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2023 DAUBTR LEXIS 14130

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: RONALD SPADOLA V. JOHN DOE et al

Citation: ; Not Applicable

Docket Number: 501922/2019

Area of Law: Personal Injury and Torts

Jurisdiction: State

Court: New York State, Kings County, Supreme Court

Counsel: KEVIN DANA GRATT, JOHN PHILIP MCEVOY

Judges: Not Mentioned

Disposition: Testimony filed in opposition to motion for summary judgment; outcome unknown.

Retained by: plaintiff

Case Summary: Plaintiff filed its expert Mandelbaum's testimony in opposition to Defendant's motion for summary judgment. The outcome of the motion for summary judgment is unknown.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 14095

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: DORRETT A. WALTERS V. COUNTY OF NASSAU et al

Citation: ; Not Applicable

Docket Number: 608440/2017

Area of Law: Personal Injury and Torts

Jurisdiction: State

Court: New York State, Nassau County, Supreme Court

Counsel: BETH MICHELLE DIAMOND, ANDREW ROBERT FUCHS

Judges: Not Mentioned

Disposition: Testimony sufficient to defeat grant of motion for summary judgment in part.

Retained by: plaintiff

Case Summary: Plaintiff filed its expert Mandelbaum's testimony in opposition to Defendants motion for summary judgment. The Court granted in part and denied in part the motion for summary judgment.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 18788

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: LOIS V. FLINTLOCK CONSTRUCTION SERVICES, LLC

Citation: *; 2021 NY APP. DIV. BRIEFS LEXIS 3912;2021 WL 7082968*

Docket Number: 2021-01793

Area of Law: Personal Injury and Torts

Jurisdiction: State

Court: Supreme Court, Appellate Division, First Department, New York

Counsel: Ephrem J. Wertenteil, Esq., Hecht, Kleeger & Damashek, P.C., 19 West 44th Street, Suite 1500, New York, New York 10036, (212) 490-5700, raggio @lawyer1.com, Howard B. Altman, Cascone & Kluepfel, 1399 Franklin Avenue, Suite 302, Garden City, New York 11530, 516-747-1990, haltman@cklaw.com

Judges: Dianne T. Renwick, Angela M. Mazzarelli, David Friedman, Anil C. Singh

Disposition: Testimony criticized; outcome unknown.

Retained by: plaintiff

Case Summary: According to Brief for Plaintiff-Appellant it was stated that Now the other thing incredible about Doctor Mandelbaum, he didn't see Mr. Lois until about two years after the accident. Okay. He never mentioned Doctor Newman in his report, and his report's evidence. He never mentioned that specific reference about the emergency room July 27th, 2007, where Mr. Lois went into the hospital and said I had a misstep yesterday and I twisted my knee and I have this pain since yesterday. Okay The outcome of the criticism is unknown.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 18776

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: NYC Parks Dept

Citation: *; 2011 NY Wrk. Comp. 9959316;2011 NY Wrk. Comp. LEXIS 6502;2014 NY Wrk. Comp. 09959316;2014 NY Wrk. Comp. LEXIS 12186*

Docket Number: 0995 9316,W847008

Area of Law: Workers Compensation Law

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Robert E. Beloten, Loren D. Lobban, Candace K. Finnegan

Disposition: Testimony criticized.

Retained by: plaintiff

Case Summary: According to the decision dated April 30, 2014, it was stated that The Board Panel has reviewed this testimony and the content of the Board file, and finds that the WCLJ succinctly and accurately summarized the evidence in the WCLJ reserved decision filed on January 15, 2014. In said decision, the WCLJ found that there is no credible medical testimony to support a finding that the claimant's consequential migraine headaches warrant a permanent partial disability rate higher than the rate to which the parties have previously stipulated. The WCLJ found that Dr. Mandelbaum failed to credibly testify to any degree of disability related to the headaches. The WCLJ noted that Dr. Mandelbaum found the claimant to be totally disabled both before and after the claimant's complaints of headaches began. The WCLJ noted significant concessions made by Dr. Mandelbaum, including the doctor's admission that he does not know if he has discussed with the claimant her activities of daily living, or how much of the claimant's disability is related to the headaches alone. Compensation was awarded from February 19, 2013 to January 13, 2014 and continuing thereafter at a 145.00 permanent partial disability rate. No further action was planned by the Board at that time.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 18721

