
**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

ROBERT BARON, an individual,)
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vs.) **CASE NO.**

) 30-2019-01068571-CU-OE-CJC
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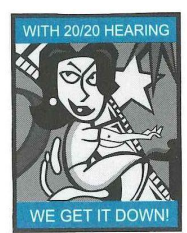
THE REGENTS OF THE UNIVERSITY)
CALIFORNIA; and DOES 1-50,)
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**DEPOSITION OF
PATHIK WADHWA, M.D.**

DATE: Wednesday, February 10, 2021

REPORTER: Willie Anderson, Jr., CSR No. 13385

VIA REMOTE VIDEO TECHNOLOGY



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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

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5	ROBERT BARON, an individual)	Case No. 30-2019-01068571-CU-
6)OE-CJC
7	Plaintiff,)
8	vs.)
9	THE REGENTS OF THE)
10	UNIVERSITY OF CALIFORNIA;)
11	and DOES 1-50,)
12	Defendants.)
13	_____)

DEPOSITION OF
PATHIK WADHWA, M.D.

Wednesday, February 10, 2021

12:04 p.m.

VIA REMOTE ZOOM VIDEOCONFERENCE

Los Angeles, California

1 Deposition of PATHIK WADHWA, M.D., called as a witness by
2 the Plaintiff, before WILLIE ANDERSON, JR., Certified
3 Shorthand Reporter Number 13385, for the State of
4 California, with principal office in the County of Los
5 Angeles, commencing at 12:04 p.m., Wednesday, February 10,
6 2021, at VIA REMOTE ZOOM VIDEOCONFERENCE, Los Angeles,
7 California.

8 * * *

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I N D E X

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PLAINTIFF'S EXHIBITS

(None.)

QUESTIONS WITNESS INSTRUCTED NOT TO ANSWER

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INFORMATION REQUESTED

(None.)

1 MR. LINDEGREN: Just one housekeeping,
2 Mr. Anderson and Mr. Baron.

3 My understanding is this is not videotaped. No
4 one is recording. I just wanted to make sure that is
5 the case.

6 That's the case?

7 THE COURT REPORTER: Yeah. The only -- only
8 thing that I'm -- I'm the only one here that's
9 recording.

10 MR. LINDEGREN: Right. Mr. Baron's not videoing
11 it; there's no videographer?

12 THE COURT REPORTER: No, there's no video. If
13 there was a video, you would be able to see it. Up at
14 the top of the screen, you would see it would say,
15 "Recording."

16 MR. LINDEGREN: That's what I thought.

17 Okay. I just wanted to make sure.

18 THE COURT REPORTER: Unless Mr. Baron has some
19 other device that he's using that I'm not aware of.

20 MR. BARON: As the notice stated, the court
21 reporter is the only recording.

22 MR. LINDEGREN: Okay. Great.

23 MR. BARON: Are we ready to go? Are we on the
24 record?

25 THE COURT REPORTER: We're on the record.

1 PATHIK WADHWA, M.D.,
2 called as a witness by and on behalf of the Plaintiff,
3 having been first duly sworn, was examined and testified as
4 follows:

5
6 EXAMINATION

7 BY MR. BARON:

8 Q. Mr. Wadhwa, I'm the plaintiff in this case, and
9 I will refer to myself as the plaintiff.

10 Do you understand, Dr. Wadhwa?

11 A. Yes.

12 Q. And the questions I will ask pertain to the
13 period of the plaintiff's employment with UC Irvine from
14 February 2017 to June 2017.

15 Do you understand?

16 A. Yes.

17 Q. Is it true that plaintiff was fired from UC
18 Irvine?

19 A. Yes.

20 Q. Did you ever ask anyone at UC Irvine that
21 plaintiff be fired?

22 A. No.

23 Q. Did you play any part in plaintiff's firing --

24 A. No.

25 Q. -- from UC Irvine?

1 MR. LINDEGREN: Let me just object. I think
2 it's vague and ambiguous as to "any part."

3 You can answer.

4 THE WITNESS: No.

5 BY MR. BARON:

6 Q. Okay. I think -- let me rephrase the question
7 because I think it was interrupted, so I'll say the
8 question again.

9 Did you play any part in plaintiff's firing from
10 UC Irvine?

11 MR. LINDEGREN: Objections. Vague and
12 ambiguous.

13 You can answer.

14 THE WITNESS: No.

15 BY MR. BARON:

16 Q. Is it true -- give me one second.

17 Thank you.

18 Is it true that plaintiff was fired because you
19 wanted him fired from his employment at UC Irvine?

20 MR. LINDEGREN: Calls for speculation.

21 You can answer.

22 THE WITNESS: I don't know.

23 BY MR. BARON:

24 Q. I'll ask the question again, Dr. Wadhwa.

25 Is it true that plaintiff was fired from UC

1 Irvine because you wanted him fired?

2 A. I don't know.

3 Q. When you say you don't know, what do you mean?

4 A. I mean, I --

5 MR. LINDEGREN: Hold on.

6 Let me object. It's argumentative. I think
7 that question also lacks foundation.

8 But you -- you can answer.

9 THE WITNESS: Could you repeat the question,
10 please.

11 MR. BARON: Mr. Court Reporter, could you repeat
12 the question for the witness, please.

13 (Whereupon, the record was read back by the
14 Court Reporter as follows:

15 Q. "When you say you don't know, what do
16 you mean?")

17 MR. BARON: Could you repeat the question before
18 that one, Mr. Court Reporter.

19 THE COURT REPORTER: One moment.

20 (Whereupon, the record was read back by the
21 Court Reporter as follows:

22 Q. "I'll ask the question again,
23 Dr. Wadhwa.

24 "Is it true that plaintiff was fired from
25 UC Irvine because you wanted him fired?"

1 A. "I don't know.

2 Q. "When you say you don't know, what do
3 you mean?")

4 THE WITNESS: I mean, no.

5 BY MR. BARON:

6 Q. So your answer, now, is "no"; is that correct?

7 A. Yes.

8 Q. Is it true that you fired the plaintiff in
9 retaliation to plaintiff's whistleblowing at UC Irvine?

10 A. I didn't fire the plaintiff.

11 Q. What was the reason, if any, for you wanting the
12 plaintiff to be fired from UC Irvine?

13 MR. LINDEGREN: It's argumentative. Misstates
14 his testimony. Assumes facts not in evidence as to what
15 he wanted. Lacks foundation.

16 You can answer.

17 THE WITNESS: I just said no when I was asked
18 whether I wanted the plaintiff fired.

19 BY MR. BARON:

20 Q. Just -- just to add a helpful comment,
21 Dr. Wadhwa, the questions may seem repetitive, but they
22 are not. So if you need a question repeated, please say
23 so.

24 A. Okay.

25 Q. Who is your employer currently?

1 A. The University of California, Irvine.

2 Q. How long have you worked at UC Irvine?

3 A. Since 2000.

4 Q. What is your position at UC Irvine now?

5 A. Professor.

6 Q. Which department do you teach in?

7 A. I don't teach, but my department is the
8 Department of Psychiatry and Human Behavior.

9 Q. Have you ever taught at UC Irvine?

10 A. Occasionally.

11 Q. When was the last time you taught at UC Irvine?

12 A. I don't recall. Probably five, six years ago,
13 perhaps.

14 Q. What was your position at UC Irvine in February
15 2017 to June 2017?

16 A. Professor.

17 Q. During plaintiff's employment at UC Irvine, were
18 you conducting a research study named Ecological
19 Momentary Assessment?

20 A. Yes. The -- the study data collection had
21 already been completed some -- some time before that,
22 but -- so we were working on analyzing the data from
23 that study.

24 Q. When was the data collected for the study?

25 A. I would have to look at the grant to refresh my

1 memory. Um, I know that the data completion was perhaps
2 a couple of years before 2017, so I believe the study
3 must have started around 2010.

4 Q. Was this study also known as the EMA Study, as
5 abbreviated?

6 A. Yes.

7 Q. And EMA Study is spelled E, as in English; M, as
8 in Mary; A, as in alpha; is that correct?

9 A. Yes.

10 Q. Were you the primary investigator of the EMA
11 Study at UC Irvine?

12 A. Yes.

13 Q. Were you also the program director of the EMA
14 Study at UC Irvine?

15 A. Yes.

16 Q. You have testified a few minutes ago that you
17 started the EMA Study around 2010; is that correct?

18 A. Yes, approximately around there, yes. Perhaps a
19 little earlier.

20 THE COURT REPORTER: "Perhaps"? I'm sorry?

21 THE WITNESS: Perhaps a little earlier, but
22 something in that ballpark.

23 THE COURT REPORTER: Thank you.

24 BY MR. BARON:

25 Q. Is that when your involvement in EMA Study also

1 began, around 2010, maybe earlier?

2 A. Yes. It began when the study started.

3 Q. Were you in charge of the EMA Study?

4 A. I was the principal investigator.

5 Q. Were you also in charge of the EMA Study?

6 A. Could you clarify what you mean by the word "in
7 charge."

8 Q. Were you the highest-ranking individual for the
9 EMA Study?

10 Were you -- I'll -- I'll add a clarification.

11 Were you responsible for the EMA Study?

12 A. Yes.

13 Q. Were there any other managers, in addition to
14 yourself, on the EMA Study?

15 MR. LINDEGREN: Vague as to time.

16 You may answer.

17 THE WITNESS: Yes, I don't know what you mean by
18 the term "managers."

19 BY MR. BARON:

20 Q. Were there any other people that were
21 responsible for the EMA Study to the level that you were
22 responsible for the EMA Study?

