

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RYAN McFADYEN, MATTHEW  
WILSON, and BRECK ARCHER,

*Plaintiffs*

*v.*

DUKE UNIVERSITY, et al.

*Defendants.*

No.: 1:07-CV-953

REQUEST FOR PRODUCTION  
(Fed. R. Civ. P. 34)

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To: Richard Ellis  
Dixie Wells  
*Attorneys for Duke University, Robert Dean,  
Matthew Drummond, Aaron Graves, and Gary Smith*  
[dixie.wells@elliswinters.com](mailto:dixie.wells@elliswinters.com)  
[dick.ellis@elliswinters.com](mailto:dick.ellis@elliswinters.com)

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff Breck Archer requests that Duke University, Robert Dean, Matthew Drummond, Aaron Graves, and Gary Smith produce all documents, electronically stored information, and tangible thing described in the Initial Disclosures made by Duke University, Robert Dean, Matthew Drummond, Aaron Graves, and Gary Smith to the

Plaintiffs in this action pursuant to Fed. R. Civ. P. Rule 26(a)(1)(A) (referred to herein as “Defendants’ Initial Disclosures,” incorporated herein by reference, and annexed to this Request as Exhibit A).

Pursuant to Fed. R. Civ. P. Rule 34, a copy of all documents, electronically stored information, and tangible things sought by this Request for Production and the written response to the Request, must be served or produced for inspection and copying, within 30 days of service of this Request, to the offices of undersigned counsel, EKSTRAND & EKSTRAND LLP, 811 Ninth Street, Suite 260, in Durham, North Carolina.

### **DEFINITIONS AND INSTRUCTIONS**

This Request for Production encompasses all documents, electronically stored information, and tangible things that are or should have been described in Defendants’ Initial Disclosures. For purposes of this request, the terms “documents,” “ESI,” and “tangible things” are used in the broadest possible sense and to the full extent allowed by Rules 26 and 34 of the Federal Rules of Civil Procedure. Therefore this Request for Production encompasses any document, ESI, or tangible thing from which information may be derived or obtained. By way of illustration, this Request for Production requires production of all responsive writings; drawings; graphs; charts; recordings of any kind (e.g., stenographic, written, sound, or video recordings); data of any kind, including

compilations and syntheses of data; computerized, programmed or graphic matter; statements, letters, communications, emails, text messages, notes, reports, memoranda, analyses, forms, envelopes, summaries, syntheses, compilations, journals, diaries, logs, calendars, agendas, minutes, bulletins, instructions, receipts, ledgers, and all drafts, revisions to, and versions of any of the foregoing documents, ESI, and tangible things.

This Request requires production of responsive documents, ESI, and tangible things regardless the means by which it was created, delivered, received, or stored, including, for example, any electronic device, server, computer, SaaS platform, telephone, tablet, mobile phone, electronic storage device, personal data assistant, or electronic devices used for communication and data storage, such as a palm pilot, iPad, iPhone, iTouch, Blackberry, Android, and other electronic devices.

Electronically stored information (“ESI”) responsive to this Request for Production must be produced in the following form(s):

1. E-mails may be produced in .pst files (which is the format that Duke University identifies in its instructions to faculty and students as the format universally usable by all users of its email system) or in a format that may be collected in .pst files and imported into Microsoft Outlook and forwarded

electronically to the Plaintiffs' counsel's e-mail system at [610discovery@ninthstreetlaw.com](mailto:610discovery@ninthstreetlaw.com).

2. Spreadsheets may be produced in a format compatible with or in Microsoft Excel.
3. Word processing documents may be provided in a format compatible with Microsoft Word.
4. All other ESI should be provided in the format in which they were received by or created by you.

