

Lexis® Context Report

Harold Bialsky D.C.,M.A.,C.R.C.,C.L.C.P.,C.B.I.S.

Vocational Counseling, Life Care Planning, Chiropractic Medicine, Brain Injuries

User Name:

Jasen Abrahamsen

Date and Time:

Mar 5, 2025 22:47

Job Number:

246992061

2024 DAUBTR LEXIS 28953

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

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Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Owens v. NCAA

Citation: [2022 U.S. Dist. LEXIS 133354](#)

Docket Number: 1:11cv6816

Area of Law: Personal Injury and Torts

Jurisdiction: Federal

Court: United States District Court for the Northern
District of Illinois, Eastern Division

Counsel: Daniel J. Kurowski, Christopher John Schmidt

Judges: Steven C. Seeger

Disposition: Motion to exclude denied.

Retained by: plaintiff

Case Summary: According to the decision dated July 27, 2022, it was stated that The NCAA first asserts that Balsky is not qualified because he is not a medical doctor. But Balsky is not providing a medical opinion. Instead, he relies on Dr. Cantu's diagnosis and his opinion that Solomon's cognitive, behavioral, and emotional deficits are likely to be permanent. Balsky also factors in Dr. Cantu's conclusion that Solomon's cognitive impairments will likely worsen to the point that he will require daily living assistance. As noted above, an expert can rely upon the opinions of other disclosed experts when conducting their own analysis. It was further stated that Next, the NCAA argues that Balsky's methodology is unreliable because he did not examine each and every one of Solomon's medical records. But the NCAA fails to point out any particular medical record that it thinks would have made a difference. And to the extent it can point to any, the NCAA may raise it on cross-examination. The Court denied the motion.

Ground(s) of Challenge: Others

2024 DAUBTR LEXIS 26651

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: MICHAEL NOWELL et al V. HAVERSTRAW HUDSON LLC et al

Citation: Not Applicable

Docket Number: 031636/2022

Area of Law: Personal Injury and Torts

Jurisdiction: State

Court: New York State, Rockland County, Supreme Court

Counsel: Alan M. Greenberg, DANIEL E O'NEILL

Judges: Keith Cornell

Disposition: Opinion cited in opposition to the motion for summary judgment; outcome unknown.

Case Summary: Balsky was mentioned as an expert in this case. Plaintiff cited expert Balsky's opinion in opposition to Defendant's motion for summary judgment. The outcome of the motion for summary judgment is unknown.

Ground(s) of Challenge: Others

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2024 DAUBTR LEXIS 21349

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

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Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

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Case Name: LEONARD BUSACCO V. HUNTS POINT
HOUSING DEVELOPMENT FUND CORPORATION et
al

Citation: Not Applicable

Docket Number: 304994/2015E

Area of Law: Negligence and Malpractice

Jurisdiction: State

Court: New York State, Bronx County, Supreme Court

Counsel: FRANK J. LOMBARDO, ANTHONY
BROCCOLO

Judges: Mitchell J. Danziger

Disposition: Testimony criticized; outcome unknown.

Retained by: plaintiff

Case Summary: According to AFFIRMATION IN REPLY it was stated that To the extent this Court overlooks the multiple fatal procedural defects rendering the unsworn report of Mr. Balsky, the report substantively fails to establish that Plaintiff is unemployable in any capacity pursuant to the Rubeis, supra standard. It was further stated that A plain reading thereof indicates that Balsky is not declaring Plaintiff unemployable for physical reasons but simply because he allegedly lacks computer skills sufficient to qualify him for a desk job. Even assuming this to be accurate, such conclusion necessarily does not find Plaintiff to be unemployable in any capacity as required, but merely states that, without expanding his skill set, his prospects in obtaining a desk job are unlikely. This is simply insufficient to constitute a grave injury under the Rubeis, supra, Court's standard of unemployability in any capacity. The outcome of the criticism is unknown.

Ground(s) of Challenge: Others

2024 DAUBTR LEXIS 21272

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: Alvin Green V. Flock Free Bird Control Systems and Services LLC et al

Docket Number: 709940/2016

Area of Law: Negligence and Malpractice

Jurisdiction: State

Court: New York State, Queens County, Supreme Court

Counsel: JOEL H. ROBINSON, MICHAEL SCOTT GOLDENBERG

Judges: Phillip Hom

Disposition: Testimony criticized; outcome unknown.

