

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

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
and )  
)  
DR. RACHEL TUDOR, )  
)  
Plaintiff/Intervenor, )  
)  
v. )  
)  
SOUTHEASTERN OKLAHOMA )  
STATE UNIVERSITY, )  
)  
and )  
)  
THE REGIONAL UNIVERSITY )  
SYSTEM OF OKLAHOMA, )  
)  
Defendants. )

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

November 8, 2017 **Trial Docket**

**JOINT PRETRIAL REPORT**

TO THE HONORABLE JUDGE ROBIN CAUTHRON:

Pursuant to this Court’s Order (ECF No. 142 as modified by ECF No. 175), Plaintiff/Intervenor Dr. Rachel Tudor and Defendants Southeastern Oklahoma State University (“Southeastern”) and the Regional University System of Oklahoma (“RUSO”), jointly submit this Pretrial Report through their undersigned counsel.

**COUNSEL APPEARING AT TRIAL**

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### **Jury Trial Demanded**

1. **BRIEF PRELIMINARY STATEMENT.** Plaintiff/Intervenor Dr. Rachel Tudor, an individual, sues her former employers Southeastern Oklahoma State University (“Southeastern”) and the Regional University System of Oklahoma (“RUSO”), alleging she was: (a) subjected to a hostile work environment; (b) discriminated against based on her sex when she was denied tenure and promotion during the 2009-10 application cycle; (c) discriminated against on the based on her sex when she was denied the opportunity to reapply for tenure and promotion in the 2010-11 application cycle; (d) retaliated against when she was denied the opportunity to reapply for tenure and promotion in the 2010-11 application cycle. Dr. Tudor sues for violation of her civil rights under Title VII of the Civil Rights Act of 1964, as amended.

Defendants contend Plaintiff/Intervenor was never discriminated against nor retaliated against, and was never subjected to a hostile work environment. In 2008, Dr.

Tudor's first application for tenure resulted in the EHL committee voting 0-5 against recommending her for tenure. Tudor withdrew her application before it could be sent to the Dean and higher administration for further consideration. In 2009 Tudor again submitted her application for tenure, this time receiving enough committee votes (4-1) for her application portfolio to be sent up for administrative consideration. Tudor's portfolio was then reviewed independently first by the Dean of the College of Arts and Sciences, and then by the University Vice-President for Academic Affairs, both of whom had concerns about Tudor's application and recommended against the granting of tenure. In an attempt to assist Tudor, the administration decided to offer her an opportunity to withdraw her portfolio prior to denial, and then to have an extra time period in which to improve her portfolio. She was advised that if the portfolio were allowed to continue being considered during the 2009-2010 academic year, tenure would be denied due to the portfolio's deficiencies. Tudor surprised the University administration by refusing to accept the offer, and refused to withdraw the portfolio. Thus, ultimately her application for tenure was denied. She was subsequently barred from further reapplication due to her tenure denial.

**2. JURISDICTION.** This Court has jurisdiction over this Title VII sex discrimination (Plaintiff/Intervenor's Count II) and retaliation (Plaintiff/Intervenor's Count III) lawsuit under 42 U.S.C. § 2000e-5(f) and 28 U.S.C. § 1345. Defendants contend that the Court lacks jurisdiction over Intervenor's hostile work environment claim (Plaintiff/Intervenor's Count I),

contending that Plaintiff/Intervenor failed to exhaust administrative remedies. Plaintiff/Intervenor contends that she exhausted administrative remedies over Count I. Tudor also contends that the Court already decided the exhaustion issue. *See* ECF No. 34 at 2–4 (holding Tudor exhausted her environmental claim).

**3. STIPULATED FACTS.**

- a. Dr. Rachel Tudor began employment at Southeastern on August 1, 2004 as an Assistant Professor, which is a tenure-track position.
- b. Based on the number of Defendants' total employees, the \$300,000 damage cap at 42 U.S.C. § 1981a(b)(3)(D) applies to this case.
- c. On or about August 30, 2010, Dr. Tudor filed a discrimination complaint with Southeastern's Affirmative Action Officer, Dr. Claire Stubblefield.
- d. In February 2011, Dr. Tudor was non-renewed by Southeastern, resulting in her termination in late May 2011.
- e. For the purposes of this lawsuit only, Defendants acted as a single employer for the purposes of Title VII.

**4. LEGAL ISSUES**

**A. Plaintiff/Intervenor:**

- 1) Whether Tudor is a member of a protected class for Title VII purposes (Plaintiff-Intervenor contends this was already decided in the affirmative in ECF No. 34);

- 2) Whether Tudor faced unwelcome harassment based on her sex between announcing her gender transition in mid-2007 and her separation in late May 2011;
- 3) Whether the harassment Tudor faced was sufficiently severe or pervasive as to alter a term, condition, or privilege of employment and thereby created an abusive working environment;
- 4) Whether Tudor's 2009-10 application for tenure and promotion to Associate Professor was denied because of her sex;
- 5) Whether Tudor's sex was a motivating factor in Defendants' decision to deny Tudor's 2009-10 application for tenure and promotion to Associate Professor;
- 6) Whether Defendants barred Tudor from reapplying for tenure and promotion during the 2010-11 cycle because of her sex;
- 7) Whether Tudor's sex was a motivating factor in Defendants' decision to bar Tudor from reapplying for tenure and promotion during the 2010-11 cycle;
- 8) Whether Defendants barred Tudor from reapplying for tenure and promotion during the 2010-11 cycle in retaliation for her protected activities;
- 9) The extent of Tudor's damages for the hostile work environment;
- 10) The extent of Tudor's damages for sex discrimination;
- 11) The extent of Tudor's damages for retaliation;
- 12) Whether Tudor is entitled to reinstatement with promotion and tenure to

Associate Professor at Southeastern; and

13) Whether Tudor is entitled to her attorneys' fees and costs.

**B. Defendants:**

1) TITLE VII - HOSTILE WORK ENVIRONMENT

a. Plaintiff/Intervenor has failed to state a Title VII claim of hostile work environment.

b. Statute of limitations/failure to exhaust/jurisdiction. Plaintiff/Intervenor failed to properly exhaust this claim by timely filing an EEOC charge. Factual claims not contained in EEOC Charge are not properly exhausted.

c. Failure to exhaust discreet claims – no grievance filed with Defendants re: alleged hostile work environment.

d. Any bathroom usage/restriction during the period of 2004 – 2011 was not an adverse employment action.

e. Failure to mitigate damages.

f. Title VII damages are capped at \$300,000 pursuant to 42 U.S.C. §1981a(b)(3)(D).

2) TITLE VII – DISCRIMINATION

a. Defendants allege Plaintiff/Intervenor was denied tenure, and subsequently non-renewed, for legitimate, nondiscriminatory reasons.

- b. Transgender is neither a “sex” onto itself nor a protected class under Title VII.
- c. Plaintiff/Intervenor cannot show she was treated less favorably than similarly situated employees outside of a protected class to which she actually belongs.
- d. Failure to mitigate damages.
- e. Title VII damages are capped at \$300,000 pursuant to 42 U.S.C. §1981a(b)(3)(D).

3) TITLE VII – RETALIATION

- a. Defendants allege Plaintiff/Intervenor was denied tenure, and subsequently non-renewed, for legitimate, nondiscriminatory and non-retaliatory reasons.
- b. Transgender is neither a “sex” unto itself nor a protected class under Title VII.
- c. Plaintiff/Intervenor did not engage in protected activity.
- d. Plaintiff/Intervenor did not suffer an adverse employment action resulting from alleged protected activity.
- e. Failure to mitigate damages.
- f. Title VII damages are capped at \$300,000 pursuant to 42 U.S.C. §1981a(b)(3)(D).

g. Decisions regarding equitable/prospective relief (available only if Plaintiff/Intervenor prevails on discrimination claim) are for the court to decide, not a jury.

**5. CONTENTIONS AND CLAIMS FOR DAMAGES OR OTHER RELIEF SOUGHT.**

**A. Plaintiff/ Intervenor:<sup>1</sup>**

- 1) Dr. Tudor contends that Defendants, acting as a single employer for the purposes of Title VII, discriminated against Dr. Tudor because of her sex, subjected her to a hostile work environment, and retaliated against her because she engaged in activity protected by Title VII.
- 2) Dr. Tudor contends that she was subjected to a hostile work environment between her announcing her gender transition from male to female in Summer 2007 until her separation from Defendants in late May 2011. At trial, Tudor will point to evidence showing that Defendants placed conditions on her employment such that (a) Tudor was not permitted to use the women's restroom on campus; (b) Tudor was not permitted to wear short skirts; and (c) Tudor was not allowed to wear make-up that would be deemed harassing to her male colleagues. Tudor endured these conditions of her employment until her separation from Defendants in late May 2011. The conditions that Southeastern placed on Tudor's employment were

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<sup>1</sup> Defendants object to Plaintiff/Intervenors's unnecessary recitation of disputed facts in this section, as these

hostile to Tudor and contributed to her hostile work environment.

- 3) Between 2007 and 2011, Defendants provided health plans as a fringe benefit to employees, including professors at Southeastern. During this period, Defendants' health plans all contained a categorical exclusion on all care sought by transgender persons to treat gender dysphoria. As a result of this exclusion, Tudor was barred from seeking coverage of counseling, pharmaceutical (including hormone therapy and related blood tests), and surgical (including genital and breast reconstruction surgeries) because the exclusion treated Tudor differently than nontransgender women under the same plan. Under the terms of the plans between 2007 and 2011, the plans covered the same treatments Tudor needed to treat her gender dysphoria so long as the treatments were sought by nontransgender persons for conditions other than gender dysphoria. The health plan exclusion was hostile to Tudor and contributed to her hostile work environment.
- 4) From 2007 through Tudor's separation in late May 2001, Tudor also endured discrete instances of discriminatory and retaliatory hostilities which contributed to her hostile work environment.
- 5) Dr. Tudor contends that Defendants discriminated against her on the basis of sex when they (a) denied the application for tenure and promotion that she submitted during the 2009-10 cycle and (b) refused to let her apply for

tenure and promotion during the 2010-11 cycle.

- 6) Dr. Tudor also contends that the Defendants retaliated against her in violation of Title VII when they refused to permit her to apply for tenure and promotion during the 2010-11 academic year.
- 7) Defendants claim that they denied Dr. Tudor's application for tenure and promotion because she was not qualified. This reason is pretext for sex discrimination. Among other things, Tudor will prove at trial that: (a) Defendants treated Tudor differently than similarly situated non-transgender professors whom conformed to traditional gender stereotypes during the Defendants' review of her tenure and promotion application; (b) the Defendants deviated from their own established policies and procedures in ways that adversely affected Dr. Tudor's ability to obtain tenure and promotion; (c) the Defendants' decision-makers in this case made statements and took actions which indicated that they did not want Dr. Tudor to obtain tenure or promotion because of her gender identity, gender transition, and non-conformance with gender stereotypes.
- 8) Shortly after Tudor made Title VII-protected complaints about Defendants' discrimination, the Defendants decided not to permit her to apply for tenure and promotion during the 2010-11 cycle. At first, the Defendants conceded that no policy prohibited Tudor from reapplying during the 2010-11 cycle

but they still decided not to let her apply. After Tudor grieved that decision the Defendants changed their position and falsely claimed that their policies prohibited professors from applying for tenure more than once. Tudor will present this and other evidence at trial to prove Defendants' reasons for refusing to permit Tudor to apply for tenure and promotion during the 2010-11 cycle were pretext for discrimination and retaliation.

