

ORIGINAL

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CIVIL ACTION NO. 2:14-CV-06428-KSH-CLW

AMERICAN BOARD OF INTERNAL :  
MEDICINE, :  
Plaintiff, :  
v. :  
JAIME A. "JIMMY" SALAS :  
RUSHFORD, M.D., :  
Defendant. :

Transcript of the videotape deposition of  
RAJENDER K. ARORA, M.D., called for Oral Examination  
in the above-captioned matter, said deposition taken  
by and before SILVIA P. WAGE, a Certified Shorthand  
Reporter, Certified Realtime Reporter, Registered  
Professional Reporter, and Notary Public for the  
State of New Jersey, New York, Pennsylvania and  
Delaware, at the offices of NICOLL DAVIS & SPINELLA,  
LLP, 95 Route 17 South, Suite 316, Paramus, New  
Jersey, on January 21, 2016, commencing at 12:27  
p.m.

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VIDEOGRAPHER

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1 I N D E X

2 WITNESS: RAJENDER K. ARORA, M.D. PAGE

3 EXAMINATION BY MR. GONZALEZ 7

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5 E X H I B I T S

6 EXHIBIT NO. DESCRIPTION PAGE

7 Arora 1 12-page Arora Board Review 30  
marketing materials

8 Arora 2 one-page Continuing Medical 52  
Education Certificate from

9 Arora Board Review for Jaime  
Salas-Rushford, MD

10 Arora 3 16-page Process Receipt and 66  
Return filed in the Eastern

11 District of Pennsylvania  
against Dr. Arora

12 Arora 4 five-page Civil Docket for 74  
Case No. 2:09-cv-05707-JCJ

13 Arora 5 22-page Complaint in the 74  
Eastern District of

14 Pennsylvania, ABIM v. Dr.  
Arora and Anise Kachadourian

15 Arora 6 one-page color printout of A. 82  
Benjamin (Ben) Mannes from

16 Philadelphia InfraGard

Arora 7 two-page e-mail string 83

17 Arora 8 two-page e-mail string 87

Arora 9 copy of color photograph 93

18 Arora 10 Notice of Subpoena Duces Tecum 104  
to Rajender K. Arora, M.D.

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2 DEPOSITION SUPPORT INDEX

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10 Request for Production of Documents

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12 None

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15 Stipulations

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17 None

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19

20 Question Marked

21 Page Line Page Line Page Line Page Line

22 None

23

24

25

1 THE VIDEOGRAPHER: We are now going  
2 on the video record of Media Unit No. 1.

3 The time is now 12:27 p.m. Today is  
4 Thursday, January 21st, 2016. This is the video  
5 deposition of Dr. Rajender K. Arora in the case of  
6 American Board of Internal Medicine verse Jaime A.  
7 Salas Rushford, M.D., filed in the United States  
8 District Court for the District of New Jersey, Civil  
9 Action No. 2:14-CV-06428-KSH-CLW.

10 This deposition is being held at Nicoll  
11 Davis & Spinella LLP, Route 17, Suite 316, Paramus,  
12 New Jersey.

13 My name is John E. Szpara. I'm your  
14 certified legal video specialist, the court reporter  
15 Silvia Wage. We are both here present representing  
16 Hudson Court Reporting located in New Jersey and New  
17 York.

18 Please note that audio and video recording  
19 will continue unless all parties agree to go off the  
20 record. The microphones are sensitive and can pick  
21 up whispers and private conversations along with  
22 cell phones.

23 Counsel will now state their appearance and  
24 firms for the record starting with the Plaintiff.

25 MS. JACOBS: Hi. Hara Jacobs from

1 Ballard Spahr for Plaintiff, American Board of  
2 Internal Medicine.

3 MR. RIVERA-SOTO: Roberto Rivera-Soto  
4 also from Ballard Spahr on behalf of the Plaintiff,  
5 American Board of Internal Medicine.

6 MR. GONZALEZ: Marco A. Gonzalez,  
7 Junior, Nicoll Davis & Spinella on behalf of the  
8 Defendant Jaime Salas Rushford.

9 MR. MENA: Guillermo Mena, Pro Hoc  
10 Vice counsel for the Defendant, Dr. Jaime Salas  
11 Rushford.

12 THE VIDEOGRAPHER: The court reporter  
13 will swear in the witness.

14 R A J E N D E R K. A R O R A, M. D.,  
15 (Home Address) 319 Mt. Pleasant Avenue,  
16 Livingston, New Jersey 07039, after having  
17 been duly sworn, was examined and testified  
18 as follows:

19 (There is a discussion off the record.)

20 MS. MILLER: This is Melanie Miller  
21 representing third-party deponent, Dr. Arora, from  
22 the law firm of Cozen O'Connor.

23 I'm putting on the record that Dr. Arora  
24 objects to this deposition, as we have repeatedly  
25 advised counsel for defense -- defense counsel that

1 he possesses no relevant documents and no relevant  
2 knowledge with regard to any communications with the  
3 Plaintiff in this -- I mean, the Defendant in this  
4 matter.

5 That being said, it has cost Dr. Arora  
6 considerable time and expense to travel and pay for  
7 counsel. So we object to this deposition.

8 Go ahead.

9 MR. GONZALEZ: Thank you, counsel.

10 EXAMINATION BY MR. GONZALEZ:

11 Q. Good afternoon, sir. My name is  
12 Marco Gonzalez and I represent the Defendant here,  
13 Dr. Jaime Salas Rushford, in the matter of ABIM  
14 versus Mr. Rushford, venue'd in the United States  
15 District Court in New Jersey.

16 Before we start, have you ever had your  
17 deposition taken before?

18 A. Maybe another matter many years ago,  
19 but I don't remember.

20 Q. Okay. So I just want to go through  
21 some of the instructions.

22 A. Okay.

23 Q. Basically, everything that's being  
24 said here today is being taken down by the court  
25 reporter to my right. So your responses should be

1 verbal. Non-verbal responses, shrugging the head,  
2 nodding, those things are not recorded in the  
3 transcript.

4 Also, please wait for the completion of my  
5 question so that you understand and it's clear and,  
6 also, to give your counsel the opportunity or one of  
7 the other counsel here the opportunity to object,  
8 and, also, for you to understand the question and  
9 let me know if it's confusing or do you want me to  
10 repeat it.

11 It's, also, important that your responses  
12 are knowledgeable. So try not to guess or  
13 speculate. And if you feel compelled to do, just  
14 let me know so the record is clear that you're  
15 speculating in regards to an answer.

16 If you need to take a break, let me know,  
17 use the restroom, grab some water.

18 Also, are you taking any substances or  
19 medications --

20 A. No.

21 Q. -- that may impair the way you  
22 respond to any of the questions today?

23 A. No, no.

24 Q. Okay. Do you have any questions  
25 before we begin?



1 A. No.

2 Q. Without revealing any attorney --  
3 confidential attorney-client communications with  
4 your attorney, what did you to do prepare for this  
5 deposition today?

6 A. Nothing.

7 Q. Okay.

8 A. I -- I knew what it was all about and  
9 I told my attorney that --

10 MS. MILLER: No, no, no, no. No  
11 communications between you and I are discoverable.

12 THE WITNESS: Okay.

13 Q. No, I don't want what was discussed,  
14 but, basically, if you met -- did you meet with  
15 anybody?

16 A. No, I did not.

17 Q. Okay. So did anybody in any way  
18 instruct you how to respond to any questions that  
19 may be asked today?

20 A. No.

21 Q. Okay. Did you have any discussions  
22 about your deposition today with anybody else?

23 MS. MILLER: Objection, asked and  
24 answered.

25 Q. You may answer.

1           A.           I only had few minutes before with my  
2 lawyer, nothing else, nobody else.

3           Q.           So nobody else?

4           A.           No, no.

5           Q.           So you had no discussions with  
6 anybody else?

7           A.           With --

8                       MS. MILLER:  Objection, asked and  
9 answered.

10                      Go ahead.

11           Q.           I just want to clarify that; is that  
12 correct?

13           A.           My wife.

14           Q.           Well, that's somebody else.

15           A.           Yeah, yeah.

16           Q.           Fair enough.

17                      MR. RIVERA-SOTO:  Mr. Gonzalez, it  
18 might be helpful if you inform the witness that  
19 except when there's been an objection on privilege  
20 and he's instructed not to answer, he still has to  
21 answer the question.

22                      MR. GONZALEZ:  Thank you.  I  
23 appreciate that.  That was part of the instructions,  
24 too.

25           Q.           So there may be objections on the

1 record. But there's only a few types of objections  
2 in which your attorney can instruct you not to  
3 respond and that is if there is a particular  
4 recognized privilege. And so that's why it's  
5 important for you to pause before responding, so  
6 that you can give your attorney or someone -- one of  
7 the other counsel time to respond.

8 But, for the most part, objections are going  
9 to be recorded on the record, and if it's not one of  
10 the recognized privileges, then you can still  
11 respond. Do you understand?

12 A. Yes.

13 Q. Okay. Do you have a cell phone?

14 A. In my --

15 Q. Do you use a cell phone?

16 A. In my pocket, yeah.

17 Q. Did you use a cell phone since  
18 January 2009?

19 A. I don't know when I got it.

20 Q. Okay. So you don't know if you had a  
21 cell phone in or around January 2009?

22 A. I don't know.

23 Q. Okay. Did you use e-mails at that  
24 time around January -- before January 2009?

25 A. Yes, I was using e-mail.

1 Q. What e-mail addresses, more than one?

2 A. No, at that time it was -- now there  
3 are two. At that time there was one only.

4 Q. What was the e-mail address?

5 A. BoardReview@Comcast.net.

6 Q. And did there come a time when you  
7 used another e-mail address?

8 A. No, not to my --

9 Q. You said you now have two.

10 A. Now we have two, yeah.

11 Q. What's the other e-mail address that  
12 you have?

13 A. RKAroraMD@gmail.com.

14 Q. Did you have any business telephone  
15 numbers prior to January 2009?

16 A. Always have business telephone  
17 number.

18 Q. Was it more than one?

19 A. Business phone at that time was, I  
20 think, only one.

21 Q. Do you remember the number?

22 A. It should be the same number, (973)  
23 994-3203.

24 Q. Any other business numbers prior to  
25 January 2009?

1 A. No, not -- I don't think so.

2 Q. Any -- strike that.

3 What was your education starting from  
4 college going forward?

5 A. After my graduation, I came to this  
6 country, did my internship and residency and  
7 fellowship in gastroenterology in this country.

8 Q. What school?

9 A. That's University of St. Louis.

10 Q. I'm sorry?

11 A. University of St. Louis. That was  
12 GI, gastroenterology.

13 Q. And what year was that, did you --

14 A. 1970 -- 1972, I think, I finished.

15 Q. Okay.

16 A. It was 1971, 1971.

17 Q. After 1971, did you take any  
18 examinations for any type of board certification?

19 A. Yeah, I took the examination for the  
20 next 16 years and I went there eight times.

21 Q. Okay. What was the first board  
22 certification exam that you took?

23 A. Don't remember.

24 Q. Okay. Which board examination for  
25 certification, do you remember?

1 A. Internal medicine.

2 Q. Do you remember more or less the date  
3 of that?

4 A. No.

5 Q. Was it more than ten years ago?

6 A. Should be, yes.

7 Q. Okay. More than 20 years ago?

8 A. It was, I think, 19 -- I don't recall  
9 exactly but maybe 1974 or '75.

10 Q. And was that an exam administered by  
11 the Plaintiff in this case, American Board of  
12 Internal Medicine?

13 MS. MILLER: Objection.

14 Q. Do you recall? You may answer.

15 A. What?

16 Q. You said it was in internal medicine?

17 A. Yeah.

18 Q. What entity administered the exam?

19 A. ABIM.

20 Q. Did you pass that exam?

21 A. No. I kept failing for eight times.  
22 Eighth time I passed in 1980 sometime, 1986, I  
23 think. I kept failing. I went every year or so,  
24 you know.

25 Q. Okay. Do you have any other board

1       certifications?

2               A.           I -- after that, after I took  
3       internal medicine, I went for -- I did  
4       gastroenterology and geriatrics.

5               Q.           Do you recall the time period when  
6       you took those exams?

7               A.           Those two have to be after -- by  
8       their rules, you have to take after Board of  
9       Internal Medicine, which has to be after 1986.

10              Q.           Did you pass those exams as well?

11              A.           No, I kept failing. I think I failed  
12       three times in each one of those or something like  
13       that. I don't recall exactly how many times.

14              Q.           Did you eventually pass them?

15              A.           Eventually, I passed both, yeah.

16              Q.           Do you remember what time period that  
17       was?

18              A.           No, I don't.

19              Q.           Prior to December 2009, were you  
20       still Board certified in internal medicine,  
21       gastroenterology and --

22              A.           Yes.

23              Q.           And there was a third one, which was  
24       that?

25              A.           Geriatrics.

1 Q. Geriatrics.

2 So prior to -- just so I'm clear, prior to  
3 December 2009, you were still certified in those  
4 three areas?

5 A. Yes, I was.

6 Q. Are you still certified in those  
7 three areas?

8 A. No.

9 Q. When did you -- when did that change?

10 A. After ABIM sued me and there is a  
11 settlement.

12 Q. Do you recall when your  
13 certifications were revoked, if that's the  
14 appropriate word?

15 A. Somewhere at the time of settlement.

16 Q. Okay. What was the action that took  
17 place so that you were not -- no longer Board  
18 certified in those three areas?

19 A. They were the terms of the  
20 settlement.

21 Q. I understand. But I used the word  
22 "revoke." Is there a more appropriate word?

23 MS. MILLER: Objection.

24 Q. What action did they take concerning  
25 your certifications?



1           A.       Nothing. I was just told in the  
2   settlement.

3           Q.       So you were told that you were no  
4   longer certified?

5           A.       Yes.

6           Q.       Okay. And it's your understanding as  
7   of today that you're not certified in those three  
8   areas?

9           A.       Right.

10          Q.       Did you receive anything in the mail,  
11   any written confirmation of that?

12          A.       I don't recall.

13          Q.       Other than those three Board  
14   certification, do you have any other certifications  
15   or degrees or fellowships of any kind?

16                   MS. MILLER: Objection.

17           If you understand the question, you can  
18   answer.

19          A.       I don't know what you mean. Maybe --  
20   maybe he's asking about FACP and FACG, which are  
21   fellows by the American College of Physician and  
22   American College of Gastroenterologists.

23          Q.       Okay. I'll get into that a little  
24   later.

25           So you are fellows in those two areas?

1 A. I was.

2 Q. In what?

3 A. FACP. They took that away also from  
4 me based on this -- based on, I think, ABIM must  
5 have told them because they were sisters and, I  
6 think, they have some connection, I don't know.