Dated: October 6, 2011

Respectfully submitted by:

/s/ Robert C. Ekstrand

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Robert C. Ekstrand (N.C. Bar No. 26673)  
Stefanie A. Sparks (N.C. Bar. No. 42345)  
[rce@ninthstreetlaw.com](mailto:rce@ninthstreetlaw.com)  
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*Counsel for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RYAN McFADYEN, MATTHEW  
WILSON, and BRECK ARCHER,

*Plaintiffs*

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No.: 1:07-CV-953

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on October 7, 2011, the foregoing Request for Production was served pursuant to the parties' agreement to serve documents not subject to routine filing with the Court via electronic mail pursuant to Rule 5(b)(2) (E) as follows:

[dixie.wells@elliswinters.com](mailto:dixie.wells@elliswinters.com)

[dick.ellis@elliswinters.com](mailto:dick.ellis@elliswinters.com)

Respectfully submitted by:

/s/ Robert C. Ekstrand

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Robert C. Ekstrand (N.C. Bar No. 26673)  
Stefanie A. Sparks (N.C. Bar No. 42345)

# EXHIBIT A

PLAINTIFFS' FIRST REQUEST FOR PRODUCTION

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

CIVIL ACTION NUMBER 1:07-CV-00953

RYAN McFADYEN, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

DUKE DEFENDANTS'  
INITIAL DISCLOSURES  
Fed. R. Civ. P. 26(a)(1)

Duke University, Robert Dean, Matthew Drummond, Aaron Graves, and Gary N. Smith (herein "Duke Defendants"), by and through their undersigned counsel, provide the following Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure and the LR 16(c) Initial Pretrial Order entered by the Court on September 21, 2011 [DE 244]. The Duke Defendants make these initial disclosures in light of the allegations concerning Counts 21 and 24 of the Second Amended Complaint in this matter based upon information now reasonably available to them and without waiving any claim of privilege or confidentiality. The Duke Defendants reserve the right to supplement these disclosures should such supplementation become appropriate.

**I. Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i)**

Based on the reasonable investigation by the Duke Defendants, the following list identifies those individuals, other than outside counsel for the Duke Defendants, who are likely to have discoverable information that the Duke Defendants may use to support their defenses:

**COUNT TWENTY-ONE: BREACH OF CONTRACT**

<b>Individual</b>	<b>Subject(s)</b>
<b>Zoila Airall</b> Assistant Vice President of Student Affairs, Duke University c/o Ellis & Winters LLP P.O. Box 33550 Raleigh, North Carolina 27636	This person may have discoverable information concerning Matthew Wilson's appeal of the Undergraduate Judicial Board's proceedings against him.
<b>Stephen Bryan</b> Associate Dean of Students and Director of Judicial Affairs, Duke University c/o Ellis & Winters LLP P.O. Box 33550 Raleigh, North Carolina 27636 (919) 865-7000	This person may have discoverable information concerning the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and Duke University's Undergraduate Disciplinary System policies.
<b>Larry Moneta</b> Vice President for Student Affairs, Duke University c/o Ellis & Winters LLP P.O. Box 33550 Raleigh, North Carolina 27636 (919) 865-7000	This person may have discoverable information concerning the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and Duke University's Undergraduate Disciplinary System policies.

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Michelle Rasmussen</b>  Former Associate Dean of Trinity College;  Former Director, Academic Advising  Center, Duke University  c/o Ellis &amp; Winters LLP  P.O. Box 33550  Raleigh, North Carolina 27636  (919) 865-7000</p>	<p>This person may have discoverable information concerning the administrative leave policy for students on interim suspension.</p>
<p><b>Judith Ruderman</b>  Former Vice Provost for Academic and  Administrative Services, Duke University  c/o Ellis &amp; Winters LLP  P.O. Box 33550  Raleigh, North Carolina 27636  (919) 865-7000</p>	<p>This person may have discoverable information concerning Matthew Wilson's appeal of the Undergraduate Judicial Board's proceedings against him.</p>
<p><b>Suzanne Wasiolek</b>  Dean of Students and Assistant Vice  President, Student Affairs, Duke University  c/o Ellis &amp; Winters LLP  P.O. Box 33550  Raleigh, North Carolina 27636  (919) 865-7000</p>	<p>This person may have discoverable information concerning the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and Duke University's Undergraduate Disciplinary System policies.</p>
<p><b>Gerald Wilson</b>  Senior Associate Dean of Trinity College  of Arts &amp; Sciences and an adjunct  Professor of History, Duke University  c/o Ellis &amp; Winters LLP  P.O. Box 33550  Raleigh, North Carolina 27636  (919) 865-7000</p>	<p>This person may have discoverable information concerning the Undergraduate Judicial Board's proceedings for Breck Archer and Matthew Wilson.</p>
<p><b>Glen Bachman</b>  Bachman &amp; Swanson, PLLC  1402 Broad Street  Durham, North Carolina 27705  (919) 286-0240</p>	<p>This person may have discoverable information concerning the interim suspension and reinstatement of Ryan McFadyen.</p>



