

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kimberly R. Sweidy,	)	
	)	
Plaintiff,	)	3:21-cv-08013-SPL
v.	)	
	)	Phoenix, Arizona
Spring Ridge Academy, et al.,	)	June 12, 2024
	)	8:59 a.m.
Defendants.	)	
	)	

BEFORE: THE HONORABLE STEVEN P. LOGAN, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL DAY 10 - (Morning Session)

Official Court Reporter:
Teri Veres, RMR, CRR
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, Spc. 38
Phoenix, Arizona 85003-2151
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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

A P P E A R A N C E S

* * *

ON BEHALF OF PLAINTIFF:

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KIMBERLY R. SWEIDY, ATTORNEY AT LAW
BY: **Kimberly Rene Sweidy, Esq.**
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ON BEHALF OF DEFENDANTS:

GRASSO LAW FIRM, PC
BY: **Robert Grasso, Jr., Esq.**
Michael B. Smith, Esq.
2250 E. Germann Road
Suite 10
Chandler, Arizona 85286

ALSO PRESENT: Noel Reddy, paralegal
Suzanne Courtney, client representative

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I N D E X

PLAINTIFF WITNESS: **DIRECT** **CROSS** **REDIRECT**

KIMBERLY SWEIDY (cont'd)
By Ms. Allard

4

DEFENDANT WITNESS:

KATE DEILY

By Mr. Smith

27

61

By Ms. Allard

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P R O C E E D I N G S

UNITED STATES DISTRICT COURT

1 *(Whereupon the proceedings begin at 8:59 a.m.)*

2 COURTROOM DEPUTY: All rise for the jury.

3 (Jury in at 8:59 a.m.)

4 THE COURT: Good morning, everyone. Please take

09:04a 5 your seats. This court will come to order. The jury is
6 present. The witness is sworn. Please continue.

7 MS. ALLARD: Thank you, your Honor.

8 THE COURT: You're welcome.

9 CONTINUED REDIRECT EXAMINATION

09:04a 10 BY MS. ALLARD:

11 Q. Ms. Sweidy, after your -- we had talked about some of
12 your QuickBooks entries and after your testimony on -- a
13 couple days ago did you learn that you had made some errors in
14 transferring your QuickBooks information to your bottom line
09:05a 15 testimony on damages?

16 A. I did. I went through it in excruciating detail this
17 past weekend after I had rested and noticed that one erred in
18 the side of plus and one in minus. There were three therapy
19 sessions that I had omitted. The one that was the night of
09:05a 20 the Parent Challenge workshop when I had to call my therapist
21 and say how -- like, "What do you advise about getting through
22 the final day of what we're seeing here?"

23 And then two of them the week immediately preceding when
24 I removed my daughter on February 3rd, 2020, and rescinded my
09:05a 25 contract I was in communication with my therapist and

1 Rearden's therapist that we talked about yesterday, Dr. Sarah
2 Villarreal.

3 So there were three entries that were inadvertently
4 omitted, and then there was a retainer that for accounting
09:06a 5 purposes had not been accounted for. So one of the numbers,
6 the attorneys' fees, was reduced by quite an amount, about a
7 \$7500 retainer, and less than a thousand dollars was increased
8 in therapy costs and we can review that today; but, again,
9 completely unintentional.

09:06a 10 Double triple checked my work, because I take it really
11 seriously, made those corrections and brought them immediately
12 to your attention.

13 Q. So your testimony is that your attorney's fees were
14 \$72,898.93 and you're asking the jury to deduct \$7500 from
09:06a 15 that number?

16 A. I can't do that like this. I have the new numbers there
17 and I gave them to you, and I can't go back and say I remember
18 testifying as to this and now it's this.

19 What I did was I found my error, I corrected it, and I
09:06a 20 gave you the new number.

21 MS. ALLARD: So that has been marked as Exhibit 204.

22 Would the Court allow that to be published to
23 Ms. Sweidy to refresh her recollection?

24 THE COURT: I will.

09:07a 25 THE WITNESS: Oh, thank you.

1 BY MS. ALLARD:

2 Q. Using Exhibit 204 to refresh your recollection, can you
3 tell me the dates of the therapist charges that you seek to
4 add to your damages request?

09:08a 5 A. I can't -- based with this -- and I don't with numbers
6 rely on my memory. That's why I keep excruciating records.
7 One of them was January 23rd, 2020, because that was the
8 second date of the Parent Challenge workshop. It was a
9 Thursday evening, and the other two dates were in the week
09:08a 10 immediately preceding February 3rd, 2020. I believe one was
11 January 31st and there was another one in that week time
12 period while I was consulting with my therapist that I had
13 accidentally omitted. Those three dates.

14 Q. Well, what was the third date according to -- if you can
09:08a 15 refresh your recollection from the document you prepared
16 marked as Exhibit 204.

17 A. Let me see. Oh, I'm sorry, thank you.

18 1/23/20, 1/31/20 and 2/1/20. Thank you, Ms. Allard, I'm
19 sorry.

09:09a 20 Q. And who is this therapist?

21 A. Dr. Martha Cravens.

22 Q. And why were you consulting her January 31st, 2020?

23 A. Because in our marital settlement agreement I am to --
24 our treatment team includes Dr. Martha Cravens, my DBT
09:09a 25 therapist, and Dr. Sarah Villarreal, who I was also consulting

1 with.

2 Q. About what?

3 A. Regarding anything to do with Rearden. That's in our
4 settlement agreement. We need to consult with them.

09:09a 5 Q. Yeah, but what was going on on January 31st, 2020, and
6 February 1st, 2020?

7 A. Oh, that was that Master Treatment Plan that was -- that
8 was completely false, and I had to review that with the people
9 who had the data of the history of the case, which was my

09:09a 10 therapist and Rearden's therapist.

11 I was reviewing with them -- I think I may have even
12 forwarded them a copy of the Master Treatment Plan or included
13 them in the communications because it was so off base based on
14 her therapeutic history that my therapist and her therapist at
09:10a 15 that point needed to be involved in this because there can be
16 no continuity of care when you have someone just coming up
17 with bizarre theories that the licensed psychologists in
18 California have never documented, have no record of, and are
19 not in agreement on.

09:10a 20 Q. Okay. What were you told by these therapists to do with
21 your daughter, who was still in Arizona?

22 MR. GRASSO: Objection, hearsay.

23 MS. ALLARD: Not offered for the truth.

24 THE COURT: Overruled.

09:10a 25 THE WITNESS: Both of them said, "If it was my

1 daughter, I would go there immediately and bring her home."

2 BY MS. ALLARD:

3 Q. Now, can you also help refresh your recollection on
4 giving us the exact deduction and the number on the attorneys'
09:10a 5 fees in the family law action using Exhibit 204?

6 A. Yes, I can. So I accidentally testified to a higher
7 amount because I omitted the -- I did not omit the retainer
8 that had been applied. Anyway, it's an accounting problem.

9 So the new attorneys' fees and all associated legal costs
09:11a 10 is \$72,828.93.

11 Q. And that's based on a \$7500 reduction from your
12 testimony?

13 A. From what I believe -- is my memory that I believe that I
14 testified to prior, yes. I needed to reduce that amount, and
09:11a 15 it's just an accounting thing. I made a mistake and I
16 apologize. I really take my accuracy super seriously.

17 Q. So Exhibit 204 is a summary of each line item that you
18 testified to before this jury?

19 A. Yes, with those corrections that I just told you brought
09:11a 20 to the attention. So the first page is the damages after
21 rescission, and the second page is the damages prior to the
22 rescission, the rescission being the February 3rd, 2020, date.

23 MS. ALLARD: I would seek to admit Exhibit 204.

24 THE COURT: Is there an objection?

09:12a 25 MR. GRASSO: Disclosure and hearsay.

1 THE COURT: Sustained.

2 BY MS. ALLARD:

3 Q. Now, you were asked some questions about the hours that
4 you use for attorney time and who the attorneys were, the work
09:12a 5 they were doing and their hourly rate, and you also testified
6 that you had experience in litigation in your community in the
7 Bay Area.

8 In terms of the hourly rates that were charged, how does
9 that compare to your understanding as a practicing attorney in
09:12a 10 litigation in that community? How does that bear out?

11 A. Your rates and Ms. Foreman's rates are well below market.
12 In fact, you have never since you started with me many years
13 ago -- and I'm trying to even remember when you came on at
14 Kerner, second half of his deposition, you've never raised the
09:12a 15 rates, which is kind of unheard of, but you've stayed
16 constant.

17 At the time of the litigation with my ex-husband, his
18 attorney's hourly rate was double what yours and Ms. Foreman's
19 were and, furthermore, he had three attorneys including, I
09:13a 20 think, two partner -- actually, the other one was a founder.
21 So there were basically three partners working on his case,
22 and I know that the Winter & Ross law firm charged at least
23 double the hourly rate that you and Ms. Foreman did.

24 Now, if I factor in the fact of your extensive experience
09:13a 25 in trial as a -- in the DA's office in San Diego, I would

1 estimate that to get an attorney of your caliber to work on a
2 case, if we didn't have this personal connection, it would not
3 be \$350 an hour. It would be well in excess of \$1,000 an hour
4 easily, and people would pay it gladly.

09:13a 5 Q. Now, when you say our personal relationship, what do you
6 mean by that?

7 A. Because -- you came in because both of the -- you had had
8 a prior case with Dr. Kerner, a person that in the early
9 stages of my divorce was involved. I testified about how he

09:14a 10 had a history of -- a leaked file history in family law of
11 ignoring child sexual abuse among many women who didn't know
12 each other.

13 You had prior experience with him. That's how I found
14 you, and we then came together on my family law case and then

09:14a 15 we worked together for years. So the only reason you're
16 standing here today is because I talked you into this, that we
17 needed to do this. You saw what happened.

18 So we have a long history of working collaboratively
19 together and sharing values, and I believe our relationship

09:14a 20 goes beyond professional. I'm speaking personally, but I have
21 a great deal of admiration and respect for you and consider
22 you a role model and a friend. That's our relationship.

23 This is not just a case to either one of us. This
24 matters and I think you know that, and I'm saying it on the

09:14a 25 record. I -- I'm blessed to be able to work with you.

1 Q. Just so it's clear, we don't have a relationship outside
2 of professionally? That's how it started and that's what
3 we're still doing, correct?

4 A. That's what we're still doing. We do not socialize. We
09:15a 5 do not have -- we do not meet up for coffee and we do not go
6 on vacations together, but we have worked together through the
7 trenches to a point where -- there's no words to describe it,
8 the admiration, respect and gratitude that I feel towards you.

9 I have admiration and respect for a few other attorneys
09:15a 10 I've met along the way, but it doesn't hold a candle to what
11 we've been through over the years.

12 Q. Now, you were asked about your Hail Mary play --

13 A. Yes.

14 Q. -- in the family law action, and one of the things that
09:15a 15 you haven't been asked is: What were you dealing with at the
16 time in the family law litigation in terms of responding to
17 what was happening, and why did you make that decision when
18 you did?

19 A. There were many factors. First of all, I needed my
09:16a 20 daughter out of Spring Ridge Academy no matter how we did
21 that, and in the meantime they were having this -- a report
22 being done by family court services, a person who had no
23 history or background in the case, as I testified prior.

24 It could have been a briefed focused assessment by our
09:16a 25 prior custody evaluator, Dr. Jeffrey Kline, who was up to

1 speed on the family history, was available and agreed to do
2 so.

3 Instead, the Judge decides to bring in some person -- and
4 I'm not blaming him, but they have no history or context; and
09:16a 5 my daughter, Rearden, had met with them and I suspected, based
6 on the report and how it read, that she was under the
7 influence of Spring Ridge Academy. The data subsequently has
8 proven that they were witness tampering, but I knew that they
9 were; and so one of the lines that she had said at the end of
09:16a 10 it is if she was brought home -- oh, she did say that she'd
11 like to have a visit home with both mom and dad, but if she
12 was sent home she would prefer to live with dad, which is
13 consistent with why she was placed with me, because dad had no
14 boundaries.

09:17a 15 Of course she wanted to go back to dad. Plus, she had
16 been brainwashed and so had he. When I read that I'm like, "I
17 don't want to fight this battle." Sometimes you need to know
18 when to cut and bring it to resolution, and the way that I saw
19 to get her home and not to fight any more in family law court,
09:17a 20 because I was being ignored, is just agree.

21 Bring her home, give her to her father, let's be done
22 with this and move on because I needed to get my daughter out
23 of there; and arguing over the family court services report
24 and how I believed that they were unduly influencing her when
09:17a 25 the court was not reading any of the other data that I was

1 giving them, I had no evidence that they would listen to this
2 argument. I'm like, "Okay, you know what, keep your eye on
3 the ball. You need to get her home. Whatever you have to do
4 to do it, let's do it," and that's when I made the offer.

09:18a 5 I will give up custody, all custody, all visitation,
6 everything. You can't claim there's any high conflict divorce
7 and just bring her home and her father can have her and let
8 this be done, and then we wrapped it up.

9 So that's how I got the -- I didn't want to drag it out
09:18a 10 any more. It was just a waste of time, energy and money and
11 everything I was saying was falling on deaf ears.

12 Q. And this was in June, and she was going to turn eighteen
13 in October?

14 A. That is correct.

09:18a 15 Q. So you heard testimony that on her discharge summary it
16 was reported that she was gonna go to college, travel and/or
17 work. What information do you have about whether or not she
18 has worked since leaving Spring Ridge Academy?

