

Donald J. Winder (#3519)
Edwin W. Christensen (#9422)
WINDER & HASLAM, P.C.
175 West 200 South, Suite 4000
PO Box 2668
Salt Lake City, UT 84110-2668
Telephone: (801) 322-2222
Facsimile: (801) 322-2282

Richard D. Burbidge (#0492)
BURBIDGE & MITCHELL
215 South State Street, Suite 920
Salt Lake City, UT 84111
Telephone: (801) 355-6677
Facsimile: (801) 355-2341

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF UTAH, CENTRAL DIVISION

LAYNE MORRIS, an individual; TABITHA
SPEER, in her own right; TABITHA SPEER,
as Executrix of the ESTATE OF
CHRISTOPHER SPEER; and TABITHA
SPEER on behalf of her minor children
TARYN SPEER and TANNER SPEER,

Plaintiffs,

v.

AHMAD SA'ID KHADR, an individual, a.k.a
AHMAD SAID KHADR, a.k.a. AHMED
SAID KHADR, a.k.a. AL-KANADI, a.k.a.
ABU ABD AL-RAHMAN,

Defendant.

AFFIDAVIT OF TABITHA SPEER

Civil No.: 2:04CV00723

Judge: Paul G. Cassell

STATE OF NORTH CAROLINA)
 :SS
COUNTY OF MOORE)

I, Tabitha Speer, being first duly sworn under oath, depose and state as follows:

1. I am a resident of the state of North Carolina and am over the age of eighteen.

2. The information contained in this affidavit is true and is based upon my own personal knowledge.

3. I am preparing this Affidavit in an effort to express the impact the death of my husband has had on my children's lives.

4. I first met Christopher James Speer at a social gathering in Southern Pines, North Carolina after a Christmas party on December 14, 1996. Christopher later told me he knew the minute we met he was going to marry me.

5. I was raised in Kalkaska, Michigan and moved to Pinehurst, North Carolina in 1990.

6. Christopher was raised until the age of nine in Denver, Colorado and then spent his teenage years growing up in Albuquerque, New Mexico. Christopher entered the military at age nineteen and ultimately ended up at Fort Bragg in Pinehurst, North Carolina in 1996.

7. After enlisting in the military, Christopher chose the route of special forces, specifically as a medic. Christopher always wanted to challenge himself and took personal pride in his accomplishments both in his family life and career. He, however, was never boastful nor did he publicly take credit for his accomplishments.

8. Christopher and I were married in 1997. Christopher called my mother's family jeweler to arrange for a ring. It was important to him that the ring be perfect so he selected a jeweler that knew me. In fact, any ring would have been perfect because it was from him. Christopher selected a diamond ring with sapphires flanking each side. Sapphires are both

Christopher's and my birthstone. I will never forget how during our ceremony, Christopher tearfully proclaimed that I was the love of his life.

9. Family was very important to us and we wanted to have children as soon as possible. Just prior to Christopher leaving on a training mission to Europe, we took a pregnancy test which came back negative. Christopher was disappointed, but hopeful it would happen soon. While Christopher was away on his training mission, I took another pregnancy test which came back positive. I was very excited and knew Christopher would be too. Before going to the airport to pick Christopher up, I selected a card and two baby bibs to give to him as a present. While we were walking together to the baggage claim area, Christopher opened the card and gift. I will never forget the way his face lit up. He was trembling as he exclaimed this was the happiest moment of his life. Ten months into our marriage I was pregnant with our first child, a daughter - Taryn.

10. During my pregnancy, I had a number of medical problems, including a potential life threatening problem with my right kidney. I don't think I would have gotten through it except for Christopher's being by my side every step of the way. Christopher always told me I was strong and reassured me I could handle anything. Although I did not think I could handle much of anything on my own, this was Christopher's way of comforting me. Little did I know that I would be forced to handle everything myself.

11. Our daughter Taryn was ultimately born in March 1999. Right from Taryn's birth, Christopher made it clear that his little girl was his top priority. Christopher and Taryn had

that special daddy-daughter bond. Every night if Christopher was not home, Taryn would say her goodnights to Daddy to the stars.

12. Because of our love of family, we decided to try for another child. In early 2001 we found out we were going to be having another baby. Our second child, Tanner, would be born in October 2001. Christopher was ecstatic to know we would be having another child.

