

2019-2020

Wisconsin High School

Mock Trial Tournament

Case Materials

Estate of Jonah Stark, et. al.

v.

Clearwater Hills Country Club

Plaintiff Witnesses:

Kingsley Targaryen
Andy/Andi Lannister
Elliot Fünke-Keyworth

Defense Witnesses:

Kris Marks
Parker Posie
Sam Swimplebun

Stipulations for Trial

1. All of the exhibits are authentic and the authenticity of an exhibit is never at issue. Authentic exhibits are not necessarily admissible at trial.
2. All witness affidavits have been properly signed and notarized. The electronic signatures on each affidavit's signature line and notary block are to be treated as authentic signatures. This stipulation does not apply to exhibits. Names of the notary publics are not relevant to the presentation of the case.
3. Each witness affidavit/report is intended to be gender-neutral and should be interpreted as such.
4. Each witness has reviewed his or her affidavit the morning of trial, attested that it was true and accurate, and attested that there was nothing that he or she had forgotten or wanted to add.
5. This case is bifurcated as to liability and damages. Liability is being tried in this case; if the Plaintiffs are successful, damages will be tried on a later date.
6. All witness affidavits use "they" as a singular pronoun, in order to be gender neutral. Both the Chicago Manual of Style and the Associated Press Stylebook now recognize "they" as an acceptable singular gender-neutral pronoun. Attorneys may (but are not required to) bring this stipulation to the attention of judges in pretrial matters if their teams wish to use "they" as a singular pronoun. In any event, judges are instructed not to downgrade scores due to the use of "they" as a singular, gender-neutral pronoun.
7. Dr. Royx Settler, Deputy Chief Medical Examiner for the City of Clearwater, performed the autopsy of Jonah Stark and found the following: no evidence of homicide; broken ribs typical of CPR compressions; a 5-centimeter forehead gash that by its nature occurred either immediately before or after death and contained material found at the bottom and side of the pool, caused possibly by hitting the bottom of the pool or, more likely, upon being pulled out of the pool; a small amount of water in Stark's lungs and stomach, indicating that Stark was breathing before he was submerged and likely held his breath until he lost consciousness; and skin indications on fingers and toes, and indications from body temperature upon attempted rescue, that Stark entered the water just minutes before he was found. The cause of death is asphyxiation due to drowning—specifically, Shallow Water Blackout. Because these opinions are not disputed, the parties have agreed they may be offered without witness testimony. The Opinions offered herein have no bearing on the issue of whether Jonah Stark's death was accidental or a suicide. I offer no professional Opinion on that issue.
8. All opinions contained in the affidavits of Elliot Fünke-Keyworth and Sam Swimplebun

were made to a reasonable degree of professional certainty.

9. The Defendants brought a Motion for Summary Judgment, claiming the Plaintiff's claims are barred due to Wis. Stat. § 895.52—the “recreational immunity” statute. That motion was denied based upon the fees paid to Clearwater Hills Country Club by its members. All claims are permitted to proceed to trial. The Plaintiff is expected to present all legal theories presented in its Complaint at trial, but has discretion to determine the weight and force to give to those theories in its case presentation. Likewise, the Defendants are expected to respond to all legal theories presented in the Complaint at trial.
10. Kingsley Targaryen is not a party to this action, beyond their participation as the special administrator of Jonah Stark's estate. The defense's proposed special verdict form included Kingsley Targaryen on the comparison of negligence question, but that argument was rejected by the Court.
11. Upon reviewing the affidavit of Sam Swimplebun, the Plaintiff requested leave from the Court to amend the Complaint and add a claim for a violation of the Safe Place Statute (Wis. Stat. §101.11), but the Court denied that motion.
12. Jonah Stark is an unavailable witness pursuant to Wis. Stats. §§ 908.04(1)(d) and 908.045.
13. Wisconsin law does not permit the comparison of negligence question on the Special Verdict to compare intentional and negligent acts. *Fleming v. Thresherman's Mutual Insurance Company*, 131 Wis. 2d 123, 388 N.W.2d 908 (1986). Therefore, in considering Jonah Stark's actions on Question 11(D) of the Special Verdict, only his allegedly *negligent* actions should be argued and considered.
14. It is stipulated by the parties that Sam Swimplebun, Parker Posie and Buzzy McBatt were employed by Clearwater Hills Country Club and were, at all times that they were present and Clearwater Hills Country Club and in all actions that are relevant to Special Verdict #2, they were acting within the scope of their employment.
15. The locker room at Clearwater Hills Country Club is unisex. Multiple individual separate rooms with locks are provided for purposes of showering and changing.

Disclaimer

The 2019-2020 mock trial case is a hypothetical case. All names used in the mock trial case are fictitious and were created to be gender-neutral. Any similarity to an actual event or to the name of an actual person is strictly coincidental.

Exhibits

Please note that exhibits are pre-marked. The pre-marking of exhibits is solely a convenience. It is not intended to suggest the order in which exhibits should be used nor is it intended to suggest anything about their admissibility. In addition, the pre-marking of exhibits is not intended to suggest that all exhibits must or should be used.

ESTATE OF JONAH STARK,
c/o Special Administrator
KINGSLEY TARGARYEN
46 Crestway Court
Clearwater, Wisconsin 54889

Plaintiff,

v.

Court Case No. 2019-CV-543
Case Code: 30105
Wrongful Death

CLEARWATER HILLS
COUNTRY CLUB,
817 Main Street
Clearwater, Wisconsin 54889

COVERAGE MATTERS
INSURANCE COMPANY
1900 Coverage Lane
Chicago, Illinois 60617

Defendants.

COMPLAINT

Plaintiff, by its attorneys, Fighting For Justice, LLC, as and for its complaint against the defendant, alleges and shows to the Court as follows:

1. Kingsley Targaryen is an adult resident of the State of Wisconsin residing at 46 Crestway Court, Clearwater, Wisconsin 54889, and is the parent of Jonah Stark, deceased, and is the Special Administrator of the Estate of Jonah Stark.

2. Defendant Clearwater Hills Country Club is a domestic corporation with a principal place of business located at 817 Main Street, Clearwater, Wisconsin, and is engaged in the business of a social, golf, tennis, swimming, and dining country club. Defendant Clearwater Hills Country Club does substantial business in Clearwater County, Wisconsin.

3. Defendant Coverage Matters Insurance Company is a foreign insurance

corporation with a principal place of business located at 1900 Coverage Lane, Chicago, Illinois 60617, and is engaged in the business of issuing policies of commercial general liability in the State of Wisconsin, doing substantial business in Clearwater County. On a date prior to August 8, 2019, Coverage Matters Insurance Company did for valuable consideration issue a commercial general liability policy to Clearwater Hills Country Club, under which it agreed to pay all sums which Clearwater Hills Country Club should become obligated to pay by reason of liability imposed upon them under the terms of the coverage, and that on August 8, 2019, said policy of insurance was in full force and effect.

4. From May, 2019 through August, 2019, Kingsley Targaryen and their son, Jonah Stark, were continuous members of the Clearwater Hills Country Club.

5. During said time period, Jonah Stark spent considerable time at the Clearwater Hills Country Club.

6. While at the Clearwater Hills Country Club, Jonah would frequently interact with a Clearwater Hills Country Club employee, Kris Marks. This interaction would typically include harassment and bullying by Kris Marks. Marks's employment with Clearwater Hills Country Club generated many opportunities for Marks to isolate and harass Jonah.

7. During the summer of 2019, Jonah's parent, Kingsley Targaryen, notified the facilities manager of the harassment and yet the harassment continued throughout the summer.

8. Jonah Stark's mental health deteriorated over the course of the summer of 2019 as a result of the bullying.

9. On August 8, 2019, Jonah Stark was located in the pool of Clearwater Hills Country Club, deceased.

Negligent Training and Supervision of Kris Marks

10. Clearwater Hills Country Club neglected to provide any kind of anti-bullying or anti-harassment training to its employee, Kris Marks, prior to the summer of 2019.

11. Marks conduct during the summer of 2019, during which time he was employed by Clearwater Hills Country Club, constituted harassment against Jonah.

12. During the summer of 2019, Clearwater Hills Country Club was put on notice of the bullying and harassment perpetrated by its employee, Marks, on Jonah.

13. Despite this notice, Clearwater Hills Country Club continued to employ Marks and took no remedial measures in training or supervising Marks further, which was not reasonable under the circumstances.

14. Clearwater Hills Country Club's inaction in the face of this notice constitutes negligent training and supervision of Marks.

15. Clearwater Hills Country Club's negligence was a cause of Kris Marks's continued bullying and harassment of Jonah.

16. Kris Marks's bullying and harassment of Jonah was a substantial factor in causing the death of Jonah Stark on August 8, 2019.

Vicarious Liability of the Negligent Acts of Its Employees

17. During the summer of 2019, Clearwater Hills Country Club employed Parker Posie (lifeguard), Sam Swimplebun (facilities manager) and Buzzy McBatt (assistant manager). At all times relevant herein, the above-named individuals were employed by Clearwater Hills Country Club and acting within the scope of their employment.

18. Jonah was at the Clearwater Hills Country Club pool.

19. Each of these employees was negligent in permitting Jonah Stark, an individual with known vision problems, unsupervised access to the Clearwater Hills Country Club pool on

August 8, 2019. In the event that Jonah's death was accidental, it would not have occurred but for the failure of Clearwater Hills Country Club employees to properly secure the pool when a lifeguard was not present.

20. The individual and collective negligent acts of Posie, Swimplebun and McBatt were a substantial factor in causing the death of Jonah Stark on August 8, 2019.

21. Clearwater Hills Country Club is vicariously liable through the doctrine of Respondeat Superior for the negligent acts of its employees.

WHEREFORE, Plaintiff demands that judgment be entered in its favor and against the defendants, Clearwater Hills Country Club and Coverage Matters Insurance Company, for the amount of damages found to be appropriate, together with the costs and disbursements of this action.

PLEASE TAKE NOTICE THAT THE PLAINTIFF HEREBY DEMANDS TRIAL BY A TWELVE-PERSON JURY.

Dated at Clearwater, Wisconsin this 2nd day of December, 2019.

FIGHTING FOR JUSTICE, LLC
Attorneys for Plaintiff

By: /s Kristen E. Lonergan
State Bar # 1000000

Mailing Address:
412 N. Broadway Ave.
Clearwater, Wisconsin

STATE OF WISCONSIN : CIRCUIT COURT : CLEARWATER COUNTY

ESTATE OF JONAH STARK

Plaintiff,

v.

Case No. 2019-CV-543

CLEARWATER HILLS
COUNTRY CLUB

Defendant.

JURY INSTRUCTIONS

BURDEN OF PROOF: ORDINARY

Certain questions in the verdict ask that you answer the questions “yes” or “no.” The party who wants you to answer the questions “yes” has the burden of proof as to those questions. This burden is to satisfy you by the greater weight of the credible evidence, to a reasonable certainty, that “yes” should be your answer to the verdict questions.

The greater weight of the credible evidence means that the evidence in favor of a “yes” answer has more convincing power than the evidence opposed to it. Credible evidence means evidence you believe in light of reason and common sense.

“Reasonable certainty” means that you are persuaded based upon a rational consideration of the evidence. Absolute certainty is not required, but a guess is not enough to meet the burden of proof.

CREDIBILITY OF WITNESSES; WEIGHT OF EVIDENCE

It is the duty of the jury to scrutinize and to weigh the testimony of witnesses and to determine the effect of the evidence as a whole. You are the sole judges of the credibility, that is, the believability, of the witnesses and of the weight to be given to their testimony. In determining the credibility of each witness and the weight you give to the testimony of each witness, consider these factors: whether the witness has an interest or lack of interest in the result of this trial; the witness’ conduct, appearance, and demeanor on the witness stand; the clearness or lack of clearness of the witness’ recollections; the opportunity the witness had for observing and for

knowing the matters the witness testified about; the reasonableness of the witness' testimony; the apparent intelligence of the witness; bias or prejudice, if any has been shown; possible motives for falsifying testimony; and all other facts and circumstances during the trial which tend to either support or to discredit the testimony. Then give to the testimony of each witness the weight you believe it should receive. There is no magic way for you to evaluate the testimony; instead, you should use your common sense and experience. In everyday life, you determine for yourselves the reliability of things people say to you. You should do the same thing here.

NEGLIGENCE: DEFINED

A person is negligent when they fail to exercise ordinary care. Ordinary care is the care which a reasonable person would use in similar circumstances. A person is not using ordinary care and is negligent, if the person, without intending to do harm, does something (or fails to do something) that a reasonable person would recognize as creating an unreasonable risk of injury or damage to a person or property.

CAUSE

In answering questions 3 and 5 on Special Verdict #1, or questions 2 and 4 on Special Verdict #2, you must decide whether someone's actions caused either a death or certain conduct. These questions do not ask about "**the**" cause, but rather "**a**" cause because a death or conduct may have more than one cause. Someone's actions caused the death or conduct if it was a substantial factor in producing the death or conduct. A death or conduct may be caused by one person's actions or the combined actions of two or more people.

SERVANT: VICARIOUS LIABILITY OF EMPLOYER

In this case, Clearwater Hills Country Club is liable for any negligence of its employees, if that negligence occurred while the employees were employed and acting within the scope of their employment. If, after considering all of the evidence, you find that Parker Posie, Buzzy McBatt and/or Sam Swimplebun were negligent, then Clearwater Hills Country Club was negligent.

EMPLOYER NEGLIGENCE: NEGLIGENT HIRING, TRAINING, OR SUPERVISION

In this case, the Plaintiff claims that Clearwater Hills Country Club employee, Kris Marks, engaged in conduct that caused Jonah Stark's death. The Plaintiff further claims that Clearwater Hills Country Club was negligent in the hiring, training, and supervision of Kris Marks.

Question 2 on Special Verdict #1 asks you to determine whether Kris Marks

emotionally abused Jonah Stark while Kris Marks was a servant of Clearwater Hills Country Club. “Emotional abuse” means language or behavior that serves no legitimate purpose and is intended to be intimidating, humiliating, threatening, frightening, or otherwise harassing, and that does or reasonably could intimidate, humiliate, threaten, frighten, or otherwise harass the individual to whom the conduct or language is directed. A “servant” is one employed to perform service for another in their affairs and who, with respect to their physical conduct in the performance of the service, is subject to the other’s control or right to control.

Question 3 on Special Verdict #1 asks whether the conduct of Kris Marks was a cause of the death of Jonah Stark. If you are required to answer this question, you must consider whether there was a causal connection between the conduct of Kris Marks and the death of Jonah Stark. The question does not inquire about “the cause” but rather “a cause.” The reason for this is that there may be more than one cause of an injury or a death. Before you find that the death was caused by Kris Marks’s conduct, you must find that this conduct was a substantial factor in producing Jonah Stark’s death.

Question 4 on Special Verdict #1 asks whether Clearwater Hills Country Club was negligent in training or supervising Kris Marks. An employer is required to use ordinary care in training and supervising its employees. Ordinary care is the care which a reasonable person would use in similar circumstances. An employer is not using ordinary care and is negligent if the employer, without intending to do harm, does something or fails to do something with respect to the training or supervision of an employee that a reasonable person would recognize as creating an unreasonable risk of injury or damage to a person or property from the employee’s conduct.

Question 5 on Special Verdict #1 asks whether the negligence of Clearwater Hills Country Club was a cause of the conduct of Kris Marks. If you are required to answer these questions, you must consider whether there was a causal connection between Clearwater Hills Country Club’s negligence and the conduct of Kris Marks which in turn was a cause of the death of Jonah Stark. The question does not inquire about “the cause” but rather “a cause.” The reason for this is that there may be more than one cause of Kris Marks’s conduct. The negligence of one person may cause Kris Marks’s conduct, or the combined negligence of two or more persons may cause it. Before you find that Clearwater Hills Country Club’s negligence was a cause of Kris Marks’s conduct, you must find that the negligence was a substantial factor in producing the death of Jonah Stark.

