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1. Profile Suite Expert Witness Report: Guy, Ali Eraj M.D.,F.A.A.P.M.R.

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## Lexis Advance® Profile Suite Report

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### Expert

**Guy, Ali Eraj M.D.,F.A.A.P.M.R.**

**Area of Expertise:**Physical Medicine & Rehabilitation

**Guy, Ali Eraj M.D.,F.A.A.P.M.R.**

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**Affiliation:** GRAMERCY PARK PHYSICAL MEDICINE & REHAB PC  
NYU School of Medicine  
Mid Island Physical Medicine & Rehabilitation

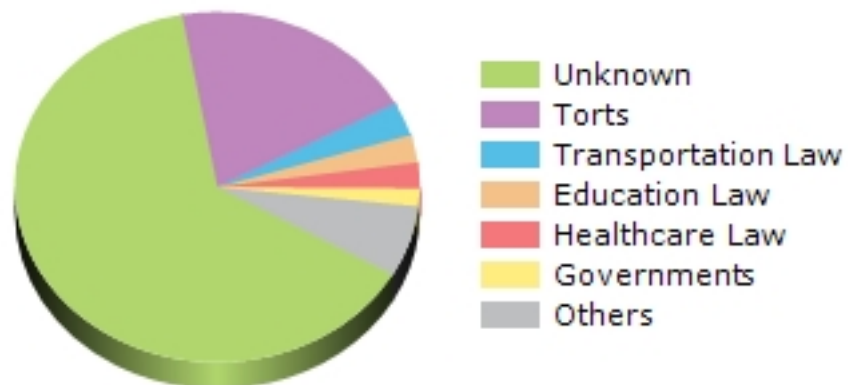
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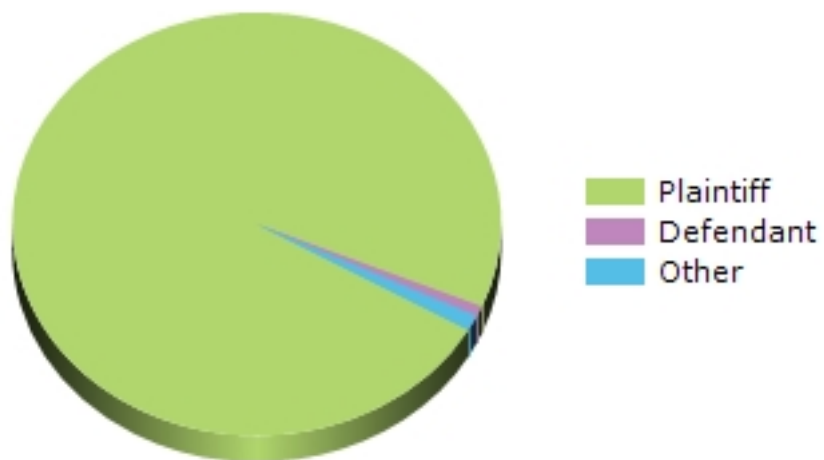
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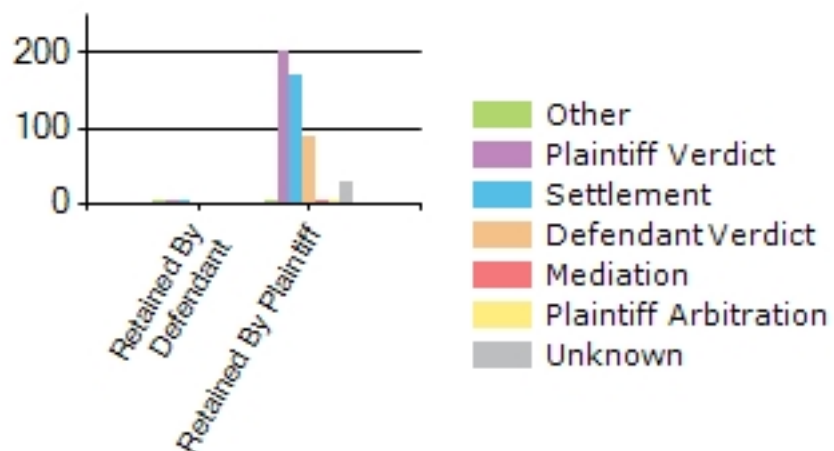
## By Practice Area



