

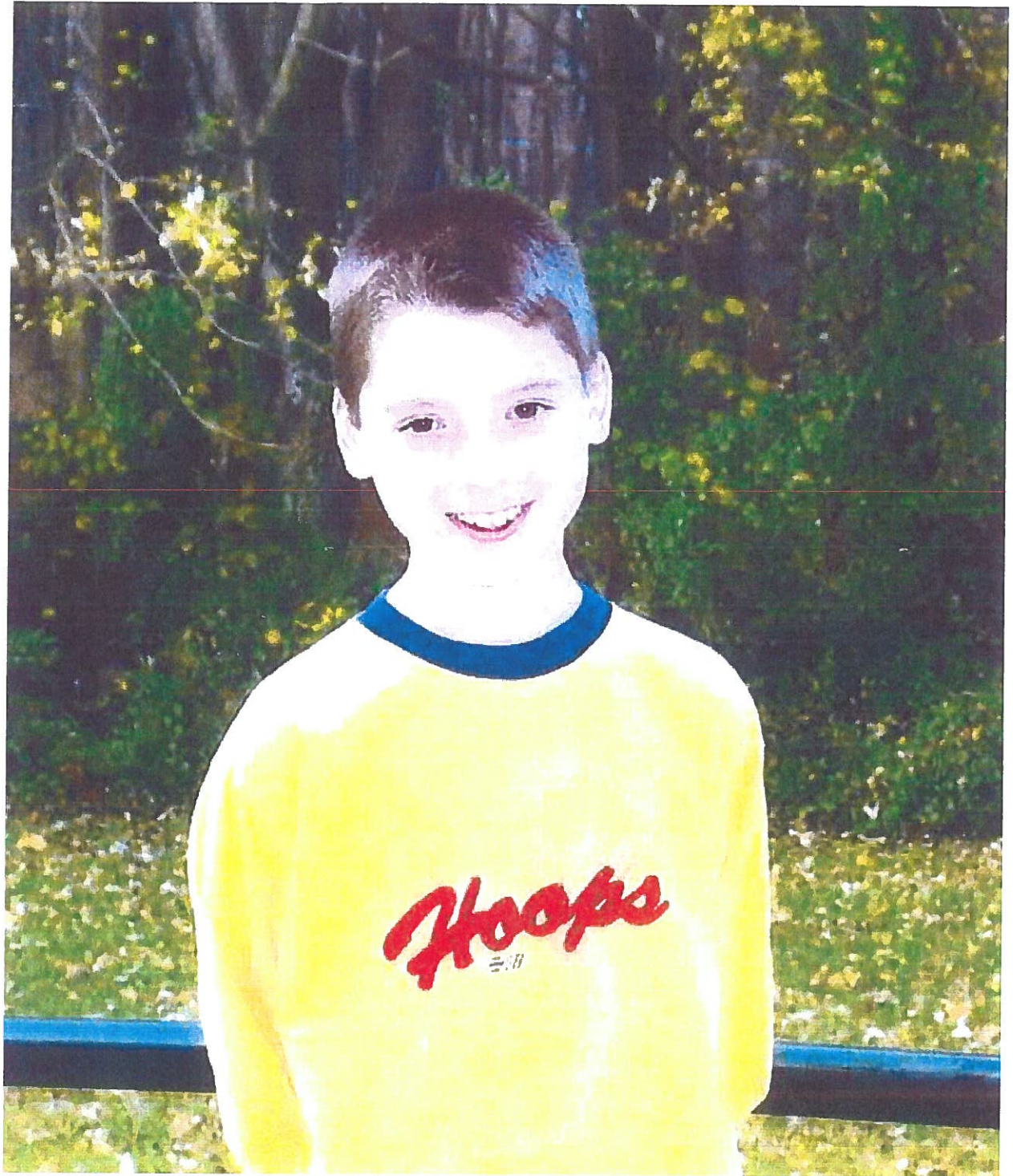
**CONFIDENTIAL SETTLEMENT MATERIALS SUBMITTED
ON BEHALF OF PENN STATE UNIVERSITY'S VICTIM NUMBER 9**

All of the materials contained in this submission are **CONFIDENTIAL**
and are subject to the terms and conditions of a Confidentiality Agreement
as well as the restriction set by Pa. Rule of Evidence 408
and Pennsylvania Statute 42 P.S. 5949

1. Video presentation for evaluation of settlement;
2. Photographs of Sabastian during years he attended Second Mile
3. Sabastian's Impact Statement;
4. Sabastian's mother's Impact Statement;
5. Sabastian's trial testimony;
6. Sabastian's Grand Jury presentment;
7. Sabastian's mother's trial testimony;
8. Report of Steven Berkowitz, M.D., Director of the Penn Center for Youth and Family Trauma Response and Recovery and Curriculum Vitae of Dr. Berkowitz
9. Legal Memorandum regarding Penn State University's liability
10. Correspondence from State Employees' Retirement System to Gerald A. Sandusky, dated October 9, 2012;
11. Verdict Sheet -- Sandusky found guilty of all counts relative to Sabastian.

**CONFIDENTIAL
SETTLEMENT
MATERIALS**

Tab 1

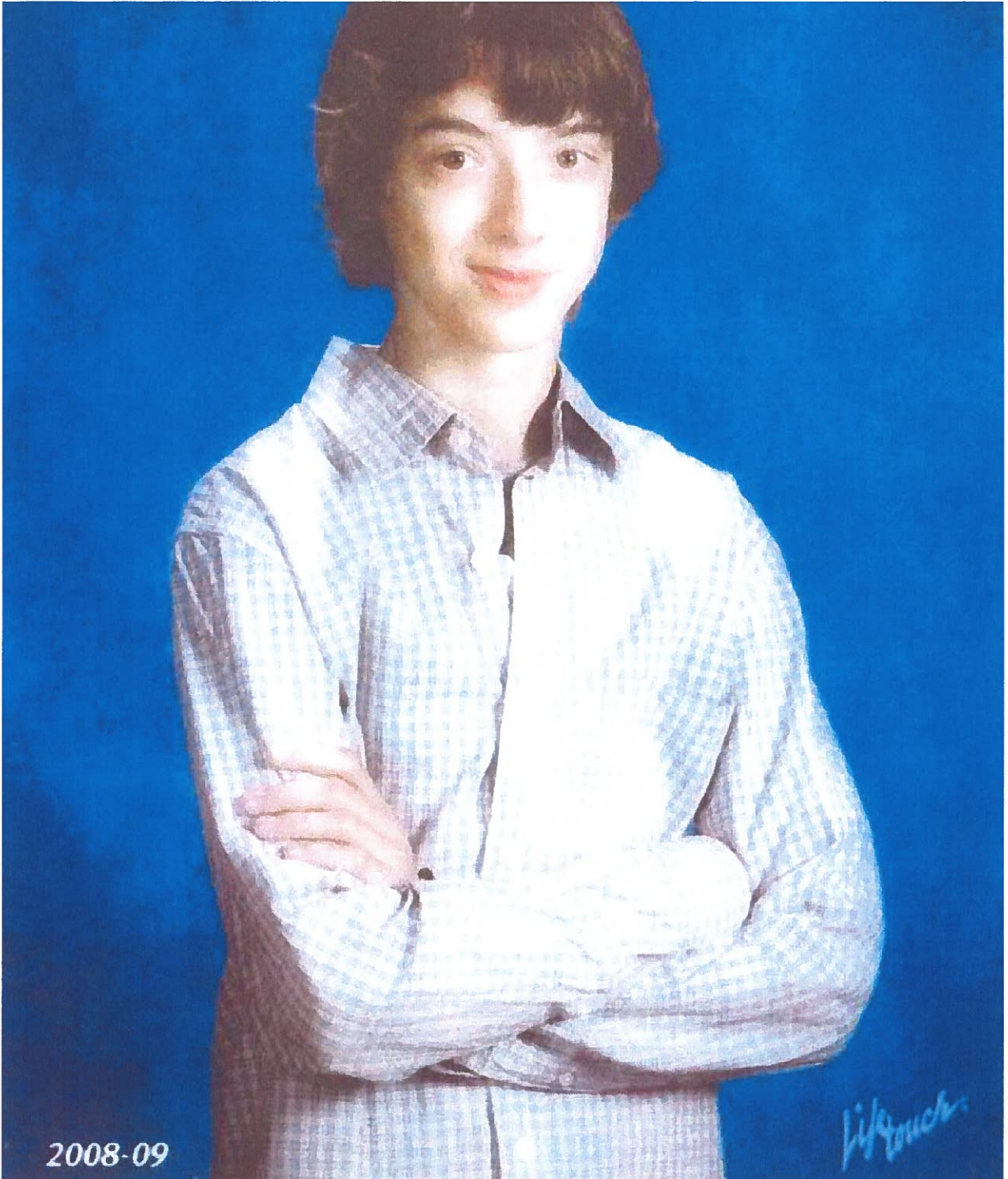






2006-07

Liftouch



2008-09

LifeTouch

Tab 3

In 2004, when I was 11, I went to Second Mile Camp. My mom and the school board thought it would be good for me. Once I got there, I didn't like it at first because it was a bunch of different kids and I didn't get along with a lot of kids when I was younger. After we started doing activities around the university, it got to be fun. All of the campers met Jerry Sandusky at a group meeting, he seemed real nice, he actually sat behind us in the back row and the group would stand up and introduce themselves. He came down and we all did a Jerry chant. He introduced himself and told us what kind of stuff we would be doing. Then, we sat there and the camp manager told us all of the places we would see and what was on the schedule, like food scheduling and sleeping arrangements. We went to rooms and dropped off our stuff, the group leader held onto our keys and helped to wake us up. I had no individual encounters with Jerry during the first year.

The next year, I went back to Second Mile and I saw Jerry again. He talked to me when I was at the high dive pool at the university. We were swimming and I saw him throwing kids in the pool. I wanted to be tossed too. I went over and asked if he could toss me and he said okay and this went on for a while. He asked me if I would like to do things with him outside the university. I told him that he would have to ask my mom. After the week of camp ended, the week after my birthday, he asked my mom if he could come take me to do things and hang out. My mom said it was okay.

After that, and over the course of the next 3-4 years, I spent most weekends with him. He would pick me up either at my home or school on Fridays and have me spend the rest of the weekend at his home. After the Sanduskys took me to their church on Sundays, he would drive me home.

At first I was having fun. It felt like a break from dealing with what I was dealing with at home, having a rough childhood. He was a very touchy feely type of guy. It started with hugs and then him telling me that he loves me and that he couldn't wait to see me the next weekend. He would tell me he wants the best for me and he would always protect me no matter what and if I needed something I could always go to him. I never liked the touchy feely stuff and, as a kid, I didn't like when people did that.

He did it anyways. After the hugs, he began to kiss me, at first on the cheeks and then on the lips. Then he got more physical and rougher with me. He had me touch his penis. After that, he laid on top of me and forced me to suck his penis. This happened frequently. I hated to do it, but felt I had no choice. I felt I had no one to talk to. He was way bigger and heavier than me. Other times he forced his penis in my butt. Sometimes it caused me to bleed. When that happened, I got rid of my underwear. I didn't want my mom to know.

I felt helpless. Most of the sex took place in the basement of his home. I think the basement was soundproof. Sometimes I screamed, sometimes I told him to get off me. No one answered my screams. I was trapped.

I started having feelings of not wanting to go back but as a kid you have to do what you're told. And I'm one of those people that don't really tell anybody anything and I tried to deal with it in my own way. I started using drugs and turned into a junkie. At first I started using marijuana and alcohol. Marijuana helped me relax and alcohol made me numb. Happy and smiles about everything. It didn't matter what it was. The stuff I was dealing with at home and him adding on to it put me in a dark place.

As time went on, he became more violent. I started getting really bad and I put myself into an even darker hole. I started cutting my wrists and getting into fights and I used all kinds of drugs every day just to not have any feelings. I ignored my mom. I stopped caring what anybody said. I just tried to shut out the pain. After about four years, I'd had enough and decided never to go back to his house.

The day came where he got on tv about raping kids. My mom was watching. She called the police about 9 in the morning. The cops came and woke me up. I didn't want this nightmare again. I didn't want all of the trouble it would cause. We got into the court system and I just lost control of myself. I didn't care about life. I didn't care about anything. I just wanted to die and I tried to commit suicide. Every time I tried, someone

stopped me or I was too messed up to do it. One day, I overdosed and I ended up on the 7th floor psychiatric unit of the hospital. After that, I came out with a different kind of personality. I still used a little bit but I was trying my hardest. I did what I had to do to keep myself sane, to keep myself from going nuts. I did what I had to do.

Now, I'm numb, careless, kind of heartless. I don't care about anything. I stay in my room, watch tv and play games in my room all day, every day. I don't want to do anything, I can't eat or sleep and I don't really even go on walks anymore. I feel I've lost everything in the blink of an eye. I hate myself and everything and everyone around me.

- Victim Number 9

Tab 4

I have thought for a while about what I would say to you, Mr. Sandusky. Words cannot express the pain and impact or imprint that you have caused my son and my family. Not only did you heap lifelong problems on my son, but you did it to satisfy your own sick and selfish needs for gratification. An act that is so wrong and unacceptable not only in my eyes but God's as well. For four years I mistakenly believed you were helping and supporting my son. But instead, you were molesting him and forever changing his life for the worse. And I was not able to understand why he was so troubled. He lost weight, was sick a lot, didn't sleep, was sneaking around, getting in trouble at school, had strange behaviors that, as his mother, I could not understand. I thought it was my fault. I blamed myself and still do for your sick indulgences. But how could I know you were molesting him? Because of you, I not only had to move three times in one year but had to quit my job. How embarrassing for me as a mother to know something so disgusting happened to my son? Not only has it been mentally draining but physically exhausting as well. I have had to endure two suicide attempts by my son. I have had to endure his hatred and animosity toward me. I have had to endure physical altercations with him. And all because of you and what you did to my son. For me to sit back and watch my sweet little boy turn into this person I don't even know is too much to bear. Many nights I sit up and cry worrying what I did for him to be like this. Not only did you molest him, Mr. Sandusky, you caused him a lifetime of sorrow and suffering while helping yourself sexually. How cruel of you.

But that's not all. You have caused me to have so many problems both as a mother and a person. I now question every decision I make as a parent. I question every decision I make for myself. You have destroyed my family and I cannot forgive you for that. My son and I are both in therapy, likely for years or the rest of our lives.

You have damaged and hurt so many people. Yet still you proclaim your "innocence." You have forever injured not only my son, but all your other victims as well. How could you do this to so many people and not think anything of it? Shame on you, shame on you Mr. Sandusky for your narcissistic selfish acts. This has been the most difficult thing I have endured in my life. My poor son. You took something from him that can never be replaced – his childhood, his youth – and for that it makes me sick in my heart and soul. Sorry will never be enough. Whatever comes to you I hope it is tenfold for what you have done to my son and the other victims of your brutality. There is no punishment good enough for you. You are a horrible person and when you come to terms with this and admit to wrongdoing, maybe, just maybe, you will be forgiven.

-Mother of Victim Number 9

Tab 5

IN THE COURT OF COMMON PLEAS
OF CENTRE COUNTY, PENNSYLVANIA
CRIMINAL DIVISION

COMMONWEALTH : NO. CP-14-CR-2421-2011
: NO. CP-14-CR-2422-2011
VS :

GERALD A. SANDUSKY :

TRANSCRIPT OF PROCEEDINGS
(Criminal Jury Trial)

BEFORE: John M. Cleland, Senior Judge

DATE: June 14, 2012

PLACE: Centre County Courthouse
Courtroom No. 1
102 South Allegheny Street
Bellefonte, PA 16823

APPEARANCES:

FOR THE COMMONWEALTH:

Joseph McGettigan, Esq.
Deputy Attorney General
Frank G. Fina, Esq.
Deputy Attorney General

FOR THE DEFENDANT:

Joseph Amendola, Esq.
Karl Rominger, Esq.

NOTES BY: Thomas C. Bitsko, CVR-CM
Official Court Reporter
Room 208, Centre County Courthouse
102 South Allegheny Street
Bellefonte, PA 16823
814-355-6734 OR FAX 814-548-1158

1 INDEX TO THE WITNESSES

2 DIRECT CROSS REDIRECT RECROSS

3 COMMONWEALTH:

4	Zachary Konstas	3	24	46	--
5	Ronald Schreffler	50	69	77	--
6	Jason Simcisko	82	111	125	--
7	Anthony Sassano	135	187	---	--
8	Sabastian Paden	202	226	246, 249	248

11 DEFENDANT:

12 (None)

15 INDEX TO THE EXHIBITS

16 ADMITTED:

17 COMMONWEALTH:

18 (None)

22 DEFENDANT:

23 (None)

1 Whereupon,

2 SABASTIAN PADEN

3 called as a witness and having been duly sworn,
4 was examined and testified as follows:

5 MR. MCCETTIGAN: May I, Your Honor?

6 THE COURT: (Nodding head up and
7 down.)

8 MR. MCGETTIGAN: Thank you.

9 DIRECT EXAMINATION

10 BY MR. MCGETTIGAN:

11 Q. Can you state your full name, please,
12 nice and loud?

13 A. Sabastian Ryan Paden.

14 Q. I'm going to ask you to lean forward,
15 Sabastian. Can you do that?

16 A. Yeah.

17 Q. Okay. Can you pull the microphone
18 down a little closer to you?

19 A. Better?

20 Q. Yes. Thank you. Okay. The first
21 thing I want to ask you is what's the matter
22 with your eye?

23 A. I got an abrasion in it.

24 Q. Okay. Are you're okay?

25 A. Yeah.

1 Q. Sabastian, I'm going to call you Mr.
2 Paden today. Is that okay with you, too?

3 A. Yeah.

4 Q. Okay. Can you tell us your date of
5 birth?

6 A. 7/29/93.

7 Q. Okay. And that makes you how old now?

8 A. Eighteen.

9 Q. Okay. And have you graduated from
10 high school?

11 A. Yes.

12 Q. How long ago?

13 A. This year.

14 Q. How long ago this year?

15 A. Like a few weeks ago.

16 Q. Okay. Now, Sabastian, I'm going to
17 ask you about some events that started in 2004,
18 2005, okay? Do you understand?

19 A. Yeah.

20 Q. Okay. First of all, do you remember
21 talking to the police?

22 A. Yeah.

23 Q. About what happened to you?

24 A. Yeah.

25 Q. Do you remember talking to a grand

1 jury?

2 A. Yeah.

3 Q. Okay. And you understand that you're
4 here today not just to repeat what you said
5 some other time? Do you understand that?

6 A. Yes.

7 Q. What are you here today to do? Do you
8 know?

9 A. Speak the truth.

10 Q. Are you going to do that?

11 A. Yeah.

12 Q. Well, back in 2004, 2005, when you
13 were -- oh, let's see. You would have been in
14 fourth or fifth grade. Can you tell the ladies
15 and gentlemen of the jury where you were
16 living?

17 A. In McClure, with my mom.

18 Q. Say again.

19 A. McClure, like between Lewistown and
20 McClure.

21 Q. Who did you live with?

22 A. My mother.

23 Q. And did you live in a house, an
24 apartment? What did you live in?

25 A. A trailer.

1 Q. Okay. And where was your dad?

2 A. I don't know. He wasn't around.

3 Q. Okay. At that time did you remember
4 the last time you'd seen him?

5 A. No, I didn't.

6 Q. Was there ever anybody else living in
7 the house with you back in -- when you were in
8 fourth and fifth grade?

9 A. My mom's boyfriend.

10 Q. What was his name, first name?

11 A. Dave.

12 Q. Did he stay with you for a long time
13 or just awhile?

14 A. Between. Between. Like, he had his
15 own place and my mom --

16 Q. And now, before you lived in that
17 trailer near McClure with your mom, had you
18 been living with anybody else?

19 A. No.

20 Q. Did you live in any other kind of
21 setting, though, besides with your mom?

22 A. No.

23 Q. Did you ever live in foster care?

24 A. Yeah.

25 Q. Was that --

1 A. But that was after.

2 Q. Oh, okay. How old were you then?

3 A. I can't remember.

4 Q. Now, do you remember what The Second
5 Mile program was?

6 A. Yes.

7 Q. Okay. Did you ever go to it?

8 A. Yes.

9 Q. Three or four times, three or four
10 summers?

11 A. Yeah.

12 Q. And did you like it?

13 A. Yes.

14 Q. What did you like about it?

15 A. It was -- it was fun. I mean --

16 Q. Are you nervous?

17 A. Yeah, a little bit.

18 Q. Now, at one of those Second Mile
19 camps, did you have occasion to meet the
20 defendant, Jerry Sandusky?

21 A. Yes.

22 Q. Okay. Can you tell the ladies and
23 gentlemen of the jury how you met him, if you
24 remember?

25 A. In the pool.

1 Q. Well, what happened in the pool that
2 caused you to meet him?

3 A. He was playing with the kids in the
4 pool and I went over there, started playing
5 with the kids and him, and he started talking
6 to me, asking me if I wanted to hang out
7 outside the camp, and I gave him my mom's
8 number and stuff, and then he called my mom.
9 They talked, and I started going over to his
10 house.

11 Q. Well, when you first met him and he
12 asked you if you wanted to hang out, that
13 seemed like a good idea to you?

14 A. Yeah.

15 Q. Why?

16 A. Because he's a well-known guy and he
17 seemed nice.

18 Q. Okay. And where's the first place you
19 went, if you remember -- that you went with the
20 defendant?

21 A. His house and football games.

22 Q. Okay. Now, the first time, the first
23 year that you met him, did you go to football
24 games that year?

25 A. Yeah.

1 Q. Do you remember any of the ones you
2 went to?

3 A. I went to the home games.

4 Q. Did you go to one or more than one, or
5 do you remember?

6 A. More than one.

7 Q. Okay. The very first year you met
8 him, you went to more than one?

9 A. Yeah.

10 Q. Okay.

11 A. More than one.

12 Q. How long after you met the defendant
13 was it that you stayed at his house for the
14 first time, if you remember?

15 A. A few weeks, I think, a few weeks.

16 Q. Okay. Now, I'm going to ask you how
17 long -- over how long a period of time did you
18 stay at the defendant's house, more than a
19 couple years?

20 A. Yeah, like three, four years.

21 Q. When was the last time you stayed at
22 his house, if you remember what year that might
23 have been?

24 A. I was 15, so I was --

25 Q. You were 15?

1 A. Yeah.

2 Q. Would that have been 2008 into 2009?

3 A. Yeah, I think so.

4 Q. Is that correct?

5 A. Yeah, I think.

6 Q. And how old were you when you met him,
7 if you remember?

8 A. I was 12.

9 Q. Well, did anything happen to you when
10 you first went to the defendant's house that
11 made you feel uncomfortable?

12 A. Not really, no. At first he was nice
13 and stuff.

14 Q. Did you like going there the first
15 time?

16 A. Yeah.

17 Q. What did you do?

18 A. I played games, went to games, went
19 out to eat and stuff.

20 Q. Did the defendant give you any gifts?

21 A. Yeah.

22 Q. Like what?

23 A. He got me a running suit,
24 racquetballs, and a tennis racket, and I can't
25 remember anything else.

1 Q. Okay.

2 A. And some shoes.

3 Q. Some shoes?

4 A. Yeah.

5 Q. Shoes or sneaker?

6 A. Sneakers.

7 Q. Okay. And at some point when you're
8 staying at his house, did he do something to
9 make you feel uncomfortable?

10 A. Yeah.

11 Q. I'm sorry?

12 A. Yeah.

13 Q. What's the first thing -- Sabastian --
14 Mr. Paden, what's the first thing that happened
15 to you that made you feel uncomfortable?

16 A. He would come to the bedroom with me
17 when I would go to bed and start rubbing my
18 stomach and stuff and cracking my back and
19 hugging me and kissing me all over and stuff.

