

Kellie Martin Statement of witness

STATEMENT: Kimberly Morgan

8/12/2013

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1 DATE OF STATEMENT: MONDAY, AUGUST 12, 2013
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STATEMENT
OF
KIMBERLY MORGAN

ORAL STATEMENT OF KIMBERLY MORGAN, was taken in question-and-answer format by Mr. Rob Crain on the 12th day of August 2013, from 4:00 p.m. to 6:15 p.m., before Natasha Spoerl, a Certified Shorthand Reporter in and for the State of Texas, at the location of Crain Lewis, 3400 Carlisle, Suite 200, Dallas, Texas and the following proceedings were had.

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Morgan
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A P P E A R A N C E S

MR. ROBERT CRAIN
CRAIN LEWIS, L.L.P.
3400 Carlisle
Suite 200
Dallas, Texas 75204
Telephone: 214.522.9404
Facsimile: 214.276.6006
E-mail: Rcrain@crainlewis.com

ALSO PRESENT:
Ron Watkins

* * *

1 P R O C E E D I N G S
2 MR. CRAIN: Let's step through it and --
3 MS. MORGAN: Okay. And you want to know
4 how I got with Duntsch?
5 MR. CRAIN: Sure.
6 MS. MORGAN: So basically I worked for
7 Richard Bush. He was an orthopedic oncologist. He was
8 an ass, and you can hit the Dallas Observer and figure
9 that out.
10 Basically he went and didn't see a patient
11 for six days, a pediatric patient at Medical City.
12 Calls me on my day off, a Thursday and like you need --
13 says via e-mail you need to go down and discharge that
14 patient.
15 I was like it's my day off. I don't know
16 what this patient is talking about. And he's like I
17 have a pediatric patient he obviously admitted and
18 didn't tell anybody.
19 So I said I'll call down at Medical City
20 and I'll take care of it. So I called down at Medical
21 City and was talking to the nurse, and the nurse was
22 like Kim -- and I know all of the nurses at all the
23 hospitals I go to and we're are all tight.
24 So she goes no one has seen this patient
25 since Monday. I'm like, what? This is a pediatric

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1 patient from Fort Worth. We did this one as a favor to
2 Medicaid.

3 I was like okay. So I said well I'm not
4 coming down there. It's my day off, and I'm not coming
5 down there. I said get one of the pediatric hospitals
6 to see the patient. So I'm trying to show you that I
7 come from a dysfunction yet private functionalized
8 practice. So basic -- she goes someone's got to
9 physically see him. All pediatric hospitals. They're
10 not going to do it. So Bush has got to call them.

11 So I call up to OR. He's F-bombing this
12 F-bombing that. You're a blah, blah, blah. That's his
13 favorite. So I was like whatever dude. I said I called
14 to tell you two things: Patient's taken care of,
15 hospitals fine, and the second thing is I quit.

16 So then I was like -- I called the office
17 and I was like I quit. I said figure it out. He's
18 going on vacation next week and the following week I'm
19 on vacation. Works for me.

20 So I head off to the beach. I text the
21 anesthesiologist which is Dr. Sanjai Isaac who was
22 Bush's anesthesiologist. I said I've had enough. He
23 goes are you sure? I'm like a hundred percent sure.
24 I'm not even worried about it. See you. I make way too
25 much and have way too much of a small -- to feed my

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1 children to care.

2 So I took off to Padre. While I was in
3 Padre he goes hey, send me your CV. I was like why? He
4 goes I got this new neurosurgeon. He goes you've done
5 spine. You've done ortho. You know, this guy doesn't
6 do much cranial. He's a big guy and he's originally
7 from Tennessee.

8 And I'm like does he know how to operate?
9 Yeah, I've been talking with him. He's with MISI. I'm
10 like oh. He's like yeah. I was like all right, great.

11 So I send my CV and get back from vacation,
12 do an interview. So that would be like the 18th of
13 August. I can tell you the dates if you want them. O
14 do the interview. He's like okay great, you're hired.
15 I'm like you don't know me. You haven't even read my
16 research papers. You haven't -- he goes if you're as
17 good as your resume, you're hired. I'm like all right.
18 So how does this work?

19 Well because MISI owns the clinic that he
20 was in there at Baylor -- it was actually Chris
21 Hanssen's clinic and he subleased it to MISI. And Chris
22 Hanssen's orthopedic. And he subleased it to MISI
23 Rimlowi and Duntsch would rotate through one or two
24 clinics a week to do that and to see patients there, but
25 it was done to a primary basis. He was new. He was a

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1 hundred percent paid by then.

2 I was like okay. What do I need to do? So
3 they called down to the administration where I started
4 my paper for employment there. It started off I went on
5 to Insperity, which is our credentialing organization
6 and got to a certain stage and stopped, but I'm still
7 working for him. I can't see patients in his office
8 because they're MISI patients.

9 I'm like fine. He goes so just do the
10 administrative stuff. I was like writing policy and
11 procedure? He goes yeah, do the patient education and
12 all of that type and I'll pay you out of my corporation.
13 I was like okay.

14 And he owns -- is the chief science officer
15 back in Tennessee for Discgenics. They're out in Utah
16 now. But he was the majority shareholder, chief science
17 officer, and his job was to make science happen. He and
18 his research partner, who is a physician in another
19 country but not in the United States, but if you look at
20 his web it says he's an MD.

21 MR. WATKINS: Akbar?

22 MS. MORGAN: Yeah. But he was also a
23 research partner or research assistant at Discgenics
24 because he couldn't pass the foreign medical board and
25 he was supposed to be -- he was on a green card at the

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1 University of Tennessee. He was there but then it ran
2 out, and he's been hiding out ever since. So he's not
3 legal.

4 He's had an attorney there trying to get
5 another visa so he could stay but he's some sort of
6 Muslim national.

7 MR. WATKINS: He's the guy listed on TSI's
8 work site --

9 MS. MORGAN: Yes.

10 MR. WATKINS: -- as being a doctor for TSI.

11 MR. CRAIN: Okay.

12 MS. MORGAN: And then his wife, because
13 he's Muslim and he's some sort of royalty-type prince to
14 somebody blah, blah, blah. Anyway he's Muslim, his wife
15 which no one knows about except for certain people, is
16 Christian. We can't tell anybody because they'll kill
17 her, and that whole thing. Okay. But that's Marilyn
18 Wagner who is not on the website anymore but she used to
19 be as the nurse in training. So basically she was a
20 third-year nursing student at Tennessee, and I guess she
21 moved out here when Sal came out to do research.

22 And then so that was working with him doing
23 all of that type -- so at that time point, I started
24 going through all of his files and, I'm like, you know,
25 MISI has the wrong medical insurance, liability

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1 insurance. He goes what do you mean? I said you're
2 listed as a neurologist. You do surgery. So the first
3 three or four cases that he operated at Baylor, he
4 didn't have the right coverage in malpractice. He was a
5 medical doctor not a surgeon.

6 So I brought that to MISI's attention and
7 they're like you're wrong. So then they called down and
8 it all of a sudden magically got fixed because neurology
9 policy is about \$6,000 and neurosurgery is about \$45,000
10 once you max it out. And then coverage -- and so
11 Baylor, the first case he did at Baylor, the first two
12 or three were not even covered under malpractice. So if
13 something had happened, it wouldn't have been covered at
14 all.

15 MR. CRAIN: Explain to me the early
16 relationship -- triangle between Duntsch, and Baylor,
17 and MISI.

18 MS. MORGAN: Basically Duntsch was
19 recruited by Baylor and MISI. Baylor was the money
20 backer for MISI. So Rimlowi and Juan, which were the
21 two partners for MISI, went out and did a search. They
22 needed another partner, and Baylor wanted a neurosurgeon
23 to be at Baylor.

24 So what they did was put a headliner out.
25 Duntsch had several places because he knew he was

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1 leaving Tennessee. I don't know why he was leaving
2 Tennessee but he was leaving Tennessee, and he
3 interviewed with -- so he says UCLA. I don't know if
4 that's true. And came out to Baylor, interviewed there,
5 decided he was going to stay with Baylor. So Baylor
6 paid MISI I don't know X dollars. I think it was
7 \$650,000 for Duntsch's services.

8 So basically the way it works, he does all
9 of Baylor's cases whether they're paying or not paying.
10 He's there 24/7 at their beck and call, and they pay
11 MISI. And he's an employee at MISI, a W-2 employee and
12 then they cut him a check.

13 As he rises up -- as he rises up the ranks,
14 Baylor money dries up and he's out on his own making his
15 own money. So he's now billing for the services he's
16 provided. And then MISI stops paying and then Duntsch
17 has to make it on his own. And typically it's a
18 three-year -- you know, they do a big chunk the first
19 year and then half it and then the last quarter. And
20 that's how that works.

21 And I know that the disbursement -- they
22 dispersed \$140,000 from Baylor to MISI for Duntsch
23 because that was the paycheck that he got. He got that
24 much money in the amount of time that he worked for
25 MISI, you know, from the pre-hospital privileges.

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1 Because he moved here I want to say in April -- whenever
2 he booked into Hotel ZaZa is when he first moved here
3 until when he started operating in I want to say
4 July-ish.

5 MR. CRAIN: That's 2011?

6 MS. MORGAN: Correct.

7 MR. CRAIN: And so as far as recruiting
8 Duntsch, did Baylor have anything to do with that or did
9 they just put that in the hands of Rimlowi --

10 MS. MORGAN: Baylor had to interview him, I
11 know that, and Baylor looked over his CV before they
12 even interviewed him. Those are the two things. As far
13 as did they throw money with feelers, I can't answer
14 that. But I know Baylor and Rimlowi and Juan, those
15 guys are all in a big contract to get Duntsch.

16 Because when Duntsch left MISI, he wanted
17 to buy out the remainder of the contract so he would get
18 the guaranteed money, and Juan and Rimlowi wouldn't let
19 that happen because their company split up and they blew
20 apart. One was cheating the other one and the other was
21 -- I'm like oh, my gosh.

22 MR. CRAIN: So tell me about Duntsch's
23 tenure at MISI.

24 MS. MORGAN: It was from July -- well
25 tenure starting in actual patient care or tenure

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1 starting when he arrived there?

2 MR. CRAIN: In patient care.

3 MS. MORGAN: When he got to the office -- I
4 only know from July to when I came August, this is all
5 through him talking to me saying, you know, he had slow
6 patients. He was out marketing himself. He works with
7 patients in the office. He operated with Rimlowi down
8 at MISI on Rimlowi's cases, so he assisted Rimlowi.

9 I don't know if he operated with any of the
10 two ortho guys that were there. One is out in northeast
11 Decatur. I have to look up his name. He's a young guy.
12 He did a case or two with Duntsch. So he would be able
13 to tell what kind of skills because they worked and did
14 a few things together.

15 MR. WATKINS: How long did he stay at Hotel
16 ZaZa?

17 MS. MORGAN: Two or three months because he
18 didn't have any privileges anywhere. He would always
19 brag about his parties tearing up the room.

20 MR. WATKINS: You said somebody was blowing
21 through \$50,000 or \$60,000?

22 MS. MORGAN: Well the money they gave him
23 up front, that \$100,000 was up front not to mention the
24 money he was already making from Discgenics.

25 MR. CRAIN: Did he ever live at the W?

1 MS. MORGAN: Oh, he stayed at the W, yeah.

2 MR. CRAIN: Is that where Dr. Rimlowi had a
3 place?

4 MS. MORGAN: Yeah. He stayed in his place
5 for like a week or two and then they moved to ZaZa. And
6 he is quite the frequenter at the Ghost Bar.

7 MR. CRAIN: We've heard something about one
8 procedure at MISI that Duntsch performed and then took a
9 trip to Vegas.

10 MS. MORGAN: Would that be in February?

11 MR. CRAIN: I don't know but that it upset
12 partners because they couldn't -- nobody had rounded on
13 the patient the next day or followed up with the
14 patient.

15 MS. MORGAN: That wasn't at Baylor. He
16 went in February -- the only trip to Vegas that I know
17 was the February trip with Dr. Isaacs. Now he went to
18 Vegas before that, before I came on board. He didn't go
19 anywhere from August until February but that was one of
20 the Baylor incidents. There was a patient and
21 Dr. Rimlowi had to save the day and go up and round and
22 make the family happy. I don't think that was a MISI.
23 It may have been too, but there's one at Baylor.

24 MR. CRAIN: And that would have been
25 February of --

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1 MS. MORGAN: '12.

2 Toward the latter part, there was a
3 conference there. That was the one where I told you I
4 go to pick him and Dr. Isaac up, and he's laying on the
5 conveyer belt with his glasses on all sprawled out.

6 MR. WATKINS: There was a case in January
7 of 2012.

8 MS. MORGAN: Barry Morgaloff.

9 INVESTIGATOR: Uh-huh. And then Jerry
10 Summers is February 2nd.

11 MS. MORGAN: Summers was the 12th.

12 MR. CRAIN: I believe Kelly Martin was
13 March 12th and Jerry Summers was February 2nd.

14 MS. MORGAN: The 2nd? Because it was a
15 six-week suspension. So maybe it was the end of January
16 then.

17 MR. CRAIN: The trip to Vegas was before
18 the Summers surgery?

19 MS. MORGAN: Yeah.

20 MR. CRAIN: Okay. Let's go back a little
21 bit. What were you doing for -- I know that at some
22 point you started taking over some of his office -- not
23 only his office affairs but his personal affairs as
24 well.

25 MS. MORGAN: Yeah, I had to do everything

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1 because he couldn't -- I've never seen a man who
2 couldn't do anything. Literally. He couldn't balance
3 his checkbook. He couldn't get his own money out of the
4 account. He can't even drive. I mean, literally, I
5 sent him from Baylor to the lab which was like a quarter
6 of a mile. You take Plano Parkway, make a left on 15th,
7 and it's right there. And he ended up, I'm not kidding
8 you, almost in Allen. He just kept going.

9 So he can't -- he has no sense of direction
10 just as -- I mean, literally, I drove everywhere. He
11 had to go back to Memphis and I had to drive to Memphis.
12 I'm like, you know -- it was like I've never seen
13 anybody that challenged even with a GPS. He can't sit
14 still. Like, the whole Memphis drive, he's like jumping
15 from the middle seat, laying down in the back. Oh, I
16 get car sick. It was the worst because I was texting
17 the whole time my sister, and I'm like are you kidding
18 me? It's worse than a kid. The kids at least stay in
19 their car seats. I've never seen anything. Feet on the
20 dashboard. Feet down.

