

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kimberly R. Sweidy,	)	
	)	
Plaintiff,	)	3:21-cv-08013-SPL
v.	)	
	)	Phoenix, Arizona
Spring Ridge Academy, et al.,	)	June 6, 2024
	)	1:16 p.m.
Defendants.	)	
	)	

BEFORE: THE HONORABLE STEVEN P. LOGAN, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL DAY 7 - (Afternoon Session)

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A P P E A R A N C E S

* * *

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

1	<i>I N D E X</i>				
2					
3	<u>PLAINTIFF WITNESS:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	<u>DR. JAY FLENS</u>				
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COURTROOM DEPUTY: All rise.

MS. ALLARD: Your Honor, Mara Allard on behalf of plaintiff. I was requesting to interrupt Ms. Sweidy's testimony for two witnesses, Dr. Jay Flens and Dr. Janice Haaken.

THE COURT: Based on what?

Can you speak into a microphone, please.

MS. ALLARD: Based on travel arrangements that have been made.

THE COURT: So who -- I know we discussed this issue for Tuesday. Was there -- what was the issue for next Tuesday?

MS. ALLARD: That was Dr. Otto, the rebuttal witness to the defense.

THE COURT: Is there any objection from the defense?

MR. GRASSO: Your Honor, the only objection I have is I don't want my cross-examination broken up, and tomorrow our experts have to go on first thing because that's been pre-planned with travel arrangements.

1 So if her taking these witnesses out of order means
2 that I'm not going to have enough time to finish my cross this
3 afternoon, I'd rather start it and finish it after my experts
4 tomorrow.

01:17p 5 THE COURT: Wait a minute. It was my understanding
6 that the plaintiffs were prepared to rest their case today.

7 Was I wrong?

8 MS. ALLARD: After Ms. Sweidy and these two
9 additional witnesses, Your Honor, and I have no objection to
01:17p 10 his request to let his defense experts testify out of order
11 and then recall Ms. Sweidy afterwards.

12 THE COURT: Is that okay with the defense?

13 MR. GRASSO: These experts -- I guess it's gonna
14 depend. I want to move it along so if I can --

01:18p 15 THE COURT: The problem I have is we're -- it's
16 Thursday of week two, and all we have is next week. The
17 plaintiff's case is still going. I want to make sure we have
18 enough time to go through the instructions and everything
19 else, which will be later Wednesday, early Thursday, I'm not
01:18p 20 sure, but the jury's going to need at least a day to
21 deliberate on this and we only have the jury until 4:30 next
22 Friday.

23 So if you -- if you -- all four of you have met and
24 conferred and it works with all of you all, I'm willing to go
01:18p 25 forward with it; but just do the best you can and we'll take

1 it from there. If it doesn't work or you have some additional
2 things you would like to place on the record with -- as it
3 relates to concerns, go ahead, Mr. Grasso.

4 MR. GRASSO: I don't have any concerns at this
01:18p 5 point, Your Honor. I, too, want to move this along. So if
6 these experts -- I just don't have an idea of how long they're
7 going to take.

8 THE COURT: All I know is the last expert Ms. Allard
9 put on, it was incredibly concise. The questions were very,
01:19p 10 very direct and targeted in terms of what the information was
11 being sought. So if this is how she conducts all of her
12 examinations for her experts, I don't see the timing being an
13 issue; and hopefully the defense can do the same.

14 MR. GRASSO: I agree, Your Honor. I'd like to
01:19p 15 finish it this afternoon, too. Thank you.

16 THE COURT: Okay. So what would you like to do,
17 Ms. Allard? Who would you like to call next?

18 MS. ALLARD: I would like to call Dr. Jay Flens, and
19 just as a matter of housekeeping I understand I'm going to be
01:19p 20 laying foundation on his CV. So I apologize if that's going
21 to take some time.

22 THE COURT: Is that required, defense, or will you
23 allow her to lead somewhat since it's a -- what do you think,
24 Mr. Smith?

01:19p 25 MR. SMITH: We objected to it being admitted into

1 evidence, but if she needs to lead in order to get through
2 that we have no objection to that.

3 THE COURT: Well, CVs typically don't go into
4 evidence but, you know, we'll -- we'll see. Go ahead and call
01:20p 5 in the jury and we'll -- I'll ask you about your next witness
6 and we'll call them in.

7 MS. ALLARD: Thank you.

8 THE COURT: You're very welcome.

9 MS. SWEIDY: Thank you, your Honor.

01:20p 10 THE COURT: You're welcome.

11 One last thing for the parties.

12 MS. SWEIDY: Yes, Your Honor?

13 THE COURT: What I need to do is tell the jury that
14 I need to take a witness out of turn, so witnesses out of
01:20p 15 turn, and that's all I plan to say, unless there's an
16 objection from the plaintiffs?

17 MS. ALLARD: No, your Honor.

18 MS. SWEIDY: No, not at all.

19 THE COURT: Defense?

01:20p 20 MR. GRASSO: No, Your Honor.

21 THE COURT: Very well.

22 All rise for the jury.

23 (Jury in at 1:21 p.m.)

24 THE COURT: This court will come to order. All
01:21p 25 parties present when the court last closed are present again.

1 Plaintiffs, please call your next witness.

2 MS. ALLARD: Dr. Jay Flens.

3 THE COURT: Dr. Flens, if you'll please come to the
4 front of the courtroom.

01:21p 5 Ladies and Gentlemen, I know when you went to lunch
6 Ms. Sweidy was still on the witness stand and her direct
7 examination was being conducted. There's a need to take some
8 other witnesses, but Ms. Sweidy will go back on the witness
9 stand after these next two witnesses.

01:21p 10 COURTROOM DEPUTY: Raise your right hand.
11 *(Witness is sworn.)*

12 COURTROOM DEPUTY: Thank you. You can have a seat
13 on the witness stand.

14 THE COURT: Dr. Flens, when you take the stand,
01:22p 15 please make yourself comfortable and I need you to speak
16 directly into the microphone, please.

17 THE WITNESS: Absolutely, Your Honor.

18 THE COURT: I appreciate that, thank you.

19 Ms. Allard, whenever you're ready.

01:22p 20 MS. ALLARD: Thank you, your Honor.

21 DIRECT EXAMINATION

22 BY MS. ALLARD:

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

24 A. It's Dr. Jay Flens, F-l-e-n-s. Jay is J-a-y or James.

01:22p 25 Q. Dr. Flens, can you -- I'm going to go through your CV

1 here. Can you tell me what your training and experience is
2 that qualifies you to testify on child custody matters or
3 therapy?

01:22p

4 A. I have a Bachelor's Degree in Psychology at University of
5 South Florida in 1981, a Master's Degree in Psychology from
6 University of West Florida 1983. I have a Doctorate from
7 Indiana State University 1988. I did my residency at the
8 University of Texas in Houston at the healthcare center, and I
9 was licensed as a psychologist in -- I believe it was April

01:23p

10 1989. Been practicing ever since in private practice.

11 I have -- I shouldn't have drunken that soda.

12 I am Board certified in forensic psychology by the
13 American Board of Professional Psychology. There are only 350
14 of us in the world.

01:23p

15 Q. Can you explain what the field of forensic psychology is
16 briefly?

17 A. Yes, forensic psychology is essentially an evaluation
18 that's done for court purposes, like an insanity case, someone
19 who's been injured in an accident and they have a trauma or

01:23p

20 some sort of depression because of the -- this is a child
21 custody-related thing where parents are divorcing and they're
22 arguing over who's going to have custody of the children,
23 who's going to be in charge of what the children do and their
24 medical and things like that and that's -- that's the area

01:24p

25 that I have focused most of my career on is child custody; and

1 I've done a lot of the evaluations, probably six or seven
2 hundred of those.

3 I also do a lot of review work of people who do those
4 evaluations for people who don't like their outcome and
01:24p 5 sometimes the outcome is -- the evaluation was done very well.
6 They just don't like the outcome. Sometimes the outcome is
7 not -- is because it was not a very good evaluation, and in
8 some of those cases people learn from their mistakes and other
9 times they repeat the same mistakes over and over and
01:24p 10 eventually find themselves out of the child custody world.

11 The child custody world is one of the most contentious
12 because when you get in between a parent and a child, those
13 parents get mad at you; and so when moms and dads start
14 separating and they're arguing over the custody there's
01:25p 15 domestic violence, there's attempted murder. There's all
16 sorts of things.

17 95 to 96 percent of custody cases never see the inside of
18 a courtroom except when the judge says, "You're divorced, go
19 on with your life." It's just these few four or five percent
01:25p 20 of cases that get really crazy and all sorts of things happen.

21 Q. So --

22 A. So my training where I have also done -- I've published
23 numerous articles and book chapters on use of psychological
24 testing in custody, on domestic violence, things of this
01:25p 25 nature. I present at conferences, about a hundred

1 presentations, and I'm also Board certified in clinical
2 psychology, which is what most people think of when they see
3 what a psychologist is. If you remember *The Bob Newhart Show*,
4 Bob Newhart was a psychologist and --

01:26p 5 Q. So let me ask you this: You said you've been published.
6 How many times have you been published in any psychological
7 journals?

8 A. Well, I've got -- I think it's four or five book chapters
9 and another ten or twelve articles that are in peer-reviewed
01:26p 10 journals.

11 Q. And presentations, have you been a lecturer?

12 A. I've lectured on a variety of topics, mostly
13 psychological testing in custody cases. I think I'm either at
14 or just under a hundred presentations, and some of them are
01:26p 15 just an hour long and some of them are full eight-hour
16 presentations.

17 Q. And locations of these presentations?

18 A. Well, one was in Prague, which was a lot of fun to go to
19 Prague; but, you know, they're around the country at various
01:26p 20 conferences and Canada.

21 Q. Have you testified as an expert in court before?

22 A. Yeah, I've testified close to a thousand times.

23 Q. And what parts of the country have you testified in?

24 A. Well, a lot in Florida because I'm from Florida; but I've
01:27p 25 testified Florida, Georgia, South Carolina, North Carolina,

1 New York, Chicago -- or Illinois, California, Washington
2 State, a lot in Texas, the Houston/Dallas area, Arkansas.

3 Q. Okay.

4 A. I think that's probably it.

01:27p 5 Q. And so I see that you've listed some continuing
6 education, and this is something I take it you do every year?

7 A. Well, I'm required to have forty hours every two years.
8 I just got my -- my license renewed --

9 Q. And can you --

01:27p 10 A. -- and so we're required forty hours. I try to take as
11 many as I can simply because I enjoy learning and I also
12 present. I learn how to present better by going to watch
13 those.

14 Q. And then privileges and honors, what do you enjoy as far
01:28p 15 as those are concerned?

16 A. Well, two of the big ones for me are the Board
17 certification in forensic psychology and clinical psychology.
18 There's -- there are only -- I think it's 25 people who are
19 jointly boarded in forensic psychology and clinical
01:28p 20 psychology. I am a reviewer for the Family Court Review,
21 which is a journal for the Association of Family and
22 Conciliation Courts. I'm on their board, and I've been a
23 reviewer for some other journals.

24 Q. The significance when you say there's only 25 of us, in
01:28p 25 what pool of individuals?

1 A. All psychologists on the planet.

2 Q. In the world?

3 A. Well, yeah, that's another way of saying planet.

01:28p

4 Q. Okay. So moving ahead to -- you had some involvement or
5 were retained by Kimberly Sweidy in a child custody matter in
6 California initially, correct?

7 A. Correct.

8 Q. And I think in that case you were asked to review some
9 work done by a Michael Kerner?

01:29p

10 A. Yes.

11 Q. And you concluded that his work was not to standard?

12 A. Correct.

13 Q. And then moving forward, Ms. Sweidy contacted you again
14 regarding Spring Ridge Academy?

01:29p

15 A. Yes, she asked me to look at some stuff for her.

16 Q. And based on your training and experience, let's talk a
17 little bit about what you've done in your practice clinically.

18 Have you met with minors in your practice?

01:29p

19 A. Oh, yeah. In fact, when I started my practice, I did a
20 lot of child stuff. I did a lot of teen stuff because the
21 local high school -- I got in to practice September 1 of '87.
22 October 1 of '87 the most popular kid at a local high school
23 killed himself, and by one month later I did not have any room
24 in my calendar because I was seeing all these suicidal
01:29p 25 children.

1 I didn't ever want to work with suicidal teenagers, but
2 here I found myself working with suicidal teenagers and ended
3 up doing a lot of public speaking at the schools, The Lions
4 Club, Kiwanis, stuff like that, on teenage suicide.

01:30p

5 Q. What about working with families in a family therapy
6 context, do you have experience doing that in your clinical
7 practice?

8 A. Yes, 'cuz any time you're gonna work with a child, you're
9 going to be working with a family because you can take a kid
01:30p 10 who's abused out of that family, work with them, put them back
11 into the same place that they've been abused and all the stuff
12 that you've taught them isn't going to help. You have to work
13 with the family in order to get something done, make the
14 family a safe place for that child.

01:30p

15 Q. I want to ask you about your understanding what it means
16 for therapy to be evidence based?

17 A. Well, one of the things that it has to have is some set
18 of actual content. When we talk about, you know, "I go to
19 therapy." "Well, what does that mean?" "Well, we talk."

01:31p

20 "Well, what does that mean? What do you talk about? Is there
21 anything particular?"

22 And you can have something like cognitive behavioral
23 therapy for depression. That's one of the most common
24 evidence-based therapies, and there are actual treatment

01:31p

25 manuals that can be provided where you follow along,

1 obviously, with the goal of helping this particular person;
2 but it's having evidence, it's having research showing that
3 this, in fact, works.

01:31p

4 Q. Were you asked to review what was called Post Induction
5 Therapy?

6 A. Yes.

7 Q. What did you do to determine whether or not that was
8 evidence based?

01:31p

9 A. The first thing I did is the American Psychological
10 Association has a database that goes back to 1884 and is the
11 largest database of psychological research, literature, books,
12 chapters on the planet, or the world, and there's no mention
13 of this Post Induction Therapy in all of that database; and
14 then some other databases like PubMed, which is the biggest
15 one for medicine, there was nothing.

01:32p

16 And so if it's -- if it doesn't have any research, then
17 it can't possibly be evidence based or research based.

18 Q. In any of your continuing education, lectures, meetings
19 with colleagues have you ever heard of it?

01:32p

20 A. I have and usually it's the butt of a joke.

21 Q. And how did word get around that this was -- existed even
22 among where you heard from it?

23 A. Well, I think a lot of people -- I want to couch this in
24 terms I don't want to offend anybody, but a lot of people in
25 psychology I don't think really understand how to think these

01:32p

1 things through with research; and so they pick up something
2 that's been advertised a lot, and I think that that was one of
3 the things that helped Post Induction Therapy.

4 Pia Mellody had written some materials, book, and so it
01:33p 5 becomes a selling point as opposed to being research to show
6 that it's effective.

7 Q. So when you use the term "evidence based," what meaning
8 -- what would you expect to have been done with her book in
9 order for it to acquire that status for that term?

01:33p 10 A. Well, it's not necessarily the book. It's just the
11 therapy itself. What is the therapy? How is it done? Do we
12 put -- do some on people who are in need of treatment?

13 There's stuff called waiting lists. If you're on a
14 waiting list, you may be actually a control subject in a
01:33p 15 study. You've put some people through the therapy, and then
16 you'd start looking at did the people who got no therapy or
17 the people who were on the waiting list do worse than the
18 people who went through the therapy? And what about the
19 people who dropped out?

01:33p 20 So you need to have evidence, and you would obviously get
21 all the data on the demographics and this and that and how
22 many cases they -- or appointments they had and you would
23 start looking at, "Is this an effective treatment program?"

24 And obviously, one of the things you want to do is you
01:34p 25 want to have people who are trained to do it; and then you're

1 getting research, but you're not only doing it in one site.
2 You may do several studies -- cognitive behavioral therapy for
3 depression has been one of the most researched evidence-based
4 treatment programs in existence, and there are numerous
01:34p 5 studies and a lot of these studies come down to the patient
6 and the therapist match with the characteristics of the
7 patient, the characteristics of the therapist and is that a
8 good match? Because sometimes two people get in a room and
9 they're not doing anything but arguing, and that's not a good
01:34p 10 therapy and sometimes people need a different kind of a
11 therapist.

