

Shah - Direct - Rybak

352

1 Q But had you done a little investigation and determined
2 that there is a Planet Fitness literally around the corner from
3 where Ms. Benitez lives; wouldn't that have been a better choice
4 in your life care plan than a YMCA an hour away?

5 A I don't think the YMCA was an hour away. I can double
6 check. I have it in my notes.

7 We often use the YMCA merely because there is a pool
8 that's associated with that gym that they can access. And
9 patients who have had lumbar spine and ankle injuries, when they
10 walk through water, go through water, with water aerobics, there
11 often is kind of that buoyancy from water, so it allows them to
12 be able to walk a little bit easier. And, generally, YMCAs are
13 fairly cheap compared to the other types of gyms that exist like
14 Equinox, for example.

15 Q So this is just a line item you put in all your life
16 care plans, YMCA, pretty much?

17 A No. We look for gyms that have water and a pool. So
18 YMCA is a common one in the New York area. If there was a
19 different place and there was a different place that had a warm
20 water pool, and if it was cheaper, we'd use that.

21 Q And, of course, you're assuming here that plaintiff --
22 I mean, a lot of us have gym memberships and we never go.

23 You're assuming that even if plaintiff had a
24 membership that she was going to go, right?

25 A We would want her to go, correct.

Shah - Direct - Rybak

353

1 Q Right.

2 But you're assuming that here, and you're putting in a
3 life charge and you're assuming that she's even going to use
4 this?

5 A Correct.

6 Q You're assuming that she knows how to swim?

7 A Not necessarily. Just walk in water.

8 Q You're assuming that she would avail herself of all of
9 these things that you put in here and yet you cannot state, to
10 today reasonable degree of medical certainty or any certainty
11 that she would avail herself of any of this, correct?

12 A Sure.

13 I cannot predict what she will or will not do. I can
14 only recommend what she should do.

15 Q And that's based upon seeing her once, you have a n
16 opinion about what she should do?

17 A Correct, based off her injuries and the medical
18 history that we've taken and the medical records that span over
19 several years, yes, in that context.

20 Q Now, you put in charges for vocational evaluations.
21 Is it true, Doctor, that there's plenty of free
22 vocational services out there these days?

23 A I think some of the free ones are related to
24 insurances and that kind of thing. There aren't just any free
25 vocational evals.

Shah - Direct - Rybak

354

1 Q Now, you met her, right; she doesn't wear any brace?

2 She doesn't have a cane?

3 She doesn't use a walker, any of that, right?

4 A Correct.

5 Q So but your plan includes all of this fancy stuff for
6 the house: Motorized bed frames, ergonomic chairs, antifatigue
7 floor mats.

8 Are these standard things you put in all your life
9 care plans?

10 A In the context -- not standard. It depends on what
11 the injuries are. But for the types of injuries that she
12 sustained, those are things that we would recommend.

13 So a lot of times when you undergo spine surgery, your
14 nerves can be damaged or irritated when you sleep on them in
15 certain positions. They would put compression on it. So
16 whether you sit for a long time or your leg goes numb, you have
17 the realization that your leg is numb, you can move around and
18 you can really readjust to take pressure off of that.

19 When you have these surgeries you may not realize that
20 it's happening or they are causing nerve damage, or you're not
21 capable of making those turns as easily which then can cause
22 pain flareups and worsen your injury, those kinds of things.

23 Same thing with ergonomic setups. People are all
24 prone to those kind of things when we use cell phone, computers,
25 work at a desk or not in a proper positioning, they can cause

Shah - Direct - Rybak

355

1 neck pain, low back pain, it can cause these kind of flareups,
2 these things are all kind of related to that.

3 The canes and walkers start later in life. We are
4 projecting something for the next 40 years of our lives. So
5 think of where we are now and think of maybe what our
6 grandparents or parents are undergoing or experiencing, that's
7 what we are recommending, some of those things.

8 Q And, Doctor, you know, there was a doctor that came in
9 and testified yesterday, Dr. Benitez, and I asked him some
10 questions about pain -- I'm sorry, excuse me, Dr. Benatar. I
11 asked him some question about pain and so on. And I include in
12 my question something about poor mattresses. And he went on to
13 say that, no, no, there's a study or something that mattresses
14 have nothing to do with pain or anything else.

15 So I guess you don't agree with him?

16 A I do not.

17 Q Now, Doctor, are you aware of the ACCES-VR Bronx
18 District Office, it's a state government office in the Bronx
19 that provides adult continuing education and vocational
20 services?

21 A Potentially, if you say so, yes.

22 Q So that would be a free opportunity for the plaintiff,
23 a 1215 Zerega Avenue, Bronx, New York 10462.

24 A Okay.

25 Q So we could take that item off of here, right; she

Shah - Direct - Rybak

356

1 doesn't need to pay for vocational services.

2 Now, are you aware that she does light housekeeping on
3 her own?

4 In fact, her kids are getting big. And, you know, her
5 son, I guess he's around 15 now. He helps her out a lot. When
6 she goes grocery shopping he carries the bags that are otherwise
7 being delivered.