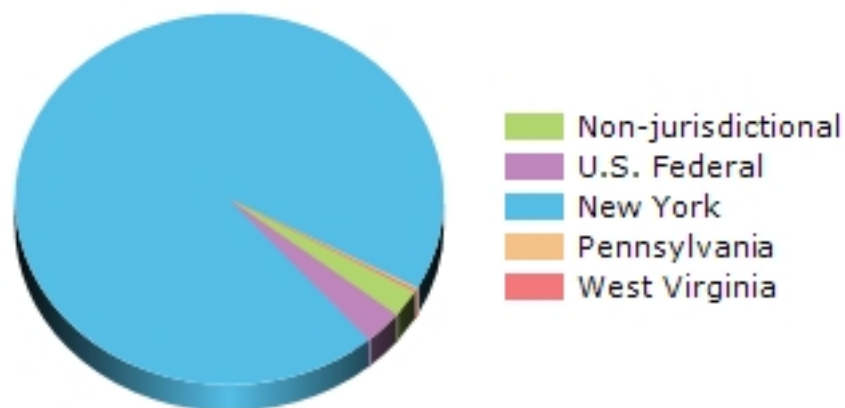
## Cases By Hiring Party

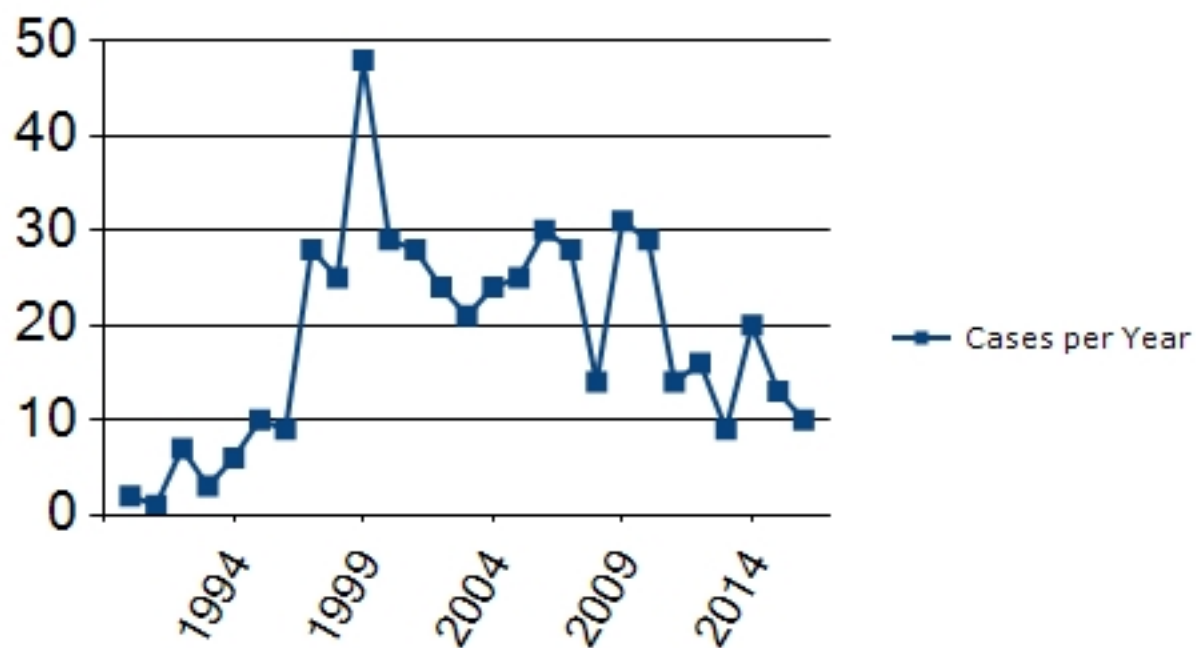


## Resolution By Hiring Party



## Cases By Jurisdiction



**Cases per Year**

## **2013 DAUBTR LEXIS 6342**

### Daubert Tracker - Case Reports

**Expert Name:** Dr. Ali Eraj Guy M.D.

**Discipline:** Medicine; Physical Med./Rehab.;

**Case Name:** Jacinthe vs. Roy

**Citation:** [2013 N.Y. Misc. LEXIS 4389](#); 2013 NY Slip Op 32334

**Docket Number:** 100713/2011

**Area of Law:** Personal Injury

**Court:** New York, Supreme Ct., App. Div.

**Plaintiff:** Yamileh Jacinthe, Plaintiff

**Defendant:** Jujit Kumar Roy, Rockford Cab Corp. and Justin L. Camacho, Defendants

**Judges:** Hon. ARLENE P. BLUTH, JSC.

**Opinion by:** ARLENE P. BLUTH

**Disposition:** Testimony insufficient to defeat summary judgment motion.

**Retained by:** plaintiff

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## **2011 DAUBTR LEXIS 399659**

### Daubert Tracker - Case Reports

**Expert Name:** Dr. Ali Eraj Guy M.D.

**Discipline:** Medicine; Physical Med./Rehab.

**Case Name:** Cruz vs. Vuolo

**Citation:** [2011 N.Y. Misc. LEXIS 4680](#); [2011 NY Slip Op 32575U](#)

**Docket Number:** 1074/10

**Area of Law:** JOSE A. CRUZ, Plaintiff

**Jurisdiction:** State

**Court:** New York, County Ct., Misc.

**Plaintiff:** JOSE A. CRUZ, Plaintiff

**Defendant:** ANDREW J. VUOLO, Defendant

**Judges:** PRESENT: HON. DENISE L. SHER , Acting Supreme Court Justice.

**Opinion by:** DENISE L. SHER

**Disposition:** Testimony was insufficient to raise a triable issue, thus defendants motion for summary judgment was granted.

**Retained by:** plaintiff

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## **2001 DAUBTR LEXIS 26769**

### Daubert Tracker - Case Reports

**Expert Name:** Dr. Ali Eraj Guy M.D.

**Discipline:** Medicine; Physical Med./Rehab.

**Case Name:** Tillman vs. Metropolitan Suburban Bus Authority

**Citation:** [2001 N.Y. App. Div. LEXIS 12195](#); 289 A.D.2d 397; [734 N.Y.S.2d 899](#)

**Docket Number:** 2001-03865

**Area of Law:** Personal Injury

**Court:** New York, Supreme Ct., App. Div.

**Plaintiff:** Curtis Tillman, Respondent

**Defendant:** Metropolitan Suburban Bus Authority et al., Appellants

**Counsel:** ; Sciretta & Venterina, LLP, Staten Island, N.Y. (Antonia Sciretta of counsel)

**Judges:** DAVID S. RITTER, J.P., GLORIA GOLDSTEIN, WILLIAM D. FRIEDMANN, SANDRA J. FEUERSTEIN, STEPHEN G. CRANE, JJ.

**Opinion by:** RITTER, J.P., GOLDSTEIN, FRIEDMANN, FEUERSTEIN

**Disposition:** Testimony properly admitted; affirmed.

**Retained by:** plaintiff

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## **2010 DAUBTR LEXIS 93510**

