

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.,	)	May 30, 2024
	)	9:02 a.m.
Defendants.	)	
	)	

BEFORE: THE HONORABLE STEVEN P. LOGAN, JUDGE
REPORTER'S TRANSCRIPT OF PROCEEDINGS
JURY TRIAL DAY 3 - (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
(602) 322-7251

Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

A P P E A R A N C E S

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ON BEHALF OF PLAINTIFF:

ALLARD SMITH APLC
BY: **Mara Smith Allard, Esq.**
5857 Owens Avenue
Suite 300
Carlsbad, California 92008

KIMBERLY R. SWEIDY, ATTORNEY AT LAW
BY: **Kimberly Rene Sweidy, Esq.**
3478 Rambow Drive
Palo Alto, California 94306-3638

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

<u>PLAINTIFF WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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P R O C E E D I N G S

(Whereupon the proceedings begin at 9:02 a.m.)

COURTROOM DEPUTY: All rise. Court is now in session. The Honorable Steven P. Logan presiding.

THE COURT: Everyone please take their seats. This court will come to order. All parties when the court last closed are present again. The jury is not present.

Parties, I've had a chance to review the issues as it relates to that motion in limine and the transcript of the questions posed by plaintiff's counsel. She indicated that she was not going to that area that was named in the actual motion in limine. So at this point the Court will overrule the objection.

Is there anything else from the plaintiffs?

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

THE COURT: Anything else from the defense?

MR. SMITH: No, Your Honor, thank you.

THE COURT: You're very welcome.

Molly, if you can call the jury in, please.

THE COURT: All rise for the jury.

(Jury in at 9:04 a.m.)

THE COURT: Good morning. Everyone please take your seats. We're just missing a witness.

Ladies and Gentlemen, welcome back to Federal Court. I'm glad you all navigated the traffic this morning.

1 Ms. Courtney, good morning. Come on up. You're
2 still under oath.

3 THE WITNESS: I've got my own water.

4 THE COURT: There you go. Water is the liquid of
5 life.

6 THE WITNESS: Isn't it.

7 THE COURT: Ms. Allard, when you're ready, you can
8 continue with your examination, please.

9 MS. ALLARD: Thank you, your Honor.

10 THE COURT: You're very welcome, ma'am.

11 CONTINUED DIRECT EXAMINATION

12 BY MS. ALLARD:

13 Q. When we left off yesterday, I'd asked you a question as
14 to if you knew Cross Creek, the former school that you
15 conducted workshops at, was sued?

16 A. I believe so.

17 Q. Okay. And why is it you left Cross Creek?

18 A. When I looked at their program, it was not complete for
19 the girls that were there. They were very delinquent in
20 education. It was very prison-like. They walked around in
21 lines all the time.

22 Q. At Spring Ridge Academy were the students asked -- did
23 they need to get permission as Phase 1 students to leave their
24 bedroom?

25 A. Yes.

1 Q. Did they need to get permission as Phase 1 students to go
2 to the bathroom?

3 A. Not that I know of.

4 Q. Did they need to get -- did Phase 3 and 4 students need
5 to get permission to walk from one building to the next?

6 A. Sometimes.

7 Q. And why is it you developed a disciplinary protocol such
8 that 17-year-old girls needed to ask permission to use the
9 restroom, leave their bedroom or go to a different building?

10 A. They didn't ask to go to the bathroom, but what we did is
11 we were -- the girls at Spring Ridge Academy were placed there
12 because they had problems. Some of them want to run away.
13 Some of them even coming into Spring Ridge Academy still did
14 some of the things that they did at home, and so they were
15 watched.

16 That was our job. Our job was to make sure that they
17 didn't hurt themselves, didn't run away, and so it was
18 supervision for them. This was not -- this is not a regular
19 boarding school. It also had structure to it.

20 THE COURT: Ms. Allard, if you could stop for one
21 minute, please. I know there was an issue with a few of the
22 jurors that couldn't see the witness while the witness was
23 testifying. Can you all see okay now?

24 JURY PANEL: Yes.

25 THE COURT: Very good. Go ahead, please.

1 BY MS. ALLARD:

2 Q. Do you know any reason why that information would not
3 have been put forth in the Parent Manual to parents?

4 A. No.

5 Q. Did you have any input or role as the owner, founder and
6 director of the school in what went into that Parent Manual?

7 A. I went over the initial Parent Manual, but as the manuals
8 continued they -- I did not read every single manual.

9 Q. Is there any reason why the manual seemed to focus on
10 college prep?

11 A. Yes. I felt very important, since I was a teacher, that
12 girls were academically sound when they left Spring Ridge
13 Academy.

14 Q. Was it your intent to market and draw parents who were
15 looking for a residential boarding school for college prep?

16 A. Not necessarily, but we were advertising our education.

17 Q. Would you agree that there were students that attended
18 Spring Ridge Academy who did not have emotional difficulties
19 or mental health diagnoses?

20 A. Would you repeat that, please.

21 Q. Would you agree that there were a number of Spring Ridge
22 Academy students attracted to the school just for the
23 residential aspect of it and the academics?

24 A. No, Spring Ridge Academy was an emotional growth
25 therapeutic boarding school; and so if a girl would apply for

1 admissions and she did not have overriding symptoms and
2 evidence that she was a harm to herself, disruptive to her
3 family and had some issues, we would not accept them.

4 Q. Okay. So if a girl presented to the school where the
5 complaint was she was not going to school --

6 A. Uh-huh.

7 Q. -- but there was no diagnosis of any mental health issue
8 or substance abuse, where in this category that you just
9 described to the jury does that person fit?

10 A. She would not have been accepted. If a girl was just
11 missing school, she would not have been accepted at Spring
12 Ridge. We would have recommended a much lighter place, but
13 not Spring Ridge.

14 Q. And were you monitoring Kate Deily's admissions
15 decisions?

16 A. No.

17 Q. Are you aware of a therapeutic ritual where a therapist
18 will sit down with a Spring Ridge Academy student and burn
19 things with a match?

20 A. No.

21 Q. I asked you yesterday about the stretches dance, and the
22 question I'm going to ask you now is whether or not that dance
23 was performed for other students in the dark?

24 A. It was a performance and so we had flashlights to light
25 them. We made it look as if they were on a stage.

1 Q. And so the lights were turned off as well?

2 A. The overhead lights were turned off as well.

3 Q. And other students were putting flashlights on the
4 student that was performing the stretch?

5 A. Yes.

6 Q. And the student performing the stretch was wearing a
7 black leotard?

8 A. Depends on what they were doing.

9 Q. Did you have posters hanging in the training room for
10 this -- these activities that said phrases, "Is it an accident
11 then that you're here today?"

12 A. No.

13 Q. Did you have a poster that said, "Based on results, you
14 have created your intention"?

15 A. Yes.

16 Q. What does that mean?

17 A. It means that if you look at the results you have by the
18 choices that you make, you can learn from it. That's the
19 whole point. We give -- I give a lecture in the training
20 about what is clear intention that involves what's your
21 purpose, what's your vision, what energy you're gonna put into
22 it and what's your commitment. So this was all about how do
23 we set goals. That's what that's about.

24 Q. Isn't it true that you also lectured the students that if
25 an event, such as an assault, had occurred that was the result

1 of their own intentions?

2 A. No.

3 Q. Isn't it true that you had them script and had other
4 students give them feedback and script that just not locking
5 the door resulted in the rape?

6 A. No.

7 Q. Did you tell students that you had statistical evidence
8 of any success of your program?

9 A. We have some -- we called parents for a long time, but we
10 do have statistical success.

11 Q. The question was, did you tell students that?

12 A. I don't remember doing that.

13 Q. And the statistics that you kept were based on telephone
14 calls to parents?

15 A. Correct.

16 Q. And when were those phone calls made?

17 A. At different times after they graduated or after they
18 left.

19 Q. And what questions did you ask?

20 A. The success, how they were getting along, what were they
21 doing in their life, that type of thing.

22 Q. In the course of doing that did you learn that a lot of
23 Spring Ridge Academy students died by either suicide or drug
24 overdose?

25 A. Some did.

1 Q. Did you keep those statistics?

2 A. Yes.

3 Q. Did you report them to the State?

4 A. No.

5 Q. Did you report them to NATSAP?

6 A. Not that I know of.

7 Q. And NATSAP was founded by a group of individuals that
8 worked at different schools, like Spring Ridge Academy,
9 correct?

10 A. Correct.

11 Q. And one of those included a woman by the name of Jan
12 Moss, who at the time was working at Spring Ridge Academy,
13 correct?

14 A. Correct.

15 Q. And Jan Moss is now married to your ex-husband?

16 A. That's true.

17 Q. In the lifeboat exercise where the students were
18 visualizing a boat sinking, at the end of this visualization
19 were they asked to pound on tables and scream?

20 A. No.

21 Q. As far as the residential life, were the night staff
22 trained to shine flashlights on the students' faces every
23 fifteen minutes?

24 A. No.

25 Q. Were they trained to shine flashlights on the student

1 faces at all during their sleep?

2 A. They may have on occasion if they didn't find a girl.

3 Q. What about just doing a routine bed check?

4 A. They did bed checks, absolutely.

5 Q. And bed checks included opening the door while a girl was
6 sleeping and flashing a flashlight into the room?

7 A. I don't remember the flashlights.

8 Q. Was Spring Ridge Academy licensed for the treatment of
9 children with mental health difficulties and a history of self
10 harm?

11 A. Yes.

12 Q. Do you understand that there's a difference in licensing
13 between facilities that handle children that need to be locked
14 down versus the licensing Spring Ridge Academy actually
15 acquired?

16 A. Yes.

17 Q. Why didn't you acquire the license for children that need
18 to be locked down?

19 A. Because we didn't -- our students did not need to be
20 locked down. They had attempted self harm in many ways --
21 excuse me.

22 We had -- some of the symptoms of girls coming in had
23 self harmed, but girls do not have to be in a locked-down
24 position to self harm. It's also determined about the amount
25 that they did. Some girls do need to go to a higher level of

1 care.

2 Q. You just got done telling us that the girls that you
3 believe were being admitted to Spring Ridge Academy required
4 such supervision that they couldn't go to the bathroom without
5 asking, correct?

6 A. No.

7 Q. Did you become aware that graduates of Spring Ridge
8 Academy began publicly speaking regarding their experience on
9 social media?

10 A. Yes.

11 Q. Did you send them cease and desist letters?

12 A. No.

13 Q. Did you threaten to sue them?

14 A. No.

15 Q. Did students ever spend the night at your house?

16 A. Yes.

17 Q. Why?

18 A. If there was an activity, I would take a student down and
19 they would sleep at my house. Excuse me.

20 Q. I think the jury heard in opening statement from counsel
21 that you had 500 Spring Ridge Academy parents come to your
22 retirement party?

23 A. Correct.

24 Q. And who are those people?

25 A. Who are they?

1 Q. What are their names?

2 A. The Lymans came, Devan and Darrell came. Do I want to
3 name all those people that came? My friends came, but we had
4 over 500 people. I was surprised. I was shocked that that
5 many people came back to say goodbye to me. It was very
6 touching.

7 Q. Have you asked any of those people to come testify in
8 this matter?

9 A. No, I would not put them through this.

10 MS. ALLARD: No further questions.

11 THE COURT: Is there any cross-examination?

12 MR. SMITH: There is, Your Honor.

13 THE COURT: Come on up.

14 MR. SMITH: Thank you, sir.

15 THE COURT: You're welcome.

16 CROSS-EXAMINATION

17 BY MR. SMITH:

18 Q. Ms. Courtney -- excuse me. Ms. Courtney, before we move
19 off of it, you were just asked about your retirement party?

20 A. Yes.

21 Q. What year was that?

22 A. 2016.

23 Q. And I think you testified earlier that you had stopped as
24 the Chief Executive Officer of -- or the Director of Spring
25 Ridge in 2015?

1 A. Correct, December 31st was my last day.

2 Q. And who took over after you?

3 A. Suzie Courtney and Brandon Courtney.

4 Q. That's your son and daughter-in-law?

5 A. Correct.

6 Q. Did you remain in any capacity at Spring Ridge after that
7 point?

8 A. Not at Spring Ridge. I only did the workshops.

9 Q. Okay. Were those workshops conducted at Spring Ridge?

10 A. Yes, for the girls.

11 Q. But were you -- were you an employee of Spring Ridge?

12 A. No.

13 Q. So with regard to, like, changes after 2015 to the Parent
14 Manual or the Student Manual, would anybody have been running
15 that by you?

16 A. Not at all.

17 Q. In what capacity were you providing workshops to Spring
18 Ridge if you weren't an employee?

19 A. Because I wanted to do that to help out, and I was also
20 training Brandon to become a trainer.

21 Q. When you were doing that, were you working for another
22 company?

23 A. No, I was just -- I was just doing it on my own.

24 Q. Okay. And back at Cross Creek Manor in Utah when you
25 started doing trainings --

1 A. Uh-huh.

2 Q. -- with your ex-husband, were you doing that as a -- as
3 an employee of that facility?

4 A. No, I was an independent contractor and actually was
5 working for my husband -- my ex-husband.

6 Q. Okay. So you were working as an independent contractor
7 at that facility?

8 A. To David. David hired me to go in and do some of his
9 workshops.

10 Q. Okay. So when you say that 500 parents and students came
11 back for your retirement --

12 A. Uh-huh.

13 Q. -- were they there protesting?

14 A. No.

15 Q. Were they there to celebrate?

16 A. They were celebrating. They were having fun. It was a
17 wonderful evening.

18 Q. How many -- if you know, by that point in time,
19 approximately how many girls had gone through Spring Ridge
20 Academy?

21 A. Wow. I would say at that time probably -- and that was,
22 let's say, 600, maybe, 500.

23 Q. Okay.

24 A. I'm guessing.

25 Q. Okay. Well, you told Ms. Allard a moment ago when she

1 asked you why aren't they here to testify, what did you tell
2 her?

3 A. I said I would not put them through that.

4 Q. Why?

5 A. I have had several students -- well, I've had a lot of
6 students call me, and parents as well, and when the students
7 went on-line and tried to say things against -- for Spring
8 Ridge Academy, supporting Spring Ridge, they were attacked
9 viciously on line; and so when students talked to me later or
10 parents I said, "Do not do that. Do not put yourself through
11 this. This is not okay."

