

**MICHIGAN STATE UNIVERSITY COLLEGE OF LAW
ADVOCACY
SPRING PROBLEM 2023
JOINT APPENDIX**

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These facts are contained in what is called a Joint Appendix, prepared in compliance with Federal Rule of Appellate Procedure 30 and the United States Court of Appeals for the Third Circuit's Local Rule 30.1. The Joint Appendix (to the parties' briefs) contains all the documents the two parties agree are relevant to the appeal. Once the parties have filed this Joint Appendix, agreeing that these documents contain the facts the appellate court should consider on appeal, the parties cannot use any facts in their briefs or oral arguments outside of those contained in the Joint Appendix.

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IN THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

SAMUEL CARTER,

CA NO. 2022-0089

Plaintiff,

v.

HILLSIDE AREA SCHOOL DISTRICT,

Defendant.

Jerry Putnam
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340 Main Street
Hillside, PA 15825

Eunice Thompson
Attorney for Defendant
2 Sylvania Street
Hillside, PA 15825

JOINT APPENDIX

1. District Court's Memorandum and Order Granting Summary Judgment to Defendant.
2. Evidence submitted by the parties and considered by the court for purposes of deciding Defendant's Motion for Summary Judgment:
 - a. Deposition of Samuel Carter and Defendant's Exhibits 1, 2, 3, and 4, attached thereto.
 - b. Deposition of Linda Baxter.
 - c. Deposition of Noah Baxter.
 - d. Deposition of Rhonda Jones.
 - e. Deposition of Fred Henderson.
 - f. Excerpt of Deposition of Joanne Hill.
 - g. Excerpt of Deposition of Taylor Thompson.
3. Notice of Appeal.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL CARTER,

CIVIL ACTION NO. 22-1487

Plaintiff,

v.

HILLSIDE AREA SCHOOL DISTRICT,

Defendant.

Jerry Putnam
Attorney for Plaintiff
340 Main Street
Hillside, PA 15825

Eunice Thomas
Attorney for Defendant
2 Sylvania Street
Hillside, PA 15825

MEMORANDUM AND ORDER

Austin, L.

December 21, 2022

This matter arises on Defendant's Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56. The motion has been fully briefed and argued and is ripe for decision. For the reasons that follow, the Court grants Defendant's Motion and dismisses Plaintiff's Complaint in its entirety with prejudice.

I. Background

Plaintiff Samuel Carter was an eighteen-year-old high-school senior attending Hillsdale High School, a public school in Hillside Area School District in Pennsylvania. On November 4, 2022, Defendant Hillside Area School District suspended Plaintiff for ten days and any remaining football games, should Hillsdale's varsity football team qualify for the playoffs, for internet speech that reached the school on the basis that the speech 1) constituted a threat to another student at the same high school and/or 2) had caused or reasonably was forecasted to cause a substantial disruption of the school's proper functioning.

Plaintiff commenced this action on November 9, 2022, against Defendant Hillside Area School District, in the United States District Court for the Middle District of Pennsylvania, alleging that Defendant had violated his free speech rights under the First Amendment to the United States Constitution, made applicable to state and local governments, including school districts, by the Fourteenth Amendment.¹

Following discovery, on December 5, 2022, Defendant filed its Motion and Brief in Support of its Motion for Summary Judgment. On December 12, 2022, Plaintiff filed his Brief Opposing Defendant's Motion for Summary Judgment. This Court heard oral arguments on this Motion on December 16, 2022.

II. Legal Standard

Federal Rule of Civil Procedure 56(a) provides in part: "The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Federal Rule of Civil Procedure 56(c) provides:

- (1) Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:
 - (A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or
 - (B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

The parties both relied upon the following evidence in support of their positions: Deposition of Samuel Carter and Defendant's Exhibits 1, 2, 3, and 4 attached thereto; Deposition of Noah Baxter; Deposition of Linda Baxter; Deposition of Rhonda Jones; Deposition of Fred Henderson; and Excerpts of the Depositions of Taylor Thompson and Joanne Hill.

In deciding a motion for summary judgment, this Court must take as true the non-moving party's factual allegations and draw all inferences from the underlying facts in the non-moving party's favor. Hancock Indust. v. Schaeffer, 811 F.2d 225, 231 (3d Cir. 1987).

¹ Plaintiff's claim is not moot as he asked, among other things, for removal of his suspension from his school record.

III. Discussion

Plaintiff claims his suspension violated the First Amendment to the United States Constitution's free speech clause, which provides that "Congress shall make no law . . . abridging the freedom of speech." The First Amendment is made applicable to state and local governments, including school districts, via the Fourteenth Amendment to the United States Constitution. Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 507 (1969).

This Court will apply both an analysis under Tinker, 393 U.S. at 513, which considers whether student speech caused or would support a reasonable forecast of substantial disruption of the school's proper functioning, and an analysis of true threat as articulated in Doe v. Pulaski Special School District, 306 F.3d 616, 624 (8th Cir. 2002) (en banc). Further, the parties and this Court agree that Tinker is applicable to off-campus speech pursuant to Mahanoy Area School District v. B.L., 141 S. Ct. 2038 (2021), but that Bethel School District No. 403 v. Fraser, 478 U.S. 675 (1986), is inapplicable to off-campus speech, as the Third Circuit held in Layshock v. Hermitage School District, 650 F.3d 205, 219 (3d Cir. 2011) (en banc).

Finally, the parties agree on the facts in the current case, but disagree that the facts support the conclusion that Defendant violated Plaintiff's free speech rights. Specifically, Defendant asserts that it validly suspended Plaintiff because his speech constituted a true threat, which is not protected by the First Amendment. Alternatively, Defendant asserts that the speech caused a substantial disruption of the school's proper functioning or that the school reasonably forecasted that it would, and, thus, the speech was not protected by the First Amendment. Plaintiff disagrees with both theories of why Defendant could punish his speech without violating the First Amendment.

This Court agrees with Defendant that the speech caused or was reasonably forecasted to cause a substantial disruption of the school's proper functioning under Tinker, although this Court agrees with Plaintiff that his speech did not constitute a true threat under Doe v. Pulaski Special School District and similar true threat cases in the context of disciplining a public school student for speech the school labels a "true threat," regardless of whether the court applies the reasonable speaker or reasonable recipient standard. Please note that the standard is not subjective as in Elonis v. United States, 575 U.S. 723 (2015); in that case, the Court was interpreting a criminal statute, and this case is purely civil. On a similar note, any state statute criminalizing bullying or hate speech is entirely irrelevant to this civil case.

Under Tinker, Defendant did not violate the First Amendment when it punished Plaintiff for the speech.

IV. Conclusion

Thus, Defendant is entitled to summary judgment. Plaintiff's complaint is dismissed in its entirety with prejudice.

IT IS SO ORDERED

The Honorable Lucy M. Austin

December 21, 2022

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL CARTER,

CIVIL ACTION NO. 22-1487

Plaintiff,

v.

HILLSIDE AREA SCHOOL DISTRICT,

Defendant.

Jerry Putnam
Attorney for Plaintiff
340 Main Street
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2 Sylvania Street
Hillside, PA 15825

DEPOSITION OF SAMUEL CARTER

Taken at 340 Main Street

Hillside, PA 15825

Commencing on November 14, 2022

1 (At 10:05 a.m. Deposition begins)
2 BY DEFENDANT’S ATTORNEY MS. THOMAS:
3 Q: Please state your full name and spell your last name for the record.
4 A: Samuel Carter. C-A-R-T-E-R.
5 Q: Mr. Carter, how old are you, please?
6 A: Just turned eighteen a couple weeks ago.
7 Q: Have you ever had your deposition taken before?
8 A: No.
9 Q: This is your very first time?
10 A: Yeah.
11 Q: Because this is your first time, I want to go over some ground rules with you first, okay?
12 A: Yeah.
13 Q: First, it is very important that you tell the truth. You are under oath. Do you understand that?
14 A: Yes.
15 Q: Second, everything you and I say is recorded. So, I need you to answer with “yes” or “no.”
16 Nodding or shaking your head or saying uh-uh is not going to work, okay?
17 A: Yeah.
18 Q: Is that a yes?
19 A: Yes. Yes.
20 Q: Third, if you don’t understand a question I am asking, please tell me, and I can repeat it or try to
21 rephrase it, got it?
22 A: Yes.
23 Q: Okay. Let’s begin. Mr. Carter, is there anything that would prevent you from giving honest
24 answers today?
25 A: No.
26 Q: You haven’t consumed any alcohol or drugs that would affect this deposition?
27 A: No.
28 Q: Where were you born?
29 A: Hillside, Pennsylvania.
30 Q: And is that where you currently live?
31 A: Yes.
32 Q: Who do you live with?
33 A: My mom and dad.

1 Q: Do you have any siblings?
2 A: Three brothers.
3 Q: Are they older or younger?
4 A: All older. Two are in college at Penn State and one works full time in North Carolina.
5 Q: Do you attend high school?
6 A: Yes.
7 Q: Where?
8 A: Hillsdale.
9 Q: Hillsdale in Hillside, Pennsylvania?
10 A: Yes.
11 Q: What grade are you in?
12 A: I'm a senior.
13 Q: So, you will be graduating in the spring then?
14 A: Hopefully.
15 Q: Do you play any sports?
16 A: Right now I play football, and in the winter I wrestle.
17 Q: What position do you play in football?
18 A: Tight end.
19 Q: How are the Hillsdale Ravens doing in football this year?
20 A: Real good. We're expected to be division champs and make the playoffs.
21 Q: Have you played football all through high school?
22 A: Yeah. J.V. my first year and Varsity after that.
23 Q: Back to your family for a second. Your brothers were wrestlers too, right?
24 A: Yeah, all three.
25 Q: In fact, isn't it true that they were quite good at it, too?
26 A: Yes. Very good. My brother Mark received a scholarship to PSU for it.
27 Q: And you're pretty good at it too, right?
28 A: So far.
29 Q: In fact, you went to state last year and placed third in your weight class, right?
30 A: Yes, I did.
31 Q: And you've been wrestling since you were a kid, right?
32 A: Yes.
33 Q: Ever been in any fights over wrestling?

1 A: No.

2 Q: How about football?

3 A: Yeah, once. Back when I was a freshman I think.

4 Q: Can you tell me about that please?

5 A: Yeah. We had just lost to our rivals, and, after the game, someone had accused my buddy Chad
6 of some dirty trick or something. We started chirping with one another, and, before you know it,
7 both sides were involved in kind of a brawl, I guess. Some yelling and swearing and a few
8 punches here and there.

9 Q: I'm sorry. What is chirping?

10 A: Yelling, you know? Sort of saying things back and forth to one another.

11 Q: Got it. Was anyone injured?

12 A: I don't think so.

13 Q: Did the school punish anyone after?

14 A: No. They said it was mutual. I mean, they were mad it happened and told us it reflected bad on
15 the program and the school, but they understood that we didn't really start it.

16 Q: Was that the only fight involving sports?

17 A: Yes.

18 Q: Now you mentioned your friend Chad a moment ago. Who is that?

19 A: Chad Marsh. He is also on the football team. Quarterback.

20 Q: How long have you two been friends?

21 A: Since we were kids. Like seven or eight.

22 Q: Okay. Have you ever been in any other fights?

23 A: Um, yeah.

24 Q: When?

25 A: Spring semester of last year.

26 Q: Can you please tell me the circumstances of that event?

27 A: Yeah. One of my friends had told me her boyfriend was getting, you know, a little rough with
28 her. At lunch one day, right after she told me, I saw them in the cafeteria. He was holding her
29 arm, and she looked upset and like she was trying to pull away. I rushed over there to see what
30 was going on, and he told me to stay out of it. I didn't move and asked my friend if she was all
31 right, and he kind of like got in between me and her. I told him to let go of her and get out of my
32 way, and he shoved me, so I threw him to the ground.

33 Q: Was he injured?

1 A: I don't think so.

2 Q: Did this happen on school property?

3 A: Yeah.

4 Q: Were you disciplined?

5 A: The school suspended me for two days.

6 Q: You understand you can't fight, right, especially in school?

7 A: I know I broke a school rule. But he broke a bigger rule about how to treat girls.

8 Q: Any fights other than the ones we have talked about?

9 A: No, I don't think so.

10 Q: Any other disciplinary actions against you in school?

11 A: No.

12 Q: Nothing else on your record, even from grade school?

13 A: I don't think so. I mean, I hope not. If there is, I don't even know about it.

14 Q: Okay. Now, Mr. Carter, may I assume you are aware that this litigation involves a post on

15 Facebook that happened in October of this year?

16 A: Yes.

17 Q: Are you familiar with a student named Noah Baxter?

18 A: Yes.

19 Q: How do you know him?

20 A: I don't really. I have probably talked to the guy maybe less than five times in person all through

21 high school.

22 Q: In your opinion, what is Mr. Baxter's reputation in school?

23 A: I don't think he had much of one. He is sort of a loner, keeps to himself. Gets good grades, I

24 think.

25 Q: How are your grades?

26 A: They are okay.

27 Q: What does that mean?

28 A: Mostly C's.

29 Q: Ever been placed on academic probation?

30 A: Yes. Twice. Once when I was a freshman and once last year. Not recently, though.

31 Q: Did there come a time when you started an online relationship with someone known to you as

32 Kayla Kennedy?

33 Q: Relationship?

1 A: Yes, what you thought was a relationship with Kayla Kennedy?
2 A: Yes.
3 Q: When?
4 A: When what? Like when did it start or when did it stop?
5 Q: Let's begin with, when did the relationship start?
6 A: The relationship with the nonexistent person?
7 Q: Yes.
8 A: This past summer. Early August, I think.
9 Q: August 2022?
10 A: Yeah.
11 Q: How did it start?
12 A: What I thought was this girl added me on Facebook, and we just started messaging each other. I
13 thought she looked really cute, so we kept going with it.
14 Q: What do you mean by messaging?
15 A: Talking on Facebook Messenger.
16 Q: How often would the two of you talk?
17 A: Every day.
18 Q: More than once a day?
19 A: Sometimes. It would just depend on my schedule. She was on there more than me. I was
20 conditioning for wrestling and working part-time during the summer, so I was busy. But we
21 made time to talk at least once every day.
22 Q: Where was she from?
23 A: Supposedly from? I can't remember. The message said she was in the county next to ours.
24 Q: Did she tell you where she went to school?
25 A: She said she was homeschooled.
26 Q: How old did she say she was?
27 A: A year younger than me at the time, sixteen.
28 Q: Did she indicate why she was homeschooled?
29 A: Yeah. She said she lived in a farming area, and the schools were not that great around her, and
30 her mom used to be a teacher, so her parents decided to homeschool her.
31 Q: Did you ever meet Kayla in person?
32 A: No, of course not. Obviously not. What the --

1 Q: Sorry. So, you never met who you thought was Kayla Kennedy. Did you ever talk to a girl who
2 said she was Kayla Kennedy on the phone?

3 A: No.

4 Q: Why not?

5 A: She said her parents wouldn't let her have a cell phone until she started driving.

6 Q: Did you ever talk to her via Skype or something similar?

7 A: No. I asked, but she said Skype wouldn't work with her internet or something. I know you think
8 I'm stupid.

9 Q: No, Mr. Carter. So, the only way that you communicated with who you thought was Kayla
10 Kennedy was via Facebook Messenger, correct?

11 A: Yes.

12 Q: Did you talk about her with anyone else?

13 A: Yeah. Brent and Chad and most of the football team, I guess. Some of my wrestling friends, too.
14 Not my parents, though.

15 Q: Who is Brent?

16 A: Brent Walker.

17 Q: Is he a student at Hillsdale?

18 A: Yeah.

19 Q: Are the two of you good friends?

20 A: Yes, very.

21 Q: Is he also on the football team?

22 A: Yes.

23 Q: And a wrestler?

24 A: No.

25 Q: Is Chad a wrestler?

26 A: No.

27 Q: Were your friends Brent and Chad also involved in the football brawl you described to me
28 earlier?

29 A: Yes.

30 Q: So back to Kayla Kennedy, even though it was only through Facebook, you kept the relationship
31 going?

32 A: Yeah. I mean, I thought she looked really cute, and I thought she was fun to talk to. Stupid, right?
33 I guess I really like Noah Baxter. As if. I can't believe I'm the one in trouble here.

