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16 Attorneys for Respondent
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17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **COUNTY OF LOS ANGELES**

19 In the Matter of

20
21 THE STERLING FAMILY TRUST.

Case No. BP152858

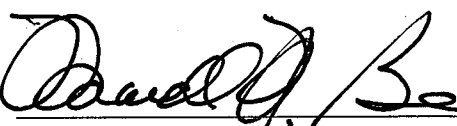
**NOTICE RE: REVISED DETAILED
DECLARATION OF DR. JEFFREY
CUMMINGS IN SUPPORT OF
RESPONDENT'S MOTION TO
CONTINUE TRIAL DATE**

Assigned for All Purposes to:
Hon. Michael Levanas, Dept. 5

Trial Date: July 7, 2014
Time: 8:30 a.m.
Dept.: 5

1 Attached is the Revised Detailed Declaration of Dr. Jeffrey Cummings which
2 contains an explanation for its late filing.

3 Dated: June 26, 2014 BLECHER COLLINS PEPPERMAN & JOYE, P.C.
4

5
6 By: 
7
8 Maxwell M. Blecher
9 Attorneys for Respondent
10 DONALD T. STERLING

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19 **COUNTY OF LOS ANGELES**

20 In the Matter of

21 THE STERLING FAMILY TRUST.
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Case No. BP152858

**REVISED DETAILED DECLARATION
OF DR. JEFFREY CUMMINGS IN
SUPPORT OF RESPONDENT'S
MOTION TO CONTINUE TRIAL
DATE**

Assigned for All Purposes to:
Hon. Michael Levanas, Dept. 5

26 Trial Date: July 7, 2014
27 Time: 8:30 a.m.
28 Dept.: 5

1 I, Dr. Jeffrey Cummings, declare as follows:

2 1. I am over the age of 18 years and a physician and surgeon licensed to
3 practice medicine in California. I know the matters stated in this declaration to be true
4 from my own personal knowledge, and if called as a witness, I would and could testify
5 competently thereto.

6 2. I am a licensed physician specializing in neurocognitive deficits and
7 neurodegenerative disorders, particularly Alzheimer's and Dementia. I am a clinical
8 trialist with expertise in clinical trial design and analysis, global trial implementation
9 and trial outcome measures. I am the Director of the Cleveland Clinic Lou Ruvo
10 Center for Brain Health in Las Vegas, Nevada and Cleveland, Ohio. A true and correct
11 copy of my curriculum vitae was attached to my original declaration.

12 3. I am also the author of the Neuropsychiatric Inventory ("NPI") which is
13 the most commonly used tool for clinical trials characterizing behavioral disturbances
14 in dementia syndromes. The NPI assess 10 behavioral disturbances occurring in
15 dementia patients: delusions, hallucinations, dysphoria, anxiety, agitation/aggression,
16 euphoria, disinhibition, irritability/lability, apathy, and aberrant motor activity. It has
17 the advantages of evaluating a wider range of psychopathology than existing
18 instruments, soliciting information that may distinguish among different etiologies of
19 dementia, differentiating between severity and frequency of behavioral changes, and
20 minimizing administration time.

21 4. I have been retained by Respondent to review Respondent's medical
22 records, conduct any necessary examinations and possibly provide trial testimony
23 relating to the opinions arrived at in performing the aforementioned expert services.

24 5. I was delayed in filing this revised declaration because I was a panel
25 member on June 25, 2014 in Washington D.C. at a pre-hearing briefing for the United
26 States Senate on Sports-Related Head Injuries and Chronic Neurological Disease. I also
27 had meetings with the Senators from Oregon and Nevada on this issue. The panel was
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1 chaired by Congressman Bill Pascrell. Unfortunately, I was not readily available on
2 June 24-25.

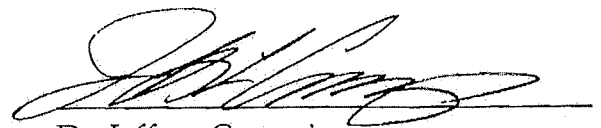
3 6. With regard to my unavailability from July 4 to July 21, The Annual
4 Alzheimer International Conference (AAIC) is being held in Copenhagen, Denmark
5 from July 12 to July 17. I will return to the United States on Friday, July 18, 2014. The
6 AAIC is the premier meeting annually for Alzheimer researchers. During this meeting,
7 I will give two lectures, present several abstracts, and have scheduled meetings with
8 researchers from around the world. I have a premeeting on July 11 with German
9 researchers. These lectures and meetings have been scheduled for many months.

10 7. When my wife and I knew that we would attend AAIC, we scheduled a
11 few days of vacation in nearby St. Petersburg, Russia. We arrive in the city on July 6
12 and leave on July 10 for the meeting. This was also scheduled several months ago.

13 8. Finally, I understand the Judge has inquired as to my availability for
14 deposition before departing for Europe. I expect to conduct an examination of Mr.
15 Sterling on Saturday, June 28 and then to write a report on my findings which I would
16 be able to complete by Sunday June 29. I am scheduled to leave for St. Petersburg on
17 July 5. I would be available for deposition July 1-3. I am committed to an FDA hearing
18 in Washington on Monday, June 30.

19 I declare under penalty of perjury under the laws of the State of California that
20 the foregoing is true and correct to the best of my knowledge.

21 Executed this 26th day of June, 2014, in Las Vegas, Nevada.

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24 
Dr. Jeffrey Cummings

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 515 South Figueroa Street, Suite 1750, Los Angeles, CA 90071-3334.

On June 26, 2014, I served true copies of the following document(s) described as **NOTICE RE: REVISED DETAILED DECLARATION OF DR. JEFFREY CUMMINGS IN SUPPORT OF RESPONDENT'S MOTION TO CONTINUE TRIAL DATE** on the interested parties in this action as follows:

Pierce O'Donnell
PODonnell@GreenbergGlusker.com
Caroline Heindel
cheindel@greenbergglusker.com
GREENBERG GLUSKER FIELDS
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Los Angeles, CA 90067
E-mail: *astreisand@loeb.com*

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent to the persons at the e-mail addresses listed above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 26, 2014, at Los Angeles, California.

Lorelei L. Gerdine