20 Q. And did you like that?

21 A. No.

22 Q. Did you say anything to him that day?

23 A. Yeah.

24 Q. What did you say?

25 A. I told him to stop.

1 Q. And did you tell your mom?

2 A. Yeah.

3 Q. What did you tell your mom?

4 A. I told her that he was a touchy-feely
5 type of person, but other than that, nothing.

6 Q. You just told her he's touchy-feely?

7 A. Yeah.

8 Q. Did your mom want you to go to Mr.
9 Sandusky's house?

10 A. Yes.

11 Q. Why? Do you know? Did she tell you?

12 A. No. She just thought it would be a
13 good idea for me.

14 Q. Do you know where your mom was working
15 then?

16 A. The Major League.

17 Q. Okay. What kind of business was it?

18 A. It was a -- it's a bar.

19 Q. Okay. Now, after the defendant
20 started hugging you and stuff in bed, did he do
21 anything else? What's the first thing beyond
22 that, if anything, that he did after he started
23 hugging you?

24 A. Before that?

25 Q. After that.

1 A. After that? Telling me he loves me
2 and stuff and he wants the best for me, and
3 started taking me to the pool and stuff, and
4 the gym, and we would be -- like, if we were in
5 the pool, he would never let go. Like, he
6 would always have his arms around me and
7 hugging me.

8 Q. Did you like that?

9 A. No.

10 Q. Did you ever say anything about that?

11 A. Yeah.

12 Q. Now, Mr. Paden, I'm going to ask you,
13 you're getting kind of tall now. How big were
14 you when you first met the defendant?

15 A. I was like 67 pounds. I was probably
16 like five foot, I think. I don't know.

17 Q. You weren't that big.

18 A. I was small. I'm five-eleven right
19 now.

20 Q. You said the defendant would hug you,
21 and did he kiss you?

22 A. Yeah.

23 Q. Where?

24 A. At first, on the cheeks.

25 Q. Did he kiss you anyplace else?

1 A. Yeah.

2 Q. Where?

3 A. On the lips.

4 Q. What else did he do after he did that?

5 A. He started getting physical, like had
6 me touch his penis and stuff.

7 Q. Did you want to do that?

8 A. No.

9 Q. Now, after he hugged you and kissed
10 you and made you touch his penis, did you want
11 to keep going back to his house?

12 A. No.

13 Q. Why did you keep going?

14 A. Because I was just -- my mom wanted me
15 to go.

16 Q. Did you tell her he was doing any of
17 these things?

18 A. No.

19 Q. Why not?

20 A. How are you supposed to tell your mom
21 something like that?

22 Q. Is that why you didn't say anything?

23 A. Yeah.

24 Q. Did you say anything to anybody else
25 growing up at the time?

1 A. No.

2 Q. After the defendant hugged you and
3 kissed you and made you touch his penis, what's
4 the next thing he did that made you feel
5 uncomfortable? Can you tell us?

6 A. He made me give him a -- oh, how do
7 you -- suck his penis, is how you put it.

8 Q. I told you I'd have to ask these
9 questions, didn't I?

10 A. Yeah.

11 Q. Are you going to answer them?

12 A. Yeah.

13 Q. Okay. Sabastian, how did that happen
14 the first time?

15 A. He came into the room, pulled his
16 pants down, laid on top of me, kind of forced
17 it in.

18 Q. Did he say anything?

19 A. Yeah, he said suck -- suck my penis,
20 is how you'd have to put it.

21 Q. Did you want to do that?

22 A. No.

23 Q. The first time it happened, did you
24 try not to do it?

25 THE COURT: Wait. I think the jury is

1 having a little trouble.

2 MR. MCGETTIGAN: Bearing the witness?

3 THE WITNESS: I can't bend it any
4 more.

5 BY MR. MCGETTIGAN:

6 Q. Why don't you slide up a little
7 closer? The first time it happened, did you
8 want to do that?

9 A. No.

10 Q. Did you want to do it any time it
11 happened?

12 A. No.

13 Q. The first time it happened, what did
14 you say, if anything, or did you say anything?

15 A. No. What was I going to do? I mean,
16 look at him. He's a big guy. He was bigger
17 than me at the time, way bigger than me.

18 Q. Did he ever touch your penis?

19 A. No.

20 Q. Never?

21 A. No.

22 Q. After the first time that the
23 defendant made you suck his penis, did he ever
24 do it again?

25 A. Yeah.

1 Q. How many times did you stay at the
2 defendant's house over the course of about
3 three years, between 2005 and into 2008, 2009?

4 A. Every weekend from Friday to Saturday,
5 so over --

6 Q. Every weekend, almost every weekend?

7 A. Almost every weekend.

8 Q. Do you know how many times that was?

9 A. No.

10 Q. More than 20?

11 A. More -- more than that, between 150
12 maybe, maybe 100. I don't know.

13 Q. And did the defendant kiss you on all,
14 some, none, or all of those occasions?

15 A. All of those occasions.

16 Q. Did he make you suck his penis on some
17 of those occasions, none of those occasions, or
18 most of those occasions, or all?

19 A. Some of the -- some of those
20 occasions.

21 Q. And where did you sleep when you
22 stayed overnight at the defendant's house?

23 A. In the basement.

24 Q. Was anybody else ever down there with
25 you?

1 A. No, just Jerry. Sometimes he would
2 have another kid with us, but that was on
3 different occasions.

4 Q. Did anybody ever sleep downstairs with
5 you?

6 A. No.

7 Q. Did the defendant ever sleep the whole
8 night downstairs with you or would he just come
9 down and be in bed?

10 A. Just come down and be in bed.

11 Q. How long would this take?

12 A. I don't know, awhile.

13 Q. How were you dressed?

14 A. Sweatpants and a T-shirt.

15 Q. And was the defendant dressed the same
16 way every time or different ways?

17 A. Usually khakis and a T-shirt.

18 Q. Did he do anything else to your body
19 that you haven't told us about yet?

20 A. He put his penis in my butt. That's
21 how you'd have to put it.

22 Q. Do you remember how old you are when
23 -- the first time he did that?

24 A. No.

25 Q. Do you remember approximately -- do

1 you know what approximately means? Do you
2 know? Do you have an idea how old you were?

3 A. Maybe 13 and 14, maybe 15, between
4 them, a few years.

5 Q. Tell the jury what happened the first
6 time he did that.

7 A. He came in. I sucked his penis, and
8 then he got real aggressive and just forced me
9 into it, and I just went with it. There was no
10 fighting against it.

11 Q. Did you want to do that?

12 A. No.

13 Q. Did you do anything to try and get
14 away?

15 A. Yeah.

16 Q. What?

17 A. Sometimes scream, sometimes tell him
18 to get off me, but other than that, who was
19 there? You were in the basement. No one can
20 hear you down there. You're always down there.

21 Q. Now, did you ever call your mom when
22 you were at the defendant's house?

23 A. One time.

24 Q. Tell us what happened that time.

25 A. It was the last time I stayed at his

1 house. I called my mom and I told her to come
2 pick me up. I didn't tell her why or for what.
3 I just told her to come pick me up and she came
4 and picked me up.

5 Q. Why did you want her to come pick you
6 up?

7 A. Because he was trying to be physical
8 with me and I had enough of it, and I kind of
9 just called my mom, because I had a cell phone
10 finally, and I called my mom and told her to
11 come pick me up, and she came down to State
12 College, to his house, and picked me up.

13 Q. Now, Mr. Paden, when you used to go
14 over to the defendant's house, where would he
15 pick you up, at the trailer or at school or
16 both or neither?

17 A. Both.

18 Q. Okay.

19 A. Sometimes it would be at the trailer
20 or at school.

21 Q. Okay.

22 A. It just depended on what we were doing
23 at the time.

24 Q. And you said you stayed most of the
25 time on weekends?

1 A. Yes.

2 Q. Did you stay more than a couple days
3 or was that the most you ever stayed?

4 A. More than -- sometimes, like, if I had
5 school and we had, like, holidays for Monday or
6 something, I would stay, but other than that,
7 mostly weekends.

8 Q. And besides what was happening to you
9 at night in bed, was the defendant nice to you
10 at other times?

11 A. Yeah.

12 Q. Did he buy you stuff?

13 A. Yeah.

14 Q. Take you places?

15 A. Yeah.

16 Q. Give you gifts?

17 A. Yeah.

18 Q. Did he ever tell you how he felt about
19 you?

20 A. Yeah.

21 Q. Tell the folks what he said.

22 A. He told me he loved me and he wished
23 the best for me and he wants no harm towards me
24 and stuff like that.

25 Q. What did you think about that?

1 A. It was creepy, but I was -- I was a
2 kid, so what would I know?

3 Q. Mr. Paden, after the defendant put his
4 penis in your butt that one time, did he ever
5 do it again?

6 A. Yeah.

7 Q. Once or more than once after that?

8 A. More than once.

9 Q. A lot?

10 A. No, just a few times. I got to the
11 point after that to where I had enough of it.
12 I just quit going. My mom would try to tell me
13 to go and I would just tell her no and get real
14 bullheaded and stubborn.

15 Q. Did you start acting out a little bit?

16 A. Yeah.

17 MR. MCGETTIGAN: May I have one --
18 just one moment, Your Honor, please?

19 BY MR. MCGETTIGAN:

20 Q. Did you ever go to a gym or swimming
21 with the defendant?

22 A. Yeah.

23 Q. Where did you go swimming?

24 A. I think it's called the Holiday Inn.

25 Q. And where was that? Do you remember?

1 A. Right down the street from his house.

2 MR. MCGETTIGAN: May I approach the
3 witness, Your Honor?

4 THE COURT: Yes.

5 BY MR. MCGETTIGAN:

6 Q. Can you see it with your one eye?

7 A. Yeah.

8 Q. You can hold it. So, Mr. Paden, you
9 have been handed two photographs that have been
10 marked Commonwealth's 102 and 103. Can you see
11 them with your one eye there?

12 A. Yeah.

13 Q. Okay. And who are they? Well, who is
14 the first one, 102?

15 A. That's me.

16 Q. Okay. How old were you there, Seb?

17 A. I don't know.

18 Q. Well, let's look at the date
19 underneath here and see how good your math is.

20 A. 2006. My math is really bad.

21 Q. And I'm going to ask you to take a
22 look at the next one, at 103, and can you tell
23 us who all was in that photograph?

24 A. The kid that usually came to the
25 football games with us and Jerry and me.

1 Q. Okay. And do you know how old you
2 were in that picture?

3 A. No.

4 Q. You're not sure?

5 A. No.

6 Q. Okay. Sabastian, at some point did
7 you stop going to the defendant's house?

8 A. Yeah.

9 Q. How come?

10 A. Because I just grew balls and started
11 becoming bad not listening to my mom, just quit
12 going because I just didn't like being there.
13 I didn't like the things that happened there.

14 Q. Did the defendant call you on the
15 phone after you stopped coming and try and get
16 you to come?

17 A. Yeah.

18 Q. What did you do?

19 A. Came up with some kind of excuse not
20 to go.

21 Q. Were you behaving right with your mom
22 then?

23 A. No.

24 Q. Now, eventually you talked to the
25 police?

1 A. After my mom called the cops.

2 Q. Tell us how that happened.

3 A. I woke up in the middle of the
4 morning, at nine o'clock, and the cops were on
5 their way to my house and I didn't know why,
6 and my mom told me because of Jerry.

7 Q. And did you want to talk to anybody?

8 A. No.

9 Q. Why not?

10 A. Who would believe you? I mean, he's
11 an important guy. Everybody knows him and he's
12 a football coach. Like, for real, who would
13 believe kids?

14 Q. Well, did you tell the first cops you
15 talked to everything that had happened to you?

16 A. No.

17 Q. Why not?

18 A. Because I didn't trust them.

19 Q. And did you want to be involved in the
20 investigation?

21 A. No.

22 Q. And did you tell the grand jury
23 everything that happened to you?

24 A. Yeah.

25 Q. Are you sure? The grand jury, do

1 remember talking to the grand jury?

2 A. Yeah -- no. You're the first person I
3 told everything to.

4 Q. Well, do you have a lawyer now?

5 A. No.

6 Q. Did you ever go looking for a lawyer?

7 A. No.

8 Q. Did your mom tell you she was going to
9 get a lawyer?

10 A. No, you're my lawyer.

11 Q. Are you going to pay me?

12 A. Yeah, I'm going to try.

13 Q. Are you working now, Mr. Paden?

14 A. No.

15 Q. Okay. Did anybody tell you to say
16 anything other than the truth?

17 A. No.

18 Q. Did I ever tell you to say anything in
19 particular?

20 A. No. You just told me to tell you the
21 truth.

22 Q. Did anybody force you to come here
23 today?

24 A. No.

25 Q. Did you want to?

1 A. No.

2 Q. Just one more question: Can you do
3 something right now, Sabastian? Can you point
4 out the man in this courtroom who placed his
5 penis in your mouth and placed his penis in
6 your butt?

7 A. (Indicating.)

8 Q. Can you look at him?

9 A. I won't look at him.

10 Q. You can't point out a person unless
11 you can look at them.

12 A. (Indicating.)

13 Q. Who are you pointing at?

14 A. Jerry.

15 MR. MCGETTIGAN: Thank you. I have
16 nothing further, Your Honor.

17 THE COURT: Mr. Amendola.

18 MR. MCGETTIGAN: Thank you, Your
19 Honor.

20 CROSS-EXAMINATION

21 BY MR. AMENDOLA:

22 Q. Mr. Paden, my name is Joe Amendola. I
23 represent Mr. Sandusky. I'm going to ask you
24 some questions. If you're not sure what I'm
25 asking you, let me know, okay? and I'll try to

1 ask you a different way.

2 A. All right.

3 Q. When did you get involved in The
4 Second Mile? Do you recall what year it was?

5 A. I don't know the year, but I was,
6 like, 12 or 13.

7 Q. You were 12 or 13?

8 A. Yeah.

9 Q. And how long were you in The Second
10 Mile? Do you remember?

11 A. A few years.

12 Q. Did you continue to see Mr. Sandusky
13 after you stopped your involvement in The
14 Second Mile?

15 A. Yeah.

16 Q. For how long, how many more years?

17 A. Until I was 16, I think. I --

18 Q. And when did the first sexual contact
19 take place, not the exact day, but was it --
20 not even the exact month -- but was it that
21 first year you were in The Second Mile, the
22 second year, the third year?

23 A. Second year.

24 Q. So that would have been 2005, if your
25 first year was 2004?

1 A. Yeah.

2 Q. Yes?

3 A. Yes.

4 Q. And where did that take place?

5 A. At his house.

6 Q. And when that took place at his house,
7 do you recall, was it a weekend? Was it a
8 weekday?

9 A. It was a weekend.

10 Q. It was a weekend?

11 A. Yes.

12 Q. Was it a Friday or Saturday? Do you
13 recall?

14 A. That was -- I don't --

15 Q. I'm sorry. What?

16 A. I don't remember.

17 Q. Was it at night?

18 A. Yes.

19 Q. Was anybody else home?

20 A. His wife, but she was upstairs.

21 Q. And once you started going to Mr.
22 Sandusky's house, would that have been in about
23 2005?

24 A. In the summer between 2000 and --
25 yeah, because I just started going to his house

1 in the summer between 2004 and 2005.

2 Q. In the summer?

3 A. Yes.

4 Q. So that would have been one of those
5 years. So would it be reasonable to say it was
6 2005, in the summer of 2005 you started going?

7 A. In between the summer of 2004 and
8 2005.

9 Q. Okay. So in between. Do you recall
10 whether it was cold? Was it wintertime or
11 spring?

12 A. It was probably winter.

13 Q. Were you in school?

14 A. Yeah.

15 Q. And so how would you get over to his
16 house? Would Mr. Sandusky pick you up?

17 A. He would pick me up.

18 Q. And drive you back?

19 A. Yes.

20 Q. And once that process started, once
21 you started going to Mr. Sandusky's house
22 between 2004 and 2005, how often did you --
23 well, on average, how often did you go to his
24 house, weekly or monthly?

25 A. Every weekend of the month.

1 Q. So every weekend. Did you stay the
2 whole weekend?

3 A. Yeah.

4 Q. So when you started between 2004 and
5 2005, once you started going to Mr. Sandusky's
6 house, you went every weekend?

7 A. (Nodding head up and down.)

8 Q. And you have to say yes just for the
9 court reporter.

10 A. Yes.

11 Q. And you would stay from Friday night
12 till Sunday?

13 A. Yes.

14 Q. And this continued for how long, how
15 many years?

16 A. Till I was 16, 15 or 16.

17 Q. And in 2005 how old were you?

18 A. In 2005 I was -- I was 12 whenever I
19 started going to The Second Mile camp.

20 Q. So you're telling us today that
21 between the time that you were 12 in 2005 and
22 the time that you stopped going to Mr.
23 Sandusky's in what would have been when you
24 were 16, which would have been four years
25 later, I guess, 2009, your testimony is you

1 were there virtually every weekend?

2 A. Yes.

3 Q. Friday to Sunday?

4 A. Yes.

5 Q. Did you see any other young kids
6 there?

7 A. Yes.

8 Q. Do you remember any of the names?

9 A. No. That's been a long time.

10 Q. Were other young kids there all the
11 time?

12 A. Sometimes, like -- like, sometimes it
13 would -- like, this one time we went to a
14 donation, a golf tournament, donation, and this
15 kid in the picture went with us to that
16 donation and we played golf and stayed in a
17 hotel room. And then there was another boy
18 that would come, which I think he was from
19 Mount Union, and I don't remember his name.

20 Q. Were any of those other kids that
21 you're talking about -- were any of those other
22 kids there almost all the time like you were?

23 A. No.

24 Q. So they were just there once in a
25 while?

1 A. Yeah.

2 Q. Would you say you were there on those
3 weekends during 2005 and 2009 usually by
4 yourself, no other kids?

5 A. Yes, usually by myself.

6 Q. Okay. And did you usually sleep
7 downstairs in the basement?

8 A. Yes.

9 Q. In the room that had the -- I guess
10 the small TV?

11 A. At the time it didn't have a TV.

12 Q. Did it have a waterbed?

13 A. Yes, it had a waterbed.

14 Q. So that's the bed you slept in?

15 A. Yes.

16 Q. Did you ever sleep upstairs?

17 A. Once.

18 Q. Just once?

19 A. Yes.

20 Q. Out of all those times?

21 A. Yes.

22 Q. Now, you mentioned that Mr. Sandusky
23 did a lot of things, but one of the things I
24 think you said to Mr. McGettigan was that Mr.
25 Sandusky had anal sex with you?

1 A. Yes.

2 Q. And by that you mean that he inserted
3 his penis in your butt?

4 A. Yes.

5 Q. Did you ever need medical attention
6 for that?

7 A. No.

8 Q. Did you ever bleed?

9 A. Yes.

10 Q. Did -- you never sought --

11 A. I just dealt with it.

12 Q. I'm sorry. What?

13 A. I just dealt with it. I have a
14 different way of coping with things.

15 Q. You never sought medical attention for
16 any sort of injury to your butt?

17 A. No.

18 Q. And you were, what, about 10 years old
19 at the time, 11, 12?

20 A. I never told anybody. I didn't even
21 tell my own mom.

22 Q. Did your mom wash your clothes when
23 you were at home?

24 A. Yes.

25 Q. Did she ever see blood on your

1 underwear?

2 A. No.

3 Q. Now, did I hear correctly that you
4 said on one occasion, when you were with Mr.
5 Sandusky in the basement, you screamed?

6 A. Yes.

7 Q. And you believe -- you said that Mrs.
8 Sandusky was home?

9 A. Yes.

10 Q. And she didn't come to your aid?

11 A. I think the basement is soundproof. I
12 don't know.

13 Q. You think the basement is soundproof?

14 A. Yes. It's a big basement.

15 Q. And you mentioned that you were always
16 forced to stay downstairs?

17 MR. MCGETTIGAN: Excuse me.

18 Objection.

19 THE COURT: Sustained. Being forced
20 is the --

21 MR. AMENDOLA: I apologize, Your
22 Honor.

23 BY MR. AMENDOLA:

24 Q. You stayed downstairs?

25 A. Yes.

1 Q. And who directed you, if anyone
2 directed you, downstairs?

3 A. Jerry.

4 Q. Were you alone on those occasions?

5 A. Yes.

6 Q. So Mr. Sandusky told you to go
7 downstairs and stay there by yourself?

8 A. No, like, I would go down there and
9 play games and stuff because down the basement
10 he has, like, a pool table, an air hockey
11 table, one of them shuffleboards and a TV, a
12 couch, a dartboard, a bathroom and then a
13 bedroom, and there's games and stuff down
14 there.

15 Q. Did you ever come upstairs for dinner
16 or for lunch?

17 A. No, I never really ate there.

18 Q. So your food was brought downstairs,
19 too?

20 A. I never really ate there.

21 Q. You never ate anything?

22 A. Not really.

23 Q. You stayed there every weekend for
24 about four years and you never ate anything?

25 A. I would -- if he took us out, like, if

1 he would take me out somewhere, we would get
2 something to eat going out somewhere, but we
3 really never ate at his house.

4 Q. And other kids were never there when
5 you were there except for the times you've told
6 us a little while ago?

7 A. Excuse me?

8 Q. I said other kids were never
9 downstairs with you other than the times that
10 you have just told us a few minutes ago.

11 A. I mean, like, if he had -- like, this
12 kid was with us. He would come down to play
13 games with me, but, like, if one kid stayed
14 with us, one would sleep upstairs and one would
15 sleep downstairs. They would switch if another
16 kid stayed with us.

17 Q. Did Mr. Sandusky continue to have sex
18 with you until you broke off this situation?

19 A. Yes.

20 Q. All kinds of sex that you described
21 previously?

22 A. Yes.

23 Q. And you were 16 when you stopped going
24 there?

25 A. Yes.

1 Q. So you were well beyond puberty,
2 correct, at that point? In other words, you
3 were turning into a young man?

4 A. Yes.

5 Q. And your testimony is Mr. Sandusky
6 still continued to have sex with you?

7 A. Yes.

8 Q. He didn't lose interest because you
9 had gotten older?

10 A. I mean --

11 MR. MCGETTIGAN: Objection, Your
12 Honor.

13 THE WITNESS: I didn't hear what he
14 said.

15 MR. MCGETTIGAN: Excuse me. Excuse
16 me. Objection to the form of the question.
17 He's saying Mr. Sandusky didn't lose interest.
18 The construction of the question is confusing
19 to me.

20 THE COURT: I understood the question.
21 Go ahead.

22 MR. AMENDOLA: Pardon me, Your Honor?

23 THE COURT: Go ahead.

24 MR. AMENDOLA: Thank you.

25 THE COURT: The objection is

1 overruled. If the witness is confused by the
2 question, then --

3 BY MR. AMENDOLA:

4 Q. I'll ask it another way. Did Mr.
5 Sandusky lose interest in you because you had
6 gotten older?

7 A. I don't know

8 Q. Now, when did you find out that Mr.
9 Sandusky was being accused of sexually abusing
10 kids?

11 A. I didn't find out. My mom did. I
12 never watched the news. I was -- I was
13 sleeping when the cops came and I woke -- I was
14 woke up by my mom saying the cops are here to
15 talk to you. And I said for what? And they
16 said for the Jerry Sandusky thing.

17 Q. And do you recall when that was? Was
18 that last year or the year before?

19 A. I don't know when it was. It was the
20 last time he -- he called me, actually. It was
21 -- that was the last time.

22 Q. Did you ever discuss with anyone, your
23 mom or someone else, any articles in the
24 newspaper that came out a couple of years ago
25 about Mr. Sandusky being investigated for

1 abusing young kids?

