

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

VANESSA TREMINIO,

*Plaintiff,*

v.

CASE NO.: 3:22-cv-174-MMH-PDB

CROWLEY MARITIME CORPORATION,  
and JUAN EMILIO BLANCO,

*Defendants.*

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**PLAINTIFF’S MOTION TO EXCLUDE CROWLEY MARITIME  
CORPORATION’S EXPERT, DR. ROY LUBIT**

Pursuant to Fed. R. Evid. 702, Plaintiff VANESSA TREMINIO moves to exclude Defendant CROWLEY MARITIME CORPORATION’s (“Crowley”) expert witness, Dr. Roy Lubit (“Dr. Lubit”), because his unreliable opinions do not fit with the evidence and will not assist the jury to understand the evidence or determine any fact in issue.

**Background**

Crowley disclosed Dr. Lubit as an expert to provide his opinion about the report of Plaintiff’s expert, Dr. Barbara Ziv. *See* Dr. Lubit’s written report (“Report”), attached hereto as Exhibit 1.

Dr. Lubit’s written opinions in his Report are speculative and based on incorrect assumptions. Many of the written opinions in his Report are also contradictory of written opinions Dr. Lubit has posted on his professional website, located at [https://www.roylubit.com/home/emotional\\_trauma\\_ptsd.html](https://www.roylubit.com/home/emotional_trauma_ptsd.html). In some cases, the

written opinions expressed by Dr. Lubit in his Report and the written opinions expressed by Dr. Lubit on his website are diametrically opposed to each other. Therefore, Dr. Lubit's report is unreliable and of no value to the judicial process.

### **Legal Standard for Admissibility of Expert Evidence**

The requirements of Fed. R. Evid. 702, as interpreted by *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 592 (1993), are well known. The trial court must function as a gatekeeper and engage in a rigorous three-part inquiry to determine whether: (1) the expert is qualified to testify competently regarding the matters he intends to address; (2) the methodology by which the expert reaches his conclusions is sufficiently reliable; and (3) the testimony assists the trier of fact, through the application of scientific, technical, or specialized expertise, to understand the evidence or to determine a fact in issue. *United States v. Hansen*, 262 F.3d 1217, 1234 (11th Cir. 2001) (citing *Daubert*, 509 U.S. at 592). If not all three criteria are met, then the expert's testimony is inadmissible. *See City of Tuscaloosa v. Harcros Chems., Inc.*, 158 F.3d 548, 562 (11th Cir. 1998).

There is a fourth pervasive criterion for admissibility. Because expert testimony may be assigned "talismanic significance" in the eyes of lay jurors, the district court must also weigh the value of such evidence against its potential to mislead or confuse. *United States v. Frazier*, 387 F.3d 1244, 1263 (11th Cir. 2004). If the probative value is substantially outweighed by the potential to confuse or mislead the jury, or if the testimony is cumulative or needlessly time consuming, expert opinions may be excluded under Fed. R. Evid. 403. *See id.* Indeed, in weighing possible prejudice

against probative force under Rule 403, the judge exercises more control over experts than over lay witnesses. *See Salem v. U.S. Lines Co.*, 370 U.S. 31, 35 (1962).

**I. Dr. Lubit Should Be Excluded as an Expert Because His Opinions Do Not Pass Muster Under *Daubert***

The Eleventh Circuit has referred to the *Daubert* admissibility requirements as the “qualifications,” “reliability,” and “helpfulness” prongs, which are distinct concepts to be individually analyzed. *See Frazier*, 387 F.3d at 1260.

**A. Qualifications**

Dr. Lubit is a board-certified psychiatrist. His opinions are inadmissible, not due to his qualifications, but rather, because they are unreliable and unhelpful to the jury.

**B. Reliability**

The Court should preclude Dr. Lubit from testifying to ensure that his speculative, unreliable opinions do not reach the jury under the mantle of reliability that accompanies the designation of “expert testimony.” This requirement authorizes expert opinion testimony “if (1) the expert’s scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; (2) the testimony is based upon sufficient facts or data; (3) the testimony is the product of reliable principles and methods; and (4) the witness has applied the principles and methods reliably to the facts of the case.” Fed. R. Evid. 702. The trial court must “make certain that an expert, whether basing testimony upon professional studies or personal experience, employs in the courtroom the same level of intellectual

rigor that characterizes the practice of an expert in the relevant field.” *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137, 152 (1999).

“Nothing causes greater prejudice than to have to guess *how* and *why* an adversarial expert reached his or her conclusion.” *Reed v. Binder*, 165 F.R.D. 424, 430 (D. N.J. 1996) (emphasis added). Here, Dr. Lubit’s conclusions are not based on sufficient facts or data, and in formulating his conclusions, Dr. Lubit failed to employ an even plausibly sufficient level of intellectual rigor to ensure that his opinions would be reliable.

For example, Dr. Lubit’s Report contains, among many others, the following six highly problematic conclusions:

- *Although people are more likely to delay than to immediately report abuse or harassment, immediate reporting is more likely to be true than delayed reporting.*

Exhibit 1, p. 2. Dr. Lubit’s opinions about delayed reporting, versus immediate reporting, and his assessment of credibility corresponding to the timeliness of the reporting, are unsubstantiated and unexplained.

- *There are times when people make false allegations of abuse or harassment. This can occur for monetary reasons, revenge, or because when people regret having had sex, to assuage their guilt or shame, they sometimes convince themselves that it was not voluntary.*

Exhibit 1, p. 2. Dr. Lubit summarily concludes, without any basis, that “there are times when people make false allegations of abuse or harassment.” This is wholly unsubstantiated victim-blaming.

- *It is unusual that a supervisor would begin to pressure a subordinate into having sex by threatening the subordinate. It is far more common to bribe subordinates. If her superior actually did threaten her into having sex with him, it would be unusual if he did not try it again with her, multiple times.*

Exhibit 1, p. 3. Dr. Lubit does not provide any basis for his opinion that it is “unusual” that a supervisor would begin to pressure a subordinate into having sex by threatening the subordinate. He states, “It is far more common to bribe subordinates. If her superior actually did threaten her into having sex with him, it would be unusual if he did not try it again with her, multiple times.” Yet, he does not cite any sources for any of this, or how or why it is “unusual.”

- *It is also surprising that she was unsure whether she attended his sendoff party, but that she may have attended, rather than avoiding it. It would be surprising if she would attend his party given that avoidance is a required and central symptom of Post-Traumatic Stress Disorder (PTSD).*

Exhibit 1, p. 3. Further, Dr. Lubit concludes, without rationale, that Plaintiff’s conduct was “surprising,” and that the Plaintiff should have avoided the party.

- *It was reported to me that, after she made the complaint, the Plaintiff said that she saw a therapist a few times and reported all of her depression was the result of the alleged assault. However, losing one’s job for poor performance is a substantial stress and likely to have a very substantial impact on someone. It is very unlikely that it would all be from an event years before. Her performance decline, and its timing, suggests it was related to post-partum mood issues, which are very common.*

Exhibit 1, p. 3. Dr. Lubit concludes without analysis or explanation, that Plaintiff’s depression was unlikely from the sexual assault and rape. Instead, without any basis or rationale, he suggests it was “related to post-partum mood issues, which are very common.”

- *She said she took an antidepressant for a few weeks and stopped because she couldn't afford it. Even without insurance one can get escitalopram for \$12.69 from Rite Aid and less at Sam's Club, Costco, Stop and Shop, and Acme. Moreover, doctors can usually get such medications for free for clients who can't afford it.*

Dr. Lubic also speculates that the Plaintiff, who lives in El Salvador, could have bought Escitalopram—a medication used to treat major depressive disorders—for “\$12.69 from Rite Aid and less at Sam’s Club, Costco, Stop and Shop,” and other American retailers and pharmacies. He goes on to opine, again without any basis or rationale, that “doctors can usually get such medications for free for clients who can’t afford it.” Dr. Lubic does not appear to understand that Plaintiff is a citizen and resident of El Salvador or that she cannot visit retailers in the United States to purchase medications.

In all six of the preceding examples from Dr. Lubit’s Report, the doctor fails to provide any sources or any rationale at all for his conclusions. In fact, his entire Report contains only one citation to any source at all. That single citation is to an article from a 1977 psychological journal.

An expert’s failure to explain the basis for an important inference warrants exclusion of his opinion. *Hudgens v. Bell Helicopters/ Textron*, 328 F.3d 1329, 1344 (11th Cir. 2003). In the case of Dr. Lubit’s Report, with the exception of a single citation to an article from a 1977 psychological journal, Dr. Lubit has not provided any basis or reasoning to support any of his opinions or conclusions. Dr. Lubit’s failure to explain the basis for numerous inferences in his Report causes great prejudice. The Court, and the Plaintiff, are left to simply guess how Dr. Lubit arrived at his conclusions.