21 If you look at his vehicle -- one time he
22 kicked the windshield out because he's trying to kick a
23 bug off the windshield and it smashed the whole front
24 end of the windshield of his truck. I'm like really,
25 really? I mean, who does that? So I'm just like maybe

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1 he's just different.

2 His family is normal. I met his mom. I
3 met his dad. His dad's a PT. His mom's a third grade
4 teacher. Normal. His dad was in the Army so we totally
5 bonded over guns and Army. I don't know where this one
6 came from. You know, there are people like -- you know
7 what I'm talking about? So yeah.

8 MR. CRAIN: So his personal affairs, you
9 took care of his checkbook?

10 MS. MORGAN: He has three bank accounts.
11 He has a Wells Fargo, Compass, and it's a little small
12 bank Frost Bank. So those are the three. So he could
13 never keep them all to the positive so it would be like
14 I have to drive over to Compass bank, go take money to
15 Frost Bank to take it to Wells Fargo to pay a bill. And
16 he wouldn't ever do anything electronic.

17 MR. WATKINS: Were those personal or
18 business?

19 MS. MORGAN: These were all personal. The
20 business one was -- I know Frost ended up being the
21 business. I can't remember if it was Compass or Wells
22 Fargo that started. I want to say Wells Fargo. Because
23 he had a loan at Wells Fargo so he goes down to do his
24 business banking, and then when that loan went away, he
25 went straight to Frost because Dr. Isaac uses Frost.

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1 And Dr. Isaac brought Carol Camp and the president of
2 Frost Bank over to meet him and they loaned him like
3 \$300,000, which he blew through -- Mike Gerro, phone
4 number 817-980-0790 is the mobile. Work number is
5 817-420-5568, and e-mail is Mike.gerro@frostbank.com.

6 MR. CRAIN: So the money early on was
7 coming from -- he had the advance from Baylor of
8 \$100,000.

9 MS. MORGAN: No. The money from Baylor,
10 they didn't advance it to him. They gave that to MISI
11 and MISI gave him a monthly paycheck.

12 And then the \$300,000 came from the Frost
13 Bank as a business loan so that he could consolidate all
14 of his debt, all of his student loans and all of that.
15 But that \$300,000 never paid any bills. It went to
16 whatever he did with it.

17 MR. WATKINS: What did he do?

18 MS. MORGAN: I don't know what he did on
19 his personal time, but I know that it was nothing for --
20 we went out for a dinner with Mr. Summers, myself, some
21 other reps, and it was like \$4,000. And it was like
22 mostly hors d'oeuvres and alcohol. I'm going, are you
23 kidding me? You know, being the driver, I get to have
24 one. I have no idea where -- I mean, he partied a lot.

25 He's like I'm going out to party. I'm like

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1 okay.

2 MR. CRAIN: How often was he partying?

3 MS. MORGAN: I would say two times a week
4 at least. If he wasn't doing research, then he was out
5 with Mr. Summers partying.

6 MR. WATKINS: What about Isaac? Did he
7 party with Isaac?

8 MS. MORGAN: Dr. Isaac doesn't party. His
9 wife wears the pants.

10 MR. CRAIN: What about money from either --

11 MS. MORGAN: It would magically show up in
12 the Frost account. There's like -- I was like okay.
13 How much -- I think about \$100,000 total from all the
14 infusions that would magically show up. Like \$20,000
15 would be in there and the next day there would be \$5,000
16 because he could pull it out. Because the accountant
17 did both the business and the personal, and so he would
18 transfer money and pay bills on things that weren't --
19 bills that I paid.

20 MR. CRAIN: Could you tell from the
21 transfers that they were coming from Isaac or --

22 MS. MORGAN: Yeah, Dr. Isaac would say hey,
23 I'm putting money in via text.

24 MR. WATKINS: Who is the accountant?

25 MS. MORGAN: Mike Moffitt. His first name

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1 is James Moffitt, and he is an accountant in Tennessee.
2 And he was a really good friend of Duntsch since the
3 last 15 years at least.

4 MR. CRAIN: And we're going to get back to
5 Duntsch and his partying and so forth, but let's go back
6 chronologically. What do you recall about the
7 separation between Duntsch and MISI?

8 MS. MORGAN: It was ugly. And basically he
9 has a big contract from MISI, and he said look at my
10 contract. How can I break this? Okay. Well the first
11 thing is the malpractice. They were supposed to supply
12 you with malpractice insurance for your educational
13 training. Well they did neurology so there's your first
14 break.

15 The second one was they were supposed to
16 supply him with tools that he would be able to utilize
17 in his trades, all the -- hadn't been leveled
18 surrounding that, and he didn't get a mid level. There
19 was no stipulation that he couldn't have one. I said
20 you can possibly use that.

21 He was to be furnished an adequate place to
22 do business and he was -- his office -- there were
23 certain times that the landlord wouldn't let him in,
24 wouldn't let him out. Other doctors would be in during
25 his clinic. So I said you can use that, because this is

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1 when your business times are. If someone else is
2 utilizing your rooms, then you can use that as being
3 unable to conduct business to gain patients.

4 Staffing, he had two staff members. One
5 was a medical assistant and one was a secretary. But
6 they were owned by MISI, and so when of the secretaries
7 down here were out, that secretary would have to go out
8 and there would be nobody answering the phones or nobody
9 to call people back. So that was another breach there.

10 MR. CRAIN: What got them crossways? Was
11 it professional? Was it personal?

12 MS. MORGAN: It was professional.
13 Basically he wasn't able to make money. He wasn't
14 getting any cases. They were supposed to take him as
15 the assistant for their cases so he could start billing
16 out and making money.

17 They wouldn't let him -- like, he's kind of
18 one of those guys like I want this, so you give me this.
19 So when they wouldn't let him have a mid level, he threw
20 a fit. When they wouldn't let him keep his
21 secretary that he wanted, he threw a fit. I mean,
22 literally it was like a toddler fit. He is all very
23 minutia.

24 MR. CRAIN: Outside of the assisting
25 Rimlowi on whatever numbers of procedures he did and

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1 possibly that other fellow that you were mentioning up
2 northeast of here, did he do any on his own that you
3 know of?

4 MS. MORGAN: Not that I know of besides,
5 you know, just the ones that we --I mean, literally the
6 ones at Baylor. Nothing at MISI he did on his own, and
7 just Baylor because that was the only facility he was
8 at.

9 MR. CRAIN: And backing up a little bit,
10 and I recognize this is back in Tennessee and so forth,
11 but your understanding of Duntsch's operating history
12 coming prior to Texas was what?

13 MS. MORGAN: Rare. He ran the research
14 lab, and he'll tell you that. You know, I'm so good at
15 research. That's the best thing I can do. I mean, he
16 did his work, but research, I ran that program. I made
17 that program. I should be making millions of dollars
18 off that program. Because as a third-year resident, he
19 was running the research labs not doing the regular
20 training that the rest of them do where they go in and
21 do the clinic and they do the rounds.

22 They put him in the lab because he was able
23 to do cell biology so well. So he ran the labs, and
24 usually it's the fellows that run the labs. I know you
25 have to do a certain number of cases to get -- to

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1 finish. I mean, you have to have cases for your boards
2 so you have to get out. You have to have X hours in the
3 OR. That's how it is here. I'm sure it's the same all
4 over.

5 MR. CRAIN: Do you know how long he had
6 been without operating before coming to Texas?

7 MS. MORGAN: Like a year and a half at
8 least because he graduated in I want to say '09 -- like
9 whatever his graduation year is, he didn't operate again
10 until he came here. He ran the labs.

11 MR. CRAIN: Okay. So separation happens
12 when MISI. What's happening at that point with Baylor?

13 MS. MORGAN: Baylor is like okay, what do
14 we do? So they started working with him trying to get
15 MISI to break the contract so they could rewrite it for
16 him so that he would have funding.

17 He was in Jerri Stewart Garison's office
18 every day or every other day. She's sitting there with
19 him and Patti Sproles, which is the medical
20 credentialing person, the three of them would have
21 meetings every day, two or three times a day about how
22 are we going to do this? What can we do?

23 And then as it progressed, it slowly got
24 less. I was like look, you need to start being a big
25 boy and working on your own. You need to get your

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1 insurance contracts. You need to get on with your
2 corporation. You need to set up a practice. I said
3 it's going to be tight.

4 So that's when the Frost Bank money -- he
5 went to Frost to borrow that \$300,000. They gave him
6 the money. And they did that before he -- right before
7 he left MISI. Like the week or two before which was in
8 September, like the 27th of September. Whenever the
9 incorporation for TSI is because I did it. I
10 incorporated him. Whatever date that is, it's like two
11 or three days before that.

12 MR. CRAIN: Okay.

13 MS. MORGAN: So they were trying to work
14 with him. And they would call Rimlowi. He would call
15 Rimlowi. Because the problem is that on the way the
16 contract read to sign it over to him, the responsible
17 party had to sign it meaning Juan or Rimlowi because
18 they were partners.

19 Dub Juan is the one who signed the contract
20 to get the money but they were both equal partners. So
21 at first Rimlowi signs the contract saying it's okay to
22 give him the money. We're done with it. He owes you
23 that money back.

24 Well then legal down at Baylor's like, no,
25 Juan signed it. Juan's got to be the one to release it.

1 But because MISI was internally imploding, Juan refused
2 to sign it. So eventually that whole contract went into
3 the black and it was done. There was no money. You
4 don't get any Baylor money. And that went away.

5 MR. CRAIN: So what was his arrangement
6 then at Baylor?

7 MS. MORGAN: And then Baylor was like, how
8 are we going to get you money? How can we do that? So
9 they looked at making him chief of -- O'Brien and
10 Hostin -- okay. So I have to -- Dr. Hostin is a sole
11 guy, and he's either chief of spine -- I think he's
12 chief of spine, so Duntsch would have been chief of
13 neurologic surgery because that's the only way to pay
14 them stipend is if they're a chief of a department. It
15 was like \$2,000 or \$3,000 a month, but it was still
16 better than zero.

17 MR. CRAIN: So Baylor at this point is in
18 hole like --

19 MS. MORGAN: \$120,000-ish probably.

20 MR. CRAIN: What's Dr. Hostin's first name.

21 MS. MORGAN: Southwest Scoliosis Institute
22 is the name of the group. It's O'Brien and -- I'm just
23 trying to see if it has his first name.

24 MR. CRAIN: That's fine. I can find it.

25 MS. MORGAN: Dr. O'Brien from that group is

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1 the one that operated on Summers.

2 MR. CRAIN: Did the follow up?

3 MS. MORGAN: Uh-huh, the follow to
4 operations.

5 MR. CRAIN: Okay. So what's Baylor's
6 attitude toward Duntsch at this point?

7 MS. MORGAN: They're still on board with
8 him. They're still cheerleading him on but not as much
9 as they were. Well it's not an every day meeting now
10 because -- it's like maybe once every three times a week
11 because now it's like okay. But he never -- that never
12 came to fruition because he never took his drug screen.

13 MR. WATKINS: You said he had five chances
14 and he canceled it like five times?

15 MS. MORGAN: Yeah, he canceled it like five
16 times. I'd set up the appointment and he'd cancel it.
17 I got to go here to a meeting or I got to go do this and
18 I'm like --

19 MR. CRAIN: Let me back up a little bit.
20 Y'all are ahead of me. So before -- he had to take some
21 drug screens for what?

22 MS. MORGAN: For Baylor to give him that
23 position, the chief of neuroscience. To do that
24 there's -- it didn't used to be but it had to -- it came
25 about like two weeks before Duntsch was going to get the

1 position that they had to drug test the docs who were
2 taking that position and they had to do like an employee
3 screening. They had to go down to Employee Health.
4 They had to do their PPD, whatever they do to be an
5 employee at Baylor.

6 And that all had to be done. It's just
7 like a regular employee. Because basically they become
8 an employee of Baylor.

9 MR. CRAIN: Okay.

10 MS. MORGAN: He didn't have to do anything
11 extra. He didn't take an extra calls. He never rounded
12 on his patients. It just basically was kind of a
13 figurehead. You get a jacket with Baylor logo and --

14 MR. CRAIN: And all he had to go do was --

15 MS. MORGAN: The drug screen.

16 MR. CRAIN: Tell me about that.

17 MS. MORGAN: I would make an appointment.
18 I can't go to do that today. I have to go -- I said you
19 don't have anything on the calendar. I have to go do
20 that. I'm like it's not on the calendar. Well you have
21 to reschedule it.

22 So that poor woman Vicki -- I don't know
23 Vicki. She's down there with Employee Health. She's
24 like hmm. I said, can you send it up here to fill out
25 the forms? Vicki would remember that conversation.

1 MR. CRAIN: And how many times did this
2 happen?

3 MS. MORGAN: Five times at least.

4 MR. CRAIN: Did it ever happen?

5 MS. MORGAN: No.

6 MR. CRAIN: Never happened?

7 MS. MORGAN: Never happened.

8 MR. CRAIN: Okay. That's -- you know,
9 obviously throws up a few red flags here and there, and
10 I recognize from some of the notes of your discussion
11 with Ron that there were other red flags over time that
12 came about. Let's talk about those.

13 MS. MORGAN: Then like he always had -- we
14 figured out was a gallon with a handle on the vodka
15 bottle.

16 Before he even started, I operated with him
17 and we were doing research. We did research like with
18 work, but under his desk was Stolichnaya Vodka because
19 he worked with Russians in the lab at Tennessee. Oh, my
20 gosh, Russians are amazing people that can stand up and
21 walk after a gallon or two of Russian Vodka.

22 So that's where I think he acquired his
23 vodka taste is there, but they were always -- we went to
24 a welcome back party for him and it's like you eat. You
25 drink. You eat. You drink. I'm like after two of

1 those little minis, whew. So he always had that big
2 gallon under his desk, and he would just drink out of
3 it.

4 MR. CRAIN: This was at the office?

5 MS. MORGAN: In his home office. He had
6 one in the office at work at Baylor, which Baylor is a
7 nondrinking facility by the way. He just kept it under
8 -- his desk is very pushed back. You couldn't see it if
9 you were even there because of the way the desk is. I
10 was like okay.

11 I never saw him drink while there were
12 patients there. He did drink after patients were there,
13 but it would be like -- you know, it would just be like
14 a drink. He was never intoxicated. Like, we did the
15 beer goggle stuff in the Air Force and he was never
16 like -- you know, he's just weird. He had a good
17 tolerance. So I was like okay.

18 MR. CRAIN: So --

19 MS. MORGAN: I never saw -- like I said, we
20 only did maybe a handful of cases. I think maybe four
21 or five.

22 MR. CRAIN: That you and he did together?

23 MS. MORGAN: Uh-huh. I didn't do
24 Morgaloff. That was still a MISI patient. It was a
25 female. Was it Ms. Buford? It's hard to remember.

