



### TRANSCRIPT FORMATTING AND EXAMPLES

Thank you for working with Lexitas.

To ensure consistency and quality in all of the transcripts we produce to attorneys, we ask all court reporters to follow JBCC guidelines for transcript formatting and also make sure that certain elements are in the transcript for purposes of how we convert and print depositions.

These special elements are:

- On your exhibit index, that you include the word "Exhibit" with each number. Instead of your index listing exhibits as 1, 2, 3, they would instead be listed as Exhibit 1, Exhibit 2, Exhibit 3, etc.

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- That your certification area (or "signature block") on your certification pages reflects the correct Lexitas branch information (all branches and their information are listed in this document for your convenience).
- That all attorneys listed on the Appearance Page always have their e-mail address listed below the telephone and fax numbers.
- That your transcript has NO headers and NO footers.
- If you include time-stamping, please format it to left-hand side, 6 digits (hour, minutes, seconds), military time, and take off the "AM" and "PM"
- **NETWORKING JOBS:** Some affiliate firms may ask for your transcript to be 24 lines per page (or some other amount of lines per page) because of their state rules. Please accommodate this request if the deposition is a non-Texas case, and feel free to contact your CAT software company for help doing this in your program.
- **NETWORKING JOBS:** Please make sure that the "Rules" listed on your cover page coincide with wherever the lawsuit has been filed (whether it's another state or whether it's a Federal case).

23	Suite 800, Houston, Texas 77027, pursuant to the
24	California Rules of Civil Procedure and the provisions
25	stated on the record or attached hereto.

- **NETWORKING JOBS:** Please make sure that your certification area (or "signature block") contains ONLY your name, license numbers, and expiration date.

1	Subscribed and sworn to on this the ____ day of
2	_____, _____.
3	
4	
5	_____ Cale McCabe, CSR Texas CSR No. 8576 Expiration Date: 12/31/2015
6	
7	

Examples of the most popular types of transcripts are listed in this document for your convenience. Please contact [production1@LexitasLegal.com](mailto:production1@LexitasLegal.com) if you need these examples forwarded to you in a certain format to make it easier to build your CAT software's include pages.



## LOCAL BRANCH INFORMATION

On your reporter's certification information (on the ending transcript pages), please put your local Lexitas branch information after your name, CSR number, and CSR expiration date. If you are unsure which branch to list in your transcript, please ask your local scheduler.

### AUSTIN JOBS

Lexitas – Firm Registration No. 17  
1016 La Posada, Suite 294  
Austin, Texas 78752  
512-465-9100

### HOUSTON JOBS

Lexitas – Firm Registration No. 95  
13101 Northwest Freeway, Suite 210  
Houston, Texas 77040  
281-469-5580

### CORPUS CHRISTI JOBS

Lexitas – Firm Registration No. 644  
615 N. Upper Broadway, Suite 1450  
Corpus Christi, Texas 78401  
361-883-3400

### SAN ANTONIO JOBS

Lexitas – Firm Registration No. 539  
100 N.E. Loop 410, Suite 955  
San Antonio, Texas 78216  
210-481-7575

### DALLAS JOBS

Lexitas – Firm Registration No. 459  
325 N. St. Paul Street, Suite 1900  
Dallas, Texas 75201  
214-373-4977

### TYLER JOBS

Lexitas – Firm Registration No. 793  
100 E. Ferguson, Suite 900  
Tyler, Texas 75702  
903-593-3213



## FORMATTING CONFIDENTIAL TRANSCRIPTS

The following is a guide on how to properly format and handle depositions where the entire testimony or only portions of the testimony are designated some form of Confidential.

### WHEN THE ENTIRE DEPOSITION IS CONFIDENTIAL

If the attorneys request that the entire transcript and exhibits are some form of Confidential, then you simply do two things:

1. Put the Confidential designation on the cover page, above the title of the deposition.

1		NO. 12-CV-199068	
2	AIR LIQUIDE LARGE	)	IN THE DISTRICT COURT OF
3	INDUSTRIES U.S. LP	)	
4	VS.	)	FORT BEND COUNTY, TEXAS
5	NRM INVESTMENTS, INC.,	)	
6	NICHOLAS R. MARCO and	)	400TH JUDICIAL DISTRICT
7	GERALD MARCO	)	
8			
9		*HIGHLY CONFIDENTIAL*	
10		-----	
11		ORAL DEPOSITION OF	
12		JOHN MITCHELL	
		December 10, 2013	
		-----	

2. Make sure to communicate with Lexitas production staff that the transcript is Confidential when turning in your job.

Turn-in

**Job** \*: Required field

Job No.:  Job Date:

Firm:

Contact:

Case Name:

Case No.:  Rush:

Notes for this job:  
How many: 0/2  
Read and Sign: Signature to witness; 20 days  
Exhibits: 1-8  
Video: Yes  
Special Production: DEPO AND EXHIBITS ARE HIGHLY CONFIDENTIAL

Doing these two things ensures that the transcript is properly formatted for the Confidential designation when Lexitas converts and prints your transcript.