1 Q: Did the relationship continue until the beginning of school this year?

2 A: Yes.

3 Q: Did you ever show your friends pictures of Kayla Kennedy, her Facebook profile, or anything
4 like that?

5 A: Yes. Sometimes Chad, Brent, and I would look at her profile together. I was obviously friends
6 with her on Facebook, so my friends could see her profile too.

7 Q: Would it be fair to say you bragged to the team and your friends about your girlfriend?

8 A: Yes.

9 Q: Ever show them any of your messages?

10 A: When she'd post a new picture, I'd show it to Chad and Brent.

11 Q: Did there come a time when you learned Kayla Kennedy was not who you believed her to be?

12 A: Yeah, you know that. Come on.

13 Q: How did that happen?

14 A: Sometime in October of this year, Brent told me he was walking back to his seat in computer
15 class when he noticed Noah was looking at Kayla's profile online. He said he continued to watch
16 and saw Noah take a picture from Google and load it to Kayla's profile.

17 Q: When did you find out about this?

18 A: Brent told me after school. We were at my house killing time before practice.

19 Q: What did you do about it?

20 A: I checked Kayla's profile, and, sure enough, that picture Brent described was on her profile.

21 Q: Did that make you suspicious?

22 A: Yes!

23 Q: Why?

24 A: It was dawning on me that I might have been catfished.

25 Q: Can you explain that to me, the catfish thing?

26 A: It's when you are in an online relationship with someone who turns out to be someone else. They
27 lie to you on purpose. There is a whole show about it on MTV. And I get to be the fool who has it
28 done to him in front of the whole school. There's something to be famous for!

29 Q: That must have been very upsetting. What did you do next?

30 A: I messaged her on Facebook and told her, I mean, told Noah that I was on to him.

31 Q: Did you feel embarrassed about the situation?

32 A: Yes, obviously! How could you even ask me that?

1 Q: I just need to be very clear and not make any assumptions about what happened or how you felt
2 about it. I am sorry that this is making you uncomfortable. At this point, were you feeling angry?
3 A: Yes! Angrier than I have ever been in my life!
4 Q: Did you want to get back at Noah?
5 A: Yes, I wanted to get back at that fat, piece-of -- look, I'm sorry, but can you imagine? Why was
6 he targeting me to humiliate? I don't even know him.
7 Q: Okay, Mr. Carter, at this time I am handing you what has been previously marked as Defendant's
8 Exhibit 1. Do you recognize this document?
9 A: It looks like the conversation Noah and I had.
10 Q: I want you to take a look at it and tell me if you see anything wrong or inaccurate with it.
11 A: It looks fine.
12 Q: So, would you agree with me that this is a fair and accurate representation of the conversation
13 between you and Noah Baxter, a/k/a Kayla Kennedy, on October 28, 2022?
14 A: Yes.
15 Q: I want to call your attention to a few things. Isn't it true that you told Noah not to fuck with you?
16 A: Yes.
17 Q: And that, if he didn't own up to his lie, you would kick his ass?
18 A: Yes.
19 Q: And that he was a stupid little shit?
20 A: Yes.
21 Q: And that you could squash him like a bug if you wanted to?
22 A: Yes.
23 Q: And that you said you were going to make everyone hate him?
24 A: Yes.
25 Q: What did you mean by that?
26 A: What are you taking about? I was furious! I was just saying stuff. What did I mean by don't fuck
27 with me? Too late, he already fucked with me. I was just spouting off.
28 Q: The fact that you were catfished, so to speak, made you really mad, didn't it?
29 A: What the -- yes!
30 Q: Did Brent and Chad witness this conversation?
31 A: Yes.
32 Q: Okay. Next, I am handing you what has been previously marked as Defendant's Exhibit 2. Do
33 you recognize this one?

1 A: Yes.

2 Q: Can you tell me for the record what it is?

3 A: It is a post I made on Facebook.

4 Q: Is Exhibit 2 a fair and accurate representation of the post you made?

5 A: Yes.

6 Q: When did you post it?

7 A: The day after Noah and I had our conversation on Messenger.

8 Q: So, the post reads, quote: "Attention everyone, Noah Baxter is a fat, lying, piece of garbage. Stay
9 away from him at all costs. #IHopeHeHearsThis #Loser #HillsdaleHatesYou." Unquote. Correct?

10 A: Correct.

11 Q: Why did you do this?

12 A: Why do you think? I was pissed.

13 Q: Okay. And you posted this as your Facebook status so all of your Facebook friends could see the
14 status, correct?

15 A: Yes.

16 Q: Could everyone see the post?

17 A: No. My privacy settings are limited, so only people I am friends with.

18 Q: What about if one of your friends comments on your posts? Can the friend's friends then see the
19 post?

20 A: Yeah, I think that's right. I'm not sure.

21 Q: About how many students from Hillsdale are you friends with on Facebook?

22 A: I don't know.

23 Q: More than 100?

24 A: Yes.

25 Q: 200?

26 A: Yes.

27 Q: 300?

28 A: Probably.

29 Q: 400?

30 A: I don't think so, but I am not sure.

31 Q: Are you friends with Noah Baxter on Facebook?

32 A: Yes, I was at that time.

33 Q: Why?

1 A: I don't know. Kids from school send requests all the time. I usually just accept.

2 Q: Back to your post on the evening of October 29, are you aware that this post received 25 "likes"?

3 A: Yeah.

4 Q: And thirteen total comments, several from other Hillsdale students?

5 A: Yeah.

6 Q: In fact, Chad Marsh posted on your status, right?

7 A: Yes.

8 Q: He wrote: "If anyone sees this piece of garbage, they should jump him to teach him a lesson."
9 Correct?

10 A: Yes.

11 Q: So, you would admit that the comments appear threatening, right?

12 A: I'm not responsible for what other people say.

13 Q: That was not my question. My question was, isn't it fair to say the comments appeared to be
14 threatening?

15 A: All of them? No.

16 Q: Well, what about when you said you would kick his ass?

17 BY MR. PUTNAM:

18 Q: Objection. The statement was conditional, if Mr. Baxter did not admit what he had done to my
19 client.

20 BY MS. THOMAS:

21 Q: Okay. What about saying that, if he did not own up to what he did, you would kick his ass?

22 A: Look, I wasn't going to walk into school and hit him or anything. But I was really mad. And I
23 wanted him to admit what he did to me.

24 Q: Taken as a whole, do you admit that the posts seem threatening?

25 A: I don't know! Did I hope he felt a little afraid of me at that moment, so that he would admit what
26 he did, and maybe not blab it to everyone else in the world? Yes.

27 Q: Thank you. Now, I am handing you what has been previously marked as Defendant's Exhibit 3.
28 Do you recognize this one?

29 A: Yes.

30 Q: Can you please describe it for the record?

31 A: It's a picture I posted on Facebook the next night.

32 Q: And what is the picture of?

33 A: A gutted deer hanging with a picture of Baxter's face where the deer's head is.

1 Q: And where did you get this picture?

2 A: Well, the picture is of a real deer I shot during bow season earlier that month, and me and my dad
3 dressed it ourselves. I found a profile pic of Baxter and put it on the deer.

4 Q: So, you are a hunter?

5 A: Me and everyone else around here.

6 Q: You hunt with your father?

7 A: My dad, brothers, and I bow hunt.

8 Q: You said you and everyone else. Are you saying hunting is common in the community where you
9 live?

10 A: Yeah. A lot of us at Hillsdale live on land or on farms or on what used to be farms. We hunt.

11 Q: Have you ever posted a photo of your kill before?

12 A: Sure.

13 Q: Is it your perception that this is common as well?

14 A: Yes.

15 Q: So, you've seen other Facebook posts of dead animals that people killed while hunting?

16 A: Yeah. You make it sound weird. Why is it weirder to kill an animal for meat than to buy the same
17 thing at the grocery store? We're just more honest than you.

18 Q: I am not trying to comment on your hunting. I am just trying to make sure I understand what you
19 perceive to be normal. Have you ever seen a post of a gutted deer on Facebook?

20 A: I have definitely seen photographs of gutted deer before. I don't remember if they were on
21 Facebook.

22 Q: I am going to hand you what has been marked as Defendant's Exhibit 4. Is this the photograph of
23 the deer you posted earlier to Facebook with the caption: "Got my bow-season buck! Dad & I
24 dressed him ourselves!"

25 A: Yes.

26 Q: What was the reaction on Facebook to your post earlier in October of this deer in Exhibit 4
27 without Noah's face on it?

28 A: Way to go!

29 Q: Did anyone say anything negative about it?

30 A: No. A few of my friends and my uncle made Facebook comments that basically all said, way to
31 go.

32 A: When exactly did you re-post the picture of the gutted deer with Noah's face on it?

33 A: The day after my status update.

1 Q: Okay. And what was going through your mind when you did this?

2 A: Me, Marsh, and Walker thought it was hilarious. I mean, I was still mad, but I was cooling off. I
3 wanted to get back at Baxter a little bit for embarrassing me, and I thought other people would
4 think the picture was funny.

5 Q: You thought a picture of a gutted deer with another student's face on it would be funny?

6 A: Yeah.

7 Q: Don't you think this would be threatening as well?

8 A: No. It's obviously not serious. I mean, how could a picture of a deer with Baxter's head be real?

9 Q: Did you post any comment along with the picture?

10 A: Happy Halloween Dear Boy.

11 Q: Did you tag anyone in the picture?

12 A: Baxter.

13 Q: So, you made certain that he would be aware of this quote funny picture?

14 A: Yeah, I guess so.

15 Q: But you didn't mean for it to be intimidating?

16 A: No.

17 Q: Would it surprise you to know that this photo received 40 likes by the next morning?

18 A: No. People like things they think are funny.

19 Q: So, it is your testimony that you took a picture of a dressed deer, took the time to put Mr.
20 Baxter's face on it, posted it to Facebook, made sure Mr. Baxter was aware of it, and all of this
21 was just a joke to you? That is your testimony?

22 A: Yes!

23 Q: Really? Okay. Were Chad and Brent with you when you posted these things?

24 A: Yeah.

25 Q: Would it surprise you to know that, after you posted, many students in school were talking about
26 it?

27 A: Not really.

28 Q: How do you think they found out about it?

29 A: I don't know. All I did was post. I didn't talk about it to anyone else after that. I wish I had never
30 said anything on Facebook about the whole catfishing thing. It just made it worse. You know,
31 more people knew about it. I end up all the more embarrassed. And to top it all off, I get
32 suspended. And if that's not enough, now I get grilled by you. I should have just sworn Chad and
33 Brent to secrecy. I mean, Jesus, I think I have been punished enough! I look like an idiot.

1 Q: Would it surprise you to know that Noah Baxter was very afraid after the post?

2 A: I don't know. I told you, I don't even know that guy. How am I supposed to get inside the head of
3 someone who targets a stranger for no reason except to screw with him?

4 Q: Would it also surprise you to know that his mom, Mrs. Baxter, was unable to teach a class the
5 morning she first saw the deer picture?

6 A: No. I don't know. She's kind of weird anyway. I'm sure he didn't tell her the whole story. Maybe
7 she was upset that her son was the bad guy! Maybe he lied and exaggerated so that he would not
8 get in trouble, and she was upset because of what he told her, which was a lie. How am I
9 supposed to know?

10 Q: What do you mean by she's kind of weird anyway?

11 A: I mean, I have never had her, but I hear she sings in class and stuff, and it is just kind of weird in
12 general. Just like her kid is a weirdo.

13 Q: But does it surprise you that Mrs. Baxter was shocked and frightened to see her son's face on a
14 gutted deer?

15 A: I don't know. I guess I can see how it's different when it's your kid. And maybe she's never been
16 around hunting. I don't know. The picture was for my friends, not Mrs. Baxter. I'm sorry if it
17 scared her.

18 Q: Did there come a time when school officials confronted you about the post?

19 A: Yes.

20 Q: When was that?

21 A: I'm not sure. I think a few days after it happened. Not right away.

22 Q: Does November 3 sound about right?

23 A: Yes.

24 Q: Were you honest with the principal about what you said to Mr. Baxter?

25 A: Yes. He had the conversation and posts. I never denied it.

26 Q: But you refused to apologize, correct?

27 A: Yes.

28 Q: Why?

29 A: Why? I was the victim here, not him. He intentionally lied to me for months and made me look
30 like an idiot in front of the whole school. He is the one who owes me an apology.

31 Q: The school saw it differently, right? You were suspended for ten days and from any remaining
32 football games, should Hillsdale's varsity football team qualify for the play-offs, is that correct?

33 A: Yes.

1 Q: Thank you. I have no further questions right now. I think your counsel is now going to ask you
2 some questions.

3 BY MR. PUTNAM:

4 Q: Just a few points of clarification, Mr. Carter. When you created the items in Exhibits 1, 2, 3, and
5 4, you were using your home computer, correct?

6 A: Yes.

7 Q: Did there ever come a time when you used any of the school's computers to talk with Mr.
8 Baxter?

9 A: No.

10 Q: At all times when this exchange was going on, were you off school grounds?

11 A: Yes.

12 Q: Did you direct Mr. Marsh to make his post about jumping Mr. Baxter?

13 A: No.

14 Q: After creating Exhibits 1, 2, and 3, did you, either directly or indirectly, have any other contact
15 with Mr. Baxter?

16 A: No.

17 Q: After the creating Exhibits 1, 2, and 3, did you personally threaten or harass him in any way?

18 A: No.

19 Q: After creating Exhibits 1, 2, and 3, did you direct anyone else to threaten or harass Mr. Baxter in
20 any way?

21 A: No.

22 Q: Now I want to direct your attention back to the deer picture, Exhibit 4. When did you say you
23 originally took the picture again?

24 A: Bow season this year. Early October I think.

25 Q: Who did you go hunting with?

26 A: My dad and my two brothers.

27 Q: And is this something that you do every year?

28 A: Yes. It's sort of like a family tradition. We go at least twice a year, sometimes more.

29 Q: Now, after you shot this deer represented in Exhibit 4, you posted this picture on social media?

30 A: Yes.

31 Q: Can you please describe the post you made and when you posted it?

1 A: So, after I shot the deer, me and my dad dressed it ourselves. This was the first buck that I shot
2 with a bow, so I was proud of it. I took a picture with my phone and posted it to Facebook with
3 the caption "Got my bow-season buck! Dad & I dressed him ourselves!"

4 Q: Do you know of any other hunters in the Hillside area?

5 A: Oh, yeah. Most of my extended family are big hunters. I would say a lot of people in the area are
6 either hunters themselves or have family members who are. It is just something that we do.

7 Q: So, when you posted the photo of your first deer killed with a bow, that was not unusual, correct?

8 A: No. Not at all.

9 Q: Do some of your other friends post online pictures of game that they have killed?

10 A: Yes. Definitely. I mean this whole was the Baxter deer picture thing threatening or not is
11 nonsense. People post pictures of their game all the time with funny captions or edited in a funny
12 way somehow. Last year, my brother posted a buck that he killed that sorta looked like a reindeer
13 with a red nose and sleigh bells with the caption "Got Rudolph haha." It's no big deal really.

