

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 Desert Willow 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 lawsuit against Desert Willow High School and Terry Swift, the track coach, claiming that Desert Willow and Terry were negligent in causing Jordan's death. 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 Desert Willow 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, Desert Willow's track coach; (ii) Jamie Hagar, Ed.D, Desert Willow's assistant principal and athletic director; and (iii) Aubrey Brady, a consultant to coaches and athletic departments.

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7 Attorneys for Plaintiff

8 SUPERIOR COURT OF ARIZONA

9 MARICOPA COUNTY

10 KELLY SIMON, an unmarried
11 individual,

12 Plaintiff,

13 v.

14 TERRY SWIFT, an unmarried
15 individual; DESERT WILLOW HIGH
16 SCHOOL,

Defendants.

No. CV2022-35789

COMPLAINT

17 Plaintiff alleges:

18 **COUNT ONE**

19 **(Negligence/Wrongful Death)**

- 20 1. Plaintiff is an unmarried individual who resides in Maricopa County, Arizona.
- 21 2. Terry Swift ("Swift") is an unmarried individual who resides in Maricopa County,
22 Arizona. At all relevant times, Swift was the track coach at Desert Willow High School
23 ("Desert Willow").
- 24 3. Desert Willow is a private high school with its principal place of business in
25 Maricopa County, Arizona.
- 26 4. Jurisdiction and venue are proper in this Court.
- 27 5. Plaintiff is the surviving parent of Jordan Simon ("Jordan"), who died
28 unexpectedly of a heart attack on May 6, 2022.

1 6. Jordan began competitive sprinting in grade school. Jordan enrolled as a freshman
2 and joined the track team at Desert Willow during the 2018-19 school year. At the time of
3 Jordan's death, Jordan was: (i) a 17-year old senior at Desert Willow; and (ii) a star
4 sprinter on Desert Willow's track team.

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

9 8. The EPO in Jordan's system caused Jordan's fatal heart attack.

10 9. Jordan never had a doctor's prescription for EPO.

11 10. Defendants had a duty to (among other things): (i) monitor Desert Willow's
12 student athletes for the use of illegal performance-enhancing drugs; (ii) warn Desert
13 Willow's student athletes regarding the dangers and risks associated with the use of illegal
14 performance-enhancing drugs; and (iii) discourage Desert Willow's student athletes from
15 using illegal performance-enhancing drugs (collectively, the "Duties").

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

21 12. Defendants' breach of the Duties proximately caused Jordan's death.

22 13. Plaintiff has suffered emotionally and physically as a result of Jordan's death and
23 Defendants' breach of the Duties.

24 WHEREFORE, plaintiff prays for judgment against Defendants for:

25 A. Damages in an amount to be proven at trial;

26 B. An award of taxable costs; and

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

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DATED: August 27, 2022.

PARKER WALTERS, P.C.

By /s/ Eduardo Chavez
Eduardo Chavez
Attorneys for Plaintiff

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8 SUPERIOR COURT OF ARIZONA
9 MARICOPA COUNTY

10 KELLY SIMON, an unmarried
individual,

11 Plaintiff,

12 v.
13

14 TERRY SWIFT, an unmarried
individual; DESERT WILLOW HIGH
SCHOOL,

15 Defendants.
16

No. CV2022-35789

DEMAND FOR TRIAL BY JURY

17 Pursuant to Rule 38(b), Arizona Rules of Civil Procedure, plaintiff demands a trial by
18 jury.

19 DATED: August 27, 2022.

20 PARKER WALTERS, P.C.

21
22 By /s/ Eduardo Chavez

23 Eduardo Chavez
24 Attorneys for Plaintiff
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8 SUPERIOR COURT OF ARIZONA
9 MARICOPA COUNTY

10 KELLY SIMON, an unmarried
11 individual,

12 Plaintiff,

13 v.

14 TERRY SWIFT, an unmarried
15 individual; DESERT WILLOW HIGH
16 SCHOOL,

Defendants.

No. CV2022-35789

ANSWER

17 Defendants answer plaintiff's Complaint as follows:

- 18 1. Defendants admit the allegations in paragraphs 1 through 4.
- 19 2. Defendants admit that (i) plaintiff is the surviving parent of Jordan Simon
20 ("Jordan"), and (ii) Jordan died on May 6, 2022; and are without sufficient information
21 and knowledge to admit or deny the remaining allegations in paragraph 5.
- 22 3. Defendants admit that (i) Jordan enrolled as a freshman and joined the track team
23 at Desert Willow High School ("Desert Willow") during the 2018-19 school year, and
24 (ii) at the time of Jordan's death, Jordan was a 17-year old senior and a star sprinter on
25 Desert Willow's track team; and are without sufficient information and knowledge to
26 admit or deny the remaining allegations in paragraph 6.
- 27 4. Defendants are without sufficient information and knowledge to admit or deny the
28 allegations in paragraphs 7 through 9.

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

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

4 **Affirmative Defenses**

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

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

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

9 WHEREFORE, defendants pray for:

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

11 B. An award of their taxable costs; and

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

13 DATED: September 12, 2022.

14 FOSTER & COLLINS, LLP

15

16 By /s/ Sarah Cavanaugh
17 Sarah Cavanaugh
Attorneys for Defendants

18 Copy of the foregoing mailed
19 on September 12, 2022, to:

20 Eduardo Chavez
21 PARKER WALTERS, P.C.
22 2727 North Central Avenue
Suite 905
Phoenix, AZ 85012
Attorneys for Plaintiff

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24 /s/ Ruth Smith

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1 about meeting Terry. I wish Terry had been hit by a car on the way to the middle school;
2 then I wouldn't be walking past Jordan's empty room every night. I blame Terry and
3 Desert Willow for Jordan taking steroids.

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

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

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

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

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

1 promotion than before.

2 13. When Jordan was 16, more college recruiters started coming to the track meets
3 and practices. Jordan was getting more and more nervous.

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

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

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

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

22 18. In April 2022, I decided to buy Jordan a car as an early graduation gift. I had been
23 saving as much as I could. I thought about asking Jordan to pay for car insurance from
24 the trust. I decided to check the balance on the account. I saw the account balance was
25 down from around \$50,000 to about \$25,000. I blew my top. First, I called the bank and
26 freaked out that money was fraudulently taken out of Jordan's trust. The bank e-mailed
27 me the records showing Jordan's withdrawals, which are marked as Exhibit 9. I couldn't
28 believe my eyes.

1 19. I went to Jordan's track practice and in front of Terry I started yelling at Jordan. I
2 showed Jordan the bank records and demanded an explanation. Jordan looked at both of
3 us and said, "You both know where the money is going. You might as well buy it for me.
4 How am I getting so good? Not from doing dishes. Not from doing laundry." Jordan
5 looked right at Terry and said, "You know – you explain it." Jordan ran off and didn't talk
6 to me for a couple of weeks. I asked Terry what Jordan meant and Terry said, "I'll take
7 care of it."

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

11 21. On the morning of May 6, 2022, Jordan's school called and asked why Jordan
12 wasn't there. Jordan had a big track meet that day – Jordan always went to school on days
13 of track meets, because you could only participate if you attended school. I called home,
14 but there was no answer. I knew something was wrong, so I drove home as fast as I
15 could. When I got home I found Jordan. Jordan was lying in bed, eyes closed. I touched
16 Jordan and I felt my life was over. Jordan's body was cold. I screamed. I called 911.

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

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

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

28 /s/ Kelly Simon

SUBSCRIBED AND SWORN to before me, a Notary Public, on January 6, 2023, by
Kelly Simon.

/s/ Quincy Vargas

My Commission Expires:

November 5, 2025

AFFIDAVIT OF MORGAN PEARCE

STATE OF ARIZONA }
County of Maricopa } ss.

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

1. I am 18 years old and live in Phoenix, Arizona with my parents. I am a freshman at Glendale Community College where I am a member of the track team. I graduated from Desert Willow High School, where I also was on the track team.

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

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

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

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

6. Our first two years were pretty normal for track runners I guess. During the season we would pull two-a-days--working out and lifting weights in the morning before

1 class, and running at track practice after school. We usually would meet at my locker
2 right after our last class and head out to the field together.

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

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

24 9. A week later Coach saw Jordan and me in the hall and told us to be at the end of
25 the year banquet early so we could talk. We did, and Coach pulled us into a side room
26 one at a time. I went first. Coach asked if I thought I could get my numbers up so that I
27 could get a scholarship. I said I was working really hard, and I thought it was possible.
28 Coach then told me "getting a scholarship for track takes more than just workouts and

1 practice. It's about what you put into your body too." I told Coach I knew that, and that I
2 was on a good diet. "Diet, yeah, that's important too," Coach said. Then Coach said:
3 "You know only the best of the best get scholarships, right? You have to do whatever it
4 takes." "Yes," I responded. Coach then told me that some of my competitors no doubt
5 were using "supplements" and that, whether I liked it or not, they were the ones who were
6 going to get the scholarships. Coach asked me what I thought about that. I said I didn't
7 think it was fair. Then Coach said, "It's not fair, and I certainly won't give you anything,
8 but one year is a pretty small price to pay for a scholarship that could have lifelong
9 benefits." With that, Coach told me to send Jordan in.

10 10. About ten minutes later, Jordan sat next to me at the table. I asked about the
11 meeting with Coach. Jordan wouldn't look at me, but said "one year is a pretty small
12 price to pay for a scholarship. Coach is right."

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

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

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

28 14. I was amazed when track season finally started in February 2022. Despite being

1 sick all the time and missing school and practice, Jordan's numbers were up. I mean way
2 up. Usually, it takes a little time to get back into the swing of things. Not for Jordan.
3 Right from the start, Jordan's numbers were tenths of a second ahead of the previous year
4 --and that is a lot for the 100 meters.

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

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

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

21 18. A few days later, on May 6, 2022, I went to school like any other day. I didn't
22 see Jordan at school that day. I figured Jordan was sick again, but I thought it was odd,
23 because we had a track meet that afternoon and Jordan never missed school on the day of
24 a meet. Toward the end of the day, there was a page over the intercom in my classroom.
25 I was asked to go to the front office. When I got there, there was a bunch of people
26 huddled around talking quietly. One of them, a school counselor, came over and put his
27 arm around me and took me to his office. I started getting worried. I asked what was
28 wrong. He said he would tell me in just a moment. I walked into his office. My heart

1 started beating harder. I sat down. He closed the door. He sat down next to me. He
2 wouldn't look at me. I was starting to panic. "What's going on?", I asked. He told me
3 that Jordan died. I thought I heard him wrong. It felt like the wind had been knocked out
4 of me. He said it happened sometime in the middle of the night. I don't remember what
5 else he said.

6 19. A little while later my mom came to pick me up. When I left the office, I saw
7 Coach in the front office. Coach was sitting alone, crying. As I left with my mom, I
8 remember turning and saying, "I hope you're happy. You killed my best friend."

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

12
13 /s/ Morgan Pearce

14 SUBSCRIBED AND SWORN to before me, a Notary Public, on January 3, 2023, by
15 Morgan Pearce.

16 /s/ Jearl Stanton

17 My Commission Expires:

18 November 5, 2025
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1 my Master of Science degree in applied exercise physiology in 2012, and I obtained my
2 Doctor of Physiology degree in applied exercise physiology in 2014. My doctoral
3 dissertation was entitled “Juice Isn’t Just For Breakfast Anymore: The Use Of Anabolic
4 Steroids By Amateur Athletes”. It focused on the use of stanozolol, which was the steroid
5 found in Scott’s system.

6 6. In 2014, immediately after obtaining my Ph.D., I took a position as a researcher at
7 the Human Performance Laboratory (“HPL”) in the Department of Kinesiology and
8 Health Education in the College of Education at the University of Texas at Austin.
9 Kinesiology is the scientific study of movement. One of the primary goals of the
10 discipline is to understand the processes that control movement and the factors that affect
11 the acquisition of motor skills. At the HPL, we studied oxygen consumption and cardiac
12 output in humans.

13 7. In 2017, I accepted a position as the executive director of the Midwest Institute for
14 Exercise Physiology in Michigan. The Institute is a private for-profit organization that
15 studies all aspects of exercise physiology. Since my arrival, I have focused the Institute’s
16 studies on the use of steroids by both amateur and professional athletes for two reasons.
17 First, I have a deep personal interest in the subject. Second, as executive director, my
18 most important responsibility is the bottom line. As everyone knows, the abuse of
19 steroids is the hot issue in our field. As such, the Institute’s published studies have
20 become very profitable.

21 8. One of the conditions of my accepting the Institute’s executive director position is
22 that I am allowed to do consulting on the side. Since 2017, I have accepted around 10
23 outside engagements. I was contacted by the attorneys for Kelly Simon to provide expert
24 testimony in Kelly’s case against Terry Swift and Desert Willow High School. I am
25 charging my standard fee of \$500 per hour. I have not been paid yet, but I estimate that
26 my total fee will be approximately \$10,000. I probably will donate half of my fee to the
27 Scott Johnson Foundation, a non-profit organization that I established in memory of my
28 nephew. The Foundation’s mission is to educate young amateur athletes about the

dangers of steroid abuse and to do whatever possible to hold those who encourage steroid abuse responsible for the harm that they cause.

9. Steroids are not bad in and of themselves. In fact, steroids are hormones naturally produced by the human body. Naturally produced steroids help control: (i) the stress of illness and injury; (ii) immune functions; (iii) development of sexual characteristics; (iv) inflammation; (v) metabolism; and (vi) salt and water balance. Synthetic steroids are chemically similar to natural steroids and duplicate their actions, and they can be prescribed by doctors for various legitimate medical treatments. Some of the synthetic steroids that are commonly prescribed include cortisone, hydrocortisone and prednisone. All three of these synthetic steroids often are used to suppress inflammation, and their use can alleviate the symptoms of inflammatory conditions such as arthritis and asthma.

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

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

12. Anabolic steroids have serious side effects, many of which aid in determining whether somebody is abusing steroids. Males may develop prominent breasts, baldness, a higher voice, shrunken genitals and infertility. Females may develop a deeper voice, enlarged genitals, increased body hair, baldness and increased appetite. Both males and females may experience: (i) severe acne; (ii) liver problems; (iii) increased bad

1 cholesterol and decreased good cholesterol; (iv) aggressive behavior; (v) depression;
2 (vi) distractibility and irritability; (vii) extreme mood swings; (viii) paranoid jealousy; and
3 (ix) impaired judgment stemming from feelings of invincibility. Indeed, there are several
4 documented incidents of anabolic steroid abuse causing young athletes to commit suicide.

5 13. Erythropoietin (“EPO”) is a glycoprotein hormone that is naturally produced by
6 the kidneys. It stimulates the bone marrow to make red blood cells. The rise in red blood
7 cells increases the oxygen-carrying capacity of the blood. It is possible for the body to
8 produce too much EPO on its own.

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

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

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

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

1 18. The World Anti-Doping Agency ("WADA") was established in 1999 to promote
2 and coordinate the international fight against doping in competitive sports. It was set up
3 as a foundation under the initiative of the International Olympic Committee with the
4 support and participation of intergovernmental organizations, governments, public
5 authorities and other public and private bodies fighting against doping in sports. WADA
6 generates a list of prohibited substances each year. WADA's list has become the standard
7 in competitive sports. Accordingly, I stay familiar with and can testify regarding
8 WADA's list. EPO is on WADA's list of prohibited substances.

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

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

21 21. Although mandatory testing programs are a good deterrent, mandatory testing
22 programs are not 100% effective, primarily because steroid abusers come up with ways to
23 mask steroid tests. Accordingly, even where mandatory testing programs are used, it is
24 important that athletic directors and coaches be vigilant in (i) watching their student
25 athletes for signs of steroid abuse, and (ii) counseling their student athletes against using
26 steroids, especially where signs of steroid abuse are present. In this regard, I believe that
27 all high school athletic directors and coaches should attend a six-hour course regarding
28 steroid abuse taught by a certified instructor. In addition, they should attend an annual

1 refresher course to stay abreast of the constant changes that occur with respect to steroid
2 abuse by athletes.

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

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

10 24. The amount of EPO in Jordan Simon's system at the time of death was extremely
11 high and in my opinion was the cause of Jordan's heart attack.

12 25. If the State of Arizona or Desert Willow High School had a mandatory random
13 testing program, then either: (i) Jordan's steroid abuse could have been discovered; or
14 (ii) the program may have deterred Jordan from using steroids. Moreover, even without a
15 mandatory testing program, I believe that it should have been obvious to Terry Swift,
16 Jamie Hagar and others that Jordan was abusing steroids. Accordingly, Desert Willow's
17 coaches and athletic director had a responsibility to take steps to prevent and stop Jordan's
18 steroid use. Instead, in the face of clear evidence of steroid abuse, Coach Swift continued
19 to push Jordan to improve Jordan's times. I believe that this led to Jordan's use of
20 steroids and ultimately caused Jordan's death.

21
22 /s/ Lynn Roper

23 SUBSCRIBED AND SWORN to before me, a Notary Public, on January 13, 2023,
24 by Lynn Roper.

25 /s/ Sean O'Keefe

26 My Commission Expires:

27 November 5, 2025
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STATE OF ARIZONA }
County of Maricopa } ss.

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

1. I am 55 years old and currently work for Desert Willow High School. I am on administrative leave, and have been since May 2022.

2. I graduated from Drake University with a Bachelor's degree in physical education
1989. I received my Master's degree from the University of Iowa in physical education
1995. Desert Willow was the first school I worked for after graduating from the
University of Iowa. I've been a freshmen and sophomore physical education teacher at
Desert Willow for 27 years. I've been the track coach at Desert Willow for 15 years.

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

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

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

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

7. I am always on the lookout for students with the potential to be strong runners. I became aware of Jordan Simon when I happened to attend a meeting at Jordan's

1 middle school on the day of a track meet. Jordan was an incredible sprinter for a middle
2 school student. I could not have been happier when I found out that Jordan was interested
3 in Desert Willow.

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

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

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

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

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

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

1 performance-enhancing drugs. Some get the drugs from veterinarians, and others get the
2 drugs from doctors.

3 14. I made every kid sign an AIA form before they could participate in track. If a kid
4 was gone from practice on the day I gave out the AIA form, I followed up with the kid the
5 next day and got a signature on the AIA form. When I handed out the forms, I always
6 said, "This is an important form. Read it. Sign it, and follow it." I even kept a file
7 drawer with folders for every kid, in which I kept the AIA forms.

