

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)

COPY

Plaintiff,)

CIVIL ACTION FILE

vs.)

NO. 1-05-CV-1110-RWS

CEYLON M. ROWLAND, M.D.,)

aka CEYLON MARKS, M.D.,)

Defendant.)

Deposition of Ceylon M. Rowland, M.D., taken on behalf of the Plaintiff, pursuant to the stipulations agreed to herein, before E. Staley Gilreath Robertson, Certified Shorthand Reporter, at the United States Attorneys Office, 600 United States Courthouse, 75 Spring Street, Atlanta, Georgia, on the 3rd day of July, 2007, commencing at 10:06 a.m.

1 A. No.

2 Q. Tell me your educational background, starting
3 with high school.

4 A. I attended high school in Macon, Georgia,
5 Northeast High School. I then attended undergraduate
6 at Northwestern University in Evanston, Illinois,
7 majoring in biomedical engineering. I attended
8 medical school at Morehouse School of Medicine here in
9 Atlanta. I did my residency, four years in
10 obstetrical gynecology at Wayne State University in
11 Detroit, Michigan.

12 Q. When did you attend Northeast High School in
13 Macon?

14 A. I graduated in 1982, so that would have been
15 1978 through '82. Is that right? '82, yeah, four
16 years.

17 Q. And what years did you attend Northwestern?

18 A. From 1982 to 1986.

19 Q. And what years did you attend Morehouse?

20 A. From 1988 to 1992.

21 Q. What did you do in-between the time you were
22 at Northwestern and Morehouse?

23 A. I was a resurg assistant at Georgia State
24 University.

25 Q. And that was a paid position?

1 A. It was.

2 Q. What did you make as a resurg assistant at
3 Georgia State?

4 A. I do not recall.

5 Q. Was it a full-time position?

6 A. It was full-time.

7 Q. And your residency at Wayne State University,
8 what years did you complete your residency?

9 A. That would have been 1992 through 1996.

10 Q. After you completed your residency at Wayne
11 State University, what did you do?

12 A. I began working in 1997 in Greenville, North
13 Carolina.

14 Q. And where were you working in Greenville,
15 North Carolina in 1997?

16 A. Women's Health Center.

17 Q. What was your position?

18 A. I was an OBGYN physician.

19 Q. And was that a full-time position?

20 A. It was full-time.

21 Q. And how much did you make at your position
22 with the Women's Health Center in Greenville, North
23 Carolina?

24 A. I am not certain, but I believe my starting
25 salary was 135,000.

1 Q. And when did you leave the Women's Health
2 Center, in Greenville?

3 A. Let's see, I left in 2002.

4 Q. What was your salary at the time you left the
5 center?

6 A. My salary had decreased significantly. And
7 at that point, I was not being paid anything.

8 Q. Why did your salary decrease?

9 A. The practice ran into some financial problems
10 and they were unable to pay me.

11 Q. In the prior year, 2001, what did you make
12 that year?

13 A. Significantly less. I do not recall exactly,
14 but I was not making that much. I don't know the
15 exact amount.

16 Q. Were you an employee of the Women's Health
17 Center or were you an owner?

18 A. At that point from 19 -- from 19 -- actually
19 it may have been the year 2000 that I became a
20 partner.

21 Q. And how many of you were in the partnership?

22 A. There were three of us in the partnership.

23 Q. Is the Women's Health Center still in
24 existence?

25 A. I do not believe so.

1 Q. Do you know where the records of the Women's
2 Health Center would be located?

3 A. I do not know.

4 Q. How many employees, altogether, were working
5 at the Women's Health Center?

6 A. I am -- let me see -- I would guess between
7 10 and 15, some of which may have been part-time.

8 Q. After you left the Women's Health Center in
9 2002, what did you do?

10 A. I returned to Macon and I began to look for
11 another position.

12 Q. And did you find one?

13 A. I did.

14 Q. Okay. Where did you work?

15 A. In 2003 I began working at the Gwinnett
16 Medical Center.

17 Q. How did you support yourself during the time
18 period from 2002 to 2003?

19 A. My family supported me. I returned home and
