



The Mountain-Whisper-Light
Statistical Consulting; Nayak Polissar, PhD
1827 23rd Ave. East, Seattle, WA 98112-2913

Expert Witness History—Nayak L. Polissar, Ph.D. October 24, 2022 Cases with depositions or court testimony have been bolded.

2022-current. Patent interference lawsuit. Review exhibits and data, statistical analysis, expert report, deposition. Plaintiff. Attorneys' firm: Wilson, Sonsini. Washington, D.C.

2022-current. Lawsuit alleging contract violation. Recently initiated. To date: develop statistical plan for analysis of defendant's data. Attorney: Alan Bornstein, Jameson Pepple Cantu PLLC.

2021-current. Lawsuit against insurance companies on impact of Covid-19 damage. Calculations, review of literature, assess data, prepare quantitative results. Attorney: Logan Peppin. Plaintiff. Similar to case just below.

2020-current. Lawsuit against insurance companies on impact of Covid-19 damage. Calculations, review of literature, assess data, prepare quantitative results. Attorney: Dennis D-Antonio, Weg & Myers, New York. Plaintiff. Similar to case just above.

2020-current. DUI cases where driver-defendants with alcohol level below 0.08 were charged with impaired driving based on the Standardized Field Sobriety Test (SFST) results. Review of documents and methods, written report, court testimony. Two cases settled or dropped, two case pending (active). Attorney: Jared Isaacson, Snohomish County Public Defender Association. Defendant.

2019-current. Felony charges against plaintiff for allegedly lasering a Coast Guard helicopter, causing an aborted mission and risk of health effects and safety. Analysis of probability that laser strike was an accident (unintentional). Research and report. US Federal Attorneys: Grady Leupold, Andre Penalver. Plaintiff.

2016-current. Class action lawsuit by nurses (RNs) against a hospital, alleging lack of compensation for missed meal breaks and missed rest periods. Kevin Hansen, John White, attorneys (PRK Livengood). Defendant.

2016. Class action lawsuit against retail grocers alleging underweight tuna products. Clark Nichols, Attorney (Perkins Coie). Statistical analysis. Settled. Defendant.

2016. Class action lawsuit by inmates of Washington State prisons, alleging refusal of and inadequate medical care. Aaron Williams, attorney (WA State office of the Attorney General). Defendant. Plaintiffs dropped case.

2015. WA State suits against dentists for Medicaid fraud (2 cases). Current. WA Office of the Attorney General. Plaintiff.

2015. WA State suit against a private consulting firm that was charged with (among other charges) coaching school districts to manipulate a staff survey and the results of the survey to increase the schools' reimbursements for school Medicaid-related activities. Settled. Attorneys: Steve Dietrich, Carrie Bashaw, WA Office of the Attorney General. Plaintiff.

2015. Racial profiling in traffic stops in Portland, OR. Statistical analysis of traffic stop data and write report. Pre-filing activity in preparation for potential legal action. Attorney: Thomas Steenson, Oregon.

2014. Medical malpractice lawsuit on delay in surgery for cauda equina syndrome. Review relevant literature and prepare report. Attorney: Ray Brown (Dillon & Findley). Plaintiff.

2014. Lawsuit against a retailer by pharmacists discharged for a history of substance abuse. Statistical review of and report on plaintiff materials. Attorney: Allan King (Littler). Defendant.

2013. Class action lawsuit on defective construction of ~1500 homes. Deposition, reports, rebuttals. Lead attorney: Dave von Beck (Levy, von Beck Associates, P.S.). Plaintiff.

2013. Lawsuit on allocation of condominium water damage restoration costs among insurers. Support on statistical methods. Attorney: T. Daniel Heffernan (Heffernan Law Group PLLC.) Plaintiff.

2012. Race discrimination charge against a contractor on a major transit construction project. Statistical analysis of employment data for African Americans and Caucasians; write report. Attorney: Desmond Brown, Sound Transit, Seattle. Independent investigation.

2010-11. Class action lawsuits to recover diminished value from insurers for claimants with vehicles involved in accidents with uninsured or under-insured drivers. Depositions, reports and analysis. Attorney: Van Bunch, Bonnett, Fairbourn, Friedman & Balint, P.C. (and other firms.) Plaintiff.

2011. Competitor challenge to application for a Certificate of Need for establishing a new hospice in Washington State. Analysis; testimony before

administrative law judge. Attorney: Jeff Freimund (Freimund Jackson Tardif & Benedict Garratt, PLLC.) Defendant.

2010. Class action suit to recover denied Medicaid reimbursement for DSHS Medicaid clients with live-in providers; provider payment for the class was denied under the “shared living rule.” Analysis, deposition, trial testimony. Lead attorney: Greg McBroom (Livengood Fitzgerald & Alskog.) Plaintiff won suit.