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1 MR. CRAIN: At Dallas Medical Center?

2 MS. MORGAN: It's all Baylor. I never went
3 anywhere past Baylor. I left -- May 10th was my last
4 day, but we weren't operating at all. And then the last
5 case I did was Ms. Martin with him in February.

6 MR. CRAIN: Was there an Amy Gillentine?

7 MS. MORGAN: Amy Fox. She's got long hair.
8 We did her.

9 MR. CRAIN: Last name Gillentine?

10 MS. MORGAN: Yeah, but her middle name was
11 Fox, and she's Native American and she always wears a
12 feather. Yes, we did her together. And then the
13 coroner for Coleen County Rob --

14 MR. CRAIN: He works with Rohr?

15 MS. MORGAN: Yeah, you got him.

16 MR. CRAIN: So going back, do you recall
17 the first Baylor case you did with him?

18 MS. MORGAN: Well it would have been before
19 Summers. So it would have been --

20 MR. CRAIN: Fox was in December '11.

21 MS. MORGAN: I know I did Amy with him.
22 I'm almost certain.

23 MR. CRAIN: I believe you did. Tell me
24 about that one and I have a little bit of history on
25 that. Ultimately Baylor got a fine from the state board

1 on that?

2 A. Oh, because Baylor -- yeah. The fine was not
3 that surgical issue. It was the nursing care about
4 drugs, because I had ordered all of her pain medication
5 -- I go to discharge her and she's lethargic like I'm
6 trying to arouse her. And she called the medical board.

7 MR. CRAIN: Yes.

8 MS. MORGAN: And I had written no more
9 narcotics. And the medicine doctor came back behind me
10 and started all the narcotics again. And that medicine
11 doctor is no longer with the hospital anymore.

12 But I was -- like I threw a fit. I was
13 like, are you kidding me? How am I going to send her
14 home? She can't even keep her head up. So she was
15 past -- we had let her stay an extra day just because
16 she had pain issues. Really sweet person. Fibromyalgia
17 which we all know goes many ways. You know, you had to
18 get her pain under control. Pain medication was not
19 more than should have been prescribed, but when it needs
20 to be stopped because they're going to discharge her and
21 all the nurses just kept --

22 She was a problem patient to the nurses.
23 They're all like please get her out of here. Please get
24 her out of here. I'm like okay, but I -- I had to back
25 it off, and her husband was really sweet. We all sat

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1 and made a plan. We woke her up, got her ready, got
2 them in there. I called like that night and the next
3 day, and she was doing fine.

4 But she said Kim, I called the board. I
5 said as you should. You know, because they don't care
6 with the mid levels. They don't care what we have to
7 say. We're not important. You know, from credentialing
8 all the way to notifying the nurse manager to notifying
9 the medical staff. They could care less what we say,
10 but for us, we're pretty much on it because like hey, we
11 are scrutinized by so many more people.

12 MR. CRAIN: How did that surgery go?

13 MS. MORGAN: That surgery went fine. He
14 put in a -- I don't remember the name of the company.
15 It's a little black spacer with blocks. That one was
16 not a difficult surgery. It went well.

17 He did another female surgery that he was
18 just pulling -- and that's why I gave you Keegan's name
19 with NuVasive. And it was like he didn't want to like
20 -- dude, drop your hand and put it where it's going up.

21 So the patient's prone, the bottom up and
22 so her sacrum is up like this. Female's have a higher
23 rise. And then so the way you're going to put the screw
24 was to go down like this. (Indicating.) He can't
25 figure out how to get the angle. We're like dude, come

1 on. So finally I look at Keegan. I'm like I guess I
2 can just pick his hand up and put it where it's supposed
3 to go.

4 He's like well, oh, I can't get the angle.
5 He's trying to figure out how he's going to take the
6 screw out and back out. So he's trying to do this and
7 trying to do this and trying to do this. And I was
8 like, you know, if you get a diamond bur out and make a
9 little wedge kind of like this and it goes right down.

10 Oh, good deal. So we did that and I was
11 like -- Keegan and I talked about it later. I was like,
12 are you kidding me? It's like he didn't even understand
13 what we were saying to him. I was like okay.

14 As far as scrubbing out like to go pee,
15 like he would do it once a case maybe sometimes twice a
16 case and I'm like it's only a two and a half hour case.
17 But a lot of surgeons that scrub out just because they
18 do, and I'm like -- but never a neurosurgeon. All my
19 neurosurgeons -- we operate 15 hours and we suck it up.
20 He was always having -- it was like every hour he had to
21 scrub out. I was like you have to pee that often?

22 MR. CRAIN: So the Morgaloff surgery
23 happens in late January of 2012. And then Jerry Summers
24 happens February I believe it's 2nd. You might be right
25 but I believe it's 2nd and then Martin on March 12th.

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1 Prior to the Summers surgery, what's his
2 mindset like at this point? Has he got it together?
3 What's going on with him?

4 MS. MORGAN: I mean he's working on science
5 all the time. That was when he had a deadline with
6 Discgenics Board of Directors, and he was in Phase 4
7 testing for their disk that they were making. So he has
8 to write binders and binders of research. I mean, he
9 wouldn't come to the clinic for two or three days a week
10 because he's writing research, and he'd only come for
11 clinic and then leave.

12 Because most docs that I know, if they
13 don't have anything to do, they come back to the office
14 because there's always paperwork to do or stuff to go
15 over. He was always like call me later. And he would
16 send out massive e-mails like, okay, this is what we're
17 going to do. Here's the team approach. It was just
18 like oh, my God, to the point where --

19 He would rewrite all of our forms. I mean,
20 so petty. Patient intake forms, which we've had done,
21 he'd spend like four hours rewriting them because he
22 wanted them a different way. I'm like delete, delete.
23 It's like petty stuff that you wouldn't want -- I mean,
24 why would you -- but otherwise he wasn't -- it was
25 not -- there was no -- he would never drive.

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1 MR. CRAIN: Who would drive for him besides
2 yourself?

3 MS. MORGAN: Summers.

4 MR. CRAIN: And did you ever see the
5 research that he did when he was home two to three days?

6 MS. MORGAN: Yeah. There was binders and
7 binders. One time the research team flew down. They
8 did a lot of research. It would be binders and binders
9 of typing and something else. That's not my area of
10 expertise, that type of research. I do post tox
11 studies. So I'm like -- it looks like a bunch of crap
12 written on a piece of paper. There was never any
13 feedback.

14 And then Bob Littlemack was then the COO of
15 Discgenics. So he was always calling him telling him
16 you need to get this done. And then they were fighting
17 over money about their stocks at Discgenics and him
18 being the chief science officer and the board trying to
19 overthrow him. And I could just pull up my research and
20 I'm not going to tell you anymore. That was another
21 battle there that they had in Tennessee that was going
22 on.

23 MR. CRAIN: So Summers' surgery comes up
24 and I know you had made a note with Ron about the prep
25 work for the Summers surgery. Tell me about that.

1 MS. MORGAN: Okay. So like his pre-op
2 X-rays were from the University of Tennessee from April
3 of -- well, even before because they moved here in
4 April. They were like old. And so because -- well we
5 sent in for an MRI scan and he didn't pay that bill so
6 they wouldn't do anymore X-rays on him. And he said
7 don't worry about it. Those are good. And I'm like
8 well, we need to have fresh scans. He was like no. I
9 was like okay, well, he needs to have his blood work.
10 Oh, no, he doesn't. It's fine. I'll take care of it.
11 I'll sign it all off. I was like well he has to have a
12 physical and the hospital still has to see him. Oh,
13 don't worry about that. I'll get Dr. Isaac -- so Dr.
14 Isaac did the physical on Summers. He was the
15 anesthesiologist.

16 MR. CRAIN: Have you seen that happen
17 before?

18 MS. MORGAN: No. I'm like you're really
19 going to do that? And he's like yeah, yeah.

20 And not only that, I remember the physical
21 wasn't in the chart on the morning of surgery, and he
22 had to pen a physical -- I'm pretty sure he hand-penned
23 a physical, and I think Isaac did the physical after the
24 surgery, wrote it all up after the surgery like a week
25 later. But without his chart, I can't -- I'm pretty

1 sure that's what happened.

2 MR. CRAIN: Let's stick with Dr. Isaac for
3 a second because obviously the Summer surgery happens.
4 It's a negative outcome.

5 MS. MORGAN: Well, and here's the thing,
6 with Summers' surgery, he was late getting there so he's
7 all flustered, Dr. Isaac is. He was like okay, okay.
8 Well, they had changed over to First Call at Baylor
9 because now their drugs are locked with a thumb print
10 lock. He had to go get the code and he had to come
11 back. He was like everywhere else, you've got
12 anesthesia techs just bring it to you. So he was
13 already kind of flustered with that. So I was like
14 okay. So then -- I think we went out and his -- no --

15 MR. CRAIN: Dr. Gramay?

16 MS. MORGAN: Gramay. Okay. That was the
17 Kelly Martin case. I'm sorry. Gramay is the female and
18 she was there. He had never worked with her before. I
19 don't know why she was there instead of Isaac. I don't
20 know why she was there. But Isaac did the physical on
21 Summers but didn't do the anesthesia.

22 MR. CRAIN: Okay. Actually let's just
23 stick here. Tell me about the -- obviously he's not
24 doing the usual protocol for work up.

25 MS. MORGAN: Yeah, for work up. I was like

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1 what are you doing?

2 He's my friend.

3 I said that doesn't matter. I said first
4 of all, you should never operate on your friend. That's
5 the worst thing.

6 It will be fine. I don't trust anybody
7 else.

8 Send him down to Dr. O'Brien. I know you
9 don't like those guys, but send him down there and just
10 let him look at him.

11 No, no, no. It's good. It's good.

12 I was like you really don't need to do
13 this.

14 No, we've got to do it.

15 I was like okay. So he and Summers were --
16 you know, they lived together. They rode together to
17 the hospital. He dropped the girlfriend and Summers
18 off, went back to his house, and then I met him there
19 and we went to the case. We did the case, went to the
20 pre-ap admissions to go check in the next patient.

21 The nurses page me. I go back over and
22 he's not moving his legs. He's not moving his arms.
23 I'm like, what are you talking about? Jerry's like
24 starting to hyperventilate. I said hold still. Let's
25 look at it and see what's going on.

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1 So I go and get Duntsch. Duntsch comes
2 back in. He looks at him. He goes dude, it's going to
3 be okay. Don't worry. Don't worry. He goes you're
4 probably just having a cord reaction because of -- now
5 it's going to swell.

6 So he tells the nurse let's go ahead and
7 get some tests done. She goes you don't want to take
8 him back to surgery? You don't want to give him any
9 hydro solu-medrol? He goes yeah, yeah, go ahead. And
10 anesthesia's like let's take him back to surgery. He's
11 like no, we'll do this case and we'll see how he does
12 after the imagining studies.

13 So we went in and did that second case,
14 which I don't remember who that was, but came back out
15 and neurologically he hadn't changed. Then it became an
16 emergency to take him back in and we did him on a prone,
17 put him in pins, and then opened up the back.

18 During the front part of the case, he did
19 hit the vessel -- he controlled it, but he hit it and
20 that's where they entertain that his cord stroke came
21 from is when he hit that vessel on Summers.

22 MR. CRAIN: Do you remember what he was
23 doing as far as packing when he hit that vessel?

24 MS. MORGAN: He didn't really pack it.
25 That was the thing. He put in some gel foam, and he

1 kept pushing it off with the little pad but there was
2 like no massive packing stop, wait for it to settle. He
3 would suck a little, suck a little. And it wasn't -- it
4 must not have been a giant hole because it wasn't
5 filling up the cavity. Stuff wasn't just running out.

6 Like, when you hit a big vessels there, it
7 just puh, because there's so much pumping up through
8 there. It was more of an ooze but kind of like a little
9 venous flow. But it wasn't enough that you would stop
10 the case, pack it. It was never that much. But what
11 happened is the combination of that and when I think
12 anesthesia is like oh, his pressure has gone down,
13 everything shunted in so they wouldn't have enough
14 fusion to the brain, and now you've got it leaking out.
15 That's my speculation. But that's what I would think.

16 MR. CRAIN: Do you recall anesthesia
17 putting another line in?

18 MS. MORGAN: At that point, she dialed it
19 up. She was running to the foot trying to find access
20 because she only had one access in for that case.

21 MR. CRAIN: After the case, you mentioned
22 the neuro imagining studies. Do you recall there being
23 any issues about whether or not Dr. Duntsch was going to
24 order those?

25 MS. MORGAN: Between the first -- yeah, he

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1 ordered them.

2 MR. CRAIN: After the first surgery?

3 MS. MORGAN: Uh-huh. He ordered them
4 before we went back to go do the other patient. He
5 ordered a CT I think because an MRI would have been too
6 messed up. He ordered a CT on Summers, and Summers was
7 up in the ICU. He didn't go back to -- we brought him
8 up to the ICU and then he came down from the ICU back
9 into the OR.

10 MR. CRAIN: So the surgery happens.
11 Dr. O'Brien comes in at a later point. Are you made
12 aware of when Jerry -- are you made aware of any
13 allegations that Dr. Duntsch had used drugs?

14 MS. MORGAN: Yes. Well, eight ball, which
15 I -- we were there and it was like two days later he was
16 having -- because he couldn't breathe. He couldn't
17 catch his breath. So I sat with him, his girlfriend sat
18 with him. We're like come on Jerry just relax, because
19 she was so frazzled. His girlfriend and his
20 ex-girlfriend were both there and they don't like each
21 other. It's like Jerry Springer. You can ask any of
22 the ICU nurses.

23 It was just like constantly stimulating.
24 He'd start breathing. Then he started hallucinating,
25 and he goes something about an eight ball. And I'm like

1 we didn't play billiards. Well, I found out an eight
2 ball is actually cocaine. I'm like oh, okay. At that
3 point I was like, what? And then I ordered a drug
4 screen on him. So that's when it came back positive for
5 marijuana. That would have been like day three
6 surgery.

7 And Jerri Stewart Garrison and Pat
8 you two need to go get drug tested. I said oka
9 went and got drug tested. Because I know he wa
10 teaching a lecture at that point. She was like
11 fine. I was like, duh. But I don't know what
12 to him or anything, but it must have been fine
13 the lab never called the office like they did
14 fourth one. Or he got to -- you know, nothing
15 about. He was still allowed on campus. He was still
16 able to lecture at the Baylor facility.

17 MR. CRAIN: Okay. Back when you were in
18 the room and you hear the reference to eight ball, who
19 all was in there besides Jerry and his
20 girlfriend/ex-girlfriend?

