

KIMBERLY R. SWEIDY
KIMBERLY R. SWEIDY vs SPRING RIDGE ACADEMY

August 09, 2022

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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

KIMBERLY R. SWEIDY,

Plaintiff,

vs.

CASE NO. 3:21-cv-08013-SPL

SPRING RIDGE ACADEMY, an Arizona
corporation, JEAN COURTNEY, SUZANNE
COURTNEY, BRANDON COURTNEY, ERIN SMITH,
LESLIE FILSINGER, JUSTIN ZYCH, KATE DEILY,
VERONICA BORGES, and DOES 1 through 20,

Defendants.

DEPOSITION OF

KIMBERLY R. SWEIDY

August 9, 2022

9:41 a.m.

Regus Conference Center
99 South Almaden Boulevard, Suite 600
San Jose, California 95113

Jason Reed
Digital Reporter
Commission No. 2289752

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1 BY MR. METZGER:

2 Q. So your premise is that when -- well, first of
3 all, do you know where the property went?

4 A. Didn't go to my house. That's what I know.

5 Q. Okay. Do you know If Rearden got it?

6 A. That's not -- we're not --

7 Q. No. No. That's a question. Answer it,
8 please.

9 A. Don't know. I -- I don't know. Ask Rearden.

10 Q. Have you asked Rearden?

11 A. I'm -- I'm not getting in a conversation
12 about --

13 Q. You have to answer questions because you're
14 under oath in a lawsuit.

15 A. No, I haven't. Because do you know what your
16 client did? Created animosity and problems with my
17 daughter, and we're not going to dredge this up, so I'm
18 not going to ask Rearden about property.

19 Q. Drop the claim then.

20 A. No, I'm not, because Spring Ridge --

21 MS. ALLARD: All right. Stop right there.
22 Drop the claim then. Is that a question, counsel?

23 MR. METZGER: It is.

24 MS. ALLARD: No, it's not.

25 MR. METZGER: She can drop the claim --

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1 MS. ALLARD: That's argumentative. It is not
2 a question. You are being --

3 MR. METZGER: Stop screaming.

4 MS. ALLARD: No, you're going to knock it off.

5 MR. METZGER: I'm going to do --

6 MS. ALLARD: You're going to stop.

7 MR. METZGER: I'm going to do exactly what --

8 MS. ALLARD: You going to ask questions --

9 MR. METZGER: Are you --

10 MS. ALLARD: -- or not?

11 MR. METZGER: Are you going to keep screaming?
12 Like, how long are you going to keep screaming?

13 MS. ALLARD: I am going to tell you that you
14 are not going to sit here and berate my client --

15 MR. METZGER: I'm not berating anyone.

16 MS. ALLARD: -- anymore. You're not going to
17 do that. You can ask a question --

18 MR. METZGER: She's --

19 MS. ALLARD: -- to seek information.

20 MR. METZGER: -- refusing to answer.

21 MS. ALLARD: You're not --

22 THE WITNESS: I have never refused to answer.

23 MR. METZGER: She just said I'm not going to
24 answer these questions.

25 THE WITNESS: No, I'm not going to get into

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1 this stuff that's none of your business. I'm not going
2 to --

3 MR. METZGER: You are going to. Either you're
4 going to answer the questions, or you can drop the
5 claim.

6 THE WITNESS: No, I am not.

7 MS. ALLARD: Counsel --

8 THE WITNESS: You're not going to -- this
9 guy -- stop making those weird faces at me.

10 MR. METZGER: Stop insulting my face.

11 MS. ALLARD: The record --

12 THE WITNESS: I'm not insulting your face.

13 MR. METZGER: Yeah, you are.

14 MS. ALLARD: Speaks for itself. You've
15 challenged my client regarding --

16 MR. METZGER: Can you stop? I didn't ask you
17 for anything.

18 MS. ALLARD: -- her claims. You just need to
19 ask her a question.

20 MR. METZGER: You heard it. She's trying to
21 refuse to answer questions. That's why --

22 THE WITNESS: No, I am not.

23 BY MR. METZGER:

24 Q. Are you refusing to answer the question?

25 A. No, I have. I've -- I've answered your

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1 questions over and over again. And, honestly, I have
2 never in a deposition been asked the same question
3 1,001 ways like you have done. Don't make that face at
4 me like I'm crazy or I'm something. Now, can we move
5 on?

6 Q. How many depositions have you given?

7 A. I told you I've been --

8 Q. One?

9 A. No.

10 Q. Two?

11 A. No. I had, I think, nine days of deposition
12 in the construction defect case with like 25
13 different --

14 Q. Do -- do you know where the property went?

15 A. I know it did not go to me. I'm assuming that
16 it went to Mr. Stata, but I have no necessarily direct
17 evidence.

