

Q. Okay. We will come back to that. Now, Doctor, you have said that Barbara Christiansen talked to you about quality of care issues?

A. Yes.

Q. What did she say about the quality of care issues, if any, involving HPN and Dr. Desai?

A. She didn't go into the details, and I did not want to hear about it. I did not need to hear about it at the time.

Q. Did she say that they were having a, quote, Quality of care issue, unquote, with Dr. Desai?

A; Correct.

Q. So you kept the inpatient and outpatient contract from 1993 to about 1999; right?

A. Correct.

Q. No problems and at no point in time did HPN say there were any problems?

A. Correct.

Q. Then what happened?

A. Well, in 1999 after the meeting with the partners and they made a decision that the minimum that we should be able to get is 650, otherwise it's not worth it for us to continue losing money. And – and since I was in charge, you know, I didn't like that, but I have – I have to be the one that brings the message to the management company. I said we need to do something. We cannot go less than \$650,000. We have to talk to HPN about that.

Q. And did you hear on the street that the contract was out for bid?

A. Yes.

Q. And someone told you that HPN was bidding the contract, even though HPN hadn't told you?

A. We – Probably the management – I'm not sure if they told the management company, but most likely they did. Because I got – they called me in a meeting, room meeting, and they put Mr. Bunker on a phone, a speakerphone.

Q. They called you to a meeting or the management company called you to a meeting?

A. Yes.

Q. And they called up the president of HPN, Mr. Bunker?

A. Correct. And Mr. Bunker told that me if I take the contract for 460, it would be mine. That's what the other people are bidding for. And I told him that if – I cannot do it for that price. If he wants to take over the practice, I can manage to do it that way, as long as he gave me my salary, and I wouldn't have any problem. He said he's not – they're not into it for this.

Q. Okay. You were looking for a raise. Was the amount he – asked you to match, was that less than you were getting at the time?

A. It was little bit more, but not much more, like 30,000 more per year.

Q. Doctor, does that refresh your recollection as to what you told Mr. Bunker about the reasonable quality of care?

A. There's nothing about quality of care here.

Q. Doctor, I asked you to look at the question.

QUESTION: So you told Wayne Bunker that the reimbursement rate being offered for the Endoscopy Center in your view was too low for you to provide reasonable quality of care; right?

A. Correct, yeah.

Q. You told Mr. Bunker that?

A. Yes.  
Q. And you told him why; correct?  
A. Because you have to provide money for the doctors and enough doctors in order to be able to take care of his patients.  
Q. So you told the president that the low bid that you were being asked to match was too low for you to provide reasonable quality of care –  
A. Correct.  
Q. – correct?  
A. Yes.  
Q. And Mr. Bunker was the president of HPN at the time?  
A. I think so.

A. There was no Dr. Bunker.  
Q. Excuse me. Other than President Bunker –  
A. Yes.  
Q. – did you talk to anyone else at HPN about why they got rid of your group and went back to Dr. Desai?  
A. Well, though that time, we made a lot of friends. And through that time, we knew a lot of the people on the inside, and a lot of them were unhappy that this happened, and I was told about that, that it was not an unanimous call, and they did not have much to say about it because it was a – the top that made the decision, a business decision.  
Q. Mr. Bunker is the top you're referring to who made the decision?  
A. Correct.  
Q. And do you know Dr. Alan Ebbin?  
A. Yes.  
Was Dr. Ebbin someone you talked about as – with regards to why they took it away from you and gave it to Desai?  
A. He didn't go into the detail except that he objected – according to what I heard, he objected during a meeting , but he was told it's not his decision to make.  
Q. Told by Mr. Bunker?  
A. Yes.  
Q. And Dr. Ebbin was the head of quality; correct?  
A. I'm not sure what he – his title was at the time.  
Q. Well, he was formerly the president of Southwest Medical Associates, right?  
A; Bunker?  
Q. No, no, Ebbin.  
A. I don't know what – what role he was in 1999 because things have changed, I think, since. But I'm not sure what he was. I don't remember at least. But he was in a meeting during the choice, and he was told, like other people, that this is not their choice to make.

BY MR. KEMP:

Q. Did Dr. Ebbins tell you the meeting got heated?  
A; Yes, because it was controversial about decision making.  
Q. And did Dr. Ebbin tell you that Mr. Bunker yelled?  
A; He was told in no uncertain term that this is not his choice to make.  
Q. Mr. – you were told by Dr. Ebbin that Mr. – that President Bunker told Dr. Ebbin that this wasn't his decision to make.

- A; Yes.
- Q. – is that correct?
- A. Correct.
- Q. And Dr. Ebbin was objecting because of the quality problem with Dr. Desai
- A. I guess.
- Q. And in addition to Dr. Ebbin, would you tell me who – other people at HPN confirmed that this is how it had come down?
- A. Dr. Sam was one of them at – I don't know all the other people that were involved, but I was told it was not unanimous approval of the choices.
- Q. Okay. And you said this was a committee meeting, correct?
- A. Correct.