

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kimberly Sweidy,)
)
Plaintiff,) 3:21-cv-08013-SPL
)
vs.) Phoenix, Arizona
) June 4, 2024
Spring Ridge Academy, et al.,) 9:09 a.m.
)
Defendants.)
) (REDACTED)
)
-----)

BEFORE: THE HONORABLE STEVEN P. LOGAN, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL DAY 5 - (Morning Session)

Official Court Reporter:
Elva Cruz-Lauer, RMR, CRR
Sandra Day O'Connor U.S. Courthouse, Suite 312
401 West Washington Street, Spc. 33
Phoenix, Arizona 85003-2151
(602) 322-7261

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

A P P E A R A N C E S

For the Plaintiff:

Kimberly R. Sweidy Attorney at Law
By: KIMBERLY R. SWEIDY, ESQ.
3478 Rambow Drive
Palo Alto, CA 94306-3638

Allard Smith APLC
By: MARA SMITH ALLARD, ESQ.
5857 Owens Ave., Ste. 300
Carlsbad, CA 92008

For the Defendants:

Grasso Law Firm PC
By: MICHAEL B. SMITH, ESQ.
ROBERT GRASSO, JR., ESQ.
2250 E. Germann Rd., Ste. 10
Chandler, AZ 85286

Also present: Noel Reddy, Paralegal
Suzanne Courtney, Client Representative

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX OF WITNESSES

<u>WITNESSES FOR THE</u> <u>PLAINTIFF:</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>
Erin Smith		13	39
Brandon D. Courtney	54	98	105

P R O C E E D I N G S

THE CLERK: On the record in CV21-8013, Kimberly R. Sweidy versus Spring Ridge Academy, before the Court for trial day 5.

Counsel.

MS. ALLARD: Morning, Your Honor, Mara Allard on behalf of Kimberly R. Sweidy, who is present in court, co-counsel.

THE COURT: Good morning to both of you.

MS. SWEIDY: Thank you.

MR. SMITH: Good morning, Your Honor. Robert Grasso and Michael Smith for defendant.

THE COURT: Good morning to all of you at defense counsel table.

It has been brought to my attention that the insurance adjuster wants to take notes, which obviously I have said before that no one is allowed to be in the back -- who's the adjuster?

A VOICE: Your Honor --

THE COURT: Okay. I need you to talk into a microphone, please?

A VOICE: Good morning, Your Honor. My name is Amanda Taylor. I am counsel for the insurance company, and I am sending them reports daily.

THE COURT: So you are -- are you a part -- is your

1 client a party to the litigation?

2 A VOICE: No, Your Honor. They are the insurance
3 carrier for the defendant Spring Ridge.

4 THE COURT: I know you are wanting to take notes. I
5 mean, obviously I can't tell Mr. Grasso or Mr. Smith what they
6 need to do, but there's an open seat there if you want to type
7 from the table instead of typing from your lap.

8 A VOICE: I appreciate that. Thank you.

9 THE COURT: Okay. And it's also my understanding --
10 and it's your call, but I'll allow you to use your laptop, but
11 there's no recording in here, and, you know, obviously no
12 pictures or anything like that. But if you need to type, you
13 certainly can.

14 A VOICE: Understood. Thank you.

15 THE COURT: And it's my understanding that the
16 plaintiffs want to place something on the record as it relates
17 to a motion in limine.

18 MS. SWEIDY: Two things. So let's take the easy one
19 first.

20 THE COURT: Who are you?

21 MS. SWEIDY: Oh, I beg your pardon, Your Honor. I am
22 Kimberly Sweidy, plaintiff and co-counsel.

23 THE COURT: Go ahead.

24 MS. SWEIDY: Thank you. The first and easy one is, it
25 is our understanding, but I want to inform the Court, that our

1 expert witness, not percipient, expert witness, Dr. John Hunter
2 from South Africa is here, and that it is your understanding
3 and approval that he be allowed to observe the proceedings as
4 the expert witness and not a percipient witness.

5 THE COURT: And I'm assuming the defense has no
6 objection. I think we talked about the issue, and if the
7 defense has the same issue as it relates to their experts, I am
8 sure the plaintiffs have no objection as well, correct?

9 MS. SWEIDY: Absolutely correct, Your Honor.

10 MR. GRASSO: No objection, Your Honor. Robert Grasso.

11 THE COURT: Very good. And where is that person?
12 Very good.

13 What else?

14 MS. SWEIDY: The second issue, Your Honor, is an issue
15 that we would be taking up on appeal, so I would like to give
16 Your Honor the opportunity to revisit it, given the context of
17 the testimony.

18 THE COURT: Did you say you're taking it up on appeal
19 to threaten me in some way?

20 MS. SWEIDY: Absolutely not.

21 THE COURT: Why would you feel the need to tell me
22 about something you might be taking up on appeal? If you need
23 to appeal something from a trial court, you do that. You don't
24 need to forecast it to any sitting trial court judge.

25 But go ahead.

1 MS. SWEIDY: I apologize, Your Honor. It wasn't ill
2 intent. I just think it's a very important issue, given the
3 context of the testimony last week that we got and some very
4 serious testimony by the defendant, Kate Deily.

5 Last week, you will remember that Kate Deily
6 repeatedly testified that the reason that the students, the
7 minor students, at Spring Ridge Academy are not allowed to have
8 cell phones is because they might call their drug dealer, which
9 seems to be an odd argument because drug dealers are not
10 national conglomerates that have offices in Mayer, Arizona.
11 And I really don't think --

12 THE COURT: Okay, you're talking really fast. If you
13 could slow down a little bit, please.

14 MS. SWEIDY: Surely.

15 They surely would not really practically be able to
16 show up there and service one of the girls. We really believe
17 it was to keep them isolated from their parents and able to
18 inform their parents.

19 And my daughter was certainly not a drug addict and
20 never had a drug dealer and neither are any of the witnesses
21 that are going to come to testify or any of them that are in
22 this audience that we know of.

23 I think this is really misleading the jury and
24 disparaging these girls to undermine.

25 THE COURT: So wait a minute. Let's take a step back.

1 What argument do you want to place on the record about the
2 motion in limine? Because you say one thing, and then you go
3 off on this massive tangent. So I need you to just focus on
4 whatever you believe the issue is.

5 MS. SWEIDY: Kate Deily at 31 years of age was working
6 at Spring Ridge Academy as -- in various roles, including
7 Admissions Director, Assistant Admissions Director.

8
9
10
11
12
13
14
15
16
17
18 And she was touted to parents as a success story, and
19 it's on -- it was on the website. I observed it. I believed
20 it. When I met her, I believed it and I relied on that.

21 Given this subsequent information, and her then
22 talking disparagingly about these students, I don't believe it
23 is any parent's -- reasonable parent's belief that that is a
24 success story, and they wish to prevent us from speaking about
25 Kate Deily herself, who is disparaging others.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE COURT: First of all --

MS. SWEIDY: Thank you, Your Honor.

THE COURT: First of all, I appreciate all of that.
However, it's a lot.

MS. SWEIDY: I beg your pardon?

THE COURT: So specifically, are you trying to use
impeachment information? What are you seeking to do?

MS. SWEIDY: We are -- we are -- yes, impeachment
information that as she sits up there and claims she was trying
to protect these young girls with this cell phone rule for
their own reasons and holding herself out to be in such a high
position, she herself, an SRA graduate and employee of SRA, not
at 17 or 18 but at 31 years of age, made some very poor choices
for herself and her

And they don't want the jury to hear this as she
disparages the girls. So -- on behalf of my daughter who they
have defamed and these girls who they have defamed claiming
they have drug dealers, it was Ms. Deily who had exercised
extremely poor judgment in her own choices at 31 years of age.

She was advertised as being a success story. In the

1 motion, Your Honor sees the snapshots from the website that I
2 relied on.

3 THE COURT: Just one moment, which motion are we
4 referring to?

5 MS. SWEIDY: Our response to motion 185.

6 THE COURT: Just one moment. That's document 185.

7 MS. SWEIDY: Is the original motion in limine, yes,
8 Your Honor.

9 THE COURT: Okay. Just one moment, please. I am just
10 trying to figure out the connection that you are making here,
11 Ms. Sweidy, that

12

13 MS. SWEIDY: No, Your Honor.

14 THE COURT: I know there was a death.

15 MS. SWEIDY: It was a death, and we never said the
16 word --

17 THE COURT: Stop, stop, stop. I don't know how the
18 death of her boyfriend would make her less of a success story.
19 So what am I missing?

20 MS. SWEIDY:

21 We've never mentioned
22 that word. We have no opinion.

23 This is to impeach Ms. Deily being a success story of
24 SRA. As women -- and we can't have it both ways, Your Honor.
25 As women, we want to be considered equal and be accountable for

1 our actions.

2 She chose at 31 years of age, while employed at SRA,
3 representing herself this entire time as being an SRA success
4 story, which I relied on. I met her. I saw a picture of her
5
6
7
8
9
10
11

12 reasonable parents, would consider her a success story if they
13 had that information about the choices that she made while
14 employed at SRA.

15 THE COURT: I appreciate you making a record of that
16 again, but this Court, like I stated before, I find the
17 evidence to be overly prejudicial under 403. I also find that
18 it confuses the issue by providing what this Court believes to
19 be impermissible character evidence of Ms. Deily. So you have
20 made your record. If you choose to appeal it, you can appeal
21 whatever you need to as it relates to your position in your
22 case. What else from the plaintiffs?

23 MS. SWEIDY: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 Is there anything else from the defense?

1 MR. GRASSO: Nothing from us, Your Honor. Thank you.

2 THE COURT: You are very welcome. Please call the --
3 just one more thing.

4 I really understand and appreciate how hard both sides
5 are litigating your respective cases, but we are all officers
6 of the court, and officers of the court, we have advance
7 skills, and I do understand that sometimes we all become very
8 emotional. But what I want everyone to do is just take a step
9 back and think about the words you use and how you use the
10 words. And I know you don't mean it as a -- and I know you
11 want to defend and support your daughter, I get all of that,
12 that's why we are here, and the girls that were at the academy.

13 But not to defend any parties, but when you throw
14 things out there and you call into question some life decision
15 someone has made, which I'm sure there's no one on the planet
16
17

18 The record is the record. If you feel the need to,
19 you know, go further on the record in open court like that, I
20 mean, I can't stop you from doing it. But I would just ask you
21 in the future, if you have other litigation, just find a way --
22 you have it in writing. I understand your position. You are
23 restating your position. I understand that there's animus
24 between both sides. I get all of that. But we are all people
25 also, okay?

1 MS. SWEIDY: Yes, Your Honor, as was my daughter and
2 these girls. So you're right, I am emotional because right now
3 I'm talking as a mom. But I will absolutely take what you are
4 saying seriously and reflect continuously, as I do. Thank you
5 for that advice.

6 THE COURT: Okay.

7 MR. GRASSO: Understood. And thank you, Your Honor.

8 THE COURT: Molly, if you could kindly call the jury
9 back in.

10 (The jury enters the courtroom.)

11 THE COURT: Ma'am, if you could come back up. You're
12 still under oath. Good morning.

13 THE WITNESS: Good morning.

14 THE COURT: Ladies and gentlemen of the jury, welcome
15 back to court. Please take your seats. You all appear to be
16 healthy and happy, so I'm glad you had a nice weekend.

17 Ma'am, you are still under oath.

18 Please continue with your cross-examination,
19 Mr. Smith.

20 MR. SMITH: Thank you, Your Honor.

21 THE COURT: You're very welcome.

22 CROSS-EXAMINATION

23 BY MR. SMITH:

24 Q. Good morning, Ms. Smith.

25 A. Good morning.

1 Q. I want to pick up where -- a couple of things were touched
2 upon, but I want to maybe -- if you could give the jury a
3 better understanding of who you are and your experience that
4 brought you to this position at Spring Ridge Academy.

5 First of all, did you go to college?

6 A. I did go to college.

7 Q. Where and when?

8 A. I went to the University of Arizona from 2002 to 2006,
9 received a degree in English.

10 Q. And what did you do after that?

11 A. I was teacher at Arizona Media Arts Academy in Prescott
12 Valley, Arizona.

13 Q. How long did you?

14 A. I did that for one year. The school was closed down after
15 that. They were having some profitability issues.

16 Q. And after that school closed, did you continue to teach?

17 A. I did. I taught at Yavapai College, which is local
18 community college in Yavapai County. And I also worked with
19 younger children at Granville Elementary School in a before and
20 after school program.

21 Q. When you say you worked with them, what kind of things were
22 you doing working with these younger students?

23 A. We were doing homework help type stuff, games, giving them
24 something to do after school while their parents were finishing
25 up work and were -- and so that they had friends and something

1 like really active and interesting to do with their time.

2 Q. And when you were at Yavapai Community College, can you
3 tell us what those years were?

4 A. Years were 2007 to 2010.

5 Q. You say you were teaching?

6 A. I was teaching. I was teaching English 101 and 102.

7 Q. At that point you had a bachelor's degree?

8 A. I did. I was working on my master's though.

9 Q. I see. And so did you obtain a master's degree?

10 A. I did. I received a master's degree in secondary
11 education.

12 Q. When was that?

13 A. I received that in 2008.

14 Q. Was it at Yavapai Community College where you got that?

15 A. No, it was Grand Canyon University.

16 Q. So 2008 you got a master's in secondary education through
17 Grand Canyon University?

18 A. I did.

19 Q. And at that point, what did you do?

20 A. So in the very last semester of my master's program I
21 needed to student teach. There was a teacher that I worked
22 with at Arizona Media Arts Academy that was working at Spring
23 Ridge Academy, and he invited me to apply as a student teacher
24 for that last semester.

