
2017

ALASKA HIGH SCHOOL

MOCK TRIAL COMPETITION

Anchorage, March 2-4, 2017

Taylor v. True North Productions, Inc.

Case No. 3AK-16-00369 CI

OFFICIAL CASE MATERIALS & COMPETITION RULES

TEAM MEMBER'S PACKET

Including all evidence, applicable law, competition rules, and team registration forms

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Young Lawyers Section**

TABLE OF CONTENTS

Table of Contents	2
Author’s Note	4
I. Legal Documents	
Complaint.....	5
Answer	14
Stipulations	22
Jury Instructions	24
Verdict Form	33
II. Affidavits	24
For the Plaintiff:	
Affidavit of Peyton Taylor	34
Affidavit of Dakota Mills	39
Affidavit of Aspen Danielson	43
Affidavit of Dr. Morgan Francis	47
For the Defendant:	
Affidavit of Shannon Pratt	53
Affidavit of Harlow Towns	59
Affidavit of Robin Carlson	64
Affidavit of Zane Cortez	68
III. Exhibits	
Site Producer Agreement	72
Contestant Release	77
Medical Examination and Release	80
Ratings Decline Article	85
Memo from Pratt to Towns	86

Video Transcript of Drew Taylor	87
Autopsy Report	95
Competition Rules and Forms	
Contents	99
Rules of Competition	102
Modified Rules of Evidence	113
Evaluation Guidelines	122
Team Registration Form	123

2017 Alaska High School Mock Trial Problem

Taylor v. True North Productions, Inc.

Hello, and welcome to another year of mock trial. The problem for this year centers on a fictional reality television program set in remote Alaska. Contestants in Alaska Survival Extreme must persevere through the harsh conditions of the wilds of Alaska while facing a variety of demanding physical and mental challenges. (Seriously, how is this not a real show?) The show lasts for one full month, and any contestants who survive the full month share in a substantial award pool. Unfortunately, one of the contestants in the July 2016 season, Drew Taylor, died on the 22nd day of filming during a strenuous climb up a nearby mountain of a heart attack. Drew's surviving spouse, Peyton Taylor, is suing the production company, North Star Productions, Inc., for damages arising from a wrongful death.

As always, we will not be determining the amount of damages at trial. But we will, for the first time, be apportioning fault between the two parties. Meaning that the decision in this case will not be a simple finding of fault or no fault, but that each party may take part or all of the blame. Of course, from the perspective of the attorneys, this will not really change how you argue the case, since you will be arguing that all of the blame should be placed on the other party. But the hope is that by apportioning fault, students will get a more realistic experience at the simulated trials.

We have enlisted the help of medical professionals this year to help write the autopsy report and related medical documents. Do not worry if you do not fully understand all of the terminology in these documents. The necessary medical analysis is provided in the testimony of Dr. Morgan Francis for the plaintiff. There is no opposing medical expert for the defense, but Zane Cortez may be offered as an expert in wilderness survival.

The problem for this year has been a team effort. Many thanks to Prof. Kristin Knudsen for drafting most of the legal documents in the case and for assigning to students in her Legal Nurse Consultant course the task of drafting the medical documents (thank you to her students as well). Draft affidavits were provided by Lars Johnson, Sarah Park, Kevin Coe, and Kathleen Doherty. Lars and Sarah also provided invaluable editing assistance to catch multiple errors that otherwise surely would have generated panicked emails by teachers the week before trial. (This is not to say that there may not be other errors uncaught. Please feel free to bring those to my attention.)

It has been a lot of fun drafting the problem for this year. I look forward to seeing what the students do with it.

Ryan Fortson
Assistant Professor
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1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 FIFTH JUDICIAL DISTRICT AT ALASKAPOLIS

3 PEYTON TAYLOR, *as personal*)
4 *representative of the* ESTATE OF)
5 DREW TAYLOR, *deceased, on behalf*)
6 *of statutory beneficiary,* PEYTON)
7 TAYLOR, *spouse of the deceased,*)
8 Plaintiff,)

9 vs.)

10)
11 TRUE NORTH PRODUCTIONS,)
12 INC., *an Alaska corporation,*)
13 Defendant.)

Case No. 5AK-16-00369 Civil

COMPLAINT FOR
WRONGFUL DEATH AS 09.55.580

14 The Plaintiffs, through their attorneys, bring this complaint alleging as follows:

15 JURISDICTION

- 16 1. All natural persons named as parties to this action are residents of the State of Alaska and
- 17 the amount in controversy exceeds \$1,000,000, exclusive of attorney fees, interest and
- 18 costs.
- 19 2. TRUE NORTH PRODUCTIONS, INC., is an Alaska Corporation, incorporated and
- 20 existing under AS 10.06., registered under the name “TRUE NORTH PRODUCTIONS,
- 21 INC.” (hereafter “TRUE NORTH”).
- 22 3. The Superior Court has jurisdiction over this action as provided in AS 22.10.020 and AS
- 23 09.05.015.

24 PARTIES

- 25 4. PEYTON TAYLOR is the spouse of the deceased, DREW TAYLOR. DREW TAYLOR
- 26 was 44 years of age at the time of the events in question in this complaint.

1 5. PEYTON TAYLOR is the duly appointed personal representative of the ESTATE OF
2 DREW TAYLOR, which was admitted to probate in the Superior Court of the State of
3 Alaska, Fifth Judicial District, at Alaskapolis.

4 6. PEYTON TAYLOR, resides at 3020 Curlew Court, in the city of Alaskapolis, Alaska.

5 7. Hereafter, the plaintiffs, including the ESTATE OF DREW TAYLOR, are jointly
6 referred to as “PLAINTIFF.”

7 8. Defendant TRUE NORTH is a reality show and video production company that produces
8 the popular “Alaska Survival Extreme” for “RealTV”, a cable television network
9 distributed throughout the United States and Canada.

10 9. TRUE NORTH’s principal place of business and production facility is located at Divex
11 Industrial Center, Divex Drive, Unit 5, Alaskapolis, Alaska.

12 COMMON ALLEGATIONS

13 10. In the show “Alaska Survival Extreme,” ten contestants selected by TRUE NORTH are
14 placed in an Alaskan setting away from settled habitations with nothing but their
15 clothing. The contestants engage in various competitions over the next 30 days to obtain
16 “survival” gear, such as water purifiers, fishing lines and lures, fire starters, etc. The
17 show ends in 30 days or when only one contestant remains.

18 11. Contestants are “filmed” while engaging in contests and during the day for 10 hours by
19 camera operators hired by TRUE NORTH. At the end of each 10-hour day, the digital
20 capture of the day is uploaded by satellite to TRUE NORTH’s production facility in
21 Alaskapolis, where it is edited and distributed by TRUE NORTH’s employees for
22 broadcast the next day.

1 12. Contestants may leave the show at any time by looking into the camera and saying, “I
2 quit. I cannot survive extreme Alaska.”

3 13. Each day contestants remain in the show, \$5,000 per contestant is placed in a pool that, at
4 the end of the show or 30 days (whichever is shorter), will be divided evenly among all
5 remaining contestants.

6 14. Contestants who leave the show before the end lose all right to a share of the pool.
7 Instead, TRUE NORTH pays contestants who quit a small stipend of \$2,000 for each five
8 days they survived. Thus, the show is designed to reward contestants who do not leave
9 and to humiliate those who do leave.

10 15. The executive producer of “Alaska Survival Extreme” is Shannon Pratt, whose duties as
11 executive producer include assuring the safety of contestants and show staff.

12 16. Harlow Towns, host and site producer of “Alaska Survival Extreme,” is an employee of
13 defendant TRUE NORTH and had the authority to remove contestants from the show
14 against their will.

15 17. TRUE NORTH advertises for new contestants in anticipation of each new production of
16 the show. Advertisements appear on talk shows, variety shows, and in morning news
17 segments for promotional value.

18 18. Drew Taylor viewed one such promotional appearance on “Good Morning World.”
19 Drew Taylor obtained an application, which he completed fully and mailed to TRUE
20 NORTH.

21 19. TRUE NORTH provided all selected contestants with a general physical fitness exam and
22 an application that requested detailed information of the applicant’s health history.

- 1 20. Following the application and examination, Drew Taylor was selected as one of ten
2 contestants on “Alaska Survival Extreme” by TRUE NORTH for the July 2016 episode
3 and was administered a wilderness survival skill test on which s/he received a passing
4 score.
- 5 21. Prior to the appearance on “Alaska Survival Extreme,” Drew Taylor completed the
6 Johnson Pass Trail, the Crow Pass Crossing (not as a part of the run that occurs in July),
7 and the Six Mile portage.
- 8 22. At all relevant times, Drew Taylor relied on the education and experience of TRUE
9 NORTH’s employees for guidance.
- 10 23. For the July 2016 season, TRUE NORTH transported the contestants, including Drew
11 Taylor, by helicopter to a base camp at about 4,000 feet above sea level, which was just
12 at tree line in this part of Alaska.
- 13 24. During the first three weeks of the July 2016 season, Drew Taylor completed such
14 competitions as fording an icy stream, squirming through tough willow scrub to find
15 eggs, crossing a mosquito-ridden bog in heavy mud, and traversing steep scree slopes.
16 Although s/he was tired by the end of each day, s/he demonstrated persistence and a
17 cooperative attitude toward other contestants. At no point before July 22, 2016 did site
18 producer Harlow Towns or other employees of TRUE NORTH suggest to Drew Taylor
19 that s/he should leave the show or that future competitions would be far too difficult for
20 him/her to complete.
- 21 25. On July 21, 2016, the seven remaining contestants were instructed that their next
22 “challenge”, to occur on July 22, 2016, was to climb Mr. Pleasant to the 12,000-foot level
23 (an elevation gain of 8,000 feet from the base camp).

1 26. The reward, if all contestants completed the climb, was a rifle, which would allow the
2 contestants to hunt game. No rifle would be given if any contestant failed to complete
3 the challenge. The contestants' efforts to trap game or otherwise obtain meat had been
4 unsuccessful to this point, and the prospect of a rifle represented a significant reward.

5 27. Early in the morning of July 22, 2016, Harlow Towns instructed TRUE NORTH's
6 camera operators to place themselves at points along the route the contestants would pass,
7 in order to capture the contestants' responses to the challenge of the climb, including
8 their exhaustion. A helicopter, contracted by TRUE NORTH, was used to transport the
9 camera operators along the route and was available to respond to a call by Towns.

10 28. On or about 10:00 a.m., July 22, 2016, the seven contestants, under the direction of
11 Towns, left the 4,000-foot base camp and began the 10-mile climb to 12,000 feet.

12 29. On the day of the climb, the National Oceanic and Aeronautic Administration's Alaska
13 Forecast Office recorded that the air temperature for Mount Pleasant was unusually
14 warm, approximately 77° Fahrenheit (25° Celsius) above 4,000 feet in the area; the
15 temperature at ground level was somewhat warmer in direct sun, but slightly cooler in the
16 shade of rock outcrops.

17 30. After four hours of steady hiking, the contestants had achieved 2,500 feet of elevation
18 gain. Drew Taylor complained of a throbbing headache and difficulty breathing, but was
19 persuaded to continue by the other contestants and without intervention by Towns.

20 31. Symptoms of acute mountain sickness (AMS), also called altitude sickness, typically
21 include headache, fatigue, difficulty breathing, nausea, and occasionally vomiting. As it
22 progresses, high altitude cerebral edema (HACE) can result, which may be fatal. HACE

1 symptoms include headache, dizziness, blurry vision, and disorientation. Descent is the
2 only treatment.

3 32. Over the next two hours, Drew Taylor and the other contestants achieved another 1,500
4 feet of elevation gain, but Drew Taylor, who was experiencing increased shortness of
5 breath and severe chest pain, complained repeatedly he could not breathe.

6 33. The onset of pulmonary edema (fluid in the lungs) due to altitude sickness (HAPE) can
7 happen to anyone at altitudes of 8,000 feet or above. HAPE is fatal if untreated; descent
8 and oxygen are the only effective treatments. At this point, the group of contestants was
9 at 8,000 feet, having doubled their altitude inside three hours.

10 34. In view of the camera operator and other contestants, Towns asked Drew Taylor if Drew
11 wanted to “quit.” Towns did not examine Drew Taylor to determine if Drew was too sick
12 to continue or too confused to make a rational, informed, and voluntary decision.

13 35. Drew Taylor was confused, unable to breathe, and in pain from HAPE. Towns allowed
14 the other contestants to harass and yell at Drew in order to create conflict and drama to
15 benefit the show.

16 36. Although Towns asked Drew Taylor if Drew would like the helicopter called, Towns did
17 not examine Drew Taylor, nor did Towns provide oxygen to Drew Taylor, nor did Towns
18 order Drew removed on grounds of serious illness.

19 37. Drew Taylor was sick, unable to breathe fully, exhausted, disoriented, and in pain, but
20 was pressured to continue because the other contestants needed a gun to get meat, as the
21 show was designed to promote such pressure from the contestants by TRUE NORTH.

22 38. About five minutes later, Drew Taylor collapsed and died of a heart attack brought on by
23 HAPE and exhaustion.

COUNT I: WRONGFUL DEATH DUE TO NEGLIGENCE

39. Plaintiffs incorporate by reference the allegations contained in paragraphs 1 through 38 above.

40. Defendant TRUE NORTH breached the duty of care owed to Drew Taylor when it designed a high altitude “challenge” that exposed the contestants to a high risk of fatal injury or illness without making provision for avoiding injury or illness, or informing contestants of the symptoms of acute mountain sickness;

41. Defendant TRUE NORTH was negligent when it hired and supervised Harlow Towns as the host and site producer of Alaska Survival Extreme, and when it placed Towns in charge of a challenging high altitude climb without resources for treatment of altitude sickness or knowledge of symptoms of HAPE and HACE.

42. TRUE NORTH breached a duty of care owed to Drew Taylor by allowing the challenge of climbing Mount Pleasant on July 22, 2016 to go forward as designed despite the risk of injury or illness; failing to examine Drew Taylor at the first sign of AMS; failing to recognize that, disoriented, exhausted, in pain, and unable to breathe, Drew Taylor was unable to exercise an informed and voluntary choice to continue; failing to prevent other contestants from taunting and bullying a sick man; and failing to relieve Drew Taylor’s suffering by requiring descent and providing oxygen.

43. Defendant TRUE NORTH breached the duty of care owed to Drew Taylor and other contestants by selecting as contestants persons who create and foment conflict, who bully other contestants, and who ignore or ridicule the real suffering of other contestants, in order to benefit thereby, regardless of the risk of serious injury or illness to contestants;

1 44. Defendant TRUE NORTH breached the duty of care owed to Drew Taylor by subjecting
2 a sick, disoriented, suffering Drew Taylor, to harassment, demeaning pressure, and anger
3 from fellow contestants for TRUE NORTH's own benefit, and without regard for safety
4 or the contestants under Defendant's care;

5 45. As a direct, natural, and proximate result of Defendant TRUE NORTH's negligence in
6 the design and conduct of the July 2016 episode of its show, Alaska Survival Extreme,
7 Drew Taylor was exhausted, dehydrated, subjected to AMS and HAPE, severe pain,
8 distress, disorientation, and, as a result suffered a massive heart attack, convulsive agony,
9 and death.

10 46. As a result of the death of Drew Taylor, Plaintiff suffered damages as follows:

- 11 a. Past loss of economic support, from the death of Drew Taylor through the date of
12 trial, in the form of wages, self-employment earnings, retirement contributions,
13 and health insurance contributions, and other property.
- 14 b. Future loss of economic support that Drew Taylor's spouse PEYTON could have
15 reasonably expected to receive from Drew Taylor, from the date of trial to the end
16 of ordinary life expectancy, including lost future earnings, retirement
17 contributions, health insurance contributions, and all other forms of economic
18 support and property.
- 19 c. Loss of past and future loss of assistance or services that Drew Taylor reasonably
20 could have been expected to give to PEYTON TAYLOR, if Drew Taylor had
21 continued to live.

- 1 d. Loss of earnings or money that Drew Taylor would have earned and saved, after
2 providing for support of spouse PEYTON TAYLOR during the rest of Drew
3 Taylor's lifetime if Drew had not died on July 22, 2016.
- 4 e. The loss of society, comfort, care, protection, affection, and companionship that
5 Drew Taylor reasonably could have been expected to give to spouse PEYTON
6 TAYLOR if Drew Taylor had continued to live.
- 7 f. A fair amount to compensate PEYTON TAYLOR for the sorrow, mental distress
8 and grief suffered because of the death of Drew Taylor.

9 47. The Plaintiff seeks damages to compensate for the above harm and pain suffered by Drew
10 Taylor before death in an amount to exceed \$1,000,000.00.

11

12 WHEREFORE, the plaintiffs request this Court enter judgment in their favor and
13 against Defendants in an amount exceeding \$1,000,000.00 (one million dollars) to be
14 established at trial, and for costs of litigation, interest, and attorneys' fees.

15

16 Respectfully submitted this 1st day of December, 2016, at Alaskapolis, Alaska.

17 By: _____
18 Attorney for Plaintiff

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIFTH JUDICIAL DISTRICT AT ALASKAPOLIS

PEYTON TAYLOR, as personal
representative of the ESTATE OF
DREW TAYLOR, *deceased*, on behalf of
statutory beneficiaries,

Plaintiff,

vs.

TRUE NORTH PRODUCTIONS, INC.,
an Alaska corporation.

Defendant.

Case No. 5AK-16-00369 Civil

ANSWER TO COMPLAINT FOR
WRONGFUL DEATH
AS 09.55.580

Defendant, TRUE NORTH PRODUCTIONS, INC., through its attorneys, answers the Complaint for Wrongful Death filed herein by PEYTON TAYLOR, as personal representative of the ESTATE OF DREW TAYLOR, deceased, on behalf of the statutory beneficiaries, as follows:

1. Defendant ADMITS that all natural persons named as parties are residents of Alaska. Hereinafter, all plaintiffs to this action, natural persons or otherwise, are jointly referred to in the singular as "Plaintiff." Without admitting liability, Defendant admits that Plaintiff has filed a complaint claiming an amount that exceeds \$1,000,000.
2. Defendant ADMITS the allegations of ¶ 2 of Plaintiff's complaint. Defendant further ADMITS that the Superior Court has jurisdiction over this action.
3. Defendant ADMITS the allegations of ¶ 4, ¶ 5, ¶ 6, and ¶ 8 and ¶ 9 of Plaintiff's complaint.
4. The allegations of ¶ 7 of Plaintiff's complaint do not call for an admission or denial, and therefore neither is offered.

5. Defendant ADMITS the allegations of ¶ 10, ¶ 11, ¶ 12, and ¶ 13 of Plaintiff's complaint.
6. As to ¶ 14 of Plaintiff's complaint, Defendant ADMITS that contestants who leave the show prior to the end of the contest forfeit their right to a share of the pool but instead are compensated \$2,000 for each five days survived. The Defendant DENIES the further allegations of Plaintiff's ¶ 14.
7. As to ¶ 15 of Plaintiff's complaint, Defendant ADMITS that Shannon Pratt is the executive producer of Alaska Survival Extreme, but DENIES that s/he was specifically assigned the duty to "assur[e] safety of contestants and show staff."
8. As to ¶ 16 of Plaintiff's complaint, Defendant ADMITS Harlow Towns was an employee on a project-term contract with TRUE NORTH PRODUCTIONS, INC. Defendant ADMITS Towns had authority to remove contestants from the show.
9. Defendant ADMITS the allegations in ¶ 17, ¶ 19, and ¶ 20 of Plaintiff's complaint.
10. In answer to the allegation in ¶ 18 of Plaintiff's complaint, Defendant lacks information and belief on the subject sufficient to form an answer to the statement beginning "Drew Taylor viewed" and ending "World", and based on that lack of information and belief DENIES the allegation. Defendant ADMITS the remainder of ¶ 18 of Plaintiff's complaint.
11. In answer to the allegation in ¶21, Defendant has no information and belief on the subject sufficient to form an answer, and based on that lack of information and belief DENIES the allegations.

STIPULATIONS

12. Defendant lacks information and belief to know the state of mind of the contestants, individually or generally, and therefore DENIES the allegations of ¶ 22 of Plaintiff's complaint.
13. Defendant ADMITS the allegations of ¶ 23 of Plaintiff's complaint.
14. Defendant ADMITS the allegations contained in the first sentence of ¶ 24 of Plaintiff's complaint; and DENIES the remaining allegations contained in ¶ 24 of Plaintiff's complaint.
15. Defendant ADMITS the allegations in ¶ 25, ¶ 26, ¶ 27, ¶ 28, and ¶ 29 of Plaintiff's complaint.
16. Defendant ADMITS that the contestants had reached the 6,500-foot level of Mt. Pleasant at approximately 2:00 p.m. The Defendant DENIES the remaining allegations of Plaintiff's complaint ¶ 30.
17. The allegations of ¶ 31 do not call for admission or denial respecting the incident that is the subject of the complaint; the Defendant lacks information on which to base a response and therefore DENIES the allegations of ¶ 31 of Plaintiff's complaint.
18. Regarding ¶ 32 of Plaintiff's complaint, Defendant ADMITS the contestants achieved an elevation gain of 1,500 feet in the two hours from 2:00 p.m. to 4:00 p.m., and the Defendant ADMITS Drew Taylor repeated, at least twice, that he "can't breathe" but, lacking information or belief to form a response, DENIES the remaining allegations of ¶ 32.
19. Regarding the first two sentences of ¶ 33 of Plaintiff's complaint, the Defendant lacks information and belief and therefore DENIES the allegations contained in them.

Plaintiff ADMITS the contents of the third sentence of Plaintiff's complaint ¶ 33.

STIPULATIONS

20. Regarding ¶ 34 of Plaintiff's complaint, Defendant ADMITS that Harlow Towns asked Drew Taylor if he wished to quit the hike and withdraw from the competition. Defendant DENIES that Towns was under a legal obligation to subject Taylor to an "examination," and, to the extent that the allegation assumes Towns did not observe Taylor, Defendant DENIES the same.
21. Regarding the first sentence of ¶ 35 of Plaintiff's complaint, Defendant DENIES that DREW TAYLOR was confused, and lacks information upon which to base an answer as to the remaining allegations of the first sentence and so DENIES them. As to the second sentence of ¶ 35 of Plaintiff's complaint, Defendant DENIES that the other contestants harassed Plaintiff's decedent, or that Towns "allowed" harassment to "create conflict and drama to benefit the show."
22. Regarding ¶ 36 of Plaintiff's complaint, Defendant DENIES that Towns owed a professional duty to examine or treat Plaintiff's decedent, as Plaintiff's decedent was not a patient in Town's care, nor was Defendant a provider of health care. Defendant ADMITS that Towns asked if Plaintiff's decedent would like to have a helicopter called. Defendant further alleges that there was oxygen available in the helicopter.
23. Regarding ¶ 37 of Plaintiff's complaint, Defendant DENIES the allegations regarding Plaintiff's decedent's mental and emotional state for lack of information and belief; Defendant ADMITS the show, like many other game and reality shows, is a contest, and as such, there is competitive pressure among and between contestants.
24. Regarding ¶ 38 of Plaintiff's complaint, Defendant ADMITS Drew Taylor collapsed and died on July 22, 2016, but is without sufficient knowledge to know the cause of

STIPULATIONS

- death, and based on that lack of information and belief DENIES the remaining allegations in the paragraph.
25. Regarding ¶ 39 of Plaintiff's complaint, Defendant incorporates its answers and allegations above.
 26. Defendant DENIES ¶ 40 of Plaintiff's complaint, and in particular that it owed a duty of care, breached a duty of care or negligently failed to inform contestants of the risks involved in the program.
 27. Defendant DENIES ¶ 41 of Plaintiff's complaint and in particular that it was in anyway negligent, but admits that it hired Harlow Towns.
 28. Defendant DENIES ¶ 42 of Plaintiff's complaint in its entirety.
 29. Defendant DENIES ¶ 43 of Plaintiff's complaint fully and more specifically denies that it owed a duty of care to contestants described by Plaintiff or that it breached any duty of care owed to Plaintiff's decedent in the selection of contestants.
 30. Defendant DENIES ¶ 44 of Plaintiff's complaint, including the allegation that contestants were "under [Defendant's] care".
 31. Defendant DENIES ¶ 45 of Plaintiff's complaint except to admit that Drew Taylor died on July 22, 2016.
 32. Defendant DENIES liability for any and all damages allegedly suffered by Plaintiff as a result of the death of Plaintiff's decedent set out in ¶ 46 and ¶ 47 of Plaintiff's complaint; and, to the extent that specific damages are alleged in ¶ 46 and ¶ 47, Defendant lacks information on which to base an answer and therefore specifically DENIES the same.

STIPULATIONS

FIRST AFFIRMATIVE DEFENSE

CONTRIBUTARY NEGLIGENCE AS 09.17.060

33. At the time of the incident alleged in Plaintiff's complaint, DREW TAYLOR, decedent, failed to exercise reasonable or ordinary care for Drew Taylor's own safety such that the injuries, death, and damages allegedly sustained by decedent were caused or contributed to by decedent's own negligence. Therefore, under Alaska law, Plaintiff's recovery, if any, from Defendant must be diminished in proportion to the amount of negligence attributable to Plaintiff's decedent.
34. Prior to the incident alleged in Plaintiff's complaint, Drew Taylor, Plaintiff's decedent, and with his spouse, PEYTON TAYLOR, knowingly completed a medical information form prior to selection that minimized DREW TAYLOR's pre-existing heart condition, knowing of the physical demands "Alaska Survival Extreme" contestants face, with the intent of inducing Defendant to select DREW TAYLOR for a contestant spot in the July 2016 season of "Alaska Survival Extreme", thereby failing to exercise reasonable or ordinary care for DREW TAYLOR's own safety such that the injuries, death, and damages allegedly sustained by decedent were caused or contributed to by decedent's own negligence. Therefore, under Alaska law, Plaintiff's recovery, if any, from Defendant must be diminished in proportion to the amount of negligence attributable to Plaintiff's decedent and Plaintiff's spouse.
35. On two occasions during the July 22, 2016 hike, prior to DREW TAYLOR's death, DREW TAYLOR was offered the opportunity to leave, to stop hiking and to be transported at no expense down Mt. Pleasant by helicopter, and to obtain such care and attention as he required, but DREW TAYLOR refused the offer, with knowledge

STIPULATIONS

of DREW TAYLOR's own physical condition, and thereby failed to exercise reasonable or ordinary care for DREW TAYLOR's own safety such that the injuries, death, and damages allegedly sustained by decedent were caused or contributed to by decedent's own negligence. Therefore, under Alaska law, Plaintiff's recovery, if any, from Defendant must be diminished in proportion to the amount of negligence attributable to Plaintiff's decedent.

SECOND AFFIRMATIVE DEFENSE

EXPRESS WAIVER

36. Prior to the incident alleged in Plaintiff's complaint, Drew Taylor, Plaintiff's decedent, and Defendant entered into an agreement by which the decedent, being fully informed of the risks of participating as a contestant on "Alaska Survival Extreme," expressly agreed to assume all risk associated with participation as a contestant and to hold Defendant harmless for any injuries, death, or damages due to Defendant's negligence and sustained by Plaintiff while engaging in participation as a contestant on "Alaska Survival Extreme."

THIRD AFFIRMATIVE DEFENSE

ASSUMPTION OF INHERENT RISK OF SPORTING ACTIVITY

37. Drew Taylor, Plaintiff's decedent, voluntarily assumed the inherent risks of listed sporting activities (including, but not limited to, hiking and mountain climbing), and therefore is legally responsible for the injuries or death of Plaintiff's decedent due to those dangers or conditions that are characteristic of, intrinsic to, or an integral part of mountain climbing and hiking, pursuant to AS 09.65.290.

STIPULATIONS

Estate of Taylor v. True North Productions, Inc.
5AK-16-00369 Civil

WHEREFORE, defendant respectfully requests that:

38. Plaintiff's complaint be dismissed with prejudice and that Plaintiff take nothing;
39. Defendant be awarded the costs of this action and attorneys' fees pursuant to Alaska Rule of Civil Procedure 82; and
40. Defendant be granted such other and further relief as the court may deem proper.

Dated this 15th day of December, 2016 at Alaskapolis, Alaska.

Attorney for Defendant

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIFTH JUDICIAL DISTRICT AT ALASKAPOLIS

PEYTON TAYLOR, <i>as personal</i>)	
<i>representative of the</i> ESTATE OF)	
DREW TAYLOR, <i>deceased, on behalf</i>)	
<i>of statutory beneficiary,</i> PEYTON)	
TAYLOR, <i>spouse of the deceased,</i>)	
Plaintiff,)	
)	
vs.)	
)	Case No. 5AK-16-00369 Civil
TRUE NORTH PRODUCTIONS,)	
INC., <i>an Alaska corporation,</i>)	
Defendant.)	
_____)	

STIPULATIONS

It is stipulated for purposes of this [Mock] Trial that the following facts have been properly introduced into evidence and may be relied upon by the parties in the presentation of their case:

I.

All exhibits included in these case materials are authentic and are accurate in all respects; no objections to the authenticity of the exhibits will be entertained. All affidavits are considered part of the case materials and may be used during trial as would any sworn statement. The signatures on the affidavits are to be considered authentic.

II.

The autopsy provided by Chris Thygesen is the only examination of Drew Taylor following her/his death.

III.

The transcript of statements made on video by Drew Taylor is considered to be an accurate recording of statements actually made and can be used by either party to the extent otherwise admissible under the Rules of Evidence. All videos were recorded between 8:00 p.m. and 9:00 p.m. on the evening of the date listed in the transcript.

IV.

The parties have agreed that for the purposes of this trial, fault is to be attributed only to the named parties in this case. No fault is to be attributed to any possible third parties.

V.

The witnesses for the plaintiff are:

1. Peyton Taylor
2. Dakota Mills
3. Aspen Danielson
4. Dr. Morgan Francis

VI.

The witnesses for the defense are:

1. Shannon Pratt
2. Harlow Towns
3. Robin Carlson
4. Zane Cortez

ATTORNEYS FOR
PEYTON TAYLOR

By: _____ /s/

ATTORNEYS FOR
TRUE NORTH PRODUCTIONS, INC.

By: _____ /s/

STIPULATIONS

Estate of Taylor v. True North Productions, Inc.
5AK-16-00369 Civil

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FIFTH JUDICIAL DISTRICT AT ALASKAPOLIS

PEYTON TAYLOR, *as personal*)
representative of the ESTATE OF)
DREW TAYLOR, *deceased, on behalf*)
of statutory beneficiary, PEYTON)
TAYLOR, *spouse of the deceased,*)
Plaintiff,)
)
vs.)
)
TRUE NORTH PRODUCTIONS,)
INC., *an Alaska corporation,*)
Defendant.)
_____)

Case No. 5AK-16-00369 Civil

JURY INSTRUCTIONS

FOUNDATIONAL INSTRUCTIONS

Introduction

Members of the jury, you have now heard and seen all of the evidence in the case and you have heard argument about the meaning of the evidence. We have reached the stage of the trial where I instruct you about the law to be applied.

It is important that each of you listen carefully to the instructions. Your duty as jurors does not end with your fair and impartial consideration of the evidence. Your duty also includes paying careful attention to the instructions so that the law will properly and justly be applied to the parties in this case. You will have a copy of my instructions with you when you go into the jury room to deliberate and to reach your verdict. But it is still absolutely necessary for you to pay careful attention to the instructions now. Sometimes the spoken word is clearer than the written word, and you should not miss the chance to hear the instructions. I will give them to you as clearly as I can in order to assist you as much as possible.

The order in which the instructions are given has no relation to their importance. The length of instructions also has no relation to importance. Some concepts require more explanation than others, but this does not make longer instructions more important than shorter ones. All of the instructions are important and all should be carefully considered. You should understand each instruction and see how it relates to the others given.

Direct and Circumstantial Evidence

Evidence is either direct or circumstantial. Direct evidence, if you accept it as true, proves a fact. Circumstantial evidence, if you accept it as true, proves a fact from which you may infer that another fact is also true.

