

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 **RAYMOND RIAD KHOURY,**
4 **APPELLANT,**
5 **VS.**
6 **MARGARET SEASTRAND,**
7 **RESPONDENT.**

Case Nos. 64702
65007
65172

(Consolidated) Filed
Feb 13 2015 09:23 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

8 Appeal from the Eighth Judicial District Court of the State of Nevada,
9 in and for the County of Clark,
10 The Honorable Jerry Wiese, District Court Judge,
11 District Court Case No. A-11-636515-C

12 **RESPONDENT'S APPENDIX**

13
14
15
16
17
18
19
20
21 Benjamin P. Cloward, Esq.
22 Nevada State Bar No. 11087
23 Alison Brasier, Esq.
24 Nevada State Bar No. 10522
25 **RICHARD HARRIS LAW FIRM**
26 801 South Fourth Street
27 Las Vegas, Nevada 89101
28 Telephone: (702) 444-4444
Facsimile: (702) 444-4455
Email: Benjamin@RichardHarrisLaw.com

Attorneys for Respondent, Margaret Seastrand

**ALPHABETICAL INDEX
TO RESPONDENT'S APPENDIX**

1		
2		
3	Deposition of Jeffrey D. Gross, M.D. (03/18/13)	033
4	Plaintiff's Response to Interrogatories (09/29/11)	002
5	Stipulation and Order to Extend Discovery Deadlines	
6	Pursuant to EDCR 2.35 (07/24/12)	028
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

EXHIBIT A

RICHARD A. HARRIS, ESQ.
Nevada State Bar No. 505
JOSHUA R. HARRIS, ESQ.
Nevada Bar No. 9580
RICHARD HARRIS LAW FIRM
801 South Fourth Street
Las Vegas, Nevada 89101
Phone (702) 444-4444
Fax (702) 444-4455
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

MARGARET G. SEASTRAND,
Plaintiff,

CASE NO.: A-11-636515-C
DEPT NO.: XXX

v.

RAYMOND RIAD KHOURY; DOES 1 through
10; and ROE ENTITIES 11 through 20,
inclusive,

Defendants.

PLAINTIFF'S RESPONSE TO INTERROGATORIES

COMES NOW, Plaintiff, MARGARET G. SEASTRAND, by and through her attorneys, THE
RICHARD HARRIS LAW FIRM, hereby response to the following interrogatories.

INTERROGATORY NO. 1: Provide your full name and home address, date of
birth, and social security number.

RESPONSE:

Margaret Seastrand
6440 Spanish Garden Court
Las Vegas, Nevada 89110
December 27, 1961
***-**-5229

INTERROGATORY NO. 2:

If you have ever been convicted of a felony, state the charge of which you were convicted, courts in which you pled guilty, the court and case number, and the nature of length of any prison term.

RESPONSE:

Plaintiff has not been convicted of a felony.

INTERROGATORY NO. 3:

If you have been a party to a civil lawsuit, for each such lawsuit, state your party status, the names of all adverse parties, the court where the action was commenced, the nature of relief sought, and the outcome. If you have ever filed a claim for personal injuries, identify the adverse person or entity, the name and address of any insurance carrier, the insurance claim number, and the outcome.

RESPONSE:

Plaintiff made a claim for personal injuries approximately 25 years ago as a result of a motor vehicle accident. Plaintiff does not recall details of that claim. Plaintiff is involved in the lawsuit listed below as the owner of Hollywood Kids Academy:

Party Information :	<i>Hollywood Kids Academy v. Western Heritage Insurance and Garret Boylan, et al.</i>
Court :	Unknown at this time. Information to be supplemented upon receipt.
Nature of Litigation :	Insurance Bad Faith
Outcome :	Pending.

INTERROGATORY NO. 4:

State exactly and in detail your version of how this accident occurred.

RESPONSE:

On March 13, 2009, Plaintiff was operating a 2002 Honda Odyssey van and was stopped in the far right eastbound lane of Craig Road at the intersection with Rancho Drive, in Las Vegas, Nevada. Defendant was operating a 2007 Infinity SUV in the far right eastbound lane of Craig Road directly behind Plaintiff. Defendant failed to decrease the

1
2 speed of his SUV as he approached the rear of Plaintiff's vehicle, thereby causing a collision.
3 The front of Defendant's SUV struck the rear of Plaintiff's van.

4 **INTERROGATORY NO. 5:** Set forth the facts upon which you contend that the
5 accident was caused by any negligent conduct on the part of this Defendant, and the facts upon which
6 you contend that this accident was caused by the negligent conduct on the part of any other party to
7 this lawsuit.
8

9 **RESPONSE:** See Plaintiff's response to Interrogatory No. 4.

10 **INTERROGATORY NO. 6:** As to each investigation conducted concerning this
11 accident, set forth the name, address and occupation of the person or organization conducting the
12 investigation, the basis of the investigation, whether anybody has conducted an interview of any party
13 or of its agents or employees related to the event in question, whether anybody has conducted an
14 interview of any witness to the event in question, and the location of any and all written reports made
15 concerning the investigation.
16

17 **RESPONSE:** Officer T. Conn of Las Vegas Metropolitan Police Department was
18 called to the scene of the accident. Please refer to the State of Nevada Traffic Accident Report
19 disclosed by Plaintiff at the Early Case Conference.
20

21 **INTERROGATORY NO. 7:** Provide the name and address of each and every
22 expert witness whom you reserve the right to call at trial of this action and who has expressed an
23 opinion upon any issue related to this action, including the subject matter and field in which the expert
24 is qualified and will render an opinion in this matter, a summary of the grounds for each and every one
25 of the expert's opinions, all facts and opinions which each and every expert has formulated with
26 respect to this matter, whether each expert has made a personal investigation or examination of
27
28

1
2 anything related to this matter, whether each expert has made a personal investigation or examination
3 of anything related to this matter, each and every item each expert has reviewed, the date and location
4 of each written expert report, and each expert's specific general, educational, and professional
5 credentials (a copy of each expert's most recent curriculum vitae may be provided in lieu of a written
6 summary of that expert's credentials).

7
8 **RESPONSE:** Plaintiff has not determined each and every expert she will call at
9 the time of trial. However, Plaintiff anticipates she will call the medical experts listed below.
10 Plaintiff will supplement this list as additional information becomes available during discovery.

11
12 **Mark Ferdowsian, D.O.**
13 **Mountain View Hospital**
14 **3100 North Tenaya Way**
Las Vegas, Nevada 89128

15 **Dr. Ferdowsian was Plaintiff's emergency room doctor following the accident. He is**
16 **expected to provide testimony regarding, but not necessarily limited to, his review of Plaintiff's**
17 **medical records; his examination of Plaintiff; his opinion that Plaintiff's past medical care**
18 **and/or treatment was reasonable and necessary; and his opinion that Plaintiff's need for future**
19 **care and/or treatment is reasonable and necessary, including the reasonableness and necessity**
20 **of treatment as is expected to be provided to Plaintiff by other medical providers. Dr.**
21 **Ferdowsian is also expected to provide opinions regarding the causation of Plaintiff's injuries;**
22 **and he is also expected to opine that the need for Plaintiff's past and future medical treatment**
23 **was caused by the incident as is at issue in this matter. He is further expected to provide**
24 **opinions that the costs of Plaintiff's past, and expected future medical treatment, is reasonable**
25 **and customary for Clark County Nevada. The bases for Dr. Ferdowsian's opinions are expected**
26 **to include, but are not necessarily expected to be limited to, his education, training and**
27 **experience, the nature of the trauma Plaintiff was subjected to because of Defendant's**
28 **negligence; Plaintiff's medical history; Plaintiff's symptomology; and diagnostic tests as have**
been performed on Plaintiff.

David P. Gorczyca, M.D.
Lindsey C. Blake, M.D.
Radiology Specialist, Ltd.
4101 Wagon Trail
Las Vegas, Nevada 89118

Dr. Gorczyca and Dr. Blake are Plaintiff's treating physicians and specialize in Radiology. They are expected to provide testimony regarding, but not necessarily limited to, their review of Plaintiff's medical records; their examination of Plaintiff; their opinion that Plaintiff's past medical care and/or treatment was reasonable and necessary; and their opinion that Plaintiff's need for future care and/or treatment is reasonable and necessary, including the reasonableness and necessity of treatment as is expected to be provided to Plaintiff by other medical providers. Dr. Gorczyca and Dr. Blake are also expected to provide opinions regarding the causation of Plaintiff's injuries; and they are also expected to opine that the need for Plaintiff's past and future medical treatment was caused by the incident as is at issue in this matter. They are further expected to provide opinions that the costs of Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark County Nevada. The bases for Dr. Gorczyca and Dr. Blake's opinions are expected to include, but are not necessarily expected to be limited to, their education, training and experience, the nature of the trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history; Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

Govind Koka, D.O.
Primary Care Consultants
9975 South Eastern Avenue, Suite 110
Las Vegas, Nevada 89183

Dr. Koka is Plaintiff's treating physician. He is expected to provide testimony regarding, but not necessarily limited to, his review of Plaintiff's medical records; his examination of Plaintiff; his opinion that Plaintiff's past medical care and/or treatment was reasonable and necessary; and his opinion that Plaintiff's need for future care and/or treatment is reasonable and necessary, including the reasonableness and necessity of treatment as is expected to be provided to Plaintiff by other medical providers. Dr. Koka is also expected to provide opinions regarding the causation of Plaintiff's injuries; and he is also expected to opine that the need for Plaintiff's past and future medical treatment was caused by the incident as is at issue in this matter. He is further expected to provide opinions that the costs of Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark County Nevada. The bases for Dr. Koka's opinions are expected to include, but are not necessarily expected to be limited to, his education, training and experience, the nature of the trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history; Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

....

