

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA

v.

FREDERICK MERVIN BARDELL

Defendant

) Case No. 6:11-CR-401

State of Montana

County of Missoula

AFFIDAVIT OF JUDY L SCHMIDT, M.D., F.A.C.P.

1. I am a medical doctor licensed to practice in the States of Hawaii and Montana and specializing in the medical specialties of Internal Medicine, Hematology, and Medical Oncology.
2. I hold a B.A. degree in Chemistry, *magna cum laude*, from the University of Minnesota.
3. I hold an M.D. degree from the University of Minnesota.
4. I completed an internship and residency in Internal Medicine at the University of California, Davis, Martinez V.A.
5. I completed my internal medicine residency at Hennepin County Medical Center/Mount Sinai in Minneapolis, Minnesota.
6. I completed a fellowship in Hematology and Medical Oncology at the Mayo Clinic in Rochester, Minnesota.
7. I am a diplomate of the National Board of Medical Examiners.
8. I am board-certified by the American Board of Internal Medicine in Internal Medicine, Hematology, and Medical Oncology.
9. I am a Fellow of the American College of Physicians.
10. I practice and have practiced in areas substantially similar to the types of practice engaged in at the times at issue here, notably, screening for colorectal cancer and the care of patients with colorectal cancer.
11. My experience and education are documented in my *curriculum vitae* (Attached hereto as Exhibit 1)

12. I have reviewed Mr. Bardell's available medical records and the Affidavit's of Celio O. Burrowes, M.D. from November 2, 2020 and November 13, 2020.
13. I offer all my opinions to a reasonable degree of medical certainty.
14. According to the available information, Mr. Bardell was 53 years old in November 2019 when he started to notice rectal bleeding. At this time, he more likely than not, had stage III sigmoid colon cancer and would have been cured with a 71% probability with surgery and adjuvant chemotherapy. A colonoscopy should have been done in November 2019.
15. The rectal bleeding became more profuse in April 2020.
16. The CEA (carcinoembryonic antigen) level was markedly elevated at 205.3 ng/mL (0.5 - 5.0) 9/8/20. A CEA at this level is consistent with stage IV metastatic colorectal cancer.
17. The hemoglobin was low at 12.3 gm/dL (13.5 - 18) consistent with blood loss from the colorectal carcinoma 9/8/20.
18. A CT scan of the abdomen/pelvis done 9/17/20 showed multi-lobar bilateral liver metastases and sigmoid colon wall thickening and narrowing consistent with sigmoid colon cancer with liver metastases. The five-year overall survival for stage IV colon cancer is 14%.
19. On 10/2/20, Mr. Bardell was seen by Farboud Masrour DO at Advanced Gastroenterology of Texas. It was noted that Mr. Bardell had had rectal bleeding since April 2020 and had left lower quadrant abdominal pain. He had never had an EGD or colonoscopy. There was no evidence that Dr. Masrour reviewed the prior elevated CEA or recent CT abdomen/pelvis. Dr. Masrour recommended an EGD and colonoscopy as well as Pepcid AC.
20. On 12/18/20, Dr. Masrour performed an EGD. He found gastritis and a Schatzki's ring. There was no evidence of malignancy. He recommended a proton pump inhibitor. He recommended a colonoscopy.
21. On 1/29/21, Mr. Bardell had a colonoscopy. He was told the results would not be available for one to two weeks. The clinical results from the colonoscopy are available at the time of the study (whether there was a sigmoid colon cancer) and the pathology results are generally available in 1 - 2 days. Apparently, it was noted that he was now jaundiced.
22. Mr. Bardell needs to be referred to a medical oncologist with speciality in metastatic colorectal cancer ASAP. If Mr. Bardell is jaundiced, he is at risk for ascending cholangitis and liver failure. He should be referred to an institution like M.D. Anderson or the Mayo Clinic by air ambulance ASAP.
23. The doctors at M.D. Anderson or Mayo Clinic will determine the cause of the jaundice, they will obtain pathologic confirmation of metastatic colorectal cancer and determine if Mr. Bardell is a candidate for systemic therapy.
24. Mr. Bardell needs to have an immediate compassionate release from the prison to allow for life-saving emergency treatment at another higher level facility.
25. The delay in treatment for this sigmoid colon cancer caused by the prison will, more likely than not, cost Mr. Bardell his life in a matter of weeks to months.

26. The factual assessments and medical opinions expressed herein are based on the currently available information; I reserve the right to modify my assessments and medical opinions as additional medical records and information become available.

