

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 1. SOUTHEASTERN OKLAHOMA)
 STATE UNIVERSITY, and)
)
 2. THE REGIONAL UNIVERSITY)
 SYSTEM OF OKLAHOMA)
)
 Defendants.)

Case No. CIV-15-324-C

**DEFENDANTS SOUTHEASTERN OKLAHOMA STATE UNIVERSITY
AND THE REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA’S
RESPONSE IN OBJECTION TO PLAINTIFF’S MOTION TO
COMPEL PRODUCTION OF ELECTRONICALLY STORED INFORMATION**

Defendants, Southeastern Oklahoma State University, ("SEOSU"), and The Regional University System of Oklahoma ("RUSO"), (collectively "University Defendants" or "the State"), and pursuant to Fed. R. Civ. P. 34 and 37, and LCvR 7.1(g) respond in objection to Plaintiff’s Motion to Compel [Doc. 52]. In support hereof, the State submits the following:

BACKGROUND

Intervenor failed to meet the standards required to attain tenure at SEOSU. Therefore, Intervenor was not offered tenure after Intervenor’s application was submitted for consideration. Intervenor then filed a charge of discrimination against the State with the Plaintiff’s “Equal Employment Opportunity Commission” (“EEOC”) on or about September 9, 2010. Over the course of the ensuing months and years, the EEOC and/or Plaintiff’s trial

counsel actively interviewed no less than twenty-five (25) witnesses, many or all of whom were State employees, and collected numerous documents and records from the State and its school. After nearly five (5) years since Intervenor's initial charge, and multiple years after Plaintiff began demanding documents and interviewing State employees, the Plaintiff finally filed its lawsuit. It would be an understatement to say that Plaintiff's opportunity to learn about its case (and anything that might be even tangentially related) has been significant. During formal Discovery, Plaintiff propounded written requests to the State. Those included, in pertinent part, twenty-seven (27) requests for production of documents made on August 17, 2015. [Exhibit 1], to which the State responded with **over thirteen thousand (13,000) pages of documents**. Those documents included (among other things) copies of electronic mail messages.

In late September of 2015, Plaintiff then demanded a search of Defendants' email messages, but after having the folly of Plaintiff's search parameters pointed out by the Defendants, Plaintiff ultimately agreed to a test search in order to sample the electronic messages and test Plaintiff's proposed search terms. That initial test yielded over 1,000 email messages, all of which had to be individually reviewed by the State's attorneys for matters such as attorney-client and work-product privileges, personally identifying information ("PII"), information protected by the Family Educational Rights and Privacy Act ("FERPA") and Health Insurance Portability and Accountability Act ("HIPAA"), personal credit information ("PCI"), and the like. The review and redaction of all of those messages took

considerable time, in part because the State possesses no software platform for the rapid review of electronically stored information (“ESI”). After multiple days’ worth of University Information Technology staff’s time, and State attorney’s time was spent on this chore, the messages returned were all but wholly irrelevant, although they did include many documents showing correspondence between students and their professors (all of which were unrelated to the claims in this case). The undersigned is not aware of any relevant messages that were discovered which did not appear in other production. However, even if there had been, the probative value of such would have been outweighed by the time and resources expended in searching and retrieving those messages. Despite the clear results of Plaintiff’s demanded sample searches, and the State’s repeated attempts to obtain Plaintiff’s agreement on a more focused and narrow search of ESI for the full searches, Plaintiff’s counsel first agreed to “think about it,” and then refused to narrow Plaintiff’s search parameters.

Counsel and their IT professionals did have a February 10, 2016 teleconference (at the undersigned’s suggestion) about ESI production and scope. However, Plaintiff’s Motion to Compel misstates the essence of Defendants’ proposal. The suggestion was not merely that the State provide open and unlimited access to a large volume of email. Rather, Defendants suggested a more careful tailoring of search terms and parameters **first**. Then, second, the resulting email messages might be provided to DOJ IT staff for their internal searching, pursuant to a clawback type of agreement under Federal Rule of Evidence 502(d). However, Plaintiff’s counsel apparently could not or would not agree to reasonably crafted

search terms that followed the basic precepts of relevance, proportionality, scope, and importance set forth by Federal Rule of Civil Procedure 26.