4. Make sure the Confidential/restricted ASCII file has its own cover page (Appearance Page, Index Page, and all ending pages are NOT necessary for the separate Confidential transcript) that has a clear designation that indicates it contains only the Confidential testimony. For example:

```
1                NO. 12-CV-199068
2  AIR LIQUIDE LARGE      ) IN THE DISTRICT COURT OF
   INDUSTRIES U.S. LP    )
3  VS.                   ) FORT BEND COUNTY, TEXAS
4  NRM INVESTMENTS, INC., )
5  NICHOLAS R. MARCO and )
   GERALD MARCO         ) 400TH JUDICIAL DISTRICT
6
7          *CONFIDENTIAL EXCERPTED TESTIMONY*
8  -----
9          ORAL DEPOSITION OF
10         JOHN MITCHELL
11         December 10, 2013
12  -----
```

5. For this same Confidential ASCII file, you would paste this testimony and make sure all of the Page and Line numbers match **EXACTLY** for the attorney's convenience (for example, if the Confidential portion of the testimony goes from Page 6, Line 23 to Page 8, Line 2, then the Confidential ASCII file needs to reflect all of the cut-out testimony from Page 6, Line 23 to Page 8, Line 2 and have those exact page numbers and line numbers. You would NOT start the testimony on Page 2).

```
16
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20          (Beginning of confidential portion from
21          Page 112, Line 20, to Page 117, Line 8.)
22  Q. (BY MS. HOWARD) Do you know -- now, the -- the
23  amount of commissions that you get paid -- tell me --
24  well, let me just ask you. The amount of commissions
25  are based on what, what number?
                                     Page 113
1  A. The number --
2  Q. It's a percent times some number, correct?
3  A. Correct. It's the commission percentage times
4  the -- it's the net collections dollars that -- that
```

6. Make sure to communicate with Lexitas production staff that the transcript has Confidential portions when turning in your job.

**Turn-in**

**Job** \*: Required field

Job No.: 172682 Job Date: 12/30/2013

Firm: Evans, Rowe & Holbrook

Contact: Matthew M. Edwards

Case Name: Jose M. Parral, et al. vs. Jorge L. Rincon, M.D.

Case No.: 2013-CI-03622 Rush: No

Notes for this job:  
How many: 0/2  
Read and Sign: Signature to witness; 20 days  
Exhibits: 1-8  
Video: Yes  
Special Production: CONFIDENTIAL EXCERPTS; BIND SEPARATELY

Next > Cancel

**WARNING:** Whenever a transcript has to be split because of Confidential portions and the deposition was also videotaped, please also provide a “master ASCII” where all the testimony is combined into one file. This is done so that our video department can sync the full transcript testimony with the video.

If you ever need more information or examples on how to handle Confidential transcripts, please e-mail your questions to [production1@LexitasLegal.com](mailto:production1@LexitasLegal.com)

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CAUSE NO. [CAUSE NUMBER]

[PLAINTIFFS]	)	IN THE DISTRICT COURT
	)	
Plaintiff[s],	)	
	)	
VS.	)	[COUNTY] COUNTY, TEXAS
	)	
[DEFENDANTS]	)	
	)	
Defendant[s].	)	[NO.] JUDICIAL DISTRICT

ORAL [AND VIDEOTAPED] DEPOSITION

[WITNESS]

[MONTH] [DAY], [YEAR]

ORAL [AND VIDEOTAPED] DEPOSITION of [WITNESS], produced as a witness at the instance of the [PARTY], and duly sworn, was taken in the above-styled and numbered cause on the [MONTH] [DAY], [YEAR], from [START TIME] to [END TIME], before [REPORTER], CSR in and for the State of Texas, reported by machine shorthand, at the offices of [DEPO LOCATION], pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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A P P E A R A N C E S

FOR THE PLAINTIFF(S):

Ms. Elizabeth M. Bruman  
ZIMMERMAN, AXELRAD, MEYER, STERN & WISE, P.C.  
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713-552-1234 / Fax: 713-552-1234  
ebruman@zimmerlaw.com

FOR SOUTHWEST PIPE:

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LAW OFFICES OF LANCE NGUYEN  
4412 Caroline Street  
Houston, Texas 77004  
713-326-5349 / Fax: 713-326-5349  
lance@nguyenlaw.com

ALSO PRESENT:

Mr. & Mrs. R.P. Ingram



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Assumed Name Records - Certificate of Ownership for Business or Profession		



1 I, [WITNESS], have read the  
 2 foregoing deposition and hereby affix my signature  
 3 that same is true and correct, except as noted above.

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7 \_\_\_\_\_  
 [WITNESS]

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10 THE STATE OF \_\_\_\_\_ )  
 11 COUNTY OF \_\_\_\_\_ )

12 Before me, \_\_\_\_\_, on this  
 13 day personally appeared [WITNESS], known to me  
 14 (or proved to me under oath or through  
 15 \_\_\_\_\_) (description of identity card or  
 16 other document) to be the person whose name is  
 17 subscribed to the foregoing instrument and  
 18 acknowledged to me that they executed the same for  
 19 the purposes and consideration therein expressed.

20 Given under my hand and seal of office this  
 21 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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\_\_\_\_\_  
 NOTARY PUBLIC IN AND FOR  
 THE STATE OF \_\_\_\_\_  
 MY COMMISSION EXPIRES:  
 \_\_\_\_\_

1 CAUSE NO. [CAUSE NUMBER]  
 2 [PLAINTIFFS] ) IN THE DISTRICT COURT  
 )  
 3 Plaintiff[s], )  
 )  
 4 VS. ) [COUNTY] COUNTY, TEXAS  
 )  
 5 [DEFENDANTS] )  
 )  
 6 Defendant[s]. ) [NO.] JUDICIAL DISTRICT

7 REPORTER'S CERTIFICATION  
 8 DEPOSITION OF [WITNESS]  
 [MONTH] [DAY], [YEAR]

9 I, [REPORTER], Certified Shorthand  
 10 Reporter in and for the State of Texas, hereby  
 11 certify to the following:

12 That the witness, [WITNESS], was  
 13 duly sworn by the officer and that the transcript of  
 14 the oral deposition is a true record of the testimony  
 15 given by the witness;

16 That the deposition transcript was  
 17 submitted on \_\_\_\_\_, to the witness or  
 18 to the attorney for the witness for examination,  
 19 signature and return to me by \_\_\_\_\_;

20 That the amount of time used by each party  
 21 at the deposition is as follows:

22 Ms. Elizabeth Bruman - 01:19

23 Mr. Lance Nguyen - 00:01

24 That pursuant to information given to the  
 25 deposition officer at the time said testimony was

1 taken, the following includes counsel for all parties  
2 of record:

3 FOR THE PLAINTIFF(S):

4 Ms. Elizabeth M. Bruman  
5 ZIMMERMAN, AXELRAD, MEYER, STERN & WISE, P.C.  
6 3040 Post Oak Blvd., Suite 1300  
7 Houston, Texas 77056  
8 713-552-1234

9 FOR [WITNESS] & SOUTHWEST PIPE:

10 Mr. Lance Nguyen  
11 LAW OFFICES OF LANCE NGUYEN  
12 4412 Caroline Street  
13 Houston, Texas 77004  
14 713-326-5349

15 I further certify that I am neither counsel  
16 for, related to, nor employed by any of the parties  
17 or attorneys in the action in which this proceeding  
18 was taken, and further that I am not financially or  
19 otherwise interested in the outcome of the action.

20 Further certification requirements pursuant  
21 to Rule 203 of TRCP will be certified to after they  
22 have occurred.

23 Certified to by me this [CERT DAY] day of  
24 [CERT MONTH], [CERT YEAR].

25  
\_\_\_\_\_  
[REPORTER AND CERTIFICATIONS]  
[CERTIFICATION NUMBER(S)]  
[CERTIFICATION EXPIRATION]  
Lexitas - Firm Registration No. XXX  
[Lexitas address]  
[Lexitas City, State, ZIP]  
[Lexitas phone number]

1                   FURTHER CERTIFICATION UNDER RULE 203 TRCP

2           The original deposition/signature page was/was  
3 not returned to the deposition officer on  
4 \_\_\_\_\_;

5           If returned, the attached Changes and Signature  
6 page contains any changes and the reasons therefor;

7           If returned, the original deposition was  
8 delivered to \_\_\_\_\_, Custodial Attorney;

9           That \$ \_\_\_\_\_ is the deposition officer's  
10 charges to the \_\_\_\_\_ for preparing the original  
11 deposition transcript and any copies of exhibits;

12           That the deposition was delivered in accordance  
13 with Rule 203.3, and that a copy of this certificate  
14 was served on all parties shown herein on \_\_\_\_\_  
15 and filed with the Clerk.

16           Certified to by me this \_\_\_ day of \_\_\_\_\_,  
17 \_\_\_\_\_.

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19

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21                   \_\_\_\_\_  
[REPORTER AND CERTIFICATIONS]  
22 [CERTIFICATION NUMBER(S)]  
[CERTIFICATION EXPIRATION]  
Lexitas - Firm Registration No. XXX  
23 [Lexitas address]  
[Lexitas City, State, ZIP]  
24 [Lexitas phone number]

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CAUSE NO. [CAUSE NUMBER]

[PLAINTIFFS]	)	IN THE DISTRICT COURT
	)	
Plaintiff[s],	)	
	)	
VS.	)	[COUNTY] COUNTY, TEXAS
	)	
[DEFENDANTS]	)	
	)	
Defendant[s].	)	[NO.] JUDICIAL DISTRICT

ORAL [AND VIDEOTAPED] DEPOSITION

[WITNESS]

[MONTH] [DAY], [YEAR]

ORAL [AND VIDEOTAPED] DEPOSITION of [WITNESS],  
produced as a witness on behalf of [PARTY] and duly  
sworn, was taken in the above-styled and numbered cause  
on [MONTH] [DAY], [YEAR], from [START TIME] to [END  
TIME], before [REPORTER], Certified Shorthand Reporter  
in and for the State of Texas, reported by computerized  
stenotype machine at the offices of [LOCATION, ADDRESS,  
CITY, STATE, ZIP], pursuant to the Texas Rules of  
Civil Procedure and the provisions stated on the record  
or attached hereto.

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A P P E A R A N C E S

FOR THE PLAINTIFF:

MR. RUSSELL W. ENDSLEY  
MR. PAUL D. CARMONA  
LAW OFFICES OF THOMAS J. HENRY  
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pcarmona@thomasjhenrylaw.com

FOR THE DEFENDANTS:

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210-408-8660 / Fax: 210-408-8660  
steve@pilcherlawfirm.com  
denise@pilcherlawfirm.com

VIDEOGRAPHER:

PAT CAREY



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1 CAUSE NO. [CAUSE NUMBER]  
 2 [PLAINTIFFS] ) IN THE DISTRICT COURT  
 )  
 3 Plaintiff[s], )  
 )  
 4 VS. ) [COUNTY] COUNTY, TEXAS  
 )  
 5 [DEFENDANTS] )  
 )  
 6 Defendant[s]. ) [NO.] JUDICIAL DISTRICT

7  
 8 REPORTER'S CERTIFICATE  
 ORAL DEPOSITION OF [WITNESS]  
 9 [MONTH] [DAY], [YEAR]

10 I, [REPORTER], Certified Shorthand  
 11 Reporter in and for the State of Texas, do hereby  
 12 certify to the following:

13 That the witness, [WITNESS], was duly sworn  
 14 and that the transcript of the deposition is a true  
 15 record of the testimony given by the witness;

16 That review and signature of the witness to the  
 17 deposition transcript was waived by the witness and  
 18 agreement of the parties at the time of the deposition;

19 That the original deposition was delivered to  
 20 \_\_\_\_\_, Custodial Attorney;

21 That pursuant to information given to the  
 22 deposition officer at the time said testimony was  
 23 taken, the following includes all parties of record and  
 24 the amount of time used by each party present at the  
 25 time of the deposition:

1           MR. ENDSLEY (0 hours 52 minutes), Attorney for  
Plaintiff

2           MR. ADAMI (0 hours 37 minutes), Attorney for  
Defendant

3

4           That a copy of this certificate was served on all  
5 parties shown herein on \_\_\_\_\_ and  
6 filed with the Clerk pursuant to Rule 203.3.

7           I further certify that I am neither counsel for,  
8 related to, nor employed by any of the parties in the  
9 action in which this proceeding was taken, and further  
10 that I am not financially or otherwise interested in  
11 the outcome of this action.

12           \$\_\_\_\_\_ is the deposition officer's charges to  
13 the \_\_\_\_\_ for preparing the original deposition and  
14 any copies of exhibits.

15           Certified to by me on this [CERT DAY] day of  
16 [CERT MONTH], [CERT YEAR].

17

18

19           \_\_\_\_\_  
[REPORTER AND CERTIFICATIONS]  
[CERTIFICATION NUMBER(S)]  
20 [CERTIFICATION EXPIRATION]  
Lexitas - Firm Registration No. XXX  
21 [Lexitas address]  
[Lexitas City, State, ZIP]  
22 [Lexitas phone number]

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF [STATE]  
[DIVISION OR CITY]

[PLAINTIFFS] )  
 )  
Plaintiff[s], )  
 )  
VS. ) CIVIL ACTION NO.:  
 ) [NUMBER]  
[DEFENDANTS] )  
 )  
Defendant[s]. )

-----  
ORAL [AND VIDEOTAPED] DEPOSITION OF  
[WITNESS]  
[MONTH] [DAY], [YEAR]  
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ORAL [AND VIDEOTAPED] DEPOSITION OF [WITNESS], produced  
as a witness at the instance of the [PARTY], and duly  
sworn, was taken in the above-styled and numbered cause  
on [MONTH] [DAY], [YEAR], from [START TIME] to [END TIME]  
before [REPORTER], in and for the State of Texas,  
reported by machine shorthand, at the offices of  
[LOCATION, ADDRESS, CITY, STATE, ZIP], pursuant to the  
Federal Rules of Civil Procedure.

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

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Kansas City, Missouri 64114  
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(816) 523-5667 fax  
dan@drzlawfirm.com

FOR THE DEFENDANTS ST. JOHN'S MILITARY SCHOOL, et al.:

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8900 Ward Parkway  
Kansas City, Missouri 64114  
(816) 421-7100  
(816) 421-7915 fax  
djohannsen@fsmlawfirm.com

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I, [WITNESS], have read the  
foregoing deposition and hereby affix my signature  
that same is true and correct, except as noted above.

\_\_\_\_\_  
[WITNESS]





1 contains any changes and the reasons therefor;

2 \_\_\_\_\_ was not requested by the deponent or a  
3 party before the completion of the deposition.

4 I further certify that I am neither attorney nor  
5 counsel for, related to, nor employed by any of the  
6 parties to the action in which this testimony was taken.

7 Further, I am not a relative or employee of any  
8 attorney of record in this cause, nor do I have a  
9 financial interest in the action.

10 Subscribed and sworn to on this the [CERT DAY] day  
11 of [CERT MONTH], [CERT YEAR].

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[REPORTER AND CERTIFICATIONS]

21

[CERTIFICATION NUMBER(S)]

22

[CERTIFICATION EXPIRATION]

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Lexitas - Firm Registration No. XXX

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[Lexitas address]

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[Lexitas City, State, ZIP]

[Lexitas phone number]

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CAUSE NO. [CAUSE NUMBER]

[PLAINTIFFS]	)	IN THE DISTRICT COURT
	)	
Plaintiff[s],	)	
	)	
VS.	)	[COUNTY] COUNTY, TEXAS
	)	
[DEFENDANTS]	)	
	)	
Defendant[s].	)	[NO.] JUDICIAL DISTRICT

\*\*\*\*\*

CERTIFICATE OF NONAPPEARANCE

[WITNESS]

[MONTH] [DAY], [YEAR]

\*\*\*\*\*

1 CERTIFICATE OF NONAPPEARANCE

2 I, [REPORTER], a Certified Shorthand Reporter in  
3 and for the State of Texas, certify:

4 That I appeared at the offices of [LOCATION,  
5 ADDRESS, CITY, STATE, ZIP] on [MONTH] [DAY], [YEAR],  
6 to report the deposition of [WITNESS] pursuant to the  
7 Notice, scheduled for [START TIME]

8 That by [ENDING TIME], [WITNESS] had not appeared  
9 for the deposition. Present for the deposition were:  
10 FOR THE PLAINTIFFS:

11 Mr. Kelly J. Curnutt  
12 Mr. Adam Alexander  
13 CURNUTT & HAFFER  
14 101 East Park Row  
15 Arlington, Texas 76010  
16 817.548.1000  
17 KCurnutt@CurnuttHafer.com  
18 AAlexander@CurnuttHafer.com

19 The following was stated on the record:

20 MR. CURNUTT: Today is October 28, 2013.  
21 We are at the offices of the Harris Cook Law Firm at 709  
22 East Abrams in Arlington, Texas. We are here for the  
23 noticed deposition of [WITNESS].