8 You're aware of that, right?

9 A Yes.

10 Q And she has a daughter, too, and her daughter is
11 getting big. I think her daughter is like nine years old now.
12 So she's got help in the house.

13 But yet your life care plan has got a tremendous
14 number of housekeeping services items: Home health aides,
15 private case managers, visiting nurses. She doesn't even go to
16 the doctor for four years. She needs a visiting nurse is what
17 you're saying, residents' adaptation. She admits she takes 11
18 steps up to her apartment. She does it several times a day.
19 She didn't complain about it.

20 You're aware of all of that, right, Doctor?

21 A I'm aware, yes. And I believe she has more stairs
22 than 11, yes.

23 Q More than 11, and she does them a few times a day,
24 correct?

25 A With difficulty.

Shah - Direct - Rybak

357

1 Q Well, she does them.

2 A Mm-hmm.

3 Q And it's important to exercise, right?

4 You can't sit around all the time, correct?

5 A Correct.

6 Q You got to keep moving?

7 A Correct.

8 Q And you're also aware she uses public transportation
9 all the time, subways, buses, right?

10 A Yes.

11 Q You know, that would have been the case either without
12 this accident or with this accident, she would use public
13 transportation, right?

14 A Correct.

15 Q So, I mean, those items in here, I mean, items like
16 public transportation be in here, I mean, that's something she
17 would use anyway?

18 A These are just visits to -- doctor visits, therapy
19 visits that are related to the injury, not going to the mall or
20 something like that.

21 Q I mean, again, you're assuming that she's even going
22 to go for any treatment at all, right?

23 A I would hope she would, yes.

24 Q Right. You're assuming that. So, okay.

25 So the YMCA you mentioned in your plan is in Castle

Shah - Direct - Rybak

358

1 Hill, right?

2 A I have to double check here. Castle Hill, yes.

3 Q So, again, that's surfaced transit only goes there,
4 right, Doctor?

5 A I have to double check here. But if that is the case,
6 then, yes.

7 Q So it's a fairly long commute, right?

8 A Maybe.

9 Q Yeah.

10 So I think you used the word "probable" in your plan
11 when you were talking about Table 3, having to do with future
12 surgeries, that probable.

13 That doesn't sound like certainty.

14 A Probable is more likely than not.

15 Q But that's not your personal opinion as we once said
16 before, you're not a surgeon of any type, correct?

17 A Right. These are recommendations by her treating
18 physicians.

19 Q And two of whom are not in court or not coming to
20 court.

21 We made that clear before, right?

22 A Sure.

23 Q So I can't ask you hypotheticals, assume Dr. So-and-so
24 testified that because they're not coming, correct?

25 A Correct.

Shah - Redirect - Rybak

359

1 This is based off of what they mentioned in their
2 reports.

3 Q Well, now did you charge a separate fee for the
4 preparation of this life care plan in addition to your testimony
5 fee?

6 A Yes.

7 Q How much did you charge for the preparation of this
8 life care plan?

9 A 4500.

10 Q 4,500?

11 A Yes.

12 MS. KLAUM: Thank you.

13 THE COURT: Any redirect?

14 MR. RYBAK: Just a couple of questions, Your
15 Honor. Thank you.

16 REDIRECT EXAMINATION

17 BY MR. RYBAK:

18 Q Dr. Shah, when you treat the patient, you consult with
19 surgeons, whether or not your patients should get certain
20 surgeries, correct?

21 A Yes, regularly.

22 Q And is that only spine surgeries or other surgeries as
23 well?

24 A Other surgeries as well.

25 So joints, shoulders, knees, hips, as well as the

Shah - Recross - (Klaum)

360

1 spine.

2 THE COURT: Okay. Thank you.

3 Is there any recross?

4 MS. KLAUM: Yes.

5 RECROSS- EXAMINATION

6 BY MS. KLAUM:

7 Q Just to be clear, though, Doctor, I mean, in this
8 case, as we went through before, you didn't pick up the phone
9 and call any of the plaintiff's surgeons in this case, right?

10 A No, I did not.

11 MS. KLAUM: Thank you.

12 THE COURT: In re redirect?

13 MR. RYBAK: No, Your Honor. Thank you.

14 THE COURT: Thank you, Doctor. You may step
15 down.

16 We don't have any other witnesses for today,
17 correct?

18 MR. RYBAK: No, Your Honor.

19 THE COURT: Okay. Members of the jury, that's
20 all the testimony we have for today. Tomorrow we will be
21 down and not working due to a scheduling issue. We will be
22 back on Friday morning, that is December 6th at 9:30 a.m.
23 And just remember not to discuss the case with anyone or
24 amongst yourselves.

25 Thank you for your service today, and we'll see

Proceeding

361

1 you all on Friday.

2 THE COURT OFFICER: All rise. Jury existing.

3 (Whereupon, the jury exists the courtroom.)

