COURT OF APPEALS OF TEXAS, FOURTH COURT OF APPEALS, SAN ANTONIO

David Goad v. Jamie Osborne and Eric Strey

Goad · No. 04-15-00219-CV; companion case 04-15-00218-CV · Decided September 18, 2015

SUMMARY

This document is a pro se appellant's second request for additional time to file an appellate brief in the Texas Fourth Court of Appeals. The request relies primarily on the appellant's claimed medical conditions and disabilities and asks to provide a status notice within 30 days.

OPINION

PER CURIAM.

Court of Appeal Number: 04-15-00219-CV, Trial Court No. 20I4-CV-0393 and companion case ^ Court ofAppeal Number: 04-15-00218-CV, Trial Court No: 2014-CV-0392 "vS DAVID GOAD § IN THE FOUWTjHSOURT^ Appellant, § 5, OO V. § § OF A JAMIE OSBORNE § & § ERIC STREY § Appellee's. § SAN ANTONIO, TEXAS SECOND REQUEST FOR MORE TIME Appellant. David Goad, makes this second request for more time to file his brief for the following reasons: 1.

Appellant has previously e.xplained to the court that he suffered a stroke back in 2009 with subsequent heart surgery in 2010. 2. Appellant is disabled as defined under the Americans with Disabilities Act. 3. In February of 2009. appellant went into atrial fibrillation (a-fib) as a result of being tortured; the stroke came shortly thereafter. This left appellant with post traumatic stress disorder (PTSD).

4. Appellant has symptoms of dementia. Attached and incorporated herein along with other exhibits please find Exhibit "A." This is an article relating mental decline due to a-fib. 5. See Exhibit "B" a 2010 letter from Texas Cardiac Arrhythmia. This letter documents a heart rate of 261 beats per minute (bpm). This was a device (Holter monitor) used for two days that was able to record a much high heart rate than other monitoring eqipment.

However, this is not even close to the much higher rates the appellant frequently endured, rates so high the monitoring equipment the appellant used would display "ERROR." It is believed that appellant's heart rate exceeded 300 bpm on these occasions and these episodes lead to the discovery of the appellant's PTSD. Mainly, but not always, during certain events or in certain environments the heart rate would skyrocket.

6. The PTSD was discovered when the Holter monitor was in place. This documented the appellant's heart rate more than doubling when he entered a certain environment. At times the heart rate tripled, but this is not documented on a Holter monitor. Rather, it is estimated based upon the condition the appellant was in, for example, the appellant would pass-out and fall to the ground or have to sit down immediately.

The 251 bpm recorded on the Holter monitor only caused a brief delay in walking. 7. Not only did the appellant have a-flb and a runaway heart rate, he also had flutter, see Exhibit "C." 1can only say that death felt eminent on a daily bases. 8. Exhibit "D" is the most current letter from a physician. SUMMARY 9. Just in September, appellant has briefs due in this court (4th court of appeals), the Texas Supreme Court 15-0663, and the Fifth Circuit Court of Appeals USDC No. 5:14-CV- 813.

Additionally, a critical emergency motion was to be in the hands of the Western District Court in San Antonio on July 20, 2015. Since July 17,2015, the appellant has suffered a severe setback that has stopped him in his tracks. Since the 17th of July he has only been able to write approximately 10 pages in total, all for "more time," believing health will quickly improve.

Health has not improved and it is not known when it will improve to a level that will allow the appellant the capacity to complete his work. Each time a court threatens the appellant with a dismissal it exacerbates the health issue.

Although the surgery was a success, it did not alter the underling cause of the appellant's illness and the a-fib does reoccur. REQUEST Appellant asks the court again to provide additional time to complete the brief. He respectfully asks that he be allowed to provide notice to the court in 30 days time regarding his ability to complete the brief as his health concerns have made deadlines all but impossible to meet.

DECLARATION L David Goad, if requested to do so, could and would competently testify under oath, based upon my personal knowledge, to the matters stated herein: The information provided in the attached SECOND REQUEST FOR MORE TIME is true. I freely swear under the penalty of perjurj' under the Laws of the United States of America that my above statements are true and correct to the best of my knowledge.

August 3, 2015 Respectfully submitted and attested to. DAVID GOAD, Plaintiffpro se 1154 Rivertree Drive New Braunfels, Texas 78130 Please notice new phone number 512-730-0762 CERTIFICATE OF SERVICE The undersigned certifies that on September 10, 2015, this SECOND REQUEST FOR MORE TIME was served on all parties in accordance with Texas Rules of Civil Procedure as set out herein below: Jeremy R. Sloan, Esq.

16500 San Pedro., Suite 410 San Antonio, Texas 78232 U.S. Mail David Goad •irisi Fibrillation's Rapid Heartbeat Can Speed Mental Decline -Hea... hilp:/,'wwvv.evcrydayhealth.com/news/atrial-

fibrillation-rapid-hcartbc. Brought to you by Everyday Health Racing Heartbeat Can Speed Mental Decline By Jennifer J. Brown,PhD, ©jjunebrown The rapid, Irregular heartbeat of atrial fibriUation is linked toearlier dementia.

Monday, January 13, 2014 People who have atrial fibrillation develop dementia at younger ages than those without Afib, finds a new study that shines a light on the relationship between heart health and brain health. Theresearch was published in Neurology. Atrial fibrillation, also called Afib, Is a common heart condition in which the heartbeat becomes irregular, putting a person at higher risk for stroke and heart failure.

In the aging US. population, both Afib and dementia are on the rise. Stroke is known to affect brain function and cause disability, but theeffect of theAfib that comes before stroke has not been clear. 'I have been interested in the overlap between heart health and brain health for a long time, said Evan Thacker, PhD, anepidemiologist and author of thestudy, who ison the staff of the Cardiovascular Health Research Unit at the University ofAlabama at Birmingham.

