User Name: Jasen Abrahamsen

Date and Time: Monday, February 11, 2019 5:05:00 PM EST

Job Number: 82664484

Documents (6)

1. *NALDA CAMARENA TORIBIO v. HIDALGO, Index No. 153363/12, 2014 Misc. Filings LEXIS 11887, AFFIDAVIT OF THOMAS M. KOLB, M.D.*

   Client/Matter: 00000.00000

   Search Terms: thomas /2 kolb

   Search Type: Natural Language

   Narrowed by:

Content Type	Narrowed by
Expert Witness Analysis	-None-

2. *CARUSO v. WELTZ, Index No. 805380/2014, 2017 Misc. Filings LEXIS 2608, AFFIDAVIT OF THOMAS M. KOLB, M.D.*

   Client/Matter: 00000.00000

   Search Terms: thomas /2 kolb

   Search Type: Natural Language

   Narrowed by:

Content Type	Narrowed by
Expert Witness Analysis	-None-

3. *DAWER v. JAYAKODY-ARACHCHI, Index No. 161147/2015, 2017 Misc. Filings LEXIS 3452, EXPERT DECLARATION OF THOMAS M. KOLB, M.D.*

   Client/Matter: 00000.00000

   Search Terms: thomas /2 kolb

   Search Type: Natural Language

   Narrowed by:

Content Type	Narrowed by
Expert Witness Analysis	-None-

4. *DIAGNE v. DAVID J. WILKIE & NAT'L FREIGHT, INC., Index No. 161811/15, 2016 Misc. Filings LEXIS 3408, EXPERT DECLARATION OF THOMAS M. KOLB, M.D.*

   Client/Matter: 00000.00000

   Search Terms: thomas /2 kolb

   Search Type: Natural Language

   Narrowed by:

Content Type	Narrowed by
Expert Witness Analysis	-None-

5. *Diagne v. Wilkie, Case No. 161811/2015, 2013 Misc. Filings LEXIS 12022, EXPERT DECLARATION OF THOMAS M. KOLB, M.D.*

Client/Matter: 00000.00000

Search Terms: thomas /2 kolb

Search Type: Natural Language

Narrowed by:

Content Type	Narrowed by
Expert Witness Analysis	-None-

6. *DIAGNE v. DAVID J. WILKIE & NAT'L FREIGHT, INC., Index No. 161811/15, 2017 Misc. Filings LEXIS 3464, EXPERT DECLARATION OF THOMAS M. KOLB, M.D.*

Client/Matter: 00000.00000

Search Terms: thomas /2 kolb

Search Type: Natural Language

Narrowed by:

Content Type	Narrowed by
Expert Witness Analysis	-None-

AFFIDAVIT OF THOMAS M. KOLB, M.D., 2014 Misc. Filings LEXIS 11887

Supreme Court of New York, New York County

Index No. 153363/12

October 3, 2014

Reporter
2014 Misc. Filings LEXIS 11887 *

NALDA CAMARENA TORIBIO, Plaintiff, -against- WILSON HIDALGO VELAZQUEZ-BELTRE, ABC 1 LIBERTY SERVICES, INC., PRABHU DUTT and JASMATTIE DUTT, Defendants.

Expert Name: Thomas M. Kolb, M.D.

Text

MRI AFFIRMATION

Thomas M. Kolb, M.D., a physician duly licensed to practice in the State of New York, affirms the truth of the following statements:

1. I am a physician duly licensed to practiced in the State of New York and was affiliated with Lenox Hill Radiology & Medical Imaging Associates, P.C., 61 East 77th Street, New York, New York 10075.

2. On April 11, 2012, I interpreted an MRI of the left ankle of the Nalda Camarena at Lenox Hill Radiology & Medical Imaging Associates, P.C.

3. The following identifying information, which is photographically inscribed on the MRI film and is the same as is customarily inscribed by that medical facility, is true and correct to the best of my knowledge:

(a) the name of the patient -- Nalda Camarena;

(b) the date of birth of the plaintiff -- 10/XX/71;

(c) the account number -- XXX2733.