19 A. Very sporadically. She started a job at Chipotle. They
09:18a 20 expected her to actually work. That lasted maybe a month or
21 two and she's like, "No, I'm out of here," because that's not
22 her thing.

23 I've worked in food service for seven years during
24 undergraduate and graduate law school. My older daughter
09:19a 25 worked in food service in high school and all while at

1 Vanderbilt. My younger daughter is not cut out for that kind
2 of hard work. As we've said, she has a lazy problem; and then
3 she worked for a brief period of time at Gymboree Music. That
4 was brief.

09:19a 5 When I got -- I don't have the 2023 numbers yet from the
6 accountant. We always have to file extensions due to the
7 complication of our of tax returns; but when I got her 2022
8 numbers, her earnings for the entire year of 2022 were, I
9 believe, \$1,051, which if you average it out in the Bay Area
09:19a 10 would be working one hour a week for the entire year. I do
11 not consider that a job.

12 I don't have any evidence she's continued in school. We
13 had that debacle up in San Francisco in the apartment that her
14 father funded for an out of control eighteen-year-old just out
09:20a 15 of Spring Ridge Academy and that went south and it was a mess
16 that I -- she came to me and I helped her clean up right
17 around the time that her big sister from SRA, Izzy, died and I
18 -- let me see any other data that I have on -- so the
19 apartment -- oh, and then she moved back in and her father
09:20a 20 pays -- his household manager is the title they give this
21 person.

22 It's an elderly woman who has worked for her father for
23 years. She -- her father rents a room in that person's house
24 for my daughter to live in, and my understanding is she's
09:20a 25 still living there. So no, I don't consider -- she's now 22.

1 All of her prior friends from high school, her very functional
2 college-bound friends who told her, "You need to get your
3 priorities straight," they are all graduating from college or
4 just graduated from college last month.

09:21a 5 And last I know she was just going around visiting people
6 around the country and getting in car accidents in Washington
7 and other crazy dysfunctional things. So I don't consider
8 this a success. At this point, upon consensus by various
9 people in her life that know her well that I'm associated
09:21a 10 with, we're like at this point she should probably join the
11 Peace Corps to be of service to the community since she
12 doesn't need money, but she needs to be doing something that's
13 actually productive.

14 And if she's not in school and she's not getting a job,
09:21a 15 then go in the Peace Corps and do community service. My kids
16 have done a lot of community service throughout their lives,
17 as have I; and I'm a big believer in community service,
18 particularly if you're affluent.

19 Anything would be better than whatever is going on now.
09:21a 20 Oh, by the way, which she doesn't want to discuss because of
21 the whole boundaries thing that SRA brainwashed her with, "You
22 don't talk to your mom about your future and your plans
23 because you're setting a boundary."

24 Q. Okay. So another question I have is you testified that
09:22a 25 you believe they were following the law. I mean, what

1 information did you have at the time of enrollment that led
2 you to believe SRA was complying with the law and what laws?

3 A. Well, first of all, I think they make a statement by how
4 they're governed by a certain licensing and stuff. So, of
09:22a 5 course, I'm assuming that there's licensing and they're
6 following that licensing. So there's direct statements in
7 their literature about that. "We are licensed by so and so."

8 Okay. When I say to you, "I'm licensed by the State Bar
9 of California," that means I'm in compliance with all the laws
09:22a 10 that govern me as a professional. That's what I'm telling
11 you," and it's my job to know what those are, not the State
12 Bar's job to come knock on my door and be my babysitter.

13 I'm a grown adult. I have to proactively know what those
14 rules are and proactively practice them to the best of -- to
09:23a 15 the highest standard. It doesn't -- and if I do something
16 wrong I can't say, "Oh, well, I've never been disbarred for
17 this."

18 That's not an argument. If I've done something wrong,
19 I've done something wrong. The State Bar is not here to
09:23a 20 baby-sit. So when they're telling me they're licensed, I'm
21 assuming they're in compliance with all of Arizona laws and
22 any other laws that pertain to their facility. I wasn't an
23 expert in that.

24 And to add to that, in the back of the Parent Manual, I
09:23a 25 believe, is a statement of rights and the way that it's

1 written looks very much like it was extracted from a code
2 section. It either says it was or it looks like it was. So
3 I'm thinking they copied and pasted the actual statute from
4 the code, and that's leading me to believe they're in
09:23a 5 compliance; but I would be wrong.

6 They tweaked one part of it to talk about pursuant to SRA
7 policy as though they, SRA, have a right to override
8 licensing's directive by making a policy contrary to the
9 intent of the Legislature. I didn't know that at the time. I
09:24a 10 had no way to know that. I wouldn't have even known to
11 investigate it, but all of those things were telling me you're
12 -- "We're in compliance with the law."

13 Q. What about accreditation, what did you believe in terms
14 of the NATSAP logo that you observed on the website?

09:24a 15 What did you think NATSAP was?

16 A. On their website they had -- there was a big word that
17 said "accreditation," and they had the NATSAP logo and the --
18 I believe it was Cognia at that time. It's their -- kind of
19 their equivalent to our WASC that they were -- said
09:24a 20 incorrectly -- Mark Burdick said they were a member of.

21 Actually, that's something that we in California
22 schools -- our Western Association of Schools and Colleges.
23 Theirs was Cognia, and it might be Advanced Ed now, but I
24 think those are the same thing and have morphed into different
09:25a 25 names.

1 There was that, and there may have even been something
2 for licensing or one other thing there; but I thought that
3 these were bodies that were overseeing and expecting certain
4 standards for this industry that, of course, I, as a parent,
09:25a 5 didn't have any experience in and didn't know anything about;
6 and I actually called up Megan Stokes, the Director of NATSAP
7 and said, "Are you an accrediting body?" and she told me "no."

8 And I said, "Well, this is on SRA's website that you
9 are." Well, I think she made a call to them after the call
09:25a 10 because it disappeared for a while, and then at some point in
11 the future it reappeared. So I don't know if they used a
12 different iteration, but they moved it to not being under the
13 accreditation and then it was back.

14 So you can check the Internet archive and see that at the
09:25a 15 time I signed up it was very clearly indicated that it was an
16 accreditation. To me, accreditation is not a trade
17 organization formed by SRA as one of the six founding members.
18 I've confirmed that in papers written by John Santa and Jan
19 Moss as well as in e-mails from Megan Stokes, the Executive
09:26a 20 Director.

21 Jared Balmer was one part of the founder, the expert that
22 sat here last week, as was Spring Ridge Academy was one of the
23 founding members. That is not refuted by anyone that has read
24 anything that's been published, or it's not even disputed by
09:26a 25 the Executive Director of NATSAP itself. I have the e-mail

1 where she confirmed.

2 Q. You've heard testimony regarding the various licensing
3 violations in 2019, '20, '21. Had you known about any of
4 those violations, or even one of them, would you have enrolled
09:26a 5 your daughter into Spring Ridge Academy?

6 A. It's very easy in hindsight to say I wouldn't have done
7 this, I wouldn't have done that and -- I'm not going to
8 sincerely say if I'd known about one of them it would have
9 made a difference because everybody has one unfortunate
09:27a 10 situation.

11 In fact, while Mr. Stata and I were doing the tours, that
12 very issue came up regarding Montana Academy. There had been
13 one death. I believe it was suicide by hanging of a child at
14 Montana Academy, and so Mr. Stata actually raised that issue
09:27a 15 to me; and I actually said, "Okay, let's give them the chance,
16 like, to respond."

17 And, basically, it was like, "This is a completely
18 unusual situation. It's not the norm," and, you know, in life
19 we don't have -- we don't -- we seek for perfection but we
09:27a 20 never reach it, and their explanation satisfied me that this
21 was not the norm. This was an extraordinary situation, and
22 you always have to approach everything with some grace because
23 they are dealing with some very vulnerable population.

24 So at that time I bought the argument and that was
09:27a 25 raised. So I'm not going to say, and my history does not

1 show, that if I heard one single, solitary negative thing
2 about them I would have made a different decision, because I
3 think that that's not true.

4 What is true is one, no. Two, starting to be concerned.

09:28a 5 Having the Public Records request that I have now going back
6 for years with the Sheriff's to the founding and a number of
7 years for licensing, including discovering that they actually
8 destroy records in violation of Arizona law, oh, heck yeah.

9 One, no. Two, starting to be -- maybe it's baseball and
09:28a 10 three strikes you're out, but I'm going to tell you that I
11 never got -- never knew to do that because these record
12 requests sometimes take months to get. The last one I did,
13 which was last April, I didn't get until October.

14 So not one, probably not two, but at three I think that
09:28a 15 that would have been, "Wait a minute, this is over the top."
16 I think everybody has one or two things -- and, again, this is
17 hindsight but certainly what I know now, oh, absolutely not;
18 but there's no way for a parent to do what I've done. I've
19 worked full time on this for four years.

09:29a 20 Q. Okay. What if you knew at the time that the children
21 were choosing juvenile hall instead of going back to that
22 school, would that have affected your decision to enroll your
23 daughter?

24 A. Oh, absolutely. The statement, "I would rather go back
09:29a 25 to juvenile hall than here," yes, that is very concerning

1 because juvenile hall is juvenile hall. If you think that
2 that's better than Spring Ridge Academy -- because I have
3 always believed the girls.

4 I was never one of those parents that never told anybody
09:29a 5 I didn't believe the story. That's not my character and they
6 know that. It took me a long time to win their trust, but
7 they did admit, "You have never done what all the other
8 parents did and follow the Parent Manual and say 'don't
9 believe your children.'"

09:29a 10 I believed it myself and that's what I saw and I believed
11 the childrens' story. I didn't report them if I couldn't
12 verify them, but I believed them.

13 Q. Who at Spring Ridge Academy told you and Mr. Stata that a
14 child committing suicide is extremely unusual?

09:30a 15 A. That was at Montana Academy.

16 Q. Oh, that was not at Spring Ridge Academy?

17 A. No, that was when we were seeing Spring Ridge Academy,
18 Montana Academy and Summit Prep; and the very conversation
19 that you asked about did come up between Mr. Stata and myself
09:30a 20 in -- as it relates to Montana Academy.

21 So I did have a real-life example when you asked me the
22 hypothetical. Actually, I'm going to be honest, because
23 that's who I am. That came up. We were assured it was a
24 completely unusual, you know -- more actions had been taken to
09:30a 25 prevent that.

1 That particular individual, I believe it was a young man,
2 was struggling with some very difficult things and, you know,
3 I believed that that was really one of those situations that
4 is just a freak thing --

09:31a 5 Q. Okay.

6 A. -- and I trusted them.

7 Q. Okay. So my next question is: You've heard testimony
8 from Jeannie Courtney that most of these girls had a history
9 of self harm. Had you known that, would you have enrolled

09:31a 10 your daughter at Spring Ridge Academy?

11 A. No, I specifically would not have. I was not signing my
12 daughter up for that and some conversation -- and I cannot
13 relate it verbatim -- was had with Kate Deily on our school
14 tour about the issue of all of the girls being more like what
09:31a 15 Rearden is, like naughty and basically misdirected, full of
16 potential but not meeting it. That's what I thought.

17 I didn't think any of this stuff about victims of sexual
18 assault. That's a very serious specialty. The fact that,
19 apparently, some 40 percent of them or something are adopted,
09:31a 20 that's another specialized field. The number of them that had
21 all of these different things, I didn't know anything about
22 that self harming.

23 No, they're not set up for that. They're clearly not set
24 up for that, and that's not the environment I wanted my
09:32a 25 daughter in.

1 Q. Okay. So then the other question I have is: Why would
2 Spring Ridge Academy records indicate that the parents were
3 concerned about the trauma piece?

4 When did that come up that you said you were concerned
09:32a 5 about that emphasis?

6 A. I think I prior testified that it was in the material --
7 and, again, that's the Parent Manual that goes out to lots of
8 people. So it includes things that are not applicable to
9 myself or my daughter, and you kind of expect that in a Parent
09:32a 10 Manual. You know which ones pertain to your family and which
11 ones don't.

12 So I didn't make a big deal about the Parent Manual
13 thing. It was, excuse me, either at -- you know, by the time
14 it had been mentioned more than one time and definitely by the
09:32a 15 school tour thing I'm hearing this word "trauma" come up more
16 times than I'm comfortable with and it's starting to sound
17 really one size fits all, and I actually said with -- in
18 Mr. Stata's presence in the tour with Kate Deily, "I'm really
19 concerned here."

09:33a 20 "Now I've heard this word 'trauma' a number of times.
21 It's been in the literature and now you're talking about it,
22 and I'm getting the impression this is a one-size-fits-all
23 program, and my daughter does not have trauma," and I still
24 maintain that. She does not. She had a great life, very
09:33a 25 entitled. Does not have trauma.

1 And so she says -- she says, "Oh, no, no, no, no, it is
2 not" --

3 Q. Who?

4 A. Kate Deily. It -- "Oh, no, no, no. It is not a one" --

09:33a 5 'cuz she was the only person I was -- we were really having
6 any extended conversation with. In hindsight, everybody else
7 was just kind of a brief "hi" thing, including not meeting
8 Veronica Borges at all.

