

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Kimberly Sweidy,)
)
Plaintiff,) 3:21-cv-08013-SPL
)
vs.) Phoenix, Arizona
) June 11, 2024
Spring Ridge Academy, et al.,) 1:16 p.m.
)
Defendants.)
)
-----)

BEFORE: THE HONORABLE STEVEN P. LOGAN, JUDGE

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TRIAL DAY 9 - (Afternoon Session)

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UNITED STATES DISTRICT COURT

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P R O C E E D I N G S

THE COURT: Mr. Grasso, please continue.

MR. SMITH: Your Honor, Michael Smith. With the Court's permission, we would like to take a witness out of order because of travel arrangements.

THE COURT: And you have talked to plaintiffs about it?

MR. SMITH: We have, and they have very graciously agreed to this.

THE COURT: Go ahead.

MR. SMITH: We would like to call Leslie Filsinger to the stand.

THE COURT: Ma'am, you testified during the course of trial, either the first or second week. You are still under oath during this litigation. Come on up and have a seat, please. And welcome back to court.

THE WITNESS: Thank you.

THE COURT: Go ahead, Mr. Smith.

MR. SMITH: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. SMITH:

Q. Ms. Filsinger, if you could please remind the jury what your role was at Spring Ridge?

A. I was the clinical director.

Q. And you were the clinical director at the time that Rearden

1:17:26PM 1 Stata was enrolled?
2 A. That's correct.
3 Q. Okay. So -- and you have a very soft therapist voice. If
4 you could speak into the microphone, that would be very
1:17:34PM 5 helpful. Thank you.
6 A. Sure.
7 Q. So I just have -- some things that have come up --
8 THE COURT: Did you say she had a soft therapist
9 voice?
1:17:42PM 10 MR. SMITH: Yes, sir.
11 THE COURT: What did that mean?
12 MR. SMITH: They have training, sir.
13 THE COURT: Training to be soft with their voices?
14 MR. SMITH: And not challenging and not abrupt.
1:17:50PM 15 THE COURT: We had a gentleman last week, I forgot his
16 name, he was louder than me. But go ahead.
17 MR. SMITH: Thank you.
18 BY MR. SMITH:
19 Q. So Ms. Filsinger, I want to direct your attention to a
1:18:05PM 20 couple of things that the jury has heard about that we would
21 like you to provide us some information on.
22 A. Okay.
23 Q. First of all, we have heard a lot about workshops that are
24 given at Spring Ridge Academy. What is the therapy
1:18:21PM 25 involvement -- therapist involvement in those workshops?

1:18:25PM 1 A. I think I talked about this before. Therapists do not
2 direct or lead those workshops. Therapists are involved
3 insofar as part of the treatment -- part of the overall
4 treatment.

1:18:37PM 5 Clinicians are involved in reviewing in anticipation
6 of participation in a workshop. The readiness of a particular
7 client. If a youth is determined to be -- most likely to be
8 able to manage or handle that.

9 There are times, particularly if a youth is just
1:18:55PM 10 coming in, that we may say they need additional time or perhaps
11 where they are in the course of their treatment at any given
12 time, especially if they are working on specific kinds of
13 triggers or trauma issues, that they may not be in a place to
14 best benefit from that treatment.

1:19:12PM 15 Likewise, with families, we review prior to a
16 scheduled time. We review as a clinical team the readiness for
17 involvement in those various workshops.

18 Q. Thank you. And with regard to the actual participation in
19 the workshop, I know that we don't want to rehash stuff you
1:19:31PM 20 already testified about, but you as a therapist, would you have
21 observed workshops?

22 A. Therapists are encouraged absolutely to go to observe to
23 see firsthand what's happening, because that then comes back
24 into the individual or family therapy. So that's information
1:19:52PM 25 that is directly observable. You can see it unfolding in

1:19:57PM 1 action, right, so that you can then take that back and review
2 that with them and discuss some of the details of things that
3 have come up, certain statements or experiences, and then
4 continue to work with the client in whatever came up in those
1:20:16PM 5 situations.

6 Q. Thank you.

7 A. Uh-huh.

8 Q. On the therapy that's offered at Spring Ridge itself, the
9 jury has heard testimony about different kinds of therapies;
1:20:27PM 10 somatic, EMDR, and so forth. Is there a set program that
11 people go through where they do each and every one of these
12 therapies?

13 A. No. When a child comes into treatment, we create a Master
14 Treatment Plan, and part of the determination is based on that
1:20:45PM 15 first month that they are coming into care, interview with
16 family, interview with child, review of previous records,
17 previous assessments and diagnoses, and then creating, along
18 with the child, a treatment plan that makes sense, that they
19 can agree to.

1:21:03PM 20 They have an active say in what is going to be
21 identified as the treatment goals, and so obviously that's
22 going to -- those different kinds of therapies are going to be
23 recommended for whatever those particular unique individual
24 needs are.

1:21:20PM 25 Q. Turning a little bit towards -- well, let me just ask a

1:21:23PM 1 follow-up on that.

2 As a client or a student progresses through the Master
3 Treatment Plan's stages?

4 A. Uh-huh.

1:21:35PM 5 Q. Does it stay the same or does it change?

6 A. No, we are required to review a Master Treatment Plan every
7 90 days, and that is so that we can update where are we at in
8 treatment.

9 Sometimes if treatment is progressing along really
1:21:52PM 10 well, an objective may be completed before that 90 days, and
11 then a youth will -- the therapist will review that or a family
12 will review that and say, we've already -- we've met that
13 objective, let's review again where are we at in progression of
14 treatment.

1:22:09PM 15 And we might recreate a new objective or a new goal,
16 always with the intention of what is the ultimate outcome, what
17 are we trying to accomplish, and so that is regularly reviewed
18 over time and updated.

19 Q. Thank you.

1:22:24PM 20 A. Uh-huh.

21 Q. The jury also heard last week, I think probably a week ago
22 today, from a witness by the name of Troy Williams. Does that
23 name ring a bell to you?

24 A. Offhand, no.

1:22:37PM 25 Q. His daughter was -- attended Spring Ridge Academy.

1:22:40PM 1

A. Uh-huh.

2

Q. And he testified very specifically about an interaction he had with you?

3

4

A. Okay.

1:22:45PM 5

Q. Where he was talking to you about removing his daughter from Spring Ridge Academy and you told him that that would be harmful or dangerous to do that. Does that sound like something you would have said?

6

7

8

9

A. No, I don't believe I would say something like that.

1:23:01PM 10

Q. Have you ever had a situation like that where a parent who has enrolled their child comes to you and says, you know, this isn't for us, we want to remove our child for whatever reason?

11

12

13

A. Absolutely. There's a number of circumstances that would lead a person or a parent to make a decision about removal. We were a long program, right, anywhere from a year to 18 months to complete.

14

1:23:17PM 15

16

17

That's a huge commitment of time and money, right?

18

Circumstances change in people's lives. It may be a financial decision or a personal family life decision, or a child or a parent making a decision that is no longer working for them.

19

1:23:37PM 20

21

We work with the families to create a transition plan that's going to work for them. I may have said something much like with the case that's being tried here, where we would talk about the -- both the benefits and the risks of making any particular decision.

22

23

24

1:24:00PM 25

1:24:01PM 1 No different than going to a doctor having you sign
2 something, AMA, you talk about the benefits and the risks
3 associated with any decision. That's what I think I would have
4 talked about with the gentleman that you are referencing.

1:24:15PM 5 Q. And in this situation where somebody has decided, for
6 whatever reason, that they have to remove their daughter from
7 Spring Ridge --

8 A. Uh-huh.

9 Q. -- what would Spring Ridge -- what would you, on the
1:24:29PM 10 therapy side, do to help facilitate that?

11 A. Work with with that parent and that child and the family to
12 create a plan that's best going to support a functional, safe
13 transition plan. Identifying a new therapist, or a different
14 treatment program, if that's what's deemed necessary at that
1:24:48PM 15 time.

16 Creating a plan that's going to allow the child to
17 leave the structured environment of a treatment program back
18 into whatever situation they need. So if it is back home with
19 parents, do they have a parent?

1:25:02PM 20 If they are taking medications, do they have a
21 psychiatrist? Do they need additional supports if they're in a
22 recovery program? Those kinds of details would be things that
23 we would work with them. Education, making sure that they are
24 ready to go back to whatever school, records going to, we
1:25:19PM 25 support that.

1:25:21PM 1 Q. And on a different topic, we are here obviously about
2 Ms. Sweidy's daughter Rearden?

3 A. Uh-huh.

4 Q. Prior to your testimony originally, were you obtained --
1:25:35PM 5 were you afforded the opportunity to review her chart from
6 Spring Ridge?

7 A. Yes.

8 Q. And with regard to that chart, there's a lot of entries in
9 there from Veronica Borges?

1:25:49PM 10 A. Uh-huh.

11 Q. Is that a "yes"?

12 A. That's correct.

13 Q. Okay. And so when we're looking at that, Veronica Borges,
14 as the jury knows, she's the therapist providing treatment, you
1:26:02PM 15 are also signing those documents, correct?

16 A. That's correct.

17 Q. Why are you signing those documents in addition to Veronica
18 Borges?

19 A. As I talked about when I was here last week, I am the
1:26:13PM 20 clinical director and her supervisor. I am the licensed
21 independent therapist. She worked under my licensure. So
22 everything that she did, I needed to review and provide my
23 oversight. And my signature shows that I reviewed and
24 regularly consult with her.

1:26:33PM 25 Q. And so are you the only person who's consulting with her or

1:26:38PM 1 reviewing on the decision-making that she's doing from a
2 therapeutical standpoint?

3 A. No. At Spring Ridge Academy, we work as a comprehensive
4 treatment team, so integrated all the departments, education,
1:26:52PM 5 community, and clinical and medical meet regularly on a weekly
6 basis with an identified treatment team. So every youth, they
7 have a regular consistent review interdepartmentally.

8 As the clinical director, I would oftentimes step into
9 multiple teams because they would often meet at the same times,
1:27:16PM 10 just to keep a pulse on what's happening in those treatment
11 teams, but also meeting with the clinicians that are working
12 under my licensure in the regular supervision.

13 Q. And in the case of Veronica Borges' charting for her
14 therapy provided to Rearden Stata --

1:27:35PM 15 A. Uh-huh.

16 Q. -- did you, in your review, recall seeing a point where she
17 had a -- apparently a conversation or a session with Ms. Sweidy
18 in which there was a decision made by Veronica Borges
19 apparently to cancel or to postpone a therapy session; do you
1:28:03PM 20 remember that?

21 A. Yes.

22 Q. Were you part of that decision?

23 A. She did consult with me as part of our supervision. She
24 did report to me, shared with me the details of what had
1:28:14PM 25 happened in that session, and I supported her decision for

1:28:16PM 1 postponement; not cancel, but postponement.

2 Q. And why? Why would you support something like that, rather
3 than have the parent go ahead and attend a session?

4 A. The details of -- if I can recall a particular note, the

1:28:36PM 5 details indicated a degree of uncooperativeness or belief in
6 what we attempt to do in the work, and so the feel from that
7 statement, the statements that were being made, suggested that
8 Ms. Sweidy wasn't on board with what we were proposing.

9 Q. In the note there's an indication that it would be taken up
1:29:05PM 10 with the treatment team or there was an indication that the
11 treatment team would be consulted?

12 A. Correct.

13 Q. Would that include you?

14 A. Correct.

1:29:15PM 15 Q. Did something happen that precluded then getting this
16 rescheduled and moving forward?

17 A. If I remember correctly, that would have -- right after
18 that time is when Ms. Sweidy came and removed her daughter from
19 our care.

1:29:33PM 20 Q. And so as you know, Ms. Rearden Stata was then
21 subsequently, by the California court order, returned back to
22 Spring Ridge Academy, correct?

23 A. Correct.

24 Q. And on return to Spring Ridge Academy, did we just pick up
1:29:52PM 25 where we left off on the therapy, or what happened?

1:29:59PM 1 A. Rearden did indeed reengage in her therapy.

2 Q. And in your review of the records, did that therapy, do you
3 have a recollection as to whether or not the therapy reflected
4 in the records was what you would have expected to see for
1:30:17PM 5 somebody going through the program like Rearden Stata?

6 A. Absolutely. She made consistent regular progress and met
7 all the markers for growth in the program and in her identified
8 goals for treatment.

9 Q. So the jury has heard testimony about the four phases of
1:30:37PM 10 treatment at Spring Ridge?

11 A. Uh-huh, uh-huh.

12 Q. Are there markers for -- when you say "markers," is that
13 what you're talking about, requirements for each one of these
14 phases, or what do you mean by "markers"?

1:30:49PM 15 A. Yes, each one of the phases has markers or indicators of
16 progress through those particular phases. And indeed she met
17 all of those markers. They have to do things -- how does a
18 child show up academically? How do they show up socially?
19 Therapeutically?

1:31:10PM 20 Indicators of progress. Treatment. Ultimately moving
21 to a point of being able to take information, integrate it, and
22 then really embody it. The goal is to be able to learn and to
23 take in, to integrate it, and really feel and embody that in a
24 fully integrated way.

1:31:31PM 25 Q. Thank you.

1:31:32PM 1

A. Uh-huh.

2

Q. I would like to show you one record that the jury saw earlier today.

3

4

1:31:38PM 5

MR. SMITH: With the Court's permission, we would like to publish Exhibit 55, page 37.

6

THE COURT: You may.

7

MR. SMITH: Thank you.

8

BY MR. SMITH:

9

Q. If you look down at the bottom, before we blow it up -- or maybe just -- there we go.

1:32:18PM 10

11

Is that your signature down at the bottom digitally signed?

12

13

A. Yes.

14

Q. And it's digitally signed the next day at about 11:21 a.m.?

1:32:29PM 15

A. That's correct.

16

Q. Would that have been when you reviewed this or after you had talked to Veronica Borges or what?

17

18

A. That would have been -- I reviewed the note. She created the note following the session. You can see that the session

19

1:32:42PM 20

took place at 10:30 in the morning. Session is complete. At

21

1:30 or 1:27 she creates the note. It's sent to my portal, and the next day I review the note, and I signed off on it.

22

23

Q. And would notes like this be the topic of discussion during these weekly team meetings that you told the jury about a moment ago?

24

1:33:02PM 25

1:33:03PM 1

A. Yes.

2

Q. So this kind of written documentation is used in review by the team?

3

4

A. Correct.

1:33:13PM 5

Q. Would you be the only person that would have access to this, or would other people on the team also have access to it?

6

7

A. Certain clinical -- the clinicians would have access to that, not everybody who worked at the school would have opportunity to review clinical notes.

8

9

1:33:28PM 10

Q. And if I could direct you to -- it's hard to see, but there are actually a couple of different paragraphs here. The second paragraph starts with: I requested her response to the Bradshaw talking/listening format handouts?

11

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14

A. Uh-huh.

1:33:45PM 15

Q. Can you tell us what are those?

16

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19

A. So the Bradshaw method is a pretty well-known way -- a method that is taught by us to families and to the youth as a way of being able to learn how to effectively express one's thoughts and feelings in a way -- without being accusatory.

1:34:06PM 20

Really the goal and the intention of using this form of communication is to allow the recipient of your thought -- of your conversation to hear you without accusation.

21

22

23

24

Q. So when it goes on to record that Ms. Sweidy said she has heard of it before, knows its preferred method we use at SRA but has trouble with it because, quote, "It makes the person

1:34:33PM 25

1:34:36PM 1 responsible for the other person's feelings and neither Rearden
2 nor I are responsible for each other's feelings," unquote.

3 Is that what the Bradshaw method does?

4 A. The whole point of the Bradshaw method is to avoid exactly
1:34:53PM 5 that.

6 Q. And so in this case, if we look a little bit further in
7 this paragraph, there's a sentence in quotes. Quote, "So how
8 do you fix it when the evidence proves it is not true?"

9 Do you see that?

1:35:11PM 10 A. I do see that statement.

11 Q. And then right next to it, or right after that: Kimberly
12 was also directed to think about the first topic we will
13 address, which is, "What change do you want to see in your
14 relationship with Rearden?"

1:35:26PM 15 She responded immediately with: They don't have a
16 relationship, and while she loves Rearden, she doesn't like
17 her, and then went on to list all of the things she has done
18 since very little, which indicates to her Rearden is incapable
19 of having working relationships.

1:35:43PM 20 Did I read that correctly?

21 A. Yes, I can see that.

22 Q. Okay. A few moments ago we were talking about this team
23 decision and that essentially postponed a therapy -- the
24 ongoing therapy or the beginning of therapy with Ms. Sweidy?

1:36:03PM 25 A. Uh-huh.

1:36:04PM 1 Q. Do you remember talking about that with me?

2 A. Yes, I do.

3 Q. Okay. Is this the kind of information the team would be
4 relying upon to make a decision like that?

1:36:14PM 5 A. This is a beautiful example of just that, yes.

6 Q. Why?

7 A. Well, what I'm hearing is -- and Veronica did exactly what
8 a therapist should be doing when you are beginning to work with
9 a family or with somebody. The intention is to ask, what do
10 you want for yourself? What's the goal? What's the outcome?

11 What do you wish for?

12 And Veronica asked her a question about, what would
13 you like? This is family therapy. What do you hope for in
14 building a better relationship with your child?

