

**2017 TENNESSEE STATE HIGH SCHOOL
MOCK TRIAL COMPETITION
CASE MATERIALS**

**IN THE CIRCUIT COURT FOR WESTON COUNTY, TENNESSEE
AT SHRADERVILLE**

STATE OF TENNESSEE,

Case No. 16-cr-11117

v.

**HADLEY GRUBER, a child under the age of
18.**

EXHIBITS

The following names are meant for identification purposes only. This list is not a stipulation, and teams still must rely on the rules of evidence to have any proposed exhibit admitted into evidence.

| | |
|-----------|--|
| EXHIBIT A | Yoshinobu Takagi curriculum vitae |
| EXHIBIT B | Affidavit of Yoshinobu Takagi |
| EXHIBIT C | Hospital Record for Karl Godunov |
| EXHIBIT D | Thames Gilyard curriculum vitae |
| EXHIBIT E | Thames Gilyard Letter to Court |
| EXHIBIT F | Mental Health Assessment of Hadley Gruber |
| EXHIBIT G | Mapleleaf Manor Employee Login Catalogue |
| EXHIBIT H | Beaverhausen Memorandum re: De'Voreaux Black |
| EXHIBIT I | Employee Reprimand |
| EXHIBIT J | Termination Letter |
| EXHIBIT K | Gennaro Employee Evaluation |

Yoshinobu Takagi, M.D.
1155 Weston Place Drive, Suite 400
Weston, Tennessee 37881
Ph: (800) DR4CASH
Fax: 955.867.5309
Email: yourdocforcash@takagiclinic.com

CURRICULUM VITAE

Education:

| | | |
|-------------|--|----------------------|
| 1980-1984 | Dean Vernon Wormer Hospital Faber, TX | Internship/Residency |
| 1976 - 1980 | Faber College of Medicine, Faber, TX | M.D. |
| 1972-1976 | Faber College, Faber TX | Bachelor of Science |

Board Certifications:

| | |
|------|--|
| 1985 | Board Certification in Internal Medicine ¹ |
| 1985 | Board Certification in Emergency Medicine ² |
| 2002 | Board Certification in Family Medicine |

Professional Appointments:

| | |
|----------------|--|
| 2005 - present | Weston Workers' Compensation, Medical Impairment Medical Impairment Rating Examiner Review Department |
| 2007 - present | Weston Department of Human Resources, Division of Disability |

¹ Board Certification revoked for noncompliance with mandatory malpractice lawsuit reporting requirements and drug enforcement and compliance complaints.

² Board Certification revoked for noncompliance with mandatory malpractice lawsuit reporting requirements and drug enforcement and compliance complaints.

Professional Experience:

| | | |
|----------------|---|---|
| 1984 - 1995 | Faber Medical Center | Emergency Medicine |
| 1995 - 2001 | Weston Memorial Hospital | Emergency Medicine |
| 2002 - Present | The Takagi Clinic | Family Medicine |
| 2002 - Present | Takagi Medical Consultants, LLC, Expert Witness Founder; Principal | |
| 2005 - Present | Quick Medical Opinions, LLC, Expert Witness Founder; Principal | |
| 2005 -Present | Takagi Disability Exams For Less, LLC, Expert Witness Founder; Principal | |
| 2006 - Present | Takagi Defense Medical Examiners, LLC | Expert Witness Founder; Principal |

Medical Licensure:

| | |
|------|---|
| 1980 | State of Texas, Physician License No. K51345 ³ |
| 1995 | State of Tennessee, Physician License No. T1005 |

Publications:

| | |
|------|---|
| 1996 | <i>How to Survive Medical Malpractice Lawsuits Through Medical Record Alteration, Journal of Effective Tort Reform, 10th Ed.</i> |
| 1998 | <i>How to Deter Medical Malpractice Lawsuits by Sheltering Assets, Defense Doctors Quarterly, 25 Ed.</i> |

³ License surrendered for reasons that are none of your business, but it's all the fault of greedy malpractice lawyers.