- 9) Dr. Tudor seeks monetary relief in the form of backpay; compensation for lost employee benefits; and compensation for Dr. Tudor's loss of enjoyment of life, damage to her professional reputation, and other non-economic damages.
- 10) Dr. Tudor also seeks injunctive relief, as described in her Complaint-in-Intervention (ECF No. 24 at 33–34), which would include, among other things, an order that the Defendants revise their policies, provide training to their employees, and award Dr. Tudor the position of Associate Professor with tenure.
- 11) Should Tudor prevail on her hostile work environment claim, the Court may award attorneys' fees and costs.
- 12) Should Tudor prevail on her sex discrimination claim, the Court may award attorneys' fees and costs.
- 13) Should Tudor prevail on her retaliation claim, the Court may award attorneys' fees and costs.

**B. Defendants:**

- 1) TITLE VII - HOSTILE WORK ENVIRONMENT
  - a. No hostile work environment existed.
  - b. Plaintiff/Intervenor failed to exhaust administrative remedies.
  - c. Defendants had preventive and remedial measures of which Plaintiff/Intervenor failed to avail herself.
  - d. Title VII damages are capped at \$300,000 pursuant to 42 U.S.C. §1981a(b)(3)(D).
- 2) TITLE VII – DISCRIMINATION
  - a. Defendants allege Plaintiff/Intervenor was denied tenure, and subsequently non-renewed, for legitimate, nondiscriminatory reasons.
  - b. Defendants had preventive and remedial measures of which Plaintiff/Intervenor failed to avail herself.
  - c. Defendants had policies and procedures in place to report, investigate and address discrimination complaints.
  - d. Defendants followed proper policies and procedures in addressing Plaintiff/Intervenor’s discrimination complaints/grievances.
  - e. Defendants’ employees were properly trained to conduct investigations re: alleged discrimination.
- 3) TITLE VII – RETALIATION

- a. Defendants allege Plaintiff/Intervenor was denied tenure, and subsequently non-renewed, for legitimate, nondiscriminatory and non-retaliatory reasons.
- b. Defendants had preventive and remedial measures of which Plaintiff/Intervenor failed to avail herself.
- c. Defendants had policies and procedures in place to report, investigate and address discrimination complaints.
- d. Defendants followed proper policies and procedures in addressing Plaintiff/Intervenor's discrimination complaints/grievances.
- e. Defendants' employees were properly trained to conduct investigations re: alleged discrimination.

4) MONETARY DAMAGES AND PROSPECTIVE INJUNCTIVE RELIEF

- a. Plaintiff/Intervenor is not entitled to recovery of any type of damages or injunctive relief.
- b. In the event of a finding of discrimination by Defendants, Plaintiff/Intervenor's damages, if any, should be limited to back pay.
- c. No reinstatement, tenure nor front pay should be awarded to Plaintiff/Intervenor.
- d. In the event Plaintiff/Intervenor is awarded any award of pay, Plaintiff/Intervenor should be limited to not more than one (1) year's salary.

**6. EXHIBITS.**

Unlisted exhibits will not be admitted unless, by order of the court, the final pretrial order is amended to include them.

**A. Plaintiff/Intervenor:**

<b>No.</b>	<b>Title/Description</b>	<b>Objection</b>	<b>FRE Relied Upon</b>
1.	Portions of Tudor 2009-10 promotion and tenure portfolio (PI001309 – 1335)		901
2.	English, Humanities, & Languages Tenure/Promotion Guidelines (PI001177 – 1180)		901
3.	Policy 3.7.4 Role of the Faculty (EEOC000300-01)		
4.	Policy 4.0 Faculty Personnel Policies (EEOC000303 – 349)		
5.	Faculty Promotion and Tenure Evaluation Summary Confidential Analysis Worksheet for Tudor (DEF001133 – 34)		
6.	11/14/2005 letter from Mangrum to Spencer (EEOC003570)		401, 402, 403, 801, 802
7.	Emails dated 8/26/2010 (DEF001144)	Vague, improperly identified	
8.	10/11/2010 Tudor grievance (DEF005644 – 5659)		
9.	1/28/2011 Tudor email to Prus (PI000743)		401, 402, 403, 801, 802, 901
10.	1/19/2011 Findings and Conclusions on Gender Discrimination Complaint (DEF001796 – 1801)		
11.	Memorandum to Regent Connie Reilly (DEF001765 – 68)		
12.	Document Retention Notice Pursuant to Charge of Discrimination (DEF001106 – 07)		401, 402, 403
13.	Southeastern Oklahoma State University Administrative Organization Chart (DEF001314)		
14.	4/4/2007 letter from F. Porter		401, 402,

	(EEOC000592)		403, 801, 802, 901
15.	Conway notes and emails re Tudor gender transition (DOJ000009 – 14)	Overly broad; Defendants’ reserve the right to supplement these objections.	901
16.	Diagram of Morrison Hall with Conway’s handwritten markings from her deposition (Plaintiff’s deposition Exhibit 27)		401, 402, 403
17.	9/3/2010 emails between Conway and Stubblefield (DEF004701)		401, 402, 403, 801, 802
18.	9/15/2010 letter from U.S. Department of Education to Minks (DOE000004)		401, 402, 403, 801, 802
19.	Defendants’ submission to EEOC (DEF005279 – 86)	Not a complete copy of what Defendants submitted to EEOC.	106, 901
20.	Nondiscrimination, Equal Opportunity and Affirmative Action Policy (EEOC000265)		
21.	Nondiscrimination, Equal Opportunity and Affirmative Action Policy (DEF005879)		407, 901
22.	Sexual Harassment Policy (DEF006929 – 31)		401, 402, 403
23.	Sexual Harassment Policy (DEF006955 – 56)		401, 402, 403
24.	Faculty Senate Minutes 1/19/2011 (PI000400 – 07)		401, 402, 403, 901
25.	Online petition to reinstate Tudor and selected signatures (PI000815 and PI000995)		401, 402, 403, 801, 802, 901
26.	4/1/2011 letter to Tudor (EEOC000593)		
27.	Orientation for New Faculty (DEF001311 – 12)		
28.	Legal Briefing on Sexual Harassment and attendance sheets (DEF008898 – 8910)		401, 402, 403, 801, 802
29.	Training materials “Sexual Harassment: What Is and Isn’t Acceptable” (DEF008915 – 8946)		401, 402, 403, 801, 802
30.	4/29/2010 letter from Weiner to Tudor (EEOC000183 – 84 and EEOC000908)		801, 802
31.	2/26/2010 Tudor grievance (EEOC000927 – 29)		
32.	3/25/2010 Faculty Appellate Committee		

	determination on Tudor's 2/26/2010 grievance (DEF005125)		
33.	3/4/2010 Tudor email to Weiner with email chain (EEOC000174)		401, 402, 403, 801, 802
34.	3/21/2010 and 3/22/2010 emails between Weiner and Tudor RE: Tudor Appeal (EEOC001481 – 82)	Not properly identified; Defendants reserve the right to supplement objections as document is more clearly identified.	
35.	4/1/2010 email from Weiner (EEOC000919 – 20)		
36.	Policy 3.7.3 Role of the President (EEOC000299 – 300)		
37.	4/6/2010 Tudor email to Weiner (EEOC000177)		401, 402, 403, 801, 802
38.	4/20/2010 Weiner email to Tudor (EEOC000180)		401, 402, 403, 801, 802
39.	5/7/2010 Tudor appeal to Minks (EEOC000185)		901
40.	8/30/2010 Tudor discrimination complaint filed with Stubblefield (DEF001279 – 84; DEF005176 – 5187; and EEOC000895)	Defendants do not object to one complete copy of Tudor's grievance (DEF5171-5187)	
41.	8/30/2010 Tudor grievance filed with Minks (DEF001158 – 1175)		
42.	9/16/2010 Weiner email to Stubblefield with email chain (EEOC000031 – 33)		401, 402, 403, 801, 802
43.	2/2/2005 memorandum from Snowden to Johnson re Fridley promotion and tenure application (EEOC002961)		401, 402, 403
44.	Spencer Tenure Application Vita (EEOC003523 – 3534)		401, 402, 403
45.	12/1/2006 Mischo letter to Mangrum re Spencer promotion and tenure application (DEF007506 – 07)		401, 402, 403, 801, 802
46.	1/11/2007 Mangrum letter to Spencer re Spencer promotion and tenure application (DEF007505)		401, 402, 403, 801, 802
47.	2/12/2007 D. McMillan memo to Snowden re Spencer promotion and tenure		401, 402, 403, 801, 802

	application (DEF007504)		
48.	4/18/2007 Snowden letter to Spencer re promotion and tenure application (DEF007503)		401, 402, 403, 801, 802
49.	9/8/2010 Snowden letter re Spencer promotion and tenure application process (EEOC000896)		401, 402, 403, 801, 802
50.	2/12/2007 D. McMillan memo to Snowden re Spencer promotion and tenure application (DEF012992)		401, 402, 403, 801, 802
51.	Spencer curriculum vita (DEF007311 – 19)		401, 402, 403
52.	9/21/2010 Clark email to Scoufos re Tudor grievance (DEF001155 – 56)		
53.	Minutes of Faculty Appellate Committee 9/22/2010 meeting and 9/30/2010 decision on Tudor grievance (DEF000144 and DEF001152)		
54.	1/31/2011 Clark email re Tudor grievance (DEF005672)		
55.	Procedure attached to Clark 1/31/2011 email (DEF005673)		
56.	1/3/2011 Walkup memo re Tudor grievance (PI001244 – 47)		801, 802
57.	2/22/2011 D. McMillan memo to Clark re Tudor grievance (DEF001331)		
58.	3/4/2011 Tudor email to Clark re Tudor grievance (DEF001332 – 37)		
59.	3/25/2011 Minks letter re Tudor grievance (DEF005687)		
60.	A Self-Study Report for Continued Accreditation (DOJ000331 – 548)		401, 402, 403, 801, 802, 901
61.	Mischo curriculum vita (DEF007284-86)		401, 402, 403, 901
62.	2/23/2010 D. McMillan memo to Minks re 1/25/2010 letter from Faculty Senate (PI001187 – 88)		
63.	Faculty Development Agreement and Follow-Up for Tudor 2005 – 2006 (EEOC000801 – 04)		
64.	Follow Up Faculty Development Agreement for Tudor 2006 – 2007 (EEOC00791 – 793)		

