

CAUSE NO. 97-00933-I

TRACY NEFF,  
Plaintiff

vs.

LANDMARK EDUCATION  
CORPORATION AND DAVID GRILL,  
AN INDIVIDUAL,  
Defendants

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

162<sup>nd</sup> JUDICIAL DISTRICT

AFFIDAVIT OF JOEL BROCKNER, Ph.D.

COMES NOW Joel Brockner, Ph.D., who deposes and states as follows:

"My name is Joel Brockner, Ph.D. I am of sound mind, am over the age of eighteen (18), and have never been convicted of a felony or a crime of moral turpitude. The statements in this affidavit are made upon my personal knowledge and are true and correct.

"I am a Full Professor of Management at the Graduate School of Business of Columbia University. My office address is Graduate School of Business, Columbia University, New York, New York 10027. I graduated from the State University of New York at Stony Brook with a Bachelor of Arts in psychology in May of 1972. Thereafter, in November of 1974 I received a Master of Science with an emphasis in Personality and Social Psychology from Tufts University. I received my Ph.D. in Psychology from Tufts in May of 1977.

"Since the time of my graduation from Tufts University with a Ph.D. in psychology in May of 1977, I have continuously taught Psychology or Management at the college level, first at Middlebury University, then at the State University of New York at Brockport, New York, then at Tufts University, then at the University of Arizona at Tucson. I have been teaching Management at Columbia University since 1984.

"My primary field of knowledge and study deals with organizational behavior and managerial decision making. My particular field of expertise is in management strategy and work place factors as they affect employees. I have done extensive work in the field of private sector consultation on managing personnel for Fortune 500 companies such as AT&T, IBM and Eastman Kodak. A true and correct copy of my current curriculum vitae is attached hereto as Exhibit "A". Further, I have done extensive scientific research and behavioral studies, as well as case studies of individuals, in the area of determining what individual psychological factors combined with what workplace factors will influence or determine a particular outcome in the workplace.

"I have reviewed the personnel file maintained by Landmark Education Corporation relating to David Grill which was produced to the Plaintiff's counsel in this case. I have also reviewed the depositions taken of Tracy Neff, Mindy Dodson and Patricia Dillon taken in this case. Further, I have reviewed the criminal records relating to David Alan Grill. In my professional opinion, I have reviewed enough information to draw certain conclusions about the management style, strategy and effectiveness of management decisions of Landmark Education Corporation with regard to its Dallas Center manager, David Grill, during the period of his employment. Such reviews are routinely done by professors of management as case studies and in conjunction with research and private-sector consulting. I have followed the usual and generally accepted scientific method in my field with regard to the conclusions expressed in this affidavit.

"I have concluded that Landmark Education Corporation was negligent and grossly negligent in its management of David Alan Grill, by failing to assess his problem behaviors surrounding interaction with women, alcoholism, drug use, erratic behavior, dating program participants in the Landmark seminars, sexual inappropriateness and his violent temper. Further, I have concluded that the failure of Landmark Education Corporation to properly assess Mr. Grill's problems both in his personal life and in the work place, was a proximate cause of the sexual assault of Tracy Neff on February 3, 1995. My conclusion is based on the fact that, if management had properly dealt with Mr. Grill, he would not have had the opportunity to come into contact with persons who were program participants, such as Ms. Neff.

"Further, based upon my review of records, my education, training and experience, and the research I have done in accordance with the scientific methods common in my field, it is my professional opinion that Landmark Education Corporation had ample reason to foresee that Mr. Grill was likely to engage in behavior that was calculated to bring discredit to Landmark Education Corporation and would be in disregard for the rights and duties he owed to others. Further, based on Mr. Grill's past history, Landmark could reasonably have foreseen that Mr. Grill would engage in inappropriate and dangerous behavior involving one or more of the following factors: (a) a female participant or graduate of the Landmark programs, (b) abuse of alcohol, (c) sexually inappropriate behavior, (d) sexual harassment, (e) violent outbursts, (f) assaultive behavior, (g) sexual harassment, and/or (h) drugs.

"Further Affiant Sayeth Nct."

Joel Brockner  
Joel Brockner, Ph.D., Affiant

SWORN TO AND SUBSCRIBED before me by Joel Brockner  
on the 30 day of October, 1998.