The party offering the expert bears the burden of laying the proper foundation for admission of the expert's testimony. *See Allison v. McGhan Med. Corp.*, 184 F.3d 1300, 1306 (11th Cir. 1999). Any conclusions by the expert must be supported by good grounds for every step in the analysis, and if any step is rendered unreliable, the expert's testimony is inadmissible. *McClain v. Metabolife Int'l, Inc.*, 401 F.3d 1233, 1245 (11th Cir. 2005).

The Court should exclude Dr. Lubit's testimony under Rule 702, because Crowley has not established that his methodology or experience is reliable to establish his particular opinions, nor has Crowley shown how these particular opinions are supported by his experience or methodology.

Dr. Lubit's generalized opinions are unsubstantiated and disconnected from the facts of this case. Without any support, these opinions are not based on expert knowledge and therefore, are not entitled to the "dignity of evidence." *Navarro v. Fuji Heavy Indus., Ltd.*, 117 F.3d 1027, 1031 (7th Cir. 1997). In addition to the expert's conclusions themselves, an expert report *must* contain "the data or other information considered by the witness in forming them." Rule 26(a)(2)(B)(ii). Dr. Lubit's Report completely misses the mark. Specifically, his Report consists of all conjecture and no data. Expert opinion must be based on fact-finding, and this is not.

Under these circumstances, striking the expert report is the proper remedy. *See e.g., Santiago-Diaz v. Laboratorio Clinico Y De Referencia Del Este*, 456 F.3d 272, 274 (1st Cir. 2006) (noting that the expert's two "conclusory" paragraphs, "did not by any stretch of the most fertile imagination meet the criteria set by the Civil Rules for expert

witness reports”); *Flebotte v. Dow Jones & Co., Inc.*, No. 97–30117–FHF, 2001 WL 35988081, at \*2 (D. Mass. Feb. 7, 2001) (striking an expert report where it failed to identify any diagnostic tools as the basis for the proposed medical causation opinion, and, instead, “merely indicate[d] that [the expert] formulated his opinion based on his conversations with [the plaintiff] during treatment sessions”).

Crowley has not explained in its expert disclosure, attached as Exhibit 2, how Dr. Lubit’s experience led to the conclusions he reached, why his experience was a sufficient basis for these opinions, or how he applied his experience to reach his conclusions. In the absence of a showing of particularized knowledge and a reliable method underlying his testimony, this court should preclude Dr. Lubit’s testimony.

### **C. Helpfulness**

Dr. Lubit’s opinions should be excluded because they will confuse and mislead the jury. They are not helpful to the jury. Proffered expert testimony generally will not help the trier of fact when it offers nothing more than what lawyers for the parties can argue in closing arguments. *Frazier*, 387 F. 3d 1244, 1262-63. Therefore, Fed. R. Evid. 702, *Daubert*, and its progeny require the Court to perform its gatekeeping function to exclude such information which will not assist the jury. “Leaps of faith” unsupported by good science preclude the admission of expert testimony. *Rider v. Sandoz Pharm. Corp.*, 295 F.3d 1194, 1202 (11th Cir. 2002).

Here, for example, Dr. Lubit contains the following observations, which are better left for Crowley’s lawyers at closing argument:



- *“Sexual harassment does not always lead to PTSD or other social or work problems.”*

Exhibit 1, p. 2.

Dr. Lubit’s Report also improperly invades the province of the jury and the province of the Court:

- *“Presentation of Sexual Abuse Accommodation Syndrome is more prejudicial than probative.”*

Exhibit 1, p. 2. It is for the Court, and not for Dr. Lubit, to decide whether evidence is more prejudicial than probative.

- *“In addition, simply thinking about going would stir strong feelings and it is highly probable that an individual in her position would remember such an event rather than be unsure if she went. People recall major events and for her to not recall one way or the other is surprising, if he had sexually assaulted her.”*

Exhibit 1, p. 3. These opinions are not the product of psychiatric expertise. Dr. Lubit has no basis to opine about Plaintiff’s recollection; and Dr. Lubic would invade the province of the Court and jury if he opined about whether particular conduct was highly probable, or surprising.

#### **D. Relevance; and Excluding Evidence for Prejudice, Confusion**

Exclusion of Dr. Lubit’s opinions is also appropriate because they are irrelevant, speculative, and potentially confusing. Crowley “has the burden of demonstrating that the testimony is ‘relevant to the task at hand’ and ‘logically advances a material aspect’ of its case.” *Boca Raton Community Hospital, Inc. v. Tenet Health Care Corp.*, 582 F.3d 1227, 1232 (11th Cir. 2009). Expert testimony that is not both supported by a reliable

foundation and relevant to the task at hand is inadmissible under *Daubert*, 509 U.S. at 597.

Dr. Lubit's Report contains random generalizations that have nothing to do with this case. For example:

Moreover, in a relationship, the risk that a relationship will end if one doesn't engage in sexual relations, is a social cost. If two people are living together and one of the parties' fears that if they don't have sex it could weaken the relationship and eventually end it, there are social and economic consequences. If one of the parties has substantially more money and pays for dinners, there are social and economic consequences if the more financially well-off party is ever the one to suggest they engage in sexual activity. Almost anytime people are working together, especially at different levels, but even at the same level, there may be broad consequences if one of the parties decides to end the relationship and so, according to Dr. Ziv, neither party has the capacity to consent. The result is often a ban on dating people one works with. A problem with this, is that it impedes the free will of the two individuals. Once college is over, a substantial percentage of the population become involved with someone they know from work.

Report, Exhibit 1, p. 2.

In her Amended Complaint, Plaintiff alleges that she was raped by her supervisor, Defendant Juan Blanco, during a Crowley business trip. Dr. Lubit's Report does not contain any helpful rationale or analysis for the jury. There is no explanation as to why he mentions people being "in a relationship" or "living together" or one of the parties "pay[ing] for dinners" and the "social and economic consequences if the more financially well-off party is ever the one to suggest they engage in sexual activity." There are no allegations anywhere in this case that any of the parties were dating or in a relationship, beyond a supervisor-subordinate relationship in the workplace, at Crowley.

Dr. Lubit's Report suggests:

Almost anytime people are working together, especially at different levels, but even at the same level, there may be broad consequences if one of the parties decides to end the relationship and so, according to Dr. Ziv, neither party has the capacity to consent. The result is often a ban on dating people one works with. A problem with this, is that it impedes the free will of the two individuals. Once college is over, a substantial percentage of the population become involved with someone they know from work.

Report, p. 2.

In this case, there are no claims or defenses that allege that any party was "in a relationship" with anyone, or that "one of the parties decide[d] to end the relationship." The Report also identifies a problem with banning dating at work because it supposedly "impedes the free will of the two individuals." Yet, there are no claims or defenses that anyone was "dating" anyone in this case, or that dating people at work at Crowley was prohibited. Therefore, Dr. Lubit's Report seems disconnected from this case and does not contribute anything. It would also be outrageous and absurd to suggest to the jury that considerations have to be taken not to impede the free will of individuals who commit sexual assault and rape.

Therefore, Dr. Lubit's analogies are irrelevant to any issue in this case. Where, as here, the expert's opinion does not have "a 'valid scientific connection to the pertinent inquiry' it should be excluded because there is no 'fit.'" *Boca Raton Community Hospital*, 582 F.3d at 1232.

Here, Dr. Lubit has introduced irrelevant observations about relationships and dating in the workplace. This is extraneous to any allegations, defenses, and the issues

for determination by the jury. The opinions do not logically advance any material aspect of the case. These opinions are conclusory, unreliable, speculative, non-scientific, uncorroborated by the evidence, and devoid of methodology. Dr. Lubit's testimony should be excluded.

### **Conclusion**

Crowley has not met its burden of establishing the admissibility prongs of Fed. R. Evid. 702 and *Daubert*. Dr. Lubit's Report is based on unrelated and unreliable assumptions, rather than on any methodology. Consequently, Crowley cannot establish that Dr. Lubit's opinions are reliable or that they will assist the trier of fact. His Report also lacks "fit" with the facts of this case and is likely to mislead the jury and unduly prejudice the Plaintiff. As a result, allowing Dr. Lubit's testimony in this case would be tantamount to the trial court essentially abandoning its gatekeeping duties that the Federal Rules of Evidence impose.

WHEREFORE, Plaintiff respectfully requests the Court enter an order striking Dr. Roy Lubit as an expert witness, and excluding his testimony, and comments, from evidence at trial.

