

**ARIZONA HIGH SCHOOL
MOCK TRIAL TOURNAMENT
2013-2014**

PARKER SMITH

v.

**PIONEER COMPUTERS, INC.
& PINE CREST TECH SERVICES, INC.**

A program of

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Young Lawyers of Arizona

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v.

**PIONEER COMPUTERS, INC.
& PINE CREST TECH SERVICES, INC.**

Adapted from Original Case Materials Developed by
Davis, Brown, Koehn, Shors & Roberts, PC
In Recognition of the ISBA Presidency of Frank Carroll

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Des Moines, Iowa 50309

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ARIZONA SUPERIOR COURT
YAVAPAI COUNTY

| | | |
|---------------------------------|---|-------------------------|
| PARKER SMITH, |) | |
| |) | Case No. CV2013-9999-MT |
| Plaintiff, |) | |
| |) | |
| vs. |) | COMPLAINT |
| |) | |
| PIONEER COMPUTERS, INC. and |) | |
| PINE CREST TECH SERVICES, INC., |) | |
| Defendants. |) | |

Plaintiff Parker Smith alleges as follows:

1. Plaintiff is currently a high school student attending Gurley High School and is a resident of Yavapai County of the State of Arizona. Gurley High School is part of the Yavapai Unified School District.
2. Defendants, Pioneer Computers, Inc. ("Pioneer") and Pine Crest Tech Services, Inc. ("Pine Crest"), are legal corporations authorized to conduct business within the State of Arizona and with their principal place of business in Yavapai County, Arizona.
3. During the fall of 2012, the Defendants implemented a computer laptop program and issued a laptop computer with web camera ("webcam") to the Plaintiff.
4. Unbeknownst to the Plaintiff, and without her/his permission or consent, Defendants, through their indiscriminant use of and ability to remotely activate the webcams, used the computer webcams and other means, including but not limited to password and account access to spy on the personal activities of the Plaintiff at her/his home thereby invading and defeating Plaintiff's reasonable rights of privacy.
5. Defendants never disclosed to the Plaintiff that Pioneer and Pine Crest had the ability to remotely activate the webcams and capture images from any location including the Plaintiff's personal residence.
6. As a direct result of the spying, the Plaintiff suffered injuries and damages as set forth below.

**COUNT ONE
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

7. The Plaintiff realleges paragraphs 1 through 6 of this complaint as if fully restated herein.
8. Pursuant to the Arizona Constitution, Article 2, Section 8, and other applicable law, Plaintiff had a reasonable expectation of privacy with respect to the use of the webcams embedded in the laptop computer issued by Pioneer (which was acting like a state entity by supplying laptops to a school) and to each of her/his accounts and their contents.
9. In particular, Plaintiff was never informed that the webcam and other technologies incorporated into the students' personal laptop computers could be remotely activated by Pioneer or Pine Crest and/or its agents, servants, workers, employees or subcontractors indiscriminately at the whim of Pioneer and Pine Crest, and that such activation would naturally capture images of anything in front of the webcam at the time of its activation.
10. Inasmuch as the personal laptop computers were used by students of the high school, it is believed and, therefore alleged, that Pioneer and Pine Crest have the ability to and have captured images of Plaintiff without her/his permission and authorization, all of which is embarrassing, humiliating and denigrating.
11. As the laptops at issue were routinely used by students and family members while in their homes, it is believed that many of the images captured and intercepted may consist of images of minors, and their parents, or friends in compromising or embarrassing positions, including, but not limited to, in various stages of dress or undress or engaged in other non-public activities.
12. Through extreme and outrageous conduct as alleged in this complaint, Pioneer and Pine Crest intentionally or recklessly caused Plaintiff severe emotional distress.

**COUNT TWO
(INTERCEPTION OF COMMUNICATIONS)**

13. The Plaintiff realleges paragraphs 1 through 12 of this complaint as if fully restated herein.
14. By monitoring and invading the Plaintiff's computer, the Defendants unlawfully and willfully intercepted the Plaintiff's communications, in violation of A.R.S. § 13-3005(A)(1).
15. A.R.S. § 13-3005(A)(1) provides that "[e]xcept as provided in this section and section 13-3012, a person is guilty of a class 5 felony who . . . [i]ntentionally intercepts a wire or electronic communication to which he is not a party, or aids,

ARIZONA SUPERIOR COURT
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| | | |
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| PARKER SMITH |) | |
| |) | Case No. CV2013-9999-MT |
| |) | |
| Plaintiff, |) | ANSWER |
| |) | |
| vs. |) | |
| |) | |
| PIONEER COMPUTERS, INC. and |) | |
| PINE CREST TECH SERVICES, INC. |) | |
| |) | |
| Defendants. |) | |

Defendants answer Plaintiff's Complaint as set out below.

1. Defendants admit paragraph 1 of the Complaint.
2. Defendants admit paragraph 2 of the Complaint.
3. Defendants admit paragraph 3 of the Complaint.
4. Defendants deny paragraph 4 of the Complaint.
5. Defendants deny paragraph 5 of the Complaint.
6. Defendants deny paragraph 6 of the Complaint.

COUNT ONE
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)

7. Defendants reassert their answers to paragraphs 1 through 6 as if each were fully set forth herein.
8. Defendants deny paragraph 8 of the Complaint.
9. Defendants deny paragraph 9 of the Complaint.
10. Defendants deny paragraph 10 of the Complaint.
11. Defendants deny paragraph 11 of the Complaint.
12. Defendants deny paragraph 12 of the Complaint.

**COUNT TWO
(INTERCEPTION OF COMMUNICATIONS)**

13. Defendants reassert their answers to paragraphs 1 through 12 as if each were fully set forth herein.
14. Defendants deny paragraph 14 of the Complaint.
15. Defendants state paragraph 15 of the Complaint is a section of the Arizona Revised Statutes. Said section requires no response and speaks for itself.
16. Defendants state paragraph 16 of the Complaint is a section of the Arizona Revised Statutes. Said section requires no response and speaks for itself.

WHEREFORE, having fully answered the Plaintiff's Complaint, these Defendants pray that the Complaint be dismissed with costs awarded to the Defendants and for such other and further relief as the Court may deem just and proper.

AFFIRMATIVE DEFENSES

1. Defendants assert that any injuries or damages as may have been sustained by the Plaintiff, while denying the same, were due solely to, caused wholly by, and were a direct and proximate result of a third party not under this Defendants' control and not under the third party's scope of employment. Therefore, Plaintiff is barred from recovery against these Defendants.
2. Defendants assert that any invasion that may have been sustained by the Plaintiff, while denying the same, was consented to by the Plaintiff. Therefore, Plaintiff is barred from recovery against these Defendants.
3. Defendants assert that any invasion that may have been sustained by the Plaintiff, while denying the same, was as the result of Plaintiff's own actions. Therefore, Plaintiff is barred from recovery against these Defendants.

 /s/ Mary Sendak
Mary Sendak
Morris, Sendak & Associates
ATTORNEY FOR THE DEFENDANT

COPY TO:

Lee Porter
Horton & Porter
ATTORNEY FOR THE PLAINTIFF

STIPULATIONS

1. There is no issue of jurisdiction, venue, service of process, property of parties, or ownership or control of the premises.
2. The applicable law is contained in the jury instructions.
3. The exhibits are true and accurate copies and their authenticity may not be challenged. Unless stated otherwise herein, the admissibility of exhibits on other grounds may be challenged.
4. All signatures on letters, witness statements and other documents are authentic. Those statements not including a signature are presumed to have been signed and authenticated.
5. No objections to the sufficiency of the pleadings or the jury instructions will be entertained.
6. The trial is bifurcated. The jury/court will not address the amount of damages or legal issues related solely to damages in this phase of the trial.
7. Whenever a rule of evidence requires that reasonable notice be given, it has been given.
8. Plaintiff was issued a Pioneer Computer, Inc. laptop.
9. Plaintiff did not pay the insurance deposit of \$60.
10. A separate lawsuit against the Yavapai Unified School District has been settled out of court for equitable relief.
11. Parker Smith celebrated her/his birthday in September 2012 prior to the signing of the Computer Lease Agreement that same month.
12. Julia Parsons never reported a theft or loss of her laptop to Gurley High School, Pioneer Computers, or Pine Crest Tech Services.

WITNESSES

The following witnesses are available and must be called by the parties:

For the Plaintiff -

Parker Smith, Plaintiff
Eric(a) Blair
Sydney Ampleforth

For the Defendants –

Hayden O’Brien, Ed. D.
Reese Charrington
Morgan Parsons

All witnesses may be female or male.

EXHIBITS AVAILABLE TO BOTH PARTIES

The parties have stipulated to the authenticity of the trial exhibits listed below. The court will, therefore, not entertain objections to the authenticity of these trial exhibits. The parties have reserved any other objections to the admissibility of any of these exhibits until the trial of the above-captioned matter. The trial exhibits may be introduced by either the Plaintiff or the Defendant, subject to the Rules of Evidence and stipulations of the parties contained in the materials. The exhibits are pre-marked and are to be referred to by number, as follows:

| <u>Exhibit No.</u> | <u>Exhibit Description</u> |
|--------------------|--|
| 1 | Gurley High School One2One Program Information |
| 2 | Computer Lease Agreement |
| 3 | Pioneer Promotional Brochure |
| 4 | Brochure Insert |
| 5 | Inter-Office Email |
| 6 | Screen Shot of IM Conversation |
| 7 | Webcam Photo |
| 8 | Lost Computer Notice Form |
| 9 | Email Thread re: TheftTrack |
| 10 | Email Thread re: Webcam Light |

Case Note: *This problem is designed as a jury trial. However, your arguments will be presented to a panel of judges. You should evaluate and review all appropriate jury instructions provided in preparing your case.*

JURY INSTRUCTIONS

Duty of Jurors

Ladies and Gentlemen:

I will now tell you the rules that you must follow to decide this case. I will instruct you on the law. It is your duty to follow the law whether you agree with it or not.

It is also your duty to determine the facts. You must determine the facts from the evidence produced in court. You should not speculate or guess about any fact. You must not be influenced by sympathy or prejudice. You must not be concerned with any opinion you may feel I have about the facts. You are the sole judges of the facts.

You must take account of all my instructions on the law. You are not to pick out one instruction, or part of one, and disregard the others. However, after you have determined the facts, you may find that some instructions do not apply. You must then consider the instructions that do apply, together with the facts as you have determined them.

Decide the case by applying the law in these instructions to the facts.

Evidence

You will decide what the facts are from the evidence presented here in court. That evidence consists of testimony of witnesses, any documents and other things received into 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 or circumstantial evidence.

Rulings of the Court

Admission of evidence in court is governed by rules of law. I have applied those rules during the trial and resolved any issues concerning the admission of evidence.

If an objection to a question was sustained, you must disregard the question and you must not guess what the answer to the question might have been. If an exhibit was offered into evidence and an objection to it was sustained, you must not consider that exhibit as evidence. If testimony was 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.

Arguments of Counsel

In the opening statements and closing arguments the lawyers have talked to you about the law and the evidence. What the lawyers said is not evidence, but it may help you to understand the law and the evidence.

Stipulations

The parties are permitted to stipulate or agree that certain facts exist. You must regard any stipulated or agreed upon fact as having been proved.

Credibility of Witnesses

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 truthfulness that people use in determining matters of importance in everyday life, including such factors as: the witness's ability to see or hear or know the things the witness testified to; the quality of the witness's memory; the witness's manner while testifying; whether the witness had any motive, bias, or prejudice; whether the witness was contradicted by anything the witness said or wrote before trial, or by other evidence; and the reasonableness of the witness's testimony when considered in the light of the other evidence.

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

Expert Witness

A witness qualified as an expert by education or experience may state opinions on matters in that witness's 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 it or reject it, in whole or in part, and you should give it as much weight as you think it deserves, considering the witness's qualifications and experience, the reasons given for the opinions, and all the other evidence in the case.

Burden of Proof

Burden of proof means burden of persuasion. 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.

Corporate Party

A corporation is a party in this lawsuit. Corporations (and other forms of non-individual entities) and individuals are entitled to the same fair and impartial consideration and to justice

reached by the same legal standards.

When I use the word “person” in these instructions, or when I use any personal pronoun referring to a party, those instructions also apply to Pioneer Computers, Inc. and Pine Crest Tech Services, Inc.

