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**DECLARATION OF J. MICHAEL USZLER, M.D.**

I, J. Michael Uszler, M.D., have personal knowledge of the facts stated in this declaration and, if called as a witness, I could and would testify competently thereto under oath. I declare as follows:


1. I am the Medical Director at Santa Monica Imaging & Therapy Associates, Inc., an attending staff physician in Nuclear Medicine at Santa Monica – UCLA Medical Center, and Assistant Clinical Professor of Medical and Molecular Pharmacology at UCLA. I have been actively involved in SPECT imaging of all body areas for 20 years, with a particular focus on the brain since 1992. I have attached a copy of my 10-page curriculum vitae (revised: 09/15/2003).

2. My expertise includes the application of semi-quantitative regional brain imaging for normal and abnormal comparisons, for evaluation of both anatomic and functional brain disorders, and for the effects of any therapeutic interventions as part of the healing process.

3. Single photon emission computed tomography, SPECT, is a recognized, scientifically valid, physiological, evaluative test of brain blood flow and related regional brain cell function. Brain SPECT is a type of radioisotope imaging that uses intravenously injected amounts of radioactivity that are so small in quantity that they can be used to measure a function in the brain without changing or disturbing the function being measured.

4. At this time, I do not have an opinion one way or another about the current mental state of Terri Schiavo, because I have not had the opportunity to examine her. As I have seen this case in the media, I have wondered whether or not anyone has tested Ms. Schiavo's level of brain function, which is different than examining only her brain anatomy using a standard MRI.

5. The procedure I use, brain SPECT, is an evaluative test; it is not a therapy. It is a type of brain functional imaging. MRIs and CAT scans are good for examining anatomy, but they do not tell you about brain function. The brain SPECT will tell us if Ms. Schiavo has any level of brain functioning.

Declarant initials: 

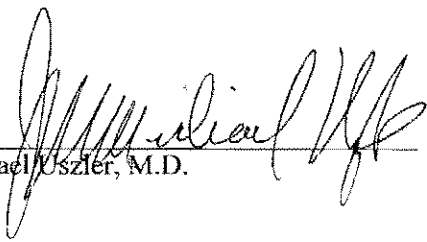
1       6. A brain SPECT evaluative scan will not tell doctors which treatment or therapy to  
2 apply, but it will provide an opinion about whether or not therapy is likely or not to help this  
3 patient.

4       7. Standard MRI or CAT scans are anatomy scans; they tell you if the tissue is there and its  
5 current structure, but these tests do not tell you whether or not the brain is working. MRIs and  
6 CAT scans alone are simply not able to tell us if a brain is functioning. It is necessary to use a  
7 procedure of brain function imaging, such as brain SPECT, to determine the level of brain  
8 functioning. MRIs are not a predictor of brain function.


9       8. I believe that if I am allowed to analyze Terri Schiavo that my medical opinion will be  
10 valuable in deciding if therapy would be helpful to improve her condition. I am making myself  
11 available to conduct this medical analysis. I recommend that I be allowed to conduct a brain  
12 function SPECT scan on Ms. Schiavo to determine what level of brain function she currently  
13 has.

14       I declare under the penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct.

16       Executed this 21st day of February 2005, in Santa Monica, California.

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21       J. Michael Uszler, M.D.

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Declarant initials: 

## CURRICULUM VITAE

**J. MICHAEL USZLER, M.D.**  
2428 Santa Monica Boulevard, Suite 302  
Santa Monica, California 90404  
*uszler@earthlink.net*

**drspectsan.com**

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### **EDUCATION**

#### **Post-Graduate:**

- 1968-1969 USC, Los Angeles County Medical Center, Los Angeles, CA  
Medical Internship
- 1969-1970 Good Samaritan Hospital Medical Center, Los Angeles, CA  
Internal Medicine Residency
- 1972-1974 UCLA, Los Angeles, CA  
Resident in Radiological Sciences (Nuclear Medicine)
- June 1975 UCLA, Los Angeles, CA  
Degree: Master of Science Degree in Medical Physics

#### **Graduate:**

- 1964-1968 Medical College of Wisconsin, Milwaukee, WI  
(aka. Marquette School of Medicine)  
Degree: Doctor of Medicine

#### **Undergraduate:**

- 1956-1960 Marquette University High School, Milwaukee, WI
- 1960-1964 Marquette University, Milwaukee, WI  
Degree: Bachelor of Science
- 1963-1965 Marquette School of Medicine, Milwaukee, WI  
National Institutes of Health Trainee, Fellowship in Pharmacology

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**CERTIFICATES**

California Physician and Surgeon License #G17328, 1968 - current.