8 15. Some lawyers came to my office and went through all my papers. They took all
9 the AIA forms I kept, including the documents marked as Exhibits 1 and 2. They also
10 took my time record for the 100 meters, which is marked as Exhibit 8 and which I had
11 posted in the locker room. For each event, I kept a record of all the kids' times by year.
12 That way, I could see if the kids were improving or slowing down.

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

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

21 18. I told all the students every year, "Don't smoke, drink or do any drugs." I meant
22 it. Through some teacher associations I received some posters about steroids, which are
23 marked as Exhibits 5 and 6. I didn't hang the posters up – they looked really disgusting. I
24 also received some brochures about steroids, like the one marked as Exhibit 7, and I
25 passed those out in my P.E. classes.

26 19. Jordan was a good kid. Jordan seemed to really want to run in college and maybe
27 try out for the Olympics or run professionally. I didn't think Jordan had the talent, but
28 during 2022 my opinion started to change.

1 20. Back when Jordan was a sophomore and a junior, things weren't going so well. I
2 knew that Jordan had a lot of responsibilities at home, but school and track were taking a
3 backseat. I told Jordan that the high school scholarship was on the line – if school and the
4 track team weren't a priority for Jordan, Desert Willow would send Jordan packing for the
5 public school down the street.

6 21. Jordan started breaking records during the 2021-22 season. Jordan was shaving
7 tenths of seconds off times that I didn't think could get any lower. I was amazed. I
8 figured the pressure worked and I liked the results.

9 22. I was getting impressed. I was making lots of calls for Jordan, advising recruiters
10 to come take a look. I put a lot of pressure on Jordan because Jordan did well under
11 pressure.

12 23. I talked to Kelly Simon at some of the meets. I remember one day back in April
13 2022, Kelly came running into the gym. The kids were stretching, getting ready to do
14 sprints. Kelly was waiving around a paper, yelling at Jordan. I went over to see what the
15 issue was. Jordan pointed at me and yelled something like, "You know how I'm getting
16 so good – you explain it." Jordan stomped off. I told Kelly I'd handle the situation.

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

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

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

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

28. I remember a day in early to mid-April 2022 when I was picking up my mail from the front office. My hands were full and I was in a hurry to get to track practice. I was rushing by Jamie Hagar's office, when Jamie asked if I had a minute. Jamie told me that Jordan printed an article about EPO, and to talk to Jordan about it. Jamie placed the article on the stack of papers I was carrying, and I headed to my office. The article Jamie gave me looks like the article marked as Exhibit 10. I didn't read it at the time, but it looks like the same thing Jamie gave me. I dropped the papers I was carrying on my desk, and went straight out to practice. I never had the chance to talk to Jordan about the article before Jordan died.

29. I wish I knew that Jordan was using steroids. I would have had a heart-to-heart talk about the dangers of doping. I don't think it would have mattered, but at least I wouldn't have to feel so guilty. I do not believe that I did anything to encourage Jordan to take EPO and I don't think I could have stopped it. However, I'm a real person and I cared about Jordan very much. I don't want to see a 17-year old kid die needlessly. My heart breaks for the family – I just don't think that I'm to blame.

/s/ Terry Swift

SUBSCRIBED AND SWORN to before me, a Notary Public, on January 4, 2023, by
Terry Swift.

/s/ Olympia Petard

My Commission Expires:

November 5, 2025

AFFIDAVIT OF JAMIE HAGAR, Ed.D.

STATE OF ARIZONA }
County of Maricopa } ss.

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

1. I am 47 years old and live in Phoenix, Arizona, with my spouse and two children. I am currently the Assistant Principal of Desert Willow 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 Arizona in 1996 with a degree in Education. I received my Masters in Education in 1998, also from the U of A. I taught at a high school in Tucson for 8 years before returning to the U of A for my Doctor of Education, which I received in 2008. I then moved to Phoenix and taught at Desert Willow for 3 years before being offered the job as Assistant Principal in 2011. I was a basketball coach for the school at that time. I remained a coach until 2017, when I was asked to be the school's Athletic Director.

3. Desert Willow 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.

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

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

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

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

15 6. Since 2017, when I became the Athletic Director, there have been 20 violations of
16 the policy by student athletes--at least one in every sport. These violations all have been
17 reported by the coach, the team captain, or another teammate. Every sport except track
18 has had at least one student use a form of steroid in violation of the policy. Only two
19 students have violated the policy a second time. One was a sophomore, the other a junior.
20 Both were members of the football team. On both occasions, the second violation took
21 place midway through the season, so the students were suspended for the remainder of the
22 season.

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

1 leave.

2 8. All coaches are required to attend a workshop at the beginning of the school year.
3 Among other things, the workshop provides training on the abuse of all forms of
4 controlled substances. Coaches are taught how to recognize use, and are instructed on the
5 appropriate actions to take in the event use is suspected. Additionally, coaches are
6 provided with a copy of Section 14.13 of the Arizona Interscholastic Association (“AIA”)
7 Bylaws and AIA Form 14.13. They are required to explain the policy and form to the
8 students and then obtain signatures from the students on a copy of the form. Coaches also
9 are provided pamphlets, posters and other instructive materials to post in locker rooms and
10 training facilities, and to distribute to students. It is within each coach’s discretion how to
11 use these materials.

12 9. I am aware that Coach Terry Swift did not attend the workshop at the beginning of
13 the 2021-2022 school year. Terry requested leave in order to take a much-needed
14 vacation. I granted the request because I knew Terry had attended the workshop in years
15 past, and the training really had not changed in years. I told Terry that I would obtain
16 copies of all materials distributed in case Terry wanted them. The materials distributed
17 included (among other things) the documents marked as Exhibits 1, 5, 6 and 7, and a
18 blank form of Exhibit 2 (i.e., without the line for the student’s signature). Terry asked for
19 the AIA forms, but not the other materials.

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

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

12. Understandably, Jordan's death as well as recent media attention involving professional athletes has raised the issue of random drug testing. Desert Willow does not currently test student athletes, and I do not see such testing in our foreseeable future. One reason is that drug testing simply isn't reliable. It isn't 100% effective. For instance, there are numerous substances for which there currently is no test. Another, more significant reason, is that we simply can't afford it. We have over 100 student athletes and these athletes would need to be tested regularly in order for the testing to be effective. Although our school tuition seems high, I assure you we are on a very tight budget. We currently need to update our computer lab, add additional space for classes and hire additional teachers. We are forced to turn away a large number of students because we simply do not have the space. If testing were effective and affordable, I would certainly consider it.