~~NOTARY PUBLIC in and for the State of New York~~

MICHAEL AIRD  
Notary Public, State of New York  
No. 01A15017081  
Qualified in Westchester County  
Commission Expires August 30, 1999

1999

CAUSE NO. 97-00933-1

TRACY NEFF,  
Plaintiff

IN THE DISTRICT COURT

vs.

DALLAS COUNTY, TEXAS

LANDMARK EDUCATION  
CORPORATION AND DAVID GRILL,  
AN INDIVIDUAL,  
Defendants

152<sup>ND</sup> JUDICIAL DISTRICT

AFFIDAVIT OF RICK ROSS

COMES NOW Rick Ross, who deposes and stated as follows:

"My name is Rick Ross. I am of sound mind, am over the age of eighteen. The statements in this affidavit are made upon my personal knowledge and are true and correct.

"Since 1986, I have been employed as a private consultant, lecturer and intervention specialist regarding destructive cults, radical, controversial and potentially unsafe groups. In this context, I work with families, mental health professionals, attorneys, clergy, members of law enforcement and the media specifically with regard to individuals who have come under some type of undue influence. My work since 1982 has been focused on researching groups with evidence of a group dynamic and/or philosophy that often creates a type of learned dependency. That is, participants are unduly influenced to follow the directions and solutions of the group and become dependent upon them.

"I have identified and/or interviewed numerous individuals who have participated in programs presented by the Landmark Education Corporation, including persons who have done the Forum, persons who have been volunteers and/or associated with the company. Further, I have reviewed the personnel file of David Grill, and deposition testimony of Tracy Neff taken in this case.

"There is a phenomenon described by mental health professionals as the "transference phenomenon." Essentially, this transference phenomenon is the process in which patients develop trust and transfer feelings and perceptions they have had in past relationships, such as with parents, to their therapist. An imbalance of power develops due to the inherent dependent nature of this relationship. That is, the patient looks to the therapist for help, guidance and critical analysis and becomes extraordinarily vulnerable to their suggestions and/or influence.

"Although Landmark Education denies that it is therapy, it is nevertheless a type of intensive group encounter. Within the context of such an intensive encounter and through continued courses, Landmark leaders and facilitators essentially occupy a role similar to that of a therapist and/or group encounter facilitator. A type of transference is encouraged within their encounter process that engenders trust by design. Landmark therefore has an inherent responsibility to carefully choose and supervise its designated leaders and be sensitive to any complaints.

"An imbalance of power developed in the relationship between Tracy Neff and David Grill, such that David Grill was able to manipulate and exercise undue influence over Tracy Neff. Further, this type of trust and dependence was due to the fact that David Grill occupied a position of leadership and authority within Landmark Education Corporation and because Tracy Neff was specifically influenced - - again by design - - through the programs presented by Landmark in which she was enrolled.


"The manipulation of Tracy Neff by David Grill, which was facilitated and continually strengthened by his position within Landmark Education Corporation, was a proximate cause of the sexual assault of Tracy Neff on February 3, 1997. Further, because Landmark Education Corporation is intimately familiar with its own programs, it should have reasonably foreseen that this transference phenomenon could develop around its leaders, such as David Grill.

"Further Affiant Sayeth Not."

  
Rick Ross, Affiant

SWORN TO AND SUBSCRIBED before me by Rick Ross

on the 30th day of October, 1998.

  
NOTARY PUBLIC in and for the  
State of Maryland

MICHAEL J. TEARE  
MY COMMISSION EXPIRES  
04/15/2001

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TRACY NEFF

VS.

LANDMARK EDUCATION  
CORPORATION AND DAVID  
GRILL, AN INDIVIDUAL

\* IN THE DISTRICT COURT  
\*  
\* DALLAS COUNTY, TEXAS  
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\*  
\* 162ND JUDICIAL DISTRICT

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VIDEOTAPED  
ORAL DEPOSITION OF  
ARTHUR H. SCHREIBER  
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ANSWERS AND DEPOSITION of ARTHUR H. SCHREIBER,  
a witness produced on behalf of the Plaintiff,  
taken in the above styled and numbered cause on the  
23rd day of October, 1998, before Kay D. Gallivan,  
a Certified Shorthand Reporter in and for the State  
of Texas, taken in the offices of Gwinn & Roby,  
4100 Renaissance Tower, 1201 Elm Street, City of  
Dallas, County of Dallas, State of Texas, pursuant  
to the Texas Rules of Civil Procedure.

