cr DEPOTEXAS DEPOSITION SERVICES

TRANSCRIPT FORMATTING AND EXAMPLES

Thank you for working with DepoTexas.

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

These special elements are:

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

```
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     Ownership for Business or Profession
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     Articles of Incorporation
```

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

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

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

```
    Subscribed and sworn to on this the ______ day of
_____________, ______.

                  ____________________________________
                  Cale McCabe, CSR
                  Texas CSR No. 8576
                  Expiration Date:  12/31/2015
```

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

LOCAL BRANCH INFORMATION

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

AUSTIN JOBS

DepoTexas - Firm Registration No. 17

1016 La Posada, Suite 294

Austin, Texas 78752

512-465-9100

CORPUS CHRISTI JOBS

DepoTexas - Firm Registration No. 644

615 N. Upper Broadway, Suite 1450

Corpus Christi, Texas 78401

361-883-3400

DALLAS JOBS

DepoTexas - Firm Registration No. 459

6500 Greenville Avenue, Suite 445

Dallas, Texas 75206

214-373-4977

FORT WORTH JOBS

DepoTexas - Firm Registration No. 794

2501 Parkview Drive, Ste. 317-D

Fort Worth, Texas 76102

817-810-0244

HOUSTON JOBS

DepoTexas – Firm Registration No. 95

13101 Northwest Freeway, Suite 210

Houston, Texas 77040

281-469-5580

SAN ANTONIO JOBS

DepoTexas – Firm Registration No. 539

100 N.E. Loop 410, Suite 955

San Antonio, Texas 78216

210-481-7575

TYLER JOBS

DepoTexas – Firm Registration No. 793

100 E. Ferguson, Suite 900

Tyler, Texas 75702

903-593-3213

LUFKIN JOBS

DepoTexas – Firm Registration No. 792

503 East Frank

Lufkin, Texas 75901

936-637-2883

DEPOTEXAS
DEPOSITION SERVICES

FORMATTING CONFIDENTIAL TRANSCRIPTS

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

WHEN THE ENTIRE DEPOSITION IS CONFIDENTIAL

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

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

```
                    NO. 12-CV-199068

AIR LIQUIDE LARGE                ) IN THE DISTRICT COURT OF
INDUSTRIES U.S. LP               )
                                 )
VS.                              ) FORT BEND COUNTY, TEXAS
                                 )
NRM INVESTMENTS, INC.,           )
NICHOLAS R. MARCO and            )
GERALD MARCO                     ) 400TH JUDICIAL DISTRICT

                  *HIGHLY CONFIDENTIAL*

            ----------------------------------

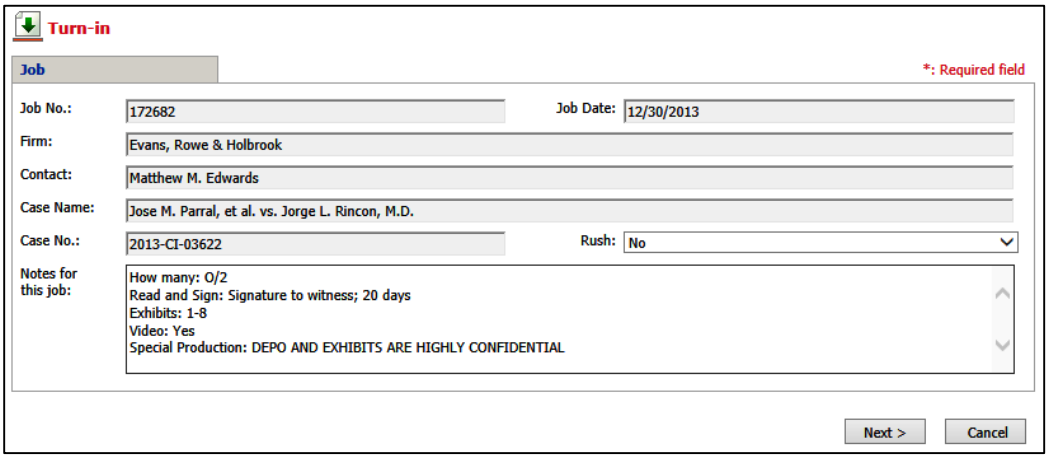
                    ORAL DEPOSITION OF

                      JOHN MITCHELL

                    December 10, 2013

            ----------------------------------
```

