

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kimberly Sweidy,	)	
	)	No. 3:21-cv-08013-SPL
Plaintiff,	)	
	)	
vs.	)	
	)	Phoenix, Arizona
Spring Ridge Academy, et al.,	)	June 7, 2024
	)	1:30 p.m.
Defendants.	)	
_____	)	

BEFORE: THE HONORABLE STEVEN P. LOGAN, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 8

(P.M. SESSION)

(Pages 1-101)

Official Court Reporter:

Cathy J. Taylor, RMR, CRR, CRC

Sandra Day O'Connor U.S. Courthouse, Suite 312

401 West Washington Street, SPC 31

Phoenix, Arizona 85003-2151

(602) 322-7249

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A P P E A R A N C E S

For the Plaintiff:

KIMBERLY R. SWEIDY ATTORNEY AT LAW

By: **Ms. Kimberly R. Sweidy, Esq.**

3478 Rambow Drive

Palo Alto, California 94306-3638

ALLARD SMITH, APLC

By: **Ms. Mara Smith Allard, Esq.**

5847 Owens Avenue, Suite 300

Carlsbad, California 92008

For the Defendants:

GRASSO LAW FIRM, PC

By: **Mr. Michael B. Smith, Esq.**

Mr. Robert Grasso, Jr., Esq.

2250 East Germann Road, Suite 10

Chandler, Arizona 85286

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P R O C E E D I N G S

(Jury present at 1:29 p.m.)

(Proceedings reconvene at 1:30 p.m.)

THE COURT: Ms. Allard, please continue.

MS. ALLARD: I have no further questions, Your Honor.

01:30:58

THE COURT: Is there any redirect?

MR. SMITH: There is, Your Honor.

THE COURT: Come on up.

MR. SMITH: Thank you.

THE COURT: You're welcome.

01:31:05

REDIRECT EXAMINATION

BY MR. SMITH:

Q. Dr. Balmer, you were asked some questions about NATSAP.

Do you remember being talked to about that before the lunch break?

01:31:26

A. (No audible response.)

Q. Is that a yes?

A. Yes.

Q. Thank you.

And so these hearings at Congress in 2006 through 2007, were you part of that?

01:31:32

A. No.

Q. I think you indicated at some point you were on the NATSAP board.

When was that?

01:31:47

1 A. I got off the board last year. And previous to that, I was
2 on the board for four years.

3 Q. I see. So you got off in 2023?

4 A. Correct.

5 Q. And so you got on the board in 2019?

01:32:03

6 A. Sounds about right. Yes.

7 Q. Okay. So when we go back to 2006, 2007, that was 13 years
8 before you were on the board?

9 A. Correct.

10 Q. Were you on some sort of committee at NATSAP or group that
11 would have been dealing with any of these issues that were
12 being discussed in Congress at that time?

01:32:19

13 A. I was on the Advisory Committee for Research that NATSAP
14 was beginning to conduct at that time.

15 Q. And so in that capacity were you monitoring or reviewing
16 testimony of representatives from NATSAP before the United
17 States Congress?

01:32:42

18 A. No. The -- my capacity on the committee, the Research
19 Committee, was to implement a research program NATSAP-wide that
20 did pre- and post-testing of the -- the children that were in
21 all of these facilities. So we have some pre- and post-data
22 that would indicate improvement.

01:33:10

23 Q. And how would that data be collected?

24 A. The kids would take a -- a paper-pencil test. It's called
25 a Youth Outcome Questionnaire. It would take them about 10,

01:33:37

1 15 minutes to take the test. The -- the results would be sent
2 to the University of New Hampshire. And then we'd also take a
3 post-discharge or at the time of discharge take -- take the
4 test, and we would compare the results of the test when the
5 child first got there versus the results of the test -- of the 01:34:05
6 test when the child would graduate from the program.

7 Q. We've heard some testimony from people at Spring Ridge
8 about outcome or about exit measurements or exit interview kind
9 of information gathering.

10 Is that what you're talking about? 01:34:28

11 A. They may have done their own questionnaire. I can't --
12 basically a satisfaction questionnaire, which most facilities
13 do. Questions like: How did you like it here? Was the
14 therapy helpful for you? Would you recommend somebody else
15 here? Did the program improve your overall performance or 01:34:50
16 outlook? What we call a satisfaction questionnaire.

17 But the Youth Outcome Questionnaire was a more formal
18 test that had high reliability and validity score. So that was
19 done by all the NATSAP programs, and the results are very
20 positive. 01:35:17

21 Q. And so when the NATSAP programs collects this data, is it
22 done anonymously?

23 A. It's an auto -- it's -- you assign a number, if you will.
24 They, University of New Hampshire, didn't know any names. It's
25 all done by numbers. It's a standardized procedure when you do 01:35:33

1 research.

2 Q. And was -- was the data that was obtained through that
3 methodology, was that then shared with the -- whatever the
4 subcommittee was that was --

5 A. It was shared with the committee, and several articles 01:35:49
6 relative to the outcome of that data was published in journals.
7 In fact, the first big publication was a presentation at the
8 American Psychological Association.

9 Q. When was that?

10 A. Oh, that's 15 years ago. 01:36:10

11 Q. 15 years ago?

12 A. Ten years ago maybe. Yeah.

13 Q. Okay. So years before the time frame that we're talking
14 about --

15 A. Yes. 01:36:21

16 Q. -- in this case; correct?

17 Is that a yes?

18 A. Yes.

19 Q. Thank you.

20 One of the things that Ms. Allard read from that 01:36:30
21 congressional hearing was a statement by -- I forget who the
22 representative or the senator was talking about how parents are
23 already in a stressful situation when they're searching for a
24 residential treatment program for their child.

25 Do you remember hearing about that from -- 01:36:51

1 A. Yes.

2 Q. -- her?

3 Is that an accurate statement, that the parents who
4 would send their children to places like Spring Ridge Academy
5 are already in a -- under stress?

01:37:00

6 A. Right. It's very true, because I would suggest that
7 probably 80 to 90 percent of these children have been in
8 therapy, outpatient therapy for years. Some of them has
9 been -- have been hospitalized in acute care hospitals. Some
10 of them have been in an outdoor behavioral program.

01:37:22

11 So a lot of these kids -- I would definitely say at
12 least 80 percent, 90 percent of these kids have previous
13 longstanding therapy exposure and without any significant
14 improvement. So then the parents are looking for something
15 that is more long term and with the hope that the child will
16 get better.

01:37:46

17 Q. I see. So when -- she then draws the comparison in her
18 questioning, and I guess this was part of the hearing, too,
19 that you have these parents, they've -- they do their due
20 diligence from available resources and still we have bad
21 outcomes; children who overdose or maybe even take their own
22 lives.

01:38:11

23 Is -- is that information that NATSAP has also learned
24 through this -- this process of getting data from its various
25 members?

01:38:31

1 A. Well, I think what -- what is important to understand, that
2 there is no guarantee to outcome. Ultimately the person that
3 is responsible for a positive outcome is the child himself or
4 herself. Because as a therapist, you can provide the platform,
5 you can make suggestions, you can take them through various
6 exercises. If at the end of the day they refuse the help, so
7 to speak, then the outcome is negative.

01:38:59

8 And when such a child goes home, the scaffolding
9 around the child which has been in place at the facility goes
10 away. And some of these kids go into regression, and they --
11 oftentimes the parent is equally upset because, I spent all of
12 this time, I spent all of this money, and look at the outcome?
13 It's not what I hope it could be or should be.

01:39:29

14 So, unfortunate, no therapist, no treatment facility
15 can guarantee a positive outcome.

01:40:01

16 Q. And in the -- in the scheme of things, when a child is
17 graduated out of a program, what -- what type of ongoing
18 involvement or control would a facility -- a -- a residential
19 treatment facility that they've now graduated out of have over
20 the environment that that child has gone to?

01:40:31

21 A. Well, a standard procedure for all NATSAP programs would be
22 to put together a discharge and aftercare plan. That discharge
23 and aftercare plan, if you will, has its origin at the very
24 beginning when the child comes to the place, because you want
25 to assure that what the child has learned or the progress the

01:40:55

1 child has made will continue after discharge.

2 And so it's -- it's a plan that is put together
3 between the treatment team, the child and the parent, and it
4 would typically include the continuation of outpatient therapy,
5 perhaps the continuation of family therapy. And, of course,
6 that -- that discharge plan would also include what you're
7 going to do professionally. Maybe you graduated from high
8 school, and what are you going to do now?

01:41:26

9 So it really encompasses the entire life spectrum of
10 the child that goes home.

01:41:45

11 Q. And with that plan in place, is there continued
12 monitoring --

13 A. Oh, yes.

14 Q. -- of --

15 A. All the -- the NATSAP program is required to follow up
16 six months after discharge and one year after discharge. And
17 we do the same -- we administer the same tests that we
18 administered at the beginning at the end of treatment to see if
19 there is a regression or whether the change process is
20 permanent.

01:41:56

01:42:22

21 There is also lots of research on that that NATSAP has
22 published, and that's available.

23 Q. So this six-month follow-up and one-year follow-up --

24 A. Yes.

25 Q. -- is that -- is that dependent upon the willingness of the

01:42:35

1 graduated student and parents to supply that data?

2 A. Of course. One would get ahold typically of the parent,
3 and the parent is asked whether they would like to participate
4 in the research. And the child is asked the same question.

5 And probably, suffice to say, maybe 70 percent we have a
6 positive return. There's always the problem because parents
7 move. Sometimes we couldn't get ahold of parents industrywide
8 because they're no longer available. They move and move to
9 different state, different address, different phone numbers.

01:43:00

10 So it's really a -- a tremendous effort that is
11 expended to trying to get ahold of these discharged children
12 and parents.

01:43:21

13 Q. And is that something that has been a NATSAP requirement
14 prior to JCAHO accreditation requirements?

15 A. No. The JCAHO accreditation is separate and distinct from
16 that research. The -- the -- The Joint Commission only
17 requires that you conduct some outcome studies. Okay? But
18 what outcome studies is up to you to decide.

01:43:41

19 So The Joint Commission doesn't dictate what
20 particular measure that you will employ in the outcome. They
21 just say you must conduct an outcome study, and you must put
22 together a discharge and aftercare plan.

01:44:03

23 Q. And I guess I asked the question kind of backwards.

24 So is -- is the NATSAP follow-up at -- at six months
25 and one year?

01:44:26

1 A. Yes.

2 Q. When did that go into effect?

3 A. Ooh. That went into effect maybe four years ago.

4 Something like that.

5 Q. So we're looking back to maybe --

01:44:37

6 A. Four or five years ago at least. Yeah.

7 Q. Prior to then, were there any requirements by NATSAP for
8 that kind of six-month and one-year follow-up in a different
9 form?

10 A. No.

01:44:51

11 Q. Would --

12 A. It was basically up to the program themselves to conduct
13 outcome studies, which many programs did, but other programs
14 didn't. And so we moved to the level of where we basically if
15 you want to continue to be a NATSAP member, you have to conduct
16 these outcome studies.

01:45:09

17 Q. What about collecting the data upon entry into the program
18 and exit, as you testified to the jury earlier?

19 A. Right.

20 Q. Was that a NATSAP requirement that was predated four or
21 five years ago?

01:45:22

22 A. Yeah. I think it probably started, I would say, at least
23 six, seven years ago, that -- at least the -- that -- the data
24 collection upon admission and discharge.

25 Q. Is -- is the -- is the student or parent required to agree

01:45:41

1 that they will participate in that data collection in order to
2 be accepted into --

3 A. Absolutely --

4 Q. -- a NATSAP program?

5 A. Absolutely not.

01:45:59

6 Q. And so if they choose to opt-out, they have that option?

7 A. Absolutely.

8 MR. SMITH: Excuse me. Just a second.

9 BY MR. SMITH:

10 Q. Doctor, do you -- Doctor, do you still have your -- your
11 report, which is Exhibit 329, in front of you?

01:46:27

12 A. I don't have it here.

13 Thank you.

14 MR. SMITH: Thank you.

15 BY MR. SMITH:

01:46:55

16 Q. I -- I direct you to page 4. You were asked some questions
17 by plaintiff's counsel about one of the entries on page 4.

18 A. Okay.

19 Q. Under paragraph 2 talking about workshops and the conducts
20 of workshops where you said that, "they appear to be an
21 outgrowth or an adaptation of Lifespring, a very popular
22 personal relationship enhancement seminar workshop taught by
23 facilitators."

01:47:11

24 Did I read that correctly?

25 A. Yes.

01:47:26

1 Q. Now, we've heard testimony from various witnesses about
2 exercises that have the same names as they do in Lifespring,
3 like the Red-Black Game, Lifeboat.

4 Are you familiar with those exercises?

5 A. Not the particular ones that are related to Lifespring,
6 but -- but there are -- my understanding is that the original
7 Lifespring application was not the application that was given
8 at Spring Ridge.

9 Q. And is -- is that something you've observed in other
10 residential treatment programs using adopted exercises?

11 A. Yes. There are -- there are dozens and dozens of different
12 growth-producing exercises and workshops. And people make up
13 their own. People adopt something they got from somebody else.
14 There is no end to the variability of these exercises.

15 Q. So the mere fact that something has the same name is not
16 going to necessarily mean it's the exact same exercise that was
17 being performed 20 years, 30 years previously at Lifespring?

18 A. Correct.

19 Q. In this -- in this particular part of your report, you were
20 shown -- or read part of your written opinion. You talk about
21 these exercises, and you say, "In that regard, Spring Ridge
22 Academy's use of facilitators for these workshops is a commonly
23 accepted practice."

