

PLAINTIFFS' THIRD REQUEST FOR PRODUCTION TO DUKE

REQUEST NO. 3: Every Document that You reviewed in preparing Your response to any of Plaintiffs' Requests for Production of Documents & Things, Interrogatories, or Requests for Admission.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys regarding Duke's response to the Requests. Therefore, Duke objects to this Request for Production on the grounds that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Therefore, Duke further objects to this Request for Production to the extent that seeking "[e]very Document that [Duke] reviewed in preparing [its] response" is overly broad in that it calls for production of documents that are not "relevant to any party's claim or defense" to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Accordingly, Duke will not produce any documents in response to this Request for Production.

REQUEST NO. 4: Every Document identified in Your responses to any of Plaintiffs' Interrogatories.

ANSWER:

Duke objects to this Request for Production insofar as it calls for the production of documents already provided in response to Plaintiffs' First Request for Production. Moreover, documents responsive to this Request that relate to student disciplinary proceedings and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents it identified in its responses to any of Plaintiffs' Interrogatories to the extent that any such document (i) exists in Duke's possession, custody and control, (ii) is relevant to any party's claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 5: Every Document purporting to contain or summarize precedent of Duke University's Undergraduate Judicial Board, Duke University's Office of Judicial Affairs, or its successor entity, Duke University's Office of Student Conduct.

ANSWER:

Duke objects to this Request for Production insofar as the phrase "precedent of Duke University's Undergraduate Judicial Board, Duke University's Office of Judicial Affairs, or its successor entity, Duke University Office of Student Conduct" is undefined, vague, and ambiguous in that it has no established

meaning. Moreover, Duke objects to this Request for Production insofar as it calls for the production of documents already provided in Response to Plaintiffs' First Request for Production.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that seeking "Every Document purporting to contain or summarize precedent of Duke University's Undergraduate Judicial Board, Duke University's Office of Judicial Affairs, or its successor entity, Duke University's Office of Student Conduct" is overly broad in that it calls for production of documents that are not "relevant to any party's claim or defense" to Counts 21 or 24. In addition, Duke objects to this Request for Production insofar as the Request is not limited to a defined period of time reasonably related to any party's claim or defense to Count 21 or 24. In these ways, the Request for Production exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Furthermore, documents that relate to student disciplinary proceedings and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents purporting to contain or summarize precedent of Duke University's Undergraduate Judicial Board, Duke University's

Office of Judicial Affairs, or Duke University's Office of Student Conduct to the extent that any such document (i) exists in Duke's possession, custody and control, (ii) is relevant to any party's claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 6: The chart of precedent that is provided to hearing panel members of Duke University's Undergraduate Judicial Board, Duke University's Office of Judicial Affairs, or its successor entity, Duke University's Office of Student Conduct during the hearing panel's deliberations.

ANSWER:

Duke objects to this Request for Production insofar as the phrase "chart of precedent" is undefined, vague, and ambiguous in that it has no established meaning. Duke further objects to this Request for Production to the extent it is duplicative of Request No. 5.

In response to this Request, Duke will produce a chart setting forth guidelines for Undergraduate Judicial Board hearing panels to use when determining appropriate sanctions.

REQUEST NO. 7: Every Sequestration Order that You received in connection with Crystal Mangum's False Allegations.

ANSWER:

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Therefore, Duke objects to this Request for Production to the extent that seeking "[e]very Sequestration Order that [Duke] received in

connection with Crystal Mangum's False Allegations" is overly broad in that it calls for production of documents that are not "relevant to any party's claim or defense" to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Accordingly, Duke will not produce any documents in response to this Request for Production.

REQUEST NO. 8: Every Document reviewed or collected in connection with any Sequestration Order relating to Mangum's False Allegations.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys regarding Sequestration Orders relating to Crystal Mangum's False Allegations. Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Therefore, Duke further objects to this Request for Production to the extent that seeking "Every Document reviewed or collected in connection with any Sequestration Order relating to Crystal Mangum's False Allegations" is

overly broad in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Accordingly, Duke will not produce any documents in response to this Request for Production.

REQUEST NO. 9: Every Document relating to Your review of the policies and practices of Duke University’s Undergraduate Judicial Board, Duke University’s Office of Judicial Affairs, or its successor entity, Duke University’s Office of Student Conduct.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys regarding the policies and practice of Duke University’s Undergraduate Judicial Board, Duke University’s Office of Judicial Affairs, or its successor entity, Duke University’s Office of Student Conduct. Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that seeking every document relating to Duke’s review of

“the policies and practices of Duke University’s Undergraduate Judicial Board, Duke University’s Office of Judicial Affairs, or its successor entity, Duke University’s Office of Student Conduct,” is overly broad in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24. In addition, Duke objects to this Request for Production insofar as the Request is not limited to a defined period of time reasonably related to any party’s claim or defense to Count 21 or 24. In these ways, the Request for Production exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Moreover, documents that relate to student disciplinary proceedings and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents relating to the Duke’s review of the policies and practices of Duke University’s Undergraduate Judicial Board, Duke University’s Office of Judicial Affairs, or its successor entity, Duke University’s Office of Student Conduct, to the extent that any such document, (i) exists in Duke’s possession, custody and control, (ii) is relevant to any party’s claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 10: Every Document relating or referring to Duke University disciplinary proceedings or criminal proceedings against any student charged with Impaired Driving in violation of N.C. Gen. Stat. 20-138.1, between August 1, 2004 and May 30, 2009.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys regarding Duke University disciplinary proceedings or criminal proceedings against any student charged with Impaired Driving in violation of N.C. Gen. Stat. 20-138.1, between August 1, 2004, and May 30, 2009. Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law. Moreover, documents related to student disciplinary proceedings and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order. In addition, Duke objects to this Request for Production insofar as documents relating to criminal proceedings against any student charged with Impaired Driving in violation of N.C. Gen. Stat. 20-138.1 are not within Duke's possession, custody, or control.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for

Production to the extent that seeking documents relating to “Duke University disciplinary proceedings or criminal proceedings against any student charged with Impaired Driving in violation of N.C. Gen. Stat. 20-138.1, between August 1, 2004, and May 30, 2009” is overly broad in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure.

