

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: E.I. DU PONT DE NEMOURS AND
COMPANY C-8 PERSONAL INJURY
LITIGATION

CASE NO. 2:13-MD-2433

JUDGE EDMUND A. SARGUS, JR.

MAGISTRATE JUDGE ELIZABETH P.
DEAVERS

This document relates to: **Carla Marie Bartlett v. E. I. du Pont de Nemours and Company, Case No. 2:13-cv-170.**

DECLARATION OF VITALY MARGULIS, MD, F.A.C.S.

I, Vitaly Margulis, declare and state as follows:

1. I prepared the Expert Report of Vitaly Margulis, dated December 8, 2014 ("Expert Report") and a true and accurate copy is attached as Exhibit 1.
2. Each of the opinions in the Expert Report is stated to a reasonable degree of medical certainty, and was arrived at using reliable methods.
3. If called as a witness, I would testify competently to the matters stated in the Expert Report.
4. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: May 8, 2015



Vitaly Margulis, MD, F.A.C.S

EXPERT REPORT IN

**Carla Bartlett v. E. I. du Pont de Nemours and Company, Case No. 2:13-cv-170
(S.D. Ohio)**

**Vitaly Margulis, MD, F.A.C.S.
Prepared for: Plaintiffs' Steering Committee**

***In re: E. I. du Pont de Nemours & Co. C-8 Personal Injury Litigation*, MDL 2433
Case No. 2:13-md-2433 (S.D. Ohio)**

CONFIDENTIAL SUBJECT TO MDL PROTECTIVE ORDER

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: E. I. DU PONT DE
NEMOURS AND COMPANY C-8
PERSONAL INJURY LITIGATION**

CASE NO. 2:13-md-2433

**JUDGE EDMUND A. SARGUS, JR.
MAGISTRATE JUDGE ELIZABETH P.
DEAVERS**

**This document relates to: Bartlett et al. v. E. I. du Pont de Nemours and
Company, Case No. 2:13-cv-0170**

Case-Specific Expert Opinion Report of Vitaly Margulis, M.D., F.A.C.S.

Date: December 8, 2014

RE: Carla Bartlett
DOB: 1/30/1956

Background & Qualifications

I am board certified in urology and an Assistant Professor of Urology at the University of Texas, Southwestern Medical Center. I am the Fellowship Director of the Society of Urologic Oncology and the Chief of Urology at Parkland Memorial Hospital. My complete *curriculum vitae* is attached to this report as Appendix A.

Prior Testimony:

A list of all other cases in which I have testified as an expert at trial or deposition during the last four years will be supplemented under separate cover and incorporated as Appendix B to this report.

Compensation:

My current fees include \$600.00 per hour for record review and report preparation; \$850.00 per hour for deposition testimony; \$1,250.00 per hour for trial testimony; and \$4,000.00 a day for a full day away from the office.

My current fee schedule is attached as Appendix C.

Basis for Opinions and Methodology Employed

I was asked to opine as to whether Ms. Bartlett's exposure to perfluorooctanoic acid (hereinafter referred to as "C-8" a/k/a PFOA) was a substantial contributing factor to the development of her renal cell carcinoma ("RCC"). To answer this question, I reviewed the materials listed in Appendix D to this report, including Ms. Bartlett's relevant medical records, and also conducted a physical examination of Ms. Bartlett. In forming my opinions, I utilized the standard methodology of my practice as a urologic oncologist, which includes conducting a differential diagnosis. In addition, I have relied on the work of other experts in various fields in forming my differential diagnosis, which is common practice in the ordinary course of my work. Finally, all of the opinions that are set forth in this report are stated to a reasonable degree of medical certainty.

Summary of Opinions:

- Ms. Bartlett was diagnosed with RCC, Stage 2.
- At the time of her diagnosis, Ms. Bartlett only had two risk factors for RCC, which included obesity and exposure to C-8.
- Based on my review of the relevant medical records, the C-8 Science Panel probable link report, the expert report of Dr. David MacIntosh, in addition to the materials/documents listed in Appendix D, Ms. Bartlett's exposure to C-8 was a substantial contributing factor to her development of RCC, her resulting follow up care and related sequelae.
- As a result of her RCC, Ms. Bartlett underwent surgery and related follow up care, and subsequently endured severe pain and suffering as well as emotional distress.
- As a result of her RCC, Ms. Bartlett remains at an increased risk for developing RCC as well as other cancers, and will continue to need CT scans and/or MRIs throughout her life to ensure her cancer remains in remission.

History of Present Illness, i.e., Renal Cell Carcinoma

Carla Bartlett was a 40-year old Caucasian female who had no prior urologic history, when in 1996, she was evaluated with an ultrasound for abdominal pain. Subsequent to the ultrasound, she was diagnosed with cholelithiasis and a cystic left renal mass of unclear malignant potential. A laparoscopic cholecystectomy was performed in 1996, and additional renal imaging with CT was obtained in 1997. Due to presence of concerning radiologic features in the left renal lesion, a urologic consultation with her treating oncologist, Dr. Bahnson (Ohio State University), was obtained and left renal exploration with excision of the tumor was recommended. A left renal

exploration with a left partial nephrectomy was performed in June of 1997 without any recorded complications.

Following her partial nephrectomy, a final pathologic evaluation revealed pT1pNxcM0 cystic renal cell cancer, Fuhrman nuclear grade I, negative margins. Following this surgery, Ms. Bartlett underwent yearly follow up appointments with cross sectional imaging of the abdomen and chest through 2011.