Case Summary: The outcome of the criticism regarding expert Balsky's testimony is unknown.

Ground(s) of Challenge: Others

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2024 DAUBTR LEXIS 21258

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Baldwin Et Al V. Geria Et Al

Citation: Not Mentioned

Docket Number: 1:19cv20894

Area of Law: Negligence and Malpractice

Jurisdiction: Federal

Court: US District Court for the District of New Jersey

Counsel: EMILY APRIL MCDONOUGH, BEN
KURUVILLA

Judges: Ann Marie Donio, Christine P. O'Hearn

Disposition: Expert report cited in opposition to motion
to dismiss; motion granted in part and denied in part.

Case Summary: Plaintiff cited expert Balsky's report in
opposition to Defendant's motion to dismiss. The motion
was granted in part and denied in part by the Court.

Ground(s) of Challenge: Others

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2024 DAUBTR LEXIS 21170

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: Rosario Lardiere V. SITE 6 DSA OWNER LLC et al

Citation: Not Applicable

Docket Number: 153260/2018

Area of Law: Personal Injury and Torts

Jurisdiction: State

Court: New York State, New York County, Supreme Court

Counsel: THOMAS GEARON, MARTIN B. ADAMS

Judges: Arlene P. Bluth

Disposition: Testimony criticized; outcome unknown.

Retained by: plaintiff

Case Summary: According to RESPONSE TO NOTICE OF EXPERT WITNESS EXCHANGE PURSUANT TO CPLR 3101(d) it was stated that On pages 12 through 18 of Dr. Balsky's report, there is no medical summary. As such, it is unclear which medical records were reviewed and if physician reports or deposition testimony were relied upon. Additionally, Dr. Balsky did not document any rationale and / or foundation for the inclusion of recommended services, into the Life Care Plan. The outcome of the criticism is unknown.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 2446

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: PEREZ, JESUS V. CARPINTERO,
ARMANDO FERNANDEZ et al

Citation: ; Not Applicable

Docket Number: 2016-CA-011069

Area of Law: Negligence and Malpractice

Jurisdiction: State

Court: Florida State, Orange County, Ninth Circuit
Court

Counsel: KENNETH MCKENNA, RYAN SAWYER

Judges: Reginald K Whitehead

Disposition: Motion to exclude filed; outcome unknown.

Retained by: plaintiff

Case Summary: The outcome of Defendant's motion to
exclude Plaintiff's expert Balsky's testimony is
unknown.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 1194

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: ARRINGTON v. NCAA

Citation: ; [2021 U.S. DIST. CT. MOTIONS LEXIS 116782](#); [2022 U.S. Dist. LEXIS 133354](#)

Docket Number: 1:11cv6356

Area of Law: Personal Injury

Jurisdiction: Federal

Court: UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS

Counsel: Nicholas J. Styant-browne, LaKeisha C.
Marsh, Dean A. Dickie, LaKeisha C. Marsh, Naim
Surgeon, AKERMAN LLP, Chicago, Illinois 60606

Judges: John Z. Lee

Disposition: Motion to exclude denied.

Retained by: plaintiff

Case Summary: Balsky was retained by the Plaintiff as
an expert in this case. Defendant filed a motion to
exclude his testimony. The Court denied the motion.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 82805

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Meade, Et Al V. Harpt, Et Al

Citation: [2004 U.S. Dist. LEXIS 35244](#)

Docket Number: 6:02-CV-01417

Area of Law: Negligence and Malpractice

Jurisdiction: Federal

Court: U.S. District Court, District Of Kansas (Wichita)

Counsel: Bradley J. Prochaska, Mark A. Lynch

Judges: J. Thomas Marten

Disposition: Motion in limine to exclude denied.

Retained by: plaintiff

Case Summary: The Court denied Defendant's motion
in limine to exclude Plaintiff's expert Balsky's testimony.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 81913

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Neff V. Waste Mgmt. Of Arizona

Citation: [; 2006 AZ Sup. Ct. Briefs LEXIS 158;2006 AZ Sup. Ct. Briefs LEXIS 159;2006 AZ Sup. Ct. Motions LEXIS 2007](#)

Docket Number: 2002-6353

Area of Law: Personal Injury

Jurisdiction: State

Court: Superior Court Of Arizona, Pima County

Counsel: Not Mentioned, Gale A. Dean, #004774,
GALE A. DEAN, P.C., Tucson, Arizona, Attorney for
Plaintiffs, RENAUD COOK DRURY MESAROS, PA,
Phoenix, Arizona

Judges: Michael D. Alfred

Disposition: Motion in limine to preclude filed; outcome
unknown.

