

1 STATE OF MINNESOTA

DISTRICT COURT

2 COUNTY OF BROWN

FIFTH JUDICIAL DISTRICT

3 - - - - -

4 In the Matter of the Child of:

File No. JV-09-068

5 Colleen Hauser and Anthony Hauser,

6 Parents.

7 - - - - -

8 IN-CHAMBERS INTERVIEW OF DANIEL HAUSER

9 (FOR PUBLIC VIEWING)

10 The above-entitled matter came on
11 before the Honorable John R. Rodenberg, Judge of
12 District Court, in chambers at the Brown County
13 Courthouse, New Ulm, Minnesota, on the 9th day of
14 May, 2009.

15 APPEARANCES:

16 JAMES R. OLSON, Brown County Attorney, appeared for
and on behalf of the State of Minnesota.

17 CALVIN P. JOHNSON, Attorney at Law, Mankato,
18 Minnesota, appeared with and on behalf of Colleen and
Anthony Hauser.

19 PHILIP J. ELBERT, Attorney at Law, Mankato,
20 Minnesota, appeared with and on behalf of Daniel
Hauser.

21 THOMAS G. SINAS, Attorney at Law, Minneapolis,
22 Minnesota, appeared with and on behalf of the
Guardian ad Litem.

23 ALSO PRESENT:

24 COLLEEN AND ANTHONY HAUSER, Parents.

25 SHIREE OLIVER, Guardian ad Litem.

1 BY THE COURT:

2 Q What I want to do, Daniel, is be able to talk to
3 you, and I want to just be able to talk directly
4 across from you to the extent that I can.

5 Somebody get the doors, please.

6 Theresa here makes a record of what we're
7 saying. You've probably seen her in the
8 courtroom and hitting the keys. If you look on
9 her screen there, I think you can probably even
10 see the words come up. Can you see them?

11 One thing that we have to do when we're
12 talking to each other on the record here is that
13 you have to say words. I could see that you
14 went like this, you nodded, so I know you mean
15 yes, but her paper doesn't know that you meant
16 yes, okay?

17 A Yes.

18 Q There you go. That's good. And I know this is
19 difficult, Daniel. Do you want Daniel or Danny?

20 A Daniel.

21 Q Daniel. Okay. I know it's difficult for you;
22 you're in a difficult position.

23 A Yes.

24 Q Okay. What I want to first do, Daniel, is have
25 you tell me a little bit about yourself. Just

1 tell me where you were born and raised and tell
2 me what your family looks like and where you
3 live, and I know you live out by Sleepy Eye, but
4 tell me about what your life is like.

5 A Like what I do?

6 Q Yes. Have you lived in the same place all
7 along? Have you lived there all your life?

8 A Yes.

9 Q And how many people are in your family?

10 A All together?

11 Q Yes.

12 A Ten.

13 Q Okay. That's your mom and dad?

14 A Yes.

15 Q And then who else?

16 A All my brothers and sisters. There's seven.

17 Q Seven of them?

18 A (Moves head up and down.)

19 Q Okay. And where do you fall in the seven? Are
20 you the oldest?

21 A No, I'm the third.

22 Q You're the third. Okay. Who is older than you?

23 A Mary Ann is my oldest sister.

24 Q How old is she?

25 A 16.

1 Q 16?

2 A (Moves head up and down.)

3 Q Then who?

4 A Jenny.

5 Q Okay.

6 A She's 14.

7 Q 14. Then you, you're 13, right?

8 A Yeah.

9 Q And what's your birth date?

10 A March 26th, 1996.

11 Q 1996. Okay. Then who comes next?

12 A David.

13 Q Okay. And how old is David?

14 A Ten.

15 Q Okay. Then who?

16 A It's Greg.

17 Q Greg, and he's how old?

18 A Eight.

19 Q Eight. Then who?

20 A Katherine.

21 Q Katherine, and how old is she?

22 A She's six.

23 Q Okay. So she's in about first grade or

24 something?

25 A Yeah.

1 Q She'd be the equivalent of first grade,
2 something like that?

3 A (Moves head up and down.)

4 Q And then who is the seventh one?

5 A Joseph.

6 Q And how old is Joseph?

7 A He is four.

8 Q Okay. And so I got -- that's the end of the
9 kids?

10 A No, there's Elizabeth.

11 Q Oh, I see. That's how we get to seven. You
12 have seven brothers and sisters, plus you is
13 eight?

14 A Yeah.

15 Q Plus your parents is nine, ten. Gotcha. It's
16 early in the morning. I'll get better at my
17 math as the day goes on.

18 Who is the last one?

19 A Elizabeth.

20 Q And how old is Elizabeth?

21 A She's 16 months, I think.

22 Q So she's not exactly a baby, but close?

23 A Yes.

24 Q Okay. And you've always lived in the same
25 place?

1 A Yes.

2 Q It's a farm?

3 A Yep.

4 Q Where is it?

5 A It's five miles out of Sleepy Eye.

6 Q Which direction?

7 A East.

8 Q Toward New Ulm?

9 A Yes.

10 Q Do you come on Highway 14 from --

11 A No, it's Highway 27.

12 Q 27, the back way. Okay. So it would be, like,

13 about south of Essig somewhere?

14 A Yeah.

15 Q Okay. Do you guys ever go to Carl's, the

16 restaurant in Essig?

17 A Once in a while, we do.

18 Q Once in a while. That must not be real -- too

19 far from your house?

20 A A couple miles.

21 Q What do you like to do, Danny?

22 A I like to do field work.

23 Q Okay. What kind of field work do you guys do?

24 A We do digging, disking, planting.

25 Q So you have row crops, corn and beans?

1 A Yes.

2 Q Okay. Do you have hay fields too?

3 A Yes.

4 Q Okay. So do you work on that stuff too?

5 A Yes.

6 Q Do you have, do you have animals at your farm?

7 A Yes.

8 Q What do you have?

9 A Cows and heifers.

10 Q Do you milk?

11 A Once in a blue moon, I do.

12 Q Okay. But, I'm sorry, does the family milk?

13 A Yes.

14 Q Okay. So there's two milkings a day to do?

15 A Yes.

16 Q Okay. And sometimes you help, but sometimes

17 not?

18 A Yes.

19 Q Who mostly does that?

20 A My two sisters and mom.

21 Q The older sisters?

22 A Yes.

23 Q Okay. 16 and the other one --

24 A 14.

25 Q The other one that's older than you?

1 Okay. And you say you do it sometimes?

2 A Yes.

3 Q Is there any particular reason to why you do it
4 when you do it or everybody just pitches in when
5 needed?

6 A You pitch in.

7 Q Okay. What's your primary chores around the
8 house?

9 A My chores around the house?

10 Q Yes. Sounds like they're kind of in charge of
11 the milking, those two older girls; do you have
12 something that's mostly yours?

13 A We babysit.

14 Q You're babysitting the littler ones?

15 A Yes.

16 Q All right. What do you like to do if you get
17 some spare time?

18 A I like to play ball.

19 Q Baseball?

20 A Yeah.

21 Q Okay. Do you play in, like, bi-county league
22 or --

23 A No, we play --

24 Q Just play yourselves?

25 A My brothers and sisters play.

1 Q Do you have a place on the farm where there's --

2 A Behind the house.

3 Q Okay. There's a big open area?

4 A Yeah.

5 Q All right. How often would you say you do that
6 in the summertime? Not much in the wintertime,
7 I know.

8 A Whenever we can.

9 Q Any time you can. Sometimes every day?

10 A No, not all the time.

11 Q Not that much. How about in the wintertime,
12 what do you like to do? Do you like to go
13 outside in the winter, or do you like inside
14 activities?

15 A I like outside stuff.

16 Q Outside. What stuff?

17 A I like pushing snow and sledding.

18 Q Do you like shoveling snow?

19 A Yeah.

20 Q Really. There could be some use for you in some
21 households. I've known some 13-year-olds that
22 weren't so fond of that. At least two of them I
23 can think of.