Prior Medical History

Prior to her RCC diagnosis, Ms. Bartlett's surgical history included the placement of a metal plate in her head and ear surgery, which occurred in the 1980s. In addition, following these two procedures, she underwent a cholecystectomy, removal of uterine fibroids and a caesarean section.

Following her kidney cancer diagnosis, in addition to the partial nephrectomy she underwent as a result of the kidney cancer diagnosis, her surgical history included, a cystourethroscopy with repair of a vesicovaginal fistula, a hysterectomy and back surgery.

With respect to her medical history, prior to her RCC diagnosis, Ms. Bartlett's medical history was limited to obesity.

Following her RCC diagnosis, Ms. Bartlett's medical history includes depressive disorder, hypertension, diabetes, high cholesterol, obesity, hyperlipidemia and high blood pressure.

Social History

Ms. Bartlett lives in Guysville, Ohio and has been at this residence since 1990. She is employed as a secretary/rental agent for Good Incorporated, which rents apartments to local college students. She has held this position since 1986, with the exception of late 1995 to late 1997, during which time she took approximately two years off of work to care for her newborn son, who was born via caesarean section in November 1995.

Ms. Bartlett has been married for thirteen years and has two sons, one biological son and one stepson. Her husband is a truck driver.

As noted in further detail below, Ms. Bartlett has no history of smoking and does not, and has never, consumed alcohol regularly. Further, Ms. Bartlett does not, and has never, used recreational drugs. She exercises by walking daily.

Family History: Non-contributory. Ms. Bartlett has no family history of RCC. A review of the death certificate of Ms. Bartlett's father, Carl L. Clem, makes clear that he suffered from transitional cell carcinoma of the left kidney (urothelial cell cancer) as well as prostate cancer. This is not renal cell cancer carcinoma, and thus cannot be considered a family history of the disease.

Moreover, there is also no family history of either renal failure or renal cystic disease.

Clinical Kidney Cancer Course

Ms. Bartlett was diagnosed with RCC in June 1997 after a left renal mass was identified during work up of right abdominal pain in 1996.

Following her RCC diagnosis, Ms. Bartlett underwent a left partial nephrectomy performed by Dr. Bahnson in June of 1997, without apparent complications. Following this procedure, Ms. Bartlett was required to undergo 10 years of annual scans with Dr. Bahnson. Moreover, according to the documents reviewed, at the conclusion of this ten year period, Ms. Bartlett was also instructed by Dr. Bahnson to have an ultrasound every two years with her family doctor, and the occasional chest x-ray in order to confirm that her cancer remains in remission.

Pathology from the resected tumor is consistent with pT1pNxcM0 cystic renal cell cancer, Fuhrman grade 1, negative margins. While Ms. Bartlett's pathologic findings at the time of diagnosis suggest that the chances of maintaining remission are high, she will continue to require monitoring, and will remain at an increased risk for kidney cancer by virtue both of her prior cancer diagnosis as well as her exposure to continued CT scans.

Moreover, the records reviewed also indicate that Ms. Bartlett experienced both depression (for which she is treated with Lexapro by her primary care physician) as well as weight gain as a result of her RCC and the subsequent clinical course.

Physical Examination:

BP 164/93 | Pulse 90 | Temp 36.7 °C (98.1 °F) (Tympanic) | Resp 16 | Ht 5' 7" (1.70 m) | Wt 265 lb 8 oz (120.2 kg) | BMI 41.6 kg/m²

General appearance: healthy, alert, well developed, well nourished, no distress

Skin: negative - no abnormal appearing lesions on exposed areas

Head: Normocephalic. No masses, lesions, tenderness or abnormalities.

Neurologic: cranial nerves intact. Distal sensation and motor function intact and symmetric

Eyes: Pupils equal and reactive to light and extraocular movements are intact

Oropharynx: Lips, mucosa and tongue normal. Teeth and gums normal.

Neck: Neck supple, no adenopathy. Thyroid symmetric, normal size.

Lungs: normal effort and clear to auscultation and percussion

Heart: regular rate and rhythm and no murmurs, clicks, or gallops

Abdomen: Abdomen soft, nontender. Bowel sounds normal. No masses or organomegaly. No distention. Well healed left flank incision without hernia. Well healed lower abdominal incision.

Back: Back symmetric, normal lumbar and thoracic curvatures, No CVA tenderness

Musculoskeletal: Muscular strength intact, normal gait

Extremities: No deformities, edema, or skin discolorations.

Vascular: equal and symmetric pulses proximally and distally upper and lower extremities.

Differential Diagnosis:

With respect to the cause of Ms. Bartlett's RCC, according to the American Cancer Society, the risk factors for development of RCC include smoking, workplace chemical exposures (e.g., cadmium, herbicides, organic solvents), obesity, family history, genetic and hereditary risk factors (VHL, Birt-Hogg-Dube etc.), hypertension, race (African-Americans are at a slightly greater risk than Caucasians), gender (men are at a two-fold greater risk than women to develop kidney cancer), certain medications and advanced kidney disease. (See <http://www.cancer.org/cancer/kidneycancer/detailedguide/kidney-cancer-adult-risk-factors>). In addition, advanced age is also an accepted risk factor for the development of RCC. (See <http://seer.cancer.gov/statfacts/html/kidrp.html>).