CONTRIBUTORY NEGLIGENCE

Every person in all situations has a duty to exercise ordinary care for their own safety. This does not mean that a person is required at all hazards to avoid injury; a person must, however, exercise ordinary care to take precautions to avoid injury to himself or herself. To be free of negligence, a person must exercise ordinary care in choosing their course of conduct and in the pursuit of that choice. A person is not negligent in making a choice of conduct if the person has no knowledge that one course of conduct carries a

greater hazard than another, provided that the lack of knowledge is not the result of the person's failure to exercise ordinary care.

COMPARATIVE NEGLIGENCE: PLAINTIFF AND ONE OR MORE DEFENDANTS

If, by your previous answers, you are required to answer this question, you will determine how much and to what extent each party is to blame for causing Jonah Stark's death. You will decide the percentage (a portion of 100%) attributable to each party in causing the death.

The burden of proof on these subdivisions is on the party who asserts the percentage of causal negligence attributable to the other, and that party must satisfy you to the greater weight of the credible evidence, to a reasonable certainty, what your answer should be.

STATE OF WISCONSIN

CIRCUIT COURT

CLEARWATER COUNTY

ESTATE OF JONAH STARK

Plaintiff,

v.

CLEARWATER HILLS
COUNTRY CLUB

Court Case No. 2019-CV-543
Court Case No. 2019-CV-543
Case Code: 30105
Wrongful Death

Defendant.

SPECIAL VERDICT #1

Question 1: On August 8, 2019, did Jonah Stark commit suicide?

Answer: _____
(Yes or No)

IF YOU ANSWERED THIS QUESTION "YES," PROCEED TO QUESTION #2. IF YOU ANSWERED THIS QUESTION "NO," THEN DO NOT ANSWER ANY MORE QUESTIONS ON THIS SPECIAL VERDICT FORM. INSTEAD, GO TO SPECIAL VERDICT FORM #2.

**NEGLIGENT TRAINING OR SUPERVISION ALLEGED AGAINST CLEARWATER
HILLS COUNTRY CLUB WITH RESPECT TO KRIS MARKS**

Question 2: On and/or before August 8, 2019, did Kris Marks emotionally abuse Jonah Stark, while Marks was a servant of Clearwater Hills Country Club?

Answer: _____
(Yes or No)

If you answered question 2 "yes," go to and answer question 3.

If you answered question 2 "no," then do not answer any more questions on this special verdict form.

Question 3: Was the conduct of Kris Marks while they were a servant of Clearwater Hills Country Club a cause of Jonah Stark's death?

Answer: _____
(Yes or No)

If you answered question 3 "yes," go to and answer question 4.

If you answered question 3 "no," then do not answer any more questions on this special verdict form.

Question 4: Was Clearwater Hills Country Club negligent in the training or supervision of Kris Marks?

Answer: _____
(Yes or No)

If you answered question 4 "yes," go to and answer question 5.

If you answered question 4 "no," go to and answer question 6.

Question 5: Was such negligence of Clearwater Hills Country Club a cause of Kris Marks' emotional abuse of Jonah Stark on and/or before August 8, 2019?

Answer: _____
(Yes or No)

STOP. DO NOT PROCEED TO SPECIAL VERDICT #2.

Dated at Clearwater, Wisconsin, this ____ day of _____, 2020.

Foreperson

STATE OF WISCONSIN

CIRCUIT COURT

CLEARWATER COUNTY

ESTATE OF JONAH STARK

Plaintiff,

v.

CLEARWATER HILLS
COUNTRY CLUB

Court Case No. 2019-CV-543
Court Case No. 2019-CV-543
Case Code: 30105
Wrongful Death

Defendant.

SPECIAL VERDICT #2

**VICARIOUS LIABILITY AGAINST CLEARWATER HILLS COUNTRY CLUB FOR
THE NEGLIGENT ACTS OF EMPLOYEES POSIE, SWIMPLEBUN, AND/OR
MCBATT**

Question 1: On and/or before August 8, 2019, were the employees of Clearwater Hills Country Club (Parker Posie, Sam Swimplebun, and/or Buzzy McBatt) negligent with respect to the supervision of and access to the pool area at Clearwater Hills Country Club?

Answer: _____
(Yes or No)

If you answered question 1 “yes,” go to and answer question 2.
If you answered question 1 “no,” then go to and answer question 3.

Question 2: Was the Clearwater Hills Country Club employee(s)’ (Parker Posie, Sam Swimplebun, and/or Buzzy McBatt) negligence with respect to the supervision of and access to the pool area a cause of Jonah Stark’s death on August 8, 2019?

Answer: _____
(Yes or No)

If you answered question 2 “yes,” go to and answer question 3.
If you answered question 2 “no,” go to and answer question 5.

Question 3: On and/or prior to August 8, 2019, was Jonah Stark negligent with respect to his own care?

Answer: _____
(Yes or No)

If you answered question 3 “yes,” go to and answer question 4.

If you answered question 3 “no,” go to and answer question 5.

Question 4: Was Jonah Stark’s negligence a cause of his death?

Answer: _____
(Yes or No)

Regardless of how you answered question 4, proceed to question 5.

Question 5: Taking the combined negligence of the Clearwater Hills Country Club employees (Parker Posie, Sam Swimplebun, and/or Buzzy McBatt) that you have determined was a cause of Jonah Stark’s death to be 100%, what percentage do you attribute to:

A. Clearwater Hills Country Club’s employees: _____%

(Posie, Swimplebun, and/or McBatt)

B. Jonah Stark _____%
100%

STOP. DO NOT ANSWER ANY QUESTIONS ON SPECIAL VERDICT #1.

Dated at Clearwater, Wisconsin, this ____ day of February, 2020.

Foreperson

AFFIDAVIT OF KINGSLEY TARGARYEN

Kingsley Targaryen, being first duly sworn upon oath, states as follows:

- 1 1. I am Kingsley Targaryen, and I am the parent of Jonah Stark. I am 41 years old and live here
2 in Clearwater. But I'm not from Clearwater; god no! I had to move here when I married my
3 third spouse. They ran a very successful luxury car dealership here in town before they died
4 this past year. I told them over and over again to cut bacon and fatty foods from their diet,
5 and add exercise, but they wouldn't listen. A heart attack at age 62 wasn't a huge surprise.
- 6 2. Jonah took the loss of my spouse hard. They were a very involved step-parent since Jonah's
7 other biological parent hasn't had any contact since right after birth.
- 8 3. I don't work myself, but I do keep busy. I have standing appointments at the Clearwater
9 Hills Country Club for tennis twice per week, personal training three times per week and I
10 meet friends for golf Sunday mornings. I visit the Clearwater Hills Day Spa regularly for the
11 salt room treatments, tanning, and to relax in the whirlpool and sauna. I also breed and show
12 Cavalier King Charles Spaniels. Our prize dog is a Blenheim-colored male named Ollie.
- 13 4. After my spouse died, I sold the dealership. Thank goodness someone else wanted to take
14 over the business in Clearwater because I don't know what I would have done with all those
15 cars around, maintenance for the building and lot, and the employees. And there's no faster
16 way to become an outcast in Clearwater than letting go of a bunch of employees to protect
17 your own income—especially when everyone is already salty about all the nice things we
18 have. I would've had to sell my house! Not that it matters now, I'll probably sell this house
19 and buy a nicer one out of town now that Jonah is gone. I should've moved right after my
20 spouse passed away; maybe if I did Jonah would still be with us.
- 21 5. I think jealousy is part of the reason my poor baby, Jonah, was bullied at school. Coming
22 into this town only a few years ago and instantly thrust into the small group of upper-
23 classpeople with all the other kids who grew up here, Jonah stood out. He also wore thick
24 framed glasses because his eyesight was terrible. He is legally blind without them. He had a
25 lazy eye since birth that we were unable to correct with surgery and that exacerbated his bad
26 vision. The lazy eye wanders from time to time. Kids were ruthless with ridicule about it.
27 The bullying got really bad here and worse when Jonah started high school last year.
- 28 6. One little jerk was the worst of them all. Their name is Kris Marks. Kris Marks's father
29 worked at my spouse's dealership for over ten years. As far as they were concerned, Jonah
30 could do nothing right. Everything he was and did was criticized by Kris Marks. Kris
31 termed Jonah's lazy eye, the "crazy eye" and made reference to it all the time. Jonah stopped
32 trying to defend himself or me (another target of the bullying) because all it did was lead to
33 more fodder for Kris Marks. By the end of the school year, he just laughed along to get it to
34 stop.
- 35 7. Kris Marks also made fun of Jonah because he used to try and defend me when Kris Marks
36 made comments about the expensive things I bought him, my appearance or that I had been

37 married three times. Their favorite jabs at me, however, were around the sale of the
38 dealership which cost their father some part his benefits. I'm not sure which ones, but
39 apparently Kris also wasn't happy the new owners made their father work every other
40 Saturday. Kris called me a gold digger to their little friends. Jonah didn't have many friends
41 left either after Kris Marks ramped up their bullying in high school. I think too many kids
42 thought it was social suicide to hang out with Jonah.

43 8. Jonah's only close friend, Andi/Andy Lannister, told me that Kris Marks sometimes made
44 comments about Jonah's eye in the middle of class for no apparent reason than just to make
45 Jonah feel bad! I'll never forget when Andy/Andi said that in Geography class this past fall,
46 the teacher asked Jonah to identify one of the Eastern African nations on a blank map the
47 class was working on. Kris Marks blurted out "there's no way Jonah can find it with his
48 crazy eye, even if he is wearing his big dorky glasses!" Everyone burst out laughing, and
49 although the teacher tried to calm the class down, when Jonah couldn't get the answer out
50 quickly, everyone only laughed harder.

51 9. I face my fair share of haters around Clearwater, too, but I have always been able to brush off
52 the jealous comments. You know, comments about how expensive my car is, big the house
53 is, my visits to the Country Club, how I never worked and others had to work Saturdays, etc.
54 Jonah just wasn't as strong, and all these comments about us just wore him down.

55 10. The only thing Jonah really enjoyed from school was set building for the school plays,
56 forensics and choir performances. That's where Jonah met Andy/Andi. They both wore
57 glasses, built sets, and had bonded over their love of classic rock and forensics. We often
58 brought Andy/Andi along to Clearwater Hills Country Club so they and Jonah could swim
59 while I was at tennis on Tuesdays and Thursdays.

60 11. I had tried to get Jonah to take up tennis, like me, but he just couldn't get the hang of it. One
61 summer I bought him lessons for the entire summer, but all he did was complain and
62 complain. He would say it was too hard to see the ball. He just didn't want to do tennis. I
63 didn't think it was really his vision that made tennis so challenging for him. I made him keep
64 up with those lessons all summer anyway to teach him some perseverance (and I'd paid for
65 them all in advance of the summer, too!) After that, it was clear swimming was all Jonah
66 wanted to do and I wasn't going to push tennis any more.

67 12. My friends had overheard kids snickering about him wearing his glasses at the pool. One
68 time this past winter I watched him ask to join a game of water polo, and although some kids
69 started to let him join, Kris Marks chimed in that they couldn't have him play because there
70 was "no way that crazy lazy eye could follow the ball!" Jonah just slunk away. When I
71 asked him about it later that day and asked him if they were bothering him, he just laughed it
72 off. I couldn't see the pool from the tennis courts (either indoor or outdoor) so this was one
73 of the few times I witnessed an incident directly.

74 13. Jonah really started to get very depressed about all this bullying by the middle of the school
75 year. He kept making excuses that he was too sick for school or social events. I had to
76 remind him to wear his glasses because he kept trying to go out of the house without them.

77 Being a newly single parent, I couldn't show up to the Clearwater Hills Country Club parent-
78 child dance without Jonah! It's one of the best events of the year. He tried really hard to get
79 out of going to the dance this past year. In the end, my relentless nagging on the importance
80 of this event got him there. He didn't have a great time because no other kids really talked to
81 him and he had to tag along with me or sit at the table most of the night. Jonah complained
82 to me about how embarrassing that was the rest of the night when we got home. At that time
83 he was always complaining about something so I wasn't as attuned to his specific complaints
84 as I probably should have been.

85 14. By the end of school, and when I thought Jonah would be most excited about swimming in
86 the outdoor pool, it took a lot of bribes and cajoling to get him to join me at the pool even
87 though Andy/Andi was there every time. But Jonah always felt better after a good swim, so
88 when the outdoor pool opened for the summer over Memorial Day weekend, I convinced him
89 to come with me and bring Andy/Andi along. I had to remind Jonah two times to bring his
90 glasses because he tried to leave them at home. I added an extra tennis lesson so I dropped
91 the kids at the pool, and headed off to that.

92 15. During this visit Memorial Day weekend, I got paged from my tennis lesson back to the pool
93 by the lifeguard. I was informed that Kris Marks threw a football right into Jonah's head!
94 He was hit so hard that he stumbled into a chair and fell onto the concrete pool deck. He
95 couldn't see it was coming with his limited peripheral vision. His glasses were broken. I
96 was furious, but Jonah kept downplaying what happened and asked me not to make a scene.

97 16. After the incident Memorial Day weekend, Jonah continued to deteriorate emotionally. He
98 had a quick temper and emotional outbursts. I was frustrated he wasn't opening up to me
99 about what was going on with him. I thought it might be related to Kris Marks and those
100 kids at school that seemed to always be making Jonah the butt of their jokes.

101 17. I got Jonah in to see one of the best therapists in town, Elliott Fünke-Keyworth. Jonah
102 allowed Fünke-Keyworth to discuss most of their concerns with me. Fünke-Keyworth
103 shared that Jonah was not doing well with all of the bullying from Kris Marks and still
104 grieving the death of his step-parent. Apparently, a lot of the bullying happened at the
105 Clearwater Hills Country Club at the pool. Jonah was diagnosed with depression.

106 18. Another time, Jonah was particularly withdrawn and his glasses were broken after a visit to
107 the Country Club. This was the second pair I bought in a matter of months. Jonah wouldn't
108 tell me what happened at first but finally disclosed that Kris Marks and some friends had
109 been antagonizing him outside the locker room. This was one of the few times Andi/Andy
110 wasn't with him, I think. They took his glasses and tossed them around, taunting him to see
111 them and grab them. Jonah tried to laugh it off at first, but when they insisted he catch them
112 to get them back, he tried and they threw them at his face. He couldn't react quickly or see
113 them clear enough to catch them and they hit him right between the eyes. They fell on the
114 ground and Jonah slipped on some water in the locker room and stepped on them. The kids
115 roared with laughter, and he laughed along so he could grab his glasses and get out without
116 further bullying. He told the kids it was ok because I would just buy him another pair.

- 117 19. Jonah told me this was a common “game” in the pool and the locker room. He then spilled to
118 me all of the bullying he had been getting all year wherever he went and online. He said he
119 couldn’t take it anymore. Jonah said that Kris Marks took advantage of alone time at the
120 pool and the locker room to corner him and embarrass him in front of his classmates. Kris
121 Marks works at the concession stand so they have lots of opportunities to bully Jonah when
122 he’s there. When we went to the Clearwater Hills Country Club together, I was always off
123 doing my own thing so I didn’t see much myself. But for the cost of my membership there, I
124 expected the Club to provide great service on site.
- 125 20. When I found out how bad it had been for Jonah there, I marched right into the office of the
126 facilities manager and I told them there would be fire and blood if the Clearwater Hills
127 Country Club didn’t provide better protection for my son while he was there! I am best
128 friends with the spouse of one of Clearwater’s best litigators and I made sure they knew it. I
129 was assured they would monitor the situation and put an end to this behavior. I told Jonah
130 about my contact and how I was going to break the wheel of torment he was suffering there.
131 He was mortified and told me he wished I hadn’t done that because the kids would only
132 make fun of him more.
- 133 21. Throughout the summer, Jonah continued in therapy. He was emotional and stayed inside a
134 lot. He asked me to try homeschooling next year. I told him I couldn’t do that because I
135 didn’t have the time or interest to invest in that endeavor. But Jonah was on medication and
136 his therapist thought he was doing better. I kept dragging Jonah along to the pool to try and
137 boost his spirits. He didn’t tell me about any other big incidents, but I checked in with the
138 facilities manager at least once more and they assured me they had the situation under
139 control. They assured me Jonah would be properly supervised at the pool and their facilities.
140 Jonah’s therapist shared that Jonah had made some comments in therapy about how he had
141 thought about killing himself at the pool. He had written a suicide note of sorts, but it didn’t
142 seem that serious. These things happened at the beginning of the summer so I thought things
143 were improving.
- 144 22. I didn’t push Jonah for more information on how he was doing because he remained
145 withdrawn and melancholy. I didn’t want to push him further, especially when he had
146 already been upset with me for going to the Clearwater Hills Country Club to complain and
147 continuing to make him join me there. We weren’t having very many meaningful
148 conversations at that time. He would just tell me that I didn’t “get him.”
- 149 23. But on August 8, 2019, the Clearwater Hills Country Club failed us. I insisted Jonah join me
150 at the pool. It was a beautiful sunny day, and I thought the fresh air and a chance to swim
151 laps would be good for him. We met Andy/Andi there. I went to my tennis lesson and left
152 the kids to swim. Then I heard shouting and someone came running up to me asking if I was
153 Jonah’s mother. They said something had happened at the pool and I went running after
154 them. There were sirens approaching.
- 155 24. When I got to the pool, I saw Jonah on the edge of the pool and the paramedics were working
156 on him. It was a sight no parent should have to see. Jonah was already gone. He had a gash

157 on his head. I kept screaming “what happened?!?” But no one answered me. Andy/Andi
158 was nearby and in shock. Jonah’s glasses were on a chair not too far from the pool.

