

PROCEEDINGS

2 CYNTHIA BJORLIE, having been satisfactorily
3 identified by the production of her Massachusetts
4 driver's license number S33726010 and duly sworn by
5 the Notary Public, was examined and testified as
6 follows:

7 MR. ORLANDO: Good morning.

8 THE WITNESS: One hour

9 MR. ORLANDO: I'm sorry?

10 THE WITNESS: One hour

11 MR. ORLANDO: What is one hour?

12 | THE WITNESS: This meeting

13 MR. ORLANDO: That's not how this works,
14 ma'am

15 So, my name is Joe Orlando, as you know,
16 Jr.

17 Counsel, usual stipulations? Same as last
18 time?

19 MR. GENS: Yes

20 MR. ORLANDO: We're going to save all
21 objections except to the form of the question and all
22 motions to strike until the time of trial. We're
23 going to waive notary. And 30 days to read and sign?

24 MR. GENS: Yes.

1 MR. ORLANDO: Good morning. So, as you
2 know, my name is Joe Orlando, Jr. We're here to take
3 your deposition today.

DIRECT EXAMINATION

5 (By Mr. Orlando):

6 | Q Can you please state your name for the record?

7 A Cynthia Choate Biorlie

8 Q So, is it okay if I call you Cynthia?

9 A No.

10 Q What would you like me to call you?

11 A Dr. Biorlie.

12 MR. ORLANDO: Dr. Bjorlie, we're going to
13 go over some instructions today for today's
14 deposition to make it go as smooth as we can, okay?
15 The first one is going to be to make sure all of your
16 answers are verbal answers.

17 So, although I can see you and I can see
18 you shake your head or shrug your shoulders, I might
19 understand what you mean by "uh-huh" or "mm-hmm"
20 because we're in the same room. That doesn't
21 translate well to a record. So, please make sure all
22 of your answers are verbal, like yes or no and that
23 kind of thing, okay?

24 | THE WITNESS: Yes

THE WITNESS: Yes

16 | THE WITNESS: Yes

24 THE WITNESS: Yes

1 MR. ORLANDO: Okay, great.

2 So, similar to the last deposition, Bill,

3 I'm just going to put on the record there's a few
4 documents we think are still outstanding that might
5 be subject to motion practice, and if we are able to
6 secure those documents, I want to suspend at the end
7 of today's deposition in the event I need to ask any
8 questions about them, although some of them aren't
9 really based on Dr. Bjorlie specifically. So, I will
10 say it's probably not likely to happen, but I do want
11 to reserve that right just in case.

12 MR. GENS: Well, whatever you're planning
13 on doing, we'll deal with it as best we can.

14 MR. ORLANDO: Okay. I just wanted to make
15 that clear on the record.

16 Q Can you please state your name again, your full name?

17 A Cynthia Choate Bjorlie.

18 Q And what's your current address?

19 A 46 Mussel Point Road.

20 Q And your date of birth?

21 A 4/6/48.

22 Q And are you married?

23 A Does that have anything to do with this situation?

24 Q Well, are you married?

1 MR. GENS: It's something that we typically
2 answer.

3 A Yes.

4 Q And who are you married to?

5 MR. ORLANDO: He has to object at times,
6 and you have to answer, Dr. Bjorlie.

7 MR. GENS: Public knowledge, actually. So,
8 go ahead and --

9 A John Bjorlie.

10 Q I'll note that you just pointed to your watch again.
11 Is there a reason you keep pointing to your watch?

12 A That was the first time I pointed at my watch.

13 Q Are you planning to leave after an hour today? Is
14 that why you're pointing to your watch?

15 A Yes.

16 Q Well, just for the record, I'll be, of course,
17 objecting to any such attempt.

18 And John Bjorlie is an attorney; isn't that
19 right?

20 THE WITNESS: Bill?

21 MR. ORLANDO: Your attorney can't answer
22 the question for you, Dr. Bjorlie. You just have to
23 answer my questions, please.

24 MR. GENS: Unless I tell you not to answer,

1 answer the question --

2 A Yes.

3 MR. GENS: -- as best you can.

4 Q In any way, shape or form, has he represented you in
5 this matter?

6 A No.

7 Q He hasn't given you any legal advice based on this
8 matter?

9 MR. ORLANDO: You keep on looking at your
10 attorney, Dr. Bjorlie, and he can't answer the
11 questions for you. You have to answer the questions.

