

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kimberly Sweidy,	)	
	)	No. 3:21-cv-08013-SPL
Plaintiff,	)	
	)	
vs.	)	
	)	Phoenix, Arizona
Spring Ridge Academy, et al.,	)	May 31, 2024
	)	1:00 p.m.
Defendants.	)	
	)	

BEFORE: THE HONORABLE STEVEN P. LOGAN, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 4

(P.M. SESSION)

(Pages 1-133)

Official Court Reporter:

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Proceedings Reported by Stenographic Court Reporter
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A P P E A R A N C E S

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I N D E X

<u>SUMMARY OF COURT PROCEEDINGS:</u>	<u>PAGE</u>
Sidebar Discussion Held	60
Sidebar Discussion Held	64
Sidebar Discussion Held	112
Outside the Presence of the Jury	131
 <u>WITNESSES:</u>	 <u>PAGE</u>
Suzanne Courtney	
Cross-Examination (Cont'd) by Mr. Smith	4
Redirect Examination by Ms. Allard	25
Kelly Rudolf	
Direct Examination by Ms. Allard	28
Cross-Examination by Mr. Smith	45
Leslie Filsinger	
Direct Examination by Ms. Allard	62
Cross-Examination by Mr. Smith	88
Redirect Examination by Ms. Allard	108
Erin Smith	
Direct Examination by Ms. Allard	115

P R O C E E D I N G S

(Jury present at 1:00 p.m.)

(Proceedings reconvene at 1:01 p.m.)

THE COURT: Good afternoon, everyone. Please take your seats. This Court will come to order.

Please continue with your cross-examination.

MR. SMITH: Thank you, Your Honor.

THE COURT: You're welcome.

MR. SMITH: Permission to publish Exhibit 79, which has been admitted?

THE COURT: You may.

MR. SMITH: Thank you.

CROSS-EXAMINATION (Cont'd)

BY MR. SMITH:

Q. Ms. Courtney, you were -- you were asked some questions about the necessity of getting parental permission from both parents in order for Ms. Sweidy to be able to remove her daughter at the beginning of the COVID pandemic.

Do you remember being asked those questions?

A. I do.

Q. And I'm showing you what's been marked as Exhibit 79 and admitted.

MR. SMITH: Let's go to page 1.

BY MR. SMITH:

Q. This is the -- is this the order that you received at

1 Spring Ridge Academy from the California Court?

2 A. Yes.

3 Q. This is -- this is dated February 10, 2020.

4 Does this follow the incident that you had -- you
5 testified about in which Ms. Sweidy arrived and then removed
6 her daughter with sheriff's deputies?

7 A. Yes.

8 MR. SMITH: Go to page 2.

9 BY MR. SMITH:

10 Q. And, as part of this order, the judge has ordered, "1,
11 Respondent be ordered to release to Petitioner their minor
12 daughter, René Rearden Sweidy, forthwith so that Petitioner may
13 return Rearden to Spring Ridge Academy where she has been
14 attending school and receiving therapeutic treatment, until
15 Kimberly abducted her on Monday, February 3, 2020, without
16 Petitioner's knowledge or consent, in violation of their joint
17 legal custody order." [As read]

18 Did I read that correctly?

19 A. You did.

20 Q. And is that your understanding, based on that order, of
21 what had happened, that the removal was contrary to the prior
22 Court order?

23 A. That's my understanding.

24 Q. And in paragraph 2 it states that, "Rearden is not to be
25 removed from Spring Ridge Academy Program without the prior

1 written consent of both parents or order from the Court, and
2 that this Order shall be provided to Spring Ridge Academy."

3 Did I read that correctly?

4 A. You did.

5 Q. Were you operating under the requirements of paragraph 2 of
6 this California Family Court order when Ms. Sweidy subsequently
7 wrote and said, "I would like my daughter to be released from
8 Spring Ridge Academy," and -- and the Spring Ridge Academy did
9 not agree with that"?

10 A. Yes. In fact, I used the exact language in my email.

11 Q. And at that point in time, or at any point in time prior to
12 the subsequent order that we're not going to show, but the one
13 in -- that the -- in April of 2020 that has been discussed in
14 the course of your -- your testimony, at any point in time
15 prior to that subsequent order did Mr. Sweidy seek or -- or
16 give permission for his daughter to be removed from Spring
17 Ridge Academy and returned to Ms. Sweidy?

18 A. No.

19 Q. I said "Mr. Sweidy." I meant Mr. Stata.

20 A. No.

21 Q. Okay. So until the subsequent order was received, is it
22 true, then, that Rearden stayed at Spring Ridge Academy?

23 A. She stayed at Spring Ridge Academy until there was a new
24 order.

25 Q. And then after that new order, did Spring Ridge Academy

1 comply with that Court order?

2 A. Yes.

3 Q. Let's talk a little bit about incident reports. You were
4 asked questions about these.

5 MR. SMITH: You can take that down. Thank you.

6 BY MR. SMITH:

7 Q. You were asked questions about the incident reports and
8 the -- the charting of the incident reports, and the jury saw
9 this chart showing how many occurred in various categories on a
10 monthly basis.

11 Do you remember that?

12 A. I do.

13 Q. And with regard to those incident reports, all those
14 different categories, like physical injury, medical -- medical
15 issue, or hospitalization, and there were like, I don't know,
16 over a dozen categories, and is every incident report just
17 assigned a single category of -- to go into that chart?

18 A. No. One incident report could cover multiple categories.

19 Q. So if somebody becomes ill and then subsequently is
20 transferred by ambulance to the hospital and they are
21 hospitalized, there could be multiple markings on that total
22 sheet for that one incident report depending on the number of
23 categories it met?

24 A. You're correct.

25 Q. And I think you were talking about the fact that there were

1 weekly meetings by the -- by the team to discuss these incident
2 reports?

3 A. Yes.

4 Q. These are incident reports that are internal to Spring
5 Ridge Academy?

6 A. Yes. At times they may go to the State.

7 Q. And what would trigger them going to the State?

8 A. There are certain categories of incidents that we need to
9 self-report within a certain time frame.

10 Q. Okay. Could you give some examples to the jury.

11 A. So if a young person was injured or got sick and it
12 required emergency medical transportation, we would have to
13 self-report that type of incident report.

14 Sentinel events need to be self-reported, which would
15 include something really horrific that hadn't happened, like a
16 death or sexual abuse within the facility.

17 Q. Is it -- excuse me. Is it necessary for one of the
18 students to have suffered an injury to have an incident report?

19 A. No.

20 Q. One of the categories had to do with furniture -- furniture
21 breakage or destruction.

22 Do you remember that?

23 A. I do.

24 Q. And so is -- is that -- no matter what the cause was for
25 that particular thing happening, that would be something that

1 you guys would want to chart?

2 A. Absolutely.

3 Q. That -- would that necessarily be something that in and of
4 itself needed to be reported to the State?

5 A. No.

6 MR. SMITH: I'd like to publish Exhibit 7, Your Honor.

7 THE COURT: You may.

8 Let's go to the -- you know where to go? Let's go
9 to --

10 BY MR. SMITH:

11 Q. Now we've got on the screen Exhibit 7, page 36. You were
12 asked questions about the information in paragraph 3.

13 Do you remember that?

14 A. I do.

15 Q. It says, "Except as provided in (3.f.i.ii.iii) below, and
16 unless restricted by the resident's representative, is allowed
17 to:"

18 And when it says that, who are we talking about being
19 allowed to?

20 A. The facility.

21 Q. If you go up to the top where it says, "Statement of
22 Student (Residential) Rights," is it talking about rights that
23 the students have at the facility?

24 A. Yes.

25 Q. And so in paragraph 3, is this talking about what these

1 students' right would be?

2 A. Yes.

3 Q. And it says, "Unless restricted by the resident's
4 representative"; correct?

5 A. Yes.

6 Q. Who's the resident's representative?

7 A. The guardian or parent.

8 Q. Okay. And -- and then it goes on to say that the students
9 can associate with individuals, have privacy and
10 correspondence, mail and -- use mail and telephone usage as
11 defined by SRA -- SRA policy; correct?

12 A. Correct.

13 Q. All right. Now, is there a provision in the documentation
14 that's provided to parents that a student will have a
15 communication list that restricts this right?

16 A. Yes. We ask that parents provide us with a list they have
17 approved of people that the young people can correspond with by
18 mail so we make sure that we're following the family's
19 guidance.

20 Q. And we've heard some testimony from other witnesses to the
21 effect that a Phase 1 student, when they're having their phone
22 calls, would not necessarily have a private phone call. They
23 would have a -- a -- a list- -- person sitting there listening
24 who is a monitor; is that true?

25 A. It's true. And I want to frame the purpose. The purpose

1 is to help build communication and connection through phone
2 contact to become refamiliarized and hear about, you know,
3 broad aspects of each person's lives.

4 Q. Is it -- is it a common feature among the students who are
5 enrolled at Spring Ridge Academy that there are communication
6 issues in the family dynamic that are causing problems?

7 A. Absolutely. In fact, in one of the incident reports that
8 we saw earlier, the student had been triggered by a
9 conversation with a family member, which was the precipitating
10 event to them running off campus. And so not from a blame
11 perspective, but we want to know what's going on so we can
12 provide adequate support to that young person if the phone call
13 doesn't go well.

14 Q. And as the students progress through the four phases that
15 we've heard about at Spring Ridge Academy, do those
16 communication restrictions begin to change at all?

17 A. Absolutely.

18 Q. How do they change?

19 A. So they -- students on the second stage have calls that
20 there's just a person in the room. On the third stage, they're
21 scheduling their own phone calls in a communal room that it
22 doesn't have a supervisor or someone helping with those phone
23 calls. And on that fourth stage, assuming the parents are okay
24 with it, that young person will get a cell phone to be used
25 during certain hours of the day. We have them check it out at

1 lunch, after school, and turn it back in by bedtime.

2 MR. SMITH: Permission to publish Exhibit 77, Your
3 Honor --

4 THE COURT: You may.

5 MR. SMITH: -- which has already been admitted?

6 Thank you.

7 THE COURT: You're welcome.

8 BY MR. SMITH:

9 Q. You were also asked some questions about some filings that
10 happened in the California Court?

11 A. Yes.

12 Q. In addition, this email that you sent to Raymond Stata in
13 which you have provided information, and the question was, was
14 this a statement for him to use in the California Court
15 proceeding?

16 Do you remember being asked that?

17 A. I do.

18 Q. Did Mr. Stata ever ask you, or did -- were you ever
19 required to provide any type of state- -- statement or
20 information to Mr. Stata for his use in that proceeding?

21 A. No. It was our -- we did not get involved in divorce or
22 custody agreements.

23 Q. And do you -- do you remember what the context was as to
24 why you were giving him this information the day after
25 Ms. Sweidy had come and, as the California Court order stated,

1 abducted her daughter from Spring Ridge Academy?

2 A. I was describing my concerns with that type of behavior on
3 a parent's part.

4 Q. Thank you.

5 I just want to talk a little bit about where you came
6 from and how you ended up in this role.

7 Could you tell us, where did -- where did you go to
8 college?

9 THE COURT: Mr. Smith, can you -- can you move --

10 MR. SMITH: I'm sorry.

11 THE COURT: -- move in front of one --

12 MR. SMITH: I've done this --

13 THE COURT: -- in front one of the microphones.

14 MR. SMITH: I'm sorry, Your Honor. This is my second
15 time. That's my problem.

16 THE COURT: That's perfect.

17 MR. SMITH: I apologize.

18 BY MR. SMITH:

19 Q. Where did you go to college?

20 A. So I received my undergraduate degree from Prescott
21 College.

22 Q. And what was that in?

23 A. It was in counseling, psychology, and experiential
24 education, a bachelor's of art.

25 Q. And when was that?

1 A. Mid-'90s.

2 Q. Okay. What did you do with that degree, if anything?

3 A. I -- I did a lot of recreational wilderness trek leading.

4 I ran an outdoor ropes course and outdoor trips for a summer

5 camp in Maine for a number of years. I helped to build and

6 create the peer counseling program at Prescott College.

7 Q. And at some point did you start working at Spring Ridge

8 Academy in -- in a capacity other than as its Director?

9 A. I did. I began working at Spring Ridge Academy in a Direct

10 Care or Community Coach position after I got a little weary of

11 being in the wilderness so much and -- and then took on duties

12 as a supervisor of other community coaches while I only had my

13 bachelor's.

14 Q. You've mentioned previously that you were a CPS

15 investigator?

16 A. I was both a CPS investigator and caseworker for a short

17 period of time.

18 Q. Was that before or after you began at Spring Ridge?

19 A. In between.

20 Q. Okay.

21 A. So I began at Spring Ridge, took a little break to try

22 something new since I was at that time young, and realized that

23 was not for me and went back to Spring Ridge.

24 Q. And then after being -- providing direct care and

25 supervisor -- is that the community coaches we've heard about,

1 the direct care?

2 A. It is.

3 Q. And then after doing that, what was your next position at
4 Spring Ridge?

5 A. Before I took a next position, I received my master's
6 degree from Northern Arizona University in education and human
7 resources.

8 And then I took on the role of being the Director of
9 all things that happen outside of therapy and academics called
10 the Community Director.

11 Q. And then what did you do?

12 A. And then I became a parent liaison to support parents in
13 understanding the -- the process to -- to be a role of helping
14 them engage, helping them if they had concerns or that they
15 needed to address and relayed that back to the fellowship of --
16 of staff at Spring Ridge.

17 I also created at that time our outcomes, meaning
18 post-grad process, where we would call alumni families and the
19 young person at one-year, three-year, and five years
20 post-discharge and had a series of questions that we asked all
21 of them.

22 Q. And then what was your next role? And we've heard Kate
23 Deily say how she came in as an Assistant Admissions Director.

24 Were you an Assistant Admissions Director at that
25 point?

1 A. Yes. Following that, I moved into the role as the
2 Admissions Director.

3 Q. And at some point you became the Executive Director?

4 A. Correct.

5 Q. Was that to replace Jean Courtney?

6 A. It was, yes. We created about a five-year plan before her
7 retirement that I was phasing in the responsibilities while
8 doing the Admission Director role to be comfortable and
9 prepared to step into the Executive Director role.

10 Q. And when we talk about "her," that five-year plan, give us
11 some testimony earlier about a retirement party that she had.

12 Were you there?

13 A. I was.

14 Q. Were -- she testified that former students and parents
15 came; is that true?

16 A. It is true.

17 Q. Was it people from, like, just the last couple of years
18 or --

19 A. No. There were -- there were people back to the -- the
20 beginning of Spring Ridge. In fact, she mentioned, Jeannie and
21 her time on the stand, the Lyman family, and they were present
22 there, which was the first student to enroll.

23 Q. And by that point, by the time we have Rearden Stata coming
24 to be a student at Spring Ridge Academy in 2019, how many
25 students had progressed through that program in its history?

1 A. Just about 1200 students had been served.

2 Q. Had all of them successfully completed that entire program,
3 all four phases?

4 A. No.

5 Q. No. Some of them weren't capable of doing that?

6 A. Some of them either needed to be transferred, or there were
7 times where the family wanted them to maybe start college on
8 time. Other issues.

9 You know, I can think of a family that there became a
10 medical crisis in the family, and it made sense for that young
11 person to be close to home while that occurred.

12 MR. SMITH: Your Honor, I'd like to hand the witness
13 an exhibit for her to review that has not yet been entered.

14 THE COURT: Which one?

15 MR. SMITH: It's part of 311, Judge. We had requested
16 it for entry previously but --

17 THE COURT: I'm having a really hard time.

18 MR. SMITH: I'm sorry. I keep doing it.

19 THE COURT: Molly --

20 MR. SMITH: Yeah.

21 THE COURT: -- if you could turn up his microphone
22 also.

23 THE COURTROOM DEPUTY: Yes.

24 THE COURT: I can literally -- I know you're under the
25 weather, and I can barely hear you.

1 MR. SMITH: Yes.

2 THE COURT: Yes, 311 is not in evidence, but we can --
3 you can hand it to the witness. And it will not be published
4 at this point.

5 THE WITNESS: Would you like this one back?

6 MR. SMITH: Your Honor, we're not asking that 311. We
7 have just two pages out of it that we would like her to review.

8 THE COURT: Oh, you can.

9 MR. SMITH: Thank you.

10 THE WITNESS: Thank you.

11 MS. ALLARD: Could I inquire as to what page?

12 MR. SMITH: Have we provided those to --

13 MS. REDDY: Yes.

14 MR. SMITH: Thank you.

15 BY MR. SMITH:

16 Q. Ms. Courtney, I'm asking you to look at the first page that
17 was handed to you. And down on the bottom you can see it says
18 Exhibit 311, page 37 of 206.

