



2014 PENNSYLVANIA STATEWIDE HIGH SCHOOL MOCK TRIAL COMPETITION

***Kelly Simon, As Administrator of
the Estate of Jordan Simon
v.
Ruffed Grouse High School, LLC***

**SPONSORED BY THE YOUNG LAWYERS DIVISION
OF THE PENNSYLVANIA BAR ASSOCIATION**

*By: Jon Grode, Paul Kaufman, & Jonathan D. Koltash
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The Arizona Foundation for Legal Services & Education and the Young Lawyers of Arizona

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Problem Questions & Contact Information

Questions concerning these case materials should be sent to David Keller Trevaskis at the Pennsylvania Bar Association (PBA) at david.trevaskis@pabar.org. Questions must be submitted in writing via email. You will get a response confirming your question has been received. The question will also be answered in the next published Q&A. If you do not get a response or do not see your question in the next Q&A, please call attorney Trevaskis at 717-571-7414. Please be sure to include return contact information in the event we need to reach you to clarify a question. No questions will be considered unless submitted under this procedure.

Case material questions will be answered by the Mock Trial Executive Committee. Questions regarding local mock trial procedure should be directed to your District or Regional Mock Trial Coordinators.

Answers to appropriate and non-repetitive questions will be posted periodically in a supplemental memo on the mock trial website under the Young Lawyer's Division (YLD) link, at <http://www.pabar.org/public/yld/meetings/yldstatewidemock.asp>.

You may begin submitting questions immediately. **The deadline for submitting questions is noon on Wednesday, January 15, 2014.** The final update will be posted no later than **Friday, January 17, 2014.**

The final Q & A will be part of the problem materials as noted under the rules of competition for the competitions which open Monday, January 20, 2014.

The supplemental clarifications may be used in all the same ways (including for impeachment and as testimony) that the main body of the case materials are used. Answers clarifying a witness statement are to be treated as follows: Where necessary, information will be attributed to a specific witness in which case the clarifying information becomes part of that witness' statement. If the clarifying information is not attributed to a single witness, assume that all witnesses have this knowledge. The practical implication of this is that if a witness is challenged as to his or her knowledge reflected in the statement, he or she may refer to these supplemental clarifications to show knowledge. (See Rule of Competition 3.3)

Introduction and Acknowledgments

Welcome to the 2014 Pennsylvania Statewide High School Mock Trial Competition - the 30th year of one of the top secondary level academic competitions in the Commonwealth! The competition, which commenced in 1984, is sponsored by the Young Lawyers Division of the Pennsylvania Bar Association (PBA/YLD). It provides high school students with firsthand experience of the American judicial system. The Mock Trial Competition is one of a series of law-related and civic education programs conducted by the PBA to demystify the law for Pennsylvanians, including Celebrate the Constitution, Project PEACE, Law Day and Stepping Out.

This year's case is a civil action, *Kelly Simon, as Administrator of the Estate of Jordan Simon v. Ruffed Grouse High School, LLC*.

The case was written by Jonathan A. Grode, Paul W. Kaufman, and Jonathan D. Koltash, adapting, with permission, an earlier problem originally created by the Arizona Foundation for Legal Services & Education and the Young Lawyers of Arizona. Several characters and other individuals' names are drawn from real people, but no resemblance to any actual person, present or historical, is intended.

Grode and Kaufman are veteran mock trial authors, having co-written the 2011, 2012 and 2013 statewide mock trial problems, and they are currently on the committee writing the 2014 National High School Mock Trial Championship problem which will be held this coming May in Madison, Wisconsin. This will be their third national mock trial case together. Attorney Grode (Green and Spiegel, - Practice Director and Temple University James E. Beasley School of Law – Adjunct Professor) also adapted and modified the 2007 statewide mock trial problem and wrote the 2008, 2009, and 2010 statewide mock trial problems. Assistant United States Attorney Kaufman was a four time Delaware state mock trial champion in high school, the Barrister's Union champion in law school, and is a current member of the National High School Mock Trial Championship Board of Directors and the Chair of its Case Committee. Pennsylvania Deputy Attorney General Koltash is serving as a problem author for the first time this season. He is co-chair of the Statewide Mock Trial Committee and a veteran district and regional coordinator for the competition. In addition to working with the State committee this year, he will be continuing to oversee his district and region. Attorney and longtime judicial clerk Jane E. Meyer, a prior statewide Mock Trial Committee Chairperson and a veteran member of the National High School Mock Trial Championship Board of Directors, performed final editing of this year's case in collaboration with PBA Pro Bono Coordinator Trevaskis. Our sincerest thanks go out to each of them for their tireless and enthusiastic creation and editing of this year's problem.

Mr. Grode thanks his wife Jayne, for understanding that mock trial writing is an addiction that cannot be quelled. He also thanks Roberta West for her tireless support and endless encouragement. Mr. Kaufman thanks his wife, Sarah, for allowing him greater leeway to follow this absurd dream than any man could expect. He also sincerely thanks the United States Attorney's Office for the Eastern District of Pennsylvania and his immediate boss, Margaret L. Hutchinson, without whom he simply could not do this thing he loves. Mr. Koltash thanks his wife, Alaina, for her support, again, as he continues his endless participation in the Mock Trial program. The authors also thank www.birdorable.com for the use of their ruffed grouse image that appears throughout the case material.

The Pennsylvania Bar Association Young Lawyers Division also collectively thank The Arizona Foundation for Legal Services & Education and the Young Lawyers of Arizona for allowing our competition to adapt their materials for the 2014 competition. Past Pennsylvania problems have been adapted by numerous states over the years for their use, and we are happy beneficiaries this season of the shared expertise of the national mock trial network. The Pennsylvania Bar Association Young Lawyers Division also thanks the present and former mock trial coordinators of Arkansas, Kansas, Minnesota, Oregon, and South Carolina for their timely input and assistance.

Thanks also go to Co-Chairs of this year's Competition, Blair County attorney Traci Naugle and Jonathan Koltash, for their efforts in organizing and implementing the many facets of this competition. The Mock Trial Committee would also like to express its appreciation to attorney Robert Datorre of the Pennsylvania Department of Education, current PBA/YLD Chair, and Luzerne County attorney Lars Anderson, the PBA/YLD Chair Elect, for their support of the competition. Additionally, the YLD thanks David Trevaskis, PBA Pro-Bono Coordinator for his

continued involvement and experienced guidance in implementing the 2014 Mock Trial Competition.

We also thank the PBA staff, headed by Executive Director Barry Simpson and Deputy Executive Director Fran O'Rourke, and the many PBA staff members who provide valuable time and talent throughout the mock trial season. Without their assistance, this competition would not be the tremendous success that it is each year. Special thanks go to Maria Engles, the YLD Coordinator, who serves as the main point of contact for the entire program.

Finally, we thank the nearly one thousand volunteers who contribute their time and energy to making this program a special one for the more than three thousand students who participate in mock trial in Pennsylvania each year.

We hope you find these materials interesting, and wish everyone involved in the competition the best of luck!

Case Summary

Jordan Simon was a track star whose future looked bright, with college scholarships dangling and the promise of the Olympics in 2016 in Rio de Janeiro, Brazil, or maybe 2020 in Tokyo, Japan hovering in the distance. The star runner on the six time state champion team, Ruffed Grouse High School, Jordan was living the dream that her parent, Kelly Simon, had once held. Though Kelly's dreams ended with a teenage pregnancy, a scholarship to RGHS and the guidance of renowned track coach Terry Swift put Jordan on the winner's stand time after time during the 2012-13 school year. "Brains and hard work" was Coach Swift's formula for success, and that formula brought Jordan national attention. Or did it?

On May 24, 2013, near the end of her junior year of high school, Jordan Simon was found dead. An autopsy showed Jordan with high levels of erythropoietin ("EPO"), a performance enhancing drug, and the coroner reported that Jordan Simon's death was caused by a stroke and/or heart failure resulting directly and proximately from the consumption of that drug.

The truth was out. Jordan's "secret formula" included using the banned substance. But was that her secret, or her Coach's? Jordan's family blames Coach Swift and RGHS, asserting that the coach either gave Jordan the drugs or should have known Jordan was using the drugs. RGHS responds that Jordan and parent Kelly knew the rules against drug use and that they bear greater responsibility for the choices that Jordan made. Had there been evidence of the drug use, RGHS says, Jordan would have been removed from the team and help for her would have been sought.

A former teammate of Jordan's, Morgan Pearce, alleges that there was a culture of drug use among the track athletes at RGHS that Jordan was caught up in with the full knowledge of Coach Swift. Coach and AD Hagar dismiss Morgan's claim as the lies of a disgruntled former RGHS athlete trying to blame others and get revenge for a lack of success. Experts Lynn Roper and Aubrey Brady present opposing views of what RGHS and parent Kelly should have done.

A young lady is dead. A budding career is over. Trial is joined, and a jury must decide: who is responsible for Jordan Simon's death?

<p>KELLY SIMON, As Administrator of the ESTATE of JORDAN SIMON,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>RUFFED GROUSE HIGH SCHOOL, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>: IN THE COURT OF COMMON PLEAS</p> <p>: LANCASTER COUNTY, PENNSYLVANIA</p> <p>:</p> <p>:</p> <p>: NO. CI - 13 - 5986</p> <p>:</p> <p>: CIVIL ACTION – LAW</p>
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COMPLAINT

1. Decedent Jordan Simon was a resident of Lancaster County, Pennsylvania at all times relevant hereto.
2. Decedent Jordan Simon died on or about May 24, 2013, at age seventeen, near the end of her junior year of high school.
3. Pursuant to an order of the Orphan’s Court of Lancaster County, on or about July 14, 2013, letters testamentary and letters of administration were issued to Jordan Simon’s sole surviving parent, intestate heir, and legal guardian, Kelly Simon.
4. This action is lawfully brought by Kelly Simon in her capacity as administrator of the estate of Jordan Simon pursuant to 42 Pa. C.S.A. §§ 8301-02.
5. At the time of her death, decedent Jordan Simon was a student at Ruffed Grouse High School, a private school legally owned and operated by defendant Ruffed Grouse High School, LLC. These will be collectively referred to as “RGHS.”
6. At the time of her death, decedent Jordan Simon was a captain of the RGHS track and field teams.
7. At the time of her death, decedent Jordan Simon was the star of the RGHS track and field teams and was contending for state titles in the 4x800m, 1600m, and 3200m events.
8. At the time of her death, decedent Jordan Simon was being actively recruited by NCAA Division I track and field programs.

9. Based on her performance, decedent Jordan Simon would have been eligible for and likely to receive an athletic scholarship to an elite, NCAA Division I track and field program.

10. Based on a reasonable projection from her past performance, decedent Jordan Simon would have been likely to run professionally in the 1500m, 3000m, or 5000m distances.

11. Based on a reasonable projection from her past performance, decedent Jordan Simon would have been likely to compete at the Olympic level in the 1500m, 3000m, or 5000m distances.

12. RGHS prided itself on its athletic accomplishments.

13. RGHS actively marketed the accomplishments of its athletic programs to potential students and parents.

14. Decedent Jordan Simon was actively recruited by RGHS prior to her enrollment based on her superlative athletic performance.

15. Decedent Jordan Simon was enrolled at RGHS and received a scholarship based in large part on her athletic talents.

16. As a part of the efforts to recruit decedent Jordan Simon, RGHS promised to take “exceptional care” of her academic and athletic pursuits and aggressively marketed its safety record and the competence of its training staff.

17. While Jordan Simon was a member of the RGHS track team, she and other members of the track team were encouraged by RGHS staff, including head track and field coach Terry Swift, to take nutritional supplements and performance enhancing drugs (“PEDs”) including erythropoietin (“EPO”).

18. The culture of the RGHS track and field program encouraged performance at any cost and actively supported consumption of PEDs, including EPO.

19. Many members of the RGHS athletics programs consumed PEDs, including EPO.

20. Other former members of the RGHS athletics programs have admitted to the culture of PED use, including EPO use, at RGHS.

21. RGHS does not test students for any PEDs, including EPO.

22. At some point during the period of decedent Jordan Simon's enrollment at RGHS, she began consuming PEDs, including but not limited to EPO.

23. EPO results in enhanced athletic performance, particularly for endurance athletes like the decedent, Jordan Simon.

24. Common side effects of EPO use include headaches, migraines, anxiety, fainting spells, stroke, and heart failure.

25. During her junior year, Jordan Simon demonstrated striking improvement in her athletic performance, including especially marked improvement in distance events.

26. During her junior year, Jordan Simon showed obvious signs of other side effects, including fainting spells, headaches, migraines, and anxiety.

27. RGHS personnel failed to notice these signs of EPO abuse.

28. In the alternative, RGHS personnel noticed these signs of EPO abuse and did nothing, because they welcomed the enhanced athletic performance of decedent Jordan Simon.

29. RGHS personnel provided decedent Jordan Simon with nutritional supplements and PEDs, including EPO.

COUNT ONE – COMMON LAW TORT

30. Plaintiff incorporates by reference the foregoing paragraphs.

31. Defendant accepted an enhanced duty to take all steps necessary to ensure that Jordan Simon was not using PEDs, including EPO, while a member of its track and field teams.

32. Defendant breached that duty by failing to prevent Jordan Simon from using PEDs, including EPO, while a member of its track and field teams.

33. In the alternative, Defendant had a duty in common law to exercise reasonable care to ensure that decedent Jordan Simon was not using PEDs, including EPO, while a member of its track and field teams.

34. Defendant breached that duty by failing to take reasonable measures to prevent decedent Jordan Simon from using PEDs, including EPO.

35. Decedent Jordan Simon's death was caused by the abuse of EPO.

36. Had RGHS not failed in its duty, decedent Jordan Simon would still be alive.

37. Had RGHS not failed in its duty, decedent Jordan Simon would have received an athletic scholarship to an NCAA Division I school.

38. Had RGHS not failed in its duty, decedent Jordan Simon would have become a professional athlete and an Olympian, earning her considerable income.

39. Had RGHS not failed in its duty, decedent Jordan Simon would have lived a normal life expectancy.

WHEREFORE, plaintiff respectfully moves that the Court:

- (a) Grant judgment in its favor and against defendant;
- (b) Award compensatory damages in excess of \$5,000,000; and
- (c) Grant such other relief as is just and proper.

Plaintiff reserves the right to request punitive damages, should discovery reveal willful or malicious misconduct.

LaShawn Merritt
Merritt, Wariner & Neville, LLP
Attorneys for Plaintiff

<p>KELLY SIMON, As Administrator of the ESTATE of JORDAN SIMON,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>RUFFED GROUSE HIGH SCHOOL, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>: IN THE COURT OF COMMON PLEAS</p> <p>: LANCASTER COUNTY, PENNSYLVANIA</p> <p>:</p> <p>:</p> <p>: NO. CI - 13 - 5986</p> <p>:</p> <p>: CIVIL ACTION – LAW</p>
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ANSWER

1. Upon information and belief, admitted.
2. Upon information and belief, admitted.
3. Upon information and belief, admitted.
4. This paragraph contains a legal conclusion to which no response is required. To the extent that a response is required, admitted.
5. Admitted.
6. Admitted.
7. Defendant admits that at the time of her death, Jordan Simon was an excellent athlete. Her future performance would have depended on many factors, and it cannot be predicted with any reasonable degree of certainty.
8. Upon information and belief, admitted.
9. Defendant admits that at the time of her death, Jordan Simon was an excellent athlete. Her future athletic and academic performance would have depended on many factors, and it cannot be predicted with any reasonable degree of certainty.
10. Defendant admits that at the time of her death, Jordan Simon was an excellent athlete. Her future performance would have depended on many factors, and it cannot be predicted with any reasonable degree of certainty.

11. Defendant admits that at the time of her death, Jordan Simon was an excellent athlete. Her future performance would have depended on many factors, and it cannot be predicted with any reasonable degree of certainty.

12. Defendant admits that among the many excellent facets of RGHS are its athletics.

13. Admitted.

14. Admitted

15. Denied. Decedent's scholarship was need-based.

16. Denied as stated.

17. Denied as stated. Defendant admits only that certain athletic coaches encourage the very limited use of carefully defined nutritional supplements.

18. Denied.

19. Denied.

20. Denied as stated. One former RGHS athlete has made spurious claims that are denied strongly.

21. Admitted.

22. Denied.

23. Defendant admits only that some athletes see benefits from EPO.

24. Upon information and belief, admitted.

25. Admitted.

26. Denied.

27. Defendant denies that there were such signs as are alleged.

28. Defendant denies that there were such signs as are alleged.

29. Denied

30. Defendant incorporates by reference the foregoing paragraphs.

31. This paragraph contains a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

32. This paragraph contains a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

33. This paragraph contains a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

34. This paragraph contains a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

35. Denied.

36. This paragraph contains a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

37. This paragraph contains a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

38. This paragraph contains a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

39. This paragraph contains a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

WHEREFORE, defendant respectfully moves that the Court grant judgment in its favor and against plaintiff.

Bianca Knight
Knight, Felix, Jeter & Williams
Attorneys for Defendant

<p>KELLY SIMON, As Administrator of the ESTATE of JORDAN SIMON,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>RUFFED GROUSE HIGH SCHOOL, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>: IN THE COURT OF COMMON PLEAS</p> <p>: LANCASTER COUNTY, PENNSYLVANIA</p> <p>:</p> <p>:</p> <p>: NO. CI - 13 - 5986</p> <p>:</p> <p>: CIVIL ACTION – LAW</p>
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MEMORANDUM AND OPINION

Before the Court is defendant’s motion for summary judgment. Defendant argues, in essence, that the record before the Court reveals that it had no legally actionable duty to protect the health of Jordan Simon, least of all from Simon herself. As the estate stands in Simon’s shoes for purposes of this action, if granted, this motion would dispose of this matter entirely. The Court also considers plaintiff’s motion for summary judgment.

There is shockingly little law regarding the circumstances under which private schools can be held liable for injury or death to their students. Had the decedent been enrolled at a public school, her estate would likely be out of luck, due to the Political Subdivision Tort Claims Act, 42 Pa. C.S. §§ 8541-42 (“PSTCA”). That law provides a strong immunity for public school officials. Indeed, plaintiffs have been totally or very nearly shut out of court where a public school student drowned on a field trip, Davis v. School Dist. of Philadelphia, 496 A.2d 903 (Pa. Cmwlth. Ct. 1985), died of a predictable asthma attack after a public school teacher failed to provide an inhaler, Taylor v. Altoona Area School Dist., 513 F. Supp. 2d 540 (W.D. Pa. 2007), and was stabbed to death during a public school study hall, Close v. Voorhees, 446 A.2d 728 (Pa. Cmwlth. Ct. 1982), among many other tragic stories. But those results follow from the Commonwealth’s role as sovereign, and none are especially helpful here, where a private school’s actions are implicated and where, therefore, the PSTCA has no application.

The side effect of so many such rulings, however, is a paucity of decisional law regarding when non-public high schools accept tort liability for actions of their students. It is that dearth that this Court must now address. Defendant claims that individuals, even minors such as Jordan Simon, are responsible for their own actions and that the school is not an insurer of its students’ sound decision-making. To a degree, this is so: each student is deemed legally responsible within the level of maturity expected for individuals of that age. For a late high schooler like Jordan Simon, that might be an adult or near-adult level of responsibility.¹ Likewise, parents share in the responsibility for their children’s actions. Especially where the surviving parent is also the sole heir, any recovery by the estate must be reduced by both the negligence demonstrated by the parent *and* that demonstrated by the decedent.

¹ This responsibility is “accepted” through the doctrine of comparative negligence, not through the largely abrogated doctrine of “assumption of risk,” which would at one time have barred recovery completely. See, e.g. Telega v. Security Bureau, Inc., 719 A.2d 372 (Pa. Super. Ct. 1998). Thus, the Court need not delve into whether Jordan Simon was sufficiently mature to “assume the risk” entirely; the question is to what degree she acted reasonably.

However, saying that liability must be apportioned and that others *may* share in the school's responsibility is a far cry from saying that the school bears its students *no* duty at all, especially when a school accepts a student in its athletic programs, which come with a greater risk of injury than simple attendance. For this reason, regulations provide the number and education of athletic trainers, the presence of emergency medical personnel, and the like.

