096-270080-14

CAUSE NO. 096-270080-14

ERICK MUNOZ, AN INDIVIDUAL \$
AND HUSBAND, NEXT FRIEND, \$
OF MARLISE MUNOZ, \$
DECEASED \$
v. \$
JOHN PETER SMITH HOSPITAL, \$
AND DOES 1 THROUGH 10, \$
INCLUSIVE \$

IN THE DISTRICT COURT

96th JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

AFFIDAVIT OF ERICK MUNOZ

ERICK MUNOZ, appeared in person before me today and stated under oath as follows:

"My name is ERICK MUNOZ. I am over the age of eighteen (18) years, and fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are combined with my professional knowledge and skills.

"I am the husband of Marlise Munoz, deceased. I verify that the statements contained in *Plaintiff's Original Petition for Declaratory Judgment and Application for Unopposed Expedited Relief* and *Plaintiff's First Amended Original Petition for Declaratory Judgment and Application for Unopposed Expedited Relief* in sections 1-12 under the "Facts Supporting Declaratory Action and Application for Expedited Relief" are true and correct, to the best of my knowledge, and are fully incorporated herein as if recited verbatim.

"Since my wife's death on November 26 2013, I have had to endure the pain of watching my wife's dead body be treated as if she were alive. As her husband, I wish every day that she were still alive, but I am positive that my wife has passed away for many reasons.

"As a married man, I became very familiar with the way Marlise's body felt, the way her hair smelled, and the way her eyes appeared when we looked at each other, among other things. Over these past two months, nothing about my wife indicates she is *Munoz Affidavit* 1



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alive. When I bend down to kiss her forehead, her usual scent is gone, replaced instead with what I can only describe as the smell of death. As a paramedic, I am very familiar with this smell, and I now recognize it when I kiss my wife. In addition, Marlise's hands no longer naturally grip mine for an embrace. Her limbs have become so stiff and rigid due to her deteriorating condition that now, when I move her hands, her bones crack, and her legs are nothing more than dead weight. I have even tried a plantar reflex test on Marlise, with zero response.

"Finally, one of the most painful parts of watching my wife's deceased body lie trapped in a hospital bed each day is the soulless look in her eyes. Her eyes, once full of the "glimmer of life", are empty and dead. My wife is nothing more than an empty shell. She died in November 2013, and what sits in front of me is her deteriorating body.

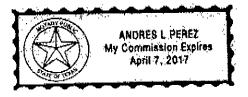
"Marlise was very clear to me, and very clear to her parents—Marlise did not want to be kept on life sustaining measures. There is nothing that can possibly sustain my wife's life. Instead, Marlise's parents and I have continually watched JPS provide medical treatment to my wife's corpse, against our instruction and request.

"I am requesting this Court to require JPS to immediately cease all further medical treatment of Marlise, and to follow my wishes, and the wishes of Marlise, to discontinue the life sustaining treatment. I do not want to watch another physician or nurse perform another medical or surgical treatment on Marlise's body in an effort to keep it from deteriorating further. I just want to put my wife's deceased body to rest, and provide peace for our family.

"Further Affiant Sayeth Not."

SIGNED under oath before me on January $\underline{23}$, 2014,

Notary Public, State of Texas



Munoz Affidavit