14 Q: So, when you posted the deer with Baxter on October 30, you were not meaning to be violent in
15 any way, correct?

16 A: Right.

17 Q: Okay. To your knowledge, was Mr. Baxter ever harmed physically throughout this ordeal?

18 A: No.

19 Q: After the post, did you discuss the matter with anyone during school?

20 A: Just Chad and Brent.

21 Q: Did you tell Chad and Brent to talk about it with anyone other than the three of you?

22 A: No. I actually told them specifically not to. I regretted what I did, and I did not want it to spread.

23 Q: Did you do anything to spread gossip about the post to other students?

24 A: No.

25 Q: In the days following the post, did you notice any class disruptions because of the post?

26 A: No.

27 Q: No further questions. Thank you.

28 (Witness is excused)

29 (At 11:23 a.m., Deposition concludes)

COURT REPORTER'S CERTIFICATE

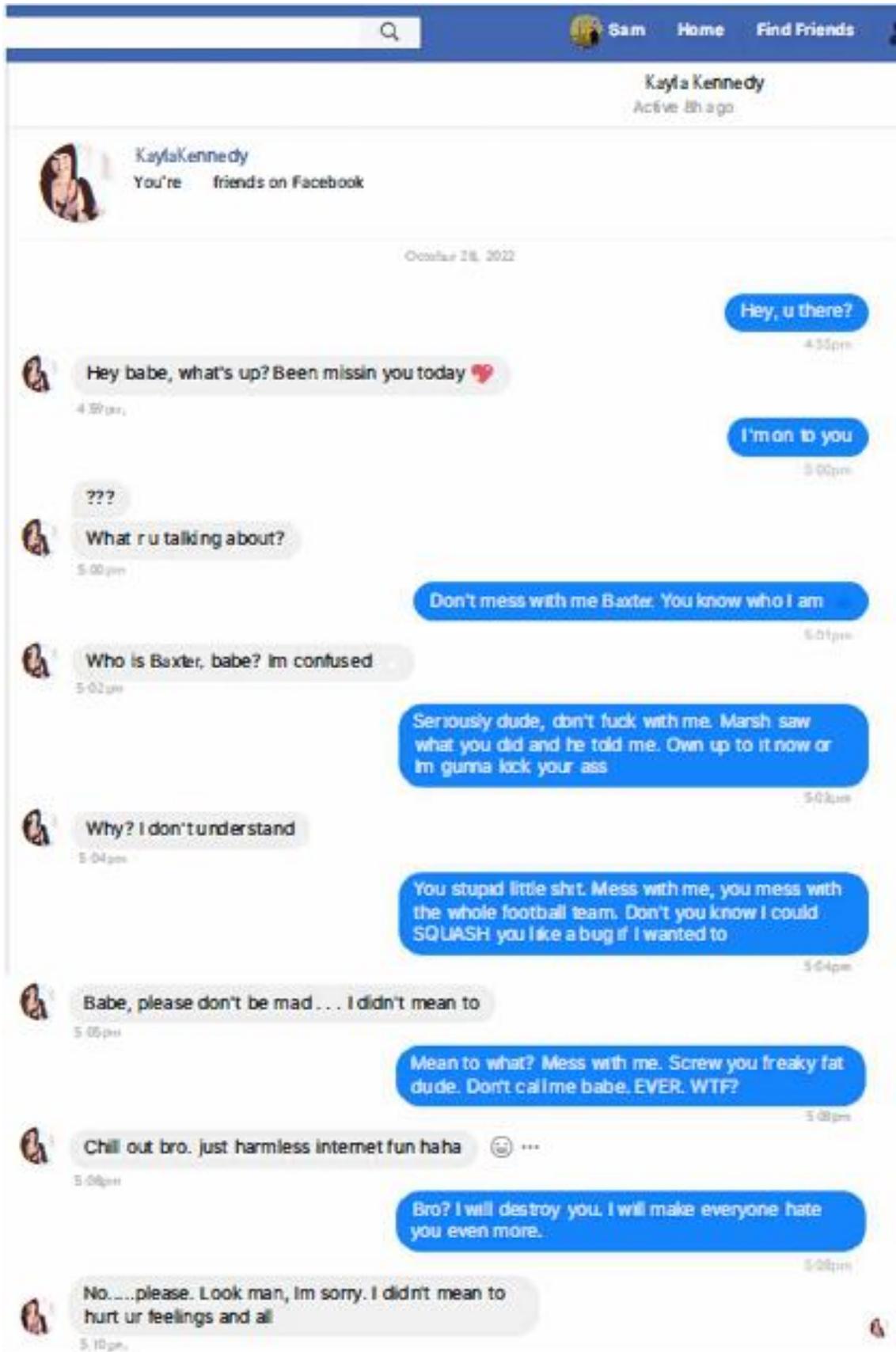
I, Nicole Gordon, CSR 0004687, a Certified Court Reporter in Pennsylvania, do hereby certify that the above examination under oath was taken before me at the time and place herein before set forth; that the witness was by me first duly sworn to testify to tell the truth, and nothing but the truth; and that the foregoing questions asked and answers made by the witness were duly recorded by me stenographically and reduced to a transcript. This is a true full and correct transcript of my stenographic notes so taken. I am not related to, or of counsel to, either party or interested in the event of this cause.

9523108.1

Electronic Signature:

Nicole Gordon, CSR 0004687

DEFENDANT'S EXHIBIT 1



DEFENDANT'S EXHIBIT 2

 **Sam Carter**
October 29, 6:10pm · 📍

Attention everyone, **Noah Baxter** is a fat, lying, piece of garbage. Stay away from him at all costs. **#IHopeHeHearsThis #Loser #HighlandHatesYou**

Like · Comment · Share

 Brent Walker, Chad Marsh and 23 others like this.

 **James Graves** what happened
Like · Reply · October 29, 6:15pm

 **Donovan Michael** man u must hate him
Like · Reply · October 29, 6:18pm

 **McAndy McSmith** huh
Like · Reply · October 29, 6:19pm

 **Annie Sharp** hope you're ok Matt!
Like · Reply · October 29, 6:20pm

 **Chad Marsh** If anyone sees this piece of garbage, they should jump him to teach him a lesson
Like · Reply · October 29, 6:25pm

 **Sam Carter** thanks **McAndy McSmith** and **Annie Sharp** Don't believe everyone you meet
Like · Reply · October 29, 6:28pm

 **Brent Walker** haha. He's so fat that I bet his momma gave him up for adoption cuz she can't afford to feed him no more
Like · Reply · October 29, 6:35pm

 **Donovan Michael** fat people make me sick
Like · Reply · October 29, 6:50pm

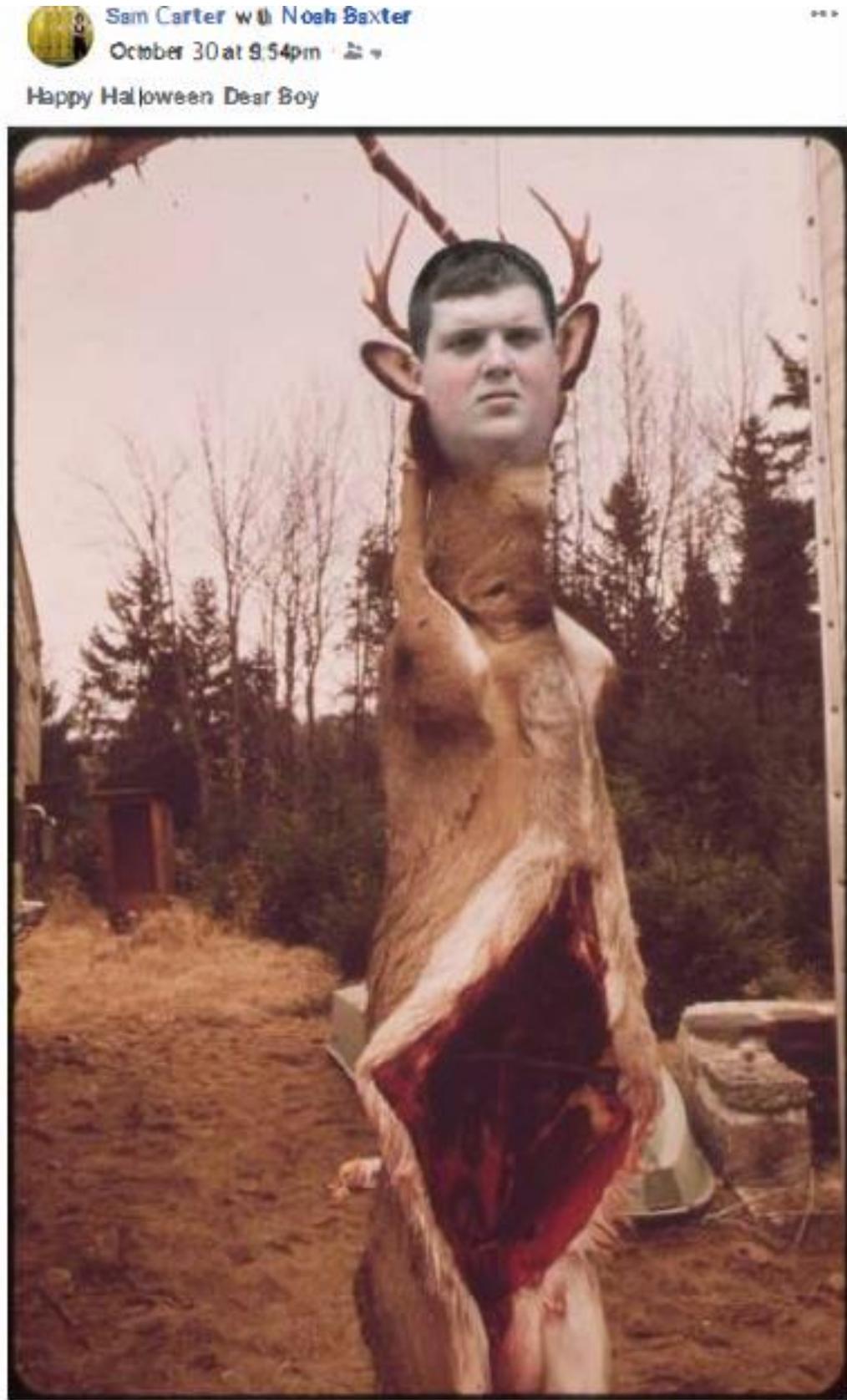
 **James Graves** I hate liars
Like · Reply · October 29, 6:54pm

 **Brent Walker** #marboobs
Like · Reply · October 29, 7:01pm

 **Ryan Marsh** **Daniel Harrison** you better watch out too
Like · Reply · October 29, 7:05pm

 **Angelo Smith** Highland football united
Like · Reply · October 29, 7:16pm

DEFENDANT'S EXHIBIT 3



DEFENDANT'S EXHIBIT 4



Sam Carter

October 4 at 8:32pm



Got my bow-season buck! Dad and I dressed him ourselves!



**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL CARTER,

CIVIL ACTION NO. 22-1487

Plaintiff,

v.

HILLSIDE AREA SCHOOL DISTRICT,

Defendant.

Jerry Putnam
Attorney for Plaintiff
340 Main Street
Hillside, PA 15825

Eunice Thomas
Attorney for Defendant
2 Sylvania Street
Hillside, PA 15825

DEPOSITION OF LINDA BAXTER

Taken at 340 Main Street

Hillside, PA 15825

Commencing on November 14, 2022

1 (Deposition begins 1:00 p.m.)
2 BY PLAINTIFF'S ATTORNEY MR. PUTNAM:
3 Q: Good afternoon, Ms. Baxter.
4 A: Good afternoon.
5 Q: My name is Mr. Putnam, and I represent Samuel Carter, the plaintiff in this case.
6 A: Okay.
7 Q: Have you ever had your deposition taken before?
8 A: No.
9 Q: All right, I need you to just answer each question truthfully and to the best of your
10 knowledge. If you don't know the answer to a question, please just tell me you do not
11 know. If you do not understand a question, please let me know, and I will try to clarify it
12 for you. Agreed?
13 A: Yes.
14 Q: I understand that Noah Baxter, who is currently a junior at Hillsdale High School, is your
15 son. Is that correct?
16 A: Yes.
17 Q: And that you are a teacher at Hillsdale High School.
18 A: Yes.
19 Q: What do you teach?
20 A: Advanced Placement Biology and Chemistry.
21 Q: For how long have you taught those subjects?
22 A: About twenty years for Biology and Chemistry. About half that time for Advanced
23 Placement classes
24 Q: How long have you taught Biology and Chemistry at Hillsdale High School?
25 A: About twenty years.
26 Q: So, you have been at Hillsdale your entire teaching career?
27 A: Yes.
28 Q: What grades are the students you teach in?
29 A: They can be sophomores, juniors, or seniors.
30 Q: You call your son Noah, right?
31 A: Yes.

1 Q: Ms. Baxter, does Noah live at home with you?

2 A: Yes.

3 Q: Who else lives in your home, if anyone?

4 A: No one.

5 Q: Does Noah spend time with his other parent?

6 A: No.

7 Q: Why not?

8 A: Noah's father is dead.

9 Q: Oh, I'm sorry. How long ago did Noah's father pass away?

10 A: A little less than two years ago.

11 Q: Were the two of you married at the time?

12 A: Yes.

13 Q: What were the circumstances of his death?

14 A: He had a heart attack while shoveling snow and died on the spot.

15 Q: Does Noah have any siblings?

16 A: No.

17 Q: How does Noah get along in school?

18 A: He is very, very smart. IQ off the charts.

19 Q: What about socially?

20 A: He is not very comfortable socially. I think that's true of a lot of gifted kids. Especially

21 boys, and especially in high school.

22 Q: So, are you saying that Noah does not socialize much at school?

23 A: Right. He has a few friends who also get special services for gifted students. He has a

24 couple of friends from robotics camp who don't go to his school. You get the idea. Not

25 Mr. Popularity, but I would bet neither was Bill Gates.

26 Q: Do you think that Noah got more socially withdrawn after his father died?

27 A: Yes.

28 Q: Have you ever had the perception that Noah was bullied at school?

29 A: Bullied is a hot-button word, right? Zero tolerance and all that. High school kids can be

30 really brutal. Do I think that, generally, he went around fearing for his life before this

1 incident? No. But he was made to feel uncomfortable. Made fun of. Sent the clear
2 message that he was an outsider.

3 Q: Have you ever been Noah's teacher?

4 A: No, we don't do that.

5 Q: Have you ever been Samuel Carter's teacher?

6 A: No, I don't teach remedial classes.

7 Q: Do you know who Sam Carter is?

8 A: Yes. The football players are minor celebrities around here. Plus, he and his brothers have
9 all been star wrestlers.

10 Q: What was your impression of Samuel Carter before November 3 of this year?

11 A: Typical jock.

12 Q: What does that mean to you?

13 A: Loud. Cocky. Popular. Having his golden moment in high school. Good thing because
14 there probably aren't going to be a lot of golden moments for him after high school.

15 Q: What do you mean by that?

16 A: I mean a lot of really popular kids in high school look back on high school as their best
17 days. Mr. Carter is one of those. Noah is not.

18 Q: In August, September, and October of this year, were you aware that your son, Noah, had
19 targeted Sam Carter to contact via the internet, causing Mr. Carter to believe he was
20 talking to a sixteen-year-old girl?

21 A: I know that now.

22 Q: Were you aware at the time it was going on?

23 A: No.

24 Q: What do you think about your son doing that?

25 A: I don't know.

26 Q: Were you perplexed by this conduct?

27 A: Yes.

28 Q: Were you concerned?

29 BY MS. THOMAS:

30 Q: Objection. She testified she did not know what she thought. Can we move on?

31 BY MR. PUTNAM:

1 Q: Please answer the question, Ms. Baxter.

2 A: I have hardly had time to sort it all out. Any concern I may have had about Noah's
3 conduct was overshadowed by the much greater concern I had when I saw the violent and
4 brutal threat Mr. Carter made by depicting my son hanging and gutted.

5 Q: Are you talking about the photograph you first saw on November 3, which Samuel Carter
6 had posted to his Facebook page, showing a deer with Noah's face superimposed?

7 A: Yes.

8 Q: I am showing you what has previously been marked as Exhibit 3. Is this the photograph
9 you are talking about?

10 A: Yes.

11 Q: Let's talk about how you became aware of this post. When and how did that occur?

12 A: On the morning of November 3, Noah showed me the threatening posts and the picture.
13 He was afraid to go to school. He had stayed home sick for two days, and I was pressing
14 him to know exactly what was wrong. I told him either he was going to school or the
15 emergency room, and which was it going to be? He told me then he had been staying
16 home because he was afraid.

17 Q: On November 3, did Noah show you the posts?

18 A: Yes.

19 Q: I am handing you Defendant's Exhibits 1, 2, and, again, 3. Are these all of the posts Noah
20 showed you on the morning on November 3?

21 A: Yes.

22 Q: When you say the threatening posts, are you referring to anything other than what
23 appears in Exhibits 1, 2, and 3?

24 A: No.

25 Q: What happened after Noah admitted to you that he was not sick?

26 A: He showed me the posts. I was horrified. I told him we needed to talk to the principal, Dr.
27 Henderson.

28 Q: Did Noah say what he was afraid of?

29 A: He was afraid for his life. So was I. I know you are trying to say this was some sort of
30 joke, but, in case you haven't noticed, there have been a number of incidents when
31 students who were sociopaths killed other students.

1 Q: Incidents at Hillsdale?

2 A: No. Around the country. Are we supposed to wait until it happens? Only take it seriously
3 when it actually happens?