Pennsylvania courts have held that the "special relationship" between an athlete and the school for which s/he is playing is sufficient to establish a certain level of tort duty owed by the school to the athlete. See Kleinknecht v. Gettysburg College, 989 F.2d 1360, 1366-67 (3d Cir. 1993) (predicting holding of Pennsylvania Supreme Court in case involving cardiac arrest on lacrosse field). Other states agree. See id. at 1367 (collecting cases from Ohio, Indiana, Florida, Louisiana, and New York). However, these courts have largely acted in the context of an athlete actively participating in a competition, not one on her/his own time.

Likewise, Pennsylvania has adopted the Restatement (Second) of Torts § 323: "One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of the other's person or things, is subject to liability to the other for physical harm resulting from his failure to exercise reasonable care to perform his under-taking, if (a) his failure to exercise such care increases the risk of such harm, or (b) the harm is suffered because of the other's reliance upon the undertaking."

There is a significant factual dispute here about how Jordan Simon came to possess synthetic erythropoietin ("EPO"). Plaintiff alleges first that it was directly provided by an employee of defendant, decedent's coach. If that is the case, then the EPO was provided during a situation in which the school had undertaken for compensation services to Jordan Simon that included protecting Simon. If that is the case, the school would have failed in this duty, and plaintiff needs only prove that defendant's act or failure to act was a factual cause in bringing about decedent's harm.

Alternatively, plaintiff argues that defendant's employees should have noticed that decedent had begun taking EPO as part of their oversight of her athletic career. This is a far closer call, legally, but this Court finds that Restatement § 323 applies, not least in the context of this "special relationship." However, the breach and causation questions are far more robust in this situation. The defendant is not responsible for overseeing decedent's activities at home, at the gym, or off school property. Accordingly, the defendant can only be responsible for the actions it took or didn't take at school or during sanctioned athletics events.

The Court is also struck by the defendant's statements in its recruitment efforts. Such statements can impose duties where no common law duty would have existed. For example, although a landlord does not owe a duty under § 323 to protect tenants from criminal acts of others, see Feld v. Merriam, 485 A.2d 742, 745-46 (Pa. 1984), a landlord who promises to fix a defect but doesn't can be liable for that failure, see Reider v. Martin, 519 A.2d 507 (Pa. Super Ct. 1987). The record is clear that the defendant and its agent, Terry Swift, promised to look after Jordan Simon's nutrition and health. The defendant RGHS promoted its training staff and medical care to parents. And, critically, Terry Swift and the RGHS staff had considerable discretion in providing basic medical services to Jordan Simon, even though she was a minor. We therefore conclude that a duty exists.

But our holding is narrow. It predicts only that the Pennsylvania Supreme Court would conclude that the defendant school had (1) a duty not to provide dangerous performance

enhancing drugs; and (2) a duty to monitor to the degree reasonable and practical under the totality of the circumstances the decedent for health issues while she was engaged in a school-sponsored athletic activity for which she had been recruited.

Whether the high school breached that duty is a question of fact, and summary judgment for plaintiff is inappropriate here. There is no duty under Pennsylvania law to test every athlete for performance-enhancing drugs, indeed, absent a known drug problem, random drug testing in public schools has been ruled an invasion of privacy under the Pennsylvania Constitution by the Pennsylvania Supreme Court. See Theodore v. Delaware Valley School District, 575 Pa. 321 (2003). Accordingly, for the vast majority of Pennsylvania high school students, the very thing plaintiff suggests that “reasonability” demands is deemed *unreasonable* as a matter of constitutional law.²

Here again, however, the public school example provides this Court little guidance. Article I, Section 8 of the Pennsylvania Constitution, like the Fourth Amendment to the United States Constitution, applies only to governmental actors. And, of course, constitutions can constrain governments from doing all manner of things that private parties would find utterly reasonable. Accordingly, Theodore tells us little about what a *private* school might reasonably do, much less what is reasonable at one with an elite athletic program or one peripherally implicated in other performance enhancing drug scandals might do.

Balancing the privacy interests and costs with the dangers in the possible use of such substances is a fine place for legislation or regulation of private schools, or even for a jury in considering a particular case, but it is a poor one for *post hoc* judicial fiat over what is reasonable statewide. Whether testing was reasonable in the private school setting of this case for all student-athletes, for random student-athletes, for particular student-athletes suspected of abusing, or for no one is a matter left to the jury.

Similarly, the matter of what responsibility Jordan bore for her own care and what responsibility her parent (the administrator and sole beneficiary of the estate) bore for it are also matters for the jury.

All other matters, including objections, briefed by the parties are reserved for trial.

BY THE COURT:

MARY DECKER-SLANEY, J.

² Theodore relates to drug and alcohol testing of all student athletes *and* participants in extracurricular activities like the National Honor Society and Science Olympiad. There has been no corresponding appellate decision regarding performance enhancing drugs, which are much more expensive for which to test and which, at least arguably, could pose a greater danger to other students, particularly in contact sports.

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Stipulations

1. All documents, signatures and exhibits, including pre-markings, included in the case materials are authentic and accurate in all respects; no objections to the authenticity of any of the foregoing will be entertained. The parties reserve the right to dispute any legal or factual conclusions based on these items and to make objections other than to authenticity.
2. Jurisdiction, venue and chain of custody of the evidence are proper and may not be challenged.
3. All statements were notarized on the day on which they were signed.
4. This trial shall be bifurcated, and liability shall be the only issue on the date of trial. Damages shall be considered later, in a separate proceeding, if necessary.
5. The following are stipulated regarding the cause of the death of Jordan Simon:
 - a. An autopsy performed by the medical examiner of Lancaster County found that decedent Jordan Simon’s death was caused by a stroke and/or heart failure resulting directly and proximately from the consumption of erythropoietin (“EPO”).
 - b. The results of that autopsy can be introduced at any time by either side, in accordance with Pennsylvania Mock Trial Rule of Competition 6.12 (Stipulations).
 - c. Stroke, heart failure, and pulmonary embolism are known potential consequences of the consumption of EPO. These side effects have been documented by the World Anti-Doping Agency.
 - d. According to the Food and Drug Administration, patients taking EPO stimulants in controlled conditions using proper, medically monitored doses suffer hypertension approximately 20-25% of the time, headaches 15% of the time, and dizziness approximately 10% of the time. Fatal cardiac side effects occurred in approximately 1% of cases, and strokes or other cerebral hemorrhages occurred approximately 2-4% of the time.
 - e. All EPO stimulants on the legal market are accompanied by a mandatory “Black Box” warning that EPO stimulants “increase the risk of death, myocardial infarction [heart attack], stroke” and other serious medical conditions.

- f. Although there are no controlled studies on this question with respect to EPO, the risk of side effects typically increases when environments are not controlled, where doses are higher, and where the patient is taking medication when s/he does not need it. Fatal side effects are typically more common in each of these situations.
6. Terry Swift was, at all times relevant hereto, an employee and agent of defendant Ruffed Grouse High School, LLC ("RGHS") and its track coach for both boys and girls.
7. Terry Swift acted within the scope of her/his employment with RGHS at all times in which s/he interacted with decedent Jordan Simon during practices, training sessions, and other official team functions.
8. Terry Swift acted within the scope of her/his employment with RGHS during all consultations or conversations with Simon and/or her family members and teammates regarding team-related matters including physiology, nutrition, team rules, school rules, compliance with state or local standards, and/or athletic performance.
9. At all other times, Terry Swift was acting in her/his individual capacity, outside the scope of her/his employment, and RGHS cannot be held liable for Swift's actions during those times.
10. Jamie Hagar is the custodian of all of records held by RGHS.
11. Exhibit 5 may be introduced through any witness, without a custodian.
12. Exhibit 7 is a copy of the printout given by librarian Andrews to Jamie Hagar, who gave it to Terry Swift. It was found in Terry Swift's office.
13. Exhibit 8 is the copy of the *Lancaster Online* article retained by Morgan Pearce.
14. Exhibit 9 is a record retrieved from RGHS's internal telephone records.

/s/ Jeremy Wariner
Attorney for Plaintiff

/s/ Allyson Felix
Attorney for Defendant

Date: January 10, 2014

APPLICABLE LAW

Elements of Negligence Action, Generally

In order to prevail on a cause of action in negligence under Pennsylvania law, a plaintiff must establish:

- (1) a duty or obligation recognized by the law, requiring the actor to conform to a certain standard of conduct;
- (2) a failure to conform to the standard required;
- (3) a causal connection between the conduct and the resulting injury; and
- (4) actual loss or damage resulting to the interests of another.

Morena v. South Hills Health Sys., 462 A.2d 680, 684 n. 5 (Pa. 1983) (citing Prosser, Law of Torts § 30, at 143 (4th ed. 1971)).

Restatement (Second) of Torts § 323

Negligent Performance of Undertaking to Render Services

One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of the other's person or things, is subject to liability to the other for physical harm resulting from his failure to exercise reasonable care to perform his under-taking, if:

- (a) his failure to exercise such care increases the risk of such harm, or
- (b) the harm is suffered because of the other's reliance upon the undertaking.

42. Pa. C.S.A. § 7102 – Comparative Negligence

(a) General rule.--In all actions brought to recover damages for negligence resulting in death or injury to person or property, the fact that the plaintiff may have been guilty of contributory negligence shall not bar a recovery by the plaintiff or his legal representative where such negligence was not greater than the causal negligence of the defendant or defendants against whom recovery is sought, but any damages sustained by the plaintiff shall be diminished in proportion to the amount of negligence attributed to the plaintiff....

42 Pa.C.S.A. § 8301 - Death action

(a) General rule.--An action may be brought, under procedures prescribed by general rules, to recover damages for the death of an individual caused by the wrongful act or neglect or unlawful violence or negligence of another if no recovery for the same damages claimed in the wrongful death action was obtained by the injured individual during his lifetime and any prior actions for the same injuries are consolidated with the wrongful death claim so as to avoid a duplicate recovery.

(b) Beneficiaries.--Except as provided in subsection (d), the right of action created by this section shall exist only for the benefit of the spouse, children or parents of the deceased, whether or not citizens or residents of this Commonwealth or elsewhere. The damages recovered shall be distributed to the beneficiaries in the proportion they would take the personal estate of the decedent in the case of intestacy and without liability to creditors of the deceased person under the statutes of this Commonwealth.

<p>KELLY SIMON, As Administrator of the ESTATE of JORDAN SIMON,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>RUFFED GROUSE HIGH SCHOOL, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>: IN THE COURT OF COMMON PLEAS</p> <p>: LANCASTER COUNTY, PENNSYLVANIA</p> <p>:</p> <p>:</p> <p>: NO. CI - 13 - 5986</p> <p>:</p> <p>: CIVIL ACTION – LAW</p>
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JURY INSTRUCTIONS

Before the commencement of the trial and its conclusion, the judge will instruct the jury how to apply the law to the evidence. Hypothetically, if the judge in your mock trial case were to provide instructions to the jury, they would look something like these.

A copy of these instructions may not be used as an exhibit during the mock trial competition; however students may use these concepts in fashioning their case and making arguments to the jury.

PRELIMINARY INSTRUCTIONS

- **Role of the Jury**

Now that you have been sworn, I have the following preliminary instructions for your guidance as jurors in this case.

You will hear the evidence, decide what the facts are, and then apply those facts to the law that I will give to you.

You and only you will be the judges of the facts. You will have to decide what happened. I play no part in judging the facts. You should not take anything I may say or do during the trial as indicating what I think of the evidence or what your verdict should be. My role is to be the judge of the law. I make whatever legal decisions have to be made during the course of the trial, and I will explain to you the legal principles that must guide you in your decisions. You must follow that law whether you agree with it or not.

Moreover, although the lawyers may have called your attention to certain facts or factual conclusions that they thought were important, what the lawyers said is not evidence and is not binding on you. It is your own recollection and interpretation of the evidence that controls your decision in this case.

Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them, and in this way decide the case.

- **Evidence**

The evidence from which you are to find the facts consists of the following:

1. The testimony of the witnesses;
2. Documents and other things received as exhibits;
3. Any facts that are stipulated--that is, formally agreed to by the parties; and

4. [Any facts that are judicially noticed--that is, facts I say you must accept as true even without other evidence.]

The following things are not evidence:

1. Statements, arguments, and questions of the lawyers for the parties in this case;
2. Objections by lawyers;
3. Any testimony I tell you to disregard; and
4. Anything you may see or hear about this case outside the courtroom.

You must make your decision based only on the evidence that you see and hear in court. Do not let rumors, suspicions, or anything else that you may see or hear outside of court influence your decision in any way.

You should use your common sense in weighing the evidence. Consider it in light of your everyday experience with people and events, and give it whatever weight you believe it deserves. If your experience tells you that certain evidence reasonably leads to a conclusion, you are free to reach that conclusion.

There are rules that control what can be received into evidence. When a lawyer asks a question or offers an exhibit into evidence, and a lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. This simply means that the lawyer is requesting that I make a decision on a particular rule of evidence. You should not be influenced by the fact that an objection is made. Objections to questions are not evidence. Lawyers have an obligation to their clients to make objections when they believe that evidence being offered is improper. You should not be influenced by the objection or by the court's ruling on it. If the objection is sustained, ignore the question. If it is overruled, treat the answer like any other.

Also, certain testimony or other evidence may be ordered struck from the record and you will be instructed to disregard this evidence. Do not consider any testimony or other evidence that gets struck or excluded. Do not speculate about what a witness might have said or what an exhibit might have shown.

- **Direct and Circumstantial Evidence**

Evidence may either be direct evidence or circumstantial evidence. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw, heard, or did. Circumstantial evidence is proof of one or more facts from which you could find another fact. You should consider both kinds of evidence. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. It is for you to decide how much weight to give. You may decide the case solely based on circumstantial evidence.

- **Credibility**

In deciding what the facts are, you may have to decide what testimony you believe and what testimony you do not believe. You are the sole judges of the credibility of the witnesses. "Credibility" means whether a witness is worthy of belief. You may believe everything a witness says or only part of it or none of it. In deciding what to believe, you may consider a number of factors, including the following:

1. the opportunity and ability of the witness to see or hear or know the things the witness testifies to;

2. the quality of the witness's understanding and memory;
3. the witness's manner while testifying;
4. whether the witness has an interest in the outcome of the case or any motive, bias or prejudice;
5. whether the witness is contradicted by anything the witness said or wrote before trial or by other evidence;
6. how reasonable the witness's testimony is when considered in the light of other evidence that you believe; and
7. any other factors that bear on believability.

In deciding the question of credibility, remember to use your common sense, your good judgment, and your experience. Inconsistencies or discrepancies in a witness' testimony or between the testimonies of different witnesses may or may not cause you to disbelieve a witness' testimony. Two or more persons witnessing an event may simply see or hear it differently. Mistaken recollection, like failure to recall, is a common human experience. In weighing the effect of an inconsistency, you should also consider whether it was about a matter of importance or an insignificant detail. You should also consider whether the inconsistency was innocent or intentional.

After you make your own judgment about the believability of a witness, you can then attach to that witness' testimony the importance or weight that you think it deserves.

The weight of the evidence to prove a fact does not necessarily depend on the number of witnesses who testified or the quantity of evidence that was presented. What is more important than numbers or quantity is how believable the witnesses were, and how much weight you think their testimony deserves.

* * *

POST-TRIAL INSTRUCTIONS

- **Wrongful Death**

In this wrongful death action, the Plaintiff, as personal representative of the Decedent's estate, claims that the Decedent wrongfully died as a result of the negligent acts or omissions of the Defendants.

Whenever the death of a person is proximately caused by the wrongful act or neglect of another, and the act or neglect is one which would have entitled the Decedent to recover damages if the Decedent had not died, the personal representative of the estate of the Decedent may bring an action for wrongful death. The personal representative has a right to recover compensatory damages for the wrongful death.

- **Burden of Proof**

This is a civil case in which the plaintiff seeks damages.

The Plaintiff has the burden of proving its case by what is called the "preponderance of the evidence." That means Plaintiff has to prove to you, in light of all the evidence, that what it claims is more likely so than not so. To say it differently: if you were to put the evidence favorable to Plaintiff and the evidence favorable to Defendant opposite sides of the scales, the

Plaintiff would have to make the scales tip ever so slightly to its side. If the Plaintiff fails to meet this burden, the verdict must be for Defendant. If you find after considering all the evidence that a claim or fact is more likely so than not so, then the claim or fact has been proved by a preponderance of the evidence.

You may have heard of the term “proof beyond a reasonable doubt.” That is a stricter standard of proof and it applies only to criminal cases. It does not apply in civil cases such as this, so you should put it out of your mind.

In determining whether any fact has been proved by a preponderance of evidence in the case, you may, unless otherwise instructed, consider the testimony of all witnesses, regardless of who may have called them, and all exhibits received in evidence, regardless of who may have produced them.

This case is bifurcated, so damages are not at issue. As such, the Plaintiff need not prove the extent of the injuries or damages at this time.

In determining whether any fact has been proved by a preponderance of evidence in the case, you may, unless otherwise instructed, consider the testimony of all witnesses, regardless of who may have called them, and all exhibits received in evidence, regardless of who may have produced them.

- **Issues in the Case**

The Plaintiff claims that it was harmed by the negligent conduct of the Defendant. The Plaintiff has the burden of proving her/his claims.

The Defendant denies the Plaintiff's claims and argues that the Plaintiff (both Kelly Simon and Jordan Simon) were negligent and that this negligence was a factual cause in causing Plaintiff's harm. The Defendant has the burden of proving this affirmative defense.

Thus, the issues for you to decide, in accordance with the law as I give it to you are:

1. Was the Defendant negligent?
2. Was the Defendant's conduct a factual cause in bringing about harm to the Plaintiff?
3. Was Kelly Simon and/or Jordan Simon negligent?
4. Was the negligent conduct of either or both Kelly Simon and Jordan Simon a factual cause in bringing about the Plaintiff's own harm?

- **Comparative Negligence**

Under the doctrine of comparative negligence, the Plaintiff's negligence does not automatically bar recovery unless such negligence exceeds that of the Defendants. A Plaintiff in a negligence action may recover damages if his or her negligence is not greater than that of the Defendants. The amount of the Plaintiff's recovery shall be reduced in proportion to the amount of his or her negligence.

You, the jury, must apportion fault between the Plaintiff and Defendants in a negligence action. The Plaintiff may recover damages when his or her negligence is not greater than the Defendants. The Plaintiff's damages, however, are reduced in proportion to the amount of his or her negligence.

One of the defenses interposed by the Defendants is comparative negligence. The Defendants, by their defense, in essence say this: it required our fault for the accident to have happened, but the Plaintiff and decedent was more at fault than we were.

The Plaintiff has the burden of proving the negligence and fault, if any, of the Defendants. The Defendants have the burden of proving the negligence and fault, if any, of the Plaintiff and the degree of such.

Where negligence has been established on the part of both the Defendants and the Plaintiff, then you must weigh or compare the respective contributions of each person to the occurrence. Considering the conduct of each person involved as a whole, you must determine whether one made a larger contribution than the other.

Defendant asserts that both the decedent, Jordan Simon, and her parent and heir, Kelly Simon, were independently negligent. In other cases, this might require a more complex set of pleading and decision by you. However, because Kelly Simon is the sole heir of the estate of Jordan Simon, you may simply apportion a percentage of fault to each of them if, in your sole discretion, you determine that either or both is partly at fault.

You will express your determinations in the form of percentages on the Jury Verdict Form. The percentages allocated between the Plaintiff and the Defendants must total 100%. In assigning a degree of negligence to the Plaintiff and to the Defendants, you may not allocate any portion of negligence to anyone other than the parties to this action.

- **Factual Cause**

In order for the Plaintiff to recover in this case, the Defendant's negligent conduct must have been a factual cause in bringing about harm. Conduct is a factual cause of harm when the harm would not have occurred absent the conduct. To be a factual cause, the conduct must have been an actual, real factor in causing the harm, even if the result is unusual or unexpected. A factual cause cannot be an imaginary or fanciful factor having no connection or only an insignificant connection with the harm.

To be a factual cause, the Defendant's conduct need not be the only factual cause. The fact that some other causes concur with the negligence of the Defendant in producing an injury does not relieve the Defendant from liability as long as its own negligence is a factual cause of the injury.