65.	Faculty Development and Evaluation Summary for Tudor 2007-08 evaluation period (EEOC000781 – 82)		
66.	Follow Up Report Faculty Development Agreement for Tudor 2007-08 (EEOC000778 – 80)		
67.	Faculty Development and Evaluation Summary for Tudor 2008-09 evaluation period (DEF007392 – 93)		
68.	Faculty Promotion and Tenure Evaluation Summary for Parrish by Mischo (DEF007389 – 90)		401, 402, 403
69.	11/9/2009 email from Tudor to Mischo with email chain re meeting with Coleman (PI000588)		801, 802
70.	12/1/2009 email from Mischo to Tudor re promotion and tenure recommendation (PI000592)		801, 802
71.	Faculty Development Agreement for Tudor 2009-10 (EEOC000915 – 16)		
72.	1/12/2010 memo from Scoufos to Tudor re promotion and tenure application recommendation (DOJ000151)		
73.	2/19/2010 Tudor email to Scoufos requesting reasons for promotion and tenure recommendation (EEOC000162 – 64)		
74.	2/19/2010 Tudor email to McMillan requesting reasons for promotion and tenure recommendation (EEOC000166 – 68)		
75.	Tudor response to Defendants' Request for Admission No. 8		801, 802
76.	9/15/2010 Mischo email to Tudor with email chain re Scoufos' recommendation on Tudor's promotion and tenure application (PI000662)		801, 802
77.	1/12/2010 Scoufos memo to D. McMillan re recommendation on Tudor promotion and tenure application (DOJ000150)		
78.	11/30/2010 Scoufos email re Tudor article accepted for publication (EEOC000063 – 64)		401, 402, 403
79.	4/30/2010 D. McMillan memo to Tudor re Denial of Application for Tenure and		

	Promotion (DEF001186 – 87)		
80.	Audio recording of EEOC interviews of Stubblefield, Mischo, and Weiner (EEOC004567)		801, 802, 901
81.	9/17/2010 D. McMillan email chain to Scoufos forwarding Stubblefield email Subject “Discrimination Cases-Litmus Test” (EEOC000877)		401, 402, 403, 801, 802
82.	10/7/2010 Tudor email to Stubblefield subject “retaliation” (EEOC000036)		
83.	10/7/2010 Tudor email to Stubblefield subject “letter” (EEOC000040)		502, 801, 802
84.	10/5/2010 D. McMillan memo to Tudor re Application for Tenure and Promotion during the 2010 – 2011 Academic Year (DEF005188)		
85.	10/13/2010 Tudor memo to Stubblefield (EEOC000037-39)		801, 802
86.	10/14/2010 email chain between D. McMillan and Stubblefield (EEOC000044)		401, 402, 403, 801, 802
87.	10/28/2010 Tudor amended discrimination complaint to Stubblefield (DEF001290 – 96)		
88.	1/19/2011 email chain between Legako and Stubblefield (EEOC000066-67)		502
89.	Stubblefield’s timeline from investigation of Tudor’s discrimination complaint (EEOC001183 – 86)		401, 402, 403, 502
90.	8/3/2011 Stubblefield memo to Scoufos enclosing EEOC’s document retention notice (EEOC000825 – 29)		401, 402, 403, 502
91.	8/17/2011 Scoufos memo to Stubblefield transmitting copy of Tudor file from School of Arts & Sciences (EEOC000824)		401, 402, 403, 502
92.	11/20/2009 Faculty Development and Evaluation Summary for Tudor (EEOC000972 – 73)		
93.	3/21/2012 letter from EEOC to Stubblefield (EEOC000002 – 03)		401, 402, 403, 801, 802
94.	Southeastern’s response to requests for information from EEOC (EEOC000239)	Incomplete as identified; objections reserved	
95.	5/8/2015 email from Scoufos to		

	Southeastern faculty regarding change to discrimination policy (Plaintiff's deposition Exhibit 118)		
96.	4/21/2010 memo from Babb to D. McMillan regarding Southeastern's Promotion and Tenure Policy (PI001195 – 97)		502
97.	12/3/2010 Faculty Appellate Committee decision on Tudor's 10/11/2010 grievance (PI000411)		
98.	1/24/2011 emails between Babb and Clark re "Addition to Grievance Policy" (DEF005674)		502
99.	Audio recording of EEOC's interview of Minks (EEOC004564-65)		613, 801, 802
100.	Parrish curriculum vita (EEOC001681 – 87)		401, 402, 403, 901
101.	Defendants' Response to United States' First Set of Interrogatories Propounded Upon Defendants	Not best evidence.	401, 402, 403, 613
102.	Barker curriculum vita (DOJ000173 – 76)		401, 402, 403, 901
103.	Faculty Promotion and Tenure Evaluation Summary for Tudor by Scoufos (EEOC000857 – 58 or DEF001137-38)		
104.	Faculty Promotion and Tenure Evaluation Summary for Tudor by D. McMillan (EEOC007703 – 04)		
105.	4/6/2010 memo from Tudor to Scoufos regarding offer made to Tudor relating to her application for promotion and tenure (EEOC001483)		801, 802
106.	10/19/2010 D. McMillan memo to Hall and Clark regarding Tudor grievance (DEF001323 – 24)		
107.	1/9/2011 Tudor memo to Hall regarding Tudor's grievance (PI001248 – 50)		801, 802
108.	1/28/2011 Tudor appeal of Stubblefield's findings on Tudor's discrimination complaint (DEF001297 – 99)		
109.	2/21/2011 Minks letter to Tudor regarding Tudor's discrimination complaint (DEF001300)		
110.	5/6/2011 letter from AAUP to Minks (EEOC000213 – 16)		401, 402, 403, 801, 802

111.	10/26/2010 Dear Colleague letter from DOE (PI000558 – 67)		401, 402, 403, 801, 802
112.	1/3/2011 Scoufos email to Walkup (DEF001131)		401, 402, 403
113.	1/3/2011 Scoufos email to Walkup forwarding email from Coleman (DEF001139)		401, 402, 801, 802
114.	1/3/2011 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 – 35)		
115.	9/30/2010 emails between Hall and Clark regarding Tudor grievance (Plaintiff's deposition Exhibit 141)SEOSU84		
116.	Handwritten notes of 10/15/2010 Faculty Appellate Committee meeting regarding Tudor grievance (DEF000143)		401, 402, 613, 801, 802
117.	10/15/2010 email from Clark to Hall, Prather, and Knapp regarding Tudor grievance (Plaintiffs' deposition Exhibit 143)SEOSU17		
118.	3/7/2011 email from Hall to Clark regarding Tudor grievance (DEF005667)		
119.	Audio recording of EEOC's interview of Scoufos (EEOC004556)		613, 801, 802, 901
120.	Audio recording of DOJ's interview of Scoufos (DOJ000003)		613, 801, 802, 901
121.	8/25/2009 email from Scoufos to Tudor (with email chain below) with Scoufos' handwritten notes re 8/31/2009 meeting with Tudor (EEOC000734 – 35)		801, 802
122.	10/28/2009 email from Mischo to Scoufos with Scoufos' handwritten notes (EEOC000976)		801, 802
123.	10/29/2009 email from Scoufos to House with Scoufos' handwritten notes (EEOC000974)		801, 802
124.	Scoufos' handwritten notes of 4/6/2010 meeting with Tudor and Mischo (EEOC000913)		801, 802
125.	4/6/2010 memo from Tudor to Scoufos regarding offer made to Tudor relating to		801, 802

	her application for promotion and tenure with Scoufos' handwritten notes (EEOC000914)		
126.	6/15/2010 memo from Minks to Scoufos notifying Scoufos of Tudor's tenure and promotion denial (EEOC000902)		
127.	4/30/2010 Scoufos emails, with email chain below, asking about "open mic chapbook" (EEOC000904)		401, 402, 403, 801, 802
128.	10/1/2010 Prus email to Scoufos re Tenure & Promotion Committees for Drs. Barker and Tudor (EEOC000867)		401, 402, 403, 801, 802
129.	Audio recording of EEOC's interview of D. McMillan (EEOC004566)		613, 801, 802, 901
130.	Audio recording of DOJ's interview of D. McMillan (DOJ000002)		613, 801, 802, 901
131.	Southeastern Policy for Granting Promotion and Tenure (Rev. 7/13) (DEF005950 – 53)		401, 402
132.	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	Not best evidence	401, 402, 403
133.	Excerpts from Complaint in Intervention of Plaintiff/Intervenor Dr. Rachel Tudor (ECF No. 24) pages 1, 12, and 13.	Not best evidence	401, 402, 403
134.	Excerpts from Answer of Defendant Regional University System of Oklahoma to Plaintiff/Intervenor's Complaint (ECF No. 29) pages 1 and 7	Not best evidence Statement of lawyer's legal theories not evidence	401, 402, 403
135.	Excerpts from Answer of Defendant Southeastern Oklahoma State University, To Plaintiff/Intervenor's Complaint pages (ECF No. 28) 1, 6, and 7	Not best evidence Statement of lawyer's legal theories not evidence	401, 402, 403
136.	Blue Choice PPO High Option Certificate of Benefits (DEF006716 – 19 and DEF006768)	Improper Exhibit Plaintiff and Plaintiff/Intervenor do not have a health benefits claim in	401, 402, 403

		the instant action	
137.	6/14/2016 email from Coffey to Young and Weiss regarding Plaintiff/Intervenor's 30(b)(6) notice		401, 402, 403, 502
138.	6/24/2016 letter from Young to Coffey regarding Plaintiff/Intervenor's 30(b)(6) notice		401, 402, 403, 502
139.	3/31/2010 Babb email to Weiner with email chain (RUSO001272) (native file)		401, 402, 403, 801, 802, 803
140.	4/5/2010 Babb email to Weiner replying to Weiner (RUSO001279) (native file)		401, 402, 403, 801, 802, 803
141.	3/31/2010 Babb email to Weiner with email chain (RUSO001272) (native file)	Duplicate of #139	401, 402, 403, 801, 802, 803
142.	4/21/2010 Babb email to Weiner replying to Weiner (RUSO001474) (native file)		401, 402, 403, 801, 802, 803
143.	4/21/2010 Babb email to Weiner with email chain and attachments (RUSO001465) (native file)		401, 402, 403, 801, 802, 803
144.	1/24/2011 Clark email to Babb with attachments (SEOSUmail00880) (native file)		401, 402, 403, 801, 802, 803
145.	4/28/2011 letter from Andrew Rice (PI001273)		401, 402, 403, 801, 802, 803
146.	1/2/2016 Knight letter to Stubblefield re House (RUSO000502.001) (native file)		401, 402, 403
147.	3/1/2016 House letter to Stubblefield (RUSO002027.0001) (native file)		401, 402, 403
148.	4/1/2010 Weiner email to Minks, D. McMillan, Scoufos, and Babb with email chain (RUSO000447) (native file)		401, 402, 403, 801, 802, 803
149.	4/1/2010 Weiner email to Minks, D. McMillan, Scoufos, and Babb with email chain (SEOSUmail05927) (native file)		401, 402, 403, 801, 802, 803
150.	4/1/2010 Weiner email to Minks, D. McMillan, Scoufos, and Babb with email chain (SEOSUmail06865) (native file)	Cumulative as to Exhibit 149	
151.	4/1/2010 Weiner email to Minks, D.	Cumulative as to	

