

**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.

DEFENDANTS’ OBJECTIONS TO PLAINTIFF’S FINAL EXHIBIT LIST

Defendants Southeastern Oklahoma State University (“SEOSU”) and The Regional University System of Oklahoma’s (“RUSO”) submit the following objections¹ to Plaintiff’s Final Exhibit List [Doc. 109] in accordance with the Court’s Scheduling Order. [Doc. 142].

| NO. | EXPECT TO USE | DESCRIPTION | OBJECTION |
|-----|---------------|--|--|
| 1 | | Emails between Tudor and Mischo (PI000583) | Fed. R. Evid. 401, 402, 403, 801, 802, 901 |
| 2 | | Prus Curriculum vita (DEF007295-7306) | Fed. R. Evid. 401, 402, 403 |
| 3 | X | Portions of Tudor 2009-10 promotion and tenure portfolio (PI001309-1335) | Fed. R. Evid. 901 |

¹ Defendants generally object to Plaintiff’s Exhibits as being unreasonably cumulative or duplicative, vague and overly broad. Defendants reserve the right to supplement these objections as documents are more specifically identified.

| | | | |
|----|---|--|--|
| 4 | | Possible Points of Discussion for Mentors and New Full-Time Faculty (PI002041) | Fed. R. Evid. 401, 402, 403, 901 |
| 5 | X | English, Humanities & Languages Tenure/Promotion Guidelines (PI001177-1180) | Fed. R. Evid. 901 |
| 6 | X | Policy 3.7.4 Role of the Faculty (EEOC000300-01) | |
| 7 | X | Policy 4.0 Faculty Personnel Policies (EEOC000303-349) | |
| 8 | X | Faculty Promotion and Tenure Evaluation Summary Confidential Analysis Worksheet for Tudor (DEF001133-34) | |
| 9 | X | 11/14/2005 from Mangrum to Spencer (EEOC003570) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 10 | | Prus comments on Tudor's Candidate's Letter in Support of Application for Tenure and Promotion (Pl. Dep. Ex. 10; DEF013019-23) | |
| 11 | | Prus comments on Tudor's Tenure Application Vita (DEF013024-32) | |
| 12 | | 8/3/2010 email from Tudor to Prus (PI000653) | Fed. R. Evid. 901 |
| 13 | X | Emails dated 8/26/2010 (DEF001144) | Vague and improperly identified |
| 14 | X | 10/7/2012 email from Scoufos to D. McMillan re 10/5/2012 D. McMillan memorandum (DEF001148-50) | |
| 15 | X | 10/11/2010 Tudor grievance (DEF005655-5659) | |
| 16 | X | 1/28/2011 Tudor email to Prus (PI000743) | Fed. R. Evid. 401, 402, 403, 801, 802, 901 |

| | | | |
|----|---|---|--|
| 17 | X | 1/19/2011 Findings and Conclusions on Gender Discrimination Complaint (DEF001796-1801) | |
| 18 | | 11/26/2011 Prus email to English, Humanities & Languages Department Faculty (Plaintiff's Depo Exhibit 18) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 19 | X | Memorandum to Regent Connie Reilly (DEF001765-68) | |
| 20 | X | Document Retention Notice Pursuant to Charge of Discrimination (DEF001106-07) | Fed. R. Evid. 401, 402, 403 |
| 21 | X | Southeastern Oklahoma State University Administrative Organization Chart (DEF001314) | |
| 22 | | Director of Human Resources Job Description (DEF012952-12953) | Fed. R. Evid. 401, 402, 403 |
| 23 | | Conway Annual Performance Appraisal – Spring 2011 (DEF012950-51) | Fed. R. Evid. 401, 402, 403 |
| 24 | | HR Training attendance information (DEF008830-33) | Fed. R. Evid. 401, 402, 403 |
| 25 | X | 4/4/2007 letter from F. Porter (EEOC0005692) | Fed. R. Evid. 401, 402, 403, 801, 802, 901 |
| 26 | X | Conway notes and emails re Tudor gender transition (DOJ000009-14) | Fed. R. Evid. 901; overly broad; Defendants' reserve the right to supplement these objections. |
| 27 | X | Diagram of Morrison Hall with Conway's handwritten markings from her deposition (Plaintiff's Depo Exhibit 27)(DEF001787-89) | Fed. R. Evid. 401, 402, 403 |

| | | | |
|----|---|---|---|
| 28 | X | 9/3/2010 emails between Conway and Stubblefield (DEF004701) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 29 | X | 9/15/2012 letter from U.S. Department of Education to Minks (DOE000004) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 30 | X | Defendants submission to EEOC (DEF005279-86) | Fed. R. Evid. 106 (not complete copy of what Defendants submitted to EEOC); Fed. R. Evid. 901 |
| 31 | X | Nondiscrimination, Equal Opportunity and Affirmative Action Policy (EEOC000265) | |
| 32 | X | Nondiscrimination, Equal Opportunity and Affirmative Action Policy ((DEF005879) | Fed. R. Evid. 407, 901 |
| 33 | X | Sexual Harassment Policy (DEF006929-31) | Fed. R. Evid. 401, 402, 403 |
| 34 | X | Sexual Harassment Policy (DEF006955-56) | Fed. R. Evid. 401, 402, 403 |
| 35 | | Audio recording of Jane McMillian's interview with EEOC (EEOC004568) | Fed. R. Evid. 801, 802 |
| 36 | | Legal Briefing: Legal Issues for Faculty (PI001973-1994) | Fed. R. Evid. 401, 402, 403, 801, 802, 901 |
| 37 | | Faculty Senate Minutes 1/19/2011 (PI000400-07) | Fed. R. Evid. 401, 402, 403, 901 |
| 38 | | Online petition to reinstate Tudor and selected signatures (PI000815 and PI 000995) | Fed. R. Evid. 401, 402, 403, 801, 802, 901 |