Based on my physical examination of Ms. Bartlett, a review of the documents and materials identified above and/or the materials identified on Appendix D, I was able to rule out each of the following potential risk factors as the cause of Ms. Bartlett's RCC:

- Smoking history: according to the records I reviewed, she was never a smoker and thus I was able to rule out this factor as a cause of her RCC;
- Workplace chemical exposure: according to the records I reviewed, she has never been exposed to chemicals in the workplace and thus I was able to rule out this factor as a cause of her RCC;
- Hereditary risk factors: based on a review of her records as well as a taking of her medical and family history during my physical examination, Ms. Bartlett does not have a history of hereditary factors that would predispose her to RCC and thus I was able to rule out this factor as the cause of her RCC;
- Hypertension: based on a review of her records and as well as a taking of her medical and family history during my physical exam, Ms. Bartlett did not have hypertension at the time of her RCC diagnosis and thus I was able to rule out this factor as a cause of her RCC;
- Race: Ms. Bartlett is Caucasian and thus I was able to rule out this risk factor as a cause of her RCC;
- Gender: Ms. Bartlett is female and thus I was able to rule out this risk factor as a cause of her RCC;
- Medical renal disease: based on a review of her records as well as a taking of her medical during my physical examination, Ms. Bartlett does not have a history of medical renal disease and thus I was able to rule out this risk factor as a cause of her RCC;

- Family history: based on a review of her records, and a review of her father's death certificate, Ms. Bartlett does not have a family history of RCC and thus I was able to rule out this risk factor as a cause of her RCC;
- Kidney failure: based on a review of her records as well as a taking of her medical history during my physical examination, Ms. Bartlett does not have kidney failure and thus I was able to rule out this risk factor as a cause of her RCC;
- Kidney transplant: based on a review of her records as well as a taking of her medical history during my physical examination, Ms. Bartlett has not undergone a kidney transplant and thus I was able to rule out this risk factor as a cause of her RCC;
- Advanced age: Ms. Bartlett was only 41 years old at the time of her RCC diagnosis and thus I was able to rule out this risk factor as a cause of her RCC; and
- Medications: based on a review of her records as well as a taking of her medical history during my physical examination, Ms. Bartlett is not prescribed medications associated with an increased risk of RCC, and thus I was able to rule out this risk factor as a cause of her RCC.

Conversely, and as noted above, Ms. Bartlett did have exposure to perfluorooctanoic acid.

For the purposes of this case, I understand that C-8 exposure is a cause of kidney cancer "among Class Members." (C-8 Science Panel Probable Link Report). I have reviewed the expert report of Dr. David MacIntosh who opines that Ms. Bartlett is a Class Member. It is standard medical practice to rely on other experts in forming a differential diagnosis.

Moreover, although obese at the time of her RCC diagnosis, obesity is generally not considered a major risk factor for RCC, and thus I am able to rule it out as the predominant cause of Ms. Bartlett's RCC.¹

However, even assuming Ms. Bartlett's obesity did predispose her to RCC, or acted synergistically with C-8, my opinion remains unchanged; as set forth below, it is my opinion to a reasonable degree of medical certainty that C-8 was a substantial contributing factor in causing Ms. Bartlett's RCC.

In sum, I conclude to a reasonable degree of medical certainty that C-8 was a substantial contributing factor in causing Ms. Bartlett's RCC, which caused her both pain and suffering as well as emotional distress.

Moreover, I further conclude to a reasonable degree of medical certainty that as a result of her kidney cancer, Ms. Bartlett will continue to require monitoring, will remain at an increased risk for cancer for the remainder of her life as a result of her prior cancer diagnosis as well as her continued monitoring, and has suffered from both depression and weight gain since her RCC diagnosis, both of which she attributes to her RCC.

¹ The evidence with respect to obesity is conflicting and merely observational at best with no evidence of a causal link.

Please note that I reserve my right to supplement this report in the event that new information becomes available to me.

A handwritten signature in dark ink, appearing to read "H. Mayo", with a long, sweeping horizontal stroke extending to the right.

/s/ _____

Dated: December 8, 2014

APPENDIX A

Curriculum Vitae

Curriculum vitae

Date Prepared: October 13, 2014

Name: Vitaly Margulis, M.D.

Office Address: 5323 Harry Hines Blvd.
Dallas, TX 75390-9110

Work Phone: (214) 648-0567

Work E-Mail: vitaly.margulis@utsouthwestern.edu

Work Fax: (214) 648-8786

Place of Birth: Ukraine

Education

Year	Degree (Honors)	Field of Study (Thesis advisor for PhDs)	Institution
1993 – 1997	Bachelor of Science	Biology, Biochemistry	University of Texas
1997 – 2001	Doctor of Medicine		University of Texas Southwestern Medical School

Postdoctoral Training

Year(s)	Titles	Specialty/Discipline (Lab PI for postdoc research)	Institution
2001 – 2006	Residency	Urology	University of Texas Southwestern Medical Center
2006 – 2008	Fellowship	Urologic Oncology	University of Texas MD Anderson Cancer Center

Faculty Academic Appointments

Year(s)	Academic Title	Department	Academic Institution
2008 - 2009	Clinical Specialist	Urologic Oncology	University of Texas M.D. Anderson Cancer Center Houston, Texas
2009 – Present	Assistant Professor	Urology	University of Texas Southwestern Medical Center

