

# Exhibit F

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May 3, 2012

VIA ELECTRONIC MAIL

Tom Segars  
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Re: *McFadyen, et al. v. Duke University, et al.*,  
No. 1:07-CV-953 (MDNC)

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Dear Tom:

This letter is in response to yours of April 27, 2012. First at this point in time there is no court ordered protective order outlining the procedure regarding marking confidential designations. My understanding was that our stipulations regarding confidential designations during Mr. Archer's deposition were all subject to the pending protective order to be issued by the Court.

You assert that Mr. Archer's deposition was available on April 23, 2012. Duke must have expedited the production of Mr. Archer's transcript. As we understand the company that provided the court reporter and services for Mr. Archer's deposition typically has a deposition transcript available 8-10 days following the deposition. Prior to your letter, we were not aware that the deposition would be available earlier than the normal 8-10 days. While you are correct in that our position has been that 10 days following the receipt of the transcript is enough time to make confidential designations, this assertion was not based on paying an expedited fee for the production of the transcript. Hence, with our proposed timeline of 10 days, confidential designations would typically be due 18-20 days following a deposition. And yes, we do think 18-20 days is practical and favor it over your proposed 30 days, which essentially would be 38-40 days following a deposition.

As I articulated during Mr. Archer's deposition, I intend to provide you with what portions of the deposition we are designating as confidential. Since presently the protective order is pending before the Court and thus there is no protective order in place in this case which would provide the timeline for confidential designations, we did not make arrangements

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to receive the transcript immediately upon its availability (8-10 days following the deposition). We are in the process of obtaining the transcript.

You can choose to cite whatever you wish to. However, let me make this clear, we have not conceded any point by being unaware of an expedited transcript and not paying the expedited fee to receive it in order to meet an arbitrary deadline set by you. We will of course follow the procedures for confidential designations set by the Court when it issues the protective order in this case.

Whether you choose to continue to write letters in which you set deadlines manufactured by you and not by agreement of the parties, the Court, or the Federal Rules of Civil Procedure is up to you. However, I believe it would be much more productive to pick up the phone and discuss these types of things until the protective order is issued by the Court.

Sincerely,

Stefanie A. Smith

SAS/bah