

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kimberly Sweidy,	)	
	)	No. 3:21-cv-08013-SPL
Plaintiff,	)	
	)	
vs.	)	
	)	Phoenix, Arizona
Spring Ridge Academy, et al.,	)	June 5, 2024
	)	1:00 p.m.
Defendants.	)	
_____	)	

BEFORE: THE HONORABLE STEVEN P. LOGAN, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 6

(P.M. SESSION)

(Pages 1-136)

Official Court Reporter:

Cathy J. Taylor, RMR, CRR, CRC

Sandra Day O'Connor U.S. Courthouse, Suite 312
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Proceedings Reported by Stenographic Court Reporter
Transcript Prepared by Computer-Aided Transcription

A P P E A R A N C E S

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I N D E X**SUMMARY OF COURT PROCEEDINGS:**

Outside the Presence of the Jury

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WITNESSES:

Kimberly Sweidy

Direct Examination by Ms. Allard

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P R O C E E D I N G S

(Jury present at 12:59 p.m.)

(Proceedings reconvene at 1:00 p.m.)

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

01:00:23

Please start your examination.

MS. ALLARD: Thank you, Your Honor.

THE COURT: You're welcome.

(KIMBERLY RENÉ SWEIDY, a witness herein, was previously duly sworn or affirmed.)

DIRECT EXAMINATION

BY MS. ALLARD:

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

A. Kimberly René Sweidy, K-I-M-B-E-R-L-Y, middle name R-E-N-E, last name S-W-E-I-D-Y.

01:00:50

Q. At any time, either prior to or during your daughter's enrollment at Spring Ridge Academy, did any employee describe to you the contents of the workshops that they conducted?

A. No.

Q. How is it that you ended up at Spring Ridge Academy?

01:01:12

A. My younger daughter is a bit of a pistol. She had some behavior problems. And mainly she was not going to school. So for consecutive years of high school, that would be in California senior high being 9, 10, 11 and 12, within the first month or two of school each year she would be declared a

01:01:49

1 habitual truant under the laws of the State of California, at
2 which point I would get a descriptive letter from the school
3 district explaining this and in the back explaining the
4 possible consequences and actions that could be taken,
5 including legal action against me, and perhaps that they would
6 ask me to monitor her to class. Which I actually offered to
7 do, and they declined, so I don't know why they put that as an
8 option.

01:02:13

9 I'm like: I'm happy to do this, but I can't drag her
10 to school. And I'm not preventing her from going to school,
11 and so I'm at a loss here.

01:02:29

12 And I was very cooperative, but this list of kind of
13 scary, alarming consequences, so I always followed it to the T.
14 But it was getting a little old by senior year, and it was
15 clear that something needed to change.

01:02:44

16 And so she and I had a conversation, and I said: You
17 know, you're not on the right track. Your friends agree you're
18 not on the right track, you don't have, as her boyfriend said,
19 your priorities straight, and so why don't we take a break.

20 And for -- it turns out -- I did not know this at the
21 time, but for many people, or many young people, going to
22 Wilderness was a punishment. I kind of don't get that, but it
23 doesn't matter for this purpose. For my daughter, Rearden, it
24 was not a punishment. Rearden loves the outdoors. She's super
25 athletic. And to this day she will take her sleeping bag and

01:03:04

01:03:28

1 the pad and drive out in her car to the middle of nowhere and
2 sleep under the stars. It's one of her favorite things to do.

3 So this was not a punishment at all. She fully knew
4 about it. She participated in the conversation. She was never
5 gooned. Okay? No. That was not the situation.

01:03:47

6 So I proposed to her that I had looked online and
7 found this Wilderness program and spoken to one of the -- I
8 think it was Director of Admissions Aris, A-R-I-S, McGinnis, I
9 think it was M-C-G-I-N-N-I-S. And Aris -- it was a really
10 great conversation, and it was really just about clearing her
11 head for a reset. Because for her the outdoors is a very
12 clearing the head thing. We're hikers. We're very physical.
13 We've always been that kind of family.

01:04:15

14 For someone else, it could be a punishment. Kids that
15 don't like that kind of physical activity or to hike five miles
16 a day, that would probably have been torture, if you had a
17 physical disability.

01:04:30

18 So she was all on board. And she said: Yeah, that --
19 you know, that sounds great.

20 So we discussed it, and then I discussed it with her
21 father. I was the primary custodian. And so I said: This is
22 what I'm proposing to give her a reset. We're discussing it.

01:04:41

23 So she discussed it with me. She discussed it with
24 her father. She discussed it with her friends, who were all
25 for it. They're like: Yeah, you don't have your priorities

01:04:54

1 straight.

2 They were all college bound. Like, Rearden, you got
3 to get it together. You've got too much potential for this
4 nonsense.

5 So we decided on the program, and she was transported
6 there by her father on a plane flight with her full and
7 complete cooperation and knowledge of exactly where she was
8 going. And to this day for her -- and I'm not going to
9 disparage anybody else because in my research I've heard some
10 horror stories. But for her, it continues to have been a
11 positive experience. And that's what matters. And that was
12 the intent, to clear her head. And that did seem to have
13 worked when the -- the I think it was 13 weeks were up.

01:05:04

01:05:22

14 But it was at one point she said to me in commun- -- I
15 think on one of my visits, she goes: Mom, I have to thank you,
16 because apparently there are people here who were brought
17 against their will and lied to. One girl thought she was going
18 to fashion camp.

01:05:40

19 I'm like: What?

20 And she was: Yeah, her parents lied to her, said
21 these people are coming to take you to -- coming to take you to
22 fashion camp.

01:05:54

23 And then they end up at Wilderness?

24 She goes: Yeah. So, Mom, thanks for always telling
25 me the truth even when I don't want to hear it.

01:06:06

1 I go: You know, you can't advocate for honesty if you
2 don't practice it, so you're welcome.

3 But I started at that point to hear some stories, but
4 I didn't think anything of it. I don't judge other people. I
5 don't know the facts and circumstances of that kid.

01:06:19

6 Q. So did you ever attend any workshops at Outback as a
7 parent?

8 A. I did. Only one. Actually, it was really Wilderness
9 program. So you really couldn't go to visit very easily
10 because they were literally traipsing around Utah, which my
11 daughter loved. And I don't mind either, but it's not easy to
12 have visits in that.

01:06:31

13 So we, each parent, got one visit. They gave us some
14 dates. And because we're a divorced family, father was going
15 to go on one day to be with her, and I was going to go on
16 another. And we coordinated the dates. They were a couple
17 of weeks apart. And I went on one visit, and this is how it
18 worked:

01:06:46

19 So you went for -- to Utah. And we're from
20 California, so -- Northern California at -- where we live, and
21 it's -- you need to be there two days. So the first day of
22 your visit you go to what they call a parent workshop. I knew
23 nothing about this, but it was run by a gentleman named McKay
24 Deveraux. That's M-C-K-A-Y -- oh, gosh, the French names go --
25 D-E-V -- I'll get you the spelling. I'm sorry. I always mess

01:06:57

01:07:19

1 up with all those vowels.

2 Anyway, McKay Deveraux, licensed technician, who was
3 high up in the program, gave, like, a talk with the parents
4 sitting in chairs like any other college lecturer about Anatomy
5 of Peace. And it did not raise any red flags. It was a lovely
6 discussion. It was not exactly my content. It was a little
7 off the beaten path, but, you know, have an open mind.

01:07:36

8 Interesting. Parents were talking to each other. We were
9 discussing the book. He was giving a lecture, asking people
10 questions, asking people to participate, as probably we would
11 do in any high -- high school or college class. It was -- it
12 didn't raise any red flags, and it was called parent workshop.

01:07:52

13 Q. So when you viewed on the admissions materials from Spring
14 Ridge Academy that there were going to be workshops, did you
15 have any idea that they were going to be Lifespring events?

01:08:11

16 A. Oh, no. Well, first of all, I've been to so many workshops
17 in my 63 years on this planet, so -- I mean, I've been to a
18 number of workshops and certainly nothing like that. Many
19 more. Sometimes it's a topic you're not familiar with it or
20 it's something you may not even agree with, but it's not going
21 to hurt you to sit there and listen, and so you do so. That --
22 there was no -- there's no preparing for that.

01:08:28

23 And just let me finish the -- another thought, and we
24 can go on.

25 So the second day of the visit was, then, when you

01:08:40

1 went out to the wilderness and met up with a therapist and they
2 took you out to where your kids were. And the kids were
3 separated, so you didn't meet with them all together. The
4 parent and the child would, like, meet in one location, and
5 another parent and child. So you had a lot of privacy.
6 Another parent and child here. Not being able to hear or see
7 each other.

01:08:52

8 So you would spend your time with your child alone in
9 the wilderness, and then the therapist would come around and do
10 a family therapy session with you and the child. So that was
11 the second day. And when that concluded, then you drove in
12 your car and went back.

01:09:04

13 And that was the entire visit the Wilderness until the
14 graduations, when you were invited back for the graduation
15 ceremony.

01:09:17

16 Q. So you had a family therapy session with just you and your
17 daughter and your ex-husband?

18 A. No. My ex-husband was not there. As I said, he visited, I
19 think, two weeks prior. We picked -- we selected two days, and
20 they -- that's how they handled divorced families. We -- we
21 selected two days. He actually sel- -- I actually asked him to
22 take the first one because it happened to be my birthday, and I
23 wanted to celebrate my birthday and then go to the second one.
24 So he went on the first session offered to us, and I went on
25 the second session. And I believe they were separated by

01:09:28

01:09:46

1 two weeks.

2 Q. And what is it that -- what time of year was this?

3 A. Oh, yes. It was in the fall. So I think the admission
4 date -- it was a Thursday, so I think it was September 13th,
5 but it might have been September 12. Anyway, it was the
6 Thursday of that week, because they did all of the -- because
7 of the remote location, you would do all the arrivals and
8 departures at that program always on a Thursday.

01:10:02

9 Q. And when did -- when was she set to graduate from that
10 program?

01:10:19

11 A. There's no such thing as set to graduate. What they do is
12 they see -- some kids will stay six weeks, some might stay
13 eight weeks, some might stay longer.

14 Rearden stayed -- I don't know, because I don't have
15 the statistics on that. But she stayed, I believe, a total of
16 13 weeks, and we left it up to the -- her therapist, Jessica Jo
17 Stenquist -- that's J-E-S-S-I-C-A, space, J-O, space,
18 S-T-E-N-Q-U-I-S-T -- to tell us when she thought it was time
19 for Rearden to transition out of the program.

01:10:32

20 And so when she indicated to Mr. Stata, Rearden's
21 father and I, that Rearden was about ready and we needed to
22 start looking at the next step, she advised us that she didn't
23 think that Rearden should be coming home, she'd made progress,
24 and kind of settling and climbing, but that she should go to a
25 more monitored program at that time.

01:10:56

01:11:16

1 And so that was around, I think, November, so we
2 needed to plan for kind of a December transition date. And I
3 was good with that, because I didn't want her there in the
4 winter. I -- I've never lived in Utah, but I kind of figured
5 it would get really cold, and we needed to get her out of there
6 before it got really cold. That's, we thought, not safe.

01:11:31

7 Q. So where did the idea of Spring Ridge Academy come from?

8 A. Well, Mr. Stata had been pushing for quite some time, for
9 many years, actually, to hire an educational consultant, and I
10 kept pushing back because I had heard some not flattering
11 things about educational consultants, though the truth was so
12 much worse than the unflattery -- it turns out were so much
13 worse than the unflattering things that I heard. Just that
14 they would kind of get kickbacks or they would pick their
15 favorite schools. I didn't know there was a Troubled Teen
16 Industry. I just heard that about schools in general.

01:11:48

01:12:06

17 I was a little resistant. Finally I said: You know
18 what? Okay. Let's just -- let's just try it since you're --
19 since you really want it. And if you want it that bad -- it's
20 always good to compromise with, you know, the other parent for
21 the sake of the children. And if you really want it, let's go
22 visit someone.

01:12:20

23 And we had someone recommended to us by my therapist,
24 Dr. Martha Cravens. Martha the normal way. Cravens,
25 C-R-A-V-E-N-S. Been my therapist for years through my divorce.

01:12:36

1 She had recommend -- recommended a woman named Vania Matheus,
2 V-A-N-I-A, M-A-T-H-E-U-S.

3 Q. And so did Ms. Matheus recommend Spring Ridge Academy?

4 A. Well, actually, the funny thing is I think that was the
5 second or third. At the time I didn't think that Rearden would 01:12:58
6 flourish in an all-girl environment. Rearden can be a girly
7 girl, and Rearden can be a tomboy, and Rearden can be
8 everything in between. And she has a lot of male friends.
9 Rearden likes girl -- has female friends, and she has male
10 friends. And I thought -- she finds good balance in that. And 01:13:15
11 I have -- I, frankly, have never been -- and I know people that
12 love it, love it, and I respect that, but I've never been a fan
13 of single-sex education. I think that we need to live in the
14 world together and that we should be educated together and that
15 we should each learn to interact. 01:13:34

16 So my first choice at that time, based on reading a
17 book written by the founder, was Montana Academy. It was
18 considered the, quote/unquote, gold standard apparently of
19 these schools. And, as an alternative, Summit Prep, which had
20 been started by some employees of Montana Academy. Those were 01:13:51
21 my first choices. Again, not a lot of data.

22 The first choice of Vania Matheus was a place
23 called -- I believe it was Chrysalis, and it was -- I honestly
24 couldn't believe it when I got the email. Because when I spoke
25 to Rearden at the visit, she goes: Mom, I know I'm going to 01:14:09

1 another school after this.

2 I said: Yeah, it's looking like that. That's what's
3 being recommended.

4 And she said: Okay. Mama, I only have one request.

5 I go: Well, if you only have one request, if I can
6 grant it, I'll do it.

01:14:20

7 And she goes: Don't send me to Chrysalis.

8 And I went: Why?

9 I didn't know what Chrysalis was.

10 She goes: There's some girl here who went to
11 Chrysalis, and she said it was so bad she drank dish soap to
12 try to kill herself to get out of there.

01:14:30

13 And I'm like: First of all, that's a very ineffective
14 method of, like, suicide. I think all you're going to do is
15 throw up.

01:14:45

16 She goes: Okay. You and the details.

17 So I said: Well, you know what? I don't have an
18 opinion on Chrysalis, but if that's your one request, I will
19 promise you this: You're not going to Chrysalis. There's a
20 million other schools. Why do we need to go to Chrysalis if
21 you're so against it.

01:14:56

22 So the first name on that list from Ms. Matheus was
23 Chrysalis. And I just laughed and I said: Oh, my gosh, the
24 universe's sense of humor.

25 I said: Ms. Matheus, we're -- we're not going to --

01:15:08

1 THE COURT: I got to --

2 THE WITNESS: -- Chrysalis.

3 THE COURT: I got to stop just for a minute.

4 Ms. Sweidy, I take a lot of notes --

5 THE WITNESS: Oh, I'm sorry.

01:15:15

6 THE COURT: -- and I'm writing over 20 words a minute
7 at this point. So if you --

8 THE WITNESS: Do you want me to slow down?

9 THE COURT: A little bit, if you can. Or just in

10 between thoughts, if you could just take a breath of something,

11 because I take a lot of --

12 THE WITNESS: Well --

13 THE COURT: -- notes.

14 THE WITNESS: -- hopefully air.

15 THE COURT: I'm sorry?

01:15:31

16 THE WITNESS: Hopefully I would take a breath of air.
17 Anything else would alter my mental state, and we got to keep
18 focused.

19 THE COURT: That's right.

20 THE WITNESS: I will, Your Honor.

01:15:39

21 THE COURT: All right.

22 THE WITNESS: I respect you. Thank you for the
23 feedback, and I will do my best.

24 THE COURT: I appreciate that. Thank you very much.

25 THE WITNESS: You are welcome.

01:15:44

1 So I said: No. Chrysalis is out.

2 And, of course, they had Montana Academy and Summit
3 Prep. And I believe the next one down was Spring Ridge
4 Academy. Never heard of it.

5 I said: Well, tell us about Spring Ridge Academy. 01:15:57

6 Well, it's an all-girls school.

7 I said: You know, it's probably not the best choice
8 for a tomboy who loves to be around women and men, but you know
9 what? My ex-husband also said he was very interested. So you
10 don't want to be uncooperative with the other parent. You're 01:16:13
11 very interested. Let's go see it. So it got on the list.

12 And so that is how the three visits were -- were
13 selected. My first choice at that time was Montana Academy,
14 and then -- and/or possibly Summit Prep, and then also Spring
15 Ridge Academy. And those are the three schools that Mr. Stata 01:16:37
16 and I set up and toured together.

17 BY MS. ALLARD:

18 Q. I'm going to show you Exhibit 48.

19 THE COURT: It's received. You may publish it.

20 BY MS. ALLARD: 01:17:11

21 Q. Okay. So page 1 of Exhibit 48 appears to be an email dated
22 November 19th, 2019.

23 Would this be reflective of Mr. Stata's communication
24 to Kate Deily at a Spring Ridge Academy on November 19th, 2019?

25 A. Yes. 01:17:28

1 Q. And so this would be the first contact with Spring Ridge
2 Academy by either one of you?

3 A. Correct.

4 Q. And the style of communication at this point, either --
5 when either one of you commuted -- communicated, you cc'ed the
6 other parent?

01:17:38

7 A. Absolutely.

8 Q. Okay. I'm now showing you Exhibit 48, page 11.

9 At some point did you copy your daughter's therapist
10 at Outback, Jessica Jo?

01:18:07

11 A. Yes. During this process we discussed Outback. And
12 Jessica Jo Stenquist and Kate Deily clearly had a preexisting
13 relationship. Other young women had been sent from Outback to
14 Spring Ridge Academy, and they already knew each other. And,
15 therefore, it was not, like, a matter of meeting a new person.

01:18:30

16 She asked for permission to reach out to Rearden's
17 therapist at Outback, Jessica Jo, who she already knew. And,
18 of course, I said yes and then signed the necessary
19 authorization to release those confidential records as the sole
20 custodian. I think only I signed the release, and the reason
21 was because of the -- the situation with custody. I had sole
22 legal custody for these matters.

01:18:50

23 Q. All right. Who initiated the requirement that there needs
24 to be a release before someone talks to a third party? You or
25 Kate Deily?

01:19:05

1 A. Well, she initiated in this case. I know it to be a fact
2 from my professional experience, but, of course, she initiated
3 asking for permission to speak and providing me the necessary
4 release, which I promptly signed.

5 Q. So I'm showing you page 12.

01:19:18

6 Do you recognize page 12 of Exhibit 48?

7 A. Yes.

8 Q. And was this release prepared by you or Kate Deily?

9 A. I'm sorry. It was so long ago. Can you pull it down?

10 It really does look like I did it. It's certainly my
11 signature. And I really do think that I filled it out, but I'm
12 not 100 percent sure. I fill out a lot of PDFs. So it's five
13 years ago. Probably me.

01:19:36

14 Q. Was it --

15 A. Definitely my signature.

01:19:53

16 Q. Was it your form, or was it Spring Ridge Academy's form?

17 A. It was Spring Ridge Academy's form that had been provided
18 to me. So I think it was provided blank, but, again, not
19 100 percent sure. But I think they provided me a blank form,
20 which I filled out, and we submitted it -- and submitted it
21 back to them.

01:20:10

22 Q. Did you continue to communicate with Kate Deily by email
23 with Mr. Stata?

24 In fact, did you try to set up another time to talk?

25 A. Oh, yes. Kate -- Kate Deily indicated that she wanted to

01:20:27

1 speak to both of us, and we were trying to set up a telephone
2 conference. And because I have a -- believe it or not, a
3 two-line landline in my house -- yeah, I'm that old -- it's
4 easy for me to conference call.

5 So I was going to conference Mr. -- myself, Mr. Stata,
6 and Kate Deily, and we set up a time to do that from my phone.