| | | | |
|----|---|--|---|
| 39 | X | 4/1/2011 letter to Tudor (EEOC000593) | |
| 40 | X | Orientation for New Faculty (DEF001311-12) | |
| 41 | X | Legal Briefing on Sexual Harassment and attendance sheets (DEF008898-8910) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 42 | X | Training Materials "Sexual Harassment: What Is and Isn't Acceptable" (DEF008915-8946) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 43 | | Letters and emails regarding scheduling EEOC interviews of witnesses (EEOC004743-44 and 4741-42) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 44 | | Weiner Curriculum vita (DEF001044-1055) | Fed. R. Evid. 401, 402, 403, 901 |
| 45 | X | 4/29/2010 letter from Weiner to Tudor (EEOC000183-84 and EEOC000908) | Fed. R. Evid. 801, 802 |
| 46 | X | 2/26/2010 Tudor grievance (EEOC000927-929) | |
| 47 | X | 3/25/2010 Faculty Appellate Committee determination on Tudor's 2/26/2010 grievance (DEF005125) | |
| 48 | X | 3/4/2010 Tudor email to Weiner with email chain (EEOC000174) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 49 | X | 3/21/2010 and 3/22/2010 emails between Weiner and Tudor RE: Tudor Appeal (EEOC001481-1482) | Not properly identified; Defendants reserve the right to supplement objections as document is |

| | | | |
|----|---|--|---|
| | | | more clearly identified. |
| 50 | X | 4/1/2010 email from Weiner (EEOC000919-920) | |
| 51 | X | Policy 3.7.3 Role of the President (EEOC000299-300) | |
| 52 | X | 4/6/2010 Tudor email to Weiner (EEOC000177) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 53 | X | 4/20/2010 Weiner email to Tudor (EEOC000180) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 54 | X | 5/7/2010 Tudor appeal to Minks (EEOC000185) | Fed. R. Evid. 901 |
| 55 | X | 8/30/2010 Tudor discrimination complaint filed with Stubblefield (DEF0001279-1284; DEF005176-5187; and EEOC000895) | Defendants do not object to one complete copy of Tudor's grievance (DEF5171-5187) |
| 56 | X | 8/30/2010 Tudor grievance filed with Minks (DEF001158-1175) | |
| 57 | X | 9/16/2010 Weiner email to Stubblefield with email chain (EEOC000031-33) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 58 | | 12/2/2011 and 12/6/2011 email re Tenure and/or Promotion Committees for Fridley (EEOC000077-78) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 59 | X | 2/2/2005 memorandum from Snowden to Johnson re Fridley promotion and tenure application (EEOC002961) | Fed. R. Evid. 401, 402, 403 |
| 60 | X | Spencer Tenure Application Vita (EEOC003523-3534) | Fed. R. Evid. 401, 402, 403 |

| | | | |
|----|---|---|---------------------------------------|
| 61 | X | 12/1/2006 Mischo letter to Mangrum re Spencer promotion and tenure application (DEF007506-7507) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 62 | X | 1/11/2007 Mangrum letter to Spencer re Spencer promotion and tenure application (DEF007505) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 63 | X | 2/12/2007 D. McMillan memo to Snowden re Spencer promotion and tenure application (DEF007504) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 64 | X | 4/18/2007 Snowden letter to Spencer re promotion and tenure application (DEF007503) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 65 | X | 9/8/2010 Snowden letter re Spencer promotion and tenure application process (EEOC000896) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 66 | X | 2/12/2007 D. McMillan memo to Snowden re Spencer promotion and tenure application (DEF012992) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 67 | X | Spencer curriculum vita (DEF007311-7319) | Fed. R. Evid. 401, 402, 403 |
| 68 | | Audio recording of EEOC's interview of Clark (EEOC004562-63) | Fed. R. Evid. 801, 802, 901 |
| 69 | | 8/10/1998 Clark letter to Hill re nomination for Faculty Senate teaching award (DEF002953) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 70 | X | 9/21/2010 Clark email to Scoufos re Tudor grievance (DEF001155-1156) | |
| 71 | X | Minutes of Faculty Appellate Committee 9/22/2010 meeting and 9/30/2010 decision on Tudor grievance (DEF000144 and DEF0001152) | |
| 72 | X | 1/31/2011 Clark email re Tudor grievance (DEF005672) | |

| | | | |
|----|---|---|--|
| 73 | X | Procedure attached to Clark 1/31/2011 email (DEF005673) | |
| 74 | X | 1/3/2011 Walkup memo re Tudor grievance (PI001244-1247) | Fed. R. Evid. 801, 802 |
| 75 | X | 2/22/2011 D. McMillian memo to Clark re Tudor grievance (DEF001331) | |
| 76 | X | 3/4/2011 Tudor email to Clark re Tudor grievance (DEF001332-1337) | |
| 77 | X | 3/25/2011 Minks letter re Tudor grievance (DEF005687) | |
| 78 | X | A Self-Study Report for Continued Accreditation (DOJ000331-548) | Fed. R. Evid. 401, 402, 403, 801, 802, 901 |
| 79 | X | Mischo curriculum vita (DEF007284-86) | Fed. R. Evid. 401, 402, 403, 901 |
| 80 | X | 2/23/2010 D. McMillian memo to Minks re 1/25/2010 letter from Faculty Senate (PI001187-1188) | |
| 81 | X | Faculty Development Agreement and Follow-Up for Tudor 2005-2006 (EEOC00801-804) | |
| 82 | X | Faculty Development Agreement for Tudor 2007-2008 (EEOC-000791-783) | |
| 83 | X | Faculty Development and Evaluation Summary for Tudor 2007-2008 evaluation period (EEOC000781-782) | |
| 84 | X | Follow Up Report Faculty Development Agreement for Tudor 2007-2008 (EEOC000778-780) | |
| 85 | X | Faculty Development and Evaluation Summary for Tudor 2008-2009 evaluation period (DEF007392-7393) | |

