

**IN THE CIRCUIT COURT OF MARYLAND
FOR ANNE ARUNDEL COUNTY**

JOHN DOE :
Plaintiff :
v. : Case No.: 21-C-17-060836
JANICE TORTFEASOR :
Defendant :

PLAINTIFF’S DESIGNATION OF EXPERT WITNESSES

Plaintiff, John Doe by and through his attorneys, Ronald Justice of Justice, White & Smith, LLC, pursuant to Maryland Rule 2-402(e)(1), and designates the following individuals and entities as potential expert witnesses to testify at the trial of this matter:

1. Dr. Richard Avioli, Martinsburg VA Medical Center, 510 Butler Avenue, experts in the fields of orthopedics and orthopedic surgery, is expected to testify that there is a causal relationship between the injuries sustained in the occurrence and Plaintiff’s post-occurrence medical treatment, and the fairness, reasonableness, and causal connection of the bills generated from the treatment provided. These causation opinions will be based on the date of occurrence, the fact that Plaintiff received medical and ambulatory treatment immediately following the occurrence on that same date, the fact that he needed follow-up appointments and care because of being struck by Defendants’ vehicle, and based further on the change, for the worse, in Plaintiff’s medical condition and the severity of his treatment following the occurrence as compared to prior to the occurrence, in that Plaintiff received additional care and new types of care following the occurrence and his back-health deteriorated following the occurrence. This expert is also expected to testify that Plaintiff’s injuries are permanent as a result of the occurrence and future medical expenses and treatment are reasonably expected to occur. If it is established that Plaintiff suffered from a pre-existing condition, this expert may opine that this pre-existing condition was aggravated or exacerbated by the occurrence and that this condition made Plaintiff more susceptible to injury. The expert's opinions are based upon review of the medical records, treatment or examination of Plaintiff, the history taken from Plaintiff, and his years of experience and medical training. Plaintiff incorporates all of his medical records as though fully set forth herein. Plaintiff reserves the right to use anatomical models,

demonstrative medical illustrations, medical diagrams, and demonstrative video imaging of Plaintiff's injuries and any surgeries or procedures following the occurrence. This evidence would be introduced through expert testimony to assist the finder of fact in understanding the expert's opinions.

2. Plaintiff's Treating Occupational Therapists from Martinsburg VA Medical Center, 510 Butler Avenue, experts in the fields of physical therapy and rehabilitation are expected to testify as to the physical therapy treatment rendered to Plaintiff following the 3/16/2016 occurrence, the causal relationship between the injuries sustained in the occurrence and the treatment rendered, and the fairness, reasonableness, and causal connection of the bills generated from the physical therapy treatment provided. These experts are also expected to testify as to the permanent nature of the injuries sustained by Plaintiff as a result of the occurrence and future physical therapy expenses and treatment which are reasonably expected to occur. If it is established that Plaintiff suffered from a pre-existing condition, these experts may opine that this pre-existing condition was aggravated or exacerbated by the occurrence and that this condition made Plaintiff more susceptible to injury. The experts' opinions are based upon their review of the medical records, their own treatment or examination of Plaintiff, the history taken from Plaintiff, and their years of experience and medical training. Plaintiff incorporates all of his medical records as though fully set forth herein. Plaintiff reserves the right to use anatomical models, demonstrative medical illustrations, medical diagrams, and demonstrative video imaging of Plaintiff's injuries and any surgeries or procedures following the occurrence. This evidence would be introduced through expert testimony to assist the finder of fact in understanding the expert's opinions.