9 She's, "No, no, this is not -- your daughter is going to
09:33a 10 get a custom, individualized treatment plan that takes into
11 account your daughter and her history and everything. No, it
12 is not one size fits all," and I remember using that term,
13 "one size fits all," because that's what it was sounding like,
14 a little bit too can speechy.

09:34a 15 Q. Okay. And so that was an assurance you received
16 generally from Kate Deily, and that was the only person you
17 talked to on that subject?

18 A. Yes, until I got the one size fits all -- the actual
19 one-size-fits-all treatment plan e-mailed to me from Veronica
09:34a 20 Borges.

21 Q. Was her testimony that you filled out an enrollment
22 agreement and you filled that out yourself, answered all those
23 questions and uploaded it to BestNotes, correct?

24 A. In my password protected parent portal that only I had
09:34a 25 access to.

1 Q. Did you ever share that with Mr. Stata?

2 A. No, I did not. I specifically did not.

3 Q. And did you ever give permission to Spring Ridge Academy
4 to release any of your documents, including that particular
09:34a 5 one, to the public?

6 A. No.

7 Q. Did they ever ask you for a release, like they had in
8 other situations, to release any of your daughter's records to
9 Mark Burdick?

09:35a 10 A. No, not to Mark Burdick. I believe to Jessica Jo
11 Stenquist and Dr. Sarah Villarreal they had permission to
12 speak to. Not Dr. Mark -- I didn't even know who Dr. Mark
13 Burdick was until he showed up in the family law case as
14 allegedly Mr. Stata's expert, but was really a person who had
09:35a 15 been sending students to Spring Ridge Academy since his
16 founding, by his own admission.

17 Q. And during the pendency of the family law litigation and
18 until the time you made your Hail Mary play, was there any
19 change in your custody order?

09:35a 20 A. No.

21 MS. ALLARD: I have no further questions.

22 THE COURT: Ms. Sweidy, thank you very much. You
23 may step down now.

24 Defense, you didn't have any additional questions,
09:36a 25 did you?

1 MR. GRASSO: I did not, Your Honor, thank you.

2 THE COURT: Okay, very well.

3 THE WITNESS: Thank you, your Honor.

4 THE COURT: You're very welcome.

09:36a 5 Ms. Allard, if you could please call your next
6 witness.

7 MS. ALLARD: Your Honor, we would rest.

8 THE COURT: Mr. Smith or Mr. Grasso, how would you
9 like to proceed?

09:36a 10 MR. SMITH: We would like to call Kate Deily as our
11 next witness, Your Honor.

12 THE COURT: Ms. Deily, you've already been sworn.
13 Just come on up and take a seat, please.

14 Just -- just one moment, thank you.

09:36a 15 MS. SWEIDY: I'm so sorry, Your Honor.

16 THE COURT: No, just take your time.

17 Molly, can you -- can you help her out, please.

18 MS. SWEIDY: It's just water.

19 THE COURT: No, you're okay. It happens all the
09:36a 20 time. That's why we only have water in here.

21 Thanks, Molly.

22 THE COURT: Mr. Smith, whenever you're ready.

23 MR. SMITH: Thank you, Judge.

24 THE COURT: You're welcome.

09:37a 25 MR. SMITH: All set?

1 THE WITNESS: Yes.

2 *(Kate Deily recalled to the witness stand, previously sworn.)*

3 DIRECT EXAMINATION

4 BY MR. SMITH:

09:37a 5 Q. Okay. We've heard a lot about you, but could you remind
6 the jury again what was your role at Spring Ridge Academy
7 during all the events that they've been hearing about?

8 A. I was the Admissions Director.

9 Q. And prior to that you -- you had had other roles.

09:37a 10 Could you remind them what those were?

11 A. I was an Administrative Assistant at one point; a
12 Community Coach, which is a Direct Care staff; a supervisor of
13 Community Coaches, and then a Community Life Director before
14 moving into admissions.

09:37a 15 Q. And as the Admissions Director, would you be the person
16 who -- with whom most contact with prospective parents would
17 occur?

18 A. Yes, absolutely.

19 Q. So let's talk a little bit about these kinds of things
09:38a 20 that we've just heard Ms. Sweidy testify about. For instance,
21 she was talking about concerns raised during the tour of --
22 this appearance of this word "trauma" in materials that had
23 been provided. Was that a topic of discussion?

24 A. I don't remember specifically. I mean, I've done
09:38a 25 hundreds of tours in my time, but we regularly discussed

1 trauma and what that meant and how for some it could be a
2 really big, difficult event and how for others it could be a
3 series of much smaller things or something like parental
4 divorce.

09:38a 5 So what I would have done is explained that and shared
6 that, you know, based on our relationship with her daughter we
7 would create an individualized plan as we got to know her.

8 Q. And -- but as to the specifics of what you would have
9 said at that point in time, you have no recollection?

09:39a 10 A. I don't.

11 Q. Was there material that was provided that discussed how
12 trauma -- the word "trauma" was being used?

13 A. Yes, sir.

14 Q. And that would have been provided to Ms. Sweidy in
09:39a 15 advance of her tour?

16 A. Yes, sir.

17 Q. So on this topic of trauma, too, as you know sitting in
18 the courtroom the last couple of weeks, you and the jury have
19 heard former students talking about some experiences that they
09:39a 20 claimed to have had during workshops that were conducted at
21 Spring Ridge Academy. Do you remember that testimony?

22 A. Yes.

23 Q. And, in particular, one of them, I think it was Molly
24 Dickin, talked about needing to act out her sexual assault
09:39a 25 that she endured as a -- at her high school that she was at

1 prior to arriving at Spring Ridge.

2 Do you remember that testimony?

3 A. Yes.

09:40a

4 Q. Is that something that would be part of one of these
5 workshops?

6 A. Absolutely not and that did not happen.

7 Q. How could you say, as you sit there, that it did not
8 happen?

09:40a

9 A. Because it is -- I was involved with Spring Ridge Academy
10 on and off from the time I was a student there at fifteen
11 years old. Never once is that something that any child or
12 student would ever have been asked to do.

13 It would have been retraumatizing, and it would have been
14 the complete opposite of what our purpose was as a program.

09:40a

15 Q. We've also heard testimony about this event that occurs
16 or exercise that occurs in the family workshops, the sculpting
17 exercise?

18 A. Yes.

09:40a

19 Q. From what we've gathered, it sounds like the members of
20 the family place the other members of the family in positions
21 and locations based upon how they were feeling at a particular
22 moment?

23 A. Yes, sir.

09:41a

24 Q. In Family I, the first family workshop, what is the time
25 when that is supposed to happen?

1 A. Do you mean when does it happen in the workshop or the
2 time during that the family is sculpting?

3 Q. Sorry, bad question. Let me rephrase it.

4 A. It's okay.

09:41a 5 Q. What is the time that the family is sculpting?

6 A. So in the Family I workshop the goal is to provide the
7 clinicians with the work that the family needs to do in family
8 therapy. So that initial family sculpt, each member of the
9 family has the opportunity to place their family in a manner

09:41a 10 that represents where they were directly before whatever the
11 first intervention is, if you will. So what the functioning
12 of the family was prior to the student entering treatment.

13 Q. And in Molly Dickin's case, we know from her testimony
14 that she was -- after that sexual assault occurred, that she
09:42a 15 was then sent to a program, correct?

16 A. Yes.

17 Q. It wasn't Spring Ridge, but it was a program?

18 A. Correct.

19 Q. Is that an intervention?

09:42a 20 A. Yes, sir.

21 Q. If Molly Dickin had sculpted her sexual assault, would
22 that be an indication of her understanding of the family
23 dynamic at the time that she was first sent to an
24 intervention?

09:42a 25 A. I don't understand the question, I'm sorry.

1 Q. If Molly Dickin during her sculpting exercise sculpted,
2 re-enacted essentially, her sexual assault by placement of
3 herself in relation to her family, is that something that
4 would have -- would indicate what she was thinking, what she
09:42a 5 was doing, what she was feeling at the time before the first
6 interdiction?

7 MS. ALLARD: Objection, improper hypothetical. Not
8 based on anything that the witness testified to. She never --

9 THE COURT: Sustained and confusing. Please
09:43a 10 disregard the last question.

11 Rephrase, please, Mr. Smith.

12 MR. SMITH: Thank you, your Honor.

13 BY MR. SMITH:

14 Q. When students do -- first of all, let's back -- is it the
09:43a 15 students and their parents or other family members that
16 participate in sculpting?

17 A. Yes, so what we do is we usually have, maybe, fifteen
18 families that are part of the Family I workshop. So we break
19 it into smaller groups of two or three families that then do
09:43a 20 the sculpting in a small group.

21 Q. Do the families help each other sculpt or is it all
22 within one family?

23 A. It's all within one family. However, the other families
24 do have the opportunity to provide feedback like, "Oh, that
09:43a 25 really resonates with me. I kind of had the same role in my

1 family," things like that.

2 Q. And the sculpting, I think you testified, is physical
3 placement?

4 A. Yes, sir.

09:43a 5 Q. Is it also physical positioning in certain positions?

6 A. It can be.

7 Q. In your experience, have you ever had a student who
8 physically positioned herself in a way to reflect that she was
9 undergoing trauma?

09:44a 10 A. Yes, but only within that family unit. Like maybe there
11 was a brother that was aggressive, and they might sculpt that
12 in some way. The focus in the family sculpting activity is
13 just the family, the members that are there.

14 Q. And is that something that they consult with the staff
09:44a 15 that is monitoring that particular family unit before doing or
16 is that something that they do on their own after receiving
17 instructions?

18 A. So in the large group they're given an example of a
19 sculpt. The folks facilitating the workshop give them that
09:44a 20 example. Then when they break into the smaller group, there
21 are typically two facilitators, their therapist and their
22 Community Life Director.

23 As the family sculpts we have -- say that I'm the
24 daughter and I've placed my parents in the family sculpt. I
09:45a 25 then would say, "Okay, here's why I've placed mom where she

1 is. Here are my beliefs about my mom and my relationship.
2 Here's how I behave towards my mom because of my beliefs about
3 her, and the results in our relationship at that time were,"
4 whatever they were.

09:45a 5 While that's happening someone is scribing. They're
6 taking notes about this, which will then go to the therapist
7 to utilize in family therapy. Does that answer your question?

8 Q. It does, thank you.

9 A. Okay.

09:45a 10 Q. So it comes from within the individual?

11 A. Yes, sir.

12 Q. And when we're talking about these workshops, we've also
13 heard some descriptions by Ms. Sweidy about the Parent
14 Challenge. Now, the Parent Challenge, is that the first

09:46a 15 workshop that the parents attend?

16 A. Yes, sir.

17 Q. And so regardless of when your daughter comes to Spring
18 Ridge Academy, what time of the year it is, the first workshop
19 that the parents would attend is the Parent Challenge?

09:46a 20 A. Yes.

21 Q. And her description that she has provided was that there
22 was -- it was very chaotic and screaming and things like that.

23 Is that something that will occur in the Parent Challenge
24 workshop?

09:46a 25 A. I believe that Ms. Sweidy's representation of the

1 workshop is very inaccurate. There was not screaming and
2 yelling and chaos. In fact, if there was disrespect
3 occurring, the facilitators would have stepped in and
4 redirected it and maybe even processed it because "Hey, if
09:46a 5 this is a behavior that's coming up, if this is how you treat
6 others, let's talk about it. Let's figure this out. This,
7 obviously, isn't going to work in your family system."

8 Q. In these workshops, also, we heard a lot of testimony
9 about workshops that occurred back in the '70s, the '80s from
09:47a 10 witnesses brought by the plaintiffs.

11 You were here for all of that, correct?

12 A. Yes, sir.

13 Q. And one of the themes that kind of went through was we
14 weren't fed, we weren't given water, we weren't given bathroom
09:47a 15 breaks, things like that.

16 Do you remember hearing testimony like that?

17 A. Yes.

18 Q. Is that something that is part of the workshops at Spring
19 Ridge.

09:47a 20 A. No.

21 Q. Well, okay. So if somebody comes to a Spring Ridge
22 workshop and they started, they're ten or fifteen minutes in
23 and they decide that they need to use the bathroom, how do
24 they do that?

09:47a 25 A. So at the very beginning of the workshops we have a set

1 of ground rules that they go through, and one of the ground
2 rules is in the case of a physiological emergency, meaning a
3 restroom or you feel ill or something like that, let the team
4 captain know that you need to leave the room.

09:47a 5 So then the team captain would be identified. Somebody
6 needs to use the restroom. They look at the team captain and
7 they're, like, "gotta go," and that just indicates, "Hey,
8 let's make sure they come back in the next few minutes. We're
9 gonna go check and make sure that they're okay."

09:48a 10 Q. And in the case of somebody who's left and hasn't come
11 back, why would you need to go check on them?

12 A. Well, it's an emotional workshop. You're -- you're
13 looking at your beliefs, your attitudes, your behaviors, the
14 things that don't work; and both parents and students who are

09:48a 15 a part of Spring Ridge, typically things are pretty
16 dysfunctional in their lives by the time they arrive.

17 So if they're doing an exercise and it's brought up some
18 emotions, we would just want to go check they make sure they
19 were actually using the bathroom; that they weren't in there
09:48a 20 maybe crying or upset or something like that.

21 Q. And also in the workshops we've heard testimony about --
22 especially from some of the former students who would say
23 that, "I endured this because I knew that if I didn't, I
24 wouldn't graduate."

09:49a 25 Do you remember hearing that kind of testimony?

