

EXHIBIT 10

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

EDWARD CARRINGTON, et al.,)

Plaintiffs,)

v.)

No. 1:08–CV–00119

DUKE UNIVERSITY, et al.,)

Defendants.)

**SUPPLEMENT TO PLAINTIFFS’ INITIAL DISCLOSURES PURSUANT TO
RULE 26(a)(1)**

Pursuant to Fed. R. Civ. P. 26(e)(1) and the Court’s Initial Pretrial Order, Edward Carrington, Casey J. Carroll, Michael P. Catalino, Thomas Clute, Kevin Coleman, Joshua R. Covalleski, Edward J. Crotty, Edward S. Douglas, Kyle Dowd, Daniel Flannery, Richard Gibbs Fogarty, Zachary Greer, Erik S. Henkelman, John E. Jennison, Ben Koesterer, Fred Krom, Peter J. Lamade, Adam Langley, Christopher Loftus, Daniel Loftus, Anthony McDevitt, Glenn Nick, Nicholas O’Hara, Daniel Oppedisano, Sam Payton, John Bradley Ross, Kenneth J. Sauer, III, Steve Schoeffel, Robert Schroeder, Devon Sherwood, Daniel Theodoridis, Brett Thompson, Christopher Tkac, John Walsh, Jr., Michael Ward, Robert Wellington, William Wolcott, and Michael Young (collectively, “Plaintiffs”) make the following supplement to their initial disclosures with respect to Counts 8, 11, and 19 of their First Amended Complaint (“Complaint”). Counts 8, 11, and 19 consist of claims brought against Duke University, Richard Brodhead,

Robert Dean, Matthew Drummond, Aaron Graves, Kate Hendricks, Tallman Trask, and Suzanne Wasiolek (collectively, the “Duke Defendants”) for their role in Duke University’s response to false allegations of rape made against members of the 2005-06 Duke University Men’s Lacrosse Team. These supplemental initial disclosures are based on the information reasonably available to Plaintiffs at this time, and Plaintiffs reserve the right, pursuant to Rule 26(e)(1), to further supplement these disclosures to the extent required under that rule or other applicable law.

I. Rule 26(a)(1)(A)(i)

The following individuals are likely to have discoverable information that Plaintiffs may use to support their claims:

1. The Plaintiffs have information related to the factual allegations in the Complaint, the actions taken by the Duke Defendants in connection with the rape allegations, and the damages they have suffered as a result of those actions. The Plaintiffs’ addresses and telephone numbers are listed below.

NAME	ADDRESS AND TELEPHONE NUMBER
Edward Carrington	1768 Catlin Rd. Charlottesville, VA 22901 (434) 962-1449
Casey J. Carroll	6500 Whittlesey Blvd. Apt. 104 Columbus, GA 31909 (706) 505-5636
Michael P. Catalino	1644 33rd St. NW Apt. B Washington, DC 20007 (585) 355-3540

Thomas Clute	2555 Pennsylvania Avenue, NW Apt. 918 Washington, DC 20037 (301) 502-2475
Kevin Coleman	343 E 74th St. Apt. PH2A New York, NY 10021 (201) 410-6228
Joshua R. Coveleski	1 Waterwheel Circle Dover, DE 19901 (302) 233-1270
Edward J. Crotty	135 West 10th St. Apt. 1 New York, NY 11014 (201) 602-3631
Edward S. Douglas	1530 Jones St. Apt. 3 San Francisco, CA 94109 (919) 452-9086
Kyle Dowd	127 Emerald Hill Road Singapore, Singapore 229410 Phone: 0116596496652
Daniel Flannery	85 East End Ave. Apt. 12-D New York, NY 10028 (516) 510-2171
Richard Gibbs Fogarty	4741 Reservoir Rd. NW Washington, DC 20007 (301) 758-7273
Zachary Greer	23 Autumn Pl. St. Catharines On. L2P3W3 (289) 387-1261
Erik S. Henkelman	515 S. 10th St. Unit G Philadelphia, PA 19147 (816) 214-3675
John E. Jennison	2710 Pine St. San Francisco, CA 94115 (804) 683-5101
Ben Koesterer	3963 Keeshen Drive Mar Vista, CA 90066 (631) 334-4418
Fred Krom	48 MacDougal Street, Apt. 2 New York, NY 10012 (908) 868-5055