24 Did I read that correctly?

25 A. Yes.

1 Q. So at that point you're talking about the way Spring Ridge
2 Academy would use facilitators to run the workshops?

3 A. Correct.

4 Q. You testified earlier that the workshops are not therapy;
5 correct?

01:49:47

6 A. They are not formal therapy, no. Sometimes the -- the
7 label "therapy" is attached, but they certainly don't fall into
8 the arena of formal therapy because they are typically not
9 conducted by licensed therapists. They are conducted by
10 facilitators who have experience and practice in the
11 application of these various workshops.

01:50:11

12 Q. And in the next section in the report you were questioned
13 about a statement concerning the concepts of isolation, public
14 shaming, food deprivation.

15 Do you remember being asked questions about that?

01:50:32

16 A. Yes.

17 Q. And in the context of a residential treatment program where
18 you have adolescents where two adolescents aren't getting along
19 together, is it -- is it appropriate or inappropriate to take
20 steps to isolate them from one another?

01:50:57

21 A. If you have two patients who are fighting with each other
22 or they are calling each other's name and they contribute to
23 each other's detriment relative to their therapeutic endeavor,
24 not to separate them would be clinically contraindicated. And
25 so you separate them.

01:51:23

1 typically speaking, for the first maybe -- it depends on the
2 program. For the first two or three weeks -- maybe two weeks,
3 the -- the child will not call the parents. However, the --
4 the therapist will talk to the parents.

5 However, that I think in the last -- in the last year 01:53:06
6 or so that that has changed, where you put a child on the phone
7 literally the second day he's at the program. And -- and what
8 you do is you -- you sit in the same room where the child is on
9 the phone. You don't hear what the parent is saying.

10 And the reason you are there, you do not want the 01:53:35
11 child to throw a temper tantrum or call the parent's name.
12 That would be clinically contraindicated and didn't really help
13 for the healing process. So typically you want to put a stop
14 to that kind of behavior.

15 Once the child has had bonding to the program and is 01:54:00
16 fully invested, then you're no longer there to observe the
17 phone call.

18 Q. So if we've heard some testimony to the effect that as
19 students progress from Phase 1 to 2 to 3 to 4 at Spring Ridge,
20 the degree by which their phone calls are monitored by a staff 01:54:20
21 member decreases, is that a typical progression in this type of
22 program?

23 A. It's typical progression, I think. Not only in Spring
24 Ridge, but I think industrywide.

25 Q. You mentioned a moment ago that within the last year or so 01:54:39

1 there's been a change where within the first two days the child
2 needs to have a monitored call with the parent.

3 How did that come about?

4 A. That came about because certain jurisdictions -- I don't
5 know about Arizona, but certain jurisdictions said, no, we -- 01:54:58
6 you shouldn't wait a week or two. You need to get the kid on
7 the phone right away with the parent.

8 And so rather than make it only applicable to certain
9 facilities that operate in a state where that has become
10 statute, NATSAP basically decided to encourage all programs to 01:55:22
11 follow that model.

12 Q. And with regard to the type of call that's placed within
13 that first two days, you mentioned it's monitored?

14 A. Yes. Somebody's in the room listening in what -- what the
15 child is saying. 01:55:45

16 Q. And -- and that person would be a staff member?

17 A. It would be a staff member.

18 MR. SMITH: Doctor, that's all I have.

19 THE WITNESS: Fine.

20 MR. SMITH: Thank you very much. 01:55:55

21 THE WITNESS: Thank you.

22 THE COURT: Subject to recall, defense?

23 MR. SMITH: No.

24 THE COURT: Plaintiff?

25 MS. ALLARD: Thank you, Your Honor. I do have more 01:56:03

1 questions.

2 THE COURT: I'm sorry?

3 MS. ALLARD: Yes, I have more questions.

4 THE COURT: Come on up.

5 RECROSS-EXAMINATION

01:56:16

6 BY MS. ALLARD:

7 Q. Did you review the generated questionnaire in this
8 particular case that NATSAP has children fill out what --
9 without their parents' permission?

10 A. No. I think the parents upon admission sign a release that 01:56:26
11 the child fill out the questionnaire.

12 Q. Did you know in this case Ms. Sweidy refused to sign that
13 release and was asked to specifically?

14 A. Say that again, please.

15 Q. Did you know that Ms. Sweidy refused to sign that release? 01:56:41

16 A. I didn't know that.

17 Q. And that her daughter filled it out without her permission?

18 A. I didn't know that.

19 Q. And I looked at this, because we have it in discovery.

20 Actually, we have it marked as Exhibit 51. There's a lot of 01:56:53
21 questions that are being asked, maybe like 40 questions, of the
22 child. It doesn't appear there's any way to look at the
23 questionnaire and report on it.

24 How do you do that?

25 A. The question is taken on a tablet. The test is taken on a 01:57:15

1 tablet, and the electronic version of that test is sent to the
2 University of New Hampshire right away.

3 Q. Okay. So I was on NATSAP's website, and I didn't see any
4 report of any statistics on -- that would be the result of the
5 University of New Hampshire calculating some sort of result or
6 findings. 01:57:41

7 A. Yes.

8 Q. Why is that?

9 A. I don't know, but there's plenty of studies done on it.

10 Q. Hum -- 01:57:52

11 A. We --

12 Q. Okay. So --

13 A. We can certainly produce those studies.

14 Q. Well, NATSAP keeps its own studies; correct?

15 A. NATSAP uses the data that has made it to the University of
16 New Hampshire. The University of New Hampshire does the
17 statistical analysis of all the data and then sends the results
18 back to the various programs. 01:57:59

19 Q. Well, NATSAP has a link, a live link to every publication
20 that I can see in its history, and I didn't see anything about
21 results from any -- 01:58:23

22 A. There --

23 Q. -- analysis.

24 A. There are results.

25 Q. Okay. So when you take this questionnaire and someone is 01:58:35

1 asked, do you -- do you get along with your parents, and then
2 they're asked, do you have problems going to the bathroom, and
3 then they're asked, are you anxious, and then they're asked, do
4 you get along with your friends, and it goes on and on and on.

5 A. Okay.

01:58:51

6 Q. So there's, like, 40 different questions --

7 A. Okay.

8 Q. -- in 40 different areas.

9 A. Okay.

10 Q. So how do you -- how do you come up with a -- a result?

01:58:56

11 A. It's -- it's a -- it's analyzed based on validity and
12 statistical results. And what we want from that -- from that
13 assessment is, if you will, a shotgun approach of what may be
14 the problem.

15 So you're looking at a -- at a very broad spectrum of
16 what the child, it may be dealing with. It just gives you a
17 broad-spectrum report.

01:59:18

18 Q. Okay. So there's no way to quantify a success or failure
19 based on those questions?

20 A. There is ways to quantify whether the child has improved --

01:59:35

21 Q. Okay.

22 A. -- while he's at the program.

23 Q. So when the child leaves, they're in the facility, and
24 they're filling out this tablet at the facility?

25 A. That is correct. Plus, they're filling it out six months

01:59:50

1 later and a year later.

2 Q. And many, I assume, you never hear from again after they
3 leave the facility. So I assume there's a dropout rate at that
4 six-month mark --

5 A. There --

02:00:03

6 Q. -- that's statistically significant; correct?

7 A. I -- I don't know the exact data, but we have results
8 with -- that are statistically significant after a six-months
9 follow-up.

10 Q. What is the drop-off rate?

02:00:16

11 A. I don't know the exact number.

12 Q. What is the drop-off rate for people who are willing to
13 even talk to you at the year mark?

14 A. I don't know that number.

15 Q. So you don't know whether any of these numbers are valid?

02:00:28

16 A. They are valid because they're explored and statistically
17 analyzed by a third party, the University of New Hampshire.
18 They're not my results. They're their results.

19 Q. Now, you -- your counsel went beyond the scope of my
20 questions this afternoon and wanted to elicit this testimony
21 from you, so I am certain you would have that report sitting
22 right here.

02:00:46

23 Do you have it?

24 A. No, I don't have it.

25 Q. You were also asked about your role in being on the board,

02:00:55

1 and you told us today that you were on during 2020; correct?

2 A. Yeah, I was there.

3 Q. So it appears that Jan Moss was holding a videotape meeting
4 where she was advising people not to email each other about
5 attorney requests or individual requests for records without
6 con- -- in any email trail. And she, in fact, said that --
7 oops. It was Megan Stokes. Megan Stokes.

02:01:18

8 Do you know who Megan Stokes is?

9 A. Yes, I do.

10 Q. She's the Director of NATSAP; is that correct?

02:01:35

11 A. The Executive Director.

12 Q. Right. And so on this tape she says: Let's not email.
13 That is something that will be discoverable if things go to
14 court.

15 Do you remember that?

02:01:47

16 A. I believe so, yes.

17 Q. So why were you refusing to provide -- advising the schools
18 to refuse to provide records upon request if valid HIPAA
19 authorizations were provided?

20 A. I don't know what you mean by "records."

02:02:02

21 What do you mean by "records"?

22 Q. Their school records and their medical records and their
23 therapy records.

24 A. They're HIPAA protected. You shouldn't -- you shouldn't
25 access these records over the telephone or over the Internet.

02:02:20

1 They're HIPAA. They're HIPAA records. They're -- nobody's
2 supposed to see them.

3 Q. My question was, if there is a valid request from someone
4 that has -- is entitled to those records, why are they not
5 being released?

02:02:39

6 A. They are routinely released to somebody that has -- is
7 authorized to receive them.

8 Q. Well --

9 A. It could be a court -- a court proceeding. It could be a
10 parent. Okay? And it could be the child, him or herself, who
11 has turned 18.

02:02:53

12 Q. And do you have any reason to know why it is Spring Ridge
13 Academy refused to provide Ms. Sweidy her daughter's records
14 while her daughter was a minor?

15 A. I don't know. I don't know the reason.

02:03:09

16 Q. There would be no reason; correct?

17 A. There could be a reason, but I don't know the reason.

18 Q. And do you know any reason why Kate Deily would not provide
19 a former student's records as she requested?

20 A. I don't know the reason.

02:03:29

21 Q. What litigation --

22 A. And --

23 Q. What litigation was being discussed?

24 A. At the facility?

25 Q. In this meeting that Megan Stokes --

02:03:43

1 A. Oh.

2 Q. -- led in October 2020.

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

4 Q. There was some discussion about a class action brought by
5 the Disability Law Center.

02:03:56

6 Are you familiar with that?

7 A. I'm vaguely familiar with that.

8 MS. ALLARD: No further questions.

9 THE COURT: Mr. Smith, come on back up, if you need
10 to.

02:04:08

11 MR. SMITH: No further questions, Your Honor.

12 THE COURT: Subject to recall, defense?

13 MR. SMITH: No, Your Honor.

14 THE COURT: Plaintiffs?

15 MS. ALLARD: No, Your Honor.

02:04:16

16 THE COURT: Dr. Balmer, thank you so much for your
17 testimony.

18 THE WITNESS: Thank you, Judge.

19 THE COURT: Have a wonderful weekend.

20 THE WITNESS: Thank you, Judge.

02:04:21

21 THE COURT: And you can just leave that up there.
22 We'll get it from you.

23 THE WITNESS: All right.

24 THE COURT: Don't forget your water, also.

25 THE WITNESS: All right.

02:04:29

1 THE COURT: Next witness please, Mr. Grasso.

2 MR. GRASSO: Your Honor, we'd like to start our
3 cross-examination of Ms. Sweidy.

4 THE COURT: Ms. Sweidy, come on up as soon as the
5 doctor gets through the courtroom.

02:04:38

6 MR. GRASSO: May I get set up, Your Honor?

7 THE COURT: Yes, please.

8 MR. GRASSO: Thank you.

9 THE COURT: You're welcome.

10 THE WITNESS: Do I need to get --

02:05:03

11 THE COURT: No. You're still under oath, Ms. Sweidy.

12 Thanks for asking.

13 Did you need your water, ma'am?

14 MS. SWEIDY: It's empty now.

15 THE COURT: Okay.

16 THE WITNESS: I drank it all. Thank you for asking.

17 MR. GRASSO: Good afternoon, ladies and gentlemen.

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

20 CROSS-EXAMINATION

02:05:15

21 BY MR. GRASSO:

22 Q. Good afternoon, ma'am.

23 A. Good afternoon.

24 MR. GRASSO: Your Honor, to facilitate my examination
25 this afternoon, I would like to have the clerk provide

02:05:26

1 Ms. Sweidy with a copy of her deposition transcript.

2 THE COURT: I'll allow it.

3 MR. GRASSO: Your Honor --

4 THE WITNESS: Wait. Is this --

5 MR. GRASSO: Your Honor, I have a courtesy copy for
6 you, if that's helpful.

02:05:41

7 THE WITNESS: This was not designated.

8 MR. GRASSO: May I approach?

9 THE COURT: Yes, please.

10 THE COURTROOM DEPUTY: Thank you.

02:05:55

11 THE COURT: Thanks, Molly.

12 MR. GRASSO: In addition, Your Honor, I would like
13 to -- just for refreshing recollection, I'd like to give the
14 witness a copy of the complaint she authored. And I have a
15 courtesy copy for Your Honor as well.

02:06:09

16 THE COURT: Okay.

17 MR. GRASSO: May I approach?

18 THE COURT: Yes.

19 MR. GRASSO: Thank you.

20 THE COURT: Thanks, Molly.

02:06:19

21 BY MR. GRASSO:

22 Q. Good afternoon, again.

23 So to begin with, we've put a couple of things in
24 front of you, and I just want to -- I think that'll help
25 facilitate things.