4 THE COURT: Is there anything that anyone needs
5 to place on the record?

6 MS. KLAUM: Your Honor, I'm still working on it.
7 Dr. Rosner, I don't know if he had what I had with that
8 terrible abdominal thing right before Thanksgiving. He
9 wound up being in the hospital for a few days. He's our
10 neurosurgeon. So he's getting out of the hospital today.
11 So we were originally calling him for the 10th. His office
12 has asked if we could put him on the 12th, perhaps, which
13 would work because we don't expect our life care expert
14 who's coming that day in the morning to take very long. It
15 would be very brief. That's the latest on this.

16 THE COURT: So we're down tomorrow. We're back
17 on trial on Friday, December 6th.

18 What's happening Monday, December 9th? Nothing?

19 MS. KLAUM: December 9th we have the FDNY EMT on
20 in the morning, and we have Dr. Katzman, our radiologist.

21 THE COURT: In the afternoon?

22 MS. KLAUM: Right after the EMT, right. I mean,
23 it could take a while, the radiologist, yes.

24 So it was Tuesday, originally. And Dr. Rosner.
25 Dr. Rosner is going to take some time. But given what just

Proceeding

362

1 occurred, his office has asked for the 12th instead.

2 THE COURT: Are there any other witnesses you can
3 call on Tuesday, December 10th?

4 MS. KLAUM: Well, Mr. Anderson, we are going to
5 recall him briefly. Mr. Spano is going to do that.

6 THE COURT: All right. So we can do that on
7 December 10th, right?

8 MS. KLAUM: Most likely, yes.

9 THE COURT: And December 11th, plaintiffs are
10 calling Persich, correct?

11 MR. RYBAK: Correct.

12 THE COURT: And this Dr. Rosner can testify on
13 December 12th, correct?

14 MS. KLAUM: Right, Your Honor. After Provder,
15 our life care expert, which will be quite brief.

16 THE COURT: And what are the other witnesses that
17 you're calling.

18 MS. KLAUM: Hold on. Wait.

19 So this is the latest. Dr. Rosner is having his
20 gallbladder removed Monday, but his office still thinks he
21 should be available on Friday the 12?

22 THE COURT: Friday is the 13th.

23 MS. KLAUM: I mean, Thursday. Thursday the 12th.

24 THE COURT: Thursday the 12th. Okay. That's the
25 plan for now.

Proceeding

363

1 What about Friday the 13th?

2 MS. KLAUM: I don't think I'll have any other
3 witnesses, Your Honor.

4 THE COURT: That's all the witnesses you're
5 calling?

6 MS. KLAUM: Yes.

7 THE COURT: I'm not suggesting you should be
8 calling anyone else. I'm just trying to get a picture of
9 what's happening here.

10 And this Friday, December 6 is Dr. Gallina?

11 MS. KLAUM: Yes.

12 THE COURT: And then after you call Dr. Persich,
13 do you intend on resting?

14 MR. RYBAK: Yes.

15 THE COURT: So it sounds like if everything goes
16 perfectly, we should be done on December 12th.

17 MR. RYBAK: With witnesses.

18 THE COURT: With witnesses, right?

19 MS. KLAUM: Hopefully, yes.

20 THE COURT: Okay. So I would think by either
21 Monday or Tuesday next week, you should be giving me some
22 proposed jury charges and proposed verdict sheet.

23 And then we'll have a charge conference next
24 week, and then maybe even -- we'll see how it goes, but
25 possibly giving this to the jury on Friday the 13th or

Proceeding

364

1 Monday the 16th, depending on how everything goes.

2 Are there any medical records that we can work on
3 now that could be stiped into evidence?

4 MR. RYBAK: Judge, I would -- but I just got a
5 text and I have a family emergency I have to attend to. So
6 I mean, this can be done at any point. You know, it's
7 going to take us a half an hour.

8 THE COURT: What I'm trying to avoid, as I'm sure
9 you could tell by the tone of my e-mail to everyone
10 yesterday afternoon, I can't have the jury just sitting
11 around as much as they've been sitting around so far.

12 So whatever needs to be done, redactions or
13 things on consent that can be admitted into evidence needs
14 to be done when the jury is not just sitting here waiting.

15 MR. LEITER: May I ask, Your Honor, since we have
16 this afternoon and tomorrow, we're back on Friday, is it --
17 they just send me -- if they identify what items from the
18 subpoenaed records they're looking to put in, we have
19 scanned copies that I can then work off of the version that
20 was scanned that I know is what actually came in, and then
21 I can respond to you and say, of that document either I
22 have an issue with the entirety of it, or these are the
23 pages that I think come in and these are the pages from
24 somebody else that don't come in.

25 THE COURT: I'll let you all work on scheduling

Proceeding

365

1 on that. And you'll bring whatever issues there are to my
2 attention. But you can either do it this afternoon, or the
3 courtroom will be available tomorrow.

4 But it sounds like it may take more than an half
5 hour.

6 MR. LEITER: Yeah. And we have scanned copies.
7 We don't have to be in person.

8 THE COURT: So figure out when you want to meet,
9 work that out, and then you'll bring whatever issues you
10 have to my attention.

11 By the time we return on Friday, December 6th,
12 I'd like whatever is in agreement to be agreed upon so we
13 can mark them, admit them in evidence. If there's issues
14 with other records, we can address that at that time.