Plaintiff (through its EEOC and DOJ investigators) has been investigating this matter, requesting documents, interviewing witnesses, and gathering materials for years. Ignoring the evidence showing Intervenor's academic deficiencies, and despite the abject dearth of evidence showing prejudice against Intervenor's transgender status, Plaintiff persists. Despite Plaintiff's counsel being informed that the test email searches were very time consuming, (and the search's lack of any meaningful results), Plaintiff presses for more burdensome searches. It is out of this background of near-limitless access and imposition the current dispute arises.

STANDARD OF REVIEW

Fed. R. Civ. P. 26 provides the general provisions governing discovery in a civil action in Federal Court. According to Fed. R. Civ. P. 26(b), parties to litigation:

may obtain discovery regarding any nonprivileged matter that is **relevant** to any party's claim or defense **and proportional to the needs of the case**, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit...

[Emphasis added.]

This Court is not "required to permit plaintiff to engage in a 'fishing expedition' in the hope of supporting his claim." *McGee v. Hayes*, 43 F.App'x. 214, 217 (10th Cir.2002)

(unpublished opinion). See *Hardrick v. Legal Services Corp.*, 96 F.R.D. 617, 618 (D.D.C.1983)(noting that courts do, and should, remain concerned about “fishing expeditions, discovery abuse and inordinate expense involved in overbroad and far-ranging discovery requests.”)(quotation omitted). “[B]road discovery is not without limits and the trial court is given wide discretion in balancing the needs and rights of both plaintiff and defendant.” *Gomez v. Martin Marietta Corp.*, 50 F.3d 1511, 1520 (10th Cir.1995)(quotation omitted). Further, courts have recognized that, while it is true that relevance in discovery is broader than that required for admissibility at trial, “the object of inquiry must have some evidentiary value before an order to compel disclosure of otherwise inadmissible material will issue.” *Zenith Electronics Corp. v. Exzec, Inc.*, No. 93 C 5041, 1998 WL 9181, at *2 (N.D.Ill.1998)(quoting *Piacenti v. Gen. Motors Corp.*, 173 F.R.D. 221, 223 (N.D.Ill.1997)).

Plaintiff’s Motion to Compel ignores most of the above language. In fact, strikingly, Plaintiff’s Motion to Compel makes no reference at all to Rule 26. Plaintiff takes the position that since it demanded the materials, this Court should order their production. That is not the standard set forth by Rule 26, and Plaintiff’s Motion should be denied.

ARGUMENT AND AUTHORITY

I. PLAINTIFF’S REQUESTS DO NOT MEET THE RELEVANCE TEST OF FED. R. CIV. P. 26.

Temporal Relevance is lacking.

To be clear, Intervenor was denied tenure in the spring of 2010, and then filed a charge of sex discrimination with the EEOC on or about September 9, 2010. That means that

no claims arising out of events prior to September 9, 2009 would be actionable. Plaintiff's Complaint does not allege that Intervenor made any complaints or allegations of wrongdoing or discrimination prior to the denial of tenure in 2010. To be further clear, Plaintiff left campus at the end of the 2010-2011 academic year. Therefore, the temporal range of Plaintiff's Complaint covers September 9, 2009 to June 1, 2011. However, Plaintiff's requests for email searches are far more expansive than that, seeking messages well outside of that date range in both directions.