7 Q. So were you able to coordinate with your ex-husband on that
8 call?

9 A. Well -- well, we did set up one that was -- first,
10 Ms. Deily was not able to -- to participate in, because when we
11 tried to call her there was no answer. And then she gave an
12 explanation that I think she was caught in a storm or
13 something, and then we had to reschedule. And then we did
14 reschedule. And then it -- then it did happen in the manner
15 that I previously described, that the -- the -- the conference
16 call between the three of us.

17 Q. In the conference calls, did she at all describe the
18 program at Spring Ridge Academy?

19 A. Not -- no, not in any details. It was almost like a hi
20 conversation, like: Hi, how are you? I'm Kate Deily. This is
21 what I do.

22 And I really, honestly, don't remember any substance
23 to the contact. I think it was a first-contact type call.
24 Nobody jumped into this. I think it was more about, hi, how
25 are you, and what we'd like to do is, you know, set up a day

1 for a school visit or a school tour.

2 Q. Okay. I'm going to show you page 26 of Exhibit 48.

3 Do you recall receiving this particular email on
4 November 21st, 2019, from Kate Deily?

5 A. I do. That was right after we were able to finally
6 complete our brief call, and then she sent this explanatory
7 follow-up email with attachments, I believe, to us.

01:22:16

8 Q. And did you read it?

9 A. Oh, every word. Many times.

10 Q. And what about this description stood out that attracted
11 you to consider Spring Ridge Academy?

01:22:31

12 A. Well, everything. It sounds amazing. Clinically
13 sophisticated therapy. Individual, family, and group therapy
14 weekly, into in addition, "We offer therapeutic intensive
15 workshops addressing anxiety and depression."

01:22:52

16 I did have a red flag with the trauma piece there that
17 I spoke to her about on the school tour, because that did not
18 apply to our family.

19 Relationships. Health.

20 I mean, every word of it. There's nothing on there, I
21 think, other than I said trauma might apply to other families,
22 but not to us in the tour, and I want to make sure we have an
23 individualized treatment plan, not a one size fits all.

01:23:07

24 But, in particular, that it was a -- this is what it
25 was. And I think someone in here -- oh, yes, college prep

01:23:27

1 curriculum.

2 So in my mind we're signing up for college prep
3 curriculum with a family therapy component. There -- I had --
4 I'm going to tell you, honestly, experiential education student
5 workshops. Nobody at that time could have ever convinced me of
6 what kind of experience we and those young people were going to
7 have. So that word, loaded, it turns out.

01:23:46

8 So workshops. I didn't know what those were. I'd
9 been to a parent workshop at Outback. It was just a guy
10 talking about a book.

01:24:03

11 And then I love the part about -- there was a lot of
12 emphasis on healthy eating and a lot of physical fitness.
13 Rearden needs to be super active. She's an athlete. She's
14 physical, and that keeps her in good shape if she does
15 something pretty rigorous. So kind of excited for her to be in
16 CrossFit. She's an accomplished gymnast, hiker, lots of
17 things. So you got to keep that kid moving, and it looked like
18 there was a lot of opportunity.

01:24:20

19 So there's a -- there were a lot. Horseback riding
20 never happened. There's a lot of stuff that never happened,
21 but it sounds great right there on paper. I think, you know,
22 we'd all want to go. In fact, I think I made a joke about that
23 to Kate in the tour: Man, I wish I could sign up here. This
24 sounds great.

01:24:37

25 Q. So --

01:24:51

1 A. I need a break.

2 Q. So what about family therapy were -- were you interest --
3 why were you interested in family therapy at a boarding school?

4 A. One of the -- the challenges of our marriage, and also
5 leading to the divorce, which is a very serious matter when you 01:25:03
6 break up a family, is that Mr. Stata tended to not be mentally
7 or emotionally or physically present. And it bothered Rearden
8 a lot. She wanted his attention. She wanted some time. And I
9 think it may have led to some of the behavior problems.

10 I was a full-time mother, so, you know, me spending 01:25:25
11 time was different. And I understand, you know, he loves his
12 career, but it was beyond that.

13 And I -- we had a discussion, Mr. Stata and I -- many
14 discussions, but we had a discussion, and I said: Look, out of
15 these three programs -- and later on, you know, we ended up 01:25:42
16 wanting to pick the one that had the most family involvement
17 and were also prepared to deal with divorced families.

18 I will tell you, honestly, the other two families were
19 stuck in the '50s. They were not prepared -- they basically
20 said it to our face -- to deal with divorced families. If we 01:26:00
21 weren't on the 1950s model of an intact, then they weren't
22 going to accommodate us. And that --

23 Q. I didn't ask you that. Can -- let the record be clear.
24 Who are you referring to?

25 A. Oh, Montana Academy and Summit Prep. Their expectations 01:26:13

1 were those of an intact family, and those are different from a
2 divorced family, even a divorced family who is attempting to
3 cooperate, be cordial and put the children first.

4 So, yeah. And I -- I talked to him, and we had
5 private conversations. And I said: This one has a lot of
6 family involvement. And when we were put -- that's really
7 important. And will you commit to me to be there for Rearden
8 and participate in all of these and come to all of these?

9 Because I think that would mean a lot to her, and this would
10 get us far along in helping address some of these issues that
11 she has.

12 And he did promise me that he would participate in all
13 of those. And as we went into it as parents -- and understand
14 we might be a divorced family, but we're still a family, and
15 those kids still need us. And he promised me he was going to
16 come to all of those workshops.

17 This isn't anything I shared with Spring Ridge
18 Academy, because it's not their business. I'm trying to
19 establish a lifelong relationship with the father of my
20 children.

21 Q. Okay.

22 A. It was --

23 Q. So at some point you filled out an enrollment application
24 that they gave you.

25 And do you recall how long it took you to complete

1 that application?

2 A. Approximately six to eight hours. It was done online in
3 BestNotes. It's super extensive, and it asks a lot of
4 questions. And because it was an application and what I really
5 viewed as a therapeutic tool to understand the dynamics in our 01:27:39
6 family, I took it really seriously. And I remember being there
7 pretty much all of a day writing that and answering all of
8 those questions before submitting it. So -- and it maybe even
9 extended over two days. But I know it was a lengthy
10 application with very personal questions and a very detailed 01:28:02
11 request to understand my perspective.

12 And, again, I only speak for myself, and I always
13 offer an -- you know, encourage Mr. Stata to submit his own
14 application on his own parent portal. We had our own parent
15 portal. So we had a portal that only the person creating it 01:28:20
16 could access with a password. As divorced parents, those are
17 not -- we're not using the same portal. And I submitted one
18 under mine, and, of course, always invited him, because he has
19 a different perspective. He's not me.

20 Q. Okay. I'm going to ask you line by line about this 01:28:37
21 application --

22 A. Okay.

23 Q. -- if you responded to it. I don't need to know what you
24 said.

25 A. I -- 01:28:43

1 Q. I just want to know --

2 A. I understand. It's very confidential --

3 Q. All right.

4 A. -- so --

5 Q. So --

6 A. -- let's just stick with the questions.

7 Q. Did you respond to the question, "How do you believe the
8 divorce separation has affected your child?"

9 A. I did.

10 Q. And did you provide an explanation as directed?

01:28:53

11 A. I did.

12 Q. Did you respond to the question, "Describe the visitation
13 arrangement"?

14 A. I did.

15 Q. And did you give details?

01:29:01

16 A. I did.

17 Q. Did you respond to the information requesting educational
18 information?

19 A. Yes.

20 Q. Did you respond to the question of where your child was
21 born and whether there was any complications during your
22 pregnancy?

01:29:10

23 A. I did.

24 Q. Did you respond to the question, "Has your child ever been
25 assessed for learning disabilities?"

01:29:19

1 A. Yes.

2 Q. And did you respond to the question, "Does the applicant
3 have an IEP or a 504?"

4 A. Yes.

5 Q. If yes, did you respond, "Please give the dates and the
6 reasons"?

7 A. Yes.

8 Q. And did you respond to the question, "What specific events
9 precipitated your decision to seek treatment?"

10 A. Yes.

11 Q. Did you respond to the question, "What are your specific
12 goals for your child while receiving treatment?"

13 A. Yes.

14 Q. And did you respond to the question, "What would you
15 describe as your child's strengths?"

16 A. Yes.

17 Q. And did you answer the question, "What would you describe
18 as your child's weaknesses?"

19 A. Yes.

20 Q. Did you ever imagine when you were answering these
21 questions that this document would be supplied into a public
22 forum without your authorization and consent?

23 A. Absolutely not.

24 Q. What did you think this application was?

25 A. I believed that this was an application for therapy that is

1 governed by the highest principles of confidentiality. And I'm
2 well aware of what those are being a lawyer. We live by those.
3 Our loyalty is to our client without fail. We do not violate
4 confidences. And I would have never considered this school if
5 they thought they were going to elicit this personal
6 information and then disseminate it. I --

01:30:41

7 Q. You --

8 A. I never imagined that.

9 Q. Okay. So I'm going to keep going.

10 On the section Psychological History, did you respond
11 to the question, "Describe the way in which your child
12 expresses anger"?

01:30:52

13 A. Yes.

14 Q. Did you respond to the question, "Has your child ever run
15 away?"

01:31:04

16 A. Yes.

17 Q. Did you respond to the question, "Has your child ever had
18 thoughts of suicide, made a plan, or attempted suicide?"

19 A. Yes.

20 Q. Did you respond to the question, "Sexual Activity. Please
21 describe any risky, aggressive, or inappropriate sexual
22 behaviors"?

01:31:12

23 A. Yes.

24 Q. Which -- did you respond to the question, "Mood Issues:

25 Does your child exhibit signs of anxiety, depression, mood

01:31:25

1 swings, et cetera?"

2 A. Yes.

3 Q. Did you respond to the question whether or not your child
4 had obsessions or compulsions?

5 A. Yes.

01:31:36

6 Q. Did you respond to the question whether or not your child
7 had a history of lying, stealing, vandalism, dealing drugs, or
8 criminal activity?

9 A. Yes.

10 Q. Did you respond to the question of whether your daughter --
11 your daughter had any unusual behaviors and, if so, describe?

01:31:45

12 A. Yes.

13 Q. Did you respond to the question whether your daughter had
14 any eating issues?

15 A. Yes.

01:31:55

16 Q. Did you respond to the question of whether or not your
17 daughter isolated from others?

18 A. Yes.

19 Q. And did you respond to the question whether your daughter
20 had substance-related issues?

01:32:04

21 A. Yes.

22 Q. And did you respond to the question of whether there was a
23 family history of drug or alcohol use?

24 A. Yes.

25 Q. Did you respond to the question whether or not your

01:32:13

1 daughter had other addictive patterns?

2 A. Yes.

3 Q. And did you respond to the question of whether your
4 daughter had legal problems?

5 A. Yes.

01:32:21

6 Q. Did you respond to the question of whether or not your
7 family had a history of mental illness?

8 A. Yes.

9 Q. Did you give the names and phone numbers of your family,
10 doctor, and dentist?

01:32:32

11 A. Yes.

12 Q. Did you respond to the question of whether or not your
13 daughter had a history of medications?

14 A. Yes.

15 Q. And did you respond to the question of whether your child
16 got exercise?

01:32:41

17 A. Yes.

18 Q. And did you respond to, "Check the boxes of any illness
19 your daughter ever had"?

20 A. Yes.

01:32:54

21 Q. Did you give dates and times of immunizations in this form?

22 A. Yes, or I attached the actual record. But, yes, I
23 responded by providing the information in some format. I
24 believe it was as an attachment.

25 Q. Did you give a family medical history as requested on this

01:33:12

1 form?

2 A. Yes.

3 Q. And did you -- did you give insurance information as
4 requested on this form?

5 A. Yes.

01:33:19

6 Q. Did you give a social security number on this form?

7 A. I think I -- I -- is that the application?

8 I think I gave three social security numbers. I think

9 I gave my social security number, Mr. Stata's social security

10 number, and Rearden's social security number.

01:33:32

11 THE WITNESS: Your Honor, may I ask? Is it better?

12 Is my pace better?

13 THE COURT: It's a lot better. Thank you so much.

14 THE WITNESS: Thank you for the feedback. It's not

15 always easy to know when you're up here how you're coming

01:34:00

16 across, so the feedback is really appreciated. Thank you.

17 THE COURT: I'm happy I could help you out.

18 THE WITNESS: No. You did.

19 BY MS. ALLARD:

20 Q. Now I'm going to show you Exhibit 48, page 28.

01:34:09

21 A. Oh, I'm not seeing anything.

22 Q. I'm just looking at it.

23 A. Okay.

24 Q. Hold on.

25 I'm looking at the second page. Page 28 appears to be

01:34:18

1 attachments to an -- in an email exchange. Kate Deily. I
2 think it's in this particular one. It's referencing an email
3 from Mr. Stata on November 19th.

4 A. No. That's not attached to Mr. Stata's email. You see
5 those little arrowey things? That means it's way down in the
6 email chain.

7 Q. Okay.

8 A. I included that page because to show it had icons showing
9 what attachments.

10 So if you could go to the page I think before that.

11 No. That's after.

12 Q. Okay. Well, let's just --

13 A. That's --

14 Q. -- talk about --

15 A. That's just indicating --

16 THE COURT: Wait, wait, wait. Stop, stop, stop.

17 Let's -- let's stop.

18 This is what I need to happen: Ms. Allard, just --
19 just find in the document where you need to ask the question.

20 MS. ALLARD: I'm on the page I would like to be on.

21 I -- I'm fine.

22 BY MS. ALLARD:

23 Q. I would just like you to describe the attachments.

24 THE COURT: Well --

25 THE WITNESS: Okay.

1 THE COURT: Well, let me finish what I'm saying.

2 When she puts something on the screen, just let her
3 ask the question. Okay?

4 THE WITNESS: Okay. Yes, Your Honor.

5 THE COURT: Go ahead.

01:35:36

6 BY MS. ALLARD:

7 Q. Okay. Just looking at these attachments, are these -- is
8 this what you received from Spring Ridge Academy in your
9 communications with Kate Deily before you enrolled your
10 daughter?

01:35:47

11 A. Yes. There was an email back and forth, and at some point
12 those attachments with those icons were provided to me. And I
13 believe Mr. Stata was on that email chain as well.

14 Q. Okay. The first I'm going to ask you about is Exhibit 6.

15 MS. ALLARD: Your Honor?

01:36:03

16 THE COURT: You may publish.

17 BY MS. ALLARD:

18 Q. Do you recognize Exhibit 6?

19 A. I do.

20 Q. Was this emailed to you and your ex-husband from Kate Deily
21 prior to enrollment?

01:36:16

22 A. Yes.

23 Q. What about this particular exhibit attracted you to the
24 school?

25 And if you need me to move it, I will.

01:36:29

1 A. Well, again, the -- the marketing on this is great.
2 They -- we were talking succeeding in the classroom. And this
3 was -- remember, she wasn't going to school. So it was
4 primarily we were going to a school with a therapy component.
5 Because, remember, she had access to therapy, great therapy,
6 high -- high quality at -- in Palo Alto. It's not like we have
7 a, you know, lack of therapists there.

01:36:46

8 So it was, first, college prep. So high quality to
9 succeed in the classroom. Good. We're going to get her
10 focused.

01:37:04

11 High quality, rich, diverse, rigorous academic
12 program. I mean, that was number 1, academics.

13 And then we go on to talk about that the teachers,
14 that there's a very collaborative team effort in the program
15 between the teachers and the therapists. And, you know, they
16 used terms like self-limiting beliefs and attitudes and
17 behaviors. That didn't really raise a red flag for me at that
18 time. It's different in hindsight. Yeah, I think people do
19 have self-limiting beliefs. They don't believe they can do
20 something and, therefore, they can't.

01:37:20

01:37:42

21 The whole thing. We have a real nice description.
22 They give us, you know, small classes, individualized
23 education.

24 They're accredited. Now, by the way, we're talking
25 about as -- under this accreditation and membership, it's not

01:37:56

1 real clear, because there was a logo on their website that said
2 that NATSAP was an accreditation. It turns out it's not. It's
3 a trade organization that SRA helped found, one of the founding
4 members. There were like six of them. And they founded it to
5 lend credibility to what they're doing here. So that's a
6 completely different thing than an independent third party.
7 So, anyway, but I didn't understand the details.

01:38:20

8 Q. Did you --

9 A. Everything as far as the graduation requirements are
10 outlined. I didn't check the requirements in Arizona. I
11 assumed that they complied with what Arizona State required.
12 And I still don't know if that's the case.

01:38:34

13 Grading. Everything there sounds like you've got your
14 bases covered. I'm not seeing any holes.

15 Q. And then what about the representation, "Our teachers are
16 certified, experienced, and highly qualified in their subject
17 areas"?

01:38:49

18 A. Absolutely. My -- personally the reason why this stood out
19 to me is because both of my parents, who lived and still live
20 in Fresno, California, were public schoolteachers for over
21 30 years each. They served the community that they lived in.
22 My -- very dedicated. Chose never to go into administration,
23 not because they weren't offered and qualified, but they said
24 they always wanted to be on the front lines working with
25 students. That's how you're called to serve your community.

01:39:07

01:39:28

1 So for me, I'm the daughter of two public
2 schoolteachers, and I have respect for the certification and
3 education. Rigorous. And I watched them go through it, and I
4 watched them type their master's thesis on a Royal typewriter
5 with carbon paper. Teachers, to me, are right up there in
6 terms of respect. So we need to have qualified teachers who've
7 been vetted and certified by the State, in my opinion.

01:39:48

8 Q. Okay. So what's the significance to you of -- of -- of a
9 school representing that they are, quote/unquote, fully
10 accredited?

01:40:08

11 What does that -- what did that mean to you?

12 A. Well, naively I believed that the federal government and
13 the State of Arizona take steps to protect the public and make
14 sure that when someone represents themselves to be a school that
15 there's some reasonable oversight, and represents themselves to
16 be providing therapy, that there was some reasonable oversight
17 that I did not investigate because I naively believed that
18 that's what our government is for. I was mistaken.

01:40:25

19 Q. I'm going to show you Exhibit 7, which has been previously
20 published, starting with the therapy description on page 4.

01:40:47

21 Did you read this description prior to enrolling your
22 daughter?

23 A. I did.

24 Q. And did you take note of -- so you said trauma was a red
25 flag.

01:41:03

1 So did you take note of that paragraph on -- in here?

2 A. I did, and I brought it up to Ms. Deily because it was
3 listed here. And it was not only several places in these
4 documents, but she also alluded to it during the tour. And the
5 first time she did that in person to me, not in a generic 01:41:20
6 document, I immediately stopped her and said: You know, that's
7 just one too many times with that word "trauma." I need
8 your -- my understanding was that this is a school that brings
9 a lot of different girls together that may have had, you know,
10 different issues more like my daughter's. I never thought that 01:41:41
11 there was self-harming or suicidal. That was -- as I said,
12 that wasn't even a consideration.

13 But different things bring them there. Some of them
14 may have had some trauma. That doesn't pertain to our family.
15 I need your assurances that we will be provided with a 01:41:58
16 individualized treatment plan, because this is starting to
17 sound kind of one size fits all.

18 And Ms. Deily assured me adamantly that they use --
19 let me see if I can kind of -- not. I don't want to paraphrase
20 too much because I think -- something a variety of modalities 01:42:19
21 and -- and resources to create an individualized treatment plan
22 for every student.

23 Q. Okay. Let me ask you about this sentence. In that same
24 paragraph it says, "In addition to cognitive-based therapies."

25 Did you recognize at that point what cognitive-based 01:42:36

1 therapies were from your experience --

2 A. Well --

3 Q. -- before?

4 A. I'm sorry for interrupting.

5 Okay. I do note I actually went to a cognitive-based 01:42:43

6 therapy called DBT, or Dialectical Behavioral Therapy. So

7 that's what I thought that was. And that is evidence based.