12 MR. GENS: Well, I'm going to provisionally
13 object because to the extent that they may have
14 discussed legal matters, that may be privileged. And
15 it also may be privileged if it -- because it's
16 husband and wife communications. So --

17 MR. ORLANDO: You would be correct if I was
18 asking about the specifics of the content of the
19 conversation, but I haven't. I've only asked --

20 MR. GENS: I realize that but --

21 MR. ORLANDO: I've only asked --

22 MR. GENS: -- to the extent that your
23 question reaches there, I do object.

24 MR. ORLANDO: Okay. I will not be reaching

1 to what, if any, advice he gave her. I will not also
2 be reaching into marital communications. I will only
3 be asking the same question I just did, which is, at
4 any point, has he provided legal advice to you in
5 this matter?

6 MR. GENS: I'm going to instruct you not to
7 answer that.

8 MR. ORLANDO: I'll reserve my rights on
9 that because, again, I did not ask what advice he
10 provided.

11 Q You said you live at 46 Mussel Point Road?

12 A Yes.

13 Q Do you own or rent that property?

14 MR. ORLANDO: Dr. Bjorlie, again you're
15 looking at your attorney to answer the question, and
16 he can't. You have to answer the questions.

17 THE WITNESS: Bill, should I answer that
18 question?

19 MR. GENS: You can answer that.

20 A Own.

21 Q Do you own it individually, with somebody else, or in
22 some sort of a trust or an LLC?

23 A I don't see why I have to answer that question.

24 Q You do, because I asked it. Please answer the

1 question, Dr. Bjorlie.

2 MR. GENS: If you know.

3 A I don't know.

4 Q You don't know how you own your house? Is that your
5 answer?

6 A Yes.

7 Q You don't know how you own your own house --

8 A Yes.

9 Q -- Dr. Bjorlie?

10 A Yes.

11 Q Can you please summarize for me your educational
12 background, starting with high school?

13 MR. ORLANDO: And again, you're looking at
14 your attorney for an answer. Dr. Bjorlie, this is
15 very --

16 MR. GENS: Yeah; go ahead.

17 MR. ORLANDO: -- simple stuff.

18 MR. GENS: This is background --

19 MR. ORLANDO: Can you please answer the
20 question?

21 A Westover School, Middlebury, Connecticut, University
22 of Pennsylvania, University of Massachusetts Medical
23 School.

24 Q So, you went to the -- I'm sorry.

12

3 A She can read it back.

4 THE COURT REPORTER: I couldn't hear you
5 either.

6 A Westover

7 Q Westover High School?

8 A (No audible reply.)

9. Q Is that a yes, Dr. Bjorlie?

10 A (No audible reply.)

11 MR. ORLANDO: Dr. Bjorlie, the court
12 reporter is not answering the questions either. You
13 have to answer my questions.

14 Q Is it Westover High School that you graduated from?

15 A I'll say yes.

16 Q And what year did you graduate?

17 A 1966.

18 Q And did you go immediately on to college?

19 THE WITNESS: Do I have to answer these
20 questions, Bill?

21 MR. GENS: Yeah. It's just background
22 stuff. Go ahead and -- this is standard --

23 MR. ORLANDO: If this is an attempt to
24 waste time to get to your hour, I'm going to tell you

1 right now we're going to be coming back here and
2 doing this again.

3 MR. GENS: These are background questions
4 that typically are asked in every deposition. And
5 so, we'll answer them as best we can, okay?

6 Q Did you go immediately to college after high school?

7 A Yes.

8 Q And you said you went to the University of
9 Pennsylvania?

10 A Yes.

11 Q And what year did you graduate from the University of
12 Pennsylvania?

13 A 1970.

14 Q Did you do four years?

15 A Yes.

16 Q You did? What did you graduate with a degree in?

17 MR. ORLANDO: And again, you're looking at
18 your attorney for an answer. Can you please answer
19 my questions so we can get through this?

20 THE WITNESS: I don't understand why these
21 are a question that have anything to do --

22 MR. ORLANDO: This is about your background
23 and your expertise in this lawsuit. Can you please
24 answer the questions?

THE WITNESS: What was the question?

