

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF ORANGE

CENTRAL JUSTICE CENTER - DEPARTMENT C18

ROBERT BARON,)	
)	
PLAINTIFF,)	
)	
VS.)	NO. 30-2019-01068571
)	-CU-OE-CJC
THE REGENTS OF THE UNIVERSITY)	
OF CALIFORNIA,)	
)	
DEFENDANT.)	
_____)	

THE HONORABLE RONALD L. BAUER, JUDGE PRESIDING
 REPORTER'S TRANSCRIPT OF PROCEEDINGS VIA COURTCALL

MARCH 11, 2021

KAREN A. HUTCHISON, CSR #6664
 APPROVED COURT REPORTER PRO TEMPORE

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APPEARANCES OF COUNSEL VIA COURTCALL:

FOR PLAINTIFF:

ROBERT BARON
IN PROPRIA PERSONA

FOR DEFENDANT:

FISHER & PHILLIPS, LLP
BY: KARL E. LINDEGREN, ESQ.
CHRISTOPHER ALVAREZ, ESQ.
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1 SANTA ANA, CALIFORNIA - THURSDAY, MARCH 11, 2021

2 AFTERNOON SESSION

3 (THE FOLLOWING PROCEEDINGS WERE HELD VIA COURTCALL:)

4

5 THE COURT: HOW ABOUT NUMBER 8, BARON AND THE
6 REGENTS. WE KNOW THAT MR. BARON IS OUT THERE AND WE
7 EXPECT THAT MR. ALVAREZ IS THERE.

8 MR. ALVAREZ: I'M HERE, YOUR HONOR.

9 THE COURT: WAS THAT MR. BARON?

10 MR. BARON: NO, YOUR HONOR. THIS IS ROBERT BARON,
11 PLAINTIFF. I THINK IT WAS THE DEFENDANT SPEAKING.

12 THE COURT: IS MR. ALVAREZ THERE?

13 MR. ALVAREZ: YES, YOUR HONOR. THIS IS
14 MR. ALVAREZ, AND ALSO KARL LINDEGREN, WHO IS ALSO DEFENSE
15 COUNSEL, SHOULD BE ON THE LINE AS WELL.

16 THE COURT: MS. HUTCHISON, ARE YOU THERE?

17 COURT REPORTER: YES, YOUR HONOR. KAREN
18 HUTCHISON, COURT REPORTER.

19 THE COURT: WE MEET AGAIN FOR THE UMPTEENTH TIME.
20 ACTUALLY THE LAST TIME WE MET, I WAS ON THE CALENDAR THAT
21 DAY. AND YOU REMEMBER THIS; I'M JUST SAYING IT TO REMIND
22 MYSELF. I DON'T THINK YOU NEED TO BE REMINDED THAT WAY
23 BACK WHEN, JUDGE HOWARD HAD TWO MOTIONS, THE MIRROR IMAGE
24 OF EACH OTHER, IN A SENSE, AND THOUGHT THAT EVERYONE WOULD
25 BENEFIT BY GIVING THE PLAINTIFF AN OPPORTUNITY TO CONDUCT
26 SOME DEPOSITIONS AND FIND OUT WHETHER THE WORK THAT HE

1 SAYS WASN'T DONE WAS PERHAPS DONE, AND THESE DEPONENTS
2 COULD GIVE INFORMATION ON THAT SUBJECT.

3 WHEN WE ALL MET THE LAST TIME, THAT HADN'T BEEN
4 DONE. AND I THOUGHT I COULD HEAR ALL THE EXCUSES THAT
5 THERE MIGHT BE FOR WHY IT WASN'T DONE, BUT THE BOTTOM LINE
6 IS THAT IT WASN'T DONE; AND THEREFORE, JUDGE HOWARD'S
7 ORDER HAD NOT BEEN MET AND WE HAD TO TRY AGAIN.

8 AND THAT'S WHY THIS COURT ENTERED AN ORDER THAT
9 THE DEPOSITIONS BE CONDUCTED AND THAT JUDGE HOWARD'S ORDER
10 BE HONORED. AND I GAVE A TIMETABLE AND I SAID THAT JUDGE
11 HOWARD WAS A MUCH NICER JUDGE THAN I AM BECAUSE HE GAVE
12 EACH OF YOU 10 PAGES TO RESPOND AND GIVE AN UPDATE ON WHAT
13 WAS GOING ON. AND DEPOSITIONS WERE CONDUCTED, AND WE HAVE
14 THOSE BRIEFS: ONE FILED ON THE 2ND OF THIS MONTH AND ONE
15 FILED ON THE 5TH OF THIS MONTH, THE FIRST OF THEM FROM
16 MR. BARON.

