IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA PENSACOLA DIVISION

JUSTIN GATLIN

Plaintiff

v.

CASE NO. 3:08cv241/LAC/EMT

UNITED STATES TRACK AND FIELD ASSOCIATION; UNTIED STATES OLYMPIC COMMITTEE; UNITED STATES ANTI-DOPING AGENCY; INTERNATIONAL ATHLETIC ASSOCIATION FEDERATION;

Defendants.

AFFIDAVIT OF EUGENE R. HERSHORIN, M.D.

Before me, the undersigned authority, personally appeared Eugene Hershorin, M.D., known to me, who being by me first duly sworn, deposes and says on oath as follows:

- 1. I am over the age of 18 and have personal knowledge of the following facts and if called as a witness would testify to the following items:
- 2. I am a resident of Miami, Florida and am 57 years of age.
- 3. Currently, I am a practicing medical doctor licensed in the State of Florida and Board Certified in Pediatrics with a boarded sub specialty in Developmental and Behavioral Pediatrics, as well as a mini-fellowship in psychotropic pharmacology from the Neuroscience Education Institute.
- 4. My curriculum vitae is attached to this affidavit as Exhibit one.

- 5. I currently am serving as an Associate Professor of Clinical Pediatrics at the University of Miami Miller School of Medicine.
- 6. I have staff privileges at 3 hospitals in Miami: Jackson Memorial Hospital, Baptist Hospital of Miami and South Miami Hospital.
- In 1976, I graduated from the Milton S. Hershey Medical Center of the Pennsylvania State
 University with a Medical Doctorate Degree.
- 8. I completed my internship, residency, and Assistant Chief Residency at Children's Hospital in Philadelphia, Pennsylvania.
- I currently serve as the Chief of the General Pediatric Division here at the University of Miami Miller School of Medicine and also serve as Associate Chair for the Community Outreach Program.
- 10. For 25 years, I have been involved in the diagnosis and treatment of patients suffering from Attention Deficit/Hyperactivity Disorder.
- 11. My experience has provided me the opportunity to observe the long term effect of both AD/HD and effects of Adderall® on this disability.
- 12. AD/HD is a condition which causes problems with attention and distractibility and sometimes impulsivity and overactivity. AD/HD is a biological, brain condition that often leads to poor academic performance, poor social relationships and sometimes a feeling of low self-esteem.
- 13. AD/HD has been shown to be effectively treated with prescription drugs that contain stimulants. These drugs include well known brands such as Ritalin® (methylphenidate) and Adderall® (amphetamine).

- 14. As part of my work on this matter, I have reviewed the following documents:

 Declaration of Eric Bennett, M.D.; Justin's medical records from Dr. Bennett; 2002

 Stipulation of Facts between Justin and United States Anti-Doping Agency ("USADA")

 and a USADA form titled "TUE Requirements for ADD and ADHD." I have also completed a review of the medical literature available which discusses sporting issues and this disability.
- 15. After my review of the items listed above and with my own professional training and experience, I have the following opinions:
 - a. Justin is suffering from AD/HD.
 - b. Justin's AD/HD is a form of this disease that substantially affects his attentiveness, learning and comprehension.
 - c. Justin was deriving benefit through his use of Adderall® while he was a student at the University of Tennessee.
 - d. The type of AD/HD that Justin suffers impedes his ability to be attentive to directives that are not directed to him or his disability.
 - e. This disability would most likely prevent Justin from appreciating vague and/or subtle procedures.
 - f. AD/HD would also most likely present substantial difficulties for carrying out a procedure that requires multiples stages and forms.
 - g. Without an explicit directive, the TUE procedures and forms utilized in 2001 by USADA would most likely have provided a substantial compliance obstacle for Justin.

- h. Justin, without his medication, would likely suffer from an increase in stress, and distractions and a lowering of mood.
- i. Justin's use of Adderall® would help to regulate his neurotransmitters (or neurochemcials) so as to make his brain more like those unaffected by this condition.
- j. I have conducted a through search for medical literature discssuing the affects of Adderall on athletic competition. Thus far, I have been unable to find any articles linking Adderall to an enhanced athletic performance compared to a person without this disability.

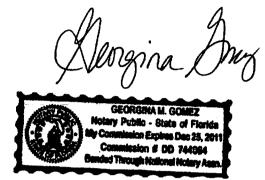
Eugene Hershorin, M.D.

STATE OF FLORIDA: COUNTY OF DADE:



worn to and subscribed before me this 12	_day of Juni	L , 2008, by
Eugene Hershorin	, who are p	ersonally known to me

and have produced	, as identification and who die	
take on oath		



CURRICULUM VITAE

PERSONAL INFORMATION

Name and Position:

Eugene R. Hershorin, M.D.