19 Do --

20 A. Yes.

21 Q. -- you see that?

22 What is this record?

23 A. It looks like a -- a progress note that was entered into
24 BestNotes.

25 Q. And is this something that you signed off on?

1 A. No.

2 Q. Is -- is that your signature digitally signed 3/27/20?

3 A. Oh, yes, I did.

4 Q. You signed off as the Admissions Director?

5 A. Yes.

6 Q. And that would have been 3/27/2020?

7 A. Yes. The font is kind of tiny.

8 Q. Yes. I'm sorry about that. That's the way it came out.

9 And if you look at page 311 -- excuse me -- the next
10 page of Exhibit 311, page 35.

11 A. Yes.

12 Q. Can you tell us what is on this page.

13 A. It's hard for me to read.

14 Q. Okay.

15 A. I need a new prescription.

16 Do you have a magnifying glass?

17 THE COURT: I'm sorry?

18 THE WITNESS: A magnifying glass?

19 THE COURT: Do I have a magnifying glass? No, I do
20 not.

21 MR. SMITH: Your Honor, we're going to -- we're going
22 to, if we could, just publish it to her.

23 THE COURT: We can.

24 THE WITNESS: Okay. Thank you. Sorry about that.

25 THE COURT: It's okay. We can magnify it there.

1 THE COURTROOM DEPUTY: Oh, from the computer?

2 MS. REDDY: Yes, ma'am.

3 THE COURT: Only to the witness.

4 THE WITNESS: Thank you.

5 MS. REDDY: Tell me when you want me to scroll down,
6 please.

7 THE WITNESS: I read the top.

8 BY MR. SMITH:

9 Q. Okay.

10 A. I've read it.

11 Q. All right. Let me ask you questions, then, about
12 Exhibit 311, page 37, the first one you read.

13 A. Okay.

14 Q. I think you told us this is a progress note?

15 A. Yeah, it's a -- I can't read that one either. It's too
16 small.

17 Q. Okay. But are you -- you've confirmed that you actually
18 wrote this?

19 A. I signed it.

20 Are you talking about 37, I'm sorry, or 36 -- -5?

21 MR. SMITH: 37.

22 THE WITNESS: Okay. I digitally signed this.

23 BY MR. SMITH:

24 Q. Okay.

25 A. Okay. Here we go.

1 MR. SMITH: Are we able to publish that to her?

2 MS. REDDY: Yes.

3 THE WITNESS: Yeah, I've got it now. Thank you.

4

5 So I didn't write this. I just signed it. Veronica
6 wrote that.

7 BY MR. SMITH:

8 Q. Okay. It's -- up at the top left it's dated March 27,
9 2020, at 3:43 p.m.?

10 A. Correct.

11 Q. And down on the bottom it's signed by you at 4:08 p.m.;
12 correct?

13 A. Yes.

14 Q. And is this a record that would have normally been kept in
15 the course of business at Spring Ridge Academy?

16 A. It was not typical for me to sign records.

17 Q. Not whether or not you signed it.

18 Is this the kind of record that would normally have
19 been kept during the course of business at Spring Ridge
20 Academy?

21 A. Yes.

22 Q. And is it -- is it the regular practice of Spring Ridge
23 Academy to denote this kind of information about student
24 therapies or student ac- -- student activities in this manner?

25 A. Yes.

1 Q. And is this something that would have been created at or
2 about the time of the events that are described in this note?

3 A. Yes.

4 Q. And it would -- you've told us that this was a note that
5 was done by Veronica Borges; correct?

6 A. Correct.

7 Q. And what was her role as with regard to Rearden?

8 A. Therapist.

9 Q. And is this the kind of information that Veronica Borges
10 would be able to put into and have knowledge to put into a note
11 such as this?

12 A. Yes.

13 MR. SMITH: Judge, we'd move for admission of this
14 particular exhibit, which is page 35 of Exhibit 311.

15 THE COURT: Well, I can't accept a page out of a
16 200-page 311 exhibit. What you can do is on your exhibit list
17 you have -- you start at 301, and you end at 342. So any new
18 exhibit that you've made out of one of the larger exhibits you
19 need to number.

20 So would that be 343?

21 MR. SMITH: It would be 343, Your Honor.

22 THE COURT: Is there an objection from the plaintiffs?

23 MS. ALLARD: Your Honor, there is. This very same
24 document is already in an admitted exhibit.

25 THE COURT: Oh, which one?

1 MS. ALLARD: Go ahead.

2 MS. SWEIDY: Your Honor, 86.

3 Can you please confirm that that's been stipulated to.

4 THE COURT: Just one moment.

5 MS. SWEIDY: Page 14 of 18 [sic].

6 THE COURT: 86 has been received into evidence on the
7 29th.

8 MS. SWEIDY: And then I kindly direct the Court's
9 attention to page 14 of 16 where this very document unredacted
10 became part of the family law case.

11 So I think we don't need a new exhibit. We can just
12 use that one.

13 MR. SMITH: I agree, Your Honor. I'm sorry for the
14 oversight.

15 THE COURT: No. That's okay.

16 I appreciate you finding that for us, Ms. Sweidy.

17 MS. SWEIDY: You're welcome, Your Honor.

18 THE COURT: And, sir, you can publish that if you want
19 to since it's already in, the plaintiff's version of it.

20 BY MR. SMITH:

21 Q. So I just want to ask you one follow-up question with
22 regard to the other document I showed you, which is page 35.

23 A. Yes.

24 Q. This email is -- this -- these are emails; correct?

25 A. Correct.

1 Q. And is it an email chain in which you are a participant?

2 A. Correct.

3 Q. And who else is on this email chain?

4 A. It -- it looks like our nurse at the time, Amie Schleeter,
5 and Ms. Sweidy.

6 Q. And who else? Is there anybody else?

7 A. Mara Allard.

8 Q. Okay.

9 A. Raymie Stata.

10 Q. So the plaintiff -- plaintiff's counsel, Mr. Stata, and
11 your nurse at Spring Ridge Academy?

12 A. Yes.

13 Q. And what is -- what is the information -- what is the
14 general topic of the information being covered?

15 A. We're working the schedule of an appointment for Rearden to
16 be seen because she's under the weather.

17 Q. And what is -- what is the date of this email?

18 A. I -- March 19th. No. Is that 19th? I think it's the
19 19th. It's very small.

20 Q. We're going to publish it to your screen --

21 A. Okay.

22 Q. -- just to make sure.

23 A. Yes, 19th.

24 Q. Thank you very much.

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

1 THE COURT: Redirect?

2 REDIRECT EXAMINATION

3 BY MS. ALLARD:

4 Q. Yes. On the same exhibit that --

5 THE COURT: Just one moment. We'll let Mr. Smith get
6 all of his stuff.

7 BY MS. ALLARD:

8 Q. I'm just putting up the same exhibit.

9 A. Thank you.

10 THE COURT: I'm sorry. What exhibit is that?

11 MS. ALLARD: Well, it was what he just had published,
12 Your Honor. I'm not sure how that was marked. He said --

13 THE COURT: Which exhibit was that, Mr. Smith, your
14 last one?

15 MR. SMITH: It was --

16 MS. ALLARD: 311, page 35.

17 MR. SMITH: Yes.

18 THE COURT: So that's not in evidence; correct?

19 THE COURTROOM DEPUTY: Correct.

20 MS. ALLARD: That's true, Your Honor.

21 THE COURT: You can go ahead and publish it to the
22 witness.

23 BY MS. ALLARD:

24 Q. Ms. Courtney, earlier today I asked you if Ms. Sweidy had
25 made demands to speak with her daughter alone. You answered

1 no.

2 In this exhibit it appears on March 19th, 2020,
3 Ms. Sweidy said to you, "I need to speak to my daughter about
4 her medical symptoms now. She is to be given privacy to speak
5 to me, her mother, about her medical needs."

6 Did you comply with that request?

7 A. I don't know. I don't remember the request until I saw the
8 email.

9 MS. ALLARD: No further questions.

10 THE COURT: Ma'am, you could step down at this point.
11 And please call your next witness, plaintiffs.

12 MS. ALLARD: Yes, Your Honor.

13 MS. SWEIDY: Your Honor, I would like to bring to your
14 attention that that email that was part -- that was not
15 published because it was part of a larger package is already
16 included, I believe, in something that has been stipulated to.

17 If I could direct the Court's attention, please, to
18 Exhibit 60.

19 THE COURT: Yes. Just one moment.

20 Ma'am, you can -- you can go ahead and walk across the
21 courtroom.

22 THE WITNESS: Okay.

23 THE COURT: Thank you.

24 MS. SWEIDY: And does Your Honor agree that we have
25 stipulated to Exhibit 60?

1 THE COURT: You have stipulated to it, and that was
2 done on the 29th.

3 MS. SWEIDY: Very good.

4 And then I would like to direct your attention,
5 please, Your Honor, to page 36 of 95 and have opposing counsel
6 confirm that this is basically already in there; and,
7 therefore, we should -- if he would like that in, it's in in a
8 different exhibit.

9 THE COURT: Is it redacted or unredacted?

10 MS. SWEIDY: It is unredacted in what we have agreed
11 to. And I don't feel a need to have it redacted, so --

12 THE COURT: It's already in, so there's no need.

13 MS. SWEIDY: In, yep.

14 THE COURT: So the record will reflect all of that.

15 MS. SWEIDY: Thank you, Your Honor.

16 THE COURT: You're welcome.

17 Next witness.

18 MS. ALLARD: Your Honor, the plaintiff calls Kelly
19 Rudolf.

20 THE COURT: Ms. Rudolf, if you could walk all the way
21 to the front of the courtroom, please, and raise your right
22 hand to be sworn.

23 The front.

24 THE WITNESS: Sorry.

25 THE COURTROOM DEPUTY: You can stand right there.

1 Raise your right hand.

2 (KELLY RUDOLF, a witness herein, was duly sworn or
3 affirmed.)

4 THE COURTROOM DEPUTY: Thank you. You can have a seat
5 on the witness stand.

6 THE COURT: Ms. Rudolf, can you make sure you pull the
7 microphone close, and speak directly into it please.

8 THE WITNESS: Okay.

9 THE COURT: Go ahead, counsel.

10 DIRECT EXAMINATION

11 BY MS. ALLARD:

12 Q. Can you please say and spell your name for the record.

13 A. Yeah. My name is Kelly Rudolf. K-E-L-L-Y, R-U-D-O-L-F.

14 Q. Did you work at Spring Ridge Academy?

15 A. Yes.

16 Q. And what was your job there?

17 A. I was a Community Life Director and then later on a
18 Transition Specialist.

19 Q. Did you supervise phone calls there?

20 A. Yes.

21 Q. How did you do that?

22 A. Just basically sitting there while they were on the phone.

23 Q. And how did you monitor the calls?

24 A. Just listened.

25 Q. How did you listen?

1 A. Can you clarify?

2 Q. How could you hear the parents?

3 A. Okay. I -- I couldn't really hear the parents' side of
4 things. I could just hear the student's voice.

5 Q. Did you ever conduct a speakerphone conversation between
6 Rearden Sweidy-Stata and her mother?

7 A. I cannot recall if it was on speakerphone or not --

8 Q. Did you ever do --

9 A. -- at the time.

10 Q. Did you ever do speakerphone or --

11 A. Possibly. I can't recall.

12 Q. I'm looking at some records that are called CLD Phone Call
13 Notes.

14 Did you take a note every time that you monitored a
15 phone call?

16 A. Correct.

17 Q. And then when it says, "CLD Note," that's just a note every
18 time you spoke to a student?

19 A. Can I get some clarity on that?

20 Q. Well, what was your training on recordkeeping?

21 A. I typically kept records for phone calls if there was an
22 important conversation that we had, like I facilitated a
23 discussion between girls, or something like that.

24 Q. Do you recall which -- making notes that you facilitated a
25 call with Rearden and her mother, Kimberly, on January 30th,

1 2020?

2 A. I cannot recall off the top of my head.

3 Q. Would it refresh your recollection to look at your records?

4 A. Sure.

5 MS. ALLARD: Your Honor, may the witness view the hard
6 copy of Exhibit 123?

7 THE COURT: She may.

8 THE WITNESS: Thank you.

9 BY MS. ALLARD:

10 Q. I'm going to direct your attention to page 5.

11 Can you look at page 5.

12 A. Okay.

13 Q. Is that your note?

14 A. It appears so, yes.

15 Q. And you noted here, "The conversation went well and covered
16 casual topics."

17 A. Correct.

18 Q. And --

19 A. That's what it states.

20 Q. And then it says you updated Kimberly on Rearden's
21 progress?

22 A. Correct. That's what it states.

23 Q. Is that something you normally did whenever you facilitate
24 a phone call?

25 A. Correct.

1 Q. Would you do that in the presence of -- of the student or
2 outside their presence?

3 A. Typically outside the presence.

4 Q. And directing your attention to the next page, page 6.

5 A. Okay.

6 Q. Do you recall discussing with Mr. Stata on a phone call the
7 fact that Rearden, during a visit with her mother, reported
8 that she was not going to come back to SRA?

9 A. I truly cannot recall that. That is what this note does
10 say.

11 Q. Do you recall discussing with Mr. Stata that there was a
12 conversation between Rearden and her mother about purchasing a
13 plane ticket to go home?

14 A. I cannot recall that conversation.

15 Q. Do you recall Mr. Stata telling you that he had, something
16 you put in quotes, "reason to suspect that Rearden's mother was
17 building a legal case against SRA"?

18 A. I cannot recall the conversation specifically. Yeah, I do
19 have that in quotes on there.

20 Q. Do you recall that it happened?

21 A. I can't recall the conversation specifically.

22 Q. Okay. But do you remember other than specifics that there
23 was a general conversation about a legal case?

24 A. I can't recall that.

25 Q. Do you see the date of this note being January 31st, 2020?

1 A. Yes.

2 Q. So you would have made the note the same day?

3 A. Yeah, within 24 hours.

4 Q. I'm directing your attention to page 8.

5 Were you aware that Rearden was taken from SRA home by
6 her mother?

7 A. Yes.

8 Q. And how did you come to know about that?

9 A. I can't recall.

10 Q. Did someone tell you?

11 A. I imagine so.

12 Q. Did Suzie Courtney give you instructions on how to
13 communicate with Rearden?

14 A. With Rearden specifically? I don't think so.

15 Q. Did Suzie Courtney give you instructions with respect to
16 how to communicate with the parents?

17 A. Yes.

18 Q. What did she tell you?

19 A. Just to -- that she would handle communications with mom,
20 with Ms. Sweidy.

21 Q. Did she say anything more than that?

22 A. No.

23 Q. Did she tell you why?

24 A. I don't have any information on why.

25 Q. When you make notes in these records that is called a CLD

1 Note, is it just for phone calls?

2 A. Typically, yes.

3 Q. Do you recall off the top of your head that you spoke with
4 Rearden after she returned to California?

5 A. Yes.

6 Q. Is there anything that stands out in your memory about some
7 of those calls?

8 A. Nothing in particular.

9 Q. Did she ever call to tell you her dad was drunk?

10 A. No.

11 Q. No?

12 A. No. Not that I recall.

13 Q. I'm directing your attention -- attention to page 32.

14 Do you want to take a moment to review that note?

15 A. Yes, please.

16 Okay.

17 Q. Is your memory refreshed?

18 A. Yeah.

19 Q. So what did she say?

20 A. I mean, I don't recall the incident. I -- it's just
21 refreshed from the documentation.

22 Q. Okay. All right. And what does it say?

23 A. Do you want me to read it?

24 Q. Sure.

25 A. Okay. "I had a call with Rearden on 10/17/2020 at 9:30 to

1 conduct my weekly check-in. Rearden shared that her father had
2 gotten significantly drunk the night before so she had decided
3 to spend the night at a friend's house. Rearden expressed that
4 she has accepted that her father has problems with alcohol use
5 and that it" -- "he is not ready to change his behaviors at the
6 time being. She stated that she felt confident that she could
7 leave the house whenever she needed to if her father was
8 drinking."

9 Q. What else did she say that day? Do you remember her
10 talking more about being traumatized at SRA?

11 A. I can't recall.

12 Q. Well, the second paragraph reads, "Rearden has also
13 expressed that she was feeling uneasy about several social
14 media accounts that have recently been created."

15 That paragraph, have you reviewed that?

16 A. Can I have a moment to review it?

17 Okay.

18 Q. Have you had a chance to review it?

19 A. Yes.

20 Q. Okay. Do you recall her telling you that she was
21 traumatized by an experience she had with a suicidal student at
22 SRA?

23 MR. SMITH: Excuse me. Objection, Your Honor.

24 Hearsay.

25 THE COURT: That's overruled.

1 You may -- you may answer.

2 THE WITNESS: Okay. I cannot recall the specific
3 incident.

4 BY MS. ALLARD:

5 Q. Looking at this exhibit --

6 A. Uh-huh.

7 Q. -- it appears that she told you most notably there was a
8 situation which appear was feeling suicidal and hit herself in
9 the head with rocks.

10 And you said, "I provided Rearden the space."

11 THE COURT: Counsel, this -- this exhibit's not in
12 evidence. You can't just read a document --

13 MS. ALLARD: Okay.

14 THE COURT: -- that hasn't been received to the jury.

15 MS. ALLARD: All right, Your Honor. I appreciate
16 that.

17 BY MS. ALLARD:

18 Q. So do you recall whether or not -- or it -- what does it
19 mean to give Rearden the space to explore her ambiguous
20 feelings?

21 A. Basic processing. Speak about what her experience is.

22 Q. So if someone were to tell you that they were concerned
23 about an experience at SRA and their father drinking, your
24 response is to explore?

