



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

LISA TORREY, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. 5:17-cv-00190-RWS
	§	
INFECTIOUS DISEASES SOCIETY OF	§	
AMERICA, <i>et al.</i> ,	§	
	§	
Defendants.	§	

**PLAINTIFFS’ DESIGNATION OF EXPERTS**

COME NOW Plaintiffs LISA TORREY, KATHRYN KOCUREK Individually and on behalf of the Estate of J. DAVID KOCUREK, PH.D., LANA BARNES Individually and on behalf of the Estate of AL BARNES, AMY HANNEKEN, JANE POWELL, CAROL FISCH, JOHN VALERIO, STEVEN WARD, RANDY SYKES, BRIENNA REED, ROSETTA FULLER, ADRIANA MONTEIRO MOREIRA, JESSICA MCKINNIE, KRISTINE WOODARD, GAIL MEADS, DR. MICHAEL FUNDENBERGER, GAYLE CLARKE, ALLISON LYNN CARUANA, CHLOE LOHMEYER, MAX SHINDLER, TAWNYA DAWN SMITH, Individually and as Next Friend of MONET PITRE, MIKE PEACHER, Individually and as Next Friend of ASHLEIGH PEACHER, ALARIE BOWERMAN, Individually and as Next Friend of ELISA BOWERMAN, EMORY BOWERMAN, and ANAIS BOWERMAN, on behalf of themselves and for all other members of the class herein, and serve this expert designation.

**I.**  
**RETAINED EXPERTS**

Defendants refuse to cooperate in the discovery process and refuse to produce documents responsive to the Additional Disclosures. Defendants also refuse to honor their agreement to

produce documents beyond four years. As a result, Plaintiffs are unable to designate retained experts and produce reports. Plaintiffs reserve the right to designate retained experts once the Court rules on Plaintiffs' pending discovery motions and Defendants comply with their discovery obligations. Subject to these reservations, Plaintiffs designate expert witnesses as follows:

**1. Joe Roden**

Rusty Hardin & Associates, LLP  
1401 McKinney St., Suite 2250  
Houston, Texas 77010  
(713) 652-9000

Mr. Roden will testify as to the reasonable and necessary attorneys' fees and expenses customarily incurred in litigation of this type, the actual attorneys' fees and expenses incurred by Plaintiffs in prosecuting this suit and the reasonableness and necessity of Plaintiffs incurring such attorneys' fees and expenses. Mr. Roden's opinions are based upon Mr. Roden's experience, knowledge, training and expertise as an attorney, his knowledge of the case, and his review of the records and/or documents and pleadings on file. His resume is attached as Exhibit "A". Mr. Roden reserves his opinion as to the fees incurred by any other parties until such time as he has had the opportunity to review the billing records of said party. Mr. Roden will also respond to any allegations of Defendants' experts regarding the issue of attorneys' fees and expenses.

**II.**

**NON-RETAINED EXPERTS**

**1. Dr. Sam T. Donta**

90 Ter Heun Dr.  
Falmouth, MA 02540  
508-539-6666

Dr. Donta is an infectious disease doctor who treated Lyme disease. He was an IDSA panelist but was removed for his opinions on chronic Lyme disease. Dr. Donta has knowledge regarding the inner workings of the IDSA. He has expertise regarding chronic Lyme disease,

treating chronic Lyme disease, how health insurance companies cover (and do not cover) chronic Lyme disease, retaliation against doctors who treat chronic Lyme disease by health insurance companies, the IDSA guidelines, treatment failure of patients treated with short-term antibiotics, how health insurance companies require doctors to follow only the IDSA guidelines, and the testing for Lyme disease. Plaintiffs believe Dr. Donta will offer opinions regarding all these issues.

**2. Dr. Benjamin J. Luft,**  
100 Nicolls Rd.  
Stony Brook, NY 11794  
631-632-6000

Dr. Luft is Benjamin J. Luft, MD, is an internationally recognized expert in the treatment of Lyme disease. He is currently the Director and Principal Investigator at Stony Brook University's Wellness Program for Infectious Disease. Dr. Luft was an IDSA panelist who was demoted for his views on Chronic Lyme disease. He has expertise regarding Lyme disease testing, the failure rates for Lyme disease testing, the inaccuracies of Lyme testing when following IDSA guidelines, and people who have Lyme disease yet do not test positive.