In response to this Request, and subject to the entry of an appropriate protective order, Duke will produce non-privileged documents relating to Duke University’s disciplinary proceedings or criminal proceedings against any student charged with Impaired Driving in violation of N.C. Gen Stat. 20-138.1, between August 1, 2004, and May 30, 2009, to the extent that any such document, (i) exists in Duke’s possession, custody and control, (ii) is relevant to any party’s claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 11: Every Document that constitutes, contains, refers to, or relates to criminal process (e.g., a citation, warrant, indictment, or other charging instrument) initiating criminal proceedings against any undergraduate student enrolled at Duke University between August 1, 2004 and May 30, 2009.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those

attorneys regarding “criminal process . . . initiating criminal proceedings against any undergraduate student enrolled at Duke University between August 1, 2004 and May 30, 2009.” Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that seeking documents relating to “criminal process . . . initiating criminal proceedings against any undergraduate student enrolled at Duke University between August 1, 2004 and May 30, 2009” is overly broad in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Moreover, documents related to criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents relating to criminal process initiating criminal proceedings against any undergraduate student enrolled at Duke University between August 1, 2004, and May 30, 2009, to the extent that any such

document, (i) exists in Duke's possession, custody and control, (ii) is relevant to any party's claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 12: Every Document that constitutes Suzanne Wasiolek's notes in preparation for her 30(b)(6) deposition as referred to in her 30(b)(6) deposition on behalf of Duke University.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or Suzanne Wasiolek and her attorneys and/or work product generated by or under the direction of those attorneys regarding Ms. Wasiolek's 30(b)(6) deposition. Therefore, Duke objects to this Request for Production on the grounds that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law. Accordingly, Duke will not produce any documents in response to this Request for Production.

REQUEST NO. 13: Every Document and Communication sent from Larry Moneta to Christopher Kennedy from March 13, 2006 to August, 1, 2007.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for the production of communications between Larry Moneta, Christopher Kennedy and their attorneys. Therefore, Duke objects to this Request for

Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that seeking “Document and Communication sent from Larry Moneta to Christopher Kennedy from March 13, 2006 to August, 1, 2007” is overly broad in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Moreover, documents related to student disciplinary proceedings and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents or communications sent from Larry Moneta to Christopher Kennedy from March 13, 2006, to August 1, 2007, to the extent that any such document, (i) exists in Duke’s possession, custody and control, (ii) is relevant to any party’s claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 14: Every Document and Communication sent from John Burness to Christopher Kennedy from March 13, 2006 to August, 1, 2007.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for the production of communication between John Burness, Christopher Kennedy, and their attorneys. Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that seeking “Document and Communication sent from John Burness to Christopher Kennedy from March 13, 2006 to August, 1, 2007” is overly broad in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Moreover, documents related to student disciplinary proceedings and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents or communications sent from John

Burness to Christopher Kennedy from March 13, 2006, to August 1, 2007, to the extent that any such document, (i) exists in Duke's possession, custody and control, (ii) is relevant to any party's claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 15: Every Document and Communication sent from John Burness to any representative of a news organization referring to or relating to Ryan McFadyen.

ANSWER:

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke objects to this Request for Production to the extent that seeking all communications "sent from John Burness to any representative of a news organization referring to or relating to Ryan McFadyen" is overly broad in that it calls for production of documents that are not "relevant to any party's claim or defense" to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Duke further objects to this Request for Production insofar as it is duplicative of Request No. 3.

In response to this Request, Duke will produce non-privileged documents or communications sent from John Burness to any representative of a news organization referring to or relating to Ryan McFadyen to the extent any such document, (i) exists in Duke's possession, custody and control, (ii) is relevant to

any party's claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 16: Every Document and Communication between Richard Brodhead and any member of the 2005-2006 Duke University Board of Trustees on April 5, 2006.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for the production of communication on April 5, 2006, between Richard Brodhead, members of the 2005-2006 Duke University Board of Trustees and Duke's attorneys. Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law. Moreover, documents related to student disciplinary proceedings and/or criminal proceedings, the minutes of Board of Trustees meetings, and certain other communications with the Board of Trustees are confidential and therefore may only be produced after the entry of an appropriate protective order.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that seeking communications "between Richard Brodhead and any members of the 2005-2006 Duke University Board of Trustees on April 5,

2006” is overly broad in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents or communications between Richard Brodhead and any member of the 2005-2006 Duke University Board of Trustees on April 5, 2006, to the extent that any such document exists in Duke’s possession, custody and control and is relevant to any party’s claim or defense to Counts 21 or 24.

REQUEST NO. 17: Every Document and Communication between John Burness and any member of the 2005-2006 Duke University Board of Trustees on April 5, 2006.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for the production of communication on April 5, 2006, between John Burness, members of the 2005-2006 Duke University Board of Trustees, and Duke’s attorneys. Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law. Moreover, documents related to student

disciplinary proceedings and/or criminal proceedings, the minutes of Board of Trustees meetings, and certain other communications with the Board of Trustees are confidential and therefore may only be produced after the entry of an appropriate protective order.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that seeking communications “between John Burness and any members of the 2005-2006 Duke University Board of Trustees on April 5, 2006” is overly broad in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents or communications between John Burness and any member of the 2005-2006 Duke University Board of Trustees on April 5, 2006, to the extent that any such document exists in Duke’s possession, custody and control and is relevant to any party’s claim or defense to Counts 21 or 24.

