

2023-24

Wisconsin High School
Mock Trial Tournament

Case Materials

Flynn Forrester

vs.

Sam Sargent

Plaintiff Witnesses:

Flynn Forrester

Jamie Kennedy

Mikkel Aren de Bary

Defense Witnesses:

Sam Sargent

Morgan Fairchildren

Francis Rodriguez-Oberwinkler

Stipulations/Pre-Trial Rulings

1. All of the exhibits are authentic and the authenticity of an exhibit is never at issue. All witnesses have authenticated exhibits containing their initials and/or names and exhibits to which they refer in their affidavits, and the accuracy of the dates thereon. 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. Each witness has reviewed their affidavit the morning of trial, attested that it was true and accurate, and attested that there was nothing that they had forgotten or wanted to add, including content for exhibits.
3. Each witness affidavit/report is intended to be gender-neutral and should be interpreted as such. 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.
4. The parties stipulate that on October 20, 2022, Flynn Forrester was admitted to Clearwater Hospital in Clearwater, Wisconsin, where Forrester was diagnosed with renal failure caused by amatoxin poisoning. They further stipulate that said poisoning was caused by consumption of poisonous mushrooms. This stipulated information may be entered into evidence without need for additional documentation or exhibits to support the same.
5. Sam Sargent was investigated by police for the events connected with this case. Police declined to refer charges to the District Attorney's Office. Sargent's attorneys have advised Sargent of Sargent's right to avoid self-incrimination under the Fifth Amendment to the United States Constitution and Article I, Section 8 of the Wisconsin Constitution, in the event said testimony may lead to future charges. Sam Sargent has chosen to testify in this matter.
6. Any individuals named in this problem but not identified as witnesses are *not* unavailable witnesses: the attorneys handling the case simply chose not to call them as witnesses at trial.
7. This problem refers to "Nudge," a social media platform. Much like Clearwater, Wisconsin is a fictitious city in which mock trial problems take place, "Nudge" is the fictitious social media platform as a part of the same mock trial universe.
8. This case is bifurcated. The underlying claim is being tried in this case; if the Plaintiff is successful, damages will be tried at a later date.
9. All opinions contained in the affidavits of Mikkel Aren de Bary and Francis Rodriguez-Oberwinkler are made to a reasonable degree of professional certainty. In Motions *in Limine*, the

methods, practices, training, skills, knowledge, qualifications and expertise of these witnesses were addressed in pre-trial *Daubert* hearings, and the Court determined that both witnesses could offer opinions related to the field of mycology: including the applicable standard of care and the effects of mushroom consumption. This ruling was based upon the expected trial testimony from the affidavits: this does not relieve any party of the need to lay foundation for expert opinions, nor does it remove either party's ability to attack the credentials of an expert, if appropriate, for the jury's consideration in determining the weight to give to any opinion.

10. Assume the following fictional statute § 895.033 is in place in the State of Wisconsin for purposes of this case, stating, in relevant part:

a. Definitions:

- (1) "Illegal drug" means a drug, the distribution of which is a violation of state law, or a substance believed to be an illegal drug.
- (2) "Illegal drug market" means the system of illegal drug-related operations, from production to retail sales, through which an illegal drug reaches the user.
- (3) "Individual drug user" means the individual whose illegal drug use is the basis of an action brought under this chapter.
- (4) "Participate in the illegal drug market" means to distribute, possess with intent to distribute, commit an act intended to facilitate distribution of, or agree to distribute, possess with intent to distribute, an illegal drug.

b. A person who knowingly participates in the illegal drug market within this state is liable for civil damages as provided in this chapter. A person may recover damages under this chapter for injury resulting from an individual's use of an illegal drug.

c. The following can bring an action for damages caused by an individual's use of an illegal drug:

...(2) a person injured as a result of an individual drug user's consumption of illegal drugs, including the drug user themselves.

d. Such person eligible to bring an action for damages can bring that action against the following:

...(2) A person who knowingly distributed, or knowingly participated in the chain of distribution of, an illegal drug that was actually used by the individual drug user

e. An action by an individual drug user is governed by principles of comparative fault.

11. Assume under the same fictitious Wis. Stat. § 895.033, there are procedures that must be followed for a Court to find an "individual drug user" is eligible to file suit against a drug distributor, and in pre-trial hearings, the Court found all such prerequisites were met.

12. Assume in the fictitious Wis. Stat § 895.033, policies of insurance are not permitted to provide coverage for individual liability imposed under this statute. However, in pre-trial proceedings, the Court found that the insurance policy provided by Coverage Mutual Insurance Company would cover liability for compensatory damages caused by a defamation claim, but not punitive damages, so Coverage Mutual remains a party. Because damages will be tried at a separate time, the Court is permitting Coverage Mutual and Sam Sargent to be represented at this stage by the same attorneys as-permitted by the terms of the policy of insurance that Coverage Mutual had for Sam Sargent.

Disclaimer

The 2023-24 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.

This case uses a fictional statute that does not actually exist in the State of Wisconsin. That statute is modeled after laws that exist in other states, modified for purposes of this problem.

This year's mock trial case contains discussions regarding use of illegal drugs. The State Bar of Wisconsin Mock Trial Writing Committee greatly enjoys the challenge of creating unique, engaging, and educational content in each year's case scenario for the hundreds of young people who participate in the high school mock trial tournament. It is always the Committee's goal to balance the compelling and entertaining components of the case with its educational content that has a well-researched, factual basis and relevance to the participants. With respect to this year's scenario, the Committee recognizes the hardship that alcohol and other substance use disorders have on individuals, their friends and families, and the community at large, and in no way encourages recreational or experimental substance use.

If you or someone you care about is looking for information on substance use intervention services in your community, the Wisconsin Department of Health Services provides resources here:

Wisconsin Addiction Recovery Helpline

- **Call:** 211 or 833-944-4673
- **Text:** Your ZIP code to 898211
- **Online Search:** addictionhelpwi.org
- **Online Chat:** [Enter the chat room](#)



Additionally, the Substance Abuse and Mental Health Services Administration has a confidential, free, 24-hour-a-day, 365-day-a-year, information service, in English and Spanish, for individuals and family members facing mental and/or substance use disorders.



Call 1 (800) 662-HELP (4357) or send your zip code via text message to 435748 (HELP4U).

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. Some may be marked in sub-sections. Those may be used independent of one another, subject to the rules regarding foundation and admissibility.

FLYNN FORRESTER,
44 Bluebird Drive
Clearwater, Wisconsin

Plaintiff,

v.

Court Case No. 2023-CV-376
Case Code: 30107
Personal Injury - Other

SAM SARGENT,
4721 Gomphus Lane
Clearwater, Wisconsin

COVERAGE MUTUAL
INSURANCE COMPANY
c/o Serve Us Here,
Registered Agent
1528 Progress Lane
Clearwater, Wisconsin

Defendants.

COMPLAINT

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

1. Flynn Forrester is an adult resident of the State of Wisconsin residing at 44 Bluebird Dr., Clearwater, Wisconsin.
2. Defendant Sam Sargent is an adult resident of the State of Wisconsin residing at 4721 Gomphus Ln., Clearwater, Wisconsin.
3. Coverage Mutual Insurance Company is an insurance company that is licensed to do business in the State of Wisconsin. The Registered Agent for Service of Process of Coverage Mutual Insurance Company is Serve us Here, 1528 Progress Lane, Clearwater, Wisconsin.

Coverage Mutual Insurance Company does substantial business in Clearwater County. Upon information and belief, at all times relevant hereto, Coverage Mutual Insurance Company had policies of homeowners and umbrella insurance coverage that provided coverage for the negligent, reckless, and intentional acts of Sam Sargent, including those at issue in this case.

4. On October 16, 2022, Sam Sargent distributed mushrooms to Flynn Forrester, believing them to be hallucinogenic mushrooms and claiming the same to Flynn Forrester. Hallucinogenic mushrooms are a substance whose possession, use and delivery are illegal in the State of Wisconsin.

5. That same day, Flynn Forrester consumed said mushrooms, believing them to be hallucinogenic as Sam Sargent had warranted, and relying upon that representation. Flynn Forrester did not feel hallucinogenic effects from said mushrooms.

6. On or about October 17, 2022, Flynn Forrester became ill. On October 20, 2022, Forrester was hospitalized. Upon information and belief, Forrester was diagnosed with renal failure caused by amatoxin poisoning, resulting from poisonous mushrooms. Forrester remained hospitalized for several days.

7. Upon information and belief, during Forrester's hospitalization, Sam Sargent began telling people that Forrester was dealing drugs and was inquiring about making synthetic drugs, and had been poisoned by bad mushrooms Forrester had purchased and then consumed. This was untrue. Upon information and belief, a story was then run in the local newspaper based upon the information Sargent was circulating.

8. Thereafter, Flynn Forrester received a letter from the Waterclear University pharmaceutical chemistry accelerated program to which they had been accepted, rescinding Forrester's admission for violations of their "code of conduct" for use of illicit substances.

9. As a direct and proximate result of Sargent providing poisonous mushrooms to Forrester and promising they were of a non-poisonous type, combined with the untrue statements Sargent made about Forrester, Forrester sustained past medical expenses and may sustain future medical expenses; experienced substantial pain, suffering, humiliation, and loss of enjoyment of life and is likely to do so in the future; and suffered a loss of future earning capacity, among other damages.

Civil Liability for Distribution of Illegal Drugs Under Wis. Stat. 895.033

10. Plaintiff incorporates by reference the preceding paragraphs as if set forth in full herein.

11. When Defendant distributed mushrooms to Plaintiff that Defendant negligently or recklessly believed and warranted to be illegal drugs, Defendant knowingly participated in the illegal drug market.

12. Plaintiff relied upon Defendant's representation that said drugs were illegal drugs, and consumed them. As a direct and proximate result, Plaintiff was harmed.

13. As a result, pursuant to Wis. Stat. 895.033, Defendant is liable for Plaintiff's damages.

Defamation

14. Plaintiff incorporates by reference the preceding paragraphs as if set forth in full herein.

15. The above-referenced untrue statements made by Defendant about Plaintiff were communicated to third persons.

16. Those statements were of the type that so harmed the reputation of Plaintiff as to lower Plaintiff in the estimation of the community or deter others from associating or dealing

with Plaintiff.

17. As a result, Defendant is liable for Plaintiff's above-referenced damages.

18. Said statements were made with express malice. As a result, Defendant is additionally subject to punitive damages.

WHEREFORE, Plaintiff demands that judgment be entered in its favor and against the defendants, Sam Sargent and Coverage Mutual Insurance Company, for the amount of compensatory and punitive 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 10th day of March, 2023.

JUSTICE FOR PLAINTIFFS S.C.
Attorneys for Plaintiff

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

FLYNN FORRESTER,

Plaintiff,

v.

SAM SARGENT and
COVERAGE MUTUAL
INSURANCE COMPANY

Defendants.

Court Case No. 2023-CV-376
Case Code: 30107
Personal Injury - Other

ANSWER AND AFFIRMATIVE DEFENSES

Defendants Sam Sargent and Coverage Mutual Insurance Company, by and through their attorneys, as and for its Answer and Affirmative Defenses to Plaintiff's Complaint, allege and state as follows:

For an answer to the paragraphs with the same number in Plaintiff's Complaint:

1. Admit.
2. Admit.
3. Admit.
4. Admit Sargent provided mushrooms to Forrester on October 16, 2022. Admit hallucinogenic mushrooms are illegal in the State of Wisconsin. Deny that Sargent believed said mushrooms to be hallucinogenic and claimed the same to Forrester and put Plaintiff to their proof.
5. Admit Forrester consumed said mushrooms. Deny said consumption was based upon any representation made by Defendant and put Plaintiff to their proof. As to the remaining allegations in this paragraph, Defendant lacks information sufficient to form a belief as to the truth of the matter asserted, and therefore denies and puts Plaintiff to their proof.
6. Defendant lacks information sufficient to form a belief as to the truth of the matter asserted, and therefore denies and puts Plaintiff to their proof.

7. Deny and put Plaintiff to their proof.
8. Defendant lacks information sufficient to form a belief as to the truth of the matter asserted, and therefore denies and puts Plaintiff to their proof.
9. Deny Plaintiff suffered any of the alleged damages as a result of Defendant's actions and puts Plaintiff to their proof. As to the remainder of these allegations, Defendant lacks information sufficient to form a belief as to the truth of the matter asserted, and therefore denies and puts Plaintiff to their proof.

Civil Liability for Distribution of Illegal Drugs Under Wis. Stat. 895.033

10. Defendant incorporates by reference each of their prior responses to the preceding allegations as if set forth in full herein.
11. Deny and put Plaintiff to their proof. Affirmatively allege that Defendant told Plaintiff Defendant was not certain what said mushrooms were. Affirmatively allege that because said mushrooms were not, in fact, hallucinogenic, Defendant did not knowingly participate in any drug trade.
12. Deny and put Plaintiff to their proof.
13. Deny and put Plaintiff to their proof.