21 MS. MORGAN: They weren't even in there.
22 It was Duntsch, Jerry, and I think Duntsch made the
23 nurse step out. Like, the way it's set up, ICU is
24 private. The room is here (indicating) and there's the
25 big glass door here and then this is glass this way, but

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1 then there's the desk there that we can compute on.

2 So I'm sitting here, and the door's open.

3 And I hear the eight ball comment, and then the door
4 shuts and him and Duntsch are in there together. And
5 that's -- I don't know what else happened with that.

6 MR. CRAIN: Okay. Didn't hear anything
7 else from the ICU nurses about --

8 MS. MORGAN: Oh, the nurses are all --
9 yeah, the chatter was Jerry was saying that Duntsch and
10 the three of us went out and did eight balls. Of
11 course, we were all like okay. And then that they
12 actually go out, they partied the night before the
13 surgery.

14 Well Jennifer, which is Jerry's girlfriend,
15 she works for a law firm in Memphis, a med mal firm
16 there, she said that Jerry that was acting really weird
17 and he didn't stay home. He went out but Duntsch was
18 home with her. And she doesn't have any reason to lie
19 because she and I had this long talk. So anyway, she
20 went up to Jerry's room while he was in the hospital and
21 found all the receipts. He was at a sex shop down on
22 Preston just south of Baylor. You know -- well, you
23 don't know.

24 There's Preston Road. You're going Baylor
25 -- Baylor's here. (Indicating.) You're heading south.

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1 Right over here in that shopping center before you get
2 the Frankfort is a sex shop. And he was buying all of
3 these over the counter -- I don't know what you call
4 them, things that -- the problem with those is they'd
5 interfere with blood pressure medication. So
6 intraoperatively, if we were giving him medication, it
7 would mess with the patient's hemodynamic state.

8 I can't remember. Poppers is the name.

9 MR. CRAIN: So --

10 MS. MORGAN: And that was supposed to be
11 the night before that he didn't sleep, that he went out
12 and partied but it wasn't with Duntsch per Jennifer.

13 MR. CRAIN: Okay. Were you with either one
14 of those guys that morning?

15 MS. MORGAN: No, I have four kids.

16 MR. CRAIN: Did Duntsch ever talk about the
17 scuttle over the eight ball and what people were doing
18 the night before?

19 MS. MORGAN: Huh-uh. When Jerry Stewart
20 Garrison -- she went to get the drug testing for him,
21 that would have been the next day, she'd like -- she's
22 like I didn't know what an eight ball is either. I'm
23 like I thought it was billiards. So she's talking to
24 him and he's like oh, that's a rock or some form of --
25 it's hard.

1 MR. CRAIN: Duntsch is explaining this
2 Jerri --

3 MS. MORGAN: Jerri Stewart Garrison ab
4 what it is. And I'm like okay.

5 MR. CRAIN: So what happens post Summers
6 surgery as far as Duntsch's privileges?

7 MS. MORGAN: He's suspended. So
8 immediately O'Brien is called to take over all patient
9 care for him. And then Duntsch is suspended meaning he
10 can't operate at all in Baylor, and that's the only
11 place he has privileges.

12 Now, he still has the office and he still
13 continues to see patients, but he can't operate. At
14 that point, he's distraught. He goes home and he starts
15 drinking, and he comes in the clinic. I'm like you need
16 to tuck your shirt in your pants. So that goes on and
17 then he kind of gets better as he visits -- and then -
18 Summers' mother comes and won't let anybody visit him.

19 So almost two weeks after the surgery,
20 Duntsch can't visit Summers at all because his mom has
21 stopped any people from coming in. And Baylor is a
22 aware of it. They even made it so that the girlfrien
23 couldn't be in the room at the same time.

24 And then the mother finds out that she
25 Oxycontin and all of these other prescription drugs.

1 I'm like -- it's just interesting.

2 MR. CRAIN: So you mentioned at that point
3 after the Summers surgery Duntsch starts drinking a lot.

4 MS. MORGAN: Uh-huh. One thing is his dad
5 called me -- I'm trying to think. His girlfriend is
6 pregnant. She has -- and then they were trying to
7 get -- Duntsch's mom and dad were trying to get Wend
8 Renee Young to go up to live with them to have the b
9 so the baby could have a good life because they were
10 married. Duntsch said he didn't want to be with her
11 There was this whole other dynamic along with that.

12 So they were trying to get her up ther
13 Well then Wendy calls Don, and it's like 11 o'clock
14 night that Chris is being violent and he's out of
15 control and then the phone goes dead. Well Don calls me
16 and goes, could you possibly please go over there and
17 see if something's going on? The phone went dead. I
18 was like, are you kidding me? I said you need to call
19 Dallas PD.

20 So they called Dallas PD because her mom
21 drove up from Mexia, and so she drove up there. She
22 went in the back door with Dallas PD because the back
23 door was open but all the lights are out but nobody came
24 out. Dallas PD was like we can't do anything. There's
25 not been any offense. There's not been anything. So --

1 MR. CRAIN: So is this between Summers and
2 Martin?

3 MS. MORGAN: Uh-huh.

4 MR. CRAIN: So he's going off the rails at
5 this point.

6 MS. MORGAN: Well he says he was out cold.
7 Didn't hear anything. I was like dude, I just know that
8 I saw in through the window. I called Don and went
9 to my family. I was like I did what you asked. S
10 fine. And that's what he asked me to do.

11 MR. CRAIN: All right. So we're in
12 Summers and Martin's surgeries. What's happening
13 internally at Baylor?

14 MS. MORGAN: Internally at Baylor is
15 hush hush. I mean, literally, they haven't been c
16 -- we've just been sitting there because there's n
17 surgery going on. The only thing -- you know, O'B
18 was still operating twice more. Jerri is taking X-rays.

19 And at that point the chief of staff
20 Leonard is the one spearheading the investigation,
21 talking with O'Brien, talking to the hospital. Look at
22 all the imaging. What are we going to do?

23 And eventually it came back to okay, you
24 can go back and practice. And that decision came like
25 the day before Martin's surgery. I mean, it was one or

1 two days before Martin's surgery. No, he was only there
2 one day. So it was the day before and he was waiting to
3 schedule Martin's surgery. And as soon as we got called
4 that morning, we scheduled the surgery for the next day
5 and took her to the OR.

6 MR. CRAIN: Okay. Do you know who told
7 Duntsch he was clear to operate? Would it have been
8 Leonard?

9 MS. MORGAN: Duntsch got a phone call
10 want to say it's Jerri Stewart Garrison. I can't
11 was somebody from administration called, so it was
12 either Patti Sproles or Jerri Garrison. I would be
13 because Patti was on the credentialing and Jerri's
14 office are right next door, two down. And I would
15 it was probably Patti but I don't know.

16 MR. CRAIN: Okay. And was there any
17 there any communication as far as you know to Duntsch
18 that he was going to need to have a proctor or somebody
19 supervising him?

20 MS. MORGAN: Nope. There was no
21 stipulations on returning.

22 MR. CRAIN: Was there any kind of guidance
23 given to him of hey, you need to do this better or that
24 better or anything?

25 MS. MORGAN: Not to my knowledge. Because,

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1 I mean, there was no letter sent to us. Nothing came to
2 the office. Nothing to my knowledge went to his house,
3 and he would've told me. And if he would've been
4 proctored, someone would have been in the OR for Kelly
5 Martin. They won't let you in.

6 And the whole OR would know. I promise
7 you. If anything happens literally, where's your badge?
8 In my backpack. Go get it. I mean, all the ORs across
9 the city are like that. So trust me. It goes out via
10 e-mail and everybody knows.

11 MR. CRAIN: So with Kelly Martin, the
12 anticipation of surgery was -- did she expect surgery
13 was going to take place in the next few weeks or --

14 MS. MORGAN: Yeah. She knew that as soon
15 as he got privileges back we would call her. I mean, a
16 lot of times -- when you go do your pre-op stuff, it's
17 good for 30 days. That's the hospital policy. So you
18 can do blood and they --

19 We would call down to administration and do
20 -- you know when -- yeah, probably in the next week or
21 two. So it was all set up ready to go and Kelly Martin
22 was like y'all can take my blood. I don't mind giving
23 it again, because really we have to redo your blood
24 every 30 days. So if your surgery is March 13th, you
25 have from February 13th to March 13th. Same as a

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1 physical. Well, that you just re-date.

2 MR. CRAIN: Were you under the impression
3 that the Martins knew that Duntsch's privileges had been
4 suspended there?

5 MS. MORGAN: I don't know. I never met
6 with Ms. Martin. I didn't meet her until surgery.

7 MR. CRAIN: How did -- okay.

8 MS. MORGAN: I never saw any of the office
9 patients except for a couple of post-ops when there was
10 a problem and he wasn't there.

11 MR. CRAIN: So he was getting blood work
12 and pre-op stuff from Ms. Martin while his privileges
13 were suspended, and he didn't know when he was going to
14 get his privileges back?

15 MS. MORGAN: Yeah.

16 MR. CRAIN: Okay. Now you were talking
17 about Dr. Isaac on the morning of the Kelly Martin
18 surgery.

19 MS. MORGAN: Yeah. He was late for that
20 surgery, and he doesn't practice at Baylor that often.
21 He was late. He goes in there and he tries to open the
22 anesthesia cart and it's all locked. He has to have a
23 code with a thumb print. Well he hadn't done the
24 training so he couldn't get medication. So he's all
25 flustered. And we were like 20 minutes -- he cuts skin

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1 at 8:00. That's what time you cut skin. So it was like
2 8:20. So it was going to be a long day.

3 And Dr. Isaac is real high strung when he
4 gets going. He's kind of a little funny. So he was all
5 flustered, went out and talked to the patient, came back
6 in, was yelling at the nurse because of the drugs. She
7 called him a few words under her breath. And it was
8 just like he was off. He was just like okay, okay,
9 okay, okay. I was like okay. So got everything open.

10 Now Kelly Martin got six surgical
11 clearances. She got one from her primary care which was
12 Dallas Diagnostic. And then her allergist cleared her,
13 and, of course, Duntsch, cardiology cleared her,
14 anesthesia cleared her and somebody else.

15 She had a condition called idiopathic
16 urticaria, and basically it is she gets hives for no
17 apparent reason. She can breath in air, get hives. She
18 could sit there again, next breath they'd recede. And
19 she could be in that building again and nothing would
20 bother her. So she had that condition going into the
21 surgery.

22 And the only reason I know that is because
23 after she expired, I called the primary care to let them
24 know what happened and she -- we're talking. She goes
25 well I don't know why -- I was like, I don't know. She

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1 got fetanyl. She goes she got fetanyl? I was like
2 yeah, anesthesia gave her several doses of fetanyl. I
3 was like the surgery was finished. I said we took off
4 the drape and she was modeled. I said she had hives. I
5 said we didn't put anything in. We took stuff out. We
6 didn't put anything in.

7 And I've seen localized urticaria but this
8 was like her whole body was urticaria. Like purple
9 blotches all of over the place.

10 So I asked Dr. Isaac. I said, what did you
11 do to her? He goes I gave her fetanyl. I said did you
12 give it to her in the case? He goes yeah, yeah, she got
13 two doses during the case, which is not uncommon to have
14 fetanyl. But after talking with PrimaCare, fetanyl was
15 a derivative of trigger for her urticaria per her
16 allergist. Because medicine called to the allergist
17 when I called back for medicine, that's what they told
18 me.

19 She when she woke up, she was starting to
20 have trouble breathing. She goes I'm hurting, I'm
21 hurting. He goes give her another dose of Fetanyl,
22 which at that point that's her fourth dose and that's
23 enough IV wise to desensitize you. So at that point
24 that's when it triggered all of her -- she stopped
25 breathing. We had to open the airway, and that was the

1 start of her demise. She went into to DIC. I've never
2 seen anyone in all of my years go into DIC that fast. I
3 mean, literal three hours from DIC to completely engulf
4 her.

5 MR. CRAIN: During the surgery, what type
6 of bleeding?

7 MS. MORGAN: She didn't have any. That was
8 the weird part. I mean, I've done tons of these. She
9 didn't have any bleeding during the surgery. It was a
10 clean hole. I'm not kidding you. It was one -- it was
11 like a 50-minute case. It was a typical textbook. You
12 open it up. You literally spread it open. You go down
13 both sides. You take out the disk. Come back out. I'm
14 not kidding you. I mean, literally it was dry.

15 When you have a DIC -- and then so that --
16 she went into all of that. I called the coroner and I'm
17 like okay, I need a -- because I can't figure this out.
18 I want to know why, because there's no reason why she
19 should have expired. There's no reason. And all the
20 tissue was -- had lividity. So with DIC you bleed
21 everywhere. It's an interstitial bleeding. So it's not
22 like all your vessels keep contained. Everything just
23 eases out kind of like lividity. Same thing.

24 So the coroner -- I never found out what
25 happened. I have no clue.

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1 MR. WATKINS: Was that the one where they
2 initially were talking to you and then all of a sudden
3 Baylor --

4 MS. MORGAN: Yeah. They talked to me for
5 like three or four days. I mean, they were all so cool.
6 And then Baylor called up there, and I could never talk
7 to them again. They were always busy. Someone's on the
8 phone. They're aware from their desk. So I finally
9 just gave up.

10 MR. WATKINS: How do you know Baylor
11 called?

12 MS. MORGAN: They said Baylor that oh,
13 Baylor's already called. I'm like okay.

14 MR. CRAIN: What was Duntsch's impression
15 as to what went wrong?

16 MS. MORGAN: He didn't know. I'm not
17 kidding you. His hands were like -- I don't know. It
18 was a perfect surgery. That was the perfect surgery.
19 He had no clue. I think it was fetanyl honestly. I
20 don't think it was a surgery issue. I think it was the
21 fetanyl. I mean, I've never --

22 MR. CRAIN: Have you had any discussions
23 with Isaac about the Martin case?

24 MS. MORGAN: Nope.

25 MR. CRAIN: Let's talk about Isaac for a

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1 moment. He continued to do surgery with Duntsch's
2 the Martin case?

3 MS. MORGAN: Uh-huh.

4 MR. CRAIN: And did you ever get the
5 that Isaac had concerns about Duntsch and his per-
6 life?

7 MS. MORGAN: No. Dr. Isaac saw dollar
8 signs. That was his cash cow. That's all it was.
9 Because he didn't hang out with him. I mean, literally
10 I was like okay, well we're going to do this.

11 Like, we were going to a dinner party. He
12 was like my wife called. Sorry, I got to go. He would
13 never stay. I'm like okay. Like, we went out for
14 dinners with other reps. He would never join.