Plaintiff's demanded searches fail temporal relevancy. For example, in the requested search of Dr. John Mischo's email account, Plaintiff seeks the review of "All emails" (regardless of date) that contain the term "tenure" in either their subject lines or body text. Plaintiff fails to reasonably proscribe this search demand to emails even relating to a time period when Intervenor was on campus, let alone a time frame when Intervenor was actively engaged in applying for, and being denied, tenure. Similarly unfocused search demands are made by Plaintiff as to "all emails" in the mailboxes of Dr. Randy Prus, Dr. Larry Minks (current instructor and former SEOSU President), Dr. Douglas McMillan (Vice-President for Academic Affairs), Dr. Lucretia Scoufus (Dean), Dr. Claire Stubblefield (Special Assistant to President/Director of Office of Equity, Diversity and Compliance/Associate Professor/Affirmative Action Officer/Title IX Coordinator), Cathy Conway (retired Human Resources Director), Dr. Charles Weiner, Dr. Ross Walkup, Dr. Bryon Clark, Dr. Jesse Snowden, Dr. C.W. Mangrum, as well as every single email account housed on the RUSO

email system. These search demands ignore the temporal proximity of many email messages and other events, lumping all documents into the same bucket. Plaintiff's Motion should be denied.

Subject relevance is lacking.

Unfortunately, many of Plaintiff's demanded searches of email accounts also fail to meet the subject relevance requirement of Rule 26. On their face, many of Plaintiff's demands will necessarily produce documents which have nothing to do with the Complaint or Intervenor's case. Further, many of the demanded productions would unnecessarily infringe on the privacy of other faculty, staff, and students at SEOSU and other universities governed by the RUSO board. For example, in the searches demanded upon the email accounts of Dr. John Mischo, Dr. Randy Prus, Dr. Larry Minks, Dr. Douglas McMillan, Dr. Lucretia Scoufus, Dr. Claire Stubblefield, Dr. Byron Clark, Plaintiff indiscriminately seeks production of "all emails" which contain the word "tenure." In another example of Plaintiff's overreaching and unfocused inquiry, on page 22 of [Doc. 52-1], Plaintiff demands that the State's email accounts be searched for any single occurrence of such banal and commonplace words as "lifestyle," "chromosome," and "restroom," along with a myriad of words which are not alleged to have been used by anyone involved in this matter. Finally, in multiple instances, the Plaintiff boldly demands the production of all email correspondence (regardless of time or relevance or subject) between certain faculty and staff members, without any apparent attempt to seek relevant and admissible documents.

Across the twenty-two (22) page search demand there are many other examples of this type of unfocused, irrelevant search being sought. Defendants have attempted to work with Plaintiff on focusing and narrowing these searches into something meaningful and relevant, but those overtures have been rejected. This is the quintessential fishing expedition. Plaintiff has failed to pick up either a spear or even a baited hook with which to pursue this endeavor. Rather, Plaintiff seeks to force this Court to order a dredging net through the documents of Defendants and their employees and students. This is not what Rule 26 requires. Plaintiff's Motion should be denied.

II. OBJECTIONS HAVE BEEN MADE, NOT WAIVED.

Plaintiff hangs its proverbial hat here on the notion that objections have not been made *in writing*, not that objections have not been made at all. During the February 10, 2016 teleconference, Defendants' counsel stated objections to the general and unfocused format of Plaintiff's requested email searches. Plaintiff's counsel agreed to consider those objections, and consult further with Plaintiff's Information Technology staff. Then again, Defendants' counsel and Plaintiff's counsel had a telephone conference on April 7, 2016, and the issue of email searches was again discussed. Defendants' objections to temporal and subject matter relevance were again asserted by Defendants' counsel. Plaintiff's counsel stated that the objections would be considered, but that Plaintiff was "leaning toward" asking the Defendants to proceed with the demands as framed by the January 15, 2016 letter.

While the *Pham* case out of Colorado cited by Plaintiff may (or may not) be persuasive, it is not binding on this Court or the Federal Courts for Oklahoma. Further, it does not stand for the proposition that all timely objections must be written. Defendants have found no case in any of Oklahoma's three federal districts holding that an objection to requests for production is waived due to verbal objections, (instead of written objections), being presented. It is worth noting that Fed. R. Civ. P. 33 (regarding Interrogatories to parties), which is discussed by the *Pham* case does affirmatively state that a ground not timely stated is "waived." Fed. R. Civ. P. 33(b)(4), and, that Rule also states that answers must be made "in writing." Fed. R. Civ. P. 33(b)(3).