Associate Professor Clinical Pediatrics Chief – Division of General Pediatrics

Associate Chair for Community Provider Relations

Department of Pediatrics

University of Miami Miller School of Medicine

Clinical Office Address:

Eugene R. Hershorin, M.D.

University of Miami Pediatrics South

8932 S.W. 97th Avenue

Suite 10

Miami, Florida 33176 Phone (305) 270-5050 Fax (305) 270-5001

E-Mail ehershorin@med.miami.edu

Administrative Office Address:

Eugene R. Hershorin, M.D.

Department of Pediatrics

University of Miami Miller School of Medicine

1601 N.W. 12th Avenue

Room 4056

Mailman Center for Child Development

Miami, Florida 33136 Phone: (305) 243-8522 Fax: (305) 243-8524

E-Mail ehershorin@med.miami.edu

Home Address:

14820 S.W. 74th Avenue Miami, Florida 33158

Past Professional Position

Managing Partner

South Dade Pediatric Associates, P.A.

8780 S.W. 92 Street

Suite 100

Miami, Florida 33176 July 1979-April 1997

Social Security Number:

183-38-8945

Page 2

Birthdate:

February 8, 1951

Birthplace:

Pittsburgh, Pennsylvania

Marital Status:

Married - May 28, 1978

Andrea L. Hershorin (Emergency Room Nurse)

Children:

Brian J. Hershorin (D.O.B. 8/15/79)

Jacob B. Hershorin (D.O.B. 2/16/84)

Citizenship:

United States

Languages:

English

HIGHER EDUCATION AND DEGREES

PRE-MEDICAL EDUCATION

Washington and Jefferson College Washington, Pa. 1968-1972 June 1972 B.A. Biology

Honors:

Deans List

Phi Beta Kappa Magna Cum Laud

Phi Sigma – National Biology Honor Society Graduated 5th in class of 200

MEDICAL EDUCATION

Milton S. Hershey Medical Center Of the Pennsylvania Sate University 1972-1976 May 1976 M.D.

POST GRADUATE TRAINING

Children's Hospital of Philadelphia University of Pennsylvania Department of Pediatrics Pediatric Internship 197

1976-1977

Children's Hospital of Philadelphia University of Pennsylvania Department of Pediatrics Pediatric Residency

1977-1978

Children's Hospital of Philadelphia University of Pennsylvania Department of Pediatrics

Assistant Chief Resident Pediatrics 1978-1979

PAST PROFESSIONAL APPOINTMENTS

Instructor – Department of Pediatrics University of Pennsylvania School of Medicine

1978-1979

PRESENT PROFESSIONAL APPOINTMENTS

Associate Professor Clinical Pediatrics Department of Pediatrics University of Miami School of Medicine

1997-Present

EUGENE R. HERSHORIN, M.D.	Page 4
Medical Director Behavioral Pediatrics Clinic Department of Pediatrics University of Miami School of Medicine	1997-Present
Director – Masters of Pediatrics Department of Pediatrics University of Miami School of Medicine	2000-Present
Director – Masters of Behavioral and Developmental Pediatrics Department of Pediatrics University of Miami School of Medicine	2002-Present
Medical Director PPEC Department of Pediatrics University of Miami School of Medicine	10/01/01 - Present
Medical Director – Pediatrics South Division University of Miami Miller School of Medicine	04/97 - Present
Chief - Division of General Pediatrics University of Miami Miller School of Medicine	01/07 - Present
Associate Chair – Community Provider Relations University of Miami Miller School of Medicine	01/07 - Present
Faculty Senate Representative University of Miami Miller School of Medicine	2005 - 2007

LICENSURES

Florida Medical License	No. ME034379
New York Medical License	No. 181993 (Inactive)
Pennsylvania Medical License	No. 19726E (Inactive)

BOARD CERTIFICATION

Diplomat – National Board of Medical Examiners	7/1/77	No. 169586
American Board of Pediatrics	5/5/80	No. 24202
American Board of Developmental - Behavioral	12/2004	No. 346
Pediatrics		

SOCIETIES

Fellow American Academy of Pediatrics	1980-Present
Florida Pediatric Society	1979-Present
Dade County Medical Association	1979-Present
Florida Medical Association	1979-Present
Greater Miami Pediatric Association	1979-Present
Society for Developmental and Behavioral Pediatrics	2005-Present
Florida Developmental and Behavioral Pediatrics Society	2005-Present
AAP Section on Developmental and Behavioral Pediatrics	2004-Present
AAP Section on Administration and Practice Management	2005-Present

