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10	CITY ẨNĎ COUNTŸ OF SAN FRANCISCO	3 ±
11	IN THE UNITED STATES DISTRICT COURT	
12	FOR THE NORTHERN DI	STRICT OF CALIFORNIA
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14	CITY AND COUNTY OF SAN FRANCISCO,	
15	Plaintiff,	No. C 19-02405 WHA Related to
	vs.	No. C 19-02769 WHA
16	ALEVM AZAR II -4 -1	No. C 19-02916 WHA
17	ALEX M. AZAR II, et al.,	DECLARATION OF DR.
18	Defendants.	CHRISTOPHER COLWELL IN SUPPORT OF PLAINTIFFS' MOTION
	STATE OF CALIFORNIA by and through	FOR SUMMARY JUDGMENT AND IN SUPPORT OF THEIR OPPOSITION TO
19	STATE OF CALIFORNIA, by and through ATTORNEY GENERAL XAVIER BECERRA,	DEFENDANTS' MOTION TO DISMISS
20	Plaintiff,	OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT
21	vs.	and the control of th
22	ALEX M. AZAR, et al.,	Date: October 30, 2019 Time: 8:00 AM
23	Defendants.	Courtroom: 12 Judge: Hon. William H. Alsup
	COUNTY OF SANTA CLARA et al,	Action Filed: 5/2/2019
24	Plaintiffs,	
25	vs.	
26		
	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, et al.,	34 ·
27	Defendants.	
28	Detenuants.	

I, Dr. Christopher Colwell, declare as follows:

- I have personal knowledge of the facts set forth in this declaration and, if called as a witness, could and would testify competently to the matters set forth below.
- 2. I am Chief of Emergency Medicine at Zuckerberg San Francisco General Hospital and Trauma Center ("ZSFG"). I have served in that position since July 1, 2016. In this capacity, I oversee all emergency service operations for the City and County of San Francisco ("San Francisco" or "City"), including the Emergency Department at ZSFG.
- 3. Prior to coming to ZSFG, I was chief of the Department of Emergency Medicine at Denver Health and professor and executive vice chair of the Department of Emergency Medicine at University of Colorado School of Medicine. I have been an emergency physician for 24 years and have published more than 100 manuscripts or book chapters in the areas of prehospital, emergency and trauma care. I received my Bachelor of Science degree from University of Michigan and my medical doctorate from Dartmouth Medical School. I completed residency training in emergency medicine at Denver Health where I served as chief resident. I am a fellow of the American College of Emergency Physicians.
- 4. ZSFG is the only trauma center in San Francisco. In addition, ZSFG is the provider of trauma care for the northern portion of San Mateo County and thus has a service area of 1.5 million people. It has the highest trauma center designation (Level 1) which increases a seriously injured patient's chances of survival by an estimated 20-25%. The ZSFG trauma team serves nearly 4,000 adults & children annually for traumatic injuries.
- 5. Pursuant to ZSFG Administrative Policy 5.15, if a staff member in the ZSFG Emergency Department requests not to participate in an aspect of patient care because doing so would conflict with the person's religious or moral beliefs, the Department will honor that request as long as it does not negatively affect the quality of patient care. Importantly, however, if the immediate nature of the patient's needs do not allow for a substitution of personnel, individuals are required to perform their duties unless and until other competent personnel can be provided.
- 6. If individuals could categorically refuse to assist with a critical procedure—and suffer no repercussions—patients would suffer.

- 7. Every day, patients present in the ZSFG emergency room with life threatening conditions. Many times every month, those conditions involve serious complications relating to pregnancy or a sexually transmitted disease/infection. A team member opting out of those patients' treatment would put their health—and even lives—at serious risk.
- 8. Within the last few weeks, I was personally involved in the treatment of a healthy young woman who had bled substantially into her abdomen due to an ectopic pregnancy. Her condition was critical. If a member of the team responsible for her care had opted out of her treatment for any reason, the woman would have died before other competent personnel could have been substituted in.
- 9. Similarly, I was involved in the treatment of a young woman who was septic and hypotensive due to pelvic inflammatory disease resulting from a sexually transmitted disease. The patient required immediate treatment. If a member of the team responsible for her care had opted out of her treatment for any reason, the woman might have died.
- 10. Put simply, emergency medical teams cannot do our jobs and save people's lives if there is an option for team members to opt-out of providing emergency care.
- 11. If San Francisco's Health and Human Services ("HHS") funding were terminated, the results for the healthcare system in San Francisco would be catastrophic.
- 12. Because the vast majority of its funding comes from HHS, the ZSFG Emergency Department would likely be forced to close within months. I believe it would reasonably take more than three years for another hospital to build the necessary infrastructure and obtain the required verifications to open a similar program.
- 13. In the interim, other local hospitals would not be able to cover the increase in demand for emergency care. Accordingly, there would be no place in the region for patients with severe trauma to be treated. Patient care for individuals with major injuries like gun-shot wounds, stab wounds, severe blunt trauma, traumatic car crash injuries, and traumatic brain injuries would be severely compromised and more of these individuals would die.
- 14. In addition, the ZSFG Emergency Department personnel treat a wide range of non-traumatic complaints for a predominantly underserved, urban population. ZSFG is the primary

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1	provider of psychiatric emergency care in the City. Accordingly, closure of the Department	
2	would mean that thousands of people would lose access to medical care and individuals suffering	
3	psychiatric emergencies would have no place to be treated.	
4		
5	I declare under penalty of perjury that the foregoing is true and correct and that this	
6	declaration was executed on September 9, at San Francisco, California.	
7	() $()$ $()$	
8	Christopher Colwell, MD	
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