

**In The Matter Of:**

*Juan Julca v.*

*ERY Tenant, LLC, ERY Retail Podium, LLC*

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*Fred Goldman*

*March 6, 2026*

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*Supreme Court State of New York - Civil Term*

*60 Centre Street - Room 420*

*New York, New York 10007*

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SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK : CIVIL TERM : PART 58

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JUAN JULCA, : Index:  
 : 161813/2019  
 :  
 Plaintiff(s). :  
 :  
 - against - :  
 :

ERY TENANT, LLC, ERY RETAIL PODIUM, LLC, : TRIAL  
 :  
 Defendant(s). :  
 :  
 -----x

71 Thomas Street  
New York, New York 10013  
March 6, 2026

B E F O R E:

HONORABLE DAVID B. COHEN,  
 J U S T I C E  
(And a jury of Six plus Two alternates)

A P P E A R A N C E S:

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SHAMEEKA HARRIS, CSR, RMR, CLR  
DEBORAH ROTHROCK, RPR  
Senior Court Reporters

**Proceedings**

1           THE COURT: On the record. The time is 9:30. Case  
2 on trial continued. Appearances are the same. I have  
3 motions in limine from both sides with respect to limiting  
4 the biomechanical engineer, defendant's biomechanical  
5 engineer Vasiliki Kefalla. Plaintiff is seeking to preclude  
6 his testimony. Defense is seeking to -- seeking that it be  
7 admitted. I do note that the notification by service of the  
8 3101(d) was on February 12th and that this jury was expected  
9 to begin selection, I believe it was, on February 17th.

10           It was ultimately adjourned to a later date so  
11 there were a couple of weeks between the defendant points  
12 out that the plaintiff did not express any objection about  
13 the timeliness of Dr. Kefalla's disclosure at the  
14 February 17, 2026, appearance in the jury selection part.  
15 And when the defendant requested a one week adjournment at  
16 that time, the plaintiff consented to it and did not request  
17 additional further time as a result of the service of the  
18 3101(d) on the biomechanical engineer.

19           Jury selection ultimately was rescheduled to begin  
20 on February 24th which was nearly two weeks after the  
21 service. My ruling today is that there's no prejudice from  
22 the amount of time provided for service. The plaintiff had  
23 time to ask for an adjournment and has had time to obtain  
24 their own biomechanical expert as well. There's still time,  
25 during the course of this trial, if the plaintiff wishes to

**Proceedings**

1 obtain and provide -- and provide the testimony of a  
2 biomechanical engineer.

3 So for that reason, I am denying the motion to  
4 preclude the biomechanical engineer. There's also a  
5 secondary issue that the plaintiff seeks to preclude the  
6 biomechanical engineer's -- biomechanical engineer's  
7 testimony on causation. I'm denying that motion, and I'm  
8 going to allow that testimony.

9 For that proposition, I am citing to two Appellate  
10 Division cases, Vasquez versus Coastal Charter Service Corp,  
11 Costal Charter Service Corp 240 AD 3d 822 2d Dept 2025 and  
12 standing directly for the proposition the biomechanical  
13 engineers are qualified to render opinions on causation and  
14 also citing to Osorio, O-S-O-R-I-O, versus Punjab Enterprise  
15 Inc., P-U-N-J-A-B, 215 AD 3d 494 1st Dept 2023, also making  
16 reference to the fact that a biomechanical expert opined in  
17 that case on the low impact of the subject accident would  
18 not have caused plaintiff's claimed injuries, clearly, a  
19 causation opinion which the First Department took no issue  
20 with. So for those reasons, I'm denying that aspect of the  
21 motion as well.

22 MR. MALECKI: Thank you, Your Honor.

23 THE COURT: Thank you, Counsel.

24 MR. ROSENGARTEN: Thank you.

25 THE COURT: Anything else?

**Proceedings**

1 MR. ROSENGARTEN: No, Your Honor.

2 THE COURT: Then we'll await the jury all being  
3 together. I note that plaintiff's witness is here by video  
4 and available when the jury is altogether.

5 MR. ROSENGARTEN: One more thing on the record.  
6 Just to my witness, he's going to be referring to his  
7 reports that I've already handed over to counsel. If I  
8 could hand it over to the Court and have it marked for  
9 identification. He'll have it with him as well.

10 THE COURT: Hand it to the court reporter. She  
11 will mark it for identification and then I will take the one  
12 that's marked for identification. Thank you, Counsel.  
13 We're off the record.

14 (Whereupon, there was a pause in the proceedings.)

15 THE COURT: On the record. Mr. Malecki.

16 MR. MALECKI: Yes, it is our understanding that  
17 plaintiff's counsel intends to use boards with portions of  
18 the economist's report and which is being Id'd for -- which  
19 has been marked solely for ID, his report, but reports  
20 should not be shown to the jury. But he is going to be  
21 using the boards as a demonstrative -- boards having  
22 portions of the report as demonstrative and we are objecting  
23 to them being used as a demonstrative as they are part of  
24 the report which should not be shown to the jury.

25 THE COURT: Counsel.

**Proceedings**

1 MR. ROSENGARTEN: Your Honor, it is our position  
2 that the boards merely summarize his testimony and there is  
3 case law that says that demonstrative exhibits that  
4 summarize a witness' testimony are permissible. In this  
5 case, especially here, there are a number of numbers that  
6 are just going to be thrown in the air. It's just to --  
7 easy for the jurors to digest exactly what it is that  
8 Dr. Goldman will be testifying to.

9 THE COURT: It's not the entirety of his report.  
10 It's just the chart portions that demonstrate in chart form  
11 and are consistent with what he is going to testify from the  
12 witness stand?

13 MR. ROSENGARTEN: Correct. The charts, they are  
14 directly lifted from his report.

15 THE COURT: Okay. I'll permit them. Do you want  
16 them marked for identification?

17 MR. ROSENGARTEN: Yes.

18 THE COURT: So we can mark those for identification  
19 as the plaintiff's next -- is it three exhibits?

20 MR. ROSENGARTEN: Yes. We are going to do the  
21 report as one exhibit and then the three exhibits after  
22 that, four total for this witness. One being the report and  
23 the three being the boards.

24 THE COURT: All only for identification?

25 MR. ROSENGARTEN: Correct.

**Proceedings**

1           THE COURT: Okay. I'm allowing it, and I am going  
2 to allow the boards to be used during his testimony. As a  
3 logistical matter, do you plan on showing the boards to the  
4 jury?

5           MR. ROSENGARTEN: As a logistical matter, I am  
6 going to act as Vanna White. He is going to explain, and I  
7 am going to point.

8           THE COURT: Do you want to use the easel and put it  
9 next to the video screen?

10          MR. ROSENGARTEN: Yes, that's what I was hoping to  
11 do.

12          THE COURT: All right. We may need to move the  
13 video monitor maybe a foot closer to counsel table in order  
14 to do that. We will make sure defense counsel can see it.  
15 Off the record.

16                 (Whereupon, there is a discussion held off the  
17 record among the Court and Counsels.)

18                 (Whereupon, the item was marked Plaintiff's Exhibit  
19 16, Economist Report, for Identification.)

20                 (Whereupon, the item was marked Plaintiff's Exhibit  
21 17, Loss Earnings Chart, for Identification.)

22                 (Whereupon, the item was marked Plaintiff's Exhibit  
23 18, Loss Annuity Chart, for Identification.)

24                 (Whereupon, the item was marked Plaintiff's Exhibit  
25 19, Future Cost of Treatment Plan Chart, for

**F. Goldman - by Plaintiff - Direct**

1 Identification.)

2 THE COURT: On the record. Bring in the jury.

3 COURT OFFICER: All rise, jury entering.

4 (Whereupon, the sworn jurors enter the courtroom  
5 and take their respective seats.)

6 THE COURT: You may be seated. Members of the  
7 jury, good morning and welcome back. Thank you again for  
8 your jury service. This morning we're going to hear from  
9 the plaintiff's next witness. At this time, I call upon  
10 Mr. Rosengarten to call your next witness. You're going to  
11 hear from this witness via video. He will be sworn. He  
12 will be under oath as if he's in this courtroom. That's how  
13 you should treat it. You may call your next witness.

14 MR. ROSENGARTEN: Your Honor, I call Dr. Fred  
15 Goldman to the stand virtually.

16 F R E D G O L D M A N, a witness called by and on  
17 behalf of the Plaintiff, upon being duly sworn via Teams, was  
18 examined and testified as follows:

19 THE WITNESS: Yes.

20 COURT CLERK: In a loud, clear voice, please state  
21 your name and address for the record spelling both your  
22 first and last name.

23 THE WITNESS: Sure. My name is Fred, F-R-E-D,  
24 Goldman, G-O-L-D-M-A-N. Address is 310 Bourgoigne Avenue.  
25 That's, B-O-U-R-G-O-G-N-E, Avenue, Bowling Green, Ohio

**F. Goldman - by Plaintiff - Direct**

1 43402.

2 COURT CLERK: Thank you. Your Honor, the witness  
3 has been sworn and affirmed.

4 THE COURT: Counsel, you may inquire.

5 MR. ROSENGARTEN: Thank you, Your Honor.

6 DIRECT EXAMINATION

7 BY MR. ROSENGARTEN:

8 Q Good morning, Dr. Goldman.

9 A Good morning.

10 Q I just want to make sure that you can hear me okay.  
11 Can you?

12 A Perfectly.

13 Q And I'm just going to ask you to make sure you raise  
14 your voice so we can make sure that both the court reporter and  
15 the jury hears you clearly; is that okay?

16 A Yes.

17 Q Dr. Goldman, can you please start off by telling the  
18 jury your educational background?

19 A Sure. I have a bachelor's degree from Queens College  
20 City University of New York. I have a master's degree from  
21 Brown University in economics. And I have a doctorate degree  
22 from the graduate school of the City University of New York in  
23 economics. The only other education I say I have is I did a  
24 postdoctorate fellowship, philosophy and ethics for the National  
25 Endowment for the Humanities. And I was in residence and

**F. Goldman - by Plaintiff - Direct**

1 Bioweapons Institute there at Hutchinson.

2 Q Besides for your education, have you ever published any  
3 articles?

4 A Oh, yes. I've published in various economics journals.  
5 And I published through various government agencies where I did  
6 research and work for them. Published, I mean, if we want the  
7 names of some of them, The Journal of Political Economy, The  
8 American Journal of Public Health, The National Tax Journal, a  
9 whole series of them, Journal Health Economics, Journal of Urban  
10 Economics and so forth. Then I have inhouse publications for  
11 the various national institutes where I have done work, in  
12 particular, work in mental health and I doubt if you want to  
13 hear all of those.

14 Q Now, you mentioned your main field of study is  
15 economics, correct?

16 A That's correct.

17 Q And while I'm sure the members of the jury have heard  
18 the word and are familiar with the word economics, could you  
19 explain to the jury what exactly economics is?

20 A Sure. Economics, I view economics as a subset of  
21 psychology. It's a study of behaviors and the outcome of  
22 behaviors. For example, behaviors. Suppose this is high school  
23 economics and the price of apples goes up, we buy fewer apples,  
24 a behavior. And then we tend to buy more pears, behavior. When  
25 the light turns green, we cross the street, behavior. When it

**F. Goldman - by Plaintiff - Direct**

1 turns red, we don't cross the street, behavior.

