

Exhibit 14

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE CIRCUIT COURT
FOR BALTIMORE CITY

QUYAISHA COLES, Minor,)
by Her Mother and Next Friend,)
VERONICA SCOTT,)

Plaintiff,) Case No.

v.) 24C01004337

KENNEDY KRIEGER INSTITUTE, INC.,)

et al.,)

Defendants.)

DEPOSITION OF CLARK H. McNUTT
Taken in behalf of the Plaintiff

October 8, 2003

VOLUME I

* * *

Page 46

1 Q. Neither was supposed to be an abatement of lead
 2 paint hazards, though, correct?
 3 MS. IVERSON: Objection, form.
 4 BY MR. KAZMIERCZAK:
 5 Q. Was either supposed to be an abatement of lead
 6 paint hazards?
 7 A. No.
 8 Q. Who was ERI's client for doing these
 9 interventions?
 10 MS. IVERSON: What interventions?
 11 MR. KAZMIERCZAK: Interventions that he's
 12 just talked about, I believe.
 13 MS. IVERSON: I'm going to object because
 14 it's not been clear here. He's been referring
 15 to documents that are specific to 911
 16 North Collington, and, yet, you're taking
 17 broadly in terms of some contract and
 18 generality.
 19 I think if you can clarify the question, if
 20 whether he's speaking in generalities or
 21 whether he's speaking specifically to
 22 911 North Collington that would be helpful.
 23 BY MR. KAZMIERCZAK:
 24 Q. Did Kennedy Krieger ever pay ERI directly for
 25 performing level one interventions?

Page 48

1 MS. IVERSON: In anything?
 2 MR. KAZMIERCZAK: Well, let's back up,
 3 then. We'll do it this way.
 4 BY MR. KAZMIERCZAK:
 5 Q. Did ERI have any discretion at all regarding
 6 the scope of any environmental interventions
 7 performed to 911 North Collington?
 8 MS. IVERSON: Before you answer the
 9 question can I ask you to break the question
 10 down? He's spoken now about a level one
 11 intervention, which is environmental cleaning.
 12 I think that is different from the earlier
 13 questions that he was asked about the
 14 specifications. So I think you're blending
 15 these two. Which one are you talking about?
 16 MR. KAZMIERCZAK: Well, for a level one
 17 intervention.
 18 MS. IVERSON: The cleaning?
 19 MR. KAZMIERCZAK: The cleaning.
 20 BY MR. KAZMIERCZAK:
 21 Q. Did ERI have any discretion at all as to the
 22 scope of that intervention, if you will?
 23 A. No.
 24 Q. Whose discretion or whose direction were these
 25 performed according to?

Page 47

1 MS. IVERSON: In what context?
 2 MR. KAZMIERCZAK: In the context of the
 3 study.
 4 MS. IVERSON: In the TLC study?
 5 MR. KAZMIERCZAK: Yes.
 6 THE WITNESS: Yes.
 7 BY MR. KAZMIERCZAK:
 8 Q. In the context of work performed by ERI in the
 9 Kennedy Krieger, TLC study who was --
 10 MR. DAILY: If you can keep it up again,
 11 I'm sorry.
 12 MR. KAZMIERCZAK: Sorry.
 13 BY MR. KAZMIERCZAK:
 14 Q. In the context of work performed by ERI in the
 15 TLC study who was ERI's client?
 16 MS. IVERSON: Objection to form. Go ahead.
 17 THE WITNESS: We invoiced Kennedy Krieger
 18 for all the work that we did.
 19 BY MR. KAZMIERCZAK:
 20 Q. Okay. So is my understanding correct that ERI
 21 had no discretion regarding the scope of
 22 environmental interventions to be performed?
 23 MS. IVERSON: Objection, form. And, again,
 24 in what context?
 25 MR. KAZMIERCZAK: Throughout the TLC study.

Page 49

1 MS. IVERSON: Objection.
 2 THE WITNESS: Kennedy Krieger.
 3 BY MR. KAZMIERCZAK:
 4 Q. And ERI was doing this work at the behest of
 5 Kennedy Krieger?
 6 A. Yes.
 7 Q. Can you tell me what a level three intervention
 8 is or was?
 9 MS. IVERSON: In the context of the TLC
 10 study?
 11 MR. KAZMIERCZAK: Yes.
 12 MS. IVERSON: Objection to foundation. Go
 13 ahead.
 14 THE WITNESS: The TLC contract, it was
 15 three different levels of intervention on
 16 properties. It was level one, which we
 17 discussed earlier, a level two, and then a
 18 level three.
 19 Each level of intervention had a price cap.
 20 I believe the level one was \$1,750; the level
 21 two was \$3,500; and the level three was 7,000
 22 or 7,500. I may be wrong on those. They're
 23 close to that, but I can't remember.
 24 The repair and maintenance and the TLC were
 25 the same thing, but there was a few hundred