2 A. I didn't hear about that.

3 Q. Do you recall a phone call between you
4 and Mr. Sandusky in the spring of 2010, when
5 you told Mr. Sandusky you had heard -- and I'm
6 sorry, 2011, so that would have been a year
7 ago, in the spring of 2011, that you heard that
8 he was being investigated for abusing kids?

9 A. Yes.

10 Q. And did you tell Mr. Sandusky in that
11 conversation you couldn't believe he did that
12 because he was such a nice guy?

13 A. No, I don't.

14 Q. You never told him that?

15 A. No, I -- the last time he called me,
16 he called me and asked me to -- like, if
17 anybody comes and asks me questions, to, like,
18 stick up for him, like --

19 Q. He asked you to help him, correct?

20 A. Yeah.

21 Q. Now, by that time, that was after he
22 was arrested, wasn't it?

23 A. I don't know. I think. I'm not sure.

24 Q. Do you recall the first time you spoke
25 with police about this situation?

1 A. The first time, I -- I remember, but I
2 don't remember the day.

3 Q. And I understand that. But if I told
4 you the records indicated the first police
5 report indicating you were interviewed was
6 November 9, 2011?

7 A. It was -- it was last year. I know
8 that.

9 Q. Was it late last year?

10 A. Yeah, it was -- actually, it might
11 have been mid.

12 Q. Are you --

13 A. I'm not sure.

14 Q. Are you good with computers? I'm
15 sorry. I didn't mean to cut you off. Go
16 ahead.

17 A. I'm not sure. Like, I don't remember.
18 It was -- it was pretty cold out. I do
19 remember it was chilly out, so it was probably
20 either like late --

21 Q. Well --

22 A. -- of last year.

23 Q. -- go ahead.

24 A. (No response.)

25 Q. If an officer were to testify at some

1 point in this trial that the first contact he
2 had with you was November 9, 2011, you wouldn't
3 disagree with that, would you?

4 A. No, I -- I -- like I said, I don't
5 remember when they came to talk to me. Like, I
6 was sleeping, and then my mom told me she
7 called the cops and they all just started
8 coming in, one after another, and talking to
9 me, asking me questions.

10 Q. Are you computer literate, Mr. Paden?

11 A. No, I'm not good with computers.

12 Q. Do you get the paper back home where
13 you live, your mom?

14 A. Yeah, but I don't read it.

15 Q. Were you over to see Mr. Sandusky
16 anytime in the last couple of years?

17 A. One time I seen him at a football --
18 he took me to a football game and I had a
19 friend with me.

20 Q. In fact, that football game was last
21 fall, wasn't it?

22 A. Yeah.

23 Q. In September, wasn't it?

24 A. I think it was the Illinois game, I
25 think.

1 Q. And did you call Mr. Sandusky and ask
2 if he could get you tickets to go to the game?

3 A. I don't -- no, no.

4 Q. Well, how did the game come up?

5 A. He called me up the one day and he
6 said, "I have a couple tickets. Would you want
7 to go to a game, you and your mom?" And I said
8 my mom couldn't go, but I have a friend that
9 could come with me.

10 Q. And did he -- go ahead?

11 A. He agreed that he would take me and my
12 friend.

13 Q. And, in fact, he went to the town
14 where you lived and picked you up, didn't he?

15 A. Yeah.

16 Q. And your friend?

17 A. Yes.

18 Q. And took you to the game?

19 A. Yes.

20 Q. And your friend at halftime decided he
21 had to leave, right?

22 A. Yes, his daughter --

23 Q. And Mr. -- go ahead.

24 A. His daughter was in the hospital. He
25 had a kid, like, at -- he had a kid

1 Thanksgiving of that year, the day before
2 Thanksgiving, actually, and she was having
3 problems, and he got a call that his daughter
4 was rushed to the hospital.

5 Q. And he took you and your friend home
6 at halftime, didn't he?

7 A. Yes.

8 Q. Now, do you know Todd Reed?

9 A. Who?

10 Q. Todd Reed.

11 A. Yes, I know Todd.

12 Q. And was Todd around during that game?

13 A. Yeah.

14 Q. Did you go back to Mr. Sandusky's
15 house later that day, that night?

16 A. No.

17 Q. Are you sure about that?

18 A. Yes. My friend did, but I didn't.

19 Q. But you didn't. Now, in September of
20 2011, this was after all these terrible things
21 had happened, wasn't it, all the things that
22 you've described to us today that Mr. Sandusky
23 did to you?

24 A. Can you ask that question again?

25 Q. I'm sorry. What?

1 A. Can you ask that question again?

2 Q. Yes. I'm saying when you were picked
3 up by Mr. Sandusky, you and your friend, taken
4 to the Penn State football game -- I believe
5 you said against Illinois last September 2011
6 -- that was pretty much a long time after Mr.
7 Sandusky had done all of these horrible things
8 to you, wasn't it?

9 A. Yes. The only reason I went was
10 because --

11 Q. Including, as I recall --

12 MR. MCGETTIGAN: Excuse me. Excuse
13 me, Your Honor. I think the witness has more
14 to his answer.

15 MR. AMENDOLA: I'm sorry.

16 THE WITNESS: The only reason I went
17 that time was because I had a friend with me,
18 and my friend didn't like him at the time
19 anyway. And, like, if anything went down, my
20 friend had my back at the time. And he wanted
21 -- my friend had never been to a football game,
22 and I -- I -- he -- I had -- Jerry said he
23 would take me to a football game and a friend
24 of mine. And my friend had never went -- been
25 to a football game. So we went up to Subway

1 and met up with him there at the square in
2 Lewistown, and after that we went to the
3 football game. And at -- and then the halftime
4 came and he had to go back to the hospital
5 because his daughter was having problems.

6 Q. But that was after all the terrible
7 things you told us about today occurred, right?

8 A. Yes.

9 Q. Did you ask your friend to give Mr.
10 Sandusky a picture that night when he came back
11 after the football game, of you?

12 A. No.

13 Q. You're sure about that?

14 A. Yeah. My friend just forgot his bag
15 in the car. He had a backpack with him and he
16 forgot it in the car, and that's why my friend
17 went back to his house.

18 Q. And you're certain today that the
19 various times that Mr. Sandusky had anal sex
20 with you, that you never required any sort of
21 medical treatment?

22 A. I'm positive.

23 Q. And your mother never noticed anything
24 wrong with your underwear?

25 A. Like I said, I -- I handle things

1 differently than a lot of people.

2 Q. And she washed your clothes, right?

3 MR. MCGETTIGAN: Objection. That's
4 asked and answered, I think, Your Honor.

5 THE COURT: Overruled.

6 BY MR. AMENDOLA:

7 Q. She washed your clothes, correct?

8 A. Yes.

9 MR. AMENDOLA: Thank you. That's all
10 I have.

11 MR. MCGETTIGAN: Very briefly on
12 redirect, Your Honor.

13 THE COURT: (Nodding head up and
14 down.)

15 REDIRECT EXAMINATION

16 BY MR. MCGETTIGAN:

17 Q. Mr. Paden, I think -- I just want to
18 make sure I understood some of the questions
19 that Mr. Amendola asked and you answered. Did
20 you meet the defendant, Jerry Sandusky, the
21 first year that you were at Second Mile or the
22 second year?

23 A. The first -- no, second year.

24 Q. Okay. And the football game that you
25 told -- said you went to with your friend?

1 A. Yes.

2 Q. Did you call the defendant or did he
3 call you?

4 A. He called me.

5 Q. Okay. And that was last year
6 sometime?

7 A. Yes.

8 Q. Okay. And that was after he had begun
9 -- or he knew he was being investigated, so --
10 and he called you?

11 A. Yes.

12 Q. Okay. And did he want you to bring a
13 friend or did he want you to come alone?

14 A. He said he had two tickets.

15 Q. And when he called you on the phone
16 after that, that was after he was being
17 investigated, too, or do you know?

18 A. I wasn't keeping up with it. My mom
19 was.

20 Q. Okay. Did he ask you to stick up for
21 him?

22 A. Yes.

23 MR. MCGETTIGAN: Okay. I have nothing
24 further, Your Honor.

25 MR. AMENDOLA: If I may just have one

1 or two more questions in light of Mr.
2 McGottigan's questions, Your Honor?

3 RECROSS-EXAMINATION

4 BY MR. AMENDOLA:

5 Q. Mr. Paden, isn't it true that you and
6 your family went to football games as the guest
7 of Mr. Sandusky the last three years, last
8 year, 2010, 2009?

9 A. Me and my mom went to a football game
10 -- I don't know when -- with him the one year,
11 and I took -- and he took my dad, too, but that
12 was a while ago.

13 Q. So if there was evidence that Mr.
14 Sandusky took you and/or members of your family
15 to football games in 2009, 2010, 2011, you're
16 not disputing that, are you?

17 A. No, but I can't remember when, though.
18 I don't know if it was at that time. I do
19 remember him taking my mom and I to a football
20 game. Then the one year he took me and my dad
21 to a football game.

22 Q. And this was after and at the end of
23 the terrible things you've told us he did
24 today, right?

25 A. After, yes.

1 MR. AMENDOLA: Thank you. That's all
2 I have.

3 REDIRECT EXAMINATION

4 BY MR. MCGETTIGAN:

5 Q. Sabastian, Mr. Amendola asked you a
6 lot of questions about things you did with the
7 defendant before and after the defendant did
8 things to you.

9 A. Yeah.

10 Q. Okay. Could you tell the jury -- did
11 he do the things to you that you said he did?

12 A. Yes, he did.

13 Q. And that -- well, I'll leave it at
14 that.

15 MR. MCGETTIGAN: Thank you, Your
16 Honor.

17 MR. AMENDOLA: It's over, Judge.
18 Thank you.

19 THE COURT: Thank you. You can step
20 down.

21 Is that it for today?

22 MR. MCSETTIGAN: For today, yes, Your
23 Honor.

24 THE COURT: Ladies and gentlemen,
25 that's going to conclude the testimony for

Tab 6

INTRODUCTION

We, the members of the Thirty-Third Statewide Investigating Grand Jury, having received and reviewed evidence regarding violations of the Pennsylvania Crimes Code and related laws, occurring in Centre County, Pennsylvania, pursuant to Notice of Submission of Investigation No. 1, do hereby make the following findings of fact, conclusions and recommendation of charges.

FINDINGS OF FACT

This investigation commenced as a result of allegations of sexual assaults of minor male children by Gerald R. Sandusky ("Sandusky") occurring over a period of years while Sandusky was a football coach with the Pennsylvania State University ("Penn State") football team and after he retired from coaching. The Thirty-third Statewide Investigating Grand Jury issues this presentment in furtherance of its ongoing investigation of this matter and hereby incorporates all of its previous findings from Presentment No. 12 herein as if fully set forth.

VICTIM 9

Victim No. 9 is currently an 18 year old male who met Sandusky through his childhood participation in The Second Mile Program. Victim No. 9 began participating in activities through The Second Mile Program in approximately 2004. From 2004 to 2008, Victim 9 participated in a number of Second Mile camps and activities.

Victim 9 testified that during his second summer attending Second Mile camps, he met Sandusky while participating in a pool activity as part of the Second Mile camp. Sandusky approached him, asked him about his life and spoke with him about hobbies and activities that

interested the child. After speaking for a while, Sandusky expressed an interest in spending time in the future with Victim 9. Sandusky asked for his phone number and eventually called Victim 9's mother and made arrangements to spend additional time with him. At the time of this initial contact, Victim 9 would have been 11 or 12 years old.

Subsequently, Sandusky took Victim 9 to numerous Penn State University football games. Over time, he also gave Victim 9 a number of gifts and even provided him with money. Eventually, Sandusky would also go directly to Victim 9's school and pick him up on Friday afternoons. Victim 9 would often spend overnights with Sandusky and he returned to his home, following these visits, by Sandusky.

Victim 9 testified that Sandusky was a very affectionate person. The victim testified "I took it at first he was just a nice guy, like he went to church every weekend, his kids would come over every once in a while and stuff. And after a while, like, he got used to me and stuff and started getting further and further, wanting to touchy feely". He further stated that, in the beginning, Sandusky started out with hugging, rubbing, cuddling and tickling. These contacts, initially viewed by the victim as simple acts of affection, escalated to sexual assaults.

Victim 9 testified that, during his overnight visits with Sandusky, he always stayed in a bedroom located in the basement of the Sandusky home. He stated that there were a number of bedrooms located elsewhere in the home and that at least two of these were not occupied. Victim 9 was always, without exception, told to sleep in the basement bedroom. Victim 9 testified that Sandusky specifically told him to stay in the basement unless otherwise directed by Sandusky. He ate meals in the basement and the food would be brought to him by Sandusky. Victim 9 testified that he spent overnights in the Sandusky home on numerous occasions between the ages of 12 and 15. He further testified that despite being in the Sandusky home on these numerous

occasions, he had "barely any" contact with Sandusky's wife during his visits. He specifically testified that she "never" came into the basement when he was there.

Victim 9 described a pattern of sexual assaults by Sandusky over a period of years. Many of these assaults occurred in the basement bathroom of Sandusky's residence. The victim testified that Sandusky forced him to perform oral sex on numerous occasions. Sandusky also attempted to engage in anal penetration of Victim 9 on at least sixteen occasions and at times did penetrate him. The victim testified that on at least one occasion he screamed for help, knowing that Sandusky's wife was upstairs, but no one ever came to help him.

Victim 9 also testified that Sandusky would take him to a hotel in the State College area. At this hotel Sandusky would utilize the swimming pool, Jacuzzi and work out equipment. These visits often occurred at times when the pool was not occupied. Victim 9 testified that on one of these visits, when only he and Sandusky were in the pool, Sandusky exposed his erect penis to the victim. He stated that at other times Sandusky had him touch his erect penis and perform oral sex on him during some of these visits to the hotel.

Sandusky frequently told him that he loved and cared for him. He also told the victim to keep these things a secret.

Victim 9 contacted the Pennsylvania State Police following the public disclosure of Sandusky's arrest pursuant to Presentment Number 12.

Tab 7

1 IN THE COURT OF COMMON PLEAS
2 CENTRE COUNTY, PENNSYLVANIA
 CRIMINAL DIVISION

3 COMMONWEALTH : NO. CP-14-CR-2421-2011
 : NO. CP-14-CR-2422-2011

4 VS :

6 GERALD A. SANDUSKY :

8 TRANSCRIPT OF PROCEEDINGS
9 (Jury Trial)
 (Day 5)

11 BEFORE: John M. Cleland, Senior Judge

12 DATE: June 18, 2012

13 PLACE: Centre County Courthouse
14 Courtroom No. 1
15 102 South Allegheny Street
 Bellefonte, PA 16823

16
17 APPEARANCES:

18 FOR THE COMMONWEALTH:
19 Joseph E. McGettigan, Esq.
 Frank G. Fina, Esq.

20 FOR THE DEFENDANT:
21 Joseph Amendola, Esq.
 Karl Rominger, Esq.

22 NOTES BY: Patricia A. Grey, RPR
23 Official Court Reporter
24 Room 208, Centre County Courthouse
 102 South Allegheny Street
25 Bellefonte, PA 16823
 814-355-6734 OR FAX 814-548-1158

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1 under your oath to report if that happened.

2 We are at the stage in the trial where
3 the Commonwealth has one very brief witness to
4 present this morning and then some stipulation of
5 facts which they want to place in evidence, and
6 then we will turn the case to the defense.

7 Mr. McGettigan.

8 MR. McGETTIGAN: Thank you, Your Honor:

9 Ms. Quidetto, Angella Quidetto.

10 Whereupon,

11 ANGELLA QUIDETTO

12 was called as a witness and having been duly
13 sworn, was examined and testified as follows:

14 MR. McGETTIGAN: May I proceed, Your
15 Honor?

16 THE COURT: Yes.

17 MR. McGETTIGAN: Thank you.

18 DIRECT EXAMINATION

19 BY MR. McGETTIGAN:

20 Q. Ms. Quidetto, how are you related to --

21 THE COURT: Let's get her name for the
22 jury.

23 MR. McGETTIGAN: Oh, I beg your pardon.

24 I thought --

25 BY MR. McGETTIGAN:

1 Q. Could you state your full name please?

2 A. Angella Marie Quidetto.

3 Q. And how are you related to Sabastian
4 Paden?

5 A. He is my son.

6 Q. And can you tell the ladies and
7 gentlemen of the jury where you were living back
8 in 2000 or 2005 and/or after that?

9 A. In a trailer in McClure, P.A.

10 Q. Who did you and Sabastian live with?

11 A. It was just us.

12 Q. Where was Sabastian's father then?

13 A. We don't know.

14 MR. McGETTIGAN: Your Honor, may I
15 approach the witness?

16 THE COURT: Yes.

17 MR. McGETTIGAN: Thank you.

18 BY MR. McGETTIGAN:

19 Q. Ms. Quidetto, you have been handed three
20 photographs that have been marked as Commonwealth
21 101, 102, and 103. Do you have them in front of
22 you?

23 A. Yes, I do.

24 Q. Okay. Do you recognize anybody in those
25 pictures?

1 A. I recognize my son.

2 Q. And I'll ask you to take a look at the
3 last one which is not a picture. It looks like
4 the back of the second one?

5 A. Right.

6 Q. Is that correct?

7 MR. McGETTIGAN: Your Honor, may I
8 publish the photos.

9 THE WITNESS: This one?

10 MR. ROMINGER: No objection, Your Honor.

11 MR. McGETTIGAN: May I have 101 first?

12 BY MR. McGETTIGAN:

13 Q. Okay. Where is Sabastian's there on
14 C-101, Ms. Quidetto?

15 A. He is the end child with a tie dye
16 shorts.

17 Q. Okay. Thank you. May I have 102
18 please?

19 And Sabastian again?

20 A. Yes, it is.

21 Q. Okay. If we could have 103?

22 And that's the back of the picture?

23 A. Yes.

24 Q. Thank you very much, Ms. Quidetto.

25 MR. McGETTIGAN: May I approach the

1 witness once again so I don't leave these up
2 here, Your Honor?

3 Thank you, Your Honor.

4 BY MR. McGETTIGAN:

5 Q. Ms. Quidetto, did you send Sabastian to
6 Second Mile camp?

7 A. Yes, I did.

8 Q. He went three or four years?

9 A. Yes, he did.

10 Q. Okay. And did you have occasion while
11 at one of those camps to come in contact with the
12 defendant, Jerry Sandusky?

13 A. Yes, I did.

14 Q. Was that in Sabastian's first year or
15 second year or after that?

16 A. It was his second year.

17 Q. Okay. And how did you happen to meet
18 the defendant?

19 A. He just walked over to me and introduced
20 himself to myself.

21 Q. Do you recall what he said?

22 A. He said that he was interested in
23 getting together with my son and taking him to do
24 things with him.

25 Q. What did you think of that?

1 A. I thought that was great.

2 Q. How come?

3 A. Well, because he was Jerry Sandusky. He
4 was a very important person. He was in charge of
5 this camp.

6 Q. Okay. And so you thought it would be a
7 good idea?

8 A. Yeah, I did.

9 Q. Okay. And were you working at the time?

10 A. Yes, I was.

11 Q. What kind of work were you doing?

12 A. I manage --

13 Q. You don't have to give us the name of
14 the location. What kind of work? Just tell us
15 what you were doing.

16 A. Just tell you -- I manage a bar and then
17 I work at another establishment.

18 Q. Okay. And did you have two jobs at the
19 time?

20 A. Yes, I did.

21 Q. Okay. So you were working a lot?

22 A. Yeah, all the time.

23 Q. Okay. And when you were working after
24 Sab got to be 9 or 10 years old, was he alone a
25 fair amount?

1 A. Yeah, he was alone a good bit.

2 Q. Is that one of the other reasons that
3 you thought it would be a good idea?

4 A. Yes.

5 Q. Okay. And how long after the first time
6 that you met the defendant at The Second Mile
7 camp was it that the defendant came to pick up
8 Sab?

9 A. A couple weeks.

10 Q. And where did he pick him up at?

11 A. The first time he picked them up, I met
12 him at the Eutaw House. It's pretty --

13 Q. What's the Eutaw House?

14 A. It's over -- it's at the bottom of the
15 mountain. When you go over the mountain, it's at
16 the bottom of the mountain.

17 Q. So on that occasion the defendant did
18 not come to your house to get Sab?

19 A. No.

20 Q. Okay. And now, you'll excuse me. Your
21 son's first name is Sabastian?

22 A. Yes.

23 Q. Okay. And he is commonly addressed and
24 I'm addressing him to you as Sab?

25 A. Yes.

1 Q. Okay. Is that the name he likes to go
2 by?

3 A. Yes.

4 Q. Now, when the defendant came on that
5 first occasion and took Sab -- when he came to
6 the -- met him at the Eutaw House, did he go and
7 come back the same day or did he stay more than
8 one night?

9 A. No, he stayed the weekend.

10 Q. Okay. And did he stay on just that one
11 weekend or another or many more than that after
12 that?

13 A. There were a lot of occasions.

14 Q. Okay. And did the defendant -- did you
15 always meet the defendant at the Eutaw House or
16 sometimes other places?

17 A. There were other places I would meet
18 him.

19 Q. Okay. Now, did you ever have occasion
20 to go to the defendant's house on -- once or more
21 than once?

22 A. I went to his house twice.

23 Q. Okay. And the first time?

24 A. The first time was -- the first time --
25 the first time Sab called me real late at night.

1 and he was really sick and I went over and I got
2 him and that's when I first went to Jerry's house
3 was to pick my son up there.

4 And then the second time I went was to
5 get tickets to a football game.

6 Q. Okay. And did Sab ever complain to you
7 about having to go to the defendant's house?

8 MR. ROMINGER: Objection. Hearsay.

9 THE COURT: The question was did he ever
10 explain?

11 MR. McGETTIGAN: No. Complain.

12 THE COURT: Complain?

13 MR. McGETTIGAN: Yes.

14 THE COURT: Sustained.

15 BY MR. McGETTIGAN:

16 Q. Did he ever express that he didn't want
17 to go to the defendant's house?

18 MR. ROMINGER: Objection. Hearsay.

19 THE COURT: Overruled.

20 BY MR. McGETTIGAN:

21 Q. You can answer it.

22 A. Yes.

23 Q. And when he did that, what would you do?

24 A. I would ask him why. He would just say
25 he didn't feel like it, and I would just make him

1 go anyway.

2 Q. Did you make him go more than once?

3 A. Yes.

4 Q. Did Sab ever complain to you about the
5 contact that he had with the defendant?

6 MR. ROMINGER: Objection.

7 THE COURT: Sustained.

8 By MR. McGETTIGAN:

9 Q. Ms. Quidetto, were you here last
10 Thursday with Sabastian?

11 A. I was here.

12 Q. And let me back up to something else.
13 Did Sabastian's -- did your son's physical
14 condition change during the time that he's gone
15 to the defendant's home?

16 A. Yes.

17 Q. Tell the jury about that.

18 A. He had a lot of stomach problems. He
19 was sick a lot. He had behavior issues. His
20 sleep patterns were very different. His school
21 work was very difficult.

22 Q. Was this during the time that you were
23 telling him he had to go to see -- be with the
24 defendant?

25 A. Yes.

1 Q. And did you ever go to anyone else ---
2 after you talked with Sabastian about the
3 defendant and the contact he had with him, did
4 you ever go to anyone at school?

5 A. I did talk to his therapist. Sab had
6 been to a therapist all through grade school and
7 he had some partial through middle school.