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

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

15. I find it hard to believe that Terry Swift is being sued for Jordan's death. I have the utmost respect for Terry. Terry puts in as much time, if not more, than any of our other coaches. This includes practice, off-season training sessions, chairing the scholarship committee and even tutoring students who are struggling to make eligibility

1 because of poor grades. As a result of this effort, Terry was a district finalist two years
2 ago for teacher-coach of the year. This is an award for which students nominate coaches.
3 Students write an essay explaining how the coach has made a positive impact on their life,
4 both on and off the field.

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

10 17. It is true that I have received three complaints from parents regarding Terry. The
11 concerns were that Terry was pushing their children too hard. I take these complaints
12 seriously. I personally investigated the claims to determine if there was any merit, and I
13 found none. I was not surprised. As a basketball coach I must have received two or three
14 complaints per year for being too hard on students or not playing someone's child enough.
15 I assure you there was no merit to those complaints. Some parents just don't understand
16 that participation in athletics isn't all high-fives and smiles.

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

25 19. On April 11, 2022, I received a visit from Mrs. Andrews, our school librarian.
26 She had a printout that she was about to file, which is marked as Exhibit 10, and thought I
27 should see it. The printout was an article titled "Enhancing Your Performance The
28 Unnatural Way: A Look At The Banned Substance EPO" written by Chris Tull. It

1 appeared on the beginnertriathlete.com website on April 10, 2005. The cover sheet that
2 printed with the article bears Jordan's name and student ID.

3 20. On the afternoon of April 12, 2022, I gave a copy of the article to Terry. I asked
4 Terry to have a talk with Jordan. I wanted Terry to determine if there was a chance
5 Jordan was using this EPO substance and to remind Jordan once again of the school's
6 Zero Tolerance Policy. I was sure that Terry would talk with Jordan and let me know if
7 there was a problem, so I didn't give it another thought.

8 21. I cannot express in words how devastating Jordan's death has been for me. I
9 cannot escape the feeling that there is something I could have done to prevent this tragedy.
10 I realize, however, that I have done everything I can. At Desert Willow the education and
11 well-being of our students is our primary concern. We have done the best we can to
12 prevent and deter drug use, but the simple fact is this--no matter what we do, if a student
13 wants to use illegal substances, the student will find a way.

14
15 /s/ Jamie Hagar

16 SUBSCRIBED AND SWORN to before me, a Notary Public, on January 5, 2023, by
17 Jamie Hagar.

18 /s/ Leslie Smith

19 My Commission Expires:

20 February 12, 2024
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AFFIDAVIT OF AUBREY BRADY

STATE OF TENNESSEE }
County of Knox } ss.

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 Tennessee Vols long before I was born. For as long as I can remember, my family has attended every home football game. Nothing can compare to that experience--105,000 orange-clad fans packed into Neyland Stadium; and tailgating with the Volunteer Navy on the Tennessee River. It was a foregone conclusion that I would be attending UT. I couldn't wait to become a part of Orange Nation.

2. I earned my Bachelor of Science degree in exercise science in 2002 from the University of Tennessee. I obtained my teaching certificate, and immediately began teaching physical education at Bearden High School in Knoxville, Tennessee. Bearden has a long tradition of academic excellence, but the Bulldog Athletic Department also is an important part of the Bearden experience. Bearden'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 UT during my spare time. I ultimately earned my Masters of Science in Sport Management in 2008.

3. As much as I love attending the Vols' football games, football is not my sport. Instead, I grew up playing soccer. When I started teaching at Bearden 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 2012, 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 UT, so I had to take out student loans to get through school. Everyone knows that teachers don't make much

1 money and often have to come out of pocket to buy school supplies, so it's no surprise
2 that I had to take out more loans to get through graduate school. By the time I was done,
3 it was hard to pay all of my living expenses as well as make my student loan payments.
4 Even with the increase in pay that came with my promotion to assistant principal, I still
5 was not making any headway. So, as much as I enjoyed my job, I had to find a way to
6 make more money. Then, I read an article somewhere that mentioned something about
7 how much consultants charge for their services. All I had to do was find an area in which
8 I could consult. Not long after that I started developing my consulting practice. I have
9 been consulting full-time for about seven years now. During that time, I've found that the
10 challenge in building a successful consulting practice is doing whatever it takes to give
11 your clients what they want, so that they will hire you for repeat engagements. It's all
12 about the repeat engagements.

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

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

28 7. As assistant principal in charge of athletics at Bearden, I became actively involved

1 with the Tennessee Secondary School Athletic Association (“TSSAA”), which is the
2 governing body for high school athletics in Tennessee. Part of my job was to ensure
3 Bearden’s compliance with the TSSAA’s rules and regulations. The TSSAA Bylaws and
4 regulations do not contain any provisions relating to drug or steroid use. Rather, the local
5 school boards in Tennessee are free to make their own regulations regarding drug and
6 steroid use. I tried to get the TSSAA to establish rules and regulations regarding drug and
7 steroid use, because: (i) I believe that implementation and enforcement of a uniform
8 statewide standard is the most effective way to control drug and steroid use; and
9 (ii) steroid use in the South is particularly high. According to a 2018 study by the Centers
10 for Disease Control and Prevention, 11.2% of high school boys surveyed in Louisiana and
11 5.7% of high school girls surveyed in Tennessee reported using steroids at least once.
12 Those numbers are astounding. Fortunately, the numbers are not nearly as high in other
13 parts of the country, including in Arizona. In a recent nationwide survey, only 3.5% of
14 high school seniors reported using steroids at least once. The bad news is that those
15 results are up from approximately 2% reported about a decade ago.

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

23 9. A report published in August 2020 by the National Federation of State High
24 School Associations (“NFSHSA”), the National Interscholastic Athletic Administrators
25 Association (“NIAAA”) and the National Center for Drug Free Sport, Inc. indicated that
26 approximately 13% of the nation’s high schools have a drug-testing policy in place. Of
27 those schools, only 29% test for steroids.