12 I mean, they were out there going and living their lives,
13 and they feel terrible. I get calls all the time saying, "I'm
14 so sorry that you guys are going through this."

15 Q. Let me talk a little bit about some of your history that
16 brought you here.

17 A. Okay.

18 Q. There was something that was touched upon, and you
19 graduated from college --

20 A. Uh-huh.

21 Q. -- in what year?

22 A. '66.

23 Q. And so did you -- did you attend the same college for
24 your undergraduate or was it different colleges?

25 A. I started at University of Southern California, and then

1 came back to ASU and graduated from ASU.

2 Q. So you got in to the University of Southern California in
3 the early '60s?

4 A. In 1963.

5 Q. As a woman?

6 A. Yes, and then the Watts riots came along and my dad
7 wanted me home.

8 Q. Okay. And so when you were telling us earlier about the
9 issue you had with your father and the statements he made --

10 A. Uh-huh.

11 Q. -- essentially ascribing you to the role of a homemaker
12 and only a homemaker --

13 THE COURT: Mr. Smith, when you have a witness that
14 mid sentence keeps saying "uh-huh" and "okay," can you control
15 your witness.

16 Ma'am, I need you to listen to the entire question
17 and don't comment until he's finished the question because
18 every time you say "uh-huh" and "okay," it causes the court
19 reporter to put that in in mid sentence when he's trying to
20 ask a question and you-all continue to talk over each other.

21 The same thing that we talked about yesterday, okay?

22 THE WITNESS: My uh-huh's were -- recognized I
23 listening, not agreeing with him necessarily, sorry; but I
24 won't do it anymore.

25 THE COURT: Yes, just listen to his question --

1 THE WITNESS: Okay.

2 THE COURT: -- and answer the question.

3 Kind of like when I was just talking, you said
4 "okay" in the middle of me talking. So if you can just listen
5 to him, and then once he's finished, respond. That would be
6 very helpful.

7 BY MR. SMITH:

8 Q. Let me ask you something. Are you nervous right now?

9 A. Yes.

10 Q. Why?

11 A. This school, all the ideas in it and everything are
12 incredibly meaningful to me. I worked with fabulous people
13 for 19 years and we continued year after year to change
14 things, made it better. Many -- many of these families and
15 kids are friends of mine and will be for the rest of my life,
16 and it's being torn apart.

17 Q. So -- and I apologize if I'm asking overly long questions
18 where you're interjecting. I'll try to control that.

19 You went to first the University of Southern California
20 for two years, true?

21 A. Yes.

22 Q. And then you came back and finished at ASU?

23 A. Yes.

24 Q. And what was your degree in?

25 A. Elementary education, the upper seventh and eighth grade

1 junior high.

2 Q. And did you teach junior high school?

3 A. Yes, I did.

4 Q. What years did you do that?

5 A. I taught from 1960 -- '66 or '67 to '71.

6 Q. And why did you stop teaching in '71?

7 A. I was pregnant.

8 Q. Okay. So take care of the kids?

9 A. I did.

10 Q. Did you -- after leaving elementary education, did you do
11 anything other than raise children for the next five, ten
12 years?

13 A. I did volunteer work. I was a dosa at the Phoenix Art
14 Museum where I also taught groups of kids about art there
15 and -- excuse me -- did volunteer work through the Junior
16 League.

17 Q. And then I think you testified earlier that you and your
18 husband had received a gift of a Lifespring seminar?

19 A. Correct.

20 Q. That was -- when was that?

21 A. That was 1970 -- 1978, I believe.

22 Q. Okay. And then that's how you attended Lifespring?

23 A. Yes.

24 Q. And while you were attending Lifespring, did you decide
25 that you wanted to try to work at the Lifespring facility here

1 in Phoenix?

2 A. Yes.

3 Q. And what kind of work did you do there?

4 A. I was an enrollment supervisor.

5 Q. You weren't actually giving the Lifespring trainings?

6 A. No.

7 Q. You went -- you had gone through Lifespring trainings,
8 correct?

9 A. Yes.

10 Q. Earlier you were asked questions by Ms. Allard about some
11 of the components of those trainings, and you agreed that
12 there are things that are called the same.

13 Is -- did you take wholesale anything out of Lifespring
14 without changing it and apply it at Spring Ridge?

15 A. No.

16 Q. So were there certain things that you did while you were
17 undergoing trainings at Lifespring that you used and then
18 modified?

19 A. Modified.

20 Q. What was -- what was the reason for modifying them?

21 A. The workshops and the way they were set up were very,
22 very strict at that time and very confrontational. It was not
23 geared down to adolescents and so I changed a lot of the
24 verbiage. I changed the way you go into a workshop, how you
25 discuss it afterwards.

1 Q. And were the trainings that you were doing at Cross Creek
2 Manor with your second husband, your ex second husband, was
3 that also Lifespring trainings?

4 A. It was lighter than Lifespring was.

5 Q. Did you do modifications of your own to the kind of
6 trainings that you were performing there?

7 A. Yes, I did. I redefined some of the terms, changed some
8 of the introductions and changed some of the wrap-ups of the
9 workshop.

10 Q. And what was the purpose of that?

11 A. To make the training more positive and upbeat and more
12 understandable for adolescents.

13 Q. You mentioned during your testimony earlier that you were
14 president of PTA at one point?

15 A. I was.

16 Q. And was that your children's school?

17 A. It was high school, yes, Arcadia High School.

18 Q. Okay. How is that experience that you would draw upon
19 for creating what became Spring Ridge Academy?

20 A. We had to organize all the activities with parents and
21 with students for that high school. I also incorporated the
22 PTO there, which was important and necessary, and interfaced
23 with the teachers and worked with the students on some
24 presentations and assemblies that they were going through. I
25 was very active for the whole time my kids were at Arcadia

1 High School.

2 Q. And so in addition to that experience, what else did you
3 do that led you to feel that you were prepared and qualified
4 to open Spring Ridge Academy?

5 A. I did a tremendous amount of reading, and in 1995 I met
6 an education consultant who had worked at a private boarding
7 school; and she actually moved down to Phoenix, and I
8 consulted with her about the nature and the structure of
9 private boarding schools, how they did activities, how they
10 set curriculum and she ended up being our first principal of
11 Spring Ridge Academy.

12 She was a wealth of knowledge. She also had toured every
13 single therapeutic boarding school and residential treatment
14 as well. So she had enormous background in the entire
15 industry, and we would talk for a very long time and she
16 stayed with me for over -- over a year.

17 Q. So your setup, it wasn't just you, you were relying upon
18 input from this educational consultant who became the
19 principal?

20 A. Absolutely.

21 Q. Were there other people who also assisted you in that --
22 in that activity of setting up the school?

23 A. I remember speaking to a lot of people about different
24 things but not -- I don't remember anyone -- I hired a
25 principal and I hired a therapist. Their input was very

1 valuable.

2 I also -- the very first student at Spring Ridge Academy,
3 her mom and dad actually came to Spring Ridge before it was
4 actually open and it was in -- in October and wanted to put
5 their daughter in to Spring Ridge. We started a conversation
6 and she was a therapist, and so I also did a lot of conferring
7 with her at that time.

8 Q. So one of the -- the first student in October of '97?

9 A. No, of January of 1997, January.

10 Q. Okay. They came in October. Was that October of '96?

11 A. It was.

12 Q. And so turned out that the mother was actually a licensed
13 therapist?

14 A. Yes.

15 Q. And so she offered her consulting services for you as
16 well?

17 A. Yes.

18 Q. And I know you mentioned that you also hired a therapist.
19 Is the person that you hired a licensed therapist?

20 A. Yes.

21 Q. Did that person have any input into the designing of the
22 kind of therapeutic modalities that would be used at Spring
23 Ridge?

24 A. We talked frequently about what we were going to do at
25 that time.

1 Q. And was that person key in designing the therapy that was
2 provided?

3 A. Yes.

4 Q. What about these experiential exercises that we've heard
5 a lot about, quite a few questions about different things.
6 Let me ask you a question about that.

7 What is the purpose of those experiential exercises?

8 A. The purpose of the experiential exercises for both
9 students, as well as for parents, is so that a person can
10 become more self aware. One of the basics of beginning to
11 change your life, heal yourself, is to become aware, aware of
12 your beliefs, what you believe in, your thoughts, your
13 patterns, your emotions are very important.

14 Do you carry around a lot of anger and sadness or pain,
15 that type of thing, and also your patterns of behavior. So
16 even though we look at that in those workshops for three days,
17 it's taking three days out of your life and really take an
18 assessment of yourself and, yes, some of the exercises are --
19 seem to be a little out of the box; but what that does is
20 people experience a lot inside of what they're thinking, what
21 they're feeling and what their choices are, but that is the
22 whole concept of Spring Ridge Academy as well.

23 We want the girls to be aware of their patterns, beliefs,
24 negative beliefs. "I'm the cause of all the problems in my
25 family," "I'm no good," "I'm never gonna be smart," "no one

1 will ever love me," those are all beliefs that people have
2 hidden down. When they go through the workshops, they begin
3 to bubble up and so do some of those emotions; and then those
4 behaviors often times, the result at home for the girls, is
5 self-destructive behavior.

6 Q. Does that -- does having that kind of self realization,
7 does that -- does that help in the therapeutic process that
8 they're undergoing separately?

9 A. It's the key to the therapeutic process, but I believe it
10 is a key to our life. As Socrates said, the unexamined life
11 is not worth living.

12 What we talk about in the trainings, my term is we're
13 gonna teach you how to become a self-cleaning oven. So you're
14 the only person who knows you. You're the only person who can
15 feel the feelings that you have. You're the person who
16 watches your own results, and you're the person who has
17 beliefs and sometimes we push all this down.

18 The purpose of those workshops is to bring it up so we
19 can then recognize it, and then it's people's choice of what
20 they want to do about it.

21 Q. So you were asked about those workshops, and in a couple
22 of occasions agreed that there were times when one of the
23 girls participating in a student workshop would be asked to
24 leave. Did that happen?

25 A. Absolutely.

1 Q. And why -- what would be the circumstances where they
2 would be -- a girl participating in one of these workshops
3 that you put so much value in be asked to leave?

4 A. There were girls that came in were resistant. They did
5 not want to participate in what was going on, and so I asked
6 them to leave and come back; or the girl was just too
7 depressed, and I would ask them to leave and come back.

8 The therapist, also, sometimes will put a girl in a
9 workshop knowing she might be asked to leave.

10 Q. Okay. And that's something that the therapist decides to
11 do?

12 A. Correct.

13 Q. And as far as the therapist, would the therapists be
14 present during these workshops?

15 A. Yes, they came in and out a lot; but they also had their
16 caseload.

17 Q. What was the purpose of them being at the workshops if
18 they're not conducting them?

19 A. The purpose -- I'm sorry. The purpose of the therapists
20 being in the workshops, both the parent workshop and the
21 student workshop, is to observe. They learned a tremendous
22 amount in the workshops as to what their clients display, what
23 they were saying.

24 Q. So they were there in observatory capacity?

25 A. Correct.

1 Q. And when somebody is asked to leave a workshop because
2 they're -- it's not -- they're not ready for it or they're too
3 depressed or they're resistant, what if they don't finish that
4 workshop but they're otherwise capable of graduating from the
5 program?

6 A. We do not hold girls back from graduation.

7 Q. So the workshops are there to be completed, correct?

8 A. Uh-huh, yes.

9 Q. And then if a girl, for whatever reason, is incapable as
10 a couple of examples that were given by Ms. Allard of
11 completing the workshop before the scheduled graduation date,
12 would you hold them over and make them go through another
13 semester, another term so that they could complete the
14 workshop?

15 A. No.

16 Q. But doesn't that leave the girls' experience there
17 incomplete by not having them complete the workshop?

18 A. I believe all girls completed the workshops except for
19 one that I knew of. The workshops for the girls are usually
20 held within the first six months.

21 Q. And how long typically was a girl's tenure once placed to
22 go through the four phases at Spring Ridge?

23 A. Fifteen to seventeen months.

24 Q. So within the first six months these are the Challenge
25 workshops that the girls go to?

1 A. There's Challenge and then there's Action.

2 Q. Challenge and Action, okay.

3 And do the girls participate in family workshops?

4 A. Yes.

5 Q. So that's something they do with their -- with their
6 parents or a parent?

7 A. They do it with their parents and their siblings.

8 Q. Okay. So do those also occur within the first six
9 months?

10 A. The family trainings -- each girl is unique and
11 individual. So a girl may go through the trainings very
12 quickly, but her parents may not go through the Challenge
13 training; and so until the parents go through the Challenge,
14 then they will go into the family together.

15 Q. I see. So is it true, then, that when a girl is ready to
16 go through a workshop, that's going to depend on where she is
17 in her progress?

18 A. Correct.

19 Q. And the therapist decides whether or not she's ready for
20 the --

21 A. They have input, absolutely. Their whole treatment team
22 has an input.

23 Q. So we've been talking a lot about the workshops, and it
24 sounds like this place was one big workshop. On a -- if you
25 can, you know, what percentage of actual time of programmed

1 things that the girls were doing did these workshops occupy?

2 A. Very little. There was a three-day workshop every,
3 maybe, three or four months; but what was very important was
4 the structure of the entire school. We have an entire wing
5 that is devoted to education with seven beautiful, big
6 classrooms and that was my principal.

7 If you walked down, there's the Quonset hut where you
8 have math and science, and you walk down further you get to
9 dance and to art. So it was open like a private boarding
10 school. So they would get up in the morning, and the first
11 thing we had was physical fitness, which a lot of our girls
12 did not want to do, to be honest, but physical fitness and
13 being active and using your body -- the dance he talks about
14 and stretches, that's about using your body.

15 The girls gave speeches in that workshop as well. They
16 did a lot of different things, but it was open. Then they
17 would go to school and stay in school until 2:15, and then
18 they had groups after that. So this -- you know, the
19 workshops occasionally interrupted about every three months.

20 Q. And when individual therapy would occur, how would that
21 happen? Was that scheduled for after school hours or would a
22 girl be pulled out of class to go to a therapy session?

23 A. This was, I think, one of the most wonderful things about
24 Spring Ridge Academy. We had the educational area and the
25 therapeutic area work together. Many of the facilities that I

1 heard about did not have that. So they would have maybe a
2 little school on the weekends.