15 MR. LEITER: Yes.

16 THE COURT: Is there anything else anyone would
17 like to address on the record?

18 Any questions?

19 MS. KLAUM: Your Honor, if we were to come in
20 person tomorrow, is the courtroom available?

21 THE COURT: There courtroom is available.
22 There's nothing on the calendar tomorrow.

23 MR. RYBAK: Teresa, what time?

24 MS. KLAUM: You tell me.

25 MR. RYBAK: Ten.

Proceeding

366

1 MS. KLAUM: Okay.

2 THE COURT: The courtroom's available. Work out
3 amongst yourself whatever time is amenable to everybody.
4 And then we'll return on Friday, December 6 at 9:30 a.m.

5 I'm compelled to ask this, although I probably
6 know the answer. Has there been any further settlement
7 negotiations or additional offer or reduced demand,
8 anything that I can be made aware of that I might be able
9 to facilitate the life settlement?

10 MR. RYBAK: I received a call from Mr. Leiter
11 yesterday. They offered, I guess, a firm and final offer
12 of 500,000, which was rejected by my client for now.

13 THE COURT: All right. That's the final offer?

14 MR. LEITER: That's what I'm told.

15 THE COURT: Okay. See everybody on Friday at
16 9:30 a.m.

17 MR. RYBAK: Thank you.

18 THE JURY: Thank you.

19 (Whereupon, Court is recessed and the case is
20 adjourned to Friday, December 6, 2024.)

21

22

23

24

25

Nereyda Benitez v.

Chirag Shah

Brett A. Andeson and HB Architectural Lighting, Inc.

December 4, 2024

	accepted (3) 321:7;329:23; 330:16	admit (1) 365:13	340:17;352:11	appointment (1) 331:20
\$	access (1) 352:8	admits (2) 325:22;356:17	almost (2) 310:6;326:12	appointments (4) 331:21;340:13,18; 345:7
\$1,200 (1) 322:16	ACCES-VR (1) 355:17	admitted (2) 348:13;364:13	alongside (1) 350:8	appropriate (2) 349:13,20
\$1,200,000 (1) 322:13	accident (8) 303:6;331:7; 332:25;334:15,17; 338:12;357:12,12	adopting (4) 324:14,16,18;327:8	alteration (1) 327:19	April (2) 312:25;314:16
\$10 (2) 318:1,8	accurately (1) 345:19	adult (1) 355:19	although (2) 311:1;366:5	area (4) 305:11,24;350:25; 352:18
\$10,000 (1) 331:18	ACDF (1) 336:1	Advil (1) 348:19	amenable (1) 366:3	areas (1) 336:24
\$1200 (2) 322:21;326:8	ACGV (1) 330:16	aerobics (1) 352:10	amongst (2) 360:24;366:3	argue (1) 312:4
\$1400 (2) 326:8;327:22	acknowledge (3) 312:15;327:17,23	affect (1) 339:12	amount (2) 319:8,10	argument (8) 301:3;305:10,12; 317:16;322:25; 325:24;326:13,17
\$169,426 (1) 343:11	acknowledged (1) 306:3	affiliations (1) 330:22	amounts (1) 316:20	arms (1) 338:1
