

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 value of a personal injury claim by performing  
2 unnecessary, ah, surgeries?

3 A. Ma'am, I don't understand that's suit  
4 doesn't exist, that allegation was never -- there  
5 was no findings to that.

6 And, you are aware that anyone can make an  
7 allegation, ah, in a lawsuit.

8 So, I don't remember all the details but  
9 that suit no longer exist against me.

10 Q. Okay. Sir, did you settle that  
11 lawsuit?

12 A. No.

13 Q. Okay. Do, ah, do you know the  
14 circumstances under which that lawsuit cease to  
15 exist?

16 A. Yes.

17 Q. Was the matter withdrawn?

18 A. I think the matter was withdrawn, yes,  
19 that is correct there was no factual, in fact,  
20 there was slander.

21 Q. Did you sue for slander?

22 A. Upon information and belief, if an  
23 attorney writes upon information and belief in a  
24 lawsuit, he can create whatever he wants even if  
25 they know it is false.

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 I did enforce a slander countersuit, but  
2 once they write according to my counsel, upon  
3 information and belief, they can put whatever  
4 they want.

5 Ma'am, I'd like to finish this question by  
6 saying the suit no longer exists.

7 The suit was settled I guess it was  
8 withdrawn because there was no basis for the  
9 allegation.

10 Q. The lawsuit was withdrawn but the  
11 person that you treated was not, correct?

12 A. I don't know that played out. I'm sure  
13 you know better than I do. I don't know the  
14 legalities of that.

15 Q. In that lawsuit, doctor, there was an  
16 allegation that there was a funding company by  
17 the name of DME Funding with an address at your  
18 very office at Marcus Avenue?

19 A. I have no entity directly or indirectly  
20 associated with a company called DME Funding it  
21 doesn't exist with respect to me.

22 Q. Do you know --

23 A. Or anyone I know, or any relative I  
24 have, there was no existence of DME Funding.

25 Q. Okay. So, you are saying that you have

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 no relationship with an entity known as DME

2 Funding?

3 A. Correct. I'm not trying to use harsh  
4 words, because I don't have a company or  
5 financial relationship directly or indirectly  
6 with my family remotely, or distantly with my  
7 family.

8 Q. Sir --

9 A. They knew that in the allegation.

10 Q. Sir, I'm not interested --

11 A. They had the funding. You are wasting  
12 everyone's time.

13 Let me explain. They have the funding --  
14 they know who funded the case, obviously it  
15 wasn't me.

16 Q. Well, I don't know it. Do you have  
17 copies of the funding check?

18 MR. PARIS: He's talking about the  
19 BIAS case.

20 MS. RUSH: I know exactly what he  
21 he's talking about.

22 A. Then you know questions related to the  
23 care and treatment on the patient.

24 Don't waste your time on a false  
25 allegations.

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 Q. Doctor, please, how about IOM Funding?

2 A. Same, I don't own a company called IOM  
3 Funding.

4 Q. Do you know why, ah, there are checks,  
5 ah, written on an IOM Funding at your office?

6 MR. PARIS: Doctor, hold on one  
7 second.

8 I'm going to object unless, Ms.  
9 Rush, you have documents.

10 I cannot allow the doctor to  
11 answer questions on claims -- let me  
12 finish please.

13 Based on claims that you are  
14 making with -- claims you are making  
15 with his office address without seeing  
16 this.

17 As you are aware, he has a suite  
18 in a building at multiple locations.  
19 I'm not sure what you are referring to.

20 I've never seen anything from GMO  
21 or IOM.

22 I'm happy to look at it if you are  
23 able to put it on the screen.

24 MS. RUSH: Why don't we put up the  
25 information on the screen.

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 MR. PARIS: I have not put more  
2 importantly information contained in a  
3 complaint which alleges unproven which  
4 are dismissed does not meet the  
5 criteria what I'm talking about by  
6 example.

7 MS. RUSH. I'm not going to get  
8 involved in these discussions we can  
9 move on.

10 MR. PARIS: I'm making my record  
11 Ms. Rush.

12 Just by example, what you are  
13 trying to do is allowed.

14 I'll have your client on the stand  
15 show him a copy of the complaint that  
16 show his allegation and show him  
17 allegations in the case.

18 I'm not going to let the doctor  
19 answer questions that you are cleverly  
20 couched to make it seem like something  
21 is a fact, and I have nothing that  
22 demonstrates that it is a fact.

