 listing the investigators and
6 the fee amount, this is the same thing as the
7 signup fee, correct?

8 A. Yes.

9 Q. Okay. Thank you. And the signup
10 fee was always at least \$50, was it not?

11 MR. MANNION: You can take a look
12 at the exhibit, if you need to.

13 A. Yeah, I don't -- this?

14 Q. (Nodding.)

15 A. So there's one on here for \$25.

16 Q. Okay. Do you have any idea why
17 that would be a \$25 --

18 A. I don't.

19 Q. Okay. Could that be because it was
20 a companion from the same accident where the
21 investigator simply only had to go to one place
22 to do a signup and it was two people that were
23 in the same accident? That would be a reason
24 that an investigation fee would be less
25 than 50, correct?

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1 A. I'm not sure.

2 Q. But does that make sense to you?

3 A. I mean, I don't know if that makes
4 sense or not.

5 Q. Okay. But would you agree that if
6 the investigation fee was greater than \$50,
7 that that would mean it had to do with the
8 investigator having to travel a certain amount
9 and that this fee was dependent to some degree
10 on the miles that the investigator had to
11 travel?

12 MR. MANNION: Objection.

13 A. I don't know.

14 Q. Okay. Do you have any reason to
15 believe that's not the case?

16 MR. MANNION: Objection.

17 A. I don't know.

18 Q. Okay. Okay. Back to Exhibit 14
19 here. So you agree that this email was
20 intended to make clear that the firm's policy
21 was that any task beyond the basic signup could
22 be charged separately and paid to the
23 investigator on a case-by-case basis, depending
24 on the task performed, unless it was Aaron or
25 Mike who performed the task?

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1 MR. MANNION: I'm going to object
2 again, form.

3 Go ahead.

4 A. No.

5 Q. So what do you think he meant,
6 Mr. Redick, when he emailed you and Mr. Nestico
7 only to say that, "...any investigator WHO IS
8 NOT MIKE OR AARON...CAN be paid on a case by
9 case basis depending on the task performed, if
10 that's not what he meant?

11 MR. MANNION: Objection.

12 Go ahead.

13 A. So what he meant was; there were
14 five cases where Aaron was paid two
15 investigator fees and Mike was paid two
16 investigator fees on two cases. They were --
17 they -- we -- there was an error and this was
18 to point that out and we caught it thankfully
19 and corrected it. That was the intention of
20 this email.

21 Q. So what does this mean -- what's
22 the difference between Mike or Aaron on one
23 hand and the other investigators on the other
24 as to why they would be treated differently?

25 MR. MANNION: Objection.

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1 Go ahead.

2 A. So in this email, Aaron was paid
3 twice on five cases and Mike was paid twice on
4 two cases. So there was an error that we found
5 and we corrected it.

6 Q. Why does he say that for some of --
7 for any investigator except for Mike and Aaron,
8 "They can be paid on a case by case basis....,"
9 in addition to the signup fee, but, "Under no
10 circumstances should any additional checks to
11 MRS or AMC be requested other than at the time
12 the case is set-up" --

13 MR. MANNION: Wait, wait, wait,
14 wait, wait, wait, wait. I'm going to object.
15 You completely misread that. Don't purport to
16 be reading directly from here and then miss
17 things and add things. That's not fair.

18 BY MR. PATTAKOS:

19 Q. So let me ask it a different way.
20 You're saying there is no difference between
21 the way Mike and Aaron are treated in terms of
22 how investigation fees are paid or signup fees
23 are paid.

24 MR. MANNION: Objection.

25 Go ahead.

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1 A. I don't know what that means.

2 Q. I'm trying to understand what
3 Mr. Redick meant here and why you agreed with
4 him in saying that, "...any investigator WHO IS
5 NOT MIKE OR AARON," "...can be paid on a case
6 by case basis depending on the task performed."

7 A. So you would have to ask Mr. Redick
8 what he meant by that. I was agreeing to the
9 part that I was aware of, which is this last
10 sentence on here where I -- I brought the error
11 to Robert Redick's attention, so I was agreeing
12 on that. So you would have to ask Robert what
13 he meant by this email.

14 Q. So you have no idea what he meant
15 by this email?

16 A. No. I can tell you, I came to him
17 because I found an error and this is the email
18 he drafted and I agreed to the email based on
19 the error that was found. (Indicating.)

20 Q. And the error was that Aaron was
21 being paid more than -- Aaron got paid more
22 than one investigative fee on five cases and
23 Mike was paid an investigative fee -- more than
24 one investigative fee on two cases?

25 A. Yes, I was concerned about that --

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1 Q. Okay.

2 A. -- so we corrected it.

3 Q. And your testimony is you have no
4 idea what he means when he says that, "If the
5 attorney requests any investigator--WHO IS NOT
6 MIKE OR AARON," "they can be paid on a case by
7 case basis," even for a case that has already
8 been opened --

9 MR. MANNION: Objection.

10 Q. -- but --

11 MR. MANNION: Objection. You're
12 misreading it.

13 Q. -- that can never happen with Mike
14 or Aaron, correct?

15 A. I'm just telling you --

16 MR. MANNION: I'm going to object
17 again --

18 Wait a minute.

19 I'm going to object again. You're
20 misreading this and you're acting like you're
21 reading from it.

22 A. I'm just telling you, you have to
23 ask Robert what he meant.

24 Q. I'm asking you. You have no idea
25 what he meant there?

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1 A. You would have to ask Robert.

2 Q. So you have no idea?

3 A. I don't want to speculate on what
4 Robert's thought process was on this email.

5 Q. What did you understand him -- he
6 was emailing you and asking for your input on
7 this, so it stands to reason that you
8 understood what he was talking about when you
9 wrote, "Agree."

10 A. I told you I agreed --

11 MR. MANNION: Wait.

12 Object.

13 He didn't ask you a question. He made a
14 statement.

15 Q. So I will ask you one more time.
16 When Robert Redick writes, "...if the attorney
17 on the case requests any investigator--WHO IS
18 NOT MIKE OR AARON--to do something for a case
19 that has already been opened," for example,
20 "pick up records--knock on the door to verify
21 address--they CAN be paid on a case by case
22 basis depending on the task performed."

23 "However, no checks for anything other
24 than the," signup, "fee should ever be
25 requested without getting in-writing approval

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1 from the handling attorney, myself and/or
2 Brandy."

3 And, "Under no circumstances should any
4 additional checks to MRS or AMC be requested."

5 What I'm asking is: Why is he making
6 this distinction between Mike or Aaron on one
7 hand and all of the other investigators on the
8 other?

9 MR. MANNION: Objection.

10 Go ahead.

11 A. I'm saying, you would have to ask
12 Robert.

13 Q. So you're saying you have no idea
14 at all?

15 A. I'm saying, I'm not going to speak
16 on Robert's behalf.

17 Q. I'm asking you for your
18 understanding.

19 A. I'm not -- I'm not going to give
20 you my understanding, because that could be
21 completely different than what Robert's
22 intention was.

23 MR. PATTAKOS: Tom, will you please
24 instruct your witness that she has to tell me
25 what her understanding is?

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1 MR. MANNION: If you recall what
2 your understanding was --

3 A. I don't --

4 MR. MANNION: -- feel free.

5 A. -- it was six years ago.

6 Q. Well, what's your best guess as to
7 what Robert Redick was referring to here?

8 A. I can't give you my best guess. I
9 don't have a best guess --

10 Q. So you have no idea?

11 A. -- I don't have an opinion on this
12 and I don't have a best guess and I don't want
13 to speak on Robert's behalf.

14 Q. So you have no idea what he might
15 have been referring to here?

16 A. I'm not going to say that, no.

17 Q. So you have some idea?

18 A. No.

19 MR. MANNION: What?

20 Q. So you have no idea?

21 A. No.

22 Q. Okay. We can leave it at that.
23 You sure?

24 MR. MANNION: Stop it, please. We
25 already told you, she's not the person who the

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1 investigators reported to for that process.
2 You're doing this whole deposition so far on
3 something that she wasn't responsible for.
4 There are other people you could ask these
5 questions to.

6 MR. PATTAKOS: She is one of --

7 MR. MANNION: I commend you for
8 your patience, Brandy.

9 - - - - -

10 (Thereupon, Deposition Exhibit 15,
11 12/7/2012 Email To Staff From Robert
12 Redick, Bates Number KNR003289, was
13 marked for purposes of
14 identification.)

15 - - - - -

16 Q. So here's Exhibit 15. Do you
17 remember -- Ms. Gobrogge, first, about the last
18 email, do you remember if Mr. Nestico had any
19 input on that?

20 A. I don't remember.

21 MR. MANNION: December 7, 2012.
22 It's the same email, Rob.

23 MR. PATTAKOS: It's not the same
24 email.

25 Q. You would agree this is the email

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1 that actually went out to the staff, correct?

2 A. Yes.

3 Q. Okay. So the very email that
4 Robert Redick asked for your and Mr. Nestico's
5 opinion on and you said you agreed it should be
6 sent, he did in fact send that, correct?

7 A. Yes.

8 Q. And nobody corrected him for
9 sending it, to your knowledge?

10 A. I don't know --

11 Q. Okay.

12 A. -- not that I remember.

13 Q. Okay. So under what circumstances
14 would you approve -- how many times did this
15 happen? Let me say this. He says that, "...no
16 checks for anything other than the," signup,
17 "fee should ever be requested without getting
18 in-writing approval from the handling attorney,
19 myself and/or Brandy."

20 How many times have you approved a check
21 to an investigator that was for something other
22 than a signup fee?

23 A. I don't -- I don't remember.

24 Q. Have you ever done it?

25 A. I don't remember. I don't

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1 remember.

2 Q. Okay.

3 A. Something came to my attention.

4 Q. What's that?

5 MR. MANNION: Go ahead.

6 A. The investigator in Toledo and one
7 of the investigators in Columbus, we pay them a
8 fee -- the firm pays them a fee, not the
9 client, to take our mail to the post office
10 every day --

11 Q. Okay.

12 A. -- that was more of a recent thing,
13 I think, which is why I remember.

14 Q. Did you approve those expenses?

15 A. I was part of the conversation --

16 Q. Okay.

17 A. -- I don't remember who exactly
18 would have approved that. We had an issue with
19 the employees not taking the mail to the post
20 office, so that was my suggested fix for the
21 issue.

22 Q. Did this happen over email?

23 A. I don't think so. I -- I don't
24 have any -- I don't know.

25 Q. Okay. The practice of charging

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1 investigation fees or signup fees, was that
2 something that the firm was engaged in before
3 you started --

4 MR. MANNION: Objection to form.
5 Go ahead.

6 Q. -- started working at the firm?

7 A. Yes. Mike and Aaron -- yes.

8 Q. So Mike and Aaron were doing
9 signups and getting paid investigation fees at
10 the time you joined the firm?

11 A. Yes.

12 Q. Okay. Any other investigators at
13 the time?

14 A. Not that I can think of.

15 Q. Okay. Were you involved at all in
16 the decision as to why -- in the decision to
17 charge a separate fee for the investigator's
18 work?

19 A. No.

20 Q. Do you know who was?

21 A. It was something that was set up,
22 before I started there.

23 Q. Okay. Who do you believe knows the
24 most about the firm's policy regarding
25 investigators --

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1 MR. MANNION: Objection.

2 Go ahead.

3 Q. -- and why the fee is charged and
4 how --

5 A. Rob.

6 Q. Nestico?

7 A. Yes.

8 Q. Okay. Okay. So we saw in some of
9 these emails that you've reviewed that
10 sometimes the investigators meet directly with
11 the clients at the chiropractor's offices,
12 correct?

13 A. Yes.

14 Q. And sometimes the clients sign KNR
15 paperwork at the chiropractor's offices,
16 correct?

17 A. Yes.

18 Q. Okay. And this was a routine
19 practice of the firm, to keep its paperwork at
20 various chiropractor's offices and have the
21 clients sign there, was it not?

22 A. No.

23 MR. MANNION: Objection.

24 MR. PATTAKOS: Tom --

25 MR. MANNION: What?

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1 MR. PATTAKOS: -- you began
2 scoffing at my question before the witness had
3 answered and I'm going to ask you not to do
4 that.

5 MR. MANNION: Completely untrue.
6 You weren't even looking. You were looking at
7 your computer, so I'm not sure how you would
8 know that.

9 MR. PATTAKOS: I can hear you, Tom.
10 That's -- I have ears and it's on the
11 microphone, so. There's a recording of this.

12 MR. MANNION: Well, Peter, you
13 were trying to take a question you had from
14 before --

15 MR. PATTAKOS: Tom, I'm not
16 interested in your opinion on what I'm doing.

17 MR. MANNION: Well --

18 MR. PATTAKOS: I'm just asking you
19 to stop.

20 MR. MANNION: -- I'll tell you why
21 I objected.

22 MR. PATTAKOS: I'm asking you to
23 stop --

24 MR. MANNION: Well, I'm asking you
25 to stop with the faces that you make at the

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1 witnesses and everything else.