The connections between Afib and brain function are now coming into focus, said Dr. Thacker. We studied atrial fibrillation in particular because several studies mthe past showed cognition test scores were lower at one point, but did not track scores over time as people got older," heexplained. "As people get into their seventies, eighties and nineties, scores tend to go down, and we wanted to see if thatwould be truefor patients with atrial fibrillation as well.

As people's cardiovascular systems become less healthy, they need tothink about the impact on the restofthe body. The Heart Heatth-Brain Health Link The new study followed 5,150 healthy participants, aged 65 and up, for an average of seven years, and found that552 ofthem developed Afib, 11 percent ofthe group.

To screen for brain function, participants took a test ofmemory, orientation, calculation and verbal fluency each year; scores below 78 correct out of 100 pointed topossible dementia. Over time, scores went down more rapidly for peoplewith Afib afterthey reached age 75, by an average oftwo points every five years.

As they aged, people who were diagnosed with Afib developed dementia two years earlier on average, at age85. compared with age87 for people without Afib. People who were diagnosed with stroke were not included in thestudy, so theacceleration ofdementia wasnotthought to be due to stroke. But in the patients who had Afib, silent strokes caused by undetected clots may account for some decline in brain function.

People who developed Afib in the study were more likely to have other heart conditions, including • hypertension • coronary heart disease • heart failure Treat the Heart Problem, Save the Brain? It's possible thatany orall of these heart conditions influence brain function. What's clear isthat heart

health and brain health are connected as we age, according to Thacker; "One of the reasons people with atrial fibrillation get cognitive decline may be due to small blood clots in the brain.

Taking blood thinners may help, like they help prevent a stroke." He added that investigators hope tofigure cut which heart or blood clot or other medications may prevent loss of brain function in the coming Cardiologist William Abraham, MD, an Everyday Health columnist. Professor ofInternal Medicine and Chief of the Division of Cardiovascular Medicine at The Ohio State University College of Medicine In Columbus, put the findings into practical perspective, "Atrial fibrillation Isoften a result of high blood /9' pressure, so controlling high blood pressuremaybe a way to avoid both atrial fibrillation and the 8/7/2014 9:16 AM Fibrillalioii's Rapid Heartbeat Can Speed Mental Decline - Hea... http://www.everydayhealth.com/news/atrial-fibrillatlon-rapid-heartbe., associated earlier dementia.

Moreover, once atrial fibrillation occurs, the present findings support a more aggressive approach to treatment (cardioversion or atrial fibrillation ablation) as another possible way to avoid earlier dementia." The mental decline of dementia has been linked to aging, and so has atrial fibrillation. But dementia is not a normal part of aging. Instead, it is a set of symptoms including decreased brain functioning.

Changes in memory and language skills and, sometimes, delusions and hallucinations. Earlier dementia is a heavy burden for the aging patient and caretakers. Patients with dementia often need care 24 hours a day, and they may require constant supervision in order to remain safe. If further research supports Thacker's findings, treating heart conditions like Afib, high blood pressure, and heart failure could help lessen the dementia burden.

2or2 8/7/2014 9:16 AM Texas Cardiac Arrhythmia ^OOON IN 35. Ste 700 Austin. TX 78705 (612) 807-3150 Fax (512)^8-7879 ADivision of Cardkwascular Specialists nf Texas, PA 16 August, 2010 To Whom It May Concern: Mr. Goad is cur.n«y under my oa. for a-veje^diao distu*an=e.

We have now scheduled his surgery for asecond time on; August 19.2010. Due to Mr. Goad's heart condition, he is unable h'^rt been revoked by the State of Texas. In Feb ry, gaemed to occur on a dally rate at 261 beats per minute. This extremely high heart rate seemea xo ouwi basis. dumsiness and more. approxlmat^Ml^ after his surgery. Rodney P. Horton, MD Texas Cardiac Arrhythmia Texas Cardiac Arrhythmia 3000 N. IH 35.

Ste 700 Austin, TX 78705 www.tcaheart.com (512)807-3150 Fax {512)-458-7879 October 26, 2011 RE; David Goad DOB 1/16/57 To whom it may concern, This letter s^esJo-doGuro^^ Mr. David Goad's previously documented diagnosis of atrial fibrillation gnd a^ial flutter. ^These abnormal cardiac arrhythmias cause erratic and rapid electrical condiJCtTOfv4n tbe hdart leading to severe symptoms and a potential decrease In cardiac output.

Mr. Goad's symptoms included profound fatigue, heart palpitations, dizziness and shortness of breath. These symptoms have been debilitating for him. Respectful, l/r Rodney P. f^rton, MD '6' OUR MISSION "To Extend the Healing Ministry of Jesus Christ" CHRISTUS. SANTA ROSA MEDICAL GROUP Family Medicine Bulverde Claudlo C. Toledo, M.D. CSRMG 19851 State Hwy 46W Spring Branch, TX 78070 (830)438-8866 April 20, 2015 To Whom It May Concern, Mr. David Goad (DOB: 01/16/1957} has a medical condition which prevents him from working pending completion of diagnostic studies and definitive treatment.

In addition because of the nature of his cardiac condition, I recommend that he be allowed to be seated when necessary, as acute flare ups are episodic, and that some leniency be allowed regarding scheduling of appointments and proceedings. Sincerely, Claudio Toledo, M.D. 19851 State Highway 46 W (Suite 201 Spring Branch] TX 79070 Tell 830.438.8866 | Fax 830.438.9084