Retained by: defendant

Case Summary: The outcome of Plaintiffs motion in
limine to preclude Defendants expert Balskys testimony
is unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 81848

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Reichmann V. Whirlpool Corp. &
Kitchenaid, Inc.

Citation: [2020 U.S. DIST. CT. MOTIONS LEXIS 237509](#); 2020 WL 4428000; 2020 WL 4428003; 2020
WL 4428005; [2021 U.S. Dist. LEXIS 269394](#)

Docket Number: 2:16-CV-05151

Area of Law: Product Liability

Jurisdiction: Federal

Court: United States District Court for the Eastern
District of New York

Counsel: Gabriel Posner, Paul E. Benson

Judges: Anne Y. Shields

Disposition: Testimony admitted.

Retained by: plaintiff

Case Summary: The Court denied Defendant's motion
to bar Plaintiff's expert Balsky's testimony.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 81828

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: Russell Payne v. Delaware Neurosurgical Group, P.A., Kennedy Yalamanchili, MD., and Christiana Care Health Services, Inc.

Citation: ; Not Mentioned

Docket Number: N19C-12-032

Area of Law: Medical Malpractice

Jurisdiction: State

Court: Delaware Superior Court, New Castle County

Counsel: Timothy E Lengkeek, Joshua H Meyeroff

Judges: Charles E Butler

Disposition: Motion to exclude filed; not ruled upon due to closure of the suit.

Retained by: plaintiff

Case Summary: Defendant's motion to exclude Plaintiff's expert Balsky's testimony was not ruled upon due to closure of the suit.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 81152

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: G.S. V. Labcorp

Citation: [; 2019 U.S. Dist. LEXIS 102986](#)

Docket Number: 3:16-CV-02235

Area of Law: Medical Malpractice

Jurisdiction: Federal

Court: United States District Court For The District Of New Jersey

Counsel: Robert G. Hicks, Lead Attorney, Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, Freehold, NJ, Christopher Andrew Rojao, David J. Cooner, Lead Attorneys, McCarter & English, LLP, Newark, NJ

Judges: Douglas E. Arpert

Disposition: Motion to preclude filed; outcome unknown.

Retained by: plaintiff

Case Summary: The outcome of Defendants motion to preclude Plaintiffs expert Balskys testimony is unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 81148

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Bialsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Patton V. Kesliker, Et Al

Citation: ; Not Applicable

Docket Number: SUCV2014000329

Area of Law: Negligence

Jurisdiction: State

Court: Georgia State, Stephens County, Superior Court

Counsel: McDonald Gus, Not Mentioned

Judges: Not Mentioned

Disposition: Testimony admitted.

Retained by: plaintiff

Case Summary: The Court denied Defendants motion
to exclude Plaintiffs expert Bialsksys testimony.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 80942

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: PIPERATO V. LAM

Citation: ; 2017 WL 11618796;2017 WL 11618807;2018 WL 11320360;2020 WL 10058175

Docket Number: A-003569-17T1,HUD-L-002081-15

Area of Law: Medical Malpractice

Jurisdiction: State

Court: Superior Court of New Jersey, Law Division, Superior Court of New Jersey, Appellate Division

Counsel: James S. Lynch, Catherine Joan Flynn

Judges: Vincent J. Militello

Disposition: Testimony insufficient to defeat grant of motion for summary judgment at trial; outcome of appeal is unknown.

Retained by: plaintiff

Case Summary: Balsky was retained by the Plaintiff as an expert in this case. Plaintiff filed his testimony in opposition to Defendant's motion for summary judgment. The Court granted the motion for summary judgment at trial. The outcome of appeal is unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 80669

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Hart V. Corrections Corporation Of
America Et Al

Citation: [2013 U.S. DIST. CT. MOTIONS LEXIS](#)
[328683](#); 2013 WL 12190463; 2014 WL 12670945

Docket Number: 2:11-CV-00267

Area of Law: Negligence and Malpractice

Jurisdiction: Federal

Court: U.S. District Court, District Of New Mexico (Las
Cruces)

Counsel: Amalia Skogen Lucero, Aaron C. Viets

Judges: M. Christina Armijo

Disposition: Motion to exclude denied.

