

IN THE CIRCUIT COURT OF THE
11th JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

MSPA CLAIMS 1, LLC,
a Florida profit
corporation,

Plaintiff,

-VS-

Case No. 2015-27940-CA

IDS PROPERTY AND CASUALTY
INSURANCE, a Foreign profit
corporation,

Defendant.

DEPOSITION OF JODI HELF

10/11/2017

1:08 p.m. to 4:47 p.m.

444 Reid Street

De Pere, Wisconsin

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<p>1 APPEARANCES:</p> <p>2</p> <p>3 MSP Recovery Law Firm 5000 Southwest 75 Avenue</p> <p>4 Suite 400 Miami, FL 33155</p> <p>5 By: John H. Ruiz, Attorney at Law and Reynaldo Anthony Martinez, Attorney at Law</p> <p>6 Appear via teleconference on behalf of the plaintiff</p> <p>7</p> <p>8 Gordon, Rees, Scully, Mansukhani, LLP 100 Southeast Second Street</p> <p>9 Suite 3900 Miami, FL 33131</p> <p>10 By: Robin Taylor Symons, Attorney at Law Appearing personally on behalf of the defendant</p> <p>11</p> <p>12 AMERIPRIZE INSURANCE COMPANY</p> <p>13 IDS PROPERTY CASUALTY COMPANY INSURANCE COMPANY 3500 Packerland Drive</p> <p>14 De Pere, WI 54115</p> <p>15 WENDY LARSON, Attorney at Law Appearing personally on behalf of the defendant.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 TRANSCRIPT OF PROCEEDINGS</p> <p>2 THE VIDEOGRAPHER: Good afternoon. We</p> <p>3 are now on the record. My name is Randy Grabcheck</p> <p>4 representing Veritext. Today's date is October 11,</p> <p>5 2017, and the time is approximately 1:08 p.m.</p> <p>6 This deposition is being held at One Law Group, 444</p> <p>7 Reid Street, De Pere, Wisconsin and is being taken by</p> <p>8 counsel for the plaintiff. The caption of this case is</p> <p>9 MSPA Claims 1, LLC versus IDS Property Casualty.</p> <p>10 This case is being held in the Circuit Court of the</p> <p>11 11th Judicial Court, Miami-Dade County, Florida, Case</p> <p>12 No. 2015-27940-CA.</p> <p>13 The name of the witness is Jodi Helf. At this time</p> <p>14 the attorneys present in the room and everyone attending</p> <p>15 remotely will identify themselves and the parties they</p> <p>16 represent.</p> <p>17 Our court reporter, Julie Bouressa, representing</p> <p>18 Veritext will then swear in the witness and we can</p> <p>19 proceed.</p> <p>20 MR. RUIZ: Okay. This is John H. Ruiz</p> <p>21 from the MSP Recovery Law Firm representing MSPA Claims</p> <p>22 1, LLC, in Case No. 2015-27940.</p> <p>23 MR. MARTINEZ: Rey Martinez also</p> <p>24 representing the plaintiff.</p> <p>25 MS. SYMONS: Robin Symons, and that is</p>	
<p>1 INDEX TO EXAMINATIONS</p> <p>2</p> <p>3 Witness: Page:</p> <p>4 JODI HELF</p> <p>5 BY MR. RUIZ..... 5</p> <p>6</p> <p>7 INDEX TO EXHIBITS</p> <p>8 Exhibit Page</p> <p>9 No. Description ID'd</p> <p>10 (None.)</p> <p>11 REQUESTED INFORMATION</p> <p>12 Description: Page:</p> <p>13 (None.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	Page 3	Page 5

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<p>1 You can answer.</p> <p>2 A Okay. I have had my deposition taken before.</p> <p>3 Q Okay. About how many times?</p> <p>4 A Three other times.</p> <p>5 Q So I'm going to give you a set of ground rules amongst</p> <p>6 ourselves so the first ground rules is that I'm going to</p> <p>7 ask you questions and the questions that I ask you I</p> <p>8 would like for you to answer them truthfully and as</p> <p>9 accurately as possible.</p> <p>10 If you don't understand my question, I will be more</p> <p>11 than happy to repeat or rephrase it, but once you do</p> <p>12 answer we're going to take the position that you</p> <p>13 understood the question and that you answered it as</p> <p>14 truthfully as possible.</p> <p>15 We don't want you to guess, assume or speculate.</p> <p>16 So if you don't know the answer to something, there is</p> <p>17 no right or wrong answer here. It is just a matter of</p> <p>18 responding to the question. Do you understand that?</p> <p>19 A Yes.</p> <p>20 Q Also nods of the head cannot be taken down by the court</p> <p>21 reporter, so we need you to answer verbally whatever</p> <p>22 your response is going to be.</p> <p>23 MS. SYMONS: There is no question</p> <p>24 pending.</p> <p>25 Q Is that a yes?</p>	<p style="text-align: right;">Page 6</p> <p>1 granting class certification, topics raised as it</p> <p>2 pertains to your own testimony at the class</p> <p>3 certification hearings as well as knowledge concerning</p> <p>4 no-fault claims for which IDS may be the primary payer</p> <p>5 in relationship to any Medicare beneficiary. Have you</p> <p>6 read the notice of taking deposition?</p> <p>7 A Yes.</p> <p>8 Q Okay. So my next question is: Are you the person that</p> <p>9 has the most knowledge as it pertains to the areas of</p> <p>10 inquiry that we have noted in the notice of taking</p> <p>11 deposition?</p> <p>12 MS. SYMONS: Hold on. Objection to form.</p> <p>13 As you know, Mr. Ruiz, we filed an objection to the</p> <p>14 notice as being overbroad. It was actually broader than</p> <p>15 the one that the judge asked you to revise the</p> <p>16 categories for.</p> <p>17 So Ms. Helf is here to testify about what she knows</p> <p>18 and the core of the notice is focused on her testimony</p> <p>19 and the issues that she testified about at the hearing</p> <p>20 on the motion for class certification.</p> <p>21 So she is here and prepared to testify to the</p> <p>22 extent of her knowledge and then you and I are going to</p> <p>23 have to try to work out what additional witnesses, if</p> <p>24 any, would be required to be produced with a proper</p> <p>25 notice which, of course, we take the position that the</p>
<p>1 MS. SYMONS: All right.</p> <p>2 A Yes.</p> <p>3 Q Is that a yes?</p> <p>4 A Yes.</p> <p>5 Q Okay. So remember make sure instead of just nodding</p> <p>6 just say yes. The other thing is I'm going to try my</p> <p>7 best, and hopefully you'll try your best and as well as</p> <p>8 opposing counsel so that we don't speak over each other</p> <p>9 because it makes it difficult for the court reporter to</p> <p>10 take down and it also makes it difficult to perhaps read</p> <p>11 a transcript or listen to the video version of what</p> <p>12 we're recording. Understood?</p> <p>13 A Yes.</p> <p>14 Q Okay. Now, there seems to also be somewhat of a delay,</p> <p>15 so it may be occurring from my end as well, so just so</p> <p>16 that you're aware, because I have noticed like a two or</p> <p>17 three second delay between the time that I ask you the</p> <p>18 question and you answer, understood?</p> <p>19 A Yes.</p> <p>20 Q So we, from the plaintiff's side, the lawyers, asked to</p> <p>21 have a deposition taken and we asked for the person or</p> <p>22 persons with the most knowledge as it pertains to the</p> <p>23 assertions raised in the amended complaint, answer and</p> <p>24 affirmative defenses to the amended complaint, the</p> <p>25 plaintiff's motion for class certification, the order</p>	<p style="text-align: right;">Page 7</p> <p>1 one that is on the table is not proper.</p> <p>2 But -- but she is here ready to testify. She is</p> <p>3 not qualified to tell you what other categories of</p> <p>4 information could be testified about other people or</p> <p>5 by --</p> <p>6 MR. RUIZ: I understand --</p> <p>7 MS. SYMONS: -- by other people.</p> <p>8 MR. RUIZ: I understand that you're going</p> <p>9 to be making certain objections, but we need to limit</p> <p>10 them to speaking objections, because I asked her a</p> <p>11 question and it required a response.</p> <p>12 She either is or isn't the person and she can</p> <p>13 elaborate.</p> <p>14 MS. SYMONS: Right.</p> <p>15 MR. RUIZ: I don't want to have you</p> <p>16 testifying for her, so the question remains the same as</p> <p>17 I asked before.</p> <p>18 MS. SYMONS: Right. And --</p> <p>19 Q (BY MR. RUIZ): Are you the person --</p> <p>20 MR. RUIZ: Okay. I understand -- Robin,</p> <p>21 I understand. We're not taking your deposition. We're</p> <p>22 taking her deposition and respectfully let her answer</p> <p>23 the question. You either object to form or you instruct</p> <p>24 her not to answer.</p> <p>25 So, I mean, I'm sure she is capable -- more than</p>

<p style="text-align: right;">Page 10</p> <p>1 capable of responding to whether or not she is the 2 person that has the most knowledge in these areas or she 3 is not.</p> <p>4 MS. SYMONS: Right.</p> <p>5 MR. RUIZ: So the question --</p> <p>6 MS. SYMONS: You have to let me make my 7 objection, sir, and because of the delay --</p> <p>8 MR. RUIZ: The objection --</p> <p>9 MS. SYMONS: -- that you mentioned 10 before, it is -- we're talking over one another I think 11 unintentionally.</p> <p>12 My only intent here is to place my objection on the 13 record and then you may ask her whatever questions you 14 want to ask her.</p> <p>15 MR. RUIZ: So you filed objections 16 already. I wrote you last night. I told you they were 17 untimely. You could have set them before the court. 18 That is fine. Your objection is noted, because you 19 filed a pleading accordingly.</p> <p>20 So now I would ask please that you either object to 21 the form or that you instruct her not to answer because 22 it is either work product or privilege. Those are the 23 only objections that are proper in a deposition.</p> <p>24 Everything else is preserved. You can argue it 25 afterwards, but, you know, that's the way -- we will</p>	<p style="text-align: right;">Page 12</p> <p>1 there?</p> <p>2 In other words, you just indicated that you have 3 not read the amended complaint, correct?</p> <p>4 A Correct.</p> <p>5 MS. SYMONS: Mr. Ruiz, would you --</p> <p>6 Q (BY MR. RUIZ): Have you read --</p> <p>7 MS. SYMONS: -- like to show her a 8 document? You're asking her questions relating to the 9 notice, but you haven't shown it to her. So you're 10 asking her to go from memory?</p> <p>11 MR. RUIZ: I don't need to show her a 12 document. I'm asking her if she read the amended 13 complaint. She either did or didn't.</p> <p>14 MS. SYMONS: No. You asked her if she 15 read the notice and then you're starting to ask her 16 about items that are listed in the notice without 17 showing it to her.</p> <p>18 MR. RUIZ: Okay. We already went over 19 the fact that she read the notice. She told me she did 20 not read the amended complaint.</p> <p>21 MS. SYMONS: Correct.</p> <p>22 MR. RUIZ: Okay. So please, Robin, let 23 her testify.</p> <p>24 Q (BY MR. RUIZ): Now, have you read the answer and 25 affirmative defenses to the amended complaint?</p>
<p style="text-align: right;">Page 11</p> <p>1 never be able to finish. And, frankly, at some point in 2 time you are going to -- you are going to be testifying 3 for her which is not the purpose of the deposition so I 4 will go back again and ask the question.</p> <p>5 And without having to repeat it, Ms. Helf, I would 6 ask that because you have told me that you have read the 7 notice of taking deposition, can you --</p> <p>8 And I will break it down for you. So I want to 9 know if you are the person with the most knowledge as it 10 pertains to the assertions raised in the amended 11 complaint by MSPA Claims 1, which is a March 8, 2016 12 version.</p> <p>13 MS. SYMONS: Same objection.</p> <p>14 Q (BY MR. RUIZ): Can you answer that for us, please?</p> <p>15 A I have not read the amended complaint. I did read the 16 notice of deposition.</p> <p>17 Q Okay. Can you repeat that? I'm sorry. It was my 18 fault. I coughed and I couldn't hear what you said.</p> <p>19 A Okay. I have not read the amended complaint, but I have 20 read the notice of deposition.</p> <p>21 Q Okay. So being that you haven't read the amended 22 complaint, let me go through the following series of 23 questions: What have you read before today's 24 deposition at any point in time prior to today as it 25 pertains to any of the documents that we've listed on</p>	<p style="text-align: right;">Page 13</p> <p>1 A I have not.</p> <p>2 Q Have you read the plaintiff's motion for class 3 certification?</p> <p>4 A I have not.</p> <p>5 Q Have you read the order granting class certification?</p> <p>6 A I have not.</p> <p>7 Q Have you read any of the topics or issues raised by your 8 own testimony at the certification hearing?</p> <p>9 MS. SYMONS: Object to the form. Go 10 ahead.</p> <p>11 A I have read over the testimony from the -- on the class 12 certification trials.</p> <p>13 Q Okay. So, just to make sure we're clear, you have read 14 the transcript of the class certification hearing as it 15 pertains to your testimony?</p> <p>16 A Correct.</p> <p>17 Q Have you read any other portion of the transcript as it 18 pertains to either the arguments advanced by counsel, 19 questions asked by the court or any of the other 20 witnesses other than yourself?</p> <p>21 MS. SYMONS: Objection to form, compound.</p> <p>22 You may answer.</p> <p>23 MR. RUIZ: I said "or."</p> <p>24 A I only had read over what I had, you know, testified on 25 and any of the judge's questions to myself.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q Now, as it concerns the relationship between IDS and any 2 of its insureds that may or may not be Medicare 3 beneficiaries, did you review any documents pertaining 4 to that before today's deposition?</p> <p>5 MS. SYMONS: Hold on one second. Are you 6 asking about what she reviewed to get ready for the 7 depo? If you're asking that, I think --</p> <p>8 I'm not going to instruct her not to answer, but if 9 you're asking beyond that, then I have to instruct her 10 not to answer on the basis of work product and 11 attorney-client privilege.</p> <p>12 MR. RUIZ: She can tell me what she 13 reviewed. The content of what she discovered or spoke 14 to you about is what is protected. The fact that she 15 met with you or reviewed something isn't protected.</p> <p>16 MS. SYMONS: Right. Well -- Well --</p> <p>17 MR. RUIZ: So I'm going to ask it again.</p> <p>18 MS. SYMONS: Okay. Wait a minute.</p> <p>19 MR. RUIZ: I'm not going to get into what 20 she found out because I understand that I shouldn't be 21 allowed to do that at this point in time with certain 22 exceptions.</p> <p>23 MS. SYMONS: Exactly.</p> <p>24 MR. RUIZ: But my -- my --</p> <p>25 MS. SYMONS: I think -- Wait a second,</p>	<p style="text-align: right;">Page 16</p> <p>1 that is pending.</p> <p>2 MR. RUIZ: Okay. So what is it that 3 you're telling her not to answer, whether or not she met 4 with you?</p> <p>5 MS. SYMONS: No. She can --</p> <p>6 MR. RUIZ: Then what is it? Because I 7 only asked her -- I only asked her whether or not she 8 reviewed any claims for which IDS is an insurer 9 pertaining to any and all Medicare beneficiaries.</p> <p>10 MS. SYMONS: That's exactly right, 11 but it --</p> <p>12 MR. RUIZ: I did -- so I -- so I think --</p> <p>13 MS. SYMONS: It's not that -- You 14 haven't limited --</p> <p>15 MR. RUIZ: -- the fact --</p> <p>16 MS. SYMONS: You didn't limit that 17 question to what she did to get ready for this 18 deposition, and you have -- you have declined to limit 19 it.</p> <p>20 MR. RUIZ: Okay.</p> <p>21 MS. SYMONS: And as a result of that, 22 your question would include any review she has ever done 23 whether it is to get ready for the depo or whether it 24 was in, you know, in the litigation.</p> <p>25 MR. RUIZ: Okay. I'm going to, once</p>
<p style="text-align: right;">Page 15</p> <p>1 Mr. Ruiz. I think the disconnect we have here is, are 2 you confining your question to what she did to get ready 3 for this deposition as opposed to what she may have 4 done, you know, in the course of the litigation? If you 5 could just make that distinction --</p> <p>6 MR. RUIZ: Okay.</p> <p>7 MS. SYMONS: -- then I think you will be 8 fine.</p> <p>9 MR. RUIZ: Okay. So let's go back to 10 some ground rules. I'm asking questions. If she 11 doesn't understand the question, I will repeat it, I 12 will rephrase it.</p> <p>13 Again, I don't want to add to my question, Robin, 14 respectfully, what you want the question to be. It's my 15 question. I'm taking the deposition, so my question is 16 very pinpointed. She either understands it or does not 17 understand it.</p> <p>18 MS. SYMONS: Yes. And you have --</p> <p>19 MR. RUIZ: So I'll ask --</p> <p>20 MS. SYMONS: -- declined to -- declined 21 to clarify it and -- and -- and because you have 22 declined to clarify it, as I heard it, it includes 23 communications that would be protected by the attorney 24 client, work-product privileges and, therefore, I am 25 compelled to instruct her not to answer the question</p>	<p style="text-align: right;">Page 17</p> <p>1 again, repeat the question. And then if you have an 2 objection, launch the objection either to form or you 3 instruct her not to answer.</p> <p>4 MS. SYMONS: Sir --</p> <p>5 MR. RUIZ: -- we are not --</p> <p>6 MS. SYMONS: Sir --</p> <p>7 MR. RUIZ: -- going to have --</p> <p>8 MS. SYMONS: -- with respect --</p> <p>9 MR. RUIZ: We will be here all day.</p> <p>10 MS. SYMONS: With respect, I'm going to 11 make objections that are appropriate at the appropriate 12 time. Ask your question. I will put any objection I 13 have on the record and we'll proceed, but you don't set 14 the ground rules.</p> <p>15 MR. RUIZ: Okay. Robin --</p> <p>16 MS. SYMONS: The ground rules are set by 17 the rules of procedures and by the judge.</p> <p>18 MR. RUIZ: Well, unless you tell me 19 otherwise, the objections in a deposition are as to form 20 or you ask her not to answer as to work product or 21 attorney-client privilege.</p> <p>22 MS. SYMONS: Yes. Yes.</p> <p>23 MR. RUIZ: Outside that --</p> <p>24 MS. SYMONS: Listen, I agree with you.</p> <p>25 Finally something we can agree on. What I asked you to</p>

