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JESUS FERNANDEZ a/k/a MIGUEL GONZALEZ, Plaintiffs -vs- HUSTLER
CONVEYOR COMPANY, et al., Defendants

DOCKET NO.: HUD-L-3989-04

SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, HUDSON COUNTY

2008 Depo. Trans. 92840; 2006 Depo. Trans. LEXIS 10647; 1 Exp. Wit. 129502

September 20, 2006

Expert Witness Deposition

VIEW OTHER AVAILABLE CONTENT RELATED TO THIS EXPERT: BIALSKY, HAROLD

COUNSEL: [*1] ROTHENBERG & PASHAIAN, ESQS., 2444 Morris Avenue, Second Floor, Union, New Jersey 07083, BY: CRAIG M. ROTHENBERG, ESQ., and JASON C. MATEY, ESQ., Counsel for Plaintiffs.

MCDERMOTT & MCGEE, LLP, 75 Main Street, P.O. Box 192, Millburn, New Jersey 07041, BY: THOMAS WESTER, ESQ., Counsel for V. Ponte & Sons.

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EXPERT NAME: HAROLD BIALSKY, D.C., M.A., C.R.C., C.L.C.P.

TITLE: DEPOSITION OF: HAROLD BIALSKY

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TEXT:

I N D E X

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WITNESS

DIRECT CROSS REDIRECT RECROSS

5

6

HAROLD

BIALSKY

By: Mr.

Wester 4

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EXHIBITS

12

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NUMBER

DESCRIPTION PAGE

14

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-NO EXHIBITS MARKED-

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25 [*2]

4

1 I HAROLD BIALSKY

2 P.O. Box 44857, Phoenix, Arizona 85064-4857, having

3 first been duly sworn testifies as follows:

4

5 I DIRECT EXAMINATION BY MR. WESTER:

6

7 **Q. Sir, my name is Tom Wester. I'm an**

8 **attorney at McDermott & McGee, and I represent**

9 **I some defendants in connection with this action**

10 **brought on behalf of Mr. Fernandez.**

11 **I'm going to be asking you questions**

12 **today concerning the opinions that you've set**

13 **forth relative to the life-care plan. If, at**

14 **any time, you don't understand one of my**

15 **questions, please tell me you do not understand**

16 **the question, and I'll rephrase it for you.**

17 **If you answer a question I will**

18 **assume that you understood the question was it**

19 as posed.

20 If at any time there's an objection

21 to a question that is asked, do not answer the

22 question, wait until the objection is placed on

23 the record and then perhaps discussed, then you

24 may respond to the question.

25 Please wait until I finish asking my

5

1 question before you begin to respond, [*3] and I'll

2 wait until you finish responding before I ask

3 another question.

4 I've noticed just from our brief

5 interaction that there appears to be a

6 couple-second delay. If I begin to ask another

7 question before you've completed your response,

8 please let me know.

9 Do you understand these instructions?

10 A. Yes, I do, yes.

11 Q, what is your profession?

12 A. I am a life-care planner and a vocational

13 specialist.

14 Q. And how long have you been so

15 engaged?

16 A. Upon graduating from New York University

17 in December of 1995, so January of '96.

18 Q. What do you do in that regard?

19 A. In which regard?

20 Q. What is the nature of your work as a

21 life-care planner?

22 A. I receive referrals from attorneys who

23 have clients who have sustained some type of

24 catastrophic injury, and they request that I

25 develop a life-care plan to document the needs

6

1 of that individual through their lifetime.

2 Q. Is all of your professional life

3 involved in that type of work? [*4]

4 I A. No.

5 Q. What else do you do?

6 A. I'm a vocational specialist with a

7 community-based neurorehabilitation team. The

8 team consists of a neuropsychologist, speech

9 therapist, physical therapist, and myself, we

10 I receive referrals from the state voc rehab

11 agency to assist people with disabilities seek

12 and obtain and sustain gainful employment. So

13 as the vocational specialist I work with these

14 I individuals to assist them in their --

15 establish vocational goals and help them to

16 I obtain work.

17 Q. How long have you been doing that?

18 A. I've been doing that -- I've been a
19 vocational counselor since I graduated from New
20 York University. This team that I just
21 mentioned, I've been doing that since May of
22 I '04.