7 MS. MILLER: I don't want you to  
8 speculate.

9 THE WITNESS: Okay, okay.

10 MS. MILLER: If you know that ABIM  
11 did it, that's fine.

12 A. I don't know who did it.

13 MS. MILLER: Okay.

14 A. All I know is in a letter from FACP  
15 people, I went for the -- I went there for the  
16 interview and they took it away, FACP, after that.  
17 But FACG I still have.

18 Q. So your FAC --

19 A. P is gone.

20 Q. Is gone.

21 Do you know what timeframe that was?

22 A. No, I don't know.

23 Q. Other than the three Board  
24 certifications and these two fellowships, are there  
25 other credentials, degrees, certifications of any

1 kind with regards to practicing medicine that you  
2 have?

3 A. I have license to practice medicine.

4 Q. In what state?

5 A. New Jersey.

6 Q. Prior to December 2009, did you  
7 practice medicine?

8 A. Yes, sir.

9 Q. Where did you practice medicine?

10 A. In New Jersey.

11 Q. Were you affiliated with a hospital,  
12 did you have your own practice?

13 A. I own my own practice.

14 Q. And where is that practice?

15 A. It was in Orange, in New Jersey at  
16 the time. I think so, but I don't know when I moved  
17 to -- which is now Maplewood. I'm now in Maplewood.  
18 I don't know when I moved.

19 Q. So you're currently -- you're still  
20 practicing medicine?

21 A. Yeah. Well, part-time.

22 Q. Okay. Excuse me.

23 (There is a discussion off the record.)

24 Q. At the time you were practicing  
25 medicine, were you affiliated with any hospital?

1           A.           Yes, always are. That's a part of  
2   the practice.

3           Q.           Which hospital or hospitals?

4           A.           At that time it was, I think,  
5   Hospital Center at Orange and St. Barnabas Medical  
6   Center.

7           Q.           Are you currently affiliated with any  
8   hospitals?

9           A.           St. Barnabas Medical Center.

10          Q.           Did you ever have any -- prior to  
11   December 2009, did you have any issues with your  
12   practice? I think you said it was in West Orange?

13          A.           Orange.

14                       MS. JACOBS: Objection to form.

15          Q.           In Orange.

16                       Ms. MILLER: Yeah, me too.

17          Q.           If you understand the question, you  
18   may answer.

19          A.           What was the question?

20          Q.           If you had any issues with your  
21   practice --

22                       MS. MILLER: Objection.

23          Q.           -- prior to December 2009?

24                       MS. JACOBS: Same objection.

25          A.           "Issues?"

1 Q. Yes. Did your patients like you?

2 Was the practice doing well?

3 MS. MILLER: I'm going to object as  
4 compound.

5 MR. GONZALEZ: Okay.

6 MS. MILLER: If you're going to ask  
7 one question, ask him one question at a time. You  
8 have to ask the questions properly in order to have  
9 him answer them.

10 MR. GONZALEZ: Okay, I'll rephrase my  
11 question.

12 Q. Prior to December 2009, did you have  
13 a flourishing practice in medicine?

14 MS. MILLER: Objection.

15 Q. If you understand the question.

16 A. It depends on the meaning of  
17 "flourishing."

18 Q. Okay. Did your patients consider you  
19 to be a good physician?

20 MS. MILLER: Objection.

21 If you understand, you may answer.

22 A. I'm sure did and some didn't. I  
23 don't know.

24 Q. Fair enough.

25 Did you have any other employment or sources

1 of revenue prior to December 2009, other than your  
2 medical practice?

3 A. No. But I did -- I ran Arora Board  
4 Review.

5 Q. Okay. What's the Arora Board Review?

6 A. Teaching medicine to the people who  
7 are going for the Board exam.

8 Q. Which Board exam was that?

9 A. American Board of Internal Medicine.

10 Q. Okay. So, prior to December 2009, in  
11 addition to your medical practice, you also had  
12 another business that taught individuals to study  
13 for the Internal Board examination?

14 MS. MILLER: Objection.

15 A. Yes.

16 Q. Okay. When did that -- when did you  
17 start that business?

18 A. Somewhere in the mid '90s and '94  
19 sometime, 1994, something around that.

20 Q. And I think you said the name was  
21 Arora Board Review --

22 A. Board Review.

23 Q. -- is that correct?

24 A. Uh-huh, uh-huh.

25 Q. Did that business have any other

1 names?

2 A. No.

3 Q. Who were the owners of that business?

4 A. Myself.

5 Q. Was it incorporated?

6 A. No. It was a part of my practice.

7 It was incorporated in the practice.

8 Q. Okay. Was your practice

9 incorporated?

10 A. I do not -- I think so, but I am not  
11 sure because initially my practice was incorporated,  
12 then I had taken off and then I put it in. So I  
13 don't remember the dates.

14 Q. Is the Arora Board Review still an  
15 entity that's part of your practice?

16 MS. MILLER: Objection.

17 A. No.

18 Q. Okay. So it no longer functions; is  
19 that...

20 A. No.

21 Q. It's no longer an operating business?

22 A. No.

23 Q. When did it cease to become an  
24 operating business?

25 A. When -- right after the day she --

1 the ABIM came to my home.

2 Q. Okay. You said "she" and then you  
3 pointed to Ms. Jacobs; is that correct?

4 A. Because I remember her, yeah.

5 Q. Okay. Do you know what timeframe  
6 that was, sir?

7 A. I'm sure it was early in the morning  
8 because I was sleeping.

9 Q. Okay. Do you recall what year, what  
10 month?

11 A. Yeah, it was December 2009.

12 Q. Going back to your medical practice,  
13 before December 2009, did your practice ever receive  
14 any complaints by patients?

15 MS. MILLER: Objection.

16 Q. Do you understand the question?

17 A. No specific complaint.

18 Q. Okay. So your practice prior to  
19 December 2009 never received any complaints by  
20 patients that were filed in any court?

21 A. Oh, yeah. There -- I do recall there  
22 had been -- all my life two suit, cases against me  
23 and both at the time I decided to go to the court,  
24 although the insurance companies were not in favor,  
25 and I went to the court and fought both those cases



1 and jury was in my favor both the times.

2 Q. Okay. Do you remember the timeframe?

3 A. No, not at all.

4 Q. More than ten years ago?

5 A. I don't know.

6 Q. Okay. Other than those two cases, no  
7 other complaints by --

8 A. No, no other.

9 Q. Okay. Just let me finish the  
10 question. I know it's natural to get into a  
11 conversation.

12 A. Yes.

13 Q. But it's important to let me finish  
14 the question to give your attorney time to object,  
15 if she has an objection.

16 Going back to the Arora Board Review, tell  
17 me exactly the nature of the instructions, the  
18 class, whatever you chose to call it, you gave to  
19 the students.

20 MS. MILLER: Objection.

21 Q. Please describe it to me in your own  
22 words.

23 A. I don't recall giving any  
24 instructions.

25 Q. Okay. So what was it, what was the

1 services that you provided to students?

2 A. Teaching medicine.

3 Q. How did you do that?

4 A. By preparing lectures.

5 (There is a discussion off the record.)

6 Q. So you performed lectures for  
7 students?

8 A. Yes.

9 Q. Is that correct?

10 A. Uh-huh.

11 Q. And that started sometime in the mid  
12 1990s; is that accurate?

13 A. Sometimes.

14 Q. And that was until ABIM filed the  
15 lawsuit against you around the end of 2009; is that  
16 correct?

17 A. Yes, sir.

18 Q. Okay. Where did you...

19 Where did you conduct these lectures?

20 A. In various places.

21 Q. Okay. In different states, in a  
22 particular region?

23 A. In New Jersey, New York.

24 Q. Okay. Did you conduct these lectures  
25 -- how regularly, every month, every year?

1           A.           Every year it was different, that's  
2   why I don't recall. It started with once a year and  
3   gradually increased it and then it was very  
4   intermittent. We just would decide at that time. I  
5   don't recall.

6           Q.           Do you recall prior to December 2009  
7   how many times the American Board of Internal  
8   Medicine gave the Internal Medicine Board  
9   examination?

10                   MS. JACOBS: Objection to form.

11           Q.           If you understand the question.  
12                   Did they give the exam once a year, twice a  
13   year? Do you recall?

14           A.           I don't recall, no.

15           Q.           Okay. Do you know if your lectures  
16   coincided with the scheduling of ABIM's --

17           A.           Yes, we always did --

18           Q.           Let me finish.

19           A.           Yeah, sorry.

20                   MR. RIVERA-SOTO: Start from the  
21   beginning.

22           Q.           Let me restate the question.

23                   Did your lectures coincide, if they did, to  
24   the frequency of the ABIM Internal Board  
25   examinations?

1           A.           That was the usual trend, but I don't  
2   recall exactly what we did.

3           Q.           Okay. How long were your lectures  
4   when you had a set of lectures?

5           A.           They were six days and they were one  
6   day and, I think, they were three days also,  
7   different.

8           Q.           Okay. So you had three different  
9   types of lectures; is that correct?

10          A.           I think three, but it could be two.  
11   I don't recall.

12          Q.           How did you start attracting students  
13   to attend your lectures?

14          A.           We used to at one time send a piece  
15   of paper like that to people -- a list we used to  
16   buy from someplace in Midwest and we just would send  
17   that paper to everybody on that list.

18          Q.           When you --

19                       MR. RIVERA-SOTO: I'm sorry. Before  
20   you go further, during his answer, he said it was "a  
21   piece of paper like that," and he pointed to  
22   something that is before you that no one else has.  
23   Could you identify that, please?

24                       MR. GONZALEZ: I'm about to do that  
25   in a moment.

1 MR. RIVERA-SOTO: Thank you.

2 Q. When you say, "a piece of paper like  
3 that," is it fair to say some type of marketing  
4 material?

5 A. Yes, sir.

6 Q. Okay.

7 (There is a discussion off the record.)

8 MR. GONZALEZ: I'm going to identify  
9 for the record as Arora 1 a copy of an Arora Board  
10 Review marketing pamphlet that was sent to the  
11 Defendant and it appears to be undated.

12 MS. MILLER: Has it been produced?

13 MR. GONZALEZ: It's been produced in  
14 discovery.

15 MS. MILLER: Is it Bates labeled?

16 MR. GONZALEZ: There is a number on  
17 the top right that says 765. So it will be 756  
18 through -- I think it's just that number.

19 MS. MILLER: Was it produced by  
20 Defendant or ABIM?

21 MR. GONZALEZ: One second.

22 (There is a discussion off the record.)

23 MR. GONZALEZ: It was produced by the  
24 Defendant.

25 MS. MILLER: Okay.

1                   MR. RIVERA-SOTO: If the numbering is  
2 not consecutive, can we identify on the record how  
3 many pages?

4                   MR. GONZALEZ: Sure.

5                   (There is a discussion off the record.)

6                   (Deposition Exhibit Arora 1, 12-page Arora  
7 Board Review marketing materials, was marked for  
8 identification.)

9                   MS. MILLER: And I am going to object  
10 to the form of this document. There's no Bates  
11 labeling. There is no indication where the document  
12 came from, who it was produced by, the numbering is  
13 not consecutive.

14                  With those objections on the record, I'm  
15 going to allow you to question Dr. Arora to the  
16 extent he remembers this document.

17                  Q.        Dr. Arora, the document that's been  
18 identified as Arora 1 has 12 pages on it?

19                  A.        Uh-huh.

20                  Q.        Please take a moment to look at that.

21                  A.        Uh-huh.

22                  Q.        And let me know when you're done.

23                  A.        I'm done.

24                  Q.        Okay. Do you recognize that  
25 document?

1 A. I do recognize.

2 Q. Can you tell me what that is?

3 A. That's a marketing -- marketing  
4 document in which it describes the courses and the  
5 days I'm doing the courses.

6 Q. Okay. This particular document on  
7 Page 2 where it says, "Course 1," do you see that?

8 A. Yes.

9 Q. It has a date of May 5, May 10, 2008;  
10 is that correct?

11 A. Yes.

12 Q. So is it fair to say that this  
13 document was prepared in preparation for those  
14 courses in or about May 2008?

15 MS. MILLER: Objection.

16 A. It seems so.

17 Q. Okay. Did you prepare marketing  
18 materials similar to this prior to 2008?

19 A. I must have, but I don't recall.

20 Q. Okay. Did you prepare marketing  
21 material similar to this after 2008, before the  
22 business was shut down? Do you recall?

23 A. No.

24 Q. So did you have any lectures in 2009?

25 A. Until, yes, December -- I think so

1 because December they stopped it.

2 Q. Okay.

3 A. Because December 2009 they stopped  
4 the course for me and must have done it in 2009.

5 Q. Do you recall sending out something  
6 similar to Arora 1 out to potential students in  
7 2009?

8 MS. MILLER: Objection, asked and  
9 answered.

10 A. I must have, but I don't remember.

11 Q. Page 1 -- strike that.

12 Did you prepare this?

13 MS. MILLER: Objection.

14 A. I must have.

15 Q. Okay. Page 1 has your name and it  
16 says, "MD FACP, FACG." Do you see that?

17 A. Uh-huh.

18 Q. Are those the fellowship credentials  
19 that you testified to earlier?

20 A. Yes, sir.

21 Q. Okay. So, at this time when this was  
22 prepared, you were still a fellow?

23 A. Yes, sir.

24 Q. You mentioned before I introduced  
25 Arora 1 that there was some type of mailing list.



1 Do you remember your testimony there?

2 A. Yes.

3 Q. Okay. Can you tell me what that is,  
4 what mailing list you're referring to?

5 A. We bought the mailing list from some  
6 company. I don't remember. And that's the mailing  
7 list we used.

8 Q. And what was the mailing list of,  
9 what type of individuals?

10 A. Names -- names and addresses of the  
11 doctors.

12 Q. Was there any formatting or -- strike  
13 that.

14 When you say list of the doctors, how was  
15 the list compiled, what type of doctors, from where?

16 MS. MILLER: Objection.

17 Q. If you understand the question...

18 A. It was taking the -- those who were  
19 not Board certified.

20 Q. Was it limited -- was the list  
21 limited to a particular geographic area?

22 MS. MILLER: I'm going to object to  
23 this whole line of questioning. Dr. Arora has  
24 already testified that he purchased the list. So to  
25 ask him questions about how this list was compiled

1 is improper, to say the least.

2 MR. GONZALEZ: I understand. But he  
3 may know that the list was limited to people in the  
4 New York and New Jersey area where he said he gave  
5 these examinations.