- **Increased Risk of Harm** (*For Cases Involving Restatement (Second) of Torts § 323*)

A person who offers or undertakes to provide services needed for the safety of others or their property assumes a duty to carry out this promise or undertaking and is required to use reasonable care in performing it. When the person offering or undertaking to provide such services fails to use reasonable care in carrying out this offer or undertaking, and his or her negligence is a factual cause of injury to the plaintiff, that negligent person is responsible for the

injuries caused if his or her failure to use reasonable care increased the risk of injury to Jordan Simon or if Jordan Simon suffered injury because of reliance on Ruffed Grouse High School's offer or undertaking. If you find that Ruffed Grouse High School undertook to provide a service that it should have recognized was necessary for the protection of others or their property and failed to use reasonable care, and that this failure to use reasonable care increased the risk of injury to Jordan Simon, or that Jordan Simon suffered harm because of reliance on Ruffed Grouse High School's undertaking, you may find that Ruffed Grouse High School's negligence was a factual cause of those injuries.

If there was a significant chance of avoiding injury, and Ruffed Grouse High School's negligence destroyed that possibility, Ruffed Grouse High School may be liable to Jordan Simon. It is rarely possible to show with absolute certainty what would have happened under circumstances the wrongdoer did not allow to come to pass.

- **Duty of Care of a Minor**

Minors are under an obligation to exercise reasonable care; however, the reasonable care required of a minor is measured by that level of care which other minors of like age, experience, capacity and development would ordinarily exercise under similar circumstances. Minors over 14 years of age are presumed capable of negligence, the burden being placed on the minor to prove incapacity. This presumption persists whether the minor is a plaintiff or defendant. A "minor" is anyone under 18 years of age.

- **Actions of Agents**

An employer such as defendant is liable for the negligent acts or omissions of its employees if those acts or omissions are within the scope of their employment and proximately cause injury to another person.

- **Sympathy and Prejudice**

Please keep in mind that this dispute between the parties is, for them, a most serious matter. They and the court rely upon you to give full and conscientious consideration to the issues and the evidence before you. Neither sympathy nor prejudice may influence your deliberations. You should not be influenced by anything other than the law as I have stated it to you and the evidence in this case, together with your own judgment and evaluation of that evidence.

All parties stand equally before the court, and each is entitled to the same fair and impartial treatment in your hands. Please keep in mind that you are bound by the law, and your sole job in this case is to be judges of the facts. You are to use your common sense and collective experience to determine the facts in this case and to balance the competing interests in accordance with the law with which I have just instructed you.

<p>KELLY SIMON, As Administrator of the ESTATE of JORDAN SIMON,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>RUFFED GROUSE HIGH SCHOOL, LLC,</p> <p style="text-align: center;">Defendant.</p>	<p>: IN THE COURT OF COMMON PLEAS</p> <p>: LANCASTER COUNTY, PENNSYLVANIA</p> <p>:</p> <p>:</p> <p>: NO. CI - 13 - 5986</p> <p>:</p> <p>: CIVIL ACTION – LAW</p>
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JURY VERDICT FORM

To the jury:

To further clarify instructions given to you by the trial judge, you are being provided with the following verdict form. At the conclusion of your deliberations, one copy of this form should be signed by your foreperson and handed to the court clerk. This will constitute your verdict.

Remember that you are applying a preponderance of the evidence standard.

Question 1:

1a. Do you find that plaintiff the Estate of Jordan Simon has proven by a preponderance of the evidence that defendant Ruffed Grouse High School, LLC was negligent?

Yes _____ No _____

If you answer this question "Yes," continue to Question 1b. If you answer this question "No," please return to the courtroom.

1b. Do you find that plaintiff the Estate of Jordan Simon has proven by a preponderance of evidence that defendant Ruffed Grouse High School, LLC's negligence was a factual cause in bringing about Jordan Simon's death?

Yes _____ No _____

If you answer this question "Yes," continue to Question 2. If you answer this question "No," please return to the courtroom.

Question 2:

2a. Do you find that the defendant Ruffed Grouse High School LLC has proven by a preponderance of the evidence that the decedent Jordan Simon was negligent?

Yes _____ No _____

If you answer this question "Yes," continue to Question 2b. If you answered this Question "No," please continue to Question 3.

2b. Do you find that the defendant Ruffed Grouse High School LLC has proven by a preponderance of the evidence that decedent Jordan Simon's negligence was a factual cause in bringing about her own death?

Yes _____ No _____

Please continue to Question 3 regardless of your answer to 2a.

Question 3:

3a. Do you find that the defendant Ruffed Grouse High School LLC has proven by a preponderance of the evidence that Kelly Simon was negligent?

Yes _____ No _____

If you answer this question "Yes," continue to Question 3b. If you answered this Question "No," and you also answered either Question 2a or 2b "No," please return to the Courtroom.

3b. Do you find that the defendant Ruffed Grouse High School LLC has proven by a preponderance of the evidence that Kelly Simon's negligence was a factual cause in bringing about Jordan Simon's death?

Yes _____ No _____

If you answered "Yes" to this question OR to 2b, please continue to Question 4. If you answered "No" to 2a or 2b AND "No" to 3a or 3b, please return to the Courtroom.

Question 4:

Using the combined negligence that was the factual cause of Jordan Simon's death as one hundred percent (100%), what percentage of that negligence is attributable to Ruffed Grouse High School, what percentage is attributable to Jordan Simon, and what percentage is attributable to Kelly Simon? (The percentage must add up to 100%.)

Defendant – Ruffed Grouse HS _____%

Decedent - Jordan Simon _____% (Place 0 here if you answered "No" to 2a or 2b)

Plaintiff Kelly Simon _____% (Place 0 here if you answered "No" to 3a or 3b)

You have finished your deliberations. Please sign at the bottom of this form and return to the courtroom.

Jury Foreperson

List of Witnesses

The plaintiff and the defendant must call each of their respective witnesses. Both Simon and Hagar are permitted to sit at counsel table as representatives of the plaintiff and defendant, respectively.

For the Plaintiff, Estate of Jordan Simon:

- **Kelly Simon:** Parent of Decedent and Administrator of Estate
- **Morgan Pearce:** Former Teammate of Decedent
- **Lynn Roper:** Educational Administration Expert Witness

For the Defendant, Ruffed Grouse High School, LLC:

- **Terry Swift:** Coach of RGHS Track Team
- **Jamie Hagar:** RGHS Assistant Principal and Athletic Director
- **Aubrey Brady:** Educational Administration Expert Witness

PRONUNCIATION GUIDE

Anabolic	Ann-ah-bah-lick
Erythropoietin	I-rith-row-poi-ee-tin
Ruffed	Rough-ed
Wisawe	Wiss-a-wee

Statement of Kelly Simon

1 My name is Kelly Simon, and Jordan, my little angel, was my only child. My spouse, Keane,
2 died when Jordan was only two. When I think that I used to complain about how hard my life
3 was... I had no idea. Jordan was my last ray of hope, and now I'm barely functioning. The doubt
4 surrounds me, choking me. I always pushed Jordan hard, because I wanted her to get what I
5 never had. Maybe I pushed too hard. Maybe I cared too much. I know I trusted too much. Yes,
6 that's it: I trusted Ruffed Grouse High School, and, more than that, I trusted Terry Swift and that
7 idiot athletic director. Terry was not only Jordan's track coach, s/he was Jordan's mentor. With
8 me working so much, Terry was like the other parent Jordan never had. Jordan idolized Terry,
9 and in some ways, I did too. Terry was supposed to make Jordan a track star. Instead, s/he
10 helped Jordan turn into a steroid junky. Now my Jordan's dead, and Terry let that happen.

11
12 You know, I am only 34, but sometimes I feel like I'm 60. My parents divorced when I was five,
13 and I was raised by my grandparents. I was an okay student, but I was a great runner. I was so
14 fast back then. I won race after race and was in the local paper a lot. Sure, there wasn't much
15 news in our small town, but I was a pretty big deal. I was supposed to be Wisawe's first
16 Olympian. We didn't have any fancy coaches or expensive training techniques, so I did
17 everything I could. And yes, that meant steroids once or twice. But I didn't like the side effects.
18 Everyone was doing it, even Olympians like Ben Johnson, but it just wasn't for me.

19
20 When I was 17, I found out that Keane and I were pregnant. That changed everything. All of a
21 sudden my dreams of running on the world's stage were gone. But I was not about to let what
22 happened to me happen to my child. We were determined to stand by Jordan's side and raise
23 her on our own. We both worked hard to finish high school, working part-time teller jobs at the
24 grocery store and the pharmacy. After school, Keane got a job at ZenoPharma, manufacturing
25 some kind of gunk. S/he worked crazy hours, but s/he made supervisor within a year.

26
27 Then late one night, Keane had a seizure while driving and went off the road. Fortunately,
28 supervisors at the plant got a life insurance policy, so I was able to put over \$50,000 into a trust
29 fund for Jordan, set aside for college. Of course, with Keane gone, I had to work even harder
30 and lean on my grandparents for help too. When Jordan was in kindergarten, they died, leaving
31 me alone in their house in Wisawe. The only thing that kept me going was Jordan.

32
33 Jordan always had serious running talent: she was literally running before s/he could walk. I
34 thought she would be a sprinter, but she took after Keane, who was a middle distance district
35 champion. By the time she was 7 or 8, Jordan was outrunning adults in 5k races! When I saw
36 that, I became determined to make Jordan the best runner possible. Running was our escape.
37 We'd go out together on the weekends, or before school, or late into a summer night. Some
38 days we'd run ten miles, just for fun.

39
40 But it wasn't just a hobby or a fun parent-kid bonding thing. Running was serious business. I
41 pinched pennies so that every year, Jordan could attend a two-week long running camp in East
42 Stroudsburg that was run by a former Olympian Charlie Macalester. It was great for her to meet
43 other kids who were passionate about running. She savored real competition, but she stilled
44 creamed her opponents. She won at every long distance level from the 800 meter all the way
45 up to the 3200m, which was the longest race at the camp. When I heard Charlie call Jordan a
46 prodigy, I decided that that would be a great nickname for her when it came time to get some
47 endorsements. Sure, that was getting ahead of myself a bit, but it didn't stop me from making up
48 "Team Prodigy" signs and T-Shirts.

49

50 Charlie and I would always have a meeting at the end of the camp where we designed a training
51 routine for Jordan during the school year, to keep her on track for a Division I full athletic
52 scholarship. Charlie suggested that we start supplementing Jordan's diet to help her
53 development. I thought that that plan was a bit aggressive for someone Jordan's age, but
54 Charlie convinced me a little B12 could help her. I had to trust the expert, you know! We all
55 hoped that Jordan ended up at either Arizona St. or the University of Arizona. Keane's brother
56 and his kids live out there, and Jordan visited once and fell in love. Plus, those are top notch
57 programs that allow for year-round, outdoor training, so she could maximize her winters!
58

59 As Jordan entered 8th grade, Charlie introduced me to Terry Swift, the Coach of Ruffed Grouse
60 High School. Ruffed Grouse was one of those fancy pants private schools that was big into
61 athletics, and Terry was viewed as the best track coach in the state. S/He had won a half dozen
62 state titles, and at least one RG student has gotten a full ride to a Div. I school every year since
63 2003. There was no way we could afford the tuition, but after Terry saw Jordan compete, s/he
64 wanted Jordan bad. Jordan's grades were not real good, but I knew it was meant to be once the
65 Athletic Director told me that as long as Jordan was winning races, we didn't have to worry. The
66 best part was that the school was only on the other side of Wisawe! My dream was coming true.
67

68 I was amazed at the detailed plans Terry had for running and training. I told Terry about
69 Jordan's B-12, and s/he responded that that was a good start, but we could do more once s/he
70 got to high school. Terry seemed to understand sports medicine better than a doctor, so who
71 was I to disagree? Terry shook my hand, looked me in the eye, and said that s/he was "going to
72 stop at nothing to make sure that Jordan became a champion." I thought it was just enthusiasm,
73 but now I see it was a warning: to Terry, Jordan was just another resource to be consumed. I
74 wish I never met Terry. I wish that we lived too far away from Ruffed Grouse. I wish that Terry
75 had been hit by a car and died. I wish I had my Jordan instead of an empty room.
76

77 Jordan arrived at Ruffed Grouse with a ton of confidence and a super outgoing personality. I
78 remember how excited Jordan was when she got home from her first day at practice. She was
79 beaming – saying that she knew coach was going to make her a star. She handed me a bunch
80 of material I was supposed to read about high school track and the Inter-School something or
81 other, but we were so excited that I just signed where I had to sign and put the rest of the stuff in
82 a pile somewhere. Jordan made fast friends on the track team, including Morgan Pearce. The
83 two of them were inseparable, and no one but me knew Jordan better than Morgan.
84

85 Unfortunately, her enthusiasm didn't last. Jordan would often come home from practice
86 complaining that Terry was putting a lot of pressure on her to get better times, even though s/he
87 was already one of the best runners on the Varsity team as a freshman. Once, Jordan said that
88 Terry threatened to take away her scholarship if she didn't improve. I told her to get tough: I also
89 understood that Terry was looking beyond high school, to college and the Olympics. Instead of
90 whining to the coach, I upped our home training routine. Jordan's times improved. It all wore
91 Jordan out, and she let me know that Terry recommended some new supplements to help. I
92 cracked open the piggy bank and went to GNC that night.
93

94 Money was really tight, and supplements and registration at invitational tournaments cost a lot.
95 In January 2012, Jordan was a sophomore, but she was 16 and had just gotten her senior
96 driver's license. I encouraged her to get a job, and we bought her a used Chevy. That let me
97 take extra shifts and let her get a job. Everyone in town knew Jordan, and it was a cinch for her
98 to get a few hours a week working the desk at the local gym. I also had to lean on Jordan to get
99 things done around the house, like grocery shopping and laundry and making dinner. Between
100 that, work, school, and training, she was exhausted. But we needed every penny.

101
102 I guess it caught up with us. That spring, just over a year before she died, Jordan's grades
103 plummeted, and she was losing her edge in the long distance running events for the track team.
104 I knew the extra responsibility was the cause, and I felt guilty, but we had to make ends meet.
105 Still, I was worried that if Jordan couldn't keep her times and grades up, it could kill her chance
106 for a scholarship. Charlie and Terry shared my concerns. Terry told me that Jordan's distance
107 running times were worsening so fast she risked missing the State Tournament. Both of them
108 said that if Jordan couldn't focus on training, she would jeopardize her entire career and
109 Olympic dreams. We had to get her on track! Terry wanted to be in charge of her summer:
110 everything from exercise, to training to competitions and even diet. I knew that was the only
111 way, but I didn't want Jordan to think that I was pressuring her. So I asked Terry to speak to
112 Jordan in private and make sure this aggressive strategy was really something that she wanted.

113
114 A couple days later, Jordan asked me if she could participate in Terry's summer training
115 program. She was so excited! I hadn't seen that spark in her for quite some time. Jordan said
116 that Terry was not going to charge her a fee, but that she would need money for equipment,
117 supplements and vitamins. That's when I told her about the trust account and let her know how
118 to manage it. Jordan was mature beyond her age, and we agreed to discuss any decisions she
119 made about that money. I felt she could handle the responsibility. That money had been set
120 aside for college, but the best way to pay for college was a scholarship, and this was her path to
121 that goal. As the summer wore on, we rarely saw one another. She was too tired to run with me,
122 and when we were home together, she had really rough headaches and would sometimes be
123 dizzy or woozy. Most nights, she would eat before I got home and run off to bed before we could
124 really talk. She always said she was fine when I asked, though. Frankly, I just assumed that the
125 short responses and flustered temper was just the usual teenage drama.

126
127 One day in early August we heard a report that Leonia Hamline had been suspended for testing
128 positive for a banned substance called EPO. This was big news in Wisawe: Leonia was one of
129 Ruffed Grouse's most decorated long distance runners, and she was on a full scholarship at
130 UCLA! I also knew that Jordan had been hanging out and training with Leonia over the summer.
131 Leonia worked as a personal trainer at the gym, and I encouraged them to run together: I
132 thought maybe the success would be contagious. Jordan said that she was surprised that
133 Leonia was caught up in that stuff and that Terry was really disappointed because Leonia was
134 one of Terry's favorites. She had been in her/his summer training program, too. The Lancaster
135 County online paper ran a story about it. Of course Leonia mentioned Ruffed Grouse and Terry,
136 but she didn't directly blame them. Instead, she said something like the pressure to perform had
137 been on her for a long time and that EPO was easy to get, especially among gym rats. Then,
138 finally, she said that it was expensive and gave you headaches and could kill you. I thought it
139 was the right message for kids to hear.

140
141 I asked Jordan if s/he would ever consider using EPO, and s/he got really upset with me. Jordan
142 screamed, "what don't you trust me?!?!" and went out for a run to cool off. I didn't dare bring up
143 the topic again, because I didn't want to upset Jordan.

144
145 Still, I had to trust Ruffed Grouse. They were our ticket to stardom, and Jordan was a star again
146 as a junior, winning race after race from the 800 to the 3200. College scouts were swarming,
147 and Sports Illustrated even interviewed her! But the success had a cost: we barely spoke
148 anymore. If she wasn't talking about Terry or track, it was hard to get a word out of her. She was
149 anxious all of time, and she hated when I would ask questions. She even called me a spy!
150 That's when I called Morgan. S/he assured me that Jordan was doing really well at track, but I
151 could tell from her voice that not everything was OK. I eventually got Morgan to confess that she

152 and Jordan didn't really hang out too much anymore. Morgan also mentioned Jordan's
153 headaches and the fact that she was on edge. I confronted Jordan and said we should take her
154 to the doctor's for a check-up and some blood work. I was worried that s/he might have had a
155 tumor or something. But Jordan said that it was "part of the price of success," and said there
156 was no time to go. I meant to take time off work and force Jordan to go to the doctor's, but I was
157 so busy! Plus, Terry had a lot of medical knowledge and I thought s/he would let me know if
158 there was a reason to worry.

159
160 April 2013 was the big recruiting month for track because of the Franklin Relays. Jordan
161 destroyed the state record. I was so proud! Finally, she was realizing her potential! Because I
162 knew that the offers were going to start coming in that summer, I decided to check the trust fund
163 balance. It was down from over \$50,000 to only about \$25,000! I blew my top. First, I called the
164 bank and freaked out that money was fraudulently withdrawn. But the bank e-mailed me the
165 records showing Jordan did it. I couldn't believe my eyes. I went to Jordan's track practice and
166 started yelling at her in front of Terry and everyone. I showed her the bank records and
167 demanded an explanation. Jordan looked at both of us and said, "You both know where the
168 money is going. You might as well buy it for me. How am I getting so good? Not from doing
169 dishes. Not from doing laundry." Jordan looked right at Terry and said, "You know – you explain
170 it. It was all your idea anyway." Then she ran off, crying. I asked Terry what Jordan meant and
171 Terry simply said, "supplements are expensive – I had Jordan try some new B12 injections as
172 well as some other homeopathic remedies." I asked Terry if this was the same stuff she gave to
173 Leonia when she was on the team and Terry simply said, "I cannot discuss other students. That
174 would be a HIPAA violation." Terry then gave me an ultimatum: either continue to trust her/him
175 or find another high school for Jordan. I had no choice: I gave in.

176
177 Over the next few weeks, I only saw Jordan at night, when I checked to see if she was sleeping.
178 State Championships were set for May 24, 2013, and I took the afternoon off so I could see her
179 compete. Unfortunately, I never got to see her race again. That morning, Jordan's school called
180 to ask why Jordan wasn't there. Attendance was required to compete! I called home and
181 Jordan's cell, but there was no answer. I got the chills: you just know when something is wrong
182 with your child. I raced home faster than I ever driven had before. The house was silent, lifeless.
183 I rushed to Jordan's room and lying there in her bed, eyes closed forever, was my daughter. I
184 called 911 and said to the operator in a whimper, "my little prodigy is dead."

185
186 About a month ago, I found the strength to go through some of Jordan's stuff. In a shoebox in
187 the back of Jordan's closet I found a bunch of syringes and small bottles containing a clear
188 liquid. I'm sure it was that EPO stuff. I smashed it against the wall. Eventually, I gathered
189 everything up and threw it out. No one could prove Terry provided EPO to Jordan, even though I
190 know s/he did. But in the end, it doesn't matter whether Terry loaded that syringe or just saw
191 Jordan holding it. It was her/his job to save my baby. I trusted her/him.

Kelly Simon
Signature

December 6, 2013
DATE

Statement of Morgan Pearce

1 For as long as I can remember, I've been running. And not just on the track. No matter what it
2 was, I was definitely on the flight rather than fight side when it came to confrontation. It didn't
3 matter if it was my parents, my friends, my teachers and especially Coach Swift, it was easier
4 not to stand my ground. But what did that get me? A dead best friend, that's what! I'm not
5 running anymore. The code of silence has covered Coach Swift's tracks for too long. Coach
6 Swift cares only about one thing: that overfilled trophy case that stood outside of her/his office.