4 Q: What exactly did you think was the threat?

5 A: That Mr. Carter wanted to eviscerate my son and hang him up so everyone could see his
6 mangled body.

7 Q: You thought this seriously?

8 A: Yes. On top of the picture, the context I had for this was, this kid is a wrestler and a
9 football player. The football team is essentially a gang. Mr. Carter and his gang had
10 targeted my son. Football and wrestling are violent sports. Hunting is a violent sport. This
11 boy, Samuel Carter, has been suspended from school before for violence. Yes, I thought
12 Mr. Carter to be willing to be violent and capable of great violence.

13 Q: But my question was, did you honestly perceive the threat to be evisceration?

14 A: I honestly perceived the threat to be violence directed at my son. Noah was afraid of
15 getting jumped at school. That seemed perfectly rational and believable to me.

16 Q: How old was your son at the time?

17 A: Sixteen.

18 Q: A junior?

19 A: Yes.

20 Q: And Mr. Carter?

21 A: A senior. I don't know how old. Seventeen? Eighteen?

22 Q: About how much does your son weigh?

23 A: Why?

24 Q: Please answer the question, Ms. Baxter.

25 A: I want to know why you want to know.

26 Q: Because it is relevant to how your son perceived these posts. So, about how much does
27 your son weigh?

28 A: I'm not sure. Probably about 270 pounds.

29 Q: How much do you think Mr. Carter weighs?

30 A: How should I know?

31 Q: Would it surprise you to know he weighs 75 pounds less than your son?

1 A: So what? Does my son cut up innocent animals? No. Does my son have knives that
2 would cut up innocent animals? No. Does my son have a gun? Does he have a compound
3 bow? Is he known to shoot things? To beat people up? To throw people to the ground?

4 Q: When you saw the posts, did you realize your son had “catfished” Samuel Carter?

5 A: No. I saw some reference to what Noah did to Sam. I didn’t understand it. I asked Noah,
6 but it really wasn’t my focus. Noah said something about Sam being really mad that he
7 thought Noah did something to embarrass him. I figured I could figure that out later. For
8 now, I needed to deal with the immediate threat.

9 Q: What did you do next?

10 A: Noah and I left for school right away so that we could talk to Dr. Henderson before
11 classes began. Well, first I had Noah print out the posts. Then we went immediately to see
12 the principal.

13 Q: What happened then?

14 A: We showed Dr. Henderson the posts. He seemed concerned, but calm. I was not feeling
15 calm at all. He assured me he would investigate. I told him I needed to collect myself
16 before class. I found out during our meeting that Dr. Henderson and Rhonda Jones, the
17 counselor, already knew about these threats and had done nothing. That really upset me.

18 Q: So, did you miss any time teaching?

19 A: Yes. I told Dr. Henderson I didn’t know if I could teach my first hour class. I definitely
20 could not walk into the classroom right then. He said, just take first hour. He said he
21 would get the vice principal to step in.

22 Q: What did you do?

23 A: I went to the lounge and just sat by myself quietly.

24 Q: Were you able to teach second hour?

25 A: I did not have second hour class that day, but I was able to teach my next class at third
26 hour, yes.

27 Q: Did you miss any other teaching time due to this incident?

28 A: No.

29 Q: What class did you miss on November 3?

30 A: Advanced Placement Biology.

31 Q: What happened as a result?

1 A: The kids just wrote up their science lab notes during class time apparently, and I moved
2 my lesson plans back a day.

3 Q: Did you have further contact with the administration with regard to the Facebook
4 postings that upset you?

5 A: I checked in with Dr. Henderson later that day.

6 Q: What did he say?

7 A: That he was investigating and would handle it.

8 Q: Any other conversation or action on this issue?

9 A: No. I asked him when he would decide what to do, and he said it was important that he
10 handle things like he would normally. He assured me Noah would be safe.

11 Q: Were you satisfied to learn Sam Carter had been suspended for ten days and for any
12 remaining football games, should Hillsdale's varsity football team qualify for the play-
13 offs?

14 A: I guess so. It's hard for me to say. I stayed out of it, like Dr. Henderson said I should, and
15 so I don't really know what Sam Carter told Dr. Henderson, whether Carter still seemed
16 like a threat, et cetera. It is really important that students know they cannot threaten other
17 students and that threats to safety will be reported, followed-up on, and taken seriously. I
18 thought Carter should be expelled, but there has been some time in-between now, and
19 Noah has not had any additional contact with these football player boys. Since nothing
20 else has happened, we have all cooled down a little. I don't know whether Dr.
21 Henderson's judgment was sound or not. Hope we don't have to find out the hard way.

22 Q: Do you feel that my client poses a current danger or threat to your son?

23 A: I don't think so. I don't know. Sometimes I don't know whether to think about it or not
24 think about it. Like I said, nothing else has occurred. No more posts. No words
25 exchanged. No contact. Noah has stayed away from these boys, and that is good.

26 Q: Is there anything else you would like to tell me?

27 A: I understand Dr. Henderson is damned if he does, and damned if he doesn't. School
28 administrators get blamed for not reacting fast enough, for not doing enough, when
29 violence happens. And yet, when they do follow up and react, they get sued by some
30 punk kid.

31 Q: Nothing further. Thank you, Ms. Baxter.

(Witness is excused)

(At 1:30 p.m., deposition concludes)

COURT REPORTER'S CERTIFICATE

I, Nicole Gordon, CSR 0004687, a Certified Court Reporter in Pennsylvania, do hereby certify that the above examination under oath was taken before me at the time and place herein before set forth; that the witness was by me first duly sworn to testify to tell the truth, and nothing but the truth; and that the foregoing questions asked and answers made by the witness were duly recorded by me stenographically and reduced to a transcript. This is a true full and correct transcript of my stenographic notes so taken. I am not related to, or of counsel to, either party or interested in the event of this cause.

9523108.1

Electronic Signature:

Nicole Gordon, CSR 0004687

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL CARTER,

CIVIL ACTION NO. 22-1487

Plaintiff,

v.

HILLSIDE AREA SCHOOL DISTRICT,

Defendant.

Jerry Putnam
Attorney for Plaintiff
340 Main Street
Hillside, PA 15825

Eunice Thomas
Attorney for Defendant
2 Sylvania Street
Hillside, PA 15825

DEPOSITION OF NOAH BAXTER

Taken at 340 Main Street

Hillside, PA 15825

Commencing on November 14, 2022

1 (At 2:00 p.m. Deposition begins)
2 BY PLAINTIFF’S ATTORNEY MR. PUTNAM:
3 Q: Good afternoon. This is the time and date set for the deposition of Noah Baxter in the
4 matter of Samuel Carter versus Hillside Area School District. I am Jerry Putnam,
5 representing Mr. Carter, and present with me is Eunice Thomas on behalf of the school
6 district. Here as well is Noah Baxter. Mr. Baxter, can you please state your name and
7 spell it for the record.
8 A: Noah Baxter. N-O-A-H-B-A-X-T-E-R.
9 Q: Okay Mr. Baxter. I understand you like to be called “Noah.” Would you mind if I call you
10 Noah?
11 A: Sure.
12 Q: Have you ever had your deposition taken before?
13 A: No.
14 Q: Okay. Do understand that you are under oath and must tell the truth at all times?
15 A: Yeah.
16 Q: Great. Also, everything we say is recorded, so I need you to speak clearly and slowly and
17 avoid shaking or nodding your head, okay?
18 A: Yes.
19 Q: Finally, if you don’t understand a question, tell me, and I will try to clarify or ask it
20 another way, okay?
21 A: Yeah.
22 Q: And if you need a break, just let me know.
23 A: Okay.
24 Q: What is your birthdate, Noah?
25 A: August 31, 2006.
26 Q: So, that makes you sixteen years old, correct?
27 A: Yes.
28 Q: And are you presently a junior at Hillsdale High School in Hillside, Pennsylvania?
29 A: Yes.
30 Q: Have you attended Hillsdale since you were a freshman?
31 A: Yes.

1 Q: Who do you live with?
2 A: Just my mom.
3 Q: We talked to your mom earlier this afternoon, and I understand from talking with her that
4 you do not have any siblings?
5 A: That's right.
6 Q: And that your father is deceased?
7 A: Yes.
8 Q: I was very sorry to hear that. That must have been difficult.
9 A: Yeah. Thanks.
10 Q: We also learned that your mom teaches biology and chemistry at your school, right?
11 A: Yes.
12 Q: And that you have never had Mom as a teacher?
13 A: That's right.
14 Q: How are your grades in school?
15 A: Good.
16 Q: Do you know your GPA?
17 A: 3.9.
18 Q: Do you have any college plans?
19 A: I'm thinking about Boston College.
20 Q: That's a good school. What would you like to do for a career?
21 A: Something in computer science, I think.
22 Q: That's impressive. Do you play any sports?
23 A: No.
24 Q: Any extracurricular activities?
25 A: Not really. I am in NHS though.
26 Q: What is NHS?
27 A: The National Honor Society.
28 Q: Anything else?
29 A: I go to robotics camp in the summer.
30 Q: Okay. What do you like to do in your free time?

1 A: Computer stuff mostly. Facebook, YouTube, Instagram, Snapchat, and just poking around
2 on the internet to see what I can find. I play video games. I try to do some programming
3 stuff, of my own games, I mean.

4 Q: How often do you go online?

5 A: Every day.

6 Q: Do you do any of this online stuff with other friends?

7 A: I'm not sure what you mean.

8 Q: Okay. I mean, when you are online, are you just surfing the web, so to speak, or are you
9 chatting, or what exactly are you doing?

10 A: Kind of everything, actually. I play some online games, so you interact with people there,
11 and I am a regular on a few Tumblr blogs, so there is posting going on.

12 Q: And do you have your own Facebook profile?

13 A: Yes.

14 Q: How long have you been on Facebook?

15 A: I don't really know. Five or six years at least.

16 Q: Would you say you are not comfortable, somewhat comfortable, or comfortable in social
17 situations?

18 A: Why?

19 Q: I'm just trying to get a sense of who you are, Noah. I don't mean to be rude.

20 A: I mean, I guess it depends on the situation. I would say usually leaning towards not
21 comfortable in big groups and at school. But the kids from my robotics camp I really like,
22 so, yeah, it just depends.

23 Q: Are you familiar with another student at Hillsdale named Sam Carter?

24 A: Unfortunately.

25 Q: How do you know him?

26 A: From school and now this Facebook lawsuit thing.

27 Q: What was your opinion of him prior to the Facebook incident?

28 A: He's an idiot. There's no real other way to say it. He thinks he is tough because he is a
29 good athlete, and that makes him popular. I think he is just a dumb, mean jock who is
30 cockier than heck. I can't stand those type of people.

31 Q: Did there come a time when you created a Facebook profile of one Kayla Kennedy?

1 A: Yeah.

2 Q: And did you subsequently friend Sam Carter using Kayla Kennedy's profile?

3 A: Yes.

4 Q: And, to your knowledge, did Mr. Carter know that it was you who was acting as Kayla
5 Kennedy and not really her?

6 BY MS. THOMAS:

7 Q: Objection. Calls for speculation. Mr. Baxter cannot possibly know what was going on
8 inside Mr. Carter's head at the time he friended Kayla on Facebook.

9 BY MR. PUTNAM:

10 Q: I will ask it a different way. Mr. Baxter, was there any indication that Mr. Carter gave to
11 you that he believed at the time he friended Kayla that she was anyone but Kayla
12 Kennedy?

13 A: No.

14 Q: And to be clear, Kayla Kennedy is not a real person, correct? You made her up?

15 A: Yes.

16 Q: How did you do that?

17 A: It's pretty easy, actually. You can create a Facebook profile with just an email address.
18 Once you have that, I just took pictures from Google, used editing software on my
19 computer to post albums on her page, and then made up the details about her. I also
20 friended other people besides Sam.

21 Q: Why did you do this?

22 A: Just because. I was bored, and it seemed like fun. I never meant for it to be hurtful really.
23 I had plenty of friends on Kayla's page. More friends than on my own page.

24 Q: Why did you friend Mr. Carter?

25 A: I thought it would be funny. He deserved it.

26 Q: What do you mean by that?

27 A: Last year, I overheard Carter making fun of my mom and imitating her to a group of his
28 friends. She sometimes sings in a goofy way to her class.

29 Q: Did that make you mad?

30 A: Heck, yeah. I get that she's a little quirky sometimes, but she's still my mom. And it's
31 comments like Carter's that make people think it's okay to make fun of her, and it's not.

1 She's had a tough time with my dad's passing, and so have I. So, I decided to take matters
2 into my own hands.

3 Q: So, you blame Sam for how people make fun of your mom sometimes?

4 A: Not just Sam, but people like him. I get that I am not the most popular guy in school, but
5 someone shouldn't have to go through all that.

6 Q: Using the Kayla Kennedy persona, when did you friend Mr. Carter?

7 A: Sometime this past summer. I'm not sure of the exact date.

8 Q: And what was your relationship like with him on Facebook?

9 A: Well, it was clear from the get-go that he really liked Kayla and wanted to date her.

10 Q: And how long did this relationship continue?

11 A: Until the incident in October of this year.

12 Q: How often did you, and I am going to say you because Kayla Kennedy is fictional, but I
13 want it clear for the record that I'm talking about the communication between "Kayla"
14 and Mr. Carter. How often did the two of you communicate?

15 A: Every day. At least a couple of times per day.

16 Q: What did you guys talk about?

17 A: A lot of things. School, sports, life in general.

18 Q: Did Mr. Carter ever want to meet you in person?

19 A: Yes.

20 Q: What did you do about it?

21 A: I would just make up an excuse. I told him I was home-schooled and that I did not have
22 good internet in my area, so we could not Skype, and I also told him that I didn't have a
23 car, and my parents wouldn't take me to go see him.

24 Q: How did he respond?

25 A: I could tell he was frustrated because he wanted to meet Kayla. All he had was some
26 pictures. We never talked on the phone either for obvious reasons.

27 Q: Yet the relationship continued?

28 A: Yes.

29 Q: What you did to Mr. Carter, the relationship with Kayla, that's considered "catfishing," is
30 it not?

31 A: Yeah, I guess so.

1 Q: And how did catfishing Mr. Carter make you feel?
2 A: I not sure what you mean.
3 Q: Well, did you think it was funny?
4 A: Yes.
5 Q: Did it feel good to get a little revenge on the person who made fun of your mom?
6 A: I guess so.
7 Q: Did you like the attention?
8 A: Maybe.
9 Q: Even if it was all fantasy and not real?
10 A: Yes.
11 Q: When was the first time you suspected Mr. Carter knew that Kayla Kennedy did not
12 exist?
13 A: The day of this whole incident. Before that, we communicated just fine.
14 Q: When you say incident, you are referring to the Facebook posts, correct?
15 A: Yes.
16 Q: And when was that?
17 A: I'm not sure of the exact date, but it was sometime in late October.
18 Q: Can you please tell me what happened?
19 A: Well, I had come home from after school on the bus because my mom had papers to
20 grade that evening and a meeting, so she was staying late. I was online as I usually was,
21 and Sam Facebook messaged me as Kayla.
22 Q: What did he say?
23 A: He threatened to kick my ass.
24 Q: What else?
25 A: I don't recall all of the exact words, but he basically said that he knew the whole Kayla
26 thing was a lie, that he knew I was behind it, and that he was going to make everyone
27 hate me.
28 Q: Do you recall anything else he said?
29 A: Yeah, he called me a freak, he called me fat, and he said he could squash me like a bug.
30 He also said that messing with him was like messing with the whole football team. At
31 first I denied it, but once I found out he was for real, I did apologize.

1 Q: I am showing you Defendant's Exhibit 1. Is this the conversation you were just
2 describing?

3 A: Yes, exactly.

4 Q: And what happened next?

5 A: He was still furious. It really scared me.

6 Q: Why do you say that?

7 A: Look, Sam Carter is a big deal in our school. When he said he would kick my ass and
8 make everyone hate me and that the whole football team was behind him, I believed him.

9 Q: I am handing you Defendant's Exhibits 2 and 3, in addition to Exhibit 1, which you
10 already have in front of you. Do recognize these?

11 A: Yes.

12 Q: What are Exhibits 2 and 3?

13 A: They're Sam's posts from the next two days.

14 Q: The two days after the conversation in Exhibit 1?

15 A: Yes.

16 Q: When you were having this conversation in Exhibit 1 with Mr. Carter, you said you were
17 at home, correct?

18 A: Yes.

19 Q: Were you alone when this occurred?

20 A: Yes.

21 Q: What happened after the Facebook conversation?

22 A: The next day, Sam posted to his profile a status and tagged me in it.

23 Q: I am going to take those Exhibits back for a moment. What, if anything, do you
24 remember about what the status said?