6 MS. MILLER: I'm going to object.

7 MR. GONZALEZ: I understand.

8 MS. MILLER: And if you keep the line  
9 of questioning, I'm going to instruct him not to  
10 answer.

11 Q. Do you know if the list included  
12 doctors from a particular geographic region?

13 A. No, it was from the states of the  
14 United States.

15 Q. Okay. How many students would attend  
16 the six-day course, do you recall?

17 MS. MILLER: Objection.

18 MS. JACOBS: Objection to form.

19 A. I don't recall.

20 Q. Was it more than ten students?

21 MS. MILLER: Objection.

22 A. In the beginning, there was around  
23 ten, but then I don't know. It kept changing every  
24 time.

25 Q. Okay. Prior to December 2009, do you

1 recall when was the last series of lectures, the  
2 six-day lectures that you gave?

3 MS. MILLER: Objection.

4 A. I'm not sure. I think it was in New  
5 York City.

6 Q. In New York City?

7 A. Yeah.

8 Q. Do you recall where it took place?

9 A. No.

10 Q. Okay. Do you remember how many  
11 students attended that particular lecture?

12 A. No.

13 Q. Was it more than a hundred?

14 A. It shouldn't be more than hundred.

15 Q. More than 500?

16 A. No, I don't think so.

17 Q. Okay. Did you have records of all of  
18 the students that attended your lectures?

19 A. At that time, yes.

20 Q. How did you keep those records?

21 MS. MILLER: Are you talking prior to  
22 2009?

23 Q. Prior to December of 2009.

24 A. The list on the paper, the list.

25 Q. Let me go back.

1           You had the business Arora Board Review that  
2   was part of your practice; is that correct?

3           A.       (No response.)

4           Q.       Is that correct, sir? You have to  
5   say yes or no instead of nodding.

6           A.       What's the question?

7           Q.       Okay. The Arora Board Review was  
8   part of your medical practice prior to  
9   December 2009, that's what you testified; is that  
10   correct?

11          A.       We did, yeah, we testified it.

12          Q.       And so the records concerning the  
13   lectures that you took were part of your practice,  
14   were kept as part of your practice?

15                   MS. MILLER: Objection.

16          Q.       Is that your --

17          A.       I don't understand the question.

18          Q.       Okay. I'm trying to find out how you  
19   kept the records of the students that took your  
20   lectures.

21          A.       Specifically, I don't recall how we  
22   kept it.

23          Q.       Okay. I think you mentioned earlier  
24   that they were on some type of paper.

25                   MS. MILLER: Objection.

1 Q. So is that correct?

2 A. Must have been a list of people who  
3 were coming to my exam -- coming to my lectures. I  
4 mean, that's commonsense.

5 Q. Okay. Let me go back.

6 How did people sign up for your class?

7 A. They just send the money.

8 Q. Okay. So the mailing -- a mailing  
9 went out similar to Arora 1?

10 A. Yes, sir.

11 Q. Is that correct?

12 A. Yes, sir.

13 Q. Okay. And then they would send you  
14 the money; is that correct?

15 A. Yes, sir.

16 Q. Did that money accompany a type of  
17 form?

18 A. Yes, sir.

19 Q. Okay. And you kept those forms on  
20 file?

21 A. Must have.

22 Q. Okay. And this was prior to  
23 December 2009?

24 A. Yes, sir.

25 Q. Okay. Do you still have those

1 records?

2 A. No, I don't.

3 Q. Okay. Referring to the six-day  
4 course, did you begin giving that course when you  
5 started the Arora Board Review in the mid '90s?

6 A. I don't recall.

7 Q. Okay. Did the substance of the  
8 course change over time?

9 A. I don't recall.

10 Q. Okay. Did you have a set lecture  
11 outline or presentation that you gave to the  
12 students from the mid '90s to December 2009?

13 A. Must be but I don't recall.

14 Q. Okay. Going back to Arora 1, the  
15 second page, sir.

16 A. (The witness complies.)

17 Q. I want to direct your attention to  
18 where it says, "Course Objective." Do you see that?  
19 Can you read that --

20 A. Yes.

21 Q. -- for a second to yourself?

22 A. Yes.

23 Q. Were those the course -- strike that.

24 The three objectives there, were those three  
25 objectives part of the courses that you gave in May

1 and June 2008?

2 A. Yeah, that's obvious.

3 Q. Okay. Were those always the  
4 objectives for all of your courses?

5 A. I don't know.

6 Q. Where it says, "No. 1, concise  
7 review" and then "unusual format" and the words  
8 "unusual format" are underlined, can you explain  
9 what you mean by that?

10 A. The "usual format" of lectures is the  
11 speaker comes and starts talking, everybody listens.  
12 My style was giving the questions and then answering  
13 the question.

14 Q. When did you begin that type of  
15 format?

16 A. From the beginning.

17 Q. Who were your competitors in  
18 providing lectures to prepare for the Board Review  
19 class exam starting in the mid '90s?

20 A. I don't recall who anybody was.

21 Q. How about just before December 2009,  
22 do you recall who were your competitors?

23 A. Somebody in New York and somebody in  
24 New Jersey, but I don't remember their names.

25 Q. You testified that your "unusual

1 format" consisted of teaching the students the  
2 question and answer format; is that correct?

3 A. Yes, sir, that's what it says here.

4 Q. Okay. What type of questions are you  
5 talking about?

6 A. Questions on internal medicine.

7 Q. Okay. And where did those questions  
8 come from?

9 A. Questions most of the time it came  
10 from myself.

11 Q. Okay. So you created the questions?

12 A. Yes, sir.

13 Q. And the answers?

14 A. Yes, sir.

15 Q. Is that correct?

16 And you taught that to your students?

17 A. Yes, sir.

18 Q. Okay. You said, "most of the time."

19 Where did other questions come from?

20 A. Some students will give me the  
21 questions.

22 Q. Do you know where those questions  
23 came from? Strike that.

24 When the students gave you questions, how  
25 did they give you these questions?



1           A.           Sometimes orally, sometimes in  
2   writing.

3           Q.           Okay. Did you ask where the students  
4   obtained these questions?

5           A.           No.

6           Q.           Did you do any investigations where  
7   the students obtained the questions from?

8           A.           No.

9           Q.           Between the mid '90s and  
10   December 2009, is it fair to say that the question  
11   and answer format that you taught came from  
12   questions that you created or those that you got  
13   from students; is that correct?

14                   MS. MILLER: Objection.

15           A.           Most of the time mine, sometimes from  
16   them.

17           Q.           Okay. Were there any other sources  
18   of questions, other than from yourself and from your  
19   students?

20           A.           Not to my -- I don't recall any other  
21   areas.

22           Q.           Okay. Going back to Arora 1, this  
23   mailing, did you employ any other methods of  
24   marketing to market your lectures?

25           A.           No, mostly, it was word of mouth.

1 Q. So you didn't -- strike that.

2 So you never placed any ads or anything?

3 A. I don't recall. Maybe I gave ad in  
4 American Journal of Internal Medicine or American  
5 Journal of Medicine, which is Boston, Harvard, I may  
6 have given in those because sometimes they were  
7 doing it for free, you know, something. I don't  
8 recall but may have done in that one. But usually  
9 not, usually was by word of mouth.

10 Q. Did Arora Board Review have any  
11 employees?

12 A. No.

13 Q. Did Arora Board Review -- strike  
14 that.

15 Did you utilize any employees from your  
16 medical practice to assist you with the Arora Board  
17 Review lectures?

18 A. No, sir.

19 Q. So you did everything on your own?

20 A. Yes, sir.

21 Q. Including the mailing -- the  
22 mailings of the --

23 A. The mailings were done by my wife.

24 Q. By your wife, okay.

25 And your wife's name, sir?

1           A.           But I did it, too. I did and she  
2    did. We both worked together on that one.

3           Q.           Okay. And your wife's name is, sir?

4           A.           Poonam Arora.

5           Q.           And is she also a physician?

6           A.           No.

7                       MR. RIVERA-SOTO: Can you spell her  
8    first name for the record?

9                       THE WITNESS: Poonam, p-o-o-n-a-m.

10          Q.           Thank you, sir.

11                      Did you have -- strike that.

12                      Did Arora Board Review have any particular  
13    ties to any residency program so its residents would  
14    be encouraged to attend your course?

15          A.           No, sir.

16          Q.           Did you ever provide your contact  
17    information to Arora Board Review attendees,  
18    students, did you ever give students your contact  
19    information?

20          A.           Everything is on this marketing paper  
21    whatever.

22          Q.           Okay. So Arora 1 on the first page  
23    on the top right has an address --

24          A.           Yes, sir.

25          Q.           -- in Livingston; is that correct?

1 A. Yes, sir.

2 Q. So that's the address of your medical  
3 practice? What address is that?

4 A. That's my home.

5 Q. Okay. And below that there is an  
6 e-mail address, BoardReview@Comcast.net?

7 A. Yes, sir, uh-huh.

8 Q. And that telephone number, is that  
9 the telephone number for your medical practice --

10 A. Yes.

11 Q. -- that's on the first page of Arora  
12 1?

13 A. Yes, sir.

14 Q. Did you receive communications from  
15 your students via the e-mail address on the first  
16 page of Arora 1?

17 A. Sometimes.

18 Q. Okay. You responded to those  
19 e-mails?

20 A. I don't remember. Sometimes I --  
21 sometimes I do them and sometimes I don't.

22 Q. As part of the services that you  
23 provided in lecturing your students through the  
24 Arora Board Review, was it common practice for you  
25 to communicate to your students; is that correct?

1 A. Yes, sir.

2 Q. And answer any questions that they  
3 may have?

4 A. Yes, sir.

5 Q. And that was typical; is that fair to  
6 say?

7 A. Yes, sir.

8 Q. Okay. And so they communicated to  
9 you via e-mail; is that correct?

10 A. Sometimes.

11 Q. And sometimes they would call you?

12 A. Sometimes.

13 Q. And the number that's on the first  
14 page of Arora 1, is that the telephone number that  
15 they would communicate with you?

16 A. Yes, sir.

17 Q. Do you recall being in direct contact  
18 with students after they completed the course?

19 A. Sometimes.

20 Q. Do you recall teaching a course in  
21 New York City in the spring of 2009, in May 2009,  
22 specifically?

23 A. I said before probably I did that. I  
24 don't recall exactly.

25 Q. Did you -- strike that.

1           When you taught courses in New York, do you  
2 recall where was the venue, the location of where  
3 you taught?

4           A.       No, I don't.

5           Q.       Okay. Would it refresh your  
6 recollection if I were to say that you taught at the  
7 Graduate Center at the City University of New York  
8 in May 2009?

9           A.       I don't remember.

10          Q.       Okay. Do you have any records of  
11 when -- if and when you taught in May 2009?

12                   MS. MILLER: So you're talking about  
13 -- wait, let me interrupt.

14                   Currently or at the time? Because there's a  
15 big difference, as you know.

16                   MR. GONZALEZ: At the time.

17          A.       No.

18          Q.       Did you have more than one venue when  
19 you taught in New York? Did you have different  
20 places that you taught over the years?

21          A.       No.

22          Q.       So it was pretty much the same place?

23          A.       No, New York was only once I  
24 remember.

25          Q.       You only taught a class once in New

1 York?

2 A. Once in New York, that -- the one I  
3 think 2009 and that's it. Before that it was in New  
4 Jersey.

5 Q. Okay. And I apologize if you  
6 testified to this before.

7 But you never taught a class outside of New  
8 York or New Jersey; is that correct?

9 A. Oh, now I remember. I remember in  
10 the beginning in '90s maybe I -- yeah, I went to  
11 Chicago now that I think of it. I went to Chicago  
12 and did it there in one or two days course. It was  
13 not long course. It was a short course in Chicago,  
14 I think, maybe twice.

15 Q. Okay. Going back to Arora 1, the  
16 last page, I want you to take a look at it, sir.

17 A. (The witness complies.)

18 Q. It has the address of the Defendant  
19 -- strike that.

20 It has the -- an address of someone by the  
21 name of Jaime Antonio Salas Rushfo, R-u-s-h-f-o, MD,  
22 in San Juan, Puerto Rico. Do you see that, sir?

23 A. Uh-huh, yes, sir.

24 Q. Does that name ring a bell to you?

25 A. No, sir.

1           Q.       Okay. Do you know if that's a  
2 student that you specifically taught?

3           A.       No, sir.

4           Q.       Okay. Doctor, are you familiar with  
5 the process in which physicians receive Continuing  
6 Medical Education Credits?

7           A.       Little bit.

8           Q.       Okay. Specifically, I'm referring to  
9 the American Medical Association's Physicians  
10 Recognition Category 1 Continuing Medical Education  
11 Credits. Are you familiar with that?

12          A.       Little bit.

13          Q.       Okay. Can you explain what that is?

14          A.       I still get it. Every year they want  
15 certain number of credits like any other education  
16 and I used to attend courses before to get that.  
17 Now, I don't have to do that. I just go online up  
18 to date and I just pay money for up to date on my  
19 e-mails and whenever I need to check something, I  
20 check on it and they give me credit for that time.  
21 So, after a year, I get 50 credits or whatever.

22          Q.       Okay. You said previously you would  
23 have to go somewhere and take a class?

24          A.       Yes, yes.

25          Q.       Okay. And so is it fair to say that



1 the entities that gave those classes were  
2 accredited?

3 A. Yes.

4 Q. And they were accredited by the  
5 American Medical Association; is that what it is?

6 A. That's what it says. I don't know  
7 who does it.

8 Q. Okay. Did there ever come a time  
9 when your course, the Arora Board Review course, was  
10 accredited to give Continuing Medical Education  
11 Credits?

12 A. Yes.

13 Q. Okay.

14 A. We did it later on. In the  
15 beginning, we did not. But somebody in New York  
16 started to give it. He had that privilege from the  
17 AMA to do that.

18 Q. Okay. And so how did Arora Board  
19 Review become an entity that can give those credits  
20 out to doctors?

21 A. This doctor was one of the  
22 universities in New York. He called and he said  
23 I'll do it. He liked the course, so he did it.

24 Q. And so when you said, "he did it,"  
25 what exactly transpired?

1           A.           He said that he can provide the  
2   credits to the students who take my course.

3           Q.           Okay. Do you know exactly what he  
4   did? Was there due diligence process of the course  
5   or a review of your course in order to qualify?

6           A.           He was sending his students to me.

7           Q.           Okay. But before -- what I'm trying  
8   to get at is can anyone do this for any course or  
9   did your course have to go through some type of  
10   review process to make sure that it satisfied  
11   whatever the American Medical Association's  
12   qualifications were to -- for an entity like Arora  
13   Board Review to give out these CME credits?

14                   MS. JACOBS: Objection to form.

15                   MS. MILLER: Objection, yeah.

16           Q.           If you understand.

17                   MR. RIVERA-SOTO: I don't think  
18   anyone other than you understands that one. That's  
19   a very long question.