20 I lived with my brother.

21 Q. In 2003, what was the position that you had
22 at Gwinnett Medical Center?

23 A. Gwinnett Medical Center has an indigent care
24 facility. And I was an employee at their OB/GYN
25 clinic.

1 Q. And you worked there as a doctor.

2 A. Yes.

3 Q. And what was your salary at Gwinnett Medical
4 Center?

5 A. I believe my starting salary was 190-.

6 Q. Are you currently working at the Gwinnett
7 Medical Center?

8 A. I am.

9 Q. So, have you stayed in the same position
10 since 2003?

11 A. Since that time, I have subsequently been
12 promoted to medical director.

13 Q. What are the duties as a medical director?

14 A. Primarily to facilitate the running of the
15 clinic in conjunction with the hospital structure, and
16 to serve as a liaison between the physicians and
17 midwives and the hospital administration.

18 Q. How many employees work at the clinic?

19 A. About 25.

20 Q. And how many hours a week do you work?

21 A. It varies. Depending on my call schedule, it
22 can be anywhere from 80 to 120 hours.

23 Q. What is your current salary?

24 A. My current salary is 235-.

25 Q. Did you have any other schooling other than

1 the periods at Northeast High, Northwestern, Morehouse
2 and then Wayne State University?

3 A. During my -- I did take a few
4 post-bachelorette courses at Georgia State University,
5 but that was mainly for fun.

6 Q. Are you licensed as a doctor?

7 A. Yes.

8 Q. Okay. And where are you licensed?

9 A. I am licensed here in Georgia.

10 Q. Are you licensed in any other state?

11 A. No.

12 Q. Is your license current?

13 A. My license is current.

14 Q. And are you in good status?

15 A. I am in good status.

16 Q. Do you hold any other professional positions
17 other than as the director of the Gwinnett Medical
18 Center Indigent Care Clinic?

19 A. No.

20 Q. How did you finance your education at
21 Northwestern?

22 A. Primarily through family support and grants
23 and scholarships.

24 Q. Did you have to take out any student loans to
25 finance your undergraduate?

1 A. Darius M. Rowland.

2 Q. Is that D-A-R-I-U-S?

3 A. Yes.

4 Q. Did you pay any rent to your brother during
5 the time that you lived there?

6 A. I did not.

7 (Plaintiff's Exhibit 1 marked)

8 Q. (By Ms. Beranek) I'm going to show you
9 what's been marked as Plaintiff's Exhibit Number 1.
10 Is this the application that you submitted to the
11 National Health Service Corps Scholarship Program?

12 A. Okay.

13 Q. Is it an application that you submitted to
14 the National Health Service Corps Scholarship Program?

15 A. This looks as though it may be my
16 handwriting. The information that is here pertains to
17 me.

18 Q. Is that your signature on the last page?

19 A. That is my signature.

20 Q. Okay. And you did execute an application to
21 the National Health Service Corps on or about August
22 18th, 1989, correct?

23 A. According to this, that is the date that's on
24 here.

25 Q. And you did submit an application to the

1 program?

2 A. I did.

3 Q. Okay. And why did you submit an application
4 to the program?

5 A. To -- number one, because I chose to attend
6 Morehouse School of Medicine, which has as a
7 submission to provide healthcare to the underserved;
8 and, number two, to help finance my medical education.

9 Q. At the time of the agreement, you understood
10 that you would be required to serve in an underserved
11 area.

12 A. I did.

13 Q. And you understood that that obligation would
14 be in return for repaying the scholarships that you
15 received to go to Morehouse.

16 A. I did.

17 Q. And you did receive scholarship money to
18 attend Morehouse from this program, correct?

19 A. I did not directly receive the money. I
20 think the money went to Morehouse on my behalf.

21 Q. Did you personally have to pay any of your
22 tuition or fees to attend Morehouse?

23 A. I do recall having to pay some money. But I
24 don't recall exactly how much. I also recall having
25 to purchase books and supplies and lab fees, but,

1 again, I don't recall the amounts.

