

Lauren and Jordan Nichols

Interview Questions

10/31/2023

## Nichols Investigation Questions

Runner: Maddie Nichols

1. Provide the dates of the voluntary practices over the summer and ALSO the dates Maddy attended if any.
2. Provide the dates of the required practices AND the dates Maddy attended AND if she did or did not practice?
3. I am confused and need clarification.....I have that you stated Maddy attended **all required practices**; however, In an email from Regina on August 15th to the Nichols Family, you stated, "Maddie only attended 2/17 team practices this summer. These were voluntary but most runners attended 50% or more to show their interest and grow with their teammates" In addition, she has not practiced in 4/9 mandatory practices.
  - a. So did she attend all mandatory practices or not or are you counting practices after this situation arose?
4. Coach Dever reached out to Frank at the beginning of the summer (per our conversation) and it was approved for her to run with the other Coach over the summer, so why even mention this because it implies she does not think the team practices are important? If you wanted her at practice over the summer you should have not approved her to train with the other coach. It does appear as if you are upset with her for training with the other coach.
  - a. Please explain

**Merritt's written response on 10/25/2023 - I will address 1-4 at the same time. You already have all this information in my email that you listed above. Runners can get supplemental training with whomever they want and go to any gym whenever they want. Frank, separately through our company, trains other athletes (not our team athletes) who train supplementally that work with other programs. Maddie showed up for 2 summer practices which is documented above, the first of which she got into a verbal confrontation with Coach Stacy Flores as she left early because of an injury she had obtained during her summer training. This verbal altercation concluded with her storming off to her car and taking another runner, Naomi, with her against Coach Stacy's instructions. Second practice that we weren't present but Coach Stacy was, she got into a verbal altercation with one of our captains that was graciously leading the group session. This captain supplied a text, bewildered by her aggressive behavior as he had never met Maddie before this date and she questioned how he was a captain and she ended with a snide comment, "have you ever even run before?" Once again, you can see why it is hard to recruit when**

you have this type of comments made from previous runners to new team members. This is not the only team member that reported her making discouraging comments towards them at practices.

We were never upset about her training with Coach Dever. The email that you reference above from me was a reply to Jordan Nichols. Ask other coaches such as Coach Green or Coach Laatsch if they feel it is important for their athletes to come to their voluntary trainings to prepare for an upcoming season.

Merritt Interview 10/30/2023 -

- 1) At the first practice when Maddy had the incident with Coach Flores, did you address Maddy's behavior with her or her parents?

Regina: Did not address with her parents on that date because Maddy "took off" and Stacy went to handle that situation while Regina stayed with the other students. Doesn't know what precipitated whatever issues Maddy experienced that day. Maddy may have been in denial re: her injury at that time.

Frank: This hurts them deeply. They have had all these kids over to their home. Eddie Kepran asked Frank to baptize him instead of his own father. (why was there a team event where kids are getting baptized?!?!).

"This captain supplied a text, bewildered by her aggressive behavior as he had never met Maddy before this date and she questioned how he was a captain and she ended with a snide comment, "have you ever even run before?"

- 2) Actually this student is a homeschool student who has never run before. What is your justification in making him a team captain with his limited experience?

Regina: Being a team captain is not just about being the best runner. It's about leadership/character. They didn't pick just one captain, they chose three. One of the three was their only senior runner on the team. The other two were chosen for their leadership abilities. The homeschool student is also on the varsity basketball team at AHS and has been for three years.

Frank: We needed people to be there because they would be gone for two weeks. They needed someone who would show up and help lead teammates on a run. Didn't matter who was the best or most experienced runner. All BDS sports should be 100% inclusive. Gave unrelated examples of things he didn't think represent that mindset. Captains/elite group shouldn't be the coach's buddy.

Jeff: The question seems biased because isn't the coach's discretion to choose who's the captain.

Coach Flores - Tell me about this encounter. What was the verbal confirmation about?

