

STATE OF SOUTH DAKOTA)
)SS:
COUNTY OF YANKTON)

IN CIRCUIT COURT
FIRST JUDICIAL CIRCUIT

Civ. 98-362

DAWN COOPER,

Plaintiff,

AFFIDAVIT OF TIMOTHY MITCHELL

vs.

TIMOTHY L. JAMES,

Defendant.

FILED
MAR 15 2000

Carolyn S. Larson
CLERK OF COURTS

State of South Dakota)

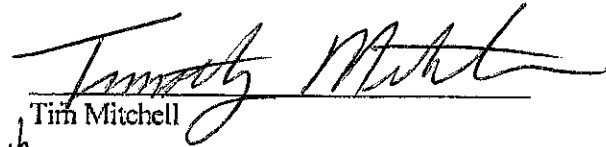
County of Brule)

Timothy Mitchell being first duly sworn upon his oath states as follows:

1. Your Affiant resides in Chamberlain, South Dakota.
2. Your Affiant is employed as the Superintendent of Schools for the Chamberlain Public School District.
3. Your Affiant has known Tim James since childhood.
4. For several years prior to joining the administration of the Chamberlain School District, your Affiant worked as a teacher in the Yankton Public Schools including the school year 1994-1995.
5. During most of the 1994-1995 school year, your Affiant and Tim James were roommates, residing in Yankton, South Dakota.
6. In the early fall of 1994, Tim James expressed his concern to your Affiant that he had a divorce client by the name of Dawn Sprik who had been making sexual advances toward him. Tim James expressed to your Affiant that he was concerned about how to deal with this client and her behavior.
7. Your Affiant had several opportunities to observe Dawn Sprik's sexually suggestive conduct and behavior over the next number of months.

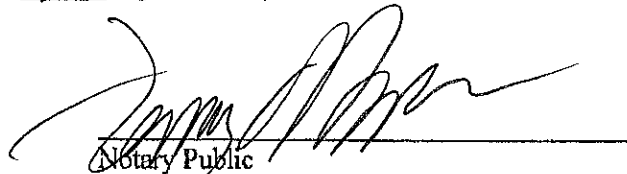
- 8. Your Affiant first met Dawn Sprik when she interrupted your Affiant and Tim James while eating a pizza at Robbie's Little Casino in Yankton, South Dakota.
- 9. On approximately six (6) occasions, Dawn Sprik appeared uninvited at the house where your Affiant and Tim James lived.
- 10. On each occasion, Tim James indicated to Dawn Sprik that it was not appropriate for her to come unannounced and uninvited to our home.
- 11. While at the house, Dawn Sprik would behave in a very flirtatious manner toward both your Affiant and Tim James.
- 12. On one occasion, Dawn Sprik's behavior was particularly aggressive. After entering the house, Ms. Sprik began making statements to the effect that she wondered what was wrong with her that one of us would not want to have sex with her and that nobody wanted to be with her.
- 13. On that occasion, Dawn Sprik then sat down next to Tim James and continued touching him despite his requests that she stop. Because of her behavior, Tim James then left the room. Ms. Sprik followed him to the back of the house and moments later returned to the living room.
- 14. When Dawn Sprik returned to the living room, she began making sexually suggestive statements to your Affiant and then just layed down upon your Affiant who was dressed in just a pair of shorts with no shirt.
- 15. Dawn Sprik asked your Affiant to affirm that she was attractive. Your Affiant agreed that she was an attractive woman but that your Affiant was just not interested in her and asked her to discontinue her behavior. In response, Dawn Sprik became very upset and left the house.

Dated this 13 day of March, 2000.



 Tim Mitchell

Subscribed and sworn to before me this 13th day of March, 2000.



 Notary Public

My commission expires: 5/1/2000
(SEAL)