Liability of Employer

A corporate party is responsible for the actions of its employee, if the employee was acting within the scope of his or her employment. Plaintiff claims that defendants are responsible for the actions of their employees. To establish this claim, plaintiff must prove that:

1. The act was the kind the employee was employed to perform;
2. The act occurred substantially within the authorized time and space limit of the employment; and
3. The act was motivated at least in part by a purpose to serve the employer.

Claims and Elements

Plaintiff’s first claim is that defendants intentionally or recklessly caused him/her emotional distress. On this claim, plaintiff must prove that:

1. Defendants’ conduct was extreme and outrageous; and
2. Defendants’ conduct was either intentional or reckless; and
3. Defendants’ conduct caused plaintiff to suffer severe emotional distress.

Conduct is “intentional” if a person’s objective is to cause emotional distress.

Conduct is “reckless” if a person is aware of and disregards the near certainty that it would result in emotional distress.

Plaintiff’s second claim is that defendants unlawfully intercepted his/her communications. On this claim, plaintiff must prove that:

1. Defendants either (i) intentionally intercepted a wire or electronic communication of plaintiff, or (ii) aided, authorized or permitted another person to intentionally intercept a wire or electronic communication of plaintiff; and
2. Defendants were not a party to the intercepted communication; and
3. Neither a sender or receiver of the intercepted communication consented to such interception.

“Electronic communication” means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature that is transmitted in whole or in part by a wire, radio,

electromagnetic, photoelectronic or photooptical system but that does not include any of the following:

- (a) Any wire or oral communication;
- (b) Any communication made through a tone-only paging device; or
- (c) Any communication from a tracking device.

“Wire communication” means any aural transfer that is made in whole or in part through the use of facilities for the transmission of communications by the aid of any wire, cable or other like connection between the point of origin and the point of reception, including the use of a connection in a switching station, and that is furnished or operated by any person who is engaged in providing or operating the facilities for the transmission of communications.

“Oral communication” means a spoken communication that is uttered by a person who exhibits an expectation that the communication is not subject to interception under circumstances justifying the expectation but does not include any electronic communication.

“Intercept” means the aural or other acquisition of the contents of any wire, electronic or oral communication through the use of any electronic, mechanical or other device.

DECLARATION OF PARKER SMITH

1 My name is Parker Smith. I am a recent graduate of Gurley High School in
2 Prescott, Arizona. I currently attend Yavapai College taking classes in graphics design
3 and video game development. I rent a room at 700 East Sheldon Street in Prescott,
4 Arizona.

5 At the time of the incident that caused this lawsuit, I was a high school senior at
6 Gurley. I had turned 18 in September and was looking forward to skating through the
7 final few months of my high school career before starting something fresh and new.
8 When I look back on what the school and the computer company did to me, I feel
9 completely violated. I still find myself constantly looking over my shoulder as if
10 someone is watching me all the time. I think they call that paranoia. But am I paranoid
11 if someone actually is spying on me? I am a very private person and really don't want
12 the whole world to know my stuff. I'm not sure that I can ever fully recover from the
13 trauma of being spied on--especially since I can never know what anyone saw or how
14 many people saw me! I have flashes sometimes when I see people staring or laughing--
15 even among a group of their friends--and think they must have seen me on the web,
16 doing who knows what! Once that stuff is out there who knows where it's sent. You
17 can't track it.

18 So let me tell you how it all went down. It was my senior year at Gurley. I don't
19 have a large group of friends, but a few close buds who hang out. P'nut Z, Anderson
20 Mundy, Lil E and me are tight. We were all just counting our days before we could get
21 out of school and start new adventures. None of us really connected with the freaks or
22 the geeks or the jocks, so really we just had ourselves. And we looked for ways to keep
23 it fresh.

24 Early in the school year, the school announced a new computer program where
25 every kid in the school got a new laptop. Heck yeah, I wanted free stuff! And it's not
26 like I had any option. It sounded like all of the teachers were going to be giving

27 assignments on the computer and expected us to turn them in that way too. So really,
28 unless I already had a computer at home--which I did not--then I really had to get with
29 the program.

30 So we went to a school assembly where they talked about the program. From
31 what I heard, it sounded cool. The presenters went through a PowerPoint slideshow
32 pretty quickly. I have to admit that the whole thing was pretty boring, so we kind of
33 tuned it out and messed around with our phones--taking pics, sending IM's to each
34 other, updating Facebook with random stuff. After the presentation, they handed out
35 some brochures about the free computers. I did take one and I think I stuffed it in my
36 bag to take home. I did look at it at some point, but really can't remember any details
37 other than I know there was nothing in it about me agreeing to let anyone spy on me! I
38 think I would have remembered that!

39 Anyway, I brought some other papers home a little while later and some forms
40 to sign. They told us to give them to our parents to sign, but because I had just turned
41 18, they didn't need to sign anything for me. I took care of it all. Mostly I looked for the
42 places where it said "Sign here" and did. It's not like I had a lot of choices, right? I
43 mean if I didn't sign, I wouldn't get the computer and if I didn't get the computer, I
44 really couldn't do any school work. So how complicated could it be--sign the form, get
45 the computer. I assume they didn't want me to trash it or anything, but other than that,
46 I was pretty sure it was mine for the year. So I signed on the dotted and gave back the
47 form.

48 So the laptops were given out in one of my classes. Sydney Ampleforth was the
49 teacher. S/he asked something about an insurance payment. I've been to the BuyMore
50 and know never to sign up for any of those extended warranty things. In my opinion,
51 they're all a scam to get more cash out of you. So I said no. Ampleforth said something
52 about not being able to take the laptop home, but I thought that was bogus. It was
53 mine, right? And I promised to take good care of the thing. So I didn't see any problem

54 with me carting it back and forth from home to school every day. No one really hassled
55 me about it again. I mean there were a few times that someone mentioned insurance
56 and not taking the laptop home, but I really just blew them off and did my thing.

57 So we get these new laptops and there is a series of mandatory classes to show us
58 how they work and what we can and can't do on the thing. Did they think we were
59 idiots? We've all used computers before; heck we all have cell phones that do more
60 complicated stuff than most basic laptops! I'm pretty sure the average high school kid
61 can figure out how to use a computer. Anyway, I'm sure they went over the rules and
62 stuff--you know the basics plus what sites not to go to. I'm guessing that most of the
63 porn sites and that kind of stuff were blocked on the laptops. We had a program the
64 year before all about cyberbullying and sexting and all that so I'm guessing that's what
65 the rules were about. I really didn't pay much attention. I think I was probably
66 downloading music files and updating Facebook or IMing friends.

67 I do remember someone asking about the little button looking thing at the top of
68 the screen when the laptop was open. Duh! That was the webcam! The teacher
69 explained that all laptops now have a built in web camera, but that you would know if
70 it was active when the green light next to it was lit. S/he said something about school
71 policy, blah, blah, blah--that's when I tuned out again.

72 So I got my computer home, set it up on my desk in my bedroom, plugged it in,
73 turned it on and pretty much just forgot about it. Every morning I got in the habit of
74 stuffing it in my backpack and every afternoon, I'd plug it back in on my desk, leave it
75 on and forget it. I left it on pretty much all the time because it takes so long for the
76 thing to boot up. I wanted ready access when I needed it.

77 Now my crew and I are not what you would call computer savvy. But even with
78 just a little goofing around we were able to take out some of the parent and school
79 blocks that they had put in place. We were able to get the webcam working and got all
80 of the other social networking stuff up and running too. I used it to download some

81 stuff to my cell faster and I think I bought my mom's birthday present on it from this
82 bizarre site she likes. After a weekend of playing around with the thing, we each had a
83 fully functioning laptop to use. From what I heard in class and in the hallways at
84 school, it sounded like pretty much everyone else had done the same thing with theirs.

85 There were a couple of times when I was in my room and not using the
86 computer when I noticed the green webcam light flicker on and off for a few seconds. I
87 didn't think much of it at the time since these computers make all kinds of strange
88 sounds at odd hours. I also figured it could have been one of my friends pinging me to
89 see if I was around to chat.

90 There were a few kids who asked about the green light thing in class.
91 Ampleforth said that s/he would investigate but that it was probably just some sort of
92 faulty installation and that if it kept up, they should either bring the laptops in to be
93 fixed or if they were really screwed up, they could exchange them. Ampleforth also
94 told us that we could do what s/he had done. Since s/he doesn't ever use a webcam,
95 s/he had simply put a piece of duct tape over the camera.

96 Well I didn't do that. I wanted to be able to use the camera to talk to my friends
97 so I just let it all slide--flickering light and all. That was until P'Nut mentioned that s/he
98 thought that someone might be spying on her/him through the computer. I told
99 her/him that I thought s/he was nuts (ha, ha--get it? P'Nut, nuts??!). S/he was always
100 investigating some new conspiracy and all, so I chalked this up to that. But s/he
101 insisted that s/he wasn't crazy. S/he said that s/he had started to get dressed in the
102 closet and threw a towel or some dirty clothes over the computer when s/he wasn't
103 using it just to be safe.

104 That's when we decided to have some fun with it. We decided to stage some
105 stuff for the webcam--and whoever was on the other end--to see. We had this great idea
106 to model a spoof from a website that we love that's all about Peeps--you know those
107 weird marshmallow candies that come in different shapes and colors? Anyway, there

108 was this website out there where people create scenes from movies using Peeps. Crazy
109 huh?! So we decided to build a few sets of our own and place them in front of our
110 webcams when we weren't using the computers. That way anyone spying would know
111 that we were on to them--and get a few laughs out of it too. So we did Lord of the
112 Peeps; Silence of the Peeps; 12 Angry Peeps; Spider Peep; Harry Peeper--all kinds of
113 bizarro stuff. Around Christmas, my favorite was How the Peep Stole Christmas. It
114 was a blast and an excellent waste of time! It worked a little to help P'Nut chill, but s/he
115 was still a little worried about who might be watching.

116 S/he was so concerned that it was the school spying on her/him using the school
117 computer, that s/he just stopped using her/his laptop altogether--unplugged it and
118 stuffed it under the bed. So I let her/him borrow mine whenever s/he really needed it
119 for an assignment. There was a day in March, just after Spring Break that s/he needed a
120 laptop for class. I gave her/him mine to use of course. Wouldn't you know it, the same
121 day, Ampleforth assigned something for my class to do on the computer and I didn't
122 have mine. S/he asked me where my laptop was--and I could tell that s/he wasn't too
123 happy about my not having one. So I made up a story and I made it up quick. I told
124 her/him that I think I might have lost it over Break. Well, Ampleforth made me fill out
125 a form that s/he said allowed the school to locate it for me. I couldn't very well say that
126 I knew exactly where it was--down the hall in another class at the moment--so I filled
127 out the form. When P'Nut gave me the computer back the next day, I told Ampleforth
128 that I had found it. I don't remember filling out another "Found" form, just filling out
129 the "Lost" one.

130 Now that I think about it, it does seem that after I reported my laptop as missing,
131 the webcam light seemed to go on and off a lot more frequently. I just didn't notice it, I
132 guess, since by then I was pretty used to it turning on and off randomly anyway. I did
133 mention it to P'Nut--and that really freaked her/him out even more. So s/he and I came
134 up with a plan to test the spying theory once and for all.

135 Since November 2012, the school had been shut down at least 3 times because of
136 bomb threats called in anonymously or notes left that threatened to blow the school up.
137 They hadn't been able to track down who was making the calls or notes--and the school
138 hadn't blown up--so we all figured it was someone just playing a prank or trying to get
139 out of a test or something.

140 P'Nut and I decided to up the ante. Not by threatening the school or anything,
141 but by testing our suspicions. I gathered as much stuff as I could about making bombs
142 and scattered them in front of the webcam--where the peeps had been--on my desk. I
143 also made sure that when I got home I googled "homemade explosives" and
144 bookmarked a few sites so that I would have a good list on my "history" cache. Finally
145 s/he and I sent a few IMs back and forth about "the event" and the "big bang"--but we
146 were just goofing around!

