Expert Research On-Demand *Challenges To Exclude Expert*

13427 NE 16th, Bellevue, WA 98005 www.idex.lexisnexis.com (800) 521-5596 Fax (866) 960-3042

May 26, 2011

S Snyder
Kaufman, Borgeest & Ryan
200 Summit Lake Dr
Valhalla, NY 10595

Claim Number: 103.937

Dear Sir or Madam:

Thank you for your request to search for any challenges to exclude the expert, **Sebastian Lattuga.** The following attachment provides information of the case detail and opinion found to be associated with this name.

IDEX has utilized outside databases in gathering this information and has made no independent verification or validation of the information.

We appreciate your business and look forward to assisting you on another case in the near future.

Sincerely,

Challenges Research Dept.

13427 NE 16th, Bellevue, WA 98005 www.idex.lexisnexis.com (800) 521-5596 Fax (866) 960-3042

Caira v. Astrue

Case Details:

Experts Challenged:
Name: Laxmidhar Diwan
Discipline: Medicine;Orthopaedic Surgery
Area of Expertise:
Disposition: Testimony improperly discounted by ALJ; reversed on appeal.

Name: Robert Duca
Discipline: Medicine;Orthopaedic Surgery
Area of Expertise:
Disposition: Testimony improperly discounted by ALJ; reversed on appeal.

Name: Mohammad Iqbal
Discipline: Medicine;Physical Med./Rehab.
Area of Expertise:
Disposition: Testimony improperly given significant weight by ALJ; reversed on appeal.

Name: Sebastian Lattuga
Discipline: Medicine;Orthopaedic Surgery
Area of Expertise:
Disposition: Testimony improperly discounted by ALJ; reversed on appeal.

Name: Carlos Montorfarno
Discipline: Medicine;Physical Med./Rehab.
Area of Expertise:
Disposition: Testimony improperly given significant weight by ALJ; reversed on appeal.

Name: Richard Obedian
Discipline: Medicine;Orthopaedic Surgery
Area of Expertise:
Disposition: Testimony improperly discounted by ALJ; reversed on appeal.

Date of Decision:03/31/2011

Gatekeeping Authorities:

Jurisdiction: Federal

Court: New York, Eastern District

Plaintiff(s): ADELCHI CAIRA, Plaintiff

Defendant(s): MICHAEL J. ASTRUE, Commissioner of Social Security, Defendant

Docket No(s).: 08 CV 4534 (RJD)

Citations: 2011 U.S. Dist. LEXIS 36338;

Area of Law: Administrative Law

Counsel: [*1] For Adelch Caira, Plaintiff: Christopher James Bowes, LEAD ATTORNEY, Office of Christopher James Bowes, Shoreham, NY. For Michael J. Astrue, Commissioner, Social Security Administration, Defendant: SOCIAL SECURITY ADMINISTRATION - GENER-IC, LEAD ATTORNEY, Social Security Ad-ministration; Arthur Swerdloff, LEAD AT-TORNEY, United States Attorney - EDNY, Brooklyn, NY; Tiana A. Demas, LEAD AT-TORNEY, United States Attorneys Office, Brooklyn, NY.

Judges: RAYMOND J. DEARIE, United States District Judge.

Opinion By: RAYMOND J. DEARIE

13427 NE 16th, Bellevue, WA 98005 www.idex.lexisnexis.com (800) 521-5596 Fax (866) 960-3042

Summary:
Claimant Adelchi Caira appealed from a decision of the Administrative Law Judge ("ALJ") denying claimant's application for social security disability insurance benefits. In evaluating claimant's appeal, the Court reviewed the administrative record de novo to determine whether there was substantial evidence supporting the Commissioner's decision and whether the Commissioner applied the correct legal standard. The Court noted that claimant's treating physician Dr. Obedian stated that claimant could "stand and/or walk less than an hour in a day, can sit less than four hours in an eight hour day [and] requires bed rest." The ALJ conceded that "if [she] were to rely on . . . those limitations then it is clear that the claimant could not perform work for a full eight hour workday." The ALJ discounted Dr. Obedian's testimony as "inconsistent with the testimony of the claimant and the treatment notes." The Court found that the record contradicted the ALJ's conclusion, noting that Claimant testified he "needed rest throughout the day" and "was in too much pain." The Court observed that the ALJ credited only the sliver of Dr. Obedian's written opinion which suited a finding that claimant was not disabled, but ignored the vast majority of the opinion counseling otherwise. The Court noted that because a treating physician's well supported diagnosis deserves significant deference, the ALJ was required to provide 'good reasons' for the weight she gave to the treating source's opinion. However, the ALJ simply declared, without any analysis, that she gave "significant weight" to the opinion of consulting examiner Dr. Mohammed Iqbal. Dr. Iqbal concluded that claimant "has no limitation of sitting, standing, walking short distances." The ALJ also gave "significant weight" to the opinion of one Dr. Montorfarno. Dr. Montofarno found that "plaintiff should be capable of, at least, a full range of sedentary work, not requiring very frequent overhead reaching" with the right upper extremity. The Court noted that the ALJ accepted these doctors' bald conclusions despite substantial contemporaneous and contradictory evidence in the record including 1) examining physician Dr. Robert Duca's statement that claimant "is not able to stand, sit down, or walk for extended periods of time that would be required in his workday;" 2) Dr. Sebastian Lattuga's statement that claimant had trouble sitting and standing for long periods of time and recommended spinal fusion surgery; and 3) Dr. Laxmidhar Diwan's statement that claimant "is unable to stand for any period of time and has difficulty bending, sitting, and lying down for long periods," and "remains totally disabled." In light of these findings, the Court concluded that the "consulting physician's opinions or report should be given limited weight.'" The Court also noted that the opinion of a doctor who merely reviewed the claimant's file "cannot constitute substantial evidence to overcome a consensus among [claimant]'s examining doctors." The Court concluded that the existing record permitted a single conclusion: that claimant was disabled and entitled to benefits. The Court noted found that no useful purpose would be served by a remand for the development of further vocational evidence. Thus, the Court remanded this case solely for the calculation of benefits.

Opinion:
OPINION

MEMORANDUM OF DECISION

DEARIE, Chief Judge.

Adelchi Caira ("claimant") appeals from a January 25, 2008, decision of Administrative Law Judge ("ALJ") Hazel Strauss denying claimant's application for social security disability insurance benefits. Conceding that the ALJ failed to consider the documented extent of claimant's limitations, the Commissioner argues that the case should be remanded so that the ALJ can decide anew whether claimant might be entitled to benefits. The existing record, however, "provides persuasive proof of disability and a remand for further evidentiary proceedings would serve no purpose." Parker v. Harris, 626 F.2d 225, 235 (2d Cir. 1980). Thus, as indicated during oral argument, the case is remanded solely for the calculation of benefits.

I. Background.

The Court assumes the parties' familiarity with the administrative record and address those facts that are relevant to the issues in dispute.

Born in 1963 and possessing an eighth-grade education, claimant joined the New York City Department of Sanitation in 1990. Often working seven days per week, claimant lifted up to 100 pounds of garbage at a time. In April 2004, claimant was struck by a car while on the job. Claimant suffered a right shoulder impingement and seven disc herniations in his cervical and lumbar spines. In April 2005, claimant underwent arthroscopic surgery on his right shoulder to repair a torn bicep and rotator cuff. In March 2006, claimant underwent spinal fusion surgery (a posterior lumbar interbody fusion with bone grafting) performed by Dr. Richard Obedian, a board-certified orthopedic surgeon who treated claimant on a monthly basis from February 2006 until May 2007. Before and after these operations, claimant persistently complained of pain, tingling and numbness in his neck, lower back and right (dominant) shoulder and hand, with doctors regularly assigning his subjective complaints a severity of between 7 and 9 out of 10. In the three years following his injury, at least six physicians, including Dr. Obedian, declared claimant to be "disabled" or "totally disabled." The record shows that claimant's physical and mental symptoms have been treated with, in differing combinations and doses, Ibuprofen, Synthroid, Flexeril, Roxicet, Dilaudid, Norco, Vicodin, Oxycontin, Valium, Ambien, Zoloft and Prozac.

On February 15, 2005, claimant applied to the Social Security Administration ("SSA") for disability insurance benefits dating from April 2, 2004. The SSA denied claimant's application. Claimant requested and received a hearing, held on June 7, 2007. In a decision issued on January 25, 2008, the ALJ found that claimant was "not disabled" and thus ineligible for benefits. The ALJ found that claimant "has the following severe impairments: degenerative disc disease of the lumbar and cervical spines [and] a right shoulder rotator cuff tear status post surgery." n1 (Tr. 14.) Although these impairments prevented claimant from resuming his prior job as a sanitation worker, the ALJ

concluded that "claimant has the residual functional capacity . . . to perform a wide variety of sedentary work." (Id. at 15.) Specifically, despite the fact that claimant "cannot perform overhead reaching with his right arm," the ALJ found that claimant "can lift and carry up to ten pound occasionally, can stand or walk for up to n2 hours, and can sit for up to n6 hours of an 8-hour workday." (Id.) By notice dated September 5, 2008, the Appeals Council denied review. Claimant subsequently filed this action in District Court.

On August 25, 2009, the Commissioner served a motion for judgment on the pleadings requesting that this Court affirm the ALJ's finding that claimant is not disabled. On October 6, 2009, claimant served a cross-motion seeking reversal of the ALJ's decision. On January 8, 2010, the Commissioner adopting a pair of the arguments advanced by claimant withdrew the request for an affirmance and filed a motion seeking a remand for further development of the administrative record by the ALJ.

II. Discussion.

In evaluating claimant's appeal, the Court "'review[s] the administrative record de novo to determine whether there is substantial evidence supporting the Commissioner's decision and whether the Commissioner applied the correct legal standard.'" Acierno v. Barnhart, 475 F.3d 77, 80-81 (2d Cir. 2007) (quoting Pollard v. Halter, 377 F.3d 183, 188 (2d Cir. 2004)). Substantial evidence "means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Richardson v. Perales, 402 U.S. 389, 401, 91 S. Ct. 1420, 28 L. Ed. 2d 842 (1971). To support a denial of benefits, the record as a whole "must demonstrate a rational connection between the [ALJ]'s legal conclusion and the medical and lay testimony presented." Williams ex rel. Williams v. Bowen, 859 F.2d 255, 256 (2d Cir. 1988).