But to be clear, Fed. R. Civ. P. 34 does not specifically state that a failure to object "waives" any objection. In fact, the term "waive" does not appear in that Rule at all. In the present case, Defendants expressed their objections, (relevance and burden being the main two), repeatedly to Plaintiff, and as part of the larger and ongoing conversation about Discovery. This objection has been persistent, and it was made within thirty (30) days of Plaintiff's demand, (during the February 10, 2016 telephone conference). To Plaintiff's counsel's credit, it appeared from the conversations that those objections were being considered, all of which made Plaintiff's April 8, 2016 [Doc. 52-4] and Motion to Compel seem a bit out of place. However, in the interest of economy of time and in the interest of reaching an accord, Defendants had been engaged in good faith communications (mostly telephonically) with Plaintiff, and Plaintiff's Motion should be denied. If the Court orders

Defendants to treat Plaintiff's January 15, 2016 as a series of Requests for Production to which written objections must be made, Defendants will do so, but ask that Plaintiff first enumerate each request so that a corresponding objection may be made individually and explicitly in writing as Plaintiff's Motion contends must be done.

III. PLAINTIFF'S DEMAND FAILS PROPORTIONALITY TEST OF FRCP 26.

Rule 26 requires a *proportional* analysis of Plaintiff's requests. Neither Plaintiff's demands, nor Plaintiff's Motion to Compel show that the requests are proportional to the needs of the case. This Court is likely very familiar with the laborious nature of email review, but the Court may not be aware of the small number of IT officials (2-3 at SEOSU, and 1 at RUSO) who would have to take time out of their other ongoing duties to run these myriad searches demanded by Plaintiff. As stated previously, Defendants have already produced over 13,000 pages of documents in this case. Plaintiff's investigators interviewed over twenty (20) of Defendants' employees before ever even filing this lawsuit, and Plaintiff has taken lengthy depositions of Defendants' employees, with more to follow. The burden imposed by Plaintiff's Discovery to a small school like SEOSU is significant, and does not appear proportional to the needs of the case.

Recently, Judge DeGuisti here in the Western District considered a defendant's argument about proportionality as it related to a discovery dispute. His Honor stated:

Defendant's "proportionality" argument is governed by Rule 26(b)(2), which authorizes a district court to limit discovery if it determines that 'the burden or expense of the proposed discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the

importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.’ See Fed.R.Civ.P. 26(b)(2)(C)(iii). The Court finds this argument to be well-taken, and it will be kept in mind in ruling on particular issues.

Williams v. Allstate Fire & Cas. Ins. Co., No. CIV-13-828-D, 2015 WL 1602054, at *1 (W.D. Okla. Apr. 9, 2015)

As the Defendant in *Williams* argued, the present discovery demand is neither clearly relevant nor proportional to the real claims and defenses in this case. Allstate noted that one court concluded in a discovery dispute over the proportionality of a credit damage claim that, “**proportionality** factors must start with actual claims and defenses in the case, and a consideration of how and to what degree the requested **discovery** bears on those claims and defenses.” *Witt v. GC Services Ltd.*, 2014 WL 6910511, *15 (D. Colo.) (emphasis in original). Here, Plaintiff’s demanded searches are not proportional to the needs of the case, and nothing in its Motion suggests they are. Plaintiff’s Motion should be denied.

IV. PLAINTIFF’S DEMAND FAILS IMPORTANCE TEST OF FRCP 26.

Plaintiff’s sweeping demands for things such as “all emails,” “all” correspondence between University administrators, and for such basic terms as “tenure” fail to meet the importance standard of Rule 26. As the Rule puts it, such demanded discovery is not of substantial “importance [to] the issues at state in the action.” Fed. R. Civ. P. 26(b)(2)(C)(iii). As noted previously, Plaintiff has already had wide access to materials, and subjected Defendants to significant burden in gathering, reviewing, and producing information, witnesses, and documents. Plaintiff does not argue, (and likely cannot show), that the

contemplated and burdensome ESI searches demanded are of the important nature necessary to presentation of this case. Plaintiff's Motion should be denied.