### **CERTIFICATE OF GOOD FAITH CONFERENCE**

Pursuant to Local Rule 3.01(g), undersigned counsel certifies that counsel for the movant conferred with counsel for both Defendants to resolve the issues presented in this Motion. However, counsel were unable to resolve the dispute, and Defendants oppose the relief requested.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2023, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that this document is being served this day on all counsel on the Service List via transmission of Notices of Electronic Filing generated by CM/ECF.

Respectfully submitted,

*/s/ Adria G. Notari*

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**Roy Lubit MD, Ph.D.**



Board Certifications  
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Child & Adolescent Psychiatry  
Forensic Psychiatry

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April 29, 2023

Re: *Vanessa Treminio v. Crowley Maritime Corporation*, Case No. 3:22-cv-174-MMH-PDB

Opinions on Sexual Assault: Current Literature and Perspectives by Barbara Ziv, MD

Barbara Ziv's report makes two initial general points: (1) women are hesitant to report sexual abuse and therefore frequently delay or do not tell people, (2) sexual assault can have significant emotional, social, work consequences. Basically, the report is a repetition of sexual abuse accommodation syndrome. There is no need for a long discussion of the topic that can confuse or mislead a jury. Barbara Ziv goes beyond this, however, making statements that are legalistic and extreme.

Barbara Ziv writes that anything that impairs an individual's ability to understand risks, benefits and alternatives to the action in question, impedes or extinguishes his/her capacity to consent. .... If a man or woman may suffer physical, economic, social, reputational, occupational, or other harm if he/she refuses to submit sexual activity, he/she does not have the capacity to consent.

The term straw man argument is generally used to refer to someone exaggerating an opponent's argument and then attacking the exaggerated form, to undermine the opponent's valid argument. As the brilliant social science methodologist Robert Keohane said, there two types of straw man arguments, one presented unfairly by an opponent and an extreme and unsupported argument presented by the person who created it. Barbara's Ziv's arguments, at a key point, fall into the latter category.

People in general do not think through all of the risks, benefits and alternatives to a course of action. A friend urging an individual to engage in an action, a group the person is associated with going to engage in an activity, a short time frame for making a decision, sleep deprivation, general stress from life, feeling lonely, any amount of alcohol or marijuana, all impair an individual's ability to understand risks, benefits and alternatives and so the individual's capacity to consent is impeded or extinguished. According to Barbara Ziv's argument essentially everyone has impaired capacity to consent for almost everything they do.



Moreover, in a relationship, the risk that a relationship will end if one doesn't engage in sexual relations, is a social cost. If two people are living together and one of the parties' fears that if they don't have sex it could weaken the relationship and eventually end it, there are social and economic consequences. If one of the parties has substantially more money and pays for dinners, there are social and economic consequences if the more financially well-off party is ever the one to suggest they engage in sexual activity. Almost anytime people are working together, especially at different levels, but even at the same level, there may be broad consequences if one of the parties decides to end the relationship and so, according to Dr. Ziv, neither party has the capacity to consent. The result is often a ban on dating people one works with. A problem with this, is that it impedes the free will of the two individuals. Once college is over, a substantial percentage of the population become involved with someone they know from work.

There are statements by Barbara Ziv that are important to remember. "Sexual harassment has been associated with posttraumatic stress symptoms, depression, somatic symptoms, and general psychological distress.....it can have far reaching impact on many aspects of a victim's life, including, job performance, job satisfaction and career opportunities. That these outcomes can be severe, and damaging." The words "associated with" and "can" are important to remember. Sexual harassment does not always lead to PTSD or other social or work problems.

Presentation of Sexual Abuse Accommodation Syndrome is more prejudicial than probative. It is very simple for both sides in litigation to stipulate that delayed reporting does not indicate an event of this type did not happen. The risk of long, didactic discussions of Sexual Abuse Accommodation Syndrome (SAAS) is that juries see SAAS as a diagnostic syndrome instead of a descriptive syndrome. The two are drastically different. A diagnostic syndrome, as the words imply, is the basis for diagnosing. After hearing about SAAS, juries are at risk for believing that late reporting indicates the alleged abuse is true. However, delayed reporting does not indicate that an allegation of abuse is true. It simply doesn't prove that the allegation is false. Although people are more likely to delay than to immediately report abuse or harassment, immediate reporting is more likely to be true than delayed reporting. A descriptive syndrome simply describes a phenomenon that occurs, or things that often go together. Descriptive syndromes are simply statements that certain things sometimes occur together. They are not a basis for diagnosing what is happening and what is causing it. The difference between descriptive and diagnostic syndromes are often unclear to people. And so, presentation of SAAS is more prejudicial than probative.

Barbara Ziv's writeup leaves out important information. There are times when people make false allegations of abuse or harassment. This can occur for monetary reasons, revenge, or because when people regret having had sex, to assuage their guilt or shame, they sometimes convince themselves that it was not voluntary. Nisbett & Wilson in a landmark paper, argued that the reasons we present for our opinions are often post hoc rationalizations, rather than the true reasons.....When people attempt to report on their cognitive processes...they do not do so on the basis of any true introspection".<sup>1</sup>

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<sup>1</sup> Nisbett, R., & Wilson, T. (1977). Telling more than we can know: Verbal reports on mental processes. *Psychological Review*, 84, 231-259.

Barbara Ziv did not discuss any of the facts of the case and the facts are very important. It is my understanding that the Plaintiff in this case is suing for sex trafficking, that she reports having sex on one occasion with a relatively lower level supervisor, that she reports her job was threatened if she didn't have sex or if she said anything, that she reports that a few months later he was fired for making sexually inappropriate content, and that it was years later after having a child and being terminated for poor performance in 2021, that she spoke up and eventually brought the lawsuit.

It is unusual that a supervisor would begin to pressure a subordinate into having sex by threatening the subordinate. It is far more common to bribe subordinates. If her superior actually did threaten her into having sex with him, it would be unusual if he did not try it again with her, multiple times. It is also surprising that she was unsure whether she attended his sendoff party, but that she may have attended, rather than avoiding it. It would be surprising if she would attend his party given that avoidance is a required and central symptom of Post-Traumatic Stress Disorder (PTSD). Seeing the person who raped her, when it was avoidable, is the opposite of what victims do. In addition, simply thinking about going would stir strong feelings and it is highly probable that an individual in her position would remember such an event rather than be unsure if she went. People recall major events and for her to not recall one way or the other is surprising, if he had sexually assaulted her.

It was reported to me that, after she made the complaint, the Plaintiff said that she saw a therapist a few times and reported all of her depression was the result of the alleged assault. However, losing one's job for poor performance is a substantial stress and likely to have a very substantial impact on someone. It is very unlikely that it would all be from an event years before. Her performance decline, and its timing, suggests it was related to post-partum mood issues, which are very common.

She said she took an antidepressant for a few weeks and stopped because she couldn't afford it. Even without insurance one can get escitalopram for \$12.69 from Rite Aid and less at Sam's Club, Costco, Stop and Shop, and Acme. Moreover, doctors can usually get such medications for free for clients who can't afford it.

It is for the court and not for a forensic psychiatrist to decide what occurred. However, it is for a forensic psychiatrist to present information that the court may find useful in assessing credibility. It is also for me to point out that Barbara Ziv does not appear to have met or treated the Plaintiff, ignored the issue of false allegations, and the fact that there are very serious reasons to question the alleged victim's story. I do not see how Barbara Ziv's statements will inform the jury beyond defense's willingness to stipulate that delayed reporting is common and does not mean that the individual did not suffer sexual assault.



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Roy Lubit MD, Ph.D.

Statement of Compensation

The fee for forensic work is \$800 per hour for all time spent including but not limited to interviews, telephone calls, reading of documents, writing time, billing. Travel time is billed at half of this. All travel expenses (cabs, airplane, hotel, food) will be paid in advance or reimbursed within a month based on the parties' decision. Deposition and court testimony is billed at \$4000 a half day, regardless of how much time is spent on the stand. Deposition and court appearances cancelled less than 2 business days in advance are billed at the full rate. Deposition and court testimony cancelled less than 5 business days in advance is billed at ½ rate.

## **CURRICULUM VITAE**

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### **EDUCATION**

#### UNDERGRADUATE EDUCATION

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Academics: double major in history and chemistry.

#### MEDICAL EDUCATION

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6/79-6/83 Psychiatry Residency, Yale University School of Medicine, New Haven.

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7/01-6/02 Forensic Psychiatry Fellowship, St. Vincent's Hospital, New York, NY.

#### INTERNATIONAL RELATIONS

1997 Ph.D. in Political Science, GSAS, Harvard University, Cambridge.  
Dissertation explored impact of organizational learning on international conflict.