15 MR. CRAIN: So he loaned Duntsch money, and
16 what was going to be his return?

17 MS. MORGAN: He'd get the exclusive
18 anesthesia for him. You know, you figure you do five or
19 six cases. You know, two days a week. That's ten cases
20 that are anywhere from two to six hours long. That's a
21 lot of RVUs, which is how anesthesia makes their bucks.

22 And billing, you do a case. You put a
23 central line in, you put an arterial line in, you bump
24 up the billing. If you've done four procedures, you put
25 a block in.

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1 MR. CRAIN: So what happens to Dunt
2 after the Martin case?

3 MS. MORGAN: He completely goes of
4 deep end literally. He becomes a recluse. You
5 get ahold of him to talk to him.

6 MR. CRAIN: What's going on with Baylor?

7 MS. MORGAN: Baylor is trying to get him to
8 come for a drug screen. So they gave him the paperwork
9 to go do another drug screen, and they wouldn't let me
10 in there to take the papers so I had to wait out there
11 and grab the paper. I said I'll take you.

12 I dropped him off. He leaves his white
13 coat in the truck, goes in, waits there for like 20
14 minutes, and the lab closes at 4:30. This is like 4:00
15 because he didn't go right after he left the office.
16 He's like okay, hold on I've got to do something. I was
17 like okay.

18 MR. CRAIN: Is this day of surgery?

19 MS. MORGAN: No, this is --

20 MR. WALKINS: Didn't you say the day after?

21 MS. MORGAN: The day after. Because they
22 didn't do anything the day of.

23 The next morning they called him like 11
24 o'clock to go do it, and he goes in. Jerri called him
25 or Patti, one of them called and said, have you gone

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1 over to do your drug test yet? He goes no, no, I'm
2 finishing my office clinic. She goes you've got to go
3 today.

4 So I take him over there. He comes back
5 and he goes I didn't have any ID. I was like I told you
6 to take your jacket ID. Well that wasn't good enough.
7 I'm telling you I already know the answer to that. All
8 you have to have is your name and a picture. They don't
9 care about anything else. You know, they just need it
10 to match the name on the thing. So I said okay. He
11 goes well I have to go back tomorrow morning. All
12 right. So drop him off. I leave.

13 MR. WATKINS: I thought you had his
14 driver's license?

15 MS. MORGAN: I always keep it all but now
16 they're closed because he left because it was now 4:30.
17 So I was like okay.

18 I always keep passport and driver's
19 license. He can't keep up -- I mean, literally he goes
20 to check in at the plane like to drop him off, he loses
21 his credit card at TSA. Who has a credit card at TSA
22 first of all? And then like his passport, he lost that
23 on the way back from his Vegas trip.

24 But anyway, so goes the next day. And
25 they're calling. Why didn't you go yesterday? Well I

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1 didn't have ID. Okay. You told me it was closed.

2 So anyway I take him over there and now
3 it's like 1 o'clock. Well he's just been drinking
4 water. I don't know if I'm going to be able to pee.
5 He's peeing so much he's in the bathroom every ten
6 minutes. Just peeing and peeing and drinking and
7 peeing. I bet he went through gallons of Gatorade
8 before he got there like at 11:30. I was like that's
9 really weird.

10 And it was so bad that he was -- there was
11 not enough solutes in the urine. He had to go back and
12 pee again because it was all the free water. So that
13 drug test goes out and waits, waits.

14 The next thing you know is the lab's
15 calling from Indiana or Illinois where they're
16 headquarters are, where they send it to, and they want
17 to talk to him. I'm like, what can I help you with?
18 Oh, no, we have to talk to him.

19 Well like I was telling him, I have
20 Darvocet that I keep for headaches. Well Darvocet went
21 off the market two and a half years ago and I still had
22 20 left of the 30. And so -- I kept them in my bag.

23 And they're calling and I hear him say
24 well, that's an old prescription that Darvocet. And I'm
25 like what? So I go in my bag and there's three pills

1 left out of the 20.

2 MR. CRAIN: So somebody had taken --

3 MS. MORGAN: Somebody had taken the
4 medication out of my --

5 MR. CRAIN: And how much was it?

6 MS. MORGAN: 17 tabs that were missing.

7 MR. CRAIN: When was the last time you had
8 seen the 20?

9 MS. MORGAN: The 20 was -- well, I don't
10 usually look for them. I know how many are left there
11 because I'm like oh, Darvocet. So like they're two and
12 a half years old. So they're gone. And I'm like wait a
13 minute, my Darvocet and they're asking about your
14 Darvocet prescription.

15 I do know that he was calling prescriptions
16 for Wendy Young for hydrocodone at the pharmacy at
17 Tollway and Frankfort, the CVS there because I would
18 deny them. He goes she's my friend. I'm like I don't
19 know her. There's no chart for her. So any time the
20 name would come across I didn't know, I would deny them.
21 And then they would call him on his phone and he'd take
22 care of it.

23 MR. CRAIN: Okay.

24 MS. MORGAN: And I know he wrote
25 prescriptions for Summers but Summers did have pain but

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1 I don't know how much prescriptions he was writing
2 because it wouldn't go through the office. None of it
3 was ever in our chart because he was calling in.

4 MR. CRAIN: Do you know what he was calling
5 in?

6 MS. MORGAN: Hydrocodone.

7 MR. CRAIN: Anything else? Any other
8 prescription medications that was around Duntsch that
9 might have been something he was taking?

10 MS. MORGAN: Well Dr. Nase put him on I
11 want to say Ritalin for his ADD. So he had a Ritalin
12 bottle, but again, I don't know what pills were in the
13 Ritalin bottle.

14 MR. WATKINS: And he saw the psychiatrist?

15 MS. MORGAN: Psychiatrist that Baylor made
16 him go see.

17 MR. CRAIN: When?

18 MS. MORGAN: After the Summers incident
19 because they had to -- Baylor sent him -- instead of
20 sending stuff to the board, they wanted to send him to
21 the board psychiatrist that they typically send people
22 to, which is Nase, who is a big bunch of -- biggest
23 waste of air. He's a good old boy and he'll just let it
24 go through. Because he did it for my ex-boss Bush
25 because had anger management issues. Bush was like oh,

1 we just talked about like and how -- I was like how is
2 that for an anger management class. So I'm like
3 Dr. Nase is just not -- I was like okay. So he would
4 see Dr. Nase once a week. Dr. Nase ran a drug screen on
5 him as well. I don't know those results either.

6 MR. WATKINS: That was after Summers or
7 Martin?

8 MS. MORGAN: That one was after Summers.

9 MR. CRAIN: So you mentioned there was a
10 discussion about Baylor sending him to the board,
11 meaning State Board of Medical Examiners.

12 MS. MORGAN: Uh-huh, because of the
13 incident. They just went ahead and sent him to
14 Dr. Nase, which is what the board would have done to
15 have a psychological evaluation and to see if there's
16 anything that he needed to do because of the death. And
17 that was it.

18 MR. CRAIN: Were you -- did you start to
19 get the impression that Baylor was trying to keep this
20 from blowing up?

21 MS. MORGAN: In their face, yeah. Because
22 about the time -- I don't know when they fired Adam, but
23 Adam and I were sitting in my office and we were
24 chatting. He goes I've got to make a decision. I said
25 what decision. He was like I know too much about

1 Baylor's involvement with Duntsch. I'm like I don't
2 understand. He's like I have to sign this
3 confidentiality agreement or I can't get my \$50,000 that
4 I'm owed. Because if I don't sign it, they can't give
5 me my severance package.

6 MR. CRAIN: Did he specify what it was that
7 he knew?

8 MS. MORGAN: He just said he knew too much.
9 So now -- unless he's subpoenaed, he can't talk about
10 it. I don't know how long that was for but --

11 MR. CRAIN: What was your feeling -- after
12 the Summers case, obviously they're sending him to Nase,
13 not reporting him to the state board. Did you get the
14 impression at that point in time they were trying to
15 keep him as clean as they could?

16 MS. MORGAN: Yeah. I think they were --
17 because they wanted to keep him because he was a
18 neurosurgeon. They didn't have anybody coming there.
19 Nobody wants to operate at Baylor Plano from the
20 neurosurgical standpoint because nobody likes the
21 hospital.

22 So they had a neurosurgeon. Looks good for
23 accreditation. And then they -- they're like okay, we
24 just keep monitoring. Keep him on a short leash.
25 Everything should be okay. And then after the Kelly

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1 Martin case, they're like we're getting rid of this.

2 Let's tidy this up and push it out.

3 And the Baylor attorney -- what's his name?

4 MR. WATKINS: Thornton?

5 MS. MORGAN: No, that was Duntsch's private
6 attorney that he hired.

7 He's the lead attorney at Baylor Downtown
8 which he falls under the Board of Regions for Medical
9 School. You need to talk to Rob Staller. I don't have
10 his name. I'm sorry. John Beurkert, B-U-E-R-K-E-R-T.
11 214-820-7502. That's the guy who brokered the deal with
12 Thornton.

13 MR. WATKINS: He's with Kilgore.

14 MS. MORGAN: Yeah, that's him.

15 MR. CRAIN: So Beurkert, when is the first
16 time you heard of him?

17 MS. MORGAN: The first time I heard of him
18 is with Duntsch's employment contract. He's the guy
19 that was helping -- I don't know if helping was the
20 word. He was the one seeing if he could release the
21 contract from Baylor versus -- and MISI to Baylor versus
22 Duntsch, and he was part of that to the point where he
23 nixed it. He is the one that killed that contract
24 change. He was the one that made the final decision.

25 MR. CRAIN: And what about his involvement

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1 following the Summers case?

2 MS. MORGAN: He followed all of it. He was
3 the one -- because Duntsch already had dealings with
4 him, he followed everything and he was the one that was
5 brokering the deal with Jerri Garison in conjunction
6 with the medical staff. Just figuring how they were
7 going to take care of the letter.

8 MR. CRAIN: Took care of the letter. Are
9 you talking about the letter after --

10 MS. MORGAN: To get -- so that once he
11 resigned, yeah.

12 MR. CRAIN: Okay. We're going to get to
13 that here in just a second. What do you recall about
14 Buerkert being involved post MISI contract Summers case?
15 Was he involved with --

16 MS. MORGAN: Nothing. His name only came
17 up for employment contract and dealing with Thornton and
18 the letter for good standing for the next hospital.

19 MR. CRAIN: Did you ever hear the name Beth
20 Huntington?

21 MS. MORGAN: No.

22 MR. CRAIN: All right. So let's get to
23 that. The Martin case happens -- he hasn't peed in the
24 cup when he was told to pee in the cup the day after the
25 surgery. What's happening at that point in time? You

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1 made the comment that Baylor is trying to cut loose --

2 MS. MORGAN: They stopped taking any of my
3 calls. Garison, Sproles they're always in a meeting.
4 Let me take a message. And Duntsch is -- at that point
5 after Kelly Martin for the next four weeks, he's just
6 like in a corner sucking his thumb type of thing. You
7 know what I mean? There's no contact with him at the
8 office. We're calling. Could you please come to the
9 office? So that was like the whole four weeks.

10 Then he goes into -- so that would have
11 been March to beginning of April. So his birthday was
12 the 3rd of April, and so we decorated the office. We
13 did a surprise party there. So he comes in, nice
14 surprise party. He's like I can beat this. I can beat
15 this. I'm going to get better. I'm going to start
16 working out. I'm going to start being a better person.
17 I'm like okay, whatever. Just come see the patients.

18 MR. CRAIN: I can beat this meaning what?

19 MS. MORGAN: I don't know. I'm assuming
20 the depression. I'm assuming because he was depressed.
21 That was my impression.

22 So anyway, he's getting fat. He goes well,
23 when you drink a lot of alcohol you get fat, but as soon
24 as I stop drinking alcohol I get skinny. How do you
25 know that? He goes well, when I was in school, when I

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1 would have to do a lot of work, I would drink then I
2 would be fat, but when I stopped drinking, which I'm not
3 addicted to it or anything, then I'll get skinny. Okay.

4 So then the next week was my birthday and
5 the girls had a party. So his birthday was in the old
6 office. So between the 3rd and my birthday on the 13th,
7 we got evicted from Baylor, the office did. So the
8 girls and I had to pack everything up. They gave us a
9 letter that you're going to be evicted in three days.
10 So two men and a truck came and helped us out.

11 MR. CRAIN: Why was -- this is Texas
12 Neurosurgical Institute?

13 MS. MORGAN: Uh-huh, TSI.

14 MR. CRAIN: Why is TSI being evicted?

15 MS. MORGAN: It doesn't say why. So they
16 hadn't. I know that no rent had been paid because no
17 rent bills had been given to him in two months from
18 Baylor because Baylor was the one with the lease on the
19 space. The office that he was in at Baylor was a
20 timeshare-type office, but what Jerri Stewart Garison
21 did was give him exclusive rights to the space even
22 though Baylor still owned the space.

23 So the bills had been paid up until
24 February. And in February, March, and April there were
25 no bills sent from Baylor to the office to be paid. So

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1 I'm assuming they did it for nonpayment of rent but I
2 don't know. There was no reason on the eviction notice.

3 MR. CRAIN: Who would pay the rent?

4 MS. MORGAN: Me.

5 MR. CRAIN: So prior to March I guess, you
6 would get a monthly statement?

7 MS. MORGAN: I'd get a monthly statement.

8 And it had to come monthly, because the way the rent's
9 set up, there's a base rent and then there's a prorated
10 rate based on the electric cost, sewer, water, taxes.
11 So you couldn't set it up to make one lump sum every
12 month. It wasn't that way. It would be -- it would
13 vary by \$400 or \$500 a month.

14 MR. CRAIN: The eviction letter, though,
15 that was the first letter of any kind saying hey, you've
16 got problems here, just get out?

17 MS. MORGAN: Yep. Just get out. There was
18 no you've got 30 days. Literally it was like a Monday
19 or Tuesday and we had to be out by Friday.

20 MR. CRAIN: And did you try to contact
21 somebody over there about it?

22 MS. MORGAN: No. I was like okay. Adam
23 knew because he's the one that found the office that we
24 moved to. It was somebody from down at Baylor
25 University's signature on it. Not a Baylor Plano.

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1 Whoever the leasing -- person in charge of leasing the
2 contracts. I don't know who that was. Nobody I've
3 heard of before.

4 MR. CRAIN: All right. So getting evicted,
5 no one's returning phone calls. What happens leading up
6 to the negotiation of this letter?