20           Q.           Doctor?

21           A.           I don't.

22           Q.           You don't understand what the process  
23   was?

24           A.           No, I don't.

25           Q.           Okay. But whatever the process was,

1 Arora Board Review qualified and, in fact, did give  
2 out the CME credits?

3 A. Yes, sir.

4 Q. Do you know when that started?

5 A. No, sir.

6 Q. Was Arora Board Review qualified to  
7 give CME credits before December 2009?

8 A. Yes, sir.

9 Q. And so students that took your  
10 courses before December 2009 also received CME  
11 credits?

12 MS. JACOBS: Objection to form.

13 Q. If you recall.

14 A. Yeah, they did receive but through  
15 the person in New York, not directly.

16 Q. But you taught the course?

17 A. Yes.

18 Q. And these CME credits were good for  
19 every state?

20 A. Yes, sir.

21 Q. When one of your students completed  
22 your course and, therefore, qualified to receive CME  
23 credits, do you recall providing that student with  
24 proof of that, a certification of some sort?

25 MS. MILLER: Objection.

1 Q. If you recall.

2 A. No, I don't recall.

3 MR. GONZALEZ: Let me mark for  
4 identification Arora 2.

5 (Deposition Exhibit Arora 2, one-page  
6 Continuing Medical Education Certificate from Arora  
7 Board Review for Jaime Salas-Rushford, MD, was  
8 marked for identification.)

9 MR. GONZALEZ: Let me describe what's  
10 been --

11 MS. MILLER: Before you do, I'm going  
12 to object again. There is no Bates label here. We  
13 have no idea where this document was obtained, who  
14 produced it, if it was produced in the litigation.

15 MR. GONZALEZ: Thank you. I'm just  
16 going to identify the document for the record.

17 It is a one-page document. It's a print  
18 certificate and in the top it says, "Continuing  
19 Medical Education Certificate Arora Board Review,"  
20 and it states -- confirms that Jaime Salas Rushford,  
21 M.D., has completed the following educational  
22 activity and has earned 42 Category 1 credits/S  
23 towards the AMA/PRA Physician Recognition Award.  
24 There's other text, but I read that into the record  
25 so we can identify the document. And it's my

1 understanding this was produced in discovery.

2 MS. MILLER: By whom?

3 MR. GONZALEZ: By Defendants.

4 Q. Doctor, please take a look at what's  
5 been identified as Arora 2. Are you familiar with  
6 that type of document?

7 A. Not really.

8 Q. Okay. It states, Arora Board Review.  
9 Do you see that on the top?

10 A. Yes.

11 Q. Okay. That's the company that --  
12 that's your entity; is that correct?

13 MS. MILLER: Objection.

14 Q. It was your entity; is that correct?

15 A. Yes, sir.

16 Q. Okay. So you've never seen any type  
17 of certificate --

18 A. No.

19 Q. -- like this at all?

20 A. No, sir.

21 Q. You don't know who produced this?

22 A. It was by Dr. Dimitrov.

23 Q. Okay. Is he the gentleman --

24 A. Yes, sir.

25 Q. Let me finish the question.

1           Is he the gentleman that you testified to  
2 earlier --

3           A.       Yes.

4           Q.       -- that collaborated with you to  
5 offer courses that had Continuing Medical Education  
6 accreditation; is that correct?

7           A.       Yes, sir.

8           Q.       Okay. So it's your testimony that it  
9 was Dr. Dimitrov who produced this certificate?

10          A.       Yes, sir.

11          Q.       Okay.

12                   MR. RIVERA-SOTO: I think it's just  
13 Dimitrov.

14                   MR. GONZALEZ: Is it Dimitrov? Thank  
15 you; Dimitrov.

16          Q.       But did he have your consent to use  
17 your company logo to do that?

18          A.       Yes, sir.

19          Q.       Okay. So there was some point in  
20 time you had conversations with him to give him the  
21 authority to issue these certificates on your  
22 behalf?

23          A.       Yes.

24                   MS. JACOBS: Objection to form.

25                   MS. MILLER: Excuse me. Yeah,

1 objection to form, other than what he's already  
2 testified to.

3 Q. Do you understand the question, sir?

4 A. Yes, sir.

5 Q. Okay. So he didn't do this contrary  
6 to your wishes; is that correct?

7 A. No.

8 Q. Okay. So this is part of the  
9 arrangement you had with Dr. Dimitrov?

10 MS. MILLER: Objection.

11 A. There was no -- there was no  
12 particular arrangement. He called. He was very  
13 happy with the course and he said he can give AMA  
14 credits, if I -- I was more than happy to -- okay,  
15 then he did it.

16 Q. So it was done verbally --

17 A. No.

18 Q. -- there was no written  
19 communications?

20 A. No, no, sir.

21 Q. Did Dr. Dimitrov take your course?

22 A. No, sir.

23 Q. Okay.

24 A. His student did.

25 Q. Going back to Arora 1, the bottom of

1 Page 1, the CME accreditation.

2 A. Yes, sir.

3 Q. Okay. So you advertised that CME  
4 credits were now available, right?

5 A. Yes, sir.

6 Q. Do you know when you first advertised  
7 that?

8 A. No, sir.

9 Q. Okay. Let me direct you to Page 2 of  
10 Arora 1 on the bottom. There is 1 paragraph that  
11 says, "CME accreditation."

12 A. Yes, sir.

13 Q. And there's a reference to Lincoln  
14 Medical Center.

15 A. Yes, sir.

16 Q. Do you see that?

17 A. Yes, sir.

18 Q. Can you explain that?

19 A. Explain what?

20 Q. Where it says, "joint sponsorship,"  
21 what does that mean, through -- of Lincoln Medical  
22 and Mental Health Center?

23 A. It -- this exactly wording was given  
24 to us by him and he told me that AMA wants that to  
25 be written here before I can do anything. So it was



1 all done by him, words given by him and, according  
2 to him, that was the AMA authorization to do that,  
3 otherwise this cannot be done. That's the way  
4 exactly it has to be written.

5 Q. Okay. So when you say "him," you're  
6 referring to Dr. --

7 A. Dimitrov.

8 Q. -- Dimitrov?

9 And so the text under the paragraph, "CME  
10 Accreditation," in Arora 1, Page 2, that came from  
11 Dr. Dimitrov?

12 A. Yes, sir.

13 Q. Regarding the CME accreditation, did  
14 there come a time when there was an audit of that or  
15 a review of any kind by the AMA or Dr. Dimitrov?

16 A. Not to my knowledge.

17 Q. Was your course, the Arora Board  
18 Review, prior to December 2009 open to physicians  
19 who were not studying for the ABIM Internal Board  
20 examination?

21 MS. MILLER: Objection.

22 A. It was for everybody.

23 Q. So you did not --

24 MR. RIVERA-SOTO: I'm sorry to  
25 interrupt. You keep referring to the "ABIM Internal

1 Board examination." Do you mean the Internal  
2 Medicine Examination?

3 MR. GONZALEZ: Yes.

4 MR. RIVERA-SOTO: Okay.

5 Q. Did Arora Board Review have a website  
6 at anytime during its operations?

7 A. Website? I don't remember. Maybe it  
8 was. I just -- it's too many years now.

9 Q. I understand. If I were to refer you  
10 to the top right of Arora 1 where the address is,  
11 there's a web address there,  
12 WWW.AroraBoardReview.com. Do you recall if that was  
13 your website?

14 A. Yeah, so...

15 Q. Was that your website, sir?

16 A. Yeah, that's my website.

17 Q. Okay. Do you recall when that  
18 website went up?

19 A. Not at all.

20 Q. Okay. Is it still up?

21 A. Nothing is up now, except for this  
22 e-mail address.

23 Q. That's the only thing that's still  
24 active?

25 A. Yeah, uh-huh.

1 MR. RIVERA-SOTO: Is that a yes? I'm  
2 sorry.

3 Q. I'm sorry, is that a yes?

4 A. Yes, sir.

5 Q. Okay.

6 MR. RIVERA-SOTO: The court reporter  
7 can't take uh-huh so...

8 THE WITNESS: I'm sorry.

9 MR. RIVERA-SOTO: It's okay.

10 MR. GONZALEZ: Okay. This is a good  
11 time to take a quick break.

12 MR. RIVERA-SOTO: Sure.

13 THE VIDEOGRAPHER: We're now going  
14 off the record. The time is 1:35 p.m.

15 (Recess taken 1:35 to 1:48 p.m.)

16 THE VIDEOGRAPHER: We are now back on  
17 the record. The time is 1:48. Proceed.

18 MR. GONZALEZ: Thank you.

19 Q. Doctor, going back to Arora 1, I just  
20 want to clarify something, Page 2, where it says,  
21 ACCME, the Accreditation Council for Continuing  
22 Medical Education. Do you see that on the bottom of  
23 Page 2?

24 A. Yes, sir.

25 Q. And that's the organization through

1 the joint sponsorship through Lincoln Medical Center  
2 that enabled Arora Board Review to offer CME  
3 credits; is that correct?

4 MS. MILLER: Objection.

5 A. Yes, sir.

6 Q. Okay. Going back to A1 and your  
7 e-mail, I believe, I just want to clarify something  
8 that you testified that you had communications with  
9 your students through e-mail and via telephone; is  
10 that correct?

11 A. Yes, sir.

12 Q. Okay. And that you answered  
13 questions that they may have regarding your  
14 lectures; is that accurate?

15 A. I must have, but I don't remember.

16 Q. Okay. Did you encourage them to  
17 communicate with you regarding any questions that  
18 they may have had?

19 A. No.

20 Q. No. Did you have any communications  
21 with students after they took the exam?

22 A. Those who called.

23 (There is a discussion off the record.)

24 A. Those who called me.

25 Q. Do you know the nature of those

1 communications, what did they call about?

2 MS. MILLER: Objection.

3 A. About the examination.

4 Q. Okay. In what regards, do you  
5 recall?

6 A. About the examination itself.

7 Q. Did you incorporate any of the  
8 information that you got from students after they  
9 took the exam into future courses?

10 A. I don't recall. I might have.

11 Q. Okay. Doctor, you testified earlier  
12 today that Arora Board Review was no longer in  
13 business; is that correct?

14 A. Yes, sir.

15 Q. Okay. And I think you testified that  
16 ABIM sued you in or around December 2009; is that  
17 accurate?

18 A. Yes, sir.

19 Q. Okay. And that you were awoken early  
20 in the morning?

21 MS. MILLER: I'm going to object to  
22 the way you're questioning this witness, okay. It's  
23 not a cross-examination. You're leading the  
24 witness.

25 Ask him why Arora Board Review is no longer

1 in existence and let him put it into his own words.

2 MR. GONZALEZ: Okay.

3 MS. MILLER: Because it's taking much  
4 too long.

5 MR. GONZALEZ: Thank you. It's my  
6 examination. I'll continue --

7 MS. MILLER: Well, you will not  
8 continue, sir, because if it keeps up, I will cut it  
9 off -- (gesture) just like that. Okay, so you will  
10 not continue.

11 MR. GONZALEZ: Your objection is on  
12 the record. I'll rephrase my question.

13 Q. Doctor, what happened the morning  
14 when you were awoken up in December of '09, tell me  
15 what you recall.

16 A. The lawyer and few other people from  
17 ABIM, they came on my door and showed me some papers  
18 from -- signed by a judge that they had the right to  
19 come in and check the premises.

20 Q. What "premises" are you talking  
21 about?

22 A. My home.

23 Q. Okay. And what time was this? You  
24 said you were awoken.

25 A. I don't remember.

1 Q. Okay. Do you know who was present  
2 there?

3 A. Me and my wife.

4 Q. Okay. And is there anybody in this  
5 room right now who was present that day?

6 A. Yes, the lawyer from ABIM.

7 Q. Okay. Ms. Hara Jacobs?

8 A. Yes, sir.

9 Q. Okay. Were there any other  
10 individuals? You mentioned other individuals. Were  
11 there any officers or -- present?

12 A. Yes, there were but -- yes, there  
13 were, but I don't know how many.

14 Q. Okay. Who communicated with you  
15 during that process?

16 A. The lawyer.

17 Q. Ms. Jacobs? You're pointing to Ms.  
18 Jacobs?

19 A. Uh-huh.

20 Q. Is that correct?

21 A. Yes.

22 Q. And what did she tell you?

23 A. I don't remember.

24 Q. Okay. You said she gave you some  
25 documents?

1 A. Yeah.

2 Q. Do you have copies of what she gave  
3 you?

4 A. Not at this -- I may have at home,  
5 but I don't remember.

6 Q. Okay. And so what happened after she  
7 gave you the documents? Describe to me what  
8 occurred, what occurred next.

9 A. I -- specifically, I don't remember.  
10 All I know is that they wanted to look at the  
11 records related to my lectures and students and they  
12 went over the computer and they actually opened up  
13 one of the computers and took some stuff out of it.  
14 I have no knowledge of what. And they looked at  
15 certain areas of my house, in my office, wherever  
16 the business was being held. And the thing which I  
17 recall the most, they even looked at jewelry box of  
18 my wife.

19 Q. Okay. Did they -- did you have any  
20 conversations during the time that they were looking  
21 through your material?

22 A. I'm sure there was some conversation.  
23 But I don't recall any specific conversation.

24 Q. Do you know the makeup of the people  
25 that were there other than Ms. Jacobs? What I mean



1 to say, was it just Ms. Jacobs and officers or were  
2 there other people that looked like civilians?

3 MS. MILLER: Objection.

4 Q. Do you recall?

5 A. No, I don't.

6 Q. Was anything taken from your  
7 premises?

8 A. Some -- some papers, whatever -- they  
9 went over through my office and whatever papers they  
10 thought was connected to the ABIM, I'm sure they  
11 took it. But I was too confused and worried about  
12 the whole thing. This had never happened to me  
13 before.

14 Q. Okay. Going to A1, the address on  
15 the top right, is that the address where they came  
16 that morning?

17 A. Yes, sir. Yes, sir.

18 Q. Okay. You mentioned that you had an  
19 office.

20 So did you have an office at that address?

21 A. Yes, sir.

22 Q. And that was also your residence?

23 A. Yeah. Yes, sir.

24 Q. How long were these people there?

25 A. I don't remember exactly how long,

1 but they were there practically all day, I think.

2 Q. Okay. Did they take anything with  
3 them, other than the computer item that you  
4 mentioned before?

5 MS. JACOBS: Objection to form.

6 Q. If you understand the question.

7 A. Some items they took. I said before.

8 MR. GONZALEZ: I'm going to introduce  
9 as Arora 3, a Process Receipt and Return that was  
10 filed in the case in the Eastern District of  
11 Pennsylvania against Dr. Arora, Case No. 09-CV-0757,  
12 public document of the inventory of the execution of  
13 a seizure and impoundment order seized from 389 East  
14 Mt. Pleasant Avenue in Livingston, New Jersey. It  
15 is Docket No. 11 in that matter filed on January 7,  
16 2010.