2 Then, of course, there are outcomes. In the simple  
3 cases I just indicated, apples and pears or whatever, we would  
4 know how many pears, how many apples are being bought. What is  
5 the total amount of income to those people selling apples? And  
6 this behavior can be extended to anything such as the labor  
7 force. Wages are paid to workers. When the wages change, the  
8 amount of work changes. How much time people will spend in  
9 work. The result of the wages leads to an outcome. What?  
10 Income. Income is used to purchase products, behaviors. The  
11 products that are sold result in sales, again, a total and so  
12 forth.

13 I mean, you can expand it from the individual. You can  
14 look at more aggregate groups such as the family and family  
15 behaviors and family outcomes. You can look at industries. You  
16 could look at geographical units, and we look at all of that  
17 including international and that's the simple and short, my  
18 view, of what economics is.

19 Q Thank you. Now, were you hired by my firm for this  
20 specific case, the case of Juan Julca?

21 A Yes. I was retained, yes.

22 Q And what were you retained to do for the case of Juan  
23 Julca?

24 A I was provided with materials and asked to provide an  
25 estimate of the earnings that I believed were lost as a result

**F. Goldman - by Plaintiff - Direct**

1 of an accident and the various benefits that were lost as a  
2 result of an accident and the costs of funding a medical plan  
3 which is related to the accident in whole what I was asked to  
4 do.

5 Q And are you being compensated for your time testifying  
6 here today?

7 A I certainly hope so. Yes, I hope so.

8 Q And how much --

9 A Go ahead. I'm sorry.

10 Q And how much are you going to be paid?

11 A My billing is \$4,000 for a court appearance.

12 Q Now, the defendant in this case is being represented by  
13 a firm called London Fischer. Do you have any familiarity with  
14 that firm?

15 A I do.

16 Q And how do you have familiarity with that firm?

17 A Well, I took a quick look at my -- at the work I've  
18 done and I worked with the firm from roughly 2002 to -- the last  
19 entry I saw was in 2022 so roughly 20 years. I worked on  
20 various cases for various members of the firm.

21 Q So you've been retained at times by defendant's firm as  
22 well, correct?

23 A Oh, yeah. Just, I would say, approximately, to pick a  
24 number, roughly, half of the cases that I'm involved in would be  
25 defense firms, for -- retained by defense firms and about half

**F. Goldman - by Plaintiff - Direct**

1 would be retained by plaintiff's firms. I don't know the exact  
2 amount.

3 Q Now, you just mentioned you were hired to figure out a  
4 few things. One was loss earnings and then you mentioned loss  
5 benefits and then you mentioned medical treatment. Let's take  
6 those one at a time; is that okay?

7 A Sure.

8 Q Now, as part of your being hired by my firm, did you  
9 prepare a report concerning these things?

10 A Yes, I prepared two reports.

11 Q And when was your last report?

12 A The last report -- well, I had these materials in front  
13 of me -- so the last report was dated February 19, 2026.

14 MR. ROSENGARTEN: And, Your Honor, the report that  
15 he is looking at has been marked for identification. It's  
16 marked as Plaintiff's 16. And I've also handed a copy to  
17 defense counsel.

18 Q You have that report in front of you?

19 A I do.

20 Q Now, let's talk about loss earnings. How did you  
21 calculate my client's loss earnings?

22 A Well, I received -- I had materials that were forwarded  
23 to me by your firm. And I received the tax returns for the  
24 years 2016 and 2017 for Mister, I believe it's pronounced,  
25 Julca. So I have Mr. Julca's tax returns for 2016 and '17. The

**F. Goldman - by Plaintiff - Direct**

1 total amounts that he had in earnings I added together, divided  
2 by two and started that out as his average earnings that absent  
3 this accident we're going to be likely to be earned in the  
4 year -- full year 2018.

5 So, I can tell you that tax return in 2016 he made  
6 \$95,637 according to his W-2s and his tax returns for the year  
7 2016. In 2017, he made \$75,017. I added them together, divided  
8 by two, and that gave me a starting annual amount that I used  
9 for the year 2018 so that's the beginning, the first step. The  
10 first step in this analysis is to get the annual amount of the  
11 loss at the time of the loss.

12 The second step is to see how that is likely to change  
13 over time. Mr. Julca was a member of a union. The union  
14 provided hourly wages, and the hourly wages changed  
15 periodically. I used, up until through the year 2025, the  
16 actual hourly wages and their change, their growth, how they  
17 would have changed the year by year by year that was already now  
18 past straight through from 2018 to 2025.

19 Going forward into the future, I relied on two  
20 agencies. I relied on the Congressional Budget Office and I  
21 relied on the Social Security Administration. The Congressional  
22 Budget Office publishes once a year a study which estimates  
23 30 years into the future, what the next 30 years will bring in a  
24 number of areas including economic areas and including the  
25 economics that deal with the labor force.

**F. Goldman - by Plaintiff - Direct**

1           And so they have estimates of their view of how wages  
2 are going to change over a 30-year period of time. The Social  
3 Security Administration does a similar thing. It makes  
4 estimates once a year through what's called a trustee's report.  
5 One of the trustee's on the viability of the social security  
6 system and they have estimates to pull out currently to the turn  
7 of the century. So I took the estimates from social security,  
8 the estimates from the Congressional Budget Office. And on the  
9 basis of them, I created what I believed would be a reasonable  
10 growth rate going forward into the future.

11           Now for me, the future went over a work life. It takes  
12 us out into his retirement. So, I have a starting annual  
13 amount. I have how it actually changed in the past up to the  
14 year and through the year 2025. I have estimates of how the  
15 growth of the wages or the earnings are going to likely change  
16 into the future until his retirement, and now I have to figure  
17 out what might his retirement be. And there I relied on an  
18 economics journal, an article within an economics journal --  
19 actually, two articles within an economics journal and I relied  
20 on the union's pension plan and what they considered to be  
21 retirement for their workers.

22           So, the Journal of Forensic Economics is an article  
23 which was published that make estimates of the numbers of years  
24 to retirement for individuals by their gender, by their age, and  
25 by their activity in the labor force, whether they are in the

**F. Goldman - by Plaintiff - Direct**

1 labor force or not in the labor force. So in this case, I had  
2 the age of Mr. Julca at the time of his accident and how old he  
3 was. I know he was in the labor force. He was -- he was not  
4 out of the labor force so, for instance, off on a six-month  
5 vacation. And I know that based on his education he was a -- he  
6 was a high school graduate.

7 So that gave me, using those -- those values, gave me  
8 an opportunity to look up what his remaining work would be from  
9 the time of the accident until his time of retirement, the  
10 number of years, and it took me out to roughly the age of almost  
11 66. Then I had the union documents, their pension plan. Now,  
12 the pension plan has various categories to it and there's a  
13 pension that could be received as early as age 62. And then  
14 there are pensions, depending on, again, how it works within the  
15 industry, a pension that would be provided starting at age 65.  
16 So, I didn't know whether or not or I should preference it by  
17 saying I did not have records from this year. I'm sorry?

18 Q You can continue.

19 A I didn't have records from the union. I didn't have  
20 his -- the records of how many hours he worked, when he began,  
21 how long it lasted. So, I was using simply the union's --  
22 what's called a form 5500 that they submit to the Internal  
23 Revenue Service under ERISA. So, it is -- the principal purpose  
24 is to show that the various benefits workers within this union  
25 will be available to them.

**F. Goldman - by Plaintiff - Direct**

1           So, it's like a tax return and it indicated, again, how  
2 the retirement plan worked and the retirement plan could let a  
3 person work and retire up to -- at age 62 or at 65. Taking the  
4 two of them, the two sources, the average I got for retirement  
5 was for the age of 64. So, I have a starting annual amount of  
6 earnings starting in 2018. I had gross rates which are going to  
7 go on year by year by year the actual rates of gross wages  
8 through 2025 and then the estimate going forward based on the  
9 congressional budget office and social security as to what their  
10 estimates are for -- for wage growth.

11           And then I have how long it is likely to go on based on  
12 the -- based on the economics, journal article which looks at  
13 various characteristics of an individual and estimates  
14 retirement, how many years to retirement, and that second  
15 grouping, the plan of the -- of his union. I take the starting  
16 amount. I increase it year by year by the growth rates. I go  
17 on year by year until the estimate of retirement at the age of  
18 64. And then it's a matter of just adding up the expected  
19 earnings year by year by year by year by year.

20           So that would take me out with an estimate of what the  
21 earnings were, which I can total straight through to retirement.  
22 Now, there is one other thing that becomes important here.  
23 Retirement is different than work life. So the fact that from  
24 2018 until he would have been 64 years of age I can calculate  
25 the year by year by year amounts. There's what we call work

**F. Goldman - by Plaintiff - Direct**

1 life which takes into account the likelihood that he would  
2 actually be in the labor force each of those years.

3 For example, going forward in the future, perhaps, he  
4 can have an accident. Perhaps, he could become disabled from an  
5 illness or, perhaps, he'll take off two years to visit friends  
6 in -- somewhere in Hawaii. So, what a separate estimate of what  
7 this kind of a case would be is an estimate of work life  
8 expectancy. It relies on, again, his age. It relies on whether  
9 he was active in the labor force. And it relies on his  
10 education. So, work life tables are different than retirement  
11 tables. So, I can adjust -- I can adjust the retirement years  
12 year by year by year by year by how many of those years he will  
13 actually be in the labor force getting a paycheck or attempting  
14 to get a paycheck because a separate issue is I have to take  
15 into account the possibility that he'll be in the labor force  
16 trying to get a paycheck but for some reason he'll be  
17 unemployed.

18 So, to kind of put closure on this, I have what the  
19 earnings would be if starting in 2018 year by year by year he  
20 worked until the age of 64. And I have those year after year  
21 after year. I put it into an Exhibit. Then I have the estimate  
22 that takes into account the likelihood that some of those years  
23 he would not actually be drawing a paycheck because of these  
24 probability, these statistics that perhaps he can have an  
25 accident, perhaps he can have an illness, perhaps other things

**F. Goldman - by Plaintiff - Direct**

1 could happen that will keep him from being in the labor force  
2 and getting the paycheck.

3           So, we have a range. We have what it would be if the  
4 future, starting now and going forward, were such that, no,  
5 yeah, he would work straight through to 64. And then we have an  
6 estimate, no, he have to adjust it downward to reflect the fact  
7 that things do happen in the future. So I have provided both of  
8 those, what would you call an upper bound and a lower bound and  
9 those numbers are on an exhibit that I provided to you.

10           Q     Now, thank you for that. Now, Doctor, do you have an  
11 opinion, within a reasonable degree of economic certainty, as to  
12 the past loss wages for Mr. Julca? What I mean by past I mean  
13 essentially from today going back to the date of the accident  
14 which was March 3, 2018?

15           A     Yes. Actually, my past that I calculated was through  
16 February of this year going back to 2018. I haven't memorized  
17 the outcome so could I refer to my exhibit?

18           Q     If that refresh your recollection you can.

19           A     Okay. Then let me get that. Okay. So, with --  
20 without making adjustments, the past amount of earnings lost  
21 that I have going from March 3rd of 2018 through February 2026,  
22 the past amount of earnings lost is 60,000 -- \$660,208. Again,  
23 660,208. And -- go ahead. I'm sorry.

24           Q     And, Doctor, do you have an opinion, with a reasonable  
25 degree of economic certainty, as to the future loss wages for

**F. Goldman - by Plaintiff - Direct**

1 Mr. Julca and what I mean by future I mean going from,  
2 essentially, today to the retirement age that you previously  
3 spoke about?