Defamation

14. Defendant incorporates by reference each of their prior responses to the preceding allegations as if set forth in full herein.
15. Deny and put Plaintiff to their proof.
16. Deny and put Plaintiff to their proof.
17. Deny and put Plaintiff to their proof.
18. Deny and put Plaintiff to their proof.

AFFIRMATIVE DEFENSES

1. Pursuant to Wis. Stat. 895.033, any liability thereunder is governed by principles of comparative fault, and to the extent Defendant is found to have been subject to said statute, any of Plaintiff's damages were caused by their own actions.

2. Any statements Defendant made regarding Plaintiff were substantially true and were not defamatory.
3. Plaintiff's Complaint fails to state a claim upon which relief can be granted.
4. Plaintiff may have failed to mitigate its damages, if any.
5. Affirmatively allege all affirmative defenses in Wis. Stat. 802.06(2) not specifically raised above for the sake of preservation.
6. Defendant reserves the right to amend or supplement this Answer and Affirmative Defenses.

WHEREFORE, Defendants demand that judgment be entered dismissing Plaintiff's Complaint and all allegations therein with prejudice; and for all such further relief the Court deems just and equitable.

Dated at Clearwater, Wisconsin this 20th day of April, 2023.

WE'VE GOT YOUR BACK LLP
Attorneys for Defendant

By: /s/ Ellen Christopoulos
State Bar # 1000001

FLYNN FORRESTER

Plaintiff,

v.

Case No. 2023-CV-376

SAM SARGENT

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.

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 themselves. 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 Flynn Forrester's damages. You will decide the percentage (a portion of 100%) attributable to each party in causing the Plaintiff's damages.

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.

VIOLATION OF WIS. STAT. 895.033

Question 1 asks if Sam Sargent knowingly participated in the distribution of illegal drugs when providing mushrooms to Flynn Forrester. Question 2 asks if said actions caused harm to Flynn Forrester.

The Wisconsin Legislature has enacted Wisconsin Statute 895.033 which provides that those who participate in the distribution of illegal drugs can be sued for damages if that participation causes harm to another.

In order for you to answer Question 1 "yes," the Plaintiff must meet the ordinary burden of proof in establishing each of the following elements:

- 1) That Defendant knew, believed, or in the exercise of ordinary care should have known, that they possessed an illegal drug, the distribution of which is a violation of state law.
- 2) That the Defendant knowingly distributed, possessed with intent to distribute, or committed an act intended to facilitate distribution of, an illegal drug.

- a. “Distribution” means providing the illegal drug to another individual.
- b. “Knowingly” means knowing possession of an illegal drug, belief that a drug was illegal—whether it was or not, and/or negligent failure to ascertain knowledge of the same.
- c. “Negligence” is failure to exercise ordinary care: 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.

In order for you to answer Question 2 “yes,” the Plaintiff must meet the ordinary burden of proof in establishing that, through the above actions of the Defendant, the Plaintiff was harmed.

Questions 3-5 ask you to compare the fault of the Defendant against any fault of the Plaintiff in causing the Plaintiff’s own damages. This is because each individual also owes a duty of ordinary care for their own safety, and the statutes require that the fault of the drug distributor be compared against the fault of the individual drug user.

DEFAMATION

Questions 8 asks whether Sam Sargent defamed Flynn Forrester.

A defamatory statement is one which:

- 1) is false,
- 2) is communicated by speech or in writing to a third person, and
- 3) tends so to harm the reputation of another as to lower the person in the estimation of the community or deter others from associating or dealing with the person.

If you find that the statement was substantially true, then the statement is not false. Slight inaccuracies of expression do not mean that the statement is false if it is true in substance.

The act of defamation is based upon the principle that a person’s reputation and good name is of great value. Once such reputation and good name have been damaged by statements of another person, restoration is virtually impossible.

It is not necessary that the defamatory statement be communicated to a large or even a substantial number of persons. It is enough if it is communicated to a single person other than the one defamed. Nor is it necessary that the statement be made with the intent to defame, for the intent of the speaker is not material.

In determining whether Sam Sargent made a defamatory statement, you should consider the whole context of the communication, giving the particular words of defamation their natural and ordinary meaning.

Flynn Forrester has the burden of proof to satisfy you by the greater weight of the credible

evidence, to a reasonable certainty, that the statement made by Sam Sargent was defamatory.

DEFAMATION: TRUTH AS DEFENSE

Sam Sargent claims that the statements they made are true. Truth of a statement is a defense in a defamation action. In fact, it is enough if the statement made is substantially true.

It is not necessary for Sam Sargent to establish the exact truth of the statement made. Slight inaccuracies of expression are immaterial provided that the statement is true in substance.

The burden of proof is upon Sam Sargent to establish the truth of the statement.

FLYNN FORRESTER

Plaintiff,

v.

Case No. 2023-CV-376

SAM SARGENT

Defendant.

SPECIAL VERDICT

Question 1: On October 16, 2022, did Sam Sargent knowingly participate in the distribution of illegal drugs when providing mushrooms to Flynn Forrester?

(Circle one) Yes / No

If you answered Question 1 “yes,” then proceed to Question 2. If you answered Question 1 “no,” then proceed to Question 6.

Question 2: Did Sam Sargent’s knowing participation in the distribution of illegal drugs on October 16, 2022 cause harm to Flynn Forrester?

(Circle one) Yes / No

If you answered Question 2 “yes,” then proceed to Question 3. If you answered Question 2 “no,” then proceed to Question 6.

Question 3: Was Flynn Forrester negligent with regard to their own safety in consuming mushrooms provided by Sam Sargent on October 16, 2022?

If you answered Question 3 “yes,” then proceed to Question 4. If you answered Question 3 “no,” then proceed to Question 6.

Question 4: Was Flynn Forrester’s negligence a cause of harm to themselves?

If you answered Question 4 “yes,” then proceed to Question 5. If you answered Question 4 “no,” then proceed to Question 6.

Question 5: Taking the combined responsibility of Flynn Forrester and Sam Sargent for causing harm to Flynn Forrester's as 100%, what percentage of responsibility do you attribute to:

A. Sam Sargent _____%

B. Flynn Forrester _____%

Total: 100%

Regardless of how you answered questions 1-5, answer Question 6:

Question 6: Did Sam Sargent tell one or more third parties any of the following about Flynn Forrester:

- a. that Forrester was dealing drugs,
- b. that Forrester was inquiring about making synthetic drugs, and/or
- c. that Forrester had been poisoned by bad mushrooms that Forrester had purchased and then consumed?

(Circle one) Yes / No

If you circle "yes," further circle the letter(s) for each of the above statements you found that Sam Sargent made.

If you answered Question 6 "yes," proceed to Question 7. If you answered Question 6 "no," answer no further questions.

Question 7: For each statement you circled, were said statements substantially true?

If you circled (a), now circle one: yes / no

If you circled (b), now circle one: yes / no

If you circled (c), now circle one: yes / no

If you answered "no" for any statement referenced in Question 7, proceed to Question 8. If you answered "yes," answer no further questions.

Question 8: Did Sam Sargent defame Flynn Forrester?

(Circle one) Yes / No

AFFIDAVIT OF FLYNN M. FORRESTER

Flynn M. Forrester, first being duly sworn, states as follows:

1 1. My name is Flynn Forrester. I am a recent graduate of Clearwater High School.
2 I've lived in Clearwater my entire life and have for years been eager to forge my own path
3 somewhere far away from Clearwater after graduation. Until recently, I wouldn't have said that
4 Clearwater is a bad place to live. I've just always felt like there have been certain expectations or
5 responsibilities put on me not for me but for other people. I want to challenge myself and build my
6 future for myself, if that makes sense.

7 2. It could be I feel this way because I'm the oldest of three children and the oldest
8 amongst all my friends in school. Having a birthday at the very end of August put me as the first
9 of my friends in my grade to be able to drive and put me as one of the only 18-year-olds in my
10 class even before senior year started. It could also be that I feel this way because both of my parents
11 are lawyers. They have a lot of strong opinions about almost everything, it seems, including that
12 they both wanted me to be a lawyer, too. Yeah, not happening. And yet here I am, plaintiff in a
13 lawsuit.

14 3. I am just as motivated as my parents, but I've just always had more of a passion for
15 the hard sciences. My favorite subject in school has been Chemistry, hands down. I'll take a 2-
16 hour chem lab any day over sitting and listening to lecture after lecture. I may have broken a
17 crucible or two in the lab, but who hasn't? I know it might seem kind of nerdy, but I always feel
18 in my element (pun, get it?) in the lab. Chemistry has just always been fascinating to me—the
19 many different effects chemicals can have on everything, people very much included.

20 4. For example, one of my favorite school projects ever was the report I wrote on the
21 Manchineel Tree. If you haven't heard of it, it's one of the deadliest plants in the world. Every part
22 of the tree contains toxins—you're not even supposed to stand anywhere near them. The sap
23 contains skin irritants that cause your skin to blister. Burning the tree can cause damage to your
24 eyes. And eating the fruit—the beach apple, as it's called—can kill you. If it doesn't kill you, it
25 will be very unpleasant.

26 5. Chem lab is also where my bandmates and I got the idea for our band name—The
27 Van der Waals Forces. Well, that was the original band's name. We had sort of an 80's synth-vibe.
28 We played a few local shows for a bit of cash and some parties but mostly just enjoyed jamming
29 out when we could in Sam Sargent's gigantic garage. No surprise—child of the luxury car
30 dealership owner has a big fancy recording studio off their garage. We just had to walk through a
31 row of multiple sports cars to get there.

32 6. I played the keytar, Jamie Kennedy was on the drum machine and synthesizer, and
33 Morgan Fairchild was on the bass. Sam was on vocals. No surprise there, either. Sam always loved
34 being the center of attention. I think Sam felt like because Sam's older than everyone else, that
35 added some level of authority where like Sam always wanted to be right at the front. Or maybe it
36 was just Sam wanting to be Lady Baba. Don't get me wrong, Sam's a fantastic singer. We met in
37 chorus and when I heard Sam sing, I knew Sam would make a great lead vocalist for a band. Sam
38 just I think sometimes let that (and other things) get to Sam's head.

39 7. Things were pretty great in the band overall, but Morgan was always kind of an
40 issue. We'd have a show that we were really excited about and Morgan would be late. Or make

41 excuses for not being at practices. It got worse and worse as high school went on. So, finally, about
42 six months before everything went down that's the reason for this lawsuit and my falling out with
43 Sam, we officially kicked Morgan out of the band—at least for a while. Needless to say, Morgan
44 did not take it well. I think Morgan felt like we blew things out of proportion, which is kind of
45 funny given that Morgan is the master of exaggeration. “This is the absolute worst day of my entire
46 life.” That kind of stuff.

47 8. The three remaining members of Van der Waals Forces decided that it wouldn't be
48 right performing under that name without Morgan, so we started a new band called “the Morels.”
49 We'd actually started working on an actual album, which was a new thing for us. The working
50 title was “the Fun-Guys.” Anyway, we thought it was funny but I think Morgan took it as an extra
51 diss or stab in the back, given Morgan's side business selling “fancy” mushrooms.

52 9. Sam never really seemed concerned about not having any real goals or ambitions.
53 I suppose that makes sense when everyone, Sam very much included, knew that Sam would be set
54 for life, no matter what Sam did. I don't know, even if I had that much money, I'd still want to
55 accomplish things on my own. Short of Sam foraging with Sam's mom and jamming in the band,
56 Sam didn't really do much of anything outside of school.

57 10. My sophomore year Chemistry Honors teacher, Mr. Fenrir, encouraged me to
58 consider pursuing pharmaceutical chemistry as a career. Pharmaceutical chemists run experiments
59 with chemicals to find compounds to be used as medicine. I thought that sounded like a great way
60 to both help people through chemistry and make a good living. Plus, Mr. Fenrir said most
61 pharmaceutical chemists make six-figure salaries.

62 11. Mr. Fenrir told me there was this accelerated undergraduate/PhD program at
63 Waterclear University out of state. If you're accepted into the program, you're accepted into both
64 the undergraduate and PhD program. That sounded fantastic to me—knowing that if I could get
65 into this program, I'd be set not only for college but for my graduate degree, too. Even more, if
66 you achieve at least an overall 3.5 GPA during your first three years of undergraduate and pass
67 certain exams, you can skip the last year of undergrad and go right from there into the PhD
68 program. That sounded great to me too because getting a PhD can take many years. I don't mind
69 the idea of being in school for a while but would be happy for it to take not quite so long.

70 12. I was thrilled last year when I was accepted into Waterclear's accelerated
71 undergraduate/PhD pharmaceutical chemistry program. They only accept a small number of
72 students into the program every year, and I made it. Mr. Fenrir told me that I was the first student
73 in Clearwater High School's history to have been accepted into this program. It wasn't easy, either.
74 I had to give up a lot of other fun things my friends were doing to study to make sure my test scores
75 and grades were as high as possible. And, though it wasn't an undergraduate/law school program,
76 even my parents were thrilled. They know how challenging it is to get into the program, and they
77 were excited that I had pursued a program that essentially—as long as I maintained my grades—
78 guaranteed me a successful career.

