



2019 Tournament Problem

Jordan Webber,	§	In the 85th District Court
Individually and as	§	
Independent Executor of the	§	
Estate of Adele Webber,	§	
	§	
v.	§	
	§	
Isobel Stevens Duquette,	§	
Denny Duquette, Sr., and	§	
South Texas Cares, Inc.	§	Capitol County, South Texas

PRETRIAL CONFERENCE REPORT

After a hearing before the Court with counsel for both parties present, the Court determines:

1. This is a wrongful death lawsuit to recover damages.
2. Jordan Webber brought this suit individually and as the legal representative of Adele Webber’s estate, claiming Isobel Stevens Duquette, Denny Duquette, Sr., and South Texas Cares, Inc. wrongfully caused the death of Adele Webber by conspiring to deprive her of a heart transplant that could have and would have saved her life.
3. Isobel Stevens Duquette, Denny Duquette, Sr., and South Texas Cares, Inc. have generally denied the allegations.

4. This Court granted summary judgment on liability because certain facts are undisputed. The defendants breached, or participated in the breach of, confidentiality. But for the defendant's actions, the donated heart at issue in this case would have gone to Adele Webber. The defendants entered into, or facilitated, a financial transaction where the heart was not only diverted from Adele Webber but was also the subject of a quid pro quo arrangement in violation of South Texas law. As a result, no genuine issue of material fact exists as to whether the defendants are substantively liable.
5. This Court bifurcated the trial of the remaining issues in this case. The trial of the first phase was held January 14-18, 2019. The jury returned a verdict on January 22, 2019. A copy of that verdict is attached as Exhibit D.
6. Section 27.55 of the South Texas Civil Practices and Remedies Code requires a plaintiff seeking punitive damages to secure a predicate finding by clear and convincing evidence that the harm was the result of a defendant's malice. The jury in the first phase found that predicate finding as to the harm suffered only by the Estate of Adele Webber caused by Isobel Stevens Duquette and Denny Duquette, Sr.
7. After the first phase was completed and the jury returned its verdict, the plaintiff settled the dispute with Denny Duquette, Sr. and South Texas Cares, Inc.
8. The only remaining claims are against Isobel Stevens Duquette. The second phase of the trial will concern Plaintiff's request for punitive

damages and is set for a jury trial beginning March 28, 2019.

9. The parties have identified Exhibits N – T to this Pretrial Conference Report as documents pertaining to this proceeding. The parties have also identified Exhibits E – M as the depositions taken in this case. The method of identification was used by the parties throughout the discovery phase of this case, including throughout the depositions of each of the witnesses.
10. Exhibits N – T are original and authentic.
11. Plaintiffs will call two of four witnesses: Jordan Webber, Derek Shepherd, Lee Fallon, or Lexie Grey. In addition, Plaintiffs may offer the deposition testimony of the two witnesses of those listed above who are not called live. Plaintiffs may also offer the deposition testimony of the witnesses the defense does not call live. All witnesses were properly listed by Plaintiffs.
12. Defendant will call two of four witnesses: Isobel Stevens Duquette, Denny Duquette, Sr., Denny Duquette, Jr., or Joey Webber. In addition, Defendant may offer the deposition testimony of the two witnesses of those listed above who are not called live. Defendant may also offer the deposition testimony of the witnesses the Plaintiff does not call live. All witnesses were properly listed by Defendant.
13. Each party may offer Adele Webber's deposition testimony, which was taken before this case was filed.

14. All depositions and transcripts of testimony were signed under oath.
15. The parties have stipulated that whichever of those not called live are unavailable for purposes of Federal Rule of Evidence 804 and may be called by deposition.
16. The parties have stipulated that the match list for Kelly Shepherd's heart had the potential recipients ranked in the following order: Adele Webber, first; Denny Duquette, Jr., second; and Erika Hahn, third.
17. Other than what is contained in Exhibits E - T, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.
18. This Court drafts its own verdict forms. The Court will not accept amendments or additions to Exhibit A.

SIGNED this 15th day of February, 2019.

/s/ Shonda Rhimes

JUDGE PRESIDING

ATTACHMENTS

- A. Verdict Form for Phase II
- B. First Amended Complaint
- C. Answer
- D. Jury Verdict from Phase I
- E. Deposition of Jordan Webber
- F. Deposition of Derek Shepherd
- G. Deposition of Adele Webber
- H. Deposition of Lee Fallon
- I. Deposition of Lexie Grey
- J. Deposition of Isobel Stevens Duquette
- K. Deposition of Denny Duquette, Sr.
- L. Deposition of Denny Duquette, Jr.
- M. Deposition of Joey Webber
- N. Exhibit—Irrevocable Trust for Shepherd Family
- O. Exhibit—Irrevocable Trust for Webber Family
- P. Exhibit—Email from Isobel Stevens to Denny Duquette, Sr.
- Q. Exhibit—Email from Jordan Webber to Isobel Stevens Duquette

- R. Exhibit—Statement of Net Worth
- S. Exhibit—Card from Adele Webber to Joey Webber
- T. Exhibit—Card from Denny Duquette, Jr. to Isobel Stevens Duquette

Phase II Verdict Form

QUESTION 1

What sum of money, if any, if paid now in cash, should be assessed against Isobel Stevens Duquette and awarded to Jordan Webber, Independent Executor of the Estate of Adele Webber, as punitive damages, if any, for her wrongful conduct?

“Punitive damages” means an amount that you may in your discretion award as a penalty or by way of punishment and to deter similar acts in the future. Punitive damages may not be awarded to compensate a plaintiff.

The plaintiff has the burden of proving the amount of any such damages by a preponderance of the evidence.

Isobel Stevens Duquette’s conduct that harmed the Estate of Adele Webber has already been found by clear and convincing evidence to have resulted from malice. “Malice” means:

- (A) a specific intent by the particular defendant to cause substantial injury to the Plaintiff; or
- (B) an act or omission by the particular defendant,
 - (i) which when viewed objectively from the standpoint of that particular defendant at the time of the occurrence involves a high degree of risk, considering the probabilities and magnitude of the potential harm to others; and
 - (ii) of which that particular defendant has actual, subjective awareness of the risk involved, but nevertheless proceeds with conscious indifference to the rights, safety, or welfare of others.

If you find that punitive damages are appropriate, you must use reason in setting the amount. Punitive damages, if any, should be in an amount sufficient to fulfill their purposes but should not reflect bias, prejudice or sympathy toward any party.

Factors to consider in awarding punitive damages, if any, are—

- a. The nature of the wrong.
- b. The character of the conduct involved.
- c. The degree of culpability of Isobel Stevens Duquette.
- d. The situation and the sensibilities of the parties concerned.
- e. The extent to which such conduct offends a public sense of justice and propriety.
- f. The net worth of Isobel Stevens Duquette.

Answer in dollars and cents, if any.

Answer: _____

Jordan Webber,	§	In the 85th District Court
Individually and as	§	
Independent Executor of the	§	
Estate of Adele Webber,	§	
	§	
v.	§	
	§	
Isobel Stevens Duquette,	§	
Denny Duquette, Sr., and	§	
South Texas Cares, Inc.	§	Capitol County, South Texas

FIRST AMENDED COMPLAINT FOR DAMAGES

1. Jordan Webber, Independent Executor of the Estate of Adele Webber, brings this action against Isobel Stevens Duquette (“Isobel”) and Denny Duquette, Sr. (“Denny Sr.”), seeking wrongful death damages.

2. Adele Webber (“Adele”) was first in line to receive a heart transplant and would have received one on January 20, 2017 but for the actions of Defendants, who conspired to divert the donated heart to Denny Duquette, Jr. (“Denny, Jr.”). Without the heart transplant, Adele died within a few months.

Parties

3. Plaintiff Jordan Webber currently resides in Capitol City, South Texas and was appointed by the Capitol County Probate Court as the legal representative of the Estate of Adele Webber.

4. Defendant Isobel Stevens Duquette currently resides at One Park Lane, 56th Floor, Alastor City, South Texas. She has already appeared and answered in this case.

5. Defendant Denny Duquette, Sr., is a citizen of the Republic of Austria and resides in Paris, France. He has already appeared and answered in this case.

6. Defendant South Texas Cares, Inc., is a 501(c)(3) corporation organized under the laws of the State of South Texas. It has already appeared and answered in this case.

Venue and Jurisdiction

7. This action arises under the South Texas Wrongful Death Act, which is codified as Section 14.92 of the South Texas Revised Civil Statutes.

8. Venue is proper because a substantial part of the events or omissions giving rise to the claim occurred in this county.

Factual Background

9. Adele was a 41-year-old mother of five, who suffered from peripartum cardiomyopathy, a condition causing the heart muscle not to contract forcefully enough to pump adequate amounts of blood for the needs of the body's vital organs. She had been on the organ transplant waiting list since November 5, 2016. Because of the conspiracy alleged in this complaint, she died without receiving a heart that could have, and would have, saved her life.

10. ***The organ donation process.*** Organ donation in the United States is managed by the United Network for Organ Sharing (“UNOS”), a private entity that has a contract with the HHS to operate the Organ Procurement Transplant Network (“OPTN”), which Congress created. The OPTN created and published organ transplant policies.

11. UNOS is led by a Board of Directors, which also functions as the OPTN board. The Board of Directors is the governing body that oversees and participates in developing policies for operating OPTN. These policies allocate organs equally to patients registered on the national waiting list, ensure quality standards for membership and establish data submission requirements.

12. Local organizations throughout the United States designated by the Centers for Medicare and Medicaid Services are responsible for coordinating the

donation process when actual donors become available. The organizations—known as Organ Procurement Organizations (“OPOs”)—evaluate potential donors, discuss donation with surviving family members, and arrange for the surgical removal and transport of donated organs.

13. When organs are donated, a complex process begins. UNOS maintains a centralized computer network, linking all OPOs and transplant centers. The database evaluates the criteria and creates a list of the patients who should receive the donated organ. In many cases, the geographic reach of potential donors and potential recipients is controlled by the limited time an organ can survive outside the body. In most situations, it is a matter of hours. The OPO’s transplant coordinator starts at the top of the list and arranges for the transplant to occur. If for some reason the transplant cannot be accomplished with the person at the top of the list, the transplant coordinator goes to the next name on the list. This process continues until a match is made.

14. ***The available heart.*** On January 19, 2017 at 8:21 p.m., Hannah Davies pulled her 2012 Dodge Challenger onto Westpark Boulevard going the wrong way and crashed into the 2009 Toyota Camry driven by Kelly Shepherd (“Kelly”). The accident occurred in the 1800-block of Westpark Boulevard near Torres Trail.

15. Davies, who is an 18-year-old high school senior at Central High School in Capitol City, had just left a house party hosted by one of her high school friends. Others at the party indicated Davies played beer pong and smoked marijuana. She left the party alone after she got into a fight with her boyfriend at the party. Before the accident, Davies sent the following Twitter messages:

“2 drunk 2 care” (at 8:11 p.m.)

“2 high 2 care” (at 8:14 p.m.)

“Talk to me” (at 8:20 p.m.)

Her cellphone showed evidence that she was in the process of sending another Twitter message when her vehicle collided head-on with Kelly’s vehicle. She later told officers she did not see the oncoming headlights. Officers determined Davies’ vehicle was traveling 75 m.p.h., while Kelly’s vehicle was traveling 50 m.p.h. The speed limit was 60 m.p.h.

16. Kelly was severely injured in the accident. She suffered traumatic head injury in the accident and was unconscious when the first responders reached the scene. She had no brain function, including no response to pain and no cranial nerve reflexes.

17. Davies suffered only minor injuries. At the scene, Alastor City Police took her into custody. She was taken to Mercy Hospital for observation, where

blood tests confirmed Davies had marijuana in her system, as well as a 0.19 blood-alcohol level. Afterwards, Davies was charged with driving under the influence—a Class A felony in the State of South Texas. Her criminal charges are pending.

18. An ambulance transported Kelly to the critical care unit at South Texas Methodist Hospital, where she was placed on life support before being pronounced dead by the neurology consultants. Doctors administered medicine to ensure her organs were suitable for transplantation.

19. Though Kelly was not registered as an organ donor on the back of her driver's license or otherwise listed on any donor registry within the State of South Texas, she left a living will, allowing her husband to make medical decisions on her behalf. She also wrote a codicil to her will, asking that her organs be used to help as many people as possible.

20. *The plan to get this heart for Denny, Jr.* When the heart became available for transplantation. Defendants conspired to divert it from Adele to Denny, Jr.

21. Denny, Jr. is a 27-year-old student at the University of South Texas. At the time the heart became available for transplantation, he had been on the organ transplant waiting list for over two years. He suffered from viral-induced cardiomyopathy, which occurs when viral infections cause myocarditis with a

resulting thickening of the myocardium and dilation of the ventricles.

22. Isobel was the Director of South Texas Cares, the OPO covering the South Texas region. Her office is next to South Texas Methodist Hospital in Alastor City. Her job required her to handle the logistics of organ transplants by interacting with patients, donors, UNOS, and hospitals.

23. Isobel developed a friendship with the Duquette family in the fall of 2016, when Denny, Jr. almost received an organ transplant. After Isobel notified him that he was at the top of the list and that a donor's organ matched his, he raced to the Capitol City Presbyterian Hospital to prepare for surgery. But when the organ was extracted, the transplant surgeons determined the organ was not viable. Isobel delivered the news to Denny, Jr. and his father.

24. During the conversation, Denny, Sr. expressed his disappointment with the failed effort. Denny, Sr. said that he would move heaven and earth for his son. He suggested that he would be willing to do anything to ensure his son would have a superior place on the transplant list and that money was no object. Knowing that Denny, Sr., was a billionaire philanthropist, Isobel thought she would see if there was a way to make everyone happy.

25. In December of 2016, Isobel approached Denny, Sr., with an idea for him to fund a new OPO and Organ Transplant Center for the Alastor City region.

After discussions, Denny, Sr., offered to build a center for organ transplantation with state-of-the-art equipment. The center would also offer free flights for organ donors and organ recipients. Isobel was thrilled about the prospect of having such a facility in the Alastor City area.

26. Soon after Kelly arrived at the hospital, the hospital's transplant nurse notified Isobel of the availability of Kelly's organs. Isobel went to the hospital and spoke to Kelly's distraught husband, Derek Shepherd ("Derek"). During the conversation, Isobel told Derek about the Duquettes, describing them as a wonderful family that would benefit from his wife's organ donation. When Isobel made this statement, she had not checked on who was at the top of the match list. But when she did, she learned that Denny, Jr. was no longer at the top of the transplant list. Adele was.

27. Isobel told Denny, Sr., of the situation even though UNOS anonymity rules expressly prohibited disclosure of the listing of recipients. Isobel also told him that, if an arrangement could be made where the donor withheld consent to the person at the top of the list, then the organ would be available for his son. Denny, Sr., told Isobel that he would "handle it."

28. After several conversations, Denny, Sr. told Isobel that Derek would withhold consent as it related to Adele. The plan was for Duquette Holdings to

arrange for better health and life insurance for all members of the Shepherd and Webber families. In addition, the company would also move forward with its plans to fund a new organ transplant center. The new facility would be named the Kelly Shepherd Organ Transplant Center. These “arrangements” constituted the quid pro quo with Derek for Kelly’s heart.

29. After speaking to Denny, Sr., Isobel informed the transplant team of Derek’s “decision.” She did not disclose the details of the side deal between Denny, Sr. and Derek. Nor did she disclose her confidentiality breach or her involvement in the side deal. Adele never knew that she was first in line to receive the heart because Isobel never contacted her. And no one from UNOS did either.

30. ***The transplant.*** As soon as arrangements could be made with the surgical team, Denny, Jr. underwent surgery to remove his diseased heart and replace it with Kelly’s healthy one. The heart-transplant surgery took place at South Texas Methodist Hospital on January 23, 2017. The procedure lasted eleven hours.

31. Denny, Jr. was discharged from the hospital five weeks later. He has made a remarkable recovery and has returned to his studies at the University of South Texas. He also married Isobel on December 11, 2018.

32. ***Adele dies waiting for a heart.*** Without the heart transplant, Adele’s

condition worsened over the next month. Although her chances of survival were significant had she received Kelly's heart, the Defendants' conspiracy left her to die, which she did on March 28, 2017.

33. ***The conspiracy is discovered.*** Just before Adele's death, Isobel's assistant, Lexie Grey, told an official from UNOS that she was upset about the fact that "the person who was at the top of the list didn't get the heart she was supposed to." This conversation took place during a routine site inspection of South Texas Cares. The UNOS official—Olivia Harper—started asking questions about the circumstances surrounding Denny, Jr.'s heart transplant. By this time, Denny, Sr.'s plans to build the new transplant facility were known by UNOS. But the existence and details of the side deal were not. In fact, Isobel had told UNOS that Derek Shepherd had directed the donated heart to Denny, Jr.

34. The UNOS investigation revealed Isobel's confidentiality breach, the arrangement with Derek, and the choreographed effort to jump Adele in the line. When this information came to light, UNOS delisted South Texas Cares and Isobel was immediately fired. And although the new transplant facility has now been built, it has not been opened because of the ongoing dispute between UNOS and those involved in the conspiracy.

Claims for Relief

35. Plaintiff incorporates by reference the averments in the preceding paragraphs as though fully set forth at length. Plaintiff is a survivor of Adele Webber and is entitled to recover damages from all defendants for wrongful death both in an individual capacity and on behalf of her estate. The injuries and damages suffered by the Plaintiff by virtue of Adele Webber's death and the resulting consequences, were proximately caused by the intentional and reckless acts, omissions, and other tortuous conduct of all defendants as described in this Complaint.