28 10. Many high schools do use an NCAA-approved test to monitor their athletes for

1 use of marijuana, cocaine, amphetamines and methamphetamine. The reason is that many
2 certified laboratories offer standard screening packages for these drugs at a reasonable
3 cost, sometimes as low as \$20 per test. Although these affordable tests are better than no
4 testing at all, the problem with these tests is that they do not screen for use of alcohol and
5 tobacco, which are the drugs most commonly used by high school students, or steroids.
6 Moreover, even if a school had the financial resources to pay the significant cost of testing
7 its athletes for steroid use, the tests likely would screen only for anabolic steroids. It is
8 inconceivable that a high school testing program could screen for all steroids that might be
9 used by student athletes, including human growth hormone and erythropoietin (“EPO”).

10 11. Although a random drug-testing program cannot be 100% effective in detecting
11 actual drug use, these programs can have an important deterrent effect. I read an article in
12 the Arizona Republic about the random drug-testing program in the Paradise Valley
13 Unified School District, which at the time was the only district in Arizona with such a
14 program. According to the article, Paradise Valley High School officials reported that
15 “very few” athletes have tested positive for steroids since the program was implemented
16 in 2008, and no athlete has tested positive in the last five years. The local experience is
17 consistent with the experiences reported in my area of the country. In this regard, the
18 Lauderdale County, Alabama school district, which implemented its program in 2007,
19 reported only “a handful” of positive test results in the first five years of its program.
20 Similarly, in an article appearing in the Interscholastic Athletic Administration magazine,
21 an unidentified Tennessee high school principal is quoted as saying: “This school has
22 never recorded a positive test in 10 years of testing. It is absolutely a deterrent.”

23 12. Since the Paradise Valley School District implemented testing, other schools in
24 Arizona have implemented random drug testing. The most recent are the three high
25 schools in the Chandler Unified School District, which (according to an October 21, 2022
26 article in the Arizona Republic) announced a random drug testing program to commence
27 in January 2023 for all students participating in athletic and non-athletic programs
28 sponsored by the Arizona Interscholastic Association (the “AIA”). Significantly, the

1 program is being funded by a three-year \$718,000 grant awarded by the U.S. Department
2 of Education.

3 13. The Chandler Unified School District program tests for alcohol, amphetamines,
4 marijuana, cocaine, Ecstasy, PCP and anabolic steroids. It does not test for EPO. The
5 first positive test results in an eight-week loss of eligibility for AIA events; the second
6 positive test results in loss of eligibility for the remainder of the school year; and the third
7 positive test results in a permanent ban from AIA activities. Positive test results have no
8 academic consequences, and they are not turned over to law enforcement.

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

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

1 message has to be reinforced repeatedly, especially to students.

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

8 17. It appears that Desert Willow and Coach Swift are in compliance with the AIA's
9 requirement regarding the Position Statement. In this regard, the school has its student
10 athletes sign a copy of the Position Statement, which the school keeps on file. Desert
11 Willow's files contain a copy of a Position Statement with Jordan's name on it, but it is
12 not signed. Coach Swift confirmed that Jordan received a copy of the Position Statement,
13 but could not explain why the copy retained in the files did not have Jordan's signature.

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

22 19. Although the AIA has not adopted statewide penalties for the use of steroids and
23 other drugs by student athletes, Desert Willow High School has adopted its Zero
24 Tolerance Policy. In addition, Desert Willow requires all of its freshmen students to take
25 a Health course, which includes a weeklong segment on the use of drugs. I believe that
26 this is a reasonable response to the serious problem of steroid and other drug abuse by
27 high school student athletes.

28 20. As set forth above, parents, coaches and administrators need to be educated in how

1 to tell that a student is using steroids or other drugs. Most of the literature available in this
2 regard focuses on the signs of anabolic steroid abuse, which can be quite obvious. It is
3 much more difficult to detect the use of a glycoprotein hormone like EPO, but with the
4 proper education it often is possible to tell that an athlete is using a banned substance. For
5 instance, although there are no pronounced physical changes like those associated with
6 anabolic steroid abuse, an athlete who abuses EPO suddenly will develop unexplained
7 nosebleeds and become ill for unexplained reasons much more frequently than before
8 using EPO. In addition, an athlete who begins abusing EPO often will change their
9 personal habits. The athlete suddenly may start associating with different people, or
10 withdraw and seek extreme levels of privacy. By way of another example, the athlete
11 may visit websites that discuss steroids or the paraphernalia necessary to use steroids. In
12 this case, however, I do not believe that Coach Swift or Desert Willow High School had
13 any reason to suspect that Jordan Simon was using EPO.

14 /s/ Aubrey Brady

15 SUBSCRIBED AND SWORN to before me, a Notary Public, on January 10, 2023,
16 by Aubrey Brady.

17 /s/ Ann Carver

18 My Commission Expires:

19 October 13, 2024

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV2022-35789

03/01/2023

HONORABLE LUBIN MILES

CLERK OF THE COURT
L. Schmidt
Deputy

FILED: 03/02/2023

KELLY SIMON

EDUARDO CHAVEZ

v.

TERRY SWIFT, et al.

SARAH CAVANAUGH

MINUTE ENTRY

9:27 a.m. This is the time set for the Final Pretrial Conference. Plaintiff and defendants are represented by counsel.

The Court confers with counsel regarding their Joint Pretrial Memorandum.

IT IS ORDERED as follows:

1. The plaintiff will call the following witnesses:
Kelly Simon
Morgan Pearce
Lynn Roper, Ph.D.
2. The defendants will call the following witnesses:
Terry Swift
Jamie Hagar, Ed.D.
Aubrey Brady
3. The exhibits that may be used at trial are premarked as follows:
Exhibit 1 AIA Bylaws (Portion of Article 14)
Exhibit 2 AIA Position Statement Form 14.13
Exhibit 3 Arizona 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
4. Authenticity (but not foundation) is stipulated for all exhibits; provided that the admissibility of Exhibits 3 and 4 is stipulated, and Exhibits 3 and 4 may be offered into evidence by either party without further foundation.

5. All witness affidavits are presumed to have been signed before trial. Each witness has reviewed his/her affidavit for accuracy, and no changes were made. Each exhibit or affidavit that bears a signature block is presumed to have been signed on the date indicated on the exhibit or affidavit.
6. The attached jury instructions are approved.

10:09 a.m. Matter concludes.

Jury Instructions

You will decide what the facts are from the evidence presented here in court. That evidence will consist of testimony of witnesses, any documents and other things received in evidence as exhibits, and any facts stipulated, or agreed to, by the parties or which you are instructed to accept.

