

Exhibit 2

Declaration of Michael Smith

1 Thomas L. Hudson, 014485
2 Timothy J. Eckstein, 018321
3 Emma Cone-Roddy, 034285
4 OSBORN MALEDON, P.A.
5 2929 North Central Avenue, 20th Floor
6 Phoenix, Arizona 85012-2793
7 (602) 640-9000
8 thudson@omlaw.com
9 teckstein@omlaw.com
10 econe-rodgy@omlaw.com

11 Robert Grasso, Jr., 015087
12 Robert J. Lydford, 030649
13 Michael B. Smith, 014052
14 GRASSO LAW FIRM
15 2250 East Germann Road, Suite 10
16 Chandler, Arizona 85286
17 (480) 739-1200
18 rgrasso@grassolawfirm.com
19 rlydford@grassolawfirm.com
20 msmith@grassolawfirm.com
21 minuteentries@grassolawfirm.com

22 Attorneys for Defendants Spring Ridge Academy
23 and Kate Deily

24 **UNITED STATES DISTRICT COURT**

25 **DISTRICT OF ARIZONA**

26 Kimberly R. Sweidy,

27 Plaintiff,

28 vs.

Spring Ridge Academy, et. al,

Defendants.

Case No: 3:21-cv-08013-SPL

**UNSWORN DECLARATION OF
MICHAEL B. SMITH PURSUANT TO
28 U.S.C. §1746**

Michael B. Smith, hereby states as follows:

1. I am an adult under no legal disability and am personally acquainted with and have personal knowledge of the facts stated herein.

2. I am one of the trial attorneys for Defendants Spring Ridge Academy and Kate Deily (“Defendants”) in this matter and have been involved in the defense of this case since April 11, 2022.

3. I make this Declaration Under Penalty of Perjury pursuant to 28 U.S.C. §1746 as an Exhibit to and in support of Defendants’ Motion to Interview the Jurors.

4. Based upon Plaintiff Kimberly Sweidy’s (“Plaintiff”) significant use of social media in investigating and pursuing her claims against Defendants, defense counsel has been monitoring social media platforms and groups in which Plaintiff has been active.

5. Prior to initiating this case and during the course of the case proceedings, Plaintiff spent significant efforts on the social media platform Reddit to collect information related to Defendants and rally support for her cause. (*See* Reddit screenshots, attached to the accompanying Motion as **Exhibit 3**).

6. During the third day of trial, Plaintiff commented multiple times about this case in the “troubledteens” Reddit community (a/k/a a “subreddit”). (*See* Reddit printout attached to the accompanying Motion as **Exhibit 4**).

7. The verdict in this case awarding Plaintiff \$2.5 million in punitive damages and \$50,000 in compensatory damages was rendered at 11:32 a.m. on July 14, 2024. (Doc. 273).

8. On June 14, 2024, the day the verdict was rendered in this case, a user posted in the subreddit “troubledteens” about the verdict. (*See* Reddit June 15, 2024, 2:54 p.m. print out at 1, attached to the accompanying Motion as **Exhibit 7**). That same day, Plaintiff commented on this post and posted a picture of the verdict form completed by the Jury. (*See id.* at 2-3).

9. A little more than 24 hours after the verdict, a person identified as “Brilliant-Truth-1635” posted a comment in “troubledteens” identifying themselves as a juror in this

1 case by stating: stating “I am proud to say I was part of the jury!” (*Id.* at 4). When
2 Cultural_Cow_8021 responded “What? How could you be a part of the jury? That does not
3 seem right...”, Brilliant-Truth-1635 responded: “I was on the jury. It was a jury trial,
4 decision decided by a jury[.]” Brilliant-Truth-1635 shortly thereafter deleted their
5 comment, although the initial post remained two days post-verdict. (*See* Reddit June 16,
6 2024, 1:03 p.m. print out at 4, attached to the accompanying Motion as **Exhibit 8**).

7 10. Ten hours after Brilliant-Truth-1635 had removed their comment claiming
8 to have been a member of the jury, frequent poster “Desperate_Tadpole_63” wrote,
9 “comment was deleted – what did it say?” to which Brilliant-Truth-1635 responded: “It
10 said ‘yes it is true, as I was a member of the jury, and proud to have been.’ I deleted
11 because I was not going to get into any type of argument.” (*Id.*)

12 11. Exhibits 3, 4, 7 and 8 attached to the accompanying Motion and referenced
13 herein accurately depict publicly available information on social media platforms on the
14 dates and at the times referenced.

15 I declare under penalty of perjury that the foregoing is true and correct.

16 Executed on July 1, 2024.

17 /s/ Michael B. Smith

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