

1 SUPREME COURT OF THE STATE OF NEW YORK

2 COUNTY OF ONONDAGA: CIVIL PART

3

4

RJI No. 33-11-1413
Index No. 2011-2128

5

6 KELLY VARANO, As Parent and Natural Guardian
Of Infant JEREMY BOHN; et al.,

7

Plaintiffs,

8

vs.

9

10 FORBA HOLDINGS, LLC, FORBA, LLC n/k/a
LICSAC, LLC; DD MARKETING, INC.;
SMALL SMILES DENTISTRY, PLLC.

11

...

12

Including: MAZIAR IZADI, DDS;
LAURA KRONER, DDS; LISSETTE BERNAL, DDS;
NAVEED AMAN, DDS; KOURY BONDS, DDS;
13 YAQOOB KHAN, DDS; JANINE RANDAZZO, DDS;
14 LOC VIN VUU, DDS, et al.,

Defendants.

15

Jury Trial

16

x

17

18

September 24, 2013

19

20

Onondaga County Courthouse
401 Montgomery Street
Syracuse, New York 13202

21

22

Before:

23

HONORABLE DEBORAH KARALUNAS
Supreme Court Justice

24

25

And a Jury

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

APPEARANCES:

MORIARTY LEYENDECKER, PC
BY: P. KEVIN LEYENDECKER, ESQ.
Attorney for the Plaintiffs
4203 Montrose BOulevard Suite 150
Houston, Texas 77006

POWERS & SANTOLA, LLP
BY: PATRICK J. HIGGINS, ESQ.
Attorney for the Plaintiffs
39 North Pearl Street
Albany, New York 12207

HACKERMAN FRANKEL, PC
BY: RICHARD FRANKEL, ESQ.
Attorneys for the Plaintiffs
4203 Montrose, Suite 600
Houston, Texas 77006

LAW OFFICES OF CHARLES E. DORR, PC
BY: CHARLES E. DORR, ESQ.
4203 Montrose Blvd., Suite 600
Houston, Texas 77006

WILSON ELSER
BY: MICHAEL STEVENS, ESQ.
Attorneys for Defendants Aman, Bonds, and Khan,
677 Broadway
Albany, New York 12207

LEWIS, BRISBOIS, BISGAARD & SMITH
BY: GEORGE NOTOTNY, ESQ.
Attorneys for Defendants Individual Dentists

O'CONNOR, O'CONNOR, BRESEE & FIRST, PC
BY: DENNIS FIRST, ESQ.
DANIELLE MEYERS, ESQ.
Attorneys for Defendants Old FORBA, DeRose Padula,
Mueller and Rounph
20 Corporate Woods Blvd.
Albany, New York 12211

1 SMITH, SOVIK, KENDRICK & SUGNET, PC
2 **BY: KEVIN S. HULSLANDER, ESQ.**
3 Attorneys for Defendant New FORBA
4 250 South Clinton Street
5 Syracuse, New York 13202

6 AHMUTY, DEMERS & MCMANUS
7 **BY: JOHN McPHILLIAMY, ESQ.**
8 Appearing for Defendant Padula
9 200 I.U. Willets Road
10 Albertson, New York 11507

* * *

11 **INDEX**

12	Exhibit	Description	Marked	Received
13	No.		For	in
14			Identification	Evidence
15	9			365
16	348			388
17	12			465
18	10			471
19	46			482
20	162			487
21	25			499
22	510			507
23	63			519
24	66			522
25	67			539
	1002			587
	771			590

	INDEX			
	Exhibit No.	Description	Marked For Identification	Received in Evidence
1				
2				
3				
4				
5	772	Papoose board	613	
6	58			616
7	514			616
8	8			616
9	103			616
10	24			616
11	31			616
12	35			616
13	511			616
14	530			616
15	94			626
16	95			626
17	96			626
18	97			626
19	98			626
20	1037			632
21	44			637
22	59			642
23	390			646
24	514			650
25	37			657

1	68	669
2	101A	671
3	69	679
4	101B	684
5	101C	685
6	101D	692
7	101E	695
8		
9	* * *	
10		
	WITNESSES :	
11	Dr. RUDY PADULA	
12	Direct Examination by Mr. Frankel.....	338
13	Cross-Examination by Mr. First.....	417
14	Redirect Examination by Mr. Frankel.....	433
15	Recross-Examination by Mr. First.....	436
16		
17	Dr. WILLIAM A. MUELLER	
18	Direct Examination by Mr. Leyendecker.....	437
19	Cross-Examination by Mr. First.....	544
20	Redirect Examination by Mr. Leyendecker.....	589
21	Recross Examination by Mr. First.....	611
22	Redirect Examination by Mr. Leyendecker.....	614
23		
24	DANIEL DeROSE	
25	Direct Examination by Mr. Leyendecker.....	626

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

* * *

1

2

THE COURT: Ready for the jury?

3

Mr. LEYENDECKER: Yes, your Honor.

4

5

THE COURT: Do they know what exhibits you were planning --

6

Mr. LEYENDECKER: No, they do not.

7

8

9

10

THE COURT: Maybe we'll have a conversation about how to do this to make it just a little easier again -- with the videos, I think it would be helpful, so we can just get that done in advance.

11

12

Mr. LEYENDECKER: But not for Mr. DeRose right now?

13

THE COURT: No.

14

Mr. LEYENDECKER: For upcoming videos...

15

16

17

18

19

20

THE COURT: For all counsel, my preference would be if you would give me the list of exhibits you're going to use with any witness before they're going to testify, it makes it easier because I can look through them, have an idea where I'm leaning before I do arguments, so I don't have to study the exhibit.

21

22

(Whereupon, the jury was then brought back into the courtroom)

23

THE COURT: Good lunch?

24

JUROR MEMBER: A fun lunch.

25

THE COURT: That's good. Are we ready to

1 proceed?

2 Mr. LEYENDECKER: Yes, your Honor.

3 THE COURT: Before we call the first witness, we
4 did have some exhibits that were -- that the Plaintiffs
5 seek to introduce. Those are Exhibits 94, 95, 96, 97, and
6 98, as well as Exhibit 772. The Court did review those
7 exhibits over the lunch hour and will receive Exhibit 94,
8 95, 96, 97, and 98. The Court will sustain the objection
9 with respect to Exhibit 772.

10 (Exhibits 94, 95, 96, 97, and 98 received in
11 evidence)

12 THE COURT: All right?

13 Mr. LEYENDECKER: Thank you, your Honor. The
14 Plaintiffs call Mr. Danny DeRose.

15

16 DANIEL DeROSE, having been called as a witness, being duly
17 sworn, testified as follows:

18

19 DIRECT EXAMINATION BY Mr. LEYENDECKER:

20 Q. Good afternoon. We just heard your name. Would you
21 mind introducing yourself to the jury?

22 A. I am Dan.

23 Q. Mr. Dan DeRose?

24 A. Yes, sir.

25 Q. Mr. DeRose, I would like to hand you your deposition

1 | you gave in this case, in case you need to refer to it. I
2 | may ask you to do so from time to time, and I want you to
3 | feel free to look at it if you feel the need.

4 | A. Okay.

5 | Q. You are one of the founders of FORBA?

6 | A. Yes.

7 | Q. One of the owners?

8 | A. Yes.

9 | Q. You were the president; you were in charge --

10 | A. I was president, yes.

11 | Q. And you were in charge of day-to-day activities?

12 | A. I was the president. I don't know if I'd say I was in
13 | charge. We did things as a group, took votes.

14 | Q. Am I right that you have no education in the area of
15 | dentistry?

16 | A. I do not, no.

17 | Q. And you made \$100 million when Old FORBA sold these
18 | clinics?

19 | A. Yes.

20 | Q. Is it fair to say that Old FORBA absolutely ran the
21 | clinics pursuant to a FORBA way or highway line?

22 | A. Say your term again.

23 | Q. Is it fair to say that Old FORBA absolutely ran the
24 | clinics pursuant to a FORBA way or highway model?

25 | A. It's not fair to say that, no.

1 Q. Let's look at Page 239 of your deposition, please.

2 A. Would that be in the first book or second book?

3 Q. Probably the first book.

4 A. 239?

5 Q. Yes, sir.

6 A. Got it.

7 Q. And I want to orient you to page 239, Line 18.

8 A. Okay.

9 Q. Are you with me?

10 A. Yes.

11 Q. The question there is: "It was the FORBA way or the
12 highway is the way you ran these clinics; isn't that right?"
13 And your answer was: "Oh, absolutely, as far as the
14 non-dental goes."

15 A. As far as the non-dental goes, yes.

16 Q. So let's just stick with that. It was absolutely the
17 FORBA way or the highway, as far as all non-dental matters?

18 A. Right.

19 Q. And your testimony is that it was absolutely the FORBA
20 way or the highway, but that your 200 dentists and your 50
21 clinics were free to do whatever they wanted in their
22 discretion, as long as they worked hard; is that your sworn
23 testimony?

24 A. I would -- the answer to that question would be yes.

25 MR. LEYENDECKER: Chuck, will you please put up

1 Exhibit Number 511? It's in evidence.

2 Q. Now, Mr. DeRose, FORBA had developed a turnkey
3 operation as it relates to this FORBA model, right?

4 A. As it relates to the non-dental, yes.

5 Q. The fact is that turnkey operation included specific
6 dental procedures and how they should be performed, didn't
7 it?

8 A. No, sir.

9 Q. Would you like me to hand you the Exhibit 511 or --

10 A. I can try to look at it there.

11 Q. Let me do both. Please feel free to use it as you
12 need it.

13 A. Okay.

14 Q. What I would like to orient you to is would you turn
15 to Page 2, please?

16 A. Page 4?

17 Q. Page 2.

18 A. Okay.

19 Q. This Exhibit 511 was prepared by you, was it not, sir?

20 A. What year is this, sir? 2003?

21 Q. My question is: Did you prepare this children's
22 Medicaid dental clinic overview?

23 A. I can't honestly say.

24 Q. Do you see the second page where it says prepared by?

25 A. I do, yes.

1 Q. And who does it say it was prepared by?

2 A. By myself.

3 Q. If you turn back to the first page of the Exhibit, Mr.
4 DeRose, we see it's an e-mail, you're forwarding along this
5 document that you prepared?

6 A. Okay.

7 Q. Is that true?

8 A. It's from me, yes.

9 Q. So now we know that you prepared this FORBA document.
10 Let's turn to Page 3 on company strategy, just orienting you
11 here. The second page of this company strategy, that's what
12 I want to ask you some questions about. Down here in this
13 second -- this middle paragraph, this document that you
14 prepared says: "We have basically developed a turnkey
15 operation," and that's true, right?

16 A. For the non-dental, yes, sir.

17 Q. What to look for in an office location, that was part
18 of the turnkey operation, right?

19 A. Yes.

20 Q. What specific equipment is needed for the clinic, that
21 was also part of the turnkey FORBA model?

22 A. Yes, sir.

23 Q. How the clinic should be staffed was part of the
24 turnkey FORBA model?

25 A. Yes.

1 Q. The work requirements demanded of the staff was part
2 of the FORBA model?

3 A. Yes.

4 Q. All those were parts of the our way or highway model,
5 true?

6 A. They were part of our model, yes.

7 Q. And the specific dental procedures and how they should
8 be performed were also part of the FORBA way or highway
9 model, were they not, sir?

10 A. They were not, no.

11 Q. You certainly agree, Mr. DeRose, that whether to
12 restrain a child with a papoose board is a matter for the
13 dentists, right?

14 A. Yes.

15 Q. As is the risks and benefits that ought to be
16 explained before a papoose board is used is a matter for the
17 dentists?

18 A. Yes.

19 Q. Yet isn't it true, Mr. DeRose, that the very first
20 thing FORBA did when it hired a dentist was to get them to
21 agree in writing that they were going to use whatever forms
22 FORBA told them to use?

23 A. The first thing they were told to do?

24 Q. When you had them sign an agreement, isn't that the
25 first thing that you asked them to do, part of the agreement

1 | you asked them to sign?

2 | A. It may have been; I'm not sure. I can't remember the
3 | employment agreement.

4 | (Discussion off the record)

5 | Q. Mr. DeRose, I want to hand you what's been marked as
6 | Defendant's Exhibit 1037 and ask if you can identify this as
7 | the employment agreement with Dr. Koury Bonds that you
8 | signed?

9 | A. Yes, March 22nd, 2006.

10 | Mr. LEYENDECKER: Your Honor, I would move
11 | Defendant's Exhibit 1037.

12 | THE COURT: Any objection?

13 | Mr. FIRST: May we approach?

14 | THE COURT: Yes.

15 | (Discussion off the record at the bench)

16 | THE COURT: All right, Exhibit 1057 is --

17 | Mr. LEYENDECKER: 1037 --

18 | THE COURT: 1037, sorry, is received, subject to
19 | any agreed-upon redactions.

20 | (Whereupon, Defendant's Exhibit 1037 is received
21 | in evidence)

22 | BY Mr. LEYENDECKER:

23 | Q. Okay. Mr. DeRose, do you recognize your signature on
24 | the last page of this?

25 | A. I do, yes. Yes.

1 Q. So you're familiar with this agreement?

2 A. I re-become familiar with it, yes.

3 Q. You signed a number of these each time with each of
4 the lead dentists?

5 A. I think with all the dentists.

6 Q. Okay. So you actually signed the employment agreement
7 with each and every dentist that worked --

8 A. I think so. I'm not sure, but I think so.

9 Q. Let me direct your attention to the page --

10 THE COURT: It seems like the afternoon voices
11 are a little soft --

12 Mr. LEYENDECKER: It's the hamburger.

13 Q. Can I get you to turn to Page 6?

14 A. Six, sure.

15 Q. Paragraph Number 8.04, please.

16 A. Okay.

17 Q. In Paragraph 8.04, Mr. DeRose, you say: "Employee
18 shall use and follow all established forms and records and
19 procedures provided by employer." And one of those forms, as
20 you know, was the consent form in connection with the papoose
21 board?

22 A. Okay.

23 Q. Is that right?

24 A. If they were going to use the papoose, would we -- did
25 we suggest they use the form? Yes.

1 Q. Did you get their agreement that they had to use it?

2 A. I guess so, yes.

3 Q. So this issue over here on the risks and benefits,
4 which you understand are a dental issue --

5 A. Uh-huh.

6 Q. -- the first thing you did was get the dentist to
7 agree they were going to say what you wanted them to say,
8 right?

9 A. Not -- I didn't know what they were going to say. I
10 couldn't get them to agree to that. I would get them to
11 agree to use the form that we offered them, but we expected
12 them also to talk to the parent.

13 Q. And what you expected them to tell the parent is what
14 you have on the form that you insisted they use, which is
15 that there were no known risks, right?

16 A. No, I mean each patient is so much different. I would
17 expect them -- and I'm not a dentist, but I would expect them
18 in common sense to tell the Mom or the Dad, "Here's the
19 reasons I'm deciding to do this or that," and just have a
20 direct conversation with the parent. You know, I think that
21 was a courtesy we provided, was we talked to every parent
22 before we did any procedures was: "Here's what we see.
23 Here's what we would like to do with your child. We would
24 like you to give consent." So, I didn't know what they were
25 going to say or how they were going to say it, but we wanted

1 | them to communicate.

2 | Q. And you provided the form?

3 | A. We provided the form as a guide, yes.

4 | Q. Did you think you were doing the parents a courtesy by
5 | telling them there were no known risks when the A.A.P.D. had
6 | revealed a number of serious risks? Were you doing them a
7 | courtesy by concealing that from them?

8 | A. I never considered that.

9 | Q. Is it fair to say in addition to telling the dentists
10 | what to say about the risks, you also wanted dentists to
11 | aggressively use the papoose board, right?

12 | A. No.

13 | Mr. LEYENDECKER: Your Honor, do you have the
14 | plaintiff's exhibits?

15 | THE COURT: These are my copies of the exhibits.
16 | The plaintiff's exhibits are there.

17 | Q. Mr. DeRose, you know Dr. Andrus, don't you?

18 | A. Dr. Andrus?

19 | Q. Yes, sir.

20 | A. Yes. Yes.

21 | Q. From time to time you asked Dr. Andrus to go to
22 | clinics and give you some feedback on his observations?

23 | A. Seldom, yes.

24 | Q. But you did do that?

25 | A. Once or twice.

1 Q. And on occasion after doing that, he would give you
2 some written feedback, wouldn't he, sir?

3 A. I think it came in all forms. I'm sure part of it was
4 written, sir.

5 Q. I'm going to hand you Exhibit 44 and ask you if these
6 are some of the examples of written feedback Mr. DeRose would
7 give you after you sent him out to look at a clinic?

8 A. It says it went to my brother, Mike DeRose.

9 Q. Who is it addressed to?

10 A. It says "Dear Dan."

11 Q. And that's you?

12 A. That is me.

13 Q. And it's from?

14 A. Dr. Bob.

15 Q. And that's Dr. Andrus, right?

16 A. Yes.

17 Q. And this relates to his going to the dental clinic,
18 right?

19 A. I don't know.

20 Q. Look at the very first line.

21 A. Yes.

22 Mr. LEYENDECKER: Plaintiff's offer Exhibit 44,
23 your Honor.

24 THE COURT: Any objection?

25 Mr. FIRST: Yeah, I object to the materiality

1 and relevancy of the exhibit.

2 THE COURT: Anybody else?

3 Mr. HULSLANDER: Same objection.

4 Mr. STEVENS: Same.

5 THE COURT: Overruled. Exhibit 44 received.

6 (Whereupon, Plaintiff's Exhibit Number 44 was
7 received in evidence)

8 Mr. LEYENDECKER: Chuck, may I have Exhibit 44
9 on the screen, please?

10 Q. Okay. I want to zero you in right now on Item Number
11 7, Mr. DeRose.

12 A. Okay.

13 Q. Chuck, may I please have 7 highlighted? Before I go
14 there, let's make sure we're oriented. If I go back to the
15 top, it says: "Dear Dan, here are some of my observations
16 from Denver," right? Do you see that? And Denver was one of
17 the FORBA clinics?

18 A. Well, we had three in Denver.

19 Q. Denver, Aurora, and what was the other one at the
20 time?

21 A. Smile High was one; Thornton.

22 Q. Okay.

23 A. And Aurora.

24 Q. Okay. So let's look at the observations he made to
25 you about those dental clinics, and I want to focus you on

1 Number 7.

2 A. All right.

3 Q. Number 7 says: "Dan, they need lots of work on the
4 proper way to do this business," and "they," you understand
5 he's referring to the dentists, right?

6 A. Or the clinics. I'm not sure what he's referring to.

7 Q. "And the proper way to do this business is the FORBA
8 model," right?

9 A. He doesn't say FORBA model, no.

10 Q. "Dan, they need lots of work on the proper way to do
11 this business or we're going to get in trouble. They use
12 sub-quality X-rays all of the time and they are way too
13 paranoid about the pedo wrap." And the pedo wrap is the
14 papoose board, right?

15 A. Yes.

16 Q. "Hell, they only have two small wraps. They need five
17 total." What he was saying to you is that the Denver clinics
18 were not using the papoose board aggressively enough, right?

19 A. I don't know what clinic he was talking about
20 specifically, but his comment is in -- he felt they were way
21 too paranoid about the pedo wrap.

22 Q. And you understood that to mean that the dentists at
23 these clinics don't want to use it and they need to use it
24 more and that's why they need five instead of two small ones?

25 A. Is that what I understood him to say? Is that what

1 | you're asking?

2 | Q. That's what you understood him to say, isn't it?

3 | A. I mean, I can read the words and that's his opinion,
4 | yes.

5 | Q. He was working for FORBA when he went to see those
6 | clinics?

7 | A. No, I don't think he was working for FORBA in '03. He
8 | was working for my father. He was an associate dentist in
9 | Pueblo.

10 | Q. Wasn't the clinic in 2003 in Pueblo part of the FORBA
11 | organization?

12 | A. I don't think it was in '03, Pueblo, no. Pueblo was
13 | run by my father.

14 | Q. Let me ask it this way: Was the Pueblo clinic part of
15 | the FORBA organization at any point in time?

16 | A. That's a great question, Kevin. I don't know for
17 | sure. It sold with all the other clinics.

18 | Q. When you all sold for \$435 million, part of what you
19 | sold was that clinic, right?

20 | A. We sold that clinic, yes.

21 | Q. Let me hand you what has been marked as Exhibit Number
22 | 59.

23 | A. All right.

24 | Q. Recognize 59 as another report back to you in writing
25 | from Mr. Andrus?

1 A. Okay.

2 Q. Regarding observations of clinics; do you see that?

3 A. I'm starting to.

4 Mr. LEYENDECKER: Your Honor, Plaintiffs offer
5 Exhibit 59.

6 THE COURT: Any objection?

7 Mr. FIRST: I would object as immaterial and
8 irrelevant. It also appears to be a draft, and it's
9 undated.

10 THE COURT: Okay.

11 Mr. FIRST: No foundation for it.

12 THE COURT: The last part was not a legal
13 objection. Not doing speaking objections. It's either
14 relevancy and --

15 Mr. FIRST: No foundation is the reason why I --

16 THE COURT: I'm going to sustain the objection
17 on foundation right now.

18 Q. You've seen this document before, haven't you, Mr.
19 DeRose?

20 A. I have no idea.

21 Q. You have no idea if you've seen this document before?

22 A. Well, I haven't even read it. Let me see. No, I
23 really don't have any idea. I've been hit in the head a lot
24 throughout my life. Let's see. It does not ring a bell,
25 sir.

1 Q. Let me ask you, was it your practice at the time when
2 you asked Dr. Andrus to go review these clinics and to report
3 back -- I think you said sometimes he does so in writing;
4 sometimes he does orally. It was your practice to ask him to
5 do that, report back to you?

6 A. I think when Bob went, it was probably my father asked
7 him.

8 Q. Okay. And your father was certainly a board member
9 and founder of Old FORBA?

10 A. He was, yes.

11 Q. And it was a practice for when you asked Dr. Andrus to
12 go out in the field, whether it was you or your father --

13 A. Right.

14 Q. -- to report back and the company would keep those
15 materials, would they not?

16 A. I don't think the reporting process was that formal or
17 we would have done something a little more formal than this.
18 But he would go and then come back and tell us what he
19 thought, yeah.

20 Q. And in this case, he told you what he thought in
21 writing, correct?

22 A. In this last case here?

23 Q. Yes, 59.

24 A. Can I read it? What clinic is this about, sir?

25 Q. The question to you, Mr. DeRose, is consistent with

1 | the practice you described, reporting either orally or in
2 | writing, does this document refresh your recollection that on
3 | this occasion Dr. Andrus was reporting back to FORBA in
4 | writing about observations on the clinics?