24 (Exhibit Numbers 1 and 2 were marked.)

25 Q. (BY MR. CURNUTT) And marked as Exhibit 1 is  
26 plaintiff's second amended notice of intention to take  
27 oral deposition of [WITNESS]. Exhibit 2 is  
28 plaintiff's second amended notice of intention to take

1 oral deposition of Kara Valdez with duces tecum.

2 Ms. Valdez was noticed at 9:30 and we  
3 began on time. We ended about 10:31. Defendants  
4 counsel, Gail Friend, had claimed a privilege over  
5 communications with [WITNESS] and stated that she  
6 would accept service of these notices for [WITNESS].  
7 Ms. Friend was duly served with the notice marked as  
8 Exhibit 1 for [WITNESS].

9 We have gone ahead and taken the  
10 deposition of Kara Valdez-Connor. It is now 1:30. There  
11 is no sign, word, or indication from [WITNESS] that  
12 she's going to appear today. Defendant's counsel, Gail  
13 Friend, has left the room, presumably the building, and  
14 we are stating on the record the certificate of  
15 nonappearance that [WITNESS] has not appeared for  
16 her noticed deposition.

17 And so since defendant's counsel said to  
18 go ahead and take a certificate of nonappearance, and  
19 it's now 1:30 and there's no lawyer and no witness, we're  
20 going home.

21 (Proceedings concluded at [END TIME])  
22  
23  
24  
25

1 I further certify that I am neither employed nor  
2 related to any attorney or party in this matter and have  
3 no interest, financial or otherwise, in its outcome.

4 Given under my hand and seal of office on this the  
5 [CERT DAY] day of [CERT MONTH], [CERT YEAR].

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[REPORTER AND CERTIFICATIONS]  
[CERTIFICATION NUMBER(S)]  
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Lexitas - Firm Registration No. XXX  
[Lexitas address]  
[Lexitas City, State, ZIP]  
[Lexitas phone number]

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[VENUE OR ARBITRATION/ADMINISTRATIVE BODY]

[PLAINTIFFS],	)	
	)	
PLAINTIFF(S),	)	
	)	
VS.	)	CASE NUMBER:
	)	[NUMBER]
[DEFENDANTS]	)	
	)	
DEFENDANT(S).	)	

\*\*\*\*\*  
 HEARING  
 [MONTH] [DAY], [YEAR]  
 [VOLUME #]  
 \*\*\*\*\*

HEARING, was taken in the above styled and numbered cause on [MONTH] [DAY], [YEAR], from [START TIME] to [END TIME], before [REPORTER], in and for the State of Texas, reported stenographically, at the offices of [LOCATION, ADDRESS, CITY, STATE, ZIP] pursuant to the [Rules] and the provisions stated on the record herein.

## A P P E A R A N C E S

## HEARING OFFICER:

Honorable Levi J. Benton  
LEVI BENTON & ASSOCIATES PLLC  
3417 Milam Street  
Houston, Texas 77002  
713.521.1717  
lbenton@levibenton.com

## FOR THE PLAINTIFF(S) MICHELLE LEWIS RYAN:

Mr. Peter Costea  
LAW OFFICES OF PETER COSTEA  
Three Riverway, Suite 1800  
Houston, Texas 77056  
713.337.4304  
costealaw@yahoo.com

## FOR THE DEFENDANT(S) BROOKDALE SENIOR LIVING, INC.:

Ms. Gretchen Agena  
Mr. Travis J. Odom  
LITTLER MENDELSON, P.C.  
1301 McKinney Street, Suite 1900  
Houston, Texas 77010  
713.951.9400  
gagena@littler.com  
todom@littler.com

## ALSO PRESENT:

Mr. Jack Leebron - Vice President Legal Services  
Brookdale Senior Living, Inc.



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(Reporter's Note: Plaintiff's Exhibits 19, 20, 21 not admitted)

DEFENDANT'S EXHIBITS

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(Reporter's Note: Defendant's Exhibits 20, 21,  
24 not admitted)

1 [VENUE OR ARBITRATION/ADMINISTRATIVE BODY]

2

3 [PLAINTIFFS], )

4 PLAINTIFF(S), )

5 VS. )

6 [DEFENDANTS] ) CASE NUMBER:

7 DEFENDANT(S). ) [NUMBER]

8

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10

11 I, [REPORTER], a court reporter in and for  
 12 the State of Texas, do hereby certify that the matters set  
 13 forth in the caption to the foregoing Hearing  
 14 Proceeding are true and correct; that the witnesses  
 15 appeared before me at the time and place set forth; that  
 16 said witnesses were first duly sworn to tell the truth,  
 17 and thereupon proceeded to testify in said cause; that the  
 18 questions of counsel and the answers of said witnesses  
 19 were taken down in shorthand by me and thereafter reduced  
 20 to typewriting under my direction; and that the foregoing  
 21 pages comprise a true, correct and complete transcript of  
 22 the testimony given and the proceedings had during the  
 23 taking of said Hearing Proceeding.

24 I further certify that I am not counsel,  
 25 attorney or relative of either party, or otherwise  
 interested in the event of this suit.

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GIVEN UNDER MY HAND AND SEAL OF OFFICE on this  
the [CERT DAY] day of [CERT MONTH], [CERT YEAR].