<b>Individual</b>	<b>Subject(s)</b>
<p><b>Breck Archer</b> Plaintiff</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson, the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson, and any alleged damages resulting therefrom.</p>
<p><b>Edward Carrington</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Casey J. Carroll</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

Individual	Subject(s)
<p><b>Michael P. Catalino</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Thomas V. Clute</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Kevin Coleman</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Joshua R. Coveleski</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Edward J. Crotty</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Matthew Danowski</b>  18 Balcom Road  Farmingdale, New York 11735</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Edward S. Douglas</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Kyle Dowd</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>David Evans</b> 600 Maid Marion Hill Sherwood Forest, Maryland 21405</p>	<p>This person may have discoverable information concerning the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and Duke University's Undergraduate Disciplinary System policies.</p>
<p><b>Collin Finnerty</b> Current Address Unknown</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Daniel Flannery</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Richard Gibbs Fogarty</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

Individual	Subject(s)
<p><b>Zachary Greer</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Erik S. Henkelman</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>John E. Jennison</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Ben Koesterer</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

Individual	Subject(s)
<p><b>Fred Krom</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Peter J. Lamade</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Adam Langley</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Christopher Loftus</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Daniel Loftus</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Kevin Mayer</b>  10112 Forest Brook Lane  Great Falls, Virginia 22066</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Anthony McDevitt</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Ryan McFadyen</b> Plaintiff</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson, the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson, and any alleged damages resulting therefrom.</p>
<p><b>Glenn Nick</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Nicholas O'Hara</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>



Individual	Subject(s)
<p><b>Daniel Oppedisano</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Sam Payton</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>John Bradley Ross</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Kenneth Sauer, III</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Steve Schoeffel</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Robert Schroeder</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Reade Seligmann</b>  Current Address Unknown</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Devon Sherwood</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Daniel Theodoridis</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Bret Thompson</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Christopher Tkac</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>John Walsh, Jr.</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Michael Ward</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Robert H. Wellington, IV</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Matthew Wilson</b>  Plaintiff</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson, the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson, and any alleged damages resulting therefrom.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>William Wolcott</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Michael Young</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>
<p><b>Matthew Zash</b>  205 Grover Avenue West  Massapequa Park, New York 11762</p>	<p>This person may have discoverable information concerning the underlying behavior that was the cause for the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson and the Undergraduate Judicial Board's proceedings against Breck Archer, Ryan McFadyen, and Matthew Wilson.</p>