23 Q. What percent of time is spent on the
24 life-care aspect of your professional life as
25 opposed to the vocational aspect of your

7
1 professional life?

2 A. That varies from month to month, depending
3 upon the number of referrals that we receive on
4 both ends [*5] of the spectrum there, depending upon
5 how many referrals we receive on the vocational
6 side as well as how many referrals I receive in
7 terms of life-care plans. So it will vary.

8 Q. Twelve months past, can you give me
9 I an estimate?

10 A. Best estimate -- and this is truly an
11 estimate, because I don't keep any statistics
12 with regard to volume of work, things of that
13 nature -- but the majority of my time is spent
14 I in the area of the -- as the vocational
15 specialist, so I would have to say, you know,
16 60, 70 percent of my time as a vocational
17 specialist with the remainder in the area of
18 life-care planning. And in the context of
19 life-care planning I'm not only developing the
20 reports, deposition testimony, court testimony,
21 things of that nature.

22 Q. In terms of the life-care work, are
23 you paid on an hourly basis?

24 A. I am paid a flat-rate fee.

25 Q. And how much is that?

8

1 A. \$ 4,500.

2 Q. And what is included in that fee?

3 What services are included in that fee, [*6] I
4 apologize.

5 I A. Whatever interview I conduct with the
6 individual themselves. If it's a minor, the
7 parents, I'll interview the parents. I may
8 interview family members, if need be; my review
9 of all the records; there's often times
10 conversation with other experts involved; and
11 then my generating the report.

12 Q. And how about testimony? How do you
13 charge for testifying -- strike that.

14 How do you get paid for testifying?

15 A. I am paid for my time, and my time is
16 valued at \$ 200 an hour in deposition with a
17 minimum of two hours, and court testimony my
18 time is valued at \$ 200 an hour with a minimum
19 I of four hours.

20 Q. In the last 12 months, have you
21 testified in court as a life-care planner?

22 A. I've not testified in court in the past 12
23 I months.

24 Q. Have you ever testified in court as a
25 life-care planner in the state of New Jersey?

9

1 I A. I have.

2 Q. When was the last time?

3 I A. The last time was with a case with

4

Mr.

Rothenberg

a

few years back; I believe [*7] that

5

was

October of

20

04.

6 Q. Where was that; do you recall?

7 A. Essex County.

8 Q. And what was the nature of the

9 injury?

10 A. It was a young boy who suffered an anoxic

11 brain injury.

1

2

Q. How many times have you
testified in

1

3

the state of New Jersey as a life

-care planner?

1

4

A. I don't have the information
in front of

1

5

me.

I can certainly supply it

to you.

I have

1

6
that
information at my office.
But, to
the
1
7
best of
my recollection,
as
a li
fe-care
1
8
planner,
four, five times
at
thi
s point in my
19 career in the state of New Jersey.

20
Q.
Have
you testi
fied in other states
21
other than
New
Jersey in
connection with your
22 work as a life-care planner?
23 I A. I have testified in the state of New York.

24 Q. On how many occasions?

25 A. Two, I believe.

10
1 Q. Any other times that you've ever
2 testified in court as a life-care planner?
3 A. I don't recall any others. [*8]
4 Q. Can you just give me some description
5 of the educational background that you received
6 that qualifies you to work as a life-care
7 planner?

