

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
RACHEL TUDOR,)	
)	
Plaintiff-Intervenor)	
v.)	CASE NO. CIV-15-324-C
)	
SOUTHEASTERN OKLAHOMA)	
STATE UNIVERSITY, and)	
)	
THE REGIONAL UNIVERSITY)	
SYSTEM OF OKLAHOMA,)	
)	
Defendants.)	

**ORDER GOVERNING PRIVILEGE
WITH RESPECT TO DEFENDANT’S ANTICIPATED
PRODUCTION OF ELECTRONICALLY STORED INFORMATION**

1. Plaintiff United States of America (“United States”), Plaintiff-Intervenor Rachel Tudor (“Tudor”), and Defendants Regional University System of Oklahoma (“RUSO”) and Southeastern Oklahoma State University (“SEOSU”), (all collectively the “Parties”), agree to facilitate responses to the United States’ requests for electronically stored information (“ESI”) by enabling Defendants to produce the ESI requested by the United States in a letter dated January 15, 2016 (Exhibit 1 to this Order) without reviewing the information in any way prior to production. The purpose of this order is to shift the burdens of review while assuring that no waiver of privilege or confidentiality (for example attorney-client communication, attorney work product, the Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), or otherwise) occurs based on the Parties’ agreement.

2. Under this Order, after Defendants' production of the ESI described in Paragraph 1, above, the United States (only) will review the ESI and then clearly and explicitly inform Defendants in writing and produce copies to Defendants of which documents the United States wishes to retain for use in this litigation.¹ Such identification and production will be made by Plaintiff on or before July 29, 2016.

3. No later than fourteen (14) days from the date on which the Plaintiff informs Defendants of which documents it wishes to retain, Defendants shall identify in writing to the Plaintiff any of the selected documents over which they assert a claim of privilege, and shall state the privileges that they believe apply. If the Defendants believe that any of the documents the Plaintiff wishes to retain should be designated as "CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER" under the Confidentiality Order entered in this case, the Defendants may utilize the procedure of a "receiving party" as described in the Confidentiality Order (ECF No. 41 at 2) upon receiving notice from the Plaintiff of which documents it wishes to retain. If Defendants assert a claim of privilege over any of the ESI, the claim of privilege may be challenged by the Plaintiff in a motion to compel filed within fourteen (14) days of Defendants' assertion of privilege.

¹

The Parties expressly agree that no materials produced to the United States in this manner may be used for any purpose other than Discovery in this litigation, and in the presentation of claims and defenses herein. Any other use, be it formal or informal, is expressly prohibited by the agreement of the Parties. Materials produced pursuant to this agreement, properly retained for use in this litigation by the parties, and not designated as 'confidential' pursuant to ECF Doc No. 41, shall be subject to all applicable federal laws governing disclosures, such as the Freedom of Information Act, and shall be treated as any other materials acquired by Plaintiff during Discovery in this case.

4. The production of privileged, work-product protected, or otherwise confidential ESI or information pursuant to the agreement described in Paragraph 1, above, whether inadvertent or otherwise, is not a waiver of the privilege, work product protection, confidentiality, or other protection from discovery produced. This Order shall be interpreted to provide the maximum protections of privileged and work product protected documents under Federal Rule of Evidence 502(d) as well as the maximum protection of confidential documents under Federal laws including, but not limited to, FERPA and HIPAA.

5. With respect to ESI produced specifically pursuant to the Parties' agreement here, once determination is made as to which documents may be retained by Plaintiff, the United States will destroy all originals and copies of ESI (and hardcopies, if applicable) not determined to be retainable by Plaintiff. Plaintiff will provide counsel's written and sworn certification of such destruction.

6. After the selection, review, and destruction processes described in Paragraphs 2, 3, and 5 above are completed, the provisions of ECF Doc. Nos. 36 and 41 shall apply to any assertion that a document produced pursuant to the Parties agreement is privileged or otherwise protected.

It is so ORDERED this 15th day of June, 2016.


ROBIN J. CAUTHRON
United States District Judge



U.S. Department of Justice
Civil Rights Division

DLK:MLB:AT/SB
DJ 170-76-405

Employment Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530
www.usdoj.gov/crt/emp

Via E-Mail and U.S. Mail

January 15, 2016

Jeb Joseph
Oklahoma Attorney General's Office
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105

Re: *United States & Tudor v. Southeastern Okla. State Univ. & Reg. Univ. Sys. of Okla.*,
5:15-CV-00324-C (W.D. Okla.)