2 Q. Okay. You did receive a scholarship award
3 under the program for the years 1989 to 1990, correct?

4 A. This is dated 1989, yes.

5 Q. Okay. And from 1990 for '91, you also
6 received a scholarship under the program to attend
7 Morehouse, correct?

8 A. Yes.

9 Q. And then from '91 to '92, you again received
10 a scholarship to attend Morehouse under this program,
11 correct?

12 A. Yes.

13 Q. In total, you received \$71,234 in tuition
14 fees, stipends and other costs to attend Morehouse
15 Medical School, correct?

16 A. I cannot say exactly the amount because I
17 don't know the exact amount.

18 Q. Okay. But is that approximately how much you
19 received?

20 A. I don't know if that's approximately how much
21 because I don't know the amount.

22 Q. How much did it cost to attend Morehouse?

23 A. I don't recall the tuition for Morehouse. I
24 suppose I could find it out. But I don't know. I
25 don't know.

1 Q. All right. During the time period that you
2 attended Morehouse, you never paid your tuition, it
3 came from the scholarship program, correct?

4 A. No. That scholarship program only began in
5 my second year. The first year I must have gotten
6 grants, alone. I don't recall the tuition amount for
7 Morehouse.

8 Q. You don't know how much you paid that first
9 year?

10 A. I don't recall.

11 Q. Do you have any reason to dispute the number,
12 that \$71,234 was paid for you to attend Morehouse?

13 A. I don't have any information that it was. I
14 don't know the exact amounts.

15 Q. And you don't have any information that it
16 wasn't that amount, correct?

17 A. I don't have any information that it was.

18 Q. Okay.

19 A. I don't know.

20 Q. Okay. So, there's no reason that you -- you
21 don't have any documentation to disprove that that was
22 the amount that you received.

23 A. And by the same token, I don't know. I don't
24 know.

25 Q. Okay. Looking at the application, you stated

1 1990; do you see that at the top of the page?

2 A. I do.

3 Q. Okay. And that is your signature at the
4 bottom?

5 A. That is my signature.

6 Q. And it's dated -- looks like December 9th
7 1989; is that correct?

8 A. That -- yes.

9 Q. Okay. And you see that on this form, it
10 states that -- in that first paragraph, the last full
11 sentence states: In return for awards, applicants
12 must agree to provide health services in a manner
13 determined by the secretary for a period of obligated
14 service equal to one year of scholarship award
15 received or two years, whichever is greater?

16 A. Where are you reading this?

17 Q. If you look at the first paragraph.

18 A. Under section -- which section?

19 Q. The paragraph begins: Section 338 --

20 A. Okay.

21 Q. -- A. And the last sentence in that
22 paragraph. Do you see that sentence?

23 A. I do.

24 Q. Okay. And when you signed this, you
25 understood that you were agreeing to a period of

1 obligated service equal to one year of scholarship
2 award received?

3 A. When I signed this, I knew that this was a
4 service contract, I did.

5 Q. And you knew you would have to serve one year
6 for each year of scholarship money that you received.

7 A. I did.

8 Q. Okay. And you received three years' worth of
9 scholarship money; is that correct?

10 A. Yes.

11 Q. So, you understood that you would have to
12 serve three years.

13 A. Yes.

14 Q. And you also understood that if you breached
15 the agreement, you would be expected to pay back the
16 student loans with interest and penalties.

17 A. I knew that there was a breach of contract
18 clause in the contract, I did.

19 Q. Okay. And if you'll look at Section C, which
20 says: Breach of Scholarship Contract, did you read
21 that section over when you signed this document?

22 A. I don't know if I read that over or not.

23 Q. But you understand that when you signed this
24 agreement you were agreeing to all of these provisions
25 that were included in this.

1 A. Yes.

2 Q. Okay. And you provided no service under the
3 program; is that correct?

4 A. That is not correct. I did provide service.

5 Q. Where is -- okay. Well, let -- go ahead and
6 tell me that. Where did you provide service under the
7 program?

8 A. I provided service in Greenville, North
9 Carolina.

10 Q. Okay. Was that approved by the program as a
11 site?

12 A. That was a designated healthcare manpower
13 shortage area.

14 Q. Was there any approval of that site by the
15 secretary of the Department of Health and Human
16 Services for you to serve there?