Of the established five-step procedure for deciding an applicant's eligibility for disability benefits, the parties' dispute centers on the fifth and final question of whether claimant's residual functional capacity ("RFC") allows him to perform alternative occupations available in significant numbers in the national economy. n2 See 20 C.F.R. § 416.960(c). As noted above, the ALJ found that claimant has the RFC "to perform a wide range of sedentary work." (Tr. 15.) The Commissioner now concedes that this determination is the product of numerous legal and factual errors.

"Because a hearing on disability benefits is a non-adversarial proceeding, the ALJ generally has an affirmative obligation to develop the administrative record." Perez v. Chater, 77 F.3d 41, 47 (2d Cir. 1996). Where the ALJ's finding that "the claimant can engage in 'sedentary' work is not supported by substantial evidence," however, a district court should not remand the case "unless the [Commissioner] could offer additional evidence" and "show good cause 'for failure to incorporate such [additional] evidence into the record in [the] prior proceeding.'" Carroll v. Sec'y of HHS, 705 F.2d 638, 644 (2d Cir. 1983) (quoting 42 U.S.C. § 405(g)). By comparison, where there is "no apparent basis to conclude that a more complete record might support the Commissioner's decision," a court should remand for the calculation of benefits. Rosa v. Callahan, 168 F.3d 72, 83 (2d Cir. 1999).

A. Testimony by vocational expert.

i. ALJ's failure to question the vocational expert properly.

At the July 2008 hearing, a vocational expert testified via telephone. The ALJ asked the vocational expert to identify simple jobs available to someone of claimant's age, education and skill level, who can sit for six hours in a day out of eight, stand for two hours in a day, interact with the public with moderate limitation, work independently and respond appropriately to changes in the work environment. (Tr. 422.) The vocational expert responded that such a person could be a pari-mutuel ticket checker, nut sorter or toy stuffer. (Id. at 422-23.) The ALJ then added that "the work should not require frequent overhead reaching with the right dominant upper extremity." (Id. at 423.) The vocational expert removed toy stuffer from the list of potential jobs that such a person could perform, but added hand bander. (Id. at 423-24.) The ALJ then asked if the person could perform those jobs if he "could stand for 15 to 20 minutes at a time before having to sit, and could sit 10 to 20 minutes at a time." (Id. at 424.) The vocational expert answered in the affirmative. 3

The parties agree that the ALJ committed a pair or errors during this questioning. First, although the ALJ specifically concluded that claimant "can perform sedentary work that does not require [any] overhead reaching with his right upper extremity," (id. at 19), the ALJ asked the vocational expert to identify jobs that do not require "frequent" overhead reaching with the right upper extremity, (id. at 423). Second, the ALJ did not ask the vocational expert if her testimony concerning the jobs that claimant could perform was consistent with those occupations' characteristics as listed within the Directory of Occupational Titles ("DOT").

It cannot be disputed that the vocational expert's testimony was "based on an erroneous standard, and did not adequately account for [claimant]'s actual limitations." Aubeuf v. Schweiker, 649 F.2d 107, 115 (2d Cir. 1981). "The vocational expert's testimony is only useful if it addresses whether the particular claimant, with his limitations and capabilities, can realistically perform a particular job." Id. Prompted by the ALJ, the vocational expert identified jobs suitable for someone incapable of "frequent" overhead reaching. Undeniably, however, infrequent overhead reaching still is more than none at all. Thus, the Commissioner has not produced any evidence, let alone substantial evidence, of alternative employment which this particular claimant who is incapable of any overhead reaching "could realistically perform." Id.

Even assuming, contrary to the ALJ's own conclusion, that claimant could perform "frequent" overhead reaching, the ALJ did not question the vocational expert regarding whether the proffered occupations conflicted with this limitation. This failure is legal error. See Soc. Sec. Ruling 00-4p, 2000 SSR LEXIS 8, 2000 WL 1898704 (2000). When the ALJ raised the limitation of "frequent" overhead reaching, for example, the vocational expert withdrew the occupation of toy stuffer, for which reaching is "frequently present." (Cl. Br., Dkt. #32, Ex. A.) Remaining on the list, however, were the jobs of nut sorter, for which reaching also is "frequently present," (id. Ex. D), and pari-mutuel ticket checker, for which reaching is "constantly present," (id. Ex. A). n4 The vocational expert then added the occupation of hand bander, for which reaching also is "constantly present." (Id. Ex. D.) That claimant conceivably "may have had the physical capacity to perform [these] jobs, however, does not warrant rejection of a disability claim" absent any "showing whatever that [claimant] would have been able to perform [the] jobs." Parker, 626 F.2d at 233. Due to the ALJ's

lack of an appropriate inquiry, the vocational expert's rationale, if any, for claimant's being able to perform jobs that require "constant" reaching, and some (but not other) jobs that require "frequent" reaching, remains a mystery.

ii. ALJ's evaluation of the treating physician's opinion.

While examining the vocational expert, the ALJ referred to a functional assessment, dated March 16, 2007, in which claimant's treating physician Dr. Obedian checked entries stating that claimant could "stand and/or walk less than an hour in a day, can sit less than four hours in an eight hour day [and] requires bed rest." (Tr. 424-25; see id. at 245-46.) The ALJ conceded that "if [she] were to rely on . . . those limitations then it is clear that the claimant could not perform work for a full eight hour workday." (Id. at 424-25.) That is because "[t]he ability to sit for a total of four hours does not generally satisfy the standard for sedentary work." Connors v. Conn. Gen. Life Ins. Co., 272 F.3d 127, 136 n.5 (2d Cir. 2001).

The ALJ discounted Dr. Obedian's checked entries as "inconsistent with the testimony of the claimant and the treatment notes." (Tr. 19.) First, according to the ALJ, "claimant did not state that he needs bed rest in a typical day." (Id.) The record contradicts this conclusion, however. Claimant testified that although he tried to return to work at the New York City Sanitation Department from December 2005 to January 2006 answering phones, he could not perform this light duty because he "needed to lay down, needed rest throughout the day" and "was in too much pain." n5 (Id. at 388.) In a June 2005 statement to the SSA, moreover, claimant wrote that his "condition requires [him] to get frequent rest" and that sometimes he "stay[s] in bed for the day." (Id. at 81.) Claimant testified generally that he can only sit for about 20 minutes without standing, reclining or "laying down." (Id. at 408.)

Second, the ALJ found that Dr. Obedian's "check offs are inconsistent with [a] narrative report [written by Dr. Obedian] in the same month." (Id. at 19.) In that report, dated May 29, 2007, Dr. Obedian wrote that claimant was "unable to sit for over six hours" and could not "stand for more than two hours per day." (Id. at 251.) The ALJ gave "significant weight" to these statements, which are "consistent with an ability to perform sedentary work." (Id. at 16.)

Because a treating physician's well supported diagnosis deserves significant deference, the ALJ "is required to provide 'good reasons' for the weight she gives to the treating source's opinion." Halloran v. Barnhart, 362 F.3d 28, 32, 33 (quoting 20 C.F.R. § 404.1527(d)(2)). The ALJ simply declared, without any analysis, that she gave "significant weight" to the opinion of consulting examiner Dr. Mohammed Iqbal, who examined plaintiff in August 2005 on the SSA's behalf. In his report, Dr. Iqbal concluded that claimant "has no limitation of sitting, standing, walking short distances." (Tr. 216.) The ALJ also gave "significant weight" to the opinion of one Dr. Montorfarno, who reviewed claimant's file in August 2008 for the New York State Office of Disability Determinations, "as consistent with the opinion of Dr. Iqbal and the record as a whole." (Id. at 19.) Dr. Montofarno found that "plaintiff should be capable of, at least, a full range of sedentary work, not requiring very frequent overhead reaching" with the right upper extremity. (Id. at 218.)

The ALJ accepts these doctors' bald conclusions despite substantial contemporaneous and

contradictory evidence in the record. n6 For example, in July 2004, examining physician Dr. Robert Duca wrote that claimant "is not able to stand, sit down, or walk for extended periods of time that would be required in his workday." (Tr. 119.) Dr. Sebastian Lattuga, an orthopedic surgeon who saw plaintiff six times between August and November 2005, reported that claimant had trouble sitting and standing for long periods of time and recommended spinal fusion surgery. (Id. at 311, 315.) Likewise, in October 2005, Dr. Laxmidhar Diwan, who months earlier had performed surgery on claimant's shoulder, wrote that claimant "is unable to stand for any period of time and has difficulty bending, sitting, and lying down for long periods," and "remains totally disabled." (Id. at 339-40.) In light of these findings, the "consulting physician's opinions or report should be given limited weight.'" Simmons v. U.S.R.R. Ret. Bd., 982 F.2d 49, 55 (2d Cir. 1992) (quoting Cruz v. Sullivan, 912 F.2d 8, 13 (2d Cir.1990)). Similarly, the opinion of a doctor who merely reviews the claimant's file "cannot constitute substantial evidence to overcome a consensus among [claimant]'s examining doctors." Id. at 55.

Although Dr. Obedian's May 16, 2007, assessment that claimant could sit for no more than four hours per working day appears to conflict with his later May 29, 2007, assessment that claimant could sit for up to six hours per day, the ALJ provided no basis for choosing one account over the other. To the extent that Dr. Obedian might have resolved this conflict, "the ALJ failed to obtain adequate information from [claimant]'s treating physician . . . and [instead] jumped to conclusions that were not adequately supported by the consultant reports before her." Rosa, 168 F.3d at 82. In the May 29 assessment, moreover, Dr. Obedian additionally catalogues claimant's prescription medications, states that claimant "continues to suffer from persistent lower back pain" and concludes that claimant "is permanently totally disabled." (Tr. 251.) The ALJ credited only the sliver of Dr. Obedian's written opinion which suits a finding that claimant is not disabled, but ignored the vast majority of the opinion counseling otherwise.

B. Effect of medications.

i. Evidence of use and side effects.

The parties agree that the ALJ, contrary to authority, failed to consider the potential side effects of claimant's medications on his ability to work. See 20 C.F.R. § 404.1529(c)(3)(iv). Thus, the Commissioner argues that the ALJ failed to develop the record properly in this regard. To the contrary, the record contains overwhelming, uncontroverted evidence that claimant was prescribed medication, took that medication and suffered the expected side effects. At best, therefore, "the ALJ reached a mistaken conclusion on an otherwise complete record." Rosa, 168 F.3d at 83.