American Board of Nuclear Medicine, Certification #02859, 1974 - current.

California Department of Health Services Certificate #RHC137440,  
Radiology X-Ray Supervisor and Operator, 1993 - current.

**AWARDS**

U.S. Army Commendation Medal for Meritorious Service, December 1971.

Hofmeister Award for Excellence in Study and Clinical Performance in Obstetrics and Gynecology, Graduating Senior Award, Marquette School of Medicine, 1968.

**PROFESSIONAL FUNCTIONS**

2002 – Present Medical Director, Santa Monica Imaging & Therapy Associates

2002 – Present Attending Staff Physician, Nuclear Medicine Department,  
Santa Monica – UCLA Medical Center

1986-2002 Medical Director, Nuclear Medicine Department, Santa Monica-  
UCLA -Medical Center

1997 - Present Assistant Clinical Professor of Molecular and Medical  
Pharmacology, UCLA

1982- Present Member, Harbor - UCLA Medical Center Radioactive Drug  
Research Committee

1988-1991 Radiation Safety Officer, Santa Monica Hospital

1985-1991 Director, Nuclear Medicine, Santa Monica Imaging Center

1982-1986 Associate Director, Nuclear Medicine Department, Santa Monica  
Hospital

1982 Associate Clinical Professor of Radiological Sciences, UCLA

1981-1982 Associate Professor (in Residence) of Radiological Sciences,  
UCLA

1981-1982 Director, Nuclear Medicine Outpatient Clinic and In-Vitro  
Laboratory, Harbor - UCLA Medical Center

**PROFESSIONAL FUNCTIONS** (continued)

1977-1978 Acting Chief, Division of Nuclear Medicine, Harbor-UCLA Medical  
Center

- 1977-1982 Member, Harbor - UCLA Medical Center Faculty Society
- 1978-1982 Chairman, Harbor - UCLA Medical Center Radioactive Drug Research Committee
- 1976-1982 Chairman, Harbor - UCLA Medical Center Radiation Safety Committee
- 1974-1976 Secretary, Harbor - UCLA Medical Center Radiation Safety Committee
- 1974-1982 Staff Physician, Nuclear Medicine, Harbor - UCLA Medical Center
- 1974-1981 Assistant Professor (in Residence) of Radiological Sciences, UCLA
- 1974-1980 Member, Harbor - UCLA Medical Center Human Subjects Committee

### **PROFESSIONAL SOCIETIES**

- 1993- Present Member, Los Angeles Radiological Society
- 1991- Present Member, Brain Imaging Council, Society of Nuclear Medicine
- 1990- Present Member, Harbor-UCLA Research and Education Institute
- 1979- Present Member, American College of Nuclear Physicians
- 1970- Present Member, Society of Nuclear Medicine
- 1979-1991 Member, Computer Council, Society of Nuclear Medicine
- 1979-1990 Member, Academic Council, Society of Nuclear Medicine
- 1980-1988 Member, Board of Trustees of Southern California Chapter, Society of Nuclear Medicine
- 1975-1979 Member, American College of Physicians

### **PERSONAL DATA**

Date of Birth: April 19, 1942 -Milwaukee, Wisconsin, USA

### **PROFESSIONAL ACTIVITIES**

Speaker, The Acute and Long Term Ischemic Penumbra – Duration and Clinical

Significance, European Federation for Neurological Sciences, Helsinki Finland  
September 2003

Speaker, Third International Symposium on Cerebral Palsy and the Brain  
Injured Child, Boca Raton, Florida July 2003

Speaker, Second International Symposium on Cerebral Palsy and the Brain  
Injured Child, Boca Raton, Florida July 2001

Speaker, First International Symposium on Cerebral Palsy and the Brain  
Injured Child, Boca Raton, Florida July 1999

Speaker, Hyperbaric Therapy in Acute Stroke, Bowman Gray, November, 1997

Panel Member, Third International Conference on Spirituality in Business:  
Spirituality in Medicine, November, 1997

Speaker, UCLA Alumni Association Career Conference for Health Care  
Professionals: Dialogue of Health Care Professionals, November, 1997

Scientific Program Chairman, 12th Western Regional Meeting of Society of Nuclear  
Medicine, San Diego, October 22-25, 1987

General Program Chairman, 7th Western Regional Meeting of Society of Nuclear  
Medicine, San Diego, October, 1982

Pulmonary Diseases, Section Director, Third World Congress of Nuclear Medicine  
and Biology, Paris, France, August, 1982