23 A. No.

24 Q. All the other people had lesser
25 responsibility -- is that correct? -- than yourself.

1 A. Correct.

2 Q. Is it true that the EMA Study involved pregnancy
3 trimesters?

4 MR. LINDEGREN: Vague as to "trimesters."

5 THE WITNESS: I don't know what you mean by
6 that.

7 BY MR. BARON:

8 Q. Just to clarify, Dr. Wadhwa, are you a medical
9 doctor?

10 A. Yes.

11 Q. And you work primarily in -- in a pediatrics
12 department; is that correct?

13 A. No. Incorrect.

14 Q. Okay. Which department do you work in?

15 A. Psychiatry and Human Behavior.

16 Q. Being a medical doctor, do you know what a
17 pregnancy trimester is?

18 A. Yes.

19 (Mr. Christopher Richmond has remotely
20 entered the proceeding.)

21 BY MR. BARON:

22 Q. Could you give a definition of what a pregnancy
23 trimester is.

24 A. It's a term used to denote the trimester of
25 pregnancy.

1 Q. What is a pregnancy trimester?

2 A. It's a term used to denote a trimester of
3 pregnancy.

4 Q. How many trimesters are there in a human
5 pregnancy?

6 A. Three.

7 Q. Was accurate calculation of pregnancy trimesters
8 important to the EMA Study?

9 A. Not particularly.

10 Q. Why is that?

11 A. Can you -- can you clarify what you mean by,
12 "Why is that"?

13 Q. I'll re- -- I'll repeat the question.

14 The question was: Was accurate calculation of
15 pregnancy trimesters important to the EMA Study?

16 A. The answer is -- and my answer is not
17 particularly.

18 Q. What do you mean by, "not particularly"?

19 MR. LINDEGREN: Argumentative.

20 You can answer.

21 THE WITNESS: What do I mean by, "not
22 particularly"?

23 Um, we have other data in the study that is of
24 greater indication of how far along a woman is in
25 pregnancy than a pregnancy trimester.

1 And, therefore, a pregnancy trimester is, for
2 most analyses, almost superfluous.

3 BY MR. BARON:

4 Q. Okay. You just testified that you have other
5 methods in the study data.

6 What other methods are there in the study data?

7 A. There are lots of methods, but are you asking
8 what other methods to determine how far along a woman is
9 in pregnancy?

10 Q. I'm asking regarding EMA Study, in particular,
11 that you were conducting. You testified that it was not
12 particularly important to have accurate calculations of
13 pregnancy trimesters. And you testified that there are
14 other methods present.

15 I'm asking: What other methods are you
16 referring to in regards to EMA Study?

17 A. For calculation of pregnancy trimesters, that's
18 what I want, to make sure that's what you're asking
19 about.

20 But that's -- assuming that's what you're asking
21 about, we have assessment of gestational age at any
22 point in the pregnancy.

23 And from the gestational age that a woman is at
24 any point in the pregnancy, that is a more important
25 variable for us.

1 Q. Were the gestational age data collected for the
2 EMA Study that you were conducting?

3 A. Yes.

4 Q. What was done with the gestational age data that
5 you testified that was collected for the EMA Study?

6 MR. LINDEGREN: It's vague and ambiguous as to
7 what was done with it.

8 You mean, how was it used or something else?

9 MR. BARON: Counsel, if the witness has a
10 question, I request that the witness ask the question,
11 not the counsel.

12 THE WITNESS: I don't understand what you mean
13 by the term "how was it used."

14 Used for what purpose?

15 BY MR. BARON:

16 Q. That is the question I'm asking, Dr. Wadhwa.
17 You stated that you collected gestational age
18 for the EMA Study.

19 So I asked you: What did you do with the
20 gestational age data that you say you collected?

21 MR. LINDEGREN: It's vague and ambiguous as to
22 what did he do with it.

23 THE WITNESS: We used the data in data analysis
24 to know how far along the woman was at a given point in
25 time, when we collected other data on her.

1 BY MR. BARON:

2 Q. Was the gestational age data that you say you
3 collected for EMA Study ever used to calculate the
4 trimesters?

5 A. Not to my knowledge, because we -- to my
6 knowledge, we never used trimester of pregnancy data.
7 We used gestational age when we conducted different
8 assessment.

9 Q. Is it true that, without accurate pregnancy
10 trimester calculations, EMA Study would be based on
11 inaccurate data?

12 A. That's untrue.

13 Q. Is it true that, without accurate pregnancy
14 trimester calculations, EMA Study would contain faulty
15 data analysis?

16 A. Not true.

17 Q. Is it true that, without accurate pregnancy
18 trimester calculations, EMA Study would contain faulty
19 conclusions?

20 A. Not true.

21 Q. Was the EMA Study funded by the National
22 Institute of Health?

23 A. Yes. It's not Institute of Health.

24 Q. Is NIH the abbreviation used for National
25 Institutes of Health or Institute of Health?

1 A. Yes.

2 Q. Is NIH part of the federal government?

3 MR. LINDEGREN: Lacks foundation. It's vague as
4 to "the government."

5 THE WITNESS: It's -- it's part of the
6 Department of Health and Human Services.

7 BY MR. BARON:

8 Q. Is the US Department of Health and Human
9 Services part of the federal government?

10 A. I believe so, yes.

11 Q. Would that make NIH part of the US federal
12 government?

13 A. Yes, through -- as I said, through the
14 Department of Health and Human Services.

15 Q. Was the EMS study federally funded?

16 A. Yes.

17 Q. In order to get funding from the federal
18 government, for the EMA Study, did you submit any
19 documents to the federal government?

20 A. Yes.

21 Q. In the documents that you submitted to the
22 federal government, did you state how you were going to
23 calculate the pregnancy trimesters in the EMA Study?

24 A. Not to my recollection.

25 Q. Is it your testimony here today, Dr. Wadhwa,

1 that you don't recall what you told the federal
2 government how you were going to calculate the pregnancy
3 trimesters in EMA Study?

4 A. Yes. I don't recall that we even said that we
5 would calculate pregnancy trimesters, so I don't recall
6 that we said we would even calculate them.

7 How does the question come up of, how we would
8 calculate them?

9 Q. In the documents that you submitted to the
10 federal government, did you state how you were going to
11 calculate the gestational age in the EMA Study?

12 A. Yes.

13 Q. In the documents that you submitted to the
14 federal government, how did you state that you were
15 going to calculate the gestational age in the EMA Study?

16 A. We stated that the gestational age, at which
17 time any assessments, were conducted would be based on
18 ultrasound estimate of age of gestational age.

19 Q. Is it true, based on your testimony here, that
20 you told the federal government that you will calculate
21 gestational age in EMA Study by ultrasound scans?

22 A. Gestational age would be calculated on the basis
23 of ultrasonography, yes.

24 THE COURT REPORTER: "On the basis of"? I'm
25 sorry?

1 THE WITNESS: Ultrasonography. Ultrasound
2 scans.

3 MR. LINDEGREN: Ultrasonography. Sonography, I
4 think, is what he's saying.

5 Soundography? Soundography?

6 THE WITNESS: Sonography.

7 MR. LINDEGREN: Sonography.

8 THE WITNESS: Should I spell that?

9 MR. LINDEGREN: Yeah. Why don't you spell it
10 for the court reporter.

11 THE WITNESS: S-o-n-o-g-r-a-p-h-y.

12 MR. LINDEGREN: It's like a sonogram.

13 BY MR. BARON:

14 Q. By ultrasound sonography, are you referring to
15 ultrasound scans?

16 A. Yes. That is how sonography is done, yes.

17 Q. Did you state on those -- in those documents
18 that you submitted to the federal government regarding
19 EMA Study that pregnancy trimesters and the gestational
20 age would be calculated by conducting ultrasound scans,
21 then?

22 MR. LINDEGREN: Asked and answered. Compound.
23 You can answer.

24 THE WITNESS: The question to me was, did I
25 state pregnancy trimesters and gestational age would be

1 calculated?

2 As I've previously testified, I don't believe I
3 said anything about calculating pregnancy trimesters. I
4 don't understand. If I didn't say anything about that,
5 why I would say how it's to be calculated?

6 But as to the question of how gestational age
7 estimates are obtained, the answer remains, yes, we
8 stated that gestational age estimates would be based on
9 ultrasound scans or ultrasound measurements.

10 BY MR. BARON:

11 Q. Did you state in those documents that you
12 submitted --

13 (Telephonic Interruption.)

14 MR. LINDEGREN: Do you need to take that?

15 THE WITNESS: No, no. I'm trying to turn it
16 off.

17 I'm sorry. Could you start -- thank you.

18 BY MR. BARON:

19 Q. You're welcome.

20 Did you state in those documents that you
21 submitted to the federal government for EMA Study that
22 the gestational age of each woman in the study will be
23 calculated by ultrasound scans?

24 A. Yes.

25 Q. How many women participated in EMA Study?

1 A. I think it was 250. Right around 250.

2 Q. How many ultrasound scans were conducted on
3 those 250 women?

4 A. Several. A woman had an ultrasound scan for
5 dating of pregnancy with a clinical provider or OB
6 doctor, so that makes one.

7 Perhaps OB doctor, for various reasons, did more
8 ultrasound scans. And I wouldn't know off the top of my
9 head how many they might have done.

10 And then, for research purposes, we, in our
11 hands, did typically three scans -- one in early, one in
12 middle and one in late pregnancy.

13 Q. Did you conduct any ultrasound scans in the EMA
14 Study?

15 A. Yes.

16 Q. Did you conduct ultrasound scans on each woman
17 in the EMA Study?

18 A. I would have to look at the record, but, if not,
19 each -- certainly, almost each.

20 Q. You testified earlier that you conducted
21 ultrasound scans on approximately 250 women; is that
22 correct?

23 A. Correct.

24 Q. You also testified that you conducted three
25 ultrasound scans on each woman out of those 250

1 participants; is that correct?

2 MR. LINDEGREN: Vague as to who.

3 You can answer.

4 THE WITNESS: Yes. At the most, three
5 ultrasound sessions. May have been less than that for
6 some women, but no more than three for any given
7 participant in the study.

8 BY MR. BARON:

9 Q. So based on your testimony, even if there were
10 three ultrasound scans conducted for each woman, at the
11 most, how many ultra scans would -- would there be for
12 EMA Study?