In his narrative report dated May 29, 2007, Dr. Obedian wrote that "the medications that [claimant] takes including Dilaudid, Norco, and OxyContin cause side effects including constipation, nausea, and fatigue which further limit his ability to work and concentrate even in a sedentary type job." (Tr. 251.) Previously, in August 2005, Dr. Iqbal's consultative report listed plaintiff's current medications as Hydrocrone, Valium, Ibuprofen, Synthroid, Ambien, Zoloft, Flexeril, and Roxicet. (Id. at 214.) Although she refers generally to these assessments, the ALJ did not expressly incorporate these facts into her analysis. Further, the few specifics into which she delved are incomplete. According to the ALJ, Dr. Obedian reported in September 2006 that claimant's use of Vicodin was intermittent. In the

relevant treatment notes, Dr. Obedian wrote that claimant "is only taking Vicodin intermittently which has not been helping," and that he prescribed in addition the more powerful painkiller OxyContin. (Id. at 269-70.)

Claimant's testimony illustrates the predictable effects that these narcotics had on his ability to work. While attempting to answer phones for the Sanitation Department in late 2005 and early 2006, claimant was allowed to take his medications, but they reportedly made him "drowsy" and "nauseous." (Id. at 389.) Shortly after the accident, in July 2004, examining physician Dr. Duca wrote that plaintiff's "current medications render him drowsy [and] he must rest as symptoms indicate." (Id. at 119-20.) It is clear from the record, and perhaps obvious, that claimant's medications would similarly interfere with his performing any of the jobs which the vocational expert identified.

ii. Effect on ALJ's assessment of claimant's credibility.

Without expounding, the ALJ found "that the claimant's statements concerning the intensity, persistence and limiting effects of [his] symptoms are not entirely credible." (Id. at 18.) The Commissioner similarly argues that claimant's subjective complaints, standing alone, cannot support a finding of disability. These contentions are puzzling in light of the extensive documented objective evidence of claimant's disability. For instance, treatment notes reveal that Dr. Obedian often altered the prescribed medications to manage claimant's pain. (See Tr. 273-74 (added Vicodin to Dilaudid); id. at 270 (added OxyContin to Vicodin); id. at 255 (claimant was "inquiring if he could get a stronger dosage for his vicodin"); id. at 255-56 (switched Vicodin with Norco).) This fact, unaddressed by the ALJ, significantly enhances plaintiff's credibility. "'Persistent attempts by the individual to obtain relief of pain or other symptoms, such as by increasing medications [or] trials of a variety of treatment modalities in an attempt to find one that works . . . lend support to an individual's allegations of intense and persistent symptoms.'" Dailey v. Barnhart, 277 F. Supp. 2d 226, 239 (W.D.N.Y. 2003) (quoting Soc. Sec. Ruling 96-7p, 1996 SSR LEXIS 4).

C. Claimant's daily activities.

The ALJ also cited to claimant's daily activities as apparent evidence of his capacity to work. Specifically, the ALJ mentions that claimant, with the help of his family and a nanny, prepared meals for and bathed his daughter and drove her to school. (Tr. 18.) He also performed yard work at least once. (Id. at 19.) As the Second Circuit has admonished, "it would be a shame to hold this endurance against [claimant] in determining benefits unless his conduct truly showed that he is capable of working." Balsamo v. Chater, 142 F.3d 75, 81-82 (2d Cir. 1998) (internal quotation marks omitted). Indeed, courts have routinely reaffirmed that "a claimant need not be an invalid to be found disabled." Williams, 859 F.2d at 260 (2d Cir. 1988).

The actions taken by claimant to care for his daughter and his home do not add even minimally to the RFC analysis. The ALJ, moreover, appears to have overstated claimant's abilities. The ALJ summarizes Dr. Obedian's April 2007 treatment notes as indicating that "claimant felt well enough to do yard work, but overdid it." (Tr. 19.) Dr. Obedian actually wrote that "[t]his past weekend, [claimant] did some work in his yard [but] he is having extreme pain from this." (Id. at 255.) Dr.

Obedian added that claimant "feels he overdid the yard work. He is frustrated because whenever he starts to do physical work he is left in so much pain." (Id.) Likewise, the ALJ wrote that "claimant testified that he takes his child to the park and puts her on a swing." (Id. at 19.) This characterization of the record is inaccurate. In response to the ALJ's questioning, claimant testified that he could not put his daughter on a swing; indeed, he "was not able to lift or pick up [his] daughter" at all. (Id. at 405.)

D. Necessity of remand.

More than six years have passed since claimant first applied for benefits in 2005. There is not a hint of evidence in this case of fraud or malingering, and persuasive evidence exists of disability. "A remand, potentially followed by another appeal, could well delay the payment of benefits to which [claimant] appears to be entitled for still further years." Carroll, 705 F.2d at 644; see also Balsamo, 142 F.3d at 82 (remanding for calculation of benefits given four-year delay between initial application and decision on appeal).

Despite the Commissioner's request, "no useful purpose would be served here by a remand for the development of further vocational evidence." Parker, 626 F.2d at 235. "Vocational expert testimony alone does not provide the necessary substantial evidence from which to deduce a capacity to engage in substantial gainful activity when there is overwhelming evidence to the contrary in the record." De Leon v. Sec'y of HHS, 734 F.2d 930, 934-35 (2d Cir. 1984); see also Vargas v. Sullivan, 898 F.2d 293 (2d Cir. 1990) (remanding for calculation of benefits where "there was an infinitesimal likelihood that employment of any kind would be available" to the claimant and the ALJ "ignored or misinterpreted the report and conclusions of the attending physician").

The Commissioner offers no reason for the ALJ's failing to incorporate the existing record evidence into her findings. The Commissioner argues simply that the ALJ should get a second chance to determine whether someone whose right shoulder is inutile, who is rendered drowsy and nauseous by prescription narcotics and who can very likely sit for no more than four hours per working day can nonetheless check tickets at a race track, sort nuts coming down a conveyor belt or wrap bands around cigars. The Court will not sanction such a pointless exercise when proper application of the law to the existing record permits a single conclusion: that claimant is disabled and entitled to benefits. See Johnson v. Bowen, 817 F.2d 983, 986 (2d Cir. 1987) ("[W]here application of the correct legal principles to the record could lead to only one conclusion, there is no need to require agency reconsideration.").

III. Conclusion.

For the reasons given above, as stated at oral argument, the Court remands this case for the calculation of benefits from the disability onset date alleged in claimant's initial SSA application.

SO ORDERED.

Dated: Brooklyn, New York

March 31, 2011

/s/ Judge Raymond J. Dearie

RAYMOND J. DEARIE

United States District Judge

1 Claimant also introduced persuasive evidence to establish that, since the accident, he has suffered from carpal tunnel syndrome and psychological issues, including depression. The ALJ essentially ignored this evidence, which is not vital to today's decision.

2 The parties agree that plaintiff is not engaged in substantial gainful employment, that his combination of impairments is severe, that these impairments do not meet the criteria for claimant's being disabled by definition and that claimant can no longer engage in his prior work. See generally Dixon v. Heckler, 785 F.2d 1102, 1103 (2d Cir. 1986).

3 Each of the positions comprises "sedentary work," defined as work which "involves lifting no more than 10 pounds at a time" and "involves sitting," even "if walking and standing are required occasionally." 20 C.F.R. § 404.1567(a). According to the vocational expert, the jobs of pari-mutuel ticket checker, nut sorter and hand bander account for fewer than 10,000 positions in the local economy and fewer than 120,000 positions nationwide. (See Tr. 422-24.) The Court assumes without deciding that these jobs exist in "significant numbers in the national economy." 20 C.F.R. § 404.1560(c).

4 The DOT defines "frequent" as occurring from 1/2 to 2/3 of the time, while "constant" refers to activity that occurs more than 2/3 of the time. (See Cl. Br., Exs. A-D.)

5 Claimant testified that he also tried to do paperwork at the front desk of a friend's gas station in late 2006, but he could not do that either. (Tr. 389.)

6 The fact that one of the six physicians to find claimant disabled is a chiropractor does not somehow, as the Commissioner suggests, negate the clear findings of the remaining five.

IDEX™

13427 NE 16th, Bellevue, WA 98005 www.idex.lexisnexis.com 1-800-521-5596

Background Research

05/24/2011

ATTN: S SNYDER RN
KAUFMAN, BORGEEST & RYAN 9A-1717
200 SUMMIT LAKE DR
VALHALLA NY 10595

RE: Plaintiff ----- TURNER
Defendant ----- HIGHBRIDGE APARTMENTS LLC
Claim Number -- 103.937

Enclosed are the results for the following attached background searches on **SEBASTIAN LATTUGA:**

State License Discipline Search

Other searches may arrive separately.

If you have questions, or need other search services, call IDEX toll-free at (800) 521-5596.

Expert Research On-Demand

13427 NE 16th Street Bellevue, WA 98005 www.idex.lexisnexis.com 1-800-521-5596 FAX (866) 960-3042

05/24/2011

ATTN: S SNYDER
KAUFMAN, BORGEEST & RYAN
200 SUMMIT LAKE DR
VALHALLA NY 10595

RE: Plaintiff ----- TURNER
Defendant ----- HIGHBRIDGE APARTMENTS LLC
Claim Number -- 103.937

Thank you for requesting the attached Testimonial History Report on **SEBASTIAN LATTUGA.**

Other searches may arrive separately.

Please note in this enhanced report the following results:

- ***"Expert Witness Information"*** - Expert Summary Information.
- ***"Other Documents Available"*** - descriptions of transcripts and miscellaneous documents for purchase.
- ***"Testimonial History of Expert"*** - Lists all cases whether EROD has related transcripts available or not. If not, an attempt can be made to procure them for you at an additional charge. Feel free to network with the attorneys referenced in this report to locate additional transcripts, CV's, or expert reports.

==========

UPDATE EROD REGARDING YOUR CASE STATUS

Fill in the following information when your case is decided and fax or mail this full page to EROD. Updating your case information can reduce the number of calls you receive from other attorneys facing the same expert.

Date of Expert's Testimony:

Trial ___/___/___ Deposition ___/___/___ other comments_____
Is a copy of transcript available? ___yes ___no
____I would like to learn how to submit a copy of the transcript to EROD.**

Case Results:

(circle one) Trial, Arbitration or Settlement concluded on ___/___/___
Verdict for defense _____ or plaintiff _____
$_____ amount of award or settlement

**EROD will archive your electronic transcripts and send you copies when needed at no charge. Copies will also be available to other Network clients.