| | | | |
|----|---|--|--|
| 86 | X | Faculty Promotion and Tenure Evaluation Summary for Parrish by Mischo (DEF007389-7390) | Fed. R. Evid. 401, 402, 403 |
| 87 | | Audio recording of EEOC's interview of Walkup (EEOC004558-4559) | Fed. R. Evid. 801, 802, 901 |
| 88 | | 10/29/2009 calendar invite from Tudor to Scoufos | Fed. R. Evid. 401, 402, 403, 801, 802; Not properly identified |
| 89 | X | 11/9/2009 email from Tudor to Mischo with email chain re meeting with Coleman (PI000592) | Fed. R. Evid. 801, 802 |
| 90 | X | 12/1/2009 email from Mischo to Tudor re promotion and tenure recommendation (PI000592) | Fed. R. Evid. 801, 802 |
| 91 | X | Faculty Development Agreement for Tudor 2009-2010 (EEOC000915-916) | |
| 92 | X | Parrish curriculum vita (DEF003679-3685) | Fed. R. Evid. 401, 402, 403 |
| 93 | X | 1/12/2010 memo from Scoufos to Tudor re promotion and tenure application recommendation (DOJ000151) | |
| 94 | | 1/20/2010 Tudor email to Mischo with email chain re Scoufos promotion and tenure application recommendation (PI000596) | Fed. R. Evid. 801, 802, 901 |
| 95 | | 2/16/2010 Tudor email to Mischo (PI000610) | |
| 96 | X | 2/19/2010 Tudor email to Scoufos requesting reasons for promotion and tenure recommendation (EEOC000162-164) | |
| 97 | X | 2/19/2010 Tudor email to McMillan requesting reasons for promotion and tenure recommendation (EEOC000166-168) | |
| 98 | | Tudor response to Defendants' Request for Admission No. 8 | Fed. R. Evid. 801, 802 |

| | | | |
|-----|---|--|---------------------------------------|
| 99 | X | 9/15/2010 Mischo email to Tudor with email chain re Scoufos' recommendation on Tudor's promotion and tenure application (PI000662) | Fed. R. Evid. 801, 802 |
| 100 | X | 1/12/2010 Scoufos memo to D. McMillan re recommendation on Tudor promotion and tenure application (DOJ000150) | |
| 101 | X | 11/30/2010 Scoufos email re Tudor article accepted for publication (EEOC000063-64) | Fed. R. Evid. 401, 402, 403 |
| 102 | X | 4/30/2010 D. McMillan memo to Tudor re Denial of Application for Tenure and Promotion (DEF001186-1187) | |
| 103 | X | Audio recording of EEOC interviews of Stubblefield, Mischo and Weiner (EEOC004567) | Fed. R. Evid. 801, 802, 901 |
| 104 | X | 9/17/2010 D. McMillan email chain to Scoufos forwarding Stubblefield email Subject "Discrimination Cases-Litmus Test" (EEOC000877) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 105 | X | 10/7/2010 Tudor email to Stubblefield subject "retaliation" (EEOC000036) | |
| 106 | X | 10/7/2010 Tudor email to Stubblefield subject "letter" (EEOC000040) | Fed. R. Evid. 502, 801, 802 |
| 107 | X | 10/5/2010 D. McMillan memo to Tudor re Application for Tenure and Promotion during the 2010-2011 Academic Year (DEF005188) | |
| 108 | X | 10/13/2010 Tudor memo to Stubblefield (EEOC000037-39) | Fed. R. Evid. 801, 802 |
| 109 | X | 10/14/2010 email chain between D. McMillan and Stubblefield (EEOC000044) | Fed. R. Evid. 401, 402, 801, 802 |
| 110 | X | 10/28/2010 Tudor amended discrimination complaint to Stubblefield (DEF001290-1296) | |

| | | | |
|-----|---|--|---|
| 111 | X | 1/19/2011 email chain between Legako and Stubblefield (EEOC000066-67) | Fed. R. Evid. 502 |
| 112 | X | Stubblefield's timeline from investigation of Tudor's discrimination complaint (EEOC001183-1186) | Fed. R. Evid. 401, 402, 403, 502 |
| 113 | X | 8/3/2011 Stubblefield memo to Scoufos enclosing EEOC's document retention notice (EEOC000825-829) | Fed. R. Evid. 401, 402, 403, 502 |
| 114 | X | 8/17/2011 Scoufos memo to Stubblefield transmitting copy of Tudor file from School of Art6s & Sciences (EEOC000824) | Fed. R. Evid. 401, 402, 403, 502 |
| 115 | X | 11/20/2009 Faculty Development and Evaluation Summary for Tudor (EEOC00972-973) | |
| 116 | X | 3/21/2012 letter from EEOC to Stubblefield (EEOC000002-3) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 117 | X | Southeastern's response to requests for information from EEOC (EEOC000239) | Incomplete as identified; objections reserved |
| 118 | | 5/8/2015 email from Scoufos to Southeastern faculty regarding change to discrimination policy (Plaintiff's Depo Ex. 118) | |
| 119 | | 4/21/2010 Memo from Babb to D. McMillan regarding Southeastern's Promotion and Tenure Policy (PI00195-197) | Fed. R. Evid. 502 |
| 120 | X | 12/3/2010 Faculty Appellate Committee decision on Tudor's 10/11/2010 grievance (PI000411) | |
| 121 | X | 1/24/2011 email between Babb and Clark re "Addition to Grievance Policy" (DEF005674) | Fed. R. Evid. 502 |
| 122 | X | Audio recording of EEOC's interview of Minks (EEOC004564-4565) | Fed. R. Evid. 613, 801, 802 |