5 | A. Let me check. Give me a second. So the first page is
6 | to me, okay. It appears that he's reporting back on a
7 | clinic. I can't tell which one it is.

8 | Mr. LEYENDECKER: Your Honor, Plaintiffs would
9 | offer Exhibit 59.

10 | Mr. FIRST: Object. No foundation.

11 | Mr. LEYENDECKER: As to the first page, your
12 | Honor, I'm offering the first page as Exhibit 59. May I
13 | see that, Mr. DeRose?

14 | THE WITNESS: Uh-huh.

15 | Mr. LEYENDECKER: I'm going to take out the
16 | rest, and since he's identified the first page, I'm going
17 | to offer the first page of 59.

18 | THE COURT: Would counsel like to approach,
19 | please?

20 | All right. I'm going to overrule the objection
21 | and receive Exhibit 59 subject to completion of the
22 | foundation through Dr. Andrus when he testifies.

23 | (Exhibit 59 received in evidence)

24 | Mr. LEYENDECKER: Chuck, may I please have 59 on
25 | the screen?

1 Q. Okay, Mr. DeRose. Let's look at this letter that Dr.
2 Andrus sent you, and he starts off by saying: "Going into a
3 new start-up clinic," and you understood he was giving you
4 his observations about what FORBA should be doing in its
5 start-up clinics, correct?

6 A. He says: "Going into a new start-up clinic, I need a
7 list of names and their positions in the clinic."

8 Q. Let's focus you on the paragraph that's really the
9 heart of 59. Starting with the word "we," "We need to get
10 all of the crying and restraint and basic --" what he told
11 you as it relates to these start-up clinics, "We need to get
12 all of the crying and restraint and basic pedo restraint
13 issues taken care of up front," and the pedo restraint is a
14 reference to the papoose board?

15 A. That would be my assumption, yes.

16 Q. "Taken care of up front first thing and let them know
17 that they will need to decide to do it our way or go find
18 another place to work." And the "our way" was the FORBA way,
19 right?

20 A. Those were Dr. Bob's words, not my words.

21 Q. What's your understanding of the way he was referring
22 to when he said "our way"?

23 A. I think maybe his perception of the way he thought
24 they did it in the clinic where he worked.

25 Q. And that was the clinic, as you just told this jury,

1 | that your father ran in Pueblo, right?

2 | A. Yes.

3 | Q. So your understanding of what Dr. Andrus was telling
4 | you was we need to get all of the new dentists at the new
5 | clinics to do it the way that Dr. Eddie does it and the way I
6 | do it at the clinic that served as the model for this whole
7 | business, right?

8 | A. I would be guessing what he meant but -- I mean, it's
9 | hard for me to interpret what someone else meant.

10 | Q. "Or go find another place to work." That's his
11 | concept of doing it our way or the highway, is it not, Mr.
12 | DeRose?

13 | A. That's Bob's words, not my words.

14 | Q. He says: "I don't need A-holes trying to reinvent the
15 | wheel," and the A-holes he's referring to are the dentists
16 | you hired --

17 | A. I have no idea.

18 | Mr. FIRST: Objection. He's asking him to
19 | interpret somebody else's document.

20 | THE COURT: You can ask the witness the
21 | question. The witness seems to be able to answer if he
22 | doesn't know what was meant by it, so overruled. It's
23 | essentially cross-examination.

24 | Q. Mr. DeRose, who did you understand Dr. Andrus was
25 | referring to when he said: "I don't need A-holes trying to

1 reinvent the wheel"? Who were the A-holes, as you understood
2 it?

3 A. I haven't thought about it. What's the date of the
4 document?

5 Q. I don't know. Let's look at the top. That's a fax up
6 there, right -- excuse me, that's 44.

7 A. I have no idea. I haven't thought about what he
8 meant. You want me to guess what Dr. Bob meant about "we
9 don't need A-holes." I have no idea. Maybe he meant the
10 front office manager, maybe the janitor crew. He might have
11 meant the dentists. I'm not sure, sir.

12 Q. FORBA didn't want its dentists using papoose boards
13 the way they believed in their own independent judgment;
14 FORBA wanted the dentists to do it the FORBA way and that's
15 what you understood Mr. Andrus was reporting back to you
16 about what they should be doing with the new clinics, right?

17 A. I think I've answered that question. Not right.

18 Q. "Once they are hip to how to handle the worst
19 patients, then we need to move on" -- excuse me. Let me go
20 back to that. "I don't need A-holes trying to reinvent the
21 wheel." The wheel, Mr. DeRose --

22 A. Yes.

23 Q. -- was the FORBA way or the highway, when it came to
24 use of papoose boards, right?

25 A. I have no idea what Bob meant by the wheel.

1 Q. It is fair to say that in addition to telling them
2 what they should disclose about the risks of restraint or
3 should not disclose and how they should use the papoose
4 board, you felt like FORBA needed to teach the dentists how
5 to do dentistry, right?

6 A. I felt like that?

7 Q. You certainly did.

8 A. Absolutely not.

9 Q. Let me hand you what's been marked as Plaintiff's
10 Exhibit Number 390. Mr. DeRose, do you recognize Exhibit 390
11 as an e-mail you sent on July 17th, 2005, to Mike Rounph,
12 Rich Lane and Dr. Ken Knott?

13 A. It appears so, yes.

14 Mr. LEYENDECKER: Plaintiffs offer Exhibit 390,
15 your Honor.

16 THE COURT: Any objection?

17 Mr. FIRST: I need to find it first.

18 I have no objection.

19 Mr. HULSLANDER: No objection.

20 Mr. STEVENS: No position.

21 THE COURT: 390 received.

22 (Whereupon, Plaintiff's Exhibit Number 390 was
23 received in evidence)

24 Q. There's a couple of e-mails here and I want to start
25 with the one on the bottom, an e-mail Mr. Rounph sent to you

1 on July 15th, which is a couple of days before you responded.
2 The subject of the e-mail is Boise, and that's a reference to
3 the Boise clinic, right?

4 A. I'm sure it was.

5 Q. And that's one of the FORBA clinics?

6 A. It was.

7 Q. What Mr. Rounph was asking Dr. Knott and copied you on
8 was that production in Boise, he wanted y'all's thoughts and
9 input on that, didn't he?

10 A. That's what he's asking, yes.

11 Q. Let's jump up to the top and see what your thoughts
12 and input were to him. Right there in the middle,
13 "Regardless of patient flow," third line down --

14 A. Okay.

15 Q. "We told him that regardless of patient flow, we need
16 to teach them how to do dentistry." That's what you told
17 him, right?

18 A. Right.

19 Q. That's what you told him?

20 A. That's what is written there, yes.

21 Q. Is that what you told him?

22 A. I didn't tell him. It was written in an e-mail.
23 That's what I wrote in my e-mail, yes.

24 Q. And that's what FORBA wanted to do, they wanted to
25 teach dentists how to do dentistry so production wouldn't

1 suck, right?

2 A. Well, I think what I meant by that was when there's
3 work to be done, when a treatment plan has been finished and
4 there's work that's been identified by the dentist, that we
5 wanted them to do the work.

6 Q. Well, was it FORBA's job to teach them how to do
7 dentistry so that the production wouldn't suck?

8 A. No, to encourage them to do the work.

9 Q. But you thought you needed to teach them how to do
10 dentistry, right?

11 A. No.

12 Q. This last line: "Daily communication and creating an
13 awareness that we are aware of the lack of treatment will in
14 itself help." And by that, you meant "we need to let them
15 know every day that they're not producing enough, and if we
16 do that, perhaps the production won't suck," right?

17 A. Daily communication was important to let them know
18 that they weren't operating in a bubble, that, you know, we
19 were aware of what the treatment plans they themselves had
20 done and the work that they had identified and how much of
21 the work was being completed. So we were very aware of that,
22 and it's to the issue that Dr. Rudy and Dr. Bill had talked
23 about, and I can address it now, and then just refer back to
24 it, but, you know, what we wanted from the doctors --

25 Q. Mr. DeRose, I'm not sure I asked you -- I think you

1 answered my question.

2 A. Okay. That's fine.

3 Q. You'll have an opportunity to tell whatever story you
4 want to tell when your lawyer asks you questions.

5 A. Okay.

6 Q. Let's see. It's also fair that FORBA wanted to break
7 the dentists of their old ways and get them on board with the
8 FORBA model, right?

9 A. Where's it say that?

10 Q. I'm asking you, is that what FORBA was doing, was
11 breaking dentists of their old ways and getting them on board
12 with the FORBA model? That's what you were doing, right?

13 A. No.

14 Q. Let me hand you Exhibit 514.

15 A. Okay.

16 Q. Exhibit 514, see if you can identify Exhibit 514, Mr.
17 DeRose, as a February 1st, 2006 e-mail from Rich Lane to you
18 and others.

19 A. It is.

20 Mr. LEYENDECKER: Your Honor, Plaintiffs move to
21 admit Exhibit 514.

22 THE COURT: Any objection?

23 Mr. FIRST: My objection is it's irrelevant and
24 immaterial, relates to the Albuquerque clinic.

25 THE COURT: Any other objections?

1 Mr. HULSLANDER: Same objection.

2 Mr. STEVENS: No position.

3 THE COURT: Exhibit 514 received.

4 (Whereupon, Plaintiff's Exhibit Number 514 was
5 received in evidence)

6 Q. Okay, Mr. DeRose --

7 A. Okay.

8 Q. -- the Albuquerque clinic is one of the clinics that
9 were part of the three, four, five that we have heard
10 discussion about Legacy Clinics, right?

11 A. There was two in Albuquerque. Is this one or two?
12 This is the Legacy Clinic, this is one. So that's correct.

13 Q. And that became part of the FORBA model, was sold with
14 the sale?

15 A. It was sold with the sale, yes.

16 Q. And the subject of this e-mail is retraining; do you
17 see that, Mr. DeRose?

18 A. I do, yes.

19 Q. Under Item Number 3, it says: "Treat the training as
20 if it were a new clinic." So he's talking about how FORBA
21 trained new clinics, right?

22 A. Right.

23 Q. And he wanted to treat the Albuquerque clinic, even
24 though it had been there for awhile, like a new clinic,
25 right?

1 A. It actually just came under DD Marketing. Until this
2 time, there was another company called DeRose Management,
3 which my father ran -- so are you aware of that? -- that ran
4 the Legacy Clinics.

5 Q. Okay.

6 A. So at this time I think is when DD Marketing got a
7 service agreement with Albuquerque, so we went in and started
8 from the beginning.

9 Q. And DD Marketing was your company?

10 A. Yes, sir.

11 Q. That you owned two-thirds of and Mr. Roumph owned
12 one-third of?

13 A. That's correct.

14 Q. Neither one of you are dentists?

15 A. We're not dentists.

16 Q. It's in the FORBA model. Mr. Lane says: "We need to
17 break the old ways and get them on board with the FORBA
18 model?

19 A. Right.

20 Q. And that was using restraints and get them so that
21 production doesn't suck, right? That's what he was referring
22 to?

23 A. He was referring to the front office, the way they did
24 billing, chart-keeping, record-keeping, audits. If you see
25 in Number 6, you see it says: "Dr. Knott will focus on the

1 | doctors," because he was a dentist. We were not dentists, so
2 | we did not train anything that had to do with dentistry. We
3 | focused on the non-dentistry. That was our role.

4 | Q. Let's explore that for a minute. Dr. Ken, that's Ken
5 | Knott, right, and he was the regional director for Old FORBA?

6 | A. Right.

7 | Q. "Dr. Ken will focus on monitoring docs, treatment
8 | planning." Isn't treatment planning, Mr. DeRose, for the
9 | dentists on the scene, and it's their obligation to use only
10 | their judgment and not corporate influence as to what should
11 | be the treatment plan?

12 | A. The treatment plan itself, but there's procedures to
13 | treatment plan, how you document it, how you put it on the
14 | chart, how you visit with the parent -- for example, Mrs.
15 | Bohn -- about it, what you tell them about their child. It's
16 | not saying that they told them "identify this as a crown and
17 | this as a two-surface filling." I mean, it was "Hey, we do
18 | treatment plans. You're not going to perform a procedure on
19 | a child without a treatment plan."

20 | Q. He was going to mentor those docs based on the FORBA
21 | model as it related to treatment planning, right?

22 | A. He was going to tell them what was expected as far as
23 | having a treatment plan, correct.

24 | Q. Your understanding of treatment planning refers to
25 | what work should be done on a child, if any?

1 A. No, treatment planning refers to -- in my opinion, it
2 refers to the diagnosis that the doctor has made, putting it
3 on a chart. It's -- it's the record.

4 Q. The diagnosis the doctor makes?

5 A. And I'm not a dentist. Don't -- I mean, we're not
6 going to publish this in a book, but the way I view a
7 treatment plan is the doctor examines the child, decides what
8 work needs to be done, develops that plan, called a treatment
9 plan. "Here's what needs to happen to Jeremy, based on his
10 mouth and from the chart I saw, the twelve teeth that needed
11 to be addressed. Here's the twelve teeth, and here's what I
12 think should be done." That's a treatment plan.

13 Q. And the truth is that part of the FORBA model was to
14 influence doctors to diagnose in ways so as to not leave
15 money on the table for FORBA, right?

16 A. Absolutely wrong.

17 Q. Let's get Exhibit 44 back in front of us then.

18 A. Okay. 44... okay.

19 Q. I want to zero you in on Item Number 5.

20 A. All right.

21 Q. This is a memo that Dr. Andrus wrote to you after
22 looking at the Denver clinics?

23 A. Okay.

24 Q. And he tells you: "I'm going to work in Aurora next
25 month on the 25th." And Aurora is one of the FORBA clinics?

1 A. Yes, it was our first clinic.

2 Q. "Not to bore you with the dental side, but they are
3 leaving money on the table because diagnosis is the most
4 important thing we do in the clinics," and what Dr. Andrus
5 and what FORBA wanted was for these doctors to diagnose and
6 treat the patient in a way that didn't leave money on the
7 table for FORBA, right?

8 A. The way I read that is that they wanted them to
9 diagnose the work that needed to be done.

10 Q. Okay. Did he put in quotes "the work that needed to
11 be done" or did he put in quotes "diagnose in a way so as not
12 to leave money on the table."

13 A. That's what he put, yes.

14 Q. Anything in here in Item 5 that talks about the
15 quality of care or what work needs to be done, or does it all
16 relate to diagnosing so that money is not left on the table?

17 A. I mean, I read when he says "because diagnosis" --
18 move your head, please. "Because diagnosis is the most
19 important thing we do in the clinics," I think that's a very
20 accurate statement. How you diagnose the dental disease of
21 that child, and then our part, the non-dental part, we were
22 very concerned about the documentation, that the charting was
23 done correctly so that the billing could be done correctly so
24 that, you know, there were no mistakes that were made. So
25 the diagnosis was very, very important.

1 Q. Okay. Very important. And you, I take it, understood
2 and wanted Dr. Knott and others to reinforce with your
3 dentists that if it's important to the treatment, if it's
4 relevant to what they think, that they ought to put it down
5 in that chart, right?

6 A. We encourage charting, yes.

7 Q. "First Dr. Mike, 3:16." Is that a reference to the
8 bible or to your brother?

9 A. I have no idea. I didn't write this document. I
10 don't know.

11 Q. Let's look at Number 10 while we're on 44. He says:
12 "Chief, I can make that thing bust ass with Dr. Amir. I just
13 think that you and Dr. Eddie need to know that quote,
14 unquote, orientation of the new doctors is critical." And
15 you're "chief," right?

16 A. I've never been call "chief," but...

17 Q. And the thing that he's talking about that can be made
18 to bust ass is the clinic, right?

19 A. That would be my assumption.

20 Q. And orienting the new doctors, in quotes, in a way so
21 they understand diagnosing so as to not leave money on the
22 table was the FORBA way, right, sir?

23 A. Wrong.

24 Q. Another clinical issue that FORBA influenced and
25 interfered with the dentists on was on the subject of whether

1 | they could refer a child out to another practitioner, right?

2 | Mr. FIRST: Object to the form of the question.

3 | THE COURT: I'm sorry, I was writing a note. I
4 | didn't hear the question.

5 | (Whereupon, the question was read by the court
6 | reporter)

7 | A. Wrong. My answer would be wrong.

8 | Q. Let me hand you Exhibit Number 47 --

9 | THE COURT: I'm going to overrule the objection.
10 | You need to wait until I rule on the objection --

11 | THE WITNESS: I didn't know there was one. I'm
12 | sorry.

13 | Q. Let me hand you Exhibit 37, Mr. DeRose. This is an
14 | e-mail you wrote on December 29th, 2004, following an
15 | incident in Atlanta. Can you identify that for us, please?

16 | A. I'll try to. Okay.

17 | Q. Can you identify that as an e-mail that you wrote on
18 | that day, sir?

19 | A. It sure looks like it, yes.

20 | MR. LEYENDECKER: Plaintiffs would offer Exhibit
21 | 37, your Honor.

22 | THE COURT: Any objection?

23 | Mr. FIRST: It's irrelevant, has to do with a
24 | different clinic.

25 | THE COURT: Any other?

1 Mr. HULSLANDER: Same.

2 Mr. STEVENS: No position.

3 THE COURT: Exhibit 37 received.

4 (Whereupon, Plaintiff's Exhibit Number 37 was
5 received in evidence.)

6 Q. You do agree with me, Mr. DeRose, that the subject of
7 referrals, whether a dentist should refer a child to a
8 practitioner that has more qualifications or could render
9 care more appropriately, that is exclusively within that
10 dentist's judgment, right?

11 A. Right.

12 Q. Exhibit 37, the e-mail you've written is after there
13 was an incident in Atlanta?

14 A. Okay.

15 Q. You see the subject of your e-mail?

16 A. Okay. Uh-huh.

17 Q. You put in all capital letters at the top -- by the
18 way, you sent this to Rich Lane, Mike Rounph, Tom
19 Hillebrand -- who's Mr. Hillebrand?

20 A. He was an employee of DD Marketing.

21 Q. And who was Mr. Cruse?

22 A. He was an employee of DD Marketing. So was Ryan Root,
23 and Bob, you know Dr. Bob.

24 Q. Bob Andrus, the one that was reporting back to you
25 about other clinics?

1 A. Bob owned the Atlanta clinic. He owned the Georgia
2 clinics.

3 Q. Let me ask you, did Bob get the profit from those
4 clinics or did that go to FORBA like the Syracuse clinic?

5 A. Bob got paid from those clinics, yes.

6 Q. Where did the profit go? The money left over after
7 the expenses were paid, did that go to FORBA or Dr. Bob?

8 A. I would have to look at the exact books, but I know he
9 got a fee per clinic per month. Whether that represented the
10 profit, whether it was excess of the profit, whether it was
11 less than the profit, I really couldn't tell you, but he had
12 a fee that he was receiving every month as the owner.

13 Q. And who was paying him that fee, FORBA?

14 A. The clinics.

15 Q. Did Dr. Andrus practice in Atlanta?

16 A. He may have. Yes, he was licensed there.

17 Q. I thought you told me he worked at your father's
18 clinic in Pueblo?

19 A. He did.

20 Q. Was he working with your father in Pueblo or was he
21 working in Atlanta?

22 A. He would work mostly in Pueblo, yes.

23 Q. And you paid him \$5,000 a month --

24 A. Per clinic.

25 Q. Yes, for each clinic he would agree to certify in the

1 state that he was the owner, you paid him \$5,000 a month for
2 each and every one of those, didn't you?

3 A. I couldn't remember the number. I didn't -- I thought
4 it was three, four, five, but five sounds like it could be,
5 yes.

6 Q. How many clinics did he play like he was the owner on,
7 10, 15?

8 THE COURT REPORTER: I need you to wait one
9 second.

10 THE WITNESS: Okay.

11 A. Okay. Where was I? He didn't play?

12 (Whereupon, the question was read by the court
13 reporter)

14 Q. Okay. Let's move on. Let's move on. I'm going to
15 talk to him about his ownership and where he got any profit.
16 Okay. We'll clear that up with him.

17 A. That's fine.

18 Q. You wrote, "Read this carefully and thoroughly as
19 action items are required"? Is that what you wrote? That's
20 what you told your team, right?

21 A. I was concerned about this, you bet.

22 Q. I don't want to get into details about the situation
23 with the mother and all that happened because that's not what
24 I want to talk about, but what I want to focus you on is this
25 paragraph "So what to do." Are you with me?

1 A. I see it now.

2 Q. "So what to do, who to kick the s-out of, where do I
3 start? Start with me. I'll take responsibility." "Atlanta
4 is a mess, a disappointment, a total disaster. I have looked
5 the other way and allowed it to happen. Our employees don't
6 care; our doctors have no leadership and no professional
7 conduct. Our OM" that's office manager, right?

8 A. Yes.

9 Q. -- "is a train wreck, an immature little girl with a
10 huge mouth. Our systems are not in place." FORBA systems,
11 right?

12 A. Yes.

13 Q. "Medical histories are not being signed, X-rays suck,"
14 those are dental issue, right?

15 A. Quality of X-rays, yes.

16 Q. Medical history, that's a dental issue, right?

17 A. It's part of the record. It's probably both.

18 Q. "Referrals are being made daily. This is not a FORBA
19 clinic and no one to blame but myself." The subject of
20 referrals is absolutely a dental issue, is it not, Mr.
21 DeRose?

22 A. Yes.

23 Q. Okay. And so this Atlanta clinic was not acting like
24 a FORBA clinic because referrals were being made daily and
25 FORBA didn't want its dentists to refer, did it?

1 A. That was -- I mean, you read the whole list, and it
2 might be important for the jury to know that the reason for
3 this e-mail -- I mean, you wanted to skip over it, but they
4 actually had a fight in the clinic between a mother and one
5 of our staff, where the mother attacked the staff. And it
6 was just something that could not be tolerated and that could
7 not happen in a professional clinic, so that's what started
8 the situation and I don't -- to make this sentence all about
9 referrals would not be accurate.

10 Q. I'm not making it about referrals. I'm saying part of
11 what you identified is not the FORBA way, the our way or the
12 highway, is referrals, and you were upset because referrals
13 were being made daily, right?

14 A. I was upset because of the incident.

15 Q. And let's just focus on that.

16 A. Okay.

17 Q. You say: "The patient's mother is a mess and probably
18 deserved to be decked." That was your view about the
19 patient's mom, right?

20 A. I don't remember that but --

21 Q. Do you see what you wrote?

22 A. I do. It says up above -- we should probably read
23 that part, that the mom said --

24 Q. Here's my question -- okay?

25 Mr. FIRST: I'm going to object to --

1 MR. LEYENDECKER: He' not answering my question.

2 THE COURT: The question was answered, so I'm
3 going to overrule the objection. Try to answer the
4 questions that are asked.