23 CONTINUED DEPOSITION BY

24 MS. RUSH:

25 Q. Doctor, are you familiar with an

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 individual by the name of --

2 Doctor, are you affiliated with any funding  
3 company?

4 A. No.

5 Q. Have you ever been affiliated with any  
6 funding company?

7 A. Never.

8 Q. Have you ever, ah, done surgery and  
9 taken out a lien on the case?

10 A. A lien process is part of a funding for  
11 surgery, yes, ma'am.

12 Q. Okay. And, you yourself take out the  
13 lien, correct?

14 A. I don't understand that question.

15 Q. Okay. Sir, do you accept any insurance  
16 at all for surgery since you performed more than  
17 one form of compensation claims?

18 A. I take No-Fault Worker's Comp., and we  
19 no longer specialize and no longer participating  
20 with all insurance company.

21 Q. You are no longer participating with  
22 all your companies, right?

23 A. Without exception, medicaid and --

24 Q. You -- I don't understand that response  
25 doctor, do you take Medicaid or Medicare?

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 A. I don't take Medicaid and Medicare.

2 Q. Okay. Well, you take an Obamacare?

3 A. Ah, I would characterize all of those  
4 as Government.

5 Let's just say in the sake of brevity, I  
6 have not signed a contract with any Government  
7 office to take any patients at their reduction  
8 rate.

9 So, I do see patient's under the commercial  
10 insurance but I haven't signed a contract. I've  
11 never signed a contract.

12 Q. How about --

13 A. With any of these insurance companies,  
14 plus, I do except payment from them.

15 Q. And, approximately, how much of your  
16 business is funded by liens or cash funding  
17 bills?

18 A. I don't keep that statistics but the  
19 majority patients, ah, are not funded cases, they  
20 are under either Commercial Insurance, Worker's  
21 Comp., Worker's Comp., benefits, or are No-fault.

22 Q. And, do you know how you paid, ah, Ms.  
23 Moldovan's, ah, case was paid?

24 A. No.

25 Q. Okay. Let's take a look at the billing

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 records.

2 Let's go ahead and look at your, ah, at your  
3 3101, whatever we call this over here  
4 (indicating).

5 Here, let's take a look at this over here  
6 (indicating).

7 Can we deem this marked as Defendant's A  
8 today?

9 MR. PARIS: Are we not marking  
10 whatever you called the screen to be?

11 MS. RUSH: We can make that as  
12 Defendant's A.

13 And, then, we will deem this to be  
14 Defendant's B.

15 (Whereupon, a document was marked  
16 as Defendant's Exhibit A, for  
17 identification, as of this date, by the  
18 Reporter).

19 (Whereupon, a document was marked  
20 as Defendant's Exhibit B, for  
21 identification, as of this date, by the  
22 Reporter).

23 Q. Doctor, are you familiar with this, ah,  
24 type of Assignment and Lien here?

25 A. Yes, ma'am.



DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 Q. And, it says... Assignment and Lien  
2 that, ah, your company, ah, typically provides  
3 to, ah, individuals that are, ah, do not have  
4 Worker's Compensation or No-fault benefits,  
5 correct?

6 A. Yes, the lien provides us protection in  
7 the event of policy violation, policy violation  
8 upon exhaustion.

9 So, that can happen. So, the assignment of  
10 benefits and liens are customary of taking or  
11 patients like that.

12 Q. Okay.

13 A. As far as I been advised by counsel,  
14 so, we have the patient sign the document.

15 Q. So, sir, are you familiar with the  
16 concept of usual costs and customary fees in the  
17 context of medical billing?

18 A. Of course.

19 Q. Okay. And, ah, sir, can you, ah, tell  
20 me what the, ah, usual and customary fees was,  
21 ah, back in 2019, for a one-level, ah, lumbar  
22 discectomy fasciotomy?

23 A. I don't have the exact number but it  
24 would be over one hundred thousand.

25 Q. When?

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 A. Back then.

2 Q. Back then, it was over a hundred  
3 thousand dollars?

4 A. That is what is the customary.

5 Q. Okay. And, that is just for the  
6 surgery, correct?

7 A. Correct.

8 Q. And, ah, back in 2019, when you say the  
9 usual and customary rate, that is the rate that  
10 the insurance company would pay, right?

11 A. I mean, that's the bill that the  
12 insurance company sent out to the doctor and the  
13 insurance would pay if they do not have enough  
14 coverage under their insurance.

15 Q. Okay. And, sir, ah, how many, ah,  
16 insurance companies did you know that would pay a  
17 hundred thousand for a single level fusion back  
18 in, ah, 2019?

19 A. I mean that is the usual and customary  
20 fee, you are asking me about.

21 Q. I'm not asking you that. That might be  
22 your usual.

23 A. I don't know that is the usual  
24 customary it is called, Fair Health.

25 And I'm not familiar with the actual

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 document, but it is called, "Fair Health Fees".