7 MS. MORGAN: It was all Bob Thornton and
8 Buerkert. There was nothing through me. I mean, we
9 moved, still seeing patients like one or two a week.
10 And he's just -- he's decided now this is April 13th or
11 around there.

12 MR. CRAIN: Who is seeing patients?
13 Duntsch coming in --

14 MS. MORGAN: He's coming in to see one or
15 two patients. Honestly, I was more administrative.
16 Besides operating those couple of times, I didn't get to
17 see patients. He was like I'll take care -- I mean,
18 literal he'd go out in the waiting room, pick the
19 patient up, take them in, do all the stuff. He was
20 making the personal touch now I guess. I was just like
21 that's weird.

22 MR. CRAIN: Okay. All right. So when do
23 you start hearing about this letter and -- well first of
24 all, why does Duntsch have a lawyer?

25 MS. MORGAN: Because he wanted to get back

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1 and operate.

2 MR. CRAIN: What did Baylor --

3 MS. MORGAN: Oh, the other thing is he was
4 trying to apply at other hospitals, and because Baylor
5 wouldn't respond to them -- you know, when you apply to
6 another hospital, they have to check your good standing
7 at the ones you've been at. Baylor wouldn't reply to
8 them. That's why this letter thing came up.

9 MR. CRAIN: So what did Baylor do to his
10 privileges?

11 MS. MORGAN: They suspended him after Kelly
12 -- the day after Kelly's case.

13 MR. CRAIN: So would this have been the
14 second suspension at Baylor?

15 MS. MORGAN: Yes.

16 MR. CRAIN: So they suspend him the day
17 after Kelly's surgery. And then he starts going out to
18 other hospitals trying to get privileges elsewhere?

19 MS. MORGAN: Not until about the middle of
20 April/end of April. Because the six weeks in between,
21 he didn't do anything. He stayed at home.

22 MR. CRAIN: Was he drunk the whole time?

23 MS. MORGAN: He was drinking. He would
24 call hey, I'm just waking up. It's 4 o'clock. Those
25 kinds of things. I was like okay, great.

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1 MR. CRAIN: So at some point in April he
2 starts trying to --

3 MS. MORGAN: Pull himself up to the --

4 MR. CRAIN: What's his money situation?

5 MS. MORGAN: Money would appear to pay the
6 bills in the account.

7 MR. CRAIN: Any idea where that was coming
8 from?

9 MS. MORGAN: No.

10 MR. CRAIN: Which account?

11 MS. MORGAN: The Frost account.

12 MR. CRAIN: Is that the same bank where
13 Isaac was?

14 MS. MORGAN: Yes.

15 MR. WATKINS: It was big amounts too,
16 wasn't it?

17 MS. MORGAN: Like \$20,000 would pop in and
18 the next day there would only be \$5,000 left. Just
19 enough to cover the bills.

20 And I know the accountant knows because I
21 was like Mike, I need things for the IRS. You can't
22 just put money in because I'm pretty sure that's not
23 legal. He's like no, no, I've got all of these
24 references. I'm like I should have a copy here. If I
25 have corporate documents here and I'm running this from

1 Quickbooks. He's like well I've got it so we can do
2 Quickbooks online. I was like well I haven't entered
3 anything in so everything's been done manually here on
4 the manual ledger.

5 MR. CRAIN: Okay. All right. So Baylor's
6 not replying. How do y'all know Baylor's not
7 responding?

8 MS. MORGAN: We don't get a call back. I
9 mean literally, we call. They're in a meeting.

10 MR. CRAIN: No, when Duntsch goes out and
11 starts looking for work at other hospitals.

12 MS. MORGAN: Oh. Adam was the one who was
13 taking care of the credentialing at that point, and I
14 don't know. I want to say --

15 MR. CRAIN: Would Adam know?

16 MS. MORGAN: Yeah.

17 MR. CRAIN: So Adam is helping Duntsch
18 apply --

19 MS. MORGAN: Because he's the marketing
20 director now and he gets the leads from Baylor and
21 starts working for Isaac. And his main client is
22 Duntsch.

23 MR. CRAIN: Working for Isaac?

24 MS. MORGAN: I think he's a 1099 for Isaac.

25 MR. CRAIN: Was he an employee for Isaac

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1 before?

2 MS. MORGAN: No, he was with Baylor.
3 Baylor let him go. And he has his own company like a
4 marketing company, and I think he's 1099 for Isaac. I
5 think it started in negotiations of being an employee
6 but it was such low pay, Adam was like whatever.

7 MR. CRAIN: Did you get the impression at
8 that point in time Isaac is just trying to keep Duntsch
9 afloat to get his money back?

10 MS. MORGAN: Yeah.

11 MR. CRAIN: Did you have that sense after
12 the Summers surgery?

13 MS. MORGAN: No. I mean, I thought it was
14 really -- okay. This is a fluke incident. This guy's
15 had a broken neck for three years. I mean, can I see
16 that happen? Yeah, I can see that you take an anterior
17 approach. It swells. It hits the back of the cord.
18 Bam. It swells. You've got nowhere to go. You flip
19 him over, but you know that's going to happen so you
20 just plan on doing a whole 360 procedure where you take
21 it all off and leave him in a halo for four or
22 five months. Take him back -- I mean, you know that.
23 But without me knowing his whole case and seeing all of
24 his files, I can't say that's what Duntsch was thinking.
25 I mean, that's what my ex-husband would

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1 have done. He was the Trauma Director of Sharp Trauma,
2 and I trained with him.

3 MR. CRAIN: But after now Martin --

4 MS. MORGAN: I think Isaac was just trying
5 to get money back and he's like okay, let's go to this
6 hospital, let's go to this hospital. And they were like
7 quirky places like Victory or Pine Creek. Places you're
8 like -- they're like owned by docs who you know are not
9 the most stellar people because there's nobody who would
10 want to go down to the hood to work.

11 And I didn't even know that other hospital,
12 which is probably another physician or hospital. I
13 don't know. But I do know that Dr. Duntsch's banker --
14 so when Dr. Duntsch got on at Baylor, the surgery center
15 saw a cash cow and asked him to come join them to easy
16 cases at the surgery center because they would make a
17 lot more money. And he would be an investor there and
18 he could buy two shares.

19 So he bought two shares. And the shares
20 came up to like \$240,000, but because Dr. Duntsch had a
21 Wells Fargo loan, they wouldn't loan -- the banking firm
22 wouldn't loan him the money because he had too much debt
23 ratio. But what they did was they paid off the Wells
24 Fargo and rolled it all into one so then that way they'd
25 get all their money back because Wells Fargo had a

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1 clause in their contract that said that their debt gets
2 paid before anybody else's.

3 So all this capital that the other bank
4 would have gotten, it had to wait to get it behind Wells
5 Fargo. So what they did is they rolled all of that
6 \$300,000 into one loan through them, and they're out of
7 Nashville.

8 So when he lost his privileges at Baylor,
9 one of the stipulations at the surgery center is you
10 have to give up your shares, and they buy them back for
11 what you paid for them. Well they took his shares.
12 They got the money back, the banking people did but
13 there was still that \$130,000 left over. Duntsch didn't
14 feel like he had to pay that back.

15 So I came -- I got in tight with the
16 banking guy. And so I get this text like four or
17 five weeks ago, you are not going to believe this. Call
18 me. So I called him. Because he hadn't even paid him
19 back or called him, he kept telling him well I'm in
20 surgery. I'm going to be doing a case here. I'm sorry
21 I can't get back with you. I'm at Victory in Plano.
22 It's another doctor-owned facility.

23 Well he's never been on staff there. I'm
24 like there's no way. He can't get on staff there. So I
25 called them and they go we don't know a Dr. Duntsch.

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1 I'm like okay thanks. Because I pretended I was going
2 to have surgery there.

3 So I called him back, the banker and he's
4 like of course not. He goes well he's supposed to be
5 speaking at this meeting so I'm just waiting for it to
6 start. I said fat chance, and he started laughing. Two
7 of his other banking individuals were there because they
8 wanted to talk to him about collecting their money. He
9 no-shows the meeting. It's a national meeting in
10 Chicago. Doesn't even show up, so somebody else has to
11 fill in on the podium for him at that conference.

12 MR. CRAIN: Okay. So let's get to the
13 letter that was brokered. Tell me what you know about
14 that process.

15 MS. MORGAN: All I know is Thornton took
16 care of all of it. I've never seen it. Don't know it.
17 Him and Baylor worked it out. Duntsch was happy about
18 it, and that's all I know.

19 MR. CRAIN: Okay. So Duntsch was trying to
20 get coverages to other hospital. According to Adam,
21 Baylor wasn't returning phone calls and other hospitals
22 are saying --

23 MS. MORGAN: And that's why they went and
24 hired Thornton.

25 MR. CRAIN: So they hired Thornton. And do

1 you know what Thornton does at that point?

2 MS. MORGAN: He talks to Buerkert, and they
3 go back and forth until they hash something out.

4 And all I know in the end was Duntsch had
5 to voluntarily resign his privileges at Baylor and it
6 would not go under investigation or any type of --
7 nothing negative would be on any of his reports. That's
8 all I know. I don't know what was in the letter or what
9 they agreed to on the terms, whatever at that point.
10 But that's all I know that it ended with Baylor.

11 MR. CRAIN: And what was incentive for
12 Baylor in this?

13 MS. MORGAN: I don't know. Just to get rid
14 of him I guess to keep his -- I don't know. And at that
15 point, I was already checked out trying to find a new
16 job and I'm done. I checked out at the end of March,
17 and I'm like I'm done with this.

18 MR. CRAIN: Why did you check out?

19 MS. MORGAN: Well I was in Seattle on a
20 teacher conference because I teach at the graduate
21 school and my girlfriend's a superintendent in Idaho.
22 So we went to Seattle for a conference. And we --
23 because it's three hours time difference. So this is
24 like 7 o'clock in the morning, and I had 70 something
25 messages from him to call him. I mean, it's like 6

1 o'clock in the morning and he had been blowing up the
2 phone. I was like this is ridiculous.

3 Please come home. I'll fly you home. I
4 don't like to be alone. I need your help because you've
5 put everything -- you made everything okay and you can
6 take care of everything. I'm like okay, this is weird.
7 I'm done with this. I mean, before -- now did y'all
8 talk about --

9 MR. WATKINS: You said something about you
10 called Wendy and she told you she was somebody else for
11 a while.

12 MS. MORGAN: Yeah. So when we all first
13 started working for him, Wendy Renee Young -- she was
14 Wendy when we all knew her. Now on the website she was
15 Renee Young, but she's the same person. She was
16 supposed to be the secretary from Discgenics from
17 Memphis. Her husband hadn't come down yet. She's
18 pregnant secretary but she's staying at their house and
19 they all know each other.

20 So this is going on. I was like okay.
21 Jerry too is living there. Who has a grown man living
22 with him? But they've been friends forever and he's the
23 driver. I'm like okay.

24 So go work for him in August, and about
25 October he goes you're kind of like the trophy wife. I

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1 take you to all the meetings and all of that. He's like
2 I think we should start dating. I'm like oh, God, okay.
3 So dumb me says okay. We start dating. We go places.
4 So like for corporate, we went up to King
5 of Prussia with the company, stayed there for two days.
6 They flew us back because we were doing designs for
7 their CAD and then driving back and forth to Memphis.
8 He goes you're just very polished and you know -- I was
9 like okay. Again we started dating. But then like one
10 day my car gets keyed in his driveway while we're
11 working on research. And then she's in the room next to
12 the study throwing things at the wall. I'm like God,
13 she must really be looking for some shoes or something.
14 And so come to -- so then in February,
15 whenever he goes on that Vegas trip, I dropped him and
16 Isaac off. He goes I need to tell you something. I'm
17 like, what? He goes she's carrying my baby. I'm like,
18 what? He goes it was a one-night stand and I tried to
19 get her to have an abortion but she wouldn't do it.
20 I'm like okay. I'm trying to be big about
21 this. He goes I'm trying to get her an apartment. We
22 just don't have the funds to do it right now. He goes
23 just work with me on this. I'm like she has her own
24 room. I'm trying to deal with this the best big girl
25 way I could. I'm like okay.

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1 So, you know, he meets my kids.
2 Everything's kind of like okay. This is fine. I can
3 deal with this I think. So that's like -- I'm just like
4 this is getting weird. Keys my car again. I'm like
5 really?

6 She wouldn't do that again. She's just so
7 sweet.

8 She's not sweet. Who else is here? I'm
9 like you live in a very nice residential neighborhood.
10 Somebody just runs along and keys my car. I'm sorry.

11 So at that point I'm like I'm over this.
12 You're just crazy and I'm not dealing with it. So
13 that's when I started -- it was like March. I started
14 dating a cop from Irving. I'm like I'm done with this.
15 I can't deal with this.

16 And then after that whole event in the end
17 of March, I checked out. I'm done. But he would
18 like -- I had to get -- my ex-husband is a police
19 officer for Wylie. So I was like dude, I don't know
20 what to do. I'm going to have to get a restraining
21 order for him. Because he would come over and bang on
22 my bedroom window. Well I keep guns. I almost shot him
23 one time. Nobody bangs on my bedroom window at
24 2 o'clock in the morning. You know, I don't know what
25 I'm going to do. I don't know about getting a TRO.

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1 He goes well first you've got to write a
2 letter based on the Texas code, and I'm like okay fine.
3 So I wrote the letter, sent the letter and he stopped.
4 He stopped coming over to my house. And that would have
5 been in April because that's when I was kind of like
6 glad he wasn't in the office.

7 And I tried to quit but he wouldn't let me
8 quit. I'm like you don't have any money. You can't
9 afford my salary. I need to get another job. No, no,
10 no, you run the whole place. But anyway, so that kept
11 going. And then finally it was like we were at the
12 Brick House and he was like no, we need to get married.
13 I'm like not marrying you, dude. You don't understand.
14 You have a girlfriend with a baby. By that time she had
15 the baby. I mean, you need to be a dad. Go do your
16 thing. Get yourself straight and out. He's like no.
17 And I'm like --

18 And so he left me alone, but he was so
19 outrageous. I was talking to my office and I was like
20 I'm sitting at Brick House and Dr. Duntsch is with me.
21 They're like what? So I guess Adam must have called
22 him. He comes back in there and takes my phone. Who
23 were you talking to? Makes a scene in Brick House. And
24 I'm like Adam, you know, your marketing guy's waiting
25 for you for the meeting. So he storms out, speeds out

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1 of parking lot, and that was it. I was like I'm done.
2 Checked out. Picked all of my stuff up after everybody
3 left and checked out.