	McMillan, Scoufos, and Babb with email chain (SEOSUmail06958) (native file)	Exhibit 149 and 150	
152.	4/1/2010 Weiner email to Minks, D. McMillan, Scoufos, and Babb with email chain (SEOSUmail07217) (native file)	Cumulative as to Exhibit 149, 150, and 151	
153.	Plaintiff United States' Amended Notice of Oral Deposition Under Fed. R. Civ. P. 30(b)(6)		401, 402, 403
154.	Academic Policies and Procedures Manual submitted to EEOC (EEOC000252 – 428)		
155.	9/5/2012 EEOC's Letter of Determination (EEOC004576-77)		401, 402, 403
156.	7/6/2011 Tudor supplemental charge of discrimination filed with EEOC (EEOC004592-93)		
157.	7/21/2011 EEOC notice of charge of discrimination (EEOC004602)		
158.	10/12/2010 DOE letter to Minks regarding Tudor complaint (EEOC004906-07)		
159.	Expert Report of Dr. George R. Brown		401, 402, 403
160.	Expert Report of Dr. Robert Dale Parker		401, 402, 403
161.	Southeastern's "Faculty Senate Awards Policy" (DOJ000587-88)		401, 402, 403
162.	Promotion and Tenure Portfolio of Parrish (EEOC001676-2238 or DEF003674 - 4236)		401, 402, 403
163.	Promotion and Tenure Portfolio of Cotter-Lynch (EEOC002239-2474 or DEF001955 – 2190)		401, 402, 403
164.	2010-11 Promotion and Tenure Portfolio of Tudor (EEOC003086-3271)		401, 402, 901, 902
165.	Promotion and Tenure Portfolio of Spencer (EEOC003521-3576 or DEF004830 - 4885)		401, 402, 403
166.	Promotion and Tenure Portfolio of Barker (DOJ000158-330)		401, 402, 403
167.	2/15/2010 memo from McMillan to Tudor re notification of promotion status (EEOC001619)		401, 402, 403
168.	4/21/2010 Minks memo to Tudor re Application for Tenure and Promotion to Associate Professor (DEF001319)		
169.	2/16/2011 Faculty Senate meeting minutes (DEF004720 – 23)		901, 902

170.	11/17/2010 Cotter-Lynch letter to FAC (PI000377-78)		901, 902
171.	Defendants' Response to United States' Second Set of Interrogatories		401, 402, 801, 802
172.	Defendants' Response to United States' First Requests for Admissions		401, 402, 801, 802
173.	Tudor 2015 contract with Collin College (PI002044 – 45)		801, 802
174.	5/9/2011 Scoufos email to D. McMillan with email chain (EEOC000839)		401, 402, 801, 802
175.	2/22/2010 Scoufos email to Mischo replying to his email with handwritten notes (EEOC000933)		
176.	2/11/2010 Williamson email to Scoufos replying to Scoufos' email with email chain and handwritten notes (EEOC000945)		
177.	30(b)(6) deposition transcript of Defendants taken by United States		401, 402, 801, 802
178.	30(b)(6) deposition transcript of Defendants taken by Plaintiff/Intervenor		401, 402, 801, 802, 803
179.	Babb deposition transcripts		401, 402, 801, 802, 803
180.	Clark deposition transcript		401, 402, 801, 802
181.	Conway deposition transcript		401, 402, 801, 802, 803
182.	Habas deposition transcript		401, 402, 801, 802, 803
183.	Hall deposition transcript		401, 402, 801, 802, 803
184.	Knapp deposition transcript		401, 402, 801, 802, 803
185.	D. McMillan deposition transcript		401, 402, 801, 802, 803
186.	Minks deposition transcript		401, 402, 801, 802, 803
187.	Mischo deposition transcript		401, 402, 801, 802, 803
188.	Nusz deposition transcript		401, 402, 801, 802, 803
189.	Ogden deposition transcript		401, 402, 801, 802, 803

190.	Prus deposition transcript		401, 402, 801, 802, 803
191.	Robinson deposition transcript		401, 402, 801, 802, 803
192.	Scoufos deposition transcript		401, 402, 801, 802, 803
193.	Snowden deposition transcript		401, 402, 801, 802, 803
194.	Stubblefield deposition transcript		401, 402, 801, 802, 803
195.	Tudor deposition transcripts		401, 402, 801, 802, 803
196.	Walkup deposition transcript		401, 402, 801, 802, 803
197.	Weiner deposition transcript		401, 402, 801, 802, 803
198.	Porter declaration (PI002046 - 49)		401, 402, 403, 801, 802, 901
199.	Tudor handwritten list of colleges where she applied for jobs (PI002050 - 54)		801, 802, 901
200.	RUSO Policy Manual (DOJ000016-133)		
201.	Letter from Tudor to co-workers re gender transition (PI002042-43)	Not listed on Tudor's or USA's exhibit lists	401, 402, 801, 802, 901
202.	Plaintiff/Intervenor's Responses to Defendants' First Set of Interrogatories Propounded Upon Plaintiff/Intervenor	USA nor Tudor have listed this exhibit before and therefore we have not objected to it previously	801, 802, 803
203.	8/10/2016 Emails between Whitney Popchoke and Marvin Bontrager "Re: Gender Reassignment Exclusion" (DEF013822-23)	Tudor has no claim concerning health coverage; USA nor Tudor have listed this exhibit	401, 402, 403
204.	Health plan documents produced by Defendants at 30(b)(6) deposition of Defendants (designee Whitney Popchoke) (DEF013824-014634)	Tudor has no claim concerning health coverage; USA nor Tudor have listed this exhibit	401, 402, 403
205.	1/13/2004 Appointment Letter; College of the Mainland for 2003-2004 (PI00447)		901
206.	5/18/2004 Appointment Letter: Southeastern Oklahoma State University for 2004-2005 (PI00448)		901

207.	Tudor's Southeastern Oklahoma State University Payroll Advice for 01/01/2011–01/31/2011 (PI00448)		901
208.	Southeastern Oklahoma State University: Salary Calculation Form 2011-12, Full-Time Faculty and Guide (PI000450 to PI000451)		901
209.	8/30/2013 Salary Letter: Collin College for 2013-2014 (PI0000453)		901
210.	9/3/2014 Salary Letter: Collin College for 2014–2015 (PI000454)		901
211.	Collin College Full-Time Faculty Contract for 2015-2016 (PI000455 to PI000456)		901
212.	Collin College Electronic Pay Stub for pay period 1/1/2013 to 1/31/2013 (PI000022)		901
213.	Collin College Full-Time Faculty Contract for 2015-2016 (PI002044 to PI002045)		901
214.	Tudor Federal Income Tax Returns 2011 (PI000434 to PI000436)		
215.	Tudor Federal Income Tax Returns 2012 (PI000437 to PI000449)		
216.	Tudor Federal Income Tax Returns 2013 (PI000441 to PI000443)		
217.	Tudor Federal Income Tax Returns 2014 (PI000444 to PI000445)		
218.	Humana Dental Claim Receipts (PI000457 to PI000460)	Improper Exhibit, Tudor has no health benefits claim	401, 402, 403, 801, 802, 901
219.	Tudor Chickasaw Nation Tribal Citizenship Identification Cards (PI002035 and PI002124)		401, 402, 403
220.	9/5/2011 Blog Entry: "Open Letter to Petition Signers" (PI00110 to PI00111)		401, 402, 403, 801, 802, 901
221.	5/30/2011 Blog Entry: "Scholarship Record" (PI001126 to PI001131)		401, 402, 403, 801, 802, 901
222.	5/29/2011 Blog Entry: "Reason is the Surest Safeguard Against Tyranny" (PI001132 to PI001138)		401, 402, 403, 801, 802, 901
223.	4/26/2011 Blog Entry: "Award for Excellence in Scholarship" (PI001141 to PI001142)		401, 402, 403, 801, 802, 901

224.	4/24/2011 Blog Entry: "Petition" (PI001143 to PI001144)		401, 402, 403, 801, 802, 901
225.	4/20/2011 Blog Entry: "Why This Blog?" (PI001145 to PI001146)		401, 402, 403, 801, 802, 901
226.	4/18/2011 Blog Entry: "Southeastern Oklahoma State University" (PI001147 to PI001150)		401, 402, 403, 801, 802, 901
227.	2/15/2012 Blog Entry: "LinkedIn" (PI001169)		401, 402, 403, 801, 802, 901
228.	10/12/2017 Tudor Declaration (filed on the docket as ECF No. 205-2)	Not listed before Tudor's Rsp to MSJ	401, 402, 801, 802, 803
229.	10/10/2017 Althoff Declaration (filed on the docket as ECF No. 205-17)	Not listed before Tudor's Rsp to MSJ	401, 402, 801, 802, 803
230.	10/12/2017 Cotter-Lynch Declaration (filed on the docket as ECF No. 205-18)	Not listed before Tudor's Rsp to MSJ	401, 402, 801, 802, 803
231.	5/2/2016 Spencer Declaration (filed on the docket as ECF No. 205-25)	Not listed before Tudor's Rsp to MSJ	401, 402, 801, 802, 803
232.	3/2/2011 email between Stubblefield and Conway, "Re: Interesting Article" (SEOSU1659) (native file)	Not listed prior to PTO	401, 402, 403
233.	Southeastern "Civil Rights & Title IX Policy for Faculty, Students, and Staff" (PI002070 to PI002118)	Not listed prior to PTO	401, 402, 403
234.	10/6/2016 OKHEEI Group Minutes of Regular Meeting (PI002055 to PI002068)	Not listed prior to PTO	401, 402, 403
235.	11/10/2016 OKHEEI Group Minutes of Regular Meeting (PI002119 to PI002123)	Not listed prior to PTO	401, 402, 403
236.	Settlement Agreement Between the United States of America and Southeastern Oklahoma State University and the Regional University System of Oklahoma (22 pages) (last signature 8/30/2017)	Not listed prior to PTO	408
237.	11/18/2010 emails between Conway and Stubblefield, "Re: Tudor/Conclusion Letter" (SEOSU3295) (native file)	Not listed prior to PTO	401, 402, 403,
238.	5/24/2016 Email from Rachel Tudor to Ezra Young (filed on the docket as ECF No. 205-34)	Not listed prior to PTO	401, 402, 403,
239.	4/27/2011 Emails between Richard Ogden and Sheridan McCaffree (RUSO2566) (native file)	Not listed prior to PTO	401, 402, 403,

240.	4/27/2011 Email complaint from Frank Akehurst (RUSO465) (native file)	Not listed prior to PTO	401, 402, 403,
241.	4/28/2017 Email complaint from Carolyn Eichner (RUSO494) (native file)	Not listed prior to PTO	401, 402, 403,
242.	5/1/2011 Email complaint from Jeremy Shipley (RUSO933 and RUSO353) (native files)	Not listed prior to PTO	401, 402, 403,
243.	5/3/2011 Email complaint from Clayton Alsup (RUSO354) (native file)	Not listed prior to PTO	401, 402, 403
244.	5/6/2011 Email complaint from Therese Quinn (RUSO452) (native file)	Not listed prior to PTO	401, 402, 403
245.	10/14/2010 Email from Stubblefield to Babb and Minks, "Re: Info" (SEOSU2297) (native file)	Not listed prior to PTO	401, 402, 403
246.	11/18/2010 Email from Stubblefield to McMillan, "Re: TUDOR" (SEOSU3553) (native file)	Not listed prior to PTO	401, 402, 403
247.	9/30/2010 emails between Charla Hall and Bryon Clark (Plaintiff's Exhibit 141)SEOSU84	Not listed prior to PTO	401, 402, 403
248.	9/14/2010 email between Tudor and Stubblefield (DEF5467)	Not listed prior to PTO	401, 402, 403
249.	10/14/2010 email between McMillan and Stubblefield (SEOSU3284) (native file)	Not listed prior to PTO	401, 402, 403
250.	All exhibits listed by Defendants not objected to by Plaintiff/Intervenor.		
251.	All documents needed for rebuttal purposes.		