8 A, well, my education includes the fact that
9 I graduated from Los Angeles College of
10 Chiropractic and practiced in the state of New
11 Jersey for 13 years. In 1994 I returned to
12 school and obtained a master's degree in
13 rehabilitation counseling from New York
14 University, graduated in May of -- I'm sorry,
15 in December of 1995. While I was attending New

16 York University I was also attending a
17 certification program through the University of
18 I Florida to become a certified life-care
19 planner, and I completed in excess of 140 hours
20 of training in the field of life-care planning
21 and received my certification in and around the
22 time that I graduated from NYU, so upon
23 graduating from NYU I had the certification.

24 Q. I'm looking at a copy of your CV and
25 it indicates that you graduated from Bloomfield

11

1 College in December of 1993; is that correct or

2 I is [*9] that an error?

3 A. No, that is correct. And I'll explain.

4 Q. Please.

5 A. In attending Los Angeles College of
6 Chiropractic I did not -- the school did not
7 require a bachelor's degree at that time for
8 entrance purposes. So I had two years of
9 undergraduate work, went on to attend Los
10 Angeles College of Chiropractic. And when I
11 made the decision that I wanted to go back to
12 school to get my master's degree at NYU I
13 needed to have a bachelor's degree, so I then
14 returned to Bloomfield College, I had the two
15 years of prior undergraduate work, they
16 accepted portions of my chiropractic education,
17 I attended some classes at Bloomfield College,
18 and obtained that bachelor's degree at that
19 I time.

20 Q. You presently are affiliated with an
21 office in Phoenix, Arizona; is that correct?

22 I A. Correct.

23 Q. And what is the name of the office?

24 Harris and Lynne Associates?

25 I A. That's correct.

12

1

Q.

Did

I mispronounce it?

2

A. No,

you

did not.

3 Q. [*10] What's so funny?

4

A. I'm

just

waiting

for the
next
question.

5

Q.
What
is the

nature
of the
business

6

performed
by
Harris

and Lynne

As
sociates?

7

A. Just
as
the CV

suggests,

I'

m a vocational

8 specialist, vocational evaluator, vocational

9 expert, whatever you'd like, and life-care

10 planner.

11 Q. Who are Harris and Lynne?

12 A. Harris and Lynne are the middle names of

13 my two children.

1

4

Q.
How many
employees are there of

1

5

Harris
and Lynne As

sociates?

1

6

A. You
are
looking at
him:

Just
one.

1
7

Q.
And
according

to
your CV
you began
18 that business in January of 1996?

19 I A. Correct.

20 Q. Has there ever been any other
21 employees?

22 A. No.

23 Q. Did anyone else assist you in the

2
4

work
that you
performed

at
the request of

2
5

Mr.
Rothenberg
in this

case
?

13

1 I A. No.

2 Q. on how many occasions do you estimate [*11]

3 that you've been retained by Mr. Rothenberg or

4 I a member of his firm?

5 A. Again, I don't keep any statistics with
6 regard to referrals and numbers.

7 Mr. Rothenberg had requested my services on a
8 number of occasions and not just as a life-care
9 planner. I've done some vocational evaluations
10 for him as well, so I don't have a working
11 knowledge of the total amount of referrals that
12 I've received from him over the years.

13 Q. Can you estimate?

14 I A. It would be more in the realm of
15 possibility versus probability in terms of
16 getting it correct. A correct -- I'll give you

17 a range to the best of my recollection.

18 Probably in combination of vocational

19 assessments and life-care plans: Maybe 8 to

20 I 10.

21 Q. You understand, I'm sure, that in all

22 of those cases, or I assume in all of those

23 cases, certainly in this case, Mr. Rothenberg

24 is representing an injured party, the plaintiff

25 in the case; is that correct?

14

1 I A. That would be correct.

2 Q. Do you do work at the present [*12] time

3 for people who are representing defendants in

4 personal-injury actions?

5 A. I do, yes.

6 Q. Presently how many cases, if any, do

7 you have where you've been retained on behalf

8 of an attorney representing a defendant?

9 A. As we speak I'm not involved in any cases

10 as a defense expert.