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



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

WHEN ONLY CERTAIN SECTIONS OF TESTIMONY ARE CONFIDENTIAL

If the attorneys only designate certain testimony as Confidential (or a higher degree of Confidential than the rest of the deposition), then you would do the following:

1. Produce and turn in two different ASCII files:
   a. One ASCII file with only the Non-Confidential/regular testimony
   b. One ASCII file with only the Confidential/restricted testimony

2. For the Non-Confidential/regular ASCII file, you would simply put on the cover page something that indicates such and place it above the deposition information. For example:

```
 1                        NO. 12-CV-199068

 2    AIR LIQUIDE LARGE              ) IN THE DISTRICT COURT OF
      INDUSTRIES U.S. LP             )
 3                                   )
      VS.                            ) FORT BEND COUNTY, TEXAS
 4                                   )
      NRM INVESTMENTS, INC.,         )
 5    NICHOLAS R. MARCO and          )
      GERALD MARCO                   ) 400TH JUDICIAL DISTRICT
 6

 7            *NON-CONFIDENTIAL REDACTED TRANSCRIPT*

 8              ------------------------------------

 9                        ORAL DEPOSITION OF

10                          JOHN MITCHELL

11                        December 10, 2013

12              ------------------------------------
```

3. On this same Non-Confidential ASCII file, you would make sure that all of the Confidential testimony is cut out of this transcript and replaced with blank lines. Make sure there is a parenthetical before and after the testimony that it is confidential.

```
16        A.  I know who was present when I made the deal to
17   them.
18        Q.  Do you know who actually signed any contract?
19        A.  No.
20                 (Beginning of confidential portion from
21                 Page 112, Line 20, to Page 117, Line 8.)
22
23
24
25
                                                  Page 113
 1
 2
 3
 4
```

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

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

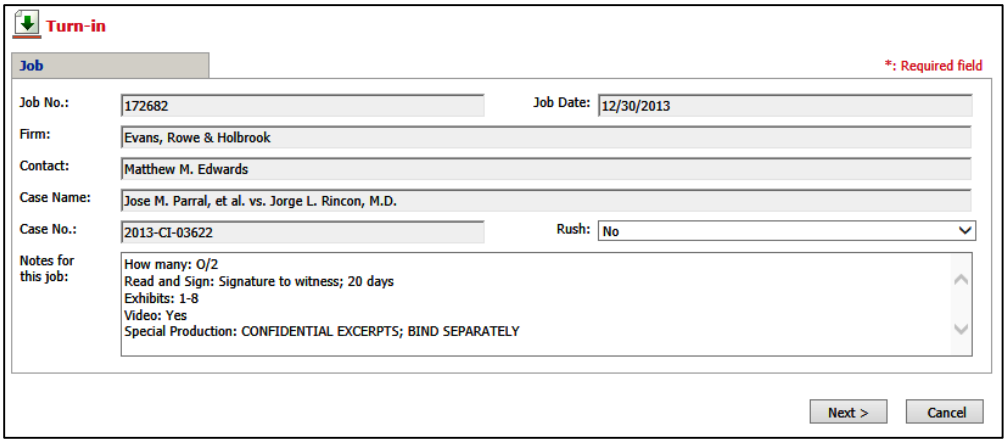
5. For this same Confidential ASCII file, you would paste this testimony and make sure all of the Page and Line numbers match **EXACTLY** for the attorney's convenience (for example, if the Confidential portion of the testimony goes from Page 6, Line 23 to Page 8, Line 2, then the Confidential ASCII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

```
16
17
18
19
20                 (Beginning of confidential portion from
21                 Page 112, Line 20, to Page 117, Line 8.)
22        Q.  (BY MS. HOWARD)  Do you know -- now, the -- the
23   amount of commissions that you get paid -- tell me --
24   well, let me just ask you.  The amount of commissions
25   are based on what, what number?

                                                    Page 113

 1        A.  The number --
 2        Q.  It's a percent times some number, correct?
 3        A.  Correct.  It's the commission percentage times
 4   the -- it's the net collections dollars that -- that
```