Retained by: plaintiff

Case Summary: The Court denied Defendant's motion
to exclude Plaintiff's expert Balsky's testimony.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 80558

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

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Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Reynoso v. Levine

Citation: [; 2020 WL 10965001;2021 U.S. Dist. LEXIS 247767](#)

Docket Number: 1:19cv151

Area of Law: Personal Injury

Jurisdiction: Federal

Court: United States District Court for the Southern
District of New York

Counsel: Richard M. Winograd, Ginarte, O'dwyer,
Gonzalez & Winograd, LLP, New York, NY; Steven R.
Payne, NYC Law Department, Office of the Corporation
Counsel (NYC), New York, NY, Jennifer Huang, KMA
Zuckert LLC, New York, NY; Anthony William Eckert, III,
Kaplan, Massamillo & Andrews, L.L.C., New York, NY

Judges: Lorna G. Schofield

Disposition: Motion to preclude denied.

Retained by: plaintiff

Case Summary: According to the decision dated July 27, 2021, it was stated that Defendants seek to preclude Plaintiff's life care expert, Harold Balsky, from providing expert testimony based on FRE 402 and 702. Plaintiff opposes. Defendants' motion is DENIED for substantially the reasons argued by Plaintiff. Balsky's testimony is admissible to show the potential costs of future medical treatment, but Plaintiff must separately meet her burden of convincing the jury that the need for the surgery, treatment and the procedures included in Balsky's report is not speculative. It was further stated that Defendants' motion to preclude the expert report and testimony of Balsky is DENIED

Ground(s) of Challenge: Others

2022 DAUBTR LEXIS 79705

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

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Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Larson v. Bros. of the Christian Schs. of
Manhattan College

Citation: [; 2019 N.J. Super. Unpub. LEXIS 6988](#)

Docket Number: BER L-5044-17

Area of Law: Personal Injury

Jurisdiction: State

Court: Superior Court of New Jersey, Law Division,
Bergen County

Counsel: Not Mentioned, The Hartford (H00000022,
sequence 1), c/o LAW OFFICES OF LINDA S.
BAUMANN, Matthew Mahoney, ID# 009071998, East
Windsor, NJ

Judges: Robert C. Wilson

Disposition: Testimony admitted.

Retained by: plaintiff

Case Summary: According to the decision dated March 5, 201, it was stated that This matter arises from an automobile accident involving Plaintiff and Defendants, Plaintiff allegedly suffered physical and psychological injuries as a result of this accident. On December 18, 2018, the Court entered an order denying Defendants' motion to bar the report and testimony of Plaintiff's life care and vocational expert, Harold Balsky, and economic expert, Sobel Tinari Economics. On January 11, 2019, the Court entered an order denying Defendants' motion to compel Plaintiff to appear for an examination by Defendants' life care and vocational expert. Defendants now move for reconsideration of both Orders. Defendants' motion for reconsideration is DENIED by the Court.

Ground(s) of Challenge: Others

2022 DAUBTR LEXIS 79565

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: Hendricks V. Shannon

Citation: ; 2009 WL 1641446;2009 WL 1703301

Docket Number: CV-2006-03989

Area of Law: Medical Malpractice

Jurisdiction: State

Court: District Court Of New Mexico, Second Judicial District Court, Bernalillo County

Counsel: James P. Lyle, Rodey, Dickason, Sloan, Akin & Robb, P.A., R. Nelson Franse, Rick Beitler

Judges: Clay Campbell

Disposition: Testimony criticized; outcome unknown.

Retained by: plaintiff

Case Summary: The outcome of Defendants criticism regarding Plaintiffs expert Balskys testimony is unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 78677

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Bialsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Brown V. Hancock

Citation: ; 2005 WL 6496125;2005 WL 6496126;2006
WL 6219323;2006 WL 6219325;2006 WL
6219326;2006 WL 6226010;2006 WL 6605242;2008
WL 5940295;2008 WL 5940296

Docket Number: CL97706

Area of Law: Medical Malpractice

Jurisdiction: State

Court: District Court Of Iowa, Polk County

Counsel: Parrish Kruidenier Moss Dunn, Boles Gribble
& Cook, L.L.P., Alfredo Parrish PK0004191, Tammy
Westhoff Gentry PK2089315, 2910 Grand Avenue, Des
Moines, Iowa 50312, (515) 284-5737, Fax (515) 284-
1704, aparrish@parrishlaw.com, Jack Hilmes
(Pk0002348), Thomas J. Joensen (Pk 0018327), Finley,
Alt, Smith, Scharnberg, Craig, Hilmes & Gaffney, P.C.,
1900 Hub Tower, 699 Walnut Street, Des Moines, Ia
50309

Judges: Not Mentioned

Disposition: Testimony criticized; outcome unknown.