13. After the events of September 11, 2001 Christopher was worried about leaving our family, especially with our second baby coming within weeks. Christopher made sure members of my family would be present for our second child's birth in case he was ordered to deploy. While Christopher tried to keep most of his feelings inside, I knew he was concerned about leaving his growing family. One of the things I loved most about Christopher was that he was always concerned about others.

14. Christopher successfully balanced his commitment to family with his dedication to country. Each was a priority. Although Christopher traveled a great deal, he spent every non-working minute with our children. Whenever he was away, we found little handwritten notes around the house reminding us of his love and telling us that he missed us.

15. In July 2002 Christopher was deployed to Afghanistan. Christopher explained to our daughter, Taryn that he had to go to work in the desert. To this, Taryn exclaimed "you will be riding camels." Christopher laughed and gave her a hug and agreed. On Friday, July 12, 2002, the day before Christopher deployed, he brought Taryn and Tanner into the beauty salon where I worked so that Tanner could get his first official haircut. Christopher videotaped our

children having their hair cut. That evening was like any evening, Christopher bathed the children, as he always insisted on doing when he was home. We ate dinner and spent time together. After bath-time, Christopher took Taryn and Tanner into Taryn's room and spoke to them about his having to leave. He wanted them to know he loved them more than anything. I overheard him tell our children he would have to go away for work and may not return. I know that was a devastating thought for him. I was so proud of the way he faced responsibility and embraced his duty. Neither Taryn or Tanner made a peep while Christopher spoke to them. They both sat and listened intently. After telling the children of his imminent departure, he tucked them into bed. I still refuse to believe it was the last time.

16. On Saturday, July 13, 2005 Christopher woke up before everyone to prepare breakfast. After having breakfast with the kids, we took quite a number of photographs. Christopher then loaded-up all his gear, gave his final round of hugs and kisses, said his final "I love yous" and left. That was the last time I would ever see my husband. My children would never see their dad again. After Christopher departed I reflected on what a great marriage and family we had. I thought we would be together forever to watch our children grow. I had no idea that within days, my world would be torn apart.

17. About a week following Christopher's deployment he called to check on us. I had taken the children to Michigan so the children could spend time with Grandma and Grandpa during Christopher's absence. At the time of Christopher's call, we had gone to the lake. The connection was bad so Christopher said he would call back to my parents' house later. During

that brief telephone call I sensed anxiety in Christopher's voice. Later that evening Christopher called again. Christopher asked if I was alright, I responded yes and asked him the same. He replied he was fine. He wanted to speak with Taryn. I put Taryn on the telephone and she excitedly spoke with her dad for a few minutes. After they had finished talking, I spoke again to Christopher. I said "I love you" to which he replied the same. We said our goodbyes. That was the last time I spoke with my husband.

18. On Friday, July 26, 2002 I tossed and turned all night. I could not stop thinking about Christopher. For some reason I was worried; I could not help wondering where he was and what he was doing. The next morning, Saturday, July 27, 2002, I discovered what had been bothering me, as this was the worst day of my life. I received a telephone call from military personnel informing me Christopher had been injured. I immediately became sick to my stomach. Fear raced through my body as I wondered what had happened to my husband. I was told to remain where I was in Michigan until a military escort could come and provide me with more details. I thought to myself how could this be? At that moment I knew my and my children's lives would never be the same.

19. After my military escort arrived in Michigan, he informed me Christopher had been injured and had been transferred to Ramstein Air Base, Germany. My military escort had already made arrangements for me to fly to Germany. Both Saturday and Sunday were a blur, as I had been thrust into a condition impossible to describe.

23. After Christopher died, I did not know how I would explain this to my children, family and friends. I did not know how I would raise our family alone. I had lost my eternal companion and was lost myself.

24. After Christopher died, I asked the doctors if Christopher was a candidate for organ donation, as that would be his wish. Christopher constantly put the needs of others before his own. That evening, the doctors were able to harvest five organs. Christopher continued to help others with life through his death.