#### CERTIFICATIONS

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California Medical License G 157808  
National Board of Medical Examiners, 1980.

## FORENSIC PSYCHIATRY EXPERIENCE

- Board certification on Forensic Psychiatry, Psychiatry and Neurology and in Child and Adolescent Psychiatry.
- Published on scientific methodology for forensic evaluations in personal injury suits and custody evaluations, and on the marked risk and power of bias (especially confirmation bias and motivated bias).
- Critiques of the evaluations of others have repeatedly convinced courts that the methodology and conclusions of other forensic evaluators (including court appointed neutrals) were seriously flawed leading courts to reject reports done by neutrals and to accept my analysis of the available data.
- Given expert status in 19 states, several federal courts, and in military courts.
- Declared an expert by courts in
  - Psychiatry
  - Child and Adolescent Psychiatry
  - Forensic Psychiatry
  - Emotional Trauma
- Given expert testimony in personal injury cases, criminal sexual abuse cases (particularly concerning human memory and reports of abuse) and custody cases.
- Retained in roughly equal amounts by plaintiff and defense.
- Child psychiatrist for two Child Advocacy Center Teams and consulted at high levels to NYC's children's protective services.
- NY State's Governor's Blue Ribbon Commission provided recommendations largely based on my article entitled "Recognizing and Avoiding Bias in Child Custody Evaluations."
- Retained by Department of Justice, Health and Human Services, the US military, Missouri and Vermont, several municipalities, schools (including STEM School in Denver concerning a school shooting), plaintiffs against schools, and families whose children died at Sandy Hook suing Alex Jones and InfoWars. [<https://www.kxan.com/news/national-news/defamation-trial-continues-after-alex-jones-company-files-for-bankruptcy/>][<https://www.youtube.com/watch?v=b9kyrXzvlvY>]
- Expertise in organizational behavior from writing a Ph.D. dissertation on organizational learning, consultant in PricewaterhouseCoopers organizational change practice, teaching organizational behavior at Baruch Business School and publishing articles, book chapters and a book on the topic.

## CLINICAL EXPERIENCE

- 1984-present Private practice (child, adult and forensic psychiatry)
- Psychotherapy of emotional trauma, depression and anxiety disorders
  - Evaluations for emotional trauma, sexual abuse and TBI
  - Child Custody Evaluations
- [1999-2001 sabbatical from clinical work, worked as an organizational consultant for PricewaterhouseCoopers; my contract precluded other employment.]
- 2017-2018 NYC Traumatic Brain Injury Center.
- 2006-2008 Clinical Faculty NYU School of Medicine, Dept. of Child Psychiatry.
- 2003-2004 Assistant Professor of Psychiatry, Mt. Sinai School of Medicine, Dept of Child Psychiatry.
- 2002-2003 National Child Traumatic Stress Network, funded by SAMHSA and Assistant Professor of Psychiatry, Saint Vincents Hospital, NY Medical College, Dept of Child Psychiatry. Consortium for Effective Trauma Treatment, funded by NY Times Foundation.
- 2001-2002 Forensic Psychiatry Fellow, Saint Vincents Hospital, NY Med College.
- 2001 ADD and Behavioral Disorders Clinic: Child and Adult Psychiatry.
- 1999-2001 Sabbatical from psychiatry to work as a management consultant for PricewaterhouseCoopers; contract precluded other employment.
- 1998-1999 Psychiatrist, Jewish Board of Family and Children's Services.
- 1997-1998 On-call work for On-Site Psychiatric Services at various hospitals including Metro-West Medical Center and Faulkner Hospital.
- 1996-1997 Vinfen Corporation-Child and adult psychiatry at Fall River State Hospital and Beverly Hospital.
- 1993-1996 Psychiatrist, on-call and locum tenens ward coverage Charles River Hospital, Solomon Carter Fuller and Corrigan Mental Health.
- 1987-1992 Psychiatrist for Scoville and Schwager which placed me at various state hospitals they staffed including Danvers State, Northampton State, Cape and the Islands, Solomon Carter Fuller. I served as Acting Medical Director at Danver's State and Cape and the Islands Hospitals.

## PUBLICATIONS

### Articles

- Forensic Evaluation of Emotional Trauma (submitted for consideration for publication)
- Review of Betrayal Trauma, & Its Contribution to Classical Trauma Theory & Treatment (submitted for consideration for publication)
- Review of Emotional Trauma of Children for Pediatricians (in preparation)
- Assessing Children's Reports of Abuse (in preparation)
- Recognizing and avoiding bias to improve child custody evaluations: Convergent data are not sufficient for scientific assessment. *Journal of Family Trauma, Child Custody and Child Development*, 18:3, 224-240, 2021.
- Valid and Invalid Ways to Assess the Reason a Child Rejects a Parent: The Continued Malignant Role of "Parental Alienation Syndrome". *Journal of Child Custody*, 16(1): 42-66. 2019.
- Post Concussive Syndrome Psychiatric Care in *Medscape*, 2019.
- Post Traumatic Stress Disorder in *Medscape*, (along with Gore TA and Lucas, JZ) 2018.
- Borderline Personality Disorder in *Medscape*, 2018.
- Post Traumatic Stress Disorder in Children in *Medscape*, 2016.
- Acute Stress Disorder in *Medscape* 2016.
- Sleep Disorders. *Medscape World Medical Library*, 2015.
- Oppositional Defiant Disorder in *Medscape* 2019.
- Attachment Disorders in *Medscape* 2019.
- Acute Treatment of Disaster Survivors in *eMedicine World Medical Library*, 2010.
- Review of Anxiety Disorders in *eMedicine's Depression & Anxiety Feature Series*, July 2006.
- Impact of Trauma on Children (with Rovine D, DeFrancisci L., and Eth S.), *Journal of Psychiatric Practice*, 9(2),128-138. 2003.
- Preserving Children's Protection While Enhancing Justice for Parents in Abuse and Neglect Evaluations by Lubit R., Billick S. & Pizarro R. *APPL Journal* 30 (2), 287-290. 2002.
- The Long-Term Organizational Effects of Narcissistic Managers and Executives. *Academy of Management Executive*. 16(1), 127-138. 2002.
- Tacit Knowledge and Knowledge Management: The Keys to Competitive Advantage. *Organizational Dynamics*, winter 2001.
- The Crimean Imbroglia. *East European Review*, August 1995.
- The Effects of Drugs on Decision-Making (with Bruce Russett). *Journal of Conflict Resolution*, March 1984.

## **Books**

Emotional Intelligence, Advanced Skills. [In Preparation]  
Coping with Toxic Managers and Subordinates: Using Emotional Intelligence to Survive and Prosper (2003) Prentiss-Hall.

## **Book Chapters**

What is SEL and Why Should Schools Care, with Lubit, R.A. In Mendelson, R. & Stabile C. (eds.) *New Directions for Teaching & Learning*. Jossey Bass: San Francisco. 2019.

Psychopharmacology (co author) in Carrion V. (editor). *Assessing and Treating Youth Exposed to Traumatic Stress*. Washington DC: American Psychiatric Association Publishing. 2018.

The Emotional Intelligence Response to Coping with Narcissism in the Work Place. In R. Burke and C. Cooper (Eds). *The Fulfilling Workplace: The Organization's role in Achieving Individual and Organizational Health*, Gower Publishing. 2016.

Psychotropic medications and crime: The seasoning of the Prozac defense. With Michael Welner and Jada Stewart in Mozayani, A & Raymon, L. (Eds.) *Handbook of Drug Interactions: A Clinical and Forensic Guide*. Humana Press: NY, NY. 2011.

Ethics in Psychiatry in Ed. B. Sadock and V. Sadock (eds.) *Comprehensive Textbook of Psychiatry*. 9th edition. Phil: Lippincott, Williams & Wilkins. 2009.

Recognizing and Assisting Traumatized Children with Jonathan Cohen In J. Devine, (ed.) *Making Your Schools Safe: Strategies to Protect Children and Promote Learning*. New York: Teacher's College Press. 2007.

Responding to Traumatized Children: an Overview of Diagnosis and Treatment Options I ch 1 p 3-40 in A. Hosen (ed.) *Responses to Traumatized Children*. Palgrave. 2007.

Cognitive Behavioral Therapy Approach (CBT) Used in Rehabilitation Processes of Traumatized Children ch 6 p 122-133, in A. Hosen (ed.) *Responding to Traumatized Children*. Palgrave. 2006.

Child Custody Evaluations in Ed. K. Cheng and K. Myers (ed.) *Child and Adolescent Psychiatry: The Essentials*. Lippincott Williams & Wilkins. 2005.