Dear Jeb:

I am writing to request that Southeastern Oklahoma State University (SEOSU) and the Regional University System of Oklahoma (RUSO) search for emails in accordance with the instructions included with this letter. As you know, we previously provided you with instructions for searching the email accounts of Drs. Mischo and Prus. *See* Letter from United States dated Sept. 24, 2015. You provided us the results of those searches on October 29 and November 18, 2015. Based on the results of those searches, we have a better understanding of what search terms and parameters to use so that we can limit the number of irrelevant emails produced by the searches. However, if you find that some of the search terms or parameters in the enclosed instructions have yielded a large number of irrelevant emails, we are willing to discuss further refinements.

When you produce the emails requested in the attached instructions, please produce them using the method that Allan described in his email dated September 1, 2015. This method will ensure that we can review metadata, such as the "TO" and "FROM" fields in emails, while at the same time assigning a bates number to each email. If you have any questions about the method of production described in Allan's September 1, 2015, email, please let us know.

With respect to the emails that you produced from the searches of Dr. Mischo's and Dr. Prus's email accounts, please bates number and produce all of them except the emails that you found which contained information protected by the Family Educational Rights and Privacy Act (FERPA). Furthermore, if the enclosed instructions yield emails or other documents that contain FERPA protected information, you do not need to produce those FERPA protected emails or documents. Instead, please provide us with a count of the number of FERPA protected emails and documents that each search instruction yielded.

Please produce the emails requested by February 15, 2016. If you do not believe you will be able to meet this deadline, please let me know by February 5, 2016 so that we can discuss whether rolling productions would be preferable.

Thank you for your attention to this matter.

Exhibit 1

Sincerely,

Delora L. Kennebrew
Chief
Employment Litigation Section

By: 

Allan K. Townsend
Shayna Bloom
Trial Attorneys
Employment Litigation Section

Enclosure

CC: Jillian Weiss
Ezra Young
Brittany Novotny

Instructions for searching Dr. John Mischo's email account

Please use the following search terms and instructions to search Dr. Mischo's email account and produce the results. Emails saved on the server as well as emails saved on Dr. Mischo's computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails that contain the terms "Civil Rights" or "tenure" in the subject field or body of the email message.
- 2) All Microsoft Outlook items other than email (*e.g.*, tasks and calendar entries) that contain the term "Civil Rights."
- 3) All Microsoft Outlook items (*e.g.*, emails, tasks, calendar entries) dated May 30, 2011, to present that contain *all* of the following terms (exclusive of commas): promot!, tenure!, and committee.
- 4) All emails in the following folders: "AAUP;" "Faculty Senate 2012-13;" "Faculty Senate 2013-14;" "Faculty Senate 2014-15;" "grievance cmmtee;" and "PPC 2014 2015 (Personnel Policy Committee)."

Instructions for searching Dr. Randy Prus's email account

Please use the following search terms and instructions to search Dr. Prus's email account and produce the results. Emails saved on the server as well as emails saved on Dr. Prus's computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails that contain any of the following terms in the subject field or body of the email message:
 - "terminal year" ○ tenure
 - "Civil Rights"
- 2) All Microsoft Outlook items other than email (*e.g.*, tasks and calendar entries) that contain any of the following terms:
 - "terminal year" ○ tenure
 - "Civil Rights"
- 3) All Microsoft Outlook items (*e.g.*, emails, tasks, calendar entries) dated May 30, 2011 to the present that contain *all* of the following terms (exclusive of commas): promot!, tenure!, and committee.

Instructions for searching Dr. Larry Minks' email account

Please use the following search terms and instructions to search Dr. Minks' email account and produce the results. Emails saved on the server as well as emails saved on Dr. Minks' computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails that contain any of the following terms in the subject field or body of the email message:

<ul style="list-style-type: none"> ○ Tudor ○ "terminal year rule" ○ "terminal year" ○ discriminat! ○ retaliat! ○ reappl! ○ EEOC ○ DOJ ○ "Equal Employment Opportunity Commission" ○ "Department of Justice" 	<ul style="list-style-type: none"> ○ "Civil Rights" ○ lawsuit ○ "American Association of University Professors" ○ AAUP ○ tenure ○ "Senator Rice" ○ "Andrew Rice" ○ Rice ○ "Oklahoma State Senate" ○ Nusz ○ Townsend
---	--
- 2) All emails that contain any of the following terms in the subject field:
 - tenure
 - promotion
- 3) All emails sent or received between August 1, 2009 and May 31, 2011 that contain any of the following terms in the subject field:

<ul style="list-style-type: none"> ○ appeal! ○ grievan! 	<ul style="list-style-type: none"> ○ complain! ○ investigat!
---	--
- 4) All Microsoft Outlook items other than email (*e.g.*, tasks and calendar entries) that contain any of the following terms:

<ul style="list-style-type: none"> ○ Tudor ○ Rachel ○ "terminal year rule" ○ "terminal year" ○ "fifth sixth or seventh" ○ "5th 6th or 7th" ○ discriminat! ○ retaliat! ○ reappl! ○ EEOC 	<ul style="list-style-type: none"> ○ DOJ ○ "Equal Employment Opportunity Commission" ○ "Department of Justice" ○ "Civil Rights" ○ lawsuit ○ "American Association of University Professors" ○ AAUP
--	---
- 5) All emails that Dr. Minks sent to or received from Dr. Rachel Tudor.
- 6) All emails that Dr. Minks sent to or received from Dr. Lucretia Scoufos, Dr. Douglas McMillan, Dr. Claire Stubblefield, Dr. Charles Weiner, and/or Dr. Ross Walkup

during the following date ranges that contain any of the terms below in the subject field or body of the message: November 29, 2009 – June 9, 2010 and August 1, 2010 – May 31, 2011.

- Charlie
 - Charles
 - Babb
- 7) All emails that Dr. Minks sent to or received from Dr. Douglas McMillan and/or Dr. Lucretia Scoufos that fall within the following date ranges: February 15, 2010 – April 30, 2010 and August 1, 2010 – October 5, 2010.
 - 8) All emails that Dr. Minks sent to or received from Dr. Charles Weiner between February 19, 2010 and April 29, 2010.
 - 9) All emails that Dr. Minks sent to or received from Dr. Jesse Snowden between August 1, 2010 and March 25, 2011.
 - 10) All emails that Dr. Minks sent to or received from Dr. Claire Stubblefield between August 30, 2010 and February 21, 2011.
 - 11) All emails that Dr. Minks sent to or received from Dr. Ross Walkup and/or Dr. Bryon Clark between December 10, 2010 and March 25, 2011.
 - 12) All emails that Dr. Minks sent to or received from Dr. John Mischo between August 31, 2009 and March 1, 2012.
 - 13) All emails that Dr. Minks sent to or received from Dr. Randy Prus between August 1, 2010 and March 1, 2012.
 - 14) All emails sent to or received from the American Association of University Professors (AAUP) between May 6, 2011 and the present. The email domain for the AAUP is aaup.org.
 - 15) If Dr. Minks has created folders to store emails, provide the names of those folders and, if it is not clear from the names of the folders, the types of emails that Dr. Minks stores in each folder.

Instructions for searching Dr. Douglas McMillan's email account

Please use the following search terms and instructions to search Dr. McMillan's email account and produce the results. Emails saved on the server as well as emails saved on Dr. McMillan's computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails that contain any of the following terms in the subject field or body of the email message:

<ul style="list-style-type: none"> ○ Tudor ○ "terminal year rule" ○ "terminal year" ○ discriminat! ○ retaliat! ○ reappl! ○ EEOC ○ DOJ ○ "Equal Employment Opportunity Commission" 	<ul style="list-style-type: none"> ○ "Department of Justice" ○ "Civil Rights" ○ lawsuit ○ tenure ○ "Senator Rice" ○ "Andrew Rice" ○ Rice ○ "Oklahoma State Senate" ○ Nusz ○ Townsend
--	--
- 2) All emails that contain any of the following terms in the subject field:
 - tenure
 - promotion
- 3) All emails sent or received between August 1, 2009 and May 31, 2011 that contain any of the following terms in the subject field:

<ul style="list-style-type: none"> ○ appeal! ○ grievan! 	<ul style="list-style-type: none"> ○ complain! ○ investigat!
---	--
- 4) All Microsoft Outlook items other than email (*e.g.*, tasks and calendar entries) that contain any of the following terms:

<ul style="list-style-type: none"> ○ Tudor ○ Rachel ○ "terminal year rule" ○ "terminal year" ○ "fifth sixth or seventh" ○ "5th 6th or 7th" ○ discriminat! ○ retaliat! ○ reappl! 	<ul style="list-style-type: none"> ○ EEOC ○ DOJ ○ DOE ○ "Equal Employment Opportunity Commission" ○ "Department of Justice" ○ "Civil Rights" ○ lawsuit
--	---
- 5) All emails that Dr. McMillan sent to or received from Dr. Rachel Tudor.
- 6) All emails that Dr. McMillan sent to or received from Dr. Larry Minks, Dr. Lucretia Scoufos, Dr. Claire Stubblefield, Dr. Charles Weiner, and/or Dr. Ross Walkup during the following date ranges that contain any of the terms below in the subject field or

body of the message: November 29, 2009 – June 9, 2010 and August 1, 2010 – May 31, 2011.