13427 NE 16th Street, Bellevue, WA 98005 www.idex.lexisnexis.com 1-800-521-5596 FAX (866) 960-3042

Information Regarding: SEBASTIAN LATTUGA, MD

Address:	2001 MARCUS AVE, STE 170 W LAKE SUCCESS, NY 11042
Business Phone:	(516) 355-0111
Specialty:	ORTHOPEDIC SURGERY OF SPINE - ORTHOPEDIC SURGERY
Affiliation:	NEW YORK SPINE SPECIALISTS LLP
Board Certification:	AMERICAN BOARD OF ORTHOPAEDIC SURGERY

TESTIMONIAL HISTORY SUMMARY

This report reflects cases in which this expert may or may not have yet given deposition, trial or report testimony. The source of the data comes from attorneys and public records providing dynamic information.

TOTAL CASE INVOLVEMENTS AND/OR INQUIRIES: 36

FOR THE PLAINTIFF - 33 DEFENDANT - 3 UNKNOWN - 0

TYPE: Medical Malpractice - 5 Vehicular Liability - 21 Worksite - 6
Premises Liability - 3 Other - 1

STATES: NY

13427 NE 16th Street, Bellevue, WA 98005 www.idex.lexisnexis.com 1-800-521-5596 FAX (866) 960-3042

Expert Witness: SEBASTIAN LATTUGA, MD

Documents can be downloaded by logging into www.idex.lexisnexis.com and selecting the "Prior Orders button." Or if you prefer, call 800-521-5596 or select below and fax to 866-960-3042. Hard copy prices include the cost of sending via priority mail.

Check to order (Available Online @ www.idex.lexisnexis.com) DOC #

Trial Transcripts

GILLESPIE V. MUSCO; UNIVERSAL LAWN MAINTENANCE; ET Email copy $ 60.00 ☐ 128,524
Year: 2005 *Location:* NY *Testified For:* PLTF *Pgs:* 103 Hard copy $ 80.60 ☐
MVA'S; FRACTURE OF L5-SI LED TO FRACTURE OF PREVIOUS FUSION; CHRONIC SACRAL RADICULOPATHY

Price for all documents listed above in electronic copy - $60.00
On-Line copies can be obtained at www.idex.lexisnexis.com

Expert Research On-Demand — *Testimonial History Report*

13427 NE 16th Street, Bellevue, WA 98005 www.idex.lexisnexis.com 1-800-521-5596 FAX (866) 960-3042

Expert Witness: SEBASTIAN LATTUGA, MD

The following is a listing of cases in which this expert has been involved by giving a report, deposition or trial testimony. Where "No Record of Testimony to Date" appears, it is unknown if testimony has been taken.

Case 1

(Control# 1,494,157)

Plaintiff----------	AIOSA
Defendant(s) -------	FITZSIMMONS
Claim Type(s) ------	MEDICAL MALPRACTICE / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE SETTLED ON 01/2010
Testified For/Date -	PLAINTIFF / INQUIRY MADE 07/09 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	BACK INJURY
Defense Attorney----	AMY BARASH ESQUIRE
Phone/email-------	(516) 747-9700 / ABARASH@HHRSLAW.COM
Defense Firm -----	HELWIG, HENDERSON, RYAN & SPINOLA / WWW.RHNYLAW.COM
	1 OLD COUNTRY ROAD, STE 428
	CARLE PLACE, NY 11514 / FAX (516) 747-9712
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	NOT SUPPLIED
Phone/email-------	(212) 267-4177 /
Plaintiff Firm----	KRAMER, DILLOF, LIVINGSTON & MOORE / WWW.KDLM.COM
	217 BROADWAY
	NEW YORK, NY 10007 / FAX (212) 233-8525
Jurisdiction/Case #	NASSAU COUNTY SUPREME MINEOLA NY / 10176/01 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 2 (Control# 1,411,505)

Plaintiff----------	AIOSA, JENNIFER
Defendant(s) -------	MERCY MEDICAL CENTER
Claim Type(s) ------	MEDICAL MALPRACTICE / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE SETTLED ON 01/2010
Testified For/Date -	PLAINTIFF / INQUIRY MADE 02/07 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	BIRTH INJURY
Defense Attorney----	DOUGLAS B STEBBINS ESQ
Phone/email-------	(212) 599-0900 / DSTEBBINS@BLAWPC.COM
Defense Firm -----	BOWER MONTE & GREENE, P C / HTTP://WWW.BLAWPC.COM/ 261 MADISON AVE, 12TH FLOOR NEW YORK, NY 10016 / FAX (212) 599-4560
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	NOT SUPPLIED
Phone/email-------	(212) 267-4177 /
Plaintiff Firm----	KRAMER, DILLOF, LIVINGSTON & MOORE / WWW.KDLM.COM 217 BROADWAY NEW YORK, NY 10007 / FAX (212) 233-8525
Jurisdiction/Case #	NASSAU COUNTY SUPREME MINEOLA NY / 10176/01 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 3 (Control# 1,323,218)

Plaintiff----------	BERRY, FRANK & ELIZABETH
Defendant(s) -------	POSILLICO; SCALAMANDRE; KRP ASSOCIATES; ACHILLES CONST
Claim Type(s) ------	WORKSITE / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE SETTLED FOR $2,600,000 ON 03/2004
Testified For/Date -	PLAINTIFF / EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	LACK OF PROPER SAFETY DEVICES ALLOWED FALL OF 43 YEAR OLD MALE WORKER; FRACTURED ANKLE & DISTAL RADIOULNAR JOINT, TORN ROTATOR CUFF & C4-7 HERNIATED DISCS
Defense Attorney----	JOANNE EMILY BELL ESQ
Phone/email-------	(516) 222-2434 /
Defense Firm -----	WHITE, QUINLAN & STALEY
	377 OAK ST
	PO BOX 9304
	GARDEN CITY, NY
Co-Defense Atty-----	ROBERT G MACCHIA
Phone/email-------	(212) 363-3100 /
Co-Defense Firm---	BIVONA & COHEN PC
	WALL STREET PLAZA\88 PINE ST, 25TH FLOOR
	NEW YORK, NY 10005 / FAX (212) 363-9824
Plaintiff Attorney -	HARLAN A PLATZ
Phone/email-------	(212) 587-9191 /
Plaintiff Firm----	FINK & PLATZ
	150 BROADWAY RM 1213
	NEW YORK, NY 10038
Jurisdiction/Case #	SUFFOLK COUNTY SUPREME RIVERHEAD NY / 04185/02 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq: 643,417)

Case 4

(Control# 3,427,731)

Plaintiff----------	CALANDRA, JACQUELINE
Defendant(s) -------	PERGAMENT HOME CENTER INC
Claim Type(s) ------	PREMISES LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE SETTLED FOR $137,500 ON 12/2000
Testified For/Date -	PLAINTIFF / EROD HAS NO RECORD OF TESTIMONY / EXPERT NOT DEPOSED
Case Issues --------	PLTF SLIPPED & FELL AT STORE DUE TO WAX ON FLOOR; HERNIATED LUMBAR DISC, IMPINGEMENT ON THECAL SAC
Defense Attorney----	TODD WEISMAN ESQ.
Phone/email-------	(631) 969-7777 /
Defense Firm -----	ESCHEN & FRENKEL 93 E MAIN ST BAY SHORE, NY 11706 / FAX (631) 666-3878
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	TROY L KESSLER
Phone/email-------	(631) 499-8100 /
Plaintiff Firm----	MISIANO, SHULMAN, CAPETOLA & KESSLER LLP 510 BROADHOLLOW RD, STE 110 MELVILLE, NY 11747 / FAX (631) 499-9120
Jurisdiction/Case #	NASSAU COUNTY SUPREME MINEOLA NY / 729598 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 5 (Control# 1,465,838)

Plaintiff----------	CARRANDI
Defendant(s) -------	GALIZIA
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	TRIAL, - 02/2007 DEFENSE VERDICT
Testified For/Date -	PLAINTIFF / TRIAL TESTIMONY - 02/2007 DEFENSE AND PLAINTIFF FIRMS HAVE NO TRANSCRIPTS
Case Issues --------	REAR-END COLLISION RESULTED IN PLTF SUFFERING CERVICAL HERNIATIONS AT C5-6 & LUMBAR FUSION AT L5-S11
Defense Attorney----	PAUL J MUSCARELLA ESQ
Defense Firm -----	MUSCARELLA & DIRAIMO LLP
	GARDEN CITY, NY 11530
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	JANET LENNON
Plaintiff Firm----	JANET LENNON, ESQ NEW YORK, NY 10007
Jurisdiction/Case #	NASSAU COUNTY MINEOLA NY / 018941/2000 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 6 (Control# 1,538,368)

Plaintiff---------- CASSINS, JASON
Defendant(s) ------- BORO WIDE BUSES INC

Claim Type(s) ------ VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results ------- CASE RESULTS NOT SUPPLIED VERDICT NOT SUPPLIED

Testified For/Date - PLAINTIFF / INQUIRY MADE 05/11 EROD HAS NO RECORD OF TESTIMONY TRIAL SCHEDULED 05/27/2011

Case Issues -------- ACCIDENT; LEFT TURN IN FRONT OF ONCOMING MINI-VAN; MULTIPLE HERNIATED DISCS, ANTERIOR CERVICAL DISECTOMY WITH FUSION OF C5-6, LUMBAR HERNIATED AND BULGING DISCS, DISECTOMY AT L3-4 AND DISC ABLATION (SURGICAL REMOVAL) OF L3-4)

Defense Attorney---- JEFFREY B LIEBOWITZ
Phone/email------- (212) 779-8600 / JLIEBOWITZ@SILVERFIRM.COM
Defense Firm ----- SILVERMAN, SCLAR, SHIN & BYRNE PLLC / WWW.SILVERFIRM.COM
381 PARK AVE S, STE 1601
NEW YORK, NY 10016 / FAX (212) 779-8858

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Co-Defense Atty-----
Phone/email-------
Co-Defense Firm---

Plaintiff Attorney - DAVID L SCHER
Phone/email------- (212) 736-5300 / DSCHER@BLOCKOTOOLE.COM
Plaintiff Firm---- BLOCK, O'TOOLE & MURPHY / WWW.BLOCKOTOOLE.COM
ONE PENN PLAZA, STE 5315
NEW YORK, NY 10119

Jurisdiction/Case # KINGS COUNTY NY / 1445/10 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 7 (Control# 1,333,990)