4 A Yes. And that is one million -- \$1,555,622 which  
5 starts March 1st and goes through his retirement at 64.

6 Q Now, you mentioned you had a chart; is that correct?

7 A Yes, that's correct.

8 Q And that was part of the report you furnished, correct?

9 A That's correct.

10 Q I am going to show the jury what's been marked as  
11 Plaintiff's 17 for identification and I can show it to you. You  
12 can take a look. This is the -- I can go closer if you need.  
13 Is this the chart that you're referring to regarding Mr. Julca's  
14 loss earnings?

15 A Yes, that's correct. That's what I forwarded to you.

16 Q And you have a copy of that with you as well, correct?

17 A I'm holding it in my hand.

18 Q So with your permission, I'd like to go through this  
19 chart. I am going to figure out a way to put myself and act as  
20 Venna White if anyone remembers who that is.

21 So, let's start on the top. It says 2018 here,  
22 correct?

23 A Yes.

24 Q And then there's a number of 85,327.

25 A That's correct.

**F. Goldman - by Plaintiff - Direct**

1 Q What does that represent?

2 A That represents the earnings that were expected based  
3 on his 2016, 2017 earnings and that's -- which I then, to be  
4 accurate, I added them together and divided by two and it  
5 represents from those two prior years the expectation of what  
6 his earnings would be in 2018 absent his accident. And I have  
7 an asterisk next to it but because he had worked part of the  
8 year 2018 and we have to deduct the amount of money that he did  
9 earn during the year 2018.

10 Q And now going to 2019, you have that same number but  
11 without the asterisk, correct?

12 A That's correct.

13 Q Is there a reason why that number stayed the same?

14 A Yes. Each of the years through the year 2025, based on  
15 the actual increases that took place in the wages of workers in  
16 this union during those years and for a period of time, there  
17 were no wage increases. So in this particular case, the hourly  
18 wage was the same hourly wage in 2019 that it was in 2018. So  
19 there would be no increase.

20 The only possibility for an increase would be if the  
21 number of hours he worked were greater. However, I didn't  
22 receive records from the union which would have told me how many  
23 hours of work he was putting in. So at any rate, this is what  
24 we have.

25 Q Now, in 2020, you have another number. I am pointing

**F. Goldman - by Plaintiff - Direct**

1 right here. It is 42,664?

2 A Yes.

3 Q Now, that is a lot less than the numbers in the two  
4 years before. Can you explain why that would be so much less?

5 A Well, I -- that's the year of COVID and I simply made  
6 the assumption, I didn't know if he continued working during  
7 COVID, if the work that he was engaged in was shut down. I  
8 didn't know what would take place, so I simply took one half of  
9 what would have been the earnings in the year 2020 in order to  
10 account for some likelihood that his earnings would have been  
11 affected by the virus.

12 Q So while the number you have there is 42,000, that's  
13 just an estimate. You just conservatively picked 50 percent; is  
14 that correct?

15 A Yes, that's correct.

16 Q And it's possibly he could have worked more than that  
17 50 percent and that number would be more?

18 A Yes. If COVID played no role, just take this number  
19 and double it.

20 Q And then for the next couple of years 2021, 2022, 2023,  
21 2024 and 2025 you have the same number there of 86,487; is that  
22 right?

23 A In each of those years, the hourly wage within this  
24 union remained the same and so his earnings didn't change.

25 Q Now, those numbers, while the same for those years, are

**F. Goldman - by Plaintiff - Direct**

1 different than the 2019 number. Can you explain to me how that  
2 number jumped from 85,327 to 86,487?

3 A Yes. For -- during that -- from the year 2018 up until  
4 2021, there was a slight wage increase. So there was no  
5 increase, if you see, in 2018 and '19. It's the same. No  
6 increase. Then -- then an increase where if you add the  
7 increase in, the percentage increase, you jumped from the 85,327  
8 to 86,487.

9 Q And then in -- excuse me.

10 A I was just going to say there was a slight wage  
11 increase and so that -- I take his starting annual amount and  
12 increase it year by year by year by any increase that took place  
13 in wages. And I have what the wage increases are because  
14 it's -- that is published information to the New York City  
15 Comptroller's offers.

16 Q So in 2026, for example, you've gone up from 2025 to  
17 89,428, correct?

18 A That's correct.

19 Q And how did you get that increase? Where did you get  
20 that increase from?

21 A Starting 2026 for me began the future. And -- and  
22 since the future hadn't happened yet in a way in which the union  
23 had posted what its wage increases were going to be, I relied on  
24 the Congressional Budget Office and the Social Security  
25 Administration estimates of what the average annual increase in

1 wages would be for the working population in general. And so  
2 what you see is going forward from 2026 on, I have a 3.4 percent  
3 per year wage increase which is based on the Congressional  
4 Budget Office projections over a 30-year period of time and the  
5 Social Security Administration estimates that take us out to the  
6 turn of the century.

7 (Continued on next page)

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**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 Q And the year 2039 represents Mr. Julca's retirement age  
2 of 64, correct?

3 A Yes, it would have gone off into a 2040 slide but I cut  
4 it off to 2039 as a whole number.

5 Q Doing the analysis 2,215,830; that includes both past  
6 and future wages, correct?

7 A That's correct.

8 Q Now, that 2,2015,830 number; is that adjusted number or  
9 is that just a raw number?

10 A That is unadjusted.

11 Now, it's possible that he would work continually  
12 through. That there would not be periods of time in which he  
13 was not working; so not as though people don't work straight  
14 through, some do. But then focusing on the possibilities that  
15 that could happen in the future, the likelihoods of illness, of  
16 accidents, of varies changes, of long vacations in which he  
17 didn't work, then we get to the adjustments.

18 And the adjustment, in this case, the largest a  
19 adjustment is to compare how many years until requirement, with  
20 how many expected years of being in the labor force and trying  
21 to get a paycheck.

22 So the number years of retirement are greater than the  
23 number of years that people have what we call work life.

24 So, if you were to take the adjustment, meaning at the  
25 time of this accident how many remaining years would there be as

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 a work life, which takes into account the likelihood you could  
2 become disabled, you could go off on long vacations, and so  
3 forth. Those are the adjustments that I made.

4 I added not only an adjustment for work life, but then  
5 I took into account the possibility he might want to work but he  
6 would be unemployed. And so I used estimates of what the  
7 unemployment were for someone his age, his gender, his  
8 education, and what the unemployment rate would be, and that was  
9 three percent per year.

10 And then I took off seven percent because some of the  
11 earnings that could go into his pocket would be used as  
12 unreimbursed work expenses, that he would have to travel to  
13 work, he might have work clothes work, work tools, and he would  
14 have to pay dues and so forth. So while I did not have  
15 information on it, in general. I estimated what I thought was a  
16 fair estimate of unreimbursed job expenses because that would be  
17 money he would have to take out of his pocket in order to make  
18 the money he was earning.

19 So we have an upper bound and what I would call a lower  
20 pound. And then it is up to someone else to decide how they  
21 feel about how this man was working and what would likely have  
22 taken place through the years after the year 2018 as far as his  
23 work within this union way.

24 Q Now, just discussing the adjusted lost earnings for a  
25 moment.

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1           What were the adjusted lost earnings numbers be for  
2 past wages, meaning from today going back to the date of the  
3 accident of March 3rd, 2018?

4           A     Yes. The adjustment through February of 2026, the past  
5 is \$513,919.

6           Q     And then, what would be the future lost wages be with  
7 the adjustment that you have mentioned?

8           A     It would be \$1,210,927.

9           Q     And the total adjusted lost earnings would be what?

10          A     \$1,724,846.

11          Q     So, the range of lost earning from the low end goes to  
12 \$1,724,846, on the low end. And on the upper bounds \$2,215,830  
13 on the upper end; is that correct?

14          A     Yes, that's correct.

15                 MR. ROSENGARTEN: Thank you. I'm just going to  
16 take this down.

17                         (Exhibit removed.)

18          Q     So that goes through Mr. Julca's potential lost wages,  
19 correct?

20          A     Yes. His earnings, yes.

21          Q     Now, you also mentioned at the beginning that there  
22 were some benefits that Mr. Julca might be missing out on  
23 because of his loss of work; is that correct?

24          A     That's correct.

25          Q     Would that have been an annuity?

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 A Yes, annuity was one of the benefits.

2 Q What is an annuity?

3 A Okay. The members of his union have an annuity fund  
4 and the employee contributes to that fund, in the very same way  
5 the employer's base wages. And as part of their collective  
6 bargaining agreement there's an amount that the union takes and  
7 places-- asks to be put into the annuity account of the  
8 individuals who were working there, the journeymen who were part  
9 of the union;

10 So in this case, for every hour that he worked, for  
11 every hour that he worked there was for each year, just like  
12 there was an hourly wage, there was an hourly contribution to  
13 the annuity fund. And if you take the number of hours that he  
14 worked and multiplied it by the hourly annuity rate, you would  
15 get the total amount of income that he would receive as a result  
16 of the contributions to this, the equivalent of a 401K plan.

17 So, I didn't have the number of hours, again, I didn't  
18 receive the union's documentation of this man's history, so I  
19 didn't know how many hours he worked each year. I didn't have  
20 the ability to use hours. And so I assumed 1,000 hours of work  
21 and I choose 1,000 because it made everything simple. It made  
22 any adjustment that anybody would make simple;

23 If it turned out that he was working 1500 hours, then  
24 we already had a thousand and you just take another 50 percent  
25 of what we have at a thousand and we could have an answer for

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 1500 hours.

2           If he only worked 500 hours a year, records come in and  
3 he worked 500 hours, you then take the number of thousand and  
4 cut it in half.

5           I choose thousand simply because it would be very easy  
6 to do calculations based on thousand. Then what I did receive  
7 was I had what the hourly annuity rate was.

8           Now, with the annuity in this union, you do not get an  
9 adjustment for overtime. So any hours that he worked whether  
10 they were straight time hours or overtime hours, because  
11 overtime is in the earnings, certainly. When it comes to the  
12 annuity that the employer pays, the employer pays at the  
13 equivalent of the straight amount hourly amount of the annuity  
14 each hour, without any regard whether that work is overtime or  
15 double time.

16           So I have 1,000 hours. And then I have for each of the  
17 years straight through to 2025 I have the hourly annuity rate.  
18 So I created a table using the hourly annuity rate year by year  
19 by year from 2018 through 2025;

20           And then going forward, I choose as the same growth  
21 rate, the same 3.4 percent, the annuity plan, as I did for the  
22 wages.

23           Q    Now a few questions before we go over the actual  
24 annuity.

25           Where did you get the information regarding the annuity

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 from. In other words, how much the union was going to pay into  
2 that annuity?

3 A Well, the worksheets that show you the schedule of the  
4 various benefits I received from another case, which happened to  
5 involve the same union. And so I had --I just received it  
6 recently in a way in had which I could use it to get the hourly  
7 union rate.

8 Q Do you remember which union Mr. Julca was a part of?

9 A Yes. He was in the taper and --well, let me tell you  
10 exactly. He was in the Drywall Tapers Local 1974.

11 Q And you mentioned that you assumed the thousand hours  
12 for your annuity calculations, correct?

13 A That's correct.

14 Q And that's a thousand hours per year, right?

15 A A thousand hours per year of work. If he worked more  
16 than a thousand hours, I can't tell you; if he work less, I  
17 can't tell you. That is an arbitrary number of hours that I  
18 choose just to make a calculation of what the annuity would be,  
19 the annuity money would be. Now I will tell you that, within  
20 his tax returns, in each year, 2016 and 2017, there's a 1099  
21 form from the union indicating the payment of annuity income.

22 So, I know that he's receiving the annuity income, I  
23 just don't know based on records I received how many hours he  
24 would have worked and what he would have gotten based on his I  
25 actual work history.