Nichols' Response 10/31/2023

In response to the "altercations" referenced above and below:

There was no verbal altercation between Coach Flores and Maddie on June 22. Maddie's hip started hurting. Because it was an optional practice and because Naomi had an early chiropractor appointment, Maddie and Naomi decided to leave the practice. Stacy offered to give Naomi a ride but when Naomi shared that she had a chiropractor appointment, the conversation ended. There was nothing more said, and they all parted on good terms. What "instructions" did Stacy have authority to give for an optional practice? In their written response below, they said "This is when Maddy got into a verbal altercation with Coach Stacy and then Maddy took Naomi with her in defiance and against Coach Stacy's word." What do they mean by "in her defiance?" What was she defying? Letting Stacy give Naomi a ride home? Maybe Naomi didn't want to ride home with Stacy, or maybe she didn't want to risk missing her chiropractor appointment. Was Stacy going to make Naomi stay and get a ride from her? If so, that's a whole new issue! Maddie and Naomi showed up together and left together, I cannot imagine there was anything worth getting in an altercation about.

The Merritts claim Maddie got into an altercation with one of the team captains at the second team practice she attended, at Gayles Trails. They claim this captain supplied a text, bewildered by her aggressive behavior. Maddie said she was curious about who the new captain was. As mentioned, he was new to the team and Maddie had never heard of him before. She was simply curious of his background in running. Maddie said that she may not have come across as welcoming in the opening moments, but by the time the run started, she thought they were going to get along well. Regina called her comment snide; how do we know it was snide? Maddie considered it inquisitive. Maddie agreed that she did not come off as welcoming and apologized without any prompting from an adult. This instance should not even be part of the conversation any longer since she has apologized. She should be allowed to make mistakes and move on (just like any adult would like to be treated).

Going back to the supposed altercations. What exactly was said in these altercations? They claim there were more team members than just the captain that reported her making discouraging remarks. Who were these other athletes? They use vague language. I need to know specifically what was said and who said it? What was the altercation about? Maddie gives a very different picture of what happened and can recount what was said with specific details. This is a point I'm not willing to let go. If my daughter was punished for bad behavior, I want to know the specific details.

5. You stated that you noticed that Maddie was injured at the June 22nd practice. You stated she

was limping and could not make it up and down the bleacher run, she left early due to her hurting. This was a voluntary practice but did you follow up with anyone on her injury?

**Merritt Written Response on 10/25/2023 - Coach Stacy actually noticed Maddy with an antalgic gait. And yes, we asked Maddy and she initially denied anything was wrong, but then said she was already seeing someone about it and "It is fine". (Later, we called Coach Dever to ask about her and he said, "She's fine" about her injury.) This is when Maddy got into a verbal altercation with Coach Stacy and then Maddy took Naomi with her in defiance and against Coach Stacy's word. Coach Stacy had asked to let Naomi stay and finish practice and Maddy would not allow this.**

6. When was the second time you noticed that she was injured? Was it the July 31st mandatory practice or when? Did you follow up with her parents at that time?

**Merritt's Written Response on 10/25/2023 - Did not notice again until August 7 practice. This is the practice Maddy was crying and upset and stated she preferred track and the 800 meter run over cross country and she did not want to ruin her track season by running XC. She says her dad knows a physical therapist and she will get in to see him.**

**Merritt Interview 10/30/2023 -**

**1) Did you send her to the AHS Athletic Trainer?**

**Regina: "recommended" her to the trainer.**

**Frank: they're focused on injury reduction in athletics. They always have to be careful not to practice medicine in their coaching role. Can't force anyone to get medical treatment, but they made the recommendation multiple times to go see the trainer.**

**2) Did you contact her parents immediately to discuss this injury?**

**Regina: addressed it w/the student on that date. She expressed that she was working with her dad and a trainer/physical therapist. So when she came back w/training plans from their providers, they felt confident that she was getting care.**

**Frank: they stayed in regular communication w/principal, etc. They asked for policies/onboarding/training at the start. AHS came to them and asked them to coach. They've never received policies or training. So they have had to go back to Britt, etc. for every little thing to see how something should be handled. They received no direction on things like "if a student gets injured, you have to do XYZ."**

7. When did you have the first conversation with Mr. and Mrs. Nichols about Maddy's injury? Why did you not connect with Maddie's parents as soon as you were aware she was injured?