William W. Orrison, M.D.
Keith Lewis, M.D.
Nevada Imaging Centers
715 Mall Ring Circle, Suite 100
Henderson, Nevada 89014

Dr. Orrison and Dr. Lewis are Plaintiff's treating physicians and specialize in Radiology. They are expected to provide testimony regarding, but not necessarily limited to, their review of Plaintiff's medical records; their examination of Plaintiff; their opinion that Plaintiff's past medical care and/or treatment was reasonable and necessary; and their opinion that Plaintiff's need for future care and/or treatment is reasonable and necessary, including the reasonableness and necessity of treatment as is expected to be provided to Plaintiff by other medical providers. Dr. Orrison and Dr. Lewis are also expected to provide opinions regarding the causation of Plaintiff's injuries; and they are also expected to opine that the need for Plaintiff's past and future medical treatment was caused by the incident as is at issue in this matter. They are further expected to provide opinions that the costs of Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark County Nevada. The bases for Dr. Orrison and Dr. Lewis' opinions are expected to include, but are not necessarily expected to be limited to, their education, training and experience, the nature of the trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history; Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

Marjorie E. Belsky, M.D.
3111 South Maryland Parkway, Suite 200
Las Vegas, Nevada 89109

Dr. Belsky is Board Certified in Pain Management and Anesthesiology. She is expected to provide testimony regarding, but not necessarily limited to, her review of Plaintiff's medical records; her examination of Plaintiff; her opinion that Plaintiff's past medical care and/or treatment was reasonable and necessary; and her opinion that Plaintiff's need for future care and/or treatment is reasonable and necessary, including the reasonableness and necessity of treatment as is expected to be provided to Plaintiff by other medical providers. Dr. Belsky is also expected to provide opinions regarding the causation of Plaintiff's injuries; and she is also expected to opine that the need for Plaintiff's past and future medical treatment was caused by the incident as is at issue in this matter. She is further expected to provide opinions that the costs of Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark County Nevada. The bases for Dr. Belsky's opinions are expected to include, but are not necessarily expected to be limited to, her education, training and experience, the nature of the trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history; Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

1
2 **Mario Tarquino, M.D.**
3 **3111 South Maryland Parkway, Suite 200**
4 **Las Vegas, Nevada 89109**

5 Dr. Tarquino is Plaintiff's treating physician and specializes in Anesthesiology. He is
6 expected to provide testimony regarding, but not necessarily limited to, his review of Plaintiff's
7 medical records; his examination of Plaintiff; his opinion that Plaintiff's past medical care
8 and/or treatment was reasonable and necessary; and his opinion that Plaintiff's need for future
9 care and/or treatment is reasonable and necessary, including the reasonableness and necessity
10 of treatment as is expected to be provided to Plaintiff by other medical providers. Dr. Tarquino
11 is also expected to provide opinions regarding the causation of Plaintiff's injuries; and he is also
12 expected to opine that the need for Plaintiff's past and future medical treatment was caused by
13 the incident as is at issue in this matter. He is further expected to provide opinions that the costs
14 of Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark
15 County Nevada. The bases for Dr. Tarquino's opinions are expected to include, but are not
16 necessarily expected to be limited to, his education, training and experience, the nature of the
17 trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history;
18 Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

13 **William S. Muir, M.D.**
14 **653 North Town Center Drive, Suite 210**
15 **Las Vegas, Nevada 89144**

16 Dr. Muir is a Board Certified Orthopaedic Surgeon. He is expected to provide testimony
17 regarding, but not necessarily limited to, his review of Plaintiff's medical records; his
18 examination of Plaintiff; his opinion that Plaintiff's past medical care and/or treatment was
19 reasonable and necessary; and his opinion that Plaintiff's need for future care and/or treatment
20 is reasonable and necessary, including the reasonableness and necessity of treatment as is
21 expected to be provided to Plaintiff by other medical providers. Dr. Muir is also expected to
22 provide opinions regarding the causation of Plaintiff's injuries; and he is also expected to opine
23 that the need for Plaintiff's past and future medical treatment was caused by the incident as is
24 at issue in this matter. He is further expected to provide opinions that the costs of Plaintiff's
25 past, and expected future medical treatment, is reasonable and customary for Clark County
26 Nevada. The bases for Dr. Muir's opinions are expected to include, but are not necessarily
27 expected to be limited to, his education, training and experience, the nature of the trauma
28 Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history;
Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

1
2 Russell Shah, M.D.
3 Neurology & Clinical Neurophysiology
4 2628 West Charleston Blvd.
5 Las Vegas, Nevada 89102

6 Dr. Shah is Plaintiff's treating physician and specializes in Neurology. He is expected to
7 provide testimony regarding, but not necessarily limited to, his review of Plaintiff's medical
8 records; his examination of Plaintiff; his opinion that Plaintiff's past medical care and/or
9 treatment was reasonable and necessary; and his opinion that Plaintiff's need for future care
10 and/or treatment is reasonable and necessary, including the reasonableness and necessity of
11 treatment as is expected to be provided to Plaintiff by other medical providers. Dr. Shah is also
12 expected to provide opinions regarding the causation of Plaintiff's injuries; and he is also
13 expected to opine that the need for Plaintiff's past and future medical treatment was caused by
14 the incident as is at issue in this matter. He is further expected to provide opinions that the costs
15 of Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark
16 County Nevada. The bases for Dr. Shah's opinions are expected to include, but are not
17 necessarily expected to be limited to, his education, training and experience, the nature of the
18 trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history;
19 Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

20
21 Leo Langlois, M.D.
22 Kern Island Pain Medicine
23 2920 H. Street
24 Bakersfield, CA 93301

25 Dr. Langlois is Plaintiff's treating physician. He is expected to provide testimony
26 regarding, but not necessarily limited to, his review of Plaintiff's medical records; his
27 examination of Plaintiff; his opinion that Plaintiff's past medical care and/or treatment was
28 reasonable and necessary; and his opinion that Plaintiff's need for future care and/or treatment
is reasonable and necessary, including the reasonableness and necessity of treatment as is
expected to be provided to Plaintiff by other medical providers. Dr. Langlois is also expected
to provide opinions regarding the causation of Plaintiff's injuries; and he is also expected to
opine that the need for Plaintiff's past and future medical treatment was caused by the incident
as is at issue in this matter. He is further expected to provide opinions that the costs of
Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark
County Nevada. The bases for Dr. Langlois's opinions are expected to include, but are not
necessarily expected to be limited to, his education, training and experience, the nature of the
trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history;
Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

1
2 Yevgenly A. Khavkin, M.D.
3 Nevada Spine Clinic
4 7140 Smoke Ranch Road, Suite 150
5 Las Vegas, Nevada 89128

6 Dr. Khavkin is Plaintiff's Orthopaedic Surgeon. He is expected to provide testimony
7 regarding, but not necessarily limited to, his review of Plaintiff's medical records; his
8 examination of Plaintiff; his opinion that Plaintiff's past medical care and/or treatment was
9 reasonable and necessary; and his opinion that Plaintiff's need for future care and/or treatment
10 is reasonable and necessary, including the reasonableness and necessity of treatment as is
11 expected to be provided to Plaintiff by other medical providers. Dr. Khavkin is also expected
12 to provide opinions regarding the causation of Plaintiff's injuries; and he is also expected to
13 opine that the need for Plaintiff's past and future medical treatment was caused by the incident
14 as is at issue in this matter. He is further expected to provide opinions that the costs of Plaintiff's
15 past, and expected future medical treatment, is reasonable and customary for Clark County
16 Nevada. The bases for Dr. Khavkin's opinions are expected to include, but are not necessarily
17 expected to be limited to, his education, training and experience, the nature of the trauma
18 Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history;
19 Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

20 Jorg Rosler, M.D.
21 Nevada Spine Clinic
22 7140 Smoke Ranch Road, Suite 150
23 Las Vegas, Nevada 89128

24 Dr. Rosler is Plaintiff's treating physician and specializes in Anesthesiology. He is
25 expected to provide testimony regarding, but not necessarily limited to, his review of Plaintiff's
26 medical records; his examination of Plaintiff; his opinion that Plaintiff's past medical care
27 and/or treatment was reasonable and necessary; and his opinion that Plaintiff's need for future
28 care and/or treatment is reasonable and necessary, including the reasonableness and necessity
of treatment as is expected to be provided to Plaintiff by other medical providers. Dr. Rosler is
also expected to provide opinions regarding the causation of Plaintiff's injuries; and he is also
expected to opine that the need for Plaintiff's past and future medical treatment was caused by
the incident as is at issue in this matter. He is further expected to provide opinions that the costs
of Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark
County Nevada. The bases for Dr. Rosler's opinions are expected to include, but are not
necessarily expected to be limited to, his education, training and experience, the nature of the
trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history;
Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

Jaswinder S. Grover, M.D.
Nevada Spine Clinic
7140 Smoke Ranch Road, Suite 150
Las Vegas, Nevada 89128

Dr. Grover is a Board Certified Orthopaedic Surgeon. He is expected to provide testimony regarding, but not necessarily limited to, his review of Plaintiff's medical records; his examination of Plaintiff; his opinion that Plaintiff's past medical care and/or treatment was reasonable and necessary; and his opinion that Plaintiff's need for future care and/or treatment is reasonable and necessary, including the reasonableness and necessity of treatment as is expected to be provided to Plaintiff by other medical providers. Dr. Grover is also expected to provide opinions regarding the causation of Plaintiff's injuries; and he is also expected to opine that the need for Plaintiff's past and future medical treatment was caused by the incident as is at issue in this matter. He is further expected to provide opinions that the costs of Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark County Nevada. The bases for Dr. Grover's opinions are expected to include, but are not necessarily expected to be limited to, his education, training and experience, the nature of the trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history; Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