Plaintiff----------	CESTARE, ANTHONY
Defendant(s) -------	1433 BROADWAY LLC
Claim Type(s) ------	PREMISES LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE SETTLED ON 01/2005
Testified For/Date -	PLAINTIFF / INQUIRY MADE 12/04 DEFENSE FIRM HAS NO TRANSCRIPTS
Case Issues --------	SLIP & FALL IN BATH TUB AT APARTMENT WHILE TRYING TO MOVE OUT OF THE WAY OF EXTREMELY HOT WATER; HERNIATED DISC; HEMILAMINECTOMY
Defense Attorney----	DOUGLAS J DOMSKY ESQ
Defense Firm -----	KAUFMAN, BORGEEST & RYAN, LLP / WWW.KBRLAW.COM
	NEW YORK, NY 10271 / FAX (212) 980-9291
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	NOT SUPPLIED
Phone/email-------	(000) 000-0000 /
Plaintiff Firm----	RICONDA & GARNETT LLP 753 W MERRICK RD VALLEY STREAM, NY 11580
Jurisdiction/Case #	NASSAU COUNTY SUPREME MINEOLA NY / 0009180/2001 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 8 (Control# 1,490,534)

Plaintiff----------	CHAMBERS, LIDIA
Defendant(s) -------	FARKAS MANAGEMENT LLC
Claim Type(s) ------	PREMISES LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE SETTLED ON 06/2009
Testified For/Date -	PLAINTIFF / INQUIRY MADE 05/09 EROD HAS NO RECORD OF TESTIMONY TRIAL SCHEDULED 05/28/2009
Case Issues --------	NOT SUPPLIED
Defense Attorney----	NOT SUPPLIED
Phone/email-------	NOT SUPPLIED / NOT SUPPLIED
Defense Firm -----	HAVKINS, ROSENFELD, RITZERT & VARRIALE / WWW.HRRVLAW.COM 114 OLD COUNTRY RD, STE 300 MINEOLA, NY 11501
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	NOT SUPPLIED
Phone/email-------	NOT SUPPLIED / NOT SUPPLIED
Plaintiff Firm----	WESER & WESER / HTTP://WWW.WESERANDWESER.COM/ 1392 CONEY ISLAND AVE BROOKLYN, NY 11230
Jurisdiction/Case #	KINGS COUNTY SUPREME NY / 20081/06 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 9 (Control# 1,281,312)

Plaintiff----------	CONNER, DUFF
Defendant(s) -------	CHARLOP, VIVIAN
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE SETTLED ON 06/2003
Testified For/Date -	PLAINTIFF / INQUIRY MADE 04/03 EROD HAS NO RECORD OF TESTIMONY TRIAL SCHEDULED 05/01/2003
Case Issues --------	SUSTAINED NECK INJURY IN MOTOR VEHICLE ACCIDENT; THREE-YEARS LATER PLTF REQUIRED ANTERIOR CERVICAL DISCECTOMY WITH FUSION, PLATES & SCREWS
Defense Attorney----	MADY ADLER ESQ
Phone/email-------	(516) 739-0000 / MADY.ADLER@LIBERTYMUTUAL.COM
Defense Firm -----	MARTYN, TOHER, ESPOSITO & MARTIN 330 OLD COUNTRY ROAD MINEOLA, NY 11501 / FAX (516) 739-0329
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	NOT SUPPLIED
Phone/email-------	(718) 522-0497 /
Plaintiff Firm----	LEVINE & DELLARIA 16 COURT ST, #2305 BROOKLYN, NY 11241
Jurisdiction/Case #	NASSAU COUNTY SUPREME MINEOLA NY / 9640/00 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 10 (Control# 1,517,897)

Plaintiff----------	CRUZ, ANTHONY
Defendant(s) -------	STILLWELL TRANSPORTATION INC; HOLLOWAY, THOMAS
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	TRIAL, - 12/2009 PLAINTIFF VERDICT - TOTAL AWARD $4,414,701
Testified For/Date -	PLAINTIFF / TRIAL TESTIMONY - 12/2009
Case Issues --------	DEFENDANT DRIVER REAR-ENDED PLAINTIFF WHILE ROADS WERE WET AND SLIPPERY. DEFENDANT SUFFERED INJURY TO HIS LEFT KNEE AND HERNIATED DISCS AT L5-S1. BOTH CONDITIONS REQUIRED SURGERY. PLAINTIFF'S KNEE SURGERY WAS SUCCESSFUL, BUT HIS BACK SURGERY WAS NOT AND HE NOW SUFFERS FROM FOOT DROP.
Defense Attorney----	WILLIAM LEWIS ESQ
Phone/email-------	(212) 233-7195 / WJLEWIS@LEWISJOHS.COM
Defense Firm -----	LEWIS, JOHS, AVALLONE; ET AL / WWW.LEWISJOHS.COM 61 BROADWAY, 20TH FLOOR NEW YORK, NY 10006 / FAX (212) 233-7196
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	SETH IAN FIELDS
Phone/email-------	(631) 661-0676 /
Plaintiff Firm----	FIELDS & LEVY LLP 112 ROUTE 109 WEST BABYLON, NY 11704
Jurisdiction/Case #	BRONX SUPREME NY / 6163/06 / LUCY A BILLINGS

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 11 (Control# 1,505,792)

Plaintiff----------	DALLEK, ROBERT S
Defendant(s) -------	MEADE, JOSEPH M; MEADE, JOSEPH JR
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	TRIAL, HIGH/LOW REDUCTION AWARD TOTAL $55,000.00 - 06/2009 PLAINTIFF VERDICT - TOTAL AWARD $75,000
Testified For/Date -	DEFENDANT / TRIAL TESTIMONY - 06/2009
Case Issues --------	DEFENDANT FAILED TO CONTROL HIS VEHICLE WHEN DRIVING THROUGH AN INTERSECTION RESULTING IN HITTING THE 53-YEAR-OLD MALE PLAINTIFF HEAD-ON WHILE HE WAS STOPPED AT THE RED LIGHT. PLAINTIFF SUFFERED UNCONSCIOUSNESS FROM THE IMPACT AND IS NOW PARTIALLY DISABLED. PLAINTIFFS C2-3 C3-4 HERNIATIONS RESULTED IN LOSING A MONTH OF WAGES AND HE CONTINUES TO SUFFER CHRONIC PAIN, NUMBNESS AND TINGLING IN HIS ARM.
Defense Attorney----	JAMES ARTHUR SCHONDEBARE ESQ
Phone/email-------	(631) 580-3400 /
Defense Firm -----	SCHONDEBARE & KORCZ
	3555 VETERANS MEMORIAL HWY, SUITE P
	RONKONKOMA, NY 11779
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	EDWARD J YULE
Phone/email-------	(516) 754-8500 /
Plaintiff Firm----	EDWARD J YULE ESQ
	46 WOODBINE AVE
	NORTHPORT, NY 11768
Jurisdiction/Case #	SUFFOLK COUNTY SUPREME RIVERHEAD NY / 18706/04 / PETER FOX COHALAN

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 12 (Control# 1,372,856)

Plaintiff----------	DENAPOLI, KATHLEEN & MICHAEL
Defendant(s) -------	ABBOTT, CAITLIN & RICHARD
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	TRIAL, - 11/2005 PLAINTIFF VERDICT - TOTAL AWARD $650,000
Testified For/Date -	PLAINTIFF / TRIAL TESTIMONY - 11/2005 DEFENSE AND PLAINTIFF FIRMS HAVE NO TRANSCRIPTS
Case Issues --------	VEHICLE WAS HIT FROM BEHIND WHILE STOPPED AT RED LIGHT; AGGRAVATED BACK & NECK INJURIES OF 43 YEAR OLD FEMALE PLTF
Defense Attorney---	JOSEPH S HOLOTKA ESQ
Defense Firm ------	MARTYN, TOHER, ESPOSITO & MARTIN
	MINEOLA, NY 11501 / FAX (516) 739-0329
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	CHRISTOPHER T MCGRATH
Plaintiff Firm----	SULLIVAN, PAPAIN, BLOCK, MCGRATH & CANNOVA / WWW.TRIALLAW1.COM NEW YORK, NY 10271 / FAX (212) 266-4141
Jurisdiction/Case #	NASSAU COUNTY SUPREME MINEOLA NY / 14942/03 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 13 (Control# 1,506,420)

Plaintiff----------	DOBRINI, ROSEMARY
Defendant(s) -------	SMALL, RICKI
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE TRANSFERRED TO ARBITRATION - PENDING 01/2010
Testified For/Date -	PLAINTIFF / INQUIRY MADE 12/09 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	NECK AND BACK INJURIES RESULTING IN SURGERIES
Defense Attorney----	EVAN COHEN ESQ
Phone/email-------	(516) 742-8058 / ECOHEN1@METLIFE.COM
Defense Firm -----	ABAMONT & ASSOCIATES
	200 GARDEN CITY PLZ STE 400
	GARDEN CITY, NY 11530 / FAX (516) 742-7308
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	DAVID N SLOAN
Phone/email-------	(000) 000-0000 / DAVIDSLOANESQ@AOL.COM
Plaintiff Firm----	THE LAW OFFICES OF DAVID N SLOAN / WWW.NYFIRM.NET
	321 N NEWBRIDGE RD
	HICKSVILLE, NY 11801
Jurisdiction/Case #	NASSAU COUNTY SUPREME COURT NY / 0007325/2006 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 14 (Control# 1,307,715)

Plaintiff---------- FICENTISE, LOUIS
Defendant(s) ------- MAIN, WILLIAM KENNEDY MD

Claim Type(s) ------ MEDICAL MALPRACTICE / INJURY/DAMAGE(S) --- NOT SUPPLIED
Case Results ------- TRIAL, - 07/2004 DEFENSE VERDICT

Testified For/Date - PLAINTIFF / INQUIRY MADE 02/04 EROD HAS NO RECORD OF TESTIMONY TRIAL SCHEDULED 04/01/2004

Case Issues -------- NEGLIGENT PERFORMANCE OF LAMINECTOMY WITH INSERTION OF PEDICLE SCREWS; PEDICLE SCREW FRACTURED POST-OPERATIVELY

Defense Attorney---- GLENN W DOPF ESQ.
Phone/email-------- (212) 244-2999 / BBENJAMIN@KNDNY.COM
Defense Firm ------ KOPFF, NARDELLI & DOPF / WWW.KNDNY.COM
440 NINTH AVE, 15TH FLOOR
NEW YORK, NY 10001 / FAX (212) 643-0862