- Charlie
 - Charles
 - Babb
- 7) All emails that Dr. McMillan sent to or received from Dr. Larry Minks and/or Dr. Lucretia Scoufos that fall within the following date ranges: February 15, 2010 – April 30, 2010 and August 1, 2010 – October 5, 2010.
 - 8) All emails that Dr. McMillan sent to or received from Dr. Charles Weiner between February 26, 2010 and April 29, 2010.
 - 9) All emails that Dr. McMillan sent to or received from Dr. Jesse Snowden between August 1, 2010 and March 25, 2011.
 - 10) All emails that Dr. McMillan sent to or received from Dr. Claire Stubblefield between August 30, 2010 and February 21, 2011.
 - 11) All emails that Dr. McMillan sent to or received from Dr. Ross Walkup and/or Dr. Bryon Clark between December 3, 2010 and March 25, 2011.
 - 12) All emails that Dr. McMillan sent to or received from Dr. John Mischo between August 31, 2009 and June 9, 2010.
 - 13) All emails that Dr. McMillan sent to or received from Dr. Randy Prus between August 1, 2010 and May 31, 2011.
 - 14) All emails that Dr. McMillan sent to or received from Cathy Conway and/or Dr. C.W. Mangrum between May 31, 2007 and August 1, 2007.
 - 15) If Dr. McMillan has created folders to store emails, provide the names of those folders and, if it is not clear from the names of the folders, the types of emails that Dr. McMillan stores in each folder.

Instructions for searching Dr. Lucretia Scoufos's email account

Please use the following search terms and instructions to search Dr. Scoufos's email account and produce the results. Emails saved on the server as well as emails saved on Dr. Scoufos's computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails that contain any of the following terms in the subject field or body of the email message:

<ul style="list-style-type: none"> ○ Tudor ○ "terminal year rule" ○ "terminal year" ○ discriminat! ○ retaliat! ○ reappl! ○ EEOC ○ DOJ ○ "Equal Employment Opportunity Commission" 	<ul style="list-style-type: none"> ○ "Department of Justice" ○ "Civil Rights" ○ lawsuit ○ tenure ○ "Senator Rice" ○ "Andrew Rice" ○ "Oklahoma State Senate" ○ Nusz ○ Townsend
--	--
- 2) All emails that contain any of the following terms in the subject field:
 - tenure
 - promotion
- 3) All emails sent or received between August 1, 2009 and May 31, 2011 that contain any of the following terms in the subject field:

<ul style="list-style-type: none"> ○ appeal! ○ grievan! 	<ul style="list-style-type: none"> ○ complain! ○ investigat!
---	--
- 4) All Microsoft Outlook items other than email (*e.g.*, tasks and calendar entries) that contain any of the following terms:

<ul style="list-style-type: none"> ○ Tudor ○ Rachel ○ "terminal year rule" ○ "terminal year" ○ "fifth sixth or seventh" ○ "5th 6th or 7th" ○ discriminat! ○ retaliat! ○ reappl! 	<ul style="list-style-type: none"> ○ EEOC ○ DOJ ○ DOE ○ "Equal Employment Opportunity Commission" ○ "Department of Justice" ○ "Civil Rights" ○ lawsuit
--	---
- 5) All emails that Dr. Scoufos sent to or received from Dr. Rachel Tudor.
- 6) All emails that Dr. Scoufos sent *only* to or received *only* from Dr. Virginia Parrish.
- 7) All emails that Dr. Scoufos sent to or received from Dr. Larry Minks, Dr. Douglas McMillan, Dr. Claire Stubblefield, Dr. Charles Weiner, and/or Dr. Ross Walkup during the following date ranges that contain any of the terms below in the subject