3 But my Principal and my Clinical Director worked together
4 so that the therapist could call girls in to therapy out of
5 the class, and what the therapist would do is call them out of
6 different classes so they would not miss the same class each
7 week.

8 Q. And so the therapy and educational components of the
9 school worked together?

10 A. Absolutely.

11 Q. It sounds like the girls would be in class, unless it was
12 a holiday or something like that, five days a week?

13 A. They were.

14 Q. And the workshops were about every three months?

15 A. Uh-huh.

16 Q. A three-day workshop?

17 A. Yes.

18 Q. And then the therapy sessions might, on a weekly basis or
19 so, interrupt the class work?

20 A. Yes, weekly. They would have weekly individual therapy.

21 Q. And then there's group therapy, too?

22 A. Yes.

23 Q. And that's once a week?

24 A. Group therapy, I believe, is twice a week. It's been a
25 long time since I've been there.

1 Q. Okay, that's fine. We'll ask the therapist about that,
2 but Spring Ridge we've heard -- you just talked about
3 different buildings, different classrooms. When you designed
4 Spring Ridge, what was it when you first purchased it?

5 Was it empty land that you built on or were there
6 buildings there?

7 A. There was a house. There was a house and an older
8 couple, that was their homestead. They had been there. They
9 were thrilled that it was going to be a school, and then there
10 was a Quonset hut where he kept his RV vehicles in, and within
11 the first year I remodeled the Quonset hut for classrooms, and
12 then we remodeled the inside of the home so that we could
13 bring girls in, and by August we opened a cafeteria.
14 We had a full cafeteria and a full professional kitchen, and
15 we had a dorm with eight rooms in it.

16 Q. So you had a dormitory facility that was built, cafeteria
17 that was built?

18 A. Uh-huh.

19 Q. School rooms that were built. And the house, was that
20 like the administration building?

21 A. Correct.

22 Q. And were there other -- how many acres are we talking
23 here?

24 A. Twenty-six acres.

25 Q. So what did you do with the rest of the land?

1 A. There's a complete soccer field that we put in, because
2 the girls loved to play soccer, and there's a baseball diamond
3 at the end of that. We also have in the middle a wonderful
4 sand volleyball court, and our parents contributed money to
5 put in a basketball court, which would make a great pickle
6 ball court, too.

7 Q. So -- so there were athletic facilities in addition?

8 A. There are schools in Arizona that are not under the
9 athletic -- Arizona Athletic Association that we could play.
10 So our girls actually played other schools in sports. They
11 played basketball, they played volleyball.

12 Q. Did you have -- so you actually had a team for the
13 school?

14 A. Yes.

15 Q. So after 2:15 when school is over, then the girls had
16 other activities to go do?

17 A. Yes.

18 Q. Were they mandatory activities?

19 A. No.

20 Q. So if a girl wanted to go back to her room and study or
21 watch TV or something like that, she'd be able to do that?

22 A. Yes.

23 Q. And there was some discussion, a little bit, about the
24 monitoring of girls going from one building to the other or
25 going to the restroom. Let's talk about this restroom thing

1 first.

2 If a girl's in a classroom and she needs to be excused to
3 use the restroom, would she ask the teacher for permission?

4 A. She would ask the teacher. "I need to go to the
5 bathroom," she would tell the teacher, and she would go to the
6 bathroom; but I did that when I was in school, too.

7 Q. Well, setting that aside, I mean, so would a girl -- any
8 time a girl wanted to go to the restroom, if she's in her dorm
9 room and she wants to use the bathroom, does she have to go
10 find a staff member for permission to do that?

11 A. Not that I know of.

12 Q. Okay. So -- and I've seen this -- this reference to --
13 well, you tell us. The people who would be there in the
14 dormitory with the girls, what were they called?

15 A. Community coaches.

16 Q. So community coach, is that the kind of person who would
17 also do the bed checks?

18 A. Yes.

19 Q. All right. So you're not a locked-down facility I think
20 you testified, correct?

21 A. Correct.

22 Q. All right. So if you're not a locked-down facility, why
23 are you doing bed checks?

24 A. Because, as I mentioned before, these are girls who have
25 had problems in their life. They oftentimes may be doing

1 activities that they shouldn't be doing, and it needs to be
2 checked.

3 Q. And if a -- if a person -- a community coach, are they
4 the ones who were doing the bed checks?

5 A. Yes.

6 Q. And if a community coach goes into a room and sees, like,
7 a lump of blankets or something and a pillow but not clear
8 whether or not there's somebody there, what are they permitted
9 to do in order to confirm the presence?

10 A. They would have to call out the girl's name and then see
11 if they were underneath the covers or if they were there.

12 Q. Okay.

13 A. And they would do it in a polite way.

14 Q. And so they would confirm there's actually somebody here
15 and I'm not looking at a bunch of pillows while the girl has
16 eloped and gone out the window, true?

17 A. True.

18 Q. Now, with regard to girls, like, in the third or fourth
19 phase, you were asked a question about that. Going from one
20 building to the other on campus, you were asked whether or not
21 they would need to have permission for that, and I think you
22 said sometimes.

23 What are the conditions where that would be appropriate?

24 A. I -- I do not believe that they -- the girls from three's
25 and four's, I think they had more permission to go, as I

1 recall, but you can ask someone else who may know better.

2 Q. Okay. Is it -- is it -- when we're talking about the
3 different phases that the girls are there, Phase 1 through 4,
4 as a girl progresses from Phase 1 to Phase 2 to 3 to 4, does
5 the girl get more self responsibility and liberty to act on
6 her own?

7 A. That was the purpose of the phases. They would be
8 establishing trust. They would be developing the skills
9 necessary. They would be working with their therapist. They
10 would be doing well in school, and they would be a part of the
11 community, creating community.

12 Q. You were asked question -- a question about the -- a
13 series of questions about this thing called the Commitment
14 exercise. Do you remember -- that was yesterday -- had to do
15 with blindfolding and putting in a van and taking a walk
16 through the desert. Do you remember that?

17 A. Yes.

18 Q. Is -- is that part of one of these exercises that you
19 said would happen for three days every -- every few months for
20 these girls?

21 A. You know, they've changed the Commitment training, and so
22 I don't know exactly; but it is the last workshop, and I am
23 not sure what they do at this time or have been doing in the
24 last, what, nine years.

25 Q. Okay, all right. But that was something -- I think your

1 testimony was that two people who had gone through that at
2 Prescott College brought it to be used?

3 A. Yes.

4 Q. And that was at the beginning of the operation of Spring
5 Ridge Academy?

6 A. They came to work for me in the second year, I think, of
7 Spring Ridge Academy.

8 Q. And this exercise went for several years and then -- is
9 it your testimony --

10 MS. ALLARD: Objection, leading, misstates the
11 testimony.

12 MR. SMITH: I'll rephrase the question.

13 THE COURT: I have no idea what you're saying.

14 MS. ALLARD: My objection is --

15 THE COURT: First of all, we're in Federal Court.
16 When you make an objection, you stand --

17 MS. ALLARD: I'm sorry.

18 THE COURT: -- and you speak into a microphone,
19 please.

20 MS. ALLARD: Your Honor, I'm objecting to the form
21 of the question as leading and misstating the testimony from
22 yesterday.

23 THE COURT: Well, it's certainly not leading because
24 it's cross-examination, but it does misstate. So as it
25 relates to that objection, sustained.

1 Please disregard the last question and response.

2 BY MR. SMITH:

3 Q. On the Commitment exercise, do you know whether it
4 stopped prior to Rearden Stata coming to Spring Ridge Academy?

5 A. I think it did.

6 Q. Do you know when it stopped?

7 A. No.

8 Q. Okay. Did you ever have anybody during the years that it
9 was going on have any problems where they got injured or ran
10 off during that exercise?

11 A. No.

12 Q. You were just a while ago asked some questions about
13 statistics for former students who had subsequently died, and
14 you were asked whether or not you reported anything to the
15 Department of Health Services about those statistics.

16 Do you remember being asked those questions?

17 A. Yes.

18 Q. First, let me ask you what does the Department of Health
19 Services have to do with Spring Ridge Academy?

20 A. With -- they license us.

21 Q. So the Arizona Department of Health Services licensed
22 Spring Ridge Academy?

23 A. Correct.

24 Q. And was that something that has been continual or when
25 did it begin?

1 A. Before I opened the doors we received a license.

2 Q. And then at some point did -- would you ever report
3 learning about a bad outcome for somebody who had left your
4 facility or left Spring Ridge Academy to the Arizona
5 Department of Health Services?

6 A. No, it was not required.

7 Q. As to those that you learned about, I think you indicated
8 that you did learn personally about some of the former
9 students who had died, did you have any personal knowledge
10 about the circumstances of their death?

11 A. Some I did.

12 Q. Okay.

13 A. Some I did.

14 Q. And with regard to the timing for how long it was after
15 they had left, would you have knowledge about that?

16 A. No.

17 Q. You've mentioned this art gallery on the wall of
18 pictures, in your testimony, that were done -- or artwork that
19 was done by students. Do you remember talking about that?

20 A. Yes.

21 Q. Was there -- were there art classes at Spring Ridge
22 Academy?

23 A. Yes.

24 Q. Were there music classes at Spring Ridge Academy?

25 A. Yes.

1 Q. Did Spring Ridge Academy have, like, groups that would go
2 out and perform for -- at other locations?

3 A. Not for other locations but for -- at the end of the
4 semesters the dance group and the yoga performed.

5 Q. Okay. So that would be for the school?

6 A. Yes, and we had --

7 Q. I'm sorry.

8 A. We had a photographer class. So at graduation the girls
9 who had taken pictures -- it was wonderful, this photographer,
10 and he taught them photography and we would display their --
11 their photographs at graduation. So we wanted to honor some
12 of the work that's been going on in all their classes; and we
13 gave awards, also.

14 Q. Is that part of the -- you were asked about college prep,
15 and I think your testimony was that you advertised as a
16 college prep school?

17 A. Uh-huh.

18 Q. Is that part of a college prep curriculum to have dance
19 and arts and music?

20 A. It's very important when you apply to a college or a
21 university they want to know what activities that you're in.
22 That's one of the criteria for admissions in colleges and
23 universities.

24 So it was very important for us to have a wide curriculum
25 so that the girls could put down on their applications what

1 they had done at school and how they had contributed.

2 Q. Did Spring Ridge Academy do anything to help prepare the
3 girls to take college entrance exams?

4 A. Yes, we had a class for the ACT and the SAT.

5 Q. And where was that class held?

6 A. At Spring Ridge in one of the classrooms.

7 Q. And then when they would go to take the exam, where would
8 they go?

9 A. We were a licensed site for SAT and ACT as well.

10 Q. So does that mean that tests would take place at Spring
11 Ridge?

12 A. Yes.

13 Q. Would other students from other schools also come to take
14 tests at Spring Ridge?

15 A. At times.

16 Q. On these exercises that we heard about, the workshops,
17 were those workshops only given at Spring Ridge for Spring
18 Ridge students and parents?

19 A. Actually, it's very interesting. Our parents have put
20 grandparents in. They have put in friends. Several of our
21 CEOs put their employees -- recommended the workshop because
22 they felt it was so valuable as well; and, also, brothers and
23 sisters that were over 18 could go to the parent workshop, and
24 occasionally there were kids into the girls workshop. Some of
25 our staff put their daughters or sons in there.

1 Q. And who would run the workshops that were being provided
2 to the girls or to the parents at Spring Ridge?

3 A. I would and Brandon did the family trainings.

4 Q. Would it just be the two of you running these or were
5 there other people who would also be there to help facilitate?

6 A. The beauty of the trainings and the importance of the
7 training is that not only do the girls go through the
8 workshop, they come back and staff the workshop.

9 So first they see the workshop from inside out. Then
10 they see it from outside in, and they run groups in there,
11 pull chairs, help girls, hug girls. They're wonderful. So
12 they see it, and the girls love to come back and staff the
13 workshops.

14 And speaking of stretches, they have an opportunity at
15 the end of stretch, which they love, to stay in the workshop
16 room and do their stretches over again and over again because
17 they love them so much.

18 Q. So just a little bit. You said something a moment ago.
19 I want to make sure the jury understands this. You said girls
20 would come back. It's not like a Phase 4 would come back to
21 Phase 1, is that what you're talking about?

22 A. No, they would come back to the workshop. They would
23 come in the workshop.

24 Q. And are they current students or former students?

25 A. We have had former students come back and come back to

1 staff our workshops. In fact, one summer we had ten girls
2 come back to staff an Action training and they shared with the
3 other girls, which was wonderful, their experience of being
4 outside of Spring Ridge; and interestingly enough, every one
5 of them had -- they didn't tell us exactly what. All of them
6 said, "Well, I made a mistake, but I learned and I got back on
7 my horse and rode," so to speak.

8 Q. Thank you for your time.

9 MR. SMITH: That's all I have.

10 THE COURT: Ms. Allard, is there any redirect?

11 MS. ALLARD: Yes, Your Honor.

12 THE COURT: Come on up.

13 MS. ALLARD: Thank you.

14 THE COURT: You're welcome.

15 REDIRECT EXAMINATION

16 BY MS. ALLARD:

17 Q. You were asked some follow-up questions about Lifespring,
18 and you testified that there were changes you made from
19 Lifespring.

20 Can you give a specific example of a Lifespring activity
21 and the exact change that you made?

22 A. Well, let's -- let's take, for instance, the trust walk.
23 You talked about trust yesterday.

24 Q. Can you describe the trust walk at Lifespring?

25 A. No, I don't remember.

1 Q. All right. My question is to ask you to support your
2 testimony today that there was a Lifespring activity that you
3 changed. So I'm asking you to give me the specifics.

4 A. The introduction to the Life -- to the Lifespring
5 exercises was completely different, the way we talked about it
6 at the end. We used words, such as "boundaries," in my
7 workshops. They never used words such as "boundaries."

8 Without telling you the exact exercise, I really can't --
9 I can tell you what I did differently if you want me to
10 describe an activity.

11 Q. Okay. Let me -- let me just lay a little more foundation
12 for this. You're aware that Lifespring was sued repeatedly
13 for people having psychotic episodes, committing suicide
14 because of the confrontational nature of the workshops.

15 Are you aware of that?

16 A. Yes.

17 Q. And they were shut down?

18 A. Yes.

19 Q. And you were inside Lifespring?

20 A. Not when it was shut down.

21 Q. And you recruited people to pay money for Lifespring?

22 A. No.

23 Q. And you solicited people to come back to Lifespring?

24 A. No.

25 Q. What did you do as -- you give me a general description

1 of what your job was. Can you describe it?

2 A. It was enrollment for family workshop. They also had
3 family workshops, and they would put out a notice, "Who wants
4 to go to a family workshop please contact Jeannie at the
5 Lifespring office," and they would come in.

6 Q. Now, yesterday you testified you were staff for the
7 trainings?

8 A. I was the team captain of one training, and sometimes I
9 was in the trainings but very infrequently.

10 Q. Team captain, what did you do as team captain?

11 A. I made sure all the mechanics of the workshop were in
12 alignment.

13 Q. Okay. So going back to asking you a specific
14 confrontational activity at Lifespring that you used at Spring
15 Ridge Academy, what modifications did you make?

16 A. It was not confrontational. It was more about learning
17 than confronting people. Lifespring was very harsh in many of
18 their -- of their workshops.

19 Q. How was the Red-Black Game different at Spring Ridge
20 Academy from how it was at Lifespring?

21 A. At Lifespring, at the end of the Red-Black Game the
22 workshop trainer would literally blast people. He would
23 confront them.

24 We don't do that in our -- in our workshop. What we do
25 is we talk about the rules of -- and they did not do this, by

1 the way, at all.

2 What I did is there was five rules in the Red-Black Game.
3 One, count the number of people on your team. Two, pick a
4 team captain. Three, everyone must vote in every frame.
5 Four, the vote must tally; and, five, you must wait for the
6 vote of the other team before going ahead.

7 Q. Okay.

8 A. At the end of mine, instead of, you know, shouting at
9 people, as they did in Lifespring, what I pointed out was the
10 importance of those five ground rules because that's how we
11 came.

12 One, count everybody on your team because everybody has a
13 vote and everybody has a voice. Choose a team captain.
14 That's to make sure that the team captain allows people to say
15 what they need to say and contribute to the exercise. No. 3,
16 everyone must vote in every frame for either red or black. So
17 if someone doesn't vote, you can't move on. So each person
18 has the power within their hand to stop it. The vote must
19 tally. The vote must tally means the red votes and the black
20 votes tally to the number of people on the team to ensure that
21 everybody votes; and the fifth was really the clue that you
22 ought to cooperate with the other team.

23 You must wait for the vote of the other team before going
24 ahead to the next frame. There was six frames. So it was all
25 about learning. We talked about did you take a leadership

1 position? What beliefs come up for you?

2 We did this in the parent training as well.

3 Q. Okay. Didn't they do that at Lifespring?

4 A. No.

5 Q. So they just yelled at people?

6 A. They pointed things out -- you know, it's been, what, 30,
7 40 years since I've been in there, but it was very
8 confrontational.

9 Q. And what about the lifeboat exercise, was it
10 confrontational at Lifespring?

11 A. It was confrontational, also.

12 Q. And is it your testimony it was not confrontational at
13 Spring Ridge Academy?

14 A. That is my testimony.

15 Q. And what about the "I trust you" exercise, was it
16 confrontational at Lifespring?

17 A. I don't remember the trust exercise at Lifespring, but I
18 would imagine that almost every exercise was confrontational.
19 The trust walk was about having boundaries and, also, not
20 taking things personally is what it was like and to look at
21 your definition of trust as you went through that exercise.

22 Q. You said that you asked depressed girls to leave these
23 workshops in front of the other students?

24 A. Yes.

25 Q. And you said that you emphasized with the girls that an

1 unexamined life is not worth living?

2 A. That is a quote that I like. I've never used that for
3 the girls, to be honest with you. I do feel very strongly
4 that examining our life is very productive.

5 Q. When you bought this house, how much did -- you charge
6 tuition at the rate of \$10,000 a month from parents for Spring
7 Ridge Academy. At least you did probably close to the end of
8 your career there, correct?

9 A. I wasn't there at that time.

10 Q. How much did you charge when you left?

11 A. I think it was -- I think it was about 6,000. I don't
12 remember.

13 Q. Per student?

14 A. Yes.

15 Q. And the square -- were you aware that the entire time
16 that you were operating Spring Ridge Academy that it was
17 overcrowded pursuant to licensing standards?

18 A. No, it was not at the time that we got the license. It
19 was not.

20 Q. Was there a change in the law?

21 A. I believe there -- there may have been. I don't know.

22 Q. When?

23 A. I don't know.

24 Q. Did you modify the --

25 A. I was not there. When I was there, it was -- we were in

1 that licensure.

2 Q. You said that parents gave you money for a basketball
3 court?

4 A. Yes.

5 Q. Why didn't you pay for it?

6 A. It was a gift.

7 Q. Spring Ridge Academy -- what was bringing in, like,
8 seven, six million dollars a year?

9 A. The basketball court --

10 MR. SMITH: Objection, your Honor, relevance to
11 this.

12 THE COURT: Overruled, you may respond.

13 THE WITNESS: The basketball court was built early
14 on when our tuition was much less. I don't remember each
15 year, but it was not -- someone wanted to contribute to our
16 campus.

17 BY MS. ALLARD:

18 Q. You made the girls clean when they were there?

19 A. They cleaned their areas, absolutely.

20 Q. They washed your car?

21 A. They weren't supposed to do that.

22 Q. Did they?

23 A. I don't know.

24 Q. You've talked about how you were asked an open-ended
25 question on the therapy value of the workshop exercises today,

1 and my question is: What is the therapeutic value to a
2 father's daughter, to him, being blindfolded and having
3 unknown people massage him?

4 A. It is about giving service, anonymous service, feeling --
5 just relaxing after someone has been in a three-day workshop.
6 That's what it was about.

7 Q. But my question is: What's the benefit to his daughter?

8 A. I think there's a great benefit for a girl to massage the
9 shoulders of their father, to connect with him. Touch is a
10 huge connection therapeutically, and they feel very good about
11 connecting with their parents at that time through touch.

12 Q. But you testified yesterday that you actually massaged
13 some of the parents?

14 A. We -- there are a lot of parents, yeah, but more than one
15 person is massaging; but the girl is massaging, also.

16 Q. So what is the therapeutic benefit of more than the child
17 massaging their father?

18 A. The reason we have more people is because oftentimes we
19 have a lot of people in the workshop and it goes faster.

20 Q. But how does it help his daughter?

21 A. They're giving -- they're caring about a parent.

22 MS. ALLARD: No further questions.

23 THE COURT: Subject to recall, plaintiffs?

24 MS. SWEIDY: He's asking you a question.

25 MS. ALLARD: Yes, Your Honor, I would ask that -- on

1 standby, not here in the courthouse, but if that's possible
2 subject to recall.

3 THE COURT: Very well. Ms. Courtney, it appears
4 that you may be needed again during the course of the trial.
5 Please be careful walking down the steps again and have a nice
6 morning.

7 THE WITNESS: Thank you.

8 THE COURT: Next witness, please.

9 You're welcome, ma'am.

10 MS. ALLARD: The plaintiff would call Veronica
11 Borges.

12 THE COURT: Ma'am, please walk all the way to the
13 front of the courtroom and raise your right hand to be sworn.

14 COURTROOM DEPUTY: You can stand right there.

15 THE WITNESS: Right here?

16 COURTROOM DEPUTY: Uh-huh.

17 *(Witness is sworn.)*

18 COURTROOM DEPUTY: Thank you.

19 You can have a seat on the witness stand.

20 THE WITNESS: Up there?

21 COURTROOM DEPUTY: Yes.

22 THE COURT: Ma'am, when you take your seat, please
23 adjust the microphone and speak directly into it, please.

24 Ms. Allard, when you're ready go ahead.

25 THE WITNESS: Can you hear me?

1 MS. ALLARD: I can.

2 DIRECT EXAMINATION

3 BY MS. ALLARD:

4 Q. Ms. Borges, would you please state and spell your name
5 for the record.

6 A. Veronica Borges.

7 Q. Ms. Borges, were you employed at Spring Ridge Academy?

8 A. Yes.

9 Q. What years did you work there?

10 A. 2017 -- October 2017 'til April 2022.

11 Q. What were you hired to do at Spring Ridge Academy?

12 A. Provide counseling to adolescent girls.

13 Q. What was your title?

14 A. Therapist.

15 Q. Were you a licensed therapist in the State of Arizona?

16 A. No.

17 Q. What was your daily routine at Spring Ridge Academy as a
18 therapist?

19 A. I would provide counseling during the day. I would
20 provide groups to my caseload. I would participate in case
21 conference every -- every week. I would receive supervision
22 with my supervisor. I would --

23 Q. Were you assigned as a family the Sweidy Stata family?

24 A. Yes.

25 Q. And at Spring Ridge Academy was the model to include

1 family therapy as well?

2 A. Yes.

3 Q. And how did you conduct family therapy?

4 A. With them or how is family therapy conducted at SRA?

5 Q. Well, were they treated differently than anyone else?

6 A. Yes, at some point they were.

7 Q. And -- well, let's talk about when they first got there.

8 What would be the plan as far as family therapy?

9 A. The plan would be that I have conversations with both
10 parents. If their -- if the parents are married, then they're
11 gonna have therapy as a couple or maybe sometimes mom or dad
12 would have sessions on their own, and then that would be
13 decided typically after the intakes and the Master Treatment
14 Plan. Then there would be a schedule for family therapy based
15 on everybody's availability.

16 Q. So family therapy looked like husband and wife in therapy
17 with you together?

18 A. No, it would be the adolescent and both parents or one of
19 each parent.

20 Q. And how, since the parents lived remotely, did you do
21 family therapy with both parents and the child?

22 A. Yes.

23 Q. How did that work?

24 A. You said remotely.

25 Q. I understand, but how did you set it up?

1 A. It would be in my office with the student with me and
2 then the parents on Zoom.

3 Q. So one parent could be located on one part of the country
4 and another parent could be located in a different state and
5 everybody could get together for family therapy on a digital
6 platform?

7 A. Yes.

8 Q. And what did you use?

9 A. I believe it was Zoom.

10 Q. So prior to the Sweidy Stata family coming to Spring
11 Ridge Academy, you were accustomed to doing remote family
12 therapy?

13 A. Yes.

14 Q. And you were trained technologically how to do it?

15 A. Yes.

16 Q. And how often did that occur with the families?

17 A. It depends. It would depend.

18 Q. On the average and what were the factors?

19 A. On average I'd want it at least maybe once a week, but
20 sometimes it wouldn't happen that often.

21 Q. And who determined how often it would happen?

22 A. I tried to determine that, but I also had to take into
23 consideration parents' schedules and things like that.

24 Q. And so are you familiar with the paperwork at Spring
25 Ridge Academy? It's what parents get on their end as far as

1 what to do to communicate with you?

2 A. You mean their Parent Manual?

3 Q. Okay. Are you familiar with that?

4 A. I can't recall it.

5 Q. How is it you --

6 A. I know there is one.

7 Q. How is it that you are matched with family?

8 A. Um, I -- I'm not exactly a hundred percent on that, how I
9 would be matched. I know that I'm not doing the matching,
10 that the program team would make a decision about a student,
11 what they know about the student coming in, and then seeing
12 that perhaps a student would be a good match for me or some
13 other therapist.

14 Q. When -- is there a reason that you would have been
15 characterized by Kate Deily to Ms. Sweidy as a proper fit for
16 their family that you know of?

17 A. I -- I don't.

18 Q. Did you establish any expertise in working with divorced
19 parents at Spring Ridge Academy such that you were the go-to
20 for those families?

21 A. I wouldn't say that I would be a go-to, but I had
22 experience with divorced families, yes.

23 Q. Okay. And what features of your experience did you bring
24 in to your work at Spring Ridge Academy?

25 A. I'm not sure I understand what you're asking.

1 Q. Well, what experience did you have and what were -- that
2 helped families at Spring Ridge Academy?

3 A. What overall experience with all families or just
4 divorced families?

5 Q. Just divorced families.

6 A. Just a lot of experience with them and the dynamics that
7 can happen with divorced families.

8 Q. Okay. So what type of works with juveniles did you have
9 or minors before you came to Spring Ridge Academy and where
10 was that experience obtained?

11 A. I was a program director and counselor for Youth and
12 Family Services in California for five years.

13 Q. And what did you do for them?

14 A. I worked with at-risk youth who were adjudicated or they
15 were brought in through Family Services. They were in foster
16 care.

17 Q. Were they dependents of the Court? Were they court
18 cases?

19 A. Not always, no.

20 Q. Are you familiar with the Court process for dependency in
21 California?

22 A. Little bit.

23 Q. Are you familiar with the Court processes for a juvenile
24 delinquency in California?

25 A. Somewhat.

1 Q. Did you work with that population?

2 A. I worked with -- it was a community-based clinic that I
3 worked for. So the students came through there. They came
4 through the clinic.

5 Q. Were they court ordered to your clinic?

6 A. Not all of them were.

7 Q. Were some of them?

8 A. Some of them.

9 Q. So you had familiarity with court systems before you came
10 to Spring Ridge Academy, correct?

11 A. A little bit.

12 Q. I'm sorry?

13 A. A little, yeah.

14 Q. And did you get involved in any family law cases in
15 California?

16 A. No.

17 Q. In this particular case, do you recall when it was you
18 were assigned to the Sweidy Stata family?

19 A. It was in December of 2020, I think.

20 Q. Would it have been --

21 A. Or 2019, I believe.

22 Q. Was that before or after Rearden arrived at school?

23 A. I'm sorry, she would have arrived -- that's how I knew I
24 was assigned to her.

25 Q. If Kate Deily had e-mailed Ms. Sweidy in advance stating

1 that you were assigned --

2 A. Okay.

3 Q. -- is that something that refreshes your memory at all as
4 to when you learned about them?

5 A. I may have known. Sometimes I would know about a student
6 a week before. Sometimes I wouldn't know until the day they
7 arrived.

8 Q. In this particular case do you remember when you first
9 learned you were assigned that family?

10 A. I don't recall.

11 Q. And as far as information gathering on the family, what
12 did you do to learn about Rearden?

13 A. I would look at any notes that arrived with her from her
14 Wilderness program, and then I would do a intake with her and
15 a Biopsychosocial which I would sit with her face-to-face and
16 I would ask her lengthy questions and she would give me
17 answers on them.