Retained by: plaintiff

Case Summary: The outcome of Defendants criticism
regarding Plaintiffs expert Bialskeys testimony is
unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 78383

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: KUBIK v. P. ERHART

Citation: ; 2009 WL 10667721;2009 WL
10667838;2010 WL 9102642;2010 WL 9446574;2010
WL 9548048

Docket Number: 183352001,2009-06599.

Area of Law: Medical Malpractice

Jurisdiction: State

Court: Supreme Court of New York

Counsel: David I. Schoen., Anthony P. Vardaro

Judges: William B. Rebolini

Disposition: Affidavit insufficient to defeat grant of
motion for summary judgment at trial; outcome of
appeal is unknown.

Retained by: plaintiff

Case Summary: Balsky was retained by the Plaintiff as
an expert in this case. Plaintiff filed his affidavit in
opposition to Defendant's motion for summary
judgment. The Trial Court denied the motion for
summary judgment. The outcome of appeal is unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 78231

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: DESCHAINE, v. TRICON CONSTRUCTION, LLC

Citation: ; 2020 WL 8918449;2020 WL 8918450;2020 WL 8918451;2020 WL 8918452;2020 WL 8918453

Docket Number: 161654/2014,2020-03608

Area of Law: Medical Malpractice

Jurisdiction: State

Court: Supreme Court, Appellate Division, First Department, New York, NY Supreme - New York

Counsel: GOLDBLATT & ASSOCIATES, P.C, Cristen R. Sommers, Alfredo J. Alvarado, Jonathan Glasser, of Counsel, Lester Schwab Katz & Dwyer, LLP, Tricon Construction, LLC and C.P. Plaza, Limited Partnership, 100 Wall Street, New York, New York 10005, (212) 964-6611, aalvarado@lskdnylaw.com

Judges: Sallie Manzanet-Daniels, Barbara R. Kapnick, Tanya R. Kennedy, Martin Shulman

Disposition: Report sufficient to defeat grant of motion for summary judgment at trial; outcome of appeal is unknown.

Retained by: plaintiff

Case Summary: Balsky was retained by the Plaintiff as an expert in this case. Plaintiff had filed his report in opposition to Defendant's motion for summary judgment. The Court denied the motion at trial. The outcome of appeal is unknown.

Ground(s) of Challenge: Others

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Jasen Abrahamsen

2022 DAUBTR LEXIS 77912

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: Bonilla V. 504 Woodward, LLC

Citation: [2020 N.Y. Misc. LEXIS 25565; 2020 N.Y. Misc. LEXIS 5095; 2020 NY Slip Op 50978\(U\); '2020 N.Y. Misc. LEXIS 25565'; '68 Misc. 3d 1217\(A\)'](#)

Docket Number: 708250/2020

Area of Law: Personal Injury and Torts

Jurisdiction: State

Court: Supreme Court of New York, Queens County

Counsel: Not Mentioned, Not Mentioned

Judges: Allan B. Weiss

Disposition: Affidavit insufficient to defeat grant of motion for summary judgment.

Retained by: plaintiff

Case Summary: Balsky was retained by the Plaintiff as an expert in this case. Plaintiff filed his affidavit in opposition to Defendant's motion for summary judgment. The Court granted the motion.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 77411

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Bialsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Taherian V. Finast Acquisition, LLC

Citation: ; 2018 WL 10701820;2018 WL
10701872;2019 WL 8633888;2019 WL 8633889;2019
WL 8633903;2019 WL 8633906

Docket Number: NNH-CV-16-6060398

Area of Law: Premises Liability

Jurisdiction: State

Court: Superior Court Of Connecticut, Judicial District
Of New Haven

Counsel: Stewart M. Casper, Esq., Casper & De
Toledo, LLC, 1458 Bedford Street, Stamford, CT 06905,
Tel. No.: (203) 325-8600, Fax No.: (203) 323-5970,
Juris No.: 106056, Marc E. Finkel, Esq., Firm Juris No.
436066, Freeman Mathis & Gary, LLP, 60 State Street,
Suite 600, Boston, MA 02109, 617.963.5975 (Direct),
770.937.9960 (Fax), mfinkel@fmglaw.com

Judges: Sheila Ann Ozalis, Matthew Frechette

Disposition: Motion to preclude filed; outcome
unknown.