| | | | |
|-----|---|---|---|
| 123 | X | Parrish curriculum vita (EEOC001681-1687) | Fed. R. Evid. 401, 402, 403, 901; cumulative listed as Ex. 92 |
| 124 | X | Defendants' Response to United States' First Set of Interrogatories Propounded upon Defendants | Fed. R. Evid. 401, 402, 403, 613; Not best evidence |
| 125 | X | Barker curriculum vita (DOJ000173-176) | Fed. R. Evid. 401, 402, 403, 901 |
| 126 | X | Faculty Promotion and Tenure Evaluation Summary for Tudor by Scoufos (EEOC000857-858 and DEF001137-1138) | |
| 127 | X | Faculty Promotion and Tenure Evaluation Summary for Tudor by McMillian (EEOC007703-7704) | |
| 128 | X | 4/6/2010 memo from Tudor to Scoufos regarding offer made to Tudor relating to her application for promotion and tenure (EEOC001483) | Fed. R. Evid. 801, 802 |
| 129 | X | 10/19/2010 D. McMillan memo to Hall and Clark regarding Tudor grievance (DEF001323-1324) | |
| 130 | X | 1/9/2011 Tudor memo to Hall regarding Tudor's grievance (PI001248-1250) | Fed. R. Evid. 801, 802 |
| 131 | X | 1/28/2011 Tudor appeal of Stubblefield's findings on Tudor's discrimination complaint (DEF001297-1299) | |
| 132 | X | 2/21/2011 Minks letter to Tudor regarding Tudor's discrimination complaint (DEF001300) | |
| 133 | | 6/12/2013 performance review of D. McMillan by Minks (DEF012973-12974) | Fed. R. Evid. 401, 402, 403, |

| | | | |
|-----|---|--|--|
| 134 | | 5/6/2011 letter from AAUP to Minks (EEOC000213-216) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 135 | | 10/26/2010 Dear Colleague letter from DOE (PI000558-567) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 136 | | Emails and attachments to and from Scoufos 12/15/2010, 8/26/2010, 10/1/2010 and 10/7/2010 (DEF001142-1144 and DEF001146-1148) | Vague, overly broad, not a single exhibit; objections reserved |
| 137 | X | 1/31/2011 Scoufos email to Walkup (DEF001131) | Fed. R. Evid. 401, 402, 403 |
| 138 | X | 1/3/2011 Scoufos email to Walkup forwarding email from Coleman (DEF001139) | Fed. R. Evid. 401, 402, 801, 802 |
| 139 | X | 1/31/2011 Scoufos email to Walkup with (1) Faculty Promotion and Tenure Evaluation Summary for Tudor by Mischo and (2) Scoufos memo to D. McMillan re Tudor promotion and tenure application attached (DEF001132-1135) | |
| 140 | | 12/6/2011 Mawer letter to Mayers re Mayers' application for promotion (DEF005695) | Fed. R. Evid. 401, 402, 403 |
| 141 | X | 9/30/2010 email between Hall and Clark regarding Tudor grievance (Plaintiff's Depo Ex. 141) | Cumulative; listed as Ex. 71 |
| 142 | X | Handwritten notes of 10/15/2010 Faculty Appellate Committee meeting regarding Tudor grievance (DEF000143) | Fed. R. Evid. 401, 402, 613, 801, 802 |
| 143 | X | 10/15/2010 email from Clark to Hall, Prather and Knapp regarding Tudor grievance (Plaintiff's Depo Ex. 143) | |
| 144 | X | 3/7/2011 email from Hall to Clark regarding Tudor grievance (DEF005667) | |

| | | | |
|-----|---|---|---|
| 145 | X | Audio recording of EEOC's interview of Scoufos (EEOC004556) | Fed. R. Evid. 613, 801, 802, 901 |
| 146 | X | Audio recording of DOJ's interview of Scoufos (DOJ000003) | Fed. R. Evid. 613, 801, 802, 901 |
| 147 | X | 8/25/2009 email from Scoufos to Tudor (with email chain below with Scoufos' handwritten notes re 8/31/2009 meeting with Tudor (EEOC00734-735) | Fed. R. Evid. 801, 802 |
| 148 | X | 10/28/2009 email from Mischo to Scoufos with Scoufos' handwritten notes (EEOC000976) | Fed. R. Evid. 801, 802 |
| 149 | X | 10/29/2009 email from Scoufos to House with Scoufos' handwritten notes (EEOC000974) | Fed. R. Evid. 801, 802 |
| 150 | X | Scoufos' handwritten notes of 4/6/2010 meeting with Tudor and Mischo (EEOC000913) | Fed. R. Evid. 801, 802 |
| 151 | X | 4/6/2010 memo from Tudor to Scoufos regarding offer made to Tudor relating to her application for promotion and tenure with Scoufos' handwritten notes (EEOC000914) | Fed. R. Evid. 801, 802; Cumulative; listed as Ex. 128 |
| 152 | X | 6/15/2010 memo from Minks to Scoufos notifying Scoufos of Tudor's tenure and promotion denial (EEOC000902) | |
| 153 | X | 6/15/2010 Scoufos email to Mischo with email chain regarding status of Tudor's promotion and tenure application (EEOC000901) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 154 | X | 6/15/2010 Scoufos emails, with email chain below, asking about "open mic chapbook (EEOC000904) | Fed. R. Evid. 401, 402, 403, 801, 802 |
| 155 | X | 10/1/2010 Prus email to Scoufos re Tenure & Promotion Committees for Drs. Barker and Tudor (EEOC000867) | Fed. R. Evid. 401, 402, 403, 801, 802 |

