

Transcript of the Testimony of  
**Sebastian Lattuga, M.D.**

**Date:** January 27, 2017

**Case:** Jose Bauta v. Greyhound Lines, Inc., et al.



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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF THE STATE OF NEW YORK

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JOSE BAUTA,

Plaintiff,

-against-

GREYHOUND LINES, INC., SABRINA ANDERSON,  
AKOS GUBICA, KAROLY GUBICA, CAV ENTERPRISE,  
LLC, FIRSTGROUP AMERICA, INC.  
and FIRSTGROUP PLC,

Defendants.

Docket No. 14-3725(FB)(RER)

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150 East 58th Street  
New York, New York

January 27, 2017  
10:33 a.m.

DEPOSITION of SEBASTIAN LATTUGA,  
M.D., taken pursuant to Notice, before Toni  
Freeman Greene, a Notary Public of the State of  
New York.

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----- I N D E X -----

WITNESS	EXAMINATION BY	PAGE
SEBASTIAN LATTUGA, M.D.	MR. BARMEN	5

----- E X H I B I T S -----

DEFENDANT	DESCRIPTION	FOR I.D.
Exhibit 1	Draft Narrative Report	5
Exhibit 2	Medical File for Jose Bauta	8

(EXHIBITS TO BE PRODUCED)

1 S E B A S T I A N L A T T U G A , M . D . ,  
2 the witness herein, having been first duly  
3 sworn by a Notary Public, was examined and  
4 testified as follows:

5 (Defendant's Exhibit No. 1,  
6 Draft Narrative Report, marked for  
7 identification as of this date.)

8 THE REPORTER: Would you state your  
9 full name, spell your last name and state  
10 your address for the record, please.

11 THE WITNESS: Sebastian Lattuga,  
12 M.D., 2001 Marcus Avenue, Lake Success,  
13 New York 11042.

14 EXAMINATION

15 BY MR. BARMEN:

16 Q. Good morning, Doctor. How are you  
17 today?

18 A. Good morning.

19 Q. As you know, my name is Bard Barmen.  
20 I'm one of the lawyers representing the  
21 Defendants, Greyhound Lines, Inc. and Sabrina  
22 Anderson, in a suit brought Jose Bauta pending  
23 in federal court here in Brooklyn.

24 We're here to take your deposition.  
25 I appreciate you making yourself available.

1                   A couple of general ground rules.

2       If I ask you a question that you don't  
3       understand or that's unclear for any reason,  
4       please let me know, okay?

5           A.     Yes, sir.

6           Q.     If you answer my question, I'm going  
7       to assume you understood it, I'm going to rely  
8       on the answer; is that fair?

9           A.     Yes, sir.

10          Q.     I'm not going to take any more of  
11       your time this morning than is necessary. It  
12       shouldn't be too long, but if at any point you  
13       need to take a break for any reason, just let  
14       me know and I'll accommodate you. Okay?

15          A.     Yes, sir.

16          Q.     I would just ask that if there is a  
17       question on the table you answer that question  
18       before we take a break. Okay?

19          A.     Yes, sir.

20          Q.     How many times have you been  
21       deposed, Doctor?

22          A.     In my career?

23          Q.     Yes.

24          A.     Including Workers' Compensation  
25       depositions?

1 Q. Sure.

2 A. More than 100.

3 Q. So, you know the drill.

4 A. I can't answer that question yes or  
5 no, I know the drill, but, yes, I've been  
6 deposed before. Yes, sir.

7 Q. Okay. We wanted to take your  
8 deposition because it's my understanding that  
9 you provided some treatment to Jose Bauta; is  
10 that correct?

11 A. Yeah. He was seen in my office by  
12 my partner and Drs. -- and I'm going to look  
13 through it and see if I actually saw the  
14 patient at all.

15 So, as far as I can tell, the  
16 patient was seen primarily by Dr. Cordiale,  
17 who's my partner, who's a spinal surgeon, and  
18 Dr. Mikelis, who's also a physician employed in  
19 my practice, and they primarily treated the  
20 patient.

21 The only record my name appears on  
22 is the narrative, which is where I do a  
23 summary. I did the summary of care for the  
24 practice, which included Dr. Mikelis's note and  
25 Dr. Cordiale's note. And that was provided as



1 part of the documents of the care and treatment  
2 for the patient.

