

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Anmarie Calgaro,

Civil Action No.: 0:16-cv-03919-PAM-LIB

Plaintiff,

vs.

St. Louis County; Linnea Mirsch, individually and in her capacity as Interim Director of St. Louis County Public Health and Human Services; Fairview Health Services, a Minnesota nonprofit corporation; Park Nicollet Health Services, a nonprofit corporation; St. Louis County School District; Michael Johnson, individually and in his official capacity as Principal of the Cherry School, St. Louis County School District; and J.D.K.,

**DECLARATION OF WILLIAM L. DAVIDSON**

Defendants.

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STATE OF MINNESOTA        )  
  ) ss.  
COUNTY OF HENNEPIN     )

William L. Davidson, states as follows:

1. I am an attorney representing Fairview Health Services in the above-captioned matter. I am making this declaration based on my personal knowledge and experience and I submit it pursuant to Fed. R. Civ. P. 56(d) in opposition to Plaintiff’s motion for summary judgment.

2. At this time, Fairview Health Services cannot present facts essential to justify its opposition to Plaintiff’s motion for summary judgment. The evidence of

the familial relationship between the Plaintiff and Defendant E.J.K. f.k.a. J.D.K. (“E.J.K.”) will be outcome determinative as to Plaintiff’s claims against Fairview Health Services because such evidence will address (1) whether Plaintiff emancipated E.J.K. before E.J.K. allegedly sought treatment from Fairview, and (2) whether E.J.K. satisfies the factual predicates of Minn. Stat. § 144.341 (2016).

3. The evidence on these issues is in the possession of Plaintiff and of E.J.K.

4. Fairview Health Services does not have control over either of these parties.

5. Fairview Health Services has not yet had an opportunity to seek discovery from either Plaintiff or E.J.K. The Complaint was served on Fairview on November 17, 2016, and the motion for summary judgment was served less than one month later, on December 15, 2016. The parties have not yet engaged in a Rule 26(f) scheduling conference or exchanged initial disclosures. As a result, discovery has not yet commenced. Fed. R. Civ. P. 26(d)(1).

FURTHER YOUR AFFIANT SAYETH NAUGHT.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Dated: January 5, 2017

/s/ William L. Davidson  
William L. Davidson