

Chris Kluding

02/07/13

Call to John Mashburn

Chris: That's fine. We were a little late contacting you anyway. I'm here with Joe Lankford.

Joe: Hi, John.

John: How you doing, Joe?

Chris: I just have a couple of quick questions for you. We've spoken to Lyle Nelson. Did Lyle contact you?

John: Yeah, well, he spoke with me, not after you had talked to him, but before and he just mentioned to me that, I guess the guy had filed Bankruptcy and was on my docket and Lyle asked me if I noticed him come through and I didn't even recognize the name when he came through. Had he already been on my docket or I guess he has.

Chris: Yes, he got processed through. I don't have the dates in front of me.

John: It didn't even ring a bell with me.

Chris: Huh. Well of course in your capacity for the Bankruptcy deal, you probably don't really know the people, I would think.

John: No, they come through so fast.

Chris: Right. Mr. Nelson sure had contact with him, though. That's specifically what we're interested in then. Knowing how much he intimidated and threatened people at the time and now that he is not a threat anymore hoping that people will be bold enough to kind of speak up about what had happened.

Joe: John, I'm like you. This is many years ago and Chris just brought me

up-to-date on everything that went on and so, it's kind of hard to remember that far back, but when I saw the headline in the paper, Klotz, that rang a bell. Now I know why I couldn't get anybody to testify.

John: I remember different aspects of that case because I was kind of involved more on the litigation end with Judge and uh, I guess it was Bohannon at the time and I was dealing with DHS some. but mainly I was dealing with trying to get things approved through the Judge and frustrated there. But I seriously don't remember dealing with Klotz at all on my end. I remember Rob being extremely frustrated. And I do remember Rob talking about, at the time, being concerned. And again, it started out as kind of a joking matter, being concerned about what might happen to us for pursuing litigation. Then, it got a little more serious as things went along. I can't remember. At the time, I don't think I put the name with it. When Rob brought it up to me recently, it still didn't ring a bell with me, so I just don't really have any first-hand knowledge with the guy.

Chris: So, but Mr. Mashburn contacted you before I contacted you then. Or even before I contacted him, rather.

John: Yeah. Rob and I spoke. Rob talked to me, I guess, right after he saw the headlines in the paper and told me that the guy had been on my docket, and, like I said, I don't even remember the guy being on my docket.

Chris: Wow! So do you remember any, I'm looking through Mr. Nelson's stuff here and on February 14, 2000, is actually the date that he just showed up at his office and then later that day it looks like y'all kind of had a group meeting, more or less, and you were brought up-to-date. Do you remember, basically, any kind of flare up?

John: Now that you mention it, and I kind of remember Rob recently reminding me of that. I think I remember Rob telling me that the FBI came by and, like I said originally, we had joked about, you know??(Something about Department of Human Services, can't really understand). I guess I had to name her and it was kind of unusual to do that and we had joked at the time and because our clients and because the government was claiming, I guess, that they were dirty.

Chris: Right.

John: We had got a joke when the case first started out. Wondering, jokingly, whether the Government, FBI, or whatever, was going to audit us or whatever coming out of this and then, like I said, it got to be a little more serious as it went along. And I guess about the time when the FBI showed up at the office, it wasn't a joking matter anymore.

Chris: Right, they were really pushing hard for y'all to forget about it.

John: Yeah.

Chris: And even though, because I was looking through your complaint that you filed, and it's a matter of about \$6 million that you know the long and the short of it, total. They just shut it down and Bohannon even reversed a decision that he had made in a previous case had gone that far.

John: You know, I was very disappointed about that now, but I wouldn't begin to think, speculate, what was behind him reversing that decision. He came up with some arguments for doing it, but, obviously, we were shocked and disappointed by the stance that he took.

Chris: Certainly unusual.

John: Yeah, we really thought we had a slam dunk. Because of the ?? case.

Chris: Because you were using the Judge's own rulings.

John: Yeah, and, you know, I guess when it happened, we decided that Bohannon had painted himself into a corner with ?? and just decided he didn't like his own ruling and he tried to distinguish it and I didn't agree with it, but, you know I, like I said, you know I don't think Bohannon was that kind of Judge that would give into that kind of pressure, but I don't know. I don't know what was going on.

Joe: John, my dad was a Postal Inspector. Hell, he's been retired for about 40 years and he used to be stationed there in OKC. And, of course, he testified in Federal Court all the time and he said that they always nicknamed Judge

Bohannon, Bo-Bo a go-go.

John: Yeah, he was a character!

Chris: I'm just going to read a couple of sentences off of Mr. Nelson's stuff here. It says, "Unscheduled meeting with FBI. FBI appears to threaten trustee or employees." And then the next entry is the conference that y'all had together apparently. It says, "Conference with attorney John Mashburn re: strategy and claim with debtor's attorney. FBI comments which appear to be veiled, possible threats if pursuing Qualicare payment issues." And then it says, "Discussion about a harsher threat to healthcare billing services employees." So they were really pushing hard when they came into his office.

John: I remember having that meeting, but, like I said, I don't have any memory of what directly or??

Chris: Would it be fair to say that Mr. Nelson was pretty concerned about that?

John: Yeah, he was concerned.

Chris: They were threatening and intimidating is what he said. When we first came across it, we thought, well, that's not. Those words are not used very lightly, especially by an attorney, but, uh.

John: Yeah, but I really, again, it's been so long ago that I just don't have an independent recollection of those events; it's just been so long ago.

Chris: Right, right. You weren't really involved first-hand, anyway.

John: Like I said, I was only involved on the litigation end of it and I just remember working on the brief and being disappointed by the ruling by the Judge and that's really the extent of my involvement.

Chris: OK. When you say Rob, that is Lyle Nelson, correct?

John: Yeah, I've always called him Rob.

Chris: Do you think it would be fair to say that Mr. Nelson was intimidated then with your dealings? Scared, for lack of a better word.

John: I know he was not happy about it. I don't think he is the kind of person who gets intimidated very easily; I know he was very unhappy about it. I mean it, he took it seriously.

Chris: You don't really have a choice when they are harassing you like that.

John: I don't know that we changed our course. I'd have to talk to Rob about that. Rob would remember better than I did if we really changed our course.

Chris: Do you recall specifically what employees, per chance, when it speaks about the Trustee; which would be Mr. Nelson, or employees? Do you remember any specific employees that would have been a target of that?

John: No, no I don't.

Chris: Did you ever meet with the Healthcare Billing Solutions people?

John: I don't specifically remember; I mean, I may have met with them once or twice, but I really don't, I don't think I did. I think Rob Nelson had those meetings.

Chris: Well, thank you very much. I really appreciate you returning that phone call. Thank you, sir.

Joe: All right, that was all the conversation with John Mashburn. I'm now shutting it down.