**Merritt's written response on 10/25/2023 - Talked to them on Aug 13 because we wanted to be sure the parents were fully connected. Maddy had come to practice with exercises and a program that she had started, so she was being seen at that time.**

8. Did you send her to the athletic trainer for AHS at any time?

**Merritt's response 10/25/2023 - Yes, we recommended that she see the trainer.**

9. In the meeting on August 24th - it was mentioned that Mr. Nichols asked the question, "so Maddie is still on the team?" AD Green responded, "yes she is still on the team, she was never suspended." Frank stopped the conversation and stated, "no this is something that we need to discuss as a coaching team and let you know." What was your hesitation for solving the situation at this meeting with all parties present? Why did you make them wait for a decision on running?

**Merritt's written response on 10/25/2023 - The portrayal of the meeting is not accurate. Frank does not rudely interrupt Coach Green, he respects Coach Green.**

10. It appears that the only reason a "cool down" or "suspension" was put into place was that Maddie displayed a "bad" attitude. The Nichols have asked many times for examples of the "bad" attitude. Can you provide specific examples of the bad attitude?

**Merritt's written response on 10/25/2023 - The cool down period was not for Maddy's behavior it was for Jordan's aggressive behavior and language on Tuesday, August 15, as wisely advised by Coach Green. Once again this behavior was witnessed by other coaches and runners who reported they were scared by Jordan's disruptive behavior and reported to their parents who then notified us. As far as Maddy's "attitude", instances in the answers above with Coach Stacy and with our team captain and at first team practice on July 31, as she was disrespectful of my husband. The big incident of course was the meeting on Aug 14 and this I think has been well document. These are just to name a few and should be noted a definite behavioral trend.**

#### **Merritt's Interview 10/30/2023**

- 1) "The cool down period was not for Maddy's behavior, it was for Jordan's aggressive behavior and language on Tuesday, August 15, as wisely advised by Coach Green."
  - a) Can you show us where in the FHSAA rules or in the BDS policy / athletic handbook you can discipline a runner for their parents behavior? I am confused because this is the first I have heard anyone say the cool down was because of Jordan Nichols aggressive behavior. Per your email on August 15th It clearly states, "we the XC coaches and AD have discussed Maddie's attitude and behavior during practices. AD Green suggests a meeting with athletic, parent, coaches, and AD after a one week period during which she will train separately from team practices but will receive credit for training."
    - i) So are you saying that you did a one week suspension "cool down" for a runner based on their parent's behavior
    - ii) If so, do you have this written anywhere in a handbook?
    - iii) BDS Policy does not support any discipline of a student without proper protocol? Did you realize you were violating BDS policy 8.801

**Regina: Discussed everything w/Rick Green and he suggested a cool down. Maddie had a "melt**

down” and then the next day her father had a “melt down.”

Frank: They can't override the AD's decision. This was really the AD's call. They were directed by the AD to take this action.

Frank/Regina: They were never provided BDS policy 8.801.

AD Green 10/30/2023

- 1) Did you recommend a “cool down” for Maddy as the Merritts suggested in their interview?
- 2) Are you aware of BDS Policy 8.801 and the procedure for Imposition of Sanctions and the Appeal Process? Do you normally review this policy with all the coaches you oversee?

AD Green's response 10/31/2023 - Yes . This was for the coaches , Maddy and parents. The Merritts had expressed Maddy was hurt and they were frustrated with her attitude. I suggested a cool down period so she could start the healing process and we could meet with her parents and try to find a solution.