1:36:43PM 15 And her response was to say that there isn't a
16 relationship and sounds like that -- I would interpret that to
17 say she wasn't really interested in that. And indeed she goes
18 on to talk about not having an interest in that, but more a
19 commitment to -- her focus is not about having a relationship
1:36:59PM 20 but to just make her child better at -- her job is to make sure
21 they have a working life.

22 To me as a clinician, that suggests that her
23 priorities are different. That she's not aligned with the idea
24 of resolving conflict in a relationship.

1:37:18PM 25 Q. Well, let me interrupt you and just ask you, why is that

1:37:20PM 1 incompatible with the plan for treatment for Rearden Stata as a
2 student at Spring Ridge?

3 A. It suggests that the kinds of therapies that we are trying
4 to engage in in family work Ms. Stata is making really
1:37:41PM 5 clearly -- or I'm sorry -- Ms. Sweidy is making very clear that
6 she's not in alignment with those philosophies. It creates a
7 significant challenge.

8 Q. And is the only option at that point for Spring Ridge
9 Academy to just cast Ms. Sweidy aside and say, that's it, we're
1:37:56PM 10 not going to include you in any of these therapies moving
11 forward?

12 A. No. I believe what Veronica did was to say, I need to get
13 some consultation with the team to figure out how to best
14 approach treatment for a parent who has this kind of a belief
1:38:13PM 15 system.

16 Q. And you have a distinct recollection of that happening?

17 A. Absolutely.

18 Q. Thank you, ma'am. That's all I have.

19 A. Sure.

1:38:22PM 20 THE COURT: Ms. Allard, come on up.

21 MS. ALLARD: Thank you, Your Honor.

22 THE COURT: You're welcome.

23 CROSS-EXAMINATION

24 BY MS. ALLARD:

1:38:29PM 25 Q. I am going to start by asking you to interpret some

1:38:31PM 1 language which I do not understand in the Master Treatment
2 Plan.

3 THE COURT: Can you repeat everything you just said?

4 BY MS. ALLARD:

1:38:35PM 5 Q. I'm going to start by asking you to look at an exhibit.

6 A. Okay.

7 Q. It is going to be Exhibit 55, page 71. Okay. So at the
8 top it says it's the discharge summary. I think you have been
9 asked some questions about that today.

1:39:09PM 10 A. Okay.

11 Q. You see that?

12 A. I do.

13 Q. Okay. So -- I don't know why it did that.

14 THE COURT: Ms. Allard, the microphone on the -- next
1:39:20PM 15 to the ELMO, can you pull it towards your direction? Perfect.

16 BY MS. ALLARD:

17 Q. Okay. So in this discharge summary, there's a lot of
18 language that I don't understand. So the first thing I'm going
19 to ask you, it says, under number 1: Rene has been practicing
1:39:43PM 20 somatic, experiential grounding and guided imagery exercises.

21 Tell me what exercises she was doing.

22 A. So when we talk about somatic or grounding or guided
23 imagery exercises, that -- I think I have described some of
24 these things.

1:40:00PM 25 MS. ALLARD: Motion to strike. Nonresponsive.

1:40:02PM 1 THE COURT: Sustained. Please disregard the witness's
2 last response.

3 Ask the question again, please.

4 BY MS. ALLARD:

1:40:06PM 5 Q. I want to know what you had, or your "clinician," as you
6 call her, had Rearden do?

7 A. I recall having conversation with Veronica about the
8 different types of exercises, some of them being a guided
9 imagery, something called safe place. It comes from EMDR.

1:40:27PM 10 And in EMDR, that's a very a common type of somatic
11 grounding experience where you are feeling of significant
12 distress, that you call in an image of someplace that is what
13 you consider it is unique to you, that is a calming or safe
14 place.

1:40:46PM 15 And then you are guided through, through the training
16 of the clinician, to allow yourself to put aside the distress
17 and be in -- to imagine yourself in that place that allows you
18 to feel grounded and okay.

19 Q. Do you have any recollection of what exactly Rearden was
1:41:06PM 20 imagining?

21 A. No, I don't recall that at this time.

22 Q. And then what -- it says: She no longer accepts the
23 internal messages that she is lazy.

24 Who -- what is an internal -- what do you mean by
1:41:25PM 25 Rearden's "internal messages"?

1:41:28PM 1 A. We spend a lot of time working with our families and our
2 kids to understand what we call "core self-limiting beliefs"
3 that most of us experience in our lifetime. Early messages
4 that we get from the world, from our parents sometimes, or from
1:41:46PM 5 teachers, about who we are. That we're good, we're bad, we're
6 right, we're wrong, we're lazy, we're stupid, whatever.

7 MS. ALLARD: Motion to strike. Nonresponsive -- well,
8 no. I'm sorry. I'll withdraw that objection. I'm sorry, Your
9 Honor.

1:42:00PM 10 BY MS. ALLARD:

11 Q. So you said you spent a lot of time on this, so I want to
12 ask specifically about Rearden.

13 A. Okay.

14 Q. What internal message are you referring to and who in
1:42:12PM 15 Rearden's life was the source of that internal message, in your
16 professional opinion?

17 A. Rearden reported that her mother would call her "lazy,"
18 particularly in school.

19 Q. Due to school work?

1:42:27PM 20 A. Correct.

21 Q. Okay. And it says here that: She no longer accepts the
22 internal message that she is lazy, not a good daughter or
23 student, or that she is wrong.

24 So my question is: Why were you therapizing or
1:42:57PM 25 supervising this therapizing to suggest to a teenage girl that

1:43:03PM 1 she is not wrong for not wanting to complete her school work?

2 A. That's not what was said to her.

3 Q. Well --

4 A. No, that's not what was said to her. That's not the

1:43:17PM 5 intention of that statement.

6 Q. So the statement says, as a progress note --

7 A. Uh-huh.

8 Q. -- that she is no longer listening to that inner voice?

9 A. Correct.

1:43:29PM 10 Q. And so you call that progress?

11 A. Absolutely.

12 Q. You mentioned John Bradshaw?

13 A. Correct.

14 Q. And I notice that Healing The Shame That Binds You is a

1:43:42PM 15 book recommended on the workshop list?

16 A. Yes.

17 Q. And just so I understand, workshops are a part of what

18 Spring Ridge Academy considers to be the therapeutic process,

19 correct?

1:43:56PM 20 A. It's an ancillary and supportive part of the treatment.

21 Q. So you testified that your people that you supervise watch

22 parents in the workshop so that they can see how they responded

23 in the workshop and use it in a therapy session?

24 A. Yes.

1:44:15PM 25 Q. So I want to ask you about Action. What communication,

1:44:22PM 1 since we know Troy Williams was in your caseload, what
2 communications did you have with him, or even entertain with
3 him, regarding his reaction to being messaged by total
4 strangers?

1:44:34PM 5 A. I don't recall that client.

6 Q. You don't recall telling him it would be therapeutically
7 unwise for him to remove his daughter after she was
8 hospitalized for her skin burning off, due to medication
9 errors?

1:44:48PM 10 A. I'm telling you, I don't recall that client.

11 Q. Okay. So do you recall this, do you recall Rearden Sweidy
12 Stata had a big sister by the name of Izzy at Spring Ridge
13 Academy?

14 A. Yes.

1:45:04PM 15 Q. And you were her Direct Care Therapist, correct?

16 A. Yes.

17 Q. And do you recall reading that Rearden was upset in her
18 declaration at the fact that she died?

19 A. Yes.

1:45:14PM 20 Q. And upset that you took stage at her -- at some sort of
21 memorial commentary and indicated that you were familiar with
22 her, when in fact she couldn't get therapy sessions that she
23 wanted with you? Do you recall Rearden making that criticism
24 in her declaration?

1:45:32PM 25 A. I recall her making that statement. It's incorrect.

1:45:35PM 1 Q. So you chose to speak publicly about your therapeutic
2 experience with a deceased student in front of the students; is
3 that what I understand?

4 A. No, that's incorrect. I did not speak in front of the
1:45:48PM 5 students. I was invited by the parents to come to a virtual
6 memorial because they were so grateful for the work that I had
7 done with that family and that child.

8 Q. So I want to ask you about this John Bradshaw comment
9 because of your reliance on it today. It talks about, on page
1:46:11PM 10 188 of the book: The inner child journey is the hero's
11 journey. Becoming a fully functioning person is a heroic task.
12 There are trials and tribulations along the way. In Greek
13 mythology Oedipus kills his father and Orestes kills his
14 mother. Leaving one's parents are obstacles one must encounter
1:46:32PM 15 on one's hero's journey. To kill our parents is a symbolic way
16 to describe leaving home and growing up.

17 So is this the book -- this is the guy that you are
18 recommending Ms. Sweidy review so she can improve her
19 communication style?

1:46:48PM 20 A. Yes. Because that's metaphorical.

21 Q. And she's not supposed to be inflamed when she reads that
22 she's supposed to be killed?

23 A. I can't choose how she responds to that.

24 Q. So I am going back to Exhibit 55, page 71. Under problem
1:47:14PM 25 number 1: An important area of measurement is her ability to

1:47:19PM 1 attend court-ordered reunification sessions and practice coping
2 skills during triggers.

3 So I take it, from understanding here some of these
4 other notes, that Rearden is supposed to be focusing on
1:47:36PM 5 abandoning the inner voice that said get her homework done,
6 while she's meeting with her mother in court-ordered
7 reunification?

8 A. I'm sorry, can you help direct me to what you are -- the
9 statement? I don't see it.

1:47:52PM 10 Q. Problem number 1, the last sentence?

11 A. Okay. Okay. Got it.

12 Q. So let me set this up. You just got done saying in number
13 1, I think you explained to us that she's supposed to practice
14 somatic type of therapy in response to triggers; that's what
1:48:09PM 15 you generally testified to, correct?

16 A. Correct.

17 Q. And so now we know that the trigger is going to be seeing
18 her mother in court-ordered reunification therapy, because in
19 the last sentence you say, or someone under your supervision
1:48:21PM 20 says -- Veronica Borges likely -- an important area of
21 measurement is in her ability to attend court-ordered
22 reunification sessions and practice coping skills during
23 triggers?

24 A. Correct.

1:48:35PM 25 Q. So you were working with her on somatic and experiential

1:48:44PM 1 grounding, guided imagery exercises for her to do in the middle
2 of a session with a California licensed therapist?

3 A. Yes, we would want her to be able to keep herself
4 emotionally regulated so that she can be functional and able to
1:49:00PM 5 attend and show up in the best way possible.

6 Q. Now, since you know Veronica Borges wasn't licensed to be
7 practicing therapy in California, why is it you wouldn't just
8 leave that to the judgment of the therapist who had this child
9 in his presence in California?

1:49:16PM 10 A. She was still attending our school and receiving therapy
11 with us.

12 Q. I understand that that's your position, that you had a
13 legal basis to do it. My question is: Professionally, why
14 would you interfere with what he was trying to do?

1:49:35PM 15 A. I don't think we were trying to interfere. We want to work
16 collaboratively. Again, she was registered as a student in our
17 care, and we had an obligation to provide her therapy.

18 Q. So now I'm looking under number 2. It says: Rene is
19 experiencing less fear in setting internal and external
1:49:58PM 20 boundaries.

21 Are you talking about telling her mother she's not
22 going to answer questions about her classroom or class change
23 from Algebra to Calculus?

24 A. I can't know that that's the only statement that that would
1:50:16PM 25 reflect.

1:50:17PM 1 Q. Well, if we have reviewed the Master Treatment Plan like we
2 have already, and we are looking at the discharge summary, if
3 there was some particular issue regarding boundaries and
4 mother, we would expect to see it written down here, wouldn't
1:50:30PM 5 we?

6 A. Absolutely.

7 Q. So then under problem 3, you understood that Ms. Sweidy
8 took issue with the diagnosis of cannabis use disorder?

9 A. Correct.

1:50:49PM 10 Q. And so -- and I think that she didn't believe that weekend
11 use as a high school student represented a disorder and didn't
12 want that kind of record for her daughter?

13 A. There's a difference between a use disorder versus
14 addiction.

1:51:12PM 15 Q. Are you aware of what the symptoms of cannabis use disorder
16 as diagnosed by medical professionals is?

17 A. I am familiar with what the DSM-5 at that time would have
18 included, yes.

19 Q. So in this discharge summary, you say -- not you, I think
1:51:28PM 20 Veronica Borges says: She has made a commitment to wait until
21 after her 18th birthday to resume use, but even after her
22 birthday, she has maintained her commitment to extending it to
23 waiting until she moves out of her dad's house and goes to
24 college.

1:51:46PM 25 So if someone says I'm going to go back to using

1:51:50PM 1 marijuana, do you consider that an improvement?

2 A. When we're talking about somebody who is very young -- to
3 make a commitment for the rest of one's life, if you are 16,
4 17, or 18 years old, to say, I will never, is I think a big
1:52:05PM 5 ask.

6 For us to have somebody say, I recognize that this is
7 not helpful in my life, is causing me harm at this stage in my
8 life, and I can make a commitment for this period of time, I
9 can't say what I'm going to do, five, ten, 15, or 20 years from

1:52:23PM 10 now, it's rare that you have somebody very young make a
11 commitment for the rest of their life. So, yes, I do believe
12 that's evidence of growth.

13 Q. So then I have another question on number 4. Parent-child
14 relational problem. I will develop an age-appropriate ego
1:52:43PM 15 state.

16 She was 17 years old at this time?

17 A. Correct. 18 at the point of discharge.

18 Q. So you had reviewed notes from Veronica Borges that she was
19 depressed at her father's home?

1:53:04PM 20 A. She did have periods of depression, yes.

21 Q. And I think she -- you noted here that -- or Veronica noted
22 here that she -- Rene engaged in court-mandated parent/child
23 sessions that she reported as stressful and minimally
24 productive in resolving relational struggles. Rene was able to
1:53:30PM 25 clarify her values and learn to assert them.

1:53:35PM 1 So another use of a word I don't understand. What do
2 you mean by "values," if there's no right and wrong as I saw
3 problem number 1?
4 A. When we are talking about a value is what a person holds as
1:53:52PM 5 a truth for who they are in this world. Specifically, as it
6 relates to one's development, what -- at this age,
7 developmentally the focus on ego state is around, who am I in
8 this world? What is my identity?
9 That is the developmental function of adolescents and
1:54:12PM 10 young adulthood coming into knowing, who am I? Part of that
11 is, what's important to me? What are my values? What is the
12 difference between right and wrong for me? What is my truth?
13 Q. Okay. So --
14 A. Those are the things that that's referring to.
1:54:27PM 15 Q. Okay. I am going to steer back to specifics.
16 A. Uh-huh.
17 Q. So Rene did not want to do her homework? Those were her
18 values. Is that what you are referring to?
19 A. No, I don't believe that's being said.
1:54:38PM 20 Q. Then what is meant here, if you even know, when Veronica
21 Borges writes: Rene was able to clarify her values and learn
22 to assert them.
23 My question is, what values?
24 A. The values about who she is in this world. That she is a
1:54:54PM 25 worthy human being. That she is not a worthless human being.

1:54:59PM 1 Q. What evidence anywhere in this case, whether it be any
2 progress note ever, any Daily Milieu note, that either parent
3 ever called her worthless?
4 A. She reports that.

1:55:12PM 5 Q. Where?
6 A. The child reported that to Veronica.
7 Q. Where?
8 A. In her sessions.
9 Q. What day?
1:55:19PM 10 A. I can't tell you.
11 Q. Sure you can't.
12 A. I don't have all of her notes in front of me, ma'am.
13 Q. Well, I have a package of them. Would you like to review
14 them?
1:55:27PM 15 A. If you needed me to, I can.
16 Q. I believe it's Exhibit 121.
17 MS. ALLARD: Can we have that published?
18 MS. SWEIDY: No, not if we're publishing therapy
19 notes, we're not.
1:55:53PM 20 MS. ALLARD: No, not publish. I'm sorry.
21 THE COURT: I can't hear what you're saying. What?
22 MS. ALLARD: Just shown to Ms. Borges, not
23 published -- not Borges, Ms. Filsinger.
24 THE COURT: Which exhibit?
1:56:04PM 25 MS. ALLARD: 121, Your Honor. It's not to be

1:56:06PM 1 published, but it has been used by other witnesses for
2 refreshing recollection.

3 THE COURT: That is correct. You may hand it to the
4 witness, Molly. Just don't publish it, please.

1:56:16PM 5 THE WITNESS: What is it that I am supposed to be
6 helping you with here?

7 BY MS. ALLARD:

8 Q. When this child told Veronica Borges that either parent
9 called her worthless?

1:56:32PM 10 A. I am not going to say that I am going to see it written
11 here. Those are certainly conversations -- and they may well,
12 and I can go through this -- all these pages, and I may or may
13 not see that, but that would be things that would be part of
14 conversations. Not every single thing that is talked about in
1:56:47PM 15 a 50- or 60-minute session would be recorded.

16 Q. Well, I think I can accept your representation that you're
17 probably not going to find it there and we'll move on.

18 A. Okay.

19 Q. So what did Spring Ridge teach Rearden to do to learn to
1:57:11PM 20 assert her new values?

21 A. To be able to articulate her beliefs.

22 Q. To yell?

23 A. To express herself in an honest and direct way. No, not to
24 yell.

1:57:24PM 25 Q. Well, then why does Spring Ridge Academy have these

1:57:27PM 1 children yelling?

2 A. I don't know what you mean.

3 Q. Well, I think you do.

4 A. No, actually I don't, ma'am.

1:57:36PM 5 Q. You have never been to Teen Challenge?