147 Wouldn't you know it, P'nut was right all along! I came into school on Monday,
148 April 15, 2013, and before I could even open my locker, Principal O'Brien was all in my
149 face demanding that I go immediately with her/him to the office and to bring all of my
150 stuff. I had no idea what was going on. Usually Hayden is pretty mellow, but that
151 morning, wow, someone had gotten up on the wrong side of bed! This was before
152 classes started so there were quite a few people just hanging around the halls. They
153 saw it all--how I was berated and frog-marched down to the office. Once in the office,
154 Hayden O'Brien demanded that I empty my backpack and take everything out of my
155 trench coat and my pockets. While I was doing as I was told, I asked what was up.
156 O'Brien said that s/he'd had her/his eye on me for quite some time as the person who
157 had called in all of the bomb threats. I was stunned! Me?! O'Brien said that s/he'd seen
158 my Facebook page and a blog about what sites I had visited recently and some books
159 that I found interesting (including the Anarchists Cookbook from the 1960's). Then s/he
160 produced a photo of my desk in my bedroom! And a copy of the IM exchange with
161 P'Nut! So they WERE spying on us all the time!!

162 I'm sure I had a few choice comments for the Principal. I tried to explain that it
163 was all a joke--a trap--and that it was a big misunderstanding. I demanded to know
164 how s/he had gotten a photo of my room, at my house, and a copy of my private
165 conversation. O'Brien started backpedalling pretty quickly after that and said
166 something about not calling the cops and not pressing criminal charges and just letting
167 it be a lesson to me. That just got me even more ticked off! Here s/he was getting all
168 maternal/paternal on me and making sure of the safety of the school and that load of
169 bull and making sure that I got the attention that I needed from professionals! I didn't
170 know what was going on--but I knew that I was getting played here. I was the victim
171 and yet I was being accused! I asked if I could leave. O'Brien said that I could and
172 wanted to make sure that we had an agreement or an understanding or something. I
173 sure had an understanding all right! As soon as I got out of the office, I called my
174 friends and we chatted a little about our options. We finally agreed that the best course
175 of action would be to call the Arizona Civil Liberties Union for help.

176 And that's where we are today. I think there has been a deal with the school to
177 stop spying on us and I know some people got fired over the whole thing. But no one
178 has ever apologized to me or my friends or any students for that matter. No one has
179 given us any assurance that it won't happen again. And that computer company that
180 was doing all of this on behalf of the school--you know that mega bazillion dollar
181 empire--they haven't forked over any cash! They need to do what's right and come
182 clean. And they need to pay for what they've done!

183 I declare under penalty of perjury that the foregoing is true and correct, and that
184 this Declaration was executed by me on October 22, 2013, in Prescott, Arizona.

/s/ Parker Smith

DECLARATION OF ERIC(A) BLAIR

1 My name is Eric(a) Blair. I had been employed at Pioneer Computers, Inc. and
2 Pine Crest Tech Services, Inc. for five years prior to being fired in April. Since April, I
3 have tried my hand at offering my computer tech expertise on a consulting basis. I have
4 had some success with a few of the larger hotels and medical centers in the Prescott area
5 on contract, but no permanent position. I currently live in Prescott Valley, having
6 moved from Dewey-Humboldt once I was fired. I'm originally from Oregon and joined
7 Pioneer Computers in 2008 after graduation from Reed College. When the company
8 moved its headquarters from Oregon to Arizona, I had a choice to either stay in Oregon
9 at a satellite location or move to Arizona and still be at corporate headquarters. Since I
10 like to be in the thick of the action, and I had nothing to tie me down in the Pacific
11 Northwest, I decided to go for the adventure. I don't regret the decision to move, but I
12 do think that I am being wrongly blamed for all of this. I admit I made a few mistakes
13 and probably took things a little farther than I should, but really I don't think I did
14 anything that should have resulted in my losing my job. Yeah, we looked at the photos
15 taken by those webcams--but wasn't that our jobs? Admittedly, we shouldn't have
16 made a big party out of the whole thing, but the pics were already out there, what harm
17 did it cause?

18 But let me back up and describe my part in this whole mess. After I moved from
19 Oregon, I continued to work for Pioneer Computers, but I also signed as a Tech Services
20 Supervisor for Pine Crest, a separate subsidiary of Pioneer. This isn't as unusual as it
21 sounds. It's not like I had two full time jobs, rather I split my time working on
22 developing software and support systems for Pioneer and managing a group of techies
23 trouble shooting the same systems for Pine Crest. All told, I probably worked an
24 average of 70 hours per week. I really didn't mind it though, since it was work I really
25 enjoyed. And really, what else is there to do out in the sticks? About twice a month, a

26 group of us would take a long weekend and go up to Flagstaff or down to Scottsdale for
27 some real fun. That is until we found some homegrown fun of our own!

28 I was not on the taskforce or any team that had a part in developing the
29 One2One laptop program for the local high school. Those decisions were made higher
30 up on the food chain. However, I was part of the group of techies assigned to monitor
31 the new version of TheftTrack, our state-of-the-art security software, as it related to the
32 Gurley High School units. We were tasked with monitoring those units on which we
33 had received search requests. Our information came from the school's IT department.
34 They forwarded the computer ID information and user info to us and requested that we
35 activate the TheftTrack system. It was my understanding that the computers involved
36 may have been lost, stolen, missing, or did not have the proper insurance to leave the
37 school grounds. You know my job as a supervisor was not to question WHY we were
38 doing things, simply to get the techies in my work group to do the job.

39 TheftTrack is actually a pretty basic concept. I was on the design team that came
40 up with the plan for a multifaceted search protocol. Rather than simply tracking the
41 LAN and IP address of a computer, TheftTrack also utilizes both remote webcam and
42 remote screen shot capabilities to try to identify location and user information. It is
43 comprehensive in scope and tedious in information analysis, but highly effective in its
44 functionality--it's really good at finding lost computers!

45 The system that we had devised for the Gurley High School One2One program
46 was fairly straightforward. They give us the go ahead to activate the program. We
47 keep the program active and forward relevant data to them until they request us to
48 deactivate. Our data analysis group was tasked with searching through captured
49 images and deleting those with no value. Those with discernable images were set aside
50 for further review. A second tech would then scan through these to determine the
51 relative potential value to the client. Our goal was not to overwhelm the client with so
52 much data that they would not be able to sort through it all. Part of our contract was to

53 separate the wheat from the chaff, if you will. Therefore, we had access to many
54 thousands of images taken from Gurley One2One program users. After both the
55 cursory and secondary analyses, useful information was forwarded to the school server
56 for their IT personnel to identify or forward to law enforcement authorities. Further
57 steps in the process were out of our control.

58 I think we all were surprised by the high volume of activation requests from this
59 program. Either high school students were irresponsibly losing lots of computers or the
60 IT department was not being very diligent about weeding out the high priority cases for
61 us to deal with. Instead, it seemed like we got everything. As far as I could tell, we
62 pretty much had free reign to access whatever we wanted whenever we wanted. The
63 built-in technology is programmed for a screenshot or webcam activation in as little as
64 15 minutes. That time could be increased to a view every hour or two hours or even
65 twelve hours. It could not be lessened however. That is a misconception; under no
66 circumstances were we able to view webcam or screen shot pictures in any type of
67 streaming video capacity. We only had access to still images.

68 It quickly became apparent to Reese Charrington, the Pioneer and Pine Crest
69 head honcho, that our initial staffing estimation for this project was seriously low. S/he
70 and I met about this and we both agreed that after the initial shock to the system, we
71 were confident that the number of requests from the school would go down to levels
72 that we could handle easily. We both estimated that it might take as much as the full
73 academic year before things slowed down. Reese asked if we should hire temps or
74 contract employees to supplement this job. I said that I thought the training process
75 would probably be too long for them to be any immediate help. What we really
76 needed, I said semi-facetiously, was overtime! I was pretty shocked that Reese agreed!
77 S/he authorized a maximum overtime budget for the group--which we always used up
78 pretty quickly but tried to spread around all members of the work group. I went to
79 Reese again and told her/him of the situation, and s/he asked if we might have any

80 volunteers to continue the monitoring and sorting project. S/he said that it would count
81 toward the company's stated goal of a certain number of hours of community service
82 per employee. It sure didn't sound like community service to me, but I said that I might
83 have some takers--we geeks like to do our volunteer work in geekdom whenever
84 possible! But I told Reese that I wasn't sure that would completely solve the problem.
85 Reese, in typical Reese fashion, simply said "Well, think creatively about it." I took that
86 to mean do whatever I felt was necessary to get the job done.

87 I convened a meeting of the work group and let them know that the overtime
88 hours would not be increased (wouldn't be decreased either), but that Reese was
89 looking for volunteers. That generated the expected grumbling. I took the lead and
90 said that I would volunteer over the weekend and that anyone was willing to join me.
91 Like many other employees at Pioneer and Pine Crest, we have remote offices set up so
92 that we can work from home. That always made it easier for helpdesk calls--during
93 times of higher volume, these could be outsourced to someone at home. I offered to
94 network more computers at my house if anyone wanted to join me over the weekend to
95 sort through the collected data. I didn't get too many takers that first weekend. But
96 gradually word got out that we were actually having fun with it!

97 My way of being "creative" was to challenge all of the volunteers to find what
98 they considered to be the most bizarre pictures from their analysis and then every hour
99 or so we would have a contest to see who had struck the most gold. The winner would
100 get some crazy title or something--on one occasion I had gotten a hold of some those
101 Burger King crowns. The hourly winners got to wear those and anyone addressing
102 them had to refer to them as "your majesty." As time went on, our contests got better
103 and better and the number of volunteers more numerous. It finally became a weekend
104 ritual--Friday and Saturday nights at my house were the weekly Gurley Festival. We
105 created all kinds of challenges and games. But the highlight every weekend was the
106 slideshow of "winning" images. It was supposed to be just from the weekend while we

107 were volunteering, but pretty soon, the other workgroup members started saving their
108 favorite images from their work time as well and bringing them for all to see. I had a
109 few qualms about that initially, but I thought what the heck, we're getting the job done!
110 We would set up our collected PowerPoint slideshows on the big screen, get out the
111 munchies and the beverages and all have a great time!

112 I really don't know if Reese Charrington knew about our little get-togethers on
113 the weekends or about our own version of the Yavapai County Reality Show. S/he
114 certainly never said anything about it to me. Reese was very pleased that we seemed to
115 have found a way to get all of the work done in a timely manner. S/he's one of those
116 bosses who doesn't ask a whole lot of questions, just demands answers and results. As
117 long as we were producing results, it was all good.

118 In a number of the TheftTrack monitoring situations, there were instances where
119 I knew that the computer had been located, or that it had never been lost in the first
120 place. However, we were under strict instructions not to deactivate the system until we
121 received the proper notification from the school to do so. Even though we knew that
122 there was no issue, we continued to monitor--and in many cases continued to enjoy the
123 show! We got to see quite a bit of Gurley High! We had screen captures of websites
124 that users were visiting at the time--quite a few of them inappropriate for the under 18
125 crowd! We had a few screen shots of IM conversations involving plans for parties,
126 details on how dates went, what looked like a few drug deals, and lots of general teen
127 angst. The webcam captures were a real hoot too! Since they were just random
128 snapshots, we got a lot of crazy stuff. But the best by far were these series of computers
129 that had little dioramas or scene vignettes featuring what looked to be those candy
130 Peeps! Those were outrageous! Every week at least someone from the group would
131 have an update for us on the Peep show! It really was hilarious!

132 Now at the time, as I said, I was living in Dewey-Humboldt in Yavapai County.
133 So, of course, I was aware of the on-going situation with the bomb threats at the school.

134 And while I received no direct request from Reese or any other bigwig, I asked our
135 group to be on the look-out for any evidence that might help the cops or the feds catch
136 whoever was pulling these pranks--if that is what they were.

137 On Saturday, April 13, I was at home monitoring and sorting through some of
138 the Gurley High School TheftTrack pics while also planning for that night's weekly
139 review of "the show." I came across a webcam shot of a really messy desk--nothing
140 unusual there! But then, while still on the same account, I came across a screenshot
141 capture that featured part of an IM conversation that obviously dealt with a plan or plot
142 at the school on that next Monday, April 15. I then took a closer look at the messy desk
143 picture and found that it could be the makings for a homemade explosive device. Don't
144 ask how I know this--I do a lot of web searching and come across lots of bizarre
145 information in my virtual travels!