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



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

If you ever need more information or examples on how to handle Confidential transcripts, please e-mail your questions to production1@depotexas.com

CAUSE NO. [CAUSE NUMBER]

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

ORAL [AND VIDEOTAPED] DEPOSITION

[WITNESS]

[MONTH] [DAY], [YEAR]

ORAL DEPOSITION of [WITNESS], produced as a witness at the instance of the [PARTY], and duly sworn, was taken in the above-styled and numbered cause on the [MONTH] [DAY], [YEAR], from [START TIME] to [END TIME], before [REPORTER], CSR in and for the State of Texas, reported by machine shorthand, at the offices of Zimmerman, Axelrad, Meyer, Stern & Wise, P.C., 3040 Post Oak Blvd., Suite 1300, Houston, Texas, 77056, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record.

A P P E A R A N C E S

FOR THE PLAINTIFF(S):
Ms. Elizabeth M. Bruman
ZIMMERMAN, AXELRAD, MEYER, STERN & WISE, P.C.
3040 Post Oak Blvd., Suite 1300
Houston, Texas 77056
713-552-1234
ebruman@zimmerlaw.com

FOR [WITNESS] & SOUTHWEST PIPE:
Mr. Lance Nguyen
LAW OFFICES OF LANCE NGUYEN
4412 Caroline Street
Houston, Texas 77004
713-326-5349

ALSO PRESENT:
Mr. & Mrs. R.P. Ingrum

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Assumed Name Records - Certificate of
Ownership for Business or Profession

CHANGES AND SIGNATURE

PAGE	LINE	CHANGE	REASON

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

_____
[WITNESS]

THE STATE OF _____)
COUNTY OF _____)

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

Given under my hand and seal of office this _____ day of _____, _____.

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

CAUSE NO. [CAUSE NUMBER]

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

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

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

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

That the deposition transcript was submitted on _____, to the witness or to the attorney for the witness for examination, signature and return to me by _____;

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

Ms. Elizabeth Bruman - 01:19

Mr. Lance Nguyen - 00:01

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

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

FOR THE PLAINTIFF(S):
Ms. Elizabeth M. Bruman
ZIMMERMAN, AXELRAD, MEYER, STERN & WISE, P.C.
3040 Post Oak Blvd., Suite 1300
Houston, Texas 77056
713-552-1234

FOR [WITNESS] & SOUTHWEST PIPE:
Mr. Lance Nguyen
LAW OFFICES OF LANCE NGUYEN
4412 Caroline Street
Houston, Texas 77004
713-326-5349

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

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

Certified to by me this _____ day of _____, _____.

_____
[REPORTER AND CERTIFICATIONS]
[CERTIFICATION NUMBER(S)]
[CERTIFICATION EXPIRATION]
DepoTexas - Firm Registration No. XXX
[DepoTexas address]
[DepoTexas City, State, ZIP]
[DepoTexasphone number]

FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition/signature page was/was not returned to the deposition officer on _____;

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

If returned, the original deposition was delivered to _____, Custodial Attorney;

That $ _____ is the deposition officer's charges to the Plaintiff for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on _____ and filed with the Clerk.

Certified to by me this ___ day of _____, _____.

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

CAUSE NO. [CAUSE NUMBER]

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

ORAL [AND VIDEOTAPED] DEPOSITION

[WITNESS]

[MONTH] [DAY], [YEAR]

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

A P P E A R A N C E S

FOR THE PLAINTIFF:

MR. RUSSELL W. ENDSLEY
MR. PAUL D. CARMONA
LAW OFFICES OF THOMAS J. HENRY
521 STARR STREET
CORPUS CHRISTI, TEXAS 78401
361-985-0600
rendsley@thomasjhenrylaw.com
pcarmona@thomasjhenrylaw.com

FOR THE DEFENDANTS:

MR. GRANT E. ADAMI, III
ADAMI, SHUFFIELD, SCHEIHING & BURNS, P.C.
9311 SAN PEDRO, SUITE 900
SAN ANTONIO, TEXAS 78216
210-344-0500
tadami@adamilaw.com

FOR THE DEFENDANTS:

MR. STEPHEN R. PILCHER
PILCHER LAW FIRM
15080 TRADESMEN DRIVE
SAN ANTONIO, TEXAS 78249
210-408-8660
steve@pilcherlawfirm.com
denise@pilcherlawfirm.com

VIDEOGRAPHER:

PAT CAREY

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CAUSE NO. [CAUSE NUMBER]

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

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

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

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

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

That the original deposition was delivered to _____, Custodial Attorney;

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

MR. ENDSLEY (0 hours 52 minutes), Attorney for Plaintiff
MR. ADAMI (0 hours 37 minutes), Attorney for Defendant

That a copy of this certificate was served on all parties shown herein on _____ and filed with the Clerk pursuant to Rule 203.3.

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

$_____ is the deposition officer's charges to the Plaintiff for preparing the original deposition and any copies of exhibits.

Certified to by me on this _____ day of _____, _____.

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

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

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

ORAL [AND VIDEOTAPED] DEPOSITION OF

[WITNESS]

[MONTH] [DAY], [YEAR]

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

A P P E A R A N C E S

FOR THE PLAINTIFFS:

Daniel R. Zmijewski, Esq.
DRZ LAW
9229 Ward Parkway
Suite 370
Kansas City, Missouri 64114
(816) 665-2073
(816) 523-5667 fax
dan@drzlawfirm.com

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

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

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CHANGES AND SIGNATURE

WITNESS NAME: DATE OF DEPOSITION:

[WITNESS] [MONTH] [DAY], [YEAR]

PAGE	LINE	CHANGE	REASON

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

_____
[WITNESS]

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

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

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

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

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

I further certify that pursuant to FRCP Rule 30(f)(1) that the signature of the deponent:

__X___ was requested by the deponent or a party before the completion of the deposition and returned within 30 days from date of receipt of the transcript. If returned, the attached Changes and Signature Page

contains any changes and the reasons therefor;

_____ was not requested by the deponent or a party before the completion of the deposition.

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

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

Subscribed and sworn to on this the _____ day of _____, _____.

_____
[REPORTER AND CERTIFICATIONS]
Texas CSR No. XXXX
Expiration Date: XX/XX/XXXX
DepoTexas, Inc.
Firm Registration No. XXX
[local DepoTexas address]
[local DepoTexas City, State, ZIP]
[local DepoTexas phone number]

CAUSE NO. [CAUSE NUMBER]

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

****

CERTIFICATE OF NONAPPEARANCE

[WITNESS]

[MONTH] [DAY], [YEAR]

****

ORAL [AND VIDEOTAPED] DEPOSITION OF [WITNESS], produced as a witness at the instance of the [PLF/DEF], and duly sworn, was scheduled in the above-styled and numbered cause to occur on [MONTH] [DAY], [YEAR] at [START TIME] at the law offices of [LOCATION, ADDRESS, CITY, STATE, ZIP] pursuant to the [RULES] Rules of Civil Procedure and the provisions stated on the record or attached hereto.

CERTIFICATE OF NONAPPEARANCE

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

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

That by [ENDING TIME] [WITNESS] had not appeared for her deposition. Present for the deposition were:

FOR THE PLAINTIFFS:

Mr. Kelly J. Curnutt
Mr. Adam Alexander
CURNUTT & HAFER
101 East Park Row
Arlington, Texas 76010
817.548.1000
KCurnutt@CurnuttHafer.com
AAlexander@CurnuttHafer.com

The following was stated on the record:

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

(Exhibit Numbers 1 and 2 were marked.)

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

oral deposition of Kara Valdez with duces tecum.

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

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

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

(Proceedings concluded at [END TIME])

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

Given under my hand and seal of office on this the _____ day of _____, _____.