24 Tell me about your religious upbringing
25 and your family's churches or church.

1 A What do you mean?

2 Q Tell me where you go to church and --

3 A We go to church in Mankato.

4 Q Where is that at? Do you know the name of the
5 church?

6 A No.

7 Q Okay. Do you know what -- is it a Lutheran?

8 A No, it's a Catholic.

9 Q Catholic church. Okay. Is it a big church or
10 little church?

11 A It's a littler church.

12 Q Okay. Is there an actual church building?

13 A Yes.

14 Q Who is your priest or pastor, whatever it is?

15 (Daniel looks at his mother.)

16 BY THE COURT:

17 Q That's okay if -- Daniel, if you don't know,
18 that's okay. "I don't know" is a perfectly good
19 answer, okay? What I want to do is I want to
20 talk to you instead of anybody else, okay? If
21 you don't know, that's fine.

22 A Okay.

23 Q Not sure?

24 A Not sure.

25 Q Okay. Do you guys go -- it's quite a ways away.

1 I mean, it's, like, a 45-minute ride each way,
2 something like that?

3 A Yeah, about.

4 Q Pretty close. Do you go every week?

5 A Every other Sunday.

6 Q Every other Sunday. Okay. Does your family
7 have other religious practices that they do on a
8 daily basis or on those Sundays when you don't
9 go to church?

10 A We pray the rosary on the Sundays we don't go.

11 Q Okay. Is that an organized family activity?

12 A Yes.

13 Q So everybody gets together and does it?

14 A Yes.

15 Q Okay. How about on any other days? I don't
16 want to presume that you only --

17 A We say one rosary every day.

18 Q Is that at a certain time of the day or --

19 A Whenever we get time. It's usually at night.

20 Q Usually at night. Do you do it as a group
21 activity?

22 A Yes.

23 Q So those who are old enough can say it, get
24 together and do it?

25 A Yes.

1 Q Your mom told me yesterday that she's done some
2 natural healing methods or some other ways of
3 thinking of healing than maybe some people do,
4 you know what I'm talking about?

5 A Yes.

6 Q Okay. Were you raised that way?

7 A Yes.

8 Q Tell me what that means to you. What happened
9 and when?

10 A What do you mean?

11 Q Well, when you got a sore throat when you were a
12 kid, what did your mom and dad do?

13 A She always rubbed some stuff on the chest.

14 Q Okay. Do you know what the stuff was?

15 A I don't remember, no.

16 Q Did it work?

17 A Yeah.

18 Q Okay. She put it on the outside of your chest?

19 A Yeah.

20 Q Like here?

21 If you had an earache?

22 A She used ear candle.

23 Q Ear candle. I've heard of it, but I don't think
24 I've ever seen it done. Tell me what happens.

25 A It pulls the wax out of your ear.

1 Q How does it do that?

2 A You light it on the end.

3 Q Do you lay down, I presume?

4 A Yeah.

5 Q Okay. And then what?

6 A Then you light it, and then you put it in your
7 ear and you suck it out.

8 Q Okay. Do you do it in both ears or just the one
9 that hurts?

10 A Just the one that hurts.

11 Q Okay. Did that seem to work?

12 A Yeah.

13 Q Okay. Did you ever have big cuts, you know,
14 like I had and my kids had cuts where you had to
15 put stitches in them?

16 A No, I didn't.

17 Q Did you ever have that?

18 A No.

19 Q Never did. Did you ever have any big cuts that
20 bled for a long time?

21 A No.

22 Q Okay. So that hasn't happened.

23 Did you ever break a bone?

24 A Not yet.

25 Q Never have, huh? Good for you.

1 not, perhaps, going to pronounce the name
2 correctly, but I'll try, Nemenhah?

3 A Nemenhah.

4 Q Nemenhah. When did you first hear about that?

5 A About a year and a half ago.

6 Q How did you hear about that?

7 A Through my mom's friends.

8 Q Okay. Do you know who those friends are?

9 A Yeah.

10 Q By name?

11 A I don't know their names, but I know one.

12 Q So if they came in, you'd recognize them as your
13 mom's friends?

14 A There's only one here, I think.

15 Q Is it someone who lives around here?

16 A Yeah.

17 Q Do you know that person's name?

18 A Jean.

19 Q Jean?

20 A Jean Ringer.

21 Q Jean Ringer?

22 A (Moves head up and down.)

23 Q Is she, like, a close friend of your family?

24 A Yeah. She drives for us to the cities and
25 stuff.

1 Q Oh, okay. So when you need some help with
2 transportation, she helps the family?

3 A Yes.

4 Q She's not a relative, though?

5 A No.

6 Q All right. So when you first heard about
7 Nemenhah --

8 A Uh-huh.

9 Q Did I say it right?

10 A Yes.

11 Q When you first heard about Nemenhah, who did you
12 hear about it from?

13 A Through mom.

14 Q Through your mother. And tell me about that
15 conversation. Let me understand -- tell me as
16 best you can what it was -- what was the
17 conversation about, how did it come up?

18 A I wouldn't know that.

19 Q Okay. Maybe you don't -- maybe you don't
20 remember the exact first time; is that right?

21 A Yeah.

22 Q Am I understanding what you're saying?

23 A Yeah.

24 Q So it was a series of conversations?

25 A Right.

1 Q Okay. I understand. I hear what you're saying.
2 Help me understand how the series of
3 conversations went.

4 A What do you mean?

5 Q What did you guys talk about? I mean, it could
6 have been anything from we're going to join this
7 church now or we're going to join this belief
8 system now to what do you think about this or
9 something else that I don't know about. How did
10 you and your mom or you and your dad both talk
11 about it?

12 A I don't remember.

13 Q Can't remember. What does that -- if you're too
14 warm, feel free to take your jacket off.

15 What does that Nemenhah belief system
16 consist of to you?

17 A To me?

18 Q Yes. Tell me what it means to you.

19 A It means that, to me, it means that I can do my
20 body no harm.

21 Q Okay. Explain that to me.

22 A I'm still in the convent of learning advanced
23 way yet. It takes a lifetime.

24 Q I understand. And I understand that no matter
25 what we talk about here, I will never be able to

1 fully understand your experience, nor you mine,
2 but I want you to tell me as best you can what
3 else it means to you.

4 A It means a lot.

5 Q Okay. Tell me.

6 A About?

7 Q What are the teachings? What is it that is
8 helpful to you?

9 A When I do traditional medicine, you mean?

10 Q Uh-huh.

11 A When I take it, I don't get sick at all. I feel
12 good.

13 Q What do you take for traditional medicine?

14 A I take vitamins, and I take a lot of green
15 foods.

16 Q Green foods?

17 A Yes.

18 Q What would they be?

19 A Like broccoli, broccoli, beans. Broccoli, beans
20 and eat a lot of salmon.

21 Q Salmon. Okay. Any particular way of preparing
22 those foods that's different?

23 A I like it the way they are.

24 Q Just raw broccoli and beans?

25 A Yeah.

1 Q Okay. How about organics?

2 A It's all organic.

3 Q Okay. Do you have to go to a special place to
4 get it that way?

5 A We get it at Cash Wise.

6 Q Really?

7 A Yeah.

8 Q Okay. When, when did you first learn, Daniel,
9 that you were sick with what the doctors say is
10 Hodgkin's lymphoma?

11 A I don't remember what day it was, but when we
12 went -- I had a really bad cough.

13 Q Okay. I wouldn't expect you to remember the
14 day, by the way.

15 A I had a really bad cough.

16 Q Was it last year sometime?

17 A No, this past winter.

18 Q Was it this year?

19 A (Moves head up and down.) I had a really bad
20 cough, and it wouldn't go away, and nobody else
21 was catching it, so I took some stuff and it
22 didn't do nothing.

23 Q What stuff did you take?

24 A I forget. So we went to the doctor and took an
25 x-ray, and then they seen the chest was full.

1 Q How long had you been having that cough for?

2 A About two weeks.

3 Q Okay. So it was this last year, this last

4 winter; is that right?

