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AFFIDAVIT OF KELLY SIMON

STATE OF OREGON)
) ss.
County of Duniway)

Kelly Simon, first duly sworn, under oath, states as follows:

1. I live in Chinook, Oregon, and I am the 34-year-old only surviving parent of Jordan Simon. Jordan is my only child and died on May 6, 2008.

2. My former spouse, Keane, and I found out we were expecting Jordan when I was only 16 years old. Keane and I were both in high school. We were both very successful runners. Keane ran long distances and I was a sprinter. We were hoping to go to college on track scholarships when we learned about the pregnancy.

3. Keane died when Jordan was only 2 years old. I worked two, and often three, jobs to make sure that I could take care of Jordan. I wanted to make sure that Jordan had a good life. I probably wasn't home enough, but I had to do what it took to get food on the table and pay for insurance.

4. Insurance from Keane's death was set aside in a trust account for Jordan. Until Jordan was 16 years old, I controlled the trust. I never took money out of the trust. At times, I even worked 18 hours a day to make sure that we could get by without touching Jordan's trust money. According to the terms of the trust, when Jordan turned 16 years old, Jordan could access the money and withdraw funds without my consent.

5. I knew, even when Jordan was little, that Jordan had serious running talent. Jordan ran a 2-mile race at only six years old and finished before a lot of adults. Jordan and I often ran together on the weekends and early in the morning – it was our time together. Jordan was a strong runner.

6. By 6th grade, Jordan could often beat me in sprints. Of course, I was not in great shape, but Jordan was really fast, particularly in the 100 meters.

7. By 8th grade, Jordan met numerous high school track coaches. Terry Swift from Eastside

1 High School, one of the top track coaches in the state, was at Jordan's middle school for a
2 meeting during one of Jordan's track meets. Jordan was very excited about meeting Terry. I
3 wish Terry had been hit by a car on the way to the middle school; then I wouldn't be walking past
4 Jordan's empty room every night. I blame Terry and Eastside for Jordan taking steroids.

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

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

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

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

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

28 13. When Jordan was 16, more college recruiters started coming to the track meets and

1 practices. Jordan was getting more and more nervous.

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

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

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

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

18 18. In April 2008, I decided to buy Jordan a car as an early graduation gift. I had been
19 saving as much as I could. I thought about asking Jordan to pay for car insurance from the trust.
20 I decided to check the balance on the account. I saw the account balance was down from around
21 \$50,000 to about \$25,000. I blew my top. First, I called the bank and freaked out that money was
22 fraudulently taken out of Jordan's trust. The bank e-mailed me the records showing Jordan's
23 withdrawals; I couldn't believe my eyes.

24 19. I went to Jordan's track practice and in front of Terry I started yelling at Jordan. I
25 showed Jordan the bank records and demanded an explanation. Jordan looked at both of us and
26 said, "You both know where the money is going. You might as well buy it for me. How am I
27 getting so good? Not from doing dishes. Not from doing laundry." Jordan looked right at Terry
28 and said, "You know – you explain it." Jordan ran off and didn't talk to me for a couple of weeks.

1 I asked Terry what Jordan meant and Terry said, "I'll take care of it."

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

5 21. On the morning of May 6, 2008, Jordan's school called and asked why Jordan wasn't
6 there. Jordan had a big track meet that day – Jordan always went to school on days of track
7 meets, because you could only participate if you attended school. I called home, but there was no
8 answer. I knew something was wrong, so I drove home as fast as I could. When I got home I
9 found Jordan. Jordan was lying in bed, eyes closed. I touched Jordan and I felt my life was over.
10 Jordan's body was cold. I screamed. I called 911.

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

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

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

22 /s/ Kelly Simon

23 SUBSCRIBED AND SWORN to before me, a Notary Public, on January 6, 2008, by Kelly
24 Simon.

25 /s/ Quincy Vargas

26 My Commission Expires:

27 November 5, 2010

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