159 25. I found a suicide note in Jonah’s wallet that he brought along with him that day. It’s clear to
160 me from the note that Jonah had planned to end his life that day. The Clearwater District
161 Attorney declined to charge Marks criminally, so someone has to pay for the death of my
162 sweet Jonah, my sun and stars. Clearwater Hills Country Club killed my son by allowing
163 Kris Marks to perpetuate this bullying all summer. Why wasn’t anyone supervising the
164 pool?!? Why didn’t they take me seriously about Kris Marks and this bullying?!? They
165 apparently have all these safety measures in place to prevent this sort of thing. It seems the
166 supervision for Jonah they assured me would happen was nonexistent. Now they are going
167 to pay for this, and I don’t care if the whole place is reduced to ashes as a result.

Subscribed and sworn to before me
On this 4th day of November, 2019.
/s Ashley Richter
State of Wisconsin, County of Clearwater
My commission is permanent.

/s Kingsley Targaryen
Kingsley Targaryen

AFFIDAVIT OF ANDY/ANDI LANNISTER

Andy/Andi Lannister, being first duly sworn upon oath, states as follows:

- 1 1. My name is Andy/Andi Lannister and I am fifteen years old. I am currently a sophomore
2 at Clearwater High School. I have a lot of interests, but swimming is one of my favorite
3 things to do. I am on the swim team at the high school, and regularly place first in my
4 main event, the butterfly. When I'm in the water, everything just feels right. I can take a
5 break from thinking about school and all the drama of high school and just swim.
- 6 2. One of my favorite parts about the summer used to be going to the Clearwater Hills
7 Country Club because it meant I got to be in the water even more. The country club has
8 swimming lessons for the younger kids and I've taught those swimming lessons over the
9 last three years. It was great being able to take my love for the sport and teach it to the
10 next generation. The kids in my lessons were anywhere from five to thirteen years old.
11 After what happened in August, I don't think I'll be able to go back to teaching
12 swimming lessons at the Clearwater Hills Country Club.
- 13 3. Jonah Stark was my best friend. We used to do everything together. We met at the
14 beginning of freshmen year in our freshman orientation group at Clearwater High
15 School—we were inseparable ever since. We had almost every single class together, and
16 spent almost every weekend together. We worked hard and played hard, building sets
17 together during the week and listening to music on the weekends. Jonah wasn't a
18 competitive swimmer like me, but we were both part of the forensic team. Jonah was
19 really good—he even won the state tournament in his category at the end of our freshman
20 year, and freshmen never win. Jonah was a really persuasive person, and could pretty
21 much get anyone to agree with him about anything—you name the topic. Even though
22 some of the older kids at school think that forensics is nerdy and lame, I think it's really
23 cool.
- 24 4. Jonah wasn't the most popular at school. Jonah didn't have a lot of close friends before
25 we started hanging out in high school. Before I started hanging out with Jonah, I heard he
26 got Bruce Banner fired from Clearwater Hills County Club and that really kept other kids
27 away from him. Bruce Banner was pretty popular so word had spread fast around town
28 after Bruce was fired and had to get another job. Rumor is that he had to take out extra
29 loans for college.
- 30 5. This past summer started off so great. Jonah and I were both going to be spending a lot of
31 time at the Clearwater Hills Country Club. Jonah's parent was taking tennis lessons at the
32 club, so Jonah was going to be coming over every Tuesday and Thursday during those
33 lessons. I couldn't wait to spend time with my best friend!
- 34 6. At first, everything at the county club was great. When I wasn't teaching swimming
35 lessons, Jonah and I would hang out by the pool. We could talk for hours and never get
36 bored. However, after about a week, Kris Marks started to show up at the same time that
37 Jonah and I were there. Kris was going to be a senior at Clearwater High School, and was

really well known by pretty much everyone for their band, Dirtywater. Kris worked at the concession stand so they were pretty much always around. I'm also pretty sure that Kris and Bruce Banner are good friends.

7. Kris has a reputation for not being the nicest person. They would bully a lot of the freshmen and say that they were just "teasing" and didn't mean anything by it. I knew that Kris had a history of bullying Jonah. Both were in the history club at school—Kris was the president—and there was one time that Jonah told me about where Kris threw Jonah's glasses across the room during a meeting. I mean, come on. That's not normal! They liked to talk about Jonah's eye and make him feel bad. They made fun of Jonah's "crazy eye" in Geography last year and made the whole class laugh at Jonah.
8. While Kris was working at the concession stand at the country club, they started making comments about Jonah's glasses. Jonah was blind as a bat without them, and he always said that he never wanted to get contacts because he was scared about putting something in his eyes. He could barely put in eye drops without someone holding him down. When Kris first started to make comments about his glasses last summer, Jonah would just laugh and brush it off. Who wants to talk back and stand up to one of the most popular kids in school? Jonah knew that he wasn't the popular kid and didn't want to give anyone any reason to dig his social grave for the rest of high school. Even when Kris nailed Jonah in the head with a football, Jonah tried to brush it off. He was dizzy for hours after that incident.
9. As the summer progressed, the bullying got worse. I remember one day Jonah and I were at the pool during one of his parent's tennis lessons. Everything was going fine until Jonah went to the locker room. He came back out by the pool a few minutes later and his face was pale. He handed me a note that read, "Watch your back. As long as you're at the country club you're not safe." The note wasn't signed, but we both knew that Kris was the one who wrote it. This was after weeks of Kris tormenting Jonah about everything and anything, but mostly his glasses. Even though Jonah usually brushed off Kris's comments and tried to make a joke about them, I remember looking up at Jonah after he read the note and seeing the fear in his eyes. I looked across the pool and saw Kris sitting on the opposite end with their feet in the water and just smirking at us. I was so mad. I started to stand up to walk over to Kris and give them a piece of my mind but Jonah stopped me. Jonah said he didn't want to make things worse, and begged me not to say anything to Kris. I was reluctant not to do anything, but I respected Jonah's wishes.
10. Things only went downhill from there. Kris started getting more aggressive and making several comments to Jonah every time we were at the pool. Most of the comments were about his glasses, but Kris didn't hold anything back. I remember about mid-July Jonah stopped wearing his glasses. I asked him if it was because of what Kris was saying and he denied it. I don't think Jonah wanted me to know how badly the comments were really affecting him.
11. As the summer progressed, Jonah was less like himself. He started to be more withdrawn. Instead of talking and hanging out while we were both at the country club, he would

bring headphones and stay inside the clubhouse a majority of the time. Even when we would both be outside by the pool, his normal spark wasn't there. He let me do most of the talking and it sounded like he was forcing himself to respond. His personality went from being so big to so small within a matter of days.

12. I asked him a few times how he could see without his glasses, but he would always give me some excuse and change the topic. I knew that Jonah really didn't want to talk about it, so I never pushed the subject.

13. There was one week in August that I was suspended from the country club. I had offered Jonah some of my anti-anxiety medication to help with everything going on, and another kid in the locker room must have seen the exchange, because next thing I knew, my locker was being searched by my boss and I was kicked out of the club for a week. I got in some similar trouble in the past with giving away some of my meds. I really don't see the big deal. It's not like I'm dealing heroin or cocaine, or even marijuana.

14. That week I was suspended was apparently pretty bad between Jonah and Kris. I heard from another swim instructor when I got back that Jonah completely broke down after Kris made another snide comment towards him. This would have been the first time that Jonah actually broke down. He told me later that week that he had told his parent about all of the bullying that had happened since he started going to the country club. I don't know if his parent said anything to any staff at the country club, but if they did, nothing changed.

15. On August 8th. 2019, Jonah and I were both at the pool again. I remember it was a Thursday because I saw his parent drive up and drop Jonah off, and then they drove over towards the tennis courts. Although Jonah hadn't really seemed like himself the last few weeks, his whole appearance on August 8th was just off. He could barely crack a smile, and only responded to my questions with one word responses, and sometimes, he didn't respond at all. Kris didn't make it much better and kept sending Jonah harassing text messages. I didn't see the texts, but based on Jonah's face as he read them, and his glances over to the concession stand, I knew they couldn't be good.

16. I remember it was packed at the pool that day. Thursdays usually were busier since it was free pizza day. The staff would order a ton of pizzas from Clearwater Pizza Company and everyone would wait anxiously for the lunch bell to ring to signal it was time to eat. The pizza from Clearwater Pizza Co. is really good, so Thursdays were definitely a popular day at the Country Club. The pool wasn't often closed, but it always was during lunch on Thursday. The lifeguards were all allowed to eat the pizza with the rest of us, so there was no one watching the pool for about thirty minutes.

17. The pizza was served in the clubhouse that day instead of the concession stand—I thought I heard that the refrigerator in the concession stand was broken, so concessions were closed. I specifically remember the lifeguard, Parker, leaving at the same time I did with their service dog and flipping the sign on the pool gate to "closed" after we were all out of the pool area and the gate was closed. I vaguely remember Jonah's glasses sitting

119 on the lounge chair, because Jonah stumbled a little bit walking around the lounge chair,
120 but he told me, “Don’t worry, we’re not going far.” Jonah and I started walking towards
121 the clubhouse but about half way there, Jonah mentioned that he had to go get something
122 quick, and we split off. Jonah never made it to the clubhouse.

123 18. After I finished my pizza, I started walking back towards the pool—that’s usually when
124 the gate is unlocked and everyone is allowed back to swim or lounge. As I was walking
125 back, I heard Parker’s dog barking like crazy. Once I heard the barking, I got a really bad
126 feeling in the pit of my stomach and started running. I saw Parker running from the
127 opposite direction and we reached the edge of the pool at the same time. That’s when I
128 saw Jonah lying in the shallow end of the water. Both Parker and I knew that CPR
129 wouldn’t do any good. There was blood coming from Jonah’s head. I was in shock.

130 19. I will always feel guilty about not saying anything to Kris or any of the other country
131 club employees. I still can’t believe Jonah is gone.

Subscribed and sworn to before me
On this 4th day of November , 2019.
/s Larissa Dallman
State of Wisconsin, County of Clearwater
My commission is permanent.

/s Andy/Andi Lannister
Andy/Andi Lannister

AFFIDAVIT OF ELLIOT FÜNKE-KEYWORD

Elliott Fünke-Keyword, being first duly sworn upon oath, states as follows:

1. My name is Elliott Fünke-Keyword, and I am an adult resident of the City of Clearwater in the State of Wisconsin.
2. I am currently employed in my own private practice as a Psychiatric Mental Health Nurse Practitioner, who specializes in the treatment of pediatric and young adult patients who are healing from bullying and other trauma. I have been working in this capacity, operating my own practice, for the past two years. I used to be a solo practitioner; however, since Jonah's death, I have hired a licensed clinical social worker out of the juvenile criminal justice system to assist with handling my caseload. I have also been in discussions with a few local psychiatrists about joining my care team, even on a part-time basis, to assist with providing more comprehensive care planning going forward. I have sincere concerns that if I was perhaps not stretched so thin, maybe I could have done something more to help prevent this tragedy. With additional staff, I am also eager to collaborate more and get additional input on how to treat my patients.
3. Prior to starting my own practice, I was employed at Clearwater Children's Hospital ("CCH") for five years, where I worked with a large, fully-integrated care team treating pediatric and young adult patients who had experienced trauma. CCH provides a continuum of care for children born with congenital anomalies who are often subject to bullying at a higher rate than others in their peer group, which is how I developed a specialty in this area. Any child who is different who has a tendency to hover on the periphery of his or her peer group become easier prey for bullies. It is important to remember, however, that even the most socially successful children can become the focus of a bully's unwanted attentions. I enjoyed my work at CCH, but I knew that I was ready to spread my wings and move on to managing my own patients. I have also been a very motivated self-starter, and I was ready to break away from the bureaucracy and red tape of a large health care institution and operate my practice the way I believe is best for patients.
4. Because I was footing the bill for my own education, I worked very hard to graduate from UW Clearwater's nursing program in just three years. That was in May of 2008. I worked briefly in a pediatric community clinic over the summer after graduating with by Bachelor of Science in nursing ("BSN"), but had already been accepted into the BSN to Doctor of Nurse Practitioner ("DNP") program, which I started that following fall. You can elect to do the BSN to DNP program in three, three and a half, or four years with the Psychiatric Mental Health certification included, but again elected the quickest way forward. I was very eager to complete the academic work and begin practicing. I loved my last semester of grad school the best, the "Leadership Practice Immersion" program, because I spent the entire time at my clinical site implementing my thesis project on implementing child and family traumatic stress intervention modalities to reduce traumatic stress reactions and the onset of PTSD following a traumatic event or the disclosure of physical or sexual abuse in children ages 7-18 years old.

- 40 5. During my Master's program, clinical internships, and my position at Clearwater
41 Children's Hospital, we focused on developing and establishing community-wide scope
42 of practice standards for Psychiatric Mental Health Nurse Practitioners working in the
43 pediatric population, as this is a relatively new and evolving specialty. There is particular
44 concern with respect to the fact that, once credentialed, DNPs have prescribing privileges
45 without any further oversight from a licensed physician. However, my graduate program
46 included an advanced pharmacology course, and these principles were covered on the
47 American Nurses Credentialing Center's board certification exam. (I only had to take the
48 exam twice to pass for my initial certification, which is better than some people.)
- 49 6. Bullying is hardly a new phenomenon amongst children and young adults (and even
50 amongst fully-grown adults, unfortunately); however, with the advent of earlier and
51 unfettered access to social media and technology on handheld platforms, bullying and its
52 highly toxic ramifications have become a public health emergency. I am actively
53 involved in several anti-bullying organizations, both in Clearwater and at the national
54 level, aimed at training different stakeholders on how to prevent bullying in the first
55 instance and how to respond when it does occur. I work with a panel of professionals to
56 research, write, and disseminate a Community Action Toolkit and user guides for a range
57 of different individuals from school administrators to law enforcement to recreational
58 program leaders to other mental health professionals on understanding their respective
59 roles in bullying prevention efforts. We also provide hands on training at no cost to a
60 wide range of community groups.
- 61 7. When parents, guardians, or school administrators reach out to me about a particular
62 child, questioning whether therapy or other interventions may be appropriate, I often
63 discuss with them how even a single significant bullying or other trauma incident can
64 create long-lasting depression, low self-image, emotional hyper-sensitivities, and other
65 sequelae. To be clear, my professional practice is not about pathologizing hurt feelings.
66 However, some children are simply less resilient than other children due to factors well
67 beyond their control, including their prior history of trauma. These negative interactions
68 can have lifelong impacts, both on the child and on the caregivers who then are trying to
69 cope with a hyper-emotional son or daughter. There is no shame in seeking the help of a
70 qualified, mental health professional when you or someone you know has experienced
71 trauma or is otherwise struggling to cope. I am honored and humbled that my patients and
72 their families entrust me with their care, which is why I am so deeply troubled by what
73 happened to Jonah.
- 74 8. I began treating Jonah at the request of his parent, Kingsley Targaryen, early in summer
75 2019. Kingsley expressed that they had some concerns about Jonah becoming withdrawn
76 and edgier as the summer got underway, and they did not know how to handle his
77 emotional outbursts or quick temper. They expressed frustration that Jonah would not
78 fully open up to them about what was going on, though they suspected it had something
79 to do with a group of students at the Clearwater Hills Country Club that Jonah knew from
80 school and encountered a few days a week when they went to CHCC for tennis lessons.