12 So when you get the right match, those people are gonna
13 do well when you have an effective treatment program; and I
14 want to keep going back to cognitive behavioral therapy for
01:35p 15 depression, and it's also for anxiety and post-traumatic
16 stress disorder and some other things; but it's been shown to
17 work very effectively, and this is now thirty or forty years'
18 worth of research.

19 So this is something that if someone is saying, "I'm
01:35p 20 doing cognitive behavioral therapy," and they're actually
21 doing it, there's a really good chance their patient's gonna
22 get better as opposed to somebody who doesn't know what the
23 heck they're doing and the patient isn't really the type of
24 patient that should be getting that type of treatment, that's
01:35p 25 not gonna go anywhere.

1 In fact, it could -- anything that makes somebody better
2 can also make somebody worse, and so that's one of the things
3 you want to look at in the outcome studies. "Have people
4 gotten better?" and you would expect some people may get
5 worse. That doesn't mean it's a bad therapy. It just -- in
6 some ways it means that that's an effective treatment. It
7 just may not have been effective for that person.

01:35p

8 Q. Now, other than -- you did your research. You didn't see
9 any studies done on Post Induction Therapy. How many studies
10 are out there on cognitive behavioral therapy, the one that
11 you're giving us as an example?

01:36p

12 A. I would say thousands, and when we're talking about a
13 study we're talking about, you know, people have a client base
14 for the study of 50 to 100, maybe 150 people, and they are put
15 into these different groups of waiting lists, active patients,
16 people who drop out and so that's -- and so when I say that
17 there are hundreds and hundreds of studies, these aren't
18 simple studies that somebody decides, "Hey, let's get together
19 this weekend and whip out a quick study."

01:36p

20 These can take months and months to collect the data and
21 then crunch the numbers. So there's a lot of -- I mean, it's
22 one of the most supported treatments in our profession.

01:36p

23 Q. What is the -- is there a definition in any journals or
24 organizations for the term "evidence based"?

01:37p

25 A. Oh, yeah, the American Psychological Association and some

1 of the other professional organizations have actual
2 definitions and, essentially, it's showing that this
3 particular treatment has an effect as opposed to no effect,
4 which means nobody's -- somebody's not gotten better, gotten
01:37p 5 worse. They've just stayed the same.

6 Q. Do you recall the definition given by the American
7 Psychological Association?

8 A. Not directly offhand.

9 Q. Would it refresh your recollection to look at your
01:37p 10 report?

11 A. Sure.

12 MS. ALLARD: Your Honor, may he view Exhibit 171?

13 THE COURT: Yes.

14 MS. ALLARD: Page 3 at the top.

01:38p 15 THE WITNESS: Yes, it's the best available
16 integration of -- or it's the integration of available
17 research with clinical expertise to deal with patients of
18 particular characteristics and culture and preferences.

19 BY MS. ALLARD:

01:38p 20 Q. And I think you offered another definition of that in the
21 source in Footnote 6 being positivepsychology.com?

22 A. Yes.

23 Q. And what was that definition?

24 A. That's evidence-based therapy more broadly referred to as
01:38p 25 evidence-based practice. EBT -- or, I'm sorry, EBP is any

01:39p

1 therapy that has been shown to be effective in peer-reviewed
2 scientific experiments and that is characterized by an
3 adherence to psychological approaches and techniques that are
4 based on scientific evidence and that's -- and that's the key
5 point to this.

6 Q. Can you explain what you mean by that?

01:39p

7 A. Well, the scientific method is we decide what do we want
8 to study? We want to study if jurors are paying attention to
9 a witness, and so what are the hypothesis that we want to
10 think about? And then how would we test that? And then
11 what's the actual method in putting forth that research, and
12 then when we find out some information we start to modify our
13 hypotheses and keep doing that until we can come to some
14 conclusions that -- about how the people feel about an
15 expert's testimony or so.

01:39p

16 But the scientific method is what all science is based
17 on. It's -- I'm saying it because I have research to show
18 that it works, not I'm saying it because I have all these
19 initials after my name and you should just take me for
20 granted.

01:40p

21 Q. Now, you gave us one more definition from the Canadian
22 Psychological Association?

23 A. I think that's on 4?

24 Q. On Page 3.

01:40p

25 A. It's still on 3, okay. Oh, evidence-based practice

1 involves conscientious, explicit and judicious use of the best
2 available research evidence to inform each stage of a clinical
3 decision making and service delivery. It requires a
4 psychologist apply their knowledge with the best available
01:40p 5 research in the context of specific client characteristics,
6 cultural backgrounds and treatment preferences; and you notice
7 all three of those pretty much say the same thing.

8 Q. How would you apply the concept of evidence-based therapy
9 to someone who is not licensed being the only person in the
01:41p 10 room with the client?

11 A. Not quite sure I understood your question.

12 Q. Well, some of this definition says here -- the Canadian
13 one, we'll just use this, requires that the psychologists
14 apply their knowledge?

01:41p 15 A. Right.

16 Q. So they seem to rely on psychologists, not other
17 practitioners?

18 A. Well, that's because it's a psychological association
19 so...

01:41p 20 Q. Okay.

21 A. But you wouldn't be able to do that if you had somebody
22 who wasn't trained, and training isn't just taking a single
23 class. Over the course of my training I took dozens of
24 classes, spent literally thousands of hours doing the work,
01:41p 25 watching the videotapes with a supervisor. Sometimes the

01:42p

1 supervisor's in the room, sometimes they're behind a one-way
2 mirror, sometimes we were on tape, audio or videotape, and we
3 would go over these things and work on refining the
4 techniques, the knowledge, and then you learn that in the
5 course of, you know, regular course or classroom work; but
6 then putting that into practice, "You did this when you should
7 have done this or could have done this and this may have been
8 better."

01:42p

9 That's the kind of stuff that you would get in training,
10 and because of the position I'm in my community down in the
11 Tampa Bay area I get to do some of that stuff still with
12 patients who are -- people who are going through training for
13 their doctoral work. We've got a couple doctoral programs
14 down there.

01:42p

15 Q. Now, you were given the Parent Manual and asked to offer
16 an opinion on whether or not four different represented
17 therapies were evidence based, and the first was
18 cognitive-based therapies and I think you've already testified
19 that is evidence based?

01:42p

20 A. It is until you get to an area where it's not been
21 explored and -- or it may not be the best and the research
22 suggested it's not the best.

01:43p

23 You would not use that for someone who's psychotic or you
24 would not use someone that has a biochemical imbalance because
25 they don't have that control. They can't figure out how to

1 control their own biochemistry, but people don't usually do
2 that anyhow. So there are some limitations to cognitive
3 behavioral therapies.

01:43p

4 The eye movement desensitization and reprocessing, EMDR,
5 that's been shown to be effective for certain types of things
6 very specific; and, again, it has to be done appropriately and
7 the patient who has been evaluated shows the characteristics
8 of somebody who would benefit from this; and that's a key
9 component to all of these, whatever treatment program you're

01:43p

10 gonna use.

11 The evaluation has to demonstrate that this person is
12 going to be positively affected, and you may end up going
13 forward and finding out that's just not the case. We need to
14 reevaluate, and in therapy that's one of the things you do all
15 the time. You're constantly reevaluating where we are, where
16 we need to go.

01:44p

17 Q. Let me ask you this: As a practitioner, what do you
18 normally do for evaluating and diagnosing a new patient?

01:44p

19 A. Well, the first thing I do -- we're gonna go through
20 stuff like confidentiality, what I can and can't talk about
21 without your permission as my patient, and then I'm going to
22 say so what -- and this is my typical -- "What brings you here
23 today?"

01:44p

24 And so people then tell me, "I got in trouble with my
25 wife or my husband. I've been drinking too much at work. I

1 just -- every morning I get up I'm very depressed, I'm very
2 anxious. I'm very easily startled because I had these
3 traumatic experiences as a child."

4 So they're going to tell me why they're there, and
01:45p 5 usually the person gives you what -- you know, an entree.
6 "I'm here because I'm depressed," and usually what it means
7 is, "Well, let's talk about that. What do you mean you're
8 being depressed?" "Oh, you'll have to ask my wife or my
9 husband."

01:45p 10 So now you're getting into marital issues or family
11 issues because that person may not be there really on their
12 own accord. They're there because there's some social
13 pressure, and that happens a lot.

14 But regardless, you're finding out why that person is
01:45p 15 there, what the symptoms are, how long it's been going on,
16 what attributes this person carries with them for what we call
17 psychological mindedness. Can they think in those kind of
18 terms? Because sometimes people don't think in those terms,
19 and so one of the things we have to do is learn the language
01:45p 20 that they use to describe their mental health issues.

21 And as I'm doing this I'm trying to figure out, you know,
22 what is -- what is your intellect? And it's not just what you
23 have on an IQ score. It's, you know, can you think abstractly
24 or are you very concrete?

01:46p 25 One is very concrete. I'm very literal with that person.

1 If someone has a high education, I'm going to assume that they
2 have a good vocabulary and that they can think abstractly; and
3 so that's going to give me some insight into their mental
4 health issues, how their mind works.

01:46p

5 What do they want to see happen as a result of this
6 therapeutic experience? "I want to not be depressed. I want
7 to not be anxious. I want to not have flashbacks. I want to
8 stop drinking. I want to get my husband off my back or my
9 wife off my back. I want you to help me figure out a way to

01:46p

10 tell my spouse in a nice way that I want a divorce."

11 You have to figure out what it is that the person wants.
12 I love psychological testing. I was going to be an architect,
13 and when you switch to psychology one of the big things they
14 have in common is numbers, and so I loved testing.

01:47p

15 I gave every single therapy patient that was old enough a
16 full MMPI, which is the Minnesota Multiphasic Personality
17 Inventory, most widely used test ever. Didn't charge them
18 because to me that information gave me so much, and then I
19 would go over it with them; and I would be able to peel back

01:47p

20 some of the layers of their defensiveness, what they were
21 looking for, what they thought they could get and realizing
22 that maybe they couldn't because of their psychological
23 issues.

24 So that's how I do it and then I get their -- "This is

01:47p

25 how I'd like to proceed." I get their consent and what that

1 means, and maybe they would say, "Well, I don't want you to
2 include my spouse," and so there would be some limitations on
3 what they were willing to do and then we would proceed; and
4 along the way we would always go back to this was our
01:48p 5 contract, and I don't mean a contract in the normal legal
6 sense, but this is what you and I agreed to work on.

7 Q. Now, I want to interrupt you right there and I want to
8 ask if you've done family therapy with parents and a child?

9 A. Absolutely.

01:48p 10 Q. How do you handle that when you have three individuals in
11 your office?

12 A. Well, somebody made the appointment, and usually that's
13 the spokesperson for the family and it's almost never the
14 child. I've had a couple cases and I've heard of several
01:48p 15 cases where a child usually over the age of ten or twelve has
16 made a phone call to say, "I want to bring my -- we need
17 help."

18 And so you get the mom and the dad and the child,
19 assuming it's only one child, and "Why are we here?" And, of
01:48p 20 course, then you're gonna usually -- the kid usually plays the
21 identified patient; and that means they're the one that has
22 the problem, at least at the beginning, and then you find that
23 the child is having a reaction to what's going on between mom
24 and dad or mom's boyfriend, dad's girlfriend that are supposed
01:49p 25 to be secret.

1 "And so now you're start -- you're getting this all
2 together, but you have to make some agreements that everything
3 that we talk about stays in here. I don't want you guys going
4 home and deciding to reopen therapy session after you've had a
01:49p 5 couple cocktails after the child's gone to bed."

6 So there has to be some rules so this stuff doesn't start
7 creating other problems; and, again, as with all treatment
8 methods, you're at some point going back and looking at what
9 we agreed to do. Are we doing that?"

01:49p 10 And if the answer is "no," one of the things you have to
11 do is we either need to change what we're doing or maybe I
12 should refer you to another therapist.

13 Q. So what happens if one side of this is -- potentially a
14 mother says, "I don't like what's being discussed in here. I
01:50p 15 don't want anything to do with it," and they've already had
16 three sessions with you?

17 What obligation do you have to that person?

18 A. Well, I would want to understand what the problem is. I
19 may meet with that person individually, but I don't like to do
01:50p 20 that because I don't like to create spin offs or additional
21 problems. "You're talking about me with the doctor when we're
22 not in the room."

23 And if a parent says, "I don't want to do this anymore,"
24 then you're obligated to not do that anymore. You're not the
01:50p 25 boss of them. They're the boss of you, and they can fire you

1 and you have to understand that and you have to agree to do
2 that.

3 Q. Now, what if the husband says, "Hey, I'd like to keep
4 bringing this child in just you and me and no more mom"?

01:51p 5 MR. SMITH: Excuse me, Your Honor, may we approach?

6 THE COURT: Come on up.

7 (Following discussion held at sidebar.)

8 THE COURT: Mr. Smith, go ahead, please.

9 MR. SMITH: Thank you, your Honor.

01:51p 10 I don't believe that this is within the scope of his
11 reports. I've gone through it again as he's been talking
12 about this issue of family therapy. If there's somewhere that
13 it's -- that it's in another format in there, then I stand to
14 be corrected; but I think your ruling on the motion in limine
01:51p 15 on this issue was very clear that they stay within the four
16 corners of the reports.

17 MS. ALLARD: I'm going to ask counsel to review the
18 section and see if he agrees that it's within the scope of --
19 it's Page 7 of 12 of his report, and it's these sections right
01:51p 20 here.

21 MR. SMITH: Ethical individual --

22 THE COURT: Okay, don't -- just read it to yourself,
23 please.

24 MR. SMITH: Your Honor, if -- if I could comment on
01:52p 25 this?

1 THE COURT: Go ahead, please.

2 MR. SMITH: The section she's shown me --

3 THE COURT: Just make sure you speak directly into
4 that.

01:52p 5 MR. SMITH: The section she has shown me discuss
6 individual therapy with adults. It's not talking about the
7 situation where family therapy needs to be conducted in a
8 certain way, which is where this question is going.

9 THE COURT: I think the fact that he has
01:52p 10 indicated -- I don't know what the numbers are, but he said
11 that he was certified as it relates to only a couple hundred
12 people in the world or 25 people in the world or something,
13 and based on the amount of experience that he has and what
14 he's already testified as to, I think it's open; and if
01:53p 15 there's anything you need to clarify, you can during your
16 cross-examination.

17 MR. SMITH: Thank you.

18 THE COURT: You're welcome.

19 (End of discussion at sidebar.)

01:53p 20 THE COURT: Ms. Allard, go ahead, please.

21 MS. ALLARD: Thank you, your Honor.

22 THE COURT: You're welcome.

23 MS. ALLARD: So I'm not gonna ask the court reporter
24 to read back so I'll ask again.

01:53p 25 THE WITNESS: Okay.

1 BY MS. ALLARD:

2 A. What happens or how do you handle a situation where a
3 mother decides she doesn't like what's happening in your
4 therapy session? She says she's gonna leave, but then the
01:53p 5 father says, "I'd like to stay, keep coming with my child"?

6 How do you handle that?

7 A. How would I handle that personally or what I would
8 recommend?

9 Q. What do you think is ethical?

01:53p 10 A. I think it's ethical for the psychologist, the therapist,
11 to refer them to someone else because you're not focusing on
12 the family therapy anymore. You're doing father/daughter
13 stuff, and you have a relationship with the three of them and
14 now you should abide by what one of the parents is saying,
01:54p 15 "I'm not willing to do this," and recommend that they go to
16 someone else.

17 I'm not gonna continue with them because the mother's
18 gonna be the third person in the room, not including me, and a
19 lot of it's going to circle around her and I'm not going to be
01:54p 20 able to get anything done if I only have two of the three
21 family members. So I would refer them to someone else.

22 Q. With respect to one of the -- what are the -- you believe
23 that in your practice with minors your ethical obligations as
24 far as obtaining consent, how do you do that?

01:54p 25 A. Well, understand that the child didn't get there on their

1 own; and what I mean is they could have walked or taken their
2 bike, but the parents brought them. The parents are probably
3 paying or their insurances are paying, and you have to get
4 consent from the parents, but also the child.