2 MR. PATTAKOS: -- coaching.

3 MR. MANNION: I'm not coaching
4 her.

5 MR. PATTAKOS: Okay.

6 MR. MANNION: I said the word,
7 "Objection."

8 Did you feel like I was telling you how
9 to testify by saying, "Objection"?

10 MR. PATTAKOS: You said, "Uh."

11 THE WITNESS: No, no.

12 MR. PATTAKOS: Okay. That's great.

13 - - - - -

14 (Thereupon, Deposition Exhibit 16,
15 How To Add an Investigator Check,
16 Bates Number KNR03337, was marked
17 for purposes of identification.)

18 - - - - -

19 Q. Okay. Let's take a look at
20 Exhibit 16.

21 MR. MANNION: This is entitled,
22 "How to add an investigator check," KNR03337,
23 no date.

24 Q. Are you familiar with this
25 document?

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1 A. No. I've never seen it before.

2 Q. Okay. If I told you that this was
3 in the firm's handbook, would you have any
4 reason to disagree with that?

5 A. Yes.

6 Q. Why is that?

7 A. I just think it would be odd, how
8 to request a check, that would be in our
9 handbook.

10 Q. Why?

11 A. Because our handbook is, You must
12 arrive to work on time or things like that.

13 Q. This would be -- you don't believe
14 this would be in any training manual or
15 anything for any of the firm's employees?

16 MR. MANNION: Objection. Different
17 question.

18 Go ahead.

19 A. Well, training manual and handbook
20 are different.

21 Q. Okay. So do you have any reason to
22 believe that this wasn't in a training manual?

23 A. No.

24 Q. Is there any reason why that you're
25 aware of that there would be a different

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1 procedure for adding an investigator check as
2 opposed to any other check that the firm would
3 cut in connection with a case?

4 A. I would think they would probably
5 be the same.

6 - - - - -

7 (Thereupon, Deposition Exhibit 17,
8 1/14/2014 Email To Intake From Holly
9 Tusko, Bates Number Williams000168,
10 was marked for purposes of
11 identification.)

12 - - - - -

13 Q. Okay. This is Exhibit 17.

14 MR. MANNION: January 14, 2014,
15 from Holly Tusko to intake and attorneys.

16 Q. You ready?

17 A. Yes.

18 Q. Okay. This is an email sent by
19 Holly Tusko on January 14, 2014, correct?

20 A. Yes.

21 Q. And it was sent to the intake
22 department, all attorneys and you separately,
23 correct?

24 A. Correct.

25 [REDACTED]

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1 [REDACTED] [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] [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] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
11 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
12 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

13 Q. And why is that?

14 A. Just to make things easier. It's
15 difficult to track down -- if someone calls in
16 and asks for Joe Schmoe, our attorney, it would
17 be -- it could be difficult to track him down
18 versus all of the prelit attorneys who are on
19 that attorney intake button; just easier.

20 Q. Why would you, Brandy or Rob -- or
21 why would you, Rob or Holly ever tell a lawyer
22 differently?

23 A. Well, I didn't read it as she was
24 directing it to the attorneys. I read it as
25 she was directing it to the intake team.

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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 MR. MANNION: Objection to form.

17 Go ahead.

18 A. Can you ask me that again? I'm
19 sorry.

20 (Record was read.)

21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 Q. Okay. Would you agree that one of
25 the big parts of your job is to help manage the

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1 firm's relationship with chiropractors?

2 A. No.

3 Q. No. That is part of your job,
4 though.

5 A. No, not anymore.

6 Q. It was part of your job.

7 A. My job was never to manage
8 relationships with doctors. That wouldn't be
9 the way -- the words that I would choose to
10 describe.

11 Q. What are the words you would
12 choose?

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]

17 Q. What made a good doctor, in your
18 opinion?

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]
3 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

4 Q. Would you agree that you worked
5 hard to maintain a close relationship with
6 chiropractors?

7 MR. MANNION: Objection to form.
8 Go ahead.

9 A. I wouldn't say -- I mean, I just
10 said earlier when you asked me, I wouldn't say
11 that I was maintaining a close relationship. I
12 feel like those are strong words.

13 - - - - -

14 (Thereupon, Deposition Exhibit 18,
15 5/22/2013 Email To Prelit Attorney
16 From Brandy Lamtman, Bates Number
17 Williams000301, was marked for
18 purposes of identification.)

19 - - - - -

20 Q. Okay. Let's look at Exhibit 18.

21 MR. MANNION: May 22, 2013.

22 Q. This is an email from you to the
23 prelit attorneys copying Mr. Nestico and
24 Ms. Tusko, correct?

25 A. Yes.

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1 Q. Subject line, "Referrals," correct?

2 A. Yes.

3 Q. In the first paragraph, you write,
4 "I work hard to maintain a close relationship
5 with chiropractors and I am in contact with
6 most of them several times a day," correct?

7 A. I said that, yes.

8 Q. You said that because it's true,
9 correct?

10 A. No. I feel like that's a sentence
11 that I used five years ago in an email. It's
12 not the way that I would explain my job duties.

13 Q. Was this not the case at the time
14 you sent this email?

15 A. I feel like it was the words that I
16 chose in this email, but it wasn't -- it
17 wouldn't be words that I would use to describe
18 my job as a whole.

19 Q. Well, was it true or not at the
20 time you sent this email, that you worked hard
21 to maintain a close relationship with
22 chiropractors and you were in contact with most
23 of them several times a day?

24 [REDACTED]
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] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [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]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
10 [REDACTED] [REDACTED] [REDACTED]

11 Q. You agree that would be a lot of
12 conversations with chiropractors, if you were
13 in touch with most of them several times a day?

14 A. It was a lot. It was a lot.

15 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
16 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
17 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
18 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
19 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
20 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
21 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

22 Q. As to who the attorneys referred
23 the case to?

24 A. Yeah.

25 Q. Could it also be a referral mistake

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1 as to -- a mistake as to where the referral
2 came from?

3 A. "PLEASE make sure" --

4 MR. MANNION: Just so I understand
5 your question, Peter, are you saying somebody
6 wrote down the wrong name in the referral box?
7 Is that what you were asking?

8 MR. PATTAKOS: Yeah.

9 Q. Whether it was a referred to or
10 referred from.

11 A. I believe in this email, I was
12 referring to the referred to --

13 Q. Sure.

14 A. -- I actually say, "Regarding the
15 referred to's" --

16 Q. I see that. Okay. Okay.

17 A. -- and I think relationship -- when
18 you're working with someone, you know, you're
19 friendly with them, I guess.

20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

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1 [REDACTED] [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] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
5 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
7 [REDACTED] [REDACTED]
8 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
9 [REDACTED]

10 Q. Did anyone else at the firm at this
11 time have as much responsibility as you did for
12 maintaining relationships with chiropractors?

13 MR. MANNION: Objection to the
14 form.

15 Go ahead.

16 A. I didn't refer to my job as,
17 maintaining relationships.

18 Q. It just says you, "Work hard to
19 maintain a close relationship with
20 chiropractors..."

21 A. I know. I thought I explained what
22 I meant.

23 Q. I understand. I'm asking: Is
24 there anyone else at the firm who worked as
25 much as you did to maintain relationships with

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1 chiropractors?

2 MR. MANNION: Objection to the
3 form.

4 Go ahead.

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 [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 Q. Why is that?

21 A. Because that's what I was told.

22 Q. By whom?

23 A. Rob.

24 Q. Okay. Is it your testimony that
25 your decision as to which chiropractor to send

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1 a client to had nothing to do with the number
2 of referrals that that chiropractor had sent to
3 the firm?

4 A. We often sent to chiropractors
5 and/or doctors who didn't refer any business to
6 us. So we actually sent to people that did
7 send business to us and people that didn't.

8 Q. So is your answer then, yes, that
9 it hadn't -- your decision to send a client to
10 a given chiropractor had nothing to do with how
11 many cases that chiropractor sent you?

12 A. So given the choice, if I had
13 chiropractor A on one side of the street and
14 chiropractor B on the other side of the street
15 and we'll say they were both good doctors. I
16 had met with both of them. I knew both of
17 them. And chiropractor A sent us cases, sure,
18 I'd prefer to send over to A --

19 Q. Okay.

20 A. -- that doesn't mean B wouldn't get
21 any referrals from us.

22 Q. Okay.

23 MR. MANNION: June 9, 2014.

24 - - - - -

25 (Thereupon, Deposition Exhibit 19,

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1 6/9/2014 Email To Prelit Attorney
2 From Brandy Brewer, Bates Number
3 Williams000165, was marked for
4 purposes of identification.)

5 - - - - -

6 Q. Okay. So this is an email from you
7 on June 9, 2014, with the subject line, "Chiro
8 Referrals," to prelit attorneys where you
9 write, "Please make sure you are using the
10 chiro boards. When I left on Wednesday I
11 switch Akron to Akron Injury and you sent ZERO
12 cases there and 4 to ASC, I also added Tru
13 Health and removed Shaker Square and you sent 3
14 cases to Shaker Square and ZERO to Tru Health."

15 "Core was removed as well and you sent a
16 case there!"

17 So what is the purpose of this email?

18 A. To make sure that the referrals
19 were being spread out.

20 Q. Okay. And you would agree that the
21 referrals were managed very strictly by the
22 firm, correct?

23 MR. MANNION: Objection to
24 characterization.

25 Go ahead.

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1 A. I wouldn't say, "Managed strictly."
2 I saw the big picture, so I saw where the
3 cases -- all the cases were going, but
4 ultimately the attorney was the person who was
5 speaking to the client and making the referral.

6 Q. Okay. Let's mark Exhibit 20.

7 - - - - -

8 (Thereupon, Deposition Exhibit 20,
9 6/23/2014 Email To Prelit Attorney
10 From Brandy Brewer, Bates Number
11 Williams000455, was marked for
12 purposes of identification.)

13 - - - - -

14 MR. MANNION: June 23, 2014.

15 Q. Here is an email June 23, 2014,
16 where you write to prelit attorneys in the
17 second paragraph -- well, you write in the
18 first paragraph, "I have sent this email
19 several times. Please pay attention to the
20 chiro referral email Sarah or I send out and
21 also, the board."

22 "Referrals are not up for negotiation."

23 Did you send this email?

24 A. Yes.

25 Q. Okay. Well, Sarah is not an

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1 attorney, is she?

2 A. No.

3 Q. And here you're telling the
4 attorneys that referrals -- the referrals that
5 you and Sarah dictate are not up for
6 negotiation, are you not?

7 A. That's what I wrote in the email.
8 That's not entirely what I meant.

9 Q. What did you mean?

10 A. So Rob Horton, for example, he
11 doesn't know all of the other cases in the
12 firm, where they're being referred to. Neither
13 do any of the other prelit attorneys, so. I
14 do. That's part of my job. So I was making
15 sure that the referrals are spread out. And
16 ultimately I say on here, "If you have an
17 issue, please let me know," so that doesn't --
18 that means that's up for negotiation, that we
19 should talk about it or they should let me know
20 if they're sending it somewhere else.

21 Q. You also write here, "I spend a lot
22 of time tracking referrals and working with
23 doctors" --

24 A. Yes.

25 Q. -- and that was true, correct?

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1 A. Yes.

2 Q. Is it still true?

3 A. No.

4 Q. Okay. Who does that now?

5 A. Sarah actually had a baby so she
6 works from home. She does all of the referral
7 reports --

8 Q. Sarah Knoch?

9 A. Uh-huh.

10 Q. Okay.

11 A. -- and as far as working with the
12 doctors, I think I said that earlier, Alex
13 VanAllen.

14 Q. Okay.

15 - - - - -

16 (Thereupon, Deposition Exhibit 21,
17 1/17/2014 Email Trail Between
18 Courtney Warner, Brandy Brewer and
19 Kimberly Lubrani, Bates Number
20 KNR03385, was marked for purposes of
21 identification.)

22 - - - - -

23 Q. Okay. Take a look at Exhibit 21.

24 MR. MANNION: January 17, 2014.

25 Q. So this shows several emails, but

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1 I'm looking at the one which looks like the
2 second one from the bottom where you write on
3 January 17, 2014, to Courtney Warner, Sarah
4 Knoch and staff, "Nobody releases ANY
5 information regarding referrals to anyone other
6 than me," exclamation mark.

7 Why did you write that?

8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]

13 Q. And you didn't want to do that?

14 A. No, that's not what -- I said that
15 I didn't want them doing that.

16 Q. Who is, "Them"?

17 A. Well, I emailed it to Courtney and
18 copied the staff. So I didn't want the staff,
19 the paralegals emailing doctors with referrals.
20 That would be something that was part of my
21 job. I had previously told you that I would
22 let the doctors know when we referred the
23 client so they could schedule the appointment.