Eddy Luh, M.D.
8930 West Sunset Road, Suite 300
Las Vegas, Nevada 89148

Dr. Luh is a Board Certified Vascular Surgeon and Board Certified General Surgeon. He is expected to provide testimony regarding, but not necessarily limited to, his review of Plaintiff's medical records; his examination of Plaintiff; his opinion that Plaintiff's past medical care and/or treatment was reasonable and necessary; and his opinion that Plaintiff's need for future care and/or treatment is reasonable and necessary, including the reasonableness and necessity of treatment as is expected to be provided to Plaintiff by other medical providers. Dr. Luh is also expected to provide opinions regarding the causation of Plaintiff's injuries; and he is also expected to opine that the need for Plaintiff's past and future medical treatment was caused by the incident as is at issue in this matter. He is further expected to provide opinions that the costs of Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark County Nevada. The bases for Dr. Luh's opinions are expected to include, but are not necessarily expected to be limited to, his education, training and experience, the nature of the trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history; Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

Sonny A. Patidar, M.D.
Las Vegas Radiology
7500 Smoke Ranch Road, Suite 100
Las Vegas, Nevada 89128

Dr. Patidar is Plaintiff's treating physician and specializes in Radiology. He is expected to provide testimony regarding, but not necessarily limited to, his review of Plaintiff's medical records; his examination of Plaintiff; his opinion that Plaintiff's past medical care and/or treatment was reasonable and necessary; and his opinion that Plaintiff's need for future care and/or treatment is reasonable and necessary, including the reasonableness and necessity of treatment as is expected to be provided to Plaintiff by other medical providers. Dr. Patidar is also expected to provide opinions regarding the causation of Plaintiff's injuries; and he is also expected to opine that the need for Plaintiff's past and future medical treatment was caused by the incident as is at issue in this matter. He is further expected to provide opinions that the costs of Plaintiff's past, and expected future medical treatment, is reasonable and customary for Clark County Nevada. The bases for Dr. Patidar's opinions are expected to include, but are not necessarily expected to be limited to, his education, training and experience, the nature of the trauma Plaintiff was subjected to because of Defendant's negligence; Plaintiff's medical history; Plaintiff's symptomology; and diagnostic tests as have been performed on Plaintiff.

INTERROGATORY NO. 8:

Set forth all injuries which you allege are related to this accident, and each part of the body which you allege suffered injuries during this collision, whether physical or emotional, and whether aggravated or allegedly caused by the accident, identify each and every one of the injuries which you or any of your experts consider to be permanent, and identify each and every medical practitioner who has examined or treated you for injuries or conditions which you relate to this accident, including their name, address, and telephone number, as well as any and all facility which has provided care relative to injuries or problems which you relate to this accident.

.....

.....

.....

RESPONSE: The injuries, body parts, and permanency are outlined in medical records disclosed by Plaintiff at the Early Case Conference, and include but are not limited to:

- Disc herniation of the cervical spine at C5-6 requiring Anterior Decompression Discectomy and Interbody Fusion with Cage Placement and Plating.
- Internal disc disruption of the lumbar spine at L4-5, L5-S1 initially requiring Plasma Disc Decompression and subsequent Anterior Discectomy and Interbody Fusion with Cage Placement and Plating at both levels.
- Subsequent post-operative complication of displacement of the anterior lumbar plate requiring future reinforcement surgery consisting of Posterior Fixation Fusion with Instrumentation consisting of Pedicle Screws and Rods to provide greater structural support.

In addition to the healthcare providers disclosed by Plaintiff at the Early Case Conference, Plaintiff received treatment from:

Sonny A. Patidar, M.D.
Las Vegas Radiology
7500 Smoke Ranch Road, Suite 100
Las Vegas, Nevada 89128
(702) 254-5004

INTERROGATORY NO. 9: Set forth each injury, symptom, or complaint identified in the prior Interrogatory (No. 8), from which you suffered at any time prior to the accident, together with the name and address of each and every practitioner or facility which provided treatment or care of any kind relative to those injuries, symptoms, or complaints.

RESPONSE: Plaintiff received treatment to her spine following a motor vehicle accident that occurred approximately 25 years ago. The name of that healthcare provider is unknown at this time. Sometime in 2004 or 2005, Plaintiff received medical treatment after bumping her head on two separate occasions. Those medical providers are

listed below:

Dr. Thomas Lambert (Cardiologist)
3150 North Tenaya Way
Las Vegas, Nevada 89128

Dr. Luis Diaz (Neurologist)
653 North Town Center Drive
Las Vegas, Nevada

INTERROGATORY NO. 10: Identify each and every provider for treatment

allegedly related to this accident, the amount of their bill, if they are a lienholder, the amount of the
lien, and the name and address of the lienholder.

RESPONSE:

Past Medical Expenses

TAB	PROVIDER	AMOUNT
1.	Las Vegas Fire & Rescue	\$772.00
2.	Mountain View Hospital	\$4,468.45
3.	Radiology Specialist, Ltd.	\$215.00
4.	Fremont Emergency Services	\$275.00
5.	Primary Care Consultants	\$300.00
6.	Neck & Back Clinic	\$3,500.00
7.	Nevada Imaging	\$2,743.00
8.	Marjorie E. Belsky, M.D.	\$22,310.00
9.	Surgery Center of Southern NV	\$52,923.07
10.	Mario Tarquino, M.D.	\$3,600.00
11.	William S. Muir, M.D.	\$49,714.00

12.	Sierra Meds Services	\$1,650.00
13.	Summerlin Hospital Medical Center	\$58,495.00
14.	Russell Shah, M.D.	\$7,995.00
14.	Leo Langlois, M.D.	\$1,391.00
15.	Nevada Spine Clinic	\$38,367.50
16.	St. Rose Dominican Hospital	\$168,074.00
17.	Eddy Luh, M.D.	\$7,790.00
19.	Las Vegas Radiology	TBA

Future Medical Expenses

Dr. Grover and Dr. Khavkin recommend future Posterior Lumbar Fusion

Stabilization and Reconstruction, \$122,200.

INTERROGATORY NO. 11:

If you allege to have lost time from work as a result of this accident, set forth the amount of time lost, the rate of pay of the time lost, the position of employment held for which you allege to have lost wages, the name and address of your employer, the nature of your duties performed, the name of your immediate supervisor, and the condition which has caused you to lose time.

RESPONSE:

Plaintiff is the Owner and Operator of Hollywood Kids Academy located at 4161 N. Rancho #140, Las Vegas, Nevada 89130. She lost time from work as a result of the injuries sustained in the subject accident. The time taken off includes but is not limited to: September through December, 2009, as well as several weeks after

1
2 undergoing spine surgeries. Plaintiff is responsible for the operation of Hollywood Kids
3 which includes but is not limited to: Director and Marketing, hiring, bookkeeping,
4 supervising, and teaching. Plaintiff incurred expenses for additional help. Additional
5 information will be supplemented upon receipt.

6
7 **INTERROGATORY NO. 12:** If you allege that your ability to engage in any type
8 of gainful employment has been affected by this accident, set forth the condition which limits your
9 ability to engage in gainful employment, the economic loss caused by your inability to find gainful
10 employment, and your method of computation for determining this loss.

11 **RESPONSE:** Please refer to Plaintiff's response to Interrogatory No. 11.

12
13 **INTERROGATORY NO. 13:** Identify each and every person with knowledge of
14 relevant information related to this matter, including each person's name, present address, present
15 telephone number, and a complete summary of each person's knowledge of relevant information.

16 **RESPONSE:** Please refer to Plaintiff's witness disclosed at the Early Case
17 Conference dated July 19, 2011. Additional witnesses will be supplemented as they become
18 available during discovery.

19
20 **INTERROGATORY NO. 14:** Identify each and every item or document which is
21 relevant to this matter and its present location. In lieu of a description, attach a complete copy of
22 each item or document.

23 **RESPONSE:** Plaintiff identified all relevant documents and items known at
24 this time at the Early Case Conference dated July 19, 2011. Additional documents and items
25 will be supplemented as they become available during discovery.
26
27
28

INTERROGATORY NO. 15:

Set forth whether the vehicle you occupied contained operational seatbelts, whether you were wearing the seatbelt available for your use, and if you were not wearing the seatbelt, your reasons for failing to do so.

RESPONSE:

Plaintiff's vehicle contained operational seatbelts at the time of the accident and Plaintiff was wearing her seatbelt.

INTERROGATORY NO. 16:

For each and every prior or subsequent accident or injury, whether caused by motor vehicle, a work related injury, or otherwise, provide the nature of each injury and the date and location of accident.

RESPONSE:

1. **Type:** Motor Vehicle Accident.
 Date and Location: Approximately 1981 - Idaho.
 Nature of Injury: Plaintiff does not recall.
2. **Type:** Motor Vehicle Accident.
 Date and Location: Approximately August, 1985. Las Vegas, Nevada.
 Nature of Injury: Treatment to spine.
3. **Type:** Premises.
 Date and Location: Approximately September 2004. Las Vegas, Nevada.
 Nature of Injury: Bumped head.
4. **Type:** Premises.
 Date and Location: Approximately November 2004. Las Vegas, Nevada.
 Nature of Injury: Bumped head.

INTERROGATORY NO. 17:

For each and every prior or subsequent accident or injury identified in the prior interrogatory (No. 16), provide the name and address of each and every medical facility and provider which treated or examined you and the approximate date of such accident or injury.

RESPONSE: See below.

1. **Approximate Date of Injury: 1981.**
Name of provider unknown. Treatment consisted of one or two office visits in Idaho.
2. **Approximately August, 1985.**
Name of provider unknown. Plaintiff recalls receiving physical therapy in Las Vegas, Nevada.
- 3 & 4. **Approximately September 2004.**
Approximately November 2004.
Plaintiff recalls presenting to the healthcare providers listed below:

Sunrise Hospital
3186 South Maryland Parkway
Las Vegas, Nevada 89109

Dr. Thomas Lambert
3150 North Tenaya Way
Las Vegas, Nevada 89128

Dr. Luis Diaz
653 North Town Center Drive
Las Vegas, Nevada

INTERROGATORY NO. 18: As to each injury which you have allegedly suffered as a result of this accident, set forth whether you had any pre-existing or prior injury or problem to the same parts of the body affected by this accident. If so, as to each pre-existing or prior injury or problem, set forth its nature, the type of treatment received, the date of the injury or commencement of the problem, its duration, whether you were still suffering from it at the time this accident occurred, the extent to which it was aggravated or exacerbated by this accident, and the names and addresses of each and every doctor or medical facility which treated you for the prior or pre-existing injury or problem.

