

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 11, 2024
	)	9:06 a.m.
Defendants.	)	
	)	

BEFORE: THE HONORABLE STEVEN P. LOGAN, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 9

(A.M. SESSION)

(Pages 1-125)

Official Court Reporter:

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I N D E X

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P R O C E E D I N G S

(Jury present at 9:06 a.m.)

(Proceedings reconvene at 9:06 a.m.)

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

09:06:59

Ladies and gentlemen, good morning. Hopefully you had a wonderful weekend.

Ma'am, you're under oath.

Please continue.

MR. GRASSO: Thank you, Your Honor.

09:07:08

THE COURT: You're welcome.

MR. GRASSO: Good morning, ladies and gentlemen.

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

CROSS-EXAMINATION (Cont'd)

09:07:13

BY MR. GRASSO:

Q. Good morning, ma'am.

A. Good morning.

Q. When we left off on Friday, we were --

MR. GRASSO: Permission to publish Exhibit 48, page 60.

09:07:21

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

BY MR. GRASSO:

Q. Before we broke for the weekend, we were talking about the

visits that you and your ex-husband had made to a couple of the

09:07:34

1 other schools before you visited Spring Ridge.

2 Do you recall that?

3 A. No, I don't recall that, but I believe you if you -- I
4 mean, I recall the meetings. I don't recall that we left off
5 there.

09:07:44

6 Q. And it --

7 A. I don't know where we left off.

8 Q. And I'm looking from a transcript just as we were wrapping
9 things up on Friday afternoon, and one of the things that we
10 were talking about was this was your -- your vetting process.

09:07:52

11 Do you recall that?

12 A. That we visited several schools, two other schools in
13 addition to Spring Ridge Academy? Yes, I recall that.

14 Q. And one of the things that we talked about was that you did
15 a tour of campus that lasted for, like, four hours. You had
16 the opportunity to interact with the girls. And you actually
17 added that you didn't just have lunch with them. You, quote,
18 "interacted, various girls throughout the day, including having
19 lunch with them"; correct?

09:08:04

20 A. Yes, in the classrooms or as we were walking around the
21 campus, greeting them, et cetera.

09:08:20

22 Q. Okay. And so in front of you is Exhibit 48, page 60. And
23 this was the email that you had sent shortly thereafter. And
24 it's -- you copied Mr. Stata and Jessica Jo.

25 Who's Jessica Jo?

09:08:40

1 A. Jessica Jo was Rearden's licensed therapist at Outback
2 Therapeutic Expeditions, also known as the Wilderness program.

3 Q. Right. And she was the primary therapist at Outback?

4 A. I don't know anything about primary. I don't know their
5 structure of that company. All I know is she was the therapist 09:08:58
6 assigned to my daughter and our family.

7 Q. Do you recall getting any emails from her where she
8 identified herself as the primary therapist?

9 A. The primary therapist of what? The entire organization or
10 of Rearden? 09:09:15

11 Q. My question was, do you recall any emails where she
12 identified herself as the primary therapist?

13 Yes or no?

14 A. I don't know right now, but I'm not saying it didn't
15 happen. 09:09:24

16 Q. Okay. Look -- looking at this email toward the top, it
17 talks about you completed the visit, and you were in agreement
18 that Spring Ridge was the best fit for your daughter; correct?

19 A. Yes.

20 Q. And then you talked about the two features, as you referred 09:09:33
21 to them, that stood out to you. I want to go to the first
22 feature.

23 Tell me about why you wrote that sentence.

24 A. Because that was my impression of Ms. Deily at that point
25 in time. 09:09:47

1 Q. So up until that point you had communications with
2 Ms. Deily; you had received, the jury had heard last week, the
3 information from Spring Ridge Academy; and you concluded that
4 her communication style was appropriate and, it sounds like,
5 helpful. Fair?

09:09:59

6 A. Yes.

7 Q. The second thing is you started -- in the second point is
8 you talked about the girls, and then you started talking about
9 your interaction and how you were captivated by the
10 environment.

09:10:15

11 And this is a byproduct of you spending time with the
12 girls during this four-hour visit in both the classrooms and
13 over lunch; correct?

14 A. Yes.

15 Q. And the third paragraph, it's not highlighted, you say,
16 "All three schools have put a great deal of time and effort
17 into developing a credible and legitimate model"; correct?

09:10:25

18 A. That's what I believed at that time.

19 Q. What I'm asking is --

20 A. Yes.

09:10:41

21 Q. -- if that's --

22 A. Yes --

23 Q. -- what you --

24 A. -- I wrote that at that time.

25 Q. Yeah. And -- and you reached that conclusion, just to be

09:10:43

1 clear, after you received all the material we talked about last
2 week. You reached that conclusion after the four-hour visit,
3 including the visits with the girls and your visits to two
4 other schools; correct?

5 A. Correct.

09:10:59

6 Q. And then you go on to say about how you -- you concluded
7 that the schools were staffed with passionate individuals;
8 correct?

9 A. Yes.

10 Q. Which would suggest that you interacted with staff at
11 Spring Ridge Academy as well?

09:11:12

12 A. No. Minorly. Mostly Ms. Deily and by way of introduction.

13 Q. But you -- you mentioned that you thought it was staffed
14 with passionate individuals.

15 A. Yes. That's what I believed.

09:11:28

16 Q. Yeah. And then there's a sentence about, "But as an
17 empath, my final decision is based on," and it goes on.

18 What did you mean by -- what was the comment about you
19 being than an empath?

20 A. I -- sometimes if I have facts and there's three decent
21 choices in front of me, I have to go with my gut, the one that
22 feels right. And at that time, that's what it is. I -- I like
23 to have everything mesh. When my -- when my right side of my
24 brain and my left side of my brain are at war, it's not a good
25 feeling. It's like something's wrong here. I must be missing

09:11:40

09:12:01

1 something.

2 And at this point there was no red flags for me. And
3 that's what that means. They all seemed legitimate at that
4 time, and I went with the one that felt like the right fit for
5 my daughter.

09:12:17

6 Q. Yeah. And you stated that, "This is clearly Spring Ridge
7 Academy. Hands down"; correct?

8 A. At that time, that's what I thought. Yes, absolutely.

9 Q. Okay. And --

10 MR. GRASSO: Permission to publish Exhibit 48,
11 page 88.

09:12:30

12 THE COURT: You may. It's in evidence. You can --
13 you can publish all of the pages. Just let me know what you're
14 putting up.

15 MR. GRASSO: Thank you, Your Honor.

09:12:40

16 THE COURT: You're welcome.

17 BY MR. GRASSO:

18 Q. Here's -- here's some emails.

19 I just want to be clear. Dr. Stata was the one who
20 paid the tuition at Spring Ridge?

09:12:47

21 A. Mr. Stata, pursuant to our Marital Settlement Agreement,
22 was paying the full tuition.

23 MR. GRASSO: Exhibit -- permission to publish
24 Exhibit 40, Your Honor.

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

09:13:07

1 BY MR. GRASSO:

2 Q. And I'll try to zoom in on this.

3 Again, do you recall the enrollment agreement that you
4 executed?

5 A. Yes.

09:13:19

6 Q. This agreement confirms, once again, that 100 percent of
7 the tuition was paid by Mr. Stata; correct?

8 A. Yes.

9 Q. And go ahead and read what I've highlighted in that first
10 paragraph.

09:13:32

11 A. You mean the one that starts with "SRA"?

12 Q. Yes, ma'am.

13 A. "SRA" -- "SRA is a clinical boarding school for
14 adolescents. SRA combines a clinically sophisticated
15 therapeutic program with a college preparatory academic
16 curriculum. SRA is licensed by the State of Arizona as a
17 Behavioral Health Residential Facility (License Number B" -- as
18 in boy -- "H" -- as in Harold -- "1721) under Rules and
19 Regulations of the Arizona Department of Health Services."

09:13:47

20 Q. Okay. So -- so based on -- on this paragraph, in addition
21 to the other material -- oh, let's back up one.

09:14:13

22 We have established that you had a copy of this
23 enrollment agreement back on December 3rd -- that was
24 Exhibit 14 for the jury's reference, page 1 -- is that correct?

25 A. I don't remember the date, but if you say that's what the

09:14:31

1 record shows, then I'll believe you.

2 Q. It was --

3 MR. GRASSO: Let's go to page 5, please. Same
4 exhibit.

5 BY MR. GRASSO:

09:14:39

6 Q. This was executed by you.

7 That's your signature, correct, on December 11 of
8 2019?

9 A. Yes, that's my signature on December 11th, 2019.

10 Q. And that's Mr. Stata's signature, December 12, 2019?

09:14:52

11 A. Yes.

12 Q. And so if Exhibit 14, page 1, shows that you'd received the
13 enrollment agreement back on December 3rd, you had it for at
14 least eight days prior to executing this agreement; correct?

15 A. If it says that, yes, I did.

09:15:08

16 MR. GRASSO: Let's go to page 2, please. Toward --
17 toward the top. We can go to the first -- can we blow up the
18 first paragraph so it's a little larger, Noel.

19 BY MR. GRASSO:

20 Q. Are you able to see that?

09:15:29

21 A. Yes, I am. Thank you.

22 Q. Yeah. So go ahead and read what I've highlighted in that
23 first paragraph.

24 A. "I/We understand that the SRA program includes four (4)
25 phases and each student will complete the program at the pace

09:15:42

1 that is unique to her needs."

2 Q. And go ahead and read the rest of the paragraph, if you
3 wouldn't mind, ma'am.

4 A. "I/We also understand that each phase builds upon the
5 internalization of the previous phase. I/We understand that
6 the program's average length of stay is 14 to 18 months and
7 I/We are committed to our daughter completing the SRA

09:15:58

8 therapeutic program" -- excuse me. I beg your pardon. The
9 air's kind of dry. Let me start at the beginning -- "daughter
10 completing the SRA therapeutic program. This agreement renews
11 automatically on a month-to-month basis. Terminating the
12 student's enrollment prior to the completion of the therapeutic
13 program requires 30 days written notice."

09:16:26

14 Q. And based on -- on this paragraph, you understood that the
15 average length was supposed to be 14 to 18 months. Is that
16 fair?

09:16:46

17 A. That is an average. That does not speak to any specific
18 individual.

19 Q. Sure. And we know in this particular case that your
20 daughter completed the program in less than 13 months; correct?

09:16:57

21 A. No, I don't know that. My daughter never completed a
22 program. There was no program, Mr. Grasso. It was fake.

23 Q. Can we agree that she graduated from Spring Ridge Academy
24 in December of 2020?

25 A. We have covered that. No, we do not. I believe that that

09:17:12

1 diploma is falsified. And I am appalled at the fact that
2 Mr. Stata paid for my daughter's high school diploma with no
3 evidence of any work being completed.

4 MR. GRASSO: Let's go to the next paragraph.

5 BY MR. GRASSO:

09:17:27

6 Q. You understood that the services offered by -- it says SRA,
7 which is Spring Ridge Academy, are physically and emotionally
8 challenging when you signed this agreement?

9 A. Yes. That's what it says.

10 Q. And you gave your consent for your daughter to participate
11 in all aspects and activities of Spring Ridge Academy; correct?

09:17:37

12 A. Yes.

13 Q. The paragraph makes clear that the activities may include,
14 but are not limited to, academic classes, academic counselling,
15 therapy, and experiential seminars; correct?

09:17:52

16 A. Yes.

17 Q. It also talks about a variety of other things, including
18 rigorous exercise and things of that nature; correct?

19 A. Yes.

20 Q. You -- you agreed when you signed this agreement that you
21 understood that these activities, as well as other elements of
22 Spring Ridge's programming, may involve a degree of risk to all
23 participants; correct?

09:18:02

24 A. Yes.

25 Q. Going down to the fourth paragraph. We've heard some

09:18:15

1 testimony about your knowledge or understanding of searches and
2 body checks.

3 Do you recall that testimony during this trial?

4 A. Hold on.

5 No, I don't recall all of the testimony, but I see
6 here that it makes reference to these things.

09:18:29

7 Q. Yeah. It makes reference to the ability of the school to
8 conduct searches and body checks; correct?

9 A. That's what it says. I'm assuming that it's in compliance
10 with the law. I'm not an expert on body checks, nor was I then
11 or now about how and when and under what circumstances they are
12 to be conducted.

09:18:53

13 Q. I'm confident that you are going to tell us, based on your
14 prior testimony, that you viewed this agreement before you
15 signed it.

09:19:09

16 A. I read it, yes. And I understood it all to be in
17 compliance with Arizona law.

18 Q. Thank you.

19 The next paragraph talks about how you give consent
20 and authorization for Spring Ridge personnel to visibly
21 restrain, control, and contain your daughter for the following
22 purposes: If there's some -- to prevent them from jeopardizing
23 their safety or the safety of others; correct?

09:19:21

24 A. Yes.

25 Q. And you also understood from the next paragraph that it's a

09:19:34

1 family systems program, and at least one sponsor or parent
2 should participate in the Parent Challenge and the Family
3 trainings, which were key elements of the program; correct?

4 A. Yes, but I did not understand they would get rid of one
5 parent and now claim they could satisfy this by only one parent 09:19:52
6 attending. That was not my understanding. My understanding
7 was you don't both have to do it but one of you does, and
8 between the two of us agreed that we would both do it, not that
9 they would later get rid of one of the parents and claim, oh,
10 we only needed one to continue. 09:20:08

11 And that's not a reasonable interpretation of that
12 paragraph.

13 Q. It's clear, though, from reading this agreement that you
14 understood that your daughter was not going to a traditional
15 high school, that this was a place where they were providing 09:20:20
16 therapeutic modalities, that there was going to be experiential
17 seminars and workshops, and the school's student body was such
18 that they may -- the students may need to be, because of
19 their -- their backgrounds or challenges, they may need to be
20 restrained and body searched; correct? 09:20:39

21 A. I -- I did not understand it the way that you're doing it.
22 This sounds like boilerplate to me and extraordinary
23 circumstances.

24 For instance, at the time I signed this, I never
25 anticipated that my daughter would try to hurt herself or 09:20:51

1 others because that never happened. And I'm very accustomed to
2 reading boilerplate on all contracts, and they say crazy things
3 like, if you take this aspirin, this could happen, this could
4 happen, this could happen, and then you could die. And you
5 don't ever think if you take the aspirin that you're really
6 going to die.

09:21:09

7 So this sounds like boilerplate, to me, just to cover
8 all their bases. I didn't think this was a normal part of
9 everyday procedure.

10 Q. When you reviewed this contract, did you author any emails
11 asking them about these procedures and drawing your attention
12 to your belief that this is simply boilerplate and must not
13 apply to you for some reason?

09:21:20

14 A. No, because I know my daughter, and I knew it didn't apply.

15 Do you write to the aspirin company and say, really,
16 guys? How often does this happen?

09:21:35

17 No. Lawyers are responsible for all this boilerplate.

18 Q. Okay. But we agree you signed this agreement on
19 December 11 of 2019; correct?

20 A. Correct.

09:21:47

21 MR. GRASSO: Permission to publish Exhibit 41.

22 THE WITNESS: Wait. Did you say 12/11/2019? I'm
23 sorry. I misheard. Yes, December 11th --

24 BY MR. GRASSO:

25 Q. Yes, ma'am.

09:21:59

1 A. -- 2019, I signed it.

2 Q. Yes, ma'am.

3 MR. GRASSO: Exhibit 41.

4 BY MR. GRASSO:

5 Q. I believe we saw, and maybe a different version. This was 09:22:08
6 the Consent to Treat -- one of the Consent to Treat forms
7 that -- that you had received from Spring Ridge Academy for
8 your daughter to treat with a contract psychiatrist; correct?

9 A. No, I didn't receive it. It was shoved at me as I was
10 being pushed out the door on the day I dropped out -- off my 09:22:24
11 daughter. I didn't have it before I got there and was involved
12 in the drop-off process.

13 Q. Okay. But you -- you reviewed this at some point; correct?

14 A. At some point I was handed this document as Kate Deily was
15 scurrying me out the door so I wouldn't miss -- or I wouldn't 09:22:45
16 hit traffic getting back from Mayer to Phoenix, according to
17 her. And one of the two things that I signed at this very last
18 minute, which was suspect at the time because I didn't
19 understand why wouldn't I get this with the other stuff, was
20 this Consent to Treat for the psychiatrist -- the contract 09:23:01
21 psychiatrist -- this was not a person on staff -- as well as
22 the Consent to Treat for Veronica Borges.

23 These were signed in the office -- in the
24 administrative office with Kate Deily.

25 Q. And we'll get to the one with Ms. Borges, but you signed 09:23:18

1 this agreement; correct?

2 A. And, yes. Over protestations I said: My daughter's not on
3 medication.

4 Q. But --

5 A. She doesn't need a psychiatrist.

09:23:27

6 Oh, this is just -- we just need to have it on file in
7 case the person wants to meet with her once and make an
8 evaluation.

9 Q. Ma'am?

10 A. Yes.

09:23:37

11 Q. I have a lot of ground to cover with you today, and I want
12 to try to keep this going as efficiently as possible.

13 A. Great.

14 Q. So sometimes --

15 A. Yes, I signed this on the day that I was being ushered out
16 the door. As I was being ushered out the door, I signed both
17 this one and the one for Veronica Borges.

09:23:44

18 Q. Ma'am, I know you have a lot to say, so -- but for my
19 purposes right now, sometimes the questions that I'm asking you
20 lend themselves to either yes or no. And I know you're aware
21 of this fact as an attorney, that your lawyer can ask you some
22 questions when I'm done if she thinks something needs to be
23 clarified. But because I have a lot of material to move
24 through, I would respectfully request that if I ask you a
25 question that's -- that involves a simple yes or no, if you

09:23:57

09:24:13

1 would just answer my question and avoid giving me an
2 explanation or a narrative.