Peter J. Lamade	8328 Georgetown Pike McLean, VA 22102 (240) 472-9229
Adam Langley	1755 Kilbourne Place NW Apt. 3 Washington, DC 20010 (847) 602-6679
Christopher Loftus	189 Miller Place Syosset, NY 11791 (516) 395-6370
Daniel Loftus	356 West Thatch Palm Circle #106 Jupiter, FL 33458 (561) 319-5714
Anthony McDevitt	118 East 11th St. Apt. A New York, NY 10003 (856) 296-8509
Glenn Nick	2-17 51st Ave. Apt. 310 Long Island City, NY 11101 (516) 318-6095
Nicholas O'Hara	115 Pond Apple Ln. Unit 103 Jupiter, FL 33458 (561) 319-4536
Daniel Oppedisano	2020 Walnut St. Philadelphia, PA 19103 (516) 456-2006
Sam Payton	301 W 53rd St. Apt. 23K New York, NY 10019 (203) 561-9662
John Bradley Ross	189 Dartmouth Pl. Unit 4 Pawtucket, RI 02860 (301) 580-4469
Kenneth J. Sauer, III	127 Emerald Hill Rd. Singapore, Singapore 229410 +6581810580
Steve Schoeffel	4545 S. Monaco Street #139 Denver, CO 80237 (434) 531-3402
Robert Schroeder	24 Warwick Road Summit, NJ 07901 (908) 591-7446

Devon Sherwood	110 Michigan Ave. NE, Apt. 43F Washington, D.C. 20017 (516) 639-1186
Daniel Theodoridis	6 Christopher Ln. Norwalk, CT 06851 (203) 246-6953
Bret Thompson	4629 1/2B MacArthur Blvd. NW Washington, DC 20007 (301) 785-2784
Christopher Tkac	777 6th Ave. Apt. 29J New York, NY 10001 (301) 257-3711
John Walsh, Jr.	300 East 40th St. Apt. 26W New York, NY 11016 (240) 447-1644
Michael Ward	28 Sherry Dr. Setauket, NY 11733 (631) 252-4874
Robert Wellington	1919 Colquitt Street, Unit C Houston, TX 77098 (214) 728-4283
William Wolcott	27 Barker Ave. Apt. 1002 White Plains, NY 10601 (241) 769 4575
Michael Young	85 E 38th St. Apt. 2e New York, NY 10016 (516) 633-5092

2. The following parents of Plaintiffs are likely to have information related to the factual allegations in the complaint, the Duke Defendants' actions in connection with the rape allegations, and/or the damages suffered by Plaintiffs that Plaintiffs may use to support their claims:

- a. Gerald Crotty
2 Miller Road

New Vernon, NJ 07976
(973) 290-5786

- b. Tricia Dowd
17 Gunther Drive
East Northport, NY 11731
(631) 266-1746
- c. Everett Flannery
109 Kildare Rd.
Garden City, NY 11530
(516) 242-0368
- d. Sally Fogarty
3804 Bradley Lane
Chevy Chase, MD 20815
(301) 652-4333
- e. Frederick Krom
185 Summit Avenue
Summit, NJ 07901
(917) 603-1266
- f. Lawrence Lamade
6712 Connecticut Avenue
Chevy Chase, MD 20815
(301) 652-0344
- g. Bruce Thompson
8309 Kerry Road
Chevy Chase, MD 20815
(301) 652-1641
- h. Kathleen Thompson
8309 Kerry Road
Chevy Chase, MD 20815
(301) 652-1641