RESPONSE: See Plaintiff's response to Interrogatory No. 9.

INTERROGATORY NO. 19:

As to each injury which you have allegedly suffered as a result of this accident, set forth whether you suffered any subsequent injury or problem to the same parts of the body affected by this accident. If so, as to each subsequent injury or problem, set forth its nature, the type of treatment received, the date of the injury or commencement of the problem, its duration, whether you were still suffering from the injuries allegedly suffered in this accident, whether the subsequent injury or problem developed, the extent to which the subsequent injury or problem aggravated or exacerbated the injuries you allegedly suffered in this accident, and the names and addresses of each and every doctor who treated you for that injury or problem.

RESPONSE:

Plaintiff has not been involved in any incidents where she suffered injuries subsequent to the subject accident. However, Plaintiff has encountered ongoing symptoms and problems. Please refer to the medical records provided by Plaintiff at the Early Case Conference.

INTERROGATORY NO. 20:

Set forth with specificity all activities of daily lifestyle which you allege have been affected by the accident, either temporarily or permanently, and provide the name, address, and telephone number for each and every witness who will be called to testify and verify each such allegation. If such witness names and telephone numbers have already been provided in your 16.1 disclosures, identify with specificity the activities of daily life and/or manners of your lifestyle to which each person identified will testify.

RESPONSE:

Prior to the subject accident, Plaintiff enjoyed walking 2 to 4 miles with her friends, Sharla Isle, Denise Davis, Tracy Goodrich and Diane Tobler without experiencing any pain. Walking is now painful.

- Prior to the subject accident, Plaintiff enjoyed working without experiencing any pain. Working is now painful. Witnesses include: Larry and Jackie Snowton, and Chalice Lunderist have been disclosed pursuant to NRCP 16.1.
- Plaintiff began experiencing pain waking up and getting out of bed following the subject accident. Witnesses include but are not limited to: Doug Seastrand, Melanie Seastrand, Melissa Seastrand, Daniel Seastrand, and Beth Seastrand.
- Plaintiff enjoyed family activities at the beach and campground pain free prior to the subject accident. Family activities are now painful. Witnesses include but are not limited to: Doug Seastrand, Melanie Seastrand, Melissa Seastrand, Daniel Seastrand, and Beth Seastrand.
- Plaintiff experiences pain while performing household chores such as vacuuming, dishes, laundry, and anything involving lifting and bending. Prior to the accident, Plaintiff was able to perform household chores without difficulty. Witnesses include but are not limited to: Doug Seastrand, Melanie Seastrand, Melissa Seastrand, Daniel Seastrand, and Beth Seastrand.
- Since the subject accident, Plaintiff experiences pain during intimate relations with her husband. This was not painful prior to the accident. Witnesses include: Doug Seastrand.
- Since the subject accident, Plaintiff is limited in services she provides to her church such as assisting family with dinner, ward parties, Christmas dinners, Trunk or Treat activities, etc. These activities are now painful. Witnesses include but are not limited to: Doug Seastrand, Melanie Seastrand, Melissa Seastrand, Daniel Seastrand, Beth Seastrand, and my sister-in-law, Shirley.

INTERROGATORY NO. 21: Describe as specifically as possible each and every physical limitation which you allege is related to this accident.

RESPONSE: See Plaintiff's response to Interrogatory 20.

INTERROGATORY NO. 22: Set forth the percentage of your condition which you related to the accident at issue in this matter, the manner in which you determined this percentage allocated, the name, address, and telephone number of each and every lay and expert witness who will support this percentage allocation, and the substance of their respective

1
2 testimony.

3 **RESPONSE:** Plaintiff does not understand this Interrogatory.

4 **INTERROGATORY NO. 23:** Set forth where you were coming from, your next
5 intended destination, and your intended course of travel.

6 **RESPONSE:** Plaintiff was coming from home, 6440 Spanish Garden Court,
7 Las Vegas, Nevada to Hollywood Kids Academy located at 4161 N. Rancho #140, Las Vegas,
8 Nevada 89130.

10 **INTERROGATORY NO. 24:** Set forth each and every statement made by the
11 parties involved in this accident and any witnesses after the collision occurred.

12 **RESPONSE:** Plaintiff does not recall any statements made by the parties at
13 the accident scene, but may have spoken with the police officers investigating the accident.

15 **INTERROGATORY NO. 25:** What was your height and weight on the date of the
16 collision?

17 **RESPONSE:** Plaintiff weighed approximately 165 pounds and was 5'7 at the
18 time of the subject accident.

20 **INTERROGATORY NO. 26:** Explain how close your seat was positioned to the
21 steering wheel, dashboard, or the seat in front of you at the time of the collision, to the best that
22 you can possibly estimate, in terms of both the seat's position on its track and how far away you
23 were positioned from that item.

24 **RESPONSE:** Plaintiff does know the measurements of her seat to the steering
25 wheel or dashboard.

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTERROGATORY NO. 27:

Describe the intensity of the collision and explain in detail all movements that your body made immediately prior to, during and immediately after the collision, including direction of body movements, and whether any part of your body struck any part of the interior of the car.

RESPONSE:

Plaintiff does not recall "all movements that her body made at the time of the accident. However, Plaintiff was sitting still in her vehicle moments prior to the collision. She felt the impact and her body move back and forth following the impact, and may have struck body parts on the interior of her vehicle.

INTERROGATORY NO. 28:

Provide the name, address, and telephone number for each and every medical facility and medical doctor which has provided you with any medical care for ten years prior to the accident up until the accident at issue in this matter, and set forth reasons for all such care. Please be sure to set forth and identify all primary care physicians with which you treated in responding to this interrogatory.

RESPONSE:

Please refer to Plaintiff's response to Interrogatory No. 8, 9, and 17. Please also refer to Plaintiff's healthcare providers disclosed at the Early Case Conference. In addition, Plaintiff has sought treatment with the following providers:

Dr. Ben Kermani
3375 Glenn Avenue
Las Vegas, Nevada 89121
(702) 531-3546

Dr. Lisa Underwood (Ob/Gyn)
653 Town Center Drive, Suite 500
Las Vegas, Nevada 89144
(702) 240-2200

1
2 **Dr. Terry Leavitt**
3 **68 Pecos Road, Suite A**
4 **Henderson, Nevada 89074**
5 **(702) 456-1441**

6 **INTERROGATORY NO. 29:** In the event that your response to any of the

7 accompanying Requests to Admit is anything other than a complete and unqualified admission, set
8 forth any and all facts and identify all documents supporting your response and the name, address,
9 and telephone number of each and every witness who will offer testimony in support of your
10 response, together with a specific summary of their anticipated testimony.

11 **RESPONSE:** Please refer to the answers to interrogatories setting forth such
12 facts herein.

13 **INTERROGATORY NO. 30:** If you require future medical care, set forth with
14 specificity the nature and extent of that care, the costs associated with that care, the type of care
15 required, and the name and address of each and every expert witness who will render any opinion
16 regarding future care and/or the related costs.

17 **RESPONSE:** See Plaintiff's response to Interrogatory No. 10.
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTERROGATORY NO. 31:

Set forth whether you are receiving Medicare or Medicaid benefits, and if so, set forth whether either of these programs has asserted a lien or medical expenses related to your treatment from the injuries allegedly sustained in this accident, further providing the claims number and the amount of lien.

RESPONSE: None.

DATED this 29th day of September, 2011.

RICHARD HARRIS LAW FIRM

By: 

RICHARD A. HARRIS, ESQ.
Nevada State Bar No. 505
JOSHUA R. HARRIS, ESQ.
Nevada Bar No. 9580
801 South Fourth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of RICHARD HARRIS LAW FIRM and that on the 29th day of September, 2011, I caused the foregoing PLAINTIFF'S RESPONSE INTERROGATORIES to be served by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail at Las Vegas, Nevada, enclosed in a sealed envelope upon which first class postage was fully prepaid; and by facsimile as follows to the attorney listed below:

Steven T. Jaffe, Esq.
Jacob S. Smith
HALL JAFFE & CLAYTON, LLP
7455 West Washington Avenue, Suite 460
Las Vegas, Nevada 89128
*Attorneys for Defendant,
Raymond Riad Khoury*

Courtesy copy via facsimile: (702) 316-4114


An employee of RICHARD HARRIS LAW FIRM

RICHARD HARRIS
LAW FIRM

MODE = MEMORY TRANSMISSION

START=SEP-29 17:55

END=SEP-29 18:03

FILE NO.=632

STN NO.	COMM.	STATION NAME/EMAIL ADDRESS/TELEPHONE NO.	PAGES	DURATION
001	OK	E3164114	024/024	00:06:56

***** KM-F1060 *****

RICHARD HARRIS
LAW FIRM

1 RICHARD A. HARRIS, ESQ.
2 Nevada State Bar No. 505
3 JOSHUA R. HARRIS, ESQ.
4 Nevada Bar No. 9580
5 RICHARD HARRIS LAW FIRM
6 801 South Fourth Street
7 Las Vegas, Nevada 89101
8 Phone (702) 444-4444
9 Fax (702) 444-4455
10 Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

11 MARGARET G. SEASTRAND,
12 Plaintiff,

CASE NO. A-11-636515-C
DEPT NO. XXXX

13 v.
14 RAYMOND RIAD KHOURY; DOES 1 through
15 10; and ROE ENTITIES 11 through 20,
16 inclusive.

Defendants.

PLAINTIFF'S RESPONSE TO INTERROGATORIES

17 COMES NOW, Plaintiff, MARGARET G. SEASTRAND, by and through her attorneys, THE
18 RICHARD HARRIS LAW FIRM, hereby response to the following interrogatories.