- 2003 *Medicolegal Considerations In Geriatric Patients: The They-Would've-died-Anyway Defense*, Journal of Defense Doctors, 14th Ed.
- 2006 *Effective Advertising for Insurance Defense Exams and Guardianship Testimony Opportunities*, Weston Medical Journal, Dec. 2006 Ed.
- 2007 *Medicare: How to Make the Most Profitable Diagnosis*, Weston Medical Journal, Oct. 2007 Ed.

Speaking Engagements:

- 2008 Minimize Treatment While Maximizing Profit: How to Convert Your Practice to Focus On Testimonial Opportunities, Weston Family Medicine Forum, Oct. 31, 2008
- 2010 *Medicolegal Opportunities: Expert Testimony - A Cash Business*, Weston Medical Consultants Forum, June 2010
- 2012 *How to Outsmart the Greedy Trial Lawyer in Depositions*, Weston Insurance Defense Seminar, March 2012
- 2013 *Are You Charging Enough for Your "Expert" Opinion?* Weston Medical Examiners Seminar, July, 2013

Expert Witness Experience:

- Deposition Testimony Provided in 65 personal injury and workers compensation cases;
- Live In-Person Testimony at Trial in 32 personal injury and workers compensation cases;
- Over 500 Written Reports Provided In Disability, Conservatorship, Commitment And Guardianship Proceedings

**IN THE CHANCERY COURT OF WESTON COUNTY, TENNESSEE
AT WESTON**

| | | |
|-----------------------------------|---|--------------------------|
| IN RE: CONSERVATORSHIP OF: |) | |
| |) | Case No. 2015-111 |
| KARL GODUNOV, |) | |
| RESPONDENT |) | |

AFFIDAVIT OF MEDICAL DOCTOR, YOSHINOBU TAKAGI, M.D.

STATE OF TENNESSEE
COUNTY OF WESTON

I, Yoshinobu Takagi, M.D., after being duly sworn, do hereby make oath as follows:

1. I am a licensed medical doctor. I maintain a family medicine practice in Weston County, Tennessee. I have been practicing medicine since 1984. I have personally examined the Respondent, Karl Godunov, within the last ninety (90) days, and I am of the opinion that Mr. Godunov is a disabled person and is unable to adequately consult about his/her medical treatment and care and is unable to provide informed consent. Due to the foregoing, I am of the opinion that this individual requires the services of a conservator.

2. **Medical History:** Mr. Godunov's pertinent medical history includes the following diagnoses: Schizoaffective Disorder with severe aggressive tendencies; Alzheimer's Dementia; Severe Cognitive Deficits secondary hypoxemia; Stroke and multiple Cerebral Vascular Accidents; Recurrent Septic Shock secondary to recurrent pressure ulcer infections; GERD; Severe Excoriation Disorder with compulsory picking, scratching, and rubbing to face and upper extremities; Severe Opioid Dependence; PTSD; Bladder Incontinence; Cognitive Communication Disorder, Right Sided Hemiparesis and Partial Facial Paralysis secondary to Cerebral Vascular Accidents; Osteoarthritis; and Hypertension; Chronic deficiencies in iron, calcium, protein, and vitamin B secondary to noncompliance with nutritional needs and voluntary malnutrition.

Also relevant to Mr. Godunov's medical and social history are multiple schizophrenic episodes resulting in assaults on health care providers. Mr. Godunov's records also contain notations of multiple events involving reports and calls to emergency services over delusional events and hallucinations of assaults by others.

3. **Nature and Type of Disability.** In my opinion, the aggregate effects of Mr. Godunov's physical and mental conditions show within a reasonable degree of medical certainty that he is disabled and unable to adequately care for his physical well being or safety. Further, Mr. Godunov is incapable of make his own healthcare decisions and due

to his diminished cognitive abilities, is incapable of making any decisions over his financial affairs.