- 81 9. I initially saw Jonah twice per week, starting in the middle of June. At one of our first
82 sessions, Jonah talked through his normal routine during the school year and how it had
83 changed since classes had let out for the summer. Jonah was having some difficulty
84 coping with the transition from being a well-liked and revered kid within his small, but
85 well-insulating peer group to being mostly alone once the summer break began. He and
86 Kingsley Targaryen lived a bit out of town, and he was not able to continue seeing his
87 normal group of friends on a regular basis. Even before the bullying ramped up, Jonah
88 was not particularly fond of the group of kids who gathered at the CHCC pool regularly.
89 However, Jonah knew that the time out of the house was important to his parent, and he
90 usually at least had one of his friends along with him. Jonah was an empathetic and
91 emotionally perceptive young man who often expressed feelings of responsibility for
92 Kinglsey's wellbeing following his step-parent's death. He also felt it was important to
93 Kinglsey that they get out and try to meet more people, so he did not complain much
94 about the extent of what happened at the pool involving Kris Marks.
- 95 10. Jonah spoke to me about a few incidents that had occurred during the school year
96 involving Kris in which Kris had slighted Jonah in front of larger groups of their peers.
97 Some of them even happened in class, such as when he was asked to point out a country
98 on a blank map in geography class. Apparently Kris shouted out that Jonah could never
99 do what the teacher asked because of his "crazy eye," which was a term Kris used often.
100 On another occasion, Kris circulated photos on SnapChat of Jonah that they had edited to
101 make Jonah look like one of "three blind mice" with sunglasses and an assistive device.
102 Jonah reported that he tried to avoid Kris when he could, but that it was impossible when
103 they were at the pool. In Jonah's opinion, Kris got away with a lot because they always
104 managed to make it look like they were just joking around and having a few laughs with
105 Jonah.
- 106 11. On one of their first trips to the pool that summer, around Memorial Day weekend, Kris
107 threw a football directly at the side of Jonah's head. Because of the force with which Kris
108 threw the ball and because Jonah had no idea it was coming, Jonah stumbled into a chair
109 and fell onto the concrete pool deck. His glasses fell and broke. According to Jonah,
110 Kingsley made a big deal out of nothing when the lifeguard had Kinglsey paged from the
111 tennis courts. However, Jonah admitted that he had hit his head. Kris stated that they
112 simply threw a bad pass and didn't see Jonah in the way; however, Kris was aware that
113 even with his glasses on, Jonah's vision was not great and Kris should have known there
114 was a good chance Jonah would not see the ball coming towards him from that angle. At
115 one of our later sessions, Jonah told me about how embarrassed he had been when he
116 started at Clearwater High School, and, at Kinglsey's insistence, the teachers advised all
117 of Jonah's classmates that they needed to be aware of Jonah's visual limitations and be
118 mindful to help him when they could and not inadvertently cut him off or get in his way.
- 119 12. According to Kinglsey, Jonah's visual impairment has always caused Kinglsey
120 significant anxiety about Jonah's well-being and ability to fit in with his peers. The
121 timing of the incident with the football and the deterioration of Jonah's mood and attitude
122 was the tipping point that caused Kinglsey to contact me.

- 123 13. When I learned the details of the incident at the CHCC pool, I reached out to the club
124 director and the individual in charge of the pool facilities specifically to offer some free
125 trainings to staff about how to prevent and properly address bullying. While I did not
126 relay the incident with Jonah specifically due to confidentiality requirements, I did state
127 that community organizations who open their doors to large groups of children, like the
128 CHCC pool does during the summer months, needed to know the proper steps to take to
129 respond to bullying. Both staff members responded positively to my request, though they
130 did not think it was necessary to do more than a short meeting. I made a brief, 30-minute
131 presentation to the lifeguards and other pool staff during one of their weekly meetings the
132 second week of June. I also left a copy of the publication on “Understanding the Roles of
133 Recreation Leaders in Community-Wide Bullying Prevention Efforts” for the staff to
134 review. The main message of the presentation was that the leadership and staff needed to
135 take bullying seriously and that they all had the capacity to intervene to prevent or
136 significantly curtail further bullying incidents at their facility.
- 137 14. In addition to the 30-minute training, I had a sit-down meeting with the higher up staff at
138 CHCC, including Sam Swimplebun about their responsibilities with pool supervision and
139 safety. They seemed to think I was being overly cautious, and Swimplebun was very
140 quick to assure me, repeatedly, that they knew about the particular issues with Jonah and
141 that they were taking specific measures to ensure Jonah would be properly supervised,
142 that he would not be left alone in the pool area (nor would anyone other than appropriate
143 staff), and that they would keep a close eye on him in case he had any significant
144 behavior changes, stopped wearing his glasses, etc. I accepted their assurances that they
145 had, in fact, communicated to their employees outside the meeting we had just had about
146 the importance of always supervising the pool deck when the facility was open, what to
147 do if the lifeguard had to leave the pool area, and other common sense things like keeping
148 the area immediately around the pool free of furniture and other trip hazards. I only wish
149 they had actually followed through on their promises.
- 150 15. While I had not yet formalized my diagnosis of Jonah prior to his death, my working
151 diagnosis for purposes of treatment was major depressive disorder. Despite his initial
152 self-professions of being “fine,” as is common amongst adolescents, Jonah had
153 experienced significant trauma and stressors in his life as a result of the recent death of
154 his step-parent and coping with the difficulties presented by his visual impairment during
155 the already difficult transition of adolescence.
- 156 16. Another impetus for Kingsley to reach out to me was the belief that Kingsley had found a
157 notebook in Jonah’s room with what they had characterized as a “suicide note.”
158 However, at one of his first sessions, Jonah brought me a copy of his notebook to prove
159 to me that he was “fine.” I am honestly not certain if this is the same note that Kingsley
160 saw and was concerned about. Kingsley never gave me any particular details about it
161 when they first called. While the notebook entry Jonah showed me contained some
162 journaling about the pool incident and some somewhat dark and emotion-filled drawings,
163 Jonah was a fantastic artist. I encouraged him to continue channeling his emotions into
164 his art to help him process his feelings. I did not interpret what Jonah showed me from
165 his notebook to indicate any increased risk for suicide.

- 166 17. After our initial six sessions, I felt confident in my working, clinical diagnosis of major
167 depressive disorder (“MDD”) such that I began prescribing him fluoxetine, the only FDA
168 approved SSRI for the treatment of MDD in children. He filled the prescription just
169 before the July 4, holiday. Jonah and Kingsley represented to me that he was compliant
170 with his medication. Except for the last session that had been scheduled for the morning
171 of his death, Jonah was also compliant with and usually an active participant in his
172 therapy sessions.
- 173 18. As part of my clinical decision-making process regarding my MDD working diagnosis, I
174 considered Jonah’s consistent self-reporting of the following symptoms over the course
175 of our first three weeks of treatment, in accordance with the DSM-V criteria: depressed
176 mood most of the day, nearly every day (also reported by his parent), loss of interest in
177 pursuing activities with his friends from school or other activities he used to find
178 enjoyable, sleeping for most of the day nearly all of the days his parent did not force him
179 out of the house, expressed feelings of worthlessness and excessive guilt over not being
180 able to reassure his parent of his wellbeing, and recurrent thoughts of death.
- 181 19. With all of my patients, I use the Columbia-Suicide Severity Rating Scale (C-SSRS)
182 during their initial assessment and a truncated version at every subsequent visit to assess
183 the severity of his or her suicide severity risk, because it the most evidence-supported
184 tool of its kind. A copy of the C-SSRS, the guide for medical professionals, and the
185 associated guide for those working in education are attached. The protocol consists of a
186 simple series of questions that anyone can use in an effort to prevent suicide. However, it
187 is a particularly powerful tool in the hands of a practitioner who sees a patient on a
188 regular basis and can compare and contrast that patient’s responses over time. During the
189 course of the summer, Jonah’s answers had varied from low to moderate risk. At one
190 point, he stated that he had thought about what he might write in a suicide note. At his
191 last two appointments, he was in the “moderate risk,” category; however, we had had
192 particularly productive sessions and, in my professional medical opinion, Jonah was not a
193 danger to himself or others at that time.
- 194 20. The last time I saw Jonah was 10 days prior to his death, at what had become our regular
195 Wednesday session. We discussed the fact that I would be going on vacation, that he
196 would have break from his regularly scheduled sessions, and that this would be a good
197 opportunity for him to try implementing the coping strategies and other practices we had
198 been working on. In anticipation of the break in treatment, I made sure that he had the
199 phone number for my colleague who was my emergency backup should something come
200 up while I was away, as well as the 1-800-273-8255 number for the National Suicide
201 Prevention Lifeline. I also let him know that they had an online chat feature, if he was
202 feeling uncomfortable about calling in.
- 203 21. One of the things in particular that I look for is the manner in which my patients conclude
204 our session and what their affect is at that time. Jonah’s mood was noticeably improved
205 after our last session, and his affect more properly adjusted to the circumstances of our
206 discussion. While processing traumatic events and intense feelings does not always leave

patients leaving the office more cheerful, this is not the benchmark of success. In Jonah's case, he concluded his last session with me with a statement about how he felt better knowing that he had told me about some of his thoughts about wanting to go to sleep and not wake up. He stated that for the first time that day, he had started to think about other ways to handle the disagreements he was having with Kingsley about how to handle the other kids at school and CHCC and how to confront his feelings about losing his step-parent. He even stated he was looking forward to seeing me after I returned from a planned vacation to talk about Eye Movement and Desensitization and Reprocessing (EMDR) and Dialectical Behavior Therapy (DBT), which he had read about online. I had not contemplated beginning those particular therapies with Jonah at that time, but was interested to hear he had taken the initiative to research additional resources to incorporate into his treatment plan. I took this as a positive sign regarding Jonah's prognosis and noted the same in my therapy notes.

22. I take my role as a clinician in the effort to prevent suicide very seriously. It is why I work with children who are the victims of bullying and other trauma. If I had felt Jonah was at a higher severity suicide risk at any point during his course of treatment with me, I would not have hesitated to take all appropriate action to intervene in an effort to prevent his death.

23. When I learned of Jonah's death from Kingsley, I cut my vacation short and came home. I stopped at my office first, and saw that the phone did show a missed call from Jonah's cell phone from the evening of August 7; however, there was no message from him or from Kingsley. I spoke with my emergency backup, who had not received any calls from Jonah.

24. Following this incident, I did receive a call from the director of the nursing board for the State of Wisconsin Department of Safety and Professional Services, who requested a professional audit of my patient files due to the nature of Jonah's death. I readily complied. I have never had an issue with my certification or licensure other than when I neglected to sit for the recertification exam and pay the fee in 2016. I really thought my license was good for ten years, but it was only good for five. I sat the recertification exam in 2017 and passed without incident and paid the fees, as well as the late fee. I came to an agreement with the nursing board that I would not face any other penalties over the licensing issue other than a late fee, due to the fact that I was otherwise up to date on my other requirements, including insurance and continuing education credits. There is still a Final Decision and Order on my record reflecting the stipulation, which irks me to this day.

25. The audit of my patient files did not show any red flags relevant to Jonah, but there were a few findings and recommendations from the survey relating to documentation and security of patient files, which I have already addressed. I understand that I am simply waiting on a formal acknowledgment from the State that I addressed the findings adequately. To my knowledge, there is no intention to take any further actions against my license as a result of these relatively minor issues. However, I do worry that this and the incident with Jonah could set back my accreditation with The Joint Commission.

Subscribed and sworn to before me
On this 29^h day of November , 2019.
/s Kristin Pierre
State of Wisconsin, County of Clearwater
My commission is permanent.

/s Elliot Fünke-Keyworth
Elliot Fünke-Keyworth

AFFIDAVIT OF KRIS MARKS

Kris Marks, being first duly sworn upon oath, states as follows:

- 1 1. I am sixteen years old, and a now junior at Clearwater High. I've lived in Clearwater my
2 whole life. It seems the Marks family is a Clearwater institution. That said, we have
3 unfortunately had our fair share of trouble (you may have heard of what happened with
4 my cousin, Tristan). I think people like to unfairly blame us for things that are not our
5 faults. Really, though, I can't complain too much. For the most part, Clearwater has been a
6 good place to grow up. There's so much to do, and I really love my school and friends.
- 7 2. Home has not always been quite as easy. I'm an only child, and my parents fought a lot.
8 Honestly, they probably should get a divorce, but they won't. They like fighting with each
9 other, and with other people too. I think I got so into playing drums as a kid because it
10 helped to drown out their yelling. I'd just go into my room, grab my sticks, and rock out
11 until they stopped fighting.
- 12 3. I play drums in our high school band—my favorite is when I get to play the timpani. I
13 play drums in a band with some of my friends. Our band is called DirtyWater—
14 Clearwater, Dirtywater, get it? Our sound is kind of a throwback to the early 2000s, sort of
15 Blink-182ish. We try to be funny and outrageous, which might just be a good way to
16 describe me generally.
- 17 4. I'm also the president of our high school's history club. I love military history in
18 particular. If we are getting really specific, I consider myself a World War I expert. I
19 recently gave a presentation all about the Christmas Truce of 1914—where the soldiers on
20 both sides came out of the trenches and sang holiday songs together. It's a pretty amazing
21 story. I know history club might sound dorky, but I don't care. In history club, we also
22 read and discuss historical fiction. As a World War I connoisseur, *A Farewell to Arms* and
23 *All Quiet on the Western Front* are two of my favorites.
- 24 5. I stay pretty active, but don't play any sports, at school at least. My family belongs to the
25 Clearwater Hills Country Club, and there's tons of stuff to do there. I play tennis, swim a
26 lot, and golf as well. I also worked at the concession stand, when it was open. For the
27 amount of money the Country Club charged, you'd think they'd be able to keep things in
28 order. Apparently that was easier said than done. When I'd point out to our manager, Sam
29 Swimplebun, that the fridge or the nacho cheese dispenser or something was broken, Sam
30 would always yell at me and say that our junk food was the least of our problems. Buzzy
31 McBatt wouldn't fix things, but at least Buzzy was more relaxed.
- 32 6. But when the concession stand was open—Free Skittles! I could also eat one of those
33 purple slushie popsicle things every day, it seems. Neither the oily popcorn machine nor
34 flipping burgers over the grill was particularly great for my skin, and Sam could lose their
35 temper at the drop of a dime, but it was still fun to be working at the pool.
- 36 7. Parker Posie was the lifeguard there and is also one of my friends from school. We like to
37 have fun at the pool. It would be so, so boring to be a lifeguard. No wonder Parker was
38 always looking for some sort of distraction! I'd bring my football and Parker would toss it

