

AMERICAN ARBITRATION ASSOCIATION  
CASE NO.: 17 S 200 68973 1

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In the Matter of the Claim of CLAIMANT,

Claimant(s),  
-against-

TRAVELERS INSURANCE CO.,

Respondent(s).

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**NOTICE OF  
EXCHANGE OF  
INFORMATION**

Arbitrator  
Richard C. Kesnig, Esq.

Arbitration Date:  
April 16, 2002

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

**THE INJURIES ALLEGED BY CLAIMANT DO NOT WARRANT  
AN AWARD IN EXCESS OF THE \$ 50,000.00 SHE RECEIVED  
FROM THE TORT VEHICLE**

1. Report of Independent Orthopedic Examination of Michael Brooks, M.D., annexed hereto as **Exhibit "A"**. Dr. Brooks points out the following:
  - a. That claimant advised him that she had medical care "on and off" until approximately mid-2000. (Therefore, claimant has not had treatment for any alleged injury for approximately two years.)
  - b. That according to the Fairfield Family Medical Care Facility medical reports dated September 10, 1997, Claimant alleged that she only hit her right knee on the dashboard. (She never complained of hitting her left knee).
  - c. That x-rays of the right knee taken on September 10, 1997, which reveal a patellar subluxation, which would not be related to the Motor Vehicle Accident of September 7, 1997.
  - d. That an upper extremity nerve conduction study performed on January 11, 1999 "was within normal limits".
  - e. That the MRI of the right knee taken on January 11, 1999 revealed a "Grade II horizontal tear posterior horn, lateral meniscus" which is a *degenerative change*, not related to the events of September 7, 1997, and not considered an operative pathology.
  - f. Although there is no objective evidence that claimant sustained a left knee injury in the subject accident, an MRI was performed on February 2, 1999, which indicated the same condition as the right knee....again, a *degenerative change*, and not an operative condition.

- g. Neuroselective CPT studies performed on July 27, 1999 were negative.
- h. Physical examination of claimant revealed her in no apparent distress and able to “push on and off” the examination table easily.
- i. No indication of knee joint swelling, effusion or synovial thickening, full range of motion in both knees.
- j. The physical examination was “unremarkable” and there were “no objective findings to substantiate claimant’s continuing subjective complaints”, and surgery is “out of the question” related to the events of September 7, 1997.

2. Reports of Radiologic reviews of Claimant’s knees and cervical spine performed by Sheldon P. Feit, M.D, annexed hereto as **Exhibit “B”**, which correlate with Dr. Brook’s findings above. The MRI review of claimant’s right knee revealed no meniscal tears. The MRI review of the claimant’s left knee also revealed no meniscal tear.

3. Report of Independent Neurological Examination of Richard A. Pearl, M.D., annexed hereto as **Exhibit “C”**, which is essentially a normal examination of claimant.

4. Although claimant has stated that she visited the emergency room after the accident, there is no documentary proof to support this claim.

5. Relevant portions of Fairfield Medical Practice dated September 10, 1997, indicating that claimant only reported hitting her right knee on the dashboard, and never discusses her left knee. Exhibit **“D”**.

6. There is no documentary evidence that claimant ever received treatment for any alleged injury for the entire year of 1998.

7. Curiously, although claimant may still complain about knee pain to date, she has indicated in her examination under oath that she has not had any surgery on either knee.

Dated: Melville, New York  
April 1, 2002

Yours, etc.

LAW OFFICE

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