

1 IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
2 WESTERN DIVISION

3 MEDTRONIC SOFAMOR)
DANEK, INC.,)
4)
Plaintiff,)
5)
6 VS.) NO. 01-2373-JPM
7)
GARY K. MICHELSON, M.D., AND)
8 KARLIN TECHNOLOGY,)
9 Defendants.)

10
11
12 DEPOSITION
OF
13 JOHN PAFFORD
APRIL 3, 2003

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16
17
18
19
20 ALPHA REPORTING CORPORATION
21 Heather Huff, Court Reporter
22 100 North Main Building, The Lobby
23 Memphis, Tennessee 38103
24 (901) 523-8974

1 VIDEO SPECIALIST: My name is John May.
2 I am a certified video specialist for Alpha Legal
3 Productions located in the lobby of the 100 North
4 Main Building in Memphis, Tennessee. The case number
5 is Civil Action Number 01-2373JPM filed in the United
6 States District Court for the Western District of
7 Tennessee, Western Division. Entitled Medtronic
8 Sofamor Danek, Incorporated versus Gary K. Michelson,
9 M.D. and Karlin Technology, Incorporated, et al.

10 Our deponent today is Mr. John Pafford. The
11 video is requested by the Defendant in this matter.
12 Will Counsel introduce themselves for the record,
13 please?

14 MR. MARMARO: Good afternoon. I'm Mark
15 Marmaro and I represent Gary Michelson and Karlin
16 Technology.

17 MR. SWITZER: Hello. Mike Switzer from
18 the law firm of McDermott, Will and Emery on behalf
19 of Medtronic Sofamor Danek and the witness,
20 Mr. Pafford.

21 VIDEO SPECIALIST: The deponent may be
22 sworn in by Ms. Heather Huff of Alpha Reporting
23 Corporation.

24

1 JOHN PAFFORD,
2 called as a witness, having been first duly sworn,
3 was examined and testified as follows:

4 DIRECT EXAMINATION

5 BY MR. MARMARO:

6 Q. Mr. Pafford, have you ever had your
7 deposition taken before?

8 A. Yes, I have.

9 Q. Okay. On a number occasions?

10 A. Yes.

11 Q. So you are familiar with the procedure?

12 A. Yes.

13 Q. And you're represented here by Counsel?

14 A. That's correct.

15 Q. So I think we can get right to it without
16 going through any of the preliminaries, since I'm
17 sure you know about them. Let me just say that I'm
18 going to try to be as clear as I can in my
19 questioning. If you don't understand a question, let
20 me know and I'll do my best to restate it.

21 A. Okay.

22 Q. Can you tell me what you did to prepare for
23 this deposition?

24 A. I just spent time with my Counsel.

1 A. I would have to just look back at those
2 disagreements.

3 Q. (BY MR. MARMARO) But you can't think of --
4 can you think of a single one as you sit here today
5 that does not make provisions for improvements,
6 continuation in parts and modifications?

7 MR. SWITZER: Same objection.

8 A. I cannot think of one, but I don't even
9 remember this agreement either, so --

10 MR. MARMARO: Let's mark as Exhibit 48 a
11 letter that you wrote to Gary Michelson on March
12 28th, 1994.

13 (WHEREUPON, THE ABOVE-MENTIONED
14 DOCUMENT WAS MARKED AS EXHIBIT NO. 48 TO THE
15 TESTIMONY OF THE WITNESS AND IS ATTACHED HERETO.)

16 (WHEREUPON, THE ABOVE-MENTIONED
17 DOCUMENT WAS PASSED TO THE WITNESS.)

18 Q. (BY MR. MARMARO) Mr. Pafford, is this a
19 letter you wrote to Dr. Michelson?

20 A. Yes, it is.

21 Q. This was in preparation for a visit by
22 Dr. Michelson to Memphis?

23 A. That's what it states, yes.

24 Q. Do you remember the purpose of that visit in

1 March of 1994?

2 A. No, I do not.

3 Q. Okay. I take it Danek and Dr. Michelson met
4 at the gate in Memphis and then had him taken out to
5 dinner as it's stated here?

6 A. I assume so. I don't recall.

7 Q. From time to time, did Gary Michelson come to
8 Memphis to visit with the Danek personnel?

9 A. He came a few times, yes.

10 Q. Okay. And were the purposes of Dr. Michelson
11 coming for him to demonstrate various items of
12 technology?

13 A. I'm not certain what all the purposes were.
14 I wasn't involved in all those meetings.

15 Q. Okay. Were you involved in any of the
16 meetings when Dr. Michelson came to Memphis?

17 A. The only one that I'm aware of.

18 Q. And which one is that, Mr. Pafford?

19 A. That he came in and I don't even remember
20 what it was, and had a meeting. I'm not even sure
21 why he came in, and he brought his attorney with him.

22 Q. Do you recall -- did he participate in the
23 meeting?

24 A. Very briefly.

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