27. The medical opinions expressed herein are unique to the specific factual circumstances of this case and therefore may not apply to other cases or factual scenarios.

28. This Affidavit is written in support of Bardell's Second Emergency Motion for Compassionate Release.

32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
4410
4411
4412
4413
4414
4415
4416
4417
4418
4419
4420
4421
4422
4423
4424
4425
4426
4427
4428
4429
4430
4431
4432
4433
4434
4435
4436
4437
4438
4439
4440
4441
4442
4443
4444
4445
4446
4447
4448
4449
44410
44411
44412
44413
44414
44415
44416
44417
44418
44419
44420
44421
44422
44423
44424
44425
44426
44427
44428
44429
44430
44431
44432
44433
44434
44435
44436
44437
44438
44439
44440
44441
44442
44443
44444
44445
44446
44447
44448
44449
444410
444411
444412
444413
444414
444415
444416
444417
444418
444419
444420
444421
444422
444423
444424
444425
444426
444427
444428
444429
444430
444431
444432
444433
444434
444435
444436
444437
444438
444439
444440
444441
444442
444443
444444
444445
444446
444447
444448
444449
4444410
4444411
4444412
4444413
4444414
4444415
4444416
4444417
4444418
4444419
4444420
4444421
4444422
4444423
4444424
4444425
4444426
4444427
4444428
4444429
4444430
4444431
4444432
4444433
4444434
4444435
4444436
4444437
4444438
4444439
4444440
4444441
4444442
4444443
4444444
4444445
4444446
4444447
4444448
4444449
44444410
44444411
44444412
44444413
44444414
44444415
44444416
44444417
44444418
44444419
44444420
44444421
44444422
44444423
44444424
44444425
44444426
44444427
44444428
44444429
44444430
44444431
44444432
44444433
44444434
44444435
44444436
44444437
44444438
44444439
44444440
44444441
44444442
44444443
44444444
44444445
44444446
44444447
44444448
44444449
444444410
444444411
444444412
444444413
444444414
444444415
444444416
444444417
444444418
444444419
444444420
444444421
444444422
444444423
444444424
444444425
444444426
444444427
444444428
444444429
444444430
444444431
444444432
444444433
444444434
444444435
444444436
444444437
444444438
444444439
444444440
444444441
444444442
444444443
444444444
444444445
444444446
444444447
444444448
444444449
4444444410
4444444411
4444444412
4444444413
4444444414
4444444415
4444444416
4444444417
4444444418
4444444419
4444444420
4444444421
4444444422
4444444423
4444444424
4444444425
4444444426
4444444427
4444444428
4444444429
4444444430
4444444431
4444444432
4444444433
4444444434
4444444435
4444444436
4444444437
4444444438
4444444439
4444444440
4444444441
4444444442
4444444443
4444444444
4444444445
4444444446
4444444447
4444444448
4444444449
44444444410
44444444411
44444444412
44444444413
44444444414
44444444415
44444444416
44444444417
44444444418
44444444419
44444444420
44444444421
44444444422
44444444423
44444444424
44444444425
44444444426
44444444427
44444444428
44444444429
44444444430
44444444431
44444444432
44444444433
44444444434
44444444435
44444444436
44444444437
44444444438
44444444439
44444444440
44444444441
44444444442
44444444443
44444444444
44444444445
44444444446
44444444447
44444444448
44444444449
444444444410
444444444411
444444444412
444444444413
444444444414
444444444415
444444444416
444444444417
444444444418
444444444419
444444444420
444444444421
444444444422
444444444423
444444444424
444444444425
444444444426
444444444427
444444444428
444444444429
444444444430
444444444431
444444444432
444444444433
444444444434
444444444435
444444444436
444444444437
444444444438
444444444439
444444444440
444444444441
444444444442
444444444443
444444444444
444444444445
444444444446
444444444447
444444444448
444444444449
4444444444410
4444444444411
4444444444412
4444444444413
4444444444414
4444444444415
4444444444416
4444444444417
4444444444418
4444444444419
4444444444420
4444444444421
4444444444422
4444444444423
4444444444424
4444444444425
4444444444426
4444444444427
4444444444428
4444444444429
4444444444430
4444444444431
4444444444432
4444444444433
4444444444434
4444444444435
4444444444436
4444444444437
4444444444438
4444444444439
4444444444440
4444444444441
4444444444442
4444444444443
4444444444444
4444444444445
4444444444446
4444444444447
4444444444448
4444444444449
44444444444410
44444444444411
44444444444412
44444444444413
44444444444414
44444444444415
44444444444416
44444444444417
44444444444418
44444444444419
44444444444420
44444444444421
44444444444422
44444444444423
44444444444424
44444444444425
44444444444426
44444444444427