4 MR. CRAIN: When did you hear about the
5 surgeries gone bad at Dallas Medical Center?

6 MS. MORGAN: Well I'm friends with six
7 neurosurgeons, and my ex-husband is a neurosurgeon.
8 He's like Kim, that freak. I'm like, which one? He
9 goes Dr. Duntsch. He goes he killed another patient.
10 I'm like, what? He goes I don't know which one but he
11 killed another one. I said I don't want to know. I
12 just don't even want to know. So then I started talking
13 to TMB and helping them. It just wasn't fast enough.

14 MR. CRAIN: So then you started talking
15 with them after what happened at Dallas Medical Center?

16 MS. MORGAN: Yeah. I don't know exactly
17 when we started talking. She would know. Maria Lopez.
18 She's the lead investigator for TMB, but I sent out a
19 statement. And then about a week before they pulled his
20 license, she called me and we had a two-hour
21 conversation. Because I was out riding my motorcycle
22 and we were in Glenrose and so I had to sit at the town
23 square and we had like a two-hour conversation about
24 everything.

25 I said if you want to know how much and how

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1 long he's been drinking, just look at his Facebook
2 because he had these crazy posts on his Facebook, which
3 is now gone but she saw the picture of it that says --
4 he was reprimanding one of his scientists at the lab
5 about how much they've been drinking alcohol together
6 and the vodka flows and this whole long litany about how
7 you shouldn't disrespect me and I'm the greatest
8 scientist there ever was.

9 That was I think finally the piece of
10 information, because it was on public forum, that letter
11 closed the case. Like, literally the next day his
12 license was gone.

13 MR. CRAIN: Did you ever hear -- did you
14 ever hear what happened over at University General or
15 South Hampton Community? It's been a couple of
16 different names.

17 MS. MORGAN: No, I don't even know anything
18 about any of those patients.

19 MR. CRAIN: Did you hear him operating up
20 in McKinney after Baylor?

21 MS. MORGAN: There is no way McKinney
22 would -- where at Methodist? No, there is no way.
23 Because he applied at Methodist and Methodist -- oh,
24 that's how I know. That's how I know Baylor wasn't
25 playing in the sand box.

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1 Methodist McKinney is where he went and
2 tried to apply. He tried to get on at Methodist
3 McKinney because Adam had a position there in the
4 hospital. You can do all your cases. You can make good
5 money. He goes you won't be a partner or anything but
6 at least you can get in, and that's when we found out
7 Baylor wouldn't return their calls.

8 MR. WATKINS: Was Adam part of the
9 negotiation or in on what was going on with Baylor and
10 the lender?

11 MS. MORGAN: With Thornton, yes. He went
12 to Duntsch's meetings with Thornton. I was never
13 allowed to go.

14 MR. WATKINS: So Adam actually went to the
15 meetings?

16 MS. MORGAN: He went to some. I don't how
17 many he went to but they left to go there to go to the
18 meeting. So whether he stayed at the meeting, I don't
19 know.

20 I'll tell you the name of Methodist
21 McKinney. Joe Minissale, he's the vice president of
22 operations. And his phone number is 469-585-6553. Work
23 number or cell number is 913-387-0588. E-mail is
24 jminissale.nueterra.com.

25 And because Methodist is -- Methodist

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1 McKinney is not truly a Methodist facility. It's not
2 owned by the Methodist system. It's tagged on so they
3 can get all of their insurance contracts. The
4 physicians own most of it. You know, the percentage. I
5 don't know what it is, but Methodist just uses -- they
6 use Methodist for their insurance contracts there.

7 And then the credentialing girl was Nicole
8 Adame, and she actually probably works for the hospital
9 system. 972-569-2700 I believe is the main number. And
10 then her mobile is 214-284-4113.

11 MR. CRAIN: Were you part of any of the
12 efforts to try to get him into other hospitals?

13 MS. MORGAN: At that point it was -- in my
14 opinion it was a dead horse. There is no way. You have
15 those two in Baylor. You're not going anywhere.

16 MR. CRAIN: Personally, what did you think
17 when you heard about what happened at Dallas Medical
18 Center?

19 MS. MORGAN: I was like the board needs to
20 take care of this. And I know that the other girls that
21 I worked with refused to talk to the board. I mean,
22 that's crazy. You people need to step up.

23 I know that the main complaint came from
24 one of the secretaries there because she also complained
25 about Dr. Bush. And she's also bipolar and she was off

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1 her medication, which was good. She started the
2 complaint thing. I was like okay, this is all I know
3 and then I just went through with that.

4 MR. CRAIN: Let's talk about Dr. Duntsch
5 and drugs. Were there drugs at the TSI?

6 MS. MORGAN: At the Baylor office, Tylan
7 Parker came in one morning. It was like 8:30 in the
8 morning and she goes Kim, you need to come in the
9 bathroom. Well, Dr. Duntsch peed on the floor all the
10 time. Okay. I mean, we were always like, really? We
11 always made the joke about getting little paper to put
12 around it because we're all females and we're like this
13 is disgusting.

14 So we had left. Everything was fine. The
15 housekeepers come every night Sunday through Thursday,
16 and this was like middle of the week. So anyway, we go
17 in. She's like you got to look at this. I'm thinking
18 great, what did he do now? So I walk in there and
19 there's this bag of white stuff in a Ziploc baggy
20 sitting there.

21 I said Ty, what is that? She goes I don't.
22 I'm like well don't touch it. Put gloves on and get rid
23 of it. But we don't know. It could have been him.

24 Jerry Summers was a drug dealer. We found
25 out he has a felony conviction in Memphis. He put a cop

1 in the hospital and he's a felon. And that -- I don't
2 remember when that was. That was after -- I don't
3 remember. We were in the Baylor office, so it was
4 before April but it was close to when we were evicted.
5 So it was before we got to the new office because he was
6 never rarely there.

7 MR. CRAIN: Would it have been before --

8 MS. MORGAN: It would have to have been
9 before Jerry Summers surgery. Duh. What am I thinking?

10 MR. CRAIN: Because there was a thought
11 that it might have been his?

12 MS. MORGAN: Yeah. So we're looking at
13 each other and we're like okay, what do we do? We were
14 like well get rid of it. We don't want it. So it could
15 be -- of course, we were like, do you think it's
16 housekeeping? Do you think it's -- I don't know.

17 MR. CRAIN: What discussion was there at
18 the office about that?

19 MS. MORGAN: Nothing. Ty and I are like we
20 don't want to know. We're done. We're checking out.

21 MR. WATKINS: Did y'all ask him about it?

22 MS. MORGAN: Huh-uh. We were just like --
23 we just got rid of it, flushed it down the toilet.

24 MR. CRAIN: Was there anything that
25 happened when you made the trip to Memphis that caused

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1 you concern about Duntsch's personal life?

2 MS. MORGAN: He had a revolver and -- I
3 mean, he has two guns, which one always stays in his box
4 and goes into the study and it's a Desert Eagle .9 mm.
5 So we're going to Memphis and he asked me to get \$3,000
6 out of the account. I'm like, for what? He goes I got
7 to pay Sal back. Okay.

8 Well Sal lives in his house in Memphis and
9 takes care of it. So we go there, and Sal's at the lab.
10 He meets us at the house. They go out. And he goes
11 hey, you've got to get some money for Sal. Okay. So I
12 got where the money was. I kept it in a binder. I pull
13 it out and I'm like -- there's a .38 snub nose in there
14 and I'm like okay, that's weird. I know we're in
15 Memphis but it's really weird.

16 I'm like dude, do you have a permit for
17 this? He's like no, no, I just have that. And I'm like
18 why? He goes well you never know. I'm like okay.
19 So -- and then they go out and I was like okay. But
20 they're gone for like long periods of time. So it just
21 was weird. It's like being the driver but Sal drove
22 him. I'm driving all this way to Memphis, 9-hour drive,
23 and I'm like now you want Sal to drive around town. I'm
24 good enough to go stop at the liquor store, stop at the
25 grocery store, but you want him to take you. So that

1 was kind of weird.

2 MR. CRAIN: What about his physical
3 appearance?

4 MS. MORGAN: When he came back?

5 MR. CRAIN: Well just in general. Anything
6 about his physical appearance which made you concerned
7 about potentially drugs, alcohol?

8 MS. MORGAN: He had one event in Baylor OR
9 with a bloody nose, and I was like your nose is
10 bleeding. That was before we went in to do a case. I
11 don't remember which one. He goes crap, I got a cold
12 and it's dry in here. I'm like okay. Because it does.
13 It gets very dry in there. It's 60 degrees, so I always
14 use saline all the time.

15 But I will say we had a discussion one time
16 when we were talking about septums. I go mine's been
17 broken with my horse. He's like I don't have septum.
18 I'm like everybody has a septum. It's probably just
19 deviated. He goes no, it's missing. I'm like -- I just
20 walked on.

21 MR. WATKINS: Didn't he used to brag about
22 being part of the 360 Mafia?

23 MS. MORGAN: Oh, 360 Mafia. He is the
24 doctor for 360 Mafia, which is some drug dealing rap
25 group. But again, like you can have this whole -- like

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1 the sky is blue and he'll go into the ultra violate of
2 the clouds. I'm like, really? So you can't tell if
3 he's embellishing. I'm like all right. Yeah, I'm on
4 their video. And I'm like okay.

5 MR. CRAIN: I'm going to bounce around on
6 you because I'm going to try to wrap up some things.
7 Are you aware of Dr. Rimlowi ever making any statements
8 to Baylor about Duntsch or his personal opinions about
9 Duntsch?

10 MS. MORGAN: No.

11 MR. CRAIN: Don Duntsch, PT, he's been on
12 the Texas Neurosurgical Institute Board that we looked
13 up initially.

14 MS. MORGAN: If you look at the corporate
15 documents -- okay, the corporate documents there's only
16 one person on the board and that's Dr. Duntsch. Don is
17 his dad. Everybody is a board -- like, Collin Childress
18 is the attorney that's on there, he's not an attorney.
19 I talked to Collin like two months ago. He goes Kim, I
20 haven't done anything since January of '13. He's like I
21 keep telling him to take it off. His brother-in-law TJ
22 Johnson is the one that does Duntsch's website and
23 changes it like on the fly. He works for Organics.
24 That's his company out of Colorado, and that number
25 is -- there's no such thing as a board of director

1 there.

2 MR. CRAIN: So is this for show?

3 MS. MORGAN: Show a hundred percent. There
4 is no board. It's an S Corp. There is one owner in
5 this S Corp. if you pull the corporate record, it's
6 Duntsch. There is no board. There's no meetings.
7 There's no minutes. He's not even compliance with the
8 state corporate division. It's all show.

9 MR. CRAIN: Was -- before we finish going
10 through some of these things, did Baylor ever follow up
11 with his refusal or failure to take a drug test when
12 they were trying to make him chief of neuroscience?

13 MS. MORGAN: No.

14 MR. CRAIN: Did that not strike you as --

15 MS. MORGAN: It strikes me as weird.
16 Somebody who needs the money who does go pee in a cup to
17 get free money. I mean, really you haven't done
18 anything. You're wearing a coat. Big deal. That
19 strikes me weird. I'm like just go pee in a cup. No,
20 I'm too busy. Really? I'm going to tell you that I'm
21 sure that that drug test must have come back positive
22 for Darvocet.

23 MR. CRAIN: And looking back in hindsight,
24 do you see any events that occurred that you now think
25 that may have been more than alcohol or more than his --

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1 MS. MORGAN: His erratic behavior, I'm just
2 like -- I don't work with that type of research so I
3 don't know if he works three days in a row if he's kind
4 of short circuit or not if you've done it for years and
5 years and you drink a lot of alcohol. I know my
6 father's an alcoholic and he just forgets but he's
7 not -- and can become aggressive.

8 So I was used to dealing with alcohol. You
9 know, I mean, just because he's not drunk doesn't mean
10 he's not an alcoholic. So I was used to that.

11 But that event at Brick House, that is
12 crazy. I'm like you're going to take my phone because
13 I'm talking to the office and you're just making a scene
14 in front of people. That's just crazy. I mean, and
15 that's erratic behavior.

16 You know, Coleen Kennedy, she's a bariatric
17 surgeon who took over officing with us before we were
18 evicted. She made a comment one time. She goes he must
19 be on drugs. Nobody runs around like that all the time.
20 I'm like, huh. So you might want to talk to her and see
21 what her thoughts are. She met him. She didn't work
22 with him, and she wasn't associated with him. We just
23 shared an office together.

24 MR. CRAIN: She put that together within
25 how long?

1 MS. MORGAN: A month.

2 MR. CRAIN: What about Jerri Garison?

3 MS. MORGAN: See, I've known Jerri for a
4 long time. I've known her since 1996, '97. And she was
5 with Richardson Regional before they even were
6 affiliated with anybody. And then she got tired of
7 being the CNO and she wanted -- when Baylor came into
8 Richardson, because they were outsourced to them, she
9 wanted to do more. So she took over the chief -- COO at
10 Baylor Irving, did so well with that, they put her into
11 Baylor Plano. She was on the rise.

12 As this stuff with Duntsch was rolling
13 down, she became the CEO of four other Baylors, and she
14 was chief operating officer for five that reported down
15 to big Baylor. So she took on all of these
16 responsibilities and she just -- that was one of those
17 things that this needed to go away. She's not the same
18 person she was -- one, she would never put up with
19 something like that. I mean, from the person I knew.
20 If there was a problem, she could get them into help.
21 And I think that she was just so far detached after her
22 golden boy didn't pan out to be a golden boy.

23 MR. CRAIN: Just from an outsider's point
24 of view in looking at it, it sort of sounds like Duntsch
25 was going to be the goose that laid the golden egg in

1 all of these surgeries being the neurosurgeon on staff
2 out there. And they kept trying to make it work with
3 him past the point of when they shouldn't have. And
4 then after injuries and bodies start piling up, they
5 decide we've got to get out of here.

6 MS. MORGAN: Uh-huh.

7 MR. CRAIN: And I have not personally seen
8 the letter. I've heard the letter described as saying
9 that Duntsch voluntarily resigned his privileges and
10 that there are no other or no adverse circumstances to
11 report, something along those lines.

12 And based on what I'm hearing from you and
13 based on what is being pieced together from other
14 sources, it sounds like he was suspended on two
15 different occasions after two major efforts -- would you
16 agree that that would be a false statement if Baylor
17 made it that --

18 MS. MORGAN: Oh, yeah. He was on their --
19 I mean, you can't -- I mean, the second one never came
20 off as a suspension. There was no letter sent to him
21 saying he wasn't suspended anymore. So basically he
22 went off staff under suspension. I mean, honestly if
23 you don't get a certified return of receipt to your
24 place of business or your house, which it came to
25 neither, you're still suspended when you get off. I'm

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1 sorry. Technically, you're suspended.