Let me give you an example. Let us pretend that as a juror you are asked to decide the following question: Did snow fall during a particular night? Direct evidence would be a witness testifying that the witness awoke during that night, went to the window, and saw the snow falling. From this evidence you could conclude that snow fell during the night.

Circumstantial evidence would be a witness testifying that the ground was bare when the witness went to sleep at 10:00 p.m., but the next morning when the witness awoke and looked out the window, the witness saw that the ground was covered with snow. From this evidence you could also conclude that snow fell during the night.

Facts may be proved by either direct or circumstantial evidence. The law accepts each as a reasonable method of proof.

Witness Credibility

You have heard a number of witnesses testify in this case. You must decide how much weight to give the testimony of each witness.

In deciding whether to believe a witness and how much weight to give a witness's testimony, you may consider anything that reasonably helps you to evaluate the testimony. Among the things that you should consider are the following:

- (1) the witness's appearance, attitude, and behavior on the stand and the way the witness testified;
- (2) the witness's age, intelligence, and experience;
- (3) the witness's opportunity and ability to see or hear the things the witness testified about;
- (4) the accuracy of the witness's memory;
- (5) any motive of the witness not to tell the truth;
- (6) any interest that the witness has in the outcome of the case;
- (7) any bias of the witness;
- (8) any opinion or reputation evidence about the witness's truthfulness;
- (9) any prior criminal convictions of the witness which relate to honesty or veracity;

- (10) the consistency of the witness's testimony and whether it was supported or contradicted by other evidence.

You should bear in mind that inconsistencies and contradictions in a witness' testimony, or between a witness's testimony and that of others, do not necessarily mean that you should disbelieve the witness. It is not uncommon for people to forget or to remember things incorrectly and this may explain some inconsistencies and contradictions. It is also not uncommon for two honest people to witness the same event and see or hear things differently. It may be helpful when you evaluate inconsistencies and contradictions to consider whether they relate to important or unimportant facts.

If you believe that part of a witness's testimony is false, you may also choose to distrust other parts of that witness's testimony, but you are not required to do so. You may believe all, part, or none of the testimony of any witness. You need not believe a witness even if the witness's testimony is uncontradicted. However, you should act reasonably in deciding whether you believe a witness and how much weight to give to the witness's testimony.

You are not required to accept testimony as true simply because a number of witnesses agree with each other. You may decide that even the unanimous testimony of witnesses is erroneous. However, you should act reasonably in deciding whether to reject uncontradicted testimony.

When witnesses are in conflict, you need not accept the testimony of a majority of witnesses. You may find the testimony of one witness or of a few witnesses more persuasive than the testimony of a larger number.

Expert Witnesses

Expert witnesses will testify in this case. Experts have special training, education, skills or knowledge that may be helpful to you. In deciding whether to believe an expert and how much weight to give expert testimony, you should consider the same things that you would when any other witness testifies. In addition, you should consider the following things:

- (1) the special qualifications of the expert;
- (2) the expert's knowledge of the subject matter involved in the case;
- (3) the source of the information considered by the expert; and
- (4) the reasons given for the expert's opinion.

As with other witnesses, you must decide whether or not to believe an expert and how much weight to give to expert testimony. You may believe all, part, or none of the testimony of an expert witness. You need not believe an expert even if the testimony is uncontradicted. However, you should act reasonably in deciding whether you believe an expert witness and how much weight to give expert testimony.

Evaluation of Evidence

The weight to be given the evidence is for you to determine. You must examine the evidence carefully and decide how to evaluate it in light of the law that I have given you in these instructions. In your deliberations, you must not be governed by mere sentiment, unsupported conjecture, sympathy, passion, prejudice, public opinion, or public feeling. You should consider the evidence in light of your own common sense and observations and experiences in everyday life. But you may not consider other sources of information not presented to you in this court.

Your consideration of this case should be based solely on the evidence presented and the instructions I have given. The parties to this action are entitled to have a calm, careful, conscientious appraisal of the issues presented to you. Sympathy, bias or prejudice should not have the slightest influence upon you in reaching your verdict.

Objections

There are rules of law that control what evidence you can consider. When a lawyer asks a question or offers an exhibit into evidence, and the lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. If I overrule the objection, the question may be answered or the exhibit received. If I sustain the objection, the question cannot be answered, or the exhibit be received. Whenever I sustain an objection to a question addressed to a witness, you must disregard the question entirely, and must not draw any inference from the wording of it, nor speculate as to what the witness would have said if permitted to answer the question. If I sustain an objection to a question after an answer has been given, then you must disregard the question and the answer.

Sometimes I may order that evidence be stricken from the record and that you disregard or ignore the evidence. In that case, you must not consider the evidence which I told you to disregard. You may wonder why some evidence must be excluded or disregarded when it appears to be of some interest to you. The rules that govern what evidence can be received are designed to do two

things. First, they try to help you focus on important and reliable evidence by keeping out interesting but not very important or reliable information. Second, the rules help you decide the case objectively without being swayed by information that might cause you to respond emotionally.

Many of us have said to ourselves from time to time something like “I wish I never heard that about someone, because it makes it impossible for me to be unbiased now.” The law tries to protect jurors from this natural human reaction. It is because the law protects what jurors hear that we have such confidence in the impartiality and integrity of the jury.

You should not be influenced by the fact that objections are made or that requests are made that I take certain actions; nor should you be influenced by the number of objections or requests that are made. Objections or requests are not evidence. Please remember that my rulings that exclude evidence or that bar questions are designed to help you decide the case fairly. When I allow testimony or other evidence to be introduced over the objection of a lawyer, I do not mean to suggest any opinion as to the weight or effect of such evidence.

SUBSTANTIVE INSTRUCTIONS

Preponderance of the Evidence

Some of the instructions that follow ask you to decide whether something is more likely true than not true. Something is more likely true than not true if you believe that the chance that it is true is even the slightest bit greater than the chance that it is not true. In more familiar language, something is more likely true than not true if you believe that there is a greater than 50 percent chance that it is true. Fifty-one percent probability is enough; no more is required for you to decide that something is more likely true than not true. If you believe that the chance that something is true is 50/50 or less, you must decide that it is not true.

Wrongful Death

The plaintiff in this case, PEYTON TAYLOR, is the personal representative of DREW TAYLOR, who is deceased. This lawsuit arises out of the death of DREW TAYLOR. The law allows the plaintiff to bring this lawsuit on behalf of Drew Taylor’s spouse and children.

The plaintiff claims that the defendant, TRUE NORTH PRODUCTIONS INC., is legally responsible for DREW TAYLOR's death and for loss caused to the deceased's beneficiaries by the death. You must decide whether the defendant is legally responsible for the death and, if so, the percentage of fault that should be assigned to the defendant.

Plaintiff also seeks compensation for the deceased's beneficiaries for the loss suffered because of the death of the deceased, but you are not to consider that part of the plaintiff's case now. The question of compensation will only be decided if you decide in favor of the plaintiff, in whole or in part. If you decide in favor of the plaintiff, the trial will reconvene to hear evidence on the plaintiff's claims for damages, that is, the amount of money that should be paid to fairly compensate the plaintiff for each claim. However, you should not think of that now. You may not assume that my mentioning an item of loss or damages means that you are required to make an award for that loss.

Employer Liability

Part of the plaintiff's case concerns a claim that the defendant, TRUE NORTH PRODUCTIONS, INC., is legally responsible for the action, or failure to act, of its employees. An employer is legally responsible for an employee's conduct that is within the course and scope of the employee's employment.

To determine if an employee's conduct was within the scope of [his][her] employment, you must consider the following factors:

(1) whether the employer expressly authorized the employee's conduct, or the employee's conduct was similar to conduct that the employer authorized, or the employee's conduct was not a remote or improbable occurrence in connection with authorized conduct;

(2) whether the employee's conduct occurred substantially within the time and place authorized by the employer; and

(3) whether the employee's conduct was motivated, at least in part, by an intent to serve the employer.

The presence of a factor suggests that the employee's conduct was within the scope of [his][her] employment. On the other hand, the absence of a factor suggests that the employee's conduct was not within the scope of [his][her] employment.

Wrongful Death by Negligence

The plaintiff in this case claims the defendant, TRUE NORTH PRODUCTIONS INC., is legally responsible for DREW TAYLOR's death because of the defendant's negligence.

In order to find that the plaintiff is entitled to recover, you must decide it is more likely true than not true that:

1. TRUE NORTH was negligent;
2. Drew Taylor died; and
3. the defendant's negligence was a substantial factor in causing Drew Taylor's death.

Keep in mind that the mere fact that Drew Taylor died does not mean that True North Productions Inc. or its employees were negligent. The defendant claims that the death resulted, in whole or in part, from Drew Taylor's own negligence. In order to find that Drew Taylor was negligent, you must decide it is more likely true than not true that:

- (1) Drew Taylor was negligent; and
- (2) Drew Taylor's negligence was a substantial factor in causing the plaintiff's harm.

Instructions on the verdict form will tell you what to do if you decide that both the defendant and the plaintiff were negligent.

Definition of Negligence

Negligence is the failure to use reasonable care to prevent harm to oneself or to others. A person can be negligent by acting or by failing to act. A person is negligent if he or she does something that a reasonably careful person would not do in the same situation or fails to do something that a reasonably careful person would do in the same situation. The law does not require exceptional caution or skill, only reasonable care.

You must decide how a reasonably careful person would have acted in plaintiff's AND defendant's situation. You have heard evidence that one of the persons the plaintiff claims acted negligently has a health care provider license. However, the plaintiff is not claiming that anyone breached a health care provider's standard of care toward a patient. The only standard you should consider is how a reasonably careful person would have acted in the circumstances.

Definition of Substantial Factor

Negligence is a substantial factor in causing harm if:

(1) the harm would not have occurred without the negligence; and

(2) the negligence was important enough in causing the harm that a reasonable person would hold the negligent person responsible. The negligence cannot be a remote or trivial factor.

Several factors may operate at the same time, either independently or together, to cause harm. In such a case, each may be a substantial factor in causing the harm. A person's negligence may be a substantial factor in causing the harm even though another condition, event, or the conduct of another person was also a substantial factor in causing the harm.

Inherent Risk of a Recreational Activity

An Alaska statute, AS 09.65.290, provides that a person who participates in a sports or recreational activity assumes the inherent risks in that activity and is responsible for all injuries or death of that same person that result from the "inherent risks" in that sports or recreational activity. Hiking, backcountry trips, and mountain climbing are included in the statute's definition of "sports or recreational activity." Inherent risks mean those dangers or conditions that are characteristic of, intrinsic to, or an integral part of a sports or recreational activity.

However, this law does not exempt from liability for negligence a provider, such as defendant TRUE NORTH PRODUCTIONS INC., who promotes, offers, or conducts a sports or recreational activity, for pay or otherwise, if the provider's negligence was the proximate cause of the participant's injury or death. In other words, (1) if you find that Drew Taylor was participating in a sports or recreational activity, (2) then True North Productions Inc. may not be held liable for any harm arising from the "inherent risks" of the activity, (3) but True North Productions Inc. may be held liable for negligence that created unnecessary danger and unreasonable risks that are not within the scope of the "inherent risks" of the activity, (4) if, and only if, such unreasonable risks or unnecessary danger was a substantial factor in bringing about the death.

Waiver

The defendant in this case, TRUE NORTH PRODUCTIONS INC., claims that Drew Taylor signed a release of liability for injuries and death, waiving any claims that could be brought against it. The defendant claims that the defendant's liability for negligence, if there was any, is excused because plaintiff's decedent waived defendant's liability for any injuries or death resulting from participating as a contestant on Alaska Survival Extreme.

Defendant's liability, if any, is excused for this reason if it is more likely true than not true:

(1) that Drew Taylor's death resulted from a risk or danger within the scope of the release;

and

(2) that Drew Taylor freely and intentionally waived the right to recover for any injuries or death resulting from such risk or danger.

If you decide that both of these things are more likely true than not true, the defendant is excused for its liability and you must return a verdict for the defendant. Otherwise, the defendant is not excused by the waiver. For example, the waiver would not excuse the defendant from negligent design or conduct of activities not reasonably contemplated by the waiver. A waiver cannot protect the defendant against unreasonable risks or failure to exercise reasonable care.

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
 FIFTH JUDICIAL DISTRICT AT ALASKAPOLIS

PEYTON TAYLOR, *as personal*)
representative of the ESTATE OF)
 DREW TAYLOR, *deceased, on behalf*)
of statutory beneficiary, PEYTON)
 TAYLOR, *spouse of the deceased,*)
 Plaintiff,)
 vs.)

TRUE NORTH PRODUCTIONS,)
 INC., *an Alaska corporation,*)
 Defendant.)

Case No. 5AK-16-00369 Civil

VERDICT FORM

You have been asked in this trial to apportion fault between the two parties in this case – DREW TAYLOR and TRUE NORTH PRODUCTIONS, INC. For the purpose of this trial these are the only parties to whom you can apportion fault. Any actions by employees of True North Productions, Inc. or those individual under control of the Defendant are considered to be the fault of Defendant. For each party entered in one of the spaces below, you must determine that party’s percentage of fault for the damages suffered by plaintiff DREW TAYLOR. The total must be equal to 100%. Do not add any additional names to the list, and do not assign percentages of fault to anyone other than the names you entered below in response to the questions on this verdict form. In addition, you are not to consider the monetary amount of any damages that may be awarded. This will be determined in a separate stage of this trial if appropriate.

In determining the percentage of fault for each party listed below, you must consider the nature of that party’s conduct, and the extent of the causal relationship between that party’s conduct and the damages suffered by plaintiff Jordan Stanley.

DREW TAYLOR		_____ %
TRUE NORTH PRODUCTIONS, INC.		_____ %
TOTAL		<u>100%</u>

DATED at Alaskapolis, Alaska, this _____ day of _____, 2017.

 Foreperson of the Jury

AFFIDAVIT OF PEYTON TAYLOR

1. My name is Peyton Taylor, and I was married to Drew Taylor. I am 44 years old, the same age that Drew was when s/he died. I've known Drew my whole life, and we were high school sweethearts from Nebraska. We were both very active and into sports in high school. I played basketball and ran track, and Drew was a soccer player. We went to college together and ended up getting married as soon as we graduated. Drew worked as a store manager at BigBoxCo, and I work as a tax accountant at a small accounting firm. We have four great kids. Our oldest, Brynn, is 13, and our youngest, Alicia, just turned five. Richard and Hannah, twins, are 8. We love to get outside as much as possible. We often go camping, fishing, and hunting in the forests near our home in Alaskopolis.

2. We lived our whole lives in the Midwest, but Drew always dreamed of moving to Alaska. I remember how much s/he talked about how big everything is there. Drew had spent a couple of summers during college working on fishing boats in Alaska to earn money. We didn't have any oceans or mountains where we live. Drew thought it would be really fun to live in a place where on any given weekend you could catch a huge fish or hunt moose – nothing like the small trout and deer we normally got in the Midwest. Unfortunately, we didn't have enough money to do any traveling. Our kids have still never been to the beach. We always tried to save for a big family trip one summer, but it just never seemed to happen. We made a decent enough living, but with small children around and daycare needs, it is tough to have extra money.

3. Then one day about four years ago, Drew saw an internal memo that BigBoxCo was opening up its first store in Alaskopolis and was looking for a manager. We were both kind of bored of living in the Midwest. We saw this as a great opportunity! Despite having a one-year-old and three other young children, we decided Drew should apply for the manager position. Of course we had never been to Alaskopolis, but if it was big enough for a BigBoxCo, then there must be enough people to make for a reasonable life, right?

4. We love our life in Alaska. It is great to have such easy access to the outdoors. We tried to go on hikes as often as we could. With four children, this was not as often as we'd like, but we did get out a few times each summer. Of course, hiking in Alaska is much more challenging than where we came from. I mean, they don't have many mountains in the Midwest. Drew was always a bit overweight and out of shape, but tried hard to keep up with everyone else. And Drew did love the outdoors.

5. I feel bad that Drew sometimes had troubles on our hikes, especially those with elevation gains. Drew has been diagnosed with a heart murmur since high school, but the doctors said it wasn't that big of a deal as long s/he doesn't overexert him/herself. Certainly, it didn't seem to affect his/her strength much (s/he was on varsity soccer after all!), but I did tell Drew that sometimes the kids and I would notice that s/he gets winded on long hikes or when climbing a lot of stairs. There were even a few times when Drew had to go back to camp or the car when we were out on a walk, because s/he couldn't keep up. Honestly, though, I'm not sure how much of this was from the heart murmur and how much from just being a bit out of shape.

6. When Alaska Survival Extreme first came on, I always thought it was stupid – who wants to have his/her every move filmed? And why would you want to watch a bunch of people you don't know bickering all day for several days in a row? It's not like it's even real wilderness – you have cameras and helicopters right next to you, for crying out loud! But I guess that's what is popular on TV these days. Drew and the kids loved it though. They would always talk about what they would do in different situations, and the kids started to ask if we could do a several day wilderness camping trip.

7. I think it was summer of 2015 when Drew started talking about going on the show him/herself. The kids made fun of him/her, saying the other contestants would kick his/her butt and mommy/daddy would get chased out of camp by a bear. But Drew just laughed, saying s/he had been camping, fishing, and hunting all his/her life, and it wouldn't be much different, just bigger. I think Drew just thought of it all as a big, free vacation. I wasn't so sure it was a good idea though. Thirty days is a long time to be away from us, and I didn't know if I wanted the whole world to be watching my wife/husband. I'm a pretty private person. I was also worried about Drew struggling with some of the challenges and being embarrassed. I would of course still love her/him, but I knew how much it would affect Drew emotionally to become the laughing stock of America.

8. But Drew started taking the idea more seriously last year, when s/he lost his/her job at BigBoxCo in January 2016. We had been living paycheck to paycheck for several years, and this just made it tons worse. With four kids and a house underwater, things became pretty stressful. Drew lost her/his job in a store restructuring, and there were not many comparable jobs in Alaskapolis. I tried to encourage Drew to take a job managing a smaller business, but Drew felt it was unfair the way s/he was fired and didn't want to talk about other jobs.

9. Instead, Drew kept obsessing about becoming a contestant on ASX. Drew talked about how great the money would be if s/he won and how we could finally take the kids on a real vacation. I think s/he also felt a little guilty about losing the job, but I kept assuring him/her that we could get through it. It was more important that s/he was around to help with the kids. But Drew was so enthusiastic about the idea, in the end, I agreed s/he could give it a shot. I honestly didn't believe Drew would even get picked for the show. I love Drew dearly because of how humble and down to earth s/he was. And humble is not what I think of when I think of reality television contestants.

10. We filled out the application materials together in March 2016. There were a bunch of questions about survival skills, but Drew seemed pretty confident s/he would be okay with the hunting and gathering part. I knew there would be a wilderness skills test before going on the show – the scores of each contestant were announced during the first episode – but that is something Drew could prepare for at a later date. We were a bit more worried about all the health questions. Having seen the show and all of the strenuous activities the contestants do, I was worried – what with Drew's heart murmur and physical fitness – that some of the challenges might be too hard for Drew and that s/he might get hurt. I asked Drew to get a doctor's opinion before going on the show, but s/he said that the TV producers would take care of all that.

11. Drew had gained a bit of weight after s/he lost his/her job, and wasn't in great shape to begin with. But once Drew found out s/he was a finalist to be a contestant, s/he started training all the time. It was actually pretty cute to watch him/her run around the backyard with the kids on his/her back to simulate a hiking pack. Or doing pull-ups on the tree branches or practicing building fires in the backyard. S/he would even march around the neighborhood with a homemade walking stick every morning. I reminded Drew that Alaska was a lot different than our backyard, but s/he would always say that "exercise is exercise." Once the snow melted off the hills, we made more of an effort to go on hikes. Drew would sometimes go on hikes during the week, since s/he was unemployed and had time to do that kind of thing. And on the weekends the whole family would traipse along. I was impressed with how much more in shape Drew became. Drew had no trouble doing four hour hikes with over a thousand feet of elevation gain. That was something the Drew of old definitely could not do. Drew did lose most of the weight after the training and was in much better spirits.

12. Finally on June 10, the day came when Drew found out s/he had been picked for the show. The kids were so excited and all our friends even threw Drew a party to celebrate. We all joked that s/he needed to bring us back a bear rug and some moose steaks. Drew flew out to the remote camp where the show would be filmed on July 1. Drew and the rest of the contestants went to a lodge five days before that for training and orientation and publicity and so on. Seeing Drew leave was tough on the whole family. Since we've gotten married, Drew and I have never spent a night apart from each other or the kids. I suppose that sounds a little strange to some people, but we're a very close family and we'd always done everything together before. Plus, we don't have much money. So if we are going to take a vacation it had better be with everyone. Even with all the excitement, I could tell that Drew was nervous and the kids started crying a little bit. But in the end, we told Drew we knew s/he would make us proud. I assured Drew that just being chosen as a contestant was quite the accomplishment, and that if s/he had to quit and leave the show at some point during the month there would be no shame in that.

13. In the days preparing for the show, Drew and I would talk on the phone every day. I was relieved that Drew had been examined by Dr. Morgan Francis and been cleared to participate on the show. Drew had worked really hard to get into shape, and it would have been a shame to be kicked off the show before even starting. More concerning was that Drew had met some of his fellow contestants and they were not all getting along. Drew figured people were in it for the same reasons he was: personal challenge, adventure, a once-in-a-lifetime experience. But some of them were in it just to be on TV and weren't really serious about finishing. Others were just rude and arrogant. Drew told me one person in particular was really pushing his/her buttons. His/Her name was Robin. Robin was always talking about strategy and how to get the most money and "trimming the fat" – according to Drew, that meant that Robin wanted to get rid of the weak people near the end so the rest could win more money.

14. Drew also said s/he met Harlow one night, who was really trying to pump them all up about the challenge ahead and kept saying things like "the whole world is watching" and how important it was to give "110%." At first, we laughed about how it was like high school and how our coaches were always saying the same sort of stuff. But then I remembered how Drew had to quit soccer in college because of all the pressure s/he was under to win, it almost caused him/her a mental breakdown. I assured Drew that the money was not that important to us. That s/he

should just enjoy him/herself. Drew was adamant that the kids and I were the most important thing in his/her life and that s/he wouldn't let other people tell him/her what to do. Drew told me s/he knew his/her limits, but I wasn't so sure. I didn't want to be discouraging though – right before Drew left for the wilderness – so I tried to swallow my fears and be supportive.

15. Then the show started on July 1. Of course the kids and I watched it every night. And while they seemed to enjoy it, I got a bad feeling in my gut that grew every day. I could see the difficult conditions and stresses and strains that everyone was living under. No one was eating well, and even Drew would occasionally get irritated with other contestants and snap at them, which never happened at home. Moreover, I could tell s/he was struggling on some of the hiking challenges, even having trouble breathing, and I thought s/he might be having trouble with the heart murmur. They would also have these video diaries for each of the contestants. Clips would be shown during the one-hour show, or you could watch the entire thing online. Drew tried to put on a positive face, but I could tell Drew was increasingly stressed out and unhappy. Drew kept talking about wanting to help out her/his family. I love Drew for this, but it made me want to reach out to Drew and tell her/him to come home, that we could survive just fine and that s/he did not need to put him/herself through all of this just for us.

16. To my surprise, Drew won a couple of the contests between the other cast members and seemed to become quite popular with the viewing audience of ASX. The two contests Drew won were both of a more intellectual nature and not physically demanding. But I didn't care, I just wanted to see Drew rewarded. When the living conditions are so tough, spending a night in a tent or getting some decent food can give a competitor a real leg up on other contestants. And to see the viewers vote for Drew to get even more rewards was very heartwarming to me. And of course, I was ecstatic when the kids and I got to go visit Drew on set. The producer, Shannon Pratt, had informed us a few days ahead of time that there would be this possibility. All of the kids were more than excited, though I tried to temper their expectations. I knew Drew had already won one fan vote, but I figured the audience might want to reward someone else this time. But oh how I so much wanted to see my beloved Drew. It was killing me not to have any contact with Drew for over two weeks other than seeing her/him on the television and in short clips on the Internet.

17. The evening of July 18, Shannon Pratt called to inform me that we would all be going to see Drew in two days! I knew I wouldn't be able to sleep that night and actually waited until the next day to tell the kids so that they would be able to sleep. When I did tell the kids, they all squealed with excitement! I don't think I've ever seen them so happy! We had to be at the airport early on the morning of July 20 to get on the big helicopter to fly to the base of Mount Pleasant. Seeing Drew . . . I was overjoyed, but s/he was so clearly worn down and gaunt. Brynn could see this too, but I don't think the younger kids really noticed. But everyone had a great time on set, meeting some of the other cast members and wandering around in the woods. At one point I pulled aside one of the camera operators, Aspen Danielson, and told him/her that I was really worried about Drew's health and that s/he was being pushed too hard and to please have a doctor examine Drew to make sure it was safe for him/her to continue with the show. Aspen was quite nice and said that s/he would convey this message to Harlow Towns. I would have told Harlow myself, but s/he was always so busy, and the only times I got to talk to Harlow were on camera. And I certainly didn't want to say all of this to the entire world.

18. The two hours we got to spend with Drew went by so fast! I had no idea that this would be the last time that we would get to see him/her. Losing Drew has been absolutely devastating to me and the children. The twins and Alicia still cry on an almost nightly basis. I have been beyond depressed and don't know how I can go on with my life. It makes me very sad and angry to know that this all could have been prevented if the producers and crew had been more attentive to Drew's health issues.

19. I still cannot believe that when Shannon Pratt called me to inform me of Drew's death, s/he offered to divide the million-dollar prize pool seven ways and give Drew only one portion – as if nothing really unusual had happened! I was so insulted! I don't want to be in court and wish that I did not have to sue. But I feel that I have no choice if I want to bring justice for my beloved wife/husband.

AFFIDAVIT OF DAKOTA MILLS

1. My name is Dakota Mills and I was born and raised in Columbus, Ohio. I'm 26 years old and I spent a good portion of my life on rivers or in the back country doing what a country girl/boy does. I don't like big cities much and usually just keep to myself. Until recently, I worked as a farm hand on a pig farm and occasionally worked on small construction projects. But, hey, I'm cultured too. In my spare time I like to write fiction. Even completed a mystery novel last year. It's about a murder relating to the theft of a prized breeding pig. Write what you know, they say. I got a local publisher to print out a few copies. It didn't really sell. But that's ok, I'm proud of it.

2. In early 2016, I was at a bar with some friends. The show Alaska Survival Extreme was on the television, and my friends started joking that I should try out. Now the last thing I want to do is be on television. But I'm also not one to turn down a dare. Plus, I'd never been to the mountains and figured a trip to Alaska might be kind of fun. I knew I was in good shape and figured I could handle anything that was thrown at me. I mean, I handle pigs on a daily basis, so I obviously don't mind getting a little dirty. At the end of the show there was a hotline number to call to get information on being on the next season of the show. I wrote down the number on a napkin and called the hotline the next day. I had to make a short video showing my personality and me doing something physical. My friends and I planned it out for a couple of weeks. Ended up just shooting me running around catching pigs. It's what I do best. There was also a long questionnaire I had to fill out, including my medical history and all that.

3. I was kind of surprised when in late April I was contacted for a phone interview. I was a little nervous because I'm not used to talking much to people I don't already know. I figured that would be the end of it, but then a couple weeks later I got a call asking me to come up to Alaska for an in-person interview. We were all filmed first at True North studios – real nice people there. Then we had to do what producers called a “wilderness survival skills test” at a local gym. There was a long written test followed by some exercises on the gym equipment – going for a while on the treadmill or the stair machine, sometimes carrying heavy weights, sometimes not. I didn't know much of the stuff in the written test, but I did fine with the more physical stuff. It was a little hokey, but I suppose it was necessary to make sure everyone could handle being out in the Alaska wild for a month.

4. I remember meeting Drew Taylor at the tryouts. We stood in line together during the paperwork process and chatted. S/He was... bigger, and I could tell s/he was struggling during some of the running exercises. S/He was a little overweight, always came in with the last group of people, and would usually be out of breath and sweating hard. But s/he always had a smile and it didn't seem too much different than most of the other people there. Also, we were hooked up to heart monitors and other machines after many of the physical tests and I assumed someone would have said something if Drew had any serious issues. I liked Drew instantly. Drew grew up in Nebraska, so we sort of bonded over the whole Midwest thing.

5. At the end of the first day of tryouts, a giant pool was set up in the middle of a field in a park on the outskirts of town and stocked with small trout. We were given fishing line, hooks, and flint and then split into teams of four and told to make dinner, build a campsite, and

“survive” the night. My team was pretty lame, I had to catch the fish, start the fire, and build a suitable campsite in the nearby woods. The others helped gather firewood and cook the fish. We were one of the first teams done and spent most of the night watching the other contestants struggle with catching the fish and starting the fire. Drew was in a team that set camp near ours. I vividly remember watching her/his team fumble and struggle to catch and cook the fish. It was about midnight when they finally caught a single trout, about six inches long. But they never managed to get a fire started, the fish was never cooked. I saw at least one person in their group start eating a granola bar he had stashed in his pocket.

6. About six a.m. the next morning we woke up from commotion coming from near our campsite. Some environmental activists had appeared and were raising a ruckus about all the fish. One of them spotted the trout Drew’s team had caught on the ground and made a huge fuss about it. About four or five activists, a cameraman, Drew and his team, and two of the producers gathered at the campsite and began a heated exchange. I couldn’t make out exactly what was said, something about “wanton waste of fish,” but whatever it was made the producers super nervous. I could hear someone from the production company urging the group to eat the fish. Drew was silent most the time, then I heard her/him say “If it will make you happy, I’ll eat it.” Then, Drew picked up the raw dirty fish and begin tearing into it with his mouth. It was messy but Drew finished eating the fish quick. It seemed to diffuse the situation with the activists walking off in disgust and defeat. It was also caught on camera and was used as a clip in the opening and closing credits and commercials for the show. I knew that this alone would make Drew a media star.

7. Later that day, the producers began what they called a “survival skills evaluation.” If you passed the “evaluation” you would be on the show. The show’s host, Harlow Towns, would call applicants over and evaluate their performance during the tryouts. It was all filmed and there were quite a bit of theatrics involved. I remember when the people in Drew’s group were called, Harlow was really harsh on them for eating the granola bar on camera and they disqualified not only the person that ate it, but everyone in the group . . . except for Drew. I think the producer really liked the fish incident and were convinced that Drew would be a good team player.

8. So, Drew and I were among the ten contestants chosen to compete in the show on Mt. Pleasant in July of 2016. Drew was more than a team player; s/he was always bending over backwards to keep the peace or make people happy. At the end of the third day of the show, it was raining pretty hard. We had found a small enclosure in a rock face to camp in, but it was still cold and wet. A couple of the contestants started whining about wanting to start a fire, but no one was about to go gather any kindling or firewood in the rain in the middle of the night. The complaints got louder and, someone suggested that Drew should go get some firewood. They bullied him/her by accusing her/him of dragging the group down during the day. I don’t think that was the case, but Drew was an easy target of everyone’s frustrations because s/he was older and a bit out of shape. I was shocked when s/he actually got up and went out into the rain in search of something to start a fire with, but it made the complainers happy and they fell asleep before Drew returned. We never did get a fire started that night.

9. After our first week into the competition, we had “earned” a water-purifying kit. It was given to us on July Fourth for no real reason other than that we clearly needed it. The kit took

quite a bit of time to purify water, so we had to take turns and wait to drink. People were tired, cranky, and thirsty, and no one was in a mood to wait too long for water. Drew was the second or third person in line for water when Robin Carlson, one of the other contestants, started complaining that Drew should just drink the dirty water since s/he had no problem eating raw fish during tryouts. Robin's complaints got louder and worse until Drew finally gave him/her the water purifier and walked away. I couldn't take it any more at this point. I yelled at Robin that Drew was an equal member of the team and that we needed to do everything we could to keep her/him healthy. Robin responded that I was seeing everything wrong. That Drew was weak and was bringing the team down and that we needed to do everything we could to make Drew quit. I yelled back at Robin that I wasn't going to let him/her take control of the team and sow seeds of dissent. Once confronted, Robin backed down and handed me back the water purifier. S/He said he wasn't really that thirsty, but I could see the sweat pouring from his/her face and the look of exhaustion in her/his eyes. S/He was feeling just as hot, tired, and dehydrated as the rest of us.