8 Q. Did you ever bring up to anyone at the
9 school the contact that the defendant had with
10 Sab?

11 A. Yeah, Mrs. Short knew.

12 Q. Besides her?

13 A. No. Just his counselor.

14 Q. Did you ever speak to Mr. Spickle?

15 A. Spichler.

16 Q. Yes?

17 A. Yes, that was his counselor through the
18 school.

19 Q. And what did Mr. Spichler?

20 MR. ROMINGER: Objection. Hearsay.

21 MR. McGETTIGAN: It's not offered for
22 the truth, Your Honor.

23 THE COURT: What's the relevance then?

24 MR. McGETTIGAN: It explains this
25 witness's behavior and Sabastian's behavior, Your

1 Honor, absolutely without being offered for the
2 truth.

3 THE COURT: Sustained.

4 MR. McGETTIGAN: Your Honor, may I see
5 you at sidebar?

6 (Whereupon, the following discussion was
7 held at sidebar:)

8 THE COURT: Obviously offered for the
9 truth.

10 MR. McGETTIGAN: No, it's not, Your
11 Honor.

12 Your Honor, it is, in fact, offered --
13 Sabastian's told his mother that Jerry was
14 touchy-feely. Mrs. Quidetto went to the
15 counselor and said should I do something about
16 it? The guy said to her don't complain. You
17 really don't want to bother someone of that
18 stature. It's not offered for the truth. It's
19 not saying -- it just explains her behavior.

20 THE COURT: Why is it relevant? What's
21 her behavior relevant to?

22 MR. McGETTIGAN: It's why she didn't
23 report anything and why Sabastian's didn't report
24 anything earlier.

25 MR. ROMINGER: Then it's offered for the

1 truth of the matter asserted.

2 THE COURT: Sustained.

3 (End of sidebar discussion.)

4 BY MR. McGETTIGAN:

5 Q. Mrs. Quidotto, at the time that
6 Sabastian was going to the defendant's house, did
7 the defendant call you all the time to ask for
8 permission for Sab to go to his home?

9 A. No.

10 Q. Who did he call?

11 A. He would call Sabastian.

12 Q. And were you at work when that happened
13 sometimes?

14 A. Sometimes, yes.

15 Q. Okay. And how would you find out that
16 Sabastian was going with the defendant?

17 A. Sabastian would call me.

18 Q. And say?

19 A. And say --

20 MR. ROMINGER: Objection. Hearsay.

21 THE COURT: Overruled.

22 THE WITNESS: Can I answer that?

23 BY MR. McGETTIGAN:

24 Q. Yes.

25 A. He would call me and say, Mom, I'm going

1 to Jerry's this weekend.

2 Q. And were you here on Thursday when
3 Sabastian testified?

4 A. Yes, I was.

5 Q. Were you in court?

6 A. No.

7 Q. What time did you and Sabastian get
8 here? I take it you were in another room?

9 A. Yeah, we got here at 10:30 in the
10 morning.

11 Q. Okay. And do you know what time
12 Sabastian testified?

13 A. I think it was around 2:00, 2:30.

14 Q. Okay. And I'm going to ask you. Did
15 you ever ask Sabastian exactly what happened to
16 him at the defendant's home?

17 A. No, I did not.

18 Q. Why not?

19 A. Because I didn't really want to hear
20 what happened to him. It's not that I didn't
21 want to hear. I just knew it would be tough for
22 him to tell me.

23 Q. Has anyone else ever told you what
24 Sabastian said?

25 A. No.

1 Q. Did the defendant ever -- did Sabastian
2 at some point express to you that he did not wish
3 to go to the defendant's home any more?

4 A. Yes.

5 Q. What did you do then? The first time
6 that he said he didn't want to go, what did you
7 do?

8 A. He was little, I made him go. And then
9 the older he got, he just said, Mom, I just don't
10 want to go any more, and I'm like, well, that's
11 your choice. That's your decision. You don't
12 have to go if you don't want to.

13 Q. Over the course of two or three years,
14 how often would Sab go to the defendant's home?

15 A. He would go a couple times a month.

16 Q. Almost every month?

17 A. Yeah, just about every month. Not
18 all -- I would say from late spring till maybe it
19 would stop, like, around Christmas time or so.
20 So it was mostly all summer, you know, during
21 football season, and then after football season,
22 he would not go very often after that.

23 Q. And after Sab stopped going over there,
24 did you hear from the defendant either in person
25 or on telephone after that?

1 A. Me personally, no.

2 Q. You or Sab?

3 A. Yes. He called Sab. He would call Sab
4 real late at night like 10:00, 11:00 o'clock at
5 night, and I would ask, Sab why -- who was
6 calling him. He would say it would be Jerry and
7 I would -- I asked him why. He said.

8 MR. ROMINGER: Objection. Hearsay.

9 THE COURT: Sustained.

10 By MR. McGETTIGAN:

11 Q. And are you okay?

12 A. I'm good. Thank you.

13 Q. Can you describe to the ladies and
14 gentlemen of the jury what you saw and where your
15 son was at the time he called you and told him to
16 come get him at the defendant's home?

17 A. My kid was waiting for me outside and he
18 didn't have any shoes on. I remember him just
19 getting in the car. This was like about eleven
20 or so at night. I asked him if he was all right.
21 He said he was just sick. He wanted to go home
22 and go to bed. I never asked questions after
23 that.

24 Q. What did the rest of his clothes look
25 like, if you remember?

1 Q. Why didn't you call the police?

2 A. Because I didn't know who to call.

3 Q. And did you tell Sab you were going to
4 call the police?

5 A. No.

6 Q. Did he want to talk to the police?

7 A. No.

8 Q. Did he resist talking to the police
9 initially?

10 A. At first, yes.

11 Q. And you said before you don't know
12 specifically what happened to Sabastian?

13 A. No, I don't. I just can imagine what
14 happened to him.

15 Q. Ms. Quidetto, do you feel a little bit
16 responsible?

17 A. Yes, I do.

18 Q. One other thing I forgot to ask you.
19 Did the defendant ever give Sabastian gifts? Did
20 he ever give him clothes?

21 A. Oh, yeah. He gave him clothes. He gave
22 him gifts. I wish he would have just gave him
23 some underwear to replace the underwear that I
24 could never find in my laundry.

25 Q. Are you okay?

1 A. I'm good. I'm good. I'm good.

2 MR. McGETTIGAN: I have nothing further.

3 THE COURT: Cross.

4 MR. AMENDOLA: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. AMENDOLA:

7 Q. Ms. Quidetto, would you like a little
8 bit more time?

9 A. No, I am good. Thank you.

10 Q. You're welcome. My name is Joe
11 Amendola. I represent Mr. Sandusky. I am going
12 to ask you some questions, okay?

13 A. Okay.

14 Q. If you're not sure what I'm asking, let
15 me know and I'll ask it another way.

16 A. Okay.

17 Q. As far as you can recall, when did
18 Sabastian first became involved in The Second
19 Mile program, what year?

20 A. I think in 2004, 2005.

21 Q. And would that have been a summer camp
22 type program?

23 A. Yes.

24 Q. So it would have been during the summer
25 of one of those years?

1 A. Yes.

2 Q. Did you take him up to that program?

3 Did he get a ride with someone?

4 A. No, I took him.

5 Q. And did you take him to Penn State

6 campus?

7 A. Yes, I did.

8 Q. Now, as far as you can recollect, do you
9 recall whether or not Sabastian met Mr. Sandusky
10 that first summer?

11 A. The first summer I don't recall he did
12 but I do know the second summer he did.

13 Q. The second summer?

14 A. Yes.

15 Q. So, again as best you can recall, you
16 think the second summer would have been 2005,
17 2006?

18 A. I'm thinking it would be 2005, yes.

19 Q. You think the second --

20 A. I'm thinking the second year was 2005.

21 Q. So the second summer would have been the
22 summer of 2005?

23 A. Yes.

24 Q. How old was Sabastian then?

25 A. Sabastian was 11 when he first went.

1 Q. So he would have been 12 in 2005, the
2 second?

3 A. Twelve, 13 because his birthday fell
4 along the week of the camp.

5 Q. And again as best you can recall and not
6 asking you to be specific, but when did Sabastian
7 start doing things one-on-one or individually
8 with Mr. Sandusky? Was it after that second
9 summer, during that second summer?

10 A. Yes. As far as I can recall, yes, the
11 second one.

12 Q. The second summer?

13 A. Yes.

14 Q. Would it have been after that summer
15 camp?

16 A. Yes.

17 Q. Can you just tell me a little bit more
18 again about what Sabastian started doing in terms
19 of activities as far as you knew from your
20 standpoint?

21 A. Activities with?

22 Q. Would he spend weekends? Did he start
23 spending weekends?

24 A. He would spend weekends with Jerry.
25 Jerry would take him to church. The activities

1 he said he -- they would do racquetball, swim.
2 Jerry would take him to go see his mother in a
3 nursing home, play games down in the basement a
4 lot.

5 Q. So as far from your perspective you
6 believed that Jerry was doing all these things,
7 taking Sabastian to church and doing things like
8 that?

9 A. Sure.

10 Q. Now, you mentioned I think a little bit
11 earlier, and forgive me if I misheard because
12 this room is big and sometimes with the fans
13 going, it's a little bit difficult to hear. Did
14 you say that Mr. Sandusky had gotten Sabastian
15 some clothes at some point?

16 A. Yes.

17 Q. Were they the type of clothes that maybe
18 he could wear to church or wear to activities,
19 athletic activities?

20 A. They were athletic clothes and sneakers.
21 He got him a racquetball set. It was mostly Nike
22 apparel things.

23 Q. As far as you knew, Mr. Sandusky was
24 playing racquetball and doing athletic things
25 with Sabastian?

1 A. Yes.

2 Q. If you can tell us again, as best you
3 can, from the time that Mr. Sandusky started
4 spending time with Sabastian, after that second
5 summer camp, about how often would Sabastian go
6 over and spend a weekend with Mr. Sandusky?

7 A. He would go two weekends, maybe three
8 weekends a month with him as far as I can recall.

9 Q. And how long did that continue?

10 A. For a couple years.

11 Q. Could it have been -- if Sabastian said
12 that continued for almost four years, is that a
13 possibility?

14 A. Around three, four years, yes.

15 Q. And your testimony is that that was two
16 or three weekends a month basically?

17 A. Yes. Now, it wasn't the whole year
18 because there would be breaks, you know. But he
19 would always have contact with Jerry, you know.

20 Q. Now, when he would come home, for
21 example, who was responsible for doing things
22 like washing his clothes and things like that?

23 A. That would be me.

24 Q. And I take it, like any mother, you
25 probably wash clothes at least once a week?

1 A. I do a couple times a week.

2 Q. I was going to say. I have kids, and
3 it's more than a couple, especially if you have a
4 girl.

5 A. Right.

6 Q. Did you ever notice anything unusual
7 about Sabastian's clothes?

8 A. I always wondered why he never had any
9 underwear in the laundry. He always -- there was
10 never any underwear, never socks, and I often
11 wondered what happened to them. He would just
12 tell me he had an accident in them and he would
13 throw them out.

14 Q. Did you ask him?

15 A. Did he what?

16 Q. Did you ask him about it?

17 A. Well, yeah, I asked him, and he would
18 say he had an accident in them and he threw them
19 out.

20 Q. Okay.

21 A. That was odd to me.

22 Q. Did he ever complain of any medical
23 problems?

24 A. All the time. His stomach always hurt
25 him. He also told me he couldn't use the

1 bathroom right.

2 Q. Was that the chief complaint, his
3 stomach always hurt?

4 A. Yes.

5 Q. Nothing else?

6 A. Just his stomach and he couldn't use the
7 bathroom right. I mean, I don't --

8 Q. Did you ever take him to the doctor --

9 A. Yeah.

10 Q. -- to get that checked out?

11 A. They said he had acid reflux and it was
12 his nerves.

13 Q. Did the doctor, when you took him to get
14 checked out, did he do a physical? In other
15 words, did he physically examine Sabastian?

16 A. No, he just checked his stomach and he
17 never had a full physical.

18 Q. Ever?

19 A. Well, he had one to get his driver's
20 license.

21 Q. Mr. Sandusky -- and maybe I'll ask this
22 a different way. After these charges came out
23 publicly, do you recall when you first heard
24 about them?

25 A. No.

1 Q. Do you recall when Sabastian first
2 mentioned something about them, not what he said
3 but when he first mentioned something about his
4 interactions with Mr. Sandusky?

5 A. Can you repeat that question? I'm not
6 quite understanding what you are asking me.

7 Q. You mentioned earlier that Sabastian at
8 some appoint told you something had happened; is
9 that a fair statement?

10 A. He never told me anything that happened.
11 He just --

12 Q. Well, how did you find out about it?

13 A. Well, because Jerry was calling him real
14 late at night. And after the accusations were
15 posted on news, I said, now, why is Jerry calling
16 you?

17 Q. That's what I'm getting at.

18 A. Oh, okay.

19 Q. And did you actually speak with Jerry at
20 some point?

21 A. No, not then.

22 Q. Well, did you perhaps tell the police
23 when you first started speaking with them that
24 Jerry had called asking for help?

25 A. Yeah, because he called. I said to Sab

1 why is Jerry calling you real late at night? Why
2 does he keep calling you? He said that Jerry
3 asked him to make an affidavit or some kind of
4 statement on what kind of character person he
5 was. I just thought that was very inappropriate
6 of him to call after all these accusations were
7 going on. Why would he call my kid after he was
8 being accused of things like this?

9 Q. But the gist of it was that Jerry was
10 calling asking for help, right?

11 A. I really don't know because I did not
12 talk to the man. My son talked to him.

13 Q. Now, did you ever tell a police officer
14 that you received a phone call from Mr. Sandusky
15 when the investigation was just starting and he
16 asked you if you could help him out with his
17 defense?

18 MR. McGETTIGAN: Your Honor, I'm going
19 to object. I think it's -- he's asking for a
20 hearsay response. Same thing -- same objection
21 he made. Asking for double hearsay.

22 THE COURT: I think you have to lay some
23 foundation for that.

24 BY MR. AMENDOLA:

25 Q. Did you talk to police officers at some

1 point about Mr. Sandusky's involvement with your
2 son?

3 A. Yes, that day that they came to my
4 house.

5 Q. And to your knowledge -- let me ask it
6 another way. As a result of your conversations
7 with those police officers, did you provide them
8 with any information about any contact that you
9 had with Mr. Sandusky?

10 A. No, not that I can recall, no. I mean,
11 they really didn't ask me anything. They were
12 talking to Sab the whole time.

13 Q. Do you recall having any conversations
14 with Mr. Sandusky on the phone after the
15 accusations were made?

16 A. No. I can't -- no, I can't recall.

17 Q. You mentioned -- and, again, I may have
18 misheard you. So I'll ask it. Did you say
19 earlier that Sabastian had some difficulties in
20 school beginning in 2007?

21 A. Yes, he did.

22 Q. Can you tell us what those difficulties
23 were?

24 A. He just started slacking off. He just
25 started not caring about his school work or

1 caring about. He was isolating himself.

2 Q. And you are sure that would have been
3 the school year of 2007?

4 A. Well, that was a couple years. He just
5 slowly would just keep to himself and isolate
6 himself.

7 Q. As best you can recall, can you tell us
8 what school years you're talking about?

9 A. That -- -- well, when he got older. I
10 would say around 14, 15, and 16.

11 Q. That's when the problems --

12 A. Yeah, that's when. He's had a lot of
13 problems. I remember having a lot of problems
14 with him in school. He wasn't bad -- he wasn't
15 bad in school. He just didn't care.

16 Q. Thank you.

17 MR. AMENDOLA: That's all I have, Your
18 Honor.

19 MR. McGETTIGAN: Your Honor, I have
20 nothing further for Mrs. Quidetto. Thank you.

21 THE WITNESS: Thank you.

22 MR. McGETTIGAN: Are you okay?

23 THE WITNESS: Yes.

24 THE COURT: You can step down.

25 THE WITNESS: Thank you.

Tab 8



Penn Medicine

Penn Center for Youth and Family Trauma Response and Recovery

at Ifall Mercer Community Mental Health Center

Steven Berkowitz, MD, Director

245 8th Street

Philadelphia, PA 19107

Report: Sebastian Paden

Date of Birth: July 29, 1993

Evaluation Date: October 24, 2012

Evaluator: Steven Berkowitz, M.D.

In July, 2012, Sebastian Paden was referred to the Penn Center for Youth and Family Trauma Response and Recovery because of his severe depression, history of multiple suicide attempts, and symptoms of Posttraumatic Stress Disorder (PTSD) that he has experienced and continues to experience as the result of his prolonged sexual abuse by Jerry Sandusky.

Sebastian has been assessed and been provided treatment at the Center by me and Ms. Lauren Cliggitt, LCSW. Sebastian is being seen twice a week for individual therapy which continues at this time. We have also interviewed Sebastian's mother Angela Quidetto and have met with her individually and in family sessions with Sebastian on several occasions.

Background: Sebastian was a poor student and was diagnosed with both Math and Reading Learning Disabilities by the Mifflin School District at the age of 8. He received educational supports throughout his schooling. Sebastian was referred by a school counselor to the Second Mile program in the summer of 2004. Sebastian attended the Second Mile camp at the Penn State University Campus from July 25 - 30, 2004 (because his birthday fell during this week, he turned 11 during his first year at the camp). He continued to attend for one week each July in 2005, 2006 and 2007. Although Sebastian met Jerry Sandusky during his first year at Second Mile, their significant interactions began during the 2005 Second Mile session (7/24/05-7/29/05), when Sebastian was just turning 12.

Given his early childhood experiences, Sebastian was in desperate need of a strong, supportive and stable "father figure" when Sandusky first started to focus on Sebastian as a victim of his pedophilia. Sebastian's father, Lloyd Paden, lived with him and his mother only very briefly during the first few months of Sebastian's life. Although Mr. Paden lived near Lewistown, PA, where Sebastian resided with his mother, they rarely saw each other. Mr. Paden has a long history of drug abuse.

Ms. Quidetto eventually became involved with another man who lived with Sebastian and his mother off and on from the time Sebastian was 5 years old until he was 12. Ms. Quidetto's boyfriend was physically abusive and Sebastian was placed in foster care at about age 9 for a few months. He was then returned to his mother's care. Ms. Quidetto is estranged from her parents and siblings and Sebastian has never had any grandparents in his life. Sebastian also has no siblings of his own.

Ms. Quidetto had limited earnings, working multiple jobs to keep the family financially afloat. They lived in run-down housing. Ms. Quidetto and Sebastian were constantly struggling to make ends meet.

One well known skill of serial pedophiles – such as Jerry Sandusky – is their ability to identify the young boys who would be most vulnerable to their advances. In the summer of 2005 – as Sebastian turned 12 and was barely entering puberty – Sandusky would have readily been able to pick out Sebastian as an ideal candidate for “grooming.”

The first stage in a pedophile's victimization of a child is “grooming,” i.e., when he establishes control over the child by initially filling deep-seated needs. Sebastian's profound needs – to have someone he could trust, to have a male adult care for him, to live in a nice home, to receive gifts, to enjoy special activities, to feel special to someone – dovetailed exactly with what Sandusky could offer.

At the 2005 Second Mile session at the Penn State campus pool, Sebastian saw Sandusky and remembers being jealous that Sandusky was throwing other boys in the pool. Sebastian begged to be thrown as well. Sebastian reports that after that interaction, Sandusky began talking to him and asked him if he wanted to spend time together outside of camp. Sebastian remembers being very excited by the opportunity and gave Sandusky his mother's phone number. Ms. Quidetto was also excited by the prospect. She knew Sandusky headed Second Mile, was a well-known football coach at Penn State and was a friend of Coach Joe Paterno. She felt that she could safely let her son go with him.

In the fall of 2005, Sandusky started taking Sebastian to Penn State home football games where they sat in the Nittany Lion Club suite. Sebastian spent time with Coach Paterno and Sandusky alone on Penn State's campus, and with the Penn State football players. Sebastian described Coach Paterno or “Joe Pa” as “old and old school, but a good guy.” Through Sandusky, Sebastian attended other Penn State sponsored events. Sandusky also gave Sebastian clothing and gifts. Sebastian reports that Sandusky made Sebastian feel part of the Penn State “family.”

After attending Penn State events, Sandusky took Sebastian to his home. Sebastian reports regularly spending weekends at Sandusky's home between the ages of 12 and 15. Sebastian slept in a bedroom located in the basement, just off a rec room where Sebastian could play games.

For the first time in his life, Sebastian felt that he had an adult he could trust, who he could talk to, and who would take care of him. The filling of these voids in Sebastian's life created a deep dependence and bond between Sebastian and Sandusky. Of course, when that bond was broken, there were devastating consequences on Sebastian.

After Sandusky had cemented Sebastian's emotional dependence, Sandusky began to move to the next stage: gradual progression of sexual abuse. Sandusky's abuse began with unwanted touching. Sandusky gave Sebastian back-rubs, hugged him, played with his hair, touched his stomach and caressed his face. This touching progressed to Sandusky forcibly kissing Sebastian. Once Sandusky knew that he exerted control over Sebastian, Sandusky progressed to forcing Sebastian to perform oral sex upon Sandusky. Sebastian states that Sandusky was aggressive. Given that Sandusky was much bigger and more powerful than he was, Sebastian felt he had no choice but to submit. At no time, according to Sebastian, did Sandusky ever perform oral sex on him. It was always the other way around.

The sexual violence continued to escalate. Sandusky started to rape Sebastian anally. Sebastian reports that this occurred on at least sixteen occasions. Sebastian has described that, because he had blood stains on his underwear from rectal bleeding, he would throw away his underwear to prevent his mother from discovering them and asking questions. In the basement where Sebastian slept and where Sandusky would rape him, Sebastian sometimes screamed for help to no avail.

After Sandusky began sexually abusing Sebastian, Sebastian turned to substance abuse and dependence. By his report, Sebastian began using every drug he could find "in order to stay strong" and not think. By his report, he used marijuana and alcohol daily, as well as prescription opiates, benzodiazepines, heroin, etc. whenever he could find them. In addition, he reports using large amounts of over the counter sleep medication in order to get high.

Because he thought that he would "be better off dead," Sebastian reports multiple suicide attempts between the ages of 13-18, frequently by overdose. Two of those attempts occurred earlier this year. One was his attempt to jump off a bridge; a very public plea for help and for an investigation of what had happened to him. A friend of Sebastian dissuaded him from jumping. The other recent suicide attempt was Sebastian's ingesting large amounts of cold/sleeping medication for which he was admitted to Lewistown Hospital. Out of fear that her son would continue to attempt suicide, Ms. Quidetto had him involuntarily committed (or "302'ed") for treatment. Sebastian was confined to the 7th floor of Lewistown Hospital during his in patient treatment.

Importantly, Sebastian reports that he provoked innumerable fights that resulted in physical injuries including concussions, broken arms, nose etc. He reports being hit with a two by four (which broke his arm) and being threatened by a gun and knife on more than one occasion. While he reports not understanding why this occurs, the frequency and severity of these events appears to be another form of suicide attempt analogous to "suicide by cop" in which an individual puts himself in a position to be killed by a police

officer by making serious threats in public. In Sebastian's case, while not attempting to be killed by an officer, he appears to have wanted to be killed by someone else. Sebastian also reports multiple episodes of self-injurious behavior and has cut himself on numerous occasions and he has many scars on his arms and legs. Even in the heat of the summer, Sebastian wears layers of clothing in an effort to hide his scars.

Evaluation and Treatment

Sebastian has been in treatment with the Penn Center for Youth and Family Trauma Response and Recovery since July 29th, 2012. He receives both medication management and twice weekly trauma specific therapy. In addition, there have been several sessions with his mother and two family sessions that have included his mother's current partner.

During the first few sessions, Sebastian was administered two diagnostic measures for Posttraumatic Stress Disorder (PTSD) and Major Depressive Disorder. He scored very high on both measures.

Consistent with his PTSD, he reports that every day he has intrusive thoughts of his sexual abuse, flashbacks of being sexually assaulted by Sandusky, feelings of numbness and hypervigilence, nightmares and sleep disturbance. Flashbacks are dissociative episodes in which the person feels as if he is re-experiencing the traumatic event in the present. Sebastian has not been able to sleep, experiencing nightmares when he does drift off. We are prescribing him medications to aid him in being able to get more regular sleep.