3 Q. Right. And the narrative you've  
4 provided is what I've marked as Exhibit 1,  
5 correct?

6 A. Correct.

7 Q. I'd like your file marked as  
8 Exhibit 2.

9 (Defendant's Exhibit No. 2,  
10 Medical File for Jose Bauta, marked for  
11 identification as of this date.)

12 (Off-the-record discussion held.)

13 Q. Did you ever actually treat, provide  
14 any medical care or treatment, to Jose Bauta,  
15 you personally?

16 A. No.

17 Q. Have you ever met Mr. Bauta?

18 A. I don't believe so. No.

19 Q. You were at one point retained as an  
20 expert witness and asked to provide a narrative  
21 report, correct?

22 A. Yes.

23 Q. When other physicians in your  
24 practice, any of your partners, treat somebody  
25 who's not in litigation, do you prepare a

1 narrative report for those patients?

2 A. I mean, I can't answer that question  
3 yes or no, but what I can say is that, from  
4 time to time people ask me to opine on the care  
5 of the patient within my practice and we call  
6 that a narrative. That's what we call a  
7 narrative.

8 Q. Who asked you to opine on Mr. Bauta  
9 in this case?

10 A. I don't recall and I don't have any  
11 records of it, but obviously a narrative was  
12 prepared for someone. Most likely it would be  
13 the representative of the patient, the patient  
14 or the patient representative.

15 Q. Well, I saw some indication in your  
16 file that you had knowledge that Mr. Bauta was  
17 represented by Mr. McElfish and his law firm.

18 A. We keep such records. Yes.

19 Q. And I also note from records  
20 produced that you had some correspondence with  
21 Mr. McElfish's office, where you transmitted  
22 your fee schedule, among other things.

23 A. That's usually the case.

24 Q. Were you retained as an expert  
25 witness on behalf of Mr. Bauta in this case?

1           A.    Again, I can't answer it yes or no.  
2   Generally we receive a fee for preparing the  
3   narrative.

4           Q.    What's the normal fee for the  
5   narrative?

6           A.    It's \$1200.  And so, I was asked to  
7   prepare a narrative, I'm assuming, and I don't  
8   have an independent recollection of whether I  
9   have the record or whether received the money,  
10   but I'm assuming I did, that I did receive the  
11   money, and I prepared a narrative report, which  
12   is a summary of the care and treatment of the  
13   patient while in my practice.

14          Q.    You were never Mr. Bauta's treater,  
15   fair?

16          A.    Yes.

17          Q.    Yes, that's fair or --

18          A.    No.  Yes, that's correct.

19          Q.    You are no longer an expert in this  
20   case, correct?

21               MR. McELFISH:  Objection.  Misstates  
22   facts in evidence.  You may answer.

23          Q.    Let me try and ask it a different  
24   way.

25               You were told just this morning by

1 Mr. McElfish that he de-designated you as an  
2 expert in this case, right?

3 MR. McELFISH: Well, objection to  
4 that; it's not accurately stated. I  
5 indicated that he designated him as a  
6 retained expert, but he remains a  
7 non-retained expert.

8 MR. BARMEN: What is a non-retained  
9 expert treating doctor? He just  
10 testified he never treated this guy.

11 MR. McELFISH: But his practice did.  
12 So, he, as the owner of the practice, is  
13 still a non-retained expert or treating  
14 doctor for purposes of the trial.

15 And he may come in and testify as to  
16 what his practice did, just in terms of  
17 treatment, but may not offer expert  
18 opinions about what other doctors may  
19 have --

20 MR. BARMEN: So, he's going to come  
21 in on hearsay and a testify to what other  
22 people did --

23 MR. McELFISH: It's not hearsay if  
24 it's his practice.

25 MR. BARMEN: If he learns of it

1 through other people, of course it's  
2 hearsay.

3 MR. McELFISH: I told you yesterday  
4 or the day before, I'm not getting into  
5 it with you. I just made my objection.  
6 Go ahead and ask whatever you want.

7 MR. BARMEN: Well, no. We need to  
8 have this discussion and we need to  
9 have --

10 MR. McELFISH: Why do we need to  
11 have anything?

12 MR. BARMEN: Because it's going to  
13 be the subject of a motion. Because you  
14 represented to us that this man was a  
15 treating physician, he has now made it  
16 very clear on the record that he was  
17 never a treater of this patient.

18 So, I'm trying to figure out what  
19 his status is in terms of whether or not  
20 he's an appropriate witness in the case.  
21 And I think it's a legitimate discussion  
22 to have.

23 MR. McELFISH: You lost my help.  
24 Sorry.

25 MR. BARMEN: I'm not asking for your

1 help.