5 THE WITNESS: Okay.

6 Q. Whatever this patient's mother did, your feeling was
7 that she deserved to be decked?

8 A. Where do I say that? Let me read it.

9 Q. "The patient's mother is a mess and probably deserved
10 to be decked." Is that how you felt about the mothers of
11 your patients when they did things y'all didn't like, however
12 disruptive they may be?

13 A. Well, I think she attacked one of our staff, so, I
14 mean, self-defense, yes, I mean -- I wouldn't encourage our
15 staff to take a beating from a patient's mother, no.

16 Q. Down here you say "Sean," and that's a reference to
17 Dr. Barnwell, one of FORBA's regional directors?

18 A. Yes.

19 Q. Working for DD Marketing?

20 A. Right.

21 Q. A doctor, correct?

22 A. Sean was a doctor, correct.

23 Q. "Sean will insure by physical presence that no more,
24 absolutely no more corners will be cut, no more ideas that
25 are not FORBA's will be fostered and they -- each and

1 everyone" -- in capitals -- "will do it our way or be
2 terminated?

3 A. Okay.

4 Q. That's the FORBA way or highway model, right?

5 A. That was the Atlanta clinic specifically and the
6 problems they were having and my attitude towards that
7 clinic, yes.

8 Q. And your attitude was "it's the FORBA way or the
9 highway," and that relates to both referrals and all the
10 other subjects we've been talking about, doesn't it, Mr.
11 DeRose?

12 A. I don't think referrals was the issue, no.

13 Q. How about nitrous, is that a non-dental issue, the use
14 or non-use of nitrous? Is that a non-dental issue?

15 A. No, that would be a dental issue.

16 Q. And what did you tell your lieutenants as the action
17 item that was required? You told everyone that "We're at
18 work at 8 a.m. with the f-in' nitrous turned on," right?

19 A. They were not turning the nitrous on in the clinic,
20 which we wanted the nitrous on in all the clinics. If the
21 doctor chose to use it, it had to be turned on or they
22 couldn't even use it.

23 Q. Are you going to tell the jury this is not a reference
24 to they better be in there producing in a way that doesn't
25 suck, diagnosing in ways that don't leave money on the

1 table -- that's not what this relates to?

2 A. That's not what this relates to.

3 Q. Did you want anybody to ever see this e-mail beyond
4 your little circle?

5 A. I don't have a problem with anybody seeing any of my
6 e-mails.

7 Q. Let's go to the end of the e-mail and see what you
8 wrote.

9 A. I have bad language at times, especially if I'm upset,
10 and I apologize to the jury for the bad language.

11 Q. "This e-mail is not to be forwarded to anyone, printed
12 out or duplicated in any way without my permission." Who's
13 D.D.?

14 A. D.D. is me.

15 Q. You didn't want anybody to see this e-mail, did you?

16 A. Not until it was finalized. We were going to make
17 changes in Atlanta. You know, we wanted to make those
18 changes.

19 Q. Do you recognize Exhibit 530 as an April 18th, 2005
20 e-mail from Rich Lane to you, Mike Roumph and Ryan Root. Do
21 you know what that is?

22 A. Yes.

23 Mr. LEYENDECKER: Plaintiff -- sorry, 530 is
24 already in. Chuck, can I have it on the screen, please?

25 Q. 530 relates to Dr. Knott's promotion to the western

1 regional director, right?

2 A. Yes.

3 Q. Okay. He'd been working as a dentist in some Arizona
4 clinics?

5 A. Tucson.

6 Q. Tucson. And he was being promoted to one of FORBA's
7 western regional directors in 2005, right?

8 A. Not to it. We didn't have the position before. We
9 were getting larger. We created the position, actually. So
10 he was the first and only western regional director, from the
11 time we started until when we sold.

12 Q. Was he promoted from dentist to regional director or
13 not?

14 A. Yes, he was.

15 Q. Okay, thank you. Let's look under Item Number 4.

16 A. Okay.

17 Q. It says: "As the lead dentist, you have the authority
18 to make staffing decisions as necessary. They either buy in
19 or gone," right?

20 A. Yes.

21 Q. And the reason they're either going to buy in or gone
22 was "if you feel that Dr. Kerr is not matching up with our
23 philosophy," and that's the FORBA philosophy, right, the
24 FORBA model we have been talking about, the our way or the
25 highway model --

1 A. What number are you on?

2 Q. Number 5. "If you feel that Dr. Kerr is not matching
3 up with our philosophy" -- that's FORBA's philosophy?

4 A. Okay.

5 Q. Is that right?

6 A. Our philosophy... yes.

7 Q. So if dentists didn't match up with the FORBA way or
8 highway model, they wouldn't treat the way FORBA wanted them
9 to treat, wouldn't diagnose so as not to leave money on the
10 table, wouldn't do things to not cause production to suck,
11 you wanted them to make a recommendation to terminate them,
12 correct?

13 A. We drew a fine line between interfering in the
14 operatory or the dentists' decisions and the dentists'
15 actions. Dentists were employees. They still had to show up
16 to work on time; they still had to put in vacation requests;
17 they still had to treat other employees with respect; they
18 were expected to talk to moms. If they didn't want to talk
19 to moms, that -- we didn't like that. We encouraged them to
20 talk to moms. If they wanted to -- there would be a rotation
21 in the hygiene room, and if they didn't want to take their
22 rotation because they were making personal phone calls on
23 their cell phone -- so it's not -- you're implying that it's
24 dentistry, and our philosophy was: You were a dentist that
25 signed a contract; you show up at eight and you work until

1 noon. You take an hour for lunch. You come back at one, not
2 five after one; you come back at one and you work until five,
3 and then all the non-dental services were taken care of by DD
4 Marketing.

5 Q. And that same contract that you asked them to sign,
6 one of the very first things you got them to do was to agree
7 to conceal from parents the risks that were associated with
8 the papoose board, right?

9 A. Absolutely not.

10 Q. Okay. Let's look at Exhibit Number 98. Exhibit 98 is
11 an April 18th, 2006 e-mail from Dr. Sean -- you recognize
12 Exhibit Number 98 from Dr. Barnwell to you?

13 A. It appears it is, yes.

14 Mr. LEYENDECKER: Plaintiffs offer Exhibit 98.

15 THE COURT: Exhibit 98 is already received.

16 Mr. LEYENDECKER: It is, your Honor.

17 Q. Truth is, FORBA viewed their dentists as expendable
18 and they made that very clear to them, didn't they?

19 A. Oh, no. I mean, it was very hard for us to find a
20 dentist, to hire a dentist, to orientate a dentist. We
21 surely didn't want to terminate a dentist. It was costly; it
22 was time-consuming, but we weren't afraid to terminate a
23 dentist if they weren't going to work.

24 Q. Dr. Sean, he was a regional director in charge of the
25 New York clinics and other clinics on the eastern coast?

1 A. Yes.

2 Q. And he's sending you this e-mail about this Rochester
3 visit? That's another clinic right down the road?

4 A. Yes.

5 Q. And what he says down here at the bottom: "Yesterday
6 over victuals, I discussed with the doctors the need for
7 teamwork, the concept of expendability and adherence to the
8 mission that they signed on for. They all understood my
9 meaning." Right?

10 A. Yep.

11 Q. He was telling those doctors if you didn't treat the
12 way FORBA wanted you to treat, you're expendable. If you
13 didn't match up with the our way or the highway philosophy,
14 clinic philosophy, clinic model, we are going to get rid of
15 you; isn't that his message, sir?

16 A. I have no idea what his message was about the dental
17 part, I wasn't there --

18 Q. He's talking to the dentists, right?

19 A. Yeah, but I don't know whether he's talking about
20 being to work on time or treating parents with respect or
21 talking to the parents, which was our philosophy. We talk to
22 every parent -- I don't know what he's talking about.

23 Q. Is it appropriate to sit down with the doctors and
24 say, "if you don't adhere to the mission we sign you on for,
25 we're going to run you off." Is that appropriate?

1 A. I think so. To sit with our employees and say:
2 Here's your contract, here's what we agreed to do. If you're
3 not willing to do it, then you can be terminated.

4 Q. FORBA absolutely had a philosophy about treatment, and
5 if the dentist didn't treat according to FORBA's philosophy,
6 you got rid of them?

7 A. Absolutely not.

8 Q. Let me hand you Exhibit Number 68. Can you identify
9 Exhibit number 68 as a January 29th, 2005 board agenda?

10 A. It appears to be, yes.

11 MR. LEYENDECKER: Plaintiffs offer Exhibit 68.

12 THE COURT: Any objection?

13 A. I can't see that.

14 Q. We'll put it on the screen to make it easier.

15 A. Blow it up, Chuck. I can't see it, man.

16 Mr. FIRST: No objection.

17 THE COURT: Okay. Exhibit 68 received.

18 (Whereupon, Exhibit 68 received in evidence)

19 Q. You ran the board meetings?

20 A. I did, yes. When I was in town. I wasn't always in
21 town, but when I was in town, I did.

22 Q. Over here under Item Number 7, New York practices, if
23 you scroll down to the right, please?

24 A. They were long meetings.

25 Q. The New York practice is 7v, Syracuse trip update.

1 Mike, that refers to your brother?

2 A. It does? I don't know. It might be Roumph.

3 Q. The first --

4 THE COURT: Would counselors approach, please?

5 (Off the record discussion at the bench)

6 BY MR. LEYENDECKER:

7 Q. I believe you're correct, Mr. DeRose, the Mike is a
8 reference to Mike Roumph, your partner in DD Marketing?

9 A. I have no idea. We had several Mikes.

10 Q. Okay. We'll figure that out and we'll eliminate the
11 confusion. We know it relates to Dr. Turner, though, right?

12 A. Yes, it says Dr. Turner.

13 Q. On Page 7b, which corresponds with your agenda outline
14 -- and this is an e-mail that was shared with the entire
15 board of directors of FORBA, was it not, sir?

16 A. It's with the board packet. I'm sure it was, but
17 whether they were all there, I don't know, but I would assume
18 that they saw it.

19 Q. And if we go to the second page, down there at the
20 bottom, there you go, it's an e-mail from Mike Roumph
21 regarding a visit to Syracuse. So now we know that's Mr.
22 Roumph and not your brother, Mike DeRose?

23 A. That helps.

24 Q. And you had sent Mr. Roumph to Syracuse because
25 Syracuse production wasn't what you wanted it to be?

1 A. I have no idea why Mike went in '05.

2 Q. Let's see if we can get that oriented.

3 A. Okay.

4 Q. On break, we marked Exhibit 101A, part of an original
5 compilation that I have taken apart. Exhibit 101A, a
6 September 15th, 2001 e-mail that you wrote to Rich Lane and
7 others?

8 A. To me, to Osterman, myself, Rich and Mike, yes.

9 Mr. LEYENDECKER: Plaintiffs offer Exhibit 101A,
10 your Honor.

11 THE COURT: Any objection?

12 Mr. FIRST: No objection.

13 THE COURT: Exhibit 101A is received.

14 (Whereupon, Plaintiff's Exhibit 101A was
15 received in evidence)

16 Q. Okay, Mr. DeRose. This 101A is a December 15th, 2004
17 e-mail that you wrote; do you see that?

18 A. Yes.

19 Q. And it has to do with Syracuse?

20 A. Okay.

21 Q. Do you see that?

22 A. I do.

23 Q. And you wrote: "Syracuse has issues. They think 8k
24 is acceptable," and that's a reference to \$8,000 in revenue
25 per day?

1 A. Yes, it is.

2 Q. "I do not know how they were infected, but they are"?

3 A. Yes.

4 Q. Your view was -- let me ask you this: Isn't the
5 amount of revenue that any clinic might generate on a
6 particular day, shouldn't that be a function of what --

7 (Emergency alarm system sounding)

8 THE COURT: We're going to take our afternoon
9 break now.

10

11 (Whereupon, a recess was taken at 3:11 p.m.)

12

13 THE COURT: You can get the jurors.

14 (Whereupon, the jury was then brought into the
15 courtroom)

16 THE COURT: Ready to proceed?

17 Mr. LEYENDECKER: Yes, your Honor.

18

19 CONTINUED DIRECT EXAMINATION BY Mr. LEYENDECKER:

20 Q. Mr. DeRose, we were talking about the Syracuse clinic
21 and in particular Dr. Turner, and Dr. Turner was the lead
22 dentist at the Syracuse clinic before Jeremy was treated
23 there?

24 A. I'm not sure of the dates.

25 Q. He was the lead dentist at the Syracuse clinic early

1 | in the Syracuse clinic time frame?

2 | A. He was.

3 | Q. And then you understand that Dr. Randazzo was the lead
4 | at the Syracuse clinic after Dr. Turner?

5 | A. I remember that through the documents. I don't have
6 | any direct recollection of that.

7 | Q. And then Dr. Hahn was the lead after Dr. Randazzo?

8 | A. I'm not sure.

9 | Q. You sent Mike Rounph to Syracuse because you felt the
10 | production was too low and you wanted him to go make an
11 | assessment and figure what was going on, right?

12 | A. It probably wasn't just production. The performance
13 | of the clinic was off.

14 | Q. You thought the production was too low and you thought
15 | they were "infected"?

16 | A. Appeared to be.

17 | Q. Infected with too low performance, right?

18 | A. The clinic was just not doing well.

19 | Q. Well, did you say anything about "the clinic is not
20 | doing well," or did you say "they think 8k is acceptable"?

21 | A. I think that's what I meant about being infected; they
22 | weren't healthy.

23 | Q. Not doing 8k is infected --

24 | A. That's one representation, yes.

25 | Q. You don't know how they were infected but you knew

1 | they were?

2 | A. Okay.

3 | Q. And you sent Mr. Roumph down there to see what he
4 | could figure out. And so what I would like to do is look
5 | back at that board, the one we were looking at, Exhibit
6 | number 68.

7 | A. Do I have that one already?

8 | Q. Yes, sir, I believe you do. Need some help finding
9 | it?

10 | A. I can -- is that 68?

11 | Q. Yes, sir. This is 68 here. So we sent Mr. Roumph out
12 | there in December of 2004; that was the e-mail we just looked
13 | at, 101A?

14 | A. Okay.

15 | Q. And now we're in January of 2005?

16 | A. All right.

17 | Q. And that's about a month later, right?

18 | A. Okay. Yes.

19 | Q. And so the FORBA board is getting a report back from
20 | Mr. Roumph about what's going on with the lead dentist in
21 | Syracuse, right?

22 | A. It appears so, yes.

23 | Q. And this is a month after you had told Mr. Roumph they
24 | were infected because their production was too low, so now
25 | the board is dealing with the issue, and we're talking about

1 Syracuse, right?

2 A. Yes.

3 Q. Let's have a look at what Mr. Roumph told you and the
4 board discussion in that January meeting a month later.
5 Bottom half of the e-mail, Mr. DeRose, you see the subject
6 there is the visit to Syracuse?

7 A. Yes.

8 Q. And he writes to Bob Turner -- that's Dr. Turner?

9 A. Yes.

10 Q. "After returning from Syracuse, I began jotting down
11 all the things I thought needed to be addressed. No matter
12 what the issue was, it all seems to end with leadership,
13 dental philosophy or work pace of the staff." And FORBA had
14 a dental philosophy, did it not, sir?

15 A. We did not have a dental philosophy.

16 Q. Work pace has to do with how fast a dentist works to
17 provide quality care, does it not?

18 A. No, it doesn't refer to speed in my mind. It refers
19 to staying busy from 8 to 12 and 1 to 5.

20 Q. Let's look at Page 437 of your deposition.

21 A. Okay.

22 Q. And I'd like to get you focused in on Line Number 16,
23 Page 437.

24 A. Okay.

25 Q. The question there, you're being asked about this very

1 document, right, sir? You recall this testimony?

2 A. No.

3 Q. Okay. This question, "work pace, that's how fast you
4 work, right?" And your answer was: "I think that's what
5 that would be." "And the pace of the clinic?" "Yeah."

6 So work pace has to do with how fast someone works.
7 That was your testimony then and that's your testimony today;
8 isn't it, sir?

9 A. That work pace has to do with speed?

10 Q. How fast someone works, including a dentist, that's
11 the work pace.

12 A. I think today it means to me staying busy, working.

13 Q. No question the dental philosophy has to do with
14 dental issues. What you're telling us is that the dentists
15 are free to do whatever they want. That's a dental issue?

16 A. Of course.

17 Q. But what he said, "But no matter what the issue, it
18 all seems to end with leadership, dental philosophy and work
19 pace of staff." He says: "I'd like to have an open
20 discussion on Monday to discuss: Do you still feel this job
21 is right for you? Do you think you can meet our
22 expectations," and those were FORBA's expectations, were they
23 not, sir?

24 A. Yes.

25 Q. Are your philosophies, and that's referring to Dr.

1 Turner's philosophies, dental philosophies, correct?

2 A. It doesn't say dental, no.

3 Q. He says: "It all seems to end with leadership, dental
4 philosophy"?

5 A. Or work pace.

6 Q. "Are your philosophies regarding treatment in line
7 with ours?" And what he wanted to know was, "Are you going
8 to treat patients in the Syracuse clinic consistent with
9 FORBA's dental philosophies, or are you going to treat them
10 consistent with what you think is right?" That's what he's
11 asking him, right?

12 A. I don't know if he's asking him that. I didn't write
13 the e-mail. Hard to say.

14 Q. You had a discussion on this with your board members
15 at FORBA, a month after you saw that it was infected because
16 it only had 8,000 a month in production, this board is taking
17 action, wanting to know, "Dr. Turner, are your dental
18 philosophies in line with ours?" Right? That's what he
19 wanted to know,

20 A. That would be wrong. The e-mail is from Mike, it's
21 not from the board, and Mike is asking Dr. Turner, not the
22 board asking Dr. Turner.

23 Q. He shared his interaction with Dr. Turner with this
24 board and the board is interacting on these various issues,
25 aren't they?

1 A. I have no -- I have no idea what the board did.

2 Q. It's on the board agenda, is it not?

3 A. Oh, yes. I'm not debating that we didn't talk about
4 it, but I personally cannot recall this discussion. I have
5 no memory of it.

6 Q. Rounph's message to Dr. Turner was: "Are you going to
7 run that clinic using FORBA's philosophies or not?" That was
8 the message here; wasn't it?

9 A. To the board?

10 Q. No.

11 A. To Bob?

12 Q. The message to Dr. Turner... "Are you going to run
13 this clinic, the Syracuse clinic, pursuant to FORBA's dental
14 philosophies or not?" That was his message, was it not, Mr.
15 DeRose?

16 A. I think his message is clear in his three questions.
17 He wanted to know if he felt the job was right for him.
18 Apparently his brother was sick and he was caring for him.
19 Did he think he could meet the expectations of the management
20 team, and of his role as the lead dentist? And are his
21 philosophies regarding treatment in line with ours?

22 Q. And "ours," is FORBA, right? The "ours" refers to
23 FORBA's dental philosophies, does it not, sir?

24 A. "Ours" is probably referencing FORBA.

25 Q. FORBA's dental philosophies?

1 A. I have stated numerous times, we didn't have dental
2 philosophies.

3 Q. Let me hand you what's been marked as Exhibit Number
4 69 in this case. Let's see if you can identify Exhibit 69 as
5 a December 9th, 2005 e-mail from a Dr. Covington to you?

6 A. Yes.

7 Mr. LEYENDECKER: Plaintiffs offers Exhibit 69.

8 THE COURT: Any objection?

9 Mr. FIRST: I object that it's hearsay and also
10 relates to something that has nothing to do with Syracuse.

11 THE COURT: Any other objections?

12 Mr. STEVENS: No position.

13 THE COURT: Overruled. Exhibit 69 received.

14 (Whereupon, Plaintiff's Exhibit Number 69 was
15 received in evidence.)

16 Q. Mr. DeRose, Exhibit 69 is from an L. Covington. You
17 remember that as a Dr. Covington who was a lead dentist in
18 one of your clinics?

19 A. She was.

20 Q. And this e-mail that she sent you on December 9th,
21 2005, had to do with orientation of Dr. Rita, right?

22 A. I don't know. That's what the subject is, yes.

23 Q. And so -- right, "Orientation for Dr. Rita ," and
24 she's writing this to you?

25 A. She is.

1 Q. She's writing that to you because you were in charge
2 of all clinic activity, were you not?

3 A. Non-dental, yes.

4 Q. Anything on that exhibit that Mr. Lane testified to
5 earlier, on Exhibit 24, that identified you as being in
6 charge of all clinic activity, did it say anything between
7 dental and non-dental?

8 A. I believe that was the D.D. Marketing staffing plan
9 and we were all non-dental, so there was no reason to say
10 non-dental.

11 Q. Dr. Knott and Dr. Andrus were working for DD
12 Marketing, weren't they?

13 A. Were they employees of --

14 Q. They were working for DD Marketing, weren't they?

15 A. I don't remember where they were getting paid.

16 Q. Is it your testimony that Dr. Knott's and Dr. Andrus's
17 job was management and not clinical?

18 A. No, that's not my testimony. I can't remember who
19 paid them, DD Marketing or FORBA.

20 Q. Well, was their job management or clinical, Mr.
21 DeRose?

22 A. Their job per what?

23 Q. As regional directors for FORBA, was Dr. Knott and Dr.
24 Andrus's job a management job or a clinical job?

25 A. Define clinical. I'm not sure what you mean by

1 | clinical.

2 | Q. Stuff that has to do with the domain of the dentist?

3 | A. Overseeing it or -- I mean, actually doing it
4 | themselves? Is that what you mean?

5 | Q. Are you asking me if I think that Dr. Andrus and Knott
6 | as regional directors for FORBA were doing treatment on
7 | patients, is that what you're asking me?

8 | A. No, I'm just trying to clarify your question. I want
9 | to answer your question directly and I'm not sure I
10 | understand your question.

11 | Q. I'll tell you what; let's get back to Exhibit Number
12 | 69, okay?

13 | A. Okay.

14 | Q. Orientation, we have heard from Dr. Mueller, that
15 | means the same thing as training, right?

16 | A. Does it mean the same thing?

17 | Q. Did you hear him testify to that or not?

18 | A. I don't know if I did.

19 | Q. Okay. Fair enough. Let's talk about this orientation
20 | for Dr. Rita. "Good afternoon, Dan. Per our conversation on
21 | December 7th when Dr. Rita arrives for orientation, some
22 | topics to really reinforce are the FORBA philosophy, which
23 | concentrates on treatment planning to include stainless steel
24 | crowns versus two surface amalgams," and that means do a
25 | crown rather than a filling, right? That's what a

1 two-surface amalgam refers to, a filling on two surfaces?

