

**AFFIDAVIT OF MICHAEL A. McILROY, M.D., F.A.C.P.**

I, Michael A. McIlroy, M. D., F.A.C.P., 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 have hospital affiliations with St. John's Hospital and Medical Center, William Beaumont Hospital of Grosse Pointe and Select Specialty Hospital of Grosse Pointe. (Please see Curriculum Vitae, attached hereto as Exhibit A.)
4. I am an Internal Medicine and Infectious Disease physician in Southeastern Michigan since 1982.
5. I am a faculty member of Oakland University William Beaumont School of Medicine.
6. I am a Fellow of American College of Physicians (F.A.C.P.).
7. I am a Clinical Associate Professor of Wayne State University School of Medicine.
8. I am Board Certified in the specialty of Internal Medicine since 1985.
9. I am Board Certified in the specialty of Infectious Diseases since 1988.
10. I am a member of the Michigan Infectious Disease Society.
11. I am also a member of the Infectious Disease Society of America.
12. I am a member of the Federal Bureau of Investigation Citizens Academy since 2008.
13. I have had an opportunity to review the medical records of Sri Nithyananda Swami ("Swami"). (Please see attached Exhibit B.)

14. I have had an opportunity to review the detailed claims of Aarthi Rao ("Rao") in her Indian witness statements under the alias "Amla". (Please see attached Exhibit C).

15. I have had an opportunity to review the medical records of Rao from the University of Michigan Health System. (Please see attached Exhibit D). These detailed records clearly indicate that Ms. Rao has, at a minimum, Herpes Simplex Virus I and II, recurrent Genital Herpes and Herpes Gladiatorum since at least 2004.

16. Rao claims in Exhibit C that she and Swami had skin-to-skin physical contact on several occasions.

17. Given the highly contagious nature of her condition, the fact that Rao would have regularly monthly flare-ups, the number of instances that Rao alleges skin-to-skin physical contact and the fact that Swami does not have the highly contagious disease(s) is indicative that the incidences of rape/sexual abuse are false.

18. Herpes is defined as any inflammatory skin disease marked by the formation of small vesicles in clusters; the term is usually restricted to such diseases caused by herpes viruses.

19. Genital Herpes is an infection of the genitals, buttocks, or anal area caused by Herpes Simplex Virus. Most Genital Herpes is caused by Herpes Simplex Virus II.

20. Most cases of Genital Herpes are caused by Herpes Simplex Virus II. In Herpes Simplex Virus II, the infected person may have sores around the genitals or rectum. Although Herpes Simplex Virus II sores may occur in other locations, these sores are usual found below the waist.

21. Symptoms of Herpes Simplex Virus typically appear as a blister or as multiple blisters on or around affected areas, usually the mouth, genitals, or rectum. The blisters break, leaving tender sores.

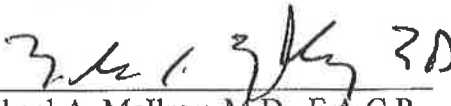
22. There is no cure for Herpes Simplex Virus. Once a person has the virus, it remains in the body forever.

23. Based upon my experience as an Infectious Disease and Internal Medicine expert, and based upon my review of the records, I have the following opinion:

- A. Rao had recurrent Genital Herpes, Herpes Simplex Virus I and II and Herpes Gladiatorum (Rao's "Condition") prior to the time that she met Swami in 2004.
- B. Rao is highly infectious with her Condition.
- C. Rao's Condition is contagious whether she is having an outbreak or not.
- D. Her Condition can spread to another person even if her infection is asymptomatic.
- E. Any skin-to-skin contact places one at risk for the spread of her Condition.
- F. Condoms are most effective at preventing Sexually Transmitted Diseases ("STD") that are spread through ejaculate and vaginal fluid.
- G. Condoms are not as protective for her Condition as they are for HIV, Chlamydia or Gonorrhea.
- H. Her Condition is highly contagious and can shed from multiple sites at different times.
- I. Herpes Gladiatorum is a skin infection caused by Herpes Simplex Virus.
- J. The majority of shedding is clustered around a Herpes outbreak.
- K. Rao would therefore be most contagious seven days before and seven days after an outbreak.

- L. Having sex around this time of an outbreak significantly increases the risk of infecting a partner.
- M. The average time for transmission of Herpes with a new couple where one partner has it and one does not, is two months.
- N. Her Condition is a chronic, lifelong infection.
- O. If the facts contained in the attached charge sheet (Exhibit C) are accurate, it is extremely likely that Rao would have passed this highly infectious Sexually Transmitted Disease to Swami.
- P. Upon review of Swami's medical records (please see Exhibit B), Swami is not infected with Herpes or any other Sexually Transmitted Disease.
- Q. Further, a review of Swami's medical records reveals he has extremely low testosterone levels.
- R. Based upon my review of the facts, including the objective medical records, I find it very unlikely that Rao's version of events included in Exhibit C is true.

Further, Affiant sayeth not.

  
Michael A. McIlroy, M.D., F.A.C.P.

Subscribed and sworn to before this  
13 day of September, 2013.



\_\_\_\_\_, Notary Public  
Wayne County, Michigan

My Commission Expires: Dec 3, 2019  
Acting in Wayne County