10. Drew needed a lot of encouragement several times throughout the competition to keep going. You might think I'd want Drew to quit so that I could make more money at the end. But I'm not like Robin that way. I know that this show is all about proving to yourself that you can accomplish something really, really hard. I wanted Drew to have that feeling. I knew Drew *needed* to have that feeling. So, if that meant doing a little extra work around camp when Drew couldn't or offering some words of encouragement on the various competition challenges, then so be it. Plus, Drew was a great person. And had a great family that I got to meet a couple days before the Mount Pleasant climb. Such great kids. Almost made me want to have kids someday.

11. After three weeks into the contest, there were only seven people left in our team and we were given the challenge to climb Mt. Pleasant to an altitude of 12,000 feet. It should have been fairly easy, but it had been a long three weeks and we had mostly only been eating berries and an occasional fish. We also got to eat insects, which now that I think about it was kind of cool. If we all made it to the checkpoint within ten hours, we would be given a rifle as a reward. We were all fantasizing about a meal with real meat that night, and I'm sure we would have had a fresh kill within an hour after the climb was over.

12. It was a hot day and everyone was dragging a little as we started the hike. We had all voiced a few complaints, but I noticed that Drew was also complaining – something I had rarely heard in the past. Initially it was the same complaints everyone made: "I'm hungry," "It's hot," "I can't wait til this is over," etc. After we made it about halfway to the checkpoint (6,500 ft), Drew's complaints changed. S/He said s/he was tired, was having trouble breathing, and had a throbbing headache. We encouraged her/him to keep moving for the good of the team, and we helped him/her fantasize about how good a freshly cooked rabbit would taste after we were done. Drew was definitely dragging at that point, but we were all moving slower.

13. After the midway checkpoint, Drew began falling further and further behind and the team had to frequently stop and wait for her/him to catch up. This was a great rest for everyone – except Drew. Robin and a few other team members would immediately pressure the group to push on as soon Drew caught up. They wouldn't even give Drew a chance to rest, but s/he also didn't ask for a rest and just kept on going.

13. This went on for close to two hours and we were only able to cover about another 1,500 ft. It seemed like we were not going to make it in time, and many of the group began taking their frustrations out on Drew. Then Drew's complaints got serious. I could hear him/her wheezing. S/He started complaining about chest pains, and s/he kept saying "I can't breathe. I can't breathe." Some of the other teammates, Robin especially, made fun of Drew for being out of shape and were taunting her/him with the rabbit s/he would be able to eat when we finished the challenge.

14. I could tell the complaints were no laughing matter. I even told Drew to quit if s/he did not feel like continuing and that the team would find a way to survive without him. The site producer, Harlow Towns, had been keeping track of us on the challenge and would check in on us every now and then. When Harlow saw Drew struggling, Harlow asked if Drew wanted to quit. I think Drew was about to quit, but then Robin yelled at Drew to keep going because the team wouldn't get the rifle if Drew quit, and the team needed it to survive. Harlow asked again if Drew wanted a helicopter ride off of the mountain, but Drew said no, s/he would continue for the good of the team, and s/he pushed on up the mountain. I hate it that Drew could be so easily bullied like that.

15. After about five more minutes of hiking, Drew collapsed. Harlow rushed over, took his/her pulse, and told us Drew was dead. Robin immediately told me and the other team members to pick up the pace and continue on so we could get to the checkpoint and earn the rifle. It was bizarre. I guess Robin thought that the producers would maybe change the rules or something, because clearly the whole team was not going to finish the challenge. Thankfully, Harlow called the challenge off and we were all helicoptered off the mountain. A day later, we were told by Shannon Pratt that the show would be cancelled, but all six remaining team members would split the entire cash pool of \$1,140,000. I got a check for \$190,000 in the mail a few weeks later. I still haven't deposited and I'm not sure what to do with the money. The whole affair was sad and I'm still struggling with myself on whether or not to keep the money.

AFFIDAVIT OF ASPEN DANIELSON

1. My name is Aspen Danielson. I am 28 years old. I am a Level II Camera Operator for True North Productions. I have been with True North for about 5 years now. True North Productions primarily produces a variety of outdoor-based reality television shows. It's a pretty great place to work. They're careful about what they do and produce some interesting programs.

2. I have worked on a variety of shows, but for the last three years, one of my primary responsibilities has been working on Alaska Survival Extreme (ASX). I don't have a lot of wilderness training myself, but fortunately for me and the other crew, we don't have to survive in the woods like the contestants. We get to sleep in tents at night and have food and water provided for us. I also don't have medical training, but I think Harlow has some medical training. I'm pretty fit (I like to run marathons when I'm not embedded with contestants for a show), so I often go on challenges with the contestants. It can be pretty grueling stuff, especially carrying heavy camera equipment, so we often have multiple camera operators waiting at strategic locations and a few that walk with the contestants, depending on how strenuous the challenge is. We always want to have a camera going because you never know what you will see.

3. I had been with the July 2016 show from the start. I had actually been there longer than the competitors. We send a camera crew in early to get shots of the surroundings and of what it takes to set up camp for the show's crew — kind of a behind the scenes thing. I had been on some of the challenges and had gotten to know the contestants pretty well. It was a good group. There were some dynamic personalities, that's for sure. That always happens. And there was some tension. That happens too, especially when people are basically starving for a month. I think there were 7 contestants left by Day 22 (we denote time by the moniker Day 1, Day 2, etc.).

4. Some of the contestants from that season really stuck out to me. Robin Carlson had been a pretty dominant personality from the start. Robin seemed to be the most physically fit of all of the contestants that season and had a lot of experience with wilderness expeditions. Clearly someone you'd expect to last the entire month. S/He was aggressive on the challenges, really pushing people to get them done so the group could get some kind of advantage. Each time the group completed a challenge, they could receive a survival tool. For example, they could win a water filter or a fire starting kit. Dakota Mills was a quieter member of the group. S/He was very supportive of everyone in the group, always making sure the other cast members were doing okay, checking in to see if people needed anything.

5. Drew Taylor was one of the friendliest people I've ever met. Drew was not the leader some of the other people were. S/He was more of a follower and conciliator. S/He was very agreeable and tried to placate people, tried to make sure everyone got along. One of her/his favorite sayings was, "Hey, let's chill out and we'll figure it out." I liked Drew a lot. Everyone did. Dakota kind of looked after Drew because it was obvious that Drew, as much as s/he wanted to get through the challenges, wasn't in the physical condition of the other competitors. Drew was also one of the older folks participating. I think s/he was 44.

6. As the season went on, I could tell that Shannon Pratt and Harlow Towns were throwing more challenges and more difficult challenges at the contestants than previous seasons. This was

my seventh time filming on the show – I had been with the show from the start – and I had never seen such demands placed on the contestants. In the first couple of seasons, I think everyone was just curious to see if the contestants could survive in the wilderness with limited help. But Shannon and Harlow knew that this would not be enough in subsequent seasons and seemed to throw more and more obstacles at the contestants. Honestly, I'm surprised in the seventh season with Drew and the others that so many of the contestants survived as long as they did. The base of Mount Pleasant also seemed like a particularly difficult location for the show. I am not an expert at this or anything, but it did not seem like there were as many food resources around the camp as there had been in previous seasons. I'm sure glad that the crew got to bring our own food with us.

7. I was really happy to see Drew win the fan vote for a family visit on July 20. It was immediately obvious how close a family this was and how much love existed between everyone. I mean, I'm sure most families would be happy to see a father or mother that had been gone for three weeks, but there was just something special about seeing the Taylor family together. The kids were great! Running around and asking questions of everyone on the crew. And polite too. Peyton was especially nice, but also clearly concerned about how Drew was doing. During a break in the filming, Peyton approached me to say that s/he was very worried about Drew's health, that it was clear to him/her that Drew was pushing beyond what s/he was physically capable of doing. Peyton said that s/he had tried to talk to Harlow, but Harlow kept sort of brushing her off. So, s/he asked me to tell Harlow that Drew needed to be examined by a doctor and possibly forced from the show. I said I would do that. We did not have a doctor on site, but I knew it would be easy to fly one in if necessary. Unfortunately, I got so caught up in filming that I forgot to tell Harlow or anyone else on the crew about Peyton's request.

8. I was with the group on Day 22, the day that Drew died. The challenge that day was for the contestants to hike from base camp to a point 12,000 feet up Mount Pleasant. Base Camp was at 4,000 feet. The trail was about ten miles long in total, but the first three were relatively flat, going from the camp to the mountain itself. Then the real hiking began. I don't know if you have gained 8,000 feet over seven miles, but this was basically like hiking Bird Ridge on the Seward Highway two and a half times in a row. And the contestants only had ten hours to get there. I knew this would be a difficult challenge, but with persistence one that could be completed. If everyone reached the 12,000-foot point within ten hours, the group would receive a rifle they could use for hunting. Everyone was excited for that prospect. There is some big game in the area, and True North has all the permits necessary to allow the group to go hunting. There had not been a lot of meat in the group's diet thus far beyond catching a few small fish. A rifle would mean they could take down a big animal and have a lot of food. It would also allow the group to use the rest of the animal to make other tools. Robin, for example, had been discussing using the bladder to carry water. S/He had apparently done that before. Having a way to carry water would have been helpful for the group because though they could filter water, they couldn't carry a lot. That wasn't a problem in base camp, but it made life harder when the group was out gathering food or on a challenge.

9. The group started the hike at 10 am. It was a hot day. I believe we got up to 77 degrees by mid-day. It has been unusually warm in Alaska the last couple of years, and this year was no different. Despite the higher elevation, we had some very warm days during the July 2016

competition. Even Robin admitted it was hot. I overheard him/her talking to Harlow and saying, “Wow, this is a hot day to climb this mountain.” Harlow nodded in agreement.

10. Everyone was fine for the first hour while we were just making our way to the mountain. I even hiked along because it was an easy hike. I then got taken by helicopter about 2,500 feet up the mountain to film the contestants when they got there. After a couple of hours going up the mountain, everyone was struggling. We had just completed a particularly steep section of trail and were taking a break. I needed a break myself. Because I was going partway with the group before letting someone else take over my role, I was pretty tired. It was harder for the contestants. They couldn't carry much water, and we hadn't crossed a stream in a little while. It looked to me like everyone was having trouble with it. Dakota said something about this being the hardest challenge they had done.

11. Drew was definitely struggling. At first it was just the same general fatigue as everyone else. Drew wasn't as fit as the other contestants, so that wasn't unusual. S/He had gotten through other physical challenges, but s/he just couldn't quite keep up with the other group members on a strenuous climb like this. Drew seemed beat. When I saw Drew about three hours into the trek – one on flat land and two on the mountain – s/he started to talk about having a headache. I took a moment to film him/her on a short break, and it was obvious her/his head was bothering her/him. I don't think s/he acknowledged how much it was hurting. During the break Drew kept rubbing his/her head. S/He wouldn't admit how much it hurt, but it seemed obvious to me. Drew mentioned having trouble sleeping the night before. Drew didn't say anything to the rest of the group, though. I think Drew wanted to do well and help the group succeed on the challenge.

12. Things got worse for Drew over the next hour. I next saw Drew at the 6,500-foot checkpoint on the mountain. Drew started having trouble breathing. Not just labored breathing from exertion. S/He was breathing really shallow, like s/he couldn't get enough air. Drew would take frequent short breaks to catch her/his breath. It also seemed like Drew was feeling dizzy. S/He would lean on a tree and just look sort of dazed. It was hard to tell if it was her/him being tired or feeling dizzy, but I thought s/he seemed dizzy. Drew also seemed to have lost his/her appetite. Like all of the competitors, Drew usually ate whenever there was food available. People had brought some berries and a bit of meat along for the hike, but Drew turned it down when Dakota offered Drew some of his/her own food. I thought that was odd. I saw Robin talk to Drew during one of the group's breaks. I couldn't hear what Robin was saying, but s/he seemed upset. Drew just nodded and started walking again.

13. I next saw Drew about two hours and another 1500 feet in elevation gain later. The climb had really slowed down by then, mostly because of Drew. Drew once again started complaining, this time of having chest pains. S/He said repeatedly, “I can't breathe. I can't breathe.” Robin made fun of Drew for being out of shape and taunted Drew about a meal of fresh-cooked rabbit. Harlow asked Drew on camera if s/he wanted to quit. Drew hesitated and seemed about to say “yes,” but then Robin started yelling at Drew that s/he needed to continue and that the team would not survive without the rifle. Only one teammate – Dakota Mills – told Drew to quit if s/he did not feel like continuing and that the team would find a way to survive without him. Harlow asked Drew again if s/he should call in the helicopter to take him away. Drew replied that s/he would continue on for the good of the team. During a short break, Harlow took a minute to talk to Drew off camera. I

was nearby and heard Harlow asking Drew if s/he was okay to continue and that if Drew did not want to quit on camera s/he (Harlow) could decide to eliminate Drew from the competition and call off the rest of the hike. Drew was nodding, but her/his face looked pained. Harlow would usually let contestants decide if they wanted to continue, but Harlow had taken people out of the competition against their wishes before when medical concerns arose. It was clear from what I heard, though, that Harlow was leaving this decision up to Drew. I wish we had the video so you could see how bad Drew looked. S/He seemed pale and truly exhausted. But for whatever reason Drew decided to keep going. I think Drew would have sat longer, but Robin yelled that they needed to keep moving, and the other contestants followed.

14. Harlow had told me to follow along with the group for the next few minutes rather than taking the helicopter higher up the mountain. Harlow quietly whispered to me that s/he thought Drew was about to quit and wanted to make sure it got captured on film. We had only gone a little further when Drew collapsed. I had started focusing my camera on Drew because seeing people overcome challenges is one of the most popular aspects of the show. Harlow and I had discussed that in the past. It's all real, but we have to have the cameras pointed in the right direction when stuff happens. I saw Drew collapse. S/He really just crumpled. Harlow rushed to Drew's side, but there was nothing anybody could do at that point. Drew was dead.

15. Harlow was devastated. S/He was certainly sad that Drew had died. You never want to see someone get hurt on these shows. I'm sure Harlow was also worried about the show. We did not discuss that, but Harlow knew our ratings had dipped, and something like this could lead True North to cancel ASX entirely. The rest of the group was upset too. Dakota and the others wanted to immediately turn back. Robin actually argued that the group should continue. S/He said something about Drew knowing what s/he was getting into. Harlow shut that down though. S/He turned the group around and we all headed down the mountain to a safe spot where the helicopter could pick us and Drew up.

16. It's too bad my video from that day isn't available anymore. I uploaded it like I and the other camera operators did every day. But I heard later that Shannon Pratt ordered it deleted out of respect for Drew's family. Afterward, I had the task of collecting all of the video we had of Drew. That included the video diaries s/he did. Every contestant has to spend part of each day providing a personal video diary. Drew had not done one yet on Day 22, but there were 21 overall from the prior days. I had actually operated the camera for some of them, but I reviewed them all as True North evaluated what had happened. I wish I or Harlow or someone had paid more attention to these daily diaries. Drew just seemed to be deteriorating day by day as they went on.

AFFIDAVIT OF DR. MORGAN FRANCIS

1. My name is Morgan Francis. I attended Louisiana State Medical School in New Orleans, and I graduated in 1989. I did my internship and residency in internal medicine there in New Orleans, at Charity Hospital, and I then entered the commissioned corps of the public health service, which moved me to Alaska in 1994. I worked in Ketchikan, Kodiak, Dillingham and Juneau before I came to Alaskopolis. I left the public health service in 2009, and I've been in private practice with Alaska Family Medicine since 2010. I am currently licensed by the State of Alaska and in good standing. I recently was admitted to the American Academy of Family Physicians, which is the medical specialty society devoted solely to primary care. Although technically a specialty, we are really generalists. I diagnose and treat illness, but I also provide preventive care, including routine checkups, health-risk assessments, immunization and screening tests, and counsel patients on maintaining a healthy lifestyle. A big part of my practice is to manage care for patients with chronic illness, from heart disease, stroke and hypertension, to diabetes, cancer, and asthma.

2. I was paid to do a physical for the July 2016 season of True North Productions, Inc.'s Alaska Survival Extreme. This was the third season in a row I had been asked to do this. To be honest, I don't watch the show. But the physical examinations I was asked to perform are well within my usual practice, and I never object to an additional way to earn income. The physical I did was a standard sports physical, a risk assessment, the kind of thing you would, for example, have before beginning a sports training camp. Pul The purpose of my examination was to determine generally speaking if a potential contestant was capable of living in a remote, wilderness location for a period of a month and during that time of participating in various strength and endurance exercises. I was not given anything detailed about Alaska Survival Extreme's plans for the show, such as the location of the show or they type of activities in which the contestants would be participating. Indeed, the screening for this was to be addressed by the administration of the Comprehensive Wilderness Survival Test (CWST). I did not administer the CSWT, but did review the results as part of my medical screening.

3. My primary charge was to screen for any underlying medical conditions that would indicate potential problems if the contestant faced sustained exertion or other physical stresses. Much of my review relied upon the self-reported medical history of the contestant. I also conducted a general physical examination and interview and a blood test. This is standard for a sports physical, of which I perform many for local high school students. Assuming the self-report is accurate, this type of screening should catch most common health issues that would arise in a competition of this nature. Of course, I am always willing to perform additional tests if there is a demonstrated need to do so, but I am not in favor of conducting additional medical tests just for the sake of covering all possible medical conditions.

4. The medical history form for Drew Taylor did not indicate any serious medical conditions that would prevent Drew from successfully competing on Alaska Survival Extreme. Drew indicated three potential concerns. One had to do with a Vitamin D deficiency. This was related to Drew being lactose intolerant and could be easily addressed by taking an over the counter Vitamin D supplement. The other two had to do with potential heart problems, though neither were disqualifying. Drew did indicate that s/he had high blood pressure. This is not surprising given that

Drew is moderately overweight and does not have the best diet. Drew's age is also a consideration here. The high blood pressure was confirmed by my medical examination, though it was only slightly elevated at 126 over 83. Pulse was normal. Drew was taking Lopressor to help control the problem, as well as daily aspirin to help prevent a heart attack. I asked Drew what his/her blood pressure had been when s/he was first diagnosed with high blood pressure. Drew said it had been a blood pressure of 148 over 92. While certainly concerning and in need of medication, this was considered only moderately high – Hypertension Stage 1 instead of the more serious Hypertension Stage 2. Because I knew that contestants on Alaska Survival Extreme were allowed to bring with them a supply of any prescribed medicines, I was not concerned that the high blood pressure would infringe upon Drew's ability to compete. Drew also noted having problems sleeping due to stress, but this is normal in many adults.

5. Of slightly more concern was Drew's self-report of a heart murmur. Now, lots of people have heart murmurs and are able to lead active lives without any problems. But in other people a heart murmur can at times of serious physical exertion dramatically increase the chance of a heart attack. A heart murmur is any unusual sound in the way the heart beats. Heart murmurs can be divided into two categories – innocent and abnormal. Innocent heart murmurs are common in children and often go away as the person grows into adulthood. Even adults can have innocent heart murmurs that represent a mild but benign defect in the heart. Abnormal heart murmurs can be the result of holes in the heart, heart valve abnormalities, other structural defects in the heart, or even an infection. The sounds made by an abnormal heart murmur are typically much more pronounced than an innocent heart murmur and often indicate a serious medical condition in need of further treatment. If I had thought that Drew had an abnormal heart murmur, I would not have cleared her/him to participate in Alaska Survival Extreme.

6. I listened to Drew's heart with a stethoscope, and the heart murmur was not pronounced enough to cause any major concerns about Drew's overall health or the possibility of an abnormal heart murmur. Moreover, when I asked Drew about exercise, s/he indicated that over the past few months s/he had been training for the show on an almost daily basis and had gone on several extended hikes, sometimes including elevation gain and sometimes carrying additional weight, though I forgot to ask Drew if the two of these were ever combined. Drew indicated that s/he was able to do this without any unexpected exhaustion or shortness of breath. If Drew's heart murmur had any negative impact on her/his ability to engage in sustained physical exertion, it surely would have arisen in Drew's training. Now, perhaps Drew was minimizing any symptoms s/he experienced, but this is not something I could control.

7. In part because of my prior examination of Drew Taylor, I was asked for the purpose of this trial to review Drew's autopsy and opine as to cause of death. I have never performed an autopsy before, though I of course studied many during my time in medical school and unfortunately have had a few occasions to review them during my medical practice. This is my first time testifying at trial as an expert witness. As a family practice doctor, I am good at diagnosing illnesses and medical conditions, but anything serious is usually sent to a specialist on that illness or condition. These are the doctors that are typically called to testify in court. I do feel confident in my ability to make this assessment of Drew. I am charging my standard hourly rate of \$175/hour for all medical document review, trial preparation, and testimony at trial.

8. As I indicated earlier, I was not told that the July 2016 season of Alaska Wilderness Extreme would be taking place at elevation at the base of Mount Pleasant. Nor was I told that there would be hiking to elevation as one of the challenges on the show. If I had been informed of this, I might have changed my evaluation of Drew's suitability to participate in Alaska Survival Extreme. I am not an expert in Acute Mountain Sickness, AMS, or which is what used to be called "Altitude Sickness". I do not subscribe to professional journals like High Altitude Medicine and Biology or Wilderness & Environmental Medicine. However, I have lived in Alaska long enough to have seen it in patients, and I have attended talks by Dr. Zaffrin, an Alaskan physician with a world-wide reputation in the field. I am often the first doctor that people see when they have suffered AMS, so I need to be well versed in its causes and treatment.

9. Basically, as one ascends a mountain, above a certain height the air pressure begins to drop, and the air is what lay people describe as "thin" – lacking oxygen. AMS affects different people differently. Some people have trouble breathing or suffer insomnia when vacationing at higher altitudes because of not being used to the decreased level of available oxygen. More commonly, people may experience more immediate symptoms when experiencing a relatively sudden change in elevation, such as climbing up a mountain. This is why climbers try to spend at least some time at a slightly increased elevation to acclimate to the decreased oxygen levels. Base camp for Alaska Survival Extreme was at about 4,000 feet, which is helpful, but not by itself enough to completely acclimate a person prone to AMS from experiencing AMS upon a climb to a much higher elevation. Most people do not experience any symptoms of AMS up to an elevation of 5,000 feet. Above that, people can start to experience headaches, shortness of breath, disorientation and confusion, and sometimes vomiting. I have heard it described as having a very bad hangover. And the more you increase in elevation, the more severe the symptoms can become. Symptoms of AMS often become quite serious at approximately 8,000 feet in elevation. Again, not everyone experiences AMS even at this altitude, but for those who do the condition can become life threatening.

10. The thing about AMS is that you cannot predict who will develop it. It strikes very healthy people as well as those who are not in good shape. Nor can you necessarily predict the severity of the attack. Yes, hydration is very important as a means of reducing the risk of developing AMS – and I noted that Drew Taylor was carrying adequate water on the hike on the day of his/her death – but the unusually high temperatures (77 degrees Fahrenheit) the day of the hike made it likely that normal levels of hydration would not be enough to stave off AMS in those susceptible to it. Because even healthy, experienced climbers can develop AMS, those who are providing medical care to climbers should carry oxygen, as well as certain medications, notably acetazolamide (which is a diuretic), dexamethasone (a steroid), nifedipine (for angina, or heart pain), salmeterol (for breathing issues) and nitroglycerin (again for the heart).

11. AMS can often be followed by onset of two other related conditions, HACE and HAPE, especially if the symptoms of AMS are not recognized and heeded and the climber instead continues to increase in altitude. HACE is High Altitude Cerebral Edema – the onset is marked by a severe headache, confusion, vomiting, etc. The cure for HACE, if you can call it that, is to descend. You have got to get to a lower altitude immediately. Similarly, HAPE, or High Altitude Pulmonary Edema, affects the lungs. The general rule is that HAPE can develop at about 8,000 feet. You need to give oxygen and get the patient down to lower altitudes immediately. HAPE can

strike anyone, and it need not be preceded by HACE. That's why oxygen is necessary at any signs of prolonged AMS. On the other hand, HACE is more readily outwardly expressed than HAPE because of the nature of the symptoms associated with it. Thus, if a person does indicate the possibility of HACE, there is an increased concern about HAPE, which is what can lead to a heart attack. HACE can result in a seizure or coma.

12. I read the autopsy on Drew Taylor. I noted that the medical examiner who performed the autopsy found a large thromboembolus – a blood clot – in Drew's heart, indicating that Drew had a massive heart attack. But, in my opinion, the presence of a fresh thromboembolus in the lungs indicates to me that Drew had been suffering the onset of HAPE at the time of death. Basically, a thromboembolus is a blood clot that travels in the blood vessels, including those that provide blood supply to part of the lung and supply oxygenated blood to the heart. The blood clot not only prevents the exchange of oxygen and carbon dioxide, but it also decreases blood supply to the lung tissue itself, potentially causing lung tissue to die. This is consistent with the complaints of shortness of breath and exhaustion, rapid breathing, pain on taking deep breaths, a bluish cast to the skin, and rapid pulse. In addition, Drew's apparent confusion and disorientation as to whether to remain in the competition, as reflected by the testimony of film crew and other contestants on the hike with Drew, may have been signs of a lack of oxygen. These symptoms are more commonly associated with HACE. Drew did not experience the coma or seizures that are sometimes the end result of HACE, but this does not mean that Drew was not suffering from HACE. While it is not possible to predict that Drew would have onset of HACE or HAPE, s/he was showing signs of AMS – such as shortness of breath and headache – before s/he reached that point, which put her/him at higher risk of developing HACE and HAPE. If Harlow Towns was not carrying an oxygen canister, the small kind used by mountain climbers, it should have been staged with the camera operators, so it was ready to hand. If it was in the helicopter, Harlow should have called the helicopter to get Drew on oxygen and down the mountain.

13. In my opinion, HAPE did not immediately cause Drew's death. But, in my opinion, failure to treat the HAPE immediately, or to treat the AMS at onset, contributed to her/his death by placing too much stress on Drew's heart – her/his blood oxygen would have been lowered and his/her lungs damaged as they filled with fluid. Also, a large pulmonary embolism may cause sudden cardiac death, even at sea level, if no blood enters the left side of the heart to pump blood throughout the rest of the body. It is not an uncommon cause of death, where the person suddenly collapses, stops breathing and the heart stops beating. In fact, it is the second leading cause of sudden death. But this is all the more likely when someone suffers from HAPE and indeed seems to be what happened to Drew. Finally, because of the likely HACE, Drew would not have been able to make good decisions. Frankly, Drew's brain was not getting the oxygen it needed. This could have made Drew more susceptible to suggestion by others, such as Robin Carlson, because Drew did not at the time possess adequate mental capacity to perform a reasonable self-assessment or make a determination about whether to continue up the mountain or to quit.

14. The autopsy showed older small thromboemboli in the lungs as well. This means that Drew Taylor had previously, before the climb, suffered from pulmonary embolisms. It is possible that s/he had a genetic predisposition to this condition. If so, I would not have signed a certificate for participation, because pre-existing pulmonary embolism increases the risk of sudden death about 25%. However, I had no reason to suspect anything of the kind. Drew did not present with any of

the symptoms associated with such a condition and did not disclose a family history that would suggest a genetic predisposition. Drew complained of shortness of breath at times, but did not reveal ever having a cough with bloody sputum or have difficulty catching breath at rest. I specifically remember asking about this. And, while the shortness of breath reportedly worsened with activity in the past, this could be explained by simply being out of shape. When I examined Drew's lungs, there was no wheezing, no shortness of breath, the lung sounds were normal, there was no sharp pain on taking a deep breath, there was no rubbing sound that would suggest pleural inflammation. And, as a person under 50 years old, with no other symptoms, the risk of pulmonary embolism would be about 2%.

15. It is true that, because the risk of missing the diagnosis of pulmonary embolus can include death, a physician has to consider this diagnosis when caring for any patient complaining of chest pain or shortness of breath, Drew was not actually complaining of chest pain or shortness of breath when I examined her/him. I therefore had no medical indication, no reason at that time to order an EKG (Echocardiogram) or lung X-ray that might have revealed the existing small thromboemboli in Drew's lungs. Medicine does not work in hindsight but only by what information is available to you at the time of the examination.

16. The same thing goes for the heart murmur. Drew self-reported a heart murmur, but as I said before, people can live for a long time, engage in all kinds of activities, with a heart murmur. There are many types of murmurs, and an innocent or functional murmur is not something to worry about. Drew certainly did not report any limitations related to the murmur or anything else that would have indicated a possible abnormal heart murmur. Yes, if I had ordered an EKG – it might have revealed an abnormal heart murmur that in turn would have indicated a greater susceptibility to a heart attack from unusual levels of stress being placed on the heart. And an EKG might have been doubly useful in diagnosing the prior pulmonary embolisms. There is no indication on the autopsy report that an abnormal heart murmur contributed to Drew's heart attack, but admittedly this is not something that could be determined in a deceased individual.

17. If Drew did have an abnormal heart murmur, then any dramatic increase in physical exertion could have made Drew at least four times as susceptible to a massive heart attack like the one s/he suffered. The exact increase in risk is impossible to tell without knowing exactly the type of defect that is causing the heart murmur. This was not inquired into during the autopsy, and it is possible it would not have been possible to determine the type of heart murmur after death. Even with an innocent heart murmur, it is possible that extreme physical exertion could result in an increased risk of a heart attack, especially when combined with AMS, let alone HAPE. If a person experiences unusual amounts of mental stress, lack of sleep (vital for the body to recover), high temperatures, or poor diet, any or all of these can result in increased stress on the heart and consequently an elevated risk of a heart attack. When I performed my examination of Drew before the season started, I really had no reason to suspect that Drew's activities would include a strenuous climb at such altitudes, on such poor nutrition, in 77 degree heat. Who sees that in Alaska? Increased temperatures make it substantially more difficult to stay hydrated, which in turn can exacerbate the effects of AMS.

18. I should add that poor diet may have contributed to Drew Taylor's death. The nutrition available to the contestants in their particular wilderness location was not adequate to provide the

contestants with the vitamins and minerals that the body needs to function well. I watched episodes of the show and talked to other contestants to determine that with their limited ability at about 4,000 feet elevation to gather meaningful supplies of adequate food. Mostly, they were limited to berries and a few small greens. The contestants were apparently able to catch some small fish to eat, but not many. And usually this meant descending substantially in elevation to find usable food or access fish, which placed further stress upon the contestants. I was especially struck by the lack of sodium, or common salt in the contestants' diet. The heart is a muscle, and, to put it in lay terms, it receives electrical signals to beat in rhythm. Sodium is the transmitter of those impulses. I know people worry about having a "high salt diet," but we need a certain amount of salt for our bodies to function.

19. In this case, I noted that Drew was complaining of being tired and weak and having a headache even before the Mt. Pleasant hike. S/He was hot, and sweating, and therefore losing salt through sweat. While s/he *was* drinking water during the hike – hydration is important – s/he was not, as far as I could tell, supplementing the water intake with salt and other minerals. Her/His weakness, headache, and fatigue are symptoms of hyponatremia, or low blood sodium levels, a condition in which the sodium level in the blood falls too low to maintain normal body functions. In particular, because the heart functions through the use of sodium, hyponatremia can lead to heart arrhythmia, abnormal heart rhythms, and even death of the heart. And in Drew Taylor's case, abnormal heart rhythms presented a special danger due to her/his heart murmur. In my opinion, it is possible that hyponatremia could have contributed to Drew's death. Under normal conditions, a person with a heart murmur would have been able to undertake an extended time in the wilderness with a series of physically demanding challenges. But when you add poor nutrition and high altitudes on top of this – neither of which I was informed would be a possibility when I was asked to perform my examination – it could be enough to place unbearable strain on any person, let alone someone such as Drew Taylor with what was otherwise a relatively mild heart condition.