25 A. Correct.

1 Q. Do you recall speaking with Rearden on September 12th,
2 2020, where she again related to you a situation about if
3 you -- her father's friends coming over and him getting drunk?

4 A. I don't recall that.

5 Q. Would it refresh your recollection to look at page 28?

6 A. Okay.

7 Q. Do you recall that she told you that he had a few friends
8 over?

9 A. Truly I do not recall this incident.

10 Q. Do you recall anything about Rearden Sweidy-Stata?

11 A. In specifics to what?

12 Q. Do you understand the question?

13 A. No.

14 Q. Anything.

15 A. Yeah. I recall that she was a very intelligent and sweet
16 person. I recall that the family dynamics were very difficult
17 for her.

18 Q. Did you do a video call between Rearden and -- and your
19 weekly check-ins when she was living in California?

20 A. I'm sure it's in the documentation.

21 Q. Well --

22 A. I don't recall that.

23 Q. Would it refresh your --

24 A. I don't recall that.

25 Q. Would it refresh your recollection to look at page 24?

1 A. Okay.

2 Q. Do you recall this conversation?

3 A. I do not.

4 Q. You don't recall that Rearden was in reunification therapy
5 with her mother in California?

6 A. No.

7 Q. You don't recall that she told you she walked out?

8 A. No.

9 Q. You don't recall that she told you she was depressed?

10 A. No.

11 Q. Do you ever receiving calls from her father saying that
12 she -- that she was sitting in her room with the shades drawn
13 and depressed after returning to California?

14 A. I do not recall that.

15 Q. Would it refresh your recollection to look at page 23?

16 Do you recall receiving an email from him July 24th,
17 2020, where he said he was concerned about Rearden's affect and
18 behavior?

19 A. I don't recall that specific email, no.

20 Q. And that she couldn't get her schoolwork done and she was
21 depressed?

22 A. I don't recall that specific email.

23 Q. Moving you to page 22, do you recall on July 18th that you
24 called Rearden's father?

25 A. I don't recall the specific date of the phone call or the

1 phone call.

2 Q. Do you recall a phone call where you called to check in on
3 how things were doing and that Mr. Stata shared with you that
4 his daughter was depressed and disconnected from friends?

5 A. I do recall having some phone calls with her father. I
6 don't recall the specific phone call.

7 Q. Do you recall any phone call where he reported that his
8 daughter was disconnected and depressed?

9 A. I don't recall the specifics of that, no.

10 Q. Anything like that?

11 I'm going to ask you if you recall talking with
12 Mr. Stata on June 13th, 2020, when she was still at Spring
13 Ridge Academy?

14 A. I recall having phone calls with him, not the dates.

15 Q. Did you work with her on helping her to get her homework
16 done?

17 A. Academics was not my department. I was in case management.

18 Q. Do you recall Mr. Stata saying he was concerned in June
19 while she was at Spring Ridge Academy that she would catch up
20 on her work and then fall back into the same patterns?

21 A. I vaguely recall that conversation.

22 Q. Why --

23 THE COURT: Ms. Allard, just one moment.

24 Mr. Smith, I know you told us you weren't feeling
25 well. If you need to step out of the courtroom at any time,

1 you certainly can. Okay?

2 MR. SMITH: Thank you, Your Honor.

3 THE COURT: I'm sorry, Ms. Allard. Go ahead.

4 BY MS. ALLARD:

5 Q. Do you recall -- you recall that somewhat vaguely?

6 A. Yes, I -- I vaguely recall. I believe she was keeping
7 homework assignments in her drawer, one of her drawers in her
8 room.

9 Q. Do you remember telling him that she ran or walked out of
10 the Action workshop?

11 A. I don't recall that conversation.

12 Q. Did you ever have to encourage her to go back to it?

13 A. I don't recall that.

14 Q. Do you know anything about the Action workshop?

15 A. A little bit. I've seen pieces of it.

16 Q. Have you supervised students going to the bathroom?

17 A. Um, yeah.

18 Q. Like in the toilet?

19 A. Yeah, if they're on what we call one-on-one. If there's a
20 potential danger to themselves, we have a one-on-one, which is
21 when you would watch them wherever they go, basically, just to
22 be in arm's reach of them.

23 Q. Did you make jokes with them how they wipe?

24 A. I can't recall that.

25 Q. Is that a joke you would have made?

1 A. It doesn't sound like me.

2 Q. Do you recall talking to Rearden more than once about an
3 upcoming conversation which she was to have with a court
4 investigator?

5 A. Um, I don't think I can recall.

6 Q. Do you remember doing a pros and cons assignment with her
7 about what she would say to that investigator?

8 A. I don't recall that assignment.

9 Q. Did Suzie Courtney contact you to tell you that a court
10 investigator was going to be contacting Rearden?

11 A. I did know that information. I don't know how or who
12 contacted me about it.

13 Q. Someone at Spring Ridge Academy did?

14 A. I knew that -- yeah. Yes.

15 Q. A staff person?

16 A. Yeah.

17 Q. And I'm directing your attention to page 17.

18 Do you recall on May 16th, 2020, informing Mr. Stata
19 that Rearden had mixed emotions about speaking with a
20 court-mandated mediator?

21 "Initially she felt excited and empowered by the
22 experience, but later she described feeling sad."

23 A. I don't recall that conversation in particular.

24 Q. And then I'm going to direct your attention to page 15.

25 On April 24th, 2020, did you tell Mr. Stata that

1 Rearden has been contemplating what she would like to report to
2 the social worker, who will be mandated by the courts, stating
3 that she was not sure if she wanted to report that she wanted
4 to stay at SRA or not and that you would be completing the pros
5 and cons assignment?

6 A. I can't recall this conversation. That is what the note
7 states.

8 Q. I'm sorry? I didn't hear the last part.

9 A. That is what the note states.

10 Q. Okay. What's a pros and cons assignment?

11 A. I can't fully say in context to this at the time because I
12 don't recall this specific incident.

13 Q. Do you recall monitoring a phone call on March 21st, 2020,
14 during the pandemic between Kimberly Sweidy and Rearden where
15 Kimberly inquired about her credits for graduation?

16 A. I don't recall that specific conversation.

17 Q. Do you recall that you reported in your notes that Rearden
18 set a proper boundary by stopping the conversation and not
19 responding to her mother's question?

20 A. I don't recall that.

21 Q. Do you recall making a note that redirection or
22 intervention from staff was not required?

23 A. Can you clarify that?

24 Q. Well, do you know what -- what is -- how would you ever
25 redirect or intervene in a phone call between a parent and a

1 child at SRA?

2 A. An example of that might be if it gets confrontational in
3 some way, so there's yelling or something. Like that I might
4 just step in and say: Let's take a moment. Break from this,
5 kind of recenter, and then we can join back if we need to.

6 Q. Did the staff at SRA or Suzie Courtney give you a Court
7 order to tell you that you needed to set up phone calls between
8 Rearden and her mother after a Court order in April of 2020?

9 A. I can't recall the specifics. I was told at one point to
10 do -- to just supervise phone calls between the two.

11 Q. Do you remember emailing Kimberly Sweidy?

12 A. I don't recall the specific email.

13 MS. ALLARD: Your Honor, I would ask to publish 62,
14 page 17, if it's been admitted.

15 THE COURT: You may.

16 BY MS. ALLARD:

17 Q. I'm showing you an email dated Friday, April 10th, 2020, at
18 11:20 [sic] a.m.

19 Is that an email you sent to Ms. Sweidy?

20 A. Yes, it appears so.

21 Q. And you were offering her Phase 2 phone calls?

22 A. Yes, it appears so.

23 Q. And how do those work?

24 A. From what I can recall, they call in on a -- we have, like,
25 several lines in the library area. And the parent calls in on

1 one of those lines, and then the girl just meets them at that
2 time.

3 Q. So the parent is -- receives an email from you to sign up
4 for the call? Is that how it normally works?

5 A. Just to schedule for the time, yes.

6 Q. Is that how it normally works?

7 A. Yes.

8 Q. So do you facilitate all phone calls for the residents when
9 you were there? You called each parent to set up times?

10 A. Correct. We set up the Phase 2 phone calls.

11 Q. And so how is it you go about coordinating with the student
12 to do that?

13 A. We just tell the student what time their parent is
14 available for the phone call.

15 Q. And did you give Rearden notice in advance of any phone
16 calls that you set up with her mother?

17 A. I can't recall specifically.

18 Q. Isn't it true that on the one phone call that happened
19 after this, Rearden only had an hour notice?

20 A. I can't recall that specifically.

21 Q. Is that possible?

22 A. It's possible.

23 Q. Were you ever told that there was a court hearing scheduled
24 for April 7th, 2020?

25 A. I can't recall the specific dates of that.

1 Q. Were you ever told there was ever a court hearing?

2 A. I just knew that there was court involvement. I didn't
3 know the specifics of it.

4 Q. Did Suzie Courtney ask you to invite Ms. Sweidy to speak
5 with her daughter the Friday before the court hearing?

6 A. I can't recall that.

7 Q. Did Suzie Courtney ever talk to you about the court
8 hearing?

9 A. I can't recall any specific exchanges.

10 Q. I'm going to show you page 4. Directing your attention to
11 the email from you Friday, April 3rd, 2020.

12 "Hey, Kimberly. I hope all is well. Rearden has
13 expressed that she would like to resume contact with you."

14 Do you see that email?

15 A. Yes.

16 Q. Do you have any recollection of Rearden telling you that?

17 A. I do not.

18 Q. Is it possible that you did that just based on a directive
19 from Suzie Courtney?

20 A. I don't believe so. I wouldn't do that.

21 Q. If Rearden had expressed that she wanted to have contact
22 with her mother, would you have made a note of that in your
23 Community Life Notes that we just were looking at in
24 Exhibit 123?

25 A. Most likely.

1 MS. ALLARD: I have no further questions.

2 THE COURT: Is there any cross-examination?

3 MR. SMITH: Yes, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. SMITH:

6 Q. Ms. Rudolf, let's go back to the beginning. When did you
7 start working at Spring Ridge Academy?

8 A. I believe I started in 2013 as a Community Coach, which is
9 like a Residential Technician. Left for a few years and came
10 back in 2019, I believe.

11 Q. So when you came back, what was your education level at
12 that point?

13 A. I had a bachelor's degree. I was pursuing a master's
14 degree.

15 Q. What was your bachelor's in?

16 A. It was in interdisciplinary studies, humanities.

17 Q. And what were you pursuing your master's in?

18 A. Clinical mental health counseling.

19 Q. And did you subsequently achieve that?

20 A. Yes.

21 Q. When was that?

22 A. I graduated in 2020 -- 2021. I'm sorry.

23 Q. So when you came back in 2019, you had a bachelor's degree,
24 but you were still working on your master's?

25 A. Correct.

1 Q. Was your employment at Spring Ridge in any way connected
2 with the master's work that you were doing?

3 A. It was in a related field.

4 Q. It didn't -- there wasn't some kind of college credit for
5 it or anything like that?

6 A. I did do some -- I think ten hours of group observation,
7 which counted for some course requirement.

8 Q. Okay. And when you -- when you were first back at Spring
9 Ridge, when did you become a Community Life Director?

10 A. That was in 2019, I believe.

11 Q. Okay. And what is the duties of a Community Life Director?

12 A. I would say it's probably most comparable to case
13 management. So it kind of fluctuates. You know, girls might
14 need to order some new pairs of socks and talk to parents about
15 that. We set up phone calls. We also did parent check-ins.
16 You know, we would also talk with the girls, help them process
17 things sometimes.

18 Q. Did you provide therapy?

19 A. No.

20 Q. And I think you told us that you subsequently became a
21 Transition Specialist?

22 A. Yes.

23 Q. When was that?

24 A. I honestly cannot recall the date or --

25 Q. Did you --

1 A. -- when that transition happened.

2 Q. I apologize.

3 As you were looking through those emails that had been
4 published -- provided to you --

5 A. Yeah.

6 Q. -- did -- as you get past, like, July, are you
7 Transition -- of 2020, are you Transition Specialist at that
8 point?

9 A. Let me just find where this transition happened.

10 Yeah, it would appear into July/August of 2020.

11 Q. And when you are a Transition Specialist, how does that
12 differ from being a Community Life Director?

13 A. Yeah. So you work with girls when they reach Phase 4,
14 which is a final kind of phase that they have in the program.
15 So you're just preparing them for graduation, returning home.
16 So a lot of, like, relapse prevention type of material.

17 So it's really about the transitional process out of
18 Spring Ridge back into home life.

19 Q. And so when you're dealing with them, whether they're on
20 campus or have already gone home and you're still communicating
21 with them, do you still have the same kind of communications
22 with their parents that you were having before?

23 A. No. Communication changes.

24 Q. How so?

25 A. I guess I would say it's probably more frequent.

1 Q. Okay. How frequently would you be in touch with Ms. Stata,
2 Rearden Stata, after she had gone home and you were dealing
3 with her as a Translation -- Transition Specialist?

4 A. Yeah. So this is after she'd completed the program or left
5 the program or --

6 Q. After she had physically left but was still receiving --

7 A. Okay.

8 Q. -- teleservices or Zoom services.

9 A. I would imagine it would be once a week.

10 Q. Would that be the same with -- with communications with
11 parents as well?

12 A. I -- I truly can't recall the specifics around that.

13 Q. Okay. And what are you trying to do as a Transition
14 Specialist communicating with a -- with a -- a student once a
15 week?

16 A. Just kind of any difficulties they're facing in that
17 transitional period. Just kind of give them some support
18 through that. Returning to the relapse prevention plan that
19 they had identified, that sort of thing. Just what are your
20 coping skills, self-care practices, things like that.

21 Q. You were asked some questions about doing things like
22 facilitating calls, monitoring calls?

23 A. Uh-huh.

24 Q. When we say "monitoring calls," are you recording the call?

25 A. No.

1 Q. Are you -- is -- is the parent on speakerphone with
2 their -- with their child?

3 A. Not that I recall ever having a speakerphone.

4 Um, yeah.

5 Q. I think you told the jury earlier that if -- you would
6 basically hear the child's side of the conversation; correct?

7 A. Yes, correct. It was as if you were on the phone and I was
8 just sitting here.

9 Q. Okay. And how -- what would it take for you to intervene
10 and somehow stop what was going on in the midst of a telephone
11 call between a -- one of the girls and her parents?

12 A. Yeah. I think if it felt confrontational, as I said, or
13 escalated. So there was, like, yelling or ten- -- some form of
14 tension, that might be a time that I would intervene.

15 Q. Do you make a report of what you hear on calls on a normal
16 basis?

17 A. Typically, yes.

18 Q. And would that be the CLD Phone Notes?

19 A. Yes.

20 Q. And when you were having calls with the parents or with --
21 with Ms. Stata as Transition Specialist after she had moved
22 back to her father's home, would you make notes of all of those
23 contacts?

24 A. Typically, yes.

25 Q. And you've been asked to look at a -- a -- a -- kind of a

1 selection of those calls that is in that exhibit.

2 Is that Exhibit 123 in front of you?

3 A. Yes.

4 Q. Are all of the things that are in Exhibit 123, are all of
5 those notes that you created?

6 A. Yes, I believe so.

7 Q. And those would have been created at the time or near the
8 time when whatever it is you're discussing -- describing
9 occurred; correct?

10 A. Yes, within 24 hours.

11 Q. Okay.

12 A. With me, most likely end of day. But, yes, within the same
13 day.

14 Q. So if somebody at -- at Spring Ridge wanted to retrieve and
15 take a look of those notes, where would they go look?

16 A. I'm honestly not sure.

17 Q. Do you remember -- do you remember dealing with a system
18 called BestNotes?

19 A. Yes.

20 Q. Would it have been in BestNotes?

21 A. Yes. Oh, yes.

22 Q. And was this a normal way for you to store those notes once
23 you had made them?

24 A. Yeah, correct, in that EHR system.

25 MR. SMITH: Move to admit Exhibit 123, Your Honor.

1 THE COURT: Is there any objection?

2 MS. ALLARD: Your Honor, I would object on the grounds
3 of privacy and --

4 THE COURT: I'm sorry. I can't hear you.

5 MS. ALLARD: Your Honor, we would object on privacy
6 grounds. They're therapeutic records.

7 THE COURT: Just one moment.

8 Molly, can I see number 123, please.

9 THE COURTROOM DEPUTY: Yes.

10 THE COURT: Ms. Rudolf, do you have 123?

11 THE WITNESS: Yes. Oh. Oh, sorry.

12 THE COURT: Let me --

13 THE WITNESS: Do you want this?

14 THE COURT: She has it right here, Molly.

15 THE COURTROOM DEPUTY: Oh, you want to use hers?

16 THE COURT: Yeah.

17 THE COURTROOM DEPUTY: Okay.

18 THE COURT: Thank you.

19 MR. SMITH: At the appropriate time, may I be heard on
20 that issue, Your Honor?

21 THE COURT: I'm sorry?

22 MR. SMITH: At the appropriate time, may I be heard on
23 that issue of privacy?

24 THE COURT: Of course.

25 Molly?

1 Mr. Smith, go ahead, please.

2 MR. SMITH: Judge, all of these notes were obtained
3 with a HIPAA authorization signed by Rearden Stata and
4 disclosed in this case. Many notes that are in that same
5 category without redaction have already been disclosed in -- in
6 other stipulated exhibits, so -- and whole portions of these
7 kinds of records pertaining to Rearden Stata while she was
8 at -- at Spring Ridge Academy have been read verbatim into the
9 record.