01:55p

5 And if you can't get the child to buy into what you're
6 going to do or what you're trying to accomplish, the child's
7 not gonna be any -- any help and may actually become a
8 negative influence to the overall treatment, and everything
9 that is spoken of in the room stays between us but the parents

01:55p

10 do have some legal, I guess, obligations for -- they get to
11 know what's going on with their child.

12 The problem with that is if the child knows that I'm
13 going and telling the parents everything that's going on with
14 them, they may not want to tell me stuff and what I -- I do is

01:55p

15 I ask the parents and the child, "I would ask you to provide
16 me some confidentiality for what goes on in here so little
17 John here, little Sally can feel comfortable talking to me.
18 If I can't get that, then I'm sorry, I'm not willing to see
19 you. I can make some recommendations."

01:56p

20 But I also let the parents know if little Johnny or Sally
21 is saying, "I'm going to go put a bullet in my teacher's
22 head," I'm going to tell the parents. I am going to do what
23 is legally required of me to protect an identified victim.

24 Q. Now, if you don't obtain consent from the parents to keep
01:56p 25 a session with their child confidentially, do you proceed

1 talking to that child?

2 A. Sometimes I do, sometimes I don't. It really depends on
3 my feel, and this is where it's not evidence based. It's
4 based on my assessment of what this child and these parents
01:56p 5 are like. I may agree to do that and I may not.

6 I want to say it's about 50/50 that I've had to say,
7 "This really isn't a case that I should be handling. I'm
8 going to recommend you to somebody else," but I'm also going
9 to let the parents know you're going to have to give your
01:57p 10 child some confidentiality for the stuff that they're telling
11 me. If they tell me something that raises a risk of harm to
12 the child or somebody else, including animal abuse, then I
13 have to break confidentiality.

14 First I'll tell them, but I may end up also having to
01:57p 15 call Department of Children and Family Services if it's an
16 abuse issue or the police if there's been some sexual abuse
17 going on.

18 So unless you can get everybody on the same page -- but
19 ultimately you may not be able to do that because everybody's
01:57p 20 got what's called an implicit contract. What they really want
21 to get out of this is, "I want you to say it's okay for me to
22 divorce and leave my child and my wife and that's okay." That
23 may be what the father is saying or the mother is saying, but
24 ultimately you want everybody to be on the same page. This is
01:58p 25 our goal. This is how we're going to meet that goal.

1 Q. Now, other than evaluating someone, getting consent, when
2 you come up with a plan for treatment, do you share that with
3 the parents, like if you're going to use a certain technique
4 like cognitive behavioral therapy or EMDR?

01:58p

5 A. I always do because I want them to be as fully informed
6 as possible because a lot of -- particularly in today's age,
7 somebody can click on their web and say, "What is cognitive
8 behavioral therapy?" And, "Oh, I asked my golf partner and
9 she said, 'Oh, that stuff's garbage,' or, 'Yeah, we did that

01:58p

10 in my family and, boy, did things get great.'"

11 So I think it's always best to let them know what you're
12 doing and then do what you said you were going to do. You're
13 allowed to modify things and to let them know, "I'm going to
14 change things around a little bit because of X, Y and Z."

01:59p

15 It's always about -- it's a collaboration, and if you can't
16 get that, then I'm not -- I'm not your therapist. I'm not
17 gonna to do that.

18 Q. Now, in addition to looking up cognitive-based, EMDR, you
19 also looked up what's in the Parent Manual somatic-based
01:59p 20 modalities?

21 A. Yeah, I'm not exactly sure what that means. Somatic
22 usually has to do with physical. It could be stuff like
23 relaxation therapy. Relaxation therapy is a very effective
24 method. People have been doing that for decades, but you want
01:59p 25 to say specifically, "This is what I'm doing and this is why

1 I'm doing it."

2 That's the -- that's the informed consent part that
3 seemed to be missing in this whole thing. This is what I'm
4 doing. This is why I'm doing it, and if it was
02:00p 5 cognitive-based therapy I could say, "There's a ton of
6 research and your son or daughter is a perfect example of
7 having the characteristics of someone who would be very well
8 off with this form of treatment"; but I want to make sure that
9 they know what I'm doing, why I'm doing it and they're in

02:00p 10 agreement with me because if they're in agreement -- if
11 everybody's in agreement, we're all -- we're all leaps and
12 bounds ahead of themselves, that's great. If I have three
13 people all wanting different things, I'm not gonna go
14 anywhere.

02:00p 15 Q. In your report Page 8 -- I guess my foundational question
16 is: When you were asked to describe dangers of the methods on
17 minors -- and earlier at Page 7 in Section D please describe
18 your opinion of SRA's quote/unquote "therapy," can you
19 describe what information you had from SRA that you based that
02:01p 20 opinion on?

21 A. Well, I didn't have any information about the other
22 methods that they were using. Cognitive behavioral therapy --
23 but, again, it works great with certain disorders and only if
24 you've evaluated that individual do you know if they have that
02:01p 25 disorder. Because if they don't, then you're gonna be using a

1 screwdriver to try to cut down a tree.

2 Q. Did you have any information on the contents of these
3 workshops?

4 A. No.

02:01p 5 Q. With respect to Post Induction Therapy -- strike that.

6 You were also asked what the effect of -- or what is the
7 effect to both the mother and child when there is a disruption
8 in contact, either by phone or in-person visitation.

9 A. Well, that's what I call a parentectomy. You're removing
02:02p 10 a parent from the child's life for whatever reason. The only
11 applicable reason I can think of is if there's direct harm to
12 the child by the parent.

13 In that case legally we have to intervene to protect the
14 child, but if it's part of the treatment program to take the
02:02p 15 influence of that parent away from the child, that's one of
16 the biggest traumas a child can have in life.

17 We know what happens when children lose a parent through
18 death or even in divorce situations. It's very traumatic. In
19 some kids that becomes one of the most traumatic things that
02:02p 20 they've ever experienced in their life.

21 Q. What about for the parent?

22 A. Well, for the parent also. When you think about --
23 excuse me. Parents who have lost a child through death or an
24 accident -- some sort of thing where they don't have contact

02:03p 25 with them, in some cases a parent has kidnapped the child and

1 taken -- and the remaining parent doesn't know where they are
2 or what's going on with them, that can be one of the most
3 traumatic things ever.

02:03p

4 The death of a child or a death of a parent is highest on
5 what's -- the Holmes-Rahe scale is a scale that goes back
6 decades, and it's just the listing. A death of a parent or
7 death of a child is number one the most extreme trauma, and it
8 just ranks all the particular traumas; the death of a dog,
9 motor vehicle accident, not getting what you want for

02:03p

10 Christmas, stuff like that.

11 It's not -- I'm kidding about that one but -- and you can
12 see that the most traumatic thing that can happen to either a
13 child or a parent is the death of the child or the parent, and
14 those are the kind of things that some people never actually

02:04p

15 get over, and so what you're doing is you're instilling
16 greater damage.

17 Q. You were asked for an opinion on the living conditions of
18 control where someone has to ask permission to go to the
19 bathroom. The smallest, most intimate acts are being

02:04p

20 controlled. How does this affect a teenager?

21 A. Well, teenagers by definition are iconoclastic, which
22 means they're gonna go against whatever you tell them. So now
23 you've created a situation where they're gonna want to oppose
24 what you've said.

02:05p

25 You're also -- this is also almost cult like. I mean,

1 it's one thing -- if I had to go to the bathroom right now I'd
2 say, "Your Honor, I need to go to the bathroom. May I take a
3 break?"

4 That's not a control. That's just a smart thing to do, I
02:05p 5 think; but when your 12, 13-year-old child says, "Mommy, can I
6 go to the bathroom?" and you say, "You've got three options,
7 yes, no, maybe or can you wait a little while?" and then they
8 have an accident, I mean, those kind of -- that's very
9 intrusive and very cult like.

02:05p 10 Q. Were you asked to review whether or not a form given to
11 Ms. Sweidy that removal of her daughter was against clinical
12 advice?

13 A. I saw that, yes.

14 Q. And if someone were to author that kind of a statement,
02:06p 15 what would you expect they -- that have been done in order to
16 attest to the fact that removal of a child to a mother was
17 against clinical advice?

18 A. Well, I would have expected to see some method, procedure
19 for determining that was in the child's best interest; and I
02:06p 20 would then share that with the parent and say, "Look, we all
21 as the treatment providers of this program have gotten
22 together and we are in agreement," or there's a disagreement;
23 but ultimately a parent has the right to say "no."

24 Unless a court has removed their parental rights, that
02:06p 25 parent still has the rights over their child and they are

1 allowed to say "no." And they may decide, you know, "This is
2 just not going the way I thought it was going to go. We're
3 going to go somewhere else," or they may just say, "To heck
4 with you, we're just not going to do this."

02:06p

5 But I can't imagine the ethical explanation of why a
6 treatment program gets to decide whether a child should be in
7 treatment. The only exception to that would be in a case
8 where a child is in need of extreme medical intervention and
9 the parents decide not to, whether it be for religious reasons

02:07p

10 or otherwise. Those are the only exceptions I can think of
11 off offhand that would justify something like that.

12 Q. You were also asked to review the work of a Dr. Mark
13 Burdick who submitted a declaration in the family law matter?

14 A. Yes.

02:07p

15 Q. And what were your concerns regarding the opinions he
16 offered to the family law court?

17 A. Well, one of the things that he did was he was not
18 truthful about having evaluated the child. You can't do an
19 evaluation of a child without evaluating the child. Simply

02:08p

20 reviewing documentation or speaking to somebody is a piece of
21 an evaluation; and if you're going to say, "I made my decision
22 based on this," you need to make it real clear, "I didn't talk
23 to your daughter or son. I just talked to the people that I
24 wanted to talk to that knew them, like their teachers, the

02:08p

25 other professionals that I'm working with and feeding them

1 patients."

02:08p

2 There's an ethical obligation on his part to talk about,
3 "I did not do X, Y or Z. I did A, B and C and it would have
4 been helpful to do X, Y and Z, but I didn't do them," because
5 that will affect how much confidence and certainty you can
6 place on his opinion. So that's -- I mean, that's -- in my
7 opinion, that's very important and the ethics talk about
8 making reasonable efforts.

02:08p

9 Now, if he's part of the program, it's real easy to make
10 reasonable efforts to evaluate the child. You simply say, "I
11 want to evaluate this child," but that -- there's nothing in
12 that document to suggest that that ever occurred or that he
13 even made that effort.

02:09p

14 He also has an undisclosed relationship with SRA. In
15 other words, they feed each other. That needs to be made
16 clear from the beginning so the parents know that this person
17 may have a conflict of interest. They're making money out of
18 keeping my child in this program; and if SRA's making money,
19 I'm making money, too.

02:09p

20 So that has to be very clear to all parties involved, and
21 Dr. Burdick spoke to these people without having any signed
22 releases that these people were allowed to speak to
23 Dr. Burdick. That's a violation of confidentiality. That's
24 one of the most sacrosanct rules in psychology. You don't

02:10p

25 talk about something about somebody that you're seeing or

1 evaluating without a signed release, signed, unless they can't
2 sign, that they understand, "I'm going to be giving other
3 people this information, and I don't know what they're going
4 to do about it or with it but I'm going to do this."

02:10p 5 Unless you have signed consent and authorization to do
6 so, that's a blatant ethical issue.

7 Q. You were also asked to review a filing or a statement
8 from Veronica Borges supplied to the Court for its content and
9 the ethical concerns, and what were your concerns regarding
02:10p 10 her -- the information in that in which she provided to the
11 Court?

12 A. Well, it seemed that she created a false document or a
13 fake document and then testified about it, which is perjury,
14 which is -- I mean, forgetting about the legal term, it's a
02:11p 15 lie; and if you lie about something to people that you're
16 treating or deciding with you treatment and you have a
17 conflict of interest because you're gonna make money if they
18 stay, this is -- this is one of the problems with this kind of
19 a program. Everybody's making money as long as people
02:11p 20 continue to come. If they don't, we don't make money.

21 Q. Then you were also asked your professional opinion
22 regarding Veronica Borges, who is unlicensed in any state,
23 being able to conduct teletherapy from Arizona to a patient in
24 California; and what was your opinion about that?

02:11p 25 A. Well, my understanding is if somebody's not licensed in

1 one state, they're not able to provide treatment of any kind
2 in another state; and I don't think that her credentials would
3 allow her to be licensed in any state, even at a master's
4 level and you can get licensed as -- having a master's degree
02:12p 5 you can become a -- what's called a mental health counselor,
6 marriage and family counselor. A licensed social worker, they
7 have a special master's degree, or you can go on and get a
8 doctorate or something in between, which is a school
9 psychologist; but you have certain license requirements, and
02:12p 10 unless you meet those you're not licensed.

11 And if you practice -- I know down in the Tampa Bay Area
12 where I practice I've seen lots of folks get busted. One of
13 them was arrested in front of a patient because they were not
14 licensed, and they were calling themselves a mental health
02:12p 15 counselor when they weren't. So not only were they doing
16 something they weren't supposed to do, they were calling
17 themselves something they're not supposed to do.

18 And so not being licensed and then doing therapy by Zoom,
19 if you're not licensed in the state that you're calling from
02:13p 20 and you're not licensed in the state that your patient is in,
21 that's now an interstate crime and that's just unethical as
22 hell.

23 Q. So when someone has a master's degree in most
24 jurisdictions that you're familiar with, what usually do they
02:13p 25 need to do to actually get a license after their degree?

1 A. Well, the license has to be a very specific type of --
2 I'm sorry, the education has to be a certain kind of practice.
3 It can't be a master's in electrical engineering, for example.

4 There are certain course work requirements, and each
02:13p 5 state will outline those in their statute. They'll say you
6 have to have this many hours of course work on testing or
7 psychopathology or development or individual therapy, this
8 kind of therapy, that type.

9 So there are some educational requirements, and then once
02:14p 10 you have that license in order to move toward a license you
11 have to have -- in Florida you have to have three hours -- or
12 three years of supervised experience by someone who is
13 licensed, and that has to be documented and it's very clear
14 what the State wants, that they want you to be able to prove
02:14p 15 that you actually have this stuff; and then you take a test,
16 and if you pass the test you get licensed.

17 And there are a lot of people out there that will get
18 licensed as a master's level person, but they'll get a Ph.D.
19 in something that would not be good enough to become a
02:14p 20 psychologist. So they get to call themselves a doctor, but
21 they're only a mental health counselor, which is usually a
22 master's level.

23 So there's some confusion, and I see that a lot around
24 the country, actually. So you have to have specific
02:14p 25 education, specific training and supervision, and then pass

1 the test.

2 Q. Now, you were also asked about confidential
3 questionnaires given to minors. What are the ethics behind
4 having a minor fill out a questionnaire requesting
02:15p 5 psychological information without consent from the parents?

6 A. Its unethical.

7 Q. And why is that unethical?

8 A. Well, it's also illegal. The parents have all the
9 rights to the child in terms of their -- that kind of

02:15p 10 information. If you're gonna give the child something, you
11 better let the parent know that that's happening. Otherwise,
12 you're -- you're usurping or taking away their parental
13 rights.

14 Now, it's fine to say, "Mom and dad, I'm going to give
02:15p 15 Johnny or Sally this thing to fill out. I don't want you to
16 look at it, but I want you to know what's happening in case
17 you see your child doing this." That's -- that would be an
18 appropriate thing to do. That's how I did it.

19 MS. ALLARD: No further questions.

02:16p 20 THE COURT: Is there any cross-examination,
21 Mr. Smith?

22 MR. SMITH: Yes, Your Honor.

23 THE COURT: Come on up, please.

24 MR. SMITH: Thank you.

02:16p 25 THE COURT: You're welcome.

1 CROSS-EXAMINATION

2 BY MR. SMITH:

3 Q. Good afternoon, Dr. Flens.

4 A. Mr. Smith.

02:16p 5 Q. I just want to follow up on a couple of areas.

6 Do you have Exhibit 171 in front of you still?

7 A. I do.

8 Q. Perfect. This is the report that you wrote in this
9 matter?

02:16p 10 A. I think there's a couple reports; but yeah, okay.