4. If called as a witness in this action, I would testify to all matters relating to the MRI films and the MRI reports in the same manner as set forth in this affirmation and I affirm that the foregoing statements are true under the penalties of perjury.

Dated: **[*2]** New York, New York
October 03, 2014

/s/ [Signature]
Thomas M. Kolb, M.D.

End of Document

AFFIDAVIT OF THOMAS M. KOLB, M.D., 2017 Misc. Filings LEXIS 2608

Supreme Court of New York, New York County

Index No. 805380/2014

March 8, 2017

Reporter
2017 Misc. Filings LEXIS 2608 *

SANDRA CARUSO and MICHAEL CARUSO, Plaintiffs, - against - CHRISTINA WELTZ, M.D., AUSTIN ABRAMSON, M.D., GEORGE HERMANN, M.D., NEESHA S. PATEL, M.D., DUBIN BREAST CENTER, and MOUNT SINAI HOSPITAL, Defendants.

Expert Name: Thomas M. Kolb, M.D.

Text

THOMAS M. KOLB, M.D., being duly sworn, deposes and says:

I. I am a physician licensed to practice medicine in the State of New York. I received my medical degree from SUNY Downstate School of Medicine in 1983. I initially trained in pediatrics at the Albert Einstein College of Medicine and Montefiore Medical Center, and then trained in diagnostic radiology at Columbia Presbyterian Medical Center from 1986 to 1990. I have been in the private practice of radiology, including the interpretation of mammograms and breast ultrasounds, since 1990. I am presently a Preceptor for Fellowship Training in Breast Ultrasound for the Department of Breast Surgical Oncology at Memorial Sloan Kettering Cancer Center.

2. I submit this Affidavit in support of the motion for summary judgment by the defendants in this action, GEORGE HERMANN, M.D., NEESHA S. PATEL, M.D. and THE MOUNT SINAI HOSPITAL.

3. I have reviewed the mammograms and ultrasounds of plaintiff Sandra Caruso taken at THE MOUNT SINAI HOSPITAL and interpreted by GEORGE HERMANN, M.D. and NEESHA S. PATEL, M.D., as well as the radiology reports of these films. **[*2]** I have reviewed a mammogram taken at the Westchester Medical Group on October 8, 2010, and a mammogram and ultrasound taken at NY Medical Imaging on February 24, 2014. I have reviewed the films from Memorial Sloan Kettering Cancer Center. Finally, I have reviewed all radiology reports in conjunction with these films, and the plaintiffs' Bills of Particulars pertaining to the claims in this case.

4. It is my opinion, to a reasonable degree of medical certainty, that there were no departures from good and acceptable radiological practice in the taking and interpreting of the films of the plaintiff by the defendant radiologists GEORGE HERMANN, M.D. and NEESHA S. PATEL, M.D., and that nothing these defendants did or did not do caused or contributed to any alleged injury to the plaintiff.

5. I understand that the plaintiff palpated a mass in her right breast in September 2011, which resolved spontaneously within a matter of days. I also understand that a cancerous mass was diagnosed in the right breast on February 24, 2014. The plaintiff alleges that the defendants failed to diagnose this cancer in September 2011.

6. At once, all films prior to the mammogram and ultrasound taken on February 24, 2014 were **[*3]** negative for any malignancy. Especially, there was nothing suspicious on the mammogram of September 23, 2011 or the ultrasound of September 26, 2011 in the area where the plaintiff palpated the mass in the 5:00 axis of the right breast. The mammogram was normal with a couple of benign calcifications. There was no finding on the ultrasound in the area in question. I particularly examined the area of scar tissue from the plaintiff's mastopexy on these films and found nothing in the area except scar tissue. The presentation of scar tissue can be distinguished from a mass, and there

was nothing at the scar site to raise concern. The scar tissue was not obstructing visualization of any mass beneath it, nor was there a mass that was mistaken for scar tissue. In brief, there was no mass in this area.

7. The films from April 2012 and February 2013, showed the same cysts and calcifications seen on previous films, but nothing suspicious in the area where the cancer would ultimately be detected, i.e., the 5 o'clock axis on the right breast.