REQUEST NO. 18: All minutes and recordings of Duke University's faculty meetings from March 15, 2006 to September 15, 2007.

ANSWER:

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke objects to this Request for Production on the grounds that seeking "[a]ll minutes and recordings of Duke University's faculty meetings from March 15, 2006 to September 15, 2007" is overly broad in that it calls for production of documents that are not "relevant to any party's claim or defense" to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Accordingly, Duke will not produce any documents in response to this Request for Production.

REQUEST NO. 19: All minutes and recordings of Duke University's Academic Council from March 15, 2006 to September 15, 2007.

ANSWER:

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke objects to this Request for Production on the grounds that seeking "[a]ll minutes and recordings of Duke University's Academic Council from March 15, 2006 to September 15, 2007" is overly broad in that it calls for production of documents that are not "relevant to any party's claim or defense" to Counts 21 or 24 and thus exceeds the scope of discovery as allowed

by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Accordingly, Duke will not produce any documents in response to this Request for Production.

REQUEST NO. 20: Every Document and Communication between Stephen Bryan and Larry Moneta from March 13, 2006 to December 30, 2006 referring to or relating to Matthew Wilson.

ANSWER:

Duke objects to this Request for Production to the extent the Request calls for the production of communication between Stephen Bryan, Larry Moneta, and Duke's attorneys. Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that the request for documents or communications between Stephen Bryan and Larry Moneta referring or relating to Matthew Wilson is overly broad in that it calls for production of documents that are not "relevant to any party's claim or defense" to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Moreover, documents related to student disciplinary

proceedings and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents or communications between Stephen Bryan and Larry Moneta from March 13, 2006, to December 30, 2006, that specifically mention Matthew Wilson to the extent that any such document (i) exists in Duke's possession, custody and control, (ii) is relevant to any party's claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 21: Every Document and Communication between John Burness and any representative of a news organization referring to or relating to Matthew Wilson.

ANSWER:

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke objects to this Request for Production to the extent that the request calling for documents or communications between John Burness and any representative of a news organization referring to or relating to Matthew Wilson is overly broad in that it calls for production of documents that are not "relevant to any party's claim or defense" to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Duke further objects to this Request for Production insofar as it is duplicative of Request No. 4.

In response to this Request, Duke will produce non-privileged documents or communications between John Burness and any representative of a news organization that specifically mention Matthew Wilson to the extent that any such document exists in Duke's possession, custody and control and is relevant to any party's claim or defense to Counts 21 or 24.

REQUEST NO. 22: All photographs or videotape regarding the subject matter of this litigation.

ANSWER:

Duke objects to this Request for Production insofar as the term "subject matter of this litigation" is undefined, vague, and ambiguous in that it has no defined meaning. Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that the request seeking "all photographs or videotape regarding the subject matter of this litigation" is overly broad in that it calls for production of materials not "relevant to any party's claim or defense" to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Moreover, recordings related to student disciplinary proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce photographs or videotapes that exist in its possession, custody and control and are relevant to any party's claim or defense to Counts 21 or 24.

REQUEST NO. 23: Every Document and Communication between Stephen Bryan and Suzanne Wasiolek on April 5, 2006.

ANSWER:

Duke objects to this Request for Production to the extent it calls for the production of communication between Stephen Bryan, Suzanne Wasiolek, and Duke's attorneys. Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that the request for documents or communications "between Stephen Bryan and Suzanne Wasiolek on April 5, 2006" is overly broad in that it calls for production of documents that are not "relevant to any party's claim or defense" to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Moreover, documents related to student disciplinary proceedings

and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents or communications between Stephen Bryan and Suzanne Wasiolek on April 5, 2006, to the extent that any such document (i) exists in Duke's possession, custody and control, (ii) is relevant to any party's claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 24: Every Document and Communication between Larry Moneta and Suzanne Wasiolek on April 5, 2006.

ANSWER:

Duke objects to this Request for Production to the extent it calls for the production of communications between Larry Moneta, Suzanne Wasiolek, and Duke's attorneys. Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that the request for documents or communications "between Larry Moneta and Suzanne Wasiolek on April 5, 2006" is overly broad

in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Moreover, documents related to student disciplinary proceedings and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents or communications between Larry Moneta and Suzanne Wasiolek on April 5, 2006, to the extent that any such document (i) exists in Duke’s possession, custody and control, (ii) is relevant to any party’s claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 25: Every Document and Communication between Stephen Bryan and Larry Moneta on April 5, 2006.

ANSWER:

Duke objects to this Request for Production to the extent it calls for the production of communication between Stephen Bryan, Larry Moneta, and Duke’s attorneys. Therefore, Duke objects to this Request for Production to the extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that the request for documents or communications “between Stephen Bryan and Larry Moneta on April 5, 2006” is overly broad in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Moreover, documents related to student disciplinary proceedings and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents or communications between Stephen Bryan and Larry Moneta on April 5, 2006, to the extent that any such document (i) exists in Duke’s possession, custody and control, (ii) is relevant to any party’s claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 26: Every Document and Communication between Richard Brodhead and John Burness on April 5, 2006.

ANSWER:

Duke objects to this Request for Production to the extent it calls for the production of communication between Richard Brodhead, John Burness, and Duke’s attorneys. Therefore, Duke objects to this Request for Production to the

extent that documents responsive to this Request are protected by the attorney-client privilege, the work-product doctrine, or any other applicable privilege, immunity, or exemption recognized by law.

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke further objects to this Request for Production to the extent that the request for documents or communications “between Richard Brodhead and John Burness on April 5, 2006” is overly broad in that it calls for production of documents that are not relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Moreover, documents related to student disciplinary proceedings and/or criminal proceedings are confidential and therefore may only be produced after the entry of an appropriate protective order.