2 A. That's my understanding.

3 Q. Okay. "To really reinforce on the FORBA philosophy,
4 which concentrates on treatment planning to include stainless
5 steel crowns versus two surface amalgams, doing all tx," and
6 that refers to treatment?

7 A. That would be my assumption as well.

8 Q. "Doing all treatment in one visit safely and doing
9 treatment on patient's treatment planned by other doctors.
10 Patient behavior management on children ages zero to eight,
11 consultation with parents: What to say and what not to say
12 to avoid litigation and speculation." These were all
13 components of the FORBA philosophy, were they not, sir?

14 A. These, I guess, were Dr. Lenora's interpretation of
15 what she felt -- it's hard for me to comment on what her
16 feelings were.

17 Q. She sent this e-mail to you and she wanted to make
18 sure that orientation for Dr. Rita was going to be consistent
19 with FORBA's philosophies on those treatment issues, right?

20 A. That's what she called it, yes.

21 Q. "Behavior management on children ages zero to eight."
22 That's whether they ought to be strapped down in a papoose
23 board, isn't it?

24 A. I really have no idea what she meant.

25 Q. Are you asking this jury to believe that a lead

1 dentist in one of your clinics just came up with on her own
2 the notion that FORBA has treatment philosophies that deal
3 with crowns and all the treatment and treatment done by
4 others and papoose boards? Are you saying she came up with
5 that all on her own?

6 A. No, I'm saying through her experience, that's what she
7 experienced at the clinic.

8 Q. Because FORBA had those philosophies and if the
9 dentist didn't treat consistent with its own philosophies,
10 you got rid of them. You pressured them, you influenced
11 them, you threatened them, and if they didn't do what you
12 wanted, you ran them off, right?

13 A. That's wrong.

14 Q. What happened to Dr. Turner?

15 A. He no longer worked for us. I can't remember if he
16 quit or if he resigned. I honestly don't have a
17 recollection, and I didn't go back and look.

18 Q. Isn't it true that just a few months after you sent
19 Mr. Rounph to check in on Syracuse because you thought the
20 8k, they were infected, that wasn't acceptable, and the board
21 started interacting on this, isn't it true you ran Dr. Turner
22 off?

23 A. Ran him off? No, that's not true.

24 Q. Let me hand you what I've marked as Exhibit 101B, Mr.
25 DeRose. Let's see if you can identify this as a June 10th,

1 | 2005 e-mail from you to Dr. Turner?

2 | A. Yes.

3 | Mr. LEYENDECKER: Plaintiffs offer Exhibit 101B,
4 | your Honor.

5 | THE COURT: Any objection?

6 | Mr. FIRST: I don't think that's been seen
7 | before.

8 | Mr. LEYENDECKER: It's part of the original 101,
9 | if you would like to look at it.

10 | Mr. FIRST: The date stamp is 46057?

11 | Mr. LEYENDECKER: To 46058.

12 | THE COURT: Any objections?

13 | Mr. FIRST: No objection.

14 | THE COURT: Exhibit 101 is received.

15 | (Whereupon, Plaintiff's Exhibit Number 101B is
16 | received in evidence)

17 | Q. Mr. DeRose, did you send this e-mail to Dr. Turner on
18 | June 10th, 2005?

19 | A. It looks like it, yes, it does.

20 | Q. Bturner5@Verizon.net, that's Dr. Turner, right?

21 | A. I would assume it is. I can't verify that.

22 | Q. Let's see, you had the board meeting in January, now
23 | early June, so call it six months, right? You say: "Dr.
24 | Bob." The second paragraph: "I'm closely watching the clinic
25 | on all levels. I am anxious to see more and more improvement

1 | on all fronts." You wanted Dr. Turner to know if he didn't
2 | improve that clinic's production, FORBA was going to get rid
3 | of him and that's why you sent this, right?

4 | A. No.

5 | Q. Let me hand you what's been marked as Exhibit 101C in
6 | this case, that's ddm46059, and ask you if this is a June
7 | 12th, 2005 e-mail from Mr. Roumph to you?

8 | A. Yes.

9 | Mr. LEYENDECKER: Your Honor, Plaintiffs offer
10 | Exhibit Number 101C.

11 | THE COURT: Any objection?

12 | Mr. FIRST: No objection.

13 | THE COURT: Exhibit 101C is received.

14 | (Whereupon, Plaintiff's Exhibit 101C is received
15 | in evidence.)

16 | Q. First thing I want to orient you to, Mr. DeRose, is
17 | that this e-mail from Mr. Roumph was two days after the one
18 | where you just told Dr. Turner you're watching him closely.
19 | Do you see that, June 12th, 2005?

20 | A. I see that.

21 | Q. The subject of this e-mail was production?

22 | A. Yes.

23 | Q. "Dr. Bob and Nadine," and Nadine was the office
24 | manager at the Syracuse clinic?

25 | A. I believe she was, yes.

1 Q. And Dr. Bob is a reference to Bob Turner.

2 A. It should be.

3 Q. The lead dentist at the clinic?

4 A. I believe so.

5 Q. Mr. Roumph said: "We are having a better month so far
6 in June, averaging 12,500 a day." And, of course, FORBA was
7 watching that daily production every single day on every
8 single clinic, correct?

9 A. Oh, yes. Correct.

10 Q. It says: "Yet we are still way off where we used to
11 be." So Mr. Roumph was telling him: "You're not making
12 enough production for us," right? That's what he's saying.
13 "In February, we were at 14,700 and in March we were at
14 14,000." Do you see that?

15 A. I do.

16 Q. He's commenting that your production has slipped?

17 A. Okay.

18 Q. Is that what he's doing?

19 A. It appears so, yes.

20 Q. We have slipped back to the bottom. Do you see that?

21 A. I do.

22 Q. "The goods news is we have all the patients we need.
23 The bad news is we haven't been able to do much with them."
24 Mr. Roumph 's message to Dr. Turner and to the office manager
25 at Syracuse was: "You're not doing enough production and

1 | procedures on each patient." That's what he says, and that's
2 | what he means by "the bad news is we haven't been able to do
3 | much with them," right?

4 | A. That's what it seems like it says, yes.

5 | Q. Are these children or are these widgets to be shuffled
6 | through an assembly line to generate profits for FORBA?
7 | Which are they?

8 | A. You're asking me?

9 | Q. Yes, sir.

10 | A. Children.

11 | Q. It's a pretty cavalier attitude about children, isn't
12 | it, Mr. DeRose? "The good news is we have all the patients
13 | we need. The bad news is we haven't been able to do much
14 | with them." It's pretty cavalier, isn't it?

15 | A. I think what Mike could be saying, and you'd have to
16 | ask Mike, but treatment plans were being done and the work
17 | wasn't being finished. It wasn't that there wasn't work that
18 | needed to be done. The work wasn't being done.

19 | Q. You weren't squeezing enough money out of these poor
20 | little children; that was his message, right, Mr. DeRose?

21 | A. Oh, I don't think so.

22 | Q. Let's see what it says at the end. "Bob, you are
23 | going to have to suck it up the next couple of weeks and
24 | carry the load. We need to be doing 14,000 a day with three
25 | docs." He was telling him, "Squeeze more profits out of

1 | these little children." That was his message, wasn't it?

2 | A. No.

3 | Q. Well, let me ask you this: Do you think --

4 | A. All right.

5 | Q. -- I think I asked you that earlier. Don't you think
6 | the amount of revenues, whether it's a dental clinic or
7 | doctor's office or a hospital operating room, shouldn't the
8 | amount of revenues that are coming out of that on a daily
9 | basis simply be a function of what the doctors think their
10 | patients need, as opposed to some corporation telling the
11 | doctor: "You have to suck it up because we're not getting
12 | enough out of these patients"?

13 | A. I think maybe the suck it up was a reference that we
14 | were going to be missing a doctor, because we usually have
15 | four doctors. And then maybe since we were only going to
16 | have one less doctor that he had to, as the lead dentist, he
17 | had to suck it up.

18 | Q. To get the clinic to 14,000 a day, a predetermined
19 | number that has nothing to do with whatever work the children
20 | need. You wanted these clinics to give an amount of money
21 | regardless of what the kids needed. That's what this is all
22 | about, isn't it?

23 | A. What the kids needed was never an issue. There was so
24 | much work that needed to be done that we could never do all
25 | the work.

1 Q. And when Dr. Turner wouldn't suck it up and squeeze
2 those little children so that FORBA could get what it wanted
3 every day, you terminated him, didn't you?

4 A. As I said, I don't recall if Bob quit or we fired him.
5 I really don't know.

6 Q. Let's look at Exhibit 101D. Can you identify 101D, as
7 in David. It's an e-mail from Mike Roumph on August 1st,
8 2005, to you and others?

9 A. Yep.

10 Q. You with me?

11 A. I am.

12 Q. Okay. So let's just for a minute reflect back on the
13 sequence of events at Syracuse.

14 A. Okay.

15 Q. December of '04, you thought they were infected
16 because they weren't generating enough revenue each day and
17 you sent Mr. Roumph out there; we've talked about that.
18 Right?

19 A. We've talked about that, right.

20 Q. A month later, Mr. Roumph was reporting to the entire
21 board his conversation with Mr. Turner where he wanted to
22 know, "Dr. Turner, are you going to treat it our way or are
23 you going to insist on doing your own independent judgment?"
24 We talked about that one, right?

25 A. We talked about Mike talking to us about his visit,

1 | yes.

2 | Q. Okay, got the board involved, Syracuse, Dr. Turner,
3 | board's involved?

4 | A. The board was involved with every clinic, every
5 | clinic.

6 | Q. I'm talking about Syracuse right now.

7 | A. It was one of the clinics, yes.

8 | Q. And I'm talking about Dr. Turner right now.

9 | A. Okay.

10 | Q. The board was involved with Dr. Turner, weren't they?

11 | A. Directly involved with Dr. Turner, probably not, but
12 | they were involved in the Syracuse clinic, yes.

13 | Q. Okay. After the board's involvement in January, you
14 | tell him June 10th, "I'm watching you closely. I'll need to
15 | see better." We talked about that, haven't we?

16 | A. We talked about that e-mail. It was the same e-mail I
17 | told him he was doing a good job.

18 | Q. Let's stop and reflect on that just a moment; okay?
19 | If it really was all about just show up at 8 and work hard
20 | until lunch, have your sandwich and work hard again until 5,
21 | if he's doing a good job, then why are you pressuring him to
22 | do more, if it's not, Mr. DeRose, so that you can put more
23 | taxpayer money in your pocket?

24 | A. The clinics are staffed and located and structured at
25 | a certain size that produces a certain amount of revenue. We

1 just know that. That's the way that it works. So where the
2 number comes from is if you have four dentists and you have a
3 fully staffed hygiene room and you have all your assistants
4 and you have your front office, that a clinic is going to see
5 x-number of patients a day, and based on all of our years of
6 working on the underserved, we know how much work is going to
7 be needed, that we could very easily forecast a monthly
8 production goal, or daily production goal. That's where the
9 number comes from, is based on the staffing and the size of
10 the clinic, the number of doctors and the amount of children
11 that they will see in a day.

12 Q. Am I right that June of '05 is about the time you
13 started putting \$250,000 a month, month in and month out,
14 taxpayer money, in your pockets?

15 A. I don't know when it was, but it probably was then,
16 yes.

17 Q. So this isn't a situation where we need to make sure
18 we did enough work to get the lights turned on, right?

19 A. Each clinic --

20 Q. We were at a point in time in your organization where
21 you had enough money to put \$250 in,000 in each of your
22 pockets month in and month out, right?

23 A. We were a large company that produced a lot of
24 revenue, right.

25 Q. June, you're watching him closely. A few days later

1 he has to suck its up because it's not enough. Let's look at
2 101D.

3 Mr. LEYENDECKER: Your Honor, plaintiffs offer
4 Exhibit 101D.

5 THE COURT: Any objection?

6 Mr. FIRST: No objection.

7 THE COURT: 101D received.

8 (Exhibit 101D received in evidence)

9 Q. August 1st, this is an e-mail from Mr. Rounph, is it
10 not?

11 A. It is.

12 Q. Six weeks after the "suck it up, we're watching you
13 closely" correspondence?

14 A. That's the timing, yes.

15 Q. We're not getting enough out of these little children;
16 we need to meet 14 a day, right --

17 Mr. FIRST: Object to form.

18 THE COURT: I'm going to sustain that.

19 Q. The subject of this e-mail is Bob Turner, right?

20 A. Yes.

21 Q. That's the lead dentist at Syracuse we've been
22 discussing, right?

23 A. Yes.

24 Q. "Jo, draft a nine-day termination notice for Bob
25 Turner. He's out." And that's what FORBA did with lead

1 dentists that wouldn't subscribe and succumb to FORBA's
2 dental philosophies so that they could squeeze as much money
3 out of each kid as they could; they showed them the door,
4 right?

5 A. I have no idea the terms around Bob's termination. I
6 don't have his file; I don't have his employee file. We
7 always followed the letter of the law, you know, with
8 warnings and written warnings and corrective action, so I can
9 tell you he wasn't fired because he wasn't squeezing money
10 out of children. I can answer that affirmatively that that was
11 not the case.

12 Q. Let's go back to 101C because he was warned. You did
13 warn him, didn't you? That was the point of Exhibit 101B,
14 "I'm watching. I'm watching the clinic on all levels. I am
15 anxious to see more and more improvement on all fronts"?

16 A. I want all my dentists to know they can call me at any
17 time, talk to me about any issue they might have and that I'm
18 available. So I thought it was a positive that I told him,
19 "I'm watching; you're doing a good job."

20 Q. And two days later he's told "we have all the patients
21 we need. We're just not getting enough out of them. You
22 have to suck it up and get where you need to be."

23 A. Mike Rousch mentioned that to him, yes.

24 Q. And Mike Rousch who is a board member and part owner,
25 yes?

1 Q. And thereafter when he wouldn't suck it up, wouldn't
2 get enough out of the patients that FORBA wanted him to get,
3 FORBA terminated him, didn't they?

4 A. I have no idea what the terms were. I know Bob was
5 dealing with a lot of things, family things.

6 Q. Let me ask about 101D. Do you think if an employee
7 resigns you draft a termination notice for them? Is that
8 what you do when someone resigns, draft a termination notice?
9 No?

10 A. You wouldn't have to, no.

11 Q. The reason you draft a termination notice is because
12 you fire somebody. You terminate their job?

13 A. I know in the contract if they were to resign, they
14 had to give us ninety days, so I don't know, and we gave them
15 ninety days. It shouldn't be a mystery. We could sure find
16 out. I don't have his file.

17 Q. You gave him ninety days after you terminated him,
18 right?

19 A. We give ninety days notice, yes.

20 Mr. LEYENDECKER: One more and I'll be done for
21 the day, your Honor. It will be quick.

22 Q. Let me hand you 101E, and ask you if this is an
23 October 3rd, 2005 e-mail from Mike Roumph to you and others.

24 A. It is.

25 Mr. LEYENDECKER: Plaintiffs offer Exhibit 101E,

1 your Honor.

2 THE COURT: Any objection?

3 Mr. FIRST: No objection.

4 THE COURT: It's an e-mail, October 3rd, you
5 said?

6 Mr. LEYENDECKER: October 3rd, 2005, 198131,
7 your Honor.

8 THE COURT: Exhibit 101E received.

9 (Exhibit 101E received in evidence(

10 Q. Mrp DeRose, let's look at this e-mail for a moment.
11 Again, dealing with Dr. Turner, right?

12 A. Subject is Turner, yes.

13 Q. And what Mike Roumph had done was a production
14 analysis on Syracuse, right? He was evaluating the
15 production per dentist in Syracuse. That's what this exhibit
16 reflects, true?

17 A. He did a production analysis on Syracuse for two
18 weeks, yes.

19 Q. He was evaluating the production per dentist, right?
20 That's what he was doing?

21 A. It looks like it, yes.

22 Q. You knew Mike Roumph evaluated production per dentist,
23 didn't you?

24 A. I received this e-mail. I knew he was doing it on
25 this case, yes.

1 Q. Not just on this case. You knew he was doing it
2 across the board?

3 A. I don't think I knew he was doing it all the time and
4 I don't think he was doing it all the time. He would do it
5 from time to time.

6 Q. Turner, 29,962, a reference to Bob Turner. Janine,
7 Janine Randazzo, the lead that was going to take over from
8 Dr. Turner. She did 32,000. Yaqoob, who's Yaqoob?

9 A. Dr. Khan.

10 Q. One of the defendants in this case?

11 A. I believe so, yes.

12 Q. Dr. Khan had \$47,301 in production during those two
13 weeks. What Mr. Rousch says "I believe this is apples to
14 apples. No need to rip Turner's ass" because he'd been
15 terminated, right?

16 A. I would have to assume. Since he's leaving, there's
17 no reason to talk to him.

18 Q. If the reality was if he hadn't been terminated and
19 his production was this low, FORBA would rip his ass,
20 wouldn't they?

21 A. You want me to make an assumption.

22 Q. No, right here, your partner Mr. Rousch is saying "no
23 need to rip his ass because we know he's out." If he wasn't
24 out, he would have had his ass ripped; isn't that right?

25 A. No.

1 Q. "Hat's off to Yaqoob. He has become quite a
2 producer." That's what FORBA wanted, right?

3 A. That's what we wanted from the clinic, right.

4 Q. How much longer, Mr. DeRose, did it take after you ran
5 Turner off before you promoted the guy who had become the
6 lead producer in this clinic, the Syracuse clinic? How much
7 longer did it take?

8 Mr. FIRST: Objection.

9 A. I have no idea.

10

11 Mr. LEYENDECKER: That's all I have.

12 THE COURT: Thank you. We'll break for the
13 evening. Don't do any independent research; don't talk
14 about the case.

15 We will take an hour break tomorrow from 10 to
16 11. Would it be difficult for people to get here at
17 quarter of 9 and start so we get an hour and fifteen
18 minutes beforehand? If any of you have a problem with
19 that, we'll start at nine, but is that a possibility?
20 Don't be bashful to say --

21 Jury member: That's fine.

22 THE COURT: That's okay? Let's start at quarter
23 to 9 then. We'll go until 10, take a break until 11, so
24 bring a book or plan on taking a walk during that hour.
25 Again, thank you.

1 (Whereupon, the jury was then excused from the
2 courtroom)

3 Mr. LEYENDECKER: I have one section left, maybe
4 half an hour, plus or minus, with this witness.

5 THE COURT: Actually, because I don't want to
6 keep everyone here, but I would like to see one of each
7 counsel upstairs for a minute just to go over a little bit
8 of scheduling stuff.

9 (Conclusion of proceedings)

10 * * *

11

12 CERTIFICATE

13

14 I, VALERIE WAITE, an Official Court Reporter
15 in and for the State of New York, Fifth Judicial District,
16 do hereby certify that I recorded stenographically the
17 foregoing proceedings, at the time and place noted in the
18 heading hereof, and that it is a true and correct
19 transcript of the proceedings therein to the best of my
20 ability.

21

22

24 Valerie Waite,
25 Senior Court Reporter

Dated: September 24, 2013

\$	<p>16 [1] - 675:22 17th [1] - 646:11 18 [1] - 628:7 18th [2] - 664:19, 667:11 198131 [1] - 695:6 1st [3] - 649:17, 689:7, 692:9</p>	<p>44 [9] - 535:21, 636:5, 636:22, 637:5, 637:6, 637:8, 645:6, 653:17, 655:11 44.. [1] - 653:18 46057 [1] - 684:10 46058 [1] - 684:11 47 [1] - 656:8</p>	<p>685 [1] - 625:5 69 [8] - 625:3, 679:4, 679:7, 679:13, 679:14, 679:16, 681:12 692 [1] - 625:6 695 [1] - 625:7</p>	<p>628:19, 660:20, 662:24, 669:4 Absolutely [4] - 646:8, 653:16, 667:9, 669:7 acceptable [3] - 671:24, 673:20, 683:20 according [1] - 669:5 accurate [2] - 654:20, 661:9 acting [1] - 660:23 action [4] - 659:19, 663:16, 677:17, 693:8 actions [1] - 666:15 activities [1] - 627:11 activity [2] - 680:2, 680:6 addition [2] - 635:9, 646:1 address [1] - 648:23 addressed [3] - 636:9, 653:11, 675:11 adhere [1] - 668:24 adherence [1] - 668:7 admit [1] - 649:21 advance [1] - 625:10 affirmively [1] - 693:10 afraid [1] - 667:22 afternoon [4] - 626:20, 633:10, 672:8, 681:20 agenda [3] - 669:9, 670:13, 678:2 ages [2] - 682:10, 682:21 aggressively [2] - 635:11, 638:18 agree [8] - 631:11, 631:21, 634:7, 634:10, 634:11, 657:6, 658:25, 667:6 agreed [2] - 632:19, 669:2 agreed-upon [1] - 632:19 agreement [8] - 631:24, 631:25, 632:3, 632:7, 633:1, 633:6, 634:1, 651:7 alarm [1] - 672:7 Albuquerque [5] - 649:24, 650:8, 650:11, 650:23, 651:7 allowed [1] - 660:5 amalgam [1] - 682:1 amalgams [2] - 681:24, 682:5 Amir [1] - 655:12</p>
	2	5	7	
.	<p>2 [2] - 629:15, 629:17 200 [1] - 628:20 2001 [1] - 671:6 2003 [2] - 629:20, 639:10 2004 [3] - 656:14, 671:16, 674:12 2005 [14] - 646:11, 664:19, 665:7, 669:9, 674:15, 679:5, 679:21, 684:1, 684:18, 685:7, 685:19, 689:8, 694:23, 695:6 2006 [3] - 632:9, 649:17, 667:11 2013 [1] - 698:25 22nd [1] - 632:9 239 [3] - 628:1, 628:4, 628:7 24 [3] - 535:10, 680:5, 698:25 25th [1] - 653:25 29,962 [1] - 696:6 29th [2] - 656:14, 669:9</p>	<p>5 [5] - 653:19, 654:14, 666:2, 675:19, 690:20 50 [1] - 628:20 511 [4] - 535:13, 629:1, 629:9, 629:19 514 [8] - 535:7, 535:24, 649:14, 649:16, 649:21, 650:3, 650:4 530 [4] - 535:14, 664:19, 664:23, 664:25 58 [1] - 535:6 59 [12] - 535:22, 639:22, 639:24, 640:5, 641:23, 642:9, 642:12, 642:17, 642:21, 642:23, 642:24, 643:9</p>	<p>7 [5] - 637:11, 637:13, 638:1, 638:3, 669:22 772 [3] - 535:5, 626:6, 626:9 7b [1] - 670:13 7th [1] - 681:21 7v [1] - 669:25</p>	
1			8	
<p>1 [1] - 675:19 10 [4] - 655:11, 659:7, 697:15, 697:23 101 [2] - 684:8, 684:14 101A [8] - 625:2, 671:4, 671:5, 671:9, 671:13, 671:14, 671:16, 674:13 101B [5] - 625:4, 683:24, 684:3, 684:15, 693:13 101C [6] - 625:5, 685:5, 685:10, 685:13, 685:14, 693:12 101D [8] - 625:6, 689:6, 692:2, 692:4, 692:7, 692:8, 694:6 101E [5] - 625:7, 694:22, 694:25, 695:8, 695:9 103 [1] - 535:9 1037 [6] - 535:20, 632:6, 632:11, 632:17, 632:18, 632:20 1057 [1] - 632:16 10th [3] - 683:25, 684:18, 690:14 11 [2] - 697:16, 697:23 12 [1] - 675:19 12,500 [1] - 686:6 12th [2] - 685:7, 685:19 14 [1] - 692:16 14,000 [3] - 686:14, 687:24, 688:18 14,700 [1] - 686:13 15 [1] - 659:7 15th [3] - 647:1, 671:6, 671:16</p>			<p>8 [4] - 535:8, 663:18, 675:19, 690:19 8,000 [1] - 677:16 8.04 [2] - 633:15, 633:17 8k [4] - 671:23, 673:20, 673:23, 683:20</p>	
	3	6	9	
	<p>3 [2] - 630:10, 650:19 31 [1] - 535:11 32,000 [1] - 696:8 35 [1] - 535:12 37 [6] - 535:25, 656:13, 656:21, 657:3, 657:4, 657:12 390 [6] - 535:23, 646:10, 646:14, 646:21, 646:22 3:11 [1] - 672:11 3:16 [1] - 655:7 3rd [3] - 694:23, 695:4, 695:6</p>	<p>6 [2] - 633:13, 651:25 613 [1] - 535:5 616 [9] - 535:6, 535:7, 535:8, 535:9, 535:10, 535:11, 535:12, 535:13, 535:14 626 [5] - 535:15, 535:16, 535:17, 535:18, 535:19 632 [1] - 535:20 637 [1] - 535:21 642 [1] - 535:22 646 [1] - 535:23 650 [1] - 535:24 657 [1] - 535:25 669 [1] - 625:1 671 [1] - 625:2 679 [1] - 625:3 68 [9] - 625:1, 669:8, 669:9, 669:11, 669:17, 669:18, 674:6, 674:10, 674:11 684 [1] - 625:4</p>	<p>9 [2] - 697:17, 697:23 94 [4] - 535:15, 626:5, 626:7, 626:10 95 [4] - 535:16, 626:5, 626:8, 626:10 96 [4] - 535:17, 626:5, 626:8, 626:10 97 [4] - 535:18, 626:5, 626:8, 626:10 98 [9] - 535:19, 626:6, 626:8, 626:10, 667:10, 667:12, 667:14, 667:15 9th [2] - 679:5, 679:20</p>	
	4		A	
	<p>4 [2] - 629:16, 665:15 437 [2] - 675:20, 675:23</p>		<p>A-holes [6] - 644:14, 644:15, 644:25, 645:1, 645:9, 645:20 A.A.P.D [1] - 635:5 a.m [1] - 663:18 ability [1] - 698:20 able [4] - 644:21, 686:23, 687:2, 687:13 absolutely [8] - 627:20, 627:23, 628:13, 628:16,</p>	