INTERROGATORY NO. 1:

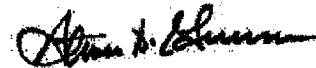
Provide your full name and home address, date of

birth, and social security number.

RESPONSE:

24 Margaret Seastrand
25 6440 Spanish Garden Court
26 Las Vegas, Nevada 89110
27 December 27, 1961
28 ***-5229

EXHIBIT B



CLERK OF THE COURT

1 **SAO**
2 **STEVEN T. JAFFE**
3 sjaaffe@lawhjc.com
4 Nevada Bar No. 007035
5 **JACOB S. SMITH**
6 jsmith@lawhjc.com
7 Nevada Bar No. 010231

8 **HALL JAFFE & CLAYTON, LLP**
9 7488 WEST WASHINGTON AVENUE, SUITE 400
10 LAS VEGAS, NEVADA 89128
11 (702) 316-4111
12 FAX (702) 316-4114

13 *Attorneys for Defendant*
14 *Raymond R. Khoury*

15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 **MARGARET G. SEASTRAND,**
18
19 Plaintiff,

20 vs.

21 **RAYMOND RIAD KHOURY; DOES 1**
22 **through 10; and ROE ENTITIES 11 through**
23 **20, inclusive,**

24 Defendants.

CASE NO. A-11-636515-C
DEPT NO. XXX

STIPULATION AND ORDER TO EXTEND
DISCOVERY DEADLINES PURSUANT TO
EDCR 2.35

(Second Request)

25 Plaintiff MARGARET G. SEASTRAND, by and through her counsel of record Richard
26 Harris, Esq., Allison Brasier, Esq. and the Richard Harris Law Firm, and Defendant RAYMOND RIAD
27 KHOURY, by and through his counsel of record Steven Jaffe, Esq., Jacob Smith, Esq. and Hall Jaffe &
28 Clayton, LLP, and pursuant to EDCR 2.35, hereby stipulate and agree to and jointly move this
Honorable Court for an order continued the discovery deadlines in this matter for forty-five (45) days as
follows:

A. Discovery Completed:

1. Plaintiff and Defendant have exchanged initial documents and witness lists
pursuant to NRCP 16.1;
2. Defendant has produced seven (7) supplemental NRCP 16.1 disclosures;
3. Defendant has propounded written discovery on Plaintiff, to which Plaintiff has

1 responded;

2 4. Plaintiff has propounded written discovery on Defendant, to which Defendant has
3 responded;

4 5. Defendant has requested and obtained a majority of the Plaintiff's medical records
5 allegedly relating to the incident.

6 6. Plaintiff, Margaret Seastrand, has been deposed.

7 7. Plaintiff's spouse, Douglas Seastrand, has been deposed.

8 8. The Parties and their respective experts have conducted an inspection of both
9 vehicles involved in the subject accident;

10 B. Discovery that Remains to be Completed:

11 1. The Deposition of the Officers who completed the Traffic Accident Report
12 (currently scheduled for July 30, 2012);

13 2. Deposition of Defendant need to be taken (currently in the process of being
14 scheduled);

15 3. Further written discovery to and from Plaintiff and Defendants;

16 4. Depositions of Plaintiff's before/after witnesses;

17 5. Depositions of Plaintiff's treating doctors;

18 6. Initial and Rebuttal expert disclosures by all parties;

19 7. The depositions of expert witnesses need to be conducted;

20 8. Additional discovery as needed upon completion of depositions.

21 C. Reasons that Discovery has not yet been Completed:

22 As Plaintiff has undergone numerous surgical procedures since the subject accident, her
23 medical records are extremely voluminous. It has taken Defendant longer than expected to procure all
24 of the medical records necessary to conduct her deposition and retain experts.

25 In addition, Plaintiff is making a claim for lost wages and/or loss of earning potential. In
26 response to Defendants' discovery requests, Plaintiff recently disclosed over 1,700 pages of financial
27 documents from her business, Hollywood Kids Academy. Defendants and Plaintiffs need sufficient time
28 to review these documents and have their respective experts review these documents prior to the

1 deadline for disclosure of initial experts.

2 In light of this, the parties have agreed that the current discovery deadlines are
3 insufficient and will not provide adequate time to conduct discovery and prepare this case for trial. The
4 parties are requesting a forty-five (45) day extension on all the discovery deadlines.

5 **D. Current Schedule for Completing Discovery:**

6 Motion to Amend or Add Parties Deadline: 07/13/12

7 Initial Expert Disclosure: 07/13/12

8 Rebuttal Expert Disclosure: 08/13/12

9 Close of Discovery: 09/13/12

10 Dispositive Motion Deadline: 10/15/12

11 **E. Proposed Schedule for Completing Discovery:**

12 Motion to Amend or Add Parties Deadline: 08/30/12

13 Initial Expert Disclosure: 08/30/12

14 Rebuttal Expert Disclosure: 10/01/12

15 Close of Discovery: 11/01/12


16 Dispositive Motion Deadline: 12/03/12

17 **F. Current Trial Date:**

18 The trial in this matter is currently scheduled for a jury trial on November 13, 2012 on a
19 5-week stack. The calendar call is scheduled for November 5, 2012. The parties request that the trial
20 date be vacated, and re-calendared on the next available trial date after January 3, 2013.

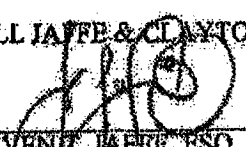
21 DATED this 12 day of July, 2012.

22 RICHARD HARRIS LAW FIRM

23 By: 
24 Richard A. Harris, Esq.
Nevada Bar No. 005581
25 Allison M. Brasier, Esq.
Nevada Bar No. 010522
26 801 South Fourth Street
Las Vegas, NV 89101
27 Attorneys for Plaintiff

DATED this 12 day of July, 2012

HALL JAFFE & CLAYTON, LLP

23 By: 
24 STEVEN T. JAFFE, ESQ.
Nevada Bar No. 007035
25 JACOB E. SMITH, ESQ.
Nevada Bar No. 010231
26 7455 W. Washington Avenue, Suite 460
Las Vegas, Nevada 89128
27 Attorneys for Defendant

**ORDER EXTENDING DISCOVERY DEADLINES AND AMENDING THE
SCHEDULING ORDER (EDCR 2.35) (FIRST REQUEST)**

IT IS HEREBY ORDERED that the discovery deadlines are extended as follows:

Motion to Amend or Add Parties Deadline: 08/30/12

Initial Expert Disclosure: 08/30/12

Rebuttal Expert Disclosure: 10/01/12

Close of Discovery: 11/01/12

Dispositive Motion Deadline: 12/03/12

IT IS FURTHER ORDERED that an amended scheduling order will not be issued; this
Stipulation will take the place of the amended scheduling order.

IT IS FURTHER ORDERED that the trial date of November 13, 2012 will be vacated,
and a new trial date will be issued for the first available trial date after January 8, 2013.

DATED: July 13, 2012



DISCOVERY COMMISSIONER

Submitted by:

HALL JAFFE & CLAYTON, LLP

By 
STEVEN J. JAFFE, ESQ.

Nevada Bar No. 007035

JACOB S. SMITH, ESQ.

Nevada Bar No. 010231

7455 W. Washington Avenue, Suite 460

Las Vegas, Nevada 89128

Attorneys for Defendant

TRIAL DATE TO BE SET
ON OR AFTER 1-14-13

EXHIBIT C

DISTRICT COURT
CLARK COUNTY, NEVADA

MARGARET G. SEASTRAND,

Plaintiff,

vs.

Case No. A-11-636515-C

RAYMOND RIAD KHOURY; DOES 1
through 10; and ROE ENTITIES
11 through 20, inclusive,

Defendants.

DEPOSITION OF JEFFREY D. GROSS, M.D.

Taken on Monday, March 18, 2013

At 3:13 p.m.

At 2779 West Horizon Ridge Parkway, Suite 200

Henderson, Nevada

Reported by: Mary V. Warshefski, CCR#738, RPR

MANNING, HALL & SALISBURY, LLC
Certified Court Reporters - (702) 382-2898

pages 33-41 stricken
per order filed 5/15/15

Page 2

1 APPEARANCES:

2 For the Plaintiff: ALISON M. BRASIER, ESQ.
 Richard Harris Law Firm
 801 South Fourth Street
 Las Vegas, Nevada 89101

5 For the Defendant: STEVEN T. JAFFE, ESQ.
 Raymond Riad Khoury: Hall Jaffe & Clayton, LLP
 7425 Peak Drive
 Las Vegas, Nevada 89128

8 INDEX

Witness	Page
JEFFREY D. GROSS, M.D.	
(By Mr. Jaffe)	3
(By Ms. Brasier)	76

14 EXHIBITS

Defendant's	Description	Page
A	Dr. Gross's Expert Reports, and Medical Records on CD	77
B	Curriculum Vitae	77
C	Testimony/Trial History	77
D	Billing Records	77

(Original exhibits attached to original transcript.)

Page 3

1 (NRCF Rule 30(b)(4) waived prior
 2 to commencement of proceedings.)
 3 * * *

4 Thereupon--

5 JEFFREY D. GROSS, M.D.

6 was called as a witness by the Defendant, and having
 7 been first duly sworn, testified as follows:

8 EXAMINATION

9 BY MR. JAFFE:

10 Q. Doctor, again, my name is Steve Jaffe. I
 11 presume you've been deposed on several occasions?

12 A. True.

13 Q. Do you need me to go through the normal
 14 instructions and admonitions, or do you feel comfortable
 15 proceeding without them?

16 A. I'm comfortable without them.

17 Q. That's fine. Doctor, the two that I'm going
 18 to repeat irrespective, I just want to make sure, if I
 19 ask you a question which is unclear, I need you to tell
 20 me so that I can fix the question. If you don't tell me
 21 that there's a problem with it, then the presumption is
 22 that it was clear and understood, and you wouldn't be
 23 able to come back at trial and say that you didn't
 24 understand the question if we try to use it at that
 25 time. There's sort of an enhanced risk of that

Page 4

1 occurring since I'm going to be using medical terms that
 2 you use daily, which I don't, so I may use a term in the
 3 wrong context. But if that happens, you'll be sure to
 4 tell me so I can fix the question; right?