Co-Defense Atty----
Phone/email--------
Co-Defense Firm---

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Plaintiff Attorney - NOT SUPPLIED
Phone/email-------- (212) 532-3850 /
Plaintiff Firm----- MENAGH, TRAINOR & FALCONE
386 PARK AVENUE, SUITE 13
NEW YORK, NY 10016

Jurisdiction/Case # NEW YORK COUNTY SUPREME NY / 113188/2001 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq: 643,417)

Case 15 (Control# 1,500,891)

Plaintiff---------- HARRINGTON, MARK & PETRONILA
Defendant(s) ------- ULTRA HD COMPANY LLC; BORUCH, ISRAEL B

Claim Type(s) ------ VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results ------- CASE SETTLED FOR $1,550,000.00 ON 11/2008

Testified For/Date - PLAINTIFF / EROD HAS NO RECORD OF TESTIMONY

Case Issues -------- FAILURE TO CONTROL VEHICLE RESULTING IN REAR-END COLLISION WITH 40 YR OLD MALE & FEMALE PASSENGER ON ENTRANCE RAMP; NECK & LUMBAR HERNIATIONS, STENOSIS, CHRONIC PAIN, LIMITED MOBILITY

Defense Attorney---- WILLIAM J FITZPATRICK
Phone/email------- (516) 281-9800 / WFITZPATRICK@GOLDBERGSEGALLA.COM
Defense Firm ------ GOLDBERG SEGALLA / WWW.GOLDBERGSEGALLA.COM
200 OLD COUNTRY RD, STE 210
MINEOLA, NY 11501 / FAX (516) 281-9801

Co-Defense Atty----
Phone/email-------
Co-Defense Firm---

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Plaintiff Attorney - TODD A RESTIVO
Phone/email------- (516) 489-0800 /
Plaintiff Firm---- LAW OFFICE OF TODD A RESTIVO
100 QUENTIN ROOSEVELT BLVD, STE 106
GARDEN CITY, NY 11530

Jurisdiction/Case # NEW YORK COUNTY SUPREME NEW YORK NY / 105691/05 / DEBORAH KAPLAN

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 16 (Control# 1,491,895)

Plaintiff---------- HENRIQUEZ, RAMON
Defendant(s) ------- LIXOURI INC; ET AL

Claim Type(s) ------ LIABILITY / INJURY/DAMAGE(S) --- NOT SUPPLIED
Case Results ------- CASE SETTLED ON 07/2009

Testified For/Date - PLAINTIFF / INQUIRY MADE 06/09 EROD HAS NO RECORD OF TESTIMONY

Case Issues -------- NOT SUPPLIED

Defense Attorney---- MIGUEL ALAR
Phone/email------- (212) 797-3544 / MALAR@FRENCHCASEY.COM
Defense Firm ----- FRENCH & CASEY LLP / HTTP://WWW.FRENCHCASEY.COM/
29 BROADWAY 27TH FL
NEW YORK, NY 10006 / FAX (212) 797-3545

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Co-Defense Atty-----
Phone/email-------
Co-Defense Firm---

Plaintiff Attorney - DINO JOSEPH DOMINA
Phone/email------- (631) 784-7880 /
Plaintiff Firm---- DINO J DOMINA PC
775 PARK AVE STE 20011
HUNTINGTON, NY 11743

Jurisdiction/Case # QUEENS COUNTY SUPREME NY / 026103/2005 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 17 (Control# 1,445,508)

Plaintiff----------	HONG LEE, MIMO
Defendant(s) -------	GANNETT CO INC; ROCHESTER DEMOCRAT & CHRONICAL
Claim Type(s) ------	WORKSITE / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE SETTLED FOR $700,000 ON 10/18/07
Testified For/Date -	PLAINTIFF / EROD HAS NO RECORD OF TESTIMONY / EXPERT NOT DEPOSED
Case Issues --------	FAILURE TO PROVIDE SAFE EQUIPMENT, 64 YEAR OLD MALE FELL 6 FEET OFF SHIFTING SCAFFOLD; BROKEN HEEL, NECK & LOWER BACK HERNIATIONS, LIMP, NEEDS CANE, PAIN
Defense Attorney----	BRIAN S BRANDMAN
Phone/email-------	(631) 845-2600 /
Defense Firm -----	MORENUS, CARDOZA & CONWAY 58 SOUTH SERVICE RD MELVILLE, NY 11747
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	DAVID N SLOAN
Phone/email-------	(000) 000-0000 / DAVIDSLOANESQ@AOL.COM
Plaintiff Firm----	THE LAW OFFICES OF DAVID N SLOAN / WWW.NYFIRM.NET 321 N NEWBRIDGE RD HICKSVILLE, NY 11801
Jurisdiction/Case #	QUEENS COUNTY SUPREME NY / 4122/06 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 18 (Control# 1,472,573)

Plaintiff----------	I SUPERIOR
Defendant(s) -------	PERNOD RICARD USA; WING KWOK MA; ARI FLEET LT; DELGADO, DAVID JUSTIN; ET AL
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE PENDING AS OF 02/2010
Testified For/Date -	PLAINTIFF / INQUIRY MADE 10/08 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	REAR-END CHAIN REACTION COLLISION
Defense Attorney----	STANLEY A DIAMOND ESQ
Phone/email-------	(631) 501-3000 /
Defense Firm -----	LAW OFFICE OF JOHN P HUMPHREYS 3 HUNTINGTON QUADRANGLE, BOX 9028 MELVILLE, NY 19028
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	NOT SUPPLIED
Phone/email-------	(212) 736-5300 /
Plaintiff Firm----	BLOCK, O'TOOLE & MURPHY / WWW.BLOCKOTOOLE.COM ONE PENN PLAZA, STE 5315 NEW YORK, NY 10119
Jurisdiction/Case #	KINGS COUNTY SUPREME NY / 0015389/2008 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq: 643,417)

Case 19 (Control# 1,523,411)

Plaintiff---------- JEFFERS, DENISE
Defendant(s) ------- MTA; NYCTA

Claim Type(s) ------ VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results ------- CASE RESULTS NOT SUPPLIED VERDICT NOT SUPPLIED

Testified For/Date - PLAINTIFF / INQUIRY MADE 07/10 EROD HAS NO RECORD OF TESTIMONY TRIAL SCHEDULED 07/19/2010

Case Issues -------- NOT SUPPLIED

Defense Attorney---- PHILIP J DIBERARDINO JR ESQ
Phone/email------- (212) 238-4800 / PDIBERARDINO@LCBF.COM
Defense Firm ------ LANDMAN, CORSI, BALLAINE & FORD PC / WWW.LCBF.COM
120 BROADWAY, 27TH FLOOR
NEW YORK, NY 10271 / FAX (212) 238-4848

Co-Defense Atty-----
Phone/email-------
Co-Defense Firm---

Plaintiff Attorney - IRA B GORDON
Phone/email-------- (718) 338-3000 /
Plaintiff Firm----- WESER & WESER / HTTP://WWW.WESERANDWESER.COM/
1392 CONEY ISLAND AVE
BROOKLYN, NY 11230

Jurisdiction/Case # QUEENS SUPREME NY / 31976/2007 /

I Ichaughtil

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 20 (Control# 1,513,837)

Plaintiff---------- LEE, YOUN JONG
Defendant(s) ------- PIKE COMPANY INC

Claim Type(s) ------ WORKSITE / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results ------- MEDIATION - 11/2009 PLAINTIFF - TOTAL AWARD $2,000,000

Testified For/Date - PLAINTIFF /

Case Issues -------- DEFENDANT COMPANY FAILED TO PROVIDE PROPER AND SAFE EQUIPMENT FOR WORKING AT AN ELEVATED HEIGHT. PLAINTIFF WAS WORKING ON A CEILING WHEN PART OF THE CEILING FELL AND STRUCK HIM AND HIS LADDER CAUSING HIM TO FALL . PLAINTIFF SUFFERED FRACTURES AND BURST FRACTURES TO HIS VERTEBRAE WHICH REQUIRED MULTIPLE SURGERIES AND EXTENSIVE TIME IN BOTH A HOSPITAL AND REHABILITATION CENTER. 69 YEAR OLD MALE PLAINTIFF WAS UNABLE TO RETURN TO WORK AND NOW USES A WALKER.

Defense Attorney---- BRIAN BRANDMAN ESQ
Phone/email------- (631) 845-2600 /
Defense Firm ----- MORENUS CONWAY GOREN & BRANDMAN
58 S SERVICE RD
MELVILLE, NY 11747

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Co-Defense Atty-----
Phone/email-------
Co-Defense Firm---

Plaintiff Attorney - DAVID N SLOAN
Phone/email------- (000) 000-0000 / DAVIDSLOANESQ@AOL.COM
Plaintiff Firm---- THE LAW OFFICES OF DAVID N SLOAN / WWW.NYFIRM.NET
321 N NEWBRIDGE RD
HICKSVILLE, NY 11801

Jurisdiction/Case # QUEENS SUPREME NY / 27432/07 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 21 (Control# 3,304,447)

Plaintiff----------	LYNCH, JAMES
Defendant(s) -------	HRH CONSTRUCTION CORP; GREEN, KENSINGTON; ET AL
Claim Type(s) ------	WORKSITE / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	TRIAL - 12/2002 PLAINTIFF VERDICT - TOTAL AWARD $1,830,014
Testified For/Date -	PLAINTIFF / TRIAL TESTIMONY - 12/2002 DEFENSE AND PLAINTIFF FIRMS HAVE NO TRANSCRIPTS
Case Issues --------	WORKER FELL FROM SCAFFOLDING; DE QUERVAIN'S TENOSYNOVITIS, FIBRO CARTILAGE TEAR OF WRIST, L6-7, L4-5, L5-S1 HERNIATED DISCS, C3-6, L3-4 BULGING DISCS
Defense Attorney----	KATHLEEN MULHOLLAND ESQ
Defense Firm ------	CAMACHO, MAURO, MULHOLLAND
	NEW YORK, NY 10118 / FAX (212) 947-8099
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	JEFFREY S LISABETH
Plaintiff Firm----	LAW OFFICES OF JEFFREY S LISABETH ESQ MINEOLA, NY 11501
Jurisdiction/Case #	NEW YORK COUNTY SUPREME NEW YORK NY / 107637/01 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 22 (Control# 1,532,819)