11 Q. How about in the 12 months last past?

12 I A. Two to three.

13 Q. Were they life-care plans or

14 I vocational?

15 I A. I testified down in Tucson back in March

16 as a vocational expert, and I believe they've

17 been predominantly vocational.

18 Q. Can you put a percentage from the

19 time you started your business until the

20 present time in terms of the number of

21 percentage of retention on behalf of plaintiff

22 as opposed to defendant?

23 A. Plaintiff is far more significant. If I

24 had to put a number to it I would say

25 80 percent.

15

1 Q. You issued a report in this case

2 dated November 19, 2005; is that correct?

3 I A. Correct.

4 Q. Now, I received today a copy [*13] of a

5 letter dated December 21, 2005, which was sent

6 to Mr. Rothenberg; are you familiar with the

7 letter to which I'm referring?

8 A. I am, yes.

9 Q. Was that interview that is summarized

10 in the letter something that was conducted

11 in-person or via telephone or video

12 conferencing or something else?

13 A. It was in person at Mr. Fernandez's

14 residence, The Hudson Manor. And as is stated

15 in the first paragraph there, Mr. Pashaian,
16 Mr. Rothenberg's partner, was there as well as
17 an interpreter.

18 Q. In this technical world I didn't know
19 whether you and I are having a meeting today or
20 not; that's why I asked the question.

21 A, okay.

22 Q. I wasn't trying to be a wiseguy.

23 A. Not a problem.

24 Q. Approximately how long did that
25 meeting last?

16

1 I A. The interview on 12/9?

2 I Q. Yes.

3 A. That was probably an hour-and-a-half or

4 I so.

5 Q. You had already written and served --

6 I strike that.

7 You had already forwarded your

8 report, however, to Mr. [*14] Rothenberg at the time

9 you had that meeting, correct?

10 I A. Correct.

11 Q, why was the meeting necessary?

12 A, obviously the ideal scenario is to be able

13 to meet with the individual to gather

14 information as far as their background, their

15 I current status in terms of their condition, as

16 well as any desires or goals that they may have

17 in terms of their life and vocation, things of

18 I that nature. So I wasn't afforded that

19 opportunity when I was first retained to

20 develop this life-care plan. And if my memory

21 is serving me correctly there was quite a

22 severe time constraint as imposed by the Court

23 I when I received the referral, so I did not have

24 the opportunity to talk to Mr. Fernandez prior

25 to developing the life-care plan. I utilized

17

1 I all the records that I had as well as a

2 I conversation with the assistant director of

3 nursing at Hudson Manor to develop the plan.

4 Q. The interview that you just referred

5 to with Irwin Pablo on November 17, 2005, was

6 that an interview that took place over the

7 telephone [*15] or was it in-person?

8 A. That was via telephone.

9 Q. Did anything that transpired during

10 or as a result of your meeting with

11 Mr. Fernandez and others on December 9, 2005,

12 in any way alter any of the opinions set forth

13 in your November 19, 2005, report?

14 A. I did not alter anything. And the very
15 last statement that I make in the letter, Page
16 3, is that it only goes to support my opinions.

17 Q. On Page 3 in that letter of December
18 21, you mention that Mr. Fernandez reported
19 that driving is a high priority for him; do you
20 see where I'm referring?

21 A. Correct, yes.

22 Q. Tell me about your conversation with
23 Mr. Fernandez concerning driving, please.

24 A. It's no more complex than him wanting to
25 drive, wanting to be able to drive.

18

1 Q. Before Mr. Fernandez sustained these
2 injuries did he drive in the United States?

3 I A. I don't recall.

4 Q. Do you recall whether you asked him
5 I or not?

6 I A. I don't recall. I don't know that I asked
7 the question. [*16] It's not documented in the
8 I letter.

9 Q. In your report of November 19, 2005,
10 you make reference to the purchasing of a van
11 and the procuring of insurance for the van; do
12 you recall those sections?

