UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
----------X
JOSE BAUTA,

PLAINTIFF,

-against-

Case No:
14-cv-3725(RER)

GREYHOUND LINES, INC., SABRINA ANDERSON, et al.,

DEFENDANTS.
----------X

DATE: April 17, 2017

TIME: 9:45 A.M.

DEPOSITION of a Non-party Witness, THOMAS M. KOLB, M.D., taken by the Defendants, pursuant to a Subpoena and to the Federal Rules of Civil Procedure, held at the offices of Diamond Reporting & Legal Video, 275 Madison Avenue, New York, New York 10016, before Norah Colton, CM, a Notary Public of the State of New York.

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F E D E R A L S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED by and between the counsel for the respective parties herein that the sealing, filing and certification of the within deposition be waived; that the original of the deposition may be signed and sworn to by the witness before anyone authorized to administer an oath, with the same effect as if signed before a Judge of the Court; that an unsigned copy of the deposition may be used with the same force and effect as if signed by the witness, 30 days after service of the original & 1 copy of same upon counsel for the witness.

IT IS FURTHER STIPULATED AND AGREED that all objections except as to form, are reserved to the time of trial.

* * * *

T.M. KOLB, M.D.

(Whereupon, a radiology report authored by Thomas M. Kolb, M.D., P.C., Bates No. 000220-219, was marked as Exhibit TK-2 for identification as of this date by the Reporter.)

T H O M A S M. K O L B, called as a witness, having been first duly sworn by a Notary Public of the State of New York, was examined and testified as follows:

EXAMINATION BY

MR. BARMEN:

Q. Please state your name for the record.

A. Thomas M. Kolb, K-O-L-B.

Q. What is your address?

A. 307 East 60th Street, New York 10022.

Q. Doctor, my name is Brad Barmen. We met shortly before we went on the record. As you know, I'm one of the lawyers representing Sabrina Anderson and Greyhound Lines in the Bauta litigation currently pending here in federal court.

T.M. KOLB, M.D.

We're here to take your deposition this morning. You're here pursuant to a subpoena, correct?

A. Correct.

Q. I appreciate you making yourself available. You've been deposed before, sir?

A. Yes.

Q. How many times?

A. A handful of times.

Q. Real quick, then. If I ask you a question that you don't understand or that's unclear please tell me that, okay?

A. Yes.

Q. If you answer my question I'm going to assume you understood it. I'm going to rely on the answer; is that fair?

A. Yes.

Q. You're doing a great job with verbal answers. I would ask that you continue to do that, okay?

A. Yes.

Q. And even if you know where I'm going let me finish my question, I'll let

you finish your answer, so we're not talking over each other, making the Court Reporter mad, okay?

A. Yes.

Q. We're not going to be here too long this morning at all. When I'm done Mr. McElfish may have some questions for you, but if at any point in time you want to take a break for any reason just let me know, I'll be happy to accommodate you, okay?

A. Yes.

Q. I just ask if there's a question pending you answer that question before we break; is that fair?

A. Yes.

Q. You've already given us your name and your address. Is that your professional address that you gave us?

A. Yes.

Q. And what is your occupation, sir?

A. I'm a diagnostic radiologist.

Q. What does it mean to be a

diagnostic radiologist?

A. It means using different, in general, noninvasive procedures, CAT scans MRI, x-rays, to look inside the patient and to diagnose them.

Q. And how long have you been a practicing diagnostic radiologist?

A. Since 1990.

Q. Licensed in the State of New York?

A. Yes.

Q. Anywhere else?

A. No.

Q. License always been in good standing?

A. Yes.

Q. Can you give me just a thumbnail overview of your education, training and experience please?

A. Yes. Went to college here in New York City, Queens College, City of New York, graduated 1979. Went to Downstate Medical School from 1979 through 1983. Then trained as a pediatrician internship and

residency from 1983 through 1986 at the Albert Einstein College of Medicine in the Bronx. I then did another four-year second residency in diagnostic radiology at Columbia University Columbia-Presbyterian Medical Center here in Manhattan from 1986 through 1990. I was Board Certified in both pediatrics and diagnostic radiology, and I currently practice radiology beginning in 1990 through the present.

Q. You currently have your own practice?

A. I do.

Q. Is there a corporate name for it?

A. Currently?

Q. Yes.

A. My corporate name is Kolb Radiology, K-O-L-B, Radiology, P.C.

Q. And how long has that entity been up and running?

A. Since I began, November/October/November 2015.

Q. In 2013 what were you operating

under?