- 1) Are you aware of BDS Policy 8.801 and the procedure for Imposition of Sanctions and the Appeal Process? **No**. Do you normally review this policy with all the coaches you oversee? **No** . Is this something ADs should have training on. It has never been mentioned in any of our AD meetings. I looked in our Bay County Extracurricular Activities Handbook. This policy is not mentioned.

11. Is there anything you would like me to consider in the Nichols' investigation? **Yes, we've asked for a meeting which you denied. County AD Josh Laatsch, who reviewed these allegations, asked the 3 families (Frakes, Nichols, Septembers) that they not come to any of our events, like meets, and likewise asked our family not to go to their obvious events like golf meets. We have upheld these instructions however, Irina and Naomi Frakes and Jordan, Lauren and Maddy Nichols have not, as they attended and made their presence well known to us at the Marlin Mayhem XC meet that our program hosted. While we were busy trying to run the best meet we could to represent our program and school, these individuals were going around defaming us and putting down the meet as reported to us by multiple families. This was even witnessed by Steve Moss who was acting as our emcee of the event. We would like to add that at the meeting with the Nichols with AD Green and Coach Stacy that Frank advised Jordan that he had received 2 separate calls from community individuals that on two separate occasions Jordan made physically threatening comments toward Frank "I am going to whip his a\$\$". Frank politely and directly asked Jordan if this was true which Jordan denied but that Lauren quickly interrupted and said, "He probably did." To her comment, Jordan said, "No I didn't" and she said again, "yeah, you probably did." It is interesting that his wife was so willing to confirm his aggressive behavior patterns. This was witnessed by AD**

Green and Coach Stacy. Additionally, since Frank thought both of these separate calls had validity, we did note that Jordan's emails are signed with the aggressive words "combat and warfare" which may be pertinent for his Air Force communications but are threatening in the civilian and school context. Also Jordan always shows up in his camouflaged, military combat gear. All this we find as a method to intimidate and harass. It obviously did scare some of our younger runners as reported by their parents and has emotionally traumatized our two sons. Frank and I take these threats as real and will not be surprised once he or someone else physically harms us. We have expressed this to both school and county officials. He has shown he has no problem with threatening a smaller female as he did to me August 15.

Merritt Interview 10/30/2023

1) When did you ask for a meeting with me and it was denied?

Frank: moot point now because we're meeting today.

- 2) "Two separate occasions Jordan made physically threatening comments to Frank.
- a) When did this happen and where?
  - b) What action steps did you take?
  - c) If you felt threatened, did you contact LEO?

Frank: he had a patient, client, and two other people come to him at church to say that they heard Jordan was going to "whip Frank's ass." They were threatened by Ambereen when she tried to get them to remove Casey Cook from the team despite the outcome of the TIX investigation. Every threat that Ambereen made against their family has come to fruition at this point. Something about being willing to "go fifteen rounds" with the Merritts. They kept saying they just want the Merritts fired. Confronted Jordan about the statements, which Jordan denied (even though his wife chimed in to say he probably did." Combat uniform, threatening language/intimidating body language.

Did not contact law enforcement besides talking w/the SRO at school. Did not file a police report.

Jeff: whether or not they called law enforcement doesn't necessarily reflect their mindset.

3) The signature line of Maj. Nichols is as follows:  
JORDAN L. NICHOLS, Maj, USAF  
Air Force Combat Dive Detachment Commander  
350 Special Warfare Training Squadron, Det 1  
NSA-Panama City Beach, FL  
DSN: 436-6244 / COMM: 850-636-6244 / CELL: 620-872-4904

- a) Just for clarification - Maj Nichols is a Major in the USAF and you find this signature to his email threatening?
- b) Also Jordan always shows up in his camouflaged, military combat gear. All this we find as a method to intimidate and harass. It obviously did scare

some of our younger runners as reported by their parents and has emotionally traumatized our two sons.

- i) Do you not encounter all military people in their fatigues out in public and do they scare you or your sons?