79 13. I remember telling Jamie and Sam on Nudge that I had been accepted. Jamie
80 seemed really happy for me, though sad I'd be going so far away for school. I thought Sam seemed
81 happy for me, too. Now I wonder if Sam was actually jealous or something because I was getting
82 attention.

83 14. After I was accepted, I knew I had to be extra careful for the rest of high school. I
84 wasn't really doing anything much to get in trouble before, but you know there were times where
85 I was hanging out with Jamie and Morgan and Sam and we'd just be a little reckless or something.
86 Snag a few gummy bears from the store, smoke a little weed every now and again. I knew how to
87 be smart about it. So many of the Bwingers—B-Wingers, or the people who tended to hang out
88 and smoke by the Home Economics Annex—were so obvious about everything. And just sloppy,
89 frankly. Why are you smoking up at school?

90 15. Even though I was pretty straight-laced and had things under control before I got
91 into the program, I knew as soon as I got in that I had to be extra careful. I really didn't want to do
92 anything to mess up my going into the Waterclear U. program. I pulled back from the band a little
93 bit beyond the occasional jam sesh, and really just tried to focus on studying. I obviously didn't
94 succeed. I still can't believe this has all happened. I'll never forgive Sam. Sam essentially ruined
95 my life.

96 16. My parents never really liked Sam. They said that Sam was a “trust-fund kid with
97 lots of money and nothing to lose.” I was definitely aware that Sam's family is loaded and that
98 Sam didn't seem to have many concerns about much of anything, but it's not like Sam was doing
99 anything really bad or anything like that. And if Sam wanted to get into something I wasn't cool
100 with, Sam wasn't pushy or anything like that. Sam would always say, “you do you” and just leave
101 it be. Really the only thing Sam ever did that I didn't like was teasing me about studying so much.
102 But I always took that to be because Sam just wanted to have fun and I'd often have to pass. As
103 much as I hate to say it, my parents were right—and you better believe they've told me that many,
104 many times since.

105 17. If the Van Der Waals Forces were doing a jam session, I'd often end up spending
106 the entire weekend at Sam's house, well at least until Sunday when then I had to study. Sam has a
107 massive house with all sorts of fun things to do. I was at Sam's house the whole weekend of
108 October 15-16 last year, when all this started.

109 18. Chemistry jokes aside, I really wasn't into taking drugs. I mean, a little pot and
110 some beer at parties every now and again, but I was more interested in studying them than taking
111 them. But if I'm being honest, I was always kind of afraid to try both because of just not knowing
112 what effects they'd have on me and because I didn't want to mess up my future. Now, if other
113 people were taking drugs, I would happily watch and see the effects on them. I mean, I wouldn't
114 be creepy about it. Just like, if we were at parties or something and I knew someone was taking
115 something, I'd just keep an eye on them to watch how their behavior changed. Why not learn
116 something if they're taking them anyway?

117 19. That weekend, this was mid-October, 2022, Sam's family had a few weeks earlier
118 gotten back from a trip out to their condo in Seattle. Sam mentioned bringing back some
119 mushrooms. This was earlier on Sunday. Sam never told me that Sam wasn't sure what kind of
120 mushrooms they were. Sam said they were hallucinogenic and that it would be fun for us to trip
121 while having the jam sesh.

122 20. I told Sam I wasn't into it. I had a big test that Monday and didn't want to be
123 affected by it, and I also didn't want to get caught. Sam told me that the effects would be long-
124 gone by Monday at the time of the test, that it was just like the chemical compounds I'd want to

125 make artificially to help people only all natural, and that I should finally relax and have a bit of
126 fun for once, in the safety and privacy of Sam’s home. Sam said—“How better to understand how
127 something effects the body than to experience those effects yourself?”

128 21. I know I shouldn’t have done it. That’s on me. Sam didn’t force me to do anything.
129 I know I shouldn’t have. But it was a particularly stressful time and I just wanted to turn off my
130 mind for a bit, if that makes any sense. But I told Sam that I’d never taken a mushroom before.
131 And, I mean, I took it trusting that the mushroom was the type of mushroom Sam said it was. Sam
132 never expressed any doubt about what it was. Sam was the one with experience in this, not me,
133 and Sam knew I was counting on Sam.

134 22. I just assumed Sam would take one too, but Sam said there was only one left and
135 Sam wanted to save it for later—specifically, when Sam was going to see a concert.

136 23. I didn’t feel really anything from it, at least that day. We started playing music and
137 I kept asking Sam when the effects would start to kick in. Sam kept saying, “stop thinking about
138 it. Just let it happen.” But nothing happened by the time I went home Sunday night, except I started
139 to feel a bit woozy. I thought, “is this it?” I asked Sam if that’s all it was, and Sam said I must just
140 not have been “open” to experiencing it. I wondered if I was somehow too stressed to enjoy it. I
141 went home to go back and study, and got a lot done.

142 24. That all changed by Monday, October 17, 2022. I felt awful. I’ve never experienced
143 anything that bad. I woke up and my head was throbbing in pain. My back was super tight and
144 sore like when I’d had the flu, but way worse. And let’s just say that what was in my system was
145 not staying in my system. I was in the bathroom all day. I missed an important test that day, too.

146 25. I started to feel better Tuesday and thought I was over it. Wednesday was fine, too.
147 I still wasn’t 100% but thought I was improving. I was very wrong.

148 26. At school on Thursday, October 20, 2022, I started to feel weird. And by the time
149 I got home, my legs had swollen up and I had this really tight, painful feeling in my chest. It was
150 getting worse and worse really fast. My mom said we should go to the hospital. I tried saying no,
151 that it wasn’t that bad. I was afraid they’d find out about the mushrooms. But it hurt so bad and I
152 was scared. My dad said I didn’t have a choice, that we needed to go to the emergency room, now.
153 My parents drove me and the car ride was so, so painful.

154 27. According to my parents—it’s hard for me to recall as I was in so much pain and
155 so scared by that point—after we arrived at the emergency room at Clearwater University Hospital
156 and they examined me, the doctor said I was suffering from renal failure.

157 28. I had a hard time staying focused given the amount of pain. The doctor and nurse
158 kept asking me questions about what if anything I’d eaten or taken that could be contributing. I
159 really didn’t want to say. The doctor finally asked my parents to step outside of the room so that
160 we could talk one-on-one, and I told the doctor that my friend had given me a hallucinogenic
161 mushroom on Sunday. The doctor asked what kind, and I said I didn’t know. I told the doctor what
162 Sam told me—that my friend got them in Washington and had taken them and hallucinated, but
163 that when I took one nothing happened.

164 29. After I told the doctor about the mushroom, the doctor said they'd need to run
165 additional tests. While we were waiting on the test results, I was just sitting there, in agony. My
166 legs were incredibly swollen—they didn't even look like my legs. And my chest hurt so badly. My
167 mom was crying and my dad just kept pacing back and forth. I felt so embarrassed and guilty
168 thinking that this might have all been my fault.

169 30. It took a few more hours for the test results to come back. The doctor asked if I
170 wanted my parents to be in the room for the diagnosis, and I said that was fine. It would all come
171 out, anyway, if it was the mushroom, I thought. She said that I was suffering from something called
172 "amatoxin poisoning." She said that "amatoxin" is found in a number of different poisonous
173 mushrooms. She said that it was good that my parents brought me to the emergency room when
174 they did, because that if I had waited longer before getting treatment, I could have died.

175 31. I had to stay in the hospital for a few days while I recovered. I was kind of surprised
176 that my parents weren't asking me how this happened. Maybe they just never thought I'd do
177 something so dumb. Or maybe they just wanted to let me rest. On my last day in the hospital, I
178 finally came clean. I told them that Sam had given me a hallucinogenic mushroom Sam brought
179 back from Washington. I'll never forget the look on my mom's face when I told her—she looked
180 so disappointed in me. My dad got angry and asked me how I could have been so stupid. I can't
181 blame either of them. I was disappointed and angry with myself. My parents asked me whether
182 Sam also had a mushroom with me, and I said no.

183 32. As terrible as it was almost dying, everything that followed somehow felt even
184 worse. Even before I went back to school, I got a message on Nudge from Morgan that said, "Don't
185 you know after all you've been up to that you're not supposed to get high on your own supply?" I
186 responded, asking what the heck Morgan meant by that. Moran responded, "lmao, okay right."
187 Back at school, it was obvious that everyone had heard about me being in the hospital and knew it
188 was from a mushroom. I had at least two people I barely knew come up to me and ask me where
189 they could "score." I told them to buzz off—I didn't want to get Sam in trouble.

190 33. Sam never called, messaged me on Nudge, or anything like that while I was in the
191 hospital. I saw Sam at school a few days later and asked if Sam knew Sam had given me a
192 poisonous mushroom that almost killed me. Sam said Sam had no idea, and that it was not Sam's
193 fault that I had such a weird reaction when Sam had been just fine and enjoyed it when Sam took
194 one. I told Sam that Sam was full of, well, a word I won't repeat here. I said I didn't believe Sam.
195 That's the last real conversation we had.

196 34. I had no idea all the lies Sam had been telling everybody behind my back at that
197 point. Sam was apparently going around saying I was this big-time dealer who'd bought some bad
198 mushrooms off the internet but still had lots of other drugs that I was selling. I didn't want to
199 believe it at first but Jamie showed me some messages from a group chat on Nudge from Sam.
200 Sam was apparently even telling people that I'd asked Sam if I could make my own synthetic drugs
201 at Sam's house. I was so upset to hear this. It felt like Sam was purposefully trying to destroy my
202 life and reputation just to get Sam out of trouble. All of a sudden, my aptitude for and work in
203 chemistry went from being something to be proud to something that seemed to make everyone
204 believe I was some sort of master illegal drug-maker and dealer. Which is just crazy.

205 35. After I got out of the hospital, my parents told me I was grounded for the rest of the
206 school year. I didn't really care. School was bad enough—everyone was calling me “Mushroom
207 Rx,” I wasn't talking to Sam, and most of my other friends seemed to be choosing Sam over me.
208 Probably because of all the lies Sam was telling about me.

209 36. As if that all weren't already bad enough, about a month after all this happened, I
210 got a letter from Waterclear U., telling me that they were rescinding my admission to the
211 pharmaceutical chemistry accelerated program. They said that my admission was contingent on
212 adhering to their “code of conduct,” and that use (or, for me, attempted use) of illicit substances
213 violated that code of conduct. I was and still am devastated. I'd worked so, so hard to get into that
214 program. And I threw it all away for nothing. Absolutely nothing.

215 37. I still have no idea how the school found out about all this. I know there was an
216 article in the local newspaper about a local high school student almost dying from amatoxin
217 poisoning from a mushroom, but I don't know how they became aware that this happened from
218 me trying to take a hallucinogenic. But what could I say? That was the truth, and I understand why
219 a program that is all about *lawful* medicinal chemical research would not want to be associated
220 with use of illicit substances.

221 38. Not only did this mean I was not getting into the program I'd worked so hard to be
222 accepted into, it also meant that it was too late in the year for me to apply to other college programs
223 for this fall. Honestly, I'm not sure I would have been up for that any way. This has all put me in
224 a really dark place. I couldn't bring myself to tell Mr. Fenrir. I'm sure he's found out at this point.
225 I can't bear to face him.

226 39. So now, instead of being able to expect a six-figure income after completing my
227 accelerated program, I feel like I'll be lucky if I can ever get into *any* college.

228 40. I still can't get over that Sam not only lied to me about knowing what kind of
229 mushrooms Sam was giving me, but also that Sam was going around telling people I was some
230 sort of master-mind drug dealer. I guess we were never friends.

231 41. Even with all that, I still really did not want to bring this lawsuit. I just wanted to
232 be left alone and not have to be reminded of how I ruined my life. But my parents insisted that
233 Sam should be held responsible for lying to me and saying all those lies about me and preventing
234 me from having the future I'd earned. So, here we are. I wish Sam would just admit what Sam did
235 and that Sam lied about me dealing. I have no idea what my future looks like now, but that lie
236 definitely does not help whatever it might look like. Maybe I'll get one of those fancy cars to drive
237 to a career I won't have.

Flynn M. Forrester
Flynn M. Forrester

Subscribed and sworn before me
this 8th day of March, 2023.

Hannah Jurss
Notary Public, State of Wisconsin
My commission is permanent.

AFFIDAVIT OF JAMIE KENNEDY

James Kennedy, first being duly sworn, states as follows:

1 1. My name is James (“Jamie”) Kennedy. I am 18 years old and a recent grad of
2 Clearwater High School. I now attend Clearwater Tech, where I am taking classes for music
3 production. One of my best friends is the plaintiff, Flynn Forrester – I have known them since I
4 was in elementary school. In high school, I got to know Sam Sargent and Morgan Fairchildren.

