Civil Action No. 11-CV-00520-PAB-BNB

HEALTH GRADES, INC.'S OPPOSITION TO MDX MEDICAL'S MOTION TO PRECLUDE ANY TESTIMONY FROM HEALTH GRADES, INC.'S EXPERT DR. GREENSPUN

Exhibit 7E

June 26, 2012 Deposition of Lawrence West

(selected portions)

CONFIDENTIAL ATTORNEYS' EYES ONLY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF COLORADO
----------x
HEALTH GRADES, INCORPORATED,

Plaintiff,

vs. Civil Action No.

11-CV-00520-PAB-BNB

MDX MEDICAL, INCORPORATED D/B/A,
VITALS.COM,

Defendant.
----------x

June 26, 2012

8:00 a.m.

Videotaped deposition of LAWRENCE WEST, taken by Plaintiff, pursuant to Notice, at the offices of Sills, Cummis & Gross P.C., The Legal Center, One Riverfront Plaza, Newark, New Jersey, before Georgette K. Betts, a Certified Shorthand Reporter, Registered Professional Reporter, Certified Livenote Reporter and Notary Public within and for the States of New York and New Jersey.

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Expert for Healthgrades

DAVID SANDERS, VIDEO OPERATOR

June 26, 2012

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speaking to them about this.

Q. And for how long have you worked for -- well, who is your employer?

A. I work for MDx Medical Incorporated.

Q. And for how long have you worked for them?

A. When I first started six and -- roughly six and a half years ago the company was Raspberry Red, which was a marketing and consulting company. After I believe nine months working for them we formed MDx Medical and then I started working for MDx Medical at that point.

Q. When you say we formed MDx Medical, who were you referring to "we"?

A. Sorry, the CEO formed MDx Medical. I was not part of the formation of that company.

Q. And --

A. We, as in a general, it was kind of a entrepreneurial incubator type company, so when I say we, I just meant as kind of the company itself.

Q. And the CEO is Mr. Rothschild?

A. Yes.

Q. Was he your CEO for Raspberry Red?

08:28:35 A. Yes.
08:28:39 Q. And what position do you currently
08:28:42 hold with MDx?
08:28:43 A. I'm the chief technology officer.
08:28:46 Q. And have you been since its
08:28:49 formation?
08:28:49 A. Yes, I have.
08:28:50 Q. What are your duties as chief
08:28:51 technology officer?
08:28:52 A. I oversee all technology across
08:28:55 the organization including departments such as
08:28:59 engineering, infrastructure, IT, quality
08:29:02 assurance, data engineering, and project
08:29:08 management.
08:29:10 Q. Are you responsible for the
08:29:12 creation and management of the MDx Vitals
08:29:16 website?
08:29:16 A. We are responsible for the
08:29:17 engineering aspects of the creation of the
08:29:19 website.
08:29:21 Q. And how many people do you have
08:29:23 under your supervision?
08:29:25 A. I currently have approximately 35
08:29:27 employees.
08:29:31 Q. All of whom are in the technology

08:29:34 1 area?
08:29:35 2 A. To one extent or another.
08:29:38 3 Q. Yes.
08:29:38 4 A. Yes.
08:29:43 5 Q. So Vitals was created about six
08:29:47 6 and a half years ago you said or MDx was?
08:29:50 7 A. Yeah. The concept was, yes. I'm
08:30:04 8 not quite sure exactly when it was formed as a
08:30:07 9 LLC which then became incorporated.
08:30:10 10 Q. Okay. So Mr. Rothschild and/or
08:30:14 11 others came up with the concept about six and a
08:30:16 12 half years ago and thereafter an actual entity
08:30:18 13 was created is your understanding?
08:30:21 14 A. Um, it was approximately -- yeah,
08:30:31 15 it was in the spring of 2006, yes.
08:30:39 16 Q. And as a result of the concept
08:30:42 17 what was it that you were asked to do?
08:30:48 18 A. Um, I was mainly involved with
08:30:53 19 looking at the quality of the data that we had
08:30:58 20 received from a partner as well as some basic
08:31:06 21 analysis of what websites were out there or what
08:31:12 22 technology was out there for that concept.
08:31:24 23 Q. Now you said you were reviewing,
08:31:25 24 among other things, you reviewed the quality of
08:31:28 25 the data that was received from a partner?

A. Uh-huh.
Q. Who was the partner?
A. It was some firm out of Chicago that Mitch had a partnership with, I don't recall specifically.
Q. What was the nature of the data?
A. It was healthcare provider data.
Q. Such as?
A. Data regarding physicians, um, such as their practice, their education information, basic data, a basic data set.
Q. And did you understand that this data was going to be used in the Vitals --
A. It was never.
Q. -- business?
A. There was a potential to use it for Vitals, however, the analysis proved that the data was inaccurate, incomplete and just not comprehensive or valid enough to use.
Q. Are you referring to the data about the physicians, it turned out that the information was erroneous in instances?
A. Yes.
Q. How did you go about checking the accuracy or quality of the data?