Plaintiff----------	MATHIS, SANDRA
Defendant(s) -------	DIALLO; SLOW RIDE LIMO
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE RESULTS NOT SUPPLIED VERDICT NOT SUPPLIED
Testified For/Date -	PLAINTIFF / INQUIRY MADE 01/11 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	BACK SURGERY RESULTING FROM AUTO ACCIDENT
Defense Attorney----	LEONARD MICHAEL CASCONE ESQ
Phone/email-------	(516) 747-1990 / LCASCONE@CKLAW.COM
Defense Firm -----	CASCONE & KLUEPFEL LLP / WWW.CKLAW.COM
	1399 FRANKLIN AVE STE 302
	GARDEN CITY, NY 11530 / FAX (516) 747-1992
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	NOT SUPPLIED
Phone/email-------	(212) 736-5300 /
Plaintiff Firm----	BLOCK, O'TOOLE & MURPHY / WWW.BLOCKOTOOLE.COM
	ONE PENN PLAZA, STE 5315
	NEW YORK, NY 10119
Jurisdiction/Case #	KINGS COUNTY SUPREME NY / 32642/08 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 23 (Control# 1,324,840)

Plaintiff----------	MOUSTOUKA, NICHOLAS
Defendant(s) -------	EMERGING TRENDS TRADING CORP
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	TRIAL, - 05/2004 PLAINTIFF VERDICT - TOTAL AWARD $2,250,000
Testified For/Date -	PLAINTIFF / TRIAL TESTIMONY - 05/2004 DEFENSE AND PLAINTIFF FIRMS HAVE NO TRANSCRIPTS
Case Issues --------	REAR-END COLLISION WHILE STOPPED AT RED LIGHT BY VEHICLE OWNED BY DEFT COMPANY THAT LEFT THE SCENE; PLTF PASSENGER SUFFERED BACK INJURIES, HERNIATION REQUIRED SURGERY
Defense Attorney----	JOHN NICOLINI ESQ.
Defense Firm -----	NICOLINI, PARADISE, FERRETTI & SABELLA
	MINEOLA, NY 11501 / FAX (516) 741-1659
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	LOUIS J CERRATO
Plaintiff Firm----	FROMMER & CERRATO LLP / HTTP://WWW.FCATTORNEY.COM/LOCATION.HTML GARDEN CITY, NY 11530
Jurisdiction/Case #	NASSAU COUNTY SUPREME MINEOLA NY / 20630/99 /

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 24 (Control# 1,536,861)

Plaintiff----------	MURPHY, WINSTON
Defendant(s) -------	MILLENNIUM HONDA
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE RESULTS NOT SUPPLIED VERDICT NOT SUPPLIED
Testified For/Date -	PLAINTIFF / INQUIRY MADE 03/11 EROD HAS NO RECORD OF TESTIMONY TRIAL SCHEDULED 04/07/2011
Case Issues --------	REAR END CAR ACCIDENT; SHOULDER ARTHROSCOPY & SPINE FUSION, INJURIES APPEAR DEGENERATIVE
Defense Attorney----	KIMBERLY STEVENSON ESQ
Phone/email-------	(212) 363-6900 / KSTEVENSON@FGSB.COM
Defense Firm -----	FAUST, GOETZ, SCHENKER & BLEE
	2 RECTOR ST, 20TH FL
	NEW YORK, NY 10006 / FAX (212) 363-1090
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	NOT SUPPLIED
Phone/email-------	(516) 747-3222 /
Plaintiff Firm----	LEVINE AND WISS PLLC
	259 MINEOLA BLVD
	MINEOLA, NY 10552
Jurisdiction/Case #	NASSAU COUNTY SUPREME MINEOLA NY / 9766-2008 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 25 (Control# 1,456,314)

Plaintiff----------	O'CONNELL, JILLIAN
Defendant(s) -------	DL PETERSON TRUST; ABBOTT LABS; THERENEY, CORTESE
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	TRIAL, - 03/2008 DEFENSE VERDICT
Testified For/Date -	PLAINTIFF / EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	NEGLIGENTLY RAN STOP SIGN CAUSING COLLISION IN INTERSECTION; 21 YEAR OLD FEMALE SUSTAINED C4-5, L5-S1 HERNIATIONS, L5-S1 FUSION SURGERY, DESICCATION OF LOWER BACK
Defense Attorney----	LARRY H LUM
Phone/email-------	(212) 490-3000 /
Defense Firm -----	WILSON, ELSER, MOSKOWITZ, ET AL / WWW.WILSONELSER.COM 150 E 42ND STREET, 23RD FLOOR NEW YORK, NY 10017 / FAX (212) 490-3038
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	EDWARD J ANTHONY
Phone/email-------	(917) 365-6005 /
Plaintiff Firm----	EDWARD J ANTHONY ESQ PC 225 BROADWAY RM 3400 NEW YORK, NY 10007
Jurisdiction/Case #	KINGS COUNTY SUPREME BROOKLYN NY / 35559/03 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 26

(Control# 1,481,304)

Plaintiff----------	OU, HE
Defendant(s) -------	SPRINGER, FRED
Claim Type(s) ------	MEDICAL MALPRACTICE / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE TRANSFERRED 06/2009
Testified For/Date -	PLAINTIFF / INQUIRY MADE 01/09 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	NOT SUPPLIED
Defense Attorney----	ROBERT J MCHENRY
Phone/email-------	(516) 921-2525 /
Defense Firm -----	MCHENRY, HORAN & LAPPING, PC
	6800 JERICHO TURNPIKE, STE 202E
	SYOSSET, NY 11791 / FAX (516) 921-5697
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	NOT SUPPLIED
Phone/email-------	(212) 696-5500 /
Plaintiff Firm----	BUDIN, REISMAN & SCHWARTZ PC
	112 MADISON AVE
	NEW YORK, NY 10016
Jurisdiction/Case #	NY / 0020128/2005 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 27 (Control# 1,515,098)

Plaintiff----------	RICHARDSON, JASON
Defendant(s) -------	CARIBBEAN CLEAR OF NASSAU INC; MAYNARD, DENNIS J
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	TRIAL, NET AWARD $520,000 - 12/2009 PLAINTIFF VERDICT - TOTAL AWARD $550,000
Testified For/Date -	PLAINTIFF / TRIAL TESTIMONY - 12/2009
Case Issues --------	PLTF MOTORCYCLIST WAS STRUCK AS DEFT DRIVER WAS MAKING A RIGHT TURN EXITING A PARKING LOT. 20-YEAR-OLD PLTF SUFFERED HERNIATED DISCS IN HIS BACK REQUIRING SURGERY TO REPAIR. CLAIMS FOR MEDICAL EXPENSES AND PAIN & SUFFERING.
Defense Attorney----	ROBERT J CLASEN ESQ
Phone/email-------	(516) 229-6000 /
Defense Firm -----	RICHARD T LAU & ASSOCIATES
	PO BOX 9040
	JERICHO, NY 11753
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	JOEL L LEVINE
Phone/email-------	(516) 747-3222 /
Plaintiff Firm----	LEVINE AND WISS PLLC
	259 MINEOLA BLVD
	MINEOLA, NY 10552
Jurisdiction/Case #	NASSAU COUNTY SUPREME NY / 20298/07 / RANDY SUE MARBER

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 28 (Control# 1,261,390)

Plaintiff----------	SANSEVERINA
Defendant(s) -------	PICCIONE
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE SETTLED ON 06/2002
Testified For/Date -	PLAINTIFF / INQUIRY MADE 06/02 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	CERVICAL DISCECTOMY NECESSARY FOLLOWING ACCIDENT; OTHER INJURIES SUSTAINED AS WELL
Defense Attorney----	FAYE GROSS ESQ
Phone/email-------	(516) 229-6000 /
Defense Firm -----	RICHARD T LAU & ASSOCIATES PO BOX 9040 JERICHO, NY 11753
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	DAVID SUTTON
Phone/email-------	(000) 000-0000 /
Plaintiff Firm----	LAW OFFICES OF DAVID SUTTON 1205 FRANKLIN AVE GARDEN CITY, NY 11530
Jurisdiction/Case #	NASSAU COUNTY SUPREME MINEOLA NY / 22325/1999 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 29 (Control# 1,529,823)

Plaintiff----------	SCHURE, DAVID S
Defendant(s) -------	TOYOTA MOTOR SALES USA INC
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE RESULTS NOT SUPPLIED VERDICT NOT SUPPLIED
Testified For/Date -	PLAINTIFF / INQUIRY MADE 11/10 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	PERMANENT INJURY FROM MOTOR VEHICLE ACCIDENT
Defense Attorney----	JEREMY CANTOR ESQ
Phone/email-------	(212) 972-1000 / JCANTOR@LONDONFISCHER.COM
Defense Firm -----	LONDON, FISCHER, LLP / WWW.LONDONFISCHER.COM
	59 MAIDEN LANE
	NEW YORK, NY 10038 / FAX (212) 972-1030
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	ROY C GORDON
Phone/email-------	(516) 747-0377 /
Plaintiff Firm----	COSTELLA & GORDON LLP
	100 GARDEN CITY PLZ STE 203
	GARDEN CITY, NY 11530
Jurisdiction/Case #	NASSAU COUNTY SUPREME NY / CIVIL DOCKET NUMBER NOT SUPPLIED /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 30 (Control# 1,517,907)

Plaintiff----------	SON, TAE JUNG
Defendant(s) -------	MITTAL STEEL USA INC; ET AL
Claim Type(s) ------	WORKSITE / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	MEDIATION PLAINTIFF - TOTAL AWARD $650,000
Testified For/Date -	DEFENDANT / MEDIATION TESTIMONY - 01/2010
Case Issues --------	DEFENDANT COMPANY FAILED TO PROVIDE A SAFE WORKSITE. PROPER LADDERS, SCAFFOLDS OR HARNESSES WERE NOT PROVIDED TO WORKERS WHO WERE REQUIRED TO CLIMB TO ELEVATED HEIGHTS. 49 YEAR-OLD MALE PLAINTIFF HAD TO CLIMB UP A PIPE IN ORDER TO ACCESS A BOILER THAT NEEDED ATTENTION. THE PIPE BROKE AND CAUSED HIM TO FALL 20 FEET. PLAINTIFF SUFFERED HERNIATED DISCS AND A TORN ROTATOR CUFF WHICH BOTH REQUIRED SURGERY AND LEFT HIM UNABLE TO RETURN TO WORK.
Defense Attorney----	JOANNA DICKINSON ESQ
Phone/email-------	(716) 847-8400 /
Defense Firm -----	PHILLIPS LYTLE, LLP / WWW.PHILLIPSLYTLE.COM
	1 HSBC CENTER, SUITE 3400
	BUFFALO, NY 14203 / FAX (716) 852-6100
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	DAVID N SLOAN
Phone/email-------	(000) 000-0000 / DAVIDSLOANESQ@AOL.COM
Plaintiff Firm----	THE LAW OFFICES OF DAVID N SLOAN / WWW.NYFIRM.NET
	321 N NEWBRIDGE RD
	HICKSVILLE, NY 11801
Jurisdiction/Case #	QUEENS SUPREME NY / 3408/07 / VALERIE BRATHWAITE NELSON

