

f. "Dr. Wagner informed Mr. Jensen via telephone of his extreme skepticism of Insulin Potentiation Therapy on June 5, 2003.

"On June 9, 2003, Dr. Wagner met with the Jensens again, and again expressed his concern about Insulin Potentiation Therapy, and his concern about delaying chemotherapy treatment, as delay increased the chance that the tumor would recur and be more difficult to treat. Dr. Wagner asked the family if any more information would be helpful. The family declined."

These representations omitted several material facts, including the fact that, on June 9 and June 15, 2003, the Jensens informed Dr. Wagner and Dr. Corwin, respectively, that they were no longer considering IPT for Parker. The representation also omits that the family "declined" Dr. Wagner's offer for more "information" because it had fired PCMC as Parker's doctors, and because Dr. Wagner was still refusing to run the tests that could confirm Ewing's sarcoma, which was the information that the Jensens needed most. (Dr. Wagner's representation also omitted the material fact that the family had advised PCMC it would be seeking a second opinion and treatment from a different facility.)

82. Dr. Wagner knowingly or recklessly made the foregoing material misrepresentations and omissions, among others, to Cunningham with the intent of inducing DCFS to pursue medical neglect allegations against the Jensens, and to facilitate the issuance of a court order removing Parker from his parents' custody and forcing him to accept Dr. Wagner's recommendations. (At the time he made the misrepresentations and omissions, Dr. Wagner knew that DCFS would not conduct an independent investigation of his allegations before instituting removal proceedings in the Juvenile Court.)

"independent assessment" of Parker's medical condition. During the telephone conversation, Daren reiterated to Dr. Corwin the Jensens' earlier statement that they had already decided that IPT was not a solution for Parker. Additionally, it was Dr. Corwin, not Daren, who canceled the meeting (*see* ¶ 79).

89. The Petition was filed on June 17, 2003. Also on June 17, DCFS filed a Motion for Expedited Hearing and, without informing the Jensens, obtained a hearing date from the Court on their Petition for three days from then, June 20, 2003, at 11:00 a.m.

90. On June 18, 2003, Daren Jensen received a telephone call on his cell phone from a constable, who stated that he had some "papers to serve" on the Jensens. Barbara and the children were not at home, and Daren was on his way out of town. Daren offered to meet the caller in Spanish Fork to accept the papers, but the constable said that he could not drive all that way, and that he would get back with Daren. The constable later called back and said he had been instructed to leave the papers at the Jensens' door, which he did, reporting to the juvenile court that the Jensens had been "served" on June 18, 2003.

91. When Daren got home that evening, he read the papers that had been left on the Jensens' doorstep. From those, he learned that PCMC had reported Barbara and him to DCFS for medical neglect of their son, and that DCFS was now seeking a court order transferring custody of Parker to the State to start chemotherapy.

92. On June 18, 2003, the Jensens contacted Dr. Joerg Birkmayer, M.D., cancer specialist from Vienna, to whom they had been referred by a friend who knew Dr. Birkmayer and had confidence in him. Dr. Birkmayer had received a PhD in biochemistry from the