- 39 to me above the pool as I'd do different "pose" catches before hitting the water.
40 Sometimes Parker's dog Bongo would catch the ball too.
- 41 8. I knew Jonah Stark. Jonah went to high school with me, though he was a few years
42 younger. Jonah joined the history club. Jonah was more into ancient history—the Romans,
43 Greeks, things like that.
- 44 9. Jonah and I got along pretty well. Jonah was interesting. On the one hand, Jonah was kind
45 of dorky. On the other, he could kind of be a bit arrogant. Like, his family had a lot of
46 money, and Jonah would sometimes try to flaunt that. I think he was really just trying to
47 get people to like him, but it could come off as rude or stuffy. He also tended to be pretty
48 serious and shy by nature. I think he was unsure of himself.
- 49 10. My dad also used to work for the car dealership that Jonah's step-parent owned; excuse
50 me, the *luxury* car dealership Jonah's step-parent owned. I called the step-parent, "Parent
51 3.0" because Jonah's parent, Kinglsey Targaryen, has been married three times. Third
52 time's the charm when it comes with a fancy sportscar. I wouldn't be so snarky about
53 them, especially because they died, but honestly Kingsley has always been really mean to
54 me. I think Kingsley disliked my dad. He was good at selling fancy cars, but like I said the
55 Marks family has a bit of a reputation around Clearwater for getting into trouble on
56 occasion. I think Kingsley thought my dad tarnished the otherwise pristine image of their
57 fancy car dealership. But whatever, Kingsley sold the dealership when Parent 3.0 died,
58 and totally screwed my dad out of vacation time he had earned and was planning to use to
59 take us on a trip.
- 60 11. Kingsley probably convinced the person who bought the dealership to fire my dad.
61 Remember when I said my parents like getting into fights? Well, you can imagine how
62 well my dad took getting fired. Let's just say some very expensive "you bought a car"
63 champagne ended up poured all over the leather seats of a very expensive convertible. At
64 least, that's what I heard.
- 65 12. I still don't think that made it fair for Kingsley to be mean to me, though. Kingsley would
66 call me "trash" and "brat" and names like that. I'm not like my parents. Jonah was not like
67 his, either.
- 68 13. I always felt a little bad for Jonah. I mean, the way Kingsley treated me, I can only
69 imagine how Kingsley treated Jonah. I would tease Jonah just so Jonah wouldn't feel left
70 out. All of my friends tease each other—it's just part of being a teenager. Jonah really
71 depended on his glasses because Jonah also had a lazy eye. Like, I remember one time at
72 history club, Jonah took them off for a second, and I grabbed them—just to be funny, you
73 know—and tossed them in the corner on the floor. Well, Jonah freaked out and crawled on
74 the floor and got them. I said, "cool your jets, Crazy," he smiled, said "get lost, Marksy,"
75 and that was that. We even all laughed about it later on SnapChat and joked that he was
76 the "one blind mouse" for crawling around on the floor. That's how stuff normally went.
77 We all teased each other, and I thought it was all good.
- 78 14. When I would see Jonah at the Country Club, we would have fun too. Jonah often would
79 want to like just sit by the pool, reading a book or something. He would just look, I don't

80 know, angry and so serious, sitting by a nice pool during the summer just reading. I
81 remember one time I just threw a football at him to get his attention and said, “Hey
82 Hemingway, stop being so Earnest and get in the pool!” He kind of stumbled a bit and hit
83 a chair. He gave me this glare and said, “Sometimes I have to be earnest,” or something
84 like that, but then he threw the football right back at me and got in the water. We all
85 laughed about it together—Jonah included. I suppose I could have left Jonah be, but I
86 didn’t want Jonah to feel left out. Jonah always would come join the fun with a little
87 encouragement, and always seemed happy.

88 15. Jonah never said anything to me about any sort of problem with me or anything like that. I
89 have plenty of friends and certainly don’t want or need to be bothering someone. There
90 was one time, not sure exactly when, when Sam took me aside and said that they heard
91 that I was maybe teasing Jonah a bit too much. That really surprised me. If Jonah was
92 bothered, why wouldn’t Jonah have said something? We were cool. I told Sam that I
93 meant no harm, and it was just friendly banter, you know. I also told Sam that Kingsley,
94 Jonah’s parent, was out to get me. I asked Sam if Sam heard all of this about me
95 apparently being mean to Jonah from Kingsley, but Sam just yelled, “I don’t have the time
96 for all this. Just be nice.”

97 16. I was there at the pool the day Jonah died. Though I was supposed to be working that day,
98 I wasn’t because the fridge in the concession stand was broken so concessions were closed
99 and there wasn’t anything for me to do. Jonah came into the pool area and seemed kind of
100 in a funk, but honestly with Jonah that was just kind of normal. As Jonah walked by, I
101 said, “what’s up Jon-ey Stark??” and Jonah just said, “buzz off, Marsky.” That’s the last
102 time I remember seeing Jonah.

103 17. It was super busy, and Parker was working. The Country Club would have free pizza day
104 every week, and it was free pizza day. I cannot believe how people act when they hear the
105 words “free pizza.” I *wish* we could have people that excited at our DirtyWater shows.
106 Maybe we should serve free pizza? So anyway, the bell went off to announce that the
107 pizza was there. I think at that point it was just Parker working at the pool. Parker and I
108 are used to pizza day by now—we call it “Pizza Pandemonium.”

109 18. So, when the bell rang, everyone cleared out of the pool—myself included—to go line up
110 for pizza. I remember wondering where Jonah was. During Pizza Pandemonium, Parker
111 would like to take Bongo for a walk. I know that Parker was always careful to make sure
112 no one was by the pool when Parker took Bongo for a walk. Parker would always close
113 the pool fence door and put up the “Pool Closed” sign. I’m sure Parker would have done
114 all that the day Jonah died.

115 19. I was still hanging out away from the pool when I heard screams and shouting. I still
116 cannot believe what happened. I ran back towards the pool. I remember seeing blood by
117 the side of the pool and Parker frantically swimming to go get Jonah, but Jonah’s body
118 didn’t look right. He wasn’t moving. Parker pulled Jonah’s body out of the water and then
119 did perfect, textbook CPR on Jonah, but it was too late.

120 20. I feel so bad for Parker, Parker tried so hard to save Jonah. Really, Parker did everything a
121 lifeguard was supposed to do. And now Kingsley is saying Jonah died because I bullied

122 Jonah! I guess that's what I get for trying to be nice. Shouldn't surprise me, given
123 Kingsley's attitude towards me. I mean, I did not treat Jonah any differently than anyone
124 else. Should I have? It just seems to me that Jonah's parent wants someone to blame. Start
125 by looking in the mirror, right? Maybe if they had loved Jonah a bit more and their fancy
126 cars a bit less. I don't know. Jonah once told me that his parents never listened or seemed
127 to care. I mean, I understood that of course, given my own home life.

128 21. I really don't think I had anything to do with it, but how can I ever disprove that? These
129 days, I don't want to play drums, or go to the pool, or really anything. I'm trying to stay
130 focused on history club, but even that's hard. Everyone's looking at me like I'm a
131 murderer, all because I was just trying to be nice and because Kingsley is crazy.

Subscribed and sworn to before me
On this 30^h day of November, 2019.
/s/ Hannah Jurss
State of Wisconsin, County of Clearwater
My commission is permanent.

/s/ Kris Marks
Kris Marks

AFFIDAVIT OF PARKER POSIE

Parker Posie, being first duly sworn upon oath, states as follows:

- 1 1. My name is Parker Posie. I am eighteen years old and am a senior at Clearwater High
2 School. I worked as a lifeguard at Clearwater Hills Country Club (CHCC) last summer when
3 I was seventeen. That was actually the third summer I worked at CHCC. I worked as a
4 lifeguard two summers — after my sophomore year and after my junior year of high school.
5 I worked after my freshman year at CHCC at the front desk of the tennis club portion of
6 CHCC. My duties that first summer included (i) answering phones at the front desk, (ii)
7 managing tennis court reservations, and (iii) managing the tennis towels. Managing the
8 tennis towels mostly involved taking the sweaty towels thrown in the bin (that had been
9 sitting there for a while), washing and drying them in the industrial machines in the back
10 room, and then folding them for members to sweat all over again. That part of my job was
11 totally disgusting. That is why I jumped at the chance to be a lifeguard my second and third
12 summers at the club.
- 13 2. We go through extensive training to be lifeguards at CHCC. Each year we go through a day-
14 long comprehensive training course. You get the exact same training each year before taking
15 a test that involves written answers and a physical skills test. You need to get at least an 80
16 out of 100 to pass. My first summer as a lifeguard I scored an 82. My second summer as a
17 lifeguard I scored an 83. So I was improving and passed with plenty of room to spare. I love
18 my summer job as a lifeguard, and I take it seriously. I get to save lives and that is a really
19 special thing.
- 20 3. I am good friends with Kris Marks. Kris Marks is a real comedian. They are always cracking
21 jokes when we are working together. Sometimes when I get laughing really hard — like
22 uncontrollably — I snort and then I laugh harder. Marksy (I sometimes call them Marksy)
23 makes me laugh that hard. I also can count on Marksy for anything. I have been friends with
24 Kris Marks since the third grade. They are a good friend, and I am a good friend to them too.
- 25 4. I have a pet dog who I really love. He is a golden retriever. His name is Bongo. Bongo is
26 almost three years old now, and I try to take Bongo wherever I go. Many places allow you to
27 take your dog inside, but some don't. When I take Bongo to a place that does not allow dogs
28 I just tell them Bongo is my service dog. He's not really a service dog, but he does make me
29 feel better when he is around. Most places don't ask any questions when I tell them he is my
30 service dog and that I need Bongo with me. They just let both of us right in. CHCC is like
31 that. I showed up for work with Bongo my first summer as a lifeguard and told CHCC he
32 was my service dog. The club was all weird and stuff because they did not want to be
33 accused of discriminating or anything, so they asked no questions and said it was fine to have
34 Bongo with me at the pool while I worked. In the rare cases when a place disputes the fact
35 Bongo is my service dog I pull out a dog jacket my grandmother knitted for Bongo that says
36 "Service Dog" on it and put it on him. It looks kind of official. That always works. And
37 Bongo is really well behaved. One time he grabbed a guy's personal pizza off an end table
38 by the pool at CHCC. Naughty Bongo! But otherwise he has been a really good dog.

- 39 5. There is talk of Kris Marks bullying Jonah Stark, but I never saw any of that. Marksy liked to
40 crack jokes and they would tease the people around them. Kris didn't mean anything by it.
41 You know how sometimes you tease the people in your group? It just means they are a part
42 of your group. It was kind of like that with Jonah even though he wasn't really a part of our
43 group. Jonah could be pretty intense. I remember one time out by the pool Kris said to
44 Jonah, "If you were an author you would be Hemingway ... because you are so 'Earnest.'"
45 You see, Marksy is kind of like the intellectual of our group, so it was a literary joke. Jonah
46 looked at Kris and said, "Sometimes it is important to be earnest." Jonah just stared at Kris
47 for a moment. There was an awkward pause and then Jonah just shook his head and walked
48 away. Then Kris said to me, "Sometimes that dude is weird."
- 49 6. Sometimes Jonah Stark was more than weird. He could be a real piece of work. I remember
50 my first summer as a lifeguard I was hanging out by the pool concession stand and Jonah
51 ordered a cheeseburger. Kris Marks was not working that day. Bruce Banner was working
52 that shift. Jonah got his cheeseburger and said it was too small and asked for a second one ...
53 for free. Jonah said "I know my eyes are not so good, but I can hardly see this cheeseburger
54 it is so small. Give me a second one for free." But Bruce Banner wouldn't do it. Banner
55 charged Jonah for the second cheeseburger and Jonah complained to the country club. The
56 CHCC freaked out and fired Bruce Banner. I don't know why. Bruce Banner had to get a
57 job at the local bowling alley for the rest of the summer, which did not pay as well so Banner
58 had to take out extra student loans when he started that fall at UW Clearwater. After that a
59 lot of people tried to keep their distance from Jonah Stark. I know I did. I did not want to
60 get fired or even sent back to the tennis front desk and those stinky tennis towels.
- 61 7. I remember one incident in late July last summer with Jonah Stark. I was walking Bongo out
62 in front of the club during my break when Jonah came pulling up in his parent's sports car —
63 engine revving and everything. There were two prime reserved parking spots right next to
64 the disabled parking spots close to the front door. Members could pay extra for these prime
65 reserved spots, but Jonah Stark's parent Kingsley Targaryen did not pay to use them. The
66 two spots were right next to each other and Jonah double parked his parent's sports car in
67 both of them! First of all, Jonah was not old enough to be driving. He was only a freshman.
68 Somehow he got his parent's car keys and was driving around the parking lot. Second, all of
69 the disabled spots were full, and the club sometimes used the prime reserved spots for
70 overflow from the disabled parking spaces. A lot of the older members got their hips or
71 knees replaced in the summer because you would not want to walk around on the ice and
72 snow in winter when you were trying to recover from that kind of surgery. The disabled
73 spots were often full because of that. Jonah had bad eyes but could see just fine with his
74 glasses to drive. He was just being sloppy. Jonah got out of the car and stared at the parking
75 job through his glasses for a moment before looking at me. He gave me a "thumbs up" and
76 exclaimed, "Nailed it!" before turning toward the front door and going inside to the club.
- 77 8. Here's the thing. Ten minutes later Dennis Hopper came driving up. Dennis is a sophomore
78 at Clearwater High School and has a thing with his left leg so he needs to walk with a cane.
79 But he can drive just fine with his right leg. Since Jonah Stark took the two prime reserved
80 parking spots used for disabled parking overflow, and the lot was almost full because the
81 club was so busy that day, Dennis Hopper had to park on the far side of the lot way over by

the 17th green and walk all the way to the front door with his cane. Then, twenty minutes after that, old judge Wapner pulled up — he just had a hip replacement — and he could not use any of the disabled parking spots either. He had to walk across the entire parking lot too. Jonah Stark took up two spots disabled people could have used! I had enough. I went inside and told management what Jonah just did. Of course they did not do anything about it — just like always. I finally went back to work with Bongo at the pool.

9. CHCC did call us together for training on preventing bullying behavior. It was the longest 30 minutes of my life. There was some really serious therapist who talked to us. I forget their real name, but Marksy nicknamed them “Dr. Funky Key.” Marksy whispered that to me during the training. CHCC served pizza rolls during the training! That was cool. At the end they gave us a trifold pamphlet with information on bullying, but I just pitched it. There was too much reading in it and it was summer. Serious reading is for the school year. I don’t know anything about giving special treatment to Jonah. CHCC management never said anything to me about that. I just wanted to do my job.

10. Kingsley Targaryen could be pretty tough on Jonah Stark sometimes. I know the first summer I worked at CHCC — the summer I worked at the front desk for the tennis club part of CHCC — I would hear Kingsley Targaryen talking to Jonah. Kingsley Targaryen wanted Jonah to play tennis, just like Kingsley Targaryen did. That summer Kingsley Targaryen got all kinds of tennis lessons for Jonah, but Jonah was not that good. Jonah tried, but he was not great at hitting the ball. Not because of his disability, but because Jonah was not that coordinated physically. Although not being able to see the ball well did not help. Still, Kingsley Targaryen made Jonah continue with the lessons. One time that first summer when both were dropping off sweaty tennis towels by me at the front desk I heard Kingsley Targaryen say, “I don’t care if tennis is hard. Life is not going to give you any breaks so neither am I.” The next summer, the second summer I worked at CHCC and the first summer I was a life guard, things had changed. The first day that summer Kingsley Targaryen dropped Jonah off at the pool and said, “I won’t pay for any more tennis lessons for you. If swimming makes you happy that is what you will do.” Kingsley Targaryen seemed mad, but Jonah seemed relieved. Swimming made Jonah happy. I never saw Jonah touch another tennis racket, ever.

11. In those early days of August last summer Jonah Stark seemed to be really down. I remember he was eating out by the pool at a table with little Stevie Ray Vaughn on Tuesday, August 6 — two days before Jonah died. Stevie Ray is in middle school and has a condition with the motor skills with one of his arms — his right arm. Stevie Ray kind of looked up to Jonah because Jonah was a bigger older boy and they both were dealing with disabilities. While they were eating together at a table Jonah turned to Stevie Ray and said, “Hey, Stevie Ray. Would you like a hurts donut?” Stevie Ray looked cheerfully at Jonah and said, “Sure!” Then Jonah Stark punched Stevie Ray right in the arm — in Stevie Ray’s arm that wasn’t so good. Stevie Ray screamed out “Ow!!” Then Jonah said, “There you go. Hurts, don’t it?” Get it? Hurts donut and hurts don’t it? Stevie Ray looked like he was going to cry, but he didn’t. Jonah looked off in the other direction and muttered, “Yeah, hurts don’t it?” to himself then got this sad look on his face. The look was actually more wistful, really.

