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| ADAMS COUNTY DISTRICT COURT STATE OF COLORADO  Court Address: SERVED ONLY:  1100 Judicial Center Drive FILING ID: 1D2  Brighton, Colorado 80601 CASE NUMBER: | December 5, 2018 6:25 PM CB44A3731  2018CV30347  **COURT USE ONLY** |
| **Plaintiff(s):**  **Defendant(s):** |
| *Attorneys for Plaintiff:*  FIRM NAME  ADDRESS:  Phone Number:  Fax Number: | Case Number: 18 CV 030347  Division/ Courtroom: W |
| **PLAINTIFF’S RULE 26(a)(2) ENDORSEMENT OF EXPERT WITNESSES** | |

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**COMES NOW**, the Plaintiff Judith Makowski as lineal heir to Edward R. Makowski (deceased) as well as Personal Representative of the Estate of Edward R. Makowski, by and through her attorneys, Anderson Hemmat, LLC and pursuant to Rule 26(a)(2) and the Colorado rules of civil procedure hereby endorse the following experts to testify at trial:

# C.R.C.P. 26(a)(2)(B)(I): RETAINED EXPERTS

Experts specially retained on behalf of Plaintiff will be asked to provide testimony concerning their background, training, qualifications and experience, the materials reviewed and, where applicable, the medical literature relied upon in forming their opinions and conclusions.

Specially retained experts will be asked to testify concerning the nature of their business or practice, their education, training and experience as set forth in their *Curriculum Vitae*, their familiarity and basis for their claimed familiarity with the applicable technical standards, as well as their knowledge and experience concerning the issues. These experts will be asked to provide opinion testimony based generally on their knowledge, education, training and experience, as well as knowledge and review of applicable literature, published treatises, periodicals, pamphlets, facts or data made known to them at or before trial and any other facts or data reasonably relied upon by experts in the field of forming

opinions. Retained experts will provide opinion testimony based upon their specific knowledge, education, training, and experience with the issues in the case.

Plaintiff reserves the right to offer opinion testimony deemed to be relevant and admissible by the Court in accordance with opinions rendered during depositions of experts and to pose hypothetical questions to them at trial based upon evidence introduced at trial. Plaintiff reserves the right to ask retained experts to review and possibly revise or modify their opinions based upon deposition testimony of defense experts, as well as newly provided facts, opinions, records and/ or materials and to answer, rebut or respond to the testimony and/ or opinions of defense experts deemed by the Court to be relevant and admissible.

Plaintiff anticipates using various exhibits in connection with or to illustrate testimony of all experts (retained and non-retained), including, without limitation, testimony excerpts, timelines, anatomic drawings, enlargement of records, applicable codes and standards and related records. Plaintiff also reserves the right to use diagrams, graphs, models, animations, videos and/ or other demonstrative evidence to illustrate the testimony of all experts (retained and non-retained).

# WITNESS[ES] RETAINED OR EMPLOYEE[S] OF DISCLOSING PARTY.

1. **Tony DiNicola, AIA, RID, RAS 4404 Fiesta Circle**

**Fort Worth, Texas 76133 (817) 980-6196**

1. **A REPORT WHICH SHALL CONTAIN THE FOLLOWING:**
   1. **A specific statement of the opinions by the expert and the facts and other information specifically relating to and forming the basis for each opinion:** *See attached report as* ***Exhibit 1*** (bates nos. 001 – 044)*.*
   2. **A listing of all of the material relied upon by the expert:** *See attached report as* ***Exhibit 1*** (bates nos. 001 – 044)*.*
   3. **References to literature which may be used during the witness testimony:** *See attached report as* ***Exhibit 1*** (bates nos. 001 – 044)*.*

# Any existing exhibit prepared by or specifically for the expert for use at trial; any additional exhibits to be used at trial shall be disclosed consistent with the deadlines set forth in the case management order at 10(d) and (e): *See attached report as Exhibit 1* (bates nos. 001 – 044)*.*

* 1. **Witness’ curriculum vitae, including a list of publications over the last 10 years:** *See attached report as* ***Exhibit 1*** (bates nos. 001 – 044)*.*
  2. **A list of all trial or deposition testimony given by the witness in the last four years:** *See attached report as* ***Exhibit 1*** (bates nos. 001 – 044)*.*
  3. **Accounting of all time spent on the case:** *Plaintiff will supplement this endorsement to produce a copy of Mr. DiNicola’s invoice upon receipt.*
  4. **A fee schedule:** *See attached report as* ***Exhibit 1*** (bates nos. 001 – 044)*.*

# A certification that this expert has:

[ X] prepared or reviewed the report; and [ X ] signed the report.