20. One more thing. I was shocked, absolutely shocked, that Harlow Towns did not immediately perform CPR on Drew when s/he. It is not the function of a nurse to declare that a patient is dead – especially based on nothing more than feeling a pulse. And, while it is quite possible that Drew was not revivable – indeed it is likely that was the case given the size of the thromboembolus – nonetheless, it was Towns' duty to begin immediate CPR, because patients who appear to have stopped breathing and have no heart beat have frequently been saved through proper CPR. Based on this, I really have to call into question Harlow's qualifications as a medical professional.

AFFIDAVIT OF SHANNON PRATT

1. My name is Shannon Pratt. I am fifty-three years old. I work in the entertainment industry and am the majority shareholder of True North Productions Inc., a video production company based in Alaskapolis, Alaska. I own 60% of the company, and there are only three other investors. True North is best known for producing the hit reality television show Alaska Survival Extreme, colloquially known as ASX. I serve as Executive Producer for the show, meaning that I am responsible for planning and all of the logistics for the show. This can be anything from selecting the contestants on the show to hiring the host and crew to arranging for transportation to the remote sites in Alaska where the show is filmed.

2. I am originally from the New York City area. I have always loved television and knew I wanted to make a career of it. I can't act to save my life, and to be honest I'm not that great of a writer either. So, I knew that if I wanted to be successful in the television industry it would have to be on the production side. I majored in Film at the City University of New York with an emphasis on the production side. Starting my senior year I was able to obtain an internship at a sitcom being filmed in the city. Nothing glamorous. I was mostly running errands. But it did allow me to make connections that proved valuable as I moved up the ladder. I have a talent for organization and planning. And I was dependable. Producers knew that if I said I would do something it would get done. I started being given more and more responsibility as a production assistant. I started to steer toward reality television shows as the cable industry grew and there was an insatiable need for ever more programming. I worked on some home refurbishment shows and even got to be the primary producer of a few episodes. I even learned some things about home repair.

3. About twenty-four years ago, I took a vacation to Alaska and fell in love with the state. A year or so later I was able to get a job as a site producer on a travel program being filmed in Alaska. It was only supposed to be for six-months, but I met my now spouse and, well, never left. Two kids later, my love for Alaska is as strong as it always was. Such a beautiful, quirky, welcoming place. I love hiking, hunting, fishing, camping ... anything in the outdoors. My family and I live in Alaskapolis, though we have a cabin on the Kenai and try to get into the wilderness as much as we can. My oldest just left for college out of state. I hope she comes back. I know that I will never leave.

4. Things were difficult at first because there was not much of a developed film industry in Alaska. Still isn't. I worked for a while in the tourist industry, occasionally picking up television jobs when a production company from Outside would come to the state. Thirteen years ago, I decided that enough was enough and that I would form my own television production company – True North Productions. At first, it was a small company satisfied with producing commercials for local businesses and assisting with larger productions. But eight years ago I decided to make the jump back into reality television. I love dogs and sled dog racing. With the popularity of the Iditarod, I figured there would be interest in a reality show on the lives and challenges of raising and racing sled dogs. I pitched it to the cable network RealTV, and they committed to a season. We picked three different sled dog racers to follow off and on for an entire year. We would pick

different racers each season of the series. The production schedule was about six months from filming to broadcast, which is typical for shows like this. Sled Dog Life, broadcast weekly on Thursday nights, became a moderate success, peaking at about 800,000 total viewers in its second season. We were able to draw the show out for two more seasons, but viewership fell off and RealTV cancelled us. I still wanted to continue filming, but I guess there is only so much variety in raising sled dogs. You can still see reruns of the series occasionally on RealTV.

5. By this point, Alaska was becoming a hotbed for reality television programs. I knew that if I came up with the right combination, I could have a real hit on my hands. I looked at the success of Survivor and decided to create a version based not in some tropical location but in the wilds of Alaska. I mean, skimpy clothing is nice and all, but everyone knows it is a lot tougher to survive in rugged Alaska than in Tahiti. Fortunately, RealTV agreed. Based on my prior success, they were even willing to commit to two seasons, especially after I told them my ideas about how to structure the program. I called the program Alaska Survival Extreme.

6. The premise behind the show was that a team of ten contestants per season would be stranded in a remote location in the Alaska wilderness with nothing but the clothes on their backs. Through a series of contests, the team could earn various survival gear to help them last longer in the wilderness. The audience could also vote to give the team or specific contestants survival gear. The audience could also vote to give specific contestants rewards like a hot meal or a bath. Each television “season” lasts for up to 30 days. Each day, True North would add \$5,000 per remaining contestant to a pot that will be divided at the end of the 30 days among the remaining contestants. (For example, if there are 8 remaining contestants on day 14, we would add \$40,000 to the already existing pot. If there are 5 remaining contestants at the end of the 30 days, only those 5 contestants would divide all the money in the pot.) Contestants could quit the show at any time by looking into the camera and saying, “I quit. I cannot survive extreme Alaska.”, but they would only be given a small stipend of \$2,000 for each five days they survived.

7. Most on location, as opposed to studio, reality television programs are filmed a couple months or more in advance of broadcast. That is how it was with Sled Dog Life. The studio programs (mostly talent shows) can be filmed that week or even shown live. This allows the viewers to vote on who advances or what have you. I wanted to take these techniques to the survival genre. I figured viewer participation in helping to shape challenges or decide rewards would be quite popular. Furthermore, knowing that the contestants are still struggling out in rural Alaska as you watch the show brings a certain immediacy to it that is quite exciting. You also essentially eliminate the possibility of leaked results.

8. One of the main reasons why on location shows have a couple of month lag time is because of the need for editing down to a one-hour time slot. You get tons and tons of footage, often from several real life days for just a single episode, and have to craft a story out of it, creating heroes and villains from the cast. We were going to broadcast the program on a daily basis for the entire month the contestants were out in the Alaska Bush. This would be real event television! The point was to get the audience hooked, always wanting to tune in the next day to hear what happened next to their favorite contestants. Viewers could also see how audience input impacted the show.

9. We had several camera operators on site; the exact number depended on the nature of the location and the filming needs for a particular day. True North would rent a helicopter for each season that could be used to airlift crew in and out of the filming location. We would shoot for about ten hours each day, and video was sent at the end of the day via satellite uplink to the True North studios in Alaskopolis. We had a team of editors that would spend evening hours and the next day combing through the footage to create the next episode. The time difference between Eastern Time and Alaska Time made this even more challenging. We had to get each episode completed by 3:00 p.m. Alaska Time so that it could be streamed to RealTV for broadcast that night. I oversaw the editing and had the final say on the finished episode. It was a very stressful schedule, and I have to admit that some of our episodes were a bit rough around the edges. But we always made our deadlines, and the show was always broadcast at 9:00 p.m. Eastern Time each night.

10. I was lucky to be able to select a talented host for the show in Harlow Towns. Harlow was articulate and telegenic – all around a great television presence. I found Harlow through an outdoor adventure club in Alaskapolis that we both belonged to. Harlow did not have a prior background in television, but I knew that s/he would be a natural in front of the camera. Harlow had a background both as a nurse and as a skilled outdoors adventurer, having completed courses in wilderness survival training and having competed in several geocaching and mountaineering races. This made Harlow uniquely qualified to be the on-site producer for each episode. I trusted Harlow to be not only the on-air face of the show but also to look after the health and safety of the contestants each season. I emphasized consistently to Harlow that contestant safety always came before entertainment value, and I strongly believe that Harlow agreed with me on this.

11. Because of all of the innovative ideas, I was not surprised that ASX became a ratings success. The show filmed/broadcast three times a calendar year, with each filming counting as a “season”. The first season, July 2014, we were just getting started. But we still had a strong total viewership of just over two million viewers. This number increased steadily over the next couple of seasons. Importantly, we also had a strong viewership among people ages 18 to 49, which is the demographic most coveted by advertisers. We consistently had close to 1.9 million viewers per episode in that demographic. Both that number and our overall viewership numbers easily placed us in the top ten cable programs each evening. Our total viewership rose to 2.36 million in February 2015. I think viewers were interested seeing how the contestants would survive the winter in Alaska. We did have to make a few concessions that season for the winter weather. We made the contestants construct snow caves and sleep in them the first night, but we had a pretty easy challenge the next day to give them access to cabin and a heat source. Only one contestant survived the full season – Alicia Romero. Amazing too, since she was receptionist for a law firm in Texas. Alicia went on to become quite the media celebrity. In fact, many of our more successful contestants go on to make a few thousand extra dollars doing media appearances after their time on our show is over. I think that is one of the reasons why we have so many great contestants.

12. We advertise nationally for contestants on the show. Initially, we would advertise on talk shows, variety shows and make appearances on national and local morning news programs. By now, though, we have become well known enough that contestants generally seek us out. We try

to get a range of personalities on the show. One thing I have discovered from my many years in reality television is that if the contestants are all perfectly fit and friendly, the audience loses interest. You need contestants to fight with each other and to struggle from time to time. That is what creates drama. But you also need sympathetic contestants that the audience will identify with. My goal in selecting contestants was not necessarily to select the people that had the strongest survival skills, but rather to make sure we had good television that would lead to high ratings. So, if we had some contestants with abrasive personalities, so be it. Applicants had to fill out a long questionnaire that not only asked about family and work and so on, but also about outdoors experience and questions I had a psychologist draft that were meant to reveal an applicant's personality. Applicants were also given a questionnaire about their health and medical history. I had Harlow screen those forms because of her/his medical background. The top seventy-five applicants were given telephonic interviews, then the top twenty flown to Alaska for an in-person meeting and testing. We even had everyone meet together to try to gauge interactions between them. I then pick the team of ten contestants to compete that season. Once a contestant was selected, he or she needed to pass a wilderness survival skills test that consists of both written and physical components. I trusted Harlow to do this because of her/his combined experience in medicine and survival skills. No need to pay more money for an outside wilderness expert when we did not need to. We used the Comprehensive Wilderness Survival Test to measure wilderness survival skills. I was told that this was a relatively easy test to administer. We did have an actual doctor perform a physical exam on all finalists to make sure there were not any disqualifying medical issues. For the July 2016 season this was Dr. Morgan Francis.

13. I remember picking the contestants for our July 2016 season. We started the process in April of that year, but the selections were not finalized until early June. As usual, I selected a bully in Robin Carlson and a shy, quiet type in Dakota Mills. I picked Drew Taylor because I knew that s/he would become a crowd favorite. Normally we did not pick contestants from Alaska because they would come across as having a home field advantage, so to speak. But Drew was the embodiment of an average working class person that I knew would appeal to most of our viewers. Drew had a bit of a weight problem, but was by no means obese. However, I figured that because of her/his weight problem Drew would struggle at some of the planned "challenges" on the show and would eventually quit. I mean, Drew certainly was not selected because of her/his athletic ability. But, Drew would generate great ratings while s/he lasted. Drew always tried to make others happy. And because Drew was from Alaska, I got a chance to meet her/his wonderful family. I feel very bad for Drew and wish that his/her wife/husband Taylor had not felt the need to resort to litigation. Drew's death was just an unfortunate health incident that we had no way of knowing about and could not prevent. Drew did not disclose on her/his application for the show any health problems that might compromise participation in the show, and certainly not a heart defect. If s/he had, I would have reconsidered selecting Drew as a contestant.

14. For the July 2016 season of ASX, True North chose to film at the base of Mount Pleasant, a 14,312-foot peak in the Alaska Range. Base camp for the show was located at about 4,000 feet, just at the edge of the tree line. There is abundant wildlife and berries, but minimal available fish. I knew that the contestants would have trouble catching fresh game and would mostly have to

subsist on the berries, but this would be part of the experience. We did have some challenges that would give contestants access to canned food and a can opener. It is amazing how much in everyday life you take for granted until you are stranded in the wild.

15. I was not on set when Drew Taylor died. This is not unusual. I was almost never on set. Too much to take care of back at True North Productions. The decision to have the contestants climb Mount Pleasant was based on a viewer poll. Like I was saying, the contestants were not able to catch any fresh game, and I knew a rifle would be a popular reward with both the contestants and the audience. I set up an online poll to select whether the contestants had to ford a swiftly flowing river or climb Mount Pleasant to earn the rifle. All contestants would need to succeed in order for the rifle to be awarded. An overwhelming 77% of viewers wanted the contestants to climb the mountain. It was in the background of almost every shot, so this is not too surprising.

16. Getting to the top of the mountain would be too technically challenging, but contestants could get to the 12,000-foot level without any mountain climbing experience. This was also as high as Harlow said contestants should go without carrying oxygen with them. I have never personally climbed that high and was worried about the potential effects on the contestants. I wanted to make sure that oxygen would be available if needed and arranged to have sufficient oxygen available for all of the contestants and crew in the helicopter that we had rented for the day. I wrote a memo telling Harlow to call in the helicopter and give oxygen to contestants at the first sign of trouble. Even if this meant doing it off camera so the audience would not see it. It is a dirty secret of the reality television industry that sometimes contestants are given assistance off camera. As long as the same assistance is available for everyone who needs it, I do not believe it compromises the integrity of the competition. With the Mount Pleasant climb, I was afraid that none of the contestants would be able to make it to the top in the ten hours we had allotted for the challenge. I did not mind it if a couple of contestants were eliminated. I mean, part of the excitement of the show is having contestants quit. We still had seven contestants at the time, and I wanted to get that number down, even if it meant not awarding the rifle. For that matter, we could always give the rifle the next day in an easier challenge if we really wanted to. But what I could not have was the entire remaining team quit and the show to be over.

17. The ratings for the July 2016 season (our seventh season) had declined dramatically – about 40% – from previous seasons. Don't get me wrong. We still had a healthy audience. And considering we were getting this audience on a nightly basis as opposed to weekly, our aggregate viewership was outstanding, even if I suspect it was mostly the same viewers from night to night. The problem was that we had promised advertisers a much larger audience than we could deliver. If the ratings did not improve, we would have to refund some of the ad money we had been given – more than if we had just sold ads based on lower expected ratings. Combined with the high costs of production – what with the expenses of filming in remote locations, the increased salary for Harlow, and the need to pay for a team of video editors – there was a very real danger that the show and by extension True North Productions could go bankrupt if ratings did not improve. I even was interviewed by this stupid reporter about the ratings decline ASX was experiencing. Harlow, who by this point had become a 10% investor in True North Productions, was well aware of the pressures we faced. I talked to Harlow on a daily basis via satellite phone about how the

show was going and what kind of challenges to plan for the next few days. Harlow would help me gauge how the contestants were doing and what they might be able to handle.

18. I knew that the Mount Pleasant climb could be just the thing to fix our sagging ratings. The online poll for the rifle challenge had generated a great deal of buzz in social media, and hits on the show's website skyrocketed. We even regained about half of our audience in the couple of days before July 22. I was excited about the prospect of improving our ratings to the point where the show could break even or maybe make a small profit. Survive the season and we could sell ads at a lower rate the next season and still be profitable. But True North Productions simply did not have the resources to go into debt.

19. Harlow called me immediately after Drew collapsed and died. My first response was deep sadness for Peyton Taylor and Drew's two children. I called the helicopter to retrieve the cast and crew and Drew's body. This took a couple of trips to accomplish. I knew that there was no way the show could go on after Drew's death. I cancelled the remainder of the show and awarded the remaining contestants their share of the pot of money extended over the full 30 days. By this point there was \$1,140,000 in the prize pool. I called Peyton Taylor and offered him/her Drew's share of the pool, but s/he refused. So, this resulted in the six remaining contestants receiving \$190,000 each. For the show on July 23, I had Harlow and a couple of contestants – Karen Fong and Dakota Mills – reminisce about what Drew meant to the show and what a good person s/he was. I told them not really to talk about the events surrounding Drew's death. I thought that would be disrespectful to Drew and her/his family and not something that needed to be hashed out in public. I also deleted the downloaded footage from that day, again out of respect for Drew's family. I knew it would never be broadcast, and I personally just couldn't stand to watch it. In retrospect I admit that I should have anticipated a possible lawsuit and saved the footage. I certainly did not delete the footage to try to avoid liability. It did not occur to me that this was anything other than an unfortunate accident.

20. Though Drew's passing was certainly the first fatality on ASX, we have had other times where contestants have been injured. Usually just scrapes and bruises that are easily fixed with a first aid kit. Or maybe a stomach illness that goes away once the contestant gets back on a regular diet. We did have a contestant break his arm once, but he admitted that he was being reckless and that it was his fault. We have never been sued before and never really even had any contestants complain. ASX is very upfront with its contestants about the dangers of appearing on the show. Applicants are required to sign a waiver acknowledging the risks of appearing on the show and that they will be competing in challenges in which there is a significant chance of injury. There is a briefing before each season with all contestants reminding them of the dangers and advising them to be careful. I gave this briefing before the July 2016 season and with Drew Taylor in attendance. Drew seemed very engaged and to be following along with what was being said. Drew never mentioned any potential heart problems, either in the briefing or on her/his application. We take all reasonable safety precautions we can, but there are only so many things that can be controlled for. All of our contestants know that they are taking a risk by joining the show and all do so willingly. I feel terrible about what happened to Drew, but I just do not see how any of it is True North's responsibility.

AFFIDAVIT OF HARLOW TOWNS

1. I am Harlow Towns, and I host the popular reality television show Alaska Survival Extreme, also known as ASX. I am thirty-seven years old, unmarried, and do not have any children. I have been hosting ASX since it began in July 2014. I had never done anything in the entertainment industry prior to this show. In fact, before this, I was a nurse. I have a B.S.N. degree from California State University, Sacramento, awarded in 2002. I enlisted in the U.S. Army Nurse Corps following graduation and was deployed with the 28th Combat Support Hospital in the first phase of Operation Iraqi Freedom in 2003. I was honorably discharged from active duty in the U.S. Army Nurse Corps in 2006 and returned to my hometown of Phoenix. After some additional training, I became a Certified Trauma Nurse. In 2010 moved to Salix, Alaska, a suburb about twenty-five miles from Alaskapolis, because I wanted to live in a place that was not so hot and had better access to nature. Prior to hosting ASX, I worked as a trauma nurse in Alaskapolis General Hospital. I worked three 12-hour days a week but then would have the rest of the week off. It was very stressful, grueling work, but I liked the adrenaline rush, and it was certainly not as stressful as when I was a combat nurse.

2. My medical training is primarily in triage and trauma. My job would be to assist the doctor in stabilizing patients that had just suffered serious, sometimes life-threatening injuries. This could mean anything from car accidents to shootings to falls down a mountain. Often times, patients would have multiple medical issues that needed immediate attention. Trauma care is different from emergency care in that trauma care focuses primarily on acute musculoskeletal surgery, whereas emergency room doctors handle a broader set of ailments, including things like heart attacks and strokes. While these obviously need immediate treatment, they are not medical issues that the trauma team handles. You never know as a trauma nurse what will come through the door next, but you do know that when something does you will be saving a life. This makes the job both very stressful and very rewarding.

3. It is a funny story how I became a television host. I love the outdoors. My work schedule allows me to take overnight camping trips on a regular basis. As soon as I got to Alaska I started taking wilderness survival courses. One thing I especially enjoy doing is getting a topographical map from the USGS of a particularly rugged area within a day's driving distance, picking a random point on the map, and then figuring out how I am going to hike to it. This fully tests both my orienteering skills and physical stamina. I may be gone for two or three days at a time. All by myself. Me against nature. I got pretty good at this and eventually started competing in geocaching competitions and mountaineering races. I won a couple of the geocaching competitions and had some top-ten finishes in the mountaineering races.

4. I am mostly a loner and can survive fine on my own in the Alaska wilderness, but I decided that I should probably get out and meet some new people. So, I joined an outdoor adventure club in Alaskapolis. It was mostly families, which meant the hikes we took were relatively casual by my standards. Some real friendly people in the club, though. I have to admit that it was nice to have other people to talk to from time to time when out in the woods. It was through the club that I met Shannon Pratt. We hit it off immediately. Shannon is quite friendly for someone in the

entertainment industry. I had watched a couple of episodes of Sled Dog Life, but was not a big fan of the show, or of television in general.

5. In March 2014, Shannon told me s/he was planning a new reality show that would be an Alaska survival show and asked if I had any interest in possibly hosting the show. Shannon said that with my background in nursing combined with my wilderness survival skills, I was the perfect person to host the show. This was a big surprise to me, but I am always up for new challenges. I asked Shannon why s/he was not hosting the show, but Shannon said that s/he had too much to do as the executive producer and was not comfortable in front of the camera anyway. I told Shannon I knew nothing about being on television and was worried I would say the wrong things. Shannon said my authenticity and obvious love for the Alaska wilderness would come across to the viewers and that this is what s/he was looking for in a host. Shannon assured me that s/he could teach me everything I needed to know about hosting a reality television show. I thought about it for a couple of weeks and decided it would be a fun thing to try. I didn't know if the show would succeed, so I didn't even quit my job, but only took a two-month leave of absence in and around the filming of the first season. I had no idea that ASX would become the cultural phenomena it has! My own popularity has also risen. For season seven, Shannon was afraid s/he could not pay me what I should get as a television host, so s/he gave me a 10% ownership of True North Productions in addition to my salary. This was a different agreement than the original agreement I signed to become a site producer for the show.

6. In addition to being the host, Shannon also envisioned me as the site producer for the show. Because the show would be filmed in very remote locations, there needed to be someone there that could handle the logistics and look after the cast and crew. I agreed with Shannon that I would be perfect for this because of my combined nursing and wilderness survival training. And it's not like I would be on camera for the full ten hours of filming each day, leaving me plenty of time to manage the behind-the-scenes logistics of the competition. I felt quite comfortable managing the contestants, almost none of whom had as much wilderness experience as I did, and arranging the challenges. I would talk to Shannon daily via satellite phone, but s/he placed great trust in me to evaluate how the contestants were doing in that particular season and adjust the challenges and rewards to suit what I felt the contestants could handle. Each "season" of the show lasted up to 30 days. We filmed in July, October, and February, and episodes were broadcast on only a one-day delay. This gave Shannon and me a lot of flexibility in adjusting the pace of the competition while still keeping everything exciting and immediate.

7. Of course, it was not my job to coach the contestants on wilderness survival. That would have ruined the competition because the contestants would just be taking orders from me. Plus, all the contestants on ASX had to take the Comprehensive Wilderness Survival Test in order to be on the show. Because of my medical training, I was the one to administer the tests and ensure that everyone passed with a minimum score of 5.0 out of 10. The higher the score the better, but it was good to know that all of the contestants had at least a basic level of survival skills before being dropped off in the middle of nowhere. At the same time, ASX *is* a competition. And in order for it to be a competition some of the contestants need to be pushed hard enough to quit the show. I mean, if everyone survived until the end of the season it would be a far less exciting show. Shannon

and I preferred it if only one person made it to the end. This happened twice in the six seasons we completed. In three of the seasons we had from three to five contestants survive. Once – for the October 2015 season – no one lasted the full 30 days. The last contestant quit on Day 27. Not only did we lose those last few days of the competition, but there was a huge audience backlash. We have tried to ease up on the challenges somewhat to make sure that this does not happen again. But, I do pick my places to push contestants to quit so that there will be only a handful for the last few episodes.

8. I thought the July 2016 season, filmed at the base of Mount Pleasant in the Alaska Range, was going particularly well before Drew Taylor's unfortunate death. I know that ratings were down, but the quality of the contestants was excellent. Perhaps too good, in fact. We still had seven surviving contestants as of July 22. Usually by this point there were only four or maybe five contestants remaining. The prize pool had grown to \$900,000, so if you had survived this far there was a lot of incentive to stay. I guess maybe the challenges had been too easy. I think another part of the problem was that Shannon had placed an increasing emphasis on audience participation in the show, including having viewers decide on rewards for the contestants. This could be food (always a boon when contestants might otherwise be starving), visits from a relative, a bath, or a night sleeping on an air mattress as opposed to the hard ground. There are all great for viewer interest, but they soften the hardship for the contestants of being in the wilderness, making it less likely that they will quit.

9. For example, I think the only reason Drew Taylor survived as long as s/he did was because s/he had become a bit of a fan favorite and had been rewarded with a supply of canned food, a visit from his/her wife/husband Peyton and two children, and a night sleeping in a tent on an air mattress. Admittedly, the cooked meal and night in the tent were the result of winning challenges, but the others were all voted on by fans of the show. I did like Drew a lot and could see why the rest of America would as well. Drew was very friendly. You could tell s/he was a genuine, good person. Drew also struggled during some of the challenges, especially those that require endurance. The two challenges Drew won were more mental challenges, one involving identifying edible plants and the other predicting the weather based on cloud formations and movements. But I think the viewers could see Drew struggling physically and voted her/him rewards because they felt sorry for him/her. To me, this distorts the purpose of the competition.

10. Of course, the audience also helped pick some of the challenges, including the climb up Mount Pleasant. The contestants had been having trouble catching live game to eat. Ok, it was a complete failure. So, Shannon and I decided it would be fun and exciting to reward the contestants with a rifle for hunting if they could all complete a particularly difficult challenge. I advocated for giving the rifle to any remaining contestants who successfully completed the challenge, but Shannon adamantly believed that requiring *all* contestants to make it through the challenge would increase the drama and excitement. And it is ultimately Shannon's show, so I went along.

11. The viewers chose a climb up Mount Pleasant over fording the rather swiftly moving Baldzaey River. I use the word "climb" loosely. The challenge would not involve technically difficult climbing, only some occasional scrambling, but would be quite strenuous. Contestants

were not required to make it all the way to the peak, only to go from the base camp where we had been filming, at an elevation of about 4,000 feet, up to an extraction point at about 12,000 feet. So, only 8,000 feet of elevation gain. We were starting at 10:00 a.m., and the contestants would have ten hours to complete the challenge. I have frequently done mountain climbs of this distance or more in far less than ten hours. There was even going to be a helicopter at top to pick up the contestants so that they did not have to worry about going down the mountain.

12. The key to high altitude climbs such as this is to remain hydrated. As you go up in elevation, there is less oxygen to breathe. This makes a person breathe deeper and faster, which in turn results in an increased loss of water vapor. Without drinking plenty of fluids to replace what is lost, people can suffer headaches, fatigue, vomiting, cramping, and dizziness. This is what is commonly known as altitude sickness, and it can be quite serious. Fortunately, all of the contestants knew to carry plenty of water. They had all been awarded water bottles and filtration systems through an earlier challenge. Even with adequate hydration, though, it is common to get a headache from the elevation change. For the Mount Pleasant climb, the contestants were also given a supply of energy bars for consumption because, frankly, they had not been able to acquire enough food on their own to have proper sustenance to make it up to the extraction point.

13. I knew for the climb to look for signs of altitude sickness. Shannon reminded me of this in a memo, but I did not really need the reminder. It helped that we had been filming for three weeks at an elevation of 4,000 feet. This got the contestants somewhat acclimated to higher elevations. It also helped that we were mostly staying within what is classified as the “high altitude” region, which goes up to 11,500 feet. Shannon also had arranged for oxygen to be available via helicopter if anyone had particular problems breathing and became sick. I would of course be going up the mountain with the contestants so I could monitor them and determine if oxygen was needed. I was more skilled of a hiker than any of the contestants, so I was not worried about keeping up with them. The helicopter would take camera operators to strategic points on the trail to film me and the other contestants from time to time. Shannon even said that I could administer oxygen off camera, though I generally frown on altering the competition in any way not shown to the viewers. All in all, while I was certainly planning on paying attention to the health of the contestants, I was not overly worried.

14. July 22, the day of the Mount Pleasant challenge, was bright and sunny. I am glad it was not raining; I would not have wanted to do a long hike like that in the rain. The thermometer I had with me said it was 68 degrees when we started the hike at 10:00 a.m. This was unusually warm, and I knew it would get eight to ten degrees warmer over the course of the day. This is warmer than ideally I would have liked, but really all this meant was that everyone would have to drink more water because they would be sweating more. The total length of the climb would be about ten miles, though the first three of those would be to get from the camp location to the mountain itself, where the real climbing would begin. No technical mountain climbing was involved, but there would be several steep sections and a bit of scrambling. The crew had placed flags along the route to help guide the contestants.

15. The first hour or so of the hike was relatively flat. Like I said, just to get from camp to the mountain. We maintained a good pace in this first portion. At the beginning of the climb up Mount Pleasant, everyone was doing fine. In the first three hours of the climb up the mountain (so about 2:00 p.m., four hours into the challenge), we were able to cover about 2,500 feet of elevation gain, meaning we were at about 6,500 feet above sea level. By this point we had gone 3.5 of the 7 miles of the trail actually on the mountain. On camera I asked all of the contestants how they were doing. Most of the contestants were doing fine. Drew Taylor started to complain about feeling tired and having a throbbing headache. Robin Carlson also complained about having a headache. I asked if anyone wanted to quit. Drew seemed to waiver a bit, but after some encouragement from the other contestants decided to continue.

16. Things slowed down from there, not just for Drew but for the whole team. It took close to two hours to go up the next 1,500 feet, and the team was worried it would not be able to reach the objective in the time allowed. Drew once again started complaining, this time of having chest pains. S/He said repeatedly, "I can't breathe. I can't breathe." Some of his/her teammates made fun of Drew for being out of shape and taunted Drew with something about a meal of fresh-cooked rabbit. I asked Drew if s/he wanted to quit. Drew hesitated and seemed about to say "yes," but then Robin Carlson started yelling at Drew that s/he needed to continue and that the team would not survive without the rifle. Only Dakota Mills told Drew to quit if s/he did not feel like continuing and that the team would find a way to survive without him/her. I asked Drew again if I should call in the helicopter to take her/him away. Drew replied that s/he would continue on for the good of the team.

17. I considered calling in the helicopter myself and forcing Drew from the competition. In retrospect, I of course now regret that I did not. But, with as much of a fan favorite as Drew was, I was afraid there would be too much of a backlash from the viewers if I as the host removed her/him from ASX. I was sure that Drew would quit at any minute. That is why I did not call in oxygen from the helicopter. It would undermine the credibility of the Mount Pleasant challenge and the entire show, and the other contestants seemed to be doing well with the hike. I mean, everyone was exhausted, but that is to be expected. It was ultimately Drew's responsibility to know her/his body and its limits. I firmly believe that all of the other contestants would have been able to complete the challenge had it continued. Unfortunately, about five more minutes into the hike Drew collapsed. I rushed over to Drew and felt for a pulse, but Drew was dead. I phoned Shannon and told him/her the terrible news. We both knew that the season could not continue. Shannon called in the helicopter to remove the cast and crew and Drew's body.

AFFIDAVIT OF ROBIN CARLSON

1. My name is Robin Carlson. I'm 33 years old and I'm from Polebridge, Montana. Polebridge is a small town that is practically located in Glacier National Park. I grew up in northern Montana where my dad taught me everything I know about survival skills. Some of my earliest memories are in the backcountry. My dad was a teacher and had the summers off, so from the time I turned twelve we would go on weeklong wilderness treks, surviving solely on what we could find or catch. There is a lot of open public land to explore in Western Montana and Idaho. I learned from an early age which plants and berries are safe to eat and which not. Mostly we would fish for our protein, but I also am an avid hunter. Give me a good rifle and I can shoot the wings off a fly. I am unmarried and do not have any children.

2. I consider myself fortunate to be able to be outdoors for my job. I own Glacier Backcountry Tours, and we operate tours in Glacier National Park. We specialize in multi-day backpacking trips and rafting trips for those with experience. I love the job because it gets me outdoors, but man, we get some inexperienced people on our tours, and they are so annoying to deal with. Usually requires me to do more work than I should really have to, but we haven't lost anyone yet. Part of my job is to push people to explore their personal limits of what they can accomplish in the outdoors. A lot of people think they love the outdoors, when what they really love is just the idea of being outdoors and not the hard work of surviving out there.

