Lexis® Context Report

Alexandre Barbosa Demoura M.D.,F.A.A.O.S.

Orthopedic Surgery, Spinal Surgery

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2020 DAUBTR LEXIS 66563

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Scarano V. Wehrens

Citation: ; 2006 WL 6103197

Docket Number: 04-9799

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court, New York, Suffolk County

Counsel: Manheimer & Charnas LLP, Desena & Sweeney, LLP

Judges: Robert W. Doyle

Disposition: Testimony insufficient to support claim.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. The Court held that The affidavit of Dr. Skurka and the affirmation of Dr, de Moura, which do not state that they are based upon recent examinations of Mrs. Scarano, are without probative value to the extent they attempt to project a permanent consequential limitation or a significant limitation. Furthermore, the conclusory findings of Drs. de Moura, Rachlin and Skurka are insufficient as they have not provided any information concerning the nature of their treatments rendered to Mrs. Scarano since her initial visits, as well as the frequency and duration of those treatments. In any event, Mrs. Scarano has not submitted sufficient medical proof adequately addressing her four prior automobile accidents. Additionally, Mrs. Scarano has not raised a triable issue of fact as to the category of a significant disfigurement. Thus, the affirmations of Dr s. de Moura and Rachlin and the affidavit of Dr. Skurka, which are clearly tailored to meet the statutory requirements, are insufficient to establish a serious injury for Mrs. Scarano under the no-fault law.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 66063

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: LILCO

Citation: *; 2002 NY Wrk. Comp. LEXIS 97050*

Docket Number: 2981 7764,W511505

Area of Law: Workers Compensation

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Candace K. Finnegan, A. Edel Groski, Frances Libous

Disposition: Testimony relied upon.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. The Board observed that The Board Panel has reviewed the entire record including the testimony of the claimant on April 9, 2002 and the claimant's treating physician, Alexander DeMoura, M.D., on June 7, 2001. The Board held that In response to the carrier's argument that the claimant voluntarily withdrew from the labor market, the Board Panel notes ""the Board is the final judge of witness credibility, and it alone can evaluate the factors relevant to determining whether the testimony of a party or witness is worthy of belief."" McCabe v. Peconic Ambulance & Supplies, Inc., 101 A.D.2d 679, 475 N.Y.S.2d 578 (3rd Dept. 1984). The Board Panel finds the testimony of the claimant credible regarding his reasons for retiring. The Board Panel finds that such reasons were corroborated by the testimony of Dr.DeMoura. The Board Panel finds that the claimant did not voluntarily withdraw from the labor market.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 65183

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Lewis V. St. Juste

Citation: *; 2017 N.Y. Misc. LEXIS 89,2017 NY Slip Op 30024(U)*

Docket Number: 701602/2013

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York, Queens County

Counsel: Not Mentioned, Not Mentioned

Judges: Robert J. McDonald

Disposition: Testimony insufficient to defeat grant of motion for summary judgment.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in opposition to Defendants motion for summary judgment. The Court granted the motion for summary judgment.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 62054

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Kone, Inc.

Citation: *; 2018 NY Wrk. Comp. LEXIS 5885*

Docket Number: G165 7638,W166003

Area of Law: Workers Compensation

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Steven A. Crain, Mark R. Stasko, Ellen O. Paprocki

Disposition: Testimony not found credible.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. The Board held that In the instant case, the claimant testified that he worked as a service technician servicing elevators and escalators for a total of 34 years. He testified that he developed neck and back complaints 2 or 3 years ago due to his employment. Dr. DeMoura testified that the claimant's neck and low back pain is related to his occupation, though he was unaware of what the claimant's job duties entailed. Based upon the testimony of both the claimant and Dr. DeMoura, the Board Panel finds that there is insufficient evidence in the record to establish a claim for an occupational disease involving the neck and back. Dr. DeMoura failed to demonstrate a connection between the claimant's work activities and his neck and back condition, as he was not even aware of what those work activities were. Furthermore, Dr. DeMoura was unaware of the claimant's prior motor vehicle accident and had only reviewed MRI reports prior to his examination of the claimant. As Dr. DeMoura's conclusion was reached without knowledge of relevant information, the Board Panel finds that it lacks credibility. Moreover, Dr. DeMoura testified that if the claimant had an injury in 2011, the ongoing back injuries would be related to the 2011 injury. Given the preceding, the claim for occupational disease involving the neck and back was properly disallowed.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 47981