3 Can we agree on that?

4 A. Yes.

5 Q. Okay. You signed this document; correct?

09:24:20

6 A. Yes.

7 MR. GRASSO: Exhibit -- permission to publish
8 Exhibit 42.

9 THE COURT: You may.

10 BY MR. GRASSO:

09:24:31

11 Q. Exhibit 42, just very quickly, is your electronic signature
12 on December 13, 2019; correct?

13 A. Yes.

14 MR. GRASSO: Exhibit 40 -- permission to publish
15 Exhibit 43.

09:24:47

16 THE COURT: You may.

17 BY MR. GRASSO:

18 Q. Exhibit 43 is the one -- this is the one for Veronica
19 Borges; correct?

20 A. Yes.

09:24:53

21 Q. And -- and toward the top where I have it highlighted,
22 where -- read the paragraph where it talks about -- it says,
23 "Clinical Team" -- "Treatment at SRA."

24 A. Yes.

25 Q. Can you read that paragraph, please.

09:25:09

1 A. "Clinical treatment at SRA is accomplished through
2 individual, family and group therapy conducted by licensed,
3 Master's-level behavioral health professions or behavioral
4 health technicians under the supervision of our Clinical
5 Director Leslie Filsinger, M" -- capital, M, capital, A, comma, 09:25:31
6 capital, LPC, period.

7 Q. And the identified therapist is Veronica Borges, and she
8 has BHT after her name; correct?

9 A. Correct.

10 Q. What is your understanding of what BHT means? 09:25:45

11 A. Then or now?

12 Q. What is your understanding now?

13 A. Oh, that Arizona -- I've testified as to this. That
14 Arizona has some scheme where the most media of our young
15 people are actually given the most poor level of care with 09:26:01
16 people who are not actually licensed. They're working under a
17 clinical director and --

18 Q. I --

19 A. -- they are -- have no plans to ever become licensed,
20 unlike the testimony of the expert that said it's exactly like 09:26:13
21 an associate psychologist, and it's not.

22 I have a lot of understanding now. At that time I
23 didn't even read it closely because the -- as I said, and the
24 digital signature indicates, it was handed to me as I was being
25 shoved out the door, and I had no idea actually what that meant 09:26:31

1 in hindsight.

2 Q. So you understood that it -- BHT means behavioral health
3 therapist?

4 A. No, I did not understand that at the time, and I didn't
5 have time to review it because it was handed to me as I was
6 being shoved out the door.

09:26:44

7 Q. Okay. This seemed like an important issue, because you
8 don't seem like someone who hesitates to ask questions or bring
9 concerns to peoples' attention.

10 Are there any emails or anything where you expressed
11 any concern at this point when you signed it on December 13 of
12 2019 about the therapy being done by a behavioral health
13 therapist?

09:26:56

14 MS. ALLARD: Objection. Counsel's testifying.
15 Compound.

09:27:10

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

17 MS. ALLARD: Argumentative.

18 THE COURT: Can you move the microphone, please.

19 MS. ALLARD: Yeah. To the first part of the question
20 was the sentence and sentences of argument. Like it was vague
21 and ambiguous as to what the question was.

09:27:17

22 THE COURT: Compound sustained.

23 Please disregard the last question.

24 BY MR. GRASSO:

25 Q. You understood when you signed this that your daughter

09:27:27

1 would be getting therapy from a therapist by the name of
2 Veronica Borges; correct?

3 A. That I understood, yes.

4 Q. And from reading this document, it identifies her as a BHT;
5 correct?

09:27:40

6 A. Yes, it does. And I did not know what that meant then, and
7 I did not catch the fact that she was not a licensed therapist.
8 I didn't even know such a thing existed in my brain.

9 Q. And it's clear you signed this agreement the next day;
10 correct?

09:27:53

11 A. No, not -- what next day?

12 Q. The -- on December 13 of 2019.

13 A. Okay. I think I repeatedly testified as they were scooting
14 me out the door, I signed it. And I think the time stamp on
15 the digital signature will confirm what I'm saying.

09:28:04

16 MR. GRASSO: Exhibit 44, Your Honor.

17 THE COURT: You may.

18 BY MR. GRASSO:

19 Q. Can you confirm that that's --

20 A. Okay.

09:28:16

21 Q. -- the time stamp?

22 A. So I beg your pardon. As I said, the -- the digital
23 signature will confirm that on 12/13/2019 as I dropped off my
24 daughter and Kate Deily was attempting to shoo me out the door
25 so I wouldn't, quote/unquote, hit traffic in Phoenix, at

09:28:31

1 2:41 p.m. Central Standard Time I signed this. I think that's
2 what I testified to.

3 Q. Yeah. I was just asking whether you signed it.

4 MR. GRASSO: Permission to publish Exhibit 49, please.

5 THE COURT: You may.

09:28:45

6 MR. GRASSO: Page 1.

7 BY MR. GRASSO:

8 Q. Exhibit 49 is a total of 22 pages, and there's a number of
9 emails in here that I think are important from this same time
10 frame.

09:28:58

11 So the first one we're looking at is an email that you
12 received from Ms. Deily; correct?

13 A. Yes, I received that email from Ms. Deily. Not at that
14 time that's on there, but I received it when I got back to my
15 hotel.

09:29:14

16 Q. Do you recall reading this email?

17 A. Yes, I do.

18 Q. And you recall that -- that Ms. Deily had spoken to
19 Mr. Stata, and there's some discussions about visits,
20 Christmastime and things of that nature, some agreement that
21 they reached about how to plan those visits out. Fair?

09:29:27

22 A. This was my first red flag. When I got back to the hotel
23 room, this is the email that had me, oh, my gosh, this is a
24 complete turnaround. What is going on?

25 MR. GRASSO: Page 3, please.

09:29:42

1 BY MR. GRASSO:

2 Q. Mr. Stata responded after he received the email, "Perfect
3 summary"; correct?

4 A. Yes.

5 MR. GRASSO: Page 4, please.

09:29:52

6 BY MR. GRASSO:

7 Q. And I believe this is now your -- in the sequence your
8 response; is that correct?

9 A. Yeah. My assumption was incorrect. The conversation
10 didn't transpire after I left. It had been transpiring before
11 we signed it. But, yes, I wrote that.

09:30:03

12 Q. I'd like to draw your attention to the third paragraph. If
13 you would read that paragraph to us, please.

14 A. "Because of the history of family dynamics, I would like to
15 discuss Roark's visits with the Team. In particular, we will
16 not be continuing with the long-standing dynamic where Raymie,
17 Roark and Rearden are the family and I am an outsider (who
18 serves the)" -- "(who serves the family members). That dynamic
19 is one of the many reasons that we find ourselves where we are
20 today."

09:30:19

09:30:40

21 Q. Why did you include that paragraph?

22 A. I am following up on these instructions that I'm suddenly
23 getting for -- from Kate Deily as though she's the therapist or
24 the clinical team, oddly right when I get back to the hotel. I
25 am very concerned that they are not looking at the Marital

09:31:01

1 Settlement Agreement and my -- my position as the sole legal
2 custodian. And she's telling us about different things that
3 are going to happen, and these -- this is why we are here.

4 We had a dynamic in place, and it wasn't this false
5 trauma narrative. It was stuff that was going on in the team 09:31:22
6 members. And, yet, now Kate Deily, who is not a therapist,
7 she's the Admissions Director, is telling me how this is all
8 going to come down in terms of our older daughter when she
9 really knows nothing about the dynamics of this.

10 So I am addressing that -- her email directly, the 09:31:38
11 things that she has stated are going to happen in her -- in the
12 email that she sent to me -- us.

13 Q. And at this time you were against Roark being part of
14 the -- visiting with your daughter?

15 A. I was -- I was against the fact that they are not 09:31:55
16 addressing our individual needs and are already treating some
17 sort of one size fits all, which I'd been ensured in the school
18 tour was not the case. Each person would have an
19 individualized plan.

20 And in our family, there was some weird two-daughter 09:32:13
21 dynamic between my girls. I've never had a sister, so I don't
22 know that dynamic. People that have say that this is a common
23 dynamic when this -- when -- between sisters, sibling sisters.
24 And it was not functional, and it wasn't helpful for Rearden.
25 And I wanted to break that dynamic. And so we need to have a 09:32:36

1 reset and recognize what's going on and create new ways of
2 interacting with each other.

3 Q. What did you mean by the phrase "long-standing dynamic
4 where Raymie, Roark and Rearden are the family and I'm the
5 outsider"?

09:32:50

6 A. Yes. There was a lot of triangulation going on in our
7 family, and it continued, as we have extensive testimony in
8 this case, where, unfortunately, Mr. Stata would triangulate
9 Roark and Rearden or Roark and Rearden and -- against their
10 mother.

09:33:07

11 And not to violate the confidentiality of the custody
12 evaluation, but the custody evaluator, court appointed, went
13 into this. And I shared his recommendations with Spring Ridge
14 Academy in answer to those questions that said that that
15 dynamic needed to be broken and that all the adults in
16 Rearden's life needed to support mother in setting boundaries
17 and not being undermined.

09:33:25

18 So this is part of the therapeutic issues that we came
19 to Spring Ridge Academy with that are specific to our family.

20 Q. And when you just mentioned a moment ago "undermined,"
21 you're referring to yourself, that you felt you were
22 undermined?

09:33:45

23 A. I -- I'm not saying that I felt that I was undermined.
24 That was found by the custody evaluator and had acknowledged
25 that that was going on, and it was to Rearden -- both

09:33:59

1 childrens', but in particular Rearden's detriment to have one
2 parent undermining the other parent.

3 MR. GRASSO: Page 5, please.

4 BY MR. GRASSO:

5 Q. This next page -- and we can make it larger for you and the 09:34:15
6 jury.

7 Okay. Go ahead and -- and read Mr. Stata's response
8 to that email.

9 A. "I understand and appreciate Kimberly's desire to reset the
10 family dynamic. At the same time, Roark is an important family 09:34:32
11 member in Rearden's life. The girls haven't seen each other in
12 person in a long time."

13 Q. Go ahead and finish reading the email, ma'am.

14 A. Okay. I thought you meant the highlighted.

15 "As a college student Roark's schedule is not very 09:34:49
16 flexible, so this Christmas visit represents a unique
17 opportunity for the girls to reconnect without Roark having to
18 sacrifice her school obligations."

19 Q. Go ahead and keep reading the rest of it, please.

20 A. "Given this context, perhaps the solution would be for the 09:35:05
21 girls to spend some time together without me being present.

22 Maybe this means a two day visit, one day with me, one day with
23 Roark. Alternatively, maybe this means the Christmas visit" --

24 "the Christmas visit is about the girls being together without
25 either parent being involved. Yet another variation is a two 09:35:24

1 day visit with Roark and Kimberly on one day and Roark and me
2 on another day.

3 "The larger point being let's think outside the box
4 regarding what's best for Rearden this holiday season."

5 Q. Can we agree that Mr. Stata's response to your email is
6 both pleasant and nonconfrontational?

09:35:41

7 A. Mr. Stata looks great on paper.

8 MR. GRASSO: Exhibit 6, please. Or page 6, please.

9 BY MR. GRASSO:

10 Q. So this is your response to Mr. Stata's email; correct?

09:35:56

11 A. Yes.

12 Q. Go ahead and read this one to us. Read it one paragraph at
13 a time, and then I'll have -- may have some questions.

14 A. "Ladies, I have sole legal custody of Rearden."

15 Q. Go ahead and read the next paragraph.

09:36:13

16 A. "Roark will not be meeting alone with Rearden at this time.
17 Much to my chagrin, Roark has been a negative influence in
18 Rearden's life for years."

19 Do you want me to read --

20 Q. Please.

09:36:24

21 A. -- the non-highlighted portion --

22 Q. Yes.

23 A. -- or just the highlighted?

24 Q. You can read the highlighted and non-highlighted.

25 A. So the whole paragraph?

09:36:29

1 Q. Yes.

2 A. Thank you.

3 "This will be discussed in our future meetings. I am
4 hopeful that Roark understands that this cannot continue, but
5 at this time, I do not trust Roark alone with Rearden,
6 particularly during this critical time of transition. Roark
7 says things to Rearden that are very harmful, especially
8 because they are false (and often the result of emotional
9 dysregulation from Roark's Asperger's, a condition that she
10 shares with Mr. Stata)."

09:36:39

09:36:55

11 Q. Now, based on just this paragraph and what we're reading
12 here, it sounds like things were not going well in your family.
13 Fair?

14 A. No. They were going like our family goes. Families are
15 not perfect. This is not some platonic ideal. Families have
16 strengths and weaknesses, and you accept peoples' weaknesses
17 and compensate for them and celebrate their strengths. It's
18 just a family.

09:37:12

19 Q. One of the observations you had was that Roark, your older
20 daughter, was a negative influence on Rearden -- Rearden's life
21 for years, you put.

09:37:28

22 A. Yes.

23 Q. And you also wrote that you didn't trust Roark alone with
24 her sister; right?

25 A. I'm not saying that she's going to kill her here. Let's

09:37:39

1 not -- this -- I -- this is a federal record. I'm saying that
2 she would say things that would have Rearden ruminating because
3 she's a very different type of child than Rearden.

4 Q. Did Mr. Stata agree with your observations of your
5 daughters?

09:37:58

6 A. Well, first of all, he's Mr. Stata.

7 And, second of all, I don't know what Mr. Stata agrees
8 or doesn't agree with. You would have to ask him that.

9 Q. Was that ever anything that the two of you spoke about?

10 A. Not in any functional way. We -- there was no resolution.

09:38:11

11 Q. So this particular email that you copied Veronica Borges
12 on, Kate Deily, Kelly Rudolf, and Mr. Stata, what you're
13 telling us is you hadn't had -- before you chose to copy
14 everybody at Spring Ridge Academy with these commentary on
15 this, you hadn't spoken to Mr. Stata about it?

09:38:34

16 A. Oh -- oh, no. We've spoke over the years many times, which
17 led to a divorce because we were not in agreement on, well,
18 many things. That's why you get a divorce, because you cannot
19 come to resolution.

20 But in this particular instance, as we were writing
21 emails, no, I didn't rehash with Mr. Stata an old discussion,
22 because at this point I had been betrayed because he had gone
23 behind my back already, the first email after enrollment, and
24 lied to me that he was talking to Kate Deily to get excused
25 from a Family workshop that he had already promised me he was

09:38:49

09:39:11

1 going to attend. So, no, I didn't think he was breaking old
2 habits.

3 Q. So what you found appropriate was that Ms. Deily and
4 Mr. Stata were having a conversation about scheduling, and you
5 were not included in it?

09:39:27

6 A. No. That's not what I said. What I said was/is that I was
7 doing all of the enrollment, all of the work, as we have
8 called -- as we have -- as I would testify to at length with
9 these emails. And that what Mr. Stata doing offline, as he had
10 done for years, was having conversations with Ms. Deily that
11 were contrary to what he had promised me when we enrolled,
12 which was that we both were going to be committed to this
13 program, we both were going to attend all of these workshops,
14 and he was going to finally show up for Rearden and start
15 showing up as her dad, which is, of course, what I would want
16 as the other parent.

09:39:47

09:40:07

17 And then he did what he'd done for years, have a
18 separate conversation with Ms. Deily, and I get this, boom,
19 surprise email back at my hotel that says, oh, we've had all
20 these conversations.

09:40:24

21 Yes, I wasn't happy about that. That was a red flag.

22 Q. But what I think I just heard you say is that your
23 understanding from speaking to Mr. Stata was that he made a
24 commitment to you to be involved in this program; right?

25 A. It wasn't my understanding. It was a fact. He made that

09:40:36

1 commitment.

2 Q. And -- and I'm assuming you made a reciprocal commitment to
3 him?

4 A. Of course.

5 Q. Okay.

09:40:46

6 A. That I would be involved in the -- the program. And I
7 wasn't the one trying to get out of workshops. In fact, I --

8 Q. Thank you.

9 A. -- cancelled --

10 Q. Thank you.

09:40:53

11 What do you mean by this, that -- you use a pretty
12 powerful world, "emotional dysregulation."

13 What does -- what do you mean by that?

14 A. When people are not thinking rationally, it's this
15 conversation that your feelings trump facts. When people go to
16 that place where they are literally saying things based on
17 emotion and if they gave themselves some time to calm down and
18 rationally be in their other side of their brain, or system 2
19 thinking, as John Hunter would call it, where you're actually
20 considering the facts, you're actually considering logic and
21 whatever and what actually happened.

09:41:07

09:41:28

22 Emotionally dysregulated people are just upset and
23 that you really can't have conversations with them because it
24 doesn't go anywhere. It's not based on facts. They're just
25 upset.

09:41:43

1 Q. And so, if I'm understanding this correctly, you believe
2 that both Roark and Mr. Stata were in this emotional
3 dysregulation state.

4 That's how you're characterizing them?

5 A. What I stated was -- and I believe we're no longer using 09:41:56
6 the term Asperger. I believe now it's referred to as Autism
7 Spectrum Disorder. But, yes, I believe that both Mr. Stata and
8 my daughter, Roark, do -- are -- do have Autism Spectrum
9 Disorder. And that's just a fact.

10 Q. And that causes them, according to you, to emotionally 09:42:15
11 dysregulate?

12 A. I'm not going to say that it causes, but one of the things
13 is -- about Autism Spectrum Disorder is that it -- they process
14 emotions differently and -- and become dysregulated differently
15 than people who do not have Autism Spectrum Disorder. 09:42:32

16 Q. And I believe you told the jury that there's occasions
17 where you thought that's true about Rearden, correct, that she
18 would emotionally dysregulate?

19 A. But not because I think she has Autism Spectrum Disorder.
20 I think there's other things going on with her -- 09:42:49

21 Q. Okay.

22 A. -- that she -- I mean, many people can emotionally
23 dysregulate.

24 Q. Do you?

25 A. From time to time, yes, when I'm provoked in the extreme. 09:42:54

1 I think we all do.

2 Q. Okay. Let's read the third paragraph.

3 A. Oh, the third paragraph. One, two, three.

4 "Mr. Stata's denying of the above situation during our
5 marriage and the ignoring of the above situation since our
6 separation/divorce have caused me not to trust that he is
7 capable of properly supervising Roark and Rearden's
8 interactions."

