

1 JAMES DE LEON MARQUEZ, et al., IN THE
2 Plaintiffs CIRCUIT COURT
3 vs. FOR
4 HADI M. RASSAEL, D.O., et al., MONTGOMERY COUNTY
5 Defendants CASE NO. 298673-V
6 _____/

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10 The Deposition of CHARLES M. CITRIN,
11 M.D. was held on Thursday, June 3, 2010, commencing
12 at 3:00 p.m., at the offices of Dr. Citrin,
13 Diagnostic Health Corporation, 1201 7 Locks Road,
14 Potomac, Maryland 20854, before Kenneth Norris,
15 Notary Public.

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REPORTED BY: Kenneth Norris

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1	APPEARANCES:	1	STIPULATION
2		2	It is stipulated and agreed by and between
3	ON BEHALF OF THE PLAINTIFFS:	3	counsel for the respective parties that the reading
4	VALERIE A. GROVE, ESQUIRE	4	and signing of this deposition by the witness be and
5	Belsky, Weinberg & Horowitz, LLC	5	the same are hereby waived.
6	220 North Liberty Street	6	PROCEEDINGS
7	Baltimore, Maryland 21201	7	Whereupon,
8	Telephone: 410-234-0100	8	CHARLES M. CITRIN, M.D.,
9	Facsimile: 410-234-3992	9	a witness of lawful age, after being duly sworn to
10	E-mail: vgrove@bwhlaw.com	10	tell the truth, the whole truth and nothing but the
11		11	truth, testified as follows:
12	ON BEHALF OF THE DEFENDANTS:	12	EXAMINATION BY MS. GROVE:
13	ROBERT MORTER, ESQUIRE	13	Q. Dr. Citrin, we met off the record. My name
14	Wharton, Levin, Ehrmantraut & Klein, P.A.	14	is Valerie Grove. I represent the plaintiffs in the
15	104 West Street	15	case of Marquez, et al., versus Rassael, et al., and
16	Annapolis, Maryland 21401	16	we're here because you were served with a notice of
17	Telephone: 410-263-5900	17	deposition duces tecum a while back, asking you to
18	Facsimile: 410-263-6583	18	produce a number of documents.
19	E-mail: rsm@wlekn.com	19	And let's start by finding out what exactly
20		20	you are producing today. What did you bring?
21		21	MR. MORTER: We're here on the second notice
Page 3		Page 5	
1	INDEX	1	of deposition that was issued by the plaintiffs in the
2	Deposition of CHARLES M. CITRIN, M.D.	2	case. And if you want to ask him what responsive
3	June 3, 2010	3	documents he has to those requests, then --
4		4	MS. GROVE: Right.
5	EXAMINATION BY:	5	MR. MORTER: That's why we're here, is my
6	Ms. Grove	6	understanding.
7		7	MS. GROVE: Exactly, and that's what it is I
8	EXHIBIT NUMBER:	8	am asking for.
9	1 List of Trials and Depositions	9	BY MS. GROVE:
10		10	Q. What documents do you have with you today
11		11	that you would consider responsive to that notice of
12		12	deposition, the second notice?
13		13	A. Let's go over them one by one. Would that
14		14	be okay?
15		15	Q. I would like to see them first and mark them
16		16	for the record, and then we can go through them and
17		17	I'll ask you questions.
18		18	A. Let me go through them one by one and then
19		19	you can mark them if you wish, if there are any.
20		20	Number 1, copy of all 1099 forms.
21		21	I have no 1099 forms.

