

Exhibit 33

IN THE CIRCUIT COURT
FOR BALTIMORE CITY

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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

* * *

ORIGINAL

Joined by Steinbock, Mundt & Galisky, Inc., in March 2002

**BEOVICH
WALTER
&
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1 disagree for reasons including but not limited
2 to the fact that he has just indicated that
3 there was some work. My understanding is, at
4 least, there was some crossover between the
5 studies which I think we're entitled to
6 explore.

7 Furthermore, this case, at least my
8 understanding of it, is this is sort of a lead
9 case, if you will, for the purposes of
10 discovery about these things.

11 We were trying to depose people in this
12 generally to address, you know, how the study,
13 in general -- hopefully that discovery will
14 apply to cases and earlier stages, as well.

15 So, for that reason, I guess -- we're out
16 here in Portland, Oregon. If he's
17 knowledgeable about these things, you know.

18 MS. IVERSON: All of the cases that you
19 have filed are cases that deal with the TLC
20 study. There's nothing dealing with the R & M
21 study, and not that it would be relevant here
22 anyway.

23 And I'm not sure what you mean about
24 "crossover," but they are two distinct studies.

25 The only study that is relevant at issue in

1 this case is the TLC study. And, therefore,
2 it's the only study that is relevant to
3 Mr. McNutt's testimony is any work that he may
4 have worked with Kennedy Krieger involving the
5 TLC study.

6 MR. KAZMIERCZAK: It's not just relevance,
7 but it's also potential to lead to admissible
8 evidence, which I think is a much broader
9 standard.

10 You want to make your objection that's
11 fine, I don't have any problem with that, but I
12 would like to see what Mr. McNutt has to say.

13 BY MR. KAZMIERCZAK:

14 Q. The question which was way back was, can you
15 tell me how ERI came to work with
16 Kennedy Krieger in regard to the studies that
17 you had mentioned?

18 MS. IVERSON: Objection as to pertains to a
19 nonrelevant study.

20 THE WITNESS: In, I believe it was 1988, I
21 was associated with another company, which was
22 MCS Environmental, and we were doing asbestos
23 abatement work at the time. And lead was
24 just -- people were just beginning to talk
25 about lead. So I did as much research as I

1 could on the subject.

2 And I had had a previous working experience
3 with the Enterprise Foundation through company
4 named Struever Brothers, Eccles & Rouse. And
5 we did quite a few projects with them, so I
6 knew a lot of people at the Enterprise
7 Foundation.

8 I hooked up with a gentleman named
9 Nick Farr, and asked for an introduction to --
10 which was City Homes, Barry Manquits
11 (phonetic).

12 I later found out that City Homes was
13 involved with a project through the city
14 builders program, which is a training program
15 through the city of Baltimore. And they were
16 doing lead-based paint abatement on properties
17 through this training program.

18 And the mayor, since the city was
19 self-insured, the mayor did not want the
20 potential liability, so they were looking for
21 another environmental contractor to take over,
22 I believe it was 75 homes in this particular
23 grant that the Enterprise Foundation was
24 involved with. I can't remember whether
25 Fanny Mae was involved in it or not, but

1 Enterprise was.

2 So I picked up that contract from the city,
3 and we performed lead abatement/lead hazard
4 reduction on some 75 properties for City Homes.

5 City Homes and Barry Manquits working with
6 Kennedy Krieger at the time, and they were
7 needing a contractor for what became the repair
8 and maintenance program. And myself and our
9 company -- I was no longer with MCS
10 Environmental. I was now with the ERI, which
11 was in 1991.

12 Through an invitation with Barry Manquits
13 at City Homes and Nick Farr with Enterprise
14 Foundation, I sat down with Dr. Mark Farfell
15 and a number of the Kennedy Krieger people, and
16 Susan Kleinhammer, and was asked to participate
17 in this contract.

18 We developed specifications for that
19 contract, and then we did different levels of
20 intervention. Levels ones, twos, and threes
21 on, I think it was 225 or 250 homes.

22 About two-thirds or three-quarters of the
23 way through that contract the TLC program was
24 going into place. And so we just kind of went
25 from finishing up the repair and maintenance