

DEPOSITION OF SEBASTIAN LATTUGA, M.D.

1 Additionally, I believe what you
2 are asking for it is contained in the
3 Subpoena that the Magistrate Judge
4 ruled, does not have to be provided.

5 But, I can make the application to
6 the Judge on January 14th.

7 MS. RUSH: I will.

8 We can move on for right now.

9 Can you go down to the next page.

10 CONTINUED EXAMINATION BY

11 MS. RUSH:

12 Q. Okay. Now we have another statement of
13 account here.

14 And, there is a policy number; what does
15 that say? What's the policy number?

16 A. I don't know what you are pointing at,
17 ma'am.

18 Q. Underneath Bill 2, Moldovan Ronai &
19 Ronai, do you see that?

20 A. Yeah.

21 Q. Okay. Go down two more lines, do you
22 see where it says... policy number?

23 A. Yeah.

24 Q. And, what does it says after that?

25 A. It looks like, "No-Show IME", that is

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1 what it looks like.

2 Q. Okay. What is the significance of that
3 doctor?

4 A. I don't know. I don't know why that is
5 there, a code?

6 Q. Okay.

7 A. The patient -- perhaps it was a
8 document that shows there is no-show to IME,
9 ma'am.

10 I would interpret it the same way you would,
11 ma'am.

12 Q. I have no idea how to interpret that,
13 that is why I am asking you do you perform IME's?

14 A. No, ma'am.

15 Q. Beneath that, sir, is a document
16 number, do you see that?

17 A. Yes.

18 Q. And, it says DJ Class Action; what does
19 that stand for?

20 A. I have no idea. I don't know what that
21 means.

22 Q. You got the money coming in and coming
23 to you, and you have no idea what this refers to,
24 correct, yes or no, sir?

25 A. I have no idea, ma'am.

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1 Q. Very good. Let's go down a little bit
2 more.

3 Okay. So, now we have, ah, various charges
4 that start from 2019 to 2023; keep going.

5 And, again, we have more charges, same thing
6 on the next page, and the total due from
7 insurance is sixteen thousand eight hundred and
8 fifty-three cents, do you see that?

9 A. I see that.

10 Q. And, does Ms. Moldovan have insurance?

11 A. I don't think she has insurance, but
12 that is the way the document gets printed, ma'am,
13 it is the standard billing document.

14 So, I guess they put the amount in the total
15 due insurance.

16 Q. But, if she had No-Fault Insurance,
17 would it show that she is a No-Fault case?

18 A. This is a No-Fault case, ma'am.

19 Q. So, if this is a No-Fault case, and you
20 take No-Fault, how come is she self-funded?

21 A. I don't know all of that to be true if
22 there is a policy violation, the policy
23 exhaustion, they don't have open benefits so the
24 No-Fault benefits are limited to a certain amount
25 of money, fifty thousand dollars I'll just say

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1 that.

2 But, prior to surgery you inquire and there
3 is no money left in the benefits provided by the
4 No-Fault, then the patient has to use their own
5 insurance, or pay for their own surgery.

6 Q. And, it is your position, that, ah, she
7 has exhausted you presumed her insurance?

8 A. Yeah, it wasn't available.

9 Q. Okay. Okay. Now, I want you to look
10 to, the, ah, left to where it says... the total
11 amount due.

12 Actually, where it says... patient Moldovan,
13 do you see that?

14 A. Yep.

15 Q. And, there is a Tax I.d., Social
16 Security Number; what is the significant of that?

17 A. I don't know it might be her's, ma'am.
18 I don't know.

19 Q. So, you believe that is her Social
20 Security Number or is it your Social Security
21 Number?

22 A. No, ma'am, it is not my Social Security
23 Number.

24 Q. Is that your, ah, business tax
25 identification number?

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1 A. I don't know my number off hand, ma'am.

2 Q. Can we agree, sir, that is a -- that is
3 not in the form of a Tax I.d. number would be?

4 A. I don't think it belongs to my business
5 but I don't know.

6 Q. Okay. Now, sir, let's move on, in the,
7 ah, in the case, ah, involving Ms. Moldovan, we
8 have a, ah, doctor -- I'm sorry, let me just
9 start that again.