3. The Duke Defendants are likely to have information related to the University's response to the false rape allegations, including its interactions with public authorities investigating the allegations; the actions each of the Duke Defendants took in connection with that response; and the resulting damages suffered by the Plaintiffs. The particular information each Duke Defendant is likely to have includes the following:
 - a. Richard Brodhead – President Brodhead is likely to have information about the interactions he and other Duke University officials had with the Plaintiffs, the media, City of Durham officials, and others with respect to the rape allegations; the actions he and other Duke University officials took in connection with supervising and directing the University's response to the rape allegations; and the damages suffered by the Plaintiffs as a result of his and the other Duke Defendants' actions.
 - b. Robert Dean – Director and Chief of the Duke Police Department Dean is likely to have information about the provision of the Plaintiffs' DukeCard information to the City of Durham and the University's actions related to the later subpoena for that information; the interactions he and other Duke University officials had with the Plaintiffs, the media, City of Durham officials, and others with respect to the rape allegations; the actions he and other Duke University officials took in connection with supervising and

directing the University's response to the rape allegations; and the damages suffered by the Plaintiffs as a result of his and the other Duke Defendants' actions.

- c. Matthew Drummond – Director Drummond is likely to have information related to the provision of the Plaintiffs' DukeCard information to the City of Durham and the University's actions related to the later subpoena for that information.
- d. Aaron Graves – Vice President for Campus Security Graves is likely to have information about the interactions he and other Duke University officials had with the Plaintiffs, the media, City of Durham officials, and others with respect to the rape allegations; the actions he and other Duke University officials took in connection with supervising and directing the University's response to the rape allegations; and the damages suffered by the Plaintiffs as a result of his and the other Duke Defendants' actions.
- e. Kate Hendricks – Deputy General Counsel Hendricks is likely to have information about the provision of the Plaintiffs' DukeCard information to the City of Durham and the University's actions related to the later subpoena for that information; the interactions she and other Duke University officials had with the Plaintiffs, the media, City of Durham officials, and others with respect to the rape allegations; the actions she and

other Duke University officials took in connection with supervising and directing the University's response to the rape allegations; and the damages suffered by the Plaintiffs as a result of her and the other Duke Defendants' actions.

- f. Tallman Trask – Executive Vice President Trask is likely to have information about the interactions he and other Duke University officials had with the Plaintiffs, the media, City of Durham officials, and others with respect to the rape allegations; the actions he and other Duke University officials took in connection with supervising and directing the University's response to the rape allegations; and the damages suffered by the Plaintiffs as a result of his and the other Duke Defendants' actions.
 - g. Suzanne Wasiolek – Dean Wasiolek is likely to have information about the interactions she and other Duke University officials had with the Plaintiffs, the media, City of Durham officials, and others with respect to the rape allegations; the actions she and other Duke University officials took in connection with supervising and directing the University's response to the rape allegations; and the damages suffered by the Plaintiffs as a result of her and the other Duke Defendants' actions.
4. The following individuals who were officers, employees, and/or agents of Duke University at the time of the rape allegations and the ensuing response are likely to

have information related to the actions taken by Duke University and its officers, employees, and agents in connection with the rape allegations and/or the resulting damages suffered by the Plaintiffs:

- a. David Adcock
- b. Joe Alleva
- c. Houston Baker
- d. Lee Baker
- e. Steve Baldwin
- f. Mary Boatwright
- g. Roy Bostock
- h. Stephen Bryan
- i. John Burness
- j. Kevin Cassese
- k. William Chafe
- l. James E. Coleman, Jr.
- m. Thomas Crowley
- n. Kim Curtis
- o. John Danowski
- p. Kemel Dawkins
- q. Christopher Day

- r. Sally Deutsch
- s. Anthony Drexel Duke¹
- t. Grant Farred
- u. Joe Ferraro
- v. C. Faulkner Fox
- w. David Gergen
- x. Roland Gettliffe
- y. George Grody
- z. Paul Haagen
- aa. Allison Haltom
- bb. Karla Holloway
- cc. Sam Hummel
- dd. Reeve Huston
- ee. Lisa Jordan
- ff. Prasad Kasibhatia
- gg. Chris Kennedy
- hh. Kerstin Kimel
- ii. Mike Krzyzewski
- jj. Peter Lange

¹ It is our understanding that Mr. Duke was an emeritus member of Duke University's Board of Trustees when the events that gave rise to this litigation occurred.