8 It's dark -- my therapist in California does practice that.

9 And I went to her for that reason, because someone was rec- --

10 a testing organization was recommending that therapy for my 01:43:12

11 daughter, Rearden, at the time. And I didn't know what it was,

12 and I did not trust to send my daughter to something I had

13 never heard of. So I went and got a recommendation for that

14 type of therapist and went to it myself to see if it was

15 something that was legitimate before you put your child under 01:43:33

16 that.

17 So I thought I knew what cognitive-based therapies was

18 because I had -- I was un- -- utilizing DBT therapy with my

19 therapist. So that's what I thought that was.

20 Q. Did you have an understanding what the term evidence based 01:43:51

21 meant?

22 A. Absolutely.

23 Q. What was that based on?

24 A. That means -- and this is a standard in -- across

25 industries, and we, as professionals who deal with other 01:44:00

1 professionals, including mental health professionals, know that
2 that means that these are modalities or techniques that have
3 been researched, have been peer reviewed, and have been vetted
4 and subject to, you know, lots of studies and impact by the
5 communities that they come out of that show that they are
6 effective for the purpose that they're used for.

01:44:19

7 It is a term of art or science, you might speak, and
8 there's no wavering from that. It has one definition.

9 Q. Okay. So then the sentence goes on and it says, "Spring
10 Ridge uses evidence-based modalities and treatments such as
11 EMDR, somatic-based therapies, and Post Induction Therapy to
12 resolve issues related to trauma."

01:44:40

13 Do you recall talking to Kate Deily about Post
14 Induction Therapy?

15 Did you know what it was?

01:45:01

16 A. No, I don't, actually, recall talking to Kate Deily,
17 because when -- when a therapeutic -- a licensed therapeutic
18 boarding school tells me that they're using evidence-based
19 modalities and then they start listing them, silly me, I assume
20 that those are actually evidence-based modalities --

01:45:18

21 Q. So did you --

22 A. -- not -- I did not ever think to go hire a mental health
23 professional and then ask them if each and every one -- to
24 reach -- research each and every one of those issues to see if
25 they were really evidence based.

01:45:39

1 Q. Did you assume that the way the sentence is structured that
2 Spring Ridge Academy was representing that Post Induction
3 Therapy was evidence based?

4 A. Yes.

5 Q. Under the Therapist section, did you rely upon the
6 statement that you will have weekly sessions with the
7 therapist, "you" meaning Kimberly Sweidy?

01:45:48

8 A. Oh, yes. And I think they're actually outlining a timeline
9 there. So we start out with, okay, this is what happens in the
10 beginning, and then it develops into this.

01:46:18

11 So we were -- they start out with -- you don't start
12 out with therapy with your child right away, according to their
13 plan. They develop a Master Treatment Plan. Your daughter is
14 seen individually for a while, for like the first month. I
15 think it's 30 days that they're supposed to produce this. You
16 are allegedly seen weekly. And then, you know, they -- they
17 give some legitimate reasons for this, to establish rapport,
18 et cetera, but, yes.

01:46:36

19 Q. One of the last sentences says, "After the first month,
20 family therapy with your daughter will begin."

01:46:53

21 Did you read that sentence?

22 A. Yes.

23 Q. Did you -- what was your concept of what that was going to
24 look like before you enrolled your daughter?

25 A. Well, I knew that I wasn't going to be traveling there,

01:47:02

1 because that's not -- that doesn't even make sense or
2 practical. So this is what I thought:

3 So first month, the therapist is meeting separately
4 with my daughter in individual therapy, and she is also having
5 telephone calls with me as individual therapy. I never had a 01:47:18
6 Zoom call, nor was the Zoom connection good enough ever, even
7 many months later. Every time we tried to have a Zoom call
8 with Rearden, because I just wanted to see her, the screen
9 froze. So it was all telephone communication.

10 So it was telephone. Veronica Borges, who was the 01:47:37
11 assigned therapist, would be having individual sessions with
12 me. And then after a month, I would get to have Veronica with
13 Rearden in the room on the telephone with me on the telephone
14 from Palo Alto.

15 Q. Okay. What about your ex-husband? 01:47:57

16 A. Well, my understanding was/is that -- that we may be having
17 it all together or he may be having some individual sessions.
18 I'm not the therapist. The therapist needs to ask us to
19 cooperate, and we should be open to all of the therapist's
20 suggestions if we're going to, I guess the words they were 01:48:19
21 using, "work the program."

22 So, frankly, I don't know that I thought about it in
23 that level of detail. We might ask to be cooperating together,
24 but we might also be asked to do it separately with our
25 daughter. And I'm open to all of that. But we're definitely 01:48:35

1 going to be having a coordinated effort that they're all on the
2 same page. Because they had my Marital Settlement Agreement,
3 and they knew that that's what it said, that we needed to get
4 it together in my application for Rearden and everybody needed
5 to be on the same page.

01:48:52

6 Q. Okay. So now I'm going to show you page 7 of the Parent
7 Manual. At the bottom it says "workshop program."

8 When you looked at this description, what did you
9 think these -- for instance, Teen Challenge would look like,
10 and when did you think it was going to be offered?

01:49:13

11 A. I had absolutely no opinion on that.

12 Q. So all you knew is what this description stated?

13 A. That -- that's it. I -- I try not to make assumptions
14 about things. I think it's better if we stick with the facts.

15 Q. So where it says, "Commitment Training," did anyone ever
16 describe Commitment Training to you while on your tour?

01:49:28

17 A. No.

18 Q. Where it says, "Action Training," did anyone ever describe
19 Action Training on your tour?

20 A. No.

01:49:41

21 Q. And I'll ask the same about Teen Challenge.

22 Did anyone ever describe to you what was going to
23 happen at Teens Challenge?

24 A. No.

25 Q. Did anyone ever tell you that that was going to be done

01:49:48

1 separately from Parent Challenge prior to your arrival at the
2 school for Parent Challenge?

3 A. Ac- -- actually, based on this, it should have clued me in
4 that maybe that was the case, but I wasn't in, like, suspicious
5 mode. So I made the assumption. It doesn't say it here, but I 01:50:08
6 thought we were going to be doing these things together based
7 on other representations and didn't pick up on the fact that it
8 was under a category called student workshop.

9 Technically it does say it's a student. So I guess if
10 I thought and overanalyzed it, well, maybe I should ask a 01:50:26
11 question why that's called student, but I thought we were all
12 going to be doing these workshops all together --

13 Q. And --

14 A. -- both parents and the child.

15 Q. I'm showing you Exhibit 7, page 8, where it describes the 01:50:37
16 Parent Manual, describes Parent/Family Program, Parent
17 Challenge.

18 A. Yes. And your question?

19 Q. Yeah. My question is, did -- was this the only description
20 you received about what Parent Challenge constituted prior to 01:50:58
21 you arriving to actually participate in it?

22 A. Yes. And you'll see the confusion here, because now we're
23 calling Parent Challenge under something that's Parent, slash,
24 Family Program, but, in fact, the first one, Parent Challenge,
25 has nothing to do with the kids. 01:51:16

1 So it is kind of confusing. Just a technical point.
2 And then, of course, there's two more that are Family I and II.
3 And beyond this paper description, I got no -- there was no
4 discussion of this in email, in -- over the phone, or in person
5 in the tour. 01:51:35

6 Q. So the -- after the description on Parent Challenge on the
7 last line is, "We highly recommend a family therapy session on
8 Monday."

9 Did you believe when you showed up for Parent
10 Challenge that you were going to be having a therapy session 01:51:46
11 with Veronica Borges?

12 A. Well, when I read this, I did. And then later, because it
13 became so hectic, I -- she said she was going to meet me.
14 And -- and I -- I did -- I remember, like, asking her about it
15 on the phone or something: Aren't we supposed to be having a 01:51:59
16 therapy session?

17 And she gave me -- the conversation is -- did not go
18 well. Very confusing.

19 Anyway, she said: I'll -- I will meet -- I will meet
20 you at Parent Challenge. 01:52:15

21 And I'm like: Why aren't we having a therapy session?

22 But it turned out she didn't meet me. She never,
23 like, showed up at this Parent Challenge thing where I was
24 expecting to meet her. I actually never saw her -- I never saw
25 her, like her countenance, until her deposition on 01:52:29

1 February 10th of 2020. That's the first time I ever saw
2 Veronica Borges.

3 Q. Um --

4 A. Not 2020. I'm sorry. 2022. February 10th, 2022, was the
5 first time I ever saw or -- the therapist that was assigned to
6 our family.

01:52:47

7 Q. So I'm going to ask you now about Family I and Family II.

8 Looking at the description, did you understand that
9 this was going to be a group setting with other parents, or was
10 it just going to be private family session?

01:53:02

11 Where it says on Family II, "Working together as a
12 family and dealing with issues in a controlled environment are
13 essential in preparing the student to go home."

14 A. No, I thought these were workshops. I don't think that you
15 have private workshops at a school that big. I think there
16 were 60 or 70 girls there. How would they do that?

01:53:18

17 So I thought we were going to be the three of us. You
18 know, my ex-husband, Rearden's father, me, and Rearden were
19 going to be in these workshops with other families, which may
20 or may not include two parents or -- I mean, it could be an
21 auntie. It could be a foster parent. I mean, that's a loose
22 term. With some other adults that were responsible for the
23 child.

01:53:37

24 Q. And anywhere in this Parent Manual was there a warning that
25 your personal information shared on your enrollment application

01:53:53

1 would be publicly shared at a workshop?

2 A. No.

3 Q. Was there any information anywhere that the information you
4 shared about your daughter would be publicly shared at a
5 workshop that she attended?

01:54:07

6 A. No.

7 Q. Did you ever sign any release for her participation --
8 participation in a workshop independent of signing the
9 enrollment agreement?

10 A. No.

01:54:18

11 Q. I'm showing you Exhibit 8.

12 THE COURT: You may publish.

13 BY MS. ALLARD:

14 Q. Do you recognize Exhibit 8?

15 A. Yes, I do. Yes, I do.

01:54:43

16 Q. What is Exhibit 8?

17 A. Exhibit 8 is the parent reference list provided to me by
18 Kate Deily and, I believe, that email with the icons that we
19 were looking at --

20 Q. Prior to enrollment --

01:54:56

21 A. -- a few minutes ago.

22 Q. Prior to enrollment; correct?

23 A. Prior, yes.

24 Q. Did she explain what this was for, or did you have any
25 conversation with her about it?

01:55:04

1 A. I did not because I know what a parent reference list is.

2 Q. Did you feel any assurances by the fact that you were given
3 this kind of a document from Spring Ridge Academy?

4 A. To tell you the truth, no, because I figure you're only
5 going to put people in here that are going to say nice things
6 about your program, so why bother.

01:55:19

7 I did do an online search because, I mean, that's the
8 nature of references. Will you be a reference? Yeah.

9 I mean, no one says, hey -- I mean, maybe the most
10 ethical people would, and it would be a great idea: Hey, put
11 some people on there that have some great critiques.

01:55:36

12 It's just not a thing. So I went online and did a --
13 and I'm pretty good at research. I did a pretty exhaustive
14 searching for any negative information about Spring Ridge
15 Academy online. And I thought that was a more, like, logical
16 way to find, you know, bad reports.

01:55:57

17 Q. Did you find anything?

18 A. I didn't, no. I didn't find any -- anything that was
19 negative or alarming then.

20 Q. When did you find something negative or alarming?

01:56:12

21 A. Well, a lot of things happened right after the hullabaloo
22 we're going to talk about. And it turns out around that same
23 time Paris Hilton, that Paris Hilton, came out and talked about
24 the abuse she had suffered at Provo Canyon and something
25 started calling -- called Breaking Code Silence. And this was

01:56:35

1 the floodgates. That's when it happened a lot.

2 But right after they interfered with my family, I
3 actually started thinking -- because when you're my age, and we
4 got several generations that operate differently, I thought to
5 myself, if I was a kid that got sent to one of these places and 01:57:01
6 I had something negative to say about the school, where would I
7 go? Social media.

8 So here I am at my age going on social media and
9 trying to find if there's any groups of people -- groups that
10 were formed talking about Spring Ridge Academy. 01:57:23

11 Q. And let me ask you this: When did you do that?

12 A. I did it after Spring Ridge Academy got involved in my
13 divorce, after I removed my daughter, when I discovered what
14 they were actually doing. Then -- actually, right before I
15 removed her. After Parent Challenge was something else. 01:57:40

16 And then I got a Master Treatment Plan that did not
17 describe my daughter. I got very suspicious, because I know in
18 my experience if they're doing this to me, and I'm a person
19 with education and resources, that if they try this with me,
20 they've tried it with a lot of other people before me. And so 01:58:03
21 that's when I made the decision I'm going to social media, and
22 I'm going to find some of these kids that went there. Because
23 they say they've serviced 1100 families, and I want to hear
24 from a few of those girls.

25 And much to my surprise, I found -- and I -- it's in 01:58:20

1 my complaint, so I don't remember -- it's so many years ago --
2 the exact name of the Facebook group -- I believe two Facebook
3 group -- two Facebook groups that I found dedicated to SRA
4 students. This isn't ones talking about the industry, by the
5 way. I didn't know it was an industry, a multibillion-dollar
6 industry a year. But at that time I was just focused on SRA.

01:58:41

7 And it was hard to get information out of those girls
8 because they weren't very trusting. No surprise after we found
9 out what they went through. So they didn't like parents much.
10 And it took a lot of groveling to get anyone to talk to me.

01:59:00

11 But some of them did, and the stories were beyond belief.

12 Q. Well, I want to back you up in time to what you did to do
13 an Internet search prior to enrollment.

14 So you said you did some research. What did you put
15 in on your Google Search?

01:59:17

16 A. Spring Ridge Academy reviews. Spring Ridge Academy
17 lawsuits. Things that would, like -- would be -- yield good
18 search results if there was something out there. And I wasn't
19 finding anything.

20 Q. I'm showing you Exhibit 9.

01:59:32

21 MS. ALLARD: Your Honor?

22 THE COURT: It's in evidence. You may publish.

23 BY MS. ALLARD:

24 Q. So this was another one of the icons on the email that
25 was -- I think there was a schedule.

01:59:46

1 Is this the only schedule that you received prior to
2 enrolling your daughter?

3 A. Yes. And I would call -- that's a -- I would call that not
4 an academic calendar. That's just a daily schedule because, of
5 course, unlike academics, where everyone at a school would have
6 an academic calendar, what to expect and holidays and finals,
7 et cetera, and quarterlies, this is people living there. So it
8 was a description of what the girls do day to day. And I
9 received that, and I reviewed it. And I'm like: Okay. You
10 know, it --

11 Q. Did you --

12 A. -- makes sense.

13 Q. Prior to enrollment, did you understand what the
14 academic -- what the academic terms were at Spring Ridge
15 Academy?

16 A. Actually, funny, I didn't. I -- I think I missed that.
17 And I didn't even realize that I hadn't been given an academic
18 calendar until all of a sudden I was like: Oh, my gosh. Why
19 haven't I gotten any grades after everything went awry?

20 And I started asking for one, and I believe I got one
21 in an email from Suzanne Courtney and sometime in April, I
22 believe. And it was after our hearing, and it turns out that
23 they had never published her grades because it wouldn't have
24 been good data to show up in court with. So they were
25 withholding those reports. But I did finally get one in April

1 that explained the way their calendar works. And it's a little
2 unusual being a year-round program, which I did not realize.

3 Q. Okay. So you -- what was your concept of an academic
4 calendar year when you enrolled your daughter?

5 A. Well, I think most of us are accustomed to an academic 02:01:22
6 calendar year that has a fall/winter semester, sometimes broken
7 up into quarters. And there are other ways to do it. There's
8 not one size.

9 Q. So --

10 A. That's what I'm used to. Then we have the spring semester, 02:01:36
11 and then usually there would be, like, a summer school or maybe
12 optional.

13 And that's what I was accustomed to. But when I got
14 their academic calendar, there were basically two semesters in
15 the year, and they took up the entire year. So there was 02:01:50
16 nothing separate for the summer. It was a little different, if
17 I'm recalling correctly.

18 Q. So do you recall the end of the first semester?

19 A. What I remember was the end of the first quarter -- the
20 second -- they -- it was weird how they numbered it, so please 02:02:11
21 don't quote me on the numbers. But there was, like, a
22 quarter -- quarter, so to speak, in quotes, from, like, January
23 to March or something, and then April, May, June, and then --
24 and I'm paraphrasing. Okay? There's documents in there. Way
25 too many documents. Then July, August, September, roughly. 02:02:32

1 And then October, November, December.

2 So there were basically four quarters, two semesters,
3 broken up like that. And no traditional, like, summer break
4 thing.

5 Q. Okay. So now I'm going to ask you about Exhibit 10.

02:02:48

6 Do you recognize this as one of the icon items that
7 were emailed to you --

8 A. Oh.

9 Q. -- called weekend schedule?

10 A. Oh, yes. The first one you showed me was the weekday
11 schedule, and this is the weekend schedule, which is clearly
12 different. You know, usually people don't have classes on --
13 the academic classes on the weekend.

02:02:59

14 Q. Okay. I'll show --

15 MS. ALLARD: Permission to show Exhibit 11?

02:03:20

16 THE COURT: You may.

17 BY MS. ALLARD:

18 Q. Do you recognize, let's see, Exhibit 11?

19 A. Oh, it's a little out of focus, Ms. Allard.

20 Q. Well, I'm going to zoom it in. Let it focus. It
21 auto-focuses.

02:03:39

22 Okay. There.

23 A. Okay.

24 Q. I'm going to start with just the left column.

25 Do you recognize that column?

02:03:49

1 A. Yes. So I think the way this is laid out, I think at one
2 time it was an actual paper brochure that they put into
3 electronic form, because that's -- that's why it looks like
4 this, because it's a little weird for a PDF. But, yes, I do
5 recognize it.

02:04:02

6 Q. So this statement on the left column here, page 1, says,
7 "Spring Ridge Academy is a clinically based boarding school
8 connecting college preparatory curricula with sophisticated
9 therapeutic programming."

10 What was your concept of -- of the use of the word --
11 or clinically and sophisticated? How did that -- what was your
12 impression of what that might look like prior to your
13 enrollment?

02:04:14

14 A. Well, clinically sophisticated, to me, that's best
15 practices. And considering that we come from a state that has,
16 like, I think more PhDs or doctorates per capita than anywhere,
17 we're talking dealing with people that are cutting edge. And
18 the, you know, really sophisticated in considering where I come
19 from is just like you don't get better than sophisticated.
20 It's best practices.

02:04:32

02:04:53

21 Q. I'm showing you page 2. When it describes the student
22 population here, it says, "Spring Ridge Academy serves bright,
23 creative, talented adolescent women who struggle living to
24 their potential."

25 At any time did anyone tell you at Spring Ridge

02:05:22

1 Academy that there are girls there who have a history of
2 suicidal ideation?

3 A. Absolutely not, nor would I have ever enrolled my daughter
4 in that environment. Not because I have anything disparaging
5 to say about the people who are struggling with those very 02:05:37
6 serious mental health problems. I do not. And they deserve
7 our care, compassion, and the best treatment possible. But the
8 reality is, is that when you -- those girls are in an
9 environment or any individual struggling at that level is an
10 environment, they need to be with other people similarly 02:05:57
11 situated with -- staffed by people who are competent at the
12 highest level to deal with that.

13 And what I expected from that first sentence was young
14 women exactly like my daughter. She is just an infinite amount
15 of creativity and talent and brains that she's just not using. 02:06:18
16 Because if you mix that with girls who have suicidal ideation,
17 you end up with the scenario that I described to the family law
18 judge as described to me by Rearden at Bill's Grill in Prescott
19 after the Parent Challenge, the Saturday night after the Parent
20 Challenge, where she and another girl at the school lost sleep 02:06:47
21 all night because they were snuggling, holding, cradling, or
22 sleeping with a third girl who was trying to kill theirself --
23 kill herself, and the other two girls were trying to stop her
24 and comfort her.

25 I applaud my daughter, and I'm extremely proud that 02:07:08

1 she exhibits that level of compassion towards her classmates.
2 I am happy to say she was listening to something when I was
3 speaking when I thought she wasn't.