10 Dr. Cordiale (ph), worked on salary for you;
11 is that correct?

12 A. Yes, ma'am.

13 Q. When did he leave your practice?

14 A. I don't exactly remember. I would say
15 2018 or '19 that might be a fair guess as to
16 when.

17 Q. And, do you know why he left your
18 practice?

19 A. No. We are still on good terms, he
20 just no longer wanted the practice with the
21 group.

22 Q. And, did you say, you know where he's
23 practicing now?

24 A. In New York.

25 Q. Where?

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1 A. I believe in Queens.

2 Q. Where?

3 A. Somewhere in Queens I've never been to
4 his office, ma'am.

5 Q. Okay. And, have you spoken too him at
6 all about the, ah, Ms. Moldovan's case?

7 A. No, ma'am.

8 Q. Did you ever have any discussions with
9 him about the BIAS case where you and he were
10 sued for fraud?

11 A. No, ma'am.

12 Q. Did you ever have -- do you recall ever
13 being sued by Hereford Insurance Company back in
14 2013, ah, in connection with the claim of a
15 fraudulent No-fault claim submitted by the name
16 of a Saunders-Diop, represented by Ronai & Ronai?

17 A. I don't have any independent
18 recollection of that person, ma'am.

19 Q. Can you tell me how many cases you
20 handled with Ronai & Ronai.

21 A. I don't keep records, ma'am.

22 Q. Ball park.

23 A. I mean, complete speculation, you know,
24 but it is more than five and less than 20 I would
25 say that, but I don't have any records of such.

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1 Q. Okay. And, by the way, going back to
2 the expert exchange, if you would go back to
3 that.

4 Ah, let's go down to the information
5 pertaining to the, ah, to the number of cases
6 that's I've been involved in?

7 So, over here we have Dr. Lattuga's Trial
8 Business List; do you see that, sir?

9 A. Yes.

10 Q. Do you know what company filed that
11 business list?

12 A. No. I like to get a copy of that.

13 Q. Okay. So, ah, you have no idea this is
14 a complete and accurate rendition of all the
15 cases that you testified in or not, correct,
16 since you didn't, ah, since you didn't create
17 this?

18 A. I didn't create the document, and I get
19 it, the part of your defense or keeping tabs on
20 doctors.

21 Q. What did you say?

22 A. I'm sorry. I would say you prepared
23 something like that, this is something that you
24 would prepare.

25 Q. You think I prepared the document that

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1 is here, Dr. Lattuga?

2 A. The defense attorney or the insurance
3 companies.

4 Q. Okay.

5 A. Like who else would do this, be honest.

6 MS. RUSH: Let's go off the
7 record.

8 (Whereupon, a discussion was held
9 of the record).

10 MS. RUSH: Back on the record.

11 (Whereupon, the Deposition resumes
12 at 12:10 p.m.)

13 CONTINUED EXAMINATION BY

14 MS. RUSH:

15 Q. Dr. Lattuga, just going back to, it,
16 ah, that list again, that I showed you, ah, one
17 moment.

18 MS. RUSH: Bobby, can you put it
19 up please.

20 Q. Let's go up to the beginning of the
21 document all the way to the top.

22 Do you see that, sir, expert witness
23 disclosure go down to the next, ah, page, go
24 down.

25 That is signed by Ronai & Ronai, right

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1 doctor, can you hear me?

2 A. I mean, it looks like I don't know his
3 signature personally, but it says Ronai & Ronai
4 underneath.

5 Q. Okay. And, you are familiar that in
6 Federal Court that you have to disclose the
7 number of times you testified on the number of
8 times that you testified, right?

9 A. I didn't know that fact, specifically,
10 but you do know what you need to know.

11 Q. But, you can agree that Ronai & Ronai
12 represents Ms. Moldovan in this case?

13 A. Yes, ma'am.

14 Q. Based on the fact that is part of the
15 document that they prepared, would you now agree
16 that I did not prepare this document but that was
17 in fact prepared by the attorneys or by your
18 office?

19 A. We don't keep that document so I'm not
20 sure it is public record.

21 Q. Doctor, are you telling me that you
22 don't prepare a list for Federal Court when you,
23 ah, you give testimony in a Federal Court case?

