

ROBERT CYKIERT, M.D. - COURT, DEPOSITION & ARBITRATION TESTIMONY

COURT TESTIMONY - SINCE 2010

1.

NEW YORK STATE SUPREME COURT.

NEW YORK COUNTY : CIVIL TERM : PART 4

New York Supreme Court 80 Centre Street New York, New York 10007

HOWARD DAVIS, individually, and as Executor of the Estate of SUZANNE DAVIS, Plaintiff,

-against-

HENRY PERRY, M.D., OPHTHALMIC CONSULTANTS OF LONG ISLAND, Defendant.

Index No. 161017/14

Robert Cykiert, M.D. testified in Court, on **October 28, 2019**

2.

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK : CIVIL TERM : PART 62

80 Centre Street New York, New York 10013

MICHELLE LEWIS, Plaintiff

-against-

FREDERICK D. RUTKOVSKY, M.D.; LHHN MEDICAL, P.C; and LENOX HILL COMMUNITY MEDICAL GROUP, P.C., Defendants

INDEX NO: 102947/2010

Robert Cykiert, M.D. testified in Court on **October 11, 2019**

3.

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK: TRIAL TERM PART 17

60 Centre Street New York, New York

MARIE CHERY and JEAN JOSEPH, Plaintiff,

vs.

SAJID MALIK, M.D. and SAJID MALIK M.D., P.C., Defendants.

INDEX NO. 805192/12

Robert Cykiert, M.D. testified in Court, on **3/15/19**

4.

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

CIVIL TERM: PART 46, 71 THOMAS STREET NEW YORK, NEW YORK

MARIA ROSE GALLIMORE, Plaintiff,

-against-

KAREN M. ALLISON, M.D., KAREN ALLISON, M.D. P.C. and LENOX HILL HOSPITAL, Defendants.

Index No. 805094/2013

Robert Cykiert, M.D. testified in Court on **11/2/18**

5.

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK : CIVIL TERM : Part 12, 60 Centre Street New York, New York 10007

SAMANTHA JONES a/k/a SAMANTHA LALLY, Plaintiff

-against-

HARVEY ROSENBLUM, M.D., ROSENBLUM EYE CENTER, Defendant

Index: 113987/09

Robert Cykiert, M.D. testified in Court on 5/11/18

6.

Chiodo v. Medow

NY State Supreme Court, County of Kings, Index #: 025691/2011

I was a defense expert for Dr. Norman Medow in a medical malpractice case and testified in court in

September 2017.

Defense won the verdict.

Defense attorney: Sanford Gold, Esq.

sngold@arfdlaw.com

7.

Fowler v. Shrivastava

NY State Supreme Court, Bronx County, Index #: 225771-2013E

I was defense expert for Anurag Shrivastava, M.D. in a medical malpractice case and testified in court in July 2017.

Defense won the verdict.

Defense Attorney: Neil H. Ekblom, Esq.

Email: NHE@ekblomlaw.com

8.

Odoardi v. Abramson & Liberatore

NY State Supreme Court – Index #: 0805226/2012

I was defense expert for Benjamin Liberatore, M.D. in a medical malpractice case, and testified in court in March 2017.

Defense won the verdict. Defense Attorney: Karen P. Ryan, Esq.

SCHIAVETTI, CORGAN, DiEDWARDS, WEINBERG & NICHOLSON, LLP 575 Eighth Avenue

New York, New York 10009 Phone: 212-541-9100 X 2124 Email: kryan@schiavetti.com

9.

Senju Pharmaceutical Co., Ltd. et al. v. Lupin Ltd. & InnoPharma Licensing, Inc., C.A. Nos. 14-cv-00667

UNITED STATES CIRCUIT COURT, Camden, NJ - Judge Jerome Simandle

I was a defense expert in a Hatch-Waxman patent trial and testified in court in **April 2016**.

I was also deposed in this case in February 2016. (Transcript is available).