2 MR. McELFISH: I have nothing to say  
3 to you. Good luck.

4 MR. BARMEN: Because you have no  
5 answer.

6 MR. McELFISH: No. I have plenty,  
7 but I don't --

8 MR. BARMEN: I know --

9 MR. McELFISH: I think you said it  
10 to me the other day, I don't owe you  
11 anything.

12 MR. BARMEN: You don't owe me  
13 anything --

14 MR. McELFISH: I'm done.

15 MR. BARMEN: -- but you had  
16 represented, number one, he was an  
17 expert, and then you withdrew him,  
18 essentially because you didn't want to  
19 pay his fees, and then you told us you  
20 did that because he was a treater and  
21 he's not.

22 So, I'm just trying to figure out  
23 what the status is. Because, obviously  
24 we've got to take this up with the Judge.

25 MR. McELFISH: Figure it out.

1 MR. BARMEN: You don't know  
2 yourself?

3 MR. McELFISH: Figure it out. I'm  
4 not going to be insulted by you for the  
5 third day in a row.

6 MR. BARMEN: How have I insulted you  
7 by asking --

8 MR. McELFISH: Brad, I'm not  
9 answering your questions and I'm not  
10 going to be insulted by you. Good  
11 luck --

12 MR. BARMEN: How have I insulted  
13 you?

14 MR. McELFISH: -- and enjoy.

15 Listen, buddy, whatever you want to  
16 do, do it. It's your witness, it's your  
17 subpoena --

18 MR. BARMEN: Based on your  
19 representation -- keep the record  
20 going -- that he was a treater.

21 So, you misrepresented that,  
22 clearly. Either you were unaware, which  
23 wouldn't surprise me, or you  
24 misrepresented it.

25 We've now come here at significant

1 expense. He's now testified he never  
2 treated this guy, never met him.

3 MR. McELFISH: Harold. Harold.  
4 Tell him to be quiet, can you? I'm not  
5 going to sit here and listen to this  
6 nonsense.

7 MR. BARMEN: Then leave.

8 MR. McELFISH: I have to be here,  
9 but I don't have to take your insults.

10 MR. BARMEN: How have I insulted you  
11 this morning?

12 MR. McELFISH: Your pure presence is  
13 insulting to begin with --

14 THE WITNESS: I have to object as a  
15 witness. I don't see how this is  
16 relevant to a deposition in which I've --  
17 I'm here for a deposition, I'm here to  
18 respond to questions about my care and  
19 treatment.

20 But I don't believe that there  
21 should be an on-the-record argument  
22 between counsel about my status as a  
23 witness. That has to occur off the  
24 record in front of a judge and not in  
25 front of the witness and not wasting my



1 time.

2 MR. BARMEN: If there had been any  
3 care and treatment provided by you, I'd  
4 agree with what you just said.

5 (Off-the-record discussion held.)

6 (Recess taken.)

7 MR. McELFISH: There was a  
8 discussion on the record to which I did  
9 not respond and then there was an  
10 off-the-record discussion that was had  
11 among counsel regarding Dr. Lattuga and  
12 his testimony.

13 There's a couple things that, at  
14 this point, before Mr. Barmen continues,  
15 I'd like to make clear.

16 Number one, the Defense has been  
17 told verbally for a long, long time that  
18 Mr. Lattuga was going to be de-designated  
19 as a retained expert witness.

20 And in fact, a month ago or so-ish,  
21 there was an actual de-designation served  
22 on the Defense for Dr. Lattuga, mainly --  
23 as I told counsel, it's no secret -- so  
24 that there's an objective retained  
25 medical expert in the case rather than

1 Dr. Lattuga testifying, number one.

2 Number two, Dr. Lattuga has reports  
3 about whether or not he treated  
4 Mr. Bauta, and to my knowledge I was only  
5 informed of Dr. Lattuga's involvement  
6 based on what is in his reports. I had  
7 no independent discussions with  
8 Dr. Lattuga about his involvement.

9 His office -- New York Spine, is  
10 it -- was involved in Mr. Bauta's  
11 treatment without my involvement for  
12 awhile, and so, the de-designation  
13 specifically indicated that Dr. Lattuga  
14 would not any longer be a retained  
15 medical expert, but I would reserve our  
16 rights, as the Plaintiff, to call him as  
17 a non-retained expert, which means as a  
18 treating doctor, to the extent he has  
19 knowledge of that or to the extent he  
20 actually performed any treatments or had  
21 any involvement. If he did not, he did  
22 not. That would be a different issue.