4 But the reality is that is not what I signed up for,
5 and that's not where I want her focus to be. But I do not want 02:07:27
6 anything I say here to be interpreted as disparaging these
7 young women who struggle with this or the fact that I'm not
8 incredibly proud of my daughter for stepping up.

9 THE COURT: Ma'am, there's some tissues right there.

10 THE WITNESS: Thank you, Your Honor. 02:07:43

11 BY MS. ALLARD:

12 Q. I want to ask you about why it is after you toured other
13 schools that you decided to enroll your daughter at Spring
14 Ridge Academy.

15 A. I can't say it better than the letter that they read. So 02:07:58
16 in realtime those are my sentiments. And the exhibit speaks.
17 Number 1, Kate Deily, and that's been read to the Court. She
18 was very persuasive, attractive, bubbly, enthusiastic. I fell
19 for it hook, line, and sinker. They put the right person out
20 front. And that picture of her adorable son. She was a mom 02:08:22
21 and devoted to him, and he's a cutiepie.

22 And then the girls. And you've -- that's been read
23 into the record, and we don't need to repeat that. It was said
24 eloquently. And I stand by the letter I wrote from the
25 Kalispell Airport with my ex-husband there by my side. 02:08:40

1 Q. So after you informed Kate Deily by email that you were
2 going to enroll, you engaged on preparing; correct?

3 A. Yes.

4 Q. And Kate Deily emailed you some communications on items
5 that you could bring.

02:08:57

6 And what did you do in response to that? What
7 preparations did you make?

8 A. No. You misspoke. Not items that I could bring. Items
9 that Spring Ridge Academy wanted me to bring.

10 I had no independent recollection or independent
11 opinion on what I should be bringing to a new situation, and I
12 relied solely on their representations. And I followed those
13 lists and communicated to the letter, because if you commit to
14 a program, you need to commit. You -- you need to follow the
15 program. And --

02:09:09

16 Q. Well --

17 A. -- they gave me those.

18 Q. I'm going to ask you about a specific item. Photographs.
19 Was that required, that she bring them, or is that -- was that
20 something that was listed as a suggestion?

02:09:37

21 A. I think it might have been a possibility. But, if I'm
22 recalling, there was something weird about those photographs.
23 It was something like photographs of working people. And I
24 don't know. In my work, working means a person who has a job.
25 It could be paid or unpaid. And I didn't really know how to

02:09:58

1 parse that in context.

2 So I emailed Kate Deily about that, and I'm like: You
3 mean people that are working psychologically or physically or,
4 like, have a job?

5 I was completely confused about this terminology about 02:10:12
6 photographs. It was super weird.

7 Q. Did you get a copy of a Student Manual prior to your
8 daughter's enrollment?

9 A. No.

10 Q. Did you ever get a copy of a Student Manual other than 02:10:24
11 through discovery in this matter?

12 A. No. The -- through the discovery process of this lawsuit
13 was the first time I ever saw a Student Manual. And, in fact,
14 Rearden represented to me that there was none, and she had
15 offered Brandon and Suzanne Courtney to write one because she 02:10:42
16 thought it would be helpful for the girls to understand what it
17 is they were supposed to do, as the rules kept changing.

18 So it was my opinion one didn't exist until it was
19 eventually produced in discovery.

20 Q. After -- what date -- do you recall the date that you 02:10:59
21 dropped your daughter off?

22 A. The date I dropped my daughter off at Spring Ridge Academy
23 originally?

24 Q. Yes.

25 A. I think it was December 13th. It was a Friday. 02:11:09

1 Q. And do you recall who you saw that day and how that went?

2 A. Mostly Kate Deily, because she was the Admission Director.

3 That day -- not the day of the tour, that day I don't really

4 recall interacting with anyone else because I got this really

5 weird feeling. She wanted me to give all this stuff to Rearden 02:11:31

6 and, like, turn her over to the girls. And I wasn't even able

7 to give her a hug goodbye, and it was super weird. Something

8 about that did not sit well with me. And I was like, this is

9 weird. Who wouldn't let you hug your child goodbye?

10 But then I didn't stress over it. She rushes me into 02:11:53

11 the office and then starts shoving some papers for me to sign.

12 Now, as you can tell, I'm a planner. I don't like

13 people shoving pieces of paper for me to sign in my face at the

14 last minute. This does raise red flags. So I'm like, why is

15 she giving me this consent for psychiatric treatment now? 02:12:16

16 We've been communicating by email. This could have been

17 provided in advance with an opportunity for me to think about

18 it and read it and sign it. But she's literally kind of

19 shoving it here as she's ushering me out the door and

20 explaining to me that I need to get on the road and leave so I 02:12:37

21 don't get stuck in traffic.

22 Okay. So there was two documents she gave me to sign

23 that day. One was a consent for psychiatric treatment. And I

24 made it very clear to her that Rearden does not need to be

25 medicated. Because we live in the Silicon Valley, and it is 02:12:53

1 medication heaven. In other words, not as a last resort, but
2 as a first resort for people that don't want to bother to try
3 things about monitoring what you're eating, exercise, proper
4 thoughts, spiritual development, looking at what the parents
5 are role modelling. We're just going to throw drugs on them.

02:13:16

6 So I'm going to admit I'm a little suspicious about
7 people who just want to be giving children drugs if you haven't
8 looked at all of the other possibilities. Some people do need
9 them -- I'm not passing judgment on that -- but not as many.

10 She's handing this. Wait. Rearden's not medicated.
11 Why -- why are you giving me --

02:13:35

12 Oh, we just like to have everybody evaluated.

13 So it -- it was a Dr. Patel. P-A-T-E-L, I think. And
14 I -- I signed this. I said: Yeah, but before this person does
15 anything, I need to be in consultation with this psychiatrist
16 and have a one-on-one, because I don't know where this is
17 going, but this is the first I've heard of this, and I'm kind
18 of not liking this last minute.

02:13:51

19 The second thing was the consent of -- for Veronica
20 Borges to be our therapist. It was also a signed -- so the
21 psychiatrist and the, quote/unquote, family therapist, Veronica
22 Borges.

02:14:11

23 Q. I'm showing you Exhibit 43.

24 Is this -- is 43 the consent that you were given when
25 you dropped your daughter off?

02:14:28

1 A. Can you --

2 Q. The consent?

3 A. Can you please scroll it up so I can see it.

4 Yeah, that looks like it. It -- I never -- I did not
5 get -- I don't remember that I got a hard copy. I think I had
6 to get the -- they eventually uploaded a copy to BestNotes, and
7 that's how I downloaded it. But that's looking like it, yes.

02:14:39

8 Q. So you -- this was handed to you in the office, and you
9 didn't have this document emailed to you in advance like you
10 did the others?

02:14:56

11 A. No, I don't think so.

12 Can you scroll back to the top? I mean, we got
13 thousands of documents here. I want to make sure I'm correctly
14 identifying this one.

15 Yes, that -- that's the one. I think that's the one I
16 signed. And, honestly, I can't remember if I signed a paper
17 copy or -- or somehow electronically. It was -- this is why I
18 don't do -- sign things as you're being rushed out the door.
19 That would make me a very bad lawyer. It's just not something
20 I would encourage any client to do.

02:15:07

02:15:34

21 Q. Up until this point, had anyone at Spring Ridge Academy
22 informed you that Veronica Borges was not licensed?

23 A. Not as we understand it in California. I later came to
24 understand that they have an entirely different scheme here
25 than they do in California, something I've never heard of. And

02:15:52

1 particularly for this level of girls, who were acquiring -- or
2 any person in this kind of treatment, you would think that they
3 would be getting more qualified help, not less qualified help
4 if you need this standard of intervention. But, in fact, it's
5 quite the opposite.

02:16:13

6 Q. At the bottom it says, "SRA will release no information
7 without a HIPAA client release from you, the parents/legal
8 guardians. The only exception to this policy shall be
9 documentation summoned via court order."

10 So did you understand that Spring Ridge Academy
11 honored the same laws that you understood coming from
12 California with respect to privacy and confidentiality?

02:16:32

13 A. Absolutely. This is standard on every kind of these forms
14 I've ever signed. I expect to see that they're -- whether it
15 be for a lawyer or a therapist. It didn't surprise me, and I
16 knew exactly what it meant. And, again, not HIPAA if you're a
17 lawyer, but confidentiality. The idea of confidentiality for
18 your therapist is standard. I would expect to see this on any
19 document.

02:16:51

20 Q. So you never signed any releases of information for your
21 daughter when you dropped her off on December 13th?

02:17:05

22 A. No. I signed the -- wait. Did I sign to talk? No, not at
23 that date. Prior to that, Jessica Jo Stenquist from Outback.
24 And at some point I think I signed one, not quite after that,
25 for Veronica Borges to speak to Rearden's California therapist,

02:17:29

1 Dr. Sarah Villarreal. Sarah is S-A-R-A-H. Villarreal is
2 V-I-L-L-A-R-R-E-A-L.

3 Q. At any time did you sign a release for any Spring Ridge
4 Academy employee to discuss your daughter's enrollment with a
5 retained expert in the family law matter, also an educational
6 consultant, Mark Burdick?

02:17:56

7 A. No.

8 Q. You said that you had several conversations -- or let me
9 ask you this. Let me back up. Strike that.

10 At some point after dropping your daughter off, did
11 you have some concerns regarding communication that you learned
12 about that was occurring between your ex-husband and Kate
13 Deily?

02:18:22

14 A. Yes.

15 Q. What did you -- how did that first come to your attention?

02:18:34

16 A. Excuse me. It's a tiny bit dry in here. That's why I keep
17 drinking water.

18 So I dropped my daughter off. And I didn't know what
19 the scheduling exactly was going to be with the drop-off. And
20 it's a couple of hours' drive or more if you go from Mayer to
21 Phoenix to the airport with -- in traffic. So I planned with a
22 lot of leeway. I drove. Ms. Deily kind of ushered me out the
23 door, said: You don't want to hit traffic.

02:18:51

24 So I get on the road, and it was kind of extensive.

25 And I had a reservation at a hotel in Phoenix, like Hampton Inn

02:19:11

1 or one of those, that chain -- that type of chain, and then I
2 was going to fly out the next morning, because I didn't want to
3 miss my flight if I got delayed there. I didn't know how that
4 afternoon was going to go, because I didn't know what Spring
5 Ridge Academy accept -- expected.

02:19:30

6 So by the time I got back to the hotel room, much to
7 my surprise an email is waiting for me -- yes, this was the
8 first really big red flag -- informing me that Ms. Deily has
9 been having offline or non-including-me conversations with
10 Mr. Stata. While I'm doing all the work to enroll her, she is
11 speaking to him without my knowledge on the side and agreeing
12 to -- that he does not have to attend Family Workshop I,
13 despite the fact that we are a family, as I explained, we are
14 attempting to respect one another, involving one another on all
15 decisions, and that Mr. Stata had promised me that he was going
16 to attend all of the workshops for the sake of our daughter and
17 that we were going to all be doing this as a family.

02:19:52

02:20:13

18 I now find out that while I'm doing all the enrollment
19 stuff, she is having conversations with him about missing
20 Family Workshop I, which I intended to go to, because I
21 intended to go to all of them, even if it meant missing big
22 events like my friend's kid's Bar Mitzvah. Like that's
23 serious, but this is my kid, and this is more serious. So I
24 would normally go to those.

02:20:33

25 And I was really upset and felt very betrayed and

02:20:51

1 considered this a red flag. Because I have known Mr. Stata --
2 I met him in 1989 when he was 21 years old. I've known him his
3 whole adult life and almost all of my adult life. Decades.
4 And I -- you know, I really -- I'm sorry. I need to collect my
5 thoughts here.

02:21:17

6 Q. Well, let me ask you this. I'm just going to ask you to
7 look at these emails real quick.

8 MS. ALLARD: This is Exhibit 49, Your Honor.

9 THE COURT: You may publish.

10 BY MS. ALLARD:

02:21:28

11 Q. So is page 1 of Exhibit 49 the email that you found when
12 you got back to the hotel?

13 A. Yes. And you see the date. She was -- that's about the
14 date I was walking out of her office. So she didn't tell me
15 while I was there that this had been going on. She didn't tell
16 me there that she mailed -- and then I get to find it -- and,
17 oh, I remember my thought.

02:21:42

18 I've known him all this time. He did not earn the
19 money he has. It's from a trust fund. I'm -- I'm -- I've met
20 and fell in love with and married a -- a computer nerd, a very
21 cute Greek computer nerd, but a computer nerd.

02:21:59

22 Mr. Grasso's description of Mr. Stata, who he has
23 never met, is not accurate. And, unfortunately, he's not very
24 streetwise because he didn't come from where I came from, and
25 that really requires you to grow up or you won't remain on this

02:22:20

1 earth and have a little more sophistication. And I've watched
2 people manipulate him when they find out he has money over the
3 decades. And it was very difficult and caused a lot of
4 problems in our family and eventually was one of the things
5 that led to our divorce.

02:22:39

6 The number of individuals with shady intentions that
7 come out of the woodwork to people that have this kind of
8 money, I don't think it really shocks anybody, but it is
9 certainly not something to brag about.

10 And this is what this felt like again. I'm like: Oh
11 my goodness. The minute she finds out he's paying for this,
12 she's -- we're not going to be united in this. She's going to
13 be over on the side talking him out of, oh, yeah, you don't
14 have to go to this, despite the fact that he's promised the
15 mother of his child that we're going to do this together.

02:22:58

02:23:17

16 It wasn't her place to be doing that. And I felt like
17 we're trying to be united for the sake of our child and we're
18 supposed to be doing family therapy and it was represented that
19 they're going to be healing family relationships, and all
20 you're doing right now out of the get-go, out of the starting
21 gate, is showing me the same thing I watched for basically the
22 30 years that I was with, you know, Mr. Stata in my life, the
23 father of my children.

02:23:35

24 THE COURT: Ladies and gentlemen, this is a perfect
25 time to take our afternoon recess. Court will be in recess

02:23:53

1 until 2:45. Please don't talk to anyone about the case.

2 All rise for the jury. Court's in recess until 2:45.

3 (Jury not present at 2:24 p.m.)

4 (Discussion held off the record.)

5 THE COURT: Everyone have a great lunch.

02:24:34

6 THE WITNESS: Thank you.

7 THE COURT: I mean great afternoon recess.

8 (Recess from 2:24 p.m. to 2:45 p.m.)

9 (Jury present at 2:45 p.m.)

10 THE COURT: This Court will come to order. The

02:46:59

11 witness is sworn. The jury is present.

12 Please continue with your examination.

13 MS. ALLARD: Yes.

14 BY MS. ALLARD:

15 Q. I want to go back to a little bit of some of your

02:47:06

16 communications with Kate Deily prior to enrollment. I'm going
17 to show you Exhibit 48, page 40.

18 Do you recognize Exhibit 40 -- page 40 of Exhibit 48?

19 A. Yes.

20 Q. So on November 23rd, you emailed your daughter's school and

02:47:37

21 records and as well as her insurance and your stipulated
22 judgment in your divorce regarding custody to Kate Deily?

23 A. Yes.

24 Q. At some point in time, I think you were leaving off telling

25 us, and you got back to the hotel, and you noticed that there

02:47:56

1 was an email from Kate Deily we were just looking at before the
2 break.

3 And how did you respond, if you recall, to that
4 communication that you received that she had been speaking with
5 your ex-husband and there was a question of whether he was
6 going to attend one of the workshops with you?

02:48:13

7 A. I don't -- I don't remember exactly what I said, and I
8 probably didn't handle it the best because I felt very
9 betrayed. So you would have to refresh my memory with a
10 document, and I could then testify.

02:48:28

11 Q. Okay. At some point in time did you have -- did you -- did
12 you have a discussion with Kate Deily regarding your daughter,
13 Roark, visiting Spring Ridge Academy in the weeks shortly after
14 you dropped Rearden off?

15 A. Yes.

02:48:45

16 Q. And do you recall specifically what your concerns were and
17 why you emailed her about that?

18 A. Yes, I did.

19 Q. And what were those?

20 A. You know, we're supposed to be resetting a family dynamic,
21 and the girls are, like, 25 months apart. And there'd been
22 some, you know, dysfunctional dynamic where -- between them,
23 and I wanted the opportunity to, you know, reset that and break
24 it. And this wasn't a dynamic that happened yesterday. It was
25 a dynamic over years of really almost, different people

02:48:54

02:49:14

1 noticed, of my older daughter kind of instigating and provoking
2 my younger daughter in ways that were not helpful and would
3 cause my younger daughter to kind of take the fall for it. And
4 it was time for my older daughter to be at college, focus on
5 that, focus on growing up, as you do in your first years of 02:49:35
6 college, and let's reset the dynamic.

7 And first in, boom, now we're going to have a visit
8 between Mr. Stata and the older sister and the younger sister.
9 And I thought: No. We're not really in that kind of position
10 yet because we haven't even started this therapy. And they're 02:49:51
11 having this family visit, and we're just going to reinforce old
12 patterns.

13 Q. And at the time, where was Roark having to come from in
14 order to do that?

15 A. Nashville, Tennessee, where she was attending Vanderbilt. 02:50:03

16 Q. And I'm showing you Exhibit 49, page 4.

17 A. Yes.

18 Q. Do you recognize an email response from you, 5:24 p.m.,
19 December 13th, the day you dropped your daughter off to Kate
20 Deily? 02:50:27

21 A. I do. And I also noticed there that I make the assumption
22 that was incorrect. In later emails, Mr. Stata indicated to me
23 that it was a conversation that he had had, quote/unquote, last
24 week.

25 So I have reason to believe that it may have even been 02:50:39

1 before I signed the contract. But, frankly, I didn't get into
2 that level of detail. It was all very betraying, and we -- and
3 I was really concerned. And, yes, I wrote that email.

4 Q. And in this email you relayed some personal information to
5 Kate Deily in the middle paragraph regarding family dynamics;
6 correct? 02:50:59

7 A. Yes, I do.

8 Q. And moving to page 5, you received a response copy to
9 Veronica Borges from Kate Deily?

10 A. Please direct my attention to where you want me to look. 02:51:17

11 Q. Page 5.

12 A. The top, yes.

13 Q. The top of page 5.

14 Oh, no. It appears that your ex-husband weighed in.

15 Do you recognize that email? 02:51:28

16 A. Yes, I do.

17 Q. And the upshot of it was he was making a case for Roark to
18 attend?

19 A. Yes, he was.

20 THE COURT: I'm sorry. Can you go down. I need to
21 finish reading that top part. 02:51:41

22 MS. ALLARD: I'm sorry. Let me refocus.

23 THE WITNESS: Oh.

24 THE COURT: If you could go down. Push the paper
25 down, please. 02:51:49

1 There you go.

2 MS. ALLARD: Do you have a moment, or are we -- so --

3 THE COURT: Go ahead. Thank you.

4 BY MS. ALLARD:

5 Q. Okay. So at this point in time there's a controversy? 02:52:06

6 A. No.

7 Q. They were --

8 A. There's not a controversy. We were in disagreement. But
9 people need to -- adults need to compromise. And so he makes
10 the argument, and I capitulate and then allow it to happen. 02:52:17

11 It -- there's some points there. There's limited time
12 when my older daughter can go being confined by a very
13 strenuous college schedule. That's a legitimate point. So he
14 makes some legitimate points.

15 And, okay. Let's see. We have to approach one 02:52:33
16 another with goodwill and assume, you know, good intentions,
17 so --

18 Q. So part of this --

19 A. -- it went forward.

20 Q. I'm going to ask you about page 6, which is an email from 02:52:42
21 you on the same subject.

22 And if you want to take a moment. I think this was
23 Sunday. Where -- where were you on Sunday?

24 A. I'm not sure what -- the order we're going in right now as
25 you're turning. I don't remember the dates of every email from 02:53:00

1 five -- four or five years ago.