5 A. I will.

6 Q. And you understand that instruction?

7 A. I do.

8 Q. Second, if you decide to read and sign -- you
 9 understand what that involves; right?

10 A. Yes.

11 Q. If you elect to read and sign, I have the
 12 right to use the original as well as the changed answer,
 13 comment upon the fact that there was a change, and if
 14 significant enough, argue that there was a motive for
 15 your making your change or questions related to your
 16 believability or your honesty. But I simply point that
 17 out because while you have a right, so do I. Do you
 18 understand that?

19 A. I do.

20 Q. Okay. Would you please give us your full name
 21 and business address for the record?

22 A. Jeffrey David Gross, M.D. My business address
 23 is 2779 West Horizon Ridge Parkway, Suite 200,
 24 Henderson, Nevada 89052.

25 Q. What I'd like to do is this, because it looks

Page 5

1 like you got records that are all downloaded on disks --
 2 do you have any paper record, or is everything on
 3 electronic format?

4 A. Everything is electronic.

5 Q. How many disks do you have?

6 A. Well, I have made copies of my entire file --

7 Q. Great.

8 A. -- which fits onto one disk, I simply have
 9 multiple copies. Separate from that I have the imaging
 10 studies on disk, and it appears that there are three
 11 separate disks, which I do not have the full capability
 12 of making reasonable copies.

13 Q. Okay. Let's do this, let's reserve Exhibit A
 14 for a copy of the disk of your entire clinical file that
 15 you have absent the radiology documents. Okay?

16 A. Okay.

17 Q. Let's reserve Exhibit B for an updated copy of
 18 your CV, which I'm assuming your office can provide the
 19 court reporter?

20 A. Happily.

21 Q. And do you also maintain a current testimonial
 22 history?

23 A. Reasonably current.

24 Q. How reasonably current is it?

25 A. It's within a few months.

Page 6

1 Q. Okay. What I'd like to do is reserve
2 Exhibit C for a copy of the reasonably current
3 testimonial history.

4 In reviewing the CV that I have, it had two
5 addresses on there, neither of which was the Horizon
6 Ridge address. One is in Laguna Niguel, California, the
7 other is in Santa Ana, California.

8 Is that an outdated CV?

9 A. Well, those are my California locations, and
10 it is outdated that it does not include my Henderson
11 address.

12 Q. For how long have you held this Henderson
13 address?

14 A. I believe I've been here since May or June of
15 2011.

16 Q. And would you please tell me in what states
17 are you presently licensed?

18 A. Nevada and California.

19 Q. And when did you obtain your license in
20 Nevada?

21 A. Spring of 2011.

22 Q. Concurrent with when you obtained this
23 address?

24 A. Well, not exactly concurrent.

25 Q. More or less?

Page 7

1 A. There was a few months gap.

2 Q. Close in time?

3 A. Yes.

4 Q. And are all your licenses current?

5 A. Yes.

6 Q. Have you ever had a license suspended?

7 A. No.

8 Q. Have you ever had a license revoked?

9 A. No.

10 Q. Have you ever had a license called into
11 question administratively?

12 A. No.

13 Q. Are you currently board certified?

14 A. Yes.

15 Q. In what areas?

16 A. Neurological surgery.

17 Q. And when did you obtain your board
18 certification?

19 A. I completed the process in 2005.

20 Q. And when are you up for renewal of
21 recertification?

22 A. Well, the 10 year cycle would be 2015.

23 Q. Doctor, what percentage of your practice in
24 Nevada involves performing surgery?

25 A. By percentage do you mean time?

Page 8

1 Q. Well, okay, how about this -- yeah, let's do
2 it in terms of -- well, how much of your time is
3 generally spent practicing in Nevada as opposed to
4 California?

5 A. I spend about six clinic days in Nevada per
6 month, and I spend the balance of the workdays in
7 California, which would be 14 clinic -- clinic and/or
8 surgical days, I should say.

9 Q. In what facilities do you hold privileges to
10 perform surgeries in Nevada?

11 A. St. Rose Hospital and Coronado Surgery Center.

12 Q. And the St. Rose, is it the Siena Hospital, or
13 is it all their facilities?

14 A. Well, I applied for Siena and St. Martin, so
15 it's those two.

16 Q. And are those the two that you presently hold
17 privileges in?

18 A. Yes.

19 Q. Of the six clinic days that you are in Nevada
20 per month, how many of those days do you perform
21 surgeries on the average?

22 A. I suppose I do one to two surgeries per month
23 in Nevada. And that's not days, that's surgeries. For
24 example, I did surgery this morning from seven to nine,
25 but I still had a full clinic day as well.

Page 9

1 Q. I understand. So you're talking about one or
2 two surgeries per month while you're here?

3 A. Correct.

4 Q. And generally speaking, approximately how many
5 surgeries do you perform on a monthly basis irrespective
6 of the location?

7 A. I perform probably 10 surgeries a month on
8 average.

9 Q. And would those be -- of those 10 surgeries
10 per month on the average, how many of those typically
11 involve spinal surgery?

12 A. 99.

13 Q. Do you do any brain?

14 A. Very, very uncommonly.

15 Q. So the overwhelming, almost exclusive aspect
16 of your practice is spinal?

17 A. That's right.

18 Q. Of the 10 surgeries a month that you do, what
19 percentage of those are fusions as opposed to some other
20 form of spinal surgery?

21 A. Well, in the cervical spine, the vast majority
22 are fusions just by the nature of the beast. In the
23 lumbar spine, I'd say I'm about 60 percent nonfusion and
24 40 percent fusion.

25 Q. Now, what percentage of your professional time

Page 10

1 in Nevada is spent doing forensic litigation work?

2 A. Purely forensic or do you want me to include
3 any overlap of treatment?

4 Q. Let's talk about purely forensic?

5 A. I would estimate that no more than 10 percent
6 of my practice is purely forensic.

7 Q. And what percentage is litigation on behalf of
8 a patient who also happened to be in litigation? That's
9 bad.

10 What percentage of your practice in Nevada
11 involves treating patients who are concurrently involved
12 in litigation, or maybe involved in litigation such as,
13 you know, had presented a claim or were in an accident
14 and you have been notified that litigation is potential?

15 A. I would say 40 percent.

16 Q. Of that 40 percent where you treat patients
17 who may also be in litigation, what percentage of that
18 40 percent is referred to you directly by attorneys?

19 A. I would say 10 to 20 percent.

20 Q. So which attorneys are referring you work,
21 whether it's to treat a patient or for forensic work? I
22 don't care about the distinction.

23 A. Well, I have some referrals from Mr. Lerner's
24 firm, and I know Mr. Harris' firm. I cannot tell you if
25 there are any other firms that make direct referrals to

Page 11

1 me.

2 Q. What about attorneys?

3 A. Well, I think I've met a couple or three
4 different attorneys at Mr. Lerner's firm besides
5 Mr. Lerner.

6 Q. How about attorneys who are with firms other
7 than Lerner or Harris?

8 A. I can't think of anyone off the top of my head
9 that would fit that category.

10 Q. Approximately how many referrals do you
11 receive per month from Lerner and then also from Harris?

12 A. Direct attorney referrals?

13 Q. Yes.

14 A. I probably get one or two each, typically for
15 some type of expert involvement.

16 Q. Right. But in some of those cases, it's to
17 treat the patient as well as to do forensic litigation
18 work?

19 A. Sometimes.

20 Q. Well, it sounds like of the patients that --
21 of the litigation work you're doing, by the percentages
22 you've given me, four out of five you're also treating?

23 A. Yes.

24 Q. And that would be consistent generally with
25 the, I guess, the way the referrals from the Lerner and

Page 12

1 Harris firms come, four out of five of the ones that you
2 receive from them also involve you treating the patient?

3 A. Yes, but I don't know if it's always the task
4 of the referral for treatment. That might be something
5 that I take on.

6 Q. Oh, I see, so in other words, they might
7 originally refer the patient for you -- for your work on
8 the case, but, then, through some means, maybe the
9 patient is comfortable with you or various
10 recommendations, you'll take on treatment as well?

11 A. I think those scenarios are typical, but I
12 don't always know the exact nature of the method by
13 which I'm treating someone or how I might handle future
14 care or future visits with such a referral.

15 In other words, if I can answer further?

16 Q. Go ahead.

17 A. I don't always know the nature of my
18 involvement until I'm sitting in front of a patient
19 talking to the patient. And I would be speculating to
20 tell you why attorneys would send a patient to me except
21 for the expert part, which I understand.

22 Q. Right. I mean, it's pretty clear that when
23 the attorneys are involved and there's a referral,
24 they're going to be looking to you to provide some
25 causation analysis?

Page 13

1 A. I make that assumption.

2 Q. Okay. I'm presuming that in all the cases
3 where you've been referred by an attorney, causation
4 becomes an element of your role as a forensic expert?

5 A. I would expect so, and I have seen by
6 experience that that is true.

7 Q. Okay. By the way, do you maintain separate
8 billing records for this patient?

9 A. We use an outside service, so yes, there would
10 be separate records.

11 Q. But obviously your office would be able to
12 procure those records so that we can attach them to this
13 transcript?

14 A. Correct.

15 MR. JAFFE: Let's reserve Exhibit D for the
16 most current billing records.

17 Q. And how do you charge for work done in
18 litigation?

19 A. The hourly work, for example, review of
20 records is 500 per hour, any clinical visits are billed
21 just the same as I would bill for any patient by virtue
22 of the CPT code, review of films is also the same,
23 clinical charge per series, per CPT code.

24 Q. What about for testimony?

25 A. Testimony is \$900 an hour for deposition. In

Page 14

1 fact, it appears your office prepared a one hour check
2 for me already in that amount. And trial testimony or
3 something like trial, like arbitration, I usually set
4 aside blocks of half day for that, so I consider a half
5 day to be five hours, so five hours times \$900, which is
6 my deposition rate would be \$4,500 per half day.