23 So, there's been no  
24 misrepresentations on my part.

25 And lastly, I certainly spoke to

1 Mr. Barmen and Mr. Moroknek a number of  
2 times saying that I would not recommend  
3 deposing Dr. Lattuga for this exact  
4 reason, that I don't know the extent of  
5 his involvement, he was not a retained  
6 expert, and I did not -- I could not say  
7 to any degree of certainly how much, if  
8 any, treatment he actually was, himself,  
9 involved.

10 So, with that said, Mr. Barmen, if  
11 there's any response, please go ahead  
12 and, to the extent you're ready to  
13 question the Witness, please do.

14 MR. BARMEN: Thank you, Counsel.  
15 And I do have to respond to a few things  
16 that were said.

17 Yes. I did have discussions with  
18 Mr. McElfish more than once about whether  
19 or not we really wanted to take  
20 Dr. Lattuga's deposition.

21 But, it was never represented to me  
22 at any point in time, on the phone or in  
23 writing or anywhere else, that  
24 Mr. McElfish did not understand or have  
25 fully grasped the extent of Dr. Lattuga's

1 involvement or lack thereof in  
2 Mr. Bauta's care.

3 The only thing I was ever told about  
4 why I might not want to depose  
5 Dr. Lattuga is simply because he's  
6 expensive.

7 It has been represented to us  
8 multiple times that Dr. Lattuga was a  
9 treater. In Dr. Lattuga's report that is  
10 marked as Exhibit 1 on what is Bates  
11 number page 659, in one of the paragraphs  
12 it says, and I quote:

13 "I have treated Jose Bauta from  
14 November 17th, 2014 through the present  
15 time."

16 And that's not the only place those  
17 representations were made in the report.

18 So, based on the report and what we  
19 were told by Counsel, first as a retained  
20 expert and then now as a treater,  
21 certainly we had no reason to believe  
22 that there were any issues whether or not  
23 Dr. Lattuga actually treated Mr. Bauta.

24 We now know from Dr. Lattuga's own  
25 testimony, not only did he never treat

1 Mr. Bauta, he's never met Mr. Bauta.

2 So, you know, I honestly don't know  
3 where this leaves us, but -- go ahead.

4 MR. McELFISH: Before you continue  
5 with the questions, though -- and I do  
6 believe, because I don't trust that there  
7 will not be a motion of some kind made by  
8 your office, and because you think there  
9 will be or you're threatening me that  
10 there will be --

11 MR. BARMEN: I'm not threatening you  
12 at all.

13 MR. McELFISH: Let me finish. I  
14 didn't interrupt you. I do want to  
15 continue to complete this record.

16 Number one, I did not represent to  
17 you that you should not depose him simply  
18 because he was expensive. I indicated to  
19 you that you should not depose him  
20 because he was expensive and because he's  
21 not a retained expert.

22 I would certainly understand your  
23 interest and willingness to depose a  
24 gentleman if he's a retained expert and  
25 he's expensive.

1 But, because he's no longer a  
2 retained expert and I intended for him  
3 not to be for a long, long time, that,  
4 considering that status as a non-retained  
5 expert, that his fees did not justify the  
6 deposition. And I made that clear to  
7 counsel many, many, many times.

8 Now, with respect to his status as  
9 to whether or not he treated Mr. Bauta,  
10 there's no debate in the record as to  
11 whether or not Dr. Lattuga's medical  
12 practice treated Mr. Bauta. In fact, a  
13 number of doctors treated and operated on  
14 Mr. Bauta.

15 To the extent Dr. Lattuga himself  
16 personally examined and/or treated  
17 Mr. Bauta, I am not that involved in  
18 the -- I'm not involved at all in  
19 Mr. Bauta's treatment.

20 Once there was a referral from  
21 whoever it was to Dr. Lattuga's office, I  
22 was not involved in the daily medical  
23 activities, if you will, of Dr. Lattuga.

24 So, leading up until these  
25 depositions, I would assume you had the

1 record, I would assume you subpoenaed the  
2 chart, if there were any, and saw  
3 whatever it was that was in the chart.

4 Now, if there's just a report there  
5 and it does indicate that he treated,  
6 that's from Dr. Lattuga, that's not from  
7 me.

8 And it's not for me to tell  
9 Dr. Lattuga to say that he treated or to  
10 say that he treated. It's not up to me.  
11 I didn't even know.