**COUNT TWENTY-FOUR: FRAUD**

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Kemel Dawkins</b>                      Former Assistant Vice President, Campus Services, Duke University                      c/o Ellis &amp; Winters LLP                      P.O. Box 33550                      Raleigh, North Carolina 27636                      (919) 865-7000</p>	<p>This person may have discoverable information concerning the knowledge (or lack of knowledge) of employees of Duke University of the provision of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, to members of the Durham Police Department.</p>
<p><b>Robert Dean</b>                      Former Director, Duke University Police Department                      c/o Ellis &amp; Winters LLP                      P.O. Box 33550                      Raleigh, North Carolina 27636                      (919) 865-7000</p>	<p>This person may have discoverable information concerning his knowledge (or lack of knowledge) of the provision of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, to members of the Durham Police Department.</p>
<p><b>Matthew Drummond</b>                      Former Director, DukeCard Office, Duke University                      c/o Ellis &amp; Winters LLP                      P.O. Box 33550                      Raleigh, North Carolina 27636                      (919) 865-7000</p>	<p>This person may have discoverable information concerning his knowledge (or lack of knowledge) of the provision of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, to members of the Durham Police Department, his interactions with employees of the Durham Police Department and the Durham County District Attorney's office regarding DukeCard data, the subpoena issued on May 31, 2006, ordering production of DukeCard data, and the actions taken by Duke University in response to that subpoena.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Roland Gettliffe</b> Systems Administrator, DukeCard Office, Duke University c/o Ellis &amp; Winters LLP P.O. Box 33550 Raleigh, North Carolina 27636 (919) 865-7000</p>	<p>This person may have discoverable information concerning DukeCard data for players on the 2005-06 Duke men's lacrosse team for March 13-14, 2006, and his knowledge (or lack of knowledge) regarding the provision of that data to members of the Durham Police Department.</p>
<p><b>Aaron Graves</b> Former Associate Vice President of Campus Safety and Security, Duke University c/o Ellis &amp; Winters LLP P.O. Box 33550 Raleigh, North Carolina 27636 (919) 865-7000</p>	<p>This person may have discoverable information concerning his knowledge (or lack of knowledge) of the provision of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, to members of the Durham Police Department.</p>
<p><b>Kate Hendricks</b> Deputy General Counsel, Office of General Counsel, Duke University c/o Ellis &amp; Winters LLP P.O. Box 33550 Raleigh, North Carolina 27636 (919) 865-7000</p>	<p>This person may have discoverable information concerning her knowledge (or lack of knowledge) of the provision of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, to members of the Durham Police Department, her interactions with employees of the Durham Police Department and the Durham County District Attorney's office regarding DukeCard data, the subpoena issued on May 31, 2006, ordering production of DukeCard data, and the actions taken by Duke University in response to that subpoena.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Sara Jane Raines</b>  Operations Commander and Major, Duke University Police Department  c/o Ellis &amp; Winters LLP  P.O. Box 33550  Raleigh, North Carolina 27636  (919) 865-7000</p>	<p>This person may have discoverable information concerning the Duke University Police Department's policies and procedures concerning the Police Department's treatment of DukeCard data.</p>
<p><b>Gary N. Smith</b>  Sergeant, Duke University Police Department  c/o Ellis &amp; Winters LLP  P.O. Box 33550  Raleigh, North Carolina 27636  (919) 865-7000</p>	<p>This person may have discoverable information concerning the provision of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, to members of the Durham Police Department.</p>
<p><b>Greg Stotsenberg</b>  Investigations Supervisor, Duke University Police Department  c/o Ellis &amp; Winters LLP  P.O. Box 33550  Raleigh, North Carolina 27636  (919) 865-7000</p>	<p>This person may have discoverable information concerning the provision of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, to members of the Durham Police Department.</p>
<p><b>Robert Ekstrand</b>  Ekstrand &amp; Ekstrand LLP  811 Ninth Street, Suite 260  Durham, North Carolina 27705  (919) 416-4590</p>	<p>This person may have discoverable information concerning the knowledge (or lack of knowledge) of employees of Duke University of the provision of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, to members of the Durham Police Department.</p>