36. As a direct and proximate result of Adele Webber's death, Plaintiff has been deprived of future aid, assistance, services, comfort, and financial support. As a direct and proximate result of the defendants' acts, Plaintiff will forever grieve Adele Webber's death. As a further result of intentional and reckless acts, omissions, and other tortuous conduct of the defendants, Plaintiff has been caused to expend various sums to administer Adele Webber's estate and have incurred other expenses for which they are entitled to recover.

Prayer

37. Plaintiff asks for a final judgment for Plaintiff and against Defendants awarding the following:

- Past and future pecuniary loss;
- Past and future loss of companionship and society;
- Past and future mental anguish;
- Loss of inheritance;
- Decedent's mental anguish;
- Medical and funeral expenses;
- Punitive damages;
- Prejudgment Interest;
- Court costs; and
- for all other relief, in law or in equity, to which Plaintiff may be entitled.

Respectfully submitted,

SLOAN & GREY, L.L.P.

/s/ Mark Sloan

By: _____

MARK SLOAN

State Bar No. 429342222

1600 Pennsylvania

Capitol City, South Texas 76665

254.435.2000 (Phone)

254.435.2026 (Fax)

ATTORNEY FOR PLAINTIFF

JORDAN WEBBER, INDIVIDUALLY

AND AS INDEPENDENT EXECUTOR OF

THE ESTATE OF ADELE WEBBER

DATE: December 27, 2018

CERTIFICATE OF SERVICE

I electronically served a copy of the First Amended Complaint for Damages on all counsel of record on December 27, 2018.

/s/ Mark Sloan

By: _____
MARK SLOAN

Jordan Webber,	§	In the 85th District Court
Individually and as	§	
Independent Executor of the	§	
Estate of Adele Webber,	§	
	§	
v.	§	
	§	
Isobel Stevens Duquette,	§	
Denny Duquette, Sr., and	§	
South Texas Cares, Inc.	§	Capitol County, South Texas

FIRST AMENDED ANSWER

Isobel Stevens Duquette, Denny Duquette, Sr., and South Texas Cares, Inc. generally deny the allegations in the First Amended Complaint. Defendants ask that this Court enter a take-nothing judgment in their favor.

Respectfully submitted,

THE YANG LAW FIRM, P.C.

/s/ Cristina Yang

By: _____

CRISTINA YANG

State Bar No. 43337459

133 North Virginia Street

Alastor City, South Texas 76765

294.733.7044 (Phone)

294.733.7055 (Fax)

ATTORNEY FOR DEFENDANTS
ISOBEL STEVENS DUQUETTE, DENNY
DUQUETTE, SR., AND SOUTH TEXAS
CARES, INC.

DATE: January 6, 2019

QUESTION 1

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Jordan Webber (individually) for his damages, if any, resulting from the death of Adele Webber?

Consider the elements of damages listed below and none other.
Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you find.

Answer separately, in dollars and cents, for damages, if any.

1. Pecuniary loss sustained in the past.

“Pecuniary loss” means the loss of the care, maintenance, support, services, advice, counsel, and reasonable contributions of a pecuniary value, excluding loss of inheritance, that Jordan Webber, in reasonable probability, would have received from Adele Webber had she lived.

Answer: \$ 100.00

2. Pecuniary loss that, in reasonable probability, Jordan Webber will sustain in the future.

Answer: \$ 100.00

3. Loss of companionship and society sustained in the past.

“Loss of companionship and society” means the loss of the positive benefits flowing from the love, comfort, companionship, and society that Jordan Webber, in reasonable probability, would have received from Adele Webber had she lived.

Answer: \$ 100.00

4. Loss of companionship and society that, in reasonable probability, Jordan Webber will sustain in the future.

Answer: \$ 100.00

5. Mental anguish sustained in the past.

“Mental anguish” means the emotional pain and suffering experienced by Jordan Webber because of the death of Adele Webber.

Answer: \$ 100.00

6. Mental anguish that, in reasonable probability, Jordan Webber will sustain in the future.

Answer: \$ 100.00

In determining damages for elements 3, 4, 5, and 6, you may consider the relationship between Jordan Webber and Adele Webber, their living arrangements, the harmony of their family relations, and their common interests and activities.

7. Loss of inheritance.

“Loss of inheritance” means the loss of the present value of the assets that the deceased, in reasonable probability, would have added to the estate and left at natural death to Jordan Webber.

Answer: \$ 0

QUESTION 2

What sum of money, if any, if paid now in cash, would fairly and reasonably compensate Jordan Webber (as Independent Executor of the Estate of Adele Webber) for his damages, if any, resulting from the death of Adele Webber?

Consider the elements of damages listed below and none other.
Consider each element separately. Do not award any sum of money on any element if you have otherwise, under some other element, awarded a sum of money for the same loss. That is, do not compensate twice for the same loss, if any. Do not include interest on any amount of damages you find.

Answer separately, in dollars and cents, for damages, if any.

1. Pain and mental anguish.

"Pain and mental anguish" means the conscious physical pain and emotional pain, torment, and suffering experienced by Adele Webber before her death as a result of the occurrence in question.

Answer: \$ 50,000.00

2. Medical expenses.

"Medical expenses" means the reasonable expense of the necessary medical and hospital care received by Adele Webber for treatment of injuries sustained by her as a result of the occurrence in question.

Answer: \$ 0

3. Funeral and burial expenses.

"Funeral and burial expenses" means the reasonable amount of expenses for funeral and burial for Adele Webber reasonably suitable to her station in life.

Answer: \$ 7450.00

QUESTION 3

Do you find by clear and convincing evidence that the harm to Jordan Webber (individually and as Independent Executor of the Estate of Adele Webber) resulted from malice?

“Clear and convincing evidence” means the measure or degree of proof that produces a firm belief or conviction of the truth of the allegations sought to be established.

“Malice” means:

- (A) a specific intent by the particular defendant to cause substantial injury to the Plaintiff; or
- (B) an act or omission by the particular defendant,
 - (i) which when viewed objectively from the standpoint of that particular defendant at the time of the occurrence involves a high degree of risk, considering the probabilities and magnitude of the potential harm to others; and
 - (ii) of which that particular defendant has actual, subjective awareness of the risk involved, but nevertheless proceeds with conscious indifference to the rights, safety, or welfare of others.

Answer “Yes” or “No” as to each below

With regard to Jordan Webber individually:

Answer as to Isobel Stevens Duquette:

No

Answer as to Denny Duquette, Sr.:

No

Answer as to South Texas Cares, Inc.:

No

With regard to Jordan Webber in his role as Independent Executor of the Estate of Adele Webber:

Answer as to Isobel Stevens Duquette: Yes

Answer as to Denny Duquette, Sr.: Yes

Answer as to South Texas Cares, Inc.: No

DEPOSITION OF JORDAN WEBBER

November 16, 2018

EXAMINATION BY MR. O'MALLEY:

Q: What is your name?

A: Jordan Webber.

Q: How old are you?

A: 24.

Q: And you are Adele Webber's son?

A: I am.

Q: When did she pass away?

A: March 28, 2017.

Q: How did she pass away?

A: She didn't get a heart transplant she needed.

Q: What was the technical cause of her death?

A: Heart failure.

Q: Have you been appointed as the legal representative of your mother's estate?

A: I have.

Q: I understand your father predeceased your mother. Was Richard Webber

DEPOSITION OF JORDAN WEBBER

November 16, 2018

your father?

A: He was. Not my biological father. But I regarded him as my father. And he regarded me as his son.

Q: When did Richard pass away?

A: Valentine's Day just before Mom. It was really difficult for her and for us.

Q: Please explain what you mean.

A: Mom was sick, and she lost her husband. We lost our father. Her heart was already failing. This made everything so much worse.

Q: What was the cause of his death?

A: Heart attack. He died in minutes.

Q: Let's talk for a moment about your biological father.

A: Okay.

Q: What is his name?

A: Owen Hunt.

Q: Where is he now?

A: Deceased.

DEPOSITION OF JORDAN WEBBER

November 16, 2018

Q: How and when did he pass away?

A: He died on September 11, 2001 in the terrorist attacks at the World Trade Center.

Q: How old were you?

A: I was only six at the time. The twins were one. Mom was devastated. She met Richard a year later and he became a part of our family. We moved from Newark, New Jersey to Alastor City to start a new life.

Q: Do you have a relationship with your biological father's family?

A: No. He was an only child, and his parents died before I was born. I understand there is a great aunt living in California and a great uncle living in Chicago but they're very old. I've never met either one of them.

Q: Okay. What is your educational background?

A: I got my business degree from the University of Iowa.

Q: When?

A: December of 2015.

Q: Where did you go to high school?

A: Central High in Capitol City.

DEPOSITION OF JORDAN WEBBER

November 16, 2018

Q: Where do you live now?

A: 1221 East Third Street in Capitol City.

Q: Is that a home or an apartment?

A: It is a townhouse I rent. But I spend a lot of time with my grandparents.

Q: Where do they live?

A: Right next to Central High.

Q: Do your siblings live with you or with your grandparents?

A: Both. But most of the time with my grandparents. They have more room there.

Q: Are you married?

A: No.

Q: Do you work?

A: I do.

Q: Where?

A: In Capitol City. I work for a property management company.

Q: What's the name of your employer?

A: Summit Management.

DEPOSITION OF JORDAN WEBBER

November 16, 2018

Q: What do you do for Summit Management?

A: I am in the executive training program. Right now, I am an account assistant and help manage large commercial properties.

Q: How long have you worked there?

A: A year. I started working there in May of 2018.

Q: What did you do before that?

A: I worked at a restaurant in Alastor City.

Q: What was it called?

A: Celebrations. It is a Campbell Alastor restaurant.

Q: Do you have children?

A: Yes. I have a two year old son.

Q: What is his name?

A: Ricky.

Q: Does he live with you?

A: Yes, he does. But he too spends a lot of time with my grandparents and my siblings.

Q: You understand that your mother had a serious heart condition before

DEPOSITION OF JORDAN WEBBER

November 16, 2018

she came in contact with Isobel or Mr. Duquette, don't you?

A: I do. But if she had received a heart transplant, she would have been fine.

I am told that the guy who got the heart is fine now. Had no problems.

That would have been Mom if Isobel and Mr. Duquette followed the rules.

Q: But your not a medical expert, are you?

A: No. I'm not. But it doesn't take a rocket scientist to know that if you have a bad heart, you can get a new one and live a full life. Sure, there may be complications but science has progressed to the point that it has become a highly successful surgery that allows heart recipients to lead full and long lives.

Q: Did you know Kelly Shepherd?

A: No, I did not.

Q: Did you know her husband, Derek?

A: No.

Q: How did you become aware that a heart had become available?

A: I didn't until after it happened.

DEPOSITION OF JORDAN WEBBER

November 16, 2018

Q: After what happened?

A: The heart was already in Denny Duquette, Jr.'s body.

Q: How did you learn about it?

A: A lady from UNOS came to see Mom. I was with her.

Q: When was that?

A: The week after Dad died. It added insult to injury.

Q: Where were you?

A: At Mom's house.

Q: Where is that?

A: 45 Kempner Way in Capitol City. It is two blocks from Central High.

Q: Do you remember the name of the lady from UNOS?

A: Olivia something.

Q: Okay. Could you describe the conversation?

A: Yes. Olivia wanted to know if Mom had talked to Isobel Stevens recently.

Q: And had she?

A: No, not in a few months.

DEPOSITION OF JORDAN WEBBER

November 16, 2018

Q: What else did she want to know?

A: If Mom had ever met a man by the name of Denny Duquette.

Q: Had she?

A: Mom said she had not.

Q: Anything else?

A: She also asked about a man named Derek Shepherd. Mom hadn't met him either.

Q: What else happened during that conversation?

A: Nothing. She told us that something was going on, and she needed to check on some things and she'd get back to us.

Q: Did she?

A: Yes, a couple days later. She called and set up a meeting with Mom and me.

Q: What happened at that meeting?

A: Olivia told Mom that there had been a breach of UNOS confidentiality rules and that the local organization fired Isobel. Olivia told Mom she had been first on the recipient list and that irregularities had occurred.

DEPOSITION OF JORDAN WEBBER

November 16, 2018

Q: What did she mean by irregularities?

A: I asked the same question because irregularities is such a vague word.

She said that someone had bought the heart and that was not supposed to happen. In fact, it was against the law. But at this point, they could not cut open the guy who got the transplant and get the heart back.

Q: Did she explain what had been done?

A: Not exactly. But it was clear that they were very upset by what had happened. They wanted to make certain Mom had not been involved. I told her that it was ridiculous to think Mom would have gone along with this because a new heart would have saved her life. She would have never agreed to be jumped over in line so someone else could buy a heart.

Q: Was you mother upset by all of this?

A: She said it was no big deal. But I know it affected her. It is difficult to pinpoint how much was attributable to this fiasco versus how much was attributable to everything else she was dealing with at the time. She had lost her husband. She was very, very sick. It was a really bad time.

DEPOSITION OF JORDAN WEBBER

November 16, 2018

Q: Then why are you blaming Isobel and Mr. Duquette?

A: Because if they hadn't done what they did, Mom would be alive today.

Kelly Shepherd's heart would be beating inside of Mom. Isobel Stevens was in a position of trust. She abused that trust. And Mom is now dead because of her. Isobel Stevens took everything we had and everything we needed. She took our Mom.

Q: Your mother eventually met Mr. Duquette?

A: I understand she did.

Q: But you never did, did you?

A: No, I didn't.

Q: Did your mother receive anything from Mr. Duquette?

A: Blood money.

Q: What do you mean?

A: After everything blew up, he came around and gave her a bunch of insurance policies because he owned some insurance company. I guess he thought that was going to make all this go away.

Q: What kind of policies are we talking about?

DEPOSITION OF JORDAN WEBBER

November 16, 2018

A: Health insurance policies for Mom, my grandparents and members of my family.

Q: Did you mother agree to accept these policies?

A: There was no agreement. They just showed up. They were in an irrevocable trust.

Q: Was there a policy in your name?

A: Yes.

Q: Have you accepted it?

A: No way. I get insurance from my work. I don't need his blood money.

Q: I'm handing you what has been marked as Exhibit O. Are you familiar with that document?

A: Yes.

That's all. Pass the witness.

EXAMINATION BY MS. BURKE:

Q: What do you understand Mr. Duquette said to your mother?

DEPOSITION OF JORDAN WEBBER

November 16, 2018

A: She told me that Mr. Duquette and Mr. Shepherd were worried about her and wanted her to know I would be okay.

Q: How was she supposed to be okay?

A: He said that he would help my family get better insurance. All my family and Richard's parents. And he supposedly would do it for life. Mom said we had to make the best of a bad situation.

Q: And Richard's parents' names?

A: Roger and Louise Webber.

Q: What happened to your mother's parents?

A: They died years ago.

Q: I'm showing you what has been marked as Exhibit O, what is that?

A: It is the Insurance Trust Mr. Duquette presented to Mom.

Q: So you were okay with the arrangement?

A: No, not at all.

Q: Was your Mom?

A: She was making the best of a bad situation. And she didn't know all the facts.

DEPOSITION OF JORDAN WEBBER

November 16, 2018

Q: Let's talk about your mother's condition.

A: Okay.

Q: What were her symptoms?

A: She had fatigue and what she called heart palpitations.

Q: What are heart palpitations?

A: Her heart would all of a sudden start racing. It scared her and that scared me.

Q: Anything else?

A: When she went to breathe, she would have shortness of breath and would have to go to the bathroom all the time. She also had swelling in her neck and in her ankles. We had to constantly watch her blood pressure.

Q: When did she have these symptoms?

A: Whenever she exerted herself and, after dad died, even when she was at rest.

Q: Did she seem like she was in pain?

A: Yes.

Q: How do you know?

DEPOSITION OF JORDAN WEBBER

November 16, 2018

A: I saw her cry. I saw her wince in pain. I saw her gasp for breath. She had trouble walking. She tried to keep us from worrying but I saw the toll it was taking on her. And everything got so much worse after she found out that she had lost out on getting a heart transplant.

Q: Were these symptoms constant or sporadic?

A: Constant.

Q: Did you see her every day?

A: Yes, I lived with her at the time. I watched out for her and cared for her when I wasn't at work.

Q: Did she ever admit to being in pain?

A: Rarely. She didn't want us to worry.

Q: You said it got worse after learning about losing out on the heart transplant. How much longer did she live?

A: A little over a month.

Q: And that entire time she was in excruciating pain?

A: She was.

Q: Did she work while she was sick?

DEPOSITION OF JORDAN WEBBER

November 16, 2018

A: Yes, up until Dad died. She intended to go back to work but the losing the heart thing threw her for a loop, and then she never could go back.

Q: Where did she work?

A: A local trucking company. Cross-Country Hauling. She was the company accountant.

Q: What was her salary?

A: 75,000 dollars a year, plus bonuses.

Q: How much were her bonuses?

A: 15,000 to 20,000 a year. They were very generous to her because they liked Mom so much. They were heartbroken that she had to quit.

Q: When did she officially quit working?

A: On March 15th. She died a couple weeks later.

Q: Were you and your mother close?

A: We were.

Q: How often did you see her?

A: Every day. I lived with her to help out in any way I could.

Q: What about while you were in college?

DEPOSITION OF JORDAN WEBBER

November 16, 2018

A: I saw my family occasionally. A couple times a semester. I would fly home two or three times a semester. And a couple times, Mom and Dad drove everyone up for a Hawkeye football game. That was lots of fun.

Q: How did you and your mother spend time together?

A: She gave me a lot of practical advice, especially school, relationships, and anything I asked her about. She wasn't shy about sharing her opinions. We would talk about everything. She asked about all I was doing. It was a special bond. I miss her so much.

Q: You are close to your family, right? Did you have family meals?