17 AND MR. BARON SPENT THE FIRST SIX OF HIS 10 PAGES
18 GOING OVER ALL OF HIS GRIPING ABOUT THE HISTORY OF THE
19 DEPOSITIONS. THAT WAS PROBABLY A WASTE OF TIME AND A
20 WASTE OF SIX OF HIS 10 PAGES, BUT HE WANTED TO DO THAT.
21 AND THEN HE TALKED ABOUT WHETHER THESE PEOPLE LIED TO HIM
22 OR WENT TO JAPAN OR WHATEVER HAPPENED. HE TALKED ABOUT
23 THE DEPOSITIONS. AND THEN WE GOT THE MARCH 5TH BRIEF FROM
24 DEFENSE COUNSEL.

25 SO AGAIN, I'M JUST KIND OF BRINGING MYSELF
26 UP-TO-DATE. THESE ARE ALL THINGS THAT YOU KNOW AND YOU

1 DIDN'T HAVE TO BE TOLD THEM, BUT JUST TO REMIND MYSELF.

2 AND AGAIN, THERE'S REALLY TWO MOTIONS HERE. THEY
3 RELATE TO A REDUCED SUBSET OF DEMANDS FOR PRODUCTION THAT
4 WAS REDUCED TO NUMBERS 9 THROUGH 12 AND 17 AND 18 IN THE
5 ORIGINAL MOTION THAT CAME FROM MR. BARON. SO WE REDUCED
6 THAT -- OR JUDGE HOWARD REDUCED THAT TO THOSE PARTICULAR
7 SUBSET OF 9 THROUGH 12 AND 17 THROUGH 18.

8 AND THERE'S THE MOTION FOR PROTECTIVE ORDER, WHICH
9 THE DEFENDANT SAYS THIS IS ALL PRIVATE, THIS IS A HIPAA
10 PROBLEM, ETC., ETC., AND THERE'S HUNDREDS AND HUNDREDS OF
11 THESE DOCUMENTS THAT WE JUST DON'T NEED TO PRODUCE, AND
12 THE PLAINTIFF HAS A DIFFERENT POINT OF VIEW.

13 WHAT ARE WE GOING TO DO? LET ME START WITH THE
14 PLAINTIFF. MR. BARON, WHAT SHOULD WE DO?

15 MR. BARON: YOUR HONOR, THE PLAINTIFF'S POSITION
16 IS THAT DEFENDANT IS NOT ENTITLED TO A PROTECTIVE ORDER.
17 PLAINTIFF IS ENTITLED TO THIS RIGHTFUL DISCOVERY.
18 DEFENDANT'S POSITION VIOLATES THE FEDERAL HIPAA PRIVACY
19 LAW, 45 CRF SECTION 160 ET SEQ.

20 IN ADDITION TO VIOLATING THE LAW THAT I JUST CITED
21 TO, THE DEFENDANT'S POSITION VIOLATES JUDGE HOWARD'S
22 RULING. ON JANUARY 7TH OF 2020, JUDGE HOWARD ISSUED A
23 RULING THAT PLAINTIFF WAS TO TAKE ANY NECESSARY
24 DEPOSITIONS. DEFENDANTS DID NOT PRODUCE PARTIAL
25 DEPOSITIONS UNTIL FEBRUARY THE 10TH, ONE DAY BEFORE JUDGE
26 HOWARD RULED THAT THE SUPPLEMENTARY BRIEFINGS WERE DUE.

1 IN THAT DEPOSITION, THAT PARTIAL DEPOSITION, THAT
2 CONTAINED OVER 300 BASELESS OBJECTIONS BY DEFENSE COUNSEL,
3 AND COACHING, ETC. IN THOSE DEPOSITIONS, THE DEFENDANTS
4 TESTIFIED UNDER OATH THAT THERE ARE NO MORE THAN 756
5 ULTRASOUND SCANS. SO THEIR POSITION THAT THERE ARE 45,000
6 ULTRASOUND RECORDS IS UNTENABLE. THEY HAVE TESTIFIED
7 THEMSELVES THE ULTRASOUND SCANS ONLY AMOUNT TO 756.
8 THAT'S WHAT THE PLAINTIFF IS RIGHTFULLY ENTITLED TO, THAT
9 DISCOVERY.