1 A. Yes.

2 Q. Is that true, that completion of these workshops by not
3 only the students, but the parents was a requirement for
4 graduation?

09:49a 5 A. No, not at all. So as we talked about, therapists would
6 determine the readiness of their clients to enter into these
7 workshops. If for some reason they didn't make it through the
8 workshop, it's just because they weren't therapeutically
9 ready; and that was just more to work on in therapy.

09:49a 10 They would have an opportunity to go into the workshop
11 the next time that it happened. They would continue with
12 everything else in their program, and it would not add time.
13 In fact, in some cases, being asked to leave was a bit of a
14 wake-up call for a student and really kind of turned the
09:49a 15 burners on underneath them and they really kind of turned the
16 corner and started moving in the right direction for their --
17 you know, for their program.

18 And parent workshops were not connected to the student's
19 progress whatsoever. The student's progress is completely
09:49a 20 separate from the choices their parents do or don't make.

21 Q. So even if a parent is a complete -- unable to complete
22 the workshops, doesn't want to do the workshops, but the
23 student is doing the therapy, going to school and meeting
24 these requirements personally, the student would be allowed to
09:50a 25 graduate even though the parents haven't participated?

1 A. Certainly.

2 Q. How does that impact the students' ability to then
3 function once they've left?

4 A. You mean the parents not completing the workshop?

09:50a 5 Q. Yes.

6 A. It really just depends on -- on the why behind why the
7 parent didn't complete the workshop. If the parent was
8 invested in doing work and they just couldn't make it for one
9 reason or another, it typically didn't affect them at all.

09:50a 10 Sometimes, sadly, it was an indicator of a parent's
11 inability or unwillingness to make their own change in the
12 family system; and so it would sometimes impact our transition
13 planning at the end of a student's stay.

14 Maybe we're going to recommend boarding school instead of
09:51a 15 going home if there's still a lot of strife in the family.
16 So, you know, we're home for summer, we're home for breaks;
17 but if the family unit still isn't functioning well, that
18 student's not necessarily going to maintain their success if
19 they go back into that broken system, for lack of a better
09:51a 20 term. Does that make sense?

21 Q. I -- I think so, but let me ask you this.

22 A. Okay.

23 Q. We heard from students here in 2024 who attended back in
24 2015, '16. I think the father who came in and testified, his

09:51a 25 daughter was there in 2017 and during that -- and even before,

1 times before. At one point during all of this we've also had
2 testimony from Jean Courtney that she had a retirement.

3 Do you remember that?

4 A. Yes.

09:51a 5 Q. And one of the students -- do you remember which student
6 testified about attending the retirement?

7 A. Emma Kerrigan.

8 Q. Did you see Emma Kerrigan at the retirement party?

9 A. I did.

09:52a 10 Q. Was she complaining about anything?

11 A. No, she and her family were quite happy. I said "hello,"
12 gave them hugs. At that time everything was good.

13 Q. And do you know of anything that she experienced
14 vis-a-vis Spring Ridge Academy after that point that led her

09:52a 15 to then come in and make the statements that she did to this
16 jury?

17 A. I'm unaware of anything.

18 Q. That party, you were there. We've heard that hundreds of
19 people showed up. Was that true?

09:52a 20 A. Yes, sir, upwards of 500.

21 Q. And was it just, like, local people in the area or were
22 there people, like Emma Kerrigan, who had come from far away
23 because they attended the school?

24 A. Yes, people flew in from all over the country on their
09:52a 25 own dime to come celebrate Jeannie.

1 Q. Did you meet with people who had done something like
2 that, that their time went all the way back to yours, which is
3 1997?

4 A. Yes.

09:53a 5 Q. And so you're smiling but it's --

6 A. Sorry.

7 Q. -- it sounds like it was a positive experience?

8 A. It was -- it was really wonderful. There were members --

9 I was the seventh student at Spring Ridge, and there were

09:53a 10 other women -- grown women that came back and it was just
11 exciting to see their kids and their careers and just what
12 they were doing with their lives.

13 It was a really -- it was a really special day. My
14 parents went with me. It was pretty wonderful.

09:53a 15 Q. One of the things that we heard from Ms. Sweidy during
16 her testimony was that there was no opportunity to interact
17 with other parents outside the -- you know, these workshops,
18 the strict guidelines set by Spring Ridge Academy.

19 Is that true?

09:53a 20 A. No, sir.

21 Q. Well, how could somebody like Ms. Sweidy have reached out
22 to other parents to discuss issues?

23 A. In the enrollment paperwork there is a spot that
24 indicates, "Would you like to become a member of SRAPS?" which
09:54a 25 is the Spring Ridge Academy Parent Support group on-line?

1 If the answer is "yes," then I would send the e-mail
2 addresses of those parents -- this was something outside of
3 Spring Ridge. We didn't monitor it. A former alumni father
4 ran it. So I would send him their e-mail addresses, and then
09:54a 5 he would send the family the log-in and the sign-up
6 information.

7 This was a forum for Spring Ridge Academy parents since
8 the beginning of Spring Ridge to talk about their experience,
9 how they're doing, what's difficult, what progress they're
09:54a 10 making. So that was something that we set up for the families
11 so that they could connect with one another.

12 Q. Do you have any idea how many parents were part of that?

13 A. Hundreds, maybe over a thousand.

14 Q. In the case -- in the case that we've heard here, one of
09:55a 15 the issues that's been brought up that pertains to you
16 specifically is how you kind of rushed Ms. Sweidy out the door
17 and threw a couple of papers at her to sign at the last minute
18 on December -- I think it's December 13th.

19 Do you remember that testimony?

09:55a 20 A. Yes.

21 Q. Was there a point when you were asking Ms. Sweidy to sign
22 release paperwork on December 13th?

23 A. Yes.

24 Q. Why didn't she have it beforehand?

09:55a 25 A. I don't really quite remember. I think that sometimes we

1 had them sign the psych eval and the -- not the psych eval,
2 excuse me, the permission to see the psychiatrist and the
3 consent for treatment with the therapist there.

4 The goal is always for families to meet that therapist
09:55a 5 when they enroll. I don't believe Veronica was there that
6 day. I believe that's why they didn't meet, but then also so
7 I can explain those -- those papers with them.

8 Just because a parent signs the psychiatric release, they
9 may never see the psychiatrist or ever go on medication. It's
09:56a 10 just so that sometimes as students are working through their
11 troubles, their anxiety may increase, their depression may
12 increase; and as a team, including the parents, it might be
13 decided, "Let's at least talk to the psychiatrist to see if
14 that might help."

09:56a 15 A child is never given medication without the express
16 consent of the family. So it's just a piece of paper we have
17 in place in case it's needed and often I use -- I do the
18 consent -- I do the consent to treat with the therapist there
19 sort of as an introduction to the therapist. However,
09:56a 20 Veronica wasn't on campus that day.

21 Q. I see. So did she have the option at that point of not
22 signing those two documents?

23 A. Certainly.

24 Q. And would that have voided the enrollment of her
09:57a 25 daughter?

1 A. Well, it would have been difficult to provide therapy if
2 she hadn't signed the consent for Veronica to treat, but we
3 would have maybe looked for a different therapist if that was
4 the reason. We would have talked about, "What's the reason
09:57a 5 you don't want to sign these, and how do we make this work?"

6 Q. Did she raise any issues with you about that?

7 A. I do remember she was concerned about the psychiatric
8 consent, and that's why I explained, "She may never ever see
9 the psychiatrist; and you would have to give express consent

09:57a 10 for that, for her to see the psychiatrist and/or take any
11 medication."

12 Q. Now, at that point in time was her daughter, Rearden,
13 present?

14 A. I don't believe so.

09:57a 15 Q. Was -- by that point, had she already said her good-byes
16 to Rearden?

17 A. I -- I don't remember the specifics. Again, I've done
18 hundreds of enrollments so they get a little fuzzy.

19 Q. Okay. Did you continue to have communication with
09:57a 20 Ms. Sweidy after she left on the 13th?

21 A. Yes.

22 Q. And was that because you're the person with whom the
23 family had had the most communication?

24 A. In the first couple of weeks I typically am copied or the
09:58a 25 one who writes the e-mails to the families because they don't

1 know anybody else, really, at that point. I'm the one that
2 they've been talking to for weeks, if not months, about
3 enrolling their daughter. So we've already established a
4 relationship.

09:58a 5 MR. SMITH: Your Honor, permission to publish
6 Exhibit 49, Page 4.

7 THE COURT: You may.

8 MR. SMITH: It's being persnickety. Thank you.

9 BY MR. SMITH:

09:59a 10 Q. Are you able to see on your monitor that -- that e-mail?

11 A. Yes.

12 Q. This is an e-mail from -- this is an e-mail to you,
13 correct?

14 A. Yes.

09:59a 15 Q. And you're having this back and forth with Ms. Sweidy at
16 this time?

17 A. Correct.

18 Q. Are you -- I see that other people are copied, including
19 the therapist, Veronica Borges?

09:59a 20 A. Yes.

21 Q. And Raymond Stata is copied?

22 A. Yes.

23 Q. And Kate Rudolf is copied, correct?

24 A. Kelly Rudolf, correct.

10:00a 25 Q. Kelly Rudolf, I apologize. And Kelly Rudolf was the

1 clinical life director for Rearden Stata at that time?

2 A. Community Life Director, yes.

3 Q. Okay. So you -- when you're doing this, are you acting
4 on your own?

10:00a 5 A. Absolutely not. I would have been speaking to the
6 treatment team before sending these e-mails, as that's who was
7 going to have the continued communication with the parents.

8 Q. And on the e-mail where you have indicated that you want
9 to, you know, set the tone for the divorced family situation,
10:00a 10 do you recall that e-mail?

11 A. Yes.

12 Q. Is that something that you would have done by yourself?

13 A. No.

14 Q. How would that come about?

10:00a 15 A. There would have been a discussion with Veronica and
16 Kelly, maybe Leslie Filsinger as well, the Clinical Director,
17 and I would have been chosen as the one to send the e-mail as
18 I had the closest relationship with the parents at that point,
19 but with the treatment team copied.

10:01a 20 Q. Okay. So as Ms. Sweidy correctly pointed out in her
21 testimony, you're not a therapist?

22 A. No, I am not.

23 Q. Okay. So what you were doing, was that considered to be
24 therapeutic?

10:01a 25 A. No, sir.

1 Q. At that point were you just communicating on behalf of
2 Spring Ridge Academy?

3 A. Correct.

4 Q. And she indicated that she stopped communicating with you
10:01a 5 at some point. Did that, in fact, occur?

6 A. Yes.

7 Q. So after that, did you receive anything directly from
8 Ms. Sweidy from that point forward?

9 A. I do not believe so.

10:01a 10 Q. Were you cc'd on things that she would send to groups?

11 A. Maybe at times. It's difficult to remember. It was a
12 long time ago.

13 Q. Finally, there's been some testimony about possessions
14 that Ms. Sweidy purchased for her daughter's use while she was
10:02a 15 at Spring Ridge that Ms. Sweidy did not receive back.

16 Do you remember that testimony?

17 A. Yes.

18 Q. Did Spring Ridge make specific requests to make sure that
19 the daughters -- the girls coming there had specific types of
10:02a 20 clothing?

21 A. Yes, we would send every family a packing list.

22 Q. And did the packing list -- I mean, was it stuff that
23 would have, like, "Spring Ridge" on it or was it clothes that
24 could be purchased at stores?

10:02a 25 A. Clothes that were purchased at stores.

1 Q. And in this case do you know what happened with Rearden
2 Stata's items that were in her room at the time that she
3 finally left Spring Ridge at the end of June 2020?

4 A. Yes, and I believe that plaintiff's testimony was that
10:03a 5 Erin Smith promised to mail those things to Ms. Sweidy, which
6 we would have done at that time in February had Rearden
7 remained home, but as she returned to Spring Ridge we never
8 mailed those belongings at that time.

9 So then when Rearden did return home to her father's
10:03a 10 house in June, we sent the things to Rearden because they were
11 her clothes and her toiletries and her hair brushes. They
12 were her items. So that's why we sent them to Rearden at her
13 father's house in June.

14 Q. And you just mentioned that Rearden left -- was taken out
10:03a 15 on February 3rd, but then returned at some point thereafter?

16 A. Yes.

17 Q. Did you have any interaction with Rearden after she came
18 back?

19 A. I did.

10:04a 20 Q. And was she able to function from what you could see when
21 she got back?

22 A. Absolutely.

23 Q. What was her mood?

24 A. She was a little sad and confused, but she also expressed
10:04a 25 to me sort of a relief to be back and jumped right back into

1 her therapy work.

2 Q. There's been some testimony about her having to undergo
3 this kind of circle exercise where Ms. Sweidy's action of
4 removing her daughter was put -- put on -- was the topic of
10:04a 5 what was to be discussed.

6 First of all, these circle exercises, did those kinds of
7 things occur at Spring Ridge?

8 A. We do have groups, yes.

9 Q. And in the groups then somebody would be maybe in the
10:04a 10 middle discussing an issue or how does this work?

11 A. It just is going to depend on the group. A typical group
12 is just going to be open for any student that wants to to
13 share what's happening for them at that time.

14 "I'm struggling with this." "I'm really proud of myself
10:05a 15 for that." "Here's what's going on with my parents right
16 now." "I've got a visit this week." "It's the first time
17 I'm going home." "I'm really nervous." "Can I get some
18 support?"