02:06:40

1 So let's start with the complaint. That's a complaint
2 that you authored; correct?

3 A. Ms. Allard and I authored.

4 Q. It was filed back on January 21 of 2021?

5 A. Yes.

02:06:53

6 Q. I believe the document is -- the complaint itself is
7 125 pages; is that correct?

8 A. Without exhibits, yes.

9 Q. With exhibits, how long is it?

10 A. I don't know.

02:07:09

11 Q. Does 220 pages sound correct?

12 A. Yeah.

13 Q. If you'll go to page 125 of the complaint. It bears your
14 signature as a verification of the facts in the complaint?

15 A. Yes.

02:07:27

16 Q. And on the preceding page, it's signed by both you and
17 Ms. Allard as attorneys in this case; correct?

18 A. Yes.

19 Q. With regard to your deposition -- the transcript's in front
20 of you. Do you have that?

02:07:43

21 Do you mind unsealing it and having the deposition in
22 front of you, the transcript?

23 A. I've never unsealed an original transcript before. Am I
24 supposed to do that?

25 THE COURT: You can just tear it open. Yes.

02:07:54

1 THE WITNESS: Okay.

2 THE COURT: Molly, you could help her if --

3 THE COURTROOM DEPUTY: Oh, sure.

4 THE COURT: Ms. Sweidy, we have an opener here.

5 THE WITNESS: Yeah. There's some serious tape.

02:08:04

6 Thank you, Ms. Williams.

7 Thank you.

8 BY MR. GRASSO:

9 Q. And I know you're an attorney. You're familiar with this
10 format. So that's the deposition, the sworn testimony you gave
11 in this case under oath on August 9 of 2022; is that correct?

02:08:34

12 A. Yes.

13 Q. And you were represented by Ms. Allard during that
14 proceeding?

15 A. Yes.

02:08:45

16 Q. First I want to go through -- what I'm going to try to do
17 this afternoon is be as efficient as possible. I want to go
18 through some of the basic facts and see if we can reach some
19 agreement. A lot of the facts that I got have come directly
20 from your complaint. If there's an opportunity where you're
21 not clear on what I'm talking about, I can direct you to it,
22 refresh your recollection, and we can go forward. And the same
23 thing with the documents this afternoon.

02:09:03

24 Do you understand just kind of the format that I'm
25 going with? Chronological. We're going to start toward the

02:09:17

1 beginning.

2 A. Okay.

3 Q. So let's start with your education. You have a bachelor's
4 degree in business administration?

5 A. Yes.

02:09:27

6 Q. You have a law degree that you obtained in 1985; is that
7 correct?

8 A. Yes.

9 Q. You've been a lawyer for almost 40 years?

10 A. I've been licensed for almost 40 -- 40 years, but I have
11 not been practicing.

02:09:35

12 Q. You graduated in 1985?

13 A. Yes.

14 Q. So you've been a lawyer for 40 years?

15 A. I've been licensed. I have not worked actively as a lawyer
16 for even half of that time. I mean, I'm licensed, but for --
17 my child -- my children's childhood, I worked as a -- I was a
18 homemaker.

02:09:47

19 Q. You're -- you're currently a licensed attorney in
20 California; correct?

02:10:02

21 A. The entire time I've been licensed, but I don't want to
22 represent that I've been working as a lawyer. I have not.

23 Q. Okay. No. I just wanted to establish that you've been
24 licensed.

25 A. I have been licensed almost continuously, except for one

02:10:13

1 month when they changed the MCLE requirements. And I was going
2 to grad school, and I didn't know how I was going to accomplish
3 it.

4 Other than that, a continuous licensing from 19- --
5 the end of 1985 until the present, but not working as a lawyer. 02:10:29

6 Q. Thank you, ma'am.

7 The jury might not -- you used the term I know, the
8 MCLE.

9 A. Oh.

10 Q. Would you explain what that is. They may not understand 02:10:39
11 that.

12 A. Yes. Thank you.

13 Mandatory continuing legal education. In the state of
14 California we have to have so many hours, including in specific
15 areas, and we have to report that to our state bar licensing 02:10:52
16 every three years. It's I think right now 25 or 26 hours.
17 They just added another one in ethics, so, yeah. And I think
18 most states have that.

19 Q. Agreed. But that's -- so what -- if I understand it
20 correctly, just to make sure we're clear, so in California it's 02:11:11
21 something like 25 or 26 hours a year of mandatory education?

22 No? Please correct me if I'm wrong.

23 A. Yes. I'm sorry. I thought I was going to.

24 Every three years. The reporting period is by your
25 last name, and we have three groups. I'm S, so I think I'm in 02:11:26

1 group 3. And it rotates but every three years. So that means
2 every one year a third of them report, every one -- next year a
3 third of the attorneys, and then a third. And you report every
4 three years, but you have to do those 25 hours. So you'd be
5 kind of crazy to wait until the end.

02:11:46

6 Q. Sure. No, but the point -- point is lawyers in California,
7 and that's consistent across the United States, have to use
8 continuing legal education so that you stay abreast of the
9 issues that we deal with; right?

10 A. That's the intent. I don't know if it's effective, but
11 certainly it's a step in the right direction that you continue
12 to educate yourself and stay current on the topics relevant to
13 your profession.

02:12:00

14 Q. Okay. So aside from your law degree and your licensing as
15 a lawyer, you also obtained an MBA at the Wharton School of
16 Business and graduated in 1993; correct?

02:12:14

17 A. That's correct.

18 Q. You'll agree that the Wharton School is an Ivy League
19 school and considered by many to be one of the finest business
20 schools in the United States?

02:12:31

21 A. Yes. I -- that's reported. I mean, if you're asking me
22 what their reputation is, that's what its reputation is.

23 Q. Thank you.

24 Dr. Stata has three degrees. They're all from MIT;
25 correct?

02:12:45

1 A. I don't know why you're referring to him as Dr. Stata, as
2 he never refers to himself as that. And, in fact, since I met
3 him in 1989, he has repeatedly expressed the opinion that he
4 does not believe that he should be referred to as Dr. Stata
5 because -- because that should be reserved for mental health
6 professionals. 02:12:59

7 Q. Oh.

8 A. He's never, ever, ever -- in fact, is against that.

9 So I'm going to call him Mr. Stata, not to be
10 argumentative, but because I know him. 02:13:10

11 Q. He has a PhD from MIT?

12 A. Yes, and he doesn't believe that people with PhDs should
13 call themselves doctor.

14 Q. I didn't mean any disrespect. I was trying to be
15 respectful because he earned a PhD. I understand your point. 02:13:26
16 I apologize if sometime today I call him Dr. Stata
17 inadvertently or -- you'll forgive me?

18 A. I do. It -- but, just for the record, he doesn't refer to
19 himself as that.

20 Q. Okay. Well, Mr. Stata also taught camp- -- at one of the 02:13:38
21 campuses of the University of California; correct?

22 A. Santa Cruz, I believe, yes, for a brief period of time.
23 Not very long. But he was -- had some capacity. He wasn't,
24 like, full professorship or anything. I don't remember the
25 exact details, but he did teach classes there for a brief 02:13:56

1 period of time.

2 Q. Yeah. And I have some materials. It sounds like he's been
3 extraordinarily successful with a number of business ventures.

4 Would you agree with that?

5 A. No. I think that's your opinion. And I don't really care
6 to get into his business success or failures. Is that -- are
7 you -- I'm not sure, but that's tangential.

02:14:05

8 I am his ex-wife. And despite the fact that I am no
9 longer married to him, I will forever in my life have
10 allegiance -- an allegiance to him. And I don't care to
11 discuss, unless Your Honor orders me to, his business successes
12 or failures that I have confidential information about, because
13 I was married to the man. I just don't think that's
14 appropriate.

02:14:23

15 Q. Well, let me go ahead and just try. And if you find that
16 I'm doing something inappropriate, I'm sure Ms. Allard will
17 object, and the judge will tell me what I need to do. Fair?

02:14:37

18 A. The judge will tell us all what we need to do.

19 Q. Okay. Did -- did your ex-husband start a company that he
20 eventually sold to Yahoo?

02:14:53

21 A. Yes, he did.

22 Q. And thereafter, after he sold his company to Yahoo, he
23 became Yahoo's Chief Technology Officer?

24 A. No. That's not how it happened.

25 Q. Did he ever work for Yahoo?

02:15:04

1 A. No. You just don't have the chain of events correct.

2 Q. Okay.

3 A. He didn't go -- I'm not supposed to do a narrative, Your
4 Honor, on --

5 THE COURT: No. I'll allow you to explain that. 02:15:17

6 THE WITNESS: Because otherwise it's going to get kind
7 of painful, because he doesn't actually know the facts.

8 THE COURT: No. Just go ahead.

9 THE WITNESS: Oh, okay.

10 THE COURT: If you want to lay the foundation for if 02:15:26
11 he went to Yahoo, go ahead.

12 THE WITNESS: Okay. Let's just get to the chase.

13 Okay. Yes, my ex-husband owned a company called -- I
14 believe it was Stata Labs, and he did sell it to Yahoo. And he
15 had a firm belief at that time that he was -- did not have a 02:15:39
16 sufficient experience to go in at a high -- at the C -- what
17 they call the C-suite, you know, like chief anything, and so he
18 went in at a much lower position. And, I'm sorry. I don't
19 remember exactly what the title was, but he went in at a
20 different lower position and over time worked his way up to 02:15:59
21 Chief Technology Officer. And I believe that was his title
22 when he left.

23 So what you said, that he sold it and he went in as
24 Chief Technology Officer was not accurate. He sold it and went
25 in at a different level and worked his way up to Chief 02:16:14

1 Technology Officer.

2 BY MR. GRASSO:

3 Q. My apologies. I guess I just missed the middle piece;
4 right?

5 A. No. When you try to find out about a human being from the
6 web, there's a few little salient details that you might miss
7 that his wife has.

8 Q. So he also --

9 THE COURT: Ex-wife.

10 THE WITNESS: Excuse me?

11 THE COURT: Ex-wife.

12 THE WITNESS: No. At the time I was his wife --

13 THE COURT: Oh.

14 THE WITNESS: -- so I was at -- when all that
15 happened, I was his wife. I had two children with him. I was
16 right there by his side.

17 MR. GRASSO: Thank you.

18 BY MR. GRASSO:

19 Q. So after that he was -- he started and was involved with
20 other companies; correct?

21 And I think he's currently involved with Airbnb;
22 correct?

23 A. Okay. I don't know anything about his -- I know that he is
24 involved with Airbnb. And that happened after the divorce.

25 And I don't have any details about even what he does there

1 because there's not even information really on the web about
2 that. It's kind of vague and says something about fellows
3 and -- honestly, now I am divorced from him, and that is not my
4 concern. I don't have any concern in that. I don't have an
5 obligation to be involved in his -- what he's doing in his job. 02:17:22

6 Q. Can we agree that you and -- and Mr. Stata are both very
7 well educated and sophisticated when it comes to business
8 transactions?

9 A. No, I don't agree to that. You -- I don't agree that
10 Mr. Stata is sophisticated. And based on the number of 02:17:40
11 lawsuits he got us involved in, including this one, I think
12 sophisticated is the last adjective. And I've never in my
13 entire life since I met him in 1989 heard anybody that actually
14 knows him refer to my ex-husband as sophisticated.

15 And, Mr. Grasso, you've never met him. So the fact is 02:17:58
16 he -- I married a nerdy computer boy. Just happened to be a
17 kind of gorgeous Greek, too. But that's who I married. I
18 married a computer nerd. He's not sophisticated, otherwise we
19 wouldn't be here.

20 Q. Okay. I wasn't asking anything about Greek heritage or the 02:18:14
21 gorgeous piece.

22 Let me try again because I think it was compound, so
23 let me just ask it one at a time.

24 Do you think you are very well educated?

25 A. I -- compared to what? 02:18:28

1 Q. Would you -- would you say --

2 A. Yes.

3 Q. -- you have a lot of education?

4 A. Yes.

5 Q. Okay. Would you agree that you are fairly sophisticated
6 when it comes to business transactions?

02:18:36

7 A. Not necessarily, no.

8 Q. Okay. So -- and then with Dr. Stata, would you say he's
9 very well educated?

10 A. I would say he is very well educated in the field of
11 computer science, which he has a bachelor's, master's, and PhD.
12 So he doesn't even have a diversity of education in terms of
13 the topic. For instance, I have a bachelor's and an MBA in
14 business and a JD in law. His are all in the same thing.

02:18:49

15 So what I would say is, according to his colleagues,
16 because I'm not in a position to know -- I am not a computer
17 scientist. But according to his colleagues, he has some talent
18 and skill in the area of computer science. That doesn't mean
19 he has talent or skill in anything else.

02:19:10

20 So let's not go off on fanciful interpretations of my
21 ex-husband. He is very well educated -- extremely well
22 educated in the field of computer science.

02:19:27

23 Q. And -- but you did tell us -- and if I understood --
24 misunderstood, tell me. He started a company that he sold to
25 Yahoo.

02:19:45

1 You agreed with that part?

2 A. Yes, because it had a particular kind of technology that,
3 frankly, I helped him devise -- design by telling him what
4 functionality would be good. They wanted, I think, two pieces
5 of his technology, and, in particular, the search function.

02:19:59

6 That doesn't make him particularly well sophisticated.
7 It makes him really good at computer programming.

8 Q. Okay. During direct testimony yesterday at 9:58 a.m.
9 you -- you said -- this is your quote. Hold on. Here we go.

10 "Some people are gullible, but I'm not."