4. **Recommendation for Conservatorship.** Based on his medical and social history, his inability to care for himself, and his delusional tendencies resulting in recurrent incidents of Mr. Godunov assaulting others and paranoia of being assaulted by his healthcare providers, I recommend that a conservator be appointed over Mr. Godunov's person and property and that he be admitted to an in-patient skilled nursing facility so that he needs can be met and that he can be monitored on a twenty-four hour basis.

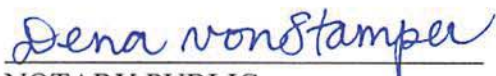
All of the findings, opinions and recommendations made herein are made to a reasonable degree of medical probability based on the information available at the time of rendering these opinions.

FURTHER AFFIANT SAYETH NOT.



Yoshinobu Takagi, M.D.

Sworn to and subscribed before me, a notary public for the above state and county, on this the 15 day of January, 2015.



NOTARY PUBLIC

My Commission Expires: 01-16-2015

ADMISSION RECORD

| | | | | | |
|---|--|--|--|---|--|
| PATIENT NAME/ADDRESS KARL GODUNOV MAPLELEAF MANOR SHRADERVILLE, TN PHONE: N/A SOC. SEC. NUMBER: 123-45-6789 | | ACCOUNT NUMBER 8675309TFW | | UNIT NO./MED. REC. NO. MRMT000412 | |
| EMPLOYER/OCCUPATION UNEMPLOYED PHONE: n/a OCCUPATION: UNEMPLOYED | | ADM. TYPE INPATIENT | | ROOM / BED 520 | |
| GUARANTOR/ADDRESS PATIENT - SELF-PAY REL.N PHONE: GUAR. EMP: UNEMPLOYED GUAR. SSN: 123-45-6789 | | LOCATION ICU | | SERVICE ENGLISH | |
| | | DATE OF BIRTH 10/24/1938 | | AGE 76 | |
| | | SEX M | | MAR. STAT S | |
| | | RACE WHITE | | TYPE ER | |
| | | HEALTH CARE PROXY MAPLELEAF MANOR | | | |
| | | RELIGION | | AFFILIATION | |
| | | PLACE OF BIRTH WESTON, TENNESSEE | | | |
| | | PERSON TO NOTIFY / ADDRESS MAPLELEAF MANOR - PATIENT RELATIONS ADMINISTRATOR | | RELATIONSHIP | |
| | | HOME PHONE 8652221234 | | OTHER PHONE 8652221234 | |
| | | NEXT OF KIN N/A | | RELATIONSHIP | |
| | | HOME PHONE | | OTHER PHONE | |
| INSURANCE | | | | | |
| PRI INS CO SELF-PAY | | SUBSCRIBER KARL GODUNOV | | POLICY NO. n/a | |
| PRI INS ADDRESS | | | | GROUP NO. | |
| | | | | CODE | |
| 2ND INS CO | | SUBSCRIBER | | POLICY NO. | |
| 2ND INS ADDRESS | | | | GROUP NO. | |
| | | | | CODE | |
| 3RD INS CO | | SUBSCRIBER | | POLICY NO. | |
| 3RD INS ADDRESS | | | | GROUP NO. | |
| | | | | CODE | |
| ATTENDING PHYS ADDISON L. ANDERSON, MD | | ATT PHYS PHONE 865-222-1024 | | REFERRING PHYS WESTON CO. EMT | |
| PRIMARY CARE PHYS BUTCHISON JOHNSON, MD | | PRIMARY PHYS PHONE 865-321-0987 | | COMMENT | |
| REASON FOR VISIT 911 CALLED BY NURSING HOME FACILITY; PATIENT FOUND UNRESPONSIVE UPON EMT ARRIVAL | | | | | |
| ADMIT DATE / TIME 07/03/2015 20:31 | | LAST ADMISSION | | DISCHARGE DATE/TIME 07/08/2015 | |
| | | | | USER CBJ | |
| TRANSFERRED FROM: TO: DATE: | | | | CODE | |
| PRINCIPAL DIAGNOSIS (THE CONDITION ESTABLISHED, AFTER STUDY, TO BE CHIEFLY RESPONSIBLE FOR OCCASIONING THE PATIENT'S ADMISSION) TRAUMA TO NECK/HEAD; UNRESPONSIVE PATIENT | | | | | |
| SECONDARY DIAGNOSIS (OTHER CONDITIONS EXISTING AT ADMISSION, DISCOVERED DURING TREATMENT, OR AFFECTING THE PATIENT'S OUTCOME) COPD/EMPHYSEMA | | | | PREEXISTING | |
| MILD CONFUSION | | | | | |
| PRINCIPAL OPERATION/PROCEDURE (THE PROCEDURE MUST BE RELATED TO THE PRINCIPAL DIAGNOSIS) ADVANCED LIFE SUPPORT PROCEDURES; REHABILITATION | | | | | |
| SECONDARY OPERATION/PROCEDURE (ALL OTHER OPERATIONS/PROCEDURES PERFORMED IN THE O.R. REQUIRING PERSONNEL OR CARRYING SIGNIFICANT RISK) CT SCAN OF HEAD AND NECK; MRI OF HEAD AND NECK; PSYCHOLOGICAL EVALUATION | | | | | |

