

Exhibit J

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

Court File No. 2:15-cv-12311

-----:
UNITED STATES OF AMERICA and :
STATE OF MICHIGAN, :
:
Plaintiffs, :
:
v. :
:
HILLSDALE COMMUNITY HEALTH :
CENTER, :
W.A. FOOTE MEMORIAL HOSPITAL, :
D/B/A ALLEGIANCE HEALTH :
COMMUNITY HEALTH CENTER OF :
BRANCH COUNTY, and :
PROMEDICA HEALTH SYSTEM, INC., :
:
Defendants. :
-----:

Minneapolis, Minnesota

Tuesday, July 19, 2016

VIDEOTAPED DEPOSITION OF:

ANTHONY V. GARDNER

called as a witness, pursuant to notice, by counsel
for the United States, at U.S. Attorney's Office,
U.S. Courthouse, 300 S. Fourth Street, Suite 600,
Minneapolis, Minnesota, before Kelly A. Herrick, CCR,
of Capital Reporting Company, a Notary Public in and
for the State of Minnesota, beginning at 9:05 a.m.,
when were present on behalf of the respective parties:

1 et al.

2 This case is filed in the United 09:06AM
3 States District Court for the Eastern 09:06AM
4 District of Michigan, Case Number: 09:06AM
5 2:15-cv-12311. The name of the witness is 09:06AM
6 Anthony V. Gardner. 09:06AM

7 Will counsel please identify 09:06AM
8 themselves for the record. 09:06AM

9 MR. BURNS: James Burns for the 09:06AM
10 witness, Mr. Anthony Gardner, and Allegiance 09:06AM
11 Health. 09:06AM

12 MS. ROUSE: Katrina Rouse for the 09:06AM
13 United States. 09:06AM

14 MR. GABRIELSE: Mark Gabrielse for 09:06AM
15 the State of Michigan. 09:06AM

16 THE VIDEOGRAPHER: Our court 09:06AM
17 reporter is Kelly Herrick representing 09:06AM
18 Veritext. She will now swear in the 09:06AM
19 witness. 09:06AM

20 ANTHONY V. GARDNER, 09:06AM
21 A witness in the above-entitled action,
22 after having been first duly sworn,
23 testifies and says as follows:
24
25

1 Q. What does SPM do? 09:51AM

2 A. They do marketing and advertising for -- I 09:51AM

3 think, exclusively for health systems and 09:51AM

4 hospitals. 09:52AM

5 Q. Are they comparable to Interval? 09:52AM

6 MR. BURNS: Objection as to form. 09:52AM

7 THE WITNESS: I'd say they are 09:52AM

8 comparable. 09:52AM

9 BY MS. ROUSE: 09:52AM

10 Q. Did Allegiance consider hiring SPM to do the 09:52AM

11 work that it hired Interval for? 09:52AM

12 A. I don't recall them being on the list that 09:52AM

13 we considered, no. 09:52AM

14 Q. Why not? 09:52AM

15 MR. BURNS: Objection as to form. 09:52AM

16 THE WITNESS: There are many, many, 09:52AM

17 many agencies across the country, and so I 09:52AM

18 had not had them referred to me, wasn't 09:52AM

19 really familiar with their work, so there 09:52AM

20 was no real reason for me to put them on the 09:52AM

21 list. 09:52AM

22 BY MS. ROUSE: 09:52AM

23 Q. You believe that hospitals gain business 09:52AM

24 through marketing? 09:53AM

25 A. I do. 09:53AM

| | | |
|----|---|---------|
| 1 | Q. You believe that hospitals gain business | 09:53AM |
| 2 | through direct mailing? | 09:53AM |
| 3 | A. Yes. | 09:53AM |
| 4 | Q. You believe that hospitals gain business | 09:53AM |
| 5 | through physician talks? | 09:53AM |
| 6 | A. Yes. | 09:53AM |
| 7 | Q. You believe that hospitals gain business | 09:53AM |
| 8 | through advertisements in newspapers? | 09:53AM |
| 9 | A. Yes. | 09:53AM |
| 10 | Q. You believe that hospitals gain business | 09:53AM |
| 11 | through billboards? | 09:53AM |
| 12 | A. I'll say yes. I will also add that some of | 09:53AM |
| 13 | these tools are more effective than others, | 09:53AM |
| 14 | but I'd say yes. | 09:53AM |
| 15 | Q. How do you know that hospitals gain business | 09:53AM |
| 16 | through these various methods? | 09:53AM |
| 17 | MR. BURNS: Objection as to form. | 09:53AM |
| 18 | THE WITNESS: Through several of | 09:53AM |
| 19 | those methods, you can set up a campaign so | 09:53AM |
| 20 | that we, in the marketing department, know | 09:54AM |
| 21 | who, for example -- I'll use direct mailing | 09:54AM |
| 22 | as an example -- we know who we've sent a | 09:54AM |
| 23 | direct mail card to. | 09:54AM |
| 24 | And if that person responds to that | 09:54AM |
| 25 | advertisement or that direct mail, and then | 09:54AM |

1 STATE OF MINNESOTA

2 CERTIFICATE

3 COUNTY OF WASHINGTON

4 I, Kelly A. Herrick, hereby
5 certify that I reported the deposition of
6 ANTHONY V. GARDNER on the 19th day of July,
7 2016 in Minneapolis, Minnesota, and that the
8 witness was by me first duly sworn to tell
9 the truth and nothing but the truth
10 concerning the matter in controversy
11 aforesaid;

12 That I was then and there a notary
13 public in and for the County of Washington,
14 State of Minnesota; that by virtue thereof I
15 was duly authorized to administer an oath;

16 That the foregoing transcript is a
17 true and correct transcript of my
18 stenographic notes in said matter,
19 transcribed under my direction and control;

20 That the cost of the original has
21 been charged to the party who noticed the
22 deposition and that all parties who ordered
23 copies have been charged at the same rate
24 for such copies;

25 That the reading and signing of
the deposition was not waived;

That I am not related to any of
the parties hereto, nor interested in the
outcome of the action and have no contract
with any parties, attorneys or persons with
an interest in the action that has a
substantial tendency to affect my
impartiality;

WITNESS MY HAND AND SEAL this 22nd

d:



Kelly A. Herrick
Notary Public