17 A. There -- approximately in January of my final
18 year, I believe I notified the government as well as
19 my medical school that I would be executing my service
20 obligation under the private practice option of the
21 program.

22 Q. Where is the documentation of you notifying
23 the secretary that you were going to go to Greenville?

24 A. I do not have any documentation of that. And
25 I contacted my medical school. And they do not have

1 Services accepted your suggestion?

2 A. Again, I don't have that information.

3 Q. Do you have any witnesses? Do you have
4 anybody that you talked to that said, yes, we agree
5 with you, you can go ahead and serve in Greenville,
6 North Carolina?

7 A. I don't.

8 Q. Okay. As far as you are concerned, do you
9 know if they agreed with your position that this
10 service --

11 A. My understanding was that when I started work
12 at Greenville with the practice administrator, that it
13 was an approved site.

14 Q. But where did you -- did you ever have
15 somebody say: It's approved, it's approved for you to
16 serve in Greenville?

17 A. I did not have anyone say that it wasn't
18 approved. And, again, there was not a lot of guidance
19 as to what you could or could not do in 1996.

20 (Plaintiff's Exhibits 2, 3, 4 marked)

21 Q. (By Ms. Beranek) I'm going to show you
22 what's been marked as Exhibit Number 2. Do you recall
23 seeing this letter?

24 A. No.

25 Q. In this letter, it indicates that you are

1 currently a third-year resident in obstetrics and
2 gynecology at Wayne State. And you did indicate that
3 that is where you completed your residency; is that
4 correct?

5 A. That's correct.

6 Q. Okay. Are the dates in this document
7 consistent with your understanding of when your
8 residency began and ended?

9 A. That would appear to be correct, from 1992 to
10 1996.

11 Q. Okay. I'm going to show you what's been
12 marked as Exhibit Number 3. Did you, in 1994, ask to
13 have your obligations under the program deferred while
14 you attended or had your residency?

15 A. I do not believe that I specifically
16 requested to have a deferment. I think under the
17 program, it is an automatic that you are deferred
18 while you are in residency training.

19 Q. If you look at the second page of Exhibit
20 Number 3, is that your signature on the -- on that
21 document?

22 A. That is my signature, but this is a -- again,
23 this is a standard form that under -- this is no
24 specific deferral request from me.

25 Q. Okay. This is your signature and it's dated

1 April 22nd, 1995. So, you signed it on April 22nd,
2 1995; is that correct?

3 A. That would be the date that it's signed, yes.

4 Q. Okay. And if you look at the top of the
5 document in the first full paragraph, does it not
6 state: This document represents a formal request from
7 you for the deferment of your service obligation
8 incurred under Section 338A --

9 A. Uh-huh.

10 Q. -- of the Public Health Service Act; does it
11 not say that?

12 A. It does.

13 Q. Okay. And you signed this document?

14 A. It does. But I would also say that I
15 probably received one for each year of my residency.

16 Q. Okay. So, you probably signed multiple
17 copies of this?

18 A. As part of the program, you cannot serve
19 until you have completed your residency. So, there
20 has to be a deferment of your service obligation until
21 you complete residency.

22 Q. Okay. So, I'm asking the question: Did you
23 sign this document and others like it to defer your
24 service obligation?

25 A. I would have done so.

1 each state.

2 Q. Okay. But your intent by signing this
3 deferment was to delay your obligation to serve.

4 A. My intent was to complete my residency.

5 Q. Okay. After you completed your residency --
6 let me show you what's been marked as Plaintiff's
7 Exhibit Number 4. No, I'm sorry, let me get that one
8 back. I don't think that's the one I wanted. No,
9 that's it.

10 Okay. Okay. Looking at Plaintiff's Exhibit
11 Number 4, do you recognize this document?

12 A. I do not.

13 Q. Okay. Is that an address that you provided,
14 26480 Berg Road, Apartment 1210? Did you ever live at
15 that address?

16 A. That is my address.

17 Q. Okay. And would that have been an address
18 you provided to the service as your address?

19 A. It would have been.

20 Q. Okay. And is this document dated April 23,
21 1996?

22 A. It is.

23 Q. Okay. In Plaintiff's Exhibit Number 4, were
24 you obligated, by the way, under the program to
25 maintain a current address with the Department of

1 document was the address crossed out and the Berg Road
2 address provided?