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 Q Now, I'm a lawyer, I really don't like math. So I  
2 can't do the math --I mean, I probably could if I had a  
3 calculator but I'm not going to do that right now. Could you  
4 tell just tell the jury a thousand hours, what does that average  
5 out to hours per week?

6 A Well, when you ask me about numbers, to make sure that  
7 I don't make a mistake I use and recommend to you a calculator.

8 So I'm going to take a thousand hours and I'm going to  
9 divide it by 52 weeks. And that's working 19.23 hours per week.

10 Q So that would be your assumptions for the annuity were  
11 assuming an under 20 how work week, essentially, correct?

12 A Yes.

13 Q Now, how far out did you go in terms of the annuity.  
14 Was it similar to the lost wages or something else?

15 A No, it is identical to the lost wages. The methodology  
16 is the same for the annuity as it was, as we discussed for the  
17 earnings. The only difference between the two, as far as  
18 methodology goes, is while with the earnings I took into account  
19 the fact that he would have potential unemployment, that there  
20 could be other assistance and so forth, which would lead to work  
21 life instead of going out all the way to retirement age.

22 The only difference was that I didn't deduct  
23 unreimbursed job expenses, which I had for the earnings. I  
24 simply adjusted it by the work life and the likelihood of  
25 unemployment. And the reason -- well, I should make something

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 clear. The work life estimate tells you about the likelihood of  
2 being in the labor force. But the labor force consists of those  
3 people who are working and those people who are unemployed and  
4 looking for work.

5 So, in the earnings estimate I took the overall labor  
6 force work life expectancy and then I made the adjustment,  
7 removed three percent because although he wanted to work, he was  
8 unemployed, he could be unemployed.

9 So, it is the identical methodology with the exception  
10 that there's no reason for me to take off unreimbursed job  
11 expenses, I've already done that in the earnings.

12 Q Now, Doctor, do you have an opinion with a reasonable  
13 degree of economic certainty as to the past lost annuity income  
14 for Mr. Julca. When I say past, the same before, I go from  
15 today going back to the date of the accident, March 3rd, 2018?

16 A I do. And it is on an exhibit that I sent you my  
17 calculations. I do have that.

18 Did you want me to tell you what that number is now?

19 Q Yes.

20 A Okay. The past, based on thousand hours of work  
21 unadjusted from the time of the accident through February of  
22 2026 is \$49,912.

23 Q And just to make sure I have your testimony correct, if  
24 he had worked 2,000 hours for all of those years, it would be  
25 doubled that number, which would be about \$100,000, correct?

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1           A     That's correct.

2           Q     And Dr. Goldman, do you have an opinion, with a  
3 reasonable degree of economic certainty, as to the loss of  
4 future annuity income for Mr. Julca. And once again, when I say  
5 future, I mean from today going forward to, as you mentioned,  
6 his retirement age?

7           A     Yes, I do.

8           Q     And what would that be?

9           A     That future amount is \$132,024.

10          Q     Once again, that is within a thousand hour assumption.  
11 If he worked 2,000 hours over the course of that time, it would  
12 double again, correct?

13          A     That's correct.

14          Q     So what would the total loss annuity be according to  
15 your calculations?

16          A     It would be \$181,936.

17          Q     And you mentioned before that you had this in chart  
18 form; is that correct?

19          A     That's correct.

20          Q     So I'm going to show you what has previously been  
21 marked as Plaintiff's 18 for identification.

22                   I'm going to do the same thing, come up close to the  
23 screen and if you could take a look.

24                   (Shown.)

25                   Is this the chart you're referring to?

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 A That's correct. That is what I sent you, yes.

2 Q I want to go over the chart similarly for a few  
3 minutes.

4 (Shown.)

5 So, in 2018 you have an annuity loss of \$5,800,  
6 correct?

7 A Yes, that's correct.

8 Q And there's an asterisk there as well. Is that the  
9 same asterisk as there was for the lost earnings?

10 A That's right. You have to deduct from it the actual  
11 annuity income that he received for that year.

12 Q Then the next year you go up to little bit, \$6,000?

13 A That's correct.

14 Q Why did that number go up?

15 A Because the annuity per hour went from \$5.80 in 2018,  
16 \$5.80 per hour of work, it went to \$6. So the \$6 at 1,000 hours  
17 is \$6,000.

18 Q Now, in 2020 we go down again to 3,125.

19 A Yes.

20 Q You have two asterisks there. Is that the same  
21 asterisks as we saw with the lost earnings, in terms of COVID?

22 A That's correct.

23 Again, I took what the annuity would have been, now the  
24 annuity you say is \$3,125. And that is because there was an  
25 increase in the annuity income to \$6.25. So \$6.25 would have

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 been \$6250. We are going to take half of it because of COVID,  
2 so we have \$3,125.

3 Q Then in 2021, 2022 you have the same number of 6450?

4 A That's correct.

5 Q How did you get to those numbers?

6 A 1,000 hours. And the hourly annuity amount and the  
7 annuity amount didn't change during 2021, 2022.

8 Q Then for 2023, 2024, 2025, you have different numbers  
9 each year successively going up. Once again, that is because  
10 the annuity went up, correct?

11 A That's correct.

12 Q And that is based on the actual data you have from the  
13 union, in terms of what the annuity was?

14 A That's correct.

15 Q Now, 2026 and on, those numbers are also going up. Is  
16 that based on data you have from the union, or is that based on  
17 data you have from various economic journals et cetera?

18 A No, that is the growth rate. It is the same growth  
19 rate that I used for earnings that I used for the annuity.

20 Q And the total annuity loss unadjusted, you calculated  
21 at a thousand hours was \$181,936, correct?

22 A That's correct.

23 Q And could you describe how that would change in terms  
24 of the adjustments that you spoke of?

25 A Yes. The adjustment is the same adjustment for the

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 annuity as we made for earnings, as far as taking into account  
2 work life expectancy as a percent of the years until retirement;  
3 how many years of work life out of all of those years until  
4 retirement.

5           Again, it is the same argument, well, maybe he would  
6 have gotten sick, maybe he would have been in an accident, maybe  
7 he would have taken a longer vacation or maybe he would not have  
8 been in the labor force. It is the very same adjustment.

9           And then I took off another three percent, as I did  
10 earlier with earnings, for potential unemployment; meaning that  
11 the annuity income would not be coming in. And I did not take  
12 off anything for job reimbursement because we've done that in  
13 the earnings.

14           Q     And with the adjustment, what is the total adjusted  
15 annuity income loss for Mr. Julca?

16           A     Yes. The total of all of it is \$152,284.

17           Q     So That would be the lowest bound. And the upper bound  
18 would be 181,936 number, correct?

19           A     That's correct.

20           Q     And both of those numbers, just to be clear, are  
21 assuming thousand hours, correct?

22           A     That's correct as well, yes.

23           Q     And if it was 2,000 hours, both of those numbers would  
24 be doubled?

25           A     That's correct as well.

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 MR. ROSENGARTEN: Thank you. I'm just going to  
2 take the chart down.

3 (Exhibit remove.)

4 BY MR. ROSENGARTEN:

5 Q So we've gone through annuity, we've gone through lost  
6 earnings. The last thing you mentioned when you started  
7 testifying that you were asked to sort of calculate was future  
8 medical treatment; is that correct?

9 THE COURT: And before we get to that, Mr.  
10 Rosengarten, I'm going to give the jury a ten-minute break.

11 MR. ROSENGARTEN: Thank you.

12 THE COURT: The jury can take a ten minute break.

13 THE COURT OFFICER: All rise, jury exiting.

14 (Whereupon, the jury exits the courtroom and the  
15 following is heard outside the hearing and presence of the  
16 jury.)

17 THE COURT: Ten-minute recess. We're off the  
18 record.

19 (Recess taken.)

20 THE COURT: On the record. Bring in the jury.

21 THE COURT OFFICER: All rise. Jury entering.

22 (Whereupon, the jury enters the courtroom and the  
23 following is heard inside the hearing and presence of the  
24 jury.)

25 THE COURT OFFICER: Please be seated.

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 (Continued)

2 DIRECT EXAMINATION

3 BY MR. ROSENGARTEN:

4 THE COURT: Mr. Rosengarten, you may continue your  
5 inquire at this time.

6 MR. ROSENGARTEN: Thank you.

7 BY MR. ROSENGARTEN:

8 Q Dr. Goldman, when we took a break we were about to  
9 discuss future medical care irrelevant for Mr. Julca. Do you  
10 recall that?

11 A Yes, I do.

12 Q And what, if any, documents or reports did you use to  
13 come to your findings regarding future medical care?

14 A Well, in order to do the estimate of future medical  
15 care, I need to know what items are necessary, I need to know  
16 what their cost is, I need to know how that cost is likely to  
17 change over time and I have to know the number of years or the  
18 extent to which the cost will be needed;

19 So starting with the annual amount, growth rate, and  
20 how many years for this particular item.

21 I have a report from a Dr. Grimm. And Dr. Grimm  
22 indicated the items that would be needed in the future, he  
23 indicated what the cost was, and that these would be needed for  
24 a lifetime.

25 So for each item I'm going to establish the annual

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 cost, for each item I'm going to have a growth rate, and for  
2 each item I'm going to do it over a period of what we call life  
3 expectancy.

4 So, Dr. Grimm's report, plus the U.S. life tables, plus  
5 those documents that would show a likely growth rate are the  
6 ones that I used in this case.

7 Q Now you mentioned life expectancy.

8 A Yes.

9 Q What is live expectancy?

10 A Well, life expectancy is for an individual, a person,  
11 gender, we have a male, we have his age. As of today,  
12 March 6th, he's 50.13 years old, based on his date of birth.  
13 His date of birth is January 17th of 1976. So we have his  
14 current age.

15 Based on his current age, I can go to U.S. life tables,  
16 National Center of Vital Statistics provides, among other  
17 agencies that do this as well, that provides life tables which  
18 show for by gender what life expectancy is at various ages.

19 So his life expectancy at his current age of  
20 50.13 years old. His remaining life expectancy is 29.88 future  
21 years old.

22 So, I know then we will convert this notion of we need  
23 it over a lifetime. Lifetime, his life expectancy, I have that  
24 number, been doing this 29.88 years making an estimate.

25 Now Dr. Grimm's report, which will tell me, for

**Dr. Goldman - Direct - Plaintiff - by Mr. Rosengarten**

1 example, medications, how much is likely to be needed for  
2 medications. As I said, there's going to be a growth rate.

3 Now, my principal contribution is in the growth rate  
4 and the calculations. Now, the growth rates I get for the  
5 various items such as physician services, such as the services  
6 under medical professionals, physical therapists, and for items  
7 such as outpatient department costs. Those growth rates I get  
8 from the Consumer Price Index.

9 Now, the Consumer Price Index, which people generally  
10 call inflation. The Consumer Price Index is a measure of the  
11 costs of the goods and services that we use. And so there's an  
12 overall inflation rate, which is a composite of the goods and  
13 services, a weighted average of the goods and services that we  
14 purchase each day.

15 Now, within the Consumer Price Index there's  
16 subindexes. There is one just for food, there is one just for  
17 clothing and so forth. Within the subindexes there are other  
18 subindexes. Now, there's an overall subindex just for medical  
19 care.

20 Within medical care there's a subindex just for  
21 physician services, just prescription medications, just what I  
22 call services by other medical professionals; physical  
23 therapists occupational therapists and so forth.

24 So I relied on the history of these varies individual  
25 medical care items, the history of how they relate to overall

1 inflation in order to make projections in what the growth rate  
2 will be going forward.