<p>amount [6] - 672:5, 688:6, 688:8, 688:20, 690:25, 691:10 analysis [2] - 695:14, 695:17 Andrus[19] - 635:17, 635:18, 635:21, 636:15, 639:25, 641:2, 641:11, 642:3, 642:22, 643:2, 644:3, 644:24, 645:15, 653:21, 654:4, 657:24, 658:15, 680:11, 681:5 Andrus's [2] - 680:16, 680:24 answer [8] - 628:13, 628:24, 644:21, 656:7, 662:3, 676:4, 681:9, 693:10 answered [3] - 645:17, 649:1, 662:2 answering [1] - 662:1 anxious [2] - 684:25, 693:15 apart [1] - 671:5 apologize [1] - 664:10 Appeared[1] - 673:16 apples [2] - 696:13, 696:14 approach [3] - 632:13, 642:18, 670:4 appropriate [2] - 668:23, 668:25 appropriately [1] - 657:9 April [2] - 664:19, 667:11 area [1] - 627:14 arguments [1] - 625:19 Arizona[1] - 665:3 arrives [1] - 681:21 ass [6] - 655:12, 655:18, 696:14, 696:19, 696:23, 696:24 assembly [1] - 687:6 assessment [1] - 673:11 assistants [1] - 691:3 associate [1] - 639:8 associated [1] - 667:7 assume [3] - 670:17, 684:21, 696:16 assumption [4] - 643:15, 655:19, 682:7, 696:21</p>	<p>Atlanta[9] - 656:15, 657:13, 658:1, 658:15, 658:21, 660:3, 660:23, 663:5, 664:17 attacked [2] - 661:5, 662:13 attention [1] - 633:9 attitude [3] - 663:6, 663:8, 687:11 audits [1] - 651:24 August[2] - 689:7, 692:9 Aurora[4] - 637:19, 637:23, 653:24, 653:25 authority [1] - 665:17 available [1] - 693:18 averaging [1] - 686:6 avoid [1] - 682:12 aware [4] - 648:13, 648:19, 648:21, 651:3 awareness [1] - 648:13 awhile [1] - 650:24</p>	<p>between [3] - 661:4, 666:13, 680:6 beyond [1] - 664:3 bible [1] - 655:8 Bill[1] - 648:22 billing [2] - 651:24, 654:23 bit [1] - 698:7 blame [1] - 660:19 Blow[1] - 669:15 board [40] - 535:5, 631:12, 631:16, 633:21, 635:11, 638:14, 638:18, 641:8, 643:14, 646:4, 649:7, 649:11, 651:17, 667:8, 669:9, 669:19, 670:15, 670:16, 674:5, 674:19, 674:25, 675:4, 677:14, 677:16, 677:21, 677:22, 677:24, 678:1, 678:2, 678:9, 682:23, 683:20, 684:22, 689:21, 690:2, 690:4, 690:10, 693:24, 696:2 board's [2] - 690:3, 690:13 boards [3] - 645:12, 645:24, 683:4 Bob[23] - 636:14, 641:6, 645:8, 645:25, 657:23, 657:24, 658:1, 658:3, 658:5, 658:7, 675:8, 678:11, 684:24, 685:23, 686:1, 687:22, 689:4, 692:19, 692:24, 694:4, 696:6 Bob's [3] - 643:20, 644:13, 693:5 Bohn[1] - 652:15 Boise [3] - 647:2, 647:3, 647:8 Bonds [1] - 632:7 book [5] - 628:2, 628:3, 653:6, 697:24 books [1] - 658:8 bore [1] - 654:2 bottom [4] - 646:25, 668:5, 670:20, 686:20 Bottom[1] - 675:5 break [7] - 649:6, 651:17, 671:4,</p>	<p>672:9, 697:12, 697:15, 697:23 breaking [1] - 649:11 bring [1] - 697:24 brother [5] - 636:8, 655:8, 670:1, 670:22, 678:18 brought [2] - 625:21, 672:14 Bturner5@Verizon.net [1] - 684:20 bubble [1] - 648:18 business [4] - 638:4, 638:7, 638:11, 644:7 bust [2] - 655:12, 655:18 busy [2] - 675:19, 676:12 but.. [1] - 655:16 buy [2] - 665:18, 665:21 BY [4] - 626:19, 632:22, 670:6, 672:19</p>	<p>653:10, 655:5 chart-keeping [1] - 651:24 charting [2] - 654:22, 655:6 check [2] - 642:5, 683:19 Chief[1] - 655:12 chief [2] - 655:15, 655:16 child [9] - 631:12, 634:23, 652:15, 652:19, 652:25, 653:7, 654:21, 656:1, 657:7 children [11] - 682:10, 682:21, 687:5, 687:11, 687:20, 688:1, 688:19, 689:2, 691:10, 692:15, 693:10 Children[1] - 687:10 children's [1] - 629:21 chose [1] - 663:21 Chuck[6] - 628:25, 637:8, 637:13, 642:24, 664:24, 669:15</p>
<p>B</p>		<p>C</p>		<p>cannot [1] - 678:4 capital [1] - 657:17 capitals [1] - 663:1 care [7] - 643:13, 643:16, 654:15, 657:9, 660:6, 667:3, 675:17 carefully [1] - 659:18 caring [1] - 678:18 carry [1] - 687:24 case [11] - 627:1, 641:20, 641:22, 679:4, 685:6, 693:11, 695:25, 696:1, 696:10, 697:14 cavalier [2] - 687:11, 687:14 cell [1] - 666:23 certain [2] - 690:25 certainly [3] - 631:11, 641:8, 646:7 CERTIFICATE [1] - 698:12 certify [2] - 658:25, 698:16 changes [2] - 664:17, 664:18 charge [6] - 627:9, 627:11, 627:13, 667:24, 680:1, 680:6 chart [5] - 651:24, 652:14, 653:3,</p>

<p>678:13, 680:2, 680:6, 683:7, 684:24, 685:24, 686:3, 686:8, 688:6, 688:18, 690:4, 690:5, 690:12, 691:4, 691:10, 691:19, 693:14, 697:3, 697:6 clinic's [1] - 685:2 clinical [6] - 655:24, 680:17, 680:20, 680:24, 680:25, 681:1 clinics [42] - 627:18, 627:21, 627:24, 628:12, 628:21, 635:22, 637:17, 637:25, 638:6, 638:17, 638:23, 639:6, 639:17, 640:2, 641:2, 642:4, 643:5, 643:11, 644:5, 645:16, 647:5, 650:8, 650:21, 653:22, 653:25, 654:4, 654:19, 657:25, 658:2, 658:4, 658:5, 658:14, 659:6, 663:20, 665:4, 667:25, 679:18, 683:1, 688:20, 690:7, 690:24 Clinics[2] - 650:10, 651:4 closely [5] - 684:24, 685:18, 690:14, 691:25, 692:13 coast [1] - 667:25 coming [1] - 688:8 comment [2] - 638:20, 682:15 commenting [1] - 686:16 common [1] - 634:18 communicate [1] - 635:1 communication [2] - 648:12, 648:17 company [6] - 630:10, 630:11, 641:14, 651:2, 651:9, 691:23 compilation [1] - 671:5 completed [1] - 648:21 completion [1] - 642:21 components [1] -</p>	<p>682:13 conceal [1] - 667:7 concealing [1] - 635:7 concentrates [2] - 681:23, 682:4 concept [2] - 644:11, 668:7 concerned [2] - 654:22, 659:21 Conclusion [1] - 698:9 conduct [1] - 660:7 confusion [1] - 670:11 connection [1] - 633:20 consent [2] - 633:20, 634:24 considered [1] - 635:8 consistent [5] - 641:25, 677:8, 677:10, 682:18, 683:9 consultation [1] - 682:11 consuming [1] - 667:22 CONTINUED [1] - 672:19 contract [4] - 666:25, 667:5, 669:2, 694:13 conversation [4] - 625:7, 634:20, 681:20, 689:21 copied [1] - 647:7 copies [1] - 635:15 corners [1] - 662:24 corporate [1] - 652:10 corporation [1] - 688:10 correct [12] - 641:21, 643:5, 650:12, 651:13, 652:23, 662:21, 662:22, 666:12, 670:7, 677:1, 686:8, 698:18 Correct[1] - 686:9 corrective [1] - 693:8 correctly [2] - 654:23 correspondence [1] - 692:13 corresponds [1] - 670:13 costly [1] - 667:21 counsel [3] - 625:15, 642:18, 698:7 counselors [1] - 670:4 couple [3] - 646:24, 647:1, 687:23 course [2] - 676:16, 686:6 court [2] - 656:5,</p>	<p>659:12 COURT[62] - 625:2, 625:4, 625:7, 625:13, 625:15, 625:23, 625:25, 626:3, 626:12, 632:12, 632:14, 632:16, 632:18, 633:10, 635:15, 636:24, 637:2, 637:5, 640:6, 640:10, 640:12, 640:16, 642:18, 644:20, 646:16, 646:21, 649:22, 649:25, 650:3, 656:3, 656:9, 656:22, 656:25, 657:3, 659:8, 662:2, 667:15, 669:12, 669:17, 670:4, 671:11, 671:13, 672:8, 672:13, 672:16, 679:8, 679:11, 679:13, 684:5, 684:12, 684:14, 685:11, 685:13, 692:5, 692:7, 692:18, 695:2, 695:4, 695:8, 697:12, 697:22, 698:5 Court[4] - 626:6, 626:8, 698:14, 698:24 courtesy [3] - 634:21, 635:4, 635:7 courtroom [3] - 625:22, 672:15, 698:2 Covington[3] - 679:5, 679:16, 679:17 created [1] - 665:9 creating [1] - 648:12 crew [1] - 645:10 critical [1] - 655:14 cross [1] - 644:23 Cross[2] - 625:13, 625:19 cross-examination [1] - 644:23 Cross-Examination [2] - 625:13, 625:19 crown [2] - 652:16, 681:25 crowns [3] - 681:24, 682:5, 683:3 Cruse[1] - 657:21 crying [2] - 643:10, 643:12</p>	<p>cut [1] - 662:24</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>D.D [3] - 664:13, 664:14, 680:8 Dad [1] - 634:18 Daily [2] - 648:12, 648:17 daily [6] - 660:18, 660:24, 661:13, 686:7, 688:8, 691:8 Dan [7] - 626:22, 626:23, 636:10, 637:15, 638:3, 638:10, 681:20 DANIEL [2] - 625:23, 626:16 Danny [1] - 626:14 date [2] - 645:3, 684:10 Dated [1] - 698:25 dates [1] - 672:24 David [1] - 689:7 day-to-day [1] - 627:11 days [8] - 647:1, 685:17, 691:25, 693:20, 694:14, 694:15, 694:17, 694:19 DD[11] - 651:1, 651:6, 651:9, 657:20, 657:22, 662:19, 667:3, 670:8, 680:11, 680:14, 680:19 ddm46059 [1] - 685:6 deal [1] - 683:2 dealing [3] - 674:25, 694:5, 695:11 Dear [2] - 636:10, 637:15 debating [1] - 678:3 December [7] - 656:14, 671:16, 674:12, 679:5, 679:20, 681:21, 689:15 decide [1] - 643:17 decides [1] - 653:7 deciding [1] - 634:19 decisions [2] - 665:18, 666:14 decked [3] - 661:18, 662:7, 662:10 Defendant's [3] - 632:6, 632:11, 632:20 defendants [1] -</p>	<p>696:10 defense [1] - 662:14 Define [1] - 680:25 demanded [1] - 631:1 dental [44] - 628:14, 628:15, 628:17, 629:4, 629:6, 629:22, 630:16, 631:7, 634:4, 636:17, 637:25, 654:2, 654:20, 654:21, 660:14, 660:16, 660:20, 663:13, 663:14, 663:15, 667:3, 668:16, 675:13, 675:14, 675:15, 676:13, 676:14, 676:15, 676:18, 677:1, 677:2, 677:3, 677:9, 677:17, 678:13, 678:23, 678:25, 679:1, 680:3, 680:7, 680:9, 688:6, 693:2 dental. [1] - 680:10 dentist [35] - 631:20, 633:7, 634:6, 634:17, 639:8, 648:4, 652:1, 653:5, 657:7, 665:3, 665:12, 665:17, 666:24, 667:20, 667:21, 667:23, 669:5, 672:22, 672:25, 674:20, 675:16, 676:10, 678:20, 679:17, 681:2, 683:1, 683:9, 686:3, 688:16, 692:21, 695:15, 695:19, 695:22 dentist's [1] - 657:10 dentistry [8] - 627:15, 646:5, 647:16, 647:25, 648:7, 648:10, 652:2, 666:24 dentistry. [1] - 652:3 Dentists [1] - 666:15 dentists [32] - 628:20, 631:13, 631:17, 633:4, 633:5, 635:9, 635:10, 638:5, 638:22, 644:4, 644:15, 645:11, 645:12, 645:14, 646:4, 647:25, 649:7, 649:11, 651:14, 651:15,</p>
---	---	---	---	--

<p>652:1, 652:9, 655:3, 655:25, 660:25, 666:7, 667:17, 668:18, 676:14, 691:2, 693:1, 693:16 dentists' [2] - 666:14 Denver [6] - 637:16, 637:18, 637:19, 638:17, 653:22 deposition [3] - 626:25, 628:1, 675:20 DeRose [51] - 625:23, 625:11, 626:14, 626:16, 626:23, 626:25, 629:2, 630:4, 631:11, 631:19, 632:5, 632:23, 633:17, 635:17, 636:6, 636:8, 637:11, 640:19, 641:25, 642:13, 643:1, 644:12, 644:24, 645:21, 646:10, 648:25, 649:17, 650:6, 650:17, 651:2, 652:8, 656:13, 657:6, 660:21, 663:11, 670:7, 670:22, 671:16, 672:20, 675:5, 678:15, 679:16, 680:21, 683:25, 684:17, 685:16, 687:12, 687:20, 690:22, 695:10, 697:4 described [1] - 642:1 Description [1] - 535:3 deserved [3] - 661:18, 662:7, 662:9 details [1] - 659:22 developed [2] - 629:2, 630:14 develops [1] - 653:8 diagnose [6] - 653:14, 654:5, 654:9, 654:11, 654:20, 666:9 diagnosing [3] - 654:16, 655:21, 663:25 diagnosis [6] - 653:2, 653:4, 654:3, 654:17, 654:18, 654:25 different [2] - 634:16, 656:24 difficult [1] - 697:16</p>	<p>direct [3] - 633:9, 634:20, 673:6 Direct [3] - 625:12, 625:18, 625:24 DIRECT [2] - 626:19, 672:19 directly [1] - 681:9 Directly [1] - 690:11 director [5] - 652:5, 665:1, 665:10, 665:12, 667:24 directors [5] - 662:17, 665:7, 670:15, 680:23, 681:6 disappointment [1] - 660:4 disaster [1] - 660:4 disclose [2] - 646:2, 646:3 discretion [1] - 628:22 discuss [1] - 676:20 discussed [1] - 668:6 discussing [1] - 692:22 discussion [6] - 650:10, 670:5, 675:4, 676:20, 677:14, 678:4 Discussion [2] - 632:4, 632:15 disease [1] - 654:20 disruptive [1] - 662:12 District [1] - 698:15 docs [3] - 652:7, 652:20, 687:25 doctor [9] - 653:2, 653:4, 653:7, 662:21, 662:22, 663:21, 688:11, 688:14, 688:16 doctor's [1] - 688:7 doctors [14] - 648:24, 652:1, 653:14, 654:5, 655:14, 655:20, 660:6, 668:6, 668:11, 668:23, 682:9, 688:9, 688:15, 691:10 document [11] - 630:5, 630:9, 630:13, 640:18, 640:21, 642:2, 644:19, 645:4, 652:13, 655:9, 676:1 documentation [1] - 654:22 documents [1] - 673:5 domain [1] - 681:2 done [19] - 625:10,</p>	<p>641:17, 648:3, 648:20, 652:25, 653:8, 653:12, 654:9, 654:11, 654:15, 654:23, 683:3, 687:16, 687:18, 688:24, 694:20, 695:13 door [1] - 693:3 down [10] - 647:13, 655:4, 668:3, 668:5, 668:23, 669:23, 670:19, 674:3, 675:10, 682:22 Down [2] - 630:12, 662:16 Dr [94] - 625:11, 625:17, 632:7, 635:17, 635:18, 635:21, 636:14, 636:15, 641:2, 641:11, 642:3, 642:22, 643:1, 643:20, 644:3, 644:5, 644:24, 645:8, 646:12, 647:7, 648:22, 651:25, 652:4, 652:7, 653:21, 654:4, 655:2, 655:7, 655:12, 655:13, 657:23, 658:7, 658:15, 662:17, 664:25, 665:22, 666:2, 667:11, 667:12, 667:24, 670:11, 670:12, 672:21, 673:3, 673:4, 673:7, 675:8, 676:25, 677:17, 677:21, 677:22, 677:23, 678:6, 678:12, 679:5, 679:17, 679:21, 679:23, 680:11, 680:16, 680:23, 681:5, 681:14, 681:20, 681:21, 682:14, 682:18, 683:14, 683:21, 684:1, 684:17, 684:20, 684:23, 685:1, 685:18, 685:23, 686:1, 686:24, 689:1, 689:22, 690:2, 690:8, 690:10, 690:11, 695:11, 696:8, 696:9, 696:12 draft [5] - 640:8,</p>	<p>692:24, 694:7, 694:8, 694:11 drew [1] - 666:13 duly [1] - 626:16 duplicated [1] - 664:12 during [2] - 696:12, 697:24</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-mail [44] - 630:4, 646:11, 646:25, 647:2, 647:22, 647:23, 649:17, 650:16, 656:14, 656:17, 657:12, 657:15, 661:3, 664:3, 664:7, 664:11, 664:15, 664:20, 667:11, 668:2, 670:14, 670:20, 671:6, 671:17, 674:12, 675:5, 677:13, 677:20, 679:5, 679:20, 682:17, 684:1, 685:7, 685:17, 685:21, 689:7, 690:16, 692:9, 692:19, 694:23, 695:4, 695:10, 695:24 e-mails [2] - 646:24, 664:6 early [2] - 672:25, 684:23 easier [3] - 625:8, 625:18, 669:14 easily [1] - 691:7 eastern [1] - 667:25 Eddie [2] - 644:5, 655:13 education [1] - 627:14 eight [3] - 666:25, 682:10, 682:21 either [4] - 640:13, 642:1, 665:18, 665:21 eliminate [1] - 670:10 Emergency [1] - 672:7 Employee [1] - 633:17 employee [4] - 657:20, 657:22, 693:6, 694:6 employees [5] - 660:5, 666:15, 666:17, 669:1, 680:13 employer [1] - 633:19 employment [3] - 632:3, 632:7, 633:6</p>	<p>encourage [3] - 648:8, 655:6, 662:14 encouraged [1] - 666:19 end [5] - 664:7, 675:12, 676:18, 677:3, 687:22 entire [2] - 670:14, 689:20 equipment [1] - 630:20 especially [1] - 664:9 essentially [1] - 644:23 established [1] - 633:18 evaluated [1] - 695:22 evaluating [2] - 695:14, 695:19 evening [1] - 697:13 events [1] - 689:13 evidence [15] - 626:11, 629:1, 632:21, 637:7, 642:23, 646:23, 650:5, 657:5, 669:18, 671:15, 679:15, 684:16, 685:15, 692:8, 695:9 Evidence [1] - 535:4 exact [1] - 658:8 EXAMINATION [2] - 626:19, 672:19 Examination [10] - 625:12, 625:13, 625:14, 625:15, 625:18, 625:19, 625:20, 625:21, 625:22, 625:24 examination. [1] - 644:23 examines [1] - 653:7 example [1] - 652:14 examples [1] - 636:6 excess [1] - 658:10 exclusively [1] - 657:9 excuse [2] - 645:6, 645:19 excused [1] - 698:1 Exhibit [80] - 535:3, 626:6, 626:7, 626:9, 629:1, 629:9, 629:19, 630:3, 632:6, 632:11, 632:16, 632:20, 636:5, 636:22, 637:5, 637:6, 637:8, 639:21, 640:5, 642:9, 642:12, 642:21, 642:23,</p>
--	---	---	--	---