**3. Dr. Joseph J Burrascano Jr**  
139 Springs Fireplace Rd.  
East Hampton, NY 11937

Dr. Burrascano, one of the world's leading experts on the diagnosis and treatment of Lyme disease, is a founding member of the International Lyme and Associated Diseases Society. He has expertise regarding chronic Lyme disease, treating chronic Lyme disease, how health insurance companies cover (and do not cover) chronic Lyme disease, retaliation against doctors who treat chronic Lyme disease by health insurance companies, the IDSA guidelines, treatment failure of patients treated with short-term antibiotics, how health insurance companies require doctors to follow only the IDSA guidelines, and the testing for Lyme disease. Plaintiffs believe Dr. Burrascano will offer opinions regarding all these issues.

**4. Dr. Joseph G. Jemsek**

2440 M St NW  
Washington, DC 20037  
202 955-0003

Dr. Jemsek was one of the pioneers in HIV/AIDS research and treatment. He established twenty-two protocols for the treatment of HIV/AIDS and published more than forty peer-reviewed articles. When Dr. Jemsek learned about the growing number of Lyme disease patients who were not being properly treated, he turned his attention to Lyme disease. He has expertise regarding chronic Lyme disease, treating chronic Lyme disease, how health insurance companies cover (and do not cover) chronic Lyme disease, retaliation against doctors who treat chronic Lyme disease by health insurance companies, the IDSA guidelines, treatment failure of patients treated with short-term antibiotics, how health insurance companies require doctors to follow only the IDSA guidelines, and the testing for Lyme disease. Plaintiffs believe Dr. Jemsek will offer opinions regarding all these issues.

**5. Dr. Kenneth Liegner**

592 NY-22  
Pawling, NY 12564  
845-493-0274

Dr. Kenneth Liegner is a Board-Certified Internist with additional training in Pathology and Critical Care Medicine, practicing in Pawling, New York. He has been actively involved in diagnosis and treatment of Lyme disease and related disorders since 1988. He has published articles on Lyme disease in peer-reviewed scientific journals and has presented poster abstracts and talks at national and international conferences on Lyme disease and other tick-borne diseases. He is the author of *In the Crucible of Chronic Lyme Disease*, a documentational history of the struggle to characterize the nature of Lyme disease in the late 20th and early 21st centuries. He has cared for many persons seriously ill with chronic and neurologic Lyme disease. He has

expertise regarding chronic Lyme disease, treating chronic Lyme disease, how health insurance companies cover (and do not cover) chronic Lyme disease, retaliation against doctors who treat chronic Lyme disease by health insurance companies, the IDSA guidelines, treatment failure of patients treated with short-term antibiotics, how health insurance companies require doctors to follow only the IDSA guidelines, and the testing for Lyme disease. Plaintiffs believe Dr. Liegner will offer opinions regarding all these issues.

**6. Pamela Weintraub**

245 E. 58<sup>th</sup> Street, Apt. 25D  
New York, NY 10022  
(202) 327-5777

Pam Weintraub is the psychology and health editor of Aeon. She was previously executive editor at Discover and editor in chief of OMNI. She is the author of the award-winning book *Cure Unknown: Inside the Lyme Epidemic*. Pam Weintraub has expertise in the history and background of chronic Lyme disease, the history and background of the IDSA, the history and background of the IDSA panelists, the development of the IDSA guidelines, and the conflicts between the IDSA, the IDSA panelists, and the health insurance companies. Pam Weintraub also has expertise in doctors refusing to treat chronic Lyme disease, doctors being reported to their medical boards for treating chronic Lyme disease, and the efforts Lyme disease patients go through to receive treatment.

**7. Medical Providers**

Plaintiffs hereby designate and identify the medical providers and physicians who provided medical care and/or treatment to Plaintiffs, along with their custodians of medical/billing records. All physicians, healthcare providers, nurses, aides, lab technicians, physician's assistants, radiologists, and other providers who participated in the care and treatment of Plaintiffs, and their custodians of medical radiology and billing records, including but not limited to:

Jonathan S. Forester, MD (Lyme Physician: 2013-2016)  
2809 Donahue Ferry Rd.  
Pineville, LA. 71360  
Ph: 318-641-0865  
Fax: 318-640-3290

Asher Syed Imam, DO (Neurology: 2014-2016)  
Southlake Neurology and Neurophysiology Clinic, PLLC  
321 W Southlake Blvd.  
Southlake, TX 76092  
Ph: 817-421-2905  
Fax: 817-416-7284

Ginger Savely, DNP, Med, APRN, FNP-C, CAN  
(Lyme Nurse Practitioner: 2002-2005 in Austin, TX)  
Current Practice:  
TBD Medical Associates  
1629 K Street NW, Suite 300  
Washington, DC 20006  
No Phone#  
Fax: 800-692-4880