Current Licensure and Certification**Licensure**

2002 – Present Texas Board of Medical Examiners
 2002 – Present Texas Department of Public Safety
 2002 – Present DEA Controlled Substances
 2010 – Present National Provider Identification

Board and Other Certification

2007 American Board of Urology

Honors and Awards

Year	Name of Honor/Award	Awarding Organization
1993 – 1997	Presidential Full Tuition Merit Scholarship	University of Texas
1997	Summa Cum Laude	University of Texas
2001	Alpha Omega Alpha	University of Texas Southwestern Medical Center
2004	Travel Grant	American Geriatric Society Meeting
2004 – 2005	Excellence in Urologic Pathology Award	University of Texas Southwestern Medical Center
2005	Travel Grant	Cleveland Clinic Foundation Endourologic Workshop
2005	Travel Grant	Northwestern University Visiting Resident
2006 – 2008	American Urologic Association Foundation Research Scholar Award, (AFUD)	American Urological Association
2006 - 2007	Ruth L. Kirschstein National Research Service Award	University of Texas M.D. Anderson Cancer Center
2007	Travel Grant	Best of American Society of Clinical Oncology
2007 – 2011	NIH Clinical Research Staff LRP Award	National Institute of Health
2008, 2013	Merit Award	American Society of Clinical Oncology
2009	Best Poster Award	Society of Urologic Oncology
2010, 2013	Faculty Teaching Award	University of Texas Southwestern Medical Center
2009 – 2011	NIH Clinical Research Scientist LRP Award	National Institute of Health

2012	American Urological Association / Japanese Urologic Association Academic Exchange Scholar	American Urological Association
2012	Texas Rising Stars	Super Doctors
2012	Best Reviewer	The Journal of Urology
2014	Castle Connolly Top Doctor - Urology	Castle Connolly Medical LTD.
2014	Best Doctors in Dallas	D Magazine – Urology category
2014	Texas Super Doctors	Texas Monthly

Appointments at Hospitals/Affiliated Institutions

<u>Past</u>			
Year(s)	Position Title	Department/Division	Institution
2008 -2009	Clinical Specialist	Urologic Oncology	University of Texas M.D. Anderson Cancer Center
<u>Current</u>			
Year(s)	Position Title	Department/Division	Institution
2009 – Present	Assistant Professor	Urology	University of Texas Southwestern Medical Center
2006 - Present	Active Attending	Urology	VA North Texas
2006 - Present	Chief of Urology	Urology	Parkland Memorial Hospital
2006 - Present	Active Attending	Urology	Zale-Lipshy University Hospital
2006 - Present	Active Attending	Urology	Children’s Medical Center

Major Administrative/Leadership Positions

Year(s)	Position Title	Institution
2013 – Present	Fellowship Director	Society of Urologic Oncology
2013 – Present	Chief of Urology	Parkland Memorial Hospital

Committee Service

Year(s)	Name of Committee	Institution/Organization
<u>UTSW</u>		
2009 - Present	Annual Paul C. Peters Urologic Symposium Organizing Committee	University of Texas Southwestern Medical Center and Affiliated Hospitals

2010 - Present	Applicant Interviewer Medical School Admissions	University of Texas Southwestern Medical Center and Affiliated Hospitals
2011 – Present	Surgical Services Executive Committee	University of Texas Southwestern Medical Center and Affiliated Hospitals
2012– Present	Applicant Interviewer Medical School Admissions	University of Texas Southwestern Medical Center and Affiliated Hospitals
2012 – Present	STARS Summer Research Program Mentor	University of Texas Southwestern Medical Center and Affiliated Hospitals
<u>Hospital</u>		
2011 – Present	Operation Room Committee	Parkland Health and Hospital System
2012 – Present	Surgical Chiefs Committee	Parkland Health and Hospital System
<u>National/International</u>		
2011 – Present	Annual Congress Content Reviewer	American Urological Association
2013	Co-Director American Urologic Association Course on Locally Advanced Renal Cell Cancer	American Urological Association

Professional Societies

Dates	Fellowships
2013	Society of Urological Oncology, Member
	American Association for Cancer Research, Member
	American College of Surgeons, Member
	Endourologic Society, Member
	American Urological Association, Member
	American Medical Association, Member
	Texas Medical Association, Member
	Dallas County Medical Society, Member
	Harris County Medical Society, Member

Editorial Activities

2014	Minerva Urologic e Nefrologica, Editorial Board
<u>Editor/Associate Editor</u>	
2014	BMC Urology, BioMed Central, Associate Editor
<u>Ad Hoc Reviewer</u>	

	Urologic Oncology
	Clinical Cancer Research
	Journal of Clinical Oncology
	European Journal of Cancer
	Expert Reviews in Oncology
	Oncogene
	Cancer Epidemiology Biomarkers and Prevention
	Urology
	International Journal of Cancer
	International Journal of Urology
	Expert Reviews in Anticancer Therapy
	Molecular Cancer Therapeutics
	Brazilian Journal of Urology
	Indian Journal of Urology
	The Prostate
	World Journal of Urology
	Journal of Urology
	British Journal of Urology
	European Urology

Invited Lectures

Year(s)	Title	Location
<u>International</u>		
2010	Genetic basis in renal cell cancer	Society of Translational and Clinical Oncology, Chiclayo, Peru.
2011	Minimally invasive options for management of localized kidney cancer	Jikei University Grand Rounds, Tokyo, Japan
2012	Integration of surgery and systemic therapy for management of advanced renal cell cancer	Spanish Oncology Genitourinary Group, Madrid, Spain
2014		29 th Annual EAU Congress, Stockholm, Sweden
<u>National</u>		
2008	Locally advanced renal cell cancer: resecting the unresectable	Seventh International Kidney Cancer Symposium, University of Chicago, Chicago Illinois
2010	Targeted systemic therapy in management of advanced renal cell cancer	American Urologic Association Annual Meeting, San Francisco, California.
2012	Management of small renal mass in the modern era	Society of Urologic Nurses and Associates, Washington, D.C.