10 DEFENDANT'S POSITION VIOLATING JUDGE HOWARD'S
11 RULING HAS TO DO WITH THEIR STATEMENT IN THEIR FILINGS TO
12 JUDGE HOWARD THAT THEY DON'T HAVE TO PRODUCE THE 756
13 ULTRASOUND SCANS BECAUSE PLAINTIFF CAN JUST TAKE
14 DEPOSITIONS OF PERSONNEL WHO TOOK THESE ULTRASOUND SCANS.

15 IN THE DEPOSITIONS ON FEBRUARY -- IN THE PARTIAL
16 DEPOSITIONS, DEFENDANT TESTIFIED UNDER OATH THAT THERE
17 WERE THREE OR FOUR INDIVIDUALS SEVERAL YEARS AGO THAT TOOK
18 THESE PURPORTED AND ALLEGED ULTRASOUND SCANS. PLAINTIFF
19 ASKED FOR NAMES. PLAINTIFF WAS GIVEN VAGUE AND DUBIOUS
20 NAMES, FIRST NAMES, MAYBE THIS WAS THE LAST NAME, MAYBE
21 THIS WAS THE NAME.

22 IN THE FOLLOW-UP TO THE DEPOSITIONS, PLAINTIFF
23 AGAIN REQUESTED CORRECT NAMES OF ANYONE WHO ALLEGEDLY
24 CONDUCTED THESE ULTRASOUND SCANS SEVERAL YEARS AGO,
25 ACCORDING TO THE DEFENDANT. PLAINTIFF NOT ONLY GAVE SOME
26 DIFFERENT NAMES CLAIMING THAT NO, WE WERE MISTAKEN, THIS

1 IS THE NAME NOW AND THESE ARE THE ALLEGED NAMES, PLAINTIFF
2 NOTICED DEPOSITIONS FOR THOSE ALLEGED INDIVIDUALS WHO
3 CONDUCTED THESE PURPORTED ULTRASOUND SCANS. DEFENDANT
4 REFUSED TO PRODUCE THESE ALLEGED INDIVIDUALS STATING THAT
5 NO, ALL THESE INDIVIDUALS LIVE IN JAPAN SO THE PLAINTIFF
6 IS NOT GOING TO CONDUCT DEPOSITIONS. SO THIS IS WHAT
7 RESULTS IN THE CIRCUMSTANCES THAT WE'RE IN NOW.

8 LAST DECEMBER -- NOT LAST DECEMBER BUT IN 2019,
9 DECEMBER 2019, THE DEFENDANT FILED A STIPULATION WITH
10 PLAINTIFF'S PREVIOUS LAWYER TO PRODUCE THESE ULTRASOUND
11 SCANS, ONLY 756. AND AFTER THE STIPULATION WAS SIGNED BY
12 JUDGE HOWARD, SINCE DECEMBER 2019, THEY HAVE YET TO
13 PRODUCE WHAT THEY THEMSELVES STIPULATED TO.

14 THEN AFTER PLAINTIFF'S PREVIOUS LAWYER FILED A
15 MOTION TO COMPEL THEM, THE DEFENDANTS, TO PRODUCE THESE
16 756 ULTRASOUND SCANS, THEY FILED THIS BASELESS MOTION FOR
17 PROTECTIVE ORDER CLAIMING THAT THESE ULTRASOUND SCANS WERE
18 COVERED UNDER THIRD PARTY PRIVACY, WHICH I HAVE ADDRESSED
19 PREVIOUSLY WITH THE COURT. THEY ARE NOT UNDER FEDERAL
20 RULE 45 CRF SECTION 160 ET SEQ.

