

**SUPREME COURT
THE STATE OF NEW YORK
THE COUNTY OF ONEIDA**

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. Cicero Coimbra, M.D., duly sworn, deposes and says,

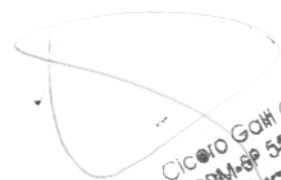
AFFIDAVIT

Respondents.

I am Cicero Coimbra, M.D., and offer the following testimony,

1. I am board-certified neurologist in Brazil (Adult Neurology), fellow in Pediatric Neurology (Jackson Memorial Hospital – University of Miami – 1984-1985), with training in neuroscience (University of Lund – Sweden – 1991-1993). I am Professor of Neurology and Neuroscience (Department of Neurology and Neurosurgery, Federal University of São Paulo – UNIFESP, Brazil – since 1997).

2. I have reviewed the medical records with respect to Sharon Frederick's treatment and care rendered at St. Elizabeth's hospital. I am familiar with the facts and


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circumstances relative to the care rendered Ms. Frederick while at St. Elizabeth's hospital.

3. It is my professional opinion, to a reasonable degree of medical certainty, that Ms. 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. She was intubated before arriving in the emergency room. She had a procedure to her head shortly after admission.

6. CT of the head was positive for cerebral hemorrhage.

7. CTA showed blood flow in the left middle cerebral artery.

8. 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 – implying sufficient blood supply to maintain its function.

9. On 9/21/20, thyroid hormone T3 was 60.35, which is within the low limit of the Ref Range of 60.00 - 181.00 ng/dl. Triiodothyronine (T3) is an active form of thyroxine (T4). Thyroid hormone is needed for heart and brain functions and many other


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metabolic functions and its production requires the continuous production of TSH and TRH (from a living part of the brain and pituitary gland respectively).

10. TSH and T3 need to be repeated. T4 needs to be tested. If T3 or T4 is low, treatment with thyroid hormone is necessary to reduce brain swelling and edema (brain myxedema) that may partially reduce blood flow to the brain, thereby impairing or reversibly abolish other brain functions including consciousness and spontaneous respiration.

11. It is common that a patient such as Sharon Frederick would have TSH production but not enough for normal thyroid functioning sufficient for proper heart function, normal blood pressure and sustained activity of breathing centers in Ms. Frederick's brain.

12. EEG on 9:18 and 9:21. Both show electrical activity.


13. Sharon has been without nutrition since September 17.

14. Impression:

- Sharon has a functioning hypothalamus as manifest by TSH and maintaining normal body temperature.
- EEG shows electrical activity – which requires blood supply to cerebral cortex – probably not detected by image methods like angiography, MRI angiography or technetium scan.
- There is blood flow to Sharon's brain.
- Sharon likely needs thyroid medication.
- Sharon Frederick does not have irreversible loss of all function of the brain, including the brain stem.

15. It is my strong medical opinion that Sharon is does not fulfill criteria for determination of death by neurological criteria. Doctors and hospital should immediately provide and continue to provide to Sharon Frederick nutrition, hydration, and all treatment to sustain her life, as Ms. Fredrick is alive and not dead. If properly treated, Sharon will continue to live and possibly regain consciousness and brain functions.

Cicero Coimbra, 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.



Cicero Coimbra, M.D

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