25 So I was working as an English teacher at Spring Ridge

1 while doing my student teaching under the principal
2 Mr. Gubbins.

3 THE COURT: Molly, can you pour her some water, if you
4 would, please?

5 THE CLERK: Yes.

6 THE WITNESS: Thank you.

7 THE COURT: Go ahead, Mr. Smith.

8 MR. SMITH: Thank you, Judge.

9 BY MR. SMITH:

10 Q. So you started as an English teacher at Spring Ridge?

11 A. I did, yes.

12 Q. How long were you in that role?

13 A. I was in that role until 2020.

14 Q. And what happened in 2020?

15 A. Actually in 2019 I finished my Ph.D. Before that I was
16 also a certified principal, and so although I told my employers
17 that the Ph.D. would not make any difference and that I wanted
18 to stay at Spring Ridge Academy as a vice principal and English
19 teacher, I felt the need to use my skill sets more the one that
20 I built in my Ph.D. So at that point I became the Director of
21 Operational Excellence.

22 Q. Okay. Let me back up a little bit. So at some point at
23 Spring Ridge you became vice principal?

24 A. I did.

25 Q. Do you remember when that was?

1 A. That was -- I don't remember exactly. I would guess it was
2 about 2016.

3 Q. So for the last few years before you became the Director of
4 Operational Excellence -- is that what the title is?

5 A. It is.

6 Q. You were working on your Ph.D.?

7 A. I was.

8 Q. And you were vice principal?

9 A. Yes.

10 Q. And you were also an English teacher?

11 A. I was.

12 Q. And when did you obtain your Ph.D.?

13 A. In August of 2019.

14 Q. Where was that?

15 A. Capella University.

16 Q. Capella University?

17 A. Yes.

18 Q. And what did you get a Ph.D. in, Dr. Smith?

19 A. Educational leadership.

20 Q. Educational leadership?

21 A. Yes.

22 Q. Please, can you tell us what that is?

23 A. Sure. So it's essentially like management of a school all
24 the way from finance to law to educational theory, working with
25 teachers, supervising. So it is really about being able to run

1 a public school.

2 Q. And in that role, were you involved in any way in making
3 sure that Spring Ridge was making -- meeting requirements to
4 maintain accreditation?

5 A. Yes.

6 Q. On the educational level?

7 A. Yes, I was.

8 Q. Tell us about that. Was Spring Ridge accredited by the
9 State of Arizona? How did that work?

10 A. No, Arizona doesn't accredit schools, so we have to go to a
11 third party, all schools in Arizona. We chose Cognia, which
12 has gone through many names, but it's currently Cognia. And
13 they came out to accredit, I believe, every five years. Spring
14 Ridge was accredited when I started my position, and I helped
15 with two reaccreditation processes.

16 Q. So it was reaccredited by Cognia?

17 A. Yes.

18 Q. On two occasions while you were in these positions you have
19 told us at Spring Ridge?

20 A. Yes.

21 Q. And when we say "accredited," what does that entail? What
22 do you have to do in order to have that accreditation?

23 A. Sure. So Cognia, or any third party, even the State, would
24 come up with a set of standards that are based on the best
25 educational practices at that time. And you have to show that

1 you are participating in those best educational practices.

2 They will provide feedback if they feel like you are
3 off the mark somewhere, and you have an opportunity to correct
4 those things. And after that, it's really kind of a working
5 relationship. They want you to learn and grow and use their
6 tools in order to become a better and better school.

7 Q. So, Dr. Smith, at some point after you became -- or I guess
8 just about the time you became the Director of Operational
9 Excellence, Ms. Sweidy enrolled her daughter at Spring Ridge
10 Academy, correct?

11 A. That's correct.

12 Q. And so as Director of Operational Excellence, what kind of
13 role would you have had in that?

14 A. I didn't have much of a role with students at that time,
15 after 2020 -- or at the beginning of 2020 for my tenure as
16 Operational Excellence Director. I was more kind of on the
17 outside making sure all of the standards, not just for the
18 educational piece, but also for The Joint Commission and the
19 Arizona Department of Health were met. So I kind of had that
20 bird's-eye view of the entire school.

21 Q. You mentioned something a second ago, "The Joint
22 Commission." What is that?

23 A. The Joint Commission is another third-party entity that is
24 used internationally to accredit hospitals, behavioral health
25 facilities, really they go across the board.

1 Q. Is that -- people call it JCAHO for short?

2 A. They do, yes.

3 Q. And do you know the full name, the acronym, what it works
4 out to?

5 A. It should just be The Joint Commission, yeah.

6 Q. Okay. So what does that Joint Commission do?

7 A. So similar to the Cognia accreditation, they have a set of
8 standards for, in our case, behavioral health, that looks at a
9 variety of areas from care treatment services, all the way to
10 waived testing and emergency guidance, like disaster plans and
11 making sure that your fire code is up to date, and you have to
12 meet those standards in order to become an accredited facility.

13 Q. And during your tenure there, when did Spring Ridge first
14 begin working on applying for accreditation by The Joint
15 Commission?

16 A. They started before I began my position as Director of
17 Operational Excellence. So I believe it was in 2017. I know
18 some work had been done before I stepped into that role.

19 Q. And was that obtained, the accreditation?

20 A. We did obtain it, yes.

21 Q. And when was that?

22 A. That was in, I want to say May of 2021.

23 Q. And from your vantage point, was there any major change to
24 the program that Spring Ridge was providing for its students
25 and families in order to obtain that accreditation?

1 A. No.

2 Q. Then why did it take so long?

3 A. I was because of COVID. We were initially scheduled to
4 have our accreditation survey in June of 2020, but because of
5 the pandemic, it was interrupted twice actually.

6 Q. I see. At some point you became involved with Ms. Sweidy
7 and Rearden Stata, correct?

8 A. With the data?

9 Q. With Rearden Stata?

10 A. Oh, yes.

11 Q. Or Stata?

12 A. Yes.

13 Q. And what -- how did you become involved in that issue?

14 A. Ultimately it was just because Ms. Sweidy copied pretty
15 much all of the leadership on emails that she sent to Spring
16 Ridge Academy.

17 Q. Okay. So when she was sending emails, you would get one
18 because of your role?

19 A. Correct.

20 Q. And did you ever respond directly to any of those emails?

21 A. I do not remember if I directly responded.

22 Q. To the extent that you received an email, would there be
23 emails that you received that were just to you and not to the
24 other people in leadership positions?

25 A. The only time that happened was at the very beginning of my

1 tenure as Director of Operational Excellence. I was still
2 assisting in the academic realm with SAT and ACT prep. So I
3 was developing the list for that, and that is the only time
4 that I had direct communication with Ms. Sweidy, is signing
5 Rearden up for, I believe it was the ACT, but I can't guarantee
6 that.

7 Q. And the ACT, is that like a college entrance exam?

8 A. It is, yeah.

9 Q. We've heard some testimony to the effect from others that
10 Spring Ridge provided prep classes for the SAT and the ACT; is
11 that correct?

12 A. That's correct.

13 Q. Did Spring Ridge also host the tests there on campus?

14 A. We did, yes.

15 Q. Would people from other locations come in order to take the
16 test there?

17 A. They would, yes.

18 Q. And so would the girls who were taking the test from Spring
19 Ridge be intermingling with those other people?

20 A. They would, yes.

21 Q. And there is -- we've heard testimony about an event that
22 occurred on February 3rd in which Ms. Sweidy came to Spring
23 Ridge and removed her daughter. Do you know anything about
24 that?

25 A. Yes, I was there.

1 Q. You were actually there when that happened?

2 A. I was, yes.

3 Q. Did you get a chance to speak with Ms. Sweidy about what
4 she was doing?

5 A. I did, yes.

6 Q. And did she explain to you why she was removing her
7 daughter?

8 A. I don't remember precisely what her explanation was, just
9 that she was removing immediately.

10 Q. And there was -- that day there was a document that was
11 signed by her which was a -- basically a -- an acknowledgment
12 that she was removing her daughter against the advice of the
13 therapeutic staff. Do you remember that document?

14 A. I do, yes.

15 Q. Did you have anything to do with having her sign that?

16 A. I think I printed it.

17 Q. You ran it off a printer?

18 A. Yeah.

19 Q. Okay. Did anybody on the staff talk -- that you saw, talk
20 to her about why she needed to sign this?

21 A. Leslie Filsinger did.

22 Q. Okay. And then as far as that document, was that the only
23 thing that Ms. Sweidy was required that day to do in order to
24 remove her daughter, with the help of the sheriff's deputies?

25 A. I believe so, yes.

1 Q. And did her daughter come back?

2 A. Her daughter did come back, yes.

3 Q. Between the time that Ms. Sweidy took her daughter out and
4 Rearden returned, did you have any contact with Ms. Sweidy?

5 A. I did not, no.

6 Q. There was -- do you remember when her daughter returned?

7 A. I don't remember. I believe it was in the beginning of
8 March.

9 Q. Okay. If the record shows it was like around May -- excuse
10 me, February 12th, would you have any reason to doubt that?

11 A. I wouldn't have any reason to doubt that, no.

12 Q. Okay. There was a document that was prepared for both
13 Mr. Stata and Ms. Sweidy to sign. Do you remember that
14 document?

15 A. Yes.

16 Q. Okay.

17 MR. SMITH: Your Honor, we would like to display, or
18 excuse me, publish Exhibit 59, which has been admitted.

19 THE COURT: You may.

20 BY MR. SMITH:

21 Q. I am showing you what is page 12 of Exhibit 59. Do you
22 recognize this document?

23 A. Yes.

24 Q. Tell us how this came to be.

25 A. So because of the return -- because the return of Rearden

1 to Spring Ridge Academy was based on a court order, that
2 allowed us to set some boundaries along the program. We, as a
3 leadership team, in conjunction with Rearden's therapist and
4 Community Life Director, I believe came up with some guidelines
5 for parents as Rearden returned.

6 Q. Do you know whether or not this document was created in
7 consultation with legal counsel?

8 A. It was, yes.

9 Q. And were you one of the people who had input into this
10 document?

11 A. I had a little bit of input, yes.

12 Q. What was your little bit, if you can point it out?

13 A. My little bit had to do with just making sure the direction
14 of communication was straightforward so that it got to the
15 right people and the right people were answering the questions
16 that were appropriate to their job.

17 Q. And if we look at paragraph 5 of this document, it states:
18 Kimberly may submit any general questions or information needs
19 in regard to Rearden's placement or related issues in writing
20 to Suzie Courtney, Executive Director of Spring Ridge Academy.

21 Did I read that correct?

22 A. Yes.

23 Q. And was that the method by which the communication was
24 going to be taken care of so that it was controlled and direct?

25 A. Yes.

1 Q. And so did Ms. Sweidy sign this document?

2 A. She did not, no.

3 Q. Was this document also for Mr. Stata's signature?

4 A. Yes, it was.

5 Q. Did he sign this document?

6 A. He did not.

7 Q. And by that point, Rearden was already back at Spring
8 Ridge, correct?

9 A. By which point? Sorry.

10 Q. At the time that we -- that you created this document?

11 A. I don't remember.

12 Q. Okay. Even though Ms. Sweidy did not sign the document,
13 did Rearden stay at Spring Ridge?

14 A. Yes.

15 Q. Was that a discussion that the administrative staff at
16 Spring Ridge had?

17 A. I don't believe so, but I don't know.

18 Q. And from that point forward, did you have any further
19 contact with Ms. Sweidy?

20 A. Only through the emails that she sent to a large group of
21 people, but I did not respond to those emails, I believe.

22 Q. So she would send emails that included multiple members of
23 the staff?

24 A. Correct.

25 Q. You did not have any one-on-one contact with her?

1 A. No.

2 Q. There's something else that has come up that was talked
3 about, and it's this interaction with an expert who was
4 providing some sort of service in the family court in
5 California.

6 Did you provide anything to Mr. Stata or somebody on
7 his behalf, anything like any written document at all to use in
8 that proceeding?

9 A. I did not provide written documents, no.

10 Q. So if there are documents that Mr. Stata obtained and then
11 had as exhibits and things that he filed in his family court
12 proceeding that were from Spring Ridge, do you know how he got
13 a hold of them?

14 A. I'm not sure, no.

15 Q. And was there a time when you actually had a discussion
16 with somebody that was working on behalf of Mr. Stata in that
17 proceeding?

18 A. Yes.

19 Q. Would you tell us how that came about?

20 A. Sure. So I was starting to work and Kate called me and
21 asked if I would speak to someone about this family law case.
22 It was broken up a little bit, and embarrassingly, I thought it
23 was Mr. Stata himself instead of Dr. Burdick. But I did call
24 him, and we discussed really again, kind of a bird's-eye view
25 of Spring Ridge Academy policies and procedures, and how we

1 were dealing with COVID, just really general stuff like that.

2 Q. Was this something -- this conversation you had, I think
3 you called it -- you said it was with Dr. Burdick?

4 A. Yes.

5 Q. But at the time you thought you were talking to Raymie
6 Stata?

7 A. I did.

8 Q. You were driving to work?

9 A. Yes.

10 Q. And when you were talking to Dr. Burdick, did you talk at
11 all about any of the therapy or school work or anything like
12 that for Rearden Stata?

13 A. No.

14 Q. I think you used the term "bird's-eye view"?

15 A. Uh-huh.

16 Q. Were you just talking about the way Spring Ridge was coping
17 with the pandemic at that point?

18 A. Yes, so what academics look like, what visits look like,
19 and because of the way the pandemic interrupted services in
20 general across the world.

21 Q. And another issue that I would like to talk about is, how
22 did you become -- when did you become aware that Spring Ridge
23 had been sued by Ms. Sweidy?

