



<p style="text-align: center;">5</p> <p>1 Detroit, Michigan 2 Thursday, January 13, 2011 3 9:37 a.m. 4 5 SONCIA SALTER, 6 was thereupon called as a witness herein, and after 7 having first been duly sworn to testify to the truth, 8 the whole truth and nothing but the truth, was 9 examined and testified as follows: 10 MS. TONELLI: This is the deposition of 11 Soncia -- 12 THE WITNESS: That is correct. 13 MS. TONELLI: -- Salter being taken pursuant 14 to Notice and agreement of the parties and to be used 15 for all purposes allowed under the Michigan Court 16 Rules. 17 EXAMINATION 18 BY MS. TONELLI: 19 Q. Ms. Salter, my name is Deborah Tonelli, and I'm an 20 attorney here today on behalf of Gary Wells, for Kevin 21 Seiferheld, the attorney whose file this is. 22 I'm going to ask you questions about your 23 handling of Mr. Wells' claim for personal injury 24 protection benefits. Okay? 25 A. Yes.</p>	<p style="text-align: center;">7</p> <p>1 Q. All right. If I ask you a question that doesn't make 2 sense, just say I don't make sense: It doesn't makes 3 sense to me. Could you rephrase it? 4 All right? 5 A. Yes. 6 Q. And if you need to take a break for any reason, just 7 say: I would like to take a break. 8 And we'll do that. All right? 9 A. Yes. 10 Q. I don't anticipate that this should take terribly 11 long, but I never know how long things are going to 12 last, depending on how long it may take you to find a 13 document or answer a question. So, hopefully, we'll 14 get you out of here fairly soon. Okay? 15 A. Yes. 16 Q. Now, you were kind enough to hand me your business 17 card, and it says "Soncia Salter", with a middle 18 initial of "L," and after that, the designation says 19 "MS." And what is your Master's in? Is that a 20 Master's? 21 A. It is a Master's degree. 22 Q. What is it in? 23 A. My Master's degree is in English. 24 Q. And then the "LIC," what does that stand for? 25 A. Licensed insurance counselor.</p>
<p style="text-align: center;">6</p> <p>1 Q. I find that a lot of times in depositions, these types 2 of cases are somewhat different in that I may be 3 asking you to explain documents to me and things like 4 that, and it may not just be question and answer, but 5 perhaps guidance as far as what a document is showing 6 me. Okay? 7 A. Provided I can answer, sure. 8 Q. All right. Have you given a deposition before? 9 A. I have. 10 Q. Okay. I'm just going to go over the rules for you. 11 A. Okay. 12 Q. Because it becomes like a conversation sometimes, 13 people may nod or shake their head in response to 14 things that I say, or say uh-huh or uh-uh. Please 15 give a verbal yes or no. All right? 16 A. Yes. 17 Q. If you can. 18 Another thing is that you may anticipate 19 the question before I ever get to the end of it, and 20 if you would allow me to get to the end of the 21 question before you start talking, so we don't speak 22 over each other, and then I'll try to give you the 23 same courtesy and let you finish before I start asking 24 another question. All right? 25 A. Yes.</p>	<p style="text-align: center;">8</p> <p>1 Q. And the licensed insurance counselor, is that through 2 the State of Michigan? 3 A. That is correct. 4 Q. And how long have you been a licensed insurance 5 counselor? 6 A. Offhand, I can't recollect. It's been a number of 7 years. 8 Q. And what do you have to do to become a licensed 9 insurance counselor? 10 A. You need to study, take the course materials, pass the 11 exam with better than 75% average. 12 Q. Okay. And then the state gives you a license? 13 A. That is correct. 14 Q. And then do you have to renew the license on a regular 15 basis? 16 A. Annually. 17 Q. Okay. And if you can tell me, when was the last time 18 you had to renew the license? 19 A. Last year, in March. 20 Q. And when you renew it, do you have to take another 21 test? 22 A. No. 23 Q. Okay. All right. And you're employed with the 24 Department of Management and Budget and Risk 25 Management Division of Wayne County. Correct?</p>

<p style="text-align: center;">9</p> <p>1 A. That is correct.</p> <p>2 Q. And how long have you worked there?</p> <p>3 A. Nearly four years.</p> <p>4 Q. And have you been licensed the entire time you have</p> <p>5 been here?</p> <p>6 A. I have.</p> <p>7 Q. And is that a prerequisite?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. You have just been licensed, but you don't know</p> <p>10 if that's required for you to have your job title of</p> <p>11 claims manager?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. What does a claims manager do?</p> <p>14 A. How do you mean?</p> <p>15 Q. What are your job responsibilities?</p> <p>16 A. As they relate to --</p> <p>17 Q. Anything.</p> <p>18 A. -- everybody?</p> <p>19 Q. Anything.</p> <p>20 A. In my case, I handle liability claims.</p> <p>21 Q. Okay.</p> <p>22 A. I administer the no-fault claims.</p> <p>23 Q. Okay.</p> <p>24 A. And I assist in lawsuits.</p> <p>25 Q. All right. So when you say that you handle the</p>	<p style="text-align: center;">11</p> <p>1 They are assigned to each person to handle. So I am</p> <p>2 the administrator in that regard --</p> <p>3 Q. Okay.</p> <p>4 A. -- to make certain that they are handled,</p> <p>5 investigated, adjudicated.</p> <p>6 Q. All right. And then you assist in litigation, you</p> <p>7 said?</p> <p>8 A. Correct.</p> <p>9 Q. In this particular situation involving Mr. Wells, he</p> <p>10 is making a claim for personal injury protection</p> <p>11 benefits under the No-Fault Act in the State of</p> <p>12 Michigan. Is that part of your job responsibility to</p> <p>13 handle those types of claims?</p> <p>14 A. Yes, it is.</p> <p>15 Q. Okay. And if you could, give me an estimate of, if we</p> <p>16 broke down your job responsibilities, how much of 100%</p> <p>17 would involve handling claims for No-Fault benefits?</p> <p>18 A. About 40% perhaps of claim handling activity?</p> <p>19 Q. Yes.</p> <p>20 A. Correct.</p> <p>21 Q. And the licensed insurance counselor certificate that</p> <p>22 you have, as part of your education to obtain that</p> <p>23 license, did you have to become familiar with the</p> <p>24 Michigan No-Fault Act?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">10</p> <p>1 liability claims, I have an understanding in my head</p> <p>2 what that means to me, but let me ask you, in your</p> <p>3 mind, what you do is you represent the county when a</p> <p>4 claim is being made for bodily injury as a result of</p> <p>5 an accident involving a Wayne County party?</p> <p>6 MR. ROGALSKI: I would like to interject.</p> <p>7 Are you asking her is that what she does?</p> <p>8 BY MS. TONELLI:</p> <p>9 Q. Is that part of the liability portion?</p> <p>10 A. Property damage.</p> <p>11 Q. Property damage. Okay.</p> <p>12 A. And bodily injury.</p> <p>13 Q. And bodily injury. Okay.</p> <p>14 And have you been doing that since you</p> <p>15 started four years ago?</p> <p>16 A. Yes.</p> <p>17 Q. And then you stated that you also handled personal</p> <p>18 injury protection claims. Correct?</p> <p>19 A. I don't think I answered that part. I simply said I</p> <p>20 handled bodily injury. I handle casualty claims and I</p> <p>21 administer No-Fault claims, but I did not specify.</p> <p>22 Q. So when you say you "administer No-Fault claims," what</p> <p>23 does that mean to you?</p> <p>24 A. I have people that work -- report to me that handle</p> <p>25 pothole and mini tort claims. I administer those.</p>	<p style="text-align: center;">12</p> <p>1 Q. And I'm sorry. Four years ago you said that you</p> <p>2 became licensed?</p> <p>3 A. I said I didn't remember.</p> <p>4 Q. Okay. Approximately.</p> <p>5 A. We know it was at least four years. We did conclude</p> <p>6 it was at least four years, but without looking at the</p> <p>7 license, which tells me when it was issued, I can't</p> <p>8 tell you.</p> <p>9 Q. All right. The course work that you had to take to</p> <p>10 become a licensed insurance counselor, how long did</p> <p>11 the course work last?</p> <p>12 A. I prepared independent study.</p> <p>13 Q. So not in a classroom setting?</p> <p>14 A. Correct.</p> <p>15 Q. All right. And how long did it take you to finish the</p> <p>16 course work to take the test -- to be ready to take</p> <p>17 the test?</p> <p>18 A. Oh, I would say three months.</p> <p>19 Q. And out of that three months of studying, how much of</p> <p>20 the studies were directed to the Michigan No-Fault</p> <p>21 Act?</p> <p>22 A. I can't tell you without reviewing the course</p> <p>23 materials.</p> <p>24 Q. As part of that training, do you have any recollection</p> <p>25 of whether or not you actually studied the statutes in</p>

<p style="text-align: center;">13</p> <p>1 the State of Michigan that make up the No-Fault Act?</p> <p>2 A. Rephrase the question. I'm sorry.</p> <p>3 Q. Sure. As part of that three months of your course</p> <p>4 work, did you actually study the statutes of the State</p> <p>5 of Michigan that make up the Michigan No-Fault Act?</p> <p>6 A. Yes, as provided in the course materials.</p> <p>7 Q. So do you consider yourself familiar with the statutes</p> <p>8 of the State of Michigan involving the No-Fault Act?</p> <p>9 A. I'm familiar with the application of the No-Fault.</p> <p>10 Specifically per statute, if you asked me, probably</p> <p>11 not.</p> <p>12 Q. If I said what is 3135, you wouldn't be able to tell</p> <p>13 me what it is, but if I told you what it was and how</p> <p>14 it applied, you would be able to do that? Is that</p> <p>15 what I understand you to say?</p> <p>16 A. I would understand what it was, certainly.</p> <p>17 Q. Okay.</p> <p>18 A. And if there was an application.</p> <p>19 Q. And how it applies to the handling of No-Fault claims?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Now, just a couple of housekeeping things. I</p> <p>22 received this blue binder from your counsel, which was</p> <p>23 represented to us to be the actual claims file that</p> <p>24 you maintained for the handling of Mr. Wells' claim</p> <p>25 for No-Fault benefits. And is this your claim file?</p>	<p style="text-align: center;">15</p> <p>1 Q. All right. So let's mark your complete file as</p> <p>2 Exhibit Number 1 then, rather than you trying to tell</p> <p>3 me whether or not this is the same as what you have.</p> <p>4 I'm going to put a sticker on the outside</p> <p>5 of the manilla folder --</p> <p>6 A. That's fine.</p> <p>7 Q. -- as it being Exhibit 1, and if you don't mind, I</p> <p>8 would like to take a look at what you have brought</p> <p>9 with you today.</p> <p>10 MARKED BY THE REPORTER:</p> <p>11 DEPOSITION EXHIBIT 1</p> <p>12 9:49 A.M.</p> <p>13 BY MS. TONELLI:</p> <p>14 Q. I have just noticed, Ms. Salter, looking through these</p> <p>15 documents, that there was a note on one of them that</p> <p>16 the document was scanned. Are all of these documents</p> <p>17 that are in the manilla portion of Exhibit 1 scanned</p> <p>18 into a computer?</p> <p>19 A. I don't know if all of the documents are. The</p> <p>20 document with the note on it is the document that you</p> <p>21 can attest.</p> <p>22 Q. That has been scanned?</p> <p>23 A. Was a scanned item.</p> <p>24 Q. How do you decide -- let me back up.</p> <p>25 Are you the person that scans the</p>
<p style="text-align: center;">14</p> <p>1 I'm going to mark this as Exhibit --</p> <p>2 MR. ROGALSKI: I'm going to object.</p> <p>3 Counsel received documents and placed that in the blue</p> <p>4 binder. I'm not sure if my client in this matter can</p> <p>5 testify that that is the exact documents of all that</p> <p>6 were placed in there, and I can't -- I'm not sure if</p> <p>7 she ever saw the binder before it went out to</p> <p>8 Mr. Seiferheld.</p> <p>9 BY MS. TONELLI:</p> <p>10 Q. Okay. Let me do this then. Is this white binder, and</p> <p>11 then there is a manilla folder on top of it, is that</p> <p>12 your complete claims file regarding your handling of</p> <p>13 Mr. Wells' claim for No-Fault benefits?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And then why is there two manilla folders on</p> <p>16 the top?</p> <p>17 A. What do you mean, why is there?</p> <p>18 Q. Why are there --</p> <p>19 A. Yes, well, this manilla folder is empty, because I</p> <p>20 brought something not related to this incident.</p> <p>21 Q. Okay.</p> <p>22 A. And this simply -- the binder is too stuffed for this</p> <p>23 to be included in that.</p> <p>24 Q. Okay.</p> <p>25 A. That's why.</p>	<p style="text-align: center;">16</p> <p>1 documents?</p> <p>2 A. Not necessarily. And I don't know who put the note on</p> <p>3 that says "scanned." I didn't look at it, so I can't</p> <p>4 tell you if it's my handwriting. I can't tell you</p> <p>5 whose handwriting it is.</p> <p>6 Q. Let me ask you this, for housekeeping purposes, of</p> <p>7 when you're handing a claim for personal protection</p> <p>8 benefits and the No-Fault Act, is there some criteria</p> <p>9 as to when documents should be scanned in and when</p> <p>10 they're not scanned in?</p> <p>11 A. No.</p> <p>12 Q. In your handling of No-Fault files, do you have people</p> <p>13 that work with you as far as processing the bills and</p> <p>14 making payments?</p> <p>15 A. How do you mean?</p> <p>16 Q. Is there somebody that receives the bills and then</p> <p>17 processes them for payment, or is that your</p> <p>18 responsibility?</p> <p>19 A. I'm not sure what you mean by processing them for</p> <p>20 payment. I'm just not --</p> <p>21 Q. Okay. That's fine. A bill comes in?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Who handles the bill? Who looks at the bill?</p> <p>24 A. It's given to whomever probably it belongs to, to</p> <p>25 whomever the file belongs to.</p>

<p style="text-align: center;">17</p> <p>1 Q. So a bill comes in on Gary Wells' file?</p> <p>2 A. Uh-huh.</p> <p>3 Q. And you are assigned to Gary Wells' file?</p> <p>4 A. Correct.</p> <p>5 Q. So the bill comes to you?</p> <p>6 A. Correct.</p> <p>7 Q. Once the bill comes to you, what do you do with the</p> <p>8 bill?</p> <p>9 A. Specifically as to do with Gary Wells --</p> <p>10 Q. Yes.</p> <p>11 A. -- or just in general?</p> <p>12 Q. Yes.</p> <p>13 A. At this particular point, since it's in litigation, I</p> <p>14 kept the file, reviewed the bill, made a copy, which</p> <p>15 would be part of what's required for the county so</p> <p>16 that your department has a copy of what's paid, as</p> <p>17 well as going to accounts payable, and that's it at</p> <p>18 this particular point.</p> <p>19 Q. How about before litigation started? What would you</p> <p>20 do when you got the bills in on Gary Wells' files?</p> <p>21 A. The immediate response was to pay the bills until we</p> <p>22 determined that -- determined that it was either</p> <p>23 unreasonable or no foundation for the billing.</p> <p>24 Q. And that's as basic as I want to be right now. The</p> <p>25 bill comes in, you look at it, and you determine that</p>	<p style="text-align: center;">19</p> <p>1 charge in the same area for the same service. Do you</p> <p>2 utilize that type of service?</p> <p>3 A. No, we do not.</p> <p>4 Q. So a bill comes in, and unless there is a reason for</p> <p>5 you not to pay the bill, you turn it over to</p> <p>6 Ms. Tolbert, and then she issues the payment or asks</p> <p>7 somebody to issue the payment?</p> <p>8 MR. ROGALSKI: Objection. I believe that</p> <p>9 misstates the facts that you had mentioned. Could you</p> <p>10 ask her the question how that occurs?</p> <p>11 MS. TONELLI: Sure.</p> <p>12 BY MS. TONELLI:</p> <p>13 Q. You get the bill in. Correct?</p> <p>14 A. Yes.</p> <p>15 Q. And how do you decide whether or not it should be</p> <p>16 paid?</p> <p>17 A. It would depend upon what the circumstances are. If</p> <p>18 there is a lawsuit, if there has been reasonable proof</p> <p>19 provided and a bill is to be -- not to be paid, then</p> <p>20 it isn't paid. If I don't -- if I lack any</p> <p>21 information that says a bill shouldn't be paid, I</p> <p>22 provide it to my supervisor, who does whatever it is</p> <p>23 that she does to see to it that a bill gets paid.</p> <p>24 Q. And then I'm just trying to understand the basics,</p> <p>25 because this is different than the way State Farm</p>
<p style="text-align: center;">18</p> <p>1 it's reasonable and necessary as a result of the</p> <p>2 accident, and you pay it?</p> <p>3 A. No. Unless I have some reason to find out that a bill</p> <p>4 is not going to be paid, if I have reasonable proof of</p> <p>5 something, then I don't pay it, but I don't determine</p> <p>6 the value of whether or not it should cost \$350. That</p> <p>7 is not my place. That's not something that I do.</p> <p>8 Q. Does somebody else in your department do that?</p> <p>9 A. I have a supervisor to whom all approvals to pay or</p> <p>10 not pay is given.</p> <p>11 Q. Okay. And who is your supervisor?</p> <p>12 A. Dinah Tolbert.</p> <p>13 Q. Can you spell her first name?</p> <p>14 A. D-I-N-A-H.</p> <p>15 Q. Oh, Dinah.</p> <p>16 A. Tolbert, T-O-L-B-E-R-T.</p> <p>17 Q. So would Ms. Tolbert be the person that would make the</p> <p>18 determination whether it was the appropriate amount</p> <p>19 this was being billed?</p> <p>20 A. Ms. Tolbert has approval -- I mean has the authority</p> <p>21 to approve payment.</p> <p>22 Q. All right. In some situations, insurance companies</p> <p>23 may use a service where they send the bill out, and</p> <p>24 the bill is processed through a service to determine</p> <p>25 whether or not it's comparable to what other doctors</p>	<p style="text-align: center;">20</p> <p>1 would handle a file, or Allstate, or something like</p> <p>2 that.</p> <p>3 So then you pass it on, the bill, to</p> <p>4 Ms. Tolbert. Do you give her some sort of</p> <p>5 documentation that says, you know, this bill should be</p> <p>6 paid?</p> <p>7 A. I provide my initials and the date as an indication</p> <p>8 that I have reviewed the bill and signed off on the</p> <p>9 bill.</p> <p>10 Q. Okay. And then Ms. Tolbert, does she give -- if you</p> <p>11 know, does she give the bill to somebody else to</p> <p>12 process the payment, or does she -- is she the actual</p> <p>13 person that's processing the payment and writes the</p> <p>14 check?</p> <p>15 A. They go off to another person.</p> <p>16 Q. And the other person, are they within your department?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. So if I was looking at these bills in this</p> <p>19 file, and I saw "SS" on the bill with the date, would</p> <p>20 I be correct in assuming that you had looked at the</p> <p>21 bill and initialled it, put the date on it that you</p> <p>22 looked at the bill, and then passed it on to</p> <p>23 Ms. Tolbert?</p> <p>24 A. Yes.</p> <p>25 Q. Now, correct me if I'm wrong, but I think you said</p>