124 You know, now that I think about it that “hurts don’t it” story could be some kind of a
125 metaphor or something.

126 12. I will always remember Thursday, August 8, the day Jonah Stark died. I saw Jonah coming
127 into the club and I wanted to be nice so I asked him, “How are you doing today?” I think
128 Jonah was surprised by my greeting because he wasn’t wearing his glasses. He stumbled a
129 little bit on the carpeting, but he did not fall down. Jonah was often tripping or stumbling
130 because he was not the most coordinated kind and he could not see very well if he was not
131 wearing his glasses. Then without talking, Jonah gave me a “thumbs up” sign and then
132 promptly turned it downward so it was a “thumbs down” sign. Jonah just walked away.
133 That was the last time I saw Jonah Stark alive.

134 13. The pool was packed that day. Just before lunchtime I was the only lifeguard on duty. Well,
135 actually Bongo was with me so there were really two lifeguards on duty — me and Bongo. It
136 was free pizza day at the pool that day. We have that every Thursday. The bell rang around
137 11:50 to announce that the free pizza was ready. It was pandemonium as all the kids went
138 running into the clubhouse to get their free pizza. I made sure everyone cleared out of the
139 pool area — not that the task was too hard. Kids love pizza! Normally we would give away
140 the free pizza at the concession stand, but it was closed that day because the refrigerator was
141 broken. It was going to be fixed later that afternoon. I actually thought to look for Jonah as
142 the kids ran to the clubhouse, but I did not see him. Whenever I leave the pool area in a
143 situation like this I make a habit of locking the gate and turning the “Pool Open” sign around
144 so it said “Pool Closed” so I must have done it this time. I used this break to take Bongo for
145 a walk. After walking Bongo for a while he and I came back into the pool area. I do not
146 remember how long that was, but it was a good amount of time. Bongo likes to sniff around
147 a lot. I could not see into the pool area from the outside because the club has a high privacy
148 fence around it. The fabric blocks your view.

149 14. I kind of don’t remember the details of coming back because it was overshadowed by what
150 happened when Bongo and I returned. Once we were inside the pool area Bongo
151 immediately started barking toward the pool. I know my dog really well and how he
152 communicates so I knew right away what he was telling me. I understood Bongo was telling
153 me, “Something is wrong in the pool!” Bongo was right. I ran over just as Andy/Andi
154 Lannister was running into the pool area as well — from the opposite direction. There is a
155 second gate to the pool area that is normally locked, but I saw another lifeguard trailing a
156 ways behind Lannister so that other lifeguard must have let Lannister in. The second gate
157 leads into the clubhouse so there is no way to get through it without a key. We both saw
158 Jonah’s lifeless body face down at the bottom of the pool just a few feet in from the edge in
159 the shallow end. He must have jumped the fence, I think. There was blood trailing from his
160 head. It was no more than three feet deep there. I know Jonah loved to dive into the pool
161 and he knew where he should and should not be diving. My first thought was that he slipped
162 and hit his head on the side of the pool. His glasses and his towel were both on a deck chair
163 about ten feet from the edge of the pool. The end table next to his deck chair had been
164 knocked over on its side. Jonah wasn’t moving at all. I jumped into the pool, dragged him
165 out and laid him on the ground just to the side of the pool. I initiated CPR and other
166 lifesaving techniques but it was no use.

167 15. One thing that struck me as odd when I thought about it later that day was the fact that Jonah
168 Stark was swimming alone. He never would swim alone. At least I never saw him
169 swimming alone. Jonah always would swim when a lifeguard was around. He knew the
170 pool rules.

171 16. Andy/Andi Lannister was definitely Jonah Stark's best friend. They hung out together a lot
172 at the club. Andy/Andi Lannister seemed normal and nice on the surface, but they had their
173 own issues. At the beginning of last summer — early June — I overheard a conversation
174 between Andy/Andi and Jonah around the pool. Andy/Andi said to Jonah, "Jonah, you look
175 down. I have some pot in my club locker. Do you want to go to the woods by the 14th hole
176 and smoke it?" Jonah responded, "I have never tried it, but how could marijuana hurt you?
177 It is natural, right?" Then they left the pool area. One month later — in early July — I
178 overheard another conversation between Andy/Andi and Jonah around the pool. Andy/Andi
179 said, "I got you something, Jonah. I stole this oxycodone pill from my mom's medicine
180 cabinet. It makes her feel better. Maybe it will make you feel better? If you like it, I know a
181 kid at school who can get you something that does kind of the same thing for a lot less
182 money. I just care about you and want to help." I had my sunglasses on and pretended to
183 look one way with my head but could look the other way with my eyes and clearly saw
184 Andy/Andi give Jonah a small pill. Jonah took the pill and put it in his fanny pack that was
185 sitting on a pool end table. Jonah said, "Thank you Andy/Andi. You are a good friend."

Subscribed and sworn to before me
On this 4th day of December, 2019.
/s Ken Dortzbach
State of Wisconsin, County of Clearwater
My commission is permanent.

/s Parker Posie
Parker Posie

AFFIDAVIT OF SAM SWIMPLEBUN

Sam Swimplebun, being first duly sworn upon oath, states as follows:

- 1 1. I am an adult resident of the State of Wisconsin, County of Clearwater. I make this
2 affidavit based on personal knowledge and upon my review of the Clearwater Hills
3 Country Club's records kept in the ordinary course of business.
- 4 2. I have lived in Clearwater all my life and grew up swimming at the Clearwater
5 municipal pool, where I was a lifeguard. I took my lifeguarding course at 15, started
6 working at 16, and have been involved in pool safety my entire career.
- 7 3. When I was 19 years old and lifeguarding at the Clearwater Municipal Pool, a toddler
8 drowned there. The toddler was not swimming in the section of the pool that I was
9 guarding, and I was never personally investigated for negligence related to the death.
10 Following a police investigation, it was determined that the toddler entered the pool area
11 through an area of the fencing that was missing a fence post and jumped into the deep
12 end. The child's parent had been on the street, turned their head, and when they turned
13 their head back, the toddler had slipped away in to the pool area. It was a tragedy that I
14 will never forget. For a while, I wanted to quit lifeguarding and never see the pool
15 again. For the first two years of college, I studied public administration, as had been my
16 plan, but I quit the swim team and gave up my swimming scholarship because being at
17 the pool made me sick to my stomach. My friend Aidan who had been lifeguarding in
18 the deep end and didn't see the toddler went into a downward spiral, but nobody knew
19 the pain they were going through until it was too late. Aidan jumped into the Mississippi
20 river one night during a storm and that was the end.
- 21 4. After Aidan's tragic death, I became determined to go back into lifeguarding. I wanted
22 to make it my mission to protect people from dangerous situations. I rejoined the swim
23 team and became an Emergency Medical Technician. After college, I moved back to
24 Clearwater. I started lifeguarding again, continued my EMT duties, and ran for
25 alderperson in my district. I was elected and served two terms. I was then elected to the
26 Clearwater County Board of Supervisors, where I served for six years. My experience in
27 local government and as an EMT lead me to want to return to pool safety full time.
28 When the longtime pool manager for the Clearwater Hills Country Club told me they
29 were retiring, I immediately expressed my interest.
- 30 5. That was ten years ago. I was hired and have been the Clearwater Hills Country Club
31 pool manager ever since. Initially, however, I was not chosen because the club's board
32 of directors didn't think I had requisite experience as a pool manager and lacked
33 necessary expertise on pool operational safety. In addition, I was told I had a reputation
34 on the County Board for acting dictatorial, demanding, and argumentative. I know I
35 have this reputation and am proud of it. If I am right about something, I'm right. My
36 experience as an EMT and my public administration degree made me the most qualified
37 person on the County Board to weigh in on matters related to community health and
38 safety. The other supervisors didn't like it because they thought I was too young and

were intimidated by my fresh ideas. Safety is my number one concern and when people's lives are in your hands, it's ok to occasionally yell at people to get things done.

6. Despite the country club board's concerns, I was eventually hired because the person who they originally wanted to hire (the person who'd managed the pool at Clearwater University) was killed in a bizarre golfing accident the week before they were to start. I was not working as an EMT that day and had I been, I could have saved them. I've saved a lot of people who suffer life-threatening events on the golf course—getting hit in the head with clubs, falling into lagoons, falling out of carts, catching a ball in the mouth at 30 mph, heat stroke emergencies, and good old-fashioned heart attacks. I've saved them all.
7. I may be a bit of an egomaniac, but I'm no dope or slug. I worked hard to learn the pool manager job. I studied the club's swimming pool management manual and determined there were many improvements that needed to occur to ensure safety. I demanded the board make changes to the underwater illumination system because the watts per square foot did not meet current standards. I insisted that the wood fence surrounding the pool be replaced with an 8-foot chain link fence with privacy fabric woven in to avoid rotting and breakage. During the previous inspection, the fencing around the pool passed inspection and was in full compliance with city and state law requirements.
8. During the last city inspection, the inspector noted that the slip-resistant material surrounding the shallow end of the pool would need to be replaced before the next annual inspection. Then last inspection occurred on May 15, 2019, and the next inspection was scheduled to occur in May 2020. I was aware the slip resistant surface of the pool near the shallow end had, in a few places, worn thin. In July 2019, over the 4th of July weekend when the pool was packed to capacity, an elderly woman fell into the pool in the shallow end. She didn't require medical attention but was retrieved from the pool by life guards. I conducted a full investigation but was unable to determine the cause of the fall. The woman who fell believed a child had run into her and accidentally pushed her in, but the lifeguards and other witnesses did not see any children running along the pool edge near her.
9. During the last city inspection, it was also noted that the pool was required to re-write the "No Diving" signs around the pool because they were not compliant. State law requires signs to read "No Diving" in at least four-inch lettering. The Clearwater signs read "No diving" (with a lower-case "d") and the text had faded such that the lettering only measured 3.5 inches instead of 4. These changes were ordered to be completed by June 1, 2019, or the pool could be fined. However, the lettering had not been changed. There were so many important things to do at the beginning of the year that took precedence, like training the new lifeguards. We had several seasoned lifeguards recently move on and over half of our staff were now still high school students who need a lot, and I mean a lot, of training.
10. The country club closes the pool area every Thursday for a lunch pizza party. Pool policy, as well as custom and practice, dictate the following: the lifeguards blow the

whistle at 11:50 a.m. and clear the pool. All swimmers are required to exit the pool. The lifeguards stand at their stations until the entire pool is clear. Lifeguards are required, on a rotating basis, to stay in the pool area to make sure all patrons have exited the pool area (the pool area consists of the entire area enclosed within the 8-foot fence). All patrons are required to exit the pool area and head directly into the clubhouse, where the pizza is served: the pool area would be closed.

11. Once the patrons have all left the pool area, the lifeguard is required to lock both entrances so nobody can enter the pool area. The lifeguard is also supposed to place a sign that says "Pool Closed." This is not a state or city law requirement, but a pool policy. The sign they use is magnetic and it affixes to the door by a magnet that is glued to the entrance.

12. I was not at the pool the day of the accident. The assistant manager, Buzzy McBatt, was on duty. Everybody loved Buzzy because they were kind and more laid back than I am. Buzzy was a good assistant manager who had worked in pool safety and management for over 40 years. Buzzy was near retirement and saw the job more of a hobby than a job. Buzzy was not a stickler or a micro-manager and trusted the lifeguards to their assigned tasks. Buzzy told me that they had not double-checked the entrance to make sure it was locked and does not recall double-checking to make sure the "Pool Closed" sign was hung. After the accident, per my instructions, the pool was closed for the rest of the day.

13. The day after the accident, I came to work early, before the pool opened. When I arrived, I inspected the entrances. On the entrance between the clubhouse and the pool that the patrons would use, the magnet was intact but the "Pool Closed" sign was found in the Men's locker room. I interrogated all of the staff asking why the sign was in there, but nobody knew. Nobody remembered if the Pool Closed sign was up during the pizza lunch. Interestingly, when I was walking the perimeter of the pool outside the fence, I found a ladder lying flat out on the ground right where branches of a tree hang over the fence. I remember seeing the country club grounds-keeping crew doing some branch trimming that week, but I thought it was curious that the ladder was on the ground. No one I asked had answers for me on that, either.

14. I was devastated by Jonah's death. It brought back memories of the toddler drowning when I was a teenager. I demanded the country club board pay \$50,000 for a private inspection and investigation of the pool, following the death. The board agreed. Based upon my knowledge and experience with pool safety, I knew that there was nothing more that we could have done to prevent this tragic accident, but I wanted to be sure. The private inspector confirmed my opinions and told me that the pool had followed all safety measures and that the deceased had entered the pool area by either climbing a tree close to the fence and scaling the fence that way, or by climbing the fence. Both forms of entry constituted unlawful trespassing.

15. Sometime in June or July 2019, before Jonah's death, Kingsley had barged into my office hysterical and yelling about Jonah's glasses and complaining about something

121 having to do with the floor in the bathroom. I tried to calmly explain that the floor
122 passed inspection and that my investigation of the incident revealed Jonah dropped the
123 glasses and stepped on them accidentally. Kingsley yelled at me because the kids in the
124 locker room—particularly Marks—laughed. I told them, “Of course they laughed.
125 They’re teenagers and someone broke their own glasses.” Marks probably laughed the
126 hardest because Marks has always thought slapstick was hysterically funny. But
127 Kingsley kept yelling at me and my blood started to boil. I said, “Calm the hell down!”
128 and Kingsley said “No you calm down!” and I said “Nobody at this pool is tormenting
129 your kid.” Kingsley barged out. That person needs to look themselves in the mirror. In
130 my humble opinion, Kingsley is just a rich jerk who is used to getting their way.
131 Kingsley was mean to everyone, including Jonah, and Jonah seemed to have been
132 learning from their parent because during the summer of 2019, because Jonah was a
133 demanding complainer. Everybody thought so.

134 16. After that incident, Kingsley went to the country club board to complain about Marks
135 bullying Jonah, and because Kingsley has a bunch of money, the Board gave assurances
136 that Marks would be monitored. I was ordered to watch Marks and go to anger
137 management training (which is where I was the day the accident happened). I did watch
138 Marks. I watched Marks flipping burgers and handing bratty kids hundreds of popsicles
139 a day. Marks had no time to bully anyone with the amount of garbage people let their
140 kids buy at the pool. But I had to watch Marks serve food then watch the kids to make
141 sure that food didn’t come out one end or the other in the pool. I think Kingsley is just
142 doing this to get more money. I heard a rumor—I think it was a board member who told
143 me—that Kingsley has just about burned through all of their third spouse’s money and
144 will have to get a job if they don’t get a payout from this lawsuit.

Subscribed and sworn to before me
On this 14th day of November , 2019.
/s Anne Bensky
State of Wisconsin, County of Clearwater
My commission is permanent.

/s Sam Swimplebun
Sam Swimplebun

REPORT OF THE CLEARWATER COUNTY DISTRICT ATTORNEY'S OFFICE REGARDING THE
DEATH OF MR. JONAH STARK ON AUGUST 8, 2019.

On August 30, 2019, Clearwater County District Attorney Stan Knubsam announced the following decision with respect to the death of Mr. Jonah Stark on August 8, 2019 at Clearwater Hills Country Club.

The Clearwater County District Attorney's Office has been working diligently with law enforcement since Mr. Jonah Stark's death on August 8, 2019, in order to determine whether criminal charges are warranted in this matter. In reviewing all applicable facts and statutes, this Office has declined to pursue any criminal charges. This Office does not shy away from difficult cases; it was only last year that this Office pursued charges against Kelsey Grammar; Mr. Grammar is now serving a lengthy prison sentence as a result.

A prosecutor has an ethical obligation to only charge an individual with a crime that the prosecutor believes could be proven by admissible evidence beyond a reasonable doubt at trial. In this case, no witnesses were present with Jonah Stark at the time of his death, and there is no evidence of intentional homicide of any kind. The behavior of various employees of the Clearwater Hills Country Club was not to be condoned, and this Prosecutor would like to encourage schools and private organizations alike to take complaints of bullying more seriously in the future to avoid tragedies such as this one. However, this Office did not feel that the behavior of the employees of the Country Club rose to the level of criminal conduct that could be proven beyond a reasonable doubt at trial. This Office did give due consideration to pursuing stalking, harassment or other charges against Kris Marks for their behavior towards Mr. Stark leading up to his death. However, the burden of proof in a criminal case is higher than in a civil case, and there also exist different constitutional protections, such as the right to confront witnesses, in a criminal case. Ultimately, this Office felt that the facts and law surrounding this case would be better suited for a civil action versus being dealt with in the criminal courts.