Commercial Exhibits Chairman and Member of Scientific Program Committee 5th  
Western Regional Meeting of Society of Nuclear Medicine, Los Angeles,  
October, 1980

Co-Director, Ventilation and Perfusion Lung Scanning Workshop, Annual Meeting of  
American Society of Clinical and Anatomical Pathologists, Washington D.C.,  
(October 1974) and Chicago (October 1975) and Dallas (March 1978)

Panel Member, Thromboembolism Workshop, American College of Physicians  
Regional Meeting, Los Angeles, December 1974

Panel Member, Lymphoma Workshop, American College of Physicians Regional  
Meeting, Los Angeles, December 1974

**PROFESSIONAL ACTIVITIES** (continued)

Speaker, "Gallium-67 Citrate Tomography of the Chest" Searle Radio-  
Graphics Emission Tomography Colloquium, Denver, Colorado, August, 1977,  
and Alberta, Canada April 19-22, 1978

Speaker, "Krypton-81m Gas Ventilation Lung Scanning" Loma Linda University, January 1978

Panel Member, Los Angeles Nuclear Medicine Conference, University of Southern California, May 1978

Speaker, Second World Federation of Nuclear Medicine and Biology Post-Congress Symposium, "Radionuclide Shunt Studies," Taipei, Taiwan, September, 1978

Co-Director, Second Annual Cardiovascular Nuclear Medicine Symposium, UCLA-LAC Harbor Medical Center, Professional Staff Association, April, 1979

Co-Director, Third Annual Cardiovascular Nuclear Medicine Symposium, UCLA-LAC Harbor Medical Center Professional Staff Association, April 1980

Speaker, UCLA Seminar in Clinical Nuclear Medicine: HIDA and Ultrasound Scans in Cholecystitis, May 1980

Speaker, Harbor-UCLA Medical Center Medical M&M Conference: Pulmonary Embolism, July 1980

Speaker, Harbor-UCLA Medical Center Medical Grand Rounds: Interstitial Lung Disease, August 1980

## **BIBLIOGRAPHY**

### **BOOKS, CHAPTERS**

Textbook. Nuclear Medicine in Clinical Practice: Selective Correlation with Ultrasound and Computerized Tomography L.D. Greenfield, M.D. And J. Michael Uszler, M.D., Editors, Verlag-Chemie Int. Inc., 1982.

Chapter. "Radionuclide Imaging in Renal Disease." IN: Textbook of Nephrology, F.G. Massry, M.D. and R.J. Glassock, M.D., Editors.

Chapters. "Radionuclide Studies of the Lung."  
"Renal, Urinary Tract and Scrotal Procedures"  
"Cardiovascular Nuclear Medicine." (Chapter co-author: Ismael Mena, M.D.) IN: Nuclear Medicine in Clinical Practice: Selective Correlation with Ultrasound and Computerized Tomography

### **LETTER TO THE EDITOR**

Heuser, G. and Uszler, J.M.

"Hyperbaric Oxygenation for Cerebral Palsy" The Lancet Vol. 357, June 23, 2001

### **RESEARCH GRANTS AND CONTRACTS**

Co-Investigator, National Institutes of Health, Grant #GR2795 "Alveolar Capillary Capillary Permeability in Pulmonary Fibrosis, 1977-1979

Contract #CF-2794. Food and Drug Administration, "Report of Medically Oriented Data," 1977-1979

Co-Investigator, National Institutes of Health Grant #GR-2922. "Use of Radionuclide Angiography to Evaluate the Effects of Exercise Stress on Left Ventricular Function," 1978-1979

Co-Investigator, National Institutes of Health Grant #NH-3078 (2) "Biological Basis of Respiratory Disease," 1978-1979

Co-Investigator, American Heart Association-Greater Los Angeles Affiliate Grant -in Aid "Right Ventriculography Using Krypton-81m Gas During Exercise," 1979-1980

Co-Investigator, PSA-NIH #P-3666 "Small Solute Clearance in Uremia and Congestive Heart Failure," 1980

#### **RESEARCH GRANTS AND CONTRACTS** (continued)

Co-Investigator, Research and Education Institute, TS-3843 from Cutter Laboratories "Red Blood Cell Survival After Storage in CI-3000 Bags and Saline Adenine Glucose Solution," 1981

Investigator, REI-NIH, #P-3889 "Small Solute Clearance from the Lungs and The Effects of Cigarette Smoking," 1981

Investigator Harbor-UCLA Research and Education Institute TS-4006 from Cutter Laboratories "In-vivo Red Cell Survival Evaluation of CPDA-1 Anticoagulant in CI-3861 Plastic Blood Containers," 1982

#### **RESEARCH PAPERS**

Benjamin HB, Wetzler R, Wood D and Uszler JM: Effects of Hypothermia and Hyperthermia on the Vascular Supply of the Stomach. Surgery, Gynecology and Obstetrics, 12:1289, December 1965.