2 Q What was your degree from the University of
3 Pennsylvania in?

4 A BA.

5. On BA in what?

6 | A Literature

7 Q Literature; okay.

10 A Yes, I did.

11 Q And you did three years at UMass Medical School; is
12 that right?

13 A Yes.

14 Q And that was immediately after college?

15 A No.

16 Q How much time lapsed between college and going to
17 medical school?

18 A I don't remember.

19 Q What year did you start medical school?

20 A I don't remember.

21 Q And what year did you graduate from medical school?

22 A 1980.

23 Q And what was your degree in medical school in?

24 A MD.

1 Q Is there any sub-specialty with your MD degree from
2 medical school?

3 A No.

4 Q Okay.

5 A Yes.

6 Q There is? And what is that?

7 A Internal Medicine.

8 Q Internal Medicine; okay.

9 And I'm sorry. Remind me. You graduated
10 from college in what year?

11 A 1970.

12 Q So, from '70 to roughly '77, you were not seeking any
13 further education at that time?

14 A I don't remember.

15 Q What were you doing from 1970 to 1977? Were you
16 working?

17 A I'm not going to answer that question.

18 Q You are going to answer that question because I asked
19 it.

20 A I'm not going to answer --

21 Q Were you working during that time period?

22 A That has nothing to do with this case.

23 Q It most certainly does. Are you going to answer the
24 question?

1 A No.

2 Q Do you have some sort of privilege that you're
3 claiming?

4 MR. GENS: We're going to answer these
5 background questions as best we can, okay?

6 A I don't remember.

7 Q You don't remember what you did from 1970 to 1977?
8 Do you have a memory issue?

9 A No.

10 Q So, after you graduated from medical school, did you
11 go on to any other further education?

12 A Yes.

13 Q What further education did you get?

14 A Residency.

15 Q And you did that residency where?

16 A University of Massachusetts.

17 Q At the hospital at UMass in Worcester?

18 A And the surrounding --

19 Q So, that's a yes?

20 A -- system.

21 Q That's a yes?

22 A Yes.

23 Q And what year did you finish your residency?

24 A 1983.

1 Q And after 1983 when you finished your residency, did
2 you go on -- what was your next move educationally or
3 through your occupation?

4 A I went into primary care practice.

5 Q And where did you do that?

6 A Gloucester, Massachusetts.

7 Q And what was the name of the practice?

8 A Cape Ann Medical Center.

9 Q And how long did you work with Cape Ann Medical
10 Center?

11 A Forty years.

12 Q And during the time that you were working with Cape
13 Ann Medical Center, did you work anywhere else?

14 A Yes.

15 Q Where?

16 A A lot of different places.

17 Q Can you tell me what they are?

18 A I don't remember.

19 Q You just told me that you worked at a lot of
20 different places. How is it that you don't remember?

21 A I don't remember.

22 Q Do you have a memory issue, Dr. Bjorlie, or are
23 you --

24 A No.

1 Q -- just refusing to answer my questions?

2 MR. GENS: Objection to the form. Go ahead
3 and try to answer it.

4 MR. ORLANDO: You still have to answer.

5 A I don't remember.

6 Q You don't remember what?

7 A What was the question?

8 Q The question was what places you worked in the 40
9 years when you were at Cape Ann Medical Center, what
10 other places you worked. You said "a lot." So, tell
11 me what they are.

12 A Beverly Hospital.

13 Q And what did you do at Beverly Hospital?

14 A I was a doctor.

15 Q Were you an attending doctor there?

16 MR. ORLANDO: He can't answer your
17 questions, Dr. Bjorlie. You have to answer them.
18 You're the deponent.

19 A Was I an attending doctor there? I don't remember.

20 Q What other positions did you hold during that 40
21 years you were working with Cape Ann Medical Center?

22 A I don't remember.

23 Q Dr. Bjorlie, I'm going to keep asking you the
24 questions because I know you do remember. You're

1 just not telling me the answers because you don't
2 want to.

3 MR. GENS: Objection to the form.

4 Q And the smile and the smirk tells me the same. So,
5 why don't you just tell me so we can get through this
6 faster?

7 Where else did you work during your time of
8 the 40 years at Cape Ann Medical Center? You said a
9 lot of places and you gave me one. What other
10 places?