2013	Management of lymph nodes in renal cell carcinoma	Kidney Cancer Association, Chicago, IL
2013	Locally advanced renal cell cancer course	American Urologic Association Annual Meeting, San Diego, CA
2014		American Urologic Association Annual Meeting, Orlando, FL
<u>Regional/Local</u>		
2007	Surveillance after surgical management of renal cell carcinoma and observation of small renal masses	Kidney Cancer Association Patient Advocacy Meeting. University of Texas M.D. Anderson Cancer Center, Houston, Texas
2009	Surveillance for recurrent disease: how often should I be seen and what tests should be ordered	Kidney Cancer Association Patient Advocacy Meeting. University of Texas M.D. Anderson Cancer Center, Houston, Texas
2009	PSA and prostate puzzle	University of Texas Southwestern Medical Center Continued Education, Dallas
2009	Advances in prostate cancer management	Presbyterian Hospital Group Grand Rounds
2010	Chemoradiation in management of bladder cancer	Annual Paul C. Peters Urologic Symposium, Dallas
2010	Active surveillance for small renal masses	Annual Paul C. Peters Urologic Symposium, Dallas
2010	Penile cancer in 2010	Texas Urologic Society, San Antonio
2010	Renal cell cancer	Texas Academy of Physician Assistants, Fort Worth
2011	Multimodality management of upper urinary tract cancer	Annual Paul C. Peters Urologic Symposium, Dallas
2011	Perioperative systemic therapy for advanced renal cancer	Annual Paul C. Peters Urologic Symposium, Dallas
2011	Current state of adjuvant therapy in prostate cancer	Annual Paul C. Peters Urologic Symposium, Dallas
2011	Partial nephrectomy: current status	Texas Urologic Society, San Antonio
2011	Epithelial to mesenchymal transition in renal cancer	Renal Cell Carcinoma Task Force, M.D. Anderson Cancer Center
2013	Risk assessment and integration of systemic therapy in upper tract urothelial cancer	The 50 th Annual Harry M. Spence Visiting Professor Conference, Dallas
2013	Upper tract urothelial cancer updates	Annual Paul C. Peters Urologic Symposium, Dallas
2014	Clinical cases in Urologic Oncology	Urology Update 2013, Dallas

Bibliography

Peer-Reviewed Publications

Original Research Articles

1.	Margulis V , Lemack GE, Molberg K, Saboorian MH. Bladder “Müllerianosis” in a woman with lower urinary tract symptoms and hematuria. J Urol 2001 Jun; 165(6 Pt 1): 1996-7. PMID: 11371906.
2.	Lemack GE, Blander DS, Margulis V , Zimmern PE. Vaginal vault fixation and prevention of enterocele recurrence by high midline levator myorrhaphy: physical examination and questionnaire-based follow-up. Eur Urol 2001 Dec; 40(6): 648-51. PMID: 11805411.
3.	Wai CY, Margulis V , Baugh BR, Schaffer JI. Multiple vesical calculi and complete vaginal vault prolapse. Am J Obstet Gynecol 2003 Sep; 189(3):884-5. PMID: 14526336.
4.	Margulis V , Defreitas G, Zimmern PE. Urinary retention after tension-free vaginal tape procedure: from incision to excision...to complete urethrolisis. Urology 2004 Sep; 64(3): 590. PMID: 15351609.
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6.	Matsumoto ED, Johnson DB, Ogan K, Trimmer C, Sagalowsky A, Margulis V , Cadeddu JA. Short-term efficacy of temperature-based radiofrequency ablation of small renal tumors. Urology 2005 May; 65(5): 877-81. PMID: 15882715.
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8.	Margulis V , Matsumoto ED, Svatek R, Kabbani W, Cadeddu JA, Lotan Y. Application of novel hemostatic agent during laparoscopic partial nephrectomy. J Urol 2005 Aug; 174(2): 761-4. PMID: 16006972.
9.	Margulis V , Matsumoto ED, Tunc L, Taylor G, Duchenne D, Cadeddu JA. Effect of warmed, humidified insufflation gas and anti-inflammatory agents on cytokine response to laparoscopic nephrectomy: porcine model. J Urol 2005 Oct; 174(4 Pt 1): 1452-6. PMID: 16145469.
10.	Malaeb BS, Gardner TA, Margulis V , Yang L, Gillenwater JY, Chung LW, Macik G, Koeneman KS. Elevated activated partial thromboplastin time during administration of first-generation adenoviral vectors for gene therapy for prostate cancer: identification of lupus anticoagulants. Urology 2005 Oct; 66(4): 830-4. PMID: 16230147.
11.	Matsumoto ED, Margulis V , Tunc L, Taylor GD, Duchene D, Johnson DB, Pearle MS, Cadeddu JA. Cytokine response to surgical stress: comparison of pure laparoscopic, hand-assisted laparoscopic, and open nephrectomy. J Endourol 2005 Nov; 19(9): 1140-5. PMID:

	16283854.
12.	Matsumoto ED, Margulis V , Tunc L, Taylor GD, Duchene D, Johnson DB, Pearle MS, Cadeddu JA. Cytokin response to surgical stress: Comparison of pure laparoscopic, hand-assisted laparoscopic, and open nephrectomy. 2005 J Endourol 19(9): 1140-45.
13.	Abdel-Aziz KF, Anderson JK, Svatek R, Margulis V , Sagalowsky AI, Cadeddu JA. Laparoscopic and open retroperitoneal lymph-node dissection for clinical stage I nonseminomatous germ-cell testis tumors. J Endourol 2006 Sep; 20(9): 627-31. PMID: 16999613.
14.	Knudsen BE, Matsumoto ED, Chew BH, Johnson B, Margulis V , Cadeddu JA, Pearle MS, Pautler SE, Denstedt JD. A randomized, controlled, prospective study validating the acquisition of percutaneous renal collecting system access skills using a computer based hybrid virtual reality surgical simulator: phase I. J Urol 2006 Nov; 176(5): 2173-8. PMID: 17070287.
15.	Margulis V , Shariat SF, Ashfaq R, Sagalowsky AI, Lotan Y. Ki-67 is an independent predictor of bladder cancer outcome in patients treated with radical cystectomy for organ-confined disease. Clin Cancer Res 2006 Dec 15; 12(24): 7369-73. PMID: 17189409.
16.	Margulis V , Shariat SF, Ashfaq R, Sagalowsky AI, Lotan Y. Ki-67 is an independent predictor of bladder cancer outcome in patients treated with radical cystectomy for organ-confined disease. Clin Cancer Res 2006 Dec 15; 12(24): 7369-73. PMID: 17189409.
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19.	Margulis V , Tamboli P, Matin SF, Meisner M, Swanson DA, Wood CG. Redefining pT3 renal cell carcinoma in the modern era: a proposal for a revision of the current TNM primary tumor classification system. Cancer 2007 Jun 15; 109(12): 2439-44. PMID: 17487856.
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70.	Krabbe LM, Darwish OM, Raj G, Youssef RF, Kapur P, Bagrodia A, Belsante M, Lotan Y, Margulis V. Novel stratification of the recurrence risk following surgical extirpation of clear cell renal cell carcinoma using tissue biomarkers in the mammalian target of rapamycin pathway. (Abstract #4581 - General Poster Session, Genitourinary (Nonprostate) Cancer, J Clin Oncol 31, 2013) ASCO Annual Meeting 2013.
71.	Rieken M, Xylinas E, Lee D, Khani F, Klatte T, Wood C, Karam J, Weizer A, Raman J, Remzi M, Guo C, Rioux-Leclercq N, Haitel A, Bolenz C, Bensalah K, Sagalowsky A, Montorsi F, Lotan Y, Bachmann A, De Marzo A, Shariat SF, Robinson B, Margulis V. Frequency and prognostic value of PTEN loss in patients with upper tract urothelial carcinoma. Poster 2, Abstract 17, EAU MEETING, STOCKHOLM, April 11-15, 2014.
72.	Rieken M, Schubert T, Xylinas E, Kluth L, Rouprêt M, Quoc-Dien T, Lee RK, Al Hussein Al Waamlh B, Fajkovic H, Novara G, Margulis V, Lotan Y, Martinez-Salamanca J, Matsumoto K, Seitz C, Remzi M, Karakiewicz P, Scherr D, Briganti A, Bachmann A, Shariat SF. Association of perioperative blood transfusion with oncologic outcomes after radical nephroureterectomy for upper tract urothelial carcinoma. Poster 2, Abstract 21, EAU Meeting, STOCKHOLM, April 11-15, 2014.
73.	Yury Rapoport, Boris Feldkoren, Wen-Xiu Zhang, Vitaly Margulis: Integrin signaling potentiates transforming growth factor-beta 1 (TGF-B1) dependent down-regulation of E-CADHERIN expression – important implications for epithelial to mesenchymal transition (EMT) in renal cell carcinoma. (Abstract No. MP23-20, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL
74.	Nirmish Singla, Aditya Bagrodia, Bishoy Gayed, Kerrin Palazzi, Hossein Mirheydar, Brian Harrow, Corbin Jacobs, Ramy Youssef, Oussama Darwish, Arthur Sagalowsky, Yair Lotan, Ithaar Derweesh, Vitaly Margulis: Multi-institutional analysis of renal function outcomes following radical nephroureterectomy and partial ureterectomy for upper tract urothelial carcinoma. (Abstract No. MP30-08, J Urol 191(4S), 2014.