2 So at some point, yes, I gave them the reason -- some
3 reasons behind why, you know, I -- I wanted -- I don't know if
4 this was before or after, but eventually she did go. There was
5 some discussion. And it was a -- you know, a little adamant. 02:53:19
6 We're talking about two very opinionated, very educated people,
7 and we make our points. And then sometimes you need to
8 capitulate and say: Okay. We're doing it your way.

9 Q. And then I think the following day -- I'm going to show you
10 page 7 of Exhibit 49. 02:53:46

11 The next day, on Monday, December 16th, it appears
12 Mr. Stata argues or -- or explains why it is he wants to miss
13 one of these workshops, because of some sort of family
14 commitment with his mother.

15 Is that what that was? 02:54:03

16 A. He does say that. That may or may not be true. On
17 occasion Mr. Stata is honestly challenged. That is a very
18 sympathetic answer, but I know the family very well. So I'm
19 going to take him at his face, but I'm not saying that that was
20 actually the case. It was a Valentine's Day weekend, and 02:54:22
21 there's some issues with my daughter and who he's dating, et
22 cetera. So there was other issues involved here --

23 Q. Right.

24 A. -- but we'll take him at face value.

25 Q. I'm going to ask you that next. It appears that that 02:54:33

1 enters this email exchange. I'm showing you Exhibit 49,
2 page 8.

3 And you address him, and it's cc'ed to people at
4 Spring Ridge Academy regarding personal issues regarding him
5 dating the nanny; correct?

02:54:46

6 A. Yes. Well, at this point the ex-nanny. But she had been a
7 member of our family for 12 years, and I'd treated her like a
8 sister.

9 THE COURT: Wait a minute. Stop. Stop. Just a
10 minute.

02:55:02

11 Can you put that document back up, please.

12 Who -- who is this? What -- this email is from -- oh,
13 I see. From the plaintiff to her ex-husband. But it -- okay.
14 Got it. Go ahead.

15 BY MS. ALLARD:

02:55:32

16 Q. So I've set the stage here for Ms. Deily's response, and
17 I'm going to ask you if you recall that.

18 And if you don't, would it refresh your recollection
19 to look at her email response?

20 A. Yes. Please refresh my recollection. There's been way too
21 many emails --

02:55:41

22 Q. So --

23 A. -- in my years.

24 Q. -- I'm showing you Exhibit 49, page 9. It appears to be an
25 email from Kate Deily to Mr. Stata, Veronica Borges, you, Kelly

02:55:53

1 Rudolf, and it says, "Hello all."

2 Do you see that?

3 A. Yes.

4 Q. And the -- the tone of the email, which he says, is, "I
5 would like to set the family system" -- "expectation from the
6 very beginning."

02:56:14

7 And what she says here is there are two separate
8 family's homes; Kimberly's home and Raymie's home.

9 So when you looked at the informal materials about
10 family therapy, what was your understanding as a divorced
11 family how that was going to work, and is this expectation or
12 what she's saying here consistent with what you thought you
13 were signing up for?

02:56:35

14 A. Absolutely not. Based on what they advertised and the
15 information I gave them from our family law case, including
16 what's called the Stipulated Judgment on Reserved Issues, it
17 talks about the -- the -- how we're going to handle the custody
18 and visitation of Rearden. It made it very clear that under
19 the advice of highly qualified psychologists in California,
20 Rearden was not thriving with this or even doing well -- forget
21 thriving -- with this idea of two separate families and homes.

02:56:52

22 They -- that's not good for Rearden. Quite the
23 opposite. They had given sole decision making to me and
24 basically told Mr. Stata he needs to get on board with one
25 plan, and you need to use Dr. Martha Cravens, my therapist,

02:57:14

02:57:32

1 Dr. Sarah Villarreal, Rearden's therapist, also some other
2 people that were part of a treatment -- the treatment -- and I
3 don't want to call it a treatment team because that's got a
4 negative connotation now -- but I -- the team for Rearden, that
5 also included a tutor and a lot of other people. We had a lot
6 of people that needed to come together and be on one page.

02:57:49

7 This was exactly the opposite. This is how we got
8 there, this mom's house and dad's house, and Rearden was
9 learning to manipulate and play people off of each other. And
10 the custody evaluator was really clear about that. That ended
11 up incorporated into that final document that we will use the
12 colloquial word for Marital Settlement Agreement. It's
13 technically called this Stipulated Judgment on Reserved Issues.

02:58:06

14 So, no, this is not what the history of this case
15 showed or all those documents that I gave her showed. I
16 thought they read those. I didn't think this was one size fits
17 all. That might work for another child. That would work for
18 my older child. It did. She was at Vanderbilt. But it didn't
19 work for Rearden. That was the data.

02:58:26

20 Q. Was one of the conditions of that agreement that any
21 disagreement be the -- between the parents be mediated?

02:58:43

22 A. Yes, with our mediator that we had used prior to that to
23 come to the entire settlement, David Magnuson.

24 Q. Was one of the terms of that agreement that any therapy
25 input for Rearden would be specifically provided by her named

02:59:00

1 therapist, Dr. Sarah Villarreal?

2 A. Absolutely. Yes.

3 Q. And so those peoples' names are in this document?

4 A. It -- I remembered they are. I hope I'm remembering
5 correctly, but, yes, I think they are. There -- this is part 02:59:18
6 of a concerted effort. And, in fact, a statement was made that
7 the other adults need to assist Ms. Sweidy in setting
8 boundaries for Rearden.

9 In other words, it was a -- it was a call to action
10 for all the adults on the treatment team to get on the same 02:59:35
11 page with this child and stop allowing her to be manipulative
12 and manipulate them. There needed to be a set of clear rules.
13 And he pointed out that this is not going to be easy given the
14 history and that the other adults are going to need to support
15 Ms. Sweidy. 02:59:53

16 And I believe I shared all of that with Spring Ridge
17 Academy. I think I even wrote that in the application in
18 answer to one of those questions. Because my daughter isn't
19 somebody else's daughter. I think the same was in this court.
20 Someone testified parents are the best experts on their own 03:00:07
21 children. And that's why I took that application so seriously.
22 I wanted them to understand what our circumstances were. I
23 can't speak to somebody else's child.

24 Q. So I take it, because there's no reference in Kate Deily's
25 emails to any of these terms in the order, that you never had 03:00:32

1 an opportunity to discuss that with her?

2 A. Well, once I got this email from this person, who has no
3 credentials in therapy and is an admission person, I'm thinking
4 to myself, this is not good, and why am I arguing with this
5 woman?

03:00:46

6 Like this -- something has gone terribly awry here. I
7 was pretty annoyed. I'm like, what training do you have to be,
8 like, reprimanding me now?

9 So at this part -- at this point I'm already, like,
10 annoyed at their lack of internal structure and, you know,
11 hierarchy there, that the Admissions Director is admonishing
12 parents with therapeutic issues.

03:00:58

13 Q. So when Veronica Borges testified that you have talked to
14 her about things you were upset about, what did you tell her
15 about this email?

03:01:17

16 A. Well, I don't -- I mean, about these types of things? This
17 is what I wanted to discuss. I wanted to discuss what the
18 history of the case was, what our California order said.
19 They're supposed to be operating under this child is a -- a
20 resident of the state of California, and so are we. It's
21 supposed to be operating under the orders of the family law,
22 not making it up as they go along. So it was disconcerting.

03:01:33

23 I have to say that did not go well, because
24 conversations with Ms. Borges were incoherent and irrational
25 and most of the time couldn't understand what she was saying.

03:01:52

1 And I would go back to my therapist and try to discuss my
2 concerns. And much like the testimony she gave on the stand,
3 you often didn't know what she was saying. And she didn't seem
4 to be able to understand clear sentences like, no, I don't want
5 you to cancel the therapy.

03:02:13

6 And she's still maintaining I cancelled it even though
7 it's right in writing that she did it. I just -- it was -- it
8 was not a good fit for a therapist. This is not -- so this was
9 never going to work if someone can't engage with, you know, two
10 very educated, strong-minded parents. That's who we are. We
11 didn't misrepresent that. We are. I mean, who can pay \$9,000
12 a month, but usually people who, you know, are pretty educated
13 and opinionated or made something to be able to pay that.

03:02:29

14 Q. So the --

15 THE COURT: Ms. Allard, one moment, please.

03:02:46

16 Molly.

17 (The Court and the courtroom deputy confer.)

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

19 BY MS. ALLARD:

20 Q. I want -- want to understand what the records of
21 communications was between you and Spring Ridge Academy prior
22 to you receiving a letter from them that would deny your
23 opportunity to visit or talk to your daughter.

03:03:10

24 So I understand that you talked to Veronica Borges on
25 the phone. And how many times was that --

03:03:25

1 A. It's --

2 Q. -- prior to you receiving that letter?

3 A. Which letter? This letter?

4 Q. No. The letter in February after your daughter --

5 A. Okay.

03:03:33

6 Q. -- was returned, when they said that the -- any combative
7 or threatening behavior from Kimberly will be -- will result in
8 certain consequences that they spelled out.

9 So --

10 A. You're taking it way out of order, and it might confuse the
11 jury.

03:03:44

12 So you want me to go all the way to where -- skip the
13 whole thing of where she can't have a discussion about the
14 Master Treatment Plan, not -- so --

15 Q. First --

03:03:55

16 A. I --

17 Q. -- I want to know, before you enrolled, how many
18 conversations did you have other than what's reflected in
19 emails with Kate Deily?

20 A. I think that the records are all the communication. There
21 may have been other brief conversations like, is it okay if I
22 ship something here? I mean, something that was
23 nonsubstantive. But this is a complete record of my
24 communications with Kate --

03:04:04

25 Q. Okay.

03:04:25

1 A. -- Deily.

2 And once it started to go south, as is my habit, I'm
3 not going to call you anymore. I'm going to document
4 everything in email so we have a record. At that point your
5 behavior is unpredictable and needs to have a written record.
6 And that's my habit. And I don't think that surprises anyone
7 if you know our training.

03:04:37

8 Q. And I'm going to ask the same. There's some emails we've
9 already seen in this trial between you and Veronica Borges.

10 Does that accurate -- adequately represent the type of
11 communications that you were having with her prior to your
12 decision to remove your daughter? 03:04:52

13 A. Yes. I had three actual conversations with Veronica
14 Borges, and three total, and the dates are in my Google
15 Calendar, in December and January. And, again, I'm not going
16 to try to memorize those dates, but there are three of them,
17 and prior to going to Parent Challenge workshop. They were all
18 on the telephone. I had never met her. And that was it. And
19 then, of course, whatever the email reflects, and then I went
20 to Parent Challenge. 03:05:11
03:05:31

21 Q. So the attachment -- I'm moving ahead a page in Exhibit 49,
22 page 10, which is what Kate Deily, I think, sent you, this
23 Separated/Divorced Parents Agreement?

24 A. Oh, yeah. When I -- when I had a different idea about what
25 was going to happen here with Rearden than she did, apparently 03:05:48

1 this unknown, two-separate-household thing/paradigm that she
2 had in her mind that had never been relayed to me and was
3 contrary to the history, she then instructs me to sign this
4 document that was never produced to me prior to enrollment.

5 And it's attached to a particular email reference, and it's
6 after enrollment and while I'm having some disagreements with
7 her about what the plan is for Rearden.

03:06:10

8 Q. Well, were any of the communications you ever had regarding
9 whether Roark would visit or not in front of Rearden?

10 A. Oh, never. No, no, no. This -- Rearden was at Spring
11 Ridge Academy. These were done in email. Absolutely not,
12 like, ever.

03:06:30

13 Q. So ultimately did you sign this Divorce/Separated Parents
14 Agreement and return it to Spring Ridge Academy?

15 A. Eventually I did, but not right away. Because this was
16 super concerning, and now it was just red flags all over the
17 place.

03:06:50

18 Q. When you -- you had these red flags and -- and you had
19 never met Veronica Borges. Were you told you were going to
20 meet her when you came to Parent Challenge?

03:07:17

21 A. Yes. Actually, I think in some -- one of the many pages of
22 documentation we were actually supposed to have a therapy -- I
23 was actually supposed to have a therapy -- or "we." Now that I
24 think about it, I don't know if that was supposed to be both of
25 us, because we were both there together, Mr. Stata and I. But

03:07:36

1 it did say that we would have a therapy session with Veronica
2 Borges, like, after the weekend or something. Around that
3 time.

4 That was never set up. And when I asked her about it
5 on the phone, she said: No, no, no, no, no, but I will meet
6 with you at Parent Challenge.

03:07:50

7 And she didn't. Parent Challenge came and went and
8 never saw the woman. And in subsequent email, you will see the
9 email me saying: You know, I was supposed to meet with you.
10 What happened?

03:08:07

11 Oh, I was busy with my caseload.

12 And, to me, it seems that meeting with your clients
13 and establishing rapport should be a priority since they're
14 flying from out of state.

15 Q. So let's talk about Parent Challenge. You -- did Mr. Stata
16 attend Parent Challenge?

03:08:18

17 A. Yes. We both did. We didn't come together, but we
18 attended together. And we interacted while there, and we had
19 dinner with Rearden together. And at some point he got some
20 bad news about a death in this -- in the friend circle that he
21 had. And I knew the woman. She was lovely. She was at our
22 wedding with her husband and their 3-year-old. It was very
23 tragic. She just -- they thought she had pneumonia, and
24 apparently a week later she died of leukemia. And he looked
25 distraught while at Parent Challenge. And I went up to him and

03:08:39

03:08:58

1 said: Are you okay?

2 And he said: Oh, my God. I just got an email that
3 Ann Savas died.

4 And so I took him -- we had a private conversation
5 about that. That was a little challenging. But, yeah,
6 we're -- I mean, we are the parents of Rearden, and it is our
7 job to continue for the rest of our lives to support and
8 encourage each other. It was a -- that was a little difficult
9 day that day, but --

03:09:08

10 Q. Okay.

03:09:21

11 A. -- we got through it.

12 Q. You mentioned that.

13 Did you see Jeannie Courtney?

14 A. Yes. She gave the workshop.

15 Q. Okay. So what was your impression as you first arrived at
16 the workshop and you're seeing this person talk about what
17 they're going to do?

03:09:28

18 What kind of impressions did you form at that point in
19 time?

20 A. Well, the first thing that I thought was so odd, because as
21 professionals people who attended probably more continuing
22 education and seminars and workshops -- not these kind of
23 workshops -- than you can count, it's customary for the very
24 first thing to happen is someone introduces the speaker or the
25 presenter, and they give their credentials. It's so -- happens

03:09:39

03:09:59

1 so much, we don't kind of even think about it. And here comes
2 this woman. And I'm not really sure who she is, because at
3 this time, remember, the school is owned by Suzanne and Brandon
4 Courtney. And Kate Deily was the Admission Director. And I
5 had -- on the phone had conversations with Veronica Borges, but
6 I'm not -- I'm not really clear on who this Jean Courtney
7 person was. Later I began to understand she was the prior
8 owner, that she was the -- the mother of Brandon Courtney and
9 the mother-in-law of Suzanne Courtney. I understood later, but
10 at the time I didn't know who she was.

03:10:19

03:10:37

11 In marches this woman, and she starts just saying some
12 really weird stuff. And I'm thinking: Who is this person?
13 What are her credentials? What is she -- are we going to be
14 talking about?

15 It was weird. It was a very odd start to what I
16 thought was an informational workshop that normally you would
17 introduce yourself, explain your credentials, and what we were
18 going to do. And none of that happened. She just marched in
19 and started in on this three-day workshop that was full of
20 bizarreness.

03:10:49

03:11:09

21 Q. So let's talk about some of the things that you were asked
22 to do.

23 What type of interactions were the parents asked to
24 engage in?

25 A. Confrontational. Embarrassing.

03:11:16

1 So, first of all, we were being told to be giving
2 feedback and criticism to other adults we don't even know. And
3 I'm like, what the heck inappropriate stuff is this? I don't
4 know these people. They don't know me. They shouldn't care
5 what I think.

03:11:36

6 And so in order to just get along, because I was
7 trying to, like, scope it out, I just did what my parents said
8 if you don't have anything nice to say, don't say anything at
9 all.

10 So I found something nice to say anytime I had
11 anything to say about anybody, because it's not my place to be
12 criticizing total strangers. And I was very concerned that
13 they thought that this was normal, and people were going along
14 with this.

03:11:47

15 So, first of all, criticizing total strangers. What
16 the heck?

03:11:59

17 Then we got this nonsense with getting people worked
18 up to where people are, like, yelling at other people. I was
19 like, ah, this is crazy. It was just emotional chaos and
20 nonsense as we went from one unexplained exercise to another.

03:12:16

21 Q. Did you do the Red-Black Game?

22 A. Yes, we did.

23 Q. And what kind of interaction did that inspire in the parent
24 group you were in?

25 A. Do you want me to first say that I disclosed to Jeannie

03:12:30

1 Courtney that I'd done that game before?

2 Q. Okay. And what did she say?

3 A. So I'm a full disclosure person. Like it or not, that's
4 who I am. So when she started to explain this game -- very
5 badly I might add. Her -- her description of it was not
6 comprehensible. The only reason I knew what it was is I'd done
7 it before.

03:12:43

8 And I thought, well, this woman is so, you know, dead
9 set on all these games, I should reveal.

10 And I said: Excuse me. I've done this game before.

03:12:56

11 And she said: No, you haven't.

12 And I said: No. I assure you I have.

13 And she goes: I've changed it.

14 Well, you know what? I've disclosed. You haven't
15 admonished me to keep quiet.

03:13:09

16 So when we started playing the game, there was a lot
17 of yelling by some. Completely unnecessary. It was a game
18 with poorly described rules. There is some shouting by some
19 people and heated emotions over this.

20 And I said: Excuse me. As I said to -- to Jeannie,
21 I've done this. Look close. Stop all the yelling. Everybody
22 focus and concentrate on the rules. And if you have any
23 questions, I'll answer them. But what we're supposed to be
24 doing here is figuring out that we're not to win -- when she
25 said she wants us to win, I think she's challenging us.

03:13:26

03:13:49

1 And this was not a description that -- or explanation
2 that was ever covered by Jeannie in this workshop. This is
3 what I got from the last time I had done it when I worked as a
4 managing attorney at Hyatt Legal Services and we did this game
5 at a retreat.

03:14:06

6 I said: You need to rethink your concept of winning
7 and look at how the points are awarded and figure out a way for
8 everyone not to win -- for everyone to win, not just you. This
9 is about thinking outside yourself. And see up there, if you
10 look at how the points are assigned and how you vote, you can
11 figure out how to vote so that our team and the one in the
12 other room all wins together. And I think that's what they're
13 trying to convey, that not a win-lose, but a win-win.

03:14:22

14 Well, there was a few people that didn't like me
15 explaining this to them, and then the shouting got really loud.
16 And they were saying I didn't know what I was talking about, so
17 I stopped talking and didn't talk for the rest of it and just
18 voted the way someone would be doing if they were actually
19 trying to maximize a win for everybody.

03:14:39

20 And then a few other people knew I knew it, and they
21 did it. But I was outvoted by the rest of the people that
22 didn't believe me, so we did end up really losing the game.

03:14:55

23 But the part I couldn't understand is all this yelling
24 and, like, really emotional dysregulation over a game. Later
25 Jeannie explained not the purpose, but she goes: Oh, yeah,

03:15:13

1 occasionally people figure out what you're supposed to do. And
2 so they figure out how you're supposed to vote, and it's --
3 there's no yelling. It's really smooth and, actually, really
4 boring.

5 And I thought, oh, another red flag. Act like 03:15:29
6 civilized, mature human beings who think and don't let their
7 emotions get away with them is boring. She's trying to get
8 these people to yell and become emotionally dysregulated.

9 And it was just three days of this. I'm watching her,
10 and I'm wondering, why are other people in this room not seeing 03:15:49
11 what I'm seeing?

12 Q. Well, did you have parent volunteers?

13 A. We did. We had parent volunteers in the room staffing it
14 that had -- their children had completed the workshop.

15 Q. And at some point did Jeannie address you directly in front 03:16:08
16 of the group?

17 A. Yes. Several times. But, yes, in particular one time when
18 she didn't like the fact that I didn't want to take a really
19 bizarre critique from our group parent leader.