<p style="text-align: right;">Page 18</p> <p>1 do is to clarify your question so that I wouldn't have 2 to object to it. You don't want to do that. That's 3 your privilege.</p> <p>4 MR. RUIZ: Okay. Robin, again, it is the 5 witness that is supposed to not understand the question, 6 not counsel.</p> <p>7 MS. SYMONS: I understood it perfectly 8 fine.</p> <p>9 MR. RUIZ: So I will repeat the question 10 again.</p> <p>11 MS. SYMONS: I understood it perfectly 12 fine. And based upon those bases, the question that you 13 have now asked twice, I'm instructing her not to answer 14 it.</p> <p>15 MR. RUIZ: Okay. So I'm going to ask it 16 again just to make sure, because if not we'll certify it 17 and we will have a hearing on whether or not your 18 instructing her not to answer is well founded or not.</p> <p>19 MS. SYMONS: You don't have --</p> <p>20 Q (BY MR. RUIZ): I'm going to ask you a question --</p> <p>21 MS. SYMONS: -- to certify questions 22 anymore.</p> <p>23 Q (BY MR. RUIZ): Boy, oh, boy. Okay. So, Ms. Helf, 24 and almost like in the movie My Cousin Vinny -- and only 25 Mrs. Helf, can you, yeah, can you answer the following</p>	<p style="text-align: right;">Page 20</p> <p>1 MS. SYMONS: -- to cure and you -- you 2 declined it.</p> <p>3 MR. RUIZ: I --</p> <p>4 MS. SYMONS: I'd ask that you move on.</p> <p>5 MR. RUIZ: Okay. I want to -- Okay. So 6 you are instructing her not to answer that question. 7 Got it.</p> <p>8 Q (BY MR. RUIZ): Okay. Next question. Tell me 9 everything that you have reviewed documentary-wise 10 for -- in preparation for this deposition, Ms. Helf.</p> <p>11 A I have reviewed my testimony from the trial. I have 12 reviewed -- Just reviewed and went over the notice of 13 deposition and then I also reviewed the case in 14 question.</p> <p>15 Q When you say that you reviewed the case in question, is 16 that the actual claim of M.A.?</p> <p>17 A Correct.</p> <p>18 Q Okay. You've reviewed no other claims other than the 19 claim of M.A.?</p> <p>20 MS. SYMONS: Objection. Hold -- Hold on 21 one second. Are you -- Is this question confined to 22 what she reviewed to get ready for this deposition? If 23 it is, I'm not going to instruct her not to answer.</p> <p>24 MR. RUIZ: That was the question. I 25 asked her, "What did you review in preparation for the</p>
<p style="text-align: right;">Page 19</p> <p>1 question: 2 Have you reviewed any of the files that IDS or IDS 3 as the insurance company and a claimant is a Medicare 4 beneficiary prior to today's deposition?</p> <p>5 MS. SYMONS: I am instructing the witness 6 not to answer.</p> <p>7 Q You can answer now. You either have reviewed files or 8 you haven't reviewed files.</p> <p>9 MS. SYMONS: Yes. And I'm instructing 10 the witness not to answer that question on the basis of 11 attorney client and work-product privilege.</p> <p>12 MR. RUIZ: That is your position, Robin, 13 that the fact that she has reviewed something is 14 attorney-client privilege?</p> <p>15 MS. SYMONS: I thought you didn't want to 16 argue.</p> <p>17 MR. RUIZ: Without -- Without the -- I 18 just want to make sure. Without the communication of 19 what you told her or she told you or what her results 20 were, the simple fact that she's reviewed the file, in 21 your opinion, you're instructing her not to answer?</p> <p>22 MS. SYMONS: I don't think my opinions 23 are -- are open for discussion with you, sir. I offered 24 you an opportunity --</p> <p>25 MR. RUIZ: I'm just trying to clarify.</p>	<p style="text-align: right;">Page 21</p> <p>1 deposition?" And she told me she reviewed the notice of 2 taking deposition. She reviewed her testimony at the 3 certification hearing and that she reviewed the claim of 4 M.A. So now I'm inquiring if she reviewed only the 5 claim of M.A. or any other claim?</p> <p>6 A I only reviewed the claim of M.A.</p> <p>7 Q Okay. Have you been made aware at any point in time 8 subsequent to the hearing on the motion for class 9 certification that Judge Arzola certified this 10 litigation as a class action?</p> <p>11 MS. SYMONS: Objection to form and I'll 12 instruct her not to answer. That question invades the 13 attorney client, work-product privilege. You certainly 14 can ask her if she knows it.</p> <p>15 Q (BY MR. RUIZ): Okay. Ms. Helf, do you know whether or 16 not the court certified the MSPA Claims 1, LLC versus 17 IDS Property & Casualty Insurance, Case No. 2015-27940 18 as a class action?</p> <p>19 A Yes.</p> <p>20 Q And have you read the definition of the class that was 21 certified?</p> <p>22 A I have not.</p> <p>23 Q So, as you sit here today, you are unaware of the 24 parameters of the class definition that is involved in 25 the MSPA Claims 1, LLC versus IDS Property & Casualty</p>

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<p>1 case?</p> <p>2 MS. SYMONS: Objection to form. You may</p> <p>3 answer.</p> <p>4 A Correct.</p> <p>5 Q When did you see the notice of taking deposition?</p> <p>6 A It was sent to me last week.</p> <p>7 Q And did you read it last week when you received it?</p> <p>8 A I did review it, yes.</p> <p>9 Q Did you read the portion that asked for the person with</p> <p>10 most knowledge pertaining to the plaintiff's motion for</p> <p>11 class certification, that section of the notice?</p> <p>12 MS. SYMONS: Mr. Ruiz, would you like to</p> <p>13 show her the document you're referring to?</p> <p>14 MR. RUIZ: I will put it up on the screen</p> <p>15 so that she can read it so -- but I'm reading straight</p> <p>16 from it.</p> <p>17 MS. SYMONS: Well, you're asking</p> <p>18 her basically a question about a document without</p> <p>19 showing it to her.</p> <p>20 MR. RUIZ: Okay. Well, all she has to</p> <p>21 say is, "I don't remember. I need to see the document,"</p> <p>22 but here it is anyway.</p> <p>23 So I want to take you to the portion that asked for</p> <p>24 the person or persons with the most knowledge as it</p> <p>25 pertains to the assertions raised in the amended</p>		<p>1 MR. RUIZ: -- I want to continue moving</p> <p>2 forward with the deposition, but I'm going to take it</p> <p>3 and continue taking it and reserve the right and putting</p> <p>4 it on the record because you have brought somebody that</p> <p>5 now hasn't even read the material much less could have</p> <p>6 knowledge pertaining to the material that she hasn't</p> <p>7 read it so --</p> <p>8 MS. SYMONS: Mr. Ruiz --</p> <p>9 MR. RUIZ: -- we'll --</p> <p>10 MS. SYMONS: Mr. Ruiz, none of this could</p> <p>11 be a surprise to you, because as soon as you sent us the</p> <p>12 second defective corrected notice of taking deposition,</p> <p>13 I raised all of these issues with you and you declined</p> <p>14 to address them, so you cannot be surprised.</p> <p>15 Ms. Helf is here to testify about what she knows</p> <p>16 just as she was at the hearing on class certification</p> <p>17 and you're wasting time by addressing these other issues</p> <p>18 when you could be asking her questions that she actually</p> <p>19 knows the answers to.</p> <p>20 Q Okay. All right. So let me go back and make sure that</p> <p>21 we have this clear on the record, Ms. Helf. So you</p> <p>22 don't have any knowledge as it pertains to the amended</p> <p>23 complaint?</p> <p>24 A Correct.</p> <p>25 Q You have no knowledge as it pertains to the answer and</p>	
	Page 23		Page 25
<p>1 complaint. Correct.</p> <p>2 A Yes.</p> <p>3 Q Okay. So you haven't even read the amended complaint?</p> <p>4 A Correct.</p> <p>5 Q Who determined that you were the person that had the</p> <p>6 most knowledge of these areas of inquiry?</p> <p>7 MS. SYMONS: I'm instructing the witness</p> <p>8 not to answer that question on the basis of attorney</p> <p>9 client and work-product privilege.</p> <p>10 Mr. Ruiz, we told you what was wrong with this</p> <p>11 notice when we first got it. Badgering this witness</p> <p>12 about it is really -- doesn't have much utility.</p> <p>13 MR. RUIZ: Robin, you brought a witness</p> <p>14 to testify today that hasn't read the answer and</p> <p>15 affirmative defenses, hasn't read the amended complaint,</p> <p>16 hasn't read the motion for class certification, hasn't</p> <p>17 read the order granting the class certification, has</p> <p>18 read only her testimony, and you're instructing her not</p> <p>19 to answer as to whether or not she even reviewed any of</p> <p>20 the claims relating to IDS as an insurance company and a</p> <p>21 Medicare beneficiary?</p> <p>22 MS. SYMONS: No. But I think that is</p> <p>23 something you and I need to address elsewhere.</p> <p>24 MR. RUIZ: Okay. Okay. So --</p> <p>25 MS. SYMONS: I think --</p>		<p>1 affirmative defenses to the amended complaint?</p> <p>2 A Correct.</p> <p>3 Q You have no knowledge as it pertains to the plaintiff's</p> <p>4 motion for class certification?</p> <p>5 A Correct.</p> <p>6 Q You have no knowledge as it pertains to the order</p> <p>7 granting class certification?</p> <p>8 A Correct.</p> <p>9 Q You indicated pertaining to the -- your testimony that</p> <p>10 you had read your testimony at the class certification</p> <p>11 hearing, correct?</p> <p>12 A Correct.</p> <p>13 Q Okay. And I'm not going to ask you about what you did</p> <p>14 as it pertains to IDS as an insurance company and any</p> <p>15 Medicare beneficiary because your lawyer has instructed</p> <p>16 you not to answer those questions so --</p> <p>17 MS. SYMONS: There is no question</p> <p>18 pending.</p> <p>19 Q -- let's move on then. Who is your current employer?</p> <p>20 A Ameriprise Auto & Home Insurance with IDS Property</p> <p>21 Casualty Insurance Company.</p> <p>22 Q When you say Ameriprise with IDS Property Insurance, can</p> <p>23 you break that down for me? Is -- I mean, do you work</p> <p>24 for both of them? Do you work for one of them? How</p> <p>25 does that break down?</p>	

<p style="text-align: right;">Page 26</p> <p>1 A IDS Property Casualty Insurance Company is the 2 underwriting company. It is a subsidiary of Ameriprise 3 Financial.</p> <p>4 Q So who are you actually employed by? Who pays your 5 salary or commissions? Who is the one that employs you, 6 your actual employer?</p> <p>7 MS. SYMONS: Objection to form.</p> <p>8 You can answer.</p> <p>9 A It would be Ameriprise Financial.</p> <p>10 Q Does Ameriprise Financial have any agreement with IDS 11 underwriting in any capacity whatsoever that allows you 12 to be here today to testify on behalf of IDS?</p> <p>13 MS. SYMONS: Objection to form, calls for 14 a legal conclusion.</p> <p>15 Subject to that, if you know the answer, you may 16 give it.</p> <p>17 A I do not know that.</p> <p>18 Q I'm sorry. It got -- It was broken -- broken up in 19 terms of the communication. Could you repeat that?</p> <p>20 A I do not know if there is, like, a written agreement.</p> <p>21 Q So what is your official capacity with Ameriprise 22 Financial?</p> <p>23 A I am a senior claims compliance analyst.</p> <p>24 Q And when you say senior claims compliance analyst, who 25 specifically are you the senior claims compliance</p>	<p style="text-align: right;">Page 28</p> <p>1 (Indiscernible conversation.)</p> <p>2 EMMA: This is Emma from Veritext virtual 3 support. I'm on the line.</p> <p>4 SPEAKER: Hey, Emma, we lost the video 5 feed of the defendant over in Green Bay.</p> <p>6 EMMA: So is someone from the witness 7 location still on the line?</p> <p>8 MS. SYMONS: Yes, we can hear you.</p> <p>9 EMMA: Okay. So on the video screen, do 10 you still see the image of the attorneys?</p> <p>11 MS. SYMONS: Yes.</p> <p>12 THE WITNESS: Yes.</p> <p>13 MS. SYMONS: We can see that.</p> <p>14 EMMA: So above him, can you click on the 15 button that says the word, "Start."</p> <p>16 SPEAKER: There you go. Thank you, Emma.</p> <p>17 EMMA: You're welcome.</p> <p>18 MS. SYMONS: Okay. Could we have -- Do 19 you have a picture now?</p> <p>20 SPEAKER: Yes, you do.</p> <p>21 Q (BY MR. RUIZ): So let's go back, Ms. Helf, so you 22 indicated -- so I understand that from what you 23 explained Ameriprise Financial is the parent company and 24 IDS underwriting is the sub, correct?</p> <p>25 A Correct.</p>
<p style="text-align: right;">Page 27</p> <p>1 analyst for, for what company?</p> <p>2 A It would be with IDS Property Casualty. I, you know, 3 IDS Property Casualty is the underwriting company that 4 we do business underneath. Ameriprise Auto & Home is 5 our marketing name.</p> <p>6 Q So Ameriprise Financial who you work for does not 7 underwrite insurance policies?</p> <p>8 MS. SYMONS: Objection to form, calls for 9 a legal conclusion.</p> <p>10 Subject to that objection, you may answer.</p> <p>11 A IDS Property Casualty is a subsidiary of Ameriprise 12 Financial.</p> <p>13 MS. SYMONS: We just lost photo. Did you 14 lose it at your end too, Mr. Ruiz?</p> <p>15 MR. RUIZ: Yes.</p> <p>16 MS. SYMONS: Okay.</p> <p>17 SPEAKER: We lost the video picture of 18 you guys.</p> <p>19 MS. SYMONS: It's back.</p> <p>20 SPEAKER: But we're asking --</p> <p>21 MS. SYMONS: It's back here.</p> <p>22 SPEAKER: -- we're asking with tech 23 support.</p> <p>24 MS. SYMONS: Is it -- Ours is back but it 25 is sort of frozen. How is yours?</p>	<p style="text-align: right;">Page 29</p> <p>1 Q Now, you said you're the senior claims compliance 2 analyst. Are you the senior claims compliance analyst 3 for IDS?</p> <p>4 A IDS is a part of Ameriprise Financial, yes.</p> <p>5 Q So that's what I'm trying to find out because if you're 6 employed by Ameriprise Financial I'm trying to figure 7 out how you're performing work for IDS underwriting.</p> <p>8 A All our policies are underwritten by IDS Property 9 Casualty and I'm in the claims department that handles 10 the claims that are reported on those IDS policies.</p> <p>11 Q All right. But technically you're not employed by IDS, 12 correct?</p> <p>13 MS. SYMONS: Objection to form. Calls 14 for a legal conclusion. Mr. Ruiz --</p> <p>15 MR. RUIZ: I'm asking her --</p> <p>16 Q (BY MR. RUIZ): You're either employed -- When you 17 receive your paycheck, who is paying you? Who is your 18 employer?</p> <p>19 MS. SYMONS: Objection, asked and 20 answered. She has already told you that twice.</p> <p>21 MR. RUIZ: Okay. I'm trying to find out. 22 I'm entitled to find out.</p> <p>23 Q (BY MR. RUIZ): I want to know what the name on the 24 check is? If you receive direct deposit when you get 25 your W-2 or whatever other variation of tax reporting</p>

<p style="text-align: right;">Page 30</p> <p>1 you get, who is your actual employer?</p> <p>2 MS. SYMONS: Objection to form.</p> <p>3 Compound. Asked and answered. Go ahead.</p> <p>4 A I do get direct deposit, so I do not get a check at all.</p> <p>5 I do not, you know, I have not looked -- I get my W2s</p> <p>6 for tax reporting. I do not look at the name because I</p> <p>7 know where it is coming from.</p> <p>8 Q So you're saying you -- Does that mean you don't know</p> <p>9 that you for sure work for Ameriprise or you do? I'm</p> <p>10 trying to figure out. It is a pretty simple question.</p> <p>11 A I do work for Ameriprise.</p> <p>12 Q You are either employed by Ameriprise, or employed by</p> <p>13 IDS or employed by both and I'm trying to figure out --</p> <p>14 MS. SYMONS: Actually, Mr. Ruiz, it is</p> <p>15 not a simple question. If it were, you -- presumably</p> <p>16 you would have moved on.</p> <p>17 But you just asked her another compound question</p> <p>18 that you've already asked her the question. She has</p> <p>19 already given you an answer twice.</p> <p>20 MR. RUIZ: Robin, I know what I asked. I</p> <p>21 know what her answer is. You know, I have figured that</p> <p>22 out, but at the end of the day, I'm trying to find out</p> <p>23 what the relationship is between Ameriprise Financial</p> <p>24 and IDS underwriting that allows her to work for IDS, if</p> <p>25 she's not employed by IDS.</p>	<p style="text-align: right;">Page 32</p> <p>1 MR. RUIZ: Any other complaints?</p> <p>2 MS. SYMONS: Yes. But we don't have time</p> <p>3 for that.</p> <p>4 MR. RUIZ: Okay.</p> <p>5 Q (BY MR. RUIZ): So, Ms. Helf, respectfully, it is a</p> <p>6 pretty straight-forward question which is: Why is it</p> <p>7 that you're working for IDS if you're employed by a</p> <p>8 different company which is Ameriprise Financial?</p> <p>9 MS. SYMONS: Same objection.</p> <p>10 You can answer.</p> <p>11 A Ameriprise Financial to me and IDS are one in the same.</p> <p>12 You know, IDS is a wholly-owned subsidiary of Ameriprise</p> <p>13 Financial, so it would be still part of Ameriprise</p> <p>14 Financial, so I would still be working for IDS.</p> <p>15 Q How many claims adjusters work at IDS?</p> <p>16 A I would know not adjusters in particular but there is</p> <p>17 about 700 people in the claims department.</p> <p>18 Q And you supervise all of them?</p> <p>19 A I do not. I do not supervise anyone.</p> <p>20 Q Okay. How many of those -- How many of those 700 people</p> <p>21 do you supervise?</p> <p>22 A I do not supervise any of them.</p> <p>23 Q Okay. So you're the senior claims compliance analyst</p> <p>but you do not supervise any of the adjusters?</p> <p>24 Correct, I am not a leader or supervisor.</p>
<p style="text-align: right;">Page 31</p> <p>1 MS. SYMONS: Well, I imagine -- I'm not</p> <p>2 going to argue with you on the record. I think you have</p> <p>3 asked that question several times and she has --</p> <p>4 MR. RUIZ: That's right.</p> <p>5 MS. SYMONS: -- answered it.</p> <p>6 MR. RUIZ: Well, I haven't got an answer.</p> <p>7 MS. SYMONS: Yes, you have. You just</p> <p>8 don't like the answer.</p> <p>9 MR. RUIZ: Okay. Robin, honestly if we</p> <p>10 continue like that, I'm just going to have to get the</p> <p>11 judge and we'll terminate the depo because it is super</p> <p>12 disruptive. It is a pretty simple straight-forward</p> <p>13 question.</p> <p>14 MS. SYMONS: You know --</p> <p>15 Q (BY MR. RUIZ): If you don't work for IDS, you told me</p> <p>16 that you're not employed by IDS, I want to know how it</p> <p>17 is that you're doing work for a company that you're not</p> <p>18 employed by? That is my question.</p> <p>19 MS. SYMONS: Objection to form. You have</p> <p>20 imbedded a legal conclusion in your question and you've</p> <p>21 also asked and answered --</p> <p>22 MR. RUIZ: How --</p> <p>23 MS. SYMONS: And you are badgering the</p> <p>24 witness and you're being disrespectful to me which I</p> <p>25 would ask you to stop.</p>	<p style="text-align: right;">Page 33</p> <p>1 Q Who is the leader or supervisor if there is more than</p> <p>2 one let me know the names of those people that supervise</p> <p>3 the claims adjuster at IDS?</p> <p>4 MS. SYMONS: John, are you putting any</p> <p>5 limits on whatsoever? Are you talking about across</p> <p>6 all lines? Are you talking about --</p> <p>7 MR. RUIZ: She can --</p> <p>8 MS. SYMONS -- Florida?</p> <p>9 MR. RUIZ: She can -- She can answer --</p> <p>10 She can answer the question if she needs to break it</p> <p>11 down just -- I'm trying to find out information.</p> <p>12 MS. SYMONS: You're trying to find out</p> <p>13 information that seems to go far beyond the issues that</p> <p>14 are raised in the amended complaint in this case.</p> <p>15 It sounds as though you're asking her information</p> <p>16 that goes far beyond Florida and is not limited in time</p> <p>17 or scope either, so I'm asking you to place some</p> <p>18 guardrails around your question so she can answer it</p> <p>19 otherwise I probably will have to instruct her not to</p> <p>20 answer it.</p> <p>21 Q Ms. Helf, can you answer the question? You have 700</p> <p>adjusters or 700 people working in the claims</p> <p>department, correct?</p> <p>22 Approximately, yes.</p> <p>23 Okay. And, according to your testimony, you do notes</p>