You will decide the credibility and weight to be given to any evidence presented in the case, whether it be direct evidence or circumstantial evidence.

Direct evidence is a physical exhibit or the testimony of a witness who saw, heard, touched, smelled or otherwise actually perceived an event. Circumstantial evidence is the proof of a fact from which the existence of another fact may be inferred. You must determine the weight to be given to all the evidence without regard to whether it is direct or circumstantial.

Admission of evidence in court is governed by rules of law. I will apply those rules and resolve any issues that arise during the trial concerning the admission of evidence.

If an objection to a question is sustained, you must disregard the question and you must not guess what the answer to the question might have been. If an exhibit is offered in evidence and an objection to it is sustained, you must not consider that exhibit as evidence. If testimony is ordered stricken from the record, you must not consider that testimony for any purpose.

Do not concern yourselves with the reasons for my rulings on the admission of evidence. Do not regard those rulings as any indication from me of the credibility or weight you should give to any evidence that has been admitted.

In deciding the facts of this case, you should consider what testimony to accept, and what to reject. You may accept everything a witness says, or part of it, or none of it.

In evaluating testimony, you should use the tests for accuracy and truthfulness that people use in determining matters of importance in everyday life, including such factors as: the witness' ability to see or hear or know the things to which he/she testified; the quality of his/her memory; the witness' manner while testifying; whether he/she has any motive, bias, or prejudice; whether the witness is contradicted by anything he/she said or wrote before trial, or by other evidence; and the reasonableness of the testimony when considered in the light of the other evidence.

Consider all of the evidence in light of reason, common sense, and experience.

A witness qualified as an expert by education or experience may state opinions on matters in that witness' field of expertise, and may also state reasons for those opinions.

Expert opinion testimony should be judged just as any other testimony. You are not bound by it. You may accept or reject it, in whole or in part, and you should give it as much credibility and weight as you think it deserves, considering the witness' qualifications and experience, the reasons given for the opinions, and all the other evidence in the case.

As I mentioned earlier, it is your job to decide from the evidence what the facts are. Here are six rules on what is and what is not evidence:

1. **Evidence to be considered:** You are to determine the facts only from the testimony of witnesses and from exhibits received in evidence.
2. **Lawyers' statements:** Ordinarily, statements or arguments made by the lawyers in the case are not evidence. Their purpose is to help you understand the evidence and law. However, if the lawyer for both/all parties agree or stipulate that some particular fact is true, you should accept it as true.
3. **Questions to a witness:** By itself, a question is not evidence. A question can be used only to give meaning to a witness' answer.
4. **Objections to questions:** If a lawyer objects to a question and I do not allow the witness to answer, you must not try to guess what the answer might have been. You must also not treat the objection as evidence or guess the reason why the lawyer objected in the first place.
5. **Rejected evidence:** At times during the trial, testimony or exhibits will be offered as evidence, but I might not allow them to become evidence. Since they never become evidence, you must not consider them.
6. **Stricken evidence:** At times I may order some evidence to be stricken, or thrown out. Because it is no longer evidence, you must not consider it.

Burden of proof means burden of persuasion on any claim. The party who has the burden of proof must persuade you, by the evidence, that the claim is more probably true than not true. This means that the evidence that favors that party outweighs the opposing evidence. In determining whether a party has met this burden, consider all the evidence that bears on that claim, regardless of which party produced it.

Desert Willow High School is responsible for the actions of its employee if the employee was acting within the scope of his employment. In this case, Desert Willow High School is responsible for the actions of its employee, Terry Swift.

Kelly Simon claims that Desert Willow High School and Terry Swift were at fault. Desert Willow High School and Terry Swift claim that Kelly Simon was at fault. Desert Willow High School and Terry Swift also claim that Jordan Simon was at fault.

Fault is negligence that was a cause of Kelly Simon's injury. Negligence is the failure to use reasonable care. Negligence may consist of action or inaction. Negligence is the failure to act as a reasonably careful person would act under the circumstances.

Before you can find any person or entity at fault, you must find that person's or entity's negligence was a cause of plaintiff's injury.

Negligence causes an injury if it helps produce the injury, and if the injury would not have happened without the negligence. There may be more than one cause of an injury.

Kelly Simon must prove:

1. Desert Willow High School and/or Terry Swift were at fault; and
2. Kelly Simon was injured.

This case is bifurcated, so that damages are not at issue. As such, Kelly Simon need not prove the extent of the injuries or damages.

Desert Willow High School and Terry Swift must prove:

1. Kelly Simon was at fault and/or
2. Jordan Simon was at fault.

If you find that Desert Willow High School and Terry Swift were not at fault, then your verdict must be for Desert Willow High School and Terry Swift.

If you find that Desert Willow High School and/or Terry Swift were at fault, then Desert Willow High School and/or Terry Swift are liable to Kelly Simon and your verdict must be for Kelly Simon. You should then consider Desert Willow High School's and Terry Swift's claim that Kelly Simon was at fault and Desert Willow High School's and Terry Swift's claim that Jordan Simon was at fault.

On Desert Willow High School's and Terry Swift's claim that Kelly Simon was at fault, you must decide whether Desert Willow High School and Terry Swift have proved that Kelly Simon was at fault and, under all the circumstances of this case, whether any such fault should reduce Kelly Simon's full damages. These decisions are left to your sole discretion.

Desert Willow High School and Terry Swift claim that Jordan Simon was at fault by assuming the risk of injury. A person assumes the risk of injury when the person has knowledge of a particular risk, appreciates its magnitude, and voluntarily subjects himself or herself to the risk under circumstances that show the person's willingness to accept the particular risk.

As to this claim, Desert Willow and Terry Swift must prove:

1. Jordan Simon assumed a particular risk of injury; and
2. The particular risk was a cause of Jordan Simon's, and thus Kelly Simon's, injury.

You must decide whether Desert Willow High School and Terry Swift have proved that Jordan Simon was at fault by assuming the risk of injury and, under all the circumstances of this case, whether any such fault should reduce Kelly Simon's full damages. These decisions are left to your sole discretion.

If you decide that Kelly Simon's fault or Jordan Simon's assumption of the risk should reduce Kelly Simon's damages or if you find more than one person or entity at fault for Kelly Simon's injury, you must then determine the relative degrees of fault of all those whom you find to have been at fault.