| | | | |
|-----|---|---|--|
| 156 | | Audio recording of EEOC's interview of Conway (EEOC004560-4561) | Fed. R. Evid. 613, 801, 802, 901 |
| 157 | | Audio recording of DOJ's interview of Conway (DOJ000001) | Fed. R. Evid. 613, 801, 802, 901 |
| 158 | X | Audio recording of EEOC's interview of D. McMillan (EEOC004566) | Fed. R. Evid. 613, 801, 802, 901 |
| 159 | X | Audio recording of DOJ's interview of D. McMillan (DOJ000002) | Fed. R. Evid. 613, 801, 802, 901 |
| 160 | X | Southeastern Policy for Granting Promotion and Tenure (Rev. 7/13) (DEF005950-5953) | Fed. R. Evid. 401, 402 |
| 161 | | Excerpts from Plaintiff/Intervenor's Notice of Rule (30(b)(6) Deposition of Defendant Southeastern Oklahoma State University and the Regional University System of Oklahoma | Fed. R. Evid. 401, 402, 403; Not best evidence |
| 162 | | Excerpts from Complaint in Intervention of Plaintiff/Intervenor Dr. Rachel Tudor [Doc. 24] pp. 1, 12 and 13 | Fed. R. Evid. 401, 402, 403; Not best evidence |
| 163 | | Excerpts from Answer of Defendant Regional University of System of Oklahoma to Plaintiff/Intervenor's Complaint [Doc. 29] pp. 1, 6 and 7 | Fed. R. Evid. 401, 402, 403; Not best evidence ; Statement of lawyer's legal theories not evidence |

| | | | |
|-----|--|--|---|
| 164 | | Excerpts from Answer of Defendant Southeastern Oklahoma State University to Plaintiff/Intervenor's Complaint [Doc. 28] pp. 1 and 7 | Fed. R. Evid. 401, 402, 403; Not best evidence Statement of lawyer's legal theories not evidence |
| 165 | | Blue Choice PPO High Option Certificate of Benefits (DEF006716-6719) | Fed. R. Evid. 401, 402, 403; Improper Exhibit Plaintiff and Plaintiff/Intervenor do not have a health benefits claim in the instant action |
| 166 | | 6/14/2016 email from Coffey to Young and Weiss regarding Plaintiff/Intervenor's 30(b)(6) notice | Fed. R. Evid. 401, 402, 403, 502 |
| 167 | | 6/24/2016 letter from Young to Coffey regarding Plaintiff/Intervenor's 30(b)(6) notice | Fed. R. Evid. 401, 402, 403, 502 |
| 168 | | 3/31/2010 Babb email to Weiner with email chain (RUSO001272)(native file) | Fed. R. Evid. 401, 402, 403, 801, 802, 803 |
| 169 | | 4/5/2010 Babb email to Weiner with email chain (RUSO001279)(native file) | Fed. R. Evid. 401, 402, 403, 801, 802, 803 |
| 170 | | 4/21/2010 Babb email to Weiner replying to Weiner (RUSO001474) (native file) | Fed. R. Evid. 401, 402, 403, 801, 802, 803 |
| 171 | | 4/21/2010 Babb email to Weiner with email chain and attachments (RUSO001465) (native file) | Fed. R. Evid. 401, 402, 403, 801, 802, 803 |

| | | | |
|-----|--|--|--|
| 172 | | 4/21/2010 Babb email to Weiner with email chain and attachments (RUSO001464) (native file) | Fed. R. Evid. 401, 402, 403, 801, 802, 803 |
| 173 | | 1/24/2011 Clark email to Babb with attachments (SEOSUmail00880) (native file) | Fed. R. Evid. 401, 402, 403, 801, 802, 803 |
| 174 | | 4/28/2011 letter from Andrew Rice (PI001273) | Fed. R. Evid. 401, 402, 403, 801, 802, 803 |
| 175 | | 1/2/2016 Knight letter to Stubblefield re House (RUSO000502.001) (native file) | Fed. R. Evid. 401, 402, 403 |
| 176 | | 3/1/2016 House letter to Stubblefield re House (RUSO002027.0001) (native file) | Fed. R. Evid. 401, 402, 403 |
| 177 | | 4/1/2010 Weiner email to Minks, D. McMillan, Scoufos and Babb with email chain (RUSO000447) (native file) | Fed. R. Evid. 401, 402, 403, 801, 802, 803 |
| 178 | | 4/1/2010 Weiner email to Minks, D. McMillan, Scoufos and Babb with email chain (SEOSUmail05927)(native file) | Fed. R. Evid. 401, 402, 403, 801, 802, 803 |
| 179 | | 4/1/2010 Weiner email to Minks, D. McMillan, Scoufos and Babb with email chain (SEOSUmail06865)(native file) | Cumulative same as Exhibit 178 |
| 180 | | 4/1/2010 Weiner email to Minks, D. McMillan, Scoufos and Babb with email chain (SEOSUmail06958)(native file) | Cumulative same as Exhibits 178 and 179 |
| 181 | | 4/1/2010 Weiner email to Minks, D. McMillan, Scoufos and Babb with email chain (SEOSUmail07217)(native file) | Cumulative same as Exhibits 178, 179 and 180 |
| 182 | | Plaintiff United States' Amended Notice of Oral Deposition Under Fed. R. Evid. 30(b)(6) | Fed. R. Evid. 401, 402, 403 |