In response to this Request, and subject to the entry of a protective order, Duke will produce non-privileged documents or communications between Richard Brodhead and John Burness on April 5, 2006, to the extent that any such document (i) exists in Duke’s possession, custody and control, (ii) is relevant to any party’s claim or defense to Counts 21 or 24, and (iii) has not yet been produced.

REQUEST NO. 27: The telephone records of calls made from Roland Getliffe's telephone to Matthew Drummond's telephone from March 13, 2006 to April 13, 2007.⁴

ANSWER:

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke objects to this Request for Production to the extent that the request for telephone records of calls made from Roland Getliffe's (sic) telephone to Matthew Drummond's telephone from March 13, 2006 to April 13, 2007, is overly broad in that it calls for production of documents that are not "relevant to any party's claim or defense" to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Duke further objects to this Request for Production to the extent that documents responsive to this Request, such as records for Roland Getliffe's and Matthew Drummond's cell phones, are not in Duke's possession, custody, or control.

In response to this Request, Duke states that it is in the process of attempting to collect records responsive to this Request and will supplement this production if it locates any such responsive documents.

⁴ "Telephone" as applied to both Roland Getliffe and Matthew Drummond refers to the Duke University telephone lines either individual would have access to in their offices located in the West Union Building on Duke University's West Campus as well as their cell phones.

SUPPLEMENTAL ANSWER:

Notwithstanding, and without waiving, its general and specific objections, Duke has located and will produce documents sufficient to evidence telephone records of certain calls made “from Roland Getliffe’s (sic) telephone” from March 2006 through June 2006 inclusive.

Duke will produce records evidencing cellular calls made to and from Duke mobile number 919-363-9605 (Mr. Getliffe) for the months March 2006 through June 2006 inclusive. Duke will also produce Duke landline records evidencing calls for the months March 2006 through June 2006 inclusive from telephone number 919-684-3360 (Mr. Getliffe). Duke states that it does not maintain records for office landline calls where the charge was not more than \$0.00 (*e.g.*, calls between Duke landlines). Duke further states that it is not in possession, custody, or control of the telephone records corresponding to Mr. Getliffe’s personal landlines, cellular telephones, or other communication devices.

REQUEST NO. 28: The telephone records of calls made by Matthew Drummond to his voicemail from March 13, 2006 to April 13, 2007.⁵

ANSWER:

Pursuant to the June 9, 2011 Order, discovery may proceed only as to Counts 21 and 24. Accordingly, Duke objects to this Request for Production to the extent that the request for telephone records of calls made by Matthew Drummond to his voicemail from March 13, 2006, to April 13, 2007, is overly broad in that it calls for production of documents that are not “relevant to any party’s claim or defense” to Counts 21 or 24 and thus exceeds the scope of discovery as allowed by the June 9, 2011 Order and Rule 26(b)(1) of the Federal Rules of Civil Procedure. Duke further objects to this Request for Production to the extent that documents responsive to this request, such as the records for Matthew Drummond’s cell phone, are not in Duke’s possession, custody, or control.

In response to this Request, Duke states that it is in the process of attempting to collect records responsive to this Request and will supplement this production if it locates any such responsive documents.

⁵ “Voicemail” as applied to Matthew Drummond refers to Matthew Drummond’s office voicemail at Duke University as well as his cell phone voicemail.

SUPPLEMENTAL ANSWER:

Notwithstanding, and without waiving, its general and specific objections, Duke has located and will produce documents sufficient to evidence telephone records of certain calls “made by Matthew Drummond to his voicemail” from March 2006 through June 2006 inclusive.

Duke will produce records evidencing cellular calls made to and from Duke mobile number 919-451-9403 (Mr. Drummond) for the months March 2006 through June 2006 inclusive. These include calls made to voicemail (represented by the number “86”). Duke states that it does not maintain records for office landline calls where the charge was not more than \$0.00 (*e.g.*, calls to Duke landline voicemail). Duke further states that it is not in possession, custody, or control of the telephone records corresponding to Mr. Drummond’s personal landlines, cellular telephones, or other communication devices.

This the 7th day of August, 2012.



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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **Duke University's First Supplemental Response to Plaintiffs' Third Request for Production to Duke University** has been served this day by depositing copies thereof in a depository under the exclusive care and custody of the United States Postal Service in a postage prepaid envelope properly addressed as below, or by electronic transmission as provided in Rule 5(b)(2)(E) to those parties whose counsel agreed in writing to such electronic service in lieu of service by mail:

BY E-MAIL:

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Stefanie A. Smith
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Durham, NC 27705
Counsel for Plaintiffs

This the 7th day of August, 2012.



Jeremy M. Falcone

PLAINTIFFS' FOURTH REQUEST FOR PRODUCTION TO DUKE
(Requests 17-61)⁶

REQUEST 17: All Documents that You reviewed or considered in connection with preparing Your response to any of Plaintiffs' Interrogatories to Duke University.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request No. 18.⁷ Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it contemplates production of “*all documents*” merely “*reviewed or considered*” by Duke or its counsel in the course of responding to the Interrogatories. Duke also objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim

⁶ The last two Requests are each mis-numbered as “49” and should be Requests Nos. 60 and 61. Duke has renumbered those items for increased ease of reference. McFadyen Plaintiffs have not been consistent with the numbering across the various sets of Document Requests, so there have been more than 61 requests in total. The First Set was numbered as “1” but the Second Set was numbered 1 and 2. The Third Set was numbered Requests Nos. 3-28, but the Fourth Set is numbered 17 through 61.