**COPY**

KAY D. GALLIVAN & ASSOCIATES

(214) 827-1385

A T T O R N E Y S O F R E C O R D

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APPEARANCES:

MR. KIMBERLY A. STOVALL and  
MR. JAY C. ENGLISH  
KIMBERLY A. STOVALL & ASSOCIATES  
NORTH CENTRAL PLAZA THREE  
12801 NORTH CENTRAL EXPRESSWAY  
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PHONE: (972) 774-1276  
COUNSEL FOR THE PLAINTIFF

MR. ROBERT R. ROBY  
GWINN & ROBY  
4100 RENAISSANCE TOWER  
1201 ELM STREET  
DALLAS, TEXAS 75270  
PHONE: (214) 698-4100  
COUNSEL FOR THE DEFENDANT,  
LANDMARK EDUCATION CORPORATION

ALSO PRESENT: MR. STEVEN ZAPILER  
ATTORNEY AT LAW

MR. FLOYD C. ROBERTSON, VIDEOGRAPHER  
CERTIFIED LEGAL TEXAS VIDEO  
PHONE: (972) 304-0291

NONAPPEARANCES:

MR. GEORGE R. MILNER, III  
MILNER, LOBEL, GORANSON, SORRELS,  
UDASHEN & WELLS  
2515 MCKINNEY AVENUE  
SUITE 1500  
DALLAS, TEXAS 75201  
PHONE: (214) 651-1121  
COUNSEL FOR THE DEFENDANT,  
DAVID GRILL

1 the EST program from June of '81 to December of '84  
2 and then delivered The Forum and other programs  
3 related to The Forum from January 1985 until --  
4 from -- sorry -- from January 1985 until January of  
5 1991. They're programs that essentially have  
6 people -- allow people to be more effective in  
7 their lives but from a very different place. So in  
8 the answer to your question about Werner Erhard &  
9 Associates, yes, they -- they offered programs that  
10 had people be more effective, but they offered two  
11 very different types of programs.

12 Q. How are they so different?

13 A. The whole thrust and philosophy of the  
14 EST training and related programs is very different  
15 than the -- The Forum and the programs relating to  
16 The Forum.

17 Q. How so?

18 A. Well, one could say -- first of all, The  
19 Forum -- in language you would understand, The  
20 Forum is more like a -- an inquiry that would be  
21 conducted in law school except it's not about  
22 contracts and trusts and estates. It's about  
23 issues that are of -- that are of concern to people  
24 in life, like what it -- what does it mean to be  
25 responsible. And one would conduct an inquiry in



1 program that was about altering my ability to  
2 experience, I come out in one direction. If I do a  
3 three day and one evening program that's not about  
4 my experience at all, that we're not even  
5 interested in how you experience life, but we're  
6 interested in have you seeing that there are  
7 certain areas in your life where you can create new  
8 possibilities for yourself that didn't otherwise  
9 exist, I come out through a very different door.

10 Now, when I'm -- when the two of those  
11 people are outside and you ask what kind of  
12 umbrella would I put over them, I say loosely  
13 they're programs to have people be more effective;  
14 but they're going down very different tunnels.

15 Q. What is The Forum?

16 A. The Forum is our basic educational  
17 program.

18 Q. What is the purpose of The Forum?

19 A. The purpose of The Forum is to -- there  
20 are a number of -- I mean, there isn't like a  
21 stated purpose, but the purpose of The Forum is to  
22 have people who are healthy and successful and well  
23 have opportunities for themselves to -- to see and  
24 create for themselves new possibilities for action  
25 in any or all parts of their lives that they might

1 speak with the center manager to get information?

2 A. Sure. There's nothing -- I mean, I'm  
3 only saying the registrar because that's the person  
4 in whose job responsibility this would fall. But  
5 if he's on vacation for two weeks, they wouldn't  
6 just leave a message so --

7 Q. All right. You mentioned that -- that  
8 there is a new Forum Information Form and one of  
9 the changes to it is that there is an arbitration  
10 agreement.

