

1 -----X

2 In Re: :

3 :

4 Civil Investigative Demand : Pages 1 - 135

5 No. 14-288 :

6 :

7 :

8 -----X

9

10

11

Deposition of GERARD NOVICKAS

12

Washington, D.C.

13

Tuesday, September 9, 2014

14

15

16

17

18

19

20

21 Reported by: [REDACTED]

22 Job No: 52997

[REDACTED]

1 Word document or this Excel spreadsheet, which was
2 not one of the two that I was working with her on,
3 and I would give her hints on use control C and
4 control V instead of right clicking. And I think
5 she probably -- I'm sorry. Go ahead.

6 Q. Who is Kevin's administrative assistant?

7 A. Well, at this point, he's had three or
8 four. I can't remember what her name was back then.

9 Q. You write towards the end of the third
10 line, "and as needed helped many of the CPS-LCS
11 staffers with Excel spreadsheets, Power Point and
12 Word projects." How did those tasks sort of
13 materialize?

14 A. My guess would be that Andi shared that I
15 had helped her, and, so, others reached out to me
16 and asked for assistance.

17 Q. In your first year, as I guess this
18 evaluation pertained to, can you ballpark what
19 percent of your time was doing the types of things
20 described in this paragraph?

21 A. Five percent, 4 percent of my total week,
22 I would think.



1 Q. Towards the end of the paragraph, you
2 write that "These help and training sessions built a
3 high level of trust that has opened many doors to
4 information and expect will engage even more in the
5 future." Did you expect or hope that this work you
6 were doing at CPS would help Rehab Care's business
7 with CPS?

8 A. Yes, to be able to get more opportunities
9 to be able to bid.

10 Q. Did you hope or expect that it would, that
11 CPS might put in a good word on behalf of RehabCare
12 to its members?

13 MS. MOSCOWITZ: Objection. I think that
14 calls for speculation.

15 BY MR. SRINIVAS:

16 Q. Please answer.

17 A. I don't know.

18 Q. You don't know whether you hoped or
19 expected that?

20 A. If the question is did I hope that, yes, I
21 hoped that.

22 Q. In other words, you hoped that these tasks



1 you were doing at CPS would lead to CPS recommending
2 or putting in a good word for RehabCare to its
3 members?

4 A. Yes.

5 Q. With regard to these sorts of tasks, were
6 you in touch with your RehabCare contacts about
7 doing these things?

8 A. Yes. I would, on phone calls with Colleen
9 or Jeff I would mention I've been asked to do this
10 and asked to do that.

11 Q. How did they respond?

12 A. Sounds good.

13 Q. Did they agree with you that these sorts
14 of tasks could help RehabCare with CPS's members?

15 A. Yes.

16 Q. Do you remember anything that they said to
17 that effect?

18 A. Not something that I could quote. Just
19 positive feedback.

20 Q. Anything you could paraphrase? I won't
21 hold you to the words.

22 A. It was really sounds good. Keep up the

1 struggling with Excel and help them.

2 BY MR. SRINIVAS:

3 Q. Do you remember this happening?

4 A. Did I help CPS employees with Excel and
5 other, Word and so on? Yes, I did. I don't
6 remember this particular incident.

7 Q. Do you know, do you remember who Jill is?

8 A. I can only guess that she may have been
9 somebody that Peter hired.

10 Q. Okay. In the bottom e-mail on the first
11 page from Jeff Spiro it looks like he's
12 contemplating having you quote access Jill's skill
13 level, Jill being inserted by me. Is that something
14 you would do, sort of gauge employees abilities with
15 various programs?

16 A. As part of the teaching or the training
17 that I would do, you know, I would say here, build
18 this formula for me, and, based on what they would
19 do, then I would know what I could teach them.

20 Q. Can you ballpark the number of times you
21 trained or assessed a CPS employee on a program?

22 A. Assessed? Based on this, this would be

1 the only time that I can remember doing an
2 assessment as such.

3 Q. What about a training?

4 A. Lots of training, but, you know, not
5 classroom. It's let me look over your shoulder and
6 try and do this or do this. Or it may have been on
7 the telephone.

8 Q. So lots, more maybe more than 50 times?

9 A. In the three years? I don't, I couldn't
10 put a number on it.

11 Q. About how long would it take one of these
12 times when you trained?

13 A. Some were five minutes. Some were
14 45 minutes.

15 Q. Do you recall ever discussing with one of
16 your contacts at RehabCare that you were helping
17 employees with computer programs?

18 A. Yes.

19 Q. Do you remember their response?

20 A. If it's going to help us get more
21 opportunities to bid, yes. I mean, okay.

22 Q. Can you explain to me in practice how your

1 helping a CPS employee with a computer program could
2 help RehabCare get opportunities to bid?

3 A. Well, they would see us as partner rather
4 than just a vendor, and I would often say as part of
5 one of these training sessions, you know, who are
6 you going, what communities are you going to be
7 visiting soon? You know, can you mention RehabCare
8 and try and get our foot in the door?

9 Q. How would they respond to that?

10 MS. MOSCOWITZ: Who's they?

11 MR. SRINIVAS: The CPS employees.

12 THE WITNESS: They would be open to that.

13 BY MR. SRINIVAS:

14 Q. Do you know, one way or the other, whether
15 they did, in fact, in the facilities that they met
16 with put in a good word for RehabCare?

17 A. I don't know.

18 Q. Did you discuss with your RehabCare
19 contacts these conversations you would have with CPS
20 employees?

21 A. In general terms that I had had the
22 conversation, yes. To which employee, no.



1 Q. Let me make sure I understand. You
2 discussed with your contacts at RehabCare the fact
3 that, say, while helping a CPS employee improve
4 proficiency with a computer program, you suggested
5 that they put in a good word for RehabCare with a
6 member?

7 A. Yes. Yes, I would have said something
8 like that.

9 Q. And do you recall how a RehabCare contact
10 would have responded to that sort of thing?

11 A. Great. Keep up the good work.

12 Q. At the top, Kevin Meyer writes, "Make sure
13 they go to a private office for the evaluations so
14 they have privacy." Do you know why, do you
15 understand why privacy would have been important to
16 Kevin?

17 A. Well, having years of experience at Radio
18 Shack, you know, any time you do anything with an
19 employee it's better to do it one on one rather than
20 having people overhear a conversation in a cube.

21 Q. All right. You can put that down. What
22 program or programs did you use to generate the