CONCLUSION

Plaintiff's demand for ESI searches set forth in its January 15, 2016 letter overreaches, is unduly burdensome, and ignores the basic requirements of Rule 26. Defendants and their counsel have engaged in ongoing discussions with Plaintiff's counsel about how to make Discovery more meaningful and efficient, but those efforts have largely been rebuffed by Plaintiff. The present Motion to Compel is, unfortunately, only the latest example of Plaintiff's unfocused and high-handed approach. Plaintiff's Motion should be dismissed.

Respectfully submitted,

/s/Jeb Joseph

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2016, I electronically transmitted the foregoing document to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

RACHEL TUDOR,

Plaintiff-Intervenor,

v.

SOUTHEASTERN OKLAHOMA STATE
UNIVERSITY, and

THE REGIONAL UNIVERSITY SYSTEM
OF OKLAHOMA,

Defendants.

Case No. 5:15-CV-00324-C

**UNITED STATES' FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
PROPOUNDED UPON DEFENDANTS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff United States of America ("United States") requests that Defendants produce the documents described below or make them available for inspection and copying at a time and place mutually agreeable to counsel for the parties within 30 days from the date of service.

INSTRUCTIONS

1. These instructions and definitions should be construed to require responses based upon the information available to Defendants, as well as Defendants' counsel, representatives, current and former employees, trustees, and other agents.

2. Pursuant to Fed. R. Civ. P. 34(b), all documents produced are to be **organized and labeled** in a manner that indicates the particular request to which the document is responsive.

3. Requests for documents shall be deemed to include requests for any and all transmittal sheets, cover letters, exhibits, enclosures, or any other annexes or attachments to the documents, in addition to the documents themselves.

4. If Defendants are unable to produce an item requested, state in writing why they cannot produce the item requested, and if their inability to produce the item is because the item is not in their possession, custody, or control, state the name, address and telephone number of any person believed to have the original copy of any such item.

5. In the event that any document or thing has been destroyed or discarded or otherwise disposed of, such document is to be described by date, location, number of pages, attachments, appendices, exhibits, author(s) addressee(s), recipient(s), title, and subject matter; such thing shall be described with the greatest particularity possible. In addition, state the reason for disposal or destruction of the document or thing, and identify each and every person who either authorized disposal or destruction of the document or thing or who disposed of or destroyed the document or thing.

6. If Defendants contend that any request is ambiguous, Defendants shall set forth the matter deemed ambiguous and the construction selected or used in responding to the request. If Defendants contend that it would be unreasonably burdensome to produce all of the documents called for in response to any request, then as to that request Defendants shall: (a) produce all documents that are available without unreasonable burden; and (b) describe with particularity the burden that would be imposed by the production of all of the documents called for in response to the request.

7. If Defendants object to a portion or an aspect of any request, state the grounds of the objection with specificity and respond to the remainder of the request.

8. When any claim of privilege is asserted in responding to any discovery asked for in these requests, identify the nature of the privilege which is being claimed and provide the following information for each item in a “privileged items log” or similar format: (a) the type of document; (b) the general subject matter of the document; (c) the date of the document; (d) the author(s) of the document, and the author’s title; (e) the addressee(s) and any other recipient(s) of the document, and their titles; (f) the custodian of the document; (g) the number of pages of the document; and (h) the type of privilege asserted, where applicable.

9. If the requested documents are maintained in a file, the physical file folder is included in the request for production.

10. These discovery requests are continuing; subsequent to service of responses to these requests, Defendants should provide to the United States, as amended or supplemental responses, any information or documents required to be provided by way of amendment pursuant to Rule 26(e) of the Federal Rules of Civil Procedure.

