

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:23-cv-01368-BO-RJ

GARY MCELHINEY, SR. and SIMMONE	)
MCELHINEY,	)
Plaintiffs,	)
v.	)
UNITED STATES OF AMERICA,	)
Defendant	)

**DECLARATION OF GARY L. MCELHINEY**

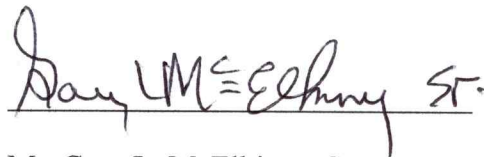
Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am currently 69-years old, and of sound mind. I reside in Williamson County, Tennessee. I have personal knowledge of the facts stated in this Affidavit.
2. I was born November 10, 1954. I am a Marine veteran who honorably discharged from active duty in 1995 after serving 24 years with the United States Marine Corps.
3. Starting in 2014, I began developing significant joint and bone pain throughout my body that I had never felt before and it was affecting my ability to continue to work as a truck driver for H.O. Wolding, Inc.
4. In 2015, I was forced to work less and less as a truck driver, and by 2016, I was no longer able to work at all – either as a truck driver or an instructor.
5. In 2016, the neuropathy, numbness and weakness in my hands and pain radiating down my back into my legs worsened. I was beginning to feel uneasy on my feet and had fallen several times, so I began to use a walking cane. Despite physical and occupational therapy and being put on medication, I continued to have near constant pain throughout my body.
6. In 2017 and into 2018, my symptoms of stiffness, slowness, fatigue, speech difficulty, loss of smell, neuropathy, as well as toe-curling and gait imbalance significantly increased and ultimately affected my mobility, causing me to fall at home and in public. I also began to have tremors in my right hand and right leg.
7. I was diagnosed with Parkinson’s disease on or around July 2018. Over the past six (6) years, my disease has rapidly progressed. My doctors have told me that my disease is degenerative and will continue to get worse.

10. Since the Parkinson's disease diagnosis, the symptoms have gotten worse. I suffer from increased dizziness, fainting, little to no grip, tremors, difficulty walking, stiffness, neuropathy, frequent urination, constipation, lack of smell or taste, significant disturbances in my ability to sleep, swallow, talk and remember things from the week earlier. I can no longer drive a car, fix things around the house, button my shirt or tie my shoes, use a fork, or even use a credit card machine.
11. I am currently doing three rounds of speech exercises per day to maintain my ability to speak. I also struggle to swallow and exhale, particularly when I am talking or eating. I continue to do physical therapy to help with my imbalance and gait, but my dizziness is getting worse.
12. My doctors have recently recommended deep brain stimulation and an increase in dopamine to help with my worsening symptoms.
13. On March 4, 2024, my in-person deposition testimony was taken. Although I was able to testify during the first couple of hours of my deposition, by the third hour my ability to speak and my breath became impaired. I was having trouble exhaling and swallowing, which required the deposition to stop. Unfortunately, this is a reoccurring problem I have, particularly the more I must talk. Although I see a speech and swallowing therapist, I fear that as my condition continues to deteriorate, I will not be able to effectively provide testimony at all.
14. Due to my Parkinson's disease, I have lost my employment, my ability to coherently communicate, my mobility and my self-identity. I am entirely reliant on my wife, Simonne, for all basic functions in my life.
15. Each day that passes is another day of my condition worsening, and what is the most frightening are the times that I am unable to breathe or swallow.
16. As my cognitive abilities decline and I struggle to maintain normal breathing, I remain hopeful that I live long enough to tell my story in court.

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

Executed on the 29<sup>th</sup> of April, 2024.

A handwritten signature in black ink that reads "Gary L. McElhiney Sr." The signature is written in a cursive style with a horizontal line underneath the name.

Mr. Gary L. McElhiney, Sr.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on this 29<sup>th</sup> day of April, 2024.

AFFIANT:

Daryl McElhinney Sr

Given under my hand and seal of office, this 29<sup>th</sup> day of April 2024.

Chelsea Mundy  
Notary Public

