

CLASSROOM LAW PROJECT proudly sponsors the **23rd Annual Statewide**

**2008-09 OREGON HIGH SCHOOL
MOCK TRIAL COMPETITION**

Simon

v.

Swift and Eastside High School

**A civil case where the deceased was a
student-athlete who had used steroids**

Co-Sponsored by
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November 2008

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Dear Coach, Parent, Friend, Supporter:

Thank you. You are working hard to assure that young people in your life have the experience of a lifetime. Mock trial is unlike any other high school competition. Academics, knowledge of the judicial system, quick-wittedness and teamwork are at the core of this program where young men and women are on equal footing. You are instrumental in bringing this experience to them. It means a great deal to them to have your support. Thank you for making a difference.

If you haven't already seen positive changes in the students as they prepare for the competition, I know you will. While the high school mock trial is designed to clarify the workings of the American legal system for students, a great deal more than that goes on.

The mock trial experience provides students with the opportunity for interaction with positive adult role models – teachers, lawyers, and others. As students study our hypothetical case under their guidance, they acquire a working knowledge of our judicial system. You will notice an increased proficiency in basic reading and speaking skills; also critical thinking skills such as analyzing and reasoning; and interpersonal skills such as listening and cooperating. This hands-on experience outside the classroom is one where students learn about law, society, and themselves.

We ask for your help in continuing this successful program. Classroom Law Project, an Oregon non-profit organization, is the sponsor of the annual high school mock trial. Putting on the mock trial costs almost \$30,000. Less than half of that comes from teams' registration fees. I know that you have been asked many times to give and I understand that your ability to do so may be limited. But to the extent that you can, please consider how valuable this program is to the young people in your life and write a check accordingly. Any amount you give is very appreciated; please send it to the address below. Your donation is tax deductible. Classroom Law Project is also affiliated with the Oregon Cultural trust – another way to leverage your giving. Thank you – truly thank *you* for all you are doing for kids.

Sincerely,

Marilyn R. Cover
Executive Director

CELEBRATING 25 YEARS!

Classroom Law Project is a non-profit organization of individuals, educators, lawyers, and civic leaders building strong communities by teaching students to become active citizens.

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Classroom Law Project gratefully acknowledges the high school mock trial programs from Arkansas and Arizona. The case originated with the Arizona Foundation for Legal Services & Education and the Young Lawyers of Arizona, and was further vetted in Arkansas. We in Oregon appreciate their considerable efforts. Classroom Law Project expresses its sincere thanks to both for their permission to modify their materials for use in Oregon.

Heartfelt appreciation to all teacher and attorney coaches, regional coordinators, county courthouse personnel, attorneys, and other volunteers whose dedication and hard work make the regional and state competitions successful. Without the efforts of volunteers like these, this event would not be possible.

CLASSROOM LAW PROJECT
2008-09 Oregon High School Mock Trial Competition
Simon v. Swift
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I. 2008-09 MOCK TRIAL COMPETITION

This packet contains the official materials that student teams will need to prepare for the twenty-third annual Oregon High School Mock Trial Competition.

Each participating team will compete in a regional competition. Winning teams from each regional will be invited to compete in the state finals to be held in Portland on March 13-14, 2009. The winning team from the state competition will represent Oregon at the National High School Mock Trial Competition in Atlanta, Georgia, May 6-10, 2009.

The mock trial is designed to clarify the workings of our legal institutions for young people. In the mock trial, students portray each of the principals in the cast of courtroom characters. As the student teams study a hypothetical case, consider legal principles and receive guidance from volunteer attorneys in courtroom procedure and trial preparation, they acquire a working knowledge of our judicial system. Students participate as counsel, witnesses, court clerks, and bailiffs.

Since teams are unaware of which side of the case they will present until shortly before the competition begins, they must prepare for both the prosecution/plaintiff and defense. All teams must present both sides at least once.

The phrase, "beauty is in the eye of the beholder," points out the differences that exist in human perceptions. That same subjective quality is present in the scoring of the mock trial. Even with rules and evaluation criteria for guidance, as in real life, not all scorers evaluate a performance identically. While we do everything possible to ensure consistency in scoring, the competition reflects this quality that is a part of all human institutions, including legal proceedings.

II. PROGRAM OBJECTIVES

For the **students**, the mock trial competition will:

1. Increase proficiency in basic skills such as reading, speaking, critical thinking skills such as analyzing and reasoning, and interpersonal skills such as listening and cooperating.
2. Provide the opportunity for interaction with positive adult role models in the legal community.
3. Provide a hands-on experience outside the classroom from which students can learn about law, society, and themselves.

For the **school**, the competition will:

1. Promote cooperation and healthy academic competition among students of various abilities and interests.
2. Demonstrate the achievements of high school students to the community.
3. Provide a challenging and rewarding experience for participating teachers.

III. CODE OF ETHICAL CONDUCT

At the first meeting of the Mock Trial Team, this code should be read and discussed by students and their coach(es). **The Code of Ethical Conduct governs participants, observers, guests and parents** at all mock trial events.

All participants in the Mock Trial Competition must adhere to the same high standards of scholarship that are expected of students in their academic performance. Plagiarism of any kind is unacceptable. Students' written and oral work must be their own.

Coaches, non-performing team members, observers, guests, and parents **shall not talk to, signal, or communicate with** any member of the currently performing side of their team during trial. Likewise, these individuals shall not contact the judges with concerns about the competition; concerns should be taken to the competition Coordinator. These rules remain in force during any recess time that may be called by the judge. Currently performing team members may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Non-team members, teachers and coaches must remain outside the bar in the spectator section of the courtroom.

Team members, coaches, and any other persons directly associated with the Mock Trial team's preparation are **not allowed to view other teams** in competition so long as they remain in the competition themselves.

Students promise to compete with the highest standards of deportment, showing respect for their fellow students, opponents, judges, coaches, and competition Coordinator and volunteers. All competitors will focus on accepting defeat and success with dignity and restraint. Trials will be conducted honestly, fairly and with the utmost civility. Students will avoid all tactics they know are wrong or in violation of the rules. Students will not willfully violate the rules of the competition **in spirit or in practice**.

All coaches, both teacher-coaches and attorney-coaches, agree to focus attention on the educational value of the mock trial competition, and to uphold the highest standards of the legal profession and zealously encourage fair play. Coaches shall discourage willful violations of the rules. Coaches will instruct students as to proper procedure and decorum and will assist their students in understanding and abiding by the competition's rules and this Code of Ethical Conduct. Coaches are reminded that they are in a position of authority and thus serve as positive role models for the students. All coaches should ensure that students understand and agree to comply with this Code. Violations of this Code may result in disqualification from competition.

Charges of ethical violations involving persons other than the student team members must be made promptly to the competition Coordinator who will ask the complaining party to complete a dispute form. The form will be taken to the competition's communication's center, where a panel of mock trial host sponsors will rule on any action to be taken regarding the charge, including notification of the judging panel. Violation occurring during a trial involving students competing in a round will be subject to the dispute process described in the Rules of the Competition.

All participants are bound by all sections of this Code of Ethical Conduct and agree to abide by its provisions.

OREGON HIGH SCHOOL MOCK TRIAL 2008-2009

Kelly Simon v. Terry Swift and Eastside High School

Summary of Case

Jordan Simon was a 17-year old senior in high school who unexpectedly died of a heart attack. Jordan began running as a youngster, and had real promise. Jordan joined Eastside High School's track team as a freshman, and quickly developed into a star sprinter. At the time of Jordan's death, Jordan was competing for a track scholarship to a Division 1 university.

The autopsy revealed that Jordan's bloodstream contained the steroid Erythropoietin (pronounced, ah-rith-ro-poy-tin, and abbreviated, EPO). EPO is used medically to treat certain forms of anemia. Athletes use EPO to improve performance, because it increases the oxygen carrying capacity of blood. EPO also increases the blood viscosity, which can cause the blood to sludge and clog capillaries, resulting in a heart attack.

Kelly Simon, Jordan's surviving parent, has filed a wrongful death lawsuit against Eastside High School and Terry Swift, the track coach. Specifically, Kelly claims that Terry and the school's athletic department: (i) encouraged Jordan to use steroids; and (ii) should have known that Jordan was using steroids and taken steps to stop Jordan's steroid use. Terry and Eastside deny Kelly's claims, and contend that: (i) Jordan assumed the risk of using steroids; and (ii) Kelly was comparatively negligent in not (a) discovering that Jordan was using steroids, and (b) taking steps to stop Jordan's steroid use. This is a bifurcated trial on the issue of liability only; damages are not at issue.

The plaintiff's witnesses are: (i) Kelly Simon, Jordan's surviving parent; (ii) Morgan Pearce, another student on the track team and Jordan's close friend; and (iii) Lynn Roper, Ph.D., an expert on the effects of steroid abuse and the use of steroids by young athletes. The defendants' witnesses are: (i) Terry Swift, Eastside's track coach; (ii) Jamie Hagar, Ed.D, Eastside's assistant principal and athletic director; and (iii) Aubrey Brady, a consultant to coaches and athletic departments.

Witnesses and Exhibits Lists

The plaintiff will call the following witnesses:

Kelly Simon
Morgan Pearce
Lynn Roper, Ph.D.

The defendants will call the following witnesses:

Terry Swift
Jamie Hagar, Ed.D.
Aubrey Brady

The exhibits that may be used at trial are marked as follows:

Exhibit 1 OIA Bylaws (Portion of Article 14)
Exhibit 2 OIA Position Statement Form 14.13

- Exhibit 3 Oregon Child Fatality Review Data Form
- Exhibit 4 Toxicology Report
- Exhibit 5 Poster (Girl)
- Exhibit 6 Poster (Boy)
- Exhibit 7 NFSHSA Brochure
- Exhibit 8 Report of Race Times
- Exhibit 9 Bank Records
- Exhibit 10 Internet Printing Cover Sheet and Article

Authenticity is stipulated for all exhibits.

All witness affidavits were signed before trial. Each witness has reviewed his/her affidavit for accuracy, and no changes were made.

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3 Chinook, OR 97200
Telephone: (503) 555-1212

4 Attorneys for Plaintiff
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8 IN THE CIRCUIT COURT OF OREGON
9 DUNIWAY COUNTY

10 KELLY SIMON, an unmarried individual,

No. CV2008-35789

11 Plaintiff,

COMPLAINT

12 v.

13 TERRY SWIFT, an unmarried individual;
14 EASTSIDE HIGH SCHOOL,

15 Defendants.

16 Plaintiff alleges:

17 **COUNT ONE**

18 **(Negligence/Wrongful Death)**

- 19 1. Plaintiff is an unmarried individual who resides in Duniway County, Oregon.
20 2. Terry Swift ("Swift") is an unmarried individual who resides in Duniway County,
21 Oregon. At all relevant times, Swift was the track coach at Eastside High School ("Eastside").
22 3. Eastside High School is a private high school with its principal place of business in
23 Duniway County, Oregon.
24 4. Jurisdiction and venue are proper in this Court.
25 5. Plaintiff is the surviving parent of Jordan Simon ("Jordan"), who died unexpectedly of a
26 heart attack on May 6, 2008.
27 6. Jordan began competitive sprinting in grade school. Jordan enrolled as a freshman and
28 joined the track team at Eastside during the 2004-05 school year. At the time of Jordan's death,

1 Jordan was: (i) a 17-year old senior at Eastside; and (ii) a star sprinter on Eastside’s track team.

2 7. An autopsy and laboratory tests confirmed that Jordan’s bloodstream contained extremely
3 high levels of a steroid known as Erythropoietin (“EPO”). EPO is a steroid that commonly is
4 used without a doctor’s prescription and supervision by sprinters and other endurance athletes to
5 improve their performance.

6 8. The EPO in Jordan’s system caused Jordan’s fatal heart attack.

7 9. Jordan never had a doctor’s prescription for EPO.

8 10. Defendants had a duty to (among other things): (i) monitor Eastside’s student athletes
9 for the use of illegal performance-enhancing drugs; (ii) warn Eastside’s student athletes regarding
10 the dangers and risks associated with the use of illegal performance-enhancing drugs; and (iii)
11 discourage Eastside’s student athletes from using illegal performance-enhancing drugs
12 (collectively, the “Duties”).

13 11. Defendants breached their Duties to Jordan, by (among other things): (i) failing to
14 monitor Jordan for the use of illegal performance-enhancing drugs; (ii) failing to warn Jordan
15 regarding the dangers and risks associated with the use of illegal performance-enhancing drugs;
16 and (iii) expressly and/or implicitly encouraging Jordan to use illegal performance-enhancing
17 drugs.

18 12. Defendants’ breach of the Duties proximately caused Jordan’s death.

19 13. Plaintiff has suffered emotionally and physically as a result of Jordan’s death and
20 Defendants’ breach of the Duties.

21 WHEREFORE, plaintiff prays for judgment against Defendants for:

- 22 A. Damages in an amount to be proven at trial;
 - 23 B. An award of taxable costs; and
 - 24 C. Such other relief as the Court deems just and proper.
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1 DATED: August 27, 2008.

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PARKER WALTERS, P.C.

By /s/ Eduardo Chavez
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IN THE CIRCUIT COURT OF OREGON
DUNIWAY COUNTY

KELLY SIMON, an unmarried individual,

Plaintiff,

v.