24 Q. Why would the Deaconess chiro want
25 you to email them the names of all the clients

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1 that the firm referred to the chiro in January
2 and going forward?

3 A. Well, I can't speak on their
4 behalf, but probably to schedule the
5 appointments.

6 Q. To schedule the appointments?

7 A. Um-hum.

8 Q. Why would it have mattered whether
9 anyone else at the firm did that? What was the
10 point of controlling that information?

11 MR. MANNION: Objection.

12 Go ahead.

13 A. Well, Courtney was a paralegal.
14 She had her paralegal work, just like I had my
15 job to do, so that is my job.

16 Q. Why is -- what's so funny in Kim
17 Lubrani's email when she says, "So they want us
18 to keep track of their referrals for
19 them...LOL"?

20 A. I have no idea. You would have to
21 ask Kim Lubrani that.

22 Q. Okay. Do you agree that there
23 would be nothing really funny about that; that
24 it would be natural for a chiropractor to want
25 to be called so that appointments could be

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1 scheduled?

2 MR. MANNION: I'm going to object.

3 You mixed and matched there.

4 But go ahead.

5 A. I agree. I didn't think it was
6 funny.

7 Q. Okay. Did you end up sending
8 Deaconess chiro this info?

9 A. Oh, boy, I don't remember.

10 Q. Is there any reason why you
11 wouldn't have?

12 A. I don't know.

13 Q. Okay. Why would they need you to
14 email them the names of clients referred to
15 schedule appointments?

16 A. Well, I mean, I was just at my
17 doctor and got referred for a nerve conduction
18 test and they scheduled that for me. So just
19 make it easier for the client.

20 Q. Okay.

21 MR. MANNION: While there's a
22 little pause, it's 3:47. Do you know when the
23 next time you need to --

24 THE WITNESS: So I would say, like
25 between now and -- before 4:30, between now and

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1 4:30, so.

2 MR. MANNION: Okay.

3 When we get to a good spot, let's take
4 one in a few minutes, a little break here.

5 MR. PATTAKOS: We can stop right
6 now.

7 MR. MANNION: Want to do that?
8 Okay.

9 VIDEOGRAPHER: Off the record 3:47.

10 (Recess taken.)

11 VIDEOGRAPHER: On the record at
12 4:07.

13 BY MR. PATTAKOS:

14 Q. Okay. Back to the firm's
15 relationships with chiropractors. So you deny
16 that the firm's practice is to trade referrals
17 in exchange for referrals, correct?

18 A. Correct.

19 MR. MANNION: Objection to form.
20 But go ahead.

21 Q. And you say that the main reason
22 that the firm manages its referrals so closely
23 is so that the referrals can be spread out
24 evenly, correct?

25 MR. MANNION: Objection. That

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1 mischaracterizes.

2 Go ahead.

3 A. Could you ask me that again? I'm
4 sorry.

5 THE WITNESS: Or could you repeat
6 it?

7 (Record was read.)

8 A. I didn't say that was the main
9 reason. I said that was a reason.

10 Q. What is the main reason then?

11 A. I don't know that there is a main
12 reason, other than -- so if a client comes to
13 us and is injured and doesn't have a doctor to
14 treat with, so they need to be treated by a
15 doctor, whether it's a chiropractor or any
16 other kind of doctor, we refer them to doctors
17 that we've met, that we've worked with. And I
18 definitely would think it's in the client's
19 best interest for us to, you know, work with
20 these doctors.

21 Q. Okay. But you will send clients to
22 chiropractors, even when they already have a
23 doctor to treat with, correct?

24 A. No.

25 Q. You won't?

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1 A. I mean, that's not -- so if they
2 have their own doctor, they can, you know,
3 treat with their own doctor. If they need a
4 different kind of doctor, they, you know, will
5 ask us for any kind of referral.

6 Q. So you're saying that if a client
7 already has a doctor to treat with, you will
8 not refer them to a chiropractor?

9 MR. MANNION: Objection. Not what
10 she said.

11 But go ahead.

12 A. I think it depends on the
13 circumstance.

14 Q. Okay. Under what circumstance --
15 how does it depend on the circumstance?

16 A. Are you referencing a particular
17 email?

18 Q. Well, no, I'm not. I'm asking you
19 a question generally.

20 A. Okay. So what's the question?

21 Q. Well, under what circumstance would
22 you refer a client to a chiropractor, even when
23 they already had a doctor?

24 A. So I -- the attorney -- I may ask
25 the attorney to call the chiropractor or the

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1 doctor that they're treating with to make sure
2 that they're aware that there's a law firm
3 involved. Some doctors don't want to be
4 involved in that sort of thing. They don't
5 want to have to testify. They -- they don't
6 want to work on a letter of protection. I
7 mean, there could be a whole variety of
8 reasons --

9 Q. Okay.

10 A. -- it could be a chiropractor that
11 doesn't want to work with our law firm. It
12 could be a chiropractor where -- I don't
13 know -- an attorney made a mistake and didn't
14 honor their lien and they're mad at us. There
15 could be like a whole variety of reasons.

16 Q. Okay. But it has nothing to do
17 with trading referrals for referrals, correct?

18 A. No, nothing to do with that.

19 Q. Okay. Exhibit 22, please.

20 - - - - -

21 (Thereupon, Deposition Exhibit 22,
22 10/17/2012 Email To Prelit Attorney
23 From Brandy Brewer, Bates Number
24 Williams000379, was marked for
25 purposes of identification.)

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1 - - - - -

2 MR. MANNION: October 17, 2012.

3 Q. Okay. Would you agree that this is
4 an October 17, 2012, email that you sent to all
5 prelit attorneys with the subject, "Shaker
6 Square," and the importance level, high?

7 A. Yes.

8 Q. Okay. Did you send this email?

9 A. Yes.

10 Q. Okay. You said, "PLEASE," in
11 capital letters, "make sure you refer intakes
12 thereS," meaning to Shaker Square, correct?

13 A. Yes.

14 Q. And then you say, "I just noticed
15 that we've sent two cases to A Plus Accident &
16 Injury...when these cases could've gone to
17 Shaker, who sends us way more cases."

18 "I've sent this email three times now,
19 please note this so next time you are on a
20 Cleveland intake you remember this" --

21 MR. MANNION: Is there a question?

22 Q. -- the question is: How does an
23 email like this reflect an intent to spread out
24 referrals?

25 A. So just because I didn't say that

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1 in the email doesn't mean that that wasn't an
2 intention of sending the email.

3 Q. So you're saying that your intent
4 in sending this email was to make sure that
5 referrals were fairly spread out so that you
6 were not trading referrals for referrals?

7 MR. MANNION: Objection.

8 Go ahead.

9 A. So I had two intentions in this
10 email --

11 Q. Okay.

12 A. -- one is to make sure that they're
13 spread out. Two, as I said earlier, if given
14 the choice between a chiropractor that sends
15 clients to KNR versus a chiropractor who
16 doesn't and I have met both of them and they're
17 both good doctors, I would choose the one who
18 sent referrals to KNR.

19 Q. Why don't you ask the client where
20 the client wants to go?

21 A. I -- I would think that the
22 attorney does do that, when they're on the
23 intake.

24 Q. But you don't say anything about
25 that in this email, do you?

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1 A. What the attorney discusses with
2 the client on the intake, that is up to the
3 attorney. This is only for clients that need a
4 doctor in a certain location. If the client
5 already has their own doctor and would like to
6 go somewhere else, that's up to them.

7 Q. Okay. How does this email show an
8 intent to spread referrals evenly?

9 MR. MANNION: Objection. You keep
10 throwing in, "Evenly." That was never said.

11 But go ahead.

12 MR. PATTAKOS: Well --

13 A. I didn't always put every single
14 word in every single email that I sent, so
15 there is -- like I said, I saw the big picture
16 and I was just trying to ensure that we were
17 spreading things out.

18 Q. And why did you want to spread
19 things out? Tom just said that you never said
20 it was to spread things out evenly. Then what
21 was the intent in spreading things out?

22 A. To make sure that we weren't
23 sending everyone to one doctor.

24 Q. What would be wrong with sending
25 everything to one doctor?

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1 MR. MANNION: Objection.

2 Go ahead.

3 A. That's what Rob told me he
4 wanted --

5 Q. Okay.

6 A. -- so that's what I was doing.

7 - - - - -

8 (Thereupon, Deposition Exhibit 23,
9 8/21//2013 Email To Prelit Attorney
10 From Brandy Lamtman, Bates Number
11 Williams000154, was marked for
12 purposes of identification.)

13 - - - - -

14 MR. MANNION: August 21, 2013.

15 Q. This is an email from you to prelit
16 attorneys that was sent on August 21, 2013,
17 correct?

18 A. Yes.

19 Q. And you did send this email?

20 A. Yes.

21 Q. And the subject heading is "A Plus
22 Injury," correct?

23 A. Yes.

24 Q. And that's a chiro clinic, correct?

25 A. Yes.

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1 Q. And where is that?

2 A. I believe somewhere in Cleveland.

3 Q. Okay. And you say, "Please do not
4 send any more clients there this month. We
5 are 6 to 1 on referrals." What do you mean by,
6 "We are 6 to 1 on referrals"?

7 A. That meant that we had 7 referrals
8 with 7 cases that were with that chiropractic
9 clinic. And either he sent us 6 or we sent
10 him 6 to 1.

11 Q. You don't know which is which
12 there?

13 A. No. I don't remember this.

14 Q. So is it possible that when you
15 say, "We are 6 to 1 on referrals," you mean
16 that the firm has sent A Plus Injury 6
17 referrals and he has only sent 1 back and
18 therefore, you should not be sending any more
19 clients there to him this month?

20 MR. MANNION: Objection.

21 Go ahead.

22 A. Well, I think it's possible that we
23 sent them 6 and he sent us 1 just as possible
24 as we sent them 1 and he sent us 6.

25 Q. Okay. And you're saying, don't

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1 send any more clients there because that 7
2 cases in one month and you think that's too
3 many?

4 A. I think that we should -- I
5 thought -- well, I can't really say what I
6 thought at the time. It was five years ago,
7 but in my mind, I would want to send some cases
8 over to a different chiropractor in that area.

9 Q. Okay. And this is because Rob
10 Nestico told you that you needed to spread
11 these out and not send too many to one chiro,
12 right?

13 A. Rob told me that I needed to spread
14 out referrals, correct.

15 Q. Okay.

16 - - - - -

17 (Thereupon, Deposition Exhibit 24,
18 5/29/2012 Email To Attorneys, Prelit
19 Support From Brandy Brewer, Bates
20 Number Williams000222, was marked
21 for purposes of identification.)

22 - - - - -

23 MR. MANNION: May 29, 2012.

24 Q. So here's an email where you are
25 emailing all attorneys and prelit support,

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1 copying Ericka J. Schmidt with the subject
2 line, "Referred To.....," correct?

3 A. Yes.

4 Q. And this is May 29, 2012, correct?

5 A. Yes.

6 Q. Who is Ericka Schmidt?

7 A. She's a former receptionist who for
8 a short period of time was my assistant.

9 Q. Okay. And you write, "I had a
10 chiropractor call me on Friday to review the
11 number of cases she sent to us and we sent to
12 her. I was unable to tell her how many we sent
13 to her because this information was not in the
14 referred to box in the case. I remembered that
15 we did send her a couple of cases, but I wasn't
16 sure of the details. This is why it is," all
17 capitals, "VERY important that this information
18 is properly entered on the intake sheet."
19 Again, all capitals, "Please make sure you,"
20 are, "filling in," all capitals, "ALL
21 information on the intake sheet. Thank you."
22 Am I reading that correctly?

23 A. You read that correctly.

24 Q. And that's what you wrote?

25 A. Yes.

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1 Q. And why would the number of cases
2 that a chiropractor sent you matter?

3 A. The number of cases didn't matter.
4 This email, and I think there were a couple
5 other where I had sent out emails regarding the
6 referred to's, was one of the reasons why I
7 wanted everyone to send the email that said the
8 referred by and the referred to and the
9 client's phone number. So that I could let the
10 doctors know when we were referring clients
11 there so that they could schedule the
12 appointment. So a lot of this is -- these
13 emails that I was sending, it was kind of
14 ironing out those issues.

15 Q. What in here refers to scheduling
16 appointments? Anything? Is there any sentence
17 in this that refers in any way to scheduling
18 appointments?

19 A. It's the premise of why I sent the
20 email, the referred to's. That's why I
21 communicated with the doctors to let them know
22 when we referred clients to them so that they
23 could call and schedule them.

24 Q. But why would you need to have the
25 information to tell a chiropractor how many

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1 cases that you sent to that firm?

2 A. I didn't. I needed it so that the
3 doctor knew about the cases and the clients
4 that we were referring to them so that they
5 could schedule the appointments. That's the
6 whole reason why I started tracking the
7 referred to's, to make it easier.

