

NO. 26,836-B

SHARON LEE § IN THE DISTRICT COURT OF
V. § LIMESTONE COUNTY, TEXAS

PARKVIEW REGIONAL HOSPITAL,
INC.; PROVINCE HEALTHCARE
COMPANY; CHARLES RONALD
SMITH, D.O.; ALPHA OMEGA LABS;
GREG CATON; HERBOLOGICS, LTD.;
AND LUMEN FOOD CORP. § 87TH JUDICIAL DISTRICT

DEFENDANT LUMEN FOOD CORP.'S
SECOND SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCLOSURE

TO: Plaintiff Sharon Lee, by serving Peter Malouf, The Law Office of Stephen F. Malouf, P.C., 3506 Cedar Springs Road, Dallas, Texas 75219, Attorney of Record for such party.

NOW COMES, Defendant, Lumen Food Corp., in the above entitled and numbered cause, and files the following Second Supplemental Response to Request for Disclosure pursuant to Rule 194, Texas Rules of Civil Procedure.

Respectfully submitted,

FULBRIGHT WINNIFORD
A Professional Corporation
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(254) 776-6000
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BY: _____
GERALD L. BOLFING
State Bar No. 02574850

ATTORNEYS FOR DEFENDANT,
LUMEN FOOD CORP.

CERTIFICATE OF SERVICE

_____ This is to certify that a true and correct copy of the foregoing instrument has been forwarded to all attorneys of record in accordance with the applicable Texas Rules of Civil Procedure, on this the ____ day of December, 2003.

GERALD L. BOLFING

**DEFENDANT LUMEN FOOD CORP.'S
SECOND SUPPLEMENTAL RESPONSE TO REQUEST FOR DISCLOSURE**

6. R.194.2(f):

For any testifying expert, state:

1. the expert's name, address, and telephone number;
2. the subject matter on which the expert will testify;
3. the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
4. if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - A). All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - B). The expert's current resume and bibliography.

RESPONSE:

1. **Ernest P. Williams**
ANALYTICAL CONSULTING SERVICES, INC. (ACS LABS)
16203 Park Row
Suite 100
Houston, Texas 77084
(281) 579-8522
2. Mr. Williams may testify as to methodology of testing the chemical makeup and/or sterility of H₃O. Also, the reaction of H₃O and a sodium chloride solution, i.e., the reaction between an acid and salt. Also, the results of the Exothermic Reaction Test. He may also testify as to his understanding and experience as to what this substance would do if introduced into the body such as was done with respect to the Plaintiff in this case.
3. A copy of Ernest P. Williams' report is attached hereto together with the test results.
4. Ernest P. Williams is not retained by this Defendant. Mr. Williams' CV nevertheless is attached.

1. **Homer Jacobs, M.D.**
El Paso, Texas
2. Dr. Jacobs may testify as to the practice of obstetrics/gynecology. He may also testify about the effect that the H3O solution used by Dr. Smith would have on human tissue. He may testify as to whether the use of the H3O solution by Dr. Smith could cause the injuries suffered by the Plaintiff. He may testify as to whether the Plaintiff was predisposed the formation of scar tissue. He may testify as to the formation of scar tissue post surgery and the likelihood of such to occur.
3. Any report by Dr. Jacobs is available through counsel for Parkview Hospital.
4. Dr. Jacobs is not retained by this Defendant. Dr. Jacobs' CV is being provided by counsel for Parkview Hospital.

1. **Marland Dean Dulaney, Jr., Ph.D. DABT**
Dulaney Toxicology, Inc.
7133 Heritage Ridge Road
Tallahassee, Florida 32312
(850) 668-0646
FAX (850) 893-8844

2. Dr. Dulaney may testify as to the area of toxicology and how the human body would be expected to react to the diluted H3O solution used by Dr. Smith. He may also testify about his review of the tests performed by the Plaintiff's expert, Dr. Andrew Armstrong, and by Ernest P. Williams. He may testify as to the effect that the diluted solution of H3O would have on human tissue.
3. Report attached.
4. CV attached.