5 2. I spent most of high school eagerly waiting for high school to be done so that I
6 could pursue a career in music. Ever since I can remember, I have been fascinated by music – any
7 genre, any beat, any rhythm. I started playing piano when I was five, started learning how to play
8 drums when I was ten – and barely able to reach the pedal of the bass drum – and picked up guitar
9 when I was twelve. Instruments always came naturally to me, and I kept wanting to learn more
10 and more. I do not think that my parents loved all the noise in the house growing up, but were
11 happy that I found something I am so invested in.

12 3. While Flynn and I knew each other forever, our interests didn’t always overlap.
13 This was especially obvious when we were Chemistry lab partners: I was the one who got the
14 better end of that bargain, because Flynn’s science smarts helped my own chem grades. I remember
15 when Flynn got accepted to this undergraduate/PhD pharmaceutical chemistry program. Even
16 though I really do not have an interest in science like that, I know that this program is a huge deal,
17 and could really set someone apart academically, so I guess that helped me learn how to be happy
18 for my friend even when their pursuits weren’t necessarily entertaining to me.

19 4. In high school I was actually in a couple bands. The first one was the “Van Der
20 Waal Forces,” made up of me, Flynn, Sam, and Morgan. Morgan suggested the band name because
21 we came up with the idea for the band when we were all grouped together for a project in Chemistry
22 lab. We started practicing at Sam’s house (if you can call it that—it was more like Sam’s family
23 compound). Sam had a great setup with nice amps, pedals, and hookups: all we needed to do was
24 bring our instruments and plug in. We got to work writing songs and working on our skills and
25 riffs in long jam sessions.

26 5. Beyond contributing the band name, Morgan, never really seemed invested in the
27 band like I was. They were always late to our sessions, or sometimes did not show up at all.
28 Honestly, though, when Morgan did come, they were not really that good and didn’t bring much
29 to the table, and that bugged me more than anything. I started making off-handed comments about
30 kicking them out of the group to Flynn and Sam. Those comments eventually paid off and finally
31 we had a band vote and ousted Morgan Fairchildren from the group. Morgan pretty much ignores
32 me now - I think that Morgan blames me for getting them kicked out and maybe it is my fault, but
33 they should have been better and maybe they would have been if they had tried harder.

34 6. After the band became a trio, Flynn, Sam and I decided to change the band name
35 to “The Morels,” because it didn’t feel right keeping the same name. Out of all of us, I definitely
36 took the band the most seriously, but we still had fun with it. We even played at local shows every
37 once in a while and brought in some money for new guitar tabs, pedals, and other equipment.
38 Clearwater seems to like our 80s synth vibe we got going on.

39 7. Throughout high school, based on what I saw, Flynn Forrester and Sam Sargent
40 had an off-and-on friendship, even with all of us in the band together. From what Flynn told me,
41 Flynn's parents were always a little bit skeptical of Sam because of Sam's general reputation
42 around Clearwater for smoking pot regularly. Of course, Flynn and Sam smoked together at
43 different parties, and I'm sure Flynn's parents had no idea that Flynn liked to smoke too. Flynn's
44 parents have always been strict, so Flynn got really good at sneaking around to avoid trouble. We
45 actually had a joke where Flynn would ask me to check for "spies" before doing anything that
46 might get them in trouble, which was code for looking out for Flynn's parents, like if we were in
47 the B-wing. I remember Flynn telling me once when we were younger that Flynn got caught
48 playing Xbox when they were supposed to be in bed and they were grounded for two weeks – just
49 for playing World of Duty an extra thirty minutes! Flynn's parents would freak out if they found
50 out Flynn liked to let loose on the weekends with their friends.

51 8. Sam's fascination with mushrooms is well-known around Clearwater High School.
52 Really, Sam and Morgan both seem to be obsessed with them together. Sam is constantly bragging
53 about how their brother lives out in the State of Washington and they get to go foraging for
54 different types of mushrooms every time they "first class" for a visit (that's what Sam would say
55 when talking about flying first class, which was relatable to...no one). It's a little weird, though,
56 because I mainly saw Sam talk mushrooms when Morgan was around: it didn't happen as much
57 once Morgan was out of the band. I began to question whether Sam really knew or cared as much
58 about mushrooms as it seemed, or whether they were playing up their interest and knowledge to
59 impress Morgan.

60 9. This is because Morgan is kind of the mushroom guru in the Clearwater culinary
61 scene. Morgan sells lots of ingredients to local eateries but is especially known for their
62 mushrooms. I have to say, Morgan's "Mushroom Swiss Burger" donut at the local donut shop,
63 The Donut Whole, is one of my favorite things to eat and I do not even really like mushrooms all
64 that much. It just goes to show how good it is. I heard that Morgan Fairchildren is also selling
65 mushroom products to higher-end places, like in New York.

66 10. During a weekend in Fall, 2022, Sam took one of their regular family trips out to
67 Seattle to visit their brother. I remember wondering how Sam could get away with taking time off
68 school so soon into the school year. While they were there, they were texting me about the different
69 mushrooms that they were finding. It was a little strange since Sam knows that I have little to no
70 interest in their mushroom hobby. I honestly thought Sam was accidentally texting the wrong
71 person—it was like it came out of nowhere.

72 11. Those texts turned into Sam trying to convince me that I should try some
73 recreational mushrooms with them. I wasn't sure if they were talking about mushrooms they
74 foraged in Seattle or mushrooms they purchased from their pot dealer. I considered the offer for a
75 few hours but then told them that I had no interest in doing that and did not want to get in any
76 trouble and risk my future in music, although I am not sure that was entirely true, I just didn't trust
77 that Sam knew what they were talking about when it came to mushrooms.

78 12. My father has struggled with addiction on and off my entire life. His vice is alcohol,
79 not hard drugs. I have seen the effects of that, both on him and other members of my family and

80 really do not want to start down a path like that. I have been going to Alateen meetings (basically
81 AA but for teens affected by someone else’s alcoholism) and know the risks I face by even trying
82 something recreationally. Sam does not know about my father’s struggles, so I do not blame them
83 for asking me.

84 13. After Sam got back to Clearwater, they tried one more time to convince me to do
85 mushrooms with them when I came over to jam that next weekend, but I said no again. The
86 following weekend, I had to go out of town for a state-wide piano competition, so I couldn’t get
87 together with the Morels, but it sounded like they were planning to get together.

88 14. Flynn was not in school the following Monday. Flynn was back in school on
89 Tuesday, but was out sick again later that week. I was in a group chat on Nudge with Sam and
90 some others, where Sam was telling us that Flynn was “in deep” in the drug scene and got sick
91 from mushrooms Flynn bought. I didn’t think that was the Flynn I knew, but in the back of my
92 mind there was a part of me that wondered if Flynn was playing “spies” with Sam, now, knowing
93 what I went through with my dad and not wanting me to judge them. I asked Flynn, and Flynn
94 seemed pretty surprised and offended about the accusation.

95 15. Everyone around school started talking about Flynn being, like, some major drug
96 kingpin or something. It just swept over the school and was the main topic of conversation for
97 weeks. I don’t blame Flynn for not wanting to be around that anymore.

98 16. I now understand that Sam gave Flynn a mushroom from their foraging trip to
99 Seattle that ended up being poisonous. I am so glad I didn’t take Sam up on their offer for me to
100 try their mushrooms.

101 17. Flynn isn’t quite the same now that their college admission was revoked. They are
102 still trying to find a new direction in life. I keep trying to convince them to form a new band—just
103 the two of us—but the most they want to do is just jam. Their sound is a lot darker than it used to
104 be.

Jamie Kennedy

Jamie Kennedy

Signed and sworn to before me
This 15th day of August, 2023.

Larisa Dallman
Notary Public, State of Wisconsin
My commission is permanent.

AFFIDAVIT OF MIKKEL AREN DE BARY

Mikkel Aren de Bary, being first duly sworn, states as follows:

1 1. I am an adult resident of the State of Wisconsin, living at 8336 Agaricus Blvd.,
2 Clearwater, Wisconsin.

3 2. My name is Mikkel Aren de Bary, but that's quite the mouthful, so I go by Mickey.
4 I'm 52 years old. I'm originally from Frankfurt, Germany. My father was born and raised in
5 Frankfurt, he could never find the will to leave, but my mother is from the States. She traveled to
6 Goethe University to study Greek philology. I don't believe in "love at first sight," but, apparently,
7 both of my parents do. Once my mother finished her degree in the United States, she returned to
8 Frankfurt to marry father. I grew up speaking both English and German (as well as French and
9 Norwegian). During summer vacations, our family traveled to my mother's home in northern
10 Wisconsin to spend time with her family.

11 3. I received my Bakkalaureus, my bachelor's degree, in botany from the University
12 of Göttingen. Following the receipt of my Bakkalaureus, I moved to Clearwater, Wisconsin.

13 4. I am the great, great, great grandchild of Heinrich Anton de Bary, the father of
14 modern mycology. The study of fungi is in my blood, and I couldn't resist it. So, I moved to
15 Clearwater, Wisconsin, in part, due to the abundance of fungal species, as well as the draw of the
16 University of Wisconsin-Clearwater's preeminent mycology program. I briefly considered
17 pursuing my degree at Clearwater State University due to the cheaper cost, but all resources
18 available to me at the time indicated that the University of Wisconsin-Clearwater's program
19 exceeded that of Clearwater State University's. In 1997, I received my Ph. D. in mycological
20 studies. I haven't been able to leave Clearwater due to the wide variety of fungi, and of course, my
21 business is headquartered here.

22 5. While at the University of Wisconsin-Clearwater, I started the first, and only,
23 chapter of the Fraternity of Fungus, which is, of course, open to all genders. We aimed to
24 rigorously study the characteristics of the local fungi. On numerous occasions, we submitted our
25 findings on new species of fungi to the *International Commission on the Taxonomy of Fungi*, but,
26 sadly, the Commission stated that we had not discovered a new species. In my opinion, most of
27 the members of the Commission can't tell a chanterelle from a Jack O'Lantern.

28 6. Following receipt of my Ph. D., I worked for Southgate Labs, a biomedical
29 company that focuses on developing new medicines. For the most part, I provided information
30 regarding various types of mushrooms and the potential effects they may have on the human body.

31 7. While working for Southgate Labs, I also published numerous articles with varying
32 topics. Some focused on the local fungal population, while others discussed appropriate foraging
33 practices, including the need to always have someone well-versed and certified in identifying fungi
34 to take part in the mushroom foraging.

35 8. After ten years at Southgate Labs, I decided that I would prefer to run my own
36 business. I set out to grow new cultivars of local mushroom varieties. In 2011, I started "Mickey's
37 Mycological Market." We focus on edible fungi that we sell to restaurants, grocery stores, and

38 other facilities, such as prisons. We have a strict policy of not growing any fungus or cultivar that
39 could be used to alter brain chemistry.

40 9. In addition to the growing of fungi, we provide guided foraging. I employ a team
41 of highly skilled, certified, and well-educated individuals, with years of experience, to provide
42 these guided expeditions to locals and tourists. The internet is flooded with websites and guides
43 on how to forage fungi; however, there is no adequate replacement for someone with years of
44 experience and knowledge.

45 10. Apart from my business, I have worked closely with legislators, both federal and
46 state, regarding various issues. Foremost, I lobby for the best practices in foraging for fungi. As
47 stated, certain practices, such as having an experienced guide, are, and should be, the standard to
48 ensure the maximum amount of safety for individuals interested in foraging for fungi.
49 Additionally, I have advocated for more privatized prisons as this should help to take the burden
50 off the government and make them safer for inmates as populations can be reduced. Additionally,
51 I provide some consulting services, such as the current services that I'm being paid for in this
52 matter.

53 11. Foraging, particularly for fungi, can be dangerous without an expert present as
54 many different types of fungi exhibit similar traits. As mentioned, take the chanterelle and the Jack
55 O'Lantern. The former is routinely used in culinary settings for its peppery and earthy notes;
56 however, the latter may cause gastrointestinal distress and vomiting. The ambitious, yet foolhardy,
57 amateur could easily mix the two and be in for a big surprise.

58 12. This is not limited to fungi used in the culinary setting. There are plenty of examples
59 of individuals who attempt to forage for hallucinogenic fungi and end up with poisonous ones
60 instead.

61 13. The issue lies in the fact that poisonous mushrooms have what is known as
62 amatoxins, a subgroup of at least nine related toxic compounds. Three genera of mushrooms
63 contain these amatoxins—*Amanita*, *Galerina*, and *Lepidota*. Even in small doses, amatoxins may
64 result in death.

65 14. Amatoxin poisoning generally occurs in two stages, an acute period and a latent
66 period. During the acute period, the individual will generally suffer from aches and/or
67 gastrointestinal distress within the first 24 hours. After that time, the toxins will go dormant for
68 approximately 24-48 hours, after which similar symptoms and often worse symptoms, such as
69 chest pain and swelling may occur.