A: Always. Mom insisted on it. No cellphones. No gameboys. We talked to each other. But now, there's an empty chair at the head of the table. And it is all their fault.

Q: Who do you mean by their?

A: Isobel Stevens, Denny Duquette and South Texas Supposedly Cares.

Q: Did you attend church with your mother?

A: Yes, our family has attended the University Lutheran Church ever since I was able to sit still through the services. We all attended Sunday services

DEPOSITION OF JORDAN WEBBER

November 16, 2018

together as often as possible.

Q: And how often is that?

A: Oh, I'd say we used to go as a family at least two or three times a month.

Q: Your siblings have a problem with your lawsuit, right?

A: Yes. The Duquettes have bought them off. Scholarships. The only remarkable thing about either of their performance in high school was that nothing was remarkable. B average for one. B minus for the other. But that is standard operating procedure for the Duquettes. Any problem can be fixed by throwing money at it.

Q: I'm showing you what has been marked as Exhibit S. Do you recognize that?

A: Yes. It is my Mom's handwriting. It appears to be a card she wrote to Joey.

Q: Are you familiar with the policies and procedures of UNOS?

A: I am. I went to the orientation with Mom so, yes, I know all about how it works.

DEPOSITION OF JORDAN WEBBER

November 16, 2018

Thank you. I'm done for now.

END OF DEPOSITION

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

EXAMINATION BY MR. O'MALLEY:

Q: What is your name?

A: Derek Shepherd.

Q: How old are you?

A: 33.

Q: Are you employed?

A: I am.

Q: What do you do?

A: I work for a landscaping business in Alastor City. It is called Grassroots.

I like it because it lets me get my hands dirty. It gives me a sense of accomplishment. A garden should make you feel like you've entered privileged space—a place not just set apart, but mystical—and it seems to me that, to achieve this, I try to put some kind of twist on the existing landscape. Kelly always said I turn the landscape's prose into something nearer poetry. I don't know if that's right, but thinking about it always makes me smile.

Q: Do you have children?

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

A: Yes, three girls. Macey was born in 2009. Millie was born in 2011.
Molly was born in 2014.

Q: Are they healthy?

A: For the most part, they are. Millie has allergies we have to deal with.
But the girls are like any other children and have colds, flus and get
scrapes and cuts.

Q: I know you've been through a lot this week but tell us about your wife.
How did you meet Kelly?

A: I was her next-door neighbor when we were growing up in Vancouver,
Canada. I spent all my time at her house. We fell in love and have been
inseparable ever since.

Q: How was growing up in Canada?

A: It was okay. I had a happy family but Kelly had a difficult childhood.

Q: What do you mean?

A: She lost her house, her car, her foot and her father, all in just seven
months.

Q: Please explain.

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

A: Kelly's father, Joe, raised her as a single parent because her mother died during childbirth. So it was just the two of them. In September of 2000, Joe was laid off from his carpentry job after 14 years. He tried so hard to find another job, but he just couldn't get one. Without any income, he couldn't make the mortgage and car payments. Their car was repossessed, and not long after that, the bank foreclosed on them and they lost their house. Joe and Kelly moved into a low rent, hole-in-the-wall apartment and lived off of Joe's savings and his unemployment benefits for the next few months. Finally, in December of 2000, Kelly got a part-time job at a pizza place. It was a really long walk from their apartment, but they needed the money badly. So Kelly took the job. By mid winter, her old snow boots, which had successfully lasted through several terrible winters, were beginning to rapidly deteriorate. They had holes all over them and they were splitting at the seams. Kelly's feet were soaked and freezing all day long. But at that point, they were lucky to have food on the table. They had to watch every penny. She couldn't afford new boots so she had to make do with the ones she had. I tried to

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

fix the boots. Joe tried to fix them. We used superglue and duct tape. On top of that, she doubled up on socks and wore plastic bags inside her boots, but nothing did any good. Kelly's feet still got drenched. One morning, in mid-February of 2001, there was a huge blizzard raging outside, but they couldn't afford to lose a day's worth of pay. So Kelly ventured out into the blizzard and made the long trudge to work anyway. As usual, her feet were drenched and freezing within minutes of leaving the apartment, but she had no choice but to just stick it out. So she kept going. She finally arrived at work to find the place closed. Nobody had bothered to call and tell her. There was nothing to do but turn around and make the long trek back home. By the time she got home, Kelly knew that something was seriously wrong with her feet. She said they felt horrible. Joe helped her out of her drenched boots and socks and we discovered that her left foot was all purple and swollen. It was severely frostbitten.

Q: What did she do?

A: Joe was terrified to take Kelly to the emergency room because that would

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

have bankrupted them. So we did everything we could to try and rewarm Kelly's foot at home. We bundled her foot up in blankets, putting her feet in warm water, etc. But nothing helped. Kelly's foot kept getting worse. It eventually turned black and began to ooze. At that point, her father broke down and called a car service to take us to the hospital. The doctors told us that, given the extent of the damage, they would not be able to save her foot. The frostbite had progressed too far. She ended up having her left foot amputated above the ankle.

Q: That must have been devastating for the family.

A: It was. For the next whole month, Joe didn't do anything but cry. He cried himself to sleep every night. He blamed himself for Kelly losing her foot. Kelly tried to console him. She told him that it wasn't his fault and that she didn't blame him for anything. She told him he was the best father any girl could ever have and that she wouldn't trade him for anything. On the morning of March 15th, 2001, I was awakened by a knock on the door from a police officer. He told me that Joe was dead and he was getting ready to tell Kelly. When he knocked on their front

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

door, Kelly immediately went into her father's room, but he was gone. There was a note on his bed that Joe had left for Kelly. In the note, Joe told Kelly that he loved her dearly. He loved her more than anything, but that he had failed her. He told her that she would be better off without him. She made her way back to the police officer, and he told both of us that Joe had jumped off the Cushing Bridge in the middle of the night. Kelly cried herself to sleep every night for weeks. I'll never understand how Joe could have thought that she'd be better off without him.

Q: How old were you when that happened?

A: 15.

Q: Has she ever recovered from that experience?

A: Yes and no. She always felt the sadness but she had moved on. But she told me, you may encounter many defeats, but you must not be defeated. The defeats are necessary so you can know who you are, what you can rise from, and how you can still come out of it. I told this story to Mr. Duquette. It helped him appreciate how access to healthcare was

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

something that was very important to us.

Q: Did Kelly move away after her dad died?

A: No. One of her cousins moved in the apartment with her and they lived there until we finished high school. We got married, and we moved to South Texas to get away from the cold and so she could go to college.

Q: Where did she go to college?

A: Alastor City Community College. She got certified as a licensed vocational nurse. It took her about 18 months to get certified.

Q: What did she do when she finished?

A: She worked as a nurse at Second Chances, a rehab facility in Alastor City. My company did the landscaping work there so we saw each other quite often. It was great.

Q: What shift did she work?

A: The 7:00 a.m. to 7:00 p.m. shift.

Q: So let's talk about the accident on Tuesday night. Was she coming home from work?

A: Yes, she was.

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

Q: Where do you live?

A: About 15 minutes from her work. Just outside the city limits of Alastor City. East of town.

Q: Were you at home on Tuesday night?

A: Yes. I was making dinner. We always ate together when she got off work. And it generally takes her an hour or so to do paperwork after her shift. That night, I was making an elaborate dinner to celebrate because one of her patients had successfully completed three years of sobriety and he had been really nice to her. She was so happy to help someone so I told her I'd make her a special dinner. I went to the market and got all of her favorites—steak, asparagus and chocolate chip cookies. I had just finished preparing everything when an officer showed up at my house. I stopped in my tracks because it reminded me of that day when the officer told Kelly about her father.

Q: What did the officer tell you?

A: That there had been a terrible wreck on Westpark where some high school kid was texting and going the wrong way. He said that Kelly had

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

been critically injured and was taken to South Texas Methodist.

Q: What did you do?

A: The kids were sleeping so I asked a neighbor to watch them. Then, the officer took me to the hospital.

Q: What did you learn when you got to the hospital?

A: That Kelly was in really, really bad shape.

Q: What did the doctors tell you?

A: That they were assessing her condition and would know more in a few hours. The doctors determined that Kelly was brain dead and nothing could be done to revive her.

Q: I'm so sorry. What happened next?

A: A woman came to talk to me about organ donation.

Q: Who was that?

A: I don't remember her name.

Q: Was it Isobel Stevens?

A: No. Not at first. I met Isobel later. It was a nurse from the hospital.

Q: What did you tell the nurse?

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

A: That Kelly had told me time and again that she wanted to be an organ donor. I said I had papers at home that talked about that. My cousin, who was at the hospital with me, went to get the documents for me so I could give them to the hospital people.

Q: Did you do that?

A: I did.

Q: Did you provide documents to the hospital that showed you had the right to make decisions on her behalf?

A: Yes, I did. They're called Letters Testamentary.

Q: Did the doctors tell you anything about your wife's condition?

A: They did. They said she had a severe head injury and was unconscious at the scene. Doctors were able to keep her body alive, but she was dead.

Q: Are you familiar with how everything at UNOS works?

A: I am. I learned about it when I was asked to donate Kelly's organs. The nurse and Ms. Stevens explained to me how it all worked.

Q: By the way, did you ever meet Lexie Grey?

A: I did not.

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

Q: Your wife wanted to be an organ donor?

A: She did. She filled out paperwork to give me the right to represent her interests. She also told me that, if she were no longer around to help people, she wanted her body to help people.

Q: Tell us about Isobel Stevens. When did you meet her?

A: The day after the accident. It is all a blur.

Q: What did she tell you?

A: She asked if I knew about the organ donor program. I told her I did. She then explained the process and told me I had the absolute right to withhold consent for organ donation but that she hoped I did not.

Q: Did she say why she hoped you did not?

A: She did. She told me that there was a family that had been waiting for years to get a heart. The son was a wonderful kid. The father had done so many incredible things for people.

Q: Do you recall if she told you their names?

A: I think so but, again, everything was such as blur.

Q: What happened next?

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

A: Ms. Stevens left because she had a bunch of paperwork to do. She thanked me and told me she would be back later.

Q: Did she come back?

A: Not for a few days.

Q: Describe your conversation when you spoke to her again.

A: I told her I wanted to withhold consent to a particular organ recipient so Kelly's heart could go to Denny Duquette.

Q: Did you have further conversations with anyone at UNOS?

A: No.

Pass the witness.

EXAMINATION BY MS. BURKE:

Q: Between the time you spoke to Ms. Stevens on Wednesday and on Friday, you had conversations with Mr. Duquette, is that correct?

A: Yes, it is.

Q: When did that conversation occur?

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

A: Wednesday evening.

Q: Had you met Mr. Duquette before?

A: No.

Q: Did you have any warning he was coming?

A: I did. Izzie texted me to ask if it was okay to give Mr. Duquette my name and have him meet with me. I told her it was fine.

Q: Where did you meet?

A: At the hospital cafeteria.

Q: What did Mr. Duquette tell you?

A: How sorry he was for everything that happened to my family. Even though he lost his wife to cancer, he told me that he couldn't imagine the pain I was feeling. It made me feel better talking about how important Kelly was to me. He shared how important his son was to him. He had lost his wife too and told me that it was a long road but we all survive. He told me that I owed it to my girls to be strong and care for their needs as well.

Q: By the way, have you had help with your girls during this ordeal?

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

A: A family friend, Ainsley Hayes, has helped. And now my parents have driven here from Vancouver. They've been a godsend.

Q: What are their names?

A: Alvin and Jeanetta Shepherd. We've had people coming out of the woodwork—people from church, people from Second Chances. Second Chances even offered one of the cottages on the property for my parents, but it is easier for them to stay at the house with the girls.

Q: Did Mr. Duquette tell you how much would be spent on the organ transplant facility?

A: Tens of millions of dollars.

Q: That's a lot of money.

A: It is. But it will go to the community, not me or my family.

Q: Nonetheless, the facility will have your wife's name on it, won't it?

A: It will. And isn't that a wonderful tribute?

Q: Tell us what you know about the plans for the facility?

A: It will be right next to where Kelly worked. It will have extensive grounds with gardens and places for families to congregate to endure all

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

the hours of waiting. It will have what the donors and recipients need. It will have a place to transport patients and their families. I told Mr. Duquette that Kelly really would be proud to help so many people.

Q: Did Mr. Duquette make any specific promises to you?

A: That he would help.

Q: Help whom?

A: Everybody.

Q: How do you interpret that statement?

A: I don't. I just think he is a great man who helps people. I want to help him.

Q: Did you ask Mr. Duquette to do anything for you?

A: Nothing for me. I asked him to look into Mrs. Webber's circumstances and do something for her. I didn't want for her to suffer in any way. After all, she was first on the match list.

Q: When did the idea of insurance come up?

A: It didn't between Mr. Duquette and me. The following morning, one of his assistants came to get some information from me about my family.

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

Later in the day, I received some papers showing that he had purchased insurance policies for all of us.

Q: I'm showing you what is marked as Exhibit N. Is this the trust agreement he gave you?

A: Yes, it is.

Q: What was your reaction?

A: Shock and extreme gratitude. After the whole circumstance with her father, having great insurance was very, very important to Kelly. But we never could afford the best insurance. We just managed. Kelly would be pleased. And, again, this was an extremely generous gesture.

Q: Do you know how much the insurance he provided was worth?

A: I'm not really certain. You can ask him.

Q: Doesn't this seem a little unorthodox to you?

A: Of course, it is. But that doesn't make it wrong.

Q: Why did you withhold consent?

A: I spoke to Mr. Duquette, Denny's father the day after the accident. He told me about his son. He told me about what he wanted to do for

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

Alastor City. I decided it was the right thing to do.

Q: Did he pay you to withhold consent?

A: He told me he was going to get my family the best insurance money could buy.

Q: Who was there when you had this conversation?

A: Izzie.

Q: But it was after he told you he planned on naming the new transplant hospital after your wife?

A: It was.

Q: Do you understand how some feel like this is a quid pro quo so his son would get an organ transplant?

A: Everyone tells me I had the right to withhold consent. How can anyone tell me how and when I can do so? Either I had the right or I didn't. It should be that simple.

Q: Why was this the best use of your wife's donated organ?

A: Because will help so many people. I am fine with it. Kelly would have been fine with it. And the city of Alastor City will benefit greatly from

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

what is happening.

Q: You are aware that Izzie was fired?

A: Yes.

Q: For breaching confidentiality?

A: That's what they say.

Q: Do you blame her?

A: No. She didn't harm me.

Q: But you acknowledge she broke the law?

A: I guess so.

Q: To be clear, you had two meetings with Mr. Duquette before you withheld consent to the heart transplant?

A: I did.

Q: The first was just with Mr. Duquette, right?

A: Yes.

Q: Arranged by Izzie?

A: She sent a text asking if I would meet with him, if that's what you're looking for.

DEPOSITION OF DEREK SHEPHERD

December 30, 2018

Q: And the second meeting with Mr. Duquette was when you officially withheld consent, right?

A: It was.

Q: And Izzie was present for this meeting, right?

A: She was.

Q: Both meetings took place at the hospital?

A: Yes.

Q: And when was the second meeting?

A: Before the surgery. I cannot specifically remember when. I wasn't sleeping, and it was all a blur. I was trying to come to grips with the fact I had just lost my wife.

Thank you. I'm done for now.

END OF DEPOSITION

DEPOSITION OF ADELE WEBBER

March 24, 2017

EXAMINATION BY MR. O'MALLEY:

For the record, this deposition is being taken under Section 33.05 of the South Texas Practices and Remedies Code, which allows a presuit deposition to preserve testimony. A South Texas trial court entered an order directing Adele Webber to appear. And with the agreement of counsel, we have scheduled this deposition and made accommodations for Mrs. Webber to make this process easier.

Q: What is your name?

A: Adele Webber.

Q: How old are you?

A: 41.

Q: What is your educational background?

A: I graduated from Central High School and then from the University of South Texas. I got an accounting degree.

Q: Where do you live now?

A: I live in Capitol City.

Q: How long have you lived in Capitol City?

DEPOSITION OF ADELE WEBBER

March 24, 2017

A: All except for a few years when I lived in New Jersey. I grew up in Capitol City. I went to school here—from kindergarten to college.

Q: When were you in New Jersey?

A: From 1998 to 2002.

Q: Okay. I understand your husband recently passed away. I'm so sorry to hear that Ms. Webber.

A: Thank you. We are all reeling from Richard's sudden death. It caught us all by surprise. We have been trying to pick up the pieces ever since.

Q: Please tell us about Richard.

A: He remodeled houses. About six months ago, he was involved in an accident on the job. He fractured his ankle. He had to stop working. When he did, the job finished and his company did not rehire him for the next job. His work was project to project. And I knew something was wrong from that point on.

Q: What did he do after he stopped working?

A: He took care of me.

Q: Do you work?

DEPOSITION OF ADELE WEBBER

March 24, 2017

A: I work when I can. I have been a bookkeeper for a trucking company for ten years. They are so generous and have been very understanding during my illness.

Q: Do you have children?

A: Yes. I have five children.

Q: What are their names?

A: The oldest is Jordan. He is 22. Then there are the twins, Joey and Jane. They are 18. Then there's Jason. He's five. And the baby is Jasmine. She is five months old.

Q: They must keep you busy.

A: Oh, yes, they do.

Q: Do any have any particular medical challenges?

A: Yes. Jason has Down Syndrome.

Q: What medical attention will that require?

A: We spend lots of time in doctor's offices and in hospitals. He has a congenital heart defect and will have to have surgery. He has already had surgery to repair his intestines which did not develop properly. Other

DEPOSITION OF ADELE WEBBER

March 24, 2017

medical conditions that he may have include thyroid problems, intestinal abnormalities, seizure disorders, respiratory problems, obesity, an increased susceptibility to infection, and a higher risk of childhood leukemia.