44444444444428
44444444444429
44444444444430
44444444444431
44444444444432
44444444444433
44444444444434
44444444444435
44444444444436
44444444444437
44444444444438
44444444444439
44444444444440
44444444444441
44444444444442
44444444444443
44444444444444
44444444444445
44444444444446
44444444444447
44444444444448
44444444444449
444444444444410
444444444444411
444444444444412
444444444444413
444444444444414
444444444444415
444444444444416
444444444444417
444444444444418
444444444444419
444444444444420
444444444444421
444444444444422
444444444444423
444444444444424
444444444444425
444444444444426
444444444444427
444444444444428
444444444444429
444444444444430
444444444444431
444444444444432
444444444444433
444444444444434
444444444444435
444444444444436
444444444444437
444444444444438
444444444444439
444444444444440
444444444444441
444444444444442
444444444444443
444444444444444
444444444444445
444444444444446
444444444444447
444444444444448
444444444444449
4444444444444410
4444444444444411
4444444444444412
4444444444444413
4444444444444414
4444444444444415
4444444444444416
4444444444444417
4444444444444418
4444444444444419
4444444444444420
4444444444444421
4444444444444422
4444444444444423
4444444444444424
4444444444444425
4444444444444426
4444444444444427
4444444444444428
4444444444444429
4444444444444430
4444444444444431
4444444444444432
4444444444444433
4444444444444434
4444444444444435
4444444444444436
4444444444444437
4444444444444438
4444444444444439
4444444444444440
4444444444444441
4444444444444442
4444444444444443
4444444444444444
4444444444444445
4444444444444446
4444444444444447
4444444444444448
4444444444444449
44444444444444410
44444444444444411
44444444444444412
44444444444444413
44444444444444414
44444444444444415
44444444444444416
44444444444444417
44444444444444418
44444444444444419
44444444444444420
44444444444444421
44444444444444422
44444444444444423
44444444444444424
44444444444444425
44444444444444426
44444444444444427
44444444444444428
44444444444444429
44444444444444430
44444444444444431
44444444444444432
44444444444444433
44444444444444434
44444444444444435
44444444444444436
44444444444444437
44444444444444438
44444444444444439
44444444444444440
44444444444444441
44444444444444442
44444444444444443
44444444444444444
44444444444444445
44444444444444446
44444444444444447
44444444444444448
44444444444444449
444444444444444410
444444444444444411
444444444444444412
444444444444444413
444444444444444414
444444444444444415
444444444444444416
444444444444444417
444444444444444418
444444444444444419
444444444444444420
444444444444444421
444444444444444422
444444444444444423
444444444444444424
444444444444444425
444444444444444426
444444444444444427
444444444444444428
444444444444444429
444444444444444430
444444444444444431
444444444444444432
444444444444444433
444444444444444434
444444444444444435
444444444444444436
444444444444444437
444444444444444438
444444444444444439
444444444444444440
444444444444444441
444444444444444442
444444444444444443
444444444444444444
444444444444444445
444444444444444446
444444444444444447
444444444444444448
444444444444444449
4444444444444444410
4444444444444444411
4444444444444444412
4444444444444444413
4444444444444444414
4444444444444444415
4444444444444444416
4444444444444444417
4444444444444444418
4444444444444444419
4444444444444444420
4444444444444444421
4444444444444444422
4444444444444444423
4444444444444444424
4444444444444444425
4444444444444444426
4444444444444444427
4444444444444444428
4444444444444444429
4444444444444444430
4444444444444444431
4444444444444444432
4444444444444444433
4444444444444444434
4444444444444444435
4444444444444444436
4444444444444444437
4444444444444444438
4444444444444444439
4444444444444444440
4444444444444444441
4444444444444444442
4444444444444444443
4444444444444444444
4444444444444444445
4444444444444444446
4444444444444444447
4444444444444444448
4444444444444444449
44444444444444444410
44444444444444444411
44444444444444444412
44444444444444444413
44444444444444444414
44444444444444444415
44444444444444444416
44444444444444444417
44444444444444444418
44444444444444444419
44444444444444444420
44444444444444444421
44444444444444444422
44444444444444444423
44444444444444444424
44444444444444444425
44444444444444444426
44444444444444444427
44444444444444444428
44444444444444444429
44444444444444444430
44444444444444444431
444444