| | | | |
|-----------------|--|---|-----------------------------|
| 183 | | Academic Policies and Procedures Manual submitted to EEOC (EEOC000252-428) | |
| 184 | | Stubblefield investigatory documents (DEF013643-13646) | |
| 185 | | Tudor Personnel File from School of Arts & Sciences submitted by Defendants to EEOC (EEOC000734-1020) | Fed. R. Evid. 401, 402 |
| 186 - 195 | | PLACEHOLDER DUE TO ONGOING DISCOVERY | |
| 196 | | 9/5/2012 EEOC's Letter of Determination (EEOC004576-4577) | Fed. R. Evid. 401, 402, 403 |
| 197 | | 7/6/2011 Tudor supplemental charge of discrimination filed with EEOC (EEOC004592-4593) | |
| 198 | | 7/21/2011 EEOC Notice of Charge of Discrimination (EEOC004602) | |
| 199 | | 10/12/2010 DOE letter to Minks regarding Tudor Complaint (EEOC004906-4907) | |
| 200 | | 4/2/2015 Conciliation Failure and Right-to-Sue Notice (EEOC004574) | Fed. R. Evid. 401, 402, 403 |
| 201 | | 8/21/2010 Tudor charge filed with DOE (DOE000013-29) | |
| 202 | | Expert Report of Dr. George R. Brown | Fed. R. Evid. 401, 402, 403 |
| 203 | | Expert Report of Dr. Robert Dale Parker | Fed. R. Evid. 401, 402 |
| 204 | | Article by R.J. Tudor, "Historical and Experiential Postmodernism: Native American and Euro-American." (DEF004931-4950) | Fed. R. Evid. 401, 402, 403 |
| 205 | | 2/12/2009 Memorandum on the subject of promotion and tenure recommendation regarding Parrish submitted by Scoufos (DEF007384) | Fed. R. Evid. 401, 402, 403 |

| | | | |
|-----|--|--|---------------------------------------|
| 206 | | 2/16/2009 Memorandum of notification of promotion and tenure status regarding Parrish from Minks (DEF007383) | Fed. R. Evid. 401, 402, 403 |
| 207 | | 4/20/2009 Letter approving promotion of Parrish from Michael D. Turner (DEF007381) | Fed. R. Evid. 401, 402, 403 |
| 208 | | 1/14/2010 Letter recommending Cotter-Lynch for promotion and tenure from Scoufos (PI001960) | Fed. R. Evid. 401, 402, 403, 901, 902 |
| 209 | | 2/15/2010 Memorandum of notification of promotion status regarding Cotter-Lynch from McMillan (DEF007437) | Fed. R. Evid. 401, 402, 403 |
| 210 | | 11/26/2008 Letter recommending tenure and promotion for Parrish from Mischo (DEF007386-7387) | Fed. R. Evid. 401, 402, 403 |
| 211 | | Faculty Promotion and Tenure Evaluation Summary Confidential Analysis Worksheet, evaluating Barker, not attributed or dated (DEF007470-7471) | Fed. R. Evid. 401, 402, 403 |
| 212 | | 5/1/2011 Letter notifying Barker of the decision to approve her promotion to associate professor with tenure from Minks (DOJ000156-157) | Fed. R. Evid. 401, 402, 403 |
| 213 | | Promotion and Tenure Portfolio of Parrish (EEOC001676-2238 or DEF003674-4236) | Fed. R. Evid. 401, 402, 403 |
| 214 | | Promotion and Tenure Portfolio of Cotter-Lynch (EEOC001676-2238 or DEF003674-4236) | Fed. R. Evid. 401, 402, 403 |
| 215 | | 2010-2011 Promotion and Tenure Portfolio of Tudor (EEOC003086-3271) | Fed. R. Evid. 401, 402, 901, 902 |
| 216 | | Promotion and Tenure Portfolio of Spencer (EEOC003521-3476 or DEF004830-4885) | Fed. R. Evid. 401, 402, 403 |
| 217 | | Promotion and Tenure Portfolio of Barker (DOJ000158-330) | Fed. R. Evid. 401, 402, 403 |

| | | | |
|-----|--|--|--|
| 218 | | 11/29/2009 Letter recommending tenure and promotion for Cotter-Lynch from Mischo (PI001959) | Fed. R. Evid. 401, 402, 403, 901, 902 |
| 219 | | 2/15/2010 Letter recommending tenure and promotion for Cotter-Lynch from McMillian (DEF007437) | Fed. R. Evid. 401, 402, 403 |
| 220 | | 5/18/2016 Letter to Dr. Parker from DOJ (DOJ000591-592) | Fed. R. Evid. 401, 402, 801, 802, 901, 902 |
| 221 | | 6/2/2016 Letter to Dr. Parker from DOJ (DOJ000650-651) | Fed. R. Evid. 401, 402, 801, 802, 901, 902 |
| 222 | | Southeastern's "Faculty Senate Awards Policy" (DOJ000587-588) | Fed. R. Evid. 401, 402, 403 |
| 223 | | Article by Spencer, "Dickson's Because I Could Not Stop for Death" (DOJ000613-615) | Fed. R. Evid. 401, 402, 403 |
| 224 | | Article by Spencer "William Faulkner's 'A Rose for Emily' and <i>Psycho</i> " (DOJ000616-622) | Fed. R. Evid. 401, 402, 403 |
| 225 | | Article by Spencer, "Recreating the Early Modern in the Postmodern: George Garrett's <i>Death of the Fox</i> " (DOJ000695-702) | Fed. R. Evid. 401, 402, 403 |
| 226 | | Article by Tudor, "A Reading of Jonathan Swift's 'A Modest Proposal' Using Roman Jakobson's Poetic Function" (DOJ000640-649) | Fed. R. Evid. 401, 402, 403 |
| 227 | | <i>The Atrium</i> (journal) Fall 2010 (DOJ000550) | Fed. R. Evid. 401, 402, 403 |
| 228 | | Article by Tudor, "The Ethics and Ethos of Eighteenth-Century British Literature" (DOJ000624-639) | Fed. R. Evid. 401, 402, 403 |
| 229 | | Article by Cotter-Lynch "Teaching Ancient Biography" (DOJ000652-694) | Fed. R. Evid. 401, 402, 403 |

