SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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ARTUR SIEROTA,

Plaintiff,

Index No.: 305159/08

-against-

CPLR §3101(d)
EXPERT EXCHANGE

JOMAR BRONX LLC, GO5, INC., HASHARI CONSTRUCTION INC. a/k/a HAXHARI CONSTRUCTION, INC., "XYZ CORP" d/b/a HAXHARI, INC., GO 1, LLC and GAC HAXHARI,

Defendants.

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PLEASE TAKE NOTICE, pursuant to CPLR §3101(d), plaintiff intends to call Edmund Provder, Certified Rehabilitation Counselor, Diplomate, American Board of Vocational Experts, as an expert in the field of Vocational Rehabilitation, Employability and Earnings Capacity at the trial of this action.

Mr. Provder is expected to render an opinion as to the manner in which plaintiff's vocational capabilities, earnings capacity and employability have been diminished by the injuries he sustained in the accident predicating this action. The bases of Mr. Provder's opinions are expected to be (i) in-person interviews and evaluations of plaintiff conducted by him on July 13, 2011, (ii) learned treatises and industry standards and literature related to the foregoing areas of expert testimony (iii) medical reports, and (iv) deposition testimony.

Mr. Provder is expected to testify about the evaluation methods employed by him and the manner in which he reached the conclusions as to which he will testify regarding the plaintiff's significantly reduced ability to find or engage in gainful employment. Mr. Provder is expected to testify about plaintiff's U.S. Department of Labor ("DOL") job classifications, including

occupation codes based on the DOL Dictionary of Occupational Titles ("DOT"), Specific Vocational Preparation classification ("SVP") and "Worker Functions" (i.e. relationships to data, people and things) based upon the DOT.

Specifically, Mr. Provder is expected to testify that plaintiff's pre-accident employment as a plumber is categorized as skilled, Heavy Work.

Mr. Provder is expected to testify that plaintiff is "Occupationally Disabled" (i.e. not employable in the field in which he was employed at the time of his accident). Mr. Provder is expected to testify that plaintiff's earnings capacity at the time of his accident, in the field in which he was employed as a plumber was $50,690.00 and that plaintiff is not expected to be able to participate in the work force in that capacity for the remainder of his work-life (i.e. 28.7 years), resulting in future lost income from the field of employment in which he was engaged at the time of his accident of $1,454,803.00. Mr. Provder is expected to testify that plaintiff is now capable of performing sedentary, office-type work, best categorized as "bookkeeping, accounting and auditing clerk" with annual earning capacity of $32,510.00, (i.e. post-accident earnings capacity of $933,037 over plaintiff's work-life of 28.7 years) resulting in a net diminished earning capacity of $521,766.00.

Mr. Provder is expected to testify that as a result of the injuries sustained by plaintiff in the accident predicating this action and his employment history, experience, training, educational background, physical condition and age, with a reasonable degree of expert certainty in his field, plaintiff will be unable to find or perform the duties that would be required for gainful employment in his pre-accident field

Mr. Provder will discuss the results of his physical evaluation which demonstrated the

plaintiff suffers from significant physical limitations which preclude performance of other than sedentary work.

Based upon the foregoing, Mr. Provder is expected to offer the following opinions concerning the plaintiff (i) he demonstrates significant accident-related handicaps which impede and will continue for his remaining work life to impede his ability to find work for which he was qualified at the time of his accident, (ii) the injuries sustained present and will continue for his remaining work life to present significant deleterious impact on plaintiff's ability to obtain and maintain employment in the field in which he was employed at the time of his accident, (iii) plaintiff will be unable to perform work other than sedentary work, and (iv) plaintiff has sustained a loss of earnings in the amount of $521,766.00.

A copy of Mr. Provder's curricula vitae is annexed hereto.