8. The mammogram and ultrasound of February 24, 2014 show a suspicious mass at the 5:00 axis of the right breast. Again, this mass is not seen on any of **[*4]** the prior films. A re-examination of this area on the earlier films again showed nothing of concern.

9. There was no evidence of malignancy on any of these films until February 24, 2014, when the cancer was diagnosed.

10. In conclusion, it is my opinion, to a reasonable degree of medical certainty, that there were no departures from good and acceptable radiological practice in the interpretation of the plaintiff's films by the defendant radiologists GEORGE HERMANN, M.D. and NEESHA S. PATEL, M.D., and that nothing these defendants did or did not do caused or contributed to any alleged injury to the plaintiff.

/s/ [Signature]

Thomas M. Kolb, M.D.

Sworn to before me this 8th day of March

/s/ [Signature]

End of Document

EXPERT DECLARATION OF THOMAS M. KOLB, M.D., 2017 Misc. Filings LEXIS 3452

Supreme Court of New York, New York County

Index No. 161147/2015

October 5, 2017

Reporter
2017 Misc. Filings LEXIS 3452 *

LEAH DAWER, Plaintiff, -against- NILANKA JAYAKODY-ARACHCHI, JANETTE JAYAKODY-ARACHCHI, DRISS CHAOUI, and SUCCESS HACKING CORP., Defendants.

Expert Name: Thomas M. Kolb, M.D.

Text

Thomas M. Kolb, a physician duly licensed to practice medicine in the State of New York affirms the following:

1. I am a practicing radiologist and am a diplomate of the American Board of Radiology. A copy of my Curriculum Vitae is annexed setting forth my qualifications, training and experience in the field of radiology.

2. On August 28, 2013 the plaintiff, Leah Dawer, presented to the office of Precision Imaging of New York, a radiology practice I co-owned with Jacob Lichy, MD and MRI's were obtained of the patient's lumbar and cervical spine pursuant to the order of Dr. Joyce Goldenberg.

3. I was the interpreting radiologist of the aforementioned MRI's and following my review of those imaging studies I issued a report for each MRI on the following day. A copy of those reports are annexed as exhibit "A." I affirm each and every finding and impression set forth in those reports and make those a part of this affirmation as if more fully set forth at length herein.

4. Approximately 3 weeks ago, Brian Schochet, Esq. contacted my office and asked me if I would re-review the **[*2]** images and my report so as to obtain my opinion as to the cause of disc herniations and bulges described in the reports. Furthermore, he forwarded me the report of Dr. Michael Sefton, defendant's expert radiologist, the records of Dr. Joyce Goldenberg, the Narrative report of Dr. Vadim Kushnerick dated May 15, 2017, the emergency room records of Roosevelt Hospital dated May 1, 2013 and May 3, 2013, the police report of the accident and photographs of the vehicles involved in the accident.

5. All of the statements and opinions set forth herein and in those stated in my annexed reports are made with a reasonable degree of medical certainty.

6. Upon re-reviewing the images I again made the same findings described in the reports. I found no evidence of degenerative disc disease and observed a normal spine for a 29 year old woman, other than the changes in my report. As stated at the time, I found the discs to be of normal height and hydration. This was stated in the report to exclude degeneration as a cause of the patient's MRI abnormalities as disc abnormalities such as herniation or bulges caused by degenerative disc disease will show a decrease in the size of the disc and **[*3]** will show a drying out of the disc material. In addition there is no radiological evidence of arthritic changes in the cervical or lumbar spine. Therefore, given appropriate clinical correlation it is my opinion that the disc herniation and disc bulge in the cervical spine and the disc bulge in the lumbar spine were traumatically caused and not the result of any degenerative disc disease.

7. I disagree with the findings and conclusions of Dr. Setton. It should be noted initially that Dr. Setton makes no reference to the MRI of the lumber spine or my finding of a disc bulge at L5-S1 impinging on the anterior epidural fat abutting the thecal sac or my conclusions that there was normal disc height and hydration demonstrating a traumatic process as the cause of such a finding.

