

EXHIBIT 10

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IN THE CIRCUIT COURT
OF JEFFERSON COUNTY, ALABAMA

ROBERTA CLARK,)
Plaintiff,)

VS.) CIVIL ACTION NO:

PLANNED PARENTHOOD OF) CV-2012-1045
GEORGIA, INC. PLANNED)
PARENTHOOD OF ALABAMA)
AND DR. AQUA DONE E.)

UMOREN, MD.,) DEPOSITION OF:
Defendants.) DR. AQUA-DON E. UMOREN

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED, by and
between the parties through their respective
counsel, that the deposition of:

DR. AQUA-DON E. UMOREN,
may be taken before Merit Gilley, Commissioner
and Notary Public, State at Large, at the Law
Offices of McCallum, Hoaglund, Cook & Irby, LLP,

1 905 Montgomery Highway, Suite 201, Vestavia
2 Hills, Alabama 35216, on the 12th day of June,
3 2014, commencing at approximately 11:15 a.m.
4

5 IT IS FURTHER STIPULATED AND AGREED that
6 the signature to and reading of the deposition
7 by the witness is not waived, the deposition to
8 have the same force and effect as if full
9 compliance had been had with all laws and rules
10 of Court relating to the taking of depositions.
11

12 IT IS FURTHER STIPULATED AND AGREED that
13 it shall not be necessary for any objections to
14 be made by counsel to any questions, except as
15 to form or leading questions, and that counsel
16 for the parties may make objections and assign
17 grounds at the time of the trial, or at the time
18 said deposition is offered in evidence, or prior
19 thereto.

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A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

ADEDAPO T. AGBOOLA
Attorney at Law
Bender & Agboola
711 North 18th Street
Birmingham, Alabama 35203

ON BEHALF OF THE DEFENDANT:

CHARLES A. MCCALLUM
ERIC D. HOAGLUND
Attorney at Law
McCallum, Hoaglund, Cook & Irby, LLP
905 Montgomery Highway
Suite 201
Vestavia Hills, Alabama 35216

ALSO APPEARING:

STACI FOX

1 A Dalton Johnson.

2 Q Johnson. Okay.

3 A But I'm the medical director.

4 Q Okay. Are you still presently the
5 medical director of that clinic?

6 A Yes.

7 Q Okay. The issue of whether he's the
8 medical director is not under seal, just
9 anything about address, where he lives or where
10 he resides. How long have you been medical
11 director in the clinic?

12 A Ten years.

13 Q Okay. So what is the name of the
14 clinic, the official name of the clinic?

15 A Alabama Women's Health for
16 Reproductive -- Alabama Women's Center for
17 Reproductive Health.

18 Q Okay. Does that clinic have any
19 relationship with Planned Parenthood of Georgia?

20 A No.

21 Q Okay. How long have you worked for
22 that clinic?

23 A Ten years.

1 Q Ten years. Okay. Other than the
2 Huntsville clinic, do you work in any other
3 clinics?

4 A Yeah.

5 Q Other than the one we're here for.
6 We know you work there, but --

7 A Yes. I work for a clinic in
8 Montgomery.

9 Q What is the name of that clinic?

10 MR. MCCALLUM: You can answer that.

11 THE WITNESS: I know. I'm trying to
12 -- it just went out of my head.

13 MR. MCCALLUM: Okay.

14 A I have the address. Give me one
15 second.

16 MS. FOX: Reproductive Health
17 Services.

18 A Okay. Reproductive Health Services.

19 Q Okay. Is that in Montgomery?

20 A Yes.

21 Q Okay. And do you know the address?

22 MS. FOX: Sorry. I'm not that good.

23 THE WITNESS: That's all right.

1 MR. AGBOOLA: Off the record.

2 (Discussion off the record.)

3 A Okay. It's 811 South Berry Street,
4 Montgomery 36104.

5 Q Okay. All right. Other than the
6 Montgomery clinics, any other -- just strike
7 that. What kind of work does the -- do you do
8 at the Montgomery clinic?

9 A It's an abortion clinic.

10 Q Okay. And what kind of -- do you
11 hold any position?

12 A No.

13 Q Okay.

14 A Independent contractor.

15 Q Okay. And how long have you worked
16 for that clinic in Montgomery?

17 A 2012 -- from 2012.

18 Q Okay. Okay. Other than the
19 Huntsville and the Montgomery clinic, any other
20 clinics that you're associated with?

21 A No.

22 Q Okay. Earlier, I think based on our
23 aside, you -- we have information that you

1 either have a -- been a resident in California
2 or work in California. Do you have any work
3 relationship in state of California?

4 A I worked there and was a full-time
5 OB/GYN.

6 Q Okay.

7 A Private practice from 2004 to 2008
8 when I retired --

9 Q Okay.

10 A -- from full practice.

11 Q Okay. And you no longer work in
12 California?

13 A I retired from full practice and
14 left California --

15 Q Okay.

16 A -- for Nigeria.

17 Q Okay. All right. So when did you
18 move back to Nigeria?

19 A 2008, end of 2008.

20 Q Okay. Maybe December?

21 MR. MCCALLUM: Well, towards the
22 end.

23 A Towards the end of December. I

1 don't remember. Towards the end of the year. I
2 don't remember if it's -- let's see.

