

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JEANETTE ALLEYNE, individually and as next friend and guardian of T.J., ALLEN DATOUSH and KIM DATOUSH, individually and as next friends and guardians of T.D., LINDA DOHERTY, individually and as next friend and guardian of M.D., SUSAN HANDON, individually and as next friend and guardian of C.C., LESLIE JOYNER and LASHARON JOYNER, individually and as next friends and guardians of C.J., MITCHELL SHEAR and MARCIA SHEAR, individually and as next friends and guardians of S.S., and THE JUDGE ROTENBERG EDUCATIONAL CENTER, INC.,

Plaintiffs,

-against-

NEW YORK STATE EDUCATION DEPARTMENT,
RICHARD P. MILLS, in his capacity as Commissioner of Education of the New York State Education Department, and THE NEW YORK STATE BOARD OF REGENTS,

Defendants.

State of New York)
County of Monroe) ss.:

I, Edward A. Sassaman, M.D., being duly sworn, upon my own personal knowledge, hereby depose and state as follows:

1. I have been a registered Board Certified physician, licensed to practice in Massachusetts since 1976 and licensed to practice in New York since 1994. My office is located at 165 Court Street, Rochester, New York 14647.

2. I am Certified by the American Board of Pediatrics in the area of General Pediatrics. I am also a Fellow of the American Academy of Pediatrics.

**AFFIDAVIT OF
EDWARD A.
SASSAMAN, M.D.**

Civil Action No.

3. I have been appointed by the New York Department of Health as an Expert Reviewer in Pediatrics for the Office of Professional Medical Conduct in Albany, New York for approximately five years. I serve as the Regional Medical Director of Excellus BlueCross BlueShield, Rochester Region, in Rochester, New York, where I am responsible for developing and implementing managed care programs for children throughout all of Excellus.

4. I graduated from Harvard Medical School in 1973 and completed my residency and fellowship at Children's Hospital Medical Center in Boston, Massachusetts. My fellowship was in Developmental Disabilities.

5. I have been a consulting physician to the Judge Rotenberg Educational Center, Inc. ("JRC") for over twenty years. In this capacity, I visit the JRC facility and examine all of the students there on a monthly basis. In addition, I speak with the nursing and treatment staff at JRC on a daily basis, oftentimes having multiple conversations with JRC healthcare workers in a single day, to consult on the students' treatment and medical issues. I also conduct a yearly physical and record review for each student at JRC. All of this is done as part of my monitoring of the health of all of the JRC students.

6. As part of my duties, I have been following the health and treatment progress of the following six students since their admission date to JRC, which is indicated in parentheses next to their initials: C.C. (May 3, 2004), T.D. (January 18, 2005), M.D. (December 9, 2004), T.J. (January 4, 2005), C.J. (December 30, 2004), and S.S. (March 7, 2005) (collectively referred to as the "Students"). I have seen all of the Students on a monthly basis as described above and have monitored their health while they have been receiving behavior modification at JRC, including treatment with the Graduated Electronic Decelerator ("GED") and GED-4 skin shock devices.

7. I am familiar with the behavior modification treatment given by JRC to its students including the operation and effect of the GED and GED-4 skin shock devices. One of my duties at JRC is to examine the JRC students before they receive skin shock treatment with the GED and GED-4 devices and determine whether there are any medical contraindications to using the GED and GED-4 devices with that particular student. I have examined hundreds of students, dating back to 1990, who were receiving applications of the GED and GED-4 devices.


8. On July 15-16, 2006, I visited the JRC facility and personally conducted another physical examination of the Students. I also reviewed all of the medical examination reports for each of the Students from the day they were started on the GED and GED-4 devices through the date of the examination. The Students suffer severe behavior disorders that have caused them, prior to their treatment at JRC, to inflict severe physical harm on themselves as well as others.

9. Based on my examinations the Students and on a review of their medical records, it is my opinion, to a reasonable degree of medical certainty, that JRC's behavioral treatment program, including the GED and GED-4 devices, is safe and effective and has not injured or risked injury to any student, including the Students.

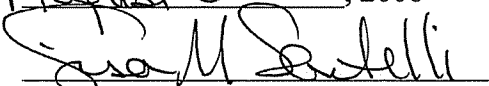
10. Furthermore, it is my opinion, to a reasonable degree of medical certainty, that JRC's behavioral treatment program, including the use of the GED and GED-4 devices, should be continued for the Students. Finally, it is my opinion, to a reasonable degree of medical certainty, that the Students will likely suffer severe physical harm if their current behavioral treatment plans at JRC, including but not limited to the GED and GED-4 devices, are stopped at this time because their dangerous behavior disorders, now under control, are likely to reappear.

SWORN TO AND SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY

THIS 2 DAY OF ^{August} JULY, 2006.


Edward A. Sassaman, M.D.

Sworn to before me this

August 2, 2006

Notary Public

LISA M. SANTELLI
Notary Public in the State of New York
Monroe County
Commission Expires Dec. 26, 20 06