19 So a typical group is just sharing and processing.

10:05a 20 Q. Did this, as described, where Ms. -- where Rearden was
21 required to share with a group the experience of her mother
22 taking her from Spring Ridge Academy with Sheriff's deputies
23 on February 3rd, did that occur?

24 A. Rearden would not have been forced to have a group
10:05a 25 focused solely on her and her mother's choice. She may have

1 elected to, in a group setting, talk about the impact of that
2 on her.

3 Q. But not the actual events themselves?

4 A. No, not at all, nor would she have been -- I don't know
10:06a 5 what the word is I'm looking for. There was nothing negative
6 towards Rearden about an event that she had no control over.
7 She would have just been able to express her feelings about it
8 and how she was doing.

9 Q. And these type of group exercises, are these completely
10:06a 10 voluntary on the part of the student?

11 A. We want them to attend. They certainly can refuse --
12 they don't -- they don't have to go. Some girls when they
13 first arrive will refuse to go to group. It's hard, it's
14 scary, they don't know anybody yet really; and if you're in
10:06a 15 group, we would like for you to share, but we're not going to
16 force you to share. It's up to the student.

17 MR. SMITH: Thank you, Ms. Deily.

18 That's all I have.

19 THE WITNESS: You're welcome.

10:06a 20 THE COURT: Ms. Allard, come on up.

21 MS. ALLARD: Thank you, your Honor.

22 THE COURT: You're welcome.

23 MS. ALLARD: Permission to publish Exhibit 58.

24 THE COURT: 58's in evidence. You may publish.

10:07a 25 CROSS-EXAMINATION

1 BY MS. ALLARD:

2 Q. You testified that there was a process where parents
3 could be invited to a forum. Was that like an Internet group
4 of sorts?

10:07a 5 A. I believe so. We didn't run it, an alumni father did.
6 It was called SRAPS.

7 Q. How would that be processed at Spring Ridge Academy for a
8 parent to be invited to that group?

9 A. I believe that it was in the enrollment packet, the
10:07a 10 enrollment paperwork, and the parents would, like, check a box
11 and sign or indicate in some way that that was something they
12 wanted to partake in.

13 Q. How did they get -- how did it get done?

14 A. So then I would send an e-mail to a man named Adrian and
10:07a 15 say, "Hi, Adrian. This new family enrolled. Names, e-mail
16 addresses. Please invite them to SRAPS," and then he would
17 take it from there.

18 Q. On your Spring Ridge Academy e-mail account?

19 A. Yes.

10:07a 20 Q. And so did you produce any e-mail that you did that work
21 for the Sweidy Stata family?

22 A. I don't remember.

23 Q. Well, if you did, it would have been on an e-mail,
24 correct?

10:07a 25 A. Yes.

1 Q. So do you have any explanation for why, as Exhibit 58
2 shows, that on January 30th, 2020, Kimberly Sweidy had to
3 e-mail Stephanie Balictar at Spring Ridge Academy to ask to be
4 put on that group?

10:08a 5 A. I have no knowledge of this.

6 Q. It says at the top "Parent Support Group." We're talking
7 about the same thing, right?

8 A. Yes. Perhaps it wasn't checked in the enrollment form so
9 I didn't think she wanted to be invited.

10:08a 10 Q. Oh, so you remember?

11 A. No, I said "perhaps."

12 Q. Oh, perhaps. So -- and then the response was from your
13 employee admin@springridgeacademy.com. "Kimberly, it was a
14 pleasure to meet you as well. I will ask about the Parent
10:08a 15 Support Group and get back to you."

16 So did your office manager ask you about this?

17 A. I have no recollection.

18 Q. So it doesn't look like she was invited to that group?

19 A. You can draw that conclusion. We don't know that.

10:09a 20 Q. Well, the evidence is your office manager confirms that
21 she would ask about it, and who would she ask about it?

22 A. Me, Erin, Suzie, a multitude of people she could have
23 asked.

24 Q. So this is going to lead to my next area of questioning.

10:09a 25 There is multiple versions of a letter that you were

1 involved in and you reviewed that was, I think, drafted by
2 Erin Smith incorporating what Suzie Courtney wanted; and one
3 of the paragraphs in those versions said that Kimberly wasn't
4 to talk to other parents at Spring Ridge Academy. So why
10:09a 5 would that provision be in there?

6 A. As I shared in my testimony two weeks ago, I simply
7 edited one sentence in that once it was complete. I had
8 nothing to do with the creation of that document or why those
9 rules were put in place.

10:10a 10 My understanding is we were following the Court order
11 from when Rearden was returned to Spring Ridge Academy.

12 Q. You testified today that you did not return Rearden's
13 personal belongings to Kimberly Sweidy after she took her
14 daughter home on February 3rd, 2020; is that correct?

10:10a 15 A. Correct.

16 Q. And you had no knowledge that there was going to be any
17 court orders that would change that fact on February 4th,
18 correct?

19 A. No knowledge.

10:10a 20 Q. February 5th?

21 A. No.

22 Q. Or February 6th?

23 A. No.

24 Q. So why wasn't it done?

10:10a 25 A. Because that takes quite some time. We have to pack all

1 of the belongings up, night stuff, make sure that it's all
2 packed correctly so nothing breaks. Then you have to get UPS
3 to grab it and ship it, and my best guess is that that amount
4 of time was just not enough for us to make it happen; which is
10:11a 5 good, because she came back and then all of her stuff was
6 still there.

7 Q. You are offering testimony that you have been at Spring
8 Ridge Academy since you were fifteen years old, correct?

9 A. Not solidly through that time. I was a student when I
10:11a 10 was fifteen, went home, and came back and worked in different
11 capacities.

12 Q. And for some reason you wanted the jury to understand
13 what happens at family sculpting in order to discredit
14 testimony from a girl who said she had to sculpt her rape.

10:11a 15 Is that why you offered that?

16 A. I believe I was explaining what sculpting was; and
17 separately I stated that no young person would ever be asked
18 to sculpt or act out any trauma, let alone a rape.

19 Q. Well, Molly Dickin accused you of some pretty serious
10:11a 20 things, correct?

21 A. She sure did.

22 Q. Yeah, she said that you told her not to talk to
23 detectives about it, correct?

24 A. That was a lie.

10:12a 25 Q. Okay. And she also testified that you refused to provide

1 her diploma and her records, correct?

2 A. I would know nothing about that. I did not work in the
3 academic department, but that was also likely a lie.

4 Q. You testified at trial that, in fact, you remember doing
10:12a 5 that?

6 A. Doing what?

7 Q. That you remember her request and you said you forwarded
8 it to the appropriate people?

9 A. She called me on my phone. I was in Walmart. She asked
10:12a 10 me to send her her records. I told her I would send her the
11 release, and then that release went to Erin Smith and then my
12 hands were out of it at that point.

13 Q. Okay. So your demeanor has changed very quickly in this
14 courtroom.

10:12a 15 A. You're very aggressive, ma'am, and, frankly, the last
16 three and a half years have been hell on earth for myself and
17 others, and I'm just ready for this to be over and I really
18 don't appreciate your tone.

19 This has been very difficult to sit in this courtroom and
10:12a 20 be lied about and have everything that I believe in drug
21 through the mud. Yes, my demeanor has changed.

22 Q. And so if the students testify that your demeanor often
23 was hostile, we've now seen it, correct?

24 A. I'm not being hostile. I'm simply standing up for
10:13a 25 myself.

1 Q. I have another question for you. You've testified that
2 -- or I think you heard testimony that Raelyn Kaplan, a former
3 student of Spring Ridge Academy, posted multiple YouTube
4 videos regarding her experiences included being massaged.

10:13a 5 Are you aware of that?

6 A. I'm aware of that. I did not see any of those videos.

7 Q. And are you aware that she's critical?

8 A. I am very aware of that, yes.

9 Q. And you've seen her in this courtroom?

10:13a 10 A. I have seen her in this courtroom.

11 Q. And yesterday you approached her in a restaurant with a
12 smile on your face respecting no personal boundaries; is that
13 correct?

14 A. I didn't know it was --

10:13a 15 MR. SMITH: Objection, relevance.

16 THE COURT: I'm sorry?

17 MR. SMITH: Objection, relevance.

18 THE COURT: Overruled. Continue.

19 THE WITNESS: I didn't know it was her. I was

10:13a 20 walking to sit down and I literally bumped into her, and it
21 was very awkward; and when she turned around and I realized it
22 was her I was like, "Oh, Hi, Raelyn. You look lovely," and
23 then I went and sat down.

24 BY MS. ALLARD:

10:14a 25 Q. Okay. And there have been other students here from

1 Spring Ridge Academy that you've witnessed and you've walked
2 up to, correct?

3 A. I've seen them in passing and maybe said hello.

4 Q. Okay. Did your attorneys ever tell you that it's not
10:14a 5 appropriate to extend greetings to witnesses on the other side
6 of the case?

7 A. They were not witnesses.

8 Q. Okay. So you thought it was okay to go up and mingle?

9 A. I didn't go up, nor did I mingle. In passing I said
10:14a 10 hello. I worked with these young women for years and believed
11 that I had a close relationship at that time, and it's
12 actually been very difficult to see them in here.

13 I think simply saying hello to someone that you knew is
14 not inappropriate. I didn't walk up to anybody. I didn't
10:14a 15 seek anybody out. I simply said hello in passing.

16 MS. ALLARD: Your Honor, permission to publish
17 Exhibit 48?

18 THE COURT: It's in evidence, you may.

19 BY MS. ALLARD:

10:14a 20 Q. Now, I want to talk to you about your communication
21 style, if you don't mind. So I'm going to ask you about Page
22 51 of 97.

23 In one of these e-mails you're doing some -- you were
24 doing some regular back-and-forth communication with
10:15a 25 Ms. Sweidy regarding items to pack, trips to go to tour two

1 other schools, correct? So I'm setting the time period here
2 around November 21st, 2019.

3 So you receive an e-mail from my client, "I have to fly
4 in the night before to get to the school on time. Thanks for
10:15a 5 the suggestion. I always stay at Hampton Inns. Seriously! I
6 was just using Google Maps to locate the nearest Hampton Inn.
7 You are a mind reader. K."

8 She even shortens her name to an initial given the tone
9 and the way your communication exchange was going at that
10:15a 10 time, right?

11 A. Yes.

12 Q. So the communication was flowing rather, you know -- it
13 was friendly; wouldn't you agree?

14 A. Yes, it was lovely.

10:16a 15 Q. And then on December 7th -- and this is Page 69 of 97.
16 I'll try and focus it. I think you heard testimony from my
17 client that there was some question of logistics where her
18 hotel was, where the school was, and you described that -- the
19 process that would take 60 to 90 minutes. There would be --
10:16a 20 you'd meet briefly in a living room area. She'd introduce you
21 to Rearden and her peers.

22 "Together, we all carry any belongings over to Rearden's
23 dorm room. Rearden will stay there with peers and staff to
24 unpack and get settled while we wrap up any remaining
10:17a 25 paperwork, and you spend some time with Veronica. Once

1 Rearden is mostly settled, you will go back over to her room
2 to spend some private time together...to say 'see you soon.'
3 I don't call it a goodbye!"

4 So this is a friendly exchange, and you end it by saying,
10:17a 5 "I hope this is helpful!" So did you let Ms. Sweidy go back
6 to the room to say goodbye to her daughter?

7 A. I don't recall. That's the typical process, as indicated
8 in this e-mail. She absolutely would have been able to say
9 goodbye to her daughter, whether it was in her daughter's room
10:17a 10 or over in our administrative building.

11 Q. But on this particular day, you didn't allow her the
12 opportunity to go say goodbye to her daughter, did you?

13 A. I can't imagine that I wouldn't have. I don't remember
14 not allowing her not to say goodbye. That literally never
10:17a 15 happened with any of my enrollments.

16 Q. And then why didn't you mention the exact paperwork that
17 she was going to complete when you e-mailed her on the 9th?

18 A. Because I didn't know what it was going to be at that
19 point. It says assuming all enrollment paperwork is complete.
10:18a 20 So I didn't know at that point what would still be left to
21 sign.

22 Q. So -- and there was even another exchange. I think she
23 sent you some poetry that she wrote her daughter?

24 A. I don't remember that.

10:18a 25 Q. Okay. And then you testified that the reason as

1 Admissions Director that you started this path of admonishing
2 her regarding a family system is because other people told you
3 what to say. Is that what I understand?

4 A. First and foremost, I did not -- I do not believe it was
10:18a 5 admonishing; and, secondly, nobody told me what to do. There
6 was a conversation with her treatment team, and we decided
7 together that as I was the one that had the closest
8 relationship with her at that time, it made the most sense for
9 me to send the e-mail with the treatment team copied.

10:19a 10 Q. So you're a mouthpiece?

11 A. You can call it that if you'd like.

12 Q. You offer testimony that if somebody -- or Kimberly had
13 refused to sign the psychiatric release or the Consent of
14 Treatment to Veronica Borges you would say to her, "How can we
10:19a 15 make this work?"

16 A. Sure.

17 Q. And the e-mails that she sent Veronica Borges were she
18 didn't disagree that she was co-dependent and did not want to
19 read *Facing Codependence* became the subject of interest.

10:19a 20 In other words, this was viewed as her being combative?