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Skanska Cons Co

Citation: *; 2015 NY Wrk. Comp. LEXIS 7409*

Docket Number: 056 1766,W212252

Area of Law: Workers Compensation

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Candace K. Finnegan, Conrad W. Lower, Samuel G. Williams

Disposition: Testimony improperly found inadmissible by the WCLJ; judgment rescinded .

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. The Board observed that At a hearing held on October 16, 2014, the claimant's representative acknowledged that Dr. DeMoura had received a subpoena and he stated that he did not know if there were any accompanying attempts to ""get him to testify."" He noted that the doctor was unavailable on October 8th and that his deposition had been rescheduled for November 3, 2014. In response, the Workers' Compensation Law Judge said, ""to the extent that's a motion, it's denied."" The Judge then took testimony for the claimant and entertained summations. At the close of proof, the Workers' Compensation Law Judge noted that Dr. DeMoura was precluded and that his reports were to be stricken. The Judge went on to rule on the issue of loss of wage earning capacity and other relevant issues. The Workers' Compensation Law Judge's decision was memorialized in an October 21, 2014, Notice of Decision. The Board found that In the application for review, seeking modification, the claimant's representative argues that the Workers' Compensation Law Judge should not have precluded the testimony and records of Dr. DeMoura and that he should not have found the claimant to have a 50% permanent impairment and a 50% loss of wage earning capacity. The claimant's representative stated that Dr. DeMoura was unable to attend the October 8, 2014 deposition due to scheduled surgery. He went on to note that several attempts were made, by the doctor's office, to reschedule with the carrier and that an alternate date was allegedly agreed upon by the carrier. The claimant's representative notes that Dr. DeMoura, as recently as May 1, 2014, found the claimant to be totally disabled. The claimant's representative argues that Dr. DeMoura's treatment records should be afforded all due consideration. Lastly, the claimant's representative argues that the claimant should be found to have an ongoing temporary total disability and that awards should be made accordingly. The Board concluded that The Board Panel, after making a complete and independent review of the record, rescinds the decision to strike Dr. DeMoura's reports from the record. While the carrier did produce proof that it subpoenaed Dr. DeMoura, there is no evidence that it attempted to enforce the subpoena. As such, there is no basis to strike his medical reports from the record. The carrier is deemed to have waived cross-examination of Dr. DeMoura. The Board finally concluded that Upon review of the record and based on a preponderance of the evidence, the reports of Dr. DeMoura shall be considered by the Workers' Compensation Law Judge.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 24686

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Aguilar V. Sager

Citation: ; 2017 WL 6815868,2017 WL 6815863

Docket Number: 6011932015

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York

Counsel: Joseph G. Dell, Dell & Dean, PLLC, 1325 Franklin Avenue, Suite 100, Garden City, New York 11530, (516) 880-9700, Sette & Apoznanski, 875 Merrick Avenue, Westbury NY 11590, 516-229-4536

Judges: Jack L. Libert

Disposition: Motion to exclude filed; outcome unknown.