<p style="text-align: center;">21</p> <p>1 something about once the file is in suit, you just 2 make the copy of the bill. Correct? And then -- 3 A. Copies of bills are made regularly as part of the 4 payment process. 5 Q. Okay. So if it's in litigation, are the bills then 6 just kept separately and not paid? 7 A. They might be. 8 Q. Under what circumstances after litigation is initiated 9 would you stop paying bills? 10 MR. ROGALSKI: I'm going to object. That's 11 going to be a client/attorney work product or 12 client/attorney privilege in this matter. As in 13 within litigation, it would be handled by an attorney 14 at this point. Whether bills are paid or not paid 15 would be made by the litigation side. 16 MS. TONELLI: So are you going to be a 17 witness in the case as to whether or not a bill should 18 be paid? Because my understanding of the Michigan 19 No-Fault law is that even if a file is in litigation, 20 bills are still supposed to be considered for payment 21 and either paid or denied within 30 days. 22 So are you going to be the person that is 23 going to explain why the bill has neither been paid or 24 denied within 30 days, or is Ms. Salter going to be 25 the person that does that?</p>	<p style="text-align: center;">23</p> <p>1 A. Now, what is your question? 2 Q. Have you received bills after March 10th, 2010 [as 3 stated]? 4 A. Yes. 5 Q. And are those bills contained in the manilla folder of 6 Exhibit 1? 7 A. Yes, they are. 8 Q. Are there any bills in the binder in front of you that 9 is part of Exhibit 1 that are unpaid? 10 A. Perhaps. 11 Q. Can you take a look and see if there are unpaid bills 12 in the binder? 13 A. There appear to be. 14 Q. Are they contained within any particular section of 15 the binder, tabbed perhaps as "Unpaid Bills"? 16 A. No. 17 Q. Okay. The tabs on your file, your binder, what do 18 they say? What do they indicate? 19 A. There is a tab that is empty, a tab that says 20 "Investigation," a tab that is empty, a tab that says 21 "Invoices and Bills," another tab that says 22 "Spreadsheets," and a last tab that says "Checks." 23 Q. And this tab says? 24 A. "Wages." 25 Q. And within the section with the bills, is there any</p>
<p style="text-align: center;">22</p> <p>1 MR. ROGALSKI: No, I won't. And the 2 question was it when the case is in litigation. 3 MS. TONELLI: Okay. 4 MR. ROGALSKI: If the question was 5 rephrased to state any bill, whether in litigation or 6 not, would need to be reviewed by Ms. Salter, the 7 question would be liable. 8 BY MS. TONELLI: 9 Q. Okay. Up until the present time, Ms. Salter, today's 10 date, is it your understanding that under the Michigan 11 No-Fault Act that you're still obligated to either pay 12 or deny bills that are received with reasonable proof 13 within 30 days? 14 A. Is it my understanding that the No-Fault statute says 15 that? 16 Q. Yes. 17 A. Yes, it is my understanding that the No-Fault statute 18 says that. 19 Q. Okay. So let me ask you this: Have you received 20 bills after March 16th, 2010? 21 A. I guess so. I don't know. 22 Q. Do you need your file to answer the question? 23 A. It would seem so, since you're asking a question based 24 upon it. 25 Q. Go ahead.</p>	<p style="text-align: center;">24</p> <p>1 designation as to what has been paid and what has not 2 been paid? 3 A. Specifically what? 4 Q. Anything in that section. How do we tell what has 5 been paid and what hasn't been paid in that section of 6 your file? 7 A. I believe my response was that it appears that there 8 are some that have not been paid; there are some bills 9 in here which do have my initials and a date; there 10 are some that have tab sheets run on them; and there 11 are some that are blank. 12 Q. Okay. So how do I tell which ones in there are 13 unpaid? 14 A. I wouldn't use those particularly to tell, so I can't 15 answer that question. 16 Q. What would you use? 17 A. If I needed to find out if there was a paid bill, I 18 would look to see if there was an invoice or a check 19 for it. 20 Q. I want you to pull out all of the unpaid bills in this 21 portion of your -- PIP portion of your PIP file. 22 A. If I indicated to you that they apparently are unpaid, 23 how do I know for certain that they are for certain 24 unpaid? 25 Q. Whatever you have to do to figure it out.</p>

<p style="text-align: center;">25</p> <p>1 MR. ROGALSKI: You know, I'm going to --</p> <p>2 A. That's not reasonable.</p> <p>3 MR. ROGALSKI: I'm going to object. You</p> <p>4 could go one by one with her if you would like to.</p> <p>5 MS. TONELLI: That's fine.</p> <p>6 MR. ROGALSKI: She will tell you how she</p> <p>7 knows if these are unpaid or paid.</p> <p>8 BY MS. TONELLI:</p> <p>9 Q. Let's do that. We'll do that. Let's start at the</p> <p>10 very beginning here under "Invoices, Bills." The</p> <p>11 first one, is that a paid bill or not?</p> <p>12 A. I don't know.</p> <p>13 Q. Okay. Let's figure out if it has been paid. What do</p> <p>14 you need to do?</p> <p>15 A. I would need to have either all of the check copies or</p> <p>16 a spreadsheet that tells me. I have some check copies</p> <p>17 here. I do not have a spreadsheet here. So all I can</p> <p>18 tell you is whether or not there is a check copy that</p> <p>19 matches.</p> <p>20 Q. Well, part of this claim is for unpaid medical bills.</p> <p>21 So we need to figure out what has not been paid.</p> <p>22 A. We're probably going to need more room.</p> <p>23 MR. ROGALSKI: You know, I'm going to</p> <p>24 request, is this something that can be done and sent</p> <p>25 to you instead of being too burdensome today? I mean,</p>	<p style="text-align: center;">27</p> <p>1 explain to me ahead of time why decisions were made</p> <p>2 So that's why this deposition has to be taken today</p> <p>3 and why I need to know what bills haven't been paid</p> <p>4 and why they haven't been paid. I mean, it's pretty</p> <p>5 simple.</p> <p>6 MR. ROGALSKI: I'm still going to have a</p> <p>7 running objection to the point where this information</p> <p>8 was provided to Kevin Seiferheld, as far as what bills</p> <p>9 were paid. Any bills that went unpaid, which I have</p> <p>10 asked at numerous depositions as well as discovery,</p> <p>11 have still gone unanswered as well. However, we can</p> <p>12 go through the bills that are within the file present</p> <p>13 today, and Ms. Salter can give you an indication</p> <p>14 whether it's been paid or not, only based on a bill</p> <p>15 and a check.</p> <p>16 MS. TONELLI: That's fine.</p> <p>17 A. I have check copies here, and I have invoices that</p> <p>18 have tapes but no check copies, which leads me to a</p> <p>19 couple of different possibilities: Some of them were</p> <p>20 batched together and paid and, thus, don't match</p> <p>21 invoices, or I don't have check copies for all of the</p> <p>22 invoices that were paid. And since they're not</p> <p>23 required to come back to me, I wouldn't know that I'm</p> <p>24 missing any of them.</p> <p>25 BY MS. TONELLI:</p>
<p style="text-align: center;">26</p> <p>1 this could take hours.</p> <p>2 MS. TONELLI: Yeah, it could. It could,</p> <p>3 but she is here to answer questions about why bills</p> <p>4 haven't been paid, so I need to find out what is</p> <p>5 unpaid, why she hasn't paid certain bills.</p> <p>6 MR. ROGALSKI: Could we go off the record</p> <p>7 for a second?</p> <p>8 THE WITNESS: I need to talk to you for a</p> <p>9 second.</p> <p>10 MR. ROGALSKI: Off the record.</p> <p>11 (Off the record at 10:05 a.m.)</p> <p>12 (Back on the record at 10:08 a.m.)</p> <p>13 MS. TONELLI: We can go on the record.</p> <p>14 The purpose of the deposition today is to</p> <p>15 ask Ms. Salter questions about why certain things</p> <p>16 haven't been paid on Mr. Wells' claim for No-Fault</p> <p>17 benefits. That would include why Ms. Salter has not</p> <p>18 paid Mr. Wells any wage loss benefits, why Ms. Salter</p> <p>19 stopped paying replacement services, when she</p> <p>20 stopped --</p> <p>21 MR. ROGALSKI: You're filling the record,</p> <p>22 but --</p> <p>23 MS. TONELLI: -- and why she hasn't paid</p> <p>24 certain medical bills. And, unfortunately, there is</p> <p>25 no log, activity log or claim adjuster log, that would</p>	<p style="text-align: center;">28</p> <p>1 Q. So are you done looking at what you have, as far as</p> <p>2 checks to coordinate with the actual invoice that's in</p> <p>3 the file?</p> <p>4 A. What I'm suggesting is that what is taking me so long</p> <p>5 is that since I don't -- I'm not the check requester,</p> <p>6 or the check inputter, or whatever you want to phrase</p> <p>7 it --</p> <p>8 Q. Right.</p> <p>9 A. -- I would be searching somebody else's mind as to why</p> <p>10 they put things together. So I have check copies</p> <p>11 which indicate bills were paid on behalf of Mr. Wells,</p> <p>12 but not necessarily bills that have that specific</p> <p>13 amount. In other words, I may have a check which</p> <p>14 appears to pay more than one invoice, but it doesn't</p> <p>15 indicate that. And I base that on the invoices that I</p> <p>16 have that are for X amount of dollars, and nothing</p> <p>17 matches it specifically. So that is what is taking me</p> <p>18 so long.</p> <p>19 MARKED BY THE REPORTER:</p> <p>20 DEPOSITION EXHIBITS 2 AND 3</p> <p>21 10:40 A.M.</p> <p>22 BY MS. TONELLI:</p> <p>23 Q. And may I ask a question while you're looking at that?</p> <p>24 Since your payment log that I got a copy of</p> <p>25 does not provide a date of service on the log that I</p>

<p style="text-align: center;">29</p> <p>1 have, it just shows a date that -- I'm not even sure 2 what the date is. 3 MR. ROGALSKI: Objection. Could you show 4 her the log and have her review it before you ask 5 questions about it? Thank you. 6 BY MS. TONELLI: 7 Q. But let me finish my question. My difficulty, 8 Ms. Salter, is in determining what's been paid and 9 what hasn't been, but from what you're doing and what 10 you have just told me, you're matching an actual 11 invoice with a specific amount to a specific check 12 that you have found in your file? 13 A. I'm attempting to match a check copy with an invoice, 14 or look for a tally of dollars with a check. And what 15 I said was since neither -- since I don't input the 16 checks, I don't know what goes on in the mind of a 17 person that does to lump things together. In other 18 words, we may have more than one client, not obviously 19 related to this, that a check goes to a facility for X 20 amount of dollars. 21 Q. And I think that I noticed that on some of the checks 22 that there might be an individual's name on there that 23 was not Mr. Wells' name. 24 A. Correct. 25 Q. Okay. And I don't want to interrupt you from what</p>	<p style="text-align: center;">31</p> <p>1 or to the foundation or that I'm asking her something 2 that violates the attorney/client privilege, go ahead, 3 but please don't do any more talking objections. 4 MR. ROGALSKI: Okay. Well, the objection 5 is it's not based on personal knowledge. 6 MS. TONELLI: So foundation. Correct? 7 Your objection is foundation? 8 (Off the record at 10:44 a.m.) 9 (Back on the record at 10:46 a.m.) 10 A. To my knowledge, I have pulled all of the invoices 11 that seem to directly correlate to check copies. 12 There are a number of invoices here which would 13 indicate that there were payments made for which I 14 don't have a check copy, or a copy of the check that 15 was issued, or I'm missing an invoice or invoices that 16 were turned in or remitted for payment instead of a 17 check copy. 18 BY MS. TONELLI: 19 Q. So are you ready for me to ask you something about 20 that? 21 A. Sure. 22 Q. Where would we find the checks for invoices that you 23 have, but you cannot find in the file, that you 24 believe has been paid because of whatever reason, your 25 initials and the date, or however you have determined</p>
<p style="text-align: center;">30</p> <p>1 you're looking for, but normally I would be, in 2 looking at a file, matching a date of service with a 3 payment amount on a payment log to determine whether 4 or not something has been paid or not. And I'm going 5 to show you what has been provided to us as, I think, 6 what I would call a payment log -- 7 MR. ROGALSKI: I'm going to hold off on 8 everything, if we could. The objection is going to be 9 she is doing what you want her to do. I would like to 10 have questioning stopped until she is completed. 11 MS. TONELLI: Sure. 12 MR. ROGALSKI: While I would like to 13 continue this on, you have requested her to match up, 14 and I have a standing objection to the fact that she 15 is not the person who types the check, and she is not 16 the person who authorized checks -- 17 MS. TONELLI: That's fine. 18 MR. ROGALSKI: I get to put my objection 19 on. 20 MS. TONELLI: Mr. Rogalski, the Court Rules 21 allow the objection to be either attorney/client 22 privilege, form and foundation. The Court Rules 23 specifically prohibit talking objections which suggest 24 information to the person that is being deposed. So 25 if you have an objection to the form of the question</p>	<p style="text-align: center;">32</p> <p>1 that? 2 A. I don't retain them, so I don't know who retains them. 3 Q. Well, we got copies of certain checks, because I know 4 I have seen those in the file. 5 A. Right. 6 Q. So where would I request that information from? Other 7 than your counsel, do you have any idea within your 8 department how I would get a copy of any checks that 9 may have been issued? 10 A. I would imagine through the accounting department. 11 Q. Okay. Now, and just so I'm clear, the way that you 12 have done this is by matching a specific check amount 13 with a specific invoice amount to determine what has 14 been paid? 15 A. No. What I have done is to demonstrate what you asked 16 me to do, which is based upon the binder that is in 17 front of me, demonstrate for you what has been 18 presented for payment. That's not what I normally do. 19 This is what you asked me to do, so that's what I'm 20 doing. 21 Q. I understand that, but the way you have determined 22 that is by matching a check with an invoice? 23 A. I have determined that there are some things that 24 don't match by attempting to match an invoice with a 25 check. Yes.</p>



<p style="text-align: center;">33</p> <p>1 Q. Let's make a pile of what you have that's matched. 2 A. Here. 3 Q. Okay. And then let's have a pile that are checks 4 without matching invoices, and then let's have a pile 5 of invoices without checks. 6 A. Nondifferentiated? 7 Q. What does that mean to you? 8 A. In this case, I have some that have adding machine 9 tapes on them, which indicate to me that they were 10 presented for payment at some point. 11 THE WITNESS: And I need to clarify 12 something. Do you want me to clarify what I said with 13 you? 14 A. When we first -- when the process first began, check 15 copies were -- excuse me -- invoice copy -- an invoice 16 copy was made, because that's a requirement from 17 accounting, presented to the secretary -- 18 supervisor -- I don't know what her title is -- to 19 input and then give to the supervisor. And they were 20 done that way. And then at some point, my supervisor 21 said, well, I need to make certain that you looked at 22 these. So I need you to initial them and date them. 23 So we have a period of time where there is 24 nothing but a copy, which indicates that because I 25 only have a copy, the original was presented and paid.</p>	<p style="text-align: center;">35</p> <p>1 they are. So I have exhibit -- 2 I have, unfortunately, skipped two 3 exhibits, which we'll get back to, but I will mark the 4 first pile as Exhibit 4, and this is -- which pile is 5 this? 6 A. Checks and matching invoices. 7 MARKED BY THE REPORTER: 8 DEPOSITION EXHIBIT 4 9 10:54 A.M. 10 BY MS. TONELLI: 11 Q. And, again, there is no indication on the check as to 12 the date of service that it's being issued for? 13 A. I don't -- I don't look at the checks. I don't 14 request the checks. 15 Q. Here's the check. Is there anything on there that 16 indicates what dates of service it's covering? 17 A. None that I see. 18 Q. Okay. All right. 19 MARKED BY THE REPORTER: 20 DEPOSITION EXHIBIT 5 21 10:54 A.M. 22 BY MS. TONELLI: 23 Q. Exhibit 5 is going to be which? 24 A. Check copies. 25 Q. With unmatched invoices?</p>
<p style="text-align: center;">34</p> <p>1 I have some register receipts, which means to me that 2 we had several that I provided to the secretary, or 3 whatever her title is, to put in, and they wanted to 4 verify it, and then we also have some copies that have 5 initials. 6 So the undifferentiated -- I'm asking about 7 differentiated ones. I'm asking about ones that I can 8 determine they were presented. I don't have a check 9 copy for, but they have a register receipt, which 10 tells me that I added them together, along with those 11 that are not paid, or do you want those -- that just 12 don't have a check copy just altogether? 13 BY MS. TONELLI: 14 Q. No. We can put the ones with the receipt separately. 15 A. Okay. 16 Q. So, Ms. Salter, would this request that had been made 17 of you to initial them, would that have been later in 18 the process of handling Mr. Wells' claim? 19 A. It was a general request. I don't remember where it 20 falls in the process. It was not directed because of 21 a specific person -- 22 Q. Okay. 23 A. -- as I recall. 24 Q. All right. If we can, let's mark these -- let's 25 paperclip them and identify them for the record what</p>	<p style="text-align: center;">36</p> <p>1 A. Correct. 2 Q. Okay. 3 MARKED BY THE REPORTER: 4 DEPOSITION EXHIBIT 6 5 10:55 A.M. 6 BY MS. TONELLI: 7 Q. Six would be -- 8 A. Those that have invoices that have the adding machine 9 tape attached to them. 10 Q. Would you have been the person that would total the 11 invoices when you're handling Mr. Wells' claim? 12 A. Probably. 13 Q. Okay. So we're going to mark those as Exhibit Number 14 6, which are invoices without checks. 15 A. Here is another one. They're everywhere. 16 Q. But with tapes? 17 A. Right. That's a non-tape one. 18 Q. Okay. And then pile 7 is going to be invoices without 19 tapes and without matching checks? 20 A. Uh-huh. 21 Q. Yes? 22 A. Yes. 23 Q. We're going to mark those as Exhibit 7. 24 MARKED BY THE REPORTER: 25 DEPOSITION EXHIBIT 7</p>