09:43:11

9 Q. Okay. Why did you write that paragraph?

10 A. Because it -- I thought it was true.

09:43:24

11 Q. All right. Go ahead and read the fourth paragraph.

12 A. "What is best for Rearden is for her to settle into her new
13 school with positivity and encouragement, free from the
14 toxicity that fueled her past destructive behaviors. Rearden
15 expressed to me that she wants to focus on her new school
16 during the upcoming holiday and not have a visit from family.
17 Let's start with what Rearden wants (in terms of visits or not)
18 and end with what Rearden needs (a fresh start)."

09:43:41

19 Q. So first you're telling us, and here, that at that time

20 Rearden told you she wanted to focus on the school and not have
21 a visit from the family; is that correct?

09:44:05

22 A. That's what she had told me, or I wouldn't have written
23 that.

24 Q. When did she tell you that?

25 A. I can't remember exactly, but probably whatever the last

09:44:15

1 time that I saw her, had the opportunity to interact with her.
2 I don't remember the conversation right now, but I do know
3 this: When I record something, it's true at that time. And I
4 have no reason to doubt it, because that is my -- the way that
5 I live my life.

09:44:33

6 Q. Yeah. I believe I've heard you -- some testimony or -- or
7 had you -- you said on your direct that at the time Rearden was
8 going to Spring Ridge, one of the issues or the concerns you
9 had, she wasn't turning homework in correctly and things like
10 that.

09:44:48

11 That really was one of your focuses, that she was
12 performing poorly in school before going to Spring Ridge. Is
13 that fair?

14 A. Yes. Rearden was not doing well in school before she came
15 to Spring Ridge.

09:44:58

16 Q. So I'm curious about your -- your statement here, "Free
17 from the toxicity that fueled her past destructive behaviors."

18 That seems like powerful language. What did you mean
19 by that?

20 A. Many things. And I don't think we can get into all of them
21 here. It wasn't -- she -- yes, this is -- there's many
22 disruptive things she did, including ditching school and being
23 declared a -- a habitual truant for every year of her high
24 school career. Experimenting, you know -- experimenting,
25 whether it be with marijuana or vaping. I don't -- vaping is a

09:45:10

09:45:34

1 very bad thing that is really not appreciated how toxic that is
2 for children. Whether it be just make -- interacting with
3 people and making decisions such as, you know, stealing things
4 from family members so that Mr. Stata installs locks on the
5 doors -- internally in the doors in his home, which I refused
6 to do because I'm not going to be a prisoner in my own home.

09:45:54

7 There was a lot of very destructive behaviors that are
8 not -- you know, lying, cheating, stealing. These are not good
9 behaviors.

10 Q. Yeah. So those are all behaviors that you observed in
11 Rearden --

09:46:09

12 A. Correct.

13 Q. -- prior to her coming to Spring Ridge Academy?

14 A. Absolutely.

15 Q. The fifth paragraph, please.

09:46:16

16 A. "I have looked at the SRA Family Workshop 1 dates. It is
17 during the Valentine's Day Weekend. This make me suspect that
18 Mr. Stata's 'commitment he cannot break' is personal and not
19 work related. If that is the case, I do not support any
20 special accommodations being given to Mr. Stata."

09:46:41

21 Q. What did you mean by that paragraph?

22 A. It means by this was an ongoing issue that had been
23 testified to here in court, that Mr. Stata routinely put his
24 significant other, who was -- had prior worked for the family
25 for 12 years and was extremely close to the girls and myself,

09:46:55

1 over Rearden.

2 This was a -- this was a huge issue for Rearden. She
3 brought it up in her therapy. And that he would put her needs
4 over the needs of our daughter. And, of course, there was also
5 the problem that you should not be dating the ex-employee and 09:47:11
6 the problems that that would be causing in a family when you
7 choose to do those sorts of things rather than just date one of
8 the many available women out in the world.

9 And so it was suspicious. It's Valentine's Day
10 Weekend, and suddenly you can't make this Family workshop. And 09:47:30
11 it looked like we were continuing putting the significant other
12 over Rearden.

13 And the next paragraph says, "Rearden is our priority.
14 (Again, more issues for family therapy.)"

15 So, yes, I was asking him to prioritize our daughter 09:47:48
16 over his personal needs.

17 Q. Did you -- did you speak with him offline instead of in
18 this group email back and forth about what the -- what the
19 issue was?

20 A. No. 09:48:03

21 Q. Okay.

22 MR. GRASSO: Exhibit -- or, I'm sorry. Page 7,
23 please. Can you make it larger at the top.

24 BY MR. GRASSO:

25 Q. Go ahead and -- and read Mr. Stata's response. 09:48:20

1 A. "The conflict in February is due to a commitment made to my
2 parents and sisters month ago to help accompany my 87-year-old
3 mother, who is in delicate condition, on some" -- excuse me --
4 "who is in delicate condition on some travel. Kate and I
5 discussed this conflict last week and she said I could
6 commit" -- "could keep this commitment." [As read]

09:48:40

7 Q. Can we agree that Mr. Stata's response is pleasant and
8 nonconfrontational?

9 A. I agree that that's what he said. I actually don't --
10 didn't believe him then, and I don't believe him now. But you
11 got to pick your battles.

09:48:53

12 Q. I just asked whether his communication --

13 A. It was pleasant. He looks great on paper. Agreed.

14 Q. On Wednesday you testified back when you and Mr. Stata
15 interact that you always strove to be both respectful and
16 cordial. Is that fair?

09:49:10

17 A. I'm sorry. In what context --

18 Q. When you --

19 A. -- did I say this?

20 Q. When you communicate with Mr. Stata, do you strive to be
21 respectful and cordial?

09:49:21

22 A. At all times, no. Sometimes I'm mad as heck, and I'm quite
23 colorful.

24 So, no. I -- I would say I'm a failure at that. He
25 knows after 30-some years how to push all my buttons, as every

09:49:35

1 ex-spouse knows how to do. So while I do, I often fail.
2 100 percent.

3 MR. GRASSO: Page 8. Can you make it a little larger,
4 please.

5 BY MR. GRASSO:

09:49:55

6 Q. Go ahead and read. In response to his email about needing
7 to take care of his 87-year-old mother, this was your response.
8 Go ahead and read it.

9 A. "Thank you for this clarification. Of course your
10 commitments to your mother take precedence here. And I support
11 all accommodations that SRA can provide in assisting you to do
12 so. 09:50:04

13 "When I say 'personal,' this is in reference to
14 your" -- "my ex-personal assistant/the children's first nanny,
15 who you are 'dating.' That is another issue that will be
16 discussed in therapy. 09:50:17

17 "Please note that the secrecy and deception of the
18 last 30 years will not continue into the future. I expect the
19 honesty and transparency from you that I've" -- "that I have
20 always shown you and, indeed, everyone." 09:50:34

21 Q. Would this be an example of you communicating in a
22 respectful and cordial manner?

23 A. I think so, yes. Because I didn't actually believe him,
24 but I took him at face value because we have other witnesses
25 here on this email chain. 09:50:53

1 Q. Yeah. And did you ever consider whether using a different
2 communication style with any of these folks would lead to a
3 better result for everyone, including Rearden?

4 A. I don't know what you mean by a "different communication
5 style."

09:51:09

6 You're asking me -- you're telling me I should be
7 someone else, Mr. Grasso?

8 Q. No. I -- I would never tell you to be somebody else.

9 I'm just asking whether it ever occurred to you
10 whether if you changed your communication style that it might
11 lead to a better result for all involved and, most importantly
12 in this case, Rearden?

09:51:20

13 A. I don't understand.

14 Q. Did you ever think of communicating in a manner where you
15 were not attacking during emails as opposed to just
16 communicating information?

09:51:36

17 Did that ever occur to you?

18 A. I don't think I'm attacking anyone, Mr. Grasso. I think
19 I'm dealing with an email that was sent to me when I got back
20 to a hotel, the timing of which is quite suspicious, indicating
21 that offline conversations were being had with my ex-husband.

09:51:53

22 I think this is quite to the point, transparent, and
23 blunt. And that's who I am. I did not -- I was not told that
24 I needed to become a different person to enroll in Spring Ridge
25 Academy.

09:52:11

1 Q. I've reviewed all of the numerous emails that -- that were
2 produced by you and did not see any emails from Mr. Stata that
3 were anything but respectful and cordial.

4 My question to you is, do you agree with that?

5 A. No.

09:52:28

6 Q. You --

7 A. I don't -- I don't -- I don't need to agree with your
8 opinion of emails that you may -- what's the question?

9 Q. Are you aware of any emails from Mr. Stata where you found
10 his emails to be either disrespectful or somehow attacking in
11 any way toward you?

09:52:39

12 A. Considering that your client produced zero emails,
13 including all of the emails that you had offline with him in
14 discovery -- you destroyed all your documents, so how do I know
15 what Mr. Stata was saying behind my back in emails to Spring
16 Ridge Academy that I wasn't part of and you've never produced
17 in discovery?

09:52:57

18 Q. Ma'am, I was just asking whether you were aware, you, aware
19 of any of the emails that you were copied on where Mr. Stata
20 was being in some way disrespectful, not cordial, or in any way
21 attacking you personally?

09:53:12

22 A. I -- we're going -- I don't understand what you're talking
23 about. I don't know what you're trying to --

24 THE COURT: Mr. Grasso --

25 THE WITNESS: -- get.

1 THE COURT: -- I think the confusion is there's emails
2 that you've been talking about now for about an hour, and they
3 detail some of the spirited language about a 30-year
4 relationship that's gone bad. It appears to be your opinion
5 that when she talks to her ex-husband it's disrespectful in 09:53:41
6 some way. Obviously, she doesn't see it that way. There's no
7 name calling that I've seen. It appears that the witness is
8 simply stating the facts as she recalls them. So when you're
9 saying he's being respectful and her changing her style of
10 communication, it's confusing. 09:54:01

11 So if you have specifics that you want to allude to
12 where she's being disrespectful, just ask the question about
13 the area where it's disrespectful in your opinion.

14 MR. GRASSO: Thank you, Your Honor.

15 Page 9, please. 09:54:19

16 BY MR. GRASSO:

17 Q. This is an email that -- that Kate Deily sent to you,
18 Mr. Stata, and it's copied to Veronica Borges and Kelly Rudolf;
19 correct?

20 A. Correct. 09:54:33

21 Q. Do you recall getting this email?

22 A. I do.

23 Q. Go ahead. Do you want to take a moment and look at it? I
24 mean, I have a question about it.

25 A. Yes, I have reviewed it. 09:54:59

1 Q. Can we agree that this seems well-intended to help with
2 communication?

3 A. No, it does not. This is exactly the opposite of what we
4 signed up for and exactly the opposite which is in our Marital
5 Settlement Agreement, and exactly the opposite of what was
6 recommended by the court-ordered custody evaluator back in
7 California.

09:55:13

8 Q. What does Ms. Deily say in this email that you find
9 objectionable?

10 A. First of all, Ms. Deily is not a therapist. She's the
11 Admission Director. And for the life of me, I could not
12 understand why she was sending this, number 1. Huge red flag.

09:55:26

13 Number 2, this is exactly what got Rearden in this
14 situation in the first place. At dad's house, she runs wild
15 with no boundaries. Then she comes back to mom's house, and
16 mom has rules because mom is a parent. This was all covered.

09:55:44

17 And for her to now switch up and claim that this is
18 the model we're going to use, I would have never signed up for
19 this. This is not the model. That's not what is going to help
20 Rearden, and that was not my understanding. And she very
21 clearly for the first time outlines what their true intentions
22 are here, which were contrary to healing a family and getting
23 both parents on the same page for the best interests of the
24 child who needs to understand things like no lying, no
25 cheating, no stealing. Nonnegotiable. Going to school, doing

09:56:02

09:56:20

1 your homework, nonnegotiable. Or going to a trade school and
2 doing that or getting a good -- a job and performing well at
3 that, or any one of these things.

4 Mom and dad need to be on the same page. And what
5 she's saying here is completely opposite of that, and she's not 09:56:38
6 a therapist.

7 And I am pretty livid at this point and now taking
8 this matter to my own personal therapist and being very
9 triggered and traumatized by this going. That's not what they
10 sold us. 09:56:55

11 Q. So this email you found obviously to be inappropriate, it
12 triggered you, and you had to go consult with your therapist
13 after getting it?

14 A. Absolutely. I was in therapy all along because she was
15 helping, as is required by the Marital Settlement Agreement, 09:57:10
16 consulting with both my therapist and Rearden's therapist back
17 home and about everything. Kept them up to date about
18 everything that was going on with Rearden, because that was
19 part of the marital settlement understanding, part of the
20 treatment team, the actual treatment team in California. 09:57:29

21 So, yes, this model's not going to work, because then
22 Rearden figures out how to play all of the parties against each
23 other. And that is not anything that was discussed in the
24 application or any other thing. And now Kate Deily is coming
25 up with her version of what treatment is or is not going to 09:57:48

1 look like.

2 No, I was not in agreement with this.

3 Q. Okay. And in this email she tells you that she's asking
4 you to return the attached Separated and Divorce Parent
5 Agreement; correct?

09:58:03

6 A. That I never saw until after I signed the agreement.

7 Q. I'm just asking whether --

8 A. Yes.

9 Q. -- she sent it to you.

10 A. Yes, she did, and I delayed --

09:58:11

11 MR. GRASSO: Page 10, please.

12 BY MR. GRASSO:

13 Q. Okay. So go ahead and --

14 MR. GRASSO: I hope it's large enough. If anyone
15 needs me to make it larger, I can.

09:58:22

16 BY MR. GRASSO:

17 Q. Can you go ahead, and can you just -- you confirmed you got
18 this document; correct?

19 A. I got it as an attachment to the email.

20 Q. Yes, ma'am.

09:58:31

21 Please review it, and let us know if there's anything
22 in there that you find objectionable.

23 A. Well, I start with finding it objectionable that it wasn't
24 given to me before I signed the contract. Let's start with
25 that, but we can go line item by line item.

09:58:44

1 You're asking me what? What is your question about
2 this?

3 Q. I'm trying to get a sense if there's something in here that
4 you found objectionable.

5 A. I don't think necessarily objectionable, but it's
6 not what's written there. It's how it's implemented.

09:59:52

7 So, you know, their -- no, this --

8 Q. It --

9 A. It sounds like some pretty -- some pretty good rules, but
10 that's not the same thing as saying, you know, at dad's house
11 there's dad's rules, and at mom's house -- and these are two
12 separate households. That's not -- that isn't encompassed in
13 here.

10:00:04

14 Q. Oh.

15 A. There's some very good things, frankly, that --

10:00:14

16 Q. Okay. So if -- we saw the email from Ms. Deily where she
17 forwarded this agreement. We can agree that this Separated and
18 Divorce Parent's Agreement as a general matter seems reasonable
19 and seems to be a way for Spring Ridge Academy to help
20 facilitate communications where the parents maybe have had
21 prior conflict. Is that fair?

10:00:34

22 A. I don't take it like that. You -- you can't take things
23 out of the context. It wasn't provided at -- to us before the
24 contract was signed. Suspicious. It's being given to me in
25 the context where I'm being reprimanded. Suspicious. There

10:00:49

1 have been offline conversations going on. Suspicious.

2 So if you want to take this document and you want to
3 remove it from this point in time and you want to put it back
4 over before when I was getting all these other things and it
5 was part of a larger cordial conversation, I might have viewed 10:01:08
6 it completely differently. But given the context in which I
7 got this, no. I was suspicious as to what they thought I was
8 agreeing to because I'd already seen it in the context of their
9 own inappropriate and bizarre behavior.

10 So, yeah, in a different context I might have not had 10:01:26
11 the same reaction. But attached to this long chain back and
12 forth where I'm basically being told mom's house, dad's house,
13 never the twain shall meet, no. I didn't look at it
14 positively.

15 Q. Can we --

16 A. You can't --

17 Q. Can we agree from reading the document that it's clear that
18 it's intended -- or the focus here is to not lose sight of the
19 primary concern, in this case it would be Rearden?

20 A. I don't think anything to do with Spring Ridge Academy in 10:01:52
21 hindsight was clear. I do agree that that has always been my
22 focus. I have testified at length for the last however long
23 about that being the focus.

24 My -- my behavior speaks for itself. I'm not going to
25 speak to the intent of Spring Ridge Academy, because in 10:02:08

1 hindsight I know what their intent was. They've testified as
2 to that themselves, and their own testimony speaks for itself.

3 Q. Can we agree that this agreement at the end, in all caps,
4 is, "Never lose sight that you are doing it for your child"?

5 A. Well, first of all, it says "never loose," and that's -- 10:02:25
6 actually the word is "lose sight that you are doing it for your
7 child."

8 Yes, it does say that. It certainly says that.

9 MR. GRASSO: Page 11, please. Can you make it larger,
10 please. 10:02:40

11 BY MR. GRASSO:

12 Q. Okay. So then there's -- we -- we get to an email sent to
13 you by Ms. Borges.

14 Go ahead and please read that to us.

15 A. "Hello Kimberly. It's Veronica, Rearden's therapist. I 10:02:51
16 met with her yesterday to complete her intake paperwork and
17 chat. She is settling in and I found her to be pleasant and
18 forthcoming. We are off to a good start. I also asked her if
19 she wanted a visit from dad and her sister for Christmas break
20 and she was very excited to know that they would come and that 10:03:11
21 she could have a visit."

22 Q. It sounds like, from reviewing this email, that Ms. Borges
23 learned from speaking to Rearden that she did want her dad and
24 sister to visit over the holidays.

25 A. I don't believe a word Veronica Borges writes now knowing 10:03:23

1 what she did subsequent to this and then violent toxic notes
2 and vitriol that she brainwashed my daughter with.

3 So, no. She wrote this. I was immediately
4 suspicious, because Rearden had told me something very
5 different. I took her at face value.