21 THIS IS WHERE WE ARE. THE DEFENDANTS HAVE HAD
22 MULTIPLE OPPORTUNITIES TO PRODUCE THESE SO-CALLED
23 PERSONNEL WHO NOW THE PLAINTIFF IS TOLD THAT THEY LIVE IN
24 JAPAN, AND NO OTHER INFORMATION IS PROVIDED, WHERE IN
25 JAPAN THEY ARE SO THEY CAN BE CONTACTED BY THE PLAINTIFF.
26 NO OTHER INFORMATION THAT SOMEWHERE IN JAPAN THESE THREE

1 OR FOUR ALLEGED AND PURPORTED INDIVIDUALS ARE ROAMING
2 AROUND, AND THAT'S THE ONLY INFORMATION PLAINTIFF IS
3 GIVEN. AND PLAINTIFF CONTENDS THAT THAT IS EXTREMELY
4 IMPROPER, AND THAT IS WHY PLAINTIFF IS ENTITLED TO THIS
5 DISCOVERY OF 756 ULTRASOUND SCANS.

6 THE COURT: MR. LINDEGREN, ARE YOU THE
7 SPOKESPERSON FOR DEFENDANTS, OR IS IT MR. ALVAREZ?

8 MR. LINDEGREN: YOUR HONOR, THIS IS MR. LINDEGREN.
9 THANK YOU. I CAN LEAD OFF ON SOME OF THE HISTORY. I WAS
10 NOT INVOLVED IN THE EARLIER HEARINGS, SO IF THERE'S
11 SOMETHING SPECIFIC, I WOULD LIKE MR. ALVAREZ TO BE ABLE TO
12 ADDRESS THAT.

13 BUT I THINK THAT THE SIMPLE THING HERE IS WE'RE
14 TALKING ABOUT SOMETHING THAT STRIKES AT THE HEART AND THE
15 CORE OF THE REGENTS' MISSION IN TERMS OF BEING ABLE TO DO
16 RESEARCH. AND THE REASON THE REGENTS TAKE THIS SO
17 SERIOUSLY ARE 252 WOMEN VOLUNTEERED TO PARTICIPATE IN A
18 STUDY WITH RESPECT TO PREGNANCY AND THE IMPACTS OF STRESS.
19 AND EACH OF THOSE WOMEN VOLUNTEERED TO BE MONITORED ON
20 THREE DIFFERENT OCCASIONS BY A VARIETY OF DEVICES OVER
21 MULTIPLE DAYS AND TO COME IN AND HAVE SCANS AND OTHER
22 THINGS DONE, AND THEY WERE PROMISED PRIVACY. AND WE'RE
23 TALKING ABOUT SONOGRAMS OF SOMEONE'S WOMB, AN UNBORN
24 CHILD, WHICH ABSOLUTELY STRIKES THE CORE OF PRIVACY.

25 AND THE REGENTS' BIGGEST CONCERN IS IF WE ARE NOW
26 TURNING OVER SONOGRAMS, PARTICULARLY IN A CASE WHERE IT'S

1 NOT AN ISSUE ABOUT ANY OF THE CHILDREN OR WHAT'S GOING TO
2 BE READ IN THE SONOGRAM, AND PLAINTIFF HAS ADMITTED HE
3 CAN'T READ A SONOGRAM, I CAN'T READ ONE, THE RESEARCHERS
4 DON'T READ THEM, THEY ARE TRANSCRIBED WHEN THE DATA IS PUT
5 IN, REGENTS HAVE GRAVE CONCERNS AS TO THEIR ABILITY TO
6 EVEN RECRUIT PEOPLE TO THESE STUDIES. SO THAT'S WHAT
7 WE'RE TALKING ABOUT TRYING TO PROTECT.

8 ONE SIDE POINT, THERE'S 252 WOMEN, AND THE
9 TESTIMONY IN THE DEPOSITIONS -- I'M SORRY. DID YOU SAY
10 SOMETHING, YOUR HONOR?

11 THE COURT: I DID NOT.

12 MR. LINDEGREN: OKAY. I'M SORRY. OF THE 252
13 WOMEN, THEY ALL HAD THREE SESSIONS OF SCANNING. BUT THE
14 TESTIMONY IS THERE'S OVER 48,000 FILES WHICH BASICALLY
15 MAKE UP THE MOVIES, IF YOU WANT TO CALL IT THAT, OF THESE
16 SONOGRAMS OF -- I CAN'T THINK OF ANYTHING MORE PRIVATE
17 THAN SOMEONE'S INSIDES WITH AN UNBORN BABY. AND WHETHER
18 THEIR NAMES ARE ON THEM OR NOT, THERE'S STILL A STRONG
19 RIGHT OF PRIVACY THAT THE REGENTS FEEL THEY NEED TO
20 PROTECT.