8 Q. But here you say, "I was unable to
9 tell her how many we sent to her..."

10 A. I may have typed those specific
11 words, but I'm telling you the meaning behind
12 it --

13 Q. Okay.

14 A. -- I'm telling you the meaning that
15 I think -- it's 2018 -- why I would have said
16 that in 2012, to the best of my ability.

17 Q. Okay. We saved some time. I'm
18 Xing out parts of my outline. We're making
19 progress here. Let's look at Exhibit 25.

20 - - - - -

21 (Thereupon, Deposition Exhibit 25,
22 4/8/2013 Email To Prelit Attorney
23 From Brandy Lamtman, Bates Number
24 Williams000306, was marked for
25 purposes of identification.)

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1 - - - - -

2 MR. MANNION: April 8, 2013.

3 MR. NESTICO: Sorry. Repeat that
4 again, Tom.

5 MR. MANNION: April 8, 2013.

6 Q. So this is an email that you sent
7 to the prelit attorneys, correct?

8 A. Yes.

9 Q. And it's dated April 8, 2013, and
10 you write, "Please make sure you are paying
11 attention to your referral board in your
12 office. We sent 5 cases to Warrensville
13 Physical Medicine last week..we need to get
14 some cases to A Plus Injury since they sent
15 us 10 cases last month and Warrensville
16 Physical Medicine hasn't sent us ANY cases in
17 2013," exclamation mark, exclamation mark,
18 exclamation mark, exclamation mark. Am I
19 reading that correctly?

20 A. Yes.

21 Q. Did you send that email?

22 A. Yes.

23 Q. And why did you send this email?

24 A. I think I said a couple times
25 before, given the option of two different

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1 clinics who are in the same area, the
2 preference would be to send to the doctor who
3 we work with most and who sends us cases.

4 Q. But you're not spreading things out
5 here, per se.

6 A. That's not how I read this --

7 MR. MANNION: Right.

8 A. -- I read it as we were. We
9 already sent one chiropractic clinic cases.
10 Let's get some over to the other.

11 Q. Okay. And you're saying, We
12 shouldn't have sent these cases to
13 Warrensville, because Warrensville hasn't sent
14 us any cases in 2013.

15 A. That's not what I said.

16 Q. Well, it says, "We sent 5 cases to
17 Warrensville Physical Medicine last weekS..we
18 need to," send, "some cases to A Plus Injury,"
19 because "they sent us 10 cases last month and
20 Warrensville Physical Medicine hasn't sent us
21 ANY cases in 2013."

22 MR. MANNION: I'm going to object.
23 You did not read that correctly.

24 But go ahead.

25 A. But nowhere in here did I say, "You

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1 shouldn't have sent these cases to
2 Warrensville." It doesn't say that.

3 Q. So you're saying that when you say,
4 "Please make sure you're paying attention to
5 your referral board in your office," you're not
6 saying that cases were sent to Warrensville
7 when they shouldn't have been?

8 A. I didn't say that at all.

9 Q. So it's your testimony that in
10 sending this email, you were not criticizing
11 the prelit attorneys for sending cases to
12 Warrensville?

13 A. I was reminding them to look at
14 their board. I was telling them, Hey, you
15 already sent some cases over here. Let's send
16 some cases over there --

17 Q. Okay.

18 A. -- my intention was not to
19 criticize anybody.

20 Q. Okay. And it didn't matter what
21 the client -- whether the client wanted to go
22 to Warrensville or A Plus there, did it?

23 A. I didn't say that either.

24 Q. You don't say anything about what
25 the client -- what the client wants to do here

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1 in determining what the referral boards say, do
2 you?

3 A. That would be up to the attorney
4 who is the one who is actually speaking to the
5 client. I am not --

6 Q. Okay.

7 A. -- I'm sure that the client -- the
8 attorney is looking out for the client's best
9 interest. That's their job.

10 Q. Well, it's their job to follow the
11 instructions on the chiro boards, isn't it --

12 MR. MANNION: Objection.

13 Q. -- aren't you writing to attorneys
14 to say, Please follow the instructions on the
15 referral board?

16 A. Are we talking about this email
17 here? (Indicating.)

18 Q. Yeah.

19 A. Okay. What was the question?

20 Q. Isn't that what you're telling --
21 you are giving directions to attorneys --

22 MR. MANNION: Don't raise your
23 voice.

24 Q. -- to follow instructions on the
25 referral board, correct?

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1 A. I'm not giving instructions to the
2 attorneys. I'm simply telling the attorneys
3 what their options are. And I simply said, "We
4 sent 5 cases to one place. We need to get some
5 cases over to another place."

6 Q. So this isn't an instruction?

7 A. No.

8 Q. It's a suggestion?

9 A. Yes, absolutely.

10 Q. Okay. Let's look at Exhibit 26.

11 - - - - -

12 (Thereupon, Deposition Exhibit 26,
13 7/12/2013 Email To [Redacted] From
14 Brandy Lamtman, Bates Number
15 Williams000428, was marked for
16 purposes of identification.)

17 - - - - -

18 MR. MANNION: July 12, 2013.

19 Q. Okay. So I believe this is an
20 email exchange between you and Rob Horton. He
21 provided these documents to me redacted. I
22 believe he redacted his own name here --

23 MR. MANNION: How do you know he
24 redacted his own name?

25 MR. PATTAKOS: Well, because that's

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1 what I believe. I believe this is an email
2 that he had. We can find out. In fact, you
3 know, your client can find this email and can
4 confirm.

5 Q. So let's just assume this is
6 between you and Horton.

7 MR. MANNION: Well, wait a minute.
8 Before she assumes something like that, it's
9 not what it says and I don't know why Rob would
10 black out his own name. So I don't know who
11 this is to. I don't have the emails memorized,
12 so.

13 MR. PATTAKOS: I don't either. We
14 can ask him. I don't have any other copy of
15 this email. It would be very --

16 MR. MANNION: Does it matter for
17 your question that it's Rob Horton versus some
18 other lawyer?

19 MR. PATTAKOS: No --

20 MR. MANNION: Okay.

21 MR. PATTAKOS: -- no, but, you
22 know, I think there's good reason to assume
23 it's Horton, so she can -- it doesn't really
24 matter.

25 BY MR. PATTAKOS:

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1 Q. Let's assume it was a KNR lawyer.
2 So it looks like maybe there's two clients at
3 issue, because he -- whoever this lawyer is
4 uses the term -- well, and, look, it says,
5 "Attorney At Law," at the bottom, so we can
6 assume it was an attorney in the signature who
7 sent it.

8 A. Um-hum.

9 Q. It says, "Web referrals," meaning
10 the clients came in from the web. "They
11 live 20 minutes from Cain chiro (ken's friend)
12 and 30 minutes from ASC or West Tusc. Holly
13 indicated they should go to ASC. Is that
14 correct, or do we want to send them to somebody
15 else closer to them?"

16 You say, "ASC if you can, I already told
17 Minas. Plus Cain doesn't send us shit."

18 Am I reading that correctly?

19 A. Yes.

20 Q. And did you write that?

21 A. Yes.

22 Q. And you received this email from
23 the attorney?

24 A. Yes.

25 Q. Do you remember who sent you this

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1 email?

2 A. No.

3 Q. Okay. So why did you want to send
4 this case to ASC?

5 A. Because I know ASC. I've met with
6 him. I know that he -- we work with him. I've
7 never met Dr. Cain. I don't know anything
8 about him. So given the choice, I would choose
9 Akron Square.

10 Q. What about West Tusc? You know
11 West Tusc, right?

12 A. Yes, sure.

13 Q. And that's Philip Tassi, right?

14 A. I guess it depends on the
15 timeframe.

16 Q. Okay. So why wouldn't you send the
17 client to West Tusc?

18 A. I -- I probably would have.

19 Q. But you didn't.

20 A. I had already told Dr. Floros about
21 it.

22 Q. Why would that matter?

23 A. It wouldn't. He may have already
24 called the client. To me it wouldn't have
25 mattered if he would have gone to ASC or West

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1 Tusc. I just have never met Dr. Cain. I don't
2 know if he would negotiate his bill. I don't
3 know what kind of doctor he is. I know that
4 the doctors at Akron Square and West Tusc are
5 good doctors. I've met them. I would feel
6 more comfortable.

7 Q. So why wouldn't you want to send
8 the client to a chiropractor that's at least 10
9 minutes closer to their house?

10 A. Because I -- I don't know the
11 doctor. I don't know if he's a good doctor or
12 a bad doctor. I don't know if he would
13 negotiate on his bills. I don't know what kind
14 of office hours he holds. I don't know if
15 he -- how he -- if he would bill -- insist on
16 billing med pay. I don't know any of those
17 things that could come up.

18 Q. Okay. And Cain Chiro is Ken's
19 friend. Do you think whoever wrote this email
20 meant Ken Zerrusen?

21 A. Probably.

22 Q. Did the firm ever work with Cain
23 Chiro?

24 A. The name -- when I read this email,
25 I mean, Cain Chiropractic, I would say, not

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1 often. I'm not sure how many times.

2 Q. But you don't write here that Cain
3 is not a good chiro. You say, "Cain doesn't
4 send us shit." What do you mean by that? Why
5 did that matter?

6 A. I meant that Cain -- that we don't
7 work with Cain very often.

8 Q. Okay.

9 A. I'm kind of embarrassed I used that
10 kind of language in an email, yes.

11 MR. MANNION: What was the exhibit
12 number on this one?

13 MR. PATTAKOS: 26.

14 MR. MANNION: I forgot to write it
15 down.

16 - - - - -

17 (Thereupon, Deposition Exhibit 27,
18 5/30/2014 Email To Sarah Knoch From
19 Brandy Brewer, Bates Number
20 Williams000553, was marked for
21 purposes of identification.)

22 - - - - -

23 Q. Let's look at 27.

24 MR. MANNION: May 30, 2014.

25 Q. So here you're writing to Sarah

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1 Knoch, prelit attorneys and prelit support with
2 the subject line, "Dayton Chiropractors," on
3 May 30, 2014, correct?

4 A. Yes.

5 Q. And you write, "Please remove
6 Advanced Chiropractic in Dayton from all lists
7 and also Back Pain & Spine in both Fairfield
8 and Dayton."

9 "We will no longer be doing business with
10 Dr. Ellis or Dr. Tariq Arif."

11 "If either of them call, DO NOT speak
12 with them. Direct the call to me."

13 Did you send this email?

14 A. Yes.

15 Q. What were you no longer doing
16 business with these chiropractors?

17 A. Dr. Tariq Arif made sexual advances
18 to me -- he had a weird foot fetish -- and I
19 was very offended. And Dr. Ellis exhibited
20 questionable behavior as well and I didn't feel
21 comfortable. And I had talked to Rob about, I
22 didn't feel comfortable referring any kind of
23 clients to men who would behave like that.

24 Q. Okay. You mean questionable in
25 like a sexually suggestive way?

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1 A. They were just creepy, yeah --

2 Q. Okay.

3 A. -- like I -- I wouldn't want any of
4 my family or friends to be going there, let
5 alone any of our clients. I don't remember
6 like the specifics of it, but creepy would come
7 to mind.

8 Q. Okay.

9 - - - - -

10 (Thereupon, Deposition Exhibit 28,
11 9/23/2013 Email To Prelit Attorney
12 From Brandy Lamtman, Bates Number
13 Williams000514, was marked for
14 purposes of identification.)

15 - - - - -

16 Q. Okay. What about -- let's look at
17 Exhibit 28.

18 MR. MANNION: September 23, 2013.

19 We had a client recently ask one of our
20 female attorneys if he could take a picture of
21 her feet.

22 THE WITNESS: Was it Dr. Tariq?

23 MR. MANNION: No, it was not. It
24 was an insured's risk manager and it freaked
25 her out.

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1 THE WITNESS: Um-hum.

2 BY MR. PATTAKOS:

3 Q. So here's an email, Exhibit 28,
4 that was sent on September 23, 2013, by you to
5 prelit attorneys with the subject, "Chiro
6 Referrals." And you list a number of -- you
7 list a number of cities in Ohio and then you
8 list a specific chiropractor that each referral
9 needs to go to. Is that correct?

10 A. Um-hum.

11 Q. Okay. And this is you suggesting
12 which chiropractor referral should go from each
13 city, correct?

14 A. Um-hum, yes. Sorry.

15 Q. Okay. And at the bottom you say,
16 "DO NOT SEND TO ROSENBERG." Who is Rosenberg?

17 A. Dr. Rosenberg owns some clinics in
18 the Cleveland area, like various clinics.

19 Q. And why were you not sending to
20 him?

21 A. I don't remember.

22 Q. No memory at all?

23 A. No. It's not something -- he
24 didn't creep me out about my feet, so it wasn't
25 anything like that like stood out to me. I

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1 really don't remember.

