

# EXHIBIT 19

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS  
BOSTON DIVISION

-----X

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

Civil Action No.

vs.

1:14-cv-14176-ADB

PRESIDENT AND FELLOWS OF HARVARD COLLEGE,  
(HARVARD CORPORATION),

Defendant.

-----X

\*\* HIGHLY CONFIDENTIAL \*\*

Deposition of

[REDACTED] [REDACTED]

July 12, 2017

9:10 a.m.

Taken at:

Jones Day

901 Lakeside Avenue

Cleveland, Ohio

Wendy L. Klauss, RPR

1 communication to SFFA members that you  
2 received?

3 A. Correct.

4 Q. How many such general  
5 communications have you received from Mr. Blum?

6 A. I don't know the exact number, but  
7 not very many, not more than one or two.

8 Q. Do you receive all the  
9 communications from Mr. Blum via email?

10 MR. PARK: Objection.

11 A. Yes.

12 Q. You never received a hard copy  
13 letter in the mail, or anything like that?

14 A. I have not.

15 Q. What is the nature of the  
16 communications from Mr. Blum to the membership?

17 MR. PARK: Objection.

18 A. Something fairly general about a  
19 sort of web phone conference type of thing  
20 regarding the status of their efforts. I don't  
21 exactly know, because I didn't read the email  
22 in its entirety, because it was a large -- it  
23 was an email that I didn't read in its  
24 entirety.

25 Q. And have you only received that one

1 email, or do you recall receiving others?

2 A. I recall receiving at least one  
3 about the same conference, but nothing else  
4 that I can recall.

5 Q. And there was an invitation to a  
6 conference call; is that right?

7 A. I believe so.

8 Q. What was the nature of the  
9 conference call?

10 A. That I don't know. According to  
11 the date and time of the conference call, I  
12 could not be involved in it, so I didn't crowd  
13 further into what the nature of the call was.

14 Q. So you did not attend the  
15 conference call?

16 A. I did not.

17 Q. Did you receive any summary of the  
18 conference call?

19 A. No.

20 Q. Do you know whether other members  
21 of SFFA were also invited to attend the  
22 conference call?

23 MR. PARK: Objection.

24 A. I would assume so, but I obviously  
25 don't know for certain.

1 Q. Do you intend to transfer from  
2 [REDACTED] to any other institution?

3 A. I would be willing to consider the  
4 option, were it to present itself.

5 Q. Under what circumstances would you  
6 be willing to consider the option?

7 A. I mean, again, this is highly  
8 speculative. You never know what the  
9 circumstances are. Considering time period,  
10 how far I am into my studies at [REDACTED] all of  
11 those would contribute to my decision to  
12 transfer or not transfer.

13 Q. Do you think you would apply to  
14 transfer to Harvard?

15 A. Yes.

16 Q. Under what circumstances would you  
17 consider applying to transfer to Harvard?

18 A. If it was not a burden to transfer  
19 from [REDACTED] to Harvard.

20 Q. What do you mean by a burden?

21 A. Obviously they are different  
22 institutions with different sets of  
23 requirements, with different academic programs.  
24 So if I'm well into my program at [REDACTED] and  
25 it is not practical to transfer to Harvard,

1 That was their original understanding of the  
2 organization, so I understand why they do say  
3 that.

4 Q. Do you think they should be asked  
5 for a donation?

6 MR. PARK: Objection.

7 A. Donation is obviously upon  
8 suggestion, so there would be no harm in doing  
9 that.

10 Q. It also notes here, "The board has  
11 expanded its size to five persons, one of which  
12 is directly elected by the membership"; do you  
13 see that?

14 A. Where is that?

15 Q. The second to the last sentence.

16 A. Oh, yes, yes.

17 Q. Were you aware that the membership  
18 directly elected one member of the board?

19 MR. PARK: Objection.

20 A. I was not aware.

21 Q. Have you ever voted in an election  
22 for a board of director?

23 MR. PARK: I'm going to instruct  
24 the witness not to answer the question.

25 MS. MOONEY: What grounds?

1           MR. PARK: You are asking questions  
2 about participation in the association  
3 protected by the First Amendment, and the line  
4 of questioning is going into corporate  
5 governance, which we think is foreclosed by the  
6 Court's order from last month which says that  
7 indicia of membership test is not relevant to  
8 this case.