7
8 Since I transferred to Wisawe High for my senior year, it has become easier and easier to talk
9 about what happened to Jordan Simon. I guess I had a bit of a breakdown when Jordan died,
10 and I was involuntarily committed to a psychiatric hospital for 72 hours on suicide watch. I got
11 better quickly, but there was no way I could go back to Ruffed Grouse. I was ashamed of what
12 happened and terrified of Coach Swift. I am definitely planning on going to college next year, but
13 I'm never running track again. That is part of my past now.

14
15 I started running track in 8th grade. I was already set on going to Ruffed Grouse the following
16 year, and my P.E. teacher said Coach Swift was the best in the business. Although my parents
17 have plenty of money, getting a scholarship to college was important to me. I wanted to help
18 them out and to show some independence. I liked running long distance and also wanted to be
19 a marathon runner someday. I might still do that. It's on my 30 Before 30 list.

20
21 I met Jordan at our first track practice. There was an instant connection. Coach Swift welcomes
22 us all, talking about how Ruffed Grouse was not only the name of our school, but our mascot as
23 well. We were officially known as the "Partridges," but they are really the same bird. There is
24 something special about the grouse, Coach told us. In the wild, the ruffed grouse will bang its
25 wings against its body, faster and faster, creating a drum-like, hypnotic sound. Coach Swift said
26 that is what running in her/his program was going to do: make our heart and feet beat faster and
27 faster, as one, until we won every race. Jordan and I were giggling; it was all pretty cheesy.

28
29 Coach also went over the school's drug policy. S/He was pretty clear about it. If we were caught
30 with any drug or banned substance - stuff like, marijuana, cocaine, steroids, speed - we would
31 be kicked off the team, and the police would be called. Coach Swift also handed out this weird
32 form that was a promise we made to ourselves that we wouldn't use drugs. A lot of the older
33 kids just rolled their eyes, but I could tell Jordan was as straight-laced back then as I was. We
34 signed the forms and started practice right away. We were also given a packet of information for
35 our parents to review, and they had to complete the top half of the promise form too.

36
37 Jordan was amazing. Her technique was flawless, and the way she moved was effortless. From
38 the start, she was one of our best, and she was challenging Leonia Hamline's freshman
39 records. I couldn't believe she could compete in all of the distance events from the 800m all the
40 way up to the 3200m. I only ran the 1600m and the relay. And she really knew about technique:
41 she corrected *my* form the first day of practice! By the end of our first season, Jordan and I were
42 hanging out a lot on weekends and before and after school. You know, like at the mall or the
43 movies or something. Jordan didn't have a lot of money, but that was cool with me. I didn't
44 really like Ms./Mr. Simon, though. S/He was way over the top, so focused on Jordan's track stuff
45 s/he didn't care about anything else. S/He reminded me of one of those pageant parents you
46 see on reality TV. Jordan was the only kid I knew who had to exercise before she was *allowed*
47 to do homework. I couldn't tell whether Ms./Mr. Simon loved Jordan or just her potential.

48
49 Our first year on the team was pretty normal. Jordan made varsity, and I was J.V., except for a

50 few weeks when I was suspended for cheating on a history test and then lying about it to school
51 officials. Being second string was fine with me: Coach Swift rode Jordan pretty hard. Coach was
52 always making Jordan stay late and do extra workouts. Most of us on the team knew that
53 Jordan was a special talent. You don't get nicknamed "the Prodigy" without being pretty good. I
54 think Coach thought Jordan was going to make it to the Olympics. We all did, really.

55
56 Sometimes I would wait for Jordan to get done with her special training sessions with Coach
57 Swift. One time during the spring of our freshman year, I overheard Coach giving Jordan a list of
58 supplements she needed to buy and start taking over the summer to keep up her strength and
59 endurance. I don't think anyone else on the team was on quite such a heavy list; Coach Swift
60 just told me "B12 or whatever, and no cheeseburgers." I asked Jordan about it, and she told me
61 that she wanted to do anything possible to get to Arizona or Arizona St., somewhere warm and
62 far from Mr./Mrs. Simon. I tried to keep up with Jordan's training schedule that summer, but
63 there was no way. Frankly, there is only so much training and track talk before boredom sets in.
64 But Jordan was, like, never bored. So instead we would chat on the phone and send texts.

65
66 By that fall, 2011, Jordan was faster than ever, and a bit bigger too. There was the same stupid
67 bird story, and the same lecture from Coach about drugs, and the same dumb paperwork. I
68 don't remember seeing any posters about steroids or anything like that being hung up in the
69 athletics department, and I definitely didn't get a pamphlet from Coach about it. Really, we never
70 discussed drugs at all while at practice or events. It just seemed like Coach Swift said what s/he
71 had to on the subject and let it go. Coach did talk a lot about diet, though. Also, like I said
72 before, there were a few runners who Coach Swift would talk to about supplements. One thing
73 was different our sophomore year, though: Coach Swift said other teams were trying to steal our
74 secrets. So we took an Honor Pledge that we were not to discuss anything concerning the team
75 with anyone not on the team. It was kinda weird, and I think it might have even included our
76 parents. I don't really remember the specifics. We all knew that Coach was playing favorites, but
77 that was fine with us. Frankly, being Coach's favorite seemed pretty awful.

78
79 Jordan had a legendary fall season, and the local paper loved running articles about her. But
80 while I was able to maintain my grades, Jordan was quickly losing interest in class. I offered to
81 help her study, but Jordan was spending more and more time with Coach and her/his special
82 runners. Then Jordan cut back on everything that winter to take a part-time job to help her
83 mom/dad out. Jordan did get a junky car out of the deal, but she had a whole bunch of chores
84 too, stupid stuff like going to the grocery store. Her times got worse and worse. There was even
85 one race near the end of April where Jordan ran a full 15 seconds off of her average time in the
86 3200. That had never even come close to happening before. Jordan was obviously upset about
87 it, but no one was angrier than Coach.

88
89 I decided to wait after practice for Jordan to console her. But when Jordan did not come out of
90 the building, I went back into the locker room to find her. It was not hard to hear what happened
91 next: Coach was yelling so loud that some of the trophies in the case outside of her/his office
92 were rattling. S/he screamed, "Forget about college. If you don't straighten up, I am going to
93 yank your Grouse scholarship! Go call Leonia about what it takes to be a champion!" Then
94 Coach got really quiet and calm. I had to lean in to hear her/him tell Jordan that s/he cared
95 deeply about her future. Coach was almost whispering, but I'm pretty sure I heard her/him say,
96 "This summer, you will train how I want you to train and take what I tell you to take. It is a small
97 risk for the year that could get you a scholarship or even to the Olympics." Jordan just sat there,
98 nodding approval, as if she was hypnotized. Then she left, and our eyes locked. Coach didn't
99 see me though, which was good. Jordan and I met up outside, but the only thing she said to me
100 was, "You didn't see anything. You didn't hear anything. Remember the Honor Pledge!"

101
102 That summer I got a job working as a lifeguard. Running was becoming less of a priority for me,
103 and that meant that Jordan and I barely spoke, although she said that her mom/dad was giving
104 her more time to train. She was enrolled in Coach Swift's special summer camp and still working
105 at the gym. I did see her/him a couple of times at the mall with Leonia, who was back from
106 college, serving as an assistant to Coach Swift at the camp. I guess I was a little bit jealous, but
107 I know that as you get older sometimes your interests and friends change. Well, they do if you're
108 normal. Jordan's was a one track mind. The entire community was pretty shocked when Leonia
109 got busted for using EPO, but I wasn't surprised when she told the paper that it went back a
110 long way. I decided it was better not to confront Jordan about it, but I worried, and I printed out
111 and kept a copy of that article.

112
113 When school started up again in the Fall 2012, Jordan was looking very fit. I guessed the
114 training really paid off. But on the day of our first practice, she got a really bad migraine and had
115 to go home early. At practice, Coach went through the normal beginning of the year stuff. We all
116 signed the forms and heard about the bird. It was kinda comforting by this point. Weird, right?
117 When Jordan returned for the next practice, we had a bit of a reunion and promised each other
118 to stay in better touch. I joked with Jordan that she missed the best part of the year – getting the
119 drug speech. In truth, I was fishing for information. Her response was a bit odd. Jordan said,
120 "one year is a small price to pay." I couldn't tell if she was joking or not. I asked Jordan point
121 blank if she was taking EPO, and she told me to stop being ridiculous. Jordan looked at me and
122 said, "I would never do that, my body is a temple" and then winked. Strange!

123
124 One thing that was for sure was that Jordan was faster than ever. She was destroying everyone
125 in every event. During our first practice, she posted times that would have put her in the top ten
126 at the state finals. And she wasn't running that hard! I tried to hang out with Jordan after practice
127 like we used to, but almost every day Jordan would say that she was tired or that she had a
128 headache and needed to go rest. She must have been getting migraines all the time, because
129 she was taking aspirin and ibuprofen a lot. I also noticed that Jordan was really anxious. During
130 one practice, I tapped her shoulder, and she nearly jumped out of her skin.

131
132 I guess I started to get really worried about Jordan in October, 2012. We had just moved to the
133 indoor track facility and we were warming up when Jordan collapsed. Coach Swift ran over to
134 Jordan immediately and got us all to stand back. Jordan was back only a few seconds later, but
135 she was obviously shaken. Coach had me take Jordan to the bleachers and sit with her. I
136 thought it was odd that Coach didn't call for emergency assistance, or have me take Jordan
137 down to the school nurse, but Coach always told us that s/he was trained in athletic medicine.
138 About a half-hour later, Coach came over to us and checked to see if Jordan was better and
139 even made light of the situation saying, "Hey, how's the prodigy doing? You gave us all a bit of a
140 scare." Then s/he asked if Jordan had taken her supplements that day. Jordan said that she
141 was feeling better. Coach told me to drive Jordan home.

142
143 We decided to take Jordan's car. When I opened the trunk to throw her gym stuff in there, I was
144 shocked to see a small, open knapsack that had a few syringes sticking out of it. I asked Jordan
145 what the heck was going on. Jordan leveled with me for the first time in months. She told me
146 that Coach Swift had her using B12 vitamins to help with training recovery and that Jordan had
147 figured out from reading the internet that injecting the stuff was better than taking pills. Jordan
148 begged me to not tell her mom/dad about it or the fainting episode. Jordan's dad/mom had died
149 from a seizure and she didn't want to upset her/him. I told Jordan that all of this seemed totally
150 bogus and that I was concerned about her health. Jordan promised me that she was really OK
151 and once again reminded me about the Honor Pledge. I wish I'd been stronger, but as I said, I

152 hated confrontation. I promised not to say anything to Ms./Mr. Simon. Even when s/he called a
153 few months later, I told Ms./Mr. Simon that I didn't notice anything strange, and that Jordan was
154 so busy with track and training that we didn't hang out all that much anymore.

155
156 Unfortunately, Jordan's health didn't get any better. She didn't pass out again, but it seemed like
157 she was downing ibuprofen and exedrin two or three times a week. And she was really distant,
158 moodier than ever. I finally managed to pluck up the courage to say something to Coach Swift. I
159 was pretty convinced that Jordan was doing far more than just B12 and bet that Leonia Hamline
160 had Jordan hooked on EPO or some other steroid. I knew Coach was pushing Jordan pretty
161 hard on the supplements, and I bet the pressure was too much for Jordan and she just crossed
162 the line. I figured that since Jordan idolized Coach, if anyone could get through to Jordan, it was
163 her/him. In my mind, it was more of an intervention than a confrontation.

164
165 I guess I got up the courage sometime in the middle of March. Definitely late winter season.
166 Coach was actually pretty calm and asked me a series of questions, like had I seen Jordan use
167 steroids; if I had seen the steroids; if I had asked Jordan about it. I told Coach about the B12
168 shots I found in Jordan's car and s/he responded that "B12 is not a steroid, so my hands are
169 tied." I kept pushing, and Coach got angry. S/he jabbed her/his finger in my face and said
170 sternly, "Well, it sounds like you don't have any real proof. And just look at Jordan's times - this
171 kid's going to the Olympics! Do you know what even a rumor can do to an athlete like that? You
172 could be ruining her career with a totally baseless accusation!" That's when I knew that Coach
173 didn't really care about Jordan's health. S/he just wanted results. To me, that was just as bad
174 as giving Jordan steroids her/himself.

175
176 I know now that I should have done something more. I should have gone to the principal, or the
177 police or something. I should have done something. I just felt that no one would believe me and
178 everyone would support Jordan and Coach Swift. And I just didn't have the strength for that.
179 Instead, I just went about my business. I focused on school and college and, well, dating.
180 Jordan continued to run and run. She even managed to destroy the state record in the 3200M
181 during Franklin Relays in April. She dropped more than twenty seconds off her personal best!
182 While everyone applauded, I quietly shed a tear knowing that it was EPO that was doing it.

183
184 On May 24, 2013, I went to school like any other day. I didn't see Jordan, but I assumed that we
185 would see each other at the meet that afternoon. We hadn't spoken in, like, weeks, maybe even
186 months. Toward the end of the day, I got paged to the front office over the intercom in my
187 classroom. A school counselor came over, put his arm around me, and took me to his office.
188 And then he told me about Jordan. I was too shocked even to cry.

189
190 A little while later my mom came to pick me up. When I left the office, I saw Coach in the front
191 office, alone and crying. I remember turning and saying, "I hope you're happy. You killed my
192 best friend." That night, my mom saw me staring at the kitchen knife, and she just *knew* what I
193 was thinking. I was in the hospital by midnight. I'm lucky I had someone there for me.

Morgan Pearce
Signature

December 5, 2013
DATE

Statement of Lynn Roper

1 My name is Lynn Roper, and I am the chairperson of the Alabama High School Athletic
2 Association. I obtained my Bachelor of Science degree in physical education and health in 1989
3 from the University of Georgia. From 1989 to 1992, I served as a graduate assistant with the
4 University of Georgia basketball team while I earned a Master's Degree in Nutrition. After that, I
5 taught elementary school physical education and health in Atlanta, Georgia for three years.
6

7 In 1994, my nephew Scott died of a heart attack. It was devastating to the whole family,
8 because he was only sixteen. I was his biggest fan, and I pushed him all the time to get
9 stronger, faster and better. I even helped him plan his diet. He was bigger than anyone on his
10 football team in no time at all, and he quickly became the star linebacker. Nothing could have
11 prepared me for what happened: Scott had collapsed at football practice and died. My disbelief
12 turned to anger when we learned later that Scott had been taking steroids and no one had done
13 a thing about it. In fact, the rumor was that the coach was the one who was selling them! The
14 more I looked into it, the more I realized how little attention was paid by schools to the threat of
15 performance-enhancing drugs ("PEDs"). I decided that I needed to learn more about PEDs, and
16 I vowed to do whatever I could to hold accountable those who are responsible for encouraging
17 PED abuse. Letting history repeat itself is the shame of civilization.
18

19 Five years later, I graduated from Florida State University with a Ph.D. in educational
20 administration. While in school, I drew on my background in nutrition and physical education,
21 and my studies focused on the role of school officials in PED culture. My doctoral dissertation
22 was entitled "Juice Isn't Just For Breakfast Anymore: The Use Of Anabolic Steroids By Amateur
23 Athletes." It focused on the use of stanozolol, which was the steroid found in Scott's system.
24

25 In 1999, immediately after obtaining my Ph.D., I took a position as a researcher at the Human
26 Performance Laboratory in the College of Education at the University of Texas at Austin, where
27 I expanded my research to other PEDs. Then, in 2000, my research attracted the attention of
28 the United States Anti-Doping Agency ("USADA"), and I took a two year fellowship with them
29 focusing on abuse of erythropoietin ("EPO") stimulants. Since 2002, I have been with the
30 AHSAA, first as a medical consultant and then, since 2010, as its Chairperson. Since 2004, I
31 also have served as board member and part-time medical consultant for the Midwest Institute
32 for Exercise Physiology. The Institute is a private, for-profit organization that studies all aspects
33 of exercise physiology. I have focused the Institute's studies on the use of PEDs by amateur
34 and professional athletes, both because of my deep personal interest in the subject and
35 because it's so good for the bottom line. PED abuse is *the* hot issue in our field. As such, the
36 Institute's published studies have become very profitable, and I have been listed as the second
37 or third author on several of them.
38

39 All of my positions are part-time. That allows me to continue consulting on the side. Since 2000,
40 I have accepted 8 or 9 consulting engagements, two of which have led me to testify in court. My
41 standard fee is \$500 per hour, and I'm charging that here. I estimate that my total fee will be
42 between \$10,000 and \$15,000. I typically donate half of that to the Scott Johnson Foundation,
43 which educates young athletes about the dangers of PED abuse and lobbies for stronger laws
44 to hold those who encourage use of PEDs responsible for their crimes. I'm a member of the SJF
45 board, pro bono. I also consult on school and athletic administration and policy, and I have
46 served as a paid consultant (at a far lower rate) for a dozen public and private high schools.
47

48 There are a lot of misconceptions about "steroids." The term "steroid" just refers to certain
49 hormones naturally produced by the human body. Naturally produced steroids affect virtually

50 every aspect of life, and synthetic steroids like cortisone and prednisone are routinely
51 prescribed to suppress inflammation in arthritis and asthma. But most people who talk about
52 “steroids” are actually thinking of a sub-group called anabolic steroids, which are chemicals
53 chemically related to testosterone. Medically, anabolic steroids are mostly used to treat rare
54 growth disorders. Unfortunately, their overall use is far greater. That’s because anabolic steroids
55 are commonly used by athletes illegally. It’s a common misconception that they actually “bulk
56 up” athletes; they don’t. But by allowing athletes to recover from a hard workout more quickly,
57 they allow more frequent weightlifting sessions, which leads to rapid muscle gain.

58
59 Anabolic steroids have serious side effects. Males may develop prominent breasts, baldness, a
60 higher voice, shrunken genitals and infertility. Females may develop a deeper voice, enlarged
61 genitals, increased body hair, baldness and increased appetite. Both can experience severe
62 acne, liver problems, and dangerous changes to their cholesterol. And that’s just the physical
63 changes; anabolic steroids also deeply twist a person’s emotional and psychological state,
64 leading to aggressive behavior (“roid rage”), depression, distractibility, irritability, extreme mood
65 swings, paranoid jealousy, and impaired judgment. They’re a plague on all athletes, but
66 especially teen athletes, who have enough trouble controlling their moods as it is! Tragically,
67 anabolic steroid use has led to numerous documented examples of violence and suicide.

68
69 But at least anabolic steroids are somewhat easier to detect because of their pronounced
70 effects. The greater challenge may be posed by other, less obvious PEDs. The one that
71 concerns us here is EPO. EPO is a naturally occurring chemical produced in the kidneys. Its job
72 is to stimulate bone marrow to produce red blood cells. Red blood cells are the part of the blood
73 that carry oxygen, so natural EPO aids in human respiration. However, if the kidneys or bone
74 marrow shut down, so does EPO production. That’s why synthetic EPO can be valuable for
75 patients with renal disease, cancer, and anemia. EPO may also be given prior to surgery for
76 patients who cannot receive a blood transfusion in order to counteract their expected blood loss.

77
78 The problem is not these medical users; it’s all the people who don’t need it but who take it
79 anyway. Think about it: EPO lets your blood carry more oxygen. That means that it can give you
80 better endurance. So it’s no surprise that in the early 1990s, endurance athletes, such as long-
81 distance runners, speed skaters and cross-country skiers, began to take synthetic EPO as a
82 part of so-called “blood doping.” The most famous EPO abusers, by far, are the professional
83 bicyclists. EPO use in professional cycling is thought to have been very wide-spread in the
84 1990s and early 2000s, and famous cyclists like Lance Armstrong, Tyler Hamilton and Floyd
85 Landis have been found by doping officials to have used EPO, among other drugs.

86
87 EPO is especially attractive because its abuse is difficult to detect: our available tests cannot
88 distinguish between naturally produced EPO and synthetic EPO. People have different EPO
89 levels, and even individuals with many times the human normal may not be doping at all. Tests
90 have to be carefully administered and interpreted to prevent bringing false accusations against
91 people with naturally high EPO levels.