Q: Do any of the others have any problems?

A: Nothing out of the ordinary.

Q: Do you have help?

A: Yes. My husband's parents live two blocks away. And Richard's two sisters help out when they can. But they are really busy and they have small children of their own. We manage.

Q: How long have you been on the transplant list?

A: Seven months.

Q: Describe the process.

A: I filled out a lot of paperwork. It was while I was pregnant with Jasmine. So scary. They told me I'd have to have a new heart.

Q: What else did they tell you?

A: That I was on the waiting list. I had to keep them informed. And they

DEPOSITION OF ADELE WEBBER

March 24, 2017

would tell me when I was ready for a transplant.

Q: Talk to us about your medical condition.

A: I have a condition called peripartum cardiomyopathy, which is a condition associated with childbirth that causes heart failure for reasons that are not completely understood. I have a LVAD that is helping my heart function properly while I am awaiting a transplant.

Q: What's a LVAD?

A: It is called a left ventricular assist device.

Q: What does it do?

A: It is a mechanical pump implanted inside the chest to help my weakened heart ventricle pump blood throughout my body.

Q: Are you in the hospital now?

A: Not now. I stay at home and most days I go to ABST. I don't know what the letters stand for. Something about South Texas. But it is a skilled nursing facility that allows me to get treatment during the day and spend more time with my family. I go to the hospital if my condition worsens.

Q: Let's talk about the events of the past month.

DEPOSITION OF ADELE WEBBER

March 24, 2017

A: All right.

Q: When were you first contacted by someone from UNOS?

A: Some time around the 20th or 21st of February.

Q: By whom?

A: Olivia Harper.

Q: What did she tell you?

A: She asked more than she told.

Q: What do you mean?

A: She asked me questions about Ms. Stevens, Mr. Duquette, and Mr.

Shepherd. I was clueless. She said she'd be back later.

Q: Did she come back?

A: She did.

Q: What did she tell you?

A: That a heart became available and that the Duquette boy got a transplant.

Q: Did she tell you that the heart could have been yours?

A: She did.

Q: Did she say why you didn't get the heart?

DEPOSITION OF ADELE WEBBER

March 24, 2017

A: She said that Mr. Shepherd decided that he wanted for the Duquette boy to get it.

Q: Did this upset you?

A: No. It was his wife's heart. He gets to decide what happens to it.

Q: But you were at the top of the match list, right?

A: I was. But it wasn't my heart. The heart belongs to that poor lady. And Mr. Shepherd has every right to say it is not going to me.

Q: But UNOS says that is not the way the process is supposed to work, right?

A: That's what UNOS is saying, I guess. But who gets the heart is not for me to decide. It is for Mr. Shepherd to decide.

Q: So you're waiting for another heart?

A: Yes. If it happens, it happens. I'm at peace.

Q: But you don't know when that might happen?

A: No. I don't.

Q: Did Ms. Harper say anything about money?

A: Not at that time.

DEPOSITION OF ADELE WEBBER

March 24, 2017

Q: But she did later?

A: Yes.

Q: What did she say?

A: She accused Mr. Duquette of buying the heart. I told her I didn't believe he would do that. He probably was just trying to do something nice for people who had helped him out.

Q: Did you ever speak to Mr. Duquette?

A: I did.

Q: What were the circumstances?

A: I was at my heart doctor's office. He was there with his son. We struck up a conversation in the waiting room. He was so nice.

Q: When was that?

A: Around March 1st.

Q: What did he tell you?

A: That he was going to try to help me get a heart transplant.

Q: How was he going to do that?

A: He didn't say. He just told me he wanted to make my life better.

DEPOSITION OF ADELE WEBBER

March 24, 2017

Q: How was he going to do that?

A: Well, he asked me a bunch of questions about my fears and concerns. I told him that I wasn't worried about me. I was worried about my family.

Q: What was he going to do about that?

A: He didn't say. But a couple days later I got a letter that my hospital bills had been paid and we had insurance that was going to take care of everything going forward. And it was going to take care of everybody, not just me. Even Richard's parents. That was the first night I got peaceful sleep since Richard had died.

Q: Did you ever wonder why this stranger was helping you?

A: At first. But then I listened to his story. He lost his wife to cancer. His son was sick. We just got each other. We'd been through the same stuff. He was such a nice man. I never believe he'd do what they say he did.

That's all. Pass the witness.

EXAMINATION BY MS. BURKE:

DEPOSITION OF ADELE WEBBER

March 24, 2017

Q: Why was insurance so important to you?

A: Because it would take away all the financial pressures on me.

Q: What did he say to you about insurance?

A: He said that he would help my family get better insurance. All my family, including Richard's parents. And he would do it for life. Well, that is such a big deal for me—making sure that everyone has access to health care. Richard's parents are in their 80s. And then there are my kids. Jason has had huge medical bills. And, anyway, Mr. Duquette didn't have to do all of this because Mr. Shepherd had the right to say no to me. He doesn't need a reason.

Q: What are Richard's parents' names?

A: Roger and Louise Webber.

Q: Do they have health conditions of their own?

A: They do. Most of it comes from age. But Louise had a cancer scare a couple years ago. Thyroid cancer. And Roger is diabetic so he has to be careful.

Q: I'm showing you what has been marked as Exhibit O, what is that?

DEPOSITION OF ADELE WEBBER

March 24, 2017

A: It is the Insurance Trust Mr. Duquette gave me and my family.

Q: Did you have medical bills?

A: I did. But Mr. Duquette paid them. All of them. For me and for Richard and for Jason.

Q: How much was that?

A: Well, our insurance covered most of them. I think the out of pocket was somewhere in the neighborhood of 20,000 dollars.

Q: Why so much?

A: Because much of what Jason gets is expensive and our old insurance didn't cover everything. But the new insurance covers everything. And there's no deductible.

Q: Are you okay with everything?

A: I am. I'll get another heart. I'm not worried about that. And, if I don't, I'm at peace because I know my family—all my family—is taken care of.

Q: Did you ever talk to Izzy Stevens?

A: Oh, yes. She was the first person I spoke to at South Texas Cares.

Q: After talking to Ms. Harper, did you ever talk to Izzy again?

DEPOSITION OF ADELE WEBBER

March 24, 2017

A: Briefly, at Richard's funeral.

Q: She was there.

A: She was. She went with Mr. Duquette. But I didn't know Mr. Duquette at the time.

Thank you. I'm done for now.

END OF DEPOSITION

DEPOSITION OF LEE FALLON

November 18, 2018

EXAMINATION BY MS. BURKE:

Q: What is your name?

A: Lee Fallon.

Q: Where do you live?

A: Richmond, Virginia.

Q: Where do you work?

A: I am on the staff of the national office for UNOS.

Q: What do you do?

A: I work with local organizations to ensure compliance with UNOS policies. I also am a resource so they know of and follow UNOS policies. I also coordinate between different transplant centers.

Q: What is your title?

A: Director of Compliance.

Q: What is your educational background?

A: I have a degree in biology from the University of Virginia and then a Masters of Health Administration from the University of Southern California.

DEPOSITION OF LEE FALLON

November 18, 2018

Q: Okay. Let's start with UNOS. Tell us what that is.

A: UNOS is the United Network for Organ Sharing. It is a private non-profit 501(c)(3) organization that operates the Organ Procurement and Transportation Network under contract with the federal government. The Organ Procurement and Transportation Network is what people refer to as OPTN.

Q: What does UNOS do?

A: A number of things.

Q: Like what?

A: First, managing the national transplant waiting list, matching donors to recipients 24 hours a day, 365 days a year. Second, monitoring every organ match to ensure that organ allocation policies are followed. Third, bringing together OPTN members to develop policies that make the best use of the limited supply of organs and give all patients a fair chance at getting the organ they need based on medical criteria—regardless of age, sex, ethnicity, religion, lifestyle, financial or social status. Fourth, maintaining that database that contains all organ transplant data for every

DEPOSITION OF LEE FALLON

November 18, 2018

transplant that occurs in the United States. Finally, providing patient-focused information online for transplant candidates and their loved ones.

Q: Okay. Tell us about OPTN.

A: The OPTN helps to ensure the success and efficiency of the United States organ transplant system. In 1984, Congress passed the National Organ Transplant Act that mandated the establishment and operation of a national Organ Procurement and Transplantation Network. The Act also called for the establishment of a scientific registry of patients receiving organ transplants. The purpose of the OPTN is to manage the nation's organ procurement, donation, and transplantation system and to increase the availability of and access to donor organs for patients with end-stage organ failure. Members of the OPTN include all U.S. transplant centers, organ procurement organizations—which people refer to as OPOs—histocompatibility labs, voluntary health care organizations, medical and scientific organizations, and members of the general public. Under federal law, all U.S. transplant centers and OPOs must be

DEPOSITION OF LEE FALLON

November 18, 2018

members of the OPTN to receive Medicare funds for a transplant. UNOS established the OPTN in 1986 under contract with the Health Resources and Services Administration of the U.S. Department of Health and Human Services and has operated it since that time.

Q: You mentioned an organ procurement organization or OPO. What is that?

A: It is the organization responsible for the recovery, preservation and transportation of organs for transplantation. As a resource to their communities, OPOs educate the public about the critical need for organ donation. Each OPO provides its services to the transplant programs in its area. An OPO's donation service area can include a portion of a city, a portion of a state or an entire state, or more than one state. Currently, when most organs become available, a list of candidates is generated from the OPO's local service area. If a patient match is not made in that local area, a wider, regional list of potential candidates is generated, followed by a national list.

Q: Describe the process for matching organs.

DEPOSITION OF LEE FALLON

November 18, 2018

A: There are a number of steps.

Q: Okay. What is the first step?

A: An organ is donated. When an organ becomes available, the OPO managing the donor enters medical information about the donor—including organ size and condition, blood type, and tissue type—into the UNOS computer system.

Q: What is the second step?

A: A match list is generated. The UNOS computer system matches a list of candidates who have medical profiles compatible with the donor's. Each organ follows different criteria for allocation. The computer ranks candidates based on the allocation policy for the organ and on how closely the candidate's characteristics match the donor's.

Q: Okay. What's next?

A: Transplant centers are notified. Organ placement specialists at the OPO or the UNOS Organ Center electronically contact the transplant centers whose patients appear on the computer-generated ranked list.

Q: And then?

DEPOSITION OF LEE FALLON

November 18, 2018

A: The transplant team considers the organ for the patient. When an organ is offered, the transplant team considers many factors to determine what's best for each patient. Sometimes the team turns down an offer for an organ. This is a normal part of the process.

Q: What else happens?

A: The organ is accepted or declined. If an organ is turned down for one patient, it is offered to the next patient on the match run list for that organ. These offers continue until the organ is placed.

Q: Anything else?

A: It is common for many patients to be called about an organ offer—one patient will be the primary candidate and the others will be back-ups in case the primary is unavailable or ineligible. Sometimes a patient reports to a transplant center for a potential offer, but then does not receive the transplant.

Q: How are organ allocation policies made?

A: Organ matching and distribution policies are developed by committees and a board of directors comprised of organ procurement and transplant

DEPOSITION OF LEE FALLON

November 18, 2018

professionals, patients, donor families and the public. As the transplant field continues to advance, organ allocation policies evolve. Goals are to make the best use of every donated organ and give every transplant candidate a fair chance to receive the organ he or she needs.

Q: How are patients added to the national organ transplant waiting list?

A: If your physician decides that you need an organ transplant, you will be referred to a transplant center for evaluation. The medical team at the transplant center will consider your medical condition. They will also ask about your financial situation, including insurance or other resources you have to pay for the surgery and medications afterwards. Another consideration is whether you have family and friends to care for and support you. If the transplant team decides that you are a good candidate, you will be added to the waiting list and a letter will be sent to you.

Q: How long does it take to receive an organ?

A: Once you are added to the national organ transplant waiting list, you may receive an organ that day, or you may wait many years. Factors affecting how long you wait include how well you match with the donor, how sick

DEPOSITION OF LEE FALLON

November 18, 2018

you are, and how many donors are available in your local area compared to the number of patients waiting.

Q: Can a patient from another country receive a transplant in the United States?

A: Yes. Patients can travel from other countries to the U.S. to receive transplants. Once a transplant center lists them, non-resident aliens are considered based on the same factors as U.S. citizens. Non-resident aliens comprise roughly 0.8% of the U.S. waiting list. They also comprise 0.4% of deceased donors and 1.8% of living donors in the U.S. based on the most recent available data. Transplantation of non-U.S. citizens is at the discretion of each transplant center.

Q: Let's turn our attention to this particular case.

A: Okay.

Q: When did you first learn of the availability of Kelly Shepherd's organs?

A: After the transplant. I believe it was sometime during the middle of March in 2017.

Q: Who from?

DEPOSITION OF LEE FALLON

November 18, 2018

A: Olivia Harper.

Q: Who is she?

A: She is a UNOS/OPTN employee based out of Richmond, Virginia. She was conducting an annual inspection of the local OPO and one of the employees made a comment that troubled her.

Q: Who made the comment?

A: I think it was an assistant working for the local OPO. I cannot remember the assistant's name.

Q: What was the substance of the assistant's comment?

A: I believe it was something to the effect that she was sorry for Mrs. Webber because her heart had been sold to the highest bidder.

Q: Did anyone at UNOS know what she was talking about?

A: Absolutely not.

Q: What did you do?

A: I started an investigation into the allegations.

Q: But this was after the heart had already been put into Denny Duquette's body, right?

DEPOSITION OF LEE FALLON

November 18, 2018

A: Yes, it was.

Q: Tell us about what you did in your investigation.

A: I pulled the match list. I spoke to the transplant team. I spoke to the local head of the OPO. I directed Olivia, who was still in Alastor City, to speak to the donor's husband, to the person receiving the heart, and to the person who was first on the list.

Q: Okay. Let's take these one at a time. What did you learn from the match list?

A: That the recipient was not first on the list. Mrs. Webber was.

Q: What did the transplant team tell you?

A: That they had been told that the donor's husband had withheld consent from the person who was first on the list.

Q: Was that unusual?

A: Very. Donors are typically not involved in this manner.

Q: Did the transplant team tell you who had given them the information about the withheld consent?

A: Yes. It was the local OPO director.

DEPOSITION OF LEE FALLON

November 18, 2018

Q: And that was Isobel Stevens, right?

A: It was.

Q: I think you said you called Ms. Stevens. Is that correct?

A: It is and I did.

Q: What did she tell you?

A: Same story the transplant team told me. That Mr. Shepherd had withheld consent from Mrs. Webber getting the heart.

Q: Did you ask her why he had done so?

A: Yes. But she claimed not to know.

Q: Did you believe her?

A: I was skeptical. But I wanted to get more facts.

Q: What did Olivia communicate to you?

A: That she had talked to Mrs. Webber, the person first on the list, and Mr. Shepherd, the donor's husband.

Q: What did they know?

A: Mrs. Webber knew nothing. Mr. Shepherd, on the other hand, knew everything.

DEPOSITION OF LEE FALLON

November 18, 2018

Q: What did Olivia tell you that she learned from Mr. Shepherd?

A: That Mr. Duquette knew his son wasn't first on the list and that Mr.

Duquette told Mr. Shepherd he could withhold consent to the person first on the list so that the heart would go to the younger Duquette.

Q: Why would Mr. Shepherd do that?

A: Money.

Q: Do you think it was a quid pro quo?

A: Absolutely, it was. Duquette bought insurance for everyone and then agreed to name the new transplant facility after Kelly Shepherd.

Q: Okay. What else did you do?

A: I called the liason for the Board of Directors' Executive Committee to let her know of the situation.

Q: Tell me about the Executive Committee.

A: The Executive Committee may—first—act conditionally for the Board of Directors, subject to confirmation of such actions by the Board of Directors; and second, review issues that require action by the Board of Directors, including the proposal of solutions to conflicts among the

DEPOSITION OF LEE FALLON

November 18, 2018

recommendations of the various standing and ad hoc committees; and third, make recommendations to the Board of Directors, for or against, on any issue, in instances where the Executive Committee has not acted conditionally; and fourth, provide guidance on the interpretation of prior actions of the Board of Directors and to temporarily suspend or modify the implementation of recently adopted bylaws and policies that are not achieving their intended effect.

Q: While we are at it, tell me about the Board of Directors.

A: The Board of Directors is the governing body that oversees and participates in developing policies for operating the OPTN that provide equitable organ allocation to patients registered on the national waiting list, ensure quality standards for membership, and establish data submission requirements.

Q: Are there separate boards for UNOS and OPTN?

A: No. Currently, the same board that serves the OPTN also serves the UNOS, the organization that holds the contract to operate the OPTN.

Q: Who is on the Board?

DEPOSITION OF LEE FALLON

November 18, 2018

A: The Board of Directors is a group of 41 elected members, consisting of 11 UNOS regional councilors, transplant surgeons, transplant physicians, histocompatibility experts, transplant coordinators, independent OPOs, voluntary health organizations, medical and scientific membership organizations, members of the general public—transplant candidates and recipients, living donors, and their family members.

Q: Okay. Back to what happened. When you spoke to the Executive Committee liason, what was her reaction?

A: Concern.

Q: Please explain.

A: I told her that I believed there were financial inducements to coerce the donor to withhold consent to the person at the top of the list. It was not a medical decision. It was based on a financial inducement.

Q: What did she do with that information?

A: She spoke to the committee chair and, after being instructed to call for an emergency meeting of the Executive Committee, she arranged for the meeting.

DEPOSITION OF LEE FALLON

November 18, 2018

Q: Did you participate in the meeting?