	AUA National Meeting, May 16-21, 2014, Orlando, FL.
75.	Malte Rieken, Luis Kluth, Evangelos Xylinas, Umberto Capitanio, Alberto Briganti, Laura-Maria Krabbe, Vitaly Margulis, Jay Raman, Mikhail Regelman, Tobias Klatte, Matthew Kent, Daniel Sjoberg, Alexander Bachmann, Shahrokh Shariat: Predictions of cancer-specific survival after disease recurrence in patients with renal cell carcinoma: The effect of time to recurrence. (Abstract No. MP40-14, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
76.	Bishoy Gayed, Matthew Meissner, Ramdev Konijeti, Laura-Maria Krabbe, Paul Chung, Adita Bagrodia, Ahmad Haddad, Ganesh Raj, Arthur Sagalowsky, Yair Lotan, Vitaly Margulis: Statin use is an independent predictor of improved survival in patients with metastatic renal cell carcinoma. (Abstract No. MP57-02, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
77.	E. Jason Abel, R. Houston Thompson, Vitaly Margulis, Jennifer E. Heckman, Megan M. Merrill, Oussam M. Darwish, Laura-Maria Krabbe, Stephen A. Boorjian, Bradley C. Leibovich, Christopher G. Wood: Risk factors for major complications and perioperative mortality following surgical resection of renal cell carcinoma with upper level IVC thrombus: A contemporary multi-center experience. (Abstract No. MP57-10, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
78.	Ramy Youssef, Bishoy Gayed, Oussama Darwish, Payal Kapur, Ganesh Raj, Michael DiMaio, Arthur Sagalowsky, Vitaly Margulis: Multi-disciplinary management of renal cell carcinoma with venous tumor thrombus: Are we getting better. (Abstract No. MP57-15, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
79.	Nathalie Rioux-Leclercq, Andrea Haitel, Christian Bolenz, Karim Bensalah, Arthur Sagalowsky, Francesco Montorsi, Yair Lotan, Shahrokh Shariat, Brian Robinson, Vitaly Margulis: Insulin-like growth factor mRNA-binding protein 3 (IMP3) expression helps prognostication in patients with upper tract urothelial carcinoma. (Abstract No. MP77-02, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
80.	Aditya Bagrodia, Laura Krabbe, Bishoy Gayed, Payal Kapur, Oussama Darwish, Ira Bernstein, Xian-Jin Xie, Christopher Wood, Richard Zigeugern Alon Weizer, Jay Raman, Mesut Remzi, Cord Langner, Marco Roscigno, Francesco Montorsi, Christian Bolenz, Karim Bensalah, Jose Karam, Arthur Sagalowsky, Shahrokh Shariat, Yair Lotan, Vitaly Margulis: Multi-institutional evaluation of the prognostic significance of altered mammalian target of rapamycin (MTOR) pathway biomarkers in upper tract urothelial carcinoma (UTUC). (Abstract No. MP77-04, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
81.	Malte Rieken, Tina Schubert, Evangelos Xylinas, Luis Kluth, Morgan Rouprêt, Quoc-Dien Trinh, Richard Lee, Bashir Al Hussein Al Awamlh, Harun Fajkovic, Giacomo Novara, Vitaly Margulis, Yair Lotan, Juan Martinez-Salamanca, Kazumasa Matsumoto, Christian Seitz, Mesut Remzi, Pieere Karakiewicz, Douglas Scherr, Alberto Briganti, , Alexander Bachmann, Shahrokh Shariat: Association of perioperative blood transfusion with oncologic outcomes after radical nephroureterectomy for upper tract urothelial carcinoma. (Abstract No. MP77-05, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
82.	Malte Rieken, Evangelos Xylinas, Daniel Lee, Francesca Khani, Tobias Klatte, Christopher Wood, Jose Karam, Alon Weizer, Jay Raman, Mesut Remzi, Charles Guo, Nathalie Rioux-Leclercq, Andrea Haitel, Christian Bolenz, Karim Bensalah, Arthur Sagalowsky, Francesco Montorsi, Yair Lotan, Alexander Bachmann, Angelo De Marzo, Shahrokh Shariat, Brian Robinson, Vitaly Margulis: Frequency and prognostic value of PTEN loss in patients with upper tract urothelial carcinoma. (Abstract No. 77-06, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.