18 Q. And do you recall doing that with her in this particular
19 case?

20 A. Yes.

21 Q. What about records provided by her mother, which included
22 her prior therapy records?

23 A. I may have had those.

24 Q. Do you have any independent recollection of even talking
25 to Rearden's therapist in California?

1 A. I don't recall.

2 Q. Did you reach out to any school teachers of Rearden's in
3 California?

4 A. That wasn't standard procedure to reach out with teachers
5 unless a parent had a particular teacher that maybe they
6 wanted me to speak with and then would provide me that
7 information.

8 Q. Did you read Rearden's enrollment application completed
9 by Ms. Sweidy?

10 A. I don't recall.

11 Q. So when you sat down with Rearden to do the biosocial,
12 would it be fair to say that you don't recall knowing anything
13 about her?

14 A. I don't know that it would be anything. I -- I can't
15 recall what I had reviewed, what I was provided with, what I
16 had to review. I can't recall that information.

17 Q. Does it stand out in your memory in the biosocial that
18 she was asked about her relationship with her mother?

19 A. She would have been asked about her relationship with
20 both her parents, yes.

21 Q. And do you recall what she said about her mother?

22 A. I am not certain of the -- I don't recall the exact
23 language, no.

24 Q. Do you recall that she said that her mother was
25 acquainted with her friends?

1 A. I don't recall that specifically, no.

2 Q. Would it refresh your recollection to look at that
3 document?

4 A. Sure.

5 MS. ALLARD: May I have a moment, Your Honor?

6 THE COURT: Of course.

7 MS. SWEIDY: I apologize, Your Honor. Please give
8 us a second.

9 THE COURT: Certainly.

10 MS. ALLARD: Your Honor, Exhibit 55 -- I'm sorry,
11 it's not in evidence.

12 COURTROOM DEPUTY: It is.

13 THE COURT: 55 has been received. It was received
14 yesterday so you can publish it.

15 BY MS. ALLARD:

16 Q. Do you recall having a conversation or acquiring some
17 information that the parents were concerned about the
18 quote/unquote "drama piece" at Spring Ridge Academy as being
19 not a fit for their daughter?

20 A. I don't recall that, no.

21 Q. Do you recall that -- receiving copies of poems that
22 Ms. Sweidy wrote to her daughter when she was at Outback?

23 A. I recall receiving numerous, via e-mail, letters from
24 Ms. Sweidy that were from Ms. Stata's Wilderness, but what the
25 content of them were I -- I don't recall.

1 Q. Okay. I'm going to start by asking you to look -- and
2 I'll display it for you -- Exhibit 55, Page 16.

3 Is this page -- do you recognize it, Page 16?

4 A. Can you bring the chopped part down a little bit so...
5 And what is this document from?

6 Q. I'm gonna show you the first page and see if you
7 recognize it.

8 A. Okay. Yes, I would have seen this.

9 Q. What is this? Is this the biosocial?

10 A. No, it's not.

11 THE COURT: Okay, I need both of you to speak in the
12 microphone, please.

13 THE WITNESS: Oh, sorry.

14 THE COURT: Ma'am, you can move the microphone if
15 you need to.

16 BY MS. ALLARD:

17 Q. Can you tell me what the document is?

18 MR. SMITH: Pardon me, Your Honor. Can we have a
19 page number of this exhibit?

20 MS. ALLARD: I'm sorry, Page 15.

21 MR. SMITH: Thank you.

22 THE WITNESS: I believe that this is a detail -- a
23 data detail on -- on a new student when they come in.

24 BY MS. ALLARD:

25 Q. Did you prepare it?

1 A. No.

2 Q. Now, that's the cover page. So Page 16 was not prepared
3 by you?

4 A. No, I don't believe so.

5 Q. Did you review it?

6 A. I imagine I would have.

7 Q. Do you know who prepared it?

8 A. No.

9 Q. I'm showing you Page 23 now.

10 A. That is really small.

11 Q. Well, we can do...

12 Do you recognize Page 23 of Exhibit 55?

13 A. I believe this is part of the Biopsychosocial.

14 Q. So this would be the report that you prepared?

15 A. Yes.

16 Q. And did you type into it yourself?

17 A. Yes.

18 Q. And how did you get the information?

19 A. If it's the Biopsychosocial, then directly from
20 Ms. Stata.

21 Q. Rearden?

22 A. Yes.

23 Q. Okay. So just going over it briefly here, Rearden was
24 asked, "What specific problems do you want to address in
25 treatment?" and she -- you got -- you asked her that and she

1 gave you the response that's reflected here?

2 A. Yes.

3 Q. And she said she wanted to "Improve communication with my
4 family especially with my mother; learning when to speak
5 thoughtfully." She stated, "I struggle with anger and hide my
6 feelings and with my dad I get angry with him and don't know
7 why and want to get to the bottom of it."

8 "With my sister I put her on a pedestal and would like to
9 see her as a resource instead of someone I need to live up
10 to." Those were her words?

11 A. If I put them there, yes, those were her words.

12 Q. Now, would this be on the basis of any prompting or
13 therapy session by you or just something that she came up with
14 spontaneously?

15 A. Well, the -- the purpose of the Biopsychosocial is to get
16 information from the student and if -- I'm not sure what you
17 mean by "prompting," but I would encourage and did encourage
18 anybody that I brought in to do the psychosocial to be honest
19 and, you know -- and introspective on what they wanted.

20 Q. There are a number of questions here. Another one is:
21 What needs or problems, challenges do you identify?

22 And her response was, "I would like to be more objective
23 about my part in conflict; being able to be more comfortable
24 sitting in discomfort; being honest with how I feel in the
25 moment; being okay with not being stimulated either positive

1 or negative. Take time for meditative practice."

2 Was that the -- do you recall that being her response?

3 A. Again, it was -- it was a long time ago that this was put
4 in there. I would have written what she told me to write; how
5 her response was, yes.

6 Q. And then you asked her -- or the form does, "How do you
7 consider yourself socially?" and her response was, "Reserved
8 at first then after I get to know people more outgoing. I
9 typically do not make enemies. People either think I'm weird
10 or like me. I'm friendly and like to talk to people.
11 Sometimes I choose people who will enable me in doing things I
12 shouldn't do. But that is a conscious choice I make
13 sometimes."

14 This is how she came in to Spring Ridge Academy?

15 A. Yes.

16 Q. And then you asked her if she'd ever been bullied and she
17 said "yes," correct?

18 A. Yes, I checked "yes."

19 Q. And then she said, "When I was younger I was a tomboy and
20 socially awkward (4th-7th grades) and people made fun of me;
21 called me names. I think it affected me more than I
22 realized."

23 A. That's what I put down, yes.

24 Q. Did you ever devote any therapy sessions to discussing
25 that issue with her?

1 A. I'm sure we would have done that, yes.

2 Q. If the records of Spring Ridge Academy reflect that you
3 never did, would they be accurate?

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

5 Q. So I'm going to have to zoom in and move this to get to
6 the bottom half of the document.

7 So then there's a section right below that after being
8 bullied. It says, "How do your parents feel about your
9 friends?" And then the response was, "They like them,
10 especially my mom and they keep in touch with them. They know
11 about the friend groups that enable me and do not support it."

12 Was there any further investigation on your part as to
13 what issues there were with friend groups in Rearden?

14 A. I can't recall specifically what we would have gotten
15 into about that, no.

16 Q. Then she was asked: What activities do you enjoy and
17 feel successful at? And she said, "Playing drums; working out
18 and certain sports; scuba diving; kite boarding; swimming;
19 being really productive." Do you recall that response?

20 A. Yes.

21 Q. What did you incorporate about her background and
22 interests in your therapy model?

23 A. Where are we at here?

24 Q. Oh, I'm just looking right below. I'm going down the
25 page. So it's under the question what do you do for fun --

1 I'm sorry, "What activities do you enjoy and feel successful
2 at when you try?"

3 THE COURT: Ms. Allard, that's a smart monitor. You
4 can pull your finger across the screen and it marks it, and
5 then Molly can clear it if you need to.

6 MS. ALLARD: Okay, perfect. Thank you.

7 THE WITNESS: Is it after the question have you been
8 bullied -- what activities do you enjoy, is that what you're
9 saying?

10 MS. ALLARD: Yes, that response there.

11 THE WITNESS: "Playing drums; working out and
12 certain sports; scuba diving; kite boarding; swimming..." yes.

13 BY MS. ALLARD:

14 Q. And "being really productive"?

15 A. Yes.

16 Q. As a therapist, are you trained to look at what brings a
17 person joy in the moment to see how you can use that in your
18 therapy sessions?

19 A. Yes.

20 Q. And what did you do -- when you looked at all the
21 interests for this child -- and I think it goes on to say she
22 likes jam sessions, playing cards, board games, ceramics, rock
23 climbing and she likes reading and writing poetry.

24 Did you see that?

25 A. I'm sorry, I'm having a hard time keeping up with you

1 here. Okay, and what is your question about that?

2 Q. Did you incorporate any of these activities in your
3 therapy with her?

4 A. The activities here? We may have done things in therapy
5 that she liked in the moment if -- we could play cards, but
6 some of these things we're not gonna be able to do. We can't
7 -- we're not going to go swimming or --

8 Q. Well, did you have her write a poem?

9 A. I don't recall if I had her write a poem.

10 Q. And then the questionnaire asks, "What do you do in your
11 spare time and with whom?" And her response was: Talk to
12 people, strangers and friends; philosophical conversations
13 with my parents, listening to music, hanging out with my dog.

14 A. Okay.

15 Q. Did you see that response?

16 A. Yes.

17 Q. So what did you do to explore her interest in
18 philosophical conversations with her parents?

19 A. She had a number of conversations with her father during
20 the course of our therapy.

21 Q. Well, did you even understand what she meant by
22 "philosophical conversations"?

23 A. Once I got to know her, she was -- she was a pretty deep
24 thinker, just generally. So our conversations could be
25 philosophical. I guess we could describe it as that at some

1 point. I know she had those kind of conversations with her
2 father when she had visits or when -- if he was visiting. So,
3 yeah.

4 Q. Did she ever tell you that her parents were very
5 passionate about certain philosophy and that's how they met?

6 A. She told me they were very passionate, both of them.

7 Q. And that they both had the same values?

8 A. I think that she would have said that, yeah.

9 Q. And that they were very intrigued by the philosophy of
10 Ayn Rand?

11 A. Yes, thus their names.

12 Q. What did you learn about Rearden's name?

13 THE COURT: Okay. Before we get to that, Ladies and
14 Gentlemen, it's time for our morning recess. Court's in
15 recess until 10:45. Please don't talk to anyone about the
16 case.

17 All rise for the jury. Court's in recess until
18 10:45.

19 (Jury out and recess taken at 10:30 a.m.)

20 COURTROOM DEPUTY: All rise for the jury.

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

22 (Back on the record at 10:50 a.m.)

23 COURTROOM DEPUTY: All rise.

24 THE COURT: Good morning again, everyone. Please
25 take your seats. Court will come to order. Please, continue.

1 BY MS. ALLARD:

2 Q. I'm now going to show you Page 24 and this is -- do you
3 recognize this as the subsequent page in the biosocial form
4 that you used at Spring Ridge Academy?

5 A. Yes.

6 Q. Okay. Can you see it?

7 A. Yes.

8 Q. Okay. So the question I'm looking at here is, "Describe
9 your relationship with your father growing up."

10 Do you see her response?

11 A. Yes.

12 Q. And -- there's also a question, "What are his values?"

13 Do you see that question?

14 A. Yes.

15 Q. In your previous work did you have questionnaires like
16 this where a parent's values were requested on an intake form?

17 A. Aside from SRA?

18 Q. Yeah.

19 A. Things were set up a little differently. There were
20 intakes, but they would have different types of questions.

21 Q. So it looks like Rearden reported that her dad's values
22 were objectivist philosophy, hard work, seeing knowledge and
23 truths about self.

24 And then under mom, what are her values, Rearden
25 reported, "Loyalty; objectivist philosophy; seeking

1 knowledge/truths about self." You see those, too?

2 A. Yes.

3 Q. What use of this response did you make in your family
4 therapy sessions?

5 A. This Biopsychosocial is a preliminary. At this point I
6 haven't done any therapy at all with the client, with the
7 student and/or the parents. So this is information seeking,
8 and during the course of therapy I'm going to look at many of
9 the things that are brought up in this Biopsychosocial and
10 incorporate them into therapy.

11 Q. Do you have any training and experience with divorced
12 families on the subject of trying to get the parents to find
13 common ground in therapy with their daughter?

14 A. Yes.

15 Q. Would you agree that maybe this response might be a
16 little bit of a foundation or tool to bring the family
17 together for discussion?

18 A. It could be.

19 Q. Did you ever think about using that in family therapy?

20 A. Of course I would think about using that.

21 Q. Did you ever do it in this case?

22 A. Family therapy was -- if we fast forward --

23 MS. ALLARD: Motion to strike, non-responsive.

24 THE COURT: That's sustained.

25 Please disregard the witness' last answer.

1 Ma'am, please listen to the question and just answer
2 the question, please.

3 THE WITNESS: Would you please repeat it?

4 BY MS. ALLARD:

5 Q. The question was: Did you ever do it in this case?

6 A. It's a little difficult for me to answer this. Apply
7 loyalty, seeking knowledge/truths about self, in family
8 therapy I would use that with this case, yes.

9 Q. Did you ever do that in this case?

10 A. With dad I did.

11 Q. Did you ever do it in a family session with mom?

12 A. Mom did not participate in family sessions.

13 Q. Well, we'll get to that in a minute. But did you ever --
14 my other question will be did you ever do it with mom and dad
15 and daughter together?

16 A. Mom did not participate in the family therapy, so no.

17 Q. Did you ever have sessions with Rearden where you
18 emphasized with her or even discussed with her the common
19 values that her parents had in common?

20 A. I'm sure we would incorporate that into therapy, yes.

21 Q. If you did, would your records reflect that?

22 A. It could, but it may not if it was not part of a summary
23 of her important -- the important things that came up in
24 therapy.

25 Q. So every time you had a therapy session with Rearden, you

1 made a progress note, correct?

2 A. Yes.

3 Q. And that's kept in the database called BestNotes at
4 Spring Ridge Academy?

5 A. Yes.

6 Q. And you digitally signed it?

7 A. Yes.

8 Q. And if it was important, you -- if something important
9 happened in a therapy session with Rearden, you would have
10 reported it in BestNotes?