A. Precision Imaging.

Q. Also a P.C.?

A. Correct.

Q. And who is Dr. Lichy?

A. He's a partner.

Q. Is he still a partner at Kolb Radiology?

A. No, he is not.

Q. Are you still affiliated with Dr. Lichy?

A. Lee-chee.

Q. Lee-chee. Are you still affiliated with him in any way?

A. I am not.

Q. When did that partnership end?

A. October 31, 2015.

Q. And how long was Precision Imaging up and running?

A. Three years.

Q. So 20 --

A. 12.

Q. -- 12 through 2015?

A. August 2012.

T.M. KOLB, M.D.

Q. Prior to 2012 what were you operating under?

A. During the entire time, including Precision Imaging, from 1992 through November of 2015 I also had a practice called Jacob Lichy M.D. Thomas Kolb, M.D. P.C., which ran throughout the course prior to Precision Imaging as well. Precision Imaging was a second company that we were partners in.

Q. Okay.

A. For three years, with 20 years of partnership in that Jacob Lichy M.D. Thomas Kolb, M.D. P.C. corporation.

Q. Is it fair to say that both Precision Imaging, P.C. and Jacob Lichy Thomas Kolb, M.D., P.C. dissolved around the same time?

A. No. Jacob Lichy dissolved. Precision Imaging was dissolved in July 2016.

Q. Okay.

A. Yes.

Q. And Kolb? Lichy Kolb?

A. Lichy Kolb remains to this day, it was not dissolved. And I left Dr. Lichy run Lichy -- Kolb -- Lichy Kolb turned into Lichy, Jacob Lichy, M.D. P.C. When I left, I left Lichy Kolb and I left Precision, both.

Q. Got it. And you are now a sole practitioner?

A. I am.

Q. Do you have any employees?

A. I do.

Q. And that is at Kolb Radiology, P.C.?

A. Correct.

Q. How many employees?

A. I'm giving you an estimate since I don't deal with numbers and payrolls and payments.

Q. That's fine. I'm going to interrupt you. Going forward I'm not going to hold you to numbers, dates. I mean, we're talking about things that happened in 2013. If you're giving me the benefit of an estimate do that, just let me know when

you're doing that --

A. When you asked me about employees of Kolb Radiology --

Q. Today --

A. -- I'd say 10 employees full-time.

Q. Other than yourself how many practitioners?

A. Myself. No one else.

Q. So the rest would be administrative?

A. Administrative.

Q. Has that always been the case since you've established Kolb Radiology that you've been the only practitioner?

A. Yes.

Q. Why did you and Dr. Lichy dissolve your partnerships?

MR. McELFISH: Objection.

A. So it happens --

MR. McELFISH: Objection to form.

A. -- it has to do with ill health, illness, it centers around that. I

don't know if I can really go into more than that.

Q. Yours or his?

A. Not mine.

Q. But -- okay that's fine. There was no falling out on the business end, correct?

A. Correct.

MR. McELFISH: Objection to form.

Q. Is Dr. Lichy still practicing, though, in his own right?

A. I believe so.

Q. Pursuant to the subpoena you brought some documents with you today?

A. Yes.

Q. What did you bring?

A. On this patient Bauta an MRI, there are reports of MRI of the cervical spine dated 11/7/2013; MRI of the proximal right leg, 11/18/2013; and x-rays of the right tibia/fibula 11/11/2013 I believe.

Q. May I see that please?

A. Sure.

T.M. KOLB, M.D.

MR. BARMEN: We'll mark that as 1 please.

(Whereupon, the aforementioned radiology report from Precision Imaging of New York, dated November 8, 2013, was marked as TK-1 for identification as of this date by the Reporter.)

Q. I'm going to hand you back what's been marked as TK-1. These are the documents you brought, correct?

A. Correct.

Q. And it's three pages.

A. Correct.

Q. Does that constitute your entire file for your treatment of Mr. Bauta?

A. Yes.

Q. And how you did retrieve these documents?

A. They were sent to me by your office.

Q. Do you keep documents on file of patients you treat?

A. The documents are kept on file. Since I left Precision Imaging you'd have to request it from them since I'm not part of them anymore and it's been dissolved. So instead of making the request I asked your office to send me the files that you wanted to discuss, and that's how I actually ended up with these.

Q. Prior to today, separate and apart from the three documents in front of you, did you review anything in front of you in preparation for your deposition today?