A: I did. The Chair asked me to report the information I knew to the board.

Q: Okay. Tell me about the Executive Committee conference call.

A: It was relatively short. The chair explained why we were on the conference call and then asked for my report. Afterwards, the question was simply if it warranted calling an emergency conference call of the entire board. The Executive Committee determined that a Board conference call should be held.

Q: When did the Executive Committee conference call take place?

A: March 19, 2017 around 5:00 p.m., Eastern time.

Q: Is it unusual to check with the Board?

A: It is.

Q: Why?

A: Because the Board generally sets policy and the transplant centers and OPOs carry it out.

Q: Why was this situation different?

A: Because it was so unusual. Federal law outlaws buying organs. I wanted

DEPOSITION OF LEE FALLON

November 18, 2018

the Executive Committee's advice before moving forward. And the Executive Committee decided the issue was worthy of the Board's consideration.

Q: So did you participate in the Board conference call?

A: I did.

Q: When did the Board conference call take place?

A: March 21, 2017 at 10:00 a.m.

Q: How many board members participated?

A: 32 of the 41.

Q: How long did that call take?

A: About an hour.

Q: Describe the call for us.

A: It was like the Executive Committee call, except I got questioned about the financial inducement by board members. I told the Board about each of those involved—the donor, the person at the top of the list, the second person, and the local OPO director. I told them that privacy policies had not been followed. I told them the heart had already been transplanted

DEPOSITION OF LEE FALLON

November 18, 2018

into the second person. I told them the second person's father was donating a new facility and the naming rights were tied up in this mess. And we needed to decide how to handle the situation.

Q: What did the committee decide to do?

A: Put South Texas Cares on probation for releasing confidential information and wait until all the litigation was sorted out.

Q: What did you do after the conference call?

A: I checked with the Human Resources office and received direction about how to handle the situation with regard to Ms. Stevens.

Q: Did you call Isobel Stevens?

A: I did because I was afraid she would continue to contact the parties.

Q: When you reached her what did you say?

A: I explained the Board's decision. I told Ms. Stevens she could no longer be affiliated with any UNOS member.

Q: Did you do anything else?

A: Yes. I called Olivia Harper and told her to go back to see Derek Shepherd and Adele Webber to explain the Board's decision.

DEPOSITION OF LEE FALLON

November 18, 2018

Q: What else did you do?

A: I called the local authorities to report the crime.

Q: What crime?

A: Buying human organs. It is prohibited by law. Section 48.02 of the South Texas Penal Code provides that a person cannot knowingly offer to buy, offer to sell, acquire, receive, sell, or otherwise transfer any human organ for valuable consideration.

Q: Let's assume there was a quid pro quo, which the plaintiffs dispute.

What is the problem with financial inducements?

A: We have rules for a reason. Justice demands that every person have an equal right to life. To protect this right, society has an obligation to ensure that every person—whether rich or poor—has equal access to medical benefits. But if a market in organs were to develop, ability to pay would determine who could buy organs, while economic need would determine who would be motivated to sell their organs. The very wealthy would end up buyers of the organs being sold by the very poor. A market in organs would thus benefit the wealthy while putting pressures on the

DEPOSITION OF LEE FALLON

November 18, 2018

poor to endanger their own health. Such an unequal distribution of health benefits and burdens would be unjust. Individuals have a right to live their lives with freedom and dignity. A market in organs would inevitably lead to abuses that would violate the freedom and dignity of individuals. Allowing organs to be bought and sold would lead to the plundering of peasants' parts for profits—the exploitation of the poor and ignorant, especially in impoverished third-world countries. People living in extreme poverty are often desperate and ill-informed. Profit seekers would take advantage of this, obtaining consent from those who feel compelled by necessity to sell their organs, and who may not have a clear idea of the consequences of what they were doing. Such a scheme would encourage the most vulnerable in society to treat themselves as commodities and allow others to violate their rights for commercial gain.

That's all.

DEPOSITION OF LEE FALLON

November 18, 2018

EXAMINATION BY MR. O'MALLEY:

Q: Do you think the financial inducements were a quid pro quo for the organ donation to Denny Duquette, Jr.?

A: I do.

Q: Why do you think that?

A: Because of all the circumstances surrounding the purchase of the insurance policies and the withholding of consent for the organ transfer.

Q: But you have no direct evidence?

A: I think all the circumstances are direct evidence.

Q: Do you train local directors?

A: We do. It is extensive. We train them on UNOS policies and procedures. We have a number of online resources too. These are literally matters of life or death. How we handle things matters.

Q: But in your mind, all the training failed in this circumstance.

A: Yes.

Q: And it is the plaintiff's fault?

A: It is Ms. Stevens' fault. And the others are her victims.

DEPOSITION OF LEE FALLON

November 18, 2018

Thank you. No more questions.

END OF DEPOSITION

DEPOSITION OF LEXIE GREY

January 10, 2019

EXAMINATION BY MR. O'MALLEY:

Q: What is your name?

A: Lexie Grey.

Q: How old are you?

A: I am 32.

Q: Where do you live?

A: Alastor City.

Q: What is your educational background?

A: I went to Franklin High in Franklin It is a couple hours east of Alastor City.

Q: Did you go to college?

A: I went to Crowley College for two years. I took some art classes.

Q: Are you married?

A: I am.

Q: Tell us about your husband.

A: His name is Christian. He runs a book store downtown.

Q: Do you have any children?

DEPOSITION OF LEXIE GREY

January 10, 2019

A: No.

Q: Are you currently employed?

A: I work the director of South Texas Cares.

Q: How long have you been in that position?

A: Ever since UNOS learned what Isobel Duquette did.

Q: Aren't you the one that told UNOS?

A: You betcha.

Q: Did you tell UNOS to get the position you now hold?

A: I told the truth. UNOS realize I could do a much better job than Isobel Duquette did.

Q: Let's talk for a minute about when you worked as an assistant to Isobel Stevens?

A: Do we have to?

Q: Yes. You were her assistant, right?

A: I was. It was horrible.

Q: What was so horrible about it?

A: She was a complete witch. She was threatened by me.

DEPOSITION OF LEXIE GREY

January 10, 2019

Q: What do you mean by that?

A: Isobel is a mean girl. You know the type. If she doesn't get her way or what she wants, she thinks of ways to get back at you. She has her own group of plastic girls that follow her around and lap up everything she says. It is disgusting. Now she has access to all the money in the world. It has gotten so much worse.

Q: I thought you didn't work with her anymore.

A: Thankfully, I don't. But she is still trying to get back at me for getting her fired. She's tried to blackball me among her snooty crowd. I have an event planning business on the side, Carson Alastor hired me to plan a gala for the Alastor City Art Society and one week out, I got fired. Carson told me that she wanted to get the Duquettes support for the fund drive and she wouldn't get it if I was handling the event.

Q: And you suspect Isobel was behind that?

A: I know she was.

Q: How?

A: She told me she was. I ran into her in the women's restroom at

DEPOSITION OF LEXIE GREY

January 10, 2019

Celebrations. She told me I was tragic and stupid for underestimating her. No one else was there. Just the two of us. That's the way she generally operates. It is my word against her's.

Q: Did Carson ever tell you she had talked to Isobel?

A: No. She did not.

Q: Did you have run ins with Isobel while you worked for her?

A: Absolutely.

Q: What kind?

A: Something would go wrong at work or in her personal life and it was somehow my fault. Half the time I had no idea what she was talking about. She demanded that I run her personal errands. Laundry. Go to the post office to mail her personal correspondence. Pick up her spoiled Rottweiler Anabel from the vet. It was always something. And then she had the audacity to accuse me of being missing at work when I was running her errands.

Q: I understand she wrote you up for that, right?

A: She did. It was so unbelievable.

DEPOSITION OF LEXIE GREY

January 10, 2019

Q: Why?

A: She woke up at the crack of 10 and wandered into the office in time to see who she would be buying her lunch that day. By the way, that woman really took her show on the road. She threw herself at anyone with a Lear Jet and an Amex card. Didn't matter what they looked like or were even ambulatory. So long as there were lots of zeros and commas on their bank statements. Any how, she was never in the office. She missed weeks at a time. And I wasn't there? Right. I did everything.

Q: Were there any others working in the office with you and Isobel?

A: Not usually. She sometimes would hire the plastics to help with events. But on a normal basis, it was just me and the mean girl.

Q: Who are the plastics?

A: Miranda Bailey and Addison Montgomery.

Q: When they worked for South Texas Cares, what did they do?

A: Literally, nothing. I did it. I did everything. They just went shopping with Isobel. But they're connected and that's all that mattered to Isobel.

Q: Wasn't fund raising part of her job?

DEPOSITION OF LEXIE GREY

January 10, 2019

A: It was. And that's all she did. Or claimed to do. She'd throw parties and bed the sons of the most wealthy. And I suspect even some of the geezers on life support. But she landed her prince. She is now Mrs. Moneybags. So the ends justify the means. What are a few confidentiality rules? Technicalities?

Q: Did you actually know at the time that she was going to breach confidentiality?

A: I did. She threw a conniption fit when she came back to the office and ran the match list for Kelly Shepherd's heart. I told her that Adele Webber was such a nice lady but she didn't care. She was already naming the kids she a Denny were going to have. She needed him alive. So she needed a heart however she could get it.

Q: What else did you tell her?

A: That it wasn't up to us. The computer is supposed to make the decision.

Q: What was her response?

A: She said that the heart belonged to Denny.

Q: What did she do next?

DEPOSITION OF LEXIE GREY

January 10, 2019

A: She sent Mr. Duquette a text to come see her.

Q: Did he come to the office?

A: Yes. He did.

Q: How long did it take him to arrive?

A: 45 minutes.

Q: Were you there when Mr. Duquette arrived?

A: Yes.

Q: Did he see you?

A: I don't know.

Q: Could you hear the conversation between Mr. Duquette and Isobel?

A: Every word.

Q: What was said?

A: Isobel burst into tears and Mr. Duquette was immediately concerned. She told him that they had to figure out a way to get the heart for Denny because she didn't know how much more he could take.

Q: What did Mr. Duquette say?

A: He agreed. Isobel did most of the talking and most of the crying.

DEPOSITION OF LEXIE GREY

January 10, 2019

Q: Were they aware you were listening?

A: Not at the time. It was so uncharacteristic of Isobel. She typically doesn't like to have witnesses. But I think she was preoccupied.

Q: When did she realize that you had heard?

A: A couple days later.

Q: What was said?

A: She threatened me.

Q: In what way?

A: She said no one would believe me if I decided to tell what I had heard. She also said that she would make my life miserable. Like she wasn't already doing that.

Q: When was that conversation?

A: The day after the accident.

Q: But you didn't say anything about it, did you?

A: Not for a while.

Q: Why not?

A: I was afraid of her. She is so vindictive.

DEPOSITION OF LEXIE GREY

January 10, 2019

Q: When did you ultimately say something?

A: When the UNOS rep was in the office for the annual site inspection.

Q: When was that?

A: Sometime in March of 2017.

Q: Who was the UNOS rep?

A: Olivia Harper. She's from the Richmond office.

Q: What did you tell her?

A: I told her how sad I was that Adele Webber had not received the heart she should have received.

Q: Did Olivia know what you were talking about?

A: She had absolutely no idea.

Q: How did she react?

A: Shock. Dismay. Anger.

Q: Where was Isobel during the site inspection?

A: That was one of those days Isobel chose not to come into the office. Site inspections are not announced they simply show up. And she didn't know about it until after it was over.

DEPOSITION OF LEXIE GREY

January 10, 2019

Q: Did she say anything to you?

A: No. They fired her immediately when they heard what she had done.

Q: When were you hired as the Director to replace Isobel?

A: A couple months later.

Q: What are your thoughts about what Isobel and Mr. Duquette did?

A: I'm appalled.

Q: What do you mean?

A: Under the law in the United States, it's illegal to buy and sell organs. It is supposed to be a donation, a gift from one human being to another. Life is invaluable. So to place a price tag on an organ—what gives us continued life—cheapens its individual worth.

Q: Is that it?

A: No. I also want to say that this rule should come as no surprise to anyone who has gone through the evaluation process and has been placed on the transplant waiting list. Our orientations are very extensive. We specifically explain that money may not be a part of any organ donation.

Q: Isn't this situation a bit different?

DEPOSITION OF LEXIE GREY

January 10, 2019

A: No. It is not. Creative. But not different.

Q: Well, doesn't a donor have the right to withhold consent to an organ donation?

A: No doubt.

Q: And isn't that exactly what happened?

A: Not really. He was paid to withhold consent. That makes it no different from buying an organ. Organ transplant decisions are supposed to be based on medical criteria, not how much money the recipient has. This is all Isobel's fault.

Q: Most of your criticism is based on what Mr. Duquette did. Why is this all Isobel's fault?

A: Because if she had not disclosed the match list, none of this would have happened. Mr. Duquette would not have been able to buy his son a heart. It all flows from what she did.

Q: I'm showing you what has been marked as Exhibit T. What is it?

A: A Valentine's Day card I found on Izzy's desk. That is how I found out she and Denny were involved. It made me sick. She is such a gold

DEPOSITION OF LEXIE GREY

January 10, 2019

digger. I took and kept it because I thought I might need it some day. She will lie about anything and everything. I had to have proof.

Q: What was so wrong about the two of them dating?

A: She had access to confidential information. UNOS forbids relationships with prospective donors or their families. The system cannot work when those running organ donations have a vested interest in who gets a heart.

That's all.

MS. BURKE: I have no questions.

END OF DEPOSITION

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

EXAMINATION BY MS. BURKE:

Q: What is your name?

A: Isobel Stevens Duquette.

Q: How old are you?

A: I am 31.

Q: Where do you live?

A: In Alastor City with my husband.

Q: Where is that?

A: The 56th floor of the Alastor Arms Building. It overlooks West Park.

Q: What is your educational background?

A: I graduated from the Stanford University with a degree in health care management.

Q: Where did you go to high school?

A: East High in Capitol City.

Q: Are you married?

A: I am.

Q: To whom?

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: Denny Duquette, Jr.

Q: How long have you been married?

A: For less than a month. We got married on December 11th.

Q: Do you have any children?

A: No.

Q: Are you currently employed?

A: Not for money. I volunteer at Second Chances. It is a rehab facility in Alastor City that does great things.

Q: What kind of activities do you do?

A: I help patients cut through paperwork because that is what I did when I worked before Denny and I got married.

Q: What was your position before?

A: The Director of South Texas Cares.

Q: What is South Texas Cares?

A: It is an organ procurement organization located in Alastor City.

Q: What is an organ procurement organization?

A: It is a non-profit organization responsible for evaluating and procuring

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

donor organs for organ transplantation. There are 59 of them in the United States, each responsible for organ procurement in a specific region, and each a member of the Organ Procurement and Transplantation Network, a federally mandated network created by and overseen by UNOS. South Texas Cares is federally designated by the Centers for Medicare and Medicaid as the organ procurement organization responsible for servicing the State of South Texas.

Q: What does South Texas Cares do?

A: Local organizations, like South Texas Cares, represent the front-line of organ procurement, having direct contact with the hospital and the donor's family. Once the donor consents, South Texas Cares works with UNOS to identify the best candidates for the available organs, and coordinates with the surgical team for each organ recipient. South Texas Cares also houses and maintains the South Texas Donor Registry.

Q: What other responsibilities does the organization have?

A: Educating the public to increase awareness of and participation in the organ donation process.

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

Q: Let's talk about the position you held before. What were your job responsibilities?

A: All sorts of things. Part of my job was to educate South Texans about the need for organ and tissue donations. I worked with nine hospitals in South Texas to coordinate organ recovery. When organs were donated, I would access the national network to obtain a computer printout of potential recipients in order of priority. Of course, matches in South Texas would have first priority. If a local match was not found, I would check other lists to see who needed organs.

Q: Let's turn to your interaction with the Duquettes. Could you tell us when you first met them?

A: It was in 2015.

Q: Under what circumstances?

A: Denny was getting sicker. Doctors determined he needed new organs so he registered to receive an organ transplant. I met with him and his father.

Q: Tell me about Denny.

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: Denny was an 23-year-old college freshman. His family lived in Austria but he had lived in boarding schools since he was 10. He had gone to school somewhere in Scotland but was then a student at a prep school in Massachusetts. He had been sick for a couple years so he hadn't gone to school. Denny suffers from viral-induced cardiomyopathy.

Q: What about his father?

A: Mr. Duquette is a terrific person. He is a self-made man. He has a foundation that does all kinds of things from building clinics in third world countries to funding educational initiatives in depressed areas of Europe.

Q: Is it common for you to get to know potential recipients so well?

A: Not always.

Q: Why were the Duquettes different?

A: I just hit it off with them. They are really great.

Q: How often did you meet with them?

A: At what point in time?

Q: Let's start with 2015.

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: Once or twice.

Q: What about 2016?

A: Again, once or twice during that time period.

Q: Then in 2017?

A: Much more frequently. It was brought on by Denny's worsening condition. By this time, he had enrolled in the University of South Texas in Alastor City. I helped the Duquettes hire private nurses so they would not have to spend all their time in the hospital. I had many conversations with both of them.

Q: About what?

A: His condition and the possibility of Denny getting an organ transplant.

Q: I understand he almost got an organ transplant in late 2015 or early 2016.

A: I believe it was in early 2016.

Q: Tell us what happened.

A: There was a car wreck near Thatcher, which is about halfway between Arizona City and Alastor City. The occupants of one car were killed instantly but the woman driving the other car I think her name was

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

Molly Thompson was hanging on. She was rushed to Thatcher Regional Medical Center. The transplant coordinator there sent me a message. I started the process and soon learned that Denny was at the top of the list. I called him and told him to get to Capitol City PresbyterianCwhich was the nearest transplant hospitalCas quickly as possible to prepare for the transplant surgery. But when Molly finally was pronounced brain dead and the transplant surgeons started the process, they learned that her organs were not viable.

