

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss.

SUPERIOR COURT DEPARTMENT

ALAN BULOTSKY & ASSOCIATES, PC

Plaintiff,

v.

Civil Action No. 2183-cv-00602

VERSATILE COMMUNICATIONS, INC.,

Defendant.

SUPERIOR COURT RULE 30B DISCLOSURE

Pursuant to Superior Court Rule 30B, Defendant Versatile Communications, Inc. (“Versatile”) makes the following disclosure regarding the anticipated testimony of Randy Farber, MSHA.

Randy Farber, MSHA
Oak Park, California

Mr. Farber is a healthcare executive and consultant with more than 40 years’ experience in the healthcare industry. He is an expert in health administration and medical practice management. He holds a Master of Science in Health Administration from California State University, Northridge and a Bachelor of Science in Public Health from the University of California, Los Angeles. A copy of Mr. Farber’s cv is attached as Exhibit A.

Mr. Farber is expected to testify based on his education, training, and experience, his review of data and documents including but not limited to United States Census data, testimony by the plaintiff and documents produced by the plaintiff in this matter, and his

knowledge of the healthcare industry and management of medical practices, and trends affecting the financial position of independent medical practices.

Mr. Farber is expected to testify about a variety of factors impacting revenue of independent medical practices in Massachusetts from 2017 to the present, and his analysis of the limited financial records disclosed by the plaintiff in this matter, including Profit and Loss Statements from the years 2017 through 2022 (the last year made available by the plaintiff). He is expected to address evidence and/or testimony by the plaintiff contending that it sustained loss of business revenue because of patients leaving the practice, as a result of the data loss alleged in the Amended Complaint.

Mr. Farber is expected to testify about other factors that could contribute to the changes in revenue shown in the plaintiff's Profit and Loss Statements, in the absence of any data showing that patients left the practice as a result of the alleged data loss (and no such data has been provided by the plaintiff). He is expected to testify regarding forces exerting downward pressure on the financial position of independent pediatric practices in Massachusetts in the relevant timeframe that would cause all or a portion of the decline in revenue or business losses the plaintiff attributes to the data loss alleged in the Amended Complaint.

Mr. Farber is expected to testify about the impact of the Covid pandemic on independent medical practices, trends showing a significant drop in medical practice revenue in 2020 due to the Covid pandemic, and trends affecting revenue in the years since the end of the pandemic. He is expected to testify that as a result of the impact of the pandemic, lost revenue in 2020 cannot be attributed to the data loss alleged in the Amended Complaint.

Mr. Farber is expected to testify that the population of children in each age group from birth through age nineteen in Plymouth County declined from 2017 to 2022, resulting in a smaller patient pool in each successive year needing the plaintiff's medical services. Mr. Farber is expected to testify that the decreasing patient pool in Plymouth County in the relevant time period would result in a decrease in revenue per year earned by an independent pediatric practice in Plymouth County for the relevant time period.

Mr. Farber is expected to testify regarding the changing payer mix in Massachusetts in the relevant timeframe. He is expected to testify that such trends accelerated during the Covid pandemic and have continued since the end of the pandemic, resulting in a payer pool that reimburses at a lower rate.

Mr. Farber is expected to testify that the plaintiff's increased spending on payroll and partner dividends in 2020 and 2021, as shown in the plaintiff's Profit and Loss Statements, is inconsistent with a medical practice that is losing revenue. He is expected to testify that the plaintiff's financial position in 2022 was influenced by factors independent of any impact of the alleged data loss, including the addition of two physicians to the practice in April 2022.

In addition, Mr. Farber may rebut testimony by the plaintiff and by the plaintiff's expert witnesses, if any, concerning the plaintiff's alleged losses.

Mr. Farber reserves the right to amend his expected testimony if additional information becomes available.