11 Q. Well, for this particular case I know that there were
12 also some attachments. You wrote reports for the California
13 family court, correct?

14 A. Can you give me -- the top of the first page is

02:16p 15 "Issue #1"?

16 Q. Yes, sir.

17 A. Perfect.

18 Q. Down at the bottom it should say it's Exhibit 171?

19 A. Yeah.

02:16p 20 Q. Thank you. So -- and what's the date of this report?

21 A. I don't know offhand.

22 Q. When you wrote this report, had you by that point
23 reviewed any of Rearden Stata's treatment records from Spring
24 Ridge Academy?

02:17p 25 A. I didn't look at those records.

1 Q. A few moments ago you told us about children being
2 required to ask permission to go to the bathroom is improper.
3 "Cult like," I think, was the word you used.

02:17p

4 A. That's not exactly what I said. What I said was if a
5 child has to ask permission to do things like -- simple things
6 like going to the bathroom -- obviously, if you're -- we're
7 talking about a third grade class and a child raises their
8 hand, "Can I go to the bathroom?" teacher almost always says
9 "yes," and that's fine; but it was housed in the concept of

02:18p

10 the child being -- having to ask permission to do simple
11 things like that. It wasn't specific to that.

12 Q. Okay. So a adolescent in high school, who's in a class,
13 who needs to use the restroom, raising their hand asking
14 permission to go to the restroom, that's not cult like, is it?

02:18p

15 A. No, it's not -- well, in a way it could be, but it's not;
16 but that's not what we're talking about in this situation.

17 Q. And if you're in a situation where you are in a group
18 activity where everybody's group participation is necessary in
19 order for the entire group to continue with the activity, be
02:18p 20 it a sporting event, a musical performance or some sort of
21 joint activity that's designed for some other purpose and one
22 of the children needs to go use the restroom, asking
23 permission to go to the restroom before they leave is not cult
24 like, is it?

02:19p

25 A. It may not be or it could be just, "Hey, I'm going to the

1 bathroom," and then they leave as opposed to getting consent
2 from this group.

3 Q. You were asked questions about communications with
4 Dr. Burdick, who is apparently opposing expert to you in the
02:19p 5 -- in the California family court matter, correct?

6 A. I don't recall if he's in -- in that or not.

7 Q. He's somebody who you were provided documents about?

8 A. Right.

9 Q. And he had submitted a report to the California report --
02:19p 10 to the California court, correct?

11 A. Okay.

12 Q. And you wrote a report critical of him --

13 A. Yes.

14 Q. -- saying that what he did was unethical, correct?

02:19p 15 A. Yes, because he didn't actually see this individual.

16 Q. And you also talked a little bit about the communication
17 from Spring Ridge Academy to him that is reflected in his
18 report, correct?

19 A. Correct.

02:20p 20 Q. And the Spring Ridge Academy information about its
21 operation, what it was doing to handle the COVID crisis,
22 things like that, that wouldn't be improper to share with an
23 expert without permission from all of the parents at the
24 school, would it?

02:20p 25 A. Because it's not specific to the child.

1 Q. So your -- your problem is only if -- somebody from
2 Spring Ridge Academy without permission from one of the
3 parents with authority provided information about the child's
4 mental health care or mental health situation to a third
02:20p 5 party?

6 A. That is the definition of breach of confidentiality, yes,
7 and it's very simple to get permission or consent to release
8 that information from a parent; and if the parent says "no,"
9 you don't do it.

02:21p 10 Q. You were also asked questions, Doctor, about the
11 provision of services by an unlicensed therapist.

12 Do you remember being asked those questions?

13 A. Yes, I do.

14 Q. And it's been the testimony before this jury that
02:21p 15 Veronica Borges was not licensed in the State of Arizona or in
16 the State of California, correct?

17 A. That's my understanding.

18 Q. That's your understanding as well?

19 A. Yes.

02:21p 20 Q. Do you know who Leslie Filsinger is?

21 A. Yes.

22 Q. Do you agree that Leslie Filsinger has a valid -- or had
23 at that time a valid Arizona license to provide therapy in the
24 State of Arizona?

02:21p 25 A. Yes.

1 Q. And do you know what the law in the State of Arizona
2 permits for the supervision of an unlicensed person with
3 necessary qualifications, such as Veronica Borges, to work
4 under the licensure and supervision of a licensed therapist
02:22p 5 like Leslie Filsinger?

6 A. Offhand I don't know the Arizona one, but if it's like
7 other states it would be appropriate provided that unlicensed
8 person had the necessary qualifications, which include certain
9 educational requirements.

02:22p 10 Q. The unlicensed person?

11 A. Correct.

12 Q. And as to the extent of the educational attainments of
13 Veronica Borges, you don't know that, do you?

14 A. My understanding is that she's not a licensed -- or ready
02:22p 15 for any state licensure.

16 Q. I was asking about education.

17 A. That's what I mean. She needs to have a certain
18 education that has to be specific to the laws of that state
19 that will outline, "You need to have the following things,"
02:22p 20 and there are a lot of programs at different universities
21 where -- like University of South Florida has a master's level
22 thing that will allow you to then start taking the necessary
23 supervision.

24 Q. Do you know what her level of education is, Veronica
02:23p 25 Borges?

1 A. Not offhand.

2 Q. You were asked questions about Post Induction Therapy.

3 Do you remember those?

4 A. (Nodding of the head.)

02:23p 5 Q. Is that a "yes"?

6 A. Oh, yeah, I'm sorry. I can't just nod.

7 Q. And, in particular, you had some statements that you made
8 about Pia Mellody. Do you remember making those statements?

9 A. That she has written some -- some stuff about Post

02:23p 10 Induction Therapy, yes.

11 Q. And was she the founder of a -- a organization or a
12 location for therapeutic exercises called The Meadows?

13 A. Yes.

14 Q. Are you familiar with The Meadows?

02:23p 15 A. No.

16 Q. So with regard to the senior fellows who are on the board
17 for The Meadows, the eight, nine, psychologists, doctors,
18 psychiatrists, you are not aware of who they are?

19 A. No, I am not.

02:24p 20 MS. ALLARD: Misstates the evidence, improper
21 hypothetical.

22 THE COURT: I'm sorry, was there an objection?

23 MS. ALLARD: Your Honor, I object to counsel
24 testifying to evidence that's not been offered in this trial.

02:24p 25 It's an improper hypothetical.

1 THE COURT: Overruled, please continue.

2 BY MR. SMITH:

3 Q. Doctor, did you just tell us you are not aware of who
4 they are or what their qualifications are?

02:24p 5 A. No, I am not aware.

6 THE COURT: Hold on, stop, stop. Dr. Flens, what I
7 need you to do is allow the lawyer to complete the question.
8 He gets about halfway through, you know the response, and you
9 start answering.

02:24p 10 THE WITNESS: Sorry about that.

11 THE COURT: That's okay. Go ahead.

12 MR. SMITH: We'll try it again.

13 BY MR. SMITH:

14 Q. So as you sit here today, you are not aware of the
02:24p 15 identities of the senior fellows for The Meadows, their
16 qualifications or their own personal experience that would
17 allow them to be supportive of that program?

18 A. No, I am not.

19 Q. Doctor, there was some discussion about family therapy.
02:25p 20 I don't think you said this, but I want to ask and make sure
21 we're clear.

22 It's not improper to conduct family therapy sessions in
23 which not all of the members of the family are present?

24 A. No, it's not improper. However, it is -- in my belief --

02:25p 25 Q. I'm sorry, sir, that was my question.

1 A. Oh, but I'm not finished.

2 Q. But you're now starting to talk about something in
3 addition to that so --

02:25p

4 A. No, I'm talking about what you're talking about; and how
5 we got there was we started with three and one dropped out.

6 Q. I'm not talking about this situation, sir. I'm talking
7 about in general.

02:26p

8 A. Oh, okay. I would not do family therapy when one person
9 dropped out. Now, if you're saying only two came to start
10 with, that would be fine; but, again, one of the problems that
11 we have is that we have the third leg is missing and --
12 because a lot of the issues are gonna revolve around that
13 missing parent.

02:26p

14 Q. Even if all three still remain in and active, it's often
15 the case that one person will be in a family therapy session
16 with the child and the other parent will not and that's part
17 of the program, correct?

18 A. It can be. I don't do that and I don't recommend that.

02:26p

19 Q. And that's something that often happens in the cases of
20 very contentious divorces, isn't it?

21 A. Yes, and that's one of the problems with those cases
22 because now we're triangulating. We have two people in, one
23 out.

02:27p

24 Q. You were asked questions about evidence-based therapy
25 versus non evidence-based therapies.

1 Do you remember being asked those?

2 A. Yes.

3 Q. What percentage of acceptable psychotherapy is evidence
4 based?

02:27p 5 A. I don't think there's any way to calculate that.

6 Q. Isn't it true that the majority of psychotherapy that is
7 accepted and done currently is not actually evidence based?

8 A. I don't know that there's any way to determine that.

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

02:27p 10 THE COURT: Ms. Allard, any redirect?

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

12 THE COURT: Subject to recall, plaintiffs?

13 MS. ALLARD: No, Your Honor.

14 THE COURT: Defense?

02:27p 15 MR. SMITH: No, Your Honor.

16 THE COURT: Dr. Flens, thank you so much for coming
17 in. Be careful walking down the steps. Have a safe trip back
18 to Florida.

19 Next witness, please.

02:28p 20 MS. ALLARD: Dr. Haaken, Dr. Janice Haaken.

21 THE COURT: Ma'am, please come forward.

22 *(Witness is sworn.)*

23 COURTROOM DEPUTY: You can have a seat on the
24 witness stand.

02:28p 25 THE COURT: Ma'am, when you get comfortable, please

1 pull the microphone close and speak directly into it.

2 THE WITNESS: Is this good?

3 THE COURT: That's perfect, thank you.

4 DIRECT EXAMINATION

02:29p 5 BY MS. ALLARD:

6 Q. Can you please state and spell your name?

7 A. Janice Haaken, J-a-n-i-c-e, H-a-a-k-e-n.

8 Q. Dr. Haaken, you have a background of doing research of
9 Lifespring, correct?

02:29p 10 A. Correct.

11 Q. And how did that start out? What were you working on at
12 the time you went into Lifespring?

13 A. I carried out research with a colleague at Lewis & Clark
14 College in the Sociology Department, Richard Adams, and we

02:29p 15 both had been asked to give talks on -- on alternative
16 religions, what some called cult phenomena.

17 You know, it was kind of a big thing in the '70s. Young
18 people joining groups, alternative religions. The Roshnis had
19 come to Portland and there was a lot of worry about that, and
02:30p 20 both of us were very wary of the concept of a cult.

21 A cult is a group of which you're not a member, and
22 sometimes there is kind of an overreaction to young people
23 experimenting with these collective group experiences. So we
24 -- we would often caution against too much fear or too much
02:30p 25 paranoia about these group experiences.

1 I also had -- so at the same time Lifespring was very
2 heavily recruiting in Portland, and a number of people had
3 talked about the Lifespring experience in very generic but
4 glowing terms.

02:30p

5 They drew on principles of the Human Potential Movement,
6 humanistic psychology, which is a tradition within psychology
7 that has some grounding and I teach -- or taught
8 psychopathology classes, psychology classes that explained
9 some of that tradition, but it seemed that this -- these group

02:31p

10 experiences that were kind of like encounter groups, they were
11 clearly drawing on humanistic psychology and that tradition of
12 psychology but in ways that were clearly kind of co-modifying
13 and selling packages of experiences that were problematic in
14 many ways.

02:31p

15 So we both had been very involved in field research. We
16 had done a number of studies of a similar sort, and so we
17 started attending some of the Lifespring training evenings
18 and --

19 Q. So I'm just going to set the stage. At this time you're
02:31p 20 working at a university?

21 A. Yeah, I'm a professor for 35 years, Professor of
22 Psychology at Portland State University; and one line of my
23 research and publications involves how groups draw on
24 psychological constructs or psychological theory and how they

02:32p

25 find their way into popular culture, and sometimes that can be

02:32p

1 a very positive thing, you know, and so I -- we were pretty
2 agnostic about the whole Lifespring phenomenon, but became
3 very curious about -- because of the heavy advertising for
4 them and the kind of generic ecstatic preys they generated
5 among people that attended them, we became curious about what
6 the actual experience was.

02:32p

7 There were critics, clinicians that were critics of them.
8 I think sometimes clinicians can be critical of these programs
9 out of more proprietary interest because they're clinicians.

10 I thought, "Well, what does go on in these workshops?"

11 So we put together a proposal and presented it to the
12 Lifespring Corporation in Seattle and said we thought that
13 they were drawing on psychology in ways that we wanted to
14 understand through their training.

02:33p

15 So we got consent from them to go through the training on
16 the condition the trainers -- the trainer and volunteers would
17 not know that we were actually researchers.

18 Q. So you went into a training as an attendee?

19 A. Yes, and it's called participant observation method.

02:33p

20 There's a long -- an established tradition of participant
21 observation research methods, and we followed those methods
22 and ideas that many -- many studies you don't really
23 understand a phenomenon if you're just in an observer role.
24 You have to have some experiential involvement to really

02:34p

25 understand the phenomenon. So we both had some background and

1 experience in participant observation methods.

2 Q. Okay. So I'm going to get you focused on Seattle
3 Washington, 1981. So that's when you went to a training?

4 A. Yeah, and there were three evenings. It was really late.
02:34p 5 It was like 6:00 to 12:00 Wednesday, Thursday, Friday. Then
6 all day Saturday and all day Sunday, yeah.

7 Q. So when you registered, was there any screening for the
8 participants?

9 A. There was a form you filled out, kind of a standard
02:34p 10 questionnaire that was, I think, trying to get at whether you
11 had any mental health conditions, diagnoses, reason to believe
12 that you would have trouble with the training.

13 My -- my feeling about it at the time was it kind of
14 incentivized the program. Fill out this form. It's like,
02:35p 15 okay, I passed. I get in, but there was nothing really
16 effective in what we would normally consider screening from
17 the form.

18 Q. And the training was five days?

19 A. Yeah.

02:35p 20 Q. And people paid \$350?

21 A. Yeah, which, you know, in 1981 was a fair amount of
22 money.

23 Q. And the group was about 68 individuals?

24 A. Yeah.

02:35p 25 Q. Adults 17 to 66. So when you get in there, what did you

1 -- what was the first thing that happened or what was the
2 structure?

02:36p

3 A. Well, the -- the first exercise the first night, which
4 almost got us kicked out because my colleague, who's a very
5 intellectual guy, started getting -- contesting the rule the
6 first night and the rule -- the first night you had to commit
7 to coming back for a follow-up session.

02:36p

8 It's kind of, I guess, a technique of sale -- a sales
9 technique. You get people to make a commitment right away
10 even before you know anything about what's happening and --

11 Q. So how did he almost get kicked out?

02:36p

12 A. Well, every -- anyone who could not make the commitment
13 had to stand; and he was, like, the only person in the room
14 standing. He said, "I can't commit to that," and the trainer
15 said, you know, "Well, you're not committed to being here."
16 He said, "I am committed to being here, but I can't commit. I
17 have joint custody. I have to see my daughters."

02:36p

18 And then we had a break. "If you get us kicked out of
19 this after all this work we've done to see this study, I'll
20 never forgive you. You sit like everybody else and agree,"
21 because you don't -- you're not morally bound to that, and no
22 one in the group is morally bound but there was -- it was a
23 way of enlisting people right away to make a commitment before
24 you'd even had an experience to know the basis of that
02:37p 25 commitment.

1 Q. So were people self-disclosing personal details?

2 A. Well, over the course of the five days there were more
3 disclosures, which is, I think, pretty common. So the things
4 people talk about early on are pretty general, struggles in
02:37p 5 life.

6 I mean, we decided and it's a common part of the
7 methodology of participant observation research that we would
8 be ourselves to some extent. So he was himself, but had to
9 rein it in 'cuz he's kind of -- has a tendency to react to
02:37p 10 people like the trainer.

