

EXHIBIT 1

EXHIBIT 1

AFFIDAVIT OF MAX PFOST

STATE OF NEVADA)
)ss.
COUNTY OF WASHOE)

I, MAX PFOST, do hereby swear under penalty of perjury that the following assertions are true.

1. I have personal knowledge of the matters herein set forth as an employee of the Whittemore Peterson Institute (hereafter "WPI") since November 2008.
2. From November, 2008, to September, 2011, I worked closely with Dr. Judy Mikovits "Mikovits" and considered her my boss at the WPI.
3. On or about September 27, 2011, there was a package delivered to the laboratory at WPI from Japan. The package was addressed to Dr. Vince Lombardi. I opened the package and discovered that it contained cell lines that he was not allowed to have according to Mikovits. I called Judy Mikovits and informed her about the cell lines from Japan addressed to Dr. Lombardi. Mikovits informed me that she "would take care of it." I have since been told by Annette Whittemore, the Founder, President, and CEO, that Dr. Lombardi was indeed allowed to use the lines from Japan.
4. On or about September 29, 2011, I went to the dentist from approximately 8:30 a.m. to noon, when I returned to WPI. At approximately 12:30 p.m., I asked Mikovits if I could go home because my teeth hurt. Approximately a week before this, I had previously agreed to assist Mikovits in moving her personal items from her then residence at the Palladio at 3:30 p.m. that day. Mikovits agreed to let me leave work at approximately 1:00 p.m., but she reminded me that I was to meet her at the Palladio to help her move and then drive her to the airport to rent a car as we had previously agreed.
5. At approximately 2:30 p.m. I received a text message from Dr. Lombardi that asked me where I was. I informed him that I was in the Howard Building on the University of Nevada Reno campus, even though I was at home. Dr. Lombardi asked me to meet him in the WPI laboratory about a package. I contacted Judy Mikovits by her cell phone and informed her that Dr. Lombardi was looking for the cells. Dr. Mikovits said she would "handle it." I texted Dr. Lombardi and instructed him to contact Mikovits. I forwarded the text to Mikovits and said see you at 3:30 p.m.
6. A short time later when I was still at my home, a residence owned by Mikovits, Judy called and said she had been fired for insubordination and insolence. She was very angry. She stated that she had had enough of WPI. She stated that Dr. Lombardi has no right to do research work and that he should be only doing clinical work. She stated that WPI would go down and that I should

get out too. I drove Mikovits to the airport to rent the car but she forgot her driver's license. I drove her back to the Palladio where she retrieved her license, and we again returned to the airport where she rented a Jeep Compass. We again met at the Palladio where we packed as many things in the car as we could. I met Judy Mikovits at the Sierra Tap House at approximately 6 p.m. Mikovits stated that she planned to move the grants from WPI. She stated that she was going to try to move the RO 1 grant and the Department of Defense (DOD) grants and stop the Lipkin study. I expressed some skepticism to Mikovits about whether she could take the research and samples, and stated that Dr. Lombardi would take over the projects and continue on behalf of WPI. Mikovits stated that she was in charge of the research at WPI so technically it was her research and she could move it somewhere else at any time. Before I left the Sierra Tap House Mikovits gave me the keys to her desk and the keys to her office in order that I could gain access and take the WPI materials for Mikovits.


7. Mikovits then directed me to remove samples from the lab at WPI and all the notebooks from WPI containing irreplaceable research and data and provide them to her at a later date. She kept her laptop computer with the information from WPI with her. I left her at approximately 7:30 p.m. on September 29, 2011, and did not see her again until October 16, 2011.
8. Between 4:00 and 5:00 a.m. on September 30, 2011, I went to WPI to attempt to obtain the samples and notebooks for Mikovits. I was unable to gain access, so I left and returned at approximately 8:00 a.m. and parked near the loading entrance. I attempted to gain access to the lab to obtain the samples; however, it was on lock down and I could not obtain access. I had the door key in my left hand and the desk key in my right hand, and I went into Mikovits' office and retrieved the materials in less than a minute. I took between 12-20 notebooks for Mikovits. I put half of the notebooks in a backpack and carried the remaining out. I locked the desk drawer and the office door and took the keys with me. I took the notebooks to my car and concealed the notebooks, and then went through the front entrance at WPI and asked the employee at the desk what was going on. I was informed that the lab was locked and we were to go on vacation so I left at approximately 9:00 a.m. I drove the notebooks to my mother's home in Sparks, Nevada, where I stored them in her garage.
9. On or about October 16, 2011, Mikovits flew back to Reno for the purpose of retrieving the notebooks and WPI property. She requested that I set up a new, separate email account for our secret communications about WPI and she would do the same. My new email address is mapfost@gmail.com and Mikovits' new secret email address is jnaprilanne18@gmail.com.
10. Mikovits has repeatedly asked me to send items from the lab and to send them to Dr. Frank Ruscetti. Many of the items requested are irreplaceable. I did not send her additional items. On October 16, 2011, I gave her all of the notebooks I took from WPI on September 30, 2011. She informed me that she would store them in a safe location. Mikovits rented another car and drove the notebooks to the Los Angeles area. Mikovits informed me that she was hiding out on a boat to avoid being served with papers from WPI. It is my understanding and belief that the location where the notebooks are hidden is that of Lilly Meehan, 7081 Wolverine Street, Ventura, CA 93003. After I provided her with the WPI materials, I turned in her keys and other employee materials to WPI. I told WPI that Mikovits had just mailed me the keys, which was not true.

11. Judy Mikovits has retained the black lap top she used while at WPI that contains information belonging to WPI. She has also purchased a new computer since that time. She has been in contact with Lipkin through others including Dr. Ruscetti and others about transferring grants and research and projects away from WPI based upon the information she has stolen.

DATED this 16 day of November, 2011.


MAX PFOST

State of Nevada
County of Washoe
SUBSCRIBED and SWORN to before
Me this 16 day of November, 2011.


NOTARY PUBLIC

