

DECLARATION OF RON SCHIFF, M.D., Ph.D.

I, Ron Schiff, M.D., Ph.D. hereby declare as follows:

1. I am a physician, licensed in the State of Florida to practice medicine.
2. I am over the age of 18 and a resident of Florida. If I were called to testify, I could and would competently testify to the statements and opinions set forth below in this Declaration.
3. I am board certified in Internal Medicine and am a board-certified Hematologist and Medical Oncologist and have been retained by Victor Berliant (hereinafter, “Mr. Berliant”) to consult on his case and prognosis.
4. This Declaration is based on my personal knowledge, education, training, experience, my personal knowledge and review of Mr. Berliant’s medical records, my own personal interaction with and experience with Mr. Berliant during a telephonic interview on August 30, 2019, and my review of the relevant medical and scientific literature.
5. My opinions set forth below are to a reasonable degree of medical or scientific certainty. I reserve the right to supplement or revise any opinions based on additional medical records or other information that may be presented to me in the future.

Mr. Berliant’s Non-Hodgkin’s Lymphoma Diagnosis

6. Mr. Berliant is a 70-year-old male who was found to have abnormally elevated white blood cell and lymphocyte counts on December 2, 2016. VB-01-000179. His physicians have diagnosed him with a Stage IV T-cell non-Hodgkin lymphoma with skin, peripheral blood, lymph node, and bone marrow involvement. *See*, VB-02-000070; VB-02-000105; VB-01-001059; VB-01-001656. Further testing led his physicians to consider a differential diagnosis including mycosis fungoides/Sezary syndrome (both mycosis fungoides and Sezary syndrome are

1 types of cutaneous T-cell lymphoma), T-cell prolymphocytic leukemia, and peripheral T-cell
2 lymphoma not otherwise specified (PTCL-NOS). *See*, VB-02-000072.

3 7. Beginning January 14, 2019, Mr. Berliant underwent 3 cycles of CHOP
4 chemotherapy, (VB-01-001562). Seeing no significant changes in his blood counts or PET/CT
5 scans, Mr. Berliant's physicians elected to escalate his treatment to one cycle of CHOEP
6 chemotherapy. VB-01-001641. On March 18, 2019, Mr. Berliant began one cycle of CHOEP
7 chemotherapy, for a total of 4 cycles of chemotherapy. VB-02-000044; VB-01-001336. Mr.
8 Berliant is not likely to achieve complete remission with additional chemotherapy cycles. VB-
9 01-001336.
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11 8. During my telephonic conversation with Mr. Berliant, he reported that he
12 experienced nausea, extreme fatigue, and severe heartburn during his CHOP chemotherapy
13 treatments. Mr. Berliant similarly reported that he experienced severe fatigue, nausea, and severe
14 heartburn during his CHOEP treatment. Even following Mr. Berliant's chemotherapy treatments,
15 until present, he still suffers from fatigue and heartburn. *See*, e.g. VB-01-001764; VB-01-001787.
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18 9. On June 4, 2019, Mr. Berliant began receiving intravenous infusions of
19 mogamulizumab (brand name "Poteligeo") weekly for 4 weeks and every two weeks for three
20 additional infusions. VB-01-001807-13; VB-01-001853-58. During his first treatment of
21 Poteligeo, Mr. Berliant reports that he experienced severe fatigue, nausea, and a fever of 101
22 degrees, shaking, chills, and persistent severe heartburn. VB-01-001818. Mr. Berliant's
23 physician recommended that if there was no beneficial response to Poteligeo, he would receive
24 chemotherapy with romidepsin prior to moving toward more aggressive and higher-risk therapies,
25 such as Campath (alemtuzumab) followed by high-dose chemotherapy and allogenic stem cell
26 transplantation due to his high risk of disease progression or relapse. VB-01-001335-38; VB-01-
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28

1 001304; VB-01-001807. Indeed, Mr. Berliant's physicians saw no beneficial response to
2 mogamulizumab, and have therefore recommended that Mr. Berliant begin treatment with
3 romidepsin on September 5, 2019.

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5 **Mr. Berliant's Current Medical Condition**

6 10. In addition to treatment-refractory T-cell lymphoma as discussed above, Mr.
7 Berliant reports suffering from fatigue, heartburn, depression, fearfulness, and difficulty
8 concentrating and sleeping.

9
10 **My Opinions**

11 11. Considering Mr. Berliant's advanced age, his treatment-refractory T-cell non-
12 Hodgkin lymphoma, and his current medical condition described above, I believe that Mr.
13 Berliant's medical condition is such that a preferential trial setting is necessary to prevent
14 prejudicing his interest in this case and to ensure that he is able to meaningfully participate in
15 trial.

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17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct and if called as a witness I could and would competently testify
19 thereto.

20 Executed this 31st day of August, 2019.

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24 Ron D. Schiff, M.D., Ph.D.
25 Ron Schiff, M.D., Ph.D.