11 A. Uh-huh.

12 Q. Does -- who does the arbitrations under  
13 that agreement?

14 A. The office of the American Arbitration  
15 Association in the city in which The Forum is being  
16 delivered.

17 Q. Have any arbitrations been performed  
18 pursuant to the arbitration agreement since the  
19 form was revised?

20 A. No.

21 Q. You mentioned that there was Dr. Edward  
22 Lowell --

23 A. Uh-huh.

24 Q. -- who has served as a mental health  
25 advisor --

1 A. Uh-huh.

2 Q. -- to Landmark Education Corporation.

3 A. Unpaid advisor, that's correct.

4 Q. All right. Are there any other paid or  
5 unpaid mental health professionals that have served  
6 as advisors to Landmark Education Corporation?

7 A. There have never been any paid advisors,  
8 and there have been unpaid advisors; and over the  
9 years, the names I don't recall. Doctor Lowell I  
10 definitely know about.

11 Q. Why is it that Landmark Education  
12 Corporation has determined based on advice from  
13 mental health professionals that persons who answer  
14 "yes" to the questions on that form should not  
15 participate in The Forum?

16 A. I can tell you exactly why. As we tell  
17 people in this -- right in their application  
18 form -- and I'm reading from the form. "The  
19 Landmark Forum is intended for people who are  
20 well. In the program you will address such  
21 questions as, 'What does it mean to be human' and  
22 'What is the possibility of being for human  
23 beings.' Although most people find these matters  
24 engaging, challenging, and rewarding, some may find  
25 thinking about such matters difficult and

1 unsettling. As with any serious undertaking in  
2 life, you should take the time to determine whether  
3 or not you are physically, mentally and emotionally  
4 prepared to engage in these kinds of questions.

5 The program is not therapeutic in design,  
6 intent or methodology and is not a substitute for  
7 psychotherapy or for a drug or alcohol treatment  
8 program. Because some people may, contrary to our  
9 specific instructions, take the program as a way of  
10 dealing with issues that are properly addressed by  
11 trained mental health professionals, we advise you  
12 that The Forum leaders are not trained mental  
13 health professionals; that no trained mental health  
14 professionals will be in attendance at The Forum;  
15 and that The Forum will not address issues that are  
16 best dealt with in therapy."

17 I couldn't say it any better to answer  
18 your question.

19 MS. STOVALL: I'll object as  
20 nonresponsive.

21 Q. (By Ms. Stovall) And maybe I didn't ask  
22 the question. Let me try it again. What is it  
23 about The Forum, the activities that occur in The  
24 Forum --

25 A. Uh-huh.

1 Q. -- and 1 million shares of preferred  
2 stock authorized.

3 A. Uh-huh.

4 Q. How many stockholders own the 10,000  
5 shares of common stock?

6 A. I don't know where you got -- it says 10  
7 million.

8 Q. I mean -- I'm sorry. How many  
9 stockholders own the 10 million shares of common  
10 stock?

11 A. Okay. But just to clarify, this is  
12 shares authorized. It doesn't mean outstanding.  
13 Of the 10 million that are authorized,  
14 approximately 780,000 shares are outstanding; and  
15 that's held currently by employees around the world  
16 numbering approximately 275 to 300.

17 Q. And of the 1 million shares of preferred  
18 stock authorized, how many are issued?

19 A. None.

20 Q. What is the difference between common  
21 stock and preferred stock?

22 A. Common stock typically is stock that is  
23 entitled to vote and participate in the ownership  
24 of the company. Preferred stock, depending on the  
25 types of preferences that are provided, have

D + A



Congratulations on having registered in The Landmark Forum. We have designed The Landmark Forum as an opportunity for people to advance their goals and commitments, to enhance their personal effectiveness, and to achieve consistently extraordinary results.

JIN 57

Please fill out this form completely and return it in the enclosed envelope within one week of receipt.

The accuracy and completeness of your answers are important as a condition to your participation in this program. We will hold the information on this form in strictest confidence.

Please print clearly in ink and answer every question, and please sign your name in each of the appropriate places.