92
93 So what’s wrong with being able to carry more oxygen in the blood? Nothing, in and of itself.
94 But remember how that result was achieved: more red blood cells. Think about a perfect bowl of
95 oatmeal. Then add another cup of oats. What happens? It gets thicker, more viscous, harder to
96 move your spoon through. Well, the same thing happens to blood if you add more red blood
97 cells. The thicker blood has trouble passing through the thinner blood vessels like capillaries,
98 which is a critical path for blood to reach the body’s tissues. This can lead to headaches, even
99 migraines, and fainting. More significantly, when an athlete who uses EPO sleeps, the athlete’s
100 heart beats very slowly, and the thickened blood increases the risk of heart attack and stroke.

101 Another side effect is that a person abusing EPO becomes sick more often, because the EPO
102 lowers the white blood cell count. Some reports also say that EPO causes anxiety, but that's
103 less common, and it isn't a Food and Drug Administration, World Anti-Doping Agency ("WADA")
104 or USADA recognized side effect like the others. It may be that people are just nervous because
105 they're hiding their behavior. But still, that's a warning sign!

106
107 It is difficult to know precisely how many student athletes are abusing PEDs, because most of
108 the studies rely on surveys of the student athletes themselves. It is clear, however, that it's
109 terrifyingly prevalent, even at young ages. Some surveys show that as high as 2.5% of eighth
110 graders had used steroids, a number that goes as high as 3.5% among high school students.
111 And those are the self-report numbers; the real usage is certainly higher than that.

112
113 I am very familiar with the World Anti-Doping Agency ("WADA") and USADA guidelines. I even
114 helped develop the latter during my fellowship years ago. Those lists are the gold standard in
115 competitive sports. Accordingly, I stay familiar with and can testify regarding the substances on
116 both lists. EPO is on both lists of prohibited substances, for all of the foregoing reasons.

117
118 But all the lists in the world are no good unless you are able to detect use of PEDs. That's been
119 my focus for the last decade or more. We simply must get schools and school districts to care
120 more about what their athletes are taking. Right now, they see the benefit of cheating (in terms
121 of publicity and alumni support), but they don't bear the horrible human costs. Holding them
122 responsible for their failures is critical. Is mandatory testing of athletes an invasion of privacy?
123 Sure. But when Scott died, I realized that our kids are worth that price.

124
125 I support testing of every athlete. That's what we should be doing. Unfortunately, I don't know of
126 any states that seem to agree. The second best option is random testing of high school athletes,
127 and I can't think of a reason that random statewide testing should not be required. That happens
128 to some degree in New Jersey, Florida and Illinois, but I don't know of any state that has a truly
129 robust program. And even the places that test do so principally for illegal drugs. About 14% of
130 school districts nationwide do that. Few, if any, randomly test for PEDs, although it has been
131 highly effective where it is tried.

132
133 The third best option is that individual school districts and schools should institute mandatory
134 random testing programs, even if their states don't. And several have! It's less common in
135 Pennsylvania, because Pennsylvania law makes it harder to test than it is in many other states.
136 But schools that really care have been able to set up programs that meet the requirements of
137 the state Supreme Court. Still, most don't, primarily because of the cost. The initial test is only
138 \$80 per student athlete, but it costs significantly more to conduct a second round of tests to
139 confirm a positive initial test, and the \$80 tests don't necessarily detect every form of PED. I
140 also think that some school districts are afraid that if they're the only ones testing, other districts'
141 kids will keep using and will beat them at sports. How crazy is that?! They care more about
142 local pride than kids' lives.

143
144 Still, I've heard the argument often enough to understand it, and legislatures are definitely
145 under-funding public schools. But for private schools, there's just no excuse. The students'
146 families are already paying thousands of dollars, some of these schools have hundreds of
147 dollars in activities fees, and schools like Ruffed Grouse have a voluntary parent incentive
148 programs paying out thousands! You can donate \$1000 to bribe the football coach to win an
149 extra game, but not \$80 to keep the kids playing alive? What a twisted, evil world view these
150 people have! I honestly think some of these parents would happily take the risk if it meant a
151 better chance at a college scholarship.

152
153 So mandatory testing is the best solution, even if even mandatory testing programs are not
154 100% effective. But it's not the only reasonable step that can be taken. Especially where there is
155 less testing, it is important that athletic directors, coaches and trainers be vigilant in watching
156 their student athletes for signs of steroid abuse and counseling their student athletes against
157 using steroids, especially where signs of steroid abuse are present.
158

159 There are easy ways to get there. All high school athletic directors and coaches should attend a
160 six-hour course every two to three years regarding steroid abuse taught by a certified instructor.
161 The warning signs are well-known, and the Midwest Institute and other, lesser organizations
162 offer great classes for coaches and trainers in identifying the warning signs. In addition, they
163 should attend an annual refresher course of at least two hours to stay abreast of the constant
164 changes that occur with respect to steroid abuse by athletes. We're moving the science forward,
165 and they need to be able to get the latest and greatest information. Most schools do far less,
166 unfortunately, and no state law requires what I'm suggesting.
167

168 Perhaps the most important thing is that coaches and trainers must operate in a "culture of
169 compliance," where the dangers of steroids are discussed with teams every year, very seriously,
170 and where any jokes or stray conversations about steroids lead to immediate discussions or
171 discipline. High school athletes are vulnerable and under a lot of pressure. This is especially
172 true of athletes with the potential to compete at the next level. An athlete looking for a college
173 scholarship, or under parental pressure to succeed, may do very foolish things if s/he thinks that
174 it will help, or especially if s/he thinks that others with whom or against whom s/he is competing
175 are doing them too. That's why coaches need to be careful not to say or do anything that their
176 student athletes could construe as encouraging the use of PEDs and not to allow any
177 suggestion that PEDs are a common way of getting ahead.
178

179 It's also important that coaches and trainers feel free to use anonymous reporting mechanisms
180 like hotlines and that hotline calls lead to immediate testing and intervention. If hotlines aren't
181 anonymous, coaches will fear retribution if they report their athletes, and assistant coaches
182 might fear retaliation from the head coach. The average hotline call lasts at least seven or eight
183 minutes. I know that Coach Swift did make a call to the ISPAC hotline in April 2013, but that call
184 only lasted about five minutes, and nothing appears to have come from it. Makes me wonder if
185 s/he asked for help at all! And just because you make a call, that doesn't end your responsibility
186 to act to protect a student.
187

188 Finally, schools need to make parents a critical part of the anti-PED team. Parents are in the
189 best position to observe the students, and they know the students' moods and health history
190 better than coaches. But parents don't usually think about these things, and it's not enough to
191 just send home a glossy brochure and hope. There should be training sessions with parents and
192 mandatory meetings about health concerns and PED use every year. Parents want to help; they
193 just don't know how.
194

195 I like to think about compliance and PED monitoring as a report card, and Ruffed Grouse has
196 terrible grades. Paperwork compliance? An "F", obviously: we don't even know if Jordan and
197 Kelly Simon read the information that they were given. Compliance culture? Another "F": sure
198 there was one speech a year, but after that, the Coach did everything but tell kids they had to
199 take PEDs or they'd be beaten by someone who was using. Plus, there were PEDs found in the
200 locker room! That tells you how little anyone cared. And if what Morgan says is true about this
201 whole "Honor Pledge" of silence, that's borderline criminal.
202

203 Parent involvement? A “D”: Ruffed Grouse basically sent some papers home, and that was it.
204 And if parents were actively kept in the dark about what was happening by the Honor Pledge,
205 the District Attorney should be involved. Drug testing? That’s a “C-“, low average, but only
206 because the rest of the country is as pathetic as Ruffed Grouse. They get the minus because
207 they could afford to be a leader and chose to be a skulking example of failure instead.
208

209 Institutional control? Another “C,” again because the average is so poor, not because Ruffed
210 Grouse did anything right. Just another school worshipping its trophy-winning coach. And then
211 there’s the old “smell test” – when you see something amazing, does it smell right to you?
212 Another “D”, Jordan shattered the state record about a month before she died, and it was her
213 personal best by a longshot. Cutting thirty or more seconds in a year is not unheard of, but it’s
214 very rare. Instead of being suspicious, Ruffed Grouse celebrated. I’m not say you have to shut
215 her down, but you have to at least make sure she’s clean. Overall, Ruffed Grouse is like a “D”
216 student, moving on only because it’s harder to tell the truth and fail them than to let them slide
217 by. The report card isn’t a scientifically precise approximation, of course; it’s just one expert’s
218 view. But I’ll dare anyone to find a way to pass this school.
219

220 From what I have seen, Ruffed Grouse and Coach Swift did basically everything they could to
221 kill Jordan Simon or someone like her: they recruited athletes heavily, aggressively promoted
222 winning at all cost, paid coaches based on wins, spoke positively about PEDs and suggested
223 they were common, barely advised parents about PEDs, and did no testing of any kind. And yet
224 they have the gall to suggest that they should not have to pay for what they did! That’s why the
225 Scott Johnson Foundation and Midwest Center both support a strict liability for coaches and
226 schools. Claiming that the kid was responsible – blaming the victim! – is just too easy. If proving
227 negligence is too hard, we need to remove that legal barrier. We need to hold their feet to the
228 fire and if a few innocent coaches or schools get burned, so be it.
229

230 All opinions I give herein are offered to a reasonable degree of certainty. I have reviewed all of
231 the affidavits and all of the exhibits in this case. These are the type of documents that I typically
232 review in my consulting engagements, with the exception of that sign. That’s just weird.
233

234 If Ruffed Grouse had a testing program, then either Jordan’s steroid abuse could have been
235 discovered or the program may have deterred Jordan from using steroids. Even without testing,
236 though, it should have been obvious to Terry Swift, Jamie Hagar and others that Jordan was
237 abusing EPO or other PEDs. But even in the face of this evidence, Coach Swift continued to
238 push Jordan to improve her times. Terry Swift and Ruffed Grouse killed that poor girl. Just like
239 Scott.

Lynn Roper
Signature

12.11.2013
DATE

Statement of Terry Swift

1 My name is Terry Swift, and I am on administrative leave from my position as a physical
2 education teacher and track coach at Ruffed Grouse High School in Wisawa, Pennsylvania. I
3 attended the University in Florida on a track scholarship, and I graduated in 1982 with a
4 Bachelor's degree in physical education. I got my Master's in physical education from the
5 University of Iowa in 1985. I have been teaching PhysEd and coaching track at Ruffed Grouse
6 since 1987. I coach both the girls and the boys teams, both in practice and at meets.
7

8 I am a competitor. As Bear Bryant used to say, "If you believe in yourself and have dedication
9 and pride – and never quit – you'll be a winner. The price of victory is high, but so are the
10 rewards." That is my motto. Every student who runs for me must live and breathe it. They must
11 do whatever it takes to win – practice hard, eat right, study how the body works, and prepare -
12 for every single competition. Those who cannot cut it get cut. You show up unprepared to win –
13 whether it's the first day of practice or the last – and you're gone. Only the best win, and only
14 winners run for me.
15

16 That's why I like Ruffed Grouse. At RGHS, the faculty is expected to always be their best, so
17 they can demand the best from the students. That's true 24/7/365: we are active in the school
18 and local communities and serve as role models for students. That's why I served as the chair
19 of the scholarship committee. Ruffed Grouse is an expensive school, \$30,000 per year for
20 tuition alone. Many kids can't pay that much for school. We assess what students need or
21 deserve all academic or need-based scholarships, and we raise the money to fund them.
22

23 I went to the national championships four times in college and I won the 200m outright in 1981. I
24 understand the rigors of being a student athlete. But I had the will to win and, I woke up every
25 day ready to do whatever it took. I practiced around the clock, I took various vitamins and
26 supplements to ensure that I was always at my peak physical condition, and I scouted the
27 competition to know their weaknesses. I never took drugs, but I know that some of my
28 classmates used diet pills and others used illegal prescription drugs to get a competitive edge.
29 Some of them would not have even made the team without them. But I did it by working hard,
30 and that's what I preach to my students. After college I tried to make the Olympic team, and I
31 came sixth at the U.S. Trials. Many of the runners ahead of me were using steroids, and I just
32 couldn't keep up. It's even worse now; performance enhancing drugs are all over amateur,
33 professional and Olympic athletics, and people think they need PEDs to get ahead. It is a
34 slippery slope. That's why you can never that first step: I look myself in the mirror every day and
35 know that every inch I ran, I earned.
36

37 I think that after more than thirty-five years in the field, I know what there is to know about track.
38 I have no formal training as a medical professional, but I have learned about the body and how
39 to train and tone it within the rules. I know nutrition, and I know how to improve performance and
40 reduce injury. At one point in my career, my athletes actually nicknamed me "Doc," but I put a
41 stop to that because I didn't want the kids and their parents to get the wrong impression.
42

43 If you want to know my secret formula, that's it: brains and hard work. Ruffed Grouse has six
44 state titles in the last fifteen years, and we've finished top three in District 3 more than twenty
45 times in the last dozen, counting both girls and boys. You want to know why we're accused of
46 cheating so much? Because they're jealous. They want what I have, but they're not willing to do
47 what I have to get it. Let the babies cry, or slander me, or try to cheat themselves. Even then,
48 you won't beat me. I am one of the best!
49

50 I was first introduced to Jordan Simon by Charlie Macalester, a colleague of mine at East
51 Stroudsburg University. Jordan was crushing the middle school rankings, and Charlie knew that
52 we had to meet. I had her run one lap, and I knew she would be wearing gold one day. That
53 she was local and interested in Ruffed Grouse sealed it for me. And money was no object: the
54 scholarship committee awarded Jordan a need-based scholarship on my recommendation,
55 without hesitation. As long as she kept her grades decent, she was ours.

56
57 Teachers don't make a lot of cash, but we do better than most at Ruffed Grouse. Seniority
58 helps, but I also have the Partridge Club. Parents chip in cash to help show their pride in Ruffed
59 Grouse, and bonuses are paid by the Club's board to teachers and coaches who give them
60 reason for that pride. Our track team is an immense source of pride and attention for the school.
61 The parents like that I get good college recruiters to come look at their kids, and they love
62 seeing their kids in the paper. So I get rewarded for a job well done. Three years ago, I made
63 \$14,000 off the Parent Pool, on top of my salary. Two years ago, I made \$22,000. It's a nice
64 incentive to succeed, and it really shows appreciation.

65
66 Although my students are taught to compete by practice and preparation, I am honest about the
67 world we live in. I would be irresponsible not to tell the kids about the realities of sport. My
68 students watch ESPN. They already know that many athletes cheat by using steroids and EPO,
69 so why lie? I tell them the truth: people use PEDs. Some of your opponents use PEDs. Some
70 champions use PEDs. But then I tell them my story, and that shows them that what makes a
71 true champion is the will to compete and dedication to prepare – not drugs.

72
73 Jordan wanted to run in college and maybe try out for the Olympics. But dreams have a price,
74 and for years, she wasn't paying it. She arrived at Ruffed Grouse with all of the passion and
75 enthusiasm of a high school freshman. But working in a competitive school like Ruffed Grouse, I
76 see it all too much: the pressures of "real life" start to kick in. They all face a crossroad between
77 the solitary dedication needed to win and the other things students do. By the time she was a
78 sophomore, things weren't going well at all. Her times were good, but they had flattened. I knew
79 that Jordan had a lot of responsibilities at home, but school and track were taking a backseat. It
80 was dragging on her. She was moody, combative and tired. I knew that money was tight at
81 home, and I knew that Jordan was forced to get a job and do more chores.

82
83 To get a Division I scholarship, she had to keep improving. Good was not good enough. She
84 had to know that her scholarship was on the line – if school and the track team weren't a priority
85 for her anymore, Ruffed Grouse would send her packing. She had to want to win it all, or she
86 was going to lose it all. She was devastated, of course, but I had to prepare her in case
87 something happened. I owed her that.

88
89 That season, I also tried something new, the Honor Pledge. High school students gossip about
90 one another. That often causes problems between students, breaking the unity of a team. The
91 Honor Pledge was intended to get them on the same page, acting as a unit, together against the
92 world. What happened on our team, stayed on our team.

93
94 During the spring of her sophomore year, Kelly Simon, Charlie Macalester, and I met to discuss
95 Jordan's running. Kelly was horrified to hear about Jordan risking her scholarship, and she was
96 dedicated to making Jordan a star. I offered to take Jordan under my wing during the summer
97 and give her extra training, totally optional, totally free. I knew that Jordan needed the extra rigor
98 during the summer to focus. If you want to be a champion, practice like one. I am a champion.

99

100 As I said, Kelly was eager for me to take over, insisting that this is how it had to be. I tried to
101 temper her/his expectations, but s/he truly believed that Jordan was destined for greatness. It
102 almost made me feel bad for Jordan, but at the same time, I knew that Kelly's intensity could
103 drive Jordan to new heights. And when I told her, Jordan seemed so excited about training in
104 my summer program that I knew that Jordan could really put Ruffed Grouse over the top in the
105 upcoming season if she did what I said.

106
107 The summer program I put Jordan on was intense. It required a LOT of time in the gym, on the
108 track and studying – yes studying. I had her studying the body, ways to train better, even
109 vitamins and supplements that could improve her recovery time. Knowing the body can be as
110 important as training for races themselves. Jordan really seemed to get what I was teaching her.
111 I saw a drive in her I have never really seen before in a student. I can honestly say that it was
112 fun for both of us. I knew she was going to really kill it in the next season.

113
114 That August, a terrible story about Leonia Hamline came out. Leonia was an outstanding athlete
115 at Ruffed Grouse and one of my favorite students. Leonia had the drive to win, to be a
116 champion. During her time at Ruffed Grouse, we grew close, especially as she set record after
117 record. When the word first broke that she had tested positive for erthyrepeitin, I was outraged.
118 My students won because they were prepared and well trained. Later, I learned that it was true.
119 Apparently, after she left for college, she succumbed to temptation and started cheating. Got
120 some stuff at a gym or something. I was sick about it.

121
122 One thing I do know: she didn't learn that from me. I always conducted the required annual
123 training, and I always gave my students the right paperwork. I was vigilant in making every
124 student and his or her parent sign before they could participate in track. Did I miss one once in a
125 while? I don't know, probably. But if a student was gone from practice on the day I gave it out, I
126 did my best to follow up with the student the next day. When I handed out the forms, I always
127 said, "This is an important form. Read it. Sign it. Have your parents sign it. And follow it." I even
128 kept a file drawer with folders for every kid.

129
130 During the 2012-2013 season, Jordan started breaking records. Her 3200 times dropped,
131 sometimes by four or five seconds at a time. She was always in the gym, and she peppered me
132 with questions about how to improve, which supplements to take, or to get scouting reports on
133 other runners. She had a short temper, and I liked it: she was getting that edge you need. Yeah,
134 there were headaches, but she was a teenager who was balancing a crazy home life, work,
135 school, and track. There's no way she was sleeping as well as she should. I told her that, but I
136 knew that it comes with the territory. I was simply amazed at her progress and her drive to win.
137 I figured the pressure worked, and I liked the results. She stayed positive about it. So did I.

138
139 I am aware of one instance where Jordan passed out during practice. It was in fall 2012...
140 October, maybe? Some people think it's shocking, but it's actually not that rare. I am not a
141 doctor, but as a coach, I know that practice is right after class. They are not allowed to drink in
142 class, so they get dehydrated. Sometimes they skip lunch to study, then try to work out
143 normally. Or they over-exert. Whatever. You have to check for mental state changes, but other
144 than that, you hydrate 'em and send 'em home. And that's what I did. I had Jordan sit, gave her
145 fluids and monitored the situation. The color came back to her face, and after a while of resting,
146 she seemed ok. I quietly offered her the option of going to the nurse, but she declined. She
147 knew her own body, and she said she did not have a lot of fluids that day and needed a break. It
148 happens. She was a good kid who I trusted to know when she was healthy. With the team, I
149 played it off so that she was not embarrassed.

150

151 Once I saw the shape she was in, I started making lots of calls for Jordan, advising recruiters to
152 come take a look. I kept the pressure on her, because it seemed to help her succeed. I saw
153 Kelly at events, and I told her about my strategy. One day in early April, 2013, Kelly came
154 running into the gym while the kids were still stretching. Kelly was waving around a paper,
155 yelling at Jordan. It was disrupting our unity. I went over to see what the issue was. Jordan
156 pointed at me and yelled something like, "You know how I'm getting so good – you explain it."
157 Then she stomped off. I told Kelly I'd handle the situation. I knew that Jordan was buying
158 supplements. I never suspected EPO.