5 A Yeah.

6 Q There was still snow on the ground?

7 A Uh-huh.

8 Q And who -- which doctor did you go see?

9 A Dr. Joyce.

10 Q In Sleepy Eye?

11 A Yeah.

12 Q Have you seen him before?

13 A Couple days ago, I just seen him.

14 Q Had you seen him before that day?

15 A Yes.

16 Q Okay. How often would you first go see Dr.

17 Joyce?

18 A Before?

19 Q Before this all happened.

20 A Not -- about once a week.

21 Q I wonder about that. Like let's -- don't look

22 at anybody else. Just -- I want, I want to talk

23 that over with you just a little bit. Like

24 think back, like, a year ago, before any of this

25 happened, and you were feeling good?

1 A I was feeling good, but I was always the one
2 behind.

3 Q You were slower, I heard that from your mom.
4 You had maybe not as much energy as the rest; is
5 that right?

6 A No. I couldn't -- I couldn't breathe very good
7 either.

8 Q How long did that go back?

9 A I was always kind of like that.

10 Q Your whole life?

11 A About three, four years ago, yeah.

12 Q Okay. So you started feeling that way when you
13 were like, maybe, 9 or 10?

14 A Yeah, about, yeah.

15 Q Was it even before that too?

16 A No, I don't think so.

17 Q Okay. So for some years, you were just not able
18 to go as fast as everyone else?

19 A Right.

20 Q Okay. Did you go see Dr. Joyce during that
21 time?

22 A No, not -- I didn't go to see him until I
23 started coughing.

24 Q Okay. I think you misunderstood my question,
25 and so I'll try it again. You've seen him more

1 recently, since this coughing thing started?

2 A Right.

3 Q Before that, like in the three or four years
4 before that, did you see him at all?

5 A No.

6 Q Had you ever met him before this coughing thing?

7 A Yes.

8 Q Okay. So maybe just once or twice you'd seen
9 him?

10 A Yeah.

11 Q Do you know for what?

12 A For the chest, you mean?

13 Q I don't know. I'm asking you. Do you know why
14 you went to see him before all of this happened?

15 A No.

16 Q Okay. Okay. Go back to where we were. You
17 don't remember the date. I'm sure you don't. I
18 wouldn't expect you to. You go in and see Dr.
19 Joyce?

20 A Joyce.

21 Q In Sleepy Eye?

22 A And then he took an x-ray, and then he sent us
23 up to Children's Hospital.

24 Q Was that that same day?

25 A Yes.

1 Q So you went straightaway from Dr. Joyce's office
2 that very day to the Twin Cities?

3 A Yep.

4 Q Did he tell you anything about what he thought?

5 A No.

6 Q So you didn't have any opinions from him or any
7 medicines --

8 A He just sent us up there.

9 Q Just said get up there.

10 Okay. How did you get up there?

11 A My mom's friend.

12 Q This lady that we're talking about?

13 A Yes.

14 Q I can't remember her name already?

15 A Jean Ringer.

16 Q Jean Ringer. So Jean Ringer, did she drive you
17 up?

18 A Yes.

19 Q Who else went?

20 A Just me and my mom and Jean.

21 MRS. HAUSER: Excuse me, Your Honor, it's
22 Regner, not Ringer. Just --

23 THE COURT: Okay. The local spelling of
24 Regner is R-e-g-n-e-r?

25 MRS. HAUSER: Yes.

1 BY THE COURT:

2 Q Okay. So you and your mom and Jean --

3 A Right.

4 Q -- go up to the Twin Cities?

5 A Correct.

6 Q And you went to some hospital?

7 A Children's.

8 Q Okay. Had you ever been there before?

9 A No.

10 Q Had you ever met any of the people there before?

11 A (Moves head side to side.)

12 Q No? How did you feel about what was going on
13 that day?

14 A I didn't feel very good that I had to go up
15 there, but --

16 Q How were you feeling as far as this coughing
17 thing that day?

18 A Well, I went up there for three days.

19 Q Uh-huh.

20 A And they did that surgery here for the lymph
21 nodes to find out what kind of cancer.

22 Q I'll get to that part, but help me understand
23 how you felt when you went -- when you went
24 there. Not as this was going on, but when you
25 got there. Were you still coughing?

1 A Yes.

2 Q Okay. Were you feeling bad otherwise?

3 A Yes.

4 Q And then you saw -- did you see Dr. Bostrom?

5 A Yes.

6 Q I may not be pronouncing his name quite right,
7 but you know who I mean?

8 A Yeah.

9 Q And tell me what they told you.

10 A For -- just a minute.

11 (Mr. Johnson's cellular phone rings.)

12 MR. JOHNSON: I apologize, Your Honor; I
13 was in communication with Mr. Turner, and I
14 forgot the Court's directive on just one lawyer.

15 THE COURT: Right.

16 BY THE COURT:

17 Q Okay. What did Dr. Bostrom tell you?

18 A After he took the lymph node out?

19 Q After he did whatever he did.

20 A He told my mom I had cancer, and then mom told
21 me.

22 Q So he didn't actually tell you you had cancer?

23 A Right.

24 Q Okay. So you learned of that from your mother?

25 A Right.

1 Q All right. And then where were you, by the way,
2 when your mom told you that?

3 A I was in the room.

4 Q In the examining room?

5 A Where we stay, yeah.

6 Q Did they keep you there for some days?

7 A They -- the first time I was up there, they kept
8 me for three days.

9 Q Okay. What did they do during that three days?

10 A Just gave me some medicine.

11 Q Do you know what it was?

12 A I can't remember the name of it.

13 Q Okay. Did you have any conversation with your
14 mom or your dad about whether you should be
15 taking those medicines?

16 A No.

17 Q Did you have any hesitation your own self about
18 taking them?

19 A I didn't want to take them, but they made me.

20 Q They made you. So you felt like at that point
21 you didn't have any choice?

22 A Right.

23 Q Okay. So you stayed there for three days?

24 A Three days, and then we came back home.

25 Q Okay. Did they do any surgery during that three

1 days?

2 A Yes, they took the lymph node out.

3 Q Now, I heard the doctor say yesterday that the
4 very first time he saw you he sent you home for
5 a week, and then you came back and stayed for
6 some days, did I misunderstand?

7 A No, that's correct.

8 Q Okay. So the first time you went there, the
9 very first time you went there, you didn't stay
10 for three days?

11 A I stayed for three days, and I came back home.

12 Q I see.

13 A And a week later I had to go back up.

14 Q So you stayed the three days, but --

15 A Right.

16 Q -- you didn't have any surgeries during that
17 time?

18 A That's the surgery they did right up in here.

19 Q Okay. You're pointing at what I would call your
20 left shoulder area or just below your shoulder?

21 A Right.

22 Q What did they do there?

23 A They took a lymph node out.

24 Q Okay.

25 A And they checked what kind of cancer it was.

1 Q I see. Okay. And then they sent you home
2 without giving you any chemotherapy?

3 A Right.

4 Q All right. And told you to come back?

5 A Well, I had to come back because I couldn't
6 breathe anymore.

7 Q Okay. When you went back home at the end of
8 those three days, how were you feeling?

9 A I was feeling okay.

10 Q Were you feeling better or worse than when you
11 arrived or the same?

12 A I was about the same, but --

13 Q Still having a hard time breathing?

14 A Yeah.

15 Q Okay. Did they tell you -- did the doctors
16 there tell you to do anything when you went back
17 home as far as taking medicine or doing anything
18 else?

19 A No.

20 Q How, how long did you stay at home, then, before
21 you went back?

22 A About a week.

23 Q Okay. That's when the doctors started the
24 chemotherapy?

25 A When I -- when they put the port in, that's when

1 they started.

2 Q The next time you went back, the second time?

3 A Right.

4 Q Tell me about this port thing.

5 A It hurts.

6 Q Okay. What is it? I've never had one.

7 A It's a round circle right here.

8 Q Is it still there?

9 A Yes.

10 Q Can I see it?

11 A Yeah, if you want.

12 Q Okay. So it's underneath your skin, and it
13 looks like you've got a surgical scar, a couple
14 of them, one from up higher where they took the
15 lymph node out?