10:03:39

6 But, no, I do not believe anything Veronica Borges
7 said to me ever. It was all -- we've seen her testify. You
8 can draw your own conclusions.

9 This is what she wrote. And I took her at face value,
10 but it was completely contrary to what Rearden had told me.
11 And based on subsequent information I gained, I don't even
12 believe that she said that. I think this was part of the
13 entire brainwashing, et cetera, that they had already started
14 on my daughter and my ex-husband.

10:03:55

15 MR. GRASSO: Page 12, please.

10:04:14

16 BY MR. GRASSO:

17 Q. So the next email in this sequence, it was -- was sent less
18 than an hour later, about 40 minutes or so later.

19 This is your email to Ms. Borges; correct?

20 A. It looks like that, yes. I don't remember it off the top
21 of my head. If you want me to ask -- answer questions about
22 it, I'm going to have to review it.

10:04:30

23 Q. Go ahead. Please. Just read it to yourself. That's fine.

24 A. Okay. Yes. I've read it.

25 Q. This seems to be an effort to just work out some scheduling

10:05:02

1 issues; correct?

2 A. Yes. They were -- this is a follow-up on that whole Roark
3 visiting over the holidays. As I said, you have to pick your
4 battles. And I asked her: Wait. Why are we even having this
5 conversation? Is it even feasible for you to do this?

10:05:17

6 And I got that information from her, which I recorded
7 here. As I said, I make a habit of recording conversations
8 because I'm not going to remember them later with the
9 specificity. And I end with saying, "Regrettably, Mr. Stata
10 speaks without checking the facts or confirming the
11 availability of the affected parties."

10:05:34

12 Q. Okay. So you sent this email about 40 minutes after
13 Ms. Borges' email telling you that she spoke with Rearden and
14 Rearden told her she wanted to visit with her sister and dad,
15 but you -- you don't say in this email that Rearden told you
16 something different; right?

10:05:50

17 A. I said that prior to this in an email. I didn't reiterate
18 this. I did not get in an argument with Veronica Borges about
19 that, no. I dropped it. I didn't know. Maybe Rearden had
20 changed her mind.

10:06:05

21 At that time I had no framework for who Veronica
22 Borges was as a person. I didn't even meet her in person until
23 years later. So I have no experience with a person. They're
24 telling me that Rearden basically changed her mind. I'm
25 accepting that at face value. At that time I didn't know who

10:06:21

1 Veronica Borges was, what -- how she presents, how she acts.

2 So I gave her the benefit of the doubt.

3 This was one of our family values, and I assumed that

4 Rearden had changed her mind. And then went about inquiring

5 about whether Roark could, in fact, even get to Arizona during 10:06:38

6 Christmas. Why are we even talking about something if it's not

7 a possibility? It's the 17th, and Christmas is a week away.

8 Q. Is there a reason you felt compelled to say, "Regrettably,

9 Mr. Stata speaks without checking facts or confirming the

10 availability"?

10:06:56

11 A. No. Because I'm setting up -- we're working with

12 therapists, and Mr. Stata has told them that something is going

13 to happen without checking with our older daughter if she's

14 even available to do that.

15 So, regrettably, he does. I'm putting you on notice. 10:07:07

16 Maybe we should check with people to find out if they're

17 available to show up in Arizona at Christmastime with a week's

18 notice before we volunteer and have a conversation about it.

19 MR. GRASSO: Page 13, please.

20 BY MR. GRASSO:

10:07:23

21 Q. So Ms. Borges then responds shortly thereafter, a few hours

22 later and says, "Thanks for the prompt response. I look

23 forward to speaking with you on Monday the 10th" -- "at 10:00."

24 And she says she's worked out the visit plans with

25 Mr. Stata; right?

10:07:40

1 A. That's what she says.

2 MR. GRASSO: Page 14, please.

3 BY MR. GRASSO:

4 Q. Thereafter you got this email from Ms. Deily, and she's --
5 she copies you, Veronica Borges, and Kelly Rudolf. She just -- 10:07:54
6 she's not saying anything to Mr. Stata at this point.

7 Do you recall getting this email?

8 A. Yes, I do.

9 Q. Did you -- all I'm asking at this point is, did you find
10 this email objectionable? 10:08:10

11 A. Extremely objectionable. And I think that at that point I
12 never emailed Ms. Deily again, unless I think it might have
13 been to put them on notice to preserve documents in
14 anticipation of a lawsuit or something.

15 If I'm not mistaken, this might have been the -- the 10:08:26
16 last email that I ever got from her, and I didn't respond back
17 to her after that.

18 Q. Okay. So I think what I just heard is that once you got
19 this email, you were already planning litigation against Spring
20 Ridge? 10:08:44

21 A. No. That's not what I said.

22 When I got this email, I was done speaking to Kate
23 Deily, if I'm remembering correctly.

24 Q. Okay. And this is, like, a week after you signed the
25 enrollment agreement? 10:08:55

1 A. Oh, absolutely. I had red flags two hours, or however
2 many hours it took me to drive from Mayer, Arizona, back to the
3 Hilton chain hotel in Phoenix, and get the email. That was the
4 first red flag, because it was a complete switch at that point.
5 All of the nicey, nicey and cooperation from before that.

10:09:12

6 I'm -- I'm pretty used to this, people around Mr. Stata,
7 because he has a lot of money. And I've seen this behavior
8 before, and it was within two hours.

9 So if you want to know when my first red flags were,
10 when I got the first email back at the hotel, and all of this
11 was just building and building, including this. At this point
12 I'm like: Okay. This person is not a therapist. She's an
13 Admissions Director. She's reprimanding me.

10:09:30

14 And I had already revealed all of the answers about
15 what was going on in our case prior to enrolling my daughter in
16 confidential documents. And, yeah, I was beyond irritated
17 and -- and done with speaking to Kate Deily.

10:09:49

18 Q. Did you think it was inappropriate for her to suggest that
19 you consider altering the tone of your emails because they're
20 coming across as -- as angry and demeaning towards Mr. Stata?

10:10:12

21 A. I -- I don't care about her opinion. She is -- she's an
22 Admissions Director. She is not a therapist. She has clearly
23 not read the history. And I don't care. I'm not soliciting
24 her opinion on this. It's not appropriate in her role to be
25 writing this.

10:10:30

1 Q. Do you agree, just as a general concept, regardless of who
2 it's coming from, that it's best to try to alter your
3 communication style so that you're not coming across as angry
4 or demeaning?

5 A. I think that the judge has already talked to you about
6 this, so I don't want to beat this dead horse.

10:10:42

7 MR. GRASSO: I think she's objecting to my question.

8 MS. ALLARD: I'll object. Argumentative.

9 THE COURT: Sustained.

10 Please disregard counsel's last question.

10:10:53

11 MR. GRASSO: Page 16, please.

12 BY MR. GRASSO:

13 Q. Mr. Stata, then, with this email, he goes and he returns
14 that -- that agreement; correct?

15 A. I'm -- is it attached to that? I don't know. It speaks
16 for --

10:11:09

17 MR. GRASSO: Page --

18 THE WITNESS: -- itself.

19 MR. GRASSO: -- 17.

20 THE WITNESS: Oh, yep. There it is. Yep, he does.

10:11:18

21 BY MR. GRASSO:

22 Q. And you -- you eventually sign this agreement?

23 A. A while later, because we need to move this along, and I
24 don't want them to claim -- so I don't remember the date of it,
25 but it's a -- a number of days subsequent to this, but not an

10:11:33

1 extremely long period of time.

2 Q. Okay.

3 A. Maybe a week or two later, I think.

4 MR. GRASSO: Exhibit -- or page 19, please. Can you
5 make it larger, Noel, please.

10:11:45

6 BY MR. GRASSO:

7 Q. Ma'am, I know in this particular case you've told us that
8 you've spent thousands of hours reviewing notes and materials
9 in this case; correct?

10 A. I -- I beg your pardon? Say that again.

10:12:00

11 Q. Yes. I thought I heard you say before that you've spent
12 thousands of hours reviewing the materials in this case.

13 A. You mean --

14 Q. Is that fair?

15 A. You mean working on this lawsuit for the last three and a
16 half years? Absolutely thousands of hours.

10:12:10

17 Q. Okay. And in conjunction with that, you've reviewed the
18 file documents, you've reviewed the progress notes.

19 You've already testified to that; correct?

20 A. Yes.

10:12:22

21 Q. And you've -- in particular, I -- I recall you saying that
22 you reviewed the particular progress notes that involved
23 Ms. Borges; correct?

24 A. Yes.

25 Q. Okay. This is one such note.

10:12:31

1 MS. ALLARD: Your Honor, could I ask for an exhibit
2 number since it's being published?

3 MR. GRASSO: Exhibit --

4 THE COURT: Yes. What is it?

5 MR. GRASSO: Exhibit 49, page 19. It's the same
6 exhibit, Your Honor.

10:12:39

7 MS. ALLARD: Okay.

8 THE COURT: Can you leave it large --

9 MR. GRASSO: Yes.

10 THE COURT: -- if you would, please.

10:12:45

11 MR. GRASSO: Yes, sir.

12 Noel, can you make it larger, please. Just make it
13 larger, please.

14 BY MR. GRASSO:

15 Q. Go ahead and -- and take a moment. You can read it to
16 yourself, if you'd like.

10:13:00

17 A. What's your question, counselor?

18 Q. First off, do you recall reading this?

19 A. I never got this until discovery.

20 Q. Does this accurately reflect a discussion that you had with
21 Ms. Borges on December 23 of 2019?

10:13:37

22 A. No.

23 Q. What -- what about it's inaccurate?

24 A. No. Counselor, I'm not going to go into that. Ms. Borges
25 testified on this stand. Everyone saw her. Once you have that

10:13:54

1 picture in your mind, we're not going to get into her own
2 inability to communicate, inability to read something that
3 says, you have cancelled therapy, yet she comes here and
4 testifies that she did not cancel therapy.

5 We're not going to get into all the problems. This 10:14:13
6 was Ms. Borges' take on our interactions. It is her opinion.
7 It is not my opinion. It does not accurately reflect what was
8 said or what happened.

9 Q. Okay. Back to my question.

10 I'm asking you what about it, what did she write that 10:14:28
11 you believe is inaccurate?

12 A. It's her opinion.

13 Q. I'm asking what you're reading --

14 A. Everything. It's not how it came down. Just like when she
15 cancelled therapy in an email and then claimed, and still 10:14:40
16 claims to this day, despite reading the email and having her
17 memory refreshed, that I cancelled therapy.

18 There's no talk -- there's no convincing her of what
19 she believes.

20 THE COURT: Mr. Grasso, what -- what are you trying to 10:14:54
21 establish?

22 I've seen multiple pieces of correspondence where the
23 actor writer that's explaining what they had they heard from
24 this witness or responding to something that she has written.
25 It's their position in terms of how they believe she's coming 10:15:13

1 across.

2 Anyone can say anything about how another person's
3 coming across. You could say the judge is very angry and
4 direct because he wants to move things along. I may disagree
5 with you.

10:15:28

6 So what are you trying to establish?

7 There's a lot of people that have horrible things to
8 say about this witness. You've established all of that.
9 That's their opinion in terms of what they want to write and
10 what they want to say.

10:15:41

11 So what exactly are you trying to establish here? And
12 a lot of this we went over last week.

13 MR. GRASSO: I know, Your Honor. I'm -- I was trying
14 to go through putting things in a chronology, because it's
15 going to talk -- it's going to go to things that we're going to
16 be covering. Because I felt when we did go through -- through
17 things last week that we didn't -- we skipped some things.

10:15:54

18 THE COURT: Well, see, the problem with doing what
19 you're doing is we had hours and hours and hours of this, and
20 then we have three days off because I had a lot of criminal
21 matters on Monday, and then here we are Tuesday, and we're
22 taking on some of these same things just in a different way.

10:16:10

23 If there's a way to tie this together somehow, it
24 would be very, very helpful.

25 Go ahead.

10:16:27

1 MR. GRASSO: I'll do my best, Your Honor.

2 So let's go ahead to Exhibit -- or permission to
3 publish Exhibit 49, page 20.

4 THE COURT: You may.

5 BY MR. GRASSO:

10:16:45

6 Q. This is the email that you sent to Ms. Borges sometime
7 after you spoke about whatever you spoke about. Fair?

8 A. Yes.

9 Q. You told her that you appreciated speaking with her, and
10 then it looks like you returned the agreement on that date
11 after that discussion; correct?

10:16:55

12 A. Yep. As I said, it was, like, within a week or so after.
13 A week to two weeks.

14 And that confirms that. So my memory was somewhat
15 accurate.

10:17:09

16 MR. GRASSO: Page 21, please, of the same exhibit.

17 BY MR. GRASSO:

18 Q. And then here's a copy of the agreement with your signature
19 on it, with your wet signature on it; correct?

20 A. Yes.

10:17:18

21 MR. GRASSO: Permission to publish Exhibit 52, page 3.

22 THE COURT: You may.

23 BY MR. GRASSO:

24 Q. We're now about eight days later, and here's the next
25 progress note.

10:17:36

1 THE COURT: It's in microprint.

2 Oh, thank you very much for making it larger. Thank
3 you.

4 MR. GRASSO: I'm sorry, Your Honor. And I -- and we
5 can do that at any time. We try to do it. 10:17:44

6 THE COURT: That would be very, very helpful.

7 MR. GRASSO: Thank you, Your Honor.

8 THE COURT: Thank you.

9 BY MR. GRASSO:

10 Q. Go ahead and take a look at this one, ma'am, please. 10:17:50

11 A. I've already seen that. I don't need to read it again.
12 It's just not going -- it's just going to irritate me, and I
13 know what it says.

14 Q. We agree that at least this note reflects that Ms. Borges
15 felt that there was an issue with your communication style? 10:18:09

16 A. I'm not going into this again.

17 Q. You read these notes, but --

18 A. I never read these notes. These notes were produced in
19 discovery, Mr. Grasso, years after it happened. I asked for
20 notes. I asked for records. I asked for tests. I asked for 10:18:28
21 syllabi. I asked for projects. I asks for medical records.
22 And so did Ms. Allard. And we never got them. And then we
23 fought and fought and fought to the point where we angered this
24 judge because we couldn't agree about discovery.

25 THE COURT: Wait. Let me stop you there. Let me stop 10:18:46

1 you there.

2 You didn't anger this judge.

3 THE WITNESS: Well, we --

4 THE COURT: It's my job --

5 THE WITNESS: -- were being --

10:18:52

6 THE COURT: It's my job to listen to things that
7 happen in the courtroom. And you can't anger this judge.

8 THE WITNESS: I respect that, Your Honor. But we were
9 being childish and not professional and not being able to agree
10 on discovery and having to come before you when it should be
11 produced in plain of these --

10:19:05

12 THE COURT: Those are your words, and I don't disagree
13 with that summary.

14 THE WITNESS: Thank you, Your Honor.

15 And so this was received during litigation. And I
16 then read that, and it was very informative because I was
17 right. The people at Spring Ridge Academy did not like me, did
18 not appreciate me as a mother, and found me all of those
19 things. I'm not surprised. I picked up on that from their
20 subsequent behavior.

10:19:16

10:19:37

21 But it doesn't prove anything, and I'm not agreeing
22 with a woman who came up here and could not agree that she
23 cancelled a therapy session --

24 BY MR. GRASSO:

25 Q. Okay.

10:19:48

1 A. -- when it was in writing.

2 So we're -- are we going to keep doing this? Because
3 I think the judge has admonished you about forcing me --

4 THE COURT: Is there an objection?

5 THE WITNESS: -- to agree.

10:19:57

6 MR. GRASSO: Yes, Your Honor, there is an objection.

7 THE WITNESS: Are you going to --

8 MS. ALLARD: I'm going to object to relevance. The
9 witness is being asked foundationally if she agrees with an
10 email.

10:20:07

11 THE WITNESS: Email --

12 MS. ALLARD: She never got this note.

13 THE COURT: Whoa. Stop, stop, stop.

14 MS. ALLARD: A progress note she never --

15 THE COURT: Stop, stop, stop.

10:20:12

16 First of all, I need to have a clear record of
17 everything that's going on in this room. I can't have parties
18 randomly yelling into the record over other parties.

19 Mr. Grasso had objected. He did not finish his
20 objection.

10:20:31

21 And, also, the proper way to object is you stand, you
22 speak into a microphone, and you lodge your objection.

23 Mr. Grasso, you had an objection. Go ahead.

24 MR. GRASSO: Improper narrative.

25 THE COURT: This Court will sustain the objection

10:20:48

1 based on nonresponsive.

2 So the last response from the witness will be not
3 considered by the jury.

4 Go ahead.

5 MR. GRASSO: Permission to publish Exhibit 54, please. 10:20:58

6 THE COURT: You may.

7 Ms. Allard, you're standing. How could I help you?

8 MS. ALLARD: I -- I had an objection, but I'll wait
9 till the next question.

10 THE COURT: Very well. 10:21:11

11 MR. GRASSO: Can you blow up the email at the bottom,
12 Noel, please.

13 Thank you.

14 BY MR. GRASSO:

15 Q. This is an email that we have concerning Mr. Stata asking 10:21:26
16 about Dr. Sarah Villarreal.

17 I don't know if I'm saying her name correctly, so I'll
18 apologize in advance.

19 Who is that?

20 A. Dr. Sarah Villarreal is Rearden's therapist in California, 10:21:37
21 was Rearden's therapist in California for several years before
22 she was sent to Spring Ridge Academy and during her entire time
23 at Spring Ridge Academy. She is mentioned in the Marital
24 Settlement Agreement as part of the treatment team.

25 Q. She's a psychologist? 10:22:01

1 A. Yes, she is. She has a doctorate in psychology.

2 Q. Thank you.

3 MR. GRASSO: Can we go to the top email, please.

4 BY MR. GRASSO:

5 Q. And Ms. Borges in response to that mentions that she needs 10:22:12

6 to get a release so she can speak with the psychologist;

7 correct?