25 A: It said that I was a fat, lying, piece of garbage and warned other people to stay away from
26 me. It also said #IHopeHeHearsThis #Loser #HillsdaleHatesYou.

27 Q: How did that make you feel?

28 A: Awful. If people already didn't like me, they were going to hate me now that Sam said
29 something like this. It also made me feel scared.

30 Q: Why did it make you feel scared?

1 A: The purpose of tagging someone in a Facebook post is for that other person to know
2 about it. By tagging me in the post, Sam wanted me to know. He wanted me to know that
3 he was going to make my life miserable.

4 Q: So, you were scared he would make your life miserable?

5 A: Yes.

6 Q: Do you remember if anyone commented on the post?

7 A: Yes. There were several people. One post suggested that someone should jump me to
8 teach me a lesson and another called me manboobs.

9 Q: What happened next?

10 A: The next day, Sam posted a picture of a gutted deer with my face on it that read “Happy
11 Halloween Dear Boy.”

12 Q: When did this happen?

13 A: The evening after his first Facebook post.

14 Q: Is this Sam’s second post here in Exhibit 3 (handing exhibit to witness)?

15 A: Yes.

16 Q: What was your reaction to this second post?

17 A: It made me sick to my stomach. I was so worried that I actually threw up. I mean, the
18 Facebook status is one thing, but here is this picture of a gutted deer with my face on it
19 from a guy who is a football player and hunter. I felt threatened. Really threatened.

20 Q: What did you do about it?

21 A: I showed everything to my friend Daniel Harrison.

22 Q: What did he say?

23 A: He suggested that we go see the school counselor.

24 Q: Why not tell your mom?

25 A: I didn’t want to bother her. She had a lot on her mind as it was.

26 Q: Did you think you would get in trouble if your mom found out?

27 A: Maybe, at least for my part. But I knew Sam’s behavior outweighed any bad thing I did.

28 Q: So, did you meet with the school counselor?

29 A: Yes. Monday morning, Daniel and I arrived at school early and spoke with Ms. Jones. We
30 told her all that had happened and showed her the Facebook stuff.

31 Q: The stuff in Exhibits 1, 2, and 3?

1 A: Just 2 and 3.

2 Q: Anything else?

3 A: No.

4 Q: What was her reaction?

5 A: She told us that she would monitor the situation and that we both should stay away from
6 Carter and his friends.

7 Q: What happened after that?

8 A: After sixth period, Ms. Jones came up to me and said that she thought word of the
9 Facebook posts was spreading around school and mentioned something about a
10 disturbance in the cafeteria during lunch. She suggested that I tell my mom before she
11 found out another way and told me that she would have to report the incident to Dr.
12 Henderson.

13 Q: Did you tell your mom right away?

14 A: No.

15 Q: Why not?

16 A: I knew my mom would be upset, so I just didn't tell her.

17 Q: So, what did you do?

18 A: The next day, I told my mom I wasn't feeling well and stayed home from school.

19 Q: Why did you stay home from school?

20 A: I just couldn't go. I couldn't handle it. I was scared.

21 Q: Would it be fair to say you also were embarrassed, since Ms. Jones told you the afternoon
22 before that news was spreading?

23 A: Yes.

24 Q: Could you tell that news was spreading?

25 A: I don't know. It seemed like everyone was looking at me late that afternoon. I would see
26 people laughing about something, gathered together, but maybe I was just being paranoid
27 because of what Ms. Jones said.

28 Q: Noah, did you have lunch in the cafeteria the day after the Facebook posts?

29 A: No.

30 Q: Why not?

31 A: Well, I definitely didn't want to run into Carter.

1 Q: Where did you have lunch?

2 A: In my math classroom. That is the class I have right before lunch, and, a lot of the time, I
3 just stay there.

4 Q: So, it wasn't unusual for you to eat lunch somewhere other than the cafeteria?

5 A: No.

6 Q: Did you hear about anything that happened in the cafeteria that day?

7 A: Ms. Jones mentioned something about people making fun of Sam being catfished and the
8 football players getting really mad.

9 Q: Let's go back to the next day, the first day you stayed home from school. Did Carter
10 contact you that day?

11 A: No.

12 Q: Not even on Facebook?

13 A: No.

14 Q: What about the next day?

15 A: I stayed home from school again, pretending to be sick.

16 Q: Why?

17 A: Same reason.

18 Q: Meaning you were embarrassed?

19 A: Meaning I was afraid.

20 Q: And also embarrassed?

21 A: I don't know if that's the right word. I guess I would call it dread. Like everyone would
22 be looking at me, making fun of me, Carter and his friends might beat me up, everyone
23 probably hated me. It just felt like I could never go back to school. I couldn't even
24 imagine being able to make myself walk through that door.

25 Q: Did anyone contact you via Facebook or otherwise?

26 A: No.

27 Q: What about the next day? This would be the fourth day after the "Happy Halloween Dear
28 Boy" post, correct?

29 A: I guess. November 3. I tried to stay home again, but this time my mom didn't believe me.

30 Q: What did she say?

1 A: She wanted to know the real reason I was staying home from school. She could tell there
2 was something going on. I eventually told her what happened.

3 Q: How did she react?

4 A: She was very, very concerned for me. She made me print out the conversation and posts
5 and show them to her. She was particularly concerned about the one with the gutted deer.

6 Q: So, you showed her Exhibits 1, 2, and 3?

7 A: Yes.

8 Q: What did the two of you do about it?

9 A: We headed straight to school to talk to Dr. Henderson about the incident.

10 Q: Did someone show him Exhibits 1, 2, and 3?

11 A: Yes, my mom did.

12 Q: What happened when the two of you spoke with Dr. Henderson?

13 A: He said he was sorry that I had to go through this. He said that he would investigate.

14 Q: Did he say anything else?

15 A: Well, Mom was talking about wanting Carter expelled. Dr. Henderson said it was
16 important that he conduct an investigation the same way he would if my mom wasn't a
17 teacher.

18 Q: Were you upset about that?

19 A: A little. But he seemed like he was listening, and he assured us he would take care of
20 things and make sure I was safe.

21 Q: Did you tell Dr. Henderson you felt unsafe?

22 A: My mom did.

23 Q: After talking with Dr. Henderson, did you still feel unsafe?

24 A: Yes. So long as Carter was mad, I was going to be afraid he would jump me.

25 Q: Did you see Sam Carter in school on November 3?

26 A: No. We don't cross paths much, and I was avoiding him or places I thought he might be.

27 Q: After November 3, have you had any contact with Sam Carter?

28 A: No.

29 Q: As a result of this incident, did anyone else threaten you?

30 A: Other than on the Facebook comments we talked about?

31 Q: Yes, other than that.

1 A: No.

2 Q: Did anyone physically harm you?

3 A: No.

4 Q: Call you names or make fun of you in any way related to this incident?

5 A: Not to my face.

6 Q: And, just to be clear, you were using your home computer when this took place, correct?

7 A: Yes.

8 Q: Thank you. No further questions.

9 BY MS. THOMAS:

10 Q: Noah, at the time you saw the messages in Exhibit 1 and the posts in Exhibits 2 and 3, did
11 you know that Sam Carter had been in a brawl involving the football team at a game?

12 A: Yes.

13 Q: What else, if anything, did you know about his reputation?

14 A: I knew he threw a guy in the cafeteria and got suspended. Everyone knows he is a hot-
15 head.

16 Q: Why do you say that?

17 A: He just gets angry easily. He is loud, and especially loud when he has an opinion or is
18 angry. And he riles other people up. Gets them on the bandwagon of whatever he is
19 pissed about. He makes fun of people. He is a big man on campus, so when he makes fun
20 of people, other people laugh and go along with him, even when they are the kind of
21 person who is probably uncomfortable, who would never say those things themselves.

22 Q: It sounds like he is kind of a bully?

23 A: Yeah, that's fair.

24 Q: Were you aware that he was a hunter?

25 A: Yes.

26 Q: Specifically, a bow hunter?

27 A: Yeah, from Facebook and messaging with Kayla.

28 Q: Do you know whether he hunted with a rifle as well?

29 A: I'm not sure.

30 Q: Noah, what, specifically, were you afraid of when you saw those posts?

1 A: Getting jumped at school. You know, getting beat up. Getting physically hurt. And I knew
2 Carter could really hurt me. He is the star wrestler.

3 Q: Did you perceive the photograph in Exhibit 3 as threatening?

4 A: Yes.

5 Q: What did you perceive the threat to be?

6 A: I'd like to do this to you.

7 Q: Noah, do you hunt?

8 A: No.

9 Q: Did you see the deer photograph on Sam's Facebook before he put your face on it?

10 A: Yes, because he was bragging to Kayla.

11 Q: I am showing you what has been marked as Defendant's Exhibit 4. Does that look like
12 the photograph you saw on Sam's Facebook before he changed the face?

13 A: Yes.

14 Q: What did you think of that photo when you first saw it?

15 A: I thought it was violent. That he was violent, I guess.

16 Q: Did that scare you?

17 A: At the time, no, because I did not think that violence was directed at me.

18 Q: What did you think once your face was on the deer?

19 A: That his violence would be directed toward me.

20 Q: Noah, do you still feel unsafe around Sam Carter?

21 A: Not really, at least not in school. He had a lot of time to cool down with his suspension,
22 and I think he knows he would get in a world of trouble if he did something to me at
23 school. Outside of school, I'm not so sure. I probably would not run into him, but I
24 wouldn't want to.

25 Q: I have nothing further. Thank you.

26 (Witness is excused)

27 (Deposition concludes at 2:30 p.m.)

COURT REPORTER'S CERTIFICATE

I, Nicole Gordon, CSR 0004687, a Certified Court Reporter in Pennsylvania, do hereby certify that the above examination under oath was taken before me at the time and place herein before set forth; that the witness was by me first duly sworn to testify to tell the truth, and nothing but the truth; and that the foregoing questions asked and answers made by the witness were duly recorded by me stenographically and reduced to a transcript. This is a true full and correct transcript of my stenographic notes so taken. I am not related to, or of counsel to, either party or interested in the event of this cause.

9523108.1

Electronic Signature:

Nicole Gordon, CSR 0004687

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL CARTER,

CIVIL ACTION NO. 22-1487

Plaintiff,

v.

HILLSIDE AREA SCHOOL DISTRICT,

Defendant.

Jerry Putnam
Attorney for Plaintiff
340 Main Street
Hillside, PA 15825

Eunice Thomas
Attorney for Defendant
2 Sylvania Street
Hillside, PA 15825

DEPOSITION OF RHONDA JONES

Taken at 2 Sylvania Street

Hillside, PA 15825

Commencing on November 15, 2022

1 (Deposition begins 9:00 a.m.)
2 BY PLAINTIFF'S ATTORNEY MR. PUTNAM:
3 Q: Good morning, Ms. Jones. Could you please state your name and address for the record?
4 A: Rhonda Jones, 10 Pennsylvania Avenue, Hillside, Pennsylvania.
5 Q: Where are you employed?
6 A: Hillsdale High School in Hillside, Pennsylvania.
7 Q: What do you do there?
8 A: I am a school counselor.
9 Q: What are your duties as a school counselor?
10 A: I mostly prepare students' schedules for classes. I keep track of their extra curriculums. I
11 check their grades and counsel students whose grades are bad or falling dramatically. I
12 advise on college apps. If students have a problem, I try to have an open door for them to
13 talk to me. That's becoming much more important these days, you know, with all the
14 violence in schools.
15 Q: Do you have training in what to do if you fear that students are violent?
16 A: Yes, counselors and administrators have all been sent to a two-day workshop on school
17 violence.
18 A: Did you learn there how to respond to specific student threats?
19 Q: Do you mean when a student is being violent, like shooting, in the school?
20 A: No, I mean when you fear that a student may initiate a violent encounter in the school.
21 A: Like what? You know students do all sorts of things. Do you mean on school property or
22 off it? We do have legal obligations to report.
23 Q: What are you trained to do when you fear that a student may harm another student or
24 students on school property?
25 A: Depending on the immediacy and level of the threat, call the police, notify administrators,
26 initiate a school lockdown, counsel students, alert teachers and parents. It all depends,
27 you know, on the situation. Thank God we have never had anything serious on school
28 property here at Hillsdale. But you can't be too careful.
29 Q: Let's be more specific, do you know a student named Noah Baxter?
30 A: He is one of my advisees.
31 Q: How long have you known him?

1 A: Since he was a freshman; he's a junior now. Of course, I had heard about him before. His
2 mom teaches at the school. She is a colleague, and we eat lunch together sometimes.
3 Naturally, over the years, she has told me stuff about Noah.

4 Q: Has he ever talked to you about being worried about his safety?

5 A: He's a nervous kid and a bit of a loner. I do remember that when he first arrived at
6 Hillsdale his mom was worried about him being bullied. Once or twice she spoke to me
7 about it. He never did, though. He's not popular, you know, but there's nothing wrong
8 with that. He just needs to find an environment where he can shine. This school is pretty
9 focused on sports. That can make life hard for some students.

10 Q: Did Noah Baxter come to your office on October 31 of this year?

11 A: Yes.

12 Q: What time did he come?

13 A: It was before school. School starts at 7:40, but students can enter to go to their lockers
14 and so forth at 7:25. I think he came in promptly at 7:25.

15 Q: Was he alone?

16 A: No, he had a friend with him – pretty much his only friend – a kid named Daniel
17 Harrison. Daniel is also a junior.

18 Q: What did they tell you?

19 A: They showed me a Facebook post on the Facebook page of Samuel Carter. He's another
20 student here, a senior.

21 Q: How did they show you this post?

22 A: They logged onto Facebook from my computer.

23 Q: What did the post say?

24 A: I don't remember exactly, but I do remember the picture they showed me. Someone had
25 photoshopped Noah's face onto the body of a dead deer. It was posted on Sam Carter's
26 Facebook. They were worried about getting beaten up.

27 Q: Were both of them worried?

28 A: Well, of course, Noah was more worried. But Daniel was pretty shook up. He was in a
29 fight and got a bloody nose when he was in middle school. I think a member of the
30 football team was involved too.

31 Q: Did they tell you why they were worried?

1 A: Yeah. Noah had been fooling around online with Sam Carter. “Catfishing” I think is what
2 the kids call it. You know, pretending to be a girl and getting Sam to say silly things.
3 Basically, making him look like an idiot. So, somehow Sam found out what was going
4 on. Naturally, he was pretty mad about the whole thing.

5 Q: Did they tell you anything more specific?

6 A: They said that Sam had posted about the situation on Facebook, and his friends, like the
7 whole football team, had threatened to jump them. I mean Noah and Daniel.

8 Q: Did they say that Carter had threatened to jump anyone?

9 A: Well, no. But the picture of the deer pretty well made the point.

10 Q: Did Noah and Daniel show you what is in Exhibits 2 and 3?

11 A: Yes.

12 Q: How about this one? Did they show you what’s in Exhibit 1?

13 A: No, I don’t think I’ve seen this.

14 Q: Back to the hunting topic, isn’t it common for students to have pictures on social media
15 of animals they have hunted?

16 A: I don’t know. I am not a hunter myself. But I do know hunting’s a big deal around here.

17 Q: Do people ever show you pictures of animals they have killed?

18 A: I have seen pictures like that. It is hard to avoid.

19 Q: Do they post pictures posing with dead animals, sometimes in funny ways?

20 A: I suppose you could call some of them funny. I think they are kind of gross.

21 Q: Was there a caption with the photo of the deer?

22 A: I don't remember exactly. I am pretty sure I would remember if it had said something bad.

23 Q: So, after you saw the picture of the deer, what did you do?

24 A: I advised Baxter and Harrison to avoid Carter, Marsh, and Walker. Just stay away from
25 them until Carter cooled down. I said I would monitor the situation. I impressed on them
26 that they should come to the counseling center and see me immediately if the online
27 postings got worse or if anybody confronted them. They should notify teachers or staff if
28 they felt at risk.

29 Q: Who are Marsh and Walker?

1 A: Good friends of Sam Carter. They are all on the football team. I figured anything Sam
2 was involved in would involve those other two. Besides, I think maybe I read something
3 by them on Sam's Facebook.