Retained by: plaintiff

Case Summary: Te outcome of Defendants motion to
preclude Plaintiffs expert Bialskys testimony is
unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 77149

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: Rivera V. Home Depot U.S.A. Inc.

Citation: [; 2018 U.S. Dist. LEXIS 56856;2018 WL 4075952;2018 WL 6191518;2018 WL 6191519;2018 WL 6570924;2019 U.S. App. LEXIS 16072;776 Fed. Appx. 4](https://www.lexis.com/2018 U.S. Dist. LEXIS 56856;2018 WL 4075952;2018 WL 6191518;2018 WL 6191519;2018 WL 6570924;2019 U.S. App. LEXIS 16072;776 Fed. Appx. 4)

Docket Number: 18-1475,1:16-CV-07552

Area of Law: Personal Injury

Jurisdiction: Federal

Court: United States Court Of Appeals For The Second Circuit, United States District Court For The Southern District Of New York

Counsel: Caren Decter, Frankfurt Kurnit Klein & Selz, P.C. (Steven Robert Payne, Ginart Gallardo Gonzalez Winograd, LLP, On The Brief), New York, NY, Miriam Skolnik, Herzfeld & Rubin, P.C., New York, NY

Judges: Debra Ann Livingston, Susan L. Carney, Edgardo Ramos

Disposition: Testimony partly admissible; affirmed.

Retained by: plaintiff

Case Summary: According to the decision dated May 30, 2019, it was stated that We also disagree with BHIC that questions of damages must always be decided by a jury. While BHIC may be correct that HN9 summary judgment is often inappropriate where the evidence bearing on crucial issues of fact is in the form of expert opinion testimony . . . as the trier of fact is entitled to evaluate the credibility of witnesses, including experts, and weigh their testimony, *Brown v. Cty. of Nassau*, 736 F. Supp. 2d 602, 620 (E.D.N.Y. 2010) (internal quotation marks omitted), this is not without exception. For example, when a party opposing summary judgment fails to present evidence sufficient to make an issue of an expert's conclusions such as contrary opinion evidence

or evidence tending to undermine the expert's credibility or qualifications and when the trier of fact would not be at liberty to disregard arbitrarily the unequivocal, uncontradicted, and unimpeached testimony of an expert testimony, expert testimony may form the basis of summary judgment. *Id.* at 620-21 (internal quotation marks omitted). Before the district Court, not only did BHIC fail to retain any expert witness to counter Dr. Balsky on damages something it was not required to do but, more importantly, BHIC also failed to pinpoint any reason why Dr. Balsky's report should be disbelieved, other than its own conclusory statement that there was insufficient medical evidence in the record to support it. *App'x 1260.* As the district Court rightly observed, it cannot fashion potential lines of cross-examination out of whole cloth (and speculate as to their effectiveness) just to help BHIC defeat summary judgment. Special *App'x 29.* And while BHIC may rely on several more specific arguments on appeal, once again, such arguments come too late and without excuse. See *Bogle-Assegai*, 470 F.3d at 504 (HN10 absent compelling reason this Court will not consider new arguments on appeal). Dr. Balsky's report supports the award of damages granted and BHIC did effectively nothing to contradict it below, so we again agree with the district Court's decision to grant summary judgment on this issue. The judgment was affirmed.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 77113

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: Franklin V. Sanfilippo

Citation: ; 2020 WL 3270463;2020 WL 3270464

Docket Number: BUR-L-0006690-16

Area of Law: Medical Malpractice

Jurisdiction: State

Court: Superior Court Of New Jersey, Law Division, Burlington County

Counsel: Helmer Conley & Kasselman, P.A., Bruce H. Zamost, Esq., Id No. 035671984, 600 Beverly Rancocas Road, Willingboro, Nj 08046, (856) 291-0200, Law Offices, Parker Mccay P.A., 9000 Midlantic Drive, Suite 300, P.O. Box 5054, Mount Laurel, New Jersey 08054, (856) 596-8900, Andrew S. Winegar, Esquire Attorney Id No.: 089322013

Judges: M. Patricia Richmond

Disposition: Testimony barred.