**B. Defendants:**

#	Title/Description	Objection	FRE Relied Upon
1.	Memorandum from Doug McMillan to Rachel Tudor dated 10/5/2012 RE: Application for Tenure (DEF27)	The header on this document is a hearsay statement from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	1003

2.	Memorandum from Doug McMillan to Charla Hall and Bryon Clark dated 10/19/2010 RE: Tudor Grievance (DEF28-31)(Plaintiff's Depo Exhibit #129)	The Bates numbers do not match the document described. Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 129 but the documents Bates numbered DEF28-31 are not the same as Plaintiff's Deposition Exhibit 129.	
3.	Notice of Appeal to Lawrence Minks dated 2/26/2010 (DEF1754-1456)(Plaintiff's Depo Exhibit #46)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 46 but the Bates numbers identified do not correspond with Plaintiff's Deposition Exhibit 46. Plaintiff's Deposition Exhibit 46 is Bates numbered EEOC927-929.	
4.	Administration's Response to Notice of Appeal dated 4/29/2010 (DEF35-36)	The header on this document is a hearsay statement from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	1003
5.	Doug McMillan letter to Rachel Tudor dated 4/30/2010 RE: Denial of Application for Tenure and Promotion (DEF37-38)(Plaintiff's Depo Exhibit #102)	The header on this document is a hearsay statement from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	1003
6.	Memorandum from Charla Hall, James Knapp, Larry Prather to Rachel Tudor dated 9/30/2010; Copied to: Larry Minks, Doug McMillan, Charles Weiner; Bryon Clark and Randy Prus RE: Grievance (DEF5192)		

7.	Grievance dated 10/11/2010 (DEF49-64)(Plaintiff's Depo Exhibit #15)	The Bates numbers do not match the document described. Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 15 but the documents Bates numbered DEF49-64 are not the same as Plaintiff's Deposition Exhibit 129.	
8.	Memorandum from Ross Walkup to Rachel Tudor, Doug McMillan and Charla Hall dated 1/3/2011 RE: Grievance filed 10/11/2011(DEF65-68)(Attachment to Memo is Plaintiff's Depo Exhibit #74)	The Bates numbers do not match the document described. Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 74 but the documents Bates numbered DEF65-68 are not the same as Plaintiff's Deposition Exhibit 129.  Additionally, the header on DEF65-68 (which does not appear in Plaintiff's Deposition Exhibit 74) is a hearsay statement from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	1003
9.	Non-Renewal Letter dated 2/22/2011 (DEF1464)	The Bates number does not correspond to the exhibit described here. Tudor needs to know which document Defendants intend to use as an exhibit.	
10.	Letter from Bryon Clark to Rachel Tudor dated 3/4/2011 RE: Appeal (DEF76-80)	The header on this document is a hearsay statement from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	1003
11.	Document prepared by James L. Knapp dated 9/23/2010 RE: Grievance (DEF144)(Plaintiff's Depo Exhibit #71)		
12.	DOE letters to Barbara Seely, Larry Minks and Rachel Tudor dated 10/12/2010 RE: OCR Docket #07102099 (DEF170-175)	The handwriting at the top of the document Bates numbered DEF221 is a hearsay statement from an unknown source. Also, because the handwriting is not an original part of the document, the version of this document with the handwriting does not satisfy FRE	1003

		1003 since it is not a duplicate. Tudor would not object to this exhibit if the handwriting were redacted.	
13.	Memorandum from Doug McMillan to Rachel Tudor dated 10/5/2010 RE: Application for Tenure and Promotion during the 2010-2011 Academic Year (DEF221)(Plaintiff's Depo Exhibit #107)	The Bates numbers do not match the document described. Plaintiff's Exhibit 107 bears Bates mark DEF5188.  Additionally, the header on the document Bates numbered DEF221 is a hearsay statement from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted or, alternatively, if Plaintiff's Deposition Exhibit 107 (DEF5188) were used instead.	1003
14.	RUSO Policy Manual (DEF254-366)	The header on this document is a hearsay statement from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	1003
15.	SEOSU Academic Policies and Procedures (DEF367-516)	The header on this document is a hearsay statement from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	1003
16.	SEOSU Sexual Harassment Policy (DEF524-526)	This Bates range contains more than just the Sexual Harassment Policy. Tudor does not, however, object to the admissibility of any documents within the Bates range DEF525-526.	
17.	SEOSU Nondiscrimination Equal Opportunity Affirmative Action Policy (DEF528)		
18.	SEOSU Retaliation Policy (DEF529-530)	This Bates range contains more than just the Retaliation Policy. Tudor does not, however, object to the admissibility of the document within the Bates marked DEF526.	
19.	SEOSU Tenure and Promotion Policy	This Bates range contains more	

	(DEF606-708)	than just the SEOSU Tenure and Promotion Policy.  Tudor would not object if Plaintiff's Deposition Exhibit 7 (EEOC303-349) were used instead.	
20.	SEOSU Religion and EHL Faculty Policy (DEF709-710)	This document is not a policy. Defendants prepared it and submitted to the EEOC in response to a request from the EEOC in connection with its investigation of Dr. Tudor's charge of discrimination. The document is hearsay.	
21.	Rachel Tudor File from Human Resources (including I-9, Garnishment and Unemployment documents as produced to EEOC (DEF712-1012)	Unemployment insurance docs (DEF773-820) are irrelevant, prejudicial, and some are hearsay; garnishment docs (DEF929-1012) are irrelevant, prejudicial, and hearsay.	
22.	Lucretia Scoufos email to Rachel Tudor dated 8/25/2009 RE: Tenure – with Dr. Scoufos' handwritten notes (DEF1014-1015)		
23.	Documents sent to SEOSU by DOE (DEF1301-1309)	The header on this document (upper left hand corner, reading "Attachment 1") is a hearsay statement from an unknown source. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	
24.	SEOSU Orientation of New Faculty, Agenda and Sample Handouts (DEF1311-1460) (Contains Plaintiff's Depo Exhibits #s 21, 40)	This Bates range contains more than just orientation materials. Tudor does not, however, object to the admissibility of any documents within the Bates range DEF1311-1460.	
25.	Timeline of Affirmative Action Officer at SEOSU (DEF1463-1466)(Plaintiff's Depo Exhibit #112)		
26.	Memorandum from Cathy Conway to Claire Stubblefield dated 8/15/2011 RE: EEOC Request for Information on Dr. Rachel Tudor Discrimination Charges (DEF1468)	Defendants created this document in response to a request from the EEOC. The document describes complaints of other employees, who are not witnesses in this case, that are irrelevant and potentially confusing to the jury. Tudor objects under FRE 402 and 403. Plaintiff also objects to this	402, 403

		exhibit because it is hearsay.	
27.	Memorandum from Doug McMillan to William Fridley dated 4/30/2010 RE: Denial of Application for Tenure and Promotion (DEF1727-1728)	This exhibit is irrelevant and potentially confusing to the jury and should be excluded under FRE 402 and/or FRE 403.	402, 403
28.	Memorandum from Doug McMillan to Rachel Tudor dated 2/15/2010 RE: Notification of Promotion Status (DEF1753)	This version of the document (DEF1753) has a cryptic handwritten notation at the top that could be potentially confusing to the jury. Tudor, thus, objects under FRE 403 but would not object to a different version of this exhibit, without this notation, such as the version of this document that the Defendants have identified as Exhibit 130.	403
29.	Memorandum to Dr. Weiner from James Knapp, Larry Prather and Jon Reid dated 3/25/2010 RE: Appeal of Dr. Rachel Tudor (DEF1757)(Plaintiff's Depo Exhibit #47)	The Bates numbers do not match the document described. Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 47 (DEF5125).	
30.	Memorandum from Larry Minks to Rachel Tudor dated 4/21/2010 RE: Application for Tenure and Promotion to Associate Professor (DEF1462)	This Bates number does not match the description of the document. If the Defendants intended to identify the document Bates numbered DEF4771, Tudor has no objection to the admissibility of that document.	
31.	Letter from Larry Minks to Rachel Tudor dated 3/25/2011 RE: Appeal Review regarding the rejection of Dr. Tudor's Tenure and Promotion Application (DEF1463).	This Bates number does not match the description of the document. If the Defendants intended to identify Plaintiff's Deposition Exhibit 77 (DEF5687), Tudor has no objection to the admissibility of that document.	
32.	SEOSU Position Statement (DEF1779-1785)(Plaintiff's Depo Exhibit #30)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 30 (DEF5279-5286), but requests that the Defendants correct the bates range cited in their exhibit list to avoid confusion.	
33.	Schematic of Morrison Building (DEF1787-1789)(Plaintiff's Depo Exhibit #27)		
34.	Findings and Conclusions on Gender Discrimination Complaint from Claire Stubblefield to Rachel Tudor dated 1/19/2011 (DEF1795-1801) (Plaintiff's Depo Exhibit #19)	The document described is Plaintiff's Deposition Exhibit 17, not 19. Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 17 or 19 but requests that the Defendants correct this error in their exhibit	

		list to avoid confusion.	
35.	Memorandum from Ross Walkup to Rachel Tudor, Doug McMillan, Charla Hall dated 1/3/2011 RE: Grievance filed 10/11/2010 (DEF5668-5671)		
36.	SEOSU Faculty Promotion and Tenure Evaluation Summary – Confidential Analysis Worksheet for Rachel Tudor signed by Lucretia Scoufos dated 1/14/2010) (DEF5075-5076)(Plaintiff's Depo Exhibit #126)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 126 (EEOC857-858), but requests that the Defendants correct the bates range cited in their exhibit list to avoid confusion.	
37.	Paula Smith Allen email to John Mischo dated 11/3/2008 RE: Tenure and Promotion of Dr. Tudor (DEF5077)	This document is irrelevant, unfairly prejudicial, and potentially confusing and should be excluded under FRE 402 and/or 403.	402, 403
38.	Lucretia Scoufos email to Ross Walkup dated 1/3/2011 RE: FW: Tenure and Promotion Report (DEF5078)(Plaintiff's Depo Exhibit #148)	The document described is not Plaintiff's Deposition Exhibit 148. Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 148 or to the document described here (which is Bates numbered DEF5078) but Tudor requests that the Defendants amend this entry on their exhibit list to avoid confusion.	
39.	Acknowledgement of Receipt dated 10/7/2010 of Memorandum from Doug McMillan dated 10/5/2010 with Handwritten note of Lucretia Scoufos that Rachel Tudor refused to sign in the presence of Randy Prus (DEF5079)		
40.	Portfolio Transmittal Form for Rachel Tudor dated 10/15/2009 and signed as reviewed by Lisa Coleman on 11/18/09; John Mischo on 11/29/09; Lucretia Scoufos on 1/14/2010; and Doug McMillan on 2/10/2010 (DEF5080)		
41.	Rachel Tudor email to Doug McMillan and copy to John Mischo dated 2/19/2010 RE: Tenure; ATTACHMENT: Letter to Doug McMillan from Rachel Tudor (DEF5095-5097)		