83.	Evangelos Xylinas, Luis Kluth, Malte Rieken, Tobias Klatte, Yair Lotan, Eiji Kikuchi, Alon Weizer, Mesut Remzi, Jay Raman, Karim Bensalah, Francesco Montorsi, Vitaly Margulis, Juan-Ignazio Martinez-Salamanca, Morgan Rouprêt, Marc Zerbib, Shahrokh Shariat: Impact of smoking status and cumulative exposure on intravesical recurrence of upper tract urothelial carcinoma after radical nephroureterectomy. (Abstract No. MP77-07, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL. doi.10.1111/bju.12400
84.	Bishoy Gayed, Aditya Bagrodia, Mani Gaitonde, Laura-Maria Krabbe, Matthew Meissner, Payal Kapur, Ramy Youssef, Arthur Sagalowsky, Yair Lotan, Vitaly Margulis: Feasibility of obtaining biomarker profiles from endoscopic biopsy specimens in upper tract urothelial carcinoma: Preliminary results. (Abstract No. MP77-09, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
85.	Paul Chung, Laura-Maria Krabbe, Oussama Darwish, Mary Westerman, Aditya Bagrodia, Bishoy Gayed, Ahmed Haddad, Payal Kapur, Arthur Sagalowsky, Yair Lotan, Vitaly Margulis: Degree of hydronephrosis predicts adverse pathological features and worse oncologic outcomes in high-grade upper tract urothelial carcinoma. (Abstract No. 77-15, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
86.	Tyler M. Bauman, Vitaly Margulis, Christopher G. Wood, William P. Christensen, Vishnukamal Golla, Ramy F. Youssef, Laura-Maria Krabbe, David F. Jarrard, Tracy M. Downs, E. Jason Abel: Curative surgery in RCC with thrombus; A comprehensive risk model from a modern multicenter analysis. (Abstract No. PD16-04, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
87.	Ramy Youssef, Laura-Maria Krabbe, Shahrokh F. Shariat, Yair Lotan, Arthur Sagalowsky, Jay D. Raman, Christopher G. Wood, Alon Z. Weizer, Christian Bolenz, Mesut Remzi, Karim Bensalah, Wassim Kassouf, Francesco Montorsi, Vitaly Margulis, UTUC Collaboration: TALL score for prediction of oncological outcomes after radical nephroureterectomy for high grade upper tract urothelial carcinoma. (Abstract No. PD35-09, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
88.	Kuan Lin, Erik Lehman, Laura-Maria Krabbe, Vitaly Margulis, Tobias Klatte, Shahrokh Shariat, Alex Arnouk, Costa Lallas, Edouard Trabulsi, Gregory Bozzini, Pierre Colin, Sarah Drouin, Morgan Rouprêt, Benoit Peyronnet, Karim Bensalah, Kari Bailey, David Canes, Jay Raman: Preoperative factors associated with complications following radical nephroureterectomy. (Abstract No. PD35-12, J Urol 191(4S), 2014. AUA National Meeting, May 16-21, 2014, Orlando, FL.
89.	Cost N, Adibi M, Raj G, Sagalowsky A, Margulis V, Referral patterns in testicular cancer: Is there an impact on oncologic outcomes?
90.	Chung PH, Krabbe LM, Darwish OM, Westerman ME, Brogridia A, Gayed BA, Haddad AQ, Kapur P, Sagalowsky AI, Lotan Y, Margulis V: Degree of hydronephrosis predicts adverse pathological features and worse oncologic outcomes in patients with high-grade urothelial carcinoma of the upper urinary tract, Urologic Oncology, doi.org.10.1016.urolonc.2014.02.018.
91.	Haddad A, Wood Christopher, Abel J, Krabbe LM, Darwish O, Thompson RH, Heckman J, Merril M, Gayed B, Sagalowsky A, Boorjian S, Margulis V, Leibovich B: Oncologic outcomes following surgical resection of renal cell carcinoma with IVC thrombus extending above the hepatic veins: a contemporary multi-center cohort. (Abstract # 29 Podium Session) South Central Section of the AUA, Inc. 93 rd Annual Meeting, October 8-11, 2014, Rancho Mirage, CA.
92.	Youssef R, Lotan Y, Sagalowsky A, Shariat S, Wood C, Raman J, Margulis V, Roscigno M, Montorsi F, Bolenz C, Kassouf W: Radical nephroureterectomy for pathologic T4 upper tract urothelial cancer: Can oncologic outcomes be improved with multimodality therapy? (Abstract

	#31 Podium Session) South Central Section of the AUA, Inc. 93 rd Annual Meeting, October 8-11, 2014, Rancho Mirage, CA.
93.	Youssef R, Lotan Y, Shariat S, Sagalowsky A, Wood C, Weizer A, Raman J, Roscigno M, Montorsi F, Bolenz, Kassouf W, Krabbe LM, Margulis V: Tall score for prediction of oncological outcomes after radical nephroureterectomy for high grade upper tract urothelial carcinoma. (Abstract #32 Podium Session) South Central Section of the AUA, Inc. 93 rd Annual Meeting, October 8-11, 2014, Rancho Mirage, CA.
94.	Haddad A, Singla N, Kapur P, Raman J, Then M, Nuhn P, Buchner A, Bastian P, Seitz C, Shariat S, Bensalah K, Rioux-Leclerog N, Lotan Y, Margulis V: Validation of mammalian target of rapamycin biomarker panel in patients with clear cell renal cell carcinoma. (Abstract #37 Podium Session) South Central Section of the AUA, Inc. 93 rd Annual Meeting, October 8-11, 2014, Rancho Mirage, CA.

APPENDIX B WILL BE SUPPLEMENTED UNDER SEPARATE COVER

APPENDIX C: FEE SCHEDULE

Review of legal documents and medical records \$600/hour

Depositions (1 hour minimum) \$850/hour

Witness stand time (1 hour minimum) \$1,250/hour

Time away from office (minimum) \$4,000/day

APPENDIX D

Materials Relied On, Reviewed, and/or Considered

Materials Relied on, Reviewed, and/or Considered by Expert Dr. Vitaly Margulis	
<i>All materials referenced and/or discussed within the report are incorporated. In addition to the materials within the report, the other materials relied on, reviewed, and/or considered in the preparation of the report are as follows:</i>	
Depositions	
Transcript for the Deposition of Carla Marie Bartlett (6.18.2014), including all accompanying exhibits	
Transcript for the Deposition of Dr. Robert Bahnson (7.14.2014), including all accompanying exhibits	
Literature	
Probable Link Evaluation of Cancer, April 15, 2012	
Medical Records	
All Medical Records for Ms. Carla Marie Bartlett	
Expert Reports	
Expert Report of Dr. David MacIntosh	
Other Documents	
Death Certificate of Carl Clem	
American Cancer Society website re. risk factors for kidney cancer, http://www.cancer.org/cancer/kidneycancer/detailedguide/kidney-cancer-adult-risk-factors	
Surveillance, Epidemiology, and End Results Program website, http://seer.cancer.gov/statfacts/html/kidrp.html	