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1 Number 2, any documents showing the amounts 2 paid to deponents. 3 I have no such documents. 4 Number 3, all 1099s for the years of 2009 5 and 2008. 6 I have no 1099s. 7 A list of cases on which deponent performed 8 services as an expert witness. 9 I don't have that. I do have a list of 10 trials and depositions that I updated as best as I 11 could. 12 And, lastly, all electronic communication. 13 I don't keep track of electronic 14 communications. I don't have any of those. 15 So the one thing I can offer you, which is 16 not directly responsive to your deposition request, is 17 a list of depositions and trials that I have been 18 involved with for the last few years. But I don't 19 have a list that describes all cases of which I have 20 done reviews. 21 Q. May I see that, please?	1 Q. What you handed me what it was I asked for. 2 I'll just ask for it again. 3 You indicated you compiled a list of trials 4 and depositions, and I would like to see that. 5 A. Sure. 6 Q. Thank you. 7 A. You're welcome. 8 MS. GROVE: Can we have this marked, please. 9 (Citrin Deposition Exhibit Number 1 was 10 marked for identification.) 11 BY MS. GROVE: 12 Q. Okay. I'm looking at what's been marked as 13 Citrin 1. And for the record, it is a list with 14 names, and the topics are: 15 2004 trial/deposition dates. 16 2005, same title. 17 2006, same title. 18 2007, same title. 19 2008, same title. 20 2009, same title. 21 And 2010.
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1 (Whereupon, there was a pause in the 2 proceedings.) 3 BY MS. GROVE: 4 Q. What you've handed me, for the record, is 5 the notice of the second deposition, affidavits of 6 service, and a motion for order compelling discovery, 7 a total of three affidavits of service dated 3-19-10. 8 Actually, all of them dated 3-19-10. 9 I hand these back to you. 10 A. All right. 11 Q. And ask that you produce the list to me that 12 you just discussed, the list of trials and depositions 13 that you said you created. 14 A. Did you also say that I did hand you the 15 second notice of deposition? Did you put that in your 16 list? 17 Q. Doctor, I'm interested solely in seeing what 18 you've produced in response to the second -- 19 A. Well, I just want to make sure you gave a 20 complete list to the court reporter of the things I 21 handed you. One of the things I handed you was --	1 Dr. Citrin, the names that are on these 2 lists, are they -- what do these names represent? 3 For example, under 2004, 2/9, Regina 4 Barrios, B-a-r-r-i-o-s, is that the name of a party, 5 or who is that? 6 A. Yes, that's the name of the plaintiff. 7 Q. Okay. 8 Are all these names of plaintiffs or do they 9 include defendants? 10 A. If it has a name versus somebody else, that 11 would be the plaintiff and the defendant. 12 If it has just one name, it will be the 13 plaintiff only. 14 Q. Where did you -- how was it that you 15 compiled this list? What documents did you examine in 16 order to do this? 17 A. That was done contemporaneously through 18 about 2008, and then I stopped doing it because I had 19 no request to do it, and I just made some notes of 20 depositions and trials and I added to it when I 21 compiled, you know, when -- I did the best I could. I