42.	Email string between Doug McMillan to Rachel Tudor and Lucretia Scoufos dated 2/19/2010 RE: Tenure (DEF5098-5107)	The document description does not match the Bates range. There is an email string dated 2/19/2010 at DEF5098-5100 but the other documents in the identified Bates range are not part of that email string.	
43.	Rachel Tudor email to Lucretia Scoufos and copy to John Mischo dated 2/19/2010 RE: Tenure; ATTACHMENT: Scoufos.docx (DEF5108-5110)(Plaintiff's Depo Exhibits #96 and #97)	The document described is Plaintiff's Deposition Exhibit 96, not 97. Tudor does not object to the admissibility of Plaintiff's Deposition Exhibits 96 and 97 but requests that Defendants clarify which document they intend to mark as Defendants' Exhibit 43.	
44.	Acknowledgment of Receipt of 4/29/2010 letter from Charles Weiner dated 4/29/2010 RE: Decision Rendered by Faculty Appellate Committee (DEF5122)		
45.	Charles Weiner letter to Rachel Tudor dated 4/29/2010 RE: Decision Rendered by Faculty Appellate Committee (DEF5123-5124)(Plaintiff's Depo Exhibit #45)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 45 (EEOC183-908), but requests that the Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
46.	Bryon Clark email to Rachel Tudor; Copied to: Doug McMillan; Ross Walkup; Charla Hall; James Knapp; Larry Prather dated 2/11/2011 RE: Response to 7 Feb. 2011 e-mail ATTACH: Addition to Grievance Policy 24 Jan 2011; Grievance Policy Section 4.4.6 APPM; Tudor Grievance dated 11 October 2010; Response to Policy Change (DEF5156-5127)	The Bates range does not match the document description. If the Defendants intended to identify documents Bates numbered DEF5156-5157, Tudor would have no objection.	
47.	Memorandum from Bryon Clark to Doug McMillan dated 2/22/2011 RE: Appeal of Faculty Appellate Committee's Recommendation in the Rachel Tudor Grievance Concerning the 2010-2011 Decision not to Allow her Application for Tenure and Promotion (DEF5158)(Plaintiff's Depo Exhibit #75)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 75 (DEF1331), but requests that the Defendants correct the bates range cited in their exhibit list to avoid confusion.	
48.	Rachel Tudor email to Bryon Clark dated 3/4/2011 attaching 3/4/2011	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 76	

	Appeal RE: Appeal (DEF5159-5164)(Plaintiff's Depo Exhibit #76)	(DEF1332-1337), but requests that the Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
49.	Rachel Tudor letter to Larry Minks; Copied to: Randy Prus dated 8/30/2010 RE: Improprieties and Due Process Policy Violations by Administrators in Tenure and Promotion Process (DEF5617-5634)(Plaintiff's Depo Exhibit #56)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 56 (DEF1158-1175), but requests that the Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
50.	Lucretia Scoufos email to Doug McMillan dated 10/7/2010 RE: Rachel Tudor (DEF5189)(Plaintiff's Depo Exhibit #14)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 14 (DEF1148-1150), but requests that the Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
51.	Complaint from Rachel Tudor to Claire Stubblefield; Copied to: Randy Prus; dated 8/30/2010 (DEF8213-5218)	There appears to be a typo in the Bates range. If the Defendants intended to identify the documents Bates numbered DEF5213-5218, Tudor has no objection.	
52.	Rachel Tudor email to Bryon Clark dated 2/7/2011 RE: Response to Policy Change ATTACH: Amended Faculty Grievance Policy (DEF5256-5258)		
53.	Lucretia Scoufos email to Ross Walkup dated 1/3/2011 RE: Rachel Tudor's AY 2009-10 Departmental File (DEF5266)		
54.	Lucretia Scoufos email to Lisa Coleman dated 5/9/2011 RE: FW: Tenure and Promotion Report (DEF5287)		
55.	William Fridley email string with Kenneth Chinn dated 5/9/2011 RE: Rachel Tudor (DEF5288-5293)	The description of the 5/9/2011 email's subject line is inaccurate. Additionally, the Bates range cited contains documents other than the email chain described. Tudor has no objection to the admissibility of DEF5288-5293, but requests that the Defendants correct the description cited in their exhibit list to avoid confusion.	
56.	William Fridley letter to Kathy Nusz dated 4/8/2012 RE: EEOC Request for Faculty Senate Documentation Pertaining to		

	Dr. Tudor (DEF5317)		
57.	Charles Weiner, Rachel Tudor email string dated 3/4/2010 RE: Faculty Appeal (DEF5320)		
58.	Larry Minks letter to Rachel Tudor dated 3/25/2011 RE: Appeal Review regarding the rejection of Dr. Tudor's Tenure and Promotion Application (DEF5321)(Plaintiff's Depo Exhibit #77)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 77 (DEF5687), but requests that the Defendants correct the bates range cited in their exhibit list to avoid confusion.	
59.	Rachel Tudor letter to Lucretia Scoufos dated 4/6/2010 RE: Offer with handwritten notes by Lucretia Scoufos dated 4/7/2010 (EEOC914)(Plaintiff's Depo Exhibit #151)		
60.	Larry Minks Memorandum to Rachel Tudor dated 4/21/2010 RE: Application for Tenure and Promotion to Associate Professor (DEF5327)	This appears to be duplicative to Exhibit 30 (which Tudor suggests, above, that Defendants correct to the document Bates numbered DEF4771). Tudor has no objection to the admissibility of DEF4771.	
61.	Rachel Tudor letter titled "In re: Dr. Weiner's letter" (DEF5328)		
62.	Charles Weiner letter to Rachel Tudor dated 4/29/2010 (DEF5329-5330)	This is duplicative of Exhibit 45.	
63.	Rachel Tudor letter to Larry Minks dated 5/7/2010 RE: Appeal (DEF5331)(Plaintiff's Depo Exhibit #54)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 54 (EEOC185), but requests that the Defendants correct the bates range cited in their exhibit list to avoid confusion.	
64.	Rachel Tudor email to William Fridley; Christopher Moretti; Dennis Brewster; George Jacox; Halet Poovey dated 11/9/2010 (DEF5332)		
65.	DOE letter to Larry Minks dated 10/12/2010 RE: OCR Docket #07102099 (DEF5333-5342)	The Bates range does not match the document described. If the Defendants intend to offer the document Bates numbered DEF5335-5342, Tudor does not object.	
66.	EEOC letter to Charles Babb dated 3/14/2013 RE: Rachel Tudor v. SEOSU – EEOC Charge Number: 564-2011-00849 (DEF5345-5346)	This document was written in the context of settlement negotiations during the EEOC's conciliation process. It is also irrelevant and potentially confusing. Thus, it is inadmissible under FRE 402, 403, and/or 408. This version of	402, 403, 408

		the document also has unidentified highlighting and handwriting that is hearsay.	
67.	Claire Stubblefield memo to Lucretia Scoufos dated 8/3/2011 RE: Important Information Regarding EEOC Charge attaching Document Retention Notice Pursuant to Charge of Discrimination (DEF5348-5351)(Attachment is Plaintiff's Depo Exhibits #20; #35; #113)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 20 (DEF1106-1107) and Plaintiff's Deposition Exhibit 35 (DEF1106-1107), which are the same document. Similarly, Tudor does not object to the admissibility of Plaintiff's Deposition Exhibit 113 (EEOC825-829). However, Tudor requests that the Defendants correct the bates range cited in their exhibit list to avoid confusion.	
68.	Bryon Clark email to Rachel Tudor; Doug McMillan dated 1/31/2011 RE: Tudor Grievance dated 10/11/2010 (DEF5361)(Plaintiff's Depo Exhibit #72)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 72 (DEF5672), but requests that the Defendants correct the bates range cited in their exhibit list to avoid confusion.	
69.	Bryan Clark – Rachel Tudor email string dated 2/14/2011 RE: Response to 2/7/2011 email with attachments (DEF5365-5373)	There is a typo in the description of this exhibit; Tudor requests that Defendants correct the description with the proper spelling of Bryon Clark's name to avoid confusion.	
70.	Larry Minks letter to Rachel Tudor dated 2/21/2011 RE: Appeal of the Findings and Conclusions on Gender Discrimination Complaint (DEF5386)(Plaintiff's Depo Exhibit #132)	Tudor has no objection to the admissibility of Plaintiff's Deposition Exhibit 132 (DEF1300), but requests that the Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
71.	Complaint by Rachel Tudor dated 8/30/2010 (DEF5388-5394)(First 6 pages of Plaintiff's Depo Exhibit #55)	Tudor has no objection to the admissibility of the first six pages of Plaintiff's Exhibit 55 (DEF1279-1284), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
72.	Claire Stubblefield letter to Rachel Tudor RE: Receipt of Complaint (DEF5396)	The document description does not match the Bates range.	
73.	Rachel Tudor letter to Claire Stubblefield dated 10/13/2010 RE: Additional Information (DEF5397-5399)(Plaintiff's Depo Exhibit #108)	Tudor has no objection to the admissibility of Plaintiff's Exhibit 108 (EEOC37-39), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
74.	Amended Complaint by Rachel Tudor dated 10/28/2010 (DEF5400-	Tudor has no objection to the admissibility of Plaintiff's	

	5406)(Plaintiff's Depo Exhibit 110)	Exhibit 110 (DEF1290-1296), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
75.	Rachel Tudor letter to Larry Minks dated 1/28/2011 RE: Appeal of Dr. Stubblefield's Findings and Conclusions on Gender Discrimination Complaint (DEF5407-5409)(Plaintiff's Depo Exhibit #131)	Tudor has no objection to the admissibility of Plaintiff's Exhibit 131 (DEF1297-1299), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
76.	Charles Weiner-Rachel Tudor email string dated 9/16/2010 FW: Faculty Appeal (DEF5420-5423)(Plaintiff's Depo Exhibit #57)	Tudor has no objection to the admissibility of Plaintiff's Exhibit 57 (EEOC31-33), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
77.	Lurcretia Scoufos letter to Doug McMillan dated 1/12/2010 RE: Recommendation to deny tenure and to give Rachel Tudor, a one-year termination appointment at the rank of Assistant Professor in the Department of English, Humanities and Languages for the 2010-2011 Academic Year (DEF5424)(Plaintiff's Depo Exhibit #100)	There are typos in the description of this exhibit. Tudor requests that Defendants correct the description with the proper spelling of Lucretia Scoufos's name to avoid confusion. Tudor also requests that the title of the email be corrected to read: "RE: Recommendation to deny tenure and to give Rachel J. Tudor, Ph.D., a one-year terminal appointment at the rank of Assistant Professor in the Department of English, Humanities and Languages for the 2010-2011 Academic Year."  Additionally, Tudor has no objection to the admissibility of Plaintiff's Exhibit 100 (DOJ150), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
78.	Rachel Tudor email to Claire Stubblefield dated 10/7/2010 RE: Retaliation (DEF5426)(Plaintiff's Depo Exhibit #105)	Tudor has no objection to the admissibility of Plaintiff's Exhibit 105 (EEOC36), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
79.	Virginia Parrish email to Claire Stubblefield dated 11/16/2010 RE: Tenure and Promotion Portfolio (DEF5451-5152)	This Bates range appears to have a typographical error. If Defendants intended the Bates range to be DEF5451-5452, Tudor has no objection to this exhibit.	
80.	Lucretia Scoufos email to Doug McMillan dated 11/30/2010	Tudor has no objection to the admissibility of Plaintiff's Exhibit 101 (EEOC63-64), but	