3 Now, I don't know how far you want me to carry this  
4 out. But now it is simply a matter of going over what the items  
5 are in Dr. Grimm's report, and what the growth rates are, and  
6 the number of years it is for. And then there's an exhibit that  
7 tells you what the total cost would be over a lifetime.

8 (Whereupon, Shameeka Harris relieved Deborah  
9 Rothrock as the Official Court Reporter.)

10 (Continue next page.)

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**F. Goldman - by Plaintiff - Direct**

1 CONT'D DIRECT EXAMINATION

2 BY MR. ROSENGARTEN:

3 Q Now, I am just going to stop you for a second there.  
4 You mentioned growth rates for the medical care and previously  
5 when we were talking about the loss annuity and the loss wages  
6 you also mentioned growth rate, correct?

7 A Yes.

8 Q Those are different types of growth rates though,  
9 correct?

10 A Absolutely. Now, we are talking about the growth rates  
11 for various medical care items.

12 Q And the loss earnings and the loss annuity was a growth  
13 rate for what?

14 A For the wages, for the wages and for the hourly annuity  
15 payments.

16 Q Now, I know you mentioned that you got a report from  
17 Dr. Grimm. Based on that report, do you have an opinion, with a  
18 reasonable degree of economic certainty, as to the future costs  
19 of medical care for Mr. Julca?

20 A I do.

21 Q And what is that?

22 A Well, I provided you with an exhibit that has the  
23 breakdown, the individual items, what the growth rates are that  
24 are applied to them and I told you that based on the -- on the  
25 United States Life Tables, the US Life Tables, the most current

**F. Goldman - by Plaintiff - Direct**

1 one, what his remaining life expectancy is. So, we would have  
2 in that exhibit the individual items which I took from  
3 Dr. Grimm's report, the growth rate that I expect for the  
4 individual items, and we would have the total future cost based  
5 on the annual amount growing at that rate over the remaining  
6 life expectancy that as of today would be 29.88 future years.

7 Q So you mentioned you have a chart. This is marked as  
8 Plaintiff's 19 for identification. I am going to, once again,  
9 come up close and show you this chart. Is that the chart you  
10 were referring to?

11 A Yes, that's the one I sent you. Yes.

12 Q So, I am going to go through this chart the same way  
13 we've gone through the previous charts. So, the top line is  
14 listed as medications, correct?

15 A Yes, that's correct.

16 Q And then it has an annual amount?

17 A Yes.

18 Q So, what is that line referring to?

19 A That based on Dr. Grimm's report, the annual amount to  
20 be spent on the medications is \$600. As he put it in his  
21 report, it's \$50 a month and that's \$600.

22 MR. MALECKI: Your Honor, a brief sidebar.

23 THE COURT: Step up.

24 (Whereupon, the following discussion takes place at  
25 sidebar among the Court and Counsel, outside the hearing of

**F. Goldman - by Plaintiff - Direct**

1 the sworn jurors.)

2 (Whereupon, the following discussion take place on  
3 the record, in open court, in the hearing and presence of  
4 the jury.)

5 CONT'D DIRECT EXAMINATION

6 BY MR. ROSENGARTEN:

7 Q So, Dr. Goldman, getting back to that chart, so  
8 medications you said \$600 a year. Then you have a growth rate  
9 of 2.4 percent?

10 A Yes, that's correct. And as I said, that was based on  
11 the consumer price index, the U.S. Consumer Price Index.

12 Q Then the future cost number you have is what?

13 A The future cost is \$25,783 which means the following.  
14 If you would to take \$600, the annual amount, and increase it  
15 each year at 2.4 percent and do that for the 29.88 future years,  
16 the total you would get is \$25,783. Now, I do need to point out  
17 that in economics what we would do is take each of those future  
18 years and we would take another step and do what's called  
19 reducing them to their present value, but we are in New York  
20 under New York law. What I need to do under New York law, as  
21 I'm sure you would learn or know, is provide the total future  
22 amount, undiscount it because posttrial, the issue of  
23 discounting is --

24 THE COURT: Objection sustained. The jury is to  
25 disregard the last portion of the witness' testimony. You

**F. Goldman - by Plaintiff - Direct**

1 can ask your next question.

2 Q Dr. Goldman, I'm looking at the reports that you --  
3 that's in front of you that's dated February 19, 2026. And in  
4 that report, I know you testified to one number of 25,783. But  
5 in the report I'm looking at, it has a future cost of \$25,830.  
6 It is a small amount, but can you account for the difference of  
7 those two numbers?

8 A Yes. What -- I wrote the report that you are talking  
9 about February 19th, that was February 19th but now it's  
10 March 6th. Once I learned that I was going to testify on  
11 March 6th, although it is a very small amount, to be more  
12 exacting on recalculating just to take into account that a  
13 little bit of time had passed, the life expectancy had slightly  
14 changed and I accounted for that.

15 Q So in other words, there's less future cost because  
16 there's less time from now until the end?

17 A That -- yes, to the end of his life expectancy. Yes.

18 Q Now, we're going to go to the next line. It says, pain  
19 management visits. It has -- what is that referring to?

20 A That's referring to physician visits for pain  
21 management and, once again, it comes from a Dr. Grimm's report.  
22 And on an annual basis, it's \$1,000. The growth rate for  
23 physician services is 2.5 percent. And if we were to take --  
24 apply 2.5 percent a year to the thousand dollars and do it over  
25 the life expectancy of 29.88 future years, the total is \$43,657.

**F. Goldman - by Plaintiff - Direct**

1 Q And, once again, that number is slightly lower than  
2 your report of February 19th for the same reason, correct?

3 A That's correct. And in each of these cases, we should  
4 have a lower number because some time had gone by.

5 Q Now, going to the next line, orthopedic surgeon visits.  
6 You have it as \$1,200. What is that?

7 A That's, well, I think self-explanatory, visits to an  
8 orthopedic surgeon and the annual amount is \$1,200. The growth  
9 rate remains the same growth. That is the growth for a  
10 physician's services. That's 2.5 percent and over the -- over  
11 the period of 29.88 years, the total is \$52,389.

12 Q Now, going to orthopedic spinal surgeon visits, you  
13 have that as \$500. Where did you get that from?

14 A That, again, Dr. Grimm's report. It is a single visit  
15 of the year and it's 2.5 percent growth rate for physician's  
16 services growth rate and over life expectancy it's \$21,829.

17 Q The next thing you have are lumbar steroid injections.  
18 You split that up it looks like to physician and facility so  
19 let's deal --

20 A Yes.

21 Q -- let's deal with physician first because that's on  
22 the top of the chart. You have that as 1800?

23 A That's correct.

24 Q And what is that referring to?

25 A That refers to the cost of the physician to -- to the

**F. Goldman - by Plaintiff - Direct**

1 lumbar steroid injections. And the physician cost is -- which  
2 is provided by Dr. Grimm, is \$1,800; physician services, a  
3 growth rate of 2.5 percent. And so the \$1,800 at 2.5 percent  
4 over the life expectancy is 78,583.

5 Q And that \$1,800 is per year, correct?

6 A That's correct.

7 Q Now, the next is facility and you have that listed --

8 A That's correct.

9 Q You have that listed as \$3,000. What is that?

10 A Yes. The lumbar steroid injections are done in an  
11 outpatient facility, outpatient department. And I could tell  
12 you what Dr. Grimm wrote, but he would be better off telling you  
13 for arthroscopy. I have no idea what they do, but it's done  
14 within a facility and the facility has a cost which based on  
15 Dr. Grimm would be \$3,000 per for the annual amount. And the  
16 growth rate of outpatient departments is 4.9 percent per year.  
17 So over the life expectancy, the total cost of the facility for  
18 lumbar steroid injections is \$194,486.

19 Q And that growth rate for facility at 4.9 percent that's  
20 different than the growth rate for physician services and for  
21 medication, correct?

22 A Yes. Each of these items come from the subindexes in  
23 the Consumer Price Index. It's based on that. There's a  
24 separate subindex just for outpatient department services. And  
25 based on how that's changed over time, the growth rate is

**F. Goldman - by Plaintiff - Direct**

1 4.9 percent.

2 Q Now, going to the next line trigger point injections.  
3 You have as \$1,200 per year at 2.5 percent growth rate?

4 A That's correct.

5 Q Once again, where did you get that from?

6 A That's, again, Dr. Grimm's report. He has an item  
7 called trigger point injections. The annual amount is \$1,200  
8 and the physician growth rate is 2.5 percent so that the total  
9 over the -- over the life expectancy is \$52,389.

10 Q Going to the next line, bilateral sacroiliac injections  
11 you have as \$6,000 with a 2.5 percent growth rate?

12 A That's correct.

13 Q And where did you get that from?

14 A From Dr. Grimm's report. And the cost of that future  
15 cost over the life expectancy is \$261,943.

16 Q And those two injections are at the 2.5 percent growth  
17 rate because that is for physician's services, correct?

18 A That's correct.

19 Q And for those there's no facility fee. Why is that?

20 A Dr. Grimm will have to tell you that. You know, I can  
21 give you my impression but that's all it would be, that you  
22 don't need to be within a facility.

23 MR. MALECKI: Objection.

24 THE COURT: Sustained.

25 Q Now, going to the next line, physical therapy, you have

**F. Goldman - by Plaintiff - Direct**

1 \$3,000 and a 2.5 percent growth rate. Where did you get that  
2 information from?

3 A That's based on Dr. Grimm's report. Dr. Grimm has  
4 physical therapy and it has an annual cost of \$3,000. Now, the  
5 2.5 percent is -- while physician's growth rate is 2.5, this is  
6 a different grouping altogether. This is a grouping that's in  
7 the Consumer Price Index that's called services by other medical  
8 professionals. By definition, which I have with me all the  
9 documentation with me sitting here, the physical therapy  
10 services by other medical professionals happens to have the same  
11 growth rate as a physician's services and it's 2.5 percent. So  
12 we take the \$3,000, add the 2.5 percent over the life  
13 expectancy, the total amount is \$130,971.

14 Q And going to the next line, MRIs four sites, a thousand  
15 forty, annual with a 2.5 percent growth rate. So, first, what  
16 do you mean by MRIs four sites?

17 A Dr. Grimm has indicated the need for MRIs at four sites  
18 such as a lumbar MRI, a cervical MRI, knee MRI. He has four  
19 different sites at which there would be a MRI. And based on  
20 that, the total of the four sites is \$1,040 in total on an  
21 annual basis. And now they also have a 2.5 percent but although  
22 it's the same 2.5 percent like physicians, it's different in the  
23 following way.

24 As part of services by other medical professionals,  
25 within the definition, it includes other diagnostic imaging and

**F. Goldman - by Plaintiff - Direct**

1 services. So, diagnostic imaging is the MRI. So the  
2 2.5 percent, yes, comes from services by the medical  
3 professionals just like physical therapists do but it's within  
4 their definition of where you should look for growth rate if  
5 you're interested in diagnostic imaging.

6 Q Now, going to the next line X-rays --

7 A Well, I might give you the total.

8 Q I apologize. What's the total for the MRIs?

9 A The total for the MRIs of a life expectancy is \$45,403.

10 Q Going to the next line X-rays four sites 3200 annual  
11 amount 2.5 percent growth rate. When you write four sites,  
12 that's the same idea as before, four different areas for the  
13 X-ray, correct?

14 A That is right. They're the identical sites as the  
15 MRIs. Again, comes from Dr. Grimm's report.

16 Q And the annual amount combines all of those four sites  
17 at \$3200?

18 A That's correct. And the growth rate is 2.5 percent  
19 because it's within services by other medical professionals in  
20 the subarea that's called diagnostic imaging.