Diagnosis and Treatment of Trauma on Children in K. Cheng and K. Myers (ed.) *Child and Adolescent Psychiatry: The Essentials*. Lippincott Williams & Wilkins. 2005.

Ethics in Psychiatry (with Eth S. and Ladds B.) In B. Sadock & V. Sadock (eds.) *Comprehensive Textbook of Psychiatry*. 8th edition. Phil: Lippincott, Williams & Wilkins. 2004.

Children, Disasters, and the September 11th World Trade Center Attack (with Eth S.) In A. Norwood and B. Ursano (eds.) *Trauma and Disaster Response and Management*. Wash DC: APA Annual Review of Psychiatry, Volume 22, 2003.



- Adolescent Moral Development (with Billick S.) in R. Rosner (ed.) *Textbook of Adolescent Psychiatry*. 2003.
- Juvenile Delinquency, (with Billick S.) In S. Rosner (ed.) *Principles and Practice of Forensic Psychiatry*. 2003.
- Forensic Evaluation of Trauma Syndromes by Lubit R, Hartwell N, van Gorp WG, Eth S. in *Child and Adolescent Psychiatric Clinics of North America*, 11(4), 823-57. 2002.
- Office Politics (with Gordon R) In J. Kahn (ed.) *Mental Health and Productivity in the Workplace*. 2002.
- Using Emotional Intelligence To Deal With Difficult People and Organizations. In S. Osland (ed) *The Organizational Behavior Reader* (7<sup>th</sup> ed) Saddle River: Prentiss Hall. 2001.

### **Other Publications**

- “Using Emotional Intelligence to Deal with Difficult Client Personnel (and Colleagues)” *Consulting to Management* 15(2) 2004.
- “The tyranny of toxic managers: An emotional intelligence approach to dealing with difficult personalities” *Ivey Business Journal*, spring 2004.
- “Curbing the Tide of Islamic Radicalism in Europe.” White Paper requested by CIA 1/1/04.
- Psychiatrist's Role in Involuntary Hospitalization. Commentary 2. *Virtual Mentor*.2003; 5(10),310-311.  
<https://journalofethics.ama-assn.org/article/psychiatrists-role-involuntary-hospitalization-commentary-2/2003-10>
- Book Review (with Billick S.) of S. Goldstein & C. Reynolds. (eds) *Handbook of Neurodevelopmental and Genetic Disorders in Children*, New York: The Guildford Press, 1999) for *The Journal of Psychiatry & Law*.
- Book Review (with Eth S.) of Children's Interests/Mother's Rights: The Shaping of *America's Child Care Policy*, by Michel S (New Haven: Yale University: 1999) for *Psychiatry*.
- Book Review of *The Big Five* by Alexander Saveliev. *MeiMO* (Journal of the Institute for International Economics and International Relations), winter 1996.
- Book Review of *Hidden Illness in the White House* by Kenneth Crispell and Carlos Gomez. *Politics and the Life Sciences*, February 1991.
- Seven Easy Peaces (with Catherine Perlmutter). *Children Magazine*, Rodale Press, September 1988.

## PRESENTATIONS

Interviewed by Lowell Rose of WBTV about sex scams on April 3, 2023

Interviewed by Emily Bregel of Arizona Daily Star about an Arizona Cult on March 13, 2023.

Filmed by NBC Connecticut for “Behind the Headlines”, concerning the InfoWars trials, October 14, 2022

Higher Line Podcast about Child Abuse recorded September 28, 2022

Interviewed on KTVU Fox 2 in Oakland, CA October 14, 2021 about adult sponsored sex parties

Interviewed by Anna and Raven Show about Tantrums November 11, 2020

Interviewed by Danville Register about child abuse. March 4, 2020.

Interviewed by Catherine Shin of NBC news concerning why women stay with abusive men April 7, 2019 for Lifetime’s “Surviving R. Kelly” to be aired May 4, 2019.

Quoted in Charlotte Observer about “Scarred Straight” February 26, 2019.

“Recognizing and Reporting Child Abuse”, CME lecture for doctors, sponsored by Coverys, Waltham, MA, November 9 & 10, 2018.

Interviewed by Dave Cohen, guest host on WWL radio in New Orleans on abuse of Olympic gymnasts by Nasser. January 25, 2018.

Interviewed by BBC Radio on the Turpin Case. January 23, 2018

Interviewed by Dan Whitcome of Reuters on the Turpin Case including why parents would deny food and the impact on the child. Jan 18, 2018.

Interviewed live by Canadian Broadcasting television on the children in California who were shackled and isolated for years. January 18, 2018.

“Forensic Evaluations More Prejudicial Than Probative?” at the Division of Law, Ethics & Psychiatry of Columbia Univ. College of Physicians & Surgeons, Jan. 16, 2018.

Interviewed by NY Times concerning sexual abuse of Olympic gymnasts. Jan 16 2018.

Interviewed by Jonathan Allan of Reuters concerning the 13 children abused in California for years. Jan 16, 2018.

Interviewed by Boston Herald about emotional impact of the false alarm of a missile strike in Hawaii for article on January 16, 2018.

“Social and Emotional Learning and Classroom Management” at meeting of the Center for Research for Emotional Intelligence in Organizations. Boston Nov 17, 2017.

“Secondary Traumatization and Mental Well Being of Emergency Staff”, a day long Workshop at the Second International Emergency Medicine Conference, Abu Dhabi October 25, 2017

“Car Accidents, PTSD and Head Trauma” at Second International Emergency Medicine Conference, Intercontinental Hotel, Abu Dhabi October 24, 2017

Presentation on Diagnosing Parental Alienation at Inns at Court, North Caldwell, NJ. May 16, 2017

Interviewed by Alexis Sachdev of Metro NY on the children of presidents March 29, 2017

“Dealing With Difficult Managers” for Occupational Clinical Professionals' Group, February 10, 2017.

Interviewed about PTSD for an article entitled 'Patriots Day' Boston premiere inspires conflicting emotions, in the Boston Herald, December 15, 2016.

Quoted in PennLive on “Trigger warnings: A campus code of decency or an overused guise to censor?” Sept 14, 2016

Filmed for the TV Show “Unraveled” on the Bernie Crucza case. October 6, 2015; on air September 8, 2016 on Investigation Discovery Channel (of NBC)

Interviewed by Fox News concerning a father urging his son to fight another child. May 28, 2014.

Interviewed by Muriel Alarcon of El Mercurio on PTSD. April 9, 2015.

Cited in Huffington Post on “5 Ways Successful Leaders Handle Toxic People” March 19, 2015. [https://www.huffingtonpost.com/tracy-crossley/5-ways-successful-leaders\\_b\\_6882966.html](https://www.huffingtonpost.com/tracy-crossley/5-ways-successful-leaders_b_6882966.html)

Interviewed by CKGSB Knowledge, a journal of the Cheung Kong Graduate School of Business in Beijing on narcissistic managers April 11, 2014.

Quoted in “Daughter said she lied and sent dad to prison for rape, but DA upholds conviction” 16 Dec 2013 by Dan Slepian

“Post Traumatic Stress Disorder” Emergency Medicine Conference Abu Dhabi Dec 8, 2013

Interviewed by Gulf News concerning Difficult Managers. February 26, 2013.

Interviewed by Kevin Hilliker of Wall Street Journal on suicide rates in NYC schools July 2013.

Interviewed by Catherine Langley of Aquarius (aquarius.ae), on Difficult Managers, February 2013.

Canadian Broadcasting Company, interviewed by 5 of their radio stations concerning collapse of shopping mall in Ontario June 27, 2012

Interviewed by Pittsburg Post-Gazette May 11, 2012, <http://www.post-gazette.com/pg/12071/1215971-455.stm>

Interviewed by NY Daily News May 9, 2012,

<http://www.nydailynews.com/new-york/bronx-girl-11-texts-pals-hangs-room-article-1.1074849>

Quoted in Mens Health about sexual abuse November 2011.

Interviewed by Michelle Murillo Reporter FM News New York on Sandusky Sex Abuse Scandal November 10, 2011

Quoted in Wall Street Journal by Michael Rothfeld "Stanford Says He Lost His Memory" September 15, 2011.

Interviewed by Kevin Maurer of Star News on sexual abuse of children, June 19, 2011

Interviewed by Emily Cohen of ABC News about stress and problematic behavior at work, June 24, 2010.