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[REPORTER AND CERTIFICATIONS]  
[CERTIFICATION NUMBER(S)]  
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[COURT INFORMATION]

[PLAINTIFFS]	)	
	)	
Plaintiff[s],	)	
	)	
VS.	)	NO.: [NUMBER]
	)	
[DEFENDANTS]	)	
	)	
Defendant[s].	)	

-----

ORAL [AND VIDEOTAPED] DEPOSITION OF  
[WITNESS]  
[MONTH] [DAY], [YEAR]

-----

ORAL [AND VIDEOTAPED] DEPOSITION OF [WITNESS], produced  
as a witness at the instance of the [PARTY], and duly  
sworn, was taken in the above-styled and numbered cause  
on [MONTH] [DAY], [YEAR], from [START TIME] to [END TIME]  
before [REPORTER] in and for the State of Texas,  
reported by machine shorthand, at the offices of  
[LOCATION, ADDRESS, CITY, STATE, ZIP], pursuant to the  
[STATE/FEDERAL] Rules of Civil Procedure.

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A P P E A R A N C E S

FOR THE PLAINTIFFS:

Daniel R. Zmijewski, Esq.  
DRZ LAW  
9229 Ward Parkway  
Suite 370  
Kansas City, Missouri 64114  
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dan@drzlawfirm.com

FOR THE DEFENDANTS ST. JOHN'S MILITARY SCHOOL, et al.:

Derek Johannsen, Esq.  
FRANKE SCHULTZ & MULLEN, P.C.  
8900 Ward Parkway  
Kansas City, Missouri 64114  
(816) 421-7100  
(816) 421-7915 fax  
djohannsen@fsmlawfirm.com

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CHANGES AND SIGNATURE

PAGE	LINE	CHANGE	REASON

I, [WITNESS], have read the foregoing deposition and hereby affix my signature that same is true and correct, except as noted above.

\_\_\_\_\_  
[WITNESS]



1 [COURT INFORMATION]

2

3 [PLAINTIFFS] )

4 Plaintiff[s], )

5 VS. ) NO.: [NUMBER]

6 [DEFENDANTS] )

7 Defendant[s]. )

8 REPORTER'S CERTIFICATION

9 ORAL DEPOSITION OF

10 [WITNESS]

11 [MONTH] [DAY], [YEAR]

12

13 I, [REPORTER], Certified Shorthand Reporter in

14 and for the State of Texas, hereby certify to the

15 following:

16 That the witness, [WITNESS], was duly sworn by

17 the officer and that the transcript of the oral

18 deposition is a true record of the testimony given by

19 the witness;

20 I further certify that I am neither attorney nor

21 counsel for, related to, nor employed by any of the

22 parties to the action in which this testimony was taken.

23 Further, I am not a relative or employee of any

24 attorney of record in this cause, nor do I have a

25 financial interest in the action.

1           Subscribed and sworn to on this the [CERT DAY] day of  
2 [CERT MONTH], [CERT YEAR].

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[REPORTER AND CERTIFICATIONS]  
[CERTIFICATION NUMBER(S)]  
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1 CAUSE NO. [CAUSE NUMBER]  
2 [PLAINTIFFS] ) IN THE DISTRICT COURT  
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3 Plaintiff[s], )  
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4 VS. ) [COUNTY] COUNTY, TEXAS  
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5 [DEFENDANTS] )  
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6 Defendant[s]. ) [NO.] JUDICIAL DISTRICT

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9 \*NON-CONFIDENTIAL REDACTED TRANSCRIPT\*

10

11 ORAL [AND VIDEOTAPED] DEPOSITION

12 [WITNESS]

13 [MONTH] [DAY], [YEAR]

14

15

16 ORAL [AND VIDEOTAPED] DEPOSITION of [WITNESS], produced  
17 as a witness at the instance of the [PARTY], and duly  
18 sworn, was taken in the above-styled and numbered  
19 cause on the [MONTH] [DAY], [YEAR], from [START TIME]  
20 to [END TIME], before [REPORTER], CSR in and for  
21 the State of Texas, reported by machine shorthand, at  
22 the offices of [DEPO LOCATION], pursuant to the  
23 Texas Rules of Civil Procedure and the provisions  
24 stated on the record.

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A P P E A R A N C E S

FOR THE PLAINTIFF:

Mr. Bill Masterson  
KILGORE & KILGORE, P.L.L.C.  
3109 Carlisle Street  
Dallas, Texas 75204  
(214) 379-0813  
(214) 379-0845 fax  
wdm@kilgorelaw.com

FOR THE DEFENDANT:

Ms. C. Elaine Howard  
JACKSON WALKER L.L.P.  
1401 McKinney Street  
Suite 1900  
Houston, Texas 77010  
(713) 752-4200  
(713) 752-4221 fax  
ehoward@jw.com

ALSO PRESENT:

Mr. Wayne Rennke, Videographer

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[WITNESS]

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1 actually aware of or knowledgeable of -- about anything  
2 that John or Tobin or DeAnna did to close this sale  
3 after you left.

4 A. Only based on what John had mentioned at the  
5 EEOC meeting.

6 Q. Okay. Apart from that, though, do you know  
7 anything about what Global did or what anyone at Global  
8 did after you left to close the sale?

9 A. No.

10 Q. Do you know, outside the course of either the  
11 EEOC investigation or this lawsuit, what the terms of  
12 this deal were?

13 A. No.

14 Q. Do you know who within North Ohio signed off on  
15 the deal?

16 A. I know who was present when I made the deal to  
17 them.

18 Q. Do you know who actually signed any contract?

19 A. No.

20 (Beginning of confidential portion from  
21 Page 112, Line 20, to Page 117, Line 8.)  
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(End of confidential portion from Page 112,

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Line 20, to Page 117, Line 8.)