kk. Wahneema Lubiano

ll. John Mack

mm. George McLendon

nn. Sarah Minnis

oo. Larry Moneta

pp. Mark Anthony Neal

qq. Mike Pressler

rr. Sara Jane Raines

ss. Richard Riddell

tt. Thomas Robisheaux

uu. Gary Smith

vv. Kathleen Smith

ww. Robert Steel

xx. Greg Stotsenberg

yy. Robert Thompson

zz. Susan Thorne

aaa. Tim Tyson

bbb. Father Joe Vetter

ccc. G. Richard Wagoner, Jr.

ddd. Reverend Sam Wells

eee. Peter Wood

5. Members of the Board of Directors of Duke University who approved of President Brodhead's actions taken in connection with the rape allegations.

6. Joe Alberici is likely to have information related to the damages suffered by Plaintiffs.

Joe Alberici
Head Lacrosse Coach
United States Military Academy
ODIA
6319 Howard Road
West Point, NY 10996
(845) 938-2329

7. Robert Ekstrand and/or Stefanie Sparks are likely to have information related to the facts underlying Counts 8, 11, and 19 and the resulting damages suffered by Plaintiffs.

Robert Ekstrand
Stefanie Sparks
Ekstrand & Ekstrand LLP
811 Ninth Street
Suite 260
Durham, NC 27705
(919) 416-4590

8. David Evans, Sr. and David Evans, Jr. are likely to have information related to the facts underlying Counts 8, 11, and 19 and the resulting damages suffered by Plaintiffs.

David Evans, Sr.
600 Maid Marion Road
Annapolis, MD 21405
(410) 849-2598

David Evans, Jr.
2300 Walnut Street, Apt. 627
Philadelphia, PA 19103
Counsel:
Brendan V. Sullivan
Christopher Manning
Williams & Connolly
725 12th Street NW
Washington, D.C. 20005
(202) 434-5000

9. Mark Gottlieb is likely to have information regarding efforts to obtain Plaintiffs' DukeCard information from Duke University and the University's provision of information to the City of Durham Police Department.

Mark Gottlieb
c/o David W. Long
Poyner Spruill LLP
P.O. Box 1801
Raleigh, NC 27602
(919) 783-2808

10. Benjamin Himan is likely to have information regarding efforts to obtain Plaintiffs' DukeCard information from Duke University and the University's provision of information to the City of Durham Police Department.

Benjamin Himan
c/o Joel M. Craig
Kennon, Craver, Belo, Craig & McKee, PLLC
P.O. Box 51579
Durham, North Carolina 27717
(919) 490-0500

11. Rick Leahman is likely to have information related to the

deferral of Plaintiff Daniel Flannery's employment at UBS.

Rick Leahman
Moelis & Company
399 Park Avenue, 5th Floor
New York, NY 10022
(212) 883-3800

12. Crystal Mangum is likely to have information related to the rape allegations and subsequent investigation.

13. Michael Nifong is likely to have information regarding efforts to obtain Plaintiffs' DukeCard information from Duke University and the University's provision of information to the City of Durham Police Department.

Michael Nifong
c/o James B. Craven, III
349 West Main Street, P.O. Box 1366
Durham, North Carolina 27701
(919) 688-8295

14. Kim Roberts, a.k.a. Pittman, is likely to have information related to the rape allegations and subsequent investigation.

15. Jason Trumpbour is likely to have information regarding Duke University's response to the rape allegations and to the damages suffered by Plaintiffs.

Jason Trumpbour
106 Kirsten Court
Parkton, MD 21120
(410) 576-7964

16. Daniel Waters is likely to have information regarding Duke University's response to the rape allegations.

Daniel Waters
FrontPoint Partners LLC
Two Greenwich Plaza
4th Floor
Greenwich, CT 06830
(203) 622-5200

17. Any other person or entity deposed or subpoenaed by any party to this litigation, and any other person or entity disclosed by the Duke Defendants as likely to have discoverable information.

