

- 1 Were Friday afternoon procedures scheduled
2 between 1 p.m. and 4 p. m.?
- 3 A. Yes, sir
- 4 Q. And when Dr. Desai started doing his
5 procedures at Southwest Medical Associates and -- on
6 Friday afternoons, how many procedures would he be
7 doing in this 3-hour period?
- 8 A. All o! them. If he had 10 -- he started out
9 with 10 and he would do the 10 if he stayed for the
10 whole time. Sometimes he didn't stay.
- 11 Q. At some point, he started out with 10?
- 12 A. Yes, sir.
- 13 Q. Did that increase?
- 14 A. Yes, sir.
- 15 Q. What did it increase to?
- 16 A. Got up to 17, and at one time, it got up to
17 20.
- 18 Q. Twenty. Okay. Was there any issues with
19 respect to him getting up to 20?
- 20 A. Yes, sir.
- 21 Q. What was the issues?
- 22 A. The staff thought he was doing too many.
- 23 Q. Okay. Is it your belief that the reason the
24 other staff -- other staff members didn't like to work
25 with Desai at Southwest Medical was because Dr. Desai

1 was performing too many procedures in one afternoon?

2 A. Yes, sir, and his attitude towards the nurses.

3 Q. Okay. Was another reason that no one else

4 would -- or the other staff didn't like to work with

5 Dr. Desai at Southwest Medical Associates because

6 Dr. Desai was performing the procedures so much faster

7 than the other gastroenterologists?

8 A. Yes, sir.

9 Q. Okay. Did you ever have an understanding that

10 Dr. Desai began trying to conduct a specific number of

11 procedures in the afternoon and -- when he was

12 procedures at Southwest Medical Associates?

13 A. I would look at the schedule in the mornings

14 and that way I could tell. But other than that, I

15 didn't know how he was trying to set them up.

16 Q. Well, when you would look at the schedule in

17 the mornings, would it appear to you how many

18 procedures that Dr. Desai after the beginning -- after

19 he had moved past 10 and past 17, how many procedures

20 did it look like he was trying to set up between 1 and

21 4 in the afternoon?

22 A. He was usually trying to set up 20. The --

23 his agreement, supposedly, that was they were supposed

24 to do no more than 17. But he would always try to set

25 up 20 patients.

- 1 Q. Okay. And when he got to 20 patients, did
2 anyone at Southwest Medical, to your knowledge,
3 indicate to Dr. Desai that he could not do any more
4 than 20 patients in an afternoon?
- 5 A. That, I don't know.
- 6 Q. Okay.
- 7 A. No, sir.
- 8 Q. Do you recall telling me at one time that they
9 told him at Southwest Medical that he could not exceed
10 20 patients?
- 11 A. We were told by the nursing manager that he
12 would not be exceeding 20 patients, but we don't know
13 what they actually told him.
- 14 Q. Okay. Now, at some point, did he start doing
15 more afternoons than just Friday afternoons at
16 Southwest Medical Associates?
- 17 A. For a while, he did, and; then we got another
18 staff doctor or two staff doctors. Then that cut his
19 time down, and then he –
- 20 Q. Okay. Let me stop you there.
21 So for a period of time, he was doing more
22 than just one afternoon a week?
- 23 A. Yes, sir.
- 24 Q. Okay. And then the other afternoon a week,
25 was he also scheduling 20 patients during the same

1 period of time on those days?

2 A. Yes, as far as I know.

3 MR. EGLET: Can I see his deposition

4 transcript and -- could I have Mr. Hawkins' deposition

5 transcript, please?

6 Billy.

7 THE COURT: All right. I'll let you finish,

8 Mr. Eglet what you're doing right now. Then I'll have

9 you approach. I do have one question.

10 MR. EGLET: Request permission to publish

11 Mr. Hawkins' deposition, your Honor.

12 THE COURT: Any objection?

13. MS. MICHEL: You're just going to hand him the

14 transcript?

15 MR. EGLET: I'm publishing it.

16 MS.MICHEL: Okay.

17 THE COURT: No objection?

18 MS.MICHEL: No objection, your Honor.

19 THE COURT: All right. The request for

20 publication is granted, sir.

21 MR. EGLET: Okay.

22 BY MR. EGLET:

23 Q. Mr. Hawkins, if you could turn to page 215 of

24 your deposition.

25 A. Yes, sir.

1 that discussion by virtue of his question, it's an
2 implied part of the question, your Honor.

3 MR. EGLET: That doesn't make it hearsay
4 unless he said specifically what somebody said, your
5 Honor, outside the courtroom.

6 THE COURT: I understand. Overruled.

7 MR. EGLET: Thank you, Judge.

8 BY NR. EGLET:

9 Q. Is it your understanding that
10 Dr. -- Dr. Evans, Steven Evans, the medical director
11 for Southwest Medical Associates Surgery Center, was
12 made aware at this -- one of these meetings that
13 Dr. Desai was trying to do more procedures in an
14 afternoon than any doctor was willing to do?

15 A. Yes, sir.

16 Q. Okay. And do you know whether Dr. Evans was
17 made aware at one of these staff meetings that no one
18 other than you would work with this -- Dr. Desai at
19 Southwest Medical Associates because of this fact?

20 A . Yes , sir .

21 Q. Was Dr. Evans -- to your knowledge, in
22 addition to being the medical director for the
23 Southwest Medical Surgery Center, was he also the chief
24 of anesthesiology for Southwest Medical from 1995 to
25 2000?

- 1 A Yes, as far as I know.
- 2 Q. Okay. And do you know – did you know -- do
3 you know that he was the president of Southwest Medical
4 Associates for a time?
- 5 A. Yes, sir, I remember that.
- 6 Q. Were you aware that he was the vice president
7 for HPN, the vice president of medical affairs at HPN
8 in 2000 and the chief medical officer for HPN in 2008?
- 9 A. Yes, sir.
- 10 Q. Did you learn from Dr. Evans that Dr. Desai's
11 medical group was contracted with Southwest Medical
12 Associates to perform endoscopic procedures at
13 Southwest Medical Associates when you were working
14 there?
- 15 A. Yes, sir.
- 16 Q. Do you have an understanding why Dr. Desai had
17 a contract to perform endoscopic procedures at
18 Southwest Medical Associates?
- 19 MS. MICHEL: Objection. Foundation. There's
20 been no information laid as to how he came about this
21 understanding.
- 22 MR. EGLET: Just said he learned it from
23 Dr. Evans, Judge.
- 24 THE COURT: All right.
- 25 MS. MICHEL: I don't believe that was exactly