UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA

Renee S. Hartz, M.D.	*	CIVIL ACTION
·	*	NO. 06: 3164
	*	·
VERSUS	· *	· · · ·
· · ·	*	SECTION "A" (5)
VICTOR R. FARRUGIA,	*	JUDGE ZAINEY
Robert A. KUTCHER,	· *	
NICOLE TIGER, AND	*	MAGISTRATE CHASEZ
CHOPIN, WAGER, RICHARD &	*	· · · ·
KUTCHER LLP	*	
	*	

AFFIDAVIT OF PHILIP KADOWITZ, Ph.D.

STATE OF LOUISIANA

PARISH OF ORLEANS

BEFORE ME, the undersigned notary public, PHILIP KADOWITZ, Ph.D. personally came and appeared who being duly sworn did certify and state as follows:

1. I am Philip Kadowitz, Ph.D.

 I am a faculty member of the Department of Pharmacology of the School of Medicine at Tulane University.

3. At Tulane University School of Medicine when a faculty member is under review for an award of tenure the decision about that faculty member's qualification for tenure is referred to the Tulane University School of Medicine's Promotion and Honors Committee ("School of Medicine's Promotion and Honors Committee").

4. I served as a member of the School of Medicine's Promotion and Honors Committee in 2002 when the tenure dossier of Renee Hartz, M.D. was referred to the School of Medicine's Promotion and Honors Committee. Case 2:06-cv-03164-JCZ-ALC Document 74-4 Filed 02/25/09 Page 23 of 28

5. As a member of the School of Medicine's Promotion and Honors Committee to which the tenure dossier of Renee Hartz, M.D., was referred, I have firsthand personal knowledge of the facts contained in this affidavit.

6. Renee Hartz's tenure dossier was referred to the School of Medicine's Promotion and Honors Committee for determining whether she was qualified for an award of tenure.

7. On May 20, 2002, after reviewing Renee Hartz's tenure dossier, the School of Medicine's Promotion and Honors Committee, determined that Renee Hartz was qualified for tenure at Tulane University School of Medicine.

8. After determining that Renee Hartz was qualified for tenure at Tulane University's School of Medicine, the School of Medicine's Promotion and Honors Committee voted 7 to 2 in favor of a recommendation to award her tenure.

9. Thereafter, a recommendation to award tenure was forwarded to the Tulane University School of Medicine's Executive Faculty Committee ("Executive Faculty Committee") - an administrative committee despite its title.

10. The School of Medicine's Promotion and Honors Committee's recommendation to award Renee Hartz tenure was rejected by the Executive Faculty Committee.

11. Thereafter, the School of Medicine's Promotion and Honors Committee considered the Executive Faculty Committee's rejection of its recommendation to award tenure.

12. On July 15, 2002, the School of Medicine's Promotion and Honors Committee considered the Executive Faculty Committee's rejection of its recommendation to award Renee Hartz tenure, and again the School of Medicine's Promotion and Honers Committee recommended tenure.

Kadowitz, Ph.D.

Sworn To And Subscribed Before Me This 1940 day of <u>ENULIA</u> 2009 kaucoru **L'NOTARY**

PATRICIA A. BETHANCOURT, NOTARY PUBLIC (Louisiana State Bar Roll No. 20699) (My Commission Expires Upon Death)