- field or body of the message: November 29, 2009 – June 9, 2010 and August 1, 2010 – May 31, 2011.
- Charlie
 - Charles
 - Babb
- 8) All emails that Dr. Scoufos sent to or received from Dr. Larry Minks and/or Dr. Douglas McMillan that fall within the following date ranges: February 15, 2010 – April 30, 2010 and August 1, 2010 – October 5, 2010.
- 9) All emails that Dr. Scoufos sent to or received from Dr. Charles Weiner between February 26, 2010 and April 29, 2010.
- 10) All emails that Dr. Scoufos sent to or received from Dr. Jesse Snowden between August 1, 2010 and March 25, 2011.
- 11) All emails that Dr. Scoufos sent to or received from Dr. Claire Stubblefield between August 30, 2010 and February 21, 2011.
- 12) All emails that Dr. Scoufos sent to or received from Dr. Ross Walkup and/or Dr. Bryon Clark between December 3, 2010 and March 25, 2011.
- 13) All emails that Dr. Scoufos sent *only* to or received *only* from Dr. John Mischo between August 1, 2008 and May 31, 2010 that contain any of the following terms in the subject field or body of the message:
- Parrish
 - Cotter-Lynch
 - Barker
 - Virginia
 - Meg
 - Margaret
 - Jani
 - Janet
 - Rachel
 - tenure
- 14) All emails that Dr. Scoufos sent *only* to or received *only* from Dr. Randy Prus between November 29, 2009 and October 5, 2010.
- 15) All emails that Dr. Scoufos sent *only* to or received *only* from Dr. Randy Prus between October 5, 2010 and the present that contain any of the following terms in the subject field or body of the message:
- Barker
 - Janet
 - Jani
 - Rachel
 - tenure
- 16) All emails and other Microsoft Outlook items that Dr. Scoufos preserved in response to the memorandum that she received from Dr. Stubblefield that is bates numbered EEOC000825.
- 17) If Dr. Scoufos has created folders to store emails, provide the names of those folders and, if it is not clear from the names of the folders, the types of emails that Dr. Scoufos stores in each folder.

Instructions for searching Dr. Claire Stubblefield's email account

Please use the following search terms and instructions to search Dr. Scoufos's email account and produce the results. Emails saved on the server as well as emails saved on Dr. Scoufos's computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails and other Microsoft Outlook items (*e.g.*, tasks and calendar entries) that contain any of the following terms in either the subject field or body of the item:

<ul style="list-style-type: none"> ○ Tudor ○ Cotter-Lynch ○ Parrish ○ Spencer ○ Weiner ○ Nusz 	<ul style="list-style-type: none"> ○ Townsend ○ tenure ○ promotion ○ portfolio ○ "prima facie"
---	---
- 2) All emails that Dr. Stubblefield sent to or received from the following people:

<ul style="list-style-type: none"> ○ Dr. Rachel Tudor ○ Dr. Margaret Cotter-Lynch ○ Dr. Virginia Parrish 	<ul style="list-style-type: none"> ○ Dr. Mark Spencer ○ Dr. Lisa Coleman ○ Jane McMillan
---	---
- 3) All emails that Dr. Stubblefield sent to or received from the people below between August 30, 2010 and January 19, 2011.

<ul style="list-style-type: none"> ○ Dr. Lucretia Scoufos ○ Dr. Douglas McMillan ○ Dr. Randy Prus ○ Dr. John Mischo ○ Dr. Charles Weiner ○ Dr. James Knapp ○ Dr. Larry Prather ○ Dr. Jon Reid 	<ul style="list-style-type: none"> ○ Dr. Ross Walkup ○ Dr. Bryon Clark ○ Dr. Jesse Snowden ○ Jana Legako ○ Beth Kerr ○ Brad Morelli ○ Cathy Conway
---	---
- 4) All emails that Dr. Stubblefield sent to or received from Dr. Larry Minks, Dr. Douglas McMillan, and/or Dr. Lucretia Scoufos during the time periods of (a) August 30, 2010 – February 21, 2011 and (b) July 21, 2011 – September 5, 2012 that contain any of the following terms in the subject field or body of the message:

<ul style="list-style-type: none"> ○ complain! ○ discriminat! ○ retaliat! ○ reappl! ○ investigat! ○ Charlie ○ Charles 	<ul style="list-style-type: none"> ○ Babb ○ EEOC ○ "Equal Employment Opportunity Commission" ○ DOJ ○ "Department of Justice"
--	---
- 5) All emails saved in any folder where Dr. Stubblefield saves emails related to Dr. Tudor and/or Dr. Tudor's discrimination complaints.

- 6) All calendar entries during the time periods of (a) August 30, 2010 – February 21, 2011 and (b) July 21, 2011 – September 5, 2012.
- 7) If Dr. Stubblefield has created folders to store emails, provide the names of those folders and, if it is not clear from the names of the folders, the types of emails that Dr. Stubblefield stores in each folder.

Instructions for searching Cathy Conway's email account

Please use the following search terms and instructions to search Cathy Conway's email account and produce the results. Emails saved on the server as well as emails saved on Ms. Conway's computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched.