6 A. I have witnessed Teen Challenge, yes.

7 Q. So when the children who are new to the school are

8 encouraged to beat a chair, to yell, to cry, why are they

9 encouraged to engage in that type of behavior?

1:57:56PM 10 A. The purpose and intention of that particular exercise is to

11 allow someone to be able to release any old feelings and

12 emotions. They are not encouraged to yell.

13 They are simply to allowed to -- whatever they need.

14 They can talk quietly. They can yell if they -- they are not

1:58:15PM 15 directed to express themselves in any particular way. The

16 intention is to release held beliefs, old messages that are

17 painful and hurtful.

18 Q. They are to release old messages from their parents?

19 A. Or others, not just parents. Messages along the way.

1:58:30PM 20 Having been bullied by peers, having heard messages of being

21 mistreated, being told things that made them feel less than.

22 Q. So when they are walking out on that desert road and

23 they're emptying sand, is that what they are doing, they're

24 releasing messages heard by their parents?

1:58:50PM 25 A. They are -- people are encouraged to let go of messages

1:58:53PM 1 that did not serve them along the way, including parents, or
2 others.

3 Q. I am going to show you page 69 of Exhibit 55. My question
4 is about the May 13th, 2020 entries if you see them.

1:59:25PM 5 A. I do not see May 13th. I see January 23.

6 Q. If you look under objective 1, there's going to be three
7 dates; February 3rd, February 10th, and May 13th.

8 A. Yes, I do see.

9 Q. Okay.

1:59:44PM 10 A. -- under reviews and updates, uh-huh.

11 Q. On May 13th: Rearden has been struggling to maintain
12 consistency in her relationship with her mother and let go of
13 shame around her parents' vision for her that is not her own
14 vision.

2:00:02PM 15 So is this the vision being that she would go to
16 college?

17 A. I can't speak to what that is referencing, if that is it
18 specifically, but I think that could be an example.

19 Q. Well, you understand that Spring Ridge Academy advertises
2:00:19PM 20 they are college prep, correct?

21 A. Absolutely.

22 Q. Why would Spring Ridge Academy be giving therapy and
23 suggesting to a student that they should assert their own
24 values that they not go to college?

2:00:35PM 25 A. If a child is feeling -- I can't speak to whether or not

2:00:40PM 1 this happened for Rearden, I don't remember, but I do know that
2 there are situations in children who came through who felt like
3 going to college was not right for them, that they wanted a gap
4 year, or they wanted to do service, or they needed time off.

2:00:56PM 5 And we helped them to be able to express those wishes to their
6 family and be in conversation with them.

7 Ultimately that was a conversation between the parents
8 and the child, but we supported the children in being able to
9 learn to express what was important to them.

2:01:14PM 10 Q. In the same area it said: Rearden participates in EMDR,
11 Gestalt experiential exercises and meditation to address shame
12 binds.

13 So does that mean she was asked to view her mother in
14 an empty chair and chant repeatedly, "I give you back your
2:01:35PM 15 shame"?

16 A. No, that doesn't say that.

17 Q. Well, isn't that what those exercises are?

18 A. Not necessarily.

19 Q. Do you have any idea what exercises Rearden did?

2:01:46PM 20 A. In my review with -- of notes of -- my clinical notes with
21 Veronica, we discussed -- that wasn't -- those were mostly
22 around some of the examples I already gave you, around using
23 some of the EMDR techniques that allowed her to be in a place
24 of calm and be able to let go of some of the messages that were
2:02:08PM 25 creating a sense of shame.

2:02:10PM 1 Q. So that's a "no"?

2 A. That's a "no," yes.

3 Q. Then it says: A custody hearing is coming up in June and
4 Rearden was informed that a court advocate wants to speak with

2:02:25PM 5 her and an interview is set to happen within the next two
6 weeks. The work she is doing above is helping her navigate her
7 emotions brought up by having to do this.

8 And I don't know why it says "retain."

9 A. Because we are retaining the objective.

2:02:44PM 10 Q. So do you -- have you ever done any court testimony before
11 this?

12 A. I have -- yes, I have.

13 Q. So do you understand that the courts kind of want to
14 know -- they want to get information without other people

2:03:03PM 15 influencing them?

16 A. I don't understand what you are asking.

17 Q. Well, you have been told not to discuss your testimony in
18 this matter with any other witnesses pending -- you know, until
19 you are done, right?

2:03:13PM 20 A. Yes.

21 Q. And the idea behind that is so the other witness doesn't
22 try and -- is testifying from their own memory and not yours,
23 correct?

24 A. Correct.

2:03:26PM 25 Q. So when you know that there's a court investigator that

2:03:28PM 1 wants to know whether Rearden wants to stay at Spring Ridge
2 Academy, wouldn't you think it important not to influence that
3 process?

4 A. I don't understand why you are asking me this.

2:03:39PM 5 Q. I'm asking you why you thought it was appropriate to do any
6 therapy on the topic of what Rearden was going to experience
7 when she talked to a court investigator.

8 A. She brings into the therapy whatever is important to her at
9 that time. We do not direct what a person -- anytime a person
2:03:58PM 10 comes into therapy, they are going to bring what is on their
11 mind. They are invited to discuss -- we don't control or
12 dictate what a client brings to us.

13 If she brought that to a session, that's because she
14 felt the need to express her concerns and her needs and we
2:04:14PM 15 provide support.

16 Q. So I just want to jump down now to objective 4. May 13th,
17 2020, it says: Rearden's mother has refused to participate in
18 family therapy activities. Rearden's father has been active in
19 supporting Rearden, taking accountability for his part in
2:04:35PM 20 forming her self-limiting beliefs, and they have both affirmed
21 strengths in each other and their family unit resolved.

22 So that one is marked "resolved." What does that
23 mean?

24 A. It means that the issues that were happening that were
2:04:54PM 25 conflictual between the father and the daughter had been

2:04:57PM 1 resolved, that they had been able to work through that.

2 And it states that Father was able to take
3 accountability. That they were both able to take -- be
4 responsible to one another to say, here's my part in that, and
2:05:10PM 5 find a way to work together in a more functional way. That's
6 the goal of treatment.

7 Q. So he apologized for expecting her to do her homework?

8 A. He apologized for a number of things that he did wrong.

9 Q. What about getting himself inebriated not once but twice?

2:05:30PM 10 A. Yes, and he took accountability for that and recognized
11 that he needed to make a change.

12 Q. So he paid lip service to whatever this stuff is?

13 A. That's your interpretation of his behavior.

14 Q. And yours is?

2:05:50PM 15 A. I believe he met -- he was sincere in his desire to make a
16 change --

17 Q. And --

18 A. -- at that time, when we knew them.

19 Q. And then subsequent to this date of May 13th, 2020, you
2:06:05PM 20 learned that he was inebriated not once but twice, and I don't
21 see that that's updated. Is there a reason for that?

22 A. I don't know why that's not in the record at this point,
23 no. But I do know that Rearden was able to handle herself in a
24 mature and responsible way.

2:06:25PM 25 Q. Yes, she called her mother.

2:06:26PM 1 A. Yes. She used the resources she had available to her. She
2 set a boundary with her father. Those are the kinds of things
3 that show the evidence of growth and maturity.

4 MS. ALLARD: No further questions.

2:06:46PM 5 THE COURT: Mr. Smith, is there anything else?

6 MR. SMITH: Very briefly, Your Honor.

7 THE COURT: Come up.

8 MR. SMITH: Thank you.

9 REDIRECT EXAMINATION

2:06:51PM 10 BY MR. SMITH:

11 Q. Ms. Filsinger, you were asked about -- this whole back and
12 forth in the Master Treatment Plan regarding this worthlessness
13 issue; do you remember being asked about that?

14 A. Yes.

2:07:04PM 15 Q. Do you have Exhibit 121 in front of you still?

16 A. No.

17 MR. SMITH: Can we publish -- would we be able to
18 provide the witness with Exhibit --

19 THE COURT: No, she has all the progress notes. She
2:07:16PM 20 put them on the right.

21 THE WITNESS: Oh, sorry.

22 MR. SMITH: Thank you.

23 THE WITNESS: What am I looking for?

24 BY MR. SMITH:

2:07:24PM 25 Q. So if you could go to page 35.

2:07:31PM 1

A. Okay.

2

Q. And is that an April 24th, 2020 note?

3

A. It is.

4

Q. And as you look through there --

2:07:41PM 5

THE COURT: Mr. Smith, can you pull the microphone
6 down, please?

7

MR. SMITH: Apologize. Sorry, Judge.

8

THE COURT: That's all right.

9

BY MR. SMITH:

2:07:46PM 10

Q. There's a discussion that's going on in the intervention
11 concerning plans for maybe going to college or what she wants
12 to do after high school, correct?

13

A. Correct.

14

Q. And is there an indication that in Rearden's statement

2:08:01PM 15

about herself, about how she feels her own personal desires to
16 do something different would be perceived?

17

MS. ALLARD: Objection. Beyond the scope. The
18 question was whether she was told.

19

THE COURT: Overruled. Continue.

2:08:19PM 20

THE WITNESS: I am reviewing the note right now.

21

MS. SWEIDY: Excuse me, what page are we on?

22

MR. SMITH: It would be page 35 of the exhibit.

23

THE WITNESS: So what was your question to me?

24

BY MR. SMITH:

2:08:51PM 25

Q. And in this paragraph under the intervention --

2:08:55PM 1

A. Uh-huh.

2

Q. -- there's Rearden's own statement about how she would be perceived?

3

4

A. Correct.

2:08:59PM 5

Q. And what does she describe herself as, in the eyes of her family, if she takes a different path?

6

7

A. If she doesn't continue her education, she fears that she won't be -- that she's not going to be accepted. She fears

8

9

being shunned or considered a loser. And she said, which maybe

2:09:17PM 10

I am, since everyone in school values education -- in the school values education.

11

12

Q. Thank you.

13

MR. SMITH: That's all I have.

14

THE COURT: Subject to re-call, defense?

2:09:29PM 15

MR. SMITH: No, Your Honor.

16

THE COURT: Plaintiffs?

17

MS. ALLARD: No, Your Honor.

18

THE COURT: Ma'am, thank you so much for coming back.

19

Have a wonderful rest of your week.

2:09:40PM 20

THE WITNESS: Yes. Thank you so much. Should I just leave this here?

21

22

THE COURT: You can just leave it there and our courtroom deputy will grab it.

23

24

Are we going back to cross-examination?

2:09:49PM 25

MR. GRASSO: With your approval, Your Honor, yes.

2:09:53PM 1 THE COURT: All right. Come on up. Ms. Sweidy, if
2 you can kindly take the stand again, and you're under oath.

3 MS. SWEIDY: Yes, of course, Your Honor.

4 THE COURT: Did you forget your water?

2:10:22PM 5 MS. SWEIDY: I drank it all, but thank you, Your
6 Honor.

7 THE COURT: You're very welcome.

8 MR. GRASSO: Permission to publish Exhibit 55, page
9 20?

2:10:29PM 10 THE COURT: You may.

11 CROSS-EXAMINATION

12 BY MR. GRASSO:

13 Q. Ma'am, do you recall seeing this document? This is one of
14 the exhibits that we have. It's the data sheet for Rearden,
2:10:56PM 15 and it's the page of the form that's talking about attendance
16 in workshops; do you recall this?

17 A. No, I don't even know what this is part of. You are like
18 in the middle of something. Can we go back to the first page
19 of this, please?

2:11:10PM 20 Q. Sure. Page 15.

21 A. Is this a confidential data sheet that was first created
22 when she first got there? I'm pretty sure. It was updated as
23 of that day, but that says, current as of. I think this was
24 originally created on one of the first days she was there. I
2:11:34PM 25 need to put all these documents in my head in a place, okay?

2:11:37PM 1 Q. Okay. I'm actually going to be try to be very brief here.
2 This is Plaintiff's Exhibit 55. This is an exhibit that you've
3 marked that we stipulated to. So --

4 A. Okay, that's misleading, Mr. Grasso. This is what I got
2:11:50PM 5 from you in discovery and I have disclosed it here. I never
6 had this document originally until discovery, so that was kind
7 of misleading. It's not my document, it's your document.

8 Q. Okay. Well, let's just go back to page 20. I just wanted
9 to talk about the section about workshops?

2:12:06PM 10 A. Okay.

11 Q. In the section on workshops there, it shows that there's a
12 completion date of 1-17 for Teen Challenge, and there's a
13 completion date for Teen Action, but there's nothing filled out
14 under the Commitment exercise; do you see that?

2:12:30PM 15 A. Yes, I see that.

16 Q. Okay. And so to the best of your knowledge, Rearden didn't
17 participate in the Commitment exercise?

18 A. I am not going to speak to anything. I don't believe
19 anything that your clients ever told me about anything. I
2:12:42PM 20 don't know what she did. They did Action against -- without
21 getting permission from any parent who could have given them
22 permission. So I don't know. Honest to God, I hope not.

23 Q. Okay. After your daughter graduated in December of 2020,
24 you had some communications with Outback Treatment, correct?

2:13:06PM 25 A. No. My daughter never graduated from Spring Ridge Academy.

2:13:09PM 1 It was fake. Please stop calling it that.

2 Q. Okay. Let's just then go forward.

3 So do you recall, regardless of how you feel about
4 what happened December of 2020, did you have any communications
2:13:20PM 5 with Outback Therapeutic Expeditions, the place she went before
6 Spring Ridge shortly thereafter, February?

7 A. I believe I did, but I'm taking it we're going someplace
8 with this, so please refresh my memory.

9 MR. GRASSO: Permission to publish Exhibit 52, Your
2:13:39PM 10 Honor.

11 THE COURT: You may.

12 MR. GRASSO: Page 6, Noel.

13 BY MR. GRASSO:

14 Q. This is an email that you sent to the folks at Outback
2:13:48PM 15 Therapeutic Expeditions, I believe, on February 8th, 2021; is
16 that correct?

17 A. That's correct.

18 Q. And with this you sent them a copy of the lawsuit that you
19 filed against Spring Ridge?

2:13:58PM 20 A. Yes, I did.

21 Q. And then you put a statement in it, quote, "You are on
22 notice," correct?

23 A. That is correct.

24 Q. What did you mean by, "You are on notice"?

2:14:06PM 25 A. They recommended that she go there. Jessica Jo highly

2:14:10PM 1 advocated for this place, as well as for Kate Deily. I wrote a
2 private email to her asking her offline, am I missing
3 something? And she assured me, no, they were on notice that
4 what they were doing here with this little scheme they had all
2:14:24PM 5 got cooked up with educational consultants, wilderness
6 programs, and these behavioral health schools, they were on
7 notice in my lawsuit as to what was actually going on there, so
8 that if they ever referred another student there claiming they
9 had no knowledge of all this stuff that was going on there,
2:14:45PM 10 that would be false, and I would be able to say, nope, I
11 informed them on February 8th, 2021 of what went on at the
12 school that they recommended to me, and they should have known
13 better than to continue that behavior.
14 Q. Page 7, please.
2:15:01PM 15 So then you got a response from McKay at Outback,
16 correct?
17 A. Yes, I did, and I also later spoke to him on the phone.
18 Q. Okay. Well, he was inquiring from you of what you meant by
19 sending them a copy of the lawsuit, and he is asking whether
2:15:17PM 20 you have any interest in a lawsuit against Outback, correct?
21 A. That's correct.
22 MR. GRASSO: Page 8, please, Noel.
23 BY MR. GRASSO:
24 Q. So your initial response to this gentleman was: Valid
2:15:26PM 25 questions. Kindly give me some time to reflect on your

2:15:29PM 1 questions and formulate an accurate response.

2 Correct?

3 A. Correct.

4 Q. And then you did in fact sent him a lengthier email; is

2:15:38PM 5 that correct?

6 A. Please refresh my memory. It's late and I'm tired, so
7 let's go, yes. If I see it, I'll say yes. I can't guess at
8 the chronology of every communication with people that happened
9 years ago. Yes, I think I did.

2:15:54PM 10 Q. Do you -- you have a general recollection that you sent the
11 email?

12 A. Probably, yes. It would make sense that I would. If I
13 told somebody I was going to think about it and give them a
14 response, it would be my custom and practice to then think
2:16:06PM 15 about it and give them a response.

16 Q. Did you believe that Outback had failed Rearden?

17 A. Yes, I believe they had failed Rearden, the parents, and
18 everyone they had ever served.

19 Q. So at this time, this is early 2021, so Rearden has left
2:16:25PM 20 Spring Ridge Academy a couple of months, a month and a half
21 ago, and now you are also critical of Outback, fair?

22 A. Wait a minute. Rearden did not leave Spring Ridge Academy
23 a month and a half ago. Rearden left Spring Ridge Academy on
24 June 28th, 2020, a day that will live in infamy. This was a
2:16:44PM 25 month or two after her fake graduation.

2:16:49PM 1 Q. Okay. Let's go to page 9. Here is the lengthier email.
2 It goes on for a couple of pages, but we will go through some
3 of it. So this is the email that you sent to McKay. Do you
4 want to take a moment to get yourself familiar with it?

2:17:03PM 5 A. No.

6 Q. Do you recall it?

7 A. Yes, it's my email.

8 Q. Okay.

9 A. Looks like the right one.

2:17:06PM 10 Q. Go ahead and please read to the jury the third paragraph.

11 A. "The mental health profession has failed Rearden. It seems
12 that 10,000 years of patriarchy have rendered it verboten for
13 mental health professionals to properly assist children in
14 dealing with a wide range of harmful and dysfunctional
2:17:28PM 15 behaviors exhibited by, in particular, their fathers. The same
16 goes for the spouses of these men. That means that no one is
17 living in reality or truth. Without truth, we cannot learn,
18 heal, and move forward."

19 Q. What do you mean by: No one is living in reality or truth?

2:17:47PM 20 A. I spent a lot of time in the family law courts counseling
21 women and children fleeing from domestic violence in a pro bono
22 manner. I see this day in and day out. I see children
23 bleeding from their rectum and the family law courts claiming
24 that the mother is making up that the child has been sexually
2:18:03PM 25 abused by the father.

2:18:05PM 1 The things I have seen are too horrific to really be
2 talking about three weeks into this trial. This is what I have
3 seen in my 63 years on this planet and many years of practicing
4 law at the level down with those who most need our work.

2:18:21PM 5 It has been that the mental health profession has
6 failed to hold people accountable for what they do to their
7 spouses and their children, and this is yet another extension
8 of that.

9 Q. Okay. The fourth paragraph that -- there's a comment here
2:18:37PM10 you have that: OTE failed Rearden.

11 Correct?

12 A. Yes.

13 Q. And then you put down that it was abundantly clear to you
14 during this graduation ceremony where Rearden publicly
2:18:48PM15 disparaged me and fawned over her father.

16 What was that about?

17 A. It was bizarre. None of the other students in the
18 ceremony, I think there were three or four other students did
19 this, but they all thanked both their mother and father. And
2:19:01PM20 then when it came to -- time for Rearden to speak, she looks at
21 me and she says, Mom, uh, thank you for being willing to work
22 on yourself.

23 And then she turns to her father and says, oh, Dad,
24 you are the best father ever -- in this weird fake voice -- and
2:19:17PM25 then starts going on and on about how you are always there for

2:19:20PM 1 me, and you are this, and you are that.

2 And it was completely bizarre, and I was shocked. I
3 didn't say anything. And later when I was alone with her at
4 dinner, I said, why would you say those things in front of all
2:19:32PM 5 of those people? She says, come on, Mom, you know, he needs it
6 and you don't.

7 And I had some serious concerns about actual
8 codependency, not the kind being espoused by Spring Ridge
9 Academy. And that was one of the issues I want to talk about,
2:19:49PM 10 why Rearden thinks she needs to bolster her father's ego.

11 And it wasn't until I got the copies of those letters
12 from -- after the graduation that were shipped back to me --
13 that I saw the kinds of stuff he was sharing with her. His
14 personal problems, his problems at work standing up for himself
2:20:10PM 15 and speaking up for himself. Things you would tell a therapist
16 or a spouse or maybe a trusted friend, but not your daughter at
17 treatment. Sending her 30-page dissertations on objectivist
18 epistemology and ethics.

19 It was just weird, and it was clear that she had taken
2:20:28PM 20 over the role of being his parent and at one point said to
21 me -- she said, you gave up on him, and I will never do that.

22 And I said, Rearden, it's not my job to function for
23 your father, and it is most certainly not your job as a child
24 to be functioning for your father. That's not your job.

2:20:48PM 25 She goes, I'm never going to be like you. I'm never

2:20:52PM 1 giving up on him. I will continue to try to help him for as
2 long as I can.

3 I don't think that's functional -- being a functional
4 child. I think she has been put in the role of a parent. And

2:21:03PM 5 all of these mental health professionals we paid all of those
6 years never had the guts to say, Rearden, this isn't your job.
7 Your dad needs to be the dad, and you need to be the kid, and
8 you need to stop trying to take care of him when he's drunk and
9 he's vomiting on himself, and you're cleaning up after that and
2:21:19PM 10 he's telling you his personal problems in letters.

11 You wanted to know, Mr. Grasso, that's what was behind
12 that. This is not good parenting, to think that your child is
13 your parent. The child is not the parent. The parent is the
14 parent. And the child needs to be free to be a child, not
2:21:34PM 15 clean up after the father's mess, or the mother's mess. But we
16 are not talking about the mother's mess here.

17 Q. Okay. Thank you, I think.

18 MR. GRASSO: Page 10, please.

19 BY MR. GRASSO:

2:21:47PM 20 Q. So in number 6, you are asking a question: Did Jessica Jo
21 tell Rearden that I, Rearden's mother, is the cause of
22 Rearden's behavior? Did Jessica Jo discuss with Rearden any
23 and all ways in which I behaved inappropriately or poorly as a
24 person, mother, adult, or role model?

2:22:03PM 25 Why were you including that?

2:22:05PM 1 A. Because these were allegations made by Spring Ridge Academy
2 about me that I had -- by this point in time, and again, it's a
3 point in time before that I had less information -- after that
4 I had more -- that it was being alleged that this is what
2:22:18PM 5 Jessica Jo told Spring Ridge Academy when Rearden went from
6 Outback to Spring Ridge Academy. And I wanted to know out of
7 the horse's mouth -- because I like to confirm to people before
8 I go off -- did you say X to this person.
9 Q. Okay. Got you. Okay. So you sent this email as a general
2:22:39PM 10 matter to Outback because you wanted them to be on notice that
11 you had a lawsuit pending against Spring Ridge, and you wanted
12 to make sure they acted, in your opinion, appropriately in
13 response to it?
14 A. To the public, to future parents, and, you know, it's one
2:22:53PM 15 thing when you don't know and you have limited information.
16 But then you have more information, and you're required, in
17 your fiduciary responsibility to behave accordingly.
18 I am attempting to protect future parents and future
19 students from not having the kind of information that would
2:23:11PM 20 have been so helpful to me to know when I made the fatal
21 decision that I made. And "fatal" is in quotes. No one died
22 here, but lots of people are dead. So this is important to
23 know.
24 Q. Okay. So who is --
2:23:27PM 25 MR. GRASSO: You can take that down, Noel, we are done

2:23:29PM 1

with that.

2

BY MR. GRASSO:

3

Q. Who is Dr. Jacob Towery?

4

A. Dr. Jacob Towery is an overpriced therapist who was

2:23:48PM 5

recommended to Rearden and Mr. Stata by someone apparently

6

Mr. Stata was seeing by this time -- even though it's kind of

7

late in the process to finally be going to some kind of mental

8

health professional.

9

And she recommended that apparently Dr. Jacob Towery

2:24:08PM 10

would be a good fit for Rearden after Rearden was now free of

11

the clutches of Spring Ridge Academy and actually trying to

12

live a life -- not successfully I might add, because she was

13

not thriving in any area and nothing was -- actually had

14

improved. Many things had not improved and gotten worse.

2:24:33PM 15

Q. Okay. He's an adolescent and adult psychiatrist, and he's

16

on the faculty of Stanford University's Department of

17

Psychiatry?

18

A. If you say so. I never wanted to talk to him. He made me

19

talk to him and then wrote a crazy letter, so --

2:24:51PM 20

Q. Yeah, yeah. That's what I wanted to talk about. So you

21

exchanged correspondence with Dr. Towery who is a faculty

22

member of the Stanford University Department of Psychiatry,

23

correct?

24

A. No, that's not how it happened. He -- I had nothing to do

2:25:04PM 25

with him. Rearden was an adult. I was sitting in Rearden's

2:25:08PM 1 apartment in San Francisco helping her move because everything
2 had gone very wrong in that apartment.

3 And I turned up the TV because I wanted -- like the
4 judge does when he makes white noise, because I didn't want to
2:25:26PM 5 hear what she was talking about in the bedroom with the door
6 closed with Dr. Towery. That was none of my business.

7 Q. Okay.

8 A. No, I never wrote to him. If you want to know the proper
9 sequence of events, I'll tell you.

2:25:39PM 10 Q. Ma'am, I am just trying to get through it.

11 A. I understand, but Mr. Grasso, we are either going to tell
12 the truth or we're not -- we're going to stay off of it. But
13 we're not going to say I wrote to this guy, 'cause I didn't.

14 He insisted on speaking to me against my wishes. He
2:25:53PM 15 insisted on meeting with me, claiming that he would not see my
16 adult daughter unless I met with him, so I wanted to help
17 Rearden, and I went along with this.

18 He insisted that Mr. Stata was going to -- and I were
19 going to have couples counseling after Rearden was 18 and we
2:26:10PM 20 were long divorced, and I said, that's not going to happen.

21 And then after I met with him, he wrote me this crazy email.
22 So that's what happened.

23 Q. All right.

24 A. He forced me to come there, allegedly for my daughter's
2:26:23PM 25 sake, and then he writes this email saying he's not going to

2:26:26PM 1 see my daughter because of me. And I just wanted to watch the
2 Disney movie on TV while she handled her business.

3 Q. And when he sent you the email -- thank you for that
4 chronology.

2:26:37PM 5 When he sent you the email that you are referring to,
6 he told you that he didn't want to see your daughter because he
7 felt, quote, "intimidated and scared of you."

8 A. Can I please see the thing? Because I would like to read
9 the whole thing.

2:26:51PM 10 Q. It's actually in --

11 A. He did. Apparently he was intimidated. And why don't you
12 keep reading about how -- because when someone charges -- how
13 much was the hourly rate? 1000-something dollars an hour?

14 Q. Ma'am --

2:27:01PM 15 THE COURT: Okay, stop, stop. Let's stop. Let's
16 stop.

17 First of all, if you have a witness during
18 cross-examination that starts a narrative like this, just make
19 an objection. Just yell out "objection," and everyone knows to
2:27:16PM 20 stop.

21 MR. GRASSO: I will.

22 THE COURT: Then I will rule on that objection as
23 being nonresponsive. If you have something specific that you
24 need to go into, you have a giant two-inch document in your
2:27:26PM 25 hands, just focus her to it so we can get an answer.

2:27:31PM 1 Ma'am, just listen to the question, please, and just
2 answer the question.
3 BY MR. GRASSO:
4 Q. First -- because we can go to it. It's in your deposition.
2:27:39PM 5 Did you testify that he sent you an email saying he was scared
6 and intimidated of you?
7 A. Yes.
8 Q. Thank you. We don't need to -- that's it.
9 THE COURT: That's it?
2:27:51PM 10 MR. GRASSO: That's it for --
11 THE COURT: Is there any redirect?
12 MR. GRASSO: I meant for that question. That's all I
13 was trying to establish. I apologize, Your Honor.
14 THE COURT: Oh, that's okay.
2:27:59PM 15 MR. GRASSO: I didn't mean I was done completely. My
16 apologies.
17 BY MR. GRASSO:
18 Q. Okay. Now a different topic. I want to talk about your
19 damages claim that you talked about on your direct. So just to
2:28:08PM 20 be clear, there's no question, 100 percent of the tuition that
21 was -- the money paid to Spring Ridge Academy was paid by
22 Dr. Stata, correct?
23 A. Pursuant to our Marital Settlement Agreement, Mr. Stata was
24 responsible for that as part of a global settlement.
2:28:25PM 25 Q. Right. And you're not aware of any correspondence authored

2:28:28PM 1 by Mr. Stata asking for a refund of the money he paid for his
2 daughter's therapeutic modalities or any of the academic
3 training, correct?

4 A. You have not given me any of Mr. Stata's correspondence to
2:28:43PM 5 you, so how could I speak to that? I mean, any of it --

6 Q. Okay.

7 A. -- ever from day one. None.

8 Q. So you are not seeking the tuition?

9 A. I am not -- I am going to let my co-counsel answer that.

2:28:54PM 10 Q. Okay. But you are not claiming that that's your damages,
11 because he paid it, right?

12 A. This is a legal question. I am going to let my co-counsel
13 discuss that.

14 MR. GRASSO: Can I have her -- respectfully, ask for
2:29:04PM 15 her to answer the question?

16 THE COURT: Yes. You are the witness. You either
17 have an answer or you don't.

18 THE WITNESS: Yes, I believe that as part of the
19 unjust enrichment for the fraud, and the fact that I, in giving
2:29:19PM 20 up all of these other things in order to make sure that he paid
21 that, have a financial interest in the money that he paid to
22 them, because I negotiated that and took lesser amounts. It
23 was part of a marital settlement agreement, and that's my legal
24 argument, as well as they are unjustly enriched in a fraud.

25

2:29:38PM 1

BY MR. GRASSO:

2

Q. Okay. Another element that the jury heard about is you

3

were seeking compensation, it was like \$1900, I don't have the

4

exact number, for your daughter's clothes; do you remember that

2:29:47PM 5

testimony?

6

A. The clothes that they did not return to me despite promises

7

that they would do so, yes.

8

Q. I just want to talk about the clothes right now, okay, the

9

\$1900 in clothes. So in the divorce agreement when your

2:30:01PM 10

daughters were under 18, you and Mr. Stata had to buy them

11

clothes, right, the kids?

12

A. Excuse me, no. There's nowhere in there that it requires

13

us to buy them clothes. That's just part of being a parent.

14

Q. But you agree you needed to buy your kids clothes?

2:30:18PM 15

A. Yes.

16

Q. And I think you have told us -- and I will let you correct

17

me if I'm wrong -- that you got spousal support and child

18

support, true?

19

A. Yes.

2:30:31PM 20

Q. Okay. And the spousal report was a monthly payment?

21

A. I got spousal support until he bought me out of spousal

22

support with a lump sum.

23

THE COURT: Why are we -- there's no objection, but

24

why is the spousal support -- how is that relevant to this

2:30:50PM 25

litigation?

2:30:51PM 1 MR. GRASSO: I believe she was supposed to use the
2 money for the clothes.

3 THE COURT: What does that have to do with spousal
4 support?

2:30:58PM 5 MR. GRASSO: Well, I was going to just ask her about
6 the child support next. I was just laying the foundation. I
7 can move on, Your Honor. I apologize.

8 THE COURT: Please.

9 BY MR. GRASSO:

2:31:06PM 10 Q. So part of the money that you were getting for the child
11 support, you were going to use -- supposed to use that to pay
12 for the girls' clothes?

13 A. I was supposed to use that for the benefit of my children,
14 and I did. They had a very enriched life, commensurate with
2:31:21PM 15 their standard of living before the divorce.

16 Q. And the child support was \$22,000 a month per child?

17 A. No.

18 Q. How much was it per child?

19 A. It was \$22,000 a month. It was -- if I remember correctly,
2:31:35PM 20 it was \$22,000 a month when I had two children, and it was --
21 well, I always had two children. I'm sorry. That makes it
22 sound like I somehow lost a child.

23 \$22,000 a month when there were two children under the
24 age of 18. Once our older daughter was no longer 18, it was
2:31:52PM 25 still \$22,000 a month because this is done pursuant to a

2:31:58PM 1 state-mandated calculator. And with the amount of money
2 Mr. Stata makes, it's called "maxing out." So it hits a
3 number, and then it doesn't go higher than that. So whether it
4 was two children or one child still a minor, it was going to
2:32:13PM 5 max out at that number.

6 Q. Okay. Can we agree that Rearden would have needed clothes
7 regardless of whether she went to Spring Ridge or any other
8 school?

9 A. Well, first of all, Rearden did have clothes at my house
2:32:26PM 10 that I bought for her for use at my house, and Mr. Stata had
11 clothes for use by Rearden at Mr. Stata's house.

12 And then I also bought additional things on that
13 packing list for Rearden to use at Spring Ridge Academy.

14 Q. Okay. So you purchased the clothes before she started at
2:32:43PM 15 Spring Ridge Academy, and then she was wearing and using the
16 clothes, and she would have been wearing them at the time she
17 went back to Mr. Stata's house in June?

18 A. No, she would not be taking her clothes from my house to
19 Mr. Stata's house. She has clothes at Mr. Stata's house. She
2:33:00PM 20 has clothes at my house.

21 Q. Wait a minute. I just want to be clear about something.

22 You are asking the jury to award you -- you spent
23 \$1900 on clothes before she went to Spring Ridge, correct?

24 A. No, I don't know the numbers, Mr. Grasso, and there's two
2:33:13PM 25 sets of clothes. The clothes that I took from her closet at my

2:33:16PM 1 home and shipped to Spring Ridge Academy, and the clothes that
2 I bought and the items I bought specifically because we didn't
3 have those things on the packing list, and I needed to buy
4 them, so I bought them and shipped those to Spring Ridge
2:33:30PM 5 Academy.

6 Q. Okay. So those went to Spring Ridge, but your daughter
7 used those clothes for the eight months she was physically on
8 campus, right?

9 A. She wasn't on campus for eight months.

2:33:41PM 10 Q. How long?

11 A. She was there from December 13th, 2019 to June 28th, 2020.
12 And --

13 Q. More than six months?

14 A. Six and a half months.

2:33:53PM 15 Why do you care?

16 Q. Okay. All right. But she's -- so -- and ultimately we
17 know, because you talked about this at your deposition, the
18 clothes were shipped by Spring Ridge to Rearden at her dad's
19 house, right?

2:34:10PM 20 MS. ALLARD: Motion to strike. Counsel is testifying.
21 There's no evidence in this case that that --

22 THE WITNESS: That didn't happen. All I know is that
23 --

24 THE COURT: Stop, stop, stop.

2:34:14PM 25 Mr. Grasso.

2:34:15PM 1 MR. GRASSO: I will reask it.

2 THE COURT: Sustained. Please disregard counsel's
3 last question.

4 BY MR. GRASSO:

2:34:20PM 5 Q. Do you know if the clothes were shipped to Rearden at her
6 dad's house?

7 A. What I know for a fact is, they were not shipped to me.

8 Q. Okay. So if the clothes were shipped to you, like if you
9 asked Spring Ridge, give me the \$1900 in clothes that are now
2:34:39PM 10 six months old, would you have then taken the clothes and then
11 shipped them to Rearden?

12 A. First of all, Erin Smith promised me when I didn't disrupt
13 the campus, and I didn't want to go and pack up the things when
14 I picked up Rearden because I thought it would be disruptive to
2:34:56PM 15 the campus and I stayed in the administration building, she
16 promised me -- and this is in her note that ended up in family
17 law court -- that she would ship those back to me.

18 She promised me she would do that. It was a lie. So
19 she promised me. Don't say, if I ask them. They already
2:35:11PM 20 promised and they didn't do it.

21 And then you are asking me now if after Rearden was
22 removed from Spring Ridge Academy, if they had shipped it to
23 me, what would I do with it? That's a hypothetical. It's,
24 first of all, none of your business, because -- it's just not.

2:35:27PM 25 And second of all, I don't know what I would do.

2:35:28PM 1 That's a hypothetical that didn't happen. But, no, I would
2 have left the clothes there hoping that Rearden was going to
3 eventually come back and have a relationship with me at my
4 house, because she is my daughter, and I would have hoped to
2:35:40PM 5 God that that destruction of our relationship was not
6 permanent, as it has turned out to be.
7 Q. If the clothes were in fact shipped to Rearden at her dad's
8 house, is that something you still think is a damage to you?
9 A. Yes. I think everything that they did to me was a damage
2:35:59PM 10 to me, my daughter, our whole family, my ex-husband, my older
11 daughter, my extended family. Every single step they took was
12 vindictive and mean and spiteful and to put me in my place
13 because I didn't play nice.
14 Q. But if they sent the clothes to Rearden, the clothes were
2:36:17PM 15 for her use, right?
16 A. No, they were for her use at my house and that's how it
17 was. He had his own clothes at his house. You don't take the
18 stuff that I have provided for my daughter at my house and send
19 them to my ex-husband. Nobody does that -- after you promise
2:36:32PM 20 me you would return them to me. No.
21 And I don't want to keep arguing with you, Mr. Grasso.
22 No. No. That is not what decent people do, no.
23 Q. I didn't think we were arguing. I was just trying to --
24 A. We are. We are arguing. Let's not lie to the Court. We
2:36:45PM 25 all are hearing us arguing. I am hearing us. You are hearing

2:36:49PM 1 us, the judge, the jury, the audience, we are arguing. Let's
2 call it what it is.

3 Q. Okay. The next thing was, after the clothes, the books and
4 school supplies. There was rulers, notebooks, there was some
2:37:00PM 5 charge for that.

6 Can we agree that those expenses would have been
7 incurred by you and Mr. Stata regardless of what school she
8 went to, she needed books and school supplies?

9 A. Why are you bringing Mr. Stata into this? Mr. Stata did
2:37:13PM 10 not ship a single solitary thing to her.

11 Q. Let me -- I will ask it differently.

12 So if you purchased for your daughter, who is in high
13 school, books, rulers, pens, paper, the folders that you were
14 talking about, all that stuff, regardless of whether she went
2:37:28PM 15 to Spring Ridge, say she went to Fusion, where you had said you
16 might change schools, she still would have needed those things,
17 right? You would have had to incur that expense anyway so that
18 she could have books and papers to get through school, right?

19 A. No.

2:37:42PM 20 MS. ALLARD: Objection. Compound and argumentative.
21 Relevance.

22 THE COURT: That's overruled. You may respond.

23 THE WITNESS: No. Because he took away all of my
24 custody. Spring Ridge Academy took away all my rights and
2:37:53PM 25 custody. And that would have been his responsibility to

2:37:55PM 1 provide those, Mr. Grasso. You seem to be forgetting large
2 chunks of the facts here.

3 No. No, I would not have been. He would not have had
4 the audacity to come to me now and ask me to pay for paper and
2:38:06PM 5 pencils that were at my house.

6 THE COURT: Let me stop everyone right now. The more
7 excited we become, the faster we start talking.

8 THE WITNESS: I apologize.

9 THE COURT: There's several of us in here right now,
2:38:18PM 10 to include the jury, that take a lot of notes. I can only
11 write maybe 12 words a minute, so let's calm down. We weren't
12 set to take a break until 2:45, but we will take a break early.

13 Court will be in recess until 3:00 p.m. All rise for
14 the jury.

2:38:39PM 15 (The jury leaves the courtroom.)

16 THE COURT: Court is in recess until 3:00.

17 (Recess taken at 2:39 p.m.; resumes at 3:04 p.m.)

18 THE COURT: Mr. Grasso, please continue.

19 MR. GRASSO: Permission to publish Exhibit 70, page
3:04:50PM 20 12.

21 THE COURT: You may.

22 BY MR. GRASSO:

23 Q. We are just pulling up the final paperwork from the
24 dissolution. We are going to go to a particular page. I just
3:05:12PM 25 want to confirm something with you, ma'am. This is page 1 of

3:05:15PM 1

it.

2

MR. GRASSO: Go ahead. Go go to page 12.

3

BY MR. GRASSO:

4

Q. So in this, the document reflects that the order was that

3:05:29PM 5

the needs of the children will be adequately met by the

6

stipulated amount of support, correct?

7

A. Yes.

8

Q. Thank you.

9

MR. GRASSO: You can take it down, Noel.

3:05:36PM 10

BY MR. GRASSO:

11

Q. So we were talking -- I was looking through the Quickbooks

12

entries that you discussed from QuickBooks, your entries about

13

this. And the part about school supplies, I noticed that

14

mainly consisted of, you said, this graphing calculator, a

3:05:55PM 15

Texas Instruments and a backpack.

16

According to your Quickbooks entries, those were

17

purchased in July of 2017 and August of 2018, correct?

18

A. I don't know.

19

Q. If that's correct, your daughter would have used those for

3:06:13PM 20

quite a period of time maybe when she was at the school prior

21

to going to Spring Ridge, correct?

22

A. If those are on the list of things that were already

23

existing, yes, it would be before she went to Spring Ridge,

24

yes.

3:06:26PM 25

Q. Because the sheet in your QuickBooks thing, so you are

3:06:29PM 1 looking for -- it says, existing major school supplies. And
2 these seem to be for a couple of years before Spring Ridge, so
3 would your daughter have used this calculator and the backpack
4 prior to going to Spring Ridge?

3:06:40PM 5 A. Yes, but the backpack had been replaced because that
6 JanSport brand has a lifetime warranty, and Rearden is very
7 hard on things, so she had already torn one up. And I sent it
8 in, and they send me a brand-new one. So the one that I sent
9 to Spring Ridge Academy was pretty new.

3:06:57PM 10 Q. Okay. But that would be -- she would need a backpack or a
11 calculator, presumably for whatever school she went to?

12 A. Yes, that's why it's called "existing school supplies." We
13 don't buy new things when we already have them at home.

14 Q. Okay. Okay. And then the other element thing you were
3:07:14PM 15 asking for, aside from the recovery of the money for books and
16 school supplies, was travel and other expenses. And that
17 looked like it has got parking charges, rental car, travel
18 arrangements -- or flight arrangements.

19 Those would have been expenses you would have incurred
3:07:30PM 20 regardless of what school she went to, true?

21 A. No. And I don't know what page you are referring to, and
22 there's nothing in front of me, and that's too vague.

23 Q. Okay. Well, let me just ask it then generally, because I
24 want to try to speed this up. So to the extent that you're
3:07:43PM 25 asking for recovery of expenses that you incurred going to

3:07:49PM 1 schools to vet them and those sorts of things, that process
2 would have happened, would it not, regardless of what school
3 you ultimately picked?

4 A. No. I only included the costs that were involved with
3:08:01PM 5 Spring Ridge Academy. I didn't include the cost for Montana
6 Academy. I didn't include the cost for summer prep.

7 I didn't include the cost of anything except those
8 things specifically related to Spring Ridge Academy. Traveling
9 to Spring Ridge Academy for a school tour. Traveling to Spring
3:08:21PM 10 Ridge Academy to enroll her. Traveling to Spring Ridge Academy
11 to attend Parent Challenge workshop.

12 I don't understand how you think if Spring Ridge
13 Academy wasn't in the picture I would randomly go to a
14 nonexistent place called Spring Ridge Academy. That is not
3:08:36PM 15 correct.

16 Q. Okay. Let's just go -- the next one you had on your list
17 was "boarding Daisy Mae," that's the family dog?

18 A. No, that's Rearden's dog, as she indicates in her biosocial
19 assessment. And I still maintain it's Rearden's dog. Because
3:08:54PM 20 it's Rearden's dog, and I'm referred to as "grandma," the
21 grandma of the dog because it's owned by my child, and Rearden
22 is mama to the dog.

23 Q. I was just catching up. So your grandma -- you love Daisy?

24 A. Well, who doesn't love a dog?

3:09:09PM 25 Q. Agreed. So the money you are seeking is because you were

3:09:14PM 1 making accommodations so that somebody would take care of Daisy
2 while you were at the school?

3 A. This is not accommodations. Daisy Mae was boarded at --
4 boarding at her vet, her regular vet had boarding. Doesn't
3:09:25PM 5 anymore. That's stopped, but did at that time. I had to have
6 boarding while I was going to Spring Ridge Academy. These are
7 all the costs that I incurred because I went to Spring Ridge
8 Academy fake program.

9 Q. Are you aware that Spring Ridge allows dogs to come for a
3:09:44PM 10 visit?

11 A. So I am going to pay several hundred dollars to fly a dog
12 to Spring Ridge Academy and go to a Parent Challenge workshop
13 or a school tour, and you think that's better than boarding the
14 dog and letting her have a stayca with her friends at boarding,
3:09:59PM 15 which costs less.

16 Q. I wasn't --

17 A. No, I wasn't -- you were.

18 Q. I was just asking whether you were aware that they let dogs
19 visit?

3:10:06PM 20 A. No, I don't, and I wouldn't do that to the dog or to
21 disrupt a school tour by bringing a dog. That just sounds
22 really counterproductive. The dog stayed at boarding and was
23 very happy to hang with the lovely staff there and her dog
24 friends.

3:10:21PM 25 Q. It sounded like it was a good experience for her.

3:10:24PM 1 A. I certainly hope so.

2 Q. Okay. And then you discuss some legal expenses. From
3 looking at your QuickBooks, the bulk of the legal expenses is
4 money you paid to Ms. Allard, correct?

3:10:36PM 5 A. I can't speak to the bulk, but probably a lot of it was
6 because a lot of the legal expenses were Ms. Allard and I, and
7 of course I don't charge myself, so this -- countless hours of
8 free labor in there, both for that and for this lawsuit.

9 Ms. Allard and her associate in her office, as well as

3:10:55PM 10 Ms. Foreman, making all of those documents that I went
11 tediously through on some other day that was not today.

12 Q. Okay. So -- and I understand from your prior testimony
13 that you thought it was around \$80,000, but since that time I
14 have learned that you forgot to apply the retainer, so

3:11:12PM 15 Ms. Allard directed my attention to that, that you are lowering
16 that to \$72,000?

17 A. I made -- in all of this -- and it's overwhelming -- I made
18 a couple of errors -- not intentional; mathematical errors.

19 There's a lot of numbers involved, and I adjusted those. So

3:11:32PM 20 one number went up, and -- by a small amount, three therapy
21 sessions, and one number went down by a lot, and I corrected
22 it. And I verified each line item because I wanted to do
23 completely accurate testimony to this Court. That is very
24 important to me.

3:11:46PM 25 Q. And it looks like these charges were incurred over several

3:11:49PM 1 months, correct?

2 A. Are we talking about the ones prior to rescission? Because

3 they have two different names. Is this the stuff prior to

4 rescission or after rescission?

3:11:59PM 5 Q. The 72,000 or 80,000 that you are talking about, what time

6 frame is that?

7 A. That was from the time that I rescinded the contract with

8 Spring Ridge Academy on February 3rd, 2020, until we were

9 finally able to extract ourselves from that family law matter

3:12:17PM 10 and bring that to conclusion with a lot of little loose ends

11 tied up, so it was before the end of the year.

12 Q. Okay. It seems like a lot. As somebody who is a

13 questioner of everything, did you do anything to determine

14 whether those charges were reasonable?

3:12:36PM 15 A. You think that I doubt Ms. Allard who I have worked with

16 for years and years and years accurately of her bills?

17 Actually, I do. When she charges me for a phone call or a Zoom

18 call, I go back to my calendar where I keep track of -- I am

19 sorry, Mara, they made me say it -- I go back to my calendar

3:12:56PM 20 and say, did I really meet with her at that time? Was that

21 approximate? And I do, I check everything, including her, even

22 though I trust her like a sister.

23 Q. Did you get -- because I haven't seen monthly statements.

24 I have got your entries into Quickbooks. Where are the monthly

3:13:09PM 25 statements?

3:13:10PM 1 A. Did you request any of those, Mr. Grasso? Because frankly,
2 all that stuff you have, I gave you voluntarily; nobody
3 requested it. You never requested a thing, and you didn't
4 request those, and if you had, we would have probably redacted
3:13:22PM 5 them and given them to you.

6 Q. Okay. We don't have the monthly statements; is that fair?

7 A. You didn't ask for them.

8 Q. Okay. That's fine. So the jury saw some emails that --

9 beginning in March of 2020 where you started copying Ms. Allard
3:13:37PM 10 when you communicated with Spring Ridge, my lawyer is copied
11 here, do you remember that generally?

12 A. Yes, I do.

13 Q. So all of those --

14 A. After the global pandemic hit and you were keeping my
3:13:45PM 15 daughter against my will.

16 Q. Okay. So from your standpoint, there was no
17 differentiation between Ms. Allard being -- charging you for
18 emails that are occurring when you are arguing with Spring
19 Ridge and what was going on in the family court matter?

3:14:01PM 20 A. It's the same thing, Mr. Grasso. Your client insinuated
21 themselves into my family law case and incited my ex-husband to
22 reopen a closed case.

23 Ms. Allard knew that, because the minute I got served
24 with the ex parte, I was on the phone with her, as I testified
3:14:17PM 25 to you, and my daughter Rearden came in with this crazy scheme

3:14:22PM 1 to get emancipated by marrying one of her friends, which we
2 dismissed in short shrift as silly Rearden stuff.

3 I've already testified. She was then involved from
4 the moment I got served, which I believe was the 5th, but I
3:14:35PM 5 might be wrong, two days after I removed my daughter, she was
6 involved. And for that reason, as I communicated with the
7 school, it was imperative that she know who was going on, so,
8 yes, she was copied.

9 Q. Just listen to my question, please.

3:14:49PM 10 Did you make any effort to differentiate any of the
11 time that was spent in conjunction with litigation related to
12 this pending case and you putting people on notice and what was
13 happening in family court?

14 A. Wait a minute. This pending case didn't start until after
3:15:08PM 15 we were out of family law court, and then Ms. Allard started
16 billing me for that.

17 This -- what Ms. Allard was being involved with was
18 Spring Ridge Academy withholding my daughter and breaking the
19 law and lying to the family law court. It was not about this
3:15:23PM 20 lawsuit that we are sitting in today at that time.

21 Q. You and Dr. Stata, you guys separated in 2013 and divorced
22 in 2017, right?

23 A. Mr. Stata and I separated in 2013, and the dissolution of
24 marriage on the marriage was December 30th, 2017. And then the
3:15:43PM 25 stipulated judgment on reserved issues in May or June of 2018.

3:15:49PM 1 Q. Okay. Yeah, so that's even better. So it's like four or
2 five years of you guys fighting, trying to work this out?

3 A. No. No, no, no, no, no, no, no. You mean before we
4 resolved it at the -- in the summer of 2018?

3:16:04PM 5 Q. It seems like there's been a lot of discord and
6 disagreement between you and Mr. Stata as you were going
7 through all of this, right?

8 A. Are you doing this on purpose, Mr. Grasso? His name is
9 Mr. Stata, not Stata, not Dr. Stata, okay?

3:16:22PM 10 Yes. Mr. Stata and I had a challenging ride to final
11 judgment, but we got there in the summer of 2018, a year and a
12 half before I ever knew your clients existed.

13 Q. Is it fair to say that both you and Mr. Stata would likely
14 have had disagreements, and both sides needed to spend money on
3:16:46PM 15 lawyers regardless of what was happening with your daughter's
16 schooling?

17 A. No. We had not gone back to court. Mara -- Ms. Allard and
18 I were wrapped up. In fact, she had no retainer. It was
19 closed. Same with -- Stephanie Foreman had some amount left
3:17:00PM 20 because she was going to give me the files electronically so we
21 could all go paperless, but there was no issues for a year and
22 a half before I had to contact Ms. Allard again and say, here
23 we go again.

24 We were done. I mean, we thought we were done. This
3:17:16PM 25 was not in our future.

3:17:19PM 1 Q. Rearden was deposed in this case in August of 2022,
2 correct?

3 A. We both were deposed in August of 2022 in this case.

4 Q. And you attended Rearden's deposition with Ms. Allard,
3:17:31PM 5 correct?

6 A. Yes, I did.

7 Q. And Rearden had her own lawyer at the deposition, correct?

8 A. Yes, she did.

9 Q. Did you pay for the lawyer or did Mr. Stata?

3:17:39PM 10 A. I did not pay for the lawyer. I would have to assume that
11 Mr. Stata paid for the lawyer, because I don't think Rearden
12 has access to that money, but I don't have personal knowledge
13 of who paid for the lawyer except to say that it was not me.