2009-2010. Evaluation of “actuarial instruments” for probability of re-offense for incarcerated individuals. Statistical analysis, review of literature, deposition, trial testimony. Attorney: Kenneth Chang (Defender Association), Seattle. Defendant.

2009. Malpractice lawsuit on brachial plexus injury during birth with shoulder dystocia. Statistical analysis, review of literature and plaintiff expert report; response report. Attorney: Howard Lazar (Delaney Wiles.) Defendant.

2008. Malpractice lawsuit on timing of treatment for cauda equina syndrome (CES.) Statistical analysis and review of literature. Attorney: Ray Brown/Dillon-Findley. Plaintiff.

2008. Challenge by existing hospitals to Certificate of Need for proposed new hospital in King County. Statistical analysis and deposition. Attorney: Gregory McBroom/Livengood Fitzgerald & Alskog. Plaintiff.

2008. Challenge by attorneys of DUI defendants to breath alcohol measurements (BrAc) and procedures for determining BrAc. Statistical analysis, trial testimony. Attorney: Matthew Anderson/King County Prosecutor. Defendant.

2008. Class-action suit to recover shipping costs and loss of goods by State of Washington prisoners when moving prisons. Statistical estimates of shipping costs from State data. Attorney: Judge/State of WA Attorney General’s Office. Defendant.

2008. Federal penalty case against fishing company on alleged improper sampling of catch. Review of materials and sampling principles. Deposition. Attorney: Michael Barcott/ Holmes Weddle & Barcott. Defendant.

2007. Hospice services provider lawsuit against state health agency over denial of CON application. Attorney: Kathleen Benedict (Benedict & Garratt.) Statistical analysis, prepare written opinion. Plaintiff

2007. Damages suit against association for exclusion of plaintiff’s horse from competition. Statistical analysis and submit written opinion. Attorney: Mabrey. Plaintiff.

2006. Health services provider lawsuit against state government agency over alleged unfair practice in regulation of referrals for vocational rehabilitation. Attorney: Kathleen Benedict (Benedict & Garratt.) Analysis, review of documents, deposition, testimony at trial. Plaintiff.

2006. Gender and age discrimination lawsuit, large retail chain. Statistical analysis of employment records. Attorney: Roxanne Rarangol. Plaintiff.

2006. Real Estate Lawsuit concerning condominium governance. Deposition. Attorney: Thomas Hayton. Plaintiff.

2005. Eminent domain lawsuit concerning stigma damage to residences from planned Sound Transit tunnel. Attorney: Janis White (Graham & Dunn.) Analysis, deposition, trial testimony. Defendant.

2005. Suit against mandatory drug-testing in high school. Attorneys: Yanick, Maxson (Davis, Wright Tremaine, for ACLU.) Review literature and school tests used by defendants. Plaintiff.

2004. Malpractice suit involving cauda equina syndrome. Attorney: Royer. Plaintiff.

2003. Wrongful death lawsuit: Alaska, accidental drowning. Attorney: Kohles. Plaintiff.

2002. Radiation exposure lawsuit. Statistical analysis, review of documents, deposition. Attorney: Nichols (Perkins Coie.) Defendant.

2002. Malpractice lawsuit: delayed surgery for cauda equina syndrome. (Note: this led to an article in a peer-reviewed journal.) Attorney: Kohles. Plaintiff.

2001. Wrongful death lawsuit. Issue: expected life remaining. Breeding vs. Burrows. Deposition. Attorney: Wakefield. Defendant.

2000 and earlier.

Certificate of need adjudication between Good Samaritan Hospital and State of Washington. Testimony before administrative judge. Attorney: Kathleen Benedict (Lane Powell Spears Lubersky.) Defendant.

Suit on assessed valuation of homes: homeowner longterm leaseholders vs. government land owner. Regression analysis and review of documents.

State prevailing wage violations lawsuit against a concrete supply company. Testimony before administrative law judge. Attorney: Davis. Defendant.

Gender discrimination lawsuit (supermarket chain, 2 different suits.) Deposition and testimony in court. Attorneys: Sladich, Troppman, Spokane. Plaintiff.

Age discrimination lawsuit (supermarket chain). Testified before arbitrator. Attorney: Winterbauer. Defendant.

Product liability (E coli in hamburger meat.) Testified in court. Attorney: Brindley. Plaintiff.

Hearing loss lawsuit (series of cases.) Statistical analysis, deposition, trial testimony, administrative hearing. Attorneys: Campiche, Chung. Plaintiff.

Age discrimination lawsuit: Anderson vs. Microsoft. Deposition. Attorney: Reed. Plaintiff.

Malpractice suit for child with cerebral palsy. Issue: expected life remaining. Attorneys: Fuller, Gardner. Plaintiff.

Gender discrimination lawsuit, major hardware chain. Statistical analysis, review of documents, deposition. Plaintiff. Attorney: Thomas Steenson, Oregon.

Lawsuit against insurance company about payment for back injury. Included class action suit alleging poor service by insurance company. Court testimony.