	FW: Article with attachment (DEF5453-5464)(Portion of Plaintiff's Depo Exhibit #101)	requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
81.	Rachel Tudor email to Claire Stubblefield dated 9/14/2010 RE: Scoufos Letter (DEF5467)		
82.	Sample Application Portfolio for Promotion to Associate Professor Rank with Tenure Status (DEF5835-5846)		
83.		This entry is left blank on Defendants' Final Exhibit List. See ECF Doc. 114 at 8. Tudor's counsel asked for clarification from Defendants as to whether they wished to change their list for inclusion in this Report and they indicated via email on Oct. 17, 2017 that they did not desire to make any changes.	
84.	Academic Policies and Procedures 2014-2015 (DEF5863-6029) Example to be used in the event injunctive relief is order.		
85.	Academic Policies and Procedures (DEF6030-6180)		
86.	Temporary and Supplemental Salary Schedules 2011-2012 (DEF6183)		
87.	Sexual Harassment Policy – Appendix C Source: Policy Manual of Board of RUSO, Sec. 4.6)(DEF6184-6185)(Plaintiff's Depo Exhibit #34)	Tudor has no objection to the admissibility of Plaintiff's Exhibit 34 (DEF6955-6956), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
88.	Faculty Development and Evaluation Criteria – Appendix D (DEF6186)		
89.	Catalog of Faculty Development and Evaluation Criteria – Appendix B (DEF6187-6193)	There is a typo in the description of this exhibit; Tudor requests that Defendants correct the description to read "Catalog of Faculty Development and Evaluation Criteria – Appendix E" to avoid confusion.	
90.	Faculty Development Agreement – Appendix F (DEF6194)		
91.	SEOSU Faculty Development and		

	Evaluation Summary – Appendix G (DEF6195-6197)		
92.	Portfolio Transmittal Form (DEF6203)		
93.	Cathy Conway memo to Claire Stubblefield dated 8/16/2011 RE: EEOC Information Required – Dr. Rachel Tudor Transmittal of Copies of all documents in Charging Party’s Personnel File (6204)	There is a typo in Defendants’ Bates range for this exhibit; Tudor requests that Defendants correct it to DEF6204 to avoid confusion.	
94.	Benefit Programs for Employees of SEOSU (DEF6591-6623)	This Bates range contains more than just the Benefit Programs for Employees of SEOSU documents. Tudor does not, however, object to the admissibility of any documents within the Bates range DEF6591-6623.	
95.	Follow-Up Faculty Development Agreement 2005-2006 – School of Arts and Letters dated 9/8/2006 (DEF7183-7184)		
96.	Follow-Up Faculty Development Agreement 2005-2006 – School of Arts and Letters dated 11/4/2005 (DEF7185-7186)(Plaintiff’s Depo Exhibit #81)	The description of this document is inaccurate. This is not a “Follow-Up” agreement. Other than this error in the description, Tudor does not object to this exhibit.	
97.	Faculty Development Follow-Up dated 9/15/2005 (DEF7187-7188)(Plaintiff’s Depo Exhibit #81)	This description is inaccurate. Additionally, Tudor has no objection to the admissibility of Plaintiff’s Exhibit 81 (EEOC801-804), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
98.	Follow-Up Faculty Development Agreement 2006-2007 – School of Arts and Letters dated 9/28/2007 (DEF7189-7191)(Plaintiff’s Depo Exhibit #82)	This description is inaccurate. Additionally, Tudor has no objection to the admissibility of Plaintiff’s Exhibit 82 (EEOC791-793), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
99.	Follow-Up Faculty Development Agreement 2006-2007 – School of Arts and Letters dated 9/8/2006 (DEF7192-7193)	This description is inaccurate.	
100.	Follow-Up Faculty Development Agreement 2007-2008 – School of Arts and Letters signed but not dated (DEF7197-7199)	This description is inaccurate.	

101.	SEOSU Faculty Development and Evaluation Summary for Rachel Tudor dated 10/30/2008 – Evaluation Period 2007-2008 (DEF7200-7201)(Plaintiff’s Depo Exhibit #83)	Tudor has no objection to the admissibility of Plaintiff’s Exhibit 83 (EEOC781-782), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
102.	Follow-Up Faculty Development Agreement 2007-2008 – School of Arts and Letters dated 9/28/2007 (DEF7202-7203)	This description is inaccurate.	
103.	Follow-Up Faculty Development Agreement 2008-2009 – School of Arts and Letters dated 10/7/2008 (DEF7204-7205)	The description of this document is inaccurate because it is not a “Follow-Up” Faculty Development Agreement.	
104.	Faculty Promotion and Tenure Evaluation of Rachel Tudor (DEF7703-7704)(Plaintiff’s Depo Exhibit #127)	Tudor has no objection to the admissibility of Plaintiff’s Exhibit 127 (DEF7703-7704), but requests that Defendants correct the Bates range cited in their exhibit list to avoid confusion.	
105.	Screening Committee Packet for Faculty Positions at SEOSU (DEF7705-7730)	This packet is irrelevant and potentially confusing to the jury. The packet appears to have been created after the conclusion of Dr. Tudor’s employment at Southeastern based on the dates on some of the pages. Furthermore, the packet concerns the hiring process at Southeastern which is not at issue in this case. This packet should be excluded under FRE 402 and/or 403.	402, 403
106.	SEOSU Policy Presentation on Sexual Harassment (DEF7731-DEF7772)		
107.	Sexual Harassment and Anti-Discrimination presentation (DEF7773-7809)	According to the first page of these presentation materials, they were prepared in 2015, long after Dr. Tudor stopped working at Southeastern. Thus, it should be excluded as irrelevant and potentially misleading under FRE 402 and/or 403.	402, 403
108.	Sexual Harassment Training for Greek Organizations (DEF7810-7830)	These training materials were prepared for Greek organizations and Greek organizations are not at issue in this case. Thus, these materials are irrelevant, could confuse the jury, and should be excluded under FRE 402 and/or 403.	402, 403
109.	Athletic Department Training Modules (DEF7831-7848)	This training module relates to Title IX and Southeastern’s athletic department. There is no	402, 403

		Title IX claim in this case and nothing that occurred in the case relates to the athletic department. Thus, this training module is irrelevant, could confuse the jury, and should be excluded under FRE 402 and/or 403.	
110.	Title IX Overview for Mandatory Training (DEF7849-DEF7866)	Based on the content of these training materials, they were prepared in or after 2012 and Dr. Tudor separated from Southeastern in 2011. Furthermore, these materials relate to Title IX and there is no Title IX claim in this case. Thus, these materials are irrelevant, could confuse the jury, and should be excluded under FRE 402 and/or 403.	402, 403
111.	Title IX Primer for SE Campus Police (DEF7867-DEF7888)	These training materials cover Title IX and were designed for campus police. There is no Title IX claim in this case and the campus police were not involved in this case in any way. Thus, these training materials are irrelevant, could confuse the jury, and should be excluded under FRE 402 and/or 403.	402, 403
112.	ATIXA Campus Title IX Coordinator and Admin. Train. & Cert. Course (DEF7889-DEF8180)		
113.	Title IX: A New ERA of Responsibility (DEF8181-DEF8204)		
114.	Appreciating, Accepting, and Celebrating Differences Through Tolerance... DEF8205-DEF8229)		
115.	HR Trainings Attended by Cathy Conway (DEF8830-DEF8833)(Plaintiff's Depo Exhibit #24)		
116.	February 27, 2006 email from Cathy Conway re: test group Sexual Harassment Training (DEF8896-8897)		
117.	April 5, 2006 email from Cathy Conway to group re: training (DEF8899-8901)(Plaintiff's Depo Exhibit #41)		
118.	List of SE Sexual Harassment Training Presentation attendees		

	(DEF8904-8910)(Plaintiff's Depo Exhibit #41)		
119.	BLR's Human Resources Training Presentations on Sexual Harassment (DEF8915-8946)(Plaintiff's Depo Exhibit #42)		
120.	Academic Policies Final as of 11-11-04 (DEF10627-10796)		
121.	Academic Policies Final as of 1/7/2005 (DEF9256-9426)		
122.	Academic Policies Final as of 1/10/2005 (DEF9427-9597)		
123.	Academic Policies Final as of 1/17/2005 (DEF9598-DEF9768)		
124.	Academic Policies Final as of 8/23/2005 (DEF9941-10113)		
125.	Academic Policies Final as of 10/18/2005 (DEF10114-10287)		
126.	Academic Policies and Procedures manual 10/31/2007 (DEF8954-9106)		
127.	Academic Policies and Procedures manual 8/5/2008 (DEF9107-9225)		
128.	Academic Policies and Procedures manual 2009-2010 (DEF10947-11094)		
129.	Academic Policies and Procedures manual 2014-2015 (DEF11576-11742)		
130.	Memorandum to Rachel Tudor from Doug McMillan dated 2/15/2010 RE: Notification of Promotion Status (DEF13001-13002)	This description is inaccurate. There is a document in this Bates range that is not the Memorandum.	
131.	Email from The Chronicle (DEF13016-13018)	This email is a newsletter that has no relation to this case. It also contains unfairly prejudicial content. It should be excluded under FRE 802 because it is hearsay; under FRE 402 because it is irrelevant; and FRE 403 because it is unfairly prejudicial, could confuse the jury, and has no probative value.	402, 403
132.	Candidate's Letter in Support... with comments by Dr. Randy Prus (DEF13019-13023)(Plaintiff's Depo Exhibit #10)		
133.	Documents received from schools	Tudor objects to documents Bates numbered DEF13359-	402, 403

	cited by Intervenor as places to which post-SEOSU applications were made for employment (DEF13024-13449)	<p>13409. These are documents related to Tudor's employment at Oklahoma University that pre-dates her employment at Southeastern. The documents should be excluded under FRE 402 and/or 403 because they are irrelevant, potentially confusing to the jury, and contain potentially prejudicial information. (Defendants produced two different sets of documents both Bates numbered DEF13024-13032. Tudor understands which set the Defendants intend to use as an exhibit based on the description they have provided but wants to note this Bates numbering error to avoid any confusion.)</p> <p>Tudor also objects to documents in the range DEF13024-13449 that are clearly unrelated to this case because they pertain to persons with a similar name to Tudor (and/or her previous names) but they clearly are not records pertinent to Tudor. For example: Ohio Christian University Documents (DEF13318-13329) and Moraine Valley Community College (DEF13353-13358) are both records of undergraduate students with similar names to Tudor but clearly not Tudor given their dates of attendance at these institutions.</p>	
134.	OU Additional Response to Subpoena Duces Tecum (DEF13629)	Tudor objects to documents Bates numbered DEF13629. These are documents related to Tudor's employment at Oklahoma University that pre-dates her employment at Southeastern. The documents should be excluded under FRE 402 and/or 403 because they are irrelevant, potentially confusing to the jury, and contain potentially prejudicial information.	402, 403
135.	CV – Rachel Tudor (DEF13630-13638)		
136.	Handwritten note of Claire Stubblefield dated 10/26 (DEF13643)		
137.	Legal Briefing: Respectful Workplace dated 3/6/2012 by	These training materials relate to a training given after Dr. Tudor separated from Southeastern.	402, 403