Page 10 1 don't keep every name, but the list I had, I just 2 added to it. 3 Q. All right. So, for example, under the 2010 4 trials/depositions date, say, 1/19 Patterson, what did 5 you look at in order to be able to write that name 6 down? 7 A. I kept a written list of 2010 trials and 8 depositions and I just added to that. 9 Q. Have you retained any of the files related 10 to any of these people? 11 A. No, ma'am. 12 Q. Let's go through, systematically, what you 13 were asked to produce. Let me ask you questions -- 14 A. Yes, ma'am. 15 Q. -- to determine why it is you don't have 16 this information. 17 A. Yes, ma'am. 18 Q. Number 1, we had asked you for copies of all 19 1099 forms and those portions of your tax, income tax 20 returns for the last two years referencing any payment 21 made to you in connection with medical-legal services.	Page 12 1 if that's something I need to reveal. 2 Q. Doctor, I'm asking the questions -- 3 A. And I'm giving you my response. 4 Q. -- I need to know whether you are -- 5 A. I'm giving you my response. I need to know 6 what my legal requirements are. If I'm required to 7 give it, I will give it. If I'm not required to give 8 it, I don't want to give it. I don't want to give it 9 to you willingly, but I'm glad to give it to you, I'm 10 happy to give it to you if I'm compelled to do so by 11 the law. So, I don't know what the law says. 12 Q. Well, I'm not your attorney, as you know. 13 A. Are you asking me -- 14 Q. I'm asking you a question. 15 A. Well, I'll ask you a question back. 16 Are you asking me a legal question? 17 Q. I'm simply asking you, again, to give me the 18 name of your accountant. If you are going to refuse 19 to answer, simply say so and we'll move on. 20 A. No, I'm not going to say I refuse it. I 21 want know if a judge would tell me that I need to
Page 11 1 How is it you report your income if you 2 don't use, or get 1099s, to the Internal Revenue 3 Service for medical-legal work? 4 A. I do get 1099s. I record the income from 5 the 1099s. I put it on my taxes and then I pay my 6 taxes on it, but I don't keep the 1099 forms. 7 Q. Do you have an accountant? 8 A. I do. 9 Q. Who is your accountant? 10 A. Well, I don't think I need to -- do I need 11 to tell that, to reveal the name of my accountant? 12 MR. MORTER: You can answer the question or 13 not. 14 THE WITNESS: I prefer not to name my 15 accountant. 16 BY MS. GROVE: 17 Q. For the record, you're refusing to name your 18 accountant? 19 A. Well, I want to know why -- I want to know 20 if I need to. If I am compelled to name my 21 accountant, I will do so. I want somebody to tell me	Page 13 1 reveal the name. 2 Q. Well, I don't know what a judge would tell 3 you. It's my opinion that you need to reveal that 4 name under my questions. 5 A. Okay. His name is Brad Greenstone. 6 Q. Can you spell his last name? 7 A. G-r-e-e-n-s-t-o-n-e. 8 Q. Where is Mr. Greenstone located? 9 A. Where? 10 Q. Yes. 11 A. Denver. 12 Q. Are you provided with copies of your income 13 tax returns from your accountant? 14 A. Yes -- 15 Q. Strike that question. 16 A. Yes. 17 Q. Does your accountant prepare your income tax 18 returns? 19 A. Yes. 20 Q. And, specifically, Mr. Greenstone? 21 A. Yes.

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1 Q. Did he prepare your 2009 income tax return? 2 A. I believe so. 3 Q. What about your 2008 return? 4 A. I believe so. 5 Q. All right. 6 A. I'm not sure about that, but I believe so. 7 Q. What information would you have provided to 8 him for the 2009 return? 9 A. I would have -- 10 MR. MORTER: I'm going to object to that. 11 BY MS. GROVE: 12 Q. You can answer. 13 A. I gave whatever information he asked for. 14 Q. What information did you provide to him? 15 A. I don't know, I mean, I don't recall what I 16 provided to him, ma'am. 17 Q. Did you, in anticipation of this deposition, 18 contact Mr. Greenstone and request a copy of your tax 19 returns and 1099s for this deposition? 20 A. I know he doesn't have the 1099s because 21 he's told me in the past he doesn't have them, and I	1 A. There is nothing in my income tax that says 2 medical-legal services. 3 Q. I understand that. But a portion of your 4 claimed income -- would a portion of your claimed 5 income for 2009 include amounts you were paid for 6 medical-legal services? 7 A. Of course, yes. 8 Q. Okay. And that is what we're asking for. 9 A. Yes, but I can't segregate out what is 1099 10 information vis-à-vis medical, versus 1099 information 11 versus, you know, a company that I might have invested 12 in that had a dividend or other source of 1099s that I 13 have. So with that number, there is no reference to 14 medical-legal income in my income tax. 15 Q. All right. And, now, we've been talking, 16 when I say "you," the tax returns that we're talking 17 about that were prepared by Brad Greenstone, were they 18 your personal income taxes? 19 A. Yes. 20 Q. Let's talk about what, if any, income taxes 21 were filed for any businesses that you own or operate.
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1 didn't ask him for a tax return because I have my tax 2 return. 3 Q. You have it? 4 A. Yes. I have a copy of my tax return, of 5 course. 6 Q. You did not bring it with you? 7 A. Why should I? It's not -- you didn't ask me 8 for information off my tax return. All my 1099s are 9 combined together, so I have the -- the number of 10 1099s I have, I have multiple other sources of 1099s, 11 so looking at a list of 1099 income would reveal 12 nothing about my legal income. 13 Q. Well, Doctor, No. 1 and No. 2 would 14 reference portions of your tax returns that reference 15 any payment made to you in connection with 16 medical-legal services. 17 A. But there is no -- 18 Q. So that's income. 19 A. There is nothing in my 1099 that indicates 20 income from medical-legal services. 21 Q. I'm sorry, repeat that.	1 A. I'm not going to discuss my other 2 businesses. That's none of your -- that's, 3 personally, none of your business. 4 Q. So you're refusing? 5 A. Yes, I refuse to give it, absolutely, yes. 6 And by the way, I want to limit your 7 questions to the scope of this. That was not within 8 the scope of this request, my taxes for other 9 businesses. So I think you're inappropriately asking 10 me a question. Unless I've missed it someplace. If 11 you can point it out to me, I'd like to see it. 12 Q. For purposes of charging and collecting 13 expert fees for medical-legal work that you do, do you 14 have a business for that or is it all made payable to 15 you personally? 16 A. Well, it gets paid -- you know how it gets 17 paid. It gets paid to Washington Imaging Associates. 18 Q. I'm sorry? 19 A. It gets paid to Washington Imaging 20 Associates. 21 Q. All of it?

