

AFFIDAVIT

I, Karen Zaman, being first duly sworn, depose and say the following:

I always gave my heart and soul to my clients' cases. I had a reputation for taking cases that other attorneys had turned down and was generally successful with those cases. But no attorney can guarantee an outcome, and discovery, particularly depositions, tests and determines the strength and viability of a case. Moreover, the litigation climate has changed over the years, especially in recent years. Due to efforts on the part of insurance companies, as well as to the current economy and continuing national disasters, it has become difficult for Plaintiffs to prevail in court on injury claims, particularly med mal claims. Only *very few* (sometimes no) med mal cases are currently won per year at trial, although good cases settle.

At first blush, this case seemed to be a good case to me, to my former co-counsel, and to our excellent pain management experts. In fact, even the neurological consult at the hospital had initially concluded "profound drug effect". Nevertheless, from the beginning, I, my medical advisors, and my co-counsel believed the case needed to be settled, if for no other reason, so that the trial costs would not consume the verdict/judgment. The defendant doctor's attorney had offered to engage in early mediation, which had been the clear recommendation of my medical consultant and which was my clear recommendation to the client. When the time came for our experts' depositions, no early mediation having occurred, neither of our highly qualified standard of care experts or our causation expert were able to sustain their positive opinions after 6 hours of intense cross-examination by the defense. In my opinion, the reasons they were unable to maintain their opinions were that: 1) there was an alternative credible explanation for the decedent's death, supported by her neurological consult physician, her ICU physician, and the medical examiner; 2) in addition to having a feasible alternative explanation, there were problems with the massive morphine overdose explanation, including her not requiring a ventilator for well over an hour; 3) there were medical journal articles detailing case studies of massive morphine overdoses where patients were simply put on ventilators until the morphine wore off; and 4) there was inadequate information in the chart and autopsy for a toxicology opinion *to a reasonable degree of certainty* as required. Even to get to the jury (to allow the jury to decide the case) in a medical malpractice case, you must have qualified experts in the same or similar medical specialty who will say that the defendant doctor *to a reasonable degree of medical certainty* breached the applicable standard of care; thus, the case could not be won.

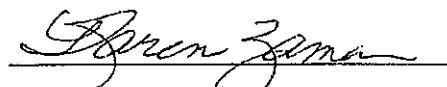
Prior to that time against my advice, Cheryl Bailes brought a complaint against the defendant doctor with the North Carolina Medical Board. She chose to publicly vilify the doctor even though I and another attorney had told her it would hurt this case, where active fact-finding was in progress. Once she learned that we could not get to the jury in the case, she chose to vilify me rather than listen to and consider what had occurred. In my opinion, had it not been for Cheryl Bailes' influence, the case would have settled well before the stage of our experts' depositions.

The Plaintiff chose to settle the case at mediation. It was a confidential settlement. I will only say for her protection that her financial statements are inaccurate. It was my duty thereafter to file a Voluntary Dismissal with Prejudice.

I had no problems with the Bar for over 25 years of practice. However, the effect on me of strong words and emotions such as Cheryl Bailes displayed and the unrelenting ruthlessness of many defense attorneys is

what led to my going on inactive status (after this case). Prior to that time The North Carolina Bar assisted me by requiring me to have a monitor to meet with periodically and with other programs it makes available to attorneys. No former client of mine has lost money other than one client who reneged on our agreement for me to pay the small amount of recoverable medical expenses due them.

When Cheryl Bailes said I took advantage, that is the furthest thing from the truth in any of my dealings and the most painful accusation anyone could make against me. I spent more than 500 hours on this case without any recompense and was left with thousands of dollars in bills. No cited action on my part had anything to do with the outcome of this case. In my opinion, Cheryl Bailes used her nursing background to influence her family to allow her to crucify the defendant and anyone who stood in her way of doing so.

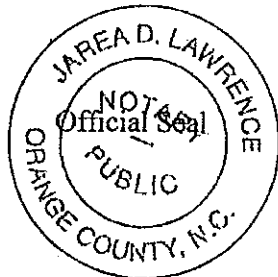

Karen Zaman


Sworn to and subscribed before me, this the 22 day of November, 2010.

Verification or Proof of Acknowledgment

State of North Carolina
Orange County

I, Jarea D. Lawrence, a notary public of Orange county, North Carolina, do certify that on this 22 day of November, 2010, before me personally appeared Karen Zaman, (personally known to me)(proved to me by satisfactory evidence)(proved to me on the oath or affirmation of ID, who is personally known to me,) to be the person (s) who signed the preceding or attached record in my presence and who swore or affirmed to me that the signature (s) (is) (are) voluntary and the record truthful.




Official Signature of Notary

My Commission Expires the 7 day of October, 2014.