20 So there was the whole room. And then when we did the 03:16:30
21 Red-Black Game, she cut us in half. And we were the As that
22 stayed in that room, and the Bs, and my ex-husband was part of
23 the Bs, went to the other room. And then within the whole
24 group, we were all broke -- also broken out into smaller
25 subgroups of about six parents to one facilitator that was in 03:16:50

1 most cases, and in our case, an ex-parent. Ours was known
2 as -- her name tag said Rachel, and we knew she was from Texas.
3 I now know her full name. It's not important. But she was
4 just a past parent. She has no credentials in therapy. She's
5 not a therapist. She doesn't know us. She's not my therapist. 03:17:14

6 And so we were discussing the Red-Black Game, and she
7 was making some comments to me that I didn't appreciate. And I
8 said: You're not my therapist. Stop. You're not my
9 therapist. I don't know what your credentials are. You're not
10 anyone's therapist. Don't continue this. 03:17:30

11 Because it was really inappropriate. And that's what
12 they wanted. They wanted people to be dropping their normal
13 boundaries of what you would say to other human beings, whether
14 you know them or not. All of that was getting thrown out;
15 civility, proper boundaries, proper respect, proper well 03:17:46
16 behavior. And they were just wearing it down.

17 So I said: Stop.

18 When Jeannie saw that -- because they were watching
19 me, because people figure out right away I'm not going to go
20 along with the program, you know. I believe in certain things, 03:18:00
21 the traditional values of honesty, integrity, loyalty, no
22 lying, cheating, and stealing. All of those are sacrosanct.
23 But I'm a questioner of everything.

24 Jeannie was watching me, and she comes running over,
25 and she says: You are failing to take personal responsibility. 03:18:17

1 And, by the way, another little person was scurrying
2 after her, who I didn't know. Later, when I picked up my
3 daughter, it turned out it was probably Leslie Filsinger, the
4 Clinical Director. But Jeannie comes over and confronts me
5 about my failure to take personal responsibility.

03:18:35

6 And I'm like: Huh?

7 She goes: Well, you're responsible for your divorce,
8 otherwise why would your daughter be here?

9 And I'm like: Excuse me? I don't know you.

10 She goes: Well, I'm responsible for my own divorces.

03:18:50

11 Which, by the way, she said more than one time during
12 this three days of nonsense, which I thought was a bizarre
13 thing to be sharing with a bunch of parents, like too much
14 information right now, like this is -- we don't need to know
15 this.

03:19:08

16 So I said to her: Well, I don't know you, and that's
17 not something I could have an opinion on.

18 She goes: Well, they were. They were my fault.

19 I said: I will have to take your word on that. I
20 cannot have an opinion on that because I don't know you and I
21 have no data, just like you have no data on me, and you should
22 not be making comments about whose responsibility it is for my
23 divorce.

03:19:21

24 When she realized that I wasn't going to back down and
25 I wasn't going to try not to make a scene in this thing -- it

03:19:38

1 was all about power and control. She realizes that wasn't
2 working and off she went.

3 And from then on, I knew darn well I was being
4 observed, and I was going along with these things. They had my
5 daughter. And I had seen this stuff before, and I knew what it 03:19:52
6 was. I didn't know the big picture, but I knew enough to know,
7 oh, my gosh, this isn't going to end well. They've got my
8 daughter. And if this is this crazy for parents, if they would
9 have the audacity to act this nutty among a bunch of
10 professional adults, what the heck are they doing to those kids 03:20:11
11 over there with no parental guardian observing?

12 I knew I needed to get my daughter alone as soon as I
13 could for her to spill the beans and tell me what the heck had
14 gone on in that Teen Challenge that occurred a couple of weeks
15 or a week to two weeks before Parent Challenge, because this 03:20:28
16 was not okay.

17 Q. And at some point did you -- were you able to see your
18 daughter?

19 A. Eventually, I was. So we finished up this three days,
20 Mr. Stata and I both. And then the reward that Dr. Hunter 03:20:44
21 talks about at the end is, of course, the very last thing is
22 they bring in your beloved children. You haven't seen them in
23 so long, and you get to hug them and you just -- and that's the
24 best feeling ever.

25 And then we all had dinner together, the people, the 03:21:00

1 families from that seminar. So you'd be at a big table. And
2 there was our daughter between my ex -- my ex-husband and I.
3 So my ex-husband and my daughter and I. And we're talking and
4 other families are there, and there are other tables with other
5 families, and we have a -- a big dinner.

03:21:16

6 And do you want me to talk about this stuff about how
7 someone starts joking about Rearden and a chair?

8 Q. Well, okay.

9 A. And so --

10 Q. So -- all right. So --

03:21:26

11 A. So there's bantering.

12 Q. So let me ask you this question: When is it you start
13 learning what happened to your daughter?

14 A. Well, that night at dinner. So that night at dinner some
15 of the students -- and it's fun to just watch the girls
16 interact, because then you can get a sense of whether your
17 daughter's making friends and whether she's enjoying these
18 young ladies. And, you know, you want that for all of the
19 girls.

03:21:35

20 So I'm mostly keeping quiet because I just want to
21 hear. And some of the other students start jesting or joking
22 with my daughter about a broken chair. And I don't know what
23 this is about. And the story unfolds that apparently during
24 some sort of exercise -- and now I'm kind of equating it with
25 the exercise we did, but I was right. It's such a more extreme

03:21:46

03:22:07

1 version.

2 Q. What exercise did you do?

3 A. So, as I know I'm being watched, so I've got to play along
4 with this cuckoo nonsense, they tell us -- and now we're pretty
5 old at this point. And I'm too old for this, because this is 03:22:22
6 not our generation. We are supposed to imagine all of the
7 slights that our parents -- who, now, remember my parents are
8 quite elderly by this point -- all the alleged slights they've
9 ever done to us in our life, and we're to put them in an
10 imaginary bag and we're to put it on the floor. And now we're 03:22:38
11 all seated in these chairs. And I think -- I'm pretty sure it
12 was dark, but we had our eyes closed and there's music playing.
13 This -- I'm not making this up. I promise. And we're supposed
14 to stomp repeatedly on this bag on the floor on the anger that
15 we have for our, for most of us, elderly parents. 03:22:58

16 I just went along with this because they had my
17 daughter, and I'm like, there's no anger here, this is and
18 that. This is nonsense. I hope to God no one's videotaping
19 this, because we look cuckoo.

20 So I'm going along because I know they have my 03:23:13
21 daughter. And I'm thinking, what version of this did my
22 daughter have to do?

23 Well, we learned at dinner, because apparently it
24 involves a chair and a towel, and apparently they got my very
25 creative, very emotional daughter -- she's full of artistic and 03:23:25

1 musical creativity. And along with that goes a lot of
2 emotion -- so worked up that she was beating the chair. And at
3 that time I didn't really understand it. I didn't want to
4 interrupt the story to ask, what were you beating the chair
5 with, because it wasn't important. Apparently she beat this 03:23:44
6 chair until that thing was pulverized and it wasn't even a
7 chair anymore.

8 Now, I don't think any parent really thinks that this
9 is good news or therapy, but I didn't want to bring suspicion.
10 So my ex-husband and I have a very, right, kind of jovial way 03:24:00
11 of dealing with each other. And I looked at my ex-husband, and
12 I say: Well, I'm pretty sure you can expect the price of a
13 replacement chair on next month's invoice.

14 And he kind of rolls his eyes.

15 Q. Let me ask you this -- 03:24:18

16 A. So that's the end of that.

17 Q. How --

18 A. I learned that she beat the chair, and that was not good
19 news to pull -- to the point that it was destroyed.

20 Q. How much was the enrollment contract? How much tuition 03:24:27
21 were you paying?

22 A. Well, there was some first and last months' tuition, which
23 I think was like 9,000, 9,000. And then there was an
24 enrollment fee of 2500. So then there -- so I guess that was
25 about 20 -- 20,500 upfront. And then \$9,000 a month after 03:24:44

1 that.

2 Q. So after you learned about this incident, when was the
3 next -- did you ever get a chance to be with your daughter
4 alone?

5 A. Oh, so I couldn't wait to hear the real story behind this. 03:24:58
6 Like I was, like, oh, my God, there's a story behind this.

7 First of all, I have all kinds of questions about what
8 she was beating the chair with. All kinds of questions about a
9 lot of things. But I knew it wasn't safe, because these people
10 are all around. And we didn't leave with our daughter that 03:25:14
11 night because Mr. Stata and our older daughter had visited with
12 Rearden on Christmas. This weekend following Parent Challenge
13 was going to be my weekend. So Mr. Stata wrapped it up, and he
14 left. I don't know if he left by plane that evening or the
15 next morning. I don't know. And that's not my business. But 03:25:31
16 he was there, and he completed it and -- and departed. So he
17 wasn't in town.

18 Rearden returned, as did all the girls, returned back
19 to Spring Ridge Academy facility. And we were in, if I haven't
20 said this, the Prescott Resort and Conference Centers -- 03:25:47
21 actually, quite lovely -- up in Prescott. That's where this
22 was being held. They suggested that we have -- take a room
23 there, and that's what I did. It was quite convenient to have
24 the room next to the conference center.

25 Rearden and the other girls go back. They're taken 03:26:02

1 back on Friday night. I go back to my room and go to sleep --
2 I was exhausted -- and noticed in the email that Veronica
3 Borges had mailed me or sent me an email to get it off of
4 BestNotes, I don't remember which, the Master Treatment Plan.

5 Well, I'm not in the mood to deal with the Master
6 Treatment Plan. I need to get some sleep. It's been long. I
7 need to focus on my daughter, and I need to get to the bottom
8 of what the heck just happened for the last three days.

9 So I put it aside and say it'll be there when I get
10 back to it on Monday. My focus is my daughter. I go to
11 sleep, .

12 I get up in the morning Saturday, and I drive to
13 Spring Ridge Academy. The rules were you spend 24 -- not 24,
14 but you spend one day supervised, I guess to make sure
15 you're -- you can function with each other. That's not really
16 an issue for me or either of my daughters, and it never has
17 been, including with my ex-husband. So you're supervised. So
18 you can stay on the campus, and they keep an eye on you. And
19 at 4:00 o'clock, you can leave for 24 hours.

20 So I was -- I can't wait to get Rearden alone. I know
21 I need to talk to her alone. I don't want anyone hearing this.
22 I want to hear the real scoop. And I know I won't even have to
23 ask, because that's the kind of communication we have.

24 So that comes up with the infamous cell phone debacle.
25 I have a flip phone. I have always had a flip phone. It's a

1 lifestyle choice. I like to be present with people at dinner
2 and every other way. See all that technology over there? I
3 love it. It's what came with me, but it stays on my desk.
4 That's a fact. One of the problems with that is you don't have
5 Google Maps on this. So I had rented a Garmin. But if you
6 don't know the address, it doesn't work.

03:27:37

7 I had brought Rearden's cell phone, smartphone, with
8 me to Spring Ridge to the trip for Parent Challenge because I
9 knew that Rearden and I would be going to dinner on Saturday
10 night. And I knew that I would allow Rearden to pick the
11 restaurant, and I knew I didn't know any restaurants in the
12 area. And Veronica Borges had also approved us, or Kelly
13 Rudolf, one, of going to a movie. So I knew we were going to
14 be driving around in an unfamiliar place, and Rearden would
15 need to look up the names of places and the addresses on her
16 smartphone, which I cannot do. This was not the flip phone I
17 had. It was an even more ancient model then. I mean, like, it
18 does nothing literally except call, exactly what I want it to
19 do.

03:27:56

03:28:14

20 And so --

03:28:28

21 Q. So --

22 A. So I gave her her -- that's how she got -- there was no
23 calling your drug dealer, calling your boyfriend that beat you,
24 trying to make -- break Spring Ridge Academy's rules. No. The
25 kid, in my presence, was looking up addresses.

03:28:40

1 I said: So first pick the restaurant.

2 Well, I think I want this one. No. I changed my
3 mind. I want to go to Bill's Grill.

4 Give me the directions.

5 And she used it in my presence. That's it. No trying 03:28:50
6 to rebel against the mantra that is Spring Ridge Academy.
7 She's not a rule follower. Oh.

8 THE COURT: Ladies -- ladies and gentlemen, it's quite
9 warm in this room right now. There's a need for us to take
10 another afternoon break. We'll be on break until 3:45. Please 03:29:03
11 don't talk about the case.

12 All rise for the jury. Court's in recess until 3:45.
13 (Jury not present at 3:29 p.m.)

14 THE COURT: Court's in recess.

15 (Recess from 3:29 p.m. to 3:44 p.m.) 03:29:52

16 (Jury present at 3:44 p.m.)

17 THE COURT: This Court will come to order. All
18 parties present when the court last closed are present again.

19 Please continue.

20 BY MS. ALLARD: 03:46:06

21 Q. You had indicated you -- your daughter was looking for
22 directions to a restaurant.

23 And did you arrive at a restaurant?

24 A. Yes. We arrived at Bill's Grill. She ordered, and then I
25 just kept quiet because I knew the stories were coming. And 03:46:15

1 they did.

2 Q. And how did they come up?

3 A. I didn't say anything. She goes: Oh, Mama, you are not
4 going to believe what's happening here.

5 And then there were a whole -- many, many tales she
6 told me at what had transpired since she'd been admitted to
7 Spring Ridge Academy.

03:46:26

8 Q. Did she tell you about the chair?

9 A. Yeah. First of all, I asked. You know, and then she's
10 like -- oh, something I said: By the way, you know, you
11 mentioned a chair, something with a chair.

03:46:38

12 And then she told me about some extremely emotionally
13 histrionic chair beating. I don't think she really knew at the
14 time exactly what she was holding, and I don't think she was
15 specific on that. But it turns out it was a towel, I think,
16 wrapped in duct tape and using it as kind of a weapon to beat
17 the chair or beat -- anyway -- anyway, the chair ended up being
18 destroyed.

03:46:53

19 And then later it came to information from other
20 girl -- from other sources, and I asked -- and I later asked
21 her: Were people shouting at you while you were beating this
22 chair?

03:47:09

23 She goes: Oh, my God. They were. How did I forget
24 that?

25 I said: Well, because you were beating a chair, and

03:47:19

1 people who are beating a chair are not thinking clearly.

2 But, anyway, that was later. So, yeah, she told me
3 about the chair beating, so we got the rest of that data.

4 Q. What else did she tell you --

5 A. Oh --

03:47:30

6 Q. -- about?

7 A. -- a lot of things. They're all listed in the declaration.

8 Can you prompt me so we can get through these quickly? Because

9 I did memorialize them in one of the documents to the family

10 law court, and that would refresh my memory.

03:47:43

11 MS. ALLARD: Your Honor, I would ask that Exhibit 78

12 be published.

13 THE COURT: I believe that's been received.

14 Yes, it has. Go ahead, please.

15 BY MS. ALLARD:

03:47:54

16 Q. Well, I'm looking at -- do you recall or reporting to the
17 Court about an incident that happened or her -- in the Target
18 parking lot?

19 A. Absolutely.

20 Q. So --

03:48:08

21 A. Thank you.

22 Q. -- what did she tell you happened there?

23 A. So apparently -- and we were at this Parent Challenge, and

24 it was not very well organized in terms of time. And it turns

25 out that they were transporting all the girls in some van or

03:48:17

1 vans from Mayer, Arizona, where Spring Ridge Academy is, up the
2 road and then over to the Prescott Conventions -- Prescott
3 Resort and Conference Center.

4 And apparently they were to arrive at a very specific
5 time to make this grand entrance, and they apparently had 03:48:34
6 arrived early. And so instead of doing anything sensible, they
7 stopped with the van in the Target parking lot. I later
8 confirmed that there was a Target parking lot in the route that
9 you would have taken, because, of course, you always want to
10 verify that your child is not fabricating things, but the rest 03:48:52
11 sounds crazy.

12 So she says they were sitting there a long time -- and
13 they didn't have phones or watches, so I don't think they know
14 exactly how much time -- and she had asked to use the restroom.
15 And they repeatedly told her no. 03:49:05

16 And she goes: Look, I know my rights. I know you
17 have to let me use the restroom. And let's just go with a
18 bunch of girls into Target and, like, go to the bathroom.

19 And they said: No.

20 And, yes, she is my daughter. So she goes: Look, if 03:49:17
21 you don't let me and these other girls out of this van, I'm
22 going to walk out of this van, squat and pee in the Target
23 parking lot.

24 At which point they told her: If you do that, you
25 will be arrested for being a sex offender. 03:49:30

1 I'm like: What?

2 She goes: Huh, that's not a sex offender.

3 I mean, come on. Let's be serious.

4 So she calls her bluff, squats, and starts to urinate
5 in the parking lot because they won't let her go. They
6 immediately realize she is serious and say: Okay, okay, okay.
7 We'll take you to the bathroom.

03:49:42

8 She stands up, goes and gets the other girls, and they
9 all go to the bathroom.

10 And, yes, that is my daughter. I don't deny it. I'm
11 sure she did that because it was ridiculous. Why are they
12 staying there? You know, this is not -- take the kids to the
13 bathroom.

03:49:52

14 So she told me that story. I didn't like that story.
15 That was -- that's not a good thing. The timing was not well
16 planned. You shouldn't have children sitting in a van doing
17 nothing. And it was probably also, you know, uncomfortable in
18 the Target parking lot.

03:50:03

19 So those are the first stories.

20 She tells me -- can you prompt me to the next one
21 that's --

03:50:15

22 Q. It's --

23 A. -- in the -- I --

24 Q. Did she ever tell you she had been sick?

25 A. Yes, she did. She told me that when she got there, she got

03:50:22

1 sick. I later believe that it's from the contaminated food
2 there that Veronica Borges wrote about in her licensing
3 complaint.

4 That she got very sick. She had explosive diarrhea.
5 They told her she was faking it, so she had to leave the
6 bathroom door open so they could literally see and smell her
7 going to the bathroom with explosive diarrhea to believe her.

8 I was really appalled at this.

9 She also -- something happened with her stomach. So
10 she was so sick that apparently she ended up, for some reason,
11 with the mattress on the floor. So maybe she had the top bunk.
12 It was easier to navigate.

13 It was just some stories about being very sick. And I
14 was super concerned, because it seemed like she was not able to
15 function. And I had never been notified that she was sick at
16 all, which is not okay. And it turned out -- of course, I
17 didn't know this -- that after I left she continued to be sick
18 for another week and probably missed a total of a couple
19 of weeks of school. And when you combine that with all the
20 other stuff, by the time I took her out, she'd only been at
21 school, you know, a very short number of days. This idea that
22 she'd been settled in was a complete fabrication. First there
23 was a Christmas holiday, and she was sick, and the school's
24 semester finally started, and they had three days off of this
25 Teen Challenge, and this and that. And when you add that all

03:50:36

03:50:51

03:51:09

03:51:25

03:51:45

1 up, she'd actually been to very little school.

2 Q. So other than complaining that she was sick, did she talk
3 about the laundry facility?

4 A. Oh, yeah. So when I was on the campus on the Saturday
5 before we were allowed to leave at 4:00 p.m., she said: I need 03:51:59
6 to do -- oh, Mama, I've been -- I told you I've been sick, and
7 I didn't wash my sheets.

8 And I said: Well, that's not helpful when you're
9 already sick. You need to put cleanliness.

10 She goes: I know. I know. I'm going to wash my 03:52:12
11 sheets right now.

12 And she goes to grab a dryer sheet. We don't use
13 dryer sheets. We don't actually use chemicals -- a lot of
14 chemicals. We're from California. Okay?