10 And on that basis, I don't think there's a privacy
11 issue that would prevent an admission of these into evidence.

12 THE COURT: Well, there's -- there's 39 pages that are
13 part of 123, and I'm -- I'm pretty confident not all of it was
14 read in.

15 So what specifically are you trying to get to the jury
16 as it relates to 123?

17 MR. SMITH: Your Honor, when I said "read in," not all
18 of 123. I'm talking about the kinds of -- the kinds of
19 things --

20 THE COURT: Well, no. There's many parts of 123,
21 specific pages that the plaintiff's gone over on the record.
22 But there's 39 pages, and we haven't gone through all of those.

23 So what specifically are you trying to get to the
24 jury?

25 MR. SMITH: The specific page numbers you're asking

1 me, Your Honor?

2 THE COURT: No. Just generally what's the purpose of
3 the 39 pages?

4 MR. SMITH: The -- there were select pieces of each
5 one of those that were read. It would be very time consuming
6 to then go through and show all of the additional information
7 that was skipped over for completeness and for the purpose of
8 supporting the overall theme in this case, which is the kind of
9 treatment that Ms. Stata -- that Ms. Stata received while she
10 was at Spring Ridge Academy.

11 THE COURT: Plaintiffs?

12 MS. SWEIDY: Thank you, Your Honor.

13 First of all, opposing counsel has misrepresented to
14 you how I came in possession of these records. We were in a
15 very heated, if you remember, Your Honor, discovery, back and
16 forth, many motions, and they refused -- Spring Ridge Academy
17 refused while my daughter was a minor and enrolled there to
18 release any records to me. Then she became no longer a minor,
19 and I -- and by that time I had filed a complaint, and now they
20 said: She's not a minor, and you don't get them.

21 My daughter had come to me after the death of her big
22 sister and was very upset and wanted to help, because she was
23 emotionally devastated at Izzy's death.

24 And I said: Then I want to be honest with you. I'm
25 about to go to the judge and have him order your records

1 released to me privately because I have a right to know what
2 happened, but I'm going to give you the option to sign a
3 release. And the release says that you can release the records
4 to me, René Rearden Sweidy-Stata, and a copy to my mother.

5 But she never released them for general purposes. And
6 I haven't either, nor can I waive that. She has never waived
7 her privacy rights. I have never waived my privacy rights.
8 And Mr. Stata certainly, who has a quarter-of-a-billion-dollar
9 trust fund and can come after me and financially devastate
10 me --

11 THE COURT: Well, first of all, all of this extra
12 information about finances and all of that, ladies and
13 gentlemen, disregard that.

14 And I'm sorry to hear about your -- your older child.

15 MS. SWEIDY: No, it's not my -- it's not my child. It
16 was her -- oh, I'm so sorry, Your Honor. You didn't
17 understand.

18 "Big sister" is a term that Spring Ridge Academy uses
19 for some sort of Big Sister/Little Sister Program where when
20 the child gets there --

21 THE COURT: Okay.

22 MS. SWEIDY: -- they're assigned a student that has
23 been --

24 THE COURT: Okay.

25 MS. SWEIDY: -- there longer.

1 THE COURT: Okay. In my world, "big sister" means
2 older sibling.

3 MS. SWEIDY: Me, too, Your Honor. And this is not
4 my -- our familial bigger sister. She's fine. She lives in
5 Atlanta and has graduated from Vanderbilt.

6 This is the person that Spring Ridge Academy assigned
7 to my daughter to be close to her and a companion. All of them
8 are assigned --

9 THE COURT: Okay. That's enough of that.

10 MS. SWEIDY: Okay.

11 THE COURT: Part of 123 is already in the record;
12 correct?

13 MS. SWEIDY: Yes. And we were -- and -- yes. And
14 there -- I'm going to ask to have the transcript redacted,
15 because I don't want this floating around in the public, this
16 private stuff about my daughter.

17 THE COURT: It's already out. There is no such thing.
18 We -- we have an open trial. A document went into evidence. I
19 don't recall what one it happens to be, but if it's already
20 received into evidence, it's part of the open record. So
21 there's no going back and redacting a document that I'm
22 assuming the plaintiffs put in; is that correct?

23 MS. SWEIDY: No. These are -- these are not in
24 evidence. This was -- this document that he's trying to move
25 into evidence is not in evidence.

1 THE COURT: No. I'm totally confused now.

2 It's my understanding that 123 happens to be 39 pages
3 of case notes on your daughter. And there's a lot of
4 conversation with this witness about what she recalls. She
5 reads the notes. Clearly she's involved because she's part of
6 the process, but she doesn't remember any of it.

7 But it's my understanding that during the course of
8 the trial someone else has put in pieces of 123?

9 MS. SWEIDY: No, Your Honor.

10 THE COURT: It was --

11 MS. SWEIDY: There were pieces --

12 THE COURT: Whoa, whoa. Stop.

13 Mr. Smith, didn't you say that earlier?

14 MR. SMITH: No, sir. Excuse me.

15 THE COURT: Well, you told me -- you said, you know,
16 to make sure that we have the rule of completeness that's
17 adhered to.

18 MR. SMITH: These are part of the BestNotes, which
19 include all the therapy notes, all of the group notes, all of
20 those milieu notes that have been discussed. And these notes
21 from the Clinical Life Director and the Transition notes,
22 that's all part of the record that required the release. Vast
23 parts of that have been admitted, and they're picking and
24 choosing which parts they want to keep out.

25 MS. SWEIDY: That -- none of this has been admitted.

1 THE COURT: You -- what you just -- just described,
2 Mr. Smith, that's part of what's in 123?

3 MR. SMITH: 123 is a part of that -- of that overall
4 set.

5 THE COURT: All right. The objection is sustained.

6 Please continue.

7 BY MR. SMITH:

8 Q. You were asked about supervision of students in the
9 bathroom.

10 A. Uh-huh.

11 Q. Do you remember that?

12 A. Yes.

13 Q. And I think you were indicating within arm's reach while
14 people are being one-on-one supervised for whatever reason?

15 A. Yes, correct. If they're a potential danger to themselves,
16 we have to have eyes on them.

17 Q. Okay. So while they're going to the bathroom, they have to
18 be watched while they're on the toilet?

19 A. Yes. You know, if the door is open, I'm not intently
20 watching them. Like I'm not looking directly at them. I might
21 be over there --

22 Q. Okay.

23 A. -- in that direction, but --

24 Q. But they can't be in a closed room --

25 A. Correct.

1 Q. -- is that it?

2 MR. SMITH: That's all I have. Thank you.

3 THE COURT: Ms. Rudolf, what year did you graduate
4 from high school?

5 THE WITNESS: 2010.

6 THE COURT: So in 2013 you were -- you were a college
7 student when you started working there?

8 THE WITNESS: Correct.

9 THE COURT: Is there any redirect?

10 MS. ALLARD: No, Your Honor.

11 THE COURT: Subject to recall?

12 MS. ALLARD: Yes, Your Honor.

13 THE COURT: You know, I've noticed that we've
14 subjected every witness to recall. I certainly understand the
15 ladies that are in the courtroom. But when we subject these
16 witnesses to recall, I understand that they are from far
17 distances. And is -- is there a reason why we have these folks
18 just hanging around the courthouse?

19 MS. ALLARD: Your Honor, no, they're not from far
20 distances. They all live in Arizona.

21 THE COURT: The --

22 MS. ALLARD: They're -- they're not --

23 THE COURT: To me, it's far. I live in Phoenix, but
24 Prescott's far to me.

25 MS. ALLARD: Oh, I've been saying on standby, Your

1 Honor. I don't mean for them to be waiting in the courthouse.

2 THE COURT: Well, it means they have to drive back;
3 correct?

4 MS. ALLARD: Should they be called.

5 THE COURT: Correct.

6 Ms. Rudolf, it appears that someone may need to talk
7 to you again, so make sure they have your contact information.
8 And have a wonderful weekend. Okay?

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: And be careful walking. We have people
11 falling down the steps back there. All right?

12 THE WITNESS: All right. Thank you.

13 Do you want this?

14 THE COURT: You can just leave it there. We'll get
15 it.

16 THE WITNESS: Okay. Thank you.

17 THE COURT: Next witness, please.

18 MS. ALLARD: Erin Smith.

19 MR. GRASSO: Your Honor -- I'm sorry, Your Honor.

20 THE COURT: Yes, Mr. Grasso?

21 MR. GRASSO: Could I have a very brief sidebar, just a
22 scheduling issue with an out-of-state witness?

23 THE COURT: Of course. Come on up.

24 MR. GRASSO: Thank you, Your Honor.

25 THE COURT: You're welcome.

1 (Sidebar discussion begins on the record.)

2 THE COURT: Mr. Grasso, go ahead.

3 MR. GRASSO: Thank you, Your Honor. Robert Grasso.

4 There's two witnesses on deck this afternoon, Erin
5 Smith and Leslie Filsinger. Ms. Filsinger has traveled. She
6 lives in a different state. And she is a professional
7 therapist, and she is not able to return next week. We
8 understood that they committed to getting her on and we had her
9 fly in, in and out today. They're calling Ms. Smith now.
10 Ms. Smith I think we have more flexibility with. I can
11 convince her to come back next week. So we don't run into a
12 problem, if we could call Ms. Filsinger.

13 THE COURT: Okay. I'm going to ask everyone to keep
14 it down a little bit. The microphones are picking you up, and
15 we can't hear.

16 MR. GRASSO: I would respectfully suggest that we call
17 Ms. Filsinger. This way we don't run a risk of her being
18 unable to return, because I think that we could get her done.
19 Ms. Smith is here, and then we can put her on afterwards, but
20 she at least has the flexibility of coming back next week.

21 THE COURT: Plaintiffs, what are your -- come on up.
22 Come on up --

23 MS. ALLARD: Your Honor --

24 THE COURT: -- Ms. Allard.

25 MS. ALLARD: -- I told Mr. Smith that I could do it

1 either way. And he then came to me and said: Will you please
2 do Ms. Smith first because she's got to go somewhere?

3 I don't know if these two have communicated with each
4 other. I can do either one.

5 THE COURT: She just indicated she can do either one,
6 so Filsinger can come in.

7 MR. GRASSO: Okay.

8 THE COURT: Right, Ms. Allard?

9 MS. ALLARD: You bet.

10 THE COURT: Okay. See, you two, you could have
11 discussed this over the lunch hour.

12 MS. SWEIDY: I talked to Mr. Smith.

13 MR. GRASSO: Yeah.

14 THE COURT: Okay.

15 MS. SWEIDY: Thank you, Your Honor.

16 (End of sidebar discussion.)

17 THE COURT: So instead of -- I'm sorry. Who are you
18 calling now?

19 MS. ALLARD: Leslie Filsinger.

20 THE COURT: Ladies and gentlemen, this is actually
21 a -- a perfect time to take our afternoon recess. Court's in
22 recess until 2:45.

23 If the parties can make sure you have the witness in
24 the courtroom at 2:45.

25 All rise for the jury.

1 Court's in recess until 2:45.

2 (Jury not present at 2:23 p.m.)

3 THE COURT: Court's in recess.

4 (Recess from 2:23 p.m. to 2:49 p.m.)

5 (Jury present at 2:49 p.m.)

6 THE COURT: Good afternoon, everyone. Please take
7 your seats. Court will come to order. The jury is present.

8 Please call your next witness.

9 MS. ALLARD: Leslie Filsinger.

10 THE COURTROOM DEPUTY: You can stand right there.

11 Raise your right hand.

12 (LESLIE FILSINGER, a witness herein, was duly sworn or
13 affirmed.)

14 THE COURTROOM DEPUTY: Thank you. You can have a seat
15 on the witness stand.

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

18 THE WITNESS: Thank you.

19 THE COURT: You're welcome.

20 Counsel, we're ready.

21 DIRECT EXAMINATION

22 BY MS. ALLARD:

23 Q. Can you please state and spell your name.

24 A. My name is Leslie Filsinger. L-E-S-L-I-E. Last name

25 Filsinger.

1 THE COURT: Is her microphone on?

2 THE COURTROOM DEPUTY: It is, and it's all the way up.

3 THE COURT: It's all the way up?

4 THE COURTROOM DEPUTY: Yes.

5 THE COURT: Ma'am, if you can just pull it closer and
6 speak up, if you could. That --

7 THE WITNESS: Okay.

8 THE COURT: -- would help.

9 THE WITNESS: Leslie, L-E-S-L-I-E. Last name, F, as
10 in Frank, I-L-S, as in Sam, I-N-G-E-R.

11 BY MS. ALLARD:

12 Q. Are you or have you been the Clinical Director for Spring
13 Ridge Academy?

14 A. Yes.

15 Q. And in that role, were you also the Licensing Administrator
16 with respect to the State?

17 A. I don't know if I can answer -- I don't know that answer.

18 Q. Okay. I'm going to show you Exhibit 145 --

19 A. Uh-huh.

20 Q. -- page 42.

21 Do you see that document?

22 A. No, not yet.

23 Yes.

24 Q. Do you recognize this document?

25 A. Yes, I do.

1 Q. And do you know why you're referred to it as the Licensing
2 Administrator?

3 A. I can see that that would be -- in the eyes of the State
4 that that would have been a title for me, yes.

5 Q. What's your understanding of -- of your role at Spring
6 Ridge Academy in the eyes of the State?

7 A. As a Licensing Administrator I would believe my
8 responsibility would be to ensure that we are following all
9 the expectations and rules of what the State has expected of
10 any kind of facility like ours.

11 Q. Are you familiar with those rules?

12 A. I was at that time, yeah.

13 Q. And were you familiar with the rules of the ability of
14 anyone in Arizona to practice therapy online?

15 A. Yes.

16 Q. And what rule granted authority for Veronica Borges to
17 conduct online therapy with Rearden in California?

18 A. Our program provided a treatment for children and families
19 that were both in and out of state, and we were -- it was an
20 agreement that as long as the student was a -- was registered
21 in our care that we could provide additional services on a --
22 on a telehealth platform.

23 Q. Did you realize it was against the law for a --

24 THE COURT: Okay. Stop. Sidebar.

25 (Sidebar discussion begins on the record.)

1 THE COURT: Come on over here.

2 There's some potential criminal prosecution concerns.
3 Have you all explained to her her rights?

4 MR. GRASSO: Robert Grasso.

5 No, Your Honor, we have not had a conversation to
6 advise her about the criminal rights.

7 THE COURT: Is -- is this something you all would --
8 would want to do?

9 Because if she's practicing and she's not allowed to
10 supervise someone that's providing services in a different
11 jurisdiction, there's the possibility there -- there might be
12 some criminal consequences, and I just want to make sure that
13 she's aware of that.

14 I'm not sure that the State would pursue any of that,
15 but --

16 MR. SMITH: Yeah. This is Michael Smith.

17 Plaintiff filed a complaint with the Board of
18 Behavioral Health Services against Ms. Filsinger, which was her
19 entire complaint in this case. And after reviewing it, they
20 dismissed that complaint.

21 MS. SWEIDY: Your Honor, this is very misleading.
22 Kimberly Sweidy.

23 That was filed back at the time I filed my complaint
24 when absolutely zero discovery had been done. You know all
25 these records you said, Ms. Sweidy, you just inundated me?

1 They had none of those. They had no evidence. I didn't know
2 what had happened there, and they had -- and there's no record
3 of it.

4 So this idea that they have sanctioned this is very
5 misleading. And I believe what Your Honor said is true. This
6 issue came up at deposition as well, and she gave the same
7 answer, but she cannot quote a code section. And we do have
8 the code section that prevents not only Ms. Borges, but
9 Ms. Filsinger from doing what was done.

10 THE COURT: Okay. Let's do this: If -- if -- if this
11 issue has already come up during the course of a deposition and
12 she was willing to continue with the deposition, I think we're
13 fine here. So it sounds to me like she understands the
14 consequences. And this is a federal courtroom. Everything's
15 under oath. And if there's someone in the State that wants to
16 pursue it, they can get a copy of this transcript. And it's a
17 pretty easy case against her, but it sounds to me like you all
18 have already had an opportunity to talk to your witness about
19 that issue.

20 MR. SMITH: We have, Your Honor.

21 THE COURT: Okay. Do you -- do you -- would you like
22 me to excuse the jury so that you can explain that to her, or
23 are you fine with where we are now?

24 MR. GRASSO: Robert Grasso, Your Honor.

25 As Mr. Smith mentioned, the only thing I'm aware of

1 is -- is the -- this complaint was filed with her against her
2 license. She was represented by a separate lawyer for that
3 matter. I know who the lawyer is. And that was subsequently
4 dismissed. Those are documents in the case. They -- they
5 found that the -- it was unfounded.

6 THE COURT: No, but the point I'm trying to make is at
7 the Attorney General's Office, if they wanted to pursue
8 something like this -- because you -- it's -- I don't know if
9 you can practice this type of assistance in a different
10 jurisdiction even if the person that's receiving the treatment
11 says yes.