3 A. It is, because at that point, reading under
4 the heading there, if any information is missing or
5 incorrect, it would have been incorrect at that point
6 because I was no longer living in College Park at that
7 point.

8 Q. Okay. So, you made that change to give them
9 your correct address.

10 A. I did.

11 Q. All right. And that is your handwriting
12 right there.

13 A. It is.

14 Q. Okay. And then you provided the additional
15 information about Darius Rowland, your brother,
16 further down the document.

17 A. I did.

18 Q. Okay. And then going back, again, to
19 Plaintiff's Exhibit Number 4, this document was sent
20 to the Berg Road address that you provided?

21 A. It was sent there.

22 Q. Okay. And in this letter, it concerns your
23 assignment to a practice site in Kansas City,
24 Missouri. Are you aware that the program assigned
25 you, in April of 1996, to a practice site in Kansas

1 City, Missouri?

2 A. No. I was not aware of this. This letter is
3 dated April the 23rd, 1996. As I mentioned earlier,
4 on April 20th of 1996, I had a fire.

5 At that point, I was displaced and I cannot
6 tell you what was -- my life was very chaotic and
7 disorganized at that point. But I do not recall
8 receiving this letter.

9 Q. Did you make any attempt to contact the
10 program at this time period of April of 1996 since you
11 had so much chaos and could have potentially lost
12 correspondence from them, did you make any attempt to
13 contact them to find out where they were assigning
14 you?

15 A. No, because, again, I'm working as of January
16 under the option of pursuing a private practice
17 option.

18 Q. An option you picked.

19 A. An option that I thought I had.

20 Q. And where you say that you informed the
21 agency of.

22 A. Uh-huh.

23 Q. But you have no documentation to support the
24 fact that you notified the agency.

25 A. I have no documentation of anything, no, I

1 don't.

2 Q. Okay. And where you didn't get any approval
3 at all from the department of Health and Human
4 Services to have gone to that site. Do you have any
5 approval? Did you have any approval from anyone in --

6 A. I believe that I had tacit approval. It was
7 my understanding that you had the option of pursuing a
8 private practice option, tacit approval, understanding
9 that it was not very structured as it is today.

10 Q. "Tacit" meaning -- who did you talk to?

11 A. I sent a letter back, I believe, to my
12 institution as well as to the Department of Health and
13 Human Services or whatever it was called then.

14 Q. You have no documentation of that.

15 A. I don't have any documentation of that.

16 Q. And you don't have any record of any
17 conversation you had with anybody at that Department
18 of Health and Human Services where they gave you
19 approval to go to Greenville.

20 A. I don't have that. I don't.

21 Q. At any--

22 A. 10 years ago.

23 Q. At any time -- okay. Since then --

24 A. Uh-huh.

25 Q. Since then, since 1996, have you ever

1 you?

2 A. No, I did not. I was not aware of my
3 placement and I did not report. I would have had no
4 reason to report. I'm operating under the fact that
5 I'm going to pursue the private practice option.

6 Q. In pursuing the private practice option, you
7 guaranteed yourself initially a salary of -- in your
8 -- let me -- strike that. Let me rephrase that.

9 In going to work in Greenville, you
10 guaranteed yourself a salary starting out of \$135,000,
11 correct?

12 A. That's approximately what I was paid.

13 Q. Have you ever seen this document before,
14 Plaintiff's Exhibit Number 6?

15 A. No.

16 Q. From 1996 to 2003, what efforts did you make
17 to contact the agency regarding your obligation to
18 serve under the National Health Service Program?

19 A. I did not make any obligation -- did not make
20 any attempts to contact them. But, by the same token,
21 I never received any communication from them, as well.
22 My understanding or my thinking was that everything
23 was okay.

24 Q. Okay.

25 A. I'm doing what I thought I was supposed to

1 A. No.

2 Q. Why didn't you ask?

3 A. Again, in the setting that this was done, you
4 are signing your financial aid papers. I believe this
5 was done in the financial aid office, and there wasn't
6 that opportunity.