<p>1 supervise any of them?</p> <p>2 A Correct.</p> <p>3 Q Correct?</p> <p>4 A Correct.</p> <p>5 Q So you're the senior claims compliance analyst, correct?</p> <p>6 A Correct.</p> <p>7 Q For IDS?</p> <p>8 A Correct.</p> <p>9 Q And as a senior claims compliance analyst, is one of</p> <p>10 your job duties is to make sure that IDS is complying</p> <p>11 with state or federal laws?</p> <p>12 A I give the leaders the materials so that they can make</p> <p>13 sure that the reps are handling according to the state</p> <p>14 and federal laws.</p> <p>15 Q But you're familiar with, you know, the federal laws</p> <p>16 that apply to processing claims?</p> <p>17 A For Medicare reporting?</p> <p>18 Q In general are you familiar with the federal laws that</p> <p>19 pertain to claims adjusting?</p> <p>20 A Not all the federal laws, no.</p> <p>21 Q Are you familiar with Florida law as it pertains to</p> <p>22 claims adjusting particularly IDS's responsibility under</p> <p>23 state laws and/or the department of insurance?</p> <p>24 MS. SYMONS: Objection to the form, but</p> <p>25 you may answer.</p>	<p>Page 34</p> <p>1 MR. RUIZ: Okay. So Chris is going to</p> <p>2 put the declaration up so that we can be reading the</p> <p>3 same document.</p> <p>4 Okay. Is it up Chris? Okay. So go to the actual</p> <p>5 declaration, the portion of the declaration, so I'm</p> <p>6 going to take you to paragraph three, because we've gone</p> <p>7 over paragraph two.</p> <p>8 MS. SYMONS: We don't have anything on</p> <p>9 the screen.</p> <p>10 MR. RUIZ: And --</p> <p>11 MS. SYMONS: Mr. Ruiz, there is nothing</p> <p>12 on our screen yet.</p> <p>13 MR. RUIZ: All right. Hold on.</p> <p>14 (Indiscernible conversation.)</p> <p>15 MR. RUIZ: Can you see it now?</p> <p>16 MS. SYMONS: No.</p> <p>17 MR. RUIZ: Let us know when you see it,</p> <p>18 please.</p> <p>19 MS. SYMONS: I was going to make a joke,</p> <p>20 but I won't. Nothing yet.</p> <p>21 MR. RUIZ: He is trying to -- talking to</p> <p>22 technical support.</p> <p>23 MS. SYMONS: All right. As long as</p> <p>24 you're -- we have a little lag there, it interrupted the</p> <p>25 flow anyway, why don't we just take a one-minute break</p>
<p>1 A I'm familiar with the Florida PIP no-fault laws.</p> <p>2 Q Is your familiarity as it pertains to Florida law</p> <p>3 limited to PIP?</p> <p>4 A Not particularly just to PIP. You know, I have to look</p> <p>5 at 44 states so I do not know every single state that</p> <p>6 is, you know, every single law.</p> <p>7 Q So you're the claims analyst for 44 states which amongst</p> <p>8 those states one of them is Florida?</p> <p>9 MS. SYMONS: Objection to form. You said</p> <p>10 claims analyst and that is not her job or title.</p> <p>11 Q Claims compliance analyst. Are you the claims</p> <p>12 compliance analyst for IDS as it pertains to 44 states</p> <p>13 one of which is Florida?</p> <p>14 A Yes.</p> <p>15 Q How long have you been involved in no-fault claims in</p> <p>16 the State of Florida?</p> <p>17 A Myself?</p> <p>18 Q Yes, you.</p> <p>19 A I have not handled the no-fault claims particularly. I</p> <p>20 have been doing my job since about 2006.</p> <p>21 Q Okay. Now, as you understand it, at some point in time</p> <p>22 prior to the motion for class certification you signed a</p> <p>23 declaration under penalty of perjury. Do you recall</p> <p>24 that?</p> <p>25 A I recall signing a declaration, yes.</p>	<p>Page 35</p> <p>1 and that will give you a chance to get it up on the</p> <p>2 screen.</p> <p>3 MR. RUIZ: Okay.</p> <p>4 THE VIDEOGRAPHER: We are off the record.</p> <p>5 The time is 1:48 p.m.</p> <p>6 MR. RUIZ: Just one observation, Ms.</p> <p>7 Help, you're still under oath, so technically you're not</p> <p>8 supposed to be talking to anyone about your testimony.</p> <p>9 MS. SYMONS: Mr. Ruiz, please don't</p> <p>10 instruct my witness and, you know, we'll be back in a</p> <p>11 moment.</p> <p>12 MR. RUIZ: Well, I'm telling her what the</p> <p>13 rules are.</p> <p>14 MS. SYMONS: Uh-huh. Thank you.</p> <p>15 (Brief recess held.)</p> <p>16 THE VIDEOGRAPHER: We are back on the</p> <p>17 record. The time is 1:55 p.m.</p> <p>18 Q (BY MR. RUIZ): So we were going over your job functions</p> <p>19 as a senior claims compliance analyst and we had then</p> <p>20 started to discuss your declaration, correct? So I'm</p> <p>21 going to go back to paragraph three which is the</p> <p>22 declaration that you made and it states that -- This is</p> <p>23 what you stated on the declaration.</p> <p>24 "My duties as senior claims compliance analyst</p> <p>25 include insurance compliance with the Center for</p>

<p style="text-align: right;">Page 38</p> <p>1 Medicare & Medicaid Services reporting requirements. 2 Accordingly, I'm familiar with IDS's CMS reporting 3 system during the relevant time period, January 1, 2009 4 to the present." Do you recall making that declaration? 5 A Yes. 6 Q And are you still that person, that that duty is still 7 with you in terms of being the senior claims compliance 8 analyst? 9 A Yes. 10 Q Would you agree with me that you're the most 11 knowledgeable person at IDS for testifying for IDS as a 12 defendant as it pertains to the reporting requirements 13 that IDS would have to the Center for Medicare & 14 Medicaid Services? 15 MS. SYMONS: Objection to form. You may 16 answer. 17 A Yes. 18 Q Now, prior to today's deposition, have you ever had 19 direct communication with ISO pertaining to this case of 20 MSPA Claims 1 versus IDS? 21 MS. SYMONS: Objection to form and 22 instruct the witness not to answer the question on the 23 basis of attorney client and work-product privilege. 24 MR. RUIZ: What is the work product of 25 her having spoken with IDS?</p>	<p style="text-align: right;">Page 40</p> <p>1 claim of MSPA Claims 1, LLC. versus IDS? 2 MS. SYMONS: Same objection and 3 instruction. 4 MR. RUIZ: And what is your objection 5 again, work product? 6 MS. SYMONS: Work product and 7 attorney-client privilege. 8 Q Okay. Now, who is it that IDS uses for purposes of 9 reporting to the Center for Medicare or Medicaid 10 Services as it pertains to Medicare beneficiaries that 11 make claims to IDS? 12 A We use ISO Service, I-S-O services. 13 Q How long have you been using ISO services? 14 A We started with the automatic feed in 2009. 15 Q Automatic feed? 16 A Right. From our claims system over. We have a feed 17 that goes over into ISO ClaimSearch. 18 Q What is the name of the system that IDS uses for 19 purposes of this automatic feed? 20 MS. SYMONS: Just a moment. 21 Mr. Ruiz, are you asking her for proprietary 22 information regarding IDS or Ameriprise's internal 23 systems? 24 MR. RUIZ: I'm asking her for the name of 25 the system that automatically feeds to ISO.</p>
<p style="text-align: right;">Page 39</p> <p>1 MS. SYMONS: I'm not going to give you my 2 work product. 3 MR. RUIZ: -- with ISO? 4 MS. SYMONS: I'm sorry, sir, I'm not 5 required to give you the meat of the work product. I 6 made an objection and I instructed the witness not to 7 answer. 8 MR. RUIZ: I'm asking a question is -- 9 Are you saying that the fact -- whether or not she spoke 10 with ISO in and of itself you're saying is work product? 11 MS. SYMONS: The way you asked your 12 question, the question invades -- 13 MR. RUIZ: That's the question I asked. 14 I will ask it again. 15 Q (BY MR. RUIZ): Have you had any conversations with 16 anyone from ISO prior to today's deposition pertaining 17 to the claim of MSPA Claims 1, LLC. versus IDS? 18 MS. SYMONS: Same objection. 19 MR. RUIZ: It is either yes or no. 20 MS. SYMONS: Yes. And she has been 21 instructed not to answer the question. 22 MR. RUIZ: So you're instructing her not 23 to -- 24 Q (BY MR. RUIZ) Have you e-mailed anyone from ISO, Ms. 25 Helf, prior to today's deposition as it pertains to the</p>	<p style="text-align: right;">Page 41</p> <p>1 MS. SYMONS: Right. 2 MR. RUIZ: That is exactly my question. 3 MS. SYMONS: Right. I'm going to 4 instruct her not to answer that question. 5 MR. RUIZ: The name of the system is also 6 protected? 7 MS. SYMONS: Yes. 8 MR. RUIZ: Okay. 9 Q (BY MR. RUIZ): Now explain to me, Ms. Helf, how it is 10 that IDS goes about reporting claims that Medicare 11 beneficiaries make to the Center for Medicare & Medicaid 12 Services? 13 MS. SYMONS: I dazed out for just a 14 second. Could you please just read the question back? 15 I'm just asking the court reporter to read it back? 16 (Question read by the court reporter.) 17 MS. SYMONS: And you're asking that 18 within the context of this lawsuit, right, and the time 19 period related thereto? 20 MR. RUIZ: She told me that they have an 21 automatic feed since January 2009. 22 MS. SYMONS: Right. 23 MR. RUIZ: She also said it in her 24 disclosure, paragraph three. 25 MS. SYMONS: That's exactly right. I'm</p>

<p style="text-align: right;">Page 42</p> <p>1 just asking whether your question contains those same 2 parameters?</p> <p>3 MR. RUIZ: Ms. Helf, can you answer the 4 question, please.</p> <p>5 MS. SYMONS: Mr. Ruiz, would you please 6 clarify the question?</p> <p>7 MR. RUIZ: Okay. Again, Robin, it is 8 very simple. I'm going to ask a question. You can 9 either object to form or you can instruct her not to 10 answer.</p> <p>11 If I want to rephrase my question, I can do so and 12 if I don't rephrase it, I run the risk of the judge 13 might say it is an improper question and I can't use it. 14 Stop telling me to rephrase the question.</p> <p>15 MS. SYMONS: I didn't tell you to do 16 anything.</p> <p>17 MR. RUIZ: This is not -- You're not 18 taking this deposition. I am.</p> <p>19 MS. SYMONS: I know. And I made --</p> <p>20 MR. RUIZ: Understand that.</p> <p>21 MS. SYMONS: Are you going to --</p> <p>22 MR. RUIZ: It is disruptive. We can't 23 have a flow of a deposition because you are -- every 24 single question you say something superfluous to 25 objection to the form.</p>	<p style="text-align: right;">Page 44</p> <p>1 MS. SYMONS: Well, then this would be -- 2 MR. RUIZ: Miss Court Reporter -- 3 MS. SYMONS: -- a good time for you to 4 start this. This would be a really good time for you to 5 start if what you want to do is move on. 6 Is there a question pending at this point?</p> <p>7 MR. RUIZ: Miss Court Reporter, can you 8 read the question please before the long dialogue 9 pertaining to everything else that was discussed? Can 10 you read the question I asked the witness.</p> <p>11 (Question read by the court reporter.)</p> <p>12 MS. SYMONS: Objection to form. You may 13 answer.</p> <p>14 A If we have an injured party that is a Medicare beneficiary, we do check a box in our claim system and that information does go over to ISO and they on our behalf report that to Medicare.</p> <p>18 Q So how does IDS find out whether or not an injured person is a Medicare beneficiary?</p> <p>20 A We will ask, you know, when we first speak to that injured party, you know, if they have health insurance and who their health insurance is. And then we will also have -- ISO will send a query file over to Medicare and they will query their database to let us know which injured party is Medicare eligible.</p>
<p style="text-align: right;">Page 43</p> <p>1 MS. SYMONS: Are you done?</p> <p>2 MR. RUIZ: I'm done, but unless you stop 3 objecting to -- making speaking objections, I will have 4 no other choice than to put the judge on the line. It 5 is very clear -- unless you tell me that you can object 6 to something other than form and instruct the witness 7 not to answer which would be news to me because I have 8 been doing this for a long time, stop making speaking 9 objections.</p> <p>10 MS. SYMONS: Mr. Ruiz --</p> <p>11 MR. RUIZ: It is not proper.</p> <p>12 MS. SYMONS: -- I think the transcript 13 will reflect that I made a request that you clarify 14 whether your question --</p> <p>15 MR. RUIZ: I do not need to clarify the 16 question, Robin. If you object to the form and she 17 answers it, you are preserving your objection.</p> <p>18 MS. SYMONS: I understand how it works, 19 sir.</p> <p>20 MR. RUIZ: If the question is compound, 21 improper or whatever it is, then you can make that 22 objection and it will either be used or not. That is my 23 risk. It is my risk if I repeat or rephrase a question. 24 If my question is improper, then I can't use it, so I 25 want to move forward with the deposition.</p>	<p style="text-align: right;">Page 45</p> <p>1 Q What information does ISO use to query the CMS data file 2 based on what you just explained to me?</p> <p>3 A They have to have the name, first and last name, date of birth. They have to have the gender and the social security number or the HIC number.</p> <p>6 Q As you sit there in Green Bay, I believe, where you're 7 at, can you tell me whether or not IDS has the date of birth for every person that has made a no-fault claim to IDS from January 1, 2009, to today's date?</p> <p>10 MS. SYMONS: Objection to form, beyond 11 the scope of this litigation as asked.</p> <p>12 MR. RUIZ: You can answer, ma'am.</p> <p>13 A I would not know that.</p> <p>14 Q Okay. Can you tell me whether or not IDS has 15 information relative to the gender of every person that 16 has made a no-fault claim from January 1, 2009, to 17 today's date?</p> <p>18 MS. SYMONS: Same objection.</p> <p>19 A I would not know that either.</p> <p>20 Q Same question as it pertains to a social security 21 number.</p> <p>22 MS. SYMONS: Same objection.</p> <p>23 A I would not know that.</p> <p>24 Q Same question as it pertains to the HIC number?</p> <p>25 MS. SYMONS: Same objection.</p>

<p style="text-align: right;">Page 46</p> <p>1 A And I would not know that.</p> <p>2 Q Do you agree with me that if you -- IDS does not have a 3 date of birth, gender, and either a social security 4 number or a HIC number, ISO is unable to report to the 5 Center for Medicare & Medicaid Services that an injured 6 person is a Medicare beneficiary?</p> <p>7 A That is the requirements that Medicare does have. That 8 is what is required in order to report.</p> <p>9 Q So are you in agreement with me that if IDS does not 10 have the date of birth, gender of the person and the 11 social security number or a HIC number, that IDS would 12 be unable to report to the Center for Medicare & 13 Medicaid Services that a person who is making a no-fault 14 claim in Florida between January 1, 2009, and today's 15 date also happens to be a Medicare beneficiary?</p> <p>16 MS. SYMONS: Objection to form. Subject 17 to that, you can answer.</p> <p>18 A Correct.</p> <p>19 Q So do you agree with me that as it pertains to all of 20 the people that make no-fault claims to IDS between 21 January 1, 2009, and today's date that you cannot verify 22 as the senior claims compliance analyst that IDS has 23 reported every single Medicare beneficiary to the Center 24 for Medicare & Medicaid Services that made a no-fault 25 claim to IDS?</p>	<p style="text-align: right;">Page 48</p> <p>1 pertaining to no-fault claims between January 1, 2009, 2 and today's date to obtain a date of birth if IDS does 3 not have it?</p> <p>4 A They do ask for it. When they are taking or talking to 5 the injured party, they do try to obtain that 6 information.</p> <p>7 Q So other than asking verbally is there anything else 8 that is done?</p> <p>9 A If it is one of our named insureds, we would probably 10 have the date of birth on file.</p> <p>11 Q Is that it? Is there anything else that would be done?</p> <p>12 A That would be it to get the date of birth.</p> <p>13 Q Same question as it pertains to obtaining the gender of 14 the person involved in the accident?</p> <p>15 A Most of the time they can tell who the gender is by 16 talking to that person or possibly by that person's name 17 otherwise they would, you know, inquire also of that.</p> <p>18 Q Okay. Same question as pertains to the social security 19 number?</p> <p>20 MS. SYMONS: Objection to form. Go 21 ahead.</p> <p>22 A The social security number if it was one of our named 23 insureds, we may have it on file otherwise they will ask 24 the party for it and then also we can do a search for 25 the social security number.</p>
<p style="text-align: right;">Page 47</p> <p>1 MS. SYMONS: Object to form.</p> <p>2 Subject to my objection, you can answer if you're 3 able.</p> <p>4 A I would not know, you know, because I do not have all 5 that information.</p> <p>6 Q Okay. Do you agree that it is IDS's -- or let me go 7 back. As a senior claims compliance analyst, it is your 8 job to make sure that IDS complies with any federal 9 regulation pertaining to providing notice to CMS that a 10 person that is making a no-fault claim is also a 11 Medicare beneficiary?</p> <p>12 MS. SYMONS: Objection to form.</p> <p>13 You can answer.</p> <p>14 A I, you know, inform and instruct the claims reps what 15 they need to do to ensure compliance.</p> <p>16 Q So what quality control systems does IDS have in place 17 to confirm that, in fact, what you're instructing the 18 adjusters to do is actually getting done?</p> <p>19 A We do have, you know, controls to make sure that they do 20 get the date of birth and the social security numbers 21 so, you know, we do get reminders to the reps if a 22 social security number is missing or the date of birth 23 is missing.</p> <p>24 Q What is the protocol that IDS utilizes for obtaining 25 information from individuals that make claims to IDS</p>	<p style="text-align: right;">Page 49</p> <p>1 Q How do you do the search of the social security number?</p> <p>2 A It is through ISO.</p> <p>3 Q So you task or you query ISO to obtain a social security 4 number for a particular injured party?</p> <p>5 A They would take our claim file that goes over and if 6 there is a missing social security number on an injured 7 party they would search for it and then send it back to 8 us.</p> <p>9 Q Okay. Are you still using ISO today?</p> <p>10 A Yes, we are.</p> <p>11 Q Did ISO -- anyone from ISO ever contact IDS as best as 12 you know pertaining to the MSPA Claims 1 versus IDS 13 case?</p> <p>14 MS. SYMONS: I'm instructing her not to 15 answer that question on the basis --</p> <p>16 MR. RUIZ: You're instructing her -- Hold 17 on. You're instructing her not to answer if ISO 18 contacted her?</p> <p>19 MS. SYMONS: Yes.</p> <p>20 MR. RUIZ: Do you represent ISO? Robin, 21 do you represent ISO?</p> <p>22 MS. SYMONS: Mr. Ruiz, I'm not going to 23 argue with you.</p> <p>24 MR. RUIZ: I'm asking you a question. 25 I'm not arguing. I'm just asking.</p>

<p style="text-align: right;">Page 50</p> <p>1 MS. SYMONS: Well, as you pointed out, 2 you're not taking my deposition, sir.</p> <p>3 MR. RUIZ: I want to clarify because you 4 are instructing her not to answer.</p> <p>5 MS. SYMONS: You're right. I did.</p> <p>6 MR. RUIZ: So you're instructing her not 7 to answer whether or not ISO called her. Okay.</p> <p>8 Q (BY MR. RUIZ): So then the next question is subsequent 9 to the lawsuit between MSPA Claims 1 and IDS has anyone 10 from ISO e-mailed you, Ms. Helf, or e-mailed IDS 11 pertaining the MSPA Claims 1 versus IDS Casualty 12 Insurance Company?</p> <p>13 MS. SYMONS: I'm instructing the witness 14 not to answer that question on the basis of attorney 15 client and work-product privilege.</p> <p>16 MR. RUIZ: So which one is it? Is it 17 attorney client or is it work-product privilege?</p> <p>18 MS. SYMONS: I have instructed the 19 witness not to answer.</p> <p>20 MR. RUIZ: Okay. But I want to clarify 21 so that when we go in front of the judge you can explain 22 to the judge whether it is based on attorney-client 23 privilege or work product? So which one is your 24 objection? It can't be both. It is either attorney 25 client or work product.</p>	<p style="text-align: right;">Page 52</p> <p>1 You indicated in your declaration that IDS utilizes ISO 2 as its CMS reporting vendor; is that correct?</p> <p>3 A Correct.</p> <p>4 Q And this is the only vendor that IDS uses for purposes 5 of reporting Medicare claims that are from IDS insureds 6 to the Center for Medicare & Medicaid Services, correct?</p> <p>7 A Correct.</p> <p>8 Q And you utilize the ISO ClaimSearch for this particular 9 application?</p> <p>10 A Correct. We send our claims through ISO ClaimSearch and 11 then part of that service is the Medicare reporting. I 12 don't know if it is actually ISO ClaimSearch, but it is 13 part of the ISO services.</p> <p>14 Q When you say ISO ClaimSearch, is this -- What you mean 15 by that is that IDS reports all of its claims 16 irrespective of whether they're Medicare or not 17 pertaining to no-fault claims through the ISO 18 ClaimSearch application?</p> <p>19 A Correct. We report all of our claims through -- to the 20 ISO ClaimSearch.</p> <p>21 Q Okay. And you say that this is the -- done through -- 22 every two weeks?</p> <p>23 A Correct, biweekly.</p> <p>24 Q Is this done through --</p> <p>25 A It is a biweekly feed --</p>
<p style="text-align: right;">Page 51</p> <p>1 MS. SYMONS: I've stated my objection, 2 sir.</p> <p>3 MR. RUIZ: Okay. So you're instructing 4 her not to answer?</p> <p>5 MS. SYMONS: That's correct.</p> <p>6 Q (BY MR. RUIZ): Now as it pertains to the claims 7 subsequent to January 1, 2009 and today's date 8 pertaining to any Medicare beneficiary that made a claim 9 to IDS pertaining to a no-fault claim, Ms. Helf, have 10 you tried to independently verify whether or not these 11 claims have been reported to the Center for Medicare & 12 Medicaid Services?</p> <p>13 MS. SYMONS: I'm instructing the witness 14 not to answer that question on the basis of attorney 15 client and work-product privileges.</p> <p>16 MR. RUIZ: And you're doing so -- Again, 17 I want to make sure it is clear on the record. Without 18 me asking what the results were, you're just saying that 19 the fact as to whether or not she even looked at 20 anything is work product or attorney-client privilege, 21 correct?</p> <p>22 MS. SYMONS: I'm not going to argue with 23 you, sir.</p> <p>24 MR. RUIZ: Okay.</p> <p>25 Q (BY MR. RUIZ): Now, let's go back to your declaration.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q Is this done through -- I'm sorry. Go ahead. I 2 apologize. I interrupted you.</p> <p>3 A It is a biweekly data feed so it is twice a week every 4 week.</p> <p>5 Q Is this data feed done through an API?</p> <p>6 MS. SYMONS: Objection to form.</p> <p>7 A I know it's done through a -- like a secured feed, but 8 I'm not exactly sure what the -- how they send it.</p> <p>9 Q Okay. So you don't know if it is from API or perhaps an 10 XML?</p> <p>11 A I would not know that. That is handled by a different 12 area.</p> <p>13 Q That is handled I'm assuming by your IT department?</p> <p>14 MS. SYMONS: Objection to form.</p> <p>15 You can answer.</p> <p>16 A Correct.</p> <p>17 Q Okay. Who is the head of your IT department?</p> <p>18 A I do not know.</p> <p>19 Q Okay. Does that person work for Ameriprise or for IDS 20 or do you know?</p> <p>21 A I do not know who he is so I could not tell you.</p> <p>22 Q Do you know anybody at the IT department? Do you 23 communicate with the IT department for purposes of your 24 function as a senior claims compliance analyst?</p> <p>25 A I do when we are doing certain projects.</p>