_____
[REPORTER AND CERTIFICATIONS]
Texas CSR No. XXXX
Expiration Date: XX/XX/XXXX
DepoTexas, Inc.
Firm Registration No. XXX
[local DepoTexas address]
[local DepoTexas City, State, ZIP]
[local DepoTexas phone number]

IN ARBITRATION

BEFORE THE AMERICAN ARBITRATION ASSOCIATION

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

****

ARBITRATION HEARING
[MONTH] [DAY], [YEAR]
[VOLUME]

****

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

A P P E A R A N C E S

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

FOR THE PLAINTIFF(S) MICHELLE LEWIS RYAN:
Mr. Peter Costea
LAW OFFICES OF PETER COSTEA
Three Riverway, Suite 1800
Houston, Texas 77056
713.337.4304
costealaw@yahoo.com

ALSO PRESENT:
Ms. Michelle Lewis

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

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

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

IN ARBITRATION

BEFORE THE AMERICAN ARBITRATION ASSOCIATION

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

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

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

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the _____ day of _____, _____.

_____
[REPORTER AND CERTIFICATIONS]
Texas CSR No. XXXX
Expiration Date: XX/XX/XXXX
DepoTexas, Inc.
Firm Registration No. XXX
[local DepoTexas address]
[local DepoTexas City, State, ZIP]
[local DepoTexas phone number]

[COURT INFORMATION]

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

ORAL [AND VIDEOTAPED] DEPOSITION OF

[WITNESS]

[MONTH] [DAY], [YEAR]

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

A P P E A R A N C E S

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CHANGES AND SIGNATURE

WITNESS NAME: DATE OF DEPOSITION:

[WITNESS] [MONTH] [DAY], [YEAR]

PAGE	LINE	CHANGE	REASON

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

_____

[WITNESS]

[COURT INFORMATION]

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

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

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

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

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

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

Subscribed and sworn to on this the _____ day of _____, _____.

_____
[REPORTER AND CERTIFICATIONS]
Texas CSR No. XXXX
Expiration Date: XX/XX/XXXX

CAUSE NO. [CAUSE NUMBER]

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

NON-CONFIDENTIAL REDACTED TRANSCRIPT

ORAL [AND VIDEOTAPED] DEPOSITION

[WITNESS]

[MONTH] [DAY], [YEAR]

ORAL DEPOSITION of [WITNESS], produced as a witness at the instance of the [PARTY], and duly sworn, was taken in the above-styled and numbered cause on the [MONTH] [DAY], [YEAR], from [START TIME] to [END TIME], before [REPORTER], CSR in and for the State of Texas, reported by machine shorthand, at the offices of Zimmerman, Axelrad, Meyer, Stern & Wise, P.C., 3040 Post Oak Blvd., Suite 1300, Houston, Texas, 77056, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record.

A P P E A R A N C E S

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ALSO PRESENT:
Mr. Wayne Rennke, Videographer

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

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

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

A. No.

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

A. No.

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

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

Q. Do you know who actually signed any contract with Global?

A. No.

(Beginning of confidential portion.)

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(End of confidential portion.)

Q. (BY MS. HOWARD) Do you -- can you remember the name of that joint venture?

A. No, but I can probably name the hospital. Not right now, but if I had a inventory of hospitals, I could probably pick it out.

Q. Did you ever contact anyone at that hospital?

A. No. Because the CFO was responsible for that business being outsourced, not the hospital. He was the member of the joint venture.

Q. You know whether that joint venture was ever even signed up?

A. No.

Q. Do you know whether anyone at that place even talked to that joint venture?

A. No. Other than me and other than I believe that the CFO had the same conversation with John Doe and Jane Doe. I have no idea beyond that conversation where that would have been taken.

1 CHANGES AND SIGNATURE

2 PAGE LINE CHANGE REASON

3 _____

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

_____
[WITNESS]

THE STATE OF _____)
COUNTY OF _____)

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

Given under my hand and seal of office this _____ day of _____, _____.