02:20:23

11 A. Yes.

12 Q. Right. You don't consider yourself gullible?

13 A. No, because I grew up very differently than Mr. Stata.

14 Q. Oh, okay. Let's go to -- because we're going to try to set
15 the time frame.

02:20:36

16 So your relationship with Mr. Stata, you guys married
17 in 1997; is that correct? According to your complaint?

18 A. No, according to reality. Yes. We married on July 4th,
19 1997.

20 Q. I just meant that's where I got the information, because I
21 wasn't there.

02:20:48

22 A. Exactly.

23 Q. Okay.

24 A. Yes.

25 Q. So -- so your complaint says you guys separated in 2013,

02:20:54

1 your divorce was finalized in 2017; is that correct?

2 A. Wait. No. We -- 1990 -- I'm sorry.

3 Q. Do you want to look at your complaint?

4 A. No.

5 Q. It's paragraph 6.

02:21:08

6 A. Whatever the complaint says is good. We got married in
7 1997 on July 4th. Celebrate our union, double entendre. We
8 got separated in the beginning of 2013, and the divorce was
9 finalized in December 30th, 2017.

10 MR. GRASSO: Your Honor, I'd ask permission to publish 02:21:29
11 Exhibit 28, page 4 of 15.

12 THE COURT: It's been received. You may.

13 BY MR. GRASSO:

14 Q. We talked a little bit about this is part of the documents
15 that dealt with your -- the resolution of your marriage. Fair? 02:21:58

16 A. That the Stipulated Judgment of the Stipulated Judgment on
17 Reserved Issues that happened, I think, of May of 2000 --
18 June -- okay. It was filed, but it was signed.

19 Yeah, so the first one that I said -- you said when
20 did -- was my marriage terminated? It was terminated part of 02:22:18
21 the 12/30/2017 judgment, and this is the remaining portion,
22 which was filed about five, six months -- five months later on
23 reserved issues that concerns Rearden. Yes.

24 Q. Okay. Yeah. I just wanted to draw your attention to a few
25 of the provisions. So we've talked a little bit today, but I 02:22:38

1 just want to make sure this is clear.

2 So you were awarded sole legal custody of Rearden
3 except in certain specific areas; correct?

4 A. That's correct.

5 Q. One of the areas was the major medical physical decisions;
6 correct?

02:22:49

7 A. Yes.

8 Q. The other was major medical psychological decisions;
9 correct?

10 A. Yes.

02:23:02

11 Q. Okay. And then the third was if Rearden's at school and
12 there's a change of school decision, then you guys have joint
13 legal custody; correct?

14 A. No. What it says -- that's what the heading is, but the
15 description says, "In the selection and retention of any and
16 all schools."

02:23:15

17 And that means in actually selecting a new school for
18 her, he's involved. And being as I was there during the hours
19 and hours of negotiation, that is what I believe, and that is
20 my understanding.

02:23:31

21 Q. Okay. But the document does say, and I believe Mr. Stata's
22 lawyers had argued, that if you're going to take her out of one
23 school and presumably put her back into another school, they
24 consider that a change of school.

25 That's what the words say; correct?

02:23:47

1 A. Yes, and that's exactly what --

2 Q. Thank you.

3 A. -- I did.

4 Q. Thank you.

5 So he would have a joint decision on that; right?

02:23:52

6 A. He would have a joint decision on picking a new school.

7 Q. Right. And you guys had -- or you and your ex-husband have
8 two daughters, Roark and Rearden; correct?

9 A. Correct.

10 Q. Roark is your older daughter and Rearden's big sister;
11 correct?

02:24:03

12 A. Correct.

13 Q. Roark is currently at Vanderbilt University and, I
14 understand from you, doing well?

15 A. No. She -- that -- this complaint was dated in 1991 [sic].
16 They are not holding her hostage indefinitely. She graduated
17 in 2020 -- 2022 with her bachelor's.

02:24:12

18 Q. From Vanderbilt?

19 A. From -- well, because that's how it goes. It's usually a
20 four-year program.

02:24:30

21 Q. Right. Were you saying she wasn't doing well?

22 A. Oh, no. She was doing fantastic. She had a double major
23 in poly sci and econ and a minor in Mandarin Chinese. I think
24 she's doing -- she did excellent. Yeah, I got to brag on my
25 child.

02:24:44

1 Q. Okay. Let's turn to Rearden and her time of enrollment at
2 Spring Ridge Academy.

3 You and Mr. Stata hired an educational consultant to
4 assist with your daughter, these educational decisions,
5 according to your complaint; correct?

02:24:58

6 A. No. That was -- educational consultant wasn't hired until
7 Rearden was about to get out of Outback, and she -- we were
8 being advised by the Outback program that we needed to come up
9 with another step and that she wasn't ready to come home, at
10 which point that was when an educational consultant was hired.
11 She -- the educational consultant was never hired before that
12 time frame.

02:25:15

13 Q. Okay. Before she started at Spring Ridge Academy, you
14 folks hired an educational consultant; correct?

15 A. Correct.

02:25:30

16 Q. Okay. And then the next thing in the sequence -- I'm just
17 going through the chronologies. Before Spring Ridge Academy,
18 from September 12, 2019, through December 12, 2019, Rearden was
19 at Outback Therapeutic Expeditions; is that correct?

20 A. That's correct. What they refer to as the Wilderness
21 program.

02:25:50

22 Q. It's a Wilderness program located in Utah; correct?

23 A. Yeah. Yes.

24 Q. Your educational consultant, according to your complaint,
25 recommended several therapeutic boarding schools, and Spring

02:26:01

1 Ridge was one of the ones that was recommended to you and your
2 ex-husband; correct?

3 A. Yes.

4 Q. There's a lot of emails in this case. We're going to touch
5 on some of them. But it appears that the first contact that
6 you folks had with Spring Ridge, I think the dates are
7 significant, was an email that Dr. Stata sent on November 19,
8 2019.

02:26:13

9 Does that sound right?

10 A. I am not going to confirm emails that I don't have in front
11 of me because there's a kazillion emails involved in this
12 situation.

02:26:25

13 MR. GRASSO: Permission -- I apologize. Permission to
14 publish Exhibit 14, page 2.

15 THE COURT: You may.

02:26:38

16 BY MR. GRASSO:

17 Q. I'll give you a chance to look at it and then see if you
18 can confirm what I said.

19 A. Yes. I think we've gone over this before. My ex-husband,
20 with -- with my knowledge, reached out to Kate Deily and cc'ed
21 me -- we've covered this protocol -- about interest in their
22 program.

02:26:51

23 Q. Okay. And then a couple days later, there's an email dated
24 November 21, 2019.

25 Would you like to see that?

02:27:11

1 A. I want to see every email that you refer --

2 Q. All right.

3 A. -- to.

4 MR. GRASSO: Request to publish Exhibit 5, page 1,
5 please.

02:27:19

6 THE COURT: You may.

7 BY MR. GRASSO:

8 Q. All right. So I've got that one up, so let's -- let's talk
9 about this one a little bit.

10 So this is a couple of days later. It is from Kate to
11 you with a copy to Mr. Stata; correct?

02:27:26

12 A. Yes.

13 Q. She says, "I'm glad we were able to connect this morning."

14 And it starts talking about making arrangements for
15 this tour; correct?

02:27:43

16 A. Yes.

17 Q. In her email she says she's attaching some helpful pieces
18 of information about Spring Ridge Academy, and then it goes
19 through and has a bit of a discussion about the programs or a
20 summary; correct?

02:27:56

21 A. Yes.

22 Q. During your direct testimony, you told the jury that you,
23 quote, reviewed every word; correct?

24 A. Yes. Several times. I would read the whole email, make

25 sure I kind of got a feel for it. Because all of this lingo is

02:28:09

1 kind of new to me. I didn't know this was an industry. I --

2 clinically sophisticated therapy --

3 Q. Ma'am, I just asked --

4 A. Yes.

5 Q. -- if you read --

02:28:22

6 A. I read it several times and all the attachments.

7 Q. Perfect. We're going to get to that.

8 Okay. So before we get to the attachments, you can

9 see where they're talking about the components of the program.

10 Do you see where I'm looking?

02:28:33

11 A. Yes.

12 Q. One component talks about the clinically sophisticated

13 therapy; correct?

14 A. Yes.

15 Q. And then there's two bullets, two components that talk

02:28:39

16 about experiential education student workshops and experiential

17 education parent workshops; correct?

18 A. Yes.

19 Q. Did you know what an experiential workshop was when you

20 read this email several times?

02:28:56

21 A. In hindsight, I had no idea.

22 Q. Yeah. Did you Google the term and see the numerous sites

23 that discuss what they are or how they involve participants

24 engaging in the type of activities we've been discussing during

25 the trial?

02:29:13

1 A. That is not true. There is nowhere where they say that
2 people have to lay in a shallow grave or be blindfolded in a
3 minivan and driven to the desert and have a slit cut in their
4 bag and walk alone in the desert for 30 minutes to an hour
5 while sand falls out of their bag.

02:29:28

6 I defy you to find at that time, and you can use
7 Internet archives, Way Back Machine, and show me an article
8 that existed at that time explaining that to parents.

9 Q. Did -- did you do any sort of a Google research of the term
10 experiential education workshops?

02:29:45

11 Yes or no?

12 A. I think I -- I think I did something, and it was very, very
13 vague in hindsight.

14 Q. Okay. So -- so you --

15 A. It sounded innocuous. So, okay, workshops. We've all been
16 to workshops. Not the ones we've heard described here in
17 court, but we've all been to workshops. You're going to
18 experience something. I didn't think we were going to
19 experience what -- children massaging their parents and being
20 referred to as giving service. No. That does not exist
21 anywhere on the web.

02:29:55

02:30:11

22 So there were workshops, and people have all gone to
23 workshops. And the month before I'd gone to a workshop at the
24 Outback program, and it was a bunch of adults sitting in a
25 chair with the leader discussing a book.

02:30:27

1 THE COURT: Mr. Gross -- I'm sorry. Mr. Grasso, if
2 you feel a witness is not being responsive, just make an
3 objection loudly into the microphone.

4 MR. GRASSO: Thank you, Your Honor.

5 BY MR. GRASSO:

02:30:43

6 Q. You Googled the term, correct, before?

7 A. I believe that I did, and it was just vague and sounded
8 innocuous. Oh, you're going to have some kind of experience.

9 Q. Okay. But you Googled it in conjunction with this time
10 frame, November 21, 2013 -- or 2019, which is about three weeks
11 before -- before you signed the enrollment agreement; is that
12 correct?

02:30:55

13 MS. ALLARD: Objection. Asked and answered.

14 THE COURT: I'm sorry?

15 MS. ALLARD: Asked and answered.

02:31:04

16 THE COURT: I can't hear you.

17 MS. ALLARD: I'm sorry, Your Honor. Asked and
18 answered.

19 THE COURT: Overruled.

20 Please continue.

02:31:09

21 THE WITNESS: Yes. I don't know what time frame. I
22 read this. I explored, to the best of my ability, the meaning.
23 I had no reason to go on a fishing expedition.

24 MR. GRASSO: Okay. Let -- Exhibit 5, page 3, please.

25 BY MR. GRASSO:

1 Q. This is the exhibits that I think that you were referring
2 to before.

3 These are the exhibits that were attached to the
4 November 21 email; correct?

5 A. I don't know what you're talking about, "the exhibits you
6 were referring to before."

02:31:40

7 Those are the attachments to that email that I
8 reviewed.

9 Q. My -- my apologies.

10 These are the attachments to the email; is that
11 correct?

02:31:49

12 A. Yes. Those icons are exactly as I printed out from the
13 email.

14 Q. Okay. And there are seven -- setting aside there's one
15 about just insurance billing information, there's seven others;
16 correct?

02:31:59

17 A. Well, eight minus one is seven. Yes.

18 Q. Thank you.

19 So these -- these attachments have all been marked as
20 exhibits in this case, so we can go through them. I just want
21 to -- and some of them we've talked about.

02:32:16

22 So just for kind of efficiency purposes, do you
23 remember the one there was an academic profile?

24 A. Yes, I remember reading an academic profile.

25 Q. Then there was a full copy of the Parent Manual; correct?

02:32:29

1 A. Yes.

2 Q. About 42 pages; correct?

3 A. I don't know.

4 Q. There was a reference list, a couple pages, couple hundred
5 parents or something on it?

02:32:40

6 A. I don't think there were a couple hundred --

7 Q. Maybe a hundred?

8 A. -- parents.

9 Q. How about that?

10 A. I don't think there are a hundred.

02:32:45

11 Why don't -- why are we guessing? Let's pull up the
12 parent reference list if it's important, and let's just get the
13 data.

14 Q. I'll promise we'll do it in a minute.

15 And there was a brochure?

02:32:55

16 A. Oh, the one entitled SRA Brochure? Yes, there was.

17 Q. Okay. And there was a couple of schedules. There was a
18 weekend schedule. I think we've looked at that.

19 A. Yeah, but --

20 Q. And they --

02:33:05

21 A. I'm sorry. Excuse me.

22 Yes, we had a weekend schedule and a weekday schedule.

23 Q. And then there was a document that was a quick information
24 on therapy at Spring Ridge; correct?

25 A. Yes, there was a Word document that was Therapy at Spring

02:33:16

1 Ridge Quick Info.

2 Q. Okay. And I take it, from your prior testimony and what
3 we've heard before, that you reviewed every word of all of
4 these documents as well; correct?

5 A. Yes.

02:33:30

6 Q. I think you indicated before, but please correct me if I'm
7 wrong, that you reviewed them several times?

8 A. I did.

9 Q. Okay. And would you have completed that review in that
10 time frame, so around the November 19 -- or 21 time frame?

02:33:40

11 Were you reading them over the course of days?

12 A. Yes. And since then, I've read them way many more times
13 than that. But during that time frame, probably at least two
14 times, maybe three to four times for the ones that are more
15 important, like the Parent Manual.