4 Q: What do you think you read?

5 A: I don't really remember. It's in that Exhibit 2 you showed me a minute ago. They were
6 supporting Sam, of course. Probably all ganging up on Noah Baxter. That would be
7 natural. Student athletes really hang together. They eat together, practice together, party
8 together. You know how it is.

9 Q: Did you see either of them again that day?

10 A: Who?

11 Q: I mean Noah Baxter and Daniel Harrison.

12 A: Yes.

13 Q: Did one or both of them come to you, or did you seek them out?

14 A: I went and found Noah.

15 Q: When did you look for him?

16 A: I went to the end of his sixth period class at 2:10.

17 Q: What did you do?

18 A: I told him that I had heard from other teachers that the news about the whole episode and
19 the Facebook post with the deer picture seemed to be spreading through the school. I
20 think I advised him to tell his mom before she found out from another student.

21 Q: What was Noah's reaction?

22 A: He sort of groaned. He looked really worried.

23 Q: Did he have any verbal response?

24 A: He said something about how his mom was going to kill him. He said he wasn't going to
25 tell her. He asked me not to tell her either. I agreed.

26 Q: Why? Don't you have a duty to notify parents?

27 A: Well, I really like her, but I know it's hard for Noah to have his mother teaching at the
28 school, especially when she has such a reputation among students.

29 Q: What kind of reputation?

30 A: She's a great science teacher, but most students don't see that. What they do see is that she
31 is eccentric. At this age, teenagers, I mean, there is not much tolerance for that.

1 Q: So why did you agree not to tell her? Can you explain?

2 A: She is impulsive. Sometimes she starts singing in class. She yells a bit when she is mad. I
3 just wanted to investigate a bit, so I could know what I should tell her. Besides, I wanted
4 to keep Noah's trust. He needs someone in the school he can go to. He has complained
5 more than once that his mom makes his life at the school, to use his word, hell. I don't
6 want him to think I will tell her everything he says. It's so important for students to be
7 safe with counselors, you know.

8 Q: Did you give Noah any advice?

9 A: Yes. I repeated that he should tell his mother. I also told him I planned to tell the
10 administration about the entire event.

11 Q: When did you see Noah again?

12 A: Let me think. So that was October 31. I think he stayed home for a couple of days. Then
13 he and his mom came in together. Hm. I think that was November 3. Yes, I remember. So,
14 I would have seen him in Dr. Henderson's office on November third. Dr. Henderson
15 called me in to ask about everything that had happened.

16 Q: Did you see Noah or his mom after that?

17 A: No, not with regard to this incident.

18 Q: Let's turn to what you did after Noah and Daniel came to your office on October 31,
19 okay?

20 A: Okay.

21 Q: What did you do when they left the office?

22 A: Well, I was pretty upset about that picture, you know, of the deer. So, I decided to finish
23 up with the schedule I was entering and scope out the situation. We all have to be extra
24 vigilant these days, you know. It's so upsetting. These school shootings are constantly on
25 everyone's minds. And counselors are the first line of defense.

26 Q: Did you have any reason to fear a shooting?

27 A: Well specifically, no. But you can't be too careful.

28 Q: So, what did you do? Did you report what had happened to the principal immediately?

29 A: No. I didn't want to bother him. He is very busy. First, I wanted to see what was
30 happening in the school.

31 Q: Is this the normal operating procedure for suspected risk of gun violence?

1 A: You have to understand, we are talking about teenagers here. Of course, if anyone had
2 reported a gun or even a threat of a gun we would have put the school on lockdown.

3 Q: What do you mean by lockdown?

4 A: Well, if there is an active shooter or even the possibility of an active shooter, students and
5 teachers are to shelter in place. You know, lock the doors, turn out the lights, cover the
6 windows. We have never had to go on lockdown. The worst we have ever had is that
7 gang shooting off campus last year. Thankfully, no deaths. But it really shook us up. We
8 are so much more careful now. All access controlled through the main office. Police in
9 the school. A new policy that students can't use phones at school.

10 Q: What about a gang shooting off campus last year?

11 A: There was a drive-by shooting at some students last year who were walking to their cars.
12 One of the two students who apparently had been targeted was hit and severely injured.
13 That was the first incident of its type at Hillsdale. Crazy times we live in.

14 Q: Where exactly did this occur? Were the students walking to their cars in the school
15 parking lot?

16 A: No. Off campus. They were walking to their cars parked on the street about a block away
17 from the school.

18 Q: Yes, that incident certainly sounds upsetting. But back to my question, did you react to
19 this event involving Noah Baxter in the way you have been trained to react to an actual or
20 potential school shooting?

21 A: No, I did not think that was what was called for at that moment. Like I said, I investigated
22 the facts to see what would be appropriate.

23 Q: Does the school also have a protocol for actual or potential knife violence?

24 A: Yes. It's pretty much the same as for gun violence. Still, it's not quite as scary, since mass
25 violence is less likely with a knife.

26 Q: Has the school had any knife violence?

27 A: Yes. Earlier this fall, a student reported that another student had brought a knife to school.
28 Officer Miles responded, confronted the student, and confiscated the knife.

29 Q: In October of this year, after Mr. Baxter approached you about Mr. Carter's Facebook
30 posts, did you react as if there was potential knife violence?

31 A: I already told you what I did. So, the answer's no.

1 Q: You decided to investigate?

2 BY MS. THOMAS:

3 Q: Objection, asked and answered. But you can go ahead and answer.

4 A: For the third time, yes.

5 BY MR. PUTNAM:

6 Q: How did you investigate?

7 A: I wanted to sort of take the temperature of the school, so I wandered the halls and

8 checked in with a couple of teachers who mostly teach the junior class.

9 Q: What did you learn?

10 A: Well, I saw some students, I think four, looking at a phone and laughing while they were

11 passing from one class to another.

12 Q: What time was this?

13 A: It was right after first period during passing, so it would have been between 8:20 and

14 8:30.

15 Q: Were they obstructing the hall?

16 A: Well, students could get around them, but the group was growing. Besides, it's against

17 school rules for students to access cell phones during the school day. Phones are to be left

18 in students' lockers.

19 Q: Is it unusual to find students with phones during the day?

20 A: No, kids are addicted to those things, and it's very hard to keep them out of students'

21 hands. I want to emphasize something, though. Just because I did not begin acting like

22 there was going to be extreme violence does not mean I was not concerned. All students

23 deserve to feel safe at school. Noah Baxter didn't. That means I needed to do something,

24 and I did.

25 Q: What did you do?

26 A: To begin with, I confiscated the phone that the first group of students was looking at. I

27 warned them that they were violating the policy. I also warned them that, if they knew

28 anything about potential fights or retaliation at school or anything about the relationship

29 between Sam Carter and Noah Baxter, they should tell me immediately.

30 Q: What did the students say?

1 A: Well, like I said, they were laughing. One of them was saying something like Noah is
2 dead meat now. Another added something about nice tender breast meat. I asked them
3 how they knew about the posts, and one of them, Taylor Thompson, the one with the
4 phone, responded: “Everyone knows about it!” Obviously, news was spreading, so I went
5 to talk to some senior-class teachers.

6 Q: When?

7 A: I visited one teacher during that same passing period. Her classroom was right there. She
8 said she had noticed the students laughing in the hall but had no idea why.

9 Q: Then what did you do?

10 A: I waited until planning, which a lot of teachers have during third period. I went to the
11 lounge and asked the teachers there. In fact, two of them had had to confiscate phones
12 during second period from students.

13 Q: Is this unusual?

14 A: Well, there are always a few phones confiscated every day, but this time it was from
15 groups and not just one student using social media.

16 Q: Did the other teachers say what these groups of students were looking at?

17 A: They said they didn’t see what the students were looking at. The teachers just told the
18 students to shut it down and put it away, but the teachers said, whatever it was, the
19 students were engaged and laughing. One teacher said she heard one of the kids yell out:
20 “Hash-tag manboobs! Ha-ha-ha!”

21 Q: Did the teachers seem concerned?

22 A: No, but, once I asked, a couple asked me what was up.

23 Q: Was it unusual for you to seek teachers out during planning?

24 A: No, that's how I contact teachers if I want to talk over a student, which I sometimes do.

25 Q: What did you say when the teachers asked what was going on?

26 A: I said that the football team might be involved in something, and could they keep their
27 eyes on students they knew were on the football team.

28 Q: Did this worry the teachers?

29 A: Not really, but they knew to keep a sharp eye out. There have been a few fights involving
30 the football team. Nothing major and nothing during school, yet, like I said, you can't be
31 too careful these days.

1 Q: What did you do after third period?

2 A: Well, I felt like I had a good idea what was going on, and I had alerted most of the junior
3 and senior-class teachers, so I went back to work. But I came out during passing to check
4 on things, and I came out at fifth hour lunch too.

5 Q: Do all the students eat at the same time?

6 A: No. Freshman and Sophomores have lunch together. Juniors and Seniors eat together
7 during fifth period.

8 Q: So, you were worried about the Junior/Senior lunch?

9 A: Yes. Students can be unruly in the cafeteria. It's their most free moment of the day. They
10 can let off steam then. That's good, but it can get out of hand.

11 Q: This was Halloween, right? Would you expect the kids to be rowdier than usual?

12 A: Perhaps. We try to keep a tight lid on things on Halloween. For instance, we have a strict
13 no-costume policy.

14 Q: So, what did you find in the cafeteria? Was Noah there?

15 A: When I arrived, I did not see Noah. That's normal because students can eat in a variety of
16 places or spend their lunch getting help from a free teacher or in the library. Noah didn't
17 fit in at the cafeteria. He usually ate somewhere with a teacher and then went to the
18 library. In fact, I learned later that he had lunch in his math classroom. I guess he figured
19 not much could happen there.

20 Q: What did you find in the cafeteria?

21 A: Well, Sam Carter was taking it pretty hard. Kids were asking him about his girlfriend, I
22 mean the one that was made up by Noah. Sam was getting pretty furious, but he was
23 pretending to play it cool and laugh it off. Frankly, I was surprised at how well he was
24 handling it, but things really deteriorated when his friends on the team got involved. They
25 started confronting students who were teasing Sam. They were saying it was all Noah's
26 fault, and someone needed to teach him a lesson. Some other students just started yelling
27 "manboobs." At the time, I didn't know why. It was definitely getting loud in there. I
28 decided to call for our in-school officer. I have a special walkie-talkie to speak with him.
29 He's a former football player at Hillsdale and has great rapport with our student athletes.

30 Q: What happened next?

1 A: Well, I called Officer Miles, and he came down, but, before he did, Marsh had already
2 started calming things down. He's such a great kid. Everybody loves him.

3 Q: What did he do?

4 A: Well, what he did was not great. He stood on a table. But then he just said: "This is pretty
5 funny, but it could happen to anyone. Look what happened with Manti Te'o. Go ahead
6 and laugh, but you never know. Anyone can pretend to be anything now." Then he was
7 saying, with the playoffs coming soon, we have a really good chance to win the state-
8 wide championship in our division. Let's not blow it. What he meant was the time that
9 our team got in a sort of brawl. That was terrible because the team was distracted, and we
10 ended up losing to a team we really should have destroyed. So, he was saying Noah
11 Baxter is such a loser, let's not let him ruin the whole season just for his own fun. That's
12 just what he would want. Then he described Noah in some pretty rough language that got
13 everyone laughing.

14 Q: So, what did Miles do when he arrived?

15 A: Well, by that time, things were pretty much back to normal, but Officer Miles spent the
16 rest of lunch in the lunchroom.

17 Q: Is it unusual for the officer to stay in the lunchroom for the entire period?

18 A: No. He does sometimes. And sometimes he eats lunch with different groups of students.

19 Q: What is the normal atmosphere in the lunchroom? Are students required to keep quiet?

20 A: Of course, students can talk, and it's high school, after all, so it can get pretty noisy.

21 Q: Have you had fights in the lunchroom?

22 A: Yes.

23 Q: How many fights have there been in the lunchroom?

24 A: Well, I can recall one between two students. I don't recall anything else specific.

25 Q: What about the fight between two students? Please describe it.

26 A: Actually, it involved Sam Carter. It wasn't exactly a fight, but he did throw down another
27 student.

28 Q: When?

29 A: Last year in February. I don't remember the exact date.

30 Q: Can you tell me more about this fight?

1 A: Yes. I was there because I was aware that there might be trouble. I had heard from
2 another student that Sam's friend Tracy Thomas was having trouble with her boyfriend
3 Mark Ferguson. The rumor was that he had pushed her around or something. I saw Sam
4 approach Mark and Tracy. Mark had his hand on Tracy's arm at the time. The boys
5 exchanged words I couldn't hear, and, the next thing you knew, Sam grabbed Mark and
6 threw him to the floor. Sam is one of our star wrestlers, you know. That was another
7 reason I was worried. His whole family, all his brothers, have been on our wrestling team.
8 With skill like that, you have to be careful.

9 Q: Was Mark hurt?

10 A: No, but he was shook up, and no student should ever act physical with another student,
11 except on the playing field, of course. We have zero tolerance for any kind of fighting at
12 Hillsdale.

13 Q: What happened to Sam?

14 A: He was suspended for two days, I think.

15 Q: Isn't that a rather short time? Why only two days?

16 A: Well, no one could determine who really was at fault. A bunch of Sam's friends insisted
17 that Mark had shoved Sam away when Sam approached, but Mark and his teammates
18 denied it. But Mark did end up on the floor, and Sam didn't, so it seemed like a solution.
19 Both boys really needed to learn a lesson. This is no way to handle conflict.

20 Q: How long has Officer Miles been stationed at the school?

21 A: Since the beginning of this school year, mostly in response to that gang shooting. That
22 was pretty terrifying. Students were leaving, and shots were fired. One student was even
23 wounded. They did catch the perpetrators. They weren't students, but still. It shows
24 violence is everywhere. That was the clincher, and the school board and the city police
25 agreed to station an officer in the school.

26 Q: Is Miles in school at all times that school is in session?

27 A: Unless something specific draws him away, he is there an hour before school, all during
28 school, and an hour after school.

29 Q: Does he do anything specific other than watch out for problems?

30 A: Well, he regularly does random searches of students' lockers following that knife
31 incident.

1 Q: Do you have a lot of contact with Officer Miles?

2 A: Sure. As the school counselor, it is important that he and I communicate. One of us has a
3 concern, we talk to the other so that I can counsel and he can watch out. We're a team.

4 Q: So, getting back to our situation, you said that Officer Miles came down, but things were
5 already pretty quiet.

6 A: Yes. Of course, just knowing he is in the school helps keep things quiet. And, when he
7 appears, students tend to really simmer down.

8 Q: What did you do after the officer arrived?

9 A: I stayed in the cafeteria until the end of lunch, just watching and saying hello to some of
10 the students. It is important that he and I both establish a rapport with students, and they
11 don't just see us as policing them.

12 Q: Did anything else happen during the lunch period?

13 A: No. All was normal.

14 Q: After the lunch period, did you notify the principal?

15 A: Not at that time. He was in his weekly administrators' meeting.

16 Q: When did you tell him?

17 A: I told him at the end of the day.

18 Q: What did he say?

19 A: He thanked me and told me he would look into it.

20 Q: What did you do next?

21 A: Nothing, until I was called to Dr. Henderson's office to speak with Noah and his mother,
22 Linda, a few days later.

23 Q: What happened then?

24 A: I was asked a lot of questions and ended up telling them about what I just told you, minus
25 all the history of course. That didn't matter to them.

26 Q: What did they say?

27 A: Linda was upset. She was furious that no one had told her, not her son, not me, not Dr.
28 Henderson.

29 Q: What about Noah?

30 A: He didn't say much. His mother was doing all the talking, yelling really.

31 Q: What about Dr. Henderson?

1 A: He said he would take over and do a full investigation.

2 Q: Did you have any further role?

3 A: No.

4 BY MS. THOMAS:

5 Q: Ms. Jones, were you worried that Sam Carter might assault Noah Baxter?

6 A: Yes, I was. That's why I investigated. What Noah had done would bother anyone, and
7 Sam is known to have a hot temper. I was worried, and I thought I should follow up.

8 Q: What would you have been doing if you had not been following up?

9 A: I would have continued entering students' schedules for the next trimester.

10 Q: Did Noah Baxter and Daniel Harrison seem to be afraid?

11 A: Yes. They were definitely concerned.

12 Q: Do you think their fear was the reason Noah stayed home?

13 BY MR. PUTNAM:

14 Q: Objection, calls for speculation.

15 BY MS. THOMAS:

16 Q: I withdraw the question. What is your opinion of Sam Carter?

17 A: I think he is trying but comes from a background that makes it tough for him. His grades
18 are pretty low. He is a very talented wrestler. His brothers were, too. Other students don't
19 dislike him, but he is not really popular either. He spends most of his time with his best
20 friends Walker and Marsh. He also spends time with his teammates. He is on the football
21 team, but of course his real love is wrestling.