18 Q. Do you know if it went with Rearden?

19 A. Do I know if it went with Rearden?

20 Q. Yes. Do you know?

21 A. Do I -- do I know for a fact? Was I there?
22 No, I was not a recipient witness to whether it went
23 with Rearden. But I can say this. It was boxes and
24 boxes, and there's no way they packed up all that, gave
25 it to Rearden, and Rearden then schlepped it home

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1 during COVID on the plane on Sunday, the 28th when she
2 flew home in June. I don't believe --

3 Q. I don't -- I'm not saying she surfeited it
4 back on her own back. Obviously, that's not what I
5 meant, ma'am. Don't be deliberately --

6 A. No, that's not obviously. I'm not
7 deliberately anything. You asked me did it go with
8 Rearden. Well, going with Rearden sounds like
9 Rearden's leaving and the stuff's going with her.

10 Q. Do you -- did you -- have you asked Rearden?

11 A. I'm not getting in a conversation with Rearden
12 about those belongings. There's enough --

13 MR. METZGER: She's not answering the
14 question.

15 MS. ALLARD: She said -- she said no twice.
16 She has not brought it up with Rearden.

17 THE WITNESS: And I'm not going to bring up
18 things that create nothing that animosity and problems
19 thanks to Spring Ridge Academy.

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1 Q. The -- Rearden's 8th grade graduation dress
2 that you mentioned, do you agree that -- that Rearden
3 owns that?

4 A. No.

5 Q. You own it? Is that what you're saying?

6 A. We're not -- that is not relevant to my damage
7 claim.

8 Q. It is relevant, ma'am.

9 A. No. What is relevant is that Spring Ridge
10 Academy sent my belongings to somewhere other than to
11 me. No, I don't agree that the -- that minors'
12 belongings belong to the minor and that nor is that
13 something that Spring Ridge Academy gets to assert. I
14 don't agree with either of those. And you're never
15 going to get me to agree with it.

16 And if I feel that it -- it belongs to
17 Rearden, it's my place to give that to Rearden, not for
18 Spring Ridge Academy to preempt me and decide that they
19 know better what -- what possessions my daughter should
20 have than I do. That's exactly what got us into this
21 lawsuit, overstepping boundaries and not fulfilling
22 their contractual obligations to behave in an ethical
23 and appropriate manner vis-a-vis the sponsors -- that's
24 what we were -- and the student. So, no, I don't agree
25 that that's for Spring Ridge Academy to make the

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1 decision. If I choose to give her that dress, that is
2 up to me.

3 Q. So you do not believe that it was appropriate
4 for Spring Ridge Academy to give Rearden back her
5 possessions?

6 A. She didn't send them to them. I sent them.
7 Rearden sent them nothing.



13 Q. And, I guess, I'm -- I'm sitting here -- I --
14 I hear both sides of this argument. But I'm wondering
15 if -- if those boxes had been packed up and sent to you
16 as requested, would you have then provided them to
17 Rearden where she was living with Mr. Stata at his
18 home?

19 A. That's none of your business. It doesn't have
20 anything to do with this. Again, I resent the way in
21 which Spring Ridge Academy has insinuated itself into
22 the private details of our life. That was completely
23 inappropriate, and I did not contract for that.

24 I provided them to Spring Ridge Academy for
25 Rearden's use at the request of Spring Ridge Academy,

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1 and they should have been returned to me. What I did
2 with them after that is, frankly, not your business.
3 And, again, I mean this, you have been very
4 professional here, and I super appreciate that, but I'm
5 going to be very firm on this. This is why we're
6 sitting here today, lack of boundaries. That is not
7 your business and it's -- and actually, it's not Spring
8 Ridge Academy's business, though, I appreciate that
9 you're doing your job. That's not your business. It's
10 just not.

11 Q. Okay.

12 A. How we --

13 Q. No problem.

14 A. -- treat our children and how we consider this
15 property, between myself and Spring Ridge Academy. It
16 should have been returned to me as I requested,
17 documented, and asked. Should not have been sent
18 anywhere else, and that would have been the end of
19 that. And that's my position. How I treat my daughter
20 with her clothing and what I buy her is -- is nothing
21 that is the topic of this lawsuit.

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CERTIFICATE OF DIGITAL REPORTER

I, Jason Reed, a Digital Reporter and
Notary Public within and for the State of California,
do hereby certify:

That KIMBERLY R. SWEIDY, the witness whose
examination is hereinbefore set forth, was first duly
sworn by me and that said testimony was accurately
captured with annotations by me during the proceeding.

I further certify that I am not related to any
of the parties to this action by blood or marriage and
that I am in no way interested in the outcome of this
matter.

IN WITNESS THEREOF, I have hereunto set my hand
this 15th day of August 2022.

Jason Reed

Jason Reed
Notary Commission California/2289752
Commission Expires: May 24, 2023

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CERTIFICATE OF TRANSCRIPTIONIST

I, Transcriptionist, Certified Shorthand Reporter, do hereby certify:

That the foregoing is a complete and true transcription of the original digital audio recording of the testimony and proceedings captured in the above-entitled matter. As the transcriptionist, I have reviewed and transcribed the entirety of the original digital audio recording of the proceeding to ensure a verbatim record to the best of my ability.

I further certify that I am neither attorney for nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this matter.

IN WITNESS THEREOF, I have hereunto set my hand this 15th day of August 2022.

Jason Reed

Transcriptionist Name, CSR