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### **Declaration of D. Alan Shewmon, M.D.**

I, Doctor D. Alan Shewmon, do hereby submit this declaration freely, and I have, unless otherwise stated, personal knowledge by review of MRI/MRA studies, records, and reports, as well as viewing two videos of Jahi McMath moving her body parts (foot and arm) following her mother's commands and having discussions with Dr. Calixto Machado, a world renowned expert on brain death, and Dr. Philip DeFina, a neuroscientist with the International Brain Research Foundation. I am competent and prepared to testify as to the below opinions and conclusions if called upon to do so.

Dear Mr. Dolan:

As you know, I am a pediatric neurologist with triple board certification: in Pediatrics, Neurology (with special competence in child neurology), and Electroencephalography. I have had a particular interest in brain death and have published and lectured extensively on the topic, nationally and internationally. I recently retired as Professor of Neurology and Pediatrics at the David Geffen School of Medicine at UCLA and Chief of the Neurology Department of Olive-UCLA Medical Center (a county hospital affiliated with UCLA), while remaining clinically active. My CV provides further details regarding my qualifications to comment on the case of Jahi McMath.

Based on the materials that you have provided to me so far, I can assert unequivocally that Jahi currently does not fulfill diagnostic criteria for brain death. The materials include extensive medical records from St. Peter's University Hospital, which I am still in the process of reviewing, videos of Jahi moving her hand and her foot in response to verbal requests by her mother, images from an EEG done in her apartment on 9/1/14, images of a brain MRI scan done at Rutgers on 9/26/2014, and heart rate variability analysis by my colleague Dr. Calixto Machado based on the EKG channel from the 9/1/14 EEG. I have also spoken by phone with Drs. Machado and DeFina regarding their recent observations of Jahi and the findings of a second EEG done at Rutgers on 9/26/14, which I have not yet received for review.

Jahi does not currently fulfill criteria for brain death on several grounds. First and foremost, the videos and the personal testimonies to me of several trustworthy witnesses of her motor