### Daubert Tracker - Case Reports

**Expert Name:** Dr. Ali Eraj Guy M.D.

**Discipline:** Medicine; Physical Med./Rehab.

**Case Name:** Myers vs. Richardson

**Citation:** [2010 N.Y. Misc. LEXIS 1221](#); [2010 NY Slip Op 30001U](#)

**Docket Number:** INDEX NO. 108102/2006

**Area of Law:** Personal Injury

**Court:** New York, Supreme Ct., App. Div.

**Plaintiff:** DELORES MYERS, Plaintiff

**Defendant:** RUTHIE RICHARDSON, CLARA J. MARSHALL, and GEORGE J. TROCHE, Defendants

**Judges:** PRESENT: HON. PAUL WOOTEN, J.S.C.

**Opinion by:** Paul Wooten

**Disposition:** Testimony in part insufficient to defeat summary judgment.

**Retained by:** plaintiff

**Case Summary:** Plaintiff Delores Myers, while riding as a passenger in a vehicle owned and operated by defendant Ruthie Richardson, was involved in a collision with a vehicle owned by defendant Clara J. Marshall and operated by defendant George J. Troche. Defendant Richardson moved for summary judgment on the threshold issue of serious injury. In support, Defendant submitted, inter alia, an affirmed report from orthopedic surgeon Dr. Anthony Joseph Spataro, M.D. In opposition, Plaintiff submitted, inter alia, an affirmation and EMG report from treating physician Dr. Ali Eraj Guy, M.D., a physical medicine & rehabilitation specialist. Dr. Spataro concluded that Plaintiff was not orthopaedically disabled. However, the Court noted that Dr. Spataro failed to set forth the objective tests that were utilized to determine the range of motion of Plaintiff's thoracolumbar spine. Hence, the Court denied the summary judgment motion with respect to the categories of permanent loss, permanent consequential limitation and significant limitation. Dr. Guy testified as to causation, and concluded that the initial injuries progressed to permanency. However, the Court found Plaintiff's submissions insufficient to raise an issue of fact sufficient to defeat summary judgment under the 90/180-day category. Hence, the motion was granted in part and denied in part.

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## **2010 DAUBTR LEXIS 94536**

### Daubert Tracker - Case Reports

**Expert Name:** Dr. Ali Eraj Guy M.D.

**Discipline:** Medicine; Physical Med./Rehab.

**Case Name:** Ang vs. KJI Limo Corp.

**Citation:** [2010 N.Y. Misc. LEXIS 3768](#); [2010 NY Slip Op 32127U](#)

**Docket Number:** 15013-08

**Area of Law:** Personal Injury

**Jurisdiction:** State

**Court:** New York, County Ct., Misc.

**Plaintiff:** SUZZANE ANG, Plaintiff

**Defendant:** KJI LIMO CORP. and RAYMOND WATERS, Defendants

**Judges:** HONORABLE HOWARD G. LANE , Justice.

**Opinion by:** Howard G. Lane , J.S.C.

**Disposition:** Testimony sufficient to raise a triable issue of fact and thus prevent summary judgment.

**Retained by:** plaintiff

**Case Summary:** This action arose out of an automobile accident in which plaintiff suffered injury. The defendants filed a motion for summary judgment contending that plaintiff had not sustained a serious injury within the meaning of the Insurance Law § 5102(d). The Court noted that the proponent of a motion for summary judgment must establish that plaintiff has not suffered a "serious injury." The Court found that the Defendants established a prima facie case that plaintiff did not suffer a "serious injury" through the reports from two independent examining and/or evaluating physicians, David A. Fisher, M.D., a radiologist, and Gregory Montalbano, M.D., an orthopedist. Both experts opined that plaintiff suffered from a preexisting condition. Thus, the burden then shifted to plaintiff to raise a triable issue of fact that a serious injury was sustained within the meaning of the Insurance Law. In opposition to the motion, plaintiff submitted an affidavit from plaintiff's physiatrist, Ali E. Guy, M.D., and an affidavit from plaintiff's orthopedist, Jeffrey S. Kaplan, M.D. The Court noted that Dr. Guy set forth the objective examination, tests, and review of medical records which were performed contemporaneously with the accident to support his conclusion that the plaintiff suffered from significant injuries. The Court also noted that Dr. Kaplan set forth the objective examination, tests, and review of medical records which were performed to support his conclusion that the plaintiff suffered from significant injuries, including range of motion restrictions of the left knee. He further opined that the injuries were permanent in nature, significant, causally related to the motor vehicle accident of February 16, 2008 and resulted in a permanent limitation in the plaintiff's range of motion. The Court found that Plaintiff established a causal connection between the accident and the injuries. The Court found that the plaintiff's experts' conclusions were not based solely on the plaintiff's subjective complaints of pain, and therefore were sufficient to defeat the motion. However, the Court found that the plaintiff failed to come forward with sufficient evidence to create an issue of fact as to whether the plaintiff sustained a medically-determined injury which prevented her from performing

substantially all of the material acts which constituted her usual and customary daily activities for not less than 90 of the 180 days immediately following the underlying accident. Accordingly, the defendants' motion for summary was denied as to all categories except for the category of ""90/180 days.