The relative degrees of fault are to be entered on the verdict form as percentages of the total fault for Kelly Simon's injury.

The fault of one person or entity may be greater or lesser than that of another, but the relative degrees of all fault must add up to 100%. This will be clear from the verdict form.

A child is not to be held to the same standard of care as an adult.

A child who does not use the degree of care that is ordinarily exercised by children of the same age, intelligence, knowledge, and experience under the existing circumstances is negligent.

An adult must anticipate the ordinary behavior of children, and that children might not exercise the same degree of care for their own safety as adults.

EXHIBIT 1

14.13 DRUGS, ALCOHOL, TOBACCO

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

The Arizona Interscholastic Association (AIA) 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 AIA 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 AIA 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 AIA 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 AIA 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 AIA.

In pursuit of Victory with Honor, the AIA 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 AIA 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 AIA 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 AIA nor the management of an AIA 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

AIA POSITION STATEMENT

SUPPLEMENTS, DRUGS AND PERFORMANCE ENHANCING SUBSTANCES

PURPOSE OF FORM: All AIA Member schools are required to **ANNUALLY** communicate this AIA 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 Arizona Interscholastic Association (AIA) 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 AIA that a balanced diet, providing sufficient calories, is optimal for meeting the nutritional needs of the growing student-athlete.
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- It is the position of the AIA 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 AIA.

In pursuit of **Victory with Honor**, the AIA 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 AIA 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

ARIZONA CHILD FATALITY REVIEW DATA FORM (2021 REVISIONS)

1. Code #05-1729 2. Gender: ☐ Male ☐ Female ☐ Unknown 3. Date of Death: 05/06/2022
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: Phoenix, AZ County: Maricopa
Hospital / Institution Address: _____
Did the death occur on a reservation? ☐ Yes ☒ No ☐ Unknown. If yes, identify the reservation: _____.
7. Date of Birth: 8/02/2004
8. Residence: State: AZ County: Maricopa City: Phoenix Zip: 85029 Country (if not _____
U.S.): 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, Phoenix, AZ 85029
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

- Page 4 of 6

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="radio"/> = 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="radio"/> = 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 6/15/2022 Signature /s/ Dale M. Lucas

?? **MALTREATMENT:**

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

1. 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.
2. The relationship of the individual accused of committing the maltreatment to the child must be the child's parent, guardian or caretaker.
3. 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

**MARICOPA COUNTY OFFICE OF THE MEDICAL EXAMINER
PRELIMINARY TOXICOLOGY REPORT**

REPORT NO.: 2022-01030

DATE OF REPORT: May 11, 2022

NAME OF DECEASED: Jordan Simon

DATE OF DEATH: May 6, 2022

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

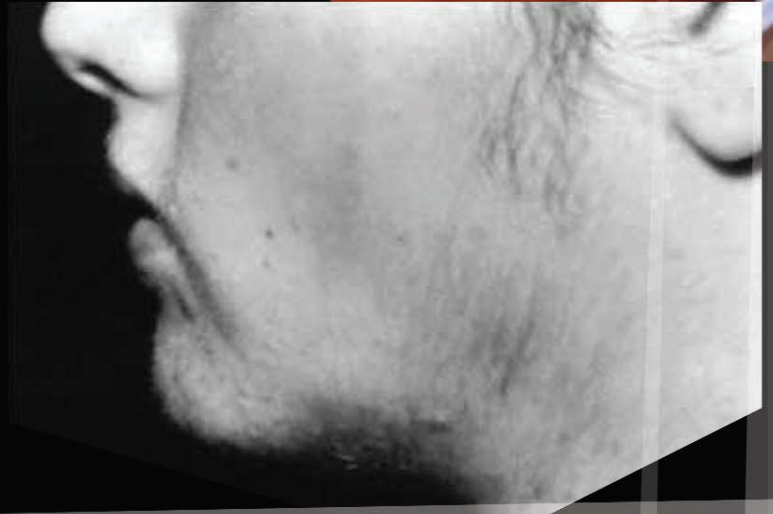
By comparison, in normal patients, serum levels of erythropoietin range from 10 to 30 mIU/ml (milliunits per milliliter). These levels may increase 100- to 1000-fold during hypoxia or anemia.

EXHIBIT 5

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

EXHIBIT 6

AS EVERYONE KNOWS,
ANABOLIC STEROIDS
MAKE YOU MORE
ATTRACTIVE.



Steroids.

The choice you make today can affect you forever.



MAKE THE RIGHT CHOICE

EXHIBIT 7

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

MAKE THE RIGHT CHOICE

It's not really winning if you cheat.

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

DESERT WILLOW HIGH SCHOOL
100m INDIVIDUAL BESTS
(Thru April) 2021-2022

	<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

DESERT WILLOW HIGH SCHOOL
100m FINAL MEET INDIVIDUAL TIMES
2020-2021

	<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

DESERT WILLOW HIGH SCHOOL
100m FINAL MEET INDIVIDUAL TIMES
2019-2020

	<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

DESERT WILLOW HIGH SCHOOL
100m FINAL MEET INDIVIDUAL TIMES
2018-2019

	<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 9

FIRST PHOENIX TRUST**"TRUST FIRST PHOENIX"****WITHDRAWAL SLIP**Date 12/17/21Checking ☐ Savings ☒Accountholder Jordan SimonAccount No. 1966-0802Amount \$ 8,500.00Teller ID H47/s/ Jordan Simon

Authorized Signature

FIRST PHOENIX TRUST**"TRUST FIRST PHOENIX"****WITHDRAWAL SLIP**Date 2/11/22Checking ☐ Savings ☒Accountholder Jordan SimonAccount No. 1966-0802Amount \$ 8,500.00Teller ID A14/s/ Jordan Simon

Authorized Signature

FIRST PHOENIX TRUST**"TRUST FIRST PHOENIX"****WITHDRAWAL SLIP**Date 3/18/22Checking ☐ Savings ☒Accountholder Jordan SimonAccount No. 1966-0802Amount \$ 8,500.00Teller ID C23/s/ Jordan Simon

Authorized Signature

EXHIBIT 10

Desert Willow High School Internet Printing Summary Report

Date/Time of Request:	Monday, April 11, 2022 13:04:00 Mountain
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.

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.