Retained by: plaintiff

Case Summary: The outcome of Defendants motion to exclude Plaintiffs expert DeMouras testimony is unknown.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 77949

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Lewis V. Juste

Citation: ; 2017 WL 151412

Docket Number: 701602/2013

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York, Civil Term - IAS Part 34, Queens County

Counsel: Not Mentioned, Not Mentioned

Judges: Robert J. McDonald

Disposition: Testimony insufficient to defeat grant of motion for summary judgment.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in opposition to Defendants motion for summary judgment. The Court granted the motion for summary judgment.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 75587

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Labita V. Saer

Citation: ; 2010 WL 9070751,2010 WL 9070776,2011 WL 9715588

Docket Number: 36835/08

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York

Counsel: Richard E. Noll, The Noll Law Firm, P.C., 170 Old Country Road, Suite 316, Mineola, New York 11501, (516) 307-1199, Epstein & Grammatico, 45 Crossways Park Drive, Woodbury, NY 11797, 516-364-7900

Judges: Hector D. Lasalle

Disposition: Testimony sufficient to win grant of motion for partial summary judgment.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in support of its motion for partial summary judgment. The Court granted the motion for partial summary judgment.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 74359

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Gblah V. New York City Transit Authority

Citation: ; 2018 WL 2222390

Docket Number: 22931/2014

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York, Bronx County

Counsel: Not Mentioned, Not Mentioned

Judges: Donald A. Miles

Disposition: Testimony insufficient to defeat grant of motion for summary judgment.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in opposition to Defendants motion for summary judgment. The Court granted the motion for summary judgment.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 70200

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Pisani V. Class

Citation: *; 2011 WL 11778429,2010 WL 10879001,2010 WL 6908466,82 A.D.3d 596,920 N.Y.S.2d 32,2011 N.Y. App. Div. LEXIS 2057,2011 NY Slip Op 2119*

Docket Number: 304819/2008,4609

Area of Law: Personal Injury

Jurisdiction: State

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

Counsel: Sanders, Sanders, Block, P.C, Baker, McEvoy & Moskovits, P.C

Judges: Edgar G. Walker

Disposition: Testimony found insufficient to defeat grant of motion for summary judgment at trial; affirmed on appeal.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff had filed his testimony in opposition to Defendants motion for summary judgment. The Court granted Defendants motion for summary judgment at trial. The judgment was affirmed on appeal.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 69871

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Klein V. Geico General Insurance Company

Citation: *; 2012 WL 12937208,2011 WL 1618442,109 A.D.3d 825,971 N.Y.S.2d 58,2013 N.Y. App. Div. LEXIS 5759,2013 NY Slip Op 5822*

Docket Number: 001350-11,2011-04700

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court, New York, Nassau County, Supreme Court, Appellate Division, Second Department, New York

Counsel: Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C., 100 Herricks Road, Mineola, New York 11501, Law Office Of Gail S. Lauzon, 170 Froehlich Farm Boulevard, Woodbury, New York 11797

Judges: Arthur M. Diamond

Disposition: Testimony properly found inadmissible.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. According to the Brief Of Defendant-Respondent, it was stated that While the claimant contended that he was evaluated by Dr. Alexandre B. DeMoura, an orthopedist, on October 18, 2008, the report that the claimant submitted in evidence referred to a patient with a completely different name. The claimant was not seen by Dr. DeMoura until February 12, 2009, two years after the accident in question and more than a year and one half after the subsequent accident of June 2007. (A-17) Dr. DeMoura's records did not address the nature of the claimant's prior abnormalities, injuries and complaints. Dr. DeMoura's report contained conflicting findings. He first reported that the range of motion of the cervical spine was normal and later reported that the range of motion was decreased in the cervical spine. While Dr. DeMoura reported that range of motion in the lumbar spine was restricted, he also failed to enumerate measurements or *8 compare his findings to expected normal ranges. (A-17) Dr. DeMoura also totally tailed to address the claimant's admitted prior lumbar and restricted cervical injuries; he did not mention claimant's prior or subsequent motor vehicle accident related injuries and failed to differentiate injuries sustained in the subject accident from those previously existing and or those which occurred subsequently. (A-17) The arbitrator found that Dr. DeMoura's findings with regard to causality were not only suspect but were fatally flawed. It was further stated that The Supreme Court concluded that: Such findings by medical doctors provides credible proof that the disc herniations were not caused by the accident in question and satisfies the low burden required of an arbiter. Therefore, the arbiter did not base the award upon no proof whatsoever and the decision was not irrational, arbitrary, or capricious. Contrary to petitioner's contention the arbiter's award find evidentiary support in the record and was rationally based. The judgment was affirmed.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 69743