13 A. I do, yes.

14 Q. I wasn't sure whether or not you were
15 speaking of a van that Mr. Fernandez could be a
16 passenger in or a van that Mr. Fernandez would
17 be able to drive; which were you referring to?

18 A, well, certainly up front here it's him
19 being a passenger. The issue of him driving is
20 in question as a result of his seizure
21 disorder, so I don't know that he'll ever be
22 I able to drive. But the fact of the matter is
23 the van is still necessary for him to have
24 access to the community. He has a brother that
25 lives in the area that can certainly drive the
19

1 van. The life-care plan includes 24-hour
2 attendant care; the attendant can drive the
3 van. A friend can drive the van, anybody else
4 can drive the van. But certainly it is
5 necessary in terms of him having access to the
6 community, whether [*17] it's for a doctor's
7 appointment, for a social event.

8 Q. I wasn't sure whether you were
9 talking about a van that was equipped for him
10 to drive or a van equipped for him to ride in.

11 So basically it was the latter?

12 A. If you look at the plan on -- hold on one
13 second while I find the page -- Page 31. The
14 third-to-last page.

15 Q. Yes, sir.

16 A. Okay. So I specifically state there under
17 that section titled "Transportation" that this
18 is for information purposes only, these costs
19 are not included in the life-care plan. And
20 then there's a footnote that goes on to state
21 I that Mr. Fernandez is unable to drive at this
22 I time due to his seizures. If his seizures were
23 to be under control the possibility of him
24 being able to drive independently is considered
25 with the incorporation of hand controls to the
20

1 van and appropriate training.

2 I So the issue here is that it's not
3 included in the plan, it's a consideration for
4 the future if, in fact, his seizures were to be
5 I under control.

6 Q. [*18] On the first page of your report you
7 talk about Mr. Fernandez's life expectancy.

8 I A. Correct.

9 Q. To your knowledge, is his life
10 expectancy decreased as a result of these
11 injuries?

12 A. The issue with regard to life expectancy
13 and me developing this life-care plan is that
14 there was nothing contained within the file
15 that would suggest anything -- that suggested
16 anything to me in terms of the life expectancy.
17 There was no opinion rendered with regard to
18 the life expectancy. So my approach in
19 developing these life-care plans is to use the
20 normal life expectancy. And if an opinion
21 comes across my desk, the life-care plan can
22 certainly be modified. But that is not my area
23 of expertise. The issue for me is that the
24 life-care plan is not intended to be a
25 self-fulfilling proficiency where if I just
21

1 decide that he's going to live to be 50 and he
2 I lives to be 55 that the services weren't there
3 I for him.

4 Q. In your experience have you seen a
5 decrease in life expectancy as a practical [*19]
6 matter in people who have sustained similar
7 types of injuries?

8 MR. ROTHENBERG: Objection.

9 I You can answer it.

10 A. From -- when you say "practical point of
11 view," are you saying --

12 I BY MR, WESTER:

13 Q. In your experience.

14 A. In my experience and in the work that I do
15 and articles that I've read and so forth, life
16 expectancy for people with spinal cord injuries
17 is increasing as a result of advancements in
18 I medical care.

19 One more comment regarding the
20 life-care plan: I would personally hope that
21 somebody who renders an opinion with regard to
22 life expectancy, in fact, has a life-care plan
23 I to refer to. So that the individual
24 understands the level of care that the person
25 is receiving and takes that into consideration
22

1 with regard to rendering their opinion, so it's
2 not uncommon for me to develop a life-care plan
3 where there is no specific opinion with regard
4 to life expectancy because the issue of the
5 level of care is incorporated into that
6 opinion.