⁷ To avoid confusion, the Requests from the three prior sets are not referenced here, as the numbering overlaps in many instances. However, there is great substantive repetition between the four sets, especially between the Third and Fourth.

or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 18: All Documents identified in Your response to any of Plaintiffs' Interrogatories to Duke University.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request No. 17. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that (i) Duke has identified in its responses to the Interrogatories, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 19: A copy of Your Police Department's Standard Operating Procedures that were in effect from March 1, 2006 through January 30, 2007.

RESPONSE:

Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to

any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced.

"Confidential" documents will be so marked.

REQUEST 20: Please produce all Documents that You provided to the Durham Police Department or any person employed in the Office of the Prosecutor for North Carolina's Fourteenth Prosecutorial District at any time between January 1, 2006 to January 1, 2007.

RESPONSE:

Subject to and notwithstanding its general and specific objections, Duke is producing non-privileged hard-copy documents responsive to this Request. "Confidential" documents will be so marked. Duke further states that on January 24, 2012 Duke provided Plaintiffs with a copy of email data for Mr. McFadyen that may represent what Duke provided to the Durham Police Department on or about March 31, 2006. Duke has not processed any of this data, and provided it to Plaintiffs in the form in which it was stored by Duke. Duke believes, but cannot verify without examination of the actual data, that this information dates back to March 2006. Duke is also unable to review, without processing and reviewing it, whether this data was duplicative of the email data for Mr. McFadyen Duke provided to Plaintiffs on October 26, 2011. By providing these materials to you, Duke did not waive any rights that it has to review materials in its possession and under its custody and control.

REQUEST 21: Please produce all correspondence between You and Ryan McFadyen from April 5, 2006 to September 1, 2006.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 22, 39, 43, 45, 47, 50, 52, 54, 55, 56, 58, and 59. Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks “*all* correspondence” without any subject matter limitation. Moreover, as defined at Definition No. 9, “You” potentially refers to thousands of individuals. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked. Duke has produced to Plaintiffs thousands of emails, sourced from hundreds of ESI custodians which were To, From, Copying, or Blind-Carbon-Copying any Plaintiff as the term is defined at Plaintiffs’ Definition No.10.

REQUEST 22: Please produce all Documents that refer to Ryan McFadyen’s interim suspension from April 5, 2006 to December 1, 2007.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to

Request Nos. 21, 39, 43, 45, 47, 50, 52, 54, 55, 56, 58, and 59. Duke further objects that the time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke also objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 23: For every transcribed recording that You produced in discovery in this action, produce the complete recording of the event, including any portion of a recording that was not transcribed.

RESPONSE:

Duke objects to the extent that this Request implies that the "complete recording[s]" of every event for which Duke has produced a transcript are in Duke's possession, custody, or control such that Duke (1) could produce complete recordings and/or (2) determine if transcripts included all "portion[s]" of recordings. Subject to and notwithstanding its general and specific objections, Duke will search for and produce non-privileged audio files responsive to this Request in its possession, custody, or control, if any exist, that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" files will be so marked.

REQUEST 24: All Documents containing any notes of any meeting of the Duke University Board of Trustees from 2005 to the present taken by You, including but not limited to those identified by Richard Riddell in his deposition testimony.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited Request Nos. 25, 51, and 52. Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks “*any notes*” of “*any meeting*” without any subject matter limitation. Duke also objects that the time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. For the reasons explained in the General Objections, Duke is limiting its response to events on or before August 31, 2007. In addition, Duke objects to the extent this Request mischaracterizes Mr. Riddell’s testimony. Duke objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that not every aspect of every Duke University Board of Trustee meeting had any relation whatsoever to (i) information regarding the disciplinary proceedings relating to Plaintiff Breck Archer, the disciplinary proceedings relating to Plaintiff Matthew Wilson, and the interim suspension of Plaintiff Ryan McFadyen; and (ii) information regarding the disclosure of DukeCard Data to the Durham Police Department, the subsequent subpoena that was issued to Matthew Drummond on May

31, 2006, seeking production of DukeCard Data by Duke, and the responses to that subpoena. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced.

"Confidential" documents will be so marked.

REQUEST 25: All Documents containing recordings, notes, or minutes of any meeting of the Duke University Board of Trustees from 2005, including but not limited to those identified by Allison Haltom in her deposition testimony.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited Request Nos. 24, 51, and 52. Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks "*all* documents" regarding "*any* meeting" without any subject matter limitation. Duke also objects to the extent this Request mischaracterizes Ms. Haltom's testimony. In addition, Duke objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that not every aspect of every Duke University Board of Trustee meeting had any relation whatsoever to (i) information regarding the disciplinary proceedings relating to Plaintiff Breck Archer, the disciplinary proceedings

relating to Plaintiff Matthew Wilson, and the interim suspension of Plaintiff Ryan McFadyen; and (ii) information regarding the disclosure of DukeCard Data to the Durham Police Department, the subsequent subpoena that was issued to Matthew Drummond on May 31, 2006, seeking production of DukeCard Data by Duke, and the responses to that subpoena. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 26: All Documents containing recordings, notes, or minutes of any meeting of the Duke University Crisis Management Team held between March 13, 2006 and January 1, 2008.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 27, 53, and 54. Duke further objects that the time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome in that it seeks "*all* documents" regarding "*any* meeting" without any subject matter limitation. Duke limits its response to events on or before August 31, 2007. Duke also objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke further objects to the use of the undefined term "Crisis Management Team," a term which many of Duke's senior-level

administrator witnesses have testified they have never heard, or used. *See, e.g.*, Hendricks (Rough) Tr. 27:20 to 28:22; Lange Tr. 174:10 to 14; Adcock Tr. 66:16 to 23. Duke also objects that not every aspect of every senior-level advisor meeting had any relation whatsoever to (i) information regarding the disciplinary proceedings relating to Plaintiff Breck Archer, the disciplinary proceedings relating to Plaintiff Matthew Wilson, and the interim suspension of Plaintiff Ryan McFadyen; and (ii) information regarding the disclosure of DukeCard Data to the Durham Police Department, the subsequent subpoena that was issued to Matthew Drummond on May 31, 2006, seeking production of DukeCard Data by Duke, and the responses to that subpoena. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents reflecting recordings, notes, or minutes of meetings of senior-level advisors to President Brodhead who met to discuss Crystal Mangum's rape allegations, and Duke's response to those allegations, that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 27: Please produce all notes, recordings, or minutes reflecting the meetings, discussions, decisions, or activities of the Duke University Crisis Management Team from March 13, 2006 through January 31, 2008.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to