2 Q. Well, what would it have been?

3 A. I don't know.

4 Q. Isn't it a big deal to say that a
5 chiropractor is so substandard that you won't
6 send your clients to them anymore?

7 MR. MANNION: Well, I'm going to
8 object. It doesn't say, "Anymore."

9 A. Yeah, I didn't mean like ever
10 again. Just I guess at the time. I don't
11 remember --

12 Q. Okay.

13 A. -- he was kind of annoying, I
14 guess. That kind of comes to my mind. I don't
15 know why that would be why I wouldn't send to
16 him, though.

17 Q. Annoying in what way?

18 A. He was always asking for referrals.

19 - - - - -

20 (Thereupon, Deposition Exhibit 29,
21 11/15/2012 Email To Staff From
22 Brandy Lamtman, Bates Number
23 Williams000459, was marked for
24 purposes of identification.)

25 - - - - -

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1 Q. Okay. Moving on. Let's look at
2 Exhibit 29.

3 MR. MANNION: November 15, 2012.
4 BY MR. PATTAKOS:

5 Q. So here's an email that Rob --
6 well, it looks like two different emails. It
7 looks like the first one Rob Nestico is sending
8 you an email on November 15, 2012, with the
9 subject line, "Referrals," and then you went
10 ahead and forwarded that email to the staff.
11 Is that correct?

12 A. Yes.

13 Q. And it's Rob writing, "Please make
14 sure to refer ALL Akron cases to ASC this
15 month. We are 30-0." Why do you think he
16 wrote that?

17 A. I mean, you would have to ask Rob
18 why he wrote that.

19 Q. What do you think he meant by that?

20 MR. MANNION: Objection.

21 Go ahead.

22 A. I don't -- I can't speak on Rob's
23 behalf.

24 Q. I'm not asking you to speak on his
25 behalf. I'm asking you: What did you

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1 understand that to mean?

2 MR. MANNION: Objection. Asked and
3 answered.

4 But go ahead.

5 A. Well, it sounds like he wants -- it
6 was on November 15 -- any cases that came in in
7 Akron for the rest of that month, to go to
8 Akron Square.

9 Q. Why?

10 A. Well, if we hadn't sent them any,
11 then it could be assumed that they all went to
12 different chiropractors in the area and he was
13 trying to spread them out.

14 Q. So you think, "We are 30-0," means
15 that they had sent the firm 30 cases and the
16 firm hadn't sent ASC any cases?

17 A. Well, kind of just like the other
18 email where those numbers were like that, it
19 could have meant Akron Square sent us 30 cases
20 or we sent them 30. It could go either way.
21 It doesn't specify.

22 Q. But if Akron Square had sent you 30
23 cases, why would that mean that you should be
24 sending them more cases?

25 A. It doesn't --

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1 Q. Okay.

2 A. -- it doesn't say that. It doesn't
3 mean that.

4 Q. But Rob is saying to send all Akron
5 cases to ASC this month.

6 A. He's saying that he wants them to
7 be referred to Akron Square that month for the
8 remainder of the month --

9 Q. Um-hum.

10 A. -- this was sent on November 15.

11 Q. Okay. I want to know what he means
12 by, "We are 30-0" --

13 MR. MANNION: Objection. Ask him.

14 Q. -- I want to know what you
15 understood that to mean, "We are 30-0" --

16 MR. MANNION: Objection. Asked and
17 answered.

18 Go ahead.

19 A. Yes.

20 Q. -- what does that have to do with
21 why he would want to refer all Akron cases to
22 ASC this month?

23 MR. MANNION: Ask him.

24 A. I think you would have to ask Rob.
25 And I don't read it to be the way that you just

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1 explained it.

2 Q. How do you read it?

3 A. Well, there's two separate
4 sentences. He's stating that he wants
5 referrals to go to Akron Square for the rest of
6 the month. It was November 15. So we're
7 halfway through the month. So he wants any
8 remainder of Akron cases or clients to be
9 referred to Akron Square. So that's one part.
10 The, "We are 30-0," as I said before, it could
11 have been us 30 to their 0 or -- either/or. I
12 don't think it has -- the two have anything to
13 do with each other.

14 Q. Ah, okay. So you don't think the
15 first sentence there has anything to do with
16 the second sentence?

17 A. No. He didn't say, "Because
18 we're 30 and 0."

19 Q. Okay. What does this have to do
20 with client needs?

21 MR. MANNION: Excuse me? I didn't
22 hear. What does what have to do with client
23 needs?

24 Q. What does this email and the
25 decision, "...to refer ALL," in all caps, "ALL

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1 Akron cases to," Akron Square -- how are you
2 helping -- how do you think the firm is helping
3 its clients by doing that?

4 A. The attorneys who are
5 representing --

6 MR. MANNION: Well, wait a minute.

7 THE WITNESS: Sorry.

8 MR. MANNION: Objection. That's a
9 question for Rob.

10 But go ahead to the extent you know.

11 A. So the attorneys who are
12 representing the clients, they're looking out
13 for the client's needs. I don't feel like
14 this -- this has nothing --

15 Q. It's not Rob Nestico's job to look
16 out for the client's needs, is that what you're
17 saying?

18 MR. MANNION: Objection. That's
19 not what -- come on.

20 A. Sure, Rob cares about all of our
21 clients. Of course he does.

22 Q. Don't you?

23 A. Absolutely.

24 Q. And don't you view it as your job
25 to look out for your client's needs?

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1 MR. MANNION: Objection.

2 A. I'm not an attorney. They're not
3 my clients.

4 Q. I understand. But if you saw an
5 attorney do something that was contrary to a
6 client's interest, you wouldn't want that to
7 happen, would you?

8 A. I've never seen an attorney do
9 something that wasn't contrary to the client's
10 interest.

11 Q. It's part of your job to look out
12 for KNR clients, isn't it?

13 MR. MANNION: Objection.

14 Go ahead.

15 A. Sure, I care about our clients --

16 Q. Okay.

17 A. -- we're in the business of helping
18 people.

19 Q. Right. Okay. What does this mean,
20 "...Any time" -- what do you understand it to
21 mean anyway? "...any time you refer a patient
22 to any Chiro have your assistant follow up and
23 make sure they go on obviously cases that are
24 signed up outside of Chiro office."

25 A. So if they signed up in the

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1 chiropractor's office, then obviously they have
2 gone to their appointment. So this kind of
3 goes back to the other emails about the
4 scheduling of the appointments.

5 Q. So you're saying if a client was
6 signed up at a chiro's office, that they should
7 continue to treat with that chiro. Is that
8 what you understand this to mean?

9 A. No.

10 Q. I don't understand what you said.

11 A. If they were already at the
12 chiropractor's office for their appointment --

13 Q. Uh-huh.

14 A. -- then there was no need to follow
15 up, because they already made their
16 appointment. They already were there.

17 MR. MANNION: I think, Peter, if
18 you realize that on, "...obviously cases that
19 are signed up...", refers to the previous part.
20 Maybe there should have been a period or a
21 comma or whatever in there, is what she's
22 trying to say.

23 Q. What does, "Outside of Chiro
24 office," mean then?

25 A. That they hadn't been to the

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1 chiropractor's office yet for their
2 appointment. They had signed up by a different
3 way. The attorney signed them up. The
4 investigator signed them up.

5 Q. I see. So he's saying, have your
6 assistant follow up and make sure they go to
7 the chiropractor in general. Is that what you
8 understand this to mean?

9 MR. MANNION: Objection. Please
10 read it. It doesn't say, "In general." It
11 says, "...any time you refer a patient...follow
12 up" to, "make sure they go..."

13 A. This goes back to the scheduling.
14 When I started letting the doctors know that
15 the client name and their phone number, that
16 made these things irrelevant, because they were
17 calling and scheduling it themselves.

18 Q. Okay.

19 - - - - -

20 (Thereupon, Deposition Exhibit 30,
21 11/1/2013 Email To Prelit Group From
22 Brandy Brewer, Bates Number
23 Williams000551, was marked for
24 purposes of identification.)

25 - - - - -

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1 MR. MANNION: November 1, 2013.

2 Q. So this is an email that you sent
3 to the prelit group dated November 1, 2013,
4 correct?

5 A. Yes.

6 Q. With the subject line, "Columbus
7 Cases," correct?

8 A. Yes.

9 Q. And you write, "The Columbus chiros
10 are VERY needy and demanding." What did you
11 mean by that?

12 A. I don't remember like specifically
13 on this day in this email, what I meant by
14 that. In general I didn't particularly like
15 working with the chiropractors in Columbus. I
16 guess I could safely say that.

17 Q. Why?

18 A. They took up a lot of my time,
19 annoying, demanding, needy. Just a different
20 dynamic in Columbus.

21 Q. Why?

22 MR. MANNION: What do you mean,
23 "Why?" "Why," what?

24 Q. In what way was it a different
25 dynamic?

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1 A. I didn't really enjoy their
2 personalities.

3 Q. Because they were annoying and
4 demanding?

5 A. Sure.

6 Q. Okay. How did they take up a lot
7 of your time?

8 A. There just seemed to be a lot more
9 issues.

10 Q. Such as?

11 A. Customer service issues --

12 Q. Okay.

13 A. -- it's been a long time. Like I
14 don't feel that way now about the doctors. I
15 think it was just a -- kind of a rocky start, I
16 guess and it was a dynamic that I really wasn't
17 used to, communication that I really wasn't
18 used to.

19 Q. What doctors are you referring to
20 here?

21 A. I mean, the Columbus chiropractors.

22 Q. Who were they?

23 A. Any clinic that was in the Columbus
24 market --

25 Q. Ms. Gobrogge --

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1 A. -- I'm going to have to look at a
2 list.

3 Q. -- you're testifying how annoying
4 and demanding and needy these people are and
5 you can't -- you won't identify who they are?

6 A. Well, it was in 2013. I mean,
7 there's a lot of them.

8 Q. And now you're telling me that you
9 don't know who specifically you're referring
10 to?

11 A. I don't remember all of their
12 names.

13 Q. So you're saying that when -- you
14 can recall this email and you can recall how --

15 A. I can recall the way I felt in this
16 email.

17 Q. -- annoying and demanding and needy
18 these chiropractors were, but you can't
19 identify a single one of them by name that made
20 you feel this way?

21 A. I'm saying that they all in the
22 Columbus market made me feel this way.

23 Q. All of them. How many were there
24 at this point?

25 A. I don't have a number.

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1 Q. Can you estimate? Was there a
2 hundred or was there ten?

3 A. Ten or twenty, maybe.

4 Q. Who's Antonio?

5 A. He was an attorney that worked in
6 our Columbus office.

7 Q. And he left?

8 A. Yes.

9 Q. What's his last name?

10 A. Oh, I actually don't remember.

11 Q. Why did he leave?

12 A. I actually don't remember.

13 Q. Okay. "...these cases need to be
14 settled ASAP." What was it about these cases
15 that required them to be settled ASAP?

16 A. Antonio, I don't -- I don't
17 remember the exact like, I guess scenario in
18 this situation; but I guess if I had to say, I
19 would say that maybe there was a period of time
20 where there was a transition there and I was
21 concerned, you know, for the client's sake that
22 the cases had been sitting for a while.

23 Q. The client's sake, but here you
24 write about how the chiros are needy and
25 demanding, not the clients, correct?

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1 A. I said, "The...chiros are...needy
2 and demanding." I -- the cases sitting
3 wouldn't just have to do with them. It would
4 also have to do with our client. Just because
5 I didn't say it, it's definitely inferred here.

6 Q. Okay. So when you say, "...this
7 will harm our relationships," you're not
8 referring to the relationships with the chiros?

9 A. I was referring to the
10 chiropractors and our clients.

11 Q. Okay. "Paul deals with this on a
12 daily basis." That's Paul Steele, correct?

13 A. Yes.

14 Q. And Paul moved down to the Columbus
15 area to work at the KNR Columbus office,
16 correct?

17 A. Yes.

18 Q. Okay.

19 A. My guess is Paul called me
20 complaining and I sent this email.

21 Q. Okay. Were the chiropractors at
22 Town & Country Chiropractic part of the
23 chiropractors you were referring to in this
24 email?

25 A. The chiropractors at Town &

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1 Country, it wasn't so much them. It was their
2 support staff that I had an issue with.

3 Q. And what was the issue there?

4 A. Their support staff is rude. They
5 were rude to me. The doctors themselves, I
6 wouldn't say they were rude to me.

7 Q. But they were needy and demanding?

8 A. Sure. I could refer to Dr. Kahn as
9 needy and demanding.

10 Q. Nazreen Kahn?

11 A. Yes.

12 Q. So now you remember, because your
13 recollection has been refreshed, that in part
14 you were at least referring to Dr. Kahn at
15 Town & Country in this email, correct?