2 MR. CRAIN: Good point. Now you had an
3 opportunity to speak with Ron last week, and I just want
4 to make sure I cover some of the things y'all did and
5 then we'll get out of here. Just to make sure we've got
6 cleared up, your employment went from Bush to --

7 MS. MORGAN: Duntsch.

8 MR. CRAIN: No MISI.

9 MS. MORGAN: Never MISI.

10 MR. CRAIN: And then just Duntsch, which
11 would --

12 MS. MORGAN: I took a month and a half off
13 and then went to EmCare.

14 MR. WATKINS: How much interaction did
15 Keegan Bradley and guys at NuVasive have with Duntsch
16 outside the OR?

17 MS. MORGAN: Just socially?

18 MR. WATKINS: Didn't they take him on --

19 MS. MORGAN: He went to California with
20 NuVasive. I'm trying to think of where else he went.
21 The companies took him there because he had to train.
22 And then we went to this Medtronic. But Medtronic was
23 post -- it was a lab because I went to that lab.

24 The only one I didn't get to go to was the
25 California one. And Keegan's a good guy. Keegan

1 didn't -- I mean, to my knowledge he didn't go out
2 because him and his wife worked for the same company.
3 And then, of course, Duntsch was their cash cow too.

4 The one thing that saved Keegan was that
5 because he had -- he went from one company to another
6 but he had a non-compete so he had to go to Houston for
7 a year. So he just got back. He had to go for like
8 2012.

9 MR. CRAIN: How long was he supposed to see
10 Nase after Summers who was ordered by Baylor to go to
11 Nase?

12 MS. MORGAN: He only had to see per Baylor
13 one time, and then Nase was to determine if he was
14 stable to continue working if he was in good mental
15 health. Nase said yes. Exactly.

16 But I was like I'm going to drive you every
17 week because your best friend is jacked up. You can't
18 be all right. So I made him go every week.

19 MR. CRAIN: How long did he do that?

20 MS. MORGAN: I know the times that I -- I
21 mean, at least four or five times because I would drive
22 him.

23 MR. CRAIN: Was he continuing to go after
24 the Martin surgery or did he stop before that?

25 MS. MORGAN: I can't remember. I said you

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1 need to go. Just keep going.

2 MR. CRAIN: Medical Center of Plano refused
3 to take Duntsch because they could not get anyone to
4 agree to do a supervising position for Duntsch.

5 MS. MORGAN: Right. So when you're a
6 surgeon at all the hospitals, in case let's say you go
7 down in the middle of an operation, you've got to have a
8 surgeon that you can call as your back-up surgeon,
9 somebody who will come in and help do something for that
10 patient. So you have to have a back-up surgeon in the
11 same specialty.

12 So he had applied there while he was still
13 at Baylor but none of the neurosurgeons would
14 countersign for him. This was after the Summers thing
15 but before the Martin thing.

16 MR. CRAIN: And why was that?

17 MS. MORGAN: Because they thought he was a
18 bad surgeon. I talked to two of my friends and they're
19 like no he's a liar and he's a bad surgeon.

20 MR. CRAIN: Why couldn't Baylor figure that
21 out?

22 MS. MORGAN: Really?

23 MR. CRAIN: I know it's a rhetorical
24 question.

25 MS. MORGAN: I can't answer that but

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1 Mr. Buerkert might be able to.

2 MR. CRAIN: I want to go back to the deal
3 here because you mentioned Thornton was involved on
4 Duntsch's side and then --

5 MS. MORGAN: Thornton was privately hired
6 by Duntsch.

7 MR. CRAIN: And then I've got a note that
8 Brad Leonard was involved.

9 MS. MORGAN: That's Dr. Leonard. That's
10 the chief of staff. He's the guy that made the
11 recommendation to take him off suspension. Even though
12 it went through all of its -- he's the guy that would
13 tell you you're off of suspension.

14 And I know Dr. Duntsch personally talked to
15 Dr. Leonard several times. I don't know what was said
16 because the door gets shut, but I do know they had
17 multiple conversations.

18 MR. CRAIN: So is your impression that
19 Leonard was the one who told Duntsch that he could
20 operate again on Kelly Martin?

21 MS. MORGAN: Uh-huh, but it would have to
22 come through medical staff. Medical staff would be
23 Patti Sproles, the administrative person and Leonard is
24 the chief of staff. Chief of staff makes the decision
25 for everybody after they talk to the board -- the

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1 medical staff. There's like probably seven or eight of
2 them. I don't know who exactly.

3 MR. CRAIN: As far as the deal on the
4 letter, we have Buerkert, Thornton, and I think Leonard
5 was on that as well?

6 MS. MORGAN: I'm sure he was. Baylor
7 doesn't do anything without checking with 20 people
8 before they do something. I'm sure Jerri Stewart
9 Garison had something to do -- I mean, I'm sure she
10 knows all about.

11 I'm sure if Jerri knows, Patti Sproles
12 would know too. And see Patti's been with Jerri since
13 Richardson. They had been together that whole almost
14 16, 15 years.

15 MR. CRAIN: Okay.

16 MR. WATKINS: Did any of the other staff
17 ever say anything about drugs?

18 MS. MORGAN: The hospital? My staff?

19 MR. WATKINS: Tylan or any of the other
20 people?

21 MS. MORGAN: We were just like oh, okay,
22 and that was it. There was no other incident. It was
23 like a one --

24 MR. CRAIN: I know there are a lot of
25 questions about Dr. Duntsch and possible drug use. Is

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1 there any other explanation that you know of for the
2 massive amount of money that was being spent by Duntsch?

3 MS. MORGAN: No, because he didn't pay the
4 bills. I mean, I know he didn't pay the bills.

5 MR. CRAIN: And you mentioned when he and
6 Isaac -- they had gone to Vegas?

7 MS. MORGAN: Uh-huh.

8 MR. CRAIN: And this was prior to Summers?

9 MS. MORGAN: Uh-huh.

10 MR. CRAIN: You go pick them up --

11 MS. MORGAN: Oh, it was a Medtronic course,
12 and I can tell you when it was. Kyle Tapley was the
13 Medtronic rep that took them. And his phone number is
14 214-906-1642, and I'm just going to let you look at his
15 e-mail because it's pretty long. But he's the one that
16 sponsored them for the event so he'll know the exact
17 dates.

18 MR. CRAIN: So that's
19 Kyle.michael.tapley@medtronic.com.

20 MS. MORGAN: Uh-huh.

21 MR. CRAIN: Thank you. The surgery
22 involving the individual who either worked or had a
23 relationship with the medical examiner's office, do you
24 recall that surgery?

25 MS. MORGAN: Yes. It was a lumbar disk.

1 His name --

2 MR. CRAIN: And we've heard but --

3 MS. MORGAN: He's like 34, white guy,
4 blond.

5 MR. CRAIN: What do you recall about that
6 surgery?

7 MS. MORGAN: I mean, I know that he had --
8 I mean, postoperatively I know that he had some nerve
9 damage, but the problem is with that one is that he was
10 getting better postoperatively with the nerve damage
11 because he had it for so long.

12 So sometimes with the pathophysiology of
13 herniation of disks and rubbing against the spinal
14 nerve, it's swollen. It already has numbness and
15 tingling and you have muscle problems with it. And then
16 if you take the disk off of it, that's fine but you have
17 to -- and one of the things that can happen is that they
18 can damage the nerve.

19 So I didn't get to see him enough to know
20 was it getting better or was it because it was pinched
21 from being the herniated disk.

22 And the problem is with me looking at my
23 side of the microscope, I don't get to see the full
24 view. It's a binocular microscope. So yes, I can see
25 the field, but I can't see that portion of his nor can

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1 he see the portion of mine. Does it make sense?

2 MR. CRAIN: Yes. Thank you. Creditors and
3 banks kept calling you about Duntsch. You mentioned
4 about his house in Memphis.

5 MS. MORGAN: Yes. Dorothy, she's the
6 mortgage lady.

7 MR. CRAIN: And was there also issues with
8 his Tahoe?

9 MS. MORGAN: Yeah, GMC.

10 MR. CRAIN: Did he have IRS issues?

11 MS. MORGAN: Yes.

12 MR. CRAIN: What do you know about those?

13 MS. MORGAN: He hadn't paid his taxes in
14 two years. They were threatening to seize his bank
15 accounts. He made a lump sum payment of like -- because
16 he borrows the money from his dad and he paid them like
17 \$4,000 and he owed like \$30,000 still. These were his
18 personal income taxes. He never paid them. That was
19 the only time that I was there, but I know he didn't
20 make the other payments I'm sure.

21 Q. How much did he borrow from his parents?

22 A. I wasn't a lot because -- it was probably like
23 \$5,000 or \$6,000 maybe \$10,000 because they don't have a
24 lot. I mean, a teacher and PT. They don't have a lot.

25 MR. CRAIN: Did he cover the dinner in

1 Frisco --

2 MS. MORGAN: Oh, where he spilled the
3 alcohol on my friend?

4 MR. CRAIN: Dr. Harrell.

5 MS. MORGAN: Yeah.

6 MR. CRAIN: What happened there?

7 MS. MORGAN: So we took him to the Center
8 with Harvest, which is molecular blood products. And we
9 were there, and I drove him. He was like I don't feel
10 good. I took cold medicine. He was really jittery. We
11 get there, and he orders a drink.

12 So Dr. Harrell is here. Dr. Duntsch is
13 here, and there I am. So he's talking to Dr. Harrell
14 and then there was a whole group of people on this side,
15 more doctor and scientists. Dr. Duntsch is like I don't
16 feel good, and he's just kind of doing -- anyway, he's
17 drinking vodka and soda and he picks his glass up and
18 spills it on Dr. Harrell. Dr. Harrell's like ugh. And
19 he's like really apologetic. They start talking.

20 Well then Dr. Duntsch picks Dr. Harrell's
21 Scotch up and drinks his Scotch. I'm like okay. He
22 goes I'm so sorry. I need to go to the restroom. I
23 just took all this cold medicine. Sits back down. And
24 Dr. Harrell is Scottish and he was going on -- he was
25 like you don't mess with my Scotch. He says something

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1 and I was like -- he says something about -- I said well
2 don't do that because I might have to kill you. I was
3 joking. We start talking about the Army, and he's like
4 what army? I said the United States Army. It teaches
5 well.

6 So then he and I started talking about
7 skydiving and parasailing and we ignored Dr. Duntsch.
8 And we've been friends ever since. So he's in Boston
9 now.

10 MR. CRAIN: When is the last time you heard
11 from Duntsch?

12 MS. MORGAN: Since April. So when I was
13 trying to re-credential -- so now I'm having issues with
14 them. Before he lost his license, she would -- so they
15 send it -- the hospital sends it to all of your
16 employers. So now she's like we're reporting her to the
17 state board because -- and the two places my PRN job,
18 they're like they said they reported it to the state
19 board. I was like, for what? They said we don't know.
20 They just said misconduct.

21 So I called the state board and I'm like
22 this is Kimberly Morgan. I need to know what's on my
23 license because one of my employers -- she goes I don't
24 know what you're talking about. I was like, what? She
25 goes you haven't received a letter? I said no, but they

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1 just told me -- she goes there's no report on you. Oh,
2 okay.

3 So, of course, now I'm irritated so now I
4 just want to go find them, but I won't because I'm nice.
5 So that's when my issues were coming in now. But maybe
6 if there's nobody left at the office, I don't know.

7 MR. CRAIN: So you work with Duntsch for a
8 total of eight months?

9 MS. MORGAN: August until May 10th.

10 MR. CRAIN: So nine, ten months, something
11 like that?

12 MS. MORGAN: Uh-huh.

13 MR. CRAIN: Looking in hindsight --

14 MS. MORGAN: Oh, my gosh, I would never do
15 that again. I should have guessed when MISI wouldn't
16 let me start working with them there was something going
17 on with that whole group. And I should have just known
18 that that was going to be a bad outcome. I was just
19 trying to be the better person and give him the benefit
20 of the doubt.

21 I mean, I grew up in neurosurgery. You
22 start a business. One thing at a time. I guess I was
23 raised that way. That's just how you do things. You
24 start it. You built it, and you go. Some people aren't
25 self-starters. They just don't know and they don't try

1 to pull themselves out of anything.

2 MR. WATKINS: Do you have any idea if TSI
3 is still up and running?

4 MS. MORGAN: I have no clue.

5 MR. WATKINS: If he's still drawing money
6 out of there?

7 MS. MORGAN: I wouldn't have a clue.

8 MR. CRAIN: Is there anything about the
9 Martin surgery -- you know, anything about that surgery,
10 anything Isaac said after the fact or --

11 MS. MORGAN: I mean, I am so convinced it
12 was a medication issue. Like, literally after talking
13 to the medical examiner, I'm like nothing else makes
14 sense.

15 MR. CRAIN: Did you visit -- when you did
16 get to visit the medical examiners office, did you
17 express any of that? Did you have an opportunity to?

18 MS. MORGAN: No, I never got to talk to
19 anybody. Literally it was like I called and called and
20 called. I never got to talk to Dr. Rohr. I only got to
21 the secretary.

22 MR. CRAIN: When is the last time you had
23 any contact with Jerry Summers?

24 MS. MORGAN: Before Kelly Martin's event
25 because his mom wouldn't let anybody in the room. So it

1 would have been two weeks after his event.

2 MR. CRAIN: Okay. Outside of the eight
3 ball discussion with Jerri Garison, did you have any
4 further discussions with Jerri Garison about Duntsch's
5 drug use or --

6 MS. MORGAN: No. When she stopped calling
7 us back, I was like okay, I have no one to talk to.
8 Patti Sproles wouldn't call anybody back. I was like
9 okay.

10 MR. CRAIN: All right. Well I really
11 appreciate your time.

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1 THE STATE OF TEXAS)
2 COUNTY OF DALLAS)

3
4
5
6
7 This is to certify that I, Natasha Spoerl,
8 a Certified Shorthand Reporter in and for the State of
9 Texas, reported in stenographically by machine shorthand
10 the proceedings had at the time and place set forth, and
11 that the above and foregoing pages contain a full, true,
12 and accurate transcript of the said proceedings.

13 CERTIFIED TO BY ME on this the 19th day of
14 August 2013.



15
16
17 *Natasha Spoerl*
18

19 NATASHA SPOERL, CSR

Texas CSR 8410

Expiration Date: 12/31/14

20 US Legal Support, Inc.

21 CRCB Registration No. 343

100 Premier Place

5910 North Central Expressway

22 Dallas, Texas 75206-5190

(214) 741-6001

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