<p style="text-align: right;">Page 54</p> <p>1 Q Okay. So who is it that you communicate with that you 2 know by name as the IT department?</p> <p>3 A It is various people depending on what needs to be done.</p> <p>4 Q Give me the name of one of them.</p> <p>5 MS. SYMONS: Are you asking her for a 6 random name of someone she contacts in the IT department 7 without regard to the issues in this case?</p> <p>8 MR. RUIZ: I want to know the name of 9 anybody who she speaks with in the IT department. 10 That's my question.</p> <p>11 MS. SYMONS: Without limiting it to the 12 issues in this case, then I would have to instruct her 13 not to answer that question.</p> <p>14 MR. RUIZ: You're instructing her not to 15 answer it, the name of the person that she's spoken with 16 at the IT department. Okay.</p> <p>17 Q (BY MR. RUIZ): So, Ms. Help, as the senior claims 18 compliance analyst, would you agree with me that many of 19 the compliance issues that IDS deals with are dealt with 20 electronically?</p> <p>21 MS. SYMONS: Objection to form and calls 22 for a legal conclusion. Anyway, go ahead if you --</p> <p>23 A If you can clarify that question, I'm not sure exactly 24 what you mean.</p> <p>25 Q Okay. So you indicated that every two weeks there is a</p>	<p style="text-align: right;">Page 56</p> <p>1 It also, as phrased, invades the attorney client, 2 work-product privilege.</p> <p>3 MR. RUIZ: You can answer, ma'am.</p> <p>4 MS. SYMONS: No, she can't. I just 5 instructed her not to answer.</p> <p>6 MR. RUIZ: Okay. I didn't -- I didn't 7 realize you had instructed her not to answer that one 8 also.</p> <p>9 MS. SYMONS: As phrased. You could cure 10 that, but as phrased you have asked her questions that 11 invade the attorney-client privilege.</p> <p>12 Q Okay. Ms. Help, again, have you ever run into any 13 issues whereby you have had to improve or change in any 14 way prior to the MSPA Claims 1 versus IDS claim or 15 knowledge that there even was a claim by IDS, at any 16 point in time prior to that, have you ever had to work 17 with your IT department to change a system or improve it 18 in any way because of a change in the law?</p> <p>19 MS. SYMONS: Generally? I'm going to 20 object to the form of the question. Go ahead. If you 21 can answer that, you're -- You can go right ahead.</p> <p>22 A We've updated it when Medicare's thresholds have changed 23 for reporting purposes. When they first started out, 24 they had different levels of the casualty, the liability 25 claims that they wanted so we had to make those changes</p>
<p style="text-align: right;">Page 55</p> <p>1 feed that goes from IDS to ISO ClaimSearch, you know, 2 biweekly so that you can report all of the no-fault 3 claims in Florida, correct?</p> <p>4 MS. SYMONS: Objection to form. Mr. 5 Ruiz, she testified twice a week not every other week.</p> <p>6 Q Okay. So biweekly?</p> <p>7 A Correct.</p> <p>8 Q Do you agree with me that you stated biweekly IDS sends 9 to ISO in some automated fashion information so that you 10 could report through ClaimSearch all of the claims that 11 IDS has?</p> <p>12 A Correct, as long as there was an open coverage under 13 that person.</p> <p>14 Q Have you ever run into any problems where the data 15 didn't get transferred properly from 2009 to today's 16 date or something happened that the system wasn't 17 working properly?</p> <p>18 A Not that I'm aware of or that I know of.</p> <p>19 Q Okay. And have you ever had to improve the system 20 whereby there is this biweekly reporting -- I'm sorry -- 21 this, yeah, biweekly reporting between IDS and ISO? Has 22 it ever been changed because a law changed or you 23 improved your system, legacy issues, any of those types 24 of problems?</p> <p>25 MS. SYMONS: Objection to form, compound.</p>	<p style="text-align: right;">Page 57</p> <p>1 to correspond with those updates.</p> <p>2 Q Were you involved with that --</p> <p>3 A I would --</p> <p>4 Q -- change?</p> <p>5 A I would send the information or enter a project and then 6 they -- our IT department would do that change.</p> <p>7 Q Who would you submit the information to?</p> <p>8 A It is in a system, a database.</p> <p>9 Q You submit it through a database?</p> <p>10 A Yep. We enter a project.</p> <p>11 Q To no one in -- to no one in particular?</p> <p>12 A Correct.</p> <p>13 Q Okay. So you submit it to a database and then so I 14 guess it is a ticketing system that somebody then 15 reviews what the project is that you want the IT to work 16 on?</p> <p>17 A Correct.</p> <p>18 Q Is there any dialog between the IT or was there any 19 dialog between the IT department and yourself after you 20 made that request back when you made this change?</p> <p>21 A Usually when we do a project we do have one meeting to 22 just make sure the requirements for the changes are in 23 order.</p> <p>24 Q Okay. So you did meet with the IT department?</p> <p>25 A Correct.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q Great. So who did you meet with -- who at the IT 2 department did you meet with?</p> <p>3 A I could not tell you back then.</p> <p>4 Q You don't remember the name of the person that you met 5 with back when you -- all these changes were taking 6 place?</p> <p>7 MS. SYMONS: Objection to form.</p> <p>8 You can answer if you know.</p> <p>9 A There were various people that did the changes. Some of 10 them are no --</p> <p>11 Q I just want the name of one.</p> <p>12 A Some of them are no longer with the company.</p> <p>13 Q I want the name of one person in your IT department at 14 IDS or Ameriprise Financial. Just one name.</p> <p>15 MS. SYMONS: Mr. Ruiz, you were talking 16 over her while she was trying to give you an answer. 17 And, as I understand it, your question was limited to 18 meetings that may have taken place before this lawsuit 19 although your most recent question didn't sound like it 20 was so limited.</p> <p>21 But if you would give her a chance, she was 22 actually trying to give you some information that you 23 had asked for specifically in answer to your question 24 about whether she recalled the names of the people she 25 met within the IT department in making changes prior to</p>	<p style="text-align: right;">Page 60</p> <p>1 MS. SYMONS: Objection to form. And to 2 the extent you're asking her post MSPA Claims lawsuit, I 3 would instruct her not to answer. To the degree that 4 you're asking --</p> <p>5 MR. RUIZ: I'm asking her for the names 6 of people that work in the IT department.</p> <p>7 MS. SYMONS: Correct. But you're --</p> <p>8 MR. RUIZ: That's all I want. I want the 9 name of a person.</p> <p>10 MS. SYMONS: I know that's what you want.</p> <p>11 MR. RUIZ: You're saying that is 12 protected?</p> <p>13 MS. SYMONS: The question that preceded 14 that had to do with IT people prior to the inception of 15 this lawsuit. Are you restricting this question to that 16 data set?</p> <p>17 MR. RUIZ: As of right now I just want to 18 know anyone she knows in the IT department and a name of 19 anybody that works in the IT department.</p> <p>20 MS. SYMONS: That goes far beyond the 21 scope of this litigation and that's not -- that's not -- 22 How in the world is that going to lead to the discovery 23 of admissible evidence, Mr. Ruiz?</p> <p>24 MR. RUIZ: Well, being that you have 25 brought somebody that is not prepared, I would think</p>
<p style="text-align: right;">Page 59</p> <p>1 this lawsuit.</p> <p>2 A There were various people that I did meet with. Some of 3 them are no longer with the company. We did have some 4 contractors that also did work on projects.</p> <p>5 Q Okay. I want to know the names of the people that you 6 worked with on this project even if they are no longer 7 employed by IDS.</p> <p>8 A I could not give you those names if they're no longer 9 employed. Like I said, they were contractors.</p> <p>10 Q Okay. Do you know the name of any person in your IT 11 department that you have ever discussed any issue 12 whatsoever prior to the inception of the MSPA Claims 1 13 claim against IDS pertaining to any of the issues where 14 a Medicare beneficiary made a claim and there was 15 reporting that was required to the center, just one name 16 of any person.</p> <p>17 MS. SYMONS: Objection to form. Subject 18 to that, you can answer.</p> <p>19 A I remember one name of Chris.</p> <p>20 Q You said Chris?</p> <p>21 A Yes.</p> <p>22 Q Okay. And the last name?</p> <p>23 A I don't recall his last name.</p> <p>24 Q Okay. So do you recall the name of anybody else in IT 25 today that works with you at -- in any capacity?</p>	<p style="text-align: right;">Page 61</p> <p>1 that we would at least know the names of the people in 2 the IT department so that we can set those depositions.</p> <p>3 MS. SYMONS: I don't think that is on 4 your notice even the broad corrected notice that you 5 filed. But, we don't -- As you have said before, we 6 shouldn't argue about that.</p> <p>7 I'm not -- I'm not going to allow you to go on a 8 fishing expedition with this witness. She is not 9 required to give you a corporate roster.</p> <p>10 MR. RUIZ: Okay. Robin, respectfully I 11 think you have been very obstructive during this 12 deposition. I think you have wasted our time. You're 13 going to be wasting the court's time.</p> <p>14 You brought an unprepared witness to a deposition 15 that was properly noticed that had categories in it 16 that -- for a witness that you took to a certification 17 hearing and then all of a sudden she doesn't know 18 anything, but at the time of the certification hearing 19 she was your star witness. She was the only one that 20 you took and she knew everything, so if that is the 21 position you want to take, I'm going to need an 22 opportunity to correct that right now.</p> <p>23 MS. SYMONS: Alternatively, you could 24 actually take a deposition even though you didn't notice 25 it properly and you don't have good categories, but Ms.</p>

<p style="text-align: right;">Page 62</p> <p>1 Helf testified -- you asked her questions. You know 2 what -- the categories of information that she knows 3 about. You're missing the opportunity to ask her those 4 questions. That's your choice. It is your deposition.</p> <p>5 MR. RUIZ: Okay. Are you done? I told 6 you -- I'm giving you an opportunity because now you 7 have instructed the witness not to answer probably about 8 30 percent of the questions and I am trying to fix this 9 before we move to compel and for sanctions on the basis 10 that you're being disruptive, you're testifying for the 11 witness, you're not allowing for the deposition to 12 continue in an orderly fashion.</p> <p>13 You're supposed to be objecting to the form or 14 telling her not to answer because it is work product or 15 attorney-client privilege. You make your choice what 16 you think is attorney-client privilege or work product. 17 We have a different definition but that is your 18 prerogative.</p> <p>19 Again, we're here. I'm asking questions so it is 20 up to you what you want to tell her not to answer or 21 not. I will ask it one more time.</p> <p>22 Q (BY MR. RUIZ): Ms. Helf, can you please give me the 23 name of one or more people in your IT department at IDS?</p> <p>24 MS. SYMONS: Same objection and same 25 instruction. Please move on.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q Okay. So, let's see, the first quarter in 2014 would be 2 March 31st -- ends March 31, 2014, correct?</p> <p>3 A Correct. It ends March 31st. The feed is usually sent 4 in April.</p> <p>5 Q Okay. Then quarter number two would end May 30th -- I'm 6 sorry -- June 30th, 2014, correct?</p> <p>7 A Correct.</p> <p>8 Q So let's go -- IDS did not report the claim of M.A. to 9 the Center for Medicare & Medicaid Services as of 10 March 31, 2014, correct?</p> <p>11 A Correct.</p> <p>12 Q IDS didn't report the claim of M.A. to the Center for 13 Medicare & Medicaid Services by the end of quarter 14 number two which was June 30, 2014, correct?</p> <p>15 A Correct.</p> <p>16 Q IDS did not report the claim of M.A. to the Center for 17 Medicare & Medicaid Services by September 30th of 2014, 18 correct?</p> <p>19 A Correct.</p> <p>20 Q IDS did not report the claim of M.A. by the end of 21 December 31, 2014, to the Center for Medicare & Medicaid 22 Services, correct?</p> <p>23 A Correct.</p> <p>24 Q IDS had not reported the claim of M.A. to the Center for 25 Medicare & Medicaid Services by the end of March 31,</p>
<p style="text-align: right;">Page 63</p> <p>1 MR. RUIZ: So you're instructing her not 2 to answer? Great.</p> <p>3 Q (BY MR. RUIZ): Do you -- You said before that you had 4 reviewed the claim of M.A., correct?</p> <p>5 A Correct.</p> <p>6 Q And you indicated at some point in time that CMS 7 required quarterly reporting of -- that your version or 8 interpretation, understanding is that CMS required 9 quarterly reporting of Medicare beneficiaries that made 10 no-fault claims as it pertains to section 111, correct?</p> <p>11 A Correct.</p> <p>12 Q Okay. And you admit that IDS failed to report timely on 13 the claim of M.A., correct?</p> <p>14 MS. SYMONS: Objection to form. Calls 15 for a legal conclusion.</p> <p>16 Q I'm asking you: When did you report -- When did IDS 17 report the claim of M.A.?</p> <p>18 A It was reported in I want to say June of 2015.</p> <p>19 Q Okay. And when was the accident?</p> <p>20 A Excuse me?</p> <p>21 Q When was the accident?</p> <p>22 A It was January of 2014.</p> <p>23 Q So June of 2015 is almost a year and a half after the 24 date of the accident?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 65</p> <p>1 2015, correct?</p> <p>2 A Correct.</p> <p>3 Q And, according to your testimony, the claim of M.A. was 4 reported to the Center for Medicare & Medicaid Services 5 in June of 2015, correct?</p> <p>6 A It would have been in July of 2015 when the feed went.</p> <p>7 Q So in July. So you reported it in the third quarter of 8 2015?</p> <p>9 A No. It would have been in the second quarter. You have 10 to wait until after --</p> <p>11 Q So you reported it in -- I'm sorry. Go ahead.</p> <p>12 A You would have to wait until after June. The feed would 13 go the first week of July for those claims in the second 14 quarter.</p> <p>15 Q So your testimony is that you reported, meaning IDS, 16 reported this to the Center for Medicare & Medicaid 17 Services, the M.A. claim, in the second quarter of 2015, 18 correct?</p> <p>19 A Correct.</p> <p>20 Q So, let's see, IDS did not report it in the first 21 quarter of January 2014 so that is one quarter missed. 22 Then 2014 quarter two. That is the second quarter 23 missed. Then 2014 they missed the third quarter. 2014 24 they missed the fourth quarter and 2015 they missed the 25 first quarter, so they missed one, two, three, four --</p>

<p style="text-align: right;">Page 66</p> <p>1 they missed five quarters before M.A.'s claim was 2 reported to the Center for Medicare & Medicaid Services, 3 correct?</p> <p>4 MS. SYMONS: Objection to form. You can 5 answer.</p> <p>6 A Correct.</p> <p>7 Q Did you answer that? I'm sorry. I couldn't hear you.</p> <p>8 A Yes. Correct.</p> <p>9 Q Now, do you agree that the system, that you as the 10 senior claims analyst for IDS, that the IDS system 11 failed to report in compliance with section 111, the 12 claim of M.A. to the Center for Medicare & Medicaid 13 Services?</p> <p>14 MS. SYMONS: Objection to form. Compound 15 and calls for a legal conclusion.</p> <p>16 Subject to that, you can answer.</p> <p>17 A The system itself did not fail.</p> <p>18 Q The system didn't fail so who failed, the people?</p> <p>19 A It was human error.</p> <p>20 Q Okay. And when you say it was human error, why was it 21 human error in the case of M.A.?</p> <p>22 A The claim representative did not have the social 23 security number.</p> <p>24 Q And the claim representative did not have the social 25 security number. ISO then didn't have the social</p>	<p style="text-align: right;">Page 68</p> <p>1 Q All right. As a matter of fact, you found it because 2 MSP Recovery gave it to you?</p> <p>3 A I do not know that.</p> <p>4 Q So, in fact, IDS did nothing with the claim of M.A. to 5 report it until such time as MSP Recovery alerted you, 6 meaning alerted IDS, that they had failed to do so, 7 correct?</p> <p>8 MS. SYMONS: Objection to form. Calls 9 for a legal conclusion. Argumentative.</p> <p>10 Subject to that, you can answer.</p> <p>11 A I don't -- I know when they did get the lien they did 12 look into it.</p> <p>13 Q Okay. What is the name of the adjuster that handled 14 this case?</p> <p>15 A I do not recall that name.</p> <p>16 Q But you have it in your records, correct?</p> <p>17 A Yes. It would be in the claims record.</p> <p>18 Q Did you bring the claim file with you?</p> <p>19 A I did not.</p> <p>20 Q Did you review the claim file before you came to the 21 deposition?</p> <p>22 A I did review it, the notes. I did not pay particular 23 attention to who was writing them or who entered them.</p> <p>24 Q Do you have an objection to providing the name of the 25 adjuster that handled the file to us subsequent to the</p>
<p style="text-align: right;">Page 67</p> <p>1 security number, correct?</p> <p>2 A I am not sure what ISO had.</p> <p>3 Q Did you have the date of birth of M.A.?</p> <p>4 A I do not know.</p> <p>5 Q Did you know the gender of M.A.?</p> <p>6 MS. SYMONS: Are you talking about her 7 personally or the system?</p> <p>8 MR. RUIZ: She is testifying on behalf of 9 IDS as the person with most knowledge on the claim of 10 M.A. That is what you brought her for so I'm asking her 11 the question.</p> <p>12 MS. SYMONS: Objection to form.</p> <p>13 You can answer if you're able.</p> <p>14 A Yes. The gender of M.A. was noted.</p> <p>15 Q You don't know about the date of birth, but you do know 16 that the gender was noted?</p> <p>17 A Based upon the name of M.A., yes.</p> <p>18 Q And you already stated you did not have the social 19 security number, correct?</p> <p>20 A Correct.</p> <p>21 Q So who gave you the social security number if you 22 ultimately reported it?</p> <p>23 A It was -- I'm not sure where the rep found it, but they 24 did find the social security number and entered it into 25 the system.</p>	<p style="text-align: right;">Page 69</p> <p>1 conclusion of today's deposition?</p> <p>2 MS. SYMONS: Is that a question for me?</p> <p>3 MR. RUIZ: I'm asking Ms. Help if she has 4 an objection to providing the name of the adjuster that 5 handled the M.A. file?</p> <p>6 MS. SYMONS: She is not going to answer 7 that question.</p> <p>8 MR. RUIZ: She doesn't have a name there?</p> <p>9 MS. SYMONS: She is not going to --</p> <p>10 I'm instructing the witness not to answer that 11 question on the basis of attorney client, work-product 12 privilege.</p> <p>13 MR. RUIZ: The name of the adjuster is 14 work product also? Okay.</p> <p>15 MS. SYMONS: No. I instructed the 16 witness not to answer that question. If you would like 17 to send me a discovery request for that name in the 18 normal course, that is your right.</p> <p>19 Q (BY MR. RUIZ): Okay. So let's move on. Can you 20 describe for me what is Compass summary, Compass LRS, 21 Compass notes and injury reporting screens as you 22 delineated in your declaration particularly in paragraph 23 five?</p> <p>24 MS. SYMONS: Objection to form, compound, 25 but let her just take a look at that paragraph and she</p>