13 MR. LINDEGREN: Calls for speculation as to the
14 number of scans, scanning sessions.

15 THE WITNESS: There would be, at the most, 750
16 scanning sessions.

17 BY MR. BARON:

18 Q. So, for the EMA Study that you were conducting,
19 at the most, there would be 750 ultrasound scans; is
20 that correct?

21 MR. LINDEGREN: Misstates his testimony.

22 He said scanning sessions.

23 THE WITNESS: That's what I said. There would
24 be, at the most, 750 sessions, when ultrasound scanning
25 was done or performed.

1 BY MR. BARON:

2 Q. What is the difference between ultrasound scans
3 and ultrasound sessions?

4 A. An ultrasound scanning session is when somebody
5 goes in for an ultrasound, and there's a period of time
6 when ultrasonography is happening or being conducted.

7 But the word "scan" is a vague term. Most
8 people may understand that as a session, or they may
9 understand that as a particular scan.

10 THE WITNESS: Should I explain myself?

11 MR. LINDEGREN: He can ask another question.

12 THE WITNESS: Okay.

13 BY MR. BARON:

14 Q. So if there was just one scan -- ultrasound scan
15 for each of the 250 women, at the most, would that
16 amount to 750 ultrasound scans?

17 MR. LINDEGREN: Vague and ambiguous as to what
18 scan.

19 THE WITNESS: As I said, yes. For scanning
20 sessions, that would amount to 750 scanning sessions.

21 BY MR. BARON:

22 Q. How many ultrasound scans were conducted in the
23 EMA Study?

24 MR. LINDEGREN: Lacks foundation. Calls for
25 speculation.

1 But you may answer, if you understand the
2 question.

3 THE WITNESS: I already answered the question,
4 which is that three scanning sessions were conducted --
5 one in early, one in middle and one in late pregnancy.

6 THE COURT REPORTER: Let me say, Mr. Lindegren,
7 when you're doing your objections, you're kind of
8 trailing off at the end.

9 So I'm getting your -- your -- the beginning of
10 it, "Lacks foundation, calls for speculation," and then,
11 whatever you're saying after that, is kind of low, and
12 I'm not getting that.

13 MR. LINDEGREN: I'm sorry, Mr. Anderson. I'll
14 speak up.

15 THE COURT REPORTER: Thank you.

16 BY MR. BARON:

17 Q. Dr. Wadhwa, I'll ask again. I'm not asking
18 about ultrasonography sessions.

19 My question is: How many ultrasound scans were
20 conducted in the EMA Study?

21 MR. LINDEGREN: Objection. It's vague as to
22 whether you mean files or scans or scanning sessions.

23 You can answer.

24 THE WITNESS: I don't know what you mean by
25 "scan." Sorry. I can't answer that accurately.

1 BY MR. BARON:

2 Q. Do you know what an ultrasound scan is?

3 A. I know the procedure, yes. I know
4 ultrasonography. I don't know, as I said, what you mean
5 by the term "scan."

6 MR. LINDEGREN: Are you -- are you asking how
7 many files there are for each participant?

8 MR. BARON: Counsel, let me just address the
9 witness, please.

10 MR. LINDEGREN: Well, I'm asking you for
11 clarification, Mr. Baron.

12 MR. BARON: I'll -- I'll clarify. I'll clarify.

13 MR. LINDEGREN: Are you asking about the number
14 of files or the number of visits per person? It might
15 help.

16 Go ahead.

17 MR. BARON: And, again, please let the witness
18 ask any questions, if he wants clarification.

19 MR. LINDEGREN: I was asking for --

20 MR. BARON: I'm asking --

21 MR. LINDEGREN: -- me, Mr. Baron. It's
22 ambiguous.

23 MR. BARON: You can raise an objection, Counsel,
24 but, please, do not interrupt the witness.

25 MR. LINDEGREN: No one has interrupted anyone,

1 Mr. Baron. I know that's your favorite saying, but no
2 one interrupted anyone.

3 You can proceed, sir.

4 MR. BARON: I'll rephrase the question, once
5 again.

6 BY MR. BARON:

7 Q. Do you know what an ultrasound scan is?

8 A. I don't know what you mean by the word "scan."

9 Q. So it is your testimony here today that you
10 don't know what an ultrasound scan is?

11 MR. LINDEGREN: Argumentative. Misstates his
12 testimony.

13 THE WITNESS: No. That's not my testimony.

14 BY MR. BARON:

15 Q. So when I ask the question, do you know what an
16 ultrasound scan is, your answer is that you don't know
17 what -- what I mean by a scan; is that correct?

18 A. Correct, by the term "scan."

19 Q. Okay. The term I am asking about is ultrasound
20 scan.

21 Do you know what an ultrasound scan is?

22 A. I know what an ultrasound is. I don't know what
23 you mean by the term "scan."

24 Q. Earlier in your testimony today, you had stated
25 that there were, at the most, three ultrasound scans

1 conducted for the 250 women in the study; is that
2 correct?

3 A. No.

4 MR. LINDEGREN: Objection. Misstates his
5 testimony.

6 THE WITNESS: No, that's not correct.

7 BY MR. BARON:

8 Q. Okay. What is the correct answer?

9 A. Correct answer, to the best of my recollection,
10 was that I stated there were, at the most, three
11 ultrasound scanning sessions.

12 Q. Okay. Let me ask you this: In those ultrasound
13 scanning sessions, were any ultrasound scans taken?

14 A. Again, I don't know what you mean by "scan."
15 And, now, I don't know what you mean by "taken."

16 What is a "scan," and what does "taken" mean?

17 MR. LINDEGREN: I'm going to object as to the
18 way the question is phrased, what you mean by "scan."

19 Are you talking about ultrasound files or just
20 one session?

21 MR. BARON: Counsel, I'm, again, asking you to
22 only state your objections, if you have any. Other than
23 that, let the witness answer or ask for clarification.

24 MR. LINDEGREN: He has, and you refused to
25 answer or clarify.

1 MR. BARON: Because you keep interrupting,
2 Counsel. Please, do not.

3 BY MR. BARON:

4 Q. I will ask one more time in an effort to get an
5 answer.

6 Dr. Wadhwa, do you know what an ultrasound scan
7 is?

8 A. I don't know what you mean by the term "scan."

9 Q. What was the location where ultrasound sessions
10 of EMA Study were conducted?

11 A. They were either conducted on these women at
12 their clinical provider, wherever that may be; or the
13 ones that were done for research purposes were done in
14 our research suite, which is in the City Tower Building
15 in Orange.

16 Q. For the purpose of the EMA Study that you were
17 conducting, is it your testimony that ultrasounds were
18 conducted at your facility in Orange, California?

19 A. Yes, the ones that we used, as I've stated, for
20 research purposes. We also have the ultrasound data
21 from ultrasonography that was done at their clinical
22 providers. And both of those data elements are used in
23 our study.

24 Q. Would you -- could you give me the name of the
25 facility where you conducted these ultrasound EMA Study

1 participants?

2 A. The ones we did for research purposes were
3 conducted at our research suite, which is located in a
4 building called the City Tower Building, which is
5 located in the City of Orange in the State of
6 California.

7 Q. And when were these ultrasounds conducted for
8 EMA Study?

9 A. I don't know what you mean by "when." Are you
10 saying -- I mean, perhaps, the answer you may be looking
11 for is, they were conducted while the women were
12 participants in our study.

13 But if you mean something else, well, then,
14 please clarify.

15 Q. I'm asking if you can give me a month or a year
16 when these were conducted for the EMA Study.

17 A. No, I can't.

18 Q. You're unable to give me even a year that they
19 were conducted?

20 A. All I can tell you is they were conducted while
21 the women were participants in our study. The study ran
22 for about five years.

23 So during that five-year period would have been
24 when these ultrasounds were -- were performed for the
25 purpose of our study.

1 Q. Can you provide any names of any personnel who
2 conducted the ultrasounds in EMA Study?

3 A. Yes.

4 Q. When can you provide those?

5 MR. LINDEGREN: When, or are you asking who?

6 BY MR. BARON:

7 Q. When are you able to provide those? Are you
8 able to provide those later today after the deposition
9 or next week? I'm asking: When are you?

10 A. Right now, if you want.

11 Q. Okay. So after the depositions --

12 MR. LINDEGREN: Excuse me. I'm going to object.
13 We're not keeping the deposition open. He's inviting to
14 you ask him right now, Mr. Baron.

15 BY MR. BARON:

16 Q. Do you recall the names, as we sit here right
17 now, and how many personnel are there?

18 MR. LINDEGREN: Compound.

19 You can answer.

20 THE WITNESS: There were three doctors who
21 primarily did the ultrasound or the studies for our --
22 our research study.

23 BY MR. BARON:

24 Q. What were their names?

25 A. The first one Dr. Kaeko Sumiyoshi.

1 Q. Could you spell their names for the court
2 reporter, please?

3 A. Yeah. The first one is Dr. Kaeko Sumiyoshi.
4 K-a-e-k-o. That's her first name. Her last name is
5 Sumiyoshi, S-u-m-i-y-o-s-h-i.

6 The second is Dr. Masa. I'm not remembering his
7 last name correctly. But let me just say his first name
8 was Masa, M-a-s-a.

9 The third doctor is Satoru Ikenoue. The first
10 name is S-a-t-o-r-u. And the last name is Ikenoue,
11 I-k-e-n-o-u-e.

12 Q. And you're -- you don't recall Dr. Masa's last
13 name; is that correct?

14 A. I don't precisely recall it.

15 Q. Are you able to provide that later on?

16 A. I can -- yeah, I can give to you approximately,
17 if that works.

18 MR. LINDEGREN: Why don't you give him what you
19 remember?

20 THE WITNESS: I remember it being Ohasa,
21 O-h-a-s-a.

22 BY MR. BARON:

23 Q. Okay. If -- if it is any different or
24 completely different than that, then, please, let -- let
25 us know.

1 How many participants -- or let me rephrase that
2 question.

3 You testified earlier today that there were
4 approximately 250 participants in the EMA Study; is that
5 correct?

6 A. Correct.

7 Q. Is an ultrasound unique to a pregnant woman?

8 A. I don't understand what you mean by that.

9 Q. Can one pregnant woman's ultrasound be used to
10 calculate a different woman's pregnancy trimester?

11 A. Again, I don't know about pregnancy trimester,
12 but if you're asking about gestational age and
13 assessment, no.