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: KEITELV. KURTZ

Citation: ; 2004 WL 5537782;2004 WL 5537783;2005 WL 5419114;2006 WL 4513370

Docket Number: 2005-00994,2005-00995,23892/98

Area of Law: Negligence and Malpractice

Jurisdiction: State

Court: Supreme Court of New York. Suffolk County, Supreme Court, Appellate Division, Second Department, New York

Counsel: Toberoff, Tessler & Schochet, LLP, Callan, Koster, Brady & Brennan, LLP

Judges: William F. Mastro, Peter Basil Skelos, Steven W. Fisher, Fred T. Santucci

Disposition: Affidavit criticized; outcome unknown.

Case Summary: According to Brief for Plaintiffs-Appellants-Respondents it was stated that Here, DREZNICK's expert, Dr. Perry Gould, SITRIN's and RADIOLOGICAL HEALTH SERVICES, P.C.'s expert, Dr. James Naidach, and LITMAN and LONG ISLAND ANESTHESIA PHYSICIANS, LLP's expert, Chaim *9 Mandelbaum, submitted incompetent conclusory expert affidavits. The failure of these defendants to make such a prima facie showing required the denial of the motion and rendered the sufficiency of plaintiffs opposition immaterial. The outcome of the criticism is unknown.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 18711

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: United Commercial Construction

Citation: *; 2019 NY Wrk. Comp. 2149203;2019 NY Wrk. Comp. LEXIS 12045;2019 NY WRK. COMP. LEXIS 12306*

Docket Number: 214 9203,W204002

Area of Law: Workers Compensation Law

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Steven A. Crain, Arelis Tavares, Ellen O. Paprocki

Disposition: Testimony supports WCLJ decision and findings; judgment modified.

Retained by: plaintiff

Case Summary: Dr. Mandelbaum provided deposition testimony on May 7, 2019, on behalf of the claimant. The SIF argues that Dr. Mandelbaum failed to offer an opinion on degree of disability. There was insufficient evidence of period and extent of disability to support the subject awards. Dr. Mandelbaum only saw the claimant on one occasion and did concede a partial disability. Further, the claimant failed to present clarifying medical as directed per the Memorandum of Board Panel Decision filed on March 7, 2019. SIF further alleges that it incurred an overpayment in the sum of 480.00 and requests permission to recoup overpayment if future awards become due. It was further stated that, In rebuttal, the claimant contends that the totality of the evidence, inclusive of the deposition testimony of Dr. Mandelbaum supports the underlying WCLJ decision and findings. Dr. Mandelbaum diagnosed the claimant with cervical and lumbar disc disorders with radiculopathy, as well as bilateral post traumatic osteoarthritis in both shoulders. Based upon the totality of the evidence, including the medical reports of Dr. Thomas, the expansion of the claim to include the bilateral shoulders is warranted along with the subject awards. The subject WCLJ decision should be affirmed and the case continued on the issue of labor market attachment. The judgment was modified.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 18652

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: Turner Phase 1 Group Inc.

Citation: *; 2021 NY Wrk. Comp. G0430174;2021 NY WRK. COMP. LEXIS 5023*

Docket Number: G043 0174; W123251

Area of Law: Workers Compensation Law

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Fredrick M. Ausili, Mark D. Higgins, Mark R. Stasko

Disposition: Testimony not relied upon.