11 So we shared a little bit about ourselves but nothing
12 that would go very deep that would interfere with our
13 observational roles, and I think people -- over the course of
14 the five days, you know, people talked about more troubling
02:38p 15 things and I -- I became more concerned over the five days
16 because of that, because clearly people were feeling -- were,
17 I think, more vulnerable over time.

18 Q. There was a particular incident that you mentioned
19 regarding a young woman. Do you recall that that caused you
02:38p 20 some concern? She -- I think in your paper it talks about a
21 woman being called to the stage in front of everyone, and I
22 don't know what day that was, but can you tell us what
23 happened?

24 A. Yeah. I mean, part of what struck me -- and I even had
02:38p 25 my own experience with this. The trainer seemed to identify

1 people in the group who were either kind of exceptionally
2 attractive or very involved -- or very emotionally involved or
3 were objectors in some way and would focus on them.

4 This was a young woman who had came by herself and was
02:39p 5 describing feeling very lonely and kind of lost in life,
6 fairly young woman, and it was on the Saturday where people --
7 attendees were able to ascend to the throne, the podium with
8 the leader, and that was also a kind of threshold where people
9 became, I think, involved in a different way as they could
02:39p 10 join the trainer on the stage.

11 And she went up there and was crying and he -- the
12 trainer put her on her back in a chair, leaned back, and then
13 the chair was to fall on a group of men who caught her and
14 rocked her; and while she was on the chair he was massaging
02:40p 15 her stomach and whispering in her ear and she was, like,
16 sobbing; and then there was music playing.

17 So the whole kind of orchestration was really creepy to
18 me of emotion and her, and part of what was problematic about
19 her responses was this was supposed to teach her how to trust
02:40p 20 people and -- she didn't know these men, you know, and the
21 whole -- the whole direction of trust exercises was a very
22 undifferentiated approach to trust.

23 Q. What do you mean -- what do you mean by that?

24 A. Well, you know, some of the exercises were you approach
02:41p 25 someone and say, "I trust you" or, "I don't trust you," or "I

1 don't care to say," and, you know, trust is a process in life
2 that involves judgment and making decisions on a sequence of
3 testing another person's trustworthiness; but all of that sort
4 of concern that was raised about degrees of trust, whether you
02:41p 5 trust someone to borrow your car or take care of your child,
6 was all dismissed as you don't really know what trust is.

7 So trust became literally relinquishing yourself and
8 falling in the arms of people you did not know, which I think
9 symbolically was falling in the arms of the whole training
02:41p 10 experience without making any kind of careful judgments about
11 what you were falling into. It was disturbing. I remember
12 feeling very concerned about this young woman.

13 Q. Did you see another young man exhibit some concerning
14 behavior when you were there?

02:42p 15 A. Yeah, that -- that was a case that we -- you know, we
16 were very careful in writing up the study to not include
17 identifying information, obviously names, but other
18 identifying information about participants and, you know, I --
19 I felt increasingly worried about the participants over the
02:42p 20 course of the five days.

21 So, you know, we did not want to have a tone in the
22 writing that made it seem like people were just gullible.
23 Some of the writings about these trainings I think are very
24 disdainful of people who come.

02:42p 25 So this was a young man who had raised a few questions

02:43p

1 along the way, a little bit of a smart alec kind of guy, and
2 he jumped -- I remember the Saturday he jumped onto the stage
3 and he started spouting Lifespring speak, you know, and it was
4 kind of -- it was almost like he was -- at first I thought he
5 was doing a parody of the trainer because he would say, "I got
6 it," and -- you know, in this kind of Lifespring speak, and
7 the trainer tried to control him and it became clear that this
8 young man was -- I thought he was probably decompensating,
9 having some kind of psychotic episode because he became more

02:43p

10 and more kind of bizarre and he was -- the trainer tried to
11 both ridicule him, you know, "Oh, you're gonna play the crazy
12 game here," something like that.

02:44p

13 The guy continued and then we were all asked to leave the
14 room, to go out in the hallway and that was -- I thought, "I
15 wonder how the trainer's gonna handle this?"

16 THE COURT: Ladies and Gentlemen, at this point
17 we'll go ahead and take our afternoon recess. Court's in
18 recess until 3:00 p.m. All rise for the jury. Court's in
19 recess.

02:44p

20 (Jury out at 2:44 p.m.)

21 THE COURT: Court's in recess.

22 (Recess taken at 2:44 p.m.)

23 COURTROOM DEPUTY: All rise.

24 (Jury in at 3:00 p.m.)

03:00p

25 COURTROOM DEPUTY: All rise.

1 THE COURT: Good afternoon everybody. Please take
2 your seats. Please continue.

3 BY MS. ALLARD:

03:00p

4 Q. I think we left off talking about the man who left and
5 you were all asked to leave for a bit you said?

6 A. Yeah, we were all asked to leave and wait in the hall
7 where the trainer and his staff took care of this young man,
8 and when we came back in he was gone. He'd been whisked away,
9 which kind of made sense, but I thought -- you know, I was
10 very -- as a participant and observer both worried for this
11 young man and also very curious how the trainer was going to
12 handle it.

03:00p

13 Q. And how did he handle it?

03:01p

14 A. Well, there had already been this set of exercises that
15 basically punished questioning the trainer.

16 Q. Can you give me some examples of how people were punished
17 for questioning the trainer?

03:01p

18 A. Well, I give one example in the article that I asked a
19 question -- or questioned the trainer's assumption that any
20 time you don't accept reality, it's just your arbitrary
21 beliefs are getting in the way and I -- I questioned that and,
22 you know, he dismissed me as being too analytical in my head
23 and not in touch with my feelings, and there are a number of
24 these situations.

03:01p

25 The trust exercise, if you really -- if you question

1 anything that the trainer's laying out, then you really don't
2 understand. You don't really get it. There's a whole thing
3 about really getting it, and questions would be -- invite a
4 response like what is -- what isn't is and what is isn't, that
03:02p 5 kind of, you know, double speak that sounds profound but it's
6 kind of empty.

7 So people learned that either you were dismissed as being
8 in your head and not really getting it, not being in touch
9 with your feelings or -- or dismissed by the group. So there
03:02p 10 were also a set of exercises where my fellow researcher was
11 very much shunned by the group.

12 So this was an exercise -- I don't know if this is too
13 tangential, but it was an exercise you would approach someone
14 in the group and say -- who you do not like and say, "I do not
03:03p 15 like you," and then you'd go on to another person. You were
16 supposed to approach -- and so by the end of this exercise
17 people who had been most disliked by the group were off by
18 themselves, and so my colleague was very much by himself and
19 it was like I had this, like, high school reaction like I'm
03:03p 20 glad it's him and not me, but also being very protective of my
21 friend standing -- you know, my colleague standing by himself
22 and it was kind of a -- you know, a sophisticated kind of
23 bullying thing and using people that were to be targeted by
24 the group would then become the focal point for the hostility
03:03p 25 in the group.

1 Rather than confronting the leader, you kind of redirect
2 hostility, which happens with bullying, you know, onto the --
3 onto the object of group hostility. So with -- with the
4 questioning, we had all learned that it didn't get you very
5 far. So at this point when people came back in, there was
6 this kind of rallying around the leader and it kind of overly
7 enthused overly supportive responses to the leader.

03:04p

8 I think on some level people probably sensed the leader
9 had -- was vulnerable around this. Kind of like little kids
10 who become very reassuring -- anxiously reassuring of a parent
11 they know who's in a crisis. It had that kind of feel to it.

03:04p

12 Q. Did you do this exercise called the Red-Black Game?

13 A. Yeah. I mean, that interested me because it -- I for
14 decades used in some of my psychology classes research on the
15 Prisoner's Dilemma. It came out in the 1950s. Thousands of
16 articles have been written on Prisoner's Dilemma. It was
17 basically taken out of that research.

03:05p

18 So I thought, "Well, this is interesting what he does
19 with this," because it's -- it's a very useful tradition of
20 research that shows if people are brought into an experimental
21 situation, they're told to make the most points possible,
22 their first strategy of doing so is -- leads to a failure over
23 time.

03:05p

24 So the lesson in this is often cooperation is a better
25 strategy than competition, and that just maximizing your own

03:05p

1 points right away can lead to losing points over time.

2 Q. So my question, then, is going to be how did Lifespring
3 adapt this game to make it different from how it is you
4 understood it in your previous experience?

03:06p

5 A. Well, he did a variant of it and there are many, many
6 protocols for it and experimental designs using this, but
7 usually you're in two teams.

8 So there's the red and the black team and each team had
9 to try to get the most points, and you had to guess what the
03:06p 10 other team was going to do. So there was certain
11 contingencies around winning or losing depending on what you
12 imagine the other team will do.

13 And so as is always the case in these experiments with
14 the Prisoner's Dilemma, people try to maximize their points,
03:06p 15 second-guess the other team and both sides lose.

16 So they come in, and the way I would teach using this is
17 we often come into these situations, especially if we don't
18 know the other group, with a competitive strategy but we have
19 to learn how to cooperate. So a lot of the research over time
03:07p 20 with the Prisoner's Dilemma showed that people over time can
21 learn to cooperate and they figure that out, but this -- the
22 group is just set up to fail.

23 Q. How was it set up at Lifespring to fail?

03:07p

24 A. Well, because it was -- people did what people generally
03:07p 25 do. They tried to -- it's like thinking the cards are in your

1 favor. So you put everything out there, but then you realize
2 that that's not a good strategy.

03:07p

3 So it was, you know, these two teams. They were trying
4 to reason and it was -- it became -- the lesson was you think
5 you know by thinking, but reasoning really isn't taking you
6 very far; and so it was kind of like anti-thinking experiment,
7 which is the opposite of what the research on this is.

03:08p

8 You know, over time you have to learn to be cooperative;
9 and so there was this disgusting shaming of people at the end
10 of that day. Of course, people were exhausted and I think
11 kind of vulnerable, psychologically was the last -- the Friday
12 night and so we were told like small children to go to our
13 room and think about it, you know, to dwell on this, and we
14 were told how disgusting we were for -- all of us were

03:08p

15 failures.

16 And then the next morning it's like -- you know, it's one
17 of those paradoxes of these kinds of group techniques where
18 people can be humiliated or made to feel bad, but then can
19 flip over to the other side.

03:08p

20 Q. So the Red-Black Game, how did that instill shame in
21 people?

22 A. Well, people tend to lose -- I mean, there's a whole
23 research there. People who just take a competitive strategy
24 imagine that they've outsmarted the other side generally lose.

03:09p

25 That's kind of what the research is about.

1 So the group was set up to do what people usually do
2 first time using this game. I hadn't heard of it as a Red and
3 Black Game, but it was clearly the Prisoner's Dilemma Game.

4 So instead of -- what I would do with students is have us
03:09p 5 think more about -- think more and smarter rather than dismiss
6 thinking. So that was the lesson and it was -- first time I
7 remember him saying, "You all make me sick." And I thought,
8 "What's it gonna be like coming back here tomorrow? We have
9 two full days of this ahead."

03:10p 10 Q. You indicated that it appeared that the lesson from that
11 game was not to think. Was there anything -- anything else --
12 any other game or activity that reinforced that? I mean, I
13 know you questioned --

14 A. Well, they were all about not thinking. Like trusting,
03:10p 15 not trusting. There's nothing about valuing the judgments or
16 the ways people either carry adaptive belief, but maladaptive
17 beliefs at the same time. I mean, there was a general
18 dismissal of thinking and judgment and a valuing of something
19 that emerges from within of some basic truth that you're
03:10p 20 supposed to get in touch with over the course of the training.

21 Q. Did you hear in this workshop some talk about being
22 responsible for abuse that happened to you in your past?

23 A. Yeah, and that -- I mean, there were a number of
24 exercises that had this premise that, you know, you control
03:11p 25 and create your own reality; and that is one of those ideas

03:11p

1 that got taken up in humanistic psychology, the Human
2 Potential Movement as a reaction against some of the other
3 schools of thought that were seen as too deterministic so that
4 Human Potential Movement and humanistic psychology tended to
5 focus on your choice, you create your own reality, you are the
6 product of your choices and there is some -- some element of
7 truth to that, but this took it to the extreme in a way that
8 can be crazy, I mean, and very solipsistic that you've somehow
9 have created your own reality including, you know, choosing
10 your parents and choosing abuse and I've -- that part of it
11 was, you know, very -- very destructive or pathological in my
12 experience working with abuse victims, a lot in my clinical
13 practice.

03:12p

14 I'm writing a lot about abuse. It is true that people
15 can too much embrace a victim identity and not take into
16 account their own role in decisions in their life, but it is
17 not helpful and it is pathogenic to approach people as the
18 author of their own lives, including their victimization; and
19 it doesn't help people understand the complex mix of
20 contingencies.

03:12p

21 So that was enacted in, you know, some role plays where
22 participants were put in a child position to speak to their
23 parents, but then brought to the position that you actually
24 chose these people. You chose what came your way in life,
25 including early on.

03:13p

1 Q. At some point in time I think you noted here that the
2 trainer said that, "You all make me sick."

3 What was that in reference to?

4 A. That was after the Red and Black exercise.

03:13p 5 Q. Now --

6 A. And it was funny, by the way, that the group failed
7 because the group did exactly what most subjects do first time
8 around in that experiment so...

03:13p 9 Q. So in this -- at some point did the trainer take on the
10 role of parent or child in some of these exercises?

11 A. I mean, in that way that any leader who assumes a kind of
12 persuasive power over a group even though, you know, people
13 hadn't met this trainer before; but he assumed the kind of
14 power through the display of power over the course of these
03:14p 15 days so he could invoke or invite one of these parent/child
16 reactions that tended to be acted out between participants but
17 he's -- go ahead.

18 Q. Was there music being used?

03:14p 19 A. Yeah -- I mean, there was the -- the -- what's it called,
20 Zarathustra from 2001 Space Odyssey, very dramatic music. We
21 can probably all hear it in our heads that is about kind of
22 the ushering in of a new era of some kind.

23 So that was used each time we came in. There was also
24 emotional music at times. I remember this music when this
03:15p 25 young woman was having -- it was kind of a combination of a

1 seduction and a baptismal falling into the arms of men in the
2 group, but I think the most striking use of music was when we
3 came in and the 2001 Space Odyssey that kind of signaled we
4 were being ushered into a profound experience of some kind.

03:15p 5 Q. And how did the week -- how did this workshop end? What
6 was the culminating event?

7 A. What workshop?

8 Q. I'm calling it a workshop.

9 A. Oh, the basic training, five days?

03:15p 10 Q. The training, yes.

11 A. Yeah, well, the fifth day was about -- a lot of it was
12 about affirming your commitment, you know, that you got it,
13 whatever that "got it" means. It was always a little elusive
14 as an idea or signifier what "getting it" is, and I think a
03:16p 15 lot of the last day is -- is affirming your commitment to
16 coming back and letting friends and family know, and then
17 there was the next level of the training.

18 So it had a very kind of marketing focus but, you know,
19 people really -- there was a lot of hugging. There was one
03:16p 20 exercise where you approach another person. There were
21 circles. You approach another person with a handshake -- I
22 think the option of not touching, a handshake, embrace or hug,
23 and none of these options that implied greater intimacy were
24 based on anything other than just your immediate reaction to
03:17p 25 the person; but by the end there was a lot of hugging, but it

1 all felt kind of like undifferentiated hugging and affection,
2 but I also had the sense that people -- you know, there are a
3 lot of people with unmet needs, you know.

4 So I felt kind of sad about that, that there was -- you
03:17p 5 know, people bring to these experiences genuine needs and
6 conflicts and, yet, feel something, feel alive and -- in a
7 certain way but what they've learned from it, I think, is -- I
8 would see as negative learning.

9 Q. What do you mean?

03:17p 10 A. Well, all experiences -- you know, I was in a clinical
11 practice for decades and people have bad experiences and good
12 experiences, and I was always interested in what people
13 concluded. There are many conclusions you can draw from an
14 experience and how -- you know, it was always important to
03:18p 15 reflect on what happened and what kind of judgment or
16 incremental learning that you can take into new experiences
17 and here -- I mean, I value thinking and emotion.