\$212,836 (1) 343:11	acknowledges (2) 303:13;311:25	afternoon (5) 331:24;361:21; 364:10,16;365:2	and/or (1) 341:15	around (8) 317:2;325:18; 352:2;354:17;356:5; 357:4;364:11,11
\$25,199 (1) 344:19	acknowledging (1) 315:14	afterwards (1) 333:1	Anderson (1) 362:4	arthroscopy (1) 335:25
\$293,000 (1) 344:5	actual (5) 312:12;316:23; 319:8;327:7;344:7	again (8) 307:25;310:19; 312:6;316:3;320:12; 328:19;357:21;358:3	anesthesiologist (2) 344:9;350:20	aside (1) 311:11
\$296,775 (1) 342:6	actually (11) 302:10;311:12; 312:5,10,18;316:20; 318:12;320:9;330:1; 341:5;364:20	against (1) 300:23	ankle (28) 307:22;308:9,9; 319:10;324:2;333:19; 334:10,20;335:5,17, 25;336:20,22;337:6,6, 12,23;338:10;339:17, 18,18;340:7;342:3, 22;344:2;351:9,10; 352:9	Assess-a-Ride (2) 340:17;345:10
\$300,000 (2) 319:11,14	acupuncture (3) 335:12;339:6;343:6	age (3) 343:16,21,21	ankles (1) 351:5	assessed (1) 305:20
\$320,000 (1) 318:24	AD (3) 302:12;321:1,17	ages (1) 312:25	annual (1) 322:11	assistance (1) 340:1
\$33,904 (1) 344:19	adaptation (1) 356:17	aggravated (1) 333:23	antidepressants (1) 339:12	assistive (1) 344:15
\$353,828 (1) 342:7	add (2) 326:11;328:10	agree (14) 303:23;309:2,11, 13;311:1;318:14; 319:22;320:21;327:6; 345:23;346:16,22,24; 355:15	antifatigue (1) 354:6	associated (5) 336:21;341:24; 342:3;345:6;352:8
\$367,000 (1) 317:8	adding (1) 317:3	agreed (1) 365:12	anti-inflammatory (1) 339:10	assume (4) 311:9,21;316:21; 358:23
\$41,317 (1) 345:14	addition (1) 359:4	agreeing (1) 307:14	apart (1) 322:22	assuming (12) 302:3;304:10; 317:5;345:8;352:21, 23;353:2,3,6,8; 357:21,24
\$43,474 (1) 345:14	additional (2) 344:21;366:7	agreement (1) 365:12	apartment (1) 356:18	assumption (1) 301:24
\$600,000 (2) 318:25;319:4	address (7) 301:17;307:8; 313:21;329:9,11; 365:14,17	agrees (1) 324:10	Apologies (1) 328:19	attend (1) 364:5
\$720,185 (1) 345:3	addressing (1) 302:13	ahead (1) 337:7	apologize (1) 328:22	attention (2) 365:2,10
\$928,628 (1) 345:3	adjoining (1) 366:20	aides (4) 340:2;344:25; 345:1;356:14	Appeals (1) 310:14	attorney (1) 313:24
[	adjournment (1) 303:24	aids (3) 332:11;340:6; 344:15	appellate (6) 309:8,14,21;310:7, 22;311:4	attorneys (1) 328:21
[phonetic] (2) 300:21;335:18	adjustable (1) 344:17	allow (1) 301:8	applicable (1) 321:25	attribute (2) 338:12;341:14
A	admissibility (2) 306:1;309:19	allowed (5) 307:24;308:3; 316:6,23;317:1	application (2) 316:22;328:1	avail (2) 353:8,11
abdominal (1) 361:8	admissible (2) 312:5;323:16	allows (2)	applied (1) 327:8	
ability (1) 340:25			apply (2) 326:21;327:2	
able (9) 317:17;319:6,8,25; 340:5;343:9;345:11; 352:12;366:8				
accept (1) 349:16				