159
160 After practice the next day, I talked to Jordan. I told her I was proud of her commitment and that
161 I thought the Olympic trials were an attainable goal. I told Jordan to keep focused and stay
162 clean. I asked Jordan if there was anything I needed to know, and she said, "No."

163
164 Sometime around then, Morgan Pearce brought me some story that Jordan was doing EPO and
165 that Leonia had supplied it. I questioned Morgan about the accusation. S/he told me that s/he
166 saw Jordan taking B-12, which is legal and which I had recommended. Nothing else. I wrote it
167 off. Some people just can't handle being number two, and Morgan wasn't even our best runner.
168 Jealousy is a cancer on a team like mine, and I told Morgan to knock it off unless s/he had real
169 evidence. I concluded that all that Morgan saw was Jordan's legal supplements and let her/his
170 imagination get the better of her/him. Now, of course, I wish I'd listened.

171
172 Also around that time, I remember bumping into AD Hagar's outside our offices. Jamie pulled
173 me into the AD's offices and told me that Jordan printed an article about EPO. S/He also told
174 me that someone in the comment section was asking about how to use EPO, and s/he wanted
175 me to talk to Jordan, make sure it was not her. Jamie placed the article on the stack of papers I
176 was carrying, and I headed to my office. I dropped the papers I was carrying on my desk, and
177 went straight out to practice. Although I was unable to talk to Jordan at practice, I started to
178 think of everything that happened that year and thought Jordan might need some help. She had
179 already told me she was clean, and if she wasn't, she obviously wasn't going to tell me. I didn't
180 want to embarrass her or damage our relationship, so I decided to call the ISPAC's anonymous
181 hotline for drug use. The hotline is available for coaches or students, and the ISPAC has a
182 response team that knows what it's doing. "I told them that I knew of a long distance runner who
183 was very stressed and that it was possible she was taking PEDs, though I didn't think so and
184 that she had told me as much. I then gave them Jordan's contact info. They said they'd follow
185 through. When I didn't hear anything further, I guessed that they found there was nothing to it.

186
187 I never thought Jordan was using EPO. Yes, she showed some symptoms that, in retrospect,
188 could have been from EPO. But Jordan wasn't the doping kind of kid. To me she was a
189 champion, and her time at the Franklins was a testament to her hard work and dedication. She
190 was too good to need EPO. Those warning signs could have been anything: dehydration,
191 stress, or teenage hormones can cause headaches, mood swings, and so on. Jordan begged
192 me not to tell Kelly about the headaches, something about how her other parent died, so I didn't.
193 I know she did not want Kelly to feel extra pressure. That is just the kind of kid Jordan was.

194
195 It is always a tragedy when a young person dies. And I am as broken up as anyone about
196 Jordan's loss. But I followed the policies and procedures of our school and the ISPAC. To think
197 that I am responsible for this tragedy is outrageous. I just did what I always did.

Terry Swift

Signature

December 6, 2013

DATE

Statement of Jamie Hagar

1 My name is Jamie Hagar, Ed.D., I am 56 years old, and I am currently the Assistant Principal
2 and Athletic Director of Ruffed Grouse High School, a private school in Wisawe, Pennsylvania.
3 I began my teaching career after graduating from the University of Pittsburgh in 1979. Like
4 many teachers, I started out as a substitute teacher and as a coach. Eventually, I started
5 teaching math full time, coaching basketball. In 1985, I was briefly suspended after it was
6 reported that I allowed a star player on my team to play after another teacher gave him high
7 grades for tests he actually failed. The paper accused me turning a blind eye to the situation in
8 an effort to win. It was a hurtful, false accusation, but I decided it was best to leave the
9 Pittsburgh area anyway. I decided to return to school, earning my Masters in Education from
10 Temple University in 1989 and, later, my doctorate from the University of Pennsylvania in 1993.
11 That's when I became the Athletic Director and basketball coach at Ruffed Grouse. Five years
12 later, I was promoted to Assistant Principal and left coaching, although I remain the Athletic
13 Director. I am one of three finalists to replace our Head of School, who is retiring this year.
14

15 I take full responsibility for providing a safe, sound, and productive school environment.
16 However, I strongly believe that parents have a critical role in ensuring that children are safe
17 and prepared for the world. Many parents want schools to be surrogates, entirely responsible for
18 what their children do. They feel that because they pay a lot for Ruffed Grouse, they can simply
19 sit back and watch. That is not the role of a school. They must be engaged or our education
20 program cannot succeed. Parents must bear the lion's share of the responsibility.
21

22 Ruffed Grouse is a private high school that offers the best education in Pennsylvania. We are
23 highly competitive, from admissions to athletics, and we require the best of our students.
24 Because of the level of professionalism we demand, our teachers are paid well: if you want elite
25 talent, you have to be prepared to pay. Teachers who coach or moderate receive a modest
26 stipend and are eligible for bonuses from the Partridge Club, a parent and alumni group funded
27 by pledges and donations. Its Board controls the payouts, but generally, the better the student
28 or team does, the greater the bonus for the coach or moderator. Everyone benefits: parents and
29 students get the notoriety and scholarships that come with success, and the coaches and
30 moderators are rewarded for their hard work. Many of our coaches feel pressure to win because
31 of the bonus, but they would feel that anyway. It's who they are. It's who we hire. As you can
32 imagine, we maintain high academic standards so that our graduates can proudly carry the
33 Ruffed Grouse name. Our tuition, \$30,000 per year, is a fair price for that excellence. As with
34 most schools that charge tuition, we do offer scholarships, both academic and need-based.
35

36 Ruffed Grouse is a proud member of the Inter-Scholastic Private Athletic Consortium, a
37 community of elite private institutions with prominent athletic programs. We compete in ISPAC
38 events as well as Pennsylvania events, and we follow ISPAC eligibility rules. For a time we were
39 a member of another organization, but its administrative regulations, eligibility requirements, and
40 insistence on compliance audits grew too burdensome. It's like they don't trust schools: they
41 even demanded copies of all paperwork, just to check eligibility again!
42

43 And, of course, as a school, we have a responsibility to aid parents in ensuring that drugs are
44 kept out of our facility. We have a Zero Tolerance Policy when it comes to substance abuse;
45 every violation carries consequences. Whenever a student is found to have possessed or
46 abused a controlled substance, there are a number of steps we follow. First, the offending
47 student is suspended from extracurricular activities. Second, the student's parents are notified,
48 regardless of whether the student has attained the age of majority. Third, additional action may
49 be taken by the school as is appropriate. This includes, but is not limited to, detention,

50 suspension from school, and expulsion. Finally, if the student is found in possession of a
51 controlled substance, the police are contacted immediately. If an athlete commits a substance
52 abuse violation, s/he is immediately suspended from the next tournament or game, although
53 s/he may continue to participate in practices, so that s/he remains in competitive shape. Upon
54 the second violation, the student athlete is banned for 8 weeks, including practice. This is a
55 substantial penalty because it means most of the season is lost, and it may be reduced to 3
56 weeks, with practice, if s/he agrees to see a school counselor. Upon the third violation, the
57 student athlete is banned from competition permanently.

58
59 Since I became the Athletic Director, there have been 5 violations of our Zero Tolerance Drug
60 policy by student athletes, but none in track. A coach, a team captain, or another teammate has
61 reported each of these violations. They know that we expect our victories to be obtained fairly.
62 In my time as Athletic Director, only two students have violated the policy a second time. One
63 was a sophomore, the other a junior. Both were members of the football team.

64
65 Every school year begins with a mandatory workshop for all coaches to review RGHS policies.
66 The workshop includes training on the abuse of all forms of controlled substances, including
67 performance-enhancing drugs (“PEDs”). Coaches are taught how to recognize the signs that
68 someone is using drugs or PEDs and the appropriate actions to take in the event that use is
69 suspected. Coaches are issued materials to send home with the students and are instructed to
70 obtain a signed copy of the form from both the students and their parents. Coaches are also
71 provided pamphlets, posters and other materials to post in locker rooms and training facilities
72 and to distribute to students. The forms are mandatory, as is some form of instruction, but coach
73 decides whether and how to use the optional materials. We hire them because we trust them.
74 And, of course, if they notice anything out of the ordinary, we expect them to look into it.

75
76 Any coach who knows of a student’s substance abuse and promoted it or remained silent is
77 immediately placed on administrative leave pending a formal inquiry by the Administration. If we
78 find a violation of our Zero Tolerance Policy, the coach is immediately fired, and the matter is
79 referred to the authorities. No coach has ever violated this policy. Although Terry Swift remains
80 on administrative leave pending the result of this case, the Administration has conducted a
81 detailed inquiry, and we are utterly confident that Terry will be exonerated. I personally oversaw
82 that investigation. We searched her/his office, with her/his permission, and we carefully swept
83 all other athletic facilities. We did find three vials of EPO and needles in an unused locker, but
84 there was no evidence that Terry was involved. Terry’s office and workspaces were completely
85 clean, as were the areas where the track team normally trains and practices.

86
87 I am aware that Terry Swift did not attend the coaching workshop at the beginning of the 2012-
88 2013. Terry requested leave in order to take a much-needed vacation, and we were happy to
89 grant it. Terry loves the students and works very hard all year, including the summer, to ensure
90 that they are prepared for every season, every class, and every opportunity. Terry had attended
91 every workshop that I have run, including the one that occurred before the 2011-2012 school
92 year, and the training had not materially changed in years. I told Terry that I would obtain copies
93 of all materials distributed in case s/he wanted to use them, and I provided her/him the student
94 and parent forms. S/he did not want the other materials; s/he had not used them in years.

95
96 I’m aware that neither Jordan nor Kelly Simon signed the ISPAC form for the 2012/13 season. I
97 was told that this was because Jordan was ill on the first day of the track season, so she was
98 never given the form. It was a regrettable oversight, but not a material one: Jordan and her
99 parent have signed the form during a previous season and were clearly aware of our policy.
100 They knew that any banned substances were improper and would result in punishment.

101
102 Jordan was a charming young lady, and her death came as a shock to our entire faculty, staff
103 and student body. As Athletic Director, I attend as many athletic competitions as my schedule
104 will allow, and I enjoyed watching Jordan blossom into a star. She had a great attitude and work
105 ethic. From the day she arrived, she was confident and outgoing. That is not to say that she
106 never struggled, but who doesn't? It's not uncommon, especially among sophomores. The
107 energy of freshman year falls away and the life of a teenager catches up with a student. They
108 get moody, tired, and even a bit hostile at times, but hormonal changes are developmentally
109 appropriate. Jordan also informed me that things at home were busy. Still, despite it all she
110 triumphed. Hard work will do that for you. I never suspected Jordan would use steroids.

111
112 Understandably, the media attention surrounding Jordan's death and PED use by professional
113 athletes has raised the issue of random drug testing. And that has been compounded in Wisawa
114 by the recent allegations regarding our alumna, Leona Hamline. I can say, without hesitation,
115 that Coach Swift was devastated by that revelation. We demand championship performances
116 from our students, but they must be fairly won! Nonetheless, I do not see such testing in our
117 foreseeable future. The primary reason is that drug testing simply isn't reliable; it isn't 100%
118 effective. There are numerous substances for which there currently is no test, and our parents
119 will expect us to be certain before an accusation like that is made. Nor could we afford testing.
120 We have over 150 student athletes, and these athletes would need to be tested regularly:
121 testing students allows them to game the system. We would have to randomly test them
122 throughout the season and school year. Although our school tuition seems high, I assure you
123 we are on a very tight budget. We currently need to update our computer lab, add additional
124 space for classes, and hire additional teachers. We are forced to turn away a large number of
125 students because we simply do not have the space or resources. Moreover, of the thousands of
126 RGHS athletes in the past two decades, only five have ever been caught using PEDs, and only
127 two of those used EPO. If testing were effective and affordable, I would certainly consider it, but
128 one must be concerned about medical privacy issues and liability. The law is another problem.
129 Pennsylvania's Supreme Court has been clear that drug testing violates the state constitution
130 unless there is a known drug problem. We have no such history, and we cannot give the public
131 the impression that we do. And for those who say the Supreme Court was only talking about
132 public schools, they ought to talk to some of the lawyers who are parents of GRHS students.
133 And even if they're right, can you imagine what it would cost us to fight that lawsuit?

134
135 Instead, we focus on education and prevention. We feel that the best way to combat drugs is to
136 have informed, well-educated students. Because our student body contains the brightest
137 students in our region, we strongly feel this plan is effective. Education starts early: all students
138 are required to take a Health course their freshman year. This course deals with a range of
139 issues from sex education to general health needs, and at least one week is spent specifically
140 on drugs, including steroids. Emphasis is placed on the physical dangers of drug use, legal
141 consequences, and how to recognize whether a friend is using drugs. We also instruct students
142 that any reports will be kept strictly confidential. Our coaches and students can also use the
143 ISPAC hotline, although we do not inform our students about it. We expect them to act like
144 adults and come forward. Unfortunately, it seems that not every student learns what is
145 appropriate the first time. After Jordan's death, we reviewed our program and, while we continue
146 to believe it is an effective tool, we asked a local physician and alumnus to speak about the
147 dangers of steroid use. He has volunteered his services in the future, and we have accepted.
148 Now we will have a similar lecture every school year.

149
150 I know all of the parties involved in this matter, and I find it hard to believe that Terry is at all
151 responsible for Jordan's death. Terry puts in as much time, if not more, than any of our other

152 coaches. Not only does s/he lead practice and off-season training, but s/he chairs the
153 scholarship committee and even tutors students who are struggling to remain eligible because
154 of poor grades. Terry was a district finalist two years ago for teacher-coach of the year! And it's
155 not just we who think so; this is an award for which students write an essay explaining how the
156 coach has made a positive impact on their life, both on and off the field. Terry's drive to win is
157 only overshadowed by her/his desire to see his students succeed. Coach Swift's superlative
158 competitive record speaks for itself: one does not win title after title by being less than the best!

159
160 But even Terry's record is now an indictment. Of course, every coach wants to win, but that is
161 not Terry's primary purpose. Terry simply demands 100% effort from his students – win or lose.
162 Yes, in the last few years, we have received complaints. Several parents were concerned that
163 Terry was pushing their children too hard to win. I personally investigated the claims to
164 determine if there was any merit, and I found none. That was unsurprising. As a basketball
165 coach I must have received two or three complaints per year for being too hard on students or
166 not playing someone's child enough. Some parents just don't understand that participation in
167 athletics isn't all high-fives and smiles. You must drive students to be the best that they can be!

168
169 On April 11, 2013, I received a visit from Mrs. Andrews, our school librarian. She had a printout
170 that she was about to file, and she thought I should see it in accordance with our Zero
171 Tolerance Policy. The printout was an article titled "When is Too Much Enough - EPO" written
172 by Mary N. Jones. It appeared on the supplementsuperstar.com website on April 10, 2013. The
173 cover sheet that printed with the article bears Jordan's name and student ID. I was most
174 appalled by the comment section which was all about how to use EPO. People just posting
175 "send me a private message and I will hook you up." One of the user names, 32STAR, asked
176 for advice regarding EPO.

177
178 To stop students from abusing the Internet privileges on school computers, each student is
179 assigned a username and password. When a student sends a document to print, it is physically
180 printed behind the library reference desk under a cover sheet with the student's name and ID
181 number. The student may then request it from the librarian, who briefly reviews the content, and
182 so long as it is appropriate, hands it to the student. If the student doesn't retrieve it that day, it is
183 filed alphabetically for a period of one week in case s/he returns for it. This process applies to
184 every printout from a school computer.

185
186 I gave a copy of the article to Coach Swift on or about April 12, 2013. I asked whether s/he had
187 any reason to believe that Jordan was using this EPO substance. Looking back, Terry may have
188 been defensive about the subject, probably because of Leonia and because Jordan's times
189 were so good in practice. I instructed her/him to have a talk with Jordan and assess whether
190 Jordan was using EPO. I further told her/him to remind Jordan once again of the school's Zero
191 Tolerance Policy. I was sure that Terry would talk with Jordan and let me know if there was a
192 problem, so I didn't give it another thought.

193
194 I cannot express in words how devastating Jordan's death has been for me. For all of us, really.
195 I cannot escape the feeling that there is something I could have done to prevent this tragedy. I
196 realize, however, that what we did was proper. At Ruffed Grouse the education and well-being
197 of our students is our primary concern. We have done the best we can to prevent and deter
198 drug use, but the simple fact is this—no system is perfect. If a student, especially one as bright
199 and disciplined as a Partridge, wants to use illegal substances, the student will find a way.

Jamie Hagar

Signature

Dec. 6, 2013

DATE

Statement of Aubrey Brady

1 My name is Aubrey Brady, and I'm a coach. It's what I was born to do, and it's still my first love.
2 I grew up in Washington, D.C., in the shadow of the greatest university in these United States:
3 Georgetown. I watched the great Hoya teams of the 1980s dominate the Big East, and I knew
4 that's what I wanted to do. Of course, I wasn't tall enough for D1 basketball. But I could run the
5 Beltway if I had to, and I had no hesitation about throwing my head in front of a speeding ball. I
6 spent four of the best years of my life – the last two as an All-American – playing midfield for the
7 one of the finest soccer teams in the country. I never wanted to leave the field.

8
9 So I didn't. I mean, I wasn't good enough to play professionally, but I had a degree in English
10 and a passion for the game. I got a teaching certificate in 1993 and immediately began teaching
11 physical education at Devers Preparatory Academy, a boarding school in Silver Spring, MD.
12 Devers has a long tradition of academic excellence, but the Bulldog Athletic Department also is
13 an important part of the Devers experience. Devers' philosophy is that an excellent athletic
14 program is itself a meaningful learning experience. I really loved my job as a teacher, and I was
15 honored to affect my students' lives. Not that I was an easy grader or anything: if you want
16 something from Aubrey Brady, you better be ready to earn it. While I was teaching, I continued
17 at Georgetown, mostly during the summer. I earned my Masters in Education in 1996.

18
19 I was an assistant soccer coach when I started at Devers, and I became the head coach from
20 1997-2010. I served as the Devers athletic director from 2002-2009, and in 2010, I was
21 promoted to assistant principal in charge of discipline and athletics.

22
23 In 2003, I joined the National Interscholastic Athletic Administrators Association ("NIAAA"). I am
24 a Certified Master Athletic Administrator, and I have been since 2005. As a part of that process,
25 I was trained in detail about performance enhancing drugs and how to make effective policies to
26 combat them on a limited budget. In 2010, I served as the NIAAA President, and I remain on the
27 Board of Directors. I am also currently the Executive Editor of the IAA magazine, in which I have
28 published several times. I have also served as a paid staff advisor to the Maryland Public
29 Secondary Schools Athletic Association, which governs public high school athletics in Maryland.

30
31 Even with all that, though, I've been hard pressed to pay my student loans from college and
32 grad school, much less save for my kids' college! Even with the increase in pay that came with
33 my promotion to assistant principal, times were tough. And they only got worse when I got sued
34 by a parent for running her kid too hard at practice. I called it "tough love;" she called it
35 "harassment." I can't believe the jury bought that junk, but they did, and I had to pay for some
36 psychotherapy and whatever. Look: if you want to be the best, you have to be willing to suffer
37 more than the person next to you. Pain on Sunday is a win on Monday.

38
39 Coaching on the side, giving private lessons, helped, but even then, it was hard. Leaving
40 Devers to start a full-time consulting practice was one of the toughest decisions I ever made, but
41 the school really encouraged me to strike out on my own, and that helped a lot. I've been out in
42 the world for eighteen months now, and it's going ok. Getting people to hire you is hard, but
43 getting them to bring you back is harder still. You have to do whatever it takes to give your
44 clients the service that they want. But that's ok; I'm used to giving it my all.

45
46 I consult in the areas of sports management and athletics administration. Much of my time is
47 spent reading articles and reports, so that I can keep up to date on the latest trends in my field.
48 Among the things I am careful to review are the World Anti-Doping Agency ("WADA") list of
49 banned substances and periodicals and journals on performance-enhancing drugs ("PEDs"). I

50 specialize in preparing compliance programs to ensure that the athletic organization adheres to
51 the rules and regulations of the governing bodies to which it belongs. I found that to be one of
52 the more lucrative areas of consulting, and more importantly, an area that is prime for repeat
53 engagements. I consult for both professional and amateur athletic organizations in Maryland
54 and the Washington, D.C. area. Within the last year, I began expanding my consulting services
55 to serve clients nationwide, but this is my first case in an actual court. It's very exciting!
56 Pennsylvania has a strong athletic tradition, and this is a natural area for expansion of my
57 practice. Plus, it's so close to home. I hope to do more work in this region. Accordingly, and
58 because I believe in the case, I am charging a discount flat fee of \$5,000 for my services, which
59 include reviewing the statements of the other witnesses and all exhibits, speaking with the
60 defense counsel, preparing this statement setting forth my opinions and testifying at trial.