3. In my free time, I like to run ultramarathons and mountaineering races. I don't have enough time to train to win any of these races, but I hold my own. I do better at the mountaineering races because of my love of running up and down mountains and have a couple of top five finishes in some local races. It would be nice to be able to spend more time training and racing professionally, but I guess I am just a bit too conservative to quit my job and take that risk. Still, I pride myself on being physically fit. In my job, you have to set a good example for your customers, or they won't believe in and follow you.

4. I don't watch much television. Never really cared for it. I first heard about Alaska Survival Extreme from one of the kids working with us as a tour guide. She has worked with us the past few summers and I taught her a lot of what she knows. I think she recognized my talent and thought I'd be a competitive contestant. I mean, ASX is practically designed for me! There is no way I wouldn't survive the entire month. This was just another chance to prove myself. And once she told me how much I could win I was sold. The money would really help me with the business. The fame and free publicity couldn't hurt either.

5. The tryouts for the show were a breeze. I thought everyone invited to Alaska for an interview and testing would have a similar background to me. But nope. I was by far the most qualified of anyone there. The producers seemed to be more interested in personalities than in making this a real competition. I mean, let me just give you a couple of examples. Dakota Mills was a pig farmer. Seriously? Seemed reasonably in shape, but had probably never seen a mountain in her/his life. But Dakota was much more suited for the show than Drew Taylor. No offense to Drew and what happened to him/her, but s/he never should have been allowed on the show. Drew was clearly overweight and not in very good shape. I could tell this even before going out to the camp where the filming would take place. Drew even ate a raw fish at the tryouts to try to please some stupid environmental activists. Pretty darn dumb if you ask me. I

mean, I like wilderness more than most people, but I would never cave in to someone and eat a disgusting, unsanitary raw fish. Drew was nice and all that, maybe even too nice, but this isn't what the show should be about. I could tell from the cast orientation that this was going to be just like my job, where I would have to wrangle a bunch of wannabe wilderness explorers into avoiding killing themselves.

6. I'm not going to lie, the competition was tough. We went into the competition with absolutely nothing. There were a series of challenges throughout the competition and we were able to win a fire starter kit and a water purification system, but we had no way to get any *real* food. For 22 days we had been eating berries. Do you know how quickly you get tired of berries? Some of the other contestants and I tried making traps to catch some food but we weren't successful. All we had to eat by way of meat was a few small fish, most of which I caught. And the insects ... oh the insects! I'm used to roughing it, but this was absolutely disgusting. It was not nearly enough, though, and everyone was starving. You can only imagine how excited we all were when we heard about the challenge of climbing Mount Pleasant and the rifle prize if we did so. It meant we could finally have a real meal!

7. I was worried, though, about everyone being able to finish the strenuous climb up the mountain, even though we had ten hours to complete it. I certainly was not worried about myself finishing, but others – especially Drew – made me nervous. By this point in the competition, I really wanted Drew gone. Drew started ASX as the weak link in our team and had only gotten weaker. I remember arguing about this with Dakota on Day 6 of the competition. Just the day before, Drew had lost the team a log hauling challenge when s/he could not keep up with everyone else. All we had to do was cut down ten trees and get them back to camp, one for each team member. Should have been easy, right? But Drew could not live up to her/his portion of the challenge, and we failed to complete the challenge in the allotted time. Would have meant a hamburger dinner for everyone too!

8. So, on Day 6, Dakota and I get into this big argument about Drew. We had been given a water purifier as a “present” on the Fourth of July by the host, Harlow Towns. I felt we had been doing fine just boiling water and didn't think we should be given help for nothing, but I suppose I can understand if the producers did not want to risk the entire cast getting dysentery and diarrhea. The problem was that this water purifier was gravity operated and took a really long time to generate potable water. After going on a long hike that day, everyone wanted to drink as soon as we got back to camp. Drew had lagged behind all hike long, and I didn't think s/he deserved to be among the first in line to get a drink of water. In reality, I wanted Drew to quit the show and figured that it was only a matter of time before this happened. I kept nagging Drew to give me the water purifier, and before too long s/he did and sulked away, as I knew s/he would. This did not sit well with Dakota. Dakota jumped in my face and said that Drew was clearly suffering and should be given water. I yelled back that this only showed how weak and unfit for ASX Drew was and that if Dakota really cared about the strength of the team s/he would do everything s/he could to encourage Drew to quit. But Dakota would not be deterred, and eventually I figured it wasn't worth fighting about and handed over the water purifier. I also did not mind the idea that if Drew dropped out it would mean more money for me, though I did not tell this to anyone.

9. This pattern of weakness on Drew's part continued, however. Drew simply did not possess the physical strength or stamina to succeed on a reality television show centered on physical competition. This is no offense to Drew. But Drew should have known that this was all too much for her/him and quit. It was painful to see how much Drew struggled going up hills or carrying additional weight over long distances. Drew rarely complained verbally, but the look on Drew's face spoke volumes about how difficult being on the show was. And this look of despair grew worse and worse as the days went on. On some level, I give Drew credit for sticking it out. But at the same time, you have to know your own limits and not try to push them too much. It seemed clear to me from seeing him/her on an almost constant basis that Drew simply could not stop and take perspective on the physical toll s/he was experiencing. I can understand as much as the next person wanting the money at the end of the month, but Drew was literally pushing him/herself to death.

10. Let me give you a few examples. So, there was the log-hauling challenge I mentioned earlier. A few days later, there was a race up and down a nearby hill carrying a 30-pound pack. Honestly I'm surprised Drew finished at all. S/He only beat Danielle because Danielle tripped and fell and twisted her ankle. (I can't believe that Dakota beat me, but that is a different matter.) Drew was wheezing and had trouble catching her/his breath. As much as Drew struggled getting up the small hill, this should have been a sign to Drew not to attempt the Mount Pleasant challenge later on. In fact, we all tried to climb part way up Mount Pleasant on July 12, figuring we'd have to climb it eventually. Again, Drew could barely keep up with the rest of the group and continued to have trouble breathing. Then that afternoon we had to run through an obstacle course as part of a competition among teammates. Drew did finish, but just barely. Drew kept falling on the obstacles and just looked pathetic. Drew did alright as the base of a human pyramid, but then again that is what Drew is best suited for.

11. However, anything involving physical exertion Drew just struggled more and more with. Drew became more and more lethargic and disinterested in participating in the routine daily activities of camp. S/He just seemed to be checking out. I was just waiting for the day when Drew quit all together. I think all of us were. Of course, this also meant more work for the rest of us. I didn't think this was fair, but after the run-in earlier with Dakota, I wasn't about to challenge Drew directly. One thing that really tested my patience, though, was on Day 19 when Drew skipped a show challenge involving climbing a rock wall. Yes, it was raining somewhat, and no, I didn't expect Drew to win. But we are on this show to compete, and it shocked me that Drew would not even try. Drew clearly did not want to be a part of the show at this point. I've seen this attitude from some of my customers on my guiding expeditions, and I've always found a way to get them off the expedition and send them home, usually by offering a substantial refund. If I were Shannon Pratt or Harlow Towns, I would have kicked Drew off ASX that very minute for refusing to participate in a challenge. It just undermines the integrity of the show if contestants can pick and choose what activities to do.

12. Moreover, it galled me that Drew won a couple of individual challenges involving only knowledge of survival techniques and not, you know, demonstrating any actual skills for surviving in the wilderness. It was even worse when Drew was voted by the viewers to receive rewards. Rewards like food and family visits need to be earned, not given out in a popularity contest. I earned my phone call with my parents! It was great to be able to tell my dad about all my survival adventures. But then the next day Drew received an actual visit from her/his family

for pretty much no reason at all other than that the viewers felt sorry for Drew. Unbelievable! I mean, I know all of this is ultimately done for ratings, but you'd think the producers of ASX would care just a little bit about making this a real competition.

13. What turned out to be the last challenge sounded easy enough. We had to hike 10 miles in 10 hours. I believe it was up to an elevation of 12,000 feet, so a gain of about 8,000 feet. There were some steep sections, but we could have managed it. The first hour was flat land, a little under three miles to get to the mountain itself. At least Drew could handle this. But when we got a couple hours into the hike up the mountain, Drew started her/his usual complaining – “This is hard ... I'm tired Can we take a break ...” I couldn't believe s/he was complaining so early. We had only completed a few miles of the trail and we still had several to go. I ignored Drew's complaining and we all encouraged Drew to keep going. S/He had to think about the rest of us! If we kept at Drew's pace, we would never finish on time.

14. Drew did push forward and we kept going. We moved at a slow pace; it took us an hour to climb 1500 feet. At this point Drew started his/her whining again. S/He kept saying s/he couldn't breathe and that s/he was tired. Harlow was asking Drew if s/he wanted to quit, and it looked like Drew was about to say yes. I was afraid this would mean we wouldn't get that rifle. Me and a few other contestants started making fun of Drew, telling Drew s/he'd get a rabbit dinner out of it. Dakota, was telling Drew that we could stop if we needed. Drew kept waffling. I lost my cool and I told Drew the truth – without that rifle we wouldn't survive. *We needed* him/her to finish. Fortunately, Drew didn't listen to Dakota and agreed to keep going.

15. Drew pushed on, but collapsed like five minutes later. Apparently, s/he had no pulse. I felt bad for Drew but what were we to do? I suggested we keep going, figuring maybe the producers would feel sorry and give the rest of us the rifle if we finished the climb. Without Drew, I knew we could finish the climb without any problems. But Harlow called it off and sent us all back to camp. They eventually cancelled the show. We were still paid \$190,000, so I guess I can't complain.

16. Looking back, I feel bad. I will admit that section of the hike was hard on everyone. But, what was I to do? We were so close and if Drew dropped out, well we could say bye-bye to the rifle and bye-bye to the money. To be honest, there were several contestants about to quit if we couldn't get better food. Not me, of course. I was used to this, but I also do this for a living. It was much tougher on the other contestants. Pratt and Towns really seemed to be pushing all of us hard and had chosen a camp site with very limited natural resources for food. I guess they were hoping all of this would translate to higher ratings. Like I said, I do not watch television, so I do not know if this season was any worse than the others.

17. I'm surprised Drew even made it on to the show. S/He wasn't in the best shape and always had issues with the challenges. Every competition we did, Drew had some sort of complaint. S/He was tired, it was too hard, it was too hot, it was too cold, s/he was sore. The list could keep going. I started to tune Drew out. Drew reminded me of some of the people I get on my tours. They think they have all this backcountry skill, but when it comes down to it, they don't. They struggle the entire time and I wonder why they even sign up for this type of stuff.

AFFIDAVIT OF ZANE CORTEZ

1. My name is Zane Cortez. I am 35 years old. I am a wilderness survival expert. My undergraduate degree is in Environmental Chemistry from the University of Oregon. While it has a scientific angle, the program is primarily about how wilderness and people relate, how people live in wilderness, that sort of thing. I did a variety of projects centered on survival training while in school. My senior thesis was a video diary and written piece about surviving for 30 days in the Oregon forests with nothing but a knife, a water bottle, and a light jacket. I had to set traps to catch food, forage, build a fire without matches or other materials, build a shelter. It was exhilarating. I love this stuff. Discovery Channel actually bought the footage and aired it as part of a special on wilderness education. I used that as the basis to write one of my books – Bears, Wolves, and Frigid Temperatures: Surviving College. It's about the survival experience as well as how young people can use college to build their wilderness knowledge.

2. I have been through a variety of training programs since graduating college. These include getting to participate in a Navy SEALs program even though I'm not in the military. I was part of a select group that got to go through the program. It is extreme survival stuff – swimming, climbing, diving, building shelters. Those men and women are intense. I have also been an expedition leader on many occasions for a variety of groups. I lead expeditions for the Sierra Club among others. As an expedition leader, I have to balance pushing people to their limits against keeping everyone safe. I always want to make sure no one does anything they aren't capable of.

3. I have also done a variety of survival challenges. I competed in the Canadian Death Race for four straight years starting in 2008. I did the Badwater Ultramarathon, that's a 135 mile course in Death Valley, California. I even got to run the Barkley Marathon last year. That is an intense race. It's an exclusive and extremely challenging course. It's hard to get into it, much less complete it. The course usually features something like 54,000 feet of vertical climb over a 100-mile course. I got through it. Man it was hard.

4. I also do mountaineering. I have climbed Mount Kilimanjaro as well as Mount Everest as an expedition member. I summited both. It was amazing. I have led two successful trips up Mount Kilimanjaro as well. I led two other expeditions that turned back due to weather. We got close, but I always am cautious. Things can go bad very quickly in the mountains, and I don't want anyone on my team to get hurt. Two years ago, I climbed Denali in Alaska. I haven't done much stuff up here, but I'm eager to get back. As part of my general wilderness education and background, I already had a good base of knowledge about altitude sickness. I also took a course and educated myself in more detail about how to spot altitude sickness in others and treat it as part of preparing for my expeditions and especially as part of preparing to lead expeditions.

5. I haven't done a lot of testifying in court, but I have consulted on television shows before. It's important to push your competitors but be careful at the same time. The first rule of wilderness survival is to know your limits and to stay within those limits. These things are supposed to be hard. As with ASX, not everyone is supposed to last the whole way – you expect some people to quit. Much of that balance between difficulty and safety depends on an honest assessment from the competitors of how they're feeling and doing. They have the most knowledge of how they're feeling. I reviewed a lot of material in preparation for this testimony. I reviewed all of the available

video as well as the written documents the competitors produced in order to get onto the show. I did not get the opportunity to visit the site. I consulted with the defense at a rate of \$300/hour for my services. I also did this because I want to know what happened so that I can help make sure it doesn't happen again on another survival show. We always have to learn from our mistakes.

6. From reviewing their screening and contestant selection process, it is clear that True North was pretty thorough in selecting contestants. True North used the Comprehensive Wilderness Survival Test (CWST) developed by faculty at the University of Idaho to ensure that all potential contestants could make it through the show. This is a fairly standard test – the best one that I've seen. It consists of both written and physical components. I did not personally administer the CWST to the ASX contestants, but the tests are written to be easily administered and scored by someone with only a minimal level of medical training. As I said, you have to make sure people can handle the challenge of wilderness survival. Some shows do only videos or interview contestants. Those are certainly a good way to get to know contestants, but they don't tell you anything about whether they are capable of handling such a demanding show as ASX.

7. On the written tests, Drew demonstrated a solid level of wilderness knowledge. S/He had been through some trainings, such as those offered by wilderness outdoor courses. Drew demonstrated a sound understanding of how to identify and interact with Alaskan wildlife. But Drew's strongest area of knowledge was understanding what plants were edible. Alaska has a variety of mushroom species, and Drew did a surprisingly good job of identifying those. S/He understood the most important rule of mushrooms though — if you aren't sure, don't eat it.

8. You may laugh, but one of the biggest dangers of surviving long periods of time in the wilderness is making sure that you receive the proper nutrition. People are so used to being able to get food from a grocery store, and everyone knows to eat enough different foods that they get the necessary balance of proteins and starches and vitamins to survive, even if it is not the healthiest of diets. In the wild, this is not so easy. You always have to be very conscious about what you are eating. If you are not receiving the proper nutrition, it can result in a variety of physical ailments that seriously weaken the body and might even result in mental impairments. All of this can lead to a downward spiral where physical exertion increasingly stresses the body and might lead to a significant negative health event such as a heart attack or even death. This was a concern of mine for a show such as ASX. I had watched previous seasons, though, and it always seemed like the producers made sure there was just enough decent food provided – often in the form of rewards for completing challenges – that the contestants would not suffer a life threatening lack of nutrition.

9. Drew clearly demonstrated knowledge about other important wilderness survival skills. Though not medically trained, Drew on the written part of the CWST was able to show some basic understanding of first aid. In fact, Drew scored higher on this part of the test than any of the contestants actually chosen for that season of the show. S/He knew how to clean and care for a variety of injuries and wounds. S/He correctly identified plants that one could use as antiseptics or to calm an upset stomach. S/He also knew the symptoms of a variety of illnesses. In particular, Drew understood the signs and symptoms of altitude sickness. S/He got a perfect score on which symptoms were a sign of altitude sickness and which were not. S/He also laid out correctly how to treat altitude sickness by increasing fluids and descending to a lower altitude.

10. So on the whole, the results of the CWST indicated that Drew had very good knowledge of the challenges of wilderness survival and how to get through them. Where I was more concerned with Drew's CWST results were the physical components of the test. Frankly, Drew would not have passed the test with a minimum score of 5.0 if it had been limited to a test of physical abilities. It was the knowledge-based portion of the test that pulled her/him through. The CWST requires test takers to complete a series of physical challenges. Drew had decent but not outstanding physical strength, especially considering s/he was leaving the prime of his/her life physically. Drew was 44, so s/he wasn't on the same level as some of the younger competitors, but s/he got through the tests. All of the tests were conducted at sea level in a controlled environment but were meant to simulate some of the physical challenges one might experience in a wilderness survival context.

11. Drew could only do a handful of push-ups and sit-ups and no pull-ups, all of which I attribute to Drew being overweight by about 30-35 pounds. Drew was not especially fast at completing the physical challenges of the test, though that is not overly important for wilderness survival. I mean, you are not exactly going to outrun a bear. But where Drew particularly struggled was on any test requiring endurance. Drew could not run a full mile without stopping several times to catch a breath. One physical test required that a person complete a 5 mile walk in under an hour. Drew got that done in 57 minutes. In another test, they had to walk 10 miles on a level trail, with 25 pounds of gear, in under 3 hours. Drew got done in 2 hours, 46 minutes. And Drew especially had difficulty on the stairclimber exercise meant to simulate hikes involving substantial elevation gain. Drew was able to complete this exercise – if Drew had not, s/he would have failed the test entirely – but not without significant difficulty. Not carrying any weight, Drew had to climb the equivalent of 2000 feet in under an hour. Drew took 59 minutes and 12 seconds to complete the exercise and I am assuming was pushing hard toward the end to finish in time. I say this because Drew's heart rate upon completing the stairclimb was a dangerously high 200 beats per minute for someone Drew's age. On the whole, Drew did enough to be minimally physically qualified to be on ASX, but not much more than that.

12. I also reviewed Drew's medical records. S/He noted some past physical problems, such as an old knee injury and some ongoing back problems. None of that was out of the ordinary, especially for someone of Drew's age. Drew also noted having a heart murmur. S/He did not provide a lot of information about it, so I was not sure exactly how serious it was. It's the kind of thing I would want to know more about if I was leading an expedition with Drew on it, but I assumed that Drew would know if the heart murmur would prevent him/her from adequately competing on the show and would not have applied to be a contestant if the heart murmur had been truly serious. Moreover, I have seen people with serious past medical issues do some incredible physical challenges before, so it's not something that means Drew could not compete in ASX.

13. Overall, I thought Drew would do okay in the competition. S/He could be a good part of a group, but s/he seemed like the kind of person who would struggle with some of the physical challenges as well as some of the harder aspects of wilderness survival such as long hikes and hunting food. If you showed me Drew's application materials and his performance on the physical challenges beforehand, I would have said he would make it a week or so, but that he would not be able to last the whole month on ASX. It's not just the skills and physical ability. It's also that Drew lacked a lot of experience with surviving in the wilderness. S/He had some, sure, but part of

surviving in the wilderness is getting used to the daily grind of it, being dirty and hungry, pushing yourself while knowing your limits. It's mentally exhausting, and I do not think Drew had the experience to handle a month of a survival challenge. Drew was at best a weekend hiker and had never done an extended multi-day wilderness trek like some of the other contestants.

14. I think you could see this struggle in the show and certainly in Drew's video diaries. S/He started off doing well and stayed generally upbeat throughout the competition, but he was struggling to deal with the mental challenge of it. I don't think Drew had ever been this hungry for this long. I don't mean that as a joke about Drew being overweight. It is just that the body needs to make adjustments to the reality of a sparse wilderness lifestyle. Being constantly hungry makes it hard to keep your thoughts straight and keep track of how you're doing. I think that may have been part of the reason Drew did not say something about how s/he was feeling the last couple of days before his/her death. Altitude sickness can make people confused as well. But Drew understood her/his situation and should have recognized his/her symptoms. There is only so much True North could do to protect Drew and other contestants.

15. I don't blame True North Productions for Drew's unfortunate death. Running something like ASX is hard. You have to push people for it to be interesting. Having a contestant like Drew who may not be fully up for the physical challenges of the show is fine from a programming standpoint. You need contestants to fail in order for the show to be interesting. If everyone made it through to the end, no one would watch the show. But you have to be careful too. You don't want to put someone in a bad or dangerous spot. That's why checking in with competitors or contestants is important. But ultimately – and again, this is the most important rule of wilderness survival – the contestant needs to know his or her limits and not push beyond what they are capable of doing. They know themselves best and can let you know if they're struggling. I emphasize this in all of my expeditions and my writings on wilderness survival. Wilderness excursions can be safe, but only if you make them safe. Whenever something goes wrong, it is almost always the case that the person injured bears the bulk of the blame for what happened.

ALASKA SURVIVAL EXTREME

AGREEMENT

When signed by you (“HARLOW TOWNS”) and us (“TRUE NORTH PRODUCTIONS, INC.”), the following shall constitute a complete and binding agreement between you and TRUE NORTH PRODUCTIONS, INC. with respect to all services rendered by you at any time as the SITE PRODUCER and otherwise in connection with the videotaping and production of an audio-visual reality contest program titled “ALASKA SURVIVAL EXTREME,” which program shall be one month worth of episodes of approximately 44 minutes in length (the “Program”).

I. Commencement of Services.

Commencing on or before May 1, 2014 and subject to the direction, control and supervision of TRUE NORTH PRODUCTIONS, INC. or its designees, you agree to furnish your personal services as the producer and otherwise in connection with the videotaping and production of ALASKA SURVIVAL EXTREME, a reality contest program.

In this connection, you shall perform such services as TRUE NORTH PRODUCTIONS, INC. or its designees may designate from time to time at such locations (the “Locations”) including, but not limited to:

- a. coordinating all on-site technical facilities for the videotaping of the Program;
- b. providing for contestant review, selection of appropriate contestants for the Program, and dismissal of contestants from the Program based on Program policies;
- c. directing the filming on-site for the Program, coordinating the activities of the contestants for the Program, and providing opportunity for best contestant performances;
- d. ensuring the safety of all contestants on the Program, including the authority to remove a contestant from the Program against his or her will at your sole discretion if you determine in your professional opinion that the contestant is at substantial risk for serious physical harm or death by continuing to participate in the Program; and
- e. protecting the integrity of the competition of the Program by preventing any cheating or any other unwarranted departures from the rules of the competition as established by you and TRUE NORTH PRODUCTIONS, INC.

You agree that you shall appear at all Locations and shall render all such services to the best of your ability. TRUE NORTH PRODUCTIONS, INC., agrees to provide to you food and lodging appropriate to the location of the filming, technical and clerical assistance, and such other facilities, supplies, equipment, transportation and services suitable to your position and adequate for the performance of your duties under this agreement.

II. Term and termination of services

The term of your employment under this agreement shall be from May 1, 2014 through and continuing until such time as eight (8) SEASONS of the Program have been filmed, unless terminated earlier as provided below. A Season shall constitute one full month of filming of the Program. This employment is deemed conditional upon the Program being renewed for broadcast

ALASKA SURVIVAL EXTREME

on any televised network or other means of distribution deemed acceptable by TRUE NORTH PRODUCTIONS, INC. Should the Program not be renewed or otherwise all filming for the Program ceases, any financial obligations and any other terms contained in this contract shall thereby immediately cease.

If not terminated earlier, and if TRUE NORTH PRODUCTIONS, INC. wishes to extend this Agreement beyond the Term, then commencing 10 days after the expiration of the Term TRUE NORTH PRODUCTIONS, INC. will notify you in writing and you will negotiate with TRUE NORTH PRODUCTIONS, INC. exclusively and in good faith for a period of 14 days with respect to the terms and conditions for such an extension. You agree that you will not negotiate with any third party prior to the commencement of or during this exclusive negotiating period.

TRUE NORTH PRODUCTIONS, INC., may terminate this agreement and all of your rights under this agreement at any time for cause. The following are illustrations of “cause,” but TRUE NORTH PRODUCTIONS, INC. is not limited or bound by these illustrations:

1. serious misconduct;
2. insubordination;
3. failure to perform assigned work in the manner described in this agreement;
4. using, possessing, selling or distributing intoxicants or illegal drugs or controlled substances on TRUE NORTH PRODUCTIONS, INC.’s property or while in the performance of TRUE NORTH PRODUCTIONS, INC.’s business;
5. dishonesty or deceit;
6. assault or battery;
7. on-air obscenity or impropriety, oral or visual, by you or a contestant;
8. conduct involving moral turpitude;
9. conduct punishable as a felony under state or federal law;
10. an unprivileged or unjustifiable action, or failure to act, directly resulting in the death or serious injury of a contestant, crew member, or co-worker on TRUE NORTH PRODUCTIONS, INC., property or while in the performance of TRUE NORTH PRODUCTIONS, INC., business;
11. failure to conduct yourself with due regard to social conventions and public morals and decency, or commission of any act, or involvement in any situation or occurrence, which degrades you in society or which brings you into public disrepute, contempt, scandal or ridicule, or shocks, insults or offends the community, or which may reflect unfavorably upon the you or TRUE NORTH PRODUCTIONS, INC., whether or not information on such act becomes public;
12. conduct which could jeopardize the license to operate of any station broadcasting TRUE NORTH PRODUCTIONS, INC.’s program ALASKA SURVIVAL EXTREME;
13. violation of any Federal Communications Commission rule or regulation;
14. incompetence; or
15. absence from location during shooting of the Program.

The judgment as to whether particular conduct constitutes “for cause” shall be solely that of TRUE NORTH PRODUCTIONS, INC., provided that such discretion is not exercised arbitrarily, capriciously or in violation of law. Any termination of this agreement shall also constitute a termination of employment.

ALASKA SURVIVAL EXTREME

III. Compensation

As full compensation for all services rendered by you and all rights granted by you to TRUE NORTH PRODUCTIONS, INC., and conditioned upon your full and faithful compliance with all of your obligations under this agreement, TRUE NORTH PRODUCTIONS, INC. agrees to pay to you the following:

a. ONE HUNDRED THOUSAND DOLLARS PER SEASON during the term of the agreement as salary.

b. Three and one-half percent of the “Net Profits” from the exhibition of the Program. “Net Profits” shall be defined in accordance with TRUE NORTH PRODUCTIONS, INC.’s or its assignee’s standard definition. You understand that TRUE NORTH PRODUCTIONS, INC. has made no warranty that there will, in fact, be any “Net Profits” from the exhibition of the Program or that the Program will, in fact, be exhibited in any territory, and TRUE NORTH PRODUCTIONS, INC.’s only obligation under this agreement is to account for such sums, if and when payable, within fourteen days following the last day of January and June of each year (or such other semi-annual payment days as TRUE NORTH PRODUCTIONS, INC. may adopt) for the preceding six-month period. Each accounting rendered under this agreement shall be deemed binding upon you, and you shall have no claim against TRUE NORTH PRODUCTIONS, INC. or any third party in connection with such accounting, unless you notify TRUE NORTH PRODUCTIONS, INC., in writing, of the specific basis of your claim within six months following the date such accounting is rendered.

IV. Grant of Rights

You acknowledge and agree that all scripts and creative material created by or performed by you shall be “work made for hire” as that term is used in the copyright laws of the United States, as set forth in 17 U.S.C.A. §§ 101 et seq. All episodes, program segments, titles and formats, scripts and outlines, ideas and concepts conceived and created for TRUE NORTH PRODUCTIONS, INC., shall be the sole and exclusive property of TRUE NORTH PRODUCTIONS, INC., and all copyrights, trademarks, service marks and other rights shall be in TRUE NORTH PRODUCTIONS, INC.’s name and ownership. You shall take any and all actions TRUE NORTH PRODUCTIONS, INC., may request to confirm ownership of such intellectual property in TRUE NORTH PRODUCTIONS, INC.

You grant to TRUE NORTH PRODUCTIONS, INC., its subsidiaries, affiliates, licensees, assignees and designees:

a. The exclusive and perpetual right throughout the world to reproduce, print, publish and disseminate, in any medium whatsoever, your name (including any and all professional names previously or later used by you), portraits, pictures, voice, likeness, and any biographical information concerning you, in connection with or related to, directly or indirectly, any services performed by you under this agreement, for the purposes of trade or otherwise, without restriction, including, but not limited to, activities in connection with advertising and publicity. Any use of your name and likeness, as stated above, shall not constitute an endorsement of any product or service.

b. The exclusive and perpetual right throughout the world to record, film, tape, videotape, photograph, broadcast and transmit, by any means now known or later devised, all or any portion of the services rendered by you under this agreement, and to reproduce, manufacture, distribute, exploit or otherwise use the same in any manner, including but not limited to use on or in

ALASKA SURVIVAL EXTREME

connection with broadcasts, telecasts or other transmissions in any media, including radio and television, and motion pictures, and any other method, means or media, whether now known or later devised.

You agree not to publicly disseminate or broadcast, or to submit to others for such purposes, any material that has not first been approved by TRUE NORTH PRODUCTIONS, INC. You agree you will not materially deviate from the approved script or activity plan furnished to, or approved for use by, you in connection with performance of your services to the Program.

v. Screen Credit

TRUE NORTH PRODUCTIONS, INC. shall accord you appropriate screen credit as the producer of the Program, provided that any failure to accord you such credit shall not constitute a breach of this agreement or entitle you or any third party to injunctive or other equitable relief.

vi. Warranties and Indemnification

You warrant and represent that:

(1) you have the full right, power and authority to make and enter into this agreement and to grant all of the rights granted to TRUE NORTH PRODUCTIONS, INC. including, but not limited to, the right to furnish your services to TRUE NORTH PRODUCTIONS, INC. as provided;

(2) you have not, prior to the date of this agreement, and shall not later enter into any agreement or perform any act which diminishes or is inconsistent with the rights granted by you to TRUE NORTH PRODUCTIONS, INC. under this agreement;

(3) no materials, ideas or properties furnished or selected by you and embodied or contained in or used in connection with the Program shall violate or infringe upon any common law or statutory rights of any party including, but not limited to, contractual rights, copyrights and rights of privacy; and

(4) all licenses claimed by you (specifically, as a Certified Trauma Nurse) are current, active, and unrestricted, and you possess the skills and experience related by you in your résumé, on which TRUE NORTH PRODUCTIONS, INC. relied in selecting you to perform the services set out in this agreement.

Except as provided below, TRUE NORTH PRODUCTIONS, INC., shall indemnify and hold you harmless from any and all claims, liabilities, losses, damages, and expenses, including reasonable attorneys' fees, as a result of acts performed in the course and within the scope of your employment. TRUE NORTH PRODUCTIONS, INC., obligation under this paragraph shall not apply if: (1) claims, liabilities, losses, damages or expenses, including reasonable attorneys' fees, are incurred as a result of (a) your violation of TRUE NORTH PRODUCTIONS, INC.'s policies, rules or directives in effect, or (b) your act or failure to act for which this agreement may be terminated under section II of this agreement; (2) you fail to promptly notify TRUE NORTH PRODUCTIONS, INC., of any claim made or litigation filed against you; or (3) you settled or compromised the claim or litigation as to you without TRUE NORTH PRODUCTIONS, INC.'s prior written consent. This indemnification shall survive the death or other termination of employment and the expiration or termination of the Term. As a condition precedent to receipt of indemnification, you will cooperate with TRUE NORTH PRODUCTIONS, INC., and its legal counsel in the defense of any related action, claim or proceeding.