70 15. Medical intervention is often necessary, and without it, the poisoning will often be
71 lethal. This is exactly why there needs to be such high standards for the procurement of fungi. Any
72 small error may result in the death of an individual, no matter their intentions.

73 16. As part of my preparation for this matter, I have had the opportunity to review Flynn
74 Forrester's medical records, the statements of the parties and other witnesses, as well as the
75 Defendant's expert's report.

76 17. After reviewing the applicable documentation, it is my expert opinion that the
77 Defendant did not meet the standard of care in conducting foraging for fungi. Defendant lacked
78 the breadth of knowledge to accurately identify fungi. Moreover, Defendant should have foraged
79 with a knowledgeable individual who could have ensured the fungi picked were not harmful.
80 Defendant had neither the training, experience or knowledge required to make any representations
81 about the safety of any fungi to others.

82 18. Some “hippy dippy” mycologists think that the rise in unguided foraging is good
83 for our community; however, they couldn’t be more wrong. They forgo the years they spent
84 studying and learning about fungi, hoping that the masses will take the same care. They are wrong.
85 We need to put forth stronger regulations to ensure that others don’t suffer the same consequences
86 that Forrester did in this case.

87 19. From the pictures taken of the fungi that Defendant acquired, it is quite clear to the
88 trained eye that they are Deadly Galerina. I presume that Defendant thought that they acquired
89 what is commonly known as Banded Mottlegill, a hallucinogenic mushroom. I have provided a
90 side-by-side visual of both mushrooms to demonstrate. Given Defendant’s lack of expertise, I can
91 see how it was reasonable for Defendant to have believed they gave an illegal drug to Flynn
92 Forrester.

93 20. There are apparent differences in the two referenced mushrooms that may escape
94 the notice of someone who is not familiar with fungi. The Deadly Galerina has a longer and paler
95 stem. Additionally, the cap of the Deadly Galerina is generally a paler shade of brown, as opposed
96 to the Banded Mottlegill, which usually is a darker shade of brown.

97 21. Given the facts surrounding this case, it is important to note that Banded Mottlegill,
98 while they may grow in all fifty states, are more apt to grow in on the west coast, including Oregon,
99 Alaska, Washington, and California. On the other hand, Deadly Galerina are quite more populous
100 in Wisconsin than Banded Mottlegill.

101 22. Had Defendant taken the least amount of care—asking for an experienced
102 individual to identify the fungi before offering them to another person—then Flynn Forrester
103 would not have ended up in the hospital with the amatoxin poisoning.

Mikkel Aren de Bary
Mikkel Aren de Bary

Subscribed and sworn to before me
this 16th day of July, 2023.

Bryant Ray
Notary Public, Clearwater County, WI
My Commission is permanent.

AFFIDAVIT OF SAM SARGENT

Sam Sargent, first being duly sworn, states as follows:

1 1. I am an adult resident of the State of Wisconsin, living at 4721 Gomphus Ln.,
2 Clearwater, Wisconsin.

3 2. My name is Sam Sargent. Although last year I was a senior at Clearwater High
4 School, I was a bit old for my class at 19 years. My mom was in the army, so we moved around a
5 lot when I was a kid. Because of that, I was held back a year. When I was twelve, my mom was
6 honorably discharged from the army. At the time, she decided to move to Clearwater to attend
7 Clearwater State University to finish her degree. While there, she joined the Fraternity of Fungus,
8 some group started by a weird person named Micky Berry or something. She eventually graduated
9 with an accounting degree.

10 3. We would often venture out on the weekends to forage in the forest surrounding
11 our home—I call it the Maple Grove. My dad was always too busy at the Mercedes-Benz
12 dealership that he owns. So, foraging was something that mom and I did to spend time together.
13 Plus, mom had to practice identifying the different mushrooms in the area for the Fraternity of
14 Fungus. All she really had to go on was a book that the organization gave her and sending pictures
15 with the other members of the group. There was a class she could take to get certified, but she
16 wasn't ready for it yet. It was fun searching through the forest with her, and I continued doing it
17 after she got too busy with accounting work.

18 4. My parents met when my mom went to buy her first car after moving out of my
19 grandparents' house. She hadn't intended to buy a Mercedes, but she went to my dad's dealership
20 anyway. She "wanted to see what it was like on the greener side." My dad says that he knew
21 immediately that my mom was the "one." Gross. At the time, my dad was just a sale representative
22 because my grandpa still owned the dealership. Dad wants me to follow in the family business,
23 but I really prefer nature, not gas guzzlers. Whenever it gets brought up, dad reminds me that I
24 might "change my tune when I no longer have a bowling alley in the basement." I think I'll be
25 fine.

26 5. At times, it does seem like the other kids at school are jealous. I don't try to be
27 flashy, but my dad only lets me buy designer clothes. He always says things like, "The clothes
28 make the person," or, "Your first impression is the most important, and you need to let people
29 know you have money." I don't necessarily agree with him, but oh well.

30 6. While in middle school, all the other kids thought I was pretty weird because I'd
31 often be covered in dirt and mud from foraging (my mom joked about the amount of laundry
32 detergent she had to buy for both of us). But the summer before freshman year, I started taking
33 vocal lessons from a local legend, Lady Baba (I know, weird name, but she's amazing!).

34 7. After freshman year started, Flynn and I were in chorus together. One day after that
35 period, Flynn came up to me and asked me to be a part of a band they were putting together.
36 Apparently, Flynn had already talked to Morgan Fairchild and Jamie Kennedy about it. I wasn't
37 too familiar with them, but at that point, I'd take what friends I could get.

38 8. We talked on-and-off about the band thing for a while. During that time, we became
39 close friends. I'd often invite them over to the McMansion that my dad bought when I was little. I
40 know Flynn's parents didn't like me too much, but I wasn't sure why. It was pretty well known
41 that I was the kid who foraged around the area, so maybe they thought I was looking for shrooms
42 or something? I don't know.

43 9. It wasn't until junior year that we really decided to pursue the band thing. One day
44 in chem lab, Flynn and Morgan were throwing around names and we stuck on Van der Waals
45 Forces. Even though I thought it was a pretty nerdy name, I went along with it.

46 10. I told my dad about us pursuing the band and he built me a personal recording
47 studio. I can't say he isn't supportive. Once the studio was done, I invited Flynn, Morgan, and
48 Jamie over so we could start practicing. The studio was an addition to the garage, and as we walked
49 through the garage, the other three made a big deal about how big the garage was and the "flashy"
50 cars we have. It was kind of obvious from the start that Flynn was jealous both because of that and
51 that I was the person in front because I was the singer. I tried talking to them about it, but they
52 never really wanted to. I do have to admit that it was cool to be out front singing. I really think it
53 boosted my confidence. In fact, after we started the band, I started dating since people thought I
54 was "cool" now.

55 11. Flynn liked to make a big deal about how Morgan didn't care about the band
56 enough. I thought they were overreacting, especially considering that this was just a garage band
57 we were doing for fun. We did have some local gigs, but I wasn't deluding myself into thinking
58 that we would hit it big or anything. It got so bad that Flynn eventually demanded that Morgan get
59 kicked from the band. I didn't really want to go along with it, but I also didn't want to stop hanging
60 out with all of them. Jamie agreed with Flynn, not surprising considering Jamie would do whatever
61 Flynn told them to. It took a while, but I eventually agreed because I figured it would be easier to
62 replace just one person, not two.

63 12. After kicking Morgan, I suggested that we change the name of the band. I didn't
64 like the idea of continuing under the same name. I suggested "the Morels" and Flynn and Jamie
65 agreed. I have to admit that with Morgan gone, it seemed like we were gelling a lot better as a
66 band.

67 13. Flynn always seemed really concerned about their station in life. So often, they
68 made comments about how they wanted to get out of Clearwater or about how it must be nice that
69 my family had so much money. I didn't really get it. We all knew that Flynn was great with science
70 and would be a doctor or something. I don't understand why people think they need to have their
71 lives figured out by 18.

72 14. I do recall Flynn telling us over Nudge that they had been accepted to some fancy
73 program. I was happy for them because I knew that this was really what they wanted. But Flynn
74 changed after they were accepted. They wanted to hang out less and less. I couldn't even get them
75 over for bowling or my arcade room. Plus, they wanted to stop the band because of the "perception
76 that bands give" or something like that. I'll be honest; I was pretty bummed about that.

77 15. Every once in a while, the three of us would still get together to have a jam sesh.
78 Like usual, I would host it at my house. We were having one of those sessions the weekend of
79 October 15, but Jamie was at a piano competition and couldn't be there, so it was just Flynn and
80 me. My family had recently returned from Seattle after visiting my brother, who is attending the
81 University of Washington.

82 16. Washington was a lot of fun. Weed is legal there and I was able to sneak some
83 edibles back with me to help take the edge off. We did a lot of hiking as a family and my mom and
84 I went foraging again. It had been so long since we had foraged outside our own property, so it
85 was great to be able to do it again. While we were out, we found quite a few mushrooms that we
86 picked and brought back with us. My mom makes the best sausage and mushroom pizza, and it's
87 even better with mushrooms that you pick yourself. Fortunately when I "first class it" and with
88 pre-check, they have never batted an eye at me flying with piles of mushrooms and "supplements."
89 I have never looked at the rules, but it's just always how I've done it and they have never given
90 me trouble.

91 17. I brought home some mushrooms for Morgan to use, too. I know that they love
92 coming up with new recipes, the most recent being the "Mushroom Swiss Burger" donut. I thought
93 Morgan could use some new inspiration with mushrooms from Washington.

94 18. That weekend in October, I asked Flynn if they wanted to try out the mushrooms
95 that I brought back with me. Flynn tried them. I had offered them to Jamie before, but Jamie
96 seemed like they didn't really like mushrooms, so I didn't feel like I was leaving them out this
97 weekend.

98 19. I might have mixed up the bags though. I did bring some back to eat and to give to
99 Morgan, but I also brought back some mushrooms I couldn't quite identify. My mom didn't see
100 me pick those ones. They looked similar to the ones that we used to eat, so I thought they were
101 safe. While we were out there, some people were claiming that psychedelic mushrooms grew in
102 the area. I'll admit, I was curious about that. I showed the bag of the other mushrooms to Flynn,
103 saying that I wasn't sure about these ones, but I thought they might be hallucinogenic. I thought
104 Flynn might be the best person to help determine whether they were hallucinogenic based on their
105 interest in science. Flynn said something along the lines of "if ever there be a cause worthy to be
106 upheld by all toil or sacrifice that the human heart can endure, it is the cause of education."
107 Apparently, it's a quote from some old politician or something.

108 20. Flynn was acting pretty weird. It was almost like they were trying to force themself
109 to feel chill? Like I said, it was weird. We tried to jam, but Flynn seemed so preoccupied with
110 whatever was going on. I asked what was going on, but Flynn wouldn't answer me.

111 21. That was on the earlier side on Sunday, October 16, I think, and Flynn left later that
112 day. They talked about having a test the next day. Because they were acting so weird, I messaged
113 both Morgan and Jamie, maybe some others, too. I mentioned that Flynn must have been hanging
114 out with the B-Wingers too much, they were starting to rub off on them. Because Flynn had acted
115 so strangely, I did say something like, "I think Flynn might be selling drugs." I can't remember for
116 sure, but I may have also told some other people at school how weird Flynn had been acting.

117 22. I don't know why Flynn is trying to make a big deal about what I said to Morgan
118 and Jamie. It's true that Flynn started acting weird after eating a mushroom. Now, we know that it
119 was a poisonous mushroom, but it's not like I knew that at the time! Plus, Flynn was hanging out
120 with the B-Wingers so much. The only reason for that has to be that Flynn is either using or selling
121 drugs.

122 23. Look, I'm no angel. I've been around the B-Wingers too. I have to be honest,
123 sometimes they are more exciting than the lectures in class. I have experimented just like the rest
124 of them. Heck, I've even helped some other people experiment from the safety of my home. I can't
125 say that I have personally seen Flynn hanging with the B-Wingers, but I know that others have
126 told me about it.

127 24. I really feel hurt and used. I was just trying to help out my friends: giving them
128 music space and helping them explore their best selves. Now, it seems like Flynn is just taking
129 advantage of me and of the fact that they know I have access to my family trust account since I am
130 18. My dad always warned me to be careful about people taking advantage of my money. I didn't
131 believe him, and now, here we are.

Sam Sargent
Sam Sargent

Subscribed and sworn to before me
this 7th day of July, 2023.

Ashley Richter
Notary Public, Clearwater County, WI
My Commission is permanent.

AFFIDAVIT OF MORGAN FAIRCHILDREN

Morgan Fairchildren, first being duly sworn, states as follows:

1 1. My name is Morgan Fairchildren. I am 18 years old and a senior at Clearwater
2 High School. I am sincerely sorry for being thirty minutes late to show up to provide this
3 affidavit. I have gotten to know Flynn Forrester, Sam Sargent, and Jamie Kennedy pretty well
4 over the years.