Defense attorneys:

Joe Janusz, Esq. Alston & Bird 101 South Tryon Street Suite 4000 Charlotte, NC 28280-4000 Phone: 704-444-1338 Email: joe.janusz@alston.com

Deepro Mukerjee, Esq. Alston & Bird 90 Park Avenue 15th Floor New York, NY 10016-1387 Phone: 212-210-9501 Email: deepro.mukerjee@alston.com

Natasha Daughtrey, Esq. Goodwin Procter 620 Eighth Avenue New York, NY 10018 Phone: 212 459 7245 Email: NDaughtrey@goodwinprocter.com

Emily Rapalino, Esq. Goodwin Procter 53 State Street Boston, MA 02109 Phone: 617 570 1938 Email: ERapalino@goodwinprocter.com

Arnold B. Calmann, Esq. Saiber LLC Phone: 973-645-4828 Email: abc@saiber.com (An email message from Mr. Calmann regarding my court testimony is available).

The case was settled on 10/11/16. (Copy of the settlement agreement is available).

10.

Giampietro v. The Eye Care Group, P.C.

Connecticut Superior Court – Docket No. NNH-CV-12-6034486-S

I was a plaintiff expert for Giampietro in a medical malpractice case.

I was deposed on September 18, 2015.

I testified in court on **June 14, 2016**

Defense won the verdict.

Plaintiff attorney: Penn Rhodeen, Esq.

Email: pennrhodeen@gmail.com

11.

Seiden v. Sonstein et.al.

New York State Supreme Court

I was defense expert for Dr. Sonstein in a medical malpractice case and testified in court in **December 2016**.

Case was settled during jury deliberation.

Defense attorney: Charles X. Connick, Esq. Connick, Myers, Haas & McNamee, P.L.L.C. 114 Old Country Road Mineola, NY Phone: 516-873-3900 Email: cconnick@cmhmlaw.com

12.

Italiano v. Dziedzic

New York State Supreme Court County of Westchester, Index #: 15444/10

I was a defense expert for Dr. Dziedzic in a medical malpractice case and testified in court in **January 2014**.

Defense won the verdict.

Defense attorney: Neil H. Ekblom, Esq.

Email: NHE@ekblomlaw.com

13.

Lombardo v. Jordan

New York State Supreme Court, County of Kings, Index #: 14289/11

I was a defense expert for Dr. Jordan in a medical malpractice trial and testified in court in April 2014.

There was a mistrial. Plaintiff dropped the case after mistrial.

Defense attorney: Neil H. Ekblom, Esq.

Email: NHE@ekblomlaw.com

14.

Cifuentes v. Stanciu

NY State Supreme Court, County of Queens, Index #: 9230/2012

I was a defense expert for Dr. Stanciu in a medical malpractice case and testified in court in

October 2014.

Plaintiff won the verdict.

Defense attorney: Sanford Gold, Esq.

Email: sngold@arfdlaw.com

15.

Bower v. Younger

NY State Supreme Court, County of Nassau, Index #: 9658/11

I was a defense expert for Dr. Younger in a medical malpractice case and testified in court in

December 2014.

Defense won the verdict.

Defense attorney: Sanford Gold, Esq.

sngold@arfdlaw.com

16.

Evans v. Kung

New York State Supreme Court, County of Kings, Index #: 20688/2007

I was a defense expert for Dr. Kung in a medical malpractice case and testified in court in

October 2013.

Plaintiff won the verdict.

Defense attorney: Neil H. Ekblom, Esq.

Email: NHE@ekblomlaw.com

17.

Carmona v. Mathisson

NY State Supreme Court

I was a defense expert witness for Dr. Mathison in a medical malpractice case and testified in court in

March 2013.

Defense won the verdict.

Defense attorney: Neil H. Ekblom, Esq. Ekblom & Partners

Email: NHE@ekblomlaw.com

18.

Betancourt v. Chynn

New York State Supreme Court, County of Nassau, Index #: 09-025027

I was a defense expert for Dr. Chynn in a medical malpractice case and testified in court in March 2013.

Defense won the verdict.

Defense attorney: Michael T. Loffredo, Esq.

<https://www.linkedin.com/in/michael-loffredo-31a01818>

19.

Davis v. Lu

N.Y. State Supreme Court, County of St. Lawrence

I was a defense expert witness for Dr Lu in a medical malpractice case and testified in court in November 2012.

Defense won the verdict.

Defense attorney: Neil H. Ekblom, Esq. Ekblom & Partners, LLP

Email: NHE@ekblomlaw.com

20.

Drut v. Chynn

New York State Supreme Court, County of New York, Index #: 111992/07

I was a defense expert for Dr. Emil Chynn in a medical malpractice case and testified in court in December 2011.