9           MS. MOONEY: And Harvard, of  
10 course, objects, and we would note that we  
11 don't think that the Court's ruling of indicia  
12 of membership test forecloses discovery, nor do  
13 we think that the privilege applies here, but  
14 we won't continue to belabor the point.

15           Q. Do you know whether an election for  
16 the board of directors has taken place since  
17 you have become a member?

18           MR. PARK: Objection.

19           A. To my knowledge, I don't know of  
20 any such election.

21           Q. You haven't received any  
22 communications or anything like that?

23           MR. PARK: I'm going to instruct  
24 the witness not to answer. Same basis as  
25 before.

1 Q. Are you going to follow your  
2 counsel's instruction?

3 A. Yes.

4 Q. Going down to the next paragraph,  
5 it notes SFFA has a total of -- had a total of  
6 21,766 members as of April 30, 2017; do you see  
7 that?

8 A. Yes.

9 Q. Were you aware that SFFA had  
10 approximately 21,000 members in April 2017?

11 MR. PARK: Objection.

12 A. Not an exact number, but I was  
13 aware of the fact that recently there had been  
14 roughly 20,000 members.

15 Q. And it notes further that after the  
16 membership was instituted, all new members have  
17 paid the fee, and that 133 members have paid  
18 the fee; do you see that?

19 A. Yes.

20 Q. So the 133 members paid \$10 each to  
21 join. Do you think that the membership fee is  
22 funding the organization's operations in the  
23 litigation?

24 MR. PARK: Objection. You can  
25 answer.



1 Q. Other than emails you have received  
2 from Mr. Blum and communications with [REDACTED]  
3 [REDACTED] have you had any communications with  
4 any other SFFA members?

5 A. No.

6 Q. Do you know whether the composition  
7 of SFFA's standing members has ever changed  
8 during the course of this litigation?

9 MR. PARK: Objection.

10 A. I'm not aware.

11 Q. When you joined SFFA, were you  
12 given any information about the voting rights  
13 of SFFA's members with respect to the board of  
14 directors?

15 MR. PARK: Objection. Instruct the  
16 witness not to answer. It goes to corporate  
17 governance issues and indicia of member tests.  
18 That's the basis.

19 Q. But your testimony is that you  
20 haven't during your membership voted to elect  
21 any members of the board, correct?

22 MR. PARK: Objection.

23 A. Correct.

24 Q. And to your knowledge an election  
25 of the board of directors hasn't been held

1 since you have become a member?

2 A. To my knowledge, yes.

3 Q. It hasn't been held, correct?

4 A. Correct.

5 Q. Have you ever attended or  
6 participated in a meeting of the SFFA's board  
7 of directors?

8 MR. PARK: Objection. Instruct the  
9 witness not to answer that question.

10 Q. Are you going to follow your  
11 counsel's advice?

12 A. Yes.

13 Q. Do you know if [REDACTED] has ever  
14 attended or participated in a meeting of the  
15 board of directors?

16 MR. PARK: Same instruction.

17 Q. Are you going to follow your  
18 counsel's advice?

19 A. Yes.

20 Q. Ed Blum is SFFA's president,  
21 correct?

22 A. Correct.

23 Q. Did you vote for him to become  
24 president?

25 MR. PARK: Objection. I'm going to

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REPORTER'S CERTIFICATE

The State of Ohio, )

SS:

County of Cuyahoga. )

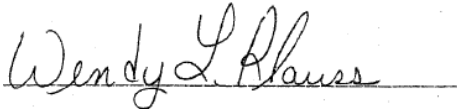
I, Wendy L. Klauss, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within named witness, [REDACTED], was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by the above-referenced witness was by me reduced to stenotypy in the presence of said witness; afterwards transcribed, and that the foregoing is a true and correct transcription of the testimony so given by the above-referenced witness.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified and was completed without adjournment.

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I do further certify that I am not a relative, counsel or attorney for either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Cleveland, Ohio, on this 18th day of July, 2017.



Wendy L. Klauss, Notary Public  
within and for the State of Ohio

My commission expires July 13, 2019.