14 One woman's ultrasound sonography cannot be used
15 to compute a different woman's gestational age at the
16 given time of the pregnancy.

17 Q. Did you tell the federal government that you
18 will calculate pregnancy trimesters via medical records
19 of the pregnant women in EMA Study?

20 MR. LINDEGREN: Misstates his testimony. It's
21 argumentative.

22 THE WITNESS: We just told -- we just state in
23 our grant application that gestational age and
24 assessment are -- at delivery, would be based on
25 ultrasonography.

1 We did not state which - whether it would be
2 clinical ultrasonography or research ultrasonography
3 that we did.

4 BY MR. BARON:

5 Q. Did you take medical records of each pregnant
6 woman in the EMA Study?

7 A. Yes.

8 Q. Did the medical records of each pregnant woman
9 in the EMA Study contain the gestational age or the
10 trimester information?

11 A. Gestational age is not the same as trimester, as
12 I keep telling you. But, yes, the medical records do
13 contend -- they date her pregnancy. So, at any given
14 time, you can know what her gestational age is.

15 Q. Okay. Once again, Dr. Wadhwa, if you would
16 listen to my question carefully, they might seem
17 repetitive, but they are not.

18 MR. LINDEGREN: I'm going to object to your
19 comment to listen to your question carefully.

20 BY MR. BARON:

21 Q. Did you calculate each pregnant woman's tri- --
22 trimester and EMA Study by using the ultrasound that you
23 conducted in EMA Study?

24 MR. LINDEGREN: Asked and answered.

25 THE WITNESS: The answer is no. We did not

1 calculate the trimester.

2 BY MR. BARON:

3 Q. Did you calculate each pregnant woman's
4 gestational age in EMA Study by using her medical
5 record?

6 A. Yes.

7 Q. Did the plaintiff inform you that he could not
8 find any basis for the pregnancy trimester values in the
9 EMA Study data?

10 A. Something to that effect, yes.

11 Q. Did the --

12 MR. LINDEGREN: Hold on.

13 I have an objection as to "trimester values" to
14 be vague and ambiguous.

15 You can go ahead.

16 BY MR. BARON:

17 Q. Now, did the plaintiff ask you if ultrasound
18 scans were conducted -- let me go back one second,
19 because counsel objected after the witness answered.

20 So I'll ask the question again.

21 Did the plaintiff inform you that he could not
22 find any basis for the pregnancy trimester values in --

23 MR. LINDEGREN: Objection.

24 BY MR. BARON:

25 Q. -- in de- --

1 MR. LINDEGREN: I'm sorry. Go ahead.

2 I just want to make sure I got my objection in.

3 Go ahead.

4 MR. BARON: I'll start again.

5 BY MR. BARON:

6 Q. Did the plaintiff inform you that he could not
7 find any basis for the pregnancy trimester values in the
8 EMA Study data?

9 MR. LINDEGREN: It's vague and ambiguous as to
10 "trimester values." That's not a value.

11 THE WITNESS: My answer is yes, something to
12 that effect. The plaintiff did not understand what a
13 pregnancy trimester is and what we were labeling that
14 versus study visit and did ask questions about that.

15 BY MR. BARON:

16 Q. Did the plaintiff ask you if ultrasound scans
17 were conducted for all women in EMA Study?

18 A. The plaintiff did not ask that question to us.

19 Q. Did plaintiff ask you if medical records were
20 collected for all women in the EMA Study?

21 A. I do not recall the plaintiff asking us that
22 either.

23 Q. Dr. Wadhwa, you're -- you're answering in the
24 plural that -- I'm asking the questions to you
25 specifically. So I'll ask the question again.

1 Did the plaintiff ask you, Dr. Wadhwa --

2 A. Um-hum.

3 Q. -- if medical records were collected for all
4 women in EMA Study?

5 A. Not to my recollection. He did not.

6 Q. Was Elizabeth Ward involved in the EMA Study?

7 A. She was involved in data analysis of the data
8 from the EMA Study.

9 Q. Was Elizabeth Ward involved in calculating
10 pregnancy trimesters in EMA Study?

11 A. No.

12 MR. LINDEGREN: Hold on.

13 Objection. Vague and ambiguous as to
14 "calculating pregnancy trimesters." Misstates the
15 testimony. Calls for speculation.

16 You can proceed.

17 THE WITNESS: My answer is, no, she was not.

18 BY MR. BARON:

19 Q. Was Annamarie Stehli involved in the EMA Study?

20 A. Again, yes, in working on data analysis.

21 Q. Was Annamarie Stehli involved in calculating
22 pregnancy trimesters in EMA Study?

23 MR. LINDEGREN: Same objections to the last
24 question.

25 You can answer.

1 THE WITNESS: No, because those were not
2 calculated values. So the answer is no, she was not
3 involved. How could she be involved in something that
4 wasn't done?

5 BY MR. BARON:

6 Q. Were you involved in calculating pregnancy
7 trimesters in EMA Study?

8 A. No.

9 Q. Were you aware that plaintiff was asking
10 Elizabeth Ward for ultrasounds in EMA Study?

11 A. No.

12 MR. LINDEGREN: Hold on.

13 Objection. It's compound. Assumes facts not in
14 evidence.

15 You can answer.

16 THE WITNESS: No.

17 MR. LINDEGREN: It assumes that she was --

18 THE WITNESS: No, I was not.

19 BY MR. BARON:

20 Q. Were you aware that plaintiff was also asking
21 Dr. Gillen, Elizabeth Ward and Annamarie Stehli for any
22 basis for the trimester values listed in EMA Study?

23 MR. LINDEGREN: Compound.

24 You can answer.

25 THE WITNESS: Yes, I already said he was asking

1 about something to the effect of what this means, where
2 this comes from. Yes, I do recall that, as I've stated.

3 BY MR. BARON:

4 Q. In response to counsel's objection, I'll
5 rephrase the question.

6 Were you aware that plaintiff was asked -- also
7 asking Dr. Gillen for any basis for the trimester values
8 listed in EMA Study data?

9 MR. LINDEGREN: Compound. Vague as to
10 "trimester values."

11 THE WITNESS: My answer is yes.

12 BY MR. BARON:

13 Q. Were you aware that plaintiff was also asking
14 Elizabeth Ward for any basis for the trimester values
15 listed in EMA Study data?

16 A. Yes.

17 Q. Were you at -- aware that plaintiff was also
18 asking Annamarie Stehli for any basis for the trimester
19 values listed in EMA Study data?

20 A. Yes.

21 Q. Were you aware that Elizabeth Ward told the
22 plaintiff that trimester values and EMA Study data were
23 just guesses?

24 A. I'm not aware that she ever said anything like
25 that.

1 Q. Were you aware that Elizabeth Ward told the
2 plaintiff that trimester values in EMA Study data were
3 guessed by Elizabeth Ward?

4 MR. LINDEGREN: Asked and answered. It's also
5 vague as to whatever you mean by "trimester values."
6 His testimony is there is no value.

7 THE WITNESS: My answer is no, I'm not aware of
8 it.

9 BY MR. BARON:

10 Q. Were you aware that Elizabeth Ward told the
11 plaintiff that trimester values in EMA Study data were
12 guessed by Annamarie Stehli?

13 MR. LINDEGREN: Same objection. Vague and
14 ambiguous as to "trimester values."

15 THE WITNESS: No, I'm not aware of it.

16 BY MR. BARON:

17 Q. Were you aware that Elizabeth Ward told the
18 plaintiff that trimester values in EMA Study data were
19 guessed by you?

20 A. No.

21 MR. LINDEGREN: Also objection. Compound.
22 Again, vague and ambiguous as to "trimester."

23 BY MR. BARON:

24 Q. Dr. Wadhwa, are you aware that, in the EMA Study
25 data, the pregnancy trimesters were included?

1 A. I'm aware --

2 MR. LINDEGREN: Hold -- hold on.

3 It's vague and ambiguous and incomplete. It's
4 also compound.

5 You -- you can answer, to the extent you
6 understand the question.

7 THE WITNESS: Could you please clarify what you
8 mean by, again, "pregnancy trimesters" and what you mean
9 by "using of the study."

10 MR. BARON: Mr. Court Reporter, could you repeat
11 the question, please?

12 THE COURT REPORTER: Sure.

13 MR. BARON: The question that I asked.

14 THE COURT REPORTER: Okay.

15 MR. BARON: Thank you. Thank you.

16 (Whereupon, the record was read back by the
17 Court Reporter as follows:

18 Q. "Dr. Wadhwa, are you aware that, in the
19 EMA Study data, the pregnancy trimesters
20 were included?")

21 MR. LINDEGREN: It's compound. Vague as to
22 "trimesters."

23 THE WITNESS: My -- my answer is no, they were
24 not included.

25 ///

1 BY MR. BARON:

2 Q. Is it your testimony here today, Dr. Wadhwa,
3 that the EMA Study data did not include "Trimesters" as
4 a column in the data?

5 A. No, that's not my testimony.

6 THE COURT REPORTER: "That's not my testimony"?

7 THE WITNESS: Correct. That's the answer I
8 give.

9 No, that is not my testimony.

10 BY MR. BARON:

11 Q. Okay. Your testimony seems to be conflicting
12 because, earlier, you stated that EMA data did not
13 include trimesters; is that correct?

14 A. Correct.

15 Q. But then, I asked you that, if you were aware
16 that the EMA data included "Trimesters" as a column, and
17 your -- and your answer was that you didn't know that?

18 A. No, no. I said yes.

19 MR. LINDEGREN: It's compound, and it misstates
20 the record.

21 THE WITNESS: My answer to his question was,
22 yes, when he asked, was I aware that our data includes a
23 column for "Trimesters" for pregnancy trimesters.

