

SUZANNE COURTNEY - February 07, 2022

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kimberly R. Sweidy,	)	
	)	
Plaintiff,	)	
	)	Case No.
v.	)	CV-21-08013-PCT-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.	)	
	)	

VIDEOTAPED DEPOSITION OF SUZANNE COURTNEY

February 7, 2022

9:03 a.m.

711 Whipple Street, Suite C
Prescott, Arizona 86301

Shelley E.D. Pearce, RPR, CR No. 50301

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1 communication not be shared with anyone, disagreement with
2 the treatment plan.

3 Q. Did you also note at that time that she asserted
4 that she had sole physical and legal custody?

5 A. So this -- I see that she writes -- on this
6 second page, she states [as read]: My association with
7 you is involuntary, as I'm under court order to leave Jane
8 Doe at SRA, including in a global pandemic, which the
9 judge refused to address despite the fact that I have sole
10 legal and physical custody of Jane Doe.

11 Uh-huh, I see that.

12 Q. Do you recall reading that statement?

13 A. I don't recall reading it, but I imagine I did.

14 Q. Was it any concern of yours that you were
15 keeping a child or restricting access of a mother to a
16 child in violation of custody orders?

17 MR. METZGER: Form and foundation.

18 MR. GRUSE: Form and foundation.

19 THE WITNESS: No.

20 BY MS. ALLARD:

21 Q. Why not?

22 A. Because of the review we had completed with the
23 documents we had and advice of our counsel.

24 Q. Is your attorney a family law lawyer?

25 MR. METZGER: Form and foundation.

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1 MR. GRUSE: Join.

2 THE WITNESS: I don't know.

3 BY MS. ALLARD:

4 Q. Did it occur to you, as school administrator,
5 that there was some confusion or conflict in
6 interpretation of custody orders for Jane Doe?

7 A. Yes.

8 MR. METZGER: Form and foundation.

9 MR. GRUSE: Join.

10 BY MS. ALLARD:

11 Q. So you understood there was a dispute on the
12 interpretation of custody orders, correct?

13 A. Yes.

14 Q. How many orders did Spring Ridge Academy have at
15 the time this email was written, April 7th of 2020?

16 MR. GRUSE: Form and foundation.

17 THE WITNESS: I don't know.

18 BY MS. ALLARD:

19 Q. Do you recall that Ms. Sweidy, who is an
20 attorney, submitted to you the final judgment in her
21 dissolution action that had custody orders?

22 A. I don't recall who submitted them.

23 Q. Did it ever come to your attention that the
24 final judgment was ever changed by court order?

25 A. I -- I don't know.

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1 Q. Your interpretation of the legality of what
2 Spring Ridge Academy was doing with the February 25th,
3 2020, email was based on your consultation with
4 Mr. McNamara?

5 MR. METZGER: Form --

6 THE WITNESS: Uh-huh --

7 MR. METZGER: -- foundation.

8 THE WITNESS: -- somewhat, yes.

9 MR. GRUSE: Join.

10 BY MS. ALLARD:

11 Q. What else was it based on?

12 MR. METZGER: The order from the Court.

13 MS. ALLARD: Are you testifying?

14 MS. SWEIDY: Are you testifying?

15 MR. METZGER: I'm just saying.

16 MS. SWEIDY: Please don't testify.

17 MR. METZGER: But, I mean, you're misleading
18 somebody.

19 MS. SWEIDY: No, no, no one's been mislead.

20 MS. ALLARD: All right.

21 MR. METZGER: Yeah, you are. We have the court
22 order.

23 MS. ALLARD: The record reflects -- the
24 witness --

25 BY MS. ALLARD:

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1 Q. You testified you didn't see any court custody
2 order, correct?

3 MR. METZGER: Form and foundation.

4 THE WITNESS: I have seen the custody
5 information at the time, absolutely. I can't remember
6 dates or who submitted them.

7 BY MS. ALLARD:

8 Q. Do you know the difference between a final
9 judgment and a custody order and an ex parte order?

10 MR. GRUSE: Form and foundation.

11 THE WITNESS: Not from a terminology
12 perspective, no.

13 BY MS. ALLARD:

14 Q. Do you know the difference between those two
15 described orders in a legal sense?

16 A. I do not. That's why I have counsel.

17 Q. So your testimony is, you relied upon orders
18 that you gave your counsel to review?

19 MR. METZGER: Form and foundation.

20 MR. GRUSE: Form and foundation.

21 THE WITNESS: Somewhat.

22 BY MS. ALLARD:

23 Q. What order did you give your attorney?

24 A. What we had as part of the record.

25 Q. What did you have as part of the record?

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1 MR. METZGER: Form and foundation.

2 MR. GRUSE: Join.

3 THE WITNESS: Yeah, I can't speak specifically
4 from memory.

5 BY MS. ALLARD:

6 Q. If those -- if orders were produced in discovery
7 from Spring Ridge Academy, would it be fair to assume that
8 you had those in your records?

9 A. I would think so.

10 MR. METZGER: I mean, are you -- is this -- I
11 mean, are you --

12 MS. SWEIDY: Are you coaching the witness?

13 MR. METZGER: We can either do this on the
14 record or off, but are you two asserting that there wasn't
15 an order from the California family law court sending Jane
16 Doe back to the -- Spring Ridge?

17 MS. ALLARD: For purposes of your --

18 MR. METZGER: Are you asserting that --

19 MS. ALLARD: Are you -- here -- here's the
20 argument.

21 MR. METZGER: Are you asserting that she had
22 sole custody --

23 MS. ALLARD: Yes.

24 MR. METZGER: -- as to education and therapy?

25 MS. ALLARD: Yes.

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C E R T I F I C A T I O N

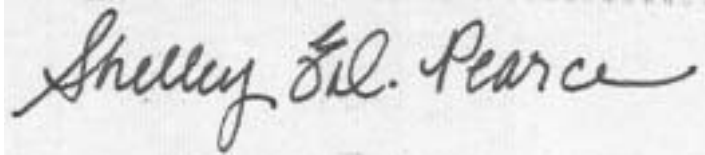
I, SHELLEY E.D. PEARCE, RPR, a Certified Reporter within and for the State of Arizona, do hereby certify:

That the foregoing deposition was taken before me; that an oath or affirmation was duly administered to SUZANNE COURTNEY, pursuant to A.R.S. 41-324(B); that the questions propounded to the witness and the answers of the witness thereto were taken down by me in shorthand and thereafter reduced to typewriting; that the transcript is a full, true, and accurate record of the proceedings, all done to the best of my skill and ability; and that the preparation, production, and distribution of the transcript and copies of the transcript comply with the Arizona Revised Statutes and ACJA 7-206(J)(1)(g)(1) and (2).

The witness has requested transcript review and signature.

I FURTHER CERTIFY that I am not related to any of the parties, nor am I in any way interested in the outcome hereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 23rd day of February, 2022.



Shelley E.D. Pearce, RPR
Arizona CR No. 50301



Registered Reporting Firm No. R1210

Assignment No. 158551