

RESPONDENTS' APPENDIX

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RESPONDENTS' APPENDIX

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RESPONDENTS' APPENDIX A

* * *

[26] child for injury, illness and communicable diseases?

A. Say that again.

Q. Were you aware of the fact between April 1 of 2000 and January 1 of 2001, that such medical screening shall be performed by a licensed health care professional and shall be to examine the child for injury, illness and communicable diseases?

A. Yes.

Q. You were aware of that back at that time?

A. Yes.

Q. You just --

A. But I don't do that.

Q. No, that I understand. But you didn't think that it was your responsibility to follow up to determine that that had been done on any particular case?

A. No, because we wouldn't have the child if he had not had a screening.

Q. No, I understand you're saying that in the normal course of business --

A. Uh-huh.

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Q. -- with what you were doing, that the child, under these circumstances, would have come to you with a screening.

What I am saying is: If you did not notice

* * *

[44] Q. Okay. And once again -- I believe that I had read you the administrative code -- it was your belief that at the time, throughout the year of 2000, you did not have the authority to order any type of health screening?

A. No.

Q. And we can then assume that based upon that, even though specifically you don't know in this case, as a general rule you would not have authorized any type of health screening on any child under your care?

A. I don't have authorization.

MR. STRANZL: Object to form.

BY MR. STANZIALE:

Q. Based upon on that, you would not have ordered any health screening on behalf of any child in the year 2000?

A. No.

Q. Would I also be correct that under that belief during the year of 2000, you would not have followed

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up to see if any child under your care had actually had a health care screening?

MR. STRANZL: Object to form.

A. No.

BY MR. STANZIALE:

Q. Do you know for a fact if in reference to this

* * *

[46] Q. I gotcha.

A. Yeah.

Q. Did they ever, in your training, either prior to becoming a foster care caseworker or during that course have any type of training concerning the detection of a child possibly -- possibly being exposed to HIV?

MR. STRANZL: Object to form.

BY MR. STANZIALE:

Q. Do you recall anything about that?

A. We had some training, but I don't remember everything about it or whatever they told us. I just know that if the child was HIV-positive when it was born, they would have made me know for my protection.

Q. Okay. But you don't believe you had the authority that if you thought, based upon the circumstances of the child's birth, to ask for an HIV test?

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MR. STRANZL: Object to form.

A. No.

BY MR. STANZIALE:

Q. All right. No, as in you did not have that authority?

A. No.

Q. Let me show you what we're going to mark as
G.

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RESPONDENTS' APPENDIX B

* * *

[53] Is there anything that's different between a child not exposed and exposed?

A. Usually they don't need intensive care. They may need -- they may need a -- you know, there's a certain assignment of the number of patients per nurse. So they may need a -- instead of like, you know, four babies per nurse, they may need two babies per nurse because they tend to be more difficult, more time consuming, more challenging. You can't -- you know, you can't have as many challenging babies for one nurse to handle.

Q. Is that reported to social services, if the child's born with some kind of narcotic addiction?

A. I think in our hospital it would be.

Q. Are there any other tests that are done to a child born with -- who shows a positive test for narcotic substances?

A. Well, once again, it varies from hospital to hospital. In our hospital --

Q. In your experience. I'm talking about in your experience when you were a pediatrician in the nursery.

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A. Yeah. In our hospital, I think if you had a drug exposed infant, you probably would do an HIV test.

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RESPONDENTS' APPENDIX C

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STATEMENT OF THE ISSUES

Appellant, Shane Davis, seeks this Court's review of the following issue:

Whether the District Court reversibly erred in granting summary judgment for Defendants on qualified immunity grounds, and/or reversibly erred in denying Plaintiff partial summary judgment on the liability of Defendants Weaver and Riley, as the record contains circumstantial evidence of Defendants' subjective awareness of Plaintiff's serious medical need, creating a genuine issue of material fact from which a reasonable jury could find Defendants acted with deliberate indifference?

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