A. No.

Q. Did you talk to Mr. McElfish or anyone in his office about the deposition today?

A. We had a conversation a few days ago and he said, "I'll see you at the deposition."

Q. Was that the extent of the conversation?

A. Yes.

Q. Nothing specific to the

treatment of Mr. Bauta?

A. No. Absolutely not.

Q. You have other documents in front of you, Doctor. What are they?

A. This -- they are e-mails from your office.

Q. Is it your testimony that when documents were sent from my office those three pages was all that was sent?

A. Yes.

Q. Precision Imaging has dissolved. Do you know offhand who the statutory agent is for Precision Imaging?

A. I'm not sure what statutory agent means. You mean the receiver who winds it down? I don't know.

Q. Is there any particular person that still handles this matter for Precision Imaging?

A. Dr. Lichy.

Q. Are you still in contact with Dr. Lichy?

A. I'm not.

Q. I'm sorry?

T.M. KOLB, M.D.

A. I am not.

Q. When is the last time you spoke to him? Ballpark.

A. October 2015.

Q. You were in business with the guy for 20-some years. Is there a reason you no longer have contact with him?

MR. McELFISH: Objection to form.

A. As I stated previously.

Q. His health issues?

A. Yeah. I don't think I can really go -- it was dissolved, it's public record. It was dissolved and there was a settlement between myself and Dr. Lichy, and just recently it was completed. And I think, I believe, that there's an issue in me stating exactly what went on beyond the health issue. I can tell you it doesn't apply to me at all.

Q. That's fine. I don't want you to potentially say something that could come back and bite you later.

A. Yeah.

T.M. KOLB, M.D.

Q. Was there litigation between you and Dr. Lichy?

MR. McELFISH: Objection to form.

A. Yes.

Q. Was that in state court in New York?

MR. McELFISH: Same objection.

A. Yes.

Q. What court was that in?

MR. McELFISH: Same objection.

A. New York.

Q. Manhattan?

A. Manhattan; yes.

Q. And did you file suit against him or did he file suit against you?

MR. McELFISH: Same objection.

A. I'm not sure the answer that we settled. We came up with a settlement agreement in terms of loose ends for Precision Imaging so that we can break apart.

Q. The winding up of the business?

MR. McELFISH: Objection.

T.M. KOLB, M.D.

A. The winding up of the business.

Q. Was there a situation where one of you filed suit against the other?

MR. McELFISH: Same objection.

A. I believe we both filed suits at the same time. I'm not sure if one preceded another. I don't believe so.

Q. So there was a suit and a countersuit --

MR. McELFISH: Same objection.

Q. -- or there were two separate suits?

A. I don't know the answer to that. I think there were two separate suits.

Q. But there's been a settlement and the suits have been dismissed?

A. Correct.

MR. McELFISH: Same objection.

Q. As you sit here, Doctor, do you have a recollection of Mr. Bauta?

A. No.

Q. Other than performing certain diagnostics that we'll talk about, did you

have any other interaction with Mr. Bauta?

A. No.

Q. If someone came into Precision Imaging for an MRI or an x-ray would it be you or Dr. Lichy actually perform that service or would it be a tech or somebody else?

A. A technologist.

Q. And then is it fair to say that your role or Dr. Lichy's role would simply be to interpret the imaging?

A. Yes.

Q. So you don't actually ever see the patient.

A. Correct.

Q. So you wouldn't know Mr. Bauta if he was sitting next to you.

A. Correct.

Q. I want you to take a look at what we've marked as TK-2 and take a look through that because there's certain --

MR. BARMEN: And I gave that to you, Ray.

Q. There are more pages of imaging

studies than are what's included in TK-1, which I'm going to talk to somebody back at the office about, why they didn't send you everything, but let's go through it together, make sure we're on the same page.

The first page of TK-1 is a December 26, 2013, looks like an x-ray of the cervical and lumbar spines.

A. Correct.

Q. And signed by Dr. Lichy.

A. Correct.

Q. Would it be fair to say because Dr. Lichy signed it you never even saw those x-rays?

A. Correct.

Q. The next page, November 8, 2013, MRI of the cervical spine, that's part of your documents in TK-1, correct?

A. Correct.

Q. And this is signed by you?

A. Correct.

Q. So you would have interpreted that MRI.

A. Correct.

T.M. KOLB, M.D.

Q. Is there a reason that Dr. Lichy looks at the x-rays and you look at the MRI, or just so happened you were there on a particular day?