<p style="text-align: center;">37</p> <p>1 10:56 A.M. 2 BY MS. TONELLI: 3 Q. And these invoices that we have marked as Exhibits 4, 4 5, 6 and 7 come from the binder. Correct? 5 A. Correct. 6 Q. All right. Now, so, Exhibit Number 7, which is the 7 invoices without tapes and without matching checks, 8 there is no way to determine, or is there a way to 9 determine whether or not these have been paid? 10 A. I cannot determine that, but there probably is a way 11 to determine that. 12 Q. And tell me how would we determine that. 13 A. I don't know. You would have to consult the 14 accounting department, because I'm certain -- I'm 15 saying that to say that I'm certain that they keep 16 track of all of those things. They're not something 17 that we, as adjusters, keep track of. 18 Q. Isn't an adjuster handling a file, though? When you 19 have a bunch of bills without tapes, without checks, 20 how do you know what's outstanding and what's been 21 paid and you're handling the file? 22 A. What is the question? Are you asking me do I follow 23 up on something? 24 Q. How do you -- 25 A. That doesn't seem to be the question that -- what</p>	<p style="text-align: center;">39</p> <p>1 Q. -- hang on -- that have no tape and no check to 2 confirm whether or not they have been paid or not? 3 A. I provide the invoices. The reason I have a copy only 4 of the invoice in my file is because an original and a 5 copy was presented to the person who enters the 6 checks. 7 Q. Who is responsible for the PIP file? You. Right? 8 Whether or not bills are paid. Right? 9 A. In part. 10 Q. Okay. So what do you do? I mean, do you ever look at 11 your file and go: My gosh. I have got bills here 12 from July of 2009 that haven't been paid. Why are 13 they sitting in my file? 14 MR. ROGALSKI: Objection. Compound 15 question. 16 BY MS. TONELLI: 17 Q. You can answer. 18 A. Would you tell me your name again, Miss? 19 Q. Tonelli. 20 A. Ms. Tonelli, I don't have original bills in my files 21 unpaid unless a file is in litigation, and then I am 22 told not to make payments. 23 Q. These are bills from before litigation is ever 24 started -- 25 A. Those are copies.</p>
<p style="text-align: center;">38</p> <p>1 you're asking me doesn't seem to be the question -- 2 doesn't seem to be getting at what you really want to 3 know. 4 Q. What I really want to know is how do you do your job 5 when you have a bunch of invoices in your file without 6 a tape attached to it and without a check attached to 7 it to determine whether or not you have paid or denied 8 a bill within 30 days based on the Michigan No-Fault 9 Act? Is that simple enough? 10 MR. ROGALSKI: Objection. No, that's a 11 complex question. What are you asking her? 12 BY MS. TONELLI: 13 Q. How do you know how to do your job, whether or not 14 this has been paid? 15 MR. ROGALSKI: That's a vague question. 16 A. That is a vague question, and that's a bill. 17 MR. ROGALSKI: Objection. That's a vague 18 question. Ask her a direct question. 19 BY MS. TONELLI: 20 Q. What do you do with these bills, specifically Exhibit 21 ?? They're in your file. What do you do with them? 22 A. There seems to be a couple of assumptions made. 23 Q. My question is really simple. What do you do with 24 bills sitting in your file that have no -- 25 A. They were in my file.</p>	<p style="text-align: center;">40</p> <p>1 Q. -- Ms. Salter. 2 REPORTER: One at a time. 3 MR. ROGALSKI: I'm going to object. Have 4 you determined that those bills are unpaid? 5 MS. TONELLI: I'm asking her why they're -- 6 MR. ROGALSKI: Your question is why haven't 7 they been paid? 8 REPORTER: One at a time. 9 MS. TONELLI: No. That wasn't my question. 10 MR. ROGALSKI: What is your question? 11 BY MS. TONELLI: 12 Q. My question is why are these in your file with no 13 indication of whether or not they have been paid? 14 A. That's how it's done, period. 15 Q. That's how it's done? 16 A. Here. 17 Q. Here. So you don't know, as we sit here today, 18 whether or not you have bills, copies of bills -- I 19 don't care what you call them -- to show whether or 20 not you have paid No-Fault benefits on behalf of 21 Mr. Wells, medical bills, that are sitting in your 22 file? 23 A. What is the question? 24 Q. That is the question. You don't know whether or not 25 they have been paid or not. Right?</p>

<p style="text-align: center;">41</p> <p>1 A. I can't determine based on what you have in your hand.</p> <p>2 Q. Okay. And you're here for your deposition today. Why</p> <p>3 didn't you prepare for your deposition to figure out</p> <p>4 whether or not these have been paid?</p> <p>5 A. Ultimately, I'm not the person who makes a decision on</p> <p>6 whether or not things get paid, and as to the other</p> <p>7 part of your question --</p> <p>8 Q. Really, who is the person that decides who pays bills?</p> <p>9 A. The supervisor signs off on them.</p> <p>10 Q. Okay. But you're responsible --</p> <p>11 A. I'm not the supervisor that signs off, that has</p> <p>12 authority, Ms. Tonelli.</p> <p>13 Q. You are the claim rep handling the file. Right?</p> <p>14 A. And --</p> <p>15 Q. And you don't know, right, whether or not this bill --</p> <p>16 hang on -- I'm going to go through these one by one.</p> <p>17 You don't know whether or not this bill from 10-5-2009</p> <p>18 has been paid --</p> <p>19 A. I do not.</p> <p>20 Q. -- as we sit here in January of 2010 [sic]?</p> <p>21 A. I do not.</p> <p>22 Q. You don't know whether or not this next bill,</p> <p>23 11-18-09, for Michigan Head and Spine Institute, has</p> <p>24 been paid when we are sitting here in January of 2010</p> <p>25 [sic]?</p>	<p style="text-align: center;">43</p> <p>1 A. I don't know.</p> <p>2 Q. Has this bill to Biomagnetic Resonance Imaging for a</p> <p>3 date of service of 10-5-2009 been paid?</p> <p>4 A. I do not know.</p> <p>5 Q. Has this bill been paid to J. Alan Robertson for a</p> <p>6 date of service of June 4th, 2009?</p> <p>7 A. I do not know.</p> <p>8 Q. Has this bill been paid to St. John-Macomb-Oakland for</p> <p>9 dates of service from January 5th, 2010, to January</p> <p>10 28th, 2010?</p> <p>11 A. I do not know.</p> <p>12 Q. Has this bill been paid to St. John-Macomb-Oakland for</p> <p>13 the time period of January 5th, 2010, to January 28th,</p> <p>14 2010?</p> <p>15 A. I do not know.</p> <p>16 Q. Has this bill been paid to St. John-Macomb for the</p> <p>17 time period of January 20th, 2009, to January 23rd,</p> <p>18 2009?</p> <p>19 A. I do not know.</p> <p>20 Q. Has this bill been paid to Clegg Guest &amp; Brabant</p> <p>21 Physical Therapy for a date of service of July 2009?</p> <p>22 A. I do not know.</p> <p>23 Q. How about this bill to the same facility for physical</p> <p>24 therapy, August 4th, 2009?</p> <p>25 A. I do not know.</p>
<p style="text-align: center;">42</p> <p>1 A. I do not.</p> <p>2 Q. You don't know whether or not this bill for December</p> <p>3 4th, 2009, to Dr. Robertson has been paid or not as we</p> <p>4 sit here today in January of 2010 [sic]?</p> <p>5 A. I do not.</p> <p>6 MR. ROGALSKI: I'm going to object. She</p> <p>7 is -- you asked her if the ones in Number 7 were paid.</p> <p>8 It is asked and answered.</p> <p>9 MS. TONELLI: You know what, I'm going</p> <p>10 through them one by one. If you have a problem with</p> <p>11 that, then take it up with the judge, but she is here</p> <p>12 to testify about her handling of a claim file.</p> <p>13 MR. ROGALSKI: And the question has been</p> <p>14 asked and answered.</p> <p>15 MS. TONELLI: I'm going through every</p> <p>16 single bill.</p> <p>17 MR. ROGALSKI: I would like you to show her</p> <p>18 each and let her see each bill.</p> <p>19 MS. TONELLI: That's fine.</p> <p>20 BY MS. TONELLI:</p> <p>21 Q. Has this bill been paid --</p> <p>22 A. I do not --</p> <p>23 Q. I'm going to finish my question.</p> <p>24 Has this bill been paid to Sierra Services</p> <p>25 for a date of service of 12-15-09?</p>	<p style="text-align: center;">44</p> <p>1 Q. Same facility for physical therapy for the month of</p> <p>2 May 2009?</p> <p>3 A. I do not know.</p> <p>4 Q. Same facility for physical therapy in June of 2009?</p> <p>5 A. I do not know.</p> <p>6 Q. St. John-Macomb for speech pathology and recreational</p> <p>7 therapy for January of 2010, do you know if that's</p> <p>8 been paid?</p> <p>9 A. I do not know.</p> <p>10 Q. Dr. Alan Robertson, March 2009?</p> <p>11 A. I do not know.</p> <p>12 Q. That would be the same month as the car accident.</p> <p>13 Right?</p> <p>14 A. Presumably.</p> <p>15 Q. Why do you say "presumably"?</p> <p>16 A. I do not know. I do not know if it was paid. That</p> <p>17 was the question you asked me. Was it at the same</p> <p>18 time as the accident? That's what I have been</p> <p>19 advised.</p> <p>20 Q. Do you have some information that the accident didn't</p> <p>21 occur in March of 2009?</p> <p>22 A. No, I do not.</p> <p>23 Q. Okay. J. Alan Robertson, another bill for March of</p> <p>24 2009?</p> <p>25 A. I do not know.</p>

<p style="text-align: center;">45</p> <p>1 Q. J. Alan Robertson, again for July 2009, you don't know 2 if that's been paid. Right? 3 A. My answer is I do not know. 4 Q. Okay. Same thing: J. Alan Robertson from May of 5 2009, you don't know whether that bill has been paid 6 or not? 7 A. I do not know. 8 Q. J. Alan Robertson for September 2009, do you know if 9 that's been paid? 10 A. I do not know. 11 Q. J. Alan Robertson, August of 2009, do you know if 12 that's been paid? 13 A. I do not. 14 Q. What's this attached to these? 15 A. It's a piece of paper that demonstrates a copy of a 16 register receipt. 17 Q. Do you know what it goes to? 18 A. I do not. 19 Q. Let's take it out then. 20 Then we have a bill to J. Alan Robertson 21 for services, December of 2009. Do you know if that's 22 been paid? 23 A. I do not. 24 Q. 11-9 – I'm sorry. 12-09, Dr. Robertson, do you know 25 if that's been paid?</p>	<p style="text-align: center;">47</p> <p>1 MR. ROGALSKI: Okay. Can we take a break? 2 MS. TONELLI: Sure. 3 (Off the record at 11:11 a.m.) 4 (Back on the record at 11:18 a.m.) 5 BY MS. TONELLI: 6 Q. We're back on the record, and I don't think I got an 7 answer to the question as to how Mr. Wells is to know 8 that you have stopped paying his No-Fault benefits. 9 A. I don't – I don't know. 10 Q. Did you stop paying Mr. Wells' No-Fault benefits at 11 any point in time? 12 A. Yes. 13 Q. When? 14 A. Once I was provided information that advised that 15 Mr. Wells was able to return to work. 16 Q. And as we sit here, there is nothing in your file that 17 indicates that Mr. Wells was advised of the 18 discontinuance of his benefits. Right? 19 A. There is nothing that I saw, as far as a letter. 20 Q. And you know that you did based on what? 21 A. I don't recall. 22 Q. So there is no note in your file by you that says: I, 23 Ms. Salter, have determined that we should no longer 24 pay No-Fault benefits to Mr. Wells, and this is the 25 date that I have made this decision?</p>
<p style="text-align: center;">46</p> <p>1 A. I do not. 2 Q. January 2010, J. Alan Robertson, do you know if that's 3 been paid? 4 A. I do not know. 5 Q. Did you send a letter to Mr. Wells, advising him that 6 you were no longer going to pay No-Fault benefits to 7 him? 8 A. I do not recall. 9 Q. Well, take a look and see if you have a letter 10 advising him that you're not going to pay benefits to 11 him anymore. 12 A. I do not see a letter to that effect. 13 Q. Why isn't there a letter in your file letting 14 Mr. Wells know that you have stopped paying his 15 No-Fault benefits? 16 A. There isn't one. I can't answer that question. 17 Q. Do you typically send one to people to let them know 18 that you are going to stop paying benefits? 19 A. Typically, yes. 20 Q. And what's the explanation as to why there is no 21 letter in this file? 22 A. I don't have a letter in the file, period. 23 Q. How is Mr. Wells supposed to know that you are no 24 longer paying his benefits? 25 THE WITNESS: I need to talk to you.</p>	<p style="text-align: center;">48</p> <p>1 A. I don't find a note in my file, no. 2 Q. Do you keep any kind of log, as a claims person, as to 3 what you're doing on a file? 4 A. A claim log such as what? 5 Q. Typically at insurance companies, the adjusters have a 6 computer, and they log in phone calls from their 7 insured. They log in receipt of bills. They log in 8 receipt of medical records, decisions that they're 9 making on the file to pay or not pay bills. You keep 10 no log whatsoever about what you have done on this 11 file. Am I correct? 12 A. That is not a process here, no. That is correct. 13 Q. So you have no idea when you stopped paying Mr. Wells 14 benefits? 15 A. I cannot tell you the last time he was paid, no. 16 Q. How would I figure that out? 17 A. You would need to speak with someone who actually 18 monitors the accounting system, not the adjuster. 19 Q. And I apologize, Ms. Salter, but it seems – let me 20 put this as a question. 21 Your testimony appears today to tell me 22 that I need to talk to other people. Are you the 23 person responsible for handling Mr. Wells' claim file? 24 A. The file itself, yes. 25 Q. Are you the person responsible for the decision to</p>

