

AFFIDAVITSTATE OF FLORIDA
COUNTY OF PINELLAS

BEFORE ME, the undersigned authority personally appeared JAMES A. AVERY, M.D., who being first duly sworn, deposes and states:


1. That Affiant is Board Certified in Internal Medicine and Pulmonary Medicine, private practice in excess of 15 years, a Fellow in the American College of Physicians, member of the Pinellas County Medical Society and the American Medical Association, and the author of several scientific and research papers.

2. On February 13, 2000, the undersigned accompanied Robert and Mary Schindler, on a visit to Theresa Marie Schiavo, their daughter at the Palm Gardens Nursing Home in Largo, Florida. I observed Mrs. Schiavo interact with her parents, Robert and Mary Schindler, for a period of approximately thirty (30) minutes. No physical examination was performed. Mrs. Schiavo seemed to respond to her mother's touch and verbal stimuli. The responses were basically of three (3) distinct types: a turning of the head toward the stimuli source, a change in facial expression, and guttural noises. These responses were intermittent, that is, not occurring with each attempt to stimulate. But it seemed that when they did occur they were in direct response to the stimulus. The actions of Mrs. Schiavo did not appear to be merely reflexive, which is certainly inconsistent with the concept of "persistent vegetative state", and were indications of cognitive behavior, although it is difficult to determine the level of cognitive behavior.

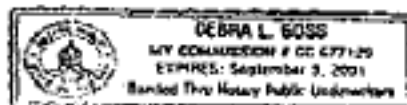
3. Mrs. Schiavo handled the swallowing of her own secretions of saliva without difficulty, in a normal manner. There was no dribbling, choking or gagging. This raises the possibility that she may be able to swallow, and take food and water orally, obviating the need for the gravity flow feeding tube. Under the circumstances, a swallowing study or pudding food challenge is warranted.

4. Upon observation, Mrs. Schiavo appeared to be very comfortable and most definitely exhibited no signs of pain or distress. In order to make further determinations, a full medical examination must be made, including a neurological examination.

FURTHER AFFIANT SAYETH NOT.


JAMES A. AVERY, M.D., Affiant

The foregoing instrument was acknowledged before me this 21st day of February, 2000 by JAMES A. AVERY, M.D., who is personally known or produced Florida Drivers License as identification and who did/did not take an oath.




NOTARY PUBLIC
My Commission Expires: