

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-01364

STEPHEN PETER DUNNING,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Defendant)

AFFIDAVIT OF STEPHEN PETER DUNNING

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am over the age of eighteen (18) years and of sound mind. I reside in Cass County, Missouri. I have personal knowledge of the facts sworn to in this Affidavit.
2. I was born October 25, 1960.
3. I served as a United State Marine from about March 1979 until March 1985 when I was honorably discharged. Of those years, I spent roughly five years stationed at Camp Lejeune, North Carolina.
4. I was diagnosed with bladder cancer in or about January 2019.
5. Since my diagnosis and in particular this year, my disease has rapidly progressed as I explain below.
6. I was 58 years of age at the time I was diagnosed with bladder cancer and was then the director for business development with SafeRack LLC. This was a very rewarding and fulfilling position and I was earning a very good living doing it.
7. Almost immediately after my diagnosis, I had surgery to remove the cancerous tumors from my bladder and then began chemotherapy treatments. As I recall, my cycles were about every 12 weeks. During 8 of those 12 weeks, I would go in on Fridays and they filled my bladder with chemotherapy. I would then wait an hour with an overfilled bladder before I could relieve myself. This continued for a year, but unfortunately every time I was scanned, more cancer was present. The chemotherapy was not stopping its progression.
8. I then decided, in consultation with my doctors, to completely remove not only my bladder but also my prostate, all the lymph nodes in my waste, and 18 inches of intestine. It was a nearly 12-hour surgery, I was told. But it was either that or be dead

in two or three years, I was told, and I wanted to live. This was in early 2020, and I spent most of February and March admitted in the hospital.

9. My doctors did a wonderful job, but the results of my various treatments and surgeries have been devastating on my quality of life. I am no longer able to have physical relations with a partner. I am no longer able to work in the job that caused me so much joy. I am no longer able to do so many of the things that previously fulfilled me, but I am still grateful to have lived this long.
10. I had another surgery in about August 2020 to remove part of my inguinal muscle where the cancer had spread.
11. By February 2023, I thought I was having kidney stones, but turns out the cancer had then spread to my kidney. My left kidney and left ureter were clogged with cancer, as I understand it, which is why it felt like I was having kidney stones. The result of this news was another surgery, this one to remove my left kidney, left ureter, and gallbladder. I was in the hospital for another three weeks, roughly.
12. After I recovered from this operation, I then underwent double chemotherapy treatments for 16 weeks, through about October 2023. For each double dose, I had to go in each Tuesday morning and get a full dose in the morning, then another full dose in the afternoon.
13. I was deposed by the United States' attorney this past January 31. At the time, I testified that the next critical scan to see if there was any cancer was two weeks later, in February. I got very bad news from this scan – that my cancer had spread to my liver and now classified stage IV and terminal. This was devastating news and my treatment now is considered palliative in nature, as I understand it, and that I have less than one year to live.
14. Earlier this month, as a last-ditch effort, I traveled to Houston, Texas to the M.D. Anderson Cancer Center to see if I might qualify for some sort of clinical trial or alternative treatments. The doctors and staff there had all of my medical records, lab reports, the results of my liver biopsy, and a tissue sample. The upshot of my visit there was that the doctors did not believe there was anything they could do for me. They advised me my cancer was terminal.
15. My bladder cancer has unfortunately given me a death sentence, but as I testified in my deposition, even before I knew of this deadly metastasis, I still very much want to testify and tell my entire story live, in-person, in court there in North Carolina, and I will make every effort to do so if given that opportunity.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 29th of April, 2024.

STEPHEN PETER DUNNING

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this ____ day of _____, 2024.

AFFIANT:

Given under my hand and seal of office, this ____ day of _____ 2024.

Notary Public

[SEAL]