HONORS

The Best Doctors in America	1996-1997
University of Miami School of Medicine	
2000 Teaching Award	May 13, 2000
The Best Doctors in Florida	2004 and 2005
Florida Monthly Magazine	
The Best Doctors in America	2005-2006
Strathmore's Who's Who in American Physicians	2005-2006
America's Top Pediatricians	2006
Behavioral and Developmental Pediatrics	
Consumer Research Council of America	
The Best Doctors in America	2007-2008
NY Times Florida Super Doctors	2008
Americas Top Pediatricians	2008

DEPARTMENTAL/HOSPITAL COMMITTEES

Assistant Chief – Department of Pediatrics	1982-1986
Baptist Hospital of Miami	
Chief – Department of Pediatrics	1986-1990
Baptist Hospital of Miami	
Chief- Department of Pediatrics	1992-1996
Baptist Hospital of Miami	
President – South East Pediatric Educational	1982-1985
Conference of Florida	
President- Pediatric Network of South Florida	1991-1993
President- Pedinet	1993-1995
Member- Obstetrical Steering Committee	1982-1994
Baptist Hospital of Miami	

Chief- Obstetrical Steering Committee	1982-1988
Baptist Hospital of Miami	
Member – Quality Assurance Committee	1985-1986
Baptist Hospital of Miami	1990-1991
Member – Pediatric ICU/Quality Assurance	1991-1997
Committee	
Baptist Hospital of Miami	
Member-Pediatric Pain Management Committee	1992-1994
Baptist Hospital of Miami	
Assistant Chief – Conference Committee	1984-1985
Florida Pediatric Society	
Member-Masters of Pediatrics Organizing Committee	1990-1997
University of Miami School of Medicine	
Associate Director – Masters of Pediatrics Organizing	
Committee - University of Miami School	
of Medicine	1997 - Present
Chairman-Quality Assurance Focused Review	1990
Committee	
Baptist Hospital of Miami	
Chairman-Pediatric Steering Committee	1991-1992
Baptist Hospital of Miami	
Member-Home Health Steering Committee	1990-1993
Baptist Hospital of Miami	
Member-Search Committee	1990
Pediatric Surgeon	
Baptist Hospital of Miami	
Member-Search Committee	1988-1990
Director of Women's and Children's Services	
Baptist Hospital of Miami	
Member-Primary Care Physician's Advisory Committee	1994-1995
Baptist Hospital of Miami	
Board Member- Primary Care Physician Advisory	1994-1996
Committee	
Baptist Hospital of Miami	
Board Member-Comprehensive Medical Group	1995-1997
Dadewell IPA	
Member Executive Committee	1995-1997
Dadewell IPA	
Board Member- PHO Board	1996-1997
Miami Children's Hospital	
Member – Primary Care Committee	1998-1999
University of Miami School of Medicine	
Member – Mailman Center For Child Development	2000-2005
Redevelopment committee	

Page 7

University of Miami School of Medicine	
Medical Director PPEC	October 1, 2001 - Present
Member – Primary Care Steering Committee	2006 - Present
University of Miami Miller School of Medicine	
Member – Service Excellence Committee	2007 – Present
University of Miami Miller School of Medicine	
Member – ACC QI Committee	2007 – Present
University of Miami Miller School of Medicine	
Member – JHS Children's Operations Committee	2007 – Present
University of Miami Miller School of Medicine	
Member – Benefits Committee	2007 – Present
University of Miami Miller School of Medicine	,
Chairman – Quality Improvement Committee for	April 2008 – Present
Inpatient Pediatrics for Holtz Childrens Hospital	

INVITED LECTURES AND GRAND ROUNDS

"ADHD"

Grand Rounds – Department of Pediatrics American Hospital	March 1982
Baptist Hospital of Miami "Hepatitis B and C – An Update"	November 1989
Baptist Hospital of Miami "Hepatitis B and C – An Update"	May 1992
University of Miami School of Medicine Residency Conference	December 1997

PRIMED Conference	January 1998
University of Miami School of Medicine	•
Harvard University	
"ADHD"	

Pediatric Grand Rounds	December 1, 1998
University of Miami School of Medicine	,
"ADHD – Evaluation, Diagnosis, and Management"	

Master's Of Pediatrics Conference	January 15, 1998
Lowes Hotel	•
Miami Beach, Florida	
"ADHD - Evaluation, Diagnosis, and Management"	

Page 8

Noon Conference

University of Miami School of Medicine

"Feeding Problems in Children"