22 Q: You said before Sam Carter had a hot temper. What did you mean by that?

23 A: Well, an example is when he threw Mark, like I talked about before. Even if Mark did
24 push him first, and I don't know that happened, Sam was right there in the middle of the
25 situation. I am sure he thought he was supporting his friend. But he is hot-tempered and
26 opinionated.

27 Q: How many times did this event with Noah Baxter pull you out of your office?

28 A: Well, I went to investigate right away, I also talked with teachers during their prep time, I
29 went to the lunchroom, and I talked to Dr. Henderson. So, I guess four.

30 Q: Ms. Jones, one last thing. Is it safe to say that you and the other administrators and staff
31 at Hillsdale are acutely aware of the potential for devastating violence at the school?

1 A: Yes. It's impossible to avoid the news these days. And it seems like every other day there
2 is something horrible at a school. We all have had special training. I don't know about the
3 others. But it's something that I live with. I am responsible for those students, and for
4 myself, too. Besides, there's the gang attack I talked about before.

5 BY MR. PUTNAM:

6 Q: Ms. Jones, these should be the last questions. We certainly thank you for your patience
7 and time.

8 A: Great. But it's not like I had a choice.

9 Q: True, but you have still been very gracious. Ms. Jones, how long have you worked at
10 Hillsdale?

11 A: Seventeen years.

12 Q: Were there fights at Hillsdale when you started?

13 A: Well, human nature hasn't changed that much, so probably yes. Nothing that stands out in
14 my mind, though.

15 Q: So, you are saying that there has been the occasional fight at Hillsdale during your career
16 there?

17 A: I am saying I don't remember over seventeen years, but, yes, like any normal school,
18 there have been occasional fights.

19 Q: As for the knife, the situation was handled without violence?

20 A: We were lucky. We constantly tell students to report anything and everything. Who
21 knows what could have happened. Luckily nothing did.

22 Q: But, in fact, no student was harmed.

23 A: No.

24 Q: And you were not worried about a knife here, right?

25 A: I did not know. That's why I investigated.

26 Q: Thank you. Nothing more.

27 (Witness is excused)

28 (At 9:55 a.m., Deposition concludes)

COURT REPORTER'S CERTIFICATE

I, Nicole Gordon, CSR 0004687, a Certified Court Reporter in Pennsylvania, do hereby certify that the above examination under oath was taken before me at the time and place herein before set forth; that the witness was by me first duly sworn to testify to tell the truth, and nothing but the truth; and that the foregoing questions asked and answers made by the witness were duly recorded by me stenographically and reduced to a transcript. This is a true full and correct transcript of my stenographic notes so taken. I am not related to, or of counsel to, either party or interested in the event of this cause.

9523108.1

Electronic Signature:

Nicole Gordon, CSR 0004687

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL CARTER,

CIVIL ACTION NO. 22-1487

Plaintiff,

v.

HILLSIDE AREA SCHOOL DISTRICT,

Defendant.

Jerry Putnam
Attorney for Plaintiff
340 Main Street
Hillside, PA 15825

Eunice Thomas
Attorney for Defendant
2 Sylvania Street
Hillside, PA 15825

DEPOSITION OF FRED HENDERSON

Taken at 2 Sylvania Street

Hillside, PA 15825

Commencing on November 15, 2022

1 (Deposition begins 10:00 a.m.)
2 BY PLAINTIFF'S ATTORNEY MR. PUTNAM:
3 Q: Hello, Mr. Henderson.
4 A: It's Dr. Henderson. Hello.
5 Q: Dr. Henderson, please state your name and address for the record.
6 A: Fred Henderson, 8 Elm Drive, Hillside, Pennsylvania.
7 Q: Are you the principal at Hillsdale High School?
8 A: I am.
9 Q: How long have you been the principal?
10 A: Five years.
11 Q: What did you do before that?
12 A: I was the assistant principal and athletic director.
13 Q: Do you remember October 31, 2022?
14 A: Yes. That was the day that Rhonda Jones told me that Samuel Carter was threatening
15 Noah Baxter.
16 Q: What did you do when you heard the news?
17 A: Well, she told me at the end of the day, so I told her I would begin an investigation the
18 next day.
19 Q: Did you begin the investigation the next day?
20 A: Well, no, because I was home. I have twin sons, and they were sick. My wife works as an
21 attorney, and she had a trial. We couldn't get a babysitter at the last minute, so I had to
22 stay home.
23 Q: So, when you were able, how did you investigate?
24 A: Well, first I had to get the facts first-hand. So, I tried to call Noah Baxter into my office.
25 Q: What do you mean, you tried?
26 A: He was not at school. He was absent.
27 Q: Did that alarm you?
28 A: No. His mother Linda Baxter is a science teacher. I knew she would tell me if anything
29 had happened to Noah.
30 Q: And she didn't tell you anything?
31 A: She did. She told me Noah was sick.

1 Q: Did you say anything to her at that point?

2 A: No, because I didn't have any facts yet. I didn't want to get her all upset. She's a great
3 teacher, but high-maintenance, you know.

4 Q: So, what did you do?

5 A: Well, the next thing I did was call Samuel Carter into my office.

6 Q: Did he come?

7 A: No, he was not at school either. He was out sick. Or, as students told me later, he was
8 embarrassed.

9 Q: What did you do next?

10 A: Do you mean on November 2?

11 Q: Yes, what did you do on November 2?

12 A: Well, since I couldn't get ahold of Sam or Noah, I tried to learn what I could from other
13 students. I called into my office the student whose cell phone had been confiscated the
14 day before, Taylor Thompson.

15 Q: What did you learn?

16 A: Taylor told me that she was Facebook friends with Sam Carter. Surprisingly, or maybe
17 not so surprisingly, it turned out Noah Baxter was one of Sam Carter's Facebook friends
18 too.

19 Q: Did Taylor show you the contents of Sam's Facebook page?

20 A: Yes.

21 Q: These are defense's Exhibits 2 and 3. Are these the posts Taylor Thompson showed you?

22 A: Yes, I think so.

23 Q: Around what time of day was this, when you met with Taylor Thompson and saw the
24 Facebook posts?

25 A: It was the end of the day. Bear in mind, I had to fit this in around my other duties. Also,
26 November 2 was a Wednesday, so, in the morning, I attended a top administrators'
27 meeting at the school district offices. That generally takes all morning.

28 Q: What else did you do to investigate?

29 A: Well, the next morning, at about 7:15, when I got back to my office from looking at a
30 problem with the swimming pool, Linda Baxter and Noah were there. Linda was having a

1 fit. Not that I blame her, of course. All parents are worried about school safety these days.
2 We are too, I mean people responsible for schools.

3 Q: So, what happened next?

4 A: Linda demanded that I ensure her son's safety at school. She was waving that deer-boy
5 photo at me. She had it printed off. Full-page, eight-by-eleven. She was really shaken up.
6 Noah wasn't saying much. I am not sure if he was more scared or embarrassed. I assured
7 Linda that I was investigating and would get to the bottom of everything that very day. I
8 called Ms. Jones into my office to help me. Linda was saying she was so upset, she would
9 not be able to teach and wanted to go home with her son until Sam and the entire football
10 team was removed from the school. Well, I finally got her calmed down, and she decided
11 they could stay. But I had to send in Ms. Hill, my vice principal for academics, to cover
12 Linda's first period. Linda said that she couldn't teach until she had time to compose
13 herself. Of course, we don't want students seeing the teachers in a state, so Ms. Hill was
14 happy to step in.

15 Q: What did Noah do?

16 A: He went off to class. I asked him to check in with his mom and also Ms. Jones throughout
17 the day. I told him that I would send for him at some point that day or the next to hear his
18 side of the story. He just mumbled something. I was worried that he would be late for
19 class, and he was probably a few minutes late, but I told him to ask his teacher to contact
20 me if there was a problem. I never heard anything, and he has gym first, so maybe he
21 managed to get into the gym on time anyway.

22 Q: What did Ms. Jones do?

23 A: She left just as first period started.

24 Q: What did you do?

25 A: I sent Ms. Hill off to Linda Baxter's class like I promised. Then, I finished up the minutes
26 from the administrators' meeting and sent them out. I also sent word to send Sam Carter
27 to my office during his study break. He is one of the students who has mandatory,
28 supervised study breaks because of poor grades. The hope is that studying at school will
29 allow the students to progress more. Sometimes a student's home-life is not conducive to
30 studying. Not sure if that applies to Sam Carter. Heck of a wrestler, though.

31 Q: What happened next?

1 A: At 11:25, Sam Carter showed up. I interviewed him. He was both furious and
2 embarrassed. He claimed that Noah Baxter had been a cyber bully. He said he never had
3 any intention of actually hurting him, but he was glad if he embarrassed him, and he
4 deserved it. He refused to apologize.

5 Q: Then what happened?

6 A: Well, other students had been involved in the posts. I wanted to talk to them. I had a lot to
7 do, and I didn't get around to in until the next day. Then both Walker and Marsh
8 apologized and agreed to meet with Noah Baxter to apologize to him. I thought that
9 closed the case for them.

10 Q: What happened with Sam Carter and Noah Baxter?

11 A: I forgot to say that the same day that I talked to Walker and Marsh, I talked to Noah
12 Baxter again. He admitted that he had "catfished" Carter, but he claimed he was terrified
13 of the reaction he got. He was not expecting anything like that deer. He said he truly
14 feared that he and his friend Daniel were going to get jumped when he saw the likes on
15 Facebook and the comments by the other students. He also admitted he was hurt and
16 embarrassed by some of the comments. Anyway, under the circumstances, I decided it
17 was best to suspend Sam Carter for ten days and to make him sit out a couple of games. It
18 would be a lesson and a cooling-off period. It might also deter other students. We do have
19 a problem here with factions and some fighting. Sam Carter is in the middle of all that,
20 and so are some of the teams. Don't get me wrong. I love sports and student athletes. I
21 used to be the athletic director. But as principal, I don't want the school to get out of hand.
22 The educational environment is critical to students' success. Anyway, Carter also refused
23 to apologize.

24 Q: Did you think that Carter might carry through on his threat?

25 A: You never know with high school students. He admitted he was furious and upset. He had
26 already been in one fight. Better safe than sorry these days. We had that gang shooting,
27 and we have had fights. In addition, a student has brought a knife to school. My highest
28 responsibility is student safety. It had been compromised, so I had to act.

29 Q: Have you ever seen an angry student who did not progress to violence?

30 A: Sure, every day. But not very many students post pictures like that deer photo.

1 Q: How exactly were you able to view the contents of the Facebook postings and the deer
2 photograph?

3 A: Linda had them printed off and showed me. I also had Taylor show me what she and the
4 other students had been looking and laughing at. She logged onto Facebook in my office,
5 and I was able to see them.

6 Q: Could you have accessed the postings on your own?

7 A: No. Apparently, the privacy settings allowed only Sam's friends to see the posts.

8 Q: Do you know if other students actually viewed those posts?

9 A: Other than Taylor Thompson and her friends? I assume so, yes. Jokes about manboobs
10 were flying around the school, and Mr. Cortez, who teaches junior English, tells me that
11 students found every excuse to introduce that concept into their discussions.

12 Q: Is it uncommon for students to make bad jokes in class?

13 A: No, but putting it together with the problems in the cafeteria, we were all worried things
14 would get out of hand.

15 Q: Did the previous episodes in the cafeteria have anything to do with manboobs?

16 A: What do you mean?

17 Q: Never mind. Did you ever contact the police about this incident?

18 A: Do you mean police outside the school?

19 Q: Yes.

20 A: No, but Officer Miles was called into the cafeteria.

21 Q: I mean about the threat Noah claims Carter made against him. Did you contact the police
22 about that?

23 A: No. I felt confident I could handle it, and I did.

24 Q: Are you a hunter?

25 A: Yes. I grew up around here. Traditionally, when I was growing up, this was a rural area.
26 When I was a kid, most boys and men hunted.

27 Q: Is it customary for hunters to show friends photos of animals they have killed?

28 A: I don't know what's customary.

29 Q: Have you ever seen a photograph of an animal that a friend or family member killed
30 while hunting?

31 A: Sure.

1 Q: Ever taken a picture like that yourself?

2 A: Yep.

3 Q: Ever showed the picture you took yourself to a friend or family member?

4 A: Sure, when I was younger.

5 Q: Did you ever show anyone a picture of a dead deer you had killed with a bow or gun?

6 A: Probably.

7 Q: Was the deer gutted?

8 A: I don't remember.

9 Q: Before seeing this picture Mr. Carter created of the deer with Mr. Baxter's face, had you
10 ever seen a picture of a gutted deer before?

11 A: Sure.

12 Q: Have you ever gutted a deer yourself?

13 A: Yes.

14 Q: Have you ever seen a picture of a deer with its belly slit and its innards hanging out?

15 A: Probably. I don't know. Wouldn't have taken much notice unless there was something
16 weird or unusual about it.

17 Q: Have you ever seen photos of animals that people have killed while hunting changed up
18 somehow to make them funny?

19 A: Sure. I can recall a hilarious one where my friend put the rifle in the dead squirrel's little
20 hands and made it look like the squirrel had shot himself a number of rabbits.

21 Q: Can you remember any other funny ones?

22 A: One with boots sticking out of a great big fish's mouth like the fish had swallowed the
23 guy.

24 Q: Did you think the photo of the deer with Mr. Baxter's face was funny?

25 A: I did not think it was a joke given the post the night before and the conversation between
26 Kayla Kennedy and Sam Carter the night before that.

27 Q: How did you think the school environment was impacted, if at all, by this incident
28 involving Noah Baxter and Sam Carter?

29 A: Besides Noah missing school, the disturbance in the cafeteria, no one to teach science
30 class, administrators investigating, the police officer being called, and the likes?

31 Q: Yes.

1 A: Well, we have a problem with our teams. They can be a flash point. Adding the usual
2 sexual tensions of high schools, the excitement of Halloween, and the fact that Miles had
3 been called to the cafeteria, I was worried about students being distracted and not
4 focusing on their studies.

5 Q: Nothing further. Thank you.

6 BY MS. THOMAS:

7 Q: Hello, Dr. Henderson.

8 A: Hello.

9 Q: How much time do you think you spend dealing with students' behavior, as a percentage
10 of your job?

11 A: Well, a principal is always dealing with students, and students are always finding new
12 ways to break the rules. About twenty-five percent maybe.

13 Q: Is it customary for your assistant principal to step into teachers' classrooms to relieve
14 them?

15 A: No. It would have to be an unusual circumstance. That's not her job. She has other duties
16 and a lot of them.

17 Q: Has she ever had to step into a teacher's class before?

18 A: Yes, briefly, if a teacher suddenly feels sick or has a short appointment or knows in
19 advance she must leave the room for a few minutes. Anything more than that, we get a
20 substitute. Here, she had to just have the students study, as she is a history teacher by
21 training and knows nothing about science. We try to have a substitute or another teacher
22 step in who can actually teach. We are a school, after all, and those students were not
23 getting taught.

24 Q: Why did you suspend Sam Carter and not Walker and Marsh, given their comments on
25 the Facebook post?

26 A: Because Noah Baxter continued to feel threatened by Mr. Carter. The boy did not feel
27 safe in school. The other boys apologized and seemed genuinely contrite. I was confident
28 they were not going to harm Mr. Baxter. But Carter still seemed angry.

29 Q: For how long was Sam Carter suspended?

30 A: Ten days and any remaining football games, should Hillsdale's varsity football team
31 qualify for the play-offs.

1 Q: That sounds like a long time.

2 A: This was a disruptive threat of violence. It was an appropriate suspension.

3 Q: Obviously, it was a much lower punishment than expelling the student who brought a
4 knife to school, right?

5 A: Yes. I consulted with the school board, the school board consulted with its attorney, and
6 all agreed that suspending Mr. Carter for ten days and any remaining football games was
7 the correct response.

8 Q: A last question, if you will. Dr. Henderson, do you see all these episodes, including the
9 gang shooting, as linked?