Defense won the verdict.

Defense attorney: Michael T. Loffredo, Esq.

<https://www.linkedin.com/in/michael-loffredo-31a01818>

21.

Welburn v. Rogue Valley Medical Center

Oregon Circuit Court

I was a plaintiff expert in a medical malpractice case and testified in court in February 2011.

Defense won the verdict.

Plaintiff attorney: Lawrence Baron, Esq.

Email: baron@baronlawfirm.com

22.

Viera v. Chess

New York State Supreme Court, Bronx County

I was a defense expert for Dr. Chess in a medical malpractice case and testified in court in December 2010.

Defense won the verdict.

Defense attorney: Neil H. Ekblom, Esq.

Email: NHE@ekblomlaw.com

23.

Presley v. Levy

New York State Supreme Court, Bronx County

I was a defense expert for Dr. Levy in a medical malpractice case and testified in court in October 2010.

Defense won the verdict.

Defense attorney: Neil H. Ekblom, Esq.

Email: NHE@ekblomlaw.com

DEPOSITION TESTIMONY – SINCE 2010

1.

Verghitsis & Reit

v.

Goldfarb

Superior Court of New Jersey Law Division Bergen County

Docket Number: BER – L – 7633 – 20

Deposition of Robert Cykiert, M.D. as Plaintiff Expert

via Zoom Televideo

September 29, 2023

2.

Carole “Sue” Haskins, Plaintiff

v.

Robert J. Austin, M.D. and Austin Family Eye Care, P.C., Defendant

United States District Court for the District of Vermont

Civil Case No.: 2:22-cv-128

Deposition of Robert Cykiert, M.D. as Plaintiff Expert

via Zoom Televideo

August 4, 2023

3.

Jeffrey N. Mandel

v.

R. Stephen Brown, MD, et al.

State of New Jersey

Docket No.: BER-L-3976-20;

Deposition of Robert Cykiert, M.D. as Defense Expert

via Zoom Televideo

May 5, 2023

4.

MICHAEL DRAKE

vs.

KATHERINE ZAMECKI, M.D., ET. AL.

CONNECTICUT SUPERIOR COURT OF DANBURY

DOCKET NO: DBD-CV-21-6039278-S

Deposition of Robert Cykiert, M.D. as Defense Expert

Held at Kaufman Borgeest & Ryan LLP Law Firm in Manhattan, New York City

April 21, 2023

5.

RICHARD CULLEY,

v.

EDWARDS MANUFACTURING COMPANY OF ALBERT LEA

Case No.: 7:20-cv-07346-NSR

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Deposition of Robert Cykiert, M.D. as Plaintiff Expert via Televideo

March 3, 2023

6.

CAROLINE ASHLEIGH

v.

GROSINGER, SPIGELMAN AND GREY EYE SURGEONS, P.C., EYE SURGERY CENTER OF MICHIGAN, LLC, LES GROSINGER, M.D.

STATE OF MICHIGAN IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

Case No: 2021-190483-NH

Deposition of Robert Cykiert, M.D. as Plaintiff Expert

October 28, 2022 via Televideo

7.

STATE OF RHODE ISLAND SUPERIOR COURT PROVIDENCE, SC

DEBRA TOCCO Plaintiff

v.

ROBERT J. HOFMANN, M.D. and THE RHODE ISLAND EYE INSTITUTE, LLC Defendants

C.A. No. PC-2019-4701

VIDEO-RECORDED DEPOSITION OF ROBERT CYKIERT, M.D.

DATE: December 17, 2021 New York, NY

8.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF FLORIDA PENSACOLA DIVISION

IN RE: DEEP WATER HORIZON BELO CASES,

CASE NO.: 3:19CV963

VIDEO-RECORDED DEPOSITION OF

ROBERT CYKIERT, M.D. TAKEN ON: December 7th, 2021 New York, N Y

9.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION - MERCER COUNTY

DOCKET NO. MER-L-001522-19

CELESTINE GREENUP, Plaintiff,

vs.

MATOSSIAN EYE ASSOCIATES; SURGERY CENTER OF CENTRAL NJ; SEBASTIAN LESNIAK, M.D.; JOHN DOES 1-100, and ABC CORPS. 1-100, Defendants.