18 It's not like it's one or the other; and I think for
19 young people, you know, who are adolescents, young adults,
03:18p 20 they're learning how -- like what Erik Garrison talked about
21 trust versus mistrust, learning how you make judgments about
22 people and how you can be wrong in your judgments and so --
23 and it's important to have those experiences in life, and if
24 you are not respectful of boundaries and, like, "Okay, I want
03:19p 25 to hug you, but why do I want to hug you?

1 Q. Right.

2 A. Or, "Why do I not want to hug you?" and so, you know, I'm
3 used to talking with young people about -- and respecting
4 their defenses and if someone -- and also raising questions.

03:19p 5 So if I'm ever in a group where people are punished for
6 asking questions I immediately think, "This is not a good
7 group to punish people or humiliate them for asking
8 questions."

9 Q. So what was your visceral reaction to this experience?

03:19p 10 A. I mean, I don't -- you know, I kinda was inoculated by my
11 role to the euphoria but I -- I felt very sad at the end of it
12 and kind of worried. I think most people for a five-day
13 experience are not gonna, like, fall apart. I mean, there are
14 people who are vulnerable so I thought -- and we were very
03:20p 15 careful in our article to talk about pathology as a group
16 effect that does not imply clinical pathology or something
17 lasting.

18 I would never make that kind of claim, but I just thought
19 this was not a helpful growth experience as I would look for
03:20p 20 it.

21 Q. And you summarized what you witnessed in an article that
22 was published back in 1983 in the --

23 A. "Psychiatry."

24 Q. "Psychiatry." That's a journal?

03:20p 25 A. Uh-huh.

1 Q. Is that a "yes"?

2 A. Yes, we published two articles.

3 MS. ALLARD: No further questions.

4 THE COURT: Is there any cross-examination?

03:20p 5 MR. SMITH: Briefly, Your Honor.

6 THE COURT: Come on up.

7 MR. SMITH: Thank you.

8 CROSS-EXAMINATION

9 BY MR. SMITH:

03:21p 10 Q. Good afternoon, Dr. Haaken. I read both of your articles
11 with a great deal of interest.

12 Just one question: Have you ever been to Spring Ridge
13 Academy?

14 A. No.

03:21p 15 Q. Thank you.

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

17 THE COURT: Is there any redirect?

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

19 THE COURT: Subject to recall?

03:21p 20 MS. ALLARD: No, Your Honor.

21 THE COURT: Defense?

22 MR. SMITH: No, Your Honor.

23 THE COURT: Doctor, thank you so much for coming in
24 this afternoon. Have a wonderful rest of your week.

03:21p 25 THE WITNESS: Thank you.

1 Can I stay or do I have to leave?

2 THE COURT: Ma'am, you're released so you can stay
3 in the courtroom if you would like.

4 THE WITNESS: Okay, thank you.

03:21p 5 THE COURT: Ms. Sweidy, please come on back up.
6 You know what I'm gonna say?

7 THE WITNESS: No.

8 THE COURT: Speak into the microphone and you're
9 still under oath.

03:22p 10 THE WITNESS: Oh. I couldn't forget that, Your
11 Honor, after all these decades.

12 MS. ALLARD: Your Honor, I would ask that the
13 witness be shown Exhibit 195.

14 THE COURT: She may.

03:22p 15 MS. ALLARD: Page 12.

16 THE WITNESS: Oh, thank you. I have it ready.

17 CONTINUED DIRECT EXAMINATION

18 BY MS. ALLARD:

03:22p 19 Q. What kind of records did you keep of the attorneys' fees
20 that you paid the lawyers in the family law action that we
21 just went through today in your testimony?

22 A. Let me add a broader question. What kind of records have
23 I kept in QuickBooks since approximately 1994 of which all of
24 the records and expenses that I incurred regarding Spring
03:23p 25 Ridge Academy are a part of.

1 So our family records have been in QuickBooks for years.
2 So I continued to use QuickBooks on a daily basis using it for
3 accounting purposes and others. I tracked all the charges
4 both before signing her up, the charges that I incurred in
5 finding the program and the things that I was required to do,
6 and then after rescission of the contract that I had to incur
7 because they incited that battle between my ex-husband and
8 myself in family law court and then even through this lawsuit
9 that we're going to distinguish these charges based on the
10 ones that are solely associated with prior to me signing up
11 and through the program and then after rescission.

12 Q. I'm asking you about Page 12 of Exhibit 195.

13 Can you look at that?

14 A. Yes.

15 Q. So these appear to be attorneys' fees that continue from
16 February 6th, 2020, going all through the year of 2020 and
17 then starting with 2021.

18 So did you record every invoice that you paid for 2020?

19 A. Yes, every single invoice for any purpose is recorded in
20 QuickBooks and categorized.

21 Q. Now, charges --

22 MR. GROSS: Sidebar, Your Honor?

23 THE COURT: Yes.

24 MR. GROSS: May I have a sidebar, please?

25 THE COURT: Yes, come on up.

1 Ms. Sweidy, since you're under oath right now you
2 can't be at this sidebar.

3 (Following discussion held at sidebar.)

4 THE COURT: Mr. Grasso.

03:25p

5 MR. GROSS: Your Honor, I'm -- I'm sorry, this is
6 Robert Grasso. I'm concerned that we're going to start
7 getting into evidence that's been addressed by Your Honor's
8 ruling on Motion in Limine No. 1 about the permissible damages
9 evidence.

03:25p

10 Your Honor considered this and, as you will recall,
11 limited the relevant evidence only to the disgorgement of
12 profits, which was the 117,000 you said would be admissible,
13 which was the money somebody paid for the -- or Dr. Stata
14 actually paid for the tuition and fees at Spring Ridge
15 Academy. Your Honor's already ruled on the other elements of
16 the claim in that motion in limine.

17 THE COURT: I'm pretty confident Ms. Allard has read
18 through all of the motions in limine.

19 Were you going into any additional areas,
03:26p 20 Ms. Allard?

21 MS. ALLARD: Your Honor, I read the motion in limine
22 to state that no attorneys' fees in this action would be
23 admissible due to the Court's ruling that that would be
24 brought in a motion for attorneys' fees.

03:26p

25 I am seeking to introduce evidence of attorneys'

1 fees in the family law action in California, and there was
2 some confusion because I was the attorney in both cases.

3 THE COURT: Well, we've -- we've heard a lot of
4 evidence as it relates to the attorney -- the representations
03:26p 5 that had to be made as it relates to post Spring Ridge,
6 assistance with child custody matters and other things.

7 So what's the defense's argument on those matters?

8 MR. GROSS: Your Honor, we believe that -- as Your
9 Honor stated in your ruling, that it has to be the proximate
03:27p 10 cause; and in this particular case Ms. Sweidy's unequivocally
11 testified that her husband -- her ex-husband lied to the Court
12 and conspired and did all these things.

13 I don't think there is sufficient evidence in the
14 record to show that this is either the factual or proximate
03:27p 15 cause of her reliance on her alleged representations or
16 omissions.

17 THE COURT: I actually find that it's all borne from
18 it, so you can continue.

19 (End of discussion at sidebar.)

03:27p 20 BY MS. ALLARD:

21 Q. So my question to you is: Were all the charges as
22 reflected on Page 12 from 2020 related to the family law
23 litigation?

24 A. Okay, let me take a look at this and answer as to a
03:27p 25 subset.

1 Okay. Let's look at the second column that says "date"
2 and anything that is in 2020, the last entry being 9/11/2020,
3 all of that up until that point is related to the family law
4 matter. After that, no; and I remember that I needed to do
03:28p 5 that on purpose, and at the time I thought I better have a
6 delineating mark here that will allow me to easily separate
7 that from subsequent litigation.

8 And I see here that based on the "memo" column, which is
9 one, two, three, four, five over, with the annotations, you
03:28p 10 will see the dates of the services corresponding to things
11 that we were doing in the family law court; and then it goes
12 into 2021, and there was some housekeeping stuff that had
13 nothing to do with that but something else and the litigation.

14 So all of that is divorce looking at the "date" column
03:29p 15 and the "memo" column and, of course, the name. I don't think
16 you really need the check number or credit card.

17 THE COURT: Sidebar.

18 (Following discussion was held at sidebar.)

19 THE COURT: Okay, the -- the information as it
03:29p 20 relates to the divorce issues, I mean, I'm sure you're not --
21 you're not seeking at this point, because she made a comment
22 about, you know, the expenses from the divorce.

23 MS. ALLARD: No, only these hearings -- the only --
24 these charges are only for 2020, which related to the ex parte
03:29p 25 forward based on the Spring Ridge Academy witnesses, exhibits,

1 et cetera.

2 THE COURT: Okay.

3 (End of discussion at sidebar.)

4 BY MS. ALLARD:

03:30p 5 Q. Were you able to run a total in QuickBooks just for those
6 fees from 2020 for the family law litigation that happened
7 after the ex parte of February 3rd, 2020?

8 A. I did that last weekend at home when I had a printer and
9 if the -- I can refer to those and give copies to people that
03:30p 10 excerpted if you'd like and if it was helpful to the Court.

11 I do -- I did run that last weekend at home and made four
12 copies.

13 MS. ALLARD: Your Honor, may I ask her to review the
14 subtotal for refreshing her recollection to testify to it?

03:30p 15 THE COURT: I'll allow it.

16 MS. ALLARD: May I approach, Your Honor?

17 THE COURT: Yes.

18 MS. ALLARD: And I provided a copy to counsel.

19 THE WITNESS: Thank you.

03:31p 20 BY MS. ALLARD:

21 Q. So what was the total of the legal fees as reflected here
22 on Page 195 -- Exhibit 195, Page 12 to 20 for legal fees for
23 2020?

24 A. According to this summary paper -- page it is -- are you
03:31p 25 looking at the number just for the legal, not the consultants?

1 Q. Just for the attorneys.

2 A. Okay. Just for the attorneys, it looks like it is -- oh,
3 it looks like it's \$80,328.93.

4 Q. Now, did you also incur professional fees for experts?

03:31p 5 A. Yes, I did.

6 Q. And who were those individuals?

7 A. Oh, gosh, I need to check another page. Give me a
8 second.

9 Q. Can you give us the page in Exhibit 195?

03:31p 10 A. Yes, if you give me one second I will.

11 Oh, okay, it looks like it's on Page 11.

12 Q. So Page 11 has entries for 2020 and 2021 and forward. So
13 would it be fair to say that the consultants for the family
14 law litigation end in 2020?

03:32p 15 A. Yes, and I'm going to not repeat what I said before
16 because we all heard it. So using the same logic I just did
17 with attorneys, let's take that same logic and remember it and
18 we're gonna go through this quickly.

19 So it looks like the cutoff here would have been the last
03:32p 20 consultation that has to do with the Spring Ridge Academy
21 family law stuff is four -- that's April 10th, 2020, and the
22 date certainly confirms that and that includes the
23 consultation with Janja Lalich and James R. Flens, also Jay
24 Flens, the gentleman that was here earlier, and it's cut off
03:33p 25 right there and I believe I have a summary.

1 That line item summary is \$6,192.50 for the portion that
2 is applicable to what we're talking about.

3 Q. And why did you consult Janja Lalich?

03:33p

4 A. There is a famous researcher in the field of cults and
5 author of the book *Cults in Our Midst* and her name is Margaret
6 Singer. When I tried to hire her, regrettably she is no
7 longer with us, and the person that worked in association with
8 her on the book. So maybe second string, even though I really
9 don't think that's applicable. Janja's well known in her own
10 right. That was the person I hired because the primary author
11 was no longer with us.

03:33p

12 So Janja Lalich was associated with that seminal book
13 *Cults In Our Midst*, and I hired her because I had some
14 questions about what was happening; and if you see the date
15 there, that was March 6th, 2020, within the month of my
16 daughter being returned back to Spring Ridge Academy against
17 my will.

03:34p

18 Q. Okay. Now I'm going to ask you to look at the same
19 exhibit, Page 7.

03:34p

20 A. Yes.

21 Q. You had previously testified that you were getting advice
22 from Dr. Cravens regarding the events that happened at Spring
23 Ridge Academy?

24 A. Yes, absolutely.

03:34p

25 Q. And then the reunification therapist was Dr. Gregory

1 Ross -- or, I'm sorry, Gregory Ross, not a doctor?

2 A. Yes, he's not a doctor level. He's a master's level so
3 he's still Mr., but very good.

03:35p

4 So the two therapists consulted were Dr. Martha Cravens,
5 my regular therapist who was helping me through this traumatic
6 event of having my child ripped from my life, and Gregory
7 Ross, who was operating as the court-ordered reconnection
8 therapist because now I need to be reconnected with my
9 daughter after my relationship with her is shattered by Spring

03:35p

10 Ridge Academy and those entries indicate that.

11 Every entry on the page of seven is affiliated with
12 things having to do with therapy, problems caused by Spring
13 Ridge Academy and the total there would be -- looks like --
14 this is odd. It's not --

03:35p

15 Q. If you look closely, you'll see there's two charges from
16 2022.

17 A. Oh, yeah, I think we need to take those off, I'm so
18 sorry. Thank you for directing my attention to that.

03:35p

19 So those are not associated with this. So stopping at
20 10/5/2020, which is one week-ish before -- within a week of my
21 daughter turning eighteen, and at that point she is legally an
22 adult and so that seemed a logical cutoff point. I can't
23 really force an adult to have reconnection therapy with me
24 because she's an adult, and I didn't want to do that anyway

03:36p

25 because I want my child to want to come. It ended with

1 Gregory Ross, and so the total on that would be \$13,181.00.

2 Q. Now, you had also indicated some automobile charges or
3 computer services. What was that for, if you can tell us?

4 A. The -- so let's go to the automobile charges, and the
03:36p 5 ones for 2020 had to do with parking to file the responsive
6 declaration to my ex-husband's ex parte. I had to go to the
7 court and also the parking for going to David Magnuson, the
8 mediator, and trying to talk some sense into my brainwashed
9 ex-husband with the mediator.

03:37p 10 Q. What page is that on in Exhibit 195?

11 A. Two, please, 2 of 20.

12 Q. And so you did a total on that for 2020 for this family
13 law litigation?

14 A. Oh, I'm sorry, there's two more entries and both of them
03:37p 15 have to do with parking for filing motions. We went over a
16 lot of motions. You know there was a lot of driving. So
17 those are all -- so we have one David Magnuson and three
18 parking to file papers -- actual papers, not electronically,
19 and that totals six dollars.

03:37p 20 Q. And then there was something, it looks like, for -- that
21 was "Computer Services"?

22 A. Yes, that was because I needed to research those people
23 and tell the family law court their background, their
24 education, and I spent a lot of -- and because they didn't --
03:38p 25 were not fully disclosing or honest.

1 This was all -- when I call it "Computer Services," that
2 means paying different sites that you do to collect
3 information on who these people are because they were so
4 secretive and also dishonest about their credentials.

03:38p 5 Q. So this is Page 3 of Exhibit 195?

6 A. Yes, that would be. And the portion that's
7 attributable -- we'll cut to the chase because you guys now
8 know what we're doing in terms of cutoff. The -- and it's --
9 again, the cutoff in 2020. It would be for computer services

03:38p 10 \$459.90.

11 Q. And then you have another section for "Printing and
12 Reproduction"?

13 A. There was also a charge for the doctor that Rearden had
14 to see that we skipped. It would be great if we just went in
03:38p 15 order, and that was a doctor that she saw in -- while she was
16 at Spring Ridge Academy, and I think it was that whole nurse
17 practitioner co-pay thing when she got a viral thing during
18 the global pandemic. That's the charge for thirty dollars.
19 We've already done the therapist.

03:39p 20 "Printing and Reproduction" -- oh, I'm sorry, I should
21 not. Looking at "Printing and Reproduction," there are
22 photocopies at a law library. That was probably making extra
23 copies for the Court that's right across the street from the
24 law library in San Mateo where we filed and different charges
03:39p 25 to the Arizona Board of Behavioral Health to do a Public

1 Records Request on Pia Mellody, the person that's been the
2 topic of discussion; from Amiee Yelinek, who testified here --
3 no, that may be the cutoff. I think that started to be for
4 the lawsuit.