02:34:04

16 Q. Right. When -- when you testified on Wednesday at
17 approximately 3:19 in the afternoon, one of the things you said
18 is that, quote, "I'm a questioner of everything."

19 A. I am.

20 Q. And you had all of this printable material and the
21 information for about a little over three weeks before you
22 enrolled your daughter. Fair?

02:34:20

23 A. No. I don't think that's fair. I wasn't sitting there
24 reading this for three weeks. I read this. Then I started the
25 process, which was very time consuming, as you know from the

02:34:37

1 evidence.

2 Q. I beg your pardon. Maybe I misspoke.

3 So you would have had all this printed material
4 three weeks before you signed the enrollment agreement?

5 A. Well, let's see. Closer to four, but at least three, yes.

02:34:50

6 So it looks like I got it on November 19th, and she
7 was enrolled on December 13th.

8 Q. Okay. Great. We're -- I think we're in agreement.

9 So as a person who is, to use your words, a questioner
10 of every -- everything, did you ever ask to meet with anyone at
11 Spring Ridge to provide you with more information about those
12 workshops that you weren't familiar with?

02:35:10

13 A. No.

14 Q. Thank you.

15 Did you talk to the educational consultant that you
16 and your husband hired about the workshops or any of the
17 information that you read during the November 21 time frame, in
18 that three to four weeks before enrollment?

02:35:23

19 A. I didn't because in meeting with her, it was clear she
20 didn't have that level of detail of knowledge.

02:35:43

21 Q. My only question was, did you take this material and go
22 meet or talk with your educational consultant about the
23 material?

24 A. No.

25 Q. Thank you.

02:35:53

1 Did you talk to any of the numerous therapists or
2 other experts you and Mr. Stata were working with in California
3 about any of this?

4 A. Yes.

5 Q. Okay. Who -- you talked to somebody specifically about
6 this material from Spring Ridge, one of your therapists or
7 other people you confided in in California?

8 A. Okay. That's a -- like a super compound question.

9 As I have testified, I had my own therapist,
10 Dr. Martha Cravens. And Rearden had a therapist, Dr. Sarah
11 Villarreal. And because that is part of the Marital Settlement
12 Agreement, my therapist knew -- knew about us considering
13 these, as did Rearden's therapist.

14 Did I give them these documents? I don't think so.
15 I'm -- they charge, like, \$350 an hour. I'm not going to have
16 them read this because they aren't in this field. And I --
17 they're actual psychologists that are actually licensed and
18 actually follow the law. So I don't think any -- they would
19 have had any insight into what -- any more than we would about
20 what this would mean.

21 But I did talk to both of them about Rearden's
22 enrollment, and they continued to be involved throughout her
23 role -- enrollment --

24 Q. Okay.

25 A. -- at Outback.

1 Q. But to the extent you didn't understand something about
2 experiential workshops, I just want to be clear, you didn't go
3 at that point ask anyone from Spring Ridge any additional
4 questions; correct?

5 A. No. That's not what my testimony is. I didn't think I 02:37:28
6 needed to because I didn't know what I didn't know. I didn't
7 know what these experiential workshops, horrific things, were.
8 So I just thought we were going to have some workshop
9 experiences.

10 Q. Ma'am? 02:37:46

11 A. I was, like, 60 years old.

12 Q. Ma'am?

13 A. No. You're misstating the testimony, Mr. Grasso. I didn't
14 know I had a question about experiential because I didn't know
15 the things that we've heard here today existed. 02:37:55

16 MR. GRASSO: Move to strike as nonresponsive.

17 THE COURT: The objection is sustained.

18 Please disregard the last response from the witness.

19 BY MR. GRASSO:

20 Q. Ma'am, I just want to try to take it with baby steps. I 02:38:06
21 know you're passionate about this and you have a lot to say,
22 but just listen to my questions. Sometimes they could be
23 answered with a yes or no, okay, because that's what I'm trying
24 to do.

25 So, first, after you got this material on November 21, 02:38:17

1 and you've read it, and you talked to us about all the time
2 you've read both the email and the attachments, you did not
3 during -- prior to being at Spring Ridge ask to meet with
4 anyone at Spring Ridge about these experiential workshops, yes
5 or no; correct?

02:38:40

6 A. No.

7 Q. Okay.

8 A. No.

9 Q. Perfect.

10 And you did not take the information in the email and
11 the attachments and hand it to your educational consultant and
12 say, can you explain this to me?

02:38:42

13 You didn't do that; correct?

14 A. No.

15 Q. Great.

02:38:53

16 And then you didn't -- you said you had therapists and
17 they're expensive. I'm not being judgmental. But you didn't
18 give them the material and ask them what their opinion was
19 about this program at that point; correct?

20 A. Correct.

02:39:05

21 Q. Thank you.

22 And you'll agree there was no reason you couldn't have
23 done those things; right?

24 A. Except that I didn't know to do them.

25 Q. Okay. You did tell us several times about your feelings

02:39:14

1 concerning trust; right?

2 You're not somebody who just follows the crowd; right?

3 A. No, I'm not.

4 Q. Right. And -- and so -- and you also had mentioned in your
5 direct testimony that you were having concerns about things
6 that you were reading; correct?

02:39:29

7 MS. ALLARD: Objection. Vague.

8 THE WITNESS: What? That's a vague question, Your
9 Honor.

10 BY MR. GRASSO:

02:39:39

11 Q. Were you having any concerns --

12 THE COURT: The objection is sustained.

13 Please rephrase.

14 BY MR. GRASSO:

15 Q. Were you having any concerns at this point once you read
16 this material?

02:39:44

17 MS. ALLARD: Objection. Vague, "this material."

18 BY MR. GRASSO:

19 Q. The --

20 THE COURT: Sustained.

02:39:53

21 Please rephrase the question.

22 MR. GRASSO: Sure.

23 BY MR. GRASSO:

24 Q. The email that you got from Ms. Deily and the attachments
25 to it, after you reviewed those, did you have any questions

02:40:00

1 about any of the components?

2 A. That is no more -- less -- that's no less vague than all
3 the other versions of that question.

4 Did this raise any red flags immediately? If it
5 would, it would have been in this email chain.

02:40:19

6 Q. Okay.

7 MR. GRASSO: Let's go -- Exhibit 5. Go back to
8 page 2, please.

9 THE COURT: You may publish.

10 MR. GRASSO: Thank you, Your Honor.

02:40:31

11 THE COURT: You're welcome.

12 BY MR. GRASSO:

13 Q. At the top Ms. Deily ends her email. It says, "Please do
14 not hesitate to reach out with any questions or needs";
15 correct?

02:40:40

16 A. Yes.

17 Q. All right. So -- so regardless of -- of what you had done,
18 this is about three weeks before -- three or four weeks before
19 your daughter's enrollment.

20 So at that point in time, and we can look at some of
21 the material, you understood that you were sending your
22 daughter to a therapeutic boarding school; correct?

02:40:52

23 A. No. I was sending my daughter to -- we. Excuse me. We
24 were sending our daughter to a college prep boarding school
25 with a family therapy component.

02:41:11

1 MR. GRASSO: Permission to publish Exhibit 11, page 1,
2 please.

3 THE COURT: You may.

4 BY MR. GRASSO:

5 Q. Okay. So this is the brochure you said that you read
6 several times?

02:41:21

7 A. Yes. And it says exactly that.

8 Q. It says exactly what?

9 A. Well, I'm paraphrasing. Clinically based boarding school
10 connecting college preparatory curricula with sophisticated
11 therapeutic programming.

02:41:33

12 Q. Right. And --

13 A. College prep boarding school with a family therapy
14 component. That's what I'm taking from that.

15 Q. On the right-hand side of the page, my question was, did
16 you understand you were sending your daughter to a therapeutic
17 boarding school?

02:41:44

18 A. Okay. That's the shorthand version, yes, on the side above
19 there.

20 Q. Okay. And you also said that you looked at the academic
21 profile; is that correct?

02:41:54

22 A. Yes, I did. Whatever those documents were, I read them.

23 MR. GRASSO: Permission to publish Exhibit 6, page 1.

24 THE COURT: You may.

25 ///

1 BY MR. GRASSO:

2 Q. Okay. So this is the -- the academic profile that you
3 received; correct?

4 We can scroll it in and out. I'm trying to use this
5 because I think it's easier than the Elmo? 02:42:23

6 Does this -- does this look correct?

7 Do you want to see page 2?

8 A. No. That looks correct.

9 Q. Okay. And so it -- under the section for -- let's briefly
10 talk about Accreditation and Membership. 02:42:33

11 Do you see that?

12 A. Yes.

13 Q. And it talks about how it's accredited by AdvancED, an
14 accreditation agency for educational institutions?

15 A. Yes. 02:42:47

16 Q. There was some testimony about whether or not there was --
17 whether Spring Ridge was a member of NATSAP. And I think you
18 can see that that's correct, and it's in this brochure;
19 correct?

20 A. But that's not what it says on the website. It's under the 02:42:58
21 logo -- it was under the logo of accreditation, the NATSAP
22 seal.

23 Q. Okay.

24 A. And I didn't know at the time how to process and where to
25 put the difference between accreditation and a trade 02:43:08

1 organization for which Spring Ridge Academy was one of the six
2 founding members.

3 Q. Okay. Well, just -- this is a document you read; correct?

4 A. I did. And it --

5 Q. And --

02:43:22

6 A. And it says --

7 Q. What --

8 A. -- different things than the website said --

9 Q. Okay.

10 A. -- with its seal.

02:43:26

11 MR. GRASSO: Move to strike as nonresponsive.

12 THE COURT: It's overruled.

13 BY MR. GRASSO:

14 Q. Ma'am, it specifically says that the school is accredited
15 by AdvancED; is that correct?

02:43:34

16 A. It does, yes.

17 Q. And -- and then it says it -- that "as a member of NATSAP";
18 correct?

19 A. Yes.

20 Q. The document does not say that the -- the school is
21 accredited by NATSAP; correct?

02:43:41

22 A. This document doesn't say that --

23 Q. That's --

24 A. -- correct.

25 Q. -- all I'm asking about, is this document.

02:43:51

1 Is that correct?

2 A. Correct.

3 Q. Okay. This is what's in evidence, so let's go with this.

4 So from the documents -- the other documents, did
5 you -- and I'm going to go through them, and I'll pull them up
6 as needed. I'm just trying to hopefully save some time.

02:44:00

7 From the documents you knew that Spring Ridge used a
8 multifaceted and integrated approach that included a team
9 approach?

10 A. Wait, wait. I'm sorry. Where are you reading from so I
11 can follow along?

02:44:13

12 MR. GRASSO: You can take this one down.

13 BY MR. GRASSO:

14 Q. I'm not reading from that one.

15 A. Oh, I assumed you were.

02:44:23

16 Q. So -- so from the documents, did you understand that this
17 was a multifaceted and integrated approach used by Spring
18 Ridge?

19 A. I understood that that's what they represented themselves to
20 be --

02:44:36

21 Q. Okay.

22 A. -- yes.

23 Q. And it -- and their statement was it included a team
24 approach to establish an environment of change, success, and
25 excellence for the students; correct?

02:44:44

1 A. Okay. I don't know if you're reading that correctly. So
2 if you want me to -- if you want me to just agree with you, I'm
3 not going to do that. So if you want me to confirm that that's
4 what the document says, you're going to have to show me the
5 document.

02:44:57

6 MR. GRASSO: Permission to publish Exhibit 7, page 3.

7 THE COURT: You may.

8 Ladies and gentlemen, it appears that we're having
9 some technical difficulties here. Court will be in recess
10 until 3:15. Please don't talk to anyone.

02:45:36

11 All rise for the jury. Court's in recess until 3:15.

12 (Jury not present at 2:46 p.m.)

13 THE COURT: Court's in recess.

14 (Recess from 2:46 p.m. to 3:15 p.m.)

15 (Jury present at 3:15 p.m.)

03:15:06

16 THE COURT: Court will come to order.

17 Please continue.

18 MR. GRASSO: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 BY MR. GRASSO:

03:17:39

21 Q. To re-orient us, we're -- we're talking about the material
22 you received by November 21, three weeks before your daughter's
23 enrollment, and we're taking a look at the Parent Manual,
24 Exhibit 7, page 3.

25 And I believe we were covering at the top under

03:17:53

1 Philosophy it talks about their use of a multifaceted and
2 integrated approach; correct?

3 A. Yes.

4 Q. Under the section Vision, there's some additional details
5 about the six integrated areas; correct?

03:18:10

6 A. That's what it alleges, yes.

7 Q. The document talks about emotional, academic, physical,
8 community, family, and spiritual; correct?

9 A. Yes.

10 Q. Underneath Vision, there's separate sections that deal
11 with, one, a therapeutic approach; correct?

03:18:22

12 A. Yes.

13 Q. There's also a section --

14 A. No.

15 Q. -- that talks --

03:18:33

16 A. I beg your pardon. A therapeutic program that includes --
17 which includes, but is not limited to. It didn't say
18 "program."

19 I mean, you said something different than program, I
20 think.

03:18:45

21 Q. Okay.

22 A. Okay.

23 Q. You understood that one component was a therapeutic
24 program; correct?

25 A. Yes.

03:18:51

1 Q. You also understood that there was going to be an academic
2 program; correct?

3 A. Yes.

4 Q. You also understood from this document that there was a,
5 quote, "series of dynamic workshops for students, parents,
6 faculty, staff, and community"; correct?