9

Q. (BY MS. HOWARD) Do you -- can you remember?

10

A. No, but I can probably name the hospital. Not

11

right now, but if I had a inventory of hospitals, I

12

could probably pick it out.

13

Q. Did you ever contact anyone at that hospital?

14

A. No. Because the CFO was responsible for that

15

business being outsourced, not the hospital. He was the

16

member of the joint venture.

17

Q. You know whether that joint venture was ever

18

even signed up?

19

A. No.

20

Q. Do you know whether anyone at that place even

21

talked to that joint venture?

22

A. No. Other than me and other than I believe

23

that the CFO had the same conversation with John Doe

24

and Jane Doe. I have no idea beyond that

25

conversation where that would have been taken.



1 I, [WITNESS], have read the  
 2 foregoing deposition and hereby affix my signature  
 3 that same is true and correct, except as noted above.

4  
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7 \_\_\_\_\_  
 [WITNESS]

8  
 9

10 THE STATE OF \_\_\_\_\_ )  
 11 COUNTY OF \_\_\_\_\_ )

12 Before me, \_\_\_\_\_, on this  
 13 day personally appeared [WITNESS], known to me  
 14 (or proved to me under oath or through  
 15 \_\_\_\_\_) (description of identity card or  
 16 other document) to be the person whose name is  
 17 subscribed to the foregoing instrument and  
 18 acknowledged to me that they executed the same for  
 19 the purposes and consideration therein expressed.

20 Given under my hand and seal of office this  
 21 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

22  
 23  
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 25

\_\_\_\_\_  
 NOTARY PUBLIC IN AND FOR  
 THE STATE OF \_\_\_\_\_  
 MY COMMISSION EXPIRES:  
 \_\_\_\_\_

1 CAUSE NO. [CAUSE NUMBER]  
2 [PLAINTIFFS] ) IN THE DISTRICT COURT  
3 )  
4 Plaintiff[s], )  
5 )  
6 VS. ) [COUNTY] COUNTY, TEXAS  
7 )  
8 [DEFENDANTS] )  
9 )  
10 Defendant[s]. ) [NO.] JUDICIAL DISTRICT

7 REPORTER'S CERTIFICATION  
8 DEPOSITION OF [WITNESS]  
9 [MONTH] [DAY], [YEAR]

9 I, [REPORTER], Certified Shorthand  
10 Reporter in and for the State of Texas, hereby  
11 certify to the following:

12 That the witness, [WITNESS], was  
13 duly sworn by the officer and that the transcript of  
14 the oral deposition is a true record of the testimony  
15 given by the witness;

16 That the deposition transcript was  
17 submitted on \_\_\_\_\_, to the witness or  
18 to the attorney for the witness for examination,  
19 signature and return to me by \_\_\_\_\_;

20 That the amount of time used by each party  
21 at the deposition is as follows:

22 Ms. Elizabeth Bruman - 01:19

23 Mr. Lance Nguyen - 00:01

24 That pursuant to information given to the  
25 deposition officer at the time said testimony was

1 taken, the following includes counsel for all parties  
2 of record:

3 FOR THE PLAINTIFF(S):

4 Ms. Elizabeth M. Bruman  
5 ZIMMERMAN, AXELRAD, MEYER, STERN & WISE, P.C.  
6 3040 Post Oak Blvd., Suite 1300  
7 Houston, Texas 77056  
8 713-552-1234

9 FOR [WITNESS] & SOUTHWEST PIPE:

10 Mr. Lance Nguyen  
11 LAW OFFICES OF LANCE NGUYEN  
12 4412 Caroline Street  
13 Houston, Texas 77004  
14 713-326-5349

15 I further certify that I am neither counsel  
16 for, related to, nor employed by any of the parties  
17 or attorneys in the action in which this proceeding  
18 was taken, and further that I am not financially or  
19 otherwise interested in the outcome of the action.

20 Further certification requirements pursuant  
21 to Rule 203 of TRCP will be certified to after they  
22 have occurred.

23 Certified to by me this [CERT DAY] day of  
24 [CERT MONTH], [CERT YEAR].

25

---

21 [REPORTER AND CERTIFICATIONS]  
22 [CERTIFICATION NUMBER(S)]  
23 [CERTIFICATION EXPIRATION]  
24 Lexitas - Firm Registration No. XXX  
25 [Lexitas address]  
[Lexitas City, State, ZIP]  
[Lexitas phone number]



1                   FURTHER CERTIFICATION UNDER RULE 203 TRCP

2                   The original deposition/signature page was/was  
3 not returned to the deposition officer on  
4 \_\_\_\_\_;

5                   If returned, the attached Changes and Signature  
6 page contains any changes and the reasons therefor;

7                   If returned, the original deposition was  
8 delivered to \_\_\_\_\_, Custodial Attorney;

9                   That \$ \_\_\_\_\_ is the deposition officer's  
10 charges to the \_\_\_\_\_ for preparing the original  
11 deposition transcript and any copies of exhibits;

12                   That the deposition was delivered in accordance  
13 with Rule 203.3, and that a copy of this certificate  
14 was served on all parties shown herein on \_\_\_\_\_  
15 and filed with the Clerk.