24 A. Very early on.

25 Q. And in your circle, did anybody else learn through contact

1 with Ms. Sweidy that she had sued your employer?

2 A. Yes. So my -- the head minister at my church called me and
3 said that she received an email from Ms. Sweidy with the
4 lawsuit attached with some things regarding my character, and
5 she wanted to call me and ask me about what was happening.

6 Q. Did you say the head minister at your church --

7 A. Yes.

8 Q. -- received an email from Ms. Sweidy?

9 A. Correct.

10 Q. -- attaching her complaint?

11 A. Correct.

12 Q. And your pastor wanted to talk to you about that?

13 A. Yes.

14 Q. Did that impact your standing or ability to function in
15 your church?

16 A. It didn't. I help run the youth and family program there,
17 and the minister was like, I know you really well and I
18 recognize that this is -- this is not you. This is not what
19 you are about.

20 So really it was just a very brief conversation I had
21 with her to discuss where this was coming from.

22 Q. Thank you. You were asked some questions also about these
23 postings that you authored in response to things that were
24 happening, people were posting on social media --

25 A. Uh-huh.

1 Q. -- on the Internet. And --

2 THE COURT: Is this the same exhibit?

3 MR. SMITH: No, it is not. We can take this down.

4 Thank you, Judge. Let's start with Exhibit 157, which has been
5 admitted.

6 THE COURT: Just one moment, please. It has been
7 received. You may publish it.

8 BY MR. SMITH:

9 Q. So do you remember being asked last Friday questions about
10 this, I guess it's a posting by Dr. Erin Smith. That's you,
11 correct?

12 A. Yes.

13 Q. Where was this posted?

14 A. On the Spring Ridge Academy website.

15 Q. And what was -- what exactly was it that you were posting
16 this for?

17 A. I posted it after the Cruel Intentions Documentary -- or
18 sorry, a film came out with the post-movie documentary
19 featuring one of our former students.

20 Q. Did you receive responses from people about this?

21 A. Not directly, no.

22 Q. If you look at page 3. You have written: Our complaint
23 process is simple but includes an extensive investigation.

24 And it goes on to say other things. Let me talk about
25 "complaint process."

1 A. Uh-huh.

2 Q. So if somebody was looking at this online, "Complaint
3 process" is in blue. And my limited experience is that means
4 you can click on it and it will go someplace for you. Is that
5 what that is?

6 A. It is, yes.

7 Q. So that's a link?

8 A. Correct.

9 Q. And if somebody were to click on that, they would be able
10 to go to the complaint process?

11 A. To the complaint process as well as a form to fill out a
12 complaint that would be sent directly to me.

13 Q. Okay. So did Spring Ridge ask for people to give that kind
14 of input?

15 A. Yes.

16 Q. What about the students who had attended there. Was there
17 a point while they are there during their process going through
18 the four phases when they would have an opportunity to raise
19 concerns or bring up issues?

20 A. Multiple times throughout their stay. At any time they
21 could lodge a complaint by writing it down on any piece of
22 paper or talking to any member of the staff who would bring it
23 to either me or Leslie Filsinger, the Clinical Director, for an
24 investigation.

25 In addition, we did regular surveys for client

1 feedback and like feelings of how their treatment is going.
2 And then we also did an exit survey at the end of their
3 treatment.

4 Q. An exit survey?

5 A. Yes.

6 Q. So who would participate in an exit survey?

7 A. We had both parents and students participate in the exit
8 survey.

9 Q. Was that while they were graduating or --

10 A. Yeah, it was within the week before or after that we would
11 ask for them to do the exit survey.

12 Q. Was there any follow-up after that once they had graduated
13 the program?

14 A. We did do follow-up. We had a very specific person whose
15 job it was to reach out to alumni to see how they're doing and
16 to see if they needed any additional assistance.

17 MR. SMITH: And if we could see Exhibit 165, which has
18 been admitted?

19 THE COURT: You can publish.

20 BY MR. SMITH:

21 Q. This is another document that you authored, Dr. Smith?

22 A. Yes.

23 Q. And this is again, posted on the Spring Ridge website?

24 A. Yes.

25 Q. And it's titled up in the front on the second page:

1 Testimonials, your choice.

2 And then: Our response to negative.

3 Do you see that? On page 2?

4 A. Oh, yes.

5 Q. And so when you say: Our response to negative, what does
6 that mean?

7 A. I believe it's cut off. It should say like, our response
8 to negative reviews and allegations of abuse, yes.

9 Q. And if you look at page 3, by golly, there it is, the rest
10 of the title?

11 A. Yes.

12 Q. And this is where you were asked this question earlier
13 where you start by saying: We've Googled ourselves, and it
14 ain't pretty.

15 Is that right?

16 A. Yes.

17 Q. Okay. Why would you put something like that into materials
18 on behalf of Spring Ridge?

19 A. Because we wanted to be honest and really address what was
20 happening in our Google reviews and our other websites and what
21 they said about what we were doing at Spring Ridge Academy.

22 Q. And who were the people that were giving those kinds of
23 reviews?

24 A. Oh, it ranged from potential students. It ranged from past
25 students, parents. But sometimes it was clear that it was

1 people who had never been associated with Spring Ridge Academy,
2 so they would start their review with, I've never been, but I
3 knew a person who had a friend who went to Spring Ridge
4 Academy.

5 And then they would write out basically verbatim
6 things that were written on some of those other websites.

7 Q. I see. So if we looked on page 3, at the second paragraph,
8 you say: A small group of former students has used multiple
9 platforms to spread misinformation about who we are and what we
10 do.

11 Did I read that correctly?

12 A. Yes.

13 Q. Now, let me ask you this. By the time that Ms. Sweidy
14 enrolled her daughter in essentially the end of 2019,
15 approximately how many students had gone through Spring Ridge
16 Academy?

17 A. I used to have this memorized, but it was -- I think we had
18 at one point 500 graduates. It was close to 1500 students, I
19 believe.

20 Q. And when you say "graduates," that means people who
21 actually graduated with their high school diplomas?

22 A. No, people who finished the program.

23 Q. So there were people who went to Spring Ridge but then
24 withdrew before completing the program?

25 A. Correct.

1 Q. And there were people who stayed and completed the program?

2 A. Yes, that's correct.

3 Q. And you think that there were about 1500 in those
4 categories?

5 A. That would be my guess right now, yes.

6 Q. Okay. We've had -- but at this point in time, when you say
7 "a small group"?

8 A. Uh-huh.

9 Q. How does that compare to the number who had been -- who had
10 gone through the program, to your understanding, by the time
11 that this is happening?

12 A. Sure. A small group, I would say less than maybe 50, less
13 than 50 students.

14 Q. Okay.

15 A. There were a couple of prominent ones who were creating
16 that -- the spread, uh-huh.

17 Q. And some of the people during postings, I think you told
18 us, had not been students but were picking up on it because
19 maybe they knew a student?

20 A. Yes, some of them were.

21 Q. Okay. In the next paragraph you say: We have tried to
22 reach out and encourage them to talk to us about their
23 experience, only to have our hope of an open, honest
24 conversation distorted and use as fodder for another post.

25 Did I read that correctly?

1 A. Yes.

2 Q. Explain, if you could, to the jury, what you meant by
3 writing that?

4 A. Sure. So because we really want honesty and we want to
5 improve our program all the time, we reached out to some of
6 these people who we knew were part of Spring Ridge Academy in
7 order to see if they could give us more specific feedback, if
8 they would call us.

9 We did that through the response to Google reviews, as
10 well as via emails that we received, and none of them took us
11 up on that.

12 Q. If we look at page 4. In the second paragraph -- in the
13 first paragraph, you talk about mental health being a "tricky
14 science"?

15 A. Uh-huh.

16 Q. And then in the second paragraph you talk about: We wish
17 there was a simpler solution, something easy that doesn't
18 require residential placement. But that is not the reality,
19 and we want to help as many young people and families as we can
20 for as long as we can.

21 You wrote that?

22 A. I did.

23 Q. And then you go on to talk about young people deserving to
24 be free of depression, free of anxiety, and so forth. Those
25 are all there for the jury to see in this admitted exhibit.

1 Why were you putting something like that out? It's
2 already part of Spring Ridge's materials that are out
3 discussing itself. Why would you put this here?

4 A. I think it's important to recognize that residential
5 treatment is a pretty significant intervention for young people
6 and that it's not right for everyone. In some ways some of the
7 media that was coming out, we agreed with, like people should
8 not be institutionalized, they should not have distance from
9 their families, like even if they are able to talk to them and
10 write to them on a regular basis.

11 But sometimes the best thing you can do is remove
12 someone from their current environment to get them back on
13 track and deal with the issues that present themselves in their
14 lives that are making it really difficult for them to function
15 on a daily basis, so that they are able to slowly integrate
16 back into their life and live what is best for them.

17 People, I believe all people, should have all the
18 opportunities presented to them that are possible, and
19 depression, anxiety really get in the way. Low self-esteem is
20 really -- it's a really powerful thing that does a lot of
21 really terrible things to young people, and it's really only
22 gotten worse, if I'm honest.

23 Q. And if we look down at the bottom, we have a date and a
24 time here, 7-4-21. Is that when this was posted, or do you
25 know?

1 A. I don't know.

2 Q. And by the time you are dealing with this onslaught on the
3 Internet, had Spring Ridge obtained its JCAHO, its Joint
4 Commission accreditation?

5 A. Not for all of it, no.

6 Q. So after this starts --

7 A. Uh-huh.

8 Q. -- The Joint Commission accredits Spring Ridge?

9 A. That's correct, yes.

10 Q. And in the bottom of page 4, the last paragraph is
11 "honesty." It says: It's not always pretty. Most people
12 don't like to face the truth, but it is key to building trust
13 and generally understanding a situation. We encourage you to
14 be honest with us, and we will be honest with you. Ask us
15 anything.

16 Did I read that correctly?

17 A. Yes.

18 Q. Did you write that?

19 A. I did.

20 Q. Who are you addressing when you write something like that?

21 A. I am addressing anyone who has any questions or concerns
22 about what we're doing, whether that was a past student who has
23 some significant feedback for us that maybe we didn't want to
24 face, or even just strangers who are confused about what
25 they're seeing or who want to understand what's happening and

1 what residential treatment looks like at Spring Ridge.

2 Q. And on page 6, you end with: If you want to have an open,
3 honest conversation with us about our practices, our values, or
4 our negative reviews, we welcome it.

5 Did you write that?

6 A. Yes, I did.

7 Q. So you are inviting people to contact Spring Ridge, you in
8 particular, about the negative reviews?

9 A. Yes.

10 Q. And what kind of response did you get to that?

11 A. I didn't get any response.

12 Q. Did the negative postings continue from the people who were
13 doing this?

14 A. Yes.

15 Q. None of them ever responded to you in order to have a
16 dialogue about what their concerns were?

17 A. No.

18 Q. Thank you, Dr. Smith.

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

20 THE COURT: Is there any redirect?

21 MS. ALLARD: Yes, Your Honor. Thank you.

22 THE COURT: Come on up, please.

23 REDIRECT EXAMINATION

24 BY MS. ALLARD:

25 Q. When you took it upon yourself to publicly address critics

1 of Spring Ridge Academy's program, I take it you knew what was
2 going on in the workshops?

3 A. Yes.

4 Q. Did you know that girls were being blindfolded and put in a
5 van and asked to walk an hour in the desert at night?

6 A. Vaguely, I remember something like that, but it was really
7 out of my scope.

8 Q. So when you answered yes, that you knew what was going on,
9 are you going to change your response?

10 A. Um, they were different kinds of things, and so that wasn't
11 really anything that I considered a workshop.

12 Q. So the girls were going on the Internet describing in
13 YouTube videos that experience or similar experiences, and you
14 were going on the Internet to challenge them; is that correct?

15 A. Yes.

16 Q. Were you aware or have you even looked at the Parent
17 Manual?

18 A. Yes.

19 Q. Do you know why the book The Four Agreements is required
20 for every student?

21 A. Um, I don't know specifically. It was a book that was
22 within the Spring Ridge programming when I arrived.

23 Q. Did you know the girls were asked to read a book --

24 MR. SMITH: Excuse me, I beg your pardon.

25 Your Honor, this is beyond the scope of the

1 examination.

2 THE COURT: Overruled.

3 BY MS. ALLARD:

4 Q. Did you know the girls were told to read this advice: If
5 we surrender to the Angel of Death, we will be happy forever
6 and ever, why? Because the Angel of Death takes the past away
7 in order to make it possible for life to continue.

8 Do you know the girls were being asked to read and
9 write reports on this stuff?

10 A. Yes.

11 Q. Did you know that the girls were placed frequently on
12 toilet restriction?

13 A. No.

14 Q. Did you know the girls were self-harming at the facility,
15 causing licensing violations?

16 A. Yes, there were occasions of self-harm.

17 Q. Isn't it true that you reported to the expert who was the
18 voice to the family law court in California that there were no
19 licensing violations?

20 A. At the time there were no licensing violations.

21 Q. Well, how do you define a violation?

22 A. It was based on the recent visits that we had from the
23 State.

24 Q. Isn't it true in 2018 Spring Ridge Academy was violated for
25 not adequately addressing incidents at the school?

1 A. That would be outside of my scope. I started doing that
2 stuff after 2018.

3 Q. Well, but it was within your scope in 2021 to address the
4 same issue, correct?

5 A. I don't remember.

6 Q. Do you remember making incident reports for the purposes of
7 licensing?

8 A. Yes.

9 Q. Why did you do that?

10 A. Licensing requires that you report any self-harm or
11 physical injury requiring emergency services to be reported to
12 the State within two business days.