Regarding his depressive symptoms, he also reports chronic lethargy, anhedonia and says he doesn't feel like doing anything. In his words, "I just don't care about anything. I'm just numb." He feels all alone.

Because Sandusky's abuse of Sebastian began at the age of 12 and continued for three to four years on a regular and systemic basis, Sebastian was severely damaged during his critical formative years, including the critical years of identity formation and sexual development. Sebastian's emotional development has been stunted. Although now 19 years old he is really a severely damaged 12 year old boy who is stuck in his maturation by the consequences of Sandusky's sexual abuse. He is overwhelmed by shame and self-hatred and has no self-esteem. He cannot take pride in himself or feel love or acceptance.

Sebastian also reports many somatic symptoms which appear not to have a physical etiology. These psychosomatic symptoms include frequent head aches, stomach and abdominal pains and complaints of chest pain and shortness of breath without wheezing.

Sebastian frequently complains of difficulty remembering recent events and things, difficulty with spatial directions and concentration. He frequently loses things such as important phone numbers and contact information. As a result of the intrusive thoughts caused by the Sandusky abuse, Sebastian in fact got lost coming to our office despite having been here before.

Sabastian yearns for caring and close relationships, but reports not being able to trust anyone. He has said on a number of occasions that everyone that he thought cared about him has hurt him. His judgment when choosing with whom to associate has been remarkably poor. He reports not having any "real friends" and has said that he is not even sure what a real friend is. Sabastian isolates himself and doesn't want to be around people.

At the present time, Sabastian is in intensive therapy, reports being drug free for seven months, and has been prescribed medication by me to manage his Major Depressive Disorder and Post Traumatic Stress Disorder. He is actively engaged in his therapy. Despite the hour plus commute from his home to the Center, he has not missed a single appointment.

Discussion and Conclusion

Sabastian was a very vulnerable child when he met Sandusky. He had lived a very hard life and was experiencing multiple difficulties. Like most pedophiles, Sandusky identified Sabastian as a confused, needy and vulnerable boy and took advantage of him. The sexual assaults perpetrated by Sandusky took Sabastian from a very vulnerable child to a severely emotionally disturbed young man with a poor prognosis and a future in which he will likely need on-going care and support for the rest of his life. In retrospect, it is remarkable that Sabastian is alive today.

Sabastian presents as a highly traumatized young man suffering from severe PTSD and Depression. As occurs with PTSD, a wide variety of stimuli will trigger a flashback to Sandusky's sexual assaults. During these flashbacks, Sabastian loses awareness of the world around him and is vulnerable to suicide attempts or acting out.

Sabastian's emotional needs that made him so vulnerable to Sandusky's manipulation also deepened the consequences of Sandusky's betrayal. The one adult who Sabastian trusted and who took care of him was now raping him. The emotional damage has proved to be devastating.

Sabastian's Chronic Substance Abuse is a direct result of the sexual assaults. Substance Abuse has been found to be the most common post traumatic issue in adolescents and adults.

I do not expect Sabastian to be able to work with any regularity as a result of the severe psychological injuries caused by the abuse. Further, Sabastian is unlikely to have fulfilling or meaningful relationships. While he may have girl friends, it is doubtful that he will be able to have emotional intimacy. He is vulnerable to developing co-dependent relationships which will result in failure and disappointment. In terms of male friends, his experience with adult males has left him very guarded and he will have great difficulty making and sustaining meaningful friendships.

At present, Sabastian is so mentally (neurophysiologically, cognitively and emotionally) damaged that he will require life long treatment and support. Although some of his cognitive impairment may have predated his long, systemic abuse by Sandusky, that cognitive impairment further limits Sabastian's ability to cope. As a survival mechanism to cope with the abuse by Sandusky, Sabastian numbed himself by abusing drugs and alcohol that ultimately could not control his pain. The severity of the damage Sandusky inflicted upon Sabastian and Sabastian's need to numb himself to cope with the pain ultimately led to increasing self-destructive behavior and multiple suicide attempts.

As a result of his severe damage, Sabastian will need constant companionship, supervision and mentorship for the foreseeable future, and may require it lifelong. Sabastian is at continued risk for suicide.

In my opinion, the emotional sequelae of Sandusky's abuse are permanent. We will continue to work with Sabastian to help him develop the tools to cope.

My conclusions have been reached with a high degree of medical certainty.

Respectfully,



Steven Berkowitz, M.D.
Associate Professor of Clinical Psychiatry,
University of Pennsylvania, Perelman School
Of Medicine

UNIVERSITY OF PENNSYLVANIA - SCHOOL OF MEDICINE
Curriculum Vitae

August, 2011

Steven Jay Berkowitz, M.D.

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 245 South 8th Street
 Philadelphia, PA 19107
 Tel: 215-829-5383
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Education:

1977-1982	B.A.	St. Johns College, Annapolis, MD
1984-1985	cert.	Bryn Mawr College, Post Baccalaureate Program
1985-1989	M.D.	Hahnemann University, College of Medicine

Postgraduate Training and Fellowship Appointments:

1989-1993	Resident, Department of Psychiatry, Yale University School of Medicine, New Haven, CT
1993-1995	Resident, Child and Adolescent Psychiatry, Child Study Center, Yale University School of Medicine, New Haven, CT

Faculty Appointments:

1995-1997	Associate Research Scientist, Child Study Center, Yale University School of Medicine, New Haven, CT
1997-2008	Assistant Professor, Child Study Center, Yale University School of Medicine, New Haven, CT
2008-2009	Associate Professor, Child Study Center, Yale University School of Medicine, New Haven, CT
2009-pres.	Associate Professor of Clinical Psychiatry, University of Pennsylvania, Perleman School of Medicine Department of Psychiatry

Hospital and Administrative Appointments:

2010-pres	Director, Philadelphia Intensive In-Home Child and Adolescent Psychiatry Service, Hall-Mercer, Phila, PA
2009-pres	Director, Center for Youth and Family Traumatic Stress Recovery at Penn, Hall-Mercer, Phila, PA
1996-2009	Medical Director New Haven, Child Development Community Policing Program, Child Study

	Center, Yale University School of Medicine, New Haven, CT
1996-2009.	Medical Director, National Child Development Community Policing Program, Child Study Center, Yale University School of Medicine, New Haven, CT
1996-2009.	Medical Director, Yale Intensive Home-Based Child and Adolescent Psychiatric Services, Child Study Center, Yale University School of Medicine, New Haven, CT
1999-2009.	Deputy Director, National Center for Children Exposed to Violence at Yale, Child Center, Yale University School of Medicine, New Haven, CT
2000-2006	Director, Child and Adolescent Forensic Programs, Child Study Center, Yale University School of Medicine, New Haven, CT
2001-2005	Project Director, State of Connecticut Trauma Response Program, Child Section, Department of Mental Health and Addiction Services, Hartford, CT
2002-2009	Co-Medical Director, Intensive Home-based Child and Adolescent Psychiatric Services, State of Connecticut, Child Study Center, Yale University School of Medicine, New Haven, CT

Other Appointments:

2011-Pres.	Prevent Child Abuse Pennsylvania, Executive Board Member, Harrisburg, PA
2005-Pres.	Member AACAP, Committee on Disaster and Trauma
2006-2009	APT Foundation Board of Directors, New Haven, CT (substance abuse provider and foundation)
2006-2010.	Core Faculty, the Yale Center for Public Health Preparedness, Yale University School of Medicine, New Haven, CT

Specialty Certification:

1995	Diplomat, American Board of Neurology and Psychiatry, General, Recertified 2005
1997	Diplomat, American Board of Neurology and Psychiatry, Child and Adolescent, Recertified 2009

Licensure:

2009-Pres. Pennsylvania, #436804

Awards, Honors, and Membership in Honorary Societies:

1991 Mead-Johnson/APA Fellow in Public Sector Psychiatry
1994 Award of Special Achievement, New Haven Department of
Police Service
2000 Award of Special Merit, New Haven Department of Police
Service

Memberships in Professional and Scientific Societies and Other Professional Activities:

International:

Member, International Study Group on Children and War
(1995-2000)
International Society for Traumatic Stress Studies
(1998-pres.)

National:

Member, American Academy of Child and Adolescent Psychiatry
(1992-pres)
National Child Traumatic Stress Network (2001-pres)
Co-Chair, Crisis Response Work Group, National Child
Traumatic Stress Network (2003-Pres.)
Member Core Curriculum Work Group,
National Child Traumatic Stress Network (2006-Pres)
Member, Education Committee,
National Child Traumatic Stress Network (2001-2006)
Co-Chair, Work Group on Psychopharmacology, National Child
Traumatic Stress Network (2002-2006)
Chair, First Responder-Mental health Task Force, National Child
Traumatic Stress Network (2003-2005)

Local:

Member, State of Connecticut, Legislative Subcommittee
on Psychiatric for Children in the Juvenile Justice System
(2004-2006)
Member, State of Connecticut, Court Support Services
Division; Committee on Medical and Mental Health Policy
on Procedures for Juvenile Detention (2003-2006)

Editorial Positions:

- 1997 Guest Editor, The North American Clinics of Child and Adolescent Psychiatry, *The Child Psychiatrist in the Community*, July quarterly
- 1998 Guest Editor, The North American Clinics of Child and Adolescent Psychiatry, *Child Psychiatric Needs of the AIDS Epidemic*, April Quarterly

Ad-hoc Journal Review:

- 1997-Pres. Journal of the American Academy of Child and Adolescent Psychiatry
- 2003-Pres. Journal of the American Psychiatric Association
- 2003-Pres. International Journal of Child Abuse and Neglect
- 2008-Pres. Journal of Family Psychology
- 2009-Pres. Journal of Early Adolescence
- 2010-Pres. Journal of Child Psychology and Psychiatry

Academic and Institutional Committees:

- 1999-Pres. Member, Clinical Service Research Core, Yale University School Child Study Center, New Haven, CT
- 2000-2004 Member, Curriculum Committee, Yale Child Study Center
- 2003-Pres. Social Policy Committee, Yale Child Study Center
- 2007-Pres. Advisory Faculty Council, Yale Child Study Center

Major Academic and Clinical Teaching Responsibilities:

1. Annual Lecture to UPenn MS-1 class, on childhood trauma and adverse experience
 2. Annual Seminar on child development for psychiatry residents
 3. Director, 3rd year Child and Adolescent Psychiatry Rotation, Hall Mercer
 4. 3 classes for child and adolescent psychiatry residents: Effects of Trauma and treatment
 5. Weekly rounds for PHHCAPS
 6. Weekly Rounds of Penn Center for Youth and Family Trauma Response and Recovery
 7. Weekly supervision of 2 therapists at Hall-Mercer
 8. Weekly supervision of Emmie Chen, M.D., CAP at Hall Mercer
 9. Summer Research project with Mallorie Henneghan MS-1
- UPenn, School of Medicine: Yoga for Disruptive Behavior in Pre-Schoolers

Lectures by Invitation: (Past 5 years)

The Treatment of the Traumatized Child, Grand Rounds Manchester Hospital, Manchester, CT, March 12, 2005

Disaster and Terrorism, Responding to Children in Crisis Wheeler Clinic Annual Meeting, May 10, 2006, New Britain, CT

Poverty, Psychopathology and Juvenile Justice, Physicians for Human Rights, Conference on Juvenile Justice: Yale University School of Law, Oct, 18, 2006, New Haven, CT

Treating Adolescents with Psychiatric Disorders in the Juvenile Justice System, Physicians for Human Rights, Conference on Juvenile Justice: Oct 18, 2006, Yale University School of Law, New Haven, CT

Creating Trauma Systems of Care for Children, Workshop, Annual Meeting International Society for Traumatic Stress Studies (ISTSS), Nov. 11, 2006, Toronto, Ont. Canada

Collaborative Models of Trauma Response for Disaster and Terrorism, Connecticut Conference of Municipalities Annual Meeting March 10, 2007, Cromwell, CT

Law Enforcement Training for Children Exposed to Domestic Violence, Annual National Child Traumatic Stress Network Meeting, April 11, 2007, Chicago IL

Treatments for Child Traumatic Disorders, Danbury Child Guidance Clinic, May 2 and 3, May 6, 7; 2007, Danbury CT

The Child and Family Traumatic Stress Intervention: A Secondary Prevention Model, Annual National Child Traumatic Stress Network Meeting, April 10, 2007 Chicago IL

Trauma Management for Children and Adolescents, World Health Organization and Eastern Mediterranean Association for Child and Adolescent Psychiatry, 6 lectures workshops, May 13-20, 2007, Alexandria, Egypt

Secondary Prevention for Potentially Traumatized Children, Exposed to Violence, European Society for Child and Adolescent Psychiatry, August 23, 2007 Florence, Italy

Police-Mental Health Collaborations for Children Exposed to Violence, European Society for Child and Adolescent Psychiatry, August 24, 2007, Florence, Italy

Early Intervention Strategies, The Child and Family Traumatic Stress Intervention, Annual Meeting International Society for Traumatic Stress Studies (ISTSS), Nov 11, 2007 Baltimore, MD

The Child and Family Traumatic Stress Intervention: Initial Findings, Grand Rounds, Yale University Child Study Center, Jan. 15, 2008

The Traumatized Family: Family based Treatment, Annual National Child Traumatic Stress Network Meeting, March 5, 2008 Anaheim, CA

The Intensive In-home Child and Adolescent Psychiatry Service Annual Meeting Child and Adolescent Psychiatry, , Oct. 29, 2008, Boston, MA

Novel Psychosocial Treatments of a Child with PDD Living with Chronic Psychosocial Adversity, Annual Meeting of the Academy of Child and Adolescent Psychiatry, Oct. 30, 2008. Chicago, IL

Connectiveness Module, Skills for Psychological Recovery, Annual Meeting International Society for Traumatic Stress Studies (ISTSS), Nov. 10, 2008 Chicago, IL

Disaster Response and Preparedness: The Role of the Child and Adolescent Psychiatrist, Assembly of the Academy of Child and Adolescent Psychiatry , Oct. 30, 2008, Chicago, IL

System Approaches to Psychosocial Interventions for Disaster and Terrorism, Center for Disease Control, Feb. 19, 2008, Atlanta, GA

A Promising Model of Early Intervention, Connecticut Conference on Children and Trauma, Feb. 6, 2009, Foxwoods Resort, Leyard, CT

First Responders: A Underused Resource in Symposium on Disaster Response, Annual Meeting of the Academy of Child and Adolescent Psychiatry, Oct 26, 2009, Honolulu, HI

Working with Complex Families, Workshop Annual Meeting of the Academy of Child and Adolescent Psychiatry, Oct 30, 2009, Honolulu, HI

The Child and Family Traumatic Stress Intervention: A Promising Model of Secondary Prevention, International Society for Traumatic Stress Studies (ISTSS) Annual Meeting, November, 5, 2009 Atlanta, GA

Recognizing Traumatic Reactions in Children and Disasters. Pennsylvania Medical Reserve Corps. Chestnut Hill College, Philadelphia, PA May 22, 2010

The Traumatized Child: The Experience of Disaster, Philadelphia Medical Reserve Corps., Philadelphia Central Library, Sept 16, 2010

Child Trauma: Interventions that Work. Regional Council of Child and Adolescent Psychiatry Annual Meeting, Philadelphia College of Osteopathic Medicine, Philadelphia, PA, September 25, 2010

Child Trauma and Adverse Experience: An Integrative Approach. Cooper University Hospital-Grand Rounds. Camden, NJ 12/7/2010

Responding to School Crises. Department of Behavioral Health Crisis Response Program. Philadelphia PA. 2/10/11

Effective Early Interventions to Prevent PTSD: Annual Meeting of the Child Traumatic Stress Network. Baltimore, MD 3/2/2011

Effective Treatments for Traumatized Children. Department of Behavioral Health, Grand Rounds, Philadelphia, PA 3/30/11

Understanding Trauma and Adversity: Preventing Psychiatric Disorders. Symposium, Annual Meeting of the American Psychiatric Association, Honolulu, HI, May 15, 2011

Early Interventions for Children Exposed to Traumatic Events, WHO Expert Consensus Conference, Rome Italy, June 2, 2011

The Child and Family Traumatic Stress Intervention. Grand Rounds. Sheppard-Pratt Hospital. Towson, MD. June 8, 2011

Organizing Roles in Scientific Meetings:

The Terror of Terrorism and Disaster: Response and Recovery Meeting, New Haven, CT. March 14, 2006

Bibliography:

Research Publications, peer reviewed

- 1) Berkowitz, SJ, Marans SM, The Child Development-Community Policing Program: A Partnership to Address the Impact of Violence. *The Israel Journal of Psychiatry*, (2000) Gefen Publishers, Tel Aviv, Israel, 37(2) 103-114.
- 2) Berkowitz, Steven J; Marans, Steven. The Traumatized Child at the Emergency Department, *The North American Clinics of Child and Adolescent Psychiatry*, Vol 12(4) 2003, 763-777, Elsevier, UK
- 3) Murphy, Robert A; Rosenheck, Robert A; Berkowitz, Steven J; Marans, Steven R. Acute Service Delivery in a Police-Mental Health Program for Children Exposed to Violence and Trauma. *Psychiatric Quarterly*. Vol 76(2) 2005, 107-121. Springer, Germany
- 4) Harpaz-Rotem, Ilan; Murphy, Robert A; Berkowitz, Steven; Marans, Steven; Rosenheck, Robert A. Clinical epidemiology of urban violence: Responding to

children exposed to violence in ten communities. *Journal of Interpersonal Violence*. 2007. Vol 22(11). 1479-1490.

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- 6) Valentino, K; Berkowitz, S; Stover, C. Parenting Behaviors and Posttraumatic Symptoms in Relations to Children's Symptomatology following a Traumatic Event. *The International Journal of Traumatic Stress*. June 2010. Wiley, N.J.
- 7) Stover, C., Hahn, H., Im, J., Berkowitz, S., Agreement of parent and child reports of trauma exposure impact and symptoms in the early aftermath of trauma. *Psychological Trauma: Theory Research Practice and Policy*. Vol 2(3), Sep 2010, 159-168.
- 8) Berkowitz SJ, Stover CS, Marans SR. The Child and Family Traumatic Stress Intervention: Secondary prevention for youth at risk of developing PTSD. *Journal of Child Psychology and Psychiatry*. June, 2011;52(6):676-85.

Research Publications, peer-reviewed reviews:

- 1) Woolston JL, Berkowitz SJ, Adnopoulos J, Schaefer M. Intensive Home-based Services in The Child Psychiatrist in the Community. *The North American Clinics of Child and Adolescent Psychiatry*, Berkowitz SJ, Adnopoulos J (Eds) (1998) W.B Saunders, Phila., PA, 7(3) 615-634.
- 2) Marans S, Berkowitz SJ, Cohen SJ, Police and Mental Health Professionals: Collaborative Responses to the Impact of Violence on Children and Families in The Child Psychiatrist in the Community. *The North American Clinics of Child and Adolescent Psychiatry*, Berkowitz SJ, Adnopoulos J (Eds) (1998) W.B Saunders, Phila. PA, 7(3) 635-652
- 3) Berkowitz, Steven J. Children exposed to community violence: The rationale for early intervention. *Clinical Child & Family Psychology Review*. Vol 6(4) 2003, 293-302. Kluwer Academic Publishers, Netherlands
- 4) Stover, Carla; Berkowitz, Steven J. (2005) A Critical Review of PTSD Measures for Young Children. *The International Journal of Traumatic Stress* Vol 18 (6) 707 – 717. Wiley, N.J.
- 5) Ko, SJ, Ford, JD, Kassam-Adams, NL, Berkowitz, SJ, Wilson, C, Wong, M, Brymer, MJ, Layne, CM. Creating trauma-informed child-serving systems: Child

welfare, education, first responders, health care, juvenile justice. *Professional Psychology: Research and Practice*. Vol 39(4) Aug 2008, 396-404.

- 6) Wilson, H; Stover, C; Berkowitz, S. Wilson, H; Stover, C; Berkowitz, S. Research Review: The relationship between childhood violence exposure and juvenile antisocial behavior: a meta-analytic review. *Journal of Psychology and Psychiatry*. 50:7 (2009), pp 769-779
- 7) Berkowitz, S; Brymer, M; Watson, P. Early preventive interventions for adolescents exposed to a potentially traumatic event. *Minerva Pediatrica*; June, 2011. 63(3):201-209

Contributions to peer-reviewed clinical research publications, participation cited but not by authorship: None

Research Publications, non-peer reviewed: None

Abstracts: (For posters presented in the past 3 years): None

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- 1) Berkowitz, SJ, Murphy, RA, *Child Development and Education. In The School Resource Officer Handbook*. (National School Safety Center, eds) (2000) U.S. Department of Justice, Washington, D.C. 36-52
- 2) Marans SM, Murphy RA, Berkowitz SJ, *Police-Mental Health Responses to Children Exposed to Violence: The Child Development Community Policing Program*. In *Child and Adolescent Psychiatry: A Comprehensive Textbook* (Lewis M ed.) Williams and Wilkins, Baltimore, MD (2002)
- 3) Berkman, Miriam; Casey, Robert L; Berkowitz, Steven J; Marans, Steven. Police in the Lives of Children Exposed to Domestic Violence: Collaborative Approaches to Intervention. Jaffe, Peter G (Ed); Baker, Linda I. (Ed); Cunningham, Alison J (Ed). (2004). *Protecting children from domestic violence: Strategies for community intervention*. (pp. 153-170). xiv, 238 pp. New York, NY, US: Guilford Press
- 4) Berkowitz, Steven J; Marans, Steven. Crisis Intervention: Secondary Prevention for Children Exposed to Violence. Feerick, Margaret M (Ed); Silverman, Gerald B (Ed). (2006). *Children exposed to violence*. (pp. 137-158). xxvi, 267 pp. Baltimore, MD, US: Paul H Brookes Publishing.

- 5) Consulting Contributor, *Psychological First Aid Manual*, SAMHSA, Washington, DC, 2005

Books

- 1) Baker I., Jaffe PJ, Berkman M, Berkowitz SJ. *Children Exposed to Domestic Violence: A Handbook for Police Officers* London, Ontario, Justice Ministry, London, Ontario (2002) (Co-authored with Canadian colleagues a handbook for police officers sponsored by the Packard Foundation)
- 2) Woolston, J, Adnopoz, J, Berkowitz, S.. *IICAPS: A Home-Based Psychiatric Treatment for Children and Adolescents*. Yale Press, (2007) New Haven, CT
- 3) Berkowitz, SJ, Marans, SR, Barbieri, I., Hahn, H. *Disaster and Terrorism Response: A Guide to Managing Fear*. State of Connecticut, Department of Emergency Management Services. (2008)
- 4) Berkowitz S, Bryant R, Brymer M, Jacobs A, Layne C, Macy R, Pynoos R, Ruzak J, Steinberg A, Watson P. *Skills for Psychological Recovery*. Substance Abuse and Mental Health Administration (SAMHSA) and the Federal Emergency Management Authority (FEMA), Washington, DC (November 2010)

Alternative Media: (List any other non-peer reviewed contributions to alternative communication formats, such as instructional audio or video tapes, articles in the lay press, educational material via Internet, etc.)

1. Co-host on TV Show: Nickelodeon News on Attacks of 9/11, Sept. 14, 2001 (episode nominated for an EMMY award)
2. Chair Development Committee, DVD Interactive Training for Law a Enforcement: Cops, Kids and Domestic Violence: Chair and Presenter, National Child Traumatic Stress Network (won Bronze medal for non broadcast media)

Tab 9

THE LIABILITY OF PENN STATE TO SABASTIAN PADEN

A. Introduction

Jerry Sandusky stands convicted of sex crimes against Sabastian Paden and other victims of his child abuse. At Sandusky's sentencing hearing earlier this month, Judge Cleland remarked: "The tragedy of this crime is that it's a story of betrayal. The most obvious aspect is your betrayal of ten children." The Freeh Report, issued this last July, repeated that refrain when evaluating the conduct of Penn State:

The most saddening finding by the Special Investigative Counsel is the total and consistent disregard by the most senior leaders at Penn State for the safety and welfare of Sandusky's child victims....

