

Exhibit 38

Ceceilia Davoli, M.D. - 11/21/03

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1 QUYAISHA COLES, MINOR, IN THE
2 BY HER MOTHER AND NEXT FRIEND,
3 VERONICA SCOTT,
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5 Plaintiff CIRCUIT COURT
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7 vs. FOR
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9 KENNEDY KRIEGER INSTITUTE, BALTIMORE CITY
10 INC.,
11
12 Defendants 24-C-01-004337
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14 The deposition of CECEILIA DAVOLI, M.D.
15 was held on Friday, November 21, 2003, commencing at
16 11:16 A.M., at the Law Offices of Goodell, DeVries,
17 Leech & Gray, LLP, 20th Floor Commerce Place, One
18 South Street, Baltimore, Maryland 21202, before
19 William J. Counts, Notary Public.

20 APPEARANCES:

21 EVAN K. THALENBERG, ESQUIRE
On behalf of Plaintiff

DONALD DEVRIES, JR., ESQUIRE
On behalf of Defendants

ERICKA L. KLEIMAN, ESQUIRE
On behalf of Defendants

LARRISA N. MILLER, ESQUIRE
On behalf of Defendants

REPORTED BY: William J. Counts

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| <p style="text-align: right;">198</p> <p>1 Q So the "we" in this context refers to 2 Kennedy Krieger personnel? 3 A I don't know if it refers specifically to 4 Kennedy -- 5 Q When you read this to Veronica Scott and 6 you said, "We will have a doctor examine your 7 child," you didn't mean that a doctor would come 8 from Philadelphia to examine the child? 9 A No. 10 Q She would have reasonably assumed someone 11 from Kennedy Krieger would examine her child? 12 A Yes, the doctor would be from Kennedy 13 Krieger, I agree with that. 14 Q The last one is -- 15 A I agree with that completely. 16 Q Doctor, the last one, "We will check the 17 amount of lead in your child's body carefully." In 18 this context as read by Veronica Scott, the "we" is 19 Kennedy Krieger? 20 A Well, we would draw the blood, that is 21 correct. We, Kennedy Krieger, will draw the blood.</p> | <p style="text-align: right;">200</p> <p>1 In the context of the visit with this 2 individual child, the people that the parent and the 3 child would have come into contact with, by virtue 4 of being in the Baltimore center, would have been 5 Baltimore study site investigators. So while I 6 cannot completely agree that this "we" only refers 7 to Kennedy Krieger Institute, I will agree that this 8 child would have only been in contact with Baltimore 9 study site investigators. 10 Q So one would reasonably infer from being 11 read this that "We will check the amount of lead in 12 your child's body carefully," that the "we" referred 13 to Kennedy Krieger? 14 MR. DEVRIES: I object to what one would 15 infer. 16 A I don't know what they inferred. 17 Q You didn't mean Kennedy Krieger when you 18 said "we"? You meant Philadelphia? 19 A No, I did not say that, sir. I said that 20 this -- the mother of this child and I were 21 discussing what would happen within the Baltimore</p> |
| <p style="text-align: right;">199</p> <p>1 Q It says, "We will check the amount of lead 2 in your child's body." Was there any other doctor 3 in the room when you were reading this to Veronica 4 Scott? 5 A Not to my recollection. 6 Q So you are the only doctor in the room, is 7 that correct? So the "We will check the amount of 8 lead in your child's body carefully," could actually 9 be reasonably inferred to be you? 10 MR. DEVRIES: We can't assume what the 11 person who is hearing this is thinking at the 12 time. 13 MR. THALENBERG: I can. 14 MR. DEVRIES: She can talk about what she 15 said. 16 A I am not trying to be difficult. This TLC 17 consent form was a standardized consent form used in 18 all four centers. And this was the consent form 19 that was approved in all four centers, and 20 additionally approved by NIEHS. So this "we" in the 21 broad sense referred to all TLC study investigators.</p> | <p style="text-align: right;">201</p> <p>1 center. We never got into discussion of this "we" 2 referring only to the Baltimore center. 3 Q You read this to her, "We will check the 4 amount of lead in your child's body carefully." 5 What do you think she would think when you read that 6 to her? 7 A That she and I were discussing the 8 Baltimore, we were discussing with each other. You 9 are asking me if "we" only refers to Kennedy 10 Krieger, and I can't agree completely with that. 11 Q Let me ask you a couple more questions. 12 MR. DEVRIES: It's 10 after 5:00 you want 13 to keep going? 14 MR. THALENBERG: Yes. 15 Q During this meeting did you tell Veronica 16 Scott to move out of the house in which she lives? 17 A I don't really remember any details of 18 what I specifically said to Veronica Scott during 19 that visit. 20 Q Okay. But you don't remember telling her 21 that, do you? Do you remember telling her "that you</p> |