16 A. I mean, I don't really know if it
17 was her particularly in this email or not.

18 Q. The firm sent a lot of cases to
19 Town & Country, did it not?

20 MR. MANNION: Objection.

21 Go ahead.

22 A. We've referred cases to Dr. Kahn,
23 correct.

24 Q. The firm sent more cases to
25 Dr. Kahn than any other chiropractor in

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1 Columbus. Would you not agree?

2 A. I'd have to -- I'd have to look
3 that up --

4 Q. Okay.

5 A. -- we refer to doctors all over
6 Columbus --

7 Q. Sure.

8 A. -- especially based on location.

9 Q. These numbers surely exist. So,
10 you know, we can look them up. I want you to
11 tell me, based on your memory, is there any --
12 based on your experience in dealing with these
13 needy chiros, is there any chiropractor in
14 Columbus that the firm refers more clients to
15 than Dr. Kahn, to your knowledge?

16 A. I mean, we refer to cases --
17 client -- I'm sorry. We refer to chiropractors
18 all over Columbus. It's based on the location.
19 She, I believe is on the east side. So I would
20 say, a good majority of our clients on the east
21 side of Columbus would probably be referred to
22 Dr. Kahn, but we also refer to other doctors on
23 the east side of Columbus.

24 Q. That doesn't really answer my
25 question. I'm asking: Is there another

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1 Columbus area chiropractor that you refer more
2 cases to -- that the firm refers more cases to
3 than Town & Country?

4 MR. MANNION: Objection. Asked and
5 answered.

6 Go ahead again.

7 A. I don't have an answer for that.
8 On the east side, she gets a majority of our
9 cases, but we also refer to other chiropractors
10 on the east side.

11 Q. How was the support staff rude to
12 you?

13 A. They just don't have very good
14 manners.

15 Q. You don't remember specifics?

16 A. No. I mean, his -- her
17 receptionist would talk to me as if she was
18 ordering me around or she would even yell. I
19 mean, she just --

20 Q. So if this was happening, if the
21 chiropractors were being so annoying and
22 demanding and rude and their staff was being
23 rude, why didn't you just stop referring KNR
24 clients to these chiropractors?

25 MR. MANNION: Well, I'm going to

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1 object. She doesn't refer anybody --

2 MR. PATTAKOS: Tom, stop testifying
3 for the witness.

4 MR. MANNION: No, no. You're
5 using the word, "You," and I need to know
6 whether you're using it as KNR or her
7 personally.

8 MR. PATTAKOS: Tom, if the witness
9 didn't understand my question, she can tell
10 me --

11 MR. MANNION: I have a right to
12 understand the question as well.

13 MR. PATTAKOS: For the fifteenth
14 time --

15 MR. MANNION: I have a right to
16 understand the question as well.

17 MR. PATTAKOS: -- stop answering
18 questions for the witness.

19 MR. MANNION: Okay. By, "You," do
20 you mean her or KNR? I have a right to
21 understand the question.

22 MR. PATTAKOS: I mean KNR.

23 MR. MANNION: Okay.

24 BY MR. PATTAKOS:

25 A. What was the question? I'm sorry.

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1 Q. If these chiropractors were so
2 demanding and needy and if their support staff
3 was so rude, why wouldn't you simply stop
4 referring cases to them?

5 A. So Dr. Rendek and the other doctors
6 at Town & Country, they were good doctors.
7 They've actually worked on me. My personal
8 situation with her receptionist had no bearing
9 on whether or not they were good doctors. They
10 provided rides. They had flexible scheduling.
11 They were able to negotiate on bills if we
12 needed them to. So that's why --

13 Q. Okay.

14 A. -- and needy and demanding, I mean,
15 we worked with them a lot, so. I guess we
16 communicated a lot and -- it was a lot for me,
17 going into the new market, to take on
18 communicating with that many more people, too.

19 Q. Okay. What's a narrative fee?

20 A. I believe it's when a doctor
21 provides a report and they charge a fee for it.

22 Q. And that fee is deducted from the
23 client's settlement, right?

24 MR. MANNION: Objection.

25 Go ahead.

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1 A. Yes. That's how it typically --

2 Q. Okay. And that's on top of the
3 chiropractor's bill, a separate narrative fee
4 is paid, correct, to some chiros?

5 A. Chiros, doctors, surgeons, yes --

6 Q. Okay.

7 A. -- not just chiropractors.

8 Q. And at some points in the recent
9 past, the firm would pay narrative fees to
10 certain chiropractors as a matter of policy --

11 MR. MANNION: Objection.

12 Q. -- as soon as a case was signed up,
13 correct?

14 MR. MANNION: Objection.

15 A. No, never --

16 Q. Okay. Never. Okay.

17 A. -- we would -- we wouldn't pay for
18 a report that we didn't receive. And it
19 wouldn't be as soon as the case is signed up,
20 unless the doctor had already been treating and
21 had already provided the report and the invoice
22 was submitted, you know, it was an existing
23 case, not a new case.

24 Q. At some point, with respect to
25 certain chiropractors, there was a policy of

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1 paying the narrative when the case was signed
2 up --

3 A. No.

4 Q. -- is that correct?

5 A. No, not to my knowledge --

6 Q. Okay.

7 A. -- no, never.

8 - - - - -

9 (Thereupon, Deposition Exhibit 31,
10 3/1/2012 Email To Katy Newton, Etc.
11 From Brandy Brewer, Bates Number
12 KNR03769, was marked for purposes of
13 identification.)

14 - - - - -

15 Q. So this is Exhibit 31.

16 MR. MANNION: March 1, 2012.

17 Q. So this is an email that you wrote
18 on March 1, 2012, to a number of people
19 including Alyssa Kirk, Jodi Miller, Jenna
20 Sanzone, Amber Vince, Marti Dunlavy, Nicole
21 Holland, Katy Newton, Megan Jennings, Courtney
22 Warner, Matt Stewart and Deidra Lopez. Are
23 those paralegals?

24 A. Yes.

25 Q. Are they all paralegals?

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1 A. Yes.

2 Q. Okay. And you copy Mr. Nestico and
3 Mr. Redick. And you say, "We are paying
4 narrative fees to the following," and it says,
5 "Dr. Floros," "Akron Square." This document
6 has been redacted, so I assume that there were
7 other doctors that are listed here who get
8 narrative fees. Do you agree with that?

9 A. Do I -- what's the question?

10 Q. That there's likely a list of more
11 doctors that has been redacted here.

12 A. Yes.

13 Q. Okay. So why would the firm pay
14 narrative fees to certain doctors?

15 A. Because they write narrative
16 reports.

17 Q. Okay. No other reason?

18 A. No.

19 Q. Weren't there some doctors who
20 wrote narrative reports and they wouldn't get
21 paid a narrative fee anyway?

22 A. Not that I can remember.

23 Q. Okay.

24 A. There's a certain threshold of
25 where the paralegal has to get permission to

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1 spend an excessive amount for a report.

2 Q. Okay. When you started working at
3 the firm, was the firm always paying narrative
4 fees?

5 A. I don't remember.

6 Q. You don't remember when this
7 practice started?

8 A. No.

9 Q. Okay.

10 - - - - -

11 (Thereupon, Deposition Exhibit 32,
12 10/2/2013 Email To Prelit Attorneys,
13 Etc. From Brandt Lamtman, Bates
14 Number Williams000570, was marked
15 for purposes of identification.)

16 - - - - -

17 Q. Okay. Let's look at Exhibit 32.

18 MR. MANNION: October 2, 2013.

19 Q. So this is an email from you to
20 various groups, including prelit support,
21 prelit attorney, litigation support, litigation
22 attorney dated October 2, 2013, with the
23 subject, "Plambeck Clinics," correct?

24 A. Yes.

25 Q. What's a Plambeck Clinic?

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1 A. Clinics that used to be owned by
2 Kent Plambeck.

3 Q. Who are they owned by now?

4 A. I'm not really sure. I think some
5 of the doctors may have -- may own them now.
6 Or maybe they owned them then. I'm not --

7 Q. Do you know that Kent Plambeck
8 doesn't own these clinics anymore?

9 A. I don't. I don't have any
10 knowledge of who owns what. I just remember
11 hearing that some of the doctors may have --

12 Q. Okay. So this says, "These are the
13 only Narrative Fees that get paid in addition to
14 Dr. Alex Frantzis with NorthCoast Rehab
15 (\$200.00)((NOT PLAMBEC))."

16 So does this mean that all the other
17 chiropractors listed here worked for
18 Plambeck-owned clinics --

19 MR. MANNION: Huh?

20 Q. -- in this list here from Akron
21 Square down to Youngstown?

22 A. Yes.

23 Q. Okay. And then it says that --
24 well, let me say this: Why are these the only
25 chiropractors that got paid narrative fees?

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1 A. They're not.

2 Q. Why does it say, "These are the
3 only Narrative Fees that get paid" --

4 A. So these chiropractors regularly
5 wrote -- refer -- I'm sorry -- narrative
6 reports, so that's what this meant. There's
7 tons of other chiropractors and doctors that
8 wrote narrative reports that we paid for.

9 Q. Tons?

10 A. I mean, I guess let me rephrase.
11 There are other doctors and chiropractors that
12 wrote narrative reports that were paid for.

13 Q. And why would you write, "These are
14 the only Narrative Fees that get paid..."?

15 A. These are chiropractic offices that
16 regularly wrote narrative reports.

17 Q. Why would people need to know that?

18 A. Because they would get the
19 narrative report and they would forget to
20 request a check for it.

21 Q. But why wouldn't that just be
22 included in the chiro's bill?

23 A. I don't know. You'd have to ask
24 the chiropractor that.

25 Q. Well, if I'm a law firm or running

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1 a law firm and I'm --

2 A. Like the bill, isn't that for the
3 medical charges? I don't think it would be
4 common for any doctor to put a report fee on
5 the client's medical bill. They're two
6 separate things. One is a case expense. One
7 is the client's medical expense.

8 Q. Okay. So in a sense, the
9 chiropractor is serving as an expert witness of
10 some type. Is that what you're saying?

11 A. If they needed to be, sure.

12 Q. Okay. But these doctors all wrote
13 the narrative reports automatically, correct?

14 A. They wrote narrative reports, yes.

15 Q. And you knew that any time you sent
16 a client to one of these chiros, they were
17 going to write a narrative and that they were
18 going to get paid a narrative fee, correct?

19 MR. MANNION: Objection to, "Any."

20 But go ahead.

21 A. If they wrote a narrative report,
22 they got paid a narrative fee.

23 Q. Okay. Why were -- what's with the
24 different prices here?

25 A. I don't know. I don't know that.

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1 Q. Okay. And why was the payment made
2 to the doctor personally?

3 MR. MANNION: Wait. I think
4 you're referring to one specific doctor.

5 MR. PATTAKOS: Okay. I don't know.
6 It's hard to say.

7 Q. It says, "...to the doctor
8 personally (all doctors are in needles)."

9 A. That would be up to the doctor, who
10 the check is made payable to. That would be at
11 their request.

12 Q. Okay. Why does it matter that
13 Dr. Alex Frantzis is not Plambeck?

14 A. I don't know --

15 Q. Why did you write that?

16 A. -- it doesn't.

17 Q. Why did you write that?

18 A. I don't remember.

19 Q. And you have no idea why you might
20 have written that?

21 A. No.

22 Q. Okay.

23 - - - - -

24 (Thereupon, Deposition Exhibit 33,
25 Updated Narrative and WD Procedure

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1 for Plambec Clinics and Referring
2 Physicians, Bates Number KNR03278,
3 was marked for purposes of
4 identification.)

5 - - - - -

6 MR. MANNION: This is not an email,
7 Rob. KNR03278, "Updated Narrative and WD
8 Procedure For Plambec Clinics and Referring
9 Physicians."

10 Is that 33?

11 MR. PATTAKOS: 33.

12 MR. MANNION: When you're done with
13 this one, let's take another break.

14 MR. PATTAKOS: Tom, I have a lot to
15 go on this subject, so if you want to take a
16 break in the middle of this particular subject
17 of narrative fees and Plambeck Clinics, I would
18 ask you to not confer with your client at the
19 break.

20 MR. MANNION: Well, first of all,
21 if there's no question pending, I can confer
22 with my client, but we've been going for a
23 while. I say when you're done with this
24 document, let's take a break.

25 MR. PATTAKOS: Well, I'm going to

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1 ask you during that break -- you can take a
2 break -- I'm going to ask you not to confer
3 with your client in the middle of the subject
4 matter. If we were at trial, she would have to
5 sit on the stand and answer questions. You
6 would not be permitted to confer with her. So
7 I'm asking you to preserve the integrity of her
8 testimony about these documents, to not confer
9 with her during the break. Will you agree to
10 do that?