II. Rule 26(a)(1)(A)(ii)

Plaintiffs have in their possession, custody, or control the following categories of documents, electronically stored information, and tangible things that they may use to support their claims:

- Materials related to the response of Duke University and its officers, employees, and agents to the rape allegations.
- Materials related to Plaintiffs' individual factual allegations.
- Materials related to Plaintiffs' interactions with Duke University officers, employees, and agents, including the individual Duke Defendants, related to the rape allegations.
- Correspondence from Duke University officials related to the subpoena for Plaintiffs' DukeCard information.

- Materials related to Plaintiffs' response to the subpoena for their DukeCard information.
- Materials related to the damages Plaintiffs have suffered as a result of the Duke Defendants' actions.

These materials are located with Plaintiffs or with their counsel in this litigation.²

III. Rule 26(a)(1)(A)(iii)

Plaintiffs claim several categories of damages flowing from their claims against the Duke Defendants³:

1. Compensatory damages:
 - a. Reputational injury.
 - b. Emotional suffering.

² The Duke Defendants and subpoenaed third parties have produced materials that may fit into these categories. Plaintiffs are continuing to review and analyze these materials.

³ Plaintiffs have conducted an initial computation of damages for their legal and other out-of-pocket expenses and for economic costs related to the cancellation of the 2006 lacrosse season. The remaining categories of compensatory damages are not amenable to such a computation at this time, and to the extent that Plaintiffs intend to put a specific dollar amount on those remaining categories of damages they will do so on the basis of expert testimony that will be disclosed to the Duke Defendants at the appropriate time (expert discovery is, of course, currently stayed). A computation of punitive damages is likewise not feasible at this time.

Nevertheless, in addition to making available for inspection and copying evidentiary material on which the computations they have disclosed are based, Plaintiffs will also make available for inspection and copying evidentiary material that bears on the nature and extent of the full range of their damages, with the exception of material (such as their Duke University transcripts) that is already in the Duke Defendants' possession, custody, or control.

- c. Invasion of privacy.
- d. Loss of educational and athletic opportunities.
- e. Loss of future career prospects.⁴
- f. Economic costs of cancellation of 2006 season.⁵

Name:	Fifth Yr. Expenses:	Opportunity Cost:	Total:
Catalino, Michael	\$7,112.00	TBD ⁶	\$7,112.00 + TBD
Clute, Thomas	\$28,368.57 ⁷	\$45,000.00	\$73,368.57
Coveleski, Joshua	None	TBD ⁸	TBD
Crotty, Ned	\$23,715.00	\$40,000.00	\$63,715.00
Douglas, Edward	None	\$90,000.00	\$90,000.00
Jennison, Jay	\$23,715.00	\$42,916.00	\$66,631.00
Lamade, Peter	\$21,309.50	\$35,000.00	\$56,309.50
Loftus, Chris	\$3,773.20	\$88,000.00 - \$90,000.00	\$91,773.20 – 93,773.20
Loftus, Daniel	\$14,670.00	\$40,000.00	\$54,670.00
O’Hara, Nicolas	\$14,500.00	\$40,000.00	\$54,500.00
Ross, John Bradley	\$8,540.74	\$35,000.00	\$43,540.74

⁴ Although this category of damages will be the subject of expert testimony, Plaintiffs disclose at this time that Daniel Flannery experienced a net loss of \$146,200 in compensation from deferring his employment for one year.

⁵ All the players listed in this table played a fifth year of NCAA lacrosse.

⁶ Mr. Catalino is still in medical school; the opportunity cost for his fifth year will be the income he earns in his first year of practice after completing medical school and residency.

⁷ In addition, Mr. Clute’s costs include student-loan interest that continues to accrue.

⁸ Mr. Coveleski’s opportunity cost will be the income he earns in his first year of work following completion of his PhD program.

Schoeffel, Steve	\$12,292.50	\$40,000.00	\$52,292.50
Schroeder, Rob	\$1,200.00	\$85,000.00	\$86,200.00
Sherwood, Devon	\$9,058.80	TBD ⁹	\$9,058.80 + TBD
Theodoridis, Daniel	\$28,384.52	\$65,000.00	\$93,384.52
Ward, Michael	TBD ¹⁰	\$120,000.00	\$120,000.00 + TBD
Total:	\$196,639.83	\$765,916.00 – 767,916.00, + TBD	\$962,555.83 – 964,555.83, + TBD

g. Legal and other expenses.