TERRY SWIFT, an unmarried individual;
EASTSIDE HIGH SCHOOL,

Defendants.

No. CV2008-35789

ANSWER

Defendants answer plaintiff's Complaint as follows:

1. Defendants admit the allegations in paragraphs 1 through 4
2. Defendants admit that (i) plaintiff is the surviving parent of Jordan Simon ("Jordan"), and (ii) Jordan died on May 6, 2008; and are without sufficient information and knowledge to admit or deny the remaining allegations in paragraph 5.
3. Defendants admit that (i) Jordan enrolled as a freshman and joined the track team at Eastside High School ("Eastside") during the 2004-05 school year, and (ii) at the time of Jordan's

1 death, Jordan was a 17-year old senior and a star sprinter on Eastside's track team; and are
2 without sufficient information and knowledge to admit or deny the remaining allegations in
3 paragraph 6.

4 4. Defendants are without sufficient information and knowledge to admit or deny the
5 allegations in paragraphs 7 through 9.

6 5. Defendants deny the allegations in paragraphs 10 through 13.

7 6. Defendants deny all allegations that have not been admitted expressly in this Answer.

8 **Affirmative Defenses**

9 1. Plaintiff's claims, if any, are barred by plaintiff's comparative negligence.

10 2. Plaintiff's claims, if any, are barred by Jordan's assumption of the risk.

11 3. Defendants may learn of additional affirmative defenses during the course of discovery,
12 and reserve the right to amend this Answer to assert such affirmative defenses.

13 WHEREFORE, defendants pray for:

14 A. Judgment dismissing plaintiff's claims with prejudice;

15 B. An award of their taxable costs; and

16 C. Such other relief as the Court deems just and proper.

17 DATED: September 12, 2008.

18 FOSTER & COLLINS, LLP

19
20 By /s/ Sarah Cavanaugh
21 Sarah Cavanaugh
Attorneys for Defendants

22 Copy of the foregoing mailed
23 on September 12, 2008, to:

24 Eduardo Chavez
25 PARKER WALTERS, P.C.
26 2727 North Central Avenue
Suite 905
Chinook, OR 97200
Attorneys for Plaintiff

27
28 /s/ Ruth Smith

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AFFIDAVIT OF KELLY SIMON

STATE OF OREGON)
) ss.
County of Duniway)

Kelly Simon, first duly sworn, under oath, states as follows:

1. I live in Chinook, Oregon, and I am the 34-year-old only surviving parent of Jordan Simon. Jordan is my only child and died on May 6, 2008.

2. My former spouse, Keane, and I found out we were expecting Jordan when I was only 16 years old. Keane and I were both in high school. We were both very successful runners. Keane ran long distances and I was a sprinter. We were hoping to go to college on track scholarships when we learned about the pregnancy.

3. Keane died when Jordan was only 2 years old. I worked two, and often three, jobs to make sure that I could take care of Jordan. I wanted to make sure that Jordan had a good life. I probably wasn't home enough, but I had to do what it took to get food on the table and pay for insurance.

4. Insurance from Keane's death was set aside in a trust account for Jordan. Until Jordan was 16 years old, I controlled the trust. I never took money out of the trust. At times, I even worked 18 hours a day to make sure that we could get by without touching Jordan's trust money. According to the terms of the trust, when Jordan turned 16 years old, Jordan could access the money and withdraw funds without my consent.

5. I knew, even when Jordan was little, that Jordan had serious running talent. Jordan ran a 2-mile race at only six years old and finished before a lot of adults. Jordan and I often ran together on the weekends and early in the morning – it was our time together. Jordan was a strong runner.

6. By 6th grade, Jordan could often beat me in sprints. Of course, I was not in great shape, but Jordan was really fast, particularly in the 100 meters.

7. By 8th grade, Jordan met numerous high school track coaches. Terry Swift from Eastside

1 High School, one of the top track coaches in the state, was at Jordan's middle school for a
2 meeting during one of Jordan's track meets. Jordan was very excited about meeting Terry. I
3 wish Terry had been hit by a car on the way to the middle school; then I wouldn't be walking past
4 Jordan's empty room every night. I blame Terry and Eastside for Jordan taking steroids.

5 8. In middle school, Jordan set numerous school records. A few kids at other schools were
6 faster, but Jordan was committed to track.

7 9. Terry made quite an impression on Jordan. After meeting Terry, Jordan talked all the
8 time about going to Eastside, because it had one of the best track programs in the state. The
9 problem was that Eastside is a fancy private school – a school we couldn't afford without help,
10 and Jordan's grades were not nearly good enough to qualify for an academic scholarship. It's not
11 that Jordan wasn't bright, but Jordan was more interested in running than studying. Fortunately,
12 Terry recommended Jordan for a scholarship. Although Terry never said it, all Jordan had to do
13 was stay on the track team and keep doing really well, and Jordan would get to stay at Eastside.

14 10. I know I put a lot of pressure on Jordan. I wanted to make sure that Jordan stayed at
15 Eastside. It was a good school – one we couldn't afford. I also wanted Jordan to have the life as
16 a track star that Keane and I couldn't, because we made poor decisions when we were young.

17 11. I remember when Jordan was 15, one day during our run, Jordan told me that Terry was
18 applying a lot of pressure for Jordan to take it to the next level. Jordan had placed second in the
19 last meet and Terry was angry. Jordan told me that Terry said that college was on the line and so
20 was next year's tuition at Eastside.

21 12. I told Jordan that Terry was right. I wanted Jordan to get into a good college. I wanted
22 to make sure that Jordan stayed at Eastside. I remember telling Jordan about the extra training we
23 were going to do together. Instead, I got a promotion at one of my jobs to manager of the
24 computer training division, and I ended up working a lot more. I never got to do the extra
25 training with Jordan. In fact, I ended up putting a lot more responsibility on Jordan to manage the
26 house. Jordan had to shop for groceries, do all the laundry, run errands and make dinner. Jordan
27 probably had less time to train after my promotion than before.

28 13. When Jordan was 16, more college recruiters started coming to the track meets and

1 practices. Jordan was getting more and more nervous.

2 14. Jordan asked me a few times if funds from the trust account were available. I said at 16
3 the funds were available. I never even thought to check the balance after Jordan turned 16.

4 15. In Jordan's senior year, things were coming together – or so it seemed – from a track
5 standpoint. Jordan won every race. Jordan's times were getting faster and faster. At home,
6 Jordan was more and more withdrawn. I figured it was adolescence. Jordan never wanted to go
7 on morning or weekend runs with me, saying, “they were unnecessary – there were other types of
8 training for great runners.” Jordan's comments hurt my feelings, but I figured Jordan was just
9 angry about all the responsibilities that the other kids didn't have.

10 16. During Jordan's senior year, Jordan was sick a lot. Jordan often stayed home with cold
11 and flu-like symptoms. It seemed like Jordan caught almost every bug that was going around the
12 school that year. Jordan also got lots and lots of nosebleeds. I asked if we should go to the
13 doctor, but I just got an ice-cold stare and Jordan said, “it's the price of success.” I had no idea
14 what that meant.

15 17. I also was worried about Jordan's acne. Jordan always had perfect skin, but all of a
16 sudden Jordan's back was covered with acne. I figured it was hormonal and Jordan was already
17 angry all the time – I didn't want to bring up the issue.

18 18. In April 2008, I decided to buy Jordan a car as an early graduation gift. I had been
19 saving as much as I could. I thought about asking Jordan to pay for car insurance from the trust.
20 I decided to check the balance on the account. I saw the account balance was down from around
21 \$50,000 to about \$25,000. I blew my top. First, I called the bank and freaked out that money was
22 fraudulently taken out of Jordan's trust. The bank e-mailed me the records showing Jordan's
23 withdrawals; I couldn't believe my eyes.

24 19. I went to Jordan's track practice and in front of Terry I started yelling at Jordan. I
25 showed Jordan the bank records and demanded an explanation. Jordan looked at both of us and
26 said, “You both know where the money is going. You might as well buy it for me. How am I
27 getting so good? Not from doing dishes. Not from doing laundry.” Jordan looked right at Terry
28 and said, “You know – you explain it.” Jordan ran off and didn't talk to me for a couple of weeks.

1 I asked Terry what Jordan meant and Terry said, "I'll take care of it."

2 20. I monitored the account and the money kept getting withdrawn, but I couldn't do
3 anything to stop it. I wish I had done something – I don't know what – but I wish I had done
4 something.

5 21. On the morning of May 6, 2008, Jordan's school called and asked why Jordan wasn't
6 there. Jordan had a big track meet that day – Jordan always went to school on days of track
7 meets, because you could only participate if you attended school. I called home, but there was no
8 answer. I knew something was wrong, so I drove home as fast as I could. When I got home I
9 found Jordan. Jordan was lying in bed, eyes closed. I touched Jordan and I felt my life was over.
10 Jordan's body was cold. I screamed. I called 911.

11 22. I've taken leave from work. I can't function. I'm heavily medicated most of the time.
12 My life is gone. Everything I loved is gone. Jordan was my baby. I wanted Jordan to have the
13 life I never had – now Jordan is dead at 17 years old.

14 23. About a month ago, I found the strength to go through some of Jordan's stuff. In a
15 shoebox in the back of Jordan's closet I found a bunch of syringes and small bottles containing a
16 clear liquid. I'm sure it was the steroids. I threw the box against the wall. Eventually, I gathered
17 everything up and tossed it in the trash.

18 24. Most days I sit in Jordan's room or lay on the bed and stare at the track trophies and
19 medals. I crave one more day with Jordan. One more run. One more breakfast. One more
20 conversation. I don't know how I can get through the rest of my life. For now, I'm just trying to
21 get through each minute with the pain and loss of losing my child to steroids.

22 /s/ Kelly Simon

23 SUBSCRIBED AND SWORN to before me, a Notary Public, on January 6, 2008, by Kelly
24 Simon.

25 /s/ Quincy Vargas

26 My Commission Expires:

27 November 5, 2010

28

1 **AFFIDAVIT OF MORGAN PEARCE**

2 STATE OF OREGON)
3 County of Duniway) ss.

4 Morgan Pearce, first duly sworn, under oath, states as follows:

5 1. I am 18 years old and live in Chinook, Oregon, with my parents. I am a freshman at
6 Glendale Community College where I am a member of the track team. I graduated from Eastside
7 High School, where I also was on the track team.

8 2. I have been running track since my freshman year at Eastside. I was first introduced to
9 track in my physical education class. My P.E. teacher was Coach Swift, the track coach. Coach
10 suggested that I try out for the team because I was the fastest person in my class. Coach also told
11 me that I might qualify to get a scholarship to cover some, if not all, of the tuition for attending
12 Eastside.

13 3. On the first day of tryouts, Coach told us about the school's drug policy. Coach said that
14 drugs were strictly prohibited. If we were caught with marijuana, cocaine, heroin,
15 methamphetamine or any other narcotic, we would be kicked off the team and the police would
16 be called. Then Coach gave us some OIA form to sign saying we wouldn't use drugs. We went
17 through the same process every year. Coach never said anything about steroids.

18 4. I never saw any posters or any other material about steroids in the locker room.

19 5. I first met Jordan Simon during tryouts. Jordan also was a freshman and had been
20 running track for several years. Both of us ran the 100 meters. Jordan and I hit it off, because
21 Jordan was pretty nice and had a funny way about him/her. After tryouts, we both made the team.
22 I was extremely happy, and so were my parents, because to top it all off I got a scholarship
23 covering 50% of my tuition. Jordan and I started hanging out a lot. Not just at practice, but
24 outside too. We were pretty close, despite the fact that Jordan was always a little faster than I was
25 and usually edged me out at track meets.

26 6. Our first two years were pretty normal for track runners I guess. During the season we
27 would pull two-a-days--working out and lifting weights in the morning before class, and running
28 at track practice after school. We usually would meet at my locker right after our last class and

1 head out to the field together.

2 7. Our junior year Jordan changed a little. Jordan was really busy at home making dinner,
3 doing the cleaning and laundry, and picking up groceries. I think all the extra work was a little
4 much and wore Jordan out. Jordan started to skip morning workouts with me. Jordan's running
5 suffered. I kept up my workouts, and my times kept improving. Not Jordan. Jordan's times
6 started to dip towards the end of the season. We were pretty much tied by the final meet of the
7 season.

8 8. Coach noticed Jordan was slacking too, and was not happy. It wasn't just Jordan's track
9 performance--it was Jordan's school performance as well. Coach started riding Jordan pretty
10 hard. It got worse at the end of that year. One of the seniors received a full-ride scholarship to
11 ASU. It's not that this was unusual or anything, I mean, Eastside almost always finishes in the
12 top five in state, and every year it seems like someone gets a scholarship. That scholarship came
13 at a bad time for Jordan. Like I said, Coach already was riding Jordan pretty hard, and we found
14 out about the scholarship just as Jordan's times hit their lowest of the year. Coach pretty much
15 blew a gasket. I remember one day in the locker room I heard yelling coming from Coach's
16 office. I looked in the window and could see Coach standing over Jordan screaming and yelling.
17 I heard Coach tell Jordan "forget about a college scholarship, if you don't straighten up, I am
18 going to yank your Eastside scholarship!" Right then, Coach looked up and saw me through the
19 window. Coach pointed at me and hollered, "I hope you heard that, because the same goes for
20 you!" Then Coach slammed the door and went back to yelling at Jordan.

