Lien-Based Medical Care

1	**Plaintiff Receives Lien-Based Care**	The plaintiff incurs inflated medical debt by treating on a lien or letter of protection, often on referral by a lawyer.
2	**Medical Debt Sold to Medical Factoring Company**	The treating physician sells the plaintiff's debt to a medical factoring company and may become contractually obligated to "support the treatment".
3	**Physician Testifies in Support of Plaintiff's Claim**	The treating physician testifies favorably for the plaintiff, assisting in recovery of the billed charges, often without revealing bias factors.
4	**Factor Paid by Plaintiff's Counsel After Settlement**	Plaintiff's counsel pays off the medical factor more than the factor paid the treating physician to buy the account receivable, but still far less than the billed amounts.
5	**Incentive to Volumize**	This creates an incentive structure for all involved to generate large numbers of patient referrals, who can be overtreated and overbilled, to create more debt to sell as accounts receivable.
6	**Lien-Based Care A/R Bundled and Resold as "Asset Backed Securities"**	Large numbers of personal injury accounts receivable are bundled by medical factors and sold on the open market, sometimes to potential jurors.

KEY JUDICIAL INQUIRIES

1. **Bias, intent and motive** of treating physician experts, who may have hidden contractual obligations or a large volume of lawyer-referred business.
2. **Necessity** of care in an environment encouraging over-treating, with no health insurance guardrails.
3. **Reasonableness** of charges in an environment encouraging over-billing.
4. **Juror qualification** when interests in the proceeds of the lawsuit have been sold to persons unknown.

IN THE STATE COURT OF FULTON COUNTY
STATE OF GEORGIA

PHILIP MANIRE AND KAREN MANIRE,	)
vs.	) CASE NUMBER: 23EV006391
CRABAPPLE TURF MANAGEMENT, INC. AND CHARLES BUCKNER.	)

JURY TRIAL

TRANSCRIPT OF PROCEEDINGS

Before the Hon. WESLEY TAILOR, Superior Court Judge

Atlanta, Georgia

Tuesday, May 19, 2026

9:07 a.m.

Reese Giles, GA-CCR, CER, CDR

Cross-examination of testifying physician as to referral numbers and total value of bills issued to lawyer-referred patients

Q. Okay. What this chart shows is that in that three-year period, you received a total of 29,340 patients who were referred by law firms. Do you agree with that?

A. I don't know, but it's possible.

Q. Okay.

A. That seems high.

Q. Let me zoom out and back up here. I'll show you how you kept this record. What we've done as just a courtesy, we've redacted the names of every law firm that was in your chart, just because they're not part of this case, except the Witherite Firm. But you have maintained these records associated by law firm, and that's what's behind these black boxes. Would you disagree with me on that?

A. No.

Q. Okay. And this -- this material -- this chart came from Barbour Orthopaedics, and we haven't tinkered with the math. This is what was produced to us. Would you agree with that?

A. Yes.
Q. Okay.
A. So is -- is the 30,000 appointment dates for actual individual patients?
Q. My understanding is it's individual patients.
A. Okay. I'll take your word for that.
Q. Okay. What I'm going to do now is to move down the page to where the Witherite Law Group starts. The -- we have not redacted them because they're involved in this case. You see this?
A. Yes.
Q. Okay. What this shows is, again, the patient count is 533 individuals that were referred over that three-year period. Would you agree with that?
A. Yes.
Q. And what we saw just a second ago was you received the referral of Mr. Manire in July of 2022, and then you started treating him in August of 2022, the next month. And you actually accounted it by month. So we can see here 2022-07 and 2022-08. These are July -- July and August 2022. Do you agree with that?
A. Yes.
Q. And if I look here in your accounts, where I can highlight it, you received 14 patient referrals

from the Witherite Firm in July and 16 patient referrals from the Witherite Firm in August, fair?

A. Yes.

Q. That's a total of 30 patients?

A. Yes.

Q. 30 patients. That's about a patient every other day, agreed?

A. Yes.

Q. At that time, right?

A. Yes.

Q. Okay. Let me take you to the dollar amounts of these referrals.

MR. MATTHEWS: I'm going to introduce this chart as Exhibit 15A.

(Defendants' Exhibit 15A was marked for identification.)

BY MR. MATTHEWS:

Q. This is similar to what we saw before, but this one is from -- from CareCloud as to the bill charges. Do you agree with that?

A. Yes.

Q. Okay. We have the same time period, January of 2020 to the end of December 2022. Do we agree?

A. Yes.

Q. Okay. I'm going to go a little further, since

it looks like you're having trouble seeing it. What we have here is some totals in dollar value, and we've got a charge amount total of $230,623,538.09, correct?

A. Yes.

Q. And those were the bills that were issued to those 29,340 patients that I showed you a second ago, fair?

A. Yes.

Q. Now, we saw earlier, from Maddie Rodriguez, that in 2022, your client -- your clinic only actually employed five doctors, correct?

A. I'd have to go back and look.

Cross-examination as to specific firm (or firms) involved in case, to provide jury with relative context

Q. Okay. Let's do this. Why don't we look at the amount that Witherite contributed to this chart. We'll go to the second page. Just like with the referral totals, here, we have the Witherite Law Group gross, right?

A. Yes.

Q. And I'll zoom in here, now that we can see that's their column. We show charges were issued to Witherite patients in those three years of about $8.7 million. Does that sound right?

A. Yes.

Cross-examination as to 'lawyer approval' process, using doctor's own records

Q. Okay. Jumping forward a little bit to Page 29, this is from October 24 of 2022, agreed?

A. Yes.

Q. Says, "Call log. Patient called in regarding inj appointment." I interpret that as injections appointment. Do you agree?

A. Yes.

Q. "He stated he has an injection appointment this morning. No injection appointment is set up. Informed patient we don't have injection appointments set up," correct?

A. Yes.

Q. "We have an order on file, but unable to tell

the patient he can come in, since I'm unaware if injection appointment is approved," correct?

A. Yes.

Q. Okay. So they don't -- you didn't have approval on file from the Witherite Firm, therefore you were unable to go forward with the injections, correct?

A. That's what that looks like.

Q. Okay. Page 31, this is a note from October 14th, 2022. You agree?

A. Yes.

Q. It says, "Second surgical recommendation. Sent to Maddie, will advise on how to proceed," correct?

A. Yes.

Q. We're assume the same process start over again here, right?

A. Yes.

Finally, cross-exam via summary of relationship and financial bias to doctor deriving from same

Q. You've received over 500 referrals from this law firm, and you treated Mr. Manire as one of those, correct?

A. Yes.

Q. And you've treated at least 29,000 other people who had legal claims and were referred by lawyers, correct?

A. That sounds correct.

Q. And you have -- we can agree: You've made a lot of money in this work, correct?

A. It's fine. I think I've done pretty well.

MR. MATTHEWS: Thank you, Dr. Barbour. I don't have any further questions.