146 Well, I found the information to be rather disturbing and quite alarming. I didn't
147 think just forwarding the information to the school IT department would work in this
148 case. For one, it was a Saturday. I wasn't even sure if they worked on the weekend.
149 Second, by the time they sorted through all of the stuff we sent them over the weekend,
150 they might not have time to take any action. Third, I thought this was just the type of
151 information the police might need to finally catch the person leaving the bomb threats.
152 So I couldn't just leave it go.

153 I phoned Reese Charrington on her/his cell phone on Saturday evening and
154 asked if s/he could meet me in her/his office right away. I think s/he must have heard
155 the panic in my voice because s/he didn't ask any questions, just said "sure thing, right
156 away." We met in her/his office about 20 minutes later. I showed Reese both the
157 screenshot of the IM conversation and the photo from the Webcam and confirmed that
158 both were taken from the same Gurley High School One2One TheftTrack monitoring
159 account and that both were from roughly the same period of time. Reese thanked me
160 for my team's diligence and said that this was the exact type of situation that TheftTrack

161 was meant for. While I was still in her/his office, Reese called the school Principal,
162 Hayden O'Brien, and informed her/him of the situation. Principal O'Brien asked that
163 we send both images to both the school server and to her/his personal email account. I
164 accessed the file from Reese's computer and sent it while they were still on the phone.
165 Once I had done that, Reese thanked me again and let me get back to my party.

166 I was a little startled by the reference to "my party", thinking that perhaps Reese
167 knew what was going on. But the more I thought about it, I just figure that it was
168 Saturday night, I'm in my 20's and not working--of course I would be at a party or
169 something. I'm sure it was just a random comment.

170 Shortly after that incident, I heard that Pioneer and Pine Crest were being sued
171 by one of the kids from Gurley High School. And then, wouldn't you know it, I was
172 being called in to Reese's office and told that my team was being suspended and that as
173 the Supervisor, I had to be fired because of the situation. I think Reese felt badly about
174 the whole situation, but must have been put into a situation where s/he had to do
175 something to look like s/he was taking action and avoid losing a lot of cash. I have no
176 hard feelings about it. I hope after this lawsuit is done with that I can reapply to
177 Pioneer and Pine Crest and maybe get my old job back.

178 I declare under penalty of perjury that the foregoing is true and correct, and that
179 this Declaration was executed by me on October 24, 2013, in Prescott Valley, Arizona.

/s/ Eric(a) Blair

DECLARATION OF SYDNEY AMPLEFORTH

1 My name is Sydney Ampleforth. I am 32 years old and a teacher at Gurley High
2 School in Prescott, Arizona. I have taught Computer Science at Gurley High for the
3 past 6 years. Prior to that I taught Computer Science in Lake Havasu City, Arizona at
4 both the high school and community college there.

5 I was part of the staff review panel for the proposed One2One laptop program
6 for students at Gurley High School in the Summer of 2012. The group of teachers and
7 staff that I was part of met with Reese Charrington and other experts from Pioneer
8 Computers about the details and specifications for the laptops themselves, the
9 programs and software that would be loaded, and the policies that they envisioned in
10 place to regulate computer usage. We asked a lot of questions about the capabilities of
11 the units themselves and the educational software. There were a number of questions
12 about parental-style blocks to prevent access to inappropriate sites.

13 I raised a few concerns about privacy issues. Pioneer assured us that the servers
14 were secure and hacker-proof. Moreover, we were assured that the students and school
15 would control the content on the laptops up until the time that they were returned at
16 the end of the year. At a later time in our meetings, Charrington mentioned that the
17 units with the One2One program would be loaded with their latest theft prevention
18 device, TheftTrack. S/he told us the story about the computer tracked to Pakistan and
19 back and how s/he claims Pioneer may have prevented another 9/11. I asked for
20 specifics on how the program worked, again thinking in terms of privacy issues.
21 Charrington described it as a kind of computer LoJack system. I assumed that it would
22 include some sort of homing device that could be activated if the unit was reported lost
23 or stolen. It was only later in the review process, pretty much when things were
24 already a done deal, when I learned the specifics of how the TheftTrack system actually
25 works.

26 I was taken aback by the invasive process. I advocated for a less invasive means
27 of locating lost or stolen computers. I know I referenced the LoJack description and
28 asked specifically why some sort of basic tracking device couldn't simply be installed. I
29 copied the Principal, Hayden O'Brien, in on all of the exchanges with Reese
30 Charrington. I really think Hayden didn't want to rock the boat too much with
31 Charrington and Pioneer. S/he felt that any real intensive review of the proposed
32 program might just make Charrington take her/his computers and go home. I
33 understood that, but I wanted to be on record just in case something really bad
34 happened--and of course it has! I'm not one to thumb my nose and say "I told you so",
35 but "I told you so!"

36 Even with my concerns over the privacy issues, I was still in favor of the
37 One2One program. The benefits received by the school and by the students would far
38 outweigh my few issues. After the school announced the laptop program, there were
39 even more presentations to faculty and staff--those were pretty much the "good parts"
40 versions of what our review team had already heard; but notably no mention of the
41 TheftTrack program or any ability to monitor laptops. There were also presentations by
42 Pioneer made to the PTO. Hayden asked me to join our IT staff and the folks from
43 Pioneer to conduct programs for students to get them up to speed on the technology
44 and details of the plan.

45 During these sessions with students, we went over all of the policies and
46 protocols for using the computer. We explained about the insurance provisions, the
47 contracts and the like. We laid out the policy for reporting a missing computer and told
48 the students very generally that there was a system in place to locate missing units and
49 that if theirs was lost, they would have to agree to allow us to begin the tracking
50 process. I don't know whether it was because this discussion was buried toward the
51 end of a rather lengthy presentation or whether teens being teens had already tuned us
52 out, but there were no questions from any of the groups of students about privacy

53 issues. Now I will say that for a “mandatory” session for students, we were lax in our
54 oversight. There were no sign-in sheets, no attendance taken, no quizzes or tests to
55 check for their understanding of any details. Basically, what it boiled down to for most
56 students was if you signed the form, you got a laptop; if you paid the insurance fee, you
57 got to take the thing home with you. I’m not entirely convinced that even that last part
58 struck home with most students. There were a number of instances where I know
59 students did not complete the insurance form or pay the money and yet were taking
60 their laptops home with them. I have no idea how we were supposed to police that. I
61 was not involved in any policy discussion the school may have had with Pioneer about
62 tracking computers of students who had not paid the insurance fee.

63 As a staff, we teachers were encouraged to find ways to incorporate the laptops
64 into our daily instruction and to give homework assignments that would encourage use
65 of the technology. Obviously as a computer science teacher, that was easy for me to do!
66 Students were told that any issues that they had with their laptops should be brought to
67 the attention of the IT department at the school. If it was a complicated problem, the
68 question would be forwarded to Pine Crest Tech Services--the troubleshooting wing of
69 Pioneer Computers. I’m sure many students did go to or call our IT helpdesk, but I also
70 know there were a number of students who were uncomfortable talking with the IT
71 people. After all, they didn’t really know them. Those are the people behind the scenes
72 who make the system work. In my experience, teens are much more likely to talk to or
73 ask questions of people that they know--like a teacher--than a relative stranger. So I did
74 get some questions from students about a wide variety of issues.

75 After the initial flurry of pretty basic questions, the predominant one directed
76 toward me had to do with the light located next to the built in web camera on the
77 Pioneer laptop units. I know that webcams are standard issue with new laptops these
78 days and am familiar with the basic functionality. If the webcam is on, the little light
79 glows green. If it is not active, either there is a red light lit or no light at all. A few of

80 the student questions were of the very basic nature--what is that thing? But more of
81 them expressed concern and confusion over the green light and said that it flickered on
82 and off randomly--even when the webcam was not in use. A couple of students asked
83 me point blank whether the school was spying on them for some reason, and asked
84 whether the school or the computer company had the technological capability to do so.
85 I promised to check with our IT staff and with Pioneer or Pine Crest to find out if this
86 was a system malfunction, a design flaw, or some sort of weirdness of the system. I told
87 the students that if the problem persisted that they should either bring their laptop back
88 to the school IT department to get it fixed or return it for a different unit. After trying a
89 number of times to get to the bottom of the mysterious green flickering light situation, I
90 finally gave up and counseled the students to do as I have done with my own One2One
91 school-issued laptop and put a piece of duct tape over the webcam lens. Of course,
92 when I expressed my frustrated fix to the Pioneer and Pine Crest techs, I was surprised
93 to get an email reply from Reese Charrington her/himself! I thought s/he was going a
94 bit overboard in the response, but I wasn't offended in any way by the tone of the
95 comments. It just is what it is.

96 One of the policies we had regarding the One2One program involved reporting
97 any computers that were lost or stolen so that Pioneer could protect its investment and
98 so that the authorities might track down the missing units. I only had 3 situations in my
99 class involving a lost or stolen computer. One was actually left on a school vehicle after
100 a sporting event trip and was quickly reunited with its rightful owner. A second was a
101 case of mistaken computer identity. Another student had picked up the wrong laptop
102 in the cafeteria, only to find the next day that he now had two laptops. That was also
103 quickly resolved. The third situation may have a lot to do with the current lawsuit.

104 Shortly after Spring Break, I believe it was on March 22, I noticed that Parker
105 Smith did not have her/his computer in class. I went over to her/his desk and simply
106 asked where the computer might be. I figured it had been left at home or perhaps in a

107 locker. Parker got a frightened look on her/his face and told me that the laptop may
108 have been stolen. We didn't panic at all. I got the form that s/he needed to fill out, I
109 signed it too, and then sent it over to the IT Department for processing. I assumed that
110 they would notify Pioneer or Pine Crest to initiate the basic tracking function and then
111 assumed that if it was not immediately accounted for, then the more invasive tracking
112 steps would be taken.

113 The very next day, Parker reported to me that her/his computer had been found;
114 that it had all been a mistake. I called the school IT Department and left a message that
115 the unit belonging to Parker Smith had been located and that the search could be called
116 off. I heard nothing further from IT about this issue, so assumed that that in fact had
117 happened.

118 I suppose everyone has heard about the series of bomb threats that shut down
119 Gurley High School during the 2012-2013 school year. After the 2nd or 3rd situation,
120 the whole staff was put on alert to keep a careful eye out for suspicious notes, odd
121 behavior or anything else that might tip off the authorities to who may have caused the
122 problems. As a habit, at the end of each week, I access the history and cache of each of
123 the computer lab computers and clear them of all personal information. These units are
124 designed for public use and there should be no reason for any personal or non-school
125 related material to be on them. I occasionally found downloaded music files, maybe
126 some photos that a student may have been loading to a website or to Facebook,
127 evidence of a few attempts to access restricted websites, those sorts of things.

128 On Friday, April 12, 2013, I was clearing out computer files when I came across a
129 Facebook page that contained a lot of information and imagery of homemade bombs, a
130 blog about books and resources for constructing explosives, and a little chat about
131 "bangs." Given the climate of the school, I tried to identify the owner of the site. I was
132 confident that the site belonged to Parker Smith. I immediately reported what I had
133 found to Hayden. S/he accompanied me back to the lab, where we tried without luck to

134 access a refreshed version of the Facebook site. At that point, Hayden thanked me for
135 bringing it to her/his attention and that s/he would handle the matter from there.

136 I heard about the confrontation between Hayden and Parker Smith on the
137 following Monday. I also heard about the lawsuit against the school pretty quickly. In
138 fact, after consultation with the school's lawyers, Hayden asked me to conduct an
139 internal review of both what information may have been stored on the school servers
140 and on the policies and practices that we had in place.

141 I was given full cooperation from the school and complete access to all
142 documents and data from 2 school servers as well as the individual computers of the IT
143 Department staff and Principal Hayden O'Brien. I requested access to the Pioneer
144 Computer and Pine Crest Tech Services servers and computers used for the Gurley
145 High School account, but that request was denied--ironically citing privacy concerns. I
146 reviewed a very large cache (more than 17,000 images) of photos, screenshots and other
147 identifying information that had been forwarded by Pine Crest Tech Services relating to
148 the identification of lost or missing laptop computers. It appeared that TheftTrack had
149 been triggered on at least 127 computers. In slightly more than half of the cases, it
150 seems that only the minimal tracking--the IP address tracker--was used. However, in
151 almost half of the cases, the full system was used--including not only IP address
152 tracking but also screenshot and webcam pictures. I found absolutely no evidence that
153 the system was used in any gratuitous way to spy on students or staff. It is difficult to
154 know what information may have existed prior to my being granted access. I am aware
155 that many images were deleted immediately after the lawsuit, and of course I have no
156 way of knowing at all what is or was stored on the Pioneer or Pine Crest servers.

