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MEDIA5022

No. 22-CI-006526

JEFFERSON CIRCUIT COURT  
DIVISION SEVEN (7)  
JUDGE MELISSA LOGAN BELLOWS

JACKIE SNYDER

PLAINTIFF

v.

NORTON HEALTHCARE, INC.,  
DIAGNOSTIC X-RAY PHYSICIANS, P.S.C., and  
WESLEY NATHAN BRYSON, MD

DEFENDANTS

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**PLAINTIFF'S CR 26.02 EXPERT DISCLOSURES**

Plaintiff has already disclosed her experts and their opinions prior to this disclosure; however, in efforts to continue to provide information to defendants, plaintiff makes this further disclosure.

Comes now the Plaintiff, Jackie Snyder, by and through counsel, and pursuant to CR 26.02, hereby identifies the following individuals as potential expert witnesses:

- 1. Myron Marx, MD<sup>1</sup>**  
**2299 Pacific Ave, Apt 42**  
**San Francisco, CA 94115**

Dr. Marx will testify regarding standard of care, liability, proximate cause, causation, Jackie Snyder's injuries, her damages and her prognosis as a result of defendants' negligence. He will testify based on his education, training, experience, relevant medical literature, and review of Jackie Snyder's medical records and imaging. He will also testify as a rebuttal witness.

Dr. Marx will testify that Defendants failed to exercise the degree of care and skill which a reasonably competent health care provider would use under the same or similar circumstances in the care and treatment of Jackie Snyder. He will also testify that Defendants' collective negligence was the proximate cause of Ms. Snyder's injuries.

Dr. Marx has not had the ability to review all discovery in the case thus far since Defendants have not provided any additional information at this time for Dr. Marx to review. As

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<sup>1</sup> - Dr. Marx CV (Exhibit 1)

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discovery is commenced and conducted, Dr. Marx' opinions will be developed more throughout the litigation up thru the discovery cut of which is appropriate under Kentucky Law and under the Kentucky Civil Rules of Procedure.

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In summary, Dr. Marx will testify that on the August 2, 2021 x-ray, radiologist Defendant Dr. Bryson confirmed in his findings portion of his x-ray report that the same opacity in the July 13 x-ray was present; although somewhat decreased from the prior study. However, Dr. Bryson also confirmed in his impression that he saw no acute radiographic abnormality. Nurse Buchanan did not recommend a CT and in fact only recommended a pulmonary function test (PFT) because she relied on Dr. Bryson's August 2, 2021 x-ray report that stated there were no acute radiographic abnormalities. In August 2021 Dr. Ramirez-Icaza did not recommend a CT or investigate further into Ms. Snyder's lung condition because he relied on Dr. Bryson's August 2, 2021 x-ray confirming there were no acute radiographic abnormalities.

Dr. Marx will testify that the August 2, 2021 x-ray still showed lung disease that Dr. Bryson failed to adequately appreciate, notice, report on, and acknowledge appropriately in the x-ray report under the acceptable standard of care of radiologist. Dr. Marx will testify that Dr. Bryson should have written in his impression that there were still infiltrates, opacities and/or lung disease present, that it was still an abnormal x-ray, and follow up imaging was required.

Dr. Marx will also testify that Plaintiff likely had Stage 1 pulmonary adenocarcinoma on August 2, 2021 based on the August 2, 2021 imaging/x-ray and that there was no imaging evidence of any advanced disease.

Dr. Marx did review Dr. Bryson's deposition transcript. Dr. Marx's opinions already outlined above will be supported in total by Dr. Bryson's testimony.

Dr. Marx' opinions will be supplemented as discovery continues and as he has an opportunity under the Civil Rules to review any additional information Defendants would be required to provide throughout the case which may impact his opinions.

**2. Gerald Goldklang, MD<sup>2</sup>  
80 Johnson Ferry Road  
Atlanta, GA 30328**

Dr. Goldklang will testify regarding proximate cause, causation, Jackie Snyder's injuries, her damages, and her prognosis as a result of defendants' negligence. He will testify based on his education, training, experience, relevant medical literature, and the review of Jackie Snyder's medical records and imaging. He will also testify as a rebuttal witness.

Dr. Goldklang will testify that Defendants' collective negligence was the proximate cause of Ms. Snyder's injuries and poor prognosis. He will testify regarding Plaintiff's life expectancy and prognosis that was outlined in the attached declaration<sup>3</sup> he signed to expedite Plaintiff's trial date.