61
62 Interestingly, Pennsylvania does not have a unified set of rules regarding drug or steroid use.
63 Instead, the legislature left that to local school districts and school boards prohibiting the use of
64 anabolic steroids. See 35 P.S. § 807.1. They also set minimum penalties and mandated
65 anabolic steroids be part of drug and alcohol education. That's a pretty limited policy, both in its
66 scope and its discipline. It doesn't cover all PEDs, and it leaves a lot to local school boards.

67
68 Regardless of what rules are implemented statewide, a local school or school district always
69 has the ability to conduct itself at a higher standard. I'm proud to be speaking at the behest of
70 Ruffed Grouse High School, which is one school that certainly does so. By school rule, Ruffed
71 Grouse prohibits any performance-enhancing substance, not just steroids, and it mandates that
72 athletes meet with the coaches to discuss nutrition and any supplements that they want to take.
73 The whole supplement industry is barely regulated, and it's pushing this stuff, too, so that's a
74 wonderfully proactive program. There is a lot of misinformation out there among students, and
75 coaches are some of the most trusted figures in many students' lives. So you have to get
76 coaches involved early and often.

77
78 Ruffed Grouse also makes it clear that any PED use will result in a suspension from the next
79 activity, and possibly longer. Some people think it should be a mandatory suspension for the
80 season. That's what Pennsylvania requires for anabolic steroids. But I think Ruffed Grouse's
81 program is better, because it allows the school the ability to tailor discipline to the student's
82 needs. It may seem like they just want their kids competing, but often competition is the only
83 thing keeping kids on the straight and narrow. Sometimes running wind sprints until you vomit is
84 the best motivation to stop doing the wrong thing and start doing what's right.

85
86 Ideally, of course, you'd test all students. But testing programs are massively expensive for little
87 effect. For most schools, it simply is cost-prohibitive to institute any kind of effective PED testing
88 program. The cost for an initial test is reported to range anywhere from \$80 to \$100, which
89 seems modest. But initial testing costs do not take into account the cost of conducting
90 secondary testing on positive results or the significant legal costs that schools face when their
91 testing programs are challenged in the courts.

92
93 It also isn't at all clear whether those tests would even detect erythropoietin ("EPO") stimulant or
94 human growth hormone ("HGH") use. These days, that's what kids are using. Nobody uses
95 stanozolol or the other "East German women" steroids anymore. And even WADA and its
96 national counterparts have had trouble finding tests that work for EPO or HGH abuse. Peoples'
97 bodies are just too different. To be really accurate, you need a "biological passport" that tracks
98 people's levels over time. Maybe Ruffed Grouse could have afforded that, but I doubt it. I mean,
99 I didn't need to look: even professionals aren't tested that way, and I don't know of any schools
100 that do, even though that's what it would take to be sure.

101
102 The second best choice is random drug-testing programs. They aren't 100% effective in
103 detecting actual drug use, but they can have an important deterrent effect. In the course of my
104 research as a consultant in preparation for trial and to advise my clients, I read an article in the
105 Arizona Republic about the random drug-testing program in the Paradise Valley Unified School
106 District. According to the article, Paradise Valley High School officials reported that "very few"
107 athletes have tested positive for steroids since the program was implemented in 1991, and no
108 athlete has tested positive in the last five years. That experience is consistent with those
109 reported around the country. For example, the Lauderdale County, Alabama school district,
110 which implemented its program in 1990, reported only "a handful" of positive test results in the
111 first five years of its program. Similarly, in an article appearing in the IAA magazine, which I
112 edited, a Tennessee high school principal is quoted as saying: "This school has never recorded
113 a positive test in 10 years of testing. It is absolutely a deterrent." Of course, just because they
114 work doesn't mean that these programs are affordable: most of the programs in these articles
115 were funded by grants from the U.S. Department of Education. In a mid-sized school district,
116 even random testing can cost \$200,000 or more every year.

117
118 Moreover, although the anecdotal evidence suggests that random drug-testing programs have a
119 strong deterrent effect, there are several other possible explanations for the reported results.
120 For instance, it is possible that: (i) students who actually used steroids were not randomly
121 selected for testing; (ii) students used a type of steroid that is not detected by the test used by
122 the school; (iii) the steroids actually had passed through the system by the time of the test;
123 and/or (iv) students who actually used steroids found ways to mask their steroid use.
124 Accordingly, I do not believe that a random drug-testing program is the most efficient or effective
125 way to address the serious problem of PED abuse by high school athletes. It's also unlikely to
126 help catch EPO abuse: the tests aren't good enough, or cheap enough, to make that realistic.

127
128 Instead, education and vigilance are the keys to detecting and eliminating the use of PEDs.
129 First, student athletes must be educated about the dangers of PEDs. Second, parents must be
130 educated about: (i) how to monitor their children for signs of PED and other drug abuse; (ii)
131 steps that can be taken to prevent their children from using PEDs; and (iii) what to do if they
132 suspect that their children are using PEDs or other drugs. Finally, coaches and administrators
133 must be educated in: (i) how to monitor student athletes for signs of PED and other drug abuse;
134 (ii) what to do when they suspect that a student is using PEDs or other drugs; (iii) how to
135 communicate appropriate messages about PEDs and other drugs to their student athletes; and
136 (iv) how to avoid sending inconsistent messages regarding PEDs and other drugs. To be
137 effective, the education for students, parents, coaches and administrators cannot be a one-time
138 event. It must be reinforced repeatedly, especially to students. It also helps to have an honor
139 code that requires students to report each other, but most public schools can't do that.

140
141 Look: Ruffed Grouse isn't perfect. Coach Swift should not have said some of the things s/he
142 said; they were coming from the right place, but you can't let your students think that their
143 opponents are taking PEDs. Even if that's true – and I have no reason to think that's so – you
144 run the risk that they'll think that means that they should. That's bad coaching, and I'm sure
145 Coach Swift regrets it. And the presence of some PED materials in the locker room is disturbing.
146 I know a lot of people are making a bit deal about Jordan's times improving a lot between her
147 sophomore and junior year, but that doesn't mean someone is doping. If anything, she probably
148 was making up for lost time: she showed no improvement during her sophomore year, when the
149 coaching would have been expected to help her make a huge leap. And it's not like she went off
150 the charts; cutting twenty-five, thirty or more seconds is an immense improvement for one year,

151 but it's less so for two years of pent-up capacity. It is not like she set the national record or went
152 from benchwarmer to champion. She was gifted; why be surprised when she performs like it?

153
154 Ruffed Grouse and Coach Swift are in compliance with the rules and made reasonable efforts to
155 educate their students. The school trains its athletes on PED abuse, and it seeks to have its
156 student athletes sign a copy of the Position Statement, which the school keeps on file. Coach
157 Swift confirmed that Jordan received a copy of the Position Statement, and even if the copy
158 retained in the files did not have Jordan's signature, it is clear that she received it. Plus, she'd
159 been an athlete there in years before, so it wasn't like she had not gotten the message before.

160
161 If you're going to determine what's "reasonable" for a school or a coach to do, you have to look
162 at what other schools and coaches are doing. There's no statewide requirement for annual
163 education on PEDs. There's no statewide requirement that students sign the Position
164 Statement. There's no statewide requirement setting minimum standards for annual coach
165 training, much less that it be more than that which Ruffed Grouse provided. That's more than
166 enough time for a coach to learn what s/he needs to know.

167
168 Pennsylvania's approach could be stronger, and it should be stronger. I would recommend that
169 authorities set a statewide standard. Rather than being "strongly opposed" to the use of
170 substances on the WADA's Prohibited List, the state could ban the use of the substances on the
171 Prohibited List and mandate penalties for violations. And it could and ideally should require that
172 both students and parents actually receive and sign a copy of standard forms regarding PEDs.

173
174 But it didn't, and a lot of other states don't either. And unless the whole state or the whole
175 country is being unreasonable, there's no basis on which to hold Ruffed Grouse or any other
176 school liable. Look: if there are rules, you have to follow them. But it's not fair to coaches or
177 schools to make them up after the fact! Coach Swift did what s/he could: s/he called the ISPAC
178 hotline to report her/his concerns. After that, it was out of her/his hands.

179
180 Ruffed Grouse has adopted a zero tolerance policy for PEDs. In addition, all of its freshmen
181 students to take a Health course, which includes a weeklong segment on the use of drugs. I
182 believe that this is a reasonable response to the serious problem of PED and other drug abuse
183 by high school student athletes. There's really only so much you can do.

184
185 It is difficult to detect the use of a glycoprotein hormone like EPO, but with the proper education
186 it often is possible to tell that an athlete is using a banned substance. For instance, although
187 there are no pronounced physical changes like those associated with anabolic steroid abuse, an
188 athlete who abuses EPO suddenly will develop unexplained headaches and become ill for
189 unexplained reasons much more frequently than before using EPO. In addition, an athlete who
190 begins abusing EPO often will change their personal habits. The athlete suddenly may start
191 associating with different people, or withdraw and seek extreme levels of privacy.

192
193 But here's the basic problem: so do other teens. I mean, coaches are not mind readers. When
194 we get the whistle, it doesn't come with a lie detector or psychic powers. You know who also
195 develops headaches? Kids studying late into the night because they have a pile of homework or
196 are working an after-school job. Or kids who are dehydrated, like endurance athletes who you
197 have to remind to drink enough water. You know who gets sick a lot? Athletes who are running
198 their bodies down, because exercise can suppress the immune system and they're in close
199 contact with a few hundred of their closest friends all day long. You know who changes their
200 personal habits in high school, going to a different social group or moping around? Basically
201 every high school kid ever.

202
203 You know who is being ignored here? Parents. We coaches and administrators get the kids for
204 maybe a couple hours a day, when we're watching for a couple dozen others. Parents see them
205 every night. Parents can talk with them. Parents can see when something is wrong. Parents are
206 primarily responsible for their kids' health and well-being. Parents know them more deeply than
207 we ever could. Look: I can see that Kelly Simon is hurting. We all are. No one would wish this
208 on their worst enemies. But the truth is hard: when you point a finger at someone else, four of
209 them are pointing back at you.

210
211 All opinions offered here are given to a reasonable degree of certainty in the field of educational
212 and athletic administration.

Aubrey Brady

Signature

Dec. 12, 2013

DATE

EXHIBIT LIST

- Exhibit 1:** Team Prodigy Sign
- Exhibit 2:** Ruffed Grouse/ISPAC PED Brochure (Parents)
- Exhibit 3:** Jordan Simon's ISPAC antidrug promise sheets 2011 – 2013
- Exhibit 4:** Toxicology Report
- Exhibit 5:** Track Results 2011 – 2013 3200M
- Exhibit 6:** Email from Jamie Hagar to Kelly Simon
- Exhibit 7:** Library Print-Summary Result and Article
- Exhibit 8:** Article about Leona Hamline's NCAA Suspension
- Exhibit 9:** Phone Records of Coach Swift calling PED hotline
- Exhibit 10:** Sports Illustrated Article spotlighting Jordan Simon

Exhibit 1

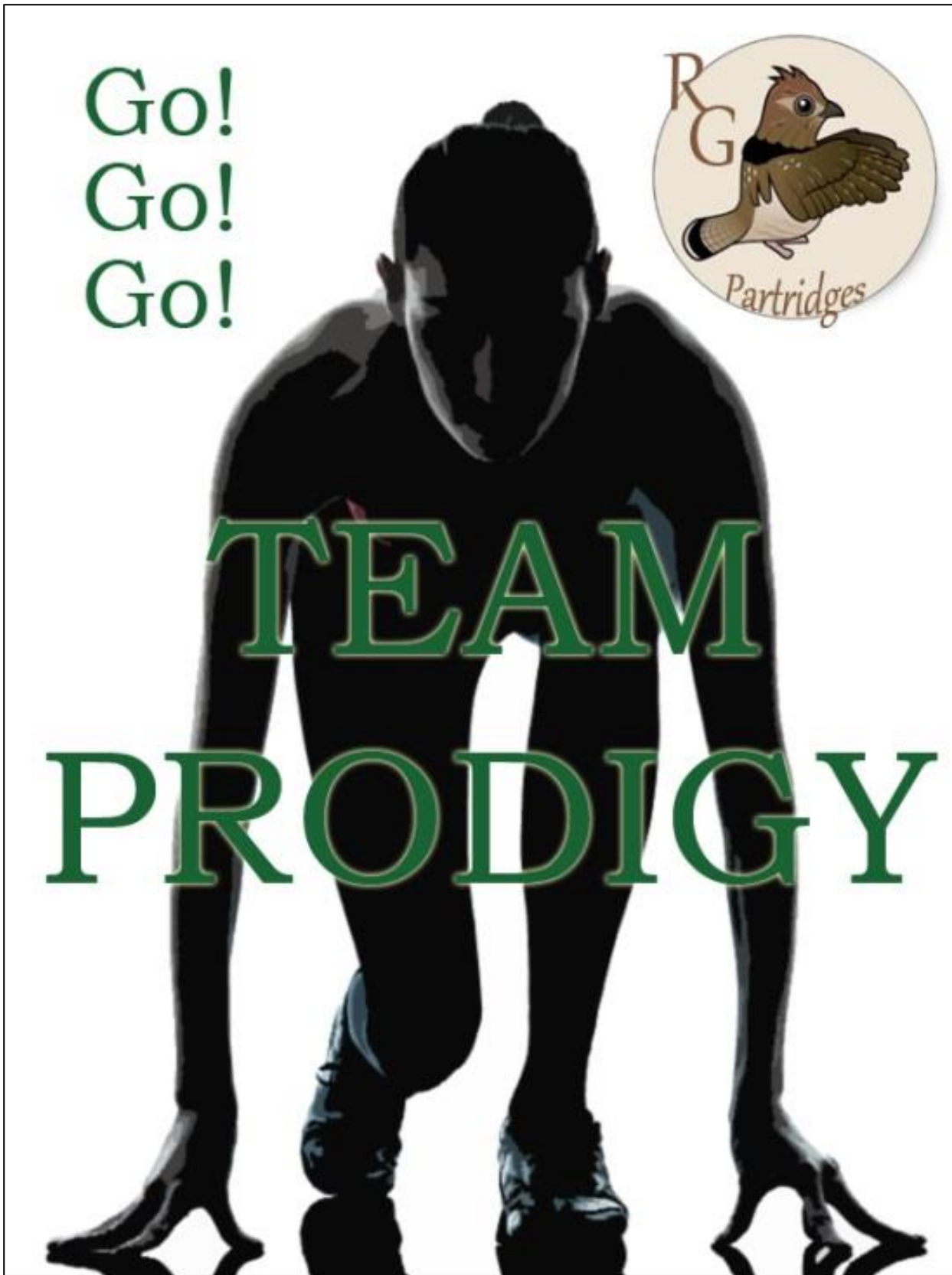


Exhibit 2

Ruffed Grouse PED Brochure (Parents)

Two pages

WHAT PARENTS CAN DO!

Given all of the negative aspects of PED use, it doesn't make sense for parents or students to even considering taking them. Just saying, "Don't do it!" is not enough. Parents must be vigilant. Consider some of the following:

- Talk with your son, daughter or athlete about any frustrations he or she might have about how they look or are performing in their sport.
- Help set REALISTIC short-term and long-term goals. Keep sports fun and centered on the athlete's needs. NOT yours!
- Teach them that there are no quick-fixes.
- Promote hard work, good nutrition and hydration. Rest and good coaching (fortunately, we have the best at Ruffed Grouse!) are the tools of performance enhancement – not pills!
- Restrict your athletes' access to environments where steroid use might occur and to people who you believe are involved in PEDs.
- Monitor internet usage and visits to websites that promote PED use.
- Seek advice and help from RGHS when in doubt!

We are a team!

Parents and teachers united to keep high school sports clean!



RUFFED GROUSE HIGH SCHOOL STRICTLY PROHIBITS THE USE OF ALL PERFORMANCE ENHANCING DRUGS.

Banned substances include:

- Anabolic Steroids
- Erythropoietin (EPO)
- Human Growth Hormone (HGH)
- Amphetamines ("speed")

Students who are caught using performances enhancing drugs face not only remedial measures, but also permanent marks on their high school transcripts.

ISPAC Anonymous Help Line
1800-555-1212

For more information contact the
Ruffed Grouse Athletic Department.
www.ruffedgrouseHS/AD.org

in partnership with:

Inter-Scholastic Private
Athletic Consortium



PEDs: THE UGLY TRUTH

Parent version



Make the right choice!

It's not really winning if you die!

All athletes are faced with a choice. To cheat or not to cheat! Today, cheating is more prevalent off the field than on it. It is in the gym; it is on the internet; it is with friends and, yes, it is everywhere! Performance Enhancing Drugs (PEDs), in most instances, do not work instantaneously. Because they take time to take effect, you can help stop an "issue" before it becomes a problem.

PEDs have both immediate and long-term consequences that are very severe and in some cases can lead to DEATH!

All choices have consequences, yet those that affect the health of a young athlete require adult involvement. Adults have a responsibility to guide young people to make the right choices.

Athletes who are caught using PEDs embarrass themselves, their families, their coaches and Ruffed Grouse High School

THE TWO BIGGEST OFFENDERS: ANABOLIC STEROIDS & ERYTHROPOIETIN (EPO)

Anabolic Steroids

Anabolic Steroids are abused in order to increase muscle mass and strength. It is a form of the male hormone, testosterone. It is most often abused by baseball/softball players, sprinters, swimmers, football players and wrestlers. No anabolic steroid is purely anabolic. In other words, the use of steroids won't lead to muscle growth without also leading to other unintended consequences.

Parents must know that the possession or sale of steroids without a prescription is illegal. Also, drug users who inject steroids are at a greater risk for infections, including HIV and hepatitis.

Warning Signs and Consequences...

- The use of steroids will stunt growth in those whose bones are still developing.
- Girls who use steroids can grow body and facial hair and experience permanent voice lowering.
- Boys who use steroids can form breast tissue, begin to lose their hair and have their testicles shrink.
- Boys and girls who use steroids can have tick oily skin, which often leads to severe acne on the face and back.
- Some athletes have died from steroid use either because of the effects of the steroids on their bodies or the effects of discontinuing steroid use without a doctor's help.

Erythropoietin (EPO)

EPO is abused in order to increase stamina. It is a hormone that controls red blood cell production. It is most often abused by cyclists, distance runners, crew, and triathletes. It is trickier than Steroids because it is less common, harder to detect and more expensive. But, EPO, for this reason is gaining in popularity and can be even more deadly.

Parents must know that the possession or sale of EPO without a prescription is illegal. It is often injected, so there is a greater risk of contracting infections, including HIV and hepatitis.

Warning Signs and Consequences...

- EPOs effects are the same for boys and girls.
- Can lead to joint and muscle pain.
- The use of EPO can lead to severe headaches and migraines.
- The use of EPO can create anxiety and severe mood swings.
- The use of EPO can lead to seizures and fainting spells.
- The use of EPO can make the user more susceptible to illness because it weakens the immune system.
- Because EPO thickens the blood with additional red blood cells, it becomes very viscous. This can lead to heart attacks, strokes and aneurisms even in student athletes.

Be Smart – Don't Start!

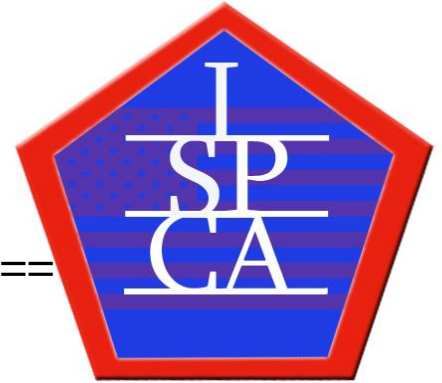
Exhibit 3

Jordan Simon's ISPAC antidrug promise sheets 2011 – 2013

Three pages



**Inter-Scholastic Private
Athletic Consortium**



=====
2010-2011 Season

**PARENT/GUARDIAN AGREEMENT
(Drug and Alcohol Form)**

I/We the parent(s) or guardian(s) of *Jordan Simon* have read and understand the Ruffed Grouse High School “Zero Tolerance Policy” material and agree to abide by the terms as outlined therein. I/We appreciate that keeping our athletes away from the influence of drugs and alcohol is something everyone in this community is responsible for doing.