16 A Right.

17 Q And then you've got one down lower near what
18 looks like a little bump on your chest?

19 A Yeah.

20 Q That bump on your chest isn't real big, but it
21 looks like it -- you can feel it there?

22 A Oh, yeah.

23 Q I'm not going to feel it. Okay. So they put
24 that in --

25 A Right.

1 Q -- the second time?

2 Okay. What else did they do?

3 A Then after that, they, they did the chemo.

4 Q Okay.

5 A And I felt so sick.

6 Q Let -- I want to slow you down on that. Did --
7 when did they give you the chemo after they put
8 the port in? Right away, or did they wait some
9 time?

10 A I think they waited a day.

11 Q One day, approximately?

12 A (Moves head up and down.)

13 Q Okay. Did you talk to the doctor about the
14 chemotherapy?

15 A No.

16 Q Not at all?

17 A (No response.)

18 Q So you and -- Dr. Bostrom never talked to you
19 like I'm talking to you right now?

20 A No.

21 Q Who talked to you about the chemotherapy? Your
22 mom?

23 A Uh-huh.

24 Q Yes?

25 A Yes.

1 Q What was your conversation with her?

2 A I didn't want to do it.

3 Q Why didn't you want to do it?

4 A Because I didn't -- because -- what? Pardon?

5 Q You said, you said you were -- you were quite
6 sure about that, you didn't want to do it?

7 A Right.

8 Q Why is that?

9 A Because I didn't like the idea of it.

10 Q Okay. I have to say at age 13, I probably
11 wouldn't have known anything about chemotherapy,
12 so I need to know from you what you knew about
13 it at that point in time and why you didn't want
14 it.

15 A Because all the side effects.

16 Q How did you know that?

17 A My mom told me.

18 Q Did your mom tell you that at the hospital when
19 you were talking about it or had she told you --

20 A She told me before I had it.

21 Q Okay. And why is that?

22 A You mean all the side effects?

23 Q Uh-huh.

24 A That I would have all kinds of troubles after
25 the chemo.

1 Q I understand your aunt, your mom's sister, had
2 difficulties with cancer?

3 A Uh-huh.

4 Q Yes?

5 A Yep.

6 Q Did you know at the time, did you know that she
7 was having chemotherapy?

8 A Yes.

9 Q Did you see her when she was having
10 chemotherapy?

11 A Yes.

12 Q What did you see?

13 A She was really sick. She was sick, and I didn't
14 want to go through what she had to go through.

15 Q What did she look like or feel like?

16 A She felt really sick.

17 Q Did she tell you that?

18 A Yes.

19 Q What could you see? From looking at a person
20 sometimes you see things.

21 A She -- it's hard to remember.

22 Q How old were you when that happened?

23 A Five.

24 Q Oh, so you were quite a bit younger then?

25 A Yes.

- 1 Q Okay. So now let's go back to where we were.
2 You're at the hospital, Dr. Bostrom talks to
3 your mom, your mom talks to you, she says what?
4 What did she say?
- 5 A About the --
- 6 Q About the chemotherapy.
- 7 A I said no, and she said better do the first one.
- 8 Q Okay. Did she tell you why you should do the
9 first one?
- 10 A No.
- 11 Q Did you ask?
- 12 A No.
- 13 Q Did you trust your mom?
- 14 A Yes.
- 15 Q So you figured you would go along with her
16 decision because what she decided was probably
17 what was best for you?
- 18 A Right.
- 19 Q Okay. How -- I've never had chemotherapy either
20 so there's a lot of things you can teach me
21 here, Daniel. How do they do that?
- 22 A They did it through the port.
- 23 Q What do they do, attach a tube to you somehow?
- 24 A They put a needle in.
- 25 Q Okay.

1 A And then they put it through the hoses.

2 Q Okay. So there's, like, a bag that's got
3 something in it?

4 A I'm pretty sure there is.

5 Q Okay. All right. Do they give it to you
6 continuously over some time, or do they inject
7 it and then it's done?

8 A I think it's like a little bag.

9 Q Okay.

10 A And whenever that is empty.

11 Q So as soon as the bag is empty?

12 A Yeah.

13 Q Does that takes minutes, hours, days?

14 A It takes an hour.

15 Q Hour or so?

16 A (Moves head up and down.)

17 Q All right. Do you start feeling effects of it
18 right away, or does it take awhile?

19 A I feel it right away.

20 Q What do you feel when you had that?

21 A I felt really sick.

22 Q Okay. Sick can mean a lot of things. What
23 really sick did you feel?

24 A I couldn't, I couldn't walk barely.

25 Q So you were weak?

1 A I was really weak.

2 Q Okay. What else?

3 A And I couldn't walk, and I was sick. I was real
4 weak.

5 Q You made a motion like this that suggests
6 maybe -- were you feeling sick to your stomach?

7 A Yes.

8 Q Did you throw up?

9 A I threw up a bunch, yes.

10 Q More than once?

11 A Oh, yeah.

12 Q Okay. How else were you feeling sick?

13 A My gut was -- felt really sick.

14 Q So like when a person is sick to their stomach,
15 you have pain?

16 A I always had a gut ache.

17 Q A gut ache, right. Okay. Anything else you
18 noticed right away?

19 A Not really, no.

20 Q How long did they do that for in the port? Did
21 they just do it one time, or did they do it over
22 some days?

23 A I think they only did it once.

24 Q Okay. How long did you stay in the hospital
25 that time?

- 1 A 11 days.
- 2 Q Okay. Did they do other things while you were
3 there?
- 4 A Blood samples and x-rays, yeah.
- 5 Q Okay. Did they give you other medicines?
- 6 A Yes.
- 7 Q Do you know what they were?
- 8 A No. They just brought them in by pills. They
9 didn't --
- 10 Q So they were not giving you shots? These are
11 things you took pills of?
- 12 A (Moves head up and down.)
- 13 Q Yes?
- 14 A Yes.
- 15 Q Was that, like, more than once a day you'd take
16 pills?
- 17 A I'd take them whenever they came in.
- 18 Q Okay. It's been a long time since I was in the
19 hospital, but when I was in the hospital when I
20 was younger a couple times, they kind of made
21 rounds. There was a nurse would come around
22 with a cart, and they'd kind of go right down
23 the hall and everyone would get medicines. Do
24 they still do it that way?
- 25 A I think they do.

1 Q Okay. This was a long time. I'm old. This was
2 a long time ago.

3 You were there for 11 days?

4 A Right.

5 Q When you left, how were you feeling?

6 A I was feeling really sick when I left. I
7 couldn't barely get in and out of the car.

8 Q So were you any better than you were right away
9 after the chemo, were you worse, or were you the
10 same?

11 A I was a lot worse.

12 Q Lot worse. And at that point you're saying you
13 still had trouble walking?

14 A Right, it took a few days before I could --
15 about a week.

16 Q About a week after you got out of the hospital
17 or a week while you were in the hospital?

18 A A week after I got out of the hospital.

19 Q So you got out of the hospital. You still
20 weren't able to walk very well?

21 A Right.

22 Q And even for some weeks after that you weren't
23 able to walk very well?

24 A Right.

25 Q Okay. What else were you feeling like when you

1 left the hospital?

2 A When I got home, I had -- that's all I did is
3 just laid on the couch until I could move.

4 Q Okay. How about the stomach thing, were you
5 still feeling sick to your stomach?

6 A Yeah, they brought medicine home for that.

7 Q Who did?

8 A The nurses. Mom brought it home, but the nurses
9 gave it to my mom.

10 Q Okay. So were there nurses seeing you at your
11 house?

12 A Yes.

13 Q Okay. Where did they come from?

14 A I think they came from New Ulm.

15 Q Okay. So some of the medicines you took at your
16 house required that a medical person be there?

17 A No.

18 Q Okay. But there were nurses there?

19 A Once in a while, yeah.

20 Q Okay. Were you taking any other things that
21 weren't prescribed by the doctors?

22 A No.

23 Q Vitamin pills or anything?

24 A Just pills, them drug pills, yeah.

25 Q Okay. And you don't remember what they were?

1 A Uh-uh.

2 Q No?

3 There was a problem with your left arm at
4 some point?

5 A The blood clot?

6 Q Yes.

7 A Yeah.

8 Q When did that start? I'm not asking for a day,
9 but did it start before, after you got out of
10 the hospital, sometime after you got out of the
11 hospital?