3. Plaintiff's Treating Doctors from Martinsburg VA Medical Center, 510 Butler Avenue, are experts in the field of diagnostic imaging and interpretation are expected to testify as to the diagnostic imaging services rendered to Plaintiff following the 3/16/2016 occurrence, the causal relationship between the injuries sustained in the occurrence and the medical treatment rendered, and the fairness, reasonableness, and causal connection of the medical bills generated from the medical treatment provided. The experts' opinions are based upon their review of the medical records, their own treatment or examination of Plaintiff, the history taken from Plaintiff, and their years of experience and medical training. Plaintiff incorporates all of his medical records as though fully set forth herein. Plaintiff reserves the right to use anatomical models, demonstrative medical illustrations, medical diagrams, and demonstrative video imaging of Plaintiff's injuries and any surgeries or procedures following the occurrence. This evidence would be introduced through expert testimony to assist the finder of fact in understanding the expert's opinions.

4. John B. Naiman, MD, 7850 Eastern Avenue, Baltimore, Maryland 21224, expert in the fields of orthopedics and orthopedic surgery, is expected to testify that there is a causal relationship between the injuries sustained in the occurrence and Plaintiff's post-occurrence medical treatment, and the fairness, reasonableness, and causal connection of the bills generated from the treatment provided. These causation opinions will be based on the date of occurrence, the fact that Plaintiff received medical and ambulatory treatment immediately following the occurrence on that same date, the fact that he needed follow-up appointments and care because of being struck by Defendants' vehicle, and based further on the change, for the worse, in Plaintiff's medical condition and the severity of his treatment following the occurrence as compared to prior to the occurrence, in that Plaintiff received additional care and new types of care following the occurrence and his back-health deteriorated following the occurrence. This expert is also expected to testify that Plaintiff's injuries are permanent as a result of the occurrence and future medical expenses and treatment are reasonably expected to occur. If it is established that Plaintiff suffered from a pre-existing condition, this expert may opine that this pre-existing condition was aggravated or exacerbated by the occurrence and that this condition made Plaintiff more susceptible to injury. The expert's opinions are based upon review of the medical records, treatment or examination of Plaintiff, the history taken from Plaintiff, and his years of experience and medical training. Plaintiff incorporates all of his medical records as though fully set forth herein. Plaintiff reserves the right to use anatomical models, demonstrative medical illustrations, medical diagrams, and demonstrative video imaging of Plaintiff's injuries and any surgeries or procedures following the occurrence. This evidence would be introduced through expert testimony to assist the finder of fact in understanding the expert's opinions.

5. Plaintiff reserves the right to elicit expert opinions from any expert identified by any other party.

6. Plaintiff reserves the right to elicit expert opinions from any experts called by any other party to this lawsuit and/or to rely on the expert opinions provided by any expert called by any other party to this lawsuit.

7. Plaintiff reserves the right to supplement, revise, or modify this Expert Witness Designation, including the identification of additional or new experts based on the production of new evidence, ongoing treatment, supplemental discovery, or any deposition testimony from any experts identified by Defendants. The designations provided herein are based on information presently available. It is anticipated that further discovery, independent investigation, research and analysis will supply additional facts or information, add meaning to known facts, as well as establish entirely new conclusions,

all of which will lead to further additions to, changes in, and variations from the contentions and designations provided herein set forth.

8. Plaintiff's experts reserve the right to use anatomical models, demonstrative summaries and charts of medical evidence pursuant to Maryland Rule 5-1006, demonstrative illustrations, medical diagrams, medical time lines, demonstrative/exemplar videos (see, e.g., <https://www.spine-health.com/video/lumbar-microdiscectomy-surgery-video>), demonstrative story boards, exemplar surgical equipment and supplies, anatomical drawings, and computer generated depictions pursuant to Maryland Rule 2-504.3, including, but not limited to, demonstrative video imaging of Plaintiff's injuries and any surgeries or procedures following the occurrence, all in order for the expert to help explain his or her opinions to the jury.

9. If and when additional and/or different opinions are provided by Defendant's experts, and/or those opinions are supplemented, amplified, or modified, Plaintiff further reserves the right to supplement, revise, or modify this Supplemental Designation, including the identification of additional experts.

Respectfully submitted,

JUSTICE, WHITE & SMITH, LLC

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Plaintiff's Expert Designation** was mailed, postage prepaid, on this 13th day of March, 2020, to:

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Ronald Justice