21 Q That's the same as MRI growth rate, correct?

22 A That's correct. And the total for the X-rays is  
23 \$139,703.

24 Q And then finally the last line says EMG/NCV upper-lower  
25 extremities. What is that?

**F. Goldman - by Plaintiff - Direct**

1           A     Yes. That's a wonderful question. I have no idea  
2 other than it's diagnosis.

3                     MR. MALECKI: Objection.

4                     THE COURT: Overruled.

5           A     And as a diagnostic, it's under services by the medical  
6 professionals and it's 2.5 percent and a total future cost of  
7 \$34,926.

8           Q     And you got that last line of information from where?

9           A     That's from -- that's within the report of Dr. Grimm.

10          Q     And then there's another line that says total future  
11 costs?

12          A     That's correct.

13          Q     It says \$1,082,062. How did you arrive at that number?

14          A     Using my calculator, I just added up all of the -- all  
15 of the individual future costs and the calculator worked  
16 properly. It comes to \$1,082,062.

17                     MR. ROSENGARTEN: Thank you.

18          Q     So you were asked to look at three separate things.  
19 Loss wages, loss annuity and future medical expenses, correct?

20          A     Yes.

21          Q     Is there a total economic loss that you found with a  
22 reasonable degree of economic certainty?

23          A     Yes, I did add them up, but I didn't add them up with  
24 the -- I have yet to add them up with that slight reduction  
25 medical cost due to that period of time between February and

**F. Goldman - by Plaintiff - Direct**

1 March. So I would have to calculate it for you right now if you  
2 are asking me for a grand total.

3 MR. ROSENGARTEN: With the Court's permission, I  
4 would ask if he calculate that total.

5 THE COURT: If the witness could do it quickly.

6 THE WITNESS: I'm moving as fast as I can.

7 A Okay. I have -- the total that I have which is  
8 based -- which is based on the adjusted -- the adjusted earnings  
9 and adjusted annuity, the grand total along with the medical  
10 plan is \$2,959,192.

11 Q And, once again, that's with the adjusted loss wages  
12 so --

13 A That's right. I didn't add it up with the unadjusted.

14 Q So that is the lower bound in terms of loss wages,  
15 correct?

16 A This is the lower bound of loss wages along with the  
17 medical plan as of today.

18 Q And that's also with the lower bound of the loss  
19 annuity, correct?

20 A That's correct. That is correct as well.

21 Q And that annuity number is also assuming the thousand  
22 hours as we talked about before?

23 A And that's correct as well.

24 Q And, obviously, if that number was 1500 hours or  
25 2000 hours it would go up as well?

**F. Goldman - by Plaintiff - Cross**

1 A That's correct.

2 MR. ROSENGARTEN: Thank you very much. No further  
3 questions at this time. Cross, Mr. Malecki.

4 MR. MALECKI: Yes. Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. MALECKI:

7 Q Good morning, Dr. Goldman.

8 A Good morning.

9 Q Now, you mentioned my firm London Fischer. My name is  
10 Anthony Malecki. Have I ever retained you before?

11 A I don't believe so.

12 Q Nice to meet you. I'm correct you've testified a  
13 number of times as you said before for plaintiff's firms and  
14 defense firms, correct?

15 A That's correct, yes.

16 Q And I am correct that on the defense side you do mostly  
17 medical malpractice cases, correct?

18 A Well, not really, no. I have a wide number of  
19 automobile cases, slips and falls. It runs the gamut. I have  
20 been doing this a long time and it is not just med mal.

21 Q On the plaintiff's side, do you just do primarily  
22 personal injury cases?

23 A On the plaintiff side?

24 Q Correct.

25 A Yes, of course. When you say personal injury, just so

**F. Goldman - by Plaintiff - Cross**

1 we understand, it runs the gamut as well on plaintiff's side.  
2 In other words, people call and whatever is at the other end of  
3 the bone tells me what they're interested in. It could be a med  
4 mal case. It could be a personal injury case. It wouldn't  
5 matter to me.

6 Q All right. And you said you were paid for your time  
7 today you said \$4,000 today, correct?

8 A Yes. I said I sent an invoice for \$4,000 for today and  
9 I also billed for reports that I wrote.

10 Q That is my next question. How much did you bill for  
11 the two reports?

12 A The first report I billed \$2,800, and the second report  
13 I billed \$3,000.

14 Q Now, I am correct you have a doctorate in economics,  
15 yes?

16 A That's correct.

17 Q And I mean no offense by this, but I am correct in  
18 saying you are not a medical doctor, correct?

19 A That's correct as well.

20 Q And I ask that so that I could ask the next question  
21 which is so you are not expressing an opinion at all as to  
22 whether Mr. Julca is able to do work, correct?

23 A Not at all. You're correct.

24 Q Your testimony is based on the representations of  
25 Dr. Grimm and the other doctors, yes?

**F. Goldman - by Plaintiff - Cross**

1           A     Well, my medical is testimony based on Dr. Grimm, but,  
2     yes, there are other doctors as well.

3           Q     And you went through the future medical costs. I'm  
4     correct you are not expressing an opinion as to whether  
5     Mr. Julca needs those medical treatment, correct, in the future?

6           A     Not at all. I am not expressing any opinion about the  
7     medicine. I am simply applying the economics to Dr. Grimm's  
8     report.

9           Q     And I'm correct that in your analysis of Mr. Julca's  
10    work history you made a determination as to his earning  
11    potential in both the past and the future, right?

12          A     That's correct.

13          Q     And it's important in your -- in doing such an analysis  
14    to look at the work history of the individual; isn't that right?

15          A     That would be helpful, yes.

16          Q     Because it's fair to say that somebody who works the  
17    same job for over a decade will probably keep working the same  
18    job going forward, correct?

19          A     You know, when -- to answer it as correct or incorrect,  
20    I would have to have statistics related to that. I don't know.  
21    Maybe in labor markets that some people have to work in jobs for  
22    a while, switch to another one. So, I don't know the answer to  
23    your question.

24          Q     Your role as an economist, you look at trends in a  
25    person's work history in their past to determine the future

**F. Goldman - by Plaintiff - Cross**

1 trends?

2 A Well, that's exactly what I do, yes. For an  
3 individual, yes.

4 Q And in this case, Mr. Julca has been a member of the  
5 Tapers Union Local 1974 for over a decade, correct?

6 A I believe so, yes. I don't have what, as I said, I  
7 haven't received any records from the union so I can't tell you  
8 that I have knowledge of that from the union.

9 Q So, you did not review any of the union records or the  
10 work history set forth in the union records before making your  
11 analysis, correct?

12 A You are correct.

13 Q So if you took the years 2016 and 2017, you looked at  
14 Mr. Julca tax returns. And on the basis of those two years, you  
15 projected forward from that?

16 A That's correct.

17 Q Now, in evidence before this court marked as  
18 Plaintiff's Exhibit 3 are the records that were provided by the  
19 Tapers Union. So I'm correct you haven't seen these records  
20 right, Doctor?

21 A I'm sorry. Can you say that again?

22 Q Certainly. In evidence in this case marked as  
23 Plaintiff's Exhibit 3 are records that were sent to this court  
24 from the drywall taper union Local 1974. I would be correct you  
25 have not seen these records, right?

**F. Goldman - by Plaintiff - Cross**

1 A You would be correct.

2 Q Now, I reviewed the records. And in looking at the  
3 years prior to 2016, for example, 2015, the annual rate for  
4 Mr. Julca was paid was about \$62,000. You weren't aware of that  
5 prior to just now, correct?

6 A That is correct.

7 Q And in 2014, he has only 23,000 and change in annual  
8 wages. You didn't take any of that into account in your  
9 analysis, correct?

10 A That's correct.

11 Q And, in fact, according to the union records in 2014,  
12 he did not work several months of the year, January, March,  
13 April, June or December. I am correct since you didn't review  
14 these records you didn't take any of that into account either?

15 A Well, I didn't take anything into account from records  
16 from the union that I don't have those union records.

17 Q And prior to that in 2013, there's about 19,000 and  
18 change in wages that Mr. Julca earned. I'm correct you didn't  
19 take that into account either?

20 A That's correct.

21 Q And in the union records, again, marked as Exhibit 3,  
22 there's no work record at all in 2012, 2011, or 2010. Did you  
23 take any of that into account?

24 A No, but that's not surprising.

25 Q And so what you took was the two numbers from 2016.

1 You said it was -- what is the number from 2016? 95,000  
2 something?

3 A \$95,637.

4 Q And then the number from 2017 what was it again?

5 A And that was \$75,017.

6 Q So you took those two numbers, like you said, divided  
7 them by two and that's what you set up for as what Mr. Julca  
8 would start earning in 2018, correct?

9 A That's correct.

10 (Continued on next page)

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**Dr. Goldman - Cross - Plaintiff -by Mr. Malecki**

1 CROSS-EXAMINATION

2 BY MR. MALECKI:

3 Q Now, I am correct that going forward from 2018 until  
4 2025, you then placed an increase in certain years as to the  
5 wages between those years, correct?

6 A That's correct.

7 Q And you based those increases off of the union rates  
8 during that time, right?

9 A Yes, that's correct.

10 Q And I am correct, as a union worker, Mr. Julca's rates  
11 are governed by the Collective Bargaining Agreement that unions  
12 negotiated, right?

13 A Well, the rights governed.

14 The Collective Bargaining Agreement sets out an amount  
15 in which the union itself decides to put in the varies wages and  
16 benefits.

17 Q And in 2018, when Mr. Julca was working for Jacobson &  
18 Company, am I correct that his hourly rate was \$47.82.

19 A I'm sorry say that again.

20 Q Are you aware that Mr. Julca's hourly rate back in 2018  
21 was \$47.82. Are you aware of that?

22 A Now I am with the records that I received, the wage  
23 records that I received I have the wage rate.

24 Q And based on the --you said that you reviewed something  
25 from Local 1974 about the wages going forward into 2025,

**Dr. Goldman - Cross - Plaintiff -by Mr. Malecki**

1 correct?

2 A Yes, that's correct.

3 Q Am I correct that the wage in 2025 is \$48.74 an hour?

4 A In 2025, 4874, that's correct.

5 Q And I did the math earlier but you can take the time to  
6 do the math. That is an increase of 92 cents; am I correct?

7 A 92 cents between --

8 Q Current world. 2025 the rate was \$48.74?

9 A Yes, that's correct.

10 Q 2018, it was \$47.82, correct?

11 A No, the journeymen rate that I have --the journeymen  
12 rate that I have for this union is --let me just get the rate.

13 Yes, 4782, okay, good. We have it, yes.

14 Q Okay. So the difference between \$48.74 -- and I know  
15 I'm trying to make you do math on the spot, Doctor. \$48.74,  
16 which is the 2025 rate. And \$47.82, which is the 2018 rate,  
17 that is 92 cents, correct?

18 A Yes, that's correct.

19 Q All right. So from the years 2018 to 2025, based on  
20 the union contracts, the wages for a taper have only increased  
21 92 cents per hour?

22 A That's correct. But you're omitting --

23 Q That's okay, doctor, I just asking about the wages.

24 A Okay. Just on the wages.

25 Q We'll get to the other stuff later?

**Dr. Goldman - Cross - Plaintiff -by Mr. Malecki**

1 A I get it, yes. The math is correct, correct.

2 Q Thank you, Doctor.

3 And I would be correct that over the span from 2018 to  
4 2025, that annual increase, if we put it in a percentage, it  
5 would be less than half a percent increase, correct?