<p>646:10, 646:14, 646:22, 649:14, 649:16, 649:21, 650:3, 650:4, 653:17, 656:8, 656:13, 656:20, 657:3, 657:4, 657:12, 664:19, 667:10, 667:12, 667:14, 667:15, 669:8, 669:9, 669:11, 669:17, 669:18, 671:4, 671:5, 671:9, 671:13, 671:14, 674:5, 679:3, 679:4, 679:7, 679:13, 679:14, 679:16, 680:5, 681:11, 683:24, 684:3, 684:14, 684:15, 685:5, 685:10, 685:13, 685:14, 689:6, 692:4, 692:8, 693:13, 694:25, 695:8, 695:9 exhibit [4] - 625:20, 637:1, 680:4, 695:15 exhibits [7] - 625:4, 625:16, 626:4, 626:7, 635:14, 635:15, 635:16 Exhibits [2] - 626:5, 626:10 expect [2] - 634:17 expectations [3] - 676:22, 678:19 expected [4] - 634:11, 634:13, 652:22, 666:18 expendability [1] - 668:7 expendable [2] - 667:17, 668:12 expenses [1] - 658:7 experience [1] - 683:6 experienced [1] - 683:7 explained [1] - 631:16 explore [1] - 652:4</p>	<p>633:2 family [1] - 694:5 far [5] - 628:13, 628:15, 628:17, 652:22, 686:5 fast [4] - 675:16, 676:3, 676:6, 676:10 father [8] - 639:8, 639:13, 641:6, 641:8, 641:12, 644:1, 651:3, 658:20 father's [1] - 658:17 fax [1] - 645:5 February[2] - 649:17, 686:13 fee [3] - 658:9, 658:12, 658:13 feedback [3] - 635:22, 636:2, 636:6 feelings [1] - 682:16 felt [7] - 638:20, 646:4, 646:6, 662:10, 673:9, 678:17, 682:15 few [2] - 683:18, 691:25 field [1] - 641:12 fifteen [1] - 697:17 Fifth[1] - 698:15 fight [1] - 661:4 figure [3] - 670:10, 673:11, 674:4 file [3] - 693:6, 694:16 filling [3] - 652:17, 681:25, 682:1 finalized [1] - 664:16 fine [4] - 649:2, 659:17, 666:13, 697:21 finished [2] - 648:3, 687:17 fire [1] - 694:12 fired [2] - 689:4, 693:9 First[2] - 655:7, 685:16 first [20] - 626:3, 628:2, 628:3, 630:3, 631:19, 631:23, 631:25, 634:6, 636:20, 642:5, 642:11, 642:12, 642:16, 642:17, 643:16, 646:17, 654:1, 665:10, 667:6, 670:3 FIRST[23] - 632:13, 636:25, 640:7, 640:11, 640:15, 642:10, 644:18, 646:17, 649:23,</p>	<p>656:2, 656:23, 661:25, 669:16, 671:12, 679:9, 684:6, 684:10, 684:13, 685:12, 692:6, 692:17, 695:3, 697:8 First..... 417 [1] - 625:13 First..... 544 [1] - 625:19 First.....436 [1] - 625:15 First.....611 [1] - 625:21 five [7] - 638:16, 638:24, 650:9, 659:4, 667:2 flow [2] - 647:13, 647:15 focus [6] - 637:25, 643:8, 651:25, 652:7, 659:24, 661:15 focused [2] - 652:3, 675:22 follow [1] - 633:18 followed [1] - 693:7 following [1] - 656:14 follows [1] - 626:17 FORBA[88] - 627:5, 627:21, 627:24, 628:11, 628:17, 628:19, 629:2, 629:3, 630:9, 630:21, 630:24, 631:2, 631:8, 631:20, 631:22, 637:17, 638:7, 638:9, 639:5, 639:7, 639:10, 639:15, 642:3, 643:4, 643:18, 645:12, 645:14, 645:23, 646:4, 647:5, 647:24, 649:6, 649:8, 649:10, 649:12, 650:13, 650:20, 651:16, 651:17, 652:20, 653:13, 653:15, 653:25, 654:5, 654:7, 655:22, 655:24, 658:4, 658:7, 658:13, 660:10, 660:18, 660:24, 660:25, 661:11, 663:4, 663:8, 665:23, 665:24, 666:7,</p>	<p>666:8, 667:17, 668:12, 669:4, 670:15, 674:19, 675:13, 677:15, 678:22, 678:24, 680:19, 680:23, 681:6, 681:22, 682:3, 682:13, 683:2, 683:8, 685:2, 686:6, 687:6, 689:2, 692:25, 694:2, 694:3, 696:19, 697:2 FORBAs [14] - 648:6, 662:17, 662:25, 665:6, 666:3, 669:5, 676:22, 677:9, 678:7, 678:13, 678:23, 678:25, 682:19, 693:1 forecast [1] - 691:7 foregoing [1] - 698:17 form [8] - 633:20, 633:25, 634:11, 634:14, 635:2, 635:3, 656:2, 692:17 formal [2] - 641:16, 641:17 forms [4] - 631:21, 633:18, 633:19, 636:3 forwarded [1] - 664:11 forwarding [1] - 630:4 fostered [1] - 662:25 foundation [5] - 640:11, 640:15, 640:17, 642:10, 642:22 founder [1] - 641:9 founders [1] - 627:5 four [4] - 650:9, 659:4, 688:15, 691:2 frame [1] - 673:1 Frankel..... 338 [1] - 625:12 Frankel..... 433 [1] - 625:14 free [4] - 627:3, 628:21, 629:11, 676:15 front [6] - 643:13, 643:16, 645:10, 651:23, 653:17, 691:4 fronts [2] - 685:1, 693:15 fully [1] - 691:3 fun [1] - 625:24 function [2] - 672:6, 688:9</p>	<p style="text-align: center;">G</p> <p>generate [2] - 672:5, 687:6 generating [1] - 689:16 Georgia[1] - 658:1 girl [1] - 660:9 goal [2] - 691:8 goods [1] - 686:22 great [1] - 639:16 group [1] - 627:13 guess [3] - 634:2, 645:8, 682:14 guessing [1] - 644:8 guide [1] - 635:3 guy [1] - 697:5</p>
<p style="text-align: center;">F</p> <p>f-in' [1] - 663:18 fact [1] - 629:5 fair [6] - 627:20, 627:23, 627:25, 635:9, 646:1, 649:6 Fair[1] - 681:19 familiar [2] - 633:1,</p>				<p style="text-align: center;">H</p> <p>Hahn[1] - 673:7 half [2] - 675:5, 698:4 hamburger [1] - 633:12 hand [14] - 626:25, 629:9, 632:5, 636:5, 639:21, 646:9, 649:14, 656:8, 656:13, 669:8, 679:3, 683:24, 685:5, 694:22 handle [1] - 645:18 hard [6] - 628:22, 644:9, 667:19, 682:15, 690:19, 690:20 Hard [1] - 677:13 Hat's [1] - 697:1 He' [1] - 662:1 head [2] - 640:23, 654:18 heading [1] - 698:18 healthy [1] - 673:22 hear [2] - 656:4, 681:17 heard [3] - 626:20, 650:9, 681:14 hearsay [1] - 679:9 heart [1] - 643:9 Hell[1] - 638:16 help [2] - 648:14, 674:8 helpful [1] - 625:9 helps [1] - 670:23 hereby [1] - 698:16 hereof [1] - 698:18 High [1] - 637:21 highlighted [1] - 637:13 highway [15] - 627:21,</p>

<p>627:24, 628:12, 628:17, 628:20, 631:4, 631:8, 644:11, 645:23, 661:12, 663:4, 663:9, 665:25, 666:8, 668:13 Hillebrand [2] - 657:19 hip [1] - 645:18 hire [1] - 667:20 hired [2] - 631:20, 644:16 histories [1] - 660:13 history [1] - 660:16 hit [1] - 640:23 holes [5] - 644:14, 644:15, 644:25, 645:1, 645:20 holes. [1] - 645:9 honestly [2] - 629:23, 683:16 Honor [21] - 625:3, 626:2, 626:13, 632:10, 635:13, 636:23, 640:4, 642:8, 642:12, 646:15, 649:20, 656:21, 667:16, 671:10, 672:17, 684:4, 685:9, 692:3, 694:21, 695:1, 695:7 hospital [1] - 688:7 hour [6] - 626:7, 667:1, 697:15, 697:17, 697:24, 698:4 huge [1] - 660:10 huh. [3] - 634:5, 642:14, 657:16 HULSLANDER [4] - 637:3, 646:19, 650:1, 657:1 hygiene [2] - 666:21, 691:3</p>	<p>648:4, 648:20, 661:11, 680:5 identify [9] - 632:6, 649:16, 652:16, 656:15, 656:17, 669:8, 679:4, 683:25, 689:6 immaterial [2] - 640:7, 649:24 immature [1] - 660:9 implying [1] - 666:23 important [7] - 648:17, 654:4, 654:19, 654:25, 655:1, 655:3, 661:2 improve [1] - 685:2 improvement [2] - 684:25, 693:15 in' [1] - 663:18 in,000 [1] - 691:21 incident [3] - 656:15, 657:13, 661:14 include [2] - 681:23, 682:4 included [1] - 629:5 including [1] - 676:10 independent [3] - 645:13, 689:23, 697:13 INDEX [1] - 535:2 infected [9] - 672:2, 673:15, 673:21, 673:23, 673:25, 674:24, 677:15, 683:20, 689:15 Infected [1] - 673:17 influence [2] - 652:10, 653:14 influenced [2] - 655:24, 683:10 input [2] - 647:9, 647:12 insist [1] - 689:23 insisted [1] - 634:14 instead [1] - 638:24 insure [1] - 662:23 interacting [2] - 677:24, 683:21 interaction [1] - 677:23 interfered [1] - 655:25 interfering [1] - 666:13 interpret [2] - 644:9, 644:19 interpretation [1] - 682:14 introduce [1] - 626:5 introducing [1] - 626:21</p>	<p>involved [6] - 690:2, 690:3, 690:4, 690:10, 690:11, 690:12 involvement [1] - 690:13 irrelevant [3] - 640:8, 649:23, 656:23 issue [17] - 634:3, 634:4, 648:22, 655:24, 660:14, 660:16, 660:20, 663:12, 663:13, 663:14, 663:15, 674:25, 675:12, 676:15, 676:17, 688:23, 693:17 issues [5] - 643:13, 671:23, 676:14, 677:24, 682:19 Item [6] - 637:10, 650:19, 653:19, 654:14, 665:15, 669:22 item [1] - 663:17 items [1] - 659:19 itself [2] - 648:14, 652:12</p>	<p>Jury [1] - 697:21 jury [10] - 625:2, 625:21, 626:21, 643:25, 661:2, 663:23, 664:10, 672:14, 682:25, 698:1</p> <p style="text-align: center;">K</p> <p>keep [2] - 641:14, 698:6 keeping [2] - 651:24 Ken [4] - 646:12, 652:4, 652:7 Kerr [2] - 665:22, 666:2 Kevin [1] - 639:16 Khan [2] - 696:9, 696:12 kick [1] - 660:2 kid [1] - 693:3 kids [2] - 688:21, 688:23 Knott [8] - 646:12, 647:7, 651:25, 652:5, 655:2, 680:11, 680:23, 681:5 Knotts [2] - 664:25, 680:16 known [2] - 634:15, 635:5 Koury [1] - 632:7</p>	<p>675:12, 676:18, 677:3 leaning [1] - 625:19 leave [6] - 653:14, 654:6, 654:12, 655:21, 663:25, 666:9 leaving [2] - 654:3, 696:16 left [3] - 654:16, 658:6, 698:3 Legacy [3] - 650:10, 650:12, 651:4 legal [1] - 640:12 Lenoras [1] - 682:14 less [2] - 658:11, 688:16 letter [2] - 643:1, 693:7 letters [1] - 657:17 levels [2] - 684:25, 693:14 LEYENDECKER [43] - 625:3, 625:6, 625:11, 625:14, 626:2, 626:13, 626:19, 628:25, 632:10, 632:17, 632:22, 633:12, 635:13, 636:22, 637:8, 640:4, 642:8, 642:11, 642:15, 642:24, 646:14, 649:20, 656:20, 662:1, 664:23, 667:14, 667:16, 669:11, 670:6, 671:9, 672:17, 672:19, 679:7, 684:3, 684:8, 684:11, 685:9, 692:3, 694:20, 694:25, 695:6, 697:11, 698:3 Leyendecker..... ..437 [1] - 625:18 Leyendecker..... ..626 [1] - 625:24 Leyendecker..... 589 [1] - 625:20 Leyendecker..... 614 [1] - 625:22 licensed [1] - 658:16 lieutenants [1] - 663:16 life [1] - 640:24 lights [1] - 691:18 line [9] - 627:21, 636:20, 647:13, 648:12, 666:13,</p>
<p style="text-align: center;">I</p> <p>idea [17] - 625:19, 640:20, 640:21, 640:23, 644:17, 645:7, 645:9, 645:25, 655:9, 668:16, 670:9, 671:1, 678:1, 682:24, 693:5, 694:4, 697:9 ideas [1] - 662:24 Identification [1] - 535:4 identified [5] - 642:16,</p>	<p style="text-align: center;">J</p>	<p>Janine [2] - 696:6, 696:7 janitor [1] - 645:10 January [5] - 669:9, 674:15, 675:4, 684:22, 690:13 Jeremy [2] - 653:9, 672:22 Jo [1] - 692:24 job [13] - 648:6, 676:20, 678:17, 680:17, 680:20, 680:22, 680:24, 690:17, 690:21, 693:19, 694:12 jotting [1] - 675:10 judgment [4] - 645:13, 652:10, 657:10, 689:23 Judicial [1] - 698:15 July [2] - 646:11, 647:11 jump [1] - 647:11 June [9] - 683:25, 684:18, 684:23, 685:6, 685:19, 686:6, 690:14, 691:12, 691:25 JUROR [1] - 625:24 jurors [1] - 672:13</p>	<p style="text-align: center;">L</p> <p>lack [1] - 648:13 Lane [7] - 646:12, 649:17, 651:16, 657:18, 664:20, 671:6, 680:4 language [2] - 664:9, 664:10 large [1] - 691:23 larger [1] - 665:9 last [4] - 632:24, 640:12, 641:22, 648:12 law [1] - 693:7 lawyer [1] - 649:4 lead [16] - 633:4, 665:17, 672:21, 672:25, 673:3, 673:7, 674:20, 678:20, 679:17, 682:25, 686:3, 688:16, 692:21, 692:25, 696:7, 697:6 leadership [4] - 660:6,</p>	

<p>677:6, 677:18, 678:21, 687:6 Line^[2] - 628:7, 675:22 list^[3] - 625:16, 643:7, 661:1 litigation^[1] - 682:12 load^[1] - 687:24 located^[1] - 690:24 location^[1] - 630:17 Look^[1] - 636:20 look^[2] - 625:18, 627:3, 628:1, 629:10, 630:17, 636:7, 637:24, 643:1, 645:5, 655:11, 658:8, 665:15, 667:10, 674:4, 675:3, 675:20, 683:17, 684:9, 689:6, 692:1, 695:10 looked^[2] - 660:4, 674:12 looking^[2] - 653:22, 674:5 looks^[3] - 656:19, 684:19, 695:21 low^[5] - 673:10, 673:14, 673:17, 674:24, 696:19 lunch^[5] - 625:23, 625:24, 626:7, 667:1, 690:20</p>	<p>mails^[1] - 646:24 mails.^[1] - 664:6 man^[1] - 669:15 Management^[1] - 651:2 management^[6] - 678:19, 680:17, 680:20, 680:24, 682:10, 682:21 manager^[4] - 645:10, 660:7, 685:24, 686:24 March^[2] - 632:9, 686:13 Marked^[1] - 535:3 marked^[7] - 632:5, 639:21, 646:9, 671:4, 679:3, 683:24, 685:5 Marketing^[12] - 651:1, 651:6, 651:9, 657:20, 657:22, 662:19, 667:4, 670:8, 680:8, 680:12, 680:14, 680:19 match^[2] - 666:7, 668:13 matching^[2] - 665:22, 666:2 materiality^[1] - 636:25 materials^[1] - 641:15 matter^[4] - 631:12, 631:16, 675:11, 676:17 matters^[1] - 628:17 mean^[16] - 634:16, 638:22, 639:3, 644:8, 652:17, 653:5, 654:17, 661:1, 661:3, 662:14, 667:19, 680:25, 681:3, 681:4, 681:16 meaning^[1] - 668:9 means^[4] - 676:12, 681:15, 681:24, 687:2 meant^[12] - 644:8, 644:9, 644:22, 645:8, 645:9, 645:11, 645:25, 648:2, 648:14, 673:21, 682:24 Medicaid^[1] - 629:22 Medical^[2] - 660:13, 660:16 meet^[3] - 676:21, 678:19, 692:16</p>	<p>meeting^[2] - 675:4, 684:22 meetings^[2] - 669:19, 669:24 MEMBER^[1] - 625:24 member^[3] - 641:8, 693:24, 697:21 members^[1] - 677:14 memo^[1] - 653:21 memory^[1] - 678:5 mentioned^[1] - 693:23 mentor^[1] - 652:20 mess^[3] - 660:4, 661:17, 662:9 message^[10] - 668:15, 668:16, 678:6, 678:8, 678:12, 678:14, 678:16, 686:24, 687:20, 688:1 middle^[2] - 630:13, 647:12 might^[5] - 645:10, 661:2, 670:2, 672:5, 693:17 Mike^[24] - 636:8, 646:11, 655:7, 657:18, 664:20, 670:1, 670:7, 670:8, 670:20, 670:22, 671:1, 671:8, 673:9, 677:20, 677:21, 687:15, 687:16, 689:7, 689:25, 693:23, 693:24, 694:23, 695:13, 695:22 Mikes^[1] - 670:9 million^[2] - 627:17, 639:18 mind^[2] - 626:21, 675:18 minus^[1] - 698:4 minute^[3] - 652:4, 689:12, 698:7 minutes^[1] - 697:18 missing^[1] - 688:14 mission^[2] - 668:8, 668:24 mistakes^[1] - 654:24 model^[23] - 627:24, 629:3, 630:21, 630:24, 631:2, 631:4, 631:6, 631:9, 638:8, 638:9, 644:6, 649:8, 649:12, 650:13, 651:16, 651:18, 652:21, 653:13, 663:4,</p>	<p>665:24, 665:25, 666:8, 668:14 mom^[2] - 661:19, 661:23 Mom^[1] - 634:18 moment^[2] - 690:18, 695:10 moms^[3] - 666:18, 666:19, 666:20 Monday^[1] - 676:20 money^[16] - 653:15, 654:3, 654:6, 654:12, 654:16, 655:21, 658:6, 663:25, 666:9, 687:19, 688:20, 690:23, 691:14, 691:21, 693:2, 693:9 monitoring^[1] - 652:7 month^[17] - 653:25, 658:9, 658:12, 658:23, 659:1, 674:17, 674:23, 675:4, 677:15, 677:16, 686:5, 689:20, 691:13, 691:22 monthly^[1] - 691:7 months^[2] - 683:18, 684:23 most^[2] - 654:3, 654:18 mostly^[1] - 658:22 mother^[7] - 659:23, 661:4, 661:5, 661:17, 662:6, 662:9, 662:15 mothers^[1] - 662:10 mouth^[2] - 653:10, 660:10 move^[6] - 632:10, 645:19, 649:20, 654:18, 659:14 MR^[5] - 628:25, 656:20, 662:1, 669:11, 670:6 Mrp^[1] - 695:10 Mueller^[1] - 681:14 MUELLER^[1] - 625:17 mystery^[1] - 694:15</p>	<p>627:3, 629:12, 638:3, 638:10, 638:16, 638:23, 638:24, 643:6, 643:9, 643:11, 643:17, 644:4, 644:14, 644:25, 645:9, 645:19, 645:20, 646:17, 647:15, 648:14, 651:16, 655:13, 656:10, 659:8, 668:6, 686:22, 687:13, 687:24, 688:10, 688:20, 690:14, 691:17, 692:16, 693:21, 693:22, 696:14, 696:23 needed^[12] - 630:20, 646:4, 648:9, 653:10, 654:9, 654:10, 675:11, 687:18, 688:21, 688:23, 688:24, 691:7 needs^[3] - 653:8, 653:9, 654:15 never^[4] - 635:8, 655:16, 688:23, 688:24 new^[10] - 643:3, 643:6, 644:4, 645:16, 650:20, 650:21, 650:24, 655:14, 655:20 New^[4] - 667:25, 669:22, 669:25, 698:15 news^[5] - 686:22, 686:23, 687:2, 687:12, 687:13 next^[2] - 653:24, 687:23 nine^[2] - 692:24, 697:19 nine-day^[1] - 692:24 ninety^[4] - 694:14, 694:15, 694:17, 694:19 nitrous^[5] - 663:13, 663:14, 663:18, 663:19, 663:20 non^[14] - 628:14, 628:15, 628:17, 629:4, 630:16, 652:3, 654:21, 663:13, 663:14, 667:3, 680:7, 680:9, 680:10</p>
M		N		
<p>mail^[4] - 630:4, 646:11, 646:25, 647:2, 647:23, 649:17, 650:16, 656:14, 656:17, 657:12, 657:15, 661:3, 664:3, 664:7, 664:11, 664:15, 664:20, 667:11, 668:2, 670:14, 670:20, 671:6, 671:17, 674:12, 675:5, 677:20, 679:5, 679:20, 682:17, 684:1, 684:17, 685:7, 685:17, 685:21, 689:7, 690:16, 692:9, 692:19, 694:23, 695:4, 695:10 mail.^[4] - 647:22, 677:13, 690:16, 695:24</p>	<p>mail^[1] - 646:24 mails.^[1] - 664:6 man^[1] - 669:15 Management^[1] - 651:2 management^[6] - 678:19, 680:17, 680:20, 680:24, 682:10, 682:21 manager^[4] - 645:10, 660:7, 685:24, 686:24 March^[2] - 632:9, 686:13 Marked^[1] - 535:3 marked^[7] - 632:5, 639:21, 646:9, 671:4, 679:3, 683:24, 685:5 Marketing^[12] - 651:1, 651:6, 651:9, 657:20, 657:22, 662:19, 667:4, 670:8, 680:8, 680:12, 680:14, 680:19 match^[2] - 666:7, 668:13 matching^[2] - 665:22, 666:2 materiality^[1] - 636:25 materials^[1] - 641:15 matter^[4] - 631:12, 631:16, 675:11, 676:17 matters^[1] - 628:17 mean^[16] - 634:16, 638:22, 639:3, 644:8, 652:17, 653:5, 654:17, 661:1, 661:3, 662:14, 667:19, 680:25, 681:3, 681:4, 681:16 meaning^[1] - 668:9 means^[4] - 676:12, 681:15, 681:24, 687:2 meant^[12] - 644:8, 644:9, 644:22, 645:8, 645:9, 645:11, 645:25, 648:2, 648:14, 673:21, 682:24 Medicaid^[1] - 629:22 Medical^[2] - 660:13, 660:16 meet^[3] - 676:21, 678:19, 692:16</p>	<p>meeting^[2] - 675:4, 684:22 meetings^[2] - 669:19, 669:24 MEMBER^[1] - 625:24 member^[3] - 641:8, 693:24, 697:21 members^[1] - 677:14 memo^[1] - 653:21 memory^[1] - 678:5 mentioned^[1] - 693:23 mentor^[1] - 652:20 mess^[3] - 660:4, 661:17, 662:9 message^[10] - 668:15, 668:16, 678:6, 678:8, 678:12, 678:14, 678:16, 686:24, 687:20, 688:1 middle^[2] - 630:13, 647:12 might^[5] - 645:10, 661:2, 670:2, 672:5, 693:17 Mike^[24] - 636:8, 646:11, 655:7, 657:18, 664:20, 670:1, 670:7, 670:8, 670:20, 670:22, 671:1, 671:8, 673:9, 677:20, 677:21, 687:15, 687:16, 689:7, 689:25, 693:23, 693:24, 694:23, 695:13, 695:22 Mikes^[1] - 670:9 million^[2] - 627:17, 639:18 mind^[2] - 626:21, 675:18 minus^[1] - 698:4 minute^[3] - 652:4, 689:12, 698:7 minutes^[1] - 697:18 missing^[1] - 688:14 mission^[2] - 668:8, 668:24 mistakes^[1] - 654:24 model^[23] - 627:24, 629:3, 630:21, 630:24, 631:2, 631:4, 631:6, 631:9, 638:8, 638:9, 644:6, 649:8, 649:12, 650:13, 651:16, 651:18, 652:21, 653:13, 663:4,</p>	<p>665:24, 665:25, 666:8, 668:14 mom^[2] - 661:19, 661:23 Mom^[1] - 634:18 moment^[2] - 690:18, 695:10 moms^[3] - 666:18, 666:19, 666:20 Monday^[1] - 676:20 money^[16] - 653:15, 654:3, 654:6, 654:12, 654:16, 655:21, 658:6, 663:25, 666:9, 687:19, 688:20, 690:23, 691:14, 691:21, 693:2, 693:9 monitoring^[1] - 652:7 month^[17] - 653:25, 658:9, 658:12, 658:23, 659:1, 674:17, 674:23, 675:4, 677:15, 677:16, 686:5, 689:20, 691:13, 691:22 monthly^[1] - 691:7 months^[2] - 683:18, 684:23 most^[2] - 654:3, 654:18 mostly^[1] - 658:22 mother^[7] - 659:23, 661:4, 661:5, 661:17, 662:6, 662:9, 662:15 mothers^[1] - 662:10 mouth^[2] - 653:10, 660:10 move^[6] - 632:10, 645:19, 649:20, 654:18, 659:14 MR^[5] - 628:25, 656:20, 662:1, 669:11, 670:6 Mrp^[1] - 695:10 Mueller^[1] - 681:14 MUELLER^[1] - 625:17 mystery^[1] - 694:15</p>	<p>627:3, 629:12, 638:3, 638:10, 638:16, 638:23, 638:24, 643:6, 643:9, 643:11, 643:17, 644:4, 644:14, 644:25, 645:9, 645:19, 645:20, 646:17, 647:15, 648:14, 651:16, 655:13, 656:10, 659:8, 668:6, 686:22, 687:13, 687:24, 688:10, 688:20, 690:14, 691:17, 692:16, 693:21, 693:22, 696:14, 696:23 needed^[12] - 630:20, 646:4, 648:9, 653:10, 654:9, 654:10, 675:11, 687:18, 688:21, 688:23, 688:24, 691:7 needs^[3] - 653:8, 653:9, 654:15 never^[4] - 635:8, 655:16, 688:23, 688:24 new^[10] - 643:3, 643:6, 644:4, 645:16, 650:20, 650:21, 650:24, 655:14, 655:20 New^[4] - 667:25, 669:22, 669:25, 698:15 news^[5] - 686:22, 686:23, 687:2, 687:12, 687:13 next^[2] - 653:24, 687:23 nine^[2] - 692:24, 697:19 nine-day^[1] - 692:24 ninety^[4] - 694:14, 694:15, 694:17, 694:19 nitrous^[5] - 663:13, 663:14, 663:18, 663:19, 663:20 non^[14] - 628:14, 628:15, 628:17, 629:4, 630:16, 652:3, 654:21, 663:13, 663:14, 667:3, 680:7, 680:9, 680:10</p>