8 A. She asked Raymie for a release from the psychologist.

9 Q. That's fair. Yes. Correct?

10 A. Correct. 10:22:27

11 MR. GRASSO: Page 3, please.

12 BY MR. GRASSO:

13 Q. So the next thing in the sequence is -- not this -- this is

14 you chiming in; correct?

15 A. "Chiming in"? 10:22:38

16 Q. Responding. I apologize.

17 A. Yes, I respond, because they still are not getting it.

18 Q. What part are you suggesting they didn't get?

19 A. They don't get that I have sole legal custody of Rearden.

20 Q. We're talking about -- 10:22:57

21 A. Mr. Stata is not the person to be signing the release. I

22 am.

23 Q. We're talking about a psychologist; correct? Information

24 from a psychologist; true?

25 A. That is correct. Dr -- 10:23:11

1 Q. Okay.

2 A. -- Sarah Villarreal, Rearden's psychologist in California.

3 MR. GRASSO: Permission to publish Exhibit 28, page 4.

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

5 BY MR. GRASSO:

10:23:28

6 Q. Now, we've seen this before, and it -- at the top where
7 it's talking about the legal custody, there's some carve-outs
8 for certain areas; correct?

9 A. Correct.

10 Q. And the second one is psychological decisions; correct?

10:23:47

11 A. Major psychological decisions. That means a change of
12 therapist, et cetera, not outside the Marital Settlement
13 Agreement, because we have to be within that. And you would
14 have to modify it directly if you wanted to change that.

15 But that doesn't mean signing releases so that the
16 school can talk to Dr. Villarreal. That's not included here in
17 2(A)(ii).

10:24:07

18 Q. Okay. So -- so it's your testimony that the -- this
19 agreement did not provide Mr. Stata with any rights as it
20 relates to the psychological decisions, including the selection
21 or retention of psychologists, psychiatrists, and testing
22 facilities?

10:24:31

23 Is that your --

24 A. That's not --

25 Q. -- position?

1 A. -- what I said. No. That's not what I said.

2 Q. So do you agree that Mr. Stata would have the right and
3 have joint custody with you when it comes to making decisions
4 about your daughter's psychological well-being and retaining
5 psychologists to help her?

10:24:55

6 A. We --

7 MS. ALLARD: Objection. Compound.

8 It's a very specific order, and the question asks two
9 questions; psychological well-being and then the follow-up
10 retention.

10:25:04

11 It's a very narrow area here, carve-out, this order.

12 THE COURT: The objection is sustained.

13 Please disregard the last question from counsel.

14 MR. GRASSO: Permission to publish Exhibit 52, page 4.

15 THE COURT: You may.

10:25:20

16 MR. GRASSO: There you go. That's it.

17 BY MR. GRASSO:

18 Q. We're going -- now we're in the -- just for my time frame
19 chronology standpoint, we're at January 9, 2020. This is an
20 email that you sent to Outback; correct?

10:25:50

21 A. This is an email that I sent to McKay Deveraux at Outback,
22 the person that conducted the Parent workshop --

23 Q. Okay. I'd like you to go --

24 A. -- not --

25 Q. What were -- what were the concerns?

10:26:04

1 And you can look at it and try to respond to me in the
2 most direct, concise way you can.

3 You can start with the first one.

4 A. I have to refresh my memory. This was a long time ago. So
5 give me one moment to think.

10:26:21

6 Okay. I have -- I have refreshed my memory. Thank
7 you.

8 Q. Go ahead and tell me what -- what were you talking -- what
9 was the concern in number 1?

10 A. Number 1 was they isolated all of the parents from each
11 other. They never allowed us to have any kind of contact with
12 the other parents in the program, even though we wanted to.
13 And I -- I just thought that that was not helpful. I think
14 it's helpful to allow people who are going through the same
15 thing to speak to each other and support each other to give
16 each other comfort and advice.

10:26:34

10:26:54

17 And so that was not allowed at all, and I was asking
18 them to revisit that policy. Because from a business model
19 perspective, it -- it made no sense. It didn't make sense that
20 none of us could know. And if someone wanted confidentiality,
21 they could always opt-out of that. But I repeatedly requested
22 permission to talk to other parents. And at the Parent
23 workshop, there were people that were interested in that. And
24 we actually did exchange numbers and continue in communication.
25 So that was the first one.

10:27:12

10:27:30

1 The second one was that the transcript that they
2 attached was never discussed to me that she, they were
3 claiming, had done poorly and got, like, Ds in this. I later
4 learned from my daughter what that was. But I think if a child
5 isn't doing well and you're going to give someone a report 10:27:45
6 card, you should give them a head's up before the final one if
7 they're on their way to maybe not meeting your expectations, as
8 it seemed to indicate in that report.

9 And then the number 3, which was the real concern, is
10 I had received around I think the day after Christmas a huge 10:28:00
11 box with all my daughter's belongings in it. And, also, at the
12 bottom of that there's like a -- you know, the clothes that she
13 wore and different stuff, which mostly they provided because we
14 really didn't send her with anything. In fact, I think they
15 even provided her underwear. I mean, she went with underwear. 10:28:21
16 They just didn't let her keep those. I don't want to make it
17 sound like she was -- showed up naked.

18 Anyway, on the bottom were all of our correspondence
19 where I wrote all the poems each week about what she was going
20 through. And that was the first time I saw a whole bunch of 10:28:38
21 correspondence from Mr. Stata to our daughter. That was very,
22 very concerning. Just kind of odd and disturbing. And I
23 thought that they were having us send those letters to them
24 before giving them to our child so that they were being vetted,
25 because it was supposed to be a family thing. And it turns out 10:28:56

1 that that wasn't happening. And I wanted to talk to him about
2 clearly me -- at this point it's January already. She's in
3 SRA. What were you really doing there? If you weren't helping
4 us be better parents and helping her, what were you doing?
5 Like I don't understand why you were letting him write this
6 stuff that's not really appropriate and would be burdensome.

10:29:16

7 So that's what those three points were. I know that
8 was a narrative, but you asked a narrative question.

9 THE COURT: Ladies and gentlemen, this is a perfect
10 time to take our morning recess. Court's in recess until
11 10:45.

10:29:29

12 All rise for the jury. Court's in recess.

13 (Jury not present at 10:29 a.m.)

14 THE COURT: Court's in recess.

15 (Recess from 10:29 a.m. to 10:45 a.m.)

10:29:59

16 (Jury present at 10:45 a.m.)

17 THE COURT: This Court will come to order.

18 Please continue.

19 MR. GRASSO: Permission to publish Exhibit 77,
20 page 22.

10:47:41

21 THE COURT: You may.

22 BY MR. GRASSO:

23 Q. Just to orient us, this is January 15, 2020. You exchanged
24 some emails with Mr. Stubbe, the academic advisor; correct?

25 A. Correct.

10:47:55

1 Q. At the bottom of page 22, and it spills on to the next
2 page -- I'm going to let you read that bottom section just so
3 you're oriented to it.

4 A. Which part? You mean the part that says, "My name is Ken
5 Stubbe"?

10:48:10

6 Q. Yes, ma'am.

7 A. Thank you.

8 Q. And when you're ready, I can turn the page.

9 A. Okay.

10 MR. GRASSO: Page 23, at the top. And if you could
11 make it larger, that would be helpful, Noel.

10:48:28

12 BY MR. GRASSO:

13 Q. And go ahead. You can just read it to yourself. It's -- I
14 want to give you a chance to get oriented.

15 A. Okay. I've read it.

10:48:48

16 Q. Can we agree -- this is just actually a simple yes or no.

17 Do you believe Mr. Stubbe was providing a thoughtful
18 analysis concerning Rearden and her academics?

19 MS. ALLARD: Objection. Calls for speculation.

20 THE COURT: Overruled.

10:49:30

21 THE WITNESS: I believe that Mr. Stubbe believed what
22 he was saying. I don't agree with it, but I believe he
23 believed it. I have no reason to think he's a liar, but I
24 don't know. I just don't know how to answer this question.
25 He's just not right.

10:49:50

1 BY MR. GRASSO:

2 Q. Okay.

3 MR. GRASSO: Page 21.

4 BY MR. GRASSO:

5 Q. You responded to his email. Do you recall that?

10:49:57

6 A. Yes, I did.

7 Q. Okay. So it's -- it spills over onto two pages. I'm going
8 to let you read this first page just to orient yourself.

9 A. I don't need to do that. We've got to move this along.

10 Let's go. I remember -- I remember it --

10:50:10

11 Q. Do you recall this email?

12 A. Yes, I do.

13 Q. What did you mean by in the second paragraph where you're
14 talking about how Rearden engages in cognitive distortions and
15 gaslighting?

10:50:21

16 A. I'm sorry. I can't -- what paragraph are we at?

17 Q. Second.

18 A. Okay. What do I mean by cognitive distortions and
19 gaslighting?

20 Q. Yes.

10:50:30

21 A. She makes up stuff that's not true, and she believes it
22 herself and -- that's cognitive distortions. And she makes up
23 stuff that she knows is not true and tries to convince other
24 people of things that are not true, and we know they're not
25 true.

10:50:44

1 Q. And it was your impression at this time that although your
2 daughter was polite and respectful on the surface, she's
3 whatever she needs to be in the moment to manipulate and
4 control situations of the people involved?

5 A. Yes. And then I gave --

10:50:57

6 Q. You referred --

7 A. -- examples.

8 Q. Hold on a second.

9 You said she was adverse to all work, much less hard
10 work, a character trait you didn't share and didn't advocate.
11 She's lazy, entitled, and ungrateful.

10:51:11

12 A. Yes.

13 Q. These are -- these are the observations that you had of
14 your daughter at that moment in time?

15 A. Yes. I'm talking -- I'm not talking to someone in the
16 public. I'm talking to a school that needs to be up to speed
17 on her history so we can address the actual reality, not some
18 fantasy child that Ken Stubbe seemed to be writing about in his
19 email to me.

10:51:22

20 MR. GRASSO: Page 22 of Exhibit 77. At the top,
21 please.

10:51:38

22 BY MR. GRASSO:

23 Q. You talk about how Rearden has been engaged in a power
24 struggle with everyone from before she was 1 years old.

25 What does that mean, before she was 1 years old?

10:51:50

1 A. She -- she was just always super defiant, whether it be --
2 like you put her into her Pack 'n Play, and all of a sudden
3 she's out of her Pack 'n Play. She wasn't even 1 year old.
4 I'm like, how in the world did you get out of the Pack 'n Play,
5 which we jokingly refer to as baby jail? Because she was so
6 rambunctious, she would just pull things off of the shelf.

10:52:08

7 And then I turned my back and realized that she was
8 at -- she's tiny like me, both of my daughters are. So she was
9 just a little peanut. She figured out a way to vault out of
10 the Pack 'n Play before she was 1 year old in order to get
11 free. And then she would smirk at you, like, aha, gotcha.

10:52:24

12 So this was her personality for better or worse. If
13 she uses it for good, she could do amazing things in this
14 world. But if you use it for evil, you get in all kinds of
15 trouble.

10:52:43

16 Q. And, according to you, you noticed that before she was
17 1 years old?

18 A. Yeah. She has a sassy personality, and she does what
19 she -- what she wants and figures out a way to do it, even if
20 it seems impossible to others.

10:52:53

21 Q. And you mentioned the power struggle, according to you, in
22 that last highlighted paragraph, have been going on for almost
23 17 years and that you've had 17 years of adults letting her
24 slide and undermining and demeaning you in your legitimate role
25 in setting boundaries; correct?

10:53:10

1 A. Yes. For some reason people just don't seem to get that
2 mothers know their own kids. And so she's so cute and charming
3 and can be so many wonderful things that they just want to like
4 her, because she's super likeable, and, yet, they're letting
5 her get away with not doing the things she needs to do, not 10:53:27
6 anywhere nearly living up to her potential, not -- just not
7 requiring her to be any kind of version of herself, much less
8 the best version.

9 So, yep, that's what people were doing. Silicon
10 Valley, the home of making excuses. 10:53:45

11 MR. GRASSO: Exhibit 55, page 37.

12 BY MR. GRASSO:

13 Q. This is the day after you exchanged those emails.

14 MR. GRASSO: And could we make it larger, please.
15 It's small print. 10:54:00

16 BY MR. GRASSO:

17 Q. Do you recall reading this progress note?

18 A. Do I call -- recall reading --

19 Q. Go ahead. Why don't you just take a moment and look at it.
20 Just -- I might ask a specific question. I just want you to 10:54:12
21 get oriented, please.

22 A. Okay.

23 Q. Okay.

24 A. I have --

25 Q. I -- 10:55:12

1 A. -- read this.

2 Q. There's no question pending.

3 So right now my question to you is, is this a
4 conversation that you recall having with Ms. Borges?

5 A. That is not what happened in that conversation. That's
6 what Ms. Borges thinks, but that is not the conversation that
7 we had. We had conversations. And, once again, she's not an
8 accurate reporter of anything, including whether she cancelled
9 family therapy.

10:55:20

10 And I did not receive this --

10:55:36

11 Q. Okay.

12 A. -- at the time. It was received in discovery.

13 Q. Okay. We'll move on.

14 MR. GRASSO: Your Honor, during the break I asked the
15 clerk to mark a portion of an exhibit that's not yet into
16 evidence. And I believe we have a stipulation with counsel.
17 It's Exhibit 53. It's pages 21 through 27 of that exhibit.
18 And we're going to mark it as a new exhibit, 343, so the jury
19 doesn't get the larger exhibit.

10:55:46

20 THE COURT: Can I see 343?

10:56:05

21 MR. GRASSO: We have a copy for Your Honor.

22 THE COURTROOM DEPUTY: This is your witness copy and
23 your copy.

24 THE COURT: I already have a 343.

25 Oh, you wrote it on here already?

10:56:17

1 THE COURTROOM DEPUTY: Yes.

2 THE COURT: Okay. Thank you.

3 THE COURTROOM DEPUTY: You're welcome.

4 THE COURT: And this 343 has already been properly
5 redacted?

10:56:30

6 MR. GRASSO: I believe so, Your Honor. There -- I
7 don't think there's --

8 THE COURT: You believe --

9 MR. GRASSO: -- any objection.

10 THE COURT: -- so, or it's been properly redacted?

10:56:35

11 MR. GRASSO: There's no redactions that were needed
12 for this exhibit, Your Honor.

13 THE COURT: There's no objection from the plaintiffs?

14 MS. ALLARD: No, Your Honor.

15 THE COURT: It's received.

10:56:42

16 (Exhibit 343 admitted into evidence.)

17 MR. GRASSO: Page 21 from the bottom.

18 BY MR. GRASSO:

19 Q. Oops. Ma'am, there's a -- there's an email at the bottom.

20 It is sent to some folks at Spring Ridge, and you're asking
21 about preparation and academic testing.

10:57:06

22 Do you recall that?

23 A. I am. This is out of context, so I don't know if something
24 preceded this or not at this time. But, yes, I was asking
25 about academic testing and preparation.

10:57:26

1 Q. Right. You were exchanging some emails with Dr. Erin Smith
2 in the days preceding you attending the three-day workshop;
3 correct?

4 A. Oh, a couple weeks before, it seems like, or ten days.
5 Yes, I'm asking about academic testing.

10:57:44

6 Q. Okay.

7 MR. GRASSO: Go to the top of the page, page 21.

8 BY MR. GRASSO:

9 Q. And then you got an email from Dr. Smith.

10 Do you recall that email where she says she discussed
11 the issue about ACT Prep classes with Rearden?

10:57:56

12 A. Yes.

13 MR. GRASSO: Page 22, Noel.

14 BY MR. GRASSO:

15 Q. I don't know why that green thing is there.

10:58:21

16 So this is the email that you sent to Dr. Smith in
17 response to her email after she spoke to Rearden; correct?

18 A. This is the response after -- I'm responding to her
19 response to me.

20 Q. Do you recall -- right. Do you recall this email, or do
21 you want to take a moment to look at it?

10:58:39

22 A. I -- we don't have time for that. Let's go. I recall
23 writing it. We can do it in realtime.

24 Q. Okay. So the third paragraph you're talking about Rearden
25 again. And this is, again, your -- your -- your assertion that

10:58:54

1 she manipulates and controls other people?

2 A. Yes.

3 Q. Yeah. And you talked about, "There's no innocuous
4 situation she can't make worse with a horrible mindset"?

5 A. Yes.

10:59:08

6 Q. Do you agree in general that this email doesn't paint a
7 very flattering picture of your observations of your daughter?

8 A. If my daughter had a flattering picture, she would have
9 completed Gunn High School in Palo Alto, and we would have
10 never been sitting here today.

10:59:24

11 MR. GRASSO: Let's go to page 23.

12 BY MR. GRASSO:

13 Q. And go ahead and read these two paragraphs at the top, if
14 you would.

15 A. Do you want me to read it out loud --

10:59:35

16 Q. Yes.

17 A. -- or to myself?

18 Q. If you wouldn't mind reading it out loud.

19 A. "In summary, I'm saying that what Rearden 'is excited
20 about' is not relevant. If it were, she would not be at Spring

10:59:47

21 Ridge Academy. (Rearden is excited about vaping, drinking
22 alcohol, smoking marijuana, eating junk food, sleeping till
23 noon, lying, cheating, stealing, engaging in unhealthy and
24 dangerous behaviors and gossiping about titillating and
25 salacious topics with both peers and adults with unhealthy

11:00:07

1 boundaries.)

2 "Rearden is at Spring Ridge Academy to engage in those
3 activities that are healthy and appropriate for a teenage girl
4 that up until now she has had no interest (much less
5 excitement) in. Participating in ACT Prep and testing is 11:00:24
6 exactly the type of activity that will bring Rearden countless
7 benefits both short term and long term."

8 Q. Again, this is an observation that you're making fairly
9 early on in the program about your daughter's -- about your
10 feelings about how your daughter was acting before Spring 11:00:41
11 Ridge?