5 2. My dream has always been to join the CIA. No, not that CIA. After I graduate
6 from high school I am attending the Culinary Institute of America this fall. The CIA is a private
7 college and culinary school based in New York, but I want to do a semester abroad at its Singapore
8 campus too. I love food and I love cooking. In addition to cooking, my passion is mushrooms.

9 3. I am actually also a bit of a teenage entrepreneur. I have a business growing and
10 selling certain ingredients. By far my largest and most profitable line of business is growing and
11 selling mushrooms for restaurants and other food preparation businesses. I started when I first got
12 to know Lou Zuccherio who is the Head Chef for The Donut Whole — Clearwater’s nationally
13 known donut making company. Zuccherio developed a line of savory donuts. I sold them
14 mushrooms for their “Mushroom Swiss Burger” donut and their filled donut — the “Mushroom
15 Soup.” Both are HUGE sellers for The Donut Whole. I then went on to supply mushrooms to The
16 Rusty Dragon Boat, Clearwater’s leading viking food restaurant that was closed by health
17 inspectors a few years back. The owner went out of business and sold the restaurant. When it
18 reopened under new management they wanted to be less “protein-forward” so I supplied them with
19 mushrooms for dishes like their Battle Axe Platter.

20 4. One of my mentors is Colonel Fran Sanders. Surely you remember them from the
21 Dorian Gray trial a few years ago. The colonel started their “Fallen Foods” food cart that only
22 sold food that had fallen to the ground. Nothing picked. When Colonel Sanders was a star witness
23 in that trial it made them so famous their fallen foods business took off nationally. The colonel
24 became so rich they actually bought the 40 acre Gray Estate from the Gray family. Now the
25 colonel can forage all they want, and they let me grow mushrooms on a small corner of the
26 estate. The colonel does not like to watch me harvest the mushrooms, though. They consider it
27 “vegetable violence.”

28 5. My most successful product is what I named the “Gray Diamond.” It is a gourmet
29 mushroom I sell to high end French restaurants as far away as New York and Los Angeles. My
30 secret is I grow them in the gym lockers at the high school. I rent out between eight to ten gym
31 lockers from students and use them to grow the Gray Diamonds. I can fit ten entire racks in a
32 single gym locker at a time and can harvest the dingy treasures every few weeks. Restaurants pay
33 top dollar for them because growing them in high school gym lockers gives their flavor a certain
34 indescribable ... funk. People talk about farm to table. I do gym locker to table! So yes, I know
35 a few things about mushrooms.

36 6. I know a few things about Flynn Forrester as well. Flynn Forrester takes
37 drugs. The thing is Flynn hides it well. You think they are all nicey-nice and a total straight arrow,
38 but every once in a while Flynn likes to secretly hang out with people outside the B Wing of the
39 school (photo of the B Wing attached). Everybody calls those students “B Wingers” which usually
40 gets shortened to “Bwingers.” Bwingers like to hang outside the school’s B Wing because there

41 are a couple blind spots where teachers can't see you. The Bwingers can smoke cigarettes and
42 take drugs there. You can only see them if you are walking to the detached school annex where
43 they have the Home Economics Department kitchens. Our school still has cooking classes, and I
44 obviously take as many of those as I can. With all of the cooking classes I have taken during my
45 four years of high school, I have seen Flynn several times taking drugs in the shadows of the B
46 Wing, but then they duck away quickly so as to not be seen by anyone else. One time in September
47 of last school year I stumbled upon Flynn in a group of people taking drugs outside the B Wing.
48 They even offered to share some with me, but I just said "no" without even learning what the
49 people were offering. Flynn has never offered me mushrooms (the drug kind). One time time I
50 joked with Flynn that I could sell them some mushrooms (the non-drug kind), but they laughed
51 and said "no way!" Then they looked around and ducked away around the corner before anyone
52 else could see them.

53 7. Flynn was definitely a Bwinger but most people did not know. There is a saying at
54 school that EVERYONE knows: "Bwingers are bringers 'cause Bwingers bring drugs." Flynn
55 sometimes says some nonsense about taking drugs or watching other people taking drugs to take
56 part in a "lab experiment." It's as if they are a person of science — above it all. They were totally
57 creepy about it — watching people take drugs. Leering and peeking and staring. Ewww. And as
58 to Flynn taking drugs from time-to-time, it was not about science. I think they just liked taking
59 drugs.

60 8. I normally don't go to the same parties as Flynn, but early in our senior year I did
61 end up at parties three times when Flynn was present. I didn't see Flynn taking any drugs
62 then. They were usually playing board games like Monopoly or Clue. At one party I saw them
63 playing Yahtzee. Of course, Flynn was watching everyone else take drugs. Always watching.

64 9. Defendant Sam Sargent loved visiting their brother in Seattle, Washington. Their
65 family was very close. I think Sam also liked visiting their brother in Washington because pot is
66 legal there and Sam likes pot — just like Flynn — although Sam is way more open about it than
67 Flynn. Although, Sam did say that there were so many rules and regulations governing the legal
68 pot that it made the legal stuff twice as expensive as the pot you could get on the black market in
69 Washington. Sam was kind of rich, so they did not care much. The marijuana dispensary closest
70 to Sam's brother's place recently went out of business because it was losing so many sales to the
71 black market providers. My economics professor said that's capitalism, but I am not sure that is
72 how it was supposed to work when they legalized marijuana out there.

73 10. Sam and their parents spent several days in Washington around the weekend of
74 September 23-25, 2022 visiting their brother again in Seattle. Sam sent me a message on Nudge
75 that said, "I went foraging with the 'fam' in the woods. I picked some good mushrooms for you." I
76 responded, "Be careful, some of them are poisonous." Sam responded, "It's all good!" I was a
77 little worried because Sam did not always have good judgment. One time they read something
78 that talked about how smoking a single marijuana joint was like smoking an entire pack of
79 cigarettes for your lungs because the joint was not filtered. Sam switched to edibles for a while
80 rather than smoking pot. Sam referred to the edibles as "health food" because of that. I thought
81 that was not very good cost/benefit analysis. Sam went back to smoking pot because, well ... they
82 just really liked smoking pot. Sam never talked again about bringing back any mushrooms for me
83 from Washington and I kind of forgot about it.

84 11. On October 10, Sam told me they had been talking to Flynn, and that Flynn had
85 said they wanted to try “something new.” I asked what this might be. Sam said they thought it
86 might be mushrooms. After watching Flynn around the B Wing at school I was not
87 surprised. Flynn was pestering Sam to try some of the mushrooms Sam foraged in Washington.

88 12. Jamie Kennedy is a real piece of work. I think they took drugs from time-to-time,
89 but their real problem was being a giant gossip. Jamie would go back and forth between people at
90 school and try to stir up trouble ... or excitement. I remember in the middle of all this, on October
91 12, Jamie came up to me and said “Flynn told me they were so excited to be getting some
92 mushrooms from Sam.” Then Jamie asked me if I was going to try some and I said I was not going
93 to do so. “Too bad. I might! Last weekend I got so high on pot and this
94 weekend...mushrooms!” First, I did not really want to talk to Jamie after they kicked me out of
95 the band and all. Second, I knew this was a lie about the pot and probably about the
96 mushrooms. Sam told me Jamie was really upset last weekend because they could not find any
97 pot at all. It was so bad I’m sure all they could do all last weekend was stay home completely
98 sober and binge watch romantic comedy movies on the Hallmark Channel.

99 13. On October 13, Flynn ran into me in the hallway at school when I was running late
100 for class and told me, “I’m getting some mushrooms from Sam. They look good to me. Next
101 weekend I am going to my shroom room!” They gave me a high five. I asked Flynn if they knew
102 what they were doing. Flynn said, “Totally. Science!” Flynn said, as they nodded their head
103 reassuringly.

104 14. Last December 13, 2023, I was dropping off a delivery of mushrooms ordered by
105 my customer The Rusty Dragon Boat. It was almost lunchtime and I saw Francis Taylor
106 Rodriguez-Oberwinkler stumble into the restaurant. I was in the front hall of the restaurant talking
107 to Sven the restaurant’s host. Sven asked, “Mr. Rodriguez-Oberwinkler, are you ok? It looks like
108 you have been drinking and driving.” and Dr. Rodriguez-Oberwinkler replied, “It’s DOCTOR
109 Rodriguez-Oberwinkler my good friend, and I have been drinking and TESTIFYING ... in the
110 Cumberbatch case. We won, thanks to me. Drinking calms the nerves and focuses the brain, and
111 the amazing thing is nobody in the courtroom ever asks you if you are drunk — just if you can tell
112 the truth. Plus I can hide it so well on the stand.” The doctor made an expression that looked
113 completely normal and sober then went back to the prior intoxicated expression. I will never forget
114 that intoxicated expression and can imitate it. Sven looked shocked. Dr. Rodriguez-Oberwinkler
115 looked drunk to me. The doctor made a drunken noise that was something between a giggle and
116 a snort (I can imitate that too) and then asked to be led to their regular table. I hope that doesn’t
117 hurt Sam’s case, because I think Dr. Rodriguez-Oberwinkler is probably super smart and really
118 good at what they do.

119 15. It is true that I was the subject of three different complaints to the Wisconsin Better
120 Business Bureau from past customers. The Wisconsin Better Business Bureau is a non-profit
121 organization dedicated to improving trust between buyers and sellers in the marketplace — in part
122 by serving as a place to make complaints about unethical business practices. I think sometimes
123 the BBB should relax and mind its own business, pun intended. One complaint said my Grey
124 Diamonds were not funky enough, and that they should have been allowed to grow longer before
125 being harvested. That seems subjective, and who is the expert? Me. The second complaint said
126 they ordered five pounds of Hen-of-the-Woods mushrooms and I tried to pawn off three pounds

127 of King Trumpets on them. That was an honest mistake. The third complaint said they ordered
128 five pounds of Lion’s Mane and I sent them two pounds and charged them for eight pounds. Again,
129 it was an honest mistake. The BBB put me on a “watch list” for six months, but took me off the
130 list when I did not have any other complaints during that period. The BBB has not received any
131 other customer complaints about me since then.

132 16. My first love is mushrooms, but my second love is music. I don’t like talking about
133 our former band, Van der Waals Forces, or “VWF” as I liked to call it. I came up with that name,
134 by the way. It is much better than “the Morels.” That is a stupid name, right? Jamie never really
135 wanted me in the band. I played bass. Jamie wanted me to stand sort of in the background, but I
136 liked to be out front and really rock hard. Jamie did not like that. They kept trying to get everyone
137 else to get rid of me — lying by saying that me being late all the time to practice was
138 “unacceptable.” I was late like two or three times — tops. Finally Jamie got their way in April of
139 2022. Everyone voted me out of the band. It was literally the worst day of my entire life. The
140 three of them changed the name of VWF to the Morels and started recording an album they wanted
141 to call the “Fun Guys.” I think that was all just to make fun of me because of my successful
142 mushroom business. I am going to get the last musical laugh, though, and make them regret
143 kicking me out of the band. I decided to put down the bass and take up the sitar. It was a creative
144 game-changer for me and broadened my musical horizons. I am also starting to get booked for
145 my own musical sitar gigs. I am playing at The Rusty Dragon Boat next weekend and next month
146 I am playing at the employee appreciation picnic for The Donut Whole. I recently mastered an
147 arrangement of “Stairway to Heaven” for the sitar. It is total fire!

Morgan Fairchildren
Morgan Fairchildren

Subscribed and sworn before me
on this 28th day of July, 2023

Kenneth Dortzbach
Notary Public, Clearwater County Wisconsin
My Commission: is permanent.

AFFIDAVIT OF FRANCIS RODRIGUEZ-OBERWINKLER

Francis Taylor Rodriguez-Oberwinkler, being first duly sworn, states as follows:

1 1. I am an adult resident of the State of Wisconsin, living at 1794 Morchella Circle,
2 Clearwater Falls, Clearwater County. Clearwater Falls is a smaller community just outside the
3 City of Clearwater by about 35 minutes.

4 2. I was born in Herefordshire, England on October 31, 1970, but grew up further
5 south just outside Exeter. My parents were both medical mycology researchers and professors at
6 the University of Exeter. I guess you could say that I inherited the family business. In fact, I was
7 born in Herefordshire because my parents were in the area attending a revival of an October 1868
8 foray held in the area by the Woolhope Naturalists' Field Club. I guess it was just destiny for my
9 birthplace and the birthplace of mycology to be one in the same. My parents were members of
10 Woolhope throughout their professional lives, and I was also a member earlier in my career.
11 Recently, I allowed my membership to lapse.

12 3. My parents were originally from the United States, and we always hosted students
13 from the US who were studying abroad, which is probably why I never adopted a British accent.