I CERTIFY THAT THE NARRATIVE DESCRIPTIONS OF THE PRINCIPAL AND SECONDARY DIAGNOSES AND THE MAJOR PROCEDURE PERFORMED ARE ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Addison Anderson
 ADDISON ANDERSON
 ATTENDING PHYSICIAN
 DATE: 7/8/2015

HOUSE OFFICER

HOUSE OFFICER

MEDICAL RECORD

EXHIBIT
 C

| | |
|----------------------------|--|
| PHYSICIAN NARRATIVE | |
|----------------------------|--|

On 07.03.15 at approximately 2035, patient presented to the ER in unconscious state. EMT advised that he had been without oxygen for several minutes during the ambulance ride. EMT advised that CPR was administered in the ambulance. ER staff continued ALS and established regular heartrate and respirations. Patient regained consciousness approximately 2110. Physical examination showed signs of trauma. Patient was transferred to imaging department at 2215 for head/neck CT scan and head/neck MRI to investigate trauma. Results received from imaging at 2300 showed deep tissue damage in head/neck areas. Damage appeared to be possibly consistent with strangulation or other trauma to neck. Bruises were faded in a pattern, appearing to me that bruising had occurred over a period of time, likely several weeks. Imaging did not indicate that trauma occurred for a long enough period of time to have caused permanent damage, but unable to determine long-term damage for certain. Met with law enforcement to explain findings. Patient stable and will be admitted for observation.

*transcribed by ERS on 07.05.15. Approved by Addison L. Anderson



Additional narrative:

Patient admitted and visited daily on rounds. Patient appears to have mild cognitive impairment; however, I am unable to establish a base line for his cognitive function due to lack of history. Patient may have had mild cognitive impairment prior to this event and deprivation of oxygen immediately preceding admission. Patient suffers from congestive heart failure and emphysema. Previously had triple bypass surgery in 2013 (see MR#07652TFW). Patient was advised to make dietary changes but otherwise in good health. Patient discharged with recommendation to seek nutritional and other health counseling through his residential care facility. 07.15.15.