7 Q. [*20] Are you familiar with the National
8 Spinal Cord Injury Statistical Center?

9 I A. No.

10 Q. How about the National Institute on
11 Disability and Rehabilitation?

12 A. That is -- there is some vague
13 recollection or some vague recall of that
14 particular organization.

15 Q. Have you read any publications
16 authored by them?

17 A. I can't tell you that I have, no.

18 Q. Do you agree that the costs of
19 medical care that are incurred during the first
20 year of a person who has sustained an injury
21 such as Mr. Fernandez is generally the greatest
22 as compared to the other years throughout their
23 I lifetime?

24 A, well, that's certainly a very global
25 statement, and obviously in the acute phase
23

1 when you consider surgeries, hospitalizations,
2 rehabilitation for extended periods of time,
3 those are all quite extensive in terms of cost.
4 Now, you know, the implementation of the
5 life-care plan is intended to keep the person
6 from being hospitalized; if they have the

7 appropriate care you catch things early [*21] enough,
8 if they receive the on-going routine
9 assessments, in theory that prevents him from
10 having any major problems in the future. That
11 said, it still doesn't mean the person won't be
12 hospitalized down the road. In the case of
13 spinal cord injury the decubitus ulcer,
14 obviously respiratory issues, bowel and bladder
15 issues, falls, just about anything and
16 everything could wind up having this individual
17 be hospitalized.

18 Q. Did you look at the medical bills
19 that were actually incurred by Mr. Fernandez as
20 a result of the injuries sustained in this
21 I accident from the time of the incident until
22 the time you wrote your report in November of
23 I 2005?

24 A. I'll answer the question by being clear in
25 that I may have looked at them, but they had no
24

1 bearing on my developing the life-care plan.

2 Q, what bills did you look at?

3 A. I'd have to go back into the file. The
4 records that were sent to me, you know, I don't
5 have specific recollection of particular bills
6 that I saw, obviously [*22] there were some invoices
7 and bills related to various hospitalizations
8 and surgeries and things of that nature.

9 Q. And why was that not something that
10 you wanted to look at in more detail?

11 A. Because the issue was going forward from
12 the point in time where I was asked to develop
13 the life-care plan, so the acute care and the
14 rehabilitation is not necessarily a type of
15 service that you consider in an on-going basis.
16 I There's the care that Mr. Fernandez needs to
17 help him remain functionally independent in the
18 community as well as prevent him from having
19 any medical conditions in the future. So the
20 level of care, the type of services that he
21 would be engaged in are different going forward
22 at the time that I developed the life-care plan
23 I versus the acute care that he had.

24 Q. Is not the nature and the cost of the
25 care that was received, say, in calendar year
25

1 2004 relevant to what may be expected to be
2 incurred in subsequent years?

3 I A. No.

4 Q. Why not?

5 A, well, if you look at [*23] the life-care plan,
6 each and every service in the two options is
7 costed, it's projected. So those costs are
8 what they are. So I don't have any, you know,
9 impact on those things; it is what it is. The
10 hourly rate for a home health aide, the hourly
11 rate for a nurse, all the various costs are
12 included in the first option. And then in the
13 second option, him remaining as a resident of
14 I Hudson Manor. So I researched the various
15 costs and those costs are what they are.

16 Q. And historical data isn't important
17 for you to keep in mind in terms of formulating
18 what the projected costs will be?

19 A. My answer remains the same. It's pretty
20 much the same question. The way I'm
21 interpreting it it's pretty much the same
22 question. So the answer is: No with regard to
23 from a historical perspective. It's from the
24 point going forward and from the time that I
25 developed the life-care plan going forward.

26
1 Q. One of the options you had involved
2 the purchasing of a home; is that correct?

3 I A. Correct.

4 Q. [*24] You had a figure of -- a median cost
5 of \$ 452,000, correct?

6 I A. Correct.

7 Q. And I saw -- you footnoted it, but I
8 wasn't certain as to what your source was in
9 that regard for the cost.

10 I A. The web site that's listed there?

11 Q. Yes. I didn't go to the web site.

12 A. Okay.

13 Q. How did you arrive at that median
14 I cost?

15 A, Well, I went to the web site.

16 Q. Okay. But what information did you
17 put in to find out the median cost of the home?
18 Just take me through the process.