15 So she goes -- I said: Why are you putting a dryer 03:52:21
16 sheet in with the laundry?

17 She goes: To cover up the smell.

18 And I said: What smell?

19 And she goes: Well, there's a sewer backup, and it
20 smells like poop. 03:52:32

21 I'm like: What?

22 And then I smelled it, and it actually did have a very
23 foul odor. And she was using dryer sheets to cover up this
24 foul order -- odor. Needless to say, I don't find this
25 satisfactory. 03:52:45

1 Q. Okay. So did she talk about an experience she had with
2 other girls or what she witnessed with them?

3 A. A little bit more detail to --

4 Q. All right. Did she talk -- did she tell you that there was
5 a girl that she was up all night with --

03:52:59

6 A. Oh, yeah.

7 Q. -- who was suicidal?

8 A. I've already told that story, the one where she was -- she
9 and another girl were comforting a third girl who was trying to
10 kill -- who was trying to take her own life, and my daughter
11 was very interested in stopping it.

03:53:09

12 We've covered that. I --

13 Q. Okay.

14 A. That's horrible. I don't want to talk about it again.

15 Q. Do you recall reporting that she said that Brandon Courtney
16 was commenting and admonishing the girls about their eating and
17 refusing them seconds?

03:53:16

18 A. Yes, I did. And I had noticed this same dynamic in the
19 Parent -- in the Parent Challenge workshop, there was some very
20 bizarre dynamic going on between Jean Courtney and Brandon
21 Courtney. By the time we were into this thing a couple
22 of days, I knew that Jean Courtney was the mother and that
23 Brandon Courtney was her son. There was some odd dynamic going
24 on there that I don't even want to comment on because it was
25 strange. And if these are the people making decisions for

03:53:32

03:53:47

1 appropriate parent-child relationships, I was already red flag.

2 I at that time knew nothing about this massaging of
3 adults by children. In fact, I only found out about this
4 recently, and then it was reinforced in this trial. That I
5 didn't know about. But there was an odd dynamic.

03:54:08

6 And so when my daughter -- I have a -- I am the mother
7 of two girls, and eating disorders in our society are rampant
8 in body image across young girls, and now more than ever boys
9 is a huge problem. And parents must be mindful of what they
10 say to children that can have damaging effects.

03:54:29

11 My children have always eaten healthy. We encourage
12 healthy choices. But they've never been weighed. They -- we
13 don't focus -- we say: Eat until you're full. Make wise
14 choices.

15 We don't overly emphasize bodies, and we don't comment
16 on other people's bodies and critique them. And my children
17 have a very healthy self-image because of it. And the same
18 goes for others. We don't critique other people, make nasty
19 comments.

03:54:45

20 When I found out that Brandon Courtney, the odd guy
21 who had an odd relationship with his mother there in the Parent
22 Challenge workshop, was now commenting to teenage girls about
23 their size and their food, this is completely unacceptable.
24 No. You should know better, and they should not be in
25 possession of teenage girls.

03:55:01

03:55:20

1 This is -- I actually said this: For the girls that
2 don't have an eating disorder, it's going to cause one. For
3 those that do have an eating disorder, it's going to trigger
4 it. No one should be commenting about this. They shouldn't be
5 controlling portions or weighing them or any of that. If
6 there's a girl with a documented problem, she needs to be in a
7 proper facility that handles that with professionals that know
8 about that.

03:55:35

9 Q. Okay. So one of the other things, you said that you
10 memorialized some of these reports in a declaration to the
11 Court.

03:55:49

12 A. Yes, later.

13 Q. I'm going to ask you what the date of that declaration was.

14 And if you don't remember, I'd like to publish
15 Exhibit 78 at the --

03:55:58

16 A. I did several declarations, so I don't remember if that's
17 the, like, February one, the first one that was signed in
18 February. But, yes, that -- the one right after my husband
19 brought the ex parte after I removed my daughter with the
20 sheriff's civil escort on February 3rd, 2020.

03:56:12

21 Q. So that documents -- those documents, we've already been
22 through them in court.

23 The Spring Ridge Academy had submitted a number of
24 documents, including FYI notes, portions of your enrollment
25 application, and an email from Suzanne Courtney.

03:56:28

1 Do you recall seeing that? We've gone over it --

2 A. Yes.

3 Q. -- in court.

4 A. Absolutely, I do. I was horrified.

5 Q. So the purpose of this declaration was to address those 03:56:35

6 notes that you saw in -- in your husband's -- ex-husband's

7 filings; correct?

8 A. Well, this is my response: I need to address everything he

9 said, and I also need to instruct and inform the Court on what

10 my personal observations were of this place and why it was that 03:56:49

11 pursuant to the terms of my Marital Settlement Agreement I

12 removed my daughter when my ex-husband had -- clearly was

13 incapable of having a rational conversation about these facts.

14 Q. We'll talk --

15 A. And I had -- 03:57:06

16 Q. We'll talk about that in a minute.

17 A. Okay.

18 Q. One of the other things that -- other than talking about

19 these incidents your daughter's reported to you at Bill's

20 Grill -- 03:57:13

21 A. At Bill's Grill.

22 Q. -- do you recall telling the Court about a Facebook group

23 you found?

24 A. Yes, I do. Because at that time, because this stuff was so

25 wacky -- and, I'm sorry. I don't know the technical term for 03:57:21

1 wacky, but we've been here a while. I think you all know what
2 I mean -- I then went and told -- I informed the Court about my
3 research about and efforts to find other past students who
4 could confirm or deny the things my daughter was telling me,
5 because, frankly, they sounded crazy.

03:57:41

6 But because I had been through the three-day Parent
7 Challenge, which was also crazy, I wanted to hear these girls
8 out. I wanted some confirmation. So I went looking for these
9 girls. And I've been looking for people ever since. And
10 you've spoken to many, and you've heard from many of them here
11 in this courtroom --

03:57:56

12 Q. What day --

13 A. -- these last two weeks.

14 Q. What day did you first go on Facebook?

15 A. That was the -- right after the Parent Challenge workshop
16 and speaking to my daughter at Bill's Grill. So the 31st of
17 January, 2020.

03:58:04

18 Q. And is that when you first learned that the former students
19 were calling Spring Ridge Academy a cult?

20 A. Yes, I did.

03:58:19

21 Q. And how many students did you -- or how many reports did
22 you find on that Facebook group?

23 A. Well, that's the thing. They didn't want to talk to me
24 because they hated all parents. And, frankly, I really can't
25 blame them based on what they got put through. And I had to

03:58:33

1 convince them I believed them, not because I believed them, but
2 because I believed me. And I saw it for my own self, and now I
3 was looking for corroboration from them about theirs.

4 So eventually some of the girls in the group -- they
5 wouldn't let me in the group. It was private, and they would 03:58:48
6 not let me join. At first I think they did for a little while.
7 And then they realized I was a parent, and they kicked me off.
8 But they did encourage -- I could message them. And I said:

9 This is -- ask girls if anyone's willing to talk to me. I want
10 to talk to them. 03:59:03

11 And I gave them all my -- just I want to talk to
12 people.

13 So I put myself out there, and some people did contact
14 me, like, on the phone, but they wouldn't even give me my
15 name -- their name and stuff. And when I called back -- I 03:59:12
16 don't know. These girls are very sophisticated. It was a
17 number you couldn't even call. I don't know if they were
18 calling from a burner phone. I mean, these girls were so
19 untrusting. Don't blame them. But the stories I was hearing
20 were crazy, and -- and they were, like, being forced to dress 03:59:27
21 up in high heels and a frilly dress and makeup while parading
22 around and everybody telling you how pretty you looked and it
23 was so much better when you dressed femme and not butch and
24 just -- honestly, it was nuts, and it was really distressing to
25 hear. And I spent a lot of time talking to my therapist about 03:59:50

1 what I was learning and processing with her help because it was
2 disturbing.

3 Q. So what I'm asking, though, is on January 31st -- I want to
4 freeze frame on that day. I know there's a lot of people that
5 you've talked to since. But were you able to talk to anyone
6 live prior to being given this declaration to the Court, or was
7 it just reading what was on the Internet?

04:00:06

8 A. No. They -- they were not going to talk. I don't think --
9 I don't remember. I mean, it was all a blur. You have to
10 understand, when you realize, oh, my God, I think I enrolled my
11 child in a cult, that you -- you, as a parent, your sole
12 purpose at this point should be focusing on protecting your
13 child, gathering information, making a rational decision.

04:00:20

14 And I have to rely on what I wrote here as being the
15 truth at the time. And I kept a lot of records because I knew
16 I was going to forget. I was very traumatized at this point.

04:00:39

17 Q. Okay. So I guess this question will assist the jury when
18 they're looking at this. If you had actually spoken to a
19 Spring Ridge Academy survivor or prior student, you would have
20 quoted that person in this declaration?

04:00:56

21 A. I might have, but a lot of them wouldn't give me their name
22 because they were -- they said that -- they were telling me
23 that they were being contacted by Jeannie Courtney and Kate
24 Deily and told that if you talk to anybody, you're going to be
25 sued. So they didn't want to give me their name.

04:01:09

1 And, in fact, I just got another one this week from
2 someone who's been gone for 20 years and said: Don't use my
3 name when you show this portion card.

4 I go: It's 20 years later. They can't do anything.

5 I don't care. I don't want to be harassed by her. 04:01:23

6 She has those girls scared to death to this day of
7 disclosing what happened to them.

8 Q. So I'm talking about one declaration. Were there many more
9 that you filed with the family law court?

10 A. Absolutely. As I got more and more data, each time I got 04:01:40
11 another level of information and dug deeper into these people
12 and their past and their lack of credentials, I would update
13 the Court, because the Court had forced her back on an
14 ex parte -- that means without a hearing -- because my
15 ex-husband, in Spring Ridge Academy releasing all that, 04:01:58
16 convinced him that I was crazy. I was just some crazy mom who
17 showed up at a school and pulled their daughter.

18 And you know what? I don't blame them. It's easier
19 to believe that, because who the heck would believe what we've
20 heard here this last week? And I knew it sounded crazy, 04:02:14
21 because it sounded crazy to me. So I was walking a very fine
22 line of presenting facts, facts, facts, without hyperbole,
23 without making stuff up, and also trying to get somebody that
24 would really verify and go on the record that I could count on.
25 I wanted to confirm the data. That's no small feat, because, 04:02:35

1 honestly, most people have never heard of this. It was so much
2 easier for the family law judge to think I'm a nut bar, that
3 out of the clear blue sky I went and enrolled my daughter --
4 unenrolled my daughter with a sheriff's escort for no reason at
5 all but just I am just nuts.

04:02:54

6 Because, after all, at the end of the day, aren't all
7 women that disagree with you nuts? I mean, I really felt there
8 was a lot of that prejudice going on, despite the fact that I
9 had the legal right under the Marital Settlement Agreement --
10 not only right, the moral obligation under -- under
11 parenting to protect my daughter from what was going on.

04:03:10

12 Q. Well, let me ask you this: You're at Bill's Grill. You
13 hear this information. And why -- did you take her right then
14 and there?

15 A. Actually, what I did was -- she's telling me this, telling
16 me this. And when she gets tired, I look at her and I say:
17 Cocobi, are you ready to go home and act right and come up with
18 a plan? I said: Because this is up to you. You're 17. I
19 can't be doing this much longer. You're going to be 18. I
20 said: Are you ready? Are you done with this nonsense? Are we
21 done with this nonsense?

04:03:26

04:03:45

22 And she looks at me and she goes: Mama, I'm so done.

23 I said: Okay. You know what? You're 17 years old.
24 You need to fight your own battles. This is going to be an
25 uphill one because you know how your dad is. So it's going to

04:03:59

1 be your responsibility to convince him that you're ready to
2 come home, cooperate with the two of us, and making a plan for
3 you. It may be alternative. It may be this. It may be that.
4 That's up to us. The wonderful thing about having resources is
5 you know we can create a custom plan. But this is not the
6 answer to anything.

04:04:16

7 Q. So what did you do?

8 A. So we drove back from Bill's -- finished up dinner, drove
9 back to the Prescott Center, and though that was never the plan
10 originally, and gave my daughter -- because you know what the
11 original plan was. I needed Google Maps. I gave my daughter
12 her cell phone and I said: This is not between me and you.
13 You're 17 years old. You need to call your father and tell him
14 you're ready to come home and you're ready to behave and work a
15 program that we put together together.

04:04:30

04:04:45

16 She goes: Okay.

17 So she takes the phone.

18 And I said: And I don't want to hear that
19 conversation, because you two need privacy. So can you please
20 sit in the hallway right outside the room.

04:04:54

21 And she does. And she's gone for a really longer
22 time, because after all, he'd been in the same parent workshop
23 as I had. I assumed he saw the same kooky people that I did,
24 but apparently not. People see what they want to see.

25 So she was out there for way too long. And while she

04:05:10

1 was out there, I booked a flight for her home on Southwest.
2 I'm an Avis member and she's my companion, so I can just add
3 her to my return. And that's what I did. And I have a record
4 of that somewhere in these exhibits.

5 She's out there for a long time. And then she comes 04:05:25
6 back in, and that whole glowing and that whole positivity, she
7 looks deflated, dejected, and she goes: He's so mad. And he
8 goes -- he won't -- he won't even talk to me.

9 And I said: Oh, okay.

10 And I'm kind of thinking what I need to do. And I 04:05:42
11 don't call him because he needs some time to cool off. And
12 eventually he calls me. And he yelled at her for 59 minutes
13 until she just came back deflated and dejected. And then he
14 called me. And for 104 minutes, according to our cell phone
15 records, this man makes no sense at all. He's completely 04:06:00
16 emotionally dysregulated. He's completely hysterical. He
17 doesn't care about the facts. He enumerates everything wrong
18 she's ever done in her life, which is not relevant. I said:
19 Even if that's true, she's a child, and we don't force a child
20 to stay there as punishment. 04:06:18

21 And that's what he wanted to do.

22 I said: This is not good parenting, and I'd rather do
23 this cooperatively.

24 Well, we aren't going to do this because this is not
25 safe. 04:06:28

1 I later learned that he was drunk, and I later learned
2 from Dr. Hunter that these types of events purposefully induce
3 mania in certain types of people. I am not one of those
4 people. And, plus, I'd had a previous experience in
5 San Francisco in the late '80s with The Forum, and I thought it 04:06:44
6 was Executive Leadership Training, and instead it was
7 The Forum. And I've referred to that incident for the last
8 30 years as the time I accidentally almost joined a cult.

9 So I already knew about this stuff, and I never
10 studied it because who cares? I didn't ever go back. But I -- 04:07:04
11 it's not easy to induce mania in me. You may not like my high
12 energy or my fast way of talking, but it's not hysterical, it's
13 not irrational, it's not mania.

14 So he was completely irrational. I didn't understand
15 at that time that he had been rendered incapable of coparenting 04:07:22
16 due to the fallout from that workshop. I had no such knowledge
17 for years later until I went looking for someone that was an
18 expert and found Dr. John Hunter in South Africa.

19 But at that time he yelled and screamed and made no
20 sense for 104 minutes. And then he said: I'm not inclined to 04:07:39
21 let her come home, but I'll think about it.

22 And then hung up. The next day when he didn't call me
23 by almost, I think, 11:00 a.m., I called him. And he just
24 thought he had veto power and said: No.

25 I said: That's -- that's not a rational -- this is 04:07:59

1 not coparenting. No. Veto power over me? This is why I
2 divorced him. It was we have to have a discussion.

3 How are you ignoring what this child has told us? She
4 cannot be somewhere where people are suicidal. She cannot be
5 somewhere where people are being shamed for they don't do a
6 dance right or how they show up in some exercise. We don't
7 pick on the awkward girls or the girls who aren't as graceful
8 or any random -- we don't pick on anybody.

9 Q. What did you hear about that prior to this phone
10 conversation about --

11 A. There --

12 Q. -- that?

13 A. -- was some kind of thing about being mean to some girl
14 that was suffering from some kind of condition that made her
15 more self-conscious or awkward or not as -- I don't remember
16 all the details.

17 But we don't shame people. This is -- this is not
18 something -- we don't make fun of people. We don't -- we don't
19 ridicule people who are handicapped. We don't ridicule people
20 with mental conditions.

21 And what Rearden was telling me, that these -- these
22 people that weren't deemed fit by Jean Courtney were being
23 kicked out of workshops. And, honestly, I know it sounds
24 crazy, but now you've heard the witnesses. I mean, and so he
25 just didn't want to talk about it.

1 And so I'm like: This is really bad.

2 So I cancelled the trip home. And then by then I was
3 supposed to have a shadow day for the acad- -- for the -- for
4 the academics on Monday. And that's how -- and I was going to
5 fly out on Monday. But because Rearden was so dejected on 04:09:21
6 Sunday morning by his berating her for an hour, and I was kind
7 of exhausted from listening to him for two to three hours just
8 catalogue all of her wrongdoings her whole life, of a minor, by
9 the way, you know, with no -- not a fully formed prefrontal
10 cortex, I said: Look, you know, I would rather do this 04:09:42
11 cooperatively. So let's just sit tight. You go back to
12 school.

13 And she did.

14 And I said: I'll -- I said: I'll go back home
15 tonight so that you can go back to the school and -- and just 04:09:52
16 go back and commit to doing your best job. I'm sorry it's
17 turned out like that.

18 And I had to return her to Spring Ridge Academy by
19 4:00 o'clock in the afternoon. I rescheduled my flight, and I
20 flew back home to Fres- -- to Fresno? That's my hometown -- to 04:10:05
21 San Jose and the airport. And the next day was Monday, and I
22 directed my attention to the Master Treatment Plan that I had
23 received on Friday night.

24 Q. Now, did Mr. Stata tell you that he was going to

25 communicate to Veronica Borges about your conversation with him 04:10:23

1 that was 104 minutes?

2 A. No, he did not. That's -- I -- I mean, I'm going to
3 continue to model appropriate behavior. He did not. Nor would
4 I -- did I think he should have, but he did. It turns out he
5 did.

04:10:43

6 Q. So at -- by February 3rd, some FYI notes and this email
7 from Suzanne Courtney are in court documents.

8 Did you authorize Spring Ridge Academy to release
9 those?

10 A. No, I did not.

04:10:54

11 Q. And had you even contacted them to complain about it?

12 A. I beg your pardon?

13 Q. Did you complain about the Target parking lot incident to
14 anyone at Spring Ridge Academy?

15 A. Actually, what I had said was -- and it's in the email to
16 Veronica Borges -- was that I had witnessed some disturbing
17 things going on in the Parent Challenge workshop.

04:11:06

18 But I don't have a recollection of telling them those
19 stories. I told them to Rearden's father, because he's her
20 father and should know and should consider all of the facts our
21 daughter's disclosing in making decisions for her. That's my
22 responsibility as a mother. But it's not my responsibility to
23 share with Spring Ridge Academy how kooky I think they are and
24 how substandard.

04:11:26

25 Q. So if Spring Ridge Academy is providing documents to

04:11:42

1 address these complaints, that line of communication would have
2 not come from you but would have come from your ex-husband?

3 A. That is correct.

4 Q. Based on this 104-minute phone call?

5 A. And the one the next day that was 54 minutes. So 54 plus
6 104.

04:11:57

7 Q. What happened in the phone call that you made to him or he
8 made to you the next day?

9 A. That's when I -- when he didn't get back to me with his
10 answer, as I said, on Sunday, I called him, and in 54 minutes
11 just kept saying no and basically vetoed without any facts or
12 reasons. Because, frankly, it was very clear to me he wanted
13 to punish her for having acted up, and I don't find that a
14 valid parenting style.

04:12:11

15 Q. So you don't take your daughter home. And then what is
16 your next communication with someone at Spring Ridge Academy
17 after you return home?

04:12:28

18 A. So I turn my attention to the Master Treatment Plan because
19 I'm -- all the times if the parents can work things out, it's
20 best. Going to court should be a last resort, as is indicated
21 in the settlement that requires us to take several steps. And
22 the whole time I am imploring my ex-husband to go to mediation
23 with David Magnuson, as is required under the Marital
24 Settlement Agreement.

04:12:46

25 Q. Okay.

04:13:04

1 A. So I'm imploring him, and he's refusing. And he's ignoring
2 me because, little did I know, he had partners in crime and --
3 with Spring Ridge Academy, who were colluding with him against
4 me. And I'd become public enemy number 1 because I had already
5 figured out what they were up to based on just my life
6 experience.