Uszler JM: Human Central Nervous System Perfusion Scanning with



- 123 I-iodoantipyrine. Master of Science Thesis. UCLA 1975.
- Uszler JM, Bennett LR, Mena, Oldendorf WH: Human CNS Perfusion Scanning 123 I-iodoantipyrine. Radiology 115:197, April, 1975.
- Uszler JM: Cerebral Flow Studies Done with Brain Scan. Western Journal of Medicine 123:381, November, 1975.
- Uszler JM and Swanson LA: Focal Nodular Hyperplasia of the Liver. Year Book of Nuclear Medicine, 267, 1977.
- Hanelin L, Uszler JM and Sommer D: Liver Scan "Hot Spot" in Hepatic Veno-occlusive Disease. Year Book of Nuclear Medicine, 226, 1977.
- Oren VO, Uszler JM and White J: Diagnosis of Uveo-parotid Fever by Gallium-67 Citrate Imaging. Clinical Nuclear Medicine 3:127, 1978.
- Rosenbloom BE, Klein EJ, Uszler JM, Ellis R, Block JB and Tanaka KR: Acute Myelomonocytic Leukemia Following Splenectomy in a Patient with Long-Standing Hodgkin's Disease. Western Journal of Medicine, 129:340, 1978.
- Jengo JA, Oren VO, Conant R, Brizendine M, Nelson T, Uszler JM and Mena I: Effects of Maximal Exercise Stress on Left Ventricular Function in Patients with Coronary Disease Using First Pass Radionuclide Angiography. Circulation 59:60, 1979.
- Rinderknecht J, Shapiro I, Krauthammer M, Uszler JM and Effros RM. Increased Distal Airway Permeability to Small Solutes in Interstitial Lung Disease. American Review of Respiratory Disease, 121:105, 1980.
- Worthen NJ, Uszler JM, and Funamura JL: Cholecystitis-Pro prospective Evaluation of Sonography and Tc-99m HIDA Cholescintigraphy. American Journal of Radiology, 137:973, 1981.
- Mason GR, Uszler JM, Effros RM and Reid E: Rapidly Reversible Alterations of Pulmonary Epithelial Permeability Induced by Smoking. Chest, 83:6, 1983.

### **ABSTRACTS AND PROCEEDINGS**

- Uszler JM, MacDonald NS, Robinson GD Jr. C-11 Ethanol: Short-term Tissue Distribution. Paper Presented at 21st Annual Society of Nuclear Medicine. June 1974. J Nuc Med 15:512, 1974 (Abst)
- Uszler JM, Bennett LR, MacDonald NS, Mena I: Radionuclide Imaging of the Brain with 123 I-iodoantipyrine. Paper Presented at 21st Annual Society of Nuclear Medicine, June 1974. J Nuc Med 15:540, 1974 (Abst)

- Uszler JM and Robinson GD Jr: Dynamics of CNS Lipophilic Agents. Paper Presented at 22nd Annual Society of Nuclear Medicine, June 1975. J Nuc Med 16:561, 1975 (Abst)
- Bonifield JG, Uszler JM and Mena I: Computer Analysis of the Cerebral Flow Study. Presented at 23rd Annual Society of Nuclear Medicine Meeting, Dallas, June 1976. J Nuc Med 17:531, 1975 (Abst)
- Uszler JM and Krauthammer M: Dynamic Imaging of the Dual Circulation of the Lung in Lung Cancer. Presented at 23rd Annual Society of Nuclear Medicine Meeting, June 1976. J Nuc Med 17:541, 1975 (Abst)
- Krauthammer M and Uszler JM: Dynamic Imaging of the Pulmonary and Systemic Arterial Circulation of the Lung in Non-neoplastic Disease. Presented at 23rd Annual Society of Nuclear Medicine Meeting, June 1976 J Nuc Med 17:541, 1976 (Abst)
- Graham LS, Holley FE, Uszler JM and Bennett LR: Use of Automatic Window Selection and Field Uniformity Corrections. Presented at 2nd Annual Western Regional Meeting of Society of Nuclear Medicine, October 1977 (Abst)
- Jengo JA, Nelson T, Mena I, Uszler JM: Quantitative Expression of Left Ventricular Segmental Wall Motion (Single Pass Radionuclide Ventriculography). Presented at 2nd Annual Western Regional Meeting of Society of Nuclear Medicine, October 1977 (Abst)
- Krauthammer M, Effros R and Uszler JM: Solute Transfer Across the Alveolar-Capillary Membrane in Pulmonary Fibrosis. Presented at American Thoracic Society Meeting, October 1977. American Review of Respiratory Disease, June 1977 (Abst)
- Uszler JM, Jengo JA, Briandet P and Oren V: A Simple Way to Digitize Contrast Radiography and Tomographic Scanner Images for Minicomputer Processing. Presented at 25th Annual Meeting of Society of Nuclear Medicine, June 1978. J Nuc Med 19: 746, 1978 (Abst)