12 A. This is all covered in the application. And we're flirting
13 dangerously close to really basically things that need to be
14 confidential, so this is all I'm going to say about this.

15 The bottom line is I don't need Rearden to be excited 11:00:55
16 about what she needs to be doing. She's been given many
17 opportunities. It speaks for itself.

18 THE COURT: Molly, could you -- is there a way to
19 clear that green off the screen?

20 THE COURTROOM DEPUTY: Yes. 11:01:10

21 THE WITNESS: I apologize. I touched the screen, and
22 it did that. I won't make that mistake again.

23 THE COURT: No. That's okay.

24 MR. GRASSO: Page 24, Noel.

25 ///

1 BY MR. GRASSO:

2 Q. And shortly after that, you sent that email, you sent a
3 copy of Mr. Stubbe's email that he had sent to you about the
4 academics, to Dr. Smith and Kelly Rudolf; correct?

5 A. Yes.

11:01:36

6 MR. GRASSO: Page 25, Noel.

7 BY MR. GRASSO:

8 Q. And then in response to that, Dr. Smith sent you an email
9 on Tuesday, January 21. This is actually the day before the
10 workshop.

11:01:49

11 So go ahead and orient yourself to that email, unless
12 you recall it.

13 A. Okay. We can just go on.

14 Q. Sure.

15 A. I don't want to --

11:02:09

16 Q. That's fine.

17 A. There's time --

18 Q. Sure.

19 A. -- constraints here.

20 Q. Can we agree that there's a -- that Dr. Smith was providing
21 a thorough and thoughtful response to you about the issue --

11:02:12

22 THE COURT: Let me stop you for a moment, Mr. Grasso.

23 Ms. Sweidy, this is the second time I've heard you say
24 something to the effect of time constraints. If the parties
25 believe that the Court has somehow indicated through my words

11:02:29

1 that there's time constraints, we have all week. We're
2 finished at 4:30 on Friday. So do whatever you need to do to
3 litigate your respective positions.

4 THE WITNESS: I understand, Your Honor. And it's not
5 something that I got from you. I just feel the pain of 11:02:45
6 everyone sitting here as I read emails unnecessarily. I think
7 I can answer the questions about them. And if I can't, you
8 know me, I will speak up.

9 THE COURT: I'm pretty confident you will speak up.

10 THE WITNESS: Thank you. 11:03:01

11 MR. GRASSO: Could I go?

12 THE COURT: Mr. Grasso, go ahead.

13 MR. GRASSO: Thank you, Your Honor.

14 THE COURT: You're welcome.

15 BY MR. GRASSO: 11:03:08

16 Q. So can we agree that -- that Dr. Smith provided a thorough
17 and thoughtful response concerning the academics?

18 A. No. I'm not going to agree with characterization. She
19 responded.

20 Q. Okay. The next day you attended the workshops was 11:03:17
21 January 22 through 24.

22 Can we agree on that?

23 A. I -- yes, the workshop lasted Wednesday through Friday,
24 the 22nd through the 24th.

25 Q. Do you have a copy of the complaint that we put in front of 11:03:32

1 you? It should be up there.

2 A. No. I'm sure that Ms. Williams secured it away.

3 MR. GRASSO: May I have that put in front of her, Your
4 Honor? Thank you, Your Honor.

5 THE COURT: Yes.

11:03:44

6 THE WITNESS: Thank you.

7 BY MR. GRASSO:

8 Q. So it's paragraph 81, ma'am.

9 Can you go ahead and -- I'll let you get there.

10 Sorry.

11:04:01

11 A. Yes.

12 Q. Go ahead and read paragraph 81 of your complaint.

13 A. "On January 22nd through 24th, 2020, Ms. Sweidy learned of
14 the controversial methods used by untrained personnel in a
15 mandatory three-day 'workshop' called Parent Challenge, where
16 parents are introduced to a bizarre and chaotic culture based
17 on noise, manipulations, attacking, violence and hysteria."

11:04:18

18 Q. So when you testified on day 6 of the trial -- that might
19 have been Wednesday -- you were -- you were talking about the
20 workshop and how you thought it was a negative experience.

11:04:46

21 You just recall that?

22 A. No. I don't recall what you're talking about, Mr. Grasso.

23 Q. Do you --

24 A. I --

25 Q. You had some concerns -- well, it says it here you had some

11:04:57

1 concerns that these workshops involved noise, manipulation,
2 attacking, violence, and hysteria; right?

3 A. That wasn't my concerns. I'd been to one of these things
4 in the past accidentally in San Francisco. I knew what I was
5 looking at.

11:05:12

6 Q. Okay. But you testified that when you were there -- and
7 you said it was three days, and you were wondering, here's your
8 quote, "Why are other people in this room not seeing what I'm
9 seeing?"

10 That's what you said?

11:05:21

11 A. Absolutely.

12 Q. Okay. So based on that comment, it sounds like the others
13 that were involved didn't observe what you observed.

14 A. I can't speak to others. I don't know what they observed
15 or didn't observed or why they did it. I can't speak to
16 anybody else's experience or motivation.

11:05:36

17 Q. Okay. But your -- at least your impression is, why isn't
18 anyone else not seeing what I'm seeing?

19 And my question is, if there was, your quote is,
20 bizarre and chaotic culture based on noise, manipulations,
21 attacking, violence, and hysteria, why wouldn't somebody else
22 complain?

11:05:51

23 A. Actually, someone did. I had a very lengthy all into --
24 late into the late night hours with the husband, who was a
25 lawyer, by the way, of one of my small group team members. And

11:06:09

1 they shortly thereafter pulled out their daughter. He -- he
2 did have some very insightful comments. They were -- he wasn't
3 willing to say it out loud, but he and I had a many, many-hour
4 conversation late into the night about what was going on at
5 Parent Challenge workshop. Kind of a lawyer-to-lawyer thing.

11:06:31

6 Q. Okay. You've gotten declarations from other people. Did
7 you get a declaration from this person?

8 A. I have no way to know where this guy is.

9 Q. Do you know what his name is?

10 A. I could figure out what his first name is. I don't think I
11 could ever figure out what his last name is.

11:06:44

12 Q. Are you -- Dr. Stata attended this exact seminar; correct?

13 A. Mr. Stata attended the seminar with us, yes.

14 Q. Okay. Are you -- he hasn't written any emails that I've
15 seen or complained that he thought there was noise,
16 manipulation, attacking, violence, and hysteria; right?

11:07:04

17 A. I don't know what Mr. Stata has done.

18 Q. Okay. Are you aware of anything in writing that we can
19 look at where somebody is saying that they saw violence or
20 attacking during the seminar?

11:07:22

21 A. You haven't looked on the web lately, have you?

22 Q. I'm talking about this three-day workshop, your
23 characterization of it.

24 A. I don't know, Mr. Grasso, what you're talking about. It's
25 a very vague question. I don't understand your question.

11:07:37

1 Q. Well, let me -- let me try and make it a little clearer.

2 Your complaint alleges that you went to this workshop
3 for three days, and you said during it there was noise,
4 manipulations, attacking, violence, and hysteria.

5 Do you -- is that -- did I get it correctly?

11:07:52

6 A. Yes.

7 Q. Okay. What I'm asking you is, is there any other evidence
8 that you're aware of that would support that there -- these
9 sorts of things were happening during that workshop?

10 A. Yes. We have had experts testify here last week as to
11 these exact same workshops, and I think they were pretty clear,
12 everyone from Dr. John Hunter to Dr. Janice Haaken about this.

11:08:03

13 So does -- is it recognized that this was going on in
14 these Lifespring workshops? Yes. At the time I wrote this
15 complaint, was I aware of Dr. Janice Haaken and Dr. John
16 Hunter? No. They were discovered in the process of educating
17 myself and preparing for this trial.

11:08:27

18 What are you asking me, Mr. Grasso?

19 Q. Are you aware of any evidence from any other participant in
20 this three days who believed there was these sorts of things;
21 attacking, violence, and hysteria?

11:08:43

22 A. I have no way to contact the participants. I don't know
23 their names. I don't know their last names. I have no contact
24 information. We -- and your clients have made every effort to
25 make sure parents can't contact each other. I could not find

11:09:04

1 those people if I wanted to, unless they read my complaint
2 online and reach out to me, as people have done, including one
3 of the young women who I had lunch with at the -- during the
4 tour just reached out to me during this trial.

5 So I don't have a way to contact them. I've made 11:09:26
6 myself public so that they will reach out to me, but I have to
7 leave it up to them to meet me that halfway.

8 Q. You mentioned during your direct testimony that Mr. Stata,
9 when he went to this seminar, he participated in a family
10 sculpting and thought it was great. 11:09:45

11 MS. ALLARD: Objection.

12 THE WITNESS: No.

13 MS. ALLARD: Misstates the testimony. I don't think
14 Ms. Sweidy was a witness to any of that.

15 THE WITNESS: I -- 11:09:55

16 THE COURT: Sustained.

17 Please disregard the last question.

18 Rephrase.

19 BY MR. GRASSO:

20 Q. Did -- did you speak with Mr. Stata about his experience at 11:10:01
21 the workshop?

22 A. Which workshop?

23 Q. The three-day workshop that we're talking about,
24 January 22nd through January 24th.

25 A. Parent Challenge? 11:10:10

1 Q. Yes.

2 A. Yes.

3 Q. Okay.

4 A. He was drunk and emotionally dysregulated. And I attempted
5 to discuss it with him, and he made no sense because he was
6 drunk and emotionally dysregulated from the workshop. Not
7 drunk from the workshop. Emotionally dysregulated from the
8 workshop and drunk.

11:10:19

9 Q. Did you have the impression that Mr. Stata enjoyed the
10 workshop?

11:10:35

11 A. No. I had the impression that Mr. Stata was very angry at
12 our daughter for her behavior for the past 17 years, and he
13 wanted to force her to stay at Spring Ridge Academy to punish
14 her, which I do not agree with as a parenting model.

15 Q. I think you mentioned during your direct testimony that you
16 were on the phone with him for 104 minutes, I believe was your
17 testimony?

11:10:49

18 A. The first -- Saturday night after the 59 minutes with our
19 daughter, he called me, and we were on the phone for
20 104 minutes while I tried to direct his attention towards the
21 concerning things I had observed. And then I had to listen to
22 the long litany of my daughter's transgressions over the past
23 17 years, which I did, and then again directed us back to the
24 facts. And this went on for 104 minutes. And it went nowhere
25 because he was drunk, he was angry, he was emotionally

11:11:04

11:11:27

1 dysregulated, and he was not interested in listening to any
2 reason or discussing the facts of what we had observed.

3 Q. And then you mentioned there was another call immediately
4 shortly thereafter for 54 minutes?

5 A. No. That was the next day when he promised me he would 11:11:43
6 sleep on it, and then he didn't call back the next day. And we
7 were waiting for his follow-up after he slept on it. So I
8 believe that I called him and said: Hey, it's, like, almost
9 11:00 o'clock. What's your decision?

10 And I had to listen to 54 more minutes of a long angry 11:12:01
11 list of my daughter's transgressions, none of which could
12 possibly be a -- addressed by Spring Ridge Academy based on
13 what I'd seen to date.

14 Q. So --

15 A. And I was right. 11:12:17

16 Q. So between these two phone calls, you were speaking to him
17 for two hours and 38 minutes?

18 A. I'm not going to do the math. I trust you to do that.

19 Q. It seems like a really long time to be on the phone not --
20 having an unproductive discussion, is it? 11:12:29

21 A. Yes. Welcome to my marriage.

22 Q. Okay. During the call, was there a discussion about Fusion
23 Academy and Rearden maybe going to Fusion Academy and having a
24 shadow day there?

25 A. I -- honestly, without refreshing my memory, I don't 11:12:42

1 recall, but I'm -- I certainly might have said, look -- because
2 he would make statements like, well, it's not perfect, but it's
3 good enough.

4 Dude, you have a quarter-of-a-billion-dollar trust
5 fund. Good enough shouldn't be your metric. 11:12:59

6 And it wasn't good enough. But you can't reason with
7 a drunk, irrational person.

8 So I said: I am prepared to come up with an
9 alternative plan. One of those might be Fusion Academy.

10 And -- 11:13:14

11 Q. So --

12 A. -- so at that time -- I don't know if I mentioned it in the
13 phone or in an email. I really don't. You'd have to refresh
14 my memory. But at some point right around that time there was
15 a discussion about Fusion Academy's availability in Palo Alto. 11:13:24

16 Q. Okay. So the answer to my question was, yes, we discussed
17 Fusion Academy?

18 A. No. I don't know if it was in that phone call, Mr. Grasso.
19 I just don't.

20 Q. Okay. But Fusion's a private school and has campuses in 11:13:36
21 Palo Alto and San Francisco?

22 A. I -- I don't know where else it has offices, but it had one
23 in Palo Alto. And I visited it the week that I brought my
24 daughter home and had a great meeting there.

25 Q. Okay. And -- and you had contacted -- so you had contacted 11:13:51

1 Fusion about the possibility of enrolling your daughter?

2 A. I -- I don't remember when I contacted Fusion, but I did
3 contact them. And then I did have a meeting there.

4 Q. But your intention was, your plan was if she left Spring
5 Ridge Academy, that would be an option for changing the school? 11:14:09

6 A. Yes, because it's not good enough to say: Well, we're in
7 the middle of the semester now. Oh, this isn't going to work.

8 Well, then time to jump into action and come up with
9 Plan B, C, D, and E after Plan A just blew up.

10 Q. Okay. So then on February 3rd you flew to Phoenix, drove 11:14:26
11 to Spring Ridge, and you took your daughter from the program
12 and then back to California --

13 A. I --

14 Q. -- right?

15 A. -- rescinded the contract with Spring Ridge Academy in the 11:14:38
16 company of the sheriff's civil escort to make sure that we were
17 all safe. And I brought my daughter directly back to
18 California, notified her father to resume custody visitation
19 pursuant to our Marital Settlement Agreement, and discussing
20 with him moving forward with new plans. 11:14:57

21 Q. And you testified on Friday that after you arrived with the
22 two sheriffs, the first thing they told you was: We have a
23 great relationship with Spring Ridge Academy?

24 A. In the parking lot at that convenience store when you turn
25 off the freeway, then you go towards Spring Ridge Academy, that 11:15:16

1 parking lot where we met -- I think there's a gas station and,
2 like, a convenience store there -- the first thing they told me
3 there was: We have a great relationship with Spring Ridge
4 Academy.

5 To which I responded: As it should be.

11:15:29

6 Q. Did you get Mr. Stata's approval to take your daughter back
7 to California before you did that?

8 A. No, I did not.

9 Q. Did you call Spring Ridge Academy to let them know you were
10 coming to do this?

11:15:45

11 A. No, I did not.

12 Q. Did it ever occur to you that telling Mr. Stata and Spring
13 Ridge about these plans before you showed up would be better
14 for your daughter?

15 A. I don't agree with that statement.

11:15:54

16 Q. I'm just asking if it occurred to you.

17 A. It would not have been. They are dangerous, and so was he
18 at that point. He was drunk and brainwashed.

19 Q. Rearden was upset about leaving Spring Ridge; correct?

20 A. False. That is the narrative fabricated by Spring Ridge
21 Academy to bolster their case in the family law court. She was
22 not upset at all. She was delighted to be sprung from that
23 place.

11:16:07

24 MR. GRASSO: Exhibit 77's in evidence, Your Honor.

25 THE COURT: You may.

11:16:20

1 MR. GRASSO: Page 42.

2 If you could make it larger, Noel. Nothing on the
3 screen. Okay.

4 BY MR. GRASSO:

5 Q. Have you seen this note?

11:16:59

6 A. I have seen this note. It was produced for the -- it was
7 created and produced for the family law court to convince them
8 that I was the one that was crazy.

9 Q. Okay.

10 MR. GRASSO: Let's go to page 60.

11:17:16

11 BY MR. GRASSO:

12 Q. So this is that -- that same day. This is an email that
13 Mr. Stata sent to Fusion Academy with a copy to you; correct?

14 Do you recall getting this email?

15 A. Yes, I do, because he wanted to make sure that we -- he
16 spoiled all of the alternatives locally. This is the kind of
17 stuff he does. So, yes.

11:17:38

18 Q. And --

19 A. And I had invited him to come, and I told him when the
20 meeting was. And instead of coming and being open to that,
21 this is what he wrote to them.

11:17:50

22 Q. It -- okay. And this confirms, I believe, that you had
23 informed him that you were arranging a shadow day for Rearden
24 on campus?

25 A. No. I said that -- I don't -- I don't know that that's

11:18:06

1 what I actually did. I actually think what I did was tell him
2 that I was going to be meeting with the principal or senior
3 person at the school and inviting him to join me. I don't
4 think that that's actually what happened.

5 But if there's an email that says otherwise, you can 11:18:23
6 refresh my memory. But what I think I did was invite him to
7 join me for a -- the informational interview with the head of
8 the school.

9 Q. And -- and it's correct, Dr. Stata's statement that,
10 "Please be advised that we have joint legal custody of Rearden 11:18:38
11 that requires both parents to agree to changes in Rearden's
12 schooling"?

13 That statement's correct?

14 A. First of all, Mr. Stata is not exactly correct -- is not
15 exactly correct in that I think -- when you talk -- wait. Let 11:18:52
16 me read it exactly. "My wishes."

17 Okay. "Against my wishes."

18 No, I don't agree with that it was in violation of our
19 custody agreement. But I would have to get his agreement to
20 enroll her in a new school. 11:19:06

21 So pursuant to our Marital Settlement Agreement, I did
22 invite him to join me to meet with the head of school at Fusion
23 at the designated time or to provide alternative times that he
24 was available. And rather than do that, he sent off this
25 email. 11:19:27

1 MR. GRASSO: Page 62, Noel, the one -- the email at
2 the bottom.

3 THE WITNESS: There was never any shadow day, now that
4 I'm thinking of it. I don't think that there was.

5 MR. GRASSO: The bottom email, please.

11:19:43

6 BY MR. GRASSO:

7 Q. So this is the -- on February 4, the next day, Mr. Stata's
8 sending an email to Dr. Sarah that you talked about before, the
9 psychologist?