<p>Non^[1] - 680:3 non-dental^[12] - 628:14, 628:15, 628:17, 629:4, 630:16, 654:21, 663:13, 663:14, 667:3, 680:7, 680:9, 680:10 Non-dental^[1] - 680:3 non-dentistry^[1] - 652:3 non-use^[1] - 663:14 noon^[1] - 667:1 note^[1] - 656:3 noted^[1] - 698:17 nothing^[2] - 679:10, 688:19 notice^[5] - 692:24, 694:7, 694:8, 694:11, 694:19 notion^[1] - 683:2 number^[11] - 633:3, 635:6, 659:3, 666:1, 669:9, 674:6, 688:19, 691:2, 691:5, 691:9, 691:10 Number^[28] - 629:1, 633:15, 637:6, 637:10, 638:1, 638:3, 639:21, 646:10, 646:22, 650:4, 650:19, 651:25, 653:19, 655:11, 656:8, 657:4, 665:15, 666:2, 667:10, 667:12, 669:8, 669:22, 675:22, 679:3, 679:14, 681:11, 684:15, 685:10 numerous^[1] - 679:1</p>	<p>671:12, 679:8, 684:5, 684:13, 685:11, 685:12, 692:5, 692:6, 695:2, 695:3 Objection^[2] - 644:18, 697:8 objections^[4] - 640:13, 649:25, 679:11, 684:12 obligation^[1] - 652:9 observations^[6] - 635:22, 637:15, 637:24, 640:2, 642:4, 643:4 occasion^[2] - 636:1, 642:3 October^[3] - 694:23, 695:4, 695:6 offer^[13] - 636:22, 640:4, 642:9, 642:17, 646:14, 656:20, 667:14, 669:11, 671:9, 684:3, 685:9, 692:3, 694:25 offered^[1] - 634:11 offering^[1] - 642:12 offers^[1] - 679:7 office^[8] - 630:17, 645:10, 651:23, 660:7, 685:23, 686:24, 688:7, 691:4 Official^[1] - 698:14 old^[3] - 649:7, 649:11, 651:17 Old FORBA^[5] - 627:17, 627:20, 627:23, 641:9, 652:5 OM^[1] - 660:7 Once^[2] - 635:25, 645:18 one^[39] - 627:5, 633:19, 637:16, 637:19, 637:21, 642:7, 646:25, 647:5, 650:8, 650:11, 650:12, 651:12, 651:14, 653:25, 656:11, 657:24, 659:2, 659:8, 660:19, 661:4, 662:13, 662:17, 665:6, 667:1, 667:2, 667:6, 673:24, 674:5, 674:7, 679:18, 682:8, 683:1, 685:17, 688:16, 689:24, 690:7,</p>	<p>698:3, 698:6 One^[3] - 627:7, 694:20, 696:10 one-third^[1] - 651:12 ones^[1] - 638:24 open^[1] - 676:19 operating^[2] - 648:18, 688:7 operation^[4] - 629:3, 629:5, 630:15, 630:18 operatory^[1] - 666:14 opinion^[2] - 639:3, 653:1 opportunity^[1] - 649:3 opposed^[1] - 688:10 orally^[2] - 641:4, 642:1 organization^[3] - 639:11, 639:15, 691:20 orient^[3] - 628:7, 629:14, 685:16 orientate^[1] - 667:20 Orientation^[2] - 679:23, 681:14 orientation^[5] - 655:14, 679:21, 681:19, 681:21, 682:18 oriented^[2] - 637:14, 671:2 orienting^[2] - 630:10, 655:20 original^[2] - 671:4, 684:8 Osterman^[1] - 671:8 ought^[3] - 631:15, 655:4, 682:22 outline^[1] - 670:13 overrule^[3] - 642:20, 656:9, 662:3 Overruled^[2] - 637:5, 679:13 overruled^[1] - 644:22 Overseeing^[1] - 681:3 overview^[1] - 629:22 own^[5] - 645:13, 683:1, 683:5, 683:9, 689:23 owned^[4] - 651:11, 658:1 owner^[4] - 658:12, 659:1, 659:6, 693:24 owners^[1] - 627:7 ownership^[1] - 659:15</p>	<p style="text-align: center;">P</p> <p>p.m^[1] - 672:11 pace^[9] - 675:13, 675:16, 676:3, 676:5, 676:6, 676:9, 676:11, 676:19, 677:5 packet^[1] - 670:16 PADULA^[1] - 625:11 Page^[9] - 628:1, 629:15, 629:16, 629:17, 630:10, 633:13, 670:13, 675:20, 675:23 page^[12] - 628:7, 629:24, 630:3, 630:11, 632:24, 633:9, 642:5, 642:11, 642:12, 642:16, 642:17, 670:19 paid^[6] - 658:5, 658:7, 658:23, 659:1, 680:15, 680:19 Papoose^[1] - 535:5 papoose^[14] - 631:12, 631:16, 633:20, 633:24, 635:11, 638:14, 638:18, 643:14, 645:12, 645:24, 646:3, 667:8, 682:22, 683:4 Paragraph^[2] - 633:15, 633:17 paragraph^[4] - 630:13, 643:8, 659:25, 684:24 paranoid^[2] - 638:13, 638:21 parent^[6] - 634:12, 634:13, 634:20, 634:21, 652:14, 668:22 parents^[5] - 635:4, 667:7, 668:20, 668:21, 682:11 part^[24] - 630:17, 630:21, 630:23, 631:1, 631:6, 631:8, 631:25, 636:3, 639:10, 639:14, 639:18, 640:12, 650:9, 650:13, 653:13, 654:21, 660:17, 661:10, 661:23, 668:17, 671:4, 684:8, 693:24 particular^[2] - 672:6, 672:21</p>	<p>partner^[2] - 670:8, 696:22 parts^[1] - 631:4 Patient^[1] - 682:10 patient^[5] - 634:16, 647:13, 647:15, 654:6, 687:1 patient's^[6] - 661:17, 661:19, 662:6, 662:9, 662:15, 682:9 patients^[11] - 645:19, 662:11, 677:8, 681:7, 686:22, 687:12, 688:10, 688:12, 691:5, 693:20, 694:2 paying^[1] - 658:13 pedo^[5] - 638:13, 638:21, 643:12, 643:13 people^[1] - 697:16 per^[7] - 658:9, 671:25, 680:22, 695:15, 695:19, 695:22 Per^[2] - 658:24, 681:20 perception^[1] - 643:23 perform^[1] - 652:18 performance^[2] - 673:12, 673:17 performed^[2] - 629:6, 631:8 perhaps^[1] - 648:16 permission^[1] - 664:12 personal^[1] - 666:22 personally^[1] - 678:4 philosophies^[17] - 676:25, 677:1, 677:6, 677:9, 677:18, 678:7, 678:14, 678:21, 678:23, 678:25, 679:2, 682:19, 683:2, 683:8, 683:9, 693:2 philosophy^[19] - 665:23, 666:3, 666:24, 668:13, 668:14, 668:21, 669:4, 669:5, 675:13, 675:14, 675:15, 676:13, 676:18, 677:4, 681:22, 682:3, 682:13 philosophy..^[1] - 666:6</p>
<p style="text-align: center;">O</p> <p>Object^[3] - 642:10, 656:2, 692:17 object^[4] - 636:25, 640:7, 661:25, 679:9 objection^[31] - 626:8, 632:12, 636:24, 637:3, 640:6, 640:13, 640:16, 642:20, 646:16, 646:18, 646:19, 649:22, 649:23, 650:1, 656:9, 656:10, 656:22, 662:3, 669:12, 669:16, 671:11,</p>	<p>671:12, 679:8, 684:5, 684:13, 685:11, 685:12, 692:5, 692:6, 695:2, 695:3 Objection^[2] - 644:18, 697:8 objections^[4] - 640:13, 649:25, 679:11, 684:12 obligation^[1] - 652:9 observations^[6] - 635:22, 637:15, 637:24, 640:2, 642:4, 643:4 occasion^[2] - 636:1, 642:3 October^[3] - 694:23, 695:4, 695:6 offer^[13] - 636:22, 640:4, 642:9, 642:17, 646:14, 656:20, 667:14, 669:11, 671:9, 684:3, 685:9, 692:3, 694:25 offered^[1] - 634:11 offering^[1] - 642:12 offers^[1] - 679:7 office^[8] - 630:17, 645:10, 651:23, 660:7, 685:23, 686:24, 688:7, 691:4 Official^[1] - 698:14 old^[3] - 649:7, 649:11, 651:17 Old FORBA^[5] - 627:17, 627:20, 627:23, 641:9, 652:5 OM^[1] - 660:7 Once^[2] - 635:25, 645:18 one^[39] - 627:5, 633:19, 637:16, 637:19, 637:21, 642:7, 646:25, 647:5, 650:8, 650:11, 650:12, 651:12, 651:14, 653:25, 656:11, 657:24, 659:2, 659:8, 660:19, 661:4, 662:13, 662:17, 665:6, 667:1, 667:2, 667:6, 673:24, 674:5, 674:7, 679:18, 682:8, 683:1, 685:17, 688:16, 689:24, 690:7,</p>	<p>698:3, 698:6 One^[3] - 627:7, 694:20, 696:10 one-third^[1] - 651:12 ones^[1] - 638:24 open^[1] - 676:19 operating^[2] - 648:18, 688:7 operation^[4] - 629:3, 629:5, 630:15, 630:18 operatory^[1] - 666:14 opinion^[2] - 639:3, 653:1 opportunity^[1] - 649:3 opposed^[1] - 688:10 orally^[2] - 641:4, 642:1 organization^[3] - 639:11, 639:15, 691:20 orient^[3] - 628:7, 629:14, 685:16 orientate^[1] - 667:20 Orientation^[2] - 679:23, 681:14 orientation^[5] - 655:14, 679:21, 681:19, 681:21, 682:18 oriented^[2] - 637:14, 671:2 orienting^[2] - 630:10, 655:20 original^[2] - 671:4, 684:8 Osterman^[1] - 671:8 ought^[3] - 631:15, 655:4, 682:22 outline^[1] - 670:13 overrule^[3] - 642:20, 656:9, 662:3 Overruled^[2] - 637:5, 679:13 overruled^[1] - 644:22 Overseeing^[1] - 681:3 overview^[1] - 629:22 own^[5] - 645:13, 683:1, 683:5, 683:9, 689:23 owned^[4] - 651:11, 658:1 owner^[4] - 658:12, 659:1, 659:6, 693:24 owners^[1] - 627:7 ownership^[1] - 659:15</p>	<p style="text-align: center;">P</p> <p>p.m^[1] - 672:11 pace^[9] - 675:13, 675:16, 676:3, 676:5, 676:6, 676:9, 676:11, 676:19, 677:5 packet^[1] - 670:16 PADULA^[1] - 625:11 Page^[9] - 628:1, 629:15, 629:16, 629:17, 630:10, 633:13, 670:13, 675:20, 675:23 page^[12] - 628:7, 629:24, 630:3, 630:11, 632:24, 633:9, 642:5, 642:11, 642:12, 642:16, 642:17, 670:19 paid^[6] - 658:5, 658:7, 658:23, 659:1, 680:15, 680:19 Papoose^[1] - 535:5 papoose^[14] - 631:12, 631:16, 633:20, 633:24, 635:11, 638:14, 638:18, 643:14, 645:12, 645:24, 646:3, 667:8, 682:22, 683:4 Paragraph^[2] - 633:15, 633:17 paragraph^[4] - 630:13, 643:8, 659:25, 684:24 paranoid^[2] - 638:13, 638:21 parent^[6] - 634:12, 634:13, 634:20, 634:21, 652:14, 668:22 parents^[5] - 635:4, 667:7, 668:20, 668:21, 682:11 part^[24] - 630:17, 630:21, 630:23, 631:1, 631:6, 631:8, 631:25, 636:3, 639:10, 639:14, 639:18, 640:12, 650:9, 650:13, 653:13, 654:21, 660:17, 661:10, 661:23, 668:17, 671:4, 684:8, 693:24 particular^[2] - 672:6, 672:21</p>	<p>partner^[2] - 670:8, 696:22 parts^[1] - 631:4 Patient^[1] - 682:10 patient^[5] - 634:16, 647:13, 647:15, 654:6, 687:1 patient's^[6] - 661:17, 661:19, 662:6, 662:9, 662:15, 682:9 patients^[11] - 645:19, 662:11, 677:8, 681:7, 686:22, 687:12, 688:10, 688:12, 691:5, 693:20, 694:2 paying^[1] - 658:13 pedo^[5] - 638:13, 638:21, 643:12, 643:13 people^[1] - 697:16 per^[7] - 658:9, 671:25, 680:22, 695:15, 695:19, 695:22 Per^[2] - 658:24, 681:20 perception^[1] - 643:23 perform^[1] - 652:18 performance^[2] - 673:12, 673:17 performed^[2] - 629:6, 631:8 perhaps^[1] - 648:16 permission^[1] - 664:12 personal^[1] - 666:22 personally^[1] - 678:4 philosophies^[17] - 676:25, 677:1, 677:6, 677:9, 677:18, 678:7, 678:14, 678:21, 678:23, 678:25, 679:2, 682:19, 683:2, 683:8, 683:9, 693:2 philosophy^[19] - 665:23, 666:3, 666:24, 668:13, 668:14, 668:21, 669:4, 669:5, 675:13, 675:14, 675:15, 676:13, 676:18, 677:4, 681:22, 682:3, 682:13 philosophy..^[1] - 666:6</p>