12 A Well, I was in the hospital when I had it.

13 Q Okay. So that actually started in the hospital?

14 A (Moves head up and down.)

15 Q Yes?

16 A Yes.

17 Q How did that feel to you? What did it feel
18 like?

19 A I didn't like it because --

20 Q Did it hurt?

21 A No, it didn't hurt.

22 Q What happened that drew it to anyone's
23 attention?

24 A If I, you know, if I moved my arm too much or
25 jerked it, it could break off and go to the

1 heart, and I could have a heart attack.

2 Q That's what somebody told you?

3 A What?

4 Q Did somebody tell you that?

5 A Yeah, the nurse did.

6 Q Okay. How did the nurse even know, if you know,
7 how did she even know that you had it?

8 A I think they did an ultrasound or something.

9 Q Was your arm swollen or was it painful or was it
10 warm?

11 A I don't know. They -- I think it was warm.

12 Q Okay. For some reason, they did some tests?

13 A Yeah.

14 Q Okay. And they found it was a clot, and they
15 said that could cause problems if it broke
16 loose?

17 A Right.

18 Q All right. And that's what the doctors told me
19 yesterday was called deep vein thrombosis. Have
20 you heard that word?

21 A No.

22 Q But that wasn't actually bothering you,
23 yourself, until they told you about it?

24 A Right.

25 Q All right. Okay. When you left the hospital,

1 did you know when the -- what the doctors had
2 told you to do in the future?

3 A They didn't really tell me anything to do.

4 Q Okay. When did you first hear that the doctors
5 were suggesting you have some more chemo?

6 A I think it was, like, a month later or
7 something.

8 Q Okay. How did you hear that?

9 A They told me before I left.

10 Q Before you left the hospital?

11 A Right.

12 Q Okay. So, again, I may not have asked the
13 question very well. Somebody talked to you
14 while you were in the hospital during that
15 11 days about coming back, huh?

16 A Right.

17 Q Okay. Who was that?

18 A Dr. Bostrom's nurse.

19 Q Okay. And who else was present during that
20 conversation?

21 A My mom.

22 Q What did the nurse say, as best you can recall
23 it?

24 A What did the nurse say about --

25 Q Right, about coming back or what they were

1 recommending.

2 A They said I should come back in about a month.

3 Q Okay.

4 A To do chemo, but we never did come back.

5 Q You never did. Did you or your mom tell the
6 nurse anything about not coming back that day?

7 A No.

8 Q Was there any discussion about not coming back?

9 A No.

10 Q Did you talk about it when you got home?

11 A Talked to dad about it.

12 Q Your mom and dad talked about it?

13 A Yes.

14 Q Okay. Did they talk to you about it?

15 A No, because I was so sick.

16 Q Okay. So for that first week or so that you
17 were talking about it, you were probably not up
18 to talking about much of anything?

19 A Right.

20 Q After that week went past, you're up and
21 walking, right?

22 A Right.

23 Q Feeling somewhat better?

24 A A little better.

25 Q Little better. Did they talk to you about it

1 then, about whether you should go back?

2 A Yeah.

3 Q Okay. Tell me about that conversation.

4 A They didn't want to go back because the blood
5 clot was there, because another chemo it could
6 break it off and go to the brain or something.

7 Q Okay. Do you remember who said that?

8 A The nurse, I think, said that, told mom, and
9 then mom told me.

10 Q So where you learned about it from was your mom?

11 A Right.

12 Q Okay. What did you think about that?

13 A I didn't want to do it.

14 Q You didn't want to do the chemo?

15 A Right.

16 Q Tell me what you were thinking at that point.
17 Not what anyone else told you, what you were
18 thinking.

19 A If it went to the brain, I would have less
20 chance of living.

21 Q If this blood clot went to the brain?

22 A Right.

23 Q Right. What were you thinking about the
24 lymphoma at that point?

25 A I didn't really mind because they said it's an

1 easy one to cure.

2 Q Who said that?

3 A The nurse.

4 Q The same nurse that said you should come back
5 for more chemo?

6 A Right.

7 Q Were any of the people with Nemenhah talking to
8 you during that period of time?

9 A No.

10 Q Do you know if your mom was talking to the
11 Nemenhah people?

12 A I don't know.

13 Q Not sure?

14 A No.

15 Q Okay. Did your mom talk to you during that
16 first few weeks after you got out of the
17 hospital?

18 A Uh-huh.

19 Q Okay. We're talking about after the first round
20 of chemo, did your mom talk to you about
21 alternative medicines?

22 A Right.

23 Q Tell me about those conversations.

24 A When we tried them, I was getting better and
25 better.

1 Q Before you tried them, how did you come to that
2 decision?

3 A Before I tried them?

4 Q Right.

5 A I thought --

6 Q See, here's what I'm hearing. Let me try and
7 help you with what I'm trying to get to here.
8 You've been to the hospital. You have the first
9 round of chemo?

10 A Correct.

11 Q You feel crappy?

12 A Yes.

13 Q You've got this thing in your left arm, this --

14 A Port?

15 Q Clot.

16 A Clot, yeah.

17 Q You're still -- you're back at home, you're on
18 the couch flat for at least a week, then
19 somebody says something about alternative
20 medicine?

21 A Correct.

22 Q Tell me about the alternative medicine.

23 A When she said she wanted to try it, you know,
24 then I figured I should try it. I kept getting
25 better when I took it, and I figured I should go

1 that route.

2 Q Okay. When you took it, you felt better, right?

3 A Correct.

4 Q Before you took it, what was the discussion
5 about?

6 A I don't remember.

7 Q Okay. Did it involve any conversation about
8 Nemenhah?

9 A I think it did, yeah.

10 Q What -- do you know what you were taking or
11 started taking?

12 A When I first started?

13 Q Right. What were you taking? I've heard some
14 conversation about ionized water, I've heard
15 some conversations about vitamins, but I don't
16 know. Do you know?

17 A When we first started, it was vitamins and this
18 Kangen water.

19 Q What?

20 A Kangen water.

21 Q What's that?

22 A It's high pH water.

23 Q Okay. Where do you get that from?

24 A Our uncle.

25 Q Okay. Who is your uncle?

- 1 A Vern.
- 2 Q Vern who? Hauser?
- 3 A Yeah.
- 4 Q All right. Do you know what vitamins you were
5 taking?
- 6 A No, I don't remember.
- 7 Q Have you always been doing the same thing ever
8 since then, or have you changed or added?
- 9 A I never changed.
- 10 Q Still taking the same stuff?
- 11 A Yes.
- 12 Q Tell me about that. What is your -- what are
13 you taking a day?
- 14 A How many pills, you mean?
- 15 Q Whatever, pills, water, fruits, you name it.
- 16 A I drink about a gallon and a half of water a
17 day.
- 18 Q Of this special water?
- 19 A Right.
- 20 Q Okay.
- 21 A And I take pills three times a day, every meal.
- 22 Q Okay. And you're not precisely sure what the
23 pills are?
- 24 A No.
- 25 Q Okay. What else?

- 1 A What I take?
- 2 Q Yeah. I understand the diet has something to do
3 with it?
- 4 A Right.
- 5 Q Is there any --
- 6 A I can't have any sugar.
- 7 Q No sugar. Okay. You're doing a great job, by
8 the way. That's what I understand. What else
9 do you eat during the day?
- 10 A Usually eat a apple or carrots or something.
- 11 Q Okay. So you eat some fruit?
- 12 A Right.
- 13 Q Couple times a day?
- 14 A Right.
- 15 Q And you told me that's organic?
- 16 A Yep.
- 17 Q Okay. What else?
- 18 A I eat a lot of fruit. I eat eggs.
- 19 Q Are those any special kind of eggs?
- 20 A Eggs from the hen house.
- 21 Q From your own hen house?
- 22 A Right.
- 23 Q Okay. So you guys have chickens on the farm?
- 24 A Yep.
- 25 Q Keep going. Doing a great job.