21 THE TESTIMONY HAS GONE FORWARD. THE ONLY ISSUE IS
22 THAT THE DISCOVERY CUTOFF HAS COME AND GONE. AND
23 PLAINTIFF DIDN'T DO THE DISCOVERY. HE CAN TALK ABOUT HIS
24 LAWYER OR WHAT WAS OR WASN'T DONE, BUT HE TOOK THE
25 DEPOSITIONS. THE PRINCIPAL INVESTIGATOR, DR. WADHWA,
26 TESTIFIED, EVEN TESTIFIED THAT HE WAS THERE WHEN SOME OF

1 THE SONOGRAMS WERE BEING DONE, AND A VARIETY OF OTHER
2 THINGS.

3 SO WE BELIEVE THAT THE MOTION FOR PROTECTIVE ORDER
4 SHOULD BE GRANTED. THERE'S REALLY NO REASON TO TRAMPLE ON
5 THE PRIVACY RIGHTS OF THE 252 WOMEN WHO VOLUNTEERED TO
6 PARTICIPATE IN THE STUDY AND HAVE THEIR INTIMATE MEDICAL
7 RECORDS TURNED OVER IN A CASE PARTICULARLY WHERE NOW
8 MR. BARON IS SAYING HE DOESN'T WANT ANY KIND OF A
9 PROTECTIVE ORDER OVER HIM WHEN WE KNOW THAT HE'S ALREADY
10 VIOLATED THE PROTECTIVE ORDER BY FILING PUBLICLY SOME OF
11 THE REDACTED EXEMPLARS THAT DEMONSTRATE THAT THIS WAS
12 DONE.

13 SO THAT'S THE POSITION OF THE REGENTS. IF I LEFT
14 SOMETHING OUT, IF THE COURT WOULD INDULGE, I KNOW WE DON'T
15 WANT TO DO TWO ON ONE, BUT IF I LEFT SOMETHING OUT AND THE
16 COURT WOULD INDULGE, I'D ASK MR. ALVAREZ TO SAY THAT. BUT
17 I THINK I'VE COVERED IT, YOUR HONOR.

18 THE COURT: ANYTHING ELSE FROM ANYBODY?

19 MR. ALVAREZ: YES, YOUR HONOR. THIS IS CHRIS
20 ALVAREZ. JUST TO LAY SOME FOUNDATIONAL BACKGROUND HERE,
21 AT HEART IS THE EXISTENCE, THE VERIFICATION OF WHETHER
22 THESE ULTRASOUND RECORDS EXIST. LIKE MR. LINDEGREN HAD
23 MENTIONED, PLAINTIFF HAD THE OPPORTUNITY TO TAKE THE
24 DEPOSITIONS, ESPECIALLY THE DEPOSITION OF A PERSON WHO HAD
25 PERSONAL KNOWLEDGE OF TAKING THESE ULTRASOUND SESSIONS,
26 THESE SCANS. AND THAT PERSON TESTIFIED EVEN TO THE

1 LOCATION OF WHERE THE ULTRASOUND SCANS WERE PERFORMED --
2 (COURT REPORTER ASKS FOR CLARIFICATION.)

3 THE COURT: IT'S A LITTLE UNCLEAR. IF YOU CAN
4 REMEMBER WHAT YOU SAID, MR. ALVAREZ, THE COURT REPORTER
5 AND I MISSED THAT LAST PARAGRAPH.

6 MR. ALVAREZ: SURE. I'LL TRY TO REPHRASE THAT
7 HERE. THE PERSON WHOSE TESTIMONY WAS TAKEN BY PLAINTIFF
8 TESTIFIED, AMONG OTHER THINGS: ONE, THAT HE HAD PERSONAL
9 KNOWLEDGE OF THE EXISTENCE OF THESE RECORDS; TWO, HE
10 TESTIFIED THAT HE TOOK AND CONDUCTED MOST OF THE
11 ULTRASOUND SCANS FOR THE MAJORITY OF THE WOMEN; AND THREE,
12 IDENTIFIED THE TRUE AND CORRECT NAMES OF OTHER DOCTORS WHO
13 TOOK THE ULTRASOUND RECORDS.

