

NATIONAL ARBITRATION ASSOCIATION
NAM FILE NUMBER: 1000076935

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In the Matter of the Claim of CLAIMANT,

Claimant(s),
-against-
AETNA LIFE & CASUALTY,

Respondent(s).
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**NOTICE OF
EXCHANGE OF
INFORMATION**

Hearing Officer:
Hon. Peter Merani

Arbitration Date:
December 12, 2000

PLEASE TAKE NOTICE that pursuant to the applicable rules governing the exchange of information, annexed hereto is the following:

**Claimant's injuries cannot be solely the result of the
Motor vehicle accident of May 8, 1991,
and claimant's complaints From the 1991 accident amount to
no more than soft-tissue injury.**

1. Annexed hereto as **Exhibit "A"** is a CIB printout in connection with claimant indicating that she not only had an automobile accident in May of 1991, but another accident February 1, 1992, AND YET ANOTHER ACCIDENT on November 14, 1999. Additionally, Claimant, while in Nursing school, in September/October of 1993, suffered a lower back injury while engaged in "patient care" [e.g. "assisting patients in and out of bed"]. See **Exhibit "B"**, relevant portions of claimant's examination under oath, taken July 18, 1995.
2. Annexed hereto as **Exhibit "C"** is a No Fault application signed by Dr. Carl Pessa dated March 18, 1992 indicating that "patient suffered an **exacerbation** of condition on February 1, 1992." Moreover, Dr. Pessa indicates that Claimant's condition was nothing more than "lumbo-sacral sprain...with attendant myofascitis" and "cervical sprain...with attendant myofascitis".
3. Report by Claimant's own treating orthopedist, Richard Parker, M.D., dated June 7, 1991, indicating "impression: Low back strain". See **Exhibit "D"**.
4. Report of MRI of lumbar spine taken and dated August 14, 1991, merely three months after the motor vehicle accident. The report indicates degenerative findings [e.g. "mild disc space narrowing and disc

dessication...with mildly...bulging disc...without extension to or encroachment upon the thecal sac.” **Exhibit “E”**

5. Claimant’s credibility should be considered questionable, as she is not truthful to her own examining and treating physicians regarding her subsequent accidents. Claimant presented to Dr. Nash on February 11, 1992, complaining of pain in connection with the 1991 accident, yet failed to reveal to him that she had just been involved in another accident a few days prior to this visit. **Exhibit “F”**.

6. Report of Independent Orthopedic Examination by Carl Weiss, M.D. dated November 25, 1991, annexed hereto as **Exhibit “G”**.

7. Again, Claimant’s credibility is questionable as seen in Dr. William Bloom’s Independent neurological report, annexed hereto as **Exhibit “H”**. Although the examination was in connection with the *second* accident in February of 1992, Claimant describes the May 1, 1991 accident to Dr. Bloom, and DENIES ANY PRIOR ACCIDENTS. Therefore, Dr. Bloom was not given the necessary information to be able to make an accurate diagnosis as to causal relationship. With respect to Dr. Bloom’s medical examination, he indicates that claimant is not disabled “for her duties as a housewife” and only recommended an additional three months of neurologic treatment.

8. Annexed hereto as **Exhibit “I”** is the orthopedic IME report of Dr. Stephen Zolan dated June 30, 1992. This report is with respect to the **1992 accident** and although mentions that the patient is disabled at the time of the exam, only recommended an additional three months of orthopedic treatment for the **1992 accident**.

9. With respect to the argument that claimant’s cervical and lumbar “injuries” were solely related to the **1991 accident**, Dr. Pesa, claimant’s own treating chiropractor indicates in his report dated July 9, 1992 [annexed hereto as **Exhibit “J”**], that “On 2/1/92 Mrs. Mancini had an x-ray of ther neck after the second car accident of 2/1/92...*On 2/26/92 Mrs. Mancini under went a lower back series of x-rays in our office. A recent exacerbation of her condition prompted the new series.*”

10. Relevant portion of Physical Therapy notes, specifically dated October 13, 1992, wherein claimant admits that she had a “sore back from work”; July 29, 1994, wherein claimant admits that she again reinjured her back “pulling a patient ... today...aggravating lower back.” And again on October 12, 1994: “Exacerbation of Neck,

Lumbar and right leg...” It is arguable that these exacerbations were caused as a result of claimant’s strenuous job and not resulting from the 1991 accident. **Exhibit “K”**.

11. Report of Neurological Examination annexed hereto as **Exhibit “L”**, dated February 19, 1998 by Jay A. Rosenblum, M.D. Dr. Rosenblum reports the following:

Claimant failed to tell Dr. Rosenblum about any subsequent accidents or exacerbations of her alleged injury to her cervical and lumbar spine.

Normal Examination.

12. Report of Orthopedic Examination annexed hereto as Exhibit “M”, dated February 22, 1998 by Irving M. Etkind, M.D. Dr. Etkin reports the following:

Normal Examination.

Dated: Garden City, New York
November XX, 2000

Yours, etc.

By: _____
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