21 A. That is how Veronica expressed she felt.

22 Q. Okay. And so you got copies of those e-mails?

23 A. I believe I was copied on a lot of the communication.

24 Q. And the same process where you're talking about a
10:20a 25 treatment team, that would be you and Veronica and Suzie

1 Courtney; is that who that is?

2 A. No, I'm not actually on the treatment team. I'm just
3 giving input as the person who knows the family best at that
4 point. The treatment team is an academic advisor, one of our
10:20a 5 faculty, the Community Life Director, the therapist, and one
6 or two members of our staff that work in the dorm where that
7 student lives. That's who the treatment team is.

8 In this case, I recall specifically speaking with Kelly
9 and Veronica.

10:20a 10 Q. Kelly and Veronica. So what efforts do you know, if any,
11 that any member of that team made to reach out to Ms. Sweidy
12 to say to her, "Hey, how can we make this work?"

13 A. I don't have any knowledge of what they did in reaching
14 out.

10:20a 15 Q. You offered testimony what you believe workshop
16 activities would be, but you were not present at Parent
17 Challenge attended by Kimberly Sweidy, were you?

18 A. I was not. However, every workshop follows the exact
19 same format.

10:21a 20 Q. And were you present at the workshop where Troy Williams
21 received massages?

22 A. I may have been, as I have also completed Action, and
23 sometimes I would go to those graduation ceremonies; and I
24 just think this is a great opportunity to share these

10:21a 25 massages, it's like a pedicure or a manicure. When you get a

1 pedicure or a manicure, you get your hands, your feet
2 massaged. It's brief. It's about two minutes. It's just
3 sort of honoring the hard work they've put in over the last
4 three and a half days.

10:21a 5 Q. And you are agreeing that they're blindfolded?

6 A. Not while they are -- oh, yes, they are blindfolded.

7 Q. And that they're massaged by their daughters, other
8 daughters and staff?

9 A. Yes.

10:21a 10 Q. And that Jeannie Courtney calls that giving service?

11 A. It's -- it's an honor. It's honoring them.

12 Q. And then you're aware that girls are blindfolded and
13 taken into a van into the desert?

14 A. I believe we've been over this.

10:22a 15 Q. So you're aware of that?

16 A. Yes.

17 Q. Okay. So one of the things I think you came back to do
18 today is to somehow discredit Emma Kerrigan for her testimony?

19 A. I am not discrediting Emma Kerrigan. Her experience is

10:22a 20 her own. I'm simply saying there was a time she loved Spring
21 Ridge Academy and was very grateful for what it was in her
22 life. That has obviously changed.

23 Q. She didn't -- she specifically talked about not liking
24 going in the desert and not liking being blindfolded.

10:22a 25 You heard that testimony?

1 A. I believe that's what she said.

2 Q. And you'd take issues with that?

3 A. No.

4 MS. ALLARD: No further questions.

10:22a 5 THE COURT: Is there any redirect, Mr. Smith?

6 MR. SMITH: Briefly, Your Honor.

7 THE COURT: Come on up.

8 REDIRECT EXAMINATION

9 BY MR. SMITH:

10:23a 10 Q. We've heard testimony that the goal of much of the types
11 of activities that you were just questioned about is growth
12 and self-realization.

13 Do you remember hearing that kind of testimony?

14 A. Yes.

10:23a 15 Q. Dr. Balmer talked about that, in particular. You
16 remember hearing his testimony on that?

17 A. Yes, sir.

18 Q. In order for growth to occur, is it sometimes at Spring
19 Ridge Academy the case that girls are asked to do things that
10:23a 20 are difficult?

21 A. Absolutely. Change doesn't happen when we're
22 comfortable. Change happens when we're risking and when we're
23 trying things that we haven't tried before, when we're being
24 honest and when we're being vulnerable. Change doesn't happen
10:23a 25 when you're comfortable.

1 MR. SMITH: That's all I have, thank you.

2 THE COURT: Ma'am, you can step down right now.

3 Ladies and Gentlemen, this is actually a perfect
4 time to take our morning recess.

10:24a 5 Court's in recess until 10:45.

6 All rise for the jury.

7 (Jury out at 10:24 a.m.)

8 THE COURT: Court's in recess.

9 (Recess taken at 10:24 a.m.)

10:45a 10 COURTRROOM DEPUTY: All rise for the jury.

11 (Jury in at 10:45 a.m.)

12 COURTRROOM DEPUTY: All rise, court is now in
13 session.

14 THE COURT: Good morning again everyone. Please
10:46a 15 take your seats. Court will come to order.

16 Defense, please call your next witness.

17 MR. SMITH: Your Honor, at this time the defense
18 rests.

19 THE COURT: Is there a case in rebuttal?

10:46a 20 MS. ALLARD: No, Your Honor.

21 THE COURT: Ladies and Gentlemen, the parties have
22 rested their cases at this point. There's some administrative
23 matters I need to go through with the parties, and the next
24 phase of the trial will be closing arguments.

10:46a 25 I'm going to go ahead and set you off to lunch until

1 12:30 because there's a number of things that we need to take
2 care of. All rise for the jury. Court's in recess for the
3 jury until 12:30 -- I'm sorry, Ladies and Gentlemen, until
4 1:00 o'clock. My apologies. I have something over the noon
10:47a 5 hour. It's 1:00 o'clock.

6 (Jury out at 10:47 a.m.)

7 THE COURT: Please take your seats. At this point
8 we'll go over the verdict form and the jury instructions.

9 Everyone just remain in your seats.

10:48a 10 All right, the first thing we'll go over is the
11 Verdict Form that I have. It's a two-page form.

12 Ms. Allard, go ahead and place whatever objections
13 you have on the record, if any.

14 MS. ALLARD: Your Honor, I have what's entitled
10:48a 15 "Order." Is that the Verdict Form, I believe?

16 THE COURT: I'm sorry?

17 MS. ALLARD: I see it titled as "Order."

18 THE COURT: Yes, that's an error. That's the first
19 error, yes. It should say "Verdict." Thank you.

10:48a 20 MS. ALLARD: I got another one.

21 THE COURT: Just remain in your seat, please.

22 Just pull the microphone down.

23 MS. ALLARD: And with respect to the rest of the
24 instruction, no, I have no objections.

10:48a 25 THE COURT: Defense?

1 MR. SMITH: No objections, Your Honor.

2 THE COURT: Okay. The only change that we'll make
3 to the two-page document is where you see "Order" it will say
4 "Verdict" and, Molly, just make sure it's in proper form. I
10:48a 5 don't -- I don't recall if we have the full number on there,
6 but I'm probably wrong. So just make sure it's in proper
7 order.

8 COURTROOM DEPUTY: I will.

9 THE COURT: Thank you.

10:49a 10 Next, I would like to go to the Final Jury
11 Instructions. I'm working from what we gave you all last
12 night; and, again, once I've received comments from the
13 parties like this Verdict Form, you'll get a clean copy of the
14 Verdict Form. You can use it if you need to during your
10:49a 15 closing arguments because it will not change. Same as the
16 Final Instructions.

17 Instruction No. 1, which is on Page 2 of this
18 document, "Duty of the Jury," any objection from the
19 plaintiff?

10:49a 20 MS. ALLARD: No, Your Honor.

21 THE COURT: Defense?

22 MR. SMITH: None, Your Honor.

23 THE COURT: Page No. 3, "Burden of Proof," any
24 objection from the plaintiff?

10:49a 25 MS. ALLARD: No, your Honor.

1 THE COURT: Defense?

2 MR. SMITH: Yes, Your Honor.

3 THE COURT: Go ahead.

4 MR. SMITH: We -- and this is -- I fault myself for
10:49a 5 this because I know what we submitted did not cover this, but
6 we believe that the constructive fraud burden of proof is the
7 same as common law fraud, and it has to be shown by clear and
8 convincing evidence and we do have -- we do have cases that
9 support that that we can provide.

10:50a 10 THE COURT: Ms. Allard.

11 MS. ALLARD: Your Honor, I wasn't prepared for that
12 objection so I need a moment to look at our joint trial
13 conference report on that.

14 THE COURT: Then let me -- let me go back because
10:50a 15 it's my recollection that the parties stipulated to this
16 instruction. I might be wrong, but last November we talked
17 about this issue and there was a stipulation.

18 So, Mr. Smith, go ahead and look at your documents
19 -- the joint documents that were filed with the Court last
10:50a 20 year.

21 All right, I'm looking at Document No. 180, Page 23
22 of 92. I don't see that it was -- hold on just one moment. I
23 don't see that it was stipulated to, but I also didn't see any
24 objections to the Joint Document 180.

10:52a 25 MR. SMITH: May I be heard?

1 THE COURT: So, Mr. Smith, go ahead.

2 MR. SMITH: Judge, we -- well, we did not stipulate.

3 This was something that -- that I failed to see and my problem

4 -- the problem we have at this point is if we proceed as

10:52a 5 written, we will be instructing the jury on the improper

6 standard of law -- the standard at law to apply.

7 THE COURT: Okay. First of all, I need you to move

8 your microphone closer to your -- so you can speak into it,

9 please. What cases do you have to support that position?

10:52a 10 MR. SMITH: Your Honor, may I approach?

11 THE COURT: Yes, please.

12 Thanks, Molly.

13 Okay, I'm not going to sit here and read six cases

14 right now. The first one is this *Melvin v. Stevens*. What in

10:53a 15 this helps your position? Direct me to the page and

16 paragraph, please.

17 MR. SMITH: If we look at -- I believe it's on Page

18 360 under the --

19 THE COURT: Hold on, hold on. I don't have a 360.

10:53a 20 This case is one through four bottom right.

21 MR. SMITH: Oh, I see what you're saying.

22 THE COURT: *Melvin v. Stevens* is the first case you

23 gave me. It's on the top.

24 MR. SMITH: The page in the document --

10:53a 25 THE COURT: It's a Westlaw document. I'm going from

1 the right bottom.

2 MR. SMITH: It's on the third page on the left
3 column.

4 THE COURT: Okay.

10:54a 5 MR. SMITH: Commencing under Note No. 2 where it
6 says, "We next consider the argument advanced" --

7 THE COURT: Okay. Whoa, whoa, slow down. Hold on.

8 So you're hanging your hat on the fact that it says
9 in here, "...establishing the vice which he alleges induced
10:54a 10 it, and a mere preponderance of the evidence is inadequate"?

11 MR. SMITH: Yes, Your Honor.

12 THE COURT: Ms. Allard, I know you were just handed
13 this, like the Court was as well, but this case is relatively
14 old -- really old, 1969. What's the plaintiff's position?

10:55a 15 MS. ALLARD: Your Honor, the problem I have with the
16 case is this particular language is talking about actual
17 fraud, and there's no distinction made here between an actual
18 fraud for a burden of proof and a constructive fraud. It's
19 kind of lumped together, and the section that he's talking
10:55a 20 about has language and says, "However, the party attacking the
21 contract has the burden of establishing the vice which he
22 alleges induced it, and a mere preponderance of the evidence
23 is inadequate."

24 Well, the elements of constructive fraud are way
10:55a 25 lesser than that. So it appears that this language here is

1 talking about actual fraud and not constructive fraud.
2 However, I want the jury to be instructed properly on the law
3 so I'm trying to find another case. I don't think this one
4 helps.

10:56a 5 THE COURT: Okay, I'm going to go ahead and take
6 this one under advisement. This is Page 3 of what I handed
7 you all yesterday. I'll read through the cases, the requisite
8 law, and I'll decide it.

9 Next is Page No. 4, "Clear and Convincing." Any
10:56a 10 objection from plaintiff?

11 MS. ALLARD: No, Your Honor.

12 THE COURT: Defense?

13 MR. SMITH: Yes, Your Honor. If you do rule in our
14 favor on the prior one, then this would need to be changed to
10:56a 15 include constructive fraud.

16 THE COURT: Okay, this is taken under advertisement
17 as well.

18 That takes us to Page No. 5. Any objection from the
19 plaintiff?

10:56a 20 MS. ALLARD: No, Your Honor.

21 THE COURT: Defense?

22 MR. SMITH: No, Your Honor.

23 THE COURT: Page No. 6, "Impeachment Evidence." Did
24 we have impeachment evidence?

10:56a 25 MS. ALLARD: Yes.

1 THE COURT: What do you recall, Ms. Allard?

2 MS. ALLARD: I impeached Kate Deily today with
3 inconsistent trial testimony to her testimony today.

4 THE COURT: Hold on just one moment.

10:57a 5 So you believe there's testimony on the record that
6 she lied under oath?

7 MS. ALLARD: Well, the instruction -- I guess that's
8 argument that she lied under oath. I don't know if this means
9 a Court finding lied under oath or a factual argument that she
10:57a 10 lied under oath, but she has inconsistent testimony.

11 THE COURT: Mr. Smith.

12 MR. SMITH: I believe that that would come under the
13 auspices of, like, a cross-examination. She appeared twice in
14 the same proceeding and gave testimony. I don't think that it
10:57a 15 rises to the level of impeachment.

16 THE COURT: Just one moment, Mr. Smith.

17 Ms. Allard, specifically what are you alluding to in
18 terms of -- I mean, clearly, there's been no evidence received
19 that Ms. Deily's been convicted of a crime.

10:58a 20 I do understand her in cross-examination. It was a
21 little different as it relates to initially when the
22 plaintiffs called Ms. Deily and she provided testimony that
23 the -- you know, the programs and how well received it was and
24 other things and I appear -- I believe that during her
10:58a 25 testimony today you brought up some information about one of

1 the former students and what she believed happened at the
2 location.