**ABSTRACTS AND PROCEEDINGS** (continued)

- Graham LS, Holley FE, Uszler JM and Bennett LR: Use of Automatic Window Tracking and Field Uniformity Corrections in Clinical Practice. Presented at 25th Annual Meeting of Society of Nuclear Medicine, June 1978. J Nuc Med 19:684, 1978 (Abst)
- Effros RM, Uszler JM and Taplin GV: Alveolar Capillary Permeability to Small Solutes in Interstitial Lung Disease. Presented at American Society for Clinical Investigation Meeting, May 1978. J Clin Investigation 61, 1978 (Abst)

Uszler JM, Effros RM, Wasserman K and Taplin GV: The Diffusion Scan-Detection of Alterations in Alveolar-Capillary Membrane in Interstitial Lung Disease, Presented at the 2nd International Congress of the World Federation of Nuclear Medicine and Biology, September 1978 (Proceedings, September 1978)

Mena I, Jengo JA, Oren VO, MacDonald N and Uszler JM: Usefulness and Pitfalls of First Pass Radionuclide Angiocardiography. Presented at Annual Meeting of Southeastern Chapter of the Society of Nuclear Medicine, November 1978 (Proceedings, November 1978)

Selecky PA, Uszler JM and Neimann J: Radionuclide Angiography for the Detection of Newly Developed Intra-cardiac Shunts in Patients with Pulmonary Vascular Disease. Presented at the American Thoracic Society Meeting, May 1979. American Review of Respiratory Disease 119:168, 1979 (Abst)

Uszler JM, Effros RM and Shapiro: Altered Clearance of Inhaled Small Solutes from the Lungs. Presented at 26th Annual Meeting of Society of Nuclear Medicine. June 1979. J Nuc Med 20:613, 1979 (Abst)

Mena I, Oren V, Bennett LR and Uszler JM: First Pass Radionuclide Ventriculography Performed with the Anger Camera at Rest and During Exercise. International Atomic Energy Agency and World Health Organization. International Symposium on Medical Radionuclide Imaging, Heidelberg, September 1980.

Sole C., Uszler JM, French W and Garcia EV: Evaluation of Valvular Regurgitation: Comparison Between Three Radionuclide Stroke Index Ratio Methods and Contrast Angiography. Presented at 5th Western Regional Meeting of Society of Nuclear Medicine, Los Angeles, September 1980. Clinical Nuclear Medicine 5:33, 1980 (Abst)

Uszler JM, Funamura JL and Worthen N: HIDA and Ultrasound Scan Comparison in Acute and Chronic Cholecystitis. Presented at 5th Western Regional Meeting of Society of Nuclear Medicine, Los Angeles, September 1980. Clinical Nuclear Medicine 5:40, 1980 (Abst)

### **ABSTRACTS AND PROCEEDINGS** (continued)

Mena I, Oren V, and Uszler JM: First Pass Radionuclide Ventriculography Performed with the Anger Camera. 1,000 Consecutive Studies. Presented at Radiological Society of North America Meeting, Dallas, November 1980 (Abst)

Uszler JM, Mason GR and Effros RM: Determination Between Hemodynamic and Nonhemodynamic Pulmonary Edema by Inhaled Soluble Radioaerosol. Presented at 28th Annual Meeting of Society of Nuclear Medicine. June, 1981. J. Nuc Med 22:P 43, 1981 (Abst)

Uszler JM, Mason GR and Effros RM: Radioaerosol Assessment of Alveolar Epithelial Permeability in Normals, Cigarette Smokers and Disease Conditions. Presented at Third World Congress of Nuclear Medicine and Biology, Paris. August 1982 (Proceedings, pp 2542)