11 A. Yes.

12 Q. Have you reviewed those notes?

13 A. I've looked at some of them, yes.

14 Q. And in your review did you find any notes on discussing
15 with Rearden positives about her upbringing with her parents?

16 A. Yes.

17 Q. And what positives did you discuss with Rearden?

18 A. Most of the discussion with Rearden around her parents
19 was with her father, about her father.

20 Q. Well, the question was plural, parents. Did you discuss
21 with Rearden anything positive about her upbringing with her
22 parents, as a unit?

23 A. Our therapy was to help her resolve issues that she had
24 with parents, both parents.

25 MS. ALLARD: Motion to strike, non-responsive.

1 THE COURT: Sustained.

2 Please disregard the witness' last response.

3 THE WITNESS: I'm not sure how I can answer this
4 question. You said "parents."

5 MS. ALLARD: As a unit.

6 THE WITNESS: You used the word "parents."

7 BY MS. ALLARD:

8 Q. As a unit, the family unit --

9 A. Yes.

10 Q. -- and their values. Did you discuss any positives about
11 Rearden's upbringing in an intact family unit where the
12 parents have the same values?

13 A. We may have.

14 Q. Do you recall anything specific?

15 A. No, I don't.

16 Q. In this questionnaire Rearden is asked, "Describe your
17 relationship with your father growing up." And her response
18 appears to be, "When I was a kid don't remember a lot. I
19 think it was a normal relationship. He traveled for work but
20 I didn't notice it as negative. During middle school he
21 retreated within himself and was hard to talk to. He has a
22 explosive temper and it used to scare me when I was
23 little...didn't understand why he was angry. In high school
24 he tried to be an ally when I was struggling with depression
25 and had issues with mom."

1 Did you write that into the computer when Rearden was
2 talking to you in your office?

3 A. Yes.

4 Q. Do you recall what specifically you did in therapy to
5 address Rearden's concern regarding her father's temper?

6 A. In their family therapy and in our therapy together
7 one-on-one we talked about a number of issues regarding her
8 relationship with her father, yes.

9 Q. I'm just asking specifically about a temper?

10 A. Yeah, his temper came up, yes.

11 Q. And would any of that been reflected in your progress
12 notes?

13 A. It may be.

14 Q. Have you reviewed your notes? You said you reviewed
15 them --

16 A. I don't recall any specific note where it comes up.

17 Q. Did she describe what her issues with mom were at this
18 time when she's sitting in your office when she first gets to
19 Spring Ridge Academy?

20 A. Well, during the psychosocial it's written here, describe
21 your relationship with your mother.

22 Q. Okay, let's go to that. Moving down, she describes --
23 "Describe your relationship with your mother growing up."

24 She says, "Turbulent. I was rambunctious and she had a
25 hard time with my energy; I was defiant and we yelled at each

1 other so I avoided going home. She was firm holding
2 boundaries."

3 A. Yes.

4 Q. And you made a note of that?

5 A. Uh-huh.

6 Q. Is that a "yes"?

7 A. Yes.

8 Q. Then the second question is -- or statement, "Describe
9 your relationship with your mother now." And she reported,
10 "Getting there. We are learning to listen to each other. I
11 think she has trouble dealing with my anxiety and trusting me.
12 We're trying to learn ways to communicate. She's funny,
13 really smart and hard working, unique and doesn't care what
14 people think about her and holds firm in her values which I
15 admire. When she loves you she'll do anything for you."

16 Is that what you recall Rearden telling you about her
17 mother?

18 A. Yes.

19 Q. So did you explore with Rearden what she meant by
20 "boundaries" and what her mother was holding boundaries on?

21 A. At this point, no.

22 Q. And you've already testified that you didn't read the
23 enrollment application that requested extensive information
24 about the family history?

25 A. I don't recall the enrollment application.

1 Q. Do you recall receiving any information that both parents
2 had concerns about Rearden lying?

3 A. Yes.

4 Q. And that both parents had concern about Rearden cheating?

5 A. Yes.

6 Q. And both parents had concern about her stealing?

7 A. Yes.

8 Q. And do you recall receiving information from Mr. Stata
9 that he locked doors in his house when she visited?

10 A. I think I recall something about that.

11 Q. So the parents were pretty united on the reasons for this
12 child's admission to Spring Ridge Academy; wouldn't you agree?

13 A. It seemed like it at this point.

14 Q. And then it says, "Describe your parents' relationship
15 with each other when you were a child." And her response was,
16 "I think they hid a lot from me and my sister when we were
17 little, they fought a lot and their divorce seemed to come out
18 of the blue; I remember situations where my mom acted like his
19 parent and they argued. I felt like they were both unhappy."

20 Now, Spring Ridge Academy has this really -- emphasis on
21 trauma. Would you agree that there was no significant trauma
22 in Rearden's background based on the information you gathered
23 in this sit-down?

24 MR. SMITH: Objection. Argumentative, Your Honor.

25 THE COURT: Overruled, please continue.

1 THE WITNESS: At this juncture where I had just met
2 her I would consider that perhaps I'd want to explore trauma
3 from bullying, trauma from the turbulence with the
4 relationship with her mother, and I would want to explore
5 dad's temper. So these are things that I would have
6 considered in that moment that we would look at as therapy
7 began.

8 BY MS. ALLARD:

9 Q. Can you please explain what your definition of the word
10 "trauma" is in terms of you saying -- you're testifying that
11 you would explore quote/unquote "trauma" with Rearden?

12 A. Well, trauma can happen in a number of ways. You know,
13 there's -- they're called big T trauma and little T trauma.
14 It doesn't have to be that a person was sexually assaulted.
15 It doesn't have to be that they were -- had physical abuse.
16 It's anything that affects a person, especially in growing up,
17 that causes them to -- to have negative responses in their
18 life, causes them to have fears, causes them to react in ways
19 that are not functional or unhealthy.

20 Q. Prior to coming to Spring Ridge Academy, did you have any
21 training on what you now call little trauma?

22 A. Yes.

23 Q. And so the scenario that was presented, I think through
24 Jeannie Courtney, was little trauma could just be a parent
25 saying, "I don't like your career choice"?

1 A. That sounds a little simplistic to me.

2 Q. So --

3 A. I wouldn't define it that way.

4 Q. How would you define it then?

5 A. I might -- as an example, you have two daughters and one
6 of them is very outgoing and has a really, you know, bubbly
7 personality, has a lot of friends, and she has a sister and
8 her sister has very low self-esteem. She doesn't -- she has
9 poor body image, and she looks at her sister as someone who's
10 really popular and has friends and she looks at herself as she
11 doesn't. So things -- parents aren't really concerned about
12 either of them, and then the parents buy a boat.

13 And buying a boat shouldn't be traumatic, but they buy a
14 boat and suddenly the daughter who has the self body image
15 issues and low self-esteem, she looks at this boat as totally
16 horrible. She doesn't want to go with the parents. She
17 doesn't want to go on outings simply because nobody is aware
18 that she's got these body images.

19 So this benign act of buying a boat turns into something
20 really horrible for the -- for this other daughter because she
21 doesn't want to go get in a bathing suit, and there's going to
22 be people on the boat. She feels socially awkward. So this
23 could be -- this could be a small trauma, a little T trauma.

24 Q. Okay. So using the word "trauma" could have a lot of
25 different meanings?

1 A. It can, but it would have affected this -- this daughter
2 to the point where she's starting to stay home. She doesn't
3 want to go out with the parents. She doesn't want to go out
4 with anybody. Nobody knows why, and it turns into something
5 bigger perhaps.

6 Q. Did Rearden identify any trauma to you when she first met
7 you?

8 A. During this -- this -- no, not necessarily trauma.

9 Q. So I'm moving down the document and the question was
10 asked to her, "Did you experience any abuse as a child in your
11 home? or outside your home? Describe as much as you feel
12 comfortable." And her response was, "Me and my mom fought
13 physically sometimes." Did you explore that further with her?

14 A. That came up subsequently in our -- in our therapy, yes.

15 Q. I'm asking about when she's sitting in your office and
16 she makes this statement?

17 A. I can't recall exactly what the conversation was about
18 this particular issue.

19 Q. And you're testifying that there was some discussion
20 about mom and daughter fighting that came up later. Was there
21 any note that you made of that?

22 A. In my notes the relationship with her mom is pretty well
23 documented.

24 Q. So what did you mean by -- what did she describe as far
25 as her mother fighting with her in -- anywhere in your notes?

1 A. She writes about incidences where her mom screamed at her
2 about -- there was a specific event, screamed at her because
3 she didn't do the event properly. In our conversations there
4 were many other events where she talked about her relationship
5 with her mom being tempestuous like that where her mom yelled
6 at her or screamed at her or called her names.

7 Q. What about where she screamed at her mother?

8 A. Yes.

9 Q. And were you given any context to any of these exchanges
10 between mother and daughter?

11 A. Right here?

12 Q. No, during this session you're talking about.

13 A. There were numerous. There were numerous times that
14 things came up. When she had phone calls with her mother, if
15 her mother came for a visit. I think it was one time that her
16 mom came for a visit and her feelings about that, yes.

17 Q. Okay. So you're talking about Spring Ridge Academy notes
18 that you made?

19 A. Yes.

20 Q. Not a personal conversation or something that came down
21 the road?

22 A. In the notes there are -- there are documentation of some
23 of those events.

24 Q. Okay. So we'll go through those notes in a bit, but one
25 of the things I'm going to ask you about right now, do you

1 recall the fact that after Rearden was returned to Spring
2 Ridge Academy that a letter was posted in BestNotes that her
3 mother could not have any telephone contact with her?

4 A. A letter?

5 Q. A note.

6 A. I recall e-mails.

7 Q. Do you recall any conditions that were put into the
8 BestNotes file for this family that Ms. Sweidy was not to
9 visit her daughter or to call her daughter?

10 A. I remember that after Rearden was ordered to come back to
11 Spring Ridge and I can't recall the time line, but at some
12 point there was -- that that happened, that she wasn't going
13 to participate or come to Spring Ridge, yes.

14 Q. Did you have a role in that?

15 A. No.

16 Q. So you as the -- and you're the only therapist this
17 family had, correct?

18 A. Yes.

19 Q. So do you know why they didn't ask you for input on these
20 terms?

21 A. I didn't have any role in the letter coming out. All --
22 what happened -- okay. I'm not sure how -- we're jumping from
23 this to things that happened months later.

24 So when -- after her mother came and got her and took her
25 out of Spring Ridge and then evidently the Court ordered her

1 to come back to Spring Ridge --

2 Q. Evidently?

3 A. Yes.

4 Q. Isn't it true that you were the one that suggested to
5 Mr. Stata that he go to court?

6 A. No.

7 Q. Okay. Isn't it true that Mr. Stata told you that he was
8 gonna go to court before Ms. Sweidy even arrived?

9 A. Before she arrived from where?

10 Q. From California to come get her daughter safely home.

11 A. I don't recall that, no.

12 Q. Well, you do recall that Ms. Sweidy had attended Parent
13 Challenge, correct?

14 A. Yes.

15 Q. And you were there during Parent Challenge, weren't you?

16 A. Part of it. Part of it, yes.

17 Q. Did you meet with her?

18 A. Not discuss anything, no. I was observing.

19 Q. And you're aware that the law requires that a Master
20 Treatment Plan needs to be in place within 30 days of a
21 child's admission according to Arizona law, correct?

22 A. Yes.

23 Q. Was there a Master Treatment Plan in place on January
24 27th, 2020?

25 A. I can't recall the exact date, no. If you're asking me a

1 date, I can't say "yes" or "no." I'd have to see when the
2 Master Treatment Plan.

3 Q. If the date of the Master Treatment Plan wasn't until
4 after Parent Challenge, then wouldn't you agree that it was
5 not done within 30 days of Rearden's enrollment?

6 A. If it was -- I can't a hundred percent, but I think it
7 was only a couple days late.

8 Q. Were you trained that Arizona law requires that the legal
9 guardian of the person that's attending the school be
10 consulted and included in the development of a plan?

11 A. Yes, when it -- whenever it's possible, yes.

12 Q. Have you ever heard that parents are the world's best
13 experts on their own children?

14 A. I've heard that, yeah.

15 Q. You probably heard it in a training?

16 A. If you say so. I can't recall a training where I heard
17 that, but I've heard that statement.

18 Q. So why did you come up with a Master Treatment Plan
19 without talking to Ms. Sweidy about it first?

20 A. Because Ms. Sweidy didn't want to talk about it. She
21 didn't want -- she didn't want anything to do with that
22 treatment plan. I told her it was coming up and that I needed
23 signatures, and she didn't want to sign it. The treatment
24 plan had to be done and it was noted that -- that it was
25 without the guardian -- the parent guardian's signature.

1 Q. Okay, so let me give you a date line. January 23rd you
2 finished the Master Treatment Plan, correct?

3 A. Okay, I'll take your word for that.

4 Q. And Rearden signed it, correct?

5 A. Uh-huh.

6 Q. And then after that her mother came to campus, correct?

7 A. Okay.

8 Q. So you had it done days before you e-mailed it to
9 Ms. Sweidy once she returned to California, correct?

10 A. I don't know, no. I don't recall that.

11 Q. Okay. And so isn't it true that the first time you
12 communicated the contents of the plan to Ms. Sweidy was in an
13 e-mail after she returned from Parent Challenge?

14 A. I don't recall that either because I may have let her
15 know that it was being done and that I needed -- I needed to
16 get signatures.

17 Q. Do you know when the first family session with Kimberly
18 Sweidy was to begin after her daughter was enrolled at Spring
19 Ridge Academy?

20 A. I think there's a note on the --

21 Q. Would it refresh your recollection to look at the note?

22 A. Pardon me?

23 Q. Would it refresh your recollection to look at your
24 progress notes?

25 A. Yes.

- 1 Q. Okay. I'm showing you Exhibit 55, Page 37.
- 2 A. Okay. It says it would begin on January 30th.
- 3 Q. So that would have been her first family session that you
- 4 had scheduled, correct?
- 5 A. Yes. What is the date of this note?
- 6 Q. I'm looking at the top. It says January 16th, 2020.
- 7 A. Okay.
- 8 Q. I'm showing you Page 38 of Exhibit 55, and at the top
- 9 that appears to be the Master Treatment Plan?
- 10 A. Yes.
- 11 Q. And you see an admit date on the top right of December
- 12 13th, 2019?
- 13 A. Yes.
- 14 Q. And a date of the original Master Treatment Plan of
- 15 January 23rd, 2020, as well. Do you see that?
- 16 A. Yes.
- 17 Q. So that's the date you finished this plan?
- 18 A. Yes.
- 19 Q. And on the bottom it looks like it was signed by Rene
- 20 Sweidy Stata on January 24th. Do you see that?
- 21 A. Yes.
- 22 Q. So does that refresh your recollection on when Ms. Sweidy
- 23 Stata looked at this report and signed it?
- 24 A. Yes.
- 25 Q. So it was January 24th?