Retained by: plaintiff

Case Summary: According to the decision dated October 28, 2021, it was stated that The Board Panel agrees with the claimant that palliative treatment which is consistent with the MTG would not generally require the claimant's treating medical provider to file a C-27 form, despite the prior SLU finding, so long as the treating medical provider sufficiently set forth the link between medically necessary treatment which is causally related to the original injury. Here, the claimant underwent TKR surgery in 2013 to address an osteoarthritic condition in the established claim, which seems likely to have lingering need for treatment of some sort. However, the instant set of facts is unique in that Dr. Mandelbaum requests treatment with a novel form of nerve block, without supporting literature for its efficacy and amidst an apparently incomplete course of treatment with steroid injections and trigger point injections. Whereas the claimant's right knee condition seemed settled following TKR surgery in 2013, the Board file has a significant gap in treatment and the claimant's right leg condition now seems compounded by neurologic component which has not been related to the claimant's established 2011 right knee injury. The Board Panel finds that Dr. Mandelbaum's treatment requests do not set forth a clear plan of treatment with sufficient documentation of expected outcomes and timelines, or clinical evidence of functional gains in pain or function with treatment with treatment recently rendered (or the absence thereof). It was further stated that Therefore, the Board Panel finds that, upon review of the record and based upon a preponderance of the evidence, Dr. Mandelbaum has not provided sufficient and credible evidence to meet the burden of proof to vary from the MTG for treatment with genicular nerve block therapy.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 14677

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: FRESENIUS MEDICAL CARE HOLDING

Citation: *; 2017 NY Wrk. Comp. G1374486;2017 NY Wrk. Comp. LEXIS 10232*

Docket Number: G137 4486,W022008

Area of Law: Workers Compensation Law

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Mark D. Higgins, Ellen O. Paprocki, Clarissa Rodriguez

Disposition: Testimony not relied upon; affirmed.

Retained by: plaintiff

Case Summary: According to the decision dated August 10, 2017, it was stated that, In the present case, the Board Panel finds that the WCLJ acted within the scope of discretion and reasonably credited the testimony of Dr. Sohal (moderate disability) over the testimony of Dr. Mandelbaum (total disability) with regard to the claimant's physical disability. The WCLJ also reasonably credited the testimony of Dr. Brass (moderate disability) over the testimony of Dr. King (total disability) with regard to the claimant's psychiatric disability. Moreover, after making an independent review of the record, the Board Panel agrees that the medical testimony is more indicative of at least a moderate orthopedic disability due to her causally related back condition, as well as at least a moderate psychiatric disability from adjustment disorder due to an exacerbation of depression. The judgment was affirmed.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 14445

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: ABREU-DEPENA V. WEBER

Citation: *; 135 N.Y.S.3d 839;190 A.D.3d 512;2020 NY APP. DIV. BRIEFS LEXIS 2620;2020 NY APP. DIV. BRIEFS LEXIS 2636;2020 WL 7786898;2020 WL 7786899;2021 N.Y. App. Div. LEXIS 241;2021 NY Slip Op 00224;2021 WL 125914*

Docket Number: 2019-05406

Area of Law: Personal Injury and Torts

Jurisdiction: State

Court: Supreme Court, Appellate Division, First Department, New York

Counsel: William Schwitzer & Associates, 820 Second Avenue, 10th Floor, New York, New York 10017, (212) 685-7800, hcohen@wsatlaw.com, Lewis Brisbois Bisgaard & Smith LLP, 77 Water Street, Suite 2100, New York, New York 10005, (212) 232-1300, meredith.nolen@lewisbrisbois.com

Judges: Dianne T. Renwick, Cynthia S. Kern, Angela M. Mazzarelli, Tanya R. Kennedy, Martin Shulman

Disposition: Testimony not relied upon at trial; affirmed on appeal.

Retained by: plaintiff

Case Summary: According to the BRIEF FOR DEFENDANTS-RESPONDENTS, it was stated that, Incidentally, the jury could have determined that Dr. Mandelbaum's testimony was not worthy of belief, and that he was exaggerating the amount of future treatment that the plaintiff would need to relieve his pain, since he admitted on cross-examination that his office would receive 200 every time the plaintiff *56 attended an office visit (A. 1109-1110). Based on the defendants' evidence, the jury had a basis for rejecting the notion that the plaintiff actually would see Dr. Mandelbaum every other month for the rest of his life, or have the alleged treatments (trigger point injections, lubrication injections, epidural injections, etc.) as frequently as Dr. Mandelbaum claimed. The judgment was affirmed on appeal.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 14367

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: VEGA V. SINGH

Citation: *; 2018 NY S. Ct. Motions LEXIS 15535*

Docket Number: 604701/2016

Area of Law: Personal Injury and Torts

Jurisdiction: State

Court: SUPREME COURT OF NEW YORK, NASSAU COUNTY

Counsel: JOHN G. PAPADOPOULOS, BETTINA L. HOLLIS

Judges: Not Mentioned

Disposition: Affidavit filed in opposition to motion dismiss; outcome unknown.

