

OUR FILE NO.: 090.155440

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN SCHOOLCRAFT,

10CV6005 (RWS)

Plaintiff,

- against -

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOFF, Tax Id. 894025, Individually and in his Official Capacity, STG. FREDERICK SAWYER, Shield No. 2576, Individually and in his Official Capacity, SERGEANT KURT DUNCAN, Shield No. 2483, Individually and in his Official Capacity, LIEUTENANT CHRISTOPHER BROSCART, Tax Id. 915354, Individually and in his Official Capacity, LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374, Individually and in his Official Capacity, SERGEANT SHANTEL JAMES, Shield No. 3004, and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "NYPD defendants"), JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, Individually and in his Official Capacity, DR. LILIAN ALDANA-BERNIER, Individually and in her Official Capacity and JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEE'S "JOHN DOE" # 1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown),

Defendants.

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MEMORANDUM OF LAW IN SUPPORT OF MOTION *IN LIMINE* BY DEFENDANT DR. LILIAN ALDANA-BERNIER TO PRECLUDE DR. ROY LUBIT FROM

**TESTIFYING THAT PLAINTIFF SUFFERS FROM POST TRAUMATIC STRESS
DISORDER (PTSD)**

This Memorandum of Law is respectfully submitted on behalf of defendant Dr. Lilian Aldana-Bernier in support of her motion *in limine* to preclude Dr. Roy Lubit, plaintiff's expert, from testifying that plaintiff developed post-traumatic stress disorder as a result of his hospitalization at Jamaica Hospital. Dr. Aldana-Bernier seeks the same relief against Dr. Lubit that Jamaica Hospital and Dr. Isak Isakov seek in their respective motions dated September 21, 2015 against Dr. Lubit for the same reasons articulated therein. Therefore, for the sake of brevity and to conserve judicial resources, Dr. Aldana-Bernier incorporates and adopts all factual and legal arguments, including exhibits, set forth by Jamaica Hospital in Gregory Radomisli's Memorandum of Law dated September 21, 2015, docket number 491, as well as by Dr. Isakov in Brian Lee's Memorandum of Law dated September 21, 2015, docket number 493.

WHEREFORE, it is respectfully requested that the instant Motion be granted in its entirety.

Dated: New York, New York
 September 21, 2015

/s/ Matthew J. Koster
Matthew J. Koster
Attorneys for Defendant
DR. LILIAN ALDANA-BERNIER
One Whitehall Street, 10th Floor
New York, New York 10004
(212) 248-8800