AmericasDoctors.com

Computer Chat Medical Program

"ADHD"

Pediatric Residents Job Search

Noon Conference

University of Miami School of Medicine

Noon Conference

University of Miami School of Medicine

"Behavioral Problems in Children"

Pediatric Residents Job Search 2000

Special Session

University of Miami School of Medicine

Masters of Pediatrics

Invited Lecturer

"ADHD - Evaluation and Management"

Noon Conference

University of Miami School of Medicine

"ADHD"

Primed Conference

University of Miami School of Medicine

Harvard University

"ADHD – Evaluation and Management:

Grand Rounds

University of Miami School of Medicine

"What's New in ADHD"

Noon Conference

University of Miami School of Medicine

"Common Behavioral Problems in Children"

May 12, 1999

August 26, 1999

October 15, 1999

October 26, 2000

November 17, 2000

January 21, 2001

March 5, 2001

January 2001

Ft. Lauderdale Convent. Ctr.

October 16, 2001

October 25, 2001

Page 9

Invited Lecture	December 3, 2001
TI. to a care to care	

University of Miami School of Medicine "Job Search for the Pediatric Resident"

Masters of Pediatrics January 20, 2002

Invited Lecturer "ADHD - Evaluation and Management"

Masters of Pediatrics Invited Lecturer "ADHD - Evaluation and non Medication Management" January 19, 2003

Invited Lecture February 7, 2003

University of Miami School of Medicine "Job Search for the Pediatric Resident"

Invited Lecture June 23, 2003

Florida Pediatric Society Hilton Hotel - Orlando Florida "A Pediatrician's Guide to ADHD"

Grand Rounds October 14, 2003

University of Miami School of Medicine "What's New in ADHD"

Invited Lecture November 3, 2003

University of Miami School of Medicine Noon Conference

"Evaluation and Management of ADHD

Invited Lecture December 1, 2003

University of Miami School of Medicine

Noon Conference

"Current Treatment Modalities in ADHD"

Invited Lecture April 3, 2004

Primed Conference University of Miami / Harvard University Fort Lauderdale, Florida – Broward Convention Center

"A Pediatrician's Guide to ADHD"

Page 10

Invited Lecture June 2, 2004

University of Miami School of Medicine

Psychology Department

Noon Conference

Miami, Florida

"Psychopharmacology of ADHD"

Invited Lecture October 22, 2004

Pediatric Head Trauma Meeting

Key Biscayne, Florida

"The Faces and Treatment of ADHD"

Invited Lecture October 30, 2004

Parent to Parent Miami, Florida

"A Parent's Guide to ADHD"

Invited Lecture January 30, 2005

Masters of Pediatrics Bal Harbour, Florida

"Evaluation and Diagnosis of ADHD"

Invited Lecture February 18, 2005

University of Miami School of Medicine

Coconut Grove, Florida

"Job Search for the Pediatric Resident 2005"

Invited Lecture June 12, 2005

Florida Pediatric Society

Orlando, Florida

"ADHD - Update and Overview"

Invited Lecture June 15, 2005

Noon Conference

Jackson Memorial Hospital – University of Miami

Resident Conference

"ADHD - Update and Board Review"

Invited Lecture
Masters of Pediatrics

Sheraton Bal Harbour Resort

Bal Harbour, Florida

"ADHD and Co-Morbidities"

Invited Lecture

Noon Conference

Jackson Memorial Hospital - University of Miami

Resident Conference

"The 10 biggest mistakes I've made in ADHD"

Invited Lecture

Noon Conference

Jackson Memorial Hospital - University of Miami

Psychology Department

"Medications used to treat ADHD"

Invited Lecture

Psychology Noon Conference

Mailman Center for Child Development

"ADHD – Evaluation and Diagnosis"

Invited Lecture

Masters of Pediatrics

Miami Beach Resort and Spa

Miami Beach, Florida

"ADHD and Co-Morbidities"

Invited Lecture

Lend Grant and teacher Masters Points Conference

Mailman Center for Child Development

Miami, Florida

"Treatment of Depression and Anxiety in Childhood"

Invited Lecture

Lee Memorial Hospital Annual Meeting

Captiva Island, Florida

"ADHD - Diagnosis, Treatment, and Co-Morbidities"

January 28, 2006

April 18, 2006

April 26, 2006

December 15, 2006

February 26, 2007

March 21, 2007

April 22, 2007

Page 12

Invited Lecture

August 22, 2007

Grand Rounds - Family Medicine

Highland Professional Building

Miami, Florida

"Diagnosis and Treatment of ADHD"