1. Forum (City) Dallas  
 Month Dec Date 16, 17, 18, 20 Year 1994

2. Name (Last) Neff (First) Tracy  
 (Middle) Lynn (Name I like to be called) Tracy

3. Home Address (Street / P.O. Box) 8924 Roseville  
 City Dallas State TX Zip 75217

4. Home Phone (214) 391-1809 Work Phone (214) 789-2354

5. Age 25 Birthdate (Month/Day/Year) 11/26/68  
If you are under 18 years of age, you must currently live at least 50% of the time with a parent or guardian who has completed The Landmark Forum.

6. Sex  Male  Female

7. Marital Status  Single  Married  Widowed  Separated  Divorced

8. a. Please indicate your occupation or profession: Secretary  
 b. What is your job title or position? Benefits Assistant  
 c. If you are not currently employed, please indicate your vocation, training, or profession:

9. Have you completed The Landmark Forum?  Yes  No If yes, where and when?  
 City \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

Have you completed any of our previous programs?  Yes  No

If yes, please indicate the first program you participated in: Program: \_\_\_\_\_  
 City \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

Landmark Education

10. In order to benefit fully from your participation in The Landmark Forum, we ask that you take a moment to state specifically what you intend to accomplish. Answering this question does not suggest or guarantee that you will achieve these specific results by the end of the program. However, by being specific, you will facilitate your participation. Please answer in the space below.

to become comfortable with myself and  
allow people to get close to me.  
to be comfortable with my father and be able  
to discuss his homosexuality with him and  
my fear of AIDS since his partner died 3 years  
ago  
to find the courage to complete med school

11. Name of the person who introduced you to The Landmark Forum: Cwendolyn Curlee

12. Please list the names of the family members, relatives, friends, and business associates who are participating in The Landmark Forum with you.

Name of Person	Relationship to You
_____	_____
_____	_____
_____	_____

13. Is there anything else you would like to communicate now?

It was gang raped eleven years ago and used  
drugs and alcohol to escape the reality of  
what happened to me. I completed a  
program and learned to deal with it.  
I learned that I can't change my  
past - only learn from it.

**CONFIDENTIALITY AGREEMENT**

I understand that The Landmark Forum is a private and personal experience for each participant. As such, I agree to respect the confidentiality of all participants and their remarks and actions, and I agree to keep all such information private and confidential. I am also aware that The Landmark Forum is protected by copyright, and cannot be reproduced, copied or otherwise duplicated without the express written permission of Landmark Education Corporation. I agree not to violate this copyright.

**DECLARATION AND PROMISE (AGREEMENT)**

I declare that I have read and understand all of the information on this Information Form; that all of my responses are accurate and true to the best of my knowledge; and that I have read and understand the Confidentiality Agreement and agree to abide by it.

Signature Haley L. Neff Date 10/12/94

If you are under 18 years of age, your parent or legal guardian must read and sign below:  
As parent or legal guardian of the above-named minor,

- 1. I have completed The Landmark Forum and the above-named minor lives with me at least 50% of the time.
- 2. I hereby give my permission for my child to take The Landmark Forum.
- 3. I agree to the above Declaration on his/her behalf.

Signature Haley L. Neff Date \_\_\_\_\_

**NOTICE**

PLEASE READ THE FOLLOWING SECTION CAREFULLY AND COMPLETELY. IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT THE REGISTRAR IN YOUR LOCAL CENTER. WE WILL ASSUME FROM YOUR PARTICIPATION IN THE LANDMARK FORUM THAT YOU HAVE UNDERSTOOD THE FOLLOWING SECTION AND HAVE FOLLOWED OUR RECOMMENDATIONS.

The Landmark Forum (the "Program") is intended for people who are well. In the Program, you will address such questions as "What does it mean to be human?" and "What is the possibility of being for human beings?" Although most people find these matters engaging, challenging and rewarding, some may find thinking about such matters difficult and unsettling. As with any serious undertaking in life, you should take the time to determine whether or not you are physically, mentally and emotionally prepared to engage in these kinds of questions.

To achieve the maximum value from the Program, you should be prepared to engage in a rigorous examination, in serious work. We will assume your presence at the Program to indicate that you have considered the nature of the Program and have chosen to attend it on your own responsibility and risk, with no questions in your mind about your willingness and ability to do so. You are responsible for your own well-being.

