

CERTIFICATE OF QUALIFIED EXPERT

I, [REDACTED], hereby certify, attest, and affirm that:

1. That I am a physician licensed to practice medicine in the State of [REDACTED]
2. That I am a board certified physician in the field of General Surgery and have been engaged in the practice of surgery for the last thirty years.
3. That up to and including the date of this certificate, I have performed over Two Thousand cholecystectomies.
4. That I have reviewed medical records of patient [REDACTED] from Franklin Square Hospital for an admission on or about February 2, [REDACTED], that pertained to a laparoscopic cholecystectomy performed by [REDACTED], which included an operative report from [REDACTED] for a surgery [REDACTED] performed on Phyllis Rode on or about February 6, 2006.
5. That it is my opinion, within a reasonable degree of medical probability, that [REDACTED] departed from the applicable standard of medical care when he operated on [REDACTED] on or about February 2, 2006, by causing an injury to [REDACTED]'s common hepatic duct during the laparoscopic cholecystectomy, and that this departure from the applicable standard of medical care directly and proximately caused a physical injury to [REDACTED] (a transected common hepatic duct) and that as a direct and proximate result of this departure from the applicable standard of medical care and resulting physical injury that [REDACTED] required additional surgical care and medical treatment for this injury.
6. That it is my opinion, within a reasonable degree of medical probability, that the standard of care applicable to [REDACTED] when he operated on [REDACTED] on or about February 2, 2006 was to perform the operation without cutting [REDACTED]'s common hepatic duct.
7. That I do not devote annually more than 20% of my professional activities to activities that directly involve testimony in personal injury claims.
8. That I am not a party to the pending litigation; that I am not an employee or partner of any party to the pending litigation; that I am not an employee or stockholder of any professional corporation of which any party of the pending litigation is a stockholder.

  
[REDACTED]

1/23/09  
DATE