A. Correct. The second, we were there on a particular day.

Q. Both you and Dr. Lichy were qualified and did look at both x-rays and MRIs?

A. In general, yes.

Q. And CT's?

A. Correct.

Q. Was there something that you specialized in more than he?

A. No.

Q. The next page, November 8, 2013, MRI of the lumbar spine, again this one signed by Lichy.

(Witness reviewing.)

Q. They should be in order.

A. MRI of the lumbar spine signed by Dr. Lichy.

Q. May I see that?

A. Yes. It has two cervicals in

here.

Q. There's two cervical spine ones in here, and there should be one lumbar spine.

MR. BARMEN: Ray, do you mind if I switch them out?

MR. McELFISH: No.

Q. There you go.

MR. BARMEN: And for the record. I've taken the duplicate of the MRI of the cervical spine out of TK-2 and replaced it with the MRI of the lumbar spine.

Q. You now have that in front of you, Doctor?

A. Yes.

Q. That one's signed by Dr. Lichy, correct?

A. Correct.

Q. Is it fair to say then that you never saw the MRI of the cervical spine?

A. Lumbar spine.

Q. I'm sorry. You never saw the MRI of the lumbar spine?

T.M. KOLB, M.D.

A. Correct.

Q. Can you tell me why, if you know, you would have looked at the MRI of the cervical spine dated November 8 where Dr. Lichy looked at the MRI of the lumbar spine at the same date?

A. When we're in on the same day whatever studies come across we split it arbitrarily. There was no specific reason why we each read some studies and not the other. If one came in a few minutes before the other or they were split a certain way it would just be happenstance.

Q. Fair to say you and Dr. Lichy never discussed Mr. Bauta's findings with each other that you recall?

A. Not that I recall.

Q. Is it fair to say because you didn't look at the MRI of the lumbar spine that you would have any opinion whether these findings were chronic or trauma -- I'm sorry, chronic, yes, chronic or traumatic?

MR. McELFISH: Objection to

form.

A. That's correct.

Q. There's also an MRI of the proximal right leg without contrast dated November 20, 2013. Do you have that?

A. Yeah, dated November 18, 2013. I do. This date is typed. This is the date it was typed, this is the date it was done (indicating).

Q. Got it. Thank you. Typed on November 20 but actually performed on November 18.

A. Correct.

Q. And that was signed by you and reviewed by you?

A. Correct.

Q. And the findings there were essentially normal, correct?

A. Soft tissue edema at the level of the tibial tubercle, no underlying fracture.

Q. And then there's also an MRI of the -- that's another, that's another duplicate, so we don't need to worry about

T.M. KOLB, M.D.

that. Okay.

MR. BARMEN: I want to mark this as well. That will be 3.

(Whereupon, the aforementioned radiology report from Precision Imaging of New York to Dr. Cordiale was marked as Exhibit TK-3 for identification as of this date by the Reporter.)

MR. BARMEN: Ray, I'm going to ask him about this. This is what I gave him. I don't have another copy, so I'll read off that one.

MR. McELFISH: Okay. What is it? I can't even see what it is. What is it?

MR. BARMEN: It looks like a report to Dr. Cordiale.

MR. McELFISH: Okay.

MR. BARMEN: I know it's hard to read.

Q. Doctor, what we've marked as TK-3 appears to be a February 12, 2015 letter from you to a Dr. Andrew Cordiale.

Do you see that?

A. It's a medical report of an MRI of the lumbar spine of 2/11/15, yes.

Q. To a Dr. Andrew Cordiale?

A. Correct.

Q. And can you make out the address this was sent to?

A. 2001 Marcus Avenue, I'm not sure what the suite is, Lake Success, New York 11042 I think.

Q. Do you know Dr. Cordiale?

A. No. Not personally.

Q. Any communications in the file where this was requested by anybody would still be with Precision Imaging?

A. Maybe.

Q. Certainly you didn't see this in any document -- well, you didn't review any documents, so you wouldn't have seen this, but is this something you typically send upon request to a physician?

A. This is a report. Much as the reports from 2013. It's a medical report of an MRI, so, yes.

T.M. KOLB, M.D.

Q. Why would you have sent it to Dr. Cordiale?

A. Dr. Cordiale must have ordered the examination.

Q. Do you have any idea how Mr. Bauta got to Precision Imaging?

MR. McELFISH: Objection to form.