3 So what part of her testimony when you called her
4 initially and then she was recalled or called in the defense
10:59a 5 case is inconsistent that it would fall under this impeachment
6 evidence umbrella?

7 MS. ALLARD: Your Honor, there was a specific
8 question that she indicated that she -- and I'm drawing a
9 blank at the moment, and I had impeached her with some prior
10:59a 10 testimony on the subject and it was different than her trial
11 testimony; and I'm sorry, I'm not able to recall the exact
12 question at this time.

13 And I know that the jurors generally get a general
14 instruction on prior testimony, and I don't know if this is
10:59a 15 the one.

16 THE COURT: What I'm willing to do at this point,
17 because I can't narrow it to anything specific, I can give a
18 generic impeachment evidence instruction.

19 MS. ALLARD: That would be fine, Your Honor.

10:59a 20 THE COURT: Do you have a problem with that,
21 Mr. Smith?

22 MR. SMITH: Would it -- would it read like this?
23 I'm not sure.

24 THE COURT: Well, let me -- just give me a moment,
11:00a 25 and I'll tell you how it will read.

1 All right, this is how I would like to read it to
2 the jury: The evidence that a witness may have provided
3 inconsistent testimony may be considered along with all other
4 evidence in deciding whether or not to believe the witness and
11:00a 5 how much weight to give to the testimony of the witness and
6 for no other purpose.

7 Plaintiff?

8 MS. ALLARD: That's fine, Your Honor, thank you.

9 THE COURT: Defense?

11:01a 10 MR. SMITH: That's fine, thank you.

11 THE COURT: Okay, that will be given that way
12 verbatim. So I'll make the changes and then we'll get those
13 documents back to you, just like the verdict form that said
14 "Order" and it should say "Verdict."

11:01a 15 All right, that takes us to Page No. 7, "Expert
16 Opinions." These are all the experts, Hunter, Flens, Balmer
17 and Williams, unless -- I know there was a lady that the -- I
18 thought the plaintiffs called that was an expert?

19 MS. SWEIDY: She was a percipient witness, not an
11:01a 20 expert witness. She was a doctor, yes, had a doctor degree.

21 THE COURT: Is there any objection to Page No. 7,
22 expert opinions?

23 MS. ALLARD: No, Your Honor.

24 MR. SMITH: Not from the defense.

11:01a 25 THE COURT: All right. Page No. 8,

1 "Charts/Summaries." Did we have charts or summaries?

2 MS. ALLARD: We tried to, but no.

3 THE COURT: Just one moment.

4 No, we -- I think we had discussions and some things

11:02a 5 were -- wait a minute. I just don't recall any charts or
6 summaries or demonstrative exhibits.

7 MS. ALLARD: No, Your Honor, I don't.

8 MR. SMITH: Nor do we.

9 THE COURT: Okay. On Page No. 8, that will not be

11:02a 10 given.

11 "Duty to Deliberate," Page No. 9. Any objection
12 from the plaintiff?

13 MS. ALLARD: No, Your Honor.

14 THE COURT: Defense?

11:02a 15 MR. SMITH: No, Judge.

16 THE COURT: That will be given in its present form.

17 "Consideration of Evidence," Instruction No. 10.

18 Any objection from the plaintiff?

19 MS. ALLARD: No, Your Honor.

11:02a 20 THE COURT: Defense?

21 MR. SMITH: No, Judge.

22 THE COURT: That takes to us Page 12.

23 Any objection from the plaintiff?

24 MS. ALLARD: No, your Honor.

11:02a 25 THE COURT: Defense?

1 MR. SMITH: None, Your Honor.

2 THE COURT: Page 13, "Corporations and Partnerships,
3 Fair Treatment." Any objections from the plaintiff?

4 MS. ALLARD: No, Your Honor.

11:03a 5 THE COURT: Defense?

6 MR. SMITH: No, Your Honor.

7 THE COURT: That takes us to Page No. 14, "Liability
8 of Corporations, Scope of Authority Not in Issue."

9 Plaintiff?

11:03a 10 MS. ALLARD: No, Your Honor.

11 THE COURT: Defense?

12 MR. SMITH: No, Your Honor.

13 THE COURT: Page No. 15, "Agent and Principal
14 Definition." Any objection from the plaintiff?

11:03a 15 MS. ALLARD: No, Your Honor.

16 THE COURT: Defense?

17 MR. SMITH: No, Your Honor.

18 THE COURT: Page 16, "Agent Scope of Authority
19 Defined." Any objection from the plaintiff?

11:03a 20 MS. ALLARD: No, Your Honor.

21 THE COURT: Defense?

22 MR. SMITH: No, Your Honor.

23 THE COURT: Page No. 17, "Active Agent is Active
24 Principal. Scope of Authority Not in Issue."

11:03a 25 Any objection from the plaintiff?

1 MS. ALLARD: No, Your Honor.

2 THE COURT: Defense?

3 MR. SMITH: No, Your Honor.

4 THE COURT: Page No. 18, "Consumer Fraud Elements."

11:03a 5 Any objection from the plaintiff?

6 MS. ALLARD: No, Your Honor.

7 THE COURT: Defense?

8 MR. SMITH: No, Your Honor.

9 THE COURT: "Consumer Fraud Damages," any objection

11:04a 10 from plaintiff?

11 MS. ALLARD: You have a typographical error.

12 Line 2 should read "consumer," not "constructive"

13 fraud.

14 THE COURT: You agree with that, Mr. Smith?

11:04a 15 MR. SMITH: Yes, Your Honor.

16 THE COURT: Thank you for catching that.

17 MS. ALLARD: You're welcome.

18 THE COURT: Any other objection from plaintiff?

19 MS. ALLARD: No, your Honor.

11:04a 20 THE COURT: Defense?

21 MR. SMITH: No, Your Honor.

22 MS. ALLARD: I'm sorry, I do. There's a damages on

23 here. Your Honor, I do want to make a record regarding the

24 request in the instruction that may have occurred in different

11:04a 25 places for emotional distress damages on a fraud claim. I

1 don't know if the Court wants to hear that at this point, but
2 it would apply here.

3 THE COURT: Okay. What specifically is your
4 objection to Page 19?

11:04a 5 MS. ALLARD: Your Honor, this came up in motions in
6 limine, and the Court had cited a case. I've cited a number
7 of cases in the notes. One in particular is a fertilized loss
8 of property, fertilized egg case in Arizona where the parents
9 were entitled to emotional distress for the loss of their
11:05a 10 property, which in that case was their child, eggs, although
11 not viable humans beings necessarily, and there -- the case
12 that the Court has cited in opposing this request -- or in
13 granting an order is a general case that you have to have a
14 real factual link.

11:05a 15 You don't just say, "Okay, there's a fraud. Someone
16 gets emotional distress." And now that the evidence is before
17 the jury and the Court has heard the factual argument, I
18 think, is really what applies here that would ask -- this is a
19 case where there's a Parent Manual that has specific terms
11:05a 20 regarding healing families, regarding assisting parents set
21 boundaries; and so when the effect and damage of that is the
22 loss of a child, this is a very unique, very specific causal
23 nexus, and the case law I cited in the notes says you have to
24 have a really close causal nexus so --

11:06a 25 THE COURT: So wait a minute, let's go back a bit.

1 So you're making an argument that this -- her loss
2 of her relationship with her daughter is borne from Spring
3 Ridge Academy?

4 MS. ALLARD: Yes.

11:06a 5 THE COURT: Okay, just one moment.

6 I know when Ms. Sweidy's daughter was younger there
7 were some problems. It's on the record in terms of some of
8 the challenges a parent generally would have with a child that
9 had some challenges.

11:06a 10 Specifically, what borne from Spring Ridge Academy
11 caused the daughter to stop talking to your client and being
12 part of her life?

13 MS. ALLARD: The -- starting with the exercise at
14 Teen Challenge where someone who doesn't have trauma is told
11:06a 15 to focus on their parent as the source of their trauma, No. 1.

16 No. 2, undermining a parental's -- parent's authority
17 to remove her daughter and putting conditions on the mother
18 that she not have any communication whatsoever with her
19 daughter.

11:07a 20 Not allowing her to have privacy with her daughter
21 during the global pandemic to discuss her medical condition.

22 The conditions testified to by numerous students
23 that students feel pressure to comply with expectations at
24 Spring Ridge Academy, in this case that she go through these
11:07a 25 parent/child rituals and exercises that undermine the

1 relationship.

2 Testimony from Brandon Courtney, who admits that
3 language in this *Four Agreements* book and Bradshaw that makes
4 references to killing parents, which is the hidden agenda of
11:08a 5 Spring Ridge Academy.

6 The agenda of Spring Ridge Academy is precisely to
7 disrupt the child's values that are instilled by the parents
8 in their educational institutions.

9 The knowledge that Spring Ridge Academy had
11:08a 10 regarding these particular parents' values and their
11 philosophy, which the minor child indicated in her biosocial
12 was a big, big feature of her upbringing by both parents.

13 The fact that Spring Ridge Academy even documents
14 the philosophy of parents.

11:08a 15 The fact that Spring Ridge Academy teaches -- and
16 this is borne out in testimony from Jeannie Courtney, as well
17 as the documents in the Master Treatment Plan that there is
18 quote/unquote "no right and wrong."

19 THE COURT: Okay. Ms. Allard, I've heard plenty.
11:08a 20 Mr. Smith.

21 MR. SMITH: Your Honor, there was a pre-existing
22 disruption of the relationship. That's why the daughter was
23 at Spring Ridge Academy. It manifested itself in various ways
24 before she came to Spring Ridge Academy --

11:08a 25 THE COURT: No, but I think the record reflects

1 right now that Ms. Sweidy and her daughter were doing
2 everything possible to mend those problems that they had.

3 MR. SMITH: And subsequent events after leaving
4 Spring Ridge Academy either contributed to or exacerbated that
11:09a 5 or else helped it to heal.

6 THE COURT: Well, it's my recollection that the
7 plaintiff actually went to a State Court and agreed to a
8 severance of parental rights to get her child out of Spring
9 Ridge Academy.

11:09a 10 Are you saying that once that occurred the
11 relationship was already broken to the point where Ms. Sweidy
12 had no access to her child? Because the record actually
13 reflects that they were still in contact. In fact, I think
14 there was testimony about, at some point, the child reached
11:09a 15 out to Ms. Sweidy, and Ms. Sweidy went to San Francisco to
16 assist the child in some capacity.

17 So I don't -- I don't recall the specifics, but are
18 you making an argument that once she left Spring Ridge the
19 relationship was so fractured that she wasn't involved in her
11:10a 20 mother's life already or well before that?

21 MR. SMITH: I think it's well before that, Your
22 Honor. That's why she's at Spring Ridge, and in your motions
23 in limine rulings you actually pointed out that --

24 THE COURT: Well, the thing with the motions in
11:10a 25 limine ruling, especially No. 1 where we talked about borne

1 from, there were rulings that I made last fall; but the way
2 the evidence played out during this two and a half weeks has
3 changed the posture in terms of some of those very limiting
4 issues as it relates to what she can claim, and that's where
5 during sidebar during one of the days I indicated that there
6 was testimony that was not objected to that would lead the
7 plaintiffs to believe that they could request some kind of
8 borne from damages, and that's where it became really cloudy.

11:10a

9 So specifically, what can you place on the record in
10 terms of why this was already fractured to the point where
11 Ms. Sweidy can't actually ask this jury for additional damages
12 in the form that Ms. Allard has already placed on the record?

11:11a

13 MR. SMITH: We have -- we have on the record that
14 this -- that Rene's -- excuse me, Rearden Stata voluntarily
15 returned, even though it was under Court order, was happy to
16 return to Spring Ridge and was happy to participate in the
17 program.

11:11a

18 She continued to participate in the program
19 voluntarily after Court order allowed her to go live in
20 California, and if she desired she could have gone someplace
21 else --

11:11a

22 THE COURT: From your side of the courtroom that
23 evidence does exist. From this side of the courtroom it
24 counters what your position is in terms of witness testimony.

11:11a

25 MR. SMITH: And what we have from the other side of

1 the courtroom, Your Honor, is a continuation of the disruptive
2 kind of things when you look at the information that
3 Ms. Sweidy provided to the -- to Spring Ridge about the
4 problems with her daughter at the time of enrollment. There's
11:12a 5 -- those problems continued to exist.

6 She flat out stated that in session with the
7 therapist that she did not want to have a friendship or a
8 relationship, was the word, with her daughter. She wants her
9 daughter to learn how to make a living and go and succeed in
11:12a 10 the world. Those are the kinds of things that continued
11 through and that's -- so -- so whatever Spring Ridge did, it
12 did not cause the kind of emotional damages that are being
13 requested and as you pointed out -- I understand the motions
14 in limine were at a time when there was more limited
11:12a 15 information available to the Court --

16 THE COURT: It was very limited, and it's wide open
17 now.

18 MR. SMITH: But it rings -- but it rings true, even
19 at this point with all the additional information provided,
11:12a 20 that there is so many other causes that is so attenuated to
21 make that claim of an emotional damage claim retroactive to
22 the inducement to enroll her daughter, and that's what the
23 issue is, the fraudulent enrollment of the daughter.