24 BY MR. BARON:

25 Q. Okay. Just -- just to be clear.

1 So you were aware that the EMA data included a
2 column called "Trimesters"?

3 A. Yes.

4 Q. Okay. Were you aware that EMA Study data
5 contained guessed pregnancy trimester values?

6 MR. LINDEGREN: Hold on.

7 It's compound, the way you're phrasing it. It's
8 assuming that what you're saying is true. In other
9 words, were you aware that it happened, is compound.

10 MR. BARON: Counsel, please just raise your
11 objection. That's all you need to do.

12 MR. LINDEGREN: What I'm doing, Mr. Baron --
13 I've been very patient with you.

14 It's a compound question. It's assuming a fact
15 it's a pregnant admission, not the pun on the word
16 "pregnant." If you would ask a proper question, you
17 wouldn't get an objection.

18 MR. BARON: We can go ahead and -- and file a
19 motion to compel if you continue this, I'm warning you,
20 if you continue your behavior, Counsel.

21 MR. LINDEGREN: Mr. Baron --

22 MR. BARON: I'm done with you. Let me go ahead
23 to the witness.

24 MR. LINDEGREN: Stop the threatening. You've
25 threatened the judge. You've threatened everybody in

1 this case. Stop it and ask your questions.

2 I've made a legitimate objection. I was trying
3 to help you. I know you're representing yourself.

4 When you ask a question, are you aware that the
5 sky was falling, that is a compound question. It's not
6 a fair question.

7 It's the same as asking, when did you stop
8 beating your wife. Please proceed, sir.

9 MR. BARON: Once again, do not interrupt.

10 BY MR. BARON:

11 Q. Dr. Wadhwa, I'll ask the question.

12 You've testified this morning -- or this
13 afternoon that the EMA Study contained a column called
14 "Trimesters"; is that correct?

15 A. Correct.

16 Q. Were you aware that that column called
17 "Trimesters" contained values in that column?

18 A. Yes.

19 Q. Were you aware that those values were G1, G2,
20 G3 -- and by "G," I mean "G" as in gold -- so G1, G2,
21 G3? Were you aware?

22 A. Only in some data files, not in others. So the
23 same problem pregnancy trimesters. It wasn't pregnancy
24 trimesters. But the following was called trimester. In
25 some data files, it was called that. And, in some, I

1 recall there was a G1, a G2, G3, yes.

2 Q. Do you know what the "G" stood for in the
3 trimester values?

4 A. I recall -- no, I -- my answer is I do not know,
5 but I recall that question being asked. And I recall
6 that question being answered as group -- Group 1,
7 Group 2, Group 3, so that that -- the info would not get
8 mixed up from the file from which it was pulled.

9 Q. So at no time were you aware that the letter G
10 stood for "guessing"?

11 A. No.

12 MR. LINDEGREN: Also, again, it's compound.

13 BY MR. BARON:

14 Q. Were you aware that EMA Study data contained
15 fabricated pregnancy trimester values?

16 MR. LINDEGREN: Objection. It's compound.
17 There's no evidence that there was anything fabricated.

18 THE WITNESS: Could you re-ask your question,
19 please.

20 MR. LINDEGREN: In other words, he's assuming
21 that what he's saying is --

22 THE WITNESS: I understand.

23 MR. LINDEGREN: Right. It's an improper
24 question.

25 MR. BARON: Once again, I'm going ask the

1 defense counsel not to coach the witness.

2 MR. LINDEGREN: I'm helping the witness because
3 you refuse to ask a proper question. If you ask
4 somebody, when did you stop beating your wife, it's a
5 compound question.

6 By answering it and saying, "I don't know," they
7 just admitted that they beat their wife. That's unfair,
8 and you know it. Please ask a proper question,
9 Mr. Baron.

10 MR. BARON: Once again, Defense Counsel, you
11 continue to interrupt. Do not interrupt this
12 deposition. Do not interrupt, once again.

13 MR. LINDEGREN: Ask your questions. Try to ask
14 a proper question. You need to lay a foundation. You
15 can't assume what you've already assumed.

16 Otherwise, I'm going continue to object as
17 compound, unless you want to give me a continuing
18 objection, and then I don't have to raise it each time,
19 which I would prefer.

20 MR. BARON: Maybe you should learn how to object
21 properly, but I don't want to get into that with you.

22 Mr. Court Reporter, could you repeat the last
23 question that the witness requested, please.

24 THE COURT REPORTER: Give me one moment.

25 MR. BARON: Yeah. I apologize. I'm trying to

1 conduct this as professionally as I can.

2 (Whereupon, the record was read back by the
3 Court Reporter as follows:

4 Q. "Were you aware that EMA Study data
5 contained fabricated pregnancy trimester
6 values?")

7 MR. LINDEGREN: Compound.

8 THE WITNESS: The EMA data did not contain
9 fabricated EMA pregnancy values or fabricated anything,
10 for that matter.

11 BY MR. BARON:

12 Q. Were you aware that plaintiff had concerns that
13 no ultrasound scans existed in the EMA Study data?

14 MR. LINDEGREN: Compound.

15 THE WITNESS: No, I'm not aware that he had such
16 concern.

17 BY MR. BARON:

18 Q. Did you know that plaintiff had reported these
19 concerns at University of California, Irvine?

20 MR. LINDEGREN: Compound. Vague and ambiguous
21 as to "these concerns."

22 THE WITNESS: I knew he had reported these well
23 after the time when he was associated with the study. I
24 did not know that he had reported this during the time
25 he was associated with the study.

1 BY MR. BARON:

2 Q. What is your understanding of the word
3 "whistleblower"?

4 A. My understanding of the word "whistleblower" is
5 somebody who reports fraud within some entity that she
6 or he is a part of.

7 Q. During plaintiff's employment at UC Irvine, did
8 you know the meaning of the word "whistleblower"?

9 A. Yes, in -- insofar as I defined it just now,
10 yes.

11 Q. Were you aware that plaintiff had become a
12 whistleblower during his employment at UC Irvine?

13 MR. LINDEGREN: It's compound.

14 THE WITNESS: No.

15 MR. LINDEGREN: Vague and ambiguous as to time.

16 THE WITNESS: No, I did not know that during
17 his -- I did not know that he had become one or tried to
18 become one during the time he was with us with the
19 study.

20 BY MR. BARON:

21 Q. Were you aware that plaintiff had become a
22 whistleblower by reporting his concerns regarding
23 trimester calculations in EMA Study?

24 MR. LINDEGREN: Compound.

25 THE WITNESS: I would like clarification when

1 you ask me, were you aware, when was I aware. Can you
2 clarify when you're asking me for, as to when I may or
3 may not have been aware.

4 BY MR. BARON:

5 Q. I'll rephrase the question.

6 During plaintiff's employment at UC Irvine, were
7 you aware that plaintiff had become a whistleblower?

8 A. No, I did not, not during his employment at UC
9 Irvine.

10 Q. During plaintiff's employment at UC Irvine, were
11 you aware that plaintiff had become a whistleblower by
12 reporting his concerns regarding trimester calculations
13 and EMA Study?

14 MR. LINDEGREN: Compound.

15 But you can answer.

16 THE WITNESS: I just did. I said no, I was not
17 aware of him becoming a whistleblower by whatever he
18 said during his employment with us.

19 BY MR. BARON:

20 Q. Were you aware that plaintiff had reported his
21 concerns about the EMA Study to University of California
22 Irvine's Research Integrity Officer [sic]?

23 MR. LINDEGREN: Vague as to time. And compound.

24 THE WITNESS: When you ask -- could -- could you
25 clarify -- could you clarify when you ask me, was I

1 aware -- a long period of time has passed since then.

2 So could you clarify as to when you're asking me
3 I was aware. And then, I can answer you. It's a
4 straightforward answer.

5 BY MR. BARON:

6 Q. Dr. Wadhwa, do you recall, in the beginning of
7 this deposition, I had asked you that the questions I
8 will ask in this deposition pertain to the period of
9 plaintiff's employment with UC Irvine from February 2017
10 to June 2017, and I asked you if you understood, and
11 your answer was that you did; is that correct?

12 A. Correct.

13 Q. So the questions I'm asking you, they pertain to
14 plaintiff's employment at UC Irvine from February 2017
15 to June 2017.

16 Do you understand?

17 A. Yes.

18 Q. Okay. So I will ask the question again.

19 Were you aware that plaintiff had reported his
20 concerns to University of California, Irvine's Research
21 Integrity Office during his employment at UC Irvine?

22 A. No.

23 Q. Did anyone from University of California,
24 Irvine's Research Integrity Officer -- Office ever
25 communicate with you regarding plaintiff's reporting

1 during his employment at UC Irvine?

2 MR. LINDEGREN: Same timeframe. Compound.

3 THE WITNESS: The answer is two parts. One, I
4 don't recall anybody from UC Irvine talking to me about
5 plaintiff's complaints.

6 I do recall some investigator from the Office of
7 the UC President talking to me, so the answer to that is
8 yes.

9 And, furthermore, the answer is that I recall
10 him talking with me a long period of time after the
11 plaintiff was no longer working at UC Irvine, at least
12 several months, perhaps even a year afterwards.

13 That's when I recall him talking to me about
14 this.

15 BY MR. BARON:

16 Q. So in an effort to just clarify, see if I can
17 clarify this, is it -- your testimony here today is that
18 you don't recall anybody from UC Irvine's Research
19 Integrity Officer [sic] ever communicating with you
20 during plaintiff's employment?

21 A. Correct, yes.

22 Q. And also, it is your testimony that you do
23 recall someone from University of California President's
24 Office communicating with you.