Kelly Simon / September 7, 2010

Parent/Guardian Signature / Parent/Guardian Signature Date

**Athlete Pledge
(Drug and Alcohol Form)**

I *Jordan Simon* pledge to my coach to abstain from any tobacco product, any alcoholic beverage, stimulants, street drugs (including but not limited to marijuana, heroin and cocaine) or any non-prescription drug during the Ruffed Grouse High School Athletic Season. This pledge includes and all performance enhancing drugs (PEDs), including steroids and EPO. All dietary supplements I consume will be at the direction of my coach or a medical professional. I realize that if I break this pledge, I am responsible for the consequences of my actions. I also realize that tobacco, alcohol, and non-prescription drug-abuse prevention programs have my best interest at heart. All I need to do is ask, and help will be made available to me. I promise to be true to my family, my team and myself. Winning is not as important as my health.

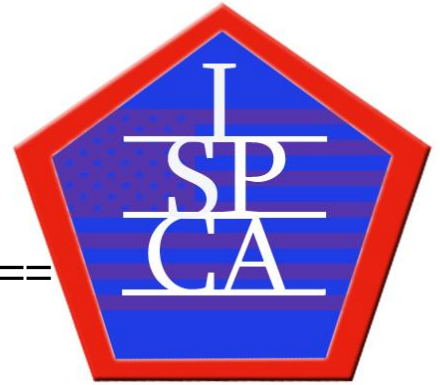
 Jordan Simon

 9/7/2010

This form must be returned to the coach before the athlete can practice or play



**Inter-Scholastic Private
Athletic Consortium**



=====

2011-2012 Season

**PARENT/GUARDIAN AGREEMENT
(Drug and Alcohol Form)**

I/We the parent(s) or guardian(s) of *Jordan Simon* have read and understand the Ruffed Grouse High School “Zero Tolerance Policy” material and agree to abide by the terms as outlined therein. I/We appreciate that keeping our athletes away from the influence of drugs and alcohol is something everyone in this community is responsible for doing.

Kelly Simon / September 6, 2011

Parent/Guardian Signature / Parent/Guardian Signature Date

**Athlete Pledge
(Drug and Alcohol Form)**

I *Jordan Simon* pledge to my coach to abstain from any tobacco product, any alcoholic beverage, stimulants, street drugs (including but not limited to marijuana, heroin and cocaine) or any non-prescription drug during the Ruffed Grouse High School Athletic Season. This pledge includes and all performance enhancing drugs (PEDs), including steroids and EPO. All dietary supplements I consume will be at the direction of my coach or a medical professional. I realize that if I break this pledge, I am responsible for the consequences of my actions. I also realize that tobacco, alcohol, and non-prescription drug-abuse prevention programs have my best interest at heart. All I need to do is ask, and help will be made available to me. I promise to be true to my family, my team and myself. Winning is not as important as my health.

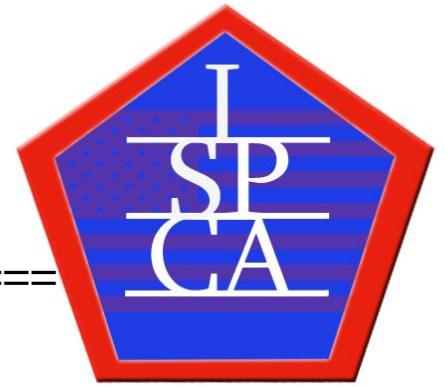
 Jordan Simon

 9/6/2011

This form must be returned to the coach before the athlete can practice or play



Inter-Scholastic Private Athletic Consortium



2012-2013 Season

PARENT/GUARDIAN AGREEMENT (Drug and Alcohol Form)

I/We the parent(s) or guardian(s) of Jordan Simon have read and understand the Ruffed Grouse High School “Zero Tolerance Policy” material and agree to abide by the terms as outlined therein. I/We appreciate that keeping our athletes away from the influence of drugs and alcohol is something everyone in this community is responsible for doing.

Parent/Guardian Signature / Parent/Guardian Signature Date

Athlete Pledge (Drug and Alcohol Form)

I _____ pledge to my coach to abstain from any tobacco product, any alcoholic beverage, stimulants, street drugs (including but not limited to marijuana, heroin and cocaine) or any non-prescription drug during the Ruffed Grouse High School Athletic Season. This pledge includes and all performance enhancing drugs (PEDs), including steroids and EPO. All dietary supplements I consume will be at the direction of my coach or a medical professional. I realize that if I break this pledge, I am responsible for the consequences of my actions. I also realize that tobacco, alcohol, and non-prescription drug-abuse prevention programs have my best interest at heart. All I need to do is ask, and help will be made available to me. I promise to be true to my family, my team and myself. Winning is not as important as my health.

This form must be returned to the coach before the athlete can practice or play

Exhibit 4

Lancaster County Office of the Medical Examiner

Report No. 2013-10103

Date of Report: June 6, 2013



Preliminary Toxicology Report

Name of Deceased: Jordan Simon
Prepared by: R.C. Snyder, M.D.

Date of Death: May 24, 2013
Specimen Type: Blood Serum

I, in accordance with all municipal rules and regulations, tested the specimen for the following substances, and my findings are set forth below. Please note that proper chain of custody was maintained at times.

Suspected Substance	Level
CNS Depressants	Negative
CNS Stimulants	Negative
Hallucinogens	Negative
PCP	Negative
Narcotic Analgesics	Negative
Inhalants	Negative
Cannabis	Negative
Alcohol	Negative
Nicotine	Negative
Erythropoietin	10,000 miu/ml
NOTES	By comparison, in normal patients, serum levels of erythropoietin range from 10 to 30 miu/ml (milliunits per milliliter). These levels may increase 100 to 1000-fold during hypoxia or anemia

Exhibit 5

2010/2011 Girls 3200 Meter Run AAA (STATE CHAMPIONSHIP)

Existing NFHS Record "!"	9:48.59	1996	Kimberly Mortensen	Thousand Oaks HS	California
Existing PIAA Record "R"	10:21.06	2008	Sara Sargent	Pensbury HS	
NFHS Honor Roll "#"	10:38.00				
PIAA Honor Roll "SQS"	11:13.30				

Place	Name	Grade	School	TIME	Remark (s)
1	Leonia Hamline	12	Ruffed Grouse	10:19.98	R, #, SQS
2	Emma Rogers	12	Abington HS	10:31.77	#, SQS
3	Jordan Simon	9	Ruffed Grouse	10:39.54	SQS
4	Mia Montague	12	Dallas	10:42.22	SQS
5	Ava Angelo	11	CB East	10:47.11	SQS
6	Camilla Gailbraith	11	Bethel Park	10:50.56	SQS
7	Jayne Bird	12	Mountain Home	10:59.60	SQS
8	Sarah Kaufman	11	Lower Dauphin	11:04.56	SQS
9	Alaina Koltash	10	Methacton	11:21.15	
10	Riley Hasboro	11	NW Lehigh	11:59.30	

2011/2012 Girls 3200 Meter Run AAA (STATE CHAMPIONSHIP)

Existing NFHS Record "!"	9:48.59	1996	Kimberly Mortensen	Thousand Oaks HS	California
Existing PIAA Record "R"	10:19.98	2011	Leonia Hamline	Ruffed Grouse	
NFHS Honor Roll "#"	10:38.00				
PIAA Honor Roll "SQS"	11:13.30				

Place	Name	Grade	School	TIME	Remark (s)
1	Ava Angelo	12	CB East	10:34.11	#, SQS
2	Camilla Gailbraith	12	Bethel Park	10:40.51	SQS
3	Sarah Kaufman	12	Lower Dauphin	10:41.05	SQS
4	Jordan Simon	10	Ruffed Grouse	10:41:61	SQS
5	Alaina Koltash	11	Methacton	10:52.15	SQS
6	Lily Fulton	11	Holy Redeemer	11:06.11	SQS
7	Mary Landy	12	Littlestown	11:14.66	
8	Samantha Libel	11	Bshp Canevin	11:14.99	
9	Olivia Grode	10	Jenkintown	11:35.16	
10	Gopi Anaganda	12	Oley Valley	11:40.37	

2012/2013 Girls 3200 Meter Run AAA (Franklin Relays, High School Div.)

=====

Existing NFHS Record "!"	9:48.59	1996	Kimberly Mortensen	Thousand Oaks HS	California
Existing PIAA Record "R"	10:19.98	2011	Leonia Hamline	Ruffed Grouse	
NFHS Honor Roll "#"	10:38.00				

Place	Name	Grade	School	TIME	Remark(s)
1	Jordan Simon	11	Ruffed Grouse	10:06.54	R, #, PA
2	Lily Fulton	12	Holy Redeemer	10:37.22	#, PA
3	Alaina Koltash	12	Methacton	10:37.79	#, PA
4	Ajee Wilson	12	St. Sebastian	10:43.22	NJ
5	Julie Cully	12	Annondale	10:44.13	NJ
6	Jaden Sinclair	12	Walsingham	10:45.22	VA
7	Ashley Higginson	12	St. Mark's	10:45.58	DE
8	English Gardner	11	Ashton Acad.	10:47.45	MD
9	Hyleas Fountain	11	Saint Mary's	10:48:01	OH
10	Mary Cain	12	Bronxville	11:32:45	NY

Exhibit 6

Mail ▾

COMPOSE

Inbox (1,004)

Starred

Important

Sent Mail

Drafts (6)

More ▾

Search people...

Ignore the last email

Inbox x

May 10, 2010 21:33:15

Jamie Hagar
To: Kelly Simon

Dear Kelly:

I cannot thank you enough for your interest in Ruffed Grouse and your frank and open discussion of the limits of your capacity to pay tuition for Jordan. Rest assured that our extension of a scholarship offer contemplated that and the challenges Jordan will face coming from an academic background that may not fully have prepared her for Ruffed Grouse. Several of our public school admittees have shared these challenges, and have nonetheless overcome them.

At Ruffed Grouse, we look at the whole student's performance (academic, athletic, extracurricular and social), and I can assure you that excellence in one of these areas, be it student leadership or exceptional performance on the track, can more than compensate in our eyes for deficiencies in other areas. As you know, we will provide tutoring and counseling as necessary, but as long as Jordan appears to be doing her best in the classroom, if she is succeeding as we all expect in other areas, her scholarship will be secure.

And you certainly don't need to worry about injury; we have a first rate training staff, and we would never penalize a student injured on the athletic field. As long as she plans to return to the track, her history would be considered unimpeached, and we just can't imagine that someone as talented and driven as she would quit for any other reason.

Semper Primus,
Jamie Hagar - Assistant Principal and Athletic Director

May 10, 2010 18:40:35

Kelly Simon
To: Jamie Hagar

Dear Mr. Hager,

I wanted to ask you a question about the very nice scholarship offer you made for Jordan when we talked. We are both really excited about Ruffed Grouse! My only worry is that we could never afford the school if Jordan wasn't getting that money, and she hasn't had any of those special classes you talked about. What if her grades aren't real good? And I know you said it's because we don't have money and all, but what if she can't run? You know, if she gets hurt or something?

Kelly Simon

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Exhibit 7

Ruffed Grouse High School Internet Printing Summary Report

Date/Time of Request:	Thursday April 11, 2013 13:04:11
Student Name	JORDAN SIMON
Student ID No.	10-443
Documents	1
Pages	2



When Is Too Much Enough – EPO

Date: April 8, 2013 | author: M. Jones | comments: 324 | print view | 1/2

By: **Mary N. Jones**

When Lance Armstrong went down, I cried. Yes, I admit it, I cried. He was my hero and for years and years he swore that he never used drugs. He promised that he was clean. He promised that he did not need an edge. He was the best ever. Not anymore, not in a sport that has stripped him of his medals, his fame, and his fortune.

But, I am left wondering if what he did was really wrong. If everyone was cheating, then the playing field was even. Plus, we are talking about EPO (or Erythropoietin), not steroids. EPO does not give you acne on your back. It does not make women grow facial hair. It doesn't turn your head into the shape of a giant peanut. No, it merely increases your levels of red blood cells and makes you perform better longer. How can that be so bad?

The Magic Elixir

EPO was first marketed as a medical drug and it is still used by lots of doctors to treat lots of ailments. Cancer patients use it, those with kidney disease live because of it, and it has even been used hemophiliacs as a clotting agent.

Mystical Feet

In 1989, there was this landmark study done in Sweden. Dr. Bjorn Ekblom injected seven world class athletes with EPO and then measured their endurance levels on a running machine. Amazingly, all of them did a lot better than on their control runs in terms of time and endurance. It was estimated through this study that EPO cut off about 30 seconds for every 20 minute of run time and that was after a short course of the drug during its infancy of experiment.

The trick is that red blood cells carry oxygen to the muscles. The more red blood cells, the more oxygen that gets to the muscles. EPO increases the number of red blood cells and in turn allows the muscles to perform longer.

So What's the Problem

While EPO can be done in measured doses and can be used safely especially when monitored by a doctor, the problem is addiction. Athletes crave results. As soon as they start to do better, they want more and more. And this is where EPO can get really dangerous.

The more red blood cells make the blood thicker – this is why EPO is good for hemophiliacs. When the blood is thicker the heart has to work a lot harder. Strain is really bad for the heart muscle. The result is heart failure, strokes, aneurisms, etc. Essentially, you die because you do too much.

This is why it is banned. Not because EPO is so bad, but more because we can't control ourselves.

The question for the Future?

In my opinion, we are going about this all wrong. We should embrace science and we

1/2



When Is Too Much Enough – EPO

Date: April 8, 2013 | author: Ben Johnson | comments: 324 | print view | 2/2

By: **Mary N. Jones**

should legalize EPO so that it can be used correctly. If football players are allowed to take cortisone shots to get back on the field (and that has tremendous risk), then why can't distance athletes be allowed to use EPO. As soon as something goes into the shadows it becomes a problem.

I am not a doctor, I am not an expert, I am an athlete. What I do know is what my body can tolerate and I know if EPO was good enough for Lance, it might be good enough for me too.

COMMENTS

CommonSense 04.09.2013 | 10:11a

This guy is a complete idiot. Good thing no one reads this crappy website. It is just for jocks and wannabe jocks. I think you should all take EPO and do the world a favor. Pure drive!!

32STAR 04.11.2013 | 12:31p

I have 10 vials of 3000ui EPO. I'm female distance track. Been on a while, and want to up my dosage safely – what does everyone recommend? Big race coming up.

BroccoliNose 04.11.2013 | 12:37p

Well, I don't know where you get your E but you probably got overcharged... rookie. Listen, if you knew what you were doing you would never buy less than 100k iu of E... that is how it goes... cause 30k iu will not even get you through the loading phase. You have to load for 2 weeks at 20k ie ew so 40k iu to start. That should get your crit up to 50%. Then you need to maintain. For you, prob 5k iu ew for maintenance or more. PM me if you got questions.

DapperDan 04.11.2013 | 12:39p

Yeah girl, listen to Brocs. He'll hook you up with all the info. Make sure to PM Brocs. Supps!

BroccoliNose 04.11.2013 | 12:42p

Thx dan... glad its working out for you my man. Stay up and don't make your teammates feel too unworthy ;)

Exhibit 8

LANCASTER ONLINE

AN EDITION OF INTELLIGENCER JOURNAL/LANCASTER NEW ERA/SUNDAY NEWS



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Wisawe Track Star Loses Scholarship

By Skylar Cohen
Contributing Writer
scohen@lcnews.com

August 15, 2012
Wisawe, Pennsylvania

Recommend Tweet YOU SHARE

Olympic Champion Joan Benoit Samuelson once said, "as every runner knows, running is about more than just putting one foot in front of the other; it's about our lifestyle and who we are." Yesterday, the world got to see the sad, sad truth behind a runner's facade. The NCAA suspended Leona Hamline, former Ruffed Grouse High School (RGHS) track star, for two years for use of a banned substance, EPO. As a result, Hamline was removed from the UCLA track team and her scholarship was revoked.



Hamline's story is a classic fall from grace. Last year, she broke records in the 3200M State Championships. For the small town of Wisawe, she was a hero. She gave the local people, rocked by economic loss, a reason to cheer again. She reassured us that hard work and dedication could lead to greatness. To those who saw her run, she was a gifted athlete. And to RGHS, she was a legend. Its track program, directed by renowned coach Terry Swift, was already one of the state's premier programs. But Hamline was the type of athlete that takes a program to the next level. And that is exactly what she did – by winning big. Wisawe celebrated her scholarship to UCLA as if it was going to save the community. To many, it already had!

Unfortunately, today's headline is all too familiar in our modern sports pages. From Lance Armstrong to Alex Rodriguez, not a season goes by where some scandal does not rock the stars we hold so dearly. Past are the days of greatness achieved by skill and hard work alone. Gone are Babe Ruth, Hank Aaron, or Sebastian Coe.

Maybe each of us is to blame. We put pressure on our athletes to win big. We live vicariously through them, believing they are demigods who can do no wrong. We call them heroes. This is amplified in the high school setting where parents and peers put that pressure on influential young minds. Hamline's fall is both a symptom and a reminder of our obsession with winning.

Hamline's public apology contained little insight into what she was thinking when she decided to cheat. She said, "I have been a star for years, since Ruffed Grouse. I have been under pressure for a long time, from a lot of people, and it was not something I decided to do overnight. It was there and I was told it would give me an edge by someone I trusted. Now I must pay the consequences. I'm sorry. Don't do it – it gives you headaches and costs a fortune." Rumors of Swift's involvement in Hamline's EPO use have not been confirmed.

Maybe her tale will not make the front page of ESPN or the cover of Sports Illustrated, but to the people of Wisawe, Hamline's fall from grace carries a lifetime of impact. Today we all got to see who we really are and we are all responsible. Now is the time to remind our children that winning at all costs only creates losers.

News and Information

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Exhibit 9

Telephone Call Log: X6944

DATE SEARCH: 04.19.2013

Client: Ruffed Grouse High School
Wisawe, Pennsylvania

Extension User: Terry Swift
Department: Athletics




PENNA-CALL.com
PA's way to save!

Time	Extension	Destination	Dialed Number	Duration
16.32.19	X6944	Toll Free	800.555.1212	0.00.23
16.54.25	X6944	Toll Free	800.555.1212	0.05.11
END OF RECORD				

Visit our website:
www.pennacall.com

Exhibit 10



FACES IN THE CROWD

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NFL | COLLEGE FOOTBALL | MLB | NBA | COLLEGE BB | GOLF | NHL | RACING | SOCCER | MMA & BOXING | TENNIS | MORE | VIDEO

May 6, 2013 Issue

[See other Faces in the Crowd](#)

Kristina Littman
Satellite Beach, Florida > Dodge Ball

Kristy, a junior at Satellite Beach High, set a state record for dodge ball by becoming the first athlete to not get knocked out in 17 straight matches. Her uncanny ability and 48 inch vertical are the secret to her success. Kristy plans to play college-level intermural dodge ball at FSU.

Joshu Harris
Brooklyn, New York > Thumb Wrestling

Joshu, a senior at PS 147 in Flatbush, will be going to the Thumb Wrestling World Championships in Stockholm, Sweden this summer. Joshu went 123-2 this year, giving him the highest winning percentage in the USTWA's under-18 division since James "Tricky Jim" Nixon in 1985.

Jordan Simon
Wisawe, Pennsylvania > Track

Undefeated in the 3200m race, Jordan, a junior at track power Ruffed Grouse, shattered the Pennsylvania state record at the Franklin Relays, stunningly smashing her personal best time by more than thirty seconds. She is being recruited by Arizona, Arizona State, and other colleges.

Maria Engles
Steubenville, Ohio > Mock Trial

Maria, a varsity high school mock trialer, is receiving national attention for not only her ability to coordinate multiple parts within the trial setting, but also for doing it with a smile. Who says mock trialers can't beat them with kindness? Maria has her hopes set on Wisconsin 2014!

> Faces in the Crowd Nominations

Athlete's name:

Your name:

Your e-mail address:

Athlete's hometown:

Athlete's gender:

Athlete's sport:

Athlete's age/school/grade:

Athlete's phone number:

Tell us about the present and past accomplishments of the person you are nominating:

SUBMIT