Frank: they have a great relationship w/members of the military personally and professionally. But they don't typically encounter people in fatigues in their everyday life. Not just Jordan's attire, but his behavior coupled with the attire caused discomfort and distress.

Regina: not just the uniform. It's the behavior w/the uniform.

- 3) Who is the smaller female that he threatened on August 15th? Tell me more

Regina: That would have been me.

Laatsch Interview 10/30/2023

- 1) County AD Josh Laatsch, who reviewed these allegations, asked the 3 families (Frakes, Nichols, Septembers) that they not come to any of our events, like meets, and likewise asked our family not to go to their obvious events like golf meets.
  - a) Did you specially ask the families not to attend? Was it in writing or verbal?

I told the Nichols family over the phone that it was in everyone's best interest if they kept their distance from the team until there is resolution. I did not have the authority to conduct a stay away agreement, only suggested this action to the parents of Madelyn Nichols.

AD Green 10/30/2023 -Merritt's state above - "We would like to add that at the meeting with the Nichols with AD Green and Coach Stacy that Frank advised Jordan that he had received 2 separate calls from community individuals that on two separate occasions Jordan made physically threatening comments toward Frank "I am going to whip his a\$\$". Frank politely and directly asked Jordan if this was true which Jordan denied but that Lauren quickly interrupted and said, "He probably did." To her comment, Jordan said, "No I didn't" and she said again, "yeah, you probably did." It is interesting that his wife was so willing to confirm his aggressive behavior patterns."

Tell me more about the conversation above.



I remember Jordan saying he would never do anything like that. Then Lauren said he probably said it.

**Coach Flores 10/30/2023 - Tell me more about the conversation above.**

**Nichols reply 10/30/2023 - Tell me more about question #11 above and all the replies to the conversation above. Anything you would like to add or clarify?**

Regina mentioned that Maddie was “disrespectful of my husband” referring to the July 31 practice. What happened? What was said? Who was present? Then she refers to “the big incident” on Aug. 14. She claims it is well documented but I still have never received a single written word from them as to what was said, who was present, or what happened. Where is the documentation? Maddie gives her written account of what was said. Jordan and I give our second hand written accounts of Maddie texting us and telling us what happened. AGAIN this is a point I’m not willing to let go. I want every word written down that they are claiming Maddie said or did. They use vague language and talk around the issue. This has been my complaint from the beginning. The very incidents that should have been the focus of the first parent/coach meeting and this investigation are still left open. What were the altercations that led to Madelynn’s suspension and ultimately kicked off the team? What are the specific details of each of those incidents? They can give unlimited accounts of “disrespect” “altercations” “defiance” and yet I have not one documented narrative of any of these accounts. Instead of giving details to any single incident, they tack on 2 more each time.

Jordan did not have a “meltdown” or express aggressive behavior on the morning of Aug. 15. Jordan has been trained by USAF special operations to maintain his composure at all times, even under the most highly pressurized situations. To say he had a “meltdown” is a joke but most importantly it is a lie. The US government has literally spent millions of dollars training Jordan to not react emotionally. If he can take bullets flying at him and stay calm, I think he can handle a conversation with a coach without losing his cool. If Jordan was so scary to the other runners, why did some of them come up to him and greet him the next time he came to the school for a meeting with Mr. Green (yes, in his uniform)? Who were the parents that called to complain about Jordan being intimidating? What did they say? This is another use of vague terms and unnamed people. They should be able to give names and narrative of what was said.

Jordan has never threatened to physically harm Frank or anyone else. It sounds like Jordan’s threats to Frank was only through the telephone game, and never directly to Frank, so I’m not sure why I’m even wasting time to rebuttal it, but here I go. Frank states that he got reports from people at church and phone calls. Did these people who told Frank hear it directly from Jordan? Who were the reports from? I bet if he came up with a name, Jordan wouldn’t even know the person. We have only lived in PCB for 2.5 years and hardly know anyone outside of the Navy base. I don’t know who Jordan would even tell this sort of thing to. Frank is the only one who has ever said that Jordan wanted to harm Frank. This is another example of his vague claims. They should be able to give a name. At this point, I wouldn’t be surprised if this false statement was circulating around town after Frank has repeated it so often.