12 But it sounds to me like all of you have --

13 MS. SWEIDY: Kimberly Sweidy.

14 And, by the way, Your Honor, the person receiving the
15 treatment is a minor.

16 MR. SMITH: Your Honor, if I could add, in its -- in
17 its investigation, the State obtained the entire Spring Ridge
18 file for --

19 THE COURT: When you say "the State," which agency?

20 MR. SMITH: The Department of Health -- the Department
21 of Behavioral Health Services.

22 THE COURT: Okay. Well, you know that's different
23 from the AG's Office?

24 MR. SMITH: I understand that. They found no basis.

25 THE COURT: But the -- okay.

1 MS. SWEIDY: Thank you.

2 (End of sidebar discussion.)

3 THE COURT: Ms. Allard, go ahead, please.

4 BY MS. ALLARD:

5 Q. I think my previous question is, can -- which State statute
6 authorized therapy conducted by Veronica Borges, who was not
7 licensed, online with Rearden in California?

8 A. I don't have that information. I cannot cite that for you.

9 Q. Did you ever have that information?

10 A. I would have had that information at that time.

11 Q. Where did you obtain it?

12 A. We have -- we had all those documents available to us in
13 the offices.

14 Q. And what documents are you referring to?

15 A. Regulations for the State for -- that allow us to know
16 exactly what the -- those particular protocols and rules are.

17 Q. So are you saying you looked up a regulation that you
18 believe authorized that?

19 A. At that time I would have had that availability, yes.

20 Q. And do you have a recollection of actually pursuing that
21 research?

22 A. We did, indeed.

23 Q. When you say "we," who are you referring to?

24 A. Myself and our Executive Officer.

25 Q. Who?

1 A. Erin Smith.

2 Q. Erin Smith?

3 A. That's correct.

4 Q. Did you participate in any sessions between Veronica Borges
5 and Rearden Sweidy-Stata?

6 A. No, I did not.

7 Q. Are all Master Treatment Plans or -- in 2019, did they all
8 have the requirement that parents read Pia Mellody's Facing
9 Codependence?

10 A. It was not a requirement.

11 Q. Did they all have it listed as an objective?

12 A. Not every one of them.

13 Q. Most of them?

14 A. Many.

15 Q. Is that a yes?

16 A. I'll say that's a yes.

17 Q. And what is your training and experience that qualifies you
18 to be the Licensing Administrator for Spring Ridge Academy?

19 A. My qualifications as an independently licensed clinician in
20 the state of Arizona allowed me to have that and in my role as
21 a Clinical Director that made me eligible for that role.

22 Q. What is your license for?

23 A. I'm a licensed professional counselor.

24 Q. And what does the State require for someone to be licensed
25 as a licensed professional counselor?

1 A. In the state of Arizona, that you meet the requirements as
2 set forward by the board, including correct -- having the
3 correct number of hours in your master -- and obtaining a
4 master's degree, as well as internship hours,
5 supervision hours, and meeting the requirements set forth by
6 the board for the particular courses that are deemed
7 appropriate or necessary for licensure.

8 Q. And what is your master's degree in?

9 A. Clinical psychology.

10 Q. So based on your hours and your master's degree, you are
11 licensed in Arizona as a licensed professional counselor?

12 A. That's correct.

13 Q. Are you licensed in California?

14 A. No, I am not.

15 Q. Or -- did it come to your attention that the State was
16 interested in a aggregate incident form, monthly reports,
17 yearly reports of incidents at Spring Ridge Academy?

18 A. That's the document that I'm -- we're looking at now.

19 Q. Do you have a recollection of what work was done at Spring
20 Ridge Academy to deal with the self-harm incidents that were
21 occurring in 2019?

22 A. Anytime that there was something that needed to be reported
23 to the State, which we did, we needed to be able to demonstrate
24 a plan of action to manage all our -- and hopes to prevent
25 moving forward.

1 Q. And what plan did you develop in 2019?

2 A. The plans that we had at that time would be to review in
3 particular cases. There's no specific -- you know, it would be
4 case dependent. But as a overall generalization, at that time
5 anytime we -- there was an incident that took place, there
6 would be a review of the things leading up to and during that
7 and creating plans for additional support -- therapeutic
8 interventions to support the identified youth at that time, you
9 know, in those -- in those situations and ways in which we
10 could continue to provide support, including making sure that
11 there would be opportunities for the direct care team members
12 to provide a more safe environment.

13 Q. On the question of Pia Mellody's book Facing Codependence,
14 is that what you call the basis for your Post Induction Therapy
15 that's in the Parent Manual?

16 A. It is one of the books, and it's not a -- but it's not the
17 basis of the training itself. There's a specific training that
18 is broader than that, what is written in that book.

19 Q. Is Pia Mellody the one that designed the training for Post
20 Induction Therapy that you're referring to now right now in
21 your answer?

22 A. I don't know.

23 Q. Where did you get trained on Post Induction Therapy?

24 A. At The Meadows.

25 Q. By who?

1 A. By Pia Mellody.

2 Q. Do you understand what the meaning -- what the -- in the
3 psychological community of professionals what the meaning of
4 evidence based is?

5 A. Yes.

6 Q. And would you agree that Post Induction Therapy is not
7 evidence based?

8 A. No. I would disagree.

9 Q. Do you understand that there's a definition circulating out
10 there among professionals that evidence based means that the
11 methodology's been peer reviewed by a psychologist?

12 A. Peer review is, indeed, yes.

13 Q. And --

14 A. Correct.

15 Q. And you would agree that Post Induction Therapy has not
16 been peer reviewed by any psychological journal?

17 A. I would disagree.

18 Q. You would disagree? Do you have a journal citation?

19 A. No, I do not.

20 Q. So is it the reason you disagree that -- that you believe
21 that evidence based is based on your own personal evidence and
22 your own personal observations?

23 A. No.

24 Q. Is the reason you disagree that there is a community
25 standard for evidence based is because you created your own

1 definition?

2 A. No. I would disagree with that.

3 Q. So what definition have you created for evidence based?

4 A. I have not created one.

5 Q. Where did you come up with a definition for evidence based?

6 A. Based on my many years of experience and training and my
7 understanding of what evidence based means.

8 Q. What is your understanding of what it means?

9 A. It means based on a accum- -- the accumulated experiences
10 over time, as well as peer review, that suggests a positive
11 outcome.

12 Q. So what peers reviewed Post Induction Therapy?

13 A. I can't recall the names of those people at this time.

14 Q. Were any of them psychologists?

15 A. I can't -- I don't know that with certainty.

16 Q. And you do know that Pia Mellody is not a psychologist?

17 A. Yes.

18 Q. And you do know that she's not even a licensed professional
19 counselor?

20 A. I don't know that.

21 Q. Do you know anything about her qualifications?

22 A. I'm aware that she created this model and that she worked
23 for The Meadows for many years and that I do know that her
24 background was in nursing --

25 Q. Are you aware --

1 A. -- but I don't know what her additional qualifications are.

2 Q. Did you have a role in putting her work into the Master
3 Treatment Plan at Spring Ridge Academy?

4 A. Well, more of an ancillary role and in the place of
5 oversight. If clinicians deemed that that was appropriate at
6 the -- then I reviewed that with them. And in that regard,
7 yes, I would have a role. It was -- it would not be for me to
8 determine what that Master Treatment would look like.

9 Q. Have you been a witness at Spring Ridge Academy to students
10 being subject to disclosing their personal sexual histories in
11 front of the entire class or student body?

12 A. I don't recall a specific incident of that.

13 Q. Have you heard of an incident like that?

14 A. I can't recall.

15 Q. Were you aware that there were multiple incidents in 2019
16 prior to my client enrolling her daughter?

17 A. I'm sorry? Can you repeat that question?

18 Q. Were you informed that students were running away,
19 self-harming, et cetera, in August, September, and October of
20 2019 right before Rearden Sweidy-Stata was enrolled in Spring
21 Ridge Academy?

22 A. Yes, I was aware that that was happening.

23 Q. Did you disclose that all to her mother?

24 A. No. I did not have a conversation with her mother.

25 Q. Have you seen the Spring Ridge Academy Parent Manual? Are

1 you familiar with it?

2 A. Yes.

3 Q. Did you write the Therapy section?

4 A. I reviewed and edited it and added information over time.

5 Q. Are you familiar with the Spring Ridge Academy workshops
6 conducted by Jeannie Courtney?

7 A. Yes.

8 Q. Have you attended them?

9 A. Yes.

10 Q. And is it your opinion that those workshops are appropriate
11 for girls who have a history of self-harm or suicidal ideation?

12 A. Yes.

13 Q. Would you agree that in all workshops the students are
14 asked to work themselves up to a point of hyperarousal?

15 A. No.

16 Q. Would you agree that the girls are asked to yell?

17 A. At -- at certain points, yes.

18 Q. Would you agree that you've witnessed girls that were asked
19 to leave Jeannie Courtney's workshops because they presented as
20 too depressed?

21 A. Yes. There would be times when we would deem that it would
22 be in their best interests to not participate.

23 Q. Would you agree that girls were asked to say whether they
24 deserved to live or die in front of their peers?

25 A. That was part of an exercise, yes.

1 Q. And it's your opinion that these workshops are appropriate
2 for girls who have a history of self-harm?

3 A. That's not what I -- I would qualify the answer by saying
4 that's -- that that's part of a broader intention.

5 Q. Did you know that these exercises have their foundation in
6 the discredited Lifespring Human Potential Seminars that were
7 given in the '70s and '80s?

8 A. No, I wasn't aware of that.

9 Q. Were you aware that Lifespring was shut down due to people
10 that had psychotic breaks or people that committed suicide
11 after attending one of those seminars?

12 A. No, I was not aware of that at that time.

13 Q. Are you aware of it now?

14 A. I've learned that from this process.

15 Q. You were hired by Jeannie Courtney?

16 A. I don't know if she was the person who hired me.

17 Q. Anywhere you ever worked before in your career had you
18 heard of Pia Mellody?

19 A. Not prior to coming to Spring Ridge Academy, no.

20 Q. Anywhere you ever worked in your career had you seen a
21 workshop like the one Jeannie Courtney does --

22 A. Yes, I --

23 Q. -- or did?

24 A. Yes, I have.

25 Q. And where was that?

1 A. I have seen that in some of the work that I did in -- I
2 have to think about that for a moment.

3 I was -- in the state of New York when I was working,
4 there were opportunities for the young -- for some of the youth
5 that I worked with to participate in similar therapeutic
6 workshops.

7 Q. Were they in a residential placement?

8 A. Yes.

9 Q. Do you recall a father at Spring Ridge Academy by the name
10 of Troy Williams?

11 A. Not offhand, no. I don't recall that person.

12 Q. Do you recall that his -- his -- his daughter was taken
13 into Phoenix to a hospital due to a reaction where her mucus
14 membranes broke down and she was in the Intensive Care Unit?

15 A. I don't have a direct recall of that.

16 Q. Do you recall telling his -- her father that he needed to
17 reenroll her despite the fact he had serious concerns regarding
18 the quality of medical care available at Spring Ridge Academy?

19 A. Without being able to review all of those details, I can't
20 say with any sense of -- of -- of conviction that that's a
21 conversation that I had.

22 Q. Would you have told a parent who was making a decision
23 about whether their child should come home or go back to Spring
24 Ridge Academy that if she went home that there would be
25 negative psychological and developmental consequences?

1 A. I think that would be dependent on where that young --
2 where that young person is at that time in their care, that
3 that would be one of the things that would be our
4 responsibility to talk about, the pros and cons of any choice
5 that one makes, including recommendations for ongoing care.

6 Q. I'm showing you Exhibit 77, page 40.

7 A. Okay.

8 THE COURT: She can publish. It's in evidence.

9 BY MS. ALLARD:

10 Q. Do you recognize that?

11 A. Yes, I do.

12 Q. What is it?

13 A. It is called a Student Withdrawal Statement.

14 Q. Did you create that Student Withdrawal Statement?

15 A. I did not create it, no.

16 Q. And did you sign this?

17 A. I did.

18 Q. And why did you sign it?

19 A. Because at that time I believed that it was what that
20 would -- that the -- what the details of this statement include
21 suggest that, you know, that she's being taken against our
22 medical advice.

23 Q. Well, it says, "In the professional opinion of the
24 treatment team of Spring Ridge Academy, it is in the best
25 interests of the student to continue her enrollment at Spring

1 Ridge Academy in order to complete her treatment program."

2 A. Uh-huh.

3 Q. What professional opinion do you have specific to this
4 child, René Sweidy-Stata? Also Rearden is another name used.

5 What was your professional opinion? What specifics
6 did you have that it would not be appropriate for her to go
7 home?

8 A. Based on where she was in the process of her treatment and
9 her disposition at that time when she was being taken home and
10 her emotional state at that point in time.

11 Q. Now, she was enrolled before Christmas --

12 A. Uh-huh.

13 Q. -- in December 2019, and classes started up in January. So
14 she had barely been at Spring Ridge Academy. So why would it
15 be against your clinical advice that she go home?

16 A. Based on the progress that she had been making, where she
17 was in some of the work that she was doing, that it would not
18 be in her best interests at that point in time, and where
19 things were happening, what was going on within the family
20 system.

21 Q. Did you even look at her records?

22 A. That was my responsibility, to oversee that.

23 Q. What did you know about her when you signed this?

24 A. At that point in time I was aware that there was a conflict
25 in -- between the family members, that she wanted to be in our

1 care, that she did not want to leave on that day, and that she
2 wanted to continue treatment.

3 Q. And who told you that?

4 A. I observed her disposition at that moment.

5 Q. You --

6 A. And I also provide supervision to the assigned clinician,
7 and those were part of regular supervisory discussions.

8 Q. What discussions?

9 A. That what is happening in treatment.

10 Q. What discussions did you have with Rearden?

11 A. Not with Rearden. With her -- with her assigned clinician.

12 Q. Well, did you have any discussions with Rearden's father?

13 A. Not -- I did not directly have a conversation with the
14 father. This is based on my supervision with the assigned
15 clinician.

16 Q. Did you know what Veronica Borges even -- so the Master
17 Treatment Plan --

18 A. Uh-huh.

19 Q. -- is the establishment of a diagnosis and treatment plan
20 for Rearden.

21 You understand that to be the case; correct?

22 A. That is correct.

23 Q. And if that wasn't finalized until January 24th,
24 2023 [sic], what progress could have possibly have been made
25 between that date and February 3rd, 2020?

1 A. She'd been in our care since the end of December --

2 Q. Did you --

3 A. -- and -- and based on the progress, the behaviors, what
4 was happening in those first weeks of therapy and her
5 disposition at that time, on that date, and her emotional
6 state, it was appropriate for us to say that it would not be in
7 her best interests to leave.

8 Q. Do you have any training and experience in how brainwashing
9 works?

10 A. No. I'm not trained in brainwashing.

11 Q. Have you ever done any research on methodology used to
12 break down people's natural defenses?

13 A. I have some general awareness of those kinds of
14 methodologies.

15 Q. Are you familiar with any of the psychology and studies
16 done on group think?

17 A. I have a general understanding of group think, yes.

18 Q. So when you say that she was making progress, do you mean
19 that she was making progress in abandoning the values and the
20 strength and the structure that she had in her life before she
21 arrived at Spring Ridge Academy?

22 Is that what you mean?

23 A. No, I don't mean that.

24 Q. Were you aware that there was a note that she became so
25 upset that she thought that she was losing her memory?

1 A. I don't recall that at this moment.

2 Q. Is it because you didn't read her records?

3 A. I don't recall that at this moment.

4 Q. Is -- so when a student leaves Spring Ridge Academy --

5 A. Uh-huh.

6 Q. -- they all get this form signed by you?

7 A. No.

8 Q. Can you give me a hypothetical situation where you would
9 not sign this form if they're leaving Spring Ridge Academy.

10 A. Well, I -- if -- let me just say many people -- people will
11 leave our -- these -- Spring Ridge Academy, but they will leave
12 because it was a part of the plan to leave.

13 If it was unplanned, there may have been circumstances
14 specific to that particular youth or that particular family
15 that made it appropriate for that decision, even though a
16 treatment was not complete.

17 Q. So it's your opinion that it's never appropriate for a
18 parent to rescind their contract for Spring Ridge Academy and
19 say, we'd like to leave, no, thank you?

20 A. That's absolutely their prerogative.

21 Q. And --

22 A. I'm simply stating that in that particular case at that
23 time, on that date, that we did not think that that was in her
24 best interests. It was against clinical advice that she leave
25 on that day at that time.

1 Q. So you also mentioned that you were there when her mother
2 picked her up?

3 A. Yes, I was.

4 Q. And what did you observe?

5 A. I observed a young woman who was shocked to see her mom in
6 the presence of police officers. She was confused. She didn't
7 understand. And she made multiple statements saying that she
8 did -- this was -- if I remember correctly, alluding to it
9 being not something that she -- this was not the way her day
10 wanted -- was what she thought was going to happen in her day
11 and that she did not want to leave.

12 Q. Okay. So did she tell you directly that she did not want
13 to leave?

14 A. I was witness to her saying that to the entire room. She
15 did not speak directly to me. She said that to all people who
16 were around. And there were several.