| | | | |
|-----|--|---|--|
| 230 | | Article by Barker “Racial Identification and Audience of <i>Roll of Thunder, Here My Cry and The Watsons Go to Birmingham – 1963</i> ” (DOJ000551-579) | Fed. R. Evid. 401, 402, 403 |
| 231 | | Entries from the <i>Modern Language Association Directory of Periodicals</i> for the following journals: <i>ASEBL Journal, The Atrium, Journal of Contemporary Thought, Teaching American Literature, The Texas Review, Explicator, and Eureka Studies in Teaching Short Fiction</i> , accessed March 2, 2016 (DOJ000593-606) | Fed. R. Evid. 401, 402, 403 |
| 232 | | Entry from the <i>Modern Language Association Director of Periodicals for Children’s Literature in Education</i> , May 4, 2016 (DOJ000580-581) | Fed. R. Evid. 401, 402, 403 |
| 233 | | Entry from the <i>Modern Language Association Directory of Periodicals for Lamar Journal of the Humanities</i> , accessed May 18, 2016 (DOJ000589-590) | Fed. R. Evid. 401, 402, 403 |
| 234 | | Website of journal <i>Research and Criticism</i> , http://www.pencraftinternational.com/bookclub.htm , accessed May 18, 2016 (DOJ000607-612) | Fed. R. Evid. 401, 402, 403 cumulative |
| 235 | | Website of journal <i>Diesis</i> , http://www.diesisjournal.org/submissions , accessed May 10, 2016 (DOJ000584-585) | Fed. R. Evid. 401, 402, 403 cumulative |
| 236 | | <i>The Atrium</i> (journal) website from 2013, accessed June 4, 2016 (DOJ000549) | Fed. R. Evid. 401, 402, 403; cumulative |
| 237 | | <i>Diesis</i> (journal) website from 2010 accessed June 4, 2016 (DOJ000586) | Fed. R. Evid. 401, 402, 403 Cumulative |
| 238 | | <i>Teaching American Literature</i> website (journal) from fall 2009 accessed June 4, 2016 (DOJ00623) | Fed. R. Evid. 401, 402, 403 Cumulative |

| | | | |
|-----|--|--|--|
| 239 | | 6/7/29016 email from MLA Re: Inquiry re Directory of Periodicals (DOJ000176-177) | Fed. R. Evid. 401, 402, 403 |
| 240 | | 2/25/2010 Tudor email to Scoufos (EEOC000932) | Fed. R. Evid. 401, 402, 403 |
| 241 | | 2/22/2010 Mischo email to Scoufos with email chain included (EEOC000935-936) | Fed. R. Evid. 401, 402, 403 |
| 242 | | 2/26/2010 Mischo email to Tudor replying to Tudor email (PI000629) | Fed. R. Evid. 801, 802 |
| 243 | | 2/24/2010 Tudor email forwarding publication confirmation (PI000606) | Fed. R. Evid. 801, 802 |
| 244 | | 2/15/2010 memo from McMillan to Tudor re notification of promotion status (EEOC001619) | |
| 245 | | 11/20/2009 Faculty Development and Evaluation Summary for Tudor (DEF007474-7475) | Fed. R. Evid. 401, 402, 403; improperly identified |
| 246 | | 2/11/2007 Mischo teaching evaluation for Tudor (EEOC003110) | |
| 247 | | 3/9/2009 Mischo teaching evaluation for Tudor (EEOC003108) | |
| 248 | | 2/26/2010 Tudor email to Mischo re appeal (PI000631) | Fed. R. Evid. 901, 902, |
| 249 | | Spring 2006 Chair Summary of Course Evaluations for Tudor ENG/HUM 2313.4 (DEF001077) | Fed. R. Evid. 401, 402 |
| 250 | | Spring 2006 Chair Summary of Course Evaluations for Tudor ENG 1213.7 and ENG 1213.17 (DEF001076) | Fed. R. Evid. 401, 402 |
| 251 | | Spring 2006 Chair Summary of Course Evaluations for Tudor HUM 2113.3 (DEF001078) | Fed. R. Evid. 401, 402 |
| 252 | | Fall 2008 Department Chair's Summary HUM 2113 (PI001760) | Fed. R. Evid. 901, 902 |