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## **2010 DAUBTR LEXIS 94631**

### Daubert Tracker - Case Reports

**Expert Name:** Dr. Ali Eraj Guy M.D.

**Discipline:** Medicine; Physical Med./Rehab.

**Case Name:** Giannetta vs. Mohammed

**Citation:** [2010 N.Y. Misc. LEXIS 3967](#)

**Docket Number:** 30504/07

**Area of Law:** Personal Injury

**Court:** New York, Supreme Ct., App. Div.

**Plaintiff:** ROBERT GIANNETTA, Plaintiff

**Defendant:** FELLAH MOHAMMED and FINNIGAN CAB CORP, Defendants

**Judges:** Present: HONORABLE PATRICIA P. SATTERFIELD [Click for Enhanced Coverage Linking Searches](#), Justice.

**Opinion by:** PATRICIA P. SATTERFIELD

**Disposition:** Testimony insufficient to defeat summary judgment motion.

**Retained by:** plaintiff

**Case Summary:** This was an action for personal injury where the Defendants filed a motion for summary judgment to dismiss the complaint. In support of their motion, Defendants submitted the affirmed medical report of Dr. David Leland Milbauer, M.D., a diagnostic radiologist and Dr. Sarasavani Jayaram, M.D., a board certified neurologist. In opposition, Plaintiff initially sought to discredit Defendants' experts. First, he argued that Dr. Jayaram's failure to review any of Plaintiff's medical records and her reliance solely on her one-time physical examination of Plaintiff undercut her conclusion that Plaintiff did not sustain a serious injury. Second, he argued that Dr. Milbauer's conclusion that the small posterior disc protrusions were the result of degenerative changes, not trauma, was irrelevant. In support of this, Plaintiff also submitted the affidavit of Dr. Ali Eraj Guy, M.D., a physical medicine and rehabilitation specialist. The Court noted that Dr. Guy's affidavit was insufficient to raise a triable issue of fact as to whether Plaintiff sustained a serious injury. The Court found that although Dr. Guy's affidavit alluded to tests being administered that revealed limited ranges of motion, he neither outlined the objective tests performed nor quantified the alleged limitations. Nor did Dr. Guy specify in the instances in which he did quantify limitations, the portion of the spine being measured. Accordingly, the motion by Defendants for summary judgment was granted and the complaint was dismissed.

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## **2011 DAUBTR LEXIS 397268**

### Daubert Tracker - Case Reports

**Expert Name:** Dr. Ali Eraj Guy M.D.

**Discipline:** Medicine; Physical Med./Rehab.

**Case Name:** Filoseta vs. Jimenez

**Citation:** [2011 N.Y. Misc. LEXIS 2047](#); [2011 NY Slip Op 31135U](#)

**Docket Number:** 27555/08

**Area of Law:** Insurance Law

**Jurisdiction:** State

**Court:** New York, County Ct., Misc.

**Plaintiff:** MICHAEL FILOSETA and KIERA FILOSETA, Plaintiffs

**Defendant:** ERIC EDGARDO JIMEMEZ and NEW YORK SAND & STONE, INC., Defendants

**Judges:** HONORABLE HOWARD G. LANE, J.S.C.

**Opinion by:** HONORABLE HOWARD G. LANE, J.S.C.

**Disposition:** Testimony sufficient to raise a triable issue of fact, thus defendants' motion for summary judgment was denied.

**Retained by:** plaintiff

**Case Summary:** This action arose out of an automobile accident, whereby plaintiff Michael Filoseta was allegedly injured. Defendants moved for summary judgment dismissing the complaint of plaintiffs on the ground that plaintiffs had not sustained a serious injury within the meaning of the Insurance Law 5102(d). In support of the motion for summary judgment, defendants submitted reports from four physicians, Dr. Frank D. Oliveto, Dr. Alvin M. Bregman, an orthopedist, Dr. Sheldon P. Feit, a radiologist, and Thomas Joseph Palimieri, a hand specialist. The Court concluded that the Defendants, through the expert reports of Drs. Oliveto, Bregman, Feit, and Palmieri, established a prima facie case that plaintiff did not suffer a "serious injury" as defined in Section 5102(d). Thus, the burden then shifted to plaintiff to raise a triable issue of fact that a serious injury was sustained within the meaning of the Insurance Law. In opposition to the motion, plaintiff submitted sworn records and reports and an affirmation from plaintiff's physical medicine and rehabilitation physician, Ali E. Guy, M.D., and sworn MRI reports of plaintiff's radiologist, Robert Diamond, M.D. The Court concluded that Plaintiff established a causal connection between the accident and the injuries. The Court noted that Dr. Guy's affirmation set forth the objective examination, tests, and review of medical records which were performed contemporaneously with the accident to support his conclusion that the plaintiff suffered from significant injuries. He further opined that the injuries sustained by the plaintiff in the accident were causally related to the motor vehicle accident and were permanent in nature. Additionally, Dr. Diamond interpreted MRI films of plaintiff's cervical and lumbar spines and found disc herniations and bulges of the cervical and lumbar spines. The Court concluded that the plaintiffs' experts' conclusions were not based solely on the plaintiff's subjective complaints of pain, and therefore were sufficient to defeat the motion. The Court also observed that plaintiff rebutted defendants' experts findings that the injuries were degenerative in nature, noting that