17 Q. And then what happened?

18 A. She wanted to not -- her mother wanted an opportunity to
19 speak with her alone. They went outside. They had a
20 conversation. And then I -- you know, I was informed by the
21 peace officers that they, indeed, had -- mom did have a right
22 to take her. Which is fine. That's her prerogative. I asked
23 her to please sign this document, and they left.

24 Q. Were you at Parent Challenge when Kimberly Sweidy attended?

25 A. I was there, yes.

1 Q. Did you witness Jeannie Courtney direct the group's
2 attention to Ms. Sweidy?

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

4 Q. Do you recall any interaction between Ms. Courtney and
5 Kimberly Sweidy?

6 A. I -- in the most general my role was simply to -- to be
7 observant of all people. And I think there was a time when
8 Jeannie Courtney would have spoken with -- to her, as she
9 always spoke to most of the participants.

10 Q. Do you recall her saying that, "You were at fault for your
11 own divorce"?

12 A. I did not -- I was not listening to their conversation, so,
13 no, I can't say that I heard that. I was not standing there
14 in -- in the circle of conversation.

15 Q. Anywhere in the Parent Manual did you sign off or approve
16 of a description of these workshops?

17 A. I don't know that I had any involvement in writing anything
18 about the workshops because they were not clinically driven.

19 Q. Can you explain that statement --

20 A. Yes.

21 Q. -- "They were not clinically driven."

22 A. They were not under the direct oversight of the Clinical
23 Department. They were part of an -- a broader treatment
24 program.

25 Q. You mean they weren't your -- it wasn't your job?

1 A. No, it was not my job to direct or create those pro- --
2 the -- the workshops.

3 Q. Did you have any role in -- in monitoring and obtaining
4 consent for treatment at Spring Ridge Academy?

5 A. Yes.

6 MS. ALLARD: Joint Exhibit 43.

7 BY MS. ALLARD:

8 Q. Do you recognize Exhibit 43?

9 A. Yes, I do.

10 THE COURT: You may publish it, Molly. It's in
11 evidence.

12 THE COURTROOM DEPUTY: Thank you.

13 MS. ALLARD: I'm sorry.

14 BY MS. ALLARD:

15 Q. Is this the Consent for Treatment --

16 A. Yes, it is.

17 Q. -- in this matter?

18 A. Uh-huh.

19 Q. And did you have any role in drafting the different
20 paragraphs here about the potential benefits, the purpose, and
21 the treatment philosophy?

22 A. I, indeed, did have some oversight of that.

23 Q. So is there any indication here that the workshops are
24 therapy or part of what the parents are signing up for?

25 A. There's nothing in here as -- that talks about the

1 workshops in this document. This is -- this is a consent for
2 therapy -- for treatment for therapy, for individual and family
3 and group therapy.

4 Q. But it's not a consent for their child to participate in
5 these workshops?

6 A. No, it is not a consent for that.

7 Q. Are you aware of the Arizona regulation that requires a
8 specific treatment purpose to be in the file of the individual
9 resident in order for them to have restrictions placed on their
10 phone calls?

11 A. Can you -- can you give me that question again? I'm not
12 sure -- I didn't hear that that well.

13 Q. Are you aware that there's a licensing regulation that
14 requires a specific treatment person -- purpose to be in a
15 resident's file in order to restrict their phone calls?

16 A. I don't recall anything specific to that at this moment,
17 no.

18 Q. Have you ever done anything like that at Spring Ridge
19 Academy, written a note in a file to justify restriction of
20 phone calls?

21 A. We had policy/procedure. And in the Parent Handbook there
22 is very clear description of how we manage phone calls.

23 Q. My question is, have you ever written a note yourself on an
24 individual basis justifying a reason for that child to have
25 supervised calls with their parents?

1 A. I have never authored one, no.

2 Q. Do you know of any therapist at Spring Ridge Academy that's
3 done that kind of work?

4 A. I believe there would be situations that would warrant that
5 based on circumstances that would unfold in -- in the provision
6 of the care.

7 Q. Was that done by Veronica Borges or you for Rearden
8 Sweidy-Stata?

9 A. I can't recall whether or not Veronica actually authored
10 that, if there -- if that, indeed, happened.

11 Q. If it did, it would be in the records?

12 A. I -- I don't know that with certainty.

13 Q. When it says here there are -- "Potential risks are minimal
14 but may include periods of time of feeling worse than when
15 entering the program," are you familiar with that experience?

16 A. I'm not sure what you're asking.

17 Q. Why is it this program is going to cause a period of
18 feeling worse, a period of increase in depression and anxiety?

19 A. It's not this particular program. It is actually something
20 that would happen at any time a person would engage in any kind
21 of therapeutic intervention that that risk is there.

22 The intention of treatment is to expose and process
23 whatever the identified concern is. And in doing so, that
24 is -- oftentimes brings to the surface a painful -- you know,
25 painful memory or painful emotions. And that is part of the

1 healing process.

2 MS. ALLARD: I don't have any further questions.

3 THE COURT: Is there any cross-examination?

4 MR. SMITH: Yes, Your Honor.

5 THE COURT: Come on up.

6 CROSS-EXAMINATION

7 BY MR. SMITH:

8 Q. Ms. Filsinger, let's talk a little bit about where you came
9 from before you got to Spring Ridge Academy.

10 A. Okay.

11 Q. You indicated that you had a master's in clinical
12 counseling -- or license?

13 A. Yes.

14 Q. Maybe I got it wrong. Could you tell us what your master's
15 is in.

16 A. My master's is in clinical -- is in clinical psychology.

17 Q. Clinical psychology?

18 A. Uh-huh.

19 Q. Where did you get that?

20 A. Cleveland State University.

21 Q. And when was that?

22 A. That was in 1984.

23 Q. 19 when?

24 A. 1984.

25 Q. And so when you got that, were you then licensed as a

1 therapist thereafter?

2 A. I -- I was licensed -- I believe I would receive my license
3 in 1988 -- or 1989. I don't quite remember. And that would
4 have been in the state of Ohio.

5 Q. What did you have to do in order to obtain that licensure?

6 A. In Ohio I did not need to do anything because I was
7 actually grandfathered in in Ohio. Because in this state of
8 Ohio, there -- there was not a licensing at that point when I
9 graduated for licensed professional counselors.

10 But by the time I moved to New York, I needed to go
11 through the rigorous standards for the meeting the requirements
12 in the state of New York, including sitting for a licensing
13 exam, which comes from the National Board of Certified
14 Counselors.

15 Q. I see. So you became licensed in 1988 in Ohio.

16 And then when did you move to New York?

17 A. I moved to New York in January of 1989.

18 Q. And once there, were you able to work as a licensed
19 psychologist?

20 A. No, I didn't work as a licensed psychologist in the state
21 of Ohio -- I mean in the state of New York, not -- not
22 initially, because I was not licensed in the state of New York.

23 Q. So they didn't grandfather you in?

24 A. No.

25 Q. You had to meet additional requirements?

1 A. That is correct. In the field of -- of counseling there's
2 different -- there's different types of -- of disciplines.
3 Social work is one, which is -- had a standardized process for
4 many, many years in the world of psychology or counseling. And
5 then in the late '80s, in the early '90s states were
6 establishing those kind of credentialing processes, and so
7 that's how that came about.

8 But by the time I came to New York and sought out my
9 credentialing in the state, there was a process that I needed
10 to meet those requirements, and I did.

11 Q. I see. So before you became licensed in Ohio --

12 A. Uh-huh.

13 Q. -- did you provide therapy?

14 A. I did.

15 Q. How did you do that?

16 A. Under the direct supervision of a licensed psychologist.

17 Q. And when you were in New York, before you obtained your
18 licensure, did you provide therapy?

19 A. I did.

20 Q. And how did you do that?

21 A. Under the supervision of a licensed -- independently
22 licensed social worker.

23 Q. And then how long were you in New York?

24 A. Approximately 25 years.

25 Q. And so where did you go after New York?

1 A. Moved to Arizona.

2 Q. Did you work as a -- once you got your licensure, did you
3 work as a licensed psychologist in New York?

4 A. I've never been a licensed psychologist.

5 Q. I'm sorry.

6 A. Licensed professional counselor.

7 Q. Licensed professional counselor. I apologize.

8 And so did -- did you work in that capacity providing
9 therapeutic services the entire time you were in New York?

10 A. You mean in -- in Arizona?

11 Q. No. In New York.

12 A. In New York, no, not the entire time.

13 Q. What else did you do in New York?

14 A. I was also a professor, an adjunct professor.

15 Q. A what professor?

16 A. An adjunct professor --

17 Q. Meaning what?

18 A. -- meaning that -- that means that you're not -- you're not
19 working full time there.

20 Q. Okay. So you were providing therapeutic services and doing
21 adjunct professor work?

22 A. That is correct.

23 Q. What did you teach?

24 A. General psychology.

25 Q. And where was that?

1 A. At Jamestown Community College.

2 Q. Did you say Jamestown Community?

3 A. That's correct.

4 Q. How long did you do that?

5 A. I think for about six years.

6 Q. And then I think you mentioned from there you moved to
7 Arizona?

8 A. That is correct.

9 Q. When was that?

10 A. June of 19- -- 2- -- 2014.

11 Q. Okay. So you moved to Arizona in 2014. Is that when you
12 started working at Spring Ridge?

13 A. That's correct.

14 Q. Now, by that point in time you had been practicing under
15 one form of licensure or another as a therapist since 1988?

16 A. Correct.

17 Q. And so 2014, you come to Arizona. Did you have to go
18 through this whole process again in order to get your
19 licensure?

20 A. In the state of Arizona, as long as you have an independent
21 license, you are able to use a process called -- I think there
22 it is -- the -- it's not called reciprocity. It's called
23 endorsement. And the Arizona Board of Behavioral Examiners
24 allows that people in -- within my discipline that if you've
25 met the rigorous requirements of other states in which you were

1 licensed, then they will allow you to become licensed through
2 this endorsement process.

3 Q. I see. How long did that take once you came to Arizona?

4 A. Knowing that I was going to be taking the position, I
5 accepted the position in March and was planning to move in
6 June. I started -- I obtained a -- a associate's licensure,
7 which is required in the state. You cannot become
8 independently licensed at that time until you had a -- and it
9 may have changed. I'm not aware right now what the rules are.
10 But in 19- -- in 2014, you needed to be having -- working in
11 the state at that time.

12 And I -- so I obtained my associate licensure. And
13 once I arrived in Arizona, I submitted my documentation to the
14 board, and I received my license in August of 2014.

15 Q. And so from the time you began as Clinical Director at
16 Spring Ridge Academy --

17 A. Uh-huh.

18 Q. -- were you licensed as a therapist in the state of
19 Arizona?

20 A. Correct.

21 Q. Did that licensure allow you to supervise unlicensed
22 individuals to provide therapy?

23 A. Absolutely.

24 Q. Tell me -- tell the -- tell the jury about that. What kind
25 of unlicensed individuals be under your supervision are then

1 permitted to provide therapy?

2 A. People who have a master's degree in -- in the -- a related
3 appropriate field, like counseling or social work.

4 Q. And was -- was Veronica Borges one of the people that you
5 hired soon after your arrival at -- in Arizona and began work
6 at Spring Ridge Academy?

7 A. I don't recall exactly when she began working for us, but,
8 yes, I did hire her, and I did supervise her.

9 Q. When -- when you're making a hire like that, does the
10 board -- does the State have to approve that person providing
11 those services under your licensure?

12 A. No, they do not need to approve them. As long as I meet
13 the rigorous requirements for providing supervision, and I do,
14 including being on the registry in the state of Arizona, I --
15 which is an additional step that a person can take. You don't
16 have to be on the registry, but if you're on the registry, that
17 demonstrates that I've met the rigorous requirements for
18 supervision and am approved by the board. And so, indeed, that
19 does allow me, then, to provide supervision for unlicensed --
20 unlicensed individuals and support them in establishing their
21 licensure, if that's their intention.

22 Q. And you keep using a term "the board."

23 What board are we talking about?

24 A. Arizona Board of Behavioral Examiners.

25 Q. And in this case the Arizona Board of Behavioral Examiners,

1 would they come in and review your records to ascertain whether
2 or not you were appropriately supervising the unlicensed
3 individuals working below you?

4 A. The board does not come in to review --

5 Q. And --

6 A. -- unless -- no.

7 Q. How would they determine whether or not your supervision
8 was appropriate?

9 A. If there were ever a problem and someone made a claim, then
10 they would be -- there'd be an investigation.

11 Q. And were there -- was there ever investigations prior to
12 Ms. Sweidy enrolling her daughter at Spring Ridge Academy of
13 your supervision of therapists --

14 A. No.

15 Q. -- at --

16 A. No.

17 Q. Okay. There's been some discussion about these workshops.

18 A. Uh-huh.

19 Q. Yes?

20 A. Yes.

21 Q. Okay. And we've heard some testimony to the effect that,
22 like, the Family workshop is different from the Parent
23 Challenge workshop, that's different from the -- the Challenge
24 workshop that the girls go through.

25 Did you actually facilitate workshops or run

1 workshops?

2 A. I participated in the facilitation of the Family workshops,
3 yes. That would have much more direct clinical involvement and
4 oversight.

5 Q. Okay. Was that an actual therapy that was being provided?

6 A. No, it was not considered a therapy.

7 Q. So to the extent that we've got in the materials, the
8 Parent Manual, the marketing materials, descriptions of
9 workshops in one category and therapies in another category, is
10 that the proper way to have those things classified --

11 A. Correct.

12 Q. -- with regard to these therapies that are provided?

13 A. Uh-huh.

14 MR. SMITH: And if we could, I'd like, with the
15 Court's permission, to publish Exhibit 7, which has been
16 admitted?

17 THE COURT: You may.

18 MR. SMITH: Page 5, please.

19 BY MR. SMITH:

20 Q. Do you recognize this as a page out of the Parent Manual?

21 A. I -- I -- at first glance if I read the whole thing. But
22 that looks like something that would have been in the Parent
23 Manual.

24 Q. Okay. And under this section called Therapy --

25 A. Uh-huh.

1 Q. -- is this something that you would have written or
2 contributed to?

3 A. Yes.

4 Q. And what is the purpose in -- when you were putting this
5 together or helping to put this together, what was your
6 purpose?

7 A. The intention is to allow the families, the parents making
8 a decision about bringing their child into our care, to have an
9 understanding of what to expect so that they can make an
10 informed choice about whether or not to enroll their child.

11 Q. Okay. And when you look at paragraph -- the fourth
12 paragraph down in this where it says, "To promote long-term
13 therapy success."

14 Do you see that?

15 A. Uh-huh. I do.

16 Q. It says, "Spring Ridge believes patterns of behavior within
17 family dynamics must be explored."

18 What does that mean?

19 A. Because we were a family treatment program, one of the
20 things we make -- make very clear to our -- to the families
21 coming in is that we will -- we will look at what is working or
22 not working within that family system; if there are breakdowns
23 in communication, if there's misunderstanding, if there's
24 wounded -- a person who's wounded or under -- feels
25 misunderstood.

1 Our purpose and intention is to support that family,
2 that youth in our care and the family members, to be able to
3 find more functional ways of communicating, supporting one
4 another, allowing each member in the family to feel understood,
5 to feel heard, and to promote connection.

6 Q. And when we have the next sentence that says, "Family
7 therapy occurs in conjunction with individual therapy to
8 resolve conflict, improve communication, develop a system of
9 trust and support, increase connection and practices" --
10 "practice effective boundaries and limit setting by parents,"
11 did I read that right?

12 A. You did.

13 Q. And what is limit -- or, excuse me -- boundaries and limit
14 setting?

15 What is that?

16 A. So what we're talking about there is being able to -- for
17 particularly for -- for the -- for a child, even if they're a
18 teenager, learning to hear the word "no," learning to respect
19 the authority of the parent.

20 Many of -- many times that was a challenge for some of
21 our kiddos. Not all of them, but that would be a typical kind
22 of presenting concern. And so our intention would -- in those
23 therapy sessions would be to support parents who maybe needed
24 additional support in learning how to have a functional
25 boundary and, on the flip side of that, being able to have the

1 young person learn how to have functional boundaries for
2 themselves in the world, being able to keep themselves safe in
3 the world by being able to say no to people that maybe want to
4 cause them harm and to be able to have self-respect.

5 Q. Is that something -- how -- how do you -- is that something
6 that can be done in a few sessions, or is that something that
7 requires a long time?

8 A. That's usually a process that takes time.

9 Q. Is that connected -- when we hear talk about students at
10 Spring Ridge being in Phase 1, Phase 2, 3, 4, is the -- is the
11 progress in the therapy, is that connected to which phase
12 they're in?

13 A. I'm not sure if I really understand the question.

14 Q. Good. I didn't either. Let me re-ask it.

15 So you understand -- are you familiar with the way
16 students would be in Phase 1, 2, 3, and 4 at Spring Ridge?

17 A. Yes.

18 Q. And if a student is in Phase 1 and going to Phase 2, are
19 there certain therapeutic goals that they must have met in
20 order for that to happen?