03:40p 5 She gave -- she has some TTI, or Troubled Teen Industry,
6 documents in her possession because, as you saw, she's an
7 older student. So she's collected a lot of information over
8 the years, and she sent me some of those.

9 So let's go through 2020 and the total on printing --

03:40p 10 Q. What page?

11 A. I'm sorry, on Page 20 of -- excuse me, Exhibit 195, Page
12 10 of 10 the total is \$31.40 for printing and reproduction.

13 Q. So I think you -- there's one more. I see travel,
14 entertainment, lodging for \$27.25. Where did you get that?

03:40p 15 What's that for or do you know?

16 A. Give me one second to find the page. Professional fees,
17 travel, entertainment -- oh, looks like there's something on
18 here that's slightly after the -- let me just check.

19 Q. I think it's Page 18.

03:41p 20 A. Okay, yes, but we missed a Page 17 and that is also a
21 part of what they did. It doesn't appear to be on this
22 summary, and I don't know why. Perhaps because of the cutoff
23 date. No, why would that -- I'm not understanding.

24 Okay, it does look like -- when I told you I had planned
03:41p 25 the whole weekend with my daughter when it was -- when I

03:42p

1 realized, you know, this is crazy and I didn't get to go to
2 Family Workshop I and there was 75 -- there's an additional
3 charge of \$75 for the tickets I -- non-refundable tickets to
4 the Elks Theater, which was a tribute to one of the bands that
5 Rearden -- Rockin' the Paradise -- and I can't remember what
6 the -- the band, I think, from the '70s or '80s was. Three
7 tickets for me, my daughter -- both of my daughters and that's
8 a \$75 charge which was associated to their disruption when I
9 planned that whole trip to go -- to have fun during that

03:42p

10 Family Workshop I that I was supposed to originally attend
11 they -- you know, they encouraged us to make it a nice time
12 for them and I couldn't get -- I got money back on everything
13 else, I think pretty much, but not those tickets.

03:42p

14 Q. And on Page 18 it looks like from what I can see here
15 that you got -- you paid a cancellation charge for the weekend
16 of 12/11 to 12/14?

03:43p

17 A. Yes, I was able -- that shows that I was able to cancel
18 all the other hotels in time, but there was one cancellation
19 charge for lodging that ended up costing \$27.25 that I was not
20 able to get money back for, a small punitive. The rest were
21 all able to be reversed.

22 Q. So other than the \$75 for the entertainment that you had
23 to cancel, the total was \$100,256.98, correct?

03:43p

24 A. Yes, and I think what will happen is that that \$75 is
25 quite likely to show up on the before rescission because the

1 date of 1/30 is about four days before I took her out, and I
2 think I used the cutoff date in terms of these reports to be
3 -- may have been February 3rd. So this \$75 -- just wait until
4 we go through the next one -- might be on the other reports,
03:43p 5 but other than that it's totally complete.

6 Most of this stuff could be mitigated in terms of travel
7 and these were the remaining costs totaling -- in total looks
8 like \$100,256.98.

9 MS. ALLARD: All right. At this time I would move
03:44p 10 only the referenced page numbers in evidence from Exhibit 195,
11 as well as the summary.

12 THE COURT: Defense?

13 MR. GROSS: I'm sorry, I didn't understand what
14 Ms. Allard said.

03:44p 15 THE COURT: She's requesting to move in the pages
16 referenced on the record the last thirteen minutes.

17 MR. GROSS: Hearsay.

18 THE COURT: Sustained.

19 THE WITNESS: I -- I also have all of the statements
03:44p 20 in evidence, the checking account statements and the credit
21 card statements that go with these expenses, and they are
22 other exhibit items. I'm not really sure how I would prove --

23 MR. GROSS: Objection, there's no question pending.

24 THE COURT: That's sustained.

03:44p 25 Ladies and Gentlemen, the comments from the witness

1 the last few seconds please disregard.

2 MS. ALLARD: Your Honor, may I approach?

3 THE COURT: Come on up.

4 MS. ALLARD: Thank you.

03:45p 5 (Following discussion held at sidebar.)

6 THE COURT: Go ahead.

7 MS. ALLARD: Your Honor, I'm not understanding the
8 objection as hearsay, and the witness testified to the

9 contents I've just -- I know we have a record of the amount
03:45p 10 before the jury. I don't want to see them in the position of
11 having to pull a transcript to hear what that was.

12 THE COURT: No, it's -- it's actually part of the
13 record right now. So during the course of your closing if you
14 choose to highlight the information that you've placed on the
03:45p 15 record, you certainly can do that.

16 MS. ALLARD: Okay, all right.

17 THE COURT: But it's -- it's hearsay and you already
18 had her testify as to what just happened.

19 MS. ALLARD: All right, that's fine. I mean --

03:46p 20 THE COURT: Okay.

21 MS. ALLARD: Thank you.

22 THE COURT: Uh-huh.

23 (End of discussion at sidebar.)

24 MS. ALLARD: Your Honor, may I ask 193 be published
03:46p 25 to the witness, Exhibit 193?

1 THE COURT: You may.

2 THE WITNESS: Thank you.

3 BY MS. ALLARD:

03:47p

4 Q. Okay. What kind of expenses did you incur as a result of
5 your decision to enroll your daughter in Spring Ridge Academy?

6 A. Not only my decision to enroll her, but the investigatory
7 process leading up to that. The whole, you know, pursuing
8 them, visiting them, et cetera, before this whole, you know --

9 Q. Okay, I'm only going to ask about Page 1 of Exhibit 193.

03:47p

10 A. Okay.

11 Q. So there's a line item "Clothing" \$1,975.53?

12 A. Yes, this was the cost of the clothing -- the part that I
13 could find records for. Of course, there's always stuff you
14 send and it's all documented in pictures that you can't find
03:47p 15 the receipt for, whatever, but I'm pretty good.

16 So this is the stuff I already had at my house that I had
17 purchased for my -- used by my daughter that I sent to Spring
18 Ridge Academy that I didn't have to buy new, but was on the
19 packing -- was stuff that satisfied the requirements of the
03:47p 20 packing list and the title of it is "Existing Clothing Sent to
21 SRA."

22 Q. Did you ever get it back?

23 A. No, I did not.

24 Q. Did you ask for it back?

03:48p

25 A. Yes, I did. In fact --

1 Q. Next.

2 A. Okay.

3 Q. The next one is "Education" --

03:48p

4 MR. GROSS: Your Honor, I apologize. Sidebar for
5 Motion in Limine No. 1.

6 THE COURT: Come on over.

7 (Following discussion held at sidebar.)

8 THE COURT: Just one moment.

9 MR. GRASSO: Yes, sir.

03:49p

10 THE COURT: Just remember, I've already ruled that
11 plaintiffs may present evidence of consequential damages for
12 fraud, but only if the allegedly fraudulent conduct is both
13 the cause, in fact, and the legal cause of the pecuniary loss.

14 MR. GRASSO: May I speak?

03:49p

15 THE COURT: Yes.

16 MR. GRASSO: In your ruling, Your Honor, you also
17 said that you were not allowing the claims for conversion of
18 property because it was a previously-dismissed claim.

19 THE COURT: Well --

03:49p

20 MR. GRASSO: This is the same damages that we're
21 seeking for conversion of property, and you found because it
22 was a previously-dismissed claim pursuant to your Motion for
23 Summary Judgment it was not recoverable damages.

24 THE COURT: Ms. Allard.

03:49p

25 MS. ALLARD: Your Honor, it's recoverable under both

1 theories. Obviously, she had to -- was required to send these
2 items and weren't returned. She suffered a damage under
3 fraud. It also could be recoverable under conversion theory
4 as well.

03:50p

5 THE COURT: First of all, when the Court ruled on
6 the respective motions as the parties have seen, there's a lot
7 of information that's come out in the last two weeks that I
8 wasn't privy to, you know, during the motions phase and
9 process; and I do believe that this jury can find that,

03:50p

10 basically, any and all loss that can -- that they believe was
11 incurred is borne from the fact that they at some point wanted
12 to have a troubled teen in a program.

13 This is the program they chose. If the jury
14 believes that we incurred all of these -- they incurred all of
03:50p 15 these expenses based on that decision, I'll allow it. You can
16 make an argument that it shouldn't be allowed, and I'm sure
17 you will during your cross-examination.

18 MR. GRASSO: Thank you, your Honor.

19 THE COURT: All right.

03:50p

20 (End of discussion at sidebar.)

21 MS. ALLARD: May I, Your Honor?

22 THE COURT: Yes.

23 BY MS. ALLARD:

24 Q. Okay. So the next item on here says under "Education

03:51p

25 Gunn \$181.75," and what was that cost for?

1 A. Hold on. Am I still looking at the summary after
2 "Contract" --

3 Q. Yep.

4 A. -- "Decision Expenses"?

03:51p

5 Q. Yes.

6 A. Okay. Wait, I think I've become confused and I'm looking
7 at the wrong paper. Oh, wait.

8 Okay, so on Page 1 what line item? I'm sorry, I lost my
9 train of thought.

03:51p

10 Q. Under "Education Gunn."

11 A. Okay. Under "Education Gunn," okay. Oh, this was the
12 Texas -- her graphing calculator from my house that was sent
13 and her backpack that was in her -- it was stuff that was
14 originally purchased for high school that I repurposed to go

03:52p

15 to -- to be used at Spring Ridge Academy as part of the
16 packing list.

17 Q. And did you get it back from Spring Ridge Academy?

18 A. No, I did not.

19 Q. How much was that?

03:52p

20 A. The total on that was \$181.75.

21 Q. The next item under "Education" is "Lacrosse"?

22 A. Yes, my daughter played lacrosse and I sent -- because
23 they said they had the ability to play lacrosse there, so I
24 sent her goggles and then I -- then there was -- and some

03:52p

25 cleats and lacrosse bag and everything that's listed there and

1 the total is \$280.19.

2 Q. Did you ever get it back?

3 A. No.

4 Q. And then there's a line item for "Spring Ridge Academy"?

03:52p

5 A. Yes, Spring Ridge Academy inventory packing list sent to
6 SRA. So the things on the packing list provided to me by
7 Spring Ridge Academy that said that these are the things your
8 daughter needs, some of them I already had in my home so I
9 sent those -- shipped them, and then there was other things

03:53p

10 that I needed to buy specifically for Spring Ridge Academy
11 because we didn't have.

12 Like, for instance, we don't have twin beds in our house
13 and they had twin beds. So I had to buy linens and topper.
14 You get the idea. So this list is all of the things that we

03:53p

15 didn't currently possess or things we possessed at home that
16 were new or whatever, this is the rest of the stuff and the
17 total is \$2,106.10.

18 Q. So the total for "Education," which are "Gunn, Lacrosse
19 and Spring Ridge Academy," you have as \$2,568.04?

03:53p

20 A. Yes, that's what it looks like.

21 Q. And so then you attributed "Household" expenses to your
22 daughter's enrollment and can you explain that?

23 A. Hold on, let me just take a break. I'm sorry, can you
24 redirect my attention? I'm getting kinda tired.

03:54p

25 Q. Okay. Page 1 --

1 A. Yes.

2 Q. -- Exhibit 193, "Household Pets Daisy Mae"?

3 A. Oh, that's Rearden's dog. So while I was doing all this
4 stuff for Rearden, her -- Rearden's dog lives at my house. I
03:54p 5 would, of course, have to board -- the dog is not self
6 sufficient. I would have to board the dog and expenses with
7 pursuing the program and simultaneously boarding Rearden's
8 dog.

9 Q. Is that just from when you --

03:54p 10 THE COURT: I have a question. Boarding the dog,
11 that wasn't a family dog?

12 THE WITNESS: No, it was Rearden's dog. Well, I
13 have it now because it was left at my house, but it's
14 Rearden's dog and Rearden talks about it in one of the
03:54p 15 documents. I think the initial interview with Ms. Deily.

16 THE COURT: So wait a minute. She's living at your
17 home before Spring Ridge Academy, has a dog, correct?

18 THE WITNESS: Yes, that was bought --

19 THE COURT: That was bought when she was a minor?

03:54p 20 THE WITNESS: Yes, it's her -- for her. She wanted
21 a dog and we didn't want a dog because we didn't want to take
22 care of a dog, and she convinced me to buy her a dog by saying
23 that she would take care of it; and my older daughter threw a
24 fit because she didn't believe her sister would take care of
03:55p 25 it, which, of course, turned out to be true; but I said, "I

1 don't care. I'm gonna buy her a dog for comfort."

2 So it's her dog. Now it's my dog, and I don't hate
3 the dog or anything. In fact, I love the dog to death; but at
4 this time when I was pursuing this, this was Rearden's dog.

03:55p 5 THE COURT: Ms. Allard, my apologies for
6 interrupting you. Go ahead, please.

7 BY MS. ALLARD:

8 Q. So this is just a charge for when you were at Spring
9 Ridge Academy?

03:55p 10 A. Boarding for the dog. And, by the way, everyone loves
11 the dog that meets the dog.

12 Q. Okay. So this is when you were at Parent Challenge?

13 A. This is when I was at -- let's look at the dates. The
14 day that I went to a school tour and the day that I went to
03:55p 15 drop off Rearden at Spring Ridge Academy and the date of the
16 Parent Challenge.

17 Q. Okay. So that total was \$324.50?

18 A. That is correct.

19 Q. And then you have a "Postage and Delivery" item -- line
03:55p 20 item of \$187.48. What is that for?

21 A. That's for all of the stuff that I had to purchase that
22 we didn't have and various stuff to get there. Some paid
23 through UPS, you can see, and sometimes through the vendor. I
24 would ship it directly to Spring Ridge Academy from the place

03:56p 25 I purchased it rather than sending it to my house and then

1 Spring Ridge Academy.

2 That process was approved by Kate Deily. She said that I
3 could certainly ship things directly to them in order to save
4 double shipping.

03:56p 5 Q. And so that was \$50.30?

6 A. Yes, that would be -- let's see. Postage? No, wait, are
7 you talking about postage and supplies? No, it looks like
8 that's 187.48.

9 Q. Okay. Postage was 187.48, okay. The next item --

03:57p 10 A. I'm making sure it's the right cutoff. We've got a lot
11 of documents here and trying to do that off the top of your
12 head, not on a computer programming is a little challenging,
13 but yeah.

14 Q. So then the next item is "Office Supplies." That was
03:57p 15 \$52.30. What was that for?

16 A. She was attending a school, and when you go to a school
17 you got to have binders and binder pockets, rulers, pencils,
18 erasers, index cards, composition books, and all of the things
19 that Spring Ridge Academy told me to send and I called those
03:57p 20 office supplies versus other kinds of supplies, and that's
21 what was sent there. Do we have a --

22 Q. And then the next item I'm going to ask you about --

23 A. Let me give you the total of \$52.30.

24 Q. Okay. So the next item I'm asking about is "Travel &

03:57p 25 Entertainment, Lodging." There's a total there of \$1089.22.

1 What events does this lodging pertain to?

03:58p

2 A. Much like the boarding of Daisy Mae. So it looks like
3 the first one had to do with staying at the Hampton Inn in
4 Phoenix/Anthem for one night so I could go on the school
5 tour. Remember, I said after I dropped her off I came to a
6 hotel in Phoenix because I didn't know if I would miss a
7 flight. So I decided to fly out the next morning and get a
8 hotel.

03:58p

9 That evening I dropped her off of December 13th, 2019,
10 and I stayed at the Tru, T-r-u, by Hilton -- oh, wait, that
11 was the Salt Lake City one. I was picking her up from Utah
12 and staying there with her. Then the next day flying to
13 Arizona, Utah to Arizona, Wilderness to SRA, dropped her off
14 and stayed at the Hilton Garden Inn at the Phoenix Airport and
15 then -- and then the fees -- the costs for the Prescott Resort
16 and Conference Center, and that was for the Parent Challenge
17 workshop.

03:58p

18 So all of these lodgings has to do with -- you know,
19 around events at Spring Ridge Academy.

03:59p

20 Q. Okay. And so then there's --

21 A. Let me give you the total of \$1,089.22.

22 Q. Now, the next line I'm assuming is airfare, travel
23 \$3,108.11?

03:59p

24 A. Okay, so not just airfare. So airfare, rental car and
25 garage if you drive your car there and then park it or a ride

1 if you don't drive your car and you have some sort of service
2 or private service transport you. I call all of that
3 "Travel."