7 Q. But you didn't ask anybody if you could take
8 them home with you and bring them back?

9 A. I must not have because I didn't do that.

10 Q. How old were you when you signed that
11 document?

12 A. 1989 I would have been 24.

13 Q. Okay. Let me make sure -- do you have all of
14 the ones with exhibit stickers? Let's put them over
15 here.

16 (Plaintiff's Exhibit 7 marked)

17 Q. (By Ms. Beranek) Okay. I'm going to show
18 you what's been marked Exhibit Number 7. And that is
19 the copy of the letter that we were talking about,
20 April 23rd, 1996?

21 A. Uh-huh.

22 Q. Is that correct?

23 A. It is.

24 Q. Okay. If you look at the second page,
25 there's a return receipt?

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1 A. Uh-huh.

2 Q. Is that your signature on that return receipt
3 form?

4 A. It is.

5 Q. Okay. And it says: Date of delivery, May
6 6th. But it doesn't contain a year, correct?

7 A. It does not.

8 Q. Okay. So, on May 6th you signed the
9 certified return receipt form.

10 A. That's what it says there.

11 Q. Okay. Do you recall what you were signing
12 for?

13 A. I don't know what I was signing for.

14 Q. Okay.

15 A. This is a certified letter.

16 Q. But as of May 6th of the year 1996, you were
17 living at the Berg Road apartment?

18 A. I was in the complex, but I was not in that
19 particular apartment.

20 Q. You weren't in Apartment Number 1210?

21 A. No.

22 Q. Okay. But you did receive your mail,
23 apparently, from that address at that time?

24 A. No, if I -- I had relocated to a different
25 apartment.

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1 Q. Okay. Is it your position that you weren't
2 picking up mail still from this Apartment 1210?

3 A. No. When I relocated, I got a new address
4 and it would not have been at 1210. That building was
5 not inhabitable at that time.

6 Q. Okay. So, in May of 1996, where were -- what
7 apartment were you in?

8 A. I don't recall the -- it was in the apartment
9 in that complex, but I had -- I was relocated to a
10 temporary apartment. I don't know the exact one.

11 Q. Okay. Did you still get your mail, though,
12 even though you had relocated to a temporary apartment
13 in the same apartment complex?

14 A. At that point I believe my mail was being
15 picked up and stored for me at the post office because
16 there was not -- immediately there was not a way for
17 me to get my mail.

18 Q. Okay. So, you were -- but did you go to the
19 post office and pick up the mail there?

20 A. Probably once a week.

21 Q. All right. So, you could have picked up --
22 well, from the return receipt, it indicates that in
23 May of 1996 you were picking up your mail still for
24 that address.

25 A. I would have picked up my mail, but, again, I

1 1034 Trace Lane. Was that your address in 2003?

2 A. It was.

3 Q. Okay. Prior to that, you had lived at 26480
4 Berg Road, Apartment 1210, in Michigan, correct?

5 A. That would have been back from 1992 up until
6 '96.

7 Q. Okay. And then in '96, where did you move?

8 A. In 1996, I moved to College Park, Georgia.

9 Q. Okay. And what was the address?

10 A. It would have been 6160 Emerald Point Circle.

11 Q. Did you notify the agency of your change of
12 address?

13 A. Not directly, but I probably put in a change
14 of address with the U.S. Postal Service.

15 Q. But not with the Department of Health and
16 Human Services; you would have just put in a change of
17 address with the postal service?

18 A. Yes.

19 Q. And those have an expiration on them,
20 correct?

21 A. I don't know if they have an expiration on
22 them.

23 Q. After you moved to the College Park address,
24 how long did you live at that College Park address?

25 A. Probably until I started my job in

1 Greenville.

2 Q. Okay. And what was the address that you
3 moved to after the College Park address?

4 A. That would have been -- what was my address
5 in Greenville? Let's see -- I cannot recall. I'm
6 certain that I have it someplace at home. I just
7 cannot recall it.