157 In my review of activation requests and comparing these with reports logged on
158 successful location of computers, it appears that more than 40% of the pictures
159 recovered were taken after the laptops had been recovered or found. In most instances,
160 the date stamp indicated an average of only a day or two, but in some situations, the

161 TheftTrack device remained active for weeks after the unit had been reported located
162 and recovered. Some of this is accounted for by overzealousness and questionable
163 authority of the school IT staff. However, the bulk of the responsibility has to fall on the
164 computer companies actually monitoring the situation. I mean once it's clear to them
165 that the laptop is safely located, they should stop the surveillance.

166 On our end, Gurley High School has taken a number of positive steps to ensure
167 that this situation will not happen again. We have reviewed and instituted new policies
168 guaranteeing the privacy of computer users. District staff may only access computers
169 either upon specific request of the user or when the unit is turned in at the end of the
170 agreement period. Both our IT Department and Pine Crest Tech Services seemingly had
171 little or no procedures governing the use of TheftTrack and which level of search
172 should be undertaken. The decision on whether to activate the full protocol or just a
173 minimally invasive IP search varied widely on a case-by-case basis. The record keeping
174 at both Gurley HS and at Pine Crest was very inefficient and inconsistent.

175 As a result of my informal review we have established a new set of policies and
176 we have severed all ties to Pine Crest Tech Services. The One2One program will
177 continue and students will continue to get this valuable educational experience.

178 I honestly believe that Pioneer and Pine Crest were using Gurley High School as
179 guinea pigs for their new technology and that they got carried away by the tech and by
180 what they were seeing in their surveillance. Their own lack of policies and protocol
181 caused immense harm to Gurley High School students.

182 I declare under penalty of perjury that the foregoing is true and correct, and that
183 this Declaration was executed by me on October 22, 2013, in Prescott, Arizona.

_____/s/ Sydney Ampleforth____

DECLARATION OF HAYDEN O'BRIEN

1 My name is Hayden O'Brien. I am 47 years old and am the Principal of Gurley
2 High School in Prescott, Arizona. I have been Principal at this school for 6 years. Prior
3 to this position, I served as Principal at Hancock High School in Hancock, Minnesota for
4 4 years. I held a number of administrative positions prior to that time, including
5 Assistant Superintendent for the Bay County Schools in Panama City, Florida. I
6 received an undergraduate degree from University of Minnesota Morris in 1988, a
7 Masters Degree in Educational Administration in 1995 and a Doctorate in Educational
8 Supervision in 2002. For the latter two degrees I attended Florida International
9 University.

10 During my time at Gurley, I have had frequent long-range planning meetings
11 with the school board and the PTO. These sessions have usually resulted in a kind of
12 wish list of programs, educational materials and strategies to improve educational
13 services to students. One item at the top of the most recent list was the idea to issue all
14 students a laptop computer to enhance communication and to allow for greater
15 investigation and skill development in new technology--towards the end of creating 21st
16 century learners. My research showed that these laptop programs worked very well
17 particularly in urban and affluent areas. Unfortunately, Gurley is neither. And while I
18 was unable to locate any information on the success or even the existence of programs
19 in rural areas, I was confident that given a chance, the program would work wonders
20 for us. The big sticking point to a program at Gurley High of course was money. So for
21 me the idea was always pie in the sky.

22 When Reese Charrington moved back to the area to relocate her/his computer
23 empire, we thought we might have a chance to interest her/him in the idea. A small
24 delegation, made up of school board president Bob Waterman, PTO representative
25 Morgan Parsons, and I went to meet with Charrington in the Spring of 2012. We had a
26 productive meeting and left with a little glimmer of hope that perhaps we might make

27 some headway. Realistically, we were anticipating starting off with something small--
28 maybe a program only for freshman or something along those lines. I was shocked and
29 delighted to hear Charrington's proposal for the One2One Program! It went well
30 beyond our wildest dreams--and saved the district at least a half million dollars.

31 We worked through the plan to provide every student in grades 9 through 12 at
32 Gurley High School a laptop computer for educational use. The high school had 563
33 students during the 2012-2013 enrollment period. In addition, we contracted for more
34 computers to supply teachers, staff and for general building use. A total of 675 laptop
35 units were involved in the One2One program. The units would be loaded with all
36 current software and would include parental-style blocks to prevent access to
37 inappropriate sites. Pioneer Computers, Charrington's company, was eager to try out
38 its advanced theft tracking program, TheftTrack, on these computers as well.
39 Charrington saw this I think as a way of piloting both a school laptop program in rural
40 America and to field test in greater numbers the TheftTrack capabilities. For free
41 computers, you bet we were willing to play along!

42 We did develop a plan by which students could take the computers home with
43 them on a regular basis through the use of an insurance fee. Pioneer recommended a
44 nominal fee of \$60 for the academic year--they had done some market analysis to
45 determine the likelihood that computer units might be lost, stolen or damaged. The \$60
46 fee represented their actual anticipated cost--again, they were not interested in making
47 a profit off of public schools. We worked it out that any student who qualified for the
48 free or reduced lunch program would be exempt from the insurance provision. Any
49 other student had the option of paying the insurance fee and being able to take the
50 computer home or not paying and checking the computer into the computer lab each
51 afternoon. There were a few exceptions--for example, when a teacher assigned a
52 specific project that would mandate the use of a computer. In those situations, the
53 students affected could borrow a loaner laptop for use at home. In addition to the

54 computer loan program, we also signed a contract with Pine Crest Tech Services, a
55 subsidiary of Pioneer Computers, to provide advanced technical support, and to
56 activate and implement the TheftTrack program when necessary.

57 We ran the program ideas past the other district administrators, the school
58 board, our PTO, and our faculty and staff. Each group was excited about the One2One
59 program and gave its enthusiastic support. The PTO offered to conduct a series of
60 informational forums for parents. Our school IT personnel agreed to work with Pioneer
61 and Pine Crest, to train staff and work with students on the basics of the laptop
62 programs operations. I am confident that every stake holder in this enterprise was fully
63 briefed and comfortable with the details of the program. I wanted to impress upon
64 everyone that the laptops issued by the school remained school property--similar to a
65 textbook. Users should not expect that files stored on District resources would remain
66 in any way private.

67 We posted information about the One2One Program on the school website, we
68 sent brochures home with students to read and to share with their parents and
69 guardians, and when the program officially kicked off, we sent home the contracts and
70 insurance forms to be signed and returned. A signed contract meant that student
71 received a computer. An insurance form and check or cash meant that computer could
72 be taken home.

73 Throughout the rollout of the One2One program, individual teachers and staff
74 received a number of questions from students and parents regarding various aspects of
75 the plan. A recurring question dealt with what appeared to be a technical glitch in the
76 laptops regarding a flickering green light next to the web camera. Many of the questions
77 could be addressed by our school IT staff. The more technical questions regarding
78 program specifics and this particular glitch were forwarded to Pioneer and to Pine
79 Crest for their explanation. I received a copy of an email communication between Reese
80 Charrington and Sydney Ampleforth about the green light issue.

81 We developed some internal policies regarding use of the computers and
82 encouraged teachers to think creatively about assignments that could be done
83 electronically. We also established a policy with our IT department regarding any
84 computers reported lost or stolen and any users who were suspected of violating the
85 usage code of conduct. Basically, any computer reported lost or stolen to a teacher or
86 staff member resulted in a report to the IT department. Upon receipt of this report,
87 Gurley High School's IT supervisor was to contact Pine Crest Tech Services and request
88 activation of the TheftTrack program in order to locate the lost or stolen unit.
89 Moreover, any unit for which there was no insurance form received that was not
90 checked in to the computer lab after school hours also resulted in a report to Pine Crest.
91 Further, if there was sufficient cause to suspect misuse or substantial violation of one of
92 the computer use policies, we also would notify Pine Crest, not necessarily to activate
93 TheftTrack in these circumstances, but simply to put them on notice in case they came
94 across any further evidence of misuse. In each of these instances, Pine Crest would
95 continue the TheftTrack procedure and forward to our school's secure server any
96 information that might be useful in locating missing laptops. In some instances, we
97 were able to identify that the computers in question were not lost. In other situations,
98 we notified the local law enforcement authorities to help. I think in the first 6 months of
99 the program, we contacted the local police on 7 occasions. In every other instance, we
100 were able to locate the computers ourselves. Once a computer was located, we were to
101 notify Pine Crest to discontinue the TheftTrack procedure. We didn't always do this
102 immediately, since we wanted to make sure we actually had the missing computer in
103 hand, but once the unit was secure, we would send over notification.

104 In the situation involving Parker Smith, we had activated TheftTrack on at least
105 four occasions because we had no insurance information on file. Once we were
106 confident that the computer was at the Smith residence, we requested that the tracking
107 program be deactivated. In a separate incident, Parker Smith was asked by a teacher

108 why s/he didn't have her/his laptop in class. Parker indicated that the laptop had been
109 either lost or stolen. Acting on this information, the teacher, Sydney Ampleforth, filed a
110 report to the IT department. IT in turn contacted Pine Crest to activate TheftTrack. My
111 records indicate that the missing computer was reported on March 23, 2013, just a few
112 days after Spring Break. I was unable to locate any notification that the computer had
113 been found. To the best of my knowledge then, the TheftTrack program was still
114 running on the computer issued to Parker Smith at the time of the incident that
115 occurred a little more than 3 weeks later. I have taken action with our IT department
116 about a potential lack of oversight, but as it turns out, our mistake in this instance may
117 have been a blessing in disguise, averting potential disaster.

118 Throughout the 2012-2013 academic year, the school received a series of bomb
119 threats by a person or persons unknown. In each situation, we took the call or note very
120 seriously. We cleared the building, cancelled school for the remainder of the day, called
121 in the authorities who conducted a thorough investigation of the school buildings and
122 grounds. Once we received the "all clear" we could then resume classes. As you can
123 imagine, a complete and thorough search of a modern American high school and its
124 grounds takes hours to complete. In each situation, a bomb threat received in the
125 morning resulted in a full day of school cancelled. While I suspected that these threats
126 were jokes or pranks by students to get out of class or a test or some unpleasant task,
127 we have to take all situations very seriously! The safety of our students, teachers and
128 staff is paramount.

129 I provide this background as a way of explanation of the actions taken on April
130 15, 2013, with regard to Parker Smith. On Friday, April 12, 2013, Sydney Ampleforth
131 reported to me that in the process of resetting the computer lab after an afternoon class,
132 s/he noticed that a Facebook page had been bookmarked on a lab computer. S/he
133 clicked on it and discovered photos and commentary that led her/him to believe that
134 there might be a serious issue developing involving weapons of some sort. It was

135 unclear from the Facebook page what type of action was going to take place or when.
136 The page was found in the history cache of the computer; when we attempted to refresh
137 to access the current page, we found that it had been deleted or blocked in some way.
138 We didn't know whether to take this seriously or not.

139 The next evening, on Saturday, April 13, I received a troubling phone call from
140 Reese Charrington about something discovered during the operation of the TheftTrack
141 device on the computer issued to Parker Smith. Charrington indicated that a Pine Crest
142 Tech supervisor in reviewing images captured from that computer identified a web
143 camera photograph of what appeared to be the makings of a bomb. Further, a review of
144 screen shots taken from that same computer revealed part of an Instant Message
145 communication between two individuals discussing action to take place on Monday,
146 April 15, 2013, at 10 a.m.