Retained by: plaintiff

Case Summary: According to the Brief in Opposition to Plaintiffs' Motion Seeking a New Trial and for Judgment N.O.V., it was stated that My second motion requested an order to bar Plaintiffs' life care planner (i.e. Chiropractor Balsky) from requesting that the jury award Plaintiffs with 1.25 million in lifetime life physical therapy expenses. This motion was based upon the undisputed facts that Plaintiff was not in physical therapy now and had not been for years since his immediate recovery from surgery. Plaintiff had no doctor prescribing physical therapy. Plaintiffs life care planner expert wrote in his report and confirmed at his deposition that this cost was added to his life care plan projection because Plaintiff preferred physical therapy as opposed to working out at the gym on his own, as he has been doing for over a year now. Ultimately, the

Court determined before trial that Mr. Balsky's projection constituted a net opinion because there was no logical why and wherefore to explain it. The Court applied the law to the undisputed facts of the matter. There was nothing preferential or improper about the decision. Plaintiffs certainly cite no precedential examples to the contrary.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 77098

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Bodkin V. Insight Technology Incorporated

Citation: [; 2009 U.S. Dist. Ct. Motions LEXIS 81766;2009 U.S. Dist. Ct. Motions LEXIS 81770;2009 WL 1635466;2009 WL 1635474;2009 WL 3191304;2009 WL 4888815;2010 WL 4949229](#)

Docket Number: 7:05-CV-10648

Area of Law: Personal Injury

Jurisdiction: Federal

Court: United States District Court, S.D. New York

Counsel: Mitchell John Baker, John Edward Horan

Judges: George A. Yanthis, Sidney H. Stein

Disposition: Testimony sufficient to defeat grant of motion for summary judgment in part.

Retained by: plaintiff

Case Summary: Plaintiff filed its expert Balskys testimony in opposition to Defendants motion for summary judgment. The Court granted in part and denied in part Defendants motion for summary judgment.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 77040

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: L. COLLINS v. YUDKIN

Citation: ; 2020 WL 12188677;2020 WL 12188826;2020 WL 12188830

Docket Number: PAS-L-003029-2017

Area of Law: Medical Malpractice

Jurisdiction: State

Court: Superior Court of New Jersey, Law Division

Counsel: Franklin R. Strokoff, Esquire (N.J. Attorney ID#025912006), the Rothenberg Law Firm LLP, Tarragon Executive Center, 811 Church Road, Suite 222, Cherry Hill, New Jersey 08002, (856) 665-7400, Law Offices of Visconti & Lyons, Emily S. Barnett, Esq., Attorney ID#: 015761993, Mount Kemble Corporate Center, 360 Mt. Kemble Ave., Suite B1000, Morristown, NJ 07960, 973-538-2930

Judges: Bruno Mongiardo

Disposition: Motion to bar filed; outcome unknown.

Retained by: plaintiff

Case Summary: Balsky was retained by the Plaintiff as an expert in this case. Defendant filed a motion to bar his testimony. The outcome of the motion is unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 76951

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: PADILLA v. ABSOLUTE REALTY INC

Citation: ; 2020 WL 11027502;2020 WL
12811246;2021 WL 2459114;2021 WL 2459125;2021
WL 2459130;2021 WL 2459140

Docket Number: 2020-04663,24532/2013

Area of Law: Medical Malpractice

Jurisdiction: State

Court: Supreme Court of New York, Supreme Court,
Appellate Division, First Department, New York

Counsel: Joel M. Celso, Esq., Ginarte Gallardo
Gonzalez Winograd LLP, 233 Broadway, 24th Floor,
New York, NY 10279, (212) 601-9700, Michael Joseph
Pearsall

Judges: Doris M. Gonzalez

Disposition: Report sufficient to defeat grant of motion
for summary judgment at trial; outcome of appeal is
unknown.