ALASKA SURVIVAL EXTREME

You will indemnify and hold TRUE NORTH PRODUCTIONS, INC. harmless against any claim, liability, damage, cost and expense (including reasonable legal fees) in connection with any claim that is inconsistent with the warranties made by you under this agreement. Upon the making or filing of any such claim, action or demand, TRUE NORTH PRODUCTIONS, INC. shall be entitled to withhold from any amounts payable under this agreement such amounts as are reasonably related to the potential liability in issue.

vii. Breach of Agreement

The failure by TRUE NORTH PRODUCTIONS, INC. to perform any of its obligations under this agreement shall not be deemed a breach of this agreement unless you give TRUE NORTH PRODUCTIONS, INC. written notice of such failure to perform and such failure is not corrected within 10 days after TRUE NORTH PRODUCTIONS, INC.'s receipt of such notice, or, if such breach is not reasonably capable of being cured within such 10-day period, TRUE NORTH PRODUCTIONS, INC. does not commence to cure such a breach within such 10-day period and proceed with reasonable diligence to complete the curing of such breach.

If any action is filed in the event of breach to cure, enforce, rescind, annul, or substantially modify this agreement, the unsuccessful party in the action shall pay to the successful party, in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful party's attorneys' fees.

viii. Notices

The parties agree that this agreement shall be governed by, construed, and enforced in accordance with the laws of Alaska. If any of the provisions of this agreement are held to be invalid under the laws of the jurisdiction in which enforcement is sought, such invalidity does not invalidate the entire agreement, but rather, the agreement shall be construed as if it had never contained the invalidated portion or portions. This agreement contains the entire understanding of the parties relating to the subject matter of this agreement and cannot be changed or terminated, except by an instrument signed by an officer of TRUE NORTH PRODUCTIONS, INC. and by you. A waiver by either party of any term or condition of this agreement in any instance shall not be deemed or construed as a waiver of such term or condition for the future, or of any subsequent breach. All remedies, rights, undertakings, obligations, and agreements contained in this agreement shall be cumulative and none of them shall be in limitation of any other remedy, right, undertaking, obligation or agreement of either party.

Any payments required to be made by TRUE NORTH PRODUCTIONS, INC. as a result of any breach of this agreement may be deducted or recouped from any money payable to you under this agreement, without limiting any other right or remedy of TRUE NORTH PRODUCTIONS, INC., under law or equity.

TRUE NORTH PRODUCTIONS, INC.

By: Shannon Pratt Date: 4/3/14
Shannon Pratt, Chief Executive Officer

HARLOW TOWNS

By: Harlow Towns Date: 4/3/2014
Harlow Towns, Producer

ALASKA SURVIVAL EXTREME

CONTESTANT AFFIRMATION AND RELEASE OF LIABILITY

Executed on *June 14*, 2016, by Drew Taylor of Alaskapolis, Alaska,

1. I, DREW TAYLOR, affirm that I have previously completed an examination on basic wilderness survival prior to being offered a place as a contestant in the wilderness survival competition, **Alaska Survival Extreme**, a television show and wilderness survival contest conducted and produced by TRUE NORTH PRODUCTIONS, INC. By accepting a place as a contestant, I certify that I am cognizant of all of the inherent risks and dangers of wilderness survival challenges in Alaska, and of the basic personal safety rules for activities connected with the same. I certify that I have viewed the introductory video prepared by TRUE NORTH PRODUCTIONS, INC., read the contestant's manual, and attended the safety briefing. I certify that I viewed past episodes of **Alaska Survival Extreme** and am familiar with the premises and organization of the competition and the risks and dangers associated with **Alaska Survival Extreme**.
2. I affirm I fully understand that there are certain elements of unavoidable danger and inherent risks in outdoor activities which I am about to undertake, and which are beyond the control of the officers, members, employees, agents, and contractors, of TRUE NORTH PRODUCTIONS, INC., and that participating in the competition **Alaska Survival Extreme** will entail unavoidable risks, and I may suffer personal injury, loss of life, and loss of or damage to property. I affirm I understand that I will be exposed to many hazards which may occur at locations remote in either time or distance or both from health care facilities and physicians equipped, trained and experienced to handle such injuries. Some of the risks and dangers which may be present may include, but are not limited, to the following:
 - a. The hazards of traveling in a helicopter in any weather conditions.
 - b. Water hazards including rocks, trees and other obstacles, and fast-moving water.
 - c. Swimming in unfamiliar and sometimes turbulent water that may be extremely cold.
 - d. Using paddles, ropes, and other unfamiliar outdoor equipment.
 - e. Rescue attempts.
 - f. Injuries inflicted by animals, insects, and plants, including bears, black flies, leeches, and devil's club.
 - g. Accidents or illness (including poisoning by eating plants, fungi, birds or animals) in remote places without medical facilities.
 - h. Human made objects in water, land, or in trees, including but not limited to ropes, swings, bridges, rafts or other craft, tents, arrows, lances, axes, traps, snares, guns, etc.

ALASKA SURVIVAL EXTREME

- i. Carrying equipment or other contestants,
 - j. Fires and the lack of fire, water from streams or lakes that may contain liver flukes.
 - k. The forces of nature, including but not limited to lightning, hail, rain, snow, winds, weather changes and water level changes.
 - l. The physical exertion associated with swimming, paddling, poling, hiking, climbing, and carrying equipment.
 - m. Hypothermia
3. I acknowledge that the enjoyment and excitement of viewers of Alaska Survival Extreme is derived in part from the inherent risks and dangers incurred by this wilderness survival competition activity that are beyond the accepted safety of life at home or work. These inherent risks and dangers contribute to the enjoyment and excitement of Alaska Survival Extreme and are reason for my participation. I am solely responsible for deciding to accept a place as a contestant, to participate, and to continue in Alaska Survival Extreme.
4. My participation in the wilderness survival competition **Alaska Survival Extreme** is purely voluntary. I understand that I may leave the competition at any time by saying the words: “**I quit. I cannot survive extreme Alaska.**” I assume all responsibility in making a decision to continue. I assume all risks and understand it is my responsibility to make decisions for my welfare generally while a contestant on **Alaska Survival Extreme.**
5. I understand that TRUE NORTH PRODUCTIONS, INC., does not teach safety, that it is not the purpose of this competition, **Alaska Survival Extreme**, to teach or enforce safety rules, nor is it the function of the officers, members, employees, agents and contractors of TRUE NORTH PRODUCTIONS, INC. to serve as the guardians of my safety. I understand that I am to furnish nothing but my clothing and boots, that I am responsible for the proper selection, maintenance, and condition of those items. I also understand that I am responsible for the safety and good operating condition of any equipment that I, or other contestants, own, regardless of where or how I obtain it.
6. In consideration of being permitted to participate as a contestant in **Alaska Survival Extreme**, I agree, for myself, spouse, children, legal representatives, heirs and assigns, to release, waive, and discharge TRUE NORTH PRODUCTIONS, INC., its officers, members, employees, sponsors, advertisers, transport contractors, and agents, from **ALL LIABILITY** to me, my spouse, children, legal representatives, heirs and assigns, for any and all loss or damage, and any claim or damages resulting from the same, on account of injury to my person or property, even injury resulting in my death, from any occurrence, inherent risk, or danger while I am competing and participating in **Alaska Survival Extreme.**

ALASKA SURVIVAL EXTREME

- 7. I personally assume all the inherent risks and dangers connected with **Alaska Survival Extreme**, and I further agree to save and hold harmless TRUE NORTH PRODUCTIONS, INC., its officers, members, employees, sponsors, advertisers, transport contractors, and agents and each of them from any loss, liability, damage or cost they may incur due to my presence upon the field of production or in transit between fields of production, whether caused by my negligence or by other contestants, or otherwise arising out of and in connection with my participation as a contestant on **Alaska Survival Extreme**.
- 8. I personally assume full responsibility for the risk of bodily injury, death or property damage due to the negligence of other contestants or otherwise while in or on the area of Alaska where production of **Alaska Survival Extreme** takes place, and while: competing, participating in, or awaiting challenges presented by the competition **Alaska Survival Extreme**.
- 9. I agree that this release and affirmation is intended to be as broad and inclusive as permitted by the laws of Alaska, and that if any portion of this agreement is held invalid, it is agreed that the balance shall, notwithstanding, continue in full legal force and effect.
- 10. I state that I am of lawful age and legally competent to sign this affirmation and release; that I understand the terms in this document are a contract, and not a mere recital, and that I have signed this document as my own free and voluntary act.
- 11. I have fully informed myself of the contents of this affirmation and release by reading it carefully before I signed it. I have had a medical examination to assure myself, and assume my own responsibility of physical fitness and capability to perform under the normal conditions of an advanced wilderness survival program, especially this competition **Alaska Survival Extreme**, and am physically fit as attested to by the medical examination.
- 12. I have executed this release and affirmation at Alaskapolis, Alaska, the day and year first above-written.

Drew Taylor
Drew Taylor

STATE OF ALASKA
FIFTH JUDICIAL DISTRICT } .0

BEFORE ME personally appeared DREW TAYLOR, who declared that he/she knew the contents of the foregoing document and acknowledged the same as his/her true and voluntary act.

WITNESS MY HAND AND SEAL this 14th day of June, 2016 at Alaskapolis, Alaska.

Mabel Woods
Notary Public for Alaska
My commission expires 15 Feb. 2018

ALASKA SURVIVAL EXTREME

MEDICAL EXAMINATION AND RELEASE OF INFORMATION

Part A: Informed Consent, Release of Information, and Authorization

Full name: Drew Taylor DOB: 01/08/1972

Complete this form. I understand that, if any information I/we have provided is found to be inaccurate, it may limit and/or eliminate the opportunity for participation in any event or activity. If I am participating in Alaska Survival Extreme, I have also read and understand the supplemental risk advisories in the Affirmation, including height and weight requirements and restrictions below, and understand that candidates will not be allowed to participate in applicable programs if those requirements are not met. The contestant may engage in all high-adventure activities described in the consent form, except as specifically noted by me or the candidate’s health-care provider. If the candidate is under the age of 19, a parent or guardian’s signature is required.

I understand that participation in Alaska Survival Extreme involves the risk of personal injury, including death, due to the physical, mental, and emotional challenges in the activities offered. Information about those activities may be obtained from the producers, TRUE NORTH PRODUCTIONS. Participation in these activities is entirely voluntary and requires contestants to follow instructions and abide by all applicable rules and the standards of conduct. In case of an emergency involving me, the candidate, I understand that efforts will be made to contact the individual listed as the emergency contact person by the medical provider and producer. In the event that this person cannot be reached, permission is hereby given to the medical provider selected by the onsite producer in charge to secure proper treatment, including hospitalization, anesthesia, surgery, or injections of medication for me. Medical providers are authorized to disclose protected health information to producers of Alaska Survival Extreme, and/or any physician or health-care provider involved in providing medical care to me as contestant. Protected Health Information/ Confidential Health Information (PHI/CHI) under the Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. §§160.103, 164.501, et seq., as amended from time to time, includes examination findings, test results, and treatment provided for purposes of medical evaluation, follow-up and communication with the contestant and contestant’s emergency contact, and/or determination of the contestant’s ability to continue in the program activities.

I have carefully considered the risk involved listed in the affirmation and release signed by me and hereby authorize the sharing of the information on this form with any agent of Far North Productions or professionals who need to know of medical conditions that may require special consideration in conducting Alaska Survival Extreme activities.

Contestant-Candidate’s signature: Drew Taylor Date: June 2, 2016

Parent/guardian signature for youth:

Date: _____ (If contestant is under the age of 18)

Second parent/guardian signature for youth: _____

Date: _____ (If required; for example, California)

ALASKA SURVIVAL EXTREME

Part B: General Information/Health History

Full name: Drew Taylor DOB: Jan. 8, 1972

Age: 44 Gender: M/F Height (inches): 68 Weight (lbs.): 209

Address: 3020 Curlew Ct

City: Alaskapolis State: AK ZIP code: 99694

Telephone: 907-555-1234 Mobile phone: _____

Health/Accident Insurance Company: _____

Policy No.: _____ Telephone: XXXXXXXXXXXXXXXXXXXX

Please attach a photocopy of both sides of the insurance card. If you do not have medical insurance, enter "none" above.

In case of emergency, notify the person below:

Name: Peyton Taylor Relationship: Spouse

Address: 3020 Curlew Ct

City: Alaskapolis State: AK ZIP code: 99694

Home phone: 907-555-1234 Other phone: _____

Smoking/Alcohol/Drugs

Do you partake of any of the following substances? If so, please state the type and frequency.

YES	NO	SUBSTANCE	EXPLAIN
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Alcohol	One/two beers during or after dinner 3x a week
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Tobacco	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Illegal Drugs	

Allergies/Medications

Are you allergic to or do you have any adverse reaction to any of the following?

YES	NO	ALLERGIES OR REACTIONS	EXPLAIN
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Medication	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Plants	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Food	Lactose intolerant
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Insect bites/stings	

List all medications currently used, including any over-the-counter medications.

CHECK HERE IF NO MEDICATIONS ARE ROUTINELY TAKEN.

MEDICATION	DOSE	FREQUENCY	REASON
Vitamin D	3000mg	Daily	Vitamin D deficiency
Multi-vitamin	1 pill	Daily	General health
Lopressor	100 mg	Daily	High blood pressure
Aspirin	200 mg	Daily	Reduce risk of heart attack

NOTE: IF ADDITIONAL SPACE IS NEEDED, PLEASE INDICATE ON A SEPARATE SHEET AND ATTACH.

Bring enough medications in sufficient quantities and in the original containers. Make sure that they are NOT expired, including inhalers and EpiPens. You SHOULD NOT STOP taking any maintenance medication unless instructed to do so by your doctor.

ALASKA SURVIVAL EXTREME

Part C: Existing Medical Conditions

Candidate/contestant full name: Drew Taylor DOB: 1/8/1972

Health History Do you currently have or have you ever been treated for any of the following?

YES	NO	CONDITION	EXPLAIN
	X	Diabetes	Last HbA1c percentage and date:
X		Hypertension (high blood pressure)	In past, high cholesterol issues
X		Adult or congenital heart disease/heart attack/chest pain (angina)/heart murmur/coronary artery disease. Any heart surgery or procedure. Explain all "yes" answers.	Heart murmur
	X	Family history of heart disease or any sudden heart related death of a family member before age 50.	
	X	Stroke/TIA	
	X	Asthma	Last attack date:
	X	Lung/respiratory disease	
	X	COPD	
	X	Ear/eyes/nose/sinus problems	
	X	Muscular/skeletal condition/muscle or bone issues	
	X	Altitude sickness	Never been to high altitudes
	X	Psychiatric/psychological or emotional difficulties	
	X	Head injury/concussion	
	X	Behavioral/neurological disorders	
	X	Blood disorders/sickle cell disease	
X		Fainting spells and dizziness	Past spells of dizziness, but not within last five years
	X	Kidney disease	
	X	Seizures	Last seizure date:
X		Abdominal/stomach/digestive problems	Occasional heartburn
	X	Thyroid disease	
	X	Excessive fatigue	Fatigue when walking more than 1 mile
	X	Obstructive sleep apnea/sleep disorders	CPAP? YES <input type="checkbox"/> NO <input type="checkbox"/>
	X	List all surgeries and hospitalizations	Last surgery date:
X		List any other medical conditions not covered above	Trouble sleeping

Immunization The following immunizations are recommended. Tetanus immunization is required and must have been received within the last 10 years. If you had the disease, check the disease column and list the date. If immunized, check yes and provide the year received.

YES	NO	Disease	IMMUNIZATION	DATE	YES	NO	Disease	IMUNIZATION	DATE
X			Tetanus		X			Chicken Pox	
X			Pertussis		X			Hepatitis A	
X			Diphtheria		X			Hepatitis B	
X			Measles/Mumps/Rubella		X			Meningitis	
X			Polio		X			Influenza	

ALASKA SURVIVAL EXTREME

X	Other (i.e. HIB)		Exemption(s):
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Part D: Pre-Participation Physical

This part must be completed by certified and licensed physicians (MD, DO), nurse practitioners, or physician assistants.

EXAMINERS: You are being asked to certify that this individual has no contraindication for participation inside a Alaska Survival Extreme experience. Please refer to the supplemental information on the form provided by the candidate:

Candidate/contestant full name: Drew Taylor DOB: 1/8/1972

Please fill in the following information:

Medical restrictions to participate?	Yes	No	Explain
		✓	

Height (inches) 68 Weight (lbs): 218 BMI 33.2 (obese) Blood pressure 126 / 83 Pulse: 76

	Normal	Abnormal	Explain Abnormalities	PLEASE LIST ANY OTHER INFORMATION ABOUT THIS CANDIDATE THAT MAY BE HELPFUL. <i>Drew Taylor reports training for event, lost weight 2 mos. Weight just w/in limits per rpt. Reported trouble sleeping assoc/w stress. Murmur reported non-symptomatic. Listened to heart and murmur sounds benign. E&G, etc., deferred.</i>
Eyes	✓			
Ears/nose/throat	✓			
Lungs	✓			
Heart		✓	<i>Murmur</i>	
Abdomen	✓			
Genitalia/hernia	✓			
Musculoskeletal	✓			
Neurological	✓			
Other				

Height/Weight Restrictions If you exceed the maximum weight for height as explained in the following chart, you may not be allowed to participate.

Maximum weight for height:

Height (inches)	Max. Weight						
60	165	65	195	70	226	75	260
61	172	66	201	71	233	76	267
62	178	67	207	72	239	77	274
63	183	68	214	73	246	78	281
64	189	69	220	74	252	79 & over	295

ALASKA SURVIVAL EXTREME

Examiner's Certification

I certify that I have reviewed the health history and examined this person and find no contraindications for participation in Alaska Survival Extreme. This candidate (with noted restrictions):

TRUE	FALSE	EXPLAIN
✓		Meets height/weight requirements.
✓		Does not have uncontrolled heart disease, asthma, or hypertension.
✓		Has not had an orthopedic injury, musculoskeletal problems, or orthopedic surgery in the last six months or possesses a letter of clearance from his or her orthopedic surgeon or treating physician.
✓		Has no uncontrolled psychiatric disorders.
✓		Has had no seizures in the last year.
✓		Does not have poorly controlled diabetes.
✓		I have reviewed with them the important supplemental risk advisory provided.

Examiner's Signature: Morgan Francis, MD Date: June 2, 2016

Provider printed name: Morgan Francis, M.D.
Address: 2600 E. Eagle Av., Alaskapolis, AK 99694
Office phone: (907) 555-4565

Ratings Decline for Alaska Survival Extreme

Published July 9, 2016 in The Entertainment Daily (www.entdaily.com)

By Robert James, Senior Editor

Ratings for the formerly popular reality show Alaska Survival Extreme, broadcast nightly at 9:00pm ET on the cable network RealTV have declined substantially with the new season. The show, broadcast three times a year, places ten contestants in remote locations in Alaska and tests their survival skills through a series of challenges and rewards.

The previous seven iterations of the show have consistently drawn a nightly viewership of over 2.3 million viewers, including 1.9 million in the coveted 18-49 demographic. A week into the new season, though, viewership is down almost 40% from the February 2016 broadcast. While still a healthy audience, the show is hardly the ratings juggernaut it once was.

It is unclear what has caused this rating decline. No other shows in the timeslot have demonstrated a substantial increase in viewers. Audiences may simply be growing tired of Alaska Survival Extreme.

Reached for comment, executive producer Shannon Pratt encouraged viewers to stick with the show, stating, "There will be more danger and more excitement and thrilling challenges in the next few weeks the likes of which viewers have never seen before on the show."

Ratings Breakdown for Alaska Survival Extreme (average per day)

Season	Total Viewers (in millions)	Age 18-49 (in millions)
July 2014	2.01	1.60
October 2014	2.24	1.89
February 2015	2.36	1.95
July 2015	2.33	1.98
October 2015	2.37	1.93
February 2016	2.32	1.86
July 2016 (July 1-7)	1.41	1.13

MEMO

To: Harlow Towns
From: Shannon Pratt
Date: July 19, 2016
Re: Mount Pleasant Challenge

Harlow –

I think we should go forward with the Mount Pleasant climbing challenge for the rifle. The viewers really want it. Let's do it on July 22. Should make for great TV. Lots of struggle, but hopefully eventual triumph over the mountain. Would also be cool to have the contestants hunting in subsequent episodes. Our ratings are still way down, and we need this kind of excitement to satisfy our promised ad rates. If we lose sponsors, the show may not survive!

I can handle the advance hype for the challenge. You just need to make sure everything goes smoothly. The target/extraction point is at about 12,000 feet. Tough climb even for those in good shape. I will have a helicopter ready with oxygen in case anyone needs it. Will leave it up to you on whether to call in the helicopter. If you want to do it off camera and give contestants some oxygen to get them those last few thousand feet, I can live with it. But I also wouldn't mind if a couple more contestants drop out, even if that meant no rifle. Ideally I would like to see the last few days of the competition with only three or four contestants. Makes for the best television because viewers have limited options for choosing who to root for.

Couple other things to keep in mind for Mount Pleasant. We will be well above the tree line, so no shade. If it is sunny and hot, pay special attention for signs of exhaustion and altitude sickness. With your background you know what those are – nausea, difficulty breathing, complaints of headaches or dizziness. I mean, we want the audience to see the contestants struggle, but we also don't want anyone to die up there. I am especially worried about Drew Taylor, with her/his weight issues and having barely passed the wilderness survival skills test. In fact, I'm surprised Drew has survived this long. But seems to be developing into a fan favorite, so good for us I guess.

I am really depending on you to play up the drama of this climb. We need a signature challenge to boost our ratings, and I think this could be it! Be safe, be exciting, and have fun!

Drew Taylor Video Diary Transcripts

July 1:

First, hello to my family! I already miss you guys so much, but I'm doing this all for you, so that's going to keep me motivated. I'll see you in a month!

I'm really excited to compete on Alaska Survival Extreme. It is such a great opportunity. I get to challenge myself, and I get to help my family out. Things haven't been great for us the last couple of years. Peyton had to take a new job that doesn't quite pay as much, and I was laid off several months ago. I had watched the show before. I thought I was too old to compete, but Peyton encouraged me to get in better shape and give it a try. I am so glad that I did! I talked to my doctor first. He wasn't super enthusiastic about it, but he gave me the green light. He told me to take up running again too, though!

When I submitted my applications, I didn't think I would be accepted. I was so excited when I got the news! This could really make a difference for my family.

July 2:

Man! We did our first challenge today. We had to hike 5 miles in an hour then build a fire from scratch in 15 minutes. I was definitely the straggler on the hike (I'm not in the shape of some of these young folks), but Dakota was great. S/He really encouraged me and kept me going. Robin was really leading the charge. Jerry was up there with Robin — they're both real leaders. Once we got through the hike, Danielle took over the fire making. Man, she was amazing! She had a real fire going within 10 minutes, with 5 minutes to spare!

Completing the challenge means that we get a fire making kit. This is huge as we expect some bad weather to roll in soon. Danielle may be good at making fire, but there's only so much you can do when everything is wet.

July 3:

We had our first rain this morning. It wasn't too heavy and didn't last long at least. We put some time into our shelter yesterday and the day before, and it held up pretty well. It wasn't perfect, and with so many of us still here things were pretty crowded. Water definitely got on some people. Fortunately the clouds broke up by late morning and we were able to get some water and gather a bit of food. We haven't had much to eat so far. We found some berries up on the mountain slope, but those aren't that filling. Charlie spotted some caribou, but of course couldn't do anything to get them. If only we had a rifle!

July 4:

Happy Fourth of July!

Real heavy rain last night. Everyone was in a bad mood. Myself included. I knew that we needed to get a fire going or else everyone would get sick. So, I volunteered to go out in the rain to get some wood and kindling to start a fire. I have to do something to show the rest of the group that I am a team player. I did get the wood, but by this point it was too damp to be able to start a fire with. No one slept well, but at least we all got a bit of sleep.

Still hungry though. What I wouldn't do for some pancakes! As a present for the Fourth, we got a water filtration system. There's a gravity based part that we set up in camp and a portable part that we can use when we go out to do anything. We've been worried about purifying the water, so this is a big get for us. I mean, of course we have been boiling all the water, but this is much easier and much safer.

Harlow wanted to do something to honor America on its birthday, so s/he interviewed us all in a group about what it meant to be an American and the American survival ethic. I have to admit that it made me and the other contestants feel patriotic and want to continue. I kept thinking about what all the early American settlers had to go through as they moved West. Or what Native Americans and Alaska Natives did to adapt to their surroundings for centuries. If people could survive the wilderness like that and make a life of it, so could I!

July 5:

We didn't have actual fireworks last night of course, but we had a fire going, so we made a fire, let it burn down to coals, then tossed some coals in the air while we sang the National Anthem and God Bless America. It was great! We really felt like a group today.

We did another challenge today. We had to knock down 10 trees and get them back to camp. We came up with a plan to float them on the river rather than carry them. We had carried a couple back, and it was just too exhausting. We worked really hard at it, but I know I was having trouble keeping up. My chest was really hurting at a couple of points. I really struggled to keep up with everyone else.

We only got 8 done though, so we failed. We were pretty sad about it. I felt bad. I felt like I could have done more. Robin and Derrick were pretty upset. If we had completed the challenge we would have gotten a bow and arrow set. I don't know how to shoot an arrow, but apparently Charlie does. We could have done some hunting. That would have been great. Ah well. Maybe next time.

July 6:

Dakota and Robin got into a big argument today. I think Robin was still upset from the missed challenge the day before. S/He had been getting frustrated with people. Robin is probably in the best shape of anyone out here, and s/he really wanted to power through with the trees.

I didn't see what the argument started over, but I heard some heated stuff back and forth. Robin was yelling about carrying weak members of the group. Dakota was getting heated too, yelled about all staying together and getting everyone through this, that it wouldn't do any good for Robin to try to take control of the group. I think at some level they were probably arguing about me. I feel bad about that.

They split up eventually and spent the rest of the day apart. I tried to check in with both of them. Dakota said s/he was just frustrated because Robin is trying to make everyone live up to his/her standard, which not everyone can do. Robin didn't really want to talk to me, just muttered something like "people should drop out if they can't handle it" and moved off to gather more firewood. I couldn't help but think I'm one of the people Robin feels like s/he is carrying.

July 7:

Things calmed down a bit today. Felix has been working on a system to catch fish that involves a makeshift net and actually got two today! We cooked them up for lunch and it was delicious. Felix filleted them but kept as much of the fish as possible. We're going to make fish head soup for dinner tonight. I'm not sure exactly what that entails, but Felix asked me to gather as much greens as I could, so I spent the afternoon finding dandelion leaves and some random herbs. We can soften those up in a soup to add some flavor and get some nutrients into our bodies.

I think having the food helped people. It's hard to get used to being this hungry all the time, and I think that just gets people on edge. It's a weird feeling to be hungry like this. I guess we're lucky because some people always live like this.

We had our first internal competition between the competitors today. It was to identify edible plants. I had studied up on this before the show started, so I was really excited about this. I mean, I hate to compete against my fellow cast mates, but the prize is a night in a tent, and I am not going to give that up without a fight. I was so happy that I won! It wasn't really close, even. I am going to have a great sleep tonight in the tent on that air mattress!

July 8:

We had a good day today. I, of course, was super rested after spending the night in the tent. Felix has been trying to set a trap to catch a rabbit or some other small game. He's getting frustrated though. For the second time, an animal made off with the bait, which was a couple of nuts, without getting caught. Not having materials to work with makes it hard. Some rabbit stew sure would lift everyone's spirits, but that stuff is hard.

And I know every day down means more money for my family. I really miss you guys, but thinking about what a difference this money can make really keeps me going. I want to do so well for you guys. No way I'm going to give up. We're a quarter of the way through this, and I want to see it through to the end. I also want to prove to myself that I can do it. A 44-year old guy/gal with a minor heart condition. I would be so proud of myself if I get through this.

July 9:

Things got cold last night and it started to rain in the middle of the night. That really dampened our spirits. I had promised Robin I would go on a long hike to look for food to our south. We haven't gone that way much, and Robin wanted to check it out. I wasn't that excited about the prospect this morning, but I don't want to back out when I promise Robin I would do something. I feel like Robin thinks I can't handle this, and I want to prove him/her wrong.

Robin really pushed the pace on the hike, and I struggled to keep up. Robin said something a couple of times, though I couldn't always hear it. One time s/he muttered, "Gotta carry everyone in this group." Another time, I swore s/he said "Can't keep up, just drop out." I didn't say anything about it. I didn't see any point in starting a fight, so I just let it slide. And I still feel bad about being slow on the challenges and in general. I wish I could keep up with everyone else.

Once we stopped in a valley and started looking for food, things got better. I have a good sense of what plants are edible and aside from a couple of berry patches I found a good patch of greens and some edible roots — a mountain turnip basically. These will make for some good vegetables with dinner tonight. Robin was hoping to find something more substantive, but s/he didn't have any luck. It seemed reluctant, but Robin acknowledged I had made a good find with the food I gathered. The group was certainly excited to try the roots when we got back.

July 10:

It's been really rainy the last couple of days. We have a pretty good shelter, but without more materials it's hard to keep the rain out. People are really struggling. Danielle left the competition this morning. She said she was just too cold. She had been shivering really badly when I woke up this morning (I was actually able to get some sleep), so I wasn't too surprised. I tried to help her get warm so she could stay in the competition, but she was just too cold.

I'm still freezing too. I'm going to go get warm. I don't want to give up on this thing yet. I have too much riding on it.

I lost an internal competition today to race to the top of a nearby hill and bring a log back to put on our campfire. Dakota won and got a supply of nutrition bars, but with the instructions that s/he would be disqualified if s/he gave any of them to her/his fellow teammates. I guess the producers were trying to sow dissent within the team. Whatever. I felt good for Dakota, not bad for myself. And I beat Danielle in the race, so it's not all bad.

July 11:

It's Peyton's birthday today, so I'm definitely feeling pretty wistful. I'm sad to miss it, but with some of the winnings we can have one heck of a party when I get home!

Happy birthday, Peyton!

I'm doing okay today. This is not an easy competition. They called it Extreme, and they are right. Having to put so much effort into getting anything — water, some berries, whatever. Man, I'll never take a glass of tap water for granted again.

July 12:

Mount Pleasant keeps looming over us. We all figure at some point we are going to be required to climb it. So, we practiced in the morning by hiking part way up the mountain. Man, it was tough! I really felt the climb. Not only were my legs burning, but my lungs were killing me. I really had trouble catching my breath. Dakota and Charlie were really helping me. They were really encouraging me and trying to help me keep my pace up. At one point Charlie said I didn't have to keep going, but I said I wasn't going to quit.

Another internal challenge in the afternoon. Running an obstacle course the crew created. The winner got to live in luxury the next day — sleeping in a tent with the crew, eating their good food, not having to compete in the next challenge. Robin won, not surprisingly. I knew I wouldn't win. It would have been nice not to finish last, but oh well. I guess that is just who I am.

July 13:

We did a mini-challenge today. Well, other than Robin. It wasn't a physical one though, which is good because I'm not sure I would be up for another one of those. We had to find and cook 2 pounds of insects for an insect-meal by lunch. It turns out that 2 pounds of insects is more than one would think. We got to work immediately and were able to pull it off! Felix had tapped a tree yesterday and gotten some sap, which he used to make a kind of syrup sauce for the insects. We had some ants, some grubs, a few beetles. It was an odd mix, and we cooked them up over the fire. Roasted bugs with sap sauce — it would look good on a restaurant menu. Ha!

As a reward, we got a 5-pound bag of rice. We immediately cooked some up, and it was delicious. It actually paired pretty well with the insects! I had a good afternoon nap after we ate. That rice will get us through a few days without feeling so hungry.

July 14:

Man, Charlie dropped out today. I can't believe it. I didn't think we would lose anyone today. We did the mini-challenge yesterday and got a bag of rice and had a good dinner. I thought people would be feeling good, but Charlie said it was just too hard. Charlie was a strong competitor, so I'm really surprised. I guess maybe Charlie thought if we were halfway through and still eating bugs and insects it was not worth continuing.