147 Based on what I considered to be sufficient and disturbing evidence of action
148 threatening the school, students, teachers and staff, I knew that I had to take action. On
149 the morning of April 15, I waited outside the main office until I saw Parker Smith. S/he
150 was accompanied at the time by her/his friend P'Nut Zahradnik. I did not want to
151 make a scene or cause any undue alarm, so I waited until P'Nut had gone off to class
152 before confronting Parker. I stopped Parker in the hall and asked her/him if she had
153 anything that s/he would like to tell me about. I saw a look of panic on her/his face, so I
154 took her/him by the arm and escorted her/him into my office. I closed the door and
155 proceeded to lay out what I had found on Facebook, on the webcam and on the IM
156 screen shot. I was surprised by Parker's reaction. Instead of a look of dismay and guilt,
157 s/he flashed me a broad grin and said something to the effect of "Gotcha!" I admit I
158 was confused. Parker told me that s/he had wondered who had been spying on
159 her/him since the day s/he got her laptop and that finally this trap worked. S/he asked
160 me some strange question about peeps or a peepshow or not saying a peep. I was taken
161 aback. I asked permission to search her/his backpack and her/his locker for evidence of

STATEMENT OF REESE CHARRINGTON

1 My name is Reese Charrington. I am 42 years old. I am the Chief Executive
2 Officer of Pioneer Computers Inc. and the Chairman of Pine Crest Tech Services. I have
3 held the position with Pioneer since the company's inception in 1998. Pine Crest is a
4 more recent corporate entity which I founded in 2010 to provide advanced technical
5 support for users of Pioneer computers and our software products.

6 I grew up in rural Yavapai County and went to school in the Yavapai School
7 District. My family farmed so we had a number of out buildings on our property.
8 Growing up I was real interested in how things worked. I used to take apart all kinds
9 of machines and equipment (and put them back together again of course--sometimes
10 better than original!). I became interested in computers and spent quite a bit of time out
11 in one of the barns taking apart old CPUs that I found around the county. In all of this
12 investigation, I discovered a better process to build computers. Right after graduation
13 from high school in 1989, I left for Silicon Valley, California and worked in a number of
14 computer shops. I found that the managers and CEO's of most of the existing
15 companies really were not that interested in what a rural Arizona hick had to offer, but
16 the jobs paid the bills and gave me the expertise I needed to finally open my own shop.
17 I began Pioneer Computers in 1998 at the age of 27 in a strip mall storefront with two
18 other employees in Corvallis, Oregon. Little did we know that the new process we had
19 developed for streamlining production and delivery of smaller and faster laptops with
20 more power would revolutionize the industry. Within three years, Pioneer was among
21 the leaders in the laptop power pc field. We constantly expanded our business and
22 were always on the look-out for new field offices--closer to the consumer to speed
23 delivery and away from the traditional computer markets. Our niche quickly became
24 computing services to rural America. In the Spring of 2011, I made the decision to
25 relocate our corporate headquarters--accompanied by a field office and our Tech

26 Services company, Pine Crest, back where it all began--intimate Prescott, Arizona. We
27 located a vacant building and quickly remodeled it into our state of the art facility. We
28 were open for business in Spring 2012. We brought a lot of jobs to that community--
29 something that I am proud of.

30 Shortly after we set up shop in Prescott, I was approached by a delegation of
31 school officials about an idea they had to give each student at the local high school a
32 laptop computer to facilitate the communication between students and staff. I had
33 heard of similar programs in cities and suburban areas, but never knew if any existed in
34 rural areas. Given our corporate mission, I felt that this might be a great opportunity to
35 pilot a project locally and then potentially expand it to other rural locations. I continued
36 talking with the school principal, Hayden O'Brien, and things quickly fell into place.
37 O'Brien was a little more cautious and wanted to roll out the program in small
38 increments--maybe start with just the staff and then slowly expand to each grade level.
39 I told her/him that when Pioneer takes on a project, we go all in!

40 I think it surprised some folks that we moved so quickly. By the Fall and the
41 start of the 2012-2013 school year, we were all ready to start the One2One program at
42 Gurley High School. We presented the idea to the School Board, the Parent-Teacher
43 Organization and to a select group of staff and students. All were completely
44 supportive of the program and all were gung ho on starting immediately.

45 We assisted the school with a series of presentations on the new One2One
46 Program for school staff at in-service workshops, for students at all-school assemblies
47 and in specific classrooms, and for parents at forums put together by the local PTO. We
48 fielded questions about the specifics of the program, basic workings of the computers,
49 the insurance fee situation, and in a few instances were asked about the theft recovery
50 program. In response to the latter, we did not discuss in any detail the specific
51 functionality of TheftTrack--only that it was installed on all the computers used in the
52 One2One Program, and that it had been successful in the past in locating lost or stolen

53 units. In fact, there is a story that I always tell at these trainings if a question arises
54 about the TheftTrack device. Don't want to give away any trade secrets, you know.

55 A teacher had a laptop stolen from her car off of school grounds. The laptop was
56 reported stolen in December of 2010. At that time we were just starting to roll out the
57 TheftTrack technology and to pilot it among a test group of computers. We were lucky
58 to get TheftTrack on that computer before it was stolen.

59 After hearing about the theft, I activated the TheftTrack feature. It was another
60 month until the computer started reporting in and we were obtaining IP addresses,
61 DNS and pictures. We notified the police and they went to the house corresponding to
62 the IP address, but the occupants did not match the description of the people in the
63 photos retrieved from the TheftTrack on that computer.

64 Months later still, the laptop again appeared, but this time it was reporting with
65 an IP address and DNS from Pakistan! After several more months, the laptop reported
66 back from the same area as originally reported. This time the police went to the house
67 being reported and retrieved the laptop. The house they went to in the first instance
68 was the neighbor, who must have had an open wireless network. So, after a year, we
69 had our laptop back. And an investigation by the FBI and Homeland Security found
70 evidence of potential terrorist activity and planning. TheftTrack not only retrieved the
71 computer, but may have prevented another 9/11.

72 With the Gurley High School One2One Program, we agreed to load all current
73 technology onto the laptops; to provide filtering screens to allow for parental and
74 administrative controls; and we decided to load our newest theft recovery program,
75 TheftTrack, on these computers as well.

76 In addition to providing the computers, we also contracted with the school
77 through a separate subsidiary, Pine Crest Tech Services, to provide advanced IT
78 support. The school helpdesk could answer basic questions--lost passwords, simple
79 software problems, difficulty with web access and the like. The more technical,

80 sophisticated problems were to be referred to our own helpdesk personnel. In addition
81 to the normal queries, I do remember one topic in particular related to the green light
82 on the webcam.

83 Now, there are a variety of reasons for the flickering green light next to the
84 webcam--not all associated with the actual use of the camera itself. Often IM programs
85 will make the light flicker since a number of the IM programs include a webcam option.
86 Even if not activated, the webcam will go into a "standby" mode and that may make the
87 green light appear to flicker on and off. Other programs have similar functions--if there
88 is a video option for example, even if it is not activated, the light again may flicker in
89 "standby" mode. I confess that I may have expressed my frustration at the rudimentary
90 "fix" applied and recommended by some of the teachers at Gurley High School. I
91 explained that by covering the webcam, they effectively disabled a major feature of
92 TheftTrack and hinder our efforts to retrieve lost or stolen units.

93 TheftTrack is the most advanced cyber security product commercially available
94 (there are no doubt more sophisticated programs used by law enforcement and national
95 security agencies)--it allows for 3 different functions to attempt to track and locate
96 computers. These include webcam functionality, screenshot capability, and IP and DNS
97 tracking capabilities.

98 If a computer is reported lost or stolen, we can mark it "lost" on our server and
99 that will then activate the TheftTrack feature. We can select the various means by
100 which to track and locate the missing computer. We can track by IP address and/or by
101 screen shots and web pictures of the user with the built in camera and transmit that
102 information back to our server along with information about the user's internet
103 connection. That information, once sorted by our staff, can be transferred to the client
104 and to the authorities if necessary.

105 One other feature of the TheftTrack technology is that after sending an image to
106 our server, all history of that transfer from the laptop is erased so that the user does not

107 have any record that files or pictures have been transferred. This prevents thieves from
108 taking further steps to hide or relocate the stolen computer.

109 When TheftTrack functions were activated for a particular computer, at each
110 “heartbeat”--if the computer was powered on, “awake”, and connected to the internet--
111 it would send to the server the information selected to retrieve. TheftTrack has no
112 capability to capture video or audio, and it does not permit an administrator to take a
113 photograph from a computer’s webcam or capture a screenshot from any computer on
114 command--images retrieved could be captured only through the automated process.

115 With this many units and such a new computer share program, One2One, we
116 knew that we would get lots of calls. Rather than hire extra staff, I asked our existing
117 techs if they would be willing to take a little overtime, perhaps volunteering some of
118 their time--and in exchange we would allow them to do quite a bit of their work from
119 home-based office suites.

120 The overtime idea and the opportunity to work from home generated a lot of
121 good will as you can imagine! The volunteer idea didn’t really fly at first, but it
122 eventually caught on--so eventually not only did they not mind doing some volunteer
123 work, but a few were requesting volunteer assignments. I chalked that up to the spirit
124 of community and the giving nature of our company and our employees.

125 The TheftTrack security feature had a defined protocol for activation. A student,
126 teacher or school employee who reported a computer lost or stolen filed a claim or
127 report to the Principal’s Office. The Principal would then inform the school’s IT
128 department to contact Pine Crest Tech Services with the identifying information needed
129 to turn on the tracking device. As we continued to receive data, a tech would scan
130 through the information--deleting any unusable or incomplete data--and then forward
131 our findings back to the school. Presumably they were in contact with law enforcement
132 to take action on the identifying information we had gained through TheftTrack. Once

133 a computer was located or otherwise accounted for, the Gurley High School IT
134 Department was to notify us and we would then discontinue the tracking procedure.

135 Under no circumstances was my company ever to activate the tracking software
136 on our own; and under no circumstances were we to discontinue the process until
137 notified by the school.

138 In many circumstances the webcam and screenshot pictures would be worthless
139 in the tracking process--if a computer was closed for example the web photo would
140 produce no result. If the room in which the computer was located was unoccupied or
141 the lights not turned on, the photos similarly would not produce usable results.

142 It was a tedious process to review all of the photos and screenshots, but our
143 employees were up to the task. They were to quickly review each picture--if it was
144 useless in the tracking process, it would be deleted. If it was deemed to have some
145 value, however marginal, it would be forwarded to the school server.

146 On extremely rare occasions an employee would bring to my attention
147 information outside the scope of the tracking process but which nonetheless raised
148 some concern. One such instance involved the computer of Parker Smith, a student at
149 Gurley High School and a participant in the One2One laptop program at the school.

150 We received notification from the school IT department to initiate the TheftTrack
151 function on the computer registered to Parker Smith on Friday, March 22, 2013. The
152 notification included information that Smith's computer had been reported lost or
153 stolen and that the unit in question was not part of the insurance program. Smith had
154 violated the terms of agreement by removing the laptop from school grounds and then
155 apparently had it lost, misplaced or stolen. Beginning the evening of March 23, we
156 began to forward information to the school on the possible location of the computer.
157 We were not instructed to discontinue the TheftTrack procedure until Tuesday, April
158 16.

159 Shortly before that date, on the evening of Saturday, April 13, I was contacted by
160 one of my employees, Eric(a) Blair, who requested an immediate meeting. It was not
161 unusual for me to be contacted on weekends or even late at night when there were
162 technical glitches and such. What caused me some concern was that Blair seemed
163 overwrought and was adamant about meeting me in the office immediately. I of course
164 excused myself from my evening guests and went to the office. There Blair delivered a
165 photo taken by the webcam embedded in the laptop computer reported lost or stolen by
166 Parker Smith and a screenshot of what appeared to be an Instant Message conversation
167 between the user and an unknown messaging partner. The webcam photo showed an
168 array of materials that are used to produce homemade explosives. The screenshot
169 conversation seemed to indicate that a plot of some sort was being hatched--that the
170 target was Gurley High School, the date of Monday, April 15, and the time as 10 a.m.
171 Even though this information was not necessarily relevant to the TheftTrack procedure,
172 I nonetheless felt it required immediate attention. I phoned the principal, Hayden
173 O'Brien, and described the photos that I had in my possession. O'Brien asked that I
174 forward the files directly to her/his computer via email and that s/he would handle the
175 situation from that point. I asked if s/he wished me to contact either the local police or
176 perhaps even the FBI for assistance. O'Brien replied that s/he would have the situation
177 under control. That was the extent of our involvement in that situation. As I indicated,
178 we received notice to disable the TheftTrack function on that same laptop on Tuesday,
179 April 16. We did as requested shortly after the delivery of that notice.