<p style="text-align: center;">49</p> <p>1 stop paying Mr. Wells' benefits?</p> <p>2 A. Ultimately, no.</p> <p>3 Q. Who ultimately is the decision-maker on that?</p> <p>4 A. There would be more than one decision-maker. One</p> <p>5 would be my supervisor, and if I needed to seek</p> <p>6 counsel, I would seek counsel to ask their advice.</p> <p>7 Q. Do we know in this case who you talked to about ending</p> <p>8 Mr. Wells' No-Fault benefits?</p> <p>9 A. What do you mean, "do we know"?</p> <p>10 Q. Do you know? Did you talk to Ms. Tolbert?</p> <p>11 A. Yes.</p> <p>12 Q. Did you prepare something to Ms. Tolbert, a memo, that</p> <p>13 said, I think we should terminate his benefits for</p> <p>14 this reason?</p> <p>15 A. No, I did not.</p> <p>16 Q. So how did you go about talking to Ms. Tolbert? What</p> <p>17 did you tell her about ending his benefits?</p> <p>18 A. I told her we were provided a report which indicated</p> <p>19 that Mr. Wells was ready to go to work.</p> <p>20 Q. All right. And what did she say to you?</p> <p>21 A. She asked me if I sought the attention of counsel.</p> <p>22 Q. Okay. And did you?</p> <p>23 A. Yes.</p> <p>24 Q. All right. And, so, you sought counsel to determine</p> <p>25 what?</p>	<p style="text-align: center;">51</p> <p>1 letter telling him that you're stopping. Right?</p> <p>2 A. I don't recall.</p> <p>3 Q. Okay. You don't have it in your file?</p> <p>4 A. I don't have it in my file, and I do not recall.</p> <p>5 Q. Where would it be if it is not in your file?</p> <p>6 A. I do not know.</p> <p>7 Q. I'm going to hand you Exhibit Number 3 that we have</p> <p>8 marked. And can you identify that document?</p> <p>9 A. It's a document which appears to indicate that PIP</p> <p>10 claim benefits were made to Mr. Wells on a specific</p> <p>11 date to specific vendors for a specific dollar amount.</p> <p>12 Q. Who prepared that?</p> <p>13 A. I do not know.</p> <p>14 Q. There is a portion of it that is blacked out with some</p> <p>15 kind of marker. Do you know what that area is that is</p> <p>16 blacked out?</p> <p>17 A. I didn't prepare it, so I do not know.</p> <p>18 Q. You have no idea who prepared that document?</p> <p>19 A. No, I do not know.</p> <p>20 Q. Do you know why it was sent to us as being part of</p> <p>21 your claims file?</p> <p>22 A. Certainly to advise you what had been paid, I would</p> <p>23 presume.</p> <p>24 Q. Okay. With that presumption, Ms. Salter, you have</p> <p>25 never seen this document before today?</p>
<p style="text-align: center;">50</p> <p>1 A. Whether it was feasible to terminate Mr. Wells'</p> <p>2 benefits.</p> <p>3 Q. And did you prepare some sort of written memorandum to</p> <p>4 counsel to ask for that advice?</p> <p>5 A. I don't recall.</p> <p>6 Q. There is little correspondence in your file. Correct?</p> <p>7 A. Correct.</p> <p>8 Q. Why is that, that there is not correspondence in your</p> <p>9 file?</p> <p>10 A. I had little correspondence with Mr. Wells.</p> <p>11 Q. Why is that?</p> <p>12 A. I can't answer why. Each person is different. They</p> <p>13 just are.</p> <p>14 Q. Did you ever send a letter to Mr. Wells and say,</p> <p>15 Mr. Wells, listen, I have paid the following bills on</p> <p>16 your behalf, and send him an itemization of what you</p> <p>17 have paid?</p> <p>18 A. No.</p> <p>19 Q. Have you ever?</p> <p>20 A. Mr. Wells, while he was receiving --</p> <p>21 Q. My question was have you ever sent a letter to</p> <p>22 Mr. Wells itemizing what No-Fault benefits you have</p> <p>23 paid on his behalf?</p> <p>24 A. I do apologize. My answer is no.</p> <p>25 Q. Okay. And have you -- you have never sent him a</p>	<p style="text-align: center;">52</p> <p>1 A. I did not prepare the document --</p> <p>2 Q. My question was very simple, Ms. Salter.</p> <p>3 A. I have not even -- that document --</p> <p>4 Q. Have you seen this document before today?</p> <p>5 A. Ms. Tonelli, I have seen a document that looks</p> <p>6 similar. That document, no.</p> <p>7 Q. Okay. So what did you -- what did you look at,</p> <p>8 Ms. Salter, to prepare for your deposition today?</p> <p>9 A. I reviewed some bills and some other things.</p> <p>10 Q. Which bills did you review?</p> <p>11 A. Those which were most recent.</p> <p>12 Q. Okay.</p> <p>13 A. And a few assorted items in the front to make certain</p> <p>14 that I had copies of spreadsheets that I had sent to</p> <p>15 Mr. Wells and that kind of thing.</p> <p>16 Q. What spreadsheet did you send to Mr. Wells?</p> <p>17 A. Mr. Wells was provided with a spreadsheet to indicate</p> <p>18 that what he was being paid for for his replacement</p> <p>19 services and his mileage, while he was being paid.</p> <p>20 Q. Where is the spreadsheet?</p> <p>21 A. This is what I'm referring to as a spreadsheet.</p> <p>22 Q. And who prepared the spreadsheet?</p> <p>23 A. I prepared this particular spreadsheet.</p> <p>24 Q. Where is the correspondence that that indicates that</p> <p>25 that was sent to Mr. Wells?</p>

<p style="text-align: center;">53</p> <p>1 A. That is simply an indication that I presented it for 2 payment. There is no specific letter for Mr. Wells. 3 Just a copy of the spreadsheet would have been sent 4 along with his check. 5 Q. What you're referring to -- let's mark this as Exhibit 6 Number 9 -- is a memo to accounts payable from you. 7 Correct? 8 MARKED BY THE REPORTER: 9 DEPOSITION EXHIBITS 8 AND 9 10 11:27 A.M. 11 A. That is correct. 12 BY MS. TONELLI: 13 Q. And attached to Exhibit Number 9 is what you're 14 referring to as a spreadsheet. Correct? 15 A. That is correct. 16 Q. Who is E-L-O-I-S Lynch? 17 A. I don't know what her title is, but she is a person 18 who is in some supervisory capacity in accounts 19 payable. 20 Q. Does accounts payable maintain a separate file from 21 you on Mr. Wells? 22 A. I don't know. 23 Q. Does Ms. Tolbert maintain a separate file from you? 24 A. I don't know. 25 Q. Exhibit Number 9, there is nothing on there that says</p>	<p style="text-align: center;">55</p> <p>1 spreadsheet indicating what he was receiving payment 2 for? 3 A. There isn't anything in the file. 4 Q. Exhibit Number 8, I'm going to ask you to take a look 5 at it. We asked for these documents. So you have no 6 adjuster log notes or activity log. Correct? 7 A. Correct. 8 Q. Do you have any internal computer memorandum, e-mails 9 and/or any other internal communications regarding his 10 claim, Mr. Wells' claim, other than what is in Exhibit 11 1? 12 A. Correct. 13 Q. You don't have any of those things? 14 A. That would be correct. 15 Q. Do you have a correspondence section in your file? 16 A. As I indicated when you asked me about the tabs, the 17 sheet fell out. It was in the front. 18 Q. Where is the correspondence section? 19 A. They should all be here. Well, actually, throughout 20 the entire file it has correspondences, reports, 21 etcetera. 22 Q. Correspondence from you to Mr. Wells, do you have any 23 of those things? 24 A. No, I don't, no. My correspondence is with 25 Mr. Seiferheld.</p>
<p style="text-align: center;">54</p> <p>1 that this went to Mr. Wells. Correct? 2 A. That is correct. 3 Q. So you don't know whether that went to Mr. Wells or 4 not? 5 A. Not unless there is a corresponding check in that pile 6 that says that specifically. 7 Q. That says that it is attached as a memo? 8 A. No, that is for the exact same dollar amount. 9 Q. Let's assume that there is a check that is sent to 10 Mr. Wells for the amount of \$908.68, as reflected in 11 this memo that you sent to accounts payable. 12 A. Uh-huh. Yes. 13 Q. How do you know that is attached to it? 14 A. How do I know what was attached? A check? 15 Q. Exhibit 9. You don't know if he just got a check or 16 if he got the memo and the spreadsheet. Right? 17 A. No. Actually, I put a copy of the spreadsheet with a 18 check and gave it to the secretary to mail out, so I 19 do know that he would have received a copy of this. 20 Q. And how do you know that? How do you know? Where is 21 the proof in your file? 22 A. Okay. I don't know if she put it in the envelope. 23 You are absolutely right. 24 Q. Where is it in the file that there is anything 25 indicating that Mr. Wells received a memo and a</p>	<p style="text-align: center;">56</p> <p>1 Q. And Mr. Shaffer? 2 A. And Mr. Shaffer. 3 Q. Correct. Now, you mentioned something earlier about 4 going to Ms. Tolbert and telling Ms. Tolbert that you 5 had a report that Mr. Wells could go back to work. 6 Correct? 7 A. Yes. 8 Q. Had you ever paid Mr. Wells wage loss benefits? 9 A. No. 10 Q. Why not? 11 A. I didn't have reasonable proof to substantiate the 12 wage loss. 13 Q. What proof did you have? 14 A. I sought proof from the attorney to agree upon hours, 15 overtime hours, as I recall, that Mr. Wells indicated 16 that he earned. We needed to seek an agreement on 17 that. I also received that information, however, 18 after I received the report, which indicated that 19 Mr. Wells was available to go back to work. 20 Q. Okay. What proof did you have -- I'm not talking 21 about an agreement. What proof did you have that 22 Mr. Wells was working at the time of this incident? 23 A. At the time of the incident, Mr. Wells, I believe, was 24 with Alternative Workforce. What I was provided from 25 Mr. Wells was a signed note of authorization that</p>

<p style="text-align: center;">57</p> <p>1 he -- that I could get information on his wages. 2 Q. Okay. -- 3 A. Well, that's it essentially. He signed an 4 authorization form advising me that I could -- I could 5 ask for that particular information. 6 Q. Okay. And did you? 7 A. Yes. I believe that I did, yes. 8 Q. What did you get? 9 A. On his application -- do you want to take this? I'm 10 going to pull the binder closer to me. 11 I received on his application an indication 12 that Mr. Wells was receiving unemployment until the 13 date of the accident. This has stopped because he was 14 not able to work -- something -- as a result of this 15 accident is what his application indicates. 16 Q. Okay. So does that mean you don't owe him wage loss 17 benefits? 18 A. It means that I would have to have something that 19 substantiates that he actually had a job, what he 20 earned, how often he worked, was he a permanent 21 employee, seasonal employee, etcetera. 22 Q. Did you do some investigation to determine that after 23 you received his application for benefits? 24 A. I did do some investigation. 25 Q. When did you receive the application for benefits?</p>	<p style="text-align: center;">59</p> <p>1 working? 2 A. This application does not indicate that. 3 Q. At some point in time did you learn where he was 4 working? 5 A. At some point in time I determined that, yes, he was, 6 in fact, working. 7 MR. ROGALSKI: If I could, please, hold off 8 a second. She read off that. I would like that put 9 into an exhibit. 10 MS. TONELLI: You can make it an exhibit if 11 you want -- 12 MR. ROGALSKI: Thank you. 13 MS. TONELLI: No, no, no; when it is your 14 turn to ask a question. I don't need it made into an 15 exhibit at this point in time. You can do what you 16 want to do. 17 BY MS. TONELLI: 18 Q. So at some point in time, you get information that he 19 was working someplace? 20 A. Yes. 21 Q. And what information did you get? 22 A. That he worked someplace where he averaged -- where he 23 had overtime hours. 24 Q. My question is, where did he work? 25 A. I don't know offhand.</p>
<p style="text-align: center;">58</p> <p>1 A. I don't have a stamp-in date. I have a sign date that 2 Mr. Wells signed March 2 of 2009. I do not have 3 anything that has a date stamp as to when I received 4 it. 5 Q. And why isn't that date stamped? 6 A. I don't know. 7 Q. Is that your procedure, to date stamp things -- 8 A. I do not date stamp, no. 9 Q. You know what, Ms. Salter, you need to wait until my 10 question is finished before you start answering, 11 because you're talking over me. 12 So you don't have a date stamp copy -- 13 A. No. 14 Q. -- correct? 15 And again, somebody else does the date 16 stamping? You don't do that. Right? 17 A. That's correct. 18 Q. Okay. So it's signed March 24th, 2009. He indicates 19 where he was working. Correct? 20 A. No. On his application, it says, as I read from his 21 application, that he was receiving unemployment until 22 the date of the accident. This has stopped because he 23 is not able to work -- something -- as a result of 24 this accident. 25 Q. Does he give you any information about where he was</p>	<p style="text-align: center;">60</p> <p>1 Q. Do you have it in your file? 2 A. Let's look. Mr. Wells indicated that he worked for a 3 Ms. Shaquita Wright. 4 Q. And Mr. Wells told you that, or did our office give 5 you that information, Ms. Salter? 6 A. I don't know that he -- you gave it to me. He filled 7 out the verification form that said First Impressions, 8 Ms. Shaquita Wright. Whose writing this is, I don't 9 know. 10 Q. You had contact with our office regarding Mr. Wells' 11 claim. Correct? 12 A. Yes. 13 Q. Phone conversations with our office? Mr. Shaffer at 14 our office? Mike Shaffer? 15 A. One phone conversation. 16 Q. One? 17 A. As I recall, one. 18 Q. You are under oath. 19 A. As I recall, one. 20 Q. Okay. You believe you only had one phone call with 21 Mr. Shaffer? 22 A. One conversation with Mr. Shaffer. 23 Q. Okay. Did you ever tell Mr. Shaffer that you were 24 going to send Mr. Wells a check for wage loss 25 benefits?</p>

<p style="text-align: center;">61</p> <p>1 A. Not that I recall. 2 Q. You are under oath. 3 A. Not that I recall. 4 Q. Okay. Did you ever tell Mr. Shaffer that a check was 5 on the way to Mr. Wells for wage loss benefits? 6 A. Not that I recall. 7 Q. You are under oath. Do you remember that? 8 A. Not that I recall. 9 Q. Okay. So you don't know if our office was the place 10 you got the information about First Impressions, or 11 Mr. Wells. Correct? 12 A. That is correct. I don't know. 13 Q. Okay. So you sent a wage verification form, or did 14 Mr. Wells provide you a wage verification form? 15 A. I sent a packet, which included a wage and salary 16 verification form. 17 Q. To who? 18 A. I sent the packet to Mr. Shaffer, as he represented 19 himself as being the attorney handling the file for 20 Mr. Wells. 21 Q. Do you have an envelope showing that you mailed that 22 package to Mr. Shaffer? 23 A. No. 24 Q. So you sent it to Mr. Shaffer, and then did you get it 25 back?</p>	<p style="text-align: center;">63</p> <p>1 did so and she returned it to me. 2 Q. Is this your form? 3 A. No, this does not look like my form. 4 This is my form. 5 Q. This is the one that -- 6 A. I received. 7 Q. -- the one that you received back, Exhibit 10? 8 A. That's what I initially received, yes. 9 Q. And was this the one that you sent to Mr. Shaffer? 10 A. I can't be sure, but it looks like the ones that get 11 sent out in the packet, or are often sent out in a 12 packet. Yes. 13 Q. So you had a problem with this particular form that 14 you mailed to Mr. Shaffer? 15 A. I don't know that I had a problem with the form, but 16 we have another form that we send directly to the 17 employer for them, which I did. 18 Q. This is a Wage Salary and Benefits Verification Form 19 that I'm marking as Exhibit 11. 20 MARKED BY THE REPORTER: 21 DEPOSITION EXHIBIT 11 22 11:42 A.M. 23 BY MS. TONELLI: 24 Q. Did you send this directly to Ms. Wright? 25 A. I did.</p>
<p style="text-align: center;">62</p> <p>1 A. I did receive it back. 2 Q. What did you receive back? 3 A. I received back a hand-completed form which indicates 4 it was dated October 7th of 2009, and it has the 5 employee's name, which they're indicating is 6 Mr. Wells, his address, Zip Code, and Social Security 7 number. It indicates the employer's name, the address 8 of the employer, and his supervisor. It also provides 9 below that he was at the days of his employment, his 10 job description, was he entitled to wages or salary or 11 some other related benefits during the absence. The 12 answer was no. Salary or wage as of the date of the 13 accident, it said \$100 per day, \$2000 per month. Days 14 absent, March 5th through the present. Was he 15 entitled to Workers' Compensation, it said no. 16 Q. Can you take that out of your file so we can mark that 17 as an exhibit. 18 MARKED BY THE REPORTER: 19 DEPOSITION EXHIBIT 10 20 11:41 A.M. 21 BY MS. TONELLI: 22 Q. Once you received this form, what did you do with the 23 information? 24 A. I sent out a separate form to Ms. Wright, asking her 25 to complete it in a slightly different fashion. She</p>	<p style="text-align: center;">64</p> <p>1 Q. Did you get it back? 2 A. I did. 3 Q. And what did you do with the information? 4 A. I reviewed the information. 5 Q. And did you pay Mr. Wells' wage loss benefits? 6 A. I did not. 7 Q. Why not? 8 A. If I could see the form, please. 9 There are some ranges on here. For 10 example, number five says that he works between 40 and 11 50 hours per week. He works between eight and ten 12 hours a day. And number nine, it says that he has 13 overtime hours, sometimes up to ten. 14 There is no way to pay definitively from 15 that unless I get some kind of agreement or can 16 substantiate either through IRS records or something 17 else that tells me what is his average number of 18 overtime hours or the number of hours that he works a 19 week. 20 Q. So there is no way for you to calculate in your mind 21 between working five days a week, if he is working 22 eight to ten hours a day, what the overtime is? Is 23 that what you're saying? 24 A. No. What I said was that he works sometimes up to ten 25 hours, which could mean that he works one week one</p>