In better news, Harlow let me know that the viewers had voted me a special reward. Oh my gosh, I feel so honored! I got a private meal of canned food. Baked beans, a can of spinach, and some Spam. Hey, don't knock it! Out in the woods this long and about any prepared food would taste delicious. I really needed this meal. It definitely helped restore my strength.

July 15:

We had another team challenge today. We had to build and float a raft with everyone on it five miles downriver in 8 hours. Putting the raft together was not easy. We had to gather the logs first. We worked pretty well on that. We actually got enough logs together pretty quickly. Lashing them together proved pretty hard without some rope though. Felix came up with the idea to strip down some thin branches and use their pliability to tie the logs together. It took some time, but we got it to work with a couple of hours to spare.

Man, I was not entirely sure when we all climbed on board. The raft dipped pretty low in the water, but it kept us afloat...barely. Felix steered while the rest of us took turns rowing with makeshift paddles. The paddles weren't the best. Robin tried to construct them, but they didn't work that well. Really we just let the water do the work for us.

And it worked! We were so excited when we got back to camp. I felt really proud of how we all did together. Felix really took charge on coordinating things. That usually falls to Robin or Derrick, so that was interesting. Felix has actually constructed some rafts on some of his expeditions, so it made sense though.

Not sure the raft will last, but we got it done! As a reward we each received a new sleeping bag to use at night. It was summer, not winter, so we did ok just out in the open, but no one could really sleep well throughout the night, which made the next day all that much tougher to get through. To

be honest, I was considering quitting, but getting the sleeping bag gave me enough energy in the mornings to convince myself I could make it through another day.

Felix hasn't been feeling well though. He's really struggling with some kind of stomach bug. I've been making him a sort of tea with some leaves that I found. I know from some reading I did in preparation for the show that they were safe. They're medicinal, really good for calming one's stomach. He really pushed through on the challenge though, helping steer the raft and working on lashing the logs together once we had them all gathered. He has a really strong will. I like that.

July 16:

Felix dropped out last night. He had been battling a stomach problem for a few days, and there were concerns that he was going to get into a bad spot medically. Harlow was consulting with medical staff, and I think they were getting close to making Felix withdraw. I thought I overheard one of the doctors on the satellite phone say something about that, but I'm not sure. It didn't matter though

I liked Felix. He was funny, had some really good skills, just a good member of the group. Felix also could really gather some good food. That was his real specialty. He was really good at finding vegetables and pulling food out of surprising places. His sap sauce was really good. It made some of the grubs we eat a lot more palatable. I'm going to miss him, but I don't blame him for dropping out. Things were getting rough.

Only 7 of us left. It's getting harder, so I wouldn't be surprised if more people quit before we get through the month. We're so close, but every day is harder than the last. I had no idea things would get this hard.

July 17:

We had another mini-challenge today. The crew hung a bag of chocolate in a tree that had no branches for climbing. We had to figure out a way to get it down. It was only about 15 feet up, so we made a human pyramid. I had never done one of those, and it was much more fun than I thought it would be. I mean, sure we got bruised, but so what! We all have bruises by now. I didn't even mind being on the bottom of the pyramid. I'm probably a bit too heavy to be climbing on top of others.

It was really interesting to see how people came together to figure that out. Dakota came up with the idea. Robin wanted to chop the tree down, but Dakota suggested we try this first. We could always try to knock the tree down later. We started building our pyramid. I was on the bottom (no one would want to put me on their back I think) along with a couple of other people. We built it up pretty high, then Dakota climbed up and was able to pull the bag down. Man, that was some teamwork!

And man, we are looking forward to the chocolate. We're going to have it for dessert tonight.

July 18:

That chocolate was delicious. A real good pick-up for the evening. I haven't tasted chocolate that good in...well as long as I can remember. It was probably just a run-of-the-mill chocolate bar, but it tasted amazing. It's remarkable how much something so simple can lift one's spirits.

Then Harlow came to us this morning and said if we thought the chocolate last night was good, just wait until tonight. There was going to be another internal challenge today – a race to tie different kinds of knots. And the winner would get a professionally cooked meal from a chef flown in from Alaskapolis! I knew I would win the challenge. I worked commercial fishing for a bit when I was younger and knew how to tie all the knots there are and fast! It wasn't even close. Oh, man, that meal was delicious! Steak and fingerling potatoes and asparagus and fresh bread and even a glass of wine! I didn't know it was possible to eat so well so far out in the wilderness.

July 19:

I spent most of the day just resting and talking with people. It started to rain a bit in the early afternoon and picked up as the day went on, so most of us just hung out in the shelter during the day. There was another internal challenge today – a climb up a nearby rock wall. I didn't even bother to compete in it. I knew I would not win, and I didn't want to get any more wet than I already had. Robin won. Of course. Got a phone call with her/his parents. I really miss Peyton and the kids and wish I could see them! I will soon enough, though. Just another twelve days and this will all have been worth it. I really miss my family, but I'm so close to getting through with this. Not giving up now, that's for sure!

I chatted with Dakota for a while. I did not know s/he had written a book. Not a survival book either. Dakota wrote a mystery novel. Now that's not something everyone does. I'm going to look it up when I get done with this. S/He wouldn't say if it's under his/her name or under a pseudonym. I think we'll stay in touch, so I'll figure it out one way or another.

I also talked with Troy for a bit. Pretty shy dude. He comes from Arkansas originally and just likes being outside. I think he finds it calming. He said something about me not looking great the last couple of days, I think just checking in. I brushed it off, said I was just tired because I needed a cheeseburger. He laughed. I hope he isn't right though. I know I haven't felt great the last couple of days (I had some real trouble sleeping last night even though it wasn't too bad out), but I hope other people don't see it.

July 20:

This was one of the best days of my life! The viewers voted to have Peyton and all four kids – Brynn, Richard, Hannah, and Alicia – come visit me on the set of ASX! I cannot possibly thank the viewers enough for the gift they have given me! I have to admit that I was a bit jealous of Robin yesterday for being able to call her/his family, but this of course beats it hands down! Just after lunch, Harlow told us to come to the clearing and that one of our families would be flying in. None of us were expecting this in the least. Since there hadn't been a challenge, I figured this was probably another fan vote. Because I had won the last time, I thought I would be disqualified from winning again. Imagine my surprise when I saw Peyton and the brood come off the helicopter.

I only got to spend two hours with them in the middle of the afternoon. I introduced them to all of my fellow teammates. Dakota was especially nice to my little ones. Then we walked around the camp a bit. It was one thing to see me on television, but another for the kids to see in person how I was living and the beautiful scenery around me. I was so sad to see everyone leave on the helicopter, but super energized and ready to take on any challenge Harlow threw at me. I was so excited I don't think I really ate much for dinner. Not that we had much that was worth eating anyway.

Spending time with my family reminded me of why I am doing this. It is not because I want to be famous or anything. It is not even to prove something to myself, though that is important and I will take great pride when I make it to the last day. No, it is to create a better life for those I love the most.

July 21:

Man, I'm feeling a little weak today. We haven't had much to eat in the last couple of days, which I'm sure is part of it, but I'm also just struggling a bit. It was great to see my family, but that is admittedly not the same thing as a good meal. I think the fine-cooked meal made me miss good food even more. You get sort of used to very few calories, and then you have a lot of calories and all of a sudden your body is back to wanting more and more to eat. Not that I regret eating so well. One of the best meals of my life! But I am sort of paying the price for it now.

My head is hurting, and I had trouble catching my breath while out gathering berries today. We climbed part way up the mountain to find a good patch, but I was really struggling. I ended up falling back and returning to camp a little early because I was so tired.

Just before dinner, Harlow came and told us that tomorrow is going to be our biggest challenge but also our biggest reward. If everyone on the team can make it up from our base camp at 4,000 feet to the 12,000 foot target area in less than 10 hours, the team would get a rifle we could use to hunt wild game! A rifle is just what we need to make it through to the end of the month! A lot of elevation gain, but the hike is only about seven miles long, so that should not be so bad. I feel confident that I can do it! The weather was nice and sunny today and warm. We should be good to go tomorrow for the challenge hike. It will be tough, but if we do it we get a rifle. Then we can get some meat. That will be huge for us. Living off a few fish from the stream and what we can gather has been pretty rough. There are only so many grubs I want to eat!

July 22:

We have to leave in a few minutes for our hike, so I have to be quick. I'm still feeling a little weak from yesterday, but we're going to get this hike done and get that gun! I know it's going to be hard, but I think I can do it.

Love you, Peyton! Love you, kids!

Summary Autopsy Report
Alaska State Coroner's Bureau, Alaskapolis Office

SUMMARY REPORT OF AUTOPSY

DATE and HOUR AUTOPSY PERFORMED: 7/25/2016; 8:30 A.M. by
Chris Thygesen, MD, Medical Examiner.
555 Jackson Avenue
Alaskapolis, AK 38655
907-234-XXXX (FAX 907-234-XXXX)

Name: Drew Taylor
Coroner's Case #: 2016-277
Date of Birth: 3/23/72
Age: 44
Race: White
Sex: Female/Male
Date of Death: 7/22/2016

SUMMARY OF CLINICAL HISTORY:

The patient was a 44-year-old female/male with no significant past medical history except for a heart murmur and being obese. Drew Taylor was pronounced dead at 16:05 with fixed, dilated pupils, no heart sounds, no pulse and no spontaneous respirations.

DESCRIPTION OF GROSS LESIONS: N/A

EXTERNAL EXAMINATION: The body is presented in a black body bag. The body is that of a 44-year-old well developed, well-nourished female/male. There is no peripheral edema of the extremities. There is an area of congestion/erythema on the upper chest and anterior neck. There are multiple small areas of hemorrhage bilaterally in the conjunctiva. The patient has no other major surgical scars.

INTERNAL EXAMINATION (BODY CAVITIES): The usual Y-shaped incision is made, revealing abundant adipose tissue, especially over the abdomen. The right and left pleural cavity contains 10 ml of clear fluid with no adhesions. The pericardial sac is yellow, glistening without adhesions or fibrosis and contains 30 ml of a straw colored fluid. There is minimal fluid in the peritoneal cavity.

HEART: The heart is large with a normal shape and a weight of 400 grams. The pericardium is intact. The epicardial fat is diffusely firm. As patient was greater than 48 hours post mortem, no TTC staining was utilized. Upon opening the heart was grossly normal but with evidence of infarction. There were slightly raised white plaques in the left ventricle wall lining. The left ventricle measures 2.2 cm, the right ventricle measures 0.2 cm, the tricuspid ring measures 11 cm, the pulmonic right measures 8 cm, the mitral ring measures 10.2 cm, and the aortic ring measures 7 cm. The foramen ovale is closed. The circulation is left dominant. Examination of the great vessels of the heart reveals minimal atherosclerosis with the area of greatest stenosis (20% stenosis) at the bifurcation of the LAD.

AORTA: There is minimal atherosclerosis with no measurable plaques along the full length of the ascending and descending aorta.

LUNGS: The right lung weighed 630 grams, the left weighed 710 grams. The lung parenchyma is pink without evidence of congestion or hemorrhage. The bronchi are grossly normal. In the right lung, there are two large organizing thrombo-emboli. The first is located at the first branch of the pulmonary artery with an older, organizing area adherent to the vessel wall measuring 1.0 x 1.0 x 2.5 cm. Surrounding this organizing area is a newer area of apparent thrombosis completely occluding the bifurcation. The other large organizing, adherent embolus is located further in out in the vasculature measuring approximately 1.0 x 1.0 x 1.5 cm. There are multiple other emboli located in smaller pulmonary vessels that show evidence of distending the vessels they are located inside.

GASTROINTESTINAL SYSTEM: The esophagus and stomach are normal in appearance without evidence of ulcers or varices. The stomach contains approximately 800 ml, without evidence of any pills or other non-food stuff material. The pancreas shows a normal lobular cut surface with evidence of autolysis. The duodenum, ileum, jejunum and colon are all grossly normal without evidence of abnormal vasculature or diverticuli. An appendix is present and is unremarkable. The liver weighs 2850 grams and the cut surface reveals a normal liver with no fibrosis present grossly. The gallbladder is in place with a probe patent bile duct through to the ampulla of Vater.

RETICULOENDOTHELIAL SYSTEM: The spleen is large weighing 340 grams, the cut surface reveals a normal appearing white and red pulp. No abnormally large lymph nodes were noted.

GENITOURINARY SYSTEM: The right kidney weighs 200 grams, the left weighs 210 grams. The left kidney contains a 1.0 x 1.0 x 1.0 simple cyst containing a clear fluid. The cut surface reveals a normal appearing cortex and medulla with intact calyces.

GENITAL SYSTEM: The genitalia are that of an adult female/male and there is no evidence of injury. All structures are within normal limits. There is no evidence of recent sexual activity.

ENDOCRINE SYSTEM: The adrenal glands are in the normal position and weigh 8.0 grams on the right and 11.6 grams on the left. The cut surface of the adrenal glands reveals a normal appearing cortex and medulla. The thyroid gland weighs 12.4 grams and is grossly normal.

EXTREMITIES: Both legs and calves were measured and found to be very similar in circumference. Both legs were also milked and produced no clots in the venous system.

LABORATORY DATA:

Nutritional Panel

Complete Blood Count

Complete Metabolic Panel

Cerebrospinal fluid culture and sensitivity:

Gram stain: Unremarkable

Culture: No growth after 72 hours

Cerebrospinal fluid bacterial antigens:

Hemophilus influenza B: Negative

Streptococcus pneumoniae: Negative

N. Meningitidis: Negative

Neisseria meningitidis B/E. Coli K1: Negative

Drug Screen Results:

Urine screen {Immunoassay} was NEGATIVE.

Ethanol: 0 gm/dl, Blood (Heart)

Ethanol: 0 gm/dl, Vitreous

CLINICOPATHOLOGIC CORRELATION

This person died shortly after a previous pulmonary embolus completely occluded the right pulmonary artery vasculature and caused a massive acute myocardial infarction. The most significant finding on autopsy was the presence of multiple old and new thromboemboli in the pulmonary vasculature of the right lung. The autopsy revealed evidence of multiple emboli in the right lung that were at least a few days old because the emboli that were organizing were adherent to the vessel wall. In order to be adherent to the vessel wall, the emboli must be in place long enough to evoke a fibroblast response, which takes at least a few days. The fatal event was not the old emboli in the right lung, but rather the thrombosis on top of the large saddle thrombus residing in the pulmonary artery. This created a high pressure situation that the right ventricle could not handle resulting in cardiac dysfunction and ultimately the person's demise.

Although this case is fairly straight forward in terms of what caused the terminal event, perhaps the more interesting question is why a relatively healthy 44-year-old woman/man would develop a fatal pulmonary embolism. The age of the patient probably precludes venous stasis as the sole reason for the embolus although it could have certainly contributed. The autopsy revealed no evidence of endothelial damage in the pulmonary vasculature that would have caused the occlusion. The next logical reason would be a hypercoagulable state. Some possibilities include obesity, trauma, surgery, cancer, Factor V Leiden deficiency (as well as other inherited disorders-prothrombin gene mutation, deficiencies in protein C, protein S, or antithrombin III, and disorders of plasminogen), and Lupus anticoagulant. Of these risks factors, obesity and a murmur were the only risk factors the person was known to have. The person had no evidence of trauma, surgery, cancer or the stigmata of SLE, therefore these are unlikely. Perhaps the most fruitful search would be an examination of the genetic possibilities for a hypercoagulable state (Factor V Leiden being the most common) and congenital defects of the heart.

OPINION

Date and Time of Death: Body temperature, rigor and livor mortis, and stomach contents approximate the time of death is 4:05 P.M. on 7/22/2016.

Immediate Cause of Death: Acute myocardial infarction.

Remarks: The body was originally presented to this office with the cause of death unknown. Presence of the post-mortem ligature mark suggests that suicide in this case is highly improbable.

AST detectives were notified of this finding immediately upon conclusion of examination.

Chris Thygesen, M.D.

Alaska State Coroner's Bureau, Alaskapolis Office
July 25, 2016

In summary, this person died of a massive heart attack, the underlying cause of which is currently undetermined. A definitive diagnosis may be ascertained with either genetic or other laboratory tests and a more detailed history.

**RULES GOVERNING THE ALASKA HIGH SCHOOL
MOCK TRIAL CHAMPIONSHIP COMPETITION**

CONTENTS

I. COMPETITION RULES

A. *Governing Rules*

- Rule 1. Competition Coordinators
- Rule 2. Interpretation of Rules
- Rule 3. Code of Conduct
- Rule 4. Emergencies

B. *The Problem*

- Rule 5. Case Materials
- Rule 6. Witness Bound by Statements
- Rule 7. Unfair Extrapolation
- Rule 8. Gender of Witnesses
- Rule 9. Voir Dire

C. *The Trial*

- Rule 10. Team Eligibility
- Rule 11. Team Composition
- Rule 12. Team Presentation
- Rule 13. Team Duties
- Rule 14. Swearing of Witnesses
- Rule 15. Trial Sequence and Time Limits
- Rule 16. Timekeeping
- Rule 17. Time Extensions
- Rule 18. Prohibited Motions
- Rule 19. Sequestration
- Rule 20. Bench Conferences
- Rule 21. Supplemental Material/Illustrative Aids
- Rule 22. Trial Communication
- Rule 23. Viewing a Trial
- Rule 24. Videotaping/Photography/Audiotaping

D. *Judging*

- Rule 25. Decisions
- Rule 26. Composition of Panel
- Rule 27. Score Sheets/Ballots
- Rule 28. Completion of Score Sheets
- Rule 29. Team Advancement
- Rule 30. Power-matching/Seeding
- Rule 31. Merit Decisions

- Rule 32. Effect of Bye/Default
- E. *Dispute Settlement*
 - Rule 33. Reporting a Rules Violation/Inside the Bar
 - Rule 34. Dispute Resolution Procedure
 - Rule 35. Effect of Violation on Score
 - Rule 36. Reporting a Rules Violation/Outside the Bar
- II. RULES OF PROCEDURE
 - A. *Before the Trial*
 - Rule 37. Team Roster
 - Rule 38. Stipulations
 - Rule 39. The Record
 - Rule 40. Pretrial Motions, Procedure
 - B. *Beginning the Trial*
 - Rule 41. Jury Trial
 - Rule 42. Standing During Trial
 - Rule 43. Objection During Opening Statement/Closing Argument
 - C. *Presenting Evidence*
 - Rule 44. Argumentative Questions
 - Rule 45. Lack of Proper Predicate/Foundation
 - Rule 46. Procedure for Introduction of Exhibits
 - Rule 47. Use of Notes
 - Rule 48. Redirect/Recross
 - D. *Closing Arguments*
 - Rule 49. Scope of Closing Arguments
 - E. *Critique*
 - Rule 50. The Critique
- II. MODIFIED RULES OF EVIDENCE (Mock Trial Version)
 - A. *General Provisions*
 - Rule 101. Scope
 - Rule 102. Purpose and Construction
 - B. *Relevancy and its Limits*
 - Rule 401. Definition of “Relevant Evidence”
 - Rule 402. Relevant Evidence Generally Admissible: Irrelevant Evidence Inadmissible
 - Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

- Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes
- Rule 405. Methods of Proving Character
- Rule 406. Habit; Routine Practice
- Rule 407. Subsequent Remedial Measures
- Rule 410. Inadmissibility of Pleas, Plea Discussions, and Related Statements
- Rule 411. Liability Insurance (civil case only)

- C. *Privileges*
 - Rule 501. General Rule

- D. *Witnesses*
 - Rule 601. General Rule of Competency
 - Rule 602. Lack of Personal Knowledge
 - Rule 607. Who may Impeach
 - Rule 608. Evidence of Character and Conduct of Witnesses
 - Rule 609. Impeachment by Evidence of Conviction of Crime (this rule applies only to witnesses with prior convictions)

 - Rule 610. Religious Beliefs or Opinions
 - Rule 611. Mode or Order of Interrogation and Presentation
 - Rule 612. Writing Used to Refresh Memory
 - Rule 613. Prior Statements of Witnesses

- E. *Opinions and Expert Testimony*
 - Rule 701. Opinion Testimony by Lay Witnesses
 - Rule 702. Testimony by Experts
 - Rule 703. Bases of Opinion Testimony by Experts
 - Rule 704. Opinion on Ultimate Issue
 - Rule 705. Disclosure of Facts or Data Underlying Expert Opinion

- F. *Hearsay*
 - Rule 801. Definitions
 - Rule 802. Hearsay Rule
 - Rule 803. Hearsay Exceptions; Availability of Declarant Immaterial
 - Rule 804. Hearsay Exceptions – Declarant Unavailable
 - Rule 805. Hearsay within Hearsay

I. COMPETITION RULES

A. GOVERNING RULES

Rule 1. Competition Coordinators

The Alaska High School Mock Trial Championship is sponsored by the Anchorage Bar Association, Young Lawyers Section. A committee comprised of interested members of that organization and other persons, as appropriate, shall organize and oversee all aspects of the competition, and shall be referenced as the competition coordinators. All written correspondence with the competition coordinators should be addressed to:

ANCHORAGE BAR ASSOCIATION
YOUNG LAWYERS SECTION
c/o PROF. RYAN FORTSON
JUSTICE CENTER
UNIVERSITY OF ALASKA ANCHORAGE
3211 PROVIDENCE DRIVE, LIB 213
ANCHORAGE, AK 99508-4614
Attn: MOCK TRIAL

Competition organizers may also communicate via electronic means with teams and offer alternate addresses to which to send or fax registration and other forms. Email communication can be sent through mocktrial.alaska@gmail.com or through another email address provided by competition organizers.

Rule 2. Interpretation of the Rules

All trials will be governed by the current Alaska High School Mock Trial Championship's Rules of Competition and Rules of Procedure and by the Federal Rules of Evidence (Mock Trial Version). Interpretation of the rules is within the discretion of the competition coordinators, whose decisions are final. Any clarification of rules will be issued in writing to all participating teams. Teams who believe that clarification is needed should request clarification in writing.

Rule 3. Code of Conduct

The Competition rules, as well as proper rules of courthouse and courtroom decorum and security must be followed. The Competition Coordinators will have discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct, flagrant rule violations, or breaches of decorum which affect the conduct of a trial or which impugn the reputation or integrity of any team, school, participant, court officer, judge or the mock trial program.

Rule 4. Emergencies

During a trial, the presiding judge or the competition coordinators shall have discretion to declare an emergency and adjourn the trial for the period of time necessary to address the emergency. If an emergency arises which would cause a team to be unable to continue a trial, or require it to participate with less than six members, the competition coordinators

Rule 4.5. Food and Beverages in the Courthouse

Food and beverages – including water – are NOT ALLOWED in the courtroom at any time. After receiving a warning, teams that fail to follow this rule are subject to forfeiture of rounds and/or disqualification. Water will be available during the trial for the participating lawyers and witnesses.

B. THE PROBLEM

Rule 5. Case Materials

The problem will be an original fact pattern which may contain any or all of the following: statement of facts, indictment, stipulations, witness statements/affidavits, jury charges, exhibits, etc. Stipulations may not be disputed at trial. Witness statements may not be altered.

Teams who believe that errors exist in the case materials should bring such errors to the attention of the competition coordinators in writing. Any clarification of case materials will be issued in writing to all participating teams. In preparing and participating in the Competition, students are limited to the supplied case materials, the Governing Rules and the Modified Rules of Evidence.

Rule 6. Witness Bound by Statements

Each witness is bound by the facts contained in his/her own witness statement, the Statement of Facts, if present, and/or any necessary documentation relevant to his/her testimony. Fair extrapolations may be allowed, provided reasonable inference may be made from the witness' statement. If, in direct examination, an attorney asks a question which calls for extrapolated information pivotal to the facts at issue, the information is subject to objection under Rule 7, outside the scope of the problem.

If, in cross-examination, an attorney asks for unknown information, the witness may or may not respond, so long as any response is consistent with the witness' statement or affidavit and does not materially affect the witness' testimony.

A witness is not bound by the facts contained in other witness statements.

Rule 7. Unfair Extrapolation

Unfair extrapolations are best attacked through impeachment and closing arguments and are to be dealt with in the course of the trial. A fair extrapolation is one that is neutral. Attorneys shall not ask questions calling for information outside the scope of the case materials or requesting an unfair extrapolation.

If a witness is asked information not contained in the witness' statement, the answer must be consistent with the statement and may not materially affect the witness' testimony or any substantive issue of the case.

Consistent with the obligation to attack unfair extrapolations through impeachment and closing arguments, attorneys for the opposing team may refer to Rule 7 in a special objection, such as "unfair extrapolation" or "This information is beyond the scope of the statement of facts."

Possible rulings by a judge include:

- a. No extrapolation has occurred;
- b. An unfair extrapolation has occurred;
- c. The extrapolation was fair; or
- d. Ruling is taken under advisement.

When an attorney objects to an extrapolation, the judge will rule in open court to clarify the course of further proceedings. The decision of the presiding judge regarding extrapolations or evidentiary matters is final.

Rule 8. Gender of Witnesses

All witnesses are gender neutral. Personal pronoun changes in witness statements indicating gender of the characters may be made. Any team member may portray the role of any witness of either gender. Please try to be mindful of the genders of the witnesses portrayed by the opposing team.

Rule 9. Voir Dire

Voir dire examination of a witness, including experts, is not permitted.

C. THE TRIAL

Rule 10. Team Eligibility

Any Alaska high school may assemble one or more teams and become eligible to compete in the Alaska High School Mock Trial Championship Competition. Two or more Alaska high schools may jointly form a team if each school participating in the formation of a joint team would otherwise be unable to participate in the Alaska High School Mock Trial Championship Competition. Educational and civic organizations which are 1) independent of any Alaska high school, 2) not formed primarily for the purpose of competing in the Alaska High School Mock Trial Championship Competition, and 3) comprised of high school students residing in Alaska, may assemble one or more teams and become eligible to compete in the Competition. Alaska high schools wishing to form a team but not qualifying under this Rule may timely request that an exception to this Rule be granted by the competition coordinators. A decision by the competition coordinators as to eligibility under this Rule or an exception to this Rule shall be final. Any team wishing to participate in the Alaska High School Mock Trial Championship Competition must properly register with the competition coordinators in advance of the competition. The competition coordinators will attempt to accommodate all registrants. Any school or other organization wishing to enter multiple teams must designate a “first” team. In the unlikely event that registration must be limited as a result of too many teams attempting to participate, priority will be given to the “first” team over other teams from the same school or organization. In all other aspects, registration will be permitted on a first come, first served basis. The team that wins the Alaska High School Mock Trial Championship Competition will be deemed the current Alaska State Mock Trial Championship Team and is eligible to participate and compete in the National High School Mock Trial Championship. Any team representing Alaska in the National High School Mock Trial Championship must be comprised of students who participated on the current Alaska State Mock Trial Championship team. The Alaska State

Mock Trial Championship Team is responsible for its own expenses in attending the National High School Mock Trial Championship Competition. Registration fees (estimated at \$300) incurred by the Alaska State Mock Trial Championship Team in conjunction with participation in the National High School Mock Trial Championship Competition may be paid by the competition sponsors to the extent that budgetary constraints will permit. The Anchorage Bar Association, Young Lawyers Section, may be prohibited from contributing any funds for travel and related expenses.

Rule 11. Team Competition

Teams consist of no less than **six** members and no more than **nine** members, including alternates. Team members are assigned to roles representing the Prosecution/Plaintiff and Defense/Defendant sides in each round of the competition. Student timekeepers may be provided by the teams; however, these persons are not considered “official timekeepers” in the tournament.

Rule 12. Team Presentation

Teams must present both the Prosecution/Plaintiff and Defense/Defendant sides of the case, using six team members. Different sides will be assigned to teams for different rounds. Only in the case of an emergency occurring during a round of competition may a team participate with less than six members. In such a case, a team may continue in the competition by making substitutions to achieve a two attorney/three witness composition. If an emergency causes a team to use less than three attorneys, the team may be penalized by a reduction of points for that round or may be caused to forfeit the round, depending on the nature of the emergency. Final determinations of emergency, forfeiture, or scoring record will be made by the competition coordinators.

Rule 13. Team Duties

Team members are to evenly divide their duties. Each of the three attorneys will conduct one direct and one cross; in addition, one will present the opening statement and another will present a closing argument. The principal attorney duties for each team will be as follows:

1. Opening Statement
3. Direct Examination of Witness #1
4. Direct Examination of Witness #2
5. Direct Examination of Witness #3
6. Cross Examination of Opposing Witness #1
7. Cross Examination of Opposing Witness #2
8. Cross Examination of Opposing Witness #3
9. Closing Argument

Opening Statements must be given by both sides at the beginning of the trial.

The attorney who will examine a particular witness on direct examination is the only person who may make objections to the opposing attorney’s questions of that witness’s cross-examination, and the attorney who will cross-examine a witness will be the only one permitted to make objections during the direct examination of that witness.

Each team must call three witnesses. Witnesses must be called only by their own team and examined by both sides. Although re-direct and re-cross are permissible, witnesses may not be recalled to the stand after their testimony is complete. Thus, once a witness is excused and steps down, neither team may recall the witness for further questioning even if no re-direct or re-cross was previously conducted.

Rule 14. Swearing of Witnesses

The following oath, or a similar oath permitted by the presiding judge, may be used before questioning begins:

“Do you promise that the testimony you are about to give faithfully and truthfully conforms to the facts and rules of the mock trial competition?”

The swearing of witnesses will occur in one of two ways. Either the presiding judge will indicate that all witnesses are assumed to be sworn, or the above oath will be conducted by a) the presiding judge, b) a bailiff or clerk provided by the competition coordinators, or c) the examining attorney. The presiding judge shall indicate which method will be used during any given round of the Mock Trial Competition. Witnesses may stand or sit during the oath.

Rule 15. Trial Sequence and Time Limits

The trial sequence and time limits are as follows:

1. Opening Statement (5 minutes per side)
3. Direct and (optional) Redirect Exam (25 minutes total per side)
4. Cross and (optional) Recross Exam (15 minutes total per side)
5. Closing Argument (5 minutes per side)

The Prosecution/Plaintiff is the first to present the opening statement and give the closing argument. The Prosecution/Plaintiff may reserve a portion of the time allotted for closing argument to present a rebuttal. Rebuttal is limited to the scope of the opposing side’s argument.

Rule 16. Timekeeping

Time limits are mandatory and will be enforced. Each team is permitted to have its own timekeeper and timekeeping aids; however, an official timekeeper will be assigned to each trial. Time for objections, extensive questioning from the judge, or administering the oath will not be counted as part of the allotted time during examination of witnesses and opening and closing statements. Time does not stop for the introduction of exhibits.

Rule 17. Time Extensions and Scoring

The presiding judge has sole discretion to grant time extensions. If time has expired and an attorney continues without permission from the Court, the scoring judges may determine individually whether or not to discount points in a category because of over-runs in time.

Rule 18. Prohibited Motions

Except as provided in these Rules, no motions may be made. (A motion for directed verdict, acquittal, or dismissal of the case at the end of the Prosecution’s case, for example, may

not be used.) A motion for a recess may be used in the event of an emergency (i.e., health emergency). To the greatest extent possible, team members are to remain in place. Should a recess be called by the court, teams are not to communicate with any observers, timekeepers, coaches, or instructors during the recess.

Rule 19. Sequestration

Teams may not invoke the rule of sequestration.

Rule 20. Bench Conferences

Bench conferences may be granted at the discretion of the presiding judge, but should normally be conducted in such a manner that all participants, scoring judges, instructors, alternates, and other courtroom observers can hear the arguments and discussions in their entirety. This Rule is designed to further the educational interests of the Alaska High School Mock Trial Competition. Bench conference time shall not be counted against the time allotted to either team.

Rule 21. Supplemental Materials/Illustrative Aids

Teams may refer only to the materials included in the trial packet. No illustrative aids of any kind may be used, unless provided in the case packet. No enlargements of the case materials will be permitted. Absolutely no props or costumes are permitted unless authorized specifically in the case materials.

