

PETREGA

Do you know who these nurses are?"

BARRY

I have them in my case records, yes I do. I have a full list of those who have communicated with me about the condition of the child."

PETREGA

And these nurses work, I'm sorry, I can't write that fast, the eld ... ?"

BARRY

The Eldridge medical center at bangerter and 39th, as well as the endocrinology clinic at the university medical center, primary childrens."

PETREGA

Uhm, you also swore to the fact here that the mother has not appropriately addressed the child's medical needs. Where did you get that information?"

BARRY

The communication by these assorted medical professionals and health care providers."

PETREGA

Anybody in particular."

BARRY

Yes, in particular, those at eldridge and those at the primary childrens medical center and the school nurse."

PETREGA

So, the statement that the mother has not been appropriately administering the child's insulin would also be that's where you'd get that?"

BARRY

I would say inadequately, not appropriately, inadequately, according to their testimony."

PETREGA

So I could change it instead of inappropriately, inadequately?"

BARRY

Yes."

JUDGE

Then do you want that amended, mr. amann? I think that's your petition, not your workers."

AMANN

I think they're synonymous, judge. The petition says the mother has not appropriately addressed his medical needs. You say the mother has inadequately addressed his medical needs. That's sixes for me, I'll amend it to that. That's fine. It says the same thing."

PETREGA

It doesn't make any difference to me, your honor. It's his petition. He swears to it, so."

Uhm, it says here that the child has fallen from the 50th percentile—I'm sure you're aware of that particular paragraph—the 50th percentile to five to ten to six and a half, to five and a half percent on each side of the ..."

BARRY

Those are all correspondent records from the physician."

PETREGA

Which physician?"

BARRY

This correspondence was sent to me by dr. hardin with regards to the concerns that were held by the medical staff at the endocrinology clinic for diabetes care, as it related to the ongoing investigation.”

AMANN

And this letter in fact details problems that Jordan has had, isn't that right?”

BARRY

Yes, sir.’

AMANN

Does that appear to be a true and accurate copy of the letter you received?”

BARRY

It does, indeed.”

AMANN

Judge, I would move to have this admitted into evidence.”

PETREGA

Uhm, your honor, I would object at this time to this document clearly being double hearsay. And additionally, this letter is not addressed to Barry [inaudible] this letter is addressed to 'dear dr. allen.' So anything in this letter would have been to the doctor. I don't even understand how he's at least—what is he stating that he knows that this letter, how did this letter come into his possession? He hasn't laid a foundation for this particular letter.”

JUDGE

All right, let's lay a foundation. I'm inclined to receive it. I think it goes to the weight I give it rather than to the court receiving it.”

AMANN

Mr. Richards, how was it that this letter from dr. hardin to dr. allen?”

BARRY

My recollection is that the collective concerns of the nurses and other health care providers at eldridge medical center, and at the endocrinology clinic at primary childrens health center, wanted to substantiate the concerns they had collectively with the physician who was the chief of staff at primary children medical center's statement and communicatyon to dr. allen who is a general practitioner obstetrician, pediatrician, excuse me. And he acquiesced his expertise and understanding to care and management of the child to dr. hardin.”

AMANN

And the concern that you had as a result of your investigation and receipt of this letter was for the life and condition that the child was actually in, is that right?”

BARRY

Indeed, it was.”

AMANN

And where is the child currently residing now?”

BARRY

In the shelter home of a shelter mother.”

AMANN

Jordan is currently ...”

BARRY

No, he as at the hospital, excuse me, at primary children's medical center.”

AMANN

Oh, and how long has he been at primary children's medical center?"

BARRY

I believe he was admitted on the 28th."

AMANN

So he's been there now for over a week?"

BARRY

Yes, sir—almost for two weeks."

AMANN

And then, judge I would still move for admission of that document as reliable hearsay into evidence."

PETREGA

Your honor, while the letter itself would be hearsay, the contents of the letter clearly would be double hearsay, due to the fact this is the diabetes nurse saw and she says unfortunately [inaudible] he did not arrive until 12:30 indicating that she in fact never did see her. So anything that she wrote in this letter, she got from a nurse who I don't know who it is. It says the mother stated, if you read through this letter, there is a notation that a doctor swinyard seen him. She's obviously referring to something else outside her own knowledge. So she's referring to probably something that's hearsay to begin with, at least double hearsay, some medical records, then she writes a letter that she clearly did not intend to go to docs. She wrote it to a doctor allen on sept. 18. the child wasn't removed on sept. 18, if I'm correct. The child was removed ten days later. So this letter wasn't drafted in order for it to be used for what it's being used for today. And it's clearly hearsay within hearsay. And at that, I would admit that this should be stricken, and not admitted."

JUDGE

Miss knight, do you want to speak to that issue?"

KNIGHT

Your honor, I believe that it's reliable hearsay. It's of course, a doctor who is gathering information isn't going to be the sole provider of that information. It's a team that sees this child, and they are working together. She coordinates the services for this child. She's gathered the information, and provided it to the court, and I believe that based on her expertise in this area, and that it's reliable [inaudible]."

JUDGE

Let me ask mr. amann, for what purpose are you seeking to have this introduced? To establish something?"

AMANN

To establish the basis for mr. richards' action."

JUDGE

All right. So it's based upon—this letter supposedly leads to some action by your witness?"

AMANN

That's correct."

JUDGE

Not to establish that everything in the letter or the exhibit is true or not?"

AMANN

committed perjury