8. Contrary to the statement of Dr. Setton regarding the Cervical Spine MRI, there is no multilevel dessication and narrowing of the cervical intervertebral disc. The term dessication means a disc that is dried out. As I stated in my reports, and as I restate now, the discs were of normal height and hydration and therefore contrary to the statement of Dr. Setton these images do not demonstrate a chronic **[*4]** degenerative process which predate the accident. I also disagree with Dr. Setton's statement that there is "an associated spondylosis at C5-6 reflecting a degenerative hypertrophy of the vertebral end plate in response to chronic stress across the discovertebral junction, further indicating the chronicity of this bulge."

9. I also disagree with Dr. Setton's conclusion that the disc herniation observed at C3-4 "is most likely chronic and degenerative in nature as degenerative disc disease is the most common cause of disc herniations" is not true for this 29 year old patient and certainly inapplicable here where there is no evidence at that disc or elsewhere in the spine that demonstrates the existence of any degenerative disc disease. I also disagree that this disc shows dessication.

10. Dr. Setton's statement that there is "no adjacent bone marrow or paraspinal soft tissue abnormality to suggest an acute traumatic disc herniation" or "abnormality of paraspinal ligaments or soft tissue" does not change the etiology of the herniation as one would not likely see such signal abnormalities for a trauma that occurred on May 1, 2013, almost 4 months before the MRI was taken.

11. **[*5]** Furthermore, given appropriate clinical correlation, based upon complaints of traumatic injury involving the buttocks and upper back first described in the emergency room records from Roosevelt Hospital on the date of the accident which were described as being caused by the accident, and the complaints of pain and limitation of function of those regions described thereafter in the patient's medical records and the absence of a history of any prior or intervening trauma or complaints regarding these regions, it is my opinion that the findings of disc herniation and bulging observed on the MRIs obtained on August 28, 2013 of the cervical and lumbar spine are the result of trauma that occurred during a motor vehicle accident on May 1, 2013.

Dated: October 5, 2017

/s/ [Signature]

Thomas M. Kolb, MD

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EXPERT DECLARATION OF THOMAS M. KOLB, M.D., 2016 Misc. Filings LEXIS 3408

Supreme Court of New York, New York County

Index No. 161811/15

November 22, 2016

Reporter
2016 Misc. Filings LEXIS 3408 *

MOUSSA DIAGNE, Plaintiff, -against- DAVID J. WILKIE and NATIONAL FREIGHT, INC., Defendants.

Expert Name: Thomas M. Kolb, M.D.

Text

THOMAS M. KOLB, M.D., a physician duly licensed to practice medicine in the State of New York, hereby affirms the following pursuant to CPLR 2106 and under the penalties of perjury:

1. On December 7, 2013, I was associated with Precision Imaging of NewYork, located at 222 East 68th Street New York, NY 10065.

2. I am the physician under whose supervision the hereinafter described MRI was taken.

3. The MRI of the Cervical Spine was taken on December 7, 2013 and such is photographically inscribed in the MRI films.

4. Photographically inscribed on said MRI films is the name of the injured party upon whom the MRI was performed. The name Mousse Diagne is photographically inscribed on said MRI films as well.

5. The identifying numbers thereto DOB: 5-XX-57 are photographically inscribed on said films.

6. The aforesaid MRI films consist of 65 images for the cervical spine.

7. The MRI was performed upon the cervical spine of Moussa Diagne.

8. My findings are as follows: At C2-3, there is no disc bulge or herniation. The neural foramina and exiting nerve roots are unremarkable. At C3-4, there is **[*2]** a central to slightly right paracentral disc herniation impinging upon the thecal sac directly upon the spinal cord and narrowing the neural foramina bilaterally, right greater tha left. At C4-5 and CS-6, there are posterior disc bulges impinging upon the thecal sac. Ther neural foramina and exiting nerve roots are unremarkable. The remainder of the disc levels shows no evidence of bulge or herniation. There is a loss of height of the C6-7 and C7-T1 discs. There is benign marrow signal change at both levels. There is anterior marginal osteophyte formation/disc protrusion at C3-4, C4-5, C5-6, and C6-7 levels. The cord signal is normal. There is no fracture or listhesis. The cranio-vertebral junction is unremarkable. There is straightening of the normal cervical lordosis. There is moderate diffuse cerebral atrophy.