25 Was that during plaintiff's employment or after?

1 A. After. Much after.

2 Q. Were you aware that plaintiff had reported his
3 concerns to University of California, Irvine's Human
4 Resources Department during his employment --

5 MR. LINDEGREN: Vague and ambiguous.

6 BY MR. BARON:

7 Q. -- in Irvine?

8 MR. LINDEGREN: Vague and ambiguous as to
9 "concerns."

10 THE WITNESS: I -- I don't know what the
11 plaintiff had reported. I know, at the last meeting
12 that I recall with the plaintiff, there was somebody
13 from -- from that office there.

14 So I, obviously, assumed that, since I'm not the
15 one who'd talked to them, that it must have been the
16 plaintiff. But I don't know what he said or did not say
17 or report or did not report to them.

18 BY MR. BARON:

19 Q. Okay. Let me just ask the question again.

20 Were you aware that plaintiff had reported his
21 concerns regarding the EMI study to the UC Irvine Human
22 Resources Department during his employment?

23 A. No, not aware.

24 Q. Did anyone from UC Irvine Human Resources ever
25 communicate with you regarding plaintiff's reporting

1 regarding -- in connection with EMA Study?

2 MR. LINDEGREN: It's compound.

3 And are you still using the same timeframe,
4 during your employment?

5 MR. BARON: It is still using the timeframe, as
6 I declared earlier. If there was any different, I will
7 advise the witness. So this is still during the
8 plaintiff's employment.

9 THE WITNESS: Can you please repeat the
10 question.

11 MR. BARON: Mr. Court Reporter, could you please
12 repeat my last question to the witness.

13 (Whereupon, the record was read back by the
14 Court Reporter as follows:

15 Q. "Did anyone from UC Irvine Human
16 Resources ever communicate with you
17 regarding plaintiff's reporting
18 regarding -- in connection with EMA
19 Study?")

20 THE WITNESS: No, not -- not regarding any
21 concerns or connection with the EMA Study, no. My
22 answer is no.

23 BY MR. BARON:

24 Q. Were you aware that plaintiff had reported his
25 whistleblowing regarding EMA Study to UC Irvine's Equal

1 Employment Office?

2 MR. LINDEGREN: Compound.

3 You can answer.

4 THE WITNESS: I was not aware, during the period
5 when the plaintiff was working on -- with us on the
6 study.

7 BY MR. BARON:

8 Q. Did you become aware that plaintiff had reported
9 his whistleblowing regarding EMA Study to UC Irvine's
10 Equal Employment Opportunity Office after the
11 plaintiff's employment at UC Irvine?

12 A. Yes, I did.

13 Q. Were you aware that plaintiff had reported his
14 whistleblowing regarding EMA Study to the federal
15 government during his employment at UC Irvine?

16 A. No, I was not.

17 Q. Is it true that you were responsible for
18 plaintiff's termination from UC Irvine?

19 A. No, it is not true.

20 Q. Is it true that you had a major role in
21 plaintiff's termination from UC Irvine?

22 A. I do not know what role, if any, I had.

23 Q. Is it true that plaintiff was terminated in
24 retaliation to his whistleblowing regarding EMA Study?

25 A. I -- as I just said, I don't know the facts of

1 his termination. I do not believe -- I do not believe
2 that to be the case.

3 Q. Were you aware that plaintiff has -- had filed a
4 whistleblower complaint after his termination from UC
5 Irvine?

6 A. Yes, I became aware of that after his
7 termination.

8 Q. Did any investigator ever communicate with you
9 regarding plaintiff's whistleblower complaint filed
10 after his termination?

11 A. I don't know if it was specifically about
12 whistleblower or which claim because, my understanding,
13 after he was terminated -- well after -- is that the
14 plaintiff filed -- I don't know -- half a dozen, dozen
15 of claims on different things, including whistleblowing.

16 As I mentioned previously in my testimony, I was
17 contacted by an investigator from the Office of the UC
18 President about his -- the duration of his time with
19 us -- with my study and about certain things during
20 that.

21 I do not recall whether it was specifically
22 about whistleblowing testimony or about, you know, what
23 of his other numerous claims.

24 Q. Were you aware that whistleblower retaliation
25 against a University of California employee is a crime

1 while plaintiff was employed at UC Irvine?

2 MR. LINDEGREN: It's vague and ambiguous. It's
3 also compound.

4 THE WITNESS: I -- I am generally aware of --
5 of -- of something to that effect, yes.

6 BY MR. BARON:

7 Q. Okay. I'll repeat the question because I'm
8 asking about the period when the plaintiff was employed
9 at UC Irvine, so I'll repeat the question.

10 Were you aware that whistleblower retaliation
11 against a University of California employee is a crime
12 during plaintiff's employment at UC Irvine?

13 MR. LINDEGREN: Vague and ambiguous.

14 You can answer, if you understand what he's
15 asking.

16 THE WITNESS: I can guess -- but, anyway, yes,
17 I'm -- as I said, I'm generally aware of something to
18 that effect in the law, yes.

19 BY MR. BARON:

20 Q. Okay. I'll ask one more time.

21 Dr. Wadhwa, when you were giving your answer
22 saying, "I am generally aware," it sounds to me that
23 you're referring to the present tense, "I am."

24 But my question is in the past.

25 So in -- in the period when plaintiff was

1 employed at UC Irvine from January 2017 to June 2017,
2 were you aware in that period of time that whistleblower
3 retaliation against a University of California employee
4 was a crime?

5 A. Yes. I would have been aware, yes.

6 Q. Were you aware that plaintiff had filed a police
7 report with University of California, Irvine Police
8 Department regarding his termination from UC Irvine?

9 MR. LINDEGREN: Vague as to time.

10 THE WITNESS: Not -- I was not aware, during the
11 period of his employment. I became subsequently aware
12 of that.

13 BY MR. BARON:

14 Q. Did any investigator ever communicate with you
15 regarding plaintiff's police report filed with UC Irvine
16 Police Department regarding his termination from UC
17 Irvine?

18 A. Can you clarify as to when they communicated
19 with me. Was it -- are you asking about during the time
20 when the plaintiff was employed, or are you asking about
21 did someone communicate with me subsequent to that
22 period of time?

23 Q. Sure. I -- I will rephrase the question.

24 If you notice, the question states "ever." So,
25 now, this is not limited to just plaintiff's employment.

1 I'll rephrase the question.

2 Did any investigator ever communicate with you
3 regarding plaintiff's police report filed with UC Irvine
4 Police Department in regards to his termination from UC
5 Irvine?

6 A. Yes.

7 Q. Did anyone from Orange County District
8 Attorney's Office ever communicate with you regarding
9 plaintiff's police report filed with UC Irvine Police
10 Department regarding his termination?

11 A. No, I -- I don't recall anyone doing so.

12 Q. Did you ever, personally, financially benefit
13 from the EMA Study grant?

14 A. No.

15 Q. What was Karen Lindsey's role during plaintiff's
16 employment at UCI within the EMA Study?

17 A. She was a post doctorate scholar, and she was
18 the coordinator of all our research activity at that
19 time.

20 Q. Did Karen Lindsey report to you?

21 A. Yes. At that time, yes.

22 Q. During the time of plaintiff's employment at UC
23 Irvine, did you ever ask Karen Lindsey to retaliate
24 against the plaintiff for his whistleblowing in regards
25 to EMA Study?

1 A. The answer is absolutely no. Furthermore, I did
2 not know, during that time, that he is even making any
3 whistleblower or other claims.

4 Q. Did you ever ask Karen Lindsey to revoke
5 plaintiff's access to EMA data while he was employed at
6 UC Irvine?

7 A. Yes.

8 Q. When did you ask her to do that?

9 A. It was after I decided that the plaintiff is no
10 longer to work on our study -- on the EMA Study and on
11 our data.

12 Q. And what drove you to make that decision?

13 A. The -- the incompetence of the plaintiff in his
14 job performance.

15 Q. When you say "plaintiff's incompetence," what do
16 you mean by "plaintiff's incompetence"?

17 A. I mean, several examples of incompetence. The
18 most immediate one at that time were his failure to even
19 understand the task he was assigned, leave alone,
20 fulfill it of combining data files.

21 I also mean his incompetence and even
22 understanding what the difference is between a label or
23 variable and what a calculated trimester value is.

24 Those are the examples of incompetence that come
25 to mind right now.

1 Q. Do you have any evidence to support your claimed
2 allegations about plaintiff's incompetence?

3 MR. LINDEGREN: Objection. It's argumentative.
4 It's a contention interrogatory, an improper question of
5 the Rifkind kind.

6 I'll instruct him not to answer a contention
7 interrogatory as to evidence.

8 (Instruction Not to Answer.)

9 MR. LINDEGREN: You're not a lawyer. If you
10 want to ask him the basis, that's fine. But, otherwise,
11 I recommend you to read Rifkind, and you cannot ask a
12 contention interrogatory in a deposition.

13 MR. BARON: Counsel, just a simple objection
14 would have been fine.

15 I'll rephrase the question.

16 BY MR. BARON:

17 Q. Were you aware, during the time of plaintiff's
18 employment at UC Irvine, of any specific supporting
19 documentation to any incompetence by the plaintiff?

20 A. Can you clarify what you mean by the term
21 "documentation."

22 Q. Do you understand what the word, "documentation"
23 means?

24 A. Generally, yes.

25 Q. Okay. What is -- what does it mean?

1 A. It means a document of something.

2 Q. That's sufficient. That's what I'm asking.

3 MR. LINDEGREN: Can you restate the question,
4 please. I don't have it in mind.

5 MR. BARON: Mr. Court Reporter, would you be so
6 kind to repeat my last question, please.

7 THE COURT REPORTER: One moment.

8 (Whereupon, the record was read back by the
9 Court Reporter as follows:

10 Q. "Were you aware, during the time of
11 plaintiff's employment at UC Irvine, of any
12 specific supporting documentation to any
13 incompetence by the plaintiff?")

14 MR. LINDEGREN: Vague as to "documentation."
15 You can answer.

16 THE WITNESS: So what I will answer, without
17 qualifying the term "documentation," that I'm certainly
18 aware of e-mails between the plaintiff, me, other
19 members of the research group where he was asked to
20 perform certain tasks and his -- that not being
21 performed for several tasks. And I am aware of that.