| | | | |
|-----|--|--|--|
| 253 | | 6/5/2007 McMillan email to Conway replying to Conway email (DOJ000010) | |
| 254 | | 1/26/2011 Mischo email to Tudor replying to Tudor email (PI000741) | Fed. R. Evid. 801, 802, 901, 902 |
| 255 | | 4/21/2010 Minks memo to Tudor re Application for Tenure and Promotion to Associate Professor (DEF001319) | |
| 256 | | 8/24/2011 Mischo letter of reference for Tudor (PI000371) | Fed. R. Evid. 401, 402, 801, 802, 901, 902 |
| 257 | | 6/11/2011 Tudor email to Mischo with email chain below (PI000648-649) | Fed. R. Evid. 801, 802, 901, 902 |
| 258 | | 10/15/2010 Tudor email to Mischo (PI000685) | Fed. R. Evid. 401, 402, 801, 802, 901, 902 |
| 259 | | 3/2/2010 meeting cancellation notice (PI0006237) | Fed. R. Evid. 401, 402, 901, 902 |
| 260 | | 3/1/2010 Mischo email replying to Tudor email (PI000630) | Fed. R. Evid. 401, 402, 801, 802, 901, 902 |
| 261 | | 2/26/2010 Mischo email replying to Tudor email (PI000630) | Fed. R. Evid. 401, 402, 801, 802, 901, 902 |
| 262 | | 2/16/2011 Faculty Senate Meeting Minutes (DEF004720-4723) | Fed. R. Evid. 901, 902 |
| 263 | | 11/17/2010 Cotter-Lynch letter to FAC (PI000377-378) | Fed. R. Evid. 901, 902 |
| 264 | | Defendants' Response to United States' Second Set of Interrogatories | Fed. R. Evid. 401, 402, 801, 802 |

| | | | |
|-----|--|--|---------------------------------------|
| 265 | | Defendants' Response to United States' First Requests for Admissions | Fed. R. Evid. 401, 402, 801, 802 |
| 266 | | Tudor 2015 contract with Collin College (PI002044-2045) | Fed. R. Evid. 801, 802 |
| 267 | | 5/9/2011 Scoufos email to D. McMillan with email chain (EEOC000839) | Fed. R. Evid. 401, 402, 801, 802 |
| 268 | | 2/22/2010 Scoufos email to Mischo replying to his email with handwritten notes (EEOC00933) | |
| 269 | | 2/11/2010 Williamson email to Scoufos replying to Scoufos' email with email chain and handwritten notes (EEOC000945) | |
| 270 | | 4/9/2008 Faculty Senate Meeting Minutes (DOJ001078-1079) | |
| 271 | | 30(b)(6) deposition transcript of Defendants taken by United States | Fed. R. Evid. 401, 402, 801, 802 |
| 272 | | 30(b)(6) deposition transcript taken of Defendants by Plaintiff/Intervenor | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 273 | | Babb deposition transcripts | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 274 | | Clark deposition transcript | Fed. R. Evid. 401, 402, 801, 802 |
| 275 | | Conway deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |

| | | | |
|-----|--|--------------------------------|---|
| 276 | | Habas deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 277 | | Hall deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 278 | | House deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 279 | | Knapp deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 280 | | Minks deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 281 | | Mischo deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 282 | | Nusz deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 283 | | Ogden deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 284 | | Prus deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 285 | | Robinson deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 286 | | Snowden deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |

| | | | |
|-----|--|---|---|
| 287 | | Stubblefield deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 288 | | Tudor deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 289 | | Walkup deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 290 | | Weiner deposition transcript | Fed. R. Evid. 401, 402, 801, 802, 803 |
| 291 | | Porter declaration (PI002046-49) | Fed. R. Evid. 401, 402, 403, 801, 802, 901 |
| 292 | | Tudor handwritten list of colleges where she applied for jobs (PI002050-54) | Fed. R. Evid. 801, 802, 901 |
| N/A | | See attached list of email which may be used at trial. [Doc. 109-1] | Fed. R. Evid. 401, 402, 403, 502, 901; [Doc. 66]; Improper Exhibit; Improperly identified; Privilege Assertions and Challenges Pending before the Court [Doc. 146]. |

Respectfully submitted,

/s/ Kindanne C. Jones

DIXIE L. COFFEY, OBA #11876

JEB E. JOSEPH, OBA #19137

KINDANNE JONES, OBA #11374

TIMOTHY M. BUNSON, OBA#31004

Assistant Attorneys General Oklahoma

Attorney General's Office

Litigation Division

313 NE 21st Street

Oklahoma City, OK 73105

Telephone: 405.521.3921

Facsimile: 405.521.4518

Email: dixie.coffey@oag.ok.gov

Email: jeb.joseph@oag.ok.gov

Email: kindanne.jones@oag.ok.gov

Email: tim.bunson@oag.ok.gov

*Attorneys for Defendants Southeastern Oklahoma
State University and The Regional University
System of Oklahoma*

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of August 2017, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Meredith Burrell
Valerie Meyer
Shayna Bloom
US DEPT. OF JUSTICE CIVIL RIGHTS DIVISION-
DC
950 Pennsylvania Avenue NW Rm 49258 PHB
Washington, DC 20530
Email: meredith.burrell@usdoj.gov
valerie.meyer@usdoj.gov
shayna.bloom@usdoj.gov
Attorneys for United States of America

Brittany Novotny
NATIONAL LITIGATION LAW GROUP, PLLC
42 Shepherd Center
2401 NW 23rd Street
Oklahoma City, OK 73107
Email: bnovotny@nationlit.com
Attorney for Intervenor Plaintiff

Ezra Young
Law Office of Ezra Young
30 Devoe, 1a
Brooklyn, NY 1121
Email: ezraiyoun@gmail.com
Attorney for Intervenor Plaintiff

Allan K. Townsend
c/o Kay Sewell, Assistant U.S. Attorney
U.S. Attorney's Office for the
Western District of Oklahoma
210 W. Park Ave., Ste. 400
Oklahoma City, OK 73102
Email: allan.townsend@usdoj.gov
Attorney for United States of America

/s/Kindanne C. Jones

Kindanne C. Jones