Four of the most powerful people at The Pennsylvania State University – President Graham B. Spanier, Senior Vice President-Finance and Business Gary C. Schultz, Athletic Director Timothy M. Curley and Head Football Coach Joseph V. Paterno – failed to protect against a child sexual predator harming children for over a decade.

Freeh Report, p. 14.

Describing a culture of neglect that began with the University's Board of Trustees and permeated the highest levels of Penn State's administration, the Freeh Report concluded that Sandusky's crimes – particularly those committed after 2001 – were enabled and perpetuated by the University's own conduct.

[Penn State] empowered Sandusky to attract potential victims to the campus and football events by allowing him to have continued, unrestricted and unsupervised access to the University's facilities and affiliation with the University's prominent football program. Indeed, that continued access provided Sandusky with the very currency that enabled him to attract his victims....

...[I]n order to avoid the consequences of bad publicity, the most powerful leaders at the University – Spanier, Schultz, Paterno and Curley – repeatedly concealed critical facts relating to Sandusky's child abuse from authorities, the University's Board of Trustees, the Penn State community, and the public at large.

Freeh Report, pp. 15-16 (emphasis added).

Perhaps the Report's most critical finding in regard to the University's wrongful conduct centers on the notion that Penn State supplied Sandusky with the "currency" for

his post-2001 sex abuse. As summarized in the Report, following Sandusky's formal retirement in 1999, Penn State treated him

not as a suspected child predator, but as a valued member of the Penn State football legacy, with future 'visibility' at Penn State and ways 'to continue to work with young people through Penn State,' essentially granting him license to bring boys to campus facilities for 'grooming' as targets for his assaults.

Freeh Report, p. 17 (quotation marks in the original).

After 1999, the University likewise continued and strengthened its ties with the Second Mile, an organization that would prove to be a breeding ground for Sandusky's victims, including Sabastian. As the Freeh report summarized, by allowing and encouraging a collaborative relationship between Second Mile and the University – and by allowing and encouraging Sandusky to have a continued role in the life of the University after his 1999 retirement – Penn State provided Sandusky the tools with which to ply the craft of a pedophile long after Sandusky's formal ties with the University were severed. See Freeh Report, pp. 55-61, 103-109.

Penn State's role in enabling and facilitating Sandusky's crimes did not go unnoticed by the Commonwealth. On October 9, 2012, the State Employees' Retirement System (SERS) concluded that Sandusky had committed his post-2004 sex crimes in his capacity as "an actual or *de facto* employee" of the University. *Id.* at 2. In reaching this conclusion, the SERS cited specifically to the crimes committed against Sabastian. As a result of Sandusky's employee status at Penn State and his criminal conviction, the SERS determined that Sandusky's state pension was forfeited as was his wife's derivative annuity.

From all of this, it is clear that Penn State's liability to Sabastian stems not simply from its active concealment of Sandusky's conduct in 1998 and 2001, but also from the University's role in enabling Sandusky's predatory conduct to continue after 2001. As set forth in detail below, both its failure to act and its affirmative collaboration in Sandusky's conduct give rise to the compensatory and punitive claims asserted here by Sabastian.

B. Penn State, Jerry Sandusky and Sabastian Paden

For Sabastian Paden, the currency provided by Sandusky's relationship with Penn State held particular allure. An 11-year-old boy with a troubled past, Sabastian met Jerry Sandusky in 2004 while attending a Second Mile summer camp on Penn State's University Park campus. He spent four summers there, from 2004 - 2007, in one week

sessions in which he roomed and slept in University dorms. At the Second Mile camp, Sandusky was both figurehead and folk hero. As Sabastian recalls his first summer, "he came down and we all did a Jerry chant." At that time in Sabastian's life, the friendship of Sandusky – a man who was revered both on the Penn State campus and within the broader State College community – seemed like a pathway to something better, to an escape from the instability that had characterized his life outside of Second Mile.

Sabastian did not know then what "the most powerful leaders" at the University knew. He did not know that Jerry Sandusky was a pedophile who had raped a boy on the Penn State campus only three years before. He did not know that Sandusky had assaulted Victim 6 in 1998. He did not know that Sandusky would use the status and connections provided by his position at Penn State to lure Sabastian into an abusive sexual relationship that would span nearly four years.

So, in 2005, when Sandusky approached Sabastian during a Second Mile session in the University pool, Sabastian did not run away from the danger posed by Sandusky, he ran toward it. "We were swimming and I saw him throwing kids in the pool I wanted to be tossed too. I went over and asked if he could toss me and he said okay and this went on for a while."

Over the next four years, Sabastian was sexually assaulted by Sandusky more than 100 times, including forced oral and anal sex. Throughout this period, Sandusky exploited his connections with Penn State to draw Sabastian into the relationship and keep him there: Sabastian went to every home football game with Sandusky; he was a guest of Sandusky at the Nittany Lion Club where he watched Penn State home football games with elite members of the school's football program and alumni; Sabastian had lunch with Joe Paterno and toured Beaver Stadium with Coach Paterno and Sandusky; he met current players on the Penn State football team; he received Penn State merchandise as gifts from Sandusky. During this period, Sabastian spent nearly every weekend in Sandusky's home. On many of these weekends, Sabastian was sexually assaulted by Sandusky in the evening following a Penn State football game. For Sabastian, Sandusky's abuse and his continuing role at Penn State were inextricably tied, "I felt like I was part of the family," recalls Sabastian of his time on the Penn State campus with Sandusky.

Identified as Victim 9 in the Sandusky criminal proceedings, Sabastian provided heart wrenching testimony as to his years of abuse by Sandusky – testimony provided both before Grand Jury and at Sandusky's criminal trial. Also testifying at the criminal trial was Sabastian's mother, Angela Quidetto. Based on the testimony of Sabastian and his mother – the final testimony presented by Prosecutor Joseph McGettigan – the jury unanimously convicted Sandusky of engaging in a criminal "course of conduct" against Sabastian of: Involuntary Deviate Sexual Intercourse (by performing anal sex on

Sabastian); Involuntary Deviate Sexual Intercourse (by compelling Sabastian to perform oral sex upon him); Indecent Assault; Unlawful Contact with Minors; Corruption of Minors; and Endangering the Welfare of Children.

C. Penn State Breached its Duty of Care to Sabastian Paden

Clearly, Penn State had a moral duty to take the actions that would have prevented Sandusky's horrific abuse of Sabastian. But what of the University's legal duty? At the time of the abuse, Sabastian was not a student at Penn State. Arguably, Jerry Sandusky was not an employee of the University. Sabastian's abuse did not occur on the Penn State campus. How, then, to impose a duty on Penn State to protect Sabastian from Sandusky's conduct?

The answer to that question can be found in well-settled principals of Pennsylvania law. As detailed below, there are at least four duties of care that Penn State owed to Sabastian, each of which the University breached. These include:

- 1) the general duty of care imposed on all persons not to place others at risk of harm through their actions;
- 2) the duty of care owed to those in a special relationships with the University;
- 3) the duty of care owed Sabastian as a result of the conduct undertaken by the University for the protection of third persons; and
- 4) the duty of care owed Sabastian as a result of Sandusky's status as an "actual or de facto employee" of the University.

1. The General Duty of Reasonable Care

Under Pennsylvania negligence law,

[d]uty, in any given situation, is predicated upon the relationship existing between the parties at the relevant time. Where the parties are strangers to each other, such a relationship may be inferred from the general duty imposed on all persons not to place others at risk of harm through their actions. The scope of this duty is limited, however, to those risks which are reasonably foreseeable by the actor in the circumstances of the case.

Only when the question of foreseeability is undeniably clear may a court rule as a matter of law that a particular defendant did not have a duty to a particular plaintiff.

Whether a duty exists is ultimately a question of fairness. The inquiry involves weighing of the relationship of the parties, the nature of the risk and the public interest in the proposed solution.... [A] duty arises only when one engages in conduct which foreseeably creates an unreasonable risk of harm to others.

Roche v. Ugly Duckling Car Sales, Inc., 879 A.2d 785, 790 (Pa.Super. 2005) (citations and internal quotation marks omitted); *see R.W. v. Manzek*, 888 A.2d 740, 746-47 (Pa. 2005); *Sharpe v. St. Luke's Hosp.*, 821 A.2d 1215, 1219 (Pa. 2003); *Althaus v. Cohen*, 756 A.2d 1166, 1169 (Pa. 2000).

Putting aside whether Sabastian had a special relationship with Penn State at the time of Sandusky's abuse – a point we address in the next section – Penn State clearly had a general negligence duty not to place Sabastian at risk of harm through its own conduct. That duty is measured against the University's ability to foresee the consequences that its actions and inactions would have on Sabastian.

As we now know, the University could and did anticipate in 1998 and 2001 that participants in the Second Mile program were potential victims of Sandusky. In fact, the 1998 victim was a Second Mile participant. As a result of that incident, Sandusky was directed not to shower with boys on the Penn State campus. Yet, three years later, in 2001, he sexually assaulted another victim in Penn State showers, as witnessed by Mike McQueery. Yet, Penn State still took no action against Sandusky. It did not report the incident to any local or state police departments; it did not notify the local district attorney's office; it did not notify its own campus police department; and the incident was not reported to the University's Board of Trustees.

Moreover, when Athletic Director Tim Curley contacted Second Mile representatives about the 2001 shower incident – instead of describing it as a sexual assault – he said that nothing inappropriate occurred. As a result, Second Mile took no action against Sandusky. *See Freeh Report*, pp. 72-78.

These failures are consistent with the findings of the Freeh Report that the most senior leaders of the University displayed “[a] striking lack of empathy for child abuse victims.” *Freeh Report*, p. 16. Likewise, the Board of Trustees failed in its duty “to exercise its oversight functions in 1998 and 2001 by not having regular reporting procedures or committee structures in place to ensure disclosure of major risks to the University.” *Id.*

But it is not simply these failures that led to the increased risk of harm that befell Sabastian and the other victims of Sandusky's sex abuse. In addition, Penn State's active

collaboration with Sandusky and Second Mile in the years following the 1998 and 2001 incidents increased the risk of harm to a near certainty, a perfect storm waiting to happen.

Consider the following: Sabastian Paden met Jerry Sandusky in 2004 while participating in a Second Mile summer camp on Penn State's University Park campus. At that point, Penn State's senior administrators knew with certainty that Sandusky was a child predator. At that point, Sandusky had been retired from the University for nearly five years. Yet, inconceivably, the University did nothing to prevent Sandusky from culling his Second Mile victims on the University's campus. To the contrary, as the Frech Report summarized,

- The University continued to support Second Mile throughout this time by providing facilities and services for the organization's day camps and fund-raisers;
- Throughout this time, Sandusky was a corporate officer, paid consultant and public "face" of Second Mile;
- The University's relationship with Second Mile was memorialized in Sandusky's retirement agreement, which required that the University "work collaboratively" with Sandusky in the organization;
- Between 1999 and 2008, the Second Mile operated six one-week long summer youth camps at the University Park campus. There, camp activities were held at various locations including classrooms, an outdoor swimming pool [where Sabastian met Sandusky in 2004], athletic fields and football facilities. Sandusky frequently visited the boys' camps during the swimming pool activity in the afternoon, and the night sessions, which were usually held in one of the football meeting rooms;
- Penn State's football players were required to perform volunteer work for Second Mile youth programs;
- Second Mile offered a mentorship program that matched a Penn State volunteer with an at-risk elementary student;
- Penn State football staff and players helped Sandusky with the annual Second Mile Golf Tournaments to raise money for the organization;
- The Second Mile distributed playing cards that displayed both Penn State and Second Mile logos and contained images of Penn State football players, coaches and other student-athletes;

- In September 2001, eight months after the McQueery shower incident, the Penn State Board of Trustees approved the sale of a parcel of land to the Second Mile. Nothing in the Board's records indicate any contemporaneous discussions of the McQueery incident, the propriety of a continuing relationship with Second Mile, or the risks created by a public association with Sandusky;
- In February 2009, University vice president Gary Schultz, who had direct knowledge of Sandusky's predatory conduct, facilitated a bank loan for Second Mile;
- Because of the University's visible support of the Second Mile, Sandusky was provided with numerous opportunities to bring young boys to campus and to interact with them through various camps and activities.

Freeh Report, pp. 78-79, 103, 107-109.

Exacerbating Penn State's ongoing collaboration with Second Mile, the University continued to permit Sandusky to play a prominent and unfettered role in the life of the University. Penn State's conduct in this regard is perhaps best summarized in the October 12, 2012 correspondence from the State Employees' Retirement System in which SERS informed Sandusky that his pension benefits would be forfeited. Echoing the Freeh Report, the SERS included a "non-exhaustive" list of 47 factors detailing the continued ties between Sandusky and the University. As they relate to Sabastian, these included:

- unlimited access to the football facilities;
- shared accommodations with the football team and its coaches;
- the grant of "emeritus" status, with special privileges including access to the University's East Area locker complex. Sandusky's position at the University did not meet the eligibility requirements for this status;
- receipt of sporting goods from vendors that had ties with PSU;
- access to the field during Penn State football games;
- participation in various PSU speaking engagements, both within PSU and to outside groups and associations that benefited PSU;
- payments from PSU for travel, meals, lodging, speaking engagements, football camps and other activities from January 2, 2000 through July 22, 2008;
- receipt of significant contributions to the Second Mile by Penn State donors;

- free dinners and/or seats in the Nittany Lion Club suite for PSU home football games,
- additional tickets to PSU football games and other athletic events;
- a key for the Lasch Building and keys to other PSU facilities, including, *inter alia*, a key for the Beaver Stadium gates;
- access to Nittany Lion Club events;
- an office and phone in the East Area Locker Room building;
- active support for the Second Mile by PSU;
- permission for the Second Mile to use PSU facilities, often without a Memorandum of Understanding (MOU) even though it was standard practice to require an MOU with third parties.

SERS Report, pp. 2-3.

The University's continuing collaboration with both Second Mile and Sandusky had predictable results for Sabastian. As outlined above, Sabastian met Sandusky on the University Park campus while participating in the Second Mile program. Sandusky groomed Sabastian by taking him to home football games; by introducing him to Joe Paterno and to players and staff of the Penn State football team; by gifting him Penn State merchandise that Sandusky received for free. Without the active participation of the University, none of this could have happened.¹

¹ In this way, Sabastian's case stands in stark contrast to *J.E.J. v. Tri-County Big Brothers/Big Sisters, Inc.*, 692 A.2d 582 (Pa.Super. 1997) -- a case on which Penn State might seek to rely to avoid the imposition of a general negligence duty.

In *J.E.J.*, the minor plaintiff was sexually assaulted by a former counselor for defendant Big Brothers/Big Sisters. Following his own assault, the plaintiff and his parents learned that the counselor had sexually abused another boy who had participated in the Big Brothers program. The defendant suspended the counselor due to that incident but did not report the assault to any law enforcement or child protective agencies.

On those facts, the Superior Court found that the defendant owed no duty of care to the plaintiff. It emphasized in its decision that the plaintiff did not participate in the Big Brothers program. "No relationship existed between the parties at the time of the abuse or at any time thereafter." *J.E.J.*, 692 A.2d at 585. The court thus rejected the argument that the defendant owed a duty of care to the plaintiff as a member of the public at large. *Id.*

Here, by contrast, Sabastian does not rely on some undifferentiated duty of care. Instead, he relies on the settled notion that, based on Penn State's active collaboration with Sandusky and with Second Mile (with which Sabastian participated on Penn State's campus for four consecutive years), as well as its own and its Trustees' failures to prevent Sandusky from using its facilities to prey on and groom his victims, the sexual abuse that Sabastian suffered was foreseeable. Had Penn State exercised the reasonable care that Sabastian was due in light of that foreseeability, the risk to Sabastian could have been avoided.

2. Special Relationship

In addition to the general duty imposed on all persons not to place foreseeable plaintiffs at risk of harm through their actions and inactions, a separate negligence duty may be imposed where a "special relationship" exists between the defendant and the plaintiff. In *Coath v. Jones*, 419 A.2d 1249 (Pa. Super. 1980), for example, the Superior Court found negligence liability against the former employer of an electronics repairman who, following his termination, entered a customer's home and committed a sexual assault. The plaintiff alleged that the defendant knew of the employee's propensity for violence against women and that the defendant was negligent in failing to warn its customers not to allow the perpetrator into their homes.

Relying on Sections 301 and 302(B) of the Restatement (Second) of Torts, the court found that the employer had a duty to warn former customers because it had "created a special relationship whereby his customers admit his employees into their homes." *Coath*, 419 A.2d at 1251.² Although the defendant employer did not have authority over the premises where the tort occurred – and the employee no longer worked for the defendant – the defendant's "special relationship" with plaintiff engendered a duty to warn. *Id.*

Here too there was a special relationship between Sabastian and Penn State. That included: his four year participation in the Second Mile Program on Penn State's campus; his attendance at Penn State home football games where he sat as Sandusky's guest in the Nittany Lion Club; his meetings with Sandusky and Coach Paterno and members of the Penn State Football team; gifts he received from Sandusky that were supplied by Penn State vendors; and his participation in myriad other Penn State events. From all this, Sabastian was made to feel (and did feel) part of the Penn State family. Yet all the while he was being groomed for pedophilia by Sandusky – pedophilia of which Penn State was aware since at least 1998, but nonetheless failed to warn Sabastian.

Another "special relationship" is described in Section 314A of the Restatement (Second) of Torts. Under this Section, "a possessor of land who holds it open to the public" is under a duty to entrants upon the land to take reasonable action "to protect them against unreasonable risk of physical harm." As Comment d. to the Section

² Section 302(B) of the Restatement (Second) of Torts provides that "[a]n act or an omission may be negligent if the actor realizes or should realize that it involves an unreasonable risk of harm to another through the conduct of the other or a third person which is intended to cause harm, even though such conduct is criminal."

Under Section 301 of the Restatement, an actor "is required to exercise reasonable care to give an effective warning to those likely to be affected by his act, but he is not bound at his peril to bring the warning home. He is required to do what a reasonable man would regard as necessary to this end, but he is not required to do more than a reasonable man would regard as sufficient." Restatement (Second) of Torts, §301, Comment (e).

explains, this duty extends to "risks arising from . . . from the acts of third persons, whether they be innocent, negligent, intentional, or even criminal." Restatement (Second) of Torts, §314A, Comment d.

Likewise, Section 344 of the Restatement imposes a duty upon a possessor of land to exercise reasonable care to protect or warn against "the accidental, negligent or intentionally harmful acts of third persons." See *T.A. v. Allen*, 669 A.2d 360, 364 (Pa.Super. 1995)

Though Sabastian's sexual abuse did not occur on the University's campus, Sabastian met Sandusky on the campus at a time when Penn State knew that Sandusky was a pedophile. Moreover, much of Sandusky's grooming of Sabastian took place on the campus.

As noted above, Sandusky was convicted of the Corruption of Minors in connection with his conduct toward Sabastian. Corruption occurs when an adult "aids, abets, entices or encourages" a minor in the commission of a sexual offense. See 18 P.S. §6301. Clearly, Sandusky's "corruption" of Sabastian occurred, at least in part, on Penn State's campus.

Because Sandusky's "corruption" of Sabastian – his selection and grooming of Sabastian for sexual abuse – took place on Penn State's campus, liability for Penn State arises both under Sections 314A and 344 of the Restatement. See *Lourim v. Swensen*, 977 P.2d 1157, 1160 (Or. 1999)(finding liability where "sexual assaults were merely the culmination of a progressive series of actions that involved the ordinary and authorized duties of a Boy Scout leader."); *Fearing v. Bucher*, 977 P.2d 1163 (Or. 1999)(same).

3. Negligent Undertaking

Another negligence duty relevant to this case is found in Section 324A of the Restatement (Second) of Torts, adopted by the Pennsylvania Supreme Court in *Cantwell v. Allegheny County*, 483 A.2d 1350 (Pa. 1984). The section provides that

[o]ne who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of a third person or his things, is subject to liability to the third person for physical harm resulting from his failure to exercise reasonable care to protect his undertaking, if (a) his failure to exercise reasonable care increases the risk of such harm....

Restatement (Second) of Torts, § 324A.

Here, for example, Penn State's Board of Trustees undertook to "oversee adherence to laws, regulations, and policies that pertain to University operations." See Corporate Bylaws for the Board of Trustees, Art.4, §11. The Freeh Report sets forth a litany of laws and University policies – all fashioned to prevent harm to third persons – that were violated by school administrators in connection with Sandusky's conduct. These include, but are not limited to, the Clery Act, Pennsylvania's Child Sexual Abuse reporting statute (23 P.S. §6311), and University policies relating to the reporting of sexual abuse (AD12) and the treatment of minors involved in University-sponsored programs (AD39). See Freeh Report, pp. 36-38, 97-103, 110-126). Though these laws and policies do not themselves create a private right of action for Sabastian, the Board's failure to oversee adherence to the laws and policies implicates Section 324A liability.³

4. Negligent Supervision and Retention

If, as the SERS concluded, Sandusky was an actual or *de facto* employee of Penn State, then the University is liable to Sabastian for a range of failures in its duty to oversee Sandusky's conduct. The Pennsylvania Supreme Court's decision in *Hutchison ex rel. Hutchison v. Luddy*, 742 A.2d 1052 (Pa. 1999) ("*Hutchison I*") underscores that liability.

In *Hutchison I*, the plaintiff was molested by a priest on non-church property. The defendants, the Bishop and Diocese that employed the priest, knew that the priest was a pedophile and did nothing to prevent his conduct. Relying on Section 317 of the Restatement (Second) of Torts and on the Superior Court's decision in *Coath, supra*, Justice Newman described the defendants' duty as follows:

Here, Bishop Hogan and the Diocese knew for certain that Luddy had a propensity for pedophilic behavior and were aware of several specific instances of such conduct. They knew that placing him in a position in which he would have contact with children would afford Luddy ample opportunity to commit further acts of abuse, which would likely result in extreme harm to the children under his supervision. Knowing all of this, Bishop Hogan and the Diocese had a duty to take appropriate precautions to prevent Luddy from molesting any more children, e.g., by assigning him to

³ Penn State's statutory violations likewise give rise to a claim for negligence *per se*. See *Doe v. Liberator*, 478 F.Supp.2d 742, 763-764 (M.D.Pa. 2007) (sustaining negligence *per se* claim against Diocese defendant for failure to report child abuse by priest pursuant to 23 P.S. §6311(h)); See also, Restatement (Second) of Torts, §874A ("When a legislative provision protects a class of persons by proscribing or requiring certain conduct but does not provide a civil remedy for the violation, the court may, if it determines that the remedy is appropriate in furtherance of the purpose of the legislation and needed to assure the effectiveness of the provision, accord to an injured member of the class a right of action, using a suitable existing tort action or a new cause of action analogous to an existing tort action.").

a position in which he would not have any contact with children, by ensuring that he sought treatment for his disorder, or by terminating his employment altogether. See *Coath*, 277 Pa.Super. at 485, 419 A.2d at 1252 (quoting Prosser, Torts, § 56 (4th ed. 19-)) ("It is also recognized that if the defendant's own negligence has been responsible for the plaintiff's situation, a relation has arisen which imposes a duty to make a reasonable effort to give assistance and avoid any further harm.").

