

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT DEPARTMENT
DEPARTMENT OF THE TRIAL COURT
CIVIL ACTION NO. 01-4686-E

THE DESISTO SCHOOL, Inc.,
Plaintiffs,
v.
OFFICE OF CHILD CARE SERVICES,
Defendant.

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AFFIDAVIT OF KATHERINE M. CLARK

I, Katherine M. Clark, hereby depose and state as follows:

1. I am submitting this Affidavit in support of the Office of Child Care Services' Complaint for Contempt against the Plaintiff, The DeSisto School, Inc. This affidavit is based upon my own personal knowledge of the events discussed herein.
2. I am the General Counsel for the Office of Child Care Services (OCCS).
3. I spoke to counsel for the Plaintiff at approximately 6:00 PM on Friday, October 19, 2001, confirming that OCCS licensors would be at the school on Monday morning.
4. I received a call from Lucy Foran, Director of Residential Licensing at OCCS at approximately 10:30 AM on Monday, October 22, 2001. Ms. Foran stated that she was being denied access to the school by Frank McNear, an employee of the School.
5. I contacted Alfred Gray, attorney for the Plaintiff, regarding this matter.
6. I received a second telephone call from Ms. Foran at approximately 10:50 AM. She stated that Mr. McNear had contacted Michael DeSisto, founder and Executive Director of the school, and Plaintiff was continuing to refuse entry to Ms. Foran.
7. At 11:30 AM Ms. Foran called and reported to me that the Plaintiff was still not allowing her to have access to the school.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY ON THIS 22 DAY
OF OCTOBER 2001.

Katherine M. Clark

Katherine M. Clark

General Counsel

Office of Child Care Services