Rule 22. Trial Communication

Instructors, alternates, and observers shall not talk to, signal, communicate with, or coach their teams during trial. This Rule remains in force during any recess time that may occur during the course of the trial. Team members may, among themselves, communicate during the trial; however, no disruptive communication is allowed. Signaling of time by the teams' own timekeepers shall not be considered a violation of this Rule. Non-team members, alternate team members, teachers, and coaches must remain outside the bar in the spectator section of the courtroom. Only team members participating in a round may sit inside the bar during that round.

Rule 23. Viewing a Trial

Each team is responsible for the conduct of its members and persons associated with the team throughout the duration of the mock trial competition. Team members, alternates, attorney-coaches, teacher-sponsors, and any other persons directly associated with a mock trial team may view their team competition, but otherwise, except when specifically authorized by the competition coordinators, are not allowed to view other teams in competition, so long as their team remains in the competition.

Nothing may be brought into the courtroom which would tend to reveal the identity of the participating teams. Spectators should be cautioned that they may not wear school insignias. School owned equipment should have all identifying marks covered.

Rule 24. Videotaping/Photography/Audiotaping

Any team may videotape or audiotape a competition round in which it participates for its own educational purposes only. With the consent of an opposing team, any team may videotape or audiotape a competition round for any other purpose. Bright camera lights, flash bulbs and

equipment tending to distract the competitors may be barred in the discretion of the presiding judge. Disruptive conduct in the course of taping, filming, or taking photographs is prohibited, and may result in a penalty against the team responsible for the conduct of the offending photographer.

If school owned equipment is employed for video or audiotaping, identifying information must not be visible on such equipment that might be seen by a judge.

Media coverage will be allowed in accordance with the policies of the competition coordinators.

D. JUDGING

Rule 25. Decisions

All decisions of the judges are FINAL.

Rule 26. Composition of the Judging Panel

The judging panel will consist of individuals determined to be eligible by the competition coordinators. Generally, the competition judges are members of the Alaska judiciary or attorneys practicing in Alaska. Qualified educators and other persons may also be invited by the competition coordinators to participate as Mock Trial judges. The composition of the judging panel and the role of the presiding judge will be at the discretion of the competition coordinators. For preliminary rounds, one presiding judge and at least one additional scoring judge will be appointed by the competition coordinators to judge the round. The final (championship) round may have a larger judging panel than preliminary rounds, at the discretion of the competition coordinators.

All presiding and scoring judges receive the mock trial manual, a memorandum outlining the case, orientation materials, and a briefing as to the case, the role of judges, and the standards to be applied.

Rule 27. Score Sheets/Ballots

The presiding judge and each additional scoring judge shall complete a “score sheet” or “ballot” for each trial conducted in each round of the competition. Judges’ ballots will be substantially like the sample provided by the competition coordinators to each team. When evaluating the teams that each judge observes in the competition, the judges will reference the teams only by their assigned identification codes.

Score sheets are to be completed individually by the judges and without consultation with the other judges. Scoring judges are not bound by the rulings of the presiding judge. While the judging panel may confer within guidelines established by the competition coordinators, the judging panel should not deliberate on individual scores.

Rule 28. Completion of Score Sheets

Score sheets are completed by the judges as follows:

1. Trial Points:

Each judge will award and record a number of points for each aspect of the trial. Points will be awarded from a scale of 1 to 9, with 9 being the highest. Judges are required to complete the ballots in their entirety.

2. **Final Point Total:**

A team is determined to be the winner of a round when that team wins a majority of the points cast by the judges scoring a given trial. If the opposing teams for a given round each receive the same number of points for that trial, the competition coordinators shall consider the judges' determinations of tiebreaker points, as provided in the tiebreaker box at the bottom of each scoresheet.

A forfeiting team will receive a loss for purposes of ranking. If a trial cannot continue due to forfeiture, the non-forfeiting team shall be considered to have won by default. A non-forfeiting team will not be penalized in ranking by any inability to receive points from scoring judges.

Rule 29. **Team Advancement**

Teams will be ranked based on the total number of points received for all rounds. The two teams emerging with the strongest record from the preliminary rounds will advance to the final round. Ballots from the championship round will determine the current Alaska State Mock Trial Championship Team only.

Rule 30. **Selection of Opponents for Each Round**

A random lottery will be conducted prior to the competition for the purpose of assigning team identification designations. The assignment of opponents for all rounds will be governed by a fixed schedule which will be made available for review by team coaches prior to the time of conducting the lottery. As a result, all opponent selections for all preliminary rounds will become manifest through the random process of assigning team identification designations.

The schedule governing the assignment of opponents will designate which team is to present the Prosecution/Plaintiff's case and which is to present the Defense/Defendant's in each round. To the greatest extent possible, teams will alternate side presentation in subsequent rounds. Every effort will be made to ensure that each team will present each side twice, but all teams will be scheduled to present each side of the case at least once.

Rule 31. **Merit Decisions**

Judges will make a ruling on the legal merits of the trial, after deliberating. During the debriefing process, judges may inform students of the verdict on the merits of the case. Judges may not inform the students of score sheet results.

Rule 32. **Effect of Bye**

A "bye" becomes necessary when an odd number of teams are present for the tournament. If an odd number of teams are competing, an additional round will be scheduled, during which those teams receiving a bye will compete against each other. Any team receiving a bye must not observe other teams competing during the round in which the bye was drawn.

E. DISPUTE SETTLEMENT

Rule 33. **Reporting a Rules Violation/Inside the Bar**

Disputes which (a) involve students competing in a competition round and (b) occur during the course of a trial must be filed immediately upon conclusion of the trial. Disputes must be brought to the attention of the presiding judge at the conclusion of the trial. If any team

believes that a substantial rules violation has occurred, one of its student attorneys must indicate that the team intends to file a dispute. The presiding judge will instruct the student attorney to prepare a notice of dispute, in which the student will record in writing the nature of the dispute. The student may communicate with counsel and/or student witnesses before lodging the notice of dispute or in preparing the form. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. Only student attorneys may invoke the dispute procedure permitted under this Rule.

Rule 34. Dispute Resolution Procedure

Upon receipt of a Rule 33 notice of dispute, the presiding judge will review the written dispute and determine whether the dispute should be heard or denied. If the dispute is denied, the judge will record the reasons for this, announce his/her decision to the Court, retire to complete his/her score sheet (if applicable), and turn the dispute form in with the score sheets. If the judge feels the grounds for the dispute merit a hearing, the form will be shown to opposing counsel for their written response. After the team has recorded its response and transmitted it to the judge, the judge will ask each team to designate a representative. After the designated representatives have had time (not to exceed three minutes) to prepare their arguments, the judge will conduct a hearing on the dispute, providing each team's designated representative three minutes for a presentation. The judge may question the designated representatives. At no time in this process may team sponsors or coaches communicate or consult with the student attorneys. After the hearing, the presiding judge will adjourn the court and retire to consider his/her ruling on the dispute. That decision will be recorded in writing on the dispute form, with no further announcement.

Rule 35. Effect of Violation on Score

If any judge, whether presiding or scoring, observes independently that a substantial rules violation has occurred, or if the presiding judge makes such a determination in accordance with Rule 34, the judge will inform each of the other judges for that trial. The presiding judge shall inform all other judges who score a trial in which a notice of dispute is submitted of the nature and existence of the dispute, and in the event that some or all of the scoring judges are not present for resolution of the dispute, the presiding judge shall provide a summary of each team's argument and any decision rendered as to the dispute. Each scoring judge will consider the dispute before reaching his or her final decisions. The dispute may or may not affect the final decision, but the matter will be left to the discretion of the scoring judges.

Rule 36. Reporting of Rules Violation/Outside the Bar

Disputes which arise from matters not governed by Rule 33 may be brought exclusively by a team's official faculty advisor or attorney-coach. Such disputes must be made promptly to the competition coordinators, who may ask the complaining party to state the complaint in writing. The competition coordinators will select and appoint a dispute resolution panel which will (a) notify all pertinent parties; (b) allow time for a response, if deemed by the dispute resolution panel to be appropriate; (c) investigate, if deemed by the dispute resolution panel to be appropriate; (d) conduct an informal hearing, if deemed by the dispute resolution panel to be appropriate; and (e) rule on the charge. The dispute resolution panel may notify the judging panel of the affected courtroom of the ruling on the charge.

II. RULES OF PROCEDURE

A. BEFORE THE TRIAL

Rule 37. Team Roster

Copies of the team roster must be completed and duplicated by each team prior to arrival for trial. Teams must be identified ONLY by the code assigned at registration. No information identifying a team's city or school of origin should appear on the form or any materials brought into the courtroom or on any clothing worn by the team members or audience. Before beginning a trial, the teams must exchange copies of the Team Roster Form. Copies of the Team Roster Form should also be made available to the judging panel before each round.

Rule 38. Stipulations

When the Court asks the Plaintiff if it is ready to proceed with opening statements, the attorney assigned the opening statement should offer the stipulations into evidence.

Rule 39. The Record

The stipulations, indictment, and charge to the jury, if any, will not be read into the record.

B. BEGINNING THE TRIAL

Rule 40. Jury Trial

The case will be tried to a jury unless the presiding judge determines otherwise; arguments are to be made to the judge and jury. Teams may address the scoring judges and any other persons permitted by the presiding judge to sit in the jury box as the jury.

Rule 41. Standing During Trial

Unless excused by the presiding judge, attorneys will stand while giving opening and closing statements, during direct and cross examinations, and for all objections.

Rule 41. Objection During Opening Statement/Closing Argument

No objections may be raised during opening statements or during closing arguments.

If a team believes an objection would have been necessary during the opposing team's closing argument, a student-attorney, following the closing arguments, may seek to be recognized by the presiding judge and may say "If I had been permitted to object during closing arguments, I would have objected to the opposing team's statement that _____." The presiding judge need not rule on this "objection." Presiding and scoring judges will weigh the "objection" individually. No rebuttal by the opposing team will be heard.

C. PRESENTING EVIDENCE

Rule 43. Argumentative Questions

An attorney shall not ask argumentative questions, except that the Court, may, in its discretion, allow limited use of argumentative questions on cross-examination.

Rule 44. Lack of Proper Predicate/Foundation

Attorneys shall lay a proper foundation prior to moving for the admission of evidence. After motion has been made, the exhibits may still be objected to on other grounds.

Rule 45. Procedure for Introduction of Exhibits

The following steps are *examples* by which evidence may be effectively introduced:

1. All evidence will be pre-marked as exhibits.
2. Ask for permission to approach the bench. Show the presiding judge the marked exhibit. "Your honor, may I approach the bench to show you what has been marked as Exhibit No. ___?"
3. Show the exhibit to opposing counsel.
4. Ask for permission to approach the witness. Give the exhibit to the witness.
5. "I now hand you what has been marked as Exhibit No. ___ for identification."
6. Ask the witness to identify the exhibit. "Would you identify it please?"
7. Witness answers with identification only.
8. Offer the exhibit into evidence.
9. Court: "Is there an objection?" (If opposing counsel believes a proper foundation has not been laid, the attorney should be prepared to object at this time.)
10. Opposing Counsel: "No, your Honor," or "Yes, your Honor." If the response is "yes", the objection will be stated on the record. Court: "Is there any response to the objection?"
11. Court: "Exhibit No. ___ is/is not admitted."

Rule 46. Use of Notes

Attorneys may use notes in presenting their cases. Witnesses are not permitted to use notes while testifying during the trial. Attorneys may consult with each other at counsel table verbally or through the use of notes.

Rule 47. Redirect/Recross

Redirect and recross examinations are permitted, provided that they conform to the restrictions in Rule 611(d) in the Federal Rules of Evidence (Mock Trial Version).

D. CLOSING ARGUMENTS

Rule 48. Scope of Closing Arguments

Closing arguments must be based on the actual evidence and testimony presented during the trial.

E. CRITIQUE

Rule 49. The Critique

The judging panel is allowed time for debriefing. Judges will not reveal the scores attributed by them to individual performances, nor will they reveal which team was the ballot winner. The judges may announce the winner of the case on the merits and may discuss or comment upon the presentations in furtherance of the educational interests of the Alaska High School Mock Trial Competition.

II. MODIFIED RULES OF EVIDENCE

In American trials, complex rules are used to govern the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that all parties receive a fair hearing and to exclude evidence deemed irrelevant, incompetent, untrustworthy, unduly prejudicial, or otherwise improper. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the judge. The judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the judge will probably allow the evidence. The burden is on the mock trial team to know the Federal Rules of Evidence (Mock Trial Version) and to be able to use them to protect their client and fairly limit the actions of opposing counsel and their witnesses. For purposes of mock trial competition, the Rules of Evidence have been modified and simplified. They are based on the Federal Rules of Evidence and its numbering system. When rule numbers or letters are skipped, those rules were deemed not applicable to mock trial procedure. Text in italics represents simplified or modified language.

Not all judges will interpret the Rules of Evidence (or procedure) the same way, and mock trial attorneys should be prepared to point out specific rules (quoting, if necessary) and to argue persuasively for the interpretation and application of the rule they think appropriate.

Article I. General Provisions

Rule 101. Scope

These Rules of Evidence (Mock Trial Version) govern the trial proceedings of the Alaska High School Mock Trial Competition.

Rule 102. Purpose and Construction

The Rules are intended to secure fairness in administration of the trials, eliminate unjust delay, and promote the laws of evidence so that the truth may be ascertained.

ARTICLE II. Judicial Notice – Not Applicable

ARTICLE III. Presumptions in Civil Actions and Proceedings – Not Applicable

ARTICLE IV. Relevancy and its Limits

Rule 401. Definition of “Relevant Evidence”

“Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

Rule 402. Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible

Relevant evidence is admissible, except as otherwise provided in these Rules. Irrelevant evidence is not admissible.

Rule 403. Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion, or Waste of Time

Although relevant, evidence may be excluded if its probative value is outweighed by the danger of unfair prejudice, *if it confuses the issues, if it is misleading, or if it causes undue delay, wastes time, or is a needless presentation of cumulative evidence.*

Rule 404. Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes

- (a) Character Evidence – Evidence of a person’s character or a *character trait*, is not admissible to prove *action regarding* a particular occasion, except:
- (1) Character of Accused – Evidence of a pertinent character trait offered by an accused, or by the prosecution to rebut same;
 - (2) Character of Victim – Evidence of a pertinent character trait of the victim of the crime offered by an accused, or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the aggressor;
 - (3) Character of witness – Evidence of the character of a witness as provided in Rules 607, 608, and 609.
- (b) Other crimes, wrongs, or acts – Evidence of other crimes, wrongs, or acts is not admissible to prove character of a person in order to show an action conforms to character. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Rule 405. Methods of Proving Character

- (a) Reputation or opinion – In all cases in which evidence of character or a character trait is admissible, proof may be made by testimony as to reputation or by testimony in the form of an opinion. On cross-examination, *questions may be asked regarding* relevant specific instances of conduct.
- (b) Specific instances of conduct – In cases in which character or a character trait is an essential element of a charge, claim, or defense, proof may also be made of specific instances of that person’s conduct.

Rule 406. Habit; Routine Practice

Evidence of the habit of a person or the routine practice of an organization, whether corroborated or not and regardless of the presence of eyewitnesses, is relevant to prove that the conduct of the person or organization, on a particular occasion, was in conformity with the habit or routine practice.

Rule 407. Subsequent Remedial Measures

When measures are taken after an event which, if taken before, would have made the event less likely to occur, evidence of the subsequent measures is not admissible to prove negligence or culpable conduct in connection with event. This rule does not require the exclusion of evidence of subsequent measures when offered for another purpose; such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

Rule 410. Inadmissibility of Pleas, Pleas Discussions, and Related Statements

Except as provided in this Rule, evidence of the following is not, in any civil or criminal proceeding, admissible against a defendant who made the plea or was a participant in the plea discussions:

- (1) a plea of guilty which was later withdrawn;
- (2) a plea of *nolo contendere*;
- (3) any statement made in the course of any proceeding under Rule 11 of the Federal Rules of Criminal Procedure or comparable state procedure regarding either of the foregoing pleas; or
- (4) any statement made in the course of plea discussions with an attorney for the prosecuting authority which do not result in a plea of guilty or which result in a plea of guilty later withdrawn. However, such a statement is admissible (i) in any proceeding wherein another statement made in the course of the same plea or plea discussions has been introduced and the statement ought, in fairness, be considered with it, or (ii) in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record, and in presence of counsel.

Rule 411. Liability Insurance (civil case only)

Evidence that a person was or was not insured against liability is not admissible upon the issue of whether the person acted negligently or otherwise wrongfully. This rule does not require the exclusion of evidence of insurance against liability when offered for another purpose, such as proof of agency, ownership, or control, or bias, or prejudice of a witness.

Article V. Privileges

Rule 501. General Rule

There are certain admissions and communications excluded from evidence on grounds of public policy. Among these are:

- (1) *communications between husband and wife;*
- (2) *communications between attorney and client;*
- (3) *communications between grand jurors;*
- (4) *communications between psychiatrist and patient.*

Article VI. Witnesses

Rule 601. General Rule of Competency

Every person is competent to be a witness.

Rule 602. Lack of Personal Knowledge

A witness may not testify to a matter unless *the witness has personal knowledge of the matter*. Evidence to prove personal knowledge may, but need not, consist of the witness' own testimony. This rule is subject to the provisions of Rule 703, related to opinion testimony by expert witnesses (See Rule 3).

Rule 607. Who may Impeach

The credibility of a witness may be attacked by any party, including the party calling the witness.

Rule 608. Evidence of Character and Conduct of Witness

- (a) Opinion and reputation evidence of character – The credibility of a witness may be attacked or supported by evidence in the form of opinion or reputation, but subject to these limitations: (1) the evidence may refer only to character for truthfulness or untruthfulness, and (2) evidence of truthful character is admissible only after the character of the witness for truthfulness has been attacked by opinion or reputation evidence, or otherwise.
- (b) Specific instances of conduct – Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness' credibility, other than conviction of crime as provided in Rule 609, may not be proved by extrinsic evidence. They may, however, in the discretion of the Court, if probative of truthfulness or untruthfulness, be asked on cross-examination of the witness (1) concerning the witness' character for truthfulness or untruthfulness, or (2) concerning the character for truthfulness or untruthfulness of another witness as to which character the witness being cross-examined has testified.

Testimony, whether by an accused or by any other witness, does not operate as a waiver of the accused's or the witness' privilege against self-incrimination with respect to matters related only to credibility.

Rule 609. Impeachment by Evidence of Conviction of Crime (this rule applies only to witnesses with prior convictions)

- (a) General Rule – For the purpose of attacking the credibility of a witness, evidence that a witness other than the accused had been convicted of a crime shall be admitted if elicited from the witness or established by public record during cross-examination, but only if the crime was punishable by death or imprisonment in excess of one year, and the Court determines that the probative value of admitting this evidence outweighs its prejudicial effect to the accused. Evidence that any witness has been convicted of a crime shall be admitted if it involved dishonesty or false statement, regardless of the punishment.
- (b) Time Limit – Evidence of a conviction under this Rule is not admissible if a period of more than ten years has elapsed since the date of the conviction or of the release of the witness from the confinement imposed for that conviction, whichever is the later date, unless the Court determines that the value of the conviction substantially outweighs its prejudicial effect. However, evidence of a conviction more than 10 years old as calculated herein, is not admissible unless the proponent gives to the adverse party sufficient advance written notice of intent to use such evidence to provide the adverse party with a fair opportunity to contest the use of such evidence.
- (c) Effect of pardon, annulment, or certificate of rehabilitation – Evidence of a conviction is not admissible if (1) the conviction has been the subject of a pardon or other equivalent procedure based on a finding of the rehabilitation of the

person convicted of a subsequent crime which was punishable by death or imprisonment in excess of one year, or (2) the conviction has been the subject of a pardon, other equivalent procedure based on a finding of innocence.

- (d) *Not applicable.*
- (e) *Not applicable.*

Rule 610. Religious Beliefs or Opinions

Evidence of the beliefs or opinions of a witness on matters of religion is not admissible for the purpose of showing that by reason of their nature the witness' credibility is impaired or enhanced.

Rule 611. Mode and Order of Interrogation and Presentation

- (a) Control by Court – The Court shall exercise reasonable control over *questioning* of witnesses and presenting evidence so as to (1) make the *questioning* and presentation effective for ascertaining the truth, (2) to avoid needless use of time, and (3) protect witnesses from harassment or undue embarrassment.
- (b) Scope of cross-examination – *The scope of cross examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness' statement, including all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness statement that are otherwise material and admissible.*
- (c) Leading Questions – Leading questions should not be used on direct examination of a witness (except as may be necessary to develop the witness' testimony). Ordinarily, leading questions are permitted on cross examination. When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party, leading questions may be used.
- (d) Redirect/Recross – *After cross examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross examination. Likewise, additional questions may be asked by the cross examining attorney on recross, but such questions must be limited to matters raised on redirect examination and should avoid repetition.*

Rule 612. Writing Used to Refresh Memory

If a written statement is used to refresh the memory of a witness either while or before testifying, the Court shall determine that the adverse party is entitled to have the writing produced for inspection. The adverse party may cross examine the witness on the material and introduce into evidence those portions which relate to the testimony of the witness.

Rule 613. Prior Statement of Witnesses

Examining witness concerning prior statement – In examining a witness concerning a prior statement made by the witness, whether written or not, the statement need not be shown nor its contents disclosed to the witness at that time, but on request the same shall be shown or disclosed to opposing counsel.

Extrinsic evidence of prior inconsistent statement of witness – Extrinsic evidence of prior inconsistent statement by a witness is not admissible unless the witness is afforded opportunity to explain or deny the same and the opposite party is afforded an opportunity to interrogate.

Article VII. Opinions and Expert Testimony

Rule 701. Opinion Testimony by Lay Witness

If the witness is not testifying as an expert, the witness' testimony in the form of opinions or inferences is limited to those opinions or inferences which are (a) rationally based on the perception of the witness and (b) helpful to a clear understanding of the witness' testimony or the determination of a fact in issue.

Rule 702. Testimony by Experts

If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify in the form of an opinion or otherwise, if (1) the testimony is based upon sufficient facts or data, (2) the testimony is the product of reliable principles and methods, and (3) the witness has applied the principles and methods reliably to the facts of the case.

Rule 703. Bases of Opinion Testimony by Experts

The facts or data upon which an expert bases an opinion may be those perceived by or made known to the expert at or before the hearing. If of a type reasonably relied upon by experts in the field in forming opinions or inferences, the facts or data need not be admissible in evidence.

Rule 704. Opinion on Ultimate Issue

- (a) *Opinion or inference testimony* otherwise admissible is not objectionable because it embraces an issue to be decided by the trier of fact.
- (b) In a criminal case, an expert witness shall not express an opinion as to the guilt or innocence of the accused.

Rule 705. Disclosure of Facts or Data Underlying Expert Opinion

The expert may testify in terms of opinion or inference and give reasons therefor without prior disclosure of the underlying facts or data, unless the Court requires otherwise. The expert may in any event be required to disclose the underlying facts or data on cross examination.

Article VIII. Hearsay

Rule 801. Definitions

The following definitions apply under this article:

- (a) **Statement** – A “statement” is an oral or written assertion or nonverbal conduct of a person, if it is intended by the person as an assertion.
- (b) **Declarant** – A “declarant” is a person who makes a statement.
- (c) **Hearsay** – “Hearsay” is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.
- (d) **Statements which are not hearsay** – A statement is not hearsay if:
 - (1) **Prior statement by witness** – The declarant testifies at the trial or hearing and

is subject to cross examination concerning the statement and the statement is (A) inconsistent with the declarant's testimony, and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding, or in a deposition, or (B) consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive, or (C) one of identification of a person made after perceiving the person; or

(2) Admission by a party-opponent – The statement is offered against a party and is (A) the party's own statement in either an individual or a representative capacity or (B) a statement of which the party has manifested an adoption or belief in its truth, or (C) a statement by a person authorized by the party to make a statement concerning the subject, or (D) a statement by the party's agent or servant concerning a matter within the scope of the agency or employment, made during the existence of the relationship, or (E) a statement by a co-conspirator of a party during the course in furtherance of the conspiracy.

Rule 802. Hearsay Rule

The following are not excluded by the hearsay rule, even though the declarant is available as a witness:

- (1) Present sense impression – A statement describing or explaining an event or condition made while the declarant was perceiving the event or condition, or immediately thereafter.
- (2) Excited utterance – A statement relating to a startling event or condition made while the declarant was under the stress of excitement caused by the event or condition.
- (3) Then existing mental, emotional, or physical conditions – A statement of the declarant's then existing state of mind, emotion, sensation, or physical condition (such as intent, plan, motive, design, mental feeling, pain, and bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the execution, revocation, identification, or terms of declarant's will.
- (4) Statements for purpose of medical diagnosis or treatment – Statements made for the purpose of medical diagnosis or treatment.
- (5) Recorded Recollection – A memorandum or record concerning a matter about which a witness once had knowledge but now has insufficient recollection to enable the witness to testify fully and accurately, shown to have been made or adopted by the witness when the matter was fresh in the witness' memory and to reflect that knowledge correctly.
- (6) Business Records – A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinions, or diagnosis, made at or near the time by, or from information transmitted by, a person with knowledge acquired of a regularly conducted business activity, and if it was the regular practice of that business activity to make and keep the memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, unless the source of information or the method or circumstances of preparation indicate lack of trustworthiness. The term "business" as used in this

paragraph includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

- (18) Learned treatises – To the extent called to the attention of an expert witness upon cross examination or relied upon by the expert witness in direct examination, statements contained in published treatises, periodicals, or pamphlets on a subject of history, medicine, or other science or art, established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice.
- (21) Reputation as to character – Reputation of a person’s character among associates or in the community.
- (22) Judgment of previous conviction – Evidence of a judgment *finding* a person guilty of a crime punishable by death or imprisonment in excess of one year, to prove any fact essential to sustain the judgment, but not including, when offered by the Government in a criminal prosecution for purposes other than impeachment, judgments against persons other than the accused.

Rule 804. Hearsay Exceptions—Declarant Unavailable.

(a) **Definition of Unavailability.** Unavailability as a witness includes situations in which the declarant

(1) is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of his statement; or

(2) persists in refusing to testify concerning the subject matter of his statement despite an order of the court to do so; or

(3) establishes a lack of memory of the subject matter of his statement; or

(4) is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity; or

(5) is absent from the hearing and the proponent of his statement has been unable to procure his attendance (or in the case of a hearsay exception under subdivision (b) (2), (3), (4), or (5), of this rule, his attendance or testimony) by reasonable means including process.

A declarant is not unavailable as a witness if his exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of his statement for the purpose of preventing the witness from attending or testifying.

(b) **Hearsay Exceptions.** The following are not excluded by the hearsay rule if the declarant is unavailable as a witness:

(1) *Former Testimony.* Testimony given as a witness at another hearing of the same or a different proceeding, or in a deposition taken in compliance with law in the course of another proceeding, if the party against whom the testimony is now offered, or, in a civil action or proceeding a predecessor in interest, had an opportunity and similar motive to develop the testimony by direct, cross, or redirect examination.

(2) *Statement Under Belief of Impending Death.* A statement made by a declarant while believing that the declarant’s death was imminent, concerning the cause or circumstances of what the declarant believed to be his impending death.

(3) *Statement Against Interest.* A statement which was at the time of its making so far contrary to the declarant's pecuniary or proprietary interest, or so far tended to subject the declarant to civil or criminal liability, or to render invalid a claim by the declarant against another, that a reasonable person in the declarant's position would not have made the statement unless believing it to be true. A statement tending to expose the declarant to criminal liability and offered to exculpate the accused is not admissible unless corroborating circumstances clearly indicate the trustworthiness of the statement.

(4) *Statement of Personal or Family History.* (A) A statement concerning the declarant's own birth, adoption, marriage, ancestry, or other similar fact of personal or family history, even though declarant had no means of acquiring personal knowledge of the matter stated; or (B) a statement concerning the foregoing matters, and death also, of another person, if the declarant was related to the other by blood, adoption, or marriage or was so intimately associated with the other's family as to be likely to have accurate information concerning the matter declared.

(5) *Other Exceptions.* A statement not specifically covered by any of the foregoing exceptions but having equivalent circumstantial guarantees of trustworthiness, if the court determines that (A) the statement is offered as evidence of a material fact; (B) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and (C) the general purposes of these rules and the interests of justice will best be served by admission of the statement into evidence. However, a statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, his intention to offer the statement and the particulars of it, including the name and address of the declarant.

Rule 805. Hearsay within Hearsay

Hearsay included within hearsay is not excluded under the hearsay rule if each part of the combined statement conforms with an exception to the hearsay rule provided in these rules.

Article X. Contents of Writing, Recordings and Photographs – Not applicable.

EVALUATION GUIDELINES

The competition judges are given instructions on how to evaluate the performance of participating teams and individuals. The following guidelines, as well as additional instructions that are not included here, are included in the material provided to the competition judges. Participating teams may assume that the winning team will excel in the following ways:

ATTORNEYS:

DEMONSTRATED SPONTANEITY:

- in response to witnesses and/or the court;
- in the overall presentation of the case; and
- in making and responding to objections, capitalizing on opportunities which arise during trial.

DEMONSTRATED COMMAND OF THE FACTS AND ISSUES

in the case and attorney's understanding of the relevant points of law.

When examining witnesses, attorney **PHRASED QUESTIONS PROPERLY** and demonstrated a clear understanding of trial procedure and the simplified rules of evidence used for the mock trial competition.

The attorney's questions:

- were clearly stated, concise, and to the point;
- resulted in straightforward answers from the witness;
- brought out information important to the case; and
- brought out contradictions in testimony.

Opening statements and closing arguments were **ORGANIZED AND WELL-REASONED** presentations, with the closing argument emphasizing the strengths of the attorney's own side and addressing the flaws exposed by the opposing attorneys during trial.

WITNESSES:

Testimony was **CONVINCING** and characterizations were **BELIEVABLE** and **CONSISTENT** with the affidavits. **PREPARATION** and **SPONTANEITY** were evident in the manner witnesses handled questions posed to them by the attorneys.

TEAMS:

Courtroom **DECORUM AND COURTESY** by all team members and coaches were observed. Affiliated observers were not disruptive. All participants were **ACTIVE** in the presentation of the case.

2017 ALASKA HIGH SCHOOL
 MOCK TRIAL CHAMPIONSHIP COMPETITION
 (Anchorage, March 2-4, 2017)

TEAM REGISTRATION FORM
 (Please CLEARLY print name and contact information)

School (Organization) Name: _____

Team Mailing Address: _____

Teacher or other School Advisor: _____ T-Shirt Size: _____

Advisor Contact Phone: _____ Message Phone: _____

Advisor FAX Number: _____ **E-Mail:** _____

Attorney Coach: _____ T-Shirt Size: _____

Coach Contact Phone: _____ Message Phone: _____

Coach FAX Number: _____ **E-Mail:** _____

Student Team Members (Please print names in block lettering)

	(T-Shirt Size)		(T-Shirt Size)
_____	()	_____	()
_____	()	_____	()
_____	()	_____	()
_____	()	_____	()
_____	()	THIS IS TEAM NUMBER _____	

Each team must have a minimum of six students members. No team may have more than nine members, including alternates. The assistance of attorney coaches is recommended, but not mandatory. Schools wishing to register more than one team may designate the same teacher or other school sponsor as the official school advisor. Any school wishing to register multiple teams MUST indicate which team is the "First Team," "Second Team," etc. **All teams must be registered no later than February 24, 2017.**

TO REGISTER A TEAM, PLEASE RETURN THIS FORM WITH THE REGISTRATION FEE OF \$150 PER TEAM TO:

ANCHORAGE BAR ASSOCIATION
 YOUNG LAWYERS SECTION
 c/o PROF. RYAN FORTSON
 JUSTICE CENTER
 UNIVERSITY OF ALASKA ANCHORAGE
 3211 PROVIDENCE DRIVE, LIB 213
 ANCHORAGE, AK 99508-4614
 Attn: MOCK TRIAL