

## **Exhibit 1**

**DECLARATION OF JACK COHEN, F.A.C.S., M.D.**

I, Jack Cohen, F.A.C.S., M.D., declare as follows:

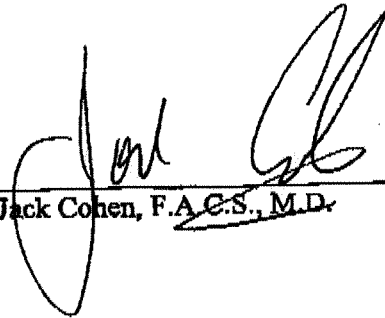
1. I am a medical doctor practicing ophthalmology with Illinois Retina Associates, S.C. I specialize in retinal surgery and ocular oncology. My office is located at 4711 West Golf Road, Suite 102, Skokie, IL 60067. My office phone number is (847) 677-1340. This declaration is based on my personal knowledge and if called to testify I could competently testify to the contents of this declaration.
2. I graduated from Rush Medical College in Chicago, Illinois. I completed my residency at Rush University Medical Center, and completed a fellowship in ocular oncology at the University of California, San Francisco and a fellowship in vitreoretinal surgery at Rush University Medical Center and Ingalls Hospital Professional Building in Harvey, Illinois. I am also an associate professor of ophthalmology at Rush Medical College and the program director of the residency program at Rush University Medical Center.
3. Charles H.R. Peters is one of my patients. On Friday, May 22, 2009, Mr. Peters came to see me for a follow-up office visit. During that visit, I diagnosed a retinal detachment in Mr. Peters' right eye, which required immediate treatment. In order to treat the retinal detachment, I performed emergency surgery on Mr. Peters' right eye that same afternoon. The surgery involved removing the vitreous from his right eye and replacing it with an injection of gas. As a result, there is currently a gas bubble in Mr. Peters' right eye.
4. The presence of the gas bubble in Mr. Peters' eye necessarily prevents him from flying. A change in cabin pressure during a flight, could cause devastating consequences, including blindness. Therefore, Mr. Peters may not fly until the gas bubble in his right eye

dissipates. Although the time it will take for the gas bubble to dissipate cannot be precisely determined, my best current approximation is that it will take four weeks.

5. As a result, Mr. Peters may not fly for four weeks from today's date, unless the gas bubble in his right eye dissipates more quickly than that.

Pursuant to 735 ILCS 5/1-1109, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 26, 2009

 5/26/09  
\_\_\_\_\_  
Jack Cohen, F.A.C.S., M.D.