Raphael Stricker, MD (Lyme Physician 2002-2013)  
Union Square Medical Associates  
450 Sutter St., Room 1504  
San Francisco, CA 94108  
Ph: 415-399-1035  
Fax: 415-399-1057

Amer Suleman, MD (Cardiology: 2012-2016)  
The Heartbeat Clinic  
4541 Medical Center Drive, Suite 800  
McKinney, TX 75069  
Ph: 214-504-9942  
Fax: 214-504-9940

Ronald Wilson, MD (Lyme Preventative Medicine: 2016)  
2548 Lillian Miller Pkwy., Suite 110  
Denton, TX 76210  
Ph: 940-383-5963  
Fax: 940-382-3330

Dr. Jemsek  
Jemsek Specialty Clinic  
2440 M Street  
NW Washington, DC 20037

Dr. Nimi Patal, Endocrinologist  
Drexel Hahnemann Hospital  
219 North Broad Street  
Philadelphia PA 19107

Infectious Disease Doctor (unknown) at Drexel Hahnemann Hospital

Dr. Patrick Connolly, Neuro Surgeon  
Temple University Hospital  
3401 N Broad Street  
Philadelphia, PA 19140

Ginger Savely, DNP, MEd, APRN, FNP-C, ACN  
1629 K Street  
NW Suite 300  
Washington DC 20006

Dr. Constantinos Pavlidis, Surgeon  
Drexel Hahnemann Hospital  
245 Broad Street, Suite 400  
Philadelphia, PA 19107  
215-568-1015

Infusion Team at Drexel/Hahnemann Hospital  
Broad Street, Philadelphia, PA

Dr Susan Hill

Michaelann McCallister,  
Nurse IVC Infusion  
Drexel Hill, PA  
610-449-6600

Dr. Ghaderi, ENT  
Springfield Healthplex

Dr. Richard Horowitz  
Hudson Valley Healing Arts Center  
4232 Albany Post Road  
Hyde Park, NY

**III.**  
**CROSS-DESIGNATION OF WITNESSES**

Plaintiffs hereby cross designate and states that they may call any expert witness identified or designated by an adverse party or any employee or representative of an adverse party, subject to any objections or challenges Plaintiffs may make concerning the designation of those expert witnesses.

**IV.**  
**CROSS-EXAMINATION**

Plaintiffs reserve the right to elicit, by way of cross-examination, opinion testimony from experts designated and called by other parties to the suit. Plaintiffs may also call, as a witness associated with other parties, any expert witness of any party who may be added to this lawsuit.

**V.**  
**RIGHT TO WITHDRAW DESIGNATION OF ANY EXPERT**

Plaintiffs reserve the right to withdraw the designation of any expert and to aver positively that any such previously designated expert will not be called as a witness to trial and to redesignate same as a consulting expert, who cannot be called by opposing counsel.

**VI.**  
**RIGHT TO ELICIT ANY EXPERT OPINION OR LAY OPINION TESTIMONY**

Plaintiffs reserves the right to elicit any expert opinion or lay opinion testimony at the time of trial which would be truthful, which would be of benefit to the jury to determine material issues of fact, and which would not be violative of any existing Court order or the Texas Rules of Civil Procedure.

**VII.**  
**DESIGNATION OF ADVERSE PARTIES**

Plaintiffs hereby designate, as adverse parties, potentially adverse parties, and/or as witnesses associated with adverse parties, all parties to this suit and all experts designated by any



party to this suit, even if the designating party is not a party to the suit at the time of trial. In the event that present or future parties designate an expert but is subsequently dismissed for any reason from the suit or fails to call any designated expert, Plaintiffs reserve the right to designate and/or call any such party or any such experts previously designated by any party.

**VIII.**  
**RESERVATION OF ADDITIONAL RIGHTS**

Plaintiffs reserve whatever additional rights they may have with regard to experts, pursuant to the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the case law construing same and the rulings of the Court.

**IX.**  
**RESERVATION OF RIGHT TO SUPPLEMENT DESIGNATION**

Plaintiffs reserve the right to supplement this designation with additional designations of experts within any time limits imposed by the Court or any alterations of same by subsequent Court order of the parties or pursuant to the Texas Rules of Civil Procedure and/or the Texas Rules of Civil Evidence.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29th day of January, 2019, a copy of the foregoing Plaintiffs' Designation of Experts was electronically served on the following counsel of record:

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