Q: Why not?

A: Because the doctors determined Molly had cancer. It had not progressed and was Stage 1 but it made her heart unsuitable for organ transplant.

Q: That must have been awful.

A: It was from all perspectives. Molly's wish to help others with her organs could not be fulfilled. Denny's hopes were dashed.

Q: Who told the Duquettes?

A: I had to.

Q: How did that go?

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: As you would expect. It was terrible. Denny was so disappointed. So was his father. Mr. Duquette said that he wished there was some way to ensure Denny would be able to get an organ transplant. I felt so hopeless. I know they did too.

Q: When did the idea of a new transplant facility first come up?

A: Late 2016, I think.

Q: Who first raised the issue?

A: Mr. Duquette. He asked why Alastor City didn't have its own organ procurement organization or transplant hospital.

Q: How did you respond?

A: I told him that it was due to a lack of funding.

Q: What did he say?

A: That his foundation would be willing to consider donating funds to build a heart transplant facility in Alastor City.

Q: What kind of funding are we talking about?

A: We weren't specific. But the things we discussed would cost tens of millions.

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

Q: Like what?

A: He talked about buying a campus for the transplant center of about 55 acres.

Q: Where?

A: In Alastor City. It is right next to Second Chances, where I now volunteer. It is a beautiful wooded area on the edge of town, near the park.

Q: What else did you talk about?

A: Building a state-of-the-art building with state-of-the-art equipment. Buying planes for the facility, which would allow free angel flights for donors and recipients. Hiring world-renowned transplant surgeons to run the facility.

Q: To be clear, was his offer a quid pro quo for anything?

A: No.

Q: Was this merely a concept or did it go past general discussions?

A: It went beyond general discussions. The facility has been built.

Q: Has it opened?

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: Not yet.

Q: Why not?

A: Because of this litigation.

Q: What's going to happen to the transplant facility?

A: I'm not sure. It might become part of Second Chances.

Q: Okay. What did you do after those initial discussions with Mr. Duquette?

A: Well, I spoke with UNOS officials about what would be required to open a new organ procurement organization in Alastor City. I talked to a friend who runs Second Chances to see if we could partner with that facility about counseling services.

Q: Have you had any more discussions with Mr. Duquette?

A: Many more.

Q: What further discussions have you had?

A: We talked about how my investigation was going. He assured me that this will be an incredible thing for Alastor City. And I agreed.

Q: Has Mr. Duquette's foundation made arrangements to purchase the property?

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: The foundation has already purchased the 55 acres.

Q: So the construction has been completed?

A: Yes.

Q: Now, let's talk about what happened causing you to lose your job.

A: Okay.

Q: When did you become involved?

A: I received a call from Dorie Russell, the transplant coordinator at Capitol City Presbyterian. Dorie told me about a possible organ donation. A drunk driver hit a woman in another awful car crash. The woman was on life support and had previously signed documents indicating her desire to be an organ donor.

Q: What did you do next?

A: I rushed to the hospital to meet with the family.

Q: Who did you talk to?

A: Her husband, Derek.

Q: What did you discuss?

A: I followed UNOS protocols. I explained the process and told him what

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

documentation was needed. I also told him that, though I had to check the computerized transplant list, I knew the likely recipient.

Q: You were referring to Denny?

A: Yes.

Q: What did you tell him about Denny?

A: Just what a wonderful person he is. And how great his father is. I talked about how much he helps others.

Q: How did Derek respond to hearing about Denny?

A: I think it comforted him. He told me that his wife, Kelly, always wanted to help others and this sounded like a perfect person to get her organs.

Q: What happened next?

A: I went back to the office and checked the computer for the transplant list related to Kelly's organs.

Q: Before we go to what you found, please tell me about the list.

A: Okay. When a deceased organ donor is identified, I access the UNet system and enter necessary medical information about the donor. The system uses this information to match the medical characteristics of the

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

candidates waiting against those of the donor. The system then generates a ranked list of patients who are suitable to receive each organ. This list is called a match run. Factors affecting ranking may include: tissue match, blood type, length of time on the waiting list, immune status, distance between the potential recipient and the donor, and degree of medical urgency.

Q: What did you discover when you did the match run?

A: That Denny was second, not first.

Q: Who was first?

A: A woman named Adele Webber.

Q: Were you surprised?

A: I was shocked.

Q: What did you do next?

A: I texted Mr. Duquette and asked him to come to the office.

Q: Did he?

A: Yes.

Q: Did you tell him?

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: He guessed after seeing how upset I was. I told him I couldn't say anything but he could read it all over my face.

Q: What was his reaction?

A: That he couldn't believe it. They had their hopes raised only to have them dashed again.

Q: What else was said?

A: I told him that, if Derek directed the heart to Denny, Denny would get the heart.

Q: What did Mr. Duquette say?

A: That he would take care of it. That I didn't need to worry. It would happen.

Q: Was Lexie Grey in the office at the time?

A: I believe so.

Q: So if she said that you directly told Mr. Duquette, would she be lying?

A: Big time. She is a witch with a capital B. She has a vendetta against me.

Q: Why?

A: I haven't the slightest idea.

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

Q: What did you do next?

A: Nothing. I waited.

Q: What happened next?

A: Mr. Duquette told me that Derek was going to exercise his right to withhold consent to Adele Webber and that the heart would go to Denny.

Q: What happened next?

A: I understand Mr. Duquette had conversations with Derek and Adele.

Q: Do you know the content of those conversations?

A: Not specifically.

Q: Do you know what Mr. Duquette did for them?

A: I do.

Q: What was it?

A: Mr. Duquette created a trust that would buy health insurance for all members of the Shepherd family and all members of the Webber family. Additionally, he also told Derek he would name the new transplant facility after Kelly.

Q: Had Mr. Duquette even met Adele Webber?

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: I don't believe he had.

Q: Why was he doing all of that for Mrs. Webber?

A: That's who Mr. Duquette is. And I think it was important to Derek.

Q: Did you confirm that Derek was on board?

A: I did.

Q: How did you do so?

A: I went to the hospital. I talked to Derek, and he confirmed what Mr.

Duquette had already told me. I had Derek fill out the paperwork

necessary to withhold consent to Adele.

Q: Was Mr. Duquette with you?

A: He was.

Q: Did Mr. Duquette condition the hospital gift on Denny getting the organs?

A: He never told me that.

Q: But then why was it so critical?

A: Denny was his connection to the Alastor City area. Without him, I was worried that Mr. Duquette would go back to France and the transplant

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

hospital would never happen.

Q: Did he ever say anything like that to you?

A: No. Never.

Q: Yet you thought it?

A: I worried that it might be a possibility.

Q: Okay. What happened next?

A: The transplant occurred.

Q: When did UNOS get upset?

A: A month later.

Q: How so?

A: My assistant got written up for missing work for the seventh time in three months so she decided to get revenge on me when we had a UNOS site visit.

Q: What did she do?

A: She made it sound like Mr. Duquette bought Kelly Shepherd's heart for Denny.

Q: Well, isn't that what happened?

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: No. It was not.

Q: Anyway, what happened next?

A: I got a call from Lee Fallon, the UNOS staff member who works in the Richmond national office.

Q: What did she say?

A: That she had talked to Derek, Mr. Duquette and Adele and that she knew about what Mr. Duquette had arranged for the others. She told me that she had discussed the issue with the Board of Directors, which was very upset. She told me I could not work with UNOS anymore.

Q: Why did she fire you?

A: I'm not sure.

Q: Do you have a problem with what happened?

A: The transplant or Lee firing me?

Q: The transplant.

A: No.

Q: Why not?

A: Because it helps so many people. Not just the person who receives the

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

organ. But all organ donors and recipients in Alastor City. That is what we are supposed to be doing with donated organsCmaking the best use of them.

Q: Do you think this is selling organs to the highest bidder?

A: Not at all. Derek has the absolute right to refuse to consent.

Arrangements tied to that absolute right cannot be regarded as the sale of an organ.

Q: I'm showing you what has been marked as Exhibit R. What is it?

A: The net worth statement we prepared for today.

Q: Who is we?

A: My husband, Denny, helped me.

Q: To be clear, it doesn't include his net worth, does it?

A: No. Just my current net worth.

Q: What is your current net worth?

A: 197,325 dollars and 68 cents.

Q: As of today?

A: As of today.

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

Q: Tell me about your vehicle.

A: It is a black 2019 Tesla Model X. It has a value of 138,000 dollars. Mr. Duquette bought it for me as a wedding present.

Q: And your 401K?

A: That is what I accumulated working for South Texas Cares.

Q: And your personal items?

A: Most of that amount is the diamond wedding ring Denny gave me. It was appraised at 50,000 dollars.

Q: And the other 15,000 dollars?

A: My jewelry. My clothes.

Q: And the American Express bill?

A: I spent that on our wedding. I bought things for my bridesmaids. Addison. Miranda. They are so important to me.

Q: How much have you incurred in attorney fees in this litigation?

A: I don't believe I have to answer that.

Q: Is it safe to say that your lawyers are being paid by a Duquette entity?

A: That is correct.

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

Q: Do you currently sit on a Duquette corporation board?

A: I do.

Q: How much are you paid annually for that?

A: 300 thousand dollars.

Q: Do you personally pay for your penthouse in the Alastor Arms?

A: No.

Q: Doesn't your husband pay for all the costs associated with your living arrangements?

A: He is very generous.

Q: So you don't have many expenses?

A: No.

Q: Returning for a moment to Exhibit R. This doesn't reflect any money you may get from being on the Duquette Foundation board, does it?

A: No. It doesn't.

Q: When will that come in?

A: It is paid twice annually. In equal installments. July 1st and January 1st.

Q: But you haven't done anything to earn that yet, have you?

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: I haven't attended any meetings yet, if that's what you're asking. But I've read up about the Foundation.

Q: When is the first meeting?

A: I think it is sometime in June.

Q: Where is it?

A: Monaco.

Q: I'm showing you what has been marked as Exhibit T. What is that?

A: A card Denny gave me. I knew that snake stole it.

Q: Did you have a relationship with Denny while you were running South Texas Cares?

A: No. We were friends. He was pursuing me but I remained professional. We didn't start dating until after Lee fired me.

Q: By the way, let's return to Mr. Shepherd's so-called decision to withhold consent. Did you get anything from him in writing to that effect?

A: No. I didn't.

Q: So everyone acted on your word that he had withheld consent?

A: Yes. That's how it works. Sometimes we go down the transplant list

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

because someone cannot make it to the facility in time or something else messes up and there simply isn't time to fill out paperwork.

I have no other questions. Pass the witness.

EXAMINATION BY MS. BURKE:

Q: Who are Miranda Bailey and Addison Montgomery?

A: My friends.

Q: Did they help with South Texas Cares?

A: So much. They know everyone and they're so good at planning parties. I count on them all the time.

Q: Did you enter into a prenuptial agreement before you got married?

A: I did.

Q: How much do you get if you and Denny divorce?

A: We're not going to divorce.

Q: But how much do you get?

A: Depends on how long we've been married.

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

Q: What do you mean?

A: The prenup provides that, if we divorce in 2020, I get nothing. In 2021, I get 5 percent of Denny's net worth. And it adds 5 percent each year until we share equally.

Q: Did you specifically discuss with Mr. Duquette that financial inducement should be offered?

A: No. I only said that both might be willing to agree if he was nice to the families.

Q: Seriously?

A: Seriously.

Q: Wasn't that code for pay them something for the heart?

A: No, it wasn't.

Q: When you had conversations with the transplant team and coordinator after Derek Shepherd withheld consent, did you tell the transplant team and coordinator that you had disclosed the relative places on the match list?

A: No.

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

Q: Before the transplant, did you tell UNOS that consent had been withheld?

A: No.

Q: To be clear, you were fired?

A: Yes, I was.

Q: Didn't Lee Fallon really say it was for violating UNOS confidentiality policies?

A: Yes.

Q: Which UNOS policies?

A: I disclosed the patients position on the transplant list.

Q: And you admit you did so?

A: I did.

Q: Why does UNOS have confidentiality as far as the transplant lists are concerned?

A: I was told for fairness and to make sure certain decisions are based on medical need.

Q: Are you remorseful about violating UNOS rules?

DEPOSITION OF ISOBEL STEVENS DUQUETTE

January 7, 2019

A: I wish I didn't have to disclose the relative placement on the list but I just had to. I could not think of any other way out of the situation. That is what it took to help so many people.

Q: So you were not fired for coming up with the financial inducement?

A: No. Lee told me that I could no longer work with UNOS because I disclosed the relative places on the transplant list. But I told Lee that Mr. Duquette guessed. I didn't mean to tell him. My face gave it away. I had nothing to do with the financial arrangement. She thought Mr. Duquette was buying organs. Lee simply doesn't get it.

Q: Did you get along with Lexie when she was your assistant?

A: Not really. I tried. But she was so disagreeable, all the time.

Thank you. I have nothing further.

END OF DEPOSITION

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

EXAMINATION BY MS. BURKE:

Q: What is your name?

A: Denny Duquette, Sr.

Q: How old are you?

A: I am 64.

Q: Where do you live?

A: Right now, I have been stayng with Denny and Izzie in their flat in Alastor City. But under normal conditions, I live in Paris.

Q: Where were you born?

A: In Austria. Near Salzburg.

Q: Is that where you grew up?

A: I grew up near Innsbruck. My family moved from Salzburg to Wattens when I was three. Wattens is a suburb of Innsbruck.

Q: Tell me about your family.

A: Mother and Father are still living. Mother is 85. Father is 86. They live near me in Paris. I have one sister, Danielle, who lives in the Alsace region near Strasbourg, France. She is married and has one daughter.

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

Q: Do you have children?

A: I have one son. Denny.

Q: What do you do?

A: I am a businessman. I have many different investments. I have real estate interests. I have a company that manufactures computer equipment. I also own an insurance company.

Q: What is your educational background?

A: I have a Bachelor of Arts degree from the University of Oxford in England. Afterwards, I obtained a Ph.D in Business Economics from the Harvard Business School in Massachusetts.

Q: Let's turn to your interaction with Isobel Stevens. When did you first meet her?

A: I do not specifically remember. I believe it was around the time Denny first signed up on the transplant list.

Q: Did you have much interaction with her at that time?

A: No. I did not.

Q: When did you start having more interaction with her?

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

A: In 2016 when Denny thought he was getting a heart transplant.

Q: Describe those events.

A: Well, we were contacted about a heart being available for Denny. There had been an automobile accident.

Q: Who got the call?

A: I really do not remember. But the call was to let us know to rush to the hospital so Denny could be prepared for surgery.

Q: Did you go with Denny to the hospital?

A: I did.

Q: What happened next?

A: We waited. Approximately 9:00 p.m. that evening, someone came to get Denny and took him into the pre-operative area so he could be readied for transplant surgery. About an hour later, he was returned from the pre-operative area, and the operation had not taken place.

Q: How did you know that?

A: Denny was still awake and in a wheel chair. He told me that something went wrong.

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

Q: What went through your mind?

A: I was distressed. I thought the surgery had begun and something went wrong in the operating room.

Q: What did you learn?

A: That the problem was not in our operating room. The problem was in the operating room where the donor was. Apparently, the donor's heart was unsuitable because some form of cancer was discovered. It could not be transplanted into Denny.

Q: How did that make you feel?

A: I felt helpless.

Q: Who explained what had happened to you?

A: Izzie Stevens.

Q: Who told Denny?

A: Izzie and I broke the news to him.

Q: Was that conversation difficult?

A: It was. But Denny tried to make it easier on us. He is such a good sport. He told us that there would be another heart. Denny is such an optimist.

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

We worry for him but he worries for us.

Q: I understand you had conversations with Izzie about transplant facilities in South Texas.

A: I did. It was not part of the same conversation where we learned the transplant would not work.

Q: When was it?

A: A couple days later. Izzie came over to check on us.

Q: Describe your conversation.

A: Well, I basically told her that I thought the transplant facilities in Alastor City were woefully inadequate and that I wish there was something I could do about it.

Q: How did she respond?

A: She said that there might be something I could do. And I told her that I was ready, willing and able to do whatever I could.

Q: Did she suggest something?

A: No. I did. I told her that I could build a specialized hospital for the area that catered to donors and recipients. I wanted to make this traumatic

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

situation a bit easier on everyone.

Q: How did she react?

A: She was very excited. She said that she could start working on the details and figure out how to make it work. I told her that she could do the legwork and I would write the checks.

Q: What happened next?

A: We had a series of conversations about how to make it work. She found property that was available for purchase. I went to look at it—and it is amazing. It was right on the edge of town. It is next to a rehabilitation facility called Second Chances. This was the place where Denny's step-sister received such wonderful treatment when she was addicted to prescription drugs. Izzie suggested that we use some of Second Chance's counselors to help patients and their families cope. She talked to her friends at that facility and they were willing to cooperate. Also, we looked at what paperwork is necessary to open a local UNOS organization.

Q: Were you onboard with all of this?

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

A: Absolutely. I was, and I still am.

Q: Now, let's turn our attention to the events of January of 2017. When did you first learn of the possibility of a heart transplant?

A: I think it was January 20th. I believe it was a Friday.

Q: From whom?

A: Izzie.

Q: What did she say?

A: She was watching a movie with Denny at his place and received a phone call that a heart became available. I was there too. She came and told me that I needed to have Denny ready to go again. But she had to go confirm everything with the donor's family. She told me that she would get back to me as soon as she had done so.

Q: Did she get back to you?

A: She did.