<http://abcnews.go.com/Business/MindMoodResourceCenter/mouthing-off-boss-fired/story?id=10993015>

Interviewed Pittsburg Post Gazzette on Acute Stress Disorder March 10, 2010

Assessing Forensic Evaluations, CME talk to Nassau County Bar Association 12/15/2010

Interview on Parental Alienation by Sarah Wallace of ABC Television 11/30/2010

Canadian Broadcasting Company, interviewed on television concerning Chilean Mining Disaster: August 24, 2010

Canadian Broadcasting Company, interviewed by 8 of their radio stations concerning Chilean Mining Disaster: August 24, 2010

Quoted in The McChrystal Effect: Mouthing Off To Your Boss Can Get You Fired: on ABCnews.com June 24, 2010 [HYPERLINK](#)

"<http://abcnews.go.com/Business/MindMoodResourceCenter/mouthing-off-boss-fired/story?id=10993015&page=2>" \t "\_blank"

<http://abcnews.go.com/Business/MindMoodResourceCenter/mouthing-off-boss-fired/story?id=10993015&page=2>

Podcast Concerning Child Custody Issues by EVDense. April 9, 2010.

[http://www.evdense.com/mp3/Dr\\_Roy\\_Lubit\\_Podcast.mp3](http://www.evdense.com/mp3/Dr_Roy_Lubit_Podcast.mp3)

Interviewed by Dow Jones concerning authoritarian managers. April 7, 2010

Lectures on Ethics to Child Psychiatry Fellows at Einstein School of Medicine Winter 2010

Lectures on Psychiatry for Navy Physicians (ADHD, PTSD, Forensic Psychiatry, Ethics in Psychiatry, Clinical Assessment of Children, Severe Personality Disorders), Columbia, Missouri October 11 and 12, 2009.

Use of Narratives and Storytelling in Treating PTSD, Trauma Psychiatry & Psychology, International Center For Psychosocial Trauma, Columbia, MO September 30, 2009

Interviewed by Star News Online Concerning Sexual Abuse of Children,

<http://www.starnewsonline.com/news/20110620/rc-soles-accused-of-taking-advantage-of-troubled-teens-ex-senator-denies-allegations>

Lectures on Ethics to Child Psychiatry Fellows, Einstein School of Medicine, Winter 2009

Impact of the Lehman Crisis on People, Fox Business News, September 15, 2008

- Assessing Forensic Evaluations Rose Seminar, Minneapolis September 11, 2008
- Developing Emotional Intelligence Rose Seminar Minneapolis September 11, 2008
- “Assessing and Dealing With Corporate Threats” at ATAP North East Chapter, 6/23/08.
- “Family Courts and Child Custody: A System Needing Change: Zigler Center at Yale April 11, 2008.
- “Sex Abuse Evaluations” Symposium sponsored by Children and Family Law Committee of the Bar Association of the City of NY, January 23, 2008.
- “Experiencing the Trauma of 9/11 and Understanding the Recovery” University of Missouri-Columbia International Center for Psychosocial Trauma” St Louis 6/29/06.
- “Doing Forensic Evaluations” Joint Conference of the British Arab Psychiatric Association and American Arab Psychiatric Associations in Bahrain April 16, 2006.
- “Evaluation and Treatment of PTSD in Children” Joint Conference of the British Arab Psychiatric Association and American Arab Psychiatric Associations in Bahrain April 16, 2006.
- “Evaluation and Treatment of PTSD in Children” The First Annual Medical Conference of the International Iraqi Medical Association; Dubai, UAE April 12, 2006.
- “Doing Forensic Evaluations” The First Annual Medical Conference of the International Iraqi Medical Association; Dubai, UAE April 12, 2006.
- “Assessing and Treating Emotional Trauma” at International Academy of Law and Mental Health; Paris July 2005.
- “Assessing Sexual Abuse Allegations” at International Academy of Law and Mental Health; Paris July 2005.
- “New Thoughts on Leadership Development” at Society of Human Resource Management annual national meeting; San Diego June 20, 2005
- “Dealing w. Toxic Managers” at NJ OD Network; Sharing Day; May 9, 2005
- Problems in the Child Custody System on Dateline NBC April 15, 2005
- “Group Dynamics and Decision Disasters” at annual meeting of In2In Thinking Network: Los Angeles, April 9, 2005
- “Assessment of Dangerousness” Hudson River Psychiatric Hospital February 2, 2005
- “Improving the Quality of Evaluations for Sexual Abuse” Queens ACS lawyers; 1/10/05.
- “Improving the Quality of Child Custody Decisions ” The Second National Battered Mother's Custody Conference; Albany; January 8, 2005.
- “Evaluating Forensic Child Custody Evaluations” to Women's Bar Association of the State of New York; June 8, 2003; Brooklyn, NY.
- “Assessing Dangerousness” Grand Rounds at Hudson River Psychiatric Center 4/7/04.
- “Radical Islam in Europe: Ideological, Psychological and Political Foundations and Potential Responses” invited presentation to Workshop on Radical Islam in Europe sponsored by CIA Office of Russian and European Analysis; McLean, VA 12/12/03

- “Rethinking the Role of Psychology in Understanding Terrorism” invited presentation to Psychology of Terrorism Workshop sponsored by CIA Counterterrorism Center, Office of Terrorism Analysis; McLean, VA Nov 21, 2003.
- “Assessment and Treatment of Traumatized Children” Grand Rounds MSSM Pediatrics Nov 20, 2003.
- “Phenomenology, Psychopathology and Treatment of Emotional Trauma” Grand Rounds Walter Reed Army Hospital, Nov 19, 2003.
- “Assessment and Treatment of Traumatized Children” Grand Rounds Pediatrics Elmhurst Hospital Nov 17, 2003.
- With John Kastan "Organization of Disaster Mental Health Services in Post 9/11 New York City" Annual Meeting of APHA, San Francisco, November 15-19, 2003
- “Doing Child Custody Evaluations” Bronx 18B Lawyers Retreat; Nov 2003.
- “Parental Alienation Syndrome” Bronx 18B Lawyers Retreat; Nov 2003.
- “Wide Ranging Impact of Emotional Trauma on Children”; William Allanson White Psychoanalytic Institute Sept 25, 2003
- “Violence in the Workplace” UPN 9, 7/25/03.
- “Understanding Terrorism” Chair of Panel, International Society of Political Psychology, Boston, July 9, 2003.
- “Mind of the Modern Day Terrorist” Paper Presented at the International Society of Political Psychology, Boston, July 9, 2003.
- “Limiting the Trauma of Terrorism” Paper Presented at the International Society of Political Psychology, Boston; July 8, 2003.
- “Children and Disasters” American Psychiatric Association, San Francisco, May 20, 2003.
- “Treatment of Trauma” Grand Rounds, Hudson River Psychiatric Institute, 4/23/2003.
- “Evaluation and Treatment of Children After Disasters” at Families, Trauma and Forensic Psychiatry Symposium at Walter Reed Army Hospital, April 16, 2003
- “Children and Disasters” Maryland APA, April 9, 2003.
- “Ethics in Psychiatry” Grand Rounds, Hudson River Psychiatric Institute, 2/26/2003.
- Chair of panel on “Biological and Chemical Terrorism” at John Jay College’s symposium on Homeland Security After 9/11. January 23, 2003.
- “Assessment and Treatment of Traumatized Children”, Children’s National Medical Center, Dec 11, 2002.
- “Children's Needs and Obstacles to Meeting Them After Disasters”, LA Child Development Center. November 23, 2002
- “School Based Mental Health Screening” International Society of Traumatic Stress Studies November 10, 2002

- “Assessment of Traumatized Children and Adolescents” International Society of Traumatic Stress Studies November 7, 2002
- “Suicide and Suicide Prevention in Children and Adolescents” Safehorizon. Nov 5, 2002
- “Fundamentalism and Terrorism” Group for the Advancement of Psychiatry November 1, 2002
- “Bereavement and Trauma: Assisting Adolescents After Loss”, Covenant House, NYC October 25, 2002
- “Living With Uncertainty and Violence: Helping Youth Cope With Trauma” JBFCS Symposium. Oct 7, 2002. “Treatment of Emotional Trauma” Beth Israel Hospital, 3 half-day sessions in Sept. and Oct. 2002.
- “Impact of 9/11” BBC Sept 12, 2002
- “Long term impact of 9/11”, NPR Sept 8, 2002
- “Recognizing Troubled Children” Private Schools (HALB and HAFTR) September 3, 2002.
- “Recognizing Troubled Children” NYC School Nurses, August 27, 2002
- “Coping with Stress in the Modern World” NY Life Insurance, August 22, 2002
- “Ethics and Leadership” Brookings Institution, Washington DC July 30, 2002.
- “Treatment of Children Who Lose Parents” Easthampton Camp. July 10, 2002
- “Assessing the Impact Of 9/11 On Children in Schools” Meeting of NYC school psychiatrists and supervising nurses. June 28, 2002
- “Impact of WTC Disaster on Firefighters” CBS Evening News May 26, 2002
- “Psychological Impact of Trauma” for Montclair NJ School District. May 16, 2002
- “Origins of Delinquent Behavior” at Update on Juvenile Delinquency for Society for Adolescent Psychiatry. May 11, 2002
- “Impact of Violence On Child Development and Remedial Strategies” at Conference on
- “Responding to the crisis...Partnering for Violence Prevention” Summit Country Children Services. April 16, 2002
- “Terrorism, Trauma and Treatment Options” for the S. Michigan branch of the International Society for the Study of Dissociation Annual Conference Livonia Michigan. April 12, 2002.
- Interviewed by Psychiatric News for Stoic Firefighters Wrestle with Post-Disaster Emotions March 1, 2002.
- Public Radio WNYC: Interview on psychiatric impact of WTC Disaster, 1/18/02.
- “Healing a Traumatized City”, invited speaker at the symposium on “The Trauma of Terror in Children”, Dec 1, 2001 sponsored by the Southern California Society of Child and Adolescent Psychiatry and the Southern California Psychiatric Society.

