

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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SANDY LOPEZ, JR.,

Index No.: 514851/2019

Plaintiff,

-against-

EXPERT DISCLOSURE
PURSUANT TO
CPLR §3101(d)

40-50 BRIGHTON FIRST ROAD APARTMENTS
CORP., TKR PROPERTY SERVICES, INC., S.I.
VICTORY CONSTRUCTION & DEVELOPMENT
CORPORATION,

Defendants.

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S.I. VICTORY CONSTRUCTION & DEVELOPMENT
CORPORATION,

Third-Party Plaintiff,

-against-

ROCK GROUP NY CORP.,

Third-Party Defendant.

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40-50 BRIGHTON FIRST ROAD APARTMENTS
CORP. and TKR PROPERTY SERVICES, INC.,

Second Third-Party Plaintiffs,

-against-

ROCK GROUP NY CORP.,

Second Third-Party Defendant.

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Defendants, 40-50 BRIGHTON FIRST ROAD APARTMENTS CORP. and TKR
PROPERTY SERVICES, INC., as and for their expert disclosure pursuant to CPLR §3101(d), sets
forth the following:

1. Defendants intend to call David A. Fisher, MD as an expert witness at the time of trial of this action. A copy of Dr. Fisher's Curriculum Vitae is annexed hereto as **Exhibit "A"**.

2. Dr. Fisher will testify with respect to his report dated November 4, 2024 as well as general radiology practices and procedures. A copy of Dr. Fisher's report is annexed hereto as **Exhibit "B"**. Dr. Fisher's testimony will be based on his review of the plaintiff's MRI films and reports as well as the pleadings and medical records exchanged to date.

3. Dr. Fisher will make reference to all MRI films, report, pleadings and/or medical records provided and/or exchanged during the course of discovery, as well as his knowledge, experience and expertise in the field of radiology.

Dated: New York, New York
November 5, 2024

By: *Michael Rabus*

MICHAEL J. RABUS, ESQ.
AHMUTY, DEMERS & McMANUS, ESQS.
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40-50 BRIGHTON FIRST ROAD
APARTMENTS CORP. and TKR
PROPERTY SERVICES, INC.
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File No: NWS 1119N19 MJR

TO:

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Second Third-Party Defendant
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EXHIBIT A

DAVID A. FISHER, MD

CURRICULUM VITAE

6411 San Michel Way
Delray Beach, FL 33484

330 E 39th Street, Suite 32N
New York, NY 10016

- EDUCATION:** 09/77-06/80 Livingston High School, Livingston, New Jersey
08/80-06/84 Boston University, BS in Biomedical Engineering
07/84-06/89 Eastern Virginia Medical School, MD
- POST GRADUATE TRAINING:** 07/89-06/90 Internal Medicine Internship
Long Island Jewish Medical Center
Long Island Campus for Albert Einstein College of Medicine
New Hyde Park, New York 11042
- 07/90-06/92 Diagnostic Radiology Residency
Saint Barnabas Medical Center
Livingston, New Jersey 07039
- 07/92-06/94 Diagnostic Radiology Senior Residency
Long Island Jewish Medical Center
Long Island Campus for Albert Einstein College of Medicine
New Hyde Park, New York 11042
- 07/94-06/95 Cross-Sectional Imaging Fellowship
Hospital of the University of Pennsylvania
University of Pennsylvania Medical Center
Philadelphia, Pennsylvania 19104
- EMPLOYMENT HISTORY:** 07/95-03/96 Northern Metropolitan Radiology Associates
Staff Radiologist
Jefferson Valley, New York 10535
- 03/96-04/98 South Nassau Communities Hospital
Chief of Body Imaging
Oceanside, New York 11572
- 04/98-12/04 ProHEALTH Care Associates
Director of Diagnostic Imaging
2800 Marcus Ave.
Lake Success, New York 11042
- 01/05-09/07 Zwanger-Pesiri Radiology Group
126 Hicksville Road
Massapequa, New York 11758
- 03/06- 08/23 David A. Fisher, MD, PLLC
430 Chestnut Drive
Roslyn, NY 11576
- 10/07- 07/13 Metropolitan Diagnostic Imaging
224 7th Street
Garden City, New York 11530
- 09/23- David A. Fisher, MD, PLLC
6411 San Michel Way
Delray Beach, FL 33484

DAVID A. FISHER, MD

CURRICULUM VITAE

SPORTS AFFILIATIONS:	Consulting Radiologist for NY Jets (1998-2004) Consulting Radiologist for NY Islanders (1998-2004) Member, USTA Medical Team (2000-2005)
EDITORIAL/ ADVISORY POSITIONS:	Council of Healthcare Advisors Academic American Encyclopedia/ Grolier Multimedia Encyclopedia
LICENSURE:	DEA Number BF4808525 New Jersey # 56347 New York # 183316 Workers Compensation #183316-9B
PROFESSIONAL SOCIETIES:	American College of Radiology (<i>Alternate Counselor '04-'07</i>) American Roentgen Ray Society Long Island Radiological Society (<i>President '03-'04</i>) New York State Radiological Society (<i>Delegate '04-'07</i>) Radiological Society of North America
SPECIALTY CERTIFICATION:	American Board of Radiology Diplomate, 1994

BIBLIOGRAPHY

Li L, Fisher DA, Stanek AE: Sclerosing Angiomatoid Nodular Transformation (SANT) of the Spleen. *The American Journal of Surgical Pathology*. 2005; 29; 839-840.