6 A Yes, yes.

7 Q Now, when you did your calculation of wages, I see  
8 2018, 2019, you kept the same earning rate, correct, that is  
9 because the union had the same rates during that time period,  
10 correct?

11 A That's correct.

12 Q And then you a did discount for the COVID year,  
13 understandably, correct?

14 A Yes.

15 Q And then there was a new Collective Bargaining  
16 Agreement. And you increased the rates based on the new  
17 Collective Bargaining Agreement where it went up to \$48.74; is  
18 that correct?

19 A Yes, that's correct.

20 Q Now, am I correct that the current union bargaining  
21 agreement goes through June of 2027?

22 A Well, I don't have the current Collective Bargaining  
23 Agreement. I just have, the last entry I have is for the wage  
24 rate from December 28, 2025 through June 27th of 2026. Which is  
25 a wage rate of \$48.74.

**Dr. Goldman - Cross - Plaintiff -by Mr. Malecki**

1 Q I'm sorry. What date was that in 2026 wage rate?

2 A It is December 28th, of 2025 to June 27th of 2026. The  
3 wage rate for journeymen is \$48.74.

4 MR. MALECKI: Judge, could I use one of the  
5 demonstratives that Plaintiff used earlier?

6 THE COURT: You may.

7 (Pausing.)

8 (Shown.)

9 BY MR. ROSENGARTEN:

10 Q Now, Doctor, just so that you know, I have put on the  
11 board a copy of the chart that you have of the wage increases,  
12 which has been ID'd as Plaintiff's Exhibit 17. I'm just letting  
13 you know that Doctor.

14 A Yes.

15 Q And I see between 2025 you had 86,487; and 2026 it has  
16 89,428, correct?

17 A Yes.

18 Q Now, according to the wage rates that you read me that  
19 goes through June of 2026. I am correct that at least as to  
20 June 26th, the hourly rate for union tappers has not increased  
21 any from 2025?

22 A \$48.47 -- well, as of June 27th, 2025 it was \$48.47.  
23 And in December 28, 2025 to June 27th of 2026 is \$48.74.

24 Q All right. From the first half of 2025 it increased by  
25 about \$0.30?

**Dr. Goldman - Cross - Plaintiff -by Mr. Malecki**

1 A Yes, by a small amount, that is correct.

2 Q All right. So in your analysis though for the wage  
3 rates between 2025 to 2026, you increased it by 3.4 percent;  
4 isn't that correct?

5 A That's correct. That's correct. When you take into  
6 account vacation --

7 Q That's all. You can just say, yes, Doctor. Thank you.  
8 And then going forward from 2026, you also kept adding a  
9 3.4 percent every single year going forward; is that correct?

10 A That's correct. That's correct as well.

11 Q And you, in your analysis, had Mr. Julca retiring at  
12 the age of 64; is that correct?

13 A Yes, that's correct.

14 Q And it's fair to say that people retire at different  
15 times. Some people retire earlier and some people retire later;  
16 is fair to say?

17 A Yes, of course.

18 Q And would be fair to say that in the construction  
19 industry, as it's a job requiring heavy lifting and a lot of  
20 physical labor, people tend to retire earlier than in other  
21 industries?

22 A Well, no, I can't say. I can't say that. Depends on  
23 many different characteristics, such as whether they move into  
24 jobs that become less difficult, whether they become a foreman  
25 on jobs. With seniority a lot of things change in the

**Dr. Goldman - Cross - Plaintiff -by Mr. Malecki**

1 construction industry end of the business. So, I'm not sure I  
2 can say that you're correct.

3 Q All right. Now, we also talked about during your  
4 testimony the annuity contributions, correct?

5 A That's correct.

6 MR. MALECKI: I am going to remove the exhibit.

7 (Exhibit removed.)

8 MR. MALECKI: Is it okay if I use the annuity  
9 board.

10 THE COURT: Yes, you could use anything you want  
11 to.

12 BY MR. ROSENGARTEN:

13 (Chart displayed.)

14 Q I'm going to put up the annuity board for us so that  
15 you can review your chart that you have in front of you for the  
16 annuity.

17 Now, I'm correct the annuity contributions are based on  
18 the number of annual hours a person works each year, correct?

19 A That's correct.

20 Q And you already testified that you do not have the  
21 union records to show what Mr. Julca's history of hours he  
22 worked, correct?

23 A Yes, that is correct.

24 Q So you put in a round number of a thousand hours,  
25 correct?

**Dr. Goldman - Cross - Plaintiff -by Mr. Malecki**

1 A That's correct.

2 Q All right. Now, I already talked about some of the  
3 prior years. I'm back in 2014. The union records that are in  
4 court today, he has only working 900 hours that year; so you  
5 didn't take any of that into account, correct?

6 A No, I certainly wouldn't.

7 Q And I also talked about the other years 2010, '11, and  
8 '12 where there were no record of union hours worked; I'm  
9 correct you also did not take that into account?

10 A Well, that shouldn't be taken into any account.

11 Q Now, Doctor, again, as we testified with the wage rates  
12 between 2018 and 2025, you used the union tables to determine  
13 the increases in the annuity, correct?

14 A That's correct.

15 Q And so I'll start again. You get a discount for COVID,  
16 so I'll start 2021.

17 You have the same number for 2021, and 2022, that is  
18 6,450, correct?

19 A That's correct.

20 Q And that is because there wasn't a change in the union  
21 as to the amount of the annuity, correct?

22 A Correct.

23 Q All right. And then in 2023 it goes up to 6,630,  
24 correct?

25 A That's correct.

**Dr. Goldman - Cross - Plaintiff -by Mr. Malecki**

1 Q Now, Doctor, I was sitting at my desk trying to do the  
2 math but I'll have you do it. It is much better than me trying.

3 From 2022, that is 6,450, up to 2023 that is 6,630.  
4 What is the percentage annual increase, if you can calculate  
5 that relatively quickly?

6 A It is 2.79 percent, rounded to 2.8 percent.

7 Q All right. Let me ask you, you mentioned the wage  
8 rates of the current union table that you have go through June  
9 of 2026, correct?

10 A That's correct.

11 Q And are the annuity rates the same, they also go  
12 through June of 2026, or is it a different date?

13 A No, the records I have all of the various benefits  
14 straight through, including, obviously, the annuity and vacation  
15 pay --

16 Q I'm just asking the annuity.

17 Does the annuity go through June of 2026?

18 A It goes, yes, it goes through -- sorry. Let me find it  
19 --

20 (Pausing.)

21 Yes, June 27th of 2026. And the annuity rate is  
22 \$7.67.

23 BY MR. ROSENGARTEN:

24 Q And in the calculations that you did for your report,  
25 between 2025 and 2026, I'm correct that you put in an increase

**Dr. Goldman - Cross - Plaintiff -by Mr. Malecki**

1 of 3.4 percent annually?

2 A That's correct. We only have half the year in 2026.

3 Q And Then you kept that 3.4 percent going forward,  
4 correct?

5 A That's correct.

6 Q All right. Now, Doctor, I'm going to talk a little  
7 generally now, we can get off the report for a second.

8 (Exhibit removed.)

9 A All right.

10 Q I'm correct that in looking at an individual's work  
11 life, there could be significant life changes that might affect  
12 their ability to do work, correct?

13 A Yes, that's reasonable.

14 Q All right. So, for example, someone might get married  
15 and that might change what work they do or where they're  
16 working; fair to say?

17 A Changed mine.

18 Q So, I mean, so I'll give an example. I have a friend  
19 who married, her husband is in the military. So he changes  
20 bases about every three to five years. You choose to marry  
21 someone who changes locations of their jobs, that will change  
22 their work life; fair to say?

23 A That is reasonable that might happen.

24 Q And what about kids. Children change people's work  
25 life; isn't that fair to say?

**Dr. Goldman - Cross - Plaintiff -by Mr. Malecki**

1 A Changed mine.

2 Q Yes. Because some people have kids and they decide to  
3 lessen the amount they work, or not work at all so that they can  
4 spend time with their kids fair to say?

5 A Plausible.

6 Q Also possible on the other hand. Kids are expensive.  
7 There is daycare, college, I think you have to feed them or  
8 something. People can take on more work to pay for the kids,  
9 that is also a possibility, right, Doctor?

10 A It is all plausible.

11 Q Okay. Now, in your analysis of Mr. Julca's lost wages  
12 and the annuity and everything else, did you take into account  
13 any of his personal life history?

14 A No, I did not.

15 Q So you did not take into account that currently his  
16 wife and his small child live in Puru. You did not take that  
17 into account?

18 A Sorry, I missed what you said.

19 Q Currently Mr. Julca has testified that his wife and a  
20 small child live in Puru. You didn't take that into account in  
21 your analysis, correct?

22 A No, not at all.

23 Q So you didn't take into account, as Mr. Julca testified  
24 he returns to Puru a couple times a year. None of that is in  
25 your analysis, right?

**Dr. Goldman - Redirect - Plaintiff -by Mr. Rosengarten**

1 A That's correct.

2 Q And you didn't take into any account the potential Mr.  
3 Julca might return to Puru to live with his wife and chile.  
4 None of that is in your analysis, right?

5 A That's correct.

6 MR. MALECKI: Doctor, looks like all of the  
7 questions that I have for you.

8 Thank you very much.

9 MR. ROSENGARTEN: A brief re-direct, your Honor.

10 THE COURT: Give MR. Malech time gather his things.  
11 (Pausing.)

12 You may proceed with your re-direct.

13 MR. ROSENGARTEN: Thank you, your Honor.

14 RE-DIRECT EXAMINATION

15 BY MR. ROSENGARTEN:

16 THE COURT: I heard you promised the jury a brief  
17 re-direct.

18 MR. ROSENGARTEN: I did say that.

19 Q Hello, again, Dr. Goldman.

20 A Hello.

21 Q Mr. Malecki asked you about specific years of 2010,  
22 2011, 2012. And he mentioned that Mr. Julca didn't have any  
23 hours, union hours in those years. And you responded --I don't  
24 know if the jury heard it. You responded that you weren't  
25 surprised; is that right?

**Dr. Goldman - Redirect - Plaintiff -by Mr. Rosengarten**

1 A That's correct.

2 Q Why weren't you surprised by that?

3 A What you have to understand is what is happening in the  
4 economy.

5 In 2008-- actual it began in December of 2007, began  
6 what we call the Great Recession. It was a dramatic decline,  
7 the worst since the depression and so we called it the Great  
8 Recession;

9 And in 2009 and 2010, 2011, there was significant  
10 unemployment -- well, it was a recession and it was a deep  
11 recession. And, particularly, it hit the construction industry.  
12 And there's only a slow rebound that was taking place.

13 In fact, in 2011, for the very first time, since the  
14 beginning of Social Security, the Social Security contribution  
15 that was being made, four percent of a paycheck, 4.2 percent of  
16 a paycheck was cut in half by Congress, just to put cash in the  
17 hands of workers. So, am I going to include that as happening  
18 on a regular basis? Of course not.

19 So all of those early years that he started talking  
20 about, whether it's 2010, 2011, 2012, we didn't really start  
21 recovering out of that recession until roughly late 2015, 2016.  
22 So once you look at that, and add in what was taking place,  
23 something that could only happen like that back in the 1930's  
24 during the depression, it is not something that I'm going to  
25 include as going forward during the remaining lifespan or work

**Dr. Goldman - Redirect - Plaintiff -by Mr. Rosengarten**

1 lifespan that he had. That will take us out another 20-somewhat  
2 years. So, of course I would ignore it. But, I mean, it is in  
3 the history and I received the records from the union, I would  
4 be in a better position to understand what was going on. But  
5 no, I would not include it, I don't think it belongs in as  
6 affecting the future earnings that Mr. Julca would have had.