<p style="text-align: center;">65</p> <p>1 hour of overtime, or maybe no hours of overtime. It</p> <p>2 doesn't tell me anything other than sometimes he works</p> <p>3 up to ten hours of overtime. That requires</p> <p>4 clarification.</p> <p>5 Q. So did you contact Ms. Wright and ask for</p> <p>6 clarification?</p> <p>7 A. No. Actually, I contacted Mr. Shaffer.</p> <p>8 Q. Why didn't you contact Ms. Wright?</p> <p>9 A. Because I was wanting to expedite and try to get</p> <p>10 Mr. Wells' wage benefits.</p> <p>11 Q. Really? You have never paid Mr. Wells wage loss</p> <p>12 benefits since March of 2009. How were you trying to</p> <p>13 expedite it?</p> <p>14 MR. ROGALSKI: Objection, argumentative.</p> <p>15 Don't answer that.</p> <p>16 BY MS. TONELLI:</p> <p>17 Q. The question is, how were you trying to expedite his</p> <p>18 claim for wage loss benefits --</p> <p>19 A. By --</p> <p>20 Q. -- hang on -- by not contacting Ms. Wright directly to</p> <p>21 find out how many hours he worked per day, what his</p> <p>22 rate of pay was for an eight hour day, and then what</p> <p>23 his rate of pay was for overtime?</p> <p>24 A. Mr. Wells presented his -- initially presented his</p> <p>25 wage loss claim in March -- in October.</p>	<p style="text-align: center;">67</p> <p>1 Q. Okay. And he gave you something in writing, didn't</p> <p>2 he?</p> <p>3 A. Eventually, I received something in writing.</p> <p>4 Q. When did you receive something in writing agreeing to</p> <p>5 what to pay Mr. Wells?</p> <p>6 A. I don't have anything from him in writing. I have my</p> <p>7 letter to him, asking him again to clarify some</p> <p>8 variables. There is a suggestion on how we might come</p> <p>9 to an agreement on handling it. I'll continue to look</p> <p>10 through the file to see if I received anything from</p> <p>11 Mr. Shaffer that indicates that he was agreeable.</p> <p>12 I have a letter faxed from Mr. Shaffer on</p> <p>13 January 27th.</p> <p>14 Q. Take that out, and we'll mark that as Exhibit 12.</p> <p>15 MARKED BY THE REPORTER:</p> <p>16 DEPOSITION EXHIBIT 12</p> <p>17 11:47 A.M.</p> <p>18 BY MS. TONELLI:</p> <p>19 Q. And Mr. Shaffer sent you a letter January 27th, 2010,</p> <p>20 agreeing with your proposal that Mr. Wells worked an</p> <p>21 average of 42.5 hours per week and that his average</p> <p>22 weekly overtime equalled 2.5 hours. Correct?</p> <p>23 A. That is correct. That's what the letter says.</p> <p>24 Q. So you had an agreement from Mr. Shaffer. Right?</p> <p>25 A. On January 27th, yes.</p>
<p style="text-align: center;">66</p> <p>1 Q. That's not my question. My question --</p> <p>2 A. May I answer the question?</p> <p>3 Q. My question -- Ms. Salter, what you want to do is you</p> <p>4 want to give a long explanation that tries to make you</p> <p>5 look good. What I want to know is did you contact</p> <p>6 Ms. Wright directly after you received this form to</p> <p>7 ask her for clarification? By telephone, by letter,</p> <p>8 by any means did you get in touch with Ms. Wright to</p> <p>9 clarify the wage loss claim?</p> <p>10 A. No.</p> <p>11 Q. Why not?</p> <p>12 A. I simply didn't do so.</p> <p>13 Q. Just because you didn't want to?</p> <p>14 A. Because I contacted Mr. Shaffer.</p> <p>15 Q. Well, wouldn't Ms. Wright be the best person to</p> <p>16 contact since she employed Mr. Wells, if you wanted to</p> <p>17 expedite his wage loss claim?</p> <p>18 A. I thought it would be better to contact his attorney</p> <p>19 representing him to find out if he had additional</p> <p>20 information or if we could come to an agreement.</p> <p>21 Q. And according to you, there was never an agreement,</p> <p>22 right, as to what would be the proper amount of</p> <p>23 payment?</p> <p>24 A. According to me, when I called Mr. Shaffer to ask him</p> <p>25 about it, I needed it in writing.</p>	<p style="text-align: center;">68</p> <p>1 Q. So why didn't you pay him wage loss?</p> <p>2 A. I received an independent medical examination that</p> <p>3 said in December that he was ready to go to work.</p> <p>4 Q. So why didn't you pay him wage loss from March until</p> <p>5 December?</p> <p>6 A. I was advised not to.</p> <p>7 Q. By whom?</p> <p>8 A. Counsel.</p> <p>9 Q. Counsel advised you not to pay him wage loss benefits?</p> <p>10 A. That we didn't -- that is correct. That is correct.</p> <p>11 Q. And who advised you of that?</p> <p>12 MR. ROGALSKI: I'm going to -- I'm going to</p> <p>13 stop.</p> <p>14 MS. TONELLI: We're going to put you on the</p> <p>15 witness list, Mr. Rogalski. I'm sorry.</p> <p>16 MR. ROGALSKI: I'm going to object. This</p> <p>17 is client -- this is privileged information.</p> <p>18 MS. TONELLI: I didn't ask what you said.</p> <p>19 I asked who.</p> <p>20 BY MS. TONELLI:</p> <p>21 Q. Who told you not to pay wage loss benefits for the</p> <p>22 nine months before you got a doctor's report?</p> <p>23 MR. ROGALSKI: Answer the question.</p> <p>24 A. Robert Gazall.</p> <p>25 BY MS. TONELLI:</p>

<p style="text-align: center;">69</p> <p>1 Q. Spell that for me. 2 A. G-A-Z-A-L-L. I believe that's right. 3 Q. And he works for Corporation Counsel? 4 A. Yes, he does. 5 Q. And, Ms. Salter, did you agree that that was a good 6 decision? And I don't mean that you had a 7 conversation, but did you, in your mind, think that 8 that was appropriate to deny benefits for the previous 9 nine months? 10 A. I was to follow the decision. 11 Q. That wasn't my question. Did you as a claims handler 12 think that that was appropriate to retroactively deny 13 somebody benefits? 14 A. It seemed questionable. 15 Q. You had disability slips from doctors, correct, from 16 March of 2009 up until the time that you got a report 17 from a doctor? Correct? 18 A. I would have to check the file, but as I recall, I 19 certain -- as I recall, I did. 20 Q. The disability slips were coming from Dr. Robertson. 21 Correct? 22 A. I would have to check my file to be sure. 23 Q. I mean, if you want to make sure, go ahead. I think 24 they're kind of sideways in there, I noticed. 25 A. Uh-huh.</p>	<p style="text-align: center;">71</p> <p>1 Q. Was he the individual that you went to after you 2 talked to your supervisor about suspending or 3 terminating No-Fault benefits? 4 A. Yes. 5 Q. And I don't want to know -- obviously I'm not trying 6 to infringe on attorney/client communications -- but 7 my records indicate that we did not file suit in this 8 case until March of 2010, so these communications with 9 Mr. Gazall would have occurred before that date. Once 10 you got the letter from -- the report from Dr. -- is 11 it Lele? L-E-L-E. 12 A. I think it is Lele. I have always pronounced it Lele. 13 Q. Lele. That would have been after that report was 14 received versus after March of 2010? 15 A. I presume that, yes. 16 Q. Now, I'm kind of circling way back to the beginning, 17 which was a couple of hours ago. Is it your 18 understanding, Ms. Salter, that even if a claim is in 19 litigation, that as the claims adjuster, you're still 20 supposed to look at bills and determine whether or not 21 the treatment is reasonable and necessary as a result 22 of injuries from the accident, and either pay or deny 23 within 30 days? 24 A. Is it my understanding? 25 Q. Yes. That that is technically what is supposed to</p>
<p style="text-align: center;">70</p> <p>1 (Off the record at 11:51 a.m.) 2 (Back on the record at 11:55 a.m.) 3 MS. TONELLI: Back on the record. 4 BY MS. TONELLI: 5 Q. Ms. Salter, my understanding from a brief conversation 6 that we had off the record is that you aren't 7 necessarily finding a slip that says disabled from 8 working by Dr. Robertson from the time period of March 9 of 2009 to December of 2009? There are some types of 10 slips in there, but within his medical reports, he is 11 putting that Gary Wells is disabled from work? 12 A. He is indicating attendant care or limited motion or 13 something to that effect, yes. 14 Q. So am I correct in assuming that between March and 15 December of 2009, you were getting indication from 16 Dr. Robertson that Mr. Wells was not able to work, and 17 you were paying Dr. Robertson's med -- bills that he 18 was submitting to you for his treatment of Mr. Wells 19 during that time period, March until December, or 20 whatever? 21 A. Yes, there is a period of time which we did pay 22 Dr. Robertson. 23 Q. Mr. Gazall, does he still work for Corporation 24 Counsel? 25 A. Yes.</p>	<p style="text-align: center;">72</p> <p>1 happen, that it is still -- the fact that a claim is 2 in litigation doesn't mean that the claims person is 3 free to just put bills in a file and ignore them, 4 because the file is in litigation? 5 A. That's the process of the county. 6 Q. That's the process of the county. 7 A. Uh-huh. 8 Q. So once the file becomes a litigated file, you no 9 longer look at the bills to determine whether or not 10 they should be paid or not paid? 11 A. Correct. 12 Q. All right. And at that point in time, are you leaving 13 the decisions to your counsel to make a determination 14 whether or not the bills should be paid? 15 A. Yes. 16 Q. Just backing up again, and this is just -- my notes 17 have -- and I could be wrong, but I'm not sure if you 18 keep a separate file, or log, or -- I'm sorry -- what 19 do I want to call it -- tab for replacement service 20 claims? 21 A. You are referring to the binder? 22 Q. Yes. Is there a special tab for that? 23 A. It is referred to as "Spreadsheets." 24 Q. Okay. Because my notes say -- and you can confirm or 25 tell me that I'm wrong -- is that replacement services</p>

<p style="text-align: center;">73</p> <p>1        were paid by you through October of 2009.</p> <p>2    A.   One of the exhibits was -- can I look at this?</p> <p>3    Q.   Yes.</p> <p>4    A.   This was January of 2010. February -- I just want to</p> <p>5        make sure I have the --</p> <p>6    Q.   Oh, I apologize. Looking at Exhibit Number 9, it</p> <p>7        appears from this -- and it looks like our records are</p> <p>8        incorrect perhaps -- that replacement services were</p> <p>9        paid through December 31st, 2009, to Mr. Wells along</p> <p>10       with a mileage check, which reflected mileage payments</p> <p>11       through that same time period, if you look at Exhibit</p> <p>12       9.</p> <p>13   A.   That is correct.</p> <p>14   Q.   Is there anything to indicate that any replacement</p> <p>15       services or mileage would have been paid beyond</p> <p>16       December of 2009?</p> <p>17   A.   None that I find in my file.</p> <p>18   Q.   Okay.</p> <p>19   A.   We could look at -- there are some checks to Mr. Wells</p> <p>20       in here --</p> <p>21   Q.   Right.</p> <p>22   A.   -- which may exceed that December date, but without</p> <p>23       looking at them, I can't say.</p> <p>24   Q.   Okay. And the checks that would be issued for</p> <p>25       replacement services and mileage would go directly</p>	<p style="text-align: center;">75</p> <p>1    A.   And Dr. Komblum?</p> <p>2    Q.   Yes.</p> <p>3    A.   I have an invoice here from Dr. Komblum, representing</p> <p>4       Maccomb Orthopedic Surgeons. I see one thus far. I</p> <p>5       could continue to go through here, if you would like.</p> <p>6       These are the little -- I presume -- are these the</p> <p>7       little sheets you were referring to?</p> <p>8    Q.   Yes. I thought I saw them in your binder, too. I</p> <p>9       could be wrong.</p> <p>10   A.   No, they're transportation things.</p> <p>11       Can we go off the record for a second?</p> <p>12   Q.   Sure.</p> <p>13       (Off the record at 12:09 p.m.)</p> <p>14       (Back on the record at 12:09 p.m.)</p> <p>15       MS. TONELLI: We can go back on the record,</p> <p>16       because that's not so important to me.</p> <p>17   BY MS. TONELLI:</p> <p>18   Q.   Ms. Salter, in preparing for today's deposition, or at</p> <p>19       any time, did you become aware that Mr. Wells had</p> <p>20       surgery on his neck?</p> <p>21   A.   I was advised, yes. I was advised.</p> <p>22   Q.   All right. Was any information provided to Dr. -- you</p> <p>23       call him Lele?</p> <p>24   A.   Lele is what I was suggesting.</p> <p>25   Q.   Lele. Did you provide any information to Dr. Lele</p>
<p style="text-align: center;">74</p> <p>1       to -- would be issued to Mr. Wells? I apologize for</p> <p>2       making that more convoluted. The check would say Gary</p> <p>3       Wells on it?</p> <p>4    A.   That's correct.</p> <p>5    Q.   After -- we're not sure of the date -- when a decision</p> <p>6       was made not to pay any further No-Fault benefits to</p> <p>7       Mr. Wells, did you become aware of the fact that</p> <p>8       Mr. Wells underwent a surgical procedure on his neck,</p> <p>9       cervical spine, through any of your records, your</p> <p>10       billings, or anything like that?</p> <p>11   A.   I may have been.</p> <p>12   Q.   I think that, at least from my review, and I don't</p> <p>13       have a binder for this information, we got a second</p> <p>14       packet of information from Mr. Rogalski, and in it --</p> <p>15       and I thought it was the same as what I saw in your</p> <p>16       manilla part of your folder -- were bills for surgery</p> <p>17       and some home healthcare following surgery. Do you</p> <p>18       see that?</p> <p>19   A.   I'm taking a look now. I see you asked about the home</p> <p>20       healthcare. I do see invoices from home healthcare,</p> <p>21       yes.</p> <p>22   Q.   And how about invoices from Maccomb Orthopedic Surgeons</p> <p>23       and/or Dr. Martin Komblum?</p> <p>24   A.   Maccomb Orthopedic Surgeons? Correct?</p> <p>25   Q.   Yes.</p>	<p style="text-align: center;">76</p> <p>1       after the date of his examination of Mr. Wells about</p> <p>2       anything that may have happened to Mr. Wells after</p> <p>3       December of 2009?</p> <p>4       MARKED BY THE REPORTER:</p> <p>5       DEPOSITION EXHIBIT 13</p> <p>6       12:10 P.M.</p> <p>7    A.   No.</p> <p>8   BY MS. TONELLI:</p> <p>9    Q.   Any additional medical records, anything like that?</p> <p>10   A.   No.</p> <p>11   Q.   Now, I noticed from your file that the examination was</p> <p>12       scheduled through a company called Nationwide IME. Is</p> <p>13       that a company that the county is supposed to use for</p> <p>14       its examinations?</p> <p>15   A.   It is a company that we use.</p> <p>16   Q.   You're not limited to Nationwide? You can use more</p> <p>17       than one -- I call them vendors -- to do your IME</p> <p>18       exams?</p> <p>19   A.   We are limited to whomever is either already part of</p> <p>20       the company, or if there is an RFP or RFQ, but</p> <p>21       Nationwide was my option.</p> <p>22   Q.   What is RFP, RF --</p> <p>23   A.   If we do a Request for Proposal, if we want to send</p> <p>24       out, if we want to have contracts with various people</p> <p>25       to do, you know, anything for the county, in fact,</p>

<p style="text-align: center;">77</p> <p>1 whether it is -- anything from buying office supplies, 2 all of the way up, it has to go through a procurement 3 process which oftentimes means that people have to bid 4 for a service to provide for the county, etcetera. So 5 I was a part of that. Nationwide was someone who was 6 part of the county, and that's who I utilized to set 7 up the IME. 8 Q. So if I understand it, at some point in time, you 9 know, based on what you have said, Nationwide would 10 have asked can we do exams for the county, and the 11 county says okay, you can do exams for us, whatever 12 the process is, they're put on a list that you're 13 allowed to look at and go, if I need an examination, 14 the county has approved this group Nationwide IME? 15 A. Correct. 16 Q. Do you know if there is any other group other than 17 Nationwide IME? 18 A. I don't know. I went to a colleague to get that 19 information. 20 Q. And Dr. Lele, have you used Dr. Lele before? 21 A. I believe one other time I had an interaction with 22 Dr. Lele with a client. 23 Q. Okay. You said that part of your job included 24 litigation as the claims manager. Does that mean that 25 you would actually go to trial, if necessary?</p>	<p style="text-align: center;">79</p> <p>1 before? 2 A. No. 3 Q. Okay. Do you know anything about Dr. Lele's 4 credentials? 5 A. What I read at the time, when it was determined that 6 there was some independent medical examinations 7 needed, just in -- the credentials are provided, that 8 they advise other people that they have those things. 9 Q. Now, when they -- when they get on -- what I'm going 10 to call a vendor list for anything from office 11 supplies to IMEs, do you recall whether or not the 12 doctors that do exams for Nationwide have to provide 13 some sort of CV, or curriculum vitae, or something to 14 the county to show what their background is? 15 A. It is my understanding that, yes, they provide that 16 information, their CV, to Nationwide. 17 Q. Oh, to Nationwide. But what about to the county? 18 A. I would imagine if we wanted it, you could -- 19 Q. You could get it? 20 Do you have any recollection of looking at 21 his CV? 22 A. I did not. 23 Q. Okay. Is there any requirement from the county that 24 you use doctors that are board certified? 25 A. That --</p>
<p style="text-align: center;">78</p> <p>1 A. It hasn't arisen. 2 Q. You haven't had to yet? You know -- 3 A. It is to be determined. I have not done it for the 4 county. 5 Q. You have never had to go into court and testify on 6 behalf of the county about any claim handling of -- of 7 a liability or a No-Fault file or anything like that? 8 A. No. 9 Q. You have just given depositions? 10 A. Correct. 11 Q. Have you ever attended a trial where Dr. Lele 12 testified either live or by video? 13 A. No. 14 Q. Have you ever met Dr. Lele? 15 A. No. 16 Q. Have you ever spoken to Dr. Lele on the phone? 17 A. No. 18 Q. Do you know if Dr. Lele speaks English? 19 A. No. 20 Q. Okay. You said that you went to a colleague about 21 setting up an exam. Correct? 22 A. To get a name, to find out if we had to have a doctor 23 for an IME. 24 Q. So once you get Nationwide, do you also ask colleagues 25 about whether or not they have ever used Dr. Lele</p>	<p style="text-align: center;">80</p> <p>1 MR. ROGALSKI: I'm going to object. That's 2 not within her personal knowledge. 3 MS. TONELLI: If she doesn't -- if it is 4 not within her personal knowledge, she can say that. 5 A. I don't know. 6 BY MS. TONELLI: 7 Q. Because sometimes an insurance company representative 8 will say, well, they have to be board certified. 9 A. Well, yes, I understand why, but I don't know. 10 Q. You don't know if the county requires that of the 11 doctors that do exams, that they be board certified? 12 A. Yeah, I don't know. 13 Q. To your knowledge, does the county require that the 14 doctors that do examinations for the county maintain a 15 private practice? 16 A. Oh, I don't know. 17 Q. So do you have any idea where Dr. Lele went to medical 18 school? 19 A. I don't remember. I do remember seeing -- reading the 20 pamphlet which had his information, but I didn't 21 specifically select Dr. Lele. 22 Q. Okay. 23 A. When I selected the -- I selected the services. It is 24 my understanding that Nationwide, based upon a time 25 frame that you provide to them, they contact the</p>