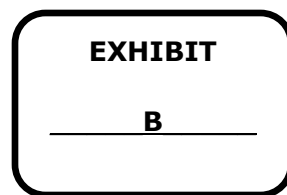
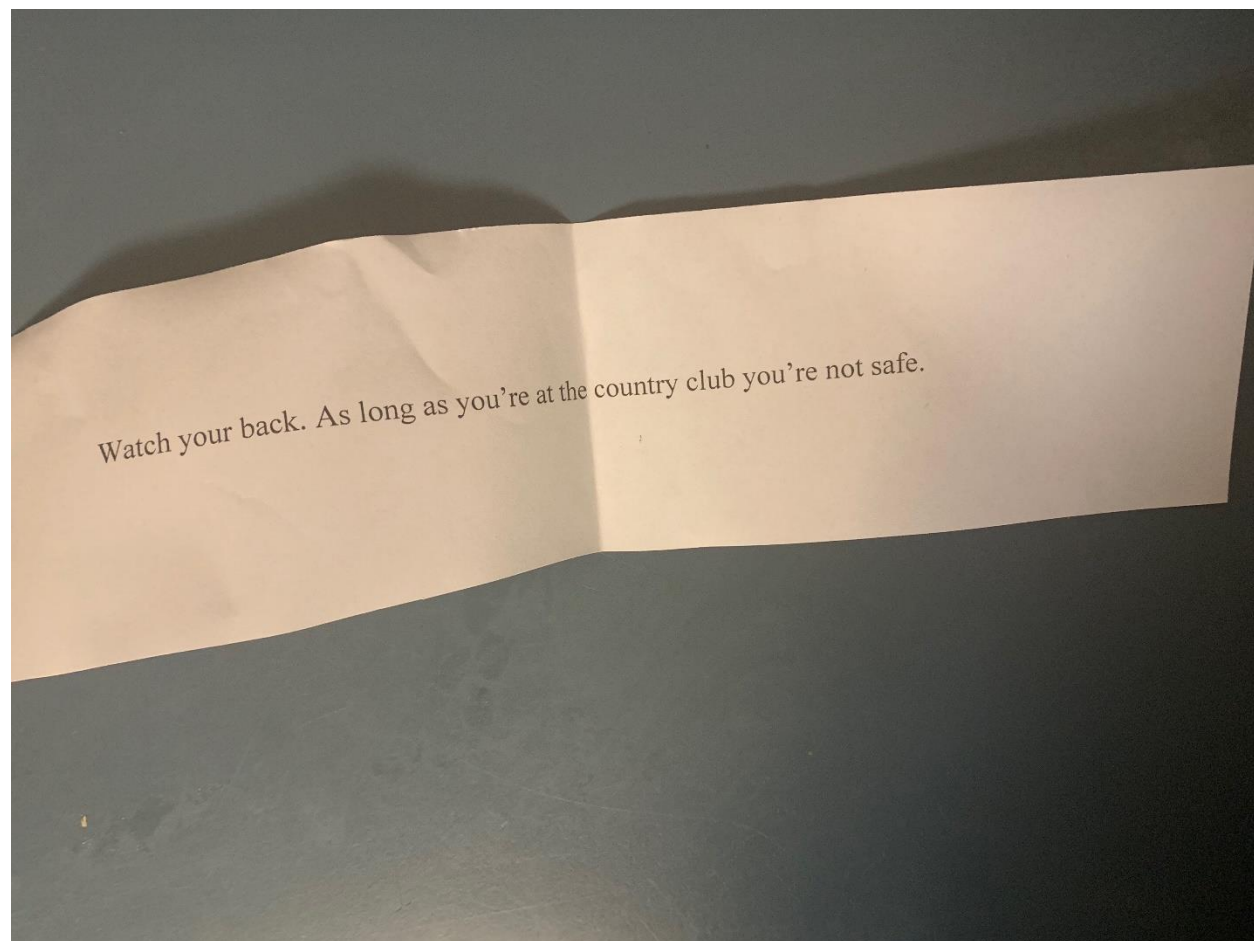
This Office wishes to thank local law enforcement for their diligent investigation and collection of evidence in this matter, including the collection of evidence, such as the "Watch your back" note that was located in Jonah Stark's locker at Clearwater Hills Country Club, and the "Three Blind Mice" image that had been circulated previously on Snapchat. Their reports have not yet been released under open records law due to the involvement, interviews, and investigation of juveniles involved in this offense.

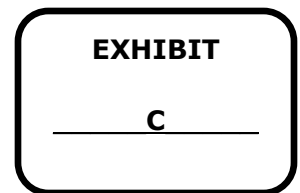
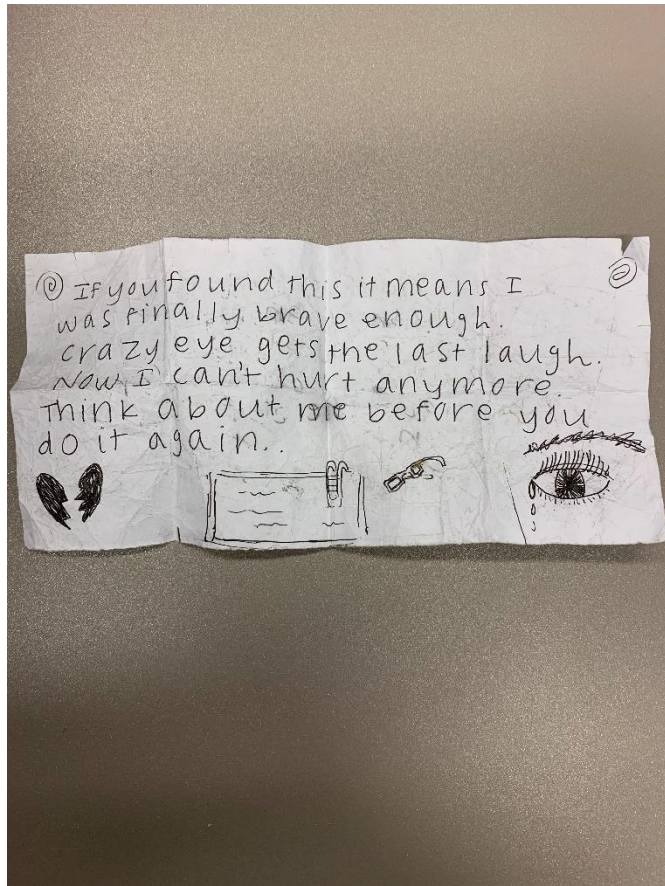
The Clearwater County District Attorney's Office, in compliance with Victims' Rights legislation, did consult with the family of Jonah Stark prior to making this decision. The family, including Kingsley Targaryen, was disappointed to learn that criminal charges would not be pursued, but understanding of the logic and reasoning of this Office. This Office certainly agreed to cooperate in any manner possible if a civil suit is pursued, such as by searching our files from the Len Bias prosecution of Kris Marks' cousin, Tristan Marks, to determine whether Kris Marks was ever interviewed in that matter about anything of relevance to this matter (that search has been completed; no relevant information was located).

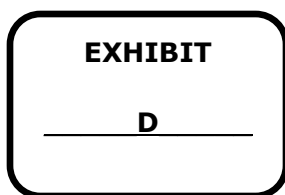
The Clearwater County District Attorney's Office wishes healing and peace on anyone impacted by this tragedy during this time of grieving. While this Office has opted not to pursue criminal charges in connection to this matter, our hearts remain with the family of Jonah Stark, and the entire Clearwater community.

EXHIBIT

A







**Just Ask.
You Can Save a Life.**



THE COLUMBIA
**LIGHTHOUSE
PROJECT**
IDENTIFY RISK. PREVENT SUICIDE.

**Empowering Schools, Campuses &
Communities to Prevent Suicide & Violence
with *The Columbia Protocol (C-SSRS)*
A Vital Component of School Safety & Community Protection**

EXHIBIT

 E



THE COLUMBIA
**LIGHTHOUSE
PROJECT**
IDENTIFY RISK. PREVENT SUICIDE.

A Vital Component of School Safety: A Few Simple Questions in Everybody's Hands to Prevent Suicide

Suicide is the **#1 cause of death** among **adolescent girls** globally
(WHO)

Suicide is the **#2 cause of death** among U.S. **10-24 year olds**
(CDC, 2016)

Just ask a few questions to find people who need help before it's too late.

What is The Columbia Protocol?

The Columbia is a few simple questions about suicidal thoughts and behavior that empower communities, families and individuals to find people who are at risk and prevent tragedies before they happen. It tells the professor, resident advisor or peer who needs a next step, and provides setting-specific recommendations.

- **Simple:** You can ask as few as two to six questions, with no mental health training required to ask them.
- **Effective:** Experience shows that the scale uniquely identifies those who would otherwise be missed.
- **Efficient:** Use of the scale redirects resources to where they are needed most, preventing unnecessary interventions that are often costly, traumatic, and lead to disengagement from the needed care. The C-SSRS provides evidence-based thresholds to connect those at risk to the right level of care.
- **Free:** It's available at no cost.
- **The Most Evidence-Supported:** The scale originated in a NIMH adolescent suicide attempter treatment study, and generated an unprecedented amount of research that validates the questions.

Regarding the C-SSRS, "We found another big piece of the school shooting puzzle – an antibiotic for suicide. This ... could fundamentally change the game for early identification and intervention."

Ryan Petty, parent of a Marjory Stoneman Douglas High School shooting victim from Parkland, FL

A Critical School Protection Strategy: Going Beyond the Classroom and Counselor's Office

- Properly assessing a person's risk for suicide helps **everyone in the community** determine next steps and save lives.
- The C-SSRS helps to coordinate prevention and crisis response efforts.
- Using a common language provided by the C-SSRS to cope with crisis helps to reduce anxiety in teachers, coaches, first responders and peers.

"If implemented to the extent of its capacity across the country, the Columbia has the potential to keep the 64 million children in our schools safe physically and mentally by helping prevent school violence."

James Shelton, Former Deputy Secretary, U.S. Department of Education



ASK YOUR ATHLETES
CCARE FOR YOUR ATHLETES
ESCORT YOUR ATHLETES

See Reverse for Questions that Can Save a Life



ASK YOUR FRIENDS
CCARE FOR YOUR FRIENDS
EMBRACE YOUR FRIENDS



See Reverse for Questions that Can Save a Life

		Past Month
1) Have you wished you were dead or wished you could go to sleep and not wake up?		
2) Have you actually had any thoughts about killing yourself?		
If YES to 2, answer questions 3, 4, 5 and 6 If NO to 2, go directly to question 6		
3) Have you thought about how you might do this?		
4) Have you had any intention of acting on these thoughts of killing yourself, as opposed to you have the thoughts but you definitely would not act on them?		High Risk
5) Have you started to work out or worked out the details of how to kill yourself? Do you intend to carry out this plan?		High Risk
Always Ask Question 6		Lifetime
6) Have you done anything, started to do anything, or prepared to do anything to end your life? <i>Examples: Collected pills, obtained a gun, gave away valuables, wrote a will or suicide note, held a gun but changed your mind, cut yourself, tried to hang yourself, etc.</i>		High Risk

NATIONAL
SUICIDE
PREVENTION
LIFELINE
1-800-273-TALK (8255)
suicidepreventionlifeline.org

Any **YES** indicates the need for further care. However, if the answer to **4, 5 or 6** is **YES**, **immediately ESCORT** to Emergency Personnel for care, call 1-800-273-8255, text 741741 or call 911.

DON'T LEAVE THE PERSON ALONE. STAY WITH THEM UNTIL THEY ARE IN THE CARE OF PROFESSIONAL HELP

THE COLUMBIA IN ACTION

Reducing Liability & Workload While Saving Lives

Why C-SSRS?

- Reduce Suicide
- Reduce Workload
- Reduce Liability



The C-SSRS provides valuable risk identification, protecting both students and universities against liability. Recently, the **Massachusetts Supreme Court** determined that schools are legally required to protect students when they express intent to act on suicidal thoughts (C-SSRS Questions 4 or 5) or if there has been a suicide attempt at school or soon before matriculation that they have knowledge of (Question 6).

Previously, it was "simply an officer, ambulance relying on their gut feeling and maybe sometimes transporting somebody to the emergency because of liability reasons. We don't want to leave somebody. [The C-SSRS] changes the game to the extent that now they have something to hang their hat on."

Rory Beil, Project Manager, ReThink Mental Health and Clay County Public Health

The C-SSRS as policy has been successfully implemented in many schools and systems across all 50 states, many with top-down policy (e.g. every teacher in Tennessee) and is an integral piece of suicide prevention programs internationally (e.g. teachers in Israel).

Follow this link or scan this code to watch a short demonstration of how to ask questions with the C-SSRS screener:

<https://tinyurl.com/CSSRSDemoVideo>



At Centerstone, one of the largest behavioral healthcare providers in the United States, the suicide rate among its Tennessee patients was lowered by 65% within the first 20 months of implementation.

After putting the C-SSRS in everybody's hands, the U.S. Marine Corps saw a 22% reduction in the number of service member suicides.

Utah reversed an almost decade-long increase in suicide deaths.

The Columbia is the nationally adopted common language for talking about suicide, fostering an essential protective and promotive factor for all youth: “the belief held by students that adults and peers in the school care about their learning as well as about them as individuals...” (CDC, 2009)

Build Connections by Simply Asking

Just asking the questions is a positive action. When we ask a student or a friend how they’re doing, it signals that someone cares about them. This simple action promotes connectedness – a critical protective factor against suicide and violence.



The Columbia Protocol creates a common language. Having a common language with clear definitions of suicidal thoughts and behaviors is critical for developing school safety and response protocols. Schools distribute the Columbia Community Cards to teachers, coaches, parents and students, so that **everyone is empowered to ask about suicide**.

THE POWER OF ASKING

High-risk students who get screened are less distressed and suicidal than high-risk students who do not receive screening.
(Gould et al, 2005)



MYTHS vs. FACTS

“Asking a depressed person about suicide may put the idea in their heads”

- ▶ Asking does **not** suggest suicide, or make it more likely.
- ▶ Open discussion is more likely to be experienced as relief than intrusion.
- ▶ Depressed students who get screened are less distressed and suicidal than high-risk students who are not screened (Gould et al, 2005).

“There’s no point in asking about suicidal thoughts... if someone is going to do it, they won’t tell you”

- ▶ Many people will be honest when asked, even if they would never bring it up themselves.
- ▶ Many give hints to friends or family, even if they don’t tell a counselor or clinician.
- ▶ Ambivalence, contradictory statements and behavior are common.

“Someone that makes suicidal threats won’t really do it, they’re just looking for attention”

- ▶ Those who talk about suicide or express thoughts about wanting to die are most at risk of a real suicide attempt.
- ▶ 80% of people who die by suicide gave some indication or warning first.

Suicide & Youth in the U.S.

- Approximately 17% of high school students (2015) and 13% of college students (2018) reported seriously considering suicide within the prior year (CDC)
- Each year, 8% of high school students (2015) and 2% of college students (2018) make one or more suicide attempts (CDC)
- An estimated 51,518 adolescents are hospitalized each year for self-inflicted injuries, resulting in total annual costs of approximately \$477,580,000 (CDC 2010)
- Fewer than 20% of students who die by suicide received any campus-based mental health services



The Columbia Lighthouse Project

is dedicated to improving suicide risk assessment prevention across all sectors of society. The suicide assessment method developed in collaboration with other academic medical centers, the Columbia Suicide Severity Rating Scale, is used extensively in education and healthcare systems, state-wide suicide prevention programs, the military, as well as academic and industry research in the US and abroad.

