

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

In the matter of the application of:

CAROL THOMAS,
GINA ANTONELLI
Petitioners,

AFFIDAVIT

- against -
MOHAWK VALLEY HEALTH SYSTEM,
ST. ELIZABETH HOSPITAL

Index No.

Respondents.

Dr. Paul A. Byrne, M.D., duly sworn, deposes and says,

1. I am a duly board certified medical doctor. My curriculum vitae is attached hereto as **Exhibit "A."**
2. I have reviewed the medical records with respect to Sharon Frederick's care and treatment rendered at St. Elizabeth's hospital.
3. It is my professional opinion, to a reasonable degree of medical certainty, that Sharon Frederick is alive consistent with the universal medical standard of determining whether someone is dead or alive.
4. It is my professional opinion, to a reasonable degree of medical certainty, that Sharon Frederick is alive and does not meet the criteria for brain death under current NYS guidelines.
5. Sharon Frederick, 63 years old, was admitted to St. Elizabeth Medical Center in Utica New York on September 17, 2020. Sharon was found unconscious and was in respiratory arrest at home.

6. Although Sharon had been intubated before arriving in the emergency room. When she arrived in the ER, her blood oxygen saturation level was extremely low (28%). Endotracheal Tube was in the esophagus. Sharon was reintubated which brought saturation to 99%.

7. Sharon was then taken for immediate CT scan of the head. CT of the head was positive for large intraventricular hemorrhage with herniation.

8. CT of head with and without IV contrast on 9/18/2020 at 2:58 PM:
Brain: diffuse cerebral edema is noted. Diffuse defacement of the sulci is noted. Diffuse defacement of the folia noted in the cerebellum. Cerebral ventricles: a parenchymal hemorrhage centered in the left basal ganglia is dissected into the lateral ventricles. Blood is seen in the lateral ventricles in the third ventricle and in the fourth ventricle and appears to have increased in comparison to the prior peer. There has been interval placement of the VP shunt catheter in comparison to the prior non-contrast CT performed on September 17 with interval decompression of the ventricles.

CT angiography on 9-20-2020 at 5:27 AM: Impression: Poor perfusion noted in the distal internal carotid and distal left internal carotid arteries with an absence of perfusion seen in the distal vertebral arteries. This finding is likely the result of increased resistance to flow secondary to cerebral edema.

9. On 9-19-2020 TSH was 2.45 (Ref Range 0.36 - 3.74 uIU/ml) Thyroid Stimulating Hormone (TSH) is normal. This indicates that the pituitary is responding to thyrotropin-releasing hormone (TRH), which is produced by neurons in the hypothalamus, a part of the brain.

10. On 10-2-20 TSH was 0.28, which is low but indicates pituitary is functioning.

11. EEG on 9:18 and 9:21. Both show electrical activity. CTA head and neck done 09/20/2020 shows almost no flow on the left anterior circulation Almost no flow means some flow.

12. There is evidence of EEG activity (brain waves) and evidence of blood flow.

13. Impression: Sharon has a beating heart, circulation, respiration, absorbs and digests food, excretes urine and has many other metabolic functions. Sharon is alive by the universal standard.

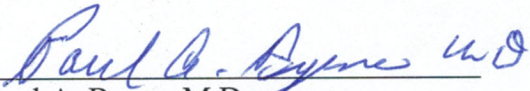
Sharon has a functioning hypothalamus as manifest by TSH and maintaining normal body temperature. There is evidence of EEG activity (brain waves) and evidence of blood flow to her brain. Sharon Frederick does not have irreversible loss of all function of the brain, including the brain stem.

14. Given the urgency of this case and the strict deadline of October 30, 2020 demanded by respondents before they remove all nutrition, hydration, care and treatment, which will kill Sharon Frederick, I have produced this affidavit with extreme expedition. Please understand that the ultimate conclusions I have made will be more thoroughly set forth and explained at a hearing in this matter.

15. It is my strong medical opinion that respondents should continue to provide Sharon Frederick nutrition, hydration, and all treatment to sustain her life, as Ms. Fredrick is alive and not dead.

Paul A. Byrne, M.D., being duly sworn, states under penalty of perjury that he has read the foregoing and the same is true to his own knowledge, except as to matters therein

stated to be alleged on information and belief, and as to those matters, he believes them to be true.


Paul A. Byrne, M.D.

Sworn before me this 30th day of day of October 2020.


NOTARY PUBLIC