14 THIS ISSUE THAT PLAINTIFF ALLEGES THAT THERE WERE
15 SOME INCORRECT NAMES GIVEN IS, AS A MATTER OF FACT, FALSE,
16 AS IS SHOWN IN MY DECLARATION WHICH ATTACHES THE
17 DEPOSITION TESTIMONY OF DR. WADHWA.

18 SO IN SHORT, YOUR HONOR, THE ISSUE ABOUT WHETHER
19 THESE ULTRASOUND RECORDS EXIST HAS ALREADY BEEN ADDRESSED
20 THROUGH THIS LESS INTRUSIVE MEANS; I.E., THE DEPOSITION
21 TESTIMONY.

22 THE COURT: MR. ALVAREZ, ARE YOU ON A LANDLINE
23 PHONE?

24 MR. ALVAREZ: I'M ON MY CELL PHONE.

25 THE COURT: THE COURT RULES REQUIRE THAT WHEN YOU
26 CALL IN ON COURTCALL, YOU USE A LANDLINE PHONE. THAT'S

1 WHY THE REPORTER AND I HAVE TROUBLE WITH YOU. FOR THE
2 REMAINDER OF THE TIME, WE'LL DEPEND ON MR. LINDEGREN. IN
3 FACT, THERE WON'T BE A REMAINDER.

4 MR. BARON: JUDGE, IF I MAY BE HEARD.

5 THE COURT: I'M GOING TO GRANT THE MOTION FOR
6 PROTECTIVE ORDER.

7 MR. BARON: JUDGE, IF I MAY BE HEARD.

8 THE COURT: YOU'VE BEEN EXTENSIVELY HEARD.
9 EVERYONE HAS BEEN HEARD, I THINK, AT THIS POINT.

10 MR. BARON: MR. ALVAREZ JUST MADE FALSE STATEMENTS
11 TO THE COURT, YOUR HONOR, SO I'D LIKE TO BE HEARD.

12 THE COURT: THE GOAL WAS TO FIND OUT IF, IN FACT,
13 THESE TESTS WERE GIVEN, AND THERE WAS UNCERTAINTY ABOUT
14 THAT. THE PLAINTIFF BELIEVED THAT HE WAS DECEIVED AT HIS
15 EMPLOYMENT BECAUSE THESE TESTS WERE NEVER DONE, AND HE
16 THINKS THAT THERE WAS SOME DECEPTION INVOLVED.

17 THERE SEEMS AT THIS POINT TO BE EVIDENCE SOUGHT BY
18 THE PLAINTIFF, PERHAPS TO THE PLAINTIFF'S DISAPPOINTMENT,
19 BUT THE EVIDENCE SOUGHT BY THE PLAINTIFF SHOWS THAT THESE
20 TESTS, SCANS WERE CONDUCTED. THAT WAS THE GOAL. THE
21 EXACT DETAILS OR PICTURES ARE GOING TO BE PROTECTED AT
22 THIS POINT, BECAUSE I THINK MY UNDERSTANDING IS THAT THE
23 GOAL WAS TO DETERMINE IF THESE TESTS WERE, IN FACT, DONE.

24 THERE IS NOW EVIDENCE THAT IS UNDISPUTED THAT
25 THESE TESTS WERE UNDERTAKEN, AND THAT IS AN IMPORTANT
26 POINT THAT'S BEEN COVERED. THAT WAS THE PURPOSE OF