12 So, with that, there's been no  
13 misrepresentations. You had his chart.  
14 To the extent Dr. Lattuga did not do what  
15 is in his report, that's a different  
16 issue.

17 There's certainly no reason for you  
18 to blame me for some sort of  
19 misrepresentation, because I didn't know  
20 anything more than what's in the report.

21 So, with that we can continue with  
22 the questions, you can bring whatever  
23 motion you want and we'll go from there.

24 MR. BARMEN: Okay. Doctor, I don't  
25 have any other questions for you. I

1 appreciate your time.

2 MR. McELFISH: I have no questions.

3 MR. BARMEN: Thank you, gentlemen.

4 I'm going to continue on the record.

5 You're done, Doctor. I appreciate it.

6 We are going to be bringing a motion  
7 on this issue depending on where the  
8 Court comes down on it.

9 We do reserve the right to call  
10 Dr. Lattuga again and I know at some  
11 point we may have to come back to get  
12 Dr. Cordiale because of the mix-up  
13 yesterday.

14 So, if that becomes necessary, we'll  
15 work with the scheduling to make it as --

16 MR. McELFISH: Well, hold on,  
17 Dr. Lattuga. Don't go anywhere.

18 Sorry, Mr. Barmen.

19 MR. BARMEN: To minimize the  
20 inconvenience on everyone as much as  
21 possible.

22 MR. McELFISH: So -- and I think,  
23 you know, what lawyers say on the records  
24 at depositions usually doesn't matter.  
25 But, in this case it does matter, given



1           this empty thread for a frivolous motion  
2           from the standpoint --

3                 Note that Mr. Barmen is laughing at  
4           me, which he's been doing all morning.  
5           And so, make sure that's in the record,  
6           please.

7                 While Dr. Lattuga is here, I do want  
8           to encourage Mr. Barmen and Mr. Moroknek,  
9           who is present in the room, to take  
10          Dr. Lattuga's deposition.

11                If there is any claim in any motion  
12          that they are not responsible for his  
13          fees or they did not have an opportunity  
14          to depose this gentleman, let the record  
15          be clear that Mr. Barmen is standing here  
16          and Mr. Moroknek is here and Dr. Lattuga  
17          is sitting here.

18                And he is available and has made  
19          himself available this morning to be  
20          deposed on any issue or any matter in  
21          this case. He's got his full file here.

22                So, there's no reason why he can't  
23          be deposed and there's certainly no  
24          reason why he should be brought back  
25          again.

1           So, with that -- I'm done with that.

2           Now, with respect to Dr. Cordiale,  
3           to the extent there was a scheduling  
4           mix-up, if Mr. Barmen seeks to resolve  
5           that scheduling issue, we stand ready to  
6           be flexible with you to be available  
7           while I'm in New York, at least, and  
8           potentially even while I'm not in  
9           New York, perhaps, so that his deposition  
10          can be taken.

11          Because, it is clear from the chart  
12          that he did operate on Mr. Bauta and he  
13          was deeply involved in his care.

14          So, if there's anything else to be  
15          said, Dr. Lattuga has not left, he is  
16          here.

17          And sir, are you willing to be  
18          deposed on any issue in this case while  
19          you are here today?

20          THE WITNESS: Of course. I'm here.  
21          I'm sitting and I'm ready to be deposed.

22          MR. McELFISH: And you have produced  
23          all of your file materials and they are  
24          marked as an exhibit?

25          THE WITNESS: Yes.

1 MR. McELFISH: All right. And so,  
2 we are here, we're ready to go.

3 Mr. Barmen, if you intend to  
4 terminate this deposition, please let us  
5 know.

6 MR. BARMEN: We agreed to come here  
7 and depose Dr. Lattuga based on  
8 representations that he was a treating  
9 physician.

10 It has become clear, five minutes  
11 into the deposition, that he was never  
12 Mr. Bauta's treating physician.

13 Since he's not a treater and he's  
14 been de-designated as an expert, there is  
15 no reason to continue this deposition at  
16 this time.

17 In terms of payment, we agreed to  
18 pay the treaters. Again, he's not a  
19 treater.

20 So, as far as that goes, I don't  
21 know where it leaves us. We'll take it  
22 all up with the Judge and we'll comply  
23 with the Judge's direction.

24 MR. McELFISH: Well, I guess what  
25 I'm trying to get clear, in the event

1           that occurs, is that, I understand your  
2           position that, if he did not treat  
3           Mr. Bauta notwithstanding his reports,  
4           that you don't have any further questions  
5           of this witness. I understand.

