

Exhibit “A”

July 17, 2018

Noah Fagan

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IN THE SIXTH JUDICIAL DISTRICT COURT
IN AND FOR WAYNE COUNTY, STATE OF UTAH

NOAH FAGAN,

Plaintiff,

vs.

LEGACY OUTDOOR ADVENTURES,

Defendant.

)
)
)
) Civil No. 170600027
)
) Judge Marvin D. Bagley
)
)
)
)
)

DEPOSITION OF NOAH FAGAN

COPY

Location: Kipp and Christian, P.C.
10 Exchange Place, Fourth Floor
Salt Lake City, Utah 84111

Date: Tuesday, July 17, 2018

Time: 1:09 p.m. to 1:42 p.m.

Reported by Teena Green, RPR, CRR, CBC

1 you went over or --

2 A. No, I didn't know anything about it.

3 Q. Okay. Tell me a little bit about that.

4 How was Legacy not a good fit for you?

5 A. Just fucked up my -- made my back worse, and
6 I wasn't physically in shape for it.

7 Q. Had you had back problems before going to
8 Legacy?

9 A. No.

10 Q. All right. How did it -- tell me about how
11 it injured your back.

12 A. Because I carried 90-pound backpacks every
13 day for five to ten miles.

14 Q. All right. Tell me a little bit about the
15 program. I understand that a portion of it is
16 outdoor, and then a portion of it is back at the
17 center with therapy; is that right?

18 A. Yeah, five days outdoors, two days indoors.

19 Q. Okay. Now, the five days outdoors, when
20 you're out there, are you hiking for the entire five
21 days?

22 A. Basically, yeah, 90 percent of the time.

23 Q. Okay. How often do you have a backpack with
24 you when you're doing that?

25 A. All the time.

1 A. No.

2 Q. Do you remember what your issues were when
3 you came in, what your --

4 A. Mania.

5 Q. It was mania again? Okay.

6 When you say mania, what's kind of the
7 symptoms of -- what's the outcroppings of that?

8 A. Not sleeping for days.

9 Q. Okay. Anything else?

10 A. No.

11 Q. Okay. Was there any self-harm issues,
12 anything like that?

13 A. No.

14 Q. Okay. All right. When you left New Roads,
15 did you do an exit physical?

16 A. No. I went to the gym like once a week for
17 like the month before I left.

18 Q. When you checked in to New Roads, did
19 anybody give you a physical, look you over, see if --

20 A. No, just medicine.

21 Q. Okay. And when you left, nobody looked you
22 over to make sure, upon discharge, you were
23 physically fit?

24 A. No, not for physical.

25 Q. How about at Legacy, did they give you a

1 Q. When you went in to Legacy, you were 18; is
2 that right?

3 A. Probably.

4 Q. Do you remember looking over paperwork to
5 sign to get in to Legacy?

6 A. Yeah.

7 Q. Okay. Let me show you -- we'll mark this as
8 Exhibit 1.

9 (Exhibit No. 1 was marked.)

10 BY MR. BURT:

11 Q. All right. Take a second to look through
12 the pages of that document.

13 Have you had a chance to look through it?
14 Do you remember seeing this document?

15 A. Not the document, but I remember initialing
16 it.

17 Q. Okay. All right. And I understand you had
18 to fill this out because you were no longer a minor,
19 right, so you filled this out?

20 A. I think everyone had to fill it out when
21 they went there.

22 Q. Do you remember whether or not you read
23 through it?

24 A. I probably did.

25 Q. Okay. At the time, did you have any