<p style="text-align: right;">Page 70</p> <p>1 will probably be able to give you an answer. 2 We both need to see it and it is not on the screen 3 yet. It is out of focus, at least it is for me. Is 4 there a way to focus it a little bit better? 5 MR. RUIZ: Yeah. We just moved it, but 6 give it a second to make sure, see if it refocuses and 7 shifts, because we've moved it down to the bottom of the 8 page. It may just be lagging a moment. 9 MS. SYMONS: It is not changing so far. 10 MR. RUIZ: We -- Chris is asking Emma -- 11 MS. SYMONS: All right. 12 MR. RUIZ: -- to make sure that it -- If 13 we're at it, let's take like a three-minute, four-minute 14 break -- 15 MS. SYMONS: Fine. 16 MR. RUIZ: -- while she does that. 17 MS. SYMONS: That's fine. 18 MR. RUIZ: And we will be right back. 19 THE VIDEOGRAPHER: We are off the record. 20 The time is 2:42 p.m. 21 (Brief recess held.) 22 THE VIDEOGRAPHER: We are back on the 23 record. 24 MS. SYMONS: There is a question pending 25 which she is prepared to answer if you want to just let</p>	<p style="text-align: right;">Page 72</p> <p>1 A We have our claim system and then we use DecisionPoint. 2 Q What is it called? I'm sorry? 3 A DecisionPoint. 4 Q Decision? 5 A Right. 6 Q So what -- Is DecisionPoint an outside vendor? 7 A Correct. 8 Q Okay. Is this software a web-based software or does it 9 live on your servers, if you know the answer to that? 10 MS. SYMONS: Objection to form, compound, 11 and assumes facts not in evidence. 12 You can answer. 13 A It is web based. 14 Q What exactly does DecisionPoint do? What is it designed 15 to do? 16 A DecisionPoint -- The claim representative enters the 17 bills, the medical bills, into DecisionPoint and then it 18 will review it for the -- per the Florida no-fault PIP 19 laws for the fee schedule in Florida and then it applies 20 like the 80 percent that we reimburse the insured or the 21 healthcare provider. 22 Q Okay. And is that the system that has been used between 23 January 1, 2009, and today's date pertaining to no-fault 24 claims submitted to IDS for payment? 25 MS. SYMONS: I'm going to instruct her</p>
<p style="text-align: right;">Page 71</p> <p>1 her answer the question. 2 MR. RUIZ: Okay. 3 THE VIDEOGRAPHER: The time is 2:50 p.m. 4 A Okay. Compass summary, Compass LRS, Compass notes and 5 injury reporting screens, those are all part of our 6 claim system. 7 Q Is that the name of your claim system? 8 A That's what we call it, yes. 9 Q So is this -- So this basically answers the question 10 that Ms. Symons didn't want you to answer for me before? 11 MS. SYMONS: I'm going to object and 12 instruct her not to answer that. And, as you know, my 13 name is pronounced Symons. Thank you. 14 Q (BY MR. RUIZ): Is that the system that is used by IDS 15 then? 16 A Correct. 17 Q Okay. Is there any other system that is used by IDS 18 pertaining to no-fault claims for the time period 19 January 1, 2009, to today's date? 20 A In regards -- Can you clarify for no-fault claim in what 21 way? Reporting? 22 Q In anyway that you use any system for purposes of 23 adjusting no-fault claims at IDS between January 1, 24 2009, and today's date. I'm trying to find out the 25 names of the systems that have been used.</p>	<p style="text-align: right;">Page 73</p> <p>1 not to answer that question because it invades the 2 attorney client, work-product privilege. 3 MR. RUIZ: I'm not really sure I 4 understand. I'm asking her what system is used to 5 process and adjust claims. 6 MS. SYMONS: Is there another question 7 pending? She is not going to answer the question that 8 was posed. 9 MR. RUIZ: That is my question. 10 MS. SYMONS: And, Mr. Ruiz, we're not 11 going to argue. Just ask your next question, please. 12 Q (BY MR. RUIZ): Ms. Helf, so you use DecisionPoint 13 today, correct? 14 A Correct. 15 Q Were you using -- Was IDS using DecisionPoint on 16 January 1, 2009? 17 A Yes. 18 Q Has IDS used any other system for purposes of adjusting 19 no-fault claims between January 1, 2009, and today's 20 date other than DecisionPoint? 21 A If you're -- For Florida, no. 22 Q Does DecisionPoint work or work off of the fee schedule 23 only or does it do -- perform other functions? 24 A I know it works off the fee schedule, but I do not know 25 if it performs other functions.</p>

<p style="text-align: right;">Page 74</p> <p>1 Q So at IDS when medical bills are submitted for no-fault 2 claims, who determines if the bills are reasonable, 3 related or necessary?</p> <p>4 A That would be the claims reps.</p> <p>5 Q <u>So anyone other than the claims rep determining what</u> <u>bills are reasonable, related or necessary?</u></p> <p>6 A No.</p> <p>7 Q Is there any other process by which the claims adjusters 8 determine whether bills are reasonable, related or 9 necessary?</p> <p>10 A Not that I'm aware of.</p> <p>11 Q So as best as you understand it, IDS is using its claims 12 adjusters to determine whether particular bills 13 submitted to it for claims that are presumed to be or 14 alleged to be injury related are reasonable, 15 necessary -- reasonable, related or necessary?</p> <p>16 A They do review the medical records also to determine 17 that.</p> <p>18 Q <u>So the adjusters would review medical records and other</u> <u>information to determine if particular bills are</u> <u>reasonable, related or necessary, correct?</u></p>	<p style="text-align: right;">Page 76</p> <p>1 subsequent to the date of accident and before the date 2 when M.A. -- I'm sorry -- when IDS realized that M.A. 3 was a Medicare beneficiary?</p> <p>4 A I did review some, yes.</p> <p>5 Q Do you agree with me that in the medical records 6 themselves there is delineated fields that indicate that 7 M.A. was insured by Florida Healthcare Plus?</p> <p>8 MS. SYMONS: Objection to form.</p> <p>9 A In the medical records or the medical bills?</p> <p>10 Q In the medical bills.</p> <p>11 MS. SYMONS: Same objection, but you can 12 answer.</p> <p>13 A I do believe that I did see Florida Healthcare listed.</p> <p>14 Q Okay. Do you know if the adjuster reviewing the claim 15 of M.A. prior to receiving the lien from MSP ever made a 16 notation that there was another insurance company that 17 was reflected in the bills that IDS had received?</p> <p>18 A I do not recall seeing that in the notes.</p> <p>19 Q Now, the process that was used in the claim of M.A., is 20 that the same process and course of conduct that is 21 utilized by IDS between January 1, 2009, and today's 22 date?</p> <p>23 MS. SYMONS: Objection to form and I'm 24 going to instruct her not to answer that question.</p> <p>25 If you want to ask her about that --</p>
<p style="text-align: right;">Page 75</p> <p>1 MS. SYMONS: Objection to form. You can 2 answer.</p> <p>3 A <u>Yes, between that and the information from</u> <u>DecisionPoint.</u></p> <p>4 Q <u>How many of the adjusters as best you know that work at</u> <u>IDS and are processing no-fault claims hold medical</u> <u>degrees?</u></p> <p>5 A I do not know that.</p> <p>6 Q Do you know of any of them that hold medical degrees?</p> <p>7 A I do not know that.</p> <p>8 Q So you don't know if they do or they don't, you just 9 don't know at all?</p> <p>10 A I don't know at all if they hold a medical degree or 11 not.</p> <p>12 Q Let's go to the claim of M.A. in particular. When was 13 the first time that IDS realized that M.A. was a 14 Medicare beneficiary?</p> <p>15 A When they received a notice of lien.</p> <p>16 Q <u>So it is your testimony that before IDS received a</u> <u>notice of lien, IDS was unaware that M.A. was a Medicare</u> <u>beneficiary, correct?</u></p> <p>17 A From the notes, I do not see any information pertaining 18 to that, correct.</p> <p>19 Q Okay. Were you able to review the medical bills that 20 were submitted to IDS for payment pertaining to M.A.</p>	<p style="text-align: right;">Page 77</p> <p>1 If you want to repeat that question and stop it at 2 the date the lawsuit was filed, I think she can answer 3 that.</p> <p>4 MR. RUIZ: Well, I want to know the 5 answer to my question.</p> <p>6 MS. SYMONS: I know. I know you do, but 7 I'm going to instruct her not to answer it as phrased.</p> <p>8 MR. RUIZ: Okay. So, just as an aside, 9 you're claiming subsequent remedial measures. That is 10 not a basis for not having her answer, because 11 evidentiary-wise it may not be admissible. It doesn't 12 mean I can't ask about it.</p> <p>13 So is that where you're headed? Because I'm trying 14 to let you fix the problem now before we file our 15 motion.</p> <p>16 Robin?</p> <p>17 MS. SYMONS: Yes.</p> <p>18 MR. RUIZ: I asked you if that is the 19 basis for your objection? I'm trying to let you correct 20 it now.</p> <p>21 MS. SYMONS: Well, you previously 22 complained that I'm talking too much and that you don't 23 want me to explain myself, so I'm trying to let you get 24 through your deposition.</p> <p>25 If I -- If I do otherwise, then you're going to</p>

<p style="text-align: right;">Page 78</p> <p>1 complain that we ate up the time. So I would suggest 2 you just move on. 3 Having said that, I'm out of water. 4 MR. RUIZ: What I said is I didn't want 5 you to testify for her. So now I'm asking you if you 6 want to reassess your position of having her not answer? 7 MS. SYMONS: No, I don't, but I do want 8 to get a glass of water. I think I'm the only one in 9 the room that doesn't have any at the moment. You don't 10 need to go off the record. I'll just need to step away 11 for about 30 seconds. I'll be right back. 12 MR. RUIZ: I'll wait for you. We'll wait 13 for you. 14 MS. SYMONS: Thank you. 15 MR. RUIZ: You're welcome. 16 MS. SYMONS: I'll be right back. 17 Okay. I'm back. I'm trying to destroy the 18 microphone. Okay. I'm back, guys. You can go on. 19 MR. RUIZ: Okay. All right. Honestly I 20 forgot where we left off. 21 Do you want to read the last question -- the court 22 reporter? 23 (Question read by the court reporter.) 24 MS. SYMONS: Right. And then I made my 25 objection and instructed the witness and so that's where</p>	<p style="text-align: right;">Page 80</p> <p>1 MR. RUIZ: Sure. 2 THE VIDEOGRAPHER: Seems to be okay on my 3 end. I don't -- 4 MR. RUIZ: Maybe press start and stop on 5 the screen. 6 THE VIDEOGRAPHER: Okay. 7 SPEAKER: Yes. Start and then 8 (indiscernible) my webcam, because I -- I see where you 9 guys are not appearing at all. 10 MS. SYMONS: It's my magnetic personality 11 is overriding the camera. 12 MR. RUIZ: Are you guys seeing us? 13 MS. SYMONS: Yes. We can see you just 14 fine. That is why we were surprised when you said that 15 because the last time it happened, it was -- It happened 16 on both sides. 17 MR. RUIZ: I think the last time that you 18 needed to hit -- 19 MS. SYMONS: And now -- Now we're done 20 seeing you. Now you're gone. 21 SPEAKER: So maybe -- so maybe it just -- 22 we lose you first because last time we had also lost you first -- 23 MS. SYMONS: Okay. 24 SPEAKER: -- and then you lost us and</p>
<p style="text-align: right;">Page 79</p> <p>1 we are. 2 Q (BY MR. RUIZ): Okay. So then let me tailor the 3 question in a way that your lawyer said she would let 4 you answer. 5 Prior to the claim of M.A., were claims being 6 processed and was the practice and course of conduct of 7 IDS the same between January 1, 2009, and the date of 8 the accident of M.A.? 9 MS. SYMONS: I think there is a legal 10 conclusion imbedded in there, so I'm going to object to 11 the form, but she can answer the question. 12 A Can you clarify what you mean by process? 13 Q The manner in which IDS was processing no-fault claims. 14 I'm trying to figure out if anything changed, was 15 different, between January 1, 2009, and the date when 16 the claim of M.A. was made? 17 A I am not aware of any additional processes, changes. 18 MR. MARTINEZ: You have to press start. 19 MR. RUIZ: Robin, we seem to have lost 20 your screen. If you can press start at the top -- Or 21 not just Robin, but anybody over there. The same thing 22 that happened last time, start at the top of the screen 23 to get your video screen back, please. 24 MS. SYMONS: I'm going to let the 25 videographer do it because --</p>	<p style="text-align: right;">Page 81</p> <p>1 now -- 2 (Multiple parties talking.) 3 MS. SYMONS: All right. The videographer 4 has to log back on. 5 SPEAKER: Okay. Perfect. 6 THE VIDEOGRAPHER: Maybe this might be a 7 good opportunity to go off the record. I need to change 8 disks anyways. 9 MS. SYMONS: Did you hear that, guys? 10 MR. RUIZ: No. I'm sorry. 11 SPEAKER: Repeat it. 12 THE VIDEOGRAPHER: This may be a good 13 opportunity to go off the record because I need to 14 change disks. 15 MR. RUIZ: Okay. Then let's take a 16 couple minutes and we'll be back -- right back. 17 MS. SYMONS: Okay. Thank you. 18 THE VIDEOGRAPHER: We are off the record. 19 The time is 3:36 p.m. This concludes disk number one. 20 (Brief recess held.) 21 THE VIDEOGRAPHER: This is the beginning 22 of disk number two. We are back on the record. The 23 time is 3:20 p.m. 24 Q Okay. So let's go back to DecisionPoint. As best as 25 you understand the DecisionPoint system, does it work</p>

<p style="text-align: right;">Page 82</p> <p>1 off of ICD-9s or ICD-10s?</p> <p>2 A Yes, they do input the ICD codes.</p> <p>3 Q And who is inputting the information into that system once a claim is submitted?</p> <p>5 A We have an area in our claims department that is -- enters the bills, so they would enter, you know, once they get a medical bill in, they enter it into that system.</p> <p>9 Q Okay. And is there any quality control system to verify that the information that has been inputted by that department is accurate and reflects the actual information that was submitted by whichever provider or beneficiary is asking for bills to be paid?</p> <p>14 MS. SYMONS: Objection to form.</p> <p>15 You can answer.</p> <p>16 A The claim rep ultimately is responsible for reviewing that medical bill and reviewing that information in DecisionPoint.</p> <p>19 Q Does DecisionPoint also use the CPT codes that are provided with particular bills?</p> <p>21 A Yes.</p> <p>22 Q All right. And does DecisionPoint accept HICF 1500 claim forms?</p> <p>24 A Yes, they do enter those in.</p> <p>25 Q They enter them manually or does the system scan them?</p>	<p style="text-align: right;">Page 84</p> <p>1 that system.</p> <p>2 Q Okay. Do you recall what the reserve was that was opened and set aside for the claim of M.A.?</p> <p>4 A I do not recall that, no.</p> <p>5 Q I'm sorry?</p> <p>6 A I do not recall, no.</p> <p>7 Q I apologize. You got cut off. We couldn't hear the answer.</p> <p>9 A I do not recall what the reserve was.</p> <p>10 Q So other -- Tell me what else Compass summary -- What functions can be performed through it other than setting up the reserve?</p> <p>13 A Issuing payments.</p> <p>14 Q I'm sorry. Did you say issuing payment?</p> <p>15 A Yes. They can issue a payment from Compass summary.</p> <p>16 Q Issue a payment pertaining to medical bills or any payment whatsoever?</p> <p>18 A Any payment that can be issued on that claim whether it be for damage to the vehicle or could be medical bills.</p> <p>20 Q And is the Compass summary a portion of a -- I'm going to call it a homegrown system? In other words, is it a system that was developed by IDS or Ameriprise Financial or is this something that can be purchased from a vendor?</p> <p>25 MS. SYMONS: Objection to form. You can</p>
<p style="text-align: right;">Page 83</p> <p>1 A Nope. They enter them manually.</p> <p>2 Q Same question for UB-92 form?</p> <p>3 A Is that the hospital form?</p> <p>4 Q Yes.</p> <p>5 A Yes. They do manually enter those.</p> <p>6 Q And the same question for UB-04 form?</p> <p>7 A I'm not familiar with that one.</p> <p>8 Q Okay. How about electronic claims? Does the DecisionPoint system -- Can electronic billing be performed between a provider or insured submitting those through IDS, if you know?</p> <p>12 A No. We do not do it with our company. I don't know if any other company does.</p> <p>14 Q I'm sorry. I couldn't hear what you said.</p> <p>15 A We do not accept the electronic versions of the bills for IDS.</p> <p>17 Q Got it. Okay. Now, let's go back for a moment because we started talking about Compass summary, Compass LRS, Compass notes and injury reporting screens and then I deviated into DecisionPoint because you mentioned that. So I would like to go back and talk to me about Compass summary. What exactly is it and how is it used by IDS to adjust no-fault claims?</p> <p>24 A Compass summary is where the claim rep will open a reserve and then they can also issue the payments from</p>	<p style="text-align: right;">Page 85</p> <p>1 answer.</p> <p>2 A It was developed by IDS.</p> <p>3 Q Okay. So let's move on to -- Well, before I move on to Compass summary, is there anything other than setting up a reserve and issuing payment that the Compass summary system performs?</p> <p>7 A Nope. That would be it.</p> <p>8 Q Is Compass summary part of a more generalized software system developed by IDS that all works integrated? In other words, is Compass summary a particular section of this software system or is it a system in and of itself?</p> <p>12 MS. SYMONS: Objection to form, compound.</p> <p>13 You can answer.</p> <p>14 A They are each their own application.</p> <p>15 Q It is an application?</p> <p>16 A They are separate icons that they open.</p> <p>17 Q Got it. Okay. But all connected to some relational number of the claim number or perhaps the name of the claimant or something like that?</p> <p>20 A They would have to enter, like, the claim number in each one of those systems.</p> <p>22 Q Okay. So before I proceed into -- continue with the questions on this Compass system, is it a practice and course of conduct of IDS to take recorded statements of the individuals making no-fault claims particularly</p>

<p style="text-align: right;">Page 86</p> <p>1 between January 1, 2009, and today's date?</p> <p>2 MS. SYMONS: Objection to form to the</p> <p>3 extent that that calls for a legal conclusion.</p> <p>4 You may answer.</p> <p>5 A I know recorded statements are taken. I do not know the</p> <p>6 exact requirements of when and how.</p> <p>7 Q Okay. Would you happen to know what percentage of the</p> <p>8 time recorded statements are taken?</p> <p>9 A I do not know that.</p> <p>10 Q Do you know if a recorded statement was taken of M.A.?</p> <p>11 A I do not recall that one was taken.</p> <p>12 Q As the senior claims compliance officer, is part of your</p> <p>13 duties and responsibilities in setting up systems for</p> <p>14 handling claims or are you just making sure that the</p> <p>15 manner in which claims are handled complies with state</p> <p>16 or federal laws?</p> <p>17 MS. SYMONS: Object to form.</p> <p>18 You can answer if you're able.</p> <p>19 A I will make some recommendation to the -- change the</p> <p>20 system if it helps them be compliant with certain</p> <p>21 aspects of the regulations, but I do not -- my main</p> <p>22 focus is not developing that claim system.</p> <p>23 Q Okay. So let's go back now. Let's talk about Compass</p> <p>24 LRS. What does the LRS stand for?</p> <p>25 A It is actually for loss recording system. So what they</p>	<p style="text-align: right;">Page 88</p> <p>1 Q To the best that you recall, do you know if there was</p> <p>2 property damage paid by IDS pertaining to the claim of</p> <p>3 M.A.?</p> <p>4 A I believe there was no collision coverage on the vehicle</p> <p>5 for our -- M.A.'s vehicle.</p> <p>6 Q Do you know if -- so was there collision coverage or</p> <p>7 property damage coverage for the M.A. vehicle for</p> <p>8 whatever car she collided with?</p> <p>9 A There was a property damage claim for the other vehicle</p> <p>10 involved in the loss.</p> <p>11 Q So IDS paid a property damage claim to the owner or</p> <p>12 driver of the other vehicle in which M.A.'s car struck?</p> <p>13 A Correct.</p> <p>14 Q Do you recall what the amount was?</p> <p>15 A I do not.</p> <p>16 Q So the policy that was issued by IDS pertaining to M.A.</p> <p>17 was it PIP/PD meaning just personal injury and property</p> <p>18 damage?</p> <p>19 A I believe she had bodily injury coverage.</p> <p>20 Q Okay. So were there bodily injury payments made to --</p> <p>21 to anybody in the other car that was involved in an</p> <p>22 accident with M.A.?</p> <p>23 A There was not yet, no.</p> <p>24 Q I'm sorry?</p> <p>25 A No. There was no payments made yet.</p>
<p style="text-align: right;">Page 87</p> <p>1 do is that's -- When a claim is called in, that is all</p> <p>2 the information captured in the claim. It captures who</p> <p>3 called the claim in. It captures the vehicles involved</p> <p>4 if there is any damage and then it captures all the</p> <p>5 individuals that were involved in the loss.</p> <p>6 Q Okay. What other functions can be performed through</p> <p>7 Compass LRS?</p> <p>8 A That's it. It is more of a -- just a housing for all</p> <p>9 that claim information.</p> <p>10 Q Okay. Now how about Compass notes?</p> <p>11 A That one is where the rep documents everything that</p> <p>12 occurred on the claim, whether they made a phone call,</p> <p>13 issued a payment, reviewed an estimate, reviewed medical</p> <p>14 records they have to document everything in Compass</p> <p>15 notes.</p> <p>16 Q And how about the injury reporting screens?</p> <p>17 A The injury reporting screens is information concerning</p> <p>18 the injury. It will, you know, put in who the attorney</p> <p>19 is if there is an attorney. It is a place where they</p> <p>20 can put the ICD codes in that pertain to that injured</p> <p>21 party. They can put in, like, service providers if</p> <p>22 there is other healthcare providers in there.</p> <p>23 Q Do you recall having reviewed the police report in which</p> <p>24 M.A.'s accident was documented?</p> <p>25 A I do not recall reviewing that.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q Yet you said?</p> <p>2 A Correct. That claim is still open.</p> <p>3 Q So there is a claim that is still open where the claim</p> <p>4 is from some other person that got injured and IDS would</p> <p>5 be the bodily injury insurer?</p> <p>6 A We would be the liability insurer, correct, that</p> <p>7 at-fault party.</p> <p>8 Q Is that case in litigation?</p> <p>9 A I believe it is not.</p> <p>10 Q Okay. Do you happen to know the name of the lawyer that</p> <p>11 is handling the claim for the other injured person?</p> <p>12 A I do not.</p> <p>13 Q Okay. So let's go -- So you told me about Compass</p> <p>14 summary, Compass LRS, Compass notes and injury reporting</p> <p>15 screens. And you also spoke to me about DecisionPoint.</p> <p>16 Is there any other software system either internal or</p> <p>17 external that is used by IDS to adjust no-fault claims</p> <p>18 between January 1, 2009, and today's date?</p> <p>19 A No. There is not.</p> <p>20 Q Now, in your declaration in paragraph five you indicated</p> <p>21 that you capture and create a claim number, correct?</p> <p>22 MS. SYMONS: It is not on the screen</p> <p>23 anymore.</p> <p>24 MR. RUIZ: Okay.</p> <p>25 MS. SYMONS: Just so you know. I assume</p>

