

**AFFIDAVIT OF ROBERT Di LORETO, M.D.**

I, Robert Di Loreto, M. D., being first duly sworn, deposes and states that:

1. I am over the age of 18 and am a resident of the State of Michigan.
2. I have personal knowledge of the facts set forth below, and if called upon, could and would competently testify to the facts set forth herein.
3. I am one of the founding partners of Michigan Institute of Urology (MIU).
4. I am currently Co- President and CEO of MIU.
5. I have practiced Urology in Metropolitan Detroit since 1979.
6. I am Board Certified in the specialty of Urology by the American Board of Urology since 1982.
7. I specialize in all areas of adult Urology, with an emphasis on the management and treatment of Erectile Dysfunction.
8. I have hospital affiliations with St. John's Hospital and Medical Center and Beaumont Grosse Pointe Hospital.
9. I serve as Panel Member and Consultant to the U.S. Food and Drug Administration, Center for Device Evaluation and the division of Urology and Gastroenterology since 1989.
10. I currently serve as the Chairman of Urology at St. John Hospital and Medical Center in Detroit, Michigan.
11. I am a past President of the medical staff of the St. John Hospital and Medical Center.
12. I am a past Chairman of the Credential Committee of the St. John Hospital and Medical Center.

13. I am a past Chairman of the Board of the St. John Hospital and Medical Center, as well as Board Member of St. John Health System.

14. I am currently a member of the American Urology Association and Michigan Urology Association.

15. I have had an opportunity to review a certified copy of the medical records of Sri Nithyananda Swami from Victoria Hospital, Bangalore. (Please see attached Exhibit A.)

16. Sri Nithyananda Swami's testosterone levels are low and consistent with a low libido. His testosterone levels are also consistent with the inability to achieve, let alone maintain an erection.

17. Sri Nithyananda Swami's negative HSV test results reveal that he is negative for all Herpes virus variations.

18. Sri Nithyananda Swami's VDRL test results confirm that he does not have Syphilis.

19. Sri Nithyananda Swami's physical examinations were normal and did not reveal any visible signs of Sexually Transmitted Diseases.

20. Sri Nithyananda Swami's Herpes titer levels were all negative, confirming that he is not a carrier of *any* Herpes strain.

21. Sri Nithyananda Swami's test results reveal that he is negative for HIV.

22. Sri Nithyananda Swami's test results reveal that he is negative for Hepatitis.

23. Sri Nithyananda Swami has had diabetes and hypertension for more than 10 years, which can cause erectile dysfunction by nerve and blood vessel impairment and ultimately blocking sufficient vascular flow to create erections.

24. Sri Nithyananda Swami's small testes volume (12.04 cc's on the right and 11.4 cc's on the left) is below the normal volume (12.5 cc's to 19 cc's) for men between 30 to 40 years old.

25. The Tanner scale, also known as the Tanner stages is a scale of physical development in children, adolescents and adults.

26. The Tanner scale defines physical measurements of development based on external primary and secondary sex characteristics, including testicular volume. Based on the Tanner classification system, Sri Nithyananda Swami would clearly be classified as a Tanner III. Significantly low testes volume is a common characteristic of Tanner 1 through Tanner III. Tanner III levels correspond with extremely low levels of testosterone, which inhibit libido or "sex drive" and can cause erectile dysfunction.

### **Genitals (male)**

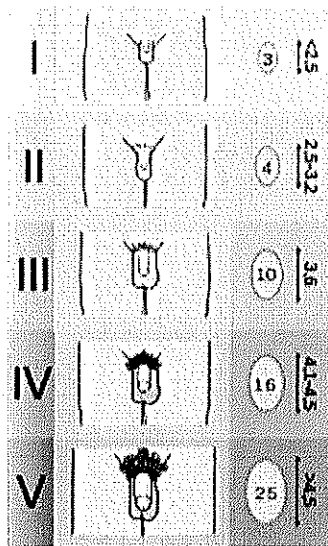
**Tanner I** - prepubertal (testicular volume less than 1.5 ml; small penis of 3 cm or less) [typically age 9 and younger].