1 A We have that -- some bread. We buy bread from
2 Cash Wise that's organic.

3 Q Okay.

4 A It's no yeast and no, no bread. They don't use
5 bread to make it.

6 Q Okay. They make the bread in a special way?

7 A Right.

8 Q All right. Okay. Anything else?

9 A Not as -- no, I don't think so.

10 Q Okay. How do you feel these days?

11 A I feel really good.

12 Q How -- I was told that you weren't feeling so
13 hot yesterday?

14 A No, not yesterday.

15 Q What was going on yesterday?

16 A I didn't want to go up on the stand.

17 Q Nervous?

18 A (Moves head up and down.)

19 Q Are you more comfortable in here --

20 A Yeah.

21 Q -- than you would be out there? Yeah. Was that
22 part of why you wanted to sort of get out of
23 there for a while?

24 A Yeah.

25 Q Were you sick to your stomach at all?

- 1 A No.
- 2 Q Okay. Were you -- did you have any injuries of
3 any sort?
- 4 A Uh-uh.
- 5 Q Okay. What did you do when you left the
6 courtroom? Did you just go read a book or
7 something?
- 8 A Went around with Billy.
- 9 Q Oh, with the fellow that was here?
- 10 A Uh-huh.
- 11 Q What did you do?
- 12 A We walked around town a little while.
- 13 Q So you weren't laying down anywhere, you were
14 just choosing to be somewhere else?
- 15 A (Moves head up and down.)
- 16 Q Yeah?
- 17 A Yeah.
- 18 Q Your mom and dad told me that you are going to
19 the Lafayette Charter School; is that right?
- 20 A Yeah.
- 21 Q Have you always gone there?
- 22 A No, we just started.
- 23 Q Does that have anything at all to do with the
24 cancer?
- 25 A No.

1 Q Okay. How do you like school there?

2 A It's okay.

3 Q Okay. What grade or whatever?

4 A I'm in fifth.

5 Q Fifth grade. School just about over, isn't
6 it --

7 A Yeah.

8 Q -- for the year?

9 Before that, were you at school at home?

10 A Yes.

11 Q Okay. When did you actually make the change,
12 did you say?

13 A Change?

14 Q To Lafayette. Was it after this cancer
15 situation or was it --

16 A After the chemo, you mean?

17 Q Yes.

18 A Yeah, it was after that.

19 Q So very recently, just within the last month or
20 so?

21 A Right.

22 Q What other animals do you have there besides
23 cows? You said you have cows and you have
24 chickens. What else?

25 A Cows, chickens and heifers. They're little

1 ones.

2 Q Younger cows?

3 A Yeah.

4 Q I don't think that's technically correct.

5 Younger --

6 A Younger.

7 Q Younger animals who have not yet had offspring.

8 How many cows do you have total?

9 A Total?

10 Q Approximately.

11 A All together, you mean all the animals?

12 Q All the cows, cattle.

13 A I think close to a hundred.

14 Q Okay. I've heard that you're a medicine man,
15 Daniel. Tell me about that. Tell me about what
16 that means.

17 A As a medicine man?

18 Q Right.

19 A What do you mean?

20 Q That's what I need you to tell me. I don't know
21 anything about being a medicine man. Are you a
22 medicine man?

23 A Yes.

24 Q Okay. How did you get to be one? What does
25 that mean? Did you have any instruction from

1 anyone?

2 A No.

3 Q Did they give you stuff to read?

4 A (Moves head side to side.)

5 Q No?

6 A No.

7 Q Who told you you were a medicine man?

8 A My mom.

9 Q And when did she tell you that?

10 A A while ago.

11 Q Before you saw Dr. Bostrom or after?

12 A After.

13 Q Do you know what it is in Nemenhah that
14 designates you or says that you're a medicine
15 man?

16 A It means -- what the Nemenhah means?

17 Q Well, maybe that's -- maybe that's the answer to
18 the question, but I've been told that you are a
19 medicine man. You told me that too. I'm trying
20 to understand how you get to be a medicine man.

21 See, in my -- let me tell you by analogy.
22 By my faith, children are allowed to take holy
23 communion at a certain age.

24 A Right.

25 Q But in order to do that, they have to take

1 certain training. I took it myself and so did
2 my children before they're allowed to be
3 communed. Okay. I don't know, do you have that
4 in your Catholic faith? I don't know. I'm
5 Lutheran, as it happens.

6 A Yes.

7 Q So once I'm communing, I have taken that
8 training or I don't know if you call it training
9 or learning. I guess would probably be more
10 appropriate learning. So that's what it took to
11 get me to the point that I can take communion.

12 What I'm trying to understand by way of
13 analogy is what did you do or what learning did
14 you have to get to the point of being a medicine
15 man?

16 A Get to the point?

17 Q Right, what happened?

18 A What happened when I what?

19 Q What happened before you became a medicine man
20 in order for you to be one?

21 A I don't remember.

22 Q Okay. Can you prescribe for other people?

23 A What do you mean?

24 Q Well, let's just say it happens that I take
25 vitamins.

1 A Right.

2 Q I do. Let's just say that I wanted to talk to
3 someone about a better vitamin therapy or a
4 better diet, would you be able to consult with
5 me on that?

6 A Yes.

7 Q And what can you tell me on that?

8 A On the diet?

9 Q Right.

10 A Like what you eat, or what do you mean?

11 Q What would you tell me that I should do?

12 A If you had cancer, you mean?

13 Q Even if I don't.

14 A Like what you should eat?

15 Q Uh-huh.

16 A You should -- do you eat organic stuff?

17 Q Okay.

18 A Lots of fruits and vegetables, lot of greens.

19 Q Kind of what you're doing?

20 A Kind of, yeah.

21 Q Should I do other things?

22 A No, not really, no.

23 Q Okay. As you sit here now, Daniel, what do you
24 think is going to happen if you keep doing what
25 you've been doing up until now, what is your

1 opinion as to what's going to happen?

2 A If I keep doing what I'm doing?

3 Q Right.

4 A I think I'll be fine, what I'm doing now, that
5 I'm going to keep doing.

6 Q Do you think that's a sure thing?

7 A Yes.

8 Q What do you think would happen if you went back
9 and took chemotherapy?

10 A I'd fight if I had to take it again.

11 Q What do you think would happen if you did take
12 it?

13 A Probably wouldn't make it if I had to keep
14 taking it.

15 Q What do you mean, wouldn't make it?

16 A I wouldn't make it. I'd probably die if I
17 took -- keep taking chemo.

18 Q What do you think would kill you?

19 A The chemo.

20 Q A little bit ago you told me that the nurse said
21 that this was an easy kind of cancer to kill.

22 A Yeah, right.

23 Q Do you think it's easier -- it's an easy one to
24 kill with chemo, do you think it's an easy one
25 to kill with what you're doing, or do you think

1 either one is true?

2 A I think the one we're doing is true.

3 Q There was a paper that I read, and I don't have
4 it right handy. Does anyone have a copy of his
5 affidavit? It was a short paper, but it was an
6 important one because it was signed by you,
7 Danny. It's called an affidavit of Daniel
8 Hauser, May 1, 2009. So just a few days ago.
9 I'm going to just show that to you. Do you
10 remember signing that paper?

11 A Yes.

12 Q Okay. Did you -- tell me how that came to be?
13 How did that paper come to be?

14 A You mean when I signed it?

15 Q Right. Did you type it?

16 A No.

17 Q Who typed it?

18 A Yeah, I typed it in my name, yeah.

19 Q Who typed this part here, "Danny Hauser, after
20 being duly sworn upon oath"?

21 A I don't know.

22 Q Somebody else?

23 A Yeah.

24 Q Did you -- there's numbers 1 through 12 on the
25 paper. I'll just hand it to you. There's

1 numbers 1 through 12 there. Did you write those
2 12 things down and then someone copied them onto
3 the paper?

4 A No. I signed it.

5 Q Okay. Had you ever seen those 1 through 12
6 things before you signed it?

7 A No. Yeah, when I signed it, it was on there.

8 Q Had you seen them before that day?

9 A Yeah.

10 Q You had?

11 A Yeah.

12 Q When?

13 A Before I signed it.

14 Q Uh-huh.

15 A When I signed it, all this was on here already.

16 Q Okay. Had you seen -- that was -- I think that
17 was my fault. I think that was a bad question I
18 just asked. It was not a very easy question to
19 answer.