13 Q. Isn't it true the reason that you did that report is
14 because Spring Ridge Academy suffered a licensing violation for
15 failures in their reporting?

16 A. Could you repeat that, please?

17 Q. Isn't it true that you provided that report because Spring
18 Ridge Academy was cited for not adequately reporting incidents
19 to the State?

20 A. No, I reported it because that is the Arizona
21 Administrative Code.

22 Q. So if the records reflect that the State was sending
23 letters to Spring Ridge Academy regarding reporting, would they
24 be accurate?

25 A. I don't know.

1 Q. Is it possible you weren't involved in that process?

2 A. If it was in 2018, no, I was not part of that process.

3 Q. I'm asking about 2021.

4 A. No, I was part of the process of submitting incident
5 reports.

6 Q. And where did you gather your data?

7 A. For the incident reports?

8 Q. Yes.

9 A. It was based on really the people who were there. They
10 created the incident report first, and I just reviewed it for
11 confidentiality as well as grammar and spelling errors before
12 sending it to the State.

13 Q. Did you review sheriff's reports?

14 A. I did not, no.

15 Q. Did you review emergency room reports?

16 A. Occasionally, but often that was not back before it was
17 reportable.

18 Q. When you testified today that you were relying upon a court
19 order, what order are you talking about?

20 A. It was an ex parte order.

21 Q. Showing you Exhibit 77.

22 THE COURT: Just one moment. 77 is received. You may
23 publish it to the jury.

24 BY MS. ALLARD:

25 Q. Can you identify which of these three terms that you relied

1 upon in writing the conditions that you did in February of
2 2020?

3 A. Number 3.

4 Q. So number 3 reads: The parties shall follow the
5 recommendations and decisions of Spring Ridge Academy with
6 respect to how, and whether, each parent will participate in
7 Rearden's treatment.

8 That's what it says?

9 A. Yes.

10 Q. Now, the letter had provisions that restricted Ms. Sweidy's
11 ability to phone call her daughter, correct?

12 A. If I can see it again, I could be more specific.

13 Q. Well, you wrote it, correct?

14 A. Yes, but it was many years ago. I apologize. I don't
15 remember it word for word.

16 Q. Do you have any recollection as to what relationship
17 Ms. Sweidy's telephone calls were to Rearden's treatment?

18 A. I believe there was a short period where they were put on
19 pause and then monitored.

20 Q. Well, isn't that what happens with all students at Spring
21 Ridge Academy, that their phone calls are monitored?

22 A. No, not all students' phone calls are monitored.

23 Q. Well, isn't it true that all Phase 1 students, pursuant to
24 the Parent Manual, calls are monitored?

25 A. The calls are set up on that there is a support person on

1 the line to help with directing like appropriate communication,
2 so in that way, yes, there's someone listening, but it's more
3 as a support to both the student and the parent.

4 Q. Why would Ms. Sweidy not be able to have telephone
5 communication with her daughter?

6 A. That's outside of my scope.

7 Q. Who told you to write that in this letter?

8 A. I don't remember.

9 Q. And what relationship would her visits with her daughter,
10 which were restricted, have to do with treatment at Spring
11 Ridge Academy?

12 A. They're considered therapeutic visits. They're an
13 opportunity to practice relationships and being out in the
14 world.

15 Q. So your answer is, that she would be practicing having no
16 contact with her mother?

17 A. I wouldn't say that is my answer, no.

18 Q. Did you speak to Mark Burdick involving allegations that
19 Ms. Sweidy made in family court that there were licensing
20 violations at Spring Ridge Academy?

21 A. No.

22 Q. Would there be any reason that he would have testified,
23 this is verified in my discussions with Dr. Erin Smith,
24 Director of Operational Excellence for SRA. Where he reports,
25 in my investigation, I have never known SRA to shut down even

1 temporarily due to a licensure issue?

2 A. It is likely, yes.

3 Q. That he verified that with you?

4 A. Potentially, yes. I don't remember the conversation very
5 well.

6 Q. And at the time there were in fact a couple of active or
7 recent licensing violations, including a girl cutting herself
8 with a knife?

9 A. I don't remember the relationship between those things.

10 Q. Were you aware that there was a licensing violation for a
11 girl going to the emergency room who had cut herself?

12 A. Yes.

13 Q. Did you tell or inform Mark Burdick of that when he
14 inquired?

15 A. I don't remember.

16 Q. Is it possible and likely you did not?

17 A. It's possible.

18 Q. Were you aware that Ms. Sweidy was directing attention to
19 the family law court in California of the facts that there were
20 licensing inquiries and violations?

21 A. I was not aware, no.

22 Q. Do you have any reason to know why Mark Burdick would have
23 reported to the court in California that Spring Ridge Academy
24 was accredited by the Western Association of Schools and
25 Colleges?

1 A. Yes, that's one of the former names for Cognia, I
2 believe -- actually, it's North Central, so he may have been
3 mistaken. It was North Central, AdvancED, and then Cognia.

4 Q. Did you ever inform Mark Burdick that Spring Ridge Academy
5 was accredited by the Western Association of Schools and
6 Colleges?

7 A. I don't know.

8 Q. Did you inform Mark Burdick for purposes of the court in
9 California that Spring Ridge Academy provided essential health
10 care services within the meaning of Arizona Administrative Code
11 9 A.A.C. 10, Article I, Section 36?

12 A. It is likely that I told him that we were essential
13 service.

14 Q. Did you give him the citation to the regulation?

15 A. It's possible.

16 Q. And what medical services did Spring Ridge Academy provide
17 at that time?

18 A. Mental health care.

19 Q. Were you the go-to person at Spring Ridge Academy for
20 interpreting regulations?

21 A. Yes.

22 Q. Did you -- were you consulted regarding the regulations
23 that authorized Veronica Borges to practice therapy in
24 California?

25 A. Potentially, yes. I would have looked at regulations

1 regarding any particular service.

2 Q. And did you know that in California that it was not legal
3 for anyone licensed under any -- in Arizona to conduct therapy
4 in California?

5 A. I am not aware of that, no.

6 Q. Did you look it up?

7 A. I did look up various statutes and laws based on what
8 happened during the COVID-19 pandemic.

9 Q. Did you look at any laws or statutes that were in
10 California?

11 A. I believe so, yes.

12 Q. Did you look at the particular statute in California for
13 the practice of telehealth?

14 A. I don't remember.

15 Q. Do you recall reading that all persons engaging in the
16 practice of marriage and family therapy, educational
17 psychology, clinical social work, or professional clinical
18 counseling, via telehealth as defined in Section 2290.5 of the
19 code with a client who is physically located in this state must
20 have a valid and current license or registration issued by the
21 the board?

22 A. I don't remember.

23 Q. Isn't it true that Veronica Borges was not licensed by the
24 board in California?

25 A. As far as I know, no, she's not licensed.

1 Q. You have talked about The Joint Commission. I would like
2 to ask you to take a look at Exhibit 164.

3 THE COURT: Just one moment. It's received. You may
4 publish it.

5 BY MS. ALLARD:

6 Q. Looking at the first page here, is this the report you have
7 been referring to today in your testimony?

8 A. Yes.

9 Q. Directing your attention now to page 7. It is mentioned
10 here: That the organization does a trauma assessment but did
11 not document screening for experiences of neglect or multiple
12 potential forms of exploitation.

13 Is that correct?

14 A. Yes, it says that.

15 Q. So this is a note made by the inspector?

16 A. Yes.

17 Q. Turning to page 9: There were observations that there was
18 a loose ceiling cover plate, a dusty bathroom ceiling fan, and
19 in the cafeteria there was a dusty ceiling vent. And in the
20 Medina Hall there were numerous dusty bathroom ceiling vents, a
21 few shower stalls were dirty or the surface was in disrepair.

22 And then it goes on. Who was maintaining Spring Ridge
23 Academy in 2021?

24 A. I don't remember. We went through a number of maintenance
25 people during that time.

1 Q. I am now directing your attention to page 10 where it is
2 stated in one of the middle columns or middle rows here:
3 During the Competence Assessment Session it was observed that
4 the organization does not currently have documented defined
5 core competencies for staff members who are providing care,
6 treatment, or services.

7 Did you see that critique?

8 A. Yes.

9 Q. I take that to mean just basic credentials?

10 A. No. In The Joint Commission standards, every employee must
11 have a set of competency that they are addressed with to ensure
12 that they are able to do the position, much like in a job
13 description.

14 Q. Now I'm directing your attention to page 12 of 21, in the
15 third column -- or the third row down, second column: During
16 the Environment of Care Session, it was observed the
17 organization has suicide prevention policies and procedures but
18 does not currently have a written environmental risk assessment
19 that identifies features in the physical environment that could
20 be used to attempt suicide with related mitigation including
21 actions that could minimize the risk.

22 Did you see that critique?

23 A. Yes.

24 Q. Now, prior to this, Spring Ridge Academy had already been
25 violated for a girl taking a knife out of the kitchen, and I

1 think there was a police report that a girl put a light bulb in
2 her mouth. Do you know about those incidents?

3 A. The first one, yes; the second one, no.

4 Q. Why is it that this is -- there is still no preventive
5 policies on this issue at Spring Ridge Academy?

6 A. There were policies and procedures; however, they have a
7 specific document called an Environmental Risk Assessment,
8 which looks at a variety of things that could be a risk, we
9 just didn't have it written down.

10 Q. Isn't it true Spring Ridge Academy was not licensed to
11 house girls who were a suicide risk?

12 A. That's not necessarily true, no.

13 Q. So I am directing your attention to page 17 at the bottom.
14 It says: Screen all individuals served for suicidal ideation
15 using a validated screening tool.

16 Do you understand what they meant by a "validated
17 screening tool"?

18 A. Yes.

19 Q. What did they mean?

20 A. It means a tool that has gone through the process of
21 validation and reliability through a series of tests based on
22 data and other like documents within the -- within the
23 literature, the scientific literature.

24 Q. Why wasn't that done prior to this notation?

25 A. We used a general assessment, we just didn't have -- we

1 didn't use the specific tool, but we immediately added the
2 Columbia as our screening tool.

3 Q. Do you understand the use of the term "evidence-based"?

4 A. Yes.

5 Q. And you know that that was represented that the therapy at
6 Spring Ridge Academy was evidence-based in the Parent Manual?

7 A. Yes.

8 Q. So why wasn't the screening evidence-based?

9 A. I can't answer that question.

10 Q. So now I am showing you page 7, and it says in one of the
11 columns: During individual clinical tracers it was observed
12 that the organization screens for some nutrition assessment
13 items but did not specifically include the items "weight loss
14 or gain of 10 pounds or more in the last three months."

15 Did you see that notation?

16 A. Yes.

17 Q. Were you aware that Spring Ridge Academy issued the
18 students, or some of them, portion control cards in the
19 cafeteria?

20 A. No.

21 Q. Was there a dietitian on staff at Spring Ridge Academy?

22 A. We consulted with one, yes.

23 Q. Where did you and how did you consult with a dietitian?

24 A. The dietitian we would consult if we have anyone with very
25 specific dietary needs or at the behest of the parents.

1 Additionally, we would have them go through a set of our menus
2 to determine if they were appropriate for adolescent young
3 women who are moderately active.

4 Q. Who was that person?

5 A. I don't remember her name.

6 Q. Was it -- do you know who the person was when Rearden
7 Sweidy Stata attended?

8 A. I don't remember her name, no.

9 Q. So it's your testimony with all of these red flags that The
10 Joint Commission accredited Spring Ridge Academy?

11 A. Yes.

12 MS. ALLARD: No further questions.

13 THE COURT: Subject to re-call, plaintiffs?

14 MS. ALLARD: Yes, Your Honor. Thank you.

15 THE COURT: Ma'am, you're excused right now, but you
16 may be called at a later point during the course of the trial.
17 Have a nice day, okay?

18 THE WITNESS: Thank you, Your Honor.

19 THE COURT: You are very welcome. Be careful walking
20 down the steps.

21 Next witness, please.

22 MS. ALLARD: Brandon Courtney, Your Honor.

23 **BRANDON D. COURTNEY, PLAINTIFF'S WITNESS, SWORN**

24 THE CLERK: Have a seat on the witness stand.

25 THE COURT: Mr. Courtney, please adjust the microphone

1 and speak directly into it, please.

2 THE WITNESS: Okay.

3 THE COURT: Counsel.

4 DIRECT EXAMINATION

5 BY MS. ALLARD:

6 Q. Mr. Courtney, can you please state and spell your full name
7 for the record?

8 A. Brandon David Courtney. B-R-A-N-D-O-N. D-A-V-I-D.
9 C-O-U-R-T-N-E-Y.

10 Q. Can you please state your education, training, and
11 experience that qualifies you to conduct therapy?

12 A. I have a bachelor's in political science with a minor in
13 criminal justice. I've completed coursework in graduate school
14 dealing with treatment planning, theory, ethics, counseling the
15 culturally diverse, human development. Trying to think, what
16 else? Oh, assessments, statistics, and I completed -- I had a
17 600-hour practicum supervised by our clinical director.

18 Q. Okay. So are you licensed as a therapist with State of
19 Arizona?

20 A. No.

21 Q. And the State of Arizona has a behavioral health technician
22 category. Are you licensed as a behavioral health technician?

23 A. I don't believe that there is a license for that. You do
24 qualify with a bachelor's degree to be a behavioral health
25 technician.

1 Q. So you do not have -- you mention you took some classes.
2 How many credit hours of classes in clinical counseling-related
3 courses did you have?