17 (Deposition Exhibit Arora 3, 16-page Process  
18 Receipt and Return filed in the Eastern District of  
19 Pennsylvania against Dr. Arora, was marked for  
20 identification.)

21 MR. GONZALEZ: For the record, A3 has  
22 ten pages.

23 Q. Doctor, take a moment and look at  
24 what's been identified as A3. I'm going to ask you  
25 some questions starting on Page 4.

1 A. (The witness complies.)

2 Q. Okay. Referring to A3, sir, it is an  
3 inventory of the -- that the sheriff's office --  
4 strike that -- United States Marshal Service filed  
5 in connection with ABIM's case against you in the  
6 Eastern District of Pennsylvania regarding a list of  
7 inventory items that were seized from 389 Mt.  
8 Pleasant Avenue.

9 That's your address, right?

10 A. Yes, sir.

11 Q. So your testimony earlier you were  
12 present at that time when the seizure took place?

13 A. Yes, sir.

14 Q. So the address here matches that,  
15 correct, sir?

16 A. Yes, sir.

17 Q. Okay. The inventory there refers to  
18 a first floor study. Do you see that?

19 A. Yes, sir.

20 Q. Is that the office that you testified  
21 to earlier, your home office?

22 A. Yes, sir.

23 Q. Okay. It lists a series of boxes.

24 As per each box, there is a list of items. I'm  
25 referring you to Box one of 5 on the list. It says,

1 "Dr. Arora financial records." Do you see that?

2 A. Yes, sir.

3 Q. Do you recall that they seized those  
4 documents?

5 A. I don't recall.

6 Q. Okay. It lists also "ABR's listings  
7 of student candidates." Do you recall if they  
8 seized those records?

9 A. Can I say something here?

10 Q. Yes, sir.

11 A. I'm seeing the list for the first  
12 time.

13 Q. Okay.

14 A. I have to idea what they took.

15 MS. MILLER: Which should have been  
16 your first question to ask, okay.

17 And I'm going to object because this  
18 document and all the documents you've done so far  
19 speak for themselves. So all you need to do is put  
20 the document in front of him, ask him if he's seen  
21 it. And if he hasn't, there is no need to question  
22 him on it. You're wasting our time, counsel.

23 MR. GONZALEZ: Counsel, I don't know  
24 if he has an independent knowledge.

25 MS. MILLER: Then ask him if he's

1       seen the document before.

2                       MR. GONZALEZ:   I don't know if he's  
3       had independent knowledge of what was taken.   I  
4       don't know what.

5                       MS. MILLER:   You've already asked  
6       him.   He said he doesn't remember.   He told you what  
7       he remembers.

8                       MR. GONZALEZ:   I wanted to refresh  
9       his recollection and I'm entitled to do that.

10                      MS. MILLER:   Not for long.

11                      MR. GONZALEZ:   No.

12                      MR. RIVERA-SOTO:   Let's proceed.

13               Q.       Doctor, looking at this exhibit, A3,  
14       right, where it says, "inventory," does this refresh  
15       your recollection of the items that were taken from  
16       your home that day?

17               A.       No, it does not.

18               Q.       Okay.   So you can't tell me what was  
19       taken or not from your home even after looking at  
20       this document?

21               A.       No, sir.

22               Q.       Okay.   Is it fair to say you have no  
23       other records whatsoever of the Arora Board Review  
24       in your home or in any other location?

25               A.       No, sir, I -- of these lists, of

1 these things, I don't know.

2 Q. Any records --

3 A. No.

4 Q. -- of your business.

5 A. Only business which were allowed by  
6 ABIM is the newsletters, I had those. That's what  
7 they -- whatever is in the settlement was done  
8 exactly.

9 Q. Okay.

10 A. No change.

11 Q. So, as a result of the seizure order,  
12 ABIM took everything you had, but you can't tell me  
13 what they took?

14 A. I don't know what they took. And I  
15 -- you have to look at the settlement. Settlement  
16 says whatever it was done exactly, I'm done.

17 Q. Okay.

18 A. I have nothing else to offer to you.  
19 I don't know why I'm here.

20 Q. I understand.

21 But you are certain that they took some  
22 electronic --

23 A. No, they didn't take electronic. I  
24 think they made the copies of something. I don't  
25 know what it was. They opened the computer. I have

1 no idea what they did with it.

2 Q. Okay. So you said that they made a  
3 copy of something from your computer?

4 A. Must have. I'm not sure again. I  
5 don't know.

6 Q. Do you still have that computer?

7 A. No.

8 Q. Okay. What happened to that  
9 computer?

10 A. It was -- it was not working anyhow  
11 after they left and we just discarded it.

12 Q. Okay. Were you ever given a list of  
13 the items that were taken from your home?

14 A. No, not to my recollection. I don't  
15 recall. At least, I don't recall this list.

16 Q. Okay. During the seizure of your  
17 items on that date, did anyone from -- Ms. Jacobs or  
18 anyone, the officers there interview you, sit you  
19 down and ask you questions?

20 A. Ms. Jacobs asked me questions.

21 Q. Did she?

22 A. About where the things are.

23 Q. Okay.

24 A. I told, her my office, and they went  
25 to my office.

1 Q. Did anyone else --

2 A. There were other people. I don't  
3 know who they were.

4 Q. Okay, I understand.

5 Did anyone else ask you questions at that  
6 time?

7 A. No, no.

8 Q. Okay. What happened after ABIM  
9 seized all your records, after they left, what  
10 happened next?

11 A. I had a cup of coffee.

12 Q. And after that?

13 A. Must have had dinner.

14 Q. Okay. You didn't contact anybody?

15 A. I don't recall.

16 Q. You didn't have an attorney that you  
17 contacted?

18 A. Oh, you are referring to that.

19 Yes, we contacted her office here, my  
20 lawyer's office.

21 Q. Okay. After the seizure of your  
22 documents in December of '09, did anyone from ABIM  
23 contact you and interview you?

24 A. Not to my -- I don't recall that.

25 Q. Okay. Did anyone other than --



1 strike that.

2 Did anyone contact you after December of '09  
3 to talk to you about the seizure of the documents  
4 other than your lawyer?

5 MS. MILLER: Objection.

6 A. Only my lawyer.

7 Q. Okay. So no one from ABIM and no one  
8 other than your lawyer asked you to sit down and  
9 tell you -- ask you questions or interview you about  
10 the seizure of the documents?

11 A. No.

12 Q. Okay. Or about any of the materials  
13 that were seized?

14 A. Not to my knowledge.

15 Q. Do you recall if the materials that  
16 were seized included either hardcopies or electronic  
17 copies of e-mails, your e-mails?

18 A. I don't know.

19 Q. Okay. You stated that you did not  
20 have any employees working for you with Arora Board  
21 Review; is that correct?

22 A. That's correct.

23 Q. Okay.

24 MR. GONZALEZ: I'm going to mark for  
25 identification as A4 a copy of the docket of the

1 American Board of Internal Medicine versus Dr.

2 Arora, et al. And it's a public document.

3 (Deposition Exhibit Arora 4, five-page Civil  
4 Docket for Case No. 2:09-cv-05707-JCJ, was marked  
5 for identification.)

6 (There is a discussion off the record.)

7 MR. GONZALEZ: Can I borrow that copy  
8 real quick?

9 MR. RIVERA-SOTO: No.

10 MR. GONZALEZ: Thank you.

11 While I wait for the other copy, I'd like to  
12 identify as A5 a copy of the Complaint in the  
13 Eastern District of Pennsylvania, ABIM versus Dr.  
14 Arora and Anise Kachadourian.

15 (Deposition Exhibit Arora 5, 22-page  
16 Complaint in the Eastern District of Pennsylvania,  
17 ABIM v. Dr. Arora and Anise Kachadourian, was marked  
18 for identification.)

19 Q. Doctor, who is Anise Kachadourian?

20 A. She was one of my students.

21 Q. Okay. Did she help you with Arora  
22 Board Review in any -- I'm sorry, is it a he or a  
23 she?

24 A. She.

25 Q. Is she also a doctor?

1 A. Yes.

2 Q. Okay. Did Dr. Kachadourian help you  
3 with the Arora Board Review, your business?

4 A. One day middle of the class, I was  
5 reading the questions and I got tired of talking  
6 eight hours a day. So she was in the class and she  
7 offered to read the question because somebody had to  
8 read the question and then I have to answer. So she  
9 agreed. She came -- I gave her a chair next to me  
10 and she would read the question and I would give the  
11 answers.

12 Q. Okay. So you didn't pay her for  
13 that?

14 A. Not at all.

15 Q. So she was a student of yours that  
16 volunteered her time to help you?

17 A. Yeah.

18 Q. Okay. Do you know why she was  
19 included in ABIM's lawsuit against you?

20 A. I have no idea.

21 Q. Do you know if ABIM seized any of her  
22 documents or records?

23 A. I don't know.

24 Q. Okay. Looking at A5, which is the  
25 complaint that ABIM filed against you, do you recall

1 seeing that complaint?

2 A. Yes, yes.

3 Q. Okay. And is this one of the  
4 documents that was given to you when those people  
5 came in to seize your materials?

6 A. I guess so.

7 Q. Okay. Doctor, during the courses  
8 that you give, the Arora Board Review courses, did  
9 you recall if your students distribute any material  
10 to you that may have been copyrighted by ABIM?

11 A. No, I don't recall.

12 Q. Okay. Do you recall if any of your  
13 students at anytime distribute to you any ABIM  
14 internal Board of Medicine examination questions?

15 A. They may have, yeah.

16 Q. Okay. How do you know? How do you  
17 know that they may have been actual questions?

18 A. Because they used to talk about the  
19 questions and some of them gave -- must have given  
20 in writing, too. Some gave in writing I said before  
21 and some talked and some e-mail.

22 Q. So these students after they took the  
23 exam would contact you and would give you  
24 information about actual questions that they saw on  
25 the exam?

1 A. Sometimes, yeah.

2 Q. Okay. Do you know if any of those  
3 communications were by e-mail?

4 A. Sometimes.

5 Q. Okay. Were you able to tell if a  
6 particular question was on the exam or not?

7 A. No.

8 Q. Was that a no?

9 A. I don't know. It depends upon the  
10 questions.

11 Q. Okay.

12 A. Sometimes the answer is, no;  
13 sometimes the answer is, yes.

14 Q. Okay. Did you ever use questions  
15 from any ABIM Internal Medicine Board exam for your  
16 lectures and classes?

17 A. Not -- no, only -- I used only the  
18 idea behind the question, not the exact question.  
19 It's impossible to do that.

20 Q. Okay. Let's take that response.

21 What do you mean by "the idea behind the  
22 question?"

23 A. Okay. Idea is somebody has cough and  
24 turns out to be TB. So the idea is TB, so you have  
25 to make a question around the TB, how is it

1 presented? So I get the idea and then I make the  
2 question.

3 Q. So you would come up with your own  
4 questions for your class?

5 A. Yes.

6 Q. Okay. Now, you said that it's  
7 impossible to come up with the questions for the  
8 exam; is that what your testimony is?

9 A. It's impossible, unless you have a  
10 photographic memory or you take pictures there.

11 Q. Okay. And do you recall any of your  
12 students having a photographic memory and telling  
13 you what they --

14 A. I don't recall, no.

15 Q. Okay. Do you recall receiving from  
16 your students any photographs of any actual  
17 questions?

18 A. No, sir.

19 Q. Did your website, the Arora Board  
20 Review website, ever contain any ABIM copyrighted  
21 Board certification exam questions?

22 MS. MILLER: I'm going to object to  
23 the "copyrighted" -- these are all legal terms that  
24 you're asking him. [INSTRUCTION] So I'm going to  
25 instruct him not to answer the legal part of it.

1 Can you ask the question without --

2 MR. GONZALEZ: Let me ask him in a  
3 different way.

4 MS. MILLER: That would be great.

5 Q. Okay. Did the Arora Board Review  
6 website ever contain, to your knowledge, questions  
7 that came from any ABIM Board certification exam?

8 A. Some -- I think some question were  
9 put on it, but where they came from, I don't know.  
10 I don't remember where they came from. I think the  
11 gist of the questions like two liners, I think, must  
12 have been put in it sometimes during the ordeal but  
13 exact question, no.

14 Q. Okay. And so you had this  
15 interaction with students from the time that you  
16 started the Arora Board Review in the mid '90s until  
17 just before December 2009?

18 A. Yes, sir, I said that many times.

19 MS. JACOBS: Objection to form.

20 Q. I'm sorry, is that correct?

21 A. Yes.

22 Q. So you never heard anything from ABIM  
23 as being problematic with that process?

24 A. I think one time they said -- if they  
25 sent a letter, which I may still have it, in which

1 they objected to my newsletter, not to these  
2 lectures, to my newsletter, which I used to print  
3 and sell and I still do it. But they objected that  
4 what I had returned in newsletter indicated as if I  
5 knew the questions, okay, the way it was put. So I  
6 told them, tell me what it is, I will remove it, and  
7 I took care of that at that time, you know. So the  
8 newsletter was some problem I recall.

9 But about the lectures, if they had just  
10 sent me one letter, I would have stopped the whole  
11 thing and we would have never reached this stage  
12 today if I had a letter from them about my lectures.

13 Q. The objection that you state about  
14 the newsletter, do you recall when that took place?

15 A. A long time. I don't remember.

16 Q. More than ten years ago?

17 A. It was -- yeah, the early '90s, I  
18 guess.

19 Q. What happened as a result of that  
20 letter?

21 A. They were happy with that, with  
22 whatever I did, they said, okay.

23 Q. Alright. So why don't you explain  
24 that a little bit.

25 A. Whatever they wanted me to remove, I



1 remove that part, that's all.

2 Q. Okay. So you removed that part of  
3 the newsletter that was reportedly objectionable?

4 A. Yeah, uh-huh. That is my recall.

5 Q. Okay.

6 A. Again, I don't remember the details.  
7 It was too long ago.

8 Q. I understand.

9 Other than that particular instance -- let  
10 me finish the question. I know you're nodding your  
11 head.

12 But other than that particular instance, did  
13 you have any issues with ABIM prior to  
14 December 2009?

15 A. I had issues -- other issues, not  
16 issues regarding our lectures.

17 Q. Okay. What type of "other issues?"

18 A. Same in 1970s, I wanted to know if  
19 the residency in GI, gastroenterology, one year was  
20 enough. So I wrote a letter, so the reply that one  
21 year was enough.