21 9. A week later Coach saw Jordan and me in the hall and told us to be at the end of the year
22 banquet early so we could talk. We did, and Coach pulled us into a side room one at a time. I
23 went first. Coach asked if I thought I could get my numbers up so that I could get a scholarship.
24 I said I was working really hard, and I thought it was possible. Coach then told me "getting a
25 scholarship for track takes more than just workouts and practice. It's about what you put into
26 your body too." I told Coach I knew that, and that I was on a good diet. "Diet, yeah, that's
27 important too," Coach said. Then Coach said: "You know only the best of the best get
28 scholarships, right? You have to do whatever it takes." "Yes," I responded. Coach then told me

1 that some of my competitors no doubt were using “supplements” and that, whether I liked it or
2 not, they were the ones who were going to get the scholarships. Coach asked me what I thought
3 about that. I said I didn’t think it was fair. Then Coach said, “It’s not fair, and I certainly won’t
4 give you anything, but one year is a pretty small price to pay for a scholarship that could have
5 lifelong benefits.” With that, Coach told me to send Jordan in.

6 10. About ten minutes later, Jordan sat next to me at the table. I asked about the meeting
7 with Coach. Jordan wouldn’t look at me, but said “one year is a pretty small price to pay for a
8 scholarship. Coach is right.”

9 11. The summer after our junior year Jordan and I didn’t hang out that much. I had gotten a
10 summer job to try and start saving for college just in case, and Jordan still was pretty busy at
11 home.

12 12. When our senior year started, things began to change. Don’t get me wrong, we were
13 still pretty close, it’s just that Jordan started acting funny. Most of the time Jordan just wanted to
14 focus on track. We didn’t meet at my locker after class anymore. Jordan went home instead and
15 met me on the field. It seemed like Jordan didn’t want to hang out; Jordan just wanted to work
16 out. After practice it was the same thing. Jordan would just go straight home, without even
17 showering. At the time, I just figured Jordan was embarrassed. Jordan had started to get some
18 pretty bad body acne.

19 13. Jordan started getting sick a lot too. It started with the nosebleeds. It seemed like once
20 a week Jordan would have to duck out of one of the classes we had together to see the school
21 nurse. Then Jordan started missing school. It happened a lot. When I asked about it, Jordan just
22 told me it was the flu or a bad cold. I figured it was just stress from trying to get a scholarship
23 and from the pressure Coach put on Jordan every practice.

24 14. I was amazed when track season finally started in February 2008. Despite being sick all
25 the time and missing school and practice, Jordan’s numbers were up. I mean way up. Usually, it
26 takes a little time to get back into the swing of things. Not for Jordan. Right from the start,
27 Jordan’s numbers were tenths of a second ahead of the previous year --and that is a lot for the 100
28 meters.

1 15. Coach kept a chart of our best times on a bulletin board in the locker room. It showed
2 our time at the final meet of the year for every year we had been on the team, and our current best
3 time. Everyone saw how much Jordan had improved. A lot of the other runners started talking.

4 16. Right away, I knew something wasn't right. Jordan idolized Coach. Jordan always had
5 talked about what a great track career Coach had before becoming a teacher. Jordan wanted to be
6 just like Coach. And that's when I remembered our talk with Coach before the banquet. I know
7 that Jordan would do whatever Coach said. I quickly put two and two together, and that's when I
8 realized Jordan was using steroids.

9 17. I didn't know what to do, so I decided that I would try and tell Coach. I knew I was
10 risking my scholarship to Eastside, but I had saved up some money from my summer job. I had
11 to risk it. Jordan was my friend. Jordan was in trouble. So I went and told Coach. Coach asked
12 if I had seen Jordan use steroids; if I had seen the steroids; if I had asked Jordan. Of course, I said
13 no. Coach said: "Then my hands are tied. Besides, whatever you are worried about can't be that
14 bad, just look at Jordan's times." That must have been toward the end of April, maybe the
15 beginning of May.

16 18. A few days later, on May 6, 2008, I went to school like any other day. I didn't see
17 Jordan at school that day. I figured Jordan was sick again, but I thought it was odd, because we
18 had a track meet that afternoon and Jordan never missed school on the day of a meet. Toward the
19 end of the day, there was a page over the intercom in my classroom. I was asked to go to the
20 front office. When I got there, there was a bunch of people huddled around talking quietly. One
21 of them, a school counselor, came over and put his arm around me and took me to his office. I
22 started getting worried. I asked what was wrong. He said he would tell me in just a moment. I
23 walked into his office. My heart started beating harder. I sat down. He closed the door. He sat
24 down next to me. He wouldn't look at me. I was starting to panic. "What's going on?", I asked.
25 He told me that Jordan died. I thought I heard him wrong. It felt like the wind had been knocked
26 out of me. He said it happened sometime in the middle of the night. I don't remember what else
27 he said.

28 19. A little while later my mom came to pick me up. When I left the office, I saw Coach in

1 the front office. Coach was sitting alone, crying. As I left with my mom, I remember turning and
2 saying, "I hope you're happy. You killed my best friend."

3 20. I quit the team the next day. I know Coach was put on administrative leave, but I
4 couldn't go back to that locker room. I couldn't be on that field. I couldn't be where my Coach
5 slowly killed my best friend.

6

7

/s/ Morgan Pearce

8

SUBSCRIBED AND SWORN to before me, a Notary Public, on January 3, 2008, by
9 Morgan Pearce.

10

/s/ Jearl Stanton

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My Commission Expires:

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November 5, 2010

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1 **AFFIDAVIT OF LYNN ROPER, Ph.D.**

2 STATE OF MICHIGAN)
3 County of Wayne) ss.

4 Lynn Roper, Ph.D., first duly sworn, under oath, states as follows:

5 1. I obtained my Bachelor of Science degree in physical education and health in 1989 from
6 the University of Oregon. From 1989 to 1994, I taught high school physical education and health
7 in Eugene, Oregon. I also was the head track coach at the school.

8 2. In 1994, my favorite nephew Scott died of a heart attack. It was devastating and a shock
9 to the whole family, because Scott was only 16 years old, he played sports since he was a young
10 boy, and he was in great physical shape. Scott always looked up to me and said that he wanted to
11 follow in my footsteps and become a physical education teacher and coach.

12 3. I always pushed Scott to be the best athlete he could be in every sport. He always
13 worked hard and excelled at every sport he played. I was very excited when Scott began playing
14 linebacker for his high school's varsity football team. It was amazing how quickly Scott
15 developed. He was bigger than anyone else on the team in no time at all, and he quickly became
16 the star linebacker. I was so proud of all of Scott's hard work.

17 4. I'll never forget the fall afternoon in 1994 when I received a call from my sister, Scott's
18 mother. I could tell immediately that something bad had happened, but nothing could have
19 prepared me for what I was about to learn. I was absolutely floored when my sister told me that
20 Scott collapsed at football practice and was dead. My disbelief turned to anger when the autopsy
21 report came back several days later and revealed that Scott had been taking steroids. Although I
22 had no clue that Scott was using steroids, I still feel guilty that I pushed him too hard and set the
23 level of expectations too high. I decided that I needed to learn more about steroids, and I vowed
24 to do whatever I could to hold accountable those who are responsible for encouraging steroid
25 abuse.

26 5. I couldn't stand to coach anymore after Scott's death, so I quit my teaching and coaching
27 positions and returned to graduate school at Oregon State University. I obtained my Master of
28 Science degree in applied exercise physiology in 1995, and I obtained my doctorate in applied

1 exercise physiology in 1997. My doctoral dissertation was entitled “Juice Isn’t Just For Breakfast
2 Anymore: The Use Of Anabolic Steroids By Amateur Athletes”. It focused on the use of
3 stanozolol, which was the steroid found in Scott’s system.

4 6. In 1997, immediately after obtaining my Ph.D., I took a position as a researcher at the
5 Human Performance Laboratory (“HPL”) in the Department of Kinesiology and Health Education
6 in the College of Education at the University of Texas at Austin. Kinesiology is the scientific
7 study of movement. One of the primary goals of the discipline is to understand the processes that
8 control movement and the factors that affect the acquisition of motor skills. At the HPL, we
9 studied oxygen consumption and cardiac output in humans.

10 7. In 2000, I accepted a position as the executive director of the Midwest Institute for
11 Exercise Physiology in Michigan. The Institute is a private for-profit organization that studies all
12 aspects of exercise physiology. Since my arrival, I have focused the Institute’s studies on the use
13 of steroids by both amateur and professional athletes for two reasons. First, I have a deep
14 personal interest in the subject. Second, as executive director, my most important responsibility
15 is the bottom line. As everyone knows, the abuse of steroids is the hot issue in our field. As
16 such, the Institute’s published studies have become very profitable.

17 8. One of the conditions of my accepting the Institute’s executive director position is that I
18 am allowed to do consulting on the side. Since 2000, I have accepted around 10 outside
19 engagements. I was contacted by the attorneys for Kelly Simon to provide expert testimony in
20 Kelly’s case against Terry Swift and Eastside High School. I am charging my standard fee of
21 \$500 per hour. I have not been paid yet, but I estimate that my total fee will be approximately
22 \$10,000. I probably will donate half of my fee to the Scott Johnson Foundation, a non-profit
23 organization that I established in memory of my nephew. The Foundation’s mission is to educate
24 young amateur athletes about the dangers of steroid abuse and to do whatever possible to hold
25 those who encourage steroid abuse responsible for the harm that they cause.

26 9. Steroids are not bad in and of themselves. In fact, steroids are hormones naturally
27 produced by the human body. Naturally produced steroids help control: (i) the stress of illness
28 and injury; (ii) immune functions; (iii) development of sexual characteristics; (iv) inflammation;

1 (v) metabolism; and (vi) salt and water balance. Synthetic steroids are chemically similar to
2 natural steroids and duplicate their actions, and they can be prescribed by doctors for various
3 legitimate medical treatments. Some of the synthetic steroids that are commonly prescribed
4 include cortisone, hydrocortisone and prednisone. All three of these synthetic steroids often are
5 used to suppress inflammation, and their use can alleviate the symptoms of inflammatory
6 conditions such as arthritis and asthma.

7 10. Even the steroids that are used for legitimate medical purposes have serious side effects,
8 such as: (i) bone thinning; (ii) high blood pressure; (iii) fluid retention; (iv) mood swings; (v)
9 weight gain; (vi) muscle weakness and pain; (vii) nerve damage; and (viii) decreased resistance to
10 infection. Because of the potential severe consequences, it is important that the use of steroids be
11 monitored closely by a medical doctor.

12 11. Most people who think of steroid abuse are thinking of anabolic steroids. Anabolic
13 steroids are chemically related to testosterone. Although anabolic steroids can be prescribed to
14 treat certain growth and other disorders, they are less commonly prescribed than cortisone,
15 hydrocortisone and prednisone. Anabolic steroids are commonly used by athletes illegally either
16 orally or by injection to increase muscle mass and strength by allowing athletes to recover from a
17 hard workout more quickly. Some athletes also like the aggressive feelings caused by anabolic
18 steroids.

19 12. Anabolic steroids have serious side effects, many of which aid in determining whether
20 somebody is abusing steroids. Males may develop prominent breasts, baldness, a higher voice,
21 shrunken genitals and infertility. Females may develop a deeper voice, enlarged genitals,
22 increased body hair, baldness and increased appetite. Both males and females may experience:
23 (i) severe acne; (ii) liver problems; (iii) increased bad cholesterol and decreased good cholesterol;
24 (iv) aggressive behavior; (v) depression; (vi) distractibility and irritability; (vii) extreme mood
25 swings; (viii) paranoid jealousy; and (ix) impaired judgment stemming from feelings of
26 invincibility. Indeed, there are several documented incidents of anabolic steroid abuse causing
27 young athletes to commit suicide.

28 13. Erythropoietin (“EPO”) is a glycoprotein hormone that is naturally produced by the

1 kidneys. It stimulates the bone marrow to make red blood cells. The rise in red blood cells
2 increases the oxygen-carrying capacity of the blood. It is possible for the body to produce too
3 much EPO on its own.

4 14. In 1985, EPO was produced synthetically for the first time. Synthetic EPO, which is
5 very expensive, is injected as a medical treatment for certain types of anemia. It also can be
6 given prior to surgery to patients who cannot receive a blood transfusion for medical or religious
7 reasons to counteract expected blood loss during the surgery.

8 15. Endurance athletes, such as cyclists, long-distance runners, speed skaters and cross-
9 country skiers, often misuse synthetic EPO to increase their endurance. This often is called
10 “blood doping”. The abuse of EPO is difficult to detect, however, because the available tests
11 cannot distinguish between naturally produced EPO and synthetic EPO.

12 16. Elevated levels of EPO can be extremely dangerous, especially when combined with
13 vigorous exercise, because it increases the viscosity (or thickness) of the blood. The thicker
14 blood has trouble passing through the thin capillaries. One common side effect of abusing EPO is
15 recurring nosebleeds. Another side effect is that a person abusing EPO becomes ill more often,
16 because the EPO lowers the white blood cell count, resulting in a failure of the immune system.
17 More significantly, when an athlete who uses EPO sleeps, the athlete’s heart beats very slowly,
18 increasing the risk for a heart attack or stroke.