Retained by: plaintiff

Case Summary: Plaintiff filed its expert Mandelbaum's affidavit in opposition to Defendant's motion to dismiss. The outcome of the motion is unknown.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 14288

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: Matthew Percoco V. 140 W. 57th Street Building LLC et al

Citation: ; Not Applicable

Docket Number: 152386/2014

Area of Law: Personal Injury and Torts

Jurisdiction: State

Court: New York State, New York County, Supreme Court

Counsel: ALAN M. SHAPEY, CHRISTOPHER B. HITCHCOCK

Judges: Adam Silvera

Disposition: Objection regarding testimony filed; outcome unknown.

Retained by: plaintiff

Case Summary: Mandelbaum was retained by Plaintiff as an expert in this case. Defendant objected his testimony by stating that Mandelbaums testimony is highly speculative. The outcome the objection is unknown.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 14188

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: Lugo V. Saul

Citation: *; 2019 U.S. Dist. LEXIS 156152*

Docket Number: 2:17-CV-03453

Area of Law: Public and Administrative Law

Jurisdiction: Federal

Court: United States District Court for the Eastern District of New York

Counsel: Joseph Albert Romano, Sean P. Greene

Judges: Joan M. Azrack

Disposition: Testimony criticized; outcome unknown.

Case Summary: According to MEMORANDUM & ORDER DISMISSING CASE: For the foregoing reasons (PLEASE SEE ORDER FOR FURTHER DETAILS), the Court DENIES Plaintiff's motion for judgment on the pleadings and GRANTS the Commissioner's motion for summary judgment on the pleadings. The Clerk of the Court is directed to enter judgment in favor of the Commissioner and close the case. So Ordered by Judge Joan M. Azrack on 9/12/2019. it was stated that Though difficult to parse from Plaintiffs brief, his argument regarding the medical evidence appears to be that the opinions of the Comprehensive Pain Management doctors should have been given more weight. (Pl.s Mem. at 68, 1213.) However, the opinions of Dr. Thomas and Dr. Mandelbaum are merely conclusory reports to the Workers Compensation Board that Plaintiff was temporarily disabled and could not return to work, which are not medical opinions as defined by the regulations. The outcome of the criticism is unknown.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 18910

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: Surrey Cadillac Limosine

Citation: *; 2019 NY Wrk. Comp. 09957989;2019 NY Wrk. Comp. LEXIS 8474;2019 NY Wrk. Comp. LEXIS 8739*

Docket Number: 0995 7989,W032007

Area of Law: Workers Compensation Law

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Loren D. Lobban, Pamela Caggianelli, Mark R. Stasko

Disposition: Testimony found conclusory.

Retained by: plaintiff

Case Summary: According to the decision dated August 07, 2019, it was stated that Here, the Board Panel finds that the WCLJ appropriately approved the administration of Percocet, to be taken every eight hours. A review of the record shows that Dr. Mandelbaum did not provide any basis for his opinion that the claimant required Percocet every six hours, other than his bare statement that it was medically necessary. Such a conclusory statement, on its own, is insufficient medical evidence to demonstrate that the medication is medically necessary.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 18900

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: NAVILLUS TILE INC

Citation: *; 2020 NY Wrk. Comp. 0797062;2020 NY WRK. COMP. LEXIS 15954*

Docket Number: 079 7062,W154009

Area of Law: Workers Compensation Law

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Steven A. Crain, Martin M. Dilan, Ellen O. Paprocki

Disposition: Tsetimony properly found not credible.