<p style="text-align: center;">81</p> <p>1 doctors in the specific, you know, discipline that you</p> <p>2 seek a medical examination on to determine who is</p> <p>3 available. That's my understanding.</p> <p>4 Q. All right.</p> <p>5 A. And that's how it worked in his particular case.</p> <p>6 Q. So you went to Nationwide and said -- I think I saw</p> <p>7 something in the file where you needed somebody that</p> <p>8 would be able to deal with neck and back --</p> <p>9 A. Correct.</p> <p>10 Q. -- type of issues?</p> <p>11 And you got assigned Lele -- or they</p> <p>12 arranged it through Lele?</p> <p>13 A. Correct.</p> <p>14 Q. Do you have any idea how long Dr. Lele actually spent</p> <p>15 physically examining Mr. Wells?</p> <p>16 A. I would have to review his notes to determine if he</p> <p>17 says how long he spent.</p> <p>18 Q. Okay.</p> <p>19 A. I really don't know offhand.</p> <p>20 Q. You know what? I'm sorry. I marked mine as an</p> <p>21 exhibit, and I probably should have marked yours. Do</p> <p>22 you know, is yours easy to --</p> <p>23 A. Can I take yours, since it is already marked?</p> <p>24 Q. Well, it is in your file. Right?</p> <p>25 A. Can I read from yours, though, since it is marked</p>	<p style="text-align: center;">83</p> <p>1 records that he reviewed, on page 5. Do you see that?</p> <p>2 A. I haven't found it yet. I'm sorry.</p> <p>3 Q. Okay. He talks about records he has reviewed, and</p> <p>4 there is some indication halfway down the report that</p> <p>5 he looked at the MRIs and the -- of the cervical,</p> <p>6 thoracic, and lumbar spine. Do you see that?</p> <p>7 A. Yes. Oh, yes.</p> <p>8 Q. Do you know whether or not Dr. Lele ever saw the</p> <p>9 actual films, the MRI films themselves?</p> <p>10 A. I do not know.</p> <p>11 Q. Is it the practice of the county to make sure that the</p> <p>12 doctors that are examining people look at the actual</p> <p>13 films versus the radiologist report?</p> <p>14 A. I don't know what is the county practice.</p> <p>15 Q. Dr. Lele concludes at some point -- and maybe it says</p> <p>16 "conclusion" or "impressions" -- that Mr. Wells had a</p> <p>17 normal spine. Correct?</p> <p>18 A. Yes. He does use the word "normal." I just saw it.</p> <p>19 In regard to the MRI, correct?</p> <p>20 Q. No, his conclusion as to his examination --</p> <p>21 A. Oh, okay.</p> <p>22 Q. -- a functionally normal spine.</p> <p>23 A. Uh-huh.</p> <p>24 Q. Do you see that?</p> <p>25 A. Yes.</p>
<p style="text-align: center;">82</p> <p>1 here?</p> <p>2 Q. Yeah, and you can sit back and relax if you want.</p> <p>3 A. All right.</p> <p>4 MR. ROGALSKI: Have we marked that as an</p> <p>5 exhibit and stated what it is?</p> <p>6 MS. TONELLI: I marked it, but we will as</p> <p>7 soon as she takes a look at it. I think I put 13 on</p> <p>8 it.</p> <p>9 A. Yes, you did. There doesn't -- Dr. Lele's notes here</p> <p>10 do not advise the length of time -- that was your</p> <p>11 question, right -- that he took with Mr. Wells?</p> <p>12 BY MS. TONELLI:</p> <p>13 Q. Okay. So do you have any knowledge of how long he</p> <p>14 would have actually spent examining Mr. Wells?</p> <p>15 A. Without being a doctor, I really don't know.</p> <p>16 Q. Okay. And just so the record is clear, we have marked</p> <p>17 as Exhibit 13 Dr. Lele's report, which I pulled out of</p> <p>18 my binder, which was provided the first time around by</p> <p>19 your counsel, and I'm assuming you have a copy of it</p> <p>20 in your file.</p> <p>21 A. Yes. We went off of the one -- yes, you would have</p> <p>22 gotten from me. Yes.</p> <p>23 Q. Do you know, I'm looking at the report, specifically</p> <p>24 page three of his report, and -- well, let me go</p> <p>25 further. Page five of his report. He talks about</p>	<p style="text-align: center;">84</p> <p>1 Q. In your work as a claims -- strike that.</p> <p>2 Did you read the MRI reports of Mr. Wells'</p> <p>3 cervical and thoracic spine that were done in this</p> <p>4 case?</p> <p>5 A. Yes. I read the reports at the time, yes.</p> <p>6 Q. And I don't -- my copies aren't great for some reason.</p> <p>7 I think when they were copied, the pages somehow</p> <p>8 were -- have white lines going through them. So it's</p> <p>9 really hard for me to read them, and I don't know if</p> <p>10 you can find these in your -- we probably should have</p> <p>11 you find these just so that I confirm they are in your</p> <p>12 file. Unfortunately, they are not stamped, and I</p> <p>13 found them in this section, but I don't know that</p> <p>14 they're in part two of your file. They're dated</p> <p>15 10-5-2009. Both of them are 10-5-2009.</p> <p>16 A. Okay. I'll check here first. Well, maybe I'll check</p> <p>17 this first.</p> <p>18 I don't -- at this moment, I don't see</p> <p>19 them. I'm still looking.</p> <p>20 (Off the record at 12:28 p.m.)</p> <p>21 (Back on the record at 12:32 p.m.)</p> <p>22 MS. TONELLI: Okay. Let's mark them as 14</p> <p>23 and 15.</p> <p>24 MARKED BY THE REPORTER:</p> <p>25 DEPOSITION EXHIBITS 14 AND 15</p>

<p style="text-align: center;">85</p> <p>1 12:32 P.M. 2 BY MS. TONELLI: 3 Q. Before I ask you questions about the MRIs, I want to 4 swing back to something that I was thinking about. 5 You said that -- and I may be misphrasing what you 6 said -- about it was difficult to determine exactly 7 how much to pay Mr. Wells for wages based on the forms 8 you got back from Ms. Wright. Correct? Because they 9 were vague, as far as how many overtime hours and how 10 many was straight time versus overtime? 11 A. Right. What I think I said to you -- you said was 12 there something unclear about it, and I said, well, I 13 wanted more clarification. You asked why I didn't 14 call her. I said I needed to seek an agreement. 15 Q. Right. 16 A. That's what I said. 17 Q. And then Mr. Shaffer sent you a letter saying let's 18 just agree to an average of, you know, 40 hours a 19 week, 2.5 hours of overtime. And then -- 20 A. Yes. 21 Q. And then going back in my head, and I'm not a math 22 whiz, by any means, but I was thinking that if the 23 application for benefits from Mr. Wells indicated that 24 he was paid 12.75 an hour -- right? 25 A. Uh-huh. According to your math, yes.</p>	<p style="text-align: center;">87</p> <p>1 A. No. 2 Q. -- of what was paid per hour -- 3 A. Correct. 4 Q. -- for overtime, but that would be about maybe \$25 5 more, paid at straight time. Right? 6 A. I don't know. 7 Q. I mean, if it's paid at straight time, and it's 2.50 8 more -- 2.5 more a week? 9 A. I get your math. 10 Q. That's about a little more than \$25 a week. Okay. 11 And one other thing I wanted to back up to, 12 you said that you have a Master's degree in English. 13 What did you do before you worked for the county? 14 A. I was an adjuster. 15 Q. For other insurance companies? 16 A. For insurance companies. Wayne County, as you know, 17 is not an insurance company. 18 Q. Right. Who did you work for before you came to the 19 county? 20 A. I worked for Chubb; I worked for GMAC; State Farm. 21 Q. Okay. How long have you been working in claims as an 22 adjuster? 23 A. Probably on an off for the last -- 24 Q. Four years with the county -- 25 A. I have to do math. Probably for the last 15 -- I have</p>
<p style="text-align: center;">86</p> <p>1 Q. Well, according to the application for benefits, I 2 think he put 12.75, and then I was looking at -- I 3 don't think we marked it as an exhibit. 4 A. Well, in this exhibit, it doesn't have a wage. It has 5 a range. 6 Q. Right, but the application for benefits had a specific 7 hourly rate written in that Mr. Wells thought he was 8 paid, and I was looking at it, and I was thinking if 9 you take the -- what Ms. Wright filled in, that he was 10 paid \$500 per week, and I decided that by a 40-hour 11 workweek, I came up with -- and, again, I'm just -- 12 I'm not a math whiz -- I came up with 12.50 per hour, 13 if he works a 40-hour week. So that's fairly 14 consistent with what he put in his application for 15 benefits. Correct? 16 A. Based upon your -- 17 Q. Yeah, what I'm telling you about my math skills. 18 A. Sure. 19 Q. That's pretty consistent. Right? If I'm right, that 20 it works out to 12.50 an hour? 21 A. If you're correct, yeah. 22 Q. Right. And then if we calculate out two hours and 50 23 cents [as stated] per hour for overtime, we're talking 24 about -- I'm sorry -- 12.50 for overtime -- at 25 12.50 -- I don't think they indicate a rate, right --</p>	<p style="text-align: center;">88</p> <p>1 been here 15 -- I started off as a property adjuster. 2 Q. Here, or with another insurance company? 3 A. With an insurance company. 4 Q. Okay. Okay. 5 A. In '92. So as a property adjuster for very, very, 6 very long, you know, and then got into other lines of 7 it. 8 Q. When did you get into what I would call PIP, personal 9 injury protection? Was it with the county, or even 10 before the county? 11 A. It was prior to the county. I don't remember the 12 year, and it would have been with Sedgwick. 13 Q. Did you ever handle No-Fault for State Farm, PIP 14 benefits? 15 A. No. Uh-uh. 16 Q. When did you get your Master's degree? 17 A. I have to tell you all that, really? 18 Q. No, I wouldn't be able to figure that out. 19 A. Sure, you will. You will. You will hold onto it for 20 later. 21 Q. When did you get your Master's? 22 A. '92. 23 Q. And Bachelor's? 24 A. '85. 25 Q. Okay. And where did you get your Master's from?</p>

<p style="text-align: center;">89</p> <p>1 A. Illinois State. 2 Q. So getting back to what we have marked as -- 3 MR. ROGALSKI: Can we take a quick break? 4 We're three hours into this. 5 MS. TONELLI: Sure. 6 (Recess taken at 12:38 p.m.) 7 (Back on the record at 12:49 p.m.) 8 BY MS. TONELLI: 9 Q. Just for housekeeping purposes, I was reminded that I 10 didn't put Exhibit 2 into the record, which is 11 Defendant Wayne County's Answers to Plaintiff's First 12 Set of Interrogatories and Requests for Production of 13 Documents. And I'm going to hand you that and ask 14 you, Ms. Salter, did you provide answers to these 15 questions as far as the claim that Mr. Wells has 16 against the county? 17 A. Yes. 18 Q. Did you work on that? 19 A. Yes. I would have provided any answers that I could. 20 Q. And there is no signature for you. Usually the person 21 that is providing the answers usually signs them. 22 Were these answers true and accurate at the time that 23 they were prepared? You can go ahead and -- 24 A. Yes, these answers appear to be truthful as of the -- 25 Q. True and accurate?</p>	<p style="text-align: center;">91</p> <p>1 Q. Okay. You're the one pretty much that handles the 2 No-Fault claims for the county? 3 A. If No-Fault, you mean PIP claims? 4 Q. Yes, PIP claims. 5 A. Well, let me rephrase that. That is not true. PIP 6 claims are also handled by the Workers' Compensation 7 unit if the person is an employee. 8 Q. Okay. 9 A. I do not handle all PIP claims. 10 Q. Okay. That was one thing I was going to ask you 11 about. I found this form, and I'm not going to mark 12 it as an exhibit, but it was in the file materials. 13 A. They sent it, and I remember specifically keeping it 14 in there, because I thought I'm going to retain any 15 information that was sent to me. 16 Q. Okay. 17 A. Oftentimes, because this is not an insurance company, 18 billers don't know where to place us, so they send 19 things about Workers' Compensation. They send random 20 things. So that's why it was in there. 21 Q. It had nothing to do with the file? 22 A. No, and they sent it to me not having anything to do 23 with the file, and I put it in the file. 24 Q. Now, we marked as Exhibit 14 and 15 the -- the first 25 one is the thoracic MRI, and the second one, the 15,</p>
<p style="text-align: center;">90</p> <p>1 A. True and accurate. Yes. 2 Q. Would you mind just signing those, since normally the 3 person preparing, you know, providing the answers 4 signs them, and they're just signed by your attorney, 5 who can't be a witness. So -- 6 A. Where would you -- 7 Q. On the last page I think his signature is. If you 8 could just put yours on there above his, or next to 9 it, or whatever. 10 Thank you. Your business card says that 11 you are the claims manager, so does that mean that 12 other people handling files that you have described to 13 me work under your supervision? 14 A. Yes, there are people. 15 Q. Okay. And do you have employees working underneath 16 you that handle No-Fault claims also? 17 A. No-Fault defined as -- well, No-Fault because we're a 18 No-Fault state, but -- 19 Q. Right. 20 A. How do you -- 21 Q. Paying medical bills, doing what you did on the Gary 22 Wells file, looking at medical bills, deciding whether 23 or not they should be paid, that kind of thing? Are 24 you the only one? 25 A. Not to -- right. Not -- not as you described it.</p>	<p style="text-align: center;">92</p> <p>1 is the cervical MRI. What is the extent of your 2 understanding of MRIs? 3 A. Well, I'm not a doctor. 4 Q. I understand that. 5 A. So I don't know that I understand them better or worse 6 than the average layperson, you know. It is hard for 7 me to say. Just that I'm not a doctor. 8 Q. And tell me if you don't have an understanding, but if 9 an MRI shows that there is a herniated disc, in your 10 mind do you consider that a normal finding for an MRI? 11 MR. ROGALSKI: Objection. I believe that 12 is asking for an improper layperson opinion. 13 MS. TONELLI: She can tell me -- 14 MR. ROGALSKI: She said she is not a 15 doctor. 16 MS. TONELLI: She can tell me if she thinks 17 that is a normal MRI that shows a herniated disc. 18 A. I'm not a doctor. I am not a doctor. 19 BY MS. TONELLI: 20 Q. Do you understand -- do you have any understanding of 21 a situation where a disc is herniated and it is 22 impinging on the spinal cord? 23 A. Have I -- 24 Q. Do you understand what that means, if a herniation is 25 actually impinging on somebody's spinal cord?</p>

<p style="text-align: center;">93</p> <p>1 A. I certainly have heard of it. I don't know 2 specifically what it will be or how it plays out for 3 people. I don't know. 4 Q. Have you heard of the term "annular tear"? 5 A. I have heard. 6 Q. Okay. And you have no understanding of whether or not 7 any of those conditions, either hemiated disc or a 8 hemiated disc that impinges on the cervical cord or 9 an annular tear, whether those are considered normal 10 findings on an MRI? 11 A. I don't know. 12 Q. If we look at these MRIs, those types of findings are 13 found on Exhibit 14, which is the MRI of Mr. Wells' 14 thoracic spine, and it describes a disc herniation at 15 T3-T4, T4-T5 level with mild cord compression. Do you 16 see that? 17 A. Yes. 18 Q. And then if we look at Exhibit 15, which is of the 19 neck, where Mr. Wells eventually had surgery, we have 20 a finding of straightening of the cervical spine, or 21 curve, the lordosis, and that there is a herniation at 22 disc C4 and C5 and a rupture of the annulus at the 23 level just below that, C5-C6, with herniation and 24 compression of the right anterior aspect of the cord, 25 and a herniation at C6 and C7. Do you see that on the</p>	<p style="text-align: center;">95</p> <p>1 improper opinion. 2 BY MS. TONELLI: 3 Q. Go ahead. He doesn't mention that there is -- 4 A. On the paragraph we're looking at, on the question you 5 asked me, he doesn't mention it. 6 Q. He doesn't talk about it. Right. And he also looks 7 at T -- the thoracic spine, and his wording is "and 8 also at the T3-T4 and T4-T5 levels," and I'm not sure 9 if he is referring to the finding just above it or 10 what, but that's what he also mentions, those two 11 levels in the thoracic spine. Correct? 12 A. Yes. He mentioned -- 13 Q. Three and four -- 14 A. Yes. 15 Q. -- and four and five. 16 And then Dr. -- there is no mention that 17 there is any cord compression. Correct? 18 A. I don't see it. 19 Q. In his report. 20 A. I don't see it. 21 Q. And he comes to the conclusion that, or he writes that 22 the MRI apparently was normal. Do you see this? 23 A. In that paragraph, yes. 24 Q. All right. And Dr. Lele is the doctor that you're 25 relying on to support your decision to stop paying</p>
<p style="text-align: center;">94</p> <p>1 findings there? 2 A. Yes. 3 MR. ROGALSKI: If I may, those exhibits are 4 reports from the doctors from the reports of the MRIs, 5 not the MRI. 6 MS. TONELLI: These are the radiologist 7 reports, not the films. 8 MR. ROGALSKI: Okay. 9 BY MS. TONELLI: 10 Q. In Dr. Lele's report, page 5 -- I'm sorry. The third 11 paragraph down, can you -- not the first sentence, but 12 where it starts "apparently," do you see that? 13 A. Yes. 14 Q. He says that there is an MRI of the cervical spine 15 which shows disc extrusion to the right at the C4-C5 16 level. Do you see that comment? 17 A. Yes. 18 Q. Okay. Dr. Lele, if we look at his report, he doesn't 19 mention the other findings on the MRI, other than that 20 one finding. Correct? 21 A. It doesn't appear that -- doesn't appear that he 22 mentions it anyhow. 23 Q. And he makes no mention that there is herniation 24 impinging on the cord anywhere, does he? 25 MR. ROGALSKI: Standing objection of the</p>	<p style="text-align: center;">96</p> <p>1 treatment for -- for treatment for Mr. Wells' neck and 2 back. Correct? 3 A. I relied upon Dr. Lele's report, yes. 4 Q. Any other doctor's report you're relying on to stop 5 paying benefits for treatment to Mr. Wells' neck and 6 back, other than Dr. Lele? 7 A. No. I have no other reports. 8 Q. Okay. Now, up until the time that he saw Dr. Lele, he 9 was treating with Dr. Robertson. Correct? 10 A. I believe so. 11 Q. All right. And you paid Dr. Robertson's bills up 12 until the time of the exam with Dr. Lele, if we assume 13 that you paid him up to that time? 14 A. We're assuming that they were paid, yes. 15 Q. Up until that time? 16 A. Until the -- 17 Q. So can you tell me what changed from whenever his last 18 visit was with Dr. Robertson, who was disabling him 19 from working and suggesting that he needed treatment, 20 until the one visit that he had with Dr. Lele? 21 A. I wouldn't know. I don't know. 22 Q. But you -- I guess my question isn't clear. Up until 23 that time, you believed what Dr. Robertson was saying. 24 Correct? 25 A. I had nothing to question it.</p>