- 1) All emails sent to or received from the people below during the following date ranges: May 15, 2007 – August 1, 2007; August 30, 2010 – February 21, 2011; and July 21, 2011 – September 5, 2012.
 - o Dr. Douglas McMillan
 - o Dr. John Mischo
 - o Dr. Jesse Snowden
 - o Dr. Randy Prus
 - o Dr. C.W. Mangrum
 - o Dr. Lucretia Scoufos
 - o Dr. Larry Minks
 - o Bridgette Hamill
- 2) All emails sent to or received from Dr. Rachel Tudor.
- 3) All emails sent to or received from Dr. Claire Stubblefield between August 30, 2010 and January 19, 2011.
- 4) All emails and other Microsoft Outlook items (*e.g.*, tasks and calendar entries) that contain the following terms in the subject field or body of the item:
 - o Tudor
 - o Nusz
 - o Townsend
- 5) All calendar entries from May 31, 2007 to August 1, 2007.
- 6) All emails that Ms. Conway sent or received between May 31, 2007 and August 1, 2007 that contain any of the terms below in the subject field or body of the message.
 - o Charlie
 - o Charles
 - o Babb
- 7) If Ms. Conway has created folders to store emails, provide the names of those folders and, if it is not clear from the names of the folders, the types of emails that Ms. Conway stores in each folder.

Instructions for searching Dr. Charles Weiner's email account

Please use the following search terms and instructions to search Dr. Charles Weiner's email account and produce the results. Emails saved on the server as well as emails saved on Dr. Weiner's computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails that contain any of the following terms in the subject field or body of the email message:

<ul style="list-style-type: none"> ○ Tudor ○ discriminat! ○ retaliat! ○ reappl! ○ EEOC ○ DOJ 	<ul style="list-style-type: none"> ○ "Equal Employment Opportunity Commission" ○ "Department of Justice" ○ "Civil Rights" ○ lawsuit ○ Nusz ○ Townsend
--	---
- 2) All emails sent to or received from the people below between February 26, 2010 and April 29, 2010:

<ul style="list-style-type: none"> ○ Dr. Larry Minks ○ Dr. James Knapp ○ Dr. Larry Prather 	<ul style="list-style-type: none"> ○ Dr. Jesse Snowden ○ Dr. Jon Reid
---	---
- 3) All emails sent to or received from Dr. Rachel Tudor.
- 4) All Microsoft Outlook items other than emails (e.g., tasks and calendar entries) for the dates of February 26, 2010 to April 29, 2010.
- 5) All emails sent or received during the following date ranges that contain any of the terms below in the subject field or body of the message: February 26, 2010 –April 29, 2010 and August 30, 2010 – March 25, 2011.

<ul style="list-style-type: none"> ○ appeal! ○ tenure ○ promotion ○ grievan! ○ complain! ○ President ○ Larry ○ Minks ○ Charlie 	<ul style="list-style-type: none"> ○ Babb ○ Charles ○ Claire ○ Stubblefield ○ workday ○ tape ○ recording
---	---
- 8) All emails that Dr. Weiner sent to or received from Dr. Claire Stubblefield between August 30, 2010 and January 19, 2011.
- 9) If Dr. Weiner has created folders to store emails, provide the names of those folders and, if it is not clear from the names of the folders, the types of emails that Dr. Weiner stores in each folder.

Instructions for searching Dr. Ross Walkup's email account

Please use the following search terms and instructions to search Dr. Ross Walkup's email account and produce the results. Emails saved on the server as well as emails saved on Dr. Walkup's computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails that contain any of the following terms in the subject field or body of the email message:

<ul style="list-style-type: none"> ○ Tudor ○ discriminat! ○ retaliat! ○ reappl! ○ EEOC ○ DOJ 	<ul style="list-style-type: none"> ○ "Equal Employment Opportunity Commission" ○ "Department of Justice" ○ "Civil Rights" ○ lawsuit ○ Nusz ○ Townsend
--	---
- 2) All emails sent to or received from Dr. Rachel Tudor.
- 3) All emails sent or received between August 1, 2009 and the present that contain any of the following terms in the subject field:
 - tenure
 - promotion
- 4) All emails sent to or received from the people below between October 11, 2010 and January 3, 2011.

<ul style="list-style-type: none"> ○ Dr. Jesse Snowden ○ Dr. Lucretia Scoufos ○ Dr. John Mischo ○ Dr. Douglas McMillan ○ Dr. Larry Minks ○ Dr. Claire Stubblefield 	<ul style="list-style-type: none"> ○ Dr. Jack Robinson ○ Dr. Ernest Sturch ○ Dr. Charla Hall ○ Dr. Larry Prather ○ Dr. James Knapp
--	---
- 5) All emails sent or received between October 11, 2010 and January 3, 2011 that contain any of the following terms in the subject field or body of the email:

<ul style="list-style-type: none"> ○ appeal! ○ appellate ○ tenure ○ promotion ○ grievan! ○ complain! ○ "short term absence" ○ "presidential duties" ○ Jack ○ Robinson ○ Ernest ○ Sturch 	<ul style="list-style-type: none"> ○ President ○ Larry ○ Minks ○ Doug! ○ McMillan ○ Lucretia ○ Scoufos ○ Charlie ○ Charles ○ Babb ○ Claire ○ Stubblefield
---	---

- 6) All calendar entries between October 11, 2010 and January 3, 2011.
- 7) If Dr. Walkup has created folders to store emails, provide the names of those folders and, if it is not clear from the names of the folders, the types of emails that Dr. Walkup stores in each folder.