Q: What did she say?

A: She had talked to the donor and told them about Denny. Of course the donor was distraught in having just lost his wife. But the man—Mr.

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

Shepherd—was comforted by the fact that we were building a facility and that Denny would be getting his wife's heart. She was headed back to her office to do some paperwork and would call once she had finalized everything.

Q: Did you hear from her later?

A: I did.

Q: Describe that later conversation.

A: Izzie was very upset. I learned Denny was not at the top of the match list. He actually was in the second spot.

Q: Did she tell you?

A: I guessed based on the look on her face.

Q: What did she tell you?

A: That all donors had the absolute right to withhold consent to a particular recipient and that, when that happened, the next person on the list received the organ.

Q: Do you know Lexie Grey?

A: I have met her.

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

Q: Do you know if she was in the office when you had the conversation with Isobel?

A: I don't know. She is so timid. Half the time I don't notice her unless Isobel says something to her.

Q: Did you ever notice any friction between Isobel and Lexie?

A: No. Isobel always had such nice things to say about her. In fact, Isobel says nice things about everybody.

Q: What did you do next?

A: I went to see Mr. Shepherd at the hospital.

Q: How did you know where to go?

A: Izzie had told me his name and where his wife had been taken.

Q: Did you have a conversation with him?

A: I did.

Q: Describe it, please.

A: I told him about my son and how I wanted to get him back.

Q: What did you mean?

A: Denny has been a prisoner of his own illness for the past three years. He

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

used to be athletic. He can hardly walk now. He used to be vibrant. He is now withdrawn. I want my son back.

Q: Did you explain what Izzie told you about withholding consent?

A: I did.

Q: Did you make any promises to Mr. Shepherd?

A: On the advice of counsel, I invoke my Fifth Amendment right not to answer that question.

Q: Did you arrange to purchase the organ for Denny, Jr.?

A: On the advice of counsel, I invoke my Fifth Amendment right not to answer that question.

Q: What did you agree to do in exchange for Mr. Shepherd giving Denny, Jr. his wife's heart?

A: On the advice of counsel, I invoke my Fifth Amendment right not to answer that question.

Q: You have already created an insurance trust for insurance policies for he and his family?

A: I have.

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

Q: To be specific, you got policies for Derek, his daughters and his parents.

A: I did.

Q: Why?

A: On the advice of counsel, I invoke my Fifth Amendment right not to answer that question. But let me say this. After hearing the story about how Kelly lost her dad, I knew that insurance coverage was something very, very important to them. And I could. I did it because I felt helpless in such a horrible situation. Providing the insurance coverage was my way of helping.

Q: Tell me about these policies.

A: I established an insurance trust that will purchase health insurance for he and his family for the rest of their lives.

Q: Have you done anything else for his family?

A: No. Nothing for his family.

Q: What about the naming of the new transplant hospital?

A: I decided that the new facility would be named after his wife.

Q: What about the Webbers?

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

A: What about them?

Q: What have you done for them?

A: I told Mrs. Webber that I owned an insurance company and that I had arranged health insurance policies for her family.

Q: When was this?

A: The week before she died.

Q: How did she respond?

A: She was so grateful.

Q: What type of insurance policies?

A: The same type I planned to arrange for the Shepherd family.

Q: How did she react?

A: She started crying.

Q: Was she upset?

A: No. She told me that her family's health issues were her major concern in life. Everything else was manageable. But, if something went wrong for one of them, that would be something that would make times difficult for them—financially and emotionally.

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

Q: Did you also pay their outstanding medical bills?

A: I did.

Q: How much was that?

A: 18,000 and change.

Q: Let me backtrack a bit. How did you know who Mrs. Webber was?

A: Mr. Shepherd told me.

Q: How did he know her?

A: From Izzie, I presume.

Q: How did you leave things with Mrs. Webber?

A: I told her that if she needed anything to let me know.

Q: Have you done anything for her since you met with her?

A: No. Unfortunately, she passed away the following week,

Q: Have you done things for her family?

A: Not me personally.

Q: But they have benefitted from the Duquette largess?

A: The twins received Duquette Foundation scholarships, if that is what you're talking about. One of those scholarships is named after my friend,

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

Charlie Alastor. And the other is named after Shannon Gibbs.

Q: When you talked to Mrs. Webber, had the insurance policies already been purchased?

A: Yes. They had been.

Q: And the policies are set up through an irrevocable trust?

A: Yes, they are—for both families.

Q: How did Izzie learn that Derek would withhold consent as it related to Mrs. Webber?

A: I told her. And then she confirmed it with Derek.

Q: Did you ever talk to anyone at UNOS about your conversations with Derek?

A: No, I did not.

Q: Isn't this whole thing the result of a conspiracy between you and Isobel?

A: No. Don't blame Izzie. If you want to blame someone, blame me.

Whatever happened was my doing, not hers. She is a kind person. She tries to help everyone. She spent a career working with sick people trying to get new organs as a last resort. She bonded with all her patients,

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

not just Denny. That is who she is. That is her personality.

Unfortunately, she lost most of her patients because there simply aren't enough hearts to go around. She had to constantly deal with that grief.

But my boy was one of the lucky ones. And he hit the jackpot when he got Izzie as his wife. I'm so thankful she is in his life and in my life.

That's all.

EXAMINATION BY MR. O'MALLEY:

Q: Please let me know about the arrangements you made for the Webber and Shepherd families.

A: My assistant set up irrevocable trusts for both families. The South Texas Bank and Trust will serve as the trustee. Both trusts will purchase health insurance policies for each family member for the duration of their lives. The insurance will mirror what the highest executives at Duquette Holdings receive—insurance with no deductible, no co-pays, not out-of-pocket expenses.

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

Q: How much did you put in each trust?

A: 1.6 million dollars.

Q: I'm showing you what has been marked as Exhibits N and O. What are they?

A: Exhibit N is the Irrevocable Trust for the Shepherd Family. Exhibit O is the Irrevocable Trust for the Webber Family.

Q: And you still don't think this looks like you're buying a heart for your son?

A: No, sir. I do not.

Q: Were the things you did for the Shepherd family and for the Webber family contingent on Denny getting the organ?

A: On the advice of counsel, I invoke my Fifth Amendment right not to answer that question.

Q: Would you have bought insurance for the Shepherds and the Webbers had this whole situation not happened?

A: Probably not because I would not have met these wonderful people.

Q: Do you understand why some would think you are buying an organ for

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

your son?

A: No, I do not. Because I'm not buying an organ for my son. I am doing something nice for someone who did something nice for me. There is absolutely nothing wrong with that. It makes the world a better place.

Q: Talk to me about the facility you built in Alastor City.

A: The Kelly Shepherd Center will be a great addition to the facilities in Alastor City. It is a new state-of-the-art transplant center. It has operating facilities, places for families to congregate and eat as well as grounds to walk around during the long hours of waiting. The facility has airplanes that can fly donors, recipients and the organs to where they need to go. It has free lodging accommodations for families of recipients and donors.

Q: Any idea as to how much this might cost?

A: 25 Million.

Q: And it is ready to open?

A: It is.

Q: Why hasn't it opened yet?

DEPOSITION OF DENNY DUQUETTE, SR.

December 1, 2018

A: Ask them.

Q: Who is them?

A: UNOS.

Q: What will happen to the facility if it is not opened as a new transplant center?

A: We're talking to Second Chances about expanding their facilities.

Q: What was Izzie's involvement in your interaction with the Shepherds and with the Webbers?

A: Minimal. I got information from her. I spoke to them. I made decisions. I would talk to Izzie afterwards but I didn't talk to her about anything while it was happening.

Thank you. I'm done for now.

END OF DEPOSITION

DEPOSITION OF DENNY DUQUETTE, JR.

January 20, 2019

EXAMINATION BY MR. O'MALLEY:

Q: Could you tell us your name?

A: Denny Duquette.

Q: How old are you?

A: 27.

Q: Where do you live?

A: Alastor City.

Q: Where were you born?

A: Innsbruck, Austria.

Q: Are you an American citizen?

A: No. I'm Austrian.

Q: How long have you lived in the United States?

A: Since I was 14.

Q: Where have you lived?

A: In Massachusetts at a boarding school.

Q: Which one?

A: Phillips Academy.

DEPOSITION OF DENNY DUQUETTE, JR.

January 20, 2019

Q: Where is it located?

A: Andover.

Q: Did you graduate from high school there?

A: Un-huh.

Q: Are you married?

A: I am.

Q: What is your wife's name?

A: Isobel Stevens Duquette.

Q: When were you married?

A: December 11th.

Q: Where?

A: Lucerne, Switzerland.

Q: When did you first come to Alastor City?

A: A few years ago. My sister was here for treatment. She went to Second Chances, and I came to visit her. She says Second Chances saved her life. When I got sick, my father brought me here to see a specialist and get medical treatment.

DEPOSITION OF DENNY DUQUETTE, JR.

January 20, 2019

Q: And you decided to go to start college here?

A: Yes.

Q: Do you attend the University of South Texas?

A: Yes.

Q: What are you studying?

A: International business. Going part time at the moment taking different stuff.

Q: What kind of classes have you taken?

A: Everything from entrepreneurship to psychology. I've really liked my classes in the business school.

Q: How many hours have you completed?

A: I think 68. I'm taking 8 hours this semester.

Q: Did your illness affected your ability to attend classes?

A: Sometimes. But not since the transplant.

Q: How have you managed?

A: Izzie talks to to my professors when I need help. But again, it has not been a big deal since the transplant. I feel so much better.

DEPOSITION OF DENNY DUQUETTE, JR.

January 20, 2019

Q: What did you do between the time you finished boarding school and the time you started at the University of South Texas?

A: Lots of things.

Q: Like what?

A: I traveled. My gap year turned into a couple of gap years. I did mission work. I tried to find myself. Then, I got sick.

Q: Does your father live with you?

A: He has his own floor in the building. In the last year, he is only here occasionally.

Q: Is he your only family, other than Izzie now?

A: No. Papa and Mother divorced when I was four. Mother lives in London and is remarried.

Q: What is her name?

A: Tina Rice.

Q: Do you have any siblings?

A: One step-sister. Her name is Lauren.

Q: Did your father remarry?

DEPOSITION OF DENNY DUQUETTE, JR.

January 20, 2019

A: Yes. Samantha died five years ago of cancer. She and I made Papa a crusader for health care.

Q: What has he done?

A: Lots of things. He has built hospitals in different parts of Africa. He has provided shots for the poor in Haiti. He spent three weeks in Haiti helping to give shots and then opened three clinics there. He really tries to help people. I like the fact that my hero is a hero to so many. He makes such a difference in the world.

Q: How long were you on the transplant list?

A: More than three years.

Q: I understand you were close to receiving an organ transplant on a couple of occasions before you got one.

A: Three times. One time I made it to the operating room.

Q: Tell me about that.

A: I got a phone call. I had to go to the hospital because an organ was available and, at that time, I was at the top of the list. Papa took me to the hospital. I was taken to the pre-op area and, just as I was going into the

DEPOSITION OF DENNY DUQUETTE, JR.

January 20, 2019

operating room, someone told us to wait.

Q: So what was the holdup?

A: At the time, I had no idea.

Q: What did you find out?

A: That, when the transplant surgeons took out the donor's organs, the organs wouldn't work.

Q: Who told you that?

A: Izzie.

Q: How did that make you feel?

A: Frustrated. But it happens. It wasn't anyone's fault. It is just one of those things. They tell me that one of the secrets of life is to make stepping stones out of stumbling blocks. That is what I try to do.

Q: Fast forward to when you actually got a heart. Tell me about that.

A: Spent the day studying and fell asleep watching TV with Izzie. Izzie got a phone call from someone who told her that we might need to get ready for surgery. She had to go see the donor first and then set everything up.

Q: What did you do?

DEPOSITION OF DENNY DUQUETTE, JR.

January 20, 2019

A: Waited. We didn't know if it was going to be a matter of minutes, hours or days.

Q: Did you hear back from Izzie?

A: No. She was talking to Papa.

Q: What did your father tell you?

A: He told me that the donor's husband was in bad shape but he knew his wife wanted to be an organ donor. The donor's husband felt better when she told him about Papa's plans to fund a transplant hospital. I didn't hear anything else for a while after that.

Q: Why?

A: I wasn't sure at the time.

Q: What did you find out later?

A: Izzie told my Papa that there was a problem with the list.

Q: What do you mean?

A: UNOS decides who gets an organ. And Izzie had to check the match list. Someone else was ahead of me this time.

Q: Did your father tell you anything else?

DEPOSITION OF DENNY DUQUETTE, JR.

January 20, 2019

A: Papa came in and said that everything was all right. The donor agreed I would get the organ and the person ahead of me was okay with it.

Q: Do you know how all that worked out?

A: Not really. Papa handles things on his own.

Q: But you were told that you were to have an organ transplant?

A: Yes.

Q: Did you ever talk to Derek Shepherd?

A: No.

Q: Did you ever talk to Adele Webber?

A: No.

Q: Did you ever talk to anyone at UNOS?

A: No.

Q: So you don't know any of the specifics?

A: Nope.

Q: Did your father share his conversations with Mr. Shepherd or Mrs. Webber with you?

A: He only said they wanted me to get better and that they were very nice

DEPOSITION OF DENNY DUQUETTE, JR.

January 20, 2019

people.

No more questions.

EXAMINATION BY MS. BURKE:

Q: Tell me about your medical condition.

A: I have viral cardiomyopathy, which is basically a disease of the heart muscle. My heart has trouble pumping blood through the body and maintaining a normal electrical rhythm. I have irregular heartbeats. Fluid can build up—and has—in my lungs, ankles, feet, legs and abdomen. They tell me viral cardiomyopathies are often caused by air-borne viruses.

Q: How long have you been suffering from this condition?

A: Since boarding school.

Thank you. I'm done for now.

DEPOSITION OF DENNY DUQUETTE, JR.

January 20, 2019

END OF DEPOSITION

DEPOSITION OF JOEY WEBBER

November 16, 2018

EXAMINATION BY MS. BURKE:

Q: What is your name?

A: Joey Webber.

Q: How old are you?

A: 20.

Q: And I understand you are a twin?

A: I am. Jane is three minutes younger than me.

Q: Tell me about your other siblings.

A: Jordan is 24. I told you about Jane. Jason is 6 years old. And the baby Jasmine is two and a half.

Q: What are you doing now?

A: Going to the University of South Texas. I finished high school last year.

Q: What's your major?

A: Biology, right now. I may move to something else in the science area but that is what interests me at the moment. I'm in my first semester.

Q: And how are you paying for college?

A: I got a Duquette Foundation scholarship. It is a full ride.

DEPOSITION OF JOEY WEBBER

November 16, 2018

Q: Do you have a job while your in school?

A: No. My scholarship is a full ride. My dorm is paid for. And I get a 10,000 stipend so I don't have to work during school. The foundation administrator told me that my job was to make good grades at school.

Q: Where is Jane?

A: She went to the University of Wyoming. She wanted to get away.

Q: Did she get a Duquette Foundation scholarship too?

A: She did.

Q: Same amount of money?

A: Yes.

Q: Did you do particularly well in high school?

A: I did okay. I graduated with a B average.

Q: What about Jane?

A: She was a little below me.

Q: What does she want to do with her degree?

A: Something about wildlife management.

Q: Have the scholarships caused any friction in your family?

DEPOSITION OF JOEY WEBBER

November 16, 2018

A: With Jordan.

Q: Please explain.

A: Jordan thinks we should return it, return the insurance we got while Mom was alive and throw away anything with the Duquette name on it. If he wants to do that, he can but I don't have to. Mom didn't blame Mr. Duquette for wanting a heart for his son. She said if one of us had the same problem, she would have done that for us if she had the money. That's what a parent does for their child.

Q: Where do you live?

A: At the Alastor Family Dorm. But whenever I can, I go stay at my grandparents' house to be with my family.

Q: Do all your siblings live there?

A: Yes. Jordan has his own place but he has been staying with my grandparents most of the time.

Q: And what are your grandparents' names?

A: Louise and Roger Webber.

Q: And how long have you lived there?

DEPOSITION OF JOEY WEBBER

November 16, 2018

A: Since Mom died. We stayed with them some while Mom was sick because they live around the corner from where we lived before.

That's all. Pass the witness.

EXAMINATION BY MR. O'MALLEY:

Q: Let's talk about your mother's condition.

A: Okay.

Q: Were you around her a lot while she was sick?

A: Absolutely.

Q: Describe her symptoms.

A: She was tired all the time and had trouble sleeping. I think she just had no energy whatsoever after Jasmine was born. The doctors said she got some heart condition during her pregnancy.

Q: Was it bad all the time or just occasionally.

A: It was bad from the beginning. Mom used to confide in me that she knew her time was coming. I told her to stop talking that way. But she knew.

DEPOSITION OF JOEY WEBBER

November 16, 2018

Q: Did she seem like she was in pain?

A: Yes, from the beginning.

Q: So the pain she suffered did not come on when she learned about the heart transplant that Denny Duquette, Jr. got?

A: No. She had pain long before that. She was sad because Dad had died but that was understandable.

Q: Was she working during the early part of 2017?

A: No. She was on an informal medical leave. They were just taking care of her at the trucking company. They loved Mom.

Q: Were you and your mother close?

A: Absolutely.

Q: How did you and your mother spend time together?

A: We did all sorts of things. We had the relationship that teenagers have. Sometimes she'd say I love you but, right now, I don't like you. In a couple hours, it would blow over and we'd be inseparable. I guess that is what all close relationships are like.

Q: Was she close to Jordan?

DEPOSITION OF JOEY WEBBER

November 16, 2018

A: At times.

Q: What do you mean?