Name:	Legal Fees:¹¹	Other Expenses:	Totals:
Carrington, Edward	\$7,691.00		\$7,691.00
Carroll, Casey	\$9,827.00		\$9,827.00
Catalino, Michael	\$14,080.50		\$14,080.50
Clute, Thomas	\$16,250.00		\$16,250.00
Coleman, Kevin	\$59,098.00	\$1,850.00 ¹²	\$60,948.00
Coveleski, Joshua	\$13,963.00		\$13,963.00
Crotty, Edward	\$15,419.50		\$15,419.50
Douglas, Edward	\$13,663.00		\$13,663.00
Dowd, Kyle	\$19,722.00		\$19,722.00
Flannery, Daniel	\$20,000.00	\$2,400.00 ¹³	\$22,400.00

⁹ Mr. Sherwood is currently in his first year at the job he obtained after completing graduate school. His salary is \$18,000 plus a variable monthly commission. His opportunity cost will be the income he earns in his first year on the job.

¹⁰ Duke is in possession of internal documents establishing the cost of Mr. Ward's tuition and fees.

¹¹ At this time, Plaintiffs take no position on the legal validity of an additional \$86,849.00 in legal fees they are collectively claimed to owe.

¹² Approximately \$850 in expenses associated with leaving the hostile Duke environment, and approximately \$1,000 in travel expenses to Raleigh to meet with the special prosecutor.

¹³ Expenses associated with leaving the hostile Duke environment.

Fogarty, Richard Gibbs	\$13,910.50		\$13,910.50
Greer, Zachary	\$16,878.00		\$16,878.00
Henkelman, Erik S.	\$12,535.50		\$12,535.50
Jennison, John	\$5,000.00		\$5,000.00
Koesterer, Ben	\$14,288.00		\$14,288.00
Krom, Fred	\$26,671.00	\$600.00 ¹⁴	\$27,271.00
Lamade, Peter	\$49,184.94		\$49,184.94
Langley, Adam	\$10,500.00		\$10,500.00
Loftus, Chris	\$12,948.00		\$12,948.00
Loftus, Daniel	\$12,053.00		\$12,053.00
McDevitt, Anthony	\$18,043.00		\$18,043.00
Nick, Glenn	\$14,300.50	\$1,500.00 ¹⁵	\$15,800.50
O'Hara, Nicolas	\$16,780.50		\$16,780.50
Oppedisano, Daniel	\$14,758.00		\$14,758.00
Payton, Sam	\$11,738.00		\$11,738.00
Ross, John Bradley	\$12,398.00		\$12,398.00
Sauer, Kenneth	\$15,445.50		\$15,445.50
Schoeffel, Steve	\$14,020.50		\$14,020.50
Schroeder, Robert	\$6,000.00		\$6,000.00
Theodoridis, Daniel	\$14,889.00		\$14,889.00
Thompson, Bret	\$89,073.56		\$89,073.56
Tkac, Christopher	\$14,213.00		\$14,213.00
Ward, Michael	\$3,074.00		\$3,074.00
Wellington, Robert	\$10,000.00		\$10,000.00
Wolcott, William	\$10,000.00		\$10,000.00
Young, Michael	\$14,180.00		\$14,180.00
Total:	\$642,596.50	\$6,350.00	\$648,946.50

¹⁴ *Id.*

¹⁵ *Id.*

2. Punitive damages for fraudulent, willful and wanton, and malicious conduct.

IV. Rule 26(a)(1)(A)(iv)

None.

Dated: August 14, 2012

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Philip A. Mullins, IV
N.C. Bar. No. 20219
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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing has been served this day by electronic transmission as provided in Rule 5(b)(2)(E) to:

Counsel for Duke University Defendants

Richard W. Ellis

dick.ellis@elliswinters.com

Dixie Wells

dixie.wells@elliswinters.com

Jeremy Falcone

jeremy.falcone@elliswinters.com

This the 14th day of August, 2012.

s/ Aaron Cummings

Aaron Cummings