Jordan never threatened a small woman (Regina). The very nature of Jordan's job (a Combat RESCUE Officer) is an example of his regard for those who cannot defend themselves. He is bound by a code of honor to rescue even his combatant enemies. If he can rescue an enemy trying to take his life, I think he can manage to not physically harm a man or a woman that he is having a serious conversation with. Jordan has never made a threat to any of the Merritts.

Lauren did not affirm that Jordan "probably said" anything. In the meeting with AD Green and the coaches, when Frank asked Jordan if he wanted to physically harm him, I (Lauren) started laughing. I never confirmed that Jordan "probably said" or made any threats to Frank. I told them that it was so far from the truth and not even in his character. Then I said in a joking manner that "if anyone would say something like that, it would probably be me". Frank responded with something like "oh, good cause I was really worried". I thought it was pretty apparent by the way I was laughing, that I thought it was ridiculous. And Frank verbally responded that he was "relieved to hear it". Now looking back, I deeply regret making the joke because they could very easily have taken that comment and made it sound very bad. If I had to guess, they remembered me saying something incriminating that they could spin but couldn't put the exact words to it and this is what they came up with. I believe AD Green is their puppet and scapegoat, so they may have talked it over and decided that is what they heard, and he agreed it sounded something like that, so he went with it. I never said that, nor would I ever. I have never considered Jordan aggressive, nor have I never told anyone he is aggressive because it is not true to his character. Also, for such a serious accusation against Jordan, and if this was the reason for the "cool down", this part of the meeting took about 1 minute out of the entire 90 minute meeting. If it was such a valid threat, or the reason for the cool down, it should have been the main topic, not a 1-2 minute side conversation. We assured him Jordan didn't want to and that seemed sufficient at the time.

Jordan does not use obscene language. As an illustration of Jordan not in the habit of cursing, he is often asked if he is Mormon simply because he does not use that kind of language in a career where it is very common and acceptable to curse. I'm not sure what "language" they are claiming he used, but it is another uncharacteristic thing of him to use foul language. What language did Jordan use? What did Jordan say that was threatening? What did Jordan do that was threatening? Was it only his uniform and large statue that seemed intimidating? Was his serious tone and asking questions threatening?

Jordan may look intimidating in his uniform, but I'm not sure why our daughter is being punished for that. Jordan is in great shape and wears a uniform for his profession. It is not uncommon to see military men or women in uniform when they are running errands or having off base events/meetings during their duty day. Also, on the days we had meetings at the schools, kids came up to Jordan to thank him for his service.

We were never told we could not attend public cross-country events. I believe Mr. Laatsch was referring to an out of town meet that was coming up and he recommended that we keep our distance. At that time, it still had not escalated to HR and Maddie was still on the team but suspended and still getting group me notifications to let coaches know if athletes would be attending meets. We also asked twice for Maddie to be able to train on her own and compete WITH the team. When we were denied on both occasions, there was no additional

explanation that we shouldn't have contact with the team.

This was a very large event where it would not be odd for us to come to support a team or athletes from several teams. Similar to a football game, it was large enough that maybe some people in attendance don't get along but it wasn't worth avoiding the game for. It was not like a golf match, as they claim, where there is a very small group of spectators there to only watch the one golfer in the group that they follow. We were there to support the county athletes and see their families. What did Steve Moss witness, us enjoying ourselves cheering on athletes and talking to friends? Frank can speculate all he wants about what we talked about, but he has no clue or proof. We all kept our distance and enjoyed the event. We never once criticized the event and Lauren even told Holly that she thought it was run well, had a good vibe and we left feeling like it was a positive experience. Who were the "reports" from? It's always from a vague anonymous source. We didn't cause any trouble and enjoyed cheering on all the athletes that had worked hard to be competing that day. If anything was noteworthy, it was Frank coming over to interrupt and stare at Lauren while she was having a conversation with another parent about something not even related to cross country. If we were all told to stay away from each other, then why were Stacy and Regina at the homecoming dance? Or was Maddie, Zayna and Naomi also expected to stay home from that event so the Merritts could be there? It seems to be expected that our kids stay away from the very school events intended for them.