180 I was unaware of any extracurricular activities of my employees. Many have the
181 equipment and permission to work remotely, either from home offices or wherever they
182 might be when a helpdesk call, for example, is routed to their phone or computer. All
183 employees are under strict guidelines and policies only to do the work explicitly
184 assigned to them. In the instance of the employees assigned to or those who
185 volunteered to monitor the TheftTrack service for the Gurley High School One2One

186 Program, this included scanning through data and either deleting or forwarding as
187 necessary. I required each employee to document his or her work through a summary
188 of the number of entries processed by them in a given shift and the number deleted as
189 unusable or forwarded on as potentially useful to the location of the unit in question.

190 I understand that a claim has been made by one of my employees that they
191 frequently went beyond the assigned protocol. As a result of my initial investigation
192 into this claim, I have suspended 4 employees and terminated the services of both an IT
193 supervisor as well as the Tech who made that claim, coincidentally Eric(a) Blair, the
194 employee who found the evidence of the school plot. To say that I was appalled by this
195 behavior is an understatement. I am disappointed in the actions of valued employees.
196 Swift and firm action had been taken to rectify the situation. They were certainly not
197 doing this while on the clock. This was a completely rogue action on their parts.

198 I defend the actions of Pioneer Computer and Pine Crest Tech Services. We did
199 nothing other than what was requested and expected of us. Let's face it--most people
200 familiar with electronic technology will tell you that in cyberspace there is little or no
201 expectation of privacy. Once something is out on the web, it is there for all to see.

202 I declare under penalty of perjury that the foregoing is true and correct, and that
203 this Declaration was executed by me on October 22, 2013, in Prescott, Arizona.

_____/s/ Reese Charrington_____

DECLARATION OF MORGAN PARSONS

1 My name is Morgan Parsons. I live in Prescott, Arizona. My daughter, Julia,
2 goes to the same high school as Parker Smith, the person bringing the lawsuit in this
3 case. They were in some classes together. My daughter is very involved at school. She
4 is a member of the National Honor Society and choir. She has always been on the
5 Honor Roll, and, as a current senior, she is already accepted into six colleges. Needless
6 to say, we raised her right.

7 I also serve on the Gurley High School Parent-Teacher Organization (PTO). I am
8 a realtor so my hours are pretty flexible. This allows me to be quite active in my
9 daughter's school and through the PTO to try my best to make it a great school.

10 A few years ago, a group of parents (myself included) sat down to chat with the
11 school principal, Hayden O'Brien, about ways to enhance the overall learning
12 experience for all students. Collectively, we came up with a wish list--this included an
13 idea that every student at the school would be issued a laptop computer for use on
14 homework, school projects, and to communicate to each other and to teachers and staff
15 both in and out of school. We took that idea and ran with it. I did a little research into
16 cost though and quickly found that even just the price of the computers would run the
17 district more than half a million dollars. Obviously we didn't have that kind of money
18 to spend. But the idea was there and I think all of us on the PTO kept our eyes and ears
19 open if an opportunity came our way.

20 And opportunity did come knocking! Ask and you shall receive, I always say!
21 In the Spring of 2012, a former graduate of the Yavapai Schools who had founded
22 her/his own computer company decided to move back to Prescott and set up shop. I
23 didn't remember Reese Charrington from her/his high school days--I suspect s/he was a
24 bit of a geek--I mean really, building computers in your barn?! But we sure loved the
25 idea of a computer company setting up in our neighborhood! Shortly after the
26 company relocated, the school board President, Bob Waterman, Principal O'Brien, and

27 myself met with Reese about our idea to give all high school students a laptop. Reese
28 said that s/he would think about it, but that the idea had some merit and might also be a
29 good way to introduce the company to the community and serve as a pilot program for
30 other schools.

31 The next I heard in the Summer of 2012, Pioneer announced a partnership with
32 Gurley High School to provide laptops for students and staff as part of the One2One
33 Project. The PTO was thrilled by the quickness of the decision. We never expected that
34 it would happen so soon! I guess I figured that deals like this take time. Not
35 necessarily in the idea stage, but in the implementation process--you know a chance to
36 think through all the various kinks. But here it was--August 2012--and they were
37 talking about the upcoming school year!

38 The PTO assembled a committee of interested parents to assist with the roll out
39 of the program. We met with school officials and with folks from Pioneer Computers
40 and its subsidiary, Pine Crest Tech Services, which would be providing the bulk of the
41 IT support beyond what the school could do. Principal O'Brien asked the PTO to
42 provide forums, Q/A sessions, and instruction on how the system would work to
43 interested parents. We organized 3 different meetings at 3 different times--one was a
44 noon session, one was a 6 p.m. session and the last was a Saturday morning program at
45 10 a.m. We gave interested parents every opportunity to come and learn and ask
46 questions. We did not take attendance at any of the meetings, nor was attendance
47 compulsory. All 3 sessions were extremely well attended--it seems that most parents
48 were eager to learn about the program.

49 Most of the presentation dealt with the distribution process, the types of software
50 that would be installed, a discussion of parental controls to block inappropriate sites,
51 and the insurance plan that would allow for computers that were lost or stolen to be
52 replaced. I remember that the presentation included talk about the computers
53 essentially being a school textbook, that they remained property of the school, but like a

54 textbook, was issued to a specific user for the school year. At the end of the year, the
55 laptop had to be turned in and any personal information stored on the unit would be
56 reviewed and erased. Because a laptop costs a lot more than a Geometry text book
57 though, and because the computers were being donated by Pioneer at a sizeable cost, an
58 insurance plan was implemented. Any student who wanted to bring the laptop home
59 on a regular basis, had to sign a waiver and pay a nominal fee--\$60 for a whole year of
60 use seems like a very small price! Any student who did not pay the insurance would
61 have to leave their laptop in a secure location in the computer lab overnight. If there
62 was a specific homework assignment or project due, those students could check out a
63 loaner laptop overnight.

64 In the briefings that I received, there was little if any mention of privacy concerns
65 or monitoring. At the PTO forums there were a few questions about privacy, safety and
66 monitoring, but the IT presenters--from both the school and Pioneer--assured parents
67 that the tracking system (likened to a car LoJack system) would only be turned on if the
68 laptop was lost or reported stolen.

69 I do not recall any extensive mention of computer monitoring by any outside
70 agency. I remember someone from either the district IT department or Pioneer
71 Computer talking about theft recovery--and they related a story of a lost computer
72 being tracked to Pakistan and back before being recovered. It was a compelling story,
73 but I don't remember the specifics of how they tracked it down.

74 At one of the forums, I do recall a parent who expressed concern about "Big
75 Brother" monitoring the actions of teens while they were outside the school. The way
76 he presented his problems, though, did not garner much support or sympathy. The
77 person in question frequently interrupts our monthly PTO meetings with rants about
78 coded street signs, hidden cameras, ultra-sensitive microphones and a lot of other
79 "black ops" type surveillance fears. I'm afraid that just like the boy who cried wolf, we
80 all had heard enough from that particular parent to give him much credence.

81 After Labor Day, when the program was ready to be implemented, I felt that
82 parents, students and staff were fully up to speed about the One2One program and
83 what all it involved. There were more presentations to the students themselves about
84 proper use of the laptops, school policies and those sorts of things. My daughter
85 brought home all the promotional material and contracts for us to look over. There was
86 also information on the program on the school's website.

87 Julia brought home a brochure about the program and inside was a small insert
88 from a presentation they were given at school. I read both of them, of course. The
89 promotional material stated that the laptops were only to be used for school purposes.
90 Furthermore, the brochure mentioned a monitoring notice and the insurance
91 requirement. This seemed like pretty standard stuff. From that, I could see that Pine
92 Crest Tech Services, Reese Charrington's other company, was going to monitor the
93 laptops and provide any advanced IT support. This made absolute sense to me since
94 Pioneer was so generous in providing our students with the laptops, they should have
95 the service contract and be able to keep tabs on its investment. If I were the one giving
96 that much money, I would want to know how it was being used, especially with high
97 school students. You never know what they are up to!

98 A couple of weeks later, this would have been around the end of September,
99 Julia came home with the "official" informational packet and contract for the leased
100 laptop program. Even in the contract it talked about how Pioneer and Pine Crest had
101 the ability to remotely access the computers. If parents are complaining now about that,
102 they obviously did not read the contracts they signed.

103 After receiving all the information, my daughter and I sat down to talk about the
104 responsibilities of having a laptop. I mean, my daughter is one of the most trustworthy
105 kids, but she is still a high schooler. And being a high schooler, you do not know
106 everything yet. We discussed whether she thought she would want to bring the laptop
107 home. She said she would, so that meant we needed to pay the insurance deposit.

108 Even though it was only \$60, my daughter agreed to pay it from her own summer job
109 money. So I ended up reading and signing the contract for the laptop.

110 I've learned to read everything, especially all of that legal jargon on websites and
111 on contracts--you'd be amazed what you "agree" to when you blindly click "I agree"!
112 I've tried to teach my children to be equally cautious. My daughter understood that
113 Pioneer and Pine Crest could access her computer, but we paid the insurance deposit so
114 I did not think we needed to worry about the remote access unless someone really stole
115 her laptop.

116 As part of my PTO responsibilities, I've really tried to keep up with all of the
117 tips, rules and advice to try to keep kids safe from cyber-predators. I have had the
118 opportunity to attend a few national conferences on these issues. When the laptop
119 program was first being considered by the district, I attended a conference put on by the
120 computer industry on cyber safety--particularly for children and teens. I learned a lot of
121 great tips--shared them with the rest of the PTO and have implemented many of them
122 in our own home. I've encouraged every other parent who I've talked with to do the
123 same. But, again, it's not compulsory--just good common sense!

124 I learned, for example, that the computer should be located in a public place in
125 our home. Even though Julia is a Senior this year, and likes to talk to her friends--and
126 uses her phone to send texts and instant messages--we've put the computer in the
127 dining room, and we have rules about only web surfing on that computer. She's
128 allowed to use the laptop in her bedroom, but only for homework--not to go on-line.

129 We also don't allow any internet purchases--even mp3 downloads--without
130 approval. We've discussed identity theft--I've had my credit cards stolen in the past,
131 and that's not a fun experience! We have the same rules about downloads. All it takes
132 is one "fatal error" blue screen to teach you to be very careful of what you open and
133 download!

134 When Julia was younger, we had a chat about the different types of content on
135 the internet--informational, educational, entertainment, advertising, and the really bad
136 stuff. So she knows what kinds of sites are off-limits.

137 We insist that personal information is kept personal at all times. We don't sign
138 up for contests or coupons or on-line newsletters using real names or any identifiable
139 information. We're also real careful about any pictures or photographs that we post--
140 especially children. We want to make sure that any identifiable information is removed
141 or blurred--car license plates, street signs, school apparel with names and mascots, etc.
142 And we definitely insist that any personal passwords are kept personal--no sharing
143 with friends!

144 We ask that Julia only "friends" friends--people that she actually knows and has
145 met in person.

146 I've also attended a workshop on cyber-bullying and sexting and have had that
147 talk with Julia too!

148 More than anything, I've found that the best way to keep my child and my
149 family safe is to polish my own computer skills. It's real easy for teens to keep up with
150 new technology, but it requires a lot more effort for us old-fogey. But I know that if I
151 don't, I'll be putting my family at risk.

152 When Julia brought her laptop home, we set it up in the dining room and we all
153 took turns familiarizing ourselves with the various programs and functions. All of the
154 laptops include built in web cameras--they're standard these days. We noticed that the
155 green light--indicating that the camera was on--would flicker on and off at random
156 times. It would never stay on for more than a few seconds at a time, but it did give me
157 some concern. I told Julia that she should consider returning the laptop--figuring it was
158 some sort of malfunction or loose wire or something.

159 I also encouraged her to talk to one of her teachers, Sydney Ampleforth, about
160 the green light and possible solutions. Sydney really seems to know what s/he's doing

EXHIBITS

EXHIBIT 1

Gurley High School One2One Program Information

Overview

Pioneer Computers, Inc. ("Pioneer") is pleased to offer a laptop computer checkout service to students. Laptops are available for the purpose of study, work, and research.