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Olic V. Pappas

Citation: *; 2007 WL 4944126,2007 WL 4944125,47 A.D.3d 780,849 N.Y.S.2d 174,2008 N.Y. App. Div. LEXIS 457,2008 NY Slip Op 468*

Docket Number: 2006-10441

Area of Law: Personal Injury

Jurisdiction: State

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

Counsel: Sackstein, Sackstein & Lee, LLP, Rubin, Fiorella & Friedman, LLP

Judges: William F. Mastro, Mark C. Dillon, Joseph Covello, Daniel D. Angiolillo

Disposition: Testimony improperly disregarded at trial; reversed on appeal.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. According to the Brief for Plaintiff-Appellant, it was stated that Concerning Plaintiff, OLIC's claim that he sustained a cervical fracture of the spinous process of C7 as a result of the July 29, 2004 accident, the lower court's order, dated September 21, 2006, rejected this argument on the premise that the injury pre-existed the accident. While noting the reports prepared by the hospital's radiologist, Dr. Carl, found the cervical fracture to be consistent with an old injury, Plaintiff had submitted an affirmation from his treating physician, Alexandre B. De Moura, whose own review of the cervical spine MRI film noted a fracture. He also noted the MRI report prepared by Robert Diamond, M.D., which did not indicate any pre-existing degenerative condition. It was his opinion based on his film review and Dr. Diamond's report that the fracture was a direct result of the July 29, 2004 accident. However, rather than consider Dr. De Moura's opinion, the lower court erroneously held that Plaintiffs physicians failed to address the findings in Dr. Carl's x-ray reports. In reaching this conclusion, the court completely ignored Dr. De Moura's interpretation of the objective evidence. *17 By doing so, the lower court's determination there was a lack of evidence that Plaintiffs cervical fracture was caused by the subject accident was improper. It was further stated that Instead of considering Dr. De Moura's opinion on the causal relationship between the accident and the claimed cervical fracture, the lower court focused on Dr. De Moura's failure to specify the tests administered to Plaintiff, the results of this test and how it was related to the accident. While such may be indicative of Dr. De Moura's reports being insufficient to demonstrate a serious injury under the significant limitation of use or permanent consequential limitation categories, this does not lead to the conclusion, as a matter of law, that Dr. De Moura was unable to demonstrate the Plaintiff sustained a serious injury under the fracture category. The physical examination performed by Dr. De Moura to Plaintiffs cervical spine on August 5, 2004 noted tenderness on palpation, muscle spasm with decreased range of motion. He performed a further physical examination of Plaintiffs cervical spine on December 1, 2005 which continued to find a decreased range of motion, with tenderness to palpation and muscles spasms. By correlating these clinical findings with his review of the objectiv e testing, i.e, cervical spine MRI, Dr. De Moura diagnosed the Plaintiff with a fracture to the cervical spine. The court is silent in terms of how this diagnosis was insufficient to establish a triable issue of fact on whether the Plaintiff sustained an injury which resulted in a fracture. Moreover, contrary to the lower court's decision, Dr. De Moura found the injury, based on Plaintiffs medical history and based on the *20 objective testing, as being causally related to the subject accident. It was finally stated that Instead of deciding the Plaintiff and Defendants' conflicting medical proofs concerning the nature of the cervical fracture raised issues of fact, the court, without explanation, disregarded Dr. De Moura's opinion and found the cervical spine injuries were not traumatically induced. However, since the Defendants' submissions were inconclusive in giving any medical certainty or opinion on whether the fracture was acute or preexisting, such a holding was improper. The judgment was reversed.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 69715