14 Q. At the time of her deposition, Rearden was living in an
3:17:52PM 15 apartment, enrolled in college, and doing well?

16 A. No, that's not an accurate statement at all.

17 Q. She was attending Foothill College located at Los Altos
18 Hills?

19 A. What she had was two classes at Foothill that were very

3:18:07PM 20 easy, like some music class -- and by the way, she's an
21 accomplished musician on multiple instruments -- and she was
22 not doing well. She was doing so not well that she admitted to
23 she me that she still wasn't doing her homework, and it was so
24 bad that I said, do you want to share your grades with me? And
3:18:24PM 25 she said, no, I don't.

3:18:25PM 1 And I took that to mean they weren't well. So she had
2 two classes, and so, no, that is not doing well. She was
3 living in that apartment that I described as full of booze and
4 lingerie, if that's your definition, as a man, of doing well, I
3:18:39PM 5 am going to have to differ with you. So please don't
6 characterize what was going on with Rearden incorrectly.
7 Q. I didn't say anything about booze or lingerie.
8 A. No, what you said was she was doing very well. She was
9 living in an apartment. She was going to college, and that
3:18:53PM 10 sounds great, but that's not the reality.
11 Q. At her deposition, she testified that she was hoping to go
12 to the Berklee College of Music. It's a private school in
13 Boston, which -- correct?
14 A. Is Berklee in Boston? Yes. My college roommate's daughter
3:19:11PM 15 goes there.
16 Q. So she had testified in her deposition that she was
17 planning on looking into enrolling in that program, that
18 private college in Boston, correct?
19 A. Did she testify as to that?
3:19:22PM 20 Q. Yes.
21 A. Yes, she did.
22 Q. Okay. And she --
23 A. -- did not go there and was not accepted.
24 Q. It's a good program? It has a joint study program with
3:19:30PM 25 Harvard?

3:19:31PM 1 A. Okay, first of all, that's not what we're arguing about.
2 None of this happened. Nothing happened. She didn't do that.
3 She hasn't gone to college.

4 She is 22 years old. She hasn't been gainfully
3:19:42PM 5 employed. She had a debacle in San Francisco 'cause her -- we
6 are going to be here all night in an imaginary life of my
7 daughter that did not transpire.

8 Q. No, we're not going to be here all night. Just pay
9 attention here.

3:19:55PM 10 A. I am paying attention, that's the problem.

11 Q. What I am trying to understand is at least at the time of
12 her deposition, she felt she was doing well because she was
13 enrolled in college, and she was aspiring to go to a good
14 private school with her dad's support, and I was going to ask,
3:20:12PM 15 were you proud of the fact that she was making those plans?

16 A. No, because they are not realistic. She thinking she is
17 going to get into Berklee with the competition at Berklee, one
18 of the top music schools in the country, if not the world, is
19 not realistic.

3:20:30PM 20 This is not realistic. She needs to go to Foothill
21 and work the program and show that she can do homework.
22 Because I guarantee you, any college she goes to is going to
23 require homework.

24 This is more of the delusional thinking reinforced by
3:20:44PM 25 Spring Ridge Academy, that all you have to do is wish it into

3:20:47PM 1 being and it's going to happen, and it ain't.

2 Because take it from a little girl who came from the
3 wrong side of the tracks with an immigrant father and a
4 daughter of a sharecropper mother. What gets you there is hard
3:20:58PM 5 work, or as my dad says, showing up and paying attention. And
6 she doesn't do that.

7 So you're asking me, am I happy that my daughter is
8 still delusional? No, I was not. I am not. I want her to
9 embrace what it takes to truly succeed, and what that is, is
3:21:14PM 10 putting your nose to the grindstone and working it. That's
11 what it takes. Not thinking you are going to go to Berklee
12 with no credentials to go there.

13 Q. Okay. So your testimony is, that if something was
14 important to Rearden, and she wanted to pursue that, as she
3:21:29PM 15 testified at her deposition, that she was proud of that choice
16 made, that is her being delusional?

17 A. No, it's not. I would want her to be the person that could
18 do that. She is madly, wildly talented, but when you have not
19 applied yourself, you don't have any study skills, and you
3:21:46PM 20 can't even succeed at the local community college because you
21 can't turn in your homework, to think that you can go and
22 enroll in one of the top schools -- because I have gone to a
23 top school. Mr. Stata has gone to a top school, and our older
24 daughter has gone to a top school -- or what people call a top
3:22:02PM 25 school.

3:22:02PM 1 Come on, Fresno State was an awesome program for less
2 money. But you have to have certain skills. So am I happy
3 that Rearden has a sense of entitlement that she can go
4 somewhere that her record doesn't reflect she's capable of
3:22:15PM 5 doing? No. I don't support delusional thinking in anybody.

6 But if she went to Foothill and started showing me
7 that she could do homework and show up in her life, then I
8 would help her get into any program she could manage to get
9 into and succeed.

3:22:31PM 10 Q. Rearden is not a party to this lawsuit nor has she ever
11 been, right?

12 A. No.

13 Q. The only person part of this lawsuit is you?

14 A. Okay, yes.

3:22:38PM 15 Q. Thanks.

16 MR. GRASSO: I don't have anything else.

17 THE COURT: Is there any redirect?

18 MS. ALLARD: Yes, Your Honor.

19 THE COURT: Come on up, please.

3:22:46PM 20 MS. ALLARD: Okay.

21 THE COURT: What instruments does your daughter play?

22 THE WITNESS: Thank you for asking, Your Honor, I
23 would like to talk about something pleasant. Okay, so she
24 started on piano, and she's very accomplished at composing, and
3:22:55PM 25 the two of us actually create music together, because I'm a

3:22:58PM 1 poet and so is she, so we collaborate. And that's really fun.
2 She also plays double French horn, which is pretty
3 unusual for a girl, so she's kind of in demand for that.
4 Drums -- and she is a wildly talented drummer. There's a great
3:23:11PM 5 story behind that. And also some guitar. And she may have
6 taken up some additional instruments since then, but she is --
7 she is something else.
8 THE COURT: You know, I am familiar with all except
9 the double French horn. Does it have two different --
3:23:25PM 10 THE WITNESS: It is a very complicated configuration
11 there, and I don't play a wind instrument, so I am not an
12 expert at that. But she took that up, and actually one of the
13 performances, I have to say when each of the kids were standing
14 up for their mini solo -- please, I am not going to be modest
3:23:46PM 15 right now. She stood up and did a French horn solo that blew
16 the house down. I mean, it was unbelievable. The same when
17 she did a drum solo. So I would love for her to take that
18 passion and talent and raw ability and really hone in and focus
19 it, because I think that she's something else as a musician,
3:24:08PM 20 something else.
21 THE COURT: Ms. Allard, go ahead, please.
22 MS. ALLARD: Thank you, Your Honor.
23 MS. ALLARD: I would like to publish Exhibit 195, page
24 12.
3:24:16PM 25 THE COURT: 195. Just one minute.

3:24:22PM 1 Only to the witness.

2 MS. ALLARD: Okay.

3 THE COURT: Molly, if you can get 195, please? It is

4 not in evidence.

3:24:34PM 5 THE CLERK: Yes. I don't have it.

6 MS. ALLARD: You know, may I approach, Your Honor?

7 THE COURT: You have 195?

8 MS. ALLARD: I do.

9 THE WITNESS: Oh, no.

3:25:04PM10 MS. ALLARD: I just saw that there's a yellow page on

11 here. I don't know why I have it.

12 THE CLERK: Okay.

13 REDIRECT EXAMINATION

14 BY MS. ALLARD:

3:25:27PM15 Q. You were asked some questions by counsel about attorney

16 fees and declarations. On your QuickBooks, did you break down

17 the hourly rate of the attorneys and the hours spent on each

18 line item?

19 A. I did. In each case you can see in each line item there's,

3:25:40PM20 for instance, 3.4 hours for Ms. Foreman at \$375 an hour. And

21 that would be the case for any time we would have a paralegal.

22 Here in one case, two hours at \$125. That is my habit and

23 practice as I record entries, business entries into my

24 QuickBooks, to have that level of detail.

3:26:01PM25 Q. Okay. Can you read each line for the family law litigation

3:26:05PM 1 since -- we had a hearsay objection, so I can't -- this hasn't
2 been moved into evidence, so let's start.

3 A. Really?

4 Q. Yes.

3:26:13PM 5 A. I'm sorry, I apologize, Your Honor. This is going to be
6 very tedious. Welcome to my world of accounting.

7 Okay. So if you are starting at legal other, the
8 first charge is Kirsch Goodwin and Kirsch, 2-26-20, one hour at
9 \$350. State Bar of California -- wait, these are not the right
3:26:34PM 10 legal damages. Hold on just a second.

11 Q. Start with the first entry for Ms. -- if it's for
12 Ms. Foreman's office or mine.

13 A. We are going to go to legals, I got it. So Ms. Foreman, on
14 4-4-20, part of her billing there was 3-3-20 to 3-31-20,
3:26:56PM 15 Stephanie Foreman, 3.4 hours at \$375.

16 The next entry is actually for one hour at no charge.
17 Ms. Foreman would occasionally not charge me for something, as
18 she was a newer attorney, and if she felt it was things that
19 she should have accomplished more quickly, she might not charge
3:27:15PM 20 me for that hour. She would let me know that, and that was
21 courteous. For more experienced lawyers, they rarely do that,
22 and I appreciated that.

23 3-3-20 to 3-31-20, Rebekah Frye. That was Stephanie
24 Foreman's supervisor -- or the partner of her firm at that

3:27:33PM 25 time, .2 hours at \$475. Do you want me to say all these totals

3:27:40PM 1 as well?

2 Q. No.

3 A. Okay. Let's see, court call hearing, April 7th, 2020.

4 9:00 a.m. with Dr. James R. Flens on the call. That is the

3:27:53PM 5 same J. Flens that you saw here today. He has been my expert
6 through my divorce and through this matter, very knowledgeable
7 about the entirety of the case.

8 Reimbursement for --

9 MR. GRASSO: Objection, Your Honor. I think it's

3:28:05PM 10 improper to read from a document that has not been admitted
11 into evidence. This is improper refreshing of recollection.

12 THE COURT: Sustained. Please disregard the responses
13 as it relates to the billing that the witness has placed on the
14 record.

3:28:20PM 15 Ms. Allard, if you want to go through specific amounts
16 like you did last week, I certainly will. If you want to
17 summarize some of the issues that came up during the
18 cross-examination, I will certainly allow that.

19 BY MS. ALLARD:

3:28:32PM 20 Q. Let's just talk about hourly rates. I am going to ask a
21 general question, did you record every hour billed on the
22 family law matter, as well as the rate of each attorney?

23 A. Yes, I took the --

24 Q. Okay.

3:28:45PM 25 A. -- invoices and did that.

3:28:49PM 1 Q. So what you put in QuickBooks came from invoices?

2 A. Yes, they were -- the original documentation was the

3 invoice. I would then consolidate it and enter into

4 QuickBooks, as I was paying the bill, indicating the number of

3:28:59PM 5 hours and the rate but not the details. Any details of what

6 was discussed that might be revealed on a bill, that would be

7 confidential.

8 Q. All right. What was the hourly rate for Ms. Frye?

9 A. The hourly rate for Rebekah Frye was \$475 an hour.

3:29:16PM 10 Q. Ms. Foreman?

11 A. \$375 an hour.

12 Q. Me?

13 A. I believe you are \$350 an hour.

14 Q. And Jonathan Smith?

3:29:25PM 15 A. Jonathan Bradley Smith, \$350 an hour.

16 Q. He worked on all of those objections to the evidence from

17 Spring Ridge Academy?

18 A. That was my understanding, yes, as I was working with him

19 that is what he was doing.

3:29:34PM 20 Q. And I was working on drafting legal argument to the court?

21 A. Absolutely, you were doing many things. You have many

22 skills.

23 Q. And Ms. Foreman's office was working on all of the family

24 law forms and filings with her paralegal to get things into the

3:29:51PM 25 courthouse?

3:29:51PM 1 A. Yes, because you were in San Diego and she is there locally
2 with me, in my area but working for a family law firm -- not in
3 my house.

4 Q. And there was very minimal billing from the partner that
3:30:03PM 5 she had in her law firm because she just -- she didn't really
6 work directly on the case?

7 A. No, actually she did not at my request, because it was just
8 Ms. Foreman. And I think what she did at one point was simply
9 transition the file into her firm and sign an agreement that
3:30:19PM 10 memorialized our agreement that I was Stephanie Foreman's
11 client, and that Ms. Frye would not be working on my case,
12 which is unusual when you go into a firm.

13 And I wanted that memorialized, and I got that, but
14 she took some .2 hours, I think, to do that or very minimal to
3:30:37PM 15 do that totally.

16 Q. Okay. So we already went through the work that was done in
17 that case and it's in evidence for the jury, but one of the
18 questions that came up today, I think one of your responses
19 was, what did you know about Spring Ridge Academy at certain
3:30:51PM 20 points?

21 And so at the time the family law action was being
22 presented to Judge Sean Dabel, I think the declaration showed
23 that you knew and talked to one former student, Isa Berdugo,
24 correct?

3:31:07PM 25 A. I had talked to some, and some had anonymously contacted

3:31:10PM 1 me, would not give like their name or any information, so I
2 couldn't bring their information to the family law court. But
3 it was enough that I started -- I was very, very concerned
4 about what people were saying about the stuff that we actually
3:31:26PM 5 heard testimony in this court.

6 People were saying that, but I couldn't tell that to
7 the family law judge, because none of them were willing to go
8 on the record. So I knew more than what I was telling him; I
9 would only tell him what I could verify.

3:31:39PM 10 Q. And so things that we heard in this trial, did you know
11 anything about parents getting massages?

12 A. No, absolutely not. I learned of that, I think from an
13 online video from -- Raelyn Kaplan, who is in the audience,
14 made a video called, the most untherapeutic therapies at
3:32:04PM 15 therapeutic boarding school.

16 And then she made the statement, and then I started
17 getting a massage, hands and feet, baby. And I'm like, a
18 massage? And I did not know what that was.

19 Q. Okay.

3:32:15PM 20 A. But I was like, who is massaging who? And that was long
21 after this when I learned of massaging.

22 Q. What about -- did you know who Maisy Moorehead or Mallory
23 was at the time you were in family law court?

24 A. No, I did not know that person. She had not reached out to
3:32:31PM 25 me yet.

3:32:32PM 1 Q. Did you know Amiee Yelinek?

2 A. No, she reached out to me after the filing of my complaint.

3 Q. Had you heard from Troy Williams?

4 A. No, I did not know Troy Williams. He also reached out to

3:32:42PM 5 me to talk to me as a concerned father.

6 Q. And had you heard from Emma Kerrigan?

7 A. No, I had not. That was after the filing of this lawsuit.

8 Q. Did you have any record from Spring Ridge Academy?

9 A. No, they would not give me any records.

3:32:59PM 10 Q. Had any Spring Ridge Academy members been deposed such that

11 you knew or could anticipate their testimony?

12 A. No, I was cut off of communication. They threatened me

13 that if I made any trouble or wasn't pleasant or made anyone

14 uncomfortable or wouldn't change my communication style, that

3:33:17PM 15 they would cut off all contact with me and my daughter. And so

16 I wasn't going to be asking them anything. I was just going to

17 be having the few phone conversations with my daughter so I

18 could hear her voice.

19 Q. There's been some talk about Mr. Stata's role in this. Are

3:33:42PM 20 you aware of whether or not Mr. Stata was deposed?

21 A. I am aware that Mr. Stata was not deposed.

22 Q. And what did you learn?

23 A. Well, I learned that first, opposing counsel started asking

24 me to set up Mr. Stata's deposition, as though they hadn't

3:33:59PM 25 destroyed all relationship I had with my ex-husband such that I

3:34:02PM 1 have not spoken to him now in -- since he pulled all this
2 stunt.

3 And so I said, do not ever contact me again as a
4 spokesperson for Mr. Stata. Contact him directly. And
3:34:14PM 5 apparently -- then I didn't hear anything. Then out of the
6 blue, I can only assume that they must have tried to contact
7 him directly, because the next thing I knew, myself, you, and
8 opposing counsel got this email from a lawyer here in Arizona
9 named John Kelly telling us to direct all inquiries about
3:34:36PM 10 Mr. Stata to him. In other words, he lawyered up and was never
11 deposited.

12 Q. And you were asked to explain your statement in your
13 complaint under your signature, which is your verification,
14 about describing noise, manipulations, violence, and hysteria
3:34:57PM 15 at Parent Challenge.

16 Can you describe what noise was going on at Parent
17 Challenge?

18 A. Oh, it was just so much hustle, bustle. There was music
19 playing, and there was just lots of fury going on, but mostly
3:35:10PM 20 just all this music. And then of course the noise and the
21 yelling and the hysteria from the actual activities, including
22 the Red-Black game.

23 Q. So specifically, what yelling was going on during the
24 Red-Black game?

3:35:24PM 25 A. Oh, my goodness gracious. So I told you that I revealed to

3:35:27PM 1 Jean Courtney that I had already done this game. She said, no,
2 you didn't. I said, I assure you I did. She said, I changed
3 it. And I dropped it.