*transcribed by ERS on 07.18.15. Approved by Addison L. Anderson



Gilyard, Thames, Ph.D.
Forensic & Clinical Psychologist

12345 Hold Ickory Blvd
Suite 6789
Weston, TN 37205
TGIL@GilyardPsych.net

Licensing & Credentialing:

1996 – Present Licensed Psychologist, Tennessee, PSY # 8675309
1985 – 1986 Licensed Clinical Social Worker, Mass Lic # 237

Education:

1993 Vanderbilt University, Nashville, TN
 Ph.D. in Clinical Psychology

1990 Ole Mass University, Austin, MA
 M.A. in Clinical Psychology

1985 Boston College Graduate School of Social Work, Boston, MA
 M.S.W. in Clinical Forensic Social Work

1980 The University of Big Orange, Knoxville, TN
 B.A. in Psychology

Academic Experience:

1990 – 1993 Vanderbilt University, Nashville, TN
 Teaching Assistant: Lecturer in Social Psychology

1993 – 1999 East Tennessee State University, Johnson City, TN
 Professor of Psychology

Clinical Experience:

1999 – 2016 The Gilyard Clinic, Nashville, TN
Private Practice Forensic and Clinical Psychology

Selected Lectures and Publications:

2015 *The Psychology of the Expert Witness.*
The Mississippi Bar Association 2015 Annual Convention

2013 *Psychological Assessment of Juveniles Charged as Adults in Felony Criminal Cases*
The Tennessee Public Defenders Conference 2013 Convention

2012 *Psychological Considerations in the Prosecution of Juveniles*
Weston County District Attorney's Office Seminar, 2012

2009 *The Psychology of Domestic Abuse Victims*
The Tennessee Public Defenders Conference 2009 Convention

2005 *The Psyche of the Juvenile Criminal Defendant*
Published By Random House, June 2005

2000 *Ethical Considerations of the Death Penalty*
The Tennessee Bar Association 2000 Annual Convention

1999 *The Tennessee Psychology Primer*
Association of Tennessee Psychologists 1999 Convention

Professional Affiliations:

1993 – Present Tennessee Psychological Association

November 11, 2016

Honorable Judge Moses
Judge, Weston County Juvenile Court

In Re: State of Tennessee vs. Gruber, Hadley
Weston County Juvenile Court Docket # 13579

Dear Judge Moses:

Hadley Gruber was referred to my care by order of your court to determine his competency to stand trial as an adult.

After completion of the competency evaluation, I have determined that Mr. Hadley Gruber has sufficient present ability to consult with his attorney with a reasonable degree of rational understanding and a rational as well as factual understanding of the proceedings against him. In making this determination, it was concluded that Mr. Gruber does understand the charges pending against him and the consequences which may follow, and is able to advise counsel and participate in his own defense. For this reason, there is no clinical diagnosis which would require the commitment of Mr. Gruber to a psychiatric institution and therefore I am of the opinion that he is psychology fit to stand trial as an adult.