4 A. I believe right around 40 hours.

5 Q. And where did you take those classes?

6 A. Prescott College.

7 Q. And you said that you had some 600 hours being supervised
8 by who?

9 A. Our Clinical Director Gary Hees, at the time.

10 Q. At Spring Ridge Academy?

11 A. Yes. And I was co-supervised by an academic -- I don't
12 want to say advisor, but Chris Hout was my academic mentor at
13 Prescott College, so he also supervised the practicum.

14 Q. Now, SRA, you would agree, is a remote location?

15 A. Yes.

16 Q. Where is the nearest grocery store on foot?

17 A. The nearest grocery store would be a convenience store
18 probably about a mile away. As far as grocery store, that
19 would be in probably Prescott Valley or Mayer there was another
20 small store.

21 Q. And is it fenced? Is the campus fenced?

22 A. Yes. So there is a barbed-wire fence to keep the cows out.

23 Q. Like a barbed-wire fence?

24 A. Yeah, like a four-strand -- the State requires you to have
25 a four-strand barbed-wire fence to qualify for -- if a cow

1 breaks through that fence, then you are qualified to go to the
2 cow's owner to seek compensation if the cow does damage, but
3 you have to meet certain requirements with the fencing.

4 Q. Were you old enough to remember when your mom bought this
5 property?

6 A. Yes.

7 Q. What condition was it in when it was purchased?

8 A. It was a house and a horse farm.

9 Q. And I take it your mother constructed a dorm or some
10 buildings?

11 A. Yes.

12 Q. Now, you understand your mother was a -- worked at
13 Lifespring, correct?

14 A. Yes.

15 Q. What -- I think you testified at your deposition she was a
16 Lifespring trainer?

17 A. Yes.

18 Q. And what was your information that you relied upon for that
19 testimony that she was a trainer?

20 A. What she had told me.

21 Q. And what did she tell you?

22 A. She was a trainer.

23 Q. And what was a trainer? What was a Lifespring trainer at
24 the time?

25 A. I know she attended the workshops. I think she facilitated

1 some of the exercises in the workshops.

2 Q. And were some of those exercises used at Spring Ridge
3 Academy?

4 A. Variations of them.

5 Q. And which ones were used at Spring Ridge Academy?

6 A. I don't know.

7 Q. Do you recall the lifeboat exercise?

8 A. Yes.

9 Q. Was that used at Spring Ridge Academy?

10 A. Yes.

11 Q. What about a trust exercise?

12 A. Yes.

13 Q. And that was used both at Lifespring and Spring Ridge
14 Academy?

15 A. I don't know what was used at Lifespring. I never attended
16 one of their trainings.

17 Q. Did you ever hear a term called "grungies"?

18 A. Yes.

19 Q. What is that?

20 A. It's a term to describe negative feelings and behaviors at
21 times that cause us -- kind of like being grumpy or -- yeah,
22 kind of grungy feelings.

23 Q. Was that used in the workshops?

24 A. Yes.

25 Q. And what were the participants of the workshops asked to

1 consider using that term?

2 A. What behaviors they had that kind of would drain energy
3 from them or cause them to engage in kind of behaviors that
4 were not working or self-defeating, um, really to take a look
5 at kind of what feelings and behaviors they would get into.

6 Q. And were parents asked to self-disclose to the other
7 parents at a workshop what their grungies were?

8 A. Yes.

9 Q. And in the workshops, was there often encouraged the
10 participants to yell, scream?

11 A. Can you be more specific?

12 Q. Were the young students at Teen Challenge asked to
13 visualize their feelings and emotions regarding their parents
14 and to hit a chair with a wrapped up towel repeatedly?

15 A. They were encouraged to take negative feelings around
16 parents and put it into a garbage bag, and then they were
17 encouraged to destroy the garbage bag and the negative
18 feelings.

19 Q. How were they instructed to destroy the garbage bag?

20 A. The students who were in there would yell supportive things
21 and encourage them to go for it.

22 Q. So they would be in a room this size, the size of the
23 courtroom?

24 A. Probably.

25 Q. And how many students would be present?

1 A. Probably 15 to 20 students going through, and then maybe
2 another 15 to 20 on staff.

3 Q. And isn't it true that the other students would be yelling
4 at them?

5 A. Uh-huh.

6 Q. Is that a yes?

7 A. Yelling encouragement, yes.

8 Q. And what kind of things were they yelling?

9 A. "Get rid of it." "Get it out of your system." "Go for
10 it." "You can do it." "Go."

11 Q. So we've got eight members of the jury and some people in
12 the audience, would it be about a room with this many people in
13 it? We've got, let's see, like 16 other people other than the
14 jury. Is that about -- or were there more?

15 A. This would be about right.

16 THE COURT: Ladies and gentlemen, this is a perfect
17 time to take our morning recess. Court is in recess until
18 10:45. Please don't talk about the case.

19 All rise for the jury. Court is in recess until
20 10:45.

21 (The jury leaves the courtroom.)

22 THE COURT: Court is in recess.

23 (Recess taken at 10:30 a.m.; resumes at 10:47 a.m.)

24 THE COURT: Court will come to order. The jury is
25 present. The witness is sworn.

1 Please continue.

2 BY MS. ALLARD:

3 Q. So can you describe -- is the whole room yelling,
4 encouraging the student on?

5 A. The ones who would be holding chairs, yes.

6 THE COURT: Sir, you need to move closer to the
7 microphone and speak up, please.

8 BY MS. ALLARD:

9 Q. So students are yelling at the new student who is hitting
10 what?

11 A. A chair.

12 Q. With what?

13 A. A rolled-up towel.

14 THE COURT: Sir, you need to move closer to the
15 microphone or just pull the microphone out. Everyone needs to
16 hear you, all the lawyers.

17 THE WITNESS: Okay.

18 BY MS. ALLARD:

19 Q. And how long does that go on for?

20 A. Maybe a minute.

21 Q. And would you agree that the girls, many of them become
22 very worked up emotionally?

23 A. Can you be more specific? What do you mean by "worked up"?

24 Q. Crying?

25 A. Yes.

1 Q. Sobbing?

2 A. Yes.

3 Q. And yelling?

4 A. Yes.

5 Q. Are you familiar with the use of what they call "feedback
6 circles" at Spring Ridge Academy?

7 A. Yes.

8 Q. Can you describe that?

9 A. That would be an exercise where students would give
10 feedback to one another, maybe use a specific form, "My
11 experience of you is," and then they would give feedback based
12 on what behaviors they were seeing or what emotions they were
13 seeing in the other student.

14 It could be acknowledgment feedback. It could be
15 constructive feedback. And it was always done with limits, as
16 far as respect and courtesy.

17 Q. Do you know a former student by the name of Molly Dickin?

18 A. Yes.

19 Q. Do you know a former student by the name of Emma Kerrigan?

20 A. Yes.

21 Q. Do you know a former parent by the name of Troy Williams?

22 A. Yes.

23 Q. And do you know a former student by the name of Maisy
24 Moorehead?

25 A. I knew her under a different name.

1 Q. What name did you know her as?

2 A. Mallory Moorehead.

3 Q. So is it true that you conducted therapy with Mallory
4 Moorehead?

5 A. Yes.

6 Q. And is it true that you conducted family therapy with Troy
7 Williams' family?

8 A. I don't recall.

9 Q. Is it possible that you conducted family therapy with Troy
10 Williams' daughters?

11 A. It's possible.

12 Q. Were students and siblings not enrolled in Spring Ridge
13 Academy required to participate in family therapy with you?

14 A. Sorry, I don't understand your question.

15 Q. Would Spring Ridge Academy -- or would you have sessions in
16 family therapy where you brought in siblings of the enrolled
17 student?

18 A. We did have family therapy with siblings at times, yes.

19 Q. Are you familiar with what you called, I think, "Feelings
20 Reduction Exercises"?

21 A. Yes.

22 Q. And can you describe those?

23 A. Those are a -- "Feeling Reduction" is part of the Post
24 Induction Therapy developed by Pia Mellody in which a --
25 somebody who is working with an issue, dealing with a trauma in

1 their life, and they bring in their perpetrator and they give
2 back shame or carried feelings to the person who has abused
3 them in some way.

4 Q. And that could be someone who had raped them?

5 A. It could be, yes.

6 Q. It could be a parent?

7 A. Yes.

8 Q. And were these feedback circles done in front of other
9 students?

10 A. Feedback Circle or Feelings Reduction.

11 Q. I'm sorry, Feelings Reductions?

12 A. Yes, they are often done as a group process.

13 Q. So it would be common at Spring Ridge Academy that if a
14 student had been enrolled with a history of sexual assault,
15 that she would at some point be asked to conduct a Feelings
16 Reduction regarding that assault in front of her peers?

17 A. Yes.

18 Q. And if the enrolled student had perpetrated something that
19 could be, let's say, a sexual event, would you ask the student
20 to disclose their own past and history?

21 A. Not in a Feelings Reduction, no.

22 Q. In any other way would you ask them to disclose what their
23 weaknesses were or their transgressions were in front of their
24 peers?

25 A. Not -- no, that would not be -- I mean, I would need more

1 specifics on that.

2 Q. Did you -- were you aware of an incident at Spring Ridge
3 Academy where a young girl as a child had been sexually
4 involved with a sibling and that she was asked to confess that
5 in front of peers?

6 A. I am not aware of that.

7 Q. The Feelings Reductions that you did witness, is it true or
8 do you know whether or not Molly Dickin was asked to reenact
9 her rape in front of Spring Ridge Academy students and staff?

10 A. I did not attend her Feelings Reduction, but that would
11 have been out of character for a Feelings Reduction. It was
12 much more directed at talking or giving shame back to a
13 perpetrator versus acting anything out.

14 Q. And when you did Feelings Reductions, is there a point in
15 that process where there's a ritual where the victim or student
16 starts yelling, "I give you back your shame"?

17 A. Yes.

18 Q. And does that go on for ten minutes?

19 A. That would be -- I would say closer to, you know, five
20 minutes or so. I don't know that they would be going for 10
21 minutes.

22 Q. So for five minutes this student is saying, "I give you
23 back your shame," in a repetitive manner?

24 A. They could also be saying other things.

25 Q. Would they be saying things like calling names?

1 A. At times they may say something like that. "I hate you."
2 "I didn't deserve what you did to me." You know, "Go away."
3 "Leave me alone."

4 Q. And this could also be a student's anger at their parents
5 that's being demonstrated?

6 A. Yes.

7 Q. Are the parents informed in any portion of this Parent
8 Manual that Spring Ridge Academy publishes that a Feelings
9 Reduction Exercise will be used in the school?

10 A. Not in the manual, no.

11 Q. When you were at Spring Ridge Academy, were you involved in
12 meeting with the CLD or Community Life Directors?

13 A. Yes.

14 Q. Okay. And they met with the students in a group twice a
15 week?

16 A. Yes.

17 Q. And they had a group assigned to them?

18 A. Yes.

19 Q. Are you aware of a punishment where the girls are not
20 allowed to speak to anyone else other than members of their
21 group called "Caseload Bonding"?

22 A. Yes.

23 Q. What is "Caseload Bonding"?

24 A. "Caseload Bonding" is not a punishment. What it is is to
25 encourage that person to utilize their caseload as a resource.

1 So if they were constantly going out and, you know, avoiding
2 people in their caseload, we might ask that they would bond
3 with their caseload for a period of time.

4 Q. Which means they couldn't speak to anybody else?

5 A. They could speak to staff members. They could speak to
6 their therapist. They could speak to the students within their
7 caseload.

8 Q. What about "Introspection"? Is that a punishment?

9 A. No.

10 Q. If someone -- did Spring Ridge Academy use what they call
11 "Introspection" that required a student to speak to no one
12 else?

13 A. Yes.

14 Q. And could that punishment go for a matter of days?

15 A. It was not a punishment.

16 Q. Could that requirement of Introspection be imposed for a
17 matter of days?

18 A. Generally no more than 24 hours.

19 Q. Was it a --

20 A. I can't think of a time we used it for more than 24 hours.

21 Q. Do you know whether or not it was imposed upon Molly Dickin
22 for a matter of weeks?

23 A. I don't -- I disagree with that. It would not have
24 occurred for a matter of weeks.

25 Q. Are you familiar or did you know that many of the students

1 who were enrolled at Spring Ridge Academy were transported
2 against their will to the school?

3 A. They were -- we used escorts at times, yes -- or parents
4 used escorts at times.

5 Q. So you called them "escorts." Is that an industry
6 standard?

7 A. I don't know. Yes, I guess.

8 Q. So there are companies that advertise themselves as quote,
9 unquote, "escorts"?

10 A. Yes.

11 Q. Are you familiar how the girls, or what the terminology
12 they use?

13 A. Gooned.

14 Q. Okay. So when a girl says they were "gooned," that meant
15 they were taken against their will to Spring Ridge Academy,
16 correct?

17 A. They were taken by someone other than their parents. I
18 wouldn't say necessarily they were taken against their will.
19 They're not -- I mean, they're not physically grabbed and
20 thrown into a car.

21 Q. Do you know whether or not they were threatened to be
22 drugged?

23 A. I have never heard a report of that, no.

24 Q. Did SRA "goon" kids?

25 A. No.

1 Q. Isn't it true that SRA hired an escort service to have a
2 girl removed from SRA to go to a wilderness camp in front of
3 the student body?

4 A. I don't believe we hired them.

5 Q. Facilitated their parents to hire them?

6 A. Parents would have made that decision if they wanted to --
7 how they wanted to transport their student.

8 Q. So do you recall any incidents where a girl was gooned in
9 front of her peers?

10 A. No.

11 Q. Would you agree that approximately 80 percent of the Spring
12 Ridge Academy students were gooned into the facility?