03:19:01

7 A. Yes.

8 MR. GRASSO: We're going to go to page 7 of the same
9 document.

10 BY MR. GRASSO:

03:19:19

11 Q. You recall that we've talked earlier about there's a
12 separate section for the workshops; correct?

13 A. Yes.

14 Q. And under the Teen Challenge, it talked -- it talks about
15 it being a dynamic three-day seminar designed to challenge the
16 student's self-limiting beliefs, attitudes, and behaviors;
17 correct?

03:19:34

18 A. Yes.

19 Q. It -- it confirms or states that the seminar introduces the
20 student to accountability and responsibility for life choices;
21 correct?

03:19:49

22 A. Yes, as we normally in the English language understand
23 those words. We have come to understand in this trial that SRA
24 has its own lingo with its own definitions of words that we all
25 thought we knew the definition of.

03:20:07

1 Q. Did I read the document correctly?

2 A. You did.

3 Q. Thank you.

4 Under Action workshop, it talks about a
5 three-and-one-half-day seminar designed to create the
6 opportunity for the student to change nonworking patterns of
7 behavior into working patterns and to experience a connection
8 with and love for self.

03:20:16

9 Did I read it correctly?

10 A. Yes.

03:20:29

11 Q. There also is a discussion about Commitment Training, and
12 it says it's a two- -- or two-week workshop focusing on a
13 commitment to change, success, and excellence through a variety
14 of challenging experiences; correct?

15 A. No. I would not call one sentence a discussion. I would
16 say that you read it correctly, but that's hardly a discussion.

03:20:44

17 Q. That's fine.

18 MR. GRASSO: Page 8, please.

19 BY MR. GRASSO:

20 Q. It also talks about the Parent/Family Program, and there's
21 a section for Parent Challenge; correct?

03:20:59

22 A. Yes.

23 Q. Under Parent Challenge, it says it's a three-day seminar
24 designed to give parents an opportunity to better understand
25 themselves and their daughter. There's also an opportunity for

03:21:12

1 siblings and other family members 18 years and older to join
2 the family in the healing process; correct?

3 A. Yes.

4 Q. There's two other sections below, one for Family I and one
5 for Family II. And part of Family I is a three-day seminar
6 providing the opportunity for parents and teens to look at the
7 dynamics in the family prior to Spring Ridge Academy and to
8 begin to make plans for change; correct?

03:21:26

9 A. Yes.

10 Q. It says -- it has a specific note about family sculpting.
11 And I know you referenced Dr. -- Mr. Stata's interest in the
12 sculpting as a -- in your direct testimony, but it says,
13 "Family sculpting is a key component in this workshop";
14 correct?

03:21:44

15 A. That wasn't a correct reference. Yes, it -- family
16 sculpting. I never participated in family sculpting.

03:22:04

17 Q. Understood. Under Family II, it talks about a three-day
18 seminar to prepare parents and teens for the final steps
19 necessary for a successful integration into the family, working
20 together as a family, and dealing with issues in a controlled
21 environment are essential in preparing the student to go home;
22 correct?

03:22:20

23 A. That's what it says.

24 Q. Aside from these workshops, we talked before that there --
25 you understood there was a therapeutic component; correct?

03:22:34

1 A. No, not aside from these workshops. These workshops were
2 part of the therapy that was sold to us. So this is not aside.
3 This is part of it, as is indicated in the literature and many
4 correspondence.

5 Q. In -- in the Parent Manual, is there a separate section for 03:22:50
6 therapy and a separate section for workshops?

7 A. In this particular document?

8 Q. Yes.

9 A. It kind of appears that way, but --

10 Q. Thank you. 03:23:03

11 A. -- there's other documents that say it differently.

12 So I'm not going to parse out -- this might -- it's
13 not my job to find the editing inconsistencies with hindsight
14 and thousands of hours of research and hundreds of thousands of
15 dollars of money spent to figure it out. 03:23:17

16 Q. I was --

17 A. But, no, that's not obvious. It's not obvious that you're
18 making a distinction between these workshops and therapy in
19 this Parent Manual. That is not obvious.

20 That's my testimony. 03:23:29

21 Q. Let me try again.

22 Do you agree that this Parent Manual has a separate
23 section for therapy and a separate section for workshops?

24 A. No.

25 Q. Okay. 03:23:45

1 A. I don't agree that you trying to find some nitpicky reason
2 that I should have got that distinction when other documents
3 say differently.

4 MR. GRASSO: Move --

5 THE WITNESS: No.

03:23:55

6 MR. GRASSO: Move to strike as nonresponsive.

7 THE COURT: Sustained.

8 Please disregard everything after the word "no."

9 MR. GRASSO: Page 7 -- I'm sorry. Page 5 of 42,
10 please.

03:24:09

11 BY MR. GRASSO:

12 Q. With regard to therapy, you understood that there was a
13 therapeutic approach that -- that included a trauma-informed
14 lens.

15 It's at the top of the page. It's not highlighted.
16 In that second sentence.

03:24:24

17 A. Did I understand that? I've already --

18 Q. Did you --

19 A. -- testified --

20 Q. I'll ask you --

03:24:31

21 A. But I've already testified as to this. I pointed that out
22 as not a -- Kate Deily as not pertaining to our family.

23 Q. I just asked --

24 A. I wrote this, and I brought it to her attention.

25 That's what happened. That's my testimony.

03:24:44

1 Q. All I'm trying to establish is that the Parent Manual
2 discusses that the therapy is done through a trauma-informed
3 lens.

4 A. It -- that's what it says.

5 Q. Thank you.

03:24:55

6 A. And --

7 Q. Thank you.

8 A. I have a question about it.

9 Q. Okay. That's fine.

10 And then a couple -- the first -- the third paragraph
11 also uses the term trauma; correct?

03:24:59

12 A. Yes.

13 Q. Thank you.

14 I think you confirmed this, but you can see at the
15 bottom. Can we agree that the -- the manual's 42 pages?

03:25:12

16 A. Yes.

17 Q. Okay.

18 A. Assuming, yeah, that's all that's in there.

19 Q. All right.

20 A. It's 42 pages.

03:25:22

21 Q. All right. So this section at the top, there's a heading
22 for therapy; is that correct?

23 A. Yes.

24 Q. And then if we go to page 6, there's a separate heading for
25 academics; correct?

03:25:34

1 A. Yes.

2 Q. There's a separate section for community; correct?

3 A. Yes.

4 MR. GRASSO: Let's go to page 7, please.

5 BY MR. GRASSO:

03:25:44

6 Q. And then there's a separate section for Workshop Program;
7 correct?

8 A. Yes.

9 Q. Thank you.

10 A. And caseload treatment.

03:25:51

11 Q. And --

12 A. And all --

13 MR. GRASSO: Move to strike as nonresponsive.

14 THE COURT: That's overruled.

15 MR. GRASSO: Okay. Paragraph -- page 9.

03:26:00

16 BY MR. GRASSO:

17 Q. There's a -- a section --

18 A. Wait a minute. Go back to that.

19 So caseload treatment teams are not part of therapy
20 because they're listed separately. Then you -- that's

03:26:09

21 inconsistent with what you had just said, because it's under --

22 Q. There's no question.

23 A. -- a different section.

24 MR. GRASSO: Objection. There's no question.

25 THE COURT: That's sustained.

03:26:18

1 Please disregard everything the witness just said.

2 Please ask a question.

3 BY MR. GRASSO:

4 Q. On page 9 of Exhibit 7, there's a section about what you
5 may experience from your daughter; correct?

03:26:25

6 A. Yes.

7 Q. And -- and you -- I'm not going to go through all of these
8 sections, but you reviewed this section around the time you
9 were reviewing the other materials in late November of 2019;
10 correct?

03:26:40

11 A. Yes.

12 Q. The Parent Manual from pages 15 through 30 has a detailed
13 discussion of the four phases of the program.

14 My question is, are you familiar generally, since
15 you've read these, with its 15 pages of discussion of the four
16 phases of the program?

03:26:57

17 MS. ALLARD: Objection. Relevance.

18 If she -- what she's familiar with now has no
19 relevance in this case.

20 THE COURT: I have no idea what you said. I know
21 you're objecting, Ms. Allard.

03:27:08

22 MS. ALLARD: I'm sorry, Your Honor.

23 The question is -- is posed without a time reference.

24 Asking this witness what she's aware of after preparing for

25 litigation has no relevance. It should be what she knew at the

03:27:18

1 time.

2 THE COURT: I think he's asking a question about
3 Exhibit 7 on multiple pages, if she read it.

4 Ask the question again.

5 BY MR. GRASSO:

03:27:28

6 Q. When you reviewed the Parent Manual back in late November
7 of 2019, did you review pages 15 through about 30 which
8 discusses the separate four phases of the program?

9 A. Yes.

10 Q. You under- -- you understood from reviewing the Parent
11 Manual that phone calls during Phase 1 and Phase 2 would be
12 monitored; correct?

03:27:42

13 A. Yes.

14 Q. You learned from read -- reading the Parent Manual that one
15 of the therapy expectations was to, quote, set and respect
16 healthy boundaries with self and others; correct?

03:28:04

17 A. Wait. Is this page here?

18 I've -- I've asked you not to read things to me that
19 is not in front of myself/screen, because I'm not going to
20 just --

03:28:23

21 Q. But --

22 A. -- be read at.

23 Q. Let me just ask you this: Do you recall that first?

24 A. No.

25 Q. Okay.

03:28:28

1 MR. GRASSO: Let's go to page 20.

2 BY MR. GRASSO:

3 Q. Under Therapy Expectations, there's a statement that says,
4 "Begins to demonstrate ability to set and respect healthy
5 boundaries for self and others"; correct?

03:28:46

6 A. Yes.

7 Q. So would you agree that "and others" would also include
8 parents?

9 A. No.

10 Q. Is it reasonable --

03:28:58

11 A. I mean, if your parent is molesting you and you need to go
12 to the authorities, yes, but not as the testimony we hear now.
13 No, that was not my understanding.

14 Yes, children have places. They need to set
15 boundaries, like when Jeannie Courtney tells them to massage
16 their parents. But, no, it was very clear that it was
17 parents --

03:29:12

18 MR. GRASSO: Move --

19 THE WITNESS: What?

20 MR. GRASSO: -- to strike as nonresponsive.

03:29:20

21 THE COURT: The objection is sustained.

22 Please disregard the last response.

23 BY MR. GRASSO:

24 Q. Do you -- is it reasonable for an almost-adult-age person
25 to set boundaries with their parents?

03:29:32

1 A. That's way too vague.

2 Q. Do you think --

3 A. Give me an example, Mr. Grasso.

4 THE COURT: Whoa, whoa, whoa, whoa. Stop. Stop,
5 stop, stop, stop.

03:29:45

6 Ms. Sweidy, I know you're a lawyer. I know you know
7 the Rules of Evidence.

8 During the course of a cross-examination, as you're
9 well aware, counsel will ask a question. If you don't
10 understand the question, you simply say, "I don't understand."

03:29:56

11 You don't tell --

12 THE WITNESS: Okay.

13 THE COURT: -- him how to ask the question.

14 THE WITNESS: Yes, Your Honor.

15 THE COURT: Go ahead.

03:30:06

16 BY MR. GRASSO:

17 Q. Do you believe it's reasonable for a person who's over 17,
18 almost 18 years old, to set boundaries with their parents?

19 MS. ALLARD: Objection. Relevance.

20 THE COURT: How is it relevant?

03:30:19

21 MR. GRASSO: It's part of the understanding in this
22 manual. And they're challenging in this case whether or not
23 the program appropriately allowed students to set boundaries
24 with their parents.

25 THE COURT: Just one minute.

03:30:33

1 That's overruled.

2 Ask the question again.

3 MS. ALLARD: May I be heard?

4 MR. GRASSO: May I have the court reporter read it
5 back?

03:30:51

6 THE COURT: Go ahead, Ms. Allard, for the record. Go
7 ahead.

8 MS. ALLARD: Your Honor, the question is about setting
9 boundaries for self and others. That's what we're looking at
10 in this manual.

03:30:58

11 So I don't understand the foundation for the question.
12 And the only reference in this manual is that the parents would
13 have the ability to set boundaries.

14 THE COURT: That's overruled.

15 Continue.

03:31:09

16 MR. GRASSO: Can I have the court reporter read that
17 question back?

18 Thank you, ma'am.

19 THE COURT: No.

20 MR. GRASSO: No?

21 THE COURT: Go ahead.

22 BY MR. GRASSO:

23 Q. In this particular case, do you think it's -- it's
24 reasonable for somebody who's over 17, almost 18 years old, to
25 set boundaries with the parents?

03:31:26

1 A. I don't understand.

2 Q. Okay. When you reviewed the Parent Manual, did you review
3 the section related to run procedure?

4 A. I beg your pardon?

5 Q. When you reviewed the Parent Manual, did you review the
6 section concerning, quote, run procedure?

7 A. I don't know which section you're talking about.

8 MR. GRASSO: Page 31, please.

9 BY MR. GRASSO:

10 Q. It's on the screen.

11 Could you review that to yourself, please.

12 A. I have read it.

13 Q. Were you -- when -- it actually says, "Due to the nature of
14 our population, we cannot" --

15 MS. ALLARD: Objection. Lack of foundation. Hearsay.

16 THE COURT: Overruled.

17 Please continue.

18 BY MR. GRASSO:

19 Q. The manual says, "Due to the nature of our population, we
20 cannot guarantee that a girl will not run from Spring Ridge
21 Academy"; correct?

22 A. Yes.

23 Q. And then it talks about the policy to immediately notify
24 the sheriff's office or other law enforcement depending on the
25 location of the run; correct?

1 A. Yes.

2 THE COURT: Now I'm confused. What -- what's the
3 question, and how is this section relevant?

4 MR. GRASSO: There's been some testimony in the case,
5 Your Honor, about they were not familiar with the fact that
6 girls would actually go AWOL or run or attempt to leave Spring
7 Ridge Academy, and this section talks about the process for
8 when a girl leaves the academy without permission.