IMPRESSION: Disc herniation C3-4. Disc bulges C4-5 and C5-6. Straightening of the normal cervical lordosis.

9. The information contained in and inscribed upon the MRI films is true and correct.

10. Attached hereto, made a part hereof and incorporated by reference herein is a true and complete copy of my report of findings of the above-described MRI study.

11. If called **[*3]** as a witness in this action, I would testify to the above.

Dated: 11-22-16

/s/ [Signature]
THOMAS M. KOLB, MD

End of Document

EXPERT DECLARATION OF THOMAS M. KOLB, M.D., 2013 Misc. Filings LEXIS 12022

Supreme Court of New York, New York County

Case No. 161811/2015

December 9, 2013

Reporter
2013 Misc. Filings LEXIS 12022 *

Moussa Diagne v. David J. Wilkie, et al.

Expert Name: Thomas M. Kolb, M.D.

Counsel

[*1] Joyce Goldenberg, M.D., Bronx, New York.

Text

Dear Dr. Goldenberg:

MAGNETIC RESONANCE IMAGING OF THE LUMBAR SPINE WITHOUT CONTRAST: 12-07-13

PATIENT HISTORY: Status-post trauma

T1, proton density and T2-weighted sagittal as well as T1 and n*weighted axial and sagittal images of the lumbar spine were obtained in an ultra high strength 3.0 Tesla large bore magnet.

At L3-4, L4-5 and L5-S1, there are posterior disc bulges impinging upon the thecal sac.

The remainder of the disc levels shows no evidence of bulge or herniation.

The discs are of normal height. The marrow signal and conus medullaris are unremarkable. There is no fracture or listhesis. The bulges narrow the left greater than right neural foramina at the L3-4 and L4-5 levels. **[*2]**

IMPRESSION: Disc bulges L3-4, L4-5 and L5-S1.

Thank you for referring this patient to our office.

Sincerely,

/s/ [Signature]
Thomas M. Kolb, M.D.

TK/cs
CD sent to above address

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EXPERT DECLARATION OF THOMAS M. KOLB, M.D., 2017 Misc. Filings LEXIS 3464

Supreme Court of New York, New York County

Index No. 161811/15

April 24, 2017

Reporter
2017 Misc. Filings LEXIS 3464 *

MOUSSA DIAGNE, Plaintiff, -against- DAVID J. WILKIE and NATIONAL FREIGHT, INC., Defendants.

Expert Name: Thomas M. Kolb, M.D.

Text

THOMAS M. KOLB, M.D., a physician duly licensed to practice medicine in the State of New York, hereby affirms the following pursuant to CPLR 2106 and under the penalties of perjury:

1. On December 7, 2013, I was associated with Precision Imaging of New York, located at 222 East 68th Street, New York, NY 10065.

2. I am the physician under whose supervision the hereinafter described MRI was taken.

3. The MRI of the Lumbar Spine was taken on December 7, 2013 and such is photographically inscribed in the MRI films.

4. Photographically inscribed on said MRI films is the name of the injured party upon whom the MRI was performed. The name Moussa Diagne is photographically inscribed on said MRI films as well.

5. The identifying numbers thereto DOB: 5-XX-57 are photographically inscribed on said films.

6. The aforesaid MRI films consist of 73 images for the lumbar spine.

7. The MRI was performed upon the lumbar spine of Moussa Diagne.

8. My findings are as follows: At L3-4, LA-5 and L5-S1, there are posterior disc bulges impinging on the thecal sac. The remainder of the disc levels shows no evidence **[*2]** of bulge or herniation. The discs are of normal height. The marrow signal and conus medullaris are unremarkable. There is no fracture or listhesis. The bulges narrow the left greater than right neural foramina at the L3-4 and L4-5 levels.

IMPRESSION: Disc bulges L3-4, L4-5 and L5-S1.

9. The information contained in and inscribed upon the MRI films is true and correct.

10. Attached hereto, made a part hereof and incorporated by reference herein is a true and complete copy of my report of findings of the above-described MRI study.

11. If called as a witness in this action. I would testify to the above.

Dated: 11-22-16

/s/ [Signature]

THOMAS M. KOLB, M.D.

End of Document