24 A. I mean, that I'm not aware that this
25 occurred, but we do not keep a list like that.

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1 I again, my response to you is that I don't
2 keep a list like this.

3 Q. Who is responsible, who would it be
4 about to compile a list?

5 A. Maybe the medical record may answer.
6 It is not compiled in my office.

7 I may be mistaken, but that is not what we
8 do.

9 Q. But you have a legal attorney liaison
10 don't you?

11 A. I don't know what that question is.

12 Q. Let's take a look at your office
13 Website, sir.

14 Don't you employ someone by the name of
15 Nancy Fluentes (ph)?

16 A. She is one of the office employees.

17 Q. What's her title?

18 A. She is in charge of liens.

19 Q. Liens. Okay, and, sir, these liens
20 that you have, do you charge interest on them?

21 A. Yes.

22 Q. What is the interest rate that you
23 charge on the liens?

24 A. You know, I think it is seven percent.

25 Q. Seven percent what; seven percent per

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1 months, per year?

2 A. No.

3 Q. What?

4 A. I think it is seven percent, annually,
5 but I have to get back to you on that to be sure.

6 MS. RUSH: Okay.

7 I'll make a Demand that this
8 information be provided with the lien
9 information.

10 Q. Is that information for Laura Moldovan
11 on that case?

12 Sir, so, would you agree, that there is a
13 financial incentive for you having a reason,
14 where to, ah, treat someone on an ongoing basis?

15 A. No.

16 Q. Okay. Ah, sir, has anyone, ah, ever
17 made an accusation against your firm that you,
18 ah, over treat or perform unnecessary surgery
19 because of the fact that you possess these liens?

20 A. I mean, anyone could have made that
21 allegation. I'm not specific as to the, ah, the
22 case you said.

23 Q. The Morris Avenue BIAS case?

24 A. You made a question about that other
25 case.

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1 Q. I'm sorry? Is that the only case that
2 you are aware of that this allegation is made?

3 A. As far as I know I have don't have any
4 recollection.

5 Q. But, okay, let me ask you this, do you
6 recall a case involving an individual by the name
7 of Becky (ph).

8 A. No, ma'am.

9 Q. Are you aware of the fact that, ah, you
10 treated an individual by the name of Vistoff
11 Becky (ph), on behalf of Ronai & Ronai?

12 A. Ma'am, I don't have an independent
13 recollection.

14 Q. Are you aware of the fact, sir, that a
15 Federal Court Judge Creka (ph), issued a decision
16 last week directing you to appear for a
17 deposition because of the fact that there was a,
18 ah, that, ah, ah, she ruled that there were, ah,
19 there was a basis to question you regarding
20 whether or not you were performed unnecessary
21 treatment into surgery?

22 MR. PARIS: Don't answer that
23 question.

24 I happen to have been the attorney
25 for the Federal Case (sic).

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1 And, you are misstating the Order.

2 Move on please, I'm going to
3 object as to this line of questioning
4 that case is resolved.

5 MS. RUSH: That case is resolved
6 now?

7 MR. PARIS: And, you are
8 misstating the Order.

9 Q. Are you aware Dr. Lattuga, ah -- how
10 long was the surgery that was performed in this
11 case?

12 A. Ah, obviously, I didn't perform the
13 surgery, and I don't have the hospital OR record,
14 but I think in general three or four hours.

15 Q. Sir, you told us in preparation you
16 told us that you reviewed two, ah, reviewing
17 records in this case?

18 A. Yes.

19 Q. Where was this surgery performed?

20 A. Ah, lower Manhattan Hospital on
21 11/5/2019.

22 Q. And, sir, do you have the hospital
23 records?

24 A. No.

25 Q. Do you think it might be important to

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1 have the hospital records?