11 MR. MANNION: Peter, you talked
12 with your clients at breaks.

13 MR. PATTAKOS: Yeah, but we took
14 breaks at specific times. There was no --

15 MR. MANNION: That's what we're
16 doing. It's been about an hour, since the last
17 break.

18 MR. PATTAKOS: My client's conduct
19 isn't at issue in this lawsuit.

20 MR. MANNION: Yeah, it is.

21 MR. PATTAKOS: No.

22 MR. MANNION: What are you talking
23 about?

24 MR. PATTAKOS: No. Okay. Tom, are
25 you going to agree to my request to not --

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1 MR. MANNION: I'm not going to tell
2 you one way or another. Quite frankly, you're
3 not entitled to know. If I feel like talking
4 to her, I'll talk to her. But we're going to
5 take a break about every hour or so, just like
6 you did with your clients.

7 MR. PATTAKOS: That's fine, Tom. If
8 you would have asked me not to confer with my
9 clients --

10 MR. MANNION: Yeah, right.

11 MR. PATTAKOS: -- and had a good
12 reason for it, then I would have agreed.

13 MR. MANNION: Well, you have no
14 basis to ask me. Quite frankly I didn't even
15 confer with her. Last time we talked about the
16 timing that she needed for the personal matter
17 we've been talking about, but I'm not going to
18 agree. I have no idea if a question will come
19 up or if she'll have a question.

20 MR. PATTAKOS: Why would that
21 matter?

22 MR. MANNION: Well, can you show me
23 one case that says during just a regular
24 discovery deposition and there's no question
25 pending, on a break, I can't talk to my client?

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1 MR. PATTAKOS: That's fine, Tom. It
2 will just go into the record that you insisted
3 on consulting with your client in the middle of
4 this questioning about a particular subject.

5 MR. MANNION: I have no idea what
6 you're talking about.

7 MR. PATTAKOS: Okay, Tom.

8 MR. MANNION: I told you, if you
9 want to finish this email, then we'll take a
10 break.

11 MR. PATTAKOS: That's fine, Tom. I
12 made a request. If you're going to deny the
13 request, you can deny the request.

14 MR. MANNION: No, I'm not denying
15 the request. What I'm telling you is, you have
16 no right to know whether I talk with her or not
17 or what we talk about.

18 MR. PATTAKOS: Well, okay. We'll
19 see about that. Let's --

20 MR. MANNION: The rules by Peter
21 Pattakos, get your copy now.

22 MR. PATTAKOS: Okay, Tom.

23 BY MR. PATTAKOS:

24 Q. So do you recognize this document?

25 A. No.

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1 Q. You've never seen it before?

2 A. Not this particular document, no.

3 Q. If I told you that KNR produced it
4 to me as a page from the firm's handbook or
5 training manual, do you have any reason to
6 disagree with that?

7 A. No.

8 Q. Okay. It says here in the middle
9 within the highlighted section, "No cases are
10 to be submitted without the narratives. If you
11 need assistance obtaining, please let Jenna
12 know." "Jenna," is Jenna Wiley, correct?

13 A. Correct.

14 Q. And that's your direct report,
15 correct?

16 A. Correct.

17 Q. Okay. So this here says, "Those
18 high" -- well, it says, "Updated Narrative and
19 WD Procedure for Plambec Clinics and Referring
20 Physicians." Do you know why the firm would
21 have a separate procedure, with respect to
22 Plambeck Clinics as opposed to any other
23 clinic?

24 A. No.

25 Q. You have no idea?

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1 A. No --

2 Q. Okay.

3 A. -- it looks like there are tons of
4 other doctors on here that aren't Plambeck
5 Clinics, though.

6 Q. Okay. Who's that?

7 A. Dr. Chonko, Dr. Bhaiji,
8 Dr. Ghoubrial, Dr. Markarian.

9 Q. Those aren't chiros, are they?

10 A. No.

11 Q. Those are referring physicians. So
12 up at the top, it says, "...Plambec Clinics and
13 Referring Physicians."

14 A. Okay. Dr. Frantziz, Dr. Waldron,
15 Accident Injury of Akron, Accident Care &
16 Wellness, Columbus Injury, those are all
17 chiropractors that are not Plambeck --

18 Q. Right.

19 A. -- Northcoast Rehab --

20 Q. And above there, it says, "In
21 addition to," and, "((Not Plambec)," so.

22 A. -- so in my mind, these are all
23 Plambeck Clinics and then these are the others.
24 (Indicating.)

25 Q. At the top is all Plambeck Clinics

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1 and at the bottom where it says in parentheses,
2 "((Not Plambec)," correct?

3 A. Well, at the top it's Plambeck. In
4 the middle, there are other chiropractors that
5 are not Plambeck. I'm assume -- I can't speak
6 on behalf of Jenna, but maybe it was just
7 easier for her to reference them this way.

8 Q. Okay. And, "WD procedure," means
9 withdrawal procedure?

10 A. Yes.

11 Q. Okay. Do you know why narratives
12 are not to be paid for minors 12 and under?

13 A. I mean, sometimes we get narratives
14 for minors. Oftentimes if they go to a
15 chiropractor -- they don't often go to
16 chiropractors. If they did, it would probably
17 just be a few visits. If they actually treated
18 more than that at the chiropractor, there would
19 be a narrative on the case.

20 Q. But why would it say, "NO
21 NARRATIVES ARE TO BE PAID FOR MINORS 12 AND
22 UNDER!"?

23 A. Because probably more often than
24 not, they either don't treat at a chiropractor
25 or they would only go a few times, but if they

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1 did, then there would be a narrative --

2 Q. Okay.

3 A. -- there would be no point in
4 requesting a report for \$150 or \$200, if
5 there's only a couple hundred dollars in
6 billing.

7 Q. So this says, "Those highlighted
8 are the only Narrative Fees that get paid
9 automatically..." --

10 MR. MANNION: You didn't finish.
11 "To the doctor personally..." "...paid
12 automatically...to the doctor personally." You
13 didn't read it all.

14 Q. -- "(all doctors are in Needles)."
15 So you agree then that some narrative fees do
16 get paid automatically?

17 MR. MANNION: Objection.

18 A. No --

19 MR. MANNION: Objection. You
20 didn't finish the sentence. "...to the doctor
21 personally..." You can't pick and choose. You
22 have to read the whole sentence.

23 A. -- so we only paid for narratives,
24 if we got a narrative report.

25 Q. Right. Okay. And so we go back to

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1 this -- let's go back to Exhibit 33 where it
2 says, "...to the doctor personally..."

3 MR. MANNION: This is 33.

4 MR. PATTAKOS: The other one -- oh.

5 A. 32?

6 Q. Right. Let's go back to 32. You
7 would agree that this probably refers to --
8 this is an instruction to pay the doctors
9 personally on all of these narrative fees,
10 correct?

11 A. So if the doctor requested that the
12 check be made payable to themselves for their
13 narrative reports, then we would pay it -- just
14 like any other expert, we would pay them
15 however they requested it --

16 Q. Okay.

17 A. -- and I think she's referring to
18 these as, "Plambeck Clinics." It's difficult
19 to remember all of these doctors.

20 Q. What do you mean by that?

21 A. I mean, there's probably -- I don't
22 know -- fifty doctors on here, twenty, thirty,
23 forty, fifty. It's difficult to remember them
24 all, so.

25 Q. I mean, why would you distinguish

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1 between Plambeck Clinics and not Plambeck
2 Clinics?

3 MR. MANNION: Well, I'm going to
4 object. She said this wasn't her document.

5 But go ahead.

6 You mean, why would this person
7 distinguish?

8 Q. Whoever wrote this training manual.

9 A. I can't speak on Jenna's behalf,
10 but --

11 Q. You don't know that Jenna wrote
12 this.

13 MR. MANNION: Which one are you
14 referring to now?

15 MR. PATTAKOS: This document,
16 Exhibit 33.

17 MR. MANNION: Okay. Look, she was
18 looking at a different document at the time.

19 MR. PATTAKOS: Okay.

20 A. I do know that Jenna wrote this.

21 MR. MANNION: See, you're referring
22 to different documents, I think.

23 BY MR. PATTAKOS:

24 Q. You do know that Jenna wrote
25 Exhibit 33?

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1 A. Right, yes.

2 MR. MANNION: Okay.

3 Q. How do you know that?

4 A. Because she created the manual.

5 And I told you I didn't write this.

6 Q. When I first asked you if you knew
7 what this document was, you said you didn't
8 know what it was.

9 A. I said that I had never seen this.
10 Jenna created the training manual.

11 Q. Okay. So this is a page in the
12 training manual that --

13 MR. MANNION: You told her that,
14 Peter.

15 A. You told me that it was in the
16 manual.

17 MR. MANNION: Jesus.

18 Q. And you're agreeing that it is now
19 and you're remembering that Jenna wrote this?

20 MR. MANNION: Wait, wait. You
21 asked her to assume it was in the manual. With
22 that assumption, she's telling you Jenna wrote
23 it. Please stop twisting things.

24 Q. So if this is in the manual, then
25 Jenna wrote it?

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1 A. Yes.

2 Q. Okay. So you're saying that where
3 this document says, "Those highlighted are the
4 only Narrative Fees that get paid
5 automatically...", that that means --

6 MR. MANNION: Wait a minute. You
7 have to read --

8 MR. PATTAKOS: Stop testifying for
9 the witness.

10 MR MANNION: No. You have to read
11 the entire sentence. You are not allowed --

12 MR. PATTAKOS: I am asking her about
13 a particular part of this document.

14 MR. MANNION: No. You have to read
15 the whole sentence.

16 MR. PATTAKOS: Tom, stop
17 interrupting me.

18 MR. MANNION: That is crazy. You
19 are not allowed to read part of a sentence and
20 mislead a witness. That's not proper.

21 BY MR. PATTAKOS:

22 Q. So it's your testimony -- or your
23 lawyer's testimony --

24 MR. MANNION: Stop it, stop it --

25 Q. -- it's frankly hard to tell the

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1 difference at this point --

2 MR. MANNION: -- stop it, stop it.

3 Q. -- but is it your testimony that
4 the word, "Automatically," modifies whether the
5 doctor gets paid personally as opposed to
6 simply the fee getting paid automatically? Is
7 that what you're saying?

8 MR. MANNION: Thank you.

9 A. No.

10 Q. No.

11 A. I read this to say that these
12 doctors regularly do narrative reports. So if
13 you have a client that treated there, you're
14 going to likely get a narrative, so you should
15 pay that bill.

16 Q. Automatically?

17 A. Not automatically. It says on here
18 that minors are a, no. If someone only goes
19 there like a couple of times, they're not going
20 to write a report. These doctors write
21 reports. If they write a report, then we pay
22 the fee.

23 Q. So are there doctors who write
24 reports then for which you don't pay a
25 narrative fee?

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1 A. Not that I'm aware of.

2 Q. So why the specific instruction?

3 MR. MANNION: Please ask Jenna.

4 A. This I actually told you --
5 sorry -- that they would forget to request the
6 check on it, so that's why she's reminding them
7 of this.

8 Q. Okay. The attorneys would forget
9 to request a check?

10 A. The paralegals actually physically
11 request the check.

12 Q. Okay. So -- and you have no idea
13 why these prices are different, why some
14 doctors get 200 and some get 150?

15 A. I would have to say that the
16 doctor -- that's the price that they charge for
17 their time and their -- to write the report.

18 Q. You see that it says here, "No
19 cases are to be submitted without narratives,"
20 right?

21 A. Where does it say that?

22 Q. Here in the black highlighted
23 portion.

24 A. "If you need assistance obtaining,
25 please let Jenna know." Okay.

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1 Q. So every time a client treats with
2 one of these doctors, the cases will have to be
3 submitted with a narrative, according to this
4 manual, correct?

5 MR. MANNION: Objection.

6 A. Well, this isn't a manual. And I
7 just pointed out that if the clients only treat
8 a couple of times, then the doctors don't
9 all -- they don't always write a narrative --

10 Q. Okay.

11 A. -- there could be reasons why they
12 didn't.

13 Q. Okay. She writes -- whoever wrote
14 this writes, "Any doctor that we regularly work
15 with and/or have a lien on file with MUST be
16 notified when we withdraw and note the file
17 with a fax confirmation or copy of the email."
18 Am I reading that correctly?

19 A. Yes.

20 Q. Why would that apply just to
21 doctors that you regularly work with as opposed
22 to any doctor?

23 A. I think it probably does apply to
24 any doctor.

25 Q. But why doesn't it say so?

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1 A. I mean, we don't have time to call
2 every single doctor that every single one of
3 our clients ever treated with. So if there's a
4 lien on file, we try to notify them.

5 Q. Okay. Did you ever discipline
6 Jenna for writing this document?

7 A. No.

8 Q. Are you aware that anyone was ever
9 criticized for creating this document?

10 A. No.

11 MR. PATTAKOS: Okay. We can take a
12 break.

13 VIDEOGRAPHER: Off the record 5:24.

14 (Record was read.)