DEFINITIONS

When used in these requests, unless a contrary meaning clearly applies in the context of a particular request, the following definitions shall apply:

1. The terms “you,” “your,” and “Defendants” refer to Southeastern Oklahoma State University and the Regional University System of Oklahoma as well as elected or appointed officials, current or former employees, independent contractors, officers, agents, attorneys, trustees, representatives, and any other persons or entities acting on behalf of Southeastern Oklahoma State University or the Regional University System of Oklahoma.

2. The term “employee,” “supervisor” and “manager,” refer to current and former employees, supervisors, and managers.

3. The term “document” includes, without limitation all originals or copies, if the originals are not in the possession of Defendant, its attorneys, agents, or other representatives, and all non-identical copies (whether by reason of alterations or of additional notations) of correspondence, memoranda, emails, manuals, handbooks, logbooks, notebooks, minutes, photographs, video recordings, audio recordings, reports, records, notes, diaries, chronologies, written statements, letters, studies, messages, analyses, invoices, bills, books, magazines, newspapers, booklets, tapes, logs, calendars, circulars, bulletins, notices, instructions, questionnaires, surveys, charts, graphs and other communications or records, including drafts of any of the foregoing items. Except, the Defendants shall comply with any stipulation regarding deduplication of electronically stored information.

4. The terms “electronically-stored information” and “things” have the same meaning as those terms when used in Rule 34 of the Federal Rules of Civil Procedure.

5. “Including” means including, but not limited to.

6. The term “person” refers to the plural, as well as the singular, and includes any natural person, firm, association, partnership, joint venture, corporation or entity.

7. The term “relating to” means pertaining to, supporting, concerning, describing, referring to, evidencing, reflecting, showing, mentioning, discussing, constituting, contradicting, refuting, or in any way logically or factually connected to the matter discussed.

8. The words “or” and “and” shall be read in the conjunctive and not in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of the request.

9. The use of a verb in any tense shall be construed as the use of the verb in all tenses and the singular form shall be deemed to include the plural, and vice versa.

10. The term “professor” includes Assistant Professor, Associate Professor, Professor, and Professor Emeritus unless one of these specific titles is used instead of the term “professor.”

REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Produce all documents related in any way to Dr. Tudor’s application(s) and attempted reapplication for tenure and promotion to Associate Professor including but not limited to memoranda, emails, grievances, decisions related to grievances, letters, meeting notes, witness statements, letters from witnesses, and affidavits.
2. Produce all documents identified in any answer to the United States’ interrogatories or that you reviewed in order to respond to any of the United States’ interrogatories.
3. Produce all documents related to Defendants’ process for considering applications for tenure and/or promotion to the position of Associate Professor that have been in effect at any time from August 1, 2004 until the present.
4. Produce all documents that discuss the criteria Defendants have used to assess whether a tenure-track professor is qualified for tenure and/or promotion to Associate Professor from August 1, 2004 until the present. This request includes, but is not limited to, documents related to decisions to change any of the criteria that Defendants use to assess whether a tenure-track professor is qualified for tenure and/or promotion to Associate Professor and documents describing whether or not candidates may make multiple applications for tenure and/or promotion.
5. Produce all documents describing whether or not candidates may make multiple applications for tenure and/or promotion that were in effect at any time from August 1, 2004 until the present. This request includes, but is not limited to, documents related to decisions to change any of the policies about whether candidates may make multiple applications for tenure and/or promotion.
6. Produce all documents that describe or discuss the alleged “terminal year rule” at Southeastern Oklahoma State University.
7. Produce all documents related to complaints or grievances about the actions of Lucretia Scoufos, Douglas McMillan, Larry Minks, Cathy Conway, and/or Claire Stubblefield generated at any time between August 1, 2004 until the present.
8. Produce all policies in effect from August 1, 2004 to the present regarding the handling of Faculty Appellate Committee grievances.
9. Produce all documents (including but not limited to notes and memoranda) created by Southeastern Oklahoma State University’s human resources personnel between January 1, 2007 and December 31, 2011 which in any way reference Dr. Tudor.