22 BY MR. BARON:

23 Q. But as we sit here today, are you able to give
24 maybe one example of such -- such a task that, according
25 to you, the plaintiff was not able to complete?

1 A. I just gave you three a few minutes back, not
2 one.

3 So there were two specific tasks at two
4 different times when he was asked to combine various
5 data elements from different files, and he was unable
6 to, as I mentioned, perform the task.

7 He was unable, as I mentioned, to even
8 understand what was being asked of him, let alone
9 perform the task. That, in my view, was the level of
10 incompetence of the plaintiff.

11 I gave you a third example, which is, he seemed
12 unable to even understand the difference between a label
13 or a variable that he had to be explained numerous times
14 and the calculations are not of that variable.

15 So those are, at least, three examples that I'm
16 repeating for the second time now.

17 Q. During plaintiff's employment at UC Irvine, did
18 you ever demean the plaintiff?

19 A. No.

20 Q. During plaintiff's employment at UC Irvine, did
21 you ever berate the plaintiff?

22 A. No.

23 Q. During plaintiff's employment at UC Irvine, did
24 you ever scream at the plaintiff?

25 A. No.

1 Q. During plaintiff's employment at UC Irvine, did
2 you ever physically threaten the plaintiff?

3 A. Gosh, no.

4 Q. During the plaintiff's employment at UC Irvine,
5 did you ever lose your temper at the plaintiff?

6 A. At the last meeting, I remember being terribly
7 frustrated and exasperated with the incompetence of the
8 plaintiff.

9 And I remember stating that loudly to that
10 effect. Other than that instance, I do not recall any
11 other time.

12 Q. Did Dr. -- let me ask you: Are you familiar
13 with who Dr. Babak Shahbaba is?

14 A. Yes, I am.

15 Q. Who's Dr. Babak Shahbaba?

16 A. He's a professor in the Department of
17 Statistics.

18 Q. During the plaintiff's employment at UC Irvine,
19 did Dr. Babak Shahbaba ever have to physically restrain
20 you in order to calm you down?

21 A. Absolutely not.

22 Q. During the plaintiff's employment at UC Irvine,
23 did you ever scream at the plaintiff to the level where
24 Dr. Babak Shahbaba had to tell you to be quiet?

25 A. No.

1 Q. What was the reason, that you know of, for
2 plaintiff's termination from University of California,
3 Irvine?

4 MR. LINDEGREN: Lacks foundation. Calls for
5 speculation.

6 THE WITNESS: I do not know the reason.

7 BY MR. BARON:

8 Q. Did the plaintiff ever fail to do any project
9 assigned to him by you?

10 A. Yes. Several.

11 Q. During the -- the time -- during the time that
12 the plaintiff was employed at UC Irvine, did you have
13 any issues with plaintiff's competence before he
14 reported his concerns regarding EMA Study?

15 MR. LINDEGREN: Okay. It's compound. Assumes
16 that you actually recorded anything or that he even knew
17 about it.

18 If you're asking him, when did he first have
19 any -- experience incompetence, he can answer.

20 Otherwise, it calls for speculation. It's
21 compound.

22 THE WITNESS: Yes. Could you please repeat the
23 question.

24 MR. BARON: Mr. Court Reporter, would you,
25 please.

1 (Whereupon, the record was read back by the
2 Court Reporter as follows:

3 Q. "During the -- the time -- during the
4 time that the plaintiff was employed at UC
5 Irvine, did you have any issues with
6 plaintiff's competence before he reported
7 his concerns regarding EMA Study?")

8 MR. LINDEGREN: Same objection.

9 THE WITNESS: Yeah. I'm -- as I've stated, I
10 had concerns -- many concerns about his competence. As
11 I've also stated, I did not know that he had done any
12 kind of reporting while he was working on the study.

13 BY MR. BARON:

14 Q. Dr. Wadhwa, have you, at any time during -- or
15 did you, at any time during plaintiff's employment at UC
16 Irvine, make any excuses regarding plaintiff's
17 performance that you knew were false?

18 A. No.

19 Q. Since plaintiff's termination to the present
20 time, have you ever made any claims regarding
21 plaintiff's competency that you knew were false?

22 A. No.

23 Q. Were your claims of plaintiff's alleged
24 incompetency made during when he was employed at UC
25 Irvine?

1 A. Yes.

2 MR. LINDEGREN: Hold on.

3 You can answer, but it's argumentative, as
4 phrased.

5 THE WITNESS: My answer is yes.

6 BY MR. BARON:

7 Q. You testified earlier that you revoked or you
8 asked Karen Lindsey to revoke plaintiff's access to the
9 EMA Study because plaintiff was -- as you said, was
10 competent; is that right?

11 A. Yes.

12 Q. Why is it, then, that you left plaintiff's
13 access to everything else, other than the EMA Study,
14 that he had complained about?

15 A. I did not do that. My instruction to my staff
16 was to revoke his access to all of our data. So my --
17 my instructions were for all of the data that relates to
18 any of our study.

19 Q. Is it your testimony that Karen Lindsey just did
20 not follow your instructions?

21 MR. LINDEGREN: Objection. Lacks foundation as
22 to what was revoked. Calls for speculation as to what
23 Karen Lindsey did or didn't do.

24 THE WITNESS: I have no idea what Karen did or
25 didn't do of -- of -- I can testify to you that -- that

1 I wanted the plaintiff's access to any of our study data
2 revoked with immediate effects.

3 BY MR. BARON:

4 Q. Dr. Wadhwa, during plaintiff's employment at UC
5 Irvine, were you aware of the plaintiff being videotaped
6 and recorded?

7 A. No, I'm not.

8 MR. LINDEGREN: By the way, it's compound.

9 Mr. Baron, by the way, you have a videotape of
10 yourself. You need to produce that. I believe we have
11 asked for that in the discovery. I'm not aware of any.

12 MR. BARON: Irrelevant commentary. We will
13 disregard that.

14 At this time, Mr. Wadhwa -- Dr. Wadhwa, these
15 are all the questions that I have for you for today.
16 Your deposition will be continued at a later date.

17 MR. LINDEGREN: No, we won't. You're done. You
18 get one shot at him. If you have more questions, we're
19 here. You noticed until at least 3:00. It's 1:44. If
20 you're adjourning, Mr. Baron, our position is the
21 deposition is concluded.

22 And we will not voluntarily be reproducing
23 Dr. Wadhwa or letting you, otherwise, inconvenience him.
24 If you want to meet and confer about it, that's fine.
25 But this is the single deposition rule. You now are

1 finished at 1:44 -- 1:45.

2 I'm going to take a quick break. I have
3 something I want to ask Dr. Wadhwa, and we'll be right
4 back.

5 MR. BARON: Stop.

6 Are you done?

7 MR. LINDEGREN: Well, I'd like to take a break.

8 MR. BARON: No. I say when there is a break, so
9 here's --

10 MR. LINDEGREN: That's not exactly true.

11 MR. BARON: -- here's the thing. Here's the
12 thing.

13 You are well aware -- if not, go look up the
14 rule -- that I'm entitled to seven hours of this witness
15 deposition. I'm giving you three hours.

16 Even though I haven't used three hours, I'm
17 giving it to you. I still have four hours. It will be
18 continued. Go ahead, take your break. We're off the
19 record.

20 MR. LINDEGREN: Mr. Baron, we're not off the
21 record yet. We have to agree to that.

22 What you just stated is inaccurate. We're here
23 for the deposition to be completed. We can argue about
24 it later, but you're entitled to take a deposition.
25 You're done with questions. We're not agreeing to

1 continue it to another day.

2 You've got a discovery cutoff coming, and you're
3 set to take the deposition. So we're not agreeing to
4 leave it open. As far as we're concerned, the
5 deposition is concluded.

6 But let me take the break, if you're okay with
7 that right now.

8 MR. BARON: That's fine. We need to discuss the
9 upcoming deposition. If you want to wait until 3:00
10 o'clock -- or what's the status of that witness?

11 MR. LINDEGREN: My understanding is she will not
12 be available until 3:00 'cause she has some things she
13 had to attend to.

14 But I can talk to Chris about that and let you
15 know. Give me -- give me two minutes, and I'll be right
16 back.

17 MR. BARON: All right.

18 We can stay on the record, Mr. Court Reporter.

19 MR. LINDEGREN: All right. I guess we're still
20 on the record.

21 Yes, Mr. Anderson?

22 THE COURT REPORTER: Right.

23 MR. LINDEGREN: Okay. Yeah, I just have one
24 question for Dr. Wadhwa, and it relates to this whole
25 issues of scans and scan visits.

1 EXAMINATION

2 BY MR. LINDEGREN:

3 Q. Dr. Wadhwa, with respect to the scan visits and
4 the files that would have been generated, do you know
5 how many files there are that relate to the scans?

6 A. Yes, approximately.

7 Q. How -- how many approximately exist?

8 A. The ballpark of 45, 50,000 files.

9 MR. LINDEGREN: Nothing further.

10 MR. BARON: You know, no. Actually, there is
11 something further because that's very convenient.

12

13 FURTHER EXAMINATION

14 BY MR. BARON:

15 Q. Mr. -- Dr. Wadhwa, were you just coached by your
16 lawyer during the break?

17 A. No, absolutely not.

18 Q. Um-hum, right.

19 Amazing, because the number you gave is exactly
20 the same number that your lawyer is claiming, so, um --

21 MR. LINDEGREN: It might be, Mr. Baron, that
22 that's actually the number, as opposed to some great
23 conspiracy.

24 But if you have a question, as a deposition
25 works, you concluded your questioning. I asked a

1 question in the scope of what you did. You don't --
2 hold on, Mr. Baron.

3 Your redirect is limited to my -- or your
4 recross is limited to my redirect. So if you have a
5 question about what I just asked, we're fine.

6 Otherwise, you've adjourned the deposition and
7 concluded it. And we're done.

8 MR. BARON: No, we were still on the record.
9 But you can continue making your statements, as you have
10 been, and that is the reason I am concluding this
11 deposition early because of your behavior.

