

CAUSE NO. 2015-69681

EVELYN KELLY, INDIVIDUALLY,  
AND ON BEHALF OF THE ESTATE  
OF DAVID CHRISTOPHER DUNN

v.

HOUSTON METHODIST HOSPITAL

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

189<sup>th</sup> JUDICIAL DISTRICT

STATE OF TEXAS

COUNTY OF HARRIS


BEFORE ME, the undersigned authority, personally appeared Evelyn Kelly, being first duly sworn, deposes and states the following:

1. My name is Evelyn Kelly.
2. I am a United States citizen and over twenty-one (21) years of age. I am of sound mind, capable of making this affidavit, and I have personal knowledge of the facts stated herein, which are true and correct.
3. I am the mother of David Christopher Dunn "Dunn/Chris/my son."
4. David Christopher Dunn was admitted to Houston Methodist "Methodist" on October 12, 2015.
5. I was told that Chris had an unidentified mass on his pancreas that was affecting his other organs.
6. My son was not in a coma; instead, he was awake, alert, and responsive during his stay at Methodist. Chris was communicative with me and others. He understood where he was, and he also understood that he was very sick. He still expressed that he wanted to live.
7. To keep Chris from choking on the ventilator tube they had inserted in his throat, Methodist was giving him Dilaudid.
8. The tube inhibited Chris from speaking in clear sentences, however, he could communicate with hand gestures and head nodding.
9. I visited with Chris every day he was at Methodist, staying most nights. I went home only to change clothes and clean up.
10. On November 9, 2015, I met with representatives of Methodist in which they communicated to us the Hospital's recommendation to cease treatment and remove the ventilator.

11. A nurse told me that Chris would live only two or three minutes without the ventilator. She told me that Chris would be given morphine and another drug at the time the ventilator was removed.
12. The next day, November 10, 2015, Methodist delivered letters to inform me and David Dunn that because we had not agreed on a decision the day prior, the Methodist had the power, in accordance with a state statute, to convene a hearing to make that final determination in 48 hours.
13. These letters referenced *Tex. Health & Safety Code §166.052 and §166.053*.
14. I asked Chris if he wanted to live or be taken off the ventilator. His response always indicated that he wanted to continue living.
15. I attended the Committee review meeting on Friday, November 13, 2015.
16. David Dunn, Chris' father, was not present at the meeting.
17. I addressed the committee, comprised of individuals affiliated with the Methodist, but they did not agree with my thoughts and concerns.
18. I received a letter stating that the Committee's determination was that life-sustaining treatment was inappropriate and would be ended in eleven days' time.
19. We were unable to locate a facility to transfer Chris.
20. At this point, I contacted Texas Right to Life. The attached videos show Chris' ability to communicate and desire to be represented regarding this matter by the attorneys who took the case. The first video was filmed December 2, 2015, at 7:51 p.m., and the second was captured on December 11, 2015, at 1:30 p.m.
21. Houston Methodist only agreed to keep providing care to Chris after the temporary restraining order was filed.
22. With the temporary injunction in place, Chris continued to receive treatment from Methodist Hospital until his natural death on December 23, 2015.

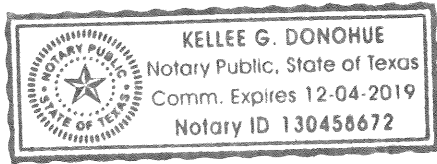
FURTHER, your affiant sayeth naught.

DATED this 10th day of July, 2017.

  
Evelyn Kelly

STATE OF TEXAS           §  
COUNTY OF HARRIS       §

Subscribed and sworn to before me, a Notary Public, this 10 day of July, 2017.



A handwritten signature in black ink, appearing to be "K. Donohue", written over a horizontal line.

Notary Public  
(SEAL)

Unofficial Copy Office of Chris Daniel District Clerk