Sincerely,



Thames Gilyard, Ph.D.
Clinical Forensic Psychologist

Cc: Weston County District Attorney's Office
Defense Counsel

EXHIBIT

E

FORENSIC MENTAL HEALTH ASSESSMENT
REPORT TO THE JUVENILE COURT
WESTON COUNTY, TENNESSEE

- I. Patient: HADLEY GRUBER Exam Date: 11/11/2016
 D/O/B: 03/31/1999 County: Weston
 SS#: 123-45-6789 Charge: Adult Abuse
 Age: 17 Charge Class: D-Felony
- II. Patient Hadley Gruber, charged with Aggravated Assault and Abuse of an Adult from allegations of abuse of a victim at Mapleleaf Manor on or about the 3rd of July, 2016. Referral from District Attorney's office for forensic mental health assessment.
- III. Sources of Information:
 (1) Clinical interview with Hadley Gruber on 11/11/2016
 (2) Criminal History of Hadley Gruber
 (3) Medical Records of Hadley Gruber
 (4) School Records of Hadley Gruber
 (5) Collateral Contacts
 (6) Police Report of July 3, 2016
- IV. Clinical Presentation / Observation:
 Patient is a well-nourished, appropriately groomed, 17 y/o Caucasian male. Patient cooperated with assessment and appears highly intelligent. Patient contributes with good motivation, response, and eye contact during entire discussion. Speech is normal in rate, volume, and tone. Mood and affect are both normal. Insight and Judgment appear normal. Patient denies any hallucinations, delusions, as well as any suicidal and/or homicidal ideations. Patient reports feeling depressed but attributes this experience to the current criminal charges. Patient denies any abusive act with the victim. Patient appears to be in mild distress and attributes this to upcoming court hearings. Multiple Clinical Assessments were administered and all returned results within normal values with the exception of the Wechsler Adult Intelligence Scale wherein Patient scored an above average intelligence quotient.
- V. Clinical Assessments Administered:
 (1) Activity Vector Analysis
 (2) Wechsler Adult Intelligence Scale
 (3) Beck Depression Inventory
 (4) DASS Inventory
- VI. DSM-V Assessment:
 Axis-I: Mild Depression Secondary to Post Traumatic Experience
 Axis-II: Narcissistic Personality Disorder
 Axis-III: N/A
 Axis-IV: N/A

EXHIBIT

F

VII. Competence to Proceed:

After completion of the clinical examination with the above listed and associated tests, I am of the opinion that Hadley Gruber is competent to stand trial. I find that the Mr. Gruber has an appropriate appreciation of the criminal charges against him, the possible penalties associated with the same, and the capacity to understand the nature of the legal process. Further, Mr. Gruber has sufficient present ability and factual understanding of the proceedings against him to be tried as an adult. At this time I find no clinical diagnosis and/or other such psychological diagnosis to conclude that Mr. Gruber needs to be committed to any type of psychological care.

Final Report, Electronically Signed by Dr. Thames Gilyard

Thames Gilyard, Ph.D., Psy # 123456

11/11/2016

Mapleleaf Manor Network Log-In Catalogue

| Date | Room | Time | Identification Number |
|----------|------|-------|-----------------------|
| 7/3/2016 | 204 | 4:19 | 2884543 |
| 7/3/2016 | 204 | 9:02 | 2884543 |
| 7/3/2016 | 204 | 10:19 | 4164360 |
| 7/3/2016 | 204 | 12:42 | 8675309 |
| 7/3/2016 | 204 | 15:18 | 8675309 |
| 7/3/2016 | 204 | 18:23 | 8675309 |
| 7/3/2016 | 204 | 20:54 | 1000001 |

End of Report

EXHIBIT

G



Mapleleaf Manor
11255 Habsburg Way
Shraderville, Tennessee 82354

MEMORANDUM

To: All Mapleleaf Manor Staff & Volunteers
From: Truth Beaverhausen
Date: December 20, 2015
Re: Resident De'voreaux Black

TB

On numerous occasions in recent weeks, I have been made aware of reports from Resident Black about theft, abuse, and other crimes perpetrated against him/her by various staff, volunteers, and visitors. After an investigation led by my leadership team, I have found absolutely no credible evidence of any criminal activity directed towards Resident Black.

Resident Black suffers from significant mental health issues, as well as a precipitous decline in his/her physical condition. All this, in conjunction with a genuinely mean-spirited demeanor, causes Resident Black to habitually fabricate the truth. Indeed, I have personally interacted with him/her on numerous occasions when s/he had dramatically misrepresented the truth.

Consequently, while I insist on thorough diligence in all of your work, you must be extremely careful whenever you are in Resident Black room or company. You must document every interaction with Resident Black, and while you should be willing to listen and assess concerns s/he expresses, you should also be hesitant to believe his/her reports, particularly ones that seem facially fanciful.

END OF MEMORANDUM

EXHIBIT

H

Let us assist you into the light!