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Islam V. Singh

Citation: ; 2018 WL 3396678

Docket Number: 301529/2015

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York, Part 12, Bronx County

Counsel: Not Mentioned, Not Mentioned

Judges: Robert T. Johnson

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

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in opposition to Defendants motion for summary judgment. The Court granted in part and denied in part Defendants motion for summary judgment.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 68960

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Sciacca V. Jaycox

Citation: *; 2015 N.Y. Misc. LEXIS 3567,2015 NY Slip Op 31821(U)*

Docket Number: 11-23535

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York, Suffolk County

Counsel: Dell & Dea, PLLC Garden City, New York, Richard T. Lau & Associates, Jericho, New York

Judges: Joseph Farneti

Disposition: Testimony insufficient to defeat grant of motion for summary judgment.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in opposition to Defendants motion for summary judgment. The Court granted the motion for summary judgment.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 68139

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Cape V. Selden

Citation: ; 2017 WL 3397320,2016 WL 9086789,2017 WL 2345895

Docket Number: 13380/2013

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York

Counsel: Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C., 100 Herricks Road, Mineola, New York 11501, (516) 741-5252, Lauren E. Marron, Esq., Mendolia & Stenz, 875 Merrick Avenue, Westbury, NY 11590-6603, 516-229-4378

Judges: Cheree A. Buggs

Disposition: Testimony insufficient to defeat grant of motion for summary judgment.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in opposition to Defendants motion for summary judgment. The Court granted the motion for summary judgment.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 67827

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Rivers V. Esparra

Citation: ; 2016 WL 5957985,2016 WL 5942105

Docket Number: 7052542014

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York, Queens County

Counsel: Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C., 100 Herricks Road, Mineola, New York 11501, (516) 741-5252, Vincent J. Savino, Brand Glick & Brand, 600 Old Country Road, Garden City, New York 11530, (516) 746-3500, File No. 12-10702

Judges: Timothy J. Dufficy

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

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in opposition to Defendants motion for summary judgment. The Court granted in part and denied in part Defendants motion for summary judgment.

Ground(s) of Challenge: Others

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2022 DAUBTR LEXIS 45503

Daubert Tracker - Case Reports

Expert Name: Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopedic Surgery

Case Name: Purdie V. Perdomo

Citation: *2011 WL 13285538;2011 WL 13285539;2012 N.Y. App. Div. LEXIS 803;2012 NY Slip Op 766;91 A.D.3d 929;937 N.Y.S.2d 631; 2011-02730*

Docket Number: Personal Injury

Area of Law: State

Jurisdiction: Supreme Court, Appellate Division, Second Department, New York

Defendant: Melissa C. Ingrassia, Esq., Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C., 100 Herricks Road, Mineola, New York 11501, (516) 741-5252, Susan J. Mitola, Russo, Apoznanski & Tambasco, 875 Merrick Avenue, Westbury, New York 11590, 516-229-4500

Counsel: Not Mentioned

Opinion by: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff had filed his testimony in opposition to Defendants motion for summary judgment. The Court granted Defendants motion for summary judgment at trial. The judgment was reversed on appeal.

Disposition: Testimony improperly found insufficient to defeat grant of motion for summary judgment at trial; reversed on appeal.