4 So we start playing the game, and people were confused
3:35:40PM 5 because frankly, the directions are very confusing. They
6 really are. I think the person that described it best was
7 Dr. Janice Haaken. But that was never explained at the time.

8 But I had done the game before, so I said, guys,
9 everyone calm down, read it very carefully, and if you have any
3:35:55PM 10 questions, I'll answer it, because of course I was taking it
11 seriously.

12 So one of the father's started screaming at me, you
13 don't know what you're talking about. We are supposed to win,
14 win, win. And I'm like, no, no, you have to redefine your
3:36:09PM 15 definition of winning.

16 Anyway, the guy got more and more loud, and so I
17 stopped talking to him because people screaming is never a
18 rational thing and there's nowhere good to go. So I stopped
19 talking.

3:36:22PM 20 So the person sitting next to me, who is an SRA
21 employee by the name of Stephanie Balictar, I believe I am
22 pronouncing her name right, she was in the admission office,
23 sweet young woman, then tried to reason with this same father,
24 who then started screaming at her.

3:36:37PM 25 At which point the woman sitting next to Stephanie

3:36:41PM 1 then decided to try to reason with the father, and he started
2 yelling at her, and then the three of us shut up because he was
3 just yelling way too much.

4 While he was yelling, another young man, who it turned
3:36:53PM 5 out was in the small group with this guy and was a sibling of
6 one of the SRA students, started joining this older man in
7 yelling. So now we have two people yelling. An adult father
8 is screaming at these three women, myself included, and
9 Stephanie Balictar and the person sitting next to her.

3:37:11PM 10 Now he has incited this youngster to start yelling,
11 and I am like, this is too much yelling, I am not for this
12 yelling business, so I just stopped talking and just voted.

13 But that was very unpleasant, and then when I brought
14 up to Jean Courtney and Brandon Courtney about the

3:37:27PM 15 unpleasantness of this yelling and stuff, that's when Jean
16 Courtney said that it wasn't fun when people understood the
17 rules because then everyone was calm and then it just was
18 boring.

19 So I realize she wanted to have this yelling business,
3:37:39PM 20 that was one of the -- emotional dysregulation was part of the
21 plan of this, so I was just collecting data at that point on
22 the cuckooness, but there was a lot of screaming in this.

23 And another time that Jean Courtney instructed us to
24 mock our partner. We had been set up with another person to
3:38:01PM 25 have private conversations, and the person was supposed to

3:38:04PM 1 reveal to us a privacy, and then we were instructed to mock the
2 person.

3 And I heard other people in the room doing it to kind
4 of shame them, to show them how bad they looked when they were
3:38:14PM 5 doing the thing they were embarrassed of. And I was horrified
6 at this shaming idea.

7 And so when we were instructed to do it, and I could
8 hear other couple -- partners doing this, I told the person who
9 was Kisha Stevens, I believe it was, I'm not doing that. Your
3:38:33PM 10 problem is one shared by many people. Here is my card, if you
11 ever want to talk about it, call me, but I am not going to mock
12 someone who has confided in me something that they did that
13 they are embarrassed of because that's just not my belief, that
14 you mock people who confide in you.

3:38:49PM 15 So I refused to engage in shaming, and I refused to
16 engage in this crazy yelling that was going on at different
17 parts. But in all fairness, the father did apologize and say
18 later on that he was just mad that Spring Ridge Academy made
19 him go through all this just to see his daughter.

3:39:06PM 20 He didn't want her there, and her mother had enrolled
21 her there, and he was forced to attend this workshop, and he
22 was mad, and he took it out on me.

23 Q. And this is a different father than the father you
24 previously testified later removed his daughter?

3:39:21PM 25 A. It is a different father.

3:39:22PM 1 Q. Then you indicated as well there was noise. What music was
2 being played at the Parent Challenge?

3 A. Lots of them, and two that really stand out have been
4 testified to is the -- one of them is the 2001 Space Odyssey,
3:39:34PM 5 also Sprach Zarathustra. Very (sound indicated). That one,
6 okay? We have all heard that.

7 That was played every time we returned to the room,
8 because we had to be seated by the time that that music was
9 stopped. So everyone rushed -- hurried in so we were seated
3:39:54PM 10 before that ended. So that was one of them.

11 Lots of music going on during various things, and I
12 couldn't tell you what it was, except for one other song, and
13 there's a reason why I can tell you that one other song.

14 During a particularly emotional time in the program,
3:40:15PM 15 they played this song, I Hope You Dance. Rearden comments
16 about this in one of the documents. I Hope You Dance is both
17 of my daughters' birth song.

18 A birth song is, before they were born, I wanted -- I
19 thought of a song I wanted to be the first song they ever heard
3:40:35PM 20 when they entered this world. So in the hospital, my

21 ex-husband and I had -- then my husband -- had a recording of
22 this song that we chose. I Hope You Dance. It's a beautiful
23 song, and we played that for our older daughter, the moment
24 after she was born while I was holding her, and the same for
3:40:55PM 25 Rearden.

3:40:56PM 1 And they have known ever since then, whenever it comes
2 to the radio, that's your birth song. That's what your father
3 and I wanted for you. We just hope you dance, like basically
4 about dancing through life and doing the right thing and making
3:41:08PM 5 the right choices.

6 It's a gorgeous song, and frankly, it has kind of been
7 messed up if my mind now after it's now associated with this
8 really emotional time at Spring Ridge Academy. And I was
9 really afraid at that time that they were going to play that to
3:41:22PM 10 my daughter in that Teen Challenge, because I knew it would
11 just emotionally set her off, because that song has so much
12 meaning for our family.

13 And it did, it really impacted my daughter in a not
14 positive way, to have that beautiful memory of our family
3:41:39PM 15 played in the middle of this confrontational Lifespring
16 workshop.

17 Q. What about what you were asked to do about stomping a bag?
18 What was everybody else doing during that moment?

19 A. So, first of all, we were sitting in chairs, and my
3:41:53PM 20 understanding -- I had my -- they told us to close our eyes,
21 and so I actually didn't open my eyes. At one point I kind of
22 cracked -- seemed like I remember it being a darkened room.

23 So we are sitting in the dark in these chairs, and
24 they are playing some kind of music. And at this point, I
3:42:07PM 25 can't even remember if that's when they played I Hope You

3:42:10PM 1 Dance, because honestly, there's so much of it that I -- it is
2 just messed up in my mind because it was so traumatic, and all
3 I could think of is what were they doing to our daughters last
4 week?

3:42:23PM 5 But there's some -- I guess they call it a guided
6 meditation, is how they refer to it. Anyway, they are talking
7 to you in this weird voice, and now you put all of your anger
8 at your parents into an imaginary bag.

9 My parents are old. I don't have anger at my parents.
3:42:42PM10 My parents had a hard life, and they made some major
11 accomplishments and made my life possible, so now I am like, oh
12 my God, I'm being watched because I confronted Jeanie Courtney
13 about, don't tell me my divorce is my fault. And I could feel
14 their eyes.

3:42:59PM15 So now in my mind I'm playing along, and I'm putting
16 my imaginary anger at my elderly parents in an imaginary bag,
17 and I'm thinking, where are we going with this? Now we have to
18 put it on the floor.

19 Now -- and then I think, I don't know what was
3:43:12PM20 playing, but the music starts going. Now we have to stomp on
21 the bag with your feet, stomp, stomp, stomp. I am like, oh my
22 goodness gracious, I got to get out of this cult. It was
23 crazy.

24 I cannot tell you how ridiculous this was to have a
3:43:29PM25 whole bunch of grown adults in the dark stomping on this bag.

3:43:33PM 1 It was nonsense. And it was crazy.

2 And there were people that were crying, and there were

3 people that were having some sort of cathartic moment. And all

4 I could think was, oh my goodness, this is not therapy, and

3:43:47PM 5 this is not productive, and this -- I don't want to be here,

6 and I need to get my daughter out of this if this is what they

7 they are doing in Teen Challenge.

8 This is not what I signed up for. This is not going

9 to help her do homework or buckle down or come up with a plan

3:44:04PM 10 or enroll in any kind of school or get any kind of job or make

11 any kind of productive plans of life.

12 This stomping on bags with your anger at your parents,

13 alleged, by the way, because I never told anybody that I had

14 anger at my parents. That is not anything that is true.

3:44:22PM 15 Q. So there were reactions in the room from other parents that

16 you observed?

17 A. I didn't observe it, because we were instructed to have our

18 eyes closed, but I think I remember hearing people crying. And

19 frankly, I was very uncomfortable because I did not sign up for

3:44:36PM 20 that level of violating people's privacy.

21 And if those people had private moments and issues

22 with their own parents, that's not for me to judge. That's not

23 for me to say. And frankly, I'm not comfortable being involved

24 in that. That's really a private thing.

3:44:50PM 25 And as an attorney, we've had instructed into our

3:44:54PM 1 brain since, you know, we started law school about
2 confidentiality. It's something that we have to -- not have
3 to, we ought to, we should, we are privileged to live by, and
4 this was wrong. Like this was not okay.

3:45:07PM 5 I don't want to know all these people's private
6 issues. We are in a group setting, and no one has consented to
7 be revealing these secrets that were being revealed.

8 Q. You were asked today -- or it was suggested that due to
9 your legal education or Wharton education, you were
3:45:22PM10 sophisticated. What knowledge did you have about residential
11 treatment schools prior to enrolling your daughter, if any?
12 A. None. I would say, at this point, now in hindsight, I
13 would say I had precisely zero.

14 Q. Now, you said you knew something about what you saw in
3:45:39PM15 Challenge, you had been to something in San Francisco?

16 A. Yeah, but that had nothing to do with the residential
17 treatment center. That had to do with, I live in California,
18 we got a lot of wacky stuff going on there. You guys hear
19 about it in the news. That's -- not all of it's true, but a
3:45:52PM20 lot of it is.

21 So in the late '80s, I had moved from Fresno,
22 California where I lived and went to law school, passed the bar
23 and worked at my first legal job, up to San Francisco. People
24 often go to San Francisco or LA from Fresno for better job
3:46:07PM25 opportunities. I went to San Francisco, and I wasn't convinced

3:46:10PM 1 that I wanted to practice law.

2 I loved the legal profession, in terms of the study,

3 and I loved my clients, but as a living, I wasn't convinced.

4 So I did some informational interviewing, and I met with a

3:46:22PM 5 lawyer who told me, oh, you're kind of searching, trying to

6 figure out what you want to do? I have a great executive

7 training program for you. You should enroll.

8 Executive training. Executive leadership training.

9 Great. I enrolled in this thing. My dad warned me -- you

3:46:37PM 10 should always listen to your dad. I said, oh, I'm going to the

11 Forum.

12 And he said, oh, that Werner Erhard Est stuff? And I

13 go, no, no, no, no, no, this is executive leadership training,

14 Dad, it's not that crazy stuff.

3:46:49PM 15 Well, of course my dad was right. I go to this thing,

16 and it's actually the iteration of Est, after Est was formed.

17 And I go to these crazy workshops. Some are during the week in

18 the evenings, and some are on weekends. And it was this same

19 wacky stuff that we do in Lifespring. It's all the same, Est,

3:47:06PM 20 Forum, Landmark Forum.

21 And I really didn't pay a lot of attention after that.

22 I remember it was wacky. I remember it was cuckoo. It wasn't

23 executive leadership training. And I had to go back and tell

24 my dad he was right. And then I just kind of put it out of my

3:47:20PM 25 mind for 30 years. But I always referred to it -- say during

3:47:23PM 1 cocktail fodder or whatever, when we were out, as the time I
2 accidentally almost joined a cult.

3 And then lo and behold, I walk in to this Parent
4 Challenge, and within a few minutes in there, I'm like, oh my
3:47:39PM 5 gosh, this is that same stuff.

6 Now, I didn't know at that time about Est, versus
7 Forum, versus Landmark Forum, versus Synanon, versus
8 Lifespring. I am very knowledgeable about that now, but I knew
9 it was the same stuff I had seen 30 years ago, 30 years before
3:47:58PM 10 that in San Francisco.

11 Q. So you may have had an advantage over some of the other
12 parents who didn't recognize it?

13 A. I think that if you've seen it before, you know it when you
14 see it, but if you don't, you're probably completely clueless
3:48:13PM 15 as to what you walked into. So, yes, I would have viewed that
16 as an advantage, I guess, having led a colorful life has lots
17 of advantages. You have seen some things before.

18 Q. What did you observe your ex-husband's reaction was to the
19 workshop, other than -- I know we have heard about the phone
3:48:31PM 20 call -- anything else when -- during the workshop itself?

21 A. Not a lot, because we were not in the same small group, and
22 so when we broke into these small groups, he was in a different
23 group that one of the other women referred to as, the angry
24 divorce man group. And I said, oh, that's not going to end
3:48:51PM 25 well.

3:48:52PM 1 I didn't name it that; another lawyer mother there
2 did. And then -- I didn't pay attention to him. I was focused
3 on ours. And when we did the two large groups for the
4 Red-Black game, he was in team B and I was team A.

3:49:06PM 5 So I didn't have a lot of interaction with him, and of
6 course, we were in different rooms. We were in the same hotel,
7 and we do our own thing. So during the time I don't really
8 very much remember too much interacting with him.

9 Except the part where he was in the same team with
3:49:24PM 10 with the yelling guy, because remember, these were the angry
11 divorced guys group. So he was in that team, and after that
12 guy had been kind of embarrassed for yelling at everyone,
13 following up on that, they did a little exercise where they
14 kind of did a like mea culpa, were embarrassed.

3:49:38PM 15 And they kind of made fun of themselves for, you know,
16 that guy's behavior and took -- you know, kind of took
17 responsibility and looked at it jokingly. But I had no real
18 conversations with him about the content, because we were just
19 in different groups and doing our own thing.

3:49:55PM 20 We were at the same place, but we are divorced, and we
21 are not really interacting as a married couple, because we're a
22 divorced couple. So we are having our own experiences.

23 Q. Do you recall you were shown some emails where you -- I
24 think Mr. Stubbe had mentioned to you that Rearden was either
3:50:17PM 25 outgoing but that she was going to be a C student. Then you

3:50:20PM 1 respond to that in an email. Do you recall that email?

2 A. Uh-huh, yes.

3 Q. What experience did you have in the past that led you to
4 write that email with Rearden and how she interacted with folks
3:50:32PM 5 that tried to help her?

6 A. Oh my goodness, she was like a one-trick pony in this,
7 whether it be in elementary school, whether it be in middle
8 school, whether it be in high school, and then also with the
9 IEP at high school that was developed for her, and then outside

3:50:48PM 10 of high school for two years, Mr. Stata and I obtained --
11 Mr. Stata paid for it, but we both interacted and obtained
12 private tutoring after school with a program called GOALS. It
13 was an acronym, G-O-A-L-S, and I don't remember what the
14 acronym stands for, but the acronym was GOALS, owned and run by

3:51:11PM 15 a gentleman named Phillip Roberts. It was an after school
16 tutoring program for people he said who were neurodivergent,
17 somehow like their brain just works differently than other
18 people.

19 He said that's what he speculated, Rearden's brain

3:51:26PM 20 worked differently. Okay, I am not surprised. She's an
21 artist; that happens. Kids come out how they come out. I
22 accept that.

23 And so Mr. Stata and I enrolled her in this after
24 school program for two years. And I said to him up front,

3:51:41PM 25 look, this is what my experience is. People know that

3:51:44PM 1 Mr. Stata has a bunch of money, and they keep giving Rearden
2 services, even when it's clear it won't help her.

3 So I want your promise that you have high integrity
4 and that when it's clear that this doesn't work -- and by the
3:51:57PM 5 way, she was going every week, and the bill was upwards of 12-
6 to \$1400 a week for two years, okay?

7 So this was supposed to be the top tutoring, all these
8 things she is supposed to be learning, including just putting
9 your homework into folders, not in a huge pile on your bed as
3:52:18PM 10 an amorphous mass looming at you. The subjects need to be in
11 folders. This is not a hard concept, okay?

12 So at the end of the first year it was very clear that
13 nothing this guy had done with all of these really cool -- he's
14 a cool guy and his people working there were awesome. And
3:52:37PM 15 Rearden wasn't listening to a word they said.

16 I said -- after a year I said, you promised no
17 improvement has been made, you need to discharge her. You
18 promised me this, you wouldn't hold on to this income stream.
19 He goes, but she's my favorite student. Yes, she's incredibly
3:52:53PM 20 likeable, and she's not accomplishing anything.

21 But I believe I can get through to her. I said, okay,
22 but you promised me. And then finally by the end of the second
23 year, he said, okay, you're right. I have to stop. She has
24 not made any improvement, and she's not changed her behavior at
3:53:07PM 25 all, and she's not benefiting from this.

3:53:10PM 1 And my ex-husband paid that man for two years that
2 amount of money, approximately \$12- to 1400 a week, and no
3 improvement was made. And it was like, no matter what kind of
4 specialized help we get, experts in their subject matter,
3:53:26PM 5 neurodivergent, not neurodivergent, normal curriculum, IEP,
6 this, that, she's just not interested.
7 She -- she is just living her own life, doing her own
8 thing, very defiant and wasted talents and resources. I even
9 went to her and said, Rearden, it's clear this school thing,
3:53:49PM 10 not your thing. So here's what I'd like you to do.
11 Fortunately your dad has resources, and when you have
12 resources, you can make your own curriculum. So would you like
13 to go to a cooking school? Would you like to go to a music
14 school? Would you like to go to a trade school?
3:54:02PM 15 Because we have resources, you have the privilege of
16 creating your own academic curriculum. Sky is the limit.
17 Money is literally no object for us when it comes to education.
18 What would you like to do that you are interested in? Because
19 you are wasting everyone's time and energy and money.
3:54:20PM 20 You are not engaged. What do you want to do? Name
21 it, we will make it happen. Anything. You have so many
22 talents. Pick one. Pick two. Pick five. I don't care, just
23 pick something.
24 "I don't know." And I can't work with "I don't know."
3:54:37PM 25 Like you gotta do something. You can't do nothing. So we --

3:54:41PM 1 I -- but also Mr. Stata was going along with us because he
2 would, if I said this is a good program, he would fund it. He
3 knew I did my research.