Mapleleaf Manor
11255 Habsburg Way
Shraderville, Tennessee 82354

June 17, 2016

Via Hand Delivery

Hadley Gruber
20830 Gorizia Street
Shraderville, Tennessee 82354

Re: Lost Identification Card

Dear Hadley:

This correspondence is an informal reprimand issued because you lost your identification badge. On June 15, 2016, you reported to your direct supervisor, Ariana Vente, that you lost your identification card during the most recent EDM night at Mapleleaf Manor. To compound the issue, you failed to report the missing card for at least 36 hours while you searched for the badge. Further aggravating this matter, this is the second time you have lost your identification badge.

As you know the Mapleleaf Manor identification badge is extremely important to the effective, safe, and legal running of this facility. Whoever has an identification card has broad access to our physical space, as well as our network. Your actions have put this facility in a precarious situation, which has broad security implications for Mapleleaf Manor. To say that you have erred is a substantial understatement, and I am personally disappointed in your behavior.

During your time at Mapleleaf Manor, you have demonstrated a tenacious work ethic, and a natural inclination towards palliative care. These are laudable things. Consequently, I am taking the unique step of withholding this reprimand from your personnel file—if I were to include it, your AMT grade would be negatively impacted. Recognizing your professional *potential*, I am choosing to make one final investment of goodwill into your future. **However, be aware that any further misstep will result in formal action.** I cannot and will not permit the security of this facility to be compromised.

Finally, in an effort to offset the substantial cost of replacing your badge, and as a condition of your further employment, you will be required to pay Mapleleaf Manor \$476.29.

I look forward to working with you to ensure that this behavior is not repeated, and that Mapleleaf Manor continues to be the premiere nursing home and assisted living facility in Weston County.

Most sincerely,

Truth Beaverhausen

EXHIBIT
I

Let us assist you into the light!



Mapleleaf Manor
11255 Habsburg Way
Shraderville, Tennessee 82354

July 4, 2016

Via Hand Delivery

Hadley Gruber
20830 Gorizia Street
Shraderville, Tennessee 82354

Re: Employee: Hadley Gruber
Date of Termination: July 4, 2016

Dear Hadley:

Effective immediately, you are terminated from Mapleleaf Manor. Today, you reported to me that you had lost your employee identification, though you were unsure of when you lost it. As you know, your employee identification card permits access to our facility and to our computer network. Such an act of carelessness is a terminable offense pursuant to Section 17, Paragraph 11.2 of the employee handbook. I have no choice but to immediately terminate you.

You must return all Mapleleaf Manor items to your immediate supervisor within 24 hours of receipt of this letter. You are prohibited from coming on or about Mapleleaf Manor except to return Mapleleaf Manor property.

I will forward a copy of this correspondence to the director of the Academy of Medical Technology. I regret that this action is necessary; however, your actions represent a significant threat to the Mapleleaf Manor community.

Most sincerely,

Truth Beaverhausen

cc: Fingal Wills, Director of Academy of Medical Technology (via email)
Personnel File

EXHIBIT

J

Let us assist you into the light!



MAPLELEAF MANOR EMPLOYEE EVALUATION FORM

Name: **HARPER GENNARO**
 Evaluation Period: **01/01/2015 - 12/31/2015**
 Title: **HEALTH & WELLNESS COORDINATOR**
 Date: **02/15/2016**

PERFORMANCE PLANNING AND RESULTS

Performance Review

- Rate the person's level of performance, using the definitions below.
- Review with employee each performance factor used to evaluate his/her work performance.
- Give an overall rating in the space provided, using the definitions below as a guide.