Nereyda Benitez v.

Chirag Shah

Bretta A. Anderson and HB Architectural Lighting, Inc.

December 4, 2024

availability (1) 340:24 available (8) 314:25;315:3; 316:6;362:21;365:3, 20,21;366:2 Avenue (2) 329:11;355:23 average (2) 342:15,16 avoid (1) 364:8 award (13) 309:9,9;310:7,22; 311:19,20;316:8; 318:3,8,12,18,19,25 aware (19) 300:16;347:20,22, 24;348:1,12,14,17,18, 19;351:22,24;355:17; 356:2,8,20,21;357:8; 366:8 away (3) 332:13;352:4,5	313:21;316:23; 318:18;320:1,9,18; 321:13;322:5,6; 324:22;332:8;339:17; 342:9;344:18;345:12 become (1) 330:19 becomes (1) 340:16 bed (3) 340:9;344:17;354:6 began (1) 301:1 begin (2) 328:23;338:20 beginning (2) 315:19;348:24 behalf (1) 329:4 believes (2) 312:16;318:23 belonged (1) 325:17 below (1) 304:21 Benatar (4) 300:12;312:15; 325:16;355:10 Benatar's (2) 301:19;320:12 bending (2) 333:25,25 Benitez (20) 332:16,19,22; 333:10;334:12;335:2; 336:15;337:17; 338:19;340:23;341:7, 11;346:2,14;347:13; 348:12;349:21; 351:18;352:3;355:9 Benitez's (3) 343:12;346:8; 351:23 better (3) 300:24;347:6;352:3 beyond (1) 302:15 big (2) 356:4,11 bill (4) 317:3,4,11,12 biological (1) 329:25 bit (2) 345:10;352:12 board (7) 330:11,12,14,15,17, 19;350:3 body (5) 322:23;333:18; 334:4;336:21;337:3 both (4) 338:5,7;339:12;	347:7 brace (2) 340:7;354:1 braces (1) 340:7 Bradshaw (1) 321:16 brain (1) 334:7 brief (2) 361:15;362:15 briefly (1) 362:5 bring (5) 300:4;328:12; 333:6;365:1,9 broaden (1) 312:3 broadly (1) 341:24 Bronx (3) 355:17,18,23 Brooklyn (1) 335:19 buoyancy (1) 352:11 burden (2) 308:21;316:14 bus (3) 325:9,23;326:7 buses (2) 340:15;357:9 business (2) 329:9,10	340:9,14,16;341:19; 342:19;343:24; 349:10;352:5,8; 353:13;354:14,17,18, 21,25;355:1;362:2,6, 12;364:2,6,13,19,21; 365:2,13,14;366:8 cancel (1) 331:19 cancelled (1) 331:21 cane (1) 354:2 canes (2) 344:16;355:3 capable (3) 333:25;343:10; 354:21 care (89) 300:7;301:24; 302:5,13,17;303:9,13, 15;305:16,17;306:8, 11,12,13,25,25;307:6, 10;308:5,18,19; 311:24,25;312:23; 313:1,3,4,5,13; 314:24,24;315:12; 317:15,16,20,23,24; 318:1;320:14;322:7; 323:2,14;326:20,21; 332:1,4,6,7,15;333:6; 334:22;335:2,23; 336:3,4,9;338:21,23, 25;340:3,22;341:10, 14,18,22;343:6; 344:10;346:1,2,5,8,9, 13,14,19,23,24;348:6, 22;351:16,18;352:4, 16;354:9;356:13; 359:4,8;361:13; 362:15 career (1) 346:6 carried (2) 327:17,18 carries (2) 312:25;356:6 carry (2) 327:4,7 cart (1) 343:2 case (39) 302:8,9,10,16; 304:15;305:13; 306:20;307:7;308:22; 309:2,3,7,24;310:13; 313:24;315:21,22; 316:1,13;319:25; 320:19,23,24;321:1, 15,15,16,23;323:11; 336:5;340:2;344:25; 356:15;357:11;358:5; 360:8,9,23;366:19	cases (4) 310:6,16,21;311:11 Castle (4) 325:6,21;357:25; 358:2 cause (3) 354:21,25;355:1 causing (1) 354:20 CDC (1) 343:20 cell (1) 354:24 Center (1) 335:7 centers (1) 335:16 certain (16) 300:6;301:24; 302:17;308:18,19; 313:13,13;319:13; 334:9;338:6;340:17; 341:13;342:13; 345:20;354:15; 359:19 certainly (8) 305:13,18;310:2; 318:7;325:24;326:1; 327:3;340:8 certainty (14) 309:11,14,18,23; 310:2,4,5,16,25; 312:17;338:17; 353:10,10;358:13 certification (3) 330:15,20;350:3 certified (5) 330:11,12,14,19; 332:7 cervical (4) 322:11;337:4,24,25 cetera (3) 331:7;332:11; 351:16 chairs (2) 344:18;354:6 chance (1) 315:18 changed (1) 301:16 charge (4) 353:3;359:3,7; 363:23 charges (3) 311:17;353:20; 363:22 chart (1) 343:20 cheap (1) 352:13 cheaper (1) 352:20 cheapest (1)
B		C		
back (24) 303:7;307:24; 325:23;333:19; 334:10,20;335:5; 336:19,22;337:5,12, 23;338:2,5,7,9; 339:15;340:7,10; 344:1;355:1;360:22; 361:16;364:16 backward (1) 334:1 backwards (1) 334:1 bags (1) 356:6 balance (1) 319:3 Bartelo (1) 335:18 based (24) 306:25;307:4; 309:10;317:23;321:3, 5,10,22;323:2,3,4,6,6; 324:7,7;332:14,22; 338:24;340:24; 341:13;343:23; 353:15,17;359:1 bases (1) 316:16 basic (1) 340:4 basing (1) 317:22 basis (21) 302:19,19;306:12, 19;307:12;312:21;		C4-C5 (1) 336:1 calculate (1) 342:25 calendar (1) 365:22 call (5) 328:24;360:9; 362:3;363:12;366:10 called (2) 321:19;329:4 calling (5) 361:11;362:10,17; 363:5,8 calls (1) 328:25 came (5) 319:7;332:23; 343:11;355:8;364:20 can (49) 304:7,16,20;305:3, 15,16,19;320:8; 321:18;322:1;324:2; 325:10,20;327:22; 329:20;330:25;332:4; 334:25,25;336:14,24;		

Nereyda Benitez v.

Chirag Shah

Brett A. Andeson and HB Architectural Lighting, Inc.