A. Mr. Bauta was initially sent in 2013 by Dr. Geraldine McGowan.

Q. And you know that why?

A. It's on my report.

Q. Which one?

A. The address of the referring physician -- all -- oh. On the MRI of the lumbar spine of 11/7/13, MRI of the cervical spine on 11/7/13, and Dr. Capiola also sent the patient for the MRI of the right leg on 11/18/2013.

Q. Well, looking at the MRI of the right leg, Dr. Capiola, he's at 110 West 34th Street, correct?

A. Yes.

Q. And looking at the November 8

MRI of the lumbar spine to Geraldine McGowan, she's also at 110 34th Street (sic)?

A. Correct.

Q. Did Precision Imaging have any type of agreement or relationship with the physicians at 110 West 34th Street?

A. No.

Q. Are you familiar with that address or that office, 110 West 34th Street?

A. I know there's an office there. Familiar with it? If a doctor refers from it. I'm not sure what you mean by familiar. I have no relationship with them.

Q. As you sit here, when you were with Precision Imaging did you get a lot of their referrals for radiologic testing?

A. Not a lot. In the scheme of all the MRIs that we did, no.

Q. How did Precision Imaging get business? Was it all referrals from other practicing physicians?

T.M. KOLB, M.D.

A. Yes.

Q. How do I break this down? Would you get a certain amount from particular physicians or just anybody in the area? How did it work?

A. I think it works much like any other imaging center where doctors feel comfortable sending -- knowing that their patients will be taken care of and knowing there will be an accurate and fast turnaround of the read. I mean, I'm not sure I can answer better than that.

How does any imaging center get or any hospital get patients and patients sent to them for imaging or for any other reason? In other words, they refer to us because they felt we were doing an accurate rendering of the evaluation of the images.

Q. How would you bill for services to someone like Mr. Bauta?

MR. McELFISH: Objection to form.

A. Well, I don't have any billing records, and I never had anything to do

with it. If the patient was in an accident, in a No-Fault accident, or a patient generically was in a Workman's Compensation scenario those entities would be billed.

Q. Well --

A. If they were third-party insurance they would be billed.

Q. I want you to assume for the purposes of these questions that Mr. Bauta didn't have third-party insurance and it's a No-Fault situation. Who would be billed for that?

A. The No-Fault carrier. Is my understanding.

Q. So it would be Dr. Lichy or someone still affiliated with Precision that would know if Mr. Bauta's bills were paid and/or by whom?

A. Well, there's a billing company that send bills in.

Q. Who is the billing company?

A. Porteck. P-O-R-T-E-C-K or P-O-R-T-E-K. I believe they're national,

and I believe they have an office in New York, so they would have billing records.

Q. Did they do all the billing for Precision Imaging?

A. Yes.

Q. Do you know Dr. Geraldine McGowan personally?

A. No. Not at all.

Q. Do you know Dr. Cordiale personally?

A. No.

Q. Do you know Dr. David Capiola personally?

A. No.

Q. Do you know Dr. Sebastian Lattuga personally?

A. No.

Q. Do you know Dr. Sondra Pfeffer personally?

A. No.

Q. I want you to look back at 3, and I know it's hard to read. A little more than halfway down I think it says there's a loss of height of the L5-S1 disc.

Do you see that line?

A. Yes.

Q. And then after that, after the comma it says "which". Do you know what that word is?

A. I believe it's "desiccated."

Q. What does that mean?

A. Dried out. But I'm not a hundred percent sure if that's what it says. But I believe that's what it says.

Q. What does it mean generally if a disc is desiccated? And I understand dried out, but is that an indication of a longstanding issue, a traumatic issue? Can you tell one way or the other?

A. Well, you know, there is loss of fluid within the disc. It could be traumatic or it could be degenerative.

Q. What generally causes loss of fluid in a disc?

A. Either traumatic or degenerative processes.

Q. There's no way for you telling by looking at the reports here?

A. By looking at the reports, no.

Q. Can you tell by looking at the films itself, the MRI, whether it's a traumatic desiccation or a chronic longstanding issue?

A. You can look at different findings around the disc whether there's loss of height as is in my report.

Q. What does loss of height indicate?

A. That the joint, the desiccation of the disc has made the disc brittle and that the bones are coming closer together.

Q. Okay. But how does that give you an indication whether it's a longstanding chronic issue or traumatic issue?

A. You can't. You can't. In that I'm assuming this patient's trauma was prior to November 2013.

Q. It was in October of 2013.

A. Right. So now we're talking 2015, which is two years later, and so chronic would include two years. You don't

know whether the -- any incident that occurred in October 2013 ultimately caused the desiccation/loss of height of the disc two years later.