Request Nos. 26, 53, and 54. Duke further objects that the time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome in that it seeks “*all* notes, recording, or minutes” without any subject matter limitation. Duke limits its response to events on or before August 31, 2007. Duke also objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke further objects to the use of the undefined term “Crisis Management Team,” a term which many of Duke’s senior-level administrator witnesses have testified they have never heard, or used. *See, e.g.*, Hendricks (Rough) Tr. 27:20 to 28:22; Lange Tr. 174:10 to 14; Adcock Tr. 66:16 to 23. Duke also objects that not every aspect of every senior-level advisor meeting had any relation whatsoever to (i) information regarding the disciplinary proceedings relating to Plaintiff Breck Archer, the disciplinary proceedings relating to Plaintiff Matthew Wilson, and the interim suspension of Plaintiff Ryan McFadyen; and (ii) information regarding the disclosure of DukeCard Data to the Durham Police Department, the subsequent subpoena that was issued to Matthew Drummond on May 31, 2006, seeking production of DukeCard Data by Duke, and the responses to that subpoena. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents reflecting meetings, discussions, decisions, or activities meetings of senior-level advisors to President Brodhead who met to discuss Crystal Mangum’s rape allegations, and Duke’s response to those allegations, that are (i) relevant to any

party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 28: All Documents containing or referring to any draft, version, or revision of President Brodhead's April 5, 2006 "Letter to the Community."

RESPONSE:

Duke objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 29: Please produce all drafts of the May 1, 2006 Report from the Academic Council Student Affairs Committee.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 30, 31, and 33. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Subject to and notwithstanding its general and specific objections,

including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 30: Please produce all electronic correspondence relating to the Academic Council Student Affairs Committee.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests Nos. 29, 31 and 33. Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks "all electronic correspondence" without subject matter limitation. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. In addition, Duke objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that not every incidence of "electronic correspondence" of the Academic Council Student Affairs Committee had any relation whatsoever to (i) information regarding the disciplinary proceedings relating to Plaintiff Breck Archer, the disciplinary proceedings relating to Plaintiff Matthew Wilson, and the interim suspension of Plaintiff Ryan McFadyen; and (ii) information regarding the disclosure of

DukeCard Data to the Durham Police Department, the subsequent subpoena that was issued to Matthew Drummond on May 31, 2006, seeking production of DukeCard Data by Duke, and the responses to that subpoena. Duke further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 31: Please produce all Documents relating to the May 1, 2006 Report from the Academic Council Student Affairs Committee.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Request Nos. 29, 30, and 33. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that

are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 32: Please produce all Documents relating to the formation of the Academic Council Student Affairs Committee.

RESPONSE:

Duke objects to this Request as seeking irrelevant information, as the Academic Council Student Affairs Committee was formed in January 2004, pre-dating any events relevant to this action. Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Duke further objects that this Request is facially over broad to the extent it uses the term "relating to" because it renders the Request limitless. Duke will not produce documents responsive to this Request.

REQUEST 33: Please produce all electronic correspondence relating to the May 1, 2006 Report from the Academic Council Student Affairs Committee.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 29, 30, and 31. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke further objects that this Request is facially over broad to the extent it uses the term "relating to" because it renders the Request limitless. Subject to

and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 34: Please produce all electronic correspondence between Melinda Wilson and Prasad Kasibhatla from March 2006 to September 2006.

RESPONSE:

Duke objects to this Request to the extent that Plaintiffs are better-positioned to obtain the electronic correspondence of Plaintiff's mother Melinda Wilson than Duke. Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks "all electronic correspondence" without subject matter limitation. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians (although Prasad Kasibhatla is not one of the 17 email custodians Duke is reviewing and producing email data from, Duke will produce responsive, non-privileged emails from the collections of the 17 custodians), Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 35: Please produce all electronic correspondence between Melinda Wilson and Robert Thompson from March 2006 to September 2006.

RESPONSE:

Duke objects to this Request to the extent that Plaintiffs are better-positioned to obtain the electronic correspondence of Plaintiff's mother Melinda Wilson than Duke. Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks "all electronic correspondence" without subject matter limitation. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians (although Robert Thompson is not one of the 17 email custodians Duke is reviewing and producing email data from, Duke will produce responsive, non-privileged emails from the collections of the 17 custodians), Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 36: Please produce all electronic correspondence between Peter Wilson and Larry Moneta from March 2006 to September 2006.

RESPONSE:

Duke objects to this Request to the extent that Plaintiffs are better-positioned to obtain the electronic correspondence of Plaintiff's father Peter Wilson. Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks "all electronic

correspondence” without subject matter limitation. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 37: Please produce all electronic correspondence between Peter Wilson and Paul Haagen from March 2006 to September 2006.

RESPONSE:

Duke objects to this Request to the extent that Plaintiffs are better-positioned to obtain the electronic correspondence of Plaintiff’s father Peter Wilson. Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks “*all* electronic correspondence” without subject matter limitation. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians (although Paul Haagen is not one of the 17 email custodians Duke is reviewing and producing email data from, Duke will produce responsive, non-privileged emails from the collections of the 17 custodians), Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 38: Please produce all electronic correspondence between Peter Wilson and Stephen Bryan from March 2006 to September 2006.

