

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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RALPH PRESS, as Administrator of the
Estate of PHYLLIS PRESS, Deceased,

AFFIDAVIT

Plaintiff,

-against-

Index

LILA G. HOLLIN, as Executrix of the
Estate of SIDNEY HOLLIN, M.D.,
Deceased,

Defendant.

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STATE OF NEW YORK)
 : ss.:
COUNTY OF)

RALPH PRESS, being duly sworn, deposes and says:

I am the plaintiff in the within action and I am the widower of PHYLLIS PRESS.


My wife and I were concerned prior to her pregnancy in 1982 that her past history might endanger her if she became pregnant. We were aware that she had an aneurysm repaired, although I later learned that there were two repaired, using different methods for each one. My wife's obstetrician, Phillip Bresnick, M.D., at our request, consulted with PHYLLIS' neurosurgeon, SIDNEY HOLLIN, M.D. before the pregnancy. Dr. Bresnick consulted with Dr. HOLLIN before and during the pregnancy, and after the delivery of my son, on November 1982. Each time, Dr. Bresnick was reassured that PHYLLIS was fully cured and required no treatment or follow-up testing. The entry in Dr. HOLLIN's office record pertaining to the follow-up

CT scan is false, and I have a copy of his record which I obtained in 1984 which does not have any alteration. A copy of the unaltered record is annexed to my attorney's moving papers.

In addition to Dr. Bresnick's consultation, Dr. David Papier consulted with the late defendant, HOLLIN, in January 1983. PHYLLIS had been complaining of neck and shoulder pain since she saw Dr. HOLLIN in June 1981. When Dr. Papier saw her in January 1983, the pain was quite severe, and he called Dr. HOLLIN to ask whether this could be related to the aneurysms. Dr. HOLLIN assured Dr. Papier that the pain was unrelated and that PHYLLIS' condition did not require further work-up for the aneurysms. Since this was in January 1983, my attorney advises that service of the Summons and Complaint in August of 1985 was quite timely.

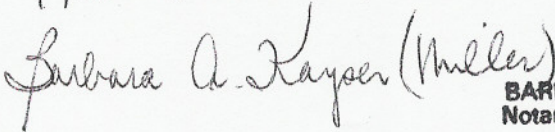
PHYLLIS and I always considered that Dr. HOLLIN was her treating neurosurgeon. The reason PHYLLIS did not return to Dr. HOLLIN after June of 1981 was the intervening pregnancy, coupled with Dr. HOLLIN's assurances to PHYLLIS' other physicians that further neurosurgical follow-up was unnecessary. The CT scan business is obviously a fabrication.

I, therefore, respectfully request that the motion to dismiss on the grounds of Statute of Limitations should be denied, and my wife's case should be allowed its day in Court.



RALPH PRESS

Sworn to before me this
19th day of March, 1991.



BARBARA A. KAYSER (MILLER)
Notary Public, State of New York
No. 43-4657713
Qualified in Richmond County 91
Commission Expires May 31, 19__