<b>Individual</b>	<b>Subject(s)</b>
<p><b>Mark Gottlieb</b>  Defendant  c/o David W. Long  Poyner Spruill LLP  301 Fayetteville Street, Suite 1900  Raleigh, North Carolina 27601  (919) 783-6400</p>	<p>This person may have discoverable information concerning the receipt of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, by members of the Durham Police Department, attempts to obtain DukeCard data from Duke University after March 31, 2006, and the subpoena issued on May 31, 2006, ordering production of DukeCard data.</p>
<p><b>Benjamin Himan</b>  Defendant  c/o Joel M. Craig  Kennon, Craver, Belo, Craig &amp; McKee, PLLC  4011 University Drive, Suite 300  P.O. Box 51579  Durham, North Carolina 27717  (919) 490-0500</p>	<p>This person may have discoverable information concerning the receipt of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, by members of the Durham Police Department, attempts to obtain DukeCard data from Duke University after March 31, 2006, and the subpoena issued on May 31, 2006, ordering production of DukeCard data.</p>
<p><b>Michael Nifong</b>  Former Durham County District Attorney  c/o James B. Craven, III  349 West Main Street, P.O. Box 1366  Durham, North Carolina 27701  (919) 688-8295</p>	<p>This person may have discoverable information concerning the receipt of DukeCard data for players on the 2005-06 Duke men's lacrosse team on or about March 31, 2006, by members of the Durham Police Department, attempts to obtain DukeCard data from Duke University after March 31, 2006, and the subpoena issued on May 31, 2006, ordering production of DukeCard data.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Breck Archer</b> Plaintiff</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data, the actions taken by Duke University in response to that subpoena, and any damages alleged to have resulted therefrom.</p>
<p><b>Edward Carrington</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Casey J. Carroll</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Michael P. Catalino</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Thomas V. Clute</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Kevin Coleman</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Joshua R. Coveleski</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Edward J. Crotty</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Matthew Danowski</b>  18 Balcom Road  Farmingdale, New York 11735</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Edward S. Douglas</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Kyle Dowd</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>David Evans</b>  600 Maid Marion Hill  Sherwood Forest, Maryland 21405</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Collin Finnerty</b>  Current Address Unknown</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Daniel Flannery</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Richard Gibbs Fogarty</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Zachary Greer</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Erik S. Henkelman</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>John E. Jennison</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Ben Koesterer</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Fred Krom</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Peter J. Lamade</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Adam Langley</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Christopher Loftus</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Daniel Loftus</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Kevin Mayer</b>  10112 Forest Brook Lane  Great Falls, Virginia 22066</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Anthony McDevitt</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Ryan McFadyen</b>  Plaintiff</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data, the actions taken by Duke University in response to that subpoena, and any damages alleged to have resulted therefrom.</p>
<p><b>Glenn Nick</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Nicholas O'Hara</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Daniel Oppedisano</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>Sam Payton</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>John Bradley Ross</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Kenneth Sauer, III</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Steve Schoeffel</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Robert Schroeder</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>



<b>Individual</b>	<b>Subject(s)</b>
<p><b>Reade Seligmann</b> Current Address Unknown</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Devon Sherwood</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Daniel Theodoridis</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Bret Thompson</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Christopher Tkac</b> c/o Charles J. Cooper Cooper &amp; Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>

<b>Individual</b>	<b>Subject(s)</b>
<p><b>John Walsh, Jr.</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Michael Ward</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Robert H. Wellington, IV</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>
<p><b>Matthew Wilson</b>  Plaintiff</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data, the actions taken by Duke University in response to that subpoena, and any damages alleged to have resulted therefrom.</p>
<p><b>William Wolcott</b>  c/o Charles J. Cooper  Cooper &amp; Kirk, PLLC  1523 New Hampshire Ave., NW  Washington, D.C. 20036  (202) 220-9600</p>	<p>This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.</p>

<b>Individual</b>	<b>Subject(s)</b>
<b>Michael Young</b> c/o Charles J. Cooper Cooper & Kirk, PLLC 1523 New Hampshire Ave., NW Washington, D.C. 20036 (202) 220-9600	This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.
<b>Matthew Zash</b> 205 Grover Avenue West Massapequa Park, New York 11762	This person may have discoverable information concerning the subpoena issued on May 31, 2006, ordering production of DukeCard data and the actions taken by Duke University in response to that subpoena.