Invited Lecture

November 7, 2007

Grand Rounds - Pediatrics

University of Miami Miller School of Medicine

Miami, Florida

"Release Mechanisms of ADHD medications"

Invited Lecture

January 15, 2008

Residents Noon Conference

University of Miami Miller School of Medicine

Miami, Florida

"Theories of Behavior and Common Behavior Problems in Children"

Invited Lecture

January 22, 2008

Ambulatory Grand Rounds

University of Miami Miller School of Medicine

Miami, Florida

"ADHD - Basics of Diagnosis and Treatment"

Invited Lecture

January 22, 2008

Residents Noon Conference

University of Miami Miller School of Medicine

Miami, Florida

"ADHD - Basics of Diagnosis and Treatment"

Invited Lecture

February 21, 2008

Masters of Pediatrics

Miami Beach, Florida

"Treating ADHD For Fun and Profit"

Invited Lecture

February 25, 2008

Masters of Pediatrics

Miami Beach Florida

"Co-Morbidities of ADHD"

Invited Lecture

April 11, 2008

Jewish Community Services of South Florida

Miami, Florida

"Diagnosis and Treatment of ADHD"

Invited Lecture May 29, 2008
Residents Noon Conference
University of Miami Miller School of Medicine
Miami, Florida
"The Biggest Mistakes in Diagnosing and Treating ADHD"

EXHIBITIONS AND POSTERS

Rothe, EM, M.D., Sharma, R, M.D., Lewis, E, Ph.D., **Hershorin, ER, M.D.**, Jaquez, M, M.D., Padilla, A, M.D., DeRay, M, M.D.: "Attention Deficient Hyperactivity Disorder in Boys: Differences in Co-Morbididty and use of Medications among Pediatricians, Child Psychiatrists, and Pediatric Neurology Clinics"; Masters of Pediatrics, January 28, 2005, Bal Harbour, Florida

Rothe, EM, M.D., Sharma, R, M.D., Lewis, E, Ph.D., **Hershorin, ER, M.D.**, Jaquez, M, M.D., Padilla, A, M.D., DeRay, M, M.D.: "Attention Deficiet Hyperactivity Disorder in Boys: Differences in Co-Morbididty and use of Medications among Pediatricians, Child Psychiatrists, and Pediatric Neurology Clinics"; American Psychiatric Association Annual Meeting, May 2006, Toronto, Canada

AD HOC REVIEWER

1) Primary Pediatric Care; Chapter 127; "Developmental Approach to Behavioral Problems"

PUBLICATIONS

- 1. Gilman, JT, Duchowny, MS, Resnick, TJ and Hershorin, ER. Carbamazepine malabsorption: a case report. Pediatrics 82: 518-519, 1988.
- 2. "Oski vs. Stockman: A Pediatric Debate" Contemporary Pediatrics, Supplement, August, 1994, pp. 22-34.
- 3. "Enuresis"
 The Five Minute Pediatric Consult
 Fourth Edition
 Pages 358-35

- 4. Hershorin, E.; "Don't forget to evaluate for coexisting morbidities when treating children with ADHD"; Infectious Diseases in Children; Vol 19; Num 5; May 2006
- 5. Hershorin, E.; "Comorbidities In Children and Adolescents With ADHD"; Touch Briefings; US Special Populations 2006 June 2006, Issue 20; October 21, 2006

GRANTS

"Replication of the Healthy Steps for Young Children Program" Sponsor: The Children's Trust PI – Eugene R. Hershorin, M.D. Amount of Grant Award - \$298,767

"Validation of the PADDS system as a tool for assessment of ADHD in Children" Sponsor: Armstrong Atlantic University PI – Eugene R. Hershorin, M.D. Amount of Grant Award - \$3000

GRANTS SUBMITTED

"A Novel Stimulant Treatment for the Attentional and Behavioral Complications of Traumatic Brain Injury"

Investigator Initaiated Grant – Application Submitted

Investigators – Eugene R. Hershorin, M.D., John Kaluz, M.D.

"Clastogenic/mutagenic effects in drug naïve children given methylphenidate for ADHD 2006 - 2008"
Submitted to NIMH
Investigators – Dale M Walker, Eugene R. Hershorin, M.D., Tracie Miller, M.D.

ARTICLES IN PROGRESS

"Efficacy and Tolerability of a New Non Stimulant Medication for ADHD" Investigators – Eugene R. Hershorin, M.D., Tracie Miller, M.D., Erica Tarbox, M.D., et, al..

EDITORIAL BOARDS

1) Journal of Pediatrics

January 2007-December 2010

2) Ambulatory Pediatrics

January 2008-Present

Revised 05/30/08