ZOOM DEPOSITION OF: ROBERT CYKIERT, M.D. TAKEN IN NEW YORK CITY ON FRIDAY, JUNE 25, 2021

10.

In The Circuit Court of Nicholas County, West Virginia

Civil Action No. 18-C-60

SMS File No. 1600-77

Honorable James Rowe, Judge

Dreama L. Davis, Plaintiff

vs.

John Lackey, D.O., Defendant

Deposition of Robert Cykiert, M.D. taken on 12/12/18 in New York City

11.

Superior Court of New Jersey

Law Division: Middlesex County

Docket No. MID-L-02821-15

Nirmala Balagopal, Plaintiff

vs.

Omni Eye Services,

Douglas K. Grayson, M.D.

George W. Velicky, O.D.

et al.

Deposition of Robert Cykiert M.D. taken on 6/27/18 in New York City

12.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA, JACKSONVILLE DIVISION

In re: DISPOSABLE CONTACT LENS ANTITRUST LITIGATION

Case No. 3:15-md-02626-HES-JRK

Judge Harvey E. Schlesinger

Deposition of Robert Cykiert M.D. taken on 3/9/18 in New York City

13.

Senju Pharmaceutical Co., Ltd. et al. v. Lupin Ltd. & InnoPharma Licensing, Inc., C.A. Nos. 14-cv-00667

UNITED STATES CIRCUIT COURT, Camden, NJ - Judge Jerome Simandle

I was a defense expert in a Hatch-Waxman trial and testified in court in April 2016.

I was also deposed in this case in February 2016. (Transcript is available).

Defense attorneys:

Joe Janusz, Esq. Alston & Bird 101 South Tryon Street Suite 4000 Charlotte, NC 28280-4000 Phone: 704-444-1338 Email: joe.janusz@alston.com

Deepro Mukerjee, Esq. Alston & Bird 90 Park Avenue 15th Floor New York, NY 10016-1387 Phone: 212-210-9501 Email: deepro.mukerjee@alston.com

Natasha Daughtrey, Esq. Goodwin Procter 620 Eighth Avenue New York, NY 10018 Phone: 212 459 7245 Email: NDaughtrey@goodwinprocter.com

Emily Rapalino, Esq. Goodwin Procter 53 State Street Boston, MA 02109 Phone: 617 570 1938 Email: ERapalino@goodwinprocter.com

Arnold B. Calmann, Esq. Saiber LLC Phone: 973-645-4828 Email: abc@saiber.com (An email message from Mr. Calmann regarding my court testimony is available).

The case was settled on 10/11/16. (Copy of the settlement agreement is available).

14.

Giampietro v. The Eye Care Group, P.C.

Connecticut Superior Court – Docket No. NNH-CV-12-6034486-S

I was a plaintiff expert for Giampietro in a medical malpractice case.

I was deposed on September 18, 2015.

I testified in court on June 14, 2016

Defense won the verdict.

Plaintiff attorney: Penn Rhodeen, Esq.

Email: pennrhodeen@gmail.com

15.

Cote v. Koch & Krzystolik

Rhode Island Supreme Court

I was a plaintiff expert for Cote in a medical malpractice case.

I was deposed on October 10, 2014.

Defendant settled case after my deposition.

Plaintiff attorney: Jeffrey A. Mega, Esq.

Email: jam@decof.com

16.

Taylor v. Leep

Michigan State Circuit Court, County of Houghton

I was a plaintiff expert for Taylor in a medical malpractice case in 2013.

I was deposed in 2013. Defendant settled case after my deposition.

Plaintiff attorney: Vincent Petrucelli, Esq.

Email: vincent@truthfinders.com

ARBITRATION TESTIMONY

1.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION - MERCER COUNTY

DOCKET NO. MER-L-001522-19

CELESTINE GREENUP, Plaintiff,

vs.

MATOSSIAN EYE ASSOCIATES; SURGERY CENTER OF CENTRAL NJ

I was the defense expert in a medical malpractice case.

TELEVIDEO TESTIMONY OF: ROBERT CYKIERT, M.D. TAKEN IN NEW YORK CITY

ON FRIDAY, SEPTEMBER 30, 2022

Exhibit 1004 (Court, Deposition &
Arbitration Testimony of Dr. Robert Cykiert)
Nulids IPR2024-00764