**II. Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(ii)**

Based on the information presently reasonably available, the Duke Defendants hereby disclose that they may use or rely on the following categories of documents currently in the possession of outside counsel for the Duke Defendants in support of their defenses in this action:

**A. COUNT TWENTY-ONE: BREACH OF CONTRACT**

- Documents related to the policies and practices of Duke University.
- Documents related to the Undergraduate Judicial Board’s proceedings and decisions regarding the claims at issue.
- Documents related to the Appellate Board’s proceedings and decisions regarding the claims at issue.

- Correspondence from Ryan McFadyen to members of the lacrosse team.
- Documents related to Ryan McFadyen's interim suspension.
- Documents related to Breck Archer's Undergraduate Disciplinary System proceedings.
- Documents related to Breck Archer's appeal of his Undergraduate Judicial Board proceedings.
- Documents related to Matthew Wilson's Undergraduate Disciplinary System proceedings.
- Documents related to Matthew Wilson's appeal of his Undergraduate Judicial Board proceedings.
- Documents generated by, or received by, the Plaintiffs and other members of the 2005-06 Duke men's lacrosse team relating to whether claims exist for breach of contract and what, if any, damages were incurred if breach of contract can be established.

#### B. COUNT TWENTY-FOUR: FRAUD

- Documents related to Duke University's standard/procedure/policy regarding requests for information that may be protected by FERPA.
- Documents related to requests for Duke lacrosse players' DukeCard information.
- Subpoenas issued in connection with requests for production of Duke lacrosse players' DukeCard information.

- Documents related to requests by Michael Nifong and members of the Durham Police Department for Duke lacrosse players' DukeCard information.
- Documents related to the subpoena issued in connection with requests for production of DukeCard information and court filings related to same.
- Documents generated by, or received by, the Plaintiffs and other members of the 2005-06 Duke men's lacrosse team relating to whether claims exist for fraud and what, if any, damages were incurred if fraud can be established.

Nothing herein should be construed as an admission of the existence of any document and/or the relevance of any document that might exist. Nor do the Duke Defendants waive any claim of privilege or confidentiality by listing the above categories.

The Duke Defendants make these disclosures based upon the information presently reasonably available to them. In doing so, the Duke Defendants do not represent that they are identifying each document, item of electronically stored information ("ESI"), or tangible thing in their possession, custody or control that they may use to support their defenses in this case. The Duke Defendants' initial disclosures are intended to be a reasonable and good faith effort to identify information reasonably

available to the Duke Defendants that is discoverable and may support their defenses. The Duke Defendants reserve the right to supplement this response to include any other documents or categories of documents identified during the course of discovery that contain information that they may use to support their defenses in this action and/or any other documents, the defensive value of which becomes apparent during the course of this litigation. The Duke Defendants further reserve the right to modify and/or delete categories of documents.

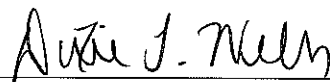
**III. Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iii): Computation of Damages**

At this time, the Duke Defendants are not asserting any claim for damages in this litigation, so the Duke Defendants make no damages computation or identification of documents under Rule 26(a)(1)(A)(iii) of the Federal Rules of Civil Procedure.

**IV. Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)(A)(iv): Insurance Agreements**

Duke University will make available for inspection and copying pursuant to Rule 26(a)(1)(A)(iv) insurance agreements for which insurance providers may be liable to satisfy all or part of a possible judgment in this action.

This the 3rd day of October, 2011.



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*Counsel for Duke University, Robert  
Dean, Matthew Drummond, Aaron  
Graves, and Gary N. Smith*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 3, 2011, I served the foregoing **Duke Defendants'** **Initial Disclosures** by depositing copies thereof in a depository under the exclusive care and custody of the United States Postal Service in a postage prepaid envelope and properly addressed as follows:

Robert C. Ekstrand  
Stefanie A. Sparks  
EKSTRAND & EKSTRAND LLP  
811 Ninth Street, Suite 260  
Durham, NC 27705  
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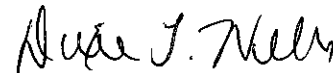
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