

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

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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff |) | |
| |) | |
| RACHEL TUDOR, |) | |
| |) | |
| Plaintiff-Intervenor |) | |
| v. |) | CASE NO. 5:15-CV-00324-C |
| |) | |
| SOUTHEASTERN OKLAHOMA |) | |
| STATE UNIVERSITY, and |) | |
| |) | |
| THE REGIONAL UNIVERSITY |) | |
| SYSTEM OF OKLAHOMA, |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF/INTERVENOR DR. RACHEL TUDOR’S
EXHIBIT LIST AND WITNESS LIST**

I. EXHIBIT LIST

Pursuant to the Court’s scheduling order (ECF No. 57) and Fed. R. Civ. P. 26(a)(3)(A), Dr. Rachel Tudor, by and through her attorneys, hereby submits her exhibit list for trial. Dr. Tudor also incorporates by reference all exhibits identified by Plaintiff the United States of America (ECF No. 109).

In addition to the exhibits identified by Plaintiff, exhibits Dr. Tudor currently expects to use at trial are identified below, but Dr. Tudor reserves the right to use any and all exhibits listed below at trial, if necessary. There may be additional exhibits that Dr.

Tudor might use solely for impeachment purposes, which are not identified below because Fed. R. Civ. P. 26(b)(3)(A) does not require disclosure of such exhibits. Furthermore, because discovery is ongoing (for example, there are four depositions scheduled for the week of August 22–26, 2016), Dr. Tudor reserves the right to remove or add exhibits to this list.

Dr. Tudor’s exhibits are marked numerically in sequential order. The list includes a brief description of the proposed exhibit and frequently references a corresponding Bates number that is keyed to discovery exchanged by the parties during the course of this litigation.

| NO. | EXPECT TO USE | DESCRIPTION |
|------------|----------------------|--|
| 1 | X | Plaintiff/Intervenor’s Response to Defendants’ First Set of Interrogatories Propounded Upon Plaintiff/Intervenor |
| 2 | X | 10/26/2010 U.S. Department of Education “Dear Colleague” Letter (PI00058 to PI000567) |
| 3 | | Tudor deposition transcripts. |
| 4 | | Transcript(s) of Plaintiff/Intervenor’s 30(b)(6) deposition of Defendants. |
| 5 | X | Contents of binder filled with non-bates marked documents Defendants produced at August 11, 2016 30(b)(6) conference. (822 non-bates marked pages) |
| 6 | X | Two documents Defendants promised to produce (but which they have yet to produce) at August 11, 2016 30(b)(6) conference. |
| 7 | X | Defendants’ health plan provided to employees for calendar year 2011. (OAG-013450 to OAG-013628) |
| 8 | X | Richard Ogden deposition transcript |
| 9 | | Declaration from Ms. Feleshia Porter. (PI002046 to PI002049) |
| 10 | | Tudor application materials: North Seattle College. (OAG-013024 to OAG-013043) |
| 11 | | Tudor application materials: Southeast Missouri State University (OAG-013044 to OAG-013046) |
| 12 | | Tudor application materials: Southwestern Oklahoma State University. (OAG-013047 to OAG-013050) |

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| 13 | | Tudor application materials: University of Houston-Victoria (OAG-013062 to OAG-013106) |
| 14 | | Tudor application materials: Pennsylvania State System of Higher Education, Slippery Rock University (OAG-013107 to OAG-013122) |
| 15 | | Tudor application materials: Trinity Valley Community College (OAG-013123 to OAG-013140) |
| 16 | | Tudor application materials: East Central University (OAG-013141 to OAG-013174) |
| 17 | | Tudor application materials: Montgomery College (OAG-013180 to OAG-013199) |
| 18 | | Tudor application materials: St. Louis Community College (OAG-013200 to OAG-013208) |
| 19 | | Tudor application materials: Florida Gulf Coast University (OAG-013209 to OAG-013218) |
| 20 | | Tudor application materials: Pensacola State College (OAG-013219 to OAG-013225) |
| 21 | | Tudor application materials: Lindsey Wilson College (OAG-013227 to OAG-013245) |
| 22 | | Tudor application materials: Southern Methodist University (OAG-013246 to OAG-013257) |
| 23 | | Tudor application materials: Lone Star Community College (OAG-013258 to OAG-013315) |
| 24 | | Tudor application materials: San Jacinto College (OAG-013330 to OAG-013338) |
| 25 | | Tudor application materials: Grinnell College (OAG-013339 to OAG-013352) |
| 26 | | Tudor application materials: University of Iowa (OAG-013410 to OAG-013418) |
| 27 | | Tudor application materials: Utah Valley University (OAG-013419 to OAG-013449) |
| 28 | | 5/21/2012 Rejection Letter: East Central University (PI000462) |
| 29 | | 6/14/2012 Rejection Letter: Glenville State College (PI000463) |
| 30 | | 6/28/2012 Rejection Letter: New Mexico Highlands University (PI000464) |
| 31 | | 6/22/2012 Rejection Letter: Florida Institute of Technology (PI000465) |
| 32 | | 5/21/2012 Rejection Letter: Lindsey Wilson College (PI000466) |
| 33 | | 3/16/2012 Rejection Letter: Oklahoma Baptist University (PI000467) |
| 34 | | Dr. Tudor's handwritten list of colleges tabulating institutions to which she applied for jobs between 2011 and 2012 (PI002050 to PI002054) |
| 35 | X | Emails between Richard Ogden and Sheridan McCaffree titled "RE: Tudor FYI," last email in chain dated 7/13/2011. |
| 36 | X | Email to Charles Babb titled "Transgender Student Issue," last email in |

