

# Exhibit 2

**From:** Patrick Strawbridge patrick@consvoymccarthy.com  
**Subject:** Re: SFFA v. Harvard - Weaver and Ray Depositions -- LR 7.1(a) conference  
**Date:** September 30, 2015 at 6:27 PM  
**To:** Ellsworth, Felicia H Felicia.Ellsworth@wilmerhale.com  
**Cc:** Benjamin Caldwell bcaldwell@burnslev.com, William Consovoy will@consvoymccarthy.com, Michael Park park@consvoymccarthy.com, Paul Sanford psanford@burnslev.com, Wolfson, Paul Paul.Wolfson@wilmerhale.com



Felicia:

As we have noted many times before, no stay is in place. Your motion has been pending for more than two months, and does not justify the complete halt to discovery that Harvard has imposed on no authority but its own. We have a responsibility to our client to move this case forward, and more lost time has a direct impact on SFFA's members and their future opportunities to apply to or transfer to Harvard. We therefore cannot agree to adjourn the depositions indefinitely, as you request.

As for the particular witnesses, you still have not provided any specific information to support your insistence that Ms. Weaver is not available for another month. Without something more than a vague reference to unknown responsibilities--which is all you have provided during the last two weeks--we cannot agree to adjourn the deposition scheduled for October 9.

We do appreciate you providing an actual basis for Ms. Ray's unavailability through October 15. As we confirm potential dates after that on our end, can you explain why it will take another week after that commitment to make her available? Are there no days the week before that might work?

If you file a motion, we consider your Rule 7.1 obligation satisfied. Please note for the court that SFFA intends to respond in a timely fashion

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On Sep 30, 2015, at 3:57 PM, Ellsworth, Felicia H <[Felicia.Ellsworth@wilmerhale.com](mailto:Felicia.Ellsworth@wilmerhale.com)> wrote:

Patrick,

As I have stated, repeatedly, proceeding with Ms. Weaver's deposition on October 9 is unwarranted in light of her new employment and the limitations that places on her availability both to sit and prepare for a deposition. October 29 or November 13 remain available for Ms. Weaver. In addition, with regard to the notice of deposition (also for October 9) served last week for Tia Ray, please be advised that Ms. Ray is traveling for business (with the Admissions Office joint travel program) from October 3 through October 15, and is thus not available on October 9. In the event the court orders the deposition to proceed, Ms. Ray is available on October 23 for a deposition.

If you are unwilling to withdraw the subpoena and notice, Harvard intends to seek a protective order as to both the Weaver and Ray depositions in light of the pending motion to stay, and if you are unwilling to modify the October 9 dates in light of witness unavailability, will also seek relief from the October 9 dates. Pursuant to L.R. 7.1(a), please let me know SFFA's position on this motion, and particularly whether SFFA will agree to hold the October 9 depositions in abeyance until the Court has an opportunity to decide our forthcoming motion for a protective order. We intend to file a motion with the court today.

Felicia

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