14 4. Because of my parents' affiliation with the local university, I attended Exeter
15 School until I was sixteen. At that time, my parents decided to move back to the United States
16 because of a research opportunity they had been offered. Of all the places, the university where
17 they ended up was at The Clearwater State University in Clearwater, Wisconsin. This should not
18 be confused with the University of Wisconsin at Clearwater -- two completely different
19 institutions.

20 5. It was a bit of an adjustment moving from the UK to the United States at that age
21 when most of my new classmates had been attending school together since they had started, but I
22 like to think that I did well under the circumstances. My transition to American schooling caused
23 a bit of a shift in my academic performance, as did some of my family circumstances that were
24 exasperated by such a significant change in our lives. I had always wanted to work in academia
25 like my parents and loved the field of mycology. Because I was still adjusting to life in the states,
26 the high school counselor thought it would be best if I started out at the local community college
27 to get my feet under me.

28 6. I am very proud of the education I received at Clearwater Community College. I
29 received excellent mentorship and guidance from my professors and earned my associate's degree
30 with the certifications necessary to be a medical laboratory technician. It was important to me that
31 I would be able to gain meaningful work experience while completing my bachelor's degree, and
32 completing my AAS first allowed me to do that. I then transferred to Upper Clearwater State
33 College, which is located in Clearwater Falls, where I earned my bachelor's degree in biological
34 sciences. From there, I came back to Clearwater where I received my master's degree and Ph.D.,
35 both of which were focused on topics in mycology. My complete curriculum vitae is included with
36 my affidavit for more information on my specific topics of study and publishing.

37 7. With respect to my work in this case, it should be noted that I regularly work with
38 the local poison control agency to advise on issues related to accidental fungi poisoning. The
39 toxicology profiles of poisonous, edible, and medicinal mushrooms has been a professional focus
40 of mine since I first began my academic work in this field. I frequently provide identification
41 services to our local amateur mycology group, and have traveled extensively speaking to similar
42 groups in the scientific and culinary communities regarding the importance of proper
43 identification. Because even the most experienced and learned practitioners can make mistaken
44 visual identifications, it has been my professional mission to provide my services at the community
45 level as often as I am able and free of charge. Poisoning is an important global health problem,
46 with there being roughly 7,500 severe mushroom poisonings in the United States annually.

47 8. During my professional career, the advent of the internet and social media have
48 made it much easier for like-minded, curious individuals to exchange information regarding shared
49 interests, including mycology. Amateur foraging groups have taken off in popularity much faster
50 than any regulatory scheme could keep up, with many amateur foragers selling their particularly
51 interesting finds to restaurants that pride themselves on the use of locally sourced ingredients.
52 While I love this concept in theory, as a scientist, I have my reservations regarding the capacity of
53 the average enthusiast to consistently locate and identify those mushrooms that are truly edible
54 without any risk of toxicology, versus those that have a pharmaceutical effect and those that could
55 have both toxic and pharmacological properties.

56 9. My concerns regarding amateur foragers as opposed to trained, experienced
57 foragers and cultivators is what has prompted me to continue my work in the local community by
58 holding regular informational sessions at town halls, libraries, and even in people's homes. I strive
59 to provide the most accurate information on the species most commonly found in a given area,
60 along with free pictorial guides and helpful tips on distinguishing edible fungi from those with
61 even potentially toxic properties. The problem with one of the most common toxins found in
62 mushrooms, amatoxins, is that they can be lethal in even very small doses and the mushrooms that
63 some individuals consume recreationally or pharmaceutically for their hallucinogenic properties
64 are very similar in appearance with those that are otherwise benign.

65 10. I have reviewed the relevant materials in this case including the plaintiff's medical
66 records and associated lab results, the statements of the parties and other witnesses, and the
67 exhibits. As a part of this, I reviewed the side-by-side comparison of photographs of mushrooms
68 provided by Mikkel Aren de Bary (more like Aren de Bore-y, am I right?), containing the fungi
69 believed to be that which Sam Sargent thought they were picking (hallucinogenic), and the fungi
70 that they actually picked (poisonous).

71 11. It is unclear to me from these statements as to whether the substance Flynn
72 consumed was dried at the time Sam received it, or whether that occurred after the fact.
73 Nonetheless, it is easy to see how Sam could have confused the species of mushrooms. For the
74 amateur forager and cultivator, visual misidentification is common. A well-meaning individual
75 could easily see the specimen and confuse it for a non-toxic species, including the banded
76 mottlegill.

77 12. In addition to reviewing the photograph referenced above, I also reviewed several
78 publicly viewable postings by Flynn on Nudge. The account was of particular interest to me
79 because it lacked the ordinary adolescent flare of their contemporaries. Maybe Flynn has another,
80 more social account, but the dozens of posts I reviewed in conjunction with my work in this case
81 focused on a wide array of cutting edge scientific advancements, shares of peer-reviewed research
82 findings, and notable achievements by young scientists and inventors. I did not realize it until I
83 was doing my work on this case, but it turns out that my professional Nudge account actually
84 followed and previously shared some content that we picked up by seeing it on Flynn’s Nudge
85 account first. That is why it is so peculiar to me that a person, even a young person, with such
86 scientific interest and intellect would idly and so cavalierly consume a substance of unknown
87 origin. In my professional, scientific opinion, a reasonable person with this background and
88 knowledge base would know the recklessness of this choice and would not do so: such conduct
89 would not meet the standard of care expected of one so knowledgeable.

90 13. As I mentioned above, within the last few years, I have allowed my membership in
91 some of the more mainstream mycology organizations to lapse, as well as not pursuing reelection
92 to leadership positions within certain organizations. This, however, had nothing to do with my
93 credentials or professional expertise. I remain employed and in good standing as the Curator of
94 Mycology at the Clearwater Botanical Garden and am grateful for the support of the professional
95 community there in both my primary professional endeavors and my community advocacy work.

96 14. Approximately ten years ago, I became involved with some local and national
97 organizations dedicated to the decriminalization and alternative regulation of certain scheduled
98 drugs. In my work with the poison control centers and hospitals, I was made more acutely aware
99 of the epidemic of accidental poisoning and overdoses even right here in the Clearwater area.
100 Despite being professionally maligned for my advocacy in this area, as both a scientist and a
101 humanitarian, I am committed to continuing my work on behalf of these organizations.

102 15. What we know based on the data is that the war on drugs has been raging for half
103 a decade, and we have only succeeded in increasing the number of people incarcerated for drug-
104 related offenses (and the tax burden associated therewith) while these tactics have done nothing to
105 reduce the number of people struggling with alcohol and/or substance abuse disorders and has had
106 a minimal, if any, effect on the motivations of young people curious about experimentation with
107 various substances.

108 16. When the rumors surrounding my work in this regard surfaced, I made it clear (as
109 I always have) that I in no way advocate for the recreational use of or support the habitual use or
110 abuse of alcohol or other substances. I *do*, however, vehemently oppose the nonsensical
111 criminalization of certain behaviors to prop up the political façade of being tough on crime. As
112 someone who relies on and analyzes data as part of my livelihood, the “tough on crime” model of
113 political persuasion is difficult for me to grasp when what we know is that treatment works and
114 that the majority of Americans (greater than two-thirds) agree that treatment and support can help.
115 Further, we know recovery is possible with early intervention, including recognizing and
116 addressing environmental and familial or social factors that impact both the initial inquiry into
117 alcohol and substance use and triggers for ongoing abuse.

118 17. What we in the scientific community also know based on decades of research and
119 statistical analysis is that accidental poisoning and overdose occurs not only for people with
120 substance abuse disorders, but also for first-time or casual drug users. The risk of accidental
121 poisoning and overdose may increase based on the simple law of numbers with the frequency of
122 use, but the risk of death from fentanyl or amatoin poisoning or other complications from drug
123 use in even a first-time user is truly astonishing. While the field of mycology might not have
124 opened its eyes to this reality yet, it should be noted that even political hardliners and champions
125 of the “Just Say No,” movement are embracing the notion that our prior tactics in combating drug
126 use have failed. Constituents are demanding change and recognition that substance use disorders
127 should be treated as a public health crisis as opposed to a new-age, fad crime wave. In jurisdictions
128 throughout the United States, public health officials, attorneys general, and legislators are turning
129 the tide by passing new initiatives aimed at preventing unnecessary deaths.

130 18. I concede that I have lent my voice to some organizations that seem radical to
131 outsiders; however, I stand by the mission to decriminalize the manufacture and distribution of
132 certain substances in favor of adopting a regulatory and oversight scheme that favors efficacy,
133 safety, and controlled and supervised production and cultivation, as well as accountability for those
134 producing and distributing these substances. I do not believe that, as some in my field would
135 argue, this makes me the Walter White of mycology. I, and thousands of other learned
136 professionals, see this as a commonsense solution to the problem of accidental poisonings and
137 overdose. There can be no path to recovery if the person who felt inclined to turn to substance use
138 in the first place or who is suffering from a substance use disorder dies before they can pursue the
139 necessary treatment.

140 19. I of course cannot say that I am 100% aligned with the positions of all of the
141 members of these groups, several of which advocate for open accessibility to a wide-variety of
142 substances, including narcotics, with a regulatory scheme and taxation akin to alcohol sales and
143 distribution. While I advocate for public policy changes in this area, I cannot say that I would
144 support this level of deregulation as I do not think it would serve the overall public health concerns
145 for those struggling with substance use disorders. This is something I have thought long and hard
146 about on a personal level. My community involvement and advocacy work is largely motivated by
147 my family’s personal history with alcohol abuse. Except no one from the outside looking in
148 (especially in passing) would likely have called it that, and I did not realize what was going on
149 with my parents until I was much older. They did not fit the Hollywood stereotype of people with
150 AODA issues, and it did not even occur to me that that was what was happening. I only began
151 sorting this out in recent years, even now that they are gone, through the help of an Al-Anon family
152 support group.

153 20. I understand that there is a dispute between the parties as to whether the intended
154 purpose of obtaining, sharing, and consuming the mushroom in question was for hallucinogenic
155 purposes. However, if that was the intent, a regulatory scheme like the one I support were in place,
156 this entire situation could have been avoided.

157 21. I am aware of an accusation in one of the witness statements regarding allegedly
158 running into me at an area establishment. I just have to say, I have no idea what they are talking
159 about. I would never testify under the influence.

Francis Rodriguez-Oberwinkler
Francis Rodriguez-Oberwinkler

Subscribed and sworn to before me
On this 3rd day of August, 2023.
Kristin Pierre
State of Wisconsin, County of Clearwater
My commission is permanent.

Waterclear University

Unparalleled opportunities. Unparalleled results.

Est. 1888

November 21, 2022

Flynn Forrester
W8675309 County Highway H
Clearwater, WI

Dear Flynn Forrester:

I am writing regarding your offer of admission to our Accelerated Undergraduate/PhD Pharmaceutical Chemistry Program. As explained in our letter offering you admission, your admission to our Program was contingent on your adherence to Waterclear University's Code of Conduct. Rule 2.8 of that Code of Conduct prohibits the use or attempted use of illicit substances. We are aware that you have violated Rule 2.8. We therefore rescind our offer of admission to our Program.

Best,

Willow M. Birch
Associate Dean of Admissions



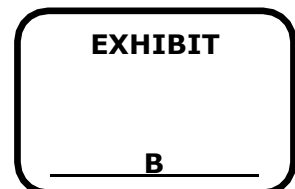
@theClearwaterCourier
October 23, 2022

Community concerns over drug use among our children continue to grow.



LOCAL HIGH-SCHOOL STUDENT NEARLY DIES FROM MUSHROOM POISONING

The Clearwater community today was rattled by news that a Clearwater High School Student came close to death as a result of amatoxin poisoning from a mushroom. [Click here to read further.](#)





@jamiesbeatsnkeys sent you a screen grab
October 20, 2022

Dude what happened, I thought you would tell me about this kind of thing.
Did you really almost die from mushrooms you bought?



@samyourjam Group Nudged you, Tommi, AJ, and 3 others...
October 20, 2022

...

You responded
October 20, 2022
For real, Sam? Or no?

Sam responded
October 20, 2022
No, I'm serious. FF was in deep. Getting online and selling

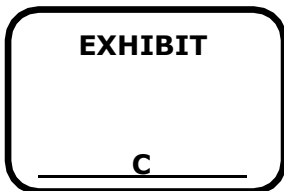
Tommi responded
October 20, 2022
I dunno friend.

Sam responded
October 20, 2022
You can think whatever you want. Its true tho

AJ responded
October 20, 2022
Never heard any of that from Bwingerz

Sam responded
October 20, 2022
Well FF is smart about it. Or at least, FF was smart about it. Not sure what the forest was thinking this time.

You responded
October 20, 2022
Seriously? WTF SAM





@Fairchildrenschild sent you a private message
October 21, 2022

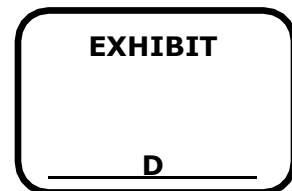
Don't u know after all you've been up 2 that you're not supposed to get high on ur own supply?