19 17. It is difficult to know precisely how many student athletes are abusing steroids, because
20 most of the studies rely on surveys of the student athletes themselves. It is clear, however, from
21 studies by the Centers for Disease Control and Prevention that the abuse of steroids by students is
22 on the rise--and the age at which student athletes begin to use steroids is going down.

23 18. The World Anti-Doping Agency (“WADA”) was established in 1999 to promote and
24 coordinate the international fight against doping in competitive sports. It was set up as a
25 foundation under the initiative of the International Olympic Committee with the support and
26 participation of intergovernmental organizations, governments, public authorities and other public
27 and private bodies fighting against doping in sports. WADA generates a list of prohibited
28 substances each year. WADA’s list has become the standard in competitive sports. Accordingly,

1 I stay familiar with and can testify regarding WADA's list. EPO is on WADA's list of prohibited
2 substances.

3 19. I always believed that mandatory testing of athletes was an invasion of the right to
4 privacy guaranteed by the Constitution. When Scott died, however, I realized how wrong I was
5 and changed my mind. Designating a steroid as a prohibited substance does not do any good
6 unless the athletes are tested for prohibited substances. Accordingly, I believe that random
7 testing of high school athletes should be mandatory. Unfortunately, no state has yet adopted
8 mandatory random testing, but lawmakers in Florida and Michigan are trying to do so.

9 20. Although no state requires mandatory random testing, I believe that individual school
10 districts and schools should institute mandatory random testing programs--and several have.
11 Most school districts, however, do not have random testing programs because of the cost.
12 Although the initial test is only \$80 per student athlete, it costs significantly more to conduct a
13 second round of tests to confirm a positive initial test.

14 21. Although mandatory testing programs are a good deterrent, mandatory testing programs
15 are not 100% effective, primarily because steroid abusers come up with ways to mask steroid
16 tests. Accordingly, even where mandatory testing programs are used, it is important that athletic
17 directors and coaches be vigilant in (i) watching their student athletes for signs of steroid abuse,
18 and (ii) counseling their student athletes against using steroids, especially where signs of steroid
19 abuse are present. In this regard, I believe that all high school athletic directors and coaches
20 should attend a six-hour course regarding steroid abuse taught by a certified instructor. In
21 addition, they should attend an annual refresher course to stay abreast of the constant changes that
22 occur with respect to steroid abuse by athletes.

23 22. High school athletes are vulnerable and under a lot of pressure. This is especially so
24 with athletes who are looking to gain the edge necessary to compete at the next level.
25 Accordingly, high school coaches need to be careful not to say or do anything that their student
26 athletes could construe as encouraging the use of steroids.

27 23. I have reviewed all of the affidavits and all of the exhibits in this case. These are the
28 type of documents that I typically review in my consulting engagements, depending on the type

AFFIDAVIT OF TERRY SWIFT

1
2 STATE OF OREGON)
3 County of Duniway) ss.
)

4 Terry Swift, first duly sworn, under oath, states as follows:

5 1. I am 55 years old and currently work for Eastside High School. I am on administrative
6 leave, and have been since May 2008.

7 2. I graduated from Drake University with a Bachelor’s degree in physical education in
8 1972. I received my Master’s degree from the University of Iowa in physical education in 1978.
9 Eastside was the first school I worked for after graduating from the University of Iowa. I’ve been
10 a freshmen and sophomore physical education teacher at Eastside for 27 years. I’ve been the
11 track coach at Eastside for 15 years.

12 3. Eastside is a private school, and the faculty members are expected to serve on one or
13 more committees. I am the chair of the scholarship committee, which is responsible for
14 considering all students for academic and need-based scholarships. Eastside is an expensive
15 school – it costs \$15,000 per year for tuition alone. A lot of the students’ parents can’t or don’t
16 want to pay that much for school.

17 4. I was on the track team in college. I went to Drake on a full-ride scholarship. I never
18 took drugs, but many of my classmates in high school did. Some of them used diet pills and
19 others used illegal prescription drugs to get a competitive edge. I think the drugs let some of my
20 classmates get into schools with great track programs.

21 5. After college I tried to make the Olympic team. I trained very intensely and almost made
22 the team. Most of the runners, I think, were using steroids. I just couldn’t keep up. Today,
23 steroids are even more prevalent with professional and Olympic athletes.

24 6. Track is a very competitive sport. For five years, our school has finished in the top three
25 in the state in track and field. We consistently have the fastest and strongest runners.

26 7. I am always on the lookout for students with the potential to be strong runners. I first
27 became aware of Jordan Simon when I happened to attend a meeting at Jordan’s middle school on
28 the day of a track meet. Jordan was an incredible sprinter for a middle school student. I could

1 not have been happier when I found out that Jordan was interested in Eastside.

2 8. The scholarship committee awarded Jordan a scholarship based on my recommendation.
3 Jordan would not have been able to attend Eastside without the scholarship. As such, Jordan fit
4 the criteria for a need-based scholarship. A condition of keeping a scholarship at Eastside is to
5 maintain a satisfactory attendance and academic record.

6 9. Usually, teachers don't make a lot of money, but at Eastside, they make more than
7 average. I've been teaching a long time, so I make more than most teachers. I also have the
8 advantage of the Parent Pool. The better I do with the track team, the more money the parents
9 chip in to the Parent Pool. The parents like that I get good college recruiters to come look at their
10 kids and the parents reward me for a good job. Three years ago, I made \$14,000 off the Parent
11 Pool. Two years ago, I made \$22,000. That money is on top of my salary.

12 10. I have never encouraged my students to take steroids or any drugs. I am honest about
13 the world, but that doesn't mean that I encourage them to take drugs.

14 11. I think it is irresponsible not to tell the kids about the realities of sports. Everybody
15 knows that many athletes cheat by using performance-enhancing drugs like steroids, including
16 testosterone and EPO.

17 12. I have told my kids that many top athletes use some dope, but they get paid well. In fact,
18 some of the better players have advisors on how to avoid testing positive. Today, college and
19 professional athletes have to dope to stay competitive.

20 13. The kids and I talked openly about performance-enhancing substances. It really is hard
21 to detect EPO in your body, and I'm sure I told the kids that. One runner on my team, Kia
22 Hummel, asked how to get EPO. I told Kia, in front of all the other kids, that no one on my team
23 needs to take drugs. I think I told the kids that anyone can get steroids today – either from the
24 internet or almost any “gym rat” can get steroids and other performance-enhancing drugs. Some
25 get the drugs from veterinarians, and others get the drugs from doctors.

26 14. I made every kid sign an OIA form before they could participate in track. If a kid was
27 gone from practice on the day I gave out the OIA form, I followed up with the kid the next day
28 and got a signature on the OIA form. When I handed out the forms, I always said, “This is an

1 important form. Read it. Sign it, and follow it.” I even kept a file drawer with folders for every
2 kid, in which I kept the OIA forms.

3 15. Some lawyers came to my office and went through all my papers. They took all the OIA
4 forms I kept. They also took my time record for the 100 meters that I had posted in the locker
5 room. For each event, I kept a record of all the kids’ times by year. That way, I could see if the
6 kids were improving or slowing down.

7 16. After the lawyers took all my stuff, I learned that the OIA form in Jordan’s file wasn’t
8 signed. I don’t know how that happened. Maybe Jordan handed it in without a signature on it. I
9 didn’t check every form. I just assumed that every kid would do what I asked, and read and sign
10 the form. If Jordan was sick on the day I handed out the OIA form, I’m sure I would have
11 followed-up and gotten a signature from Jordan on a different day.

12 17. EPO is expensive. I didn’t think any of the kids – even at a school like ours – could
13 afford it. I also didn’t think any of the kids took it.

14 18. I told all the students every year, “Don’t smoke, drink or do any drugs.” I meant it.
15 Through some teacher associations I received some posters about steroids. I didn’t hang the
16 posters up – they looked really disgusting; I think they’re in the exhibits. I also received some
17 brochures about steroids, also in the exhibits, and I passed those out in my P.E. classes.

18 19. Jordan was a good kid. Jordan seemed to really want to run in college and maybe try out
19 for the Olympics or run professionally. I didn’t think Jordan had the talent, but during 2008 my
20 opinion started to change.

21 20. Back when Jordan was a sophomore and a junior, things weren’t going so well. I knew
22 that Jordan had a lot of responsibilities at home, but school and track were taking a backseat. I
23 told Jordan that the high school scholarship was on the line – if school and the track team weren’t
24 a priority for Jordan, Eastside would send Jordan packing for the public school down the street.

25 21. Jordan started breaking records during the 2004-05 season. Jordan was shaving tenths of
26 seconds off times that I didn’t think could get any lower. I was amazed. I figured the pressure
27 worked and I liked the results.

28 22. I was getting impressed. I was making lots of calls for Jordan, advising recruiters to

1 come take a look. I put a lot of pressure on Jordan because Jordan did well under pressure.

2 23. I talked to Kelly Simon at some of the meets. I remember one day back in April 2008,
3 Kelly came running into the gym. The kids were stretching, getting ready to do sprints. Kelly
4 was waiving around a paper, yelling at Jordan. I went over to see what the issue was. Jordan
5 pointed at me and yelled something like, "You know how I'm getting so good – you explain it."
6 Jordan stomped off. I told Kelly I'd handle the situation.

7 24. The next day after practice I talked to Jordan. I told Jordan I was proud of the
8 commitment it took to be a great runner. I knew Jordan was working hard. I told Jordan that I
9 thought the Olympics were a reasonable goal. I told Jordan to keep focused and stay clean. I
10 asked Jordan if there was anything I needed to know and Jordan said, "no."

11 25. I never thought there was a problem, and I never thought Jordan was using steroids.

12 26. A couple of times we had to stop practice because of Jordan's nosebleeds. I knew that
13 nosebleeds were a symptom of EPO usage, but Jordan wasn't the doping kind of kid. Jordan
14 always begged me not to tell Kelly about the nosebleeds, so I didn't.

15 27. I also noticed that Jordan was out sick a lot during that last year. I knew EPO lowered a
16 person's immunity, but almost all of our kids get sick during the season – just comes with the
17 territory. Besides, I never saw injection marks on Jordan's arms.

18 28. I remember a day in early to mid-April 2008 when I was picking up my mail from the
19 front office. My hands were full and I was in a hurry to get to track practice. I was rushing by
20 Jamie Hagar's office, when Jamie asked if I had a minute. Jamie told me that Jordan printed an
21 article about EPO, and to talk to Jordan about it. Jamie placed the article on the stack of papers I
22 was carrying, and I headed to my office. The article Jamie gave me looks like the article in the
23 exhibits. I didn't read it at the time, but it looks like the same thing Jamie gave me. I dropped the
24 papers I was carrying on my desk, and went straight out to practice. I never had the chance to
25 talk to Jordan about the article before Jordan died.

26 29. I wish I knew that Jordan was using steroids. I would have had a heart-to-heart talk
27 about the dangers of doping. I don't think it would have mattered, but at least I wouldn't have to
28 feel so guilty. I do not believe that I did anything to encourage Jordan to take EPO and I don't

AFFIDAVIT OF JAMIE HAGAR, Ed.D.

STATE OF OREGON)
) ss.
County of Duniway)

Jamie Hagar, Ed.D., first duly sworn, under oath, states as follows:

1. I am 47 years old and live in Chinook, Oregon, with my spouse and two children. I am currently the Assistant Principal of Eastside High School. I am also the school's Athletic Director. I am being considered to replace our current Principal who is due to retire at the end of this school year.

2. I graduated from the University of Oregon in 1979 with a degree in Education. I received my Masters in Education in 1981, also from the U of O. I taught at a high school in Tucson for 8 years before returning to the U of O for my Doctor of Education, which I received in 1991. I then moved to Chinook and taught at Eastside for 3 years before being offered the job as Assistant Principal in 1994. I was a basketball coach for the school at that time. I remained a coach until 2000, when I was asked to be the school's Athletic Director.

3. Eastside is a private high school. We employ the best teachers and produce the best students. This does not come cheap. Our students' parents pay tuition, \$15,000 per year, but this is a small price to pay for the level of education we provide. As with most schools that charge tuition, we do offer scholarships--both academic and need-based.

4. Because of the level of professionalism we expect, our teachers are paid more than most. Additionally, those teachers who take on the extra assignment of coaching receive a higher salary. This is complemented by a "Parent Pool." This Pool is funded by parents' pledges at the beginning of the year. The better the student or team does, the greater the bonus for the coach. The parents generally enjoy this incentive system, because it increases the notoriety of our athletics as well as the scholarship chances of our students.

5. As one would expect from a school such as ours, we have a rigid Zero Tolerance Policy when it comes to substance abuse. Whenever a student is found to have possessed or abused a controlled substance, there are a number of steps we must follow.

a. First, the offending student is suspended from extracurricular activities. In this

1 regard, if the student is an athlete, that student is immediately suspended from the next
2 tournament or game. The student may continue to participate in practices, so that the student
3 remains in competitive shape, but the student must sit out the next competition. Upon the second
4 violation, the student athlete is banned for 8 weeks--a substantial penalty because it means most
5 of the season is lost. The suspension may be reduced to 3 weeks if the student agrees to see one
6 of our school counselors. Upon the third violation, the student athlete is banned from competition
7 permanently.

8 b. Second, parents are notified regardless of whether the student has attained the age of
9 majority.