13 A. I would have to see a record. I don't know the percentage,
14 but I don't think it would be that high.

15 Q. What do you think it would be?

16 A. I would have to look. I would just be guessing.

17 Q. And did you know that the State of Arizona requires a
18 documented purpose in a medical record in order for you to
19 restrict phone privileges? Did you know that was the rule or
20 law?

21 A. Yes.

22 Q. And --

23 A. Well, I would have to see that document. I know that any
24 type of mail restriction or anything like that does have to be
25 documented, but I would have to see that specific restriction.

1 Q. Well, in the back of your Parent Manual, are you familiar
2 with what's called your recitation of "Resident Rights"?

3 A. Yes.

4 Q. And in there there is a reference to documented treatment
5 purpose; do you recall that?

6 A. I would have to look at the document.

7 Q. I will show you Exhibit 7.

8 THE COURT: It is in evidence. You may publish it.

9 BY MS. ALLARD:

10 Q. Showing you page 36 of Exhibit 7 at the bottom where it
11 says: If the therapist, at the direction of the Clinical
12 Director, determines that a resident's treatment requires the
13 behavioral health residential facility to restrict the
14 resident's ability to participate in the activities in 3a, b,
15 c, d, the therapist, under the direction of the Clinical
16 Director, shall comply with the following requirements. 1,
17 document a specific treatment purpose in the resident's medical
18 record that justifies restricting the resident from the
19 activity that includes a time frame in the care plan, and the
20 restriction is reduced or eliminated as soon as it is no longer
21 therapeutically indicated, and inform the resident or
22 resident's representative the reason why the activity is being
23 restricted, and inform the resident or resident's
24 representative of the resident's right to file a complaint and
25 the procedure for filing a complaint.

1 So first question, was there any documentation in
2 Rearden Sweidy Stata's medical file justifying restriction of
3 phone contact pursuant to Phase 1 as published in the Parent
4 Manual?

5 A. I would have to see her record to determine if there was
6 something put in there, yeah.

7 Q. Well, you own the school, correct?

8 A. I did.

9 Q. Was there a policy that you directed your Clinical Director
10 to make sure that all Phase 1 students had a reason why they
11 couldn't have free telephone communication?

12 A. They had routine telephone communication with parents.

13 Q. But the terms of Phase 1 required that it be supervised,
14 correct?

15 A. Correct.

16 Q. Well, was there a reason for that?

17 A. There was -- there was a reason for that is to -- so both
18 the student and the parent would communicate without causing
19 conflict.

20 Q. Was it documented as required by the state?

21 A. If we cut off -- my understanding of the law is if we cut
22 off communication completely, we would have to document it.
23 But having supervised communication is not -- is not cutting
24 off communication.

25 Q. Well, it's, according to the law, privacy in communication,

1 correct?

2 A. I don't see "privacy."

3 Q. 3b: Have privacy in correspondence, communication,
4 visitation, financial affairs and personal hygiene?

5 A. Uh-huh.

6 Q. Do you see that condition?

7 A. Yes.

8 Q. Now, you had girls that were supervised in the bathroom,
9 correct?

10 A. At times if they were self-harmers we would -- yeah.

11 Q. And was -- did you document in their medical file that they
12 were going to be supervised in the bathroom?

13 A. Yes.

14 Q. So now do you see that the law is that the girls were to
15 have privacy in communication?

16 A. Any letters to and from their parents would be absolutely
17 not limited without a specific limitation agreed on by their
18 parents, so they would have privacy in correspondence.

19 Q. Are you aware that many Community Life Directors cut off
20 phone call conversations between students and their parents?

21 A. At times.

22 Q. Are you aware of any instances where that was done because
23 the student reported something negative about their experience
24 at Spring Ridge Academy?

25 A. No, generally they would be cut off if they became verbally

1 combative or abusive with parents, or if parents became
2 verbally combative with their child.

3 Q. Are you aware that Molly Dickin reported that Kate Deily
4 cut off a conversation with her mother regarding her rape?

5 A. No.

6 Q. Were you ever told by any of the students that you
7 personally made them feel uncomfortable?

8 A. Yes.

9 Q. And what were you told?

10 A. I was told one time that a student didn't like me hanging
11 next to her room.

12 Q. Did she give you any specifics as to why that made her feel
13 uncomfortable?

14 A. No, I just made it a point not to stand next to her door.

15 Q. Did you ever approach a student, or let's say Molly Dickin,
16 at lunch tables and talk about some banter about Sponge Bob
17 being a sexual cartoon because of the mention of bikini
18 bottoms?

19 A. I don't recall that conversation.

20 Q. Is that something that you would joke about with a student?

21 A. Not typically, no. Not -- no, that's not something I would
22 joke about with the student.

23 Q. Was it ever brought to your attention that students were
24 uncomfortable with certain male staff or teachers at the
25 school?

1 A. Could you be more specific?

2 Q. Did a student ever complain to you that a teacher was being
3 inappropriate in contact with a student in a sexual way?

4 A. No.

5 Q. When you conducted therapy with Mallory, what
6 evidence-based methods did you use?

7 A. I used cognitive behavioral therapy. I used at times
8 family therapy. I used patterns of communication. I used
9 acceptance to commitment therapy.

10 Q. Do you know whether or not an action or workshop --

11 THE COURT: Sorry. I didn't understand acceptance in
12 what?

13 THE WITNESS: Acceptance in commitment therapy.

14 THE COURT: Okay. Go ahead.

15 BY MS. ALLARD:

16 Q. Speaking of commitment, are you familiar with what Spring
17 Ridge Academy required of all students as a workshop or
18 activity called "Commitment"?

19 A. I am aware of a Commitment training, yes.

20 Q. Okay. What happened during the Commitment training?

21 A. Students -- could you ask more specific questions there.

22 Q. Yes. What exactly did the student experience?

23 A. The student in Commitment was based on a student
24 identifying, usually towards the end of their process, what
25 were the things that they really felt they had left to work on.

1 So if they had what we would define as a block. So
2 something where they really wanted to break through this final
3 thing before they left Spring Ridge. So the purpose of
4 Commitment was really to, one, take a look at what were the
5 blocks in their life, and how they could let go of those.

6 And then the other part of that was to identify what
7 were their values, and how to embrace their values and commit
8 to their values, rather than living out of either the behaviors
9 defined by their blocks or -- or kind of constantly battling
10 with their blocks.

11 So it was really -- Commitment was really just having
12 to commit to my values and move forward in that response.

13 Q. Right. And in the Student Manual there's provisions that
14 students are to adopt SRA values, correct?

15 A. No, students are not -- students adopt their own values.
16 So they utilize SRA -- SRA as an organization, as a school, has
17 values, but we want the students to actually identify and adopt
18 their own values.

19 Q. Right. And you're familiar with the required reading of
20 The Four Agreements that all phase 2 students at Spring Ridge
21 Academy have to read, according to the Parent Manual and the
22 Student Manual, correct?

23 A. Correct.

24 Q. So the students are told when they read this, according to
25 the author: We become a copy of momma's beliefs, daddy's

1 beliefs, society's beliefs, and religion's beliefs.

2 And in this same book, the author tells them, or the
3 student, that we are -- the belief system is like a book of law
4 that rules our mind.

5 And the author also says: And this is all based on a
6 belief system that we never chose to believe.

7 So is Spring Ridge Academy, are they telling the
8 students to disregard their parents' values, religion's values,
9 and society's values?

10 A. No.

11 Q. And then the students are told: 95 percent of the beliefs
12 we have stored in our minds are nothing but lies, and we suffer
13 because we believe these lies.

14 Why are they asked to read this?

15 A. Because what we want them to determine is what belief
16 systems they're going to use in their life and what belief
17 systems they're not. Most of what we do and most of what's
18 done in both is really to bring aware of their belief systems
19 in their mind, and the ones they are embracing, are they
20 helpful or are they self-defeating?

21 So, yeah, I mean, we want them to take a look at their
22 belief systems and be aware of them so that they can choose to
23 challenge ones that aren't working.

24 Q. So -- and that would include challenging their country? If
25 you read Chapter 6, Breaking Old Agreements, students are told:

1 In America we speak of living in a free country, but are we
2 really free? Are we free to be who we really are? The answer
3 is no, we are not free.

4 So now we are criticizing the country in this book?
5 What's the purpose of that?

6 A. I think challenging our country is incredibly important.
7 If we just adopt our country like -- I mean, I am very
8 patriotic, but I do question things that my country does. And
9 I think it's important that we as a culture teach our kids to
10 question and see if they follow -- I mean, I think it's really
11 important for them to question at times our policies and our
12 leaders.

13 Q. Well, then the book goes on to say: We are no longer free
14 because the judge, the victim, and the belief system don't
15 allow us to be who we really are. Once our minds have been
16 programmed with all that garbage, we are no longer happy.

17 So is it the process of these workshops at Spring
18 Ridge Academy to challenge the students to abandon everything
19 they ever learned in their life?

20 A. No.

21 Q. Well, you mention that they're stomping on "garbage." That
22 was your term, correct?

23 A. Correct.

24 Q. Why do we use at Spring Ridge Academy the term "garbage"?

25 A. Because when beliefs are self-defeating or don't work in

1 our lives, then they -- we want them to look at them -- is that
2 working? Is that truly something that's effective in your
3 life?

4 And you can take a look at -- if I have a belief I'm
5 incapable or I'm stupid or I don't matter, then I do want them
6 to look at those beliefs and really challenge those and really
7 see if that benefits their life.

8 Q. Now, does the Parent Manual inform parents that there may
9 be ideas that challenge their religion, their political values,
10 their moral values, or their family values?

11 A. We would never -- we do not push a religious agenda. We do
12 not push a political agenda. We don't push anything --
13 religious agenda. We don't push any agenda. What we really
14 want them to look at is their own values and develop their own
15 values to see what works for them in their lives.

16 Q. Why does Spring Ridge Academy go to such lengths to
17 determine what the religion or philosophical values of the
18 parents are in their enrollment application or in the biosocial
19 interview of a student?

20 A. What lengths are we going through? Can you be more
21 specific?

22 Q. Why do you ask in your enrollment application and why do
23 you have it preprinted on a biosocial interview of an enrolled
24 student?

25 A. One, we want to respect religious differences and religious

1 cultures so that we don't offend somebody. We want to make
2 sure that we know what religious practices they want to engage
3 in. We want to be culturally aware of students.

4 Q. Well, are the parents advised that the contents of this
5 book called The Four Agreements are such as I just read in
6 court that challenge America? Challenge religion? Are they
7 warned that that's what the girls are going to be required to
8 read?

9 A. I believe we do publish a reading list, yes.

10 Q. Well, do you publish the contents so the parent knows
11 what's in the book?

12 A. No, that would be unreasonably difficult to publish
13 synopsis of every book.

14 Q. Well, do you advertise in the Parent Manual that you are
15 requiring that all students participate in the Toltec Path to
16 Freedom?

17 A. We don't require students to participate in Toltec Path to
18 Freedom.

19 Q. Do you know a Community Life Director by the name of Kara
20 Nealon?

21 A. Yes, I do.

22 Q. Were Community Life Directors trained to threaten to drop
23 girls to lower phases as a punishment?

24 A. If a student was not meeting requirements with the
25 consulting of their therapists and their treatment team, they

1 may be dropped, yes.

2 Q. And that would extend their stay at the school longer?

3 A. Not necessarily.

4 Q. It would prevent them from meeting the required objectives
5 to graduate from the school?

6 A. If they were dropped, they were already not meeting the
7 required objectives.

8 Q. And they would stay at the school longer?

9 A. Not necessarily.

10 Q. And --

11 A. Sometimes it was a wake-up call and actually motivated
12 students to get back on track.

13 Q. Would it be fair to say that when students saw other
14 students ripping each other apart in a public circle, that
15 students felt encouraged to participate in criticizing their
16 peers in order to gain favor with their Community Life
17 Director?

18 A. I disagree with the statement of "ripping people apart."

19 Q. Well, calling them the C word or calling them anorexic?

20 A. That would not be condoned or given in feedback. In fact,
21 that would actually hinder a student's progress if they were
22 calling them a C word.

23 Feedback was always done with respect and usually a
24 piece of compassion and caring for the other student.

25 Q. Do you know -- why were students told that they had to ask

1 permission to go to the bathroom?

2 A. Could you give more context?

3 Q. Well, were students told that they had to ask to go to the
4 bathroom as Phase 1s?

5 A. If they were in a classroom or if they were in a group, you
6 know, I mean, even as adults that's generally courtesy to the
7 group leader to ask, but they were not -- I mean, if they were
8 in their room, we didn't require them to ask to go to the
9 bathroom.

10 Q. Were students who -- in the upper phases required to
11 announced that they were leaving the residential hall to go to
12 class or go to an upper building?

13 A. Yes.

14 Q. Why were they required to announce their every move?

15 A. We wanted to know where students were going. So if we had
16 a student who just suddenly walked out of the dorm, we wanted
17 to make sure that we knew where they were going or that they
18 were okay.

19 Q. So you started to tell us about Commitment, and I asked you
20 about some of these values and these blocks. And now I want to
21 ask you, what happens with this process? How long does it last
22 and how does it end?

23 A. Process can last anywhere from like three to four weeks. I
24 I am trying to remember. Actually, depending on our
25 scheduling, it could be up to like five or six weeks.

1 Q. And it was in place when Rearden Sweidy Stata attended,
2 correct?

3 A. No.

4 Q. It was in her Master Treatment Plan as a condition; are you
5 aware of that?

6 A. No.

7 Q. There are students that reported they participated in 2020
8 in Commitment, isn't -- did you conduct it in 2020 or did
9 someone else?