# WITNESS[ES] NOT RETAINED OR EMPLOYEE[S] OF DISCLOSING PARTY.

**C.R.C.P. 26(a)(2)(B)(II): NON-RETAINED EXPERTS**

Plaintiff reserves the right to offer opinion testimony deemed to be relevant and admissible by the Court in accordance with opinions rendered during depositions of experts and to pose hypothetical questions to them at trial based upon evidence introduced at trial. Plaintiff reserves the right to ask retained experts to review and possibly revise or modify their opinions based upon deposition testimony of defense experts, as well as newly provided facts, opinions, records and/ or materials and to answer, rebut or respond to the testimony and/ or opinions of defense experts deemed by the Court to be relevant and admissible.

Plaintiff anticipates using various exhibits in connection with or to illustrate testimony of all experts (retained and non-retained), including, without limitation, testimony excerpts, timelines, anatomic drawings, enlargement of records, applicable codes and standards and related records. Plaintiff also reserves the right to use diagrams, graphs, models and/ or other demonstrative evidence to illustrate the testimony of all experts (retained and non-retained).

The following person[s] may be called to provide expert testimony but have neither (1) been retained to provide expert testimony, nor (2) are employees of the disclosing party whose duties regularly involve giving expert testimony:

# OFFICE OF THE CORONER – ADAMS & BROOMFIELD COUNTIES

* + - * 1. Monica Broncucia-Jordan Chief Coroner

330 North 19th Avenue Brighton, Colorado 80601

(303) 659-1027

* + - * 1. **Qualifications:** Dr. Broncucia-Jordan is the Chief Coroner for Adams and Broomfield Counties.

# Substance of all opinions to be expressed and the basis and reasons therefore:

Dr. Broncucia-Jordan will testify consistent with the Autopsy Report performed on Edward Makowski, Case No. A17-00325 attached hereto as ***Exhibit 2*** (bates

nos. 001 – 009). She will testify to the opinions and conclusions provided in the Autopsy Report based on her background, training and expertise. She will further authenticate any and all supporting documents generated by the Office of the Coroner, Adams & Broomfield Counties related to the subject incident on February 2, 2017.

# ST. ANTHONY NORTH HOSPITAL

* + - * 1. **Marc A. Passo, M.D.**

**St. Anthony North Hospital 14300 Orchard Parkway**

**Westminster, Colorado 80023**

* + - * 1. **Qualifications:** Dr. Passo is board-certified in emergency medicine.

# Substance of all opinions to be expressed and the basis and reasons therefore:

The above witnesses will testify consistent with Edward Makowski’s medical records attached hereto as ***Exhibit 3*** (bates nos. 001- 020). They will also testify consistent with their credentials. The above witnesses will further testify will also testify consistent with their deposition, if taken.

The above witnesses will further testify to and authenticate Edward Makowski’s entire medical chart from St. Anthony North Hospital including all dates of treatment whether specifically identified herein or not. The above witnesses will authenticate and testify consistent with the entire medical record file contained at St. Anthony North Hospital regarding Edward Makowski which has been previously produced to Defendant and for which Plaintiff endorses herein.

Additionally, the above witnesses will testify to the medical care and treatment they provided to Edward Makowski and the necessity of their own medical records and the total medical care and bills associated therewith.

Further, the above witnesses will also testify to the reasonableness and necessity of charges for the care and treatment that they and St. Anthony North Hospital provided to Edward Makowski and that the care was reasonable, necessary and related to the incident of February 2, 2017. They will also testify to and authenticate Edward Makowski’s medical bills from St. Anthony North Hospital stating that based on their background, training and years on the job they have become familiar with the reasonable charges billed in this community for similar medical services as were provided to Edward Makowski and that the billing from St. Anthony North Hospital was billed at the reasonable, customary rate in the community for which the services were provided. The total bills as of the date of this disclosure for St. Anthony North Hospital are $27,283.57.

The above witnesses will further testify that the injuries to Edward Makowski were entirely caused by the at issue accident of February 2, 2017.

Finally, the above witnesses will also testify to demonstrative summaries of medical care as well as demonstrative summaries, if applicable.

All documents are available for review at the office of the Plaintiff’s counsel upon prior arrangement.

\* ***Plaintiff reserves the right to supplement his endorsement and areas of testimony prior to trial should Plaintiff undergo additional treatment/ care/ testing with the above endorsed expert physicians.***

DATED 5th day of December, 2018

FIRM NAME

*s/ LAWYER NAME*

*Attorneys for Plaintiff*

# CERTIFICATE OF SERVICE

I hereby certify on this 5th day of December, 2018, a true and correct copy of the foregoing

**PLAINTIFF’S RULE 26(a)(2) ENDORSEMENT OF EXPERT WITNESSES** was electronically

filed with the Court and served on the following party via ICCES and Serve ***with attachments sent via ShareFile (email):***

*s/*