25. After I returned to North Carolina, my family gathered. I could not fathom how empty our house was. I sat in the middle of the living room floor, explaining to Taryn what happened to Daddy. This was the hardest thing I have ever done. I needed to be strong for Taryn and Tanner, but needed to grieve myself. Telling a little girl her Daddy would not be coming home was excruciating. While I was speaking to Taryn, I saw fear, abandonment and ultimately overwhelming sadness in her eyes. Taryn became hysterical and began to cry. I explained to Taryn that Daddy had been injured and that his injuries had been too bad so he had gone to heaven. I explained to Taryn that Daddy would always be with us now and that he would be an angel watching over us. I explained that Daddy would never miss out on anything. Although I think my explanation helped a bit, I knew Taryn was crushed inside.

26. That night I could not sleep. I took some sleeping pills prescribed by my doctor to help me sleep. I was able to get a couple hours sleep, but awoke early the next morning. I needed some alone time and so I took Christopher's dog for a walk. While on the walk I told our

dog what had happened to Christopher. I know this sounds crazy, but I think I did it in an effort to release some of the pain I was feeling.

27. While I was out on my walk, my father awoke and could not find me. He frantically paced the yard wondering what to do. When I walked up the sidewalk with our dog, I saw fear in my father's eyes for the first time. I know he felt scared and helpless.

28. After the funeral I questioned myself if what I had witnessed had really happened. I wondered, was Christopher really dead? I questioned whether it was really him I saw in that Hamburg University Hospital. Had I really seen him in the casket at his funeral? Maybe I had been mistaken, this had never happened and Christopher would come home any day. As the days, weeks and months went by, I came to realize Christopher was never coming home.

29. I have remained strong for our children. Every year we celebrate Christopher's birthday, September 9. Any time the children wish to talk to Daddy we send helium balloons into the sky. The children talk to their Daddy each night before they go to bed, while gazing up at the stars.

30. We were a family unit, with a beautiful daughter and handsome son. Surviving every day without Christopher has been utter hell. Taryn will never have the privilege of being walked down the aisle on her wedding day by her father. At the time of Christopher's deployment, Tanner was only nine months old. Tanner will never know his father, other than

through stories or pictures. Tanner will never know the feeling of wrestling on the grass with his dad. Both Taryn and Tanner keep pictures of their Daddy in their room to keep them company.


31. Although I know there is nothing anyone can do to bring Christopher back, I must press forward in the interests of my children. It is unfair that Taryn and Tanner must suffer this burden placed on them by someone's heinous act. The monetary value to Christopher's life is immeasurable. Christopher was the sole provider and protector of our family. I would trade any amount of money to have him back. Every day I think about Christopher and imagine how our life would have been.

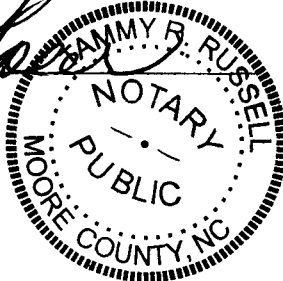
32. For the year of 2000, Christopher earned a gross income of \$28,845.00. For the year 2001, Christopher earned a gross income of \$31,552.15. As of the end of February, 2002 Christopher had earned \$8,003.35 year to date. Christopher died at the age of twenty-eight. Had Christopher lived, he would have been eligible for retirement from the military at age thirty-nine. At that point, it was Christopher's desire to attend medical school.

33. It is difficult to quantify the damage inflicted upon our family by one hateful individual. Although the initial damage was borne by Christopher, the ramifications reverberated through our family and beyond. The pain now carried by both myself and our children will last a lifetime. As for myself, I have no choice but to be strong and raise our two children alone. I am now solely responsible to carry this torch. I get inspiration through our children each and every day. Although I have learned a great deal through this process, it has been too high a price to pay. Ten million dollars is insufficient for what I and my children have

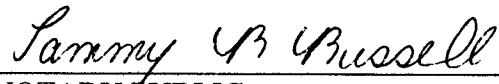
endured and will endure as a result of another's horrible acts directed against someone only trying to help.

DATED this 11 day of NOVEMBER, 2005.


Tabitha Speer
Affiant



SUBSCRIBED AND SWORN TO before me this 11 day of NOVEMBER, 2005.


NOTARY PUBLIC

Residing at: MOORE COUNTY, NC

MY COMMISSION EXPIRES 12-25-07