Limits & Availability

All students are eligible to participate in this program.

In the event all laptops are not leased to students, the reserve (excluding those held as repair backups) may be used to support faculty. Faculty checking out the laptops for school work will not be assessed a fee. Student use of the lease laptops however, will be assessed the insurance deposit fee per semester if the laptop will be taken off school grounds. The faculty check out of a leased laptop will be for one academic term.

Pioneer currently leases 675 laptop computers. This number can increase based upon need and available resources. The leased laptop will include a carrying case and power supply/cord. The laptop will be loaded with all current operating systems, Office functions, and Antivirus/Anti-Spyware software.

Checkout Procedure

- A student leasing a laptop should read and sign a copy of the Pioneer Computer Lease Agreement. A copy of this agreement will be given to the student.
- A student leasing a laptop is required to present a valid school ID card. There are no exceptions to this policy unless approved by the Principal.
- At the time of checkout, the laptop should be inspected by the student to make sure it is intact and functioning properly. Verify power supply/cable is in the case. They will be responsible for the laptop after it leaves Pioneer.
- The student ID # and Laptop # will be included in the Leased Laptop Database.

Lease Period

The student will return the computer and all other equipment by the end of semester due date or upon discharge. A charge of \$5.00 per day will be assessed for any equipment returned after the due date.

Pioneer Student One2One Program Information (cont'd)

Check-in Procedure

- When returning, the student should allow at least five minutes for the Pioneer staff to check the equipment.
- Remind the student that all information will be lost on the system and a back up should be done.
- Students must return the laptop to a Pioneer staff member. A laptop should not be left unattended at the counter.
- A staff member will verify that all parts are present and that the computer and all accessories are in good working order.
- The laptop will be booted up and checked for functionality upon return.
- The laptop will then be checked in on the Leased Laptop Database.
- Verify that the service tag # matches the case # on the Leased Laptop Spreadsheet.
- Pioneer staff will re-image the hard drive, clean the exterior of the laptop, and verify Anti-Virus, Anti-spyware, and Windows Updates have been updated. The laptop will then be placed on the storage shelf.

Fines & Liability

- The student will return the computer and all other equipment on the end of semester due date. A charge of \$5.00 per day will be assessed for any equipment returned after the due date.
- At the end of the term of this Lease, the student will return the Computer to Pioneer in as a good condition as when received; wear from reasonable use is expected.
- The student will be responsible for any damage to the Computer while in the student's possession, and shall pay Pioneer the value of the Computer or any part thereof, as may be lost, stolen, damaged or destroyed. Removal or defacing of serial numbers or other identification markings shall constitute damage to the equipment.
- The student is responsible for making sure that the laptop is in working order and without physical damage when it is checked out.
- Under no circumstances should a student leave the laptop unattended.

Troubleshooting Problems & Questions

- If student experience problems with laptop hardware or application or have questions, they should contact Pioneer Helpdesk at ext. 4357.
- The student will be fiscally responsible for damage to a laptop if he/she tries to troubleshoot problems.

Pioneer Student One2One Program Information (cont'd)

Disclaimer

- Pioneer is not responsible for damage to any removable drive (i.e. floppy, CD or flash drive) or loss of data that may occur due to malfunctioning hardware or software.

Pioneer Student One2One Program Contract (cont'd)

- (a) The Student will cause the Computer to be operated only in accordance with applicable instructions provided by the Pioneer representative or the manufacturer of the Computer and shall not modify the computer in any way.
 - (b) The Student will allow authorized personnel, at all reasonable times to service or otherwise examine the condition of the Computer.
 - (c) The Student will be responsible for any damage to the Computer while in the Student's possession, and shall pay to Pioneer the value of the Computer, or any part thereof, as may be lost, stolen, damaged or destroyed. Removal or defacing of barcodes, serial numbers, or other identification marking shall constitute damage to the equipment.
 - (d) At the end of the term of this Lease, the Student will return the Computer to Pioneer in as a good condition as when received; wear from reasonable use is expected.
 - (e) The Student will return the computer and all other equipment on the end of semester due date. A charge of \$5.00 per day will be assessed for any equipment returned after the due date.
6. Termination for Default Pioneer may terminate this Lease, without notice or demand, if the Student damages the Computer under the terms of this Lease. Such termination, however, shall not release the Student from the payment of any damages sustained by Pioneer. If the Lease is terminated for abuse of the Computer, a representative of Pioneer may remove the Computer from the Student without liability to Pioneer.
7. Costs and Fees The Student will be responsible for the payment of any reasonable costs and fees incurred by Pioneer in enforcing any of the terms of this lease.
8. Monitoring Notice Pioneer retains the right to remotely activate the laptop in the case of a possible lost or stolen laptop. This remote activation will help protect Pioneer's investment and ensure a quick recovery time.
9. Governing Law This Lease will be governed by the laws of the State of Arizona, and constitutes the entire agreement between Pioneer and Student with respect to the furnishing of the Computer by Pioneer.

Pioneer Student One2One Program Contract (cont'd)

In consideration of Pioneer leasing the Computer to the above-named Student, the undersigned personally and unconditionally guarantees the payment and performance of, and agrees to be subject to, all the terms and conditions of this Lease until all obligations under the Lease are fulfilled, including payment of any reasonable costs and fees incurred by Pioneer in enforcing any of the terms of this Lease, and agrees that the execution of this Guaranty by the undersigned constitutes the transaction of business in the State of Arizona.

STUDENT SIGNATURE *Parker Smith*

PARENT SIGNATURE _____
(Required if Student under the age of 18)

END OF SCHOOL YEAR DUE DATE: **Friday, May 24, 2013**

ACKNOWLEDGED BY: *Pat Lipski* DATE: 9/17/12

INSURANCE DEPOSIT: Yes: _____ No: X

EXHIBIT 3

Pioneer Promotional Brochure

Company History



Pioneer Computers, Inc. is a successful company in computer innovation.

In 1998, Reese Charrington incorporated Pioneer Computers, Inc. S/he first employed ten people in a small building. Now Pioneer employs over 850 and serves more than sixteen states.

Pioneer Computers, Inc.

122 N. Cortez St.,
Prescott, Arizona 86301
Phone: 928.321.4567
Fax: 928.321.4568
www.PioneerComp.com

Pioneer Computers, Inc

One2One Pilot Program



More innovation per
byte.



Pilot Program

Pioneer Computers, Inc. has been a true pioneer in continuously investing in and supporting the needs of our upcoming leaders – students. Now Pioneer has taken a step further. We are proud to announce that Pioneer will sponsor a student laptop pilot program for Gurley High School students.

Safe

This exciting new project will provide laptops to all high school students to use for schoolwork. Each laptop will be safe, private, and secure with pre-installed spam, firmware, and virus protection.

Purpose

The heart and soul of this initiative is to provide tomorrow's leaders with the innovation to learn and grow today.

Students may use the laptops for activities such as researching and



writing papers, creating presentations, or even accessing online classes, tutorials.

Additionally, general computer skills are needed not only to access everyday needs, but also for most of the students' future jobs.

Portable

Because Pioneer is supplying laptops, the students are not confined to computer rooms in the school. This allows students the ability to work anywhere! For students to take the laptops off school grounds, the student must deposit \$60 for insurance.

Parents –

If you have any questions pertaining to the laptop use contract, monitoring notice, insurance requirement, or any general information about the company, feel free to call. Our goal is to help our students, but by helping our students, we also aim to help you!

- Pioneer Computers, Inc.

EXHIBIT 4

Pioneer Monitoring Notice Insert to Brochure

NOTICE

***The computers involved in this pilot program have the best technology currently available to learn and understand the needs of students. Part of this pilot program is tracking the use of the laptops. Consequently, each laptop has a shared link to Pioneer Computers, Inc. This link helps track the location, use, and other important information regarding the company's large investment in America's youth. ***

EXHIBIT 5

Interoffice Email between Pioneer/Pine Crest Employees

From: Eric(a) Blair
To: Undisclosed List
Date: March 7, 2013
Subject: Peep Show!

Hey Kids! Don't forget the weekly Peep Show Party at my house! It's the reality show that's sweeping Yavapai County! Come One, Come All! Bring your fav photos and scenes from the past week to share!

BYOB - Munchies Provided

10 PM Friday & Saturday

Be There or Be Square!

EXHIBIT 6

Screen Shot of IM Conversation

pnutz: wassup?!

winsome SHOWTIME!

pnutz: got it?

winsome: All Set

pnutz: whas the plan?

winsome: Monday @ 10

pnutz: big bang?

winsome: A few fireworks for sure!

pnutz: kool

winsome: C u @ school for the Event!

pnutz: kapow!

winsome: LOL

EXHIBIT 7

Webcam Photo



EXHIBIT 8

**Gurley High School
One2One Computer Program**

Notification of Lost Computer

Date: March 22, 2013

Name (user): Parker Smith

ID#: W4213865S

Lost Believed Stolen

Approx. Date Last Seen: March 19, 2013

I hereby authorize Gurley High School and its contracted partners to activate TheftTrack to locate this missing computer.

User Signature: *Parker Smith*

Reported to: *Sydney Ampleforth*

EXHIBIT 9

Email Thread

*From: R Charrington
To: H Obrien
To: S Ampleforth
Date: 9/25/12*

Re: re:TheftTrack?

I will tell you that the TheftTrack feature is only used to track equipment that is reported lost or stolen. The only information that this feature captures is IP and DNS info from the network it is connected to and occasional screen/camera shots of the computer being operated. This information is provided to police to hopefully assist in getting the laptop back to us. This feature has already been used to retrieve laptops that would have otherwise been lost and can only be activated by qualified techs at Pine Crest. Once again, it is only activated in the case where a laptop is reported as stolen or missing.

The tracking feature does NOT do things like record web browsing, chatting, email or any other type of “spyware” features that you might be thinking of. The police state concern is certainly a valid one. But I assure you that we in no way shape or form employ any of these tactics ESPECIALLY with computers off the network.

*From: H Obrien
To: S Ampleforth
To: R Charrington
Date: 9/25/12*

Re: re:TheftTrack

Sydney - I'm not sure that what you've found is correct. What I know for certainty is that there is absolutely no way that the District Tech people are going to monitor students at home. There is no plan, no staff, no desire and I believe no technical way to do that. I will definitely confirm the technical pieces. If we were going to monitor students at home, we would have stated so. Think about it - why would we do that? There is no purpose - we are not a police state! Gurley has always been ahead of the curve when it comes to the privacy and safety of our students and staff. There is no way that I would approve or advocate for the monitoring of students at home. I suggest you take a breath and relax.

EXHIBIT 9

Email Thread (cont.)

*From: S Ampleforth
To: H Obrien
To: R Charrington
Date: 9/24/12*

Re: TheftTrack?

I recently learned of the remote monitoring function on the One2One computers - TheftTrack? So, we're able to access information on these computers even when they're off network?

I guess I wouldn't find this a problem if students were informed that this was possible, for privacy's sake. But I don't recall telling students or their parents, or even staff users of this function. I find this an appalling breach of privacy!

While you say that this access will not be abused, I feel that this is not enough to ensure the integrity of students and other users and that even if it was no one would have any way of knowing (especially end users).

I feel it would be best that students and parents are informed of this before they receive their computers.

And while I still remain supportive of the One2One program, it does sway my opinion of the program - I could really see not informing parents and students of this fact causing a huge uproar.

EXHIBIT 10

Email

From: R Charrington
To: H Obrien
To: S Ampleforth
Date: 10/19/12

Re: Webcam/TheftTrack

In my opinion, in the interest of theft protection, teachers should not even be allowed to cover the camera like they do now - and certainly not recommend that to students. If their laptop gets stolen, that is a major piece of the theft tracking gone bye bye just because someone is uninformed on what the use of the camera is.

The camera can NOT be used without the little green light being on so if it is on, they will know it. And only the administrators here at Pioneer and Pine Crest have the ability to enable the TheftTrack program which does not record video, only a snapshot every 15 minutes or so.

Is someone afraid that we're spying on them?

We do not publicize the capabilities of TheftTrack for obvious reasons. Telling students how we might track lost or stolen machines would defeat the purpose of the device. If you're controlling someone's machine, you don't want them to know what you're doing. I trust you to keep the specific functionality of TheftTrack to yourself and let our expert techs handle the situation.