To be certain that you have no misunderstanding about the nature of the Program, we advise you of the following:

- 1. The Program is not therapeutic in design, intent or methodology and is not a substitute for psychotherapy or for a drug or alcohol treatment program. Because some people may, contrary to our specific instructions, take the Program as a tool of dealing with issues that are properly addressed by trained mental health professionals, we advise you that the Program Leaders are not trained mental health professionals; that no trained mental health professionals will be in attendance at the Program; and that the Program will not address issues which are best dealt with in therapy.

2. Please answer the following questions truthfully:

- (a) Have you ever been hospitalized for psychiatric care or a mental disorder, or has such hospitalization been recommended to you by a psychiatrist or other mental health professional?  Yes  No PD
- (b) Are you currently in therapy?  Yes  No
- (c) If you are currently in therapy, are you winning\* in therapy?  Yes  No G-N/A
- (d) Have you ever had an incomplete course in therapy?  Yes  No
- (e) If you are currently in therapy and you are winning\*, you must advise your therapist that you are going to be in the Program. It is our intention here simply to serve your best interest by not adding input that your therapist does not know about.

Have you advised your therapist that you are going to be in the Program?  Yes  No G-N/A  
Has your therapist verbally okayed your being in the Program?  Yes  No G-N/A

- 3. Have you ever been in a residential treatment program for drug or alcohol use?  Yes  No

\*Our definition of "winning in therapy": You are winning in therapy if what you and the therapist are doing (or did) is handling (or has handled) the situation(s) for which you are (or were) in therapy. In other words, you and your therapist are (or were) satisfied with the therapy.

If you answered "yes" to questions 2 (a) or (d), or 3, or "no" to question 2 (c), we recommend that you NOT participate in the Program at this time. Please contact the Registrar in your Center immediately regarding this recommendation.



4. Even if you answered "no" to questions 2 (a), (b), and (d), or question 3, you should reconsider your participation in the Program in terms of the long hours each day and the intensity of the work. Breaks occur approximately once every 2-1/2 hours, and there is one scheduled meal break each day. (People who have a medical condition which requires more frequent eating or bathroom breaks or other special arrangements are required to notify the Program Supervisor at the beginning of the Program so that appropriate arrangements can be made.)
5. In the Program, you will address fundamental issues regarding being human. In the course of such an inquiry, some people will, from time to time, experience emotions such as fear, anger, sadness, regret, and despair. Also in the Program, or in life, people will from time to time cry or experience headaches, tiredness, nausea, confusion, disappointment, feelings of anxiety, uncertainty, and helplessness. Some participants may find the Program physically, mentally, and emotionally stressful. If you are unwilling to encounter such experiences or if you consider that experiencing such emotions may be upsetting to you, we recommend that you NOT participate in the Program.
6. Since people find different events stressful, you should assess your own participation in the Program. In this regard, we have been advised that persons who have suffered serious physical or emotional problems, or who have a history of physical or emotional problems in their immediate family may be more susceptible to stress than others. If you have any questions about your ability to deal with stress, we recommend you NOT participate in the Program.
7. The Program is not intended as a substitute for medical treatment. Please be advised that numerous kinds of physical and medical disorders and ailments may reduce your tolerance even to "normal" levels of stress. Examples of such disorders include, but are not limited to, heart and blood-vessel disease, nerve and muscular disorders, glandular and metabolic disorders, some respiratory illnesses and high blood pressure. Your participation in the Program is not recommended if you fall into one of these categories and such participation may jeopardize your well-being. If you are presently under the care of a physician for any such disorder, or if you are not or have not been feeling well or have been meaning to see a physician for some complaint or symptom, we recommend that you consult your physician and obtain verbal approval for participating in the Program.
8. We want to inform you that the intake of certain kinds of drugs may reduce your tolerance to even "normal" levels of stress. Therefore, if you are currently using (a) major tranquilizers, (b) minor tranquilizers, (c) anti-depressants, (d) barbiturates or sedative hypnotics, (e) amphetamines or related drugs or (f) lithium, we recommend that you NOT participate in the Program at this time. If you are receiving any kind of drug therapy which is under a doctor's prescription and is not mentioned in the previous sentence, even if it seems harmless to you (e.g., antibiotics), we recommend that you check with your physician to be certain that neither the drug itself nor the condition for which you are being treated will predispose you to risk. Should your physician approve your participation in the Program, you will be able, of course, to take your medicine during the Program.