All can you tell is that in general the only statement you can say for certain that in general it's a chronic, it's a chronic condition. It can be prematurely accelerated by trauma, but just looking at a 2015 MRI, seeing desiccation, loss of height, you can't know what the cause was.

Q. Okay.

MR. BARMEN: Let's take a minute. I'm very close to being done.

(Whereupon, between 10:18 A.M. and 10:22 A.M. a short recess was taken.)

MR. BARMEN: Back on.

BY MR. BARMEN:

Q. We know that there were two MRIs on November 7, and there were reports from November 8. One was the cervical spine, and the other was the lumbar spine,

and they were done on the same day but interpreted by different doctors. Does that potentially impact the continuity of care?

A. No. We read equally. We shared the work equally.

Q. And that's your standard practice for you guys at Precision Imaging?

A. Correct.

Q. What was the difference between Precision Imaging and Lichy Kolb, M.D. P.C. when they were operating at the same time? What's one doing when the other is not?

A. Right. So Lichy Kolb has also had a breast imaging practice, which Precision did not. Precision Imaging was just MRIs, and Lichy Kolb was breast and x-rays. Just fell out that way, because Lichy Kolb preexisted and we had been doing breast imaging and breast x-rays for 20 years and Precision took on MRI's, so it was separated in that way.

Q. Well, Precision also did x-rays, right?

A. Precision also did x-rays.

Q. Any other differences in those two businesses?

A. No.

Q. Any particular reason you just didn't add MRI to Lichy Kolb and started a new entity?

A. We wanted to keep it separate. I think that was just the only reason.

Q. Okay --

A. Two different tax ID numbers, two different companies. I think it was just preference.

Q. Do you know the address where Dr. Lichy is still practicing currently?

A. It's the same address on the letterhead, 222 East 68th Street.

Q. In the litigation or the winding down of your partnership with Mr. Lichy what's the name of the attorney that was representing you?

A. Me? Mr. Jeffrey Daichman, D-A-I-C-H-M-A-N.

Q. Jeffrey?

T.M. KOLB, M.D.

A. Jeffrey.

Q. Do you remember the name of the firm?

A. Kane & Kessler. K-A-N-E, K-E-S-S-L-E-R.

Q. Is there any way you could estimate what percentage of your business was referred by the physicians at 110 West 34th Street in 2012 or 213?

A. No.

Q. Did Precision keep any type of record as to who was sending referrals?

A. No. The only records we had were these reports.

Q. Okay.

MR. BARMEN: I don't have any other questions for you, Doctor. I appreciate your time.

MR. McELFISH: No questions.

(Whereupon, at 10:27 A.M., the Examination of this witness was concluded.)

° ° ° °

T.M. KOLB, M.D.

D E C L A R A T I O N

I hereby certify that having been first duly sworn to testify to the truth, I gave the above testimony.

I FURTHER CERTIFY that the foregoing transcript is a true and correct transcript of the testimony given by me at the time and place specified hereinbefore.

_____
THOMAS M. KOLB, M.D.

Subscribed and sworn to before me
this _____ day of _____ 20___.

_____
NOTARY PUBLIC

T.M. KOLB, M.D.

E X H I B I T S

TK EXHIBITS

EXHIBIT NUMBER	EXHIBIT DESCRIPTION	PAGE
TK-2	Radiology report Authored by Thomas M. Kolb, M.D., Bates No. 000220-219	4
TK-1	Radiology Report from Precision Imaging of New York, dated November 8, 2013	14
TK-3	Radiology report from Precision Imaging to Dr. Cordiale	26

(Exhibits retained by Court Reporter.)

I N D E X

EXAMINATION BY	PAGE
MR. BARMEN	4

T.M. KOLB, M.D.

C E R T I F I C A T E

STATE OF NEW YORK)
: SS.:
COUNTY OF NEW YORK)

I, NORAH COLTON, CM, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose examination is hereinbefore set forth was duly sworn and that such examination is a true record of the testimony given by that witness.

I further certify that I am not related to any of the parties to this action by blood or by marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of May 2017.

Norah Colton, CM

NORAH COLTON, CM

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Diamond Errata Sheet

Plaintiff(s): _____

_____

_____

Defendant(s): _____

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_____

Page	Line	Correction	Reason for Correction

Date: _____

Name of Witness:

_____

Signature:

_____

Subscribed and sworn to before me

This _____ of _____ 20____.

_____

Notary Public