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 31

(Control# 1,472,668)

Plaintiff----------	SYLVESTER, LYNDA
Defendant(s) -------	DOUGLAS, KEITH J & STEAMEX LTD
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	ARBITRATION - 12/2008
Testified For/Date -	PLAINTIFF / INQUIRY MADE 10/08 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	MOTOR VEHICLE ACCIDENT RESULTING IN BACK INJURY
Defense Attorney----	MATTHEW D SHWOM ESQ
Phone/email-------	(631) 755-0101 /
Defense Firm -----	LEWIS, JOHS, AVALLONE, ET AL / WWW.LEWISJOHS.COM
	425 BROAD HOLLOW ROAD SUITE 400
	MELVILLE, NY 11747 / FAX (631) 755-0117
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	ALAN M SANDERS
Phone/email-------	(516) 742-6400 /
Plaintiff Firm----	ALAN M SANDERS
	1 OLD COUNTY RD STE 497
	CARLE PLACE, NY 11514
Jurisdiction/Case #	NASSAU COUNTY SUPREME NY / 0017262/2005 /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 32

(Control# 1,517,212)

Plaintiff----------	TEJADA, MARIA B & LUCILO
Defendant(s) -------	HEMPSTEAD TRANSPORTATION SERVICE; SPARIOSU, JOHN I
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	TRIAL; AWARD INCREASED TO STIP MIN OF $200,000 - 02/2010 PLAINTIFF VERDICT - TOTAL AWARD $113,500
Testified For/Date -	PLAINTIFF / TRIAL TESTIMONY - 02/2010
Case Issues --------	DEFENDANT DRIVER OF LIMOUSINE FAILED TO STOP IN TIMELY MANNER CAUSING REAR-END ACCIDENT. 44-YEAR-OLD PLAINTIFF SUFFERED HERNIATED DISCS, PHYSICAL THERAPY, ANTERIOR DISKECTOMIES, REMOVAL OF PART OF DISCS C5-6 & C6-7, BONE GRAFTS, PLATES & SCREWS.
Defense Attorney----	KEVIN G FALEY
Phone/email-------	(212) 766-1888 / KFALEY@MDAFNY.COM
Defense Firm -----	MORRIS, DUFFY, ALONSO, FALEY / WWW.MDAFNY.COM
	2 RECTOR ST, 22ND FLOOR
	NEW YORK, NY 10006 / FAX (212) 766-3252
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	WADE TURNBULL
Phone/email-------	(718) 993-9999 /
Plaintiff Firm----	JACOB ORESKY / HTTP://ORESKYLAW.COM/
	155 E 149TH ST
	BRONX, NY
Jurisdiction/Case #	NEW YORK SUPREME NY / 116385/05 / CAROL E HUFF

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 33

(Control# 1,512,713)

Plaintiff----------	TORRES, JEANETTE
Defendant(s) -------	AURINGER
Claim Type(s) ------	VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results -------	CASE RESULTS NOT SUPPLIED VERDICT NOT SUPPLIED
Testified For/Date -	PLAINTIFF / INQUIRY MADE 03/10 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	CAR ACCIDENT
Defense Attorney----	HOWARD J KAPLAN ESQ
Phone/email-------	(914) 378-3900 / HOWARD_KAPLAN@PROGRESSIVE.COM
Defense Firm -----	KAPLAN, HANSON, MCCARTHY, ET AL ONE EXECUTIVE BLVD, STE 280 YONKERS, NY 10701 / FAX (914) 375-4168
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	IRA ROGOWSKI
Phone/email-------	(212) 732-3665 /
Plaintiff Firm----	HARMON, LINDER & ROGOWSKY 42 BROADWAY RM 1227 NEW YORK, NY 10004
Jurisdiction/Case #	NY / CIVIL DOCKET NUMBER NOT SUPPLIED /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq: 643,417)

Case 34 (Control# 1,368,249)

Plaintiff----------	TUEBNER, MELISSA
Defendant(s) -------	CARDINAL HEALTH
Claim Type(s) ------	MEDICAL MALPRACTICE / INJURY/DAMAGE(S) --- WRONGFUL DEATH /
Case Results -------	CASE RESULTS NOT SUPPLIED VERDICT NOT SUPPLIED
Testified For/Date -	DEFENDANT / INQUIRY MADE 12/05 EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	DEATH FROM COMPLICATIONS FOLLOWING CERVICAL DISKECTOMY
Defense Attorney----	TIMOTHY J FRASER ESQ
Phone/email-------	(973) 360-1100 / TIMOTHY.FRASER@DBR.COM
Defense Firm -----	DRINKER, BIDDLE & REATH / WWW.DRINKERBIDDLE.COM
	P O BOX 931
	FLORHAM PARK, NJ 07932 / FAX (973) 285-1625
Co-Defense Atty-----	
Phone/email-------	
Co-Defense Firm---	
Plaintiff Attorney -	NOT SUPPLIED
Phone/email-------	(212) 986-7353 /
Plaintiff Firm----	WINGATE, RUSSOTTI & SHAPIRO
	420 LEXINGTON AVE, STE 2750
	NEW YORK, NY 10170
Jurisdiction/Case #	JURISDICTION NOT SUPPLIED / CIVIL DOCKET NUMBER NOT SUPPLIED /

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)

Case 35

(Control# 1,505,850)

Plaintiff----------	WOLL, LAWRENCE
Defendant(s) -------	AMERICAN AIRLINES INC; VRH-TORCON INC; ET AL; PORT AUTHORITY OF NY & NJ;
Claim Type(s) ------	WORKSITE / WORKSITE INJURY/DAMAGE(S) --- BODILY INJURY / BODILY INJURY
Case Results -------	CASE SETTLED FOR $1,500,000.00 ON 03/2009
Testified For/Date -	PLAINTIFF / EROD HAS NO RECORD OF TESTIMONY
Case Issues --------	DEFENDANT FAILED TO PROVIDE A SAFE WORK ENVIRONMENT AND PROPER SAFETY EQUIPMENT FOR THE 55-YEAR-OLD MALE PLAINTIFF RESULTING IN HIM FALLING 7 FEET OFF A SCAFFOLD. PLAINTIFF SUFFERED FRACTURED ACETABULUM OF THE HIP, ELBOW CONTUSION & INFECTION REQUIRING DEBRIDEMENT AND WORSENING OF LUMBAR SPINAL STENOSIS REQUIRING L5-S1 FUSION. PLAINTIFF HAS CHRONIC PAIN AND IS UNABLE TO WORK.
Defense Attorney----	MARK CIPOLLA ESQUIRE
Phone/email-------	(212) 232-1300 / CIPOLLA@LBBSLAW.COM
Defense Firm -----	LEWIS, BRISBOIS, BISGAARD & SMITH / WWW.LBBSLAW.COM 199 WATER ST STE 2500 NEW YORK, NY 10038 / FAX (212) 232-1399
Co-Defense Atty-----	MARK CIPOLLA ESQUIRE
Phone/email-------	(212) 232-1300 / CIPOLLA@LBBSLAW.COM
Co-Defense Firm---	LEWIS, BRISBOIS, BISGAARD & SMITH / WWW.LBBSLAW.COM 199 WATER ST STE 2500 NEW YORK, NY 10038 / FAX (212) 232-1399
Plaintiff Attorney -	JASON SAMUEL SHAPIRO
Phone/email-------	(718) 295-7700 /
Plaintiff Firm----	THE SHAPIRO LAW OFFICES 3205 GRAND CONCOURSE STE 1 BRONX, NY 10468
Jurisdiction/Case #	NEW YORK COUNTY SUPREME NEW YORK NY / 106710/07 / MARCY S FRIEDMAN

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Reasonable efforts have been used to gather the above information EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

Case 36 (Control# 1,512,518)

Plaintiff---------- YADGAROFF, DAVID
Defendant(s) ------- DEPARMA, THOMAS A

Claim Type(s) ------ VEHICULAR LIABILITY / INJURY/DAMAGE(S) --- BODILY INJURY /
Case Results ------- TRIAL, - 05/2009 PLAINTIFF VERDICT - TOTAL AWARD $500,000

Testified For/Date - PLAINTIFF / TRIAL TESTIMONY - 05/2009

Case Issues -------- PLTF, 60-YEAR-OLD REAL ESTATE AGENT, SUFFERED A HERNIATED DISC NECESSITATING CERVICAL FUSION WHEN HE WAS INVOLVED IN A PREVIOUS AUTO ACCIDENT. FOLLOWING ADDITIONAL ACCIDENTS, HE WAS REARENDED BY THE DEFT THE FOLLOWING YEAR WHICH CAUSED THE INJURIES TO BECOME PERMANENT. DEFT ALLEGES INJURIES WERE CAUSED BY PREVIOUS ACCIDENTS.

Defense Attorney---- RICHARD T LAU
Phone/email------- (516) 229-6000 /
Defense Firm ----- RICHARD T LAU & ASSOCIATES
PO BOX 9040
JERICHO, NY 11753

Check & Fax to Have EROD Attempt to Procure Transcript For an Additional Charge ☐

Co-Defense Atty-----
Phone/email-------
Co-Defense Firm---

Plaintiff Attorney - JEFFREY MICHAEL BLUM
Phone/email------- (718) 461-6633 /
Plaintiff Firm---- MALILLO & GROSSMAN
16309 NORTHERN BLVD
FLUSHING, NY 11358

Jurisdiction/Case # QUEENS COUNTY SUPREME NY / 018749/2007 / DANIEL R PALMIERI

Reasonable efforts have been used to gather the above information. EROD is not responsible for errors or omissions contained therein, nor indicates that the above is all the litigation in which this person has participated. (copyright 1985, 1990)

(Rq:643,417)