<p>phone [2] - 666:22, 666:23 physical [1] - 662:23 place [4] - 643:18, 644:10, 660:10, 698:17 Plaintiff [1] - 664:23 plaintiff's [2] - 635:14, 635:16 Plaintiff's [10] - 636:22, 637:6, 646:9, 646:22, 650:4, 657:4, 671:14, 679:14, 684:15, 685:14 plaintiffs [1] - 692:3 Plaintiffs [14] - 626:4, 626:14, 640:4, 642:8, 646:14, 649:20, 656:20, 667:14, 669:11, 671:9, 679:7, 684:3, 685:9, 694:25 plan [12] - 648:3, 652:11, 652:12, 652:13, 652:19, 652:23, 653:7, 653:8, 653:9, 653:12, 680:8, 697:24 planned [1] - 682:9 planning [8] - 625:5, 652:8, 652:21, 652:24, 653:1, 681:23, 682:4 plans [3] - 648:19, 652:18, 687:16 play [2] - 659:6, 659:11 plus [1] - 698:4 pocket [1] - 690:23 pockets [2] - 691:14, 691:22 point [3] - 639:15, 691:20, 693:13 poor [1] - 687:19 position [6] - 646:20, 650:2, 657:2, 665:8, 665:9, 679:12 positions [1] - 643:7 positive [1] - 693:18 possibility [1] - 697:19 practice [6] - 641:1, 641:4, 641:11, 642:1, 658:15, 669:25 practices [1] - 669:22 practitioner [2] - 656:1, 657:8</p>	<p>predetermined [1] - 688:18 preference [1] - 625:15 prepare [1] - 629:21 prepared [6] - 629:19, 629:24, 630:1, 630:5, 630:9, 630:14 presence [1] - 662:23 president [3] - 627:9, 627:10, 627:12 pressured [1] - 683:10 pressuring [1] - 690:21 pretty [2] - 687:11, 687:14 printed [1] - 664:11 problem [2] - 664:5, 697:18 problems [1] - 663:6 procedure [1] - 652:18 procedures [6] - 629:6, 631:7, 633:19, 634:22, 652:12, 687:1 proceed [2] - 626:1, 672:16 proceedings [3] - 698:9, 698:17, 698:19 process [1] - 641:16 produced [1] - 691:23 producer [2] - 697:2, 697:6 produces [1] - 690:25 producing [2] - 648:15, 663:24 production [27] - 647:8, 647:25, 648:7, 648:16, 651:21, 666:10, 670:25, 673:10, 673:12, 673:14, 674:24, 677:16, 685:2, 685:21, 686:7, 686:12, 686:16, 686:25, 691:8, 695:13, 695:15, 695:17, 695:19, 695:22, 696:12, 696:19 professional [2] - 660:6, 661:7 profit [6] - 658:3, 658:6, 658:10, 658:11, 659:15 profits [2] - 687:6, 687:25 promoted [3] - 665:6, 665:12, 697:5</p>	<p>promotion [1] - 664:25 proper [3] - 638:4, 638:7, 638:10 provide [1] - 675:17 provided [4] - 633:19, 634:21, 635:2, 635:3 publish [1] - 653:6 Pueblo [9] - 639:9, 639:10, 639:12, 639:14, 644:1, 658:18, 658:20, 658:22 pursuant [3] - 627:21, 627:24, 678:13 put [11] - 628:25, 652:13, 654:10, 654:11, 654:13, 655:4, 657:17, 666:16, 669:14, 690:22, 691:21 putting [2] - 653:2, 691:13</p> <p style="text-align: center;">Q</p> <p>qualifications [1] - 657:8 quality [3] - 638:12, 654:15, 675:17 Quality [1] - 660:15 quarter [2] - 697:17, 697:22 questions [4] - 630:12, 649:4, 662:4, 678:16 quick [1] - 694:21 quit [2] - 683:16, 689:4 quite [1] - 697:1 quote [1] - 655:13 quotes [3] - 654:10, 654:11, 655:20</p> <p style="text-align: center;">R</p> <p>ran [10] - 627:20, 627:23, 628:12, 644:1, 651:3, 669:19, 683:12, 683:21, 697:4 Ran [1] - 683:23 Randazzo [3] - 673:3, 673:7, 696:7 rather [1] - 681:25 rays [3] - 638:12, 660:13, 660:15 re [1] - 633:2 re-become [1] - 633:2 Read [1] - 659:18</p>	<p>read [10] - 639:3, 640:22, 641:24, 654:8, 654:17, 656:5, 659:12, 661:1, 661:22, 662:8 Ready [2] - 625:2, 672:16 ready [1] - 625:25 reality [1] - 696:18 really [8] - 640:23, 643:8, 658:11, 681:22, 682:3, 682:24, 689:5, 690:19 reason [6] - 640:15, 661:2, 665:21, 680:9, 694:11, 696:17 reasons [1] - 634:19 receive [2] - 626:7, 642:21 Received [1] - 535:3 received [28] - 626:10, 632:18, 632:20, 637:5, 637:7, 642:23, 646:21, 646:23, 650:3, 650:5, 657:3, 657:5, 667:15, 669:17, 669:18, 671:13, 671:15, 679:13, 679:15, 684:14, 684:16, 685:13, 685:14, 692:7, 692:8, 695:8, 695:9, 695:24 receiving [1] - 658:12 recess [1] - 672:11 recognize [4] - 632:23, 646:10, 664:19, 667:11 Recognize [1] - 639:24 recollection [3] - 642:2, 673:6, 683:17 recommendation [1] - 666:11 record [6] - 632:4, 632:15, 651:24, 653:3, 660:17, 670:5 record-keeping [1] - 651:24 recorded [1] - 698:16 records [1] - 633:18 Recross [2] - 625:15, 625:21 Recross Examination [1] - 625:15 redactions [1] - 632:19</p>	<p>Redirect [3] - 625:14, 625:20, 625:22 refer [6] - 627:1, 648:23, 656:1, 657:7, 660:25, 675:18 reference [10] - 643:14, 647:2, 655:7, 662:16, 663:23, 670:8, 671:24, 686:1, 688:13, 696:6 referencing [1] - 678:24 Referrals [1] - 660:18 referrals [9] - 657:7, 660:20, 660:24, 661:9, 661:10, 661:12, 663:9, 663:12 referring [8] - 638:5, 638:6, 643:21, 644:15, 644:25, 651:21, 651:23, 676:25 refers [8] - 652:24, 653:1, 653:2, 670:1, 675:18, 678:22, 682:1, 682:6 reflect [2] - 689:12, 690:18 reflects [1] - 695:16 refresh [1] - 642:2 regarding [3] - 670:21, 677:6, 678:21 Regarding [1] - 640:2 Regardless [1] - 647:13 regardless [2] - 647:15, 688:21 regional [9] - 652:5, 662:17, 665:1, 665:7, 665:10, 665:12, 667:24, 680:23, 681:6 reinforce [3] - 655:2, 681:22, 682:3 reinvent [3] - 644:14, 645:1, 645:20 relate [1] - 654:16 related [1] - 652:21 relates [11] - 629:3, 629:4, 636:17, 643:11, 649:24, 663:9, 664:1, 664:2, 664:25, 670:11, 679:10 relevancy [2] - 637:1, 640:14</p>
--	---	--	--	---

<p>relevant [1] - 655:4 remember [8] - 632:2, 659:3, 661:20, 673:5, 679:17, 680:15, 680:18, 683:15 render [1] - 657:8 report [5] - 639:24, 641:2, 641:5, 641:14, 674:19 Reporter[2] - 698:14, 698:24 reporter [2] - 656:6, 659:13 REPORTER[1] - 659:8 reporting [7] - 641:16, 642:1, 642:3, 642:6, 645:15, 657:24, 689:20 representation [1] - 673:24 represented [1] - 658:9 requests [1] - 666:16 required [2] - 659:19, 663:17 requirements [1] - 631:1 research [1] - 697:13 resign [1] - 694:13 resigned [1] - 683:16 resigns [2] - 694:7, 694:8 respect [3] - 626:9, 666:17, 668:20 responded [1] - 647:1 responsibility [1] - 660:3 rest [1] - 642:16 restrain [1] - 631:12 restraint [5] - 643:10, 643:12, 643:13, 646:2 restraints [1] - 651:20 retraining [1] - 650:16 returning [1] - 675:10 revealed [1] - 635:6 revenue [5] - 671:24, 672:5, 689:16, 690:25, 691:24 revenues [2] - 688:6, 688:8 review [2] - 626:6, 641:2 Rich[6] - 646:12, 649:17, 657:18, 664:20, 671:6, 671:8 rid [4] - 668:14, 669:6, 683:10, 685:2 ring [1] - 640:24</p>	<p>rip [3] - 696:14, 696:19, 696:23 ripped [1] - 696:24 risks [8] - 631:15, 634:3, 634:15, 635:5, 635:6, 635:10, 646:2, 667:7 Rita[5] - 679:21, 679:23, 681:20, 681:21, 682:18 road [1] - 668:3 Rochester[1] - 668:2 role [2] - 652:3, 678:20 room [3] - 666:21, 688:7, 691:3 Root[2] - 657:22, 664:20 rotation [2] - 666:20, 666:22 Roumph[30] - 646:11, 646:25, 647:7, 651:11, 657:18, 664:20, 670:2, 670:8, 670:20, 670:22, 670:24, 673:9, 674:3, 674:11, 674:20, 674:23, 675:3, 683:19, 685:7, 685:17, 686:5, 686:11, 686:24, 689:7, 689:17, 689:20, 692:9, 694:23, 695:13, 695:22 Roumphs [1] - 678:6 Rousch[4] - 693:23, 693:24, 696:13, 696:22 RUDY[1] - 625:11 Rudy[1] - 648:22 rule [1] - 656:10 run [4] - 639:13, 668:25, 678:7, 678:12 Ryan[2] - 657:22, 664:20</p>	<p>screen [4] - 637:9, 642:25, 664:24, 669:14 scroll [1] - 669:23 Sean [5] - 662:16, 662:22, 662:23, 667:11, 667:24 second [8] - 628:2, 629:24, 630:11, 630:13, 642:5, 659:9, 670:19, 684:24 section [1] - 698:3 see [42] - 629:24, 630:4, 634:22, 637:16, 639:5, 640:2, 640:22, 640:24, 642:13, 647:11, 649:6, 649:16, 650:17, 651:24, 651:25, 657:15, 660:1, 661:21, 664:3, 664:7, 664:15, 669:13, 669:15, 671:2, 671:17, 671:21, 674:3, 675:5, 679:4, 683:25, 684:22, 684:25, 685:19, 685:20, 686:14, 686:20, 687:22, 690:15, 691:4, 691:11, 693:15, 698:6 seeing [1] - 664:5 seek [1] - 626:5 Seldom [1] - 635:23 self [1] - 662:14 self-defense [1] - 662:14 send [1] - 684:17 sending [1] - 668:2 Senior [1] - 698:24 sense [1] - 634:18 sent [14] - 636:7, 643:2, 646:11, 646:25, 657:18, 670:24, 673:9, 674:3, 674:11, 679:20, 682:17, 683:18, 685:3, 689:17 sentence [1] - 661:8 September [2] - 671:6, 698:25 sequence [1] - 689:13 serious [1] - 635:6 served [1] - 644:6 service [1] - 651:7</p>	<p>services [1] - 667:3 several [1] - 670:9 shall [1] - 633:18 shared [2] - 670:14, 677:23 show [3] - 666:15, 666:25, 690:19 showed [1] - 693:3 shuffled [1] - 687:5 sick [1] - 678:18 side [1] - 654:2 sign [4] - 631:24, 632:1, 667:5, 668:24 signature [1] - 632:23 signed [6] - 632:8, 633:3, 633:6, 660:13, 666:25, 668:8 simply [1] - 688:9 single [2] - 686:7, 686:8 sit [2] - 668:23, 669:1 situation [3] - 659:22, 661:8, 691:17 six [1] - 684:23 Six[2] - 633:14, 692:12 size [2] - 690:25, 691:9 skip [1] - 661:3 slipped [2] - 686:16, 686:20 small [2] - 638:16, 638:24 Smile [1] - 637:21 soft [1] - 633:11 sold [8] - 627:17, 639:17, 639:18, 639:19, 639:20, 650:13, 650:15, 665:11 someone [4] - 644:9, 676:6, 676:10, 694:8 sometimes [2] - 641:3, 641:4 sorry [4] - 632:18, 656:3, 656:12, 664:23 sounding [1] - 672:7 sounds [1] - 659:4 speaking [1] - 640:13 specific [3] - 629:5, 630:20, 631:7 specifically [2] - 638:20, 663:5 speculation [1] - 682:12 speed [2] - 675:18, 676:9 Squeeze [1] - 687:25</p>	<p>squeeze [2] - 689:1, 693:2 squeezing [2] - 687:19, 693:9 staff [7] - 631:1, 661:5, 662:13, 662:15, 675:13, 676:19 staffed [3] - 630:23, 690:24, 691:3 staffing [3] - 665:18, 680:8, 691:9 stainless [2] - 681:23, 682:4 stamp [1] - 684:10 start [9] - 643:3, 643:5, 643:6, 643:11, 646:24, 660:3, 697:17, 697:19, 697:22 Start [1] - 660:3 start-up [4] - 643:3, 643:5, 643:6, 643:11 started [5] - 651:7, 661:7, 665:11, 683:21, 691:13 starting [1] - 640:3 Starting [1] - 643:9 starts [1] - 643:2 state [1] - 659:1 State [1] - 698:15 statement [1] - 654:20 staying [2] - 675:19, 676:12 steel [2] - 681:23, 682:5 stenographically [1] - 698:16 STEVENS [5] - 637:4, 646:20, 650:2, 657:2, 679:12 stick [1] - 628:16 still [5] - 666:15, 666:16, 666:17, 676:20, 686:10 stop [1] - 690:18 story [1] - 649:3 strapped [1] - 682:22 strategy [2] - 630:10, 630:11 structured [1] - 690:24 study [1] - 625:20 stuff [1] - 698:8 Stuff [1] - 681:2 sub [1] - 638:12 sub-quality [1] - 638:12 Subject [1] - 695:12 subject [12] - 632:18,</p>
	<p>S</p>			
<p>s-out [1] - 660:2 safely [1] - 682:8 sale [2] - 650:14, 650:15 sandwich [1] - 690:20 saw [3] - 653:10, 670:18, 677:15 scene [1] - 652:9 scheduling [1] - 698:8</p>		<p>sent [14] - 636:7, 643:2, 646:11, 646:25, 657:18, 670:24, 673:9, 674:3, 674:11, 679:20, 682:17, 683:18, 685:3, 689:17 sentence [1] - 661:8 September [2] - 671:6, 698:25 sequence [1] - 689:13 serious [1] - 635:6 served [1] - 644:6 service [1] - 651:7</p>	<p>someone [4] - 644:9, 676:6, 676:10, 694:8 sometimes [2] - 641:3, 641:4 sorry [4] - 632:18, 656:3, 656:12, 664:23 sounding [1] - 672:7 sounds [1] - 659:4 speaking [1] - 640:13 specific [3] - 629:5, 630:20, 631:7 specifically [2] - 638:20, 663:5 speculation [1] - 682:12 speed [2] - 675:18, 676:9 Squeeze [1] - 687:25</p>	<p>staying [2] - 675:19, 676:12 steel [2] - 681:23, 682:5 stenographically [1] - 698:16 STEVENS [5] - 637:4, 646:20, 650:2, 657:2, 679:12 stick [1] - 628:16 still [5] - 666:15, 666:16, 666:17, 676:20, 686:10 stop [1] - 690:18 story [1] - 649:3 strapped [1] - 682:22 strategy [2] - 630:10, 630:11 structured [1] - 690:24 study [1] - 625:20 stuff [1] - 698:8 Stuff [1] - 681:2 sub [1] - 638:12 sub-quality [1] - 638:12 Subject [1] - 695:12 subject [12] - 632:18,</p>

<p>642:21, 647:2, 650:16, 655:25, 657:6, 657:15, 660:19, 675:5, 679:22, 685:21, 692:19</p> <p>subjects [1] - 663:10</p> <p>subscribe [1] - 693:1</p> <p>succumb [1] - 693:1</p> <p>suck [16] - 648:1, 648:7, 648:16, 651:21, 660:13, 663:25, 666:10, 687:23, 688:11, 688:13, 688:17, 689:1, 692:1, 692:12, 693:22, 694:1</p> <p>suggest [1] - 633:25</p> <p>surely [1] - 667:21</p> <p>surface [4] - 652:17, 681:24, 682:1, 682:5</p> <p>surfaces [1] - 682:1</p> <p>sustain [3] - 626:8, 640:16, 692:18</p> <p>sworn [2] - 626:17, 628:22</p> <p>Syracuse [32] - 658:4, 669:25, 670:21, 670:24, 670:25, 671:19, 671:23, 672:20, 672:22, 672:25, 673:1, 673:4, 673:9, 674:21, 675:1, 675:6, 675:10, 677:8, 678:13, 679:10, 683:19, 685:24, 686:25, 689:13, 690:2, 690:6, 690:12, 692:21, 695:14, 695:15, 695:17, 697:6</p> <p>system [1] - 672:7</p> <p>systems [2] - 660:10</p>	<p>team [2] - 659:20, 678:20</p> <p>teamwork [1] - 668:7</p> <p>teeth [2] - 653:10, 653:11</p> <p>term [1] - 627:22</p> <p>terminate [4] - 666:11, 667:21, 667:22, 694:12</p> <p>terminated [7] - 663:2, 669:3, 689:3, 694:3, 694:17, 696:15, 696:18</p> <p>termination [5] - 692:24, 693:5, 694:7, 694:8, 694:11</p> <p>terms [2] - 693:5, 694:4</p> <p>testified [2] - 626:17, 680:4</p> <p>testifies [1] - 642:22</p> <p>testify [2] - 625:17, 681:17</p> <p>testimony [7] - 628:19, 628:23, 676:1, 676:7, 680:16, 680:18</p> <p>THE [66] - 625:2, 625:4, 625:7, 625:13, 625:15, 625:23, 625:25, 626:3, 626:12, 632:12, 632:14, 632:16, 632:18, 633:10, 635:15, 636:24, 637:2, 637:5, 640:6, 640:10, 640:12, 640:16, 642:14, 642:18, 644:20, 646:16, 646:21, 649:22, 649:25, 650:3, 656:3, 656:9, 656:11, 656:22, 656:25, 657:3, 659:8, 659:10, 662:2, 662:5, 667:15, 669:12, 669:17, 670:4, 671:11, 671:13, 672:8, 672:13, 672:16, 679:8, 679:11, 679:13, 684:5, 684:12, 684:14, 685:11, 685:13, 692:5, 692:7, 692:18, 695:2, 695:4, 695:8, 697:12, 697:22, 698:5</p>	<p>themselves [2] - 648:19, 681:4</p> <p>thereafter [1] - 694:1</p> <p>therein [1] - 698:19</p> <p>third [2] - 647:13, 651:12</p> <p>thirds [1] - 651:11</p> <p>Thornton [1] - 637:21</p> <p>thoroughly [1] - 659:18</p> <p>thoughts [2] - 647:8, 647:11</p> <p>threatened [1] - 683:11</p> <p>three [5] - 637:18, 650:9, 659:4, 678:16, 687:24</p> <p>throughout [1] - 640:24</p> <p>time-consuming [1] - 667:22</p> <p>timing [1] - 692:14</p> <p>today [2] - 676:7, 676:12</p> <p>tolerated [1] - 661:6</p> <p>Tom [1] - 657:18</p> <p>tomorrow [1] - 697:15</p> <p>took [1] - 627:13</p> <p>top [4] - 637:15, 645:5, 647:11, 657:17</p> <p>topics [1] - 681:22</p> <p>total [2] - 638:17, 660:4</p> <p>towards [1] - 663:6</p> <p>town [3] - 669:20, 669:21</p> <p>train [2] - 652:2, 660:9</p> <p>trained [1] - 650:21</p> <p>training [2] - 650:19, 681:15</p> <p>transcript [1] - 698:19</p> <p>Treat [1] - 650:19</p> <p>treat [12] - 650:23, 654:6, 666:8, 666:9, 666:17, 668:11, 668:12, 669:5, 677:8, 677:9, 683:9, 689:22</p> <p>treated [1] - 672:22</p> <p>treating [1] - 668:20</p> <p>treatment [33] - 648:3, 648:13, 648:19, 652:7, 652:8, 652:11, 652:12, 652:13, 652:18, 652:19, 652:21, 652:23, 652:24, 653:1, 653:7, 653:8, 653:12, 655:3,</p>	<p>669:4, 677:6, 678:21, 681:6, 681:23, 682:4, 682:6, 682:8, 682:9, 682:19, 683:2, 683:3, 687:16</p> <p>trip [1] - 669:25</p> <p>trouble [1] - 638:11</p> <p>true [9] - 630:7, 630:15, 631:5, 631:19, 683:18, 683:21, 683:23, 695:16, 698:18</p> <p>truth [1] - 653:13</p> <p>Truth [1] - 667:17</p> <p>Try [1] - 662:3</p> <p>try [2] - 629:10, 656:16</p> <p>trying [4] - 644:14, 644:25, 645:20, 681:8</p> <p>Tucson [2] - 665:5, 665:6</p> <p>turn [4] - 629:14, 630:3, 630:10, 633:13</p> <p>turned [3] - 663:18, 663:21, 691:18</p> <p>Turner [36] - 670:11, 670:12, 672:21, 673:4, 675:8, 677:17, 677:21, 677:22, 677:23, 678:6, 683:14, 683:21, 684:1, 684:17, 684:20, 685:1, 685:18, 686:1, 686:24, 689:1, 689:21, 689:22, 690:2, 690:8, 690:10, 690:11, 692:19, 692:25, 695:11, 695:12, 696:6, 696:8, 697:5</p> <p>Turners [2] - 677:1, 696:14</p> <p>Turner. [1] - 678:12</p> <p>turning [1] - 663:19</p> <p>turnkey [6] - 629:2, 629:5, 630:14, 630:18, 630:21, 630:24</p> <p>twelve [2] - 653:10, 653:11</p> <p>twice [1] - 635:25</p> <p>two [14] - 638:16, 638:24, 650:11, 651:11, 652:17, 681:24, 682:1, 682:5, 685:17,</p>	<p>693:20, 695:17, 696:12</p> <p>two-surface [2] - 652:17, 682:1</p> <p>two-thirds [1] - 651:11</p> <p>tx [1] - 682:5</p>
U				
<p>undated [1] - 640:9</p> <p>Under [1] - 650:19</p> <p>under [3] - 651:1, 665:15, 669:22</p> <p>underserved [1] - 691:6</p> <p>understood [8] - 638:22, 638:25, 639:2, 643:3, 645:1, 645:15, 655:1, 668:8</p> <p>unquote [1] - 655:14</p> <p>up [30] - 628:25, 643:3, 643:5, 643:6, 643:11, 643:13, 643:16, 645:5, 647:11, 659:16, 661:22, 665:22, 666:3, 666:7, 666:15, 666:25, 668:13, 669:15, 683:1, 683:4, 687:23, 688:11, 688:13, 688:17, 689:1, 690:19, 692:1, 692:12, 693:22, 694:1</p> <p>upcoming [1] - 625:14</p> <p>update [1] - 669:25</p> <p>upset [3] - 661:12, 661:14, 664:9</p> <p>upstairs [1] - 698:7</p>				
V				
<p>vacation [1] - 666:16</p> <p>VALERIE [1] - 698:14</p> <p>Valerie [1] - 698:24</p> <p>various [1] - 677:24</p> <p>verify [1] - 684:21</p> <p>versus [2] - 681:24, 682:5</p> <p>virtuals [1] - 668:6</p> <p>videos [1] - 625:9</p> <p>videos.. [1] - 625:14</p> <p>view [3] - 653:6, 661:18, 672:4</p> <p>viewed [1] - 667:17</p> <p>visit [6] - 652:14, 668:3, 670:21, 675:6, 682:8, 689:25</p> <p>voices [1] - 633:10</p>				

votes [1] - 627:13	written [7] - 636:2, 636:4, 636:6, 647:20, 647:22, 657:12, 693:8
W	
wait [2] - 656:10, 659:8 WAITE [1] - 698:14 Waite [1] - 698:24 walk [1] - 697:24 warn [1] - 693:13 warned [1] - 693:12 warnings [2] - 693:8 watching [9] - 684:24, 685:18, 686:7, 690:14, 691:25, 692:12, 693:14, 693:19 ways [5] - 649:7, 649:11, 651:17, 653:14, 663:25 weeks [4] - 687:23, 692:12, 695:18, 696:13 western [3] - 664:25, 665:7, 665:10 wheel [5] - 644:15, 645:1, 645:21, 645:25 whole [2] - 644:6, 661:1 widgets [1] - 687:5 WILLIAM [1] - 625:17 willing [1] - 669:3 WITNESS [4] - 642:14, 656:11, 659:10, 662:5 witness [6] - 625:17, 626:3, 626:16, 644:20, 644:21, 698:4 WITNESSES [1] - 625:10 word [1] - 643:9 words [5] - 639:3, 643:20, 644:13 works [4] - 675:16, 676:6, 676:10, 691:1 worst [1] - 645:18 wrap [3] - 638:13, 638:21 wraps [1] - 638:16 wreck [1] - 660:9 write [2] - 655:9, 677:12 writes [1] - 675:8 writing [9] - 631:21, 639:24, 641:3, 641:21, 642:2, 642:4, 656:3, 679:24, 680:1	wrote [11] - 647:23, 653:21, 656:14, 656:17, 659:18, 659:19, 661:21, 664:8, 671:6, 671:17, 671:23
	X
	x-number [1] - 691:5 X-rays [3] - 638:12, 660:13, 660:15
	Y
	y'all [1] - 662:11 y'all's [1] - 647:8 Yaqoob [3] - 696:8, 697:1 year [1] - 629:20 years [1] - 691:5 Yesterday [1] - 668:5 York [4] - 667:25, 669:22, 669:25, 698:15 yourself [1] - 626:21
	Z
	zero [4] - 637:10, 653:19, 682:10, 682:21