03:32:49

9 THE COURT: Go ahead.

10 BY MR. GRASSO:

03:33:04

11 Q. In conjunction with this Parent Manual, they provided you
12 with a list of state agencies and their contact information;
13 correct?

14 A. I don't see that here.

15 MR. GRASSO: Page 35, please.

03:33:20

16 BY MR. GRASSO:

17 Q. So page 35 of the 42-page manual included a list of state
18 agencies and their contact information if you wanted to contact
19 them; correct?

20 A. Yes.

03:33:35

21 Q. You were in the courtroom when the expert testified this
22 afternoon that this is an accepted practice, to provide a copy
23 of the detailed -- or the detailed information about state
24 agencies that they can contact if they have any questions;
25 correct?

03:33:50

1 A. Was I in the courtroom during testimony of expert? Yes.

2 Q. Do you recall the testimony I'm talking about?

3 MS. ALLARD: Objection. Relevance.

4 THE COURT: Overruled.

5 You may respond.

03:34:02

6 THE WITNESS: Do I recall it? Something vaguely.

7 MR. GRASSO: Permission to publish Exhibit 8.

8 THE COURT: It's in evidence. You may.

9 BY MR. GRASSO:

10 Q. We talked about the parent reference list. It's a couple
11 of pages.

03:34:18

12 Do you see that?

13 A. Yes, I do.

14 Q. This is another document that you reviewed on or about
15 November 21st of 2019; correct?

03:34:29

16 A. I did receive it. I didn't really review it, as I said,
17 because as I look, I don't put much stock in people putting --
18 references put on a reference list, because nobody would put a
19 reference on there that was negative.

20 That was my testimony. I looked at it and never
21 called anyone on there.

03:34:46

22 Q. You never --

23 A. I never do. I never do because they're only going to give
24 you references that are positive.

25 Q. Thank you. I understand.

03:34:56

1 MR. GRASSO: Exhibit 11, page 2.

2 THE COURT: You may publish.

3 BY MR. GRASSO:

4 Q. Under the section about clinical components in -- at the
5 top, there's a specific reference to Post Induction Therapy;
6 correct?

03:35:11

7 A. One of the bullet points is, yes, Post Induction Therapy.

8 MR. GRASSO: Permission to publish Exhibit 12.

9 THE COURT: You may.

10 BY MR. GRASSO:

03:35:25

11 Q. This is another attachment or handout that you received on
12 or about November 21, 2019. The first one discusses Post
13 Induction Therapy and specifically references Pia Mellody;
14 correct?

15 A. Yes.

03:35:39

16 Q. A number of -- I'm not looking at this one, right --
17 right -- necessarily right now, but a number of the exhibits --
18 well, this -- this is one of them. A number of the exhibits
19 reference books.

20 Are you familiar with that?

03:36:08

21 A. I don't understand what you're asking me.

22 Q. Yeah. Some of the materials, like this one, talks about
23 recommended reading. It talks about Facing Codependence by Pia
24 Mellody and some other books.

25 Do you -- do you recall that?

03:36:24

1 A. Yes. In fact, I think that one at the bottom was on the
2 damages purchase list. Healing. That's where I got -- was --
3 that's where I bought -- you notice I didn't buy Facing
4 Codependence or Getting Past your Past, because that didn't
5 speak to me. And that one was brought up as I purchased. So I 03:36:43
6 purchased the last one.

7 And I'm sorry if that's nonresponsive. But, yeah, I
8 did see it, and I purchased it. And so that's proof that I did
9 read it.

10 Q. All right. Well -- well, this particular page under 03:36:53
11 Recommended Reading Material -- it's some of them. They're
12 highlighted -- references a number of books. That's all I'm
13 trying to establish. Correct?

14 A. Yes, it does.

15 Q. All right. 03:37:05

16 MR. GRASSO: Let's go to the second page of that,
17 please, of Exhibit 12.

18 BY MR. GRASSO:

19 Q. It also references here more material; correct?

20 A. Yes. 03:37:14

21 MR. GRASSO: And then go -- permission to publish as
22 Exhibit 7, again, please, Your Honor.

23 THE COURT: You may.

24 MR. GRASSO: Let's go to page 20, please.

25 ///

1 BY MR. GRASSO:

2 Q. On this page under Requirements, there's, "Reads Phase II
3 books and completes book reports: 'Man Searching for Meaning'
4 and 'The Four Agreements'"; correct?

5 A. No. I -- I can't go to page 20, because I don't -- am I
6 supposed to do this or the student?

03:37:39

7 I don't understand.

8 Q. I'm just asking whether the manual has a statement about
9 reading that book.

10 A. It does. And I have no understanding out of context what
11 that means. I -- I have to assume it's directed towards the
12 student, not me.

03:37:55

13 You're jumping all around here, and I'm getting
14 confused.

15 Q. The -- there was some discussion, the jury's heard, about
16 the book The Four Agreements.

03:38:06

17 Do you recall that?

18 A. Yes.

19 Q. Are you familiar with that book?

20 A. Was I before this whole thing? No, I was not.

03:38:17

21 Q. You're familiar now that it was published in 1997 and has
22 sold over 15 million copies in the United States alone?

23 A. No. I can -- I cannot vouch for that. I am not an expert
24 on The Four Agreements.

25 Q. Okay. Do you recognize -- do you know it's been published

03:38:38

1 in 52 languages worldwide?

2 A. Nope. I don't know that.

3 Q. Do you know who the author is?

4 A. I think it's that Toltec Shaman person from pre-Columbia
5 civilization or something.

03:38:53

6 Q. Don Miguel Ruiz.

7 A. Yes, that sounds familiar.

8 Q. Do you know what The Four Agreements are from -- you said
9 you read something.

10 A. I did -- I did not read this book.

03:39:02

11 Q. Do you know what The Four Agreements are that he discusses
12 in the book?

13 A. No.

14 Q. Okay. One of them -- I'm going to read them to you.

15 "Be impeccable with your word. Don't take anything
16 personally."

03:39:12

17 MS. ALLARD: Objection. Hearsay.

18 THE COURT: What are you reading from? What's --

19 MR. GRASSO: There was -- there was some questions,
20 Your Honor, that Ms. Allard was asking the expert witness.

03:39:22

21 THE COURT: What do you have? Is that in evidence?

22 MR. GRASSO: No, Your Honor. It's just my notes about
23 the book.

24 THE WITNESS: Well --

25 THE COURT: I don't know if -- I think there was some

03:39:32

1 vague testimony about the book.

2 Are you trying to impeach something or add something
3 to the record as it relates to the book?

4 MR. GRASSO: They -- they've challenged the propriety
5 of having people read the book during Ms. Allard's questions. 03:39:46

6 THE COURT: Well, she already said she didn't read the
7 book. She said she heard of it. She provided -- she guessed
8 as to who the author's name happened to be and said she didn't
9 know anything about it.

10 MS. ALLARD: Your Honor, I would stipulate to 03:40:00
11 admission of the book. I have it here. If that's what he
12 wants to do.

13 MR. GRASSO: I'm not asking to admit the book. I
14 just -- it's part of the case, so I just was going to talk
15 about The Four Agreements. But I can move on, Your Honor. 03:40:13

16 THE COURT: She already said she doesn't know The Four
17 Agreements.

18 MR. GRASSO: Thank you, Your Honor.

19 THE COURT: I think that was her testimony. I'll
20 allow you to ask her that. 03:40:21

21 BY MR. GRASSO:

22 Q. You don't know what The Four Agreements are; right?

23 A. No. I did not read The Four Agreements, and I never heard
24 about it before it was right here. But I did buy it for this
25 case for Ms. Allard to use in her preparation, so there's a 03:40:35

1 bill for it. But, no.

2 Q. Okay. Did -- did you know if you ever asked anyone at
3 Spring Ridge after you read the Parent Manual anything about
4 the book?

5 A. I did not ask anyone about any of these books because I was 03:40:50
6 busy moving my daughter.

7 MR. GRASSO: Permission to publish Exhibit 48.

8 THE COURT: You may.

9 BY MR. GRASSO:

10 Q. Okay. So -- 03:41:06

11 MS. REDDY: What page?

12 MR. GRASSO: I'm sorry. Page 29. You got it
13 correctly.

14 BY MR. GRASSO:

15 Q. So this takes us in our chronology that I'm hoping to go 03:41:14
16 through. This is Thursday, November 29, 2019, and -- and this
17 email from you follows what we saw in Exhibit 5 where she sent
18 you the material that we've been going through.

19 This was your response that same morning; is that
20 correct? 03:41:33

21 A. I think there was some -- I'm not -- I'm not sure. I --
22 that's too many notes. I -- I -- I don't know.

23 Q. Well, why don't you --

24 A. I don't know. I -- that question I don't know. Sorry.
25 I'm trying to make that into a question. I -- I don't know 03:41:52

1 what you're asking.

2 Q. Well, the morning of November 21, 2019, this is an email
3 that you sent to Ms. Deily; correct?

4 A. Are you -- are you -- are you representing a chronology?
5 The chronology's there, and it is -- it's on the paper, but it
6 is not in my head. I'm not a computer.

03:42:05

7 So if you're representing that -- oh, I'm going to --
8 you have to -- I'm at a loss, Your Honor. I think I know what
9 he's trying to say, but you told me not to do that.

10 Q. This is an email that we're looking at that you sent to
11 Ms. Deily on Thursday, November 21, 2019, at around 11:0- --
12 11:07 a.m.?

03:42:24

13 A. Yes, following up on discussions in -- during our meeting.

14 I'm -- below it is the email, "Great we were able to
15 connect," which means Mr. Stata, Ms. Deily, and I had a
16 telephone conference. And that question that I did was from a
17 discussion we had about the pros and cons of an all-girls
18 school.

03:42:45

19 Q. I understand. But you thanked her for the summary, and
20 then you asked a question; right?

03:43:03

21 A. I did, following up on a discussion that is not here
22 because it had -- it was on the phone.

23 Q. Okay.

24 MR. GRASSO: Page 30, please.

25 ///

1 BY MR. GRASSO:

2 Q. So in response to your question, Ms. Deily sent you an
3 email within -- within an hour and a half to you and Mr. Stata;
4 correct?

5 A. Well, I don't know if it was an hour and a half, 03:43:27
6 Mr. Grasso, but there is a -- there was an email response, yes.

7 Q. Okay. And did you read that response?

8 A. Yes, I did.

9 Q. Did that satisfy your -- the question that you had posed?

10 A. It -- yes, at that time it was a -- it seemed like a 03:43:42
11 satisfactory answer. She was assuring me that the girls who do
12 not identify as heterosexual are not allowed to engage in
13 sexual relations.

14 Q. Okay.

15 A. That was my question. Because people make this kind of 03:43:56
16 1950s or so assumption: Oh, an all-girls school. See, they're
17 not bothered and distracted by boys. And, therefore, that
18 takes that element --

19 Q. Okay.

20 A. -- out of the conversation. But that's not the case in 03:44:10
21 20- -- 2019, because not all girls identify as heterosexual.

22 MR. GRASSO: Page 31, please.

23 BY MR. GRASSO:

24 Q. And then you -- you re- -- you responded thanking for the
25 prompt response and gave your agreement about this relationship 03:44:28

1 drama issue; correct?

2 A. Absolutely. It -- pursuant to the Parent Manual, where
3 they weren't to have sexual relations while at home, she was
4 assuring me they weren't going to be having them on campus
5 either.

03:44:43

6 Q. And then in this email you asked her to provide you with a
7 brief summary of a visit to the school in term of start time,
8 end time, that sort of thing; correct?

9 A. Yes. I asked for the details of the school tour that was
10 upcoming on --

03:44:57

11 MR. GRASSO: Page 32, please.

12 THE WITNESS: -- early December.

13 BY MR. GRASSO:

14 Q. So she responded shortly thereafter, and she provided you
15 with that information; correct?

03:45:08

16 A. Yes. Yes, she did.

17 Q. And -- and this discusses the -- the tour of the campus.

18 It also talks about the meetings and the private lunch
19 that we've heard about with a group of students; correct?

20 A. It talks about that. I'm not saying that happened.

03:45:23

21 MR. GRASSO: Page 33.

22 BY MR. GRASSO:

23 Q. And then you responded, "Yes, thanks"; correct?

24 A. Yes.

25 Q. So we have an example here, at least through this email

03:45:35

1 exchange, after she sent you the initial information with the
2 attachments that we've talked about where you posed at least
3 one question to Ms. Deily and she responded promptly; correct?

4 A. I -- I don't know the time frame. It was fine. There was
5 no red flags. Promptly, not promptly, I --

03:45:54

6 Q. During this time frame, you're not aware of any emails
7 where you were asking for the -- about the workshops or for any
8 areas that you thought were unclear; correct?

9 A. I don't recall any such email. So, no, I don't think they
10 exist, and I don't think it happened.

03:46:13

11 Q. Thank you.

12 MR. GRASSO: Page 38.

13 BY MR. GRASSO:

14 Q. So it appears that, then, the next email comes
15 November 23rd. And you were sending information to Spring
16 Ridge, and you had your own attachments; correct?

03:46:26

17 A. Those are the things requested by Spring -- I didn't
18 have -- they weren't my own attachments. I was instructed to
19 send them.