04:13:21

7 I didn't know that was going on. I turned my
8 attention to the Master Treatment Plan, and I write an email to
9 Veronica Borges about my concerns about this Master Treatment
10 Plan is completely not based on anything that has to do with my
11 daughter or our family history.

04:13:35

12 Q. We've gone through that email in court. Can you briefly
13 summarize what your -- what you took issue with and expressed
14 to her that you disagreed with.

15 A. In summary, the first one was do not call my daughter an
16 addict in a piece of paper and expect me to sign it when she is
17 not an addict. This is a very serious accusation that can be
18 with the child for the rest of their life, and if they find out
19 about it, could feel very betrayed by their mother. My

04:13:49

20 daughter is not and has never been an addict. Like many
21 teenagers, she had experimented with some stuff. I don't agree
22 with it, that has to be my official position as a parent
23 because it's not legal, but I also have to be a calm, rational
24 individual that recognizes that teenagers do dumb stuff because
25 that's the definition of teenager. So I'm not signing a paper

04:14:07

04:14:26

1 my daughter's an addict when she's not. That's
2 irresponsible/unethical.

3 Number 2, that she wants me to read a book called
4 Facing Codependence by Pia Mellody. At that time I had no idea
5 who Pia Mellody was, but I knew I was not codependent because I 04:14:41
6 had -- I had been in therapy with -- for the divorce to be a --
7 to learn how to deal with the -- you know, being divorced and
8 doing that well for the sake of my children. I've never been
9 diagnosed as -- as that. And, plus, I'd undergone -- we'd
10 undergone a full extensive custody evaluation that required 04:15:02
11 extensive, hours and hours and hours of testing by a
12 court-appointed custody evaluator. And you'd think if I was
13 codependent or any other diagnosis or had this, this would have
14 been discussed.

15 So I don't want to read your one size fits all. I 04:15:19
16 need you to look at the facts. I need you to give us things to
17 do, activities that have to do with this child and this family.

18 So I wrote that entire email addressing every single
19 problem that I had with this one-size-fits-all Master Treatment
20 Plan that had been created by Veronica Borges. 04:15:39

21 Q. And then I think we saw the email. She cancels your first
22 scheduled family therapy session scheduled for January 30;
23 correct?

24 A. Yes. For us lawyers -- and I don't know how to say this,
25 to be very -- but there's a -- a -- there's a joke that says 04:15:54

1 how do lawyers say, you know, jump in the lake, but there's a
2 profound there and "trust me."

3 So whenever anyone says "trust me," I immediately
4 don't trust them. Because every person that I actually trust
5 is people that never utter the word trust. They behave with
6 the highest integrity. They earn your respect and trust by
7 their behavior. And they never utter the word trust because
8 they know that trust is earned. The minute you tell me "trust
9 me," I'm not going to trust you. That's just how annoying I am
10 and where I've come from.

11 The minute this woman, who is behaving a --
12 incoherently -- all conversations with her were incoherent,
13 they made no sense -- and then is writing this Master Treatment
14 Plan, doesn't show up to meet me, and then when I'm questioning
15 her says, you have to trust me, no, I don't.

16 That's a red flag. I'm like -- and I had left a
17 message for my ex-husband about this, calling Spring Ridge
18 Academy a cult. And he attached it to the pleadings of the
19 family law's thing as ex parte to prove I'm crazy.

20 But after having listened to all of this for the last
21 two weeks, I think the people in this courtroom probably have a
22 pretty good idea why I thought this was a cult. And I'm
23 telling that to the father of my child in confidence about the
24 basis of my information.

25 So for a woman to say, you have to trust me and you

1 have to change your communication style -- and I don't know
2 what her communication style was, because nothing she said made
3 sense. And so then she says: And until we -- you can -- I can
4 get that, I'm cancelling your therapy.

5 I'm like, now I haven't had any therapy with Rearden. 04:17:36
6 And so my response was: I'm not agreeing to you cancelling the
7 therapy with Rearden, but I don't control you or your behavior.

8 I don't know how that could be more clear. I didn't
9 cancel the therapy. She did. I didn't agree with it, but I
10 don't control another grown adult. 04:17:53

11 I think the meaning is a -- very clear. I don't
12 understand the answer she gave on this stage, but she was
13 committed to it. I don't even know what it was.

14 Q. So -- so did anyone else at Spring Ridge Academy, who she
15 represented would be the treatment team, reach out to you to 04:18:07
16 discuss your communication style or how to work with that, or
17 what -- what -- other than Co- -- Facing Codependence you might
18 be working on with your daughter or address any of your
19 concerns?

20 A. No. Then and not ever. What I did was, following the 04:18:24
21 Marital Settlement Agreement, immediately reached out to
22 Dr. Martha Cravens, my therapist, and Dr. Sarah Villarreal,
23 Rearden's therapist, as I'm instructed to do in the Marital
24 Settlement, and discuss with them what was going on.

25 And both of them said to me: If it was my child, I 04:18:44

1 would remove them.

2 Because they know me and they know Rearden very well,
3 and they have the highest credentials and licensing and using
4 evidence-based therapy, both of them.

5 So this -- upon speaking with people who I am required 04:18:57
6 to speak to under the matters -- Marital Settlement Agreement
7 and who I respect, I then knew that if I went there, they would
8 fabricate a story. And, frankly, they'd probably believe it.
9 That I hit someone; that I cursed at someone.

10 And because I have a lot of familiarity in working 04:19:18
11 with family law, I know that that's exactly what a sheriff's
12 civil escort is for, so everyone stays civil.

13 So I called up the Yavapai Sheriff's Office in
14 advance. I asked them what their procedure was. They
15 instructed me what it was. I flew to -- to Phoenix on the 3rd, 04:19:37
16 and I then notified the sheriff I had landed. And they said:
17 Contact me again when you get to the corner convenience store.

18 I did that, and I met them in the parking lot there.
19 And I went with the two sheriffs. The first thing out of their
20 mouth was: We have a great relationship with Spring Ridge 04:19:57
21 Academy.

22 And I looked at them and said: As it should be.

23 We got in the car. We drove to Spring Ridge Academy.
24 And my behavior was exactly as described by Justin Zych in his
25 testimony. 04:20:13

1 Q. So there was no interaction between you and staff when you
2 picked up your daughter other than what's been described in the
3 testimony?

4 A. I arrived there, and Justin Zych was there. I behaved
5 exactly like he testified. Super quiet. Very calm. In the 04:20:24
6 presence of the sheriffs I asked to have my daughter brought to
7 me, and I was removing her. I did not bother people. I did
8 not -- I was in the administration building that was far
9 removed from the students. I had no interaction with any
10 students or other staff. 04:20:45

11 The next thing I know, there was a flurry at some --
12 they said: Well, we have to call the Clinical Director, or
13 something.

14 The next thing I know, Leslie Filsinger, who I had
15 never met, comes up to me with a blank preprinted form that 04:21:04
16 says that my daughter's removal is against medical advice.

17 And I told her: I have sole legal custody. I
18 don't -- I can remove her. I don't need to sign that. I don't
19 even know you. I don't know how you could have a medical
20 opinion. No. 04:21:22

21 At which point Leslie Filsinger repeated over and over
22 again: I'm going to call your ex-husband. I'm going to call
23 your ex-husband.

24 Getting more and more agitated each time she said
25 that. 04:21:38

1 I said: Okay. Okay.

2 What happened was Leslie Filsinger, the Clinical
3 Director of Spring Ridge Academy, became hysterical and
4 emotionally dysregulated in front of my teenage daughter, who
5 never said she didn't want to go.

04:21:52

6 What she actually said was, when they brought her to
7 the office: Well, this isn't how I saw this day going when I
8 got up this morning.

9 And who would have thought? She's in the remote part
10 of Arizona. She gets up that morning going about her day, and
11 her mom shows up to pick her up.

04:22:07

12 That was just a true statement. She didn't say she
13 wanted to stay there. She did ask to say goodbye, and I said
14 if they wanted to, they could. And Erin Smith at some point
15 comes out and asks me, do I want to go and pack up Rearden's
16 belongings, all of which belonged to me?

04:22:23

17 I had shipped them there. I had paid for them.

18 And I said: No. I think that would be disruptive to
19 the student body to have us wandering around campus and packing
20 up. Will you please pack up the stuff and ship it to me?

04:22:38

21 She said: Yes.

22 And that is in one of the documents that ended up in
23 the family law court. She promised me she would return my
24 belongings. She never did. When I finally gave up custody to
25 get my daughter home, she shipped all of my -- someone there

04:22:55

1 shipped all of my belongings to my ex-husband just as a final
2 zinger to me.

3 So they promised me. I chose not to get them at the
4 time because I did not want to bring attention or disrupt the
5 school community. We don't need to make a scene. That's why I 04:23:11
6 brought the sheriffs.

7 When Leslie Filsinger became hysterical and
8 emotionally dysregulated in front of my 17-year-old, I said:
9 This paper is not valid, but I'm going to sign it to get out of
10 here and shut you up. 04:23:28

11 And I signed it, and I left. I did not have a copy of
12 it at that time. I don't think I got a copy of it. I believe
13 that that -- I got it because she provided it then immediately
14 to my ex-husband as part of his ex parte.

15 I took my daughter. I returned home. I notified her 04:23:43
16 father and said: We're ready to resume visitation and life.

17 And I never secreted her away. I never abducted her.
18 It doesn't meet the definition of abducted to take a child that
19 you have custody over home and immediately notify her father
20 and resume the visitation schedule. Nor was I ever criminally 04:24:03
21 prosecuted ever. And you can't be convicted of a crime in
22 family law court. That was something my ex-husband's lawyer
23 wrote. And the judge signed it in ex parte probably not even
24 reading it believing, based on all of the overwhelming evidence
25 from this wonderful school, that mom was a nut. 04:24:25

1 Q. So I want to ask you about your custody order that you gave
2 Spring Ridge Academy.

3 A. Yes.

4 MS. ALLARD: So ask to publish Exhibit 70.

5 THE COURT: You may.

04:24:39

6 BY MS. ALLARD:

7 Q. Page 4 at the top.

8 So there's a section that has -- has this child

9 custody. And under it it says, "Legal Custody of

10 Decision-Making," and it says, "Mother is awarded sole legal

04:24:54

11 custody?"

12 A. Yes.

13 Q. And then there are these carved-out exceptions, it appears.

14 A. Yes. That was part of the negotiation process after we got

15 two custody evaluations that were then the basis of me to be

04:25:05

16 able to negotiate this. And I did do some negotiating and

17 capitulating. And, also, I felt better about not having in

18 writing that my -- my children's father did not have

19 decision-making. Because if my daughter needs to have an

20 appendectomy, I want my -- her father there by her side with

04:25:28

21 me, and I want it in a document that says he has a right to be

22 there, because he is her father and because I don't ever want

23 there to be a record that I -- that I'm that kind of mother.

24 So I -- I said: Yes, of course. Let's talk about

25 those things that you really need to be involved in and not the

04:25:47

1 things that you just can't really do because it's not in your
2 skill set.

3 So one of them was, of course, any time there's any
4 kind of very major medical decision -- physical medical
5 decisions, that her father will be there and we will be making
6 those together.

04:26:02

7 Q. So that reads, "Father and mother shall share joint legal
8 custody. This is limited to surgery, life-threatening, and/or
9 life-altering decisions."

10 A. Yes.

04:26:15

11 Q. Other than that, for routine medical, you had sole custody?

12 A. Absolutely. Something that -- this -- this is really like,
13 oh, you've had an accident. You need surgery or something.

14 That's what it says, and that's -- and emergency
15 medical care, that we both have the right to do that. And you
16 need to immediately notify. You know, what civilized people
17 should do without being told, but --

04:26:28

18 Q. Okay.

19 A. -- we wrote it down.

20 Q. So now I want to talk about the provision that was used to
21 get this ex parte granted, this Subsection 3 here, "Change of
22 School Decisions."

04:26:38

23 A. Yes.

24 Q. So this is what your ex-husband's lawyers cited as
25 authority for them to challenge your removal of your daughter;

04:26:50

1 correct?

2 A. Yes. And when you're dealing with a brand-new lawyer,
3 brand-new judge on an ex parte without a hearing, because we
4 used a private judge for our entire divorce, you can read it
5 one way. But I was part of all the custody evaluations and all 04:27:05
6 the negotiations leading up to this, and I know what this says.
7 And it doesn't say how he interpreted it.

8 And I relied on what I negotiated, which was father
9 would have input into the retention. But because I do all of
10 the day-to-day decisions -- I track the meetings with the 04:27:23
11 teachers, I track the grades, I track the activities, I do all
12 of that. That was my job under this -- that he would then --
13 I'm not granting him veto power when he doesn't have any facts
14 and didn't collect them and is not in the trenches.

15 So what he had was a right to talk about retention. 04:27:40
16 After that, I had every right to remove her. And I was
17 communicating with him about the next step and what would be an
18 actual plan and involving him, as I was required to do,
19 requesting mediation --

20 Q. I'm going to interrupt you -- 04:27:56

21 A. -- and proposing -- okay. I'm sorry.

22 Q. -- because I'm not asking you what you thought or what you
23 intended. I'm asking you what this reads.

24 A. What it says.

25 Q. Yeah. 04:28:03

1 A. It says that only for retention does he have -- not
2 removal, retention does he have joint legal custody. So if I
3 enroll her somewhere, he's going to have a say.

4 And I actually contacted him and said: Let's talk
5 about options back home. What would you like to propose, and
6 what would I like to propose? I'm doing some research.

04:28:15

7 Q. Okay. So there's also in this custody agreement, or
8 this -- which became what, a final judgment in the matter on
9 custody; correct?

10 A. Yes.

04:28:29

11 Q. Okay. So there's -- there's a provision in it specifically
12 for modification of the agreement and if there's a
13 disagreement.

14 So given that there's no language in this agreement
15 that addresses removal from school --

04:28:44

16 A. Yes.

17 Q. -- there was a dispute?

18 A. Yes, there was. Clearly. He thought he could just veto
19 and say, no, without facts --

20 Q. Okay.

04:28:54

21 A. -- and that that was -- would prevent me from removing her.
22 And that doesn't even make sense and is not what I agreed to,
23 so --

24 Q. This provision here at the bottom of page 12 of 15 says,
25 "Nonetheless, the parties specifically stipulate and agree not

04:29:05

1 to initiate Court intervention to resolve said disagreements
2 unless all other reasonable alternatives have been exhausted."

3 And you turn the page and it says, "The parties" -- at
4 the top -- "hereby stipulate and agree."

5 And then there's all these terms that you're -- things 04:29:23
6 that you're supposed to do before you end up going to court.

7 A. Yes.

8 Q. One of them was to meet and confer. And so I suppose your
9 telephone exchange could qualify as that.

10 And the second one was meet with a mediator, David 04:29:35
11 Magnuson.

12 Did your ex-husband or his lawyers initiate a meeting
13 with a mediator prior to filing that ex parte?

14 A. No, they -- not only did they not initiate it, when I
15 repeatedly requested -- as I allege in this -- in my response, 04:29:50
16 he would not cooperate because he felt he was on very strong
17 ground having aligned himself with Spring Ridge Academy against
18 the mother of the student.

19 THE COURT: Ladies and gentlemen, this is the perfect
20 time to take our evening recess. Court will be in recess until 04:30:04
21 9:00 o'clock tomorrow morning.

22 All rise for the jury. Court's in recess until
23 9:00 a.m. tomorrow.

24 (Jury not present at 4:30 p.m.)

25 THE COURT: Before we break, is there anything from 04:30:35

1 the plaintiffs?

2 MS. SWEIDY: We got some scheduling issues --

3 MS. ALLARD: No, Your Honor.

4 MS. SWEIDY: -- that we need to talk about. I need
5 to --

04:30:45

6 THE COURT: Why don't you step down to your lawyer
7 role.

8 MS. SWEIDY: Yeah. Thank you.

9 MS. ALLARD: So, Your Honor --

10 THE COURT: Don't forget your flip phone.

04:30:51

11 MS. SWEIDY: Oh, you're right. I guess that's a good
12 call.

13 MS. ALLARD: We have a potential rebuttal witness that
14 may be advanced given the -- depending on the defense case. So
15 I -- we had a meet and confer on this, and I was looking for a
16 scheduling confirmation on what witnesses the defense will be
17 calling so I could properly time that witness.

04:31:07

18 MS. SWEIDY: He's currently scheduled to arrive on --
19 for Thursday, because I thought that the defendants would be
20 done with their case, and the hotel and the flight are booked.
21 He cannot do Wednesday because of a prior commitment that he
22 informed me of straight upfront. He could do Tuesday. But in
23 order to get him to do Tuesday -- he's going to be rebutting
24 Dr. Williams' psychological evaluation -- I have to inform him
25 by 5:00 o'clock tonight.

04:31:23

04:31:41

1 THE COURT: I don't even know when the plaintiff's
2 case will be finished. I don't know the size --

3 MS. SWEIDY: Our case will --

4 THE COURT: I don't know the size of defense case,
5 so --

04:31:53

6 MS. ALLARD: All right.

7 THE COURT: -- there's no way for me to interact
8 there.

9 MS. ALLARD: I suppose there's not, Your Honor. I
10 agree, but I would just represent that our case will end
11 tomorrow. We have two short witnesses tomorrow after
12 Ms. Sweidy. And that I have heard a representation from the
13 defense they will have two experts on Friday.

04:32:00

14 And what's really hanging in the air here is whether
15 or not any of these Spring Ridge Academy witnesses are going to
16 be recalled. I've heard two things.

04:32:12

17 And so that is -- I don't want us not to be allowed to
18 present our rebuttal witness should they decide not to do that.
19 And we don't have that witness here ready to go on Tuesday.
20 He's currently scheduled for Thursday.

04:32:27

21 THE COURT: Mr. Grasso.

22 MR. GRASSO: Thank you, Your Honor.

23 We had just found out about this issue scheduling with
24 their expert, and I assured counsel, and I could still assure
25 them, that we're going to work with them, even if it means

04:32:41

1 taking him out of order.

2 So I think it would make sense -- I would respectfully
3 suggest that if he could be ready to go Tuesday afternoon, just
4 for efficiency purposes. If we can truncate our case, which --
5 and I intend to make that decision, if I can, as soon as
6 possible once the evidence closes -- then it's -- there's a
7 possibility that we could get done ahead of schedule. And I
8 don't think anybody's going to be upset about that.

04:32:55

9 THE COURT: So you don't -- you don't see Tuesday as
10 really being a problem with them having their rebuttal here?

04:33:11

11 MR. GRASSO: We will make it work, Your Honor. Even
12 if we took him out of order, I would -- as long as Your Honor
13 was okay with it, it would be okay with us.

14 THE COURT: It warms my heart you all are playing
15 nice. So it sounds to me like the issue is now a nonissue.

04:33:25

16 MS. SWEIDY: Great.

17 THE COURT: Feel free to tell your person to --

18 MS. SWEIDY: I will go back and tell him that he --

19 THE COURT: Okay.

20 MS. SWEIDY: -- will be on on Tuesday afternoon. And
21 we will make all of the arrangements, cancel the -- Your Honor,
22 I am so appreciative. This -- and he is waiting for the phone
23 call, so thank you.

04:33:33

24 THE COURT: Is there anything else from the
25 plaintiffs?

04:33:45

1 Defense?

2 MR. GRASSO: Not from me, Your Honor. Thank you.

3 THE COURT: Everyone have a wonderful evening.

4 MS. SWEIDY: You as well.

5 THE COURT: Thank you very much.

04:33:52

6 MS. SWEIDY: You two ladies as well. Thank you always
7 for your help.

8 (Proceedings adjourn at 4:34 p.m.)

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C E R T I F I C A T E

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

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

DATED at Phoenix, Arizona, this 5th day of June, 2024.

/s/Cathy J. Taylor

Cathy J. Taylor, RMR, CRR, CRC