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

1 CAUSE NO. [CAUSE NUMBER]

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

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

9 I, [REPORTER], Certified Shorthand
10 Reporter in and for the State of Texas, hereby
11 certify to the following:
12 That the witness, [WITNESS], was
13 duly sworn by the officer and that the transcript of
14 the oral deposition is a true record of the testimony
15 given by the witness;
16 That the deposition transcript was
17 submitted on _____, to the witness or
18 to the attorney for the witness for examination,
19 signature and return to me by _____;
20 That the amount of time used by each party
21 at the deposition is as follows:
22 Ms. Elizabeth Bruman - 01:19
23 Mr. Lance Nguyen - 00:01
24 That pursuant to information given to the
25 deposition officer at the time said testimony was

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

FOR THE PLAINTIFF(S):
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ZIMMERMAN, AXELRAD, MEYER, STERN & WISE, P.C.
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Houston, Texas 77056
713-552-1234

FOR [WITNESS] & SOUTHWEST PIPE:
Mr. Lance Nguyen
LAW OFFICES OF LANCE NGUYEN
4412 Caroline Street
Houston, Texas 77004
713-326-5349

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

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

Certified to by me this _____ day of _____, _____.

_____
[REPORTER AND CERTIFICATIONS]
Texas CSR No. XXXX
Expiration Date: XX/XX/XXXX
DepoTexas, Inc.
Firm Registration No. XXX
[local DepoTexas address]
[local DepoTexas City, State, ZIP]
[local DepoTexas phone number]

FURTHER CERTIFICATION UNDER RULE 203 TRCP

The original deposition/signature page was/was not returned to the deposition officer on _____;

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

If returned, the original deposition was delivered to _____, Custodial Attorney;

That $ _____ is the deposition officer's charges to the Plaintiff for preparing the original deposition transcript and any copies of exhibits;

That the deposition was delivered in accordance with Rule 203.3, and that a copy of this certificate was served on all parties shown herein on _____ and filed with the Clerk.

Certified to by me this ___ day of _____, _____.

_____
[REPORTER AND CERTIFICATIONS]
Texas CSR No. XXXX
Expiration Date: XX/XX/XXXX
DepoTexas, Inc.
Firm Registration No. XXX
[local DepoTexas address]
[local DepoTexas City, State, ZIP]
[local DepoTexas phone number]

CAUSE NO. [CAUSE NUMBER]

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

CONFIDENTIAL EXCERPTED TESTIMONY

ORAL [AND VIDEOTAPED] DEPOSITION

[WITNESS]

[MONTH] [DAY], [YEAR]

(Beginning of confidential portion.)

Q. (BY MS. HOWARD) Do you know -- now, the -- the amount of commissions that you get paid -- tell me -- well, let me just ask you. The amount of commissions are based on what, what number?

A. The number --

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

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

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

Any objection to that, Bill?

MR. MASTERSON: No, no objection.

MS. HOWARD: Okay.

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

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

A. I think you've got it backwards.

Q. Okay.

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

Q. Right. Okay. I --

A. Okay.

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

A. Okay.

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

A. Right.

Q. Fair enough?

A. Fair --

Q. Okay.
A. -- enough.
Q. So do you know how much the net collections for the first year for the North Ohio Heart Center deal was? At the time of contract signing.
A. I would have to refer back to my original proposal, which I don't have access to.
Q. Well, I'm not asking what your proposal was; I'm asking you what the estimated net collections were for the North Ohio deal at the time of contract signing. Do you know?
A. I -- it was based on the values that I had been working with with them that they provided me, so I don't have access to that information right now.
Q. Well, I understand that that's the amount of the original proposal. Do you know whether that amount changed at all during the course of contract negotiations?
A. No.
Q. All right. So if, in fact, the deal that got signed was not a $1.2 million deal but was, in fact, much less than that, you just wouldn't have any information about that.
A. That's correct.
Q. Okay. All right. And if, in fact, Global has

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

A. I don't understand the --

Q. Okay.

A. -- question.

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

A. Uh-huh.

Q. Okay. Have --

A. Yes.

Q. -- you -- yes. Okay.

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

A. No, I haven't seen that.

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

A. No.

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

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

(End of confidential portion.)