8 Q. Okay. So, you moved to a Greenville address
9 in 1997?

10 A. Correct.

11 Q. And did you stay at that same address
12 throughout the time period that you lived in
13 Greenville?

14 A. I did.

15 Q. Okay. So, from '97 to 2002, did you own or
16 rent?

17 A. I was renting.

18 Q. Did you notify the agency of the
19 Greenville -- by "agency," I mean the Department of
20 Health and Human Services; did you notify them of your
21 address in Greenville?

22 A. No.

23 Q. And then from the Greenville address, you
24 moved where?

25 A. I moved to Macon.

1 Q. And that address was?

2 A. 3103 Gateway Avenue.

3 Q. Did you notify the Department of Health and
4 Human Services of your change of address to Macon?

5 A. No.

6 Q. And then from the Macon address, where did
7 you move to?

8 A. I moved to Lawrenceville.

9 Q. Okay. And would that be the 1034 Trace Lane
10 address?

11 A. That is correct.

12 Q. Okay. Did you notify the Department of
13 Health and Human Services of that change of address?

14 A. No.

15 Q. So, any correspondence or efforts to contact
16 you at any of the prior addresses would not
17 necessarily have reached you because you had moved,
18 correct?

19 A. But within that time period, I did submit the
20 change of addresses with the U.S. Postal Services.
21 And as a physician, if you are working, your address
22 is always known.

23 Q. Known where?

24 A. If you have a license, you are registered
25 with the board.

1 Q. Somehow they got it.

2 A. Right.

3 Q. Not through your assistance.

4 A. No.

5 Q. Okay. What did you do after you got this
6 notification?

7 A. I believe that I contacted the office
8 requesting more information about this.

9 (Plaintiff's Exhibits 9, 10, 11 marked)

10 Q. (By Ms. Beranek) Okay. I'm going to show
11 you what's been marked as Exhibit 9 --

12 A. Uh-huh.

13 Q. -- and ask you if you recognize that
14 document?

15 A. I do.

16 Q. Okay. Is this a letter that you prepared and
17 sent to the Department of Health and Human Services?

18 A. It is.

19 Q. Okay. And that's your signature on the
20 letter.

21 A. It is.

22 Q. Okay. When did you write this letter?

23 A. I don't know when I wrote this letter. There
24 is no date on this letter.

25 Q. Okay. At the bottom it says in handwriting:

1 Received 10/10/03; is that your handwriting?

2 A. No, that's not my handwriting.

3 Q. Okay. Do you have any reason to dispute that
4 you sent this letter in approximately September or
5 October of 2003?

6 A. I find it interesting there is no date on
7 that letter. I would have to say that it probably
8 came sometime -- I probably sent this sometime after I
9 had received the initial notification, but I could not
10 say exactly when I sent it.

11 Q. Okay. So, you sent it sometime after August
12 of 2003. But do you have any reason to think it was
13 after October of 2003?

14 A. I don't know. It says here that it was
15 received 10/10/03. I don't know when I sent it.

16 Q. Did you -- in your letter, you refer to
17 making a good faith payment; did you send any type of
18 payment with this letter?

19 A. I did.

20 (Plaintiff's Exhibit 12 marked)

21 Q. (By Ms. Beranek) I'm going to show you
22 what's been marked as Plaintiff's Exhibit Number 12.

23 A. Uh-huh.

24 Q. If you look down the ledger, this appears to
25 be a ledger, and you see that it has your name at the

1 top of it?

2 A. I do.

3 Q. And you see a Social Security number. Is
4 that your Social Security number?

5 A. I do.

6 Q. Okay. And if you look down the ledger to
7 one, two, three, four, five, six -- the sixth entry?

8 A. I do.

9 Q. It says "payment;" do you see that?

10 A. I do.

11 Q. And it says "\$100"?

12 A. I do.

13 Q. Okay. And then if you look at the date, it
14 says, "10/17/2003." So, that would be October 17th of
15 2003. Did you send a payment of \$100 to the
16 Department of Health and Human Services in
17 approximately October of 2003?

18 A. I did, according to this letter. It says
19 here that I did remit a good faith payment.

20 Q. And you see that that's identified on the
21 ledger. Do you have any reason to disagree that that
22 was the payment that you sent?