<p style="text-align: right;">Page 90</p> <p>1 you probably don't realize that.</p> <p>2 MR. RUIZ: It should come up any second,</p> <p>3 Robin.</p> <p>4 MS. SYMONS: It is out of focus, but the</p> <p>5 videographer is going to expand it so now we can see the</p> <p>6 paragraph but not you guys, so -- just so you know.</p> <p>7 MR. RUIZ: Okay. Give us --</p> <p>8 MS. SYMONS: It is still out of focus but</p> <p>9 it is better.</p> <p>10 MR. RUIZ: So let me know when I can</p> <p>11 proceed and you can see it.</p> <p>12 MS. SYMONS: Yes, go ahead.</p> <p>13 Q (BY MR. RUIZ): So you wrote then that the names of the</p> <p>14 field and categories of claims information which are</p> <p>15 collect -- should say collected -- which are collected</p> <p>16 include A, the claim number, correct?</p> <p>17 A Correct. The claim number is automatically assigned at</p> <p>18 the set up.</p> <p>19 Q The date of loss?</p> <p>20 MS. SYMONS: Is that a question?</p> <p>21 Q Right?</p> <p>22 A Correct.</p> <p>23 Q Yes?</p> <p>24 MS. SYMONS: Okay.</p> <p>25 Q The amount paid, correct?</p>	<p style="text-align: right;">Page 92</p> <p>1 A We do not have that in -- that would not be in our --</p> <p>2 captured any where in a field. It would be maybe added</p> <p>3 in Compass notes.</p> <p>4 Q But wouldn't that be in DecisionPoint? So when you get</p> <p>5 DecisionPoint, you got a bill, the amount billed versus</p> <p>6 what the system generates as what should be paid based</p> <p>7 on the fee schedule, what have you, so I guess my</p> <p>8 pinpointed question is: Do you know if DecisionPoint</p> <p>9 captures the billed amount?</p> <p>10 A Yes, it does.</p> <p>11 Q Okay. And the DecisionPoint, once it makes a</p> <p>12 determination of the amount that should be paid, how</p> <p>13 does DecisionPoint filter the information of what should</p> <p>14 be paid to the Compass summary which I believe you told</p> <p>15 me is what actually generates payments?</p> <p>16 A DecisionPoint and Compass summary are not connected so</p> <p>17 the rep has to go into DecisionPoint, review that bill</p> <p>18 and approve it for payment and then it would be manually</p> <p>19 entered payment into Compass summary.</p> <p>20 Q So DecisionPoint defines generally what should be paid,</p> <p>21 the adjuster reviews it, approves it and then through</p> <p>22 Compass summary a check or checks are generated. Would</p> <p>23 that be accurate?</p> <p>24 MS. SYMONS: Hold on just a second. I</p> <p>25 was distracted. Could you just read it back?</p>
<p style="text-align: right;">Page 91</p> <p>1 A Correct.</p> <p>2 Q The injured party's name, correct?</p> <p>3 A Correct.</p> <p>4 Q The coverage close date, correct?</p> <p>5 A Correct.</p> <p>6 Q The injured party's social security number, correct?</p> <p>7 A Correct.</p> <p>8 Q The injured party's date of birth?</p> <p>9 A Correct.</p> <p>10 Q The applicable health insurance claim number?</p> <p>11 A Correct.</p> <p>12 Q And the Medicare eligibility injury reporting, correct?</p> <p>13 A Correct.</p> <p>14 Q Okay. So the claim number you said is automatically</p> <p>15 appended to that particular claim? Yes?</p> <p>16 A Correct. It is automatically assigned at the claim set</p> <p>17 up.</p> <p>18 Q The date of loss I would think comes in through Compass</p> <p>19 LRS?</p> <p>20 A Correct. That's where it is entered.</p> <p>21 Q And that information is coming from a variety of</p> <p>22 potential sources, right?</p> <p>23 A Whoever would report the claim.</p> <p>24 Q Now, you put under the amount paid. Do you also have</p> <p>25 the amount requested to be paid or the amount billed?</p>	<p style="text-align: right;">Page 93</p> <p>1 (Question read by the court reporter.)</p> <p>2 A The checks are manually entered and then generated,</p> <p>3 correct.</p> <p>4 Q Okay. So the DecisionPoint system that we're talking</p> <p>5 about, if you know, can you export data from it?</p> <p>6 A I do not know because I do not work with that system.</p> <p>7 Q As best as you recall have you ever seen an Excel or</p> <p>8 CVS (sic) layout of data extracted from DecisionPoint?</p> <p>9 A I do not recall seeing anything.</p> <p>10 Q Now, I notice that one of the categories here which is G</p> <p>11 you said the injured party's date of birth, correct?</p> <p>12 A Correct.</p> <p>13 Q Now, the fact that you're identifying in paragraph five</p> <p>14 that these are the things that the system captures does</p> <p>15 not mean that you actually have data filled in for those</p> <p>16 fields, correct?</p> <p>17 A Correct it could be collected in to those.</p> <p>18 Q It could be in the -- are you tell me it could be in</p> <p>19 compass notes but not necessarily be in one of the other</p> <p>20 systems that is more static in nature?</p> <p>21 MS. SYMONS: Objection to form.</p> <p>22 You can answer.</p> <p>23 A It would be entered into Compass LRS.</p> <p>24 Q Do you know, based on your understanding of the system,</p> <p>25 is there a possibility that in the Compass notes, for</p>

<p style="text-align: right;">Page 94</p> <p>1 example, the date of birth of somebody may be in there 2 but the adjuster never put it in Compass LRS?</p> <p>3 MS. SYMONS: Objection to form. Calls 4 for speculation. You can answer.</p> <p>5 A That could be possible but I would not know for sure, 6 Q The Compass notes, are those notes that are typed in or 7 are there static fields that you could check off certain 8 variables, for example, received a phone call you would 9 click phone call or e-mail or whatever the case is or is 10 it all just typed in?</p> <p>11 MS. SYMONS: Objection to form. You can 12 answer.</p> <p>13 A They would select a note type but then everything else 14 is manually entered.</p> <p>15 Q So the note type is static? When I mean by static is 16 almost like a multiple choice you pick one of them?</p> <p>17 A Correct. It is a drop down.</p> <p>18 Q And do you know how many categories within the drop down 19 exist?</p> <p>20 A I do not.</p> <p>21 Q Okay. So for any given claim that has been submitted by 22 someone to IDS based on what you have explained it would 23 be possible to pinpoint and identify when you do have 24 data in these fields that you have described in 25 paragraph five versus when you don't have the data,</p>	<p style="text-align: right;">Page 96</p> <p>1 requirements by insurance companies to Department of 2 Insurance in the State of Florida?</p> <p>3 A I -- Can you clarify your question what you mean by 4 mandatory reporting?</p> <p>5 Q Well, I believe, you know, from what we've gathered 6 you're the senior claims analyst with responsibility of 7 compliance. Doesn't the State of Florida require that 8 information relative to claims that have been paid be 9 reported to the State of Florida Department of Insurance 10 from -- from a financial perspective?</p> <p>11 MS. SYMONS: Objection to form. Calls 12 for legal conclusion and speculation.</p> <p>13 Go ahead.</p> <p>14 A I do not handle that aspect of that, no.</p> <p>15 Q Okay. But you're familiar that that is a necessary 16 requirement, correct?</p> <p>17 A I am --</p> <p>18 MS. SYMONS: Object to form. Go ahead.</p> <p>19 THE WITNESS: Sorry.</p> <p>20 A I am not familiar with that.</p> <p>21 Q Okay. Do you know how many policies were underwritten 22 by IDS pertaining to Florida no-fault policies between 23 January 1, 2009, and today's dates?</p> <p>24 A I do not know that.</p> <p>25 Q Concerning this particular case of MSPA Claims 1 versus</p>
<p style="text-align: right;">Page 95</p> <p>1 correct?</p> <p>2 MS. SYMONS: Objection to form. You can 3 answer.</p> <p>4 A Yes.</p> <p>5 (Cell phone interruption.)</p> <p>6 MS. SYMONS: I'm sorry. Hold on just a 7 second. Please let me just reject that call. Thank 8 you. You can go ahead.</p> <p>9 Q Did you understand my question?</p> <p>10 A Yes. I did answer yes.</p> <p>11 Q Okay. I'm sorry. I didn't hear. So you said yes, is 12 that --</p> <p>13 A Correct.</p> <p>14 Q Okay. Do you know how many no-fault claims in total 15 have been made to IDS between January 1, 2009, and 16 today's date?</p> <p>17 A I do not know that.</p> <p>18 Q Do you have an approximation of how many claims were 19 made?</p> <p>20 A I do not.</p> <p>21 Q Do you have an approximation of how much was paid out in 22 no-fault benefits between January 1, 2009, and today's 23 date?</p> <p>24 A I do not.</p> <p>25 Q Are you involved at all in the mandatory reporting</p>	<p style="text-align: right;">Page 97</p> <p>1 IDS who other than yourself, Ms. Helf, do you believe 2 has information relating to the issues that we've been 3 discussing now which is primarily all of the names of -- 4 or how many people have been insured between January 1, 5 2009 and today's date and how many claims have been made 6 between January 1, 2009, and today's date?</p> <p>7 MS. SYMONS: You mean --</p> <p>8 Q Who would have that information from your company?</p> <p>9 MS. SYMONS: You mean other than counsel, 10 right?</p> <p>11 MR. RUIZ: From her company.</p> <p>12 MS. SYMONS: Right.</p> <p>13 MR. RUIZ: I said who from IDS not from 14 the law firm.</p> <p>15 Q (BY MR. RUIZ): Who from IDS other than yourself Ms. 16 Helf would have information relative to the claim of 17 MSPA Claims 1, LLC. versus IDS?</p> <p>18 A I do not know.</p> <p>19 Q What other individuals have participated in any way 20 other than your lawyer in discussing, assessing doing 21 anything related to MSPA Claims 1, versus IDS Property 22 and Casualty. I'm looking for the names of individuals.</p> <p>23 MS. SYMONS: Right. Objection to form.</p> <p>24 Let me just have the court reporter read it back, 25 please.</p>

<p style="text-align: right;">Page 98</p> <p>1 (Question read by the court reporter.)</p> <p>2 MS. SYMONS: I'm going to instruct her</p> <p>3 not to answer on the basis of attorney client and</p> <p>4 work-product privilege.</p> <p>5 Q Okay. Can you tell me, Ms. Helf, the name of the</p> <p>6 supervisor of the claims department that would be</p> <p>7 responsible for claims submitted to IDS pertaining to</p> <p>8 the State of Florida?</p> <p>9 MS. SYMONS: Do you want the present</p> <p>10 supervisor or the one at the time of the M.A. claim?</p> <p>11 Q You can give me both or just give me all the people that</p> <p>12 were the claim supervisor. There is a class period. It</p> <p>13 starts January 1, 2009, and it ends the date of the</p> <p>14 certification which would be, I believe, April of 2017.</p> <p>15 A The claims manager for that whole department would be</p> <p>16 Stacy Bartz.</p> <p>17 Q Stacy Bark?</p> <p>18 A Bartz, B-A-R-T-Z.</p> <p>19 Q Okay. And she's still here?</p> <p>20 A Correct.</p> <p>21 Q So I think when I asked you that question you asked me</p> <p>22 at the time of the claim of M.A. or now, so is she the</p> <p>23 claim -- the supervisor of the claims department for</p> <p>24 Florida now or was that when the M.A. claim was made?</p> <p>25 A She is the claims manager so she oversees the whole</p>	<p style="text-align: right;">Page 100</p> <p>1 underwriting company?</p> <p>2 Q My question is is Ameriprise Financial under its own</p> <p>3 name underwrites policies -- no-fault policies in</p> <p>4 Florida during the class period?</p> <p>5 A No. It does not.</p> <p>6 Q Okay. Now, let's go to your declaration paragraph six.</p> <p>7 It states that if further information such as the social</p> <p>8 security number, date of birth is needed for CMS</p> <p>9 reporting but does not appear in one of the</p> <p>10 aforementioned fields of claim information the policy or</p> <p>11 the claim file may be reviewed or the injured party may</p> <p>12 be contacted. Do you see that?</p> <p>13 A Yes.</p> <p>14 Q So my question is if you know on how many of the claims</p> <p>15 that have been filed with IDS pertaining to no-fault</p> <p>16 claims are you missing the social security number?</p> <p>17 A I do not know.</p> <p>18 Q Okay. So the same question on all the claims filed with</p> <p>19 IDS between January 1, 2009, and today's date on how</p> <p>20 many of the claims are you missing the date of birth?</p> <p>21 A I do not know that.</p> <p>22 Q And well have you seen looked at the issue in other</p> <p>23 words have you tried to find out how many claims are</p> <p>24 missing social security number for?</p> <p>25 MS. SYMONS: Objection and instruction</p>
<p style="text-align: right;">Page 99</p> <p>1 no-fault department and she has been there from the</p> <p>2 beginning since --</p> <p>3 Q Okay. Now, other than IDS does Ameriprise have any</p> <p>4 other entity that underwrites where the claims of IDS</p> <p>5 and some other company are let's call it commingled</p> <p>6 where these same systems are used?</p> <p>7 MS. SYMONS: Objection to form. Are you</p> <p>8 asking about other issues outside of PIP policies that</p> <p>9 were written in Florida?</p> <p>10 MR. RUIZ: No. I'm asking -- no. I'm</p> <p>11 asking her if there is any other entity under the same</p> <p>12 umbrella that pertains to no-fault claims in Florida</p> <p>13 underwritten by another company.</p> <p>14 MS. SYMONS: For the class period,</p> <p>15 correct.</p> <p>16 MR. RUIZ: Yes, for the class period.</p> <p>17 I'm just trying to see, you know, if there it is an</p> <p>18 adjuster handling claims for multiple companies.</p> <p>19 A For Florida we're only underwritten for IDS Property</p> <p>20 Casualty.</p> <p>21 Q Okay. And Ameriprise Financial itself would you say</p> <p>22 owns IDS entirely doesn't itself issue or underwrite</p> <p>23 no-fault policies in Florida?</p> <p>24 A I'm not understanding your question. Are you indicating</p> <p>25 that Ameriprise Financial would have a different</p>	<p style="text-align: right;">Page 101</p> <p>1 not to answer on the basis of attorney client and</p> <p>2 work-product privilege.</p> <p>3 MR. RUIZ: I'm not asking for the</p> <p>4 results. I'm asking if she tried to look to see how</p> <p>5 many social security numbers she is missing.</p> <p>6 MS. SYMONS: I understand that, sir.</p> <p>7 MR. RUIZ: So you're still telling her</p> <p>8 not to answer?</p> <p>9 MS. SYMONS: Yes.</p> <p>10 Q Okay. And so my other question is have you tried to</p> <p>11 determine on how many of the claims submitted to IDS</p> <p>12 between January 1, 2009, and today's date are you</p> <p>13 missing the date of birth?</p> <p>14 MS. SYMONS: Same objection and</p> <p>15 instruction not to answer based on the attorney-client</p> <p>16 and work-product privileges.</p> <p>17 Q Okay. Now, let's turn our attention to the testimony</p> <p>18 that you gave at the class certification hearing. You</p> <p>19 recall you indicated that you had reviewed certain files</p> <p>20 for purposes of your testimony?</p> <p>21 MS. SYMONS: Do you have a transcript you</p> <p>22 would like to show her? I'm not sure exactly what</p> <p>23 you're referring to.</p> <p>24 MR. RUIZ: I'm asking her if she recalls</p> <p>25 whether or not she recalls having testified that she had</p>

<p style="text-align: right;">Page 102</p> <p>1 reviewed prior to her direct examination at the 2 certification hearing that she had reviewed certain 3 files that were IDS no-fault claims?</p> <p>4 MS. SYMONS: Objection to form. 5 You can answer, if you remember.</p> <p>6 A The ones I reviewed were the ISO claim reports that you 7 had provided.</p> <p>8 Q Okay. And so when did you do that in relationship to 9 the testimony you gave at the hearing?</p> <p>10 MS. SYMONS: You talking about the 11 hearing that took place a year ago?</p> <p>12 MR. RUIZ: That's the only hearing that 13 she has been to that I know.</p> <p>14 MS. SYMONS: Okay.</p> <p>15 MR. RUIZ: So, yes, which is where she 16 testified. Every question I'm asking you relates to the 17 hearing that you testified at.</p> <p>18 A I believe it was the night -- that first night of -- or 19 that night of the first day of the testimony when they 20 were provided in court.</p> <p>21 Q Okay. So before that date you have never reviewed any 22 file that pertain to no-fault claims made to IDS to 23 determine whether or not a Medicare beneficiary was 24 making a claim?</p> <p>25 MS. SYMONS: I'm going to instruct the</p>	<p style="text-align: right;">Page 104</p> <p>1 the question and I'm instructing the witness not to 2 answer the question based upon the attorney client and 3 work-product privileges.</p> <p>4 Q Okay. Do you know, Ms. Helf, how much claims have been 5 submitted to IDS that pertain to claims between 6 January 1, 2009 and today's date for people that are 7 over the age of 65?</p> <p>8 A I do not know.</p> <p>9 Q Now, let's go back for a moment. You said you had 10 reviewed files prior to your testimony at the 11 certification hearing. Do you remember how many files 12 you reviewed?</p> <p>13 A I reviewed the ISO claim report. It wasn't -- I don't 14 know if it was prior or during the testimony that I 15 reviewed them. I think you had a total of 64.</p> <p>16 Q So you reviewed ISO claim reports. Did you review 17 anything other than the ISO claim reports?</p> <p>18 A I reviewed to determine if there was a claim set up for 19 IDS.</p> <p>20 Q Okay. And what were your conclusions?</p> <p>21 A From what I recall I don't have it there was claims set 22 up for IDS but not for all of those types of claim 23 reports. There were some where I could not locate a 24 claim number.</p> <p>25 Q All right. So you remember the number?</p>
<p style="text-align: right;">Page 103</p> <p>1 witness not to answer that question on the basis of 2 attorney client and work-product privilege.</p> <p>3 Q So let me ask you this: Before the claim of M.A. was 4 ever made, had you ever, Ms. Helf, tried to determine 5 whether or not Medicare beneficiary that have made 6 claims to IDS had been properly documented by IDS for 7 purposes of reporting them to CMS?</p> <p>8 A I don't recall reviewing any claims in particular for 9 that reason.</p> <p>10 Q Okay. So does that mean the answer is no?</p> <p>11 A Correct.</p> <p>12 Q Okay. And before the claim of M.A., you had never to 13 the best that you know you had never tried to determine 14 if IDS had received no-fault claims for which IDS would 15 have been the primary payer where a secondary payer had 16 made payments for Medicare beneficiaries?</p> <p>17 MS. SYMONS: Objection to form.</p> <p>18 You can answer if you know.</p> <p>19 A I did not.</p> <p>20 Q So I'll ask you the same question subsequent to the 21 claim of M.A. Did you try to determine whether or not 22 IDS was the primary payer where a secondary payer made 23 payment on claims for insureds of IDS that made claims 24 for no-fault benefits?</p> <p>25 MS. SYMONS: And objection to the form of</p>	<p style="text-align: right;">Page 105</p> <p>1 A I do not.</p> <p>2 Q Other than looking at the ISO ClaimSearch system, did 3 you try to use any other system to determine whether or 4 not any of those 64 claims that you were reviewing 5 pertained to Medicare beneficiaries that were IDS 6 no-fault claimants?</p> <p>7 MS. SYMONS: Objection to form.</p> <p>8 You can answer.</p> <p>9 A I did use our claim system.</p> <p>10 Q And by using your claim system, what portions of your 11 claim system did you use?</p> <p>12 A I had a search. So I used Compass summary just to 13 search by a name and then I looked at the injury 14 reporting screen.</p> <p>15 Q So the injury reporting screen would be the notes, 16 correct?</p> <p>17 A No. That is Compass notes. The injury reporting screen 18 is the screen that captures the ICD codes and the 19 Medicare eligibility.</p> <p>20 Q So is that tied in to DecisionPoint?</p> <p>21 A It is not.</p> <p>22 Q So in addition to DecisionPoint where the medical bills 23 are entered the injury report section of your system 24 would note -- note down the ICD-9s, ICD-10s or CPT 25 codes?</p>