7 Q. And then \$9,000 for a full day?

8 A. If someone could not ask me all the questions
9 and get all the informations out in a half a day, and
10 that rarely happens, yes, it would be \$9,000.

11 Q. It's just that sometimes people are asked to
12 be there for the morning, and then because of delays in
13 the court, it can span beyond lunch, and then that's
14 where you're charging for a full day?

15 A. Well, I've never charged for lunch.

16 Q. Well, I would hope that \$4,500 for a half day,
17 you're just sitting around, I would hope lunch is some
18 sort of a freebee.

19 But my point is if you're, then, called back
20 into the afternoon because testimony runs late, that's
21 where the second half day charge is?

22 A. It depends. I mean, if I just was there for
23 30 minutes and I could still salvage my office time, it
24 may only be that hour. It would depend on the
25 situation.

Page 15

1 Q. Okay. Let's get to talking about the
2 plaintiff Margaret Seastrand. In reviewing my records,
3 I see that you prepared three reports; is that accurate?

4 A. Yes.

5 Q. One dated August 7, 2012, a second dated
6 August 28, 2012, and a third dated September 29, 2012;
7 is that accurate?

8 A. Yes.

9 Q. And all there, are they on your disks?

10 A. Yes.

11 Q. Good. So then I don't have to deal with
12 marking them separately. If we're going to refer to
13 reports by date, that'll certainly suffice.

14 A. Yes. Thank you.

15 Q. Also, what I'd like to do is this, Doctor, if
16 -- because you're working off a screen, which I see the
17 back of your computer, if you refer to records to assist
18 you in answering, I would appreciate it if you would
19 tell me what you're referring to so that we make a clean
20 record, and so that this way I know exactly what
21 document you're looking at.

22 A. That would be no problem.

23 Q. Okay. And in preparation for today's
24 deposition, did you speak with anybody from Mr. Harris'
25 office?

Page 16

1 A. No.

2 Q. Did you speak with Ms. Seastrand?

3 A. No. Well, except for our one visit way back
4 when.

5 Q. No, but I'm saying, more current?

6 A. No, not at all.

7 Q. Did you review anything to prepare for today's
8 deposition?

9 A. Yes.

10 Q. What did you review?

11 A. My three reports.

12 Q. Did you review any records or films?

13 A. I do not go back to the original records or
14 films since they are incorporated into my reports.

15 Q. And how much time did you spend preparing?

16 A. I spent no more than an hour.

17 Q. So then obviously on the bill that we're going
18 to get, that hour is not going to be on there?

19 A. I can have it added before the records are
20 sent if you'd like.

21 Q. It doesn't matter to me, she's paying it. But
22 my point is if the bill does not have it on, then there
23 will be about another \$500 charge on top, just so we
24 know --

25 A. Yes.

Page 17

1 Q. -- the accuracy of the record?

2 A. I agree.

3 Q. Now, Doctor, you never saw Ms. Seastrand prior
4 to her undergoing any surgery; is that right?

5 A. That's right.

6 Q. And did you perform an examination of her?

7 A. Yes.

8 Q. How long did your examination last?

9 A. Well, my history and examination consultation
10 combined are typically a one-hour process. Typically,
11 the examination takes 15 to 20 minutes, and the other
12 two-thirds of the hour are used for taking the history
13 and going over any diagnostic tests and summing things
14 up.

15 Q. Fair enough. And then after that, you would
16 have authored your respective reports? Well, actually,
17 I guess the second report is the one that was after the
18 exam, right?

19 A. The second report was the one that
20 incorporates the exam.

21 Q. The first one incorporated your review of
22 records to that point; is that right?

23 A. Yes.

24 Q. And that was also your life care opinion?

25 A. Correct.

Page 18

1 Q. Do you have any certifications in life care
2 planning?

3 A. I do not.

4 Q. Then the examination that you performed came
5 after you actually prepared a Life Care Plan?

6 A. Correct.

7 Q. When dealing with life care issues, do you
8 agree with me that past conduct is the best indication
9 of how somebody will treat in the future?

10 A. I'm not sure. That might be too vague for me
11 to give you a blanket answer.

12 Q. Would you agree with me that past conduct is
13 usually a good indication of how somebody is going to
14 treat in the future?

15 MS. BRASIER: Objection. Incomplete
16 hypothetical.

17 Q. (BY MR. JAFFE) You can answer, sir.

18 A. Well, it would depend on too many variables
19 for me to be able to give you any one specific answer,
20 but it would be certainly something I would look at.

21 Q. Right. I mean, for example, if you indicated
22 that somebody was going to need an MRI of their cervical
23 spine once every three years just to monitor for
24 adjacent segment breakdown and they didn't go within
25 those first three years, that would be some indication

Page 19

1 of how they're likely going to handle their future
2 treatment?

3 A. No.

4 Q. You don't agree with that?

5 A. Not at all.

6 Q. Okay. If somebody has not followed through
7 with recommended treatment, does that at all provide an
8 indication as to how they're going to handle their
9 future care or treatment?

10 A. It depends on why they didn't follow through.

11 Q. Okay. And you would agree with me that
12 there's times people live with their condition and
13 simply move on?

14 A. Sometimes there are times -- sometimes they
15 move on and sometimes moving on later isn't enough, and
16 then they move on with the treatment that might have
17 been set forth earlier. So again, it's a dynamic
18 process.

19 Q. Right. And there's a lot of variables that
20 can play into that dynamic process; right?

21 A. True.

22 Q. Such as further degeneration in a condition?

23 A. Potentially.

24 Q. If they're -- if that's the way they're
25 genetically hardwired, that there may be further

Page 20

1 breakdown irrespective of trauma?

2 A. Well, are we talking about the spine?

3 Q. Yes.

4 A. I'm unaware of any scientific correlation
5 between adjacent segment breakdown and genetics --

6 Q. I'm not talking about adjacent segment
7 breakdown. I'm talking about -- do you agree with me
8 that a component of spinal degeneration relates to the
9 way somebody is genetically wired?

10 A. Yes.

11 Q. Okay. So, for example, you've treated
12 patients over the years who've come to you with
13 degeneration of their spine to the point that they
14 warrant surgery even though there is no identifiable
15 traumatic episode that they can point to?

16 A. Yes.

17 Q. And even if it's just simply the microtrauma
18 of daily living that produced that breakdown, that's
19 simply something that we all have to live with and is
20 viewed in conjunction with the way we're genetically
21 wired?

22 A. Genetics is one of the contributors to that,
23 yes.

24 Q. Okay. What are the other -- what else would
25 you -- can be contributing factors?

Page 21

1 A. Lifestyle.

2 Q. Right. So, for example, again, that
3 microtrauma of daily living or the type of loading that
4 we may be putting on our spine each of us individually
5 based upon what we do and how we work daily?

6 A. In part. There are other factors.

7 Q. Such as?

8 A. Organic health, for example, smoking, other
9 toxins, weight, occupation, which might be a form of
10 microtrauma.

11 Q. Comorbidities such as diabetes?

12 A. Yes.

13 Q. Well, can we agree that prior to the accident
14 at issue in this matter, Margaret Seastrand was
15 suffering from an ongoing degenerative process in both
16 her cervical and lumbar spines?

17 A. Because you use the word "suffering," I would
18 have to say no.

19 Q. Because suffering doesn't imply a symptomatic
20 response; right?

21 A. It does.

22 Q. She did demonstrate preexisting degenerative
23 conditions in her cervical and lumbar spines?

24 A. And again, you use of the word "conditions,"
25 leaves me some difficulty to answer affirmatively. I

Page 22

1 will say that she had age-related change, as any of us
2 would, but I don't think she had any other condition or
3 suffering.

4 Q. By the way, what depositions have you reviewed
5 prior to today as related to this case?

6 A. I don't think I have seen any depositions in
7 this matter.

8 Q. Have you seen Margaret Seastrand's?

9 A. I don't believe so.

10 Q. Have you seen Pablo Villablanca's?

11 A. I don't believe so.

12 Q. Have you seen Jeffrey Gross's -- I'm sorry, I
13 mean Arthur Croft? I apologize.

14 A. No.

15 Q. Have you seen John Siegler's?

16 A. No.

17 Q. Have you assisted counsel at all in preparing
18 for any of those depositions?

19 A. No, I wasn't even aware of those depositions.

20 Q. Now, you have reviewed reports that were
21 presented to you; is that right?

22 A. Yes.

23 Q. And those are some reports hired by -- of
24 experts of which I hired?

25 A. Yes.

Page 23

1 Q. You saw Villablanca's reports?

2 A. Yes.

3 Q. Siegler?

4 A. Yes.

5 Q. Any others?

6 A. Yes.

7 Q. Who?

8 A. Dr. Schiffinl.

9 Q. Okay.

10 A. I think that's all.

11 Q. Okay. Can we agree that prior to this
12 accident the plaintiff demonstrated age-related
13 degeneration at the C5-6 level?

14 A. Yes.

15 Q. Can we agree that prior to this accident the
16 plaintiff demonstrated age-related degeneration at the
17 L4-5 and at the L5-S1 levels?

18 A. Yes.

19 Q. Let's talk about the cervical spine first.
20 What age-related degeneration existed at the C5-6 level
21 as of the time of this accident?

22 A. Well, in accordance with Dr. Lewis' 4/3/09 MRI
23 cervical spine addendum, there was a disk osteophyte
24 complex bilaterally with moderate neural foraminal
25 narrowing. It appears there were also some subchondral

Page 24

1 edema in the opposing endplates. I am not certain if
2 the edema was traumatic or nontraumatic, but at least
3 the osteophytic complex would be thought to have taken
4 many months, if not years, to have formed prior to
5 4/3/09, the date of that MRI, and given that the injury
6 was less than a month before that, I would have to
7 conclude that the bone spur -- I mean, the osteophyte
8 was already there.