03:59p

4 So airfare, Avis Rental Car, parking garage, if you have
5 to do some sort of that and -- did I already say airline? And
6 ride service. All the things associated with travel for a
7 program, and it looks like that goes on for one page and the
8 total on that is \$3,108.11.

04:00p

9 Q. And this was for which trips that you made to Spring
10 Ridge Academy?

11 A. Oh, goodness, let me just look at the dates and it should
12 be in the memo field. So you would look at the name to see
13 the vendor and the memo field for an explanation.

04:00p

14 So it looks like Southwest Airlines to go to the school
15 tour, Avis to rent a car to get to the school tour because
16 it's -- you know, you fly into Phoenix and you have to drive
17 to Mayer. I don't really know any other way to get there
18 besides a rental car because it's a couple hours up there.

04:00p

19 Shell, that was very clearly gas for the rental car.
20 Parking garage at the San Jose Airport for my car that I had
21 to leave there to fly there. Southwest Airlines for the whole
22 shebang of, you know, picking my daughter up and taking her to
23 Spring Ridge Academy.

04:01p

24 Flight and I do believe Rearden -- if you see a flight
25 amount for only 5.60 and you think this woman doesn't have to

1 do accounting, Rearden, as I said before, I'll refresh your
2 memory, is my companion on my A list; and that means that if
3 she's going on the same flight as me that I have already paid
4 for with points or money, I only have to pay that 911 fee.

04:01p 5 That's like \$5.60 per flight.

6 So don't think anybody actually got a flight for \$5.60
7 and thinking this doesn't make sense. It's because she will
8 fly free if on exactly the same flight as me, and that's why
9 the odd amount that looks suspicious.

04:01p 10 So we have travel for getting her to Spring Ridge Academy
11 and enrolling her. Again, things like gas money for the
12 rental car to put gas in it, flights, and all of the
13 information tells you exactly what day of the flight. I mean,
14 honestly, you couldn't ask for more information. It couldn't
04:01p 15 be more clear.

16 It'd say Phoenix, the dates, Spring Ridge Academy. So
17 it's all there explanatory, and it includes to bring her and
18 to enroll her there and to go to the Parent Challenge
19 workshop. Rental car for the Parent Challenge workshop and to
04:02p 20 fly to Phoenix to pick up my daughter when I was rescinding
21 the contract that was not what I thought it was at all and the
22 rental car with that.

23 So the dates will correspond to those events, I think,
24 pretty clearly. So hopefully that wouldn't be too far -- hard
04:02p 25 to follow.

1 Q. Okay. So the total for all of these expenses you've just
2 described is \$9,563.13; is that correct?

3 A. Well, on this Page 1 it says -- oh, for those; but
4 there's a category and it's an interesting way I like to keep
04:02p 5 track of how economical I am. I always try to get deals or
6 percentages off, and I record those separately. So I call
7 those rebates.

8 So sometimes I'll get a discount on something by -- you
9 know, a coupon or something else and I gave, of course,
04:03p 10 anything that had a coupon associated with it credit under the
11 rebates. So that amount will be reduced by \$542.82, and the
12 very last Page 12 of 12 shows all the various rebates that I
13 got added up as applies to these charges; and so the actual
14 grand total after rebates is -- or coupons or discounts is
04:03p 15 \$9,020.28.

16 MS. ALLARD: I move into evidence Exhibit 193.

17 THE COURT: Is there any objection?

18 MR. GRASSO: Hearsay.

19 THE COURT: Sustained.

04:03p 20 BY MS. ALLARD:

21 Q. Going back to --

22 A. There are two more that I had books that I bought that
23 don't go under expenses. They go under assets as an
24 accounting issue. Sorry, I'm an MBA nerd.

04:04p 25 Q. Just offer your testimony as to what other damages that

1 you kept track of.

2 A. Okay.

3 Q. Let us know what that is.

04:04p

4 A. Okay. I kept track of the books that I had to buy that
5 were associated with the program or figuring out what the
6 program really was this same time period, but they're recorded
7 in a different place in QuickBooks because pursuant to
8 generally accepted accounting principles they're not an
9 expense. They're an asset. We consider books to be assets.

04:04p

10 So I have a couple more lists of just the books I bought,
11 and they could review those very quickly.

12 Q. Okay. What exhibit is that?

13 A. You have -- well, I don't have the exhibit list up here
14 unfortunately, Ms. Allard, but I do have the summary -- you do
04:04p 15 have the summaries of them there.

16 Q. Can you tell us what that was from the summary?

17 A. I can from the summary, but I don't have the summary. I
18 don't have them memorized.

19 Q. Okay. This book -- there's a book *Healing Developmental*
04:05p 20 *Trauma: How Early Trauma Affects Self-Regulation*. Is that --
21 does that sound familiar?

22 A. Yes, it does. They ask -- some point they told me that I
23 should buy that book or asked me to buy that book as part of
24 the program, and I did buy that book and that is a
04:05p 25 memorialization of it.

1 Q. And was that \$17.35?

2 A. Well, that does sound right and I don't think you would
3 lie about it. So let's go with "yes."

4 Q. Okay. Was that all?

04:05p 5 A. No, there was one that was out -- that was separated out
6 for the after rescission and there were a couple books I
7 bought. I think it was Margaret Singer's *Cults In Our Midst*
8 and Maia Szalavitz *Help at Any Cost: How the Troubled-Teen*
9 *Industry Cons Parents and Hurts Kids*.

04:05p 10 Q. And was that total \$89.93?

11 A. I have no reason to believe you would lie. So, yes,
12 let's go with "yes." That sounds about right.

13 Q. Anything else on these?

14 A. No. Accounting wise for what we need to talk about here,
04:05p 15 I think we've got it covered, and I'm sorry if that was
16 tedious and confusing.

17 Q. Okay. So now I left off with asking when you had seen
18 Rearden last, and you were telling us that you'd gone up to
19 San Francisco and helped her move out and that she went to
04:06p 20 live with a friend -- or an employee?

21 A. Employee, employee of her father, yes.

22 Q. And then I think you said something about seeing her at
23 dinner and her leaving the dinner, and did you ever see her
24 after that?

04:06p 25 A. So that was January -- I think mid January 2023 when she

1 just dropped this bomb and we'd been trying to like, you know,
2 at that point have a relationship from the time she came back
3 when the apartment thing didn't work out and her big sister
4 died and, you know, traveling to see her sister and doing lots
04:06p 5 of concerts together and going out to dinner; and then
6 suddenly in January -- and I have the date in my calendar --
7 2023 we're at the Fish Market, a restaurant in Palo Alto, and
8 she just dropped this bomb on me that, you know, dad
9 apologized. He was sorry to send me back to Spring Ridge

04:07p 10 Academy. He was trying to protect me from my -- "I was trying
11 to protect you from your mother."

12 Q. Did you ever ask her to articulate what it was that she
13 was upset about with you?

14 A. No, because my therapist said until this child is willing
04:07p 15 to engage in facts and not scream at you, curse at you and run
16 out of the room whenever you ask for facts and tells you don't
17 -- she doesn't care about facts, she only cares about
18 feelings, do not engage in this nonsense. It's not going to
19 get you anywhere.

04:07p 20 Listen respectfully, do not respond and respect it
21 because she's in a very messed-up, vulnerable place; and I am
22 not in a position to help a kid that has been this traumatized
23 by what that school did to them. I'm not going to make it
24 worse.

04:07p 25 I'm going to listen. I told her, "When you abandon this

1 narrative, we can talk," but this just -- you traumatized me
2 that she learned this lingo from Spring Ridge Academy. When
3 she entered there, she didn't have any -- didn't -- no one
4 mentioned any trauma. This wasn't her problem. Suddenly she
04:08p 5 had a horrible, horrible childhood that she can't articulate?
6 No, I didn't.

7 I have said before, we're going to talk about facts.
8 We're not going to make child accusations. We're not going to
9 scream and slam doors and when you're ready to do that -- and
04:08p 10 as Gregory Ross said, until people are willing to sit down
11 rationally when they can do that, we can't do therapy. When
12 she's ready, I'm here. I will be here for her until the day I
13 die, and after that I hopefully -- as you know, I'm an
14 atheist; but if I'm looking over her, I'll wish her the best,
04:08p 15 but we're not doing this.

16 I'm not going to go to that brainwashing culty place that
17 is the poison of SRA in our lives and engage down in the
18 gutter. We're gonna raise this up to where we live with
19 dignity and respect for ourselves and others, and I'm here
04:09p 20 when she's ready; but she's not ready. You don't tell me your
21 father apologized and then say he's blaming this on me 'cuz
22 he's brainwashed by the cult; and then also say, "Oh, and by
23 the way, you say bad things about dad; but dad never says bad
24 things about you."

04:09p 25 Well, I think saying that your mother is worse than a

1 cult is pretty bad; and I think me giving up custody to get
2 her out of a cult and giving her to her father, who I knew is
3 a flawed individual, as are we all, but is certainly, in any
4 event, better than a cult, me not saying bad things about dad.

04:09p

5 So this narrative, no, I am not getting engaged. My
6 therapist and Rearden's therapist has instructed me nothing
7 will come of that by handing power to this individual. When
8 she comes to me and we really want to deal with this, then we
9 will do so and I am ready, willing and able but I -- no, this

04:10p

10 is leftover remnants of that -- whatever that was that this
11 school thought that they should be doing to children and their
12 parents.

13 And, frankly, my ex-husband has devolved even more from
14 that. They brainwashed my ex-husband and he has suffered a
04:10p 15 lot, and that's not right.

16 Q. Now, have you heard from her?

17 A. Since? She -- I had sent some thank you notes to
18 relatives. I didn't have the heart to tell them the horrible
19 things she said, that they didn't exist during her childhood;

04:10p

20 that Veronica Borges was prompting her to say mom has no
21 relationship with her family, and all of these people who have
22 bestowed love and gifts on her. So they send gift cards. I
23 apply it to the bill she incurred when I had to pay her power,
24 water, electricity, buy her a thousand dollar microphone, get
04:10p 25 her double French horn repaired.

1 So I would apply it to that outstanding bill, and I will
2 send them a thank you note saying "Rearden appreciates it and
3 I'm applying it to these things that she loves," and then I
4 copy Rearden on that. She never says anything except for
04:11p 5 recently. She wrote back to me personally and said, "You
6 know, I'd rather have those gift cards instead of you applying
7 it." So, you know, I said, "How can I pay off the remaining
8 balance?" So, basically, she wanted gift cards from people
9 she had disparaged while under the care of Veronica Borges,
04:11p 10 and I don't have the heart to tell them what she said because
11 it would just kill my cousin Gina to know that my -- and my
12 cousin Kalil to know that my daughter had made these
13 disparaging remarks, that Spring Ridge Academy had encouraged
14 her to disparage not only me, but my entire family who have --
04:11p 15 who love my daughter and have been there year after year,
16 birthday parties, celebrations, this, that, oh my God.

17 So that's the time she wanted the gift cards, and I said
18 "no, thank you" very politely because this is not the daughter
19 I raised. She knows better than this. This is not what we're
04:12p 20 about. I did, I said "no." And so, no, I'm still persona non
21 grata; but, yeah, she did want the gift cards.

22 Q. So you haven't had any contact with her?

23 A. No, not since that cutting me out of your life in January
24 of 2023.

04:12p 25 Q. And can you describe what you were going through when she

1 was still at Spring Ridge Academy and you couldn't talk to
2 her?

3 A. I can't put this into words, I can't.

4 Q. Well, you were asked to by people so...

04:12p 5 A. It's destroyed my soul. A part of me is missing. I --
6 there's no pain like this. I lost a brother. My brother did
7 something dumb. He rode his motorcycle without a helmet. He
8 went off of a cliff. He got brain damage. Never recovered
9 from the coma. He tried to for three years. They did rehab;

04:13p 10 but, you know, it's not like on TV when you get brain damage.
11 Sometime you're never the same again, and eventually on
12 December 29th he took his life. Not of this year. It was
13 1994, but that was pain. That was my only sibling, and he
14 left a hole like you can't describe.

04:13p 15 This is worse than that. I mean, worse than losing a
16 sibling. Worse than when a serial killer murdered my mom's
17 best friend who was like a second mom to me. There's no pain
18 like this, and because I'm a strong person and I was raised by
19 people that believe you put on your big girl pants and you go

04:13p 20 to work and you do what you have to do and you focus on people
21 who have it worse than you do and every time you start feeling
22 sorry for yourself you remind yourself how damn good you have
23 it; and the fact that I haven't developed a mental disorder
24 from this, but I'm just fucking heartbroke -- sorry, Your

04:14p 25 Honor.

1 I did not mean to say that. I beg your pardon, but I'm
2 just heartbroken. It's not enough that they subjected me to a
3 psyche eval by this creepy 76 therapist guy who said not once,
4 but twice during the psych eval, "You know, I don't care about
04:14p 5 right and wrong. Let's just see" -- the minute you say to me
6 "I don't care about right and wrong," and not once, but twice
7 this conversation is over, dude. We are not on the same page.

8 The pain of bringing this lawsuit to trial so that I can
9 help and make sure that this doesn't happen to anybody else,
04:14p 10 there's no way to quantify this. This was not okay. No, I
11 don't have a DSM-5 diagnosis. I'm a mother. I am
12 heartbroken, and I will never be okay about what happened.
13 The years I've lost with my daughter that I may never get
14 back, but I am going to be the role model that I have to be
04:14p 15 because it's my job and I am not going to capitulate to this
16 brainwashing they did to her.

17 I am here. I am strong. You did not destroy me. You
18 may have destroyed my ex-husband, and I believe my daughter
19 will come back from this one day, and you will not do this to
04:15p 20 anyone else.

21 MS. ALLARD: No further questions.

22 THE COURT: Is there any cross-examination?

23 MR. GRASSO: Yes, Your Honor.

24 THE COURT: Come on up.

04:15p 25 THE WITNESS: I think we've agreed to not break it

1 up.

2 THE COURT: I'm sorry?

3 MR. GRASSO: May I have a sidebar, Your Honor?

4 THE COURT: Yes, come on up.

04:15p 5 (Following discussion held at sidebar.)

6 THE COURT: So you want to conduct your cross after
7 your expert the first thing tomorrow morning?

8 MR. GRASSO: Yes, Your Honor.

9 THE COURT: Very well. We talked about that before.

04:15p 10 MR. GRASSO: Thank you, your Honor.

11 THE COURT: All right.

12 (End of discussion at sidebar.)

13 THE COURT: Ladies and Gentlemen, we will start
14 court tomorrow morning at 9:30. All rise for the jury.

04:16p 15 Court's in recess until 9:30 tomorrow morning, Friday 9:30.

16 You all have a wonderful evening.

17 THE WITNESS: I apologize, Your Honor, for that
18 slip.

19 THE COURT: Stop, stop, stop.

04:16p 20 Don't walk down until the jury's out.

21 (Jury out at 4:16 p.m.)

22 THE COURT: So what we have tomorrow is the defense
23 expert and then, Mr. Grasso, you have one or two? What's the
24 plan?

04:16p 25 MR. GRASSO: Yes, Your Honor. We have two experts

1 tomorrow.

2 THE COURT: And then we'll go with the
3 cross-examination of Ms. Sweidy after that?

4 MR. GRASSO: Yes, Your Honor.

04:16p 5 THE COURT: Is there anything else from plaintiffs?
6 Ma'am, you could step down. Just be careful.

7 MS. ALLARD: No, Your Honor.

8 THE COURT: Anything else from defense?

9 MR. GRASSO: No, thank you, your Honor.

04:17p 10 THE COURT: Remember I'll see you all at 9:30
11 tomorrow. Have a good night.

12 MS. SWEIDY: Thank you, Judge.

13 THE COURT: Thank you.

14 *(Whereupon the proceedings adjourned at 4:17 p.m.)*

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REPORTER'S CERTIFICATION

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

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

DATED at Phoenix, Arizona, this 6th of June, 2024.

s/Teri Veres
TERI VERES, RMR, CRR