10 A. Dr. Sarah Villarreal, Rearden's therapist.

11:19:59

11 Q. Yeah. And -- and do you recall getting his email where
12 he's saying he's not consenting to Rearden switching therapists
13 back from Veronica Borges?

14 A. There was no switching. We were in communication -- first
15 of all, Dr. Sarah Villarreal is listed in the Marital
16 Settlement Agreement -- Agreement. That had not been changed.

11:20:14

17 Second of all, Mr. Stata and I were meeting with
18 Dr. Sarah Villarreal the entire time that Rearden was at
19 Outback; during this time. There is billings that he paid
20 going back and forth. I have confirmed with her. She was
21 always Rearden's therapist. She was working with us in her
22 outplacement.

11:20:31

23 So this idea that she was no longer working with us is
24 not confirmed by the fact that we were both meeting with her
25 over the phone. And Mr. Stata was paying for that. This is

11:20:45

1 one of Mr. Stata's rewriting reality emails.

2 And so to say I don't consent to switching back, we
3 never switched. We would have to actually amend our Marital
4 Settlement Agreement to do that. So this was Mr. Stata's take
5 on what had transpired, and it was not accurate.

11:21:04

6 MR. GRASSO: Let's go to the email at the top.

7 BY MR. GRASSO:

8 Q. The email just above it is your reply email. Go ahead and
9 take a moment and acquaint yourself.

10 A. I am acquainted with it. I was horrified that he wrote
11 this to this amazing woman.

11:21:16

12 Q. Okay. And the -- the second -- or the last paragraph -- or
13 last sentence of the second paragraph talks about your issue
14 with Ms. Borges asking you about changing your communication
15 style.

11:21:35

16 A. What?

17 Q. It --

18 A. I don't see any word "communication style."

19 Q. Go ahead and read the last sentence of the second
20 paragraph. Second full paragraph.

11:21:46

21 A. Oh. So the last sentence of the -- oh.

22 Q. It reads, "When I challenged."

23 A. Oh, yes. Exactly. "When I challenged her about her many
24 false statements, she refused and instead insisted that I
25 change my communication style."

11:22:05

1 Q. So she did tell you that?

2 A. Yes, she told me to change my communication style, because
3 she didn't want to answer my questions.

4 Q. My -- my question to you is, did you ever consider doing
5 that?

11:22:18

6 Yes or no?

7 A. No --

8 Q. Okay.

9 A. -- Mr. Grasso. I think we've covered this.

10 Q. That's fine.

11:22:22

11 So -- and then -- and there's this last sentence,
12 "Mr. Stata and I want to resolve these issues privately. He's
13 incapable of building bridges, preferring instead to burn
14 bridges he did not build"; correct?

15 A. Correct.

11:22:38

16 Q. Why did you include that statement?

17 A. Because he just wrote the most horrific email to a woman we
18 had been working with for years, who is so well-regarded in the
19 community, who has a stellar reputation and a waiting list a
20 mile long, and he is literally destroying that relationship for
21 an unlicensed BHT who appeared in this court in the manner that
22 she did. This is unconscionable.

11:22:49

23 Q. Wait.

24 A. This -- you asked. This is unconscionable. I was shaking
25 when I had to write this because I'm thinking, this woman is

11:23:06

1 the best out there, and he's going to destroy our daughter's
2 ability to be served -- to be served by her, because all she
3 has to say is: Bye. I don't need this. I have a waiting list
4 two years long.

5 And it was very, very disturbing that he would treat 11:23:21
6 this licensed professional, who had years working with our
7 family, in this manner. It is not okay to write this to people
8 who have served your family with such integrity and
9 conscientiousness. You just don't write this stuff to people.

10 MR. GRASSO: Could you go back to that email, the one 11:23:42
11 that Mr. Stata wrote.

12 BY MR. GRASSO:

13 Q. So, just to be clear, what you were just talking about --
14 and I won't even try to paraphrase the horrific, inappropriate,
15 all the things that you said about this email -- that's the 11:23:52
16 email that you're finding to be objectionable, that -- I'm just
17 making sure I understand that.

18 A. Yes --

19 Q. Perfect.

20 A. -- with the context and the history of years with this 11:24:01
21 woman that you, Mr. Grasso, are not aware of. I am. I lived
22 them with him and Dr. Villarreal and our daughter.

23 Q. Okay.

24 MR. GRASSO: Permission to publish Exhibit 79. It's
25 in evidence. 11:24:14

1 THE COURT: You may.

2 MR. GRASSO: Page 2.

3 And, Noel, can you just go to the top really quickly.

4 I apologize. Yeah, at -- where it says the court case number.

5 BY MR. GRASSO:

11:24:36

6 Q. The case number for this is FAM 123901; is that correct?

7 A. Yes.

8 Q. Okay.

9 MR. GRASSO: Now you can go back down. Thank you,

10 Noel.

11:24:44

11 BY MR. GRASSO:

12 Q. So this is the order from the California Court after your
13 daughter removed -- or after you removed your daughter from
14 Spring Ridge Academy; correct?

15 A. We have already covered this. That -- this was drafted by
16 opposing counsel and probably not even read by the judge. He
17 signed off on it without a hearing.

11:24:54

18 Q. Okay. But this was -- these were the three orders of the
19 Court. And they included that in this particular context,
20 respondent is you; correct?

11:25:10

21 A. I am respondent.

22 Q. Yeah. Mr. Stata is the petitioner; correct?

23 A. Correct.

24 Q. So the order is requiring that you release to Mr. Stata
25 your daughter forthwith so that she may be returned to -- to

11:25:21

1 Spring Ridge, where she's attending school and receiving
2 therapeutic treatment.

3 And it mentions that you had abducted her on Monday,
4 February 3, 2020, without Mr. Stata's knowledge or consent, in
5 violation of the joint legal custody order; correct?

11:25:37

6 A. I don't agree with that, but that's what he said on an ex
7 parte, yes.

8 Q. And the judge further said that -- that Rearden's not to be
9 removed without the prior written consent of both parents or an
10 order of the Court; correct?

11:25:51

11 A. That's what it says.

12 Q. And it further states that the parties, referring to both
13 of you, shall follow the recommendations and decisions of
14 Spring Ridge Academy with respect to how and whether each
15 parent will participate in Rearden's treatment; correct?

11:26:03

16 A. That's what it says. Judges can order all kinds of illegal
17 things.

18 Q. Okay.

19 A. It's not legal.

20 Q. Okay. And --

11:26:10

21 A. You can't turn over custody to --

22 Q. Ma'am?

23 A. -- Spring Ridge Academy.

24 Q. Okay. This was done by Judge Sean Dabel?

25 A. Absolutely, it was.

11:26:18

1 Q. He's been a judge for at this time a number of years;
2 correct?

3 A. Not that long, no, actually.

4 Q. Was he previously a district attorney in --

5 A. He was a district attorney. And, frankly, he was after 11:26:27
6 this removed from the family law court and put into a different
7 court after I filed a complaint with the Judicial Commission
8 about him --

9 Q. And --

10 A. -- about this behavior. 11:26:38

11 MR. GRASSO: Permission to publish Exhibit 59.

12 Page 14.

13 THE COURT: You may.

14 MR. GRASSO: We'll make this one a little bit larger.

15 I just want to -- there we go. 11:26:50

16 BY MR. GRASSO:

17 Q. Did -- at the top of the page, this is the protocol we've
18 talked about. I just want to make sure we're referencing.

19 This is in accordance with the order, and it's got the same
20 case number we talked about, the 123901; correct? 11:27:00

21 A. Yes, it does reference --

22 Q. This --

23 A. -- this case number.

24 Q. This is the protocol that Spring Ridge sent to you and --

25 and Mr. Stata following the Court's order about Rearden 11:27:10

1 returning to Spring Ridge; correct?

2 A. I was sent this document to sign, and I did not sign it
3 because it's not legal.

4 Q. Okay. I understand that. But Mr. Stata did sign it;
5 correct?

11:27:25

6 A. If you say so. I was not there, but it says he digitally
7 signed it.

8 Q. You're aware of the fact that he returned her to Spring
9 Ridge shortly thereafter?

10 A. Yes. I gave him -- immediately relinquished custody to
11 Mr. Stata pursuant to the family law court. And my
12 understanding was he returned her there.

11:27:34

13 Q. Okay. We're going to pick up speed. Exhibit 60.

14 MR. GRASSO: Permission to publish Exhibit 60, Your
15 Honor.

11:27:48

16 THE COURT: You may.

17 MR. GRASSO: Page 21.

18 BY MR. GRASSO:

19 Q. All right. So now -- now we're getting -- making some
20 progress.

11:27:54

21 March 15, this is an email that you sent to
22 Ms. Courtney talking about COVID; correct?

23 A. Yeah. We had a global pandemic, and the courts were
24 closed.

25 Q. Okay. So you were asking to have her released in light of

11:28:06

1 COVID; right?

2 A. Yes. I have sole medical authority for her for matters
3 such as this.

4 MR. GRASSO: Page 22, please.

5 BY MR. GRASSO:

11:28:14

6 Q. So you had copied Mr. Stata on your prior email, and then
7 Mr. Stata chimed in with this email.

8 Go ahead and -- do you recall it? Read it to
9 yourself.

10 A. Which email am I reading? My response?

11:28:25

11 Q. No, his -- Mr. Stata's response to your email --

12 A. Oh.

13 Q. -- about COVID.

14 A. Yeah, Mr. Stata wrote to me.

15 Q. Okay. Go ahead and read Mr. Stata's email.

11:28:33

16 A. Do you want me to read it out loud?

17 Q. Sure. That would be great.

18 A. Okay. "Spring Ridge is not a public school and thus is not

19 subject to the directive you reference in your email. I have

20 been in contact with Spring Ridge regarding the virus. The

11:28:46

21 Spring Ridge community is very isolated and continues to take

22 steps to remain so. For example, although this week was

23 supposed to be filled with family visits, almost all of those

24 visits (including my own) have been cancelled in order to keep

25 SRA isolated from the virus. If SRA decides to close, we will

11:29:05

1 of course have to coordinate to bring her back to the Bay area.
2 However, as of now, they are not closing their campus, and as
3 far as I'm concerned, returning Rearden to the Bay area -- a
4 major hotspot for Coronavirus -- would be increasing, not
5 decreasing, Rearden's risk of exposure. Regards, Raymie."

11:29:28

6 Q. You received a copy of it?

7 A. I did. I don't agree with it.

8 Q. And can we agree that Dr. Stata's email is both respectful
9 and polite?

10 A. I'm not going to characterize anybody's anything.

11:29:40

11 And please stop calling him Dr. Stata.

12 MR. GRASSO: Page 23.

13 BY MR. GRASSO:

14 Q. Then in response to Mr. Stata's email you wrote to
15 Ms. Courtney and you said, "My email was directed to you. I am
16 still awaiting a response"; correct?

11:29:52

17 A. That's what it says.

18 MR. GRASSO: 24. Page 24, please, Noel.

19 BY MR. GRASSO:

20 Q. And Ms. Courtney responded to you shortly thereafter. And
21 hers -- go ahead. And do you recall that email?

11:30:03

22 A. Yes.

23 Q. Did you find her response appropriate?

24 A. No.

25 Q. Do you agree that her communication style was respectful

11:30:16

1 and professional?

2 A. No.

3 MR. GRASSO: Page 25.

4 BY MR. GRASSO:

5 Q. The next email you received was from Dr. Smith about this
6 topic; correct?

11:30:25

7 A. I don't know if that's the next email. There's so many
8 emails flying. But I did receive an email from Ms. Smith.

9 Q. Do you recall receiving the email that you have on the
10 screen now?

11:30:41

11 It's -- there's a second page to it, but do you recall
12 this one?

13 A. Yes. She made some false accusation about -- allegations
14 about Spring Ridge Academy being a medically necessary

15 facility. And it's not. It's something she fabricated. And I
16 asked her for the backup for what she was relying on, and she
17 never gave it to me. And she still hasn't. And it still
18 doesn't exist. And the code section that they provided to the
19 family law court does not exist.

11:30:54

20 MR. GRASSO: Let's go to page 26 of that, just the
21 next page of that email.

11:31:08

22 BY MR. GRASSO:

23 Q. She also concludes it by saying, "Currently, there are no
24 confirmed cases of COVID in Yavapai County. And we recognize

25 that different communities around the country are more impacted

11:31:24

1 than others."

2 Recognizing it's an anxiety-producing time and
3 situation; correct?

4 A. She makes that claim. I think I refute that in family law
5 court with the actual reports from the CDC. 11:31:36

6 Q. Okay. Can we agree --

7 A. She can claim anything in an email.

8 Are you saying she claimed that? Yes. Are you asking
9 me if it was true? I don't think so, because I think I ended
10 up getting the CDC reports that showed that she -- their 11:31:47
11 recommendations they were making to the family law court were,
12 in fact, no surprise, false.

13 But did she say that? Yes, she did.

14 Q. Okay. Well, this gets us through -- I won't ask you if you
15 thought it was thorough or thoughtful -- 11:32:01

16 A. Thank you.

17 Q. -- because -- okay. That sounds good.

18 So this will get us through mid-March of 2020. So now
19 you guys are -- according to your testimony at this point were
20 back in family court, and now there's more hearings about 11:32:10
21 Rearden's placement; correct?

22 A. Wait a minute. Let's be really clear. We were back in
23 family law court because your clients incited my husband to
24 start that -- my ex-husband -- instead of following the Marital
25 Settlement Agreement. 11:32:26

1 So let's not pretend like we got there by some big
2 surprise. And we were there from the moment I removed her on.
3 The emails show up. We're still in family court.

4 And we went over that stuff in excruciating painful
5 detail last week.

11:32:40

6 Q. Okay. But we can agree that you and Mr. Stata were both
7 submitting evidence in family court during that late
8 March/April time frame; correct?

9 A. I was submitting evidence. He was submitting a made-up
10 fabricated narrative that's all been debunked.

11:32:54

11 MR. GRASSO: Okay. Permission to publish Exhibit 99.

12 THE COURT: You may.

13 BY MR. GRASSO:

14 Q. This is the next order from the -- the judge, Sean Dabel;
15 correct?

11:33:11

16 A. Yes.

17 Hold on. There's a bunch of orders. Can you --

18 Q. Yeah. This one says --

19 A. Yes. I know now. I had to have the dates because there's
20 multiple orders. Yes, that's the order after hearing on -- in
21 April.

11:33:21

22 Q. Anything I can do to help.

23 MR. GRASSO: Let's go to page 2, please.

24 BY MR. GRASSO:

25 Q. Okay. So at the top of the page, the Court directed

11:33:29

1 that --

2 MR. GRASSO: If we could make it a little larger,
3 Noel. Maybe it would make it easier for folks to read.

4 BY MR. GRASSO:

5 Q. So Judge Dabel made an order that Family Court Services is 11:33:40
6 going to have a call with -- with Rearden to kind of understand
7 what her feelings are; correct?

8 A. He -- they did, but I'm not sure -- and I'm not sure it's
9 on this. What --

10 Q. It's -- 11:33:59

11 A. Hold on one second. What number is that? Where is that?

12 Q. Number 1, please.

13 A. Oh, yes. So, number 1, they're going to -- yes, that's
14 what he --

15 Q. Okay. 11:34:08

16 A. Because there was contrary testimony as to what Rearden,
17 quote/unquote, wanted.

18 Q. Okay. And I know you don't have a high opinion of
19 Judge Dabel, but does that seem like a reasonable solution?

20 A. I believe that Judge Dabel was lied to by your clients and 11:34:16
21 that, based on what Judge Dabel had in front of him, he thought
22 I was a nut and that he made decisions accordingly.

23 The fact that your clients insinuating themselves into a
24 family law matter and incited my ex-husband, he didn't know
25 about that. And if he had been sitting in this courtroom for 11:34:39

1 the last three weeks, he might have had a different opinion.
2 He thought I was a nut because I look like a nut, but I wasn't.

3 So I don't have -- it's not my opinion about
4 Judge Dabel. This is the problem when you make rulings that
5 are contrary to family law court. There's a reason we have 11:34:52
6 those rules in place. We covered it as to Kathryn Gallagher.

7 Q. Okay.

8 A. They're there for a reason.

9 So don't suppose that I know anything about
10 Judge Dabel. He thought he was doing his job and in the best 11:35:04
11 interests of the child, and he was mistaken because he wasn't
12 following the rules.

13 I don't have anything -- any opinion on Judge Dabel
14 personally. This is a matter of what happened in that court
15 incited by your clients. 11:35:19

16 Q. Okay. And Judge Dabel also entered an order that -- that
17 you and Mr. Stata would both have the same information and
18 rights to updates about your daughter?

19 A. Based on what he knew at that time, because he didn't know
20 this was a cult and that people -- they were brainwashing 11:35:34
21 people. So he thought: Oh, I don't know why this woman's
22 contact got cut off, when I showed him the February 25th, 2020,
23 letter, but they both need to have contact. I never intended
24 how they have interpreted that.

25 Little did he know how many things he did not 11:35:51

1 intend --

2 Q. Okay.

3 A. -- that we have now learned these last few weeks.

4 Q. Okay. And then -- and in the third paragraph he says,

5 "Both parents shall have the same rights but also the same 11:35:59

6 responsibilities with respect to Rearden's placement at Spring

7 Ridge. Both parents shall follow Spring Ridge's protocols as

8 to how the parents are to contact the children, and they shall

9 follow Spring Ridge's policies and procedures"; correct?

10 A. He assumed that Spring Ridge Academy was a legitimate 11:36:13

11 school doing legitimate things. Poor guy probably never heard

12 of Lifespring, honestly, or vans or any of that.