21 A. I -- yes, I'd say that's true. That's accurate.

22 Q. Does it vary based upon the student?

23 A. Absolutely.

24 Q. Does the kind of therapy that a student receives, does that
25 vary based upon that student's presentation?

1 A. Absolutely.

2 Q. There are different kinds of therapies that are discussed
3 here, if you look a little bit further down here.

4 A. Uh-huh.

5 Q. And it talks about -- let me see if I can find this. At
6 the third paragraph right above that, the one that begins
7 "Trauma," in the second sentence it talks about, "In addition
8 to cognitive based therapies, Spring Ridge has evidence based
9 modalities and treatments such as EMDR, somatic based
10 therapies, and Post Induction Therapy to resolve issues related
11 to trauma."

12 Did I read that correctly?

13 A. Yes, you did.

14 Q. Now, are those things that I just read into the record, are
15 those all therapeutic treatment modalities?

16 A. Yes, they are.

17 Q. Are they all evidence based?

18 A. I believe so.

19 Q. And where would one go to find out if they're evidence
20 based?

21 A. You would -- all you would have to do is Google it.

22 Q. Okay. And what is a cognitive-based therapy?

23 A. So cognitive-based therapies are those that are intended to
24 work with what one is thinking. The most -- most common
25 well-known established is, like, DBT or CBT, which is, again,

1 working with thoughts, beliefs that one would have, and being
2 able to understand how maybe what we call, like, a cognition a
3 belief. If it's a negative cognition, being able to challenge
4 that and repeatedly replace that with things that would support
5 moving forward in one's life.

6 Q. And -- thank you.

7 On -- a therapy also mentioned here is EMDR.

8 A. Uh-huh.

9 Q. What does that stand for?

10 A. Eye Movement Desensitization Reprocessing.

11 Q. And how -- what is -- what is that all about? How does
12 that therapy work for a person?

13 A. It is -- it's a -- a treatment that is well established in
14 working with trauma, particularly post -- something called
15 post-traumatic stress disorder. It was actually developed by
16 Dr. Francine Shapiro. And she was working primarily with war
17 vets who had a lot of trauma, what we call post-traumatic
18 stress disorder, related to war time and experiences there.
19 And it over time became clear that it would be a treatment that
20 would be effective in dealing with what we call shock trauma.
21 So specific things that a person may have that is creating
22 disruption in their ability to function in life.

23 Q. Thank you.

24 I'm not going to go through all of them. I wanted to
25 hear about a couple of them, because then my next question is,

1 at this -- when somebody comes in, a student comes in, do they
2 automatically get all of these therapies?

3 A. No.

4 Q. So whether they're going to get something that's, like,
5 EMDR that's going to help with the PTSD issue or whether they
6 are going to have the cognitive-based therapy course, that's --
7 what is that dependent upon?

8 A. On what the presenting concerns are and what the -- yeah,
9 I -- and what the treatment plan looks like.

10 Q. And so you were asked the question earlier about how we can
11 be talking about a treatment plan when she had, you know,
12 only -- or how -- how we can be signing that document that the
13 jury saw, which was basically on the 3rd, when Ms. Sweidy
14 pulled her daughter out of the program, where you're expressing
15 the opinion in there that this is not to the benefit or be
16 counter-beneficial to the therapeutic position for her
17 daughter, or counter to her daughter's needs?

18 A. Right.

19 Q. Okay. And -- and she's saying -- you were asked questions
20 about, but the treatment plan is dated, like, January 24th.
21 This is February 3rd. How would we have enough information to
22 know whether or not Rearden Stata had by that point actually
23 been making any progress that would warrant you signing that
24 document?

25 Do you remember being asked that?

1 A. Yes, I do remember being asked that.

2 Q. Okay. When a student arrives at Spring Ridge, do they not
3 undergo any type of therapy or treatment at all until the
4 treatment plan is in place?

5 A. No. There's an Initial Treatment Plan that is established
6 within the first seven days of arrival, and that becomes the
7 basis for the initial work that's being done. And then a
8 Master Treatment Plan is completed usually at or around
9 30 days, giving us the time to establish a connection, do
10 direct observation, be involved in assessment through interview
11 and session, involving also interviews with family members to
12 complete. And there's often as part of the admission
13 process -- and one of the decision-makings about bringing a
14 child into residential care is establishing that it's
15 appropriate for that child to lead that level of care.

16 So there's usually -- almost always some type of
17 referral information, previous treatment attempts, which forms
18 the basis for that level of treatment, which is a
19 residential -- a residential, because we operate from
20 least-restrictive environment.

21 Q. Thank you.

22 And in a case where we have Ms. Stata coming in,
23 enrolling on the 13th of December --

24 A. Uh-huh.

25 Q. -- 24th of December we have a Master Treatment Plan.

1 Before then we had the Initial Treatment Plan that the -- the
2 jury -- jury's been made aware of.

3 By that point would Veronica Borges have been
4 providing therapeutic services, as you've just discussed?

5 A. Yes.

6 Q. And would she have been working with you and -- and
7 consulting with you and keeping you informed on that?

8 A. Yes.

9 Q. As a matter of fact, when we see Veronica Borges' notes,
10 the progress notes that she made about her various encounters
11 and with both family members, meaning Mr. -- Mr. Stata and
12 Ms. Sweidy, Ms. Sweidy and Rearden, those are all countersigned
13 by you; correct?

14 A. That's correct.

15 Q. Why's that? Why do you countersign them?

16 A. Because I need -- I am her supervisor and the person who's
17 licensed to sign off on those notes.

18 Q. Do you -- do you actually read the notes when you sign
19 them?

20 A. Absolutely.

21 Q. Okay.

22 A. That's my signature.

23 Q. And then when you read them, do you ever have any
24 discussions with the therapist who's actually providing the
25 services?

1 A. Absolutely. There are times when revisions need to be
2 made.

3 Q. And if, in fact, during the course of providing therapeutic
4 services it's decided, you know, we're using one type of
5 therapy, but let's try this other type instead or in addition
6 to, is that a -- is that a decision that can be made by the
7 therapist that's working, like Veronica Borges?

8 A. They can make that decision, but they review that in our
9 supervision.

10 Q. And is there a special discussion -- or a special name that
11 we call whatever that review process is?

12 A. Clinical supervision.

13 Q. So if we have clinical supervision notes or if there are
14 clinical supervisions that occur, those -- those are going to
15 be where we discuss the treatments for the various -- the
16 various patients or the various students; correct?

17 A. Correct.

18 Q. And in this case, as you look at this list of different
19 types of therapies that is in paragraph 3 --

20 A. Uh-huh.

21 Q. -- are these the only therapy modalities that are available
22 at Spring Ridge?

23 A. No. Over time more -- there were additional therapies that
24 would be made available.

25 Q. Thank you.

1 A. Uh-huh.

2 Q. What is empirical based?

3 A. To the best of my understanding, if something is
4 empirically based it means that there has been research and --
5 and research studies to establish efficacy.

6 Q. So if we're talking about therapies that are empirically --
7 empirically based, then there have been studies done that are
8 published?

9 A. That's correct.

10 Q. Is that a form of evidence based?

11 A. Is that what?

12 Q. Is that a form of evidence-based therapy?

13 A. It can be. It's not exclusive.

14 Q. When we talk about family therapy, we know from the
15 evidence that's been presented to the jury so far that family
16 therapy sessions with Mr. Stata and Rearden occurred separate
17 from Ms. Sweidy.

18 Is that an -- is that an uncommon thing to occur?

19 A. No. Not uncommon.

20 Q. What's -- if it's family therapy, then what's the efficacy
21 of doing separate therapies like that that's not the whole
22 family?

23 A. In this particular case we had a family where there was a
24 divorce, and it was pretty clear that there was not common
25 ground between the two divorced parents and that the child

1 would be subjected to additional stress if they were asked to
2 participate in therapy with the -- with parents who didn't get
3 along with one another.

4 Q. And so is it possible to make therapeutic process, family
5 therapy process, where only one of the parents and the child
6 are participating?

7 A. The goal and the intention is to support each family member
8 in moving forward in resolution of whatever problems or
9 conflicts or issues are there.

10 And so in the case of divorced families, when it's --
11 and there are times when there was enough respect and ease in
12 that relationship for divorced families that there was, indeed,
13 family therapy with the entire family, and sometimes with
14 additional stepparents and one that -- and that would take the
15 form, you know, depending on the particulars of that case.

16 But, as a general rule, many families what led to
17 divorce is the kinds of things that would continue to be
18 problematic, so the intention on our part is to support the
19 child to work through whatever kinds of issues or concerns or
20 problems that exist with each ones of the parents.

21 Q. And is that -- is that at the end of the day the focus of
22 the therapeutic model at Spring Ridge?

23 You said it was a family therapy model; correct?

24 A. Correct.

25 Q. Is the -- is the focus, though, on the problems that are

1 confronting the child who's enrolled at Spring Ridge?

2 A. Yes --

3 Q. And --

4 A. -- because the child is the identified client.

5 Q. Is it -- is it fair to say, then, that a family therapy is
6 in support of that goal?

7 A. That is correct.

8 Q. And so when you are reviewing what the therapists working
9 under you as the Clinical Director are doing with their various
10 clients, are you looking for evidence that what is being
11 provided is for the benefit of the child?

12 A. Yes.

13 Q. And if it's not, what would you do?

14 A. Then if that were -- if there were situations where the
15 therapy is not benefitting the child, I would have a discussion
16 with the clinician, and we would make a different plan.

17 MR. SMITH: Thank you.

18 Excuse me. Thank you very much, ma'am.

19 THE WITNESS: You're welcome.

20 THE COURT: Is there any redirect?

21 MS. ALLARD: Yes, briefly.

22 THE COURT: Come on up.

23 REDIRECT EXAMINATION

24 BY MS. ALLARD:

25 Q. So in this family therapy model you have three clients,

1 correct, here in this particular case? It would be Kimberly
2 Sweidy, Mr. Stata, and Rearden?

3 A. Correct.

4 Q. And you're aware that Ms. Borges -- Borges cancelled family
5 therapy sessions with Ms. Sweidy; correct?

6 A. Yes, I'm aware.

7 Q. And did you do anything to reach out to Ms. Sweidy to offer
8 her more therapeutic services?

9 A. I personally did not, no.

10 Q. Did you refresh your memory that Ms. Bor- -- Borges do so?

11 A. Ms. Borges made, I believe, multiple attempts to work with
12 Ms. Sweidy, and it was pretty clear that she was not interested
13 in the services that we could provide.

14 Q. You mean she wasn't interested in reading Facing
15 Codependence?

16 A. I can't answer that that's what she was feeling.

17 Q. Well, as a licensed therapist, do you understand that there
18 are conflicts of interest that arise when you have family
19 therapy because you have multiple individuals who are clients?

20 A. That, indeed, is something that can happen.

21 Q. And that you can't take confidential information from an
22 application prepared by the mother and use information in it to
23 incite the father?

24 MR. SMITH: Excuse me, Your Honor. Beyond the scope.
25 Objection.

1 THE COURT: Overruled.

2 THE WITNESS: I can't -- I don't -- I mean, I'm not
3 sure why you're asking that, but, generally, no, we do not --
4 generally, what -- we wouldn't be doing that.

5 BY MS. ALLARD:

6 Q. Well, are you aware that Rearden was being encouraged to,
7 quote/unquote, set boundaries with her mother in phone calls?

8 A. I do -- I do have an awareness of that, yes.

9 Q. And wasn't the promise in the Parent Manual to help the
10 parents set boundaries with the child?

11 A. The promise is, as I stated earlier, that we work with all
12 members of the family. I did say earlier that we also work
13 with the child when needed to set a boundary, an appropriate
14 boundary, if one is feeling unfairly treated.

15 Q. So it's -- from what I -- your response is that it's not to
16 help parents set boundaries with the children?

17 A. That's not what I -- no, that -- I am not saying that.

18 Q. You would agree that if a parent reads your manual that you
19 wrote that they would expect you're going to support them,
20 hypothetically here, with their hope that their child will be
21 doing their homework?

22 A. I -- I -- yeah, I guess. I mean, I'm not sure -- that's a
23 very specific example. If that's a problem for that
24 particular -- in this particular case, then it would make
25 sense.

1 But there's a -- there's additional extenuating
2 circumstances that can be -- so let's -- that question you're
3 asking I would want the freedom to say more about.

4 Q. Well, you supervised therapy for Rearden, which has with
5 it, I guess, the assumption that you read her enrollment
6 application prepared by her mother; correct?

7 A. Correct.

8 Q. And if you read that, you would have known that her mother
9 was concerned that she wasn't going to school and needed to do
10 her homework; correct?

11 A. Correct.

12 Q. And so the result is her daughter's in a school where
13 Veronica Borges is encouraging her to not take her mother's
14 inquiries about homework or credits.

15 A. At -- I believe in that time what Rearden was expressing
16 was that she felt that the way that her mom was asking those
17 questions felt offensive or uncomfortable.

18 Q. And you would agree that Ms. Sweidy was communicating with
19 Veronica Borges from the very beginning, even before there was
20 a Master Treatment Plan; correct?

21 A. Absolutely. She did have those conversations.

22 Q. And she, in fact, indicated to Ms. Borges that she did not
23 want her therapy session cancelled.

24 Did you know that?

25 A. I don't remember that.

1 Q. And did you know that Ms. Borges said that she was going to
2 refer -- she was going to cancel that appointment and refer to
3 the clinical team?

4 A. Yes.

5 Q. And so you did nothing to reach out to Ms. Sweidy to even
6 communicate with her after that; isn't that correct?

7 A. I did not have a conversation with Ms. Sweidy. No.

8 MS. ALLARD: No further questions.

9 THE COURT: Subject to recall, plaintiffs?

10 MS. SWEIDY: Subject to recall?

11 MS. ALLARD: No, Your Honor.

12 THE COURT: Defense?

13 MR. SMITH: No, Your Honor.

14 THE COURT: Ma'am, thank you so much for coming in.

15 You're released from your subpoena.

16 THE WITNESS: Thank you.

17 THE COURT: Have a wonderful trip back home.

18 MR. SMITH: I beg your pardon, Your Honor. I
19 apologize for interrupting. I misspoke. Yes, Your Honor.

20 MS. SWEIDY: I'm --

21 THE COURT: I thought you -- sidebar.

22 (Sidebar discussion begins on the record.)

23 THE COURT: Before she went on the stand, didn't you
24 say that you wanted this witness on to complete her because she
25 wouldn't be able to come back?

1 MR. SMITH: Yes, Your Honor.

2 THE COURT: Now she's able to come back?

3 MR. SMITH: She cannot come back. She cannot come
4 back next week at all.

5 MS. SWEIDY: But she's not --

6 MR. SMITH: We are concerned because we do not know
7 who the witnesses are next week, and some of them had
8 interaction with her. She may need to come back as part of our
9 case on those specific issues, not to rehash what's already
10 happened. That's the only reason.

11 THE COURT: Okay.

12 MS. SWEIDY: But -- excuse me. Kimberly.

13 I am so confused, Your Honor. I'm sorry. Maybe I'm
14 just tired. You know, sleeping in a different bed maybe.

15 I don't understand what the issue -- he does want --
16 if he wants to bring his client back, we don't have any issue
17 with that; right? Right, if he wants to do that?

18 I'm not really sure what we're here for.

19 MS. ALLARD: I think I know.

20 MS. SWEIDY: Okay. You do? Please enlighten me,
21 Ms. Allard.

22 MS. ALLARD: Troy Williams. Mr. Williams, who's
23 testifying next week, had some interaction with Leslie
24 Filsinger. And if he wants to call her back to address that --

25 MS. SWEIDY: Well, we --

1 MS. ALLARD: -- that might be --

2 THE COURT: Wait. Stop, stop.

3 If they want to call her back --

4 MS. SWEIDY: Yeah --

5 THE COURT: -- call her back.

6 MS. SWEIDY: -- call her.

7 Okay. Thank you.

8 (End of sidebar discussion.)

9 THE COURT: Ma'am, it does appear that your testimony
10 may be needed at a different point during the course of this
11 three-week trial. Please make sure the parties have your
12 contact information. But for this weekend, have a wonderful
13 weekend. And please be careful walking down the steps. We
14 have people falling down the steps.

15 THE WITNESS: Thank you, sir.

16 THE COURT: You're very welcome.

17 Next witness, please.

18 MS. ALLARD: Plaintiff calls Erin Smith.

19 THE COURT: Ms. Smith, if you can walk all the way to
20 the front of the courtroom and raise your right hand to be
21 sworn, please.

22 THE COURTROOM DEPUTY: You can stand right there.

23 (ERIN SMITH, a witness herein, was duly sworn or affirmed.)

24 THE COURTROOM DEPUTY: Thank you. You can have a seat
25 on the witness stand.

1 THE COURT: Ma'am, when you take your seat, can you
2 adjust the microphone, and make sure you speak directly into
3 it, please.