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1 A. Yes. 2 Q. So any money that you've earned or collected 3 for doing medical-legal work has been paid to the 4 entity, Washington Imaging Services? 5 A. Associates. 6 Q. Associates. 7 And who prepared Washington Imaging 8 Associates' 2009 tax return? 9 A. I have no idea. 10 Q. You have no idea? 11 A. No idea. 12 Q. Who would have directed someone to -- 13 A. Again, ma'am, I think you're going beyond 14 the scope of the deposition request, so I'm not going 15 to respond. 16 Q. Is Mr. Morter here today serving as your 17 personal attorney? 18 A. That's not within the scope of the 19 deposition. 20 Q. Are you refusing to answer? 21 A. Yes. I'm going to answer questions	1 forensic medical-legal work? 2 A. That's not within the scope of the 3 deposition. 4 Q. Are you refusing to answer the question? 5 A. Ask it again so I can make sure that it's 6 not within the scope of the work. 7 Q. Based on the income tax returns and 1099s, 8 have you been able to calculate a percentage of the 9 income generated by forensic legal-medical work? 10 A. I think I indicated in the past that 11 percentages of my income is approximately 15 to 12 20 percent. 13 Q. What was your total gross income in 2009? 14 MR. MORTER: Objection. 15 THE WITNESS: Is that within the scope of 16 the deposition, ma'am? 17 BY MS. GROVE: 18 Q. I'm asking the questions -- 19 A. I'm asking you -- I have asked you now -- I 20 have asked you several times to stay within the scope 21 of the deposition. You wrote this. You know what it
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1 responsive to the deposition. 2 Now, you can ask me questions. If you're 3 going to continue to ask me questions that are not 4 within the scope of the deposition request, I would 5 ask you to terminate. If you want to ask me questions 6 about the deposition request, I'll be happy to 7 respond. 8 Q. Dr. Citrin, I'm going to ask the questions 9 and if you refuse to answer, that's fine -- 10 A. I'm not going to answer a question that is 11 not responsive, that is not applicable to the request 12 of these five items. So please don't ask it. I'm not 13 going to respond, period. 14 Q. In response to being served with a second 15 notice of deposition duces tecum, did you -- were you 16 asked to withhold any records or not bring any records 17 with you today? By anyone. 18 A. No. 19 Q. Did you examine any of the documents with 20 regard to your tax returns or 1099s to calculate the 21 percentage of income that's been generated by your	1 says. Don't ask questions beyond the scope. I'm not 2 going to respond. 3 Q. I asked you to produce your tax returns and 4 the portions that deal with the income relating to 5 medical-legal work -- 6 A. Well, is that -- is that the question you 7 just asked me? 8 Q. -- and I have been -- 9 A. Is that the question you just -- 10 Q. Let me finish my question. 11 THE WITNESS: Okay, I think this deposition 12 is over, Mr. Morter. I think she's harassing me. 13 She's going consistently beyond the scope of the 14 deposition. She's making me feel vulnerable. And 15 I've asked her multiple times to stay within the scope 16 and she refuses. And I don't see why I have to be 17 subjected to questions about my personal income in a 18 persistent and harassing fashion. 19 MR. MORTER: And I'll object on the basis 20 that the doctor did respond fully during his discovery 21 deposition which was taken in this case for all of ^