<p style="text-align: right;">Page 106</p> <p>1 A The rep would enter the ICD codes only.</p> <p>2 Q The ICD codes only?</p> <p>3 A Correct. The claim rep --</p> <p>4 Q Are those --</p> <p>5 A -- has to enter them.</p> <p>6 Q Are those entered into a static environment or are they typed up by the adjuster?</p> <p>7 A They're typed in by the claims adjuster.</p> <p>8 Q Just numbers?</p> <p>10 A Well, if it is an ICD-10, it is letters too.</p> <p>11 Q So in reviewing these 64 files you reviewed the injury reporting screens as well, correct?</p> <p>13 A Correct.</p> <p>14 Q Okay. In which portion of your system do you make a notation concerning whether or not somebody is a Medicare beneficiary?</p> <p>17 A Injury reporting screen.</p> <p>18 Q And is that placed in a static environment or is that just typed in? Is it in a --</p> <p>20 A It is a typed-in field.</p> <p>21 Q So it is not in a field?</p> <p>22 A Well, it is a check box, like a radio button.</p> <p>23 Q So it isn't a static environment. It is checked off --</p> <p>24 A Yeah, they --</p> <p>25 Q -- whereby it is either checked off or it is not?</p>	<p style="text-align: right;">Page 108</p> <p>1 Q Okay. So when I ask a question static it means that there is a box that is checked off so that -- it is almost either like a drop down or the choice that you can make is already pretemplated versus somebody coming in and typing something in. So I guess my question is in injury reporting screens is all of the information there static? In other words, with drop downs, or is there information that is typed in where there is an opportunity to use different variables?</p> <p>10 MS. SYMONS: Objection to form, compound.</p> <p>11 Subject to that, you can answer.</p> <p>12 A It is typed in. There are no drop downs.</p> <p>13 Q Okay. And then -- so that's part of what gets fed to ISO?</p> <p>15 A Correct.</p> <p>16 Q Okay. And then the same question for Compass notes.</p> <p>17 You said Compass notes are also provided to ISO?</p> <p>18 A No. Compass notes is not.</p> <p>19 Q So Compass LRS?</p> <p>20 A Correct.</p> <p>21 Q And Compass summaries?</p> <p>22 A Correct.</p> <p>23 Q So in Compass summary, as best as you recall, how many of the -- how much of the information is static versus non-static based on my definition?</p>
<p style="text-align: right;">Page 107</p> <p>1 A Correct. It's.</p> <p>2 Q Okay. What --</p> <p>3 A Is a yes or no.</p> <p>4 Q -- other categories of information are available on that screen concerning -- So it would say Medicare beneficiary or not. Are there other aspects to it? You know, I guess, maybe whether the person has health insurance? What else can be notated?</p> <p>9 A There is the HICN field, so they can put the Medicare, you know, claim number in there and there is a field that they can enter in health insurance but that one I don't think they do use it.</p> <p>13 Q Okay. Now, as best as you know, what section or sections of your systems are the ones that you indicated early on in today's deposition that are automated and feed information biweekly to the ISO ClaimSearch system?</p> <p>17 MS. SYMONS: Objection to form, compound.</p> <p>18 You can answer.</p> <p>19 A It would be Compass summary. Compass LRS and the injury reporting screen.</p> <p>21 Q Okay. And do you know what I refer to when I say whether or not the information is static or it's in a PDF-type format?</p> <p>24 MS. SYMONS: Objection to form.</p> <p>25 A I do not know.</p>	<p style="text-align: right;">Page 109</p> <p>1 MS. SYMONS: Objection to form, /you can answer.</p> <p>3 A They do have like when they do have like PIP coverage they do -- they can click on that and then it gives them a choice whether to open medical wage loss replacement services. But they still have to click on which one they want. Those are given for them. Like entering reserves, everything like that, entering payments, it is all done manually.</p> <p>10 Q Okay. Do you know how many of the claims submitted to IDS between January 1, 2009, and today's date pertain to individuals that made no-fault claims that were not your named insured?</p> <p>14 MS. SYMONS: Objection to form. You can answer.</p> <p>16 A I do not know.</p> <p>17 Q Okay. Now, we talked about all these systems that obtain information. You said Compass summary, Compass LRS, Compass notes. What is the system that is utilized by IDS for underwriting purposes? So if somebody wants a policy with you, what system do you place the data into from an underwriting perspective?</p> <p>23 MS. SYMONS: I'm going to instruct the witness not to answer that question.</p> <p>24 MR. RUIZ: Okay.</p>

<p style="text-align: right;">Page 110</p> <p>1 Q (BY MR. RUIZ): What underwriting system was used for 2 M.A. --</p> <p>3 MS. SYMONS: We're not going to -- the 4 witness is --</p> <p>5 Q -- prior to her accident?</p> <p>6 MS. SYMONS: Just to save time, Mr. Ruiz, 7 I'm going to instruct the witness not to answer any 8 questions regarding underwriting. This is not an 9 underwriting case.</p> <p>10 MR. RUIZ: Any questions what?</p> <p>11 MS. SYMONS: Regarding underwriting. 12 This is not an underwriting case.</p> <p>13 MR. RUIZ: I'm trying to figure out what 14 data is captured in the underwriting system. I think it 15 is very relevant.</p> <p>16 MS. SYMONS: Well, we're just going to 17 have to disagree about that.</p> <p>18 Q (BY MR. RUIZ): Okay. Ms. Helf, prior to the accident 19 of M.A., what information did you have about M.A.?</p> <p>20 A In our claims system?</p> <p>21 Q Anywhere. What information did IDS have pertaining to 22 M.A. prior to M.A.'s accident?</p> <p>23 A Prior to the accident I could not tell you what they 24 had.</p> <p>25 Q Okay. So prior to the -- Any claim being made by the</p>	<p style="text-align: right;">Page 112</p> <p>1 MS. SYMONS: Well -- 2 MR. RUIZ: It doesn't matter because 3 whether it is before or after they're trying to verify 4 whether or not the person is a named insured or someone 5 entitled to coverage under the law.</p> <p>6 MS. SYMONS: Well, then as phrased I have 7 no choice but to instruct the witness not to answer that 8 question on the basis of attorney-client privilege and 9 work product but also because it goes far beyond the 10 scope of the litigation in this case. You're just on a 11 fishing expedition for another case that you have 12 recently filed and I will take that up with the judge.</p> <p>13 MR. RUIZ: Well, A, I am not, but I don't 14 know where you get that from. This has nothing to do 15 with any other cases, but I'm not going to get into 16 that.</p> <p>17 I will reask the question. Prior -- And, by the 18 way, I'm not stating by reasking the question that 19 you're correct in any which way, but I'm going to reask 20 the question to see if you object to it as well.</p> <p>21 Q (BY MR. RUIZ): Prior to the accident of M.A., provide 22 to me the fields of information that you were acquiring 23 from M.A. so -- and what did you have of M.A. before her 24 accident occurred?</p> <p>25 MS. SYMONS: You can answer that.</p>
<p style="text-align: right;">Page 111</p> <p>1 A named insured, what data is captured by IDS about the 2 named insured?</p> <p>3 A From what I know, the name and the date of birth, 4 driver's license number if it is an auto policy and they 5 do not always capture the social security number.</p> <p>6 Q Does IDS capture any resident relatives living with the 7 name insured that have a driver's license?</p> <p>8 MS. SYMONS: John, or, Mr. Ruiz, I'm 9 going to instruct the witness not to answer that 10 question. That has absolutely nothing to do with the 11 issues in this case nor is the question designed to lead 12 to the discovery of admissible evidence.</p> <p>13 MR. RUIZ: I disagree, Robin. No-fault 14 cases are paid to the named insured, resident relatives 15 living in the household, passengers or people injured so 16 whoever is living in a household as a resident of a 17 named insured could be applying for coverage under IDS' 18 no-fault provisions. So I will ask the question again.</p> <p>19 Q (BY MR. RUIZ): Does IDS capture information of resident 20 relatives living with a named insured that have a 21 driver's license or otherwise?</p> <p>22 MS. SYMONS: Are you asking on the 23 underwriting side or are you asking post accident on the 24 claim side? Ms. Helf, is a claims --</p> <p>25 MR. RUIZ: It doesn't matter.</p>	<p style="text-align: right;">Page 113</p> <p>1 A I do not know, because I do not use that system.</p> <p>2 Q Who is the supervisor of the underwriting department for 3 IDS?</p> <p>4 A They are a couple supervisors.</p> <p>5 Q Okay. Can we know the names, please?</p> <p>6 A I do not know the one that would handle Florida. They 7 are -- They go by territory.</p> <p>8 Q Okay. Is there a supervisor that supervises the entire 9 US?</p> <p>10 A No.</p> <p>11 Q Who would I have to ask or better stated --</p> <p>12 MR. RUIZ: Robin, do you have an 13 objection to giving me the name of the supervisor for 14 underwriting for the State of Florida at any point in 15 time between January 1, 2009, and today's date?</p> <p>16 MS. SYMONS: That seems like it would be 17 a perfect subject for a discovery request which you're 18 entitled to make in the normal course.</p> <p>19 Q Okay. Prior to the claim of M.A., as best as you know, 20 had IDS ever made a payment to a Medicare Advantage 21 Organization as a secondary payer for reimbursement?</p> <p>22 A I do not know.</p> <p>23 Q Is that something that you looked into or have looked 24 into at any point in time from January 1, 2009, to 25 today's date?</p>

<p style="text-align: right;">Page 114</p> <p>1 MS. SYMONS: I'm going to instruct the 2 witness not to answer that question on the basis of 3 attorney client and work-product privilege.</p> <p>4 Q Have you, Ms. Helf, you, yourself, or IDS reviewed all 5 of the police reports that we provided to IDS pertaining 6 to accidents that have occurred in the State of Florida?</p> <p>7 A I have not.</p> <p>8 Q Do you know if anybody at IDS has received the police 9 reports that we provided to IDS that occurred in the 10 State of Florida between January 1, 2009, and today's 11 date?</p> <p>12 MS. SYMONS: I'm instructing the witness 13 not to answer that question on the basis of 14 attorney-client privilege and work-product privilege.</p> <p>15 Q Now, what is the Fair Claims Handling Act?</p> <p>16 A Fair Claims Handling Act is act that gives claims 17 adjusters how they should handle claims fairly. It sets 18 out expectations of timely payments, acknowledging a 19 claim and, you know, denying claim. It is different 20 aspects of the claim handling processes.</p> <p>21 Q Did you at some point in time try to determine whether 22 or not the claim of M.A. had been handled properly when 23 reviewing it pursuant to the Fair Claims Handling Act?</p> <p>24 MS. SYMONS: I'm going to instruct the 25 witness not to answer that question based on the</p>	<p style="text-align: right;">Page 116</p> <p>1 A There might be an addendum, but I do not recall -- I do 2 not know what is in the contract itself.</p> <p>3 Q Are you aware of how long you have been -- IDS has been 4 contracting with ISO?</p> <p>5 A For the Medicare reporting?</p> <p>6 Q Just in general.</p> <p>7 A I do not know how long we have been.</p> <p>8 Q Okay. And how long, as best as you know, has IDS been 9 using ISO for purposes of reporting claims to the Center 10 for Medicare & Medicaid Services pursuant to the 11 requirement of MMSEA 111?</p> <p>12 A We have been using them from the beginning. They are 13 the only vendor we used and still use.</p> <p>14 Q When you say the beginning, what do you mean by the 15 beginning?</p> <p>16 A When we were required to start reporting to Medicare in 17 2010.</p> <p>18 MS. SYMONS: Mr. Ruiz, for the court 19 reporter's sake, could you please clarify the 20 abbreviation? We know what you mean, but to make sure 21 we have a good transcript.</p> <p>22 MR. RUIZ: What abbreviation?</p> <p>23 MS. SYMONS: MMSEA.</p> <p>24 MR. RUIZ: M-M-S-E-A 111. You got that, 25 Ms. Court Reporter?</p>
<p style="text-align: right;">Page 115</p> <p>1 attorney client and work-product privilege.</p> <p>2 MR. RUIZ: The fact of whether or not she 3 has reviewed it, not her results is also attorney 4 client, okay.</p> <p>5 Q Now, is it your position that ISO which you're using is 6 a vendor that is authorized by the Center for Medicare & 7 Medicaid Services for purposes of reporting?</p> <p>8 MS. SYMONS: Objection, calls for a legal 9 conclusion, but you may answer.</p> <p>10 A For non-group health insurers, Medicare does not have a 11 list of authorized vendors to report. Insurance 12 companies can report annually or they can use a 13 third-party vendor.</p> <p>14 Q Now, do you agree with me that the obligation to report 15 properly is vested with IDS?</p> <p>16 A Correct.</p> <p>17 Q And do you have a contract with ISO whereby you are 18 shifting that responsibility to ISO?</p> <p>19 MS. SYMONS: Objection to form. Calls 20 for a legal conclusion and invades --</p> <p>21 MR. RUIZ: I'm asking for facts, not a 22 legal conclusion. I'm asking factually is there a 23 contract between ISO and IDS if you know?</p> <p>24 MS. SYMONS: That's a different question. 25 You may answer.</p>	<p style="text-align: right;">Page 117</p> <p>1 THE COURT REPORTER: Yes.</p> <p>2 MS. SYMONS: I didn't want to speak for 3 you guys.</p> <p>4 MR. RUIZ: Sure.</p> <p>5 Q (BY MR. RUIZ): Now, explain -- you indicated at the 6 certification hearing that once ISO pings the Center for 7 Medicare & Medicaid Services that a report is sent back 8 to you from ISO with certain results. Do you recall 9 that?</p> <p>10 A Correct.</p> <p>11 Q Okay. Elaborate on what exactly you mean by that.</p> <p>12 A I --</p> <p>13 Q So explain that process or system. From what I have 14 gathered thus far --</p> <p>15 MS. SYMONS: Mr. Ruiz, if you would just 16 stop talking she'll do exactly that. She started to 17 answer your question.</p> <p>18 MR. RUIZ: I haven't finished my 19 question, so it is impossible for her to start answering 20 it. So I'm not sure what she was going to answer, 21 because I haven't asked the question.</p> <p>22 MS. SYMONS: Well, that's a surprise.</p> <p>23 Q (BY MR. RUIZ): So my question is as follows: You 24 indicated that your system biweekly submits information 25 in an automated fashion to ISO, correct?</p>

<p style="text-align: right;">Page 118</p> <p>1 A Correct.</p> <p>2 Q With that information which is captured from the categories that we spoke about which is Compass summary, Compass LRS and injury reporting screens, that information is utilized then from what you explained by ISO to ping CMS to determine whether or not those individuals are Medicare beneficiaries or not, correct?</p> <p>8 A Correct.</p> <p>9 Q You then also stated at some point in time ISO submits some type of report back to IDS, right?</p> <p>11 A The report that they get from Medicare.</p> <p>12 Q Right. So that's given -- They being ISO gets a report from Medicare and then ISO gives that report to IDS?</p> <p>14 A Correct.</p> <p>15 Q Is that report provided also in an automated fashion or is that a PDF?</p> <p>17 A I have to log in to the ISO website and then I have to download that report.</p> <p>19 Q So you download it in what type of fashion? Is it a PDF or is it Excel or CSV (sic) file, what is it?</p> <p>21 A I download the text file.</p> <p>22 Q So it is a text file. Okay. Is there any conversion created with that text file?</p> <p>24 A When I download it, I put it into a folder in our system that our system picks up and then they will</p>	<p style="text-align: right;">Page 120</p> <p>1 realize, hey, by the way, ISO has now verified that this particular claimant is also a Medicare beneficiary?</p> <p>3 A That would be the diary that is set for them.</p> <p>4 Q What does that adjuster have to do to utilize the information that that person is a Medicare beneficiary?</p> <p>6 In other words, what do they do with that information now that the adjuster knows that the person is a Medicare beneficiary.</p> <p>9 A For the no-fault rep they need to enter in a -- the ICD-9 code that pertains to the injury that that party received in that accident so that claim can get reported to Medicare.</p> <p>13 Q I thought you said ISO was reporting to Medicare.</p> <p>14 A Well, it is. They fill in the information and then that information goes back to ISO in the automatic biweekly feed.</p> <p>17 Q So basically it's biweekly information given to ISO. ISO prompts CMS. ISO gets information from CMS. It is placed into a text file. It is input back into your system which then is disseminated to the adjuster. The adjuster then takes the information that the person is a Medicare beneficiary, has to add all the ICD codes, then give it back to ISO so that ISO can report to CMS?</p> <p>25 MS. SYMONS: Objection to form.</p>
<p style="text-align: right;">Page 119</p> <p>1 automatically, you know, send a note or a diary to the rep indicating if they are Medicare eligible.</p> <p>3 Q So but you're putting an entire text file into a system that's then propagating that throughout your entire software operating system when it falls into I guess either the Compass LRS portion of it which would make the most sense or the injury reporting screen. Is that how it works?</p> <p>9 MS. SYMONS: Objection to form.</p> <p>10 Go ahead.</p> <p>11 A It would be the injury reporting screen and the Compass notes.</p> <p>13 Q And the Compass notes, not the Compass LRS?</p> <p>14 A Correct. Compass notes it sets a diary to the rep so the rep knows if that person is Medicare eligible.</p> <p>16 Q Okay. So then I'm just going through what you have indicated. So once ISO sends back that report, it comes back in a text file, you put it into someplace where I presume your IT department told you to put it, so then it works to disseminate that information and it lands in your software operating system either in Compass notes or injury reporting screens or both, right?</p> <p>23 MS. SYMONS: Objection to form.</p> <p>24 A Correct. It would be both.</p> <p>25 Q Okay. So then now what prompts that adjuster to now</p>	<p style="text-align: right;">Page 121</p> <p>1 A Correct.</p> <p>2 THE WITNESS: Oh, sorry.</p> <p>3 MS. SYMONS: That's all right. There is no question.</p> <p>5 Q Correct?</p> <p>6 A Correct.</p> <p>7 Q So tell me if I missed anything. So it is almost like cycling it around twice, correct?</p> <p>9 MS. SYMONS: Objection to form, even though I'm a cyclist.</p> <p>11 Q Is that -- Is that accurate, Ms. Helf?</p> <p>12 A When that claim is updated with some information, it is sent to ISO whether it be Medicare or if they updated anything else on the claim.</p> <p>15 Q Are there situations where -- So the adjusters are essentially updating and providing information into your system that a person is a Medicare beneficiary either because the person verbally tells them or because you have the necessary information being gender, name of the person, date of birth and social security or HIC number and giving that to ISO so that ISO can then prompt the system and find out if they are a Medicare beneficiary, correct?</p> <p>24 MS. SYMONS: Objection to form.</p> <p>25 A Correct.</p>

