

Exhibit 27

IN THE CIRCUIT COURT
FOR BALTIMORE CITY

1
2
3
4 QUYAISHA COLES, Minor,
5 by Her Mother and Next Friend,
6 VERONICA SCOTT,

7 Plaintiff,

8 v.

9 KENNEDY KRIEGER INSTITUTE, INC.,
10 et al.,

11 Defendants.
12

) Case No.

) 24C01004337

13 DEPOSITION OF CLARK H. McNUTT
14 Taken in behalf of the Plaintiff
15

16 October 8, 2003

17 VOLUME I

18 * * *
19
20
21
22
23
24
25

Page 42

1 (Discussion held off the record.)
 2 MR. KAZMIERCZAK: For the record, I have
 3 just handwritten the page numbers in the upper
 4 right-hand corner in black pen. I came up with
 5 35 pages.
 6 BY MR. KAZMIERCZAK:
 7 Q. Mr. McNutt, can you refer me, I guess, to the
 8 field notes? Can you identify whether or not
 9 they're in this part of this packet?
 10 A. These drawings here, pages 11, 12, and 13,
 11 would come with the -- would come with this
 12 document here (indicating), pages 16 through
 13 30.
 14 I believe when we received this document
 15 there was a cover letter, also, requesting us
 16 to provide a proposal on our own letterhead
 17 using these notes and the diagrams.
 18 So we would be presented with these floor
 19 plan drawings, which would be the footprint of
 20 the building showing the basement, the first
 21 and the second floors.
 22 And then these field notes, this unit cover
 23 sheet, would tell us the level of intervention
 24 with the address and all. And then the field
 25 notes themselves would start with the front

Page 43

1 exterior, rear exterior, and then it would take
 2 you through the building just as if you were
 3 walking from the front to the back.
 4 And each area would have a letter
 5 designation which were tied to the floor plans.
 6 And the treatment options for each component
 7 within a room would be identified through the
 8 code I was speaking about earlier, that
 9 abbreviated code.
 10 So these forms here (indicating) all came
 11 from repair maintenance program. The cover
 12 letter was not, though. I was very familiar
 13 with the use of these because, actually, I
 14 helped develop them with Susan Kleinhammer at
 15 the beginning of the repair and maintenance
 16 contract.
 17 Q. So Kennedy personnel would go out, compose
 18 these field notes, and send them to ERI in
 19 order to turn them into a proposal?
 20 MS. IVERSON: Objection, form and
 21 foundation.
 22 BY MR. KAZMIERCZAK:
 23 Q. Who would compose the field notes?
 24 A. Well, we would receive them from
 25 Kennedy Krieger, so. I think there's initial

Page 44

1 identification as to who did each one. And
 2 then we were familiar with the Kennedy Krieger
 3 field staff at the time, so...
 4 Q. In these field notes, is it fair to say that
 5 they would be direction to ERI to what they
 6 wanted done to each particular property?
 7 MS. IVERSON: Objection, form and
 8 foundation.
 9 THE WITNESS: It identified room by room
 10 and area by area what the treatment was for,
 11 each of the components that were to receive
 12 treatment.
 13 BY MR. KAZMIERCZAK:
 14 Q. Okay. I guess what I'm sort of getting at is
 15 that this was direction to ERI as to what
 16 Kennedy wanted done, correct?
 17 MS. IVERSON: Objection.
 18 BY MR. KAZMIERCZAK:
 19 Q. Did ERI exercise its own discretion as to what
 20 should be done to each property?
 21 A. No.
 22 Q. So the discretion was Kennedy Krieger's as to
 23 what should be done?
 24 MS. IVERSON: Objection, form, foundation.
 25 THE WITNESS: Well, we didn't identify the

Page 45

1 areas or the components. We were given these
 2 field sheets to put together a proposal on our
 3 own letterhead. They were Kennedy Krieger's
 4 specifications, Kennedy Krieger's field notes,
 5 so...
 6 I think a lot of times we wouldn't even go
 7 out and see the properties, because all the
 8 dimensions and everything else were in these
 9 field notes, so...
 10 Q. Can you tell me what a level one intervention
 11 is?
 12 A. Level one is basically environmental cleaning.
 13 Q. Okay.
 14 A. And environmental cleanings were identified in
 15 these specifications, too. There was a lower
 16 level environmental cleaning, and then there
 17 was a more stringent application that was only
 18 utilized on vacant properties.
 19 So in an occupied property all you could
 20 really do was cleaning with TSP and sealing
 21 some of the surfaces with floor wax, and
 22 whatnot.
 23 In a vacant property you could paint the
 24 floors and do a lot more work. There was two
 25 types of environmental cleanings.