Dr. Guy stated that any pre-existing degenerative changes were irrelevant medically as Mr. Filoleta was asymptomatic prior to the trauma, and if there was any pre-existing degenerative condition, the accident aggravated any such degenerative medical condition. Also, Dr. Diamond did not indicate that the injuries were degenerative or pre-existing in nature. Accordingly, the defendants' motion for summary was denied as to plaintiff Michael Filoleta.

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## **2007 DAUBTR LEXIS 75979**

### Daubert Tracker - Case Reports

**Expert Name:** Dr. Ali Eraj Guy M.D., F.A.A.P.M.R.

**Discipline:** Medicine; Physical Med./Rehab.

**Case Name:** Farook vs. Bailey

**Citation:** [\*2007 U.S. Dist. LEXIS 52748\*](#)

**Docket Number:** No. 05 Civ. 3785 (LTS)(DF)

**Area of Law:** Personal Injury

**Jurisdiction:** Federal

**Court:** New York, Southern District

**Plaintiff:** ADAM FAROOK, Plaintiff

**Defendant:** MICHAEL BAILEY and PV HOLDING CORP., Defendants

**Counsel:** For Michael Bailey, PV Holding Corp., Defendants: Michael V. Sclafani , LEAD ATTORNEY, Reardon & Sclafani, P.C., Tarrytown, NY.

**Judges:** LAURA TAYLOR SWAIN , United States District Judge

**Opinion by:** LAURA TAYLOR SWAIN

**Disposition:** Testimony admissible and sufficient to create genuine issue of material fact, thus preventing summary judgment in favor of defendants.

**Retained by:** plaintiff

**Case Summary:** Plaintiff Adam Farook brought a personal injury lawsuit that arose out of an automobile accident against Defendants Michael Bailey and PV Holding Corp. Defendants moved for summary judgment against Farook alleging that Farook failed to proffer evidence sufficient to raise a genuine issue of material fact concerning whether his injuries were caused by the alleged accident and whether Plaintiff had suffered a "serious injury." The Court noted that Plaintiff's doctor, Ali Guy, M.D., provided objective quantitative evidence by indicating Plaintiff's limited range of motion, and objective qualitative evidence by comparing Plaintiff's range of motion to normal ranges of motion and by reviewing an MRI report. The Court found that Plaintiff's tender of objective medical evidence was sufficient to create a genuine issue of material fact as to whether Plaintiff suffered a significant limitation of use of a body function. Therefore, The Court found that Defendants were not entitled to summary judgment on the issue of "serious injury. Defendants also characterized Plaintiff's medical evidence of a causal link between Plaintiff's injury and the July 2004 car accident as speculative. However, the Court noted that Dr. Guy's opinion as to causation specifically discussed the pre-accident evidence proffered by Defendants in reaching the conclusion that the July 2004 accident caused Plaintiff's injury, rather than an earlier accident. The Court also found that the conclusory assertions of Defendants' experts, Dr. Sondra Pfeffer and Dr. Martin Barschi, that pre-existing degenerative changes caused Plaintiff's injury were insufficient to preclude a triable issue in this regard. Consequently, The Court



found there was a genuine issue of material fact as to whether Plaintiff's injuries were caused by the July 2004 car accident, so Defendants' motion for summary judgment on these grounds was denied.

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