2 A. No.

3 Q. Do you review the MRI's, the
4 Pre-operative MRI's?

5 A. The reports, yes, ma'am.

6 Q. The reports, did you look at the MRI's,
7 sir?

8 A. No. I mean, I wasn't the surgeon,
9 ma'am. I just looked at the record.

10 Q. I'm just asking you a question.

11 A. No.

12 Q. As part of your records, do you have
13 MRI's, right? You have the actual films?

14 A. I don't understand what the question
15 is, ma'am.

16 Q. Sir, as part of your records, don't you
17 have the films?

18 A. No, ma'am, we don't keep films.

19 Q. You don't keep films, okay.

20 Did you think it might be important to look
21 at the films?

22 A. No.

23 MS. RUSH: Okay.

24 Sir, have you ever heard, ah, you
25 know what, I'm going to leave this for

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1 Mr. Whelan here on and, I'll come back
2 to follow-up.

3 Let's go off the record.

4 (Whereupon, a brief break was
5 taken).

6 MS. RUSH: Back on the record.

7 (Whereupon, the Deposition resumes
8 at 12:26 p.m.)

9 MR. PARIS: Do you know where we
10 left off?

11 MS. RUSH: I stopped, I turned it
12 over to Mr. Whelan.

13 MR. WHELAN: I have a few
14 questions.

15 DIRECT EXAMINATION BY

16 MR. WHELAN:

17 Q. Good afternoon, I'm James Whelan from
18 the law firm of Lewis Brisbois Bisgarrrd & Smith,
19 and I'm the attorney here representing the
20 Defendant, Lyft.

21 Are you ready Dr. Lattuga?

22 A. Yes, sir.

23 Q. Do you have a copy of your medical
24 records in front of you?

25 A. Yes, sir.

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1 Q. Okay. On the records that we have
2 received from counsel, it reflects various visits
3 that Ms. Moldovan had with your, um, entity your
4 medical entity, okay.

5 And, do you have a set of those records in
6 front of you?

7 A. Yes, sir.

8 Q. The records that I have reflect the
9 annual visits that you had with Ms. Moldovan was
10 June 11, 2025; is that correct?

11 A. Yes, sir.

12 Q. And, did any and all visits with other
13 doctors employed by your corporation, correct?

14 A. Yes, sir.

15 Q. Okay. And, when you saw, um, Ms.
16 Moldovan, and please feel free to refer to these
17 records as I refer to these questions, okay.

18 A. Thank you, sir.

19 Q. And, June 11, 2025 that is the only
20 time that you saw her, correct?

21 A. Yes, sir.

22 Q. Okay. And, at that time, you, ah, took
23 information from her regarding her present
24 complaints, would that be fair so say?

25 A. Yes, sir.

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1 Q. And, neurologically she had no
2 neurological complaints, correct; being the first
3 paragraph of your records.

4 A. I don't see it or characterize it that
5 way, sir.

6 Q. Sure. It says... follow-up visit with
7 Dr. Lattuga on June 11, 2025, do you see that?

8 A. Yes.

9 Q. And, under that it says... review of
10 the assistance, correct?

11 A. Yes.

12 Q. And, one, two, three, or four lines
13 down it says... neurological:neurological
14 complaints, correct?

15 A. Um, could you show me that because my
16 document, I think you have -- I also don't.

17 MR. PARIS: I also don't see what
18 you are referring to.

19 THE WITNESS: Are you going off my
20 narrative which is the summary
21 document?

22 MR. WHELAN: I'm going off expert
23 witness disclosure and I'm doing this
24 also Mr. Paris.

25 MS. RUSH: Jim, do you want me to

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1 have Bobby put up the expert witness
2 disclosure.

3 MR. WHELAN: That's fine.

4 MS. RUSH: What is the date.

5 MR. WHELAN: June 11, '25.

6 MR. PARIS: It is Page 27 of the
7 PDF.

8 MR. WHELAN: Jason, I assume you
9 led him to the right page, right?

10 MR. PARIS: Yes, it is at the
11 bottom of the page.

12 MR. WHELAN: Can you see that, Dr.
13 Lattuga.

14 THE WITNESS: Okay. Okay. I see
15 something on the screen, yes.

16 CONTINUED EXAMINATION BY

17 MR. WHELAN:

18 THE WITNESS: Can I see the whole
19 document?

20 MR. WHELAN: That is okay with me.

21 It is not going to help you, but
22 that is okay with me.

23 A. Okay. Because I don't know what I'm
24 looking at.

25 I'm just looking at the first page.