

Traumatic Brain Injury Law Blog

Federal Court Upholds the Admissibility of Diffusion Tensor Imaging in TBI Case

By **Bruce H. Stern** on January 29, 2018

The United States District Court for the Southern District of Florida has ruled that diffusion tensor imaging (DTI) satisfies the Daubert standard for admissibility. Marsh v Celebrity Cruises, Inc., Case No. 1(17-CV-21097-UU).

In this case, the plaintiff was injured when she fell on a puddle of water on the Solarium floor of a Celebrity Cruise ship. As a result of the fall, plaintiff sustained a mild traumatic brain injury (TBI).

The plaintiff retained Gerald York, M.D., a board-certified neuro-radiologist and radiologist as an expert witness. Dr. York is the Director of TBI Imaging ARA/IA and a staff neuro-radiologist at the Providence Alaska Medical Center and also works as a consultant to the Defense Veterans Brain Injury Center. Additionally, he participated in the development of approved protocols for neuroimaging of the brain and contributed to the American College of Radiology's Guidelines for Neuroimaging.

Dr. York reviewed the plaintiff's DTI, in conjunction with a multitude of other tests and records, and concluded that plaintiff sustained a mild TBI as a result of the fall. The defendant, Celebrity Cruises, moved to bar Dr. York's testimony, alleging that DTI was nothing more than "junk science" and that Dr. York's DTI-based opinions that plaintiff sustained a mild TBI amounted to nothing more than an unsubstantiated speculation.

However, the court rejected Celebrity's argument, finding that DTI findings and testimony has been deemed reliable and admitted by numerous courts across the country for almost a

decade. It found that DTI had been subject to peer review and publication and is a generally accepted method for detecting TBI.

Additionally, the court also rejected Celebrity's assertion that "the DTI's acquisition of data is... affected by the field's strength of the magnet and there is a lack of a standardized protocol for the acquisition and interpretation of DTI results." The Court found that this issue did not make DTI technology "junk science" nor render that Dr. York's opinions unreliable.

If you or a loved one were injured and as a result suffered from a **traumatic brain injury** or other injuries, please do not hesitate to contact experienced **brain injury lawyers**.

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