10 A: Yes, of course. And it's my duty to make sure that students at school are safe and
11 learning, not being threatened and brawling like delinquents.

12 A: Thank you for your help, Dr. Henderson. That's it with my questions.

13 (Witness is excused)

14 (At 10:45 a.m., Deposition concludes)

COURT REPORTER'S CERTIFICATE

I, Nicole Gordon, CSR 0004687, a Certified Court Reporter in Pennsylvania, do hereby certify that the above examination under oath was taken before me at the time and place herein before set forth; that the witness was by me first duly sworn to testify to tell the truth, and nothing but the truth; and that the foregoing questions asked and answers made by the witness were duly recorded by me stenographically and reduced to a transcript. This is a true full and correct transcript of my stenographic notes so taken. I am not related to, or of counsel to, either party or interested in the event of this cause.

9523108.1

Electronic Signature:

Nicole Gordon, CSR 0004687

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL CARTER,

CIVIL ACTION NO. 22-1487

Plaintiff,

v.

HILLSIDE AREA SCHOOL DISTRICT,

Defendant.

Jerry Putnam
Attorney for Plaintiff
340 Main Street
Hillside, PA 15825

Eunice Thomas
Attorney for Defendant
2 Sylvania Street
Hillside, PA 15825

EXCERPT OF DEPOSITION OF JOANNE HILL

Taken at 2 Sylvania Street

Hillside, PA 15825

Commencing on November 15, 2022

1 BY PLAINTIFF'S ATTORNEY MR. PUTNAM:

2 Q: Turning to your work at the school, Ms. Hill, how long have you worked there?

3 A: Thirteen months. I moved over from the middle school where I was an assistant principal.
4 It was partly to establish more continuity between the middle school curriculum and the
5 high school. Consistency is so good for student achievement.

6 Q: Does your job involve spelling teachers at times?

7 A: What do you mean spelling teachers?

8 Q: I mean, if a teacher must leave the classroom, do you come in to take their place?

9 A: Sometimes. Usually we have a substitute. But occasionally something comes up at the
10 last minute, like if a teacher is taken ill suddenly, for example.

11 Q: How often do you step in at the last minute like this?

12 A: Hard to say. No more than a few times every trimester, but it does happen.

13 Q: So, was there anything unusual in taking Ms. Baxter's first period science class?

14 A: Well, it wasn't usual. I am certainly not equipped to teach Advanced Placement Biology. I
15 was not able to follow her lesson plan, especially with no notice before having to walk
16 into the class. Science is not my field.

17 Q: What did you have the students do?

18 A: I had them study. I asked what they were doing, and they told me that they had just
19 finished an experiment. I asked them if there was any work left. It turns out they could
20 fill in their lab notebooks. So, I had them do that in class.

21 Q: Is it unusual for students to complete their lab notebooks during class?

22 A: I don't know. It worked out all right, but I am sure it's not what Ms. Baxter had planned.

23 Q: Did you ever find out what she did have planned?

24 A: No. I simply left after covering first hour.

25 Q: Had you ever filled in for her before?

26 A: No.

27 Q: Had you ever filled in for a class that you could not teach because you didn't know the
28 subject matter?

29 A: Yes. I had to fill in for our French teacher when she got appendicitis and had to leave by
30 ambulance.

31 Q: Is that the only time?

1 A: Maybe not, but it's the only one I can remember right now. As I already told you, it's not
2 common, and we don't like it from the perspective of academic achievement.

3 Q: But don't some students have study hall?

4 A: Yes, but that's planned specifically for those students to meet their needs for study time at
5 school.

6 Q: Were you in the classroom for the entirety of Ms. Baxter's first-hour class?

7 A: Yes.

8 Q: How long is the class?

9 A: 50 minutes except on lab days. This was not a lab day.

10 Q: While you were in the class, was there any unusual behavior?

11 A: I overheard students buzzing about Noah and his mom. I heard some snickering and
12 something to the effect that Mrs. Baxter was going to have a fit when she found out.

13 Q: Was it unusual for students to laugh behind Mrs. Baxter's back?

14 A: Sadly, no. Even though she is a gifted teacher, students seem to enjoy making fun of her
15 and, by extension, Noah, mostly because she is enthusiastic and outgoing. She is
16 unconventional, and there is only a small group of high school students who enjoy and
17 accept someone who deviates from the norm.

18 Q: Can you give me an example of how she deviates from the norm?

19 A: I have heard her singing in class, for example, to help students remember something like
20 the periodic table. Most teachers don't sing in class, but maybe they should. I have heard
21 her AP chemistry students singing that periodic table song in the halls, and it seems to
22 help them remember.

23 Q: Thank you. I have no more questions at this time.

24 BY MS. THOMAS:

25 Q: Ms. Hill, I have a few questions as well.

26 A: Okay.

27 Q: Is Mrs. Baxter regarded as an effective teacher?

28 A: Yes.

29 Q: Why?

30 A: She teaches our AP Bio and Chemistry classes. Her students have won a number of
31 awards. She is particularly good at mentoring girls who want to go into science.

1 Q: So, missing out on her instruction would be detrimental to students?

2 A: It would be to their disadvantage, yes.

3 BY PLAINTIFF'S ATTORNEY MR. PUTNAM:

4 Q: Do you know if Mrs. Baxter ever steps out of her classroom?

5 A: No. I imagine she must from time to time. We're all human. But I am sure she keeps it to
6 a minimum. She is a dedicated woman.

(End of Excerpt)

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SAMUEL CARTER,

CIVIL ACTION NO. 22-1487

Plaintiff,

v.

HILLSIDE AREA SCHOOL DISTRICT,

Defendant.

Jerry Putnam
Attorney for Plaintiff
340 Main Street
Hillside, PA 15825

Eunice Thomas
Attorney for Defendant
2 Sylvania Street
Hillside, PA 15825

EXCERPT OF DEPOSITION OF TAYLOR THOMPSON

Taken at 2 Sylvania Street

Hillside, PA 15825

Commencing on November 15, 2022

1 BY DEFENDANT'S ATTORNEY MS. THOMAS:
2 Q: Do you know Sam Carter?
3 A: Not really. I am a junior, and he is a senior.
4 Q: But you know who he is?
5 A: Yes. He's on the football team and the wrestling team. Of course, I know he's friends with
6 Chad Marsh, our quarterback.
7 Q: Did you look at Sam Carter's Facebook on October 31?
8 A: Yes.
9 Q: Are you one of his Facebook friends?
10 A: Yes.
11 Q: Even though you say you don't know him?
12 A: Yeah. That's not weird.
13 Q: When did you look at Sam's Facebook posts?
14 A: The first time was before school. I got a text from a friend telling me I should.
15 Q: Did you look at it again at school between first and second period?
16 A: Yes.
17 Q: Why did you look at it again?
18 A: Some of my friends hadn't seen it yet.
19 Q: And you wanted to show them?
20 A: Yes.
21 Q: Why?
22 A: I don't know. It was funny. It's like knowing some really great gossip before your friends
23 do, so you get to enlighten them.
24 Q: How did you look at the posts at school?
25 A: On my phone.
26 Q: Do you know about the policy that phones should be left in your locker during school
27 hours?
28 A: Yes, but everyone has their phones. My problem was just getting caught.
29 Q: How did you get caught?
30 A: Ms. Jones saw me using it.
31 Q: By "it," do you mean your phone?

1 A: Yes.

2 Q: What exactly were you doing on the phone when Ms. Jones approached?

3 A: Showing Sam's Facebook posts to some friends.

4 Q: What exactly on the Facebook page?

5 A: The posts about Sam getting catfished.

6 Q: Did you see the posts involving Sam's reaction and comments from his friends?

7 A: Yes.

8 Q: What was your reaction?

9 A: I thought it was hilarious that Sam was catfished! Way to go Noah, even if he is an
10 obnoxious loser.

11 Q: Why did you think it was hilarious?

12 A: Because Noah made Sam look like a total idiot. I mean, how long did he know this
13 supposed girl? I kind of feel sorry for him. Except that he is an arrogant jock. It is
14 ridiculous that he can't get a real girlfriend!

15 Q: Did you see the picture of the deer with Noah Baxter's face?

16 A: Yes.

17 Q: What was your reaction?

18 A: Ridiculous.

19 Q: You say that word like you mean something else. Do you mean the picture was
20 preposterous?

21 A: No. I meant it was funny. But it is also preposterous.

22 Q: I am showing you what has previously been marked as Exhibits 2 and 3. Are these all of
23 the posts you were showing your friends?

24 A: Yes.

25 Q: Let's take a look at Exhibit 3. Was there ever a moment when you thought this photo was
26 scary?

27 A: When I first saw it by myself at home, I was startled, I guess I would say.

28 Q: Why were you startled?

29 A: I don't know. It's hard to describe.

30 Q: Did you have a physical reaction?

1 A: Yeah, I guess I think I did. Like a quick breath in. But then I really looked at the photo.
2 Like the ears and the antlers? It's pretty funny.

3 Q: If it had been your face on the deer, how would you have felt?

4 A: I don't know. Really embarrassed. Confused.

5 Q: Afraid?

6 A: I don't know. I guess it would depend on what else was going on. Like I said, I don't
7 really know Carter, so I would be really confused about why he was making fun of me.

8 Q: If your parents saw this photo, and I want you please to look again at Exhibit 3, with your
9 face on the gutted deer, what do you think they would think?

10 A: I think they would be upset.

11 Q: Why?

12 A: I just think it would be upsetting. Parents get upset when someone picks on their kid,
13 right? At least my parents do.

14 Q: Do you think that Sam Carter meant that photograph as a threat?

15 BY MR. PUTNAM:

16 Q: Objection, calls for speculation.

17 BY MS. THOMAS:

18 Q: I intend it to go to the reactions of the bystanders.

19 BY MR. PUTNAM:

20 Q: Okay, she can answer.

21 A: I really have no idea what Carter intended.

22 BY MS. THOMAS:

23 Q: What about the conversation in which Sam said he would kick Noah Baxter's ass?

24 BY MR. PUTNAM:

25 Q: Objection. The post said own up to it now, or I am going to kick your ass, and there is no
26 reason to think that the witness knows of that statement, as the conversation was private.

27 BY MS. THOMAS:

28 Q: I am showing you Exhibit 1. Have you ever seen this conversation?

29 A: No.

30 Q: Are you aware that Sam was in a fight in the cafeteria last year?

31 A: Not really. He's a year ahead of me, so I had a different lunch period then.

1 Q: Were you aware of fights in the cafeteria?
2 A: Sometimes things happen, mostly between jocks.
3 Q: Does it worry you?
4 A: No, I'm not part of that crowd. I do band, though, so I know how they are. Hot-heads with
5 a mob mentality. But it's not like they are picking on random people. Not like Noah.
6 Q: Were you in the band when the football team was in a brawl with another team?
7 A: No. It was while I was still in middle school. I did hear about it from some other band
8 members. Plus, Marsh mentioned it the other day after Sam came back to school.
9 Q: Did you think that Sam might assault Noah Baxter?
10 A: What do you mean assault?
11 Q: Get in a fight with him.
12 A: I wouldn't be surprised if Sam went after Noah if Noah said something to Sam in school.
13 But I don't think Noah is stupid enough to do that. I mean, Sam is a star wrestler, and
14 Noah is a big lump. That's why Noah did something passive-aggressive to embarrass
15 Sam, right? He's not going to get in Sam's face. If he did, yeah, I am confident Sam
16 would take him down.
17 Q: Do you think Noah should have been afraid of being assaulted by Sam?
18 BY MR. PUTNAM:
19 Q: Objection! Calls for speculation. You already asked her if she thought the posts were
20 threatening. Just because you didn't like her answer does not mean you can keep asking
21 over and over until she changes her testimony!
22 BY MS. THOMAS:
23 Q: Were you in the cafeteria on October 31 when people were teasing Sam Carter at
24 lunchtime?
25 A: Yes.
26 Q: Was Noah there too?
27 A: No.
28 Q: On October 31 in the cafeteria, were you afraid that a fight might break out?
29 A: Honestly, for a moment I did think something might happen that day when everybody
30 was teasing Sam. But then Marsh gave his little pep talk, and it got people calmed down.
31 It's hard not to like that kid.

1 Q: What do you think of Sam Carter's ability to control his temper?

2 A: Supposedly he is opinionated and has a hot temper, but I don't really know him.

3 Q: Did you know that Noah stayed home from school after Sam's posts?

4 A: Yeah, I heard that. Not the day right after, but the next couple of days. I figured it was

5 because he saw the stuff was all over school, and he was embarrassed. Seems like Sam

6 kind of won that round.

7 Q: What do you mean?

8 A: Noah humiliated Sam, right? And, yeah, that first day, people were laughing at Sam. But,

9 then it seemed like Noah got the worst of it. People calling him manboobs and cracking

10 up over that deer picture.

11 BY MR. PUTNAM:

12 Q: I have just a few questions as well, Ms. Thomas. Ms. Jones has told us that, when she

13 confiscated your phone while you and your friends were looking at it, you all were

14 laughing. Is that correct?

15 A: Yes.

16 Q: What were you laughing at?

17 A: The whole situation.

18 Q: Meaning what? Were you laughing about what Noah had done to Sam?

19 A: Yes. Beautiful. One for the nerds!

20 Q: Were you laughing at Sam's Facebook posts?

21 A: Yes, that too.

22 Q: What about the deer photo?

23 A: Yeah. Come on. It's mean, but it's funny.

24 Q: Did you or one of your friends talk about informing the school authorities about the

25 situation?

26 A: Um, no.

27 Q: Why not?

28 A: Why would we? One kid humiliates another. The other one gets him back. Welcome to

29 high school. Kids are mean to each other all the time.

30 Q: Do you hunt?

31 A: No.

1 Q: Do you have friends that hunt?
2 A: No, not really. My uncles hunt.
3 Q: Do any of your friends or uncles post pictures of their hunting conquests on Facebook?
4 A: I'm not Facebook friends with my uncles, so I don't know. But I've seen hunting pictures
5 on the internet.
6 Q: Do you find those pictures frightening?
7 A: No, I find them disgusting.
8 Q: Why do you find them disgusting?
9 A: I don't get it. Mr. Steroids kills innocent animal?
10 Q: Were you aware that the picture of the deer with Noah's face on it was a picture, without
11 Noah's face of course, that Sam Carter had posted earlier as the buck he got during bow
12 season this year?
13 A: No. I don't really keep up with Sam on Facebook. Makes sense, though. Lots of boys in
14 our school hunt.
15 Q: When you saw that picture with Noah's face, did you become worried that Sam might
16 hunt down Noah and gut him?
17 A: Of course not.
18 Q: Did your friends say or do anything showing that they thought Sam might hunt down
19 Noah and gut him?
20 A: No.
21 BY MS. THOMAS:
22 Q: You or one of your friends was heard referring to Noah as dead meat when you were
23 grouped in the hallway looking at your phone, right?
24 A: Yes.
25 Q: Doesn't that mean you or your friends thought that Sam might do something to Noah?
26 A: We just meant Dead Meat would have been a good caption for the picture.
27 Q: So, you interpreted the photograph to contain the message: You are dead meat, Noah?
28 A: Yes.
29 Q: Thank you. Nothing further.
30 BY MR. PUTNAM:

1 Q: Ms. Thompson, when you say Dead Meat would have been a good caption for the
2 picture, did you mean that you thought the picture meant that Sam Carter was going to
3 kill Noah Baxter?

4 A: No, of course not. If we thought someone was going to kill another student, we would
5 have told someone. We're not idiots. Or psychos, like we would laugh if we thought Sam
6 was about to kill Noah.

(End of Excerpt)

IN THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

SAMUEL CARTER,

CA NO. 2022-0089

Plaintiff,

v.

CIVIL ACTION NO. 22-1487

HILLSIDE AREA SCHOOL DISTRICT,

Lucy M. Austin Presiding

Defendant.

Jerry Putnam
Attorney for Plaintiff
340 Main Street
Hillside, PA 15825

Eunice Thomas
Attorney for Defendant
2 Sylvania Street
Hillside, PA 15825

NOTICE OF APPEAL

Notice is hereby given that Plaintiff Samuel Carter appeals from the final decision granted on December 21, 2022, by the United States District Court for the Middle District of Pennsylvania, the Honorable Lucy M. Austin presiding, granting summary judgment to Defendant and dismissing Plaintiff's Complaint with prejudice.

Jerry Putnam, Attorney for Plaintiff

December 28, 2022