3 MR. MCCALLUM: I'll just ask you not
4 to speculate or guess. If you have a judgment
5 better than end of the year, toward the end of
6 the year.

7 A Yeah. Towards the end of the year.
8 I don't know exactly what month. But I know it
9 was after the Olympics in China.

10 Q That's 2008.

11 A Yes.

12 Q Okay. But you still come to U.S. to
13 work?

14 A Yes. To the Alabama -- to the
15 Huntsville clinic.

16 Q Okay. So the -- based on the
17 incident in this case, the record shows that
18 Ms. Clark first went into the clinic in Planned
19 Parenthood in Birmingham on August 10, 2010?

20 A Yes.

21 Q Would that be -- were you still here
22 -- were you working here in 2010?

23 A At the Planned Parenthood?

1 Q Yes.

2 A Yes.

3 Q Now, the Planned Parenthood in
4 Birmingham, which is the basis of this lawsuit,
5 tell me: When did you first start working for
6 that clinic?

7 A I worked for them sporadically when
8 they needed me way back in 1990 -- I believe
9 1996.

10 Q Okay. Do you know what name they go
11 by at that time?

12 A Planned Parenthood of Birmingham I
13 think.

14 Q So -- so from 1996 up to 2010, do
15 you -- how many years do you think you worked
16 for them?

17 A I worked sporadically. It wasn't --
18 you know, one year I could work twice when they
19 needed somebody. It wasn't something constant.
20 And then another year will skip, and then will
21 get back 2000. I will work sporadically and so
22 forth. So I can't tell you precisely how many
23 times I worked there or for how long.

1 A That you only -- you only mark that
2 if no fetus or embryo is present.

3 Q Okay.

4 A That's when you mark yolk sac absent
5 or present.

6 Q Okay.

7 A But this one there was a fetus.

8 MR. AGBOOLA: About five minutes. I
9 think I may be done. Or you may questions.

10 MR. MCCALLUM: Yeah. I'm going to
11 have questions myself.

12 MR. AGBOOLA: Okay. Go ahead.
13 We'll stop at this point and --

14 MR. MCCALLUM: Okay. I'll give you
15 a chance to take a look at it.

16 MR. AGBOOLA: Okay.

17 EXAMINATION

18 BY MR. MCCALLUM:

19 Q Dr. Umoren, Chip McCallum. We've
20 met. I represent you in this matter; correct?

21 A Yes.

22 Q The reason I'm asking you questions,
23 sir, is the -- I know you're in Alabama today,

1 and you come to Alabama occasionally. But your
2 permanent primary residence is Nigeria --

3 A Yes.

4 Q -- correct?

5 A Yes.

6 Q And that's where your home is
7 currently; right?

8 A Yes.

9 Q And your schedule is not real
10 certain at any particular time when you might be
11 over -- back over in the states; right?

12 A Yes.

13 Q Okay. And also you're undergoing
14 cancer treatment right now?

15 A Yes.

16 Q And you don't know what
17 complications or issues you might have from that
18 treatment?

19 A Yes.

20 Q Okay. So it's uncertain, sir,
21 whether or not you might be able to attend trial
22 for a number of reasons; right?

23 A Yes.

1 putting that on the record that we do not waive
2 our right to subpoena.

3 Q How old are you, Dr. Umoren?

4 A 63.

5 Q And are -- I believe previously you
6 testified that you're semiretired now?

7 A Yes.

8 Q What type -- how much time do you
9 spend working a year?

10 A Four -- four months out of the year.

11 Q Four months out of the year?

12 A Uh-huh.

13 Q What's your educational background?

14 A Starting from high school or --

15 Q Well, let's talk about college.

16 A Went to school in Chicago, Loyola
17 University.

18 Q And after that?

19 A University of Illinois in Chicago
20 for medical school.

21 Q And is that a nationally recognized
22 reputable medical school?

23 A Oh, yes.

1 MR. AGBOOLA: Objection to the form.

2 Q And what about the university that
3 you went to? Is that a nationally recognized
4 reputable university?

5 A University of Illinois?

6 Q Yes.

7 MR. AGBOOLA: Object to form.

8 A Yes. It's high level.

9 Q It's one of the best of the best?

10 A One of the best of the best.

11 Q And same thing with your medical --

12 A Yes.

13 Q -- school; right?

14 A Yes.

15 Q Okay. And did you receive a medical
16 degree --

17 A Yes.

18 Q -- from the University of Illinois?

19 A Illinois. Yes.

20 Q And what year was that?

21 A 1978.

22 Q And where did you perform your
23 residency?

1 A In California. Charles Drew slash
2 Martin Luther King Hospital in OB/GYN.

3 Q And so you concentrated on OB/GYN?

4 A Yes.

5 Q And how many years of residency did
6 you have?

7 A Four years.

8 Q And --

9 A Including internship.

10 Q Including internship?

11 A Yes.

12 Q And what did you do after that?

13 A I -- I worked in the practice for
14 six months in Los Angeles. Then I worked in
15 Nigeria.

16 Q And what did you do in Nigeria?

17 A I worked for a practice for one
18 year, and then I started a hospital on my own.

19 Q Why did you want to go back to
20 Nigeria?

21 A You mean in that -- in 1984?

22 Q Yes, sir.

23 A Why did I want to go back?