16                   Certified to by me this \_\_\_ day of \_\_\_\_\_,  
17 \_\_\_\_\_.

18

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\_\_\_\_\_  
[REPORTER AND CERTIFICATIONS]

22

[CERTIFICATION NUMBER(S)]

23

[CERTIFICATION EXPIRATION]

Lexitas - Firm Registration No. XXX

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[Lexitas address]

[Lexitas City, State, ZIP]

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CAUSE NO. [CAUSE NUMBER]

[PLAINTIFFS] ) IN THE DISTRICT COURT  
)  
Plaintiff[s], )  
)  
VS. ) [COUNTY] COUNTY, TEXAS  
)  
[DEFENDANTS] )  
)  
Defendant[s]. ) [NO.] JUDICIAL DISTRICT

\*CONFIDENTIAL EXCERPTED TESTIMONY\*

ORAL [AND VIDEOTAPED] DEPOSITION  
[WITNESS]  
[MONTH] [DAY], [YEAR]

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20 (Beginning of confidential portion from

21 Page 112, Line 20, to Page 117, Line 8.)

22 Q. (BY MS. HOWARD) Do you know -- now, the -- the

23 amount of commissions that you get paid -- tell me --

24 well, let me just ask you. The amount of commissions

25 are based on what, what number?

1           A.    The number --

2           Q.    It's a percent times some number, correct?

3           A.    Correct.  It's the commission percentage times  
4 the -- it's the net collections dollars that -- that  
5 Global Healthcare Alliance processes on an annual basis.  
6 That number is fact-checked based on prior history of  
7 the hospital or physician office that they're working  
8 with, so they do a best estimate calculation of their  
9 net revenue.  And then that number is multiplied by  
10 their fee, which is a percentage of net collections, and  
11 that fee ranges any -- or at least when I was there,  
12 that fee ranged from anywhere from probably 3 percent to  
13 over 11 percent.  So it was a wide range, depending on  
14 the type of medical office they were working with.

15                       MS. HOWARD:  Okay.  I know that Global  
16 considers its fee structure to be confidential, so I'd  
17 like to designate any portion of this deposition where  
18 we're discussing specifics about Global's fee structure  
19 as confidential.

20                               Any objection to that, Bill?

21                       MR. MASTERSON:  No, no objection.

22                       MS. HOWARD:  Okay.

23           Q.    (BY MS. HOWARD)  All right.  So let's just say,  
24 for example -- and I'm just picking a number out of the  
25 air -- that you would get paid your percentage of, say,

1     \$500,000. The \$500,000 would be the net collections for  
2     the year times the percentage of the fee that Global  
3     would get for those services.

4             A. I think you've got it backwards.

5             Q. Okay.

6             A. I think that -- so let's say Cardiology Group A  
7     does \$10 million annually in their debt collections  
8     business. I mean, every dollar that comes in the door  
9     someway is \$10 million. Global, then, with their sales  
10    estimate in terms of what they can manage their revenue  
11    cycle of business, would say, okay, we can do that  
12    number for -- we can do your business for 5 percent.  
13    That 5 percent fee per year -- so that's 5 percent times  
14    \$10 million. That is the figure that is then multiplied  
15    by my commission rate.

16            Q. Right. Okay. I --

17            A. Okay.

18            Q. -- we're on the same page. I --

19            A. Okay.

20            Q. -- was just trying to get to -- not the -- your  
21    commission percentage, but what that commission  
22    percentage is -- is multiplied by.

23            A. Right.

24            Q. Fair enough?

25            A. Fair --

1 Q. Okay.

2 A. -- enough.

3 Q. So do you know how much the net collections for  
4 the first year for the North Ohio Heart Center deal was?  
5 At the time of contract signing.

6 A. I would have to refer back to my original  
7 proposal, which I don't have access to.

8 Q. Well, I'm not asking what your proposal was;  
9 I'm asking you what the estimated net collections were  
10 for the North Ohio deal at the time of contract signing.  
11 Do you know?

12 A. I -- it was based on the values that I had been  
13 working with with them that they provided me, so I don't  
14 have access to that information right now.

15 Q. Well, I understand that that's the amount of  
16 the original proposal. Do you know whether that amount  
17 changed at all during the course of contract  
18 negotiations?

19 A. No.

20 Q. All right. So if, in fact, the deal that got  
21 signed was not a \$1.2 million deal but was, in fact,  
22 much less than that, you just wouldn't have any  
23 information about that.

24 A. That's correct.

25 Q. Okay. All right. And if, in fact, Global has

1 provided evidence that the total amount for North Ohio  
2 was not 1.2 million but was, in fact, 700,000, would you  
3 have any facts with which to argue?

4 A. I don't understand the --

5 Q. Okay.

6 A. -- question.

7 Q. Sure. You're claiming that the North Ohio deal  
8 was a \$1.2 million deal, right?

9 A. Uh-huh.

10 Q. Okay. Have --

11 A. Yes.

12 Q. -- you -- yes. Okay.

13 Have you seen Global's discovery responses  
14 in which they say, no, it wasn't a \$1.2 million deal; it  
15 was about a \$700,000 deal?

16 A. No, I haven't seen that.

17 Q. All right. Do you have any evidence today that  
18 the deal, as of the time that it was signed, was more or  
19 less than \$700,000?

20 A. No.

21 I'd -- I'd also like to add that at the  
22 time that I was terminated the CFO of North Ohio Heart  
23 Center had approached me about doing a -- there was a  
24 joint venture relationship with -- when they -- with  
25 another cardiology business in Cleveland and that they

1 were also considering outsourcing that piece. And based  
2 on the relationship with Global that they had developed,  
3 that they wanted us to consider looking at that piece of  
4 business as well. So what I'm contending is that any  
5 future business activity based on that conversation and  
6 interest would've also been credited to me.

7 (End of confidential portion from Page 112,  
8 Line 20, to Page 117, Line 8.)

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