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UNITED STATES GRAND JURY  
DISTRICT OF NEW JERSEY  
FILE NO. 2005R00157

ORIGINAL

1 UNITED STATES OF AMERICA,  
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Testimony of:  
MARC HESS

6 vs.

7 JOHN DOE,

8 Defendant.

9 -----x  
Clarkson S. Fisher Courthouse  
402 East State Street  
Grand Jury Room  
10 Trenton, New Jersey  
11 Thursday, August 24, 2006

12 A P P E A R A N C E S:

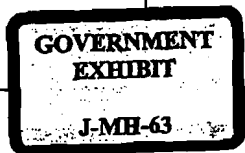
13 For the United States  
14 of America

15 EUGENIA COWLES,  
Assistant United States Attorney

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17  
18 Reported by:

19 KATHLEEN F. SIGLE, C.S.R.  
20

21  
22 REPORTING SERVICES ARRANGED THROUGH  
23 VERITEXT/NEW JERSEY REPORTING COMPANY  
24 25B Vreeland Road  
Suite 301  
Florham Park, New Jersey 07932  
25 Tel: (973) 410-4040 Fax: (973) 410-1313



1 what Dr. Poet charged patients for treatment with Botox  
2 during 2004?

3 A Yes, I have information about that.

4 Q And about how much did he charge them?

5 A Between 400 to 700 per visit.

6 Q And when he treated someone during one  
7 visit with there injections at multiple sites within the  
8 face?

9 A Yes.

10 Q What did Dr. Poet charge patients for  
11 treatment with a TRI product during that same time  
12 period?

13 A The same price range.

14 Q Now, TRI shipped its product to doctors  
15 across the country, is that correct?

16 A Correct.

17 Q And that included a doctor in Florida?

18 A Yes.

19 Q Through your investigation have you learned  
20 that four people, a doctor and three of his patients  
21 were seriously injured by injections with the TRI  
22 product in Florida?

23 A Yes.

24 Q Have you also interviewed members of  
25 Dr. Poet's staff, specifically Laurie Toth and Heather

1 Gifford about what they heard of the Florida incident?

2 A Yes.

3 Q Did both Toth and Gifford indicate when  
4 they discussed the Florida incident at the office  
5 Dr. Poet explained that the product causing problems in  
6 Florida was not from TRI?

7 A Yes.

8 Q Did Dr. Poet further tell them that the  
9 problems were really caused by the Florida doctor's  
10 failure to correctly reconstitute the product?

11 A Yes.

12 Q Did you receive records pursuant to the  
13 search of the TRI's office in Arizona?

14 A Yes.

15 Q Did those records include invoice and  
16 shipping records made to Dr. Poet?

17 A They did.

18 Q Did you also receive records from United  
19 Parcel Service or UPS showing shipments from TRI to  
20 Dr. Poet?

21 A Yes.

22 Q Did you further review the records of  
23 Dr. Poet's personal Master Card account to identify  
24 payments from Dr. Poet to TRI?

25 A Yes.