10 A. I did not conduct it. As far as I know, we were not
11 conducting Commitment as a training in 2020.

12 Q. Do you have any records of that?

13 A. No.

14 Q. Do you recall asking a particular student to require that
15 student to conduct this walk on a road with crutches?

16 A. No.

17 Q. So what is it you asked the students to do after they --
18 they carried this sandbag around for two weeks, correct?

19 A. Yes.

20 Q. Everywhere they went?

21 A. Yes.

22 Q. Even if they went home on a visit?

23 A. We didn't have them carry it during certain times because
24 of the airport restrictions, but, yes, when they were on a
25 visit, we asked them to carry it. Similar to like in high

1 schools where they do the thing with the bag of flour is like a
2 baby. It was kind of like a similar process to that.

3 Q. So tell me what happens at the end.

4 A. At the end they do a hike and they let the sand out of
5 their bag as they are hiking, and it's symbolic of them
6 releasing their blocks.

7 Q. How do they get to do the hike? How are they transported?
8 And what was your personal role in doing that?

9 A. We would put them in a van, and we would drive them to an
10 area back behind the school, and we had gone ahead and marked
11 the road with glow sticks every so often. And they would hike
12 at night, and we would -- they would -- we would tell them,
13 "follow the glow sticks."

14 They would hike for a period of time. As they were
15 hiking, they would release the sand from the bag, symbolically
16 letting go of the blocks. And then -- yes.

17 Q. Were they blindfolded?

18 A. Were they were hiking? No.

19 Q. Were they blindfolded when you were driving them around in
20 the van?

21 A. Yes.

22 Q. Why?

23 A. Because we wanted to give them the sense that they were out
24 in the wilderness rather than knowing that they were just back
25 behind the school.

1 Q. And wasn't the mechanism for them to exit the van to have
2 someone whisper something in their ear?

3 A. They would whisper -- they would tell them, "You can do
4 this." Probably some words of encouragement. And then they
5 would tell them how the process worked, how they were going to
6 walk on the road and to watch for the glow sticks, and that
7 someone would be waiting for them on the other end.

8 Q. Why were they whispering in their ear?

9 A. Because we wanted them to -- we wanted them -- each student
10 to have their own personal experience.

11 Q. You mean -- how many girls would be in the van?

12 A. Usually about 8 to 10.

13 Q. This would be at night, correct?

14 A. Correct.

15 Q. Why at night?

16 A. Because we want the experience of feeling that they were
17 out in kind of in touch with nature and really wanted them to
18 experience the courage of walking the road.

19 Q. Well, why couldn't they know where they were going? Why
20 did they have to be blindfolded?

21 A. As I said, we wanted them to feel as if they were out in
22 kind of wilderness.

23 Q. Well, I mean, they knew where they were. They were at
24 Spring Ridge Academy, which is in wilderness, correct?

25 A. No. Spring Ridge Academy is in a suburb.

1 Q. Well, you said you took them somewhere behind the school,
2 correct?

3 A. Yeah, it was -- yeah, yes.

4 Q. How far away did you take them?

5 A. Maybe a couple of miles.

6 Q. And when they were being asked to walk, what were they
7 walking on?

8 A. A road.

9 Q. And were there cars on the road?

10 A. Typically the place we would go did not have a lot of
11 traffic, but if a car did come on the road, we had one of our
12 staff follow the car all the way through.

13 Q. And how long did they walk on this abandoned road?

14 A. Generally, maybe about an hour.

15 Q. You have a former student by the name of Margaret May
16 Lewis?

17 A. Possibly, I don't know.

18 Q. Did students become upset doing this?

19 A. Not that I can recall. Most of them really enjoyed the
20 experience.

21 Q. Well, after the experience, after they got their blindfolds
22 off, then what happens when they are done with the walk in the
23 abandoned road?

24 A. We generally have a camp fire. We did s'mores at times,
25 and then we would kind of debrief their experience.

1 Q. Now, after Rearden Sweidy Stata was returned to Spring
2 Ridge Academy, do you recall witnessing a campus-wide Feedback
3 Circle where she was -- her mother's actions in removing her
4 were criticized?

5 A. No.

6 Q. Did you do that with any other students who were announcing
7 that their parents were going to remove them from the school?

8 A. No.

9 Q. Were you aware on April 1st, 2020, that there was a mother
10 from California who requested the sheriff's assistance to
11 remove her her daughter from Spring Ridge Academy?

12 A. April 2020?

13 Q. Yes. April 1st, 2020.

14 A. I don't recall that event, no.

15 Q. Did you have exercises with the parents where they were
16 blindfolded?

17 A. Yes.

18 Q. Can you describe that?

19 A. We brought -- during Parent Action, we bring parents into a
20 room blindfolded.

21 Q. And then what happens?

22 A. We seat them in a circle. We play music. And then they
23 are given -- we bring in the students, and then the students,
24 they get their shoulders rubbed and we wash and massage their
25 feet.

1 Q. And do you participate in massaging parents as well?

2 A. Yes. Parents, yes.

3 Q. How does that therapeutically benefit their daughters?

4 A. I don't know that -- it is an act of service and respect,
5 and I think in some ways an act of compassion and care and
6 love, and I think it's not a -- the training is not a therapy,
7 but it is there to, in a sense, tend to taking care of their
8 parent.

9 Q. So are you familiar --

10 THE COURT: Stop, stop. Stop for just a moment,
11 please.

12 So the parents are in a room in a circle sitting on
13 the floor?

14 THE WITNESS: No, sitting in chairs.

15 THE COURT: And you go wash their feet?

16 THE WITNESS: Yes.

17 THE COURT: Who?

18 THE WITNESS: The students, so their child. The
19 students, and then the other people who are staffing the
20 training.

21 THE COURT: So the staff members and the children wash
22 the parents' feet.

23 THE WITNESS: Yes.

24 BY MS. ALLARD:

25 Q. Are they washing the feet or massaging them?

1 A. Both, they massage and then they put lotion on them and rub
2 them, yes.

3 Q. What parts of the parents' bodies are they rubbing?

4 A. Shoulders and feet.

5 Q. How did they have access to their shoulders?

6 A. They would, just through their clothing, would rub them on
7 their shoulders. So they are sitting in a chair, and they
8 would rub their shoulders.

9 Q. And this is called "giving service"?

10 A. Yes.

11 Q. So I had asked you about Lifespring, and I had asked you
12 about the workshops. Would you agree that the workshops are a
13 flow of events, coupled with people yelling, music, and this
14 goes on with very little breaks?

15 A. No, we have breaks routinely. We don't go over certain
16 hours in the day. We have, you know, significant breaks for
17 lunch. We have breaks after each exercise. So, yeah, we do
18 allow for people -- people can leave and go to the bathroom.
19 If people need water, we encourage them to go ahead and do
20 that.

21 Q. Why are they told that they can't discuss the contents of
22 what's going on with everybody else?

23 A. They are not told that. What we do tell them is, please do
24 not share exercises from the training with someone who may go
25 through the training.

1 So if another parent is considering going through
2 Action, we don't want them to tell them the exercises because
3 we want them to have an independent experience. But we do tell
4 them they can share anything they would like about their own
5 experience, and that's told to both students and parents.

6 Q. Did you ever use a punishment at Spring Ridge Academy where
7 students were blindfolded as a punishment?

8 A. Absolutely not.

9 Q. And the length, how long was a workshop day? What time did
10 it start? What time did it end?

11 A. Usually it started at 9:00 in the morning and it usually
12 ended by 4:00 or 5:00 in the evening.

13 Q. And then would you -- would it be fair to say that it
14 usually ended on a high note with children and/or parents
15 either listening to an uplifting song or feeling accepted or
16 hugged or getting a massage?

17 A. Yes.

18 Q. Have you heard the term "love bombing"?

19 A. No.

20 Q. Now, you have been to some other types of these events
21 like, I think you said you went to ManKind International?

22 A. Yes.

23 Q. Is that similar where there's long days of some of these
24 types of activities?

25 A. That training is very different from any workshops we would

1 do.

2 Q. And the men there have to disrobe?

3 A. Yes.

4 Q. And they attack each other with confrontation-type attack
5 therapy methods?

6 A. I did not experience that, no.

7 Q. And so it's also usually three days long?

8 A. Yes.

9 Q. So these weekends have been floating around since the
10 1970's, would you agree?

11 A. Yes.

12 Q. And you characterized it, I think, as what you called, "The
13 Human Potential Movement"?

14 A. I characterized Lifespring, est, and some of the other
15 trainings as a Human Potential Movement.

16 Q. Did you call it "Large Group Awareness Training"?

17 A. No.

18 Q. So you called it "Human Potential Movement"?

19 A. Yes.

20 Q. And you would agree --

21 A. I said that the trainings came out of the Human Potential
22 Movement in the '70s. You asked me, I believe, when did -- how
23 did they start, and I told you that -- my understanding is
24 Alexander Everett and some other people formed kind of the
25 Human Potential Movement in the '70s, and that's where some of

1 the trainings like Lifespring, est, SI, I believe, came out of
2 that.

3 Q. Synanon?

4 A. Maybe, I am not familiar with that.

5 Q. ManKind?

6 A. I think that one came actually later out of the works of
7 Robert Bly, and that's one of the reasons -- I loved his book
8 Iron John, and that's one of the reasons I wanted to attend the
9 training.

10 Q. Did some of the students know that you were -- liked guns?

11 A. They may have known that. I mean, I am a hunter.

12 Q. In looking at the Student Manual, at what point is the
13 Student Manual handed out? If it didn't come to Ms. Sweidy
14 prior to enrollment, is this something that students are handed
15 when they first show up?

16 A. Yeah. Yes, they are given it by their -- they're given the
17 Student Manual by their CLDs usually within the first day, and
18 then I believe parents have access to the Student Manual
19 through the portal from day one.

20 Q. And they're told that there's a Big Sister that they are
21 assigned?

22 A. Yes.

23 Q. And that's in the Student Manual?

24 A. I would have to check the Student Manual, but I believe so.

25 MS. ALLARD: Exhibit 134, Your Honor.

1 THE COURT: You may publish.

2 BY MS. ALLARD:

3 Q. Showing you page 19 at the bottom. What's the -- you see
4 where it describes what the Big Sisters: The relationship
5 serves as a foundation of honesty, respect, connection,
6 responsibility and accountability for new students. Big Sister
7 provide an in-depth understanding of all aspects of the
8 program, correct?

9 A. Correct.

10 Q. Now, when Rearden Sweidy Stata arrived, do you recall that
11 she was sent to you for some sort of discipline issue?

12 A. I don't recall that.

13 Q. Do you recall that she was put on silence and separation?

14 A. No.

15 Q. Do you know what silence and separation is?

16 A. We -- at times if we have students who we are concerned
17 about, they may be asked not to speak with each other. We
18 called it "taking space."

19 Q. At some point in time, did you come to know that there was
20 a court investigator from California that wanted to speak with
21 Rearden alone?

22 A. Yes.

23 Q. And isn't it true that you and your wife contacted Rearden
24 more than once prior to her interview with the court
25 investigator?

1 A. I believe we spoke to her one time.

2 Q. What did you say to her?

3 A. We asked her what she wanted as far as where she wanted to
4 meet them, what would make her feel comfortable, and what she
5 needed, as far as kind of scheduling that.

6 Q. Did you tell her that her process would be disruptive and
7 she would be harmed if she left Spring Ridge Academy before
8 graduation?

9 A. Absolutely not.

10 Q. Is it common that you told or you know that parents were
11 told that their children would die if they left Spring Ridge
12 Academy?

13 A. I don't know that term was ever used, no.

14 Q. Is there anything like it? Did you make any statements to
15 parents like that?

16 A. We would tell them that if students completed the program,
17 their chances of success were much higher and that there were
18 risks to pulling out of the program early and that ultimately
19 leaving the program, our success rates -- the success rates for
20 the students dropped.

21 Q. What measure --

22 A. So they were encouraged to complete the program, yeah.

23 Q. What statistics did you have to measure the success?

24 A. We did post -- we did surveys post students leaving. We
25 got reports from parents on how students were doing once they

1 left Spring Ridge.

2 Q. Anything else?

3 A. We also participated in a survey through the University of
4 New Hampshire that tracked our students' progress post leaving
5 SRA.

6 Q. At what points were they tracked?

7 A. One year, three years, and five years, I believe.

8 Q. Are you aware that a number of girls passed away under
9 circumstances that were somewhat negative since graduating from
10 Spring Ridge Academy?

11 A. Yes.

12 Q. What kind of studies did you do on that, or were they
13 incorporated in this study?

14 A. That would be, yes, absolutely. That would be part of the
15 follow-up study, yeah.

16 Q. Did you ever publish that study?

17 A. The -- I believe it's -- the study from New Hampshire, yes,
18 was published. It was an overall study on not only Spring
19 Ridge but other programs as well.

20 Q. So it wasn't a study on Spring Ridge Academy, it was a
21 study on a number of residential schools?

22 A. It was both. We had independent -- we had individual
23 results, as well as overall results for a number of different
24 programs in our industry.

25 Q. And what numbers were reported with respect to Spring Ridge

1 Academy's success?

2 A. I would have to take a look at those, that information. I
3 don't have that.

4 Q. Have you ever released that report in discovery requests in
5 this matter?

6 A. I don't know.

7 Q. I am showing you page 25 of the Parent Manual.

8 THE COURT: Is that Exhibit 7?

9 MS. ALLARD: Exhibit 7, Your Honor, yes.

10 THE COURT: You may.

11 BY MS. ALLARD:

12 Q. Why are there provisions that restrict a student's ability
13 to contact their peers after they leave the school, as
14 reflected in the section, "Contacting SRA after Program
15 Completion"?

16 A. Could you repeat the question?

17 Q. Why are students not allowed to call the school to speak
18 with their peers for six months after being pulled from Spring
19 Ridge Academy?