Retained by: plaintiff

Case Summary: Balsky was retained by the Plaintiff as
an expert in this case. Plaintiff had filed his report in
opposition to Defendant's motion for summary judgment.
The trial Court denied the motion. The outcome of
appeal is unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 76817

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Bialsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Floyd L. McKenzie V. Ryan Properties
Inc., Ryan Companies US Inc., Aspen Construction Inc.

Citation: ; Not Applicable

Docket Number: CV2002-003650

Area of Law: Civil Law

Jurisdiction: State

Court: Superior Court, Maricopa County, Arizona

Counsel: Joseph M. Boyle, Janell M. Adams

Judges: J. Richard Gama

Disposition: Motion in limine regarding testimony filed;
outcome unknown.

Retained by: plaintiff

Case Summary: The outcome of Defendants motion in
limine regarding Plaintiff's expert Bialsksys testimony is
unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 76754

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Ground(s) of Challenge: Others

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

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Case Name: Cortes V. J. C. Penney Corp., Inc.

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Citation: ; 2014 WL 7723499;2014 WL 7723524;2015 WL 339006

Docket Number: 112053/2010

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court, New York, New York County

Counsel: Walter P. Roura, Martin Melamed, Alexander J. Wulwick, Roura & Melamed, Law Offices Of Edward Garfinkel, 12 Metrotech Center, 28th Floor, Brooklyn, NY 11201, (718) 250-1120, Shaub, Ahmety, Citrin & Spratt, LLP, 1983 Marcus Avenue, Lake Success, NY 11042, (516) 488-3300

Judges: Frank P. Nervo

Disposition: Testimony precluded.

Retained by: plaintiff

Case Summary: According to the Plaintiffs' Memorandum of Law in Opposition to Defendants' Post-Trial Motion to Set Aside the Verdict On Damages and in Support of Plaintiffs' Cross-Motion for a New Trial on Damages, it was stated that Mr. Balsky testified that Ms. del Rio effectively acts as her husband's home health aide. But, because she is now the main bread winner for the family, she requires an aide to help her cope with her husband's present conditions. Mr. Balsky was precluded on the basis that no medical doctor testified that Santiago needed a home health aide now or in the future, despite Mr. Balsky's vast experience in the field dealing with people with even more devastating injuries than Santiago's. He explained to the Court that his field of life care planning did not depend on medical testimony for such things as a home health care, but he was precluded from placing this issue before the jury.

2022 DAUBTR LEXIS 76627

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C.,
C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life
Care Planning; Vocational

Case Name: Price V. Takata Corp Et Al

Citation: [2008 U.S. DIST. CT. MOTIONS LEXIS 312467](#); 2008 WL 6061051; 2008 WL 6061059; 2008
WL 6061061; 2009 WL 1270080

Docket Number: 2:08-CV-00151

Area of Law: Product Liability

Jurisdiction: Federal

Court: US District Court For The Northern District Of
Texas, (Amarillo)

Counsel: James P. Lyle, David R. Kelly

Judges: Mary Lou Robinson

Disposition: Motion to strike filed; outcome unknown.

Retained by: plaintiff

Case Summary: The outcome of Defendant's motion to
strike Plaintiff's expert Balsky's testimony is unknown.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 76194

Daubert Tracker - Case Reports

Expert Name: Dr. Harold Balsky D.C., M.A., C.R.C., C.L.C.P., C.B.I.S.

Discipline: Brain Injury Expert; Chiropractics; Life Care Planning; Vocational

Case Name: Powers V. Taser International, Inc.

Citation: ; 2005 WL 3828284

Docket Number: CV 2003-013457

Area of Law: Personal Injury

Jurisdiction: State

Court: Superior Court Of Arizona, Maricopa County

Counsel: Thomas C. Wilmer, Esq. - #013451, Thomas C. Wilmer, P.C., 2504 N. 3rd Street, Phoenix, Arizona 85004, Telephone (602) 230-1188, Charles A. Struble, Bar #009860, Christina J. Reid-Moore, Bar #018579, Dimitra H. Sampson, Bar #019133, Renaud Cook Drury Mesaros, Pa, Phelps Dodge Tower, One North Central, Suite 900, Phoenix, Arizona 85004-4418, (602) 307-9900

Judges: Paul A. Katz, Theodore Campagnolo

Disposition: Objection regarding testimony filed; outcome unknown.

Retained by: defendant

Case Summary: The outcome of Plaintiffs objection regarding Defendants expert Balskys testimony is unknown.

Ground(s) of Challenge: Others

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