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| | | chain dated 8/10/2011. |
| 37 | | Emails between Richard Ogden to Sheridan McCaffree titled "Re: DOUGLAS MCMILLAN," last email in chain dated 7/27/2011. |
| 38 | X | Emails between Nancy Gerrity and Claire Stubblefield titled "RE: Maxient: McMillan," last email in chain dated 2/8/2016. |
| 39 | X | Emails between Cathy Conway, Ross Walkup, Kay Lynn Roberts titled "FW: Regional University System of Oklahoma Amendment Request," last email in chain dated 7/26/2007. |
| 40 | X | Emails between Cathy Conway and Debbie Maness titled "FW: Inquiry on Benefits," last email in chain dated 2/26/2010. |
| 41 | | Emails between Sheridan McCaffree and Richard Ogden titled "RE: Southeastern," last email in chain dated 5/16/2011. |
| 42 | X | Emails between Sheridan McCaffree and Mike Mitchell titled "RE: HB2999," last email in chain dated 2/29/2012. |
| 43 | X | Emails between Sheridan McCaffree and Richard Ogden titled "RE: applying for tenure," last email in chain dated 5/10/2011. |
| 44 | X | Emails between Sheridan McCaffree and Richard Ogden titled "Rachel Tudor," last email in chain dated 7/16/2011. |
| 45 | X | Emails between Sheridan McCaffree, Richard Ogden, and Charles Babb titled "FW: letter in support of Rachel Tudor," last email in chain dated 4/27/2011. |
| 46 | X | Emails between Sheridan McCaffree, Richard Ogden, and Charles Babb titled "FW: Petitions in Support of Rachel Tudor," last email in chain dated 4/29/2011. |
| 47 | X | Emails between Sheridan McCaffree and Connie Reilly titled "FW: scholarship award," last email in chain dated 4/29/2011. |
| 48 | X | Email between Sheridan McCaffree, Richard Ogden, and Charles Babb titled "advising of pending legal matters," last email in chain dated 6/19/2011. |
| 49 | | Email between Sheridan McCaffree and S. Williams titled "FW: Confidential Attorney Client communication re: Larry Minks," last email in chain dated 4/1/2014. |
| 50 | X | Email between Elaine Turner, Richard Ogden, Charles Babb, Vickie Ramos, and Sheridan McCaffree titled "Minks Resignation Agreement," last email in chain dated 3/29/2014. |
| 51 | | Email between Elaine Turner others titled "RE: Confidential Attorney Client communication re: Larry Minks," last email in chain dated 4/1/2014. |
| 52 | | Emails between Sheridan McCaffree and Mike Mitchel titled "RE: PERSONAL & CONFIDENTIAL," last email in chain dated 3/1/2012. |
| 53 | | Emails between Sheridan McCaffree, Richard Ogden, and Charles Babb titled "RE: The Discrimination..." last email in chain dated 4/27/2011. |

