

*PARISH OF ORLEANS
STATE OF LOUISIANA*

I, James P. Moises, being duly sworn, do hereby testify as follows:

1. All the statements in this affidavit are based on my personal knowledge.
2. I am Medical Co-Director of Tulane University Hospital emergency department and hold an academic appointment as Clinical Assistant Professor of Surgery. I have held these positions for two years and four years respectively. I am also Clinical Associate Professor of Emergency Medicine and Neuroscience at Louisiana State University Health Sciences Center New Orleans, where I teach medical students physical exam techniques and medical ethics.
3. On the date Hurricane Katrina hit New Orleans, I was clinical assistant professor of emergency medicine at Louisiana State University (LSU) Health Sciences Center New Orleans (HSC-NO). In that capacity I served as an emergency department physician at Charity Hospital in New Orleans. I had held that position since 1994.
4. During my years as an emergency department physician, the Charity Hospital emergency room was the largest of all the emergency rooms in the Charity system. It had 70 beds in 2005. By comparison, the number of beds in the University Hospital emergency room in 2005 was 14.
5. On the Monday the storm hit, August 29, 2005, I was located at Tulane University Hospital. The conditions caused by the storm forced me to stay at

EXHIBIT A

Tulane, until Thursday, September 1, 2005, when I left to evacuate my parents from their home in the Mid-City section of New Orleans.

6. Thereafter, I came to the Convention Center on Tuesday, September 6, 2005. At that time I had my first meeting with officers from the United States Army Special Forces. Two of those officers were Captain Jason Howard and Captain Robert Byerley.
7. These two officers stated that they and other members of the Special Forces were available to help reopen Charity Hospital. They told us they would pump the water out of the basement and clean up the building so that it could be used for medical care.
8. With me at this meeting with Special Services officers were Drs. Keith Van Meter and James Aiken, fellow emergency department physicians at Charity Hospital. My colleagues and I agreed that reopening Charity Hospital as soon as possible for medical care was essential. Therefore, we accepted the offer to help accomplish that goal.
9. On that same day, Tuesday, September 6, 2005, I went with my fellow physicians and Captains Howard and Captain Byerley to Charity Hospital. I observed that the building had been abandoned. No one associated with LSU was inside or outside the building. All the doors on the first floor, including the front door and the emergency room door, were wide open. We observed no one available to secure the building.
10. I was present when the cleanup commenced on Saturday, September 10, 2005. On the first day the cleanup crew consisted of approximately 50-75

individuals, which included navy personnel from the U.S.S. Iwo Jima, who brought with them two large pumps, with which they began pumping out water.

11. Over the next 2-3 days my physician colleagues and I recruited approximately 100 personnel from the 82d Airborne Division, who were directed in their cleanup efforts by Two-Star General William Caldwell. We also recruited personnel from the Oklahoma National Guard, members of the Alabama Special Forces, and Navy Seabees from Florida, as well as other doctors, medical students, and nurses from various parts of New Orleans.
12. A total of approximately 200 people assisted us, over the course of the following two weeks. On any one day there were, on average, 50-75 people working on cleanup of Charity Hospital. Their work included pumping water out of the basement, cleaning and decontaminating the first three floors of Charity, removing all biodegradables from the first 14 floors of Charity, boarding up windows, and other remediation efforts.
13. Additionally, an engineering firm from Germany came to help us at a point within the first five days of cleanup. This firm, which had brought 15 massive pumps to downtown New Orleans, brought two of these pumps into Charity and used them to pump the water out of the basement.
14. It took approximately ten days to pump all the water out of the basement, while most of the workers, including me, were cleaning and decontaminating the first three floors, removing biodegradables from the first 14 floors, boarding windows and weatherproofing the building in a preliminary way.

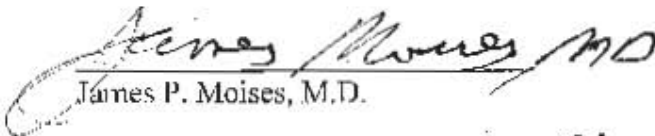
Specifically, I recollect that the Navy Seabees boarded up every broken window in the building.

15. During this approximate ten-day cleanup period, I observed no officials from LSU inside Charity Hospital, other than the volunteers helping with the cleanup.
16. When Hurricane Rita came to New Orleans in mid-September, everyone involved in the cleanup of Charity was evacuated from Charity, with the exception of Dr. Keith Van Meter, Dan Sanders, a volunteer, John Wilson, a technician in the hyperbaric unit of the emergency department, and me. Hurricane Rita caused little flooding and had negligible impact on the interior of Charity Hospital. After Hurricane Rita passed through New Orleans, the cleanup resumed.
17. The cleanup was essentially complete by September 21. I observed at that time that the first three floors were spotless. Electric power had been restored, and the air conditioning was functioning. I personally took pictures at some point in late September 2005 showing the immaculate state of Charity Hospital.
18. During the entire time I and my colleagues were engaged in the cleanup of Charity Hospital, we were under contract with LSU to work in Charity. It was our workplace. We were not trespassing. We had returned to our place of employment to do everything in our power to make it ready to resume medical services.

19. At a point early in September, when the intensive cleanup was going on, I was made aware, through conversations with my colleagues Dr. James Aiken and Dr. Peter DeBlieux, that they had been contacted by Dwayne Thomas, the Chief Executive Officer of Charity Hospital and Donald Smithburg, the head of LSU's Health Care Services Division, and had been told by these two individuals that the emergency room doctors were to stop cleaning and leave the hospital.
20. In late September 2005 Dwayne Thomas visited Charity Hospital for the first time since Hurricane Katrina hit New Orleans. Soon thereafter, I and my colleagues were instructed by members of the LSU Health Sciences Center security force that we were to leave Charity Hospital and not return.
21. During the period the cleanup of Charity was taking place in September 2005, the Chief of Security for LSU Health Sciences Center was Marshal Pierre. Chief Pierre told me, in a private conversation we held in August 2007 that in late September or early October 2005, he had been instructed by his superiors, specifically Dwayne Thomas and Donald Smithburg, that if anyone from emergency medicine came back into Charity, he was to arrest them. That conversation took place on a day in August 2007 when I participated in a walk-through survey of Charity Hospital. Others participating in the walk-through were officials of the Foundation for Historic Louisiana, including Sandra Stokes, as well as LSU officials, including Marvin McGraw. During that walk-through, as a further part of my private conversation with LSU HSC Security Chief Pierre, he told me he was going to another hospital "because of

all the lies" surrounding Charity Hospital post-Katrina. Soon thereafter, in approximately September 2005 Chief Pierre was reassigned to the Southeast Louisiana State University in Hammond, Louisiana.

Signed under pains and penalties of perjury this 9 day of January, 2009.


James P. Moises, M.D.

Sworn to and Subscribed before me, Steven Jupiter, Notary Public, on this 9th day of January, 2009.


Notary Public, La Bar Roll no 24815

**STEVEN M. JUPITER
NOTARY PUBLIC
State of Louisiana
My Commission Is Issued For Life
Louisiana Bar Roll No. 24815**