1 A. That -- that Rene signed it, yes.

2 Q. Why didn't you show it to her mother before she signed
3 it?

4 A. She had every opportunity to look at -- look at this.

5 Q. She was in California. How did you get this to her prior
6 to January 24th?

7 A. It would have been posted on the parent portal for her.

8 Q. Did you contact her to tell her it was available?

9 A. I spoke with her previously on the phone about all of
10 this coming up, and she did not want anything to do with it.

11 As far as the Parent Challenge goes, because she was in
12 Parent Challenge didn't have anything really to do with this
13 Master Treatment Plan. She could have signed it.

14 Q. When did you contact her and let her know that it was
15 ready for signature?

16 A. I don't recall the date.

17 Q. So let me ask you about this plan. We'll go through it
18 right now on Page 38.

19 So moving to Page 40, you have a Problem #1 as
20 generalized anxiety disorder?

21 A. Yes.

22 Q. Was there a diagnosis of generalized anxiety disorder in
23 her -- any records you reviewed?

24 A. No, not that I recall.

25 Q. So you made that diagnosis?

1 A. Yes, I did.

2 Q. And you made the diagnosis without any consultation with
3 any other person?

4 A. No, all of my diagnoses, all of my notes were reviewed by
5 Leslie Filsinger.

6 Q. Did Leslie Filsinger interview Rearden?

7 A. I don't recall if she did.

8 Q. Isn't it true that you know that she didn't?

9 A. No, that's not true. I don't recall whether she did.

10 Q. Isn't it true that you did not contact Rearden's
11 therapist for years back in California before you gave her
12 this diagnosis?

13 A. I don't recall if I was able to contact her -- her
14 therapist or not.

15 Q. And did you make this diagnosis based on any of your
16 review of her Daily Milieu notes?

17 A. I made -- I have to make a diagnosis on the treatment
18 plan when I do it. So she spoke about having anxiety in her
19 Biopsychosocial, and that is where I gave her that diagnosis
20 and I also had -- I also had contact with her between the
21 time.

22 MS. ALLARD: Object as non-responsive.

23 THE COURT: The objection is sustained.

24 Ma'am, please just answer the questions.

25 Please disregard the last comments from the witness.

1 BY MS. ALLARD:

2 Q. So I've moved back to that biosocial so I can find out
3 where it is. Can you tell me where in this report I would
4 find the evidence that you relied upon?

5 A. I can't just looking at it like this without having it
6 actually in front of me to search through this for it.

7 MS. ALLARD: Your Honor, may I approach her with a
8 hard copy that she could thumb through and direct me?

9 THE COURT: You may. No. 55.

10 Thank you, Molly.

11 BY MS. ALLARD:

12 Q. Ms. Borges, if you could open that exhibit up to Page 23.

13 That's the first page of the biosocial and help me find
14 what it is you rely upon.

15 A. On Page 23 what needs -- "What needs/promises/challenges
16 do you identify?"

17 Q. And what was the response you relied upon?

18 A. "I would like to be more objective about my part in
19 conflict." Being more comfortable sitting in discomfort would
20 suggest anxiety. "Being honest with how I feel in the
21 moment." "Being okay with not being stimulated either
22 positive or negative," which shows dysregulation in her -- in
23 her -- in her mood.

24 Q. I have a question on that.

25 A. Yes.

1 Q. Do you know whether or not you did this biosocial before
2 or after she attended Teen Challenge?

3 A. It would have been before. It's the first -- it's the
4 first instrument we -- we do.

5 Q. Okay. And do you see a date on there?

6 A. 12/16.

7 Q. So if it's dated that date, is that the day this was
8 conducted?

9 A. It should be, yes.

10 Q. Okay. So what else did you rely on?

11 A. What's that, I'm sorry?

12 Q. What other information in this intake did you rely on to
13 make a diagnosis of anxiety?

14 A. In the very first paragraph, "Improve communication with
15 my family especially with my mother; learning when to speak
16 thoughtfully; I struggle with anger and hide my feelings and
17 with my dad I get angry with him and don't know why..." which
18 suggests to me anxiety in both relationships.

19 Q. Wouldn't that be common for most people in their teens?

20 A. Could be.

21 Q. Is there anything -- any testing you did to differentiate
22 normal teenage conflict with their parents and something that
23 merits a diagnosis of generalized anxiety?

24 A. Having a diagnosis of generalized anxiety doesn't
25 necessarily mean that there's, like, some serious mental

1 health disorder. Generalized anxiety being generalized means
2 that a person can have anxiety, excuse me, across a number of
3 situations.

4 Q. Do people with generalized anxiety often like to talk to
5 people, strangers and friends?

6 A. Sure, you can be anxious and still appear to be outgoing
7 while you have inner turmoil going on.

8 Q. Hypothetically and speculatively, but what specifically
9 about this case -- how did you balance the information that
10 she enjoyed talking to strangers with the statement that she
11 fights with her parents sometimes?

12 A. Making this diagnosis initially, as I got to know
13 Rearden, this -- it worked out. It showed out. It played out
14 in our sessions that she had a lot of anxiety.

15 Q. But my question wasn't about what played out at Spring
16 Ridge Academy after she lived there, after she went to Jeannie
17 Courtney's workshops and after a pandemic hit and after she
18 was denied contact with her mother and after she was put in
19 the middle of another child custody battle.

20 My question is: How did she come there?

21 A. How did she get to Spring Ridge?

22 Q. No, what shape was she in when she arrived?

23 A. She was a teen who came in like many other teens, with
24 issues.

25 Q. And so the diagnosis that you made was made based on this

1 biosocial assessment solely?

2 A. It was and based on things that she had told me about her
3 feelings as we discussed some of the things through this.

4 Q. Okay. Going back to the Master Treatment Plan. So under
5 Problem #1 you have an objective that you wrote that she would
6 do EMDR therapy one time per week, group therapy three to four
7 times per week, individual therapy one time per week. Her
8 parents will do Family I. She will do mindfulness exercises
9 from the PIT manual -- is that Post Induction Therapy?

10 A. Yes.

11 Q. -- under the 3rd core issue of Reality?

12 A. Yes, that's standard on that form.

13 Q. Okay. What is the "3rd core issue of Reality"?

14 A. The issues of reality are around self-esteem.

15 Q. Well, what does the manual say?

16 A. The manual says that it looks at that you are a human
17 that has value, that you inherently have value. No matter
18 what your accomplishments are and no matter what your
19 deficiencies are, you still have value.

20 Q. And it says Rene -- and let's -- let's be clear about her
21 name. Rearden's formal name is Rene Rearden and her last name
22 is Sweidy Stata. You're aware of that?

23 A. Yes.

24 Q. So at this point you're referring to her as Rene in the
25 records, correct?

1 A. I -- yes, I guess I am.

2 Q. And then it says, "Rene will begin to track shame attacks
3 and learn how she creates her own reality."

4 What does that mean?

5 A. It's looking at the idea of carried -- carried emotions.
6 So with carried emotions we have -- we take on things that
7 have happened to us, have shame around them even though they
8 may be things that were perpetrated on us by others.

9 Q. So would it be fair to say that this directive comes from
10 Pia Mellody and Post Induction Therapy?

11 A. That does on the paper, yes.

12 Q. Had you ever heard of Pia Mellody before you came to
13 Spring Ridge Academy?

14 A. No, I hadn't.

15 Q. So under Objective 2 it says Rene will make one feeling
16 statement in each group therapy session over a 3-month period.

17 What's a "feeling statement"?

18 A. Talking -- describing a feeling, labeling a feeling. Not
19 just saying, "I'm fine, it's good." You know, saying "I felt
20 joy or I felt -- I felt humiliated," using descriptive words
21 to talk about your feelings.

22 Q. Well, wouldn't you agree that in a normal routine day
23 people aren't necessarily emotionally charged either way?

24 A. You could still describe that feeling of not being -- you
25 know, being charged as "I felt neutral" or "I felt numb."

1 Q. Are you familiar with a group therapy practice where
2 girls are in a group and one person is put in the center of a
3 circle and this particular person is questioned about their
4 conduct, questioned about their past, and the other children
5 are invited to make comments?

6 A. During a group session?

7 Q. During a group session, yes.

8 A. That may be in the feedback, in the feedback group.

9 Q. Can you explain what a "feedback group" is?

10 A. A feedback group would be where, like you said, a person
11 would be in the group and they would be told -- or asked, "Do
12 you want to come in and receive or give feedback?"

13 So if they want to receive feedback, then they are the
14 one that is the center of the attention and other students
15 give them feedback, positive feedback, or maybe they give them
16 feedback on, "I observed you -- I observed you speaking with
17 teachers today and you were rude or you used language that
18 wasn't appropriate," and then they ask -- the person receives
19 the feedback around it; and then at some point they're given
20 the chance to process through what they heard.

21 Q. So were feedback circles used to correct student conduct
22 that happened in residential life?

23 A. It could be, yes.

24 Q. Were feedback circles used to admonish students who had
25 run from the school?

1 A. I don't recall any in my own personal experience, no.

2 Q. Were feedback circles used on Rearden?

3 A. I don't recall any specific feedback circle, but she may
4 have been in one; and I may not have facilitated it either.
5 It could have been someone else who facilitated it.

6 Q. Did you ever instruct her to do a feedback circle about
7 the circumstances under which her mother removed her from
8 Spring Ridge Academy?

9 A. I don't recall if I did, no.

10 Q. Did she ever report to you that she was subject to a
11 feedback circle?

12 A. I don't recall.

13 Q. Were you present at a school wide feedback circle where
14 she was publicly asked to -- or publicly witness a school wide
15 criticism of her mother's actions to remove her from the
16 school?

17 A. I don't recall that, no.

18 Q. Did it ever come to your attention that that happened?

19 A. I don't recall anybody telling me about that, no.

20 Q. At some point it came to your attention that there was a
21 hearing on Rearden's status at Spring Ridge Academy in court?

22 A. Yes.

23 Q. How did you become aware of that?

24 A. I heard it from either Leslie or Suzie or -- Suzie
25 Courtney, Leslie Filsinger.

1 Q. Isn't it true you heard it from Mr. Stata?

2 A. Yeah, I heard it through him, too.

3 Q. Isn't it true you talked to Mr. Stata routinely about
4 court?

5 A. No, it's not true.

6 Q. How many times did you talk to him about court?

7 A. I can't recall. I can't recall any -- any calls with him
8 about court.

9 Q. Well, let's start back to when court started. So after
10 Rearden was removed by her mother from Spring Ridge Academy,
11 do you know how it was that the school became involved in
12 court?

13 A. I don't know how they became involved, no.

14 Q. What's the first time or first day you ever knew there
15 was going to be court?

16 A. I either received it through an e-mail.

17 Q. From who?

18 A. I can't remember. I may have received one from -- I know
19 I received one, I think, from Suzie Courtney or Leslie
20 Filsinger. It could have been verbal, I don't know.

21 Q. And what did it tell you?

22 A. That there was going to be a hearing.

23 Q. Okay. Now, do you recall being asked to provide a report
24 to the Court?

25 A. At some point I was told to supply a report to Suzie

1 Courtney. It was a summary of the therapy that she had
2 received, which I incorporated her calls from -- from her --
3 from her CLD, her Community Life Director, and my sessions
4 with her and it was a summary that I supplied to Suzie.

5 Q. And so were you made aware that Spring Ridge Academy
6 records were supplied to a judge in California within days of
7 Ms. Sweidy removing her daughter from the school?

8 A. I don't know anything about any of the Court process,
9 what records, if there were any. I wasn't a part of that.

10 Q. Isn't it true that you had spoken to Mr. Stata about
11 that?

12 A. I spoke to Mr. Stata about the fact that there was going
13 to be a court hearing.

14 Q. And isn't it true you spoke to him before that paperwork
15 was filed?

16 A. I -- I have no idea when any paperwork was filed. I
17 wasn't privy to that information.

18 Q. Going back to your plan. Objective 2 -- and we're back
19 on Page 40 now of Exhibit 55.

20 A. Page 40?

21 Q. Yes, and I still have it displayed. What does it mean on
22 Objective 2 when it says, "Rene will make 1 feeling statement
23 in each group therapy" -- oh, we did that, I'm sorry.

24 Move on to Objective 3. Rene will practice exposure to
25 anxiety triggers?

1 A. Uh-huh, by utilizing a progressive relaxation skills when
2 mentally or physically confronting triggers until anxiety is
3 decreased.

4 Q. What were her triggers?

5 A. I don't recall any specific triggers, but the process
6 that we use is to have a breathing -- a breathing method that
7 she would be able to practice whenever this came about.

8 Q. It says you were gonna use EMDR therapy. Did you do
9 that?

10 A. I did use EMDR therapy at some point, yes.

11 Q. How many times?

12 A. I can't recall.

13 Q. Did you make a record of doing it?

14 A. It should be in the record.

15 Q. So if it's not in the program notes -- or progress notes,
16 it didn't happen?

17 A. Possibly.

18 Q. I've turned the page to Page 41 and it says "Problem #2
19 adjustment disorders." Do you see that?

20 A. Yes.

21 Q. It says that the short-term objective is to -- "able to
22 demonstrate trust in significant relationships by requesting
23 closeness and/or communicating emotional needs 50% of the time
24 over a 3 month period."

25 Why is this objective here?

1 A. So this objective is working on exactly what it says, to
2 demonstrate trust in significant relationships, which would
3 include family.

4 Q. Did you have in mind any specific statement she made in
5 her biosocial when you gave her this objective or is this an
6 objective that's boilerplate on all students at Spring Ridge
7 Academy?

8 A. I can't recall what specific --

9 Q. Is it boilerplate?

10 A. What's that?

11 Q. Do you know the term "boilerplate"?

12 A. Not really.

13 Q. It's like -- it's like a form or --

14 A. Oh.

15 Q. A pre typed-out form that you put on everything because
16 you do it all the time and you don't want to have to retype it
17 each time.