4 And we tried everything. It wasn't -- Spring Ridge
3:54:52PM 5 Academy was not the first choice, not the second choice or the
6 third. There were years of literally trying everything
7 available in the Silicon Valley, and there's a lot of stuff
8 available there if you have money, and not everyone does, and
9 we were blessed.

3:55:07PM 10 I don't want you to think I take this for granted,
11 because I wasn't born with money, and I don't think that -- I
12 would never take it for granted. It opens doors you can't
13 imagine. That's why my older daughter was able to be
14 trilingual in languages we don't speak and are not our culture,
3:55:21PM 15 because we were able to give her private tutoring and the best
16 education.

17 So my older daughter now speaks English, Mandarin
18 Chinese, and Spanish, and she can speak to 80 to 90 percent of
19 the world's population in their native language.

3:55:35PM 20 THE COURT: What was the question? What are we
21 talking about?

22 MS. ALLARD: We're talking about why she -- or what
23 experience she had with working with others and her daughter.
24 I think she was talking about the experience of tutoring, and
3:55:47PM 25 so we can move on to the next question.

3:55:50PM 1 BY MS. ALLARD:

2 Q. So you said you tried everything, and you were talking
3 about the Silicon Valley, and then you were asked many
4 questions today about deposition testimony -- somebody by the
3:56:06PM 5 name of Jacob Towery who was working at Stanford and was going
6 to be counseling your daughter.

7 And I think you volunteered as to how you got invited
8 to his office, and then there was an email or something
9 communication where he said he was intimidated by you.

3:56:24PM 10 What is it that happened in his office when you were
11 there?

12 A. Weirdness. So first of all, as I said, I was watching TV
13 and my daughter was in a private conversation with a potential
14 therapist in her bedroom with the door closed. I couldn't hear
3:56:38PM 15 a word.

16 She comes out and says, he wants to talk to you. And
17 I said, no thank you. She goes, no, he insists on talking to
18 you. I said, no, you are an adult, this does not involve me, I
19 support you.

3:56:52PM 20 She insists I go in there, and now Mr. Stata is on the
21 phone call with -- on the Zoom call, on her smartphone, with
22 Dr. Towery, my ex-husband, my daughter, and now me. And --
23 which Dr. Towery announces that Mr. Stata and I -- now I am not
24 speaking to Mr. Stata because of this stuff he pulled with this
3:57:09PM 25 Spring Ridge Academy stuff. He sent out daughter back to a

3:57:10PM 1 cult, we're done, and no contact.

2 So he goes, you two are going to have family therapy.

3 And I said, no, we're not. And he says, yes, you are. And I

4 said, no, I assure you we're not. We're divorced. My daughter

3:57:25PM 5 is an adult. We're not.

6 Well, I'd like to meet with you because I have to meet

7 with the whole family. I don't think I need to meet with you,

8 my daughter is an adult. No, you're going to meet with me.

9 So Rearden asked me to do it, so I did. I did not

3:57:36PM 10 want to, it was against my better judgment, and I met with him

11 in his office at a mutually convenient time.

12 And the entire time I tried to direct the conversation

13 back the my daughter, and all Dr. Towery wanted to talk about

14 was my ex-husband, Mr. Stata, who he was enamored and

3:57:50PM 15 mesmerized by, and how he considered a big challenge, and he

16 wanted to take on a big challenge to see if he could basically

17 fix Mr. Stata.

18 And I said, I am not interested in this. This is not

19 about Mr. Stata. You are supposed to be my daughter's

3:58:07PM 20 therapist. It was a weird conversation. And I was just very

21 honest with him about, I don't think that you should be trying

22 to treat Mr. Stata in Rearden -- an adult daughter's therapy

23 sessions.

24 Q. So can you describe this individual, Dr. Towery?

3:58:28PM 25 A. Well, first of all, he looked like he was 12. Now, I know

3:58:31PM 1 he was probably 30, but honestly, at least young enough to be
2 my son. He looked very young. And he had never been married,
3 and he had no children, and he had lots of opinions on things.
4 And it was kind of silly, because I wanted to laugh but I
3:58:44PM 5 didn't, because, honestly, it's like, you're too young to be,
6 like, believing you're in charge of all of this.

7 And then he charged an outrageous amount of money,
8 which was the equivalent of -- I think it was \$1,680 an hour.
9 I am like, where do they find these people? So he was young.
3:59:04PM 10 He was silly. He never had been married, had no kids, wanted
11 to fix Mr. Stata, was charging an outrageous amount of money.

12 And before he became -- and so I met with him, and I
13 thought -- oh, and he assigned me to read this book that was
14 silly stuff, and I can't remember the name of it, something
3:59:20PM 15 about people feeling good or something.

16 It was more of this feel-good nonsense, and I bought
17 the book and I said, dude -- I am thinking -- I told him when
18 he told me the title, I go, I don't think I'm going to read
19 that book based on the title. It sounds like nonsense, not a
3:59:34PM 20 real therapy book. It is supposed to be evidenced-based
21 therapy. It wasn't.

22 So next thing you know, I meet with him. I guess he
23 meets with -- I don't know if he met with my ex-husband or not,
24 but next thing I know, I am getting that letter telling me that
3:59:46PM 25 you're intelligent, powerful, honest, hard working, six very

3:59:53PM 1 flatterer adjectives, and I'm scared of you and intimidated.
2 Well, for \$1,680 an hour, dude, you better not be afraid of
3 anything.

4 Q. So --

4:00:03PM 5 A. So he writes me this and says he can't treat my daughter.
6 So I wrote him a pretty scathing email back, saying, now I look
7 like the bad guy because I never wanted to meet with you. You
8 insisted, and now you don't want to treat my daughter. Well,
9 basically I ended with, I hope Rearden one day understands what
4:00:18PM 10 it means to dodge a bullet.

11 Q. So you were also asked today about -- I think it was
12 suggested that you had a level of sophistication in your
13 litigation experience as an attorney. You want to just state
14 exactly what kind of experience you have?

4:00:40PM 15 A. Yes, so I only practiced law as a paid attorney for less
16 than three years. It was about six months in Fresno at a --
17 for a firm there, and I did some -- a little bit of
18 construction defect. There was some apartment complexes that
19 had been built all wrong and we did a motion for summary
4:00:57PM 20 judgment, was there six months.

21 I then gave my resignation, decided to move to San
22 Francisco. After about a year of temping, I took a job at
23 Hyatt Legal Services, and I worked in some family law, some
24 simple wills and trusts, and then became somewhat of a consumer
4:01:14PM 25 bankruptcy expert, and then worked in the -- they made a

4:01:17PM 1 special position for me called the managing attorney of the
2 bankruptcy center. And I handled all of the consumer
3 bankruptcies for Hyatt Legal Services in northern California
4 and developed expertise to consult with Hyatt attorneys all
4:01:30PM 5 over the country.

6 I loved working with individuals and helping them
7 learn to budget and learn how to avoid the financial problems
8 by teaching them skill sets that they may not have been exposed
9 to, like having a budget and living within your means and not
4:01:45PM 10 doing things like leasing cars when you don't have a business
11 to write it off. I found that very rewarding, and that was the
12 last paid job I had.

13 I did handle one appeal with the permission of the
14 partners that they assigned the client that I had to me, you
4:02:00PM 15 have to get permission to do that, and completed her bankruptcy
16 appeal, which was successful. That was ruled in my favor at
17 the District Court level, in my client's favor.

18 And then I had -- that was the end of my paid. I
19 wasn't really interested in practicing law, as I said. I loved
4:02:20PM 20 my clients, but I don't enjoy the pain and the frustration that
21 goes with the legal system.

22 The times that I practiced for the family, because of
23 issues that my ex-husband got us involved in, is we were
24 involved in litigation, construction litigation over a custom
4:02:39PM 25 home in Atherton.

4:02:41PM 1 And in order to have proper representation, I had to
2 go on as -- come on as co-counsel, and I did that for four
3 years, and I learned a heck of a lot about construction defect
4 in all of the trades. I know a wicked amount now about
4:02:57PM 5 construction and the various trades, HVAC, electrical,
6 plumbing.

7 I had do that because this case was so complicated,
8 and I needed someone that had my ex-husband's back and his
9 money, because we were bleeding money at that point. So I
4:03:11PM 10 handled that, and that was some trial experience.

11 I came on as my own co-counsel in my divorce for the
12 same reason before I found you, Ms. Allard, and then we
13 continued to work together. And of course we have worked
14 together on this case, and I would like to believe that when I
4:03:24PM 15 jump into something, I do it with both feet, and I've become
16 quite an expert on the Troubled Teen Industry.

17 So I have this odd knowledge base, because whenever I
18 do come on as co-counsel, I don't do a cursory understanding, I
19 want to get to the bottom of things. That's kind of my nature.

4:03:41PM 20 And so that's the litigation. None of that was paid,
21 but that was either representing our family or myself in
22 litigation. But I left the practice of law as a paid
23 profession in 1989.

24 Q. It was suggested in some questioning regarding the Parent
4:03:58PM 25 Manual that because there was a mention that children ran, that

4:04:01PM 1 you were on notice as to what was going on at Spring Ridge
2 Academy. How would you address that?

3 A. I did not think that that actually accurately describes
4 what's in those sheriff's reports. First of all, it did not
4:04:15PM 5 say that the sheriff and the school were lying to these girls
6 and telling them that they had to go back to Spring Ridge
7 Academy because Spring Ridge Academy was their legal guardian,
8 which was said many times in the context of the sheriff's
9 reports.

4:04:29PM 10 It also didn't say that when asked, the girls were
11 choosing to go to -- when they said, if you don't go back to
12 Spring Ridge Academy, we will take you to juvenile hall. And
13 often the girls would say, I would rather go to juvenile hall.
14 That little detail was left out, that they preferred to be
4:04:46PM 15 taken to juvenile hall versus returned to Spring Ridge Academy.

16 But one of the things that really struck me that you
17 could never get from that statement was one of the sheriff's
18 reports that was about a young girl who -- apparently it was
19 discovered that she was pregnant while at Spring Ridge Academy.

4:05:01PM 20 We don't need to go into the facts and circumstances
21 of how she got pregnant. That's not important here. But it
22 was discovered while she was at Spring Ridge Academy she was
23 pregnant. And her mother was instructed to come and get her,
24 and her mother came and got her, took her, apparently, and
4:05:16PM 25 insisted she get an abortion. She did, at her mother's behest,

4:05:19PM 1 and then her mother took her and dropped her right back off at
2 Spring Ridge Academy as though nothing had happened.

3 Q. And how did that end up --

4 A. Then she ended up running away and telling the sheriff her

4:05:32PM 5 woes, that she felt awful, that she had been forced to get an
6 abortion and nobody was comforting her, and her mother didn't
7 even comfort her. She just dropped her back off at the school
8 like nothing unusual had happened that day. And she was

9 telling her woes and her sadness and her trauma, since we have
4:05:51PM 10 used that word so much, to the sheriff, who is now documenting
11 this in a report.

12 I am horrified that people who talk so much about
13 traumas and little Ts and big Ts, actually treated --

14 MR. GRASSO: Objection, Your Honor. This is
4:06:04PM 15 nonresponsive, and the narrative is way off the question.

16 THE WITNESS: It's not off the question. You said I
17 should know that girls ran away. I didn't know why they were
18 running away.

19 THE COURT: Okay -- ladies and gentlemen, this is
4:06:18PM 20 actually a perfect time to take our evening recess. There's
21 some matters I need to discuss with the lawyers. You all have
22 a wonderful, wonderful evening. I will see you tomorrow
23 morning at 9:00 in the morning.

24 All rise for the jury. Court is in recess until
4:06:33PM 25 tomorrow at 9:00.

(The jury leaves the courtroom.)

THE COURT: Ms. Sweidy, you can step down when you get a chance.

THE WITNESS: Thank you, Your Honor.

THE COURT: You are very welcome.

Everyone, please take your seats.

Ms. Allard, I know we have gone out of turn several times, and the defense has put on -- someone correct me if I'm wrong, I believe three defense witnesses, and the plaintiffs were kind enough, just like the defense was kind enough, to allow out-of-turn witnesses.

Do you have witnesses after this one?

MS. ALLARD: No.

THE COURT: What's going on with the defense case?

MR. GRASSO: Your Honor, I believe that we will have two.

THE COURT: You can just remain in your seat. I have abandoned all decorum in this courtroom. I mean, there is sitting, standing. No one -- you know, the microphones. I have just -- you know, just remain in your seat. It's probably easier.

MR. GRASSO: Thank you, Your Honor. I believe that we will likely re-call Ms. Deily and perhaps Ms. Courtney, but I believe it will be relatively short.

THE COURT: I have heard "relatively short" before

4:08:01PM 1 during the course of this trial. Do whatever you need to do
2 respective to your positions, but we do need to make sure that
3 we have time to go through the instructions, as well as the
4 final verdict form.

4:08:16PM 5 I took into consideration all of the objections that
6 both sides had to both of the forms, so what I went ahead and
7 did is I created my own, and when we do have time tomorrow to
8 go through the final instructions, as well as the verdict form,
9 we will be using the two documents that I am about to provide
4:08:38PM 10 to both sides.

11 So you would be wasting your time if during the
12 discussion you wanted to refer me to the document that we
13 talked about last fall. There's some issues in there that both
14 sides had brought up. I took into consideration different
4:08:57PM 15 arguments, model instructions from the Circuit, as well as some
16 of the other cases similar to this one, and I arrived at what I
17 believe to be most appropriate.

18 When we do talk about the final instructions and the
19 verdict form, I will make sure that you both have an
4:09:16PM 20 opportunity to place your respective objections on the record
21 to preserve the issues.

22 Is there anything else from the plaintiffs?

23 MS. ALLARD: No, Your Honor. I would just add, would
24 the Court then be expecting us --

4:09:29PM 25 THE COURT: No, just sit down. You have had a hard

4:09:31PM 1 time standing up. Just -- you have a chance to sit down, so
2 just stay seated.

3 MS. ALLARD: Thank you, Your Honor, I appreciate that.
4 But as far as timing, I can represent that I don't have much
4:09:41PM 5 more questioning of Ms. Sweidy, so if that puts it in
6 perspective.

7 The process for instruction, would that be taking up
8 the whole afternoon? Would we be going -- moving into closing
9 tomorrow afternoon?

4:09:54PM 10 THE COURT: You know, I don't know, because I don't
11 know how much testimony is left. What I anticipate is bringing
12 the jury in tomorrow at 9:00 a.m. We will complete the
13 testimony of Ms. Sweidy, obviously.

14 If there's a motion, let me know if there's a motion.
4:10:14PM 15 I will rule on that motion. The defense will have their
16 additional witnesses that they would like to place on the
17 record.

18 Then of course I will ask the plaintiffs if you have a
19 case in rebuttal. If you rest, and they rest, then we will
4:10:28PM 20 make sure that our instructions are finalized.

21 And the reason I want to make sure the verdict form
22 and the instructions are finalized is so that you can use both
23 of those documents during your closing arguments, if you choose
24 to do so.

4:10:43PM 25 So to answer your question specifically, it generally

4:10:46PM 1 takes me about 20 minutes to get through the final
2 instructions. There were only a handful that the parties
3 didn't agree with, and I went ahead and, you know, took care of
4 those issues. So it's not a timely issue.

4:11:01PM 5 If we get into the early afternoon and you all make an
6 argument that you don't want to go directly into closings,
7 obviously I would listen to that. But there's a lot of
8 exhibits and a lot to digest, and I think that this jury is
9 going to need more than a day to get through all of these
4:11:22PM 10 exhibits.

11 I mean, if you look at everything that's already been
12 received into evidence, they are required to look at and
13 consider everything. So without even starting the deliberative
14 process, they need to go through everything before deciding
4:11:36PM 15 where they are in terms of what side and for what reason.

16 So, yes, I would like to go into closing arguments
17 tomorrow, if we have that opportunity. And that's why I'm
18 giving you these documents right now, so it won't take that
19 much time when we are ready to go through it sometime tomorrow.

4:11:56PM 20 Is there anything else from you or Ms. Sweidy,
21 Ms. Allard?

22 MS. ALLARD: No, Your Honor.

23 THE COURT: Is there anything else from you,
24 Mr. Grasso, or Mr. Smith?

4:12:05PM 25 MR. GRASSO: No, Your Honor.

THE COURT: All of you have a wonderful evening.

MS. ALLARD: Thank you.

THE COURT: You're welcome. Court is in recess until tomorrow at 9:00.

(Proceedings conclude at 4:12 p.m.)

C E R T I F I C A T E

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

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

DATED at Phoenix, Arizona, this 12th day of June, 2024.

s/Elva Cruz-Lauer
Elva Cruz-Lauer, RMR, CRR