

11/10/2003 Estes, Bradley, 11/10/2003 (MED)

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE WESTERN DISTRICT OF TENNESSEE  
3 Civil Action No. 01-2373-JPM  
4  
5

MEDTRONIC SOFAMOR DANEK, INC., )  
6 Plaintiff, )  
7 vs. )  
8 GARY K. MICHELSON, M.D., and KARLIN )  
TECHNOLOGY, INC., )  
9 Defendants. )

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11  
12 VIDEOTAPED DEPOSITION OF BRADLEY ESTES  
(Taken on behalf of the Defendants)  
13 Durham, North Carolina  
November 10, 2003  
14  
15  
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Reported by: Jane Worthen Eaton, RMR, CRR, CMRS  
17 Registered Professional Reporter  
Notary Public  
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1 P R O C E E D I N G S

2 VIDEOGRAPHER: Starting of tape one on the record  
3 at 9:27 a.m. This is the videotaped deposition of Bradley  
4 Estes. The Case Number is CV 01-2373-MLV. Today's date  
5 is November 10, year 2003. The time is indicated on the  
6 video screen. We are located today at Washington Duke Inn  
7 at 3001 Cameron Boulevard, Durham, North Carolina. The  
8 court reporter is Jane Eaton; my name is Scott Swing,  
9 certified legal video specialist. We are both with  
10 Russell Court Reporting out of Winston-Salem, North  
11 Carolina. At this time the court reporter will swear the  
12 witness for the record, please.

13 BRADLEY ESTES,

14 Having first been duly sworn,  
15 was examined and testified as follows:

16 VIDEOGRAPHER: At this time counsel will verbally  
17 introduce themselves and who they represent, please.

18 MR. GIBSON: Stan Gibson and Devorah Cohen on  
19 behalf of Gary K. Michelson, MD and Karlin Technology,  
20 Inc.

21 MR. PABIS: I am Ron Pabis of McDermitt Will and  
22 Emery for Sofamor Danek Medtronics, Inc. and Mr. Bradley  
23 Estes.

24 VIDEOGRAPHER: You may proceed.

25 EXAMINATION

1 BY MR. GIBSON:

2 Q. Good morning. State your name and spell your last  
3 name, please?

4 A. Good morning. Bradley Thomas Estes. Last name is  
5 spelled E-S-T-E-S.

6 Q. And you have had your deposition taken before,  
7 correct?

8 A. Yes, I have.

9 Q. Approximately how many times?

10 A. Four or five times.

11 Q. You had your deposition taken in conjunction with  
12 the Osteotech matter involving Sofamor Danek?

13 A. Yes.

14 Q. What other cases have you had your deposition taken  
15 in that you can recall?

16 A. There was a class action lawsuit, pedicle screw  
17 litigation. I was deposed in that suit. I was also  
18 deposed in Acromed suit, the patent infringement suit.

19 Q. Any other lawsuits that you know of that you were  
20 deposed in?

21 A. I don't recall.

22 Q. Have you ever testified at trial?

23 A. No, sir.

24 Q. Do you know what product the Acromed lawsuit  
25 involved?

1 Q. Did you recall seeing any of Dr. Michelson's  
2 instruments that would be used to place a threaded dowel  
3 via a lateral approach?

4 A. I do recall at some point in time seeing some  
5 instruments; whether that was the early time period, I  
6 don't remember.

7 Q. If you looked at the next page, page 8, that second  
8 full paragraph that begins "we discussed."

9 A. I see it.

10 Q. If you want to read that, tell me when you're  
11 finished.

12 A. Okay.

13 Q. And then there's a sentence in that paragraph  
14 that's about two-thirds of the way in that says "Dr.  
15 Michelson reviewed with us some excellent instrumentation  
16 developed for placement of the threaded dowel via a  
17 lateral anterior approach."

18 A. I see that.

19 Q. Does that refresh your memory in any way as to what  
20 Dr. Michelson showed in terms of instruments for an  
21 anterior lateral approach?

22 A. No.

23 Q. Did you ever discuss with Mr. Boyd revision of  
24 implants?

25 A. Yes.

1 Q. Do you recall when you first had those discussions?

2 A. No.

3 Q. Do you know if it was in this early time period?

4 A. Not that I recall.

5 Q. Do you recall what you discussed with Mr. Boyd in  
6 terms of revision of implants?

7 A. I don't recall any specifics.

8 Q. Did you work on any concepts for revision of  
9 implants?

10 A. I don't recall anything specific about that.

11 Q. Did you ever work on the instruments for revision  
12 of implants?

13 A. Not that I recall.

14 Q. Let's mark this as 1106.

15 (Exhibit 1106 marked for identification.)

16 BY MR. GIBSON:

17 Q. Exhibit 1106 is another memo from Mr. Boyd dated  
18 January 11, 1994; and it has you as a CC with a checkmark  
19 next to it?

20 A. I see that.

21 Q. I'm only going to ask you about various features  
22 and benefits. If you want to read the first paragraph and  
23 read the features and benefits, let me know when you're  
24 done.

25 A. Okay.

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