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ATTORNEYS FOR DEFENDANT,
ANITA NEVYAS-WALLACE, M.D.

DOMINIC MORGAN

Plaintiff,

v.

HERBERT J. NEVYAS, M.D.;
JOANN Y. NEVYAS, M.D.
ANITA NEVYAS-WALLACE, M.D.;
IRA B. WALLACE, M.D.,;
EDWARD A. DEGLIN, M.D.,
MITCHELL STEIN, M.D.;
NEVYAS EYE ASSOCIATES, P.C.,;
NEVYAS EYE ASSOCIATES OF
NEW JERSEY, P.C.

Defendants.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

APRIL TERM, 2000

NO: 2621

AFFIDAVIT

I, Stephen Orlin, M.D., do affirm to the following:

1. I have been made aware of the statements made by plaintiff's counsel that the brochures that I give to patients state that they must have healthy retinas free from disease in order to have LASIK. (See Plaintiff's Reply to Motion in Limine to Preclude Testimony of Plaintiff's Experts (Frye) of Dr. Anita Nevyas-Wallace.)
2. The statement made in that brochure is being taken out of context by plaintiff's counsel.
3. The statement made in that brochure does not apply to stable retinas, such as the retinas of the plaintiff at the time that he underwent LASIK surgery by Dr. Anita Nevyas-Wallace.
4. Mr. Morgan's retinas were "healthy" for the purposes described in the brochure.
5. Retinopathy of prematurity, in and of itself, is not a contraindication to LASIK surgery.
6. There is and was absolutely no literature, either in 1998 up and through to the present, stating that retinopathy of prematurity, in and of itself, is a contraindication to LASIK

surgery. Moreover, there have not been any animal studies performed to indicate that retinopathy of prematurity, in and of itself, is a contraindication to LASIK surgery, and no indication in this case that Anita Nevyas-Wallace, M.D. was using the plaintiff as a "guinea pig" as asserted by plaintiff's counsel.

7. I stand by my previously expressed opinions as set forth in my previous reports in this case.



STEPHEN ORLIN, M.D.

Sworn to and Subscribed
before me this *24th* day
of *February* 2003.

Rita A. Leva
Notary Public

My Commission Expires:

Notarial Seal
Rita A. Leva, Notary Public
Philadelphia, Philadelphia County
My Commission Expires Oct. 29, 2003

Notary Public, Philadelphia County, PA