20 The things that that says, that that
21 paper says, had you talked about those with
22 anyone on a day prior to the day that you signed
23 it, earlier day?

24 A No.

25 Q Had you written those things down earlier?

1 A I think, yeah.

2 Q Okay. Can you just -- tell you what, Danny, can
3 you just read -- forget the part that I read
4 because I think that's lawyer talk, but start
5 with Number 1. Can you just read that for me.

6 MRS. HAUSER: Your Honor, I'm sorry, I do
7 have to cut in. Danny is in the process of --
8 well, I'd rather not have him hear this. Could
9 he step out for a minute?

10 THE COURT: Sure, absolutely. Mr.
11 Elbert, any objection? I think his mother wants
12 to talk to everybody.

13 MRS. HAUSER: I want everybody except
14 Danny.

15 THE COURT: Do you have any objection?

16 MR. ELBERT: No objection.

17 THE COURT: Danny, it sounds like your
18 mom wants to talk to me without you being
19 present, and that's fine with me, as long as
20 your attorney says it's okay, and he says it's
21 okay. Why don't you go with Mr. Elbert. Why
22 don't you stand out in the hall there. I think
23 it is just going to take a few seconds.

24 MRS. HAUSER: Right.

25 (WHEREUPON, Daniel Hauser leaves the

1 Judge's chambers and the following
2 conversation was had outside the hearing
3 of Daniel Hauser.)

4 THE COURT: Mrs. Hauser?

5 MRS. HAUSER: Okay. Quick.

6 THE COURT: Yes.

7 MRS. HAUSER: Through the process, is it
8 IEP?

9 THE COURT: He has an IEP?

10 MRS. HAUSER: It's a due process, and
11 they're working on that.

12 (WHEREUPON, a discussion was had which is
13 not included as part of the public
14 record--full transcript filed under
15 seal.)

16 MRS. HAUSER: I don't want this out of
17 this room, okay?

18 THE COURT: Well, although, you do need
19 to be mindful --

20 MRS. HAUSER: Oh, that.

21 THE COURT: My plan was to file a copy of
22 the --

23 MRS. HAUSER: To the courthouse.

24 THE COURT: Right. And because -- just
25 so you are understanding, the public has a

1 legitimate interest in knowing what happened
2 here today.

3 MRS. HAUSER: Okay.

4 MR. JOHNSON: Your Honor, if this would
5 be considered privileged medical information,
6 I'll -- I think it's important that we be able
7 to share it and still retain that confidence.

8 THE COURT: Yeah.

9 MR. ELBERT: Your Honor, there's a way to
10 do that. The mother could prepare an affidavit
11 and have it kept in a confidential envelope.

12 THE COURT: Well, what we can also do if
13 we have agreement of all here, sounds like this
14 is going to relate to the medical care of the
15 mother at the time of delivering Daniel; am I
16 understanding you right?

17 MRS. HAUSER: No, it's what happened
18 during -- before he was born.

19 THE COURT: Okay. Would all of counsel
20 agree that starting right now, we can seal the
21 record and then this little small portion
22 remains sealed?

23 MR. JOHNSON: Yes, Your Honor.

24 MR. ELBERT: No objection.

25 MR. SINAS: That's fine.

1 MR. OLSON: No problem.

2 THE COURT: All right. So beginning now,
3 this won't be part of the transcript that's
4 filed because it relates to some other issues.

5 (WHEREUPON, a discussion was had which is
6 not included as part of the public
7 record--full transcript filed under
8 seal.)

9 THE COURT: The cause of his reading
10 difficulties or his learning difficulties is
11 really no one's business but yours for present
12 purposes.

13 Here's my question of you, Mr. and Mrs.
14 Hauser--and I certainly don't want to embarrass
15 Daniel or make this more difficult for him in
16 any way, I feel very badly for that young
17 man--you're telling me he won't be able to read
18 that --

19 MRS. HAUSER: Yeah.

20 THE COURT: He's not going to be able to
21 read it?

22 MRS. HAUSER: Bits and pieces, but you'll
23 make him cry.

24 THE COURT: I don't want to do that.

25 MRS. HAUSER: They put him in fifth

1 grade, but he's tutored, you see what I mean?

2 THE COURT: So what --

3 MRS. HAUSER: He's tutored.

4 THE COURT: What you're telling me, and I
5 appreciate your doing this, you're saying that
6 Daniel is not going to be able to read this
7 affidavit?

8 MRS. HAUSER: No, but what he said, this
9 is what he told us.

10 THE COURT: Okay.

11 MRS. HAUSER: He said -- I can't use his
12 exact words, it would not be appropriate, but
13 he, he just -- he won't.

14 THE COURT: I think you've given the
15 answer to how we go about this. I'm going to
16 have him tell me in his own words what this says
17 without reading it.

18 MRS. HAUSER: Like Danny -- I'm sorry, go
19 ahead.

20 THE COURT: Just a minute, let her
21 finish.

22 MRS. HAUSER: Like Danny, you noticed
23 he's forgetful, you know, he's -- I mean --

24 THE COURT: I haven't noticed that,
25 actually, during our conversation here.

1 Actually, I haven't noticed that. He seems like
2 a very nice young man, and I would say his
3 recollection of things that happened several
4 months ago is, to my observation, at least,
5 average for a 13-year-old. I mean, when my kids
6 were that age, they couldn't remember to bring
7 their homework home from school. You know,
8 13-year-old minds are not quite the same as
9 52-year-old minds or any of our ages. I think
10 he's at least average in his ability to recall
11 the things we're talking about.

12 MRS. HAUSER: Okay.

13 THE COURT: So -- anyway, I'm going to
14 ask him to just tell me what that affidavit says
15 without reading it, based on what you tell me.

16 Did you have something, Mr. Sinas?

17 MR. SINAS: The only thing, Your Honor,
18 and I actually agree, I do not want to do
19 anything to make this more difficult for Danny,
20 I just want the record to reflect clearly that
21 it sounds as though Danny cannot read that
22 affidavit.

23 THE COURT: That's my sense, is he's not
24 going to be able to read the entirety of it.

25 MRS. HAUSER: Correct.

1 THE COURT: He would be able to read some
2 of the words.

3 MRS. HAUSER: He wouldn't even -- he'll
4 crush, he will just crush.

5 THE COURT: I appreciate your telling me
6 that, and we're going to take a little different
7 approach.

8 Mr. Elbert, why don't you go get Danny
9 and bring him back in.

10 (WHEREUPON, Daniel Hauser comes back into
11 chambers.)

12 BY THE COURT:

13 Q Welcome back, Danny. Sorry about that.

14 I'm going to go to a different topic
15 right now.

16 I've noticed there's a lot of other
17 people in court here, and a lot of them seem to
18 be friends or are with you and your family.

19 A Yeah.

20 Q Have you been talking to those folks lately?

21 A No.

22 Q Not yourself. Are they friends of your parents,
23 then?

24 A Some of them are my cousins.

25 Q Oh, some are your cousins. Do you have a big

1 family? You have a big family in your
2 household, but do you have a lot of cousins?

3 A Yeah.

4 Q Okay. I only had four cousins, so that was the
5 total.

6 How many cousins do you got total, if you
7 even know?

8 A All together?

9 Q Uh-huh.

10 A I'm not really sure, but --

11 Q More than four, probably?

12 A Oh, yeah.

13 Q Okay. More than ten?

14 A Oh, yeah.

15 Q More than 20?

16 A 20, yeah.

17 Q Okay. So you have -- there's other big families
18 here?

19 A Not here, but --

20 Q In this area?

21 A Yeah.

22 Q Okay. Let's go back to that piece of paper, and
23 I'm not going to show it to you. Do you know
24 what it says generally?

25 A No.

1 Q When you were first shown that piece of paper,
2 where were you at? Were you at someone's
3 office, or were you here at the courthouse, or
4 where were you?

5 A If I remember right, I might have been here.

6 Q Okay. Mr. Johnson must have been there because
7 he stamped your signature.

8 A Yes.

9 Q What's it mean to be a church elder in Nemenhah?
10 Do you know?

11 A No.

12 Q Do you know what -- do you know what that
13 even -- what that word means, "elder"?

14 A No.

15 Q It sounds like you, Daniel, like you have a very
16 loving family and that you are all very
17 cooperative with each other. Am I right?