December 4, 2024

345:21	commonly (2)	302:17;308:17;	COURT (97)	
check (5)	321:12,19	311:23;314:18	300:1,4,20,24;	D
334:4,4;352:6;	community-based (1)	consideration (2)	301:7,13;303:17,23;	
358:2,5	344:23	327:20,21	304:1,15,22;305:9,23;	daily (1)
Chicago (1)	commute (1)	consistent (1)	306:24;308:20,25;	344:18
330:7	358:7	324:13	309:6,13;310:5,8,11,	damage (3)
Chirag (1)	company (1)	constitute (1)	14;311:1;312:13;	326:14;337:25;
329:10	350:8	321:13	313:1,7,10,12,22;	354:20
chiropractic (2)	comparable (1)	consult (1)	315:22;316:18;317:7,	damaged (1)
335:12;343:6	346:9	359:18	10,25;318:11;319:22;	354:14
choice (1)	compared (1)	contending (1)	320:21;322:22;	damages (1)
352:3	352:13	320:4	323:19;325:1,13,24;	319:20
choosing (1)	compelled (1)	context (2)	326:11,16,23;327:10;	date (1)
315:4	366:5	353:19;354:10	328:1,9,12,14,17,19;	343:17
chronic (1)	competent (2)	contingent (1)	329:2,8,13,14;331:11;	daughter (3)
337:24	319:9,10	316:5	335:8;338:15;340:21;	356:10,10,11
chunk (1)	compile (1)	contingents (1)	341:3,5;346:18;	day (7)
345:9	333:3	319:1	347:4;358:19,20;	300:10;303:6;
cite (4)	complain (1)	continue (6)	359:13;360:2,12,14,	331:23;351:19;
302:9;310:11;	356:19	337:2,7;342:8;	19;361:2,4,16,21;	356:18,23;361:14
321:1,17	complainants (2)	343:2,24;344:13	362:2,6,9,12,16,22,	days (2)
cited (6)	334:19;337:19	continues (1)	24;363:4,7,12,15,18,	353:22;361:9
302:16;304:16;	complaints (2)	322:10	20;364:8,25;365:8,16,	dealing (1)
310:16;315:21;	334:14;351:20	continuing (1)	21;366:2,13,15,19	309:15
319:25;320:22	complete (1)	355:19	courtroom (5)	December (13)
cites (1)	330:5	convincing (1)	328:15;361:3;	360:22;361:17,18,
321:15	completed (2)	309:23	365:3,20,21	19;362:3,7,9,13;
claim (1)	329:24;330:2	copies (2)	courtroom's (1)	363:10,16;365:11;
346:13	completing (5)	364:19;365:6	366:2	366:4,20
claiming (3)	330:4,8,17,18;	corner (2)	courts (3)	decide (2)
312:3;315:15,15	333:17	325:18;352:2	307:8;310:7,22	313:15;323:5
claims (3)	complimentary (2)	corners (1)	cover (1)	decided (1)
310:23;311:14;	339:5;343:5	327:13	316:13	350:24
315:22	comprehensive (1)	cost (36)	CPLR (5)	deciding (1)
clarify (1)	347:1	303:10,15,20,21;	309:19,24;310:2,	307:13
333:15	compression (2)	306:14;308:19;	17;311:3	decision (2)
clear (10)	340:10;354:15	312:12;314:9;315:1;	create (1)	316:16;322:3
305:15;306:20;	computers (1)	316:12;317:14;319:3;	333:4	decreased (1)
309:8,23;323:11;	354:24	322:21;323:13;	created (5)	336:19
329:8;337:14;347:12;	concern (1)	324:16,17;325:7,8;	338:25,25;348:2,6,	deductibles (1)
358:21;360:7	318:16	326:6,7;332:14;	8	315:2
clearly (3)	concerned (1)	342:6,13,16;343:1,11;	credibility (1)	defeating (1)
316:8;322:14,17	341:19	344:3,8,9;345:2,2,6,7,	326:4	316:14
clears (1)	conclude (2)	13,20,21	credible (1)	defendant (1)
327:1	316:24;325:20	costs (28)	311:18	318:16
client (1)	conclusion (1)	306:8;315:12;	credit (2)	defendants (4)
366:12	323:9	317:1;319:12;320:16;	311:17,17	300:9;316:15;
clinic (3)	condition (3)	322:16;326:8;341:15,	cross-examination (2)	336:4;346:12
331:24;332:23,24	307:25;324:19;	19,24;342:3,9,15;	326:4;347:4	defendants' (2)
closer (1)	336:16	343:14;344:6,7,8,10,	cross-examine (2)	300:5;303:23
309:21	conditions (1)	19,21;346:8,15;	303:19;326:23	defense (2)
co-insurance (1)	304:21	348:10,24;349:7,11,	CSX (1)	300:15;346:19
315:2	conduction (1)	13,15	302:11	definitely (1)
collateral (8)	335:6	Counsel (1)	Cullen (1)	310:19
309:19,20;310:9,	conference (1)	329:14	320:25	degree (6)
10,15,18,20;311:3	363:23	Counselors (1)	cumulative (1)	312:17;315:16;
collectively (1)	confirming (1)	300:1	317:5	329:25;330:5;338:16;
308:7	302:23	couple (1)	current (1)	353:10
coming (6)	connection (3)	359:14	332:14	deliberations (1)
313:2,20;322:19;	304:8;307:23;324:3	course (6)	currently (2)	313:16
358:19,24;361:14	consent (1)	330:20;332:5,6;	330:23;349:5	delivered (2)
common (1)	364:13	341:21;343:12;		304:10;356:7
352:18	consider (4)	352:21		demand (1)

Nereyda Benitez v.

Chirag Shah

Brett A. Andeson and HB Architectural Lighting, Inc.