10 c. Third, additional action may be taken by the school as is appropriate. This includes,
11 but is not limited to, detention, suspension from school, and expulsion.

12 d. Finally, if the student is found in possession of a controlled substance, the police are
13 contacted immediately.

14 6. Since 2000, when I became the Athletic Director, there have been 20 violations of the
15 policy by student athletes--at least one in every sport. These violations all have been reported by
16 the coach, the team captain, or another teammate. Every sport except track has had at least one
17 student use a form of steroid in violation of the policy. Only two students have violated the
18 policy a second time. One was a sophomore, the other a junior. Both were members of the
19 football team. On both occasions, the second violation took place midway through the season, so
20 the students were suspended for the remainder of the season.

21 7. Coaches at Eastside are held to a similarly high standard. Any coach who may have had
22 knowledge of a student's substance abuse, and promoted or remained silent about the abuse,
23 immediately will be placed on administrative leave. A formal inquiry then will be conducted. If
24 found to be in violation of the policy, the coach immediately will be terminated, and the
25 authorities may be contacted, if criminal conduct is suspected. No coaches ever have violated this
26 policy, although Terry Swift remains on administrative leave.

27 8. All coaches are required to attend a workshop at the beginning of the school year.
28 Among other things, the workshop provides training on the abuse of all forms of controlled

1 substances. Coaches are taught how to recognize use, and are instructed on the appropriate
2 actions to take in the event use is suspected. Additionally, coaches are provided with a copy of
3 Section 14.13 of the Oregon Interscholastic Association (“OIA”) Bylaws and OIA Form 14.13.
4 They are required to explain the policy and form to the students and then obtain signatures from
5 the students on a copy of the form. Coaches also are provided pamphlets, posters and other
6 instructive materials to post in locker rooms and training facilities, and to distribute to students. It
7 is within each coach’s discretion how to use these materials.

8 9. I am aware that Coach Terry Swift did not attend the workshop at the beginning of the
9 2004-2008 school year. Terry requested leave in order to take a much-needed vacation. I granted
10 the request because I knew Terry had attended the workshop in years past, and the training really
11 had not changed in years. I told Terry that I would obtain copies of all materials distributed in
12 case Terry wanted them. The materials distributed included (among other things) the documents
13 in the exhibits. Terry asked for the OIA forms, but not the other materials.

14 10. I also am aware that Jordan Simon did not sign that OIA form this past year. I was told
15 that this was because Jordan was ill and not present on the first day of the track season. I do
16 know that Jordan has signed the form in the past.

17 11. Jordan Simon’s death came as a shock to the faculty, staff and students of Eastside. I
18 knew Jordan personally. As Athletic Director, I attend as many athletic competitions as my
19 schedule will allow and enjoyed watching Jordan blossom into a star sprinter. Jordan had a great
20 attitude, and worked hard. When you work hard, you get positive results, and that’s what I saw
21 with Jordan--positive results. I never suspected Jordan would use steroids.

22 12. Understandably, Jordan’s death as well as recent media attention involving professional
23 athletes has raised the issue of random drug testing. Eastside does not currently test student
24 athletes, and I do not see such testing in our foreseeable future. One reason is that drug testing
25 simply isn’t reliable. It isn’t 100% effective. For instance, there are numerous substances for
26 which there currently is no test. Another, more significant reason, is that we simply can’t afford
27 it. We have over 100 student athletes and these athletes would need to be tested regularly in order
28 for the testing to be effective. Although our school tuition seems high, I assure you we are on a

1 very tight budget. We currently need to update our computer lab, add additional space for classes
2 and hire additional teachers. We are forced to turn away a large number of students because we
3 simply do not have the space. If testing were effective and affordable, I would certainly consider
4 it.

5 13. At Eastside, we have focused on education and prevention when it comes to drug use. In
6 this regard, we have implemented a comprehensive program designed to educate students on the
7 harmful effects of drug use. All students are required to take a Health course their freshman year.
8 This course deals with a range of issues from sex education to general health needs. It is
9 mandated that one week be spent specifically on drugs, including steroids. Emphasis is placed on
10 the physical dangers of drug use, legal consequences, and how to recognize whether a friend is
11 using drugs. We also instruct students on our confidentiality policy when it comes to reporting
12 the drug use of fellow students.

13 14. After Jordan's death, we asked a local physician to speak with the students about the
14 dangers of steroid use. He has volunteered his services in the future and we have accepted. Now
15 we will have a similar lecture every school year.

16 15. I find it hard to believe that Terry Swift is being sued for Jordan's death. I have the
17 utmost respect for Terry. Terry puts in as much time, if not more, than any of our other coaches.
18 This includes practice, off-season training sessions, chairing the scholarship committee and even
19 tutoring students who are struggling to make eligibility because of poor grades. As a result of this
20 effort, Terry was a district finalist two years ago for teacher-coach of the year. This is an award
21 for which students nominate coaches. Students write an essay explaining how the coach has
22 made a positive impact on their life, both on and off the field.

23 16. Our track team finished first in the state last year. In fact, we have finished first three
24 times in the past five years, and we never have finished below third during that period. This is
25 due to the effort and dedication of Terry. I know that winning isn't everything for Terry. Terry
26 would be happy if the team didn't win, so long as the students gave their best.

27 17. It is true that I have received three complaints from parents regarding Terry. The
28 concerns were that Terry was pushing their children too hard. I take these complaints seriously. I

1 personally investigated the claims to determine if there was any merit, and I found none. I was
2 not surprised. As a basketball coach I must have received two or three complaints per year for
3 being too hard on students or not playing someone's child enough. I assure you there was no
4 merit to those complaints. Some parents just don't understand that participation in athletics isn't
5 all high-fives and smiles.

6 18. Our school has taken steps to prevent students from abusing internet privileges on the
7 school's computers. Each student is assigned a username and password. When a student prints a
8 document, the document is printed out on a printer behind the library reference desk. A cover
9 sheet is printed with the student's name and ID number. The student then must ask the librarian
10 for the printout. The librarian briefly will review the content, and so long as it is appropriate, will
11 hand it to the student. If the student doesn't pick up the printout, it will be placed alphabetically
12 in a file in case the student requests it later. This process is followed with every printout from a
13 school computer.

14 19. On April 11, 2008, I received a visit from Mrs. Andrews, our school librarian. She had a
15 printout that she was about to file, which is marked as Exhibit 10, and thought I should see it.
16 The printout was an article titled "Enhancing Your Performance The Unnatural Way: A Look At
17 The Banned Substance EPO" written by Chris Tull. It appeared on the beginnertriathlete.com
18 website on April 10, 2008. The cover sheet that printed with the article bears Jordan's name and
19 student ID.

20 20. On the afternoon of April 12, 2008, I gave a copy of the article to Terry. I asked Terry to
21 have a talk with Jordan. I wanted Terry to determine if there was a chance Jordan was using this
22 EPO substance and to remind Jordan once again of the school's Zero Tolerance Policy. I was
23 sure that Terry would talk with Jordan and let me know if there was a problem, so I didn't give it
24 another thought.

25 21. I cannot express in words how devastating Jordan's death has been for me. I cannot
26 escape the feeling that there is something I could have done to prevent this tragedy. I realize,
27 however, that I have done everything I can. At Eastside the education and well-being of our
28 students is our primary concern. We have done the best we can to prevent and deter drug use, but

1 the simple fact is this--no matter what we do, if a student wants to use illegal substances, the
2 student will find a way.

3

4

/s/ Jamie Hagar

5

SUBSCRIBED AND SWORN to before me, a Notary Public, on January 5, 2008, by Jamie
6 Hagar.

7

/s/ Leslie Smith

8

My Commission Expires:

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February 12, 2010

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AFFIDAVIT OF AUBREY BRADY

STATE OF TENNESSEE)
) ss.
County of Knox)

Aubrey Brady, first duly sworn, under oath, states as follows:

1. I was born and raised in Tennessee. Sports were a very important part of my life growing up. My daddy played football for the University of Montana Grizzlies long before I was born. For as long as I can remember, my family has attended every home game. Nothing can compare to that experience – thousands of maroon-clad fans packed into the stadium and tailgating with Griz fans. It was a foregone conclusion that I would be attending UM. I couldn’t wait to become a part of the Grizzly tradition.

2. I earned my Bachelor of Science degree in exercise science in 1985 from the University of Montana. I obtained my teaching certificate, and immediately began teaching physical education at Borgman High School in Kalispel. Borgman has a long tradition of academic excellence, but the Bulldog Athletic Department also is an important part of the Borgman experience. Borgman’s philosophy is that an excellent athletic program in itself can be a meaningful learning experience. This philosophy was instilled in me as a young teacher, and it convinced me that I made the right career choice. I really loved my job as a teacher and the significant influence that I had as a teacher on my students’ lives. While I was teaching, I continued with my education at UM during my spare time. I ultimately earned my Masters of Science in Sport Management in 1991.

3. As much as I love attending the Grizz’ football games, football is not my sport. Instead, I grew up playing soccer. When I started teaching at Borgman High, there was an opening for an assistant coach on the soccer team. I took the position, and then I became the head coach three years later. I served as the head soccer coach until 1995, when I was promoted to assistant principal in charge of discipline and athletics.

4. I wasn’t fortunate enough to get an athletic scholarship to UM, so I had to take out student loans to get through school. Everyone knows that teachers don’t make much money and often have to come out of pocket to buy school supplies, so it’s no surprise that I had to take out

1 more loans to get through graduate school. By the time I was done, it was hard to pay all of my
2 living expenses as well as make my student loan payments. Even with the increase in pay that
3 came with my promotion to assistant principal, I still was not making any headway. So, as much
4 as I enjoyed my job, I had to find a way to make more money. Then, I read an article somewhere
5 that mentioned something about how much consultants charge for their services. All I had to do
6 was find an area in which I could consult. Not long after that I started developing my consulting
7 practice. I have been consulting full-time for about seven years now. During that time, I've
8 found that the challenge in building a successful consulting practice is doing whatever it takes to
9 give your clients what they want, so that they will hire you for repeat engagements. It's all about
10 the repeat engagements.

11 5. I consult in the areas of sports management and administration. Much of my time is
12 spent reading articles and reports published in various periodicals and journals around the
13 country, so that I can keep up to date in what is a very fast-paced environment. I specialize in
14 preparing compliance programs to ensure that the athletic organization adheres to the rules and
15 regulations of the governing bodies to which it belongs. I found that to be one of the more
16 lucrative areas of consulting, and more importantly, an area that is prime for repeat engagements.
17 I consult for both professional and amateur athletic organizations in Tennessee and the southeast
18 region.

19 6. Within the last year, I began expanding my consulting services to serve clients
20 nationwide. I was pleased when I received a call from the lawyers for Terry Swift and Eastside
21 High School to consult in this case. The southwest region is a natural area for expansion of my
22 practice, and I hope to do more work in this region. Accordingly, I am charging a discount flat
23 fee of \$5,000 for my services in this case, which include reviewing the statements of the other
24 witnesses and all exhibits, speaking with the defense counsel, preparing this affidavit setting forth
25 my opinions and testifying at trial.

26 7. As assistant principal in charge of athletics at Borgman, I became actively involved with
27 the Montana Secondary School Athletic Association ("MSSAA"), which is the governing body
28 for high school athletics in Montana. Part of my job was to ensure Bearden's compliance with

1 the MSSAA's rules and regulations. The MSSAA Bylaws and regulations do not contain any
2 provisions relating to drug or steroid use. Rather, the local school boards in Montana are free to
3 make their own regulations regarding drug and steroid use. I tried to get the MSSAA to establish
4 rules and regulations regarding drug and steroid use, because: (i) I believe that implementation
5 and enforcement of a uniform statewide standard is the most effective way to control drug and
6 steroid use; and (ii) steroid use in football is particularly high. According to a 2001 study by the
7 Centers for Disease Control and Prevention, 11.2% of high school boys surveyed in Louisiana
8 and 5.7% of high school girls surveyed in Montana reported using steroids at least once. Those
9 numbers are astounding. Fortunately, the numbers are not nearly as high in other parts of the
10 country, including in Oregon. In a recent nationwide survey, only 3.5% of high school seniors
11 reported using steroids at least once. The bad news is that those results are up from
12 approximately 2% reported about a decade ago.

13 8. Regardless of what rules are implemented statewide, a local school or school district
14 always has the ability to conduct itself at a higher standard. That being said, it simply is cost-
15 prohibitive for most high schools to institute any kind of effective steroid testing program. The
16 cost for an initial test is reported to range anywhere from \$80 to \$100. This does not take into
17 account the cost of conducting secondary testing on positive results or the significant legal costs
18 that schools face when their testing programs are challenged in the courts.

19 9. A report published in August 2003 by the National Federation of State High School
20 Associations ("NFSHSA"), the National Interscholastic Athletic Administrators Association
21 ("NIAAA") and the National Center for Drug Free Sport, Inc. indicated that approximately 13%
22 of the nation's high schools have a drug-testing policy in place. Of those schools, only 29% test
23 for steroids.