24 MS. ALLARD: Your Honor, I think that this is a
11:13a 25 factual question for the jury. Obviously, I didn't finish my

1 list, but one of the key pieces of evidence was Rearden's
2 entrance by a social exam where she describes her mother doing
3 anything for her and the status being things are -- we're
4 working on it.

11:13a 5 So there can be an instruction, and I have seen case
6 law that if you find that there were -- the relationship was
7 severed before or other reasons, then they're entitled to do
8 that. I mean, so that's just a factual argument for the jury
9 so -- but Ms. Sweidy shouldn't be, you know, precluded from

11:13a 10 arguing what the bulk of the evidence shows, which is that
11 their relationship is permanently damaged because of all of
12 these experiences and influence, particularly the evidence of
13 what was happening while she was in reunification therapy with
14 her mother and her emotional condition at that time; and

11:14a 15 testimony we've had from experts that these type of
16 experiences are very debilitating for people.

17 THE COURT: Well, I'll tell you what, both sides,
18 you've placed your respective arguments on the record to
19 preserve your issues. I'll decide it and I need some time.

11:14a 20 So it's under advisement as it relates to Page No. 19.

21 Page No. 20, "Distinction Between Fraud and Consumer
22 Fraud Claims," any objection from the plaintiff?

23 MS. ALLARD: No, Your Honor.

24 THE COURT: Defense?

11:14a 25 MR. SMITH: No, Your Honor.

1 THE COURT: Page No. 21, "Common Law or Actual
2 Fraud." Any objection from the plaintiff?

3 MS. ALLARD: No, Your Honor.

4 THE COURT: Defense?

11:14a 5 MR. SMITH: Just a moment, please.

6 No, Your Honor.

7 THE COURT: Page No. 22, "Common Law or Actual Fraud
8 Damages." Plaintiff?

9 MS. ALLARD: This would be the same as what's under
11:15a 10 submission with the Court on the same issue.

11 THE COURT: That's under advisement, just like Page
12 No. 19. So you have the same objections, Ms. Allard?

13 MS. ALLARD: Yes, Your Honor.

14 THE COURT: Same objections, Mr. Smith?

11:15a 15 MR. SMITH: Yes, Your Honor.

16 THE COURT: They're preserved.

17 That takes us to Page No. 23, "Constructive Fraud."
18 Plaintiff?

19 MS. ALLARD: No objection.

11:15a 20 THE COURT: Defense?

21 MR. SMITH: No objections, Your Honor.

22 THE COURT: I see on Line No. 16 there's a period
23 missing. I'll correct that typographical error on Page 23.

24 Page 24, "Constructive Fraud, Fiduciary Duty."

11:15a 25 Plaintiff?

1 MS. ALLARD: No objection.

2 THE COURT: Defense?

3 MR. SMITH: No objection, your Honor.

4 THE COURT: Page No. 25, "Constructive Fraud
11:16a 5 Damages." Plaintiff?

6 MS. ALLARD: This would be the same objection as the
7 previous two.

8 THE COURT: Defense?

9 MR. SMITH: None, Your Honor.

11:16a 10 THE COURT: Page No. 26, "Punitive Damages."
11 Plaintiff?

12 MS. ALLARD: No objection.

13 THE COURT: Defense?

14 MR. SMITH: Your Honor, yes, there is -- in the
11:16a 15 final paragraph, there is a reference --

16 THE COURT: What page are you on?

17 MR. SMITH: I'm sorry, Page 26.

18 THE COURT: Okay. What -- I have lines to the left.
19 What line?

11:16a 20 MR. SMITH: Let's see, Line No. 18. It's talking
21 about contrasting the burden of proof for punitive damages
22 with more probably true, and then it goes on to say "which
23 applies to all other claims in this case."

24 I think that's the standard language from the
11:16a 25 standard -- the standard instruction, which would not be true

1 in this case. So I'd ask that they -- which applies to all
2 other claims in this case.

3 THE COURT: Just one moment.

4 What specifically is your objection? The words in
11:17a 5 quotation marks "more probably true than not"?

6 MR. SMITH: No, sir. It's the phrase after that,
7 "which applies to all other claims in this case." That
8 standard does not apply to all of the other claims in the
9 case.

11:17a 10 THE COURT: Ms. Allard.

11 MS. ALLARD: I would agree with respect to actual
12 fraud, but we're still disputing whether or not that applies
13 to constructive fraud. So it could read "some of the claims
14 in this case."

11:17a 15 MR. SMITH: Or we would propose that just be
16 eliminated, that phrase.

17 THE COURT: No, what I'm going to do is change it;
18 and if you look at Line No. 19 where you see "to all other
19 claims in this case," it will read "to some other claims in
11:18a 20 this case."

21 That will be the only change made to that
22 instruction, but your objection is on the record.

23 THE COURT: Next Page 27, "Return of Verdict."

24 Any objection?

11:18a 25 MS. ALLARD: No, Your Honor.

1 THE COURT: Defense?

2 MR. SMITH: No, Your Honor.

3 THE COURT: Okay, this is what I'm going to do:
4 You'll have your final verdict form on your respective tables
11:18a 5 no later than 11:45, along with the Court's Final
6 Instructions. All of your objections have been placed on the
7 record at this point, and there will be no additional changes.

8 If I've changed -- or made the changes consistent
9 with the plaintiff's arguments, they will be reflected on
11:18a 10 several of those instructions we just went through; and, I
11 believe, as I indicated before, that you guys have already
12 memorialized verbally on the record your objections.

13 Is there anything else from the plaintiffs?

14 MS. ALLARD: No, Your Honor, thank you.

11:19a 15 THE COURT: You're very welcome.
16 Defense?

17 MR. GRASSO: Your Honor, I just want to bring up one
18 issue. If, in fact, Your Honor did allow for the emotional
19 harm damages, we may want to consider whether there needs to
11:19a 20 be an alteration to the Verdict Form to separate those out so
21 we don't have just one number in case we need to know a
22 division from the jury.

23 It's just something to consider in this
24 circumstance.

11:19a 25 THE COURT: Well, that's your objection. If I allow

1 it, Ms. Allard will be able to argue whatever she needs to and
2 she can direct the jury exactly where they need to place those
3 damages.

4 MR. GRASSO: Thank you, your Honor.

11:19a 5 THE COURT: But you've placed your objection on the
6 record, but it's not my intent to make any changes on the
7 Verdict Form with the exception of where it says "Order" it
8 should say "Verdict."

9 MR. GRASSO: One more request, Your Honor.

11:20a 10 THE COURT: Sure.

11 MR. GRASSO: Could we have those e-mailed to us, the
12 instructions, if we wanted to -- I just thought it might be
13 easier if we were going to publish them, we could turn it into
14 a PDF and publish them during closing.

11:20a 15 THE COURT: I could turn it into a PDF to make sure
16 no changes are made. I'm not saying that any party would be
17 dishonest, but I'll send it -- as long as the courtroom deputy
18 has one of your e-mail addresses on each side, I'll make it a
19 PDF and we'll send it to you, but you'll get a hard copy on
11:20a 20 counsel table no later than 11:45 for our 1:00 o'clock closing
21 arguments.

22 Just one moment.

23 (Court and courtroom deputy confer.)

24 THE COURT: There's a judgment that was filed by the
11:20a 25 defense?

1 MR. SMITH: A judgment?

2 THE COURT: Yeah, matter of law.

3 Did you file a Rule 50?

4 MR. SMITH: We filed a Rule 50.

11:21a 5 THE COURT: Oh, I -- I had no idea.

6 MR. SMITH: We just did it. We needed to wait until
7 the close of evidence. So it happened, like, literally in the
8 last 25, 30 minutes.

9 THE COURT: Oh, well, that's something that's very
11:21a 10 important. Go ahead and -- I don't have the document.

11 COURTROOM DEPUTY: I can print it for you.

12 THE COURT: Yes, thank you.

13 MR. GRASSO: Can we approach, Your Honor, or may I
14 approach?

11:21a 15 THE COURT: That's your JMOL?

16 MR. GRASSO: Well, there's one -- there's copies for
17 the plaintiff and the Court, I believe.

18 THE COURT: Very well, come on up.

19 MR. GRASSO: This is the Judge's copy, I'm sorry, my
11:22a 20 bad. My apologies.

21 COURTROOM DEPUTY: That's okay.

22 THE COURT: Just one moment.

23 Thanks, Molly.

24 COURTROOM DEPUTY: You're welcome.

11:23a 25 THE COURT: Okay, I've had a chance to look at -- I

1 don't have a document number yet, but I have the Defendants'
2 Spring Ridge Academy's Motion for a Judgment as a Matter of
3 Law, which is a Rule 50(a) motion.

4 I'm prepared to hear whatever arguments you want to
11:23a 5 place on the record, Mr. Grasso or Mr. Smith. I've perused
6 the document. I'm familiar with all of the issues. It
7 appears that you rest heavily on Motion in Limine No. 1, which
8 was decided last year. As I've indicated now four times on
9 the record, it was very limited information as it relates to
11:24a 10 the motion in limine, which has been expanded significantly
11 through witness testimony and documents.

12 If you have some argument, you could place it on the
13 record now. If you're simply reading from what you've already
14 filed, I'll have a chance to do that and I'm very familiar
11:24a 15 with the standard. What would you like to do, Mr. Smith?

16 MR. SMITH: Your Honor, you're right, it is -- it is
17 Document 263 for the record --

18 THE COURT: Thank you.

19 MR. SMITH: -- and we have done an extensive
11:24a 20 briefing. Unless there are questions that the Court would
21 have at this time or after having a chance to review, I would
22 not want to proceed to argue especially since the plaintiffs
23 have just gotten this and are not familiar at all with the
24 contents.

11:24a 25 THE COURT: Thank you very much, Mr. Smith.

1 Ms. Allard?

2 MS. ALLARD: Your Honor, first of all, I think that
3 there might be some procedural waiver here. Usually this
4 motion would have been brought orally at the proper time.

11:24a 5 THE COURT: At the completion of the plaintiff's
6 case. That's why I was so surprised my staff member notified
7 me that a Rule 50 motion had been filed.

8 MS. ALLARD: Well, I will add I wasn't served with a
9 copy either at that time. So I think there might be -- and
11:25a 10 I'm not going to assert any Arizona court has ruled on this
11 issue -- some sort of waiver by the fact they actually
12 presented defense evidence; but with that aside, this is a
13 factual argument.

14 If the Court has -- wants me to address any of the
11:25a 15 factual arguments, I can; but we obviously oppose the motion
16 and believe that the evidence is overwhelming, and I'm not
17 sure that even punitive damages would be the subject of this
18 kind of a motion but underlying -- it appears to be a factual
19 presentation and if the Court is concerned regarding any of
11:25a 20 the facts or issues, I would narrow my comments to those
21 particular facts or issues.

22 THE COURT: Thank you very much.

23 This Court is very familiar with the facts of this
24 case. Obviously, I've had a chance to sit here and listen to
11:26a 25 all the witness testimony. I'm familiar with all the

1 documents that have been received into evidence as well as all
2 the arguments pretrial and, of course, during the course of
3 trial.

4 The defendants have filed Document No. 263 and have
11:26a 5 presented arguments under Rule 50 seeking a judgment as a
6 matter of law. After careful consideration of the evidence
7 presented during the course of this trial, as I related
8 before, to include the testimony and exhibits received, as
9 well as the arguments by counsel during the course of the
11:26a 10 trial, this Court finds that a reasonable jury would have
11 legally sufficient evidentiary basis to find for the
12 plaintiffs on the issues presented during the course of the
13 trial. The defendants' Rule 50 motion will be denied.

14 So you'll have your documents by 11:45. At that
11:26a 15 point my courtroom deputy needs to lock the courtroom by noon,
16 but it will be back open by 12:45 so that you all can make
17 sure that you're ready for your closing arguments.

18 As I indicated during openings two and a half weeks
19 ago, we have a lectern to my right. If you need to use that,
11:27a 20 it's on wheels; and just make sure if you have a PowerPoint
21 presentation you've had an opportunity to talk to opposing
22 counsel about what you plan to present to the jury because I
23 had a trial -- another three-week trial about two months ago
24 and it was very painful when opposing counsel was objecting
11:27a 25 almost every twenty seconds and it was -- it was not good.

1 So do whatever you want to do. I can't order you to
2 do that, but it would be nice to make sure we don't have
3 something that arguably goes to the jury that has not been
4 received into evidence in any form.

11:27a 5 Is there anything else from the plaintiffs?

6 MS. ALLARD: No, Your Honor.

7 THE COURT: Defense?

8 MR. SMITH: No, Your Honor.

9 THE COURT: I'll see you all at 1:00 o'clock.

11:28a 10 COURTROOM DEPUTY: All rise.

11 MS. SWEIDY: Thank you, your Honor.

12 THE COURT: You're very welcome.

13 *(Whereupon the proceedings adjourned at 11:28 a.m.)*

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REPORTER'S CERTIFICATION

I, TERI VERES, do hereby certify that I am duly appointed and qualified to act as Official Court Reporter for the United States District Court for the District of Arizona.

I FURTHER CERTIFY that the foregoing pages constitute a full, true, and accurate transcript of all of that portion of the proceedings contained herein, had in the above-entitled cause on the date specified therein, and that said transcript was prepared under my direction and control.

DATED at Phoenix, Arizona, this 12th of June, 2024.

s/Teri Veres
TERI VERES, RMR, CRR