MRI Evaluation of the Shoulder. Lectures presented at the *ProHEALTH Orthopedic and Sports Medicine Conference*, most recent February 26, 2004 and at the *Nassau Surgical Society, Orthopedic Section*, December 8, 1999.

MRI of the Knee with a Primer on Basic MRI Physics. Lectures presented at *Hofstra University Sports Medicine Conference*, August 4, 2003 and at the *ProHEALTH Orthopedic and Sports Medicine Conference*, most recent March 18, 2004.

Fisher DA, Gazzaniga D, Lastig S: Sternum Fractures. *Emedicine Musculoskeletal Radiology*. May 7, 2003.

Fisher DA, Mond DJ, Fuchs A, Khan A: Mucoepidermoid Tumor of the Lung: CT Appearance. *Computerized Medical Imaging and Graphics*. 1995; 19:339-342.

Patel M, Fisher DA, Desai M, Romano J: Necrotizing encephalitis of both frontal lobes due to Salmonella infection. Presented at the *American Society of Neuroradiology*, May 1994.

Fisher DA, Fisher JE, Fisher DC, Fisher EA, Fuster, V: Congenital absence of the pericardium. *Primary Cardiology*, 1991; 17:13-21.

Figgie MP, Inglis AE, Sobel M, Fisher DA: Metacarpophalangeal joint arthroplasty of the rheumatoid thumb. *Journal of Hand Surgery*, 1990; 15A: 210-216.

Kraay MW, Goldberg VM, Figgie MP, Fisher DA: Technical factors influencing the results of total condylar III knee arthroplasty. *American Journal of Knee Surgery*, 1988; 1:125-133.

EXHIBIT B

DAVID A. FISHER, MD

DIPLOMATE, AMERICAN BOARD OF RADIOLOGY

6411 San Michel Way
Delray Beach, FL 33484

November 4, 2024

Attn: Michael Rabus, Esq.
Ahmuty, Demers & McManus
199 Water Street, 16th Floor
New York, NY 10038

Re: Sandy Lopez Jr. (DOB 5/17/91) v. 40-50 Brighton First Road Apartments Corp., et al.

Date of Loss: 4/15/19

File #: NWS 1119N19 MJR

Mr. Rabus,

At your request I have reviewed radiology studies related to this file.

CERVICAL SPINE

MRI of the Cervical Spine (Stand-Up MRI of Queens 5/25/19):

Technique:

T1 and T2 (flexion/extension) sagittal and T2 axial oblique sequences were performed.

Findings:

The cervical vertebral bodies are normal in height and alignment. There is no disc herniation or bulge. The craniocervical junction and cervical cord are normal in appearance and there is no spinal stenosis, paraspinal mass, instability or fracture.

Impression:

Normal study.

SUMMARY:

At your request, I have reviewed an MRI of the cervical spine that was performed 7 ½ weeks following the date of loss. This is a normal study in this then 28-year-old. There are no disc herniations or fractures. There is no radiographic evidence of traumatic or causally-related injury to the cervical spine.

LUMBAR SPINE

MRI of the Lumbar Spine (Stand-Up MRI of Queens 5/25/19):

Technique:

T1 and T2 (flexion/extension) sagittal and T1 and T2 axial oblique sequences were performed.

Findings:

The lumbar vertebral bodies are normal in height and alignment. There is no disc herniation or significant annular bulge. The conus medullaris is normal in appearance and there is no spinal stenosis, paraspinal mass, instability or fracture.

Impression:

Normal study.

MRI of the Lumbar Spine (Stand-Up MRI of Queens 6/8/21):

Technique:

T1 and sagittal and T1 and T2 axial oblique sequences were performed.

Findings:

Comparison is made with prior MRI dated 5/25/19. This study is normal as well. No significant interval change is seen. The lumbar vertebral bodies are normal in height and alignment. There is no disc herniation or significant annular bulge. The conus medullaris is normal in appearance and there is no spinal stenosis, paraspinal mass, instability or fracture.

Impression:

Normal study.

MRI of the Lumbar Spine (Stand-Up MRI of Queens 1/16/23):

Technique:

T1 and T2 (flexion/extension) sagittal and T1 and T2 axial oblique sequences were performed.

Findings:

Comparison is made with prior MRIs dated 5/25/19 & 6/8/21. This study is normal as well. No significant interval change is seen. The lumbar vertebral bodies are normal in height and alignment. There is no disc herniation or significant annular bulge. The conus medullaris is normal in appearance and there is no spinal stenosis, paraspinal mass, instability or fracture.

Impression:

Normal study.

SUMMARY:

At your request, I have reviewed an MRI of the lumbar spine that was performed 7 ½ weeks following the date of loss. This is a normal study in this then 28-year-old. There are no disc herniations or fractures. There is no radiographic evidence of traumatic or causally-related injury to the lumbar spine. According to the Verified Bill of Particulars, the patient reportedly underwent left hemilaminectomy and facetectomy on 5/19/20. However, repeat MRIs performed on 6/8/21 and 1/16/23 appears normal and essentially unchanged. No post-surgical changes are appreciated at L5/S1 or any other level.

I, David A Fisher, MD, Board Certified Radiologist, being duly licensed to practice medicine and surgery in the State of New York, hereby affirm under penalties of perjury that the statements contained herein are true and accurate.

Sincerely,

A handwritten signature in black ink, appearing to read 'DAF', is written over the signature line.

David A. Fisher, MD

Diplomate, American Board of Radiology