20 Q. And you did?

03:46:42

21 A. So I did, yes.

22 Q. And you did so. Thank you.

23 A. I didn't, like, make up things to send.

24 Q. I didn't mean to suggest otherwise.

25 MR. GRASSO: Page 42.

03:46:50

1 BY MR. GRASSO:

2 Q. So now we're at November -- Monday, November 25th, in our
3 chronology. You send an email to Kate, and you're talking
4 about the fact that you've sent the information that she
5 requested. And you have visits at the school -- various
6 schools that you're vetting, I guess, set for December 2nd, 4,
7 and 5, and you mention that you're going to immediately proceed
8 to a decision; is that correct?

03:47:06

9 A. Correct.

10 MR. GRASSO: Permission to publish Exhibit 14.

03:47:21

11 THE COURT: You may.

12 MR. GRASSO: Page 1. Sorry, Noel.

13 BY MR. GRASSO:

14 Q. So this is -- now we're at December 3rd, 2019. And it says
15 from Kate, "It is a" -- "It was wonderful to have you on campus
16 yesterday."

03:47:42

17 Which suggests that your visit was on December 2nd;
18 correct?

19 A. Yes, the Monday.

20 Q. Right. And -- and at that point in time she says that,
21 "I've attached information pertinent to enrollment."

03:47:51

22 And she says, "If you decide Spring Ridge is the best
23 fit for Rearden, we can go over these documents in further
24 detail"; correct?

25 A. Correct.

03:48:07

1 MR. GRASSO: Page 2 of Exhibit 14, please.

2 BY MR. GRASSO:

3 Q. And like Exhibit 5, it appears that there's some PDF
4 attachments that were sent to you at that time; is that
5 correct?

03:48:20

6 A. Yes.

7 Q. And at that time you got another copy of the Parent Manual
8 at the bottom of the page, and it also shows that you got a
9 copy of the enrollment agreement; correct?

10 A. Okay. Mr. Grasso, my head is about to explode. If this is 03:48:33
11 the same first copy, maybe. If it's another one, I don't know.
12 I'm not sure that's germane.

13 I'm trying here. I don't know if it was another or
14 the first one, but, yes, I did get the Parent Manual. I'm
15 confirming I got the Parent Manual.

03:48:50

16 Q. Right.

17 A. At some point it may be twice. I don't know if it was once
18 or twice. It might have been once; it might have been twice.

19 Q. Did you --

20 A. I can't remember right now.

03:48:59

21 Q. And you also got a copy of the enrollment terms and
22 agreement; correct?

23 A. Yes. I clearly did here.

24 Q. Okay. Thank you.

25 So if you --

03:49:06

1 MR. GRASSO: Going back to page 1, Noel, briefly. I'm
2 sorry.

3 BY MR. GRASSO:

4 Q. So if on December 3rd you had the enrollment agreement,
5 could we agree that you had the enrollment agreement about
6 ten days before you signed the enrollment agreement?

03:49:21

7 A. I don't remember the date of the signature.

8 MR. GRASSO: Exhibit 48, please.

9 I'm sorry, Your Honor. Permission to publish

10 Exhibit 48.

03:49:41

11 THE COURT: You may.

12 THE WITNESS: Ooh, that's --

13 MR. GRASSO: I'm sorry, Noel. Pages 55. Thank you.

14 BY MR. GRASSO:

15 Q. December 4, 2019. This -- I'm just trying to take it in
16 sequence.

03:49:52

17 So Dr. Stata sends an email to Kate. It says, "Thank
18 you for the tour on Monday"; correct?

19 A. Yes.

20 Q. And then he asks, "One of the places we had visited had a
21 really nice one-page summary of the fees. Do you have
22 something like that?"

03:50:06

23 And then he asks, "Was there a decision on which
24 therapist Rearden would be working with"; correct?

25 A. Yes.

03:50:18

1 Q. Do you recall -- and you were copied on that email;
2 correct?

3 A. Yes.

4 Q. Do you recall --

5 MR. GRASSO: Next page, Exhibit [sic] 56.

03:50:27

6 BY MR. GRASSO:

7 Q. So Kate responds, provides the information about the
8 tuition with an attachment, and she mentions in this email that
9 the therapist will be Veronica Borges; correct?

10 A. Yes, but I did not remember that at the time until I
11 created this exhibit, because I --

03:50:43

12 Q. Correct. No. I understand.

13 A. -- did not ever remember receiving this.

14 MR. GRASSO: Page 57, please.

15 BY MR. GRASSO:

03:50:59

16 Q. So after she gave you her name, Dr. Stata sends an email
17 saying that he hadn't met her, you guys hadn't met her, but
18 could you tell us a little bit about her; correct?

19 A. Yes.

20 MR. GRASSO: Page 58, please.

03:51:08

21 BY MR. GRASSO:

22 Q. Kate then responds on December 5th, and she provides you
23 with the information about Ms. Borges; correct?

24 A. She answers the emails.

25 I said I don't remember this chain, and there's a

03:51:21

1 reason. I -- I wanted to know why I didn't remember it, and I
2 do now know. But I don't remember getting this, but, yes, this
3 was sent.

4 Q. And --

5 MR. GRASSO: Page 59, please, Noel.

03:51:35

6 BY MR. GRASSO:

7 Q. Dr. Stata responds, "Very helpful. How long has she been
8 with you"; correct?

9 A. Please stop calling him Dr. Stata. It's so strange.

10 Q. My apologies. I'll try and remember.

03:51:44

11 A. There's no such person.

12 Q. But -- but Mr. Stata said, "Very helpful. How long has she
13 been with you"; correct?

14 A. Yes.

15 MR. GRASSO: Page 62, Noel.

03:51:53

16 BY MR. GRASSO:

17 Q. And Kate responded, said, "She's been with us" -- Spring
18 Ridge -- "a little over 2 years. She's really wonderful";
19 correct?

20 A. That's what she said.

03:52:08

21 Q. And then --

22 MR. GRASSO: Page 60.

23 BY MR. GRASSO:

24 Q. So I think the jury's seen this email before. This is an
25 email that you authored; correct?

03:52:17

1 A. Yes, I did --

2 Q. I --

3 A. -- with Mr. Stata both. As you can see, we were together,
4 going on different planes, in the Kalispell Airport. But I
5 authored it after -- in conjunction with discussions with him.

03:52:28

6 So I don't want you to think, oh, you authored this,
7 and Mr. Stata didn't know what was going on.

8 Q. I --

9 A. He was sitting right there.

10 Q. Thank you.

03:52:38

11 So could you read the first paragraph, the -- where
12 it's "He and I."

13 A. "He and I are in agreement that Spring Ridge Academy is the
14 best fit for Rearden. For me, two features, in particular,
15 really stood out (screamed, actually)."

03:52:52

16 Q. And what was the first one?

17 A. "Number 1, Kate's entire communication style and abilities
18 and" -- excuse me -- "abilities and organic process in both
19 advocating for Spring Ridge Academy and interviewing us, as
20 parents.

03:53:13

21 "And, number 2, your girls. Your quirky, diverse,
22 individual, authentic, inquisitive, friendly, empowered (or on
23 their way), confident (or on their way) and now I'm going to
24 stop because you get the point. Much to my surprise, I was
25 captivated by the environment infused with feminine energy.

03:53:33

1 The girls at your school are showing up in their lives in a
2 profoundly different (and better) manner than the co-ed schools
3 (which, by the way, are not truly co-ed, but rather clearly
4 male dominated, including Montana Academy's all male teaching
5 staff."

03:53:54

6 Q. Go ahead and read that next paragraph.

7 A. "All three schools have put a great deal of time and effort
8 into developing a credible and legitimate model. All three are
9 staffed with passionate individuals. All three have students
10 who capture your heart. But as an empath, my final decision is
11 based on selecting a school that, in my gut, I just feel is the
12 best fit for Rearden (based on her unique human iteration), the
13 school that will most support Rearden in creating the best
14 version for herself."

03:54:08

15 Q. Do you need a moment, ma'am?

03:54:29

16 A. Yeah.

17 Q. You tell me when you're ready, ma'am.

18 MR. GRASSO: I'm sorry, Your Honor. Maybe I -- I
19 didn't mean to overstep, if I was. I was just trying to give
20 her a moment.

03:55:03

21 THE COURT: I would have let you know if you were
22 overstepping.

23 MR. GRASSO: I know you would, Your Honor. I'm sorry.

24 THE WITNESS: You may proceed.

25 ///

1 BY MR. GRASSO:

2 Q. Okay. You say, "For me, this is clearly Spring Ridge
3 Academy hands down" [as read]; correct?

4 A. Yes.

5 Q. And you said, "Mr. Stata can speak for himself"? 03:55:12

6 A. "Mr. Stata" --

7 Q. Mr. Stata.

8 A. -- "can speak for himself."

9 Q. My apologies, ma'am.

10 So you authored this email on December 5, 2019; 03:55:20
11 correct?

12 A. Yes, I did.

13 Q. And you authored this after -- on November 21, you received
14 the attachments that we talked about, those seven separate
15 attachments? 03:55:37

16 A. I don't know what the date is, Mr. Grasso. My -- honestly,
17 I don't even know my name at this point after two weeks. If
18 you say so.

19 Q. Yeah, and we saw the -- there was another email where it
20 talked about you got a copy of the enrollment agreement, and 03:55:49
21 you had visited the campus by this point; correct?

22 A. By -- by December -- by December 5th, we had gotten the
23 enrollment agreement. We visited the campus, yes.

24 Q. Okay. So you -- I just want to clarify. You had -- you
25 had all the material, you completed your visit on December 2nd, 03:56:06

1 and you had also visited the other two schools that were in the
2 running, for lack of a better phrase; correct?

3 A. We had also -- we had also visited Summit Prep and Montana
4 Academy.

5 Q. Okay. And -- and then, as a byproduct of that, at the end 03:56:19
6 of your vetting process, I would call it, this is -- this email
7 came out where you were choosing Spring Ridge Academy; true?

8 A. Yes.

9 Q. Okay. One quick thing, too. This -- this paragraph talks
10 about your observations of the girls in the program. And that 03:56:39
11 seemed to be important for you to make a particular paragraph
12 about that. Am I correct?

13 A. Yes.

14 Q. And -- and I take it from the other information that we
15 have, that was related to where you sat down with some of these 03:56:52
16 girls and had lunch with them?

17 A. Yes. Well, not just having lunch with them. We interacted
18 with the girls, various girls during the day, including having
19 lunch with a group of girls.

20 Q. No. Thank you for the clarification, ma'am. 03:57:08

21 So you had the opportunity on this tour of the campus
22 that's, like, four hours, you got the opportunity to interact
23 with the girls, the students at Spring Ridge Academy, and one
24 of those interactions occurred during a lunch; correct?

25 A. Yes. 03:57:25

1 Q. Thank you.

2 THE COURT: You know, Mr. Grasso, this is actually
3 a -- a perfect time to stop for the week. I know we have
4 several lawyers that are actually sick. And we'll take this up
5 Tuesday at 9:00 o'clock in the morning.

03:57:40

6 So I'll see you all 9:00 o'clock Tuesday next week.
7 Have a wonderful weekend. Stay hydrated. It's in the triple
8 digits.

9 JURY PANEL MEMBER: Thank you.

10 (Jury not present at 3:57 p.m.)

03:57:57

11 THE WITNESS: See you Tuesday.

12 THE COURT: Hold on just a second.

13 The jury's left the courtroom. I'm just going to ask
14 if you all want to leave your property in the courtroom, it
15 won't be disturbed. However, Mondays I have all-day criminal
16 matters. So just make sure that the desk is cleared off.

03:58:20

17 You're okay, Ms. Allard, if it's over where your boxes
18 are.

19 MS. ALLARD: Okay.

20 THE COURT: They won't touch any of it, but just make
21 sure it's all clear.

03:58:32

22 MS. SWEIDY: Desk cleared and everything in boxes?

23 THE COURT: Just make sure the -- that -- behind the
24 monitor, if you want to leave that stuff there, they won't
25 touch it, but they need to work from the actual desks?

03:58:44

1 MS. REDDY: Your Honor, what about the rooms in the
2 back?

3 THE COURT: I would not keep any valuable property in
4 the room. It's locked up in here, and the marshals watch
5 everything. So if you want to leave something here that's --
6 that's in a box. I wouldn't leave your laptop or anything.
7 We've never had anything stolen, but I don't want this to be
8 the first time. But I'm pretty confident that all your
9 documents would be safe. I don't -- but I wouldn't leave them
10 in the back room over there.

03:58:56

03:59:12

11 MS. REDDY: We just have snacks and stuff.

12 THE COURT: Oh, that's fine. If Molly has some
13 tape -- Molly, if you could put -- print off "Do not enter
14 these rooms."

15 THE COURTROOM DEPUTY: Yeah.

03:59:24

16 THE COURT: And that should be fine.

17 MS. REDDY: Thank you.

18 THE COURT: You're very welcome.

19 Is there anything else from the plaintiffs?

20 MS. ALLARD: No, Your Honor. Thank you.

03:59:30

21 THE COURT: You're welcome.

22 From the defense?

23 MR. GRASSO: Not from the defense.

24 MR. SMITH: And my apologies for making everybody
25 sick. I'm sorry.

03:59:37

1 THE COURT: No. I hope both of you feel better.
2 Ms. Allard, it seems like you might have something
3 now.

4 MS. ALLARD: I have for the last couple days. Yes,
5 Your Honor.

03:59:44

6 THE COURT: Okay. Thank Mr. Smith.

7 MR. SMITH: I apologize.

8 THE COURT: Everybody have a great weekend.

9 MS. SWEIDY: Thank you. You as well.

10 You two as well.

03:59:57

11 (Proceedings adjourn at 3:59 p.m.)

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C E R T I F I C A T E

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

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

DATED at Phoenix, Arizona, this 7th day of June, 2024.

/s/Cathy J. Taylor

Cathy J. Taylor, RMR, CRR, CRC