

STATE OF NEW MEXICO  
IN THE FIRST JUDICIAL DISTRICT COURT  
SANTA FE COUNTY

Arthur Firstenberg, Plaintiff,

-against-

No. D101CV201000029

Raphaela Monribot, Defendant.

**MEMORANDUM  
IN SUPPORT OF MOTION  
FOR RECONSIDERATION  
AND ISSUANCE OF PRELIMINARY INJUNCTION**

**Preliminary statement**

This Memorandum is submitted on behalf of the Plaintiff, Arthur Firstenberg, in support of his Motion for Reconsideration, filed this date.

**Basis for this Motion**

Plaintiff moved for a preliminary injunction on January 5, 2010, in an effort to regain access to his home, from which he contends that he has been expelled by radiation from electronic equipment operated by Defendant. The Court on April 5, 2010 denied Plaintiff's Motion for Preliminary Injunction on the grounds that he had not established a likelihood of prevailing on the merits. Specifically, the Court ruled that Plaintiff's diagnosing physicians did not establish causation by ruling in the likelihood that electromagnetic radiation caused the severe reactions they described. The Court also mentioned the need for citation to published literature, including articles showing that the dosage in issue is capable of causing harm. (Mem.,

April 5, 2010, at 5). In addition, the Court stated that it would be necessary to rule out possible psychiatric causes for Plaintiff's symptoms. (id. 6-7).

Attached is the affidavit of Dr. Olle Johansson, Associate Professor and Head of the Dermatology Unit in the Department of Neuroscience at the Karolinska Institute and a Professor in basic and clinical neuroscience at the Royal Institute of Technology in Stockholm, Sweden. The Karolinska Institute is the institution that awards the Nobel Prize in medicine. Dr. Johansson attaches his Curriculum Vitae, which includes a list of articles authored or coauthored by him in 1973 to the present that is 20 pages long. Many of his articles deal with electromagnetic sensitivity. Dr. Johansson is active as a peer reviewer for scholarly medical journals and is a member of eleven professional associations. He is a distinguished professor of dermatology and an expert in the impairment termed electromagnetic sensitivity. His reputation in the medical community is plainly impeccable. His writings stand in the mainstream of respected medical science. Dr. Johansson has been acquainted with Plaintiff for more than 12 years. (¶ 4)

Dr. Johansson avers in his affidavit that he has studied electromagnetic sensitivity since the 1970's. (¶ 5). He has observed and studied persons who showed reactions to electromagnetic radiation of the intensity of emissions from computer monitors and television sets. (¶¶ 5, 9) He reports that some electrosensitive individuals experience symptoms similar to a heart attack after exposure to electromagnetic fields. (¶ 9). We attach an article co-authored by him which discusses reactions experienced by persons exposed to low-intensity electromagnetic radiation. (Johansson, O., Hilliges, M., Björnhagen, V., Hall, K. (1994). "Skin changes in patients claiming to suffer from "screen dermatitis": a two-case open-field provocation study", *Exp. Dermatol.* 3:234-238)

The Court expressed concern whether Plaintiff's reactions are connected to a mental condition. Dr. Johansson states that some critics have claimed that symptoms of electrohypersensitivity "must be due to psychological or psychiatric personality disturbances, cognitive malfunction, or likewise," and he states flatly that, "based on over two decades of research and acquaintance with thousands of electrosensitive individuals, this is not the case." (§ 11). He points out that electrohypersensitive persons show several biological "markers" in facial skin that distinguish them from persons without such disability. (§ 10) We attach an article co-authored by him that explains this research. (Johansson, O., Hilliges, M., Han, S. W. (1996). "A screening of skin changes, with special emphasis on neurochemical marker antibody evaluation, in patients claiming to suffer from screen dermatitis as compared to normal healthy controls." *Exp. Dermatol.* 5:279–285).

Dr. Johansson also refers to a series of animal experiments, including tests of the effect of electromagnetic fields on cells and nerve fibers in the skin and thyroid gland of rats, which showed changes similar to those in tissues of human patients. (§ 11). He states that "animal results cannot be understood by psychological or psychiatric theories, but can only be due to the EMF exposure." (§ 11). We attach an article co-authored by him reporting on animal studies of electromagnetic radiation. (Rajkovic, V., Matavulj, M., Johansson, O. (2005b). The effect of extremely low-frequency electromagnetic fields on skin and thyroid amine- and peptide-containing cells in rats: an immunohisto-chemical and morphometrical study. *Environ. Res.* 99:369–377)

Dr. Johansson states that, based upon a description of Plaintiff's symptoms and the Defendant's electronic devices, it is likely that Plaintiff's heart arrhythmia was due to electromagnetic exposure from Defendant's house next door. (§ 13).

Plaintiff submits that, in the context of a motion for preliminary injunction, the additional evidence contained in the affidavit of Dr. Johansson demonstrates published scholarly support for the attribution by Plaintiff's physicians of symptoms of electrohypersensitivity to the effects of radiation. Further, that affidavit suffices to resolve the Court's questions whether Plaintiff's medical reactions could be caused by emissions of the strength of those from Defendant's equipment. Finally, Dr. Johansson's affidavit should be put to rest and the possibility that a mental condition may have caused those reactions.

### **Conclusion**

For the reasons set forth herein, and weighing the severe impact on Plaintiff of being unable to use his home for the last six months, and being unable to stay in hotels, the Court should exercise its discretion to enter a preliminary injunction as prayed in favor of Plaintiff pending the trial of this case.

Respectfully submitted,



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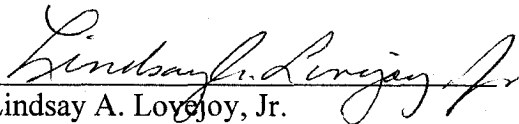
April 20, 2010

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 20, 2010, he caused a copy of the foregoing Memorandum to be served by first class mail upon counsel for the Defendant:

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