20 A. Because often when students were pulled we don't know how
21 they're doing, and typically if they are going to struggle or
22 relapse, it happens within the first six months from leaving
23 Spring Ridge Academy.

24 We want to make sure they are in a good place when
25 they contact our current students so they don't have a negative

1 influence.

2 Q. Why are students restricted on their ability to watch the
3 news?

4 A. We have the news on quite often in the morning on the TVs.

5 Q. Showing you Exhibit 134, page 27. What's the "Transition
6 phase"?

7 A. That would be the final phase before students went home.

8 Q. So it says on here that they are allowed to be in the dorms
9 without staff with two or more buddies, three students total,
10 and they are allowed to watch TV and movies in the lounge
11 during unstructured time, correct?

12 A. Correct.

13 Q. So they're not allowed to watch TV until they get to this
14 transition home phase?

15 A. That's correct -- well, Phase 3 can watch movies.

16 Q. So I'm showing you page 29 of the Student Manual. Under
17 "Interpersonal Skills," it says: Begins to self-disclose when
18 prompted?

19 A. Uh-huh.

20 Q. Why is a student required to self-disclose when prompted,
21 at all?

22 A. Because we want them to be able to discuss their thoughts
23 and feelings, especially in groups or in therapy.

24 Q. But why are they required to disclose private details in
25 groups?

1 A. They are not required to disclose private details in
2 groups.

3 Q. But it says they begin to self-disclose when prompted.

4 A. So they would self-disclose things like feelings. They
5 would self-disclose what they were working on. They would
6 self-disclose -- then may self-disclose, I don't feel
7 comfortable talking about that. So we want them to disclose --
8 I mean, in therapy, you really do have to disclose in order for
9 it to be effective.

10 Q. And then I am showing you page 31. It says they have to --
11 openly participates in groups. Understands and uses feedback.

12 Do you see that?

13 A. Yes.

14 Q. So students are graded on how they criticize their peers;
15 would that be fair to say?

16 A. No, students are graded more on how they respond to
17 feedback they get from other people as far as staff and
18 students and how they take it and how they apply it in their
19 lives.

20 Q. The one I'm really curious about under "Interpersonal
21 Skills" is: Refrains from holding secrets for self and others.

22 A. Yeah.

23 Q. What's wrong with someone holding secrets and having
24 privacy?

25 A. It would be secrets -- and students would learn this.

1 Secrets would be around things like protecting behaviors that
2 other students were engaging in that was possibly dangerous or
3 destructive.

4 So what we didn't want them doing is if someone had
5 run plans, keeping it secret, or someone was relapsing on a
6 visit, we didn't want them to keep that secret. And there's a
7 difference between keeping a secret and setting a boundary to
8 say, I don't want to talk about that.

9 Q. So setting a boundary, isn't it true in the Parent Manual
10 that you represented that you were going to assist parents in
11 setting boundaries with their children?

12 A. Yes.

13 Q. And that would include things like homework and
14 expectations, typical parental expectations; would you agree?

15 A. Yes.

16 Q. And in anywhere were parents informed that in some cases
17 they may instruct a student to set boundaries with the parent?

18 A. Yes.

19 Q. And where is that in the Parent Manual?

20 A. I don't know that it is in the Parent Manual, but it would
21 be discussed in the parent trainings. It would be discussed in
22 therapy. It would be discussed in a variety of ways.

23 Q. After enrollment, correct?

24 A. No, I think that would be probably discussed in enrollment.

25 Q. Do you have a recollection of ever telling a parent that

1 you were going to instruct their child to set a boundary with
2 them, prior to them enrolling their student?

3 A. I think it would say we would with families to set
4 boundaries overall, and I think we would discuss how those
5 boundaries are important in a familial relationship.

6 Q. Did you meet with Ms. Sweidy before she enrolled her
7 daughter?

8 A. I met her. I did not meet with her.

9 Q. Did you have any discussion about boundaries with her prior
10 to her enrollment of her daughter?

11 A. Did I, no.

12 Q. Are you aware of anyone at Spring Ridge Academy that had
13 any discussion with Ms. Sweidy regarding boundaries prior to
14 her enrollment?

15 A. No, but I think generally that would be something that Kate
16 may bring up on a tour, is discuss learning about boundaries
17 and how to have boundaries on a family. So typically that
18 would be part of the tour, but I did not observe that part.

19 MS. ALLARD: No further questions.

20 THE COURT: Is there any cross-examination?

21 MR. SMITH: Yes, Your Honor.

22 THE COURT: Come on up.

23 CROSS-EXAMINATION

24 BY MR. SMITH:

25 Q. Mr. Courtney, I just wanted to follow up on a couple of

1 things.

2 You indicated earlier that at one point you were on
3 some kind of a 600-hour -- did you call it a practicum, or what
4 was that?

5 A. Yeah, it's a practicum in my graduate program, yes.

6 Q. And what degree were you working toward at that time?

7 A. A master's in counseling.

8 Q. Where?

9 A. At Prescott College.

10 Q. Were you able to obtain that?

11 A. No, I had -- my final semester my wife went into -- was
12 air-evac'd into the hospital. We had triplets, and we didn't
13 know if she was going to to survive, so I had to stop my
14 program. And then once we had triplets, it was just too
15 time-consuming.

16 Q. What year was that?

17 A. That would have been in 2008.

18 Q. So by that point in time, were you -- had you been working
19 at Spring Ridge for a while?

20 A. Yes.

21 Q. So 2008 you were working on a master's in counseling?

22 A. Yes.

23 Q. And you were working full-time at Spring Ridge?

24 A. Yes.

25 Q. And then your wife had triplets?

1 A. Yes.

2 Q. And there were medical complications?

3 A. Yes.

4 Q. So something had to give and that was it, your master's
5 degree?

6 A. Yes.

7 THE COURT: Mr. Smith, can you pull your microphone
8 down and speak up, please?

9 MR. SMITH: Sorry, Judge.

10 THE WITNESS: Yes.

11 BY MR. SMITH:

12 Q. At that point in time, did you continue to work at Spring
13 Ridge?

14 A. Yes.

15 Q. And what kind of work were you doing in 2008 at Spring
16 Ridge?

17 A. I was still doing -- acting as a therapist.

18 Q. And that was -- were you being supervised?

19 A. Yes. So I had weekly individual supervision. I had group
20 supervision with all of the therapists, and my Clinical
21 Director sat in on a number of sessions with me.

22 Q. At any point in time after that, did you stop acting as a
23 therapist?

24 A. Yes.

25 Q. When was that?

1 A. That was in -- sometime, I believe, in 2009, I moved to be
2 the Community Director.

3 Q. So what did you do as a Community Director at Spring Ridge?

4 A. I oversaw all of the line staff and direct care personnel
5 in the community.

6 Q. So that is more on the operational side?

7 A. Yes.

8 Q. And so when we're talking about these experiential
9 workshops, you were asked quite a few questions about these
10 workshops, is that therapy?

11 A. No.

12 Q. So that's different from the therapy that you were
13 providing under the supervision of the clinical therapist?

14 A. Absolutely.

15 Q. And were you involved at all in designing any of the
16 workshops that were used at Spring Ridge?

17 A. Yes. We constantly kind of updated and changed them. So a
18 lot of the family workshops and things like that I did design,
19 yes.

20 Q. Did you -- you were asked a question about a workshop or
21 some kind of a program that you attended, was it the Manhood?

22 A. ManKind Project.

23 Q. The ManKind Project. What was that?

24 A. That came out of the work of Robert Bly, and he worked to
25 encourage men to embrace -- kind of balance between the

1 masculine traits and really kind of -- it's called the Warrior
2 Project, but it was kind of a balance of men embracing their
3 positive masculine traits and really having a chance to
4 experience that with other men and really talking about how to
5 use those in a positive way.

6 Q. And when did you do that?

7 A. That would have been in -- I think that was in 2007.

8 Q. And how many times did you go to this?

9 A. Just once.

10 Q. And how did you use that at Spring Ridge?

11 A. I didn't.

12 Q. Okay. There was talk about men being told to disrobe and
13 things like that that went on in that particular workshop?

14 A. Yes.

15 Q. Or whatever it was. Okay.

16 But you didn't go there as -- looking for Spring Ridge
17 things to do?

18 A. Absolutely not. It was a training designed for men, and I
19 run a school full of adolescent girls. It didn't really apply.

20 Q. You were also asked questions about Spring Ridge's physical
21 layout and where it was located and things like that?

22 A. Uh-huh.

23 Q. Where exactly is it?

24 A. Spring Ridge is in Spring Valley, Arizona. It's just
25 outside of Cordes Junction off of Spring Lane. And then

1 it's -- our campus is up on a ridge overlooking Spring Valley.

2 Q. Okay. So when it's insinuated or it's discussed about it
3 being in a remote location, you said no, it's in a suburb.

4 A. Yes.

5 Q. Is that suburb Spring Valley?

6 A. Yes.

7 Q. You were asked some questions about the Commitment
8 exercise?

9 A. Yes.

10 Q. Your best recollection, when was the last time before
11 Rearden Stata came that that exercise was actually used at
12 Spring Ridge?

13 A. My understanding is it was -- really we stopped doing that
14 when Jeannie left in like 2015, I believe, 2014, 2015.

15 Q. Why did you stop?

16 A. It was just really labor-intensive. I mean, it was at
17 night, and we had to have multiple staff members out there to
18 make sure we had people to drive the vans to make sure if a car
19 went by that we were driving with them.

20 And then it went -- Arizona, in the summertime it
21 doesn't get dark until later at night, and so it was just
22 really staff-intensive to do that. And then with my schedule
23 of having a number of children and -- you know, with the staff
24 available, it just became really tough to kind of do
25 consistently.

1 Q. And then last thing I want to talk to you about is you were
2 asked about this Reduction -- is that an exercise, or is that a
3 workshop?

4 A. Feeling Reduction is a therapeutic tool, so it's part of
5 Post Induction Therapy. It's conducted as a group process in
6 group therapy.

7 Q. So that's part of the therapy. It's not part of the
8 experiential things?

9 A. No.

10 Q. And is the goal there to have responsibility for what
11 occurred shift to the perpetrator?

12 A. Yes.

13 Q. And so whatever it is that you ask the girls to do?

14 A. Uh-huh.

15 Q. Why are you doing that?

16 A. Because Pia Mellody who developed Post Induction Therapy
17 talks a lot about carried shame. And often when we experience
18 being perpetrated against, one of the ways we kind of deal with
19 that is we take on the shame and guilt that really belongs to
20 the person who perpetrated us.

21 And so a lot of times -- you know, for example, if I
22 get assaulted, I may feel it's my fault, and I will carry the
23 shame for the event. But the shame really belongs to the
24 person who perpetrated in the event.

25 So what we talk about is giving that shame back to the

1 perpetrator rather than carrying it in our own lives and
2 feeling as though we are responsible for someone perpetrating
3 against us.

4 Q. And recognizing that sometimes some of these events would
5 be very, very personal --

6 A. Uh-huh.

7 Q. -- for these girls. If a girl was not able or willing to
8 participate in this exercise with her peers --

9 A. Uh-huh.

10 Q. -- would that cause her to not progress at Spring Ridge
11 Academy?

12 A. No. And the process could be done both in individual or
13 group therapy. There was value in a lot of ways in doing it as
14 a group process, because the peers could then affirm and
15 support the student around saying, hey, it was not your shame.
16 You didn't deserve that. But it would not hold the girl up,
17 no.

18 Q. Thank you.

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

20 THE COURT: Is there any redirect?

21 MS. ALLARD: Yes, Your Honor.

22 THE COURT: Come on up.

23 REDIRECT EXAMINATION

24 BY MS. ALLARD:

25 Q. Are you aware of whether or not a group Feelings Reduction

1 was conducted at Spring Ridge Academy on the subject of
2 Kimberly Sweidy?

3 A. I am not aware of that.

4 Q. And with respect to Commitment, you made some testimony
5 that you believe that Spring Ridge Academy stopped doing
6 Commitment. I am going to ask you about another student from
7 2020. Do you remember a student by the name of Mo Ouren?

8 A. The name rings a bell.

9 Q. Now, if she were to have contacted or communicated that she
10 in fact went through Commitment in April or May of 2020, would
11 that be accurate?

12 A. I don't believe so.

13 Q. Do you have any specific memory or information or records
14 to suggest otherwise?

15 A. Just that I don't recall that we were still doing the
16 Commitment training in 2020.

17 Q. When do you think you stopped doing it?

18 A. Around when Jeannie left in 2015.

19 Q. Okay. Now, do you have any information or explanation for
20 why Commitment training is a requirement on Rearden Sweidy
21 Stata's Master Treatment Plan?

22 A. I do not, and that may have been something that was left on
23 there from a previous plan. I honestly do not know.

24 MS. ALLARD: No further questions.

25 THE COURT: Subject to re-call, plaintiffs?

1 MS. ALLARD: Yes, Your Honor.

2 THE COURT: Sir, it appears that your testimony may be
3 needed at a different point during this trial. You are excused
4 right now. Have a wonderful lunch.

5 Ladies and gentlemen, this is a perfect time for our
6 lunch recess. Court is in recess until -- sir, just one
7 moment. Let me let the jury go.

8 Court is in recess until 1:00 p.m.

9 All rise for the jury. Court is in recess until 1:00.

10 (The jury leaves the courtroom.)

11 THE COURT: Court is in recess.

12 (Recess taken at 11:52 a.m.)

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

I, ELVA CRUZ-LAUER, 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 4th day of June, 2024.

s/Elva Cruz-Lauer
Elva Cruz-Lauer, RMR, CRR