18 A. I can't recall if that's what this would be but --

19 Q. Do you have a lot of boilerplate conditions in your
20 Master Treatment Plans that you used at Spring Ridge Academy?

21 A. No.

22 Q. Did you have any?

23 A. Um, I don't believe so.

24 Q. So was this term specific to a goal you had in mind with
25 this individual student or is this something that you used on

1 a lot of your caseload?

2 A. I put this objective in because I must have felt -- it
3 says I wanted her to be able to demonstrate trust in
4 significant relationships.

5 Q. Okay, so I turned the page to Page 42. We're on Problem
6 #3. You diagnosed her with Cannabis Use Disorder?

7 A. Uh-huh.

8 Q. Is that a "yes"?

9 A. Yes.

10 Q. Do you understand that there is a medical diagnosis that
11 Cannabis Use Disorder is something doctors do?

12 A. A medical diagnosis -- what was that last part?

13 Q. Cannabis Use Disorder has physical symptoms. Are you
14 aware of that?

15 A. What kind of physical symptoms?

16 Q. Well, sometimes people throw up when they don't smoke
17 marijuana. Did you know that?

18 A. Okay, I -- I've never heard of that, but I assume that's
19 possible.

20 Q. Sometimes emergency room doctors have to deal with people
21 having psychotic episodes over that. Did you know that?

22 A. Yes.

23 Q. Sometimes people can't sleep when they're using marijuana
24 frequently. Did you know that?

25 A. Okay, yes.

1 Q. Did she exhibit or report to you anything like that?

2 A. This diagnosis was made because of her information that
3 she gave to me on the amount of and use of marijuana and other
4 drugs.

5 Q. Isn't it true that she reported only occasional use
6 socially of marijuana?

7 A. I don't believe so, no. Where is -- I need to go back to
8 the page. There is a page where I did her substance use
9 assignment.

10 Q. Okay, go ahead and let me know when you're ready.

11 A. Okay. If you know where it is, that would be great.

12 Q. No, I'm sorry, I don't know. I know where the document
13 is. Is that what you're asking?

14 A. Yes, it should be in this.

15 Q. It starts on Page 23.

16 A. On this substance questionnaire she reported that she
17 started using age 14 and the age of heaviest use was 15 and it
18 was every weekend that she smoked marijuana.

19 Q. And did she say whether or not she was still smoking
20 marijuana when she was 16 and 17?

21 A. Well, she was at Spring Ridge during the time. So when
22 she arrived at Spring Ridge, she wasn't able to smoke.

23 Q. But she didn't get to Spring Ridge until she was 17. So
24 what usage did she report when she was 16?

25 A. The last time she smoked was 9/20/19.

1 Q. Okay.

2 A. So she was using marijuana every weekend until that date.

3 Q. So you consider her reports that she used every weekend
4 as your basis for the Cannabis Use Disorder?

5 A. Yes, and I believe -- if I go back to the Treatment Plan
6 -- this is really confusing for me.

7 Treatment Plan is on what page?

8 Q. That starts on Page 42. I'm sorry, not the plan but we
9 were on Page 42 where you have the Cannabis Use Disorder.

10 Do you see that?

11 A. Page 38, yes, moderate. I gave it a moderate. It wasn't
12 heavy use. It was moderate. Every weekend is more than just
13 casual use, and I also put that it was in early remission
14 since she's in NA program where she can't use. She's in a
15 controlled environment.

16 Q. Did you know from Rearden or her parents that she was
17 skipping class and that's why they put her at Spring Ridge
18 Academy?

19 A. I think I recall information about that.

20 Q. Did you explore with Rearden why she was skipping class
21 or what she was doing when she was skipping class?

22 A. Well, subsequently during her time at Spring Ridge and
23 going to classes she exhibited struggling to turn in work.
24 Some of that was about anxiety about turning in her work
25 because she wanted it to be perfect; and if she felt that a

1 certain specific thing that she was supposed to be turning in
2 wasn't perfect, she just wouldn't turn it in at all.

3 So that was something that had been worked on with her
4 for a while over her stay at SRA and even during the time she
5 went back -- was ordered to go back home.

6 Q. My question was not what happened at SRA, but did she
7 tell you what she was doing and why she was skipping class at
8 public school back home in Palo Alto?

9 A. I don't recall. I don't recall specific information
10 about that.

11 Q. So it was never reported to you that she was getting into
12 trouble with friends or using drugs or getting in trouble with
13 the law or anything like that when she was skipping class?

14 A. I don't recall. I don't recall information.

15 Q. You never asked her, did you?

16 A. I didn't say that I didn't ask her. I didn't recall
17 seeing information about that.

18 Q. Okay. Well, did you ask her why she was skipping class?

19 A. I don't recall asking her, if I did or not.

20 Q. Did you know that her parents reported she was stealing,
21 correct?

22 A. I think I recall reading that.

23 Q. Did you ask her what she stole and why?

24 A. I don't recall asking her that question.

25 Q. Did you know from her father that he was locking the

1 doors in his house?

2 A. I recall reading something about that.

3 Q. Did you ask her or even him what she was stealing in the

4 house?

5 A. What she was stealing?

6 Q. Yes.

7 A. I don't recall that.

8 Q. Objective 1 on Page 42, I'm back on your plan. It says,

9 "Complete 'Step Three' assignment and pass off with staff

10 member." What is that?

11 A. Page 40 --

12 Q. 42.

13 A. 42. Where is that?

14 Q. It's Objective 1.

15 A. Oh, that is -- that is the substance abuse education.

16 Q. And what's -- why is it called Step Three?

17 A. It's after the AA model, steps in AA.

18 Q. Okay. And what is Step Three in AA?

19 A. I don't remember. I didn't do this -- this class.

20 Q. And then it says, "Rene's parents will read 'Facing

21 Codependence' by Pia Mellody." Do you see that?

22 A. Yes, I do.

23 Q. "And if assigned complete the corresponding workbook,

24 'Breaking Free' by same author."

25 That's what you assigned her?

1 A. Well, it's optional. Everybody is asked to look at that
2 book. Not everybody -- not every parent does. I also have a
3 -- had a list of other reading options for parents that -- as
4 I got to know parents and the family and the student other
5 books that may be relevant -- more relevant to their situation
6 but nobody's required to -- has to read that book.

7 Q. I'm directing your attention to the same exhibit, 55,
8 Page 50. Without having to refresh, I'm assuming you're going
9 to, do you recall that ultimately -- or, actually, I'm going
10 to ask you to refresh on the date.

11 Do you see the date of January 27th, 2020?

12 A. Yes.

13 Q. Would that be the date that Ms. Sweidy asked to see the
14 Master Treatment Plan?

15 A. It appears so.

16 Q. I'm sorry, I didn't hear that?

17 A. It appears so, yes.

18 Q. And Ms. Sweidy -- it looks like she outlined each of the
19 objectives in the Master Treatment Plan with her response.

20 Would that be fair to characterize this e-mail that you
21 received from her?

22 A. Yes.

23 Q. And would this have been the first time that she was
24 consulted on the Master Treatment Plan?

25 A. I can't recall if I may have had phone calls to her about

1 it previous. I can't recall.

2 Q. If you had phone calls, you would have recorded them in
3 Spring Ridge Academy BestNotes, correct?

4 A. I may have.

5 Q. Would you have?

6 A. I don't recall if I did.

7 Q. If the records do not indicate that there were any phone
8 calls about the Master Treatment Plan, would that, in your
9 opinion, be that you didn't make any phone calls to her about
10 the plan?

11 A. It would appear that way, yes.

12 Q. Okay. So the first point that Ms. Sweidy makes here is
13 about the timing of her receiving the document.

14 Do you recall her response in Item No. 1?

15 A. Yes.

16 Q. And she reports to you that the timing was curious,
17 because it was after three very long days of Parent Challenge
18 Workshop. Do you see that?

19 A. Yes.

20 Q. Does that refresh your recollection at all on the timing
21 as to when she received it?

22 A. I have to go by this -- by this date.

23 Q. Okay. Do you have any reason to disagree with what
24 you're looking here on this e-mail?

25 A. Not with that, no.

1 Q. So the second one is she reported that you indicated on
2 the telephone that you were going to be present at the
3 workshop on Friday and that you would meet -- have a chance to
4 meet. Do you recall telling her that?

5 A. I don't recall telling her that.

6 Q. The third is that she takes issue with your diagnosis of
7 "Cannabis Disorder" and she did not agree with that.

8 You saw that?

9 A. Yes.

10 Q. No. 4, she tells you that she will not be reading "Facing
11 Codependence" by Pia Mellody and she will not complete the
12 workbook. You saw that?

13 A. Yes.

14 Q. Did you have an issue with her saying that she was not
15 willing to do that?

16 A. Not particularly. It wasn't a requirement.

17 Q. She responded to a statement you made that the "Parents
18 are divorced, have a contentious and hostile relationship.
19 Dad is conflict avoidant, mom is angry and unable to contain
20 her anger at Dad. Dad is in a relationship with Rearden's
21 childhood caregiver."

22 A. Where are you at now?

23 Q. It's at the very bottom of the e-mail. I'm sorry,
24 Page 45. Do you see that?

25 THE COURT: It's on your screen on the bottom there,

1 Exhibit 55.

2 THE WITNESS: Yeah, I see that. I'm just trying to
3 see what that is in relation to because it's not following
4 what you just read to me.

5 MS. ALLARD: No. 4 I just read to you, and now I'm
6 reading you No. 5, which is at the bottom of Page 45, Exhibit
7 55.

8 THE WITNESS: Okay, I see that.

9 BY MS. ALLARD:

10 Q. Now that we're on the same page, this is in quotes, that
11 she put a quote on. This information about contention and
12 hostile relationship, this isn't anything you obtained from
13 Rearden, is it?

14 A. I can't recall if it was, in part, obtained from Rearden
15 or not.

16 Q. But the only thing you knew from Rearden was what you put
17 in the biosocial, correct?

18 A. Well, that's assuming I had no contact with Rearden after
19 the Biopsychosocial, which I did have contact with her, and
20 had I sessions with her.

21 Q. So if Rearden discussed any contention in the marriage,
22 that would have been reflected in your therapy progress notes,
23 correct?

24 A. Most likely, yes.

25 Q. And if it's not in the notes, it didn't happen; is that

1 correct?

2 A. Not necessarily but...

3 Q. So you had conversations with Rearden in therapy sessions
4 that you did not record in records at Spring Ridge Academy?

5 A. What I'm saying is I had conversations with Rearden and
6 not every conversation went into a progress note.

7 Q. And did you see -- I'm going to turn the page on
8 Ms. Sweidy's response. And her complaint was, I think, that
9 "You have insufficient data to be commenting upon the
10 relationship between me and Mr. Stata, including our marriage
11 and our divorce."

12 A. She stated that.

13 Q. And that would be a fair statement at this point in time;
14 wouldn't it be?

15 A. No, it wouldn't because I had conversations with
16 Ms. Sweidy where she told me on the phone that -- all she did
17 was talk about the hostility that she felt from Mr. Stata.

18 Q. Do you recall her saying on the phone that emotionally
19 she was very upset when she learned immediately after
20 enrolling her daughter and left her there that Kate Deily was
21 having private conversations with her ex-husband and
22 canceling his therapy sessions or his attendance at the first
23 workshop and that upset her?

24 A. I don't recall that.

25 Q. And do you recall her telling you that -- and explaining

1 to you that's why she was upset at that particular time?

2 A. No, I don't -- I don't recall that conversation. I
3 received information about her relationship with Mr. Stata
4 that had -- that those issues were not in that. That is not
5 where -- it was not in that context.

6 Q. Did she also explain to you that there was some events at
7 her daughter's graduation from Outback regarding Mr. Stata
8 that she was concerned about and wanted brought up in family
9 therapy together?

10 A. What she did was tell me for 30 minutes -- I didn't get
11 to speak to her. I made a phone call to her regarding getting
12 family therapy going, and she did talk about that situation at
13 the Outback and was very upset about it but never said that
14 she wanted to do anything about it in family therapy; and, in
15 fact, my phone calls to her to try to schedule family therapy,
16 she made it very clear that she was not gonna participate in
17 it.

18 Q. Hold on a second here. I'm going to move ahead in this
19 document to Page No. 51, Item No. 4.

20 Do you recall, contrary to your testimony today, that you
21 informed Ms. Sweidy when she says she wasn't going to read
22 "Facing Codependence" that every parent that enrolls a child
23 at Spring Ridge Academy is asked to read Pia Mellody's book?

24 A. Yes, that's what it says here. I also --

25 Q. Do you also recall saying, "The methods we use are

1 clearly outlined when parents tour our campus before enrolling
2 their daughter"?

3 A. Is that on the same line?

4 Q. Yeah, Item No. 4.

5 A. "When parents tour our campus," yes, I said that.

6 Q. And then you said, "I believe you enrolled your daughter
7 so that all of you, and she, could work on the relationships
8 between you. Rearden's issues did not develop in a vacuum.
9 She did not get to where she is on her own. Philosophically,
10 we do not believe it is the fault of only one parent or member
11 of a family. I'm sorry if you do not agree with my assessment
12 of your family dynamic. It is not made to place blame,
13 rather, to address the relational issues impacting your
14 relationship with your daughter. Your refusal to participate
15 in addressing the issues outlined in (4) of the treatment plan
16 will certainly make the goal and objectives regarding family
17 systems work difficult to accomplish."

18 So in No. 5 you're commenting here on her one statement
19 that she was not going to read Pia Mellody's book, correct?

20 A. I'm responding to her at her No. 4 where she feels she's
21 being accused of being co-dependent, which that was never
22 stated to her, because the book is regarding co-dependence.

23 THE COURT: Ladies and Gentlemen, this is a perfect
24 time to take our lunch recess. Court's in recess until
25 1:00 p.m.

1 All rise for the jury. Court's in recess until
2 1:00.

3 THE WITNESS: May I leave this here?

4 THE COURT: Yes.

5 (Jury out at 11:58 a.m.)

6 THE COURT: Court's in recess.

7 (Lunch recess taken at 11:59 a.m.)

8 *(Whereupon the proceedings adjourned at 11:59 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 31st of May, 2024.

s/Teri Veres
TERI VERES, RMR, CRR