Instructions for searching Dr. Bryon Clark's email account

Please use the following search terms and instructions to search Dr. Bryon Clark's email account and produce the results. Emails saved on the server as well as emails saved on Dr. Clark's computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails that contain any of the following terms in the subject field or body of the email message:

<ul style="list-style-type: none"> ○ Tudor ○ discriminat! ○ retaliat! ○ reappl! ○ EEOC ○ DOJ 	<ul style="list-style-type: none"> ○ "Equal Employment Opportunity Commission" ○ "Department of Justice" ○ "Civil Rights" ○ lawsuit ○ Nusz ○ Townsend
--	---
- 2) All emails sent to or received from Dr. Rachel Tudor.
- 3) All emails that contain any of the following terms in the subject field from October 11, 2010 to the present:

<ul style="list-style-type: none"> ○ tenure ○ promotion ○ appeal ○ "Academic Policies" 	<ul style="list-style-type: none"> ○ APPM ○ Senate ○ grievan! ○ "Personnel Policies Committee"
--	--
- 4) All emails sent to or received from the people below between January 3, 2011 and March 25, 2011.

<ul style="list-style-type: none"> ○ Dr. Lucretia Scoufos ○ Dr. Douglas McMillan ○ Dr. Larry Minks ○ Dr. Ross Walkup ○ Dr. Claire Stubblefield ○ Dr. Charla Hall ○ Dr. Larry Prather ○ Dr. James Knapp 	<ul style="list-style-type: none"> ○ Dr. William Fridley ○ Dr. Christopher Moretti ○ Dr. Halet Poovey ○ Dr. Kenneth Chinn ○ Dr. Dennis Brewster ○ Dr. Diane Dixon
--	---
- 5) All emails sent or received between January 3, 2011 and March 25, 2011 that contain any of the following terms in the subject field or body of the email:

<ul style="list-style-type: none"> ○ appeal! ○ appellate ○ tenure ○ promotion ○ grievan! ○ complain! ○ "short term absence" ○ "presidential duties" 	<ul style="list-style-type: none"> ○ Jack ○ Robinson ○ Ernest ○ Sturch ○ President ○ Larry ○ Minks ○ Doug!
---	--

- McMillan
 - Lucretia
 - Scoufos
 - Charlie
- Charles
 - Babb
 - Claire
 - Stubblefield
- 6) All calendar entries between January 3, 2011 and March 25, 2011.
- 7) If Dr. Clark has created folders to store emails, provide the names of those folders and, if it is not clear from the names of the folders, the types of emails that Dr. Clark stores in each folder.

Instructions for searching Dr. Jesse Snowden's email account

Please use the following search terms and instructions to search Dr. Jesse Snowden's email account and produce the results. Emails saved on the server as well as emails saved on Dr. Snowden's computer, such as .pst files, should be searched. All email folders, including but not limited to deleted emails and sent emails, should be searched. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails that contain any of the following terms in the subject field or body of the email message:

<ul style="list-style-type: none"> ○ Tudor ○ discriminat! ○ retaliat! ○ EEOC ○ DOJ ○ Spencer 	<ul style="list-style-type: none"> ○ "Equal Employment Opportunity Commission" ○ "Department of Justice" ○ "Civil Rights" ○ lawsuit ○ Nusz ○ Townsend
--	---
- 2) All emails sent to or received from the people below between August 30, 2010 and May 30, 2011.

<ul style="list-style-type: none"> ○ Dr. Douglas McMillan ○ Dr. Larry Minks ○ Dr. Lucretia Scoufos ○ Dr. Claire Stubblefield ○ Dr. Ross Walkup 	<ul style="list-style-type: none"> ○ Dr. Bryon Clark ○ Dr. Charles Weiner ○ Dr. Charla Hall ○ Dr. James Knapp ○ Dr. Larry Prather
---	--
- 3) All emails sent to or received from Dr. Rachel Tudor.
- 4) All emails sent to or received from the people below between May 15, 2007 and June 30, 2007.