22 Q. So the interaction or issues you had  
23 with ABIM dealt with your personal --

24 A. Yeah.

25 Q. -- practice, not with the Arora Board

1 Review?

2 A. Absolutely.

3 Q. Okay. Did any other entity ever  
4 complain to you about the Arora Board Review prior  
5 to 2009?

6 A. Not to my -- I cannot recall anybody  
7 else objecting to it.

8 Q. Okay. Going back to your website.  
9 Did you put up your own website, did you  
10 create it or --

11 A. Yeah --

12 Q. -- did you hire somebody else?

13 A. -- we created. I don't know much,  
14 but my son helped me, you know.

15 (There is a discussion off the record.)

16 MR. GONZALEZ: I am going to mark as  
17 6 a printout from the Philadelphia Chapter of Infra,  
18 I-n-f-r-a, Gard, G-a-r-d website, public document  
19 undated.

20 (Deposition Exhibit Arora 6, one-page color  
21 printout of A. Benjamin (Ben) Mannes from  
22 Philadelphia InfraGard, was marked for  
23 identification.)

24 Q. Alright. Doctor, I want to point you  
25 to the picture of the gentleman on that document and

1 ask you if he looks familiar to you.

2 A. No, he does not.

3 Q. Okay. I want you to look at the name  
4 above the picture, A. Benjamin (Ben) Mannes. Does  
5 that name ring a bell at all?

6 A. Not at all.

7 Q. So you have no recollection of that  
8 person being a student of yours or attending any of  
9 your classes?

10 A. Not at all.

11 Q. Do you have any recollection of that  
12 person being part of the team that seized your  
13 records and materials in December of '09?

14 A. No, I don't.

15 MR. GONZALEZ: I'm going to mark as  
16 A7, an e-mail chain that was produced in discovery  
17 identified -- originally from Plaintiff to Defendant  
18 and we've produced it back. It's marked as 127 and  
19 128 on the top right.

20 (Deposition Exhibit Arora 7, two-page e-mail  
21 string, was marked for identification.)

22 Q. Take a moment and look at that  
23 document, please, sir.

24 A. (The witness complies.)

25 Q. Let me know when you're done, sir.

1 A. I'm done.

2 Q. Okay. A7 is an e-mail chain that  
3 appears to be dated August 13, 2009 and then on the  
4 top it has your e-mail address,  
5 AroraBoardReview@Comcast.net.

6 Is that the -- is that your e-mail address,  
7 sir?

8 A. Yes, sir.

9 Q. And it's directed to someone JimmyR  
10 P-a-d-r-i-n-o-j-r@Yahoo.com. Do you see that?

11 A. Yes, sir.

12 Q. Okay. And the text appears to be the  
13 following, "Thank you, Jimmy. When you are ready,  
14 call or write on any question. We will try to find  
15 the answers together. Dr. Arora."

16 Do you see that?

17 A. I see that.

18 Q. Okay. So, when you testified earlier  
19 that you exchanged information and questions and  
20 answers with students, is this an example of that?

21 A. I guess so.

22 Q. Okay. Do you, specifically, have any  
23 recollection of this individual Jimmy R?

24 A. Not at all.

25 Q. Okay. How about his e-mail address,

1 PadrinoJR?

2 A. Not at all.

3 Q. Okay. At anytime after ABIM's  
4 seizure of your documents, did anybody approach you  
5 and ask you any questions about this particular  
6 e-mail address, PadrinoJR@Yahoo.com?

7 A. No, not to my knowledge.

8 Q. Okay. Or how about anybody by the  
9 name of Jimmy R?

10 A. No, I don't remember.

11 Q. Okay. And did anybody show you any  
12 e-mails such as this after December of '09, after  
13 the seizure of your documents, did anyone approach  
14 you and ask you questions of any e-mails that you  
15 may have had with your students?

16 A. Not to my knowledge.

17 MR. RIVERA-SOTO: Can you complete  
18 authenticating this document? There's handwriting  
19 on the first page that clearly is not part of the  
20 e-mail chain.

21 MR. GONZALEZ: I understand and I  
22 don't know -- I don't know whose handwriting that  
23 is.

24 MR. RIVERA-SOTO: Well, this is part  
25 of what you produced, not what we produced.

1 (There is a discussion off the record.)

2 MR. GONZALEZ: I will try to produce  
3 a cleaner copy, but this is what I have right now.

4 MR. RIVERA-SOTO: Just so that the  
5 record is clear --

6 MR. GONZALEZ: Let me ask --

7 MR. RIVERA-SOTO: You can ask him,  
8 but I just want to make sure the record is clear  
9 that what you have identified as Arora 7 is your  
10 version of this e-mail chain, not the one that was  
11 produced to you by ABIM.

12 MR. GONZALEZ: That's correct.

13 MR. RIVERA-SOTO: Okay.

14 MR. GONZALEZ: Alright.

15 Q. Doctor, looking at A7, there appears  
16 to be some handwriting on the bottom right.

17 A. Yes, sir.

18 Q. Do you recognize the handwriting?

19 A. No.

20 Q. Is that your handwriting?

21 A. No.

22 Q. Okay.

23 MR. GONZALEZ: I want to identify as  
24 Arora 8 another e-mail chain produced in discovery  
25 and identified as Document 28 on the top right. It

1 appears to be dated May 27, 2009 and May 28, 2009.

2 (Deposition Exhibit Arora 8, two-page e-mail  
3 string, was marked for identification.)

4 MR. GONZALEZ: Also, it appears that  
5 there is a Doc ID, D-o-c, ID No. on the top left and  
6 that number is 10019453.

7 MS. MILLER: Can you give me a copy  
8 of the document, please.

9 Q. Doctor, please take a moment and read  
10 that document. I think it's also -- the exhibit  
11 also has text on the back identified by No. 29. So  
12 it's a double-sided document -- single page  
13 double-sided document.

14 Are you ready, Doctor?

15 A. Yes, sir.

16 MR. RIVERA-SOTO: I'm sorry, before  
17 you go further, Arora 8 is also among the documents  
18 that the Defendant produced in this case?

19 (There is a discussion off the record.)

20 MR. RIVERA-SOTO: Just checking the  
21 prominence of it.

22 MR. MENA: Yes, it was. And  
23 regardless -- because from the Doc ID and the  
24 format, you can see that it was a document that ABIM  
25 sent to us originally and then we produced it back

1 into the record of this case, but it was sent to us  
2 originally by ABIM.

3 MR. RIVERA-SOTO: And who put the  
4 handwriting on it?

5 MR. MENA: That doesn't have any  
6 handwriting.

7 MR. RIVERA-SOTO: Sure, it does.

8 MS. JACOBS: Yes, it does.

9 MR. RIVERA-SOTO: Absolutely it does.

10 MR. MENA: What's the --

11 MR. RIVERA-SOTO: It's got words  
12 circled. It's got words underlined. It was clearly  
13 done by hand.

14 MR. MENA: Those marks I don't know  
15 where they came from. And the 28, I believe, it's  
16 some sort of Bate stamping. But the underlining I  
17 don't know where it came from.

18 MR. RIVERA-SOTO: Who put the 28 on  
19 it and 29?

20 MR. MENA: I don't know personally.

21 Q. Okay. Doctor, take a look at that  
22 document, that e-mail. And it also appears to have  
23 been sent by you, the same e-mail address that we  
24 discussed in A1; is that correct?

25 A. Uh-huh.



1           Q.           Okay. And it is an e-mail that you  
2           apparently sent -- the top part of it dated May 28th  
3           to someone by the name of Jimmy Salas. Do you see  
4           that?

5           A.           Yes, sir.

6           Q.           And his e-mail is JSalasMD@Yahoo.com.

7           A.           Yes, sir.

8           Q.           Does that refresh your recollection  
9           at all as to the identity of that person?

10          A.           Not at all.

11          Q.           You don't recall that person? The  
12          subject says, "RE: Greetings from Puerto Rico."

13                       Does that refresh your recollection as to  
14          whether he was one of your students?

15          A.           You have to understand there were  
16          e-mails every day. How can I -- and so many years  
17          ago, so...

18          Q.           The e-mail here talks about a  
19          discussion that you had with Jimmy Salas regarding a  
20          conversation concerning your daughter. Do you  
21          recall that conversation?

22          A.           Not at all. They must have talked to  
23          each other in the course. I have no idea.

24          Sometimes my daughter used to come to the course to  
25          help. So I have no idea.

1           Q.       Because it says on the bottom of the  
2 top half of that page, you write, "I have forwarded  
3 your e-mail to my daughter to see if she has  
4 contacted your mother." Do you see that?

5           A.       Yeah, I see that. But I don't  
6 remember it.

7           Q.       Okay. Down below is an e-mail from  
8 JSalasMD. Do you see that to you?

9           A.       Yes, I see.

10          Q.       And there's a postscript that says,  
11 "Do you know if your daughter was able to contact my  
12 mother, the immigration lawyer?"

13               Does that refresh your recollection at all  
14 about --

15          A.       Not at all, not at all.

16          Q.       Do you recall after December of '09  
17 anyone approaching you to ask questions regarding  
18 who was Jimmy Salas, the person identified in this  
19 e-mail?

20               MS. MILLER: You mean other than  
21 communications with counsel in preparation when we  
22 received the subpoena?

23          Q.       Other than --

24          A.       Yeah.

25          Q.       Other than communications with your

1 attorney, after December of '09, did anyone approach  
2 you --

3 A. No not at all.

4 Q. -- and bring up Mr. Jimmy Salas's  
5 name?

6 A. (No response.)

7 Q. Is that yes or no?

8 A. No.

9 Q. Okay. Did anyone other than your  
10 communications with your attorney after December of  
11 '09 approach you to ask any questions about someone  
12 with the e-mail address JSalasMD@Yahoo.com?

13 A. No, I don't recall anything like  
14 that.

15 Q. Okay. If I were to show you a  
16 picture of Dr. Salas, would you be able to recognize  
17 him?

18 A. I don't think so. Because I -- if  
19 you show me the picture -- you see how you remember  
20 things? Something specific then maybe I can. But,  
21 normally, there are so many students sitting in the  
22 class and you don't look at their faces. You're  
23 worried about your own lecture, you know.

24 Q. I understand.

25 A. So, if something, specifically, he

1 did with me, then I would remember. For example, I  
2 remember her as soon as she --

3 THE WITNESS: You walked in, I  
4 immediately remembered you then, you know.

5 A. But I could not recall her when she  
6 came in.

7 MS. MILLER: That's true.

8 A. I couldn't recall her.

9 MR. RIVERA-SOTO: Let the record  
10 reflect that the witness can remember adverse  
11 counsel but not his own.

12 MS. MILLER: I guess I'm not that  
13 memorable.

14 A. It goes to show she affected my brain  
15 a lot at that moment that day.

16 MR. RIVERA-SOTO: She has that affect  
17 on men, yes.

18 THE WITNESS: No, but I'm telling you  
19 she walked in and I told her, I couldn't recognize  
20 you, which is the truth.

21 A. But show me the photograph, maybe I  
22 remember, maybe I don't. I don't know.

23 MR. RIVERA-SOTO: Well, this I  
24 promise. I'll remember you the next time I see you.

25 MS. MILLER: Well, you already got

1 the name wrong.

2 MR. RIVERA-SOTO: I'm sorry.

3 MS. MILLER: It's Melanie.

4 MR. RIVERA-SOTO: Melanie, okay.

5 A. In her case, I remember they wanted  
6 to see jewelry box of my wife. That really bothers  
7 me.

8 Q. I understand, Doctor. It was  
9 probably a dramatic moment.

10 MR. GONZALEZ: I'm going to -- I  
11 apologize. I only have two copies, but I'll make  
12 more for you.

13 I'm going to identify as 9, A9, a photograph  
14 of Dr. Salas. He is the individual to the right,  
15 not the items to the left.

16 (Deposition Exhibit Arora 9, copy of color  
17 photograph, was marked for identification.)

18 (There is a discussion off the record.)

19 A. The one on the right here?

20 Q. Yes.

21 A. The one without that...

22 Q. Yes.

23 A. I don't, I'm sorry. I wish. I don't  
24 know. I don't remember.

25 Q. No, I understand.

1           A.           No, I don't remember. He's handsome  
2   guy.

3                   MR. RIVERA-SOTO: Do we know when  
4   this photo was taken?

5                   MR. MENA: Yes, in May 2009. It's  
6   marked -- if you see there, the NYPD barriers, metal  
7   barriers, that say "NYPD."

8                   MR. RIVERA-SOTO: Yes.

9                   MR. MENA: It was taken on the week  
10  -- apparently, on the week that he was there to take  
11  the Arora course. He walked outside and they took  
12  the picture. Maybe he saw the mannequins or  
13  something like that.

14                  MR. RIVERA-SOTO: With all due  
15  respect, you know this how?

16                  MR. MENA: He told me. He told me.

17                  MR. RIVERA-SOTO: But that's not the  
18  way a photograph can be authenticated.

19                  MR. MENA: If it were to come to  
20  records, I suppose he could testify under oath and  
21  authenticate it. That's the information I have.

22                  MR. GONZALEZ: Suffice it to say the  
23  witness did not recall any specific recollection of  
24  Dr. Salas.

25           Q.           Sitting here today, do you have any

1 specific recollection of communicating with Dr.  
2 Salas at all?

3 A. No, no. Really, I would tell you if  
4 I knew, really.

5 Q. Can I get those documents back, sir.

6 A. (The witness complies.)

7 Q. Thank you.

8 Okay. Going back on A7, the e-mail that  
9 says PadrinoJR@Yahoo.com, I just want to be clear,  
10 you don't know who that belongs to?

11 A. What belongs to what?

12 Q. Who belongs to that e-mail address  
13 the PadrinoNJ?

14 A. Padrino?

15 MS. MILLER: It's PadrinoJR you mean.

16 Q. PadrinoJR, I'm sorry.

17 A. I don't know who is Padrino, no.

18 Q. So you have no independent  
19 recollection of who that belongs to?

20 A. No.

21 MR. GONZALEZ: Alright. I think now  
22 is a good time to break for the videographer to  
23 change the tape.

24 THE VIDEOGRAPHER: This now concludes  
25 Media Unit No. 1. The time is 2:35.

1 (Recess taken 2:35 to 2:45 p.m.)

2 THE VIDEOGRAPHER: We are now on the  
3 record of Media Unit No. 2. The time is 2:45 p.m.  
4 Proceed.

5 MR. GONZALEZ: Thank you.

6 Q. Doctor, do you recall if the  
7 Defendant in this case, Dr. Jaime Salas Rushford,  
8 was a student of yours?

9 A. No.

10 Q. Okay. Do you recall if the  
11 individual who had the e-mail address in Arora 7,  
12 PadrinoJR@Yahoo.com, do you recall the person --

13 A. No, I don't.

14 Q. If I may finish.

15 A. I'm sorry.

16 Q. It's okay.

17 (Continuing.) If that person  
18 PadrinoJR@Yahoo.com, was a student of yours, do you  
19 recall?

