

Declaration of Dr. Darcy Lewis, M.D.

My name is Darcy Lewis, and I am a family primary care physician at Westview Family Care with admitting privileges at St. Anthony's Hospital in Westview, Stetson. I graduated with a Bachelor' degree in Biology from the University of Florida and first in my class with an M.D. from Stetson State University College of Medicine. I completed my residency in internal medicine at the University of Texas, after which I completed a two-year Infectious Diseases Fellowship at Mayo Clinic. I returned to Westview in 1996 to work as an attending physician at St. Anthony's Hospital before opening my family practice, which I have managed for the last 20 years. Owning a solo practice and serving as an adjunct medical professor at Stetson State leaves me no time to publish academic papers on infectious diseases, but I have given nearly two dozen presentations on curbing the spread of acute and chronic infections caused by bacteria, parasites, fungi, and viruses. All of my case studies—15 in total—stem from my practice, where I treat at least 20 patients per day (from young adults to senior citizens) for nearly everything from the common cold to enduring ailments like diabetes, chronic kidney disease, or heart disease.

I began treating Wanda Maximoff as a patient after she graduated from law school in 2008, but I have known her for almost 25 years because I worked at St. Anthony's with Monica Rambeau. Monica was an excellent nurse and is an even better judge of character. Monica's word (both medical and personal) was gospel at the hospital, and Monica raised Wanda to be an honest and trustworthy person.

Ms. Maximoff made an appointment with my office in 2009 after giving birth to her twin boys. She presented with symptoms of nausea, loss of appetite, fatigue, and concerns about the pattern of her urination. My first

inclination was that she was pregnant or experiencing stress. She told me that she was not pregnant but conceded that her work as an attorney was causing her stress. She said she was working odd hours to keep up with her boss's case load but "truly enjoyed helping people get through the immigration process the right way." We ran some tests, and it turned out Ms. Maximoff's estimated glomerular filtration rate ("eGFR") was 50 mL/min, which was indicative of Stage 3 Moderate Chronic Kidney Disease ("CKD"). Although Mx. Maximoff maintains a healthy weight, I advised her to meet with a dietitian, to maintain a healthy diet and exercise routine, and to return every four months or if she felt her physical condition deteriorated.

Unfortunately, Ms. Maximoff's CKD did get worse. In consultation with a nephrologist, Ms. Maximoff began her dialysis regimen in January 2017. Hemodialysis is a procedure where a dialysis machine and a special filter called an artificial kidney, or a dialyzer, are used to clean the blood. To get a patient's blood into the dialyzer, the doctor needs to make an access, or entrance, into the blood vessels. This is done with minor surgery, usually to a patient's arm. The dialyzer, or filter, has two parts, one for the blood and one for a washing fluid called dialysate. A thin membrane separates these two parts. Blood cells, protein and other important things remain in the blood because they are too big to pass through the membrane. Smaller waste products in the blood, such as urea, creatinine, potassium and extra fluid pass through the membrane and are washed away. To help understand this process, I will attach a demonstrative and a real-world image.

Wanda visits my office, which is located at the St. Anthony's Hospital medical complex in Westview, three times per week for dialysis unless she is traveling abroad for extended periods of time to visit her partner or her sons out of the country. When Ms. Maximoff travels to certain countries, she has

established treatment plans with doctors in Buenos Aires (Dr. Hank Pym), Germany (Dr. Erik M. Lehnsherr), and Switzerland (Dr. Bruce Banner) so she can continue her scheduled dialysis. I don't think it is a problem if Ms. Maximoff leaves the country intermittently because I consult with her foreign doctors when she travels. They have all told me she has never missed an appointment, which is not surprising because Ms. Maximoff is an excellent patient. She always promptly pays her dialysis bills in cash, about \$1,650 weekly, rather than having us bill her health insurance.

I believe that it would hinder Ms. Maximoff's treatment plan if she were to be incarcerated pending her trial in this case. For starters, in my experience incarceration poses the risk of a patient missing dialysis appointments. Missed appointments can cause toxins and fluids to build up in a patient's kidneys, which could make the patient very ill and increase the chance of complications or death from end-stage renal failure. That's why I do not think it is probable that Wanda would flee and compromise her treatment plan. In the last ten years, I have had five patients with regularly scheduled medical treatment who were incarcerated at the Westview County Jail pending trial miss dialysis appointments because of so-called "security and staffing issues." On the other hand, I have not heard of any issues with the jail's transition to a mobile dialysis program that goes directly to the jail for inmates to receive regularly scheduled dialysis.

Ms. Maximoff also experiences substantial pain from her CKD. I prescribe her a relative high dosage of Acetaminophen. Unfortunately, neither medicinal nor recreational marijuana is legal in Stetson. There is a risk that her chronic pain will go untreated at WCJ or that they will treat her with opioids.

Moreover, Ms. Maximoff's condition leaves her more susceptible to the infection of COVID-19 and the disease's most severe symptoms (including difficulty breathing, muscle aches, fatigue, persistent chest pain, and death). Ms. Maximoff informed me that, after consultation with another reputable doctor, that she will not take any available COVID-19 vaccine at this time. She has expressed concerns about complications that would worsen her kidney disease. I will not pass judgment on that advice or Wanda's decision.

Nevertheless, the disease continues to be rampant in jails and prisons, and, as a result, I have seen ten inmates transferred to St. Anthony's ICU from the Westview County Jail since last March. None of them survived. Because I specialize in infectious diseases, I have attempted to counsel the Westview County Jail on curbing the spread of the Theta Variant of COVID-19. Ty Hayward has refused my calls.

I swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Darcy Lewis

Dr. Darcy Lewis

Dated: September 24, 2021