<ul style="list-style-type: none"> ○ Dr. Douglas McMillan ○ Cathy Conway ○ Dr. C.W. Mangrum 	<ul style="list-style-type: none"> ○ Dr. Larry Minks ○ Dr. John Mischo ○ Bridgette Hamill
--	--
- 5) If Dr. Snowden has created folders to store emails, provide the names of those folders and, if it is not clear from the names of the folders, the types of emails that Dr. Snowden stores in each folder.

Instructions for searching Dr. C.W. Mangrum's email account

It is our understanding that Dr. Mangrum passed away several years ago. As such, we think that his email account was likely deleted. Please let us know if there are still emails in Dr. Mangrum's email account. If there are, we will provide you with search terms and parameters to search it.

Instructions for searching the Regional University System of Oklahoma's email system

It is our understanding that the Regional University System of Oklahoma (RUSO) uses a Google based email system that permits searching across all RUSO email accounts at once. Please use the following search terms and instructions to search RUSO's email system and produce the results. All email folders, including but not limited to deleted emails and sent emails, should be searched. Because this is a Google based system, we have included Boolean search terms below. The exclamation points below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. "And," "or," and parentheses denote Boolean searches. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- 1) All emails and calendar entries that contain the term "Tudor" any place in the item (subject, body, location, etc.).
- 2) All emails and calendar entries that contain the search terms below from the date range of January 1, 2010 to the present:

<ul style="list-style-type: none"> o petition and tenure o blog and petition o blog and tenure o tenure and discriminat! o Minks and (petition or blog or discriminat! or Rice) o Larry and (petition or blog or discriminat! or Rice) o McMillan and (petition or blog or discriminat! or Rice) o Douglas and (petition or blog or discriminat! or Rice) o Doug and (petition or blog or discriminat! or Rice) o Burrage and (petition or blog or discriminat! or Rice) o Sean and (petition or blog or discriminat! or Rice) 	<ul style="list-style-type: none"> o "Department of Justice" o DOJ o "Equal Employment Opportunity Commission" and tenure o EEOC and tenure o "Department of Education" and discriminat! o "Oklahoma Attorney General" o "Oklahoma State Senate" o "Andrew Rice" o "Democratic Leader" o Senat! and Rice o Senat! and discriminat! o Rice and discriminat! o "American Association of University Professors" o AAUP
---	---
- 3) All emails sent to or received from Dr. Larry Minks and/or Dr. Douglas McMillan during the following date ranges: April 1, 2011 – October 22, 2011 and April 1, 2014 – May 1, 2014.
- 4) All emails sent to or received from Dr. Rachel Tudor. Dr. Tudor's email address from Southeastern was rtudor@se.edu and her personal email address is racheltudor3731@gmail.com.
- 5) All emails sent to or received from the American Association of University Professors (AAUP) between May 6, 2011 and the present. The email domain for the AAUP is aaup.org.

Additional search instructions

With the exception of the email accounts of Dr. Mischo and Dr. Prus, please search the email accounts identified in this letter for all items (e.g., email, calendar entries, tasks) that contain any of the terms below. Emails saved on the server as well as emails saved on the users' computers, such as .pst files, should be searched for the terms below. All email folders, including but not limited to deleted emails and sent emails, should be searched. Our intent is to identify any emails that contain these terms and are otherwise responsive to our discovery requests in this case. The exclamation points in the instructions below are intended to be wildcards. Quoted strings are meant to be exact matches of those phrases. Please adjust the syntax/operators within your email search system(s) accordingly to achieve the desired search results. If the search syntax is unclear, please let us know.

- | | |
|------------------------------|----------------------|
| ○ boob! | ○ LGBT |
| ○ breast! | ○ lifestyle |
| ○ chromosome! | ○ “man in a dress” |
| ○ cock! | ○ naked |
| ○ “cross dress!” | ○ penis |
| ○ cross-dress! | ○ “prima facie” |
| ○ crossdress! | ○ “private parts” |
| ○ “drag queen” | ○ queer! |
| ○ fag! | ○ restroom |
| ○ freak | ○ “sex change” |
| ○ gay! | ○ “sex organ” |
| ○ “gender change” | ○ “sex part” |
| ○ “gender dysphoria” | ○ “sex reassignment” |
| ○ “gender expression” | ○ shemale! |
| ○ “gender identity” | ○ she-male! |
| ○ “gender identity disorder” | ○ surgery |
| ○ “gender reassignment” | ○ trann! |
| ○ genital! | ○ transgender! |
| ○ GID | ○ transsexual! |
| ○ GLBT | ○ transvest! |
| ○ gonad! | ○ unisex |
| ○ homosexual! | ○ willy |