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1 these same questions had been previously asked. 2 MS. GROVE: And I understand your response, 3 Mr. -- and your objection, Mr. Morter. 4 I am simply making the record so that we can 5 do what we need to do in order to get this 6 information. 7 THE WITNESS: And what question did you just 8 ask me about my total income? 9 MS. GROVE: Can you read back the last 10 question I asked. It's been a while now. I want to 11 make sure -- 12 (Whereupon, the record was read back by the 13 Court Reporter.) 14 THE WITNESS: Okay. That's a totally 15 inappropriate question and you know it. 16 BY MS. GROVE: 17 Q. Are you refusing to answer the question? 18 A. I'm refusing to even respond to the 19 question. 20 Q. Okay. 21 Do you generate any invoices or bills that	1 BY MS. GROVE: 2 Q. Have you kept timekeeping records -- do you 3 keep timekeeping records for billing purposes? 4 A. That exceeds the second notice -- that 5 question exceeds the second notice of the deposition 6 duces tecum. 7 Q. And what bank do you use for Washington 8 Imaging Associates? 9 A. That question exceeds the second notice of 10 deposition duces tecum. 11 MS. GROVE: That's all the questions I have. 12 THE WITNESS: Thank you. 13 MR. MORTER: No questions. 14 THE WITNESS: Waive reading and signing. 15 (Deposition concluded at 3:24 p.m.) 16 17 18 19 20 21
Page 23	Page 25
1 you send to lawyers that you're doing forensic work 2 for? 3 A. Yes. 4 Q. And where are those invoices? 5 A. Ma'am, again, that goes beyond the scope of 6 the deposition. 7 Q. Do you keep them? 8 A. That goes beyond the scope of the 9 deposition. 10 Q. Are you refusing to answer the question 11 directly? 12 A. No. I'm refusing to answer the question 13 that exceeds the second notice of deposition duces 14 tecum. 15 Q. How much have you charged thus far in this 16 case, the Marquez case? 17 MR. MORTER: Objection, it's beyond the 18 scope again. He's been previously deposed in the 19 case. 20 (Whereupon, there was a pause in the 21 proceedings.)	1 State of Maryland, 2 City of Baltimore, to wit: 3 I, Kenneth Norris, a Notary Public of 4 the State of Maryland, do hereby certify that the 5 within-named witness, personally appeared before me 6 at the time and place herein set out, and after having 7 been duly sworn by me, according to law, was examined 8 by counsel. 9 I further certify that the examination was 10 recorded stenographically by me and this transcript 11 is a true record of the proceedings. 12 I further certify that I am not of counsel 13 to any of the parties, nor in any way interested in 14 the outcome of this action. 15 As witness my hand and notarial seal this 16 4th day of June, 2010. 17 _____ 18 Kenneth Norris 19 Notary Public 20 My Commission Expires: 21 July 7, 2010

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