11 A Adult Foster Care of the North Shore.

12 Q And is that an entity that you run now?

13 A Yes.

14 Q And that's based on Middle Street in Gloucester?

15 A Yes.

16 Q And you own that practice?

17 A No.

18 Q Do you own it with somebody else?

19 A I am -- I'm not going to go into my --

20 Q Yes, you are. Answer the question, please.

21 A -- background --

22 Q You are.

23 A -- my financial background. I'm not going to. No,
24 I'm not.

1 Q Dr. Bjorlie, this is a deposition. These are
2 background questions about your background,
3 experience, training and expertise. These are very
4 basic questions. Could you please --

5 A No; these are financial questions.

6 MR. GENS: No. We haven't gotten into that
7 yet. If you have any ownership interest, you can say
8 so. If he starts asking you more, then we'll review
9 it --

10 A I have ownership interest.

11 Q And what is your ownership interest?

12 A Part owner.

13 Q Do you own it with somebody else?

14 A Well, I don't -- this is my personal financial
15 business.

16 MR. GENS: You can just answer it. It's --

17 THE WITNESS: I just don't want to. I
18 don't want to.

19 MR. ORLANDO: That's not a choice. You
20 don't get to decide you don't want to. These are
21 laws. You have to answer the questions.

22 THE WITNESS: I don't want to.

23 MR. GENS: Let's suspend for just five
24 minutes. I want to talk to her outside.

1 MR. ORLANDO: That's fine.

2 (Break taken from 10:27 to 10:29 a.m.)

3 MR. ORLANDO: Can you read back my last
4 question, please, because I don't think there was an
5 answer.

6 (The court reporter read back the
7 question.)

8 Q It was referring, I believe, to your business.

9 A Yes.

10 Q Who's that?

11 A My husband handles all that.

12 Q Do you not know the name of the person who works with
13 you?

14 A My husband handles all the ownership and things like
15 that.

16 Q So, do you not know the name of the person that owns
17 the business with you?

18 A My husband.

19 Q So, your husband owns the business with you?

20 A (No audible reply.)

21 Q Is that a yes?

22 A Yes.

23 Q Anybody else?

24 A He handles all that.

1 Q Dr. Bjorlie, these shuffle off answers where you're
2 not actually answering my question I'm just going to
3 keep asking. So, we can be here for three days or we
4 can be here for three hours. It's totally up to you.

5 Does anybody else own the business with
6 you?

7 A Yes.

8 Q Who?

9 A Other people. I don't know. They're stockholders.

10 Q So, it's an organization that is publicly traded?

11 A I don't know.

12 Q During the 40 years that you worked with Cape Ann
13 Medical Center, you also said you worked at Beverly
14 Hospital and other places, and I assume that includes
15 the Adult Foster Care you just discussed; is that
16 right?

17 A Yes.

18 Q Are all of those positions that you held medical in
19 nature?

20 A I don't remember.

21 Q You don't remember if you were a doctor?

22 A I didn't say that.

23 Q Were you a doctor at Cape Ann Medical Center?

24 A Yes.

1 Q Were you a doctor at Beverly Hospital?
2 A Yes.
3 Q Are you a doctor at Adult Foster Care?
4 A Yes.
5 Q So, your positions at those three places have all
6 been medical in nature? You have been a doctor at
7 those places?
8 A Well, I'm a doctor at those places. I didn't say it
9 was medical in nature.
10 Q Why don't you tell me what the difference is, then.
11 What do those places do that's not medical in nature?
12 I'm trying to get an idea of what other work
13 background you have.
14 A Adult Foster Care of the North Shore places disabled
15 adults in private homes, and we don't do hands-on
16 medical care. So, I do not act as a doctor there.
17 Although I am a doctor there, I don't act as a doctor
18 there.
19 Q Okay.
20 A I don't do any doctoring there.
21 Q But at Beverly Hospital, that's what you did. You
22 were a doctor?
23 A That is correct.
24 Q And at Cape Ann Medical Center you were a doctor?

1 A At Cape Ann Medical Center, I have been a doctor.
2 Q Was there any other position that you held there?
3 A No.
4 Q Did you ever serve in the military?
5 A No.
6 Q Do you have any licenses or certifications in any
7 field?
8 A Any what?
9 Q Licenses or certifications in any field.
10 A Yes.
11 Q What are those?
12 A Medicine.
13 Q Okay.
14 A CPR, driver's license.
15 Q Any other licensure in any other professional field
16 besides medicine?
17 A No.
18 Q Aside from your bachelor's degree in literature, do
19 you have any formal education in any other area
20 besides medicine?
21 A No.
22 Q Have you told me about all of your formal educational
23 background?
24 A I have answered your questions.

1 Q Have you told me about all of your formal educational
2 background?

3 A I have answered all your questions.

4 Q Dr. Bjorlie, that's a very simple question.

5 Have you told me about all of your formal
6 educational background?

7 A Probably.

8 Q Are you leaving anything out that you can think of?

9 A No.

10 Q Have you told me about your work background, or is
11 there work that you have not told me about?

12 MR. ORLANDO: He can't answer your
13 questions, Dr. Bjorlie. You keep looking at your
14 attorney to answer your questions, but you have to
15 answer them.