24 10. Many high schools do use an NCAA-approved test to monitor their athletes for use of
25 marijuana, cocaine, amphetamines and methamphetamine. The reason is that many certified
26 laboratories offer standard screening packages for these drugs at a reasonable cost, sometimes as
27 low as \$20 per test. Although these affordable tests are better than no testing at all, the problem
28 with these tests is that they do not screen for use of alcohol and tobacco, which are the drugs most

1 commonly used by high school students, or steroids. Moreover, even if a school had the financial
2 resources to pay the significant cost of testing its athletes for steroid use, the tests likely would
3 screen only for anabolic steroids. It is inconceivable that a high school testing program could
4 screen for all steroids that might be used by student athletes, including human growth hormone
5 and erythropoietin (“EPO”).

6 11. Although a random drug-testing program cannot be 100% effective in detecting actual
7 drug use, these programs can have an important deterrent effect. I read an article in the local
8 newspaper about the random drug-testing program in the Paradise Valley Unified School District,
9 which at the time was the only district in Oregon with such a program. According to the article,
10 Paradise Valley High School officials reported that “very few” athletes have tested positive for
11 steroids since the program was implemented in 1991, and no athlete has tested positive in the last
12 five years. The local experience is consistent with the experiences reported in my area of the
13 country. In this regard, the Lauderdale County, Alabama school district, which implemented its
14 program in 1990, reported only “a handful” of positive test results in the first five years of its
15 program. Similarly, in an article appearing in the Interscholastic Athletic Administration
16 magazine, an unidentified Montana high school principal is quoted as saying: “This school has
17 never recorded a positive test in 10 years of testing. It is absolutely a deterrent.”

18 12. Since the Paradise Valley School District implemented testing, other schools in Oregon
19 have implemented random drug testing. The most recent are the three high schools in the
20 Mountain Unified School District, which (according to an October 21, 2008 article) announced a
21 random drug testing program to commence in January 2008 for all students participating in
22 athletic and non-athletic programs sponsored by the Oregon Interscholastic Association (the
23 “OIA”). Significantly, the program is being funded by a three-year \$718,000 grant awarded by
24 the U.S. Department of Education.

25 13. The Mountain Unified School District program tests for alcohol, amphetamines,
26 marijuana, cocaine, Ecstasy, PCP and anabolic steroids. It does not test for EPO. The first
27 positive test results in an eight-week loss of eligibility for OIA events; the second positive test
28 results in loss of eligibility for the remainder of the school year; and the third positive test results

1 in a permanent ban from OIA activities. Positive test results have no academic consequences, and
2 they are not turned over to law enforcement.

3 14. Although the anecdotal evidence suggests that random drug-testing programs have a
4 great deterrent effect, there are several other possible explanations. For instance, it is possible
5 that: (i) students who actually used steroids were not randomly selected for testing; (ii) students
6 used a type of steroid that is not detected by the test used by the school; (iii) the steroids actually
7 had passed through the system by the time of the test; and/or (iv) students who actually used
8 steroids found ways to mask their steroid use. Accordingly, I do not believe that a random drug-
9 testing program is the most effective way of addressing the serious problem of steroid abuse by
10 high school athletes.

11 15. Education is the key to detecting and eliminating the use of steroids by high school
12 athletes. First, student athletes must be educated about the dangers and consequences of using
13 steroids and other performance-enhancing substances. Second, parents must be educated about:
14 (i) how to monitor their children for signs of steroid and other drug abuse; (ii) steps that can be
15 taken to prevent their children from using steroids; and (iii) what to do if they suspect that their
16 children are using steroids or other drugs. Finally, coaches and administrators must be educated
17 in: (i) how to monitor student athletes for signs of steroid and other drug abuse; (ii) what to do
18 when they suspect that a student is using steroids or other drugs; (iii) how to communicate
19 appropriate messages about steroids and other drugs to their student athletes; and (iv) how to
20 avoid sending inconsistent messages regarding steroids and other drugs. To be effective, the
21 education for students, parents, coaches and administrators cannot be a one-time event. The
22 message has to be reinforced repeatedly, especially to students.

23 16. I am familiar with the OIA's Bylaws. Paragraph 14.13 of the Bylaws contains the OIA's
24 Position Statement on supplements, drugs and performance-enhancing substances. The OIA's
25 approach is education-based. In this regard, the OIA: (i) has taken a strong stance against the use
26 of steroids and other drugs; and (ii) requires its member schools at least annually to communicate
27 to its student athletes the OIA's Position Statement regarding the use of steroids and other drugs.

28 17. It appears that Eastside and Coach Swift are in compliance with the OIA's requirement

1 regarding the Position Statement. In this regard, the school has its student athletes sign a copy of
2 the Position Statement, which the school keeps on file. Eastside's files contain a copy of a
3 Position Statement with Jordan's name on it, but it is not signed. Coach Swift confirmed that
4 Jordan received a copy of the Position Statement, but could not explain why the copy retained in
5 the files did not have Jordan's signature.

6 18. I believe that the OIA's approach to steroid and other drug abuse is good, but like any
7 policy, it could be stronger. For instance, I would recommend that the OIA actually set forth a
8 statewide standard regarding the use of steroids and other substances. In this regard, rather than
9 being "strongly opposed" to the use of substances on the World Anti Doping Agency's Prohibited
10 List, the OIA could ban the use of the substances on the Prohibited List and mandate certain
11 penalties for violation of the policy. In addition, the OIA's policy might be more effective, if the
12 OIA required that both students and parents actually receive and sign a copy of the OIA's
13 Position Statement.

14 19. Although the OIA has not adopted statewide penalties for the use of steroids and other
15 drugs by student athletes, Eastside High School has adopted its Zero Tolerance Policy. In
16 addition, Eastside requires all of its freshmen students to take a Health course, which includes a
17 weeklong segment on the use of drugs. I believe that this is a reasonable response to the serious
18 problem of steroid and other drug abuse by high school student athletes.

19 20. As set forth above, parents, coaches and administrators need to be educated in how to tell
20 that a student is using steroids or other drugs. Most of the literature available in this regard
21 focuses on the signs of anabolic steroid abuse, which can be quite obvious. It is much more
22 difficult to detect the use of a glycoprotein hormone like EPO, but with the proper education it
23 often is possible to tell that an athlete is using a banned substance. For instance, although there
24 are no pronounced physical changes like those associated with anabolic steroid abuse, an athlete
25 who abuses EPO suddenly will develop unexplained nosebleeds and become ill for unexplained
26 reasons much more frequently than before using EPO. In addition, an athlete who begins abusing
27 EPO often will change their personal habits. The athlete suddenly may start associating with
28 different people, or withdraw and seek extreme levels of privacy. By way of another example,

EXHIBITS

EXHIBIT 1

OIA Bylaws; Article 14. General Provisions

14.13 DRUGS, ALCOHOL, TOBACCO

14.13.1 OIA POSITION STATEMENT – SUPPLEMENTS, DRUGS AND PERFORMANCE ENHANCING SUBSTANCES

The Oregon Interscholastic Association (OIA) views sport, and the participation of student-athletes in sport, as an activity that enhances the student-athlete's well-being by providing an environment and stimulus that promotes growth and development along a healthy and ethically based path.

- It is the position of the OIA that a balanced diet, providing sufficient calories, is optimal for meeting the nutritional needs of the growing student-athlete.
- It is the position of the OIA that nutritional supplements are rarely, if ever, needed to replace a healthy diet.
- Nutritional supplement use for specific medical conditions may be given individual consideration.
- The OIA is strongly opposed to "doping", defined as those substances and procedures listed on the World Anti Doping Agency's Prohibited List (www.wada-ama.org).
- It is the position of the OIA that there is no place for the use of recreational drugs, alcohol or tobacco in the lifestyle of the student-athlete. The legal consequences for the use of these products by a student-athlete are supported by the OIA.

In pursuit of Victory with Honor, the OIA promotes the use of exercise and sport as a mechanism to establish current fitness and long-term healthy lifestyle behaviors. It is the position of the OIA that the student-athlete, who consumes a balanced diet, practices sport frequently and consistently, and perseveres in the face of challenges, can meet these goals.

14.13.2 At least annually, each member school shall communicate to its students participating in interscholastic activities the OIA Position Statement on the use of supplements, drugs and performance enhancing substances. (*See Form 14.13*)

14.13.3 Any coach or competitor using tobacco, alcoholic beverages or misusing drugs while participating in interscholastic competition shall be disqualified from the contest or tournament.

14.14 RESPONSIBILITY FOR LOST ARTICLES - Neither the OIA nor the management of an OIA tournament, contest or festival site shall be responsible for lost articles.

14.15 STUDENT INSURANCE - It is recommended that each student athlete have on file with the principal or his/her designee proof of insurance coverage or a waiver prior to practice.

EXHIBIT 2

OREGON INTERSCHOLASTIC ASSOCIATION, INC.

OIA POSITION STATEMENT

SUPPLEMENTS, DRUGS AND PERFORMANCE ENHANCING SUBSTANCES

PURPOSE OF FORM: All OIA Member schools are required to **ANNUALLY** communicate this OIA Position Statement on the use of supplements, drugs and performance enhancing substances to every participant in interscholastic activities. (See Article 14, Section 14.13.2)

The Oregon Interscholastic Association (OIA) views sport, and the participation of student-athletes in sport, as an activity that enhances the student-athlete's well-being by providing an environment and stimulus that promotes growth and development along a healthy and ethically based path.

- It is the position of the OIA that a balanced diet, providing sufficient calories, is optimal for meeting the nutritional needs of the growing student-athlete.
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- The OIA is strongly opposed to "doping", defined as those substances and procedures listed on the World Anti Doping Agency's Prohibited List (www.wada-ama.org).
- It is the position of the OIA that there is no place for the use of recreational drugs, alcohol or tobacco in the lifestyle of the student-athlete. The legal consequences for the use of these products by a student-athlete are supported by the OIA.

In pursuit of **Victory with Honor**, the OIA promotes the use of exercise and sport as a mechanism to establish current fitness and long-term healthy lifestyle behaviors. It is the position of the OIA that the student-athlete, who consumes a balanced diet, practices sport frequently and consistently, and perseveres in the face of challenges, can meet these goals.

Jordan Simon

EXHIBIT 3

OREGON CHILD FATALITY REVIEW DATA FORM (2004 REVISIONS)

1. Code #05-1729 2. Gender: Male Female Unknown 3. Date of Death: 05/06/2008
4. Race: Asian/PAC Islander Black White Other American Indian – Tribe: _____
5. Ethnicity: Hispanic Non-Hispanic
6. Place of Death (6a-c on Death Certificate): City/State: Chinook, OR County: Duniway
Hospital / Institution Address: _____
Did the death occur on a reservation? Yes No Unknown. If yes, identify the reservation: _____
7. Date of Birth: 8/02/1990
8. Residence: State: OR County: Duniway City: Chinook
Census Tract: 1036.09
Type of residence at time of death: Parent's home Relative's home Foster home
 Residential/group care Correctional institution Shelter Acquaintance
 Homeless/runaway Other: _____
9. Death Certificate Registration No.: 1274315
10. Cause of death as listed on the death certificate:
Immediate cause: Heart attack
As a consequence of: Drug overdose
Other significant conditions: _____
11. Place of Injury (line 56 of death certificate): Home
12. Location of injury (line 57 of death certificate): 623 East Hearn, Chinook, OR
13. Was the death certificate adequately prepared? Yes No.
If no, specify: Problem with demographics: _____
Problem with cause of death: _____
14. Does the cause of death on the death certificate agree with the medical record? Yes No N/A
If no, specify: _____
15. Did the team agree with the cause of death? Yes No
If no, team's assessment of the underlying cause of death: _____
16. Were there one or more chronic medical problems(s)? Yes No Unknown
If yes, specify _____
Did they contribute to the cause of death? Yes No Unknown
17. Were there significant developmental delays? Yes No Unknown
If yes, specify: _____
Did they contribute to the cause of death? Yes No Unknown
18. If the case was not referred to the Medical Examiner for exam, should it have been? **(Answer only if this was not referred to the ME).**
 Yes No Unknown
19. What was the manner of death on the death certificate?
 Natural Accident Suicide Homicide Undetermined Not answered on death certificate

20. Was an autopsy done? Yes No Unknown
 If yes: Done by the Medical Examiner's Office Done elsewhere
 If no: Was not necessary Should have been done
21. Was toxicology done? Yes No Unknown
 If yes: Positive Findings/Comments: Extremely high level of erythropoietin
 Negative Unknown
 If no: Should have been done Not indicated
22. For children under 2 years of age, were x-rays done just prior to/or after death? Yes No Unknown
 If yes, what were the results? _____
 If no: Should have been done Not indicated
23. **Answer for all accidental, homicide, suicide, or undetermined manners of death. Do not answer for natural deaths, unless circumstances warrant review of CPS involvement.** Was there prior CPS involvement with the family? Yes No
 If yes: Open at the time of death Closed prior to death Prior Reports: One Multiple
24. Family medical coverage: AHCCCS IHS Private Insurance Self-Pay Unknown

ANSWER FOR ALL CHILDREN UNDER AGE 12 MONTHS, REGARDLESS OF CAUSE

25. Infant Death: Birth Certificate Registration #: _____
 Multiple Birth: Yes No Unknown
 Maternal Age: _____
 Gestational age at first prenatal visit (months): _____
 Number of prenatal visits: _____
 Birth weight (grams): _____
 Gestational age at birth (weeks); _____
 Smoking during pregnancy: Yes No Unknown
 Alcohol use during pregnancy: Yes No Unknown
Substance use during pregnancy: Yes No Unknown. **If yes, specify:** _____

If a natural or medical death, complete #26, then skip to #38. if not a natural/medical death, skip to #27 (all non-natural and unknown causes).