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2 - Dr. Goldklang CV (Exhibit 2)

3 - Declaration of Dr. Goldklang (Exhibit 3)

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Dr. Goldklang has not had the ability to review all discovery in the case thus far since Defendants have not provided any additional information at this time for Dr. Goldklang to review. As discovery is commenced and conducted, Dr. Goldklang's opinions will be developed more throughout the litigation up thru the discovery cut of which is appropriate under Kentucky Law and under the Kentucky Civil Rules of Procedure.

In summary, Dr. Goldklang will testify that on the August 2, 2021 x-ray, radiologist Defendant Dr. Bryson confirmed in his findings portion of his x-ray report that the same opacity in the July 13 x-ray was present; although somewhat decreased from the prior study. However, Dr. Bryson also confirmed in his impression that he saw no acute radiographic abnormality. Nurse Buchanan did not recommend a CT and in fact only recommended a pulmonary function test (PFT) because she relied on Dr. Bryson's August 2, 2021 x-ray report that stated there were no acute radiographic abnormalities. In August, 2021 Dr. Ramirez-Icaza did not recommend a CT or investigate further into Ms. Snyder's lung condition because he relied on Dr. Bryson's August 2, 2021 x-ray confirming there were no acute radiographic abnormalities.

Dr. Goldklang will rely on Dr. Marx's reading of the August 2, 2021 x-ray. Dr. Marx will testify that the August 2, 2021 x-ray actually showed lung disease like the prior July x-ray. Dr. Marx will testify that Dr. Bryson should have written in his impression that there were still infiltrates, opacities and/or lung disease present, that it was still an abnormal x-ray, and follow up imaging was required. Dr. Marx and Goldklang will testify that Plaintiff's subsequent providers would have likely followed up with a CT and further investigated Plaintiff's lung condition if Dr. Bryson followed the standard of care. Moreover, Dr. Goldklang will testify that Plaintiff likely had Stage 1 pulmonary adenocarcinoma on August 2, 2021. In addition, Dr. Goldklang will testify that had Dr. Bryson properly reported on the August 2, 2021 x-ray it would have led to the discovery of Plaintiff's lung cancer by Plaintiff's primary care and pulmonology physicians. Finally, Dr. Goldklang will testify that Plaintiff's stage 1 disease in August 2021 was curable at that point in time with the proper medical treatment.

Dr. Goldklang will testify that in June 2022 Plaintiff's condition became terminal considering she was diagnosed with stage 4 metastatic pulmonary adenocarcinoma which was proximately caused by Defendants' negligence.

Dr. Goldklang's opinions will be supplemented as discovery continues and as he has an opportunity under the Civil Rules to review any additional information Defendants would be required to provide throughout the case which may impact his opinions.

**3. Sara Ford, MRC<sup>4</sup>  
Vocational Economics, Inc.  
220 W Main St, Ste 2150  
Louisville, KY 40202**

Sara Ford will testify to Plaintiff's vocational capabilities, abilities, disabilities, economic

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4 - Sara Ford CV (Exhibit 4)

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damages, including past and future wage loss and loss of future earning capacity.

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Sara Ford will testify per her report that is attached.<sup>5</sup>

Sara Ford's opinions may be supplemented as discovery continues and as she has an opportunity under the Civil Rules to review any additional information Defendants would be required to provide throughout the case which may impact her opinions.

Plaintiffs have not yet determined all expert witnesses or expert witnesses' testimony that they may offer at trial and will supplement this response in accordance with the Rules of Civil Procedure and any pretrial order of this Court.

See Plaintiff's answers to Defendants' Request for Admissions and Interrogatory Answers associated with the responses.

Plaintiffs reserve the right to supplement this answer as discovery is ongoing.

All of Plaintiffs' expert witnesses reserve the right to amend their opinions at any time.

Respectfully submitted,

/s/ Lee Tucker

Lee Tucker

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Counsel for Plaintiffs

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<sup>5</sup> Ford Report (Exhibit 5)

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**CERTIFICATE OF SERVICE**

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I hereby certify that on this 30<sup>th</sup> day of August, 2023, I electronically filed the foregoing with the clerk of the court using the KCOJ efile system, and forwarded the foregoing via electronic service to the following as applicable.

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*/s/ Lee Tucker*  
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