Bishop Hogan and the Diocese, however, did not attempt to prevent the foreseeable harm, and instead undertook a course of conduct that increased the risk that Luddy would abuse Michael and other children. Instead of keeping him away from children altogether, they disregarded Luddy's misconduct and allowed him to have unsupervised contact with children. Instead of responding to Luddy's pedophilic behavior, they concealed and ignored it. Bishop Hogan and the Diocese knew Luddy's history and were in a position to prevent him from repeating it, yet for years they willfully allowed him to go on molesting children with impunity. Their inaction in the face of such a menace is not only negligent, it is reckless and abhorrent. Hence, Bishop Hogan and the Diocese are as responsible as Luddy for the harm done to Michael, or, as the jury found, even more liable than the molester himself.

Hutchison, 742 A.2d at 1059; see also *Liberatore*, *supra*, 478 F.Supp.2d at 760-763 (M.D.Pa. 2007)(relying on Sections 213(b) and 213(d) of the Restatement (Second) of Agency and Section 317 of the Restatement (Second) of Torts to sustain claims of negligent hiring, supervision and retention in connection with child abuse by a priest).⁴

As the Oregon Supreme Court explained in *Lourim*, *supra*, vicarious liability may be imposed on an employer where "sexual assaults were merely the culmination of a progressive series of actions that involved the ordinary and authorized duties of an [employee]." *Lourim*, 977 P.2d at 1160. Thus, in *Lourim*, the Court sustained respondeat superior liability against the Boy Scouts of America where a child predator, acting within the scope of his job duties, used his position as a Boy Scout troop leader to select and groom his child victim. As the Court described,

⁴ Section 317 of the Restatement provides that "[a] master is under a duty to exercise reasonable care so to control his servant while acting outside the scope of his employment as to prevent him from intentionally harming others or from so conducting himself as to create an unreasonable risk of bodily harm to them, if... (b) the master (i) knows or has reason to know that he has the ability to control his servant, and (ii) knows or should know of the necessity and opportunity for exercising such control."

Swensen gained the trust and confidence of plaintiff's family as a suitable friend, guide, mentor, and role model to plaintiff, then an adolescent. By virtue of that relationship, Swensen gained the support, acquiescence, and permission of plaintiff's family to spend substantial periods of time alone with plaintiff.

Swensen also won the friendship and admiration of plaintiff himself. He was his mentor and role model. Swensen gained the opportunity to socialize with plaintiff and to spend time alone with him and together with other boys in remote places. Swensen also used his position of trust to gain the opportunity to touch plaintiff physically. Eventually, Swensen committed a series of sexual assaults on plaintiff.

Lourim, 977 P.2d at 1159.

On these facts, the Court held that plaintiff could sustain a vicarious liability claim against the employer, explaining that

a jury could infer that, in cultivating a relationship with plaintiff and his family, Swensen, at least initially, was motivated by a desire to fulfill his duties as troop leader and that, over time, his motives became mixed. A jury also reasonably could infer that Swensen's performance of his duties as troop leader with respect to plaintiff and his family was a necessary precursor to the sexual abuse and that the assaults were a direct outgrowth of and were engendered by conduct that was within the scope of Swensen's employment. Finally, a jury could infer that Swensen's contact with plaintiff was the direct result of the relationship sponsored and encouraged by the Boy Scouts, which invested Swensen with authority to decide how to supervise minor boys under his care.

Lourim, 977 P.2d at 1160; see *Fearing v. Bucher*, 977 P.2d 1163 (Or. 1999)(sustaining vicarious liability claim where priest's conduct in cultivating a trust relationship with the plaintiff was motivated, at least in part, by a desire to further the interests of the Archdiocese).

In this case, should Sandusky be determined to have been an employee of Penn State at the time of his abuse of Sabastian – a conclusion already reached by the SERS – the University's liability to Sabastian will expand along the above-outlined tracks.

D. Joint and Several Liability

Should Sabastian file a negligence complaint against Penn State, he will name Sandusky as a co-defendant of the University. Under the joint and several liability law in

effect at the time of Sandusky's conduct, Sabastian will be entitled to collect the entire verdict from Penn State even if a jury finds the University to be only 1% liable for Sabastian's injuries. See 42 P.S. §7102.

E. Statute of Limitations

Sandusky's abuse of Sabastian began when Sabastian was 12-years-old and ended when he was 16-years-old. Because Sabastian was under 18-years-old when Sandusky's abuse occurred, he will have until his 30th birthday (July 29, 2023) to assert his negligence claims against Penn State. See 42 P.S. §5533(b)(2)(i). Even if this extended limitations period for childhood sexual abuse did not apply to Sabastian, he would have until his 20th birthday (July 29, 2013) to file his claims. See 42 P.S. §§5524, 5533(b)(1).

F. The Liability of Penn State for Punitive Damages

In Pennsylvania, punitive damages are awarded for conduct that evinces the "reckless indifference to the interests of others." *Hutchison v. Luddy*, 870 A.2d 766, 770 (Pa. 2005) ("*Hutchison II*") (quoting *Feld v. Merriam*, 485 A.2d 742, 747 (Pa. 1984); see also *SHV Coal v. Continental Grain Co.*, 587 A.2d 702, 704 (Pa. 1991); Restatement (Second) of Torts, § 908(2).

Following on its prior decision in *Martin v. Johns-Manville Corp.*, *supra*, 494 A.2d 1088 (Pa. 1985), the *Hutchison II* Court looked to the Restatement (Second) of Torts, § 500, to define the conduct or inaction that constitutes a "reckless disregard to safety." The Restatement provides that punitive damages are warranted when:

[the actor] intentionally does an act or fails to do an act which it is his duty to the other to do, knowing or having reason to know of facts which would lead a reasonable man to realize that the actor's conduct not only creates an unreasonable risk of bodily harm to the other, but also involves a high degree of probability that substantial harm will result to him.

Restatement (Second) of Torts, §500.

Relying on *Martin* and the Restatement, the *Hutchison II* Court set out the punitive damages standard as follows:

[I]n Pennsylvania, a punitive damages claim must be supported by evidence sufficient to establish that (1) a defendant had a subjective appreciation of the risk of harm to which the plaintiff was exposed and that (2) he acted, or failed to act, as the case may be, in conscious disregard of that risk.

Hutchison, 870 A.2d at 772

Of particular relevance in this case, the Supreme Court in *Martin* explained that the jury may look to the severity of the risk to determine the degree of recklessness evinced by a defendant:

[T]he factfinder may consider the seriousness of any potential harm in evaluating the evidence on the extent of the actor's comprehension of potential injurious consequences. The more serious the possible harm, the more the actor is likely to perceive the risk of that harm.

Martin, 494 A.2d at 1097 n.12.

Here, as detailed in the Freeh Report, Penn State's senior administrators likely knew as far back as 1998 and certainly knew by 2001 that Jerry Sandusky was a pedophile and that he had abused children on the University's campus. Penn State likewise knew that the children in the Second Mile program were at risk of becoming victims of Sandusky's predatory pedophilia. The University's response?

- In order to avoid the consequences of bad publicity, the most powerful leaders at the University – Spanier, Schultz, Paterno and Curley – repeatedly concealed critical facts relating to Sandusky's child abuse from authorities, the University's Board of Trustees, the Penn State community, and the public at large. Freeh Report, p. 16;
- Despite their knowledge of the 1998 criminal investigation of Sandusky, Spanier, Schultz, Paterno and Curley took no action to limit Sandusky's access to Penn State facilities nor took any measures to protect children on their campus. Freeh Report, p. 39;
- The University allowed Sandusky to retire in 1999, not as a suspected child predator, but as a valued member of the Penn State football legacy, with future 'visibility' at Penn State and ways 'to continue to work with young people through Penn State,' essentially granting him license to bring boys to campus facilities for 'grooming' as targets for his assaults. Freeh Report, p. 17;
- The University allowed Sandusky to have continued, unrestricted and unsupervised access to the University's facilities and affiliation with the University's prominent football program. Freeh Report, p. 15;
- President Spanier told the Special Investigative Counsel that he did not do anything to prohibit Sandusky from using Penn State facilities, nor did he instruct

anyone else to do so. In fact, Sandusky was allowed to have a key for, and continued to work out in, the Lasch Building until November 2011, and had keys to other Penn State facilities. Freeh Report, pp. 104-105;

- The University continued its collaborative relationship with Second Mile. Freeh Report, pp. 107-109;
- The University and its Board of Trustees failed to oversee institutional compliance with laws, regulations, policies and procedures that required the University to report Sandusky's 2001 conduct to law enforcement officials and child protective services. Freeh Report, pp. 36-38, 97-103, 110-126;
- Because the Board of Trustees failed to demand regular risk reporting and to exercise its oversight and inquiry responsibilities, the Board did not learn of Sandusky's 2001 conduct until 2011. Freeh Report, pp. 97-102;

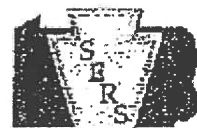
In May 1998, after Penn State received its first notice that Jerry Sandusky was a dangerous pedophile, Senior Vice President Gary Schultz posed the following question about Sandusky's conduct: "Is this [the] opening of pandora's box?" "Other children?" In 2001, Penn State had its answer. Yet, Penn State did nothing to prevent the abuse that would then befall Sabastian. To the contrary, Penn State actively abetted Sandusky's conduct, making Sabastian's abuse possible. To quote Justice Newman's majority opinion in *Hutchinson I*, Penn State's actions and inactions "in the face of such a menace is not only negligent, it is reckless and abhorrent." *Hutchinson*, 742 A.2d at 1059.

Tab 10



Commonwealth of Pennsylvania
State Employees' Retirement System
Legal Office

30 North Third Street, Suite 150
Harrisburg, Pennsylvania 17101-1716
Telephone: 717-783-7317
Fax: 717-787-5751
www.sers.state.pa.us



October 9, 2012

Via overnight UPS

Gerald A. Sandusky
Inmate #12-0529
Centre County Correctional Facility
700 Kishel Hill Road
Belleville, PA 16823-1483

Social Security #: [REDACTED]

Dear Mr. Sandusky:

The State Employees' Retirement System (SERS) has reviewed documents related to or filed with the Centre County Court of Common Pleas in *Commonwealth v. Sandusky*, including your convictions on two counts of §3126(a)(3) (Indecent Assault) and four counts of §3123(a)(7) (Involuntary Deviate Sexual Intercourse) relating to Victims 1 and 9 (as identified in the criminal trial). These crimes are listed in Chapter 31 of Title 18 of the Pennsylvania Consolidated Statutes and were committed after September 13, 2004, the effective date of Act 2004-86, which amended the Pennsylvania Public Employee Pension Forfeiture Act, 43 P.S. §§1311-1313 ("Act 140") to include these crimes as crimes related to public office or public employment. After careful review of your record and applicable law, SERS has determined that, pursuant to Act 140, your entire retirement benefit is forfeited as of October 9, 2012, the date of your sentencing and final conviction. Accordingly, your monthly annuity payments will cease effective with your September disbursement. The disbursement for October 2012 will be prorated to October 9, 2012, which will be turned over to the court for the restitution set forth in the sentencing order.

Additionally, because SERS has concluded that your retirement account is forfeited pursuant to Act 140, your Survivor Annuitant's derivative retirement benefit is also forfeited as of October 9, 2012. SERS will be providing your Survivor Annuitant, your wife, Dorothy Sandusky, with notification of the effect that your convictions have on her derivative Survivor Annuitant retirement benefit.

Should you return to active state employment in the future, you are precluded from recertifying any of your previous state service credited prior to and as of October 9, 2012, the date of your conviction, since all state service that a member has credited or uncredited at the time of an employment-related criminal conviction is forfeited pursuant to Act 140.

Any inquiries concerning retiree health care coverage should be directed to the Pennsylvania State University.

Section 3 of Act 140 pertinently provides in subsection (a) thereof:

Notwithstanding any other provision of law, no public official or public employee...shall be entitled to receive any retirement or other benefit or payment of any kind except a return of the contribution paid into any pension fund without interest, if such public official or public employee is convicted or pleads guilty or no defense to any crime related to public office or public employment. 43 P.S. §1313(a).

The term "Crimes related to public office or public employment" is defined in Section 2 of Act 140 as "[a]ny of the criminal offenses as set forth in the [listed] provisions of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes or other enumerated statute when committed by a public official or public employee through his public office or position or when his public employment places him in a position to commit the crime." 43 P.S. §1312. Act 140 goes on to include in the list of crimes under Title 18, "[a]ny of the criminal offenses set forth in Subchapter B of Chapter 31 (relating to definition of offenses) when the criminal offense is committed by a school employee as defined in 24 Pa. C.S. §8102 (relating to definitions) against a student." 43 P.S. §1312.

SERS has determined that: 1) As a member of SERS, you are a "public employee" as that term is defined in Act 140; 2) You were an actual or *de facto* employee of the Pennsylvania State University (PSU) from July 1, 1999, through at least December 31, 2008; 3) The six crimes you were convicted of relating to Victims 1 and 9 (as identified in the criminal trial), which were committed after the effective date of Act 2004-86, were committed through your public position or your public employment placed you in a position to commit the crimes; and 4) under Section 2 of Act 140, the criminal offenses that you were convicted of under Chapter 31 of Title 18 are specifically listed as "crimes related to public office or public employment" because they are crimes committed by a school employee against a student.

SERS has based this determination on the following non-exhaustive list of facts:

1. You began working for PSU as a football coach and assistant professor in 1969.
2. You elected to become a member of SERS effective March 15, 1969.
3. Your coaching contract with PSU was renewed at least once after 1978.
4. Act 140 applies to you because at least one of your coaching contracts with PSU was renewed after July 8, 1978, the enactment date of Act 140.
5. You formally retired from Penn State effective June 30, 1999, at the age of 55 with 30.3533 years of service.
6. Following your formal retirement, Penn State employed you in 1999 as an emergency hire for 95 days.
7. You elected to withdraw all your accumulated deductions, in the amount of \$148,271.71, and to receive a monthly annuity with a 50% survivor annuity benefit for your spouse.
8. You received from July 1999 through June 2004, a monthly annuity payment of \$4,615.11, which was increased to \$4,908.17 in July 2004 to reflect a statutory cost-of-living adjustment.
9. Following your formal retirement in 1999 through 2011, you maintained a prominent and regular relationship with PSU.
10. At various times following your formal retirement in 1999 through at least 2008, you:
 - a. attended coaches meetings;
 - b. had unlimited access to the football facilities, at no cost to you;
 - c. had a Penn State Internet account, provided at no cost to you;
 - d. were listed in the faculty directory;
 - e. traveled and shared accommodations with the football team and its coaches, at no cost to you;
 - f. received sporting goods, at no cost to you, from vendors that had ties with PSU;
 - g. had access to or went onto the field during football games;
 - h. had access to or sat at the coaches table at pre-game banquets;
 - i. had a Penn State parking pass, provided at no cost to you;
 - j. received faculty discounts at the bookstore;
 - k. received educational privileges for yourself and your dependents; and
 - l. participated in various PSU speaking engagements, both within PSU and to outside groups and associations that benefited PSU.
11. You received no fewer than 71 separate payments from PSU for travel, meals, lodging, speaking engagements, football camps and other activities from January 2, 2000 through July 22, 2008.
12. Following your formal retirement in 1999 through 2011, the only IRS form 1099 that PSU ever issued to you personally was in 2007 in the amount of \$1,500 for speaking at a "Leaders Space Conference" in the Hub at the University Park campus.
13. You entered into a letter agreement with PSU dated June 29, 1999 that was signed by Senior Vice President-Finance and Business Gary Schultz, Athletic Director Timothy Curley and you.
14. In the letter agreement, you and PSU agreed, "For a period of five (5) years, commencing July 1, 1999, and subject to renewal upon concurrence of both parties, you and the University agree to work collaboratively with each other in the future in community outreach programs, such as The Second Mile, and other programs which provide positive visibility in the University's Intercollegiate Athletics Program."
15. The letter agreement further provided that "It is understood that the nature and extent of such collaborative efforts...will be as mutually agreed by you [Sandusky] and me [Curley]."
16. You continued to collaborate with PSU, as described in the letter agreement, following your formal retirement in 1999 through at least 2009.

17. PSU chose which appearances and speaking engagements you would make on behalf of PSU.
18. At various times following your formal retirement in 1999 through at least 2010, PSU received significant donations from donors who, at approximately the same time, also made significant donations to The Second Mile.
19. You were influential and played a material part in securing these donations for PSU and The Second Mile.
20. Your collaboration with PSU benefitted PSU both financially and by positively enhancing the image of PSU's athletics program and PSU generally.
21. Following your formal retirement in 1999 through 2011, you were provided with, at no cost, seats in the Nittany Lion Club suite to every PSU home football game.
22. Following your formal retirement in 1999 through 2011, you were provided with free food and beverages in the Nittany Lion Club suite.
23. Following your formal retirement in 1999 through 2011, in connection with your access to the Nittany Lion Club, you were provided with free dinners on PSU home football game days.
24. Following your formal retirement in 1999 through 2011, in addition to being provided with free dinners and/or seats in the Nittany Lion Club suite to PSU home football games, you were provided with, at no cost, additional tickets to PSU football games and other athletic events, all of which had a significant face value.
25. You were awarded Emeritus Rank by PSU in or around August, 1999.
26. You did not meet the general eligibility requirements, as set forth in PSU Policy HR25, to be granted Emeritus Rank.
27. You had a key for the Lasch Building and keys to other PSU facilities, including, *inter alia*, a key for the Beaver Stadium gates, following your formal retirement in 1999 through at least 2011.
28. You had access to the Nittany Lion Club and attended Nittany Lion Club events following your formal retirement in 1999 through 2011.
29. Several individuals advised the special investigative counsel hired by PSU "that, because of [your] continued attendance at the Nittany Lion Club, they were under the impression that [you were] cleared of the allegations in the newspaper reports and were no longer under investigation."
30. On October 7 and 8, 2011, you participated in PSU's 25th anniversary celebration of PSU's 1986 national championship team.
31. You were provided an office and phone, at no cost, in the East Area Locker Room Building following your formal retirement in 1999 through at least 2009, except for some time in 2007 and 2008 when you relinquished your office due to a space shortage.
32. Between 1999 and 2008, The Second Mile operated six one-week long summer youth camps at the University Park campus and other PSU branch campuses.
33. PSU actively supported The Second Mile.
34. PSU football staff and players helped you with the annual Second Mile Golf Tournaments held at the PSU golf courses from 2003 to 2011.
35. A number of PSU football players and other student-athletes routinely volunteered for The Second Mile youth programs.
36. The Second Mile annually distributed playing cards that displayed both PSU and The Second Mile logos.
37. Because of your involvement, PSU allowed The Second Mile to use PSU facilities, often without a Memorandum of Understanding ("MOU") even though it was standard practice to require an MOU with third parties.
38. In 2002, you began assisting members of the Clinton County High School football team who were in The Second Mile programs.
39. In or after 2002, you became a full-time "volunteer" coach on the Clinton County High School football team.
40. Victim 1 participated in The Second Mile programs and was one of the students that you coached on the Clinton County High School football team.
41. Victim 9 participated in The Second Mile programs.
42. You took your Victims (as identified in the criminal trial) to PSU football games (and onto the field during games), coaches' meetings, pre-game banquets, hotels where players were staying, and dining halls with the football players.
43. You gave your Victims gifts, such as athletic apparel, that you received from vendors with ties to PSU.

Gerald A. Sandusky
October 9, 2012
Page 4

44. You were convicted on two counts of §3126(a)(8) (Indecent Assault) and four counts of §3123(a)(7) (Involuntary Deviate Sexual Intercourse) relating to Victims 1 and 9 (as identified in the criminal trial).
45. The crimes relating to Victims 1 and 9 were all committed after September 13, 2004.
46. Victims 1 and 9 were between 10 and 16 years old and legally required to attend school, at time the crimes were committed against them.
47. Victims 1 and 9 were students at the time the crimes were committed against them.

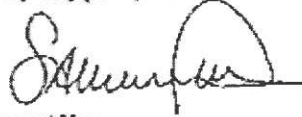
If you dispute SERS' determination, you or your attorney, if you choose to be represented, must provide a written response, which must be received in the offices of the State Employees' Retirement Board (the Retirement Board") within thirty (30) days of the date of this letter, to the following address:

State Employees' Retirement Board
30 North Third Street, Suite 150
Harrisburg, PA 17101-1716

ATTENTION: Docket Clerk

If you have any other information that has not been considered by SERS pertaining to this matter, or other reasons for disputing SERS' determination, it should be included in your response. If you respond, you must state all the points of law and facts in support of your position and you will have the burden of producing sufficient facts and legal authority to convince the Retirement Board that the staff of SERS made an incorrect decision. The facts set forth herein are not exhaustive and SERS reserves the right to raise or introduce additional facts should you respond. A final decision may be rendered without an evidentiary hearing. Failure to submit a response that is received by SERS within thirty (30) days shall constitute a waiver of your opportunity to appeal or otherwise raise any objections to this forfeiture determination.

Very truly yours,



Samuel Yun
Chief Counsel

Joseph Aencandola, Esquire
Pennsylvania State University c/o Daniel Walworth, Esquire

Tab 11

COMMONWEALTH OF PENNSYLVANIA : IN THE COURT OF COMMON PLEAS
: CENTRE COUNTY, PENNSYLVANIA

V.

GERALD A. SANDUSKY

: CRIMINAL DIVISION

: NO. CP-14-CR-242

FILED FOR RECORD
2012 JUN 25 A 8:19
DEBRA C. IMEL
PROTHONOTARY
CENTRE COUNTY, PA

VERDICT SLIP

AND NOW, this 22nd day of June, 2012, we the jurors empanelled in this case, find the Defendant as to:

GUILTY/NOT GUILTY

Count 1: Involuntary Deviate Sexual Intercourse.....
(by performing ~~oral~~ anal sex on Victim 9)

Guilty

Count 2: Involuntary Deviate Sexual Intercourse.....
(by compelling Victim 9 to perform oral sex upon him)

Guilty

Count 3: Indecent Assault.....

Guilty

Count 4: Unlawful Contact with Minors.....

Guilty

Count 5: Corruption of Minors.....

Guilty

Count 6: Endangering Welfare of Children.....

Guilty

If you find the Defendant endangered the welfare of a child under this Count, was it a course of conduct or a single event?

(Circle ONE) COURSE OF CONDUCT / SINGLE EVENT

Count 7: Involuntary Deviate Sexual Intercourse.....
(by performing oral sex on Victim 10)

Guilty

GUILTY/ NOT GUILTY

Count 8: Involuntary Deviate Sexual Intercourse.....
(by compelling Victim 10 to perform oral sex upon him)

Guilty

Count 9: Indecent Assault.....

Guilty

Count 10: Unlawful Contact with Minors.....

Guilty

Count 11: Corruption of Minors.....

Guilty

Count 12: Endangering Welfare of Children.....

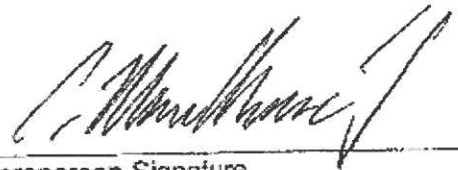
Guilty

If you find the Defendant endangered the welfare of a child
under this Count, was it a course of conduct or a single event?

(Circle ONE) COURSE OF CONDUCT / SINGLE EVENT

22 June 2012

Date



Foreperson Signature

Tab 12

VALPAR CONSULTANTS, INC.

Medical Cost Projection

For Victim # 9

Valerie V. Parisi RN CRRN CLCP

11/11/2012

ValPar Consultants, Inc.
109 Windsong Drive
Doylestown, PA 18901

215-230-0141
215-230-9913 FAX
vvparsi@valpar.com

November 11, 2012

Stephen E. Raynes, Esquire
Raynes McCarty
1845 Walnut Street, 20th Floor
Philadelphia, PA 19103

RE: Victim #9

DOB: 07/29/93

MEDICAL COST PROJECTION

INTRODUCTION:

Victim #9 is a 19 year old male who sustained years of sexual abuse and who is now in active intensive psychiatric treatment. His treating psychiatrist, Dr. Berkowitz projects the need for continued and lifelong treatment including counseling and psychiatric care as well as the need for constant companionship for supervision and mentorship. He is at risk for re-hospitalization due to risk for suicide and recurrent drug abuse.