26. Was this a natural/medical death? Yes No
 (If yes, check all that contributed to death. If there are multiple causes for the death, please place #1 next to the principle cause).

- _____ Infectious disease specify: _____
- _____ Metabolic/Genetic, specify: _____
- _____ Prematurity, specify weeks gestation: _____
- _____ Neoplastic disease, specify: _____
- _____ Congenital condition, specify: _____
- _____ Cardiac disease, specify: _____
- _____ Respiratory disease, specify: _____
- _____ Renal/Urinary, specify: _____
- _____ Neurologic disease, specify: _____
- _____ Endocrine disease, specify: _____
- _____ Gastrointestinal disease, specify: _____
- _____ Hematologic disease, specify: _____
- _____ Perinatal condition, specify: _____
- _____ Other natural/medical causes, specify: _____
- _____ SIDS – Put to sleep on: Back Side Stomach Unknown
- Setting: In-home Child care facility Family childcare (5 years or less) Other: _____
- Caretaker: Parent Relative Non-Relative

Answer for all natural deaths:

Was environmental tobacco exposure a risk factor in this death? Yes No Unknown

If yes, explain: _____

Questions 27-37 pertain to all non-natural causes of death such as accidents, homicides, suicides, motor vehicle crashes, and violence; and unknown causes.

27. Was this death the result of **drowning**? Yes No (If yes, answer remainder of question #27).
 List type of drowning: Bathtub Bucket Canal Lake/River Multi-family private pool
 (i.e., apartment, condo) Private Residence Pool Public Pool toilet Other: _____
 If drowning occurred in a pool: Was the pool fenced? Yes No Unknown
 Was the lock secure? Yes No Unknown
 Was the yard fenced? Yes No Unknown
 Was the lock secure? Yes No Unknown
 Other fencing issues: _____

28. Was this death the result of **fire or burns**? Yes No (If yes, answer remainder of question #28).
 Describe the type of burn: Fire Chemical Hot Liquid
 If this was the result of a fire:
 What was the type of fire? Residential Business Motor Vehicle Other: _____
 Were fire/smoke alarms present? Yes No Unknown N/A
 If yes, were they functional? Yes No Unknown
 Was this death the result of smoke inhalation? Yes No

29. Was this death the result of **gunshot wound**? Yes No (If yes, answer remainder of question #29).
 Who shot the child? Self Parent Stepparent Relative Acquaintance Stranger
 Law Enforcement Other Unknown
 Who owned the gun? Self Parent Stepparent Relative Acquaintance Stranger
 Law Enforcement Other Unknown
 Was the gun locked? Yes No Unknown Where was the gun kept? _____
 How did the child get the gun? _____
 Type of gun: Hand gun Semi-automatic Shotgun Rifle Other: _____
 What was the location of the shooting? Residence School Public Place Other: _____

30. Was this death the result of **motorized vehicle crash**? Yes No (If yes, answer remainder of question #30).
 Type of vehicle: Automobile/Truck Motorcycle ATV Boat Airplane Jet ski Motorized
 Scooter Train Other: _____
 Time of incident: _____ A.M. P.M.
 What was the position of the child in the vehicle? (Circle one: 1 = Driver; 10 = Back of pickup):
 Unknown N/A. If N/A, was victim Pedestrian
 Bicyclist Other: _____

	07	04	01	
10	08	05	02	
	09	06	03	

Did the vehicle have restraints? Yes No N/A
 If yes, were restraints used appropriately? Yes No Unknown
 Did the vehicle have air bags? Yes No Unknown N/A
 If yes, did air bags deploy Yes No Unknown
 If yes, did the air bag cause or contribute to the death? Yes No Unknown
 If no deployment, was the air bag switch on? Yes No Unknown
 Was there in-utero trauma? Yes No Unknown N/A
 Was age of driver a factor? Yes No Unknown N/A
 If yes, specify age: _____
 Was any driver under the influence? Yes No Unknown N/A
 If yes, specify substance(s): Alcohol Marijuana Cocaine Sedative Methamphetamine
 Other: _____
 Was the child a pedestrian in a crosswalk? Yes No Unknown N/A
 Was the child a pedestrian in a driveway? Yes No Unknown N/A
 Were there adverse environmental conditions? Yes No Unknown

31. Was this death the result of **non-motorized vehicle crash** (Crash that did not involve a motorized vehicle)?
 Yes No If yes, answer remainder of question #31.
 If yes, what type of vehicle? Bicycle Skateboard Roller-Skates (Roller Blades)
 Scooters (Non-Motor) Snow board Skis Other: _____
32. If death was the result of #30 or #31, was a helmet worn? Yes No Unknown
33. Was this death the result of any of the following? **Answer question #33 only if questions #27-31 were answered "no". If there are multiple causes for the death, please place #1 next to the principle cause.**
 _____ Animal/insect/reptile bites, stings or other injury. Describe: _____
 _____ Choking. If yes, identify item child choked upon: _____
 _____ Blunt force trauma Abdominal Head Other: _____ Describe: _____
 _____ Exposure. If yes, was this due to: Border crossing Child in car
 Other outdoor exposure: _____
 _____ Electrocutation. Describe incident: _____
 _____ Fall. Describe incident: _____
 _____ Hanging. Describe incident: _____
 _____ Head injury. Describe incident: _____
 _____ Overlying. Describe incident: _____
 _____ Poisoning due to inhalation or ingestion. Identify substance: _____
 _____ Shaken Infant. Describe incident: _____
 _____ Stabbing/laceration. Describe incident: _____
 _____ Strangulation. Describe incident: _____
 _____ Suffocation. Describe incident: _____
 _____ Starvation/malnutrition. _____
 _____ Other (not previously identified in #27-31 or #33): Heart attack due to accidental drug overdose
34. Was product safety an issue? Yes No If yes, specify: _____
35. Family/household member circumstances (check all that apply):
 Domestic Violence Physical handicap Substance Abuse Life crisis
 Recent suicide (friend/acquaintance) Criminal Behavior
 Previous mental health problem. If yes, was this problem treated? Yes No Unknown
36. Child's circumstances (check all that apply):
 Runaway Physical handicap Substance Abuse Life crisis
 Recent suicide (friend/acquaintance) Previously known suicidal ideation Criminal Behavior
 Previous mental health problem If yes, was this problem treated? Yes No Unknown
37. Gang related? Yes No Unknown

ANSWER THE REMAINING QUESTIONS FOR ALL DEATHS

38. Did medical error (such as misdiagnosis, surgical error, medication error) contribute to the death?
 Yes No Unknown If yes, describe: _____
39. Did lack of medical care contribute to death? Yes No Unknown If yes, describe: _____
40. Was this an unexpected death? (No prior knowledge of any medical condition that would have lead to this death)
 Yes No Unknown
41. Was a law enforcement investigation done? Yes No N/A Unknown
 If yes, specify jurisdiction: Chinook Police Department
 Was the Infant Death Checklist received? Yes No N/A Unknown
 Were charges filed? Yes No N/A Unknown

42. **SUPERVISION:**

Did lack of appropriate supervision contribute to the child's death?

Yes No N/A Unknown (If yes, answer the remainder of #42; if no, skip to #43).

Who was the caretaker? Parent Stepparent Sibling Other relative Child Care None
 Other: _____

Did the age of the caretaker contribute to the death? Yes No N/A Unknown

If yes, identify age: _____

Did substance impairment of the caretaker contribute to the death? Yes No Unknown

If yes, identify substance(s): Alcohol Marijuana Cocaine Sedative
 Methamphetamine Other: _____

List other supervision issues: Child left alone Caretaker sleeping Mental Illness
 Mental retardation Physical disability Other: _____

43. **CHILD MALTREATMENT:** (Refer to guidelines* at bottom of page).

Was this death the result of child maltreatment? Yes No Unknown. If yes, please complete the "Child Maltreatment Referral Form". Describe maltreatment issues: _____

44. **If death was a homicide or result of child maltreatment,** who was (were) the alleged perpetrator(s)? Check all that apply:

Boyfriend Father Girlfriend Mother Stepmother Other relative
 Other Child care Friend/acquaintance Institutional staff Stepfather
 Stranger Unknown: _____

Were any of the following factors present with the perpetrator? Substance abuse Mental illness
 Domestic violence Mental retardation Physical disability Lack of resources Other: _____

45. What was the **team's determination of manner of death?** Natural Accident Suicide Homicide
 Undetermined. If undetermined, describe reason for difficulty in determining manner: _____

46. To what degree was this death preventable?
 Not at all Probably not Probably Definitely Unknown

Circle preventable issues or factors that apply: Describe other factors not included in list.

- | | | |
|--------------------------------|---|---|
| 01 = Lack of prenatal care | 12 = Child alone in/around water | <input checked="" type="checkbox"/> = Criminal behavior |
| 02 = Lack of medical treatment | 13 = Smoke alarms | 24 = Curfew violation |
| 03 = Lack of immunization | 14 = Vehicle restraints | 25 = Failure to report abuse |
| 04 = Exposure to smoking | 15 = Inexperienced driver | 26 = Illegal border crossing |
| 05 = Medical error | 16 = Excessive speed | 27 = Lack of mental health treatment |
| 06 = Prenatal substance abuse | <input checked="" type="checkbox"/> = Drugs/alcohol | 28 = Maltreatment history |
| 07 = Infant sleep position | 18 = Driver fatigue | 29 = Domestic violence |
| 08 = Co-sleeping | 19 = Passenger in back of truck | 30 = Public awareness-suicide |
| 09 = Unsafe bedding | 20 = Helmet usage | 31 = lack of substance abuse treatment |
| 10 = Parental supervision | 21 = Access to guns/weapons | 32 = Failure to recognize depressive symptoms |
| 11 = Barriers to pool | 22 = Gang involvement | |
- Other: _____

47. Comments/Recommendations: _____

48. Person completing this form:
Print Name: Dale M. Lucas Date 6/15/2008 Signature /s/ Dale M. Lucas

?? **MALTREATMENT:**

A "yes" answer to question #43 indicates that the following criteria have been met:

- The U.S. Department of Health and Human Services defines maltreatment as "An act or failure to act by a parent, caregiver, or other person as defined under State law which results in physical abuse, neglect medical neglect, sexual abuse, emotional abuse, or an act or failure to act which presents an imminent risk of serious harm to a child." This applies to the circumstances surrounding the death.
- The relationship of the individual accused of committing the maltreatment to the child must be the child's parent, guardian or caretaker.
- A team member, who is a mandated reporter, would feel obligated to report a similar incident to CPS.

49. Members in Attendance: Alejandro Martinez, Amy Decker, Richard Matheson and Keshawna Turner

50. Documents Reviewed:

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Death Certificate | <input type="checkbox"/> Supplemental Death Certificate | <input type="checkbox"/> Birth Certificate |
| <input type="checkbox"/> CPS Report | <input checked="" type="checkbox"/> Medical Examiner Report | <input type="checkbox"/> Hospital Records |
| <input type="checkbox"/> Behavioral Health Records | <input type="checkbox"/> Law Enforcement Records | <input type="checkbox"/> Department of Education |
| <input type="checkbox"/> Public Health Records | <input type="checkbox"/> Probation Records | <input checked="" type="checkbox"/> Other: <u>Toxicology Report</u> |

51. Signature of Team Chairperson: /s/ Alejandro Martinez

EXHIBIT 4

DUNIWAY COUNTY OFFICE OF THE MEDICAL EXAMINER PRELIMINARY TOXICOLOGY REPORT

REPORT NO.: 2008-01030

DATE OF REPORT: May 11, 2008

NAME OF DECEASED: Jordan Simon

DATE OF DEATH: May 6, 2008

PREPARED BY: R.C. Snyder, M.D.

SPECIMEN TYPE: Blood serum

I tested the specimen for the following substances, and my findings are set forth below:

<u>Suspected Substance</u>	<u>Level</u>
CNS Depressants	Negative
CNS Stimulants	Negative
Hallucinogens	Negative
PCP	Negative
Narcotic Analgesics	Negative
Inhalants	Negative
Cannabis	Negative
Alcohol	Negative
Erythropoietin	10,000 mIU/ml

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.

AS EVERYONE KNOWS, ANABOLIC STEROIDS MAKE YOU MORE ATTRACTIVE.

Girls – did you know? Steroids may:

- Give you a severe case of acne
- Give you facial hair
- Give you a case of bad breath
- Give you a deep enough voice
to sing baritone in the choir
- Make you look more like a man
- Increase your chances of
being childless



Steroids.

The choice you make today can affect you forever.



MAKE THE RIGHT CHOICE

AS EVERYONE KNOWS,
ANABOLIC STEROIDS
MAKE YOU MORE
ATTRACTIVE.



Steroids.

The choice you make today can affect you forever.



MAKE THE RIGHT CHOICE

CHOICE ISN'T ALWAYS EASY. As an athlete, you make choices every day that can determine if you succeed or fail.

Split-second decisions made during competition can immediately affect whether you win or lose. Other choices – such as how hard you practice, what you eat and how much you sleep – will influence how well you perform on any given day. Decisions about the number of sports you play, who you work with as your coach and how you deal with injury and defeat have more long-term consequences. These choices aren't always easy.