December 4, 2024

366:7 demonstrated (1) 321:11 denied (2) 328:1,4 Department (5) 302:12;310:13; 320:25;321:16,19 depend (3) 340:23;341:6,11 depending (1) 364:1 depends (1) 354:10 depict (1) 345:20 derangement (1) 337:25 desk (1) 354:25 detail (2) 302:15,20 detailed (1) 341:18 determination (2) 305:6;307:11 determine (3) 305:2;312:8;314:11 determined (7) 305:20;306:7; 314:17;324:9;327:2, 14;352:1 devices (1) 341:15 diagnosis (5) 336:16;337:18,21; 338:4,11 diametrically (1) 313:14 different (12) 308:21;311:5; 317:21;322:22,23; 333:21,22;336:21; 341:20;351:15; 352:19,19 difficult (1) 340:16 difficulty (1) 356:25 dire (1) 327:17 direct (2) 313:24;329:16 direction (1) 303:9 directly (3) 302:10;303:15; 327:18 disabilities (1) 336:12 disability (3) 331:6;332:10,12 disagree (3)	308:25;346:16,22 disagreement (1) 313:9 discectomy (3) 335:25;350:23; 351:11 discernible (1) 318:21 disclosure (2) 327:13;328:2 disconnect (1) 309:12 discuss (2) 328:21;360:23 discussed (1) 328:3 discussing (1) 310:6 discussions (1) 311:2 disputing (1) 326:2 disqualified (1) 303:1 disservice (2) 349:16,20 distinguishable (1) 303:4 District (1) 355:18 divided (1) 341:23 division (2) 309:8;311:4 divisions (1) 309:22 doctor (31) 304:16,22;305:15, 18,19,21,22;306:6; 308:3;312:7,8; 314:22;327:3;335:8; 337:2;339:3,18; 342:1,23;351:7,17; 353:21;355:8,8,17; 356:16,20;357:18; 358:4;360:7,14 doctors (4) 301:11;304:12; 322:7;347:17 doctors' (3) 307:1;348:22,25 document (2) 324:8;364:21 documents (3) 311:13;317:21; 327:20 dollar (1) 332:13 dollars (1) 319:12 don' (1) 316:12 done (9)	314:6;318:6; 324:20;337:14;352:1; 363:16;364:6,12,14 double (3) 352:5;358:2,5 down (5) 335:9;338:1; 360:15,21;361:16 Dr (107) 300:6,12,13,16; 301:10,13,18,19,22, 23;302:1,1;303:8,10, 16,16,16,19,25;304:1, 5,6,8,9,9,19,22; 305:10,24;306:16,17, 24;307:23;308:8,10, 11,11;311:24;312:15, 20,23;313:12,18; 314:15,24;315:7; 318:18,23;319:5,16, 17,18,25;320:12; 321:21;322:5,9,18,19; 324:8,9,13,17,18,23, 24;325:3,22;326:13; 327:11;328:2,25; 329:10,18;335:17,18, 21,22,22,23,23,24; 336:1,2;340:22; 341:6;342:8;345:15, 23;347:6,12,20,24; 348:8;350:2;355:9, 10;358:23;359:18; 361:7,20,24,25; 362:12,19;363:10,12 dropped (1) 340:18 drugs (1) 349:4 due (1) 360:21 duly (1) 329:5 durable (1) 344:14 during (6) 311:5;313:16; 318:13;327:14;328:5; 351:20	354:21 economic (1) 311:11 education (2) 330:21;355:19 effective (2) 314:8,10 either (5) 340:24;357:11; 363:20;364:21;365:2 else (10) 316:18;323:7; 326:11;327:9;328:9; 345:4;355:14;363:8; 364:24;365:16 e-mail (1) 364:9 emergency (2) 335:7;364:5 EMG (1) 335:5 emphasize (1) 310:21 EMT (2) 361:19,22 enables (1) 321:9 entail (1) 332:18 entering (1) 328:14 enters (1) 328:15 entertain (1) 301:2 entertained (1) 300:20 entire (2) 306:24;323:2 entirely (6) 308:10,11;322:17; 323:3;324:7,7 entirety (2) 308:4;364:22 entitled (1) 316:15 epidural (2) 338:6;339:8 equally (1) 321:4 Equinox (1) 352:14 equipment (1) 344:15 equivalent (1) 311:13 ergonomic (3) 344:18;354:6,23 Essentially (12) 332:7;333:20,24; 334:16;339:3,23; 341:22,25;342:11; 343:4,21;345:8	established (3) 309:10;310:25; 317:14 et (3) 331:7;332:11; 351:16 evals (1) 353:25 evaluate (2) 332:24;350:16 evaluation (2) 302:18;343:8 evaluations (1) 353:20 even (29) 300:19;301:18; 302:16;311:16,21; 312:3;314:10,18,21; 315:6,7,10,17,20,25; 316:1,8;324:10,13; 327:5,21,24;344:17; 347:21;352:23;353:3; 356:15;357:21; 363:24 eventually (1) 349:12 everybody (2) 366:3,15 everyone (1) 364:9 evidence (47) 301:25;302:14,18, 22,23,25;303:2,4,12, 18,22;304:13,14,17, 17;305:25;306:22,23; 307:17;308:1;309:5; 311:10,14,19,22; 312:9;316:9,25; 318:2,5,13;320:3,6, 10,10,15,18;321:2,6, 10;322:18;324:8,22; 325:21;364:3,13; 365:13 exam (12) 317:23;333:12,15, 16;336:7,15,16; 337:13,17,22;338:19, 24 examination (15) 304:23;307:2; 313:25;323:7;327:21, 22;329:16;330:18; 333:2,3,18;335:21; 336:10,18;359:16 examined (2) 321:22;343:17 example (3) 322:2;342:18; 352:14 examples (2) 310:11;314:4 except (1) 300:12
--	---	---	---	---