Enclosed please find the costs associated with the recommendations of Dr. Berkowitz.

RECORDS REVIEWED:

1. Report of Steven Berkowitz, MD

BRIEF MEDICAL BACKGROUND:

Victim #9 was referred to Penn Center for Youth and Family Trauma Response and Recovery due to severe depression, history of multiple suicide attempts, and symptoms of Posttraumatic Stress Disorder (PTSD) related to prolonged sexual abuse. He was seen initially in July 2012 and has been seen two to three times per week for counseling, family counseling, and psychiatric care since that time.

Victim #9 attended the Second Mile summer camp program from 2004-2007. At the time of his first camp, he was eleven years old. He came from a low income family and lives with a single mother. He had spent some time in foster care for a few months due to a history of physical abuse by her mother's boyfriend, but he was returned to his mother. Victim #9 was sexually abused repeatedly by Jerry Sandusky and this included forcible oral and anal sex over a three to four year period. Victim #9 turned to substance abuse including daily marijuana and alcohol, prescription opiates, benzodiazepines, and heroin as well as over the counter sleep medication.

He has had multiple suicide attempts between the ages of 13-18 which included an attempt to jump off of a bridge that was stopped by a friend. His most recent suicide attempt included taking large amounts of cold and sleep medication. He was recently involuntarily committed at

Lewistown Hospital due to his mothers' fear that he would again attempt suicide. There is a history of fights and altercations resulting in numerous injuries including being threatened by knives and guns on multiple occasions as well as self injury with scars from cutting on his arms and legs.

Victim #9 is currently in intensive therapy and has been drug free for the past seven months. The following recommendations and conclusions are made by Dr. Berkowitz:

- Victim #9 was a vulnerable child who had lived a hard life and was experiencing multiple difficulties prior to the sexual abuse. He is now, due to the sexual assaults, a severely emotionally disturbed young man with a poor prognosis and a future in which he will likely need ongoing care and support for the rest of his life.
- He is a highly traumatized young man suffering from PTSD and depression. He has constant flashbacks of the sexual assaults. During these flashbacks, he loses awareness of the world around him and is vulnerable to suicide attempts and acting out.
- He has suffered devastating emotional damage due to the sexual assaults.
- His chronic substance abuse is the direct result of sexual assaults.
- It is unlikely that he will be able to work as the result of the severe psychological injuries caused by the abuse and he is unlikely to have fulfilling or meaningful relationships.
- He is severely damaged neurophysiologically, cognitively, and emotionally and will require lifelong treatment and support. His cognitive impairment further limits his ability to cope.
- He will need constant companionship supervision and mentorship for the foreseeable future. He is at continued risk for suicide.

CASE CONSIDERATIONS REGARDING FUTURE CARE NEEDS:

The following is recommended:

Projected Therapeutic Modalities: Dr. Berkowitz has projected the need for lifelong support and treatment. Victim #9 currently is receiving treatment 2-3 times per week. It is anticipated this will decrease and for the purpose of this report, treatment is projected 1-2 times per week for 48 weeks per year across the life expectancy. Case management is allocated for the purpose of coordinating care in this life care plan.

Future Medical Care: Psychiatric management is allocated 6-12 times per year as lifelong treatment has been recommended by Dr. Berkowitz.

Medications: Current use is projected.

Home Care: Dr. Berkowitz has projected the need for constant companionship due to suicide risk and need for supervision and mentorship. An allocation for 8-12 hours per day is projected.

Aggressive Care: Allocation for periodic acute care including inpatient hospitalization followed by partial day treatment program for psychiatric exacerbations, suicide attempts, and drug detoxification is included every 3-5 years as an annualized average. Actual need for acute care may vary and exceed these allocations.

These options are presented in an effort to ensure that Victim # 9's current and projected needs are met based on what is known at the time of this report. Should further information become available which clarifies these needs, this report may be supplemented. The attached appendices list services and costs specifically related to the decreased functional level and medical needs resulting from Victim #9's psychiatric conditions. For information purposes only, a cost summary page in today's dollars details costs. Victim # 9 is 19 years old. The normal life expectancy for a 19 year old male is an additional 57 (57.5) years remaining according to the National Center for Vital Statistics Life Tables, 2008 published in 2012. All opinions have been stated with a reasonable degree of professional certainty. Should further information be obtained this report may be supplemented.

Sincerely,

Valerie V. Parisi RN CRRN CLCP

Certified Life Care Planner

VICTIM #9

LIFE CARE PLAN

DOB: 07/29/93

PROJECTED THERAPEUTIC MODALITIES

THERAPY	PURPOSE	YEAR INITIATED/ SUSPENDED	FREQUENCY	BASE COST	ANNUAL COST	RECOMMENDED BY
Counseling	Counseling support Individual, group, family counseling as appropriate	2012/LE	Allow 48- 96 sessions per year 72 sessions average per year	\$250.00	\$18,000.00	Based on report of Dr. Berkowitz
Case Management	Coordination of care in life care plan	2012/LE	Allow 24 hours per year	\$100.00	\$2400.00	Based on recommendations for life long care by Dr Berkowitz
Total					\$20,400.00	

Source- Physician's Fee Reference 2012 for Philadelphia area and outpatient charges Pennsylvania Hospital

VICTIM #9

LIFE CARE PLAN

DOB: 07/29/93

FUTURE MEDICAL CARE ROUTINE

TYPE	PURPOSE	YEAR INITIATED/ SUSPENDED	FREQUENCY	BASE COST	ANNUAL COST	RECOMMENDED BY
Psychiatrist	Oversee care and medication management as appropriate	2012/LE	Monthly	\$250.00	\$3000.00	Based on report of Dr. Berkowitz

Source: Physician's Fee Reference 2012 for Philadelphia

VICTIM #9

LIFE CARE PLAN

DOB: 07/29/93

MEDICATIONS

ITEM	PURPOSE	USAGE	BASE COST	ANNUAL COST
Seroquel	Sleep medication	50 mg daily	\$17.61/month	\$211.32
Citalopram	Antidepressant	40 mg daily	\$4.84/month	\$58.08
Total				\$269.40

NOTE: Exact medication and dosage may change throughout lifetime.

Source- goodrx.com for Lewistown area

VICTIM #9

LIFE CARE PLAN

DOB: 07/29/93

TRANSPORTATION

ITEM/SERVICE	PURPOSE	YEAR INITIATED/ SUSPENDED	REPLACEMENT	BASE COST	ANNUAL COST
Included in attendant care					

VICTIM #9

LIFE CARE PLAN

DOB: 07/29/93

HOME CARE

SERVICE	PURPOSE	AGE INITIATED/ SUSPENDED	FREQUENCY/ SCHEDULING	BASE COST	ANNUAL COST	RECOMMENDED BY
Facilitator/Companion	Supervision for safety and mentorship	2012/LE	Allow 8-12 hours per day	\$200.00/day	\$73,000.00	Recommended by Dr. Berkowitz

Source Met Life Survey for Long Term Care Costs, 2012

VICTIM #9

LIFE CARE PLAN

DOB: 07/29/93

SURGICAL INTERVENTION/AGGRESSIVE TREATMENT PLAN

SURGERY/ TREATMENT	PURPOSE	AGE INITIATED/ SUSPENDED	FREQUENCY	BASE COST	TOTAL COST	RECOMMENDED BY
Inpatient Hospitalization	Acute hospitalization as needed/detox	2012/LE	Two week hospitalization Allow every 3-5 years Every 4 years average	\$74,000.00	\$18,500.00 annually	Dr. Berkowitz states high risk of rehospitalization
Partial Day Hospital	Following hospitalization	2012/LE	Allow for 20 days Every 4 years average	\$783.00 per day \$15,660.00 total	\$3915.00 annually	Dr. Berkowitz states high risk of rehospitalization
Total					\$22,415.00	

Source- Physician's Fee Reference 2012 for Philadelphia area and outpatient/inpatient charges Pennsylvania Hospital

CURRICULUM VITAE

VALERIE V. PARISI RN CRRN CLCP

OFFICE ADDRESS: 109 Windsong Drive
Doylestown, PA 18901
215-230-0141

DATE OF BIRTH: October 9, 1957

PLACE OF BIRTH: Philadelphia, Pennsylvania

EDUCATION:

1980 Thomas Jefferson University School of Nursing

POST GRADUATE TRAINING:

1997-2000 Certificate Program- University of Florida
Life Care Planning

2004 Certificate Program- University of Florida
Geriatric Care Management

2011 Certificate Program- PPAI
Professional Patient Advocate

WORK EXPERIENCE:

September 1996- present Rehabilitation Nurse Consultant- ValPar Consultants, Inc.

- Expertise in managing the medical aspects of disability including neonatal/pediatric brain injury, traumatic brain injury, spinal cord injury, burns, amputations, multiple trauma, and orthopedic injury
- Life care plans for cases of catastrophic injury
- Expertise in determining the appropriate home care and facility based options for catastrophic injury and long term care.
- Care management services for families/trust companies/financial planners

- Charge nurse on night shift

1980-1981

Transitional Nursery- Hospital of the University of Pennsylvania

- Primary care of sick neonates.

LICENSURE:

Pennsylvania

RN – 239802-L

BOARD CERTIFICATIONS:

8/98

Renewal 8/13

CRRN (Certified Rehabilitation Registered Nurse)
Certifying Body- Association of Rehabilitation Nurses

6/00

CCM (Certified Case Manager)

10/02

Renewal 12/13

CLCP (Certified Life Care Planner)
Certifying Body- Commission on Health Care Certification

SOCIETY MEMBERSHIPS

Association of Rehabilitation Nurses

American Association of Legal Nurse Consultants

International Academy of Life Care Planners

International Association of Rehabilitation Professionals in the Private Sector

American Association of Nurse Life Care Planners

Case Management Society of America

Professional Patient Advocate Institute

PUBLICATIONS:

Reviewer for Mosby Nursing Text *Sure Fire Documentation*

Contributor for *Nursing Malpractice- Second Edition- Home Health Care Chapter-*

Publication Date 10/00, Second Edition, 11/05

Spinal Cord Injury: From Emergency Care to Home., Perspectives Vol 2 No. 4

Contributor for *Principles and Practices of Legal Nurse Consulting- Second Edition- Medical Case Management Chapter, 2004*

Contributor for AALNC One Line Course, 2006- <http://www.aalnc.org>

Contributor for *Principles and Practices of Legal Nurse Consulting- Third Edition- Medical Case Management Chapter*, publication date 2010

PRESENTATIONS:

Pediatric Home Care Case Study- Board of Trustees Meeting- Visiting Nurse Association of Greater Philadelphia, 1987

Liability Issues in Managed Care- Independence Blue Cross, 1997

Liability Issues in the Age of Managed Care- Bucks County Bar Association, 1997

The Internet for Legal Nurse Consultants- New Jersey Chapter of the American Association of Legal Nurse Consultants

Basic and Advanced Life Care Planning Issues- Panel Presentation- American Association of Legal Nurse Consultants Pre- Conference presented April 2000
Topics: The Life Care Plan as a Case Management Tool, Interview Techniques, and Research. This has also been taped to use as an educational program for members.

IARP Grand Rounds, The Role of the Life Care Planner in Long Term Planning in a Worker's Compensation Case Study- New Jersey Chapter of IARP, November 2000

Documentation Issues and Charting for the Future- Presented in Philadelphia, 2001 and 2002

HIPAA Issues for Case Managers- Association of Occupational Health Nurses, 2002

Roundtable- Widener Legal Education Institute, December 2003 and March 2004

Participating as Mentor to legal nurse consulting students with an interest in Life Care Planning- Widener Education Institute- 2004-present

Roundtable- Widener Legal Education Institute, April 2005

Life Care Planning and the Elderly Client, American Association of Legal Nurse Consultants National Conference, March 2006

University of Delaware Legal Nurse Consulting Program, Mock Trial, July, 2006

Legal Issues in Home Health Care, presented at Bayada Nurses White Shoes Meeting, September 2006

Life Care Planning and End of Life Issues, American Association of Legal Nurse Consultants National Conference, April 2008

Neuropsychological Evaluation, Continuing Education Institute, Procura Management, September 2009

Meet and Greet Panel, International Symposium on Life Care Planning, September 2009

Connections for Life After Brain Injury, Moas Rehabilitation, November 2009

Neuropsychological Evaluation, Continuing Education Institute, Procura Management, April 2010

Medical Cost Projections/Life Care Planning, Continuing Education Institute, Procura Management, May 2010

Cost Containment and Creative Billing Practices, Continuing Education Institute, The Hartford Insurance National Webinar, July 2010

Anatomy and Physiology for Attorneys, NBI, Philadelphia, March 31, 2011

CONTINUING EDUCATION:

1996 Medical-Legal Consulting Institute- Certificate Program

1997 AALNC National Conference

1997 Life Care Planning: Principles and Methodology

1997 CCM Preparation Course

1998 AALNC National Conference

1998 The McKenzie Method of Physical Therapy

1998 Disability Evaluation and Malingering- Inservice for Case Managers

1998 MCMC Case Management Conference

1998 MCMC Post Conference- Life Care Planning: Resources, Research, and Applications.

1999 Mild Traumatic Brain Injury

1999 Ergonomics in the Workplace

1999 Life Care Planning: Putting it All Together

1999 Forensic Rehabilitation

1999 Life Care Planning for Multiple Disabilities-1999 Life Care Planning for Traumatic Brain Injury and Pediatric Brain Damage.

2000 AALNC National Conference

2000 Life Care Planning for Spinal Cord Injury

2000 Fifth Annual Life Care Planning Conference

2001 AALNC National Conference

2002 Mosby Advanced Case Management Seminar

2002 NJ Brain Injury Association Annual Conference

2002 Seventh Annual Life Care Planning Conference
 2003 Medicare Set Aside Trust Program
 2003 International Conference for Life Care Planning
 2004 CMSA National Conference
 2004 Overview of Geriatric Care Management
 2005 Legal and Ethical Issues in Geriatric Care Management
 2005 Medical and Health Considerations in Geriatric Care Management
 2005 Life Care Planning Considerations for the Technology Dependent Client
 2005 International Conference for Life Care Planning
 2006 AALNC National Conference
 2006 Life Care Planning Summit
 2007 International Symposium on Life Care Planning
 2008 AALNC National Conference
 2008 CMSA National Conference
 2008 International Symposium on Life Care Planning
 2009 AALNC National Conference
 2009 International Symposium on Life Care Planning
 2010 International Symposium on Life Care Planning
 2011 Professional Patient Advocacy Institute Training
 2011 International Symposium on Life Care Planning
 2011 American Association of Nurse Life Care Planners Conference
 2012 IALCP Summit

FACULTY APPOINTMENTS

2005/2006
 2006/2007
 2007/2008- University of Delaware Legal Nurse Consulting Program- Instruction in Life Care Planning Portion of Core Curriculum

 2005/Present Widener University- Mentorship Program Legal Nurse Consulting

 2009/Present Continuing Education Institute, Presenter, Various Topics to Nurses, Case Managers and Adjusters
 2011 ISLCP Symposium Education Committee

Tab 13

DAVID L. HOPKINS, ASA, MAAA
ACTUARIAL - ECONOMIC CONSULTING
182 EAST DEKALB PIKE
KING OF PRUSSIA, PA 19406
PHONE (610) 768-7180 • FAX (610) 768-7184

November 12, 2012

Stephen Raynes, Esq.
Raynes McCarty
1845 Walnut Street, 20th Floor
Philadelphia, Pa 19103

RE: Projected Personal and Medical Care
(Confidential)

Dear Mr. Raynes:

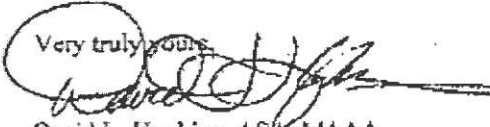
You have asked me to provide calculations regarding the projected costs of personal and medical care for your client who was born on July 29, 1993 (currently 19.3 years of age).

The costs for the care required are presented by Valerie V. Parisi, RN, CRRN, CLCP, in her life care plan report dated November 11, 2012. A summary of the costs indicated by Ms. Parisi would be as follows:

<u>Annual Costs</u>	
Projected Therapeutic Modalities.....	\$20,400.00
Medical Care.....	\$3,000.00
Medications.....	\$269.40
Facilitator/Companionship.....	\$73,000.00
Aggressive Care.....	\$22,415.00
Total.....	\$119,084.40

The above amounts would reflect total costs of \$6,787,810.80 for the remainder of the normal life expectancy of 57 years, as indicated by Ms. Parisi. The future costs of personal and medical care are calculated utilizing the total offset method, as prescribed by "Kaczkowski vs. Bolubasz", 491 Pa. 561, 421 A.2d 1027 (1980). Under this method, future increases in the cost of personal and medical care due to inflation are totally offset by the reduction of the future costs to their present value. However, costs for personal and medical care have been increasing at a rate in excess of the recent rates of general inflation in the U.S. economy. Therefore, it is appropriate to make allowances for additional increases in such future medical care costs that are in excess of the general inflationary increases that are considered by the total offset method. Based upon historical rates of medical care inflation as compared to general rates of inflation in the U.S. economy, an allowance is made in this report for 2½% additional increases for the projected costs of future care (in order to be conservative, the cost for facilitator/companionship are calculated using an excess increase of 1¼%). On this basis, the projected future personal/medical care for the 57-year remaining life expectancy period would be \$11,703,765.

Very truly yours,


David L. Hopkins, ASA, MAAA

David L. Hopkins, ASA, MAAA
Actuarial-Economic Consultant and Economic Expert

Office:
182 East DeKalb Pike
King of Prussia, PA 19406
(610) 768-7180
Fax (610) 768-7184

Residence:
801 Pine Hill Road
King of Prussia, PA 19406
(610) 293-1586

EDUCATION AND CERTIFICATION:

March 2000	Admitted as Member of the American Academy of Actuaries.
May 1992	Admitted as Associate of the Society of Actuaries (ASA) upon completion of required examinations covering the topics of advanced mathematics, statistics, applied statistics, operations research, numerical analysis, interest theory, actuarial math, risk theory, and survival models. Additional Examinations: Underwriting, Social Security, Pension Valuation Principals.
August 1991	Master of Science Degree, Actuarial Science, Temple University
May 1983	Bachelor of Science Degree in Economics, Wharton School of the University of Pennsylvania. Dual Majors: Actuarial Science and Decision Sciences.

EMPLOYMENT:

February 1980 to Present	Actuarial-Economic Consultant – Providing services in the evaluation of claims which arise from wrongful death, injury, divorce and similar matters, using actuarial methods. Admitted as expert witness for courtroom testimony: Pennsylvania, New Jersey, Delaware, New York and Connecticut.
February 1985 to November 1987	Treasurer, Finance Chairman, Comptroller, and Board Member of the Choral Arts Society of Philadelphia (non-profit symphonic chorus).

ASSOCIATIONS:

Society of Actuaries, Member of the American Academy of Actuaries, Actuaries Club of Philadelphia, American Economic Association.

ARTICLES:

"Projecting the Cost of Future Medical Expenses for Disability Cases," Legal Intelligencer, 12/29/92 (with Betsy Bates, BSN, CRRN).

PRESENTATIONS:

Middlesex, NJ Bar Association
National Business Institute, "Trying the Wrongful Death Case in Pennsylvania: Strategies in Preparation and Valuation".

Tab 14

DAVID L. HOPKINS, ASA, MAAA
ACTUARIAL - ECONOMIC CONSULTING
182 EAST DEKALA PIKE
KING OF PRUSSIA, PA 19406
PHONE (610) 766-7180 • FAX (610) 766-7184

November 7, 2012

Stephen Raynes, Esq.
Raynes McCarty
1845 Walnut Street, 20th Floor
Philadelphia, Pa 19103

RE: Lost Earning Capacity by Education

Dear Mr. Raynes:

You have asked me to provide calculations for a total loss of earning capacity and lost fringe benefits for a male with a High School Diploma; male with an Associate's Degree; or male with a Bachelor's Degree. You have indicated that your client was born on July 29, 1993 (currently 19.3 years of age) and he completed his High School Education in the Spring of 2012.

Based upon the completion of a high school diploma, the future worklife expectancy period would be approximately 48 years (entrance to the labor market at age 19 and normal full retirement at age 67). Based upon the completion of an Associate's Degree, the expected date of entrance to the labor market would have been at approximately age 21. Therefore, the future worklife expectancy period with an Associate's Degree would be 46 years based upon work to retirement at age 67. The expected date of entrance to the labor market with a Bachelor's Degree would have been approximately age 23. Therefore, the future worklife expectancy period with a Bachelor's Degree would be 44 years, based upon work through retirement at age 67.

According to information from the publication, "Consumer Income", published by the U.S. Department of Commerce, Bureau of the Census, the average level of earnings for all males in the U.S. labor market at these educational levels (across all age groupings) were as follows as of the year 2011:

High School Diploma.....	\$46,038 per year
Associate's Degree.....	\$57,479 per year
Bachelor's Degree.....	\$80,508 per year

An allowance is made for increases in the earnings levels at the rate of 3 1/2% per year, for that has been the average rate of increase for all workers earnings in the U.S. labor market over the past several years. Allowing for increases in the above levels of average earnings through the current date, the projected current level of average earnings for the three levels of educational attainment would be as follows:

High School Diploma.....	\$47,649 per year
Associate's Degree.....	\$59,401 per year
Bachelor's Degree.....	\$83,326 per year

The future lost earning capacity is calculated utilizing the total offset method, as prescribed by "Kaczkowski vs. Bolubasz", 491 PA. 561, 421 A.2d 1027 (1980). Under this method, future increases in earnings due to inflation are totally offset by the reduction of these earnings to their present value. In addition to using the total offset method, it is appropriate to make a conservative allowance for future increases in earnings due to productivity increases.

(Continued)

November 7, 2012..

-2-

Stephen Raynes

However, the allowances for productivity increases have already been taken into account by utilizing an average earnings figure (across all age groupings) for the three educational levels as described above. On this basis, the future lost earning capacity would be as follows:

High School Diploma.....	\$2,287,152 per year
Associate's Degree.....	\$2,736,586 per year
Bachelor's Degree.....	\$3,666,344 per year

It is appropriate to make a calculation for the value of lost fringe benefits in connection with the amount of lost earning capacity. Such fringe benefits would include the value of employer contributions to Social Security, retirement plans, and other fringe benefits. According to information and statistics published by the U.S. Department of Labor, the U.S. Chamber of Commerce, and the Employee Benefit Research Institute, the average value of employee fringe benefits in the U.S. labor market ranges from 20% to more than 30% of the level of the employees' earnings. For purposes of this report, the lost fringe benefits are conservatively measured at 25% of the level of lost earning capacity. The future lost fringe benefits are measured for the duration of the future worklife expectancy period, utilizing the total offset method as described previously. On this basis, the future lost fringe benefits would be as follows:

High School Diploma.....	\$571,788
Associate's Degree.....	\$684,147
Bachelor's Degree.....	\$916,586

The foregoing figures shown above are Summarized as follows:

	High School Diploma	Associate's Degree	Bachelor's Degree
Lost Earning Capacity.....	\$2,287,152	\$2,736,586	\$3,666,344
Lost Fringe Benefits	<u>571,788</u>	<u>684,147</u>	<u>916,586</u>
TOTALS.....	\$2,858,940	\$3,420,733	\$4,582,930

Very truly yours,


David L. Hopkins, ASA, MAAA

**CONFIDENTIAL
SETTLEMENT
MATERIALS
FOR PENN STATE
UNIVERSITY'S VICTIM 9**