The Merritts claim the cool down was for Jordan's behavior, AD Green says it was for Maddie's attitude and to heal. Which is it? If the cool down was for Jordan's behavior, why did Maddie have to apologize for it and sign the sportsman agreement?

Another issue I now have, if all these "reports" going back to the beginning of the summer are true, why were we not notified immediately of her sudden change in behavior. The Merritts and Stacy know Maddie well enough to know that this behavior is not characteristic of her. These would be red flags for a mental health crisis. As a teacher at BDS, I was required to take training to recognize signs of mental health decline. This is a classic sign and very serious. Madelynn is facing a lot of changes this year with the loss of a coach and an upcoming move. Where was the call alerting us to the sudden change in behavior? I can accept that Maddie was rude to Frank on July 31 and the first I heard of it was Aug. 13. I cannot accept that there were multiple accounts all across the summer that they failed to bring to my attention until the end of October. Either they failed to recognize and notify me of the possible mental health issue, or these things never happened.

Frank said Jordan, Maddie, Zayna all had "melt downs". Is asking questions having a meltdown? What do they mean by meltdown? More vague language that describes nothing.

Maddie wanted it noted that she did not cry at the beach.

12. **Merritts' Written Response 10/25/2023** - In an earlier email/questionnaire to us, you asked about us violating HIPAA which is the patient privacy act for medical professionals. The Nichols have verbally and in written form accused both of us as medical professionals of

violating HIPAA which is one of the strongest accusations you can make against a medical professional which can cause numerous damages to medical professionals, even losing their medical license. This accusation is very damaging to us as our patients/clients trust that their medical information is held in the highest confidence. Neither one of us have ever violated HIPAA as medical professionals nor have we done it with Maddy for the simple common sense reason that she has never been a patient to either of us. Once again, there has never been a violation of HIPAA because Maddy is not, and has never been, a patient of either of ours. Please be careful when you call or send emails in regards to questioning people in this manner as our roles with BDS have never been as medical professionals. We have only served as coaches and our company, VitalityPro, as sports science.

**Nichols' Response 10/31/2023 to the written statement above**

If Maddie was never their patient, then they should not be using their medical expertise to give a diagnosis/prognosis to persuade us in any manner like they tried to do when they told us and others that she was out for 6-8 weeks or the entire season. They also stated above that they, "can't force anyone to get medical treatment" which they were explicating doing when they put a requirement for her to have 2 medical doctor's notes to return to training and competition. If they knew they "can't force anyone to get medical treatment" on Aug. 7, then they also knew it when they made it a requirement for her return to the team.

Why is VitalityPro mentioned here? I was told by Mr. Smith that Frank and Regina Merritt are coaching my daughter, not VitalityPro. If VitalityPro is coaching my daughter, then there is a conflict of interest. VitalityPro not only trains athletes but also conducts research and experiments. I have the right to opt out of any training, therapy, research, or experiments that VitalityPro does. I have never given my consent for VitalityPro to work with my daughter. If the coaches and VitalityPro are one and the same and cannot be separated, how can I opt out of parts of the program I don't wish to have my daughter participate in?

**The Merritts report that Maddy video or audio recorded the Merritts? Can you tell me if you have any knowledge of such recording?**

**Nichols' response** – No, there is no such recording. They tried to pin this on Maddie in the coach/parent meeting and she told them no multiple times. I asked her again in private when I thought it would be less intimidating and she again said no. What does this have to do with the issue at hand? What do they think she recorded? More distractions from the real issue, what she did to get kicked off the team.