2 I'm not sure where you get it, and they are  
3 listed, and they are listed and, then, as you are  
4 aware we --

5 Q. We are not talking about what I'm aware  
6 of, sir; we are talking about your knowledge.

7 A. Customers that I may have?

8 Q. Everyday back in 2019, okay, and you  
9 would charge, ah, hundred thousand dollars back  
10 in 2019, correct?

11 A. I mean, if it was usual and customary.

12 Q. Now, let's take a look at the billing  
13 records, and they are attached.

14 We will bring up the 20, ah, Dr. Lattuga's,  
15 expert, ah, disclosure, okay.

16 And, let's go down to the, ah, very end of  
17 it, that would be the last four or five pages.

18 MS. RUSH: Okay. Bobby.

19 The last four papers with respect  
20 to the billing records as attached to  
21 your expert report Jason.

22 MR. PARIS: If you remember,  
23 Claire, there was a lot of moving back  
24 and forth after this.

25 It might have been before this, I

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 don't remember the date that it was,  
2 um, that the expert report was  
3 provided, but the billing records were  
4 providing at a separate time all on a  
5 separate document and I think before  
6 this.

7 MS. RUSH: Okay.

8 Can we get the Subpoena Response  
9 in, all the way down at the end.

10 Q. Okay. So, here are the records, right  
11 for, Laura Moldovan?

12 A. Yes, ma'am.

13 Q. And, this statement date is 12/10/25?

14 A. Yes.

15 Q. And, let's go down a little bit.

16 And it says... that this is paid this  
17 amount of thirty thousand dollars.

18 A. Yes, ma'am.

19 Q. And, then, it says... funding/Ronai &  
20 Ronai underneath Bill 2?

21 A. I don't see that.

22 Q. Can you tell me what that means, sir?

23 A. Well, they are attorneys representing  
24 the patient.

25 Q. Okay. So, do you have who funded that?

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1           A.    I don't know ask the counsel to check  
2   it somewhere. Ask opposing counsel for checks,  
3   and they will tell you who funded it.

4           Q.    Sir, I'm asking you.

5           A.    I don't remember. I mean, I don't look  
6   at who the actual checks come from.

7           Q.    Sir, let's look down a little bit more,  
8   and it says... Arthur Dark (ph), do you see that?

9           A.    Yes.

10          Q.    And it says... check payment of fifteen  
11   thousand, Check Number 1922; do you know where  
12   that check came from and what the check 1922  
13   refers to?

14          A.    Ma'am, it is the billing department  
15   records of the check that came in, that is just  
16   the way the banking works, I guess.

17          Q.    Okay. And, ah, so you have no idea who  
18   paid that money?

19          A.    No.

20          Q.    Do you have any idea --

21          A.    I -- you think it is only the patient,  
22   you know, figure where to get the money from.

23          Just cut to the chase. I mean, I don't own  
24   the funding company, so I don't have no idea how  
25   those monies are distributed.

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1           You know, I just accepted the check as  
2   prepayment to the surgery.

3           Q.    So, it is like what is contained in  
4   Exhibit B?

5           A.    I'm sure there is a document signed.

6           Q.    Okay. So, would you have a copy of the  
7   check as well.

8           A.    I mean, those are banking records,  
9   ma'am.

10          Q.    Sir, wouldn't they be part of your  
11   records?

12          A.    No, ma'am. They wouldn't be part of  
13   your medical record.

14          Q.    Okay. So, they would be part of the  
15   billing records, right?

16          A.    I don't believe so with a 98-degree  
17   certainty, we are not copying checks.

18          Q.    What were the --

19          A.    Please don't interrupt when I'm trying  
20   to answer the question.

21                I don't believe it is my policy to scan  
22   checks into the computer per account, right.

23                So, I don't think that is the way it is  
24   done.

25          Q.    Okay. So, you have a check for fifteen

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 thousand dollars, and there is a balance of  
2 thirty thousand dollars, right?

3 A. Yes, ma'am.

4 Q. Has that been paid?

5 A. If it said balance, I don't think so.  
6 I think that is an open balance.

7 Q. Okay. Do you have that lien, sir?

8 A. I'm sure it is part of the record.  
9 Didn't you show me that a patient --

10 Q. No, that was on a another case. Can  
11 you look at those records, sir?

12 A. I'm sure it is there.

13 Q. I not --

14 MS. RUSH: I'm going to make a  
15 demand that you go through your  
16 records, that you get a lien assignment  
17 from Ms. Moldovan, and you have been  
18 asked to produce all the information  
19 for the billing records for Ms.  
20 Moldovan.

21 Now, let's move on to --

22 MR. PARIS: Let's state for the  
23 record, as we stated before the Judge  
24 many times, well before the time of  
25 Discovery.