6           But, what -- I'm not going to ask  
7           you a question, but I don't understand  
8           the basis for why you would need to bring  
9           him back when the gentleman is here, he's  
10          ready to be deposed, he's bored, he is  
11          ready to be questioned.

12          So, I don't see any reason why you  
13          would have a basis to bring the man back.  
14          That's a different issue.

15          If you want to argue about his fees  
16          and whether or not you were misled into  
17          paying him and whatever it is, that's a  
18          different issue.

19          But, it certainly wasn't my  
20          misleading. I only produced the chart, I  
21          de-designated him weeks ago, and I told  
22          your office many times you have no need  
23          or reason to depose the man and you guys  
24          insisted. So, I don't know what else to  
25          say.

1 MR. BARMEN: I'm sorry. You  
2 represented to both me and Harold,  
3 Mr. Moroknek, on multiple occasion that  
4 you were going to bring him in as a  
5 treater.

6 MR. McELFISH: Well, I said  
7 potentially.

8 MR. BARMEN: That's why we decided  
9 to take his deposition. And it became  
10 clear he's not a treater.

11 So, we're going to proceed the way  
12 I've indicated, you can oppose our  
13 motion --

14 MR. McELFISH: I will. But, that's  
15 not actually what happened. What  
16 happened was -- hold on. The record's  
17 not -- you can walk out if you want.

18 MR. BARMEN: Make your record. Go  
19 ahead.

20 MR. McELFISH: Okay. But, what  
21 actually happened is -- and I put it in  
22 writing, it's in the de-designation  
23 itself -- the Plaintiff's lawyers in this  
24 case have reserved their rights to call  
25 Dr. Lattuga as a treater in this case,

1 but that only presumes that he is, in  
2 fact, one.

3 I didn't know any more about whether  
4 he was a treater than you do. Because,  
5 again, he's only a doctor whose medical  
6 practice treated Mr. Bauta.

7 So, we reserved our rights. We  
8 never at any time told you for sure that  
9 Dr. Lattuga would, in fact, be a trial  
10 witness. I indicated in several court  
11 filings that he may be, but I didn't  
12 know.

13 And that's all I have to say about  
14 it. I don't like the accusations, I  
15 certainly would never mislead anybody  
16 and -- notwithstanding the acrimony  
17 that's arisen between myself and  
18 Mr. Barmen, I would never mislead anybody  
19 into paying an expert or having an expert  
20 appear that didn't have anything to do  
21 with the case.

22 So, what's in his file is what it  
23 is. I didn't have anything to do with  
24 it.

25 Are we done, Mr. Barmen?

1 MR. BARMEN: Yeah. I'm done.

2 MR. McELFISH: All right. He's got  
3 nothing else, we can now close the  
4 record.

5 (Off-the-record discussion held.)

6 MR. McELFISH: Mr. Moroknek, do you  
7 have anything further to add on the  
8 record?

9 MR. MOROKNEK: I got nothing.

10 MR. McELFISH: Mr. Barmen?

11 MR. BARMEN: No.

12 MR. McELFISH: Dr. Lattuga, you're  
13 free to go. Thank you very much for your  
14 time today.

15 (Time noted: 11:26 a.m.)

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A C K N O W L E D G M E N T

STATE OF )  
:  
COUNTY OF )

I, SEBASTIAN LATTUGA, M.D., hereby  
certify that I have read the transcript of my  
testimony taken under oath in my deposition of  
January 27, 2017; that the transcript is a  
true, complete and correct record of my  
testimony, and that the answers on the record  
as given by me are true and correct.

\_\_\_\_\_  
SEBASTIAN LATTUGA, M.D.

Signed and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_



C E R T I F I C A T E

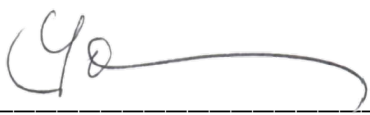
STATE OF NEW YORK       )  
                                      : ss  
COUNTY OF NEW YORK     )

I, TONI FREEMAN GREENE, a Notary  
Public within and for the State of New York, do  
hereby certify:

That SEBASTIAN LATTUGA, M.D., the  
witness whose deposition is hereinbefore set  
forth, was duly sworn by me and that such  
deposition is a true record of the testimony  
given by such witness.

I further certify that I am not  
related to any of the parties to this action by  
blood or marriage and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand this 29th day of January, 2017.



TONI FREEMAN GREENE

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