18 A Yeah.

19 Q You do what needs to be done?

20 A Uh-huh.

21 Q If you need somebody to do something for you,
22 with nine other people there, someone is going
23 to help you?

24 A Yeah.

25 Q And if one of the other nine needs help, you're

1 going to help that person?

2 A Right.

3 Q Sounds like it's a happy place to live?

4 A Uh-huh, yes.

5 Q Who decides big decisions in the household?

6 A Like what?

7 Q Like getting a new truck?

8 A Like getting in a truck?

9 Q Getting a new truck.

10 A My dad does.

11 Q Your dad does. Okay. Are there certain things
12 that your dad is more in charge of and there are
13 certain things that your mother is more in
14 charge of?

15 A Yes.

16 Q Okay. Help me understand which things those
17 are. Is your dad mostly doing the farm, or is
18 that not right?

19 A He works at Norwood.

20 Q Okay.

21 A And whenever he can, he helps on the farm.

22 Q Okay. Who does most of the stuff on the farm?

23 A The ones that are home.

24 Q Okay. So actually not your dad, kind of the
25 rest?

- 1 A Well, when he's not working, he will.
- 2 Q Yeah, he can't be in two places at once, so if
3 he's at Norwood, he can't be milking cows?
- 4 A Right.
- 5 Q That's why your mom and your two older sisters
6 do it?
- 7 A Yeah.
- 8 Q Do you sell those heifers sometimes?
- 9 A Some of them, yeah.
- 10 Q Okay. And somebody's got to make the decisions
11 about which ones you're going to keep and turn
12 into milk cows and which ones you're going to
13 sell?
- 14 A Right.
- 15 Q Who makes those decisions?
- 16 A My mom and two sisters.
- 17 Q Okay. How about the chickens, do you let some
18 of the eggs hatch?
- 19 A No.
- 20 Q So you collect them all?
- 21 A Uh-huh.
- 22 Q Do you replace chickens ever?
- 23 A Yes.
- 24 Q What do you do, go to the sales barn, or where
25 do you get them from?

- 1 A No, we buy them and whenever they die off --
- 2 Q You buy them, like, at Runnings or something as
- 3 chicks?
- 4 A I think, I think we get them from the post
- 5 office.
- 6 Q Oh, you have them mailed in?
- 7 A Yeah.
- 8 Q You order them by mail. Who decides on that?
- 9 A Mom.
- 10 Q Now, those crops you have, you said you have
- 11 corn, beans, hay, maybe some other stuff?
- 12 A Corn and beans and hay.
- 13 Q Mostly corn and beans. Who does most of that
- 14 work?
- 15 A Harvesting?
- 16 Q Planting, harvesting, cultivating?
- 17 A We don't cultivate.
- 18 Q Okay. Do you weed by hand?
- 19 A No, we spray.
- 20 Q Spray. Do you know what you spray?
- 21 A What kind?
- 22 Q Yeah. I mean, do you do, like, broadleaf killer
- 23 on the corn?
- 24 A I don't know. I'm not --
- 25 Q You're not sure what it is?

1 A (Moves head up and down.)

2 Q Okay. Who makes the decisions about what --
3 here's what I'm really doing with that, who
4 decides what's going to be sprayed and when?

5 A Dad.

6 Q Okay. So that's mostly his responsibility?

7 A Yes.

8 Q Now, when you got sick earlier this year, it
9 sounds -- sounded to me like your mom was the
10 one who was mostly with you?

11 A Right.

12 Q Is that something that is mostly her area in the
13 family?

14 A Yeah, she always stayed with me when I was
15 really sick.

16 Q Okay. How about the other kids, them too?

17 A They had chores.

18 Q I'm sorry, that was another one of my bad
19 questions. What about when one of the other
20 kids would get sick, does your dad do most of
21 it, does your mom do most of it, or do they do
22 it together?

23 A My mom does.

24 Q Okay. So taking care of the children's health
25 care is something that's mostly your mom's

1 responsibility?

2 A Right.

3 Q Just like taking care of spraying the corn is
4 mostly your dad's responsibility?

5 A Right.

6 Q Everybody's got them, it's in every household.

7 A Right.

8 Q I'm in charge of taking out the garbage in my
9 household and a few other things.

10 If your mom and dad make decisions like
11 we're talking about, does everyone, all the kids
12 follow them?

13 A Not all the time, no.

14 Q Okay. Usually?

15 A Yeah, once in a while.

16 Q What would be an example of something that mom
17 or dad decided and then one of the kids sort of
18 bucked the system, if you will, or said I'm not
19 going to do it?

20 A Like chores or --

21 Q Sure. Anything?

22 A Like buck it, like not want to do it?

23 Q Right.

24 A They buck it.

25 Q Okay.

- 1 A Jenny's bad at that.
- 2 Q Jenny, is she the 16-year-old?
- 3 A 14.
- 4 Q 14. Okay. Well, teenagers are known to do
5 that. So sometimes they're supposed to do the
6 chores and they say they'd rather do something
7 else?
- 8 A Right.
- 9 Q Then what happens?
- 10 A She ends up doing them.
- 11 Q That's also been my experience. So somebody has
12 to kind of exercise a little authority there?
- 13 A Right.
- 14 Q And tell her no, you're doing the chores?
- 15 A Yep.
- 16 Q And who is that someone?
- 17 A Once in a while it's dad, once in a while it's
18 mom.
- 19 Q So both your parents?
- 20 A Yeah.
- 21 Q Is the bottom line in your family that if your
22 parents tell you guys to do it, you do it?
- 23 A Yes.
- 24 Q When it's all said and done, you'll do what they
25 say?

1 A Yes.

2 Q And I take it from the description you've given
3 me that although you might want to watch -- do
4 you have TV at your house?

5 A Yeah, but it don't really work.

6 Q Okay. Or you might want to read a book or you
7 might want to play baseball, but if they say
8 you've got to do something else --

9 A You have to do it.

10 Q -- you do it?

11 And I take it that you guys all agree
12 that they're doing it because they think it's
13 the best thing for you and the family?

14 A Right.

15 Q What if your parents told you to go do the chemo
16 again?

17 A I wouldn't do it.

18 Q Why not?

19 A Because it's poison.

20 Q What if, what if your parents told you that
21 there was a point at which some day, that it was
22 worth taking the poison?

23 A I wouldn't do it.

24 Q What if they told you that you had to have more
25 surgery?

1 A With --

2 Q That you had the one surgery on your -- up on
3 your shoulder/neck area, what if they told you
4 you had to do more of it?

5 A I would do it, but I wouldn't do chemo.

6 Q How about radiation?

7 A No.

8 Q What if you said no to the chemo or radiation
9 and just like your 14-year-old sister who
10 doesn't initially want to do what she's told to
11 do, what if they said no, you really have to?

12 A I wouldn't do it.

13 Q You really have to?

14 A I'd fight it.

15 Q What do you mean by that? What would you do?

16 A If they would try and do it?

17 Q Uh-huh.

18 A I'd fight it. I'd punch them and kick them.

19 Q Is there anything else you think I should know,
20 Danny?

21 A Not that I know of.

22 Q I've enjoyed our conversation. You seem like a
23 nice young man.

24 A Thanks.

25 Q If there is anything else you want to tell me

1 now, you can do so, or if you think of something
2 later, tell Mr. Elbert and he'll -- we can do
3 this again.

4 A Okay.

5 Q Is that fair?

6 A Yes.

7 Q All right. Thank you.

8 A You're welcome.

9 (End of Record.)

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CERTIFICATE OF COURT REPORTER

I, Theresa M. Bock, Official Court Reporter within and for the Fifth Judicial District, State of Minnesota, do hereby certify that I recorded the foregoing proceedings stenographically; that I thereafter caused my stenotype notes to be transcribed into typewriting; that the foregoing pages, numbered from 1-76, are a true and correct copy of all evidence offered in said cause.

Dated this 12th day of May, 2009.



Theresa M. Bock, RPR
Official Court Reporter