19 A. Okay. Take you through the process, okay.

20 If we go to realtor.org there are links within

21 I the web site that document the median sale

22 price of single-family homes in major

23 metropolitan areas throughout the country. So

24 I obviously chose the New York/northern New

25 Jersey metropolitan area for the second quarter

27

1 of 2005 for that figure. So if I were to go to

2 that web site today, obviously the data has

3 changed because additional quarters have --
4 there's additional data based on how [*25] many
5 quarters they have access to.

6 Q. So it wasn't specific for my
7 municipality in the New York/New Jersey
8 metropolitan area?

9 A. No, the data is not specified per
10 municipality; it was specified per major
11 metropolitan area throughout the country.

12 Q. What is your understanding of
13 Mr. Fernandez's residence for the period of
14 I time after he came to the United States before
15 the incident took place?

16 I A. I believe he resided with a brother in an
17 apartment.

18 Q. In your letter to Mr. Rothenberg of
19 December 21 you talk about Mr. Fernandez, his
20 desire to live independently; can you please
21 tell me other than what's set forth in your
22 report if you can recall anything else relative
23 I to that discussion?

24 A. You're referring to the interview?

25 Q. Yes, sir. Correct.

28

1 A. Okay. There's information embedded in the
2 letter with regard to his dissatisfaction with
3 residing at Hudson Manor, the level of care,
4 and some of the treatment that he receives, and
5 I some [*26] of the observations that he's made. So I
6 I think that it correlates to his desire to live
7 elsewhere, preferably independently.

8 Q. Do you recall him saying anything
9 else other than what you've just articulated
10 and what is set forth in your report concerning
11 his desire to live independently?

12 I A. No.

13 Q. I don't have any other questions at
14 this time. Thank you.

15 MR. BYRQN: I don't have any
16 questions.

17 MR. ROTHENBERG: That you, Harold.

18

19 (whereupon, the deposition is concluded)

20

21

22

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1

21 CERTIFICATE

3

4 I, KARA FORTUNATO, a Certified Shorthand
5 Reporter, Registered Professional Reporter, and
6 Notary Public of the State of New Jersey, do hereby
7 certify that prior to commencement of the
8 examination, **HAROLD BIALSKY** was duly sworn to
9 testify the truth, the whole truth and nothing but
10 I the truth.

11 I DO FURTHER CERTIFY that the foregoing is
12 a true and accurate verbatim transcript of the
13 testimony as taken stenographically by and before me
14 at the time, place, and on [*27] the date hereinbefore set
15 forth, to the best of my ability.

16 I I DO FURTHER CERTIFY that I am neither a
17 relative nor employee nor attorney nor counsel of
18 any of the parties to this action, and that I am
19 neither a relative nor employee of such attorney or
20 counsel, and that I am not financially interested in
21 I this action.

22

23

24 KARA FORTUNATO, CSR, RPR
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25



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REDW TRUST COMPANY, As Conservator For ESTELA CONTRERAS, An Infant,
and ENRIQUETA CONTRERAS and BRAULIO CONTRERAS, Individually and As
Parents of Estela Contreras, Plaintiffs, v. PRESBYTERIAN HEALTHCARE SERVICES
d/b/a PLAINS REGIONAL MEDICAL CENTER, Defendants.

CAUSE NO. CV 2002 08649, CAUSE NO. CV 2003 01908

NEW MEXICO DISTRICT COURT, BERNALILLO COUNTY (2ND DISTRICT)
SECOND JUDICIAL DISTRICT

2004 Depo. Trans. LEXIS 13631; 1 Exp. Wit. 129502

November 01, 2004

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Harold Bialsky, DC.

EXPERT NAME: HAROLD BIALSKY, DC.

TITLE: DEPOSITION OF HAROLD BIALSKY, DC.

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