12 MR. LINDEGREN: Mr. Baron, that's a lie.

13 MR. BARON: As the record --

14 MR. LINDEGREN: Mr. Baron, that's a lie. You
15 just said you have no more questions. I'm not going to
16 put up with this from you anymore, Mr. Baron.

17 You've made misrepresentations to the court.
18 You've challenged the integrity of the court. You
19 indicated you have no more questions.

20 If you have other questions, Mr. Baron, you have
21 an hour and ten minutes. Let's go. But, at this point,
22 they should be within the scope of my redirect.

23 MR. BARON: One more time -- and try to
24 understand it at this time because I'm not going to
25 repeat it to you -- I know you want to -- anyway, I

1 don't need to waste my time with you here.

2 I'm here to take a deposition. You have
3 obstructed the deposition. I have warned you
4 repeatedly, as the record reflects, to please do not
5 obstruct the deposition.

6 You continue to do that. Then, during break,
7 you -- you coached the witness on what to say about the
8 testimony he gave.

9 So that's -- we're going to -- we're going to
10 leave it at that. You needed to tell me something about
11 the deposition of Annamarie Stehli at 3:00 o'clock.

12 MR. LINDEGREN: I can talk to you about
13 Annamarie Stehli, if we're done with this. Otherwise,
14 ask your questions.

15 MR. BARON: Well, this is concluded, as I stated
16 earlier.

17 MR. LINDEGREN: Mr. Court Reporter, I guess
18 we're done. Thank you.

19 MR. BARON: It is continued.

20 Mr. Lindegren, stop your obstructing; okay?

21 Mr. Court Reporter --

22 MR. LINDEGREN: No one's obstructing anything,
23 Mr. Baron. We have made this witness available to you.
24 You've chosen to end the deposition. That's your
25 prerogative.

1 And if you have some reason to bring him back,
2 we'll talk to you. But I am telling you now, you have
3 an hour and ten minutes left of what you scheduled. And
4 you, apparently, have no further questions.

5 That being the case, our position is the
6 deposition is concluded. And the single deposition rule
7 will apply. We can argue about that later. We don't
8 need to burn up your money with the court reporter's
9 transcript, unless you really want to.

10 My point to you is, if we're done, I would like
11 to get my witness on his way. He's got things to do.
12 And then we can talk about Ms. Stehli when we're done
13 with this deposition.

14 MR. BARON: I had stated that I don't know how
15 many minutes ago. You're the one that decided to coach
16 the witness, bring him back.

17 Anyway, what is your position regarding
18 Ms. Stehli? This will be on record.

19 MR. LINDEGREN: That's fine. We can put it on
20 record.

21 Are we done with the deposition?

22 Mr. Court Reporter, I think we're done.

23 MR. BARON: The deposition will be continued at
24 a later date.

25 MR. LINDEGREN: Well, no, it won't.

1 MR. BARON: Today --

2 MR. LINDEGREN: We're already arguing about
3 that, Mr. Baron.

4 Do you have any more questions? Mr. Baron, do
5 you have questions today? "Yes" or "no."

6 MR. BARON: I have told the witness --

7 MR. LINDEGREN: Do you have questions for this
8 witness today? "Yes" or "no."

9 MR. BARON: Mr. Baron, you can be quiet, or I --
10 or you can leave the deposition.

11 MR. LINDEGREN: Do you have questions for this
12 witness at this point, or are we concluded? "Yes" or
13 "no."

14 MR. BARON: As I have told you repeatedly and I
15 have told the witness, these were all the questions I
16 had for today.

17 During -- due to your lawyer's behavior, I am
18 concluding the deposition today. It will be continued
19 at another date.

20 We can meet -- you can meet and greet about it.
21 That's fine.

22 MR. LINDEGREN: That's a nice try, Mr. Baron.
23 The witness --

24 MR. BARON: You can go ahead and say whatever --

25 MR. LINDEGREN: -- will not -- all of your false

1 statements that you have repeatedly made to the court,
2 including attempting to impune the integrity of the
3 judicial officer, in this case, I really suggest that
4 you think about that.

5 We're off the record at this point -- or at
6 least the deposition is concluded because Mr. Baron has
7 no more questions.

8 I'm gonna let the witness go --

9 MR. BARON: Mr. Lindegren. Mr. Lindegren.

10 MR. LINDEGREN: -- and if you want to talk
11 about --

12 MR. BARON: Mr. Lindegren, we're still on the
13 record because I -- because -- part of the rules -- I am
14 the party that's conducting the deposition.

15 And let the record reflect that Mr. Lindegren,
16 after repeated obstructions, despite my repeated
17 requests to stop, did not stop.

18 And now he has decided, unilaterally, to stop
19 the deposition.

20 MR. LINDEGREN: Mr. Baron, you may not --

21 MR. BARON: And, now, Mr. --

22 MR. LINDEGREN: -- that is absolutely --

23 MR. BARON: -- now, Mr. Lindegren is back.

24 MR. LINDEGREN: -- I was here the whole time
25 listening to you, sir.

1 MR. BARON: Well, you stopped the -- do not
2 interrupt me.

3 MR. LINDEGREN: What you just said is --

4 MR. BARON: You can go ahead. We'll just sit
5 here and --

6 MR. LINDEGREN: The record will reflect what
7 happened today. If you have other questions, you now
8 have an hour and 55 minutes to ask them.

9 You've now said three times, I think, you don't
10 have further questions today. That's fine. Then we're
11 done.

12 And we'll argue with you, if we have to, over
13 whether anyone comes back. But we're done, unless you
14 have further questions. No one has done any of the
15 things you're accusing them of.

16 Do you have further questions today, sir?

17 MR. BARON: Yeah. No. It's snowing outside in
18 San Diego also; right, Mr. Lindegren, according to your
19 rhetoric.

20 For the third time, I will advise the witness,
21 as I've stated multiple times already, I have no more
22 questions here for you today.

23 This will be -- your deposition will be
24 continued. I am stopping the deposition because of your
25 lawyer's behavior.

1 Now, if -- so this deposition is over. Court
2 Reporter, this deposition --

3 MR. LINDEGREN: Well --

4 MR. BARON: -- for Dr. Wadhwa is over.

5 MR. LINDEGREN: -- there won't be another
6 deposition, and you're -- you're -- your statements
7 about conduct, Mr. Baron -- I would have to read the
8 transcript.

9 You've had a free reign to take whatever kinds
10 of questions you wanted other than when I've objected to
11 your questions.

12 If you have further questions, which you don't,
13 you should ask them today. Otherwise, the deposition is
14 concluded, as far as we're concerned.

15 I understand your point of view, and you can try
16 to do what you want to do, but I'm not going to further
17 inconvenience this witness to take time for you, and
18 you've chosen not to proceed.

19 So thank you. We'll -- we'll go check with
20 Mr. Stehli and -- and let you know.

21 MR. BARON: We'll be back at 3:00 o'clock.

22 I'm letting you know that Annamarie Stehli's
23 deposition will be conducted at 3:00 o'clock.

24 MR. LINDEGREN: Terrific. That's the time you
25 noticed it for. Awesome. All right. Thank you.

1 We're off the record.

2 MR. BARON: Mr. Court Reporter, so we'll be back
3 at 3:00 o'clock, then?

4 THE COURT REPORTER: Okay.

5 Mr. Lindegren, do you want a copy of this, and
6 Mr. Alvarez?

7 MR. LINDEGREN: We're -- we're together,
8 Mr. Anderson, so we're the same firm, same party. So
9 one -- one copy is fine, sir.

10 THE COURT REPORTER: Okay.

11 MR. LINDEGREN: Thank you, though. Yeah,
12 we're -- we're in the same office.

13 THE COURT REPORTER: I just didn't ask
14 Mr. Alvarez, when he took the first deposition, so I was
15 just --

16 MR. LINDEGREN: We would like the first
17 deposition, too, Mr. Anderson.

18 THE COURT REPORTER: Thank you so much, sir.

19 MR. LINDEGREN: Yeah. We'll, probably, just put
20 it on the record with Ms. Stehli, but we'll take one of
21 Stehli, too. So all three, we'll take. Thank you for
22 asking.

23 THE COURT REPORTER: All right. Thank you.

24 (Whereupon, the proceedings recessed at the
25 hour of 1:58 p.m.)

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I certify or declare under declaration
under penalty of perjury that the foregoing
testimony is true and correct.

Executed this ____ day of
_____,
2021, at _____, California.

PATHIK WADHWA, M.D., Ph.D.

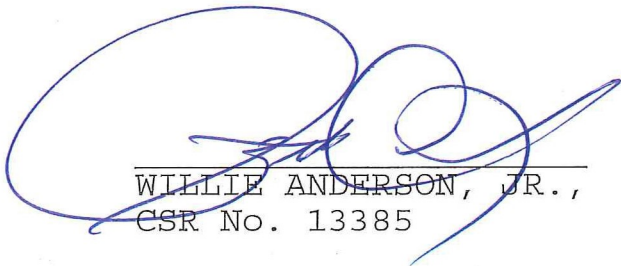
1 STATE OF CALIFORNIA)
 2) ss
 3 COUNTY OF LOS ANGELES)
 4
 5

6 I, WILLIE ANDERSON, JR., Certified Shorthand
 7 Reporter qualified in and for the State of California,
 8 do hereby certify:

9 That the foregoing transcript is a true and
 10 correct transcription of my original stenographic notes.

11 I further certify that I am neither attorney
 12 or counsel for nor related to or employed by any of the
 13 parties to the action in which this proceeding was
 14 taken; and furthermore, that I am not a relative or
 15 employee of any attorney or counsel employed by the
 16 parties hereto or financially interested in the action.

17 IN WITNESS WHEREOF, I have hereunto set my
 18 hand this 12th day of February, 2021.

19
 20
 21
 22 
 23 _____
 24 WILLIE ANDERSON, JR.,
 25 CSR No. 13385