4 THE WITNESS: Yes, sir.

5 THE COURT: Go ahead, Ms. Allard.

6 DIRECT EXAMINATION

7 BY MS. ALLARD:

8 Q. Can you please state and spell your name for the record.

9 A. Erin Smith. E-R-I-N, S-M-I-T-H.

10 Q. Ms. Smith, were you employed at Spring Ridge Academy?

11 A. Yes.

12 Q. For how long?

13 A. 13 and a half years.

14 Q. Were you working there in 2019 and 2020?

15 A. I was.

16 Q. Are you familiar with René Rearden Sweidy-Stata?

17 A. Yes.

18 Q. And her mother, Kimberly Stata?

19 A. Yes.

20 Q. I'm sorry. Kimberly Sweidy?

21 A. Yes.

22 Q. And her father, Raymond Stata?

23 A. Yes.

24 Q. Did you forward documents to Mr. Stata for use in a family
25 law action?

1 A. I don't know. I don't remember.

2 Q. Is it possible you did?

3 A. It is unlikely I did that.

4 Q. Are you familiar with BestNotes?

5 A. I am.

6 Q. Do you know how to use BestNotes?

7 A. Yes.

8 Q. At some point in time were you involved in working with the

9 licensing on incidents that were happening at Spring Ridge

10 Academy?

11 A. Yes.

12 Q. And was Spring Ridge Academy cited for failure to exercise

13 quality controls such as those incidents kept happening?

14 A. Could you be more specific?

15 Q. Well, did you start preparing reports that you hadn't

16 prepared before?

17 A. What kind of reports? I'm sorry.

18 Q. Incident --

19 A. I don't understand.

20 Q. Incident reports.

21 A. I did not prepare incidents reports.

22 Q. Did you start preparing, like, spreadsheets and calculating

23 the number of incidents that happened at Spring Ridge Academy?

24 A. Yes.

25 Q. Why did you do that?

1 A. We were collecting data to determine how to improve quality
2 of care.

3 Q. Do you know why you were doing that?

4 A. It's part of the -- the Arizona Administrative Code to
5 review incidents.

6 Q. Are you familiar with the Arizona Administrative Code?

7 A. Yes. I can answer general questions, but I can't answer
8 specific questions.

9 Q. Did you assist Leslie Filsinger with researching the code
10 that would allow Veronica Borges to conduct therapy with
11 Rearden when she was living in California?

12 A. Yes.

13 Q. And what code section provided the -- for that?

14 A. I can't answer that question. That's too specific for me.

15 Q. Did you look one up?

16 A. I know that I looked up code with Leslie on many occasions,
17 but I can't say which specific codes I looked up.

18 Q. Did you analyze Leslie's qualifications, Veronica's
19 qualifications, and make a determination of whether that was
20 legal?

21 A. Yes.

22 Q. And what did you do?

23 A. I looked at the Arizona Administrative Code under our -- I
24 don't remember. It's for behavioral health residential
25 facilities, and there is a section regarding behavioral health

1 technicians. Behavioral health technicians can work under the
2 independent licensure of other clinicians while doing that
3 work.

4 Q. But what about practicing across state lines on
5 teletherapy?

6 Did you look anything up for that?

7 A. There were different regulations due to the COVID-19
8 pandemic.

9 Q. What regulations?

10 A. Where there was an opening of the ability to provide
11 practices over state lines.

12 Q. What's -- what regulations? What -- are these state
13 statutes in Arizona you're referring to?

14 A. I'd have to look it up. I don't know specifically. I
15 don't remember.

16 Q. Did you look up any California law on that subject?

17 A. I did, but I cannot remember the specifics.

18 Q. And so you -- did you consult with an attorney?

19 A. I don't remember.

20 Q. So based -- are you a lawyer?

21 A. I am not.

22 Q. So based on your read of California statutes, Arizona
23 statutes, you believe that that was legal?

24 A. At the time, yes.

25 Q. Has it come -- at one point were you publishing things on

1 the Spring Ridge Academy website regarding a movie that came
2 out called Cruel Instruction?

3 A. Yes.

4 Q. Why were you doing that?

5 A. I was doing that as a response to the film.

6 Q. On the school's website?

7 A. Yes.

8 Q. What was in the film that you felt needed to be responded
9 to on the school's website?

10 A. There was a student who in the -- after the Lifetime Movies
11 have, like, a behind the scenes, the real story. And we had a
12 former student who was on that, and the movie did not depict --
13 depict at all what the conditions were at Spring Ridge Academy.

14 Q. And you wrote on the website that it was disturbing, the
15 movie Cruel Instruction?

16 A. I'd have to look at the block post.

17 THE COURT: Ladies and gentlemen, earlier during the
18 course of this trial I instructed all of you that you can make
19 no inquiry as to anything that doesn't happen in this
20 courtroom. So you -- any words that you hear, shows, anything
21 like that, you cannot look up anything. You're only to
22 consider what goes on in this room. You can't research
23 anything.

24 Please.

25 MS. ALLARD: Your Honor, Exhibit 155.

1 THE COURT: Has it been received?

2 MS. ALLARD: I believe so.

3 THE COURT: Let me -- let me check.

4 It's received. You may publish.

5 BY MS. ALLARD:

6 Q. Do you recognize the page that's displayed as
7 Exhibit 55 [sic] here, page 2?

8 A. Yes.

9 Q. At the bottom it says, "After the movie, a short
10 documentary aired that included an interview with a 22-year-old
11 woman who implied that she experienced this type of treatment
12 at Spring Ridge Academy."

13 Is that the student you're -- you were telling us
14 about?

15 A. Yes.

16 THE COURT: Molly?

17 (The Court and the courtroom deputy confer.)

18 BY MS. ALLARD:

19 Q. And then you go on to say that, "The accusation is deeply
20 disturbing to those of us who have been at Spring Ridge for
21 years, including the years of 2016 to 2017 when she said that
22 she attended." [As read]

23 Now, did you -- who was the student?

24 A. I don't believe I can reveal that --

25 Q. Well, you know --

1 A. -- due to HIPAA.

2 Q. Okay. You know the student was Raelyn Kaplan; correct?

3 A. Yes.

4 Q. Were you trying to suggest to the public that this person,
5 Raelyn Kaplan, never went to Spring Ridge Academy with this
6 statement you wrote here?

7 A. No.

8 Q. Well, you appear to try and discredit her statement when
9 you say that she said that she attended.

10 A. Correct, because of HIPAA.

11 Q. So you weren't trying to discredit her. You were trying to
12 protect her?

13 A. I was trying to defend us against what she had said in that
14 documentary. But due to HIPAA, I was unable to actually note
15 that we were associated with that student.

16 Q. So she told the world who she was and that she was
17 associated with Spring Ridge Academy; correct?

18 A. Yes.

19 Q. And you were trying to tell the world that she wasn't?

20 A. No.

21 Q. And then after that you started posting more refutations on
22 the Spring Ridge Academy website; correct?

23 A. I don't remember specifically. Could you give me an
24 example?

25 Q. Well, I'll start with the first one.

1 Do you recognize this? "Cruel Instruction, The
2 Problem With Comparing"?

3 THE COURT: Whoa, whoa, whoa.

4 MS. ALLARD: I'm sorry.

5 THE COURT: What exhibit is that?

6 MS. ALLARD: I'm sorry, Your Honor. 154.

7 THE COURT: Hold on.

8 It's received. You can publish it.

9 BY MS. ALLARD:

10 Q. Do you recognize this document? It's Exhibit 154, page 1.

11 A. And this isn't the same document you just showed me?

12 Q. No. It's a new one.

13 MS. SWEIDY: No.

14 THE WITNESS: It's likely, yes, that I wrote and
15 published this.

16 BY MS. ALLARD:

17 Q. I'm sorry?

18 A. Yes, it's likely that I wrote and published this. I don't
19 remember specifically.

20 MS. ALLARD: Your Honor, I'd like to show the witness
21 157.

22 THE COURT: You may. It's in evidence.

23 BY MS. ALLARD:

24 Q. Do you recall publishing 7 Ways Spring Ridge Is Nothing
25 Like Cruel Instruction?

1 A. Yes, I do.

2 Q. I'm just going to address one of them right now. You said,
3 "Difference Number 4. The facility is locked down and students
4 rarely go outside."

5 Was that how life was at Spring Ridge Academy?

6 A. No.

7 Q. You kind of -- you describe here that the school had two
8 security measures that may seem odd.

9 What were those?

10 A. It was having a gate at our entrance that you have to call
11 the front office in order to access the campus and video
12 security.

13 Q. And then you represented that you didn't monitor phone
14 calls, and that's on page 9.

15 A. Could you point to where it says?

16 Q. At the top of page 9.

17 A. Yes.

18 Q. But isn't it true that all Phase 1 students have monitored
19 phone calls?

20 A. The students are in a room altogether, and there is a staff
21 in there to provide support if things get heated or if the
22 student becomes upset. They aren't listening -- listening
23 carefully. There's several students in the room at the same
24 time.

25 Q. And then you wanted to address Difference Number 6, that

1 therapy is rare and group therapy is not run by a therapist?

2 A. Yes.

3 Q. Well, it's true that group therapy is not run by a
4 therapist, isn't it?

5 A. No.

6 Q. Who ran group therapy at Spring Ridge Academy when you were
7 there?

8 A. All of our therapists.

9 Q. You also address the criticism in number 7, that shaming
10 and blaming happened during these circles, I think; correct?

11 A. In the movie?

12 Q. Yes, in the movie.

13 A. I -- I don't remember the film that well, but ...

14 Q. And I think you described there that the -- someone would
15 have to share an event from their past and then students would
16 comment on that event.

17 What are you referring to there?

18 A. Could you show me where it says that?

19 Q. Page 10.

20 You're addressing the criticism that the rest of the
21 group would be encouraged to give what they called feedback.

22 "How did you bring this upon yourself? That is not
23 feedback. It is victim shaming."

24 That's the criticism, and then you address that
25 criticism.

1 Do you recall your response?

2 A. No. Could you move the page down a little bit? I'm not
3 seeing the very beginning.

4 Yes, I address that.

5 Q. So what you say is that it was -- they weren't made to do
6 that. You -- you're saying and representing to the public on
7 your website that the student volunteered?

8 A. Yes.

9 Q. Were you telling the truth when you stated here on the
10 website that the student volunteered?

11 A. Yes.

12 Q. And then I think you were addressing Google Reviews on your
13 website?

14 A. Yes.

15 Q. Why did you do that?

16 A. It was recommended to us.

17 Q. By who?

18 A. By a marketing firm.

19 Q. So your concern about HIPAA, from what I understand from
20 your testimony, is why you wouldn't name Raelyn Kaplan; is that
21 correct?

22 A. Yes, ma'am.

23 Q. But on the Google Reviews some of the students were using
24 their real names; correct?

25 A. Yes.

1 Q. So as soon as somebody from Spring Ridge Academy
2 acknowledges that student's criticism, isn't that a HIPAA
3 violation?

4 A. Not necessarily, no.

5 Q. And why do you say that?

6 A. Because I did not confirm or deny their association with
7 Spring Ridge Academy.

8 Q. But weren't there some review responses by people at Spring
9 Ridge Academy that invited them to talk to you and discuss
10 their experience?

11 A. Yes.

12 Q. So isn't that a public acknowledgment of their attendance
13 there, then?

14 A. I said that to every review, not just the ones that were
15 written by former students.

16 Q. So I'm going to show you Exhibit 165.

17 THE COURT: 165's received. You can -- you can post
18 it.

19 BY MS. ALLARD:

20 Q. So did you write, "We've Googled ourselves, and it ain't
21 pretty"?

22 A. Yes.

23 Q. What are you referring to?

24 A. I'm referring to the results when you Google Spring Ridge
25 Academy.

1 Q. And what did you find?

2 A. There were numerous websites talking about us and as well
3 as our Google Reviews.

4 Q. And what was the marketing firm's advice as to how to
5 respond to the Google Reviews?

6 A. I took their verbiage almost verbatim. So if you look at
7 the reviews, that's pretty much what the marketing team said.

8 Q. I also happen to notice that Spring Ridge Academy got a
9 five-star review from Ken Stubbe.

10 Do you know who he is?

11 A. I do.

12 Q. Who is he?

13 A. He was a math teacher at Spring Ridge.

14 Q. Did you see the Mr. Stubbe gave Spring Ridge Academy a
15 five-star review?

16 A. I don't recall specifically, no.

17 Q. I'm just asking you about the representation made on page 5
18 of 6 by you that Spring Ridge Academy provides cutting-edge
19 therapy.

20 A. Yes.

21 Q. What is cutting edge about therapy at Spring Ridge Academy?

22 A. EMDR. Trauma-based CBT. Some of the family therapy
23 modalities.

24 I don't know specifically because I'm not a clinician.

25 Q. Now, when you wrote this, this information was after this

1 lawsuit was filed; correct?

2 A. I don't know.

3 Q. Did you ever read this lawsuit?

4 A. Yes.

5 Q. And were you aware that there were allegations that those
6 workshops were based on Lifespring?

7 A. From the -- from the lawsuit, yes.

8 Q. And after that, you start addressing people on your website
9 saying that Spring Ridge Academy is offering cutting-edge
10 therapy?

11 A. Yes.

12 Q. Did you have any concern about what you learned about
13 Lifespring large group awareness trainings and their effects on
14 people?

15 A. No.

16 Q. Would it be fair to say that more than once when Rearden
17 was enrolled at Spring Ridge Academy that Ms. Sweidy requested
18 records from you?

19 A. From me and a number of other people. I was copied on the
20 same email as about five others.

21 Q. Did you ever respond to her requests by providing her her
22 daughter's therapy records?

23 A. No.

24 Q. Did you ever respond to her requests by providing her her
25 daughter's academic records?

1 A. No. That's outside of my scope.

2 Q. Did you ever respond to her requests by providing proof
3 that her daughter was doing homework or participating in
4 academics?

5 A. That's outside of my scope.

6 Q. So the answer's no?

7 A. No.

8 Q. And did you ever respond to her requests for medical
9 records?

10 A. No.

11 Q. And what was your position at the time?

12 A. I was the Director of Operational Excellence.

13 Q. And what -- what did that position empower you to do?

14 A. The position had me reviewing data based on surveys that we
15 had, as well as those incident reports that we talked about
16 before. I also worked with the Arizona Department of Health
17 Services and their residential licensing and the code that's
18 required in order to maintain licensure.

19 I was in charge of getting us accredited by The Joint
20 Commission, as well as working with Justin Zych to do the
21 review survey for Cognia, which is an academic accreditation.

22 Q. And you were the custodian of records for Spring Ridge
23 Academy; correct?

24 A. I am -- was the custodian in that I reviewed it to make
25 sure it was compliant with -- with the law.

1 Q. So if someone needed records from Spring Ridge Academy, you
2 would be the point of contact at that time; correct?

3 A. If it was a full records request, yes.

4 MS. ALLARD: No further questions.

5 THE COURT: Is there any cross-examination?

6 MR. SMITH: Yes, Your Honor.

7 THE COURT: Can you do it in two minutes?

8 MR. SMITH: No, Your Honor.

9 THE COURT: Okay. Why don't we go ahead and start
10 your cross-examination Tuesday morning.

11 Ladies and gentlemen, court will be in recess until
12 next Tuesday at 9:00 a.m. Again, we do not conduct trial on
13 Mondays, so I'll see you all Tuesday at 9:00 o'clock in the
14 morning. Please give yourselves ample time to get here on
15 time. And, number 1, fly high and land safely this weekend.

16 JURY PANEL MEMBER: I'll try and make it back.

17 THE COURT: Do you have to work this weekend?

18 JURY PANEL MEMBER: So far. I have to check as soon
19 as I get my phone back on.

20 THE COURT: That's a lot.

21 JURY PANEL MEMBER: Yes.

22 THE COURT: Court's in recess.

23 All rise for the jury.

24 (Jury not present at 4:27 p.m.)

25 THE COURT: Is there anything from the plaintiffs?

1 MS. ALLARD: No, Your Honor. Thank you.

2 THE COURT: Defense?

3 MR. SMITH: There is, Your Honor. We would request
4 that we be provided the plaintiff's additional witnesses
5 that -- as the Court has noted, there are many, many, many
6 witnesses on the list, and it's clear they're not all going to
7 be testifying. We've heard that they're not. And it's very
8 difficult to be prepared for 15, 17 witnesses when only six or
9 seven are going to be testifying.

10 THE COURT: Ms. Allard, is there any way -- ma'am, you
11 could step down. Just be careful with the steps behind you.

12 Ms. Allard, is there any way you could provide the
13 defense with some witnesses so they can properly prepare for
14 their examinations and maybe streamline the process?

15 MS. ALLARD: Sure, Your Honor. That's fine.

16 THE COURT: I'm sorry?

17 MS. ALLARD: Yes. I have no problem with that.

18 THE COURT: Oh, that's outstanding.

19 Mr. Smith, she's going to help you all out. That's
20 terrific. What else?

21 MR. SMITH: That's it, Judge. Thank you.

22 THE COURT: All right. You guys have a wonderful
23 weekend.

24 MS. SWEIDY: And you, Judge. And the clerk -- and the
25 staff -- wonderful staff there. Thank you.

1 THE COURT: Thank you.

2 (Proceedings conclude at 4:29 p.m.)

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C E R T I F I C A T E

I, CATHY J. TAYLOR, 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 day of May, 2024.

/s/Cathy J. Taylor

Cathy J. Taylor, RMR, CRR, CRC