NY1 Television: 1 hour interview program on psychiatric impact of WTC Disaster, 12/19/01.

Disaster Recovery: Worked with CEOs and HR to help companies recover from Sept 11, 2001 disaster. Also gave presentations to groups of 5 to 170 workers: First American Title, NYC, Sept. 14; Costa Kondylis, NYC, Sept 14; Credit Lyonnais, NYC Sept 21; Financial Models, NYC, Sept 21; Coalition for the Homeless. Oct 3; Sadlier Publishing Oct 4; Queller, Fisher, Dienst Oct 10; Village Voice, Oct 17; May Davis Investment Bank, Nov. 5; NY Life Nov 12; Jacqueline Onassis H.S., Oct 19; PS 89, Nov 6; H.S. of Economics and Finance Nov 14, 2001.

“Juvenile Delinquency” invited speaker, Tri-State Forensic Psychiatry Review Course, 3/2/01.

Chairman of panel on "Political Psychology and War", annual meeting of the International Society of Political Psychology, Washington, DC 6/21/85.

"Altered Metabolic States and Decision-Making", annual meeting of the International Society of Political Psychology, Toronto 6/25/84. Discussant on papers on the

"Effects of Alcohol and Drugs on Leadership Behavior", annual meeting of the International Society of Political Psychology, Toronto 6/27/84.



**ORGANIZATIONAL AFFILIATIONS**

- 2023-present     Jesse Lewis Foundation
- 2020-present     Association of Family and Conciliation Courts
- 2020-present     International Society for the Prevention of Child Abuse and Neglect
- 2019-present     Keiser University Advisory, Graduate Psychology Advisory Board
- 2011-present     American Academy of Child and Adolescent Psychiatry
- 2007-2011        Consultant to Accountability Review Panel of NYC Administration for Children’s Services
- 2004-2010        Consultant to Association of the Bar of the City of NY Children and Law Committee
- 2005-2006        Disaster and Trauma Issues Committee of Am Acad of Child and Adolescent Psych
- 2006-2008        Dept of Child Psychiatry, NYU School of Medicine
- 2004-2006        Dept of Psychiatry, Mt Sinai School of Medicine
- 2004-2005        NY State Interdisciplinary Forum on Mental Health and Family Law
- 2003-present     Consortium for Research on Emotional Intelligence in Organizations
- 2002-2004        Senior Consultant on Psychoeducation and Program Development, Center for Social and Emotional Education (HYPERLINK "<http://www.csee.net>" www.csee.net)
- 2002-2003        Senior Researcher, Center on Terrorism and Public Safety. John Jay College, CUNY
- 2003-2005        Consultant to International Relations and Terrorism Committees of the Group for the Advancement of Psychiatry
- 2002-2004        Manhattan Task Force to End Child Abuse and Domestic Violence
- 2001-2003        National Child Traumatic Stress Network
- 2001-2003        New York Times Consortium for Effective Trauma Treatment
- 1985-1991        Institute of Social and Behavioral Pathology, fellow.
- 1981-1988        American Psychiatric Association, member.
- 1983-1987        International Society of Political Psychology, member.
- 1982-1983        Yale Edward Zigler Center in Child Development and Social Policy

AWARDS

- 1990-1991        Harvard-MacArthur Scholar in International Security.

### **ORGANIZATIONAL DEVELOPMENT EXPERIENCE**

- 1999-2001 Consulted to: Mitsubishi, Delta Airlines, PricewaterhouseCoopers, Morgan Stanley, Sadlier Publishing, First American Title, Costa Kondylis, Credit Lyonnais, Financial Models, Coalition for the Homeless.
- 1999-2001 Management consultant in PricewaterhouseCoopers' Strategic and Organizational Change practice.
- 1997-1998 Visiting Scholar at Columbia Business School, New York, NY.
- 1997 Ph.D. in Political Science, Graduate School of Arts and Sciences, Harvard University. Ph.D. Dissertation on learning and organizational change.

### **TEACHING EXPERIENCE**

- 2005-2007 Supervisor for residents in child psychiatry, NYU School of Medicine Department of Psychiatry
- 2003-2004 Supervisor for residents in child psychiatry and medical students at Mount Sinai School of Medicine
- 2001-2003 Supervisor for residents in psychiatry at St. Vincent's Hospital.
- 2004 Adjunct Assistant Professor, Zicklin School of Business, New York, NY. Taught course on Managerial and Leadership Skills in the MBA program.
- 1990-1996 Teaching fellow at Harvard University, for International Conflicts in the Modern World, Ethics and International Relations, Europe After 1945, and The Stalin Era.
- 1998 Teaching assistant at Columbia Business School, for Organizational Behavior and Building the Learning Organization.

### **Depositions And Court Testimony For The Four Years Preceding April 24, 2023**

- Abdulkadir, Mohamed and Abu, Faiza. Oregon, Multnomah County Circuit Court Case/Identification No. is 16DR16370. Court testimony, custody case, January 4, 2022
- Allen, Rene v. Stern, Heather (custody) case no. #1468386 Manhattan Beach, California December 17, 2020, trial
- Barranco v Green Apple deposition, remote Case No. A-18-773515, personal injury, September 12, 2022.
- Brock v City of NY 15 CV 1832 (VSB), New York City, personal injury, plaintiff, trial, February 5, 2019.
- Castillo v STEM; personal injury Jan 5, 2023. Denver, remote testimony
- Chau v Poblador Prince William County CL No 1980 5350, Manassas, VA, personal injury, defense, trial, September 23, 2021.
- Dekany v Akron Police and Stowe; Case no. 5:16CV01829, US District Court of N Ohio, personal injury plaintiff, trial, March 9, 2018.
- Dash v. US. Case No. 22-80015-CIV-DMM, Federal Court Florida, Personal Injury, Plaintiff, deposition, July 26, 2022
- Doe v Sharma Index No. 01324/2014, NYC, personal injury, plaintiff, trial, June 7, 2018
- Doe v Greenwich Case No. 3:18-cv-01322-KAD, CT, personal injury, defense, deposition, June 26, 2020
- Doe v Boys and Girls Village No. FBT CV 17 5032485 S and Doe v The Children's Center No. FBT-CV-17-5032966-S personal personal injury, February 11, 2019
- Doe v Town of Salisbury Docket No.: LLI-CV20-6026001-S. Connecticut. deposition, personal injury, November 15, 2021
- Edens v Reyes, Case No: 21-C-10 -38964 CT, custody case, June 1, 2021 [declared expert in child psych, PTSD, ethics]
- Evans v. New York City Transit Authority, et al., E.D.N.Y. 16-cv-4560, personal injury, plaintiff, trial, January 18, 2018.
- Geraldo Herrera as Admin of E/O Leslie Lebron v. Kane Docket No. L-2922-15 N.J., personal injury, plaintiff, deposition, July 30, 2018.
- Getting
- Martin, Guardianship 2020FA46 and 2020FA60 December 4, 2020.
- Hall v Oneonta City School District, County of Otsego, NY, plaintiff, trial Testimony October 27, 2022.
- Hansen v Rite Aid Docket No. MON-L-004790-08, NJ personal injury, plaintiff, trial,
- Heslin v Alex Jones and Infowars, D-1-GN-18-001835, Texas, personal injury, trial, August 1, 2022
- Howard v Demo Salvage Civil Action No. 1:18-cv-00150-JAW November 19, 2018 (personal injury, deposition, plaintiff, June 13, 2019
- Huang v Ohio State, personal injury, plaintiff, Deposition, April 21, 2023
- Incardone et al. vs Royal Caribbean Cruises; US District Court Miami Case No. 16-cv-20924, personal injury, plaintiff, depositions, September 27 & 28, October 4 and 9, 2018
- Johnston v Rossi Case Number BD542090 [custody] **trial** Nov 19, 2020, California