15 VIDEOGRAPHER: Back on the record
16 5:32.

17 MR. PATTAKOS: So just to be clear,
18 we're going to go for another half hour --

19 MR. MANNION: Yeah.

20 MR. PATTAKOS: -- and then we'll
21 resume tomorrow at 9 a.m.

22 MR. MANNION: Sounds good.

23 MR. PATTAKOS: Okay.

24 - - - - -

25 (Thereupon, Deposition Exhibit 34,

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1 1/23/2012 Email Trail Between Staff,
2 Rob Nestico And Brandy Brewer, Bates
3 Numbers KNR03782-83, was marked for
4 purposes of identification.)

5 - - - - -

6 MR. MANNION: January 23, 2012.

7 MR. PATTAKOS: Sorry.

8 BY MR. PATTAKOS:

9 Q. So this looks like two emails that
10 were sent on January 23. One of them at
11 1:18 -- well, actually three emails. First,
12 Rob Nestico writing to you on January 23, 2012,
13 "No fees paid on these except Floros and,"
14 blank; and this has apparently been redacted.
15 And you respond, "None to," blank, "or any
16 others?" Do you remember what this refers to?

17 A. No.

18 Q. Okay. Do you have any idea why
19 this was redacted?

20 MR. MANNION: Objection.

21 A. No.

22 MR. MANNION: That's -- that goes
23 to attorney-client privilege issues.

24 MR. PATTAKOS: But she knows she has
25 to testify.

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1 MR. MANNION: No, she doesn't.

2 MR. PATTAKOS: Sure, she does.

3 MR. MANNION: What?

4 MR. PATTAKOS: If she has knowledge
5 of why this document was redacted, she has to
6 testify.

7 MR. MANNION: So if I told her
8 why in our mind we redacted something, then she
9 has to tell you?

10 MR. PATTAKOS: She doesn't have to
11 tell me you told her, but if she knows
12 something that's relevant --

13 MR. MANNION: Not if it came from
14 us.

15 MR. PATTAKOS: Sure, Tom.

16 MR. MANNION: That's not true.

17 MR. PATTAKOS: That's a
18 misinterpretation of the attorney-client
19 privilege --

20 MR. MANNION: No --

21 MR. PATTAKOS: -- if she knows
22 why --

23 MR. MANNION: -- first of all, I
24 don't think she does know, but it's not fair to
25 ask somebody why something was redacted, unless

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1 it came from information outside of counsel.

2 MR. PATTAKOS: I'll tell you what's
3 not fair is that this was redacted at all.
4 It's ridiculous that this document was
5 redacted. And, you know, it will get
6 unredacted at some point, I assume, but at this
7 point I'm definitely allowed to ask her if she
8 knows why it was redacted.

9 MR. MANNION: You can ask her if
10 she knows outside of any conversations with
11 lawyers, but I don't think she knows either
12 way.

13 MR. PATTAKOS: Okay. You know
14 what? What's the point?

15 BY MR. PATTAKOS:

16 Q. So you write to staff and
17 Mr. Nestico, "No narrative fee checks to any of
18 the," blank, "except Floros &," blank. Do you
19 remember what this referred to?

20 A. I do not.

21 Q. Okay. No idea? You have no idea
22 what this refers to?

23 A. No.

24 Q. Okay.

25 - - - - -

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1 (Thereupon, Deposition Exhibit 35,
2 1/23/2012 Email Trail Between Staff,
3 Rob Nestico, Brandy Brewer and
4 Robert Redick, Bates Number
5 KNR03812, was marked for purposes of
6 identification.)

7 - - - - -

8 Q. Well, that was sent on January 23,
9 2012. Let's look at --

10 MR. MANNION: Same date,
11 January 23, 2012.

12 Q. -- Exhibit 35. So this looks like
13 the same email from Exhibit 34. At the bottom
14 here, "NO narrative fee checks to any of the,"
15 blank, "except Floros," and -- well, the, "And"
16 is redacted here. But would you agree that
17 this bottom email on Exhibit 35 is the same as
18 the first page on Exhibit 34?

19 A. Yes.

20 Q. Okay. And Mr. Redick writes to you
21 back in response to this, "Including," blank --
22 assuming this is redacted --
23 ".....interesting," smiley face. Am I reading
24 that correctly?

25 A. Yes.

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1 Q. Did you receive this email from
2 Mr. Redick?

3 A. Yes.

4 Q. Does this refresh your memory about
5 what this was about?

6 A. It doesn't.

7 MR. PATTAKOS: Okay. Wow --

8 MR. MANNION: Move to strike.

9 MR. PATTAKOS: -- that's really
10 something --

11 MR. MANNION: Move to strike.

12 MR. PATTAKOS: -- to have a
13 document redacted in that way.

14 MR. MANNION: Move to strike.

15 - - - - -

16 (Thereupon, Deposition Exhibit 36,
17 6/12/2012 Email Trail Between Julie
18 Branch, Robert Redick and Brandy
19 Brewer, Bates Number KNR03809, was
20 marked for purposes of
21 identification.)

22 - - - - -

23 BY MR. PATTAKOS:

24 Q. Okay. Exhibit 36.

25 MR. MANNION: June 12, 2012.

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1 Q. Okay. Here, this is another
2 redacted document. And this is an email from
3 you to Julie Branch and Robert Redick. Who is
4 Julie Branch?

5 A. She was our bookkeeper.

6 Q. Okay. And you sent this email on
7 June 12, "Subject:" Redacted, "narrative
8 Checks," correct?

9 A. Correct.

10 Q. It looks like someone's name there
11 was redacted from the subject.

12 A. Yes.

13 Q. Do you remember who?

14 A. No.

15 Q. No idea?

16 A. No.

17 Q. You write here, "I've requested
18 this before.....can his checks please be sent
19 out as they are requested? He drives me
20 fucking crazy and I've wasted at least 30
21 minutes this afternoon tracking down his checks
22 for him," exclamation mark, exclamation mark.

23 "He doesn't have as many as Floros so it
24 shouldn't be that big of a deal, right,"
25 question mark.

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1 Do you remember being driven F'ing crazy
2 by a chiropractor requesting checks?

3 A. No.

4 Q. You have no memory of this?

5 A. No, not from 2012, no.

6 Q. So you have no earthly idea who you
7 could have been referring to here?

8 MR. MANNION: Objection to form.

9 Go ahead.

10 A. I mean, it was a male, so it could
11 have been any male doctor on that list.

12 Q. Okay.

13 MR. PATTAKOS: Tom, at this point I
14 have to request -- and I'll follow up in
15 writing with an email, but I need to get
16 unredacted copies of these emails --

17 MR. MANNION: So 34, 35, 36?

18 MR. PATTAKOS: -- by tomorrow
19 morning, because if I don't and I have to ask
20 Ms. Gobrogge about them again, I'm going to
21 have to ask KNR to pay for the deposition fees.
22 I don't see any reason why these emails were
23 redacted. We have a protective order. If you
24 want to mark them confidential, but I need to
25 be able to ask her questions about who these

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1 chiros are and why they were being discussed in
2 this way. So I hope that by tomorrow, I can
3 get unredacted copies of these emails.

4 MR. MANNION: We'll take that
5 under consideration. I'll talk with my
6 clients.

7 MR. PATTAKOS: Thank you. Okay.
8 We are really close to wrapping up for today.
9 What number are we on now?

10 THE NOTARY: 37.

11 - - - - -

12 (Thereupon, Deposition Exhibit 37,
13 1/11/2014 Email Trail Between Rob
14 Nestico, Robert Redick, John Reagan
15 and Kristen Lewis, Bates Number
16 KNR03693, was marked for purposes of
17 identification.)

18 - - - - -

19 MR. MANNION: February 11, 2014.

20 BY MR. PATTAKOS:

21 A. Thank you.

22 Q. Okay. Who is Kristen Lewis?

23 A. She's an attorney at KNR.

24 Q. Okay. Who is Jess Robinson?

25 A. She was her paralegal.

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1 Q. And who is Amy Papuga?

2 A. Her paralegal.

3 Q. Okay. No, I don't have any
4 questions about this one for you.

5 A. Thank you.

6 MR. PATTAKOS: Let's mark the next
7 exhibit.

8 - - - - -

9 (Thereupon, Deposition Exhibit 38,
10 4/2/2014 Email To Prelit Support,
11 Prelit Attorney From Brandy Brewer,
12 Bates Number WILLIAMS000211, was
13 marked for purposes of
14 identification.)

15 - - - - -

16 MR. MANNION: April 2, 2014.

17 BY MR. PATTAKOS:

18 Q. So here's an email where you are
19 emailing prelit support and prelit attorney on
20 April 2, 2014. You sent this email, correct?

21 A. Yes.

22 Q. In here you're saying, "Nothing has
23 changed except the amount for narratives
24 and...."

25 "NO NARRATIVES ARE TO BE PAID ON ANY

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1 MINOR PATIENT."

2 Now, do you remember why you sent this
3 email explaining that no narratives are to be
4 paid on any minor patient?

5 A. No.

6 Q. And is it still your testimony that
7 narratives sometimes are paid on minor
8 patients?

9 A. Yes.

10 Q. Okay. They get paid if a narrative
11 is received, is what you're saying?

12 A. Correct.

13 Q. So you can't explain why you would
14 write, "NO NARRATIVES ARE TO BE PAID ON ANY
15 MINOR PATIENT"?

16 A. Well, I think I answered that
17 before, in the other email.

18 Q. And what's the answer?

19 A. So typically, if a minor were to
20 choose a chiropractor, they may only go for a
21 couple of appointments. In that case, if the
22 bill is only a couple hundred dollars, then we
23 wouldn't spend \$150 on a report for any client.
24 And -- but sometimes clients did treat with
25 chiropractors, depending on their injuries, you

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1 know, for a prolonged period of time. So there
2 may be a narrative on that, if the doctor
3 writes a report.

4 Q. So the decision to request a
5 narrative fee would have to do with how big the
6 chiropractor's bill was?

7 MR. MANNION: Objection.

8 Go ahead.

9 A. That would be up to the attorney,
10 but it wouldn't make sense if the bill was only
11 a couple hundred dollars to spend a couple
12 hundred dollars on a narrative report.

13 Q. Okay. Okay. So you wouldn't get a
14 narrative at all in that case, correct?

15 A. I mean, I wouldn't know.

16 - - - - -

17 (Thereupon, Deposition Exhibit 39,
18 3/24/2014 Email To Prelit Group,
19 Litigation Group From Jenna Wiley,
20 Bates Number KNR03678, was marked
21 for purposes of identification.)

22 - - - - -

23 Q. Okay. Well, here's an email.
24 Let's look at Exhibit 39.

25 MR. MANNION: March 24, 2014.

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1 Q. Jenna Wiley is writing to the
2 prelit group and litigation group. Narrative
3 fees for minors, "Are to no longer be paid,
4 regardless if you receive a narrative. This
5 goes for ANY clinic." What does this mean?

6 A. Well, I think it means what she
7 said.

8 Q. How would you not have to pay a
9 narrative fee, if you received a narrative?

10 A. Well, I don't really think that's
11 possible. I think that's why she's being
12 challenged by one of the attorneys --

13 Q. Okay.

14 A. -- I think she sent an overly broad
15 email and there was just no possible way --

16 Q. Okay.

17 A. -- the attorney also copied Rob on
18 that email.

19 MR. PATTAKOS: Okay. We're at a
20 good place to stop for today.

21 VIDEOGRAPHER: Off the record 5:49.

22 (Thereupon, the deposition
23 was adjourned at 5:49 p.m.)
24
25

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1 Whereupon, counsel was requested to give
2 instruction regarding the witness's review of
3 the transcript pursuant to the Civil Rules.

SIGNATURE:

6 Transcript review was requested pursuant to the
7 applicable Rules of Civil Procedure.

TRANSCRIPT DELIVERY:

10 Counsel was requested to give instruction
11 regarding delivery date of transcript.
12 Thomas Mannion ordered the original transcript
13 Expedited 6-day delivery.
14 Copy--Peter Pattakos, Regular copy delivery

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REPORTER'S CERTIFICATE

The State of Ohio,)

SS:

County of Cuyahoga.)

I, Tracy Morse, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, BRANDY GOBROGGE, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

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1 I do further certify that I am not
2 a relative, counsel or attorney for either
3 party, or otherwise interested in the event of
4 this action.

5 IN WITNESS WHEREOF, I have hereunto
6 set my hand and affixed my seal of office at
7 Cleveland, Ohio, on this 22nd day of
8 October, 2018.

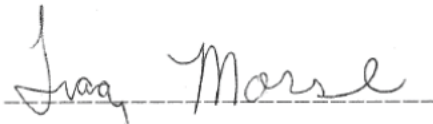
9

10

11

12

13

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.

17

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