Dated: New York, New York
November 3, 2011

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PROFESSIONAL QUALIFICATIONS OF EDMOND A. PROVDER

300-3 Rt 17 South, Lodi, NJ 07644 - (800) 292-1919 - www.oasinc.org

EDUCATION

1971	B.S. Rehabilitation Counseling, Pennsylvania State University
1973	M.Ed. Rehabilitation Counseling, Pennsylvania State University
1977-1987	Rehabilitation Counseling Doctoral Candidate, 60 credits, N.Y.U.
2003	University of Florida/Intelicus Life Care Planning Program for Catastrophic Case Management, 128-post graduate hours

PROFESSIONAL EXPERIENCE

Vocational Expert/Life Care Planner — *August 1981 to Present*
Occupational Assessment Services

Evaluate the vocational potential and employability of able-bodied and disabled individuals through interviewing, reviewing records, and/or administration of vocational testing to provide a vocational appraisal as to the individual's ability to work in the competitive labor market. Develop and implement Life Care Plans for catastrophic individuals. Consult with industry and government agencies regarding Americans with Disabilities Act.

Provide initial assessment, vocational evaluation, counseling, case management, and job-placement services to assist industrial-disabled and able-bodied clients return to gainful employment, given their residual functional capacity. Approved vendor—New Jersey Division of Vocational Rehabilitation Services, New Jersey Commission for the Blind and Visually Impaired, New York Commission for the Blind and Visually Handicapped.

Testimony accepted in Federal and State Courts—New York, New Jersey, Pennsylvania, Maine, Massachusetts; state courts—Florida, New Hampshire, Connecticut, Ohio, Wisconsin, Illinois, North Carolina.

Vocational Consultant — *June 1997 to September 2000*
Social Security Administration — *October 1977 to September 1985*

Provided impartial vocational testimony in Social Security Disability hearings as to claimants' ability to perform substantial gainful activity, given their residual functional capacity.

Supervisor Vocational Facilities — *December 1979 to December 1981*
Mount Sinai Hospital — *July 1974 to August 1978*

Supervised and administered the Sheltered Workshop and Vocational Evaluation Programs, which included the provision of supervision, counseling, work adjustment services, and job placement services to the physically disabled, mentally ill, visually impaired and industrially disabled.

Vocational Consultant — *February 1975 to December 1979*

Administered and developed vocational rehabilitation programs for South Beach Psychiatric Center, Staten Island Association for the Visually Handicapped and the Contemporary Guidance Service.

Rehabilitation Counselor — *March 1973 to July 1974*
Federation of the Handicapped

Provided individual and group counseling, vocational evaluation, work adjustment, and job placement services to severely physically disabled, visually impaired and developmentally disabled clients.

PROFESSIONAL AFFILIATIONS

Certified Rehabilitation Counselor (#18792); Diplomate, American Board of Vocational Experts (#00448)
Certified Life Care Planner (#0501)

Professional Member of National Rehabilitation Counseling Association; National Rehabilitation Association; Vocational Evaluation and Work Adjustment Association, Job Placement Division; Brain Injury Association, Inc.; IARPS; RESNA.

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GOIDEL & SIEGEL, LLP

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No. **Year** **RJI No.** **Hon.**

ARTUR SIEROTA,

Plaintiff,

-against-

JOMAR BRONX LLC, GO5, INC., ET AL,

Defendants;

CPLR §3101(d) EXPERT EXCHANGE

Plaintiff

GOIDEL & SIEGEL, LLP

Attorney(s) for

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122 EAST 42ND STREET
NEW YORK, NEW YORK 10168
(212) 840-3737
FAX: (212) 840-3793

To

Signature (Rule 130-1.1-a)

Print name beneath

Attorney(s) for

Service of a copy of the within **is hereby admitted.**

Dated,

Attorney(s) for

Please take notice

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

☐ NOTICE OF SETTLEMENT

that an order **of which the within is a true copy will be presented for**
settlement to the HON. **one of the judges**
of the within named court, at
on **at** **M**