#### INFORMED CONSENT

**THIS INFORMED CONSENT IS INTENDED TO HAVE LEGAL SIGNIFICANCE. IF YOU HAVE ANY QUESTIONS ABOUT ITS MEANING, PLEASE CONSULT AN ATTORNEY.**

I have read and understand the above Notice, and have truthfully answered the questions in Items 2 and 3.

I have been informed that in order for me to receive the results of the Program, my participation must be an expression of my own free choice.

I represent that I am participating in the Program voluntarily and not as a result of coercion, pressure, a condition of employment, or to satisfy anyone other than myself.

I am aware and understand that the Program involves a potential risk of physical and/or emotional stress. I agree that Landmark Education Corporation is responsible only for the orderly presentation of the Program and that I am responsible for my own participation in the Program and my own well-being.

I represent that I have not enrolled in the Program to handle a physical problem or drug or alcohol problem, or to participate in therapy, and I recognize that no portion of the Program is delivered or supervised by a trained health professional. I know of no episodes in my past history which suggest to me that I have a physical or emotional disorder or a recurring and unresolved physical or emotional problem. Further, I know of no recurring symptoms, physical or mental, which suggest to me that I may not be able to handle the types of activities described to me as part of the Program.

I promise to inform the Program Supervisor if, at any time during the Program, I experience any physical sensation or mental discomfort which I consider to be out of the ordinary.

I willingly and knowingly assume for myself, and my heirs, family members, executors, administrators, and assigns, all risk of physical injury and emotional upset which may occur during or after the Program, and I hereby agree to hold Landmark Education Corporation, its officers, directors, shareholders, employees, and agents, harmless from any and all liability arising out of my participation in the Program.

Signature

*Nancy L. Neff*

Date 10/12/94

If you are under 18 years of age, your parent or legal guardian must read and sign below:

As parent or legal guardian of the above-named minor, I agree to the above Informed Consent on his/her behalf.

Signature

Date

TRACY NEFF,  
Plaintiff

vs.

LANDMARK EDUCATION  
CORPORATION AND DAVID GRILL,  
AN INDIVIDUAL,  
Defendants

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

162<sup>nd</sup> JUDICIAL DISTRICT

AFFIDAVIT OF TRACY NEFF

COMES NOW Tracy Neff, who deposed and stated as follows:

"My name is Tracy Neff. I am of sound mind, am over the age of eighteen (18), and have never been convicted of a felony or a crime of moral turpitude. The statements in this affidavit are made upon my personal knowledge and are true and correct.

"I met David Grill on the last day of my participation in the Landmark Forum, on or about December 18, 1994, at the Landmark Education Corporation Dallas Center, located near Bachman Lake in Dallas, Texas.

"After being introduced to Grill, I was told that he was the Center Manager, an employee of Landmark, and was a living example of the philosophies and teachings espoused and promoted by Landmark in the courses I attended. In particular, the Forum and related courses I took emphasized self-expression. I was told that David Grill's self expression was the best example of the teachings of Landmark.

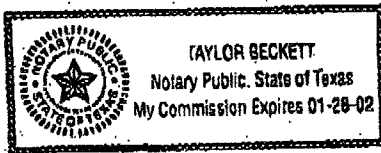
"After I completed my Forum, I began volunteering at the Dallas Center, where Grill was the supervisor. Many times I did tasks at his direction and interacted with him on numerous occasions relating to my volunteer work there. I also had conversations with him where he re-emphasized the Landmark viewpoints on self-expression, particularly in a sexual context. Grill told me that I should not feel guilt about expressing myself sexually. In particular, on January 2, 1995, Grill told me that self expression in accordance with the Landmark philosophy included freely expressing sexuality.

"On the evening of February 2, 1995, I encountered Grill while I was at the Center. He told me he needed to "share", which I recognized as a term used in the Landmark programs. Thereafter, I was manipulated by Grill to his apartment at 117 South Akard, where the sexual assault which is the subject of this law suit took place.

"Further Affiant Sayeth Not."

Tracy L. Neff  
Tracy Neff

SWORN TO AND SUBSCRIBED before me by \_\_\_\_\_  
on the 30<sup>th</sup> day of October, 1998.



Taylor Beckett  
NOTARY PUBLIC in and for the  
State of New York