

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

-----X  
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)

-----X  
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.

**Sebastian Lattuga, M.D.**

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

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

4

5

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

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

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12 (EXHIBITS TO BE PRODUCED)

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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.)

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.

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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?

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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

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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 market 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

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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?

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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

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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

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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

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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.

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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

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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.

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

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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

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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

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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. Lattuqa's

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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

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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.

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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

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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

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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

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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.

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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.

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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

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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.

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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,

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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?

**Sebastian Lattuga, M.D.**

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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.)

16

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18

19

20

21

22

23

24

25

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

2

3 STATE OF )

4 :ss

5 COUNTY OF )

6

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

14

15

16

17 SEBASTIAN LATTUGA, M.D.

18

19 Signed and subscribed to before me

20 this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

21

22 \_\_\_\_\_

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

24

25

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1

C E R T I F I C A T E

2

3 STATE OF NEW YORK )

4

: ss

5

COUNTY OF NEW YORK )

6

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

10

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.

15

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.

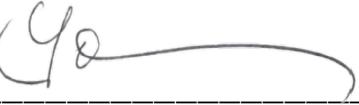
19

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

21

22

23

  
\_\_\_\_\_  
TONI FREEMAN GREENE

25

<p style="text-align: center;"><b>A</b></p> <p><b>a.m</b> 1:14 30:15</p> <p><b>accommodate</b> 6:14</p> <p><b>accurately</b> 11:4</p> <p><b>accusations</b> 29:14</p> <p><b>acrimony</b> 29:16</p> <p><b>action</b> 32:16</p> <p><b>activities</b> 21:23</p> <p><b>actual</b> 16:21</p> <p><b>add</b> 30:7</p> <p><b>address</b> 5:10</p> <p><b>against-</b> 1:5</p> <p><b>ago</b> 16:20 27:21</p> <p><b>agree</b> 16:4</p> <p><b>agreed</b> 26:6,17</p> <p><b>ahead</b> 12:6 18:11 20:3 28:19</p> <p><b>AKOS</b> 1:6</p> <p><b>AMERICA</b> 1:7</p> <p><b>and/or</b> 21:16</p> <p><b>Anderson</b> 1:6 2:13 5:22</p> <p><b>answer</b> 6:6,8,17 7:4 9:2 10:1,22 13:5</p> <p><b>answering</b> 14:9</p> <p><b>answers</b> 31:12</p> <p><b>anybody</b> 29:15 29:18</p> <p><b>appear</b> 29:20</p> <p><b>appears</b> 7:21</p> <p><b>appreciate</b> 5:25 23:1,5</p> <p><b>appropriate</b> 12:20</p> <p><b>argue</b> 27:15</p> <p><b>argument</b> 15:21</p> <p><b>arisen</b> 29:17</p> <p><b>asked</b> 8:20 9:8 10:6</p> <p><b>asking</b> 12:25 14:7</p>	<p><b>assume</b> 6:7 21:25 22:1</p> <p><b>assuming</b> 10:7 10:10</p> <p><b>Attorneys</b> 2:4,12 3:4</p> <p><b>available</b> 5:25 24:18,19 25:6</p> <p><b>Avenue</b> 3:5 5:12</p> <p><b>awhile</b> 17:12</p>	<p>21:19 26:12</p> <p><b>behalf</b> 9:25</p> <p><b>believe</b> 8:18 15:20 19:21 20:6</p> <p><b>BISGAARD</b> 2:11</p> <p><b>blame</b> 22:18</p> <p><b>blood</b> 32:17</p> <p><b>bored</b> 27:10</p> <p><b>Brad</b> 2:17 14:8</p> <p><b>Brad.Barmen...</b> 2:19</p> <p><b>break</b> 6:13,18</p> <p><b>bring</b> 22:22 27:8 27:13 28:4</p> <p><b>bringing</b> 23:6</p> <p><b>BRISBOIS</b> 2:11</p> <p><b>Brook</b> 3:7</p> <p><b>Brooklyn</b> 5:23</p> <p><b>brought</b> 5:22 24:24</p> <p><b>buddy</b> 14:15</p>	<p>20:22 22:17 24:23 27:19 29:15</p> <p><b>certify</b> 31:8 32:9 32:15</p> <p><b>chart</b> 22:2,3,13 25:11 27:20</p> <p><b>claim</b> 24:11</p> <p><b>clear</b> 12:16 16:15 21:6 24:15 25:11 26:10,25 28:10</p> <p><b>clearly</b> 14:22</p> <p><b>Cleveland</b> 2:16</p> <p><b>close</b> 30:3</p> <p><b>COLEMAN</b> 3:3</p> <p><b>come</b> 11:15,20 14:25 23:11 26:6</p> <p><b>comes</b> 23:8</p> <p><b>Compensation</b> 6:24</p> <p><b>complete</b> 20:15 31:11</p>	<p><b>course</b> 12:1 25:20</p> <p><b>court</b> 1:1 5:23 23:8 29:10</p>
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