<p style="text-align: center;">97</p> <p>1 Q. Okay. And then Dr. Lele comes along and says, you 2 know, the MRIs are normal, and, you know, he has a -- 3 what does he call it? A normally functioning -- 4 functionally normal spine? 5 A. Uh-huh. Yes. 6 Q. So this one-time visit with Dr. Lele was enough for 7 you to disregard what Dr. Robertson was saying? 8 A. Based upon the independent medical exam, that's what 9 formed the position that I had this piece of 10 information, is this the proper thing to do, so -- 11 Q. Did you ever think to yourself, wow, when I'm looking 12 at these MRI reports, that is what he is saying the 13 MRI shows, it is not consistent with what I see in 14 these reports, and maybe I should ask him specific 15 questions about these findings that are in the reports 16 versus what he says? 17 MR. ROGALSKI: Are you asking for her 18 impressions after she has read both reports? 19 MS. TONELLI: Yes, if she ever, in her 20 mind, said, you know, I don't see, you know -- I don't 21 read these reports the same as Dr. Lele does. Maybe I 22 should have him comment about these findings that I 23 see in these reports, versus what he is saying. 24 A. Well -- 25 MR. ROGALSKI: I would object again to an</p>	<p style="text-align: center;">99</p> <p>1 A. In the format that you structured, that would not be 2 the way I handle it. 3 Q. So you're not familiar with the concept under the 4 No-Fault Act that if you have one opinion that says 5 one thing and another opinion that says another, that 6 the discrepancy or the conflict needs to be resolved? 7 A. I am familiar, but the question that you specifically 8 asked me was calling Dr. Robertson. 9 Q. Or sending to Dr. Robertson the report and asking him 10 you know, if he could reconcile the difference that, 11 in your mind, there was between Lele's report and his 12 report. 13 A. Uh-huh, I wouldn't have -- based upon the conflict, 14 that's not how I would have handled it. 15 Q. Why not? 16 A. Just because I would have -- if nothing else, I would 17 have sent him to a different doctor to question. 18 That's why. 19 Q. All right. And you didn't do that? 20 A. Well, I did, but there are several appointments in 21 here that he was -- Mr. Wells did not keep. 22 Q. What other doctor did you send him to to reconcile the 23 difference between -- 24 A. Well, I don't know if it would have been reconciled. 25 The other appointments --</p>
<p style="text-align: center;">98</p> <p>1 improper layperson's opinion. 2 You can answer it. 3 BY MS. TONELLI: 4 Q. I'm not asking a medical opinion. I'm asking whether 5 or not you asked him to explain, you know, the 6 findings that you see here versus what he says. 7 A. I did not -- in his report, as I recall, he 8 addressed -- he had a difference of opinion is what 9 I'd say more so than Dr. Robertson, and that's all I 10 could stand on. It's not my discipline, so -- 11 Q. Did you ask -- send a letter to Dr. Robertson with a 12 copy of Dr. Lele's report and say, you know, listen, 13 Dr. Lele, something to this effect, Dr. Lele says he 14 has a functionally normal spine, and you're telling me 15 he has got whatever problems Dr. Robertson listed. I 16 know how his reports have different diagnoses. Can 17 you explain to me why Dr. Lele says this, and you say 18 this, to reconcile the two opinions? 19 A. No, I did not contact Dr. Robertson. 20 Q. Okay. Do you think it might have been helpful to 21 contact Dr. Robertson and see what he thought about 22 Lele's report? 23 A. I would be completely unfamiliar with using one 24 doctor's report to challenge another. 25 Q. Okay.</p>	<p style="text-align: center;">100</p> <p>1 Q. Specifically, at this point, we'll talk about the 2 other appointments, but first whether or not there was 3 a doctor that you wanted him to go to to reconcile the 4 difference between Lele and Robertson. 5 A. No doctor that I selected, no. None. 6 Q. That anybody selected. Nationwide or anybody. 7 A. Well, there were appointments of Dr. Marshall, Dr. Lee 8 Marshall. 9 Q. Do you know what kind of doctor Dr. Marshall is? 10 A. He is a D.O. 11 Q. Do you know what his specialty is? 12 A. Right now, I don't remember. At the time, I had a 13 legend that gave me the information. 14 Q. Do you know if he is an orthopedic surgeon or 15 neurosurgeon? 16 A. Right now, I cannot tell you. There are no notes in 17 here. 18 Q. Who else? 19 A. Dr. Manfred Greiffenstein. 20 Q. Dr. Greiffenstein is, I know, a neuropsychologist. 21 A. Right. 22 Q. So he would not have been the person to give you an 23 opinion to reconcile the difference between Lele and 24 Robertson. Correct? 25 A. He --</p>

<p style="text-align: center;">101</p> <p>1 Q. He would be testing brain function?</p> <p>2 A. He would be providing me with insight into the</p> <p>3 patient, him or herself -- himself -- excuse me -- in</p> <p>4 this case.</p> <p>5 Q. He wouldn't be able to give you an interpretation of</p> <p>6 MRIs or talk about the need for surgery?</p> <p>7 A. No. There were two doctors. In fact, I think there</p> <p>8 was another set of appointments, but in any event,</p> <p>9 there were three doctors set up. We only have one</p> <p>10 particular report, but there were a number of doctors</p> <p>11 for Mr. Wells to see.</p> <p>12 Q. I wrote down when I reviewed the file that he was</p> <p>13 scheduled to see Dr. Greiffenstein, who is a</p> <p>14 neuropsychologist, on January 7th, 2010. Is that</p> <p>15 correct?</p> <p>16 A. January 7th, 2010. Uh-huh.</p> <p>17 Q. And I want you to assume for me that Dr. Greiffenstein</p> <p>18 is a neuropsychologist and has no medical training.</p> <p>19 So he would not be able to comment on Dr. Lele's</p> <p>20 report or Dr. Robertson's report. So --</p> <p>21 MR. ROGALSKI: Objection. You're having</p> <p>22 her assume facts not in evidence.</p> <p>23 MS. TONELLI: Okay. Do you know</p> <p>24 Dr. Greiffenstein?</p> <p>25 MR. ROGALSKI: No, but you are asking</p>	<p style="text-align: center;">103</p> <p>1 Q. Were they at the same location?</p> <p>2 A. No. Actually one is on Telegraph, according to this</p> <p>3 information, and the other one is on Greenfield.</p> <p>4 Q. Which one was on Telegraph?</p> <p>5 A. Dr. Marshall was on Telegraph.</p> <p>6 Q. Okay. And Dr. Lele was on --</p> <p>7 A. Greenfield.</p> <p>8 Q. So do you have any documentation in your file that</p> <p>9 explains why Mr. Wells didn't make it to the second</p> <p>10 appointment?</p> <p>11 A. I have no documentation.</p> <p>12 Q. Did you have any conversations with Mr. Wells as to</p> <p>13 why he didn't make it to the second appointment?</p> <p>14 A. No.</p> <p>15 Q. So you don't know if Mr. Wells waited to see Dr. Lele</p> <p>16 and couldn't make it to the second appointment?</p> <p>17 A. There is nothing here to substantiate one way or the</p> <p>18 other why he missed his appointment.</p> <p>19 Q. All right. So have we covered the exams that were</p> <p>20 scheduled?</p> <p>21 A. Of course -- yes, that was scheduled.</p> <p>22 Q. And we know he didn't go to Greiffenstein. Right?</p> <p>23 A. I don't have any information that demonstrates he went</p> <p>24 to Mr. Greiffenstein.</p> <p>25 Q. And he didn't go to Marshall, we know. He only went</p>
<p style="text-align: center;">102</p> <p>1 her -- no, I do not.</p> <p>2 MS. TONELLI: Well, I mean, he is a</p> <p>3 neuropsychologist. He is a Ph.D., not a medical</p> <p>4 doctor.</p> <p>5 MR. ROGALSKI: You also don't know if he</p> <p>6 would be able to compare anything in these reports.</p> <p>7 MS. TONELLI: Okay. Yeah, I do, but</p> <p>8 anyways, let's just move on from that.</p> <p>9 (Off the record at 1:10 p.m.)</p> <p>10 (Back on the record at 1:10 p.m.)</p> <p>11 BY MS. TONELLI:</p> <p>12 Q. And then I also have a note, Ms. Salter, that he went</p> <p>13 to Dr. Lele the 23rd of December, and then there was</p> <p>14 also an exam scheduled immediately to follow with</p> <p>15 Dr. Marshall, the same date.</p> <p>16 A. That's correct.</p> <p>17 Q. Like two hours later?</p> <p>18 A. That's correct.</p> <p>19 Q. Do you know why that second examination didn't take</p> <p>20 place?</p> <p>21 A. My understanding is that Mr. Wells failed to make the</p> <p>22 appointment.</p> <p>23 Q. He was already there at Nationwide for the first</p> <p>24 examination. Correct?</p> <p>25 A. Yes.</p>	<p style="text-align: center;">104</p> <p>1 to Lele because that's the only report you have.</p> <p>2 Right?</p> <p>3 A. That's correct. The only report I have, yes.</p> <p>4 Q. So Lele's going to be the doctor that you rely on for</p> <p>5 not paying medical benefits past whatever date it was</p> <p>6 that you got an opinion to stop paying bills.</p> <p>7 Correct?</p> <p>8 A. Yes. Dr. Lele, yes.</p> <p>9 Q. Did you ever send Dr. Kornblum's information to</p> <p>10 Dr. Lele, his medical records that are in the manilla</p> <p>11 part of that PIP file, Exhibit 1?</p> <p>12 A. No. I haven't had any correspondence with Dr. Lele to</p> <p>13 send him --</p> <p>14 Q. Okay.</p> <p>15 A. -- Dr. Kornblum's information.</p> <p>16 Q. Do you think it might be helpful to send that</p> <p>17 information to Dr. Lele, since Dr. Lele thought he had</p> <p>18 a functionally normal spine and Dr. Kornblum ended up</p> <p>19 doing a decompression surgery on his neck?</p> <p>20 A. Well, I wasn't aware of it until much later on, and I</p> <p>21 was told that Mr. Wells had the surgery, so I did not</p> <p>22 know of that.</p> <p>23 Q. Okay. Okay.</p> <p>24 A. And because of the breakdown in communication, or</p> <p>25 however you want to phrase it, Mr. Wells was scheduled</p>

<p style="text-align: center;">105</p> <p>1 for other appointments, which would have provided me 2 with something other than -- I mean, presumably, I 3 don't know what the findings would be. That would be 4 the point. Correct. 5 Q. Who were the other appointments with? 6 A. Well, we have already established that it was 7 Dr. Marshall. 8 Q. Okay. 9 A. And there were other -- and I'm searching for this 10 piece of information. I don't think there were 11 doctors selected inasmuch as one of the attorneys 12 responded to me that he would not be attending any 13 additional appointments. 14 Q. Okay. And I'm going to hand you a date -- a letter 15 dated February 16th, from Mr. Seiferheld. Is that the 16 letter that you are referring to? 17 A. I won't know until I look at it. 18 Q. Okay. 19 A. Yes. That's the letter that I was referring to. 20 Q. Okay. I'm going to mark that as Exhibit -- do you 21 have it in your file? 22 A. Oh, yeah. I was actually at the letter. 23 MARKED BY THE REPORTER: 24 DEPOSITION EXHIBIT 16 25 1:14 P.M.</p>	<p style="text-align: center;">107</p> <p>1 helped you reconcile the opinions of Robertson and 2 Lele. Correct? 3 A. He wasn't seen, so, no, I don't know. 4 Q. And Mr. -- is it pronounced Gazall, G-A-Z-A-L-L? 5 A. Yes. Mr. Gazall. 6 Q. Okay. Is there anything that you rely on, other than 7 Mr. Gazall telling you not to pay wage loss benefits 8 from the time period -- 9 MR. ROGALSKI: Objection. Facts not in 10 evidence. 11 BY MS. TONELLI: 12 Q. Okay. Is there anything that you rely on for not 13 paying wage loss benefits from March, the date of the 14 accident, until December of 2009? 15 A. The independent medical examination report. That's 16 what I relied upon. 17 Q. But you didn't have the independent medical 18 examination until December. Correct? 19 A. Right. 20 Q. So why didn't you pay from March until December? 21 A. Well, from March until December, I didn't receive 22 confirmation -- the wage loss wasn't presented until 23 October. 24 Q. Right, but you got it, and you got an agreement and 25 that point --</p>
<p style="text-align: center;">106</p> <p>1 BY MS. TONELLI: 2 Q. Let's mark it. And Mr. Seiferheld sent you a letter 3 dated February 16th that said that Mr. Wells isn't 4 going to your examination scheduled for February 18 5 and February 25th. That would be with Marshall -- 6 Dr. Marshall and Greiffenstein -- because you failed 7 to pay him any wage loss benefits up to that point in 8 time. Correct? 9 A. Are those the dates for Dr. Greiffenstein or 10 Dr. Marshall, or are those January dates? Because 11 they wouldn't necessarily have been the same doctors. 12 I thought we established that they were January dates. 13 Q. I'm sorry. I have February 18th for Marshall and 14 February 25th for Greiffenstein from my notes when I 15 was preparing, and I may be wrong as to the dates, but 16 that's what I pulled out of the file when I was 17 reviewing last night. 18 A. The appointment with Dr. Marshall, as we mentioned 19 earlier, was December 23rd and one for January 7th. 20 So I can't recollect if it would have been the same 21 person in February -- 22 Q. Okay. 23 A. -- which I believe was your question. 24 Q. Okay. All right. So as you sit here today, you don't 25 know if either Greiffenstein or Marshall could have</p>	<p style="text-align: center;">108</p> <p>1 MR. ROGALSKI: Objection. Facts not in 2 evidence. She never said she had an agreement. 3 MS. TONELLI: I thought we just -- okay. 4 BY MS. TONELLI: 5 Q. You sent a letter to Mr. Shaffer asking if he could 6 agree to -- let's mark this. 7 MARKED BY THE REPORTER: 8 DEPOSITION EXHIBIT 17 9 1:17 P.M. 10 BY MS. TONELLI: 11 Q. As Exhibit 17, you made a recommendation to 12 Mr. Shaffer about how to pay Mr. Wells' wages in this 13 letter dated November 23rd, 2009, which we marked as 14 Exhibit 17. Correct? 15 A. That is correct. 16 Q. And Mr. Shaffer sent you a letter back dated January 17 27, 2010, and he said this is to follow up with our 18 phone conversation from earlier today. So he must 19 have spoken to you that day, according to his letter, 20 and he said we agree with what you have come up with. 21 Correct? 22 A. That is correct. 23 Q. So my question is, why didn't you pay wages? I 24 understand that you didn't get this until November, 25 but why didn't you pay wages dating back from March</p>