<p style="text-align: right;">Page 122</p> <p>1 Q Okay. So if one of these two things, and I'm going to 2 break them down for you, would not occur, IDS would not 3 be able to report to the government that the person is a 4 Medicare beneficiary -- 5 Okay. So I'm going to go through those with you. 6 Number one, if the person that is involved in the 7 accident does not tell you they're a Medicare 8 beneficiary, you would not know that the person is a 9 Medicare beneficiary unless ISO gives you the 10 information, correct? 11 MS. SYMONS: Objection to form. 12 You can answer if you're able. 13 A If we -- If they do not tell us and ISO queries the 14 Medicare database and it comes back, correct, then we 15 would be informed they are Medicare eligible. 16 Q But now ISO can only query the system for Medicare if 17 you have the name of the person, the gender, the date of 18 birth and a social security number or HIC number, 19 correct? 20 MS. SYMONS: Objection to form. 21 You can answer. 22 A Correct. 23 Q So if you don't have a name, gender, date of birth, 24 social security number or HIC number, you would not know 25 if the person is a Medicare beneficiary or be able to</p>	<p style="text-align: right;">Page 124</p> <p>1 Medicare eligible yet. 2 Q Okay. So once you -- Once the adjuster finds out that a 3 person is Medicare eligible and has made a claim to IDS, 4 what, if anything, does IDS do to reimburse a Medicare 5 secondary payer? 6 MS. SYMONS: Objection to form. 7 A They would have to get a lien or a notice from that 8 Medicare secondary payer. 9 Q Okay. Okay. So let me ask you a series of other 10 questions. 11 MR. RUIZ: And, Robin, I don't know what 12 you want to do, but, I mean, we're not going to be done 13 by 5:45 or anywhere close to that so -- 14 MS. SYMONS: Well, we're going to be 15 stopping. 16 MR. RUIZ: I'm sorry? 17 MS. SYMONS: We are -- We are going to be 18 stopping and, you know, I think you have had all the 19 time you needed for this witness, but we will have to 20 take that up later. There is no -- There is no later 21 flight -- 22 Q (BY MR. RUIZ): Okay. So let me ask -- 23 MS. SYMONS: -- you know, for me to take. 24 MR. RUIZ: I'm sorry? 25 MS. SYMONS: There is no later flight for</p>
<p style="text-align: right;">Page 123</p> <p>1 confirm if they're a Medicare beneficiary, correct? 2 MS. SYMONS: Objection to form. Compound 3 question. 4 A The name they would have, because if they didn't have 5 the name, it wouldn't even go over to ISO. So the name 6 more than likely they will always have before that claim 7 even gets over to ISO. But if they don't have the other 8 fields, then, correct, it would not be able to tell if 9 they're Medicare eligible. 10 Q Okay. So what happens if someone tells you, "I'm 11 Medicare eligible," and you still don't have the date of 12 birth or the gender or the social security number or the 13 HIC number? 14 Do you take that as a true, meaning that you 15 already take the position that they are a Medicare 16 beneficiary or do you try to vet that information? 17 MS. SYMONS: Objection to form. 18 A They do try to get the necessary information also. 19 Q Okay. So is that when you testify that you said that 20 sometimes people tell you they're Medicare beneficiaries 21 but then ISO is unable to confirm? 22 A Sometimes they will tell us they're on Medicare and we 23 will not check the yes for Medicare and we will let ISO 24 send it over to Medicare to confirm they're Medicare 25 eligible and sometimes it comes back that they are not</p>	<p style="text-align: right;">Page 125</p> <p>1 me to take. I'm getting in at 12:30 in the morning as 2 it is. 3 MR. RUIZ: Listen, I'm not second 4 guessing whether there is or isn't and I'm mindful of 5 that. I just had no idea that you were leaving today 6 and that we were timed. 7 MS. SYMONS: How late were you planning 8 to go? We're going to be after business hours as it is 9 in 15 minutes so what's the -- I don't understand the -- 10 your concern. You didn't indicate that you would be 11 going past business hours. 12 MR. RUIZ: I've never known that a 13 deposition has to stop after business hours. I mean 14 we're lawyers, but anyway we'll take that up later. 15 Let me just keep going because we're going to waste 16 time arguing instead of getting questions answered. 17 Q (BY MR. RUIZ): Okay. Subsequent to IDS learning that a 18 person is a Medicare beneficiary, has IDS, prior to the 19 claim of M.A., ever provided notice of its primary 20 payment responsibility and the underlying MSD situation 21 to any Medicare Advantage Organization? 22 MS. SYMONS: Objection to form. 23 You can answer. 24 A Can you clarify? I'm not understanding your question. 25 Q We've now established that at some point in time IDS can</p>

<p style="text-align: right;">Page 126</p> <p>1 in certain instances verify and confirm that somebody is 2 a Medicare beneficiary. So my question is: Prior to 3 the claim of M.A. on how many occasions has IDS provided 4 primary payment responsibility information about the 5 fact that IDS is primary and that a Medicare Advantage 6 Organization has paid medical benefits for which IDS is 7 primarily responsibility?</p> <p>8 MS. SYMONS: Objection to form.</p> <p>9 A I do not know.</p> <p>10 Q Okay. Being the senior claims analyst compliance 11 officer, are you familiar with 42 CFR 411.25 primary 12 payer's notice of primary payer responsibility?</p> <p>13 A If it is in the Medicare reporting or there is primary 14 rights, I'm sort of familiar with it.</p> <p>15 Q Okay. So since you're sort of familiar with it, how 16 many times have you actually utilized that and provided 17 information in compliance with 411.25?</p> <p>18 MS. SYMONS: Objection to form. Calls 19 for a legal conclusion.</p> <p>20 MR. RUIZ: I'm asking her factually.</p> <p>21 Q (BY MR. RUIZ): How many times have you provided primary 22 payment responsibility information to either a Medicare 23 Advantage Organization or to CMS?</p> <p>24 MS. SYMONS: That's a compound question. 25 Objection.</p>	<p style="text-align: right;">Page 128</p> <p>1 A I do not know.</p> <p>2 Q Okay. So as you sit here today, you don't know of any?</p> <p>3 A I do not know of any, no.</p> <p>4 Q Between January 1, 2009, and today's date how many, if 5 any at all, claims has IDS sought to pursue an 6 administrative appeal either directly or on behalf of 7 one of their insureds through CMS?</p> <p>8 MS. SYMONS: I'm going to instruct her 9 not to answer that question on the basis of attorney 10 client and work-product privilege.</p> <p>11 MR. RUIZ: I'm asking her factually how 12 many administrative appeals have been filed at any point 13 in time.</p> <p>14 MS. SYMONS: I understand that, sir.</p> <p>15 MR. RUIZ: Okay.</p> <p>16 Q (BY MR. RUIZ): So prior to the claim of M.A., how many 17 claims, if any at all, had IDS submitted an appeals 18 process to the Center for Medicare & Medicaid Services 19 for one of their insured that they insured for no-fault 20 benefits during that time period January 1, 2009, up to 21 the date of the accident of M.A.?</p> <p>22 MS. SYMONS: Hold on a second. Would you 23 read that back, please.</p> <p>24 (Question read by the court reporter.)</p> <p>25 MS. SYMONS: I'm sorry. You're going to</p>
<p style="text-align: right;">Page 127</p> <p>1 MR. RUIZ: "Or" -- Okay. "Or" is not 2 compound. "And" is compound. I said Medicare Advantage 3 or CMS. If you want me to ask the same question twice, 4 I'm more than happy to do so, but the word "or" takes it 5 out of compound.</p> <p>6 MS. SYMONS: That's not the only reason 7 it was compound, but I did not instruct her not to 8 answer, so if you'll just stop talking, she will answer.</p> <p>9 A I do not know.</p> <p>10 Q Who other than yourself being a senior claims compliance 11 analyst would be tasked with a responsibility of 12 complying with 42 USC (sic) 411.25?</p> <p>13 A I do not know.</p> <p>14 Q Okay. Now, pertaining to the claim of M.A., is there 15 any medical bill that was submitted to IDS on behalf of 16 M.A. that IDS is taking the position that the medical 17 bills were not reasonable, related and necessary?</p> <p>18 A Not that I recall.</p> <p>19 Q So is that a no?</p> <p>20 A Correct.</p> <p>21 Q As you sit there today, do you know of any Medicare 22 beneficiary whom claims have been submitted to IDS and 23 paid by a Medicare Advantage Organization that IDS is 24 claiming the medical bills were not reasonable, related 25 or necessary?</p>	<p style="text-align: right;">Page 129</p> <p>1 have to read it again. It's late in the day and I'm 2 having trouble absorbing it.</p> <p>3 (Question read by the court reporter.)</p> <p>4 MS. SYMONS: You can answer that if 5 you're able.</p> <p>6 A I do not know.</p> <p>7 Q What did you say? You do not know?</p> <p>8 A Correct.</p> <p>9 Q Okay. So as the senior claims compliance analyst, you 10 would be tasked with the authority or obligation or 11 supervision as it pertains to any appellate procedure 12 that would be filed with the Center for Medicare & 13 Medicaid Services, correct?</p> <p>14 MS. SYMONS: Objection to form.</p> <p>15 A No. I am not tasked with that.</p> <p>16 Q But you would know if your insurance company, meaning 17 IDS, or at least IDS not that they employ you because 18 we've established that before, if there would be any 19 appeals that had been filed at any point in time prior 20 to the claim of M.A. and after January 1, 2009, you 21 would know about it?</p> <p>22 MS. SYMONS: Objection to form.</p> <p>23 A No. I would not know about it.</p> <p>24 Q Okay. And in preparation for today's deposition you 25 didn't try to find out if, in fact, there were any</p>

<p style="text-align: right;">Page 130</p> <p>1 appeals that had been filed?</p> <p>2 MS. SYMONS: Objection to form and I</p> <p>3 would instruct the witness not to answer that question</p> <p>4 on the basis of attorney client and work-product</p> <p>5 privilege.</p> <p>6 Q So let me ask you something else, Ms. Helf, you were --</p> <p>7 were you just asked to come to today's deposition?</p> <p>8 MS. SYMONS: Objection to form and I'm</p> <p>9 going to instruct her not to answer that question on the</p> <p>10 basis of attorney client and work-product privilege.</p> <p>11 Q Okay. But who decided that you were coming to the</p> <p>12 deposition?</p> <p>13 MS. SYMONS: Same objection and</p> <p>14 instruction.</p> <p>15 MR. RUIZ: Who decided she is coming to</p> <p>16 the deposition is also -- You're objecting to that too?</p> <p>17 MS. SYMONS: Yes. And I'm instructing</p> <p>18 her not to answer that question on the basis of</p> <p>19 attorney-client privilege. You can't be surprised by</p> <p>20 that, Mr. Ruiz.</p> <p>21 MR. RUIZ: Oh, trust me, I'm surprised.</p> <p>22 I'm very surprised, but anyway we will figure that out</p> <p>23 with Judge Arzola.</p> <p>24 MS. SYMONS: No doubt.</p> <p>25 Q (BY MR. RUIZ): Now, I had asked you previously but I</p>	<p style="text-align: right;">Page 132</p> <p>1 Q So what I want to try to verify and make sure is if that</p> <p>2 is the practice and course of conduct of IDS from</p> <p>3 January 1, 2009, through today's date? Has that been</p> <p>4 the same practice and course of conduct?</p> <p>5 MS. SYMONS: I'm going to object to the</p> <p>6 form of that question and instruct the witness not to</p> <p>7 answer that question because of the time period that you</p> <p>8 included in it, so I'm objecting.</p> <p>9 MR. RUIZ: I still don't understand what</p> <p>10 that means, but anyway, again, you're going --</p> <p>11 MS. SYMONS: Because --</p> <p>12 MR. RUIZ: -- and objecting and</p> <p>13 instructing not to answer. That is your prerogative.</p> <p>14 MS. SYMONS: Right.</p> <p>15 MR. RUIZ: But let me change it so that I</p> <p>16 can then -- perhaps you're not going to launch an</p> <p>17 objection, but we'll figure that out.</p> <p>18 Q (BY MR. RUIZ): So between January 1st in 2009 prior to</p> <p>19 the claim of M.A. pertaining to the methodology by which</p> <p>20 IDS determined that people are Medicare beneficiaries or</p> <p>21 not, has that always been the same practice and course</p> <p>22 of conduct that has been followed by IDS in that time</p> <p>23 frame?</p> <p>24 MS. SYMONS: Objection to form. Calls</p> <p>25 for a legal conclusion.</p>
<p style="text-align: right;">Page 131</p> <p>1 want to make sure that we establish this, because we've</p> <p>2 talked about the process by which IDS tries to establish</p> <p>3 whether or not someone is a Medicare beneficiary,</p> <p>4 correct? And we went through the information given by</p> <p>5 the insurer and we also went through the process by</p> <p>6 which -- certain information you give it to ISO and then</p> <p>7 ISO gives it back. It's given in a text file and then</p> <p>8 placed into the system. Do you recall all of that?</p> <p>9 MS. SYMONS: Objection. Is that a</p> <p>10 question?</p> <p>11 MR. RUIZ: I'm asking her if she recalls</p> <p>12 that.</p> <p>13 MS. SYMONS: Objection.</p> <p>14 MR. RUIZ: Yes. That's a question.</p> <p>15 MS. SYMONS: Then objection to form of</p> <p>16 that question.</p> <p>17 MR. RUIZ: Okay.</p> <p>18 MS. SYMONS: There's a lot packed into</p> <p>19 it.</p> <p>20 MR. RUIZ: Okay. Fine. So you objected</p> <p>21 to it. She can answer.</p> <p>22 MS. SYMONS: That's right.</p> <p>23 Q (BY MR. RUIZ): Do you recall that? Do you recall that,</p> <p>24 Ms. Helf?</p> <p>25 A Yes, I do.</p>	<p style="text-align: right;">Page 133</p> <p>1 Subject to the objection, you may answer.</p> <p>2 A Yes. That has been the process.</p> <p>3 Q And it has not changed in any way --</p> <p>4 MS. SYMONS: Objection to form.</p> <p>5 Q -- between January 1, 2009, and the date of M.A.'s</p> <p>6 claim?</p> <p>7 MS. SYMONS: That you can answer.</p> <p>8 A It has not changed.</p> <p>9 Q And subsequent to the claim of M.A., has the practice</p> <p>10 and course of conduct changed at IDS for purposes of</p> <p>11 establishing who is and who isn't a Medicare</p> <p>12 beneficiary?</p> <p>13 MS. SYMONS: I'm instructing the witness</p> <p>14 not to answer that question on the basis of attorney</p> <p>15 client and work-product privilege.</p> <p>16 MR. RUIZ: Okay. Respecting the fact</p> <p>17 that you told me you had to leave at 5:45, you know, I</p> <p>18 still have a lot more questions to ask, so, you know,</p> <p>19 we're going to have to take it up with the court if your</p> <p>20 position is that you're going to conclude the</p> <p>21 deposition, so our position is that we're not concluding</p> <p>22 the deposition.</p> <p>23 The deposition should resume and obviously we're</p> <p>24 reserving and preserving the rights to go back and ask</p> <p>25 questions pertaining to all the objections you launched</p>

<p style="text-align: right;">Page 134</p> <p>1 particularly the ones that you instructed the witness 2 not to answer.</p> <p>3 MS. SYMONS: I don't --</p> <p>4 MR. RUIZ: My suggestion is --</p> <p>5 MS. SYMONS: Go ahead.</p> <p>6 MR. RUIZ: My suggestion is that we get a 7 transcript of this proceeding of the deposition and then 8 we figure out and we, you know, take the respective 9 positions pertaining to all these discovery issues plus 10 all the other discovery issues that I think the court 11 was going to set for hearing.</p> <p>12 MS. SYMONS: I agree with you about the 13 process, you know, I think you have had plenty of time 14 with this witness, but I suggest that we also set aside 15 an hour for a meet and confer on all outstanding issues 16 including any of the issues that came up today to see if 17 in good faith we can resolve them or at least simplify 18 them for the judge.</p> <p>19 MR. RUIZ: I'm more than happy to do that 20 but obviously if I'm unable to get an answer from her 21 because you have told her not to answer I think the 22 right way would have been to allow her answer and then 23 you still preserve your objection, but obviously that is 24 said and done.</p> <p>25 Let's try to figure out how we can obtain some time</p>	<p style="text-align: right;">Page 136</p> <p>1 so I guess the instruction is, A, we want the videotape 2 aspect of it as well as the transcript and we would like 3 it, you know, as soon as possible, but that doesn't mean 4 a rush. We're poor.</p> <p>5 SPEAKER: The transcript -- If we were to 6 get one faster, the transcript would be more important 7 than the video.</p> <p>8 MR. RUIZ: Well, of course the 9 transcript --</p> <p>10 SPEAKER: Because, Mr. Videographer, you 11 are not Veritext, correct?</p> <p>12 THE VIDEOGRAPHER: Yes, I'm here.</p> <p>13 THE COURT REPORTER: Should we go off the 14 record for this or do you want me to stay on?</p> <p>15 MS. SYMONS: You guys you have the record 16 going on. Can we just go off the record? I really do 17 have to leave.</p> <p>18 MR. RUIZ: Yes.</p> <p>19 THE VIDEOGRAPHER: This concludes the 20 deposition of Jodi Helf. We are going off the record at 21 4:47 p.m. Disk two of two. (Testimony concluded at 4:47 p.m.)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 135</p> <p>1 from the court to flesh these issue out and, again, 2 we're not, you know, taking the position that we should 3 not pursue this.</p> <p>4 We cannot continue and I also am taking the 5 position that you're going to have to bring a lot more 6 witnesses because our notice of deposition is very 7 detailed and thorough and they're all reasonably 8 calculated to lead to the discovery of admissible 9 evidence, so if you're going to have to produce five or 10 six -- I don't know how many witnesses you need to 11 produce, but we'll talk about that as well.</p> <p>12 MS. SYMONS: The judge already told you 13 to narrow it down and instead of doing that you made it 14 broader, so, you know, we'll do what we can do but why 15 don't you give me a call after you get the transcript or 16 set up some time next week and we'll see what we can do 17 to narrow it all down.</p> <p>18 MR. RUIZ: Okay. Since the court 19 reporter is there, we would like -- it's both the same 20 system for the court reporting and the video aspect of 21 it, right?</p> <p>22 SPEAKER: Madam Court Reporter, are you 23 Veritext?</p> <p>24 THE COURT REPORTER: Yes.</p> <p>25 MR. RUIZ: So it is all one in the same</p>	<p style="text-align: right;">Page 137</p> <p>1 REPORTER'S CERTIFICATION I, JULIE A. BOURESSA, Notary Public and 3 Certified Shorthand Reporter in and for the State of 4 Wisconsin, certify: 5 That the foregoing proceedings were taken 6 before me at the time and place therein set forth, at 7 which time the witness was put under oath by me; 8 That the testimony of the witness and all 9 objections made at the time of the examination were 10 stenographically by me and were thereafter transcribed; 11 That the foregoing is a true and correct 12 transcript of my shorthand notes so taken. 13 I further certify that I am not a relative or 14 employee of any attorney or any of the parties, nor 15 financially interested in the action. 16 I declare under the penalty of perjury under 17 the laws of the State of Wisconsin that the foregoing is 18 true and correct. 19 Dated this 28th day of November, 2017. 20 21 22 23 24 25</p> <p style="text-align: right;"><i>Julie A. Bouressa</i> JULIE A. BOURESSA, Certified Shorthand Reporter Notary Public, State of Wisconsin My commission expires 7/23/2018</p>

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FLORIDA RULES OF CIVIL PROCEDURE

Rule 1.310

(e) Witness Review. If the testimony is transcribed, the transcript shall be furnished to the witness for examination and shall be read to or by the witness unless the examination and reading are waived by the witness and by the parties. Any changes in form or substance that the witness wants to make shall be listed in writing by the officer with a statement of the reasons given by the witness for making the changes. The changes shall be attached to the transcript. It shall then be signed by the witness unless the parties waived the signing or the witness is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within a reasonable time after it is furnished to the witness, the officer shall sign the transcript and state on the transcript the waiver, illness, absence of the witness, or refusal to sign with any reasons given therefor. The deposition may then be used as fully as though signed unless the court holds that the reasons given for the refusal to sign require rejection of

the deposition wholly or partly, on motion under rule 1.330(d)(4).

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