In order to help integrate the C-SSRS into your prevention protocols, we will:

- Help select the right screening tool and modify it for your setting
- Answer questions about how to use the tool and provide hands-on support
- Direct you to resources that can bolster your suicide prevention efforts

For support, copies of the tool, or additional information, please visit
cssrs.columbia.edu

Identify risk. Prevent suicide. Together, we can make a difference.

"We all have the potential to use the C-SSRS to save a life."

– Keita Franklin, Director

U.S. Department of Defense Suicide Prevention Office

The C-SSRS has been endorsed, recommended, or adopted by:



World Health
Organization



Identify risk. Prevent suicide.
Together, we can make a difference.

www.cssrs.columbia.edu



THE COLUMBIA
LIGHTHOUSE
PROJECT
IDENTIFY RISK. PREVENT SUICIDE.

COLUMBIA-SUICIDE SEVERITY RATING SCALE
Screen with Triage Points for Schools

	Past month	
Ask questions that are in bold and underlined.	YES	NO
Ask Questions 1 and 2		
1) <u><i>Have you wished you were dead or wished you could go to sleep and not wake up?</i></u>		
2) <u><i>Have you had any actual thoughts of killing yourself?</i></u>		
If YES to 2, ask questions 3, 4, 5, and 6. If NO to 2, go directly to question 6.		
3) <u><i>Have you been thinking about how you might do this?</i></u> e.g. “I thought about taking an overdose but I never made a specific plan as to when where or how I would actually do it....and I would never go through with it.”		
4) <u><i>Have you had these thoughts and had some intention of acting on them?</i></u> as opposed to “I have the thoughts but I definitely will not do anything about them.”		
5) <u><i>Have you started to work out or worked out the details of how to kill yourself? Do you intend to carry out this plan?</i></u>		
6) <u><i>Have you ever done anything, started to do anything, or prepared to do anything to end your life?</i></u> Examples: Collected pills, obtained a gun, gave away valuables, wrote a will or suicide note, took out pills but didn’t swallow any, held a gun but changed your mind or it was grabbed from your hand, went to the roof but didn’t jump; or actually took pills, tried to shoot yourself, cut yourself, tried to hang yourself, etc. If YES, ask: <u><i>Was this within the past 3 months?</i></u>		Lifetime
		Past 3 Months

Response Protocol to C-SSRS Screening

Item 1 Behavioral Health Referral
Item 2 Behavioral Health Referral
Item 3 Behavioral Health Referral and Consider Consultation (Psychologist/Social Worker) and Student Safety Precautions
Item 4 Student Safety Precautions and psychiatric evaluation by crisis team/EMT/Emergency room
Item 5 Student Safety Precautions and psychiatric evaluation by crisis team/EMT/Emergency room
Item 6 Behavioral Health Referral and Consider Consultation (Psychologist/Social Worker) and Student Safety Precautions
Item 6 3 months ago or less: Student Safety Precautions and psychiatric evaluation by crisis team/EMT/Emergency room

EXHIBIT

F

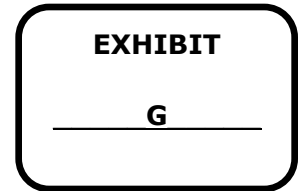
COLUMBIA-SUICIDE SEVERITY

RATING SCALE

(C-SSRS)

Lifetime Recent

Version 1/14/09 m9/12/17



Posner, K.; Brent, D.; Lucas, C.; Gould, M.; Stanley, B.; Brown, G.; Fisher, P.; Zelazny, J.;
Burke, A.; Oquendo, M.; Mann, J.

Disclaimer:

This scale is intended to be used by individuals who have received training in its administration. The questions contained in the Columbia-Suicide Severity Rating Scale are suggested probes. Ultimately, the determination of the presence of suicidal ideation or behavior depends on the judgment of the individual administering the scale.

Definitions of behavioral suicidal events in this scale are based on those used in The Columbia Suicide History Form, developed by John Mann, MD and Maria Oquendo, MD, Conte Center for the Neuroscience of Mental Disorders (CCNMD), New York State Psychiatric Institute, 1051 Riverside Drive, New York, NY, 10032. (Oquendo M. A., Halberstam B. & Mann J. J., Risk factors for suicidal behavior: utility and limitations of research instruments. In M.B. First [Ed.] Standardized Evaluation in Clinical Practice, pp. 103 -130, 2003.)

For reprints of the C-SSRS contact Kelly Posner, Ph.D., New York State Psychiatric Institute, 1051 Riverside Drive, New York, New York, 10032; inquiries and training requirements contact posnerk@nyspi.columbia.edu

SUICIDAL IDEATION			
Ask questions 1 and 2. If both are negative, proceed to “Suicidal Behavior” section. If the answer to question 2 is “yes”, ask questions 3, 4 and 5. If the answer to question 1 and/or 2 is “yes”, complete “Intensity of Ideation” section below.		Lifetime: Time He/She Felt Most Suicidal	Past 1 month
1. Wish to be Dead Subject endorses thoughts about a wish to be dead or not alive anymore, or wish to fall asleep and not wake up. Have you wished you were dead or wished you could go to sleep and not wake up? If yes, describe:		Yes No <input type="checkbox"/> <input type="checkbox"/>	Yes No <input type="checkbox"/> <input type="checkbox"/>
2. Non-Specific Active Suicidal Thoughts General non-specific thoughts of wanting to end one’s life/die by suicide (e.g., “I’ve thought about killing myself”) without thoughts of ways to kill oneself/associated methods, intent, or plan during the assessment period. Have you actually had any thoughts of killing yourself? If yes, describe:		Yes No <input type="checkbox"/> <input type="checkbox"/>	Yes No <input type="checkbox"/> <input type="checkbox"/>
3. Active Suicidal Ideation with Any Methods (Not Plan) without Intent to Act Subject endorses thoughts of suicide and has thought of at least one method during the assessment period. This is different than a specific plan with time, place or method details worked out (e.g., thought of method to kill self but not a specific plan). Includes person who would say, “I thought about taking an overdose but I never made a specific plan as to when, where or how I would actually do it...and I would never go through with it.” Have you been thinking about how you might do this? If yes, describe:		Yes No <input type="checkbox"/> <input type="checkbox"/>	Yes No <input type="checkbox"/> <input type="checkbox"/>
4. Active Suicidal Ideation with Some Intent to Act, without Specific Plan Active suicidal thoughts of killing oneself and subject reports having <u>some intent to act on such thoughts</u> , as opposed to “I have the thoughts but I definitely will not do anything about them.” Have you had these thoughts and had some intention of acting on them? If yes, describe:		Yes No <input type="checkbox"/> <input type="checkbox"/>	Yes No <input type="checkbox"/> <input type="checkbox"/>
5. Active Suicidal Ideation with Specific Plan and Intent Thoughts of killing oneself with details of plan fully or partially worked out and subject has some intent to carry it out. Have you started to work out or worked out the details of how to kill yourself? Do you intend to carry out this plan? If yes, describe:		Yes No <input type="checkbox"/> <input type="checkbox"/>	Yes No <input type="checkbox"/> <input type="checkbox"/>

INTENSITY OF IDEATION		
The following features should be rated with respect to the most severe type of ideation (i.e., 1-5 from above, with 1 being the least severe and 5 being the most severe). Ask about time he/she was feeling the most suicidal.		
<u>Lifetime</u> - Most Severe Ideation: Type # (1-5) _____ Description of Ideation _____	Most Severe	Most Severe
<u>Recent</u> - Most Severe Ideation: Type # (1-5) _____ Description of Ideation _____		
Frequency How many times have you had these thoughts? (1) Less than once a week (2) Once a week (3) 2-5 times in week (4) Daily or almost daily (5) Many times each day	_____	_____
Duration When you have the thoughts how long do they last? (1) Fleeting - few seconds or minutes (4) 4-8 hours/most of day (2) Less than 1 hour/some of the time (5) More than 8 hours/persistent or continuous (3) 1-4 hours/a lot of time	_____	_____
Controllability Could/can you stop thinking about killing yourself or wanting to die if you want to? (1) Easily able to control thoughts (4) Can control thoughts with a lot of difficulty (2) Can control thoughts with little difficulty (5) Unable to control thoughts (3) Can control thoughts with some difficulty (6) Does not attempt to control thoughts	_____	_____
Deterrents Are there things - anyone or anything (e.g., family, religion, pain of death) - that stopped you from wanting to die or acting on thoughts of suicide? (1) Deterrents definitely stopped you from attempting suicide (4) Deterrents most likely did not stop you (2) Deterrents probably stopped you (5) Deterrents definitely did not stop you (3) Uncertain that deterrents stopped you (6) Does not apply	_____	_____
Reasons for Ideation What sort of reasons did you have for thinking about wanting to die or killing yourself? Was it to end the pain or stop the way you were feeling (in other words you couldn't go on living with this pain or how you were feeling) or was it to get attention, revenge or a reaction from others? Or both? (1) Completely to get attention, revenge or a reaction from others (4) Mostly to end or stop the pain (you couldn't go on living with the pain or how you were feeling) (2) Mostly to get attention, revenge or a reaction from others (5) Completely to end or stop the pain (you couldn't go on living with the pain or how you were feeling) (3) Equally to get attention, revenge or a reaction from others and to end/stop the pain (6) Does not apply	_____	_____

SUICIDAL BEHAVIOR (Check all that apply, so long as these are separate events; must ask about all types)		Lifetime	Past 3 months
Actual Attempt: A potentially self-injurious act committed with at least some wish to die, as a result of act. Behavior was in part thought of as method to kill oneself. Intent does not have to be 100%. If there is any intent/desire to die associated with the act, then it can be considered an actual suicide attempt. There does not have to be any injury or harm, just the potential for injury or harm. If person pulls trigger while gun is in mouth but gun is broken so no injury results, this is considered an attempt. Inferring Intent: Even if an individual denies intent/wish to die, it may be inferred clinically from the behavior or circumstances. For example, a highly lethal act that is clearly not an accident so no other intent but suicide can be inferred (e.g., gunshot to head, jumping from window of a high floor/story). Also, if someone denies intent to die, but they thought that what they did could be lethal, intent may be inferred. Have you made a suicide attempt? Have you done anything to harm yourself? Have you done anything dangerous where you could have died? What did you do? Did you _____ as a way to end your life? Did you want to die (even a little) when you _____? Were you trying to end your life when you _____? Or Did you think it was possible you could have died from _____? Or did you do it purely for other reasons / without ANY intention of killing yourself (like to relieve stress, feel better, get sympathy, or get something else to happen)? (Self-Injurious Behavior without suicidal intent) If yes, describe:		Yes No <input type="checkbox"/> <input type="checkbox"/> Total # of Attempts _____	Yes No <input type="checkbox"/> <input type="checkbox"/> Total # of Attempts _____
Interrupted Attempt: When the person is interrupted (by an outside circumstance) from starting the potentially self-injurious act (if not for that, actual attempt would have occurred). Overdose: Person has pills in hand but is stopped from ingesting. Once they ingest any pills, this becomes an attempt rather than an interrupted attempt. Shooting: Person has gun pointed toward self, gun is taken away by someone else, or is somehow prevented from pulling trigger. Once they pull the trigger, even if the gun fails to fire, it is an attempt. Jumping: Person is poised to jump, is grabbed and taken down from ledge. Hanging: Person has noose around neck but has not yet started to hang - is stopped from doing so. Has there been a time when you started to do something to end your life but someone or something stopped you before you actually did anything? If yes, describe:		Yes No <input type="checkbox"/> <input type="checkbox"/> Total # of interrupted _____	Yes No <input type="checkbox"/> <input type="checkbox"/> Total # of interrupted _____
Aborted or Self-Interrupted Attempt: When person begins to take steps toward making a suicide attempt, but stops themselves before they actually have engaged in any self-destructive behavior. Examples are similar to interrupted attempts, except that the individual stops him/herself, instead of being stopped by something else. Has there been a time when you started to do something to try to end your life but you stopped yourself before you actually did anything? If yes, describe:		Yes No <input type="checkbox"/> <input type="checkbox"/> Total # of aborted or self-interrupted _____	Yes No <input type="checkbox"/> <input type="checkbox"/> Total # of aborted or self-interrupted _____
Preparatory Acts or Behavior: Acts or preparation towards imminently making a suicide attempt. This can include anything beyond a verbalization or thought, such as assembling a specific method (e.g., buying pills, purchasing a gun) or preparing for one's death by suicide (e.g., giving things away, writing a suicide note). Have you taken any steps towards making a suicide attempt or preparing to kill yourself (such as collecting pills, getting a gun, giving valuables away or writing a suicide note)? If yes, describe:		Yes No <input type="checkbox"/> <input type="checkbox"/> Total # of preparatory acts _____	Yes No <input type="checkbox"/> <input type="checkbox"/> Total # of preparatory acts _____
	Most Recent Attempt Date:	Most Lethal Attempt Date:	Initial/First Attempt Date:
Actual Lethality/Medical Damage: 0. No physical damage or very minor physical damage (e.g., surface scratches). 1. Minor physical damage (e.g., lethargic speech; first-degree burns; mild bleeding; sprains). 2. Moderate physical damage; medical attention needed (e.g., conscious but sleepy, somewhat responsive; second-degree burns; bleeding of major vessel). 3. Moderately severe physical damage; medical hospitalization and likely intensive care required (e.g., comatose with reflexes intact; third-degree burns less than 20% of body; extensive blood loss but can recover; major fractures). 4. Severe physical damage; medical hospitalization with intensive care required (e.g., comatose without reflexes; third-degree burns over 20% of body; extensive blood loss with unstable vital signs; major damage to a vital area). 5. Death	Enter Code _____	Enter Code _____	Enter Code _____
Potential Lethality: Only Answer if Actual Lethality=0 Likely lethality of actual attempt if no medical damage (the following examples, while having no actual medical damage, had potential for very serious lethality: put gun in mouth and pulled the trigger but gun fails to fire so no medical damage; laying on train tracks with oncoming train but pulled away before run over). 0 = Behavior not likely to result in injury 1 = Behavior likely to result in injury but not likely to cause death 2 = Behavior likely to result in death despite available medical care	Enter Code _____	Enter Code _____	Enter Code _____



Wisconsin Department of Safety and Professional Services Credential/Licensing Search

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Individual Search Results - Detail

Credential/License Summary for 8675309

Name: FÜNKE-KEYWORTH, ELLIOTT N.

Profession: ADVANCED PRACTICE NURSE PRESCRIBER (33)

Credential/License Number: 8675309-33

Location: CLEARWATER WI

Credential/License Type: regular

Status: License is current (Active)

Eligible To Practice: credential license is current

EXHIBIT

H

Details

Requirements

Payments

Orders

Relationships

Credential/License current through: 9/30/2022

Granted date: 09/01/2011

Multi-state: N

Orders: NONE

Specialties: Pediatrics, Psychiatric Mental Health, Nurse Practitioner (NP)

Other Names: N

Wis. Stat. § 227.51(2) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, the existing license does not expire until the application has been finally acted upon by the agency, and, if the application is denied or the terms of the new license are limited, until the last day for seeking review of the agency decision or a later date fixed by order of the reviewing court.

Requirement Code Description

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Details	Requirements	Payments	Orders	Relationships
Requirement Code	Complied?		Complied Date	
Renewal Requirements for the year: 2016				
FEE	requirement complied		09/26/2017	
INS	requirement complied		09/26/2017	
NTL	requirement complied		09/26/2017	
SIG	requirement complied		09/26/2017	
RNR	requirement complied		09/26/2017	
Issuance Requirements for the year: 2011				
FEE	requirement complied		09/01/2011	
INS	requirement complied		09/01/2011	
NTL	requirement complied		09/01/2011	
SIG	requirement complied		09/01/2011	
RNR	requirement complied		09/01/2008	

Details	Requirements	Payments	Orders	Relationships
Renewal Year	Amount Paid		Payment Received	
2016	82		09/26/2017	
Late Fee	75		09/26/2017	
2011	74		09/01/2011	

Details	Requirements	Payments	Orders	Relationships
Hearing ID	Order Date		Subject	
ORDER0002777	11/20/2017		FINAL DECISION AND ORDER	

Details	Requirements	Payments	Orders	Relationships
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No data found.