9 Q. Okay. And do you agree that an osteophyte can
10 be a product -- strike that.

11 Do you agree that the body forms osteophytes
12 when there is a compromise to the disk in an attempt to
13 stabilize that spinal level?

14 A. I do.

15 Q. So typically the presence of an osteophyte is
16 a good indication that there is some compromise to the
17 disk at that particular level?

18 A. Yes.

19 Q. And would you agree with me that when a disk
20 osteophyte complex produces bilateral moderate neural
21 foraminal narrowing, it would be -- well, it certainly
22 would not be surprising if there are neurologic symptoms
23 in the upper extremities which the patient complains or
24 demonstrates?

25 A. I don't know that I could --

Page 25

1 Q. That was a bad question. I'm going to
2 rephrase the question.

3 Would upper extremity neurologic symptoms be
4 consistent with a disk osteophyte complex producing
5 moderate neural foraminal narrowing?

6 A. At any time?

7 Q. Generally speaking.

8 A. Well, I don't want to put the cart before the
9 horse, but if someone had symptoms, and I looked at
10 those films and I saw the osteophyte and disk complex, I
11 could correlate the symptoms to those findings. But
12 just the presence of the osteophyte disk complex on the
13 film does not guarantee that the patient would have
14 symptoms.

15 Q. Right. And I didn't say guarantees it. But,
16 like you said, the symptoms can be consistent certainly
17 with that type of a clinical finding on films in the
18 spine itself.

19 A. They can be.

20 Q. Right. Obviously there's a lot of things you
21 need to look at, types of symptoms, where the symptoms
22 are. I mean, if she's claiming numbness in her pinky
23 and you're looking at C5-C6 disk, you're really not
24 going to be correlating the two?

25 A. Generally, no.

Page 26

1 Q. Right. And that's inconsistent with the way
2 we're wired?

3 A. Generally, yes.

4 Q. But if somebody has a disk osteophyte complex
5 at C5-6 with moderate neural foraminal narrowing, it
6 would not be surprising if that person is complaining of
7 bilateral numbness and tingling into their arm and
8 hands?

9 A. As long as the complaint came first and not
10 the film.

11 Q. Yes. Okay. That's a good point. If the
12 complaint was there before the film, because obviously,
13 then, it's not like somebody who's manufacturing a
14 symptom to go along with a clinical finding, that would
15 lend credence to the correlation between the two?

16 A. As long as it's understood that there are many
17 people with disk osteophyte complexes and no symptoms,
18 and that such spondylotic changes are susceptibility
19 factors for people who sustain traumas.

20 Q. Why is it important for you that the symptoms
21 be subjectively reported prior to the film?

22 A. That was just based on the way you phrased
23 your question because I think you were leading me down a
24 path that wouldn't have been true unless I had mentioned
25 that.

Page 27

1 Q. Okay. Why was it important to throw that in?

2 A. Because the way you had asked your question
3 made it sound like one could only evaluate the films,
4 but that's not how doctors use films, we use them to
5 correlate symptoms.

6 Q. Right. Obviously you're not taking pictures
7 and then bringing somebody in to say, Hey, what are you
8 feeling? It's the other way around. Somebody comes in
9 with a complaint and you say, Let's get a film so we can
10 see what's going on there and see if we can correlate
11 the findings with your symptoms?

12 A. Well, that's how I approach things.

13 Q. That's generally a good medical practice,
14 though, right?

15 A. That's exactly right.

16 Q. Okay. And if a patient comes in with numbness
17 bilaterally in the arms and a film comes back later
18 showing a disk osteophyte complex, say, at the C5-6
19 level, now you've at least got symptoms that generally
20 correlate with the clinical finding on the films?

21 A. Well, just given those two factors, I would
22 say it's possible. I would want to do all the other
23 things a doctor does and take a full history about the
24 symptoms and all the details of the symptoms and rule
25 out other things that could cause the same symptoms and

Page 28

1 make a full analysis. So your question was quite
2 limited, but otherwise it could certainly be correlated.

3 Q. I mean if — certainly if somebody comes in
4 complaining about bilateral numbness and there's no
5 clinical morphological abnormalities shown on films of
6 the cervical spine, now you're going to be looking at
7 some other cause for those symptoms?

8 A. Well, then that could still be the cause.
9 Certain films don't show everything, and they certainly
10 don't show pain or numbness, so it just requires, again,
11 a complete comprehensive doctor's evaluation of all
12 factors, including a differential diagnosis of non-neck
13 problems.

14 Q. There could be a neuropathy somewhere in the
15 extremities or carpal tunnel syndrome. It could be a
16 variety of different things?

17 A. Until it's narrowed down, it could possibly be
18 anything.

19 Q. But once the symptoms appear and there is a
20 corresponding abnormality in the — as shown on a film
21 of the cervical spine, that's at least a good place to
22 start the investigative process?

23 A. Fair.

24 Q. Okay. What is your opinion with respect to
25 the causal relationship between the cervical fusion

Page 29

1 performed by Dr. Muir and this accident?

2 A. It is my opinion that the need for the surgery
3 to the cervical spine as performed by Dr. Muir was
4 directly the ramifications of the March 13, 2009 injury.

5 Q. Okay. Why?

6 A. Because prior to the injury, outside of an
7 occasional stiff neck, this patient had no pathological
8 condition or symptoms emanating from the cervical spine
9 to warrant treatment, and absent the injury she would
10 not have required the surgery on the basis of her
11 age-related degeneration, which is consistent with the
12 statistics on spondylosis.

13 Q. Spondylosis is just simply a general term for
14 degeneration?

15 A. Age-related degeneration of the spine, yes.

16 Q. What is your source of information that
17 pre-dating this accident she only had an occasional
18 stiff neck?

19 A. She gave me a history when I met with her on
20 August 28, 2012. And I'll reference you to the top of
21 page 4 of my report, where she told me she denied any
22 other episodes of neck pain except a couple of focal
23 episodes on page 3 that resolved except for an
24 occasional stiff neck.

25 Q. Now, when you — and that would be an opinion

Page 30

1 that you reached in your report of August 7, 2012;
2 right?

3 A. Which part?

4 Q. The causal relationship of the cervical spine
5 fusion to this accident?

6 A. Well, I first reached that on the August 7,
7 2012 report.

8 Q. Right. But that was three weeks before you
9 ever met her; right?

10 A. Correct.

11 Q. And you hadn't spoken to her on the phone
12 before then?

13 A. I had not.

14 Q. So then when you saw -- when you wrote your
15 report of August 7, 2012, that was solely predicated
16 upon the review of records which had been given to you?

17 A. Records and some films.

18 Q. Okay. What I'm -- I certainly understand when
19 you're saying films. And when I'm talking about
20 records, I'm really not drawing a distinction between a
21 clinical document produced by a doctor as opposed to
22 films that may have been taken, because it's really all
23 part of the clinical chart; right? Part of the clinical
24 record?

25 A. I understand the way you don't make a

Page 31

1 distinction.

2 Q. But you do. Okay.

3 So, again, I guess to state it differently,
4 when you wrote your report of August 7, 2012, it was
5 solely based upon your review of clinical records and
6 films that were provided to you; is that right?

7 A. Yes.

8 Q. And did you list out the records that you
9 received which led you to that opinion?

10 A. Well, I listed all the records I reviewed.

11 Q. In preparation of the August 7 report?

12 A. Yes, they're all in the report. That's most
13 of the report.

14 Q. And I understand that. And that's what I
15 wanted to ask you, were there any records that you
16 omitted when you wrote the report of August 7, 2012?

17 A. Oh, no, I made no effort to omit any detail or
18 record.

19 Q. Now, it looks like there were further records
20 provided to you prior -- rather, which prompted you to
21 author your report of September 29, 2012; would that be
22 accurate?

23 A. Yes.

24 Q. Do you know why those records were not given
25 to you prior to the August 7 report?

Page 32

1 A. I do not.

2 Q. When were you retained in this case?

3 A. What do you mean by "retained"?

4 Q. When did somebody from Rick Harris' office
5 call you and say, Dr. Gross, we'd like to hire you as an
6 expert on behalf of Margaret Seastrand, or words to that
7 effect?

8 A. Well, I would imagine before the -- just
9 before I received the records and request for medical
10 Life Care Plan dated August of 2012.

11 Q. August 7, 2012? Because you got two reports
12 of August 2012.

13 A. Yes, you're correct. It looks like I
14 completed the record review on 8/7/12, so I must have
15 reasonably had the records for at least enough time for
16 me to review them and prepare the Life Care Plan.

17 Q. Do you maintain any correspondence indicating
18 when it was that you received those records?

19 A. All correspondence are on the CD that you've
20 already attached. I'm looking through my copy to see if
21 I have any such correspondence, and I don't see anything
22 specific that would allow me to know any date of
23 involvement or -- if that's what you mean by retention.

24 Q. Yeah. When it was that you were contacted and
25 when you agreed to accept the case, that's what I'm

Page 33

1 looking to find out.

2 A. I don't see any documents to refresh any
3 detail for me to answer.

4 Q. Do you maintain any records or notes or
5 documents in your office by anyone which would indicate
6 when it was or how it was that you were retained?

7 A. Anything that I maintain would be in the
8 patient's file. I don't keep anything separately.

9 Q. Okay. Well, do you -- when you're retained,
10 do you -- strike that.

11 When somebody from an attorney's office
12 contacts you and says, We'd like you to handle this
13 case, do you discuss with them the scope of the work
14 that you're expected to do?

15 A. Sometimes.

16 Q. Well, how did you know in this case that you
17 were going to be asked to do a Life Care Plan?

18 A. I don't recall.

19 Q. Is there any record that's generated
20 indicating what you're asked to do, be it, do an
21 independent medical examination where you're going to
22 then write a report, do a medical record review, Life
23 Care Plan, take on care of the patient?

24 A. I don't have any such record in this matter.
25 And it would not be my practice to make a record if