16 A I don't see what this has anything to do --

17 Q That's really not your --

18 A -- with this lawsuit.

19 Q That's really not the point. You have to answer my
20 question.

21 A It is the point. It's my life. It's my life.

22 Q Dr. Bjorlie, have you told me about your work
23 background? Have you left anything out about your
24 work background?

1 THE WITNESS: I'm going to leave.

2 MR. GEN: No.

3 THE WITNESS: I'm going to leave. I can't
4 stand this.

5 MR. GEN: If you remember --

6 THE WITNESS: I can't stand this because
7 it's just nonsense, and what you have done is so
8 reprehensible.

9 MR. ORLANDO: Oh, I'm reprehensible now?
10 And I should be ashamed of myself, right,
11 Dr. Bjorlie?

12 MR. GEN: We're not going to --

13 THE WITNESS: I've got to go. I'm sorry.
14 I can't deal with it.

15 MR. ORLANDO: Well, we'll seek proper
16 motion practice on this.

17 THE WITNESS: Okay. I'm sorry, Bill.

18 MR. ORLANDO: For the record, Dr. Bjorlie
19 is leaving the room. It is 10:39 in the morning.
20 She was ten minutes late to start. We are here to
21 take her deposition today. Bill, I know you --

22 MR. GEN: Let me just say something for
23 the record. She was on time; I had car problems. I
24 was ten minutes late, and she walked in with me.

1 MR. ORLANDO: I have no trouble with car
2 problems.

3 MR. GENS: Anyway, let's just attempt to
4 quickly deal with the issue at hand, which obviously
5 you have a legitimate complaint.

6 I will make every effort to revisit this
7 issue and to produce her for deposition at a time in
8 the future that is convenient for you and to
9 compensate you for the time of the stenographer
10 today. So, there's nothing to really fight about.

11 MR. ORLANDO: I appreciate that, Bill.
12 Thank you for putting that on the record. I know
13 it's not your fault that your client couldn't handle
14 simple questions and just got up and left. I will
15 say that I think it's going to be another problem
16 again in the future. And I don't want to do motion
17 practice. I'd much rather just work this out and get
18 this done.

19 MR. GENS: Yeah. Well, I'm going to
20 attempt to do that as best I can.

21 MR. ORLANDO: Well, let's talk about a
22 schedule for her deposition. I would like to
23 complete it.

24 MR. GENS: Well, I'm going to need to

1 consult with her before I can actually do that. But
2 I will say to you that we are on for deposition next
3 week --

4 MR. ORLANDO: The 23rd, I think.

5 MR. GENS: -- for Ms. Hubbard, and that's
6 -- I don't see any problem with doing that. My
7 schedule is actually brutal until December.

8 MR. ORLANDO: That's okay. So, Bill, just
9 so you know, my schedule is also absolutely torture
10 the rest of the year. I pushed a lot of non-party
11 witnesses --

12 MR. GENS: I can definitely understand
13 that, and we're heading into the holiday season of
14 Thanksgiving through Christmas and New Year's. But I
15 can tell you that at the present time, I personally
16 -- I'm almost wide open between December 9 and
17 December 21.

18 MR. ORLANDO: Okay. We can try to put
19 something on the calendar for those dates. I would
20 like, if you can when you get back to your office or
21 whatever, just look also in some pockets in November.
22 I'd like to get the parties done, anyway. I've got a
23 lot of non-party witnesses after the new year because
24 I just moved them all out because I didn't have time.

1 MR. GENS: I mean, when I've been involved
2 with scheduling crunches in the past, I've actually
3 done depos on Saturdays. I don't know how you feel
4 about that.

5 MR. ORLANDO: I'm not against it. I want
6 to get it done. But let's talk --

7 MR. GENS: That's one way of doing it.

11 MR. GENS: Well, yeah

12 MR. ORLANDO: I mean, we have to do
13 something, Bill. I can't just let that slide. She
14 also --

15 MR. GENS: -- people get upset. She's
16 upset. We'll deal with -- that's my problem. I will
17 produce her for a future deposition, okay?

18 MR. ORLANDO: All right, Bill. Yeah. Have
19 a good day.

20 (WHEREUPON, the deposition was
21 suspended at 10:40 a.m.)

22