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| 54 | | Email from John Mischo to Lucretia Scoufos titled "EHL Tenure & Promotion Guidelines," email dated 9/1/2009. |
| 55 | | Email from Jesse Snowden to Lucretia Scoufos titled "letter," email dated 9/8/2010. |
| 56 | | Email from Jesse Snowden to Lucretia Scoufos titled "P&T- 2011," email dated 1/1/2011. |
| 57 | | Emails between Charla Hall and Bryon Clark titled "FW: Respondent's letter," last email in chain dated 11/1/2010. |
| 58 | | Emails between Larry Minks, Doug McMillan, and Michelle Campbell titled "FW: THOUGHT YOU MIGHT WANT TO READ THIS," last email in chain dated 4/25/2011. |
| 59 | X | Email between Claire Stubblefield and Ross Walkup titled "FW: Tudor-Discrimination Case," dated 12/23/2010. |
| 60 | | Email from Bryon Clark to Larry Minks and Terri Rogers titled "Grievance by Rachel Tudor," dated 3/7/2011. |
| 61 | | Email from Joshua Dermott to Charlie Babb titled "NACUANOTES Vol. 11, No. 4 – Transgender Issues on Campus," dated 12/21/2012. |
| 62 | X | Email from Doug McMillan to Larry Minks titled "Information from Charlie Babb on Tenure," dated 4/21/2010. |
| 63 | X | Email from Lisa Highfill to Lisa Highfill titled "letter from Pres. Minks for your review," dated 4/6/2010. |
| 64 | X | Emails between Byron Clark and Doug McMillan titled "RE: Appeal and Rose State," last email in chain dated 11/16/2010. |
| 65 | X | Emails between Bryon Clark and Charla Hall titled "RE: grievance," last email in chain dated 9/30/2010. |
| 66 | X | Emails between Ross Walkup and Charlie Babb titled "RE: Grievance by Dr. Tudor," last email in chain dated 12/20/2010. |
| 67 | | Emails between Bryon Clark and Charla Hall titled "RE: grievance question," last email in chain dated 1/12/2011. |
| 68 | | Emails between Bryon Clark and Charla Hall titled "RE: Hearing Date," last email in chain dated 11/18/2010. |
| 69 | X | Emails between Lucretia Scoufos and Doug McMillan titled "RE: Tudor lawsuit," last email in chain dated 4/8/2015. |
| 70 | X | Emails between Claire Stubblefield and Doug McMillan titled "RE: Tudor lawsuit," last email in chain dated 4/8/2015. |
| 71 | | Emails between Charlie Babb and Sheridan McCaffree titled "Re: Intervenor's discovery," last email in chain dated 5/17/2016. |
| 72 | | Emails between Sheridan McCaffree, Andrew Tevington, and Charlie Babb titled "RE: latest draft," last email in chain dated 3/16/2015. |
| 73 | X | Emails between Sheridan McCaffree and Terri Rodgers titled "RE: Rachel Tudor inquiries," last email in chain dated 7/7/2011. |
| 74 | X | Emails between Sheridan McCaffree and Richard Ogden titled "RE: |

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| | | RUSO,” last email in chain dated 7/25/2011. |
| 75 | | Email from Sheridan McCaffree to Sheridan McCaffree titled “RE: Southeastern – this was never sent to cb,” last email in chain dated 7/23/2011. |
| 76 | X | Emails between Richard Ogden and Sheridan McCaffree titled “RE: Southeastern,” last email in chain dated 5/16/2011. |
| 77 | X | Emails between Richard Ogden and Sheridan McCaffree titled “RE: Southeastern,” last email in chain dated 5/16/2011. |
| 78 | | Emails between Sheridan McCaffree, Richard Ogden, and Charlie Babb titled “RE: The Discrimination...,” last email in chain dated 4/27/2011. |
| 79 | | Emails between Sheridan McCaffree and Richard Ogden titled “RE: The Discrimination...,” last email in chain dated 4/29/2011. |
| 80 | | Emails between Sheridan McCaffree and Richard Ogden titled “Re: Tudor,” last email in chain dated 5/24/2011. |
| 81 | X | Emails between Claire Stubblefield and Charlie Babb titled “Tudor Case,” last email in chain dated 10/4/2011. |
| 82 | | Email from Claire Stubblefield to Claire Stubblefield titled “Tudor Complaint,” dated 9/1/2010. |
| 83 | X | 1/13/2004 Appointment Letter: College of the Mainland for 2003–2004 (PI00447) |
| 84 | X | 5/18/2004 Appointment Letter: Southeastern Oklahoma State University for 2004–2005 (PI00448) |
| 85 | X | Tudor’s Southeastern Oklahoma State University Payroll Advice for 01/01/2011–01/31/2011 (PI00448) |
| 86 | X | Southeastern Oklahoma State University: Salary Calculation Form 2011–12, Full-Time Faculty and Guide (PI000450 to PI000451) |
| 87 | X | 8/30/2013 Salary Letter: Collin College for 2013–2014 (PI000453) |
| 88 | X | 9/3/2014 Salary Letter: Collin College for 2014–2015 (PI000454) |
| 89 | X | Collin College Full-Time Faculty Contract for 2015–2016 (PI000455 to PI000456) |
| 90 | X | Collin College Electronic Pay Stub for pay period 1/1/2013 to 1/31/2013 (PI000022) |
| 91 | X | Collin College Full-Time Faculty Contract for 2015–2016 (PI002044 to PI002045) |
| 92 | X | Tudor Federal Income Tax Returns 2011 (PI000434 to PI000436) |
| 93 | X | Tudor Federal Income Tax Returns 2012 (PI000437 to PI000449) |
| 94 | X | Tudor Federal Income Tax Returns 2013 (PI000441 to PI000443) |
| 95 | X | Tudor Federal Income Tax Returns 2014 (PI000444 to PI000445) |
| 96 | X | Humana Dental Claim Receipts (PI000457 to PI000460) |
| 97 | X | Southeastern Oklahoma State University Self-Study Report submitted to the Higher Learning Commission (DOJ000331 to DOJ000548) |
| 98 | X | Tudor Chickasaw Nation Tribal Citizenship Identification card |