20 A. No, I don't recall the e-mail or the  
21 person.

22 Q. Okay. So it's fair to say that you  
23 don't recall whether the Defendant in this case, Dr.  
24 Jaime Salas Rushford, ever sent to you any  
25 information that consisted of ABIM's Internal Board



1 of Medicine examination questions?

2 A. I don't recall.

3 Q. Okay. And so, similarly, is it fair  
4 to say that you do not recall whether the person who  
5 owned the PadrinoJr@Yahoo ever sent to you any  
6 e-mails that included ABIM internal Board of  
7 Medicine examination questions?

8 A. I don't recall.

9 Q. Do you recall if the Defendant in  
10 this case, Dr. Jaime Salas Rushford, ever requested  
11 from you copies of any actual ABIM examination  
12 questions?

13 A. No, I don't recall.

14 Q. Okay. Do you recall if the person  
15 who owned the PadrinoJR@Yahoo.com ever requested  
16 from you copies of any actual ABIM examination  
17 questions?

18 A. No, I don't recall.

19 Q. To your knowledge, did you or anyone  
20 on your behalf of the Arora Board Review ever send  
21 or provide any ABIM examination material to the  
22 defendant in this case, Dr. Jaime Salas Rushford?

23 A. No, I don't recall. I do not recall  
24 anything about the person.

25 Q. I understand.

1           A.           Or many, many students in my class.

2           Q.           I understand.

3           A.           I cannot. It's impossible. It was  
4 so many years ago.

5           Q.           I understand. I just need to ask  
6 these questions so the record is clear, sir.

7                   To your knowledge, did you or anyone on your  
8 behalf or on behalf of the Arora Board Review ever  
9 send or provide any ABIM examination material to the  
10 individual who owned the PadrinoJR@Yahoo.com  
11 address?

12          A.           I don't recall.

13          Q.           Okay. Were you ever given -- you may  
14 have testified to this and I apologize. I don't  
15 recall.

16                   Were you ever given copies of the materials  
17 that were seized by ABIM from your office?

18          A.           Some material did come from the  
19 Board. There was a few boxes, actually. And I left  
20 them in the garage.

21          Q.           So some materials did come back?

22          A.           They returned the material.

23          Q.           Okay.

24          A.           Yeah, I remember. But we never  
25 opened them because to me they looked like copies of

1 everything, so many things, and I don't have --  
2 didn't have time to look even. What is the point of  
3 looking? So we discarded them, too, after a while.

4 Q. Okay. So they did -- so I understand  
5 what happened, after the seizure of these records,  
6 sometime later, you got the originals back or  
7 copies?

8 MS. JACOBS: Objection to form.

9 Q. You may answer the question.

10 A. I think they were copies. But,  
11 again, I don't know. I didn't look through them.

12 Q. How -- do you recall the time period  
13 where you got the copies or the originals back?

14 MS. JACOBS: Objection to form.

15 A. No, I don't remember the time period.

16 Q. Was it more than six months, was it  
17 more than a year?

18 A. I think it should be less than a  
19 year, I would say.

20 Q. Okay. Was it after -- before the  
21 time period in which you settled with ABIM, the case  
22 was settled, do you recall?

23 A. The case was settled before, much  
24 before. They came much later on.

25 Q. Okay. You said that the -- you never

1 opened those boxes after you got them back?

2 A. Well, superficially, I opened one box  
3 from the top to see what it is and it looked like a  
4 copy, but I had no interest in the whole thing.

5 Q. I understand.

6 And you mentioned that they were discarded.

7 A. Yes.

8 Q. Can you explain what happened?

9 A. Well, every so often the town I live  
10 in, they have notice to come and give your software,  
11 hardware, computers, TV, and anything else so they  
12 will -- but we wanted to -- what is it you put  
13 through?

14 MS. MILLER: Shred.

15 A. Shred. We wanted to shred those  
16 papers. So one day they had the shredder on the  
17 truck. So I put all the boxes in the car and took  
18 them and I saw them shred it and they put it in  
19 there.

20 Q. Do you remember when that occurred?

21 A. Oh, no, not at all.

22 Q. Okay. So, as we stand here today,  
23 you have no copies whatsoever of any of the items  
24 that were seized by ABIM in or around December 2009?

25 A. No, I don't have any, no.

1 Q. Okay. You testified that you still  
2 had the e-mail account BoardReview@Comcast.net?

3 A. Yes.

4 Q. When was the last time you accessed  
5 that account?

6 A. They -- this one and RKAroraMD, they  
7 are -- they take me to the same place. And I just  
8 did -- I mean, I didn't do it today, but I did it  
9 this morning. I go into my e-mail and I assume that  
10 the same account is under both names.

11 Q. And that account is managed by  
12 Comcast?

13 A. Must be.

14 Q. Okay. Alright. In preparation --  
15 strike that.

16 Do you know if the e-mails that's in the  
17 BoardReview@Comcast.net account go back to December  
18 of 2009?

19 A. I don't know.

20 Q. Okay.

21 A. You know.

22 Q. Do you know or ever heard of a Dr.  
23 Sarah Von Muller?

24 A. Doctor?

25 Q. Sarah Von Muller and whether she was

1 a student of yours?

2 A. I may have heard the name, but I  
3 don't recall more than that, but may have heard the  
4 name. Somehow it sounds like a name I have heard  
5 before, that's all.

6 Q. Okay. But you can't tell me today  
7 whether she was a student of yours?

8 A. No, I don't.

9 Q. Do you know or have ever heard of Dr.  
10 Monica Mukherjee, M-u-k-h-e-r --

11 A. That's Indian name. No, I don't.

12 Q. That doesn't ring a bell?

13 A. Mukherjee, yeah.

14 Q. Or whether she was a student of  
15 yours?

16 A. No, I don't recall.

17 Q. How about Dr. Pedram Salehi?

18 A. Salehi used to -- another Salehi used  
19 to be my a friend long time ago from Iran. This is  
20 not the same person. That guy died already.

21 Q. Okay. How about Dr. Anastasia Todor?

22 A. Not at all.

23 Q. Does she ring a bell at all --

24 A. No.

25 Q. -- as a former student?

1 A. (No response.)

2 Q. No? You have to --

3 A. No, I don't remember. Sorry, yeah.

4 Q. Thank you.

5 Prior to the seizure of your documents in  
6 December of 2009, did you have any knowledge that  
7 ABIM was investigating the Arora Board Review?

8 A. No, if I -- I wish I had known that.

9 Q. Do you have any recollection whether  
10 any ABIM employee or representative attended any of  
11 your Arora Board Review courses?

12 A. No, I don't. But later on I assume  
13 they must have. But I really don't know.

14 Q. Okay. So, when you say you assume,  
15 you're just speculating?

16 A. Yeah.

17 Q. No one ever contact you to say that,  
18 in fact, an ABIM agent or representative attended  
19 one of your classes?

20 A. Not at all.

21 MR. GONZALEZ: I'd like to mark A10  
22 for identification. It is a copy of the notice of  
23 subpoena --

24 MR. RIVERA-SOTO: Technically, I  
25 think you're calling them Arora 10, not A but Arora.

1 MR. GONZALEZ: Arora 10, thank you.

2 (Continuing.) A copy of the notice or  
3 subpoena and subpoena and document demand dated  
4 October 16, 2015.

5 (Deposition Exhibit Arora 10, Notice of  
6 Subpoena Duces Tecum to Rajender K. Arora, M.D., was  
7 marked for identification.)

8 Q. Doctor, take a moment and look at  
9 what has been identified as Arora 10. It's the  
10 notice of subpoena, the subpoena that we served on  
11 you to give testimony today. And, particularly,  
12 towards the end --

13 MS. MILLER: Yeah, I'm going to  
14 object to the first three pages that he's supposed  
15 to have seen that. There is no indication that he  
16 got served with that.

17 MR. GONZALEZ: I understand.

18 Q. So starting on the fourth page is the  
19 actual subpoena that you were served, a copy of it.

20 MR. RIVERA-SOTO: So we're dealing  
21 only with the subpoena, not the notice?

22 MS. MILLER: Correct.

23 Q. And starting on Page 14, sir, it's  
24 not numbered, but it starts with the page starting  
25 with "Requests for Production."



1 MS. MILLER: Right there.

2 THE WITNESS: Uh-huh.

3 MS. MILLER: And I'm going to put on  
4 the record that we've filed written objections to  
5 this subpoena.

6 Q. Doctor, you recall being served with  
7 the subpoena?

8 A. Yes, sir.

9 Q. Okay. And you had time to review it  
10 at the time you were served?

11 A. I reviewed it very cursory.

12 Q. Okay. The subpoena included a  
13 request for a production of documents that's before  
14 you now. There are a number of requests.

15 So did you have time to review those  
16 requests for documents?

17 MS. MILLER: Objection. At what time  
18 period?

19 MR. GONZALEZ: At anytime.

20 A. At that time, I looked at it and it  
21 didn't -- I didn't understand, so that's why I  
22 called her.

23 Q. Okay. Did you do a search for  
24 documents pursuant to the requests in the subpoena?

25 MS. MILLER: I'm going to object.

1 This particular subpoena has been the subject of  
2 various letters, e-mail communications and several  
3 meet and confer conferences. So I'm not sure what  
4 you're asking.

5 MR. GONZALEZ: I'm asking if he did a  
6 search for documents that are responsive to the  
7 requests in the subpoena.

8 A. Search where?

9 Q. Wherever.

10 A. I --

11 Q. Any documents that were in your  
12 possession custody or control.

13 A. Well, I'm aware that I don't have any  
14 documents, except the newsletters. So there was no  
15 point searching for where.

16 Q. You referenced earlier to a  
17 settlement agreement that you had entered into with  
18 ABIM in connection with your case. Do you remember  
19 that testimony here today?

20 MS. MILLER: I'm going to object to  
21 that. I don't remember any such testimony.

22 MR. GONZALEZ: Alright. We're good.  
23 Can you search for that?

24 THE STENOGRAPHER: It will take me a  
25 minute.

1 MR. GONZALEZ: Sure.

2 MR. RIVERA-SOTO: Can we go off the  
3 record for one second?

4 MR. GONZALEZ: No.

5 MR. RIVERA-SOTO: Can we go off the  
6 record for one second?

7 MR. GONZALEZ: Sure, go ahead.

8 MR. RIVERA-SOTO: Thank you.

9 THE VIDEOGRAPHER: We're now going  
10 off the record. The time is 3:00 p.m.

11 (There is a discussion off the record.)

12 THE VIDEOGRAPHER: We're now back on  
13 the record. The time is 3:02.

14 Q. Doctor, going back to your testimony  
15 that the material that you got back from ABIM was  
16 disposed of and shredded, okay, that took place  
17 before you got this subpoena; is that correct, A10,  
18 Arora 10?

19 A. Yeah. This came recently.

20 Q. Okay. And that happened how long  
21 ago?

22 A. Long time ago. I don't know.

23 Q. You had mentioned in your previous  
24 testimony about a settlement between you and ABIM.  
25 Do you remember that testimony?

1 A. Yes, sir.

2 Q. Poke. Do you remember when that took  
3 place?

4 A. Sometime in 2010.

5 Q. Okay. Did that settlement produce a  
6 settlement, a written settlement agreement between  
7 you and ABIM?

8 A. Yes, sir.

9 Q. Do you have a copy of that?

10 A. I don't have it with me. But my  
11 lawyer has it.

12 Q. Okay. And you don't have it with you  
13 right now?

14 A. No, I don't.

15 Q. Why didn't you produce that document  
16 today to pursuant to the subpoena?

17 MR. RIVERA-SOTO: Is it called for?

18 MR. MENA: Yes, I think so.

19 Q. Let me point you to request No. 5,  
20 sir. Request No. 5 requests, "All documents that  
21 relate to any and all allegations or claims in the  
22 lawsuit entitled "American Board of Internal  
23 Medicine versus Rajender K. Arora, No. 2-09-CV-05707  
24 in the United States District Court for the Eastern  
25 District of Pennsylvania."

1           That's the case that you testified to at  
2   length this morning of the case that ABIM had  
3   against you; is that correct?

4           A.       Yes.

5           MR. RIVERA-SOTO:  Actually, this  
6   afternoon.

7           Q.       This afternoon, I'm sorry.

8           And your testimony is that you reached a  
9   settlement with them including a settlement  
10  agreement, a written settlement agreement; is that  
11  correct?

12          A.       Yes, uh-huh, yes.

13          Q.       And your testimony is that either you  
14  or your attorney have copies of that settlement  
15  agreement?

16          A.       Yes, sir.

17          Q.       But you did not produce that with you  
18  today?

19                 MS. MILLER:  [INSTRUCTION] And I'm  
20  going to instruct him not to answer.

21           Any communications he had with me regarding  
22  why we did or did not produce the settlement  
23  agreement -- and, quite frankly, it's clearly of  
24  record.  It's in many e-mails.  It is irrelevant.  
25  And I don't see at all it how affects the

1     allegations in this case.

2                   MR. GONZALEZ:  My question is not  
3     about the communications you had with him about the  
4     settlement agreement.  My question is that he did  
5     not produce --

6                   MS. MILLER:  No, your question is why  
7     did he not -- why did he not produce it.  And,  
8     again, we can go back, if you chose to take.

9                   MR. GONZALEZ:  Let me rephrase the  
10    question.

11                  MS. MILLER:  He didn't produce it on  
12    the advice of counsel.

13                  Q.        Sir, you don't have a copy of that  
14    agreement with you today; is that correct?

15                  A.        No, I don't have with me.

16                  Q.        And you've read request number --  
17    Production No. 5, correct?

18                  A.        Yes.

19                  Q.        And the settlement agreement relates  
20    to the case that's referenced in document production  
21    request No. 5 that's in the subpoena; is that  
22    correct?  It relates to --

23                  MS. MILLER:  If you understand.

24                  Q.        The settlement agreement relates to  
25    the case that ABIM had against you; is that correct?

1 A. (No response.)

2 Q. You have to state it verbally, sir.

3 A. No. My presumption is that you have  
4 that record or my lawyer has that record and I have  
5 at home. I can bring it.

6 Q. I don't have a copy of the  
7 settlement.

8 What I'm asking is that you or your lawyer  
9 have a copy of that agreement, that's what you  
10 testified, but you did not bring that with you  
11 today; is that correct?

12 A. No, I did not bring today.

13 MS. MILLER: And I'm putting on the  
14 record that he did not bring it today on the advice  
15 of counsel. And we've clearly undergone several  
16 meet and confer conferences --

17 MR. GONZALEZ: What's the basis -- -

18 MS. MILLER: Please let me finish and  
19 put it on the record.

20 MR. GONZALEZ: Sure, go ahead.

21 MS. MILLER: We've clearly undergone  
22 many meet and confer conferences on this. You've  
23 not chosen to pursue this at all or pursue it with  
24 the Court beforehand.