Another choice athletes must make involves the use of drugs to enhance athletic performance or appearance. And like all other choices, the decision to use drugs such as anabolic steroids will have both immediate and long-term consequences. All choices have consequences, but those that affect your health are more serious than others.

Anabolic Steroids

The hormones used by some athletes to increase muscle mass and strength are **anabolic, androgenic steroids**. Anabolic, androgenic steroids are synthetic forms of the male hormone testosterone. Like testosterone, these steroids have anabolic effects – primarily the increase in muscle tissue – and androgenic effects – the masculinizing effects boys experience during puberty. No anabolic, androgenic steroid is purely anabolic. In other words, the use of the steroids won't lead to muscle growth without also leading to other unintended, undesirable side effects.

Anabolic, androgenic steroids are different from steroids doctors prescribe to treat asthma and inflammation. These steroids are **corticosteroids**. Corticosteroids might be abused by athletes too, but generally not for purposes related to gaining mass and strength.

The temptation to use anabolic steroids is understandable. There is a lot of pressure on young people to excel in athletics or to have a certain type of body. Research shows that athletes use steroids for one of two reasons: to gain strength or to recover more quickly from injury. In addition, studies show that nearly one third of high-school age steroid users do not participate in organized athletics and are taking the drugs primarily to modify their appearance.

Facts about Anabolic Steroids

These are facts that should be known to anyone who desires to be a better athlete or to change how he or she looks.

- Steroids are powerful drugs. Doctors prescribe them only for specific wasting diseases and for men who don't produce testosterone.
- The possession or sale of anabolic steroids in the United States without a prescription is illegal.
- The vast majority of high school and college athletes compete steroid free.
- Athletes who use injectable anabolic steroids in high school have tested positive in collegiate drug tests – months after they stop injecting steroids.
- Drug users who inject steroids are at greater risk for infections, including HIV and hepatitis.
- Avoid environments where steroid use might occur.
- Avoid people who you believe are involved with steroid use.
- Androstenedione and other similar hormonal substances are controlled substances and are no longer available in dietary supplements.

Side Effects from use of Anabolic Steroids

All professional and amateur sports organizations ban the use of steroids because of their dangerous side effects and because steroids give competitors an unfair advantage.

- The use of steroids by young people whose bones are still growing will result in stunted growth.
- Girls, like boys, use steroids to excel at their sport, recover from injury and modify their appearance.
- 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 (go bald) and have their testicles shrink.
- Boys and girls who use steroids can have thick, oily skin, which often leads to severe acne on the face and body.
- Steroid users report an initial feeling of well being that is later replaced by mood swings, loss of sleep and paranoia. Reports of depression are common in people who stop using steroids.
- Some athletes have died from steroid use either because of the effects of the steroids on their body or the effects of discontinuing steroid use without a doctor's help.

Athletes who are caught using steroids embarrass themselves, their parents, their coaches and their schools.

EXHIBIT 8

EASTSIDE HIGH SCHOOL 100m INDIVIDUAL BESTS (Thru April) 2007-2008

	<u>Time</u>	<u>Year</u>
Simon, Jordan.....	11.50.....	Sr
Pearce, Morgan.....	11.86.....	Sr
Hale, Trippe.....	11.92.....	Sr
Gonzales, Giani.....	12.04.....	Sr
Patel, Shar.....	12.18.....	Jr
Hummel, Kia.....	12.52.....	So
Young, Kris.....	12.63.....	Fr
Lee, Kim.....	12.79.....	So
Jones, Aberon.....	12.80.....	Fr
Sanders, Eli.....	13.14.....	Fr

EASTSIDE HIGH SCHOOL 100m FINAL MEET INDIVIDUAL TIMES 2006-2007

	<u>Time</u>	<u>Year</u>
Oswald, Jesse.....	11.72.....	Sr
Rosenstein, Andi.....	11.96.....	Sr
Lindros, Sam.....	12.02.....	Sr
Hale, Trippe.....	12.08.....	Jr
Simon, Jordan.....	12.21.....	Jr
Pearce, Morgan.....	12.21.....	Jr
Gonzales, Giani.....	12.23.....	Jr
Patel, Shar.....	12.43.....	So
Hummel, Kia.....	12.58.....	Fr
Lee, Kim.....	12.86.....	Fr

EASTSIDE HIGH SCHOOL 100m FINAL MEET INDIVIDUAL TIMES 2005-2006

	<u>Time</u>	<u>Year</u>
Rueles, Angel.....	11.68.....	Sr
Lewelan, Rory.....	11.84.....	Sr
Oswald, Jesse.....	11.92.....	Jr
Rosenstein, Andi.....	12.18.....	Jr
Simon, Jordan.....	12.19.....	So
Lindros, Sam.....	12.28.....	Jr
Hale, Trippe.....	12.25.....	So
Pearce, Morgan.....	12.32.....	So
Gonzales, Giani.....	12.57.....	So
Patel, Shar.....	12.84.....	Fr

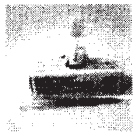
EASTSIDE HIGH SCHOOL 100m FINAL MEET INDIVIDUAL TIMES 2004-2005

	<u>Time</u>	<u>Year</u>
Andrews, Pat.....	11.77.....	Sr
Rueles, Angel.....	11.90.....	Jr
Lewelan, Rory.....	12.08.....	Jr
Oswald, Jesse.....	12.09.....	So
Rosenstein, Andi.....	12.34.....	So
Simon, Jordan.....	12.34.....	Fr
Lindros, Sam.....	12.49.....	So
Hale, Trippe.....	12.50.....	Fr
Pearce, Morgan.....	12.55.....	Fr
Gonzales, Giani.....	12.97.....	Fr

EXHIBIT 10

Eastside High School Internet Printing Summary Report

Date/Time of Request:	Monday, April 10, 2008
Student Name:	JORDAN SIMON
Student ID No.:	05-6357
Documents:	1
Pages:	2



Enhancing Your Performance The Unnatural Way *A Look At the Banned Substance EPO*

By Chris Tull
 B.T.com contributing writer

Everyone's talking about performance-enhancing drugs (PEDs) now thanks to Congressional hearings held this past March, highlighting steroid use in Major League Baseball.

No sport is immune from this inquiry's hot seat. Even the sport of triathlon, a competitive, yet under-the-radar sport for years, has the bright lights of shame shining on it.

The biggest PED story in triathlon broke last fall when Nina Kraft won the 2004 Triathlon World Championship in Hawaii, yet tested positive for the banned substance —EPO or Erythropoietin.

So what exactly is EPO? What does it do? Why is it banned? And why would someone as talented as Nina Kraft use it in the biggest triathlon competition in the world?

The Miracle Drug

EPO first appeared on the market as a medical drug. The drug, when injected into the body, increased production of the oxygen-carrying red blood cells. It's still used today to treat several medical conditions.

EPO benefits cancer patients with blood weakened by chemotherapy treatments. It's also given to patients suffering kidney disease, and helps repair blood damaged by kidney dialysis. EPO, when provided under strict medical supervision, can be given safely.

But the trouble for EPO started in the late 1980's when the sports community discovered EPO heightens athletic performance significantly.

Magic Shoes

In 1989, seven athletes underwent an EPO experiment in Sweden. Swedish scientist, Dr. Bjorn Ekblom of the Stockholm Institute of Gymnastics and Sports, injected the athletes with EPO and then measured their endurance levels on a treadmill.

All subjects outperformed their previous endurance levels after injecting with EPO. Dr. Ekblom reported that, on average, EPO cut up to 30 seconds off a 20-minute running time. In world-class events, where fractions of a second sometimes separate winners from losers, the benefits of EPO for athletes are huge.

So why does EPO work so well for endurance athletes?

Muscles need oxygen to perform. Red blood cells in the blood carry this oxygen to the muscles. The more red blood cells in one's blood, the more oxygen that can be carried to the muscles.

This continual boost of oxygen allows muscles to perform longer. Thus, for endurance athletes, more oxygen in their blood is like growing wings their feet. A typically grueling, uphill marathon suddenly feels like a cakewalk with EPO.

Of course, there's a catch. A medical doctor can safely supply EPO to patients. However, an EPO overdose (a big problem with athletes and their "more is better" attitudes) results in thickened blood. When a person who's overdosed on EPO rests, their slowing heart tries to pump this thickened blood through their body.

The result is heart failure, and usually death - hence, one of the major reasons for banning EPO from professional sports competition.

Many athletes found this out the hard way.

The Lore of Athletic Glory

In February 1990, 27-year old Dutch professional cyclist Johannes Draaijer's died suddenly of a heart attack. This occurred roughly six months after he placed 20th in the month-long, 3,500-km Tour de France.

EXHIBIT 7

S T E R O I D S

Students

The Steroid-free Choice

Given all of the negative aspects of steroid use, it just doesn't make sense to risk your health and your reputation. You have all sorts of great options when it comes to enhancing your sports performance or your appearance. Consider some of these.

- Talk with your coach, parent, teacher or counselor about any frustrations you might have about how you are performing in your sport.
- Set short-term and long-term goals that will help you excel.
- Be well-hydrated while you compete. That will give you a natural advantage over your competition.
- Focus on getting a proper diet and plenty of rest.
- Don't trust gimmicks or quick-fix approaches.
- Support your friends' decisions to be steroid-free. Talk to a trusted adult if you suspect a friend or teammate is using anabolic steroids.
- Ask your coaches to lead a team discussion about steroid abuse.
- Work with a registered dietician to develop a plan for weight gain or fat loss. Learn when and how much to eat to enhance your athletic performance and how you look.



Additional Help to make the Right Choice

There are many resources available to you to help you achieve your athletic and personal goals – resources geared specifically to athletes like you who want to succeed without using anabolic steroids. A listing of excellent online resources is available at www.nfhs.org.

References

"Hormone Abuse." The Hormone Foundation.

"Steroid Abuse by School-Age Children." U.S. Department of Justice, Drug Enforcement Administration.

"Use of Performance-Enhancing Substances." American Academy of Pediatrics.

Special thanks to the Clell Wade Coaches Directory.

* This brochure, in a pdf format, can be downloaded from the NFHS Web site at www.nfhs.org.



National Federation of State High School Associations
PO Box 690 | Indianapolis, Indiana 46206
317-972-6900 | Fax 317.822.5700

An advertisement for 'MAKE THE RIGHT CHOICE' featuring a close-up of a muscular arm flexing. The text 'MAKE THE RIGHT CHOICE' is written in large, bold, blue letters. Below it, the tagline 'It's not really winning if you cheat.' is written in a smaller, italicized font. The background is a blurred image of a person's arm.

At the time, cycling authorities credited his death to 'cardiovascular abnormalities' – agitated by the rigors of his sport. However, Draaijer's wife later told the German news magazine, *Der Spiegel*, that her husband became sick after using EPO.¹

Overall, doctors credit EPO overdose to the deaths of over 20 professional cyclists from Europe to Central America during the late 1980's to early 1990's.

Of course, the lore of athletic glory isn't only limited to cyclists. In his book, *Drugs in Sports*, Edward F. Dolan recounts a survey where 100 runners were asked if they'd take a drug that would make them Olympic champions, but kill them in a year.²

More than one half the runners surveyed replied yes.

I don't think many would disagree that athletics have become competitive in all the wrong ways. I'm not sure when the change happened. I'm guessing sometime within the second half of the 20th century, when commercials and television started blending with sports.

Sporting participants are obsessed with victory. And I'm not just talking about sports on the professional levels. Amateur and masters athletes are just as crazy-competitive as the pros.

With athletics and its 'victory at any cost' mindset, it's easy to see how getting any edge (even if it means using an illegal PED) is tempting. Meanwhile, PED-free athletes watch in frustration as their competitors illegally achieve record performances in competition.

So What's a Beginning Triathlete To Do?

If you are competing, check the rules of your sport. If the sport considers a substance illegal, don't use it. Chances are the substance is banned for a reason.

As of this writing, the World Anti-Doping Agency and the International Olympic Committee have begun toughening testing standards. The National Football League and other professional leagues have proposed toughening the same testing standards. In other words, it's only going to be harder to get away with using banned substances in sports. Don't take a chance. Besides, there's no victory worth a health ruined by drugs.

And what to do with those caught using illegal-substances? Should you ban them from the sport for life? Should you take away their records? I have no idea. But feel free to voice your opinions on the www.beginnertriathlete.com forum.

Consider this, though: As Nina Kraft cycled to the finish of her bike leg in the 2004 Triathlon World Championship in Hawaii, she hung her head low. In first place, observers thought she was either being modest, or focused.

Kraft said she was simply ashamed. She knew she cheated. Maybe for someone as talented as Nina Kraft that's punishment enough.

About the Author: Chris Tull is a writer based out of the Dallas/Fort Worth area. Once upon a time, he was a 'burgers-and-beer-only' kind of guy. Chris has since lightened up on the diet and added yoga, weight lifting, and (of course) triathlon training to the mix. You can contact him at chrisandniki@yahoo.com or visit his online journal at <http://ctull.blogspot.com/>

¹Deacon, James, "A phantom killer: doctors target a new performance-enhancing drug," *Maclean's*, 1995.

²Dolan, Edward, F. *Drugs in Sports*. London: Franklin Watts, 1986.