7 And, in fact, the best estimate of how much he would  
8 have been making going forward is the estimate for the immediate  
9 years that we have, where he had substantial income, I don't  
10 know how many hours he worked, but he had that. Plus the other  
11 thing that keeps being left out is that, along with wages, you  
12 automatically get in your paycheck vacation time --

13 MR. MALECKI: Objection.

14 THE COURT: Sustained.

15 BY MR. ROSENGARTEN:

16 Q I'll stop you there. Let me ask you another question.

17 Mr. Malecki talked about specific hours that Mr. Julca  
18 worked in 2016 and 2017. Do you remember that?

19 A That's correct, yes.

20 Q Now, do you know if those hours include vacation time  
21 he may have had?

22 MR. MALECKI: Objection.

23 THE COURT: Sustained.

24 BY MR. ROSENGARTEN:

25 Q Well, Dr. Goldman, are you familiar, you mentioned

**Dr. Goldman - Redirect - Plaintiff -by Mr. Rosengarten**

1 you're familiar, to some extent, with the union that Mr. Julca  
2 was involved with, correct?

3 A Yes.

4 Q And you talked about some of the benefits that he had,  
5 correct?

6 A Yes.

7 Q And one of those benefits was the annuity?

8 A Yes.

9 Q Was one of those benefits paid vacation?

10 MR. MALECKI: Objection.

11 THE COURT: Sustained.

12 BY MR. ROSENGARTEN:

13 Q All right. Let's shift gears for a minute, Dr.  
14 Goldman.

15 Now, despite what you talked about with the Great  
16 Recession, and not expecting that to happen again; is it fair to  
17 say you took into account going forward, as you mentioned  
18 before, times that Mr. Julca would not work, for various reasons?

19 A Yes, of course.

20 Q And that would include going to Peru for a time?

21 A Yes, it is part of that downtime. That is included in  
22 the work life adjustment that I made.

23 The work life adjustment that I make includes all  
24 possibilities from potential illnesses, potential accidents, in  
25 fact, I believe I called it long vacations, in fact all of that

**Dr. Goldman - Redirect - Plaintiff -by Mr. Rosengarten**

1 is included in the adjustments.

2 MR. ROSENGARTEN: Thank you very much, no further  
3 questions.

4 THE COURT: The witness may virtually step down,  
5 okay. We can cut the fed at this time.

6 THE WITNESS: Thank you, appreciate it.

7 (Witness exits the Microsoft Teams Platform.)

8 THE COURT: Counsel, step up.

9 (Whereupon, a bench conference took place between  
10 counsel and the Court.)

11 THE COURT: Members of the Jury, that concludes our  
12 witnesses for today.

13 Do not discuss this case among yourselves or with  
14 anybody else;

15 Do not visit the scene;

16 Do not do any independent research of any kind on  
17 any part of the case.

18 I do have two notes from jurors, I will consult  
19 further with the lawyers on those and address them as  
20 necessary. You won't be getting responses on that today.  
21 You will continue -- unless you hear otherwise from me, you  
22 will continue to serve on this jury.

23 In terms of our next day, we are back on Monday  
24 the 9th at 9:30 a.m. with the continuation of the  
25 Plaintiff's case.

**-Proceedings-**

1 I will see you Monday morning at 9:30 a.m.

2 MR. MALECKI: Your Honor, I believe 2:00 p.m. in  
3 the afternoon.

4 THE COURT: All right I made a mistake, 2:00 p.m.,  
5 not 2:00 a.m.

6 I am see you Monday afternoon at 2:00 p.m. Have a  
7 nice weekend everyone.

8 THE COURT OFFICER: All rise. Jury exiting.

9 THE COURT: While the jury is out of the room I  
10 have two notes from the jurors the firsts is the juror Note  
11 Number one.

12 (Whereupon, the jury exits the courtroom and the  
13 following was heard outside the presence and hearing of the  
14 jury.)

15 THE COURT: Okay. While the jury is out of the  
16 room. I have two notes from the jury.

17 The first one is from Juror 6 and will be  
18 delineated as Court's Exhibit VIII. It reads as follows:

19 "When I was in Voir dire I mentioned that I am not  
20 available on March 13th. Also I have a board of director's  
21 meeting in Kansas City March 23rd to 24th. That week was  
22 not originally in our timeframe -- we are going to pause at  
23 the moment."

24 THE COURT OFFICER: All rise. Jury exiting.

25 (Whereupon, the jury exits the courtroom and the

**-Proceedings-**

1 following was heard outside the presence and hearing of the  
2 jury.)

3 THE COURT: All right. That note that I read is  
4 dated March 6, 2026, today, at 10:47 a.m., it is signed by  
5 Juror Number 6. There is also a handwritten note from  
6 Juror 6 which says essentially the same thing in sum and  
7 substance and I'm attaching that to the formal note.

8 The next jury note is Juror Note 2. It is from  
9 Juror Number 1. It is going to be delineated as Court's  
10 Exhibit IX. It reads as follows:

11 "I was informed that the trial will run to the 20th  
12 of March. I am not available after that date. I will be  
13 out of the City on work."

14 It is dated today at 11:00 a.m. and it is signed by  
15 Juror Number 1.

16 MR. MALECKI: I don't know if this needs to be on  
17 the record, but could we clarify which juror is Juror 1.

18 My understanding is the person with the issue was  
19 the person sitting at Juror Number 2.

20 THE COURT OFFICER: That was just handed in.

21 MR. MALECKI: But is it him who handed it or her?

22 THE COURT OFFICER: He just handed it now, the  
23 third one.

24 MR. MALECKI: Okay. The third one, we are good.

25 THE COURT: The note that I'm referring to, Juror

**-Proceedings-**

1 Note 2 is Court's Exhibit IV is from Juror Number 1.

2 MR. MALECKI: Okay.

3 THE COURT: I just received a third note from Juror  
4 Number 2. This will be Jury Note Number 3. It will be  
5 Court's Exhibit X. It is dated today at 12:00 noon, signed  
6 by Juror Number 2. It reads as follows:

7 "Flight to Fort Lauderdale on Saturday 3/21 at  
8 6:00 a.m. Cruise from Miami to, I believe that says Cozumel  
9 and Bimini (Bahamas), Sunday, March 22nd through Friday  
10 March 23rd." That is Juror Note 3, Court's Exhibit X.

11 MR. ROSENGARTEN: What are the dates that he put,  
12 Juror 2?

13 THE COURT: Juror 2 said that he's leaving to Fort  
14 Lauderdale on Saturday morning at 6:00 a.m., Saturday the  
15 21st.

16 MR. ROSENGARTEN: When is he coming back?

17 THE COURT: I assume the cruise, I guess he goes  
18 down there Saturday morning and his cruise leaves Sunday  
19 morning the 22nd and goes through March 27th. I'm counting  
20 that as a five night cruise, okay.

21 Now we know what all the notes say. Should we take  
22 a moment off the record counsel?

23 MR. ROSENGARTEN: Yes.

24 MR. MALACKI: Yes.

25 THE COURT: Off the record.

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(Whereupon, an off the record discussion was held.)

(Whereupon, Shameeka Harris relieved Deborah Rothrock as the Official Court Reporter.)

(Continued next page.)

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(Whereupon, the trial is adjourned until Monday,  
March 9, 2026, at 2:00 p.m.)

	102:9	<b>according (4)</b> 66:6;85:14; 109:11;114:18	<b>Administration (4)</b> 66:21;67:3; 75:25;76:5	<b>among (4)</b> 59:17;91:16; 95:25;125:13
<b>\$</b>	<b>\$47.82 (4)</b> 111:18,21; 112:10,16	<b>account (27)</b> 70:1,15,22; 74:10;78:1,5;80:7; 83:18;88:1;97:6, 12;109:8,14,15,19, 23;115:6;117:5,9, 10;120:12,15,17, 20,23;121:2; 124:17	<b>admitted (1)</b> 55:7	<b>amount (38)</b> 55:22;63:5,8; 65:2;66:8,10; 67:13;69:5,16; 71:20,22;73:8; 75:11;80:6,15; 81:13,13;85:9; 87:6,7;90:19;95:5, 16,19;96:14,22; 97:6,11;98:8; 99:15;100:7; 101:13;102:11,16; 111:14;115:1; 117:21;120:3
<b>\$0.30 (1)</b> 114:25	<b>\$48.47 (2)</b> 114:22,22	<b>accounted (1)</b> 97:14	<b>affect (1)</b> 119:11	<b>amounts (2)</b> 66:1;69:25
<b>\$1,000 (1)</b> 97:22	<b>\$48.74 (8)</b> 112:3,8,14,15; 113:17,25;114:3, 23	<b>accurate (1)</b> 73:4	<b>affected (1)</b> 74:11	<b>analysis (12)</b> 66:10;77:5; 107:9,13;108:11; 109:9;115:2,11; 120:11,21,25; 121:4
<b>\$1,040 (1)</b> 101:20	<b>\$49,912 (1)</b> 84:22	<b>act (2)</b> 59:6;72:19	<b>affecting (1)</b> 123:6	<b>annual (26)</b> 66:8,10;67:12; 69:5;75:11,25; 90:19,25;95:5,16, 19;96:14;97:22; 98:8;99:15;100:7; 101:4,15,21; 102:10,16;109:3,7; 113:4;116:18; 118:4
<b>\$1,082,062 (2)</b> 103:13,16	<b>\$5,800 (1)</b> 86:5	<b>actually (6)</b> 67:13,19;70:2, 13,23;71:15	<b>affirmed (1)</b> 61:3	<b>annually (1)</b> 119:1
<b>\$1,200 (4)</b> 98:6,8;100:3,7	<b>\$5.80 (2)</b> 86:15,16	<b>AD (2)</b> 56:11,15	<b>afternoon (2)</b> 126:3,6	<b>Annuity (66)</b> 59:23;79:25; 80:1,2,3,7,13,14; 81:7,8,12,13,17,18, 21,24,25;82:2,12, 18,19,21,22;83:10, 13,16;84:13;85:4, 14;86:5,11,15,23, 24,25;87:6,7,10,13, 19,20;88:1,11,15; 89:5;94:5,12,14; 103:19;104:9,19, 21;116:4,8,14,16, 17;117:13,21; 118:11,14,16,17, 21;120:12;124:7
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<b>\$1,555,622 (1)</b> 72:4	<b>\$500 (1)</b> 98:13	<b>add (7)</b> 75:6;101:12; 103:23,23,24; 104:13;122:22	<b>age (21)</b> 67:24;68:2,10, 13,15;69:3,5,17,24; 70:8,20;72:2;77:1; 78:7;83:21;85:6; 91:11,14,15,19; 115:12	<b>aggregates (1)</b> 63:14
<b>\$1,724,846 (2)</b> 79:10,12	<b>\$513,919 (1)</b> 79:5	<b>added (5)</b> 66:1,7;73:4; 78:4;103:14	<b>ages (1)</b> 91:18	<b>agreement (7)</b> 80:6;111:11,14; 113:16,17,21,23
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<b>\$152,284 (1)</b> 88:16	<b>\$62,000 (1)</b> 109:4	<b>AD (2)</b> 56:11,15	<b>age (21)</b> 67:24;68:2,10, 13,15;69:3,5,17,24; 70:8,20;72:2;77:1; 78:7;83:21;85:6; 91:11,14,15,19; 115:12	<b>along (3)</b> 104:9,16;123:11
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