RESPONSE:

Duke objects to this Request to the extent that Plaintiffs are better-positioned to obtain the electronic correspondence of Plaintiff's father Peter Wilson. Duke further objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks "all electronic correspondence" without subject matter limitation. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 39: Every Document relating or referring to the interim suspension of Ryan McFadyen.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 21, 22, 43, 45, 47, 50, 52, 54, 55, 56, 58, and 59. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke

further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 40: Every Document relating or referring to the suspension of Breck Archer.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request No. 48. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to

any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced.

"Confidential" documents will be so marked.

REQUEST 41: Every Document relating or referring to the suspension of Matthew Wilson.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request No. 44, 46, 49, 51, 53, and 57. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke further objects that this Request is facially over broad to the extent it uses the term "relating to" because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 42: Every Document You produced in response to any discovery request or subpoena issued in the Carrington Action (except those Documents that you have already produced in this Civil Action).

RESPONSE:

Duke objects to this Request as seeking irrelevant information as the Counts proceeding in the two actions are non-identical. Duke further objects that McFadyen Plaintiffs one year ago specifically sought and obtained separate document discovery from that of the Carrington Action on that very basis. *See* Plaintiffs' Opposition to Defendants' Motion to Consolidate [DE 238]. On the first page of their August 25, 2011 Opposition, Plaintiffs argued that Duke had "grossly exaggerat[ed] the nominal similarity between Plaintiffs' claims going forward at this stage and those of the Plaintiffs in *Carrington*." [DE 238] Plaintiffs entitled one Section, "The Claims, Parties, and Operative Facts in *McFadyen* and *Carrington* are Almost Entirely Distinct" and proceeded to so argue. *See* Opposition at 11-14. [DE 238] Plaintiffs even prepared and filed charts to demonstrate to the Court how the claims, parties, and operative facts were so different between the two cases. [DE 238-1] Having vigorously opposed Duke's motion to consolidate discovery, Plaintiffs should not now receive the benefit of discovery from the Carrington case. Duke also objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks "every document" responsive to "any request or subpoena" without subject matter limitation. In addition, Duke objects that protections afforded by FERPA to the Carrington Plaintiffs would be potentially violated by Duke

responding to this Request. Accordingly, Duke will not produce documents specifically responsive to this Request.

REQUEST 43: Every Document and Communication relating to the March 14, 2006 Email.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 21, 22, 39, 45, 47, 50, 52, 54, 55, 56, 58, and 59. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. In addition, Duke objects to this Request as over broad, oppressive, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Duke further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 44: Every Document and Communication of Larry Moneta relating to the suspension of Matthew Wilson.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 41, 46, 49, 51, 53, and 57. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 45: Every Document and Communication of Larry Moneta relating to the interim suspension of Ryan McFadyen.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 21, 22, 39, 43, 47, 50, 52, 54, 55, 56, 58, and 59. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 46: Every Document and Communication of Stephen Bryan relating to the suspension of Matthew Wilson.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 41, 44, 49, 51, 53, and 57. Duke further objects to this Request for

Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke further objects that this Request is facially over broad to the extent it uses the term "relating to" because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 47: Every Document and Communication of Stephen Bryan relating to the interim suspension of Ryan McFadyen.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 21, 22, 39, 43, 45, 50, 52, 54, 55, 56, 58, and 59. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke

further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 48: Every Document and Communication of Stephen Bryan relating to the suspension of Breck Archer.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request No. 40. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to

any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced.

"Confidential" documents will be so marked.

REQUEST 49: Every Document and Communication of John Burness relating to the suspension of Matthew Wilson.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 41, 44, 46, 51, 53, and 57. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Although John Burness is not one of the 17 email custodians Duke is reviewing and producing email data from, Duke will produce responsive, non-privileged emails from the collections of the 17 custodians for which John Burness appears to be the author or sender. Duke will produce responsive, non-privileged hard-copy documents in its possession, custody, or control for which John Burness was the custodian, or otherwise appears to be the author or sender. Duke further objects that this Request is facially over broad to the extent it uses the term "relating to" because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this

Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 50: Every Document and Communication of John Burness relating to the interim suspension of Ryan McFadyen.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 21, 22, 39, 43, 45, 47, 52, 54, 55, 56, 58, and 59. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Although John Burness is not one of the 17 email custodians Duke is reviewing and producing email data from, Duke will produce responsive, non-privileged emails from the collections of the 17 custodians for which John Burness appears to be the author or sender. Duke will produce responsive, non-privileged hard-copy documents in its possession, custody, or control for which John Burness was the custodian, or otherwise appears to be the author or sender. Duke further objects that this Request is facially over broad to the extent it uses the term "relating to" because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is

producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 51: Every Document and Communication of members of the Duke University Board of Trustees relating to the suspension of Matthew Wilson.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Requests Nos. 24, 25, 41, 44, 46, 49, 51, 52, 53, and 57. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. In addition, Duke objects to the extent that these documents and communications would be in the possession, custody or control of individual Board of Trustee members, or former board members, and not the possession, custody, or control of Duke. Duke further objects that this Request is facially over broad to the extent it uses the term "relating to" because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this

Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 52: Every Document and Communication of members of the Duke University Board of Trustees relating to the interim suspension of Ryan McFadyen.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 21, 22, 24, 25, 39, 43, 45, 47, 50, 51, 54, 55, 56, 58, and 59. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. In addition, Duke objects to the extent that these documents and communications would be in the possession, custody or control of individual Board of Trustee members, or former board members, and not the possession, custody, or control of Duke. Duke further objects that this Request is facially over broad to the extent it uses the term "relating to" because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 53: Every Document and Communication of members of the Crisis Management Team relating to the suspension of Matthew Wilson.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 26, 27, 41, 44, 46, 49, 51, 53, 54, and 57. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke further objects to the use of the undefined term “Crisis Management Team,” a term which many of Duke’s senior-level administrator witnesses have testified they have never heard, or used. *See, e.g.,* Hendricks (Rough) Tr. 27:20 to 28:22; Lange Tr. 174:10 to 14; Adcock Tr. 66:16 to 23. Duke further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 54: Every Document and Communication of members of the Crisis Management Team relating to the interim suspension of Ryan McFadyen.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 21, 22, 26, 27, 39, 43, 45, 47, 50, 52, 53, 54, 55, 56, 58, and 59. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke further objects to the use of the undefined term “Crisis Management Team,” a term which many of Duke’s senior-level administrator witnesses have testified they have never heard, or used. *See, e.g.,* Hendricks (Rough) Tr. 27:20 to 28:22; Lange Tr. 174:10 to 14; Adcock Tr. 66:16 to 23. Duke further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 55: Every Document and Communication of Suzanne Wasiolek relating to the interim suspension of Ryan McFadyen.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 21, 22, 39, 43, 45, 47, 50, 52, 54, 56, 58, and 59. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Duke further objects that this Request is facially over broad to the extent it uses the term “relating to” because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party’s claim or defense to Counts 21 or 24, and (ii) have not yet been produced. “Confidential” documents will be so marked.

REQUEST 56: Every Document and Communication of Allison Haltom relating to the interim suspension of Ryan McFadyen.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to

Request Nos. 21, 22, 39, 43, 45, 47, 50, 52, 54, 55, 58, and 59. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Although Allison Haltom is not one of the 17 email custodians Duke is reviewing and producing email data from, Duke will produce responsive, non-privileged emails from the collections of the 17 custodians for which Allison Haltom appears to be the author or sender. Duke will produce responsive, non-privileged hard-copy documents in its possession, custody, or control for which Allison Haltom was the custodian, or otherwise appears to be the author or sender. Duke further objects that this Request is facially over broad to the extent it uses the term "relating to" because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 57: Every Document and Communication of Allison Haltom relating to the suspension of Matthew Wilson.

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 41, 44, 46, 49, 51, and 53. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. Although Allison Haltom is not one of the 17 email custodians Duke is reviewing and producing email data from, Duke will produce responsive, non-privileged emails from the collections of the 17 custodians for which Allison Haltom appears to be the author or sender. Duke will produce responsive, non-privileged hard-copy documents in its possession, custody, or control for which Allison Haltom was the custodian, or otherwise appears to be the author or sender. Duke further objects that this Request is facially over broad to the extent it uses the term "relating to" because it renders the Request limitless. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked.

REQUEST 58: Every Document and Communication relating to the warrant to search Ryan's residence and vehicle, which Durham Police obtained and executed on March 27, 2007 (Pls. #00008394-00008404).

RESPONSE:

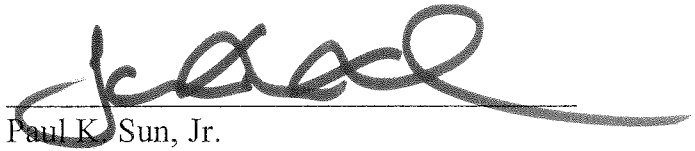
Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 21, 22, 39, 43, 45, 47, 50, 52, 54, 55, 56, and 59. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. In addition, Duke objects to the extent that these documents and communications would be in the possession, custody or control of the Durham Police Department, and not the possession, custody, or control of Duke. Duke also objects to the extent that this Request seeks documents relevant to the stayed claims, and not to the Counts currently proceeding. *See* DE 218, DE 282. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked. However, Duke is not producing any documents specifically in response to this Request because any document responsive and relevant to the current claims is being otherwise produced.

REQUEST 59: Every Document and Communication relating to the Application for Disclosure of Customer Account Information and Order (Pls. #00008401-00008402).

RESPONSE:

Duke objects to this Request as unreasonably cumulative, duplicative and co-extensive with previous and contemporaneous Requests, including but not limited to Request Nos. 21, 22, 39, 43, 45, 47, 50, 52, 54, 55, 56, and 58. Duke further objects to this Request for Production to the extent the Request calls for the production of documents relating to communications between Duke and its attorneys and/or work product generated by or under the direction of those attorneys. Duke also objects that the lack of a time period for this Request is arbitrary, unreasonable, over broad, and unduly burdensome. Duke limits its response to events on or before August 31, 2007. In addition, Duke objects to the extent that these documents and communications would be in the possession, custody or control of the Durham Police Department, and not the possession, custody, or control of Duke. Duke also objects to the extent that this Request seeks documents relevant to the stayed claims, and not to the Counts currently proceeding. *See* DE 218, DE 282. Subject to and notwithstanding its general and specific objections, including the conditions and restrictions outlined above with respect to email custodians, Duke is producing non-privileged documents responsive to this Request that are (i) relevant to any party's claim or defense to Counts 21 or 24, and (ii) have not yet been produced. "Confidential" documents will be so marked. However, Duke is not producing any documents specifically in response to this Request because any document responsive and relevant to the current claims is being otherwise produced.

This the 21st day of September, 2012.



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Counsel for Duke University

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **Duke University's Response to Plaintiffs' Fourth Request for Production to Duke University** has been served this day by depositing copies thereof in a depository under the exclusive care and custody of the United States Postal Service in a postage prepaid envelope properly addressed as below, or by electronic transmission as provided in Rule 5(b)(2)(E) to those parties whose counsel agreed in writing to such electronic service in lieu of service by mail:

BY E-MAIL:

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Durham, NC 27705

Counsel for Plaintiffs

This the 21st day of September, 2012.



James M. Weiss