Performance Rating Definitions

The following ratings must be used to ensure commonality of language and consistency on overall ratings: (There should be supporting comments to justify ratings of "Outstanding" "Below Expectations," and "Unsatisfactory")

| | |
|----------------------|--|
| Outstanding | Performance is consistently superior |
| Exceeds Expectations | Performance is routinely above job requirements |
| Meets Expectations | Performance is regularly competent and dependable |
| Below Expectations | Performance fails to meet job requirements on a frequent basis |
| Unsatisfactory | Performance is consistently unacceptable |

A. PERFORMANCE FACTORS (use job description as basis of this evaluation).

| | | |
|---|----------------------|---|
| Administration - Measures effectiveness in planning, organizing and efficiently handling activities and eliminating unnecessary activities | Outstanding | |
| | Exceeds Expectations | X |
| | Meets Expectations | |
| | Below Expectations | |
| | Unsatisfactory | |
| Knowledge of Work - Consider employee's skill level, knowledge and understanding of all phases of the job and those requiring improved skills and/or experience. | Outstanding | |
| | Exceeds Expectations | |
| | Meets Expectations | X |
| | Below Expectations | |
| | Unsatisfactory | |
| | NA | |

| | | |
|--|---|---|
| Communication - Measures effectiveness in listening to others, expressing ideas, both orally and in writing and providing relevant and timely information to management, co-workers, subordinates and customers. | Outstanding Exceeds Expectations Meets Expectations Below Expectations Unsatisfactory NA | |
| | | |
| | | X |
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| | | |
| Teamwork - Measures how well this individual gets along with fellow employees, respects the rights of other employees and shows a cooperative spirit. | Outstanding Exceeds Expectations Meets Expectations Below Expectations Unsatisfactory NA | X |
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| | | |
| Human Resource Management - Measures effectiveness in selecting qualified people; evaluating subordinates' performance; strengths and development needs; providing constructive feedback, and taking appropriate and timely action with marginal or unsatisfactory performers. Also considers efforts to further the university goal of equal employment opportunity. | Outstanding Exceeds Expectations Meets Expectations Below Expectations Unsatisfactory NA | X |
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| Job Knowledge - Measures effectiveness in keeping knowledgeable of methods, techniques and skills required in own job and related functions; remaining current on new developments affecting Mapleleaf Manor and its work activities. | Outstanding Exceeds Expectations Meets Expectations Below Expectations Unsatisfactory NA | X |
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| Leadership - Measures effectiveness in accomplishing work assignments through subordinates; establishing challenging goals; delegating and coordinating effectively; promoting innovation and team effort. | Outstanding Exceeds Expectations Meets Expectations Below Expectations Unsatisfactory NA | X |
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| | | |
| Managing Change and Improvement - Measures effectiveness in initiating changes, adapting to necessary changes from old methods when they are no longer practical, identifying new methods and generating improvement in facility's performance. | Outstanding Exceeds Expectations Meets Expectations Below Expectations Unsatisfactory NA | X |
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| | | |
| Safety - Measures individual's work habits and attitudes as they apply to working safely. Consider their contribution to accident prevention, safety awareness, ability to care for Mapleleaf Manor property and keep workspace safe and tidy. | Outstanding Exceeds Expectations Meets Expectations Below Expectations Unsatisfactory NA | X |
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| | | |

B. PERFORMANCE AREAS WHICH NEED IMPROVEMENT:

Harper is an extremely knowledgeable employee with a fantastic work ethic. Except when it involves supervision and oversight of employees and students who volunteer as personal care assistants. Most employees and all of the personal care assistants need instruction and oversight to ensure they are properly caring for patients' needs. Harper fails to understand that not all employees and students serving as personal care assistants under Harper's supervision possess the same knowledge and skills to care for patients and encourage healthy lifestyles of our patients. Harper presumes all personal care assistants and other employees will perform at a high level without Harper's oversight and instruction on a regular basis. Harper fails to act to address insufficient services provided by employees and personal care assistants under Harper's supervision, overlooking severe deficiencies in the performance of several subordinates. This must be improved.

C. SIGNATURES:

Employee Harper Gennard Date 02/15/2016
(Signature does not necessarily denote agreement with official review and means only that the employee was given the opportunity to discuss the official review with the supervisor.)

Evaluated by [Signature] Date 02.15.2016

Reviewed by [Signature] Date 2/17/16