

# EXHIBIT 49

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**From:** Fitzsimmons, William [/O=HARVARD-FAS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=WRF]  
**Sent:** Saturday, December 01, 2012 1:34:20 AM  
**To:** Hibino, Thomas  
**Subject:** Re: RE:

I'm stunned! Marcia passed away a few years ago and I'd forgotten that she had such a sense of humor...we'll "de-construct" at lunch. Where should we go?

Sent from my iPhoneu

On Nov 30, 2012, at 6:36 PM, "Hibino, Thomas" <[Thomas.Hibino@ed.gov](mailto:Thomas.Hibino@ed.gov)> wrote:

Okay. I'll send you something now, which you can probably read on your iPhone. The complainant who wants us to investigate Asian American admissions at Harvard again (we said no) sent a FOIA request for various things including stuff from the original case and I found the attached (which we didn't send.) This smoking gun, which I purportedly returned to you, is really hilarious if I do say so myself! I did it for the amusement of our team and of course, you guys are the only others who can appreciate the humor. Must have had too much free time on my hands back then! ☺ Yup, we're still on for the 20<sup>th</sup> at 1:00!!

**From:** Fitzsimmons, William [<mailto:wrf@fas.harvard.edu>]

**Sent:** Friday, November 30, 2012 6:25 PM

**To:** Hibino, Thomas

**Subject:** Re:

I'll be in the office by 9:30 tomorrow!

Still on for 1:00 on the 20th?

Sent from my iPhone

On Nov 30, 2012, at 6:00 PM, "Hibino, Thomas" <[Thomas.Hibino@ed.gov](mailto:Thomas.Hibino@ed.gov)> wrote:

Let me know when you're in the office. I want to send you something (by email).