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| | | (PI002035) |
| 99 | X | Online Petition to “Reinstate Dr. Rachel Tudor” (PI000815 to PI001100) |
| 100 | X | 9/5/2011 Blog Entry: “Open Letter to Petition Signers” (PI00110 to PI00111) |
| 101 | X | 5/30/2011 Blog Entry: “Scholarship Record” (PI001126 to PI001131) |
| 102 | X | 5/29/2011 Blog Entry: “Reason is the Surest Safeguard Against Tyranny” (PI001132 to PI001138) |
| 103 | X | 4/26/2011 Blog Entry: “Award for Excellence in Scholarship” (PI001141 to PI001142) |
| 104 | | 4/24/2011 Blog Entry: “Petition” (PI001143 to PI001144) |
| 105 | | 4/20/2011 Blog Entry: “Why This Blog?” (PI001145 to PI001146) |
| 106 | | 4/18/2011 Blog Entry: “Southeastern Oklahoma State University” (PI001147 to PI001150) |
| 107 | X | 2/15/2012 Blog Entry: “LinkedIn” (PI001169) |
| 108 | | 1/1/2012 Blog Entry: “Best Wishes for a More Just Year” (PI001174 to PI001175) |

Dr. Tudor reserves the right to use any exhibits on the Defendants’ and/or Plaintiff United States of America’s exhibit lists at trial.

II. WITNESS LIST

Pursuant to the Court’s scheduling order (ECF No. 57) and Fed. R. Civ. P. 26(a)(3)(A), Dr. Rachel Tudor submits her witness list for trial. Dr. Tudor also incorporates by reference all witnesses identified by Plaintiff (ECF No. 108).

In addition to the witnesses below, Dr. Tudor reserves the right to call any witnesses on the Defendants’ and/or Plaintiff United States of America’s witness lists. Dr. Tudor further reserves the right to call witnesses not on her list for purposes of rebuttal. Dr. Tudor also reserves the right to amend this witness list since discovery is

ongoing (for example, four depositions are scheduled during the week of August 22–26, 2016).

| EXPECT TO CALL | NAME | ADDRESS AND TELEPHONE NUMBER, IF KNOWN | PROPOSED TESTIMONY |
|----------------|------------------|--|--|
| X | Rachel Tudor | Witness may be contacted through her counsel. | Witness will testify about the discrimination, retaliation, and hostile work environment she experienced at Southeastern and the damages she suffered as a result. |
| X | Whitney Popchoke | Witness is a currently employed by RUSO and can be contacted at her work address and phone number. | Witness's testimony would be expected to include, but not be limited to, information about Defendants' health benefits plans trans exclusion from 2007 to present. |

Dated: August 19, 2016

Respectfully submitted,

/s/ Ezra Young

Ezra Young (NY Bar No. 5283114)

Admitted *Pro Hac Vice*

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CERTIFICATE OF SERVICE

I certify that I served this document on all counsel of record through the Court's electronic filing system on the date below.

Date: August 19, 2016

/s/ Ezra Young_____