13 So given the context, Mr. Grasso, of what this man

14 knew, that makes perfect sense. Follow the school's policies

15 and procedures. 11:36:32

16 He doesn't have any clue what's going on there. I'm

17 not blaming him. I'm simply stating you're acting like he

18 condoned the minivans and shallow graves and sculpting rapes.

19 And he did not. And I will not have you put on this record

20 that he knew what was going on when he made that order, because 11:36:47

21 I promise you he did not.

22 Q. Ma'am, yesterday when you were testifying and talking to

23 Ms. Allard, you guys talked about all the court filings. And

24 she was putting them up on the Elmo about Mr. Stata filed

25 things over that 30 days, and then you filed things, and you 11:37:05

1 had declarations and you had all your research.

2 All of that was presented to the Court prior to him
3 entering this ruling; right?

4 A. No, not all of it. This -- this was going on for all the
5 way into June/July. 11:37:19

6 So I don't know what he has as of that point in time,
7 but, frankly, Mr. Grasso, I still kind of don't believe what
8 I've heard here. It sounds so crazy.

9 So I don't have any evidence he read any of that. He
10 certainly never made any rulings on any of our objections, 11:37:34
11 though he is bound to do so. He ignored it. So the stuff we
12 asked him to rule on, he did not rule on a single thing that we
13 put in front of him.

14 Q. Oh, okay. All right. So I get it.

15 So at least as of this point now, it sounds like 11:37:52
16 you're still not happy with this judge's ruling?

17 That's a yes or no.

18 A. I'm not happy with the fact that your client succeeded in
19 lying to a family court judge about their school and what was
20 going on and misleading a Court in California. That's what I'm 11:38:07
21 not happy about.

22 Q. All right.

23 A. That's not okay. That -- we didn't sign up for that.

24 MR. GRASSO: Move to strike as nonresponsive.

25 THE COURT: Sustained. 11:38:20

1 Please disregard the last response from the witness,
2 ladies and gentlemen.

3 BY MR. GRASSO:

4 Q. Ma'am, at this point in time, in late April of 2020, after
5 there had been now a couple more months of court filings, were
6 you unhappy with Judge Dabel's rulings in family court?

11:38:33

7 A. Yes.

8 Q. Yes or no?

9 A. Yes. I want my daughter home. It was a global pandemic.

10 This place was a cult. They were brainwashing my daughter and
11 my ex-husband.

11:38:47

12 Q. And at this point in time Rearden is almost 18 years old;
13 correct?

14 A. We're not getting into that. That was just belabored at
15 deposition. Rearden was turning 18 later in the year.

11:39:03

16 And please don't say her birth date so we have to
17 redact it.

18 Q. My question was pretty simple. Rearden was almost 18 at
19 this point; correct?

20 A. Rearden was turning 18 that year.

11:39:15

21 Q. Did you ever consider trying to have a calm, collaborative
22 discussion with all the interested parties and try to find a
23 way to make this work for everyone best, including Rearden?

24 A. Wait. What was the last thing you said?

25 Q. Making it best for everyone, including Rearden?

11:39:33

1 MS. ALLARD: Objection. Vague and ambiguous as to
2 what best is and who the parties are.

3 THE COURT: Whoa, whoa, whoa. Stop.

4 That's overruled.

5 Continue.

11:39:44

6 THE WITNESS: I don't understand the question.

7 BY MR. GRASSO:

8 Q. I'll try again.

9 A. Name the -- name the people that I'm going to have a
10 conversation with.

11:39:52

11 Q. Just let me -- can I just ask my question?

12 At this point, because Rearden is now approaching her
13 18th birthday, did you consider trying to have a calm,
14 collaborative discussion with the folks at Spring Ridge,
15 Mr. Stata, Rearden, Roark, and trying to find a way to make it
16 work for everyone, including Rearden?

11:40:09

17 A. Roark? Calm, collab- -- I intended to sue your clients for
18 what they had done. I'm not having a calm, collaborative
19 conversation with those people who did what they did. It was
20 outrageous. It's a violation. No, I'm not having a
21 conversation now.

11:40:36

22 The best interests of my daughter was to get her out
23 of Spring Ridge Academy. And I did everything I could,
24 including giving up custody and giving her to her father to
25 make that happen. I, as her mother, knew what was in her best

11:40:50

1 interests.

2 And, no, I didn't drag my poor daughter -- older
3 daughter into this nonsense created by your school. You'd done
4 enough damage to our family. No. That's not -- what -- that
5 was not in Rearden's best interests.

11:41:06

6 In Rearden's best interests was bringing her home, and
7 I did that. And I have no regrets about what I had to do to
8 make that happen. I could live with myself for the rest of my
9 life knowing I did what was in Rearden's best interests.

10 Q. So the answer to my question was, no, you didn't consider
11 it?

11:41:21

12 A. No, because I don't agree with your characterization of
13 what I needed to do --

14 Q. All right.

15 A. -- what was in her best interests. I decided what was in
16 her best interests, and that was to get her home and get her
17 safe, and particularly during a global pandemic, but even
18 without that.

11:41:29

19 Q. Okay. So Exhibit -- or the complaint that's in front of
20 you, page 69, paragraph 464, please.

11:41:42

21 This takes us to June 2020.

22 A. Yes.

23 Q. Go ahead and read the paragraph.

24 A. "In a 'Hail Mary Play' that Ms. Sweidy will never regret,
25 Ms. Sweidy offered to give up all legal and visible custodial

11:42:11

1 rights to Jane Doe if the Family Law Court would order that
2 Jane Doe be returned home from SRA to live with Mr. Stata.
3 Ms. Sweidy thereby eliminated all alleged parental conflict
4 regarded" -- "regardless of its alleged origin."

5 Q. And I take it, then, from the other paragraphs that 11:42:29
6 Mr. Stata agreed, and ultimately the Court entered an order in
7 late June, that he had sole legal and physical custody of
8 Rearden?

9 MS. ALLARD: Objection. Compound.

10 THE COURT: Overruled. 11:42:45

11 Please respond.

12 THE WITNESS: I'm sorry. Can you repeat the question?

13 MR. GRASSO: Madam court reporter, could you read it
14 back.

15 THE COURT: She cannot. 11:42:55

16 MR. GRASSO: Oh.

17 THE WITNESS: Oh, okay.

18 So, first of all, did he agree? Of course he agreed.

19 THE COURT: No, stop. Stop. Everyone stop.

20 Ask the question again, please. 11:43:02

21 MR. GRASSO: Sure.

22 BY MR. GRASSO:

23 Q. So at that point in time, in -- by June 28, 2020, the Court
24 agreed, Mr. Stata agreed, and sole legal and physical custody
25 of Rearden was now with Mr. Stata. 11:43:14

1 A. That's actually not what happened. Mr. Stata did not want
2 her back. He begged the judge to leave her there and, in fact,
3 came up with some hairbrained scheme that he was going to move
4 to Mayer, Arizona, and live there when she turned 18 to make
5 sure that she wouldn't bolt.

11:43:31

6 No, he didn't. This is what the judge came up with.
7 The judge was not for Mr. Stata's counter- -- crazy
8 counterproposal.

9 Q. All right. Just I'll try to make it simpler. Go ahead.

10 A. Then don't assume things that you don't know.

11:43:48

11 Q. Please read paragraph 468 of your complaint.

12 A. You want me to read that out loud or to myself?

13 Q. If you would read it out loud.

14 A. "Jane Doe returned to California on June 28th, 2020, with
15 temporary sole legal and physical custody to Mr. Stata."

11:44:03

16 Q. Thank you.

17 So she -- so he had legal custody as of that date?

18 A. Whatever date the order was. That was not the -- as of
19 that date. That was the date she was returned home. That's
20 not the date they -- that the order goes into effect. The
21 order goes into effect the day the judge makes it.

11:44:19

22 Q. All right. All I was trying to establish is your own
23 complaint that you prepared established that in late June of
24 2020 sole custody was now in the hands of Mr. Stata; is that
25 correct?

11:44:37

1 A. Yes, thanks to your clients.

2 Q. Okay. Paragraph 469 of your complaint, 470 and 471. If
3 you would read those paragraphs to the jury, please. I think
4 it'll help speed it up.

5 A. 469 through 471 is your request?

11:44:55

6 Q. Yes, ma'am.

7 A. Thank you.

8 "Mr. Stata, never an involved parent, chose the path
9 of the least resistance" -- oh, excuse me. I'm sorry -- "chose
10 the path of least effort."

11:45:06

11 I'm sorry. I have to remove this binder clip.

12 "470: SRA and Mr. Stata created a 'on-line' academic
13 and therapeutic program for Jane Doe that Ms. Sweidy believes
14 to be fictitious, akin to the College Admissions Scandal that
15 made national (and probably international) headlines, wherein
16 wealthy parents pay sums of money to ensure that their
17 undeserving offspring receive special academic treatment that
18 the offspring did not earn by any legitimate metric.

11:45:29

19 "471: At the Family Law Judge's suggestion, Mr. Stata
20 kept Jane Doe enrolled at SRA both academically and
21 therapeutically, via on-line access, despite many legitimate
22 and superior options available locally here in the Silicon
23 Valley."

11:45:50

24 And, by the way, I go on to explain what I meant by
25 the judge's suggestion. So we're not going to leave off there,

11:46:10

1 because he actually only said about the academics, it's not
2 legal. Therapeutic. And he made contradictory --

3 Q. Yeah.

4 A. -- statements about that.

5 Q. Yeah. Ms. Allard will have a chance to talk to you if you 11:46:22
6 want to add something to it.

7 So after -- when you testified on Friday, late morning
8 just before lunch, Ms. Allard was talking about after your
9 daughter was returned to California and she was living with
10 Mr. Stata whether Mr. Stata allowed you to have contact with 11:46:51
11 her.

12 Do you recall that?

13 A. Yes.

14 Q. And -- and you said you were not allowed to have contact
15 with her because of Mr. -- that was Mr. Stata's decision? 11:47:01

16 A. I don't know what his decision was. He made no efforts to
17 have contact, and I wasn't there to stir the pot. And I did
18 not contact him. He was delighted that he finally got what he
19 wanted all those years.

20 Q. Okay. So at that point in time, as of late June, Mr. Stata 11:47:17
21 was the one with custody, and now he made the decision to keep
22 her at Spring Ridge Academy online?

23 A. He made -- whatever decisions were made were being made by
24 him.

25 Q. Okay. And -- and then you're aware now, to help speed this 11:47:33

1 up, that your -- your daughter then eventually completed the
2 program in December of 2020 and graduated?

3 A. No. She did not. It was fake. She didn't complete
4 anything. That was a story fabricated by your clients exactly
5 like the College Admissions Scandal. And I'm never going to 11:47:53
6 change my testimony. It's been in the complaint. I've said it
7 a million times since then, and I will never stop saying it.
8 She completed nothing. There is no evidence to support what
9 you're saying.

10 MR. GRASSO: Exhibit -- permission to publish 11:48:08
11 Exhibit 55, 71 to 73.

12 THE COURT: You may.

13 MR. GRASSO: Okay. Let's go to the top first. And
14 this is small print, so we're going to have to keep it larger.

15 BY MR. GRASSO: 11:48:32

16 Q. This is the Discharge Summary that's in evidence dated
17 December 18, 2020.

18 You've seen this document before?

19 A. I got this document in discovery.

20 Q. And it -- and it talks about at the top that your 11:48:45
21 daughter's admission date and her date of -- of discharge and
22 the length of the stay; correct?

23 A. Yes.

24 Q. That's what the document says?

25 A. That's what the document says. 11:48:56

1 Q. Okay. So let's --

2 A. I'm not agreeing to it. It says that.

3 Q. That's fine. We can go down.

4 Okay. Let's -- let's talk about some of these
5 paragraphs.

11:49:09

6 Go ahead and read the paragraph under the Adjustment
7 Disorders.

8 A. I'm sorry. You mean under problem number 2?

9 Q. Yes, ma'am. That's fine.

10 A. I don't know why they're calling -- "Rene feels she is long
11 past feeling" -- "feeling that she is somehow defective or
12 weak" -- wait. Hold on.

11:49:19

13 Why -- "defective or weak for when stressed."

14 Okay.

15 "She no longer accepts the internal messages that
16 she's lazy, not a good daughter or student, or that she is
17 wrong."

11:49:38

18 Do you want me to keep reading?

19 Q. If you wouldn't mind.

20 A. I do mind, but you're in charge.

11:49:52

21 "On the rare occasions that she entertains those
22 thoughts, she is able to give back the shame to those who
23 projected them on to her. Rene was able to detach from taking
24 responsibility for others' opinions and beliefs. She is moving
25 forward towards embodying functional change. Rene is

11:50:17

1 experiencing less fear in setting internal and external
2 boundaries and expressing her needs to others at least
3 50 percent of the time. Rene and her father have successfully
4 completed the Family workshops, and are communicating in the
5 present moment a majority of the time so much so that family
6 sessions have been reduced to bi-weekly."

11:50:45

7 Q. And then under problem 4, there's a section there. Why
8 don't you read that -- underneath that parent-child relational
9 problem.

10 A. "There was mixed progress made with regard to this goal.
11 Rene engaged in court-mandated parent/child sessions that she
12 reported as stressful and minimally productive in resolving
13 relational struggles. Rene was able to clarify her values and
14 learn to assert them. Rene demonstrates that she has awareness
15 and is able to redirect/parent herself if she falls into
16 younger/adapted states."

11:51:04

11:51:33

17 MR. GRASSO: Page 72, Noel, please.

18 BY MR. GRASSO:

19 Q. Go ahead and read the section of Condition on Discharge.

20 A. "Rene made significant progress over her stay at SRA in
21 developing a functional, healthy ego state and demonstrated
22 behaving out of that appropriate eagle" -- "ego state most of
23 the time. She learned to communicate in more effective" --
24 excuse me -- "in a more effective functional manner, making
25 huge progress coming to terms with her relationship with her

11:51:52

11:52:22

1 parents especially her mother. While Rene tends to be a
2 procrastinator, she has done outstanding academic work and made
3 lasting peer and adult friendships."

4 Q. My question is, earlier we talked about some of the emails
5 that you had sent pre-enrollment where you were characterizing 11:52:46
6 your observations of your daughter's pre-Spring Ridge Academy
7 behaviors and actions.

8 Do you recall that generally?

9 A. Yes.

10 Q. This seems to demonstrate that she's made some progress 11:52:58
11 after being at Spring Ridge for just slightly over a year.

12 Do you --

13 A. Absolutely not. This says absolutely nothing. I would
14 refer to this as psychobabble. It is no metrics. There's no
15 specifics. It's just, honestly, incoherent. 11:53:14

16 Q. Okay. Can you read the section under Prognosis.

17 A. "Excellent. Rene is emotionally mature, insightful, and
18 values personal growth. While she can be impulsive, she
19 demonstrates a greater ability to stop and evaluate before
20 reaching to her impulses. She has plans for her future that 11:53:37
21 include college, travel, and working."

22 And that is contradicted by the therapy notes, so
23 that's just a blatant lie.

24 Q. Okay. And then under the Recommendations section, it talks
25 a little bit about something you had mentioned before. She has 11:53:56

1 a need for exercise. She likes the outdoors; correct?

2 A. I don't know. What are we reading now?

3 Q. Go ahead and read the section on recommendations.

4 A. Yeah. Are we going to skip the part about how they told
5 her to start smoking marijuana again after she left her dad's
6 house?

11:54:10

7 Just curious.

8 Q. Did you -- you read that in this plan?

9 A. I'm pretty sure this is the -- this is the discharge
10 summary that talks about she'll wait until she leaves her dad's
11 house before she starts smoking marijuana again, but I could be
12 mistaken. It's one of these.

11:54:21

13 "Rene must be active to thrive. She has many and
14 varied interests that attract impulsiveness but is also a deep
15 thinker and should cultivate friendships and career goals that
16 satisfy her curiosity. Rene should guard against jumping into
17 college coursework or jobs that she thinks will please others.
18 It is important that she follow her own path and always strive
19 to demonstrate self discipline.

11:54:39

20 "She will do well to get a job right after graduation
21 that satisfies her need for exercise in the outdoors."

11:54:59

22 MR. GRASSO: Your Honor, this would be a good stopping
23 point, if it's okay with you. I can continue on, but I was
24 going to shift topics, so I was just trying to be mindful of
25 the clock.

11:55:19

1 THE COURT: Thank you very much.

2 Ladies and gentlemen, it appears that the defense is
3 going to a different area right now. This is a perfect time to
4 take our lunch recess. Court will be in recess until 1:15.
5 That's 1-1-5.

11:55:34

6 All rise for the jury. Court's in recess until 1:15.

7 (Jury not present at 11:55 a.m.)

8 THE COURT: Mr. Grasso, if I could ask, how much
9 cross-examination do you believe you have left?

10 MR. GRASSO: I -- you know, Your Honor, I'm going to
11 try to take the lunch hour to try to knock out some stuff. So
12 I think it's going to be relatively short.

11:56:03

13 And I wanted to bring to your attention one of the
14 witnesses we're calling today had to travel from out of state,
15 and she had -- because we're trying to keep people on-call, and
16 she's got to get a return flight out.

11:56:16

17 THE COURT: Okay. This is something you need to
18 discuss with --

19 MR. GRASSO: Okay.

20 THE COURT: -- plaintiff's counsel.

11:56:23

21 MR. GRASSO: All right.

22 THE COURT: If they have no objection to a witness
23 being taken out of time, I certainly don't either.

24 MR. GRASSO: Okay.

25 MS. SWEIDY: We will fully cooperate. We will fully

11:56:30

1 cooperate with that.

2 MR. GRASSO: Thank you. I appreciate that, ma'am.

3 THE COURT: Everybody have a wonderful lunch.

4 MR. GRASSO: Okay.

5 MS. SWEIDY: Thank you.

11:56:41

6 (Recess taken at 11:56 a.m.)

7 ---oOo---

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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 11th day of June, 2024.

/s/Cathy J. Taylor

Cathy J. Taylor, RMR, CRR, CRC