



News & Updates

PLAINTIFF'S EXPERT B READER FOUND QUALIFIED TO TESTIFY ON EXPOSURE AND CAUSATION

In this federal court case, the defendants moved to preclude the testimony of the plaintiff's expert, Dr. Matthew Vuskovich, arguing that he was not qualified to testify, his testimony was not sufficiently reliable, and his opinions were based on the "every exposure" theory.

The court denied the motion, finding Dr. Vuskovich's credentials as a certified B Reader to be adequate. Regarding the reliability of his testimony and the "every exposure" argument, the court held: "Dr. Vuskovich does state that asbestosis is a cumulative disease, which 'means that every exposure to asbestos contributes to the interstitial scarring in the lungs, which is asbestosis.' He also states, 'it is not possible to say, within a reasonable degree of medical certainty, what the threshold exposure requirement is for asbestosis.' His opinion, however, takes into account Plaintiff's occupational history and his ultimate conclusion is that Plaintiff's exposures were not trivial. The Court finds nothing scientifically invalid about Dr. Vuskovich's theory under Daubert, nor any unjustifiable extrapolation as cautioned against by the Rule 702 advisory committee."

Read the full decision [here](#).

If you have questions about how this decision may impact your business, please contact:

Joseph J. Welter (716.566.5457; jwelter@goldbergsegalla.com)
Jason A. Botticelli (716.566.5460; jbotticelli@goldbergsegalla.com)
Susan E. Van Gelder (716.566.5463; svangelder@goldbergsegalla.com)
Or another member of Goldberg Segalla's Toxic Torts Practice Groups

Files

[Asbestos Case Tracker - September 1, 2015.pdf](#)

Attorney Advertising © 2018 Goldberg Segalla
Prior results do not guarantee a similar outcome.

- New York
- Chicago
- Los Angeles
- Orange County
- Orlando
- West Palm Beach
- St. Louis
- Philadelphia
- Miami
- Baltimore
- Newark
- Garden City
- Hartford
- Princeton

- Greensboro
- Raleigh
- Buffalo
- Rochester
- Syracuse
- Albany
- White Plains
- London