A: Well, sometimes she and Jordan would do stuff together but Jordan was hard-headed. He would go weeks being mad at us and not talking to us. Half the time, we didn't know what he was upset about. We just let him get over it. And he usually did. It would sometimes take a while though.

Q: Do you blame Isobel for what happened to your Mom?

A: No. I don't.

Q: Why not?

A: She didn't give her the heart problems. She didn't make them worse. We don't know if Mom would have gotten better with a heart transplant. Izzy was just trying to help someone and she has more than paid the price for her decision to break the UNOS rules.

Q: What about Mr. Duquette?

A: Same answer.

Q: So you don't blame him either?

A: No. I don't.

DEPOSITION OF JOEY WEBBER

November 16, 2018

Q: Why not?

A: He didn't give Mom the heart problems either. He didn't make them worse. And Mom specifically told me she was grateful to Mr. Duquette because she knew her family was taken care of. It gave her incredible peace of mind. He is just a very generous man. He did not owe us anything. Mom said she was so blessed he came into our lives.

Q: You were here for Jordan's deposition?

A: I was.

Q: You disagree with Jordan, don't you?

A: I do.

Q: And all the family events and details, you lived and know too. Correct?

A: Correct.

Q: You two just have very different perspectives, right?

A: Right.

Q: But you still love Jordan, right?

A: We all do. We just don't agree with Jordan.

Q: No?

DEPOSITION OF JOEY WEBBER

November 16, 2018

A: No. Jordan has gone rogue.

Q: I'm showing you what has been marked as Exhibit S. Can you tell me what that is?

A: Yes. I can.

Q: What is it?

A: A card Mom gave me just before she died.

Q: And you recognize that as her handwriting?

A: I do.

Thank you.

END OF DEPOSITION

THE STATE OF SOUTH TEXAS §
 §
COUNTY OF ALASTOR §

THIS IRREVOCABLE TRUST AGREEMENT is entered into on the 22nd day of January, in the year 2017, ("Effective Date"), between DUQUETTE HOLDINGS of Paris, France, as Settlor (the "Settlor"), and the SOUTH TEXAS BANK AND TRUST of Alastor County, South Texas, as initial Trustee (the "Trustee").

WITNESSETH:

The Settlor desires to create a trust to be held, administered and distributed in accordance with the provisions of this Trust Agreement. Accordingly, the Settlor has transferred to the Trustee, and the Trustee acknowledges receipt from the Settlor of the sum of one million six hundred thousand dollars in cash. This trust shall be known as "THE SHEPHERD FAMILY IRREVOCABLE INSURANCE TRUST."

ARTICLE I - BENEFICIARIES AND INSURANCE PAYMENTS

A. **Generally.** The purpose of this trust is to ensure that the Shepherd Family will have health insurance for their lifetimes. The Trustee shall hold the trust property as a single trust for the primary benefit of DEREK A. SHEPHERD, KENDRA M. SHEPHERD, MACEY F. SHEPHERD, MILLICENT R. SHEPHERD, MOLLY A. SHEPHERD, ALVIN P. SHEPHERD, and JEANETTA K. SHEPHERD. This trust and every other trust provided for by this Article shall be known by the name of the individual for whom it was created, and such individual is referred to in this Trust Agreement as the "Beneficiary" of such trust.

B. Payments. The Trustee shall purchase health insurance on an annual basis for each of the beneficiaries named above. The health insurance shall be the best insurance coverage available. The beneficiaries will not have any deductible payments, co-pays or any other out-of-pocket expense related to the insurance. The trustee shall arrange for the insurance coverage for each individual at least thirty days before the previous coverage lapses.

C. **Termination.** The trust created by this Article for the beneficiaries shall last for their lifetime and shall terminate upon his death of the last named beneficiary. Upon the

termination of this trust created by this Article, all of the remaining unappointed property of such trust shall be distributed to Second Chances, Inc. or, if Second Chances, Inc. is no longer in business, such property shall be distributed to such Beneficiary's then living descendants per stirpes, or if no descendant of such Beneficiary is then living, such property shall be distributed per stirpes to the then living descendants of the nearest lineal ancestor of such deceased Beneficiary who has descendants then living, or if no such descendant is then living, such property shall be distributed to the City of Alastor City for beautification projects around the city.

ARTICLE II - TRUSTEE APPOINTMENTS

If the Trustee resigns, then a successor Trustee shall be appointed by a court of competent jurisdiction. No Trustee of any trust created under this Trust Agreement shall be required to give bond or other security in any jurisdiction.

ARTICLE III - ADMINISTRATIVE PROVISIONS

A. **Irrevocability.** This Trust Agreement is irrevocable, and the Settlor shall have no right or power to alter, amend, revoke or terminate any of the provisions of this Trust Agreement.

B. **Maximum Duration of Trusts.** Notwithstanding anything to the contrary contained in this Trust Agreement, each trust created under this Trust Agreement or by the exercise of any power of appointment conferred by this Trust Agreement, unless earlier terminated according to the terms of this Trust Agreement, shall terminate one day less than 21 years after the date of death of the last to die of the Settlor and the following persons who are living at the time of the execution of this Trust Agreement.

ARTICLE IV - TRUSTEE PROVISIONS


A. **Powers.** The Trustee shall have all of the powers conferred upon trustees by the South Texas Trust Code, and by any future amendments to the South Texas Trust Code or any corresponding statute, except for any instance in which the South Texas Trust Code, as amended, or any such other statutory provisions may conflict with the express provisions of this Trust Agreement, in which case the express provisions of this Trust Agreement shall control.

B. **Accounting.** Except as otherwise provided in this Section, all properties,

books of account and records of each trust shall be made available for inspection at all times during normal business hours by either of the representative of Settlor or by any beneficiary of such trust, or by any person designated by any of them. Furthermore, except as otherwise provided in this Section, within 60 days of receiving a written request from a beneficiary of a trust created hereunder, the Trustee shall furnish an accounting to such beneficiary.

IN WITNESS WHEREOF, the Settlor and the Trustee have hereunto set their hands as of the date first above written.


DENNY DUQUETTE, SR.
on behalf of DUQUETTE HOLDING, Settlor


JOHN SMITH
on behalf of SOUTH TEXAS BANK & TRUST,
Trustee

THE STATE OF SOUTH TEXAS

§

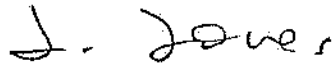
COUNTY OF ALASTOR

§

§

Before me, the undersigned authority, on this day personally appeared DENNY DUQUETTE, SR., who is personally known to me to be the person whose name is subscribed to the foregoing instrument as representative of Settlor, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on the 22nd day of January, in the year 2017.



Notary Public, State of South Texas

THE STATE OF SOUTH TEXAS

§


COUNTY OF ALASTOR

§

§

Before me, the undersigned authority, on this day personally appeared JOHN SMITH, who is personally known to me to be the person whose name is subscribed to the foregoing instrument as representative of Trustee, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on the 22nd day of January, in the year 2017.



Notary Public, State of South Texas

THE STATE OF SOUTH TEXAS §
§
COUNTY OF ALASTOR §

THIS IRREVOCABLE TRUST AGREEMENT is entered into on the 22nd day of January, in the year 2017, ("Effective Date"), between DUQUETTE HOLDINGS of Paris, France, as Settlor (the "Settlor"), and the SOUTH TEXAS BANK AND TRUST of Alastor County, South Texas, as initial Trustee (the "Trustee").

WITNESSETH:

The Settlor desires to create a trust to be held, administered and distributed in accordance with the provisions of this Trust Agreement. Accordingly, the Settlor has transferred to the Trustee, and the Trustee acknowledges receipt from the Settlor of the sum of one million six hundred thousand dollars in cash. This trust shall be known as "THE WEBBER FAMILY IRREVOCABLE INSURANCE TRUST."

ARTICLE I - BENEFICIARIES AND INSURANCE PAYMENTS

A. Generally. The purpose of this trust is to ensure that the Webber Family will have health insurance for their lifetimes. The Trustee shall hold the trust property as a single trust for the primary benefit of ADELE WEBBER, RICHARD WEBBER, JASON WEBBER, JANE WEBBER, JOEY WEBBER, JORDAN WEBBER, ROGER WEBBER and LOUISE WEBBER. This trust and every other trust provided for by this Article shall be known by the name of the individual for whom it was created, and such individual is referred to in this Trust Agreement as the "Beneficiary" of such trust.

B. Payments. The Trustee shall purchase health insurance on an annual basis for each of the beneficiaries named above. The health insurance shall be the best insurance coverage available. The beneficiaries will not have any deductible payments, co-pays or any other out-of-pocket expense related to the insurance. The trustee shall arrange for the insurance coverage for each individual at least thirty days before the previous coverage lapses.

C. **Termination.** The trust created by this Article for the beneficiaries shall last for their lifetime and shall terminate upon his death of the last named beneficiary. Upon the

termination of this trust created by this Article, all of the remaining unappointed property of such trust shall be distributed to Second Chances, Inc. or, if Second Chances, Inc. is no longer in business, such property shall be distributed to such Beneficiary's then living descendants per stirpes, or if no descendant of such Beneficiary is then living, such property shall be distributed per stirpes to the then living descendants of the nearest lineal ancestor of such deceased Beneficiary who has descendants then living, or if no such descendant is then living, such property shall be distributed to the City of Alastor City for beautification projects around the city.

ARTICLE II - TRUSTEE APPOINTMENTS

If the Trustee resigns, then a successor Trustee shall be appointed by a court of competent jurisdiction. No Trustee of any trust created under this Trust Agreement shall be required to give bond or other security in any jurisdiction.

ARTICLE III - ADMINISTRATIVE PROVISIONS

A. **Irrevocability.** This Trust Agreement is irrevocable, and the Settlor shall have no right or power to alter, amend, revoke or terminate any of the provisions of this Trust Agreement.

B. **Maximum Duration of Trusts.** Notwithstanding anything to the contrary contained in this Trust Agreement, each trust created under this Trust Agreement or by the exercise of any power of appointment conferred by this Trust Agreement, unless earlier terminated according to the terms of this Trust Agreement, shall terminate one day less than 21 years after the date of death of the last to die of the Settlor and the following persons who are living at the time of the execution of this Trust Agreement.

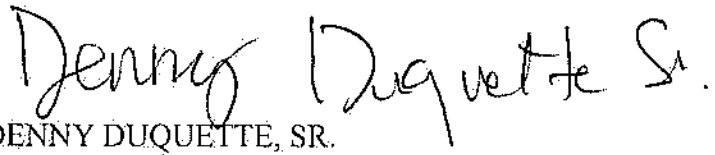
ARTICLE IV - TRUSTEE PROVISIONS

A. **Powers.** The Trustee shall have all of the powers conferred upon trustees by the South Texas Trust Code, and by any future amendments to the South Texas Trust Code or any corresponding statute, except for any instance in which the South Texas Trust Code, as amended, or any such other statutory provisions may conflict with the express provisions of this Trust Agreement, in which case the express provisions of this Trust Agreement shall control.

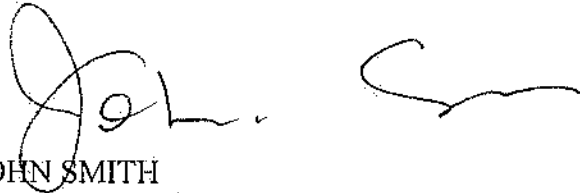
B. **Accounting.** Except as otherwise provided in this Section, all properties,

books of account and records of each trust shall be made available for inspection at all times during normal business hours by Settlor or by any beneficiary of such trust, or by any person designated by any of them. Furthermore, except as otherwise provided in this Section, within 60 days of receiving a written request from a beneficiary of a trust created hereunder, the Trustee shall furnish an accounting to such beneficiary.

IN WITNESS WHEREOF, the Settlor and the Trustee have hereunto set their hands as of the date first above written.



DENNY DUQUETTE, SR.
on behalf of DUQUETTE HOLDING, Settlor



JOHN SMITH
on behalf of SOUTH TEXAS BANK & TRUST,
Trustee

THE STATE OF SOUTH TEXAS

§

COUNTY OF ALASTOR

§

§

Before me, the undersigned authority, on this day personally appeared DENNY DUQUETTE, SR., who is personally known to me to be the person whose name is subscribed to the foregoing instrument as representative of Settlor, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on the 22nd day of January, in the year 2017.



Notary Public, State of South Texas

THE STATE OF SOUTH TEXAS

§

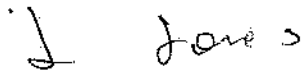
COUNTY OF ALASTOR

§

§

Before me, the undersigned authority, on this day personally appeared JOHN SMITH, who is personally known to me to be the person whose name is subscribed to the foregoing instrument as representative of Trustee, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on the 22nd day of January, in the year 2017.



Notary Public, State of South Texas

Lee Fallon<lfallon@unos.gov>

-----Original Message-----

From: Isobel Stevens [mailto:stevens@southtexascare.sopo.com]

Sent: Friday, January 6, 2017 4:52 PM

To: Denny Duquette, Sr. <duquette@duquetteholdings.fr>

cc: Miranda Bailey <bailey@duquetteholdings.fr>

cc: Lee Fallon <lfallon@unos.gov>

Subject: Re: Let's Build a New Transplant Center

OMG. OMG. OMG.

This is so great. I will talk to Miranda and the people at UNOS to get the ball rolling. Your generosity is wonderful and will help so many people.

I have been praying for Denny and know he will get a heart soon.

I will call you next time I'm in town so we can meet for dinner and talk about all the great things we will do together.

Love, Izzie.

Sent from my iPad

-----Original Message-----

From: Denny Duquette, Sr. [mailto:duquette@duquetteholdings.fr]

Sent: Friday, January 6, 2017 2:16 PM

To: Isobel Stevens <stevens@southtexascare.sopo.com>

cc: Miranda Bailey <bailey@duquetteholdings.fr>

Subject: Let's Build a New Transplant Center

My dearest, Isobel.

Thank you so much for all you have done from my pride and joy, Denny. I cannot thank you enough for your kind encouragement.

I want to do something for all those who must go through this ordeal in Alastor City. The waiting is excruciating, and it would be nice to have a place for solitude and reflection. The families of donors and recipients really need that. I have also noticed that many families have

extraordinary financial hurdles that are made even worse while waiting for an organ transplant.

I want for you to work with one of the officers of my foundation, Miranda Bailey, to make a new transplant facility a reality. I have copied her on this email. I want to be involved but you are the expert so I will defer to your idea of what is needed. I will arrange for whatever is needed.

I have been fortunate in my life. But unless you choose to do great things with it, it makes no difference how much you are rewarded, or how much power you have.

- Denny

Sent from my iPad

From: Jordan Webber [<mailto:webber.jordan343434@sbcglobal.net>]

Sent: Friday, January 1, 2019 2:52 AM

To: Isobel Duquette <Izzie@duquetteholdings.fr>

Subject: Last chance.

New Year. Same problem.

You may be able to buy off everyone but you cannot buy me off. I'll make you pay.

What are you going to do if someone finds out about your arrest for embezzlement in 2011? You were a bookkeeper at Moon Wok. 1750 dollars went missing. Ring a bell? What would your precious family think? Or would it make you fit right in with that group of liars?

Mom is dead because of you. How do you live with yourself?

Happy New Year.

- Jordan

Sent from my iPad

Statement of Net Worth
of Isobel Stevens Duquette

ASSETS

Cash on hand	\$784.00
Cash in Checking Account	\$1632.75
Estimated Value of Household Items	\$10,000
Market Value of Vehicle	\$138,000
Current Value of 401K plan	\$13,753.55
Estimated Value of Personal Items	\$55,000
<i>TOTAL ASSETS</i>	<i>\$219,170.30</i>

LIABILITIES

American Express balance	\$21,844.62
<i>TOTAL LIABILITIES</i>	<i>\$21,844.62</i>

TOTAL NET WORTH	\$197, 325.68
AS OF JANUARY 7, 2019	

dance

as though no one is watching you,

love

as though you have never been hurt before,

sing

as though no one can hear you,

live

as though heaven is on earth. -souza

My dearest Joey,

3/24/17

I don't have much more time with you. I wanted you to know how I feel.

I know that the circumstances of my illness have caused disagreement in our family. Let it go. I am at peace. I want you to be at peace as well. Being sick is no picnic but I am comforted by the fact I know you and the rest of our family will be taken care of. We get nowhere by blaming others for something we cannot control. I want you to know I will be fine. You will be fine. Jordan will be fine.

I can't tell you how much of my heart you fill, but I can tell you I would be empty without each and everyone of you. I feel like we grew up together. I was only 23 when you and Jane were born. Jordan was just 4. There is something very special about the relationship that we all have. I hope that I have been a good Mom to you. I know that I have not been a perfect mom all of the time. I was learning how to be your mom. And then we lost your Dad. It wasn't always easy. But we learned so much from each other.

I just wanted you to know how much I love you. My world is so much better because you are here. I can't imagine my life without you being a part of it. You are incredible. Never forget that.

You need to help me with one thing. Be there for your family. Give them a hug for me whenever you get a chance. Yes, even Jordan. I will not be around to do it myself.

I love you.

Mom

I MEANT TO
BEHAVE
BUT
THERE WERE
TOO MANY
OTHER OPTIONS.

12 -

For years, I've had to live by the choices of doctors. The ones that cut me open decided my life. There wasn't one choice that was mine, and now, I have this heart that beats and works. I get to be like everybody else. I get to make my own decisions, have my own life, do whatever the ~~tempted~~ I choose. Now here's the

Good part, so you listen close. What I choose is you. You're the one I want to wake up with and go to bed with and do everything in between with. I get a choice now. I get to choose. I choose you, Izzie Stevens.

Happy Valentine's
Day 2012 D