<p style="text-align: center;">109</p> <p>1 until you got Lele's report?</p> <p>2 A. I was --</p> <p>3 MR. ROGALSKI: Objection. You said she</p> <p>4 didn't get this until November. The date on there is</p> <p>5 January 27th.</p> <p>6 MS. TONELLI: I'm sorry. January.</p> <p>7 Whatever.</p> <p>8 BY MS. TONELLI:</p> <p>9 Q. You got it in January, and he had an agreement and</p> <p>10 said I agree with your numbers.</p> <p>11 A. Right.</p> <p>12 Q. So the reason you didn't pay from March until</p> <p>13 December, when you had Lele's opinion that said he can</p> <p>14 go back to work because he has a functionally normal</p> <p>15 spine, was because of what?</p> <p>16 A. I was advised not to. I was advised not to.</p> <p>17 Q. By Mr. Gazall? Correct? Yes?</p> <p>18 A. Yes. He -- I consulted him. Yes.</p> <p>19 Q. And in your position with Wayne County, handling PIP</p> <p>20 claims, have you ever retroactively denied benefits</p> <p>21 the way you did in this case?</p> <p>22 A. I have not.</p> <p>23 Q. Okay. You consider that questionable? Right?</p> <p>24 A. I always have a question. I mean, I don't know how to</p> <p>25 answer -- to answer your question. Just I have not</p>	<p style="text-align: center;">111</p> <p>1 and you wanted to clarify in your mind how many hours</p> <p>2 a week is this guy working?</p> <p>3 A. Yes.</p> <p>4 Q. And you sent a letter to our firm suggesting a way to</p> <p>5 handle it?</p> <p>6 A. Yes.</p> <p>7 Q. And you got a response --</p> <p>8 A. Yes.</p> <p>9 Q. -- agreeing with the way you suggested to handle it?</p> <p>10 A. Yes.</p> <p>11 Q. Up until that time that you got that letter from our</p> <p>12 office saying okay, we agree with you, we'll do it</p> <p>13 this way, you had had a disability from doctors saying</p> <p>14 Mr. Wells couldn't work during that time period, March</p> <p>15 to December? Correct?</p> <p>16 A. As the reports that indicate that.</p> <p>17 Q. And you paid the doctor's bills for treatment during</p> <p>18 that time period?</p> <p>19 A. Yes.</p> <p>20 Q. So the only reason you didn't pay was because you were</p> <p>21 advised not to by Mr. Gazall?</p> <p>22 A. He may not have been the only person who gave me that</p> <p>23 information, but --</p> <p>24 Q. Anybody else that gave you that information that said</p> <p>25 not to pay?</p>
<p style="text-align: center;">110</p> <p>1 done it before.</p> <p>2 Q. Okay. Because you had the proof up until that point</p> <p>3 in time to pay. Right? Whether you obtained it in</p> <p>4 January or whatever, you had the necessary proof that</p> <p>5 this man was not working, disabled by a doctor, and</p> <p>6 had an agreement as to the amount of money that could</p> <p>7 be paid to him?</p> <p>8 A. Well, I wouldn't be able to pay him until I had</p> <p>9 something in writing.</p> <p>10 Q. I understand that.</p> <p>11 A. As far as retroactively, I can't -- other than to tell</p> <p>12 you I was advised not to, that's all I can say.</p> <p>13 Q. Okay.</p> <p>14 A. But the prior information still required consent from</p> <p>15 his attorney.</p> <p>16 Q. Right. Which you got. But what I'm asking you,</p> <p>17 Ms. Salter --</p> <p>18 A. Can we go off the record?</p> <p>19 (Off the record at 1:20 p.m.)</p> <p>20 (Back on the record at 1:20 p.m.)</p> <p>21 MS. TONELLI: Back on the record.</p> <p>22 BY MS. TONELLI:</p> <p>23 Q. I'm just trying to figure out, I understand that -- I</p> <p>24 understand completely. You got those two forms in,</p> <p>25 the Wage, Salary and Benefit Verification Forms in,</p>	<p style="text-align: center;">112</p> <p>1 A. Well, without a confirmation from the attorney, I</p> <p>2 would not have been -- it would not have been</p> <p>3 approved. The payments would not have been approved.</p> <p>4 Q. Correct.</p> <p>5 A. Without any confirmation, I would not have been able</p> <p>6 to -- I would have placed those for payment, and they</p> <p>7 would not have been paid.</p> <p>8 Q. But you got it, and then somebody told you not to pay</p> <p>9 it.</p> <p>10 A. Based upon Dr. Lele's report, once I had a medical</p> <p>11 examination report --</p> <p>12 Q. I'm not -- I don't want to talk about the time period</p> <p>13 from December on. I want to talk from the time period</p> <p>14 of March until you get Lele's report.</p> <p>15 A. Okay. From the date of the accident?</p> <p>16 Q. Yes, March until December. The only thing you're</p> <p>17 relying on is being told by somebody not to pay it</p> <p>18 once you had an agreement from Mr. Shaffer from our</p> <p>19 office.</p> <p>20 A. Right. It was --</p> <p>21 Q. Okay. I noticed in the file, you said you had a tab</p> <p>22 called "Investigation."</p> <p>23 A. Yes.</p> <p>24 Q. And mine is not divided by tabs, but I put a Post-It</p> <p>25 on mine that says "Investigation." Am I correct in</p>

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1 assuming that the investigation that you have in your  
2 file is when Shadow Investigations was asked to -- I  
3 don't know -- they run some kind of database searches  
4 of Mr. Wells, and then they did surveillance?  
5 A. Yes, Shadow was hired. Yes.  
6 Q. And is Shadow similar to Nationwide? They're like a  
7 vendor that bids on Wayne County doing surveillance  
8 work for Wayne County and database searches? And then  
9 they get approved and they get on that list, so if you  
10 need somebody to follow somebody, you can use Shadow?  
11 A. How they came to the county, I'm not sure.  
12 Q. Okay.  
13 A. But they are certainly an organization that the county  
14 can use.  
15 Q. And is it like on a vendor kind of list the same way  
16 you would find Nationwide? Like if I need somebody to  
17 do an investigation, I can find a list of companies  
18 that the county can use?  
19 A. There is no presented list. None that I have ever  
20 seen.  
21 Q. Did you ask a colleague or somebody, like you did for  
22 Nationwide, and say, hey, I need some surveillance,  
23 did you have somebody that you use?  
24 A. Yes.  
25 Q. Okay. And when you say "colleague," are you talking

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1 about somebody that is within your department, or are  
2 you talking about --  
3 A. No.  
4 Q. -- counsel?  
5 A. Another department.  
6 Q. Not counsel, not an attorney?  
7 A. Not necessarily.  
8 Q. Well, in this case was it?  
9 A. No.  
10 Q. Was it an attorney?  
11 A. No, in this case, it was not.  
12 Q. Have you looked at the surveillance tape -- video, or  
13 DVD, or did you --  
14 A. When I received it. When I received it.  
15 Q. Just a question. I noticed that somebody invited you  
16 to attend a meeting, a team meeting. Let me find it.  
17 I know I have a "Post-It". Somebody from St. John  
18 Neuro Recovery Systems. Michelle -- I'm going to  
19 spell it -- Z-A-V-E-R-Z-E-N-C-E. I think she is an  
20 occupational therapist. This was sent November 17th,  
21 2009, to you. I'm going to mark it as Exhibit 18 just  
22 so that we have it.  
23 MARKED BY THE REPORTER:  
24 DEPOSITION EXHIBIT 18  
25 1:27 P.M.

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1 BY MS. TONELLI:  
2 Q. And she asked you if you wanted to attend a team  
3 meeting at St. John. Did you ever go to that meeting?  
4 A. I did not.  
5 Q. Okay. Do you ever go to meetings like that? Have  
6 you --  
7 A. I have not. I have not.  
8 MS. TONELLI: Thank you. I don't have any  
9 other questions. Thank you.  
10 EXAMINATION  
11 BY MR. ROGALSKI:  
12 Q. Okay. Just a couple. You mentioned that you are the  
13 person handling the PIP file on Gary Wells. Is that  
14 correct?  
15 A. Yes. Primarily, yes.  
16 Q. And in your job duties, you determine in the beginning  
17 whether a claim should be paid or not. Correct?  
18 A. Do I determine that?  
19 Q. Yes.  
20 A. Yes.  
21 Q. And in this case, from the date of the accident until  
22 you received the medical -- excuse me -- the IME from  
23 Dr. Lele, there was surveillance done. Correct?  
24 A. Yes.  
25 Q. And you reviewed the surveillance?

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1 A. Yes, at the time.  
2 Q. Do you remember anything from the surveillance?  
3 A. I remember him -- no, not specifics. Not specifics.  
4 Q. Did it say there was the conclusion that he was  
5 driving, or that he was --  
6 A. They caught movement outside his home, but at this  
7 point I'm not -- I have not reviewed it -- reviewed  
8 specifics.  
9 Q. So you didn't rely on the surveillance for determining  
10 whether you were going to pay or not pay?  
11 A. No.  
12 Q. Okay. Now, ultimately, you make the decision on  
13 whether this -- whether you were going to make the --  
14 how can I say -- recommendation that the PIP claim be  
15 paid or not to your supervisor? Is that correct?  
16 A. I make recommendations, yes, for payment.  
17 Q. And between the time of the accident and the IME in  
18 this matter by Dr. Lele, were any other independent  
19 medical examinations scheduled?  
20 MS. TONELLI: Objection. Asked and  
21 answered.  
22 BY MR. ROGALSKI:  
23 Q. You can answer.  
24 MS. TONELLI: We'll stipulate they were.  
25 She already testified they were.

<p style="text-align: center;">117</p> <p>1 A. Yes.</p> <p>2 BY MR. ROGALSKI:</p> <p>3 Q. This was prior to?</p> <p>4 A. Not prior. We -- there were two appointments on one</p> <p>5 day -- on one day in January, on one --</p> <p>6 Q. Those were after the Lele IME. Correct?</p> <p>7 A. Well, one was on the same day, and then another one</p> <p>8 was after Christmas, in January.</p> <p>9 Q. Were any IMEs set up prior to the date of Dr. Lele's</p> <p>10 IME?</p> <p>11 A. No.</p> <p>12 Q. Okay. So you based your decision to not recommend</p> <p>13 payment of the PIP claim on Dr. Lele's IME alone?</p> <p>14 A. Well, the surveillance preceded the independent</p> <p>15 medical examination, but the independent medical</p> <p>16 examination was the one thing that indicated that he</p> <p>17 was ready to return to work.</p> <p>18 Q. Okay. And, so, now as far as -- so as far as medical</p> <p>19 bills, stopping of the medical benefits, you based</p> <p>20 that on the IME. Correct?</p> <p>21 A. Yes.</p> <p>22 Q. As far as stopping the wage loss, you based that on</p> <p>23 Dr. Lele's IME. Is that correct?</p> <p>24 MS. TONELLI: Objection. Form of the</p> <p>25 question. She never started wage loss payments, so</p>	<p style="text-align: center;">119</p> <p>1 MS. TONELLI: Other than the agreement that</p> <p>2 we sent? Objection. Form and foundation. Asked and</p> <p>3 answered. Go ahead.</p> <p>4 A. Prior to the independent medical examination -- no,</p> <p>5 no, no.</p> <p>6 BY MR. ROGALSKI:</p> <p>7 Q. At any time, did you receive enough information --</p> <p>8 A. No. I mean, no, not enough information.</p> <p>9 Q. And that's why you didn't pay the wage loss?</p> <p>10 MS. TONELLI: Objection.</p> <p>11 A. Right.</p> <p>12 MS. TONELLI: Asked and answered.</p> <p>13 BY MR. ROGALSKI:</p> <p>14 Q. Now, in discussing the replacement services, you base</p> <p>15 your denial of all PIP benefits regarding those claims</p> <p>16 based solely upon Dr. Lele's IME?</p> <p>17 A. Yes. Dr. Lele.</p> <p>18 Q. Lele. Excuse me. Okay.</p> <p>19 Now, do you, yourself, write the checks --</p> <p>20 A. No.</p> <p>21 Q. -- for any PIP claims?</p> <p>22 A. No.</p> <p>23 Q. Do you yourself keep any logs of the checks?</p> <p>24 A. No.</p> <p>25 Q. Are you the one who authorizes the check payment?</p>
<p style="text-align: center;">118</p> <p>1 how could she stop them?</p> <p>2 MR. ROGALSKI: Okay. I will rephrase the</p> <p>3 question.</p> <p>4 BY MR. ROGALSKI:</p> <p>5 Q. A non-payment of the wage loss was based upon what?</p> <p>6 MS. TONELLI: After what date?</p> <p>7 MR. ROGALSKI: After the date of the</p> <p>8 accident.</p> <p>9 MS. TONELLI: Objection. She already</p> <p>10 testified as to why she didn't pay wage loss from the</p> <p>11 date of the accident forward, but go ahead. You can</p> <p>12 answer it. I'm just making objections that I need to,</p> <p>13 to protect the record.</p> <p>14 A. You two made me forget the question.</p> <p>15 BY MR. ROGALSKI:</p> <p>16 Q. The question is from the date of the accident, why</p> <p>17 didn't you pay the wage loss?</p> <p>18 MS. TONELLI: Objection. Asked and</p> <p>19 answered.</p> <p>20 A. Initially, I didn't have enough information, I</p> <p>21 received information and confirmation after I received</p> <p>22 the independent medical report.</p> <p>23 BY MR. ROGALSKI:</p> <p>24 Q. Did you ever receive enough information to justify in</p> <p>25 your mind paying the wage loss?</p>	<p style="text-align: center;">120</p> <p>1 A. No.</p> <p>2 Q. And would you have any ability to know if a check had</p> <p>3 been sent out on a PIP claim?</p> <p>4 A. No.</p> <p>5 Q. Or would you have any ability to know if you -- excuse</p> <p>6 me -- to authorize that check to be sent?</p> <p>7 A. No. I can request.</p> <p>8 Q. Okay. Okay. You had stated you had spoken to Bob</p> <p>9 Gazall.</p> <p>10 A. Yes.</p> <p>11 Q. When did you first have discussions with Bob Gazall</p> <p>12 concerning this PIP file?</p> <p>13 How about this --</p> <p>14 MR. ROGALSKI: Can I rephrase that</p> <p>15 question, please?</p> <p>16 MS. TONELLI: Sure, but --</p> <p>17 BY MR. ROGALSKI:</p> <p>18 Q. Did you speak to Bob Gazall prior to receiving</p> <p>19 Dr. Lele's independent medical examination?</p> <p>20 A. No.</p> <p>21 Q. So all your discussions with Bob Gazall happened after</p> <p>22 receipt of the IME from Dr. Lele?</p> <p>23 A. Yes. That is correct.</p> <p>24 MR. ROGALSKI: I have no further questions.</p> <p>25 RE-EXAMINATION</p>

<p style="text-align: center;">121</p> <p>1 BY MS. TONELLI: 2 Q. Who would I need to depose to find out about the 3 checks? Who is the person that handles the checks? 4 A. How do you mean "handles"? 5 Q. Well, whether or not they were issued or not? 6 A. Boy. 7 Q. I mean, because we have Exhibit Number 5, which is 8 just checks without invoices. We have Exhibit Number 9 4, which is invoices and checks. And if I wanted to 10 find out if there are any other checks that have been 11 issued on this file, who do I need to talk to? 12 A. Well, my supervisor has authority to approve or not 13 approve, so I would imagine it would be she. 14 Q. She would be the person that would -- 15 A. That is why I was asking you what do you mean by the 16 checks. She doesn't put them in. There is a staff 17 person that puts them in. The supervisor approves. 18 Who actually -- which one actually keeps the record, I 19 would imagine it would be the secretary. 20 Q. I need to -- what I'm trying to find out from you, 21 Ms. Salter, is if there are any other checks. So who 22 do I need to talk to or who do I -- what do I need to 23 ask for through your counsel so that I can make sure 24 that I know exactly what has been paid and what hasn't 25 been paid. I mean, I know now I can look at Exhibit 4</p>	<p style="text-align: center;">123</p> <p>1 there and argue about what is really in dispute, and 2 what is not in dispute, put it by the side, or if this 3 case is tried, that we know what bills haven't been 4 paid -- 5 MR. ROGALSKI: Correct. Again, through 6 discovery and prior to this, you did get a listing, 7 but that listing apparently is not to your 8 satisfaction. At this point, I will speak to, 9 hopefully, accounting to see if any other checks have 10 been issued, or issued through, and get those to your 11 office, and it may be in quite the same form, but 12 hopefully -- 13 MS. TONELLI: Not copies? 14 MR. ROGALSKI: I'm not certain about that 15 at this time, but we can look into that. 16 MS. TONELLI: If we can get copies, then 17 that would be beneficial, because -- 18 MR. ROGALSKI: Copies to back up what the 19 log might say? 20 MS. TONELLI: Yeah, the log doesn't mean 21 anything because it doesn't give a date of service, 22 whereas the way -- if I could do it the way Ms. Salter 23 did, where I can take, you know, the first page of 24 Exhibit 1 -- 6, and I look at the total and I go, 25 okay, this is the total, I need to find a check in</p>
<p style="text-align: center;">122</p> <p>1 and confirm that these have been paid. 2 A. Right. 3 Q. I can look at the memos like Exhibit 9 with the memo 4 and the replacement services and mileage and determine 5 what's been paid, because there were checks with all 6 of those, but who do I need to talk to, or what do I 7 need to ask for to find out about Exhibit 6, whether 8 these have been paid; Exhibit 7, whether these have 9 been paid; and if there is anything in Exhibit 1 in 10 the manilla folder that has been paid? Only because 11 at this point in time, I want to narrow what we're 12 arguing about here. If the bills are paid, then the 13 bills are paid. If they aren't paid, then we need to 14 figure out what we're going to do about getting them 15 paid. 16 A. Right. Truthfully, I do not -- it could either be my 17 supervisor, but in terms of the records, it would be 18 the supervisor or the secretary. I don't know. 19 MR. ROGALSKI: Can we go off the record for 20 a moment? 21 MS. TONELLI: Let's just put it on the 22 record. I would ask that you talk -- Mr. Rogalski, 23 you talk to whoever you need to talk to to make sure 24 that we have all of the checks that have been issued 25 so that when we go to case evaluation, we can go in</p>	<p style="text-align: center;">124</p> <p>1 this amount, and then I can paper clip it together, 2 and I know that this bill has been paid. 3 Especially since Exhibit 6, Ms. Salter 4 seems to believe that because they have -- 5 THE WITNESS: Adding machine tape. 6 MS. TONELLI: -- a tape, that it appears to 7 her that that was submitted for payment and perhaps 8 has been paid, because I don't want to fight about 9 stuff that -- 10 MR. ROGALSKI: That's agreed upon. 11 MS. TONELLI: -- that we don't need to 12 fight about. 13 MR. ROGALSKI: That's agreed upon. 14 MS. TONELLI: Then we're done. 15 MARKED BY THE REPORTER: 16 DEPOSITION EXHIBIT 16 (Copy Re-marked) 17 1:48 P.M. 18 (The deposition was concluded at 1:48 p.m. 19 Signature of the witness was not requested by 20 counsel for the respective parties hereto.) 21 22 23 24 25</p>

<p>125</p> <p>1 CERTIFICATE OF NOTARY 2 STATE OF MICHIGAN ) 3 ) SS 4 COUNTY OF OAKLAND ) 5 6 I, CRYSTAL HETTENHOUSE, certify that this 7 deposition was taken before me on the date 8 hereinbefore set forth; that the foregoing questions 9 and answers were recorded by me stenographically and 10 reduced to computer transcription; that this is a 11 true, full and correct transcript of my stenographic 12 notes so taken; and that I am not related to, nor of 13 counsel to, either party nor interested in the event 14 of this cause. 15 16 17 18 19 20 21 22 CRYSTAL HETTENHOUSE, CSR-5360 23 Notary Public, 24 Oakland County, Michigan 25 My Commission expires: November 12, 2014</p>	