Retained by: plaintiff

Case Summary: 31/01/12 0:00

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 85144

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Hanna V. Alverado

Citation: *; 2004 WL 3719087,2004 WL 3719086,16 A.D.3d 624,791 N.Y.S.2d 440,2005 N.Y. App. Div. LEXIS 3287*

Docket Number: 2004-04617,15213/01

Area of Law: Personal Injury

Jurisdiction: State

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

Counsel: Isaacson, Schiowitz, Korson & Solny LLP, Pollack, Pollack, Isaac & De Cicco, Appellate Counsel, 225 Broadway, Suite 307, New York, New York 10007, 212-233-8100, James P. Nunemaker, Jr. & Associates, Rivkin Radler LLP, Appellate Counsel, Eab Plaza, Uniondale, New York 11556, 516-357-3000

Judges: Anita R. Florio, Gabriel M. Krausman, Stephen G. Crane, Reinaldo E. Rivera, Steven William Fisher

Disposition: Testimony properly found sufficient to defeat grant of motion for summary judgment at trial; affirmed on appeal.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff had filed his testimony in opposition to Defendants motion for summary judgment. The Court denied the motion for summary judgment at trial. The judgment was affirmed on appeal.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 84908

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Entertainment Partners

Citation: *; 2017 NY Wrk. Comp. LEXIS 13596*

Docket Number: G127 0721,W154009

Area of Law: Workers Compensation

Jurisdiction: State

Court: New York State Workers' Compensation Board

Counsel: Not Mentioned, Not Mentioned

Judges: Fredrick M. Ausili, Linda Hull, Mark R. Stasko

Disposition: Testimony found less credible.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. The Board held that The WCLJ properly considered the medical evidence before determining that there was insufficient medical evidence to support the finding of causally related injuries to the back and right knee. The Board Panel finds that the WCLJ made a reasonable credibility determination by crediting the testimony and opinion of Dr. Dennis over the testimony and opinion of Dr. Kang and Dr. de Moura. Notably, the claimant's physicians appeared to limit their respective diagnoses to back pain and right knee pain and diagnostic studies appeared to be otherwise normal. The Board Panel finds that there is insufficient medical evidence to support amendment of the case to include any additional sites of injury as alleged.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 83981

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Walsh V. Double N Equipment Rental Corp.

Citation: ; 2012 WL 12372105,2012 WL 12372107,2013 WL 11105552

Docket Number: 10572/2010

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York

Counsel: Joseph B.Viener, Annette Walsh, Attorneys ; For Plaintiff, 100 Herricks, Road Mineola, New York 11501, (516) 741-5252, Sanders, Sanders, Block, Woycik, Viener & Grossman, P.C., 100 Herricks Road, Mineola, New York 11501, (516) 741-5252

Judges: Robert J. McDonald

Disposition: Testimony insufficient to defeat grant of motion for summary judgment.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in opposition to Defendants motion for summary judgment. The Court granted the motion for summary judgment.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 82332

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: Brennan V. Alagna

Citation: *; 2012 N.Y. Misc. LEXIS 810,2012 NY Slip Op 30432(U)*

Docket Number: 013349/05

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York, Nassau County

Counsel: Not Mentioned, Not Mentioned

Judges: Randy Sue Marber

Disposition: Testimony insufficient to defeat grant of motion for summary judgment.

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in opposition to Defendants motion for summary judgment. The Court granted the motion for summary judgment.

Ground(s) of Challenge: Others

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2020 DAUBTR LEXIS 79340

Daubert Tracker - Case Reports

Expert Name: "Dr. Alexandre Barbosa DeMoura M.D., F.A.A.O.S.

Discipline: Orthopaedic Surgery

Case Name: DiMarco V. Patrick

Citation: *; 2018 N.Y. Misc. LEXIS 3193,2018 NY Slip Op 31749(U),2018 WL 3575064*

Docket Number: 159621/13

Area of Law: Personal Injury

Jurisdiction: State

Court: Supreme Court Of New York, New York County

Counsel: Not Mentioned, Not Mentioned

Judges: Paul A. Goetz

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

Retained by: plaintiff

Case Summary: DeMoura was retained by the Plaintiff as an expert in the instant case. Plaintiff filed his testimony in opposition to Defendants motion for summary judgment. The Court granted in part and denied in part Defendants motion for summary judgment.

Ground(s) of Challenge: Others

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