Retained by: plaintiff

Case Summary: According to the decision dated December 21, 2020, it was stated that A hearing was held on September 11, 2020. The WCLJ found that the issue of whether authorization for a spinal cord stimulator should be approved was previously litigated and denied, as all of the doctors, except Dr. Mandelbaum conceded that the claimant's pain is not radicular in nature. The WCLJ found that Dr. Mandlebaum's clinical findings concerning radiculopathy were not credible and denied Dr. Mandelbaum's July 15, 2020 C-4AUTH request for authorization for the claimant to have a spinal cord stimulator trial. The WCLJ found that the claimant reached maximum medical improvement and granted the claimant a final opportunity to submit medical evidence of permanency within 45 days. These rulings were memorialized in the Notice of Decision filed on September 16, 2020. it was further stated that Therefore, the Board Panel, upon review of the record and based upon a preponderance of the evidence, finds that the WCLJ properly denied Dr. Mandelbaum's July 15, 2020 C-4AUTH request for authorization for the claimant to have a spinal cord stimulator trial.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 18823

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: Medical Health Research Assoc.

Citation: *; 2011 NY Wrk. Comp. 159624;2011 NY Wrk. Comp. LEXIS 2659*

Docket Number: 0015 9624,W031009

Area of Law: Workers Compensation Law

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Mona A. Bargnesi, Mark D. Higgins, Richard A. Bell

Disposition: Testimony not relied upon; affirmed.

Retained by: plaintiff

Case Summary: According to the decision dated May 18, 2011, it was stated that, In a Notice of Decision filed on August 24, 2010, the WCLJ found that neither Dr. Mandelbaum's or Dr. Thomas' testimony indicated any significant changes in claimant's condition. However, the WCLJ found that the findings by Dr. Goldin clearly indicated a change in the claimant's condition since the case was closed. As such, the WCLJ rescinded the prior schedule loss of use awards and continued the case for the testimony of the claimant on her search for work. It was further stated that, In the present case, the Board Panel finds that the carrier has not produced any grounds and circumstances that warrant rescission or modification of the decision. Upon review of the medical evidence, including but not limited to that of Dr. Mandelbaum, Dr. Thomas and Dr. Goldin, the Board Panel concurs with the WCLJ's determination. Therefore, crediting and relying upon the testimony and evidence, the Board Panel finds a change in the claimant's condition since the case was closed per schedule loss of use award. In particular, the Board Panel notes that Dr. Goldin opined that the claimant had a moderate disability and that permanency should be addressed subsequent to the claimant's continuing treatment. The judgment was affirmed.

Ground(s) of Challenge: Others

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2023 DAUBTR LEXIS 18810

Daubert Tracker - Case Reports

Expert Name: Dr. Chaim Y. Mandelbaum M.D.

Discipline: Anesthesiology

Case Name: Titan Construction

Citation: *; 2021 NY Wrk. Comp. 1771664*

Docket Number: 177 1664,W204002

Area of Law: Workers Compensation Law

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Fredrick M. Ausili, Arelis Tavares, Mark D. Higgins

Disposition: Testimony found not credible.

Case Summary: According to the decision dated February 09, 2021, it was stated that After the completion of the parties' summations of the relevant issues, the WCLJ found neither medical provider to be wholly credible on the issue of permanency, as limited to the lower back, as Dr. Mandelbaum's opinion on the issue of MMI was of limited probative value and Dr. Lager's medical reports failed to contain sufficient objective findings to support his medical conclusions. It was further stated that In setting forth a new and proper rationale, the WCLJ is directed to limit his scope of review to only consider the relevant medical opinions of Dr. Kaplan, Dr. Lager and Dr. Mandelbaum, in rendering a final determination on the issues of maximum medical improvement and proper permanency, if any. The Board Panel further advises the WCLJ, with regards to the issue of possible classification involving the low back, to solely rely upon the medical opinions of the relevant medical providers, and that if the WCLJ finds that neither Dr. Mandelbaum nor Dr. Lager are credible on the issue of permanency involving the low back, to direct further development of the record, inclusive of the submission of additional clarifying medical reports on the issue of permanency or to make a determination that there is no permanent impairment for the back.

Ground(s) of Challenge: Others

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