- Kiefer et al. v Midgley Utah Civil No. 173900675, testamentary capacity, suit over will, Deposition done in NY, March 9, 2020
- Klinecivic v Ardsley Prof Complex NYS 60527/15, personal injury, plaintiff, trial, Sept 24, 2019
- Kline custody. California. Sept 29, 2022
- Kraus v Longacre, Asheville, NC file no 20 JA 118 (custody) review of neutral's report, June 10, 2021
- Landry v Hartford Hospital No. NNH-CV-14-6046822S personal injury, plaintiff, deposition, October 1, 2018
- Lasalle v NYC. Index No.: 250L45 / L6; personal injury, defense, trial, June 19, 2019
- Lenhoff v Chicken Lisa, Case no: 37-2019-00023943-CU-NP-CTL, CA, (personal injury, defense, deposition, May 16, 2022
- Lenhoff v Chicken Lisa; Case no: 37-2019-00023943-CU-NP-CTL, CA, personal injury, defense, trial, June 13, 14, 16 of 2022
- Lewis v Alex Jones and Infowars D-1-GN-18-006623, Texas, personal injury, trial, August 1, 2022
- LK v Potomac Diagnostic Center; West Virginia Civil Action 17c 1378, personal injury, defense, deposition, November 7, 2020
- LK v Potomac Diagnostic Center; West Virginia Civil Action 17c 1378, personal injury, defense, deposition May 13, 2021
- Lucas v Azar Case No. 2:18-cv-05741 DMG PLA, personal injury, defense, deposition by video conference, August 4, 2020
- Lynn v Terrance Lynn plaintiff order of protection, Deposition December 8, 2022 CA; February 1, Trial Testimony
- Magnavito v Mora Case No. 134903436 DA. Utah, child custody, trial
- Maryland vs Ebo Case, c-07-CR-20-000097, Maryland, criminal trial, defense, testimony by video, September 2, 2020]
- State v Medina, Arizona, CR-2020-1022-001 criminal, hearing, defense, June 29, 2022
- State v Medina, Arizona, CR-2020-1022-001 trial, defense, August 2, 2022
- McVey v. Academy for Advancement. California No. 20AVCV00537. Plaintiff, Personal Injury, Deposition, Aug 25, 2022; Trial Testimony January 18, 2023. Declared expert in Emotional Trauma and Child and Adolescent Psychiatry
- Mento v. Mento UWY FA 19-6046312-S, Waterbury, CT, custody case, trial, April 26, 2019
- Morgan v US., No 14 Civ 7921, NY, personal injury, deposition, defense, February 26, 2019
- Morgan v US. No 14 Civ 7921, US Federal Court Southern District, NY, personal injury, defense, April 5, 2019
- NY v Lahkani Docket 16050426, NY, criminal trial, defense, Dec 4, 2018
- NY v Santiago, Brooklyn, NY Supreme Court, criminal, defense, June 4, 2019
- Nolfi v Skelley, Docket no HD/5R0/40AB, Springfield MA, custody case trial testimony by phone; Aug 27, 2018 (Custody Case,)
- Owunna v US Civil Action 1:18-cv-00536, personal injury, plaintiff, deposition plaintiff, February 10, 2019

- P.D. infant by mother and natural guardian Tynecca Velez, et Ano vs. Montefiore Medical Center, Index # 20707/13, Supreme Court, Bronx County, NY, personal injury, defense, Sept 25, 2019
- Peri v City of NY, 15 CV 3683 (AKH), NYC, personal injury, plaintiff, trial April 3, 2019
- Pozner v Fetzer, Case No. 18-CV-3122, Wisconsin, personal injury, plaintiff, videotaped for trial, October 5, 2019
- Ramirez v NY. Defendant December 12, 2022 Bronx, NY Hearing to get a new trial
- Rychlik v Sodergren No.: FC2011-090965, Arizona, custody, trial, Oct 22, 2019.
- Seraswat v Integra, No. 15-cv-4680, US District Court Eastern District of NY, personal injury, defense, deposition, March 9, 2018
- Smith, Drake v Josselyn Center, No. 14 L 004800, Chicago, personal injury, plaintiff, deposition by teleconference, September 9, 2020
- Penn v Sokoloff Criminal Division Luzerne County No. 2786 OF 2019 hearing, testimony on evidentiary issue, December 17, 2019
- Schroeder v Schroeder, Case No. 224653, Louisiana, Division C, custody, March 14, 2022.
- Sheik v Laskhani custody Arizona, June 1, 2023 trial planned
- Shivarama v Gurumohan, Case No. 19FL003925, California, custody case, trial testimony, Nov. 28, 2021 and February 24, 2022, April 1, 2022
- Trigonis v EDAdvance, Docket No. HHB-CV-20-6063187-S, deposition, defense, October 3, 2022.
- Tsur v Intel; Case No.: 3:21-CV-00655-SI; Discrimination, Plaintiff; California, Deposition December 9, 2022.
- US v Hoffman by telephone Fort Leonard Wood criminal, defense, trial, Dec 12, 2018
- US v Hoffmann March 28, 2019 courts martial Fort Leonard Wood March 28, 2019 (defense, trial)
- US v Vavre [criminal, prosecution] June 23, 2021
- Vinogradsky v Blau, Docket No: FV-02-891-19 New Jersey, custody, trial, December 19, 2018
- Watson v Durham School Services Docket 17C1130, 11<sup>th</sup> Circuit, Tennessee, personal injury, plaintiff, deposition, July 9, 2019
- West Virginia v Wine (criminal) April 12 and 13, 2022

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

VANESSA TREMINIO,

Plaintiff,

CASE NO.: 3:22-cv-174-MMH-PDB

vs.

CROWLEY MARITIME  
CORPORATION, and  
JUAN EMILIO BLANCO,

Defendants.

**DEFENDANT CROWLEY MARITIME CORPORATION'S DESIGNATION  
OF EXPERT WITNESSES AND DISCLOSURE OF EXPERT REPORTS**

Pursuant to Rule 26(a)(2), Federal Rules of Civil Procedure, and in compliance with the Court's January 19, 2023 Order (Doc. 39), Defendant Crowley Maritime Corporation, serves this Designation of Expert Witnesses and Disclosure of Expert Reports.

**(1) Roy Lubit, MD, Ph.D  
165 West End Ave 3K  
New York, NY 10023  
Dallas, TX 75205**

Dr. Lubit's Expert Report is attached hereto as **Exhibit "A,"** which includes Dr. Lubit's curriculum vitae, a list of cases in which Dr. Lubit testified as an expert at trial or by deposition, a statement of the compensation to be paid for Dr. Lubit's study and testimony in this case, Dr. Lubit's opinions, the basis for his opinions, and the facts,

data, and exhibits considered by Dr. Lubit. All documents used to support Dr. Lubit's opinions have been produced in this case and are referenced in the Expert Report.

**(2) Teresa Beatriz Merino Benitez  
Beatriz Merino Law Office  
El Salvador**

Ms. Merino's Expert Report is attached hereto as **Exhibit "B,"** which includes Ms. Merino's curriculum vitae, a list of cases in which Ms. Merino testified as an expert at trial or by deposition, a statement of the compensation to be paid for Ms. Merino's study and testimony in this case, Ms. Merino's opinions, the basis for her opinions, and the facts, data, and exhibits considered by Ms. Merino. All documents used to support Ms. Merino's opinions have been produced in this case and are referenced in the Expert Report.

Dated this 15<sup>th</sup> day of May 2023.

Respectfully submitted,

ALEXANDER DEGANCE BARNETT, P.A.

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2023, I served the foregoing via electronic mail to: Adria G. Notari and Michelle E. Durieux, Notari Law, P.A., 1820 SW 14<sup>th</sup> Court, Fort Lauderdale, Florida 33312 (anotari@NotariLaw.com) (michelle@notarilaw.com); J. Ryan Melogy, Maritime Legal Solutions, PLLC, 276 Fifth Ave., Suite 704-1454, New York, NY 10001 (maritimelegalsolutions@pm.me); C. Michael Williams, Law Office of C. Michael Williams, P.A.; 1710 Shadowood Ln, Ste. 220, Jacksonville, Florida 32207 (seemichaelwilliams@gmail.com); Kristyne Kennedy and Kelsey N. Ortiz, Esq, Cole, Scott & Kissane, P.A, Tower Place, Suite 400, 1900 Summit Tower Boulevard, Orlando, Florida 32810 (Kelsey.Ortiz@csklegal.com) (Celia.Cates@csklegal.com) (Kristyne.Kennedy@csklegal.com).

  
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