



# U.S. Department of JUSTICE

The Department of Justice is posting this court document as a courtesy to the public. An official copy of this court document can be obtained (irrespective of any markings that may indicate that the document was filed under seal or otherwise marked as not available for public dissemination) on the Public Access to Court Electronic Records website at <https://pacer.uscourts.gov>. In some cases, the Department may have edited the document to redact personally identifiable information (PII) such as addresses, phone numbers, bank account numbers, or similar information, and to make the document accessible under Section 508 of the Rehabilitation Act of 1973, which requires federal agencies to make electronic information accessible to people with disabilities.

# Exhibit G-2

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA and  
STATE OF MICHIGAN,

Plaintiffs,

-vs-

Case No. 15-CV-12311

HILLSDALE COMMUNITY HEALTH CENTER,  
WA FOOTE MEMORIAL HOSPITAL, et al,  
Defendants.

/

VIDEOTAPED DEPOSITION

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

DEPONENT: DUKE ANDERSON - VOLUME II

DATE: Friday, July 1, 2016

TIME: 8:56 a.m.

LOCATION: DICKINSON WRIGHT, PLLC

350 South Main Street, Suite 300

Ann Arbor, Michigan

REPORTER: Karen Fortna, CRR/RMR/RPR/CSR-5067

VIDEO: Jane McMillan

JOB NO: 2777

Friday, July 1, 2016

Ann Arbor, Michigan

8:56 a.m.

\* \* \*

VIDEOGRAPHER: We are now on the record.

The time is 8:56 a.m. on Friday, July 1, 2016, for the deposition of Duke Anderson. We are taking this deposition at 350 South Main, Ann Arbor, Michigan, in the action entitled United States of America versus Hillsdale Community Health. This is Case No. 15-CV-12311.

My name is Jane McMillan and I'm a certified legal video specialist from Fortz Legal Support, LLC.

Will the court reporter please swear in the witness and the attorneys briefly identify themselves for the record.

\* \* \* \*

DUKE ANDERSON,  
having first been duly sworn, was examined and testified as follows:

MR. GABREILSE: Good morning,  
Mr. Anderson. Mike Gabrielse with the Michigan Attorney General's Office.

MS. ROUSE: Katrina Rouse with the United

1 BY MR. GABRIELSE:

2 Q. Well, do you think Allegiance's advertising could  
3 impact the relationship between Allegiance and  
4 Hillsdale doctors?

5 A. I don't think so.

6 Q. Not at all?

7 A. Not to a large degree.

8 Q. What about the instance with Dr. Collins; was that  
9 Allegiance advertising?

10 A. Yes.

11 Q. Do you think that impacted the relationship between  
12 Allegiance and Dr. Collins?

13 A. It doesn't sound like ultimately that it did.

14 Q. Was Dr. Collins pretty upset?

15 A. I heard he was.

16 Q. So if I understand this correctly, you are of the  
17 opinion that Allegiance marketing in Hillsdale  
18 County does not impact Allegiance's relationship  
19 with Hillsdale doctors?

20 A. I think I would say that, yes.

21 Q. So you never discussed with Allegiance that they  
22 should only market higher acuity services in  
23 Hillsdale?

24 A. I don't believe so.

25 Q. Did you ever ask Allegiance not to market certain

1 things to Hillsdale doctors because Hillsdale  
2 doctors provided those services?

3 A. We talked about an instance where Allegiance called  
4 me to inquire with the general surgeons yesterday  
5 about a procedure. I went to Dr. McCririe, who is  
6 the one of the general surgeons, and I asked about  
7 the procedure -- which I've got to confess, I don't  
8 even know what the procedure is -- and Dr. McCririe  
9 said, "We can do that," so I went back and said, "I  
10 think we have that handled; Dr. McCririe said  
11 there's not a lot of that down in Hillsdale."

12 Q. So is that a yes or no to the question, did you  
13 ever ask Allegiance not to market certain things to  
14 Hillsdale doctors because Hillsdale doctors  
15 provided those services?

16 A. In that instance, yes.

17 Q. Have you done that with any other healthcare  
18 providers?

19 A. No.

20 Q. So you were just talking about the document.  
21 If you can pull out Exhibit 18.

22 A. Okay.

23 Q. Looking at that first email from Mr. Houttekier to  
24 you on the very bottom of the page. First in time,  
25 I'm sorry. A little confusing. First in time on



1 the bottom of the page from Mr. Houttekier to you.

2 A. Yes.

3 Q. It talks about Dr. Obi is performing minimally  
4 invasive parathyroid surgery by using a PTH assay  
5 machine. Do you see that?

6 A. Yes.

7 Q. Did -- at the time this email was sent, did  
8 Hillsdale Hospital have one of these PTH assay  
9 machines?

10 A. I wouldn't even know what that is.

11 Q. Do you know -- are there different methods of  
12 performing minimally invasive parathyroid surgery?

13 A. I don't even know what that is.

14 Q. Are there different ways to perform parathyroid  
15 surgery?

16 A. I don't know what that is.

17 Q. Now if this was a new way to perform this surgery  
18 by using this machine, do you think that would be  
19 important for Hillsdale doctors who will be  
20 referring patients to have this surgery know about?

21 A. Possibly if the general surgeons thought that was a  
22 good route to go.

23 Q. If -- do you think it's important that a referring  
24 patient know about all the different options of how  
25 a surgery could be performed?

1 A. So they could make an informed decision, yes.

2 Q. And do you know which doctors perform what type of  
3 surgery?

4 A. Yes.

5 Q. And would you agree that a minimally invasive  
6 surgery might well be preferable to a non-minimally  
7 invasive surgery?

8 A. In most cases, definitely yes.

9 Q. So if, at the time of this email, Hillsdale  
10 Hospital was not performing minimally invasive  
11 parathyroid surgery, do you think it would be  
12 important for these Hillsdale doctors to know that  
13 a minimally invasive parathyroid surgery was  
14 offered by Dr. Obi at Allegiance?

15 A. That might be of value.

16 Q. But you requested this information not be provided  
17 to Hillsdale doctors?

18 A. Yes, I did.

19 Q. So pull out Exhibit 2.

20 A. Okay.

21 Q. If you look at the second page of the document, and  
22 then with the column on the left, Mr. Burns had  
23 talked to you about "agreements to deprive  
24 patients, physicians and employers of information  
25 they otherwise would have had when making important



1 STATE OF MICHIGAN)

2 COUNTY OF OAKLAND)

3  
4 Certificate of Notary Public

5 I do hereby certify the witness, whose attached  
6 testimony was taken in the above matter, was first duly  
7 sworn to tell the truth; the testimony contained herein  
8 was reduced to writing in the presence of the witness, by  
9 means of stenography; afterwards transcribed; and is a  
10 true and complete transcript of the testimony given. I  
11 further certify that I am not connected by blood or  
12 marriage with any of the parties, their attorneys or  
13 agents, and that I am not interested directly, indirectly  
14 or financially in the matter of controversy.

15 In witness whereof, I have hereunto set my hand  
16 this day at Royal Oak, Michigan, State of Michigan.

17 I hereby set my hand this day, July 5, 2016.  
18

19  
20   
21

22 Karen Fortna, CRR/RMR/RPR/CSR-5067

23 Notary Public, Oakland County, Michigan

24 My Commission expires 4/30/2019  
25