23 A. No. But I would not exactly say that this
24 was a payment. I just wanted them to -- I submitted
25 this in order to demonstrate my commitment in

1 Q. Did you make any effort to make any payments
2 on the debt?

3 A. I would not have made any efforts to make a
4 repayment because I did not feel I was in default.

5 Q. Okay. Is there any other efforts that you
6 made to try to resolve this after you got the notice
7 in 2003 that we haven't talked about?

8 A. I cannot recall anything, but I do -- I don't
9 have that. I don't have that information. I would
10 have to go see what other --

11 Q. I'm not just asking for information. I'm
12 asking for your recollection. Do you remember doing
13 anything once you got the notice of default other than
14 the letter that you sent, which is reflected in
15 Plaintiff's Exhibit Number 9, I think, did you do
16 anything else to communicate with the agency about
17 their default notice?

18 A. I cannot recall that I did.

19 Q. Since leaving Morehouse College -- I'm sorry,
20 Morehouse Medical School, you have practiced as a
21 doctor for over 10 years, haven't you?

22 A. I would -- yes.

23 Q. And during that time period, you have had a
24 salary on average in excess of \$100,000 each year.

25 A. I suppose an average.

1 which is the complaint, Paragraph 4, I would like you
2 to read that paragraph and then tell me what about it
3 you disagree with and what you deny.

4 A. Can I see the application, the contract,
5 please? I don't have any information regarding the
6 time that I -- the February 1st, 1990 -- it's true
7 that I did receive the scholarship for a total of
8 three years, but I don't have any information
9 regarding the specific dates.

10 Q. Okay. So, if we struck the part that said:
11 On February 1st, 1990, you otherwise would agree that
12 that is -- those are truthful statements in Paragraph
13 4?

14 A. I would.

15 Q. Okay. With respect to Paragraph 5, you
16 denied Paragraph 5. And I would like to know what
17 part -- what you are denying in Paragraph 5.

18 A. I guess my disagreement would have to relate
19 to the language of the commissioned officer in the
20 Regular Reserve Corps of the Public Health Service.

21 Q. What do you disagree with with respect to
22 that?

23 A. It had never been referred to in that manner.

24 Q. Where?

25 A. I -- it was never referred to that you would

1 and work in Gwinnett County.

2 Q. Do you know if Gwinnett County is in the
3 Northern District of Georgia?

4 A. I do not know that it is in the Northern, no,
5 I do not.

6 Q. So, you don't know whether venue is proper
7 for this district. If I told you that Gwinnett County
8 is in the Northern District of Georgia, do you have
9 any objection to venue?

10 A. The other issue would be a state court as
11 opposed to a federal court.

12 Q. Okay. And if I told you that this is a
13 federal statute that we are talking about, any other
14 objection? I just want to make sure I've got all of
15 them.

16 A. I guess I would have to go on your word and
17 assume that what you say is correct.

18 Q. Okay. But other than -- you live in
19 Gwinnett.

20 A. Uh-huh.

21 Q. And whether or not this is properly in
22 federal court, is there any other factual basis for
23 your defense on venue? I just want to make sure I
24 understand completely your position on this. That's
25 all.

1 A. I believe that this could have been handled
2 in state court, perhaps in Gwinnett County.

3 Q. Okay. You raise as your third defense that
4 process and/or service of process were insufficient or
5 they may have been insufficient. What is the factual
6 basis for your defense that service of process was not
7 sufficient?

8 A. My understanding is that if a -- if I -- that
9 at that particular time, I did have an attorney. And
10 that any service should have been served to the
11 attorney and in lieu of serving it to me.

12 Q. Were you personally served?

13 A. Yes.

14 Q. Okay. Who were you served by?

15 A. I believe it was someone identified as an
16 agent of the court. I don't recall the specific
17 designation.

18 Q. Did the individual appear to be an adult?

19 A. Yes.

20 Q. Your fourth defense is that the claims may be
21 barred by an applicable statute of limitations. What
22 is the factual basis for your defense?

23 A. According to the information that's
24 presented, I was deemed in default in 1996 and was not
25 contacted or notified of this default status until