25 I've been very clear from the first meet and

1 confer conference that I've had that any  
2 confidential settlement agreement is irrelevant to  
3 the allegations of this case, particularly, since  
4 all of the duties of Dr. Arora are encompassed  
5 within an injunction, which is of record, and you  
6 can pull it. There is nothing in the settlement  
7 agreement that isn't already of record.

8 MR. GONZALEZ: Anything else?

9 MS. MILLER: I think I'm done.

10 MR. GONZALEZ: Okay. You did not  
11 file a motion to quash.

12 MS. MILLER: I don't need to. I have  
13 written objections pursuant to Rule 45.

14 MR. GONZALEZ: That's fine.

15 But you did not file a motion to quash and  
16 the Doctor was obligated to produce --

17 MS. MILLER: I disagree entirely.

18 MR. GONZALEZ: Please, I didn't  
19 interrupt, do not interrupt me.

20 And the Doctor was obligated on this  
21 subpoena by rule to produce documents that he may  
22 have had in possession, custody or control relating  
23 to the case between him and ABIM and that was not  
24 produced and I want to make that clear for the  
25 record.



1 MS. MILLER: And I want to make clear  
2 for the record --

3 MR. GONZALEZ: Please, I'm not done.  
4 I'm not done. Please don't interrupt. I didn't  
5 interrupt you.

6 And that we're going to make appropriate --  
7 seek appropriate intervention by the Court because  
8 the Third Circuit and it's well settled case law --

9 MR. RIVERA-SOTO: Mr. Gonzalez --

10 MR. GONZALEZ: Please, let me finish  
11 and then I'll -- no, no.

12 MR. RIVERA-SOTO: We don't need to  
13 argue it now. We really don't.

14 MR. GONZALEZ: I know. I just want  
15 to make it for the record, sir.

16 MR. RIVERA-SOTO: Okay.

17 MR. GONZALEZ: That the Third Circuit  
18 -- there is no settlement privilege in the Third  
19 Circuit and this document should have been produced.

20 MS. MILLER: Well, why wasn't it  
21 produced by ABIM, who is a party to the litigation?

22 MR. GONZALEZ: Well, we're going to  
23 address that tomorrow with the Judge.

24 MS. MILLER: Don't you think it's a  
25 little late?

1 MR. GONZALEZ: No.

2 MS. MILLER: Okay.

3 MR. RIVERA-SOTO: Okay. Can we move  
4 on, please?

5 MR. GONZALEZ: Yes.

6 MR. RIVERA-SOTO: Thank you.

7 Q. So, Doctor, your testimony is that  
8 you have no documents with you whatsoever in  
9 connection with all of the requests that are stated  
10 in the subpoena; that correct?

11 A. Yes, sir. Yes, sir.

12 Q. With the exception of any documents  
13 relating to the settlement with ABIM including the  
14 settlement agreement, is it your testimony that all  
15 of the other documents that you may have had have  
16 been shredded or discarded?

17 MS. MILLER: Objection. You're  
18 misstating his testimony. Why don't you ask him a  
19 question.

20 MR. GONZALEZ: I did ask him a  
21 question.

22 MS. MILLER: No, a non-leading  
23 question.

24 Q. Doctor, other than the documents that  
25 you testified that you shredded and other than the

1 documents that are part of the settlement agreement  
2 with ABIM, do you have in your possession, custody  
3 and control any other documents that are responsive  
4 to the document production requests in the subpoena?

5 A. Only document I have is on the  
6 settlement and the newsletters.

7 Q. You have nothing else?

8 A. To my knowledge -- to my knowledge, I  
9 don't have anything else.

10 (There is a discussion off the record.)

11 Q. Did you check the  
12 BoardReviewComcast.net e-mail, your e-mail account?

13 MS. MILLER: At what time?

14 Q. After you got the subpoena.

15 A. "Check" for what?

16 Q. To see if you had any e-mails that  
17 are responsive to the document requests in the  
18 subpoena.

19 A. I don't know what you're talking  
20 about.

21 Q. Okay. You testified that the  
22 BoardReview@Comcast.net e-mail address that you had  
23 at the time you operated the Arora Board Review was  
24 still active; is that correct?

25 A. Yes.

1 Q. Okay. You testified and tell me if  
2 I'm incorrect that you accessed it not too long ago;  
3 is that correct?

4 A. I accessed my e-mail every day.

5 Q. Okay. In response to the document  
6 production requests in the subpoena, did you check  
7 your e-mail at BoardReview@Comcast.net to see if you  
8 had any e-mails that are responsive to the requests,  
9 document requests, in this subpoena?

10 MS. MILLER: And, before you answer,  
11 you're mischaracterizing his testimony. What he  
12 says is that he has one e-mail address and the two  
13 e-mails -- the two different addresses link to the  
14 one e-mail.

15 MR. GONZALEZ: I understand.

16 MS. MILLER: Okay. With that caveat,  
17 if you understand, go ahead.

18 Q. Did you check your e-mail address to  
19 see --

20 A. I check it every day.

21 Q. I know. But did you check it after  
22 getting this subpoena, Arora 10, to see if you had  
23 any e-mails that are responsive to the requests in  
24 this subpoena?

25 A. Why would they be responsive to in

1 the subpoena? I don't get it. I don't understand  
2 your question.

3 My e-mail is there. If there is something,  
4 I would know. I don't know what this has to do with  
5 my e-mail address.

6 Q. Okay. So I just want to make sure  
7 that I understand your answer.

8 You did not check your e-mail address, your  
9 account?

10 A. I check every day.

11 Q. I understand you check every day.

12 But did you, specifically, check to see if  
13 any e-mails in your e-mail box was responsive to the  
14 requests for documents in the subpoena?

15 A. Why would it be there? I don't get  
16 it.

17 Q. I understand that. But --

18 A. Who will be responding?

19 Q. But the question is not why would  
20 they be there.

21 But the question is, did you check or not?

22 A. Why would I be looking for it?

23 Q. So is the answer, no? I just want  
24 to know if you checked or not.

25 A. No.

1 Q. So you did not check it?

2 A. If I check my e-mail every day, if  
3 there is something there connected with anything, I  
4 would know.

5 Q. Let me point your attention to  
6 Document Request No. 21 -- strike that.

7 Let me go to 17 please first. Document  
8 Request No. 17 requests all documents that relate to  
9 the creation, server, lookup, backup and use of the  
10 e-mail address BoardReview@Comcast.net. Do you see  
11 that?

12 A. I see that.

13 MS. MILLER: And what you're ignoring  
14 here is that there are objections on the record to  
15 these document requests as being overly broad and  
16 not related -- and not narrowly streamlined and not  
17 related to anything relevant in this litigation.

18 MR. GONZALEZ: I understand. Your  
19 objection is on the record.

20 Q. Doctor, did you in response to  
21 request for Production No. 17 check your e-mail  
22 address to see if you had any documents that are  
23 responsive to Request 17?

24 MS. MILLER: Objection, asked and  
25 answered several times now.

1 MR. GONZALEZ: I want to be clear  
2 because it's not clear to me.

3 Q. Did you do a specific review of your  
4 e-mail in response to Request No. 17?

5 A. No, I did not.

6 Q. Okay. Let's go to 21, please. 21  
7 requests all documents that relate to any and all  
8 communications between you and the holder of any of  
9 the following e-mail accounts and there is a list of  
10 several e-mail accounts.

11 Did you do a specific request after  
12 receiving this subpoena for any e-mails in your  
13 e-mail account for any e-mails concerning these  
14 particular e-mails?

15 MS. MILLER: Let me be clear. You're  
16 talking about an e-mail account over the last what  
17 ten years, five years, what are you talking about?  
18 He hasn't done any Arora Board Reviews since 2009.  
19 So how exactly are you -- these requests are absurd  
20 as are your questions on these converse. He's a  
21 third party.

22 MR. GONZALEZ: The Arora -- Dr. Arora  
23 testified in response to Arora 1 that the e-mail on  
24 the first page of Arora 1 is the same e-mail that  
25 he's been using and it's never been inactivated and

1 it's still active. And I'm entitled to find out if  
2 he still has any of those e-mails from that time  
3 period.

4 Q. So do you have -- did you do a  
5 specific request for -- in response to Production  
6 Request No. 21 for your e-mail account for any  
7 e-mails relating to these particular e-mails?

8 A. If I had them, I would know. I check  
9 every e-mail. If I would know somebody writes to me  
10 something, I reply and somebody does not, it's  
11 somewhere. If they were there, I would have known.  
12 All I know is when this -- all this came, I send my  
13 copies to my lawyer.

14 MS. MILLER: Exactly.

15 Q. Let me ask you this, sir.

16 Your Comcast e-mail account, do you know how  
17 far back your e-mails go?

18 A. No, I don't.

19 Q. Okay. Do you know if you deleted any  
20 e-mails before December 2009?

21 A. I don't know. I didn't delete  
22 anything. It just keeps going.

23 Q. Alright. So I just want to make sure  
24 for the record -- and I apologize but I need to  
25 understand clearly -- whether or not you conducted a



1 specific search after you got this subpoena for any  
2 e-mails in connection with Request No. 21?

3 A. I asked advice from my lawyer, that's  
4 all I did.

5 Q. Okay.

6 MS. MILLER: He's answered your  
7 question.

8 Q. I don't know -- okay.

9 MR. GONZALEZ: Let me take a quick  
10 two, three-minute break to see if I have anything  
11 else.

12 THE VIDEOGRAPHER: We're now going  
13 off the record. The time is 3:16.

14 (Recess taken 3:16 to 3:20 p.m.)

15 THE VIDEOGRAPHER: We're now back on  
16 the record. The time is 3:21.

17 MR. GONZALEZ: Thank you.

18 MR. RIVERA-SOTO: I want the record  
19 to reflect that Mr. Gonzalez is going to make a  
20 statement and then he promised us he only had one or  
21 two other questions so...

22 Now, the heat is on.

23 Q. I just want to make clear for the  
24 record, Dr. Arora, that you don't have with you a  
25 copy of the settlement agreement that you entered

1 into with ABIM; is that correct?

2 A. Not at this time, but I have it.

3 Q. And you're not going to produce that  
4 to us in response to the document demand in the  
5 subpoena; is that correct?

6 MR. RIVERA-SOTO: That's a question  
7 that should be asked of his counsel.

8 MS. MILLER: Exactly.

9 MR. GONZALEZ: Is that going to be  
10 produced?

11 MS. MILLER: It is not going to be  
12 produced for the reasons that I've enumerated since  
13 October when we were first served with the subpoena.  
14 We don't believe it's relevant and there is a record  
15 in this particular matter, an injunction, that has  
16 Dr. Arora's duties and ABIM's duties and obligations  
17 enumerated within it, which is public record.

18 Q. Doctor, did you infringe upon any of  
19 ABIM's copyrights?

20 MS. MILLER: Objection.

21 [INSTRUCTION] And instruction not to answer.

22 MR. GONZALEZ: Why? That's not a  
23 privileged question.

24 MS. MILLER: I don't care. It's an  
25 objection and instruction not to answer.

1 MR. GONZALEZ: Well, that's improper.  
2 It's not subject -- it's not a --

3 MS. MILLER: I don't care. Then you  
4 need to go to the Court. You're not going to sit  
5 there and ask him whether or not he's infringed.  
6 It's a legal concept and it's a bullshit question,  
7 quite frankly.

8 MR. GONZALEZ: Please, the language.

9 MR. RIVERA-SOTO: I think we've all  
10 heard that word before.

11 MS. MILLER: Exactly.

12 MR. RIVERA-SOTO: So that's okay.

13 (There is a discussion off the record.)

14 MR. GONZALEZ: Okay. We're done  
15 subject to rebuttal after cross.

16 MS. MILLER: You don't --

17 MR. RIVERA-SOTO: I'm not sure I  
18 understood.

19 MR. GONZALEZ: Go ahead.

20 MS. MILLER: You don't have cross do  
21 you?

22 No. We're done.

23 MS. JACOBS: We have no questions.

24 A. Are you sure, you guys, all of you?

25 MS. MILLER: Okay, seriously run.

1 Are you crazy?

2 THE VIDEOGRAPHER: We're still on for  
3 right now, so hold one second, please.

4 This now concludes the video deposition.

5 MR. RIVERA-SOTO: Wait.

6 THE VIDEOGRAPHER: Time out.

7 MR. RIVERA-SOTO: We're still on the  
8 record.

9 (There is a discussion off the record.)

10 THE VIDEOGRAPHER: This now concludes  
11 the video deposition of two media units of Dr.  
12 Rajender K. Arora. We are now off the record. The  
13 time is 3:23.

14 (Time noted: 3:23 p.m.)

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## C E R T I F I C A T E

I, SILVIA P. WAGE, a Notary Public and  
Certified Court Reporter of the State of New Jersey,  
License No. 30X100182700, Certified Realtime  
Reporter and Registered Professional Reporter, do  
hereby certify that prior to the commencement of the  
examination, RAJENDER K. ARORA, M.D., was duly sworn  
by me to testify the truth, the whole truth and  
nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a  
true and accurate transcript of the testimony as  
taken stenographically by and before me at the time,  
place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a  
relative nor employee nor attorney nor counsel of  
any of the parties to this action, and that I am  
neither a relative nor employee of such attorney or  
counsel, and that I am not financially interested in  
the action.

21

22

23

Notary Public of the State of New Jersey  
My Commission expires November 9, 2017  
Dated: January 25, 2016

1 JANUARY 21, 2016 - RAJENDER K. ARORA, M.D.

2 I wish to make the following changes for

3 The following reasons:

4 PAGE LINE

5 \_\_\_\_\_ CHANGE: \_\_\_\_\_

6 REASON: \_\_\_\_\_

7 \_\_\_\_\_ CHANGE: \_\_\_\_\_

8 REASON: \_\_\_\_\_

9 \_\_\_\_\_ CHANGE: \_\_\_\_\_

10 REASON: \_\_\_\_\_

11 \_\_\_\_\_ CHANGE: \_\_\_\_\_

12 REASON: \_\_\_\_\_

13 \_\_\_\_\_ CHANGE: \_\_\_\_\_

14 REASON: \_\_\_\_\_

15 \_\_\_\_\_ CHANGE: \_\_\_\_\_

16 REASON: \_\_\_\_\_

17 \_\_\_\_\_ CHANGE: \_\_\_\_\_

18 REASON: \_\_\_\_\_

19 \_\_\_\_\_ CHANGE: \_\_\_\_\_

20 \_\_\_\_\_

21

22 Subscribed and sworn to

23 before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

24 \_\_\_\_\_

25 Hudson Reporting & Video, Inc. 1-800-310-1769

A			
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