**Tanner II** - testicular volume between 1.6 and 6 ml; skin on scrotum thins, reddens and enlarges; penis length unchanged [9-11].

**Tanner III** - testicular volume between 6 and 12 ml; scrotum enlarges further; penis begins to lengthen to about 6 cm [11-12.5].

**Tanner IV** - testicular volume between 12 and 20 ml; scrotum enlarges further and darkens; penis increases in length to 10 cm and circumference [12.5-14].

**Tanner V** - testicular volume greater than 20 ml; adult scrotum and penis of 15 cm in length [14+]



Lawrence S. Neinstein, M.D.: Adolescent Medicine - Children's Hospital Los Angeles CA.

27. Sri Nithyananda Swami has hypogonadism as revealed by his below castration levels of testosterone—the normal testosterone level for men are listed below. Sri Nithyananda Swami's testosterone levels of 12.5 ng/dl are significantly below the normal range.

In general, the normal range in males is about 270 to 1070 ng/dL with an average level of 679 ng/dL. A normal male testosterone level peaks at about age 20, then it slowly declines. Testosterone levels above or below the normal range are considered by many to be out of balance. Charles Patrick Davis, MD, PhD, [http://www.medicinenet.com/high\\_and\\_low\\_testosterone\\_levels\\_in\\_men/views.htm](http://www.medicinenet.com/high_and_low_testosterone_levels_in_men/views.htm).

Notably, it takes many years for hormone levels to go so low and particularly with the presence of gynecomastia, as was observed by the Victoria Hospital, Bangalore results, which can be associated with low testosterone and impotence.

28. Sri Nithyananda Swami has low LH levels. LH blood levels are listed below. Clin Chem Lab Med 2002;40(11):1151-1160.

Reference Values - Males:

0-14 days: not established

15 days-10 years: 0.3-2.8 IU/L

11 years: 0.3-1.8 IU/L

12 years: 0.3-4.0 IU/L

13 years: 0.3-6.0 IU/L

14 years: 0.5-7.9 IU/L

15-16 years: 0.5-10.8 IU/L

17 years: 0.9-5.9 IU/L

> or =18 years: 1.8-8.6 IU/L

29. Sri Nithyananda Swami is 0.216 MIU/ml, which indicates that the pituitary gland is not producing the amount of LH that is normally produced in an infant. These low LH levels also indicate that the deficiency is either originating from the pituitary gland or the hypothalamus.

30. The Penile Doppler test showed that Sri Nithyananda Swami's peak systolic velocity (PSV) cutoff of less than 6.7 cm/s flow in the right cavernosal artery and 14.1 cm/s in the left cavernosal artery in flaccid cavernosal artery is low, which indicates a blood flow insufficient to cause an erection, and is considered abnormal. Based on the study, "Penile Duplex Sonography in the Diagnosis of Venogenic Impotence", [J Vasc Surg. 1991 Jan;13(1):75-82; discussion 82-3. Bassiouny HS, Levine LA. Department of Surgery, University of Chicago Medical Center, IL 60637], Sri Nithyananda Swami's PSV measurements would be classified under "Group C," which was a group of patients having "both venous leakage and arterial insufficiency"—common causes of erectile dysfunction.

31. Both the findings in the study referenced in Paragraph 30 and my review of the Victoria Hospital, Bangalore medical records of Sri Nithyananda Swami are further supported by the medical analysis I provided in a previous affidavit, dated June 11, 2013. Exhibit B.

32. Based upon my experience, education, training, and review of the Victoria Hospital, Bangalore Records (Exhibit A), it is my opinion that the Sri Nithyananda Swami suffers from all the primary and common secondary causes of erectile dysfunction.

33. Further, it is my medical opinion that the likelihood of Sri Nithyananda Swami achieving and maintaining an erection is highly unlikely and therefore impossible that Sri Nithyananda Swami committed the sexual acts that he is accused of.

Further, Affiant sayeth not.

Robert Di Loreto, M.D.

Subscribed and sworn to before this  
28 day of April, 2015.

\_\_\_\_\_, Notary Public  
MACOMB County, Michigan  
My Commission Expires: 5/19/2020  
Acting in MACOMB County