10. Produce all documents related to any of Dr. Tudor's complaints or charges of discrimination, including but not limited to communications related to any investigation of her complaints or charges, reports generated as a result of investigations, and drafts of any such investigative reports.
11. Produce all documents that were in effect at any time between 2009 and the present which describe the compensation and benefits that come with the position of Associate Professor in Southeastern Oklahoma State University's Department of English, Humanities, and Languages.
12. Produce all documents identified in Defendants' initial disclosures.
13. Produce all documents which describe the job duties of Dean of the School of Arts and Sciences, Dean of Instruction, Vice President for Academic Affairs, and President of Southeastern Oklahoma State University that were in effect at any time between August 1, 2004 and the present.
14. Produce all performance evaluations and appraisals of Lucretia Scoufos, Douglas McMillan, Larry Minks, Cathy Conway, and Claire Stubblefield that were generated at any time between August 1, 2004 and the present.
15. Produce all documents related to any disciplinary actions taken against any witnesses identified in the Defendants' initial disclosures in connection with their employment with Defendants.
16. Produce all calendars that Lucretia Scoufos, Douglas McMillan, Cathy Conway, and Larry Minks used to record work-related meetings, appointments, or events during the years of 2007, 2009, 2010, and 2011.
17. Produce all documents related to applications for tenure and/or promotion to Associate Professor submitted to Southeastern Oklahoma State University's Department of English, Humanities, and Languages between August 1, 2004 and the present. This request includes, but is not limited to, portfolios; curriculum vitae; Faculty Promotion and Tenure Evaluation Summary Confidential Analysis Worksheets; performance evaluations; Faculty Development and Evaluation Summaries; documents stating the results of Promotion and Tenure Committee votes; documents (such as memoranda, emails, or notes) discussing the reasons for recommending or not recommending that an applicant receive promotion or tenure; and documents related to any grievances regarding decisions made in connection with an application for promotion or tenure.
18. Produce the most current version of the curriculum vita for every professor that has worked in Southeastern Oklahoma State University's Department of English, Humanities, and Languages between August 1, 2004 and the present.
19. Produce the following documents related to applications for tenure and/or promotion to Associate Professor that tenure-track Professors from Southeastern Oklahoma State

University's School of Arts and Sciences submitted between August 1, 2004 and the present: curriculum vitae; Faculty Promotion and Tenure Evaluation Summary Confidential Analysis Worksheets; Faculty Development and Evaluation Summaries; documents stating the results of Promotion and Tenure Committee votes; documents (such as memoranda, emails, or notes) discussing the reasons for recommending or not recommending that an applicant receive promotion or tenure; and documents related to any grievances regarding decisions made in connection with an application for promotion or tenure.

20. Produce all documents which discuss the criteria and process that Southeastern Oklahoma State University uses to evaluate the performance of tenure-track Professors. (This is not a request for individual professors' performance evaluations.)
21. Produce all performance evaluations and faculty development agreements from tenure-track Professors employed in Southeastern Oklahoma State University's Department of English, Humanities, and Languages that were generated at any time between August 1, 2004 and the present.
22. Produce all SUMMA scores and any other teaching evaluations or assessments for professors in the Department of English, Humanities, and Languages at Southeastern Oklahoma State University generated at any time between August 1, 2004 and the present.
23. Produce all documents that Southeastern Oklahoma State University used to train employees on equal employment opportunity laws during any time between August 1, 2004 and the present.
24. Produce meeting minutes or similar notes that summarize the discussions during faculty meetings in the Department of English, Humanities and Languages of Southeastern Oklahoma State University during the years 2007 to 2013.
25. Produce meeting minutes or similar notes that summarize the discussions during the meetings of the Personnel Policies Committee of the Faculty Senate at Southeastern Oklahoma State University during the years 2007 to 2013.
26. Produce all communications sent to or from William Fridley between 2009 and 2013 regarding the work of the Personnel Policies Committee. This request includes, but is not limited to, emails.
27. Produce all communications sent to or from Chris Moretti between 2008 and 2009 regarding the work of the Personnel Policies Committee. This request includes, but is not limited to, emails.

Respectfully Submitted,

Date: August 17, 2015

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