You responded
October 21, 2022

What in the world do you mean Morgan?

Morgan responded
October 21, 2022

Lmao, okay right





You sent a GroupNudge to Sam and Jamie
August 29, 2022

HEYOOO! Got into the Waterclear program!!

Jamie responded
August 30, 2022

HECK YESSS GO FF!!

Sam responded
August 31, 2022

That's great—know you really wanted it

EXHIBIT

E



@samyourjam sent you a private message
September 25, 2022

Yo James the 🍄 here are 🔥 you gotta try them. I'll first class you some "supplements" again too 😊

You responded
September 25, 2022

Whatever, Samsonite.
I'm in a groove.

Sam responded
September 26, 2022

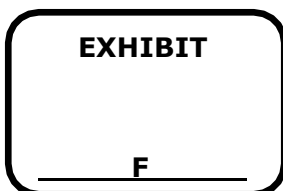
Try that groove with some 🍄 when I get home, you'll die.
Not literally. It'll expand your definition of groove, I mean.

You responded
September 26, 2022

If you mean 🍄 and not 🍌 not my jam rn, I really think this music thing is going somewhere

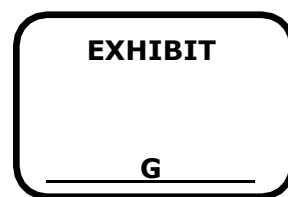
Sam responded
September 26, 2022

Your choice. I'll be in touch.



CURRICULUM VITAE

Mikkel Aren de Bary
Mickey's Mycological Market
877 Cherrywood Ln.
Clearwater, WI 54018
USA



(555)267-5765
E-mail: mickey@mickmycomark.com

PERSONAL

Born 14 June 1971, Frankfurt, Germany

EDUCATION

The University of Wisconsin-Clearwater, Clearwater, Wisconsin - Ph.D. Botany: Mycology - 2001
Dissertation: Achieving Immortality—Refining medicinal uses of Ganoderma fungi.
Major advisor: Dr. Fran Oberlin (deceased)

The University of Wisconsin-Clearwater, Clearwater, Wisconsin, M.S. Biological Sciences - 1995
Thesis: Edibility of new cultivars of fungi with a focus on improving human health.
Major advisor: Dr. Wayne Chaga

The University of Göttingen, Göttingen, Germany—Bakkalaureus Botany—1993

Goethe-Gymnasium, Frankfurt, Germany—1989

POSITIONS HELD

Owner, Mickey's Mycological Market, Clearwater, Wisconsin, 2011-Present

Research Team Lead, Southgate Labs, Clearwater, Wisconsin, 2008-2011

Researcher, Southgate Labs, Clearwater, Wisconsin, 2001-2008

Research Assistant, Minnesota County Biological Survey, 2000-2001

Instructor, The University of Wisconsin-Clearwater, 1997-2000

GRANTS & AWARDS

UWC Bell Museum of Natural History Fellowship in Systematic Biology, 2001 (\$5,015)

UWC Department of Plant Biology Summer Fellowship, 2000 (\$800)

UWC Department of Plant Biology Travel Award, 2000 (\$1,100)

North American Mycological Association Graduate Fellowship, 1999 (\$2,000)

UWC Graduate School Doctoral Dissertation Fellowship, 1999 (\$25,000)

UWC Department of Plant Biology Travel Award, 1997 (\$750)

UWC Department of Plant Biology Travel Award, 1997 (\$1,000)

UWC Department of Plant Biology Summer Fellowship, 1997 (\$6,200)

Mycological Society of America Backus Award, 1996 (\$1,000)

SOCIETY AFFILIATIONS

President, Fraternity of Fungus, 1996-Present

Member, Mycological Society of America, 1995-Present

Member, International Mycological Association, 2000-Present

PUBLICATIONS

Aren de Bary M. (2005). Doubling down on danger: Prevent incidental poisoning and hire a professional forager. *Funky Fungi Times*, Fraternity of Fungus Newsletter, Vol. 11, Issue 3. Published, 04/2005.

Aren de Bary M, Cutler II WD1. (1999). Authentication of “wild mushrooms” in food products sold in the USA. *Mycological Progress*. Published, 10/1999.

Bradshaw A, Autumn E, Aren de Bary M (1997). Fungal diversity, distribution, and conservation implications of psilocybin-containing fungi in small mammals. *Applied and Environmental Microbiology*. Published, 05/1997.

Aren de Bary. (1997). Forager or fool? The need for professional licensure when identifying fungi. *Funky Fungi Times*, Fraternity of Fungus Newsletter, Vol. 3, Issue 2. Published, 01/1997.

Van Court RC, Wiseman MS, Meyer KW, Ballhorn DJ, Amses K, Slot JC, Aren de Bary M. (1996). Diversity, biology, and history of psilocybin-containing fungi: Potential medicinal uses. *Fungal Biology*. Published, 09/1996.

Aren de Bary M. (1995). Clearwater’s greatest treasure: Identifying local fungi. *Funky Fungi Times*, Fraternity of Fungus Newsletter, Vol. 1, Issue 1. Published, 10/1995.

FIELD WORK

Brazil, Cameroon, Chile, Costa Rica, Ecuador, Greece, Guatemala, Madagascar, Malaysia, North America (USA, Canada, Mexico), Sarawak, Singapore, U.K., Vietnam

Publications listing provided upon request due to length.



@News 5
April 24, 2011

A News 5 exclusive on the missing specimens at an area lab.

Scandal At Southgate Labs: Disgraced Employee Leaves Amidst Investigation

By James Corasanti

Controversy has arisen at Clearwater's own Southgate Labs following the departure of mycologist Mikkel Aren de Bary. De Bary, a descendant of Heinrich Anton de Bary, famed scientist and "father of modern mycology," became embroiled in an investigation following information that certain fungal specimens were missing. One week ago, an informant from Southgate sat down with News 5 to discuss the allegations. As of now, the informant wishes to remain anonymous, but they spoke of de Bary's potential involvement.

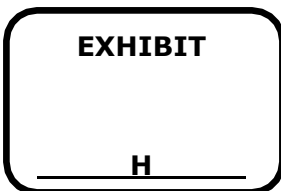


According to the informant, de Bary was the only staff still at the lab when the samples went missing. The samples were experimental hybrids.

→ Continue this Story on p. [B2](#)



This poster has not enabled comments. Nudge away if you have something to say!



Hallucinogenic mushroom-Panaeolus Cinctulus (banded mottlegill/subbs):



Poisonous lookalike-Galerina Marginata (Deadly Galerina):

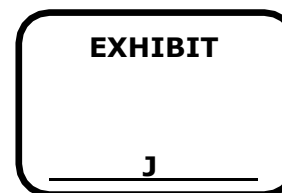


EXHIBIT
 I

CURRICULUM VITAE

Francis Taylor Rodriguez-Oberwinkler
Institute of Systematic Botany & Mycology
Clearwater Botanical Garden
1868 Foray Avenue
Clearwater Falls, WI 54018
USA

(214) 553-8644
E-mail: ftro@cbgarden.org



PERSONAL

Born 31 October 1970, Herefordshire, England

EDUCATION

The Clearwater State University, Clearwater, Wisconsin - Ph.D. Botany: Mycology - 2000
Dissertation: The association between psilocybin and opioid use disorder to reduce addiction. Major advisor: Dr. P.D. Orton (deceased)
The Clearwater State University, M.S. Biology – 1996
Thesis: Medical usage of psilocybin in a controlled setting. Major advisor: Dr. Morten R.W. Wright (deceased)
Upper Clearwater State College, Clearwater Falls, Wisconsin - B.S. Biological Sciences - 1992
Clearwater Community College, Clearwater, Wisconsin – A.A.S. Medical Laboratory Technician - 1990
Clearwater High School, Clearwater, Wisconsin - 1988

POSITIONS HELD

Curator of Mycology, Clearwater Botanical Garden, Clearwater Falls, Wisconsin, 2015 – Present
Associate Curator of Mycology, Clearwater Botanical Garden, Clearwater Falls, 2009 – 2016 Assistant Curator of Mycology, Clearwater Botanical Garden, Clearwater Falls, 2000 – 2009
Adjunct Professor of Mycology, The Clearwater State University, Clearwater, 2009 - Present
Adjunct Senior Research Scientist, Alternative Research Institute for America, 2017 to Present
Research Fellow, Division of Mycology, Clearwater Museum of Science, 1992-2000
Museum Intern, Clearwater Botanical Garden, Clearwater Falls, 2003 – 2004
Postdoctoral Fellow, The Foray Herbarium, The Clearwater State University, 2000-2003
Research Assistant, U.S. Army Quartermaster Culture Collection of Fungi
(Upper Clearwater State College), 1990-1992

HONORS

Distinguished Mycologist, Radical Mycological Society of the Americas, 2017.
Fellow of the Radical Mycological Society of the Americas, 2006.

GRANTS & AWARDS

Radical Mycological Society of the Americas: Distinguishing Therapeutic and Psychedelic Properties in Fungi of the Pacific Northwest, August 2019 – Present, \$11,230.00

National Poison Control Foundation: Digitizing Resources for Community Education on the Classification of Common Fungi, July 2015 – June 2018, \$22,300.00

Wisconsin Science Foundation, Collections in Support of Biological Research: Expansion of the Clearwater Botanical Garden Herbarium to Incorporate Newly Acquired Specimens and Improve Curation, June 2014 – May 2016, \$130,702.00

Modern Mycology Society, “Classification and Identification of Macrofungi of Whidbey Island, Washington,” 2009-2011, \$13,560.

Modern Mycology Society, “Classification and Identification of Macrofungi of the Upper Peninsula of Michigan,” 2002-2003, \$9,505.

SOCIETY AFFILIATIONS

Mycological Society of America, Australasian Mycological Society, British Mycological Society, Woolhope Naturalists’ Field Club, Fungimap, and Asociación Latinoamericana de Micología.

GRADUATE STUDENT PROGRAMS

Outside committee member for D.E. Desjardin, San Francisco State University, 1985 (M.A.); University of Tennessee, 1985-1989 (Ph.D.).

Major advisor for Katia Rodrigues, CUNY-NYBG, 2006-2008 (Ph.D.)

Major advisor for Esperanza Franco, CUNY-NYBG, 2007-2013 (Ph.D.)

Outside committee member for J.L. Mata, University of Tennessee, 2009-2013 (Ph.D.)

Major advisor for Maria Alice Neves, CUNY-NYBG, 2013-2017 (Ph.D.)

Major advisor for Todd Osmundson, Columbia University, 2015-2018 (Ph.D.)

Major advisor for Naveed Davoodian, CUNY-NYBG, 2016-2023 (Ph.D.)

EDITORIAL WORK

Associate Editor, Mycology of Today, 2004-2009;

Managing Editor, Mycology of Today, 2009-2016;

Index Editor, Modern Mycology, 2016-2017;

Managing Editor, Mycology Memoirs, 2002-2004;

Webmaster, Radical Mycological Society of the Americas, 2018 – Present

PUBLIC SERVICE

On call with the Poison Control Center, and Plant Information Service.

Scientific advice and identifications provided to Wisconsin Mycological Society, Minnesota Mycological Association, and Upper Peninsula, Michigan Mycological Club.

Routine identifications and advice to the public-at-large.

Citizen Scientist, Mycology Advisor

WPR's Science Friday: Amateur Mycology Safety

Webmaster, Mycological Society of America, 2001-2006.

Vice President, Mycological Society of America, 2006-07.

President Elect, Mycological Society of America, 2007-2008.

President, Mycological Society of America, 2008-2009.

FIELD WORK

Argentina, Australia, Baltic Republics, Belize, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Indonesia, Jamaica, Malaysia, New Zealand, Panama, Papua New Guinea, Puerto Rico, Russia, Scandinavia, Thailand, USA, Venezuela, Western Europe.

RESEARCH IN PROGRESS

Systematic revisions of community identification resource manuals.

Publications listing provided upon request due to length.



@samyourjam sent you a private message
September 25, 2022

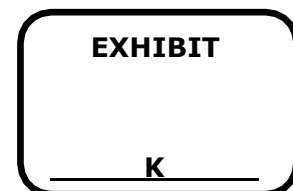
I went foraging with the 'fam' in the woods. I picked some good mushrooms for you.

You responded
September 26, 2022

Be careful, some of them are poisonous.

Sam responded
September 26, 2022

It's all good, Morg!





You sent Sam a private message
October 17, 2022

I LITERALLY just ran into the creepy scientist in the hall 30 seconds ago. We actually bonked heads. They blurted out "Sorry! I'm all over the place. I am loving the ride with the sweet sweet mushrooms Sam gave me." What's up with that?

Sam responded
October 17, 2022

Creepy Bwinger.

You responded
October 17, 2022

Yahtzee!

Sam responded
October 17, 2022

Lol, Fairch.





B-wing taken by Morgan Fairchildren 7/23/23

EXHIBIT
_____ **M** _____