1 CONDUCTING THESE DEPOSITIONS, AND I THINK THAT PURPOSE WAS
2 ACHIEVED.

3 THE MOTION FOR PROTECTIVE ORDER IS GRANTED; THE
4 MOTION FOR FURTHER PRODUCTION IS DENIED.

5 AND I WILL ASK THE ATTORNEY, MR. LINDEGREN, TO
6 GIVE NOTICE OF THE COURT'S RULING, PLEASE. COUNSEL, THANK
7 YOU.

8 MR. BARON: MAY THE PLAINTIFF BE HEARD?

9 THE COURT: WHAT IS IT, MR. BARON?

10 MR. BARON: MAY THE PLAINTIFF BE HEARD, JUDGE?

11 THE COURT: I ASKED YOU WHAT IS IT, MR. BARON?

12 MR. BARON: YOUR HONOR, PER YOUR RULING NOW YOU
13 JUST STATED THAT THE EVIDENCE IS THERE THAT THESE
14 ULTRASOUNDS WERE CONDUCTED. I'D LIKE TO ADDRESS THAT, IF
15 I CAN, THAT THERE IS ABSOLUTELY NO EVIDENCE WHATSOEVER
16 THAT HAS BEEN PRESENTED BY THESE DEFENDANTS IN THESE
17 PROCEEDINGS, IN THEIR FILINGS, THAT ANY ULTRASOUNDS WERE
18 CONDUCTED IN THIS PARTICULAR STUDY.

19 NOW, REGARDING THE FALSE STATEMENT MR. ALVAREZ
20 MADE TO THIS COURT, HE STATED THAT THE DEPONENT, WADHWA,
21 CLAIMED THAT HE WAS PRESENT AT THE CONDUCTION -- WHEN
22 THESE ULTRASOUND SCANS WERE TAKEN. THAT IS PATENTLY
23 FALSE. DEPONENT WADHWA DID NOT STATE THIS IN HIS
24 TESTIMONY. INSTEAD, HE STATED THERE WERE THESE OTHER
25 PEOPLE THAT TOOK THESE ALLEGED PURPORTED SCANS SEVERAL
26 YEARS AGO, AND GAVE VAGUE AND DUBIOUS NAMES OF THE OTHER

1 PEOPLE. HE WAS NOT THERE ACCORDING TO HIS OWN TESTIMONY.
2 SO WHAT MR. ALVAREZ JUST STATED TO THIS COURT IS FALSE.

3 REGARDING THOSE OTHER PEOPLE, ALLEGED PURPORTED
4 INDIVIDUALS THAT NOW LIVE IN JAPAN WITH NO OTHER CONTACT
5 INFORMATION, THAT CANNOT CONSTITUTE, IT IS PLAINTIFF'S
6 POSITION, EVIDENCE OF THESE ULTRASOUND SCANS BEING TAKEN.

7 AND REGARDING PRIVACY, JUST BECAUSE IT IS AN
8 ULTRASOUND SCAN PER SE DOES NOT CONSTITUTE PRIVACY UNDER
9 FEDERAL HIPAA PRIVACY RULE 45 CFR SECTION 160 ET SEQ.
10 THERE IS PARTICULAR INFORMATION THAT NEEDS TO BE THERE TO
11 QUALIFY AS UNDER PRIVACY. THANK YOU, YOUR HONOR.

12 THE COURT: YOU'RE VERY WELCOME, MR. BARON. THANK
13 YOU FOR YOUR COMMENTS EVERYBODY. AND I GAVE YOU THAT
14 ASSIGNMENT, IF YOU WOULD PLEASE, MR. LINDEGREN, GIVE
15 NOTICE.

16 MR. LINDEGREN: YES, YOUR HONOR. THIS IS
17 MR. LINDEGREN. I WILL MAKE SURE A NOTICE OF RULING GOES
18 OUT. THANK YOU, YOUR HONOR.

19 THE COURT: YOU'RE WELCOME. I THANK YOU ALL FOR
20 YOUR TIME THIS AFTERNOON; AND TO THE REPORTER, WE THANK
21 YOU FOR YOUR EFFORTS.

22 (PROCEEDINGS CONCLUDED.)
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STATE OF CALIFORNIA)
) SS.
COUNTY OF ORANGE)

REPORTER'S CERTIFICATE

I, KAREN A. HUTCHISON, CSR NO. 6664, APPROVED
COURT REPORTER PRO TEMPORE IN AND FOR THE SUPERIOR COURT
OF THE STATE OF CALIFORNIA, COUNTY OF ORANGE, DO HEREBY
CERTIFY THAT THE FOREGOING TRANSCRIPT IS A TRUE AND
CORRECT TRANSCRIPT OF MY SHORTHAND NOTES, AND IS A FULL,
TRUE AND CORRECT STATEMENT OF THE PROCEEDINGS HAD IN SAID
CAUSE.

DATED: MARCH 16, 2021

Karen A. Hutchison

KAREN A. HUTCHISON, CSR #6664
APPROVED COURT REPORTER PRO TEMPORE