	Charlie Babb (DEF13647-13667)	Thus, they are irrelevant and potentially misleading. They should be excluded under FRE 402 and/or 403.	
138.	Legal Briefing: Helping Create a Respectful Workplace dated 4/19-20/2006 by Charlie Babb (DEF13668-13671)		
139.	DOE letter to Larry Minks dated 9/15/2010 RE: OCR Docket #07102099 (DOE000003)		
140.	Note regarding 6/1/2007 call with Dr. Tudor about policies (DOJ000009)		
141.	Corie Delashaw letter to Tenure Review Committee RE: Dr. Rachel Tudor/Application for Tenure (DOJ000015)		
142.	Louis Lopez email to Rachel Tudor dated 7/24/2013 copied to Allan Townsend RE: EEOC Charge at DOJ (DOJ000134)	This document is irrelevant and should be excluded under FRE 402.	402
143.	Allan Townsend email to Rachel Tudor dated 8/13/2013 RE: EEOC Charge at DOJ (DOJ000135-136)	This document is irrelevant and should be excluded under FRE 402.	402
144.	Rachel Tudor email to Allan Townsend dated 8/13/2013 RE: EEOC Charge at DOJ (DOJ000137-139)	This document is irrelevant and should be excluded under FRE 402.	402
145.	Allan Townsend email to Rachel Tudor dated 8/13/2015 RE: EEOC Charge at DOJ (DOJ000140-142)	This document is irrelevant and should be excluded under FRE 402.	402
146.	Rachel Tudor email to Allan Townsend dated 8/13/2013 RE: EEOC Charge at DOJ (DOJ00143-146)	This document is irrelevant and should be excluded under FRE 402.	402
147.	Rachel Tudor email to Allan Townsend dated 8/15/2013 RE: September 26, 2010 email (DOJ000147)		
148.	Rachel Tudor email to Allan Townsend dated 8/16/2013 RE: Scoufos letters (DOJ000149)		
149.	Rachel Tudor email to Allan Townsend dated 11/25/2013 RE: Decision? (DOJ000152)	This document is irrelevant and should be excluded under FRE 402.	402

150.	Allan Townsend email to Rachel Tudor dated 11/27/2013 copied to Louis Lopez RE: Decision? (DOJ000153-154)	This document is irrelevant and should be excluded under FRE 402.	402
151.	EEOC Request for Information regarding Charge #564-2011-00849 outlining issues (DOJ01663-1674)	No party produced documents Bates numbered DOJ01663-1674. Tudor is unable to determine what these documents are and, thus, objects to preserve her rights.	
152.	Notice of Right to Sue within 90 Days dated 4/2/2015 (DOJ004574)	No party produced a document Bates numbered DOJ004574. Tudor is unable to determine what this document is and, thus, objects to preserve her rights. If Defendants intended to identify the document Bates numbered EEOC004574, Tudor would not object to that document.	
153.	Academic Policies Final as of 1/19/2005 (DEF9769-9940)		
154.	EEOC Charge of Discrimination signed by Rachel Tudor(DOJ4592-4593)	No party produced documents Bates numbered DOJ4592-93. Tudor is unable to determine what these documents are and, thus, objects to preserve her rights. If Defendants intended to identify the documents Bates numbered EEOC004592-4593, Tudor would have no objection.	
155.	EEOC Charge of Discrimination dated 7/6/211 (DOJ004595-4596)	No party produced documents Bates numbered DOJ004595-96. Tudor is unable to determine what these documents are and, thus, objects to preserve her rights. If Defendants intended to identify the documents Bates numbered EEOC004595-4596, Tudor objects on the basis of hearsay. The draft charge Bates numbered EEOC004595-96 is unsigned and, thus, is not a statement of Tudor.	
156.	Rachel Tudor email to Kathy Nusz dated 2/6/2012 RE: Thursday, February 9, 2012 (DOJ004612-4613)	No party produced documents Bates numbered DOJ004612-13. Tudor is unable to determine what these documents are and, thus, objects to preserve her rights. If Defendants intended to identify the documents Bates numbered EEOC004612-13, Tudor objects. The emails Bates numbered EEOC004612-13 are irrelevant and potentially misleading. They should be excluded under FRE 402 and/or 403.	402, 403
157.	Medical records produced by Rachel		

	Tudor in Discovery (PI000428-432)		
158.	SEOSU Payroll Advice for 1/1/2011 – 1/31/2011 for Rachel Tudor (PI000449)		
159.	SEOSU Payroll Advise for 1/1/2011 – 1/31/2011 for Rachel Tudor (PI000452)		
160.	Cary Isreal with Collin College Memorandum to Rachel Tudor dated 8/30/2013 RE: Compensation 2013-2014 (PI000453)		
161.	Cary Isreal with Collin College Memorandum to Rachel Tudor dated 9/3/2014 RE: Compensation 2014-2015 (PI000454)		
162.	Collin County Community College District Full-Time Faculty Contract beginning 8/12/2014 and ending May 2016 signed by Rachel Tudor on 4/22/2015 (PI000455-456)		
163.	Kathy Nusz's handwritten notes of EEOC interview of James Knapp (EEOC4798-4799)		
164.	Kathy Nusz's handwritten notes of EEOC interview of Doug McMillan (EEOC4821-4829)	The EEOC investigator's handwritten notes taken during the questioning of Doug McMillan are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus, these notes should be excluded under FRE 402 and/or 403.	402, 403
165.	EEOC Typed Questions for Doug McMillan Interview (EEOC4815-4817)	The EEOC investigator's notes of questions she planned to ask Dr. McMillan are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus, these notes should be excluded under FRE 402 and/or 403.	402, 403
166.	Kathy Nusz's handwritten notes of EEOC interview of Larry Minks on 2/8/2012 (EEOC4811-4814)	The EEOC investigator's handwritten notes taken during the questioning of Larry Minks are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus,	402, 403

		these notes should be excluded under FRE 402 and/or 403.	
167.	Kathy Nusz's handwritten notes of EEOC interview of John Mischo on 2/8/2012 (EEOC4835-4838)	The EEOC investigator's handwritten notes taken during the questioning of John Mischo are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus, these notes should be excluded under FRE 402 and/or 403.	402, 403
168.	Kathy Nusz's handwritten notes of EEOC interview of Virginia Parrish (EEOC4777-4780)		
169.	Kathy Nusz's handwritten notes of EEOC interview of Larry Prather (EEOC4791-4793)		
170.	Kathy Nusz's handwritten notes of EEOC interview of Randy Prus (EEOC4769-4771)		
171.	Kathy Nusz's handwritten notes of EEOC interview of Lucretia Scoufos (EEOC4843-4858)	The EEOC investigator's handwritten notes taken during the questioning of Lucretia Scoufos are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus, these notes should be excluded under FRE 402 and/or 403.	402, 403
172.	Kathy Nusz's handwritten notes of EEOC interview of Wilma Shires (EEOC4776)	The EEOC investigator's handwritten notes taken during the questioning of Wilma Shires are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus, these notes should be excluded under FRE 402 and/or 403.	402, 403
173.	Kathy Nusz's handwritten notes of EEOC interview of Mark Spencer (EEOC4785-4790)		
174.	Kathy Nusz's handwritten notes of EEOC interview of Claire Stubblefield on 2/8/2012 (EEOC4830-4834)	The EEOC investigator's handwritten notes taken during the questioning of Claire Stubblefield are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus,	402, 403

		these notes should be excluded under FRE 402 and/or 403.	
175.	Kathy Nusz's handwritten notes of EEOC interview of Ross Walkup (EEOC4807-4820)	Tudor objects because the Bates range for these notes is incorrect. The notes for the Walkup interview are Bates numbered EEOC4807-08.  Tudor also objects because the EEOC investigator's handwritten notes taken during the questioning of Ross Walkup are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus, these notes should be excluded under FRE 402 and/or 403.	402, 403
176.	Kathy Nusz's handwritten notes of EEOC interview of Charles Weiner on 2/8/2012 (EEOC4839-4842)	The EEOC investigator's handwritten notes taken during the questioning of Charles Weiner are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus, these notes should be excluded under FRE 402 and/or 403.	402, 403
177.	Kathy Nusz's handwritten notes of EEOC interview of Caryn Witten (EEOC4767-4768)		
178.	Kathy Nusz's handwritten notes of EEOC interview of Jane McMillan (EEOC4794-4797)	The EEOC investigator's handwritten notes taken during the questioning of Jane McMillan are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus, these notes should be excluded under FRE 402 and/or 403.	402, 403
179.	Kathy Nusz's handwritten notes of EEOC interview of William Fridley (EEOC4802-4806)		
180.	Kathy Nusz's handwritten notes of EEOC interview of Margaret Cotter-Lynch (EEOC4867-4872)		
181.	Kathy Nusz's handwritten notes of EEOC interview of Cathy Conway on 2/8/2012 (EEOC4809-4810)	The EEOC investigator's handwritten notes taken during the questioning of Cathy Conway are irrelevant and potentially confusing to the jury. The investigator recorded the	402, 403

		interview and, thus, the actual content of the interview may be confused with these notes. Thus, these notes should be excluded under FRE 402 and/or 403.	
182.	Kathy Nusz's handwritten notes of EEOC interview of Lisa Coleman (EEOC4762-4764)	The Bates number range the Defendants have identified is incomplete. Ms. Nusz's notes of her interview of Dr. Coleman are at EEOC4762-4766. All pages should be included for sake of completeness.	
183.	Kathy Nusz's handwritten notes of EEOC interview of Bryon Clark (EEOC4818)	As a threshold matter, Ms. Nusz's notes of Dr. Clark's interview contain more pages than the Bates number range that the Defendants have identified. The notes are at EEO4818-4820. All pages should be included for sake of completeness.  However, the EEOC investigator's handwritten notes taken during the questioning of Bryon Clark are irrelevant and potentially confusing to the jury. The investigator recorded the interview and, thus, the actual content of the interview may be confused with these notes. Thus, these notes should be excluded under FRE 402 and/or 403.	402, 403
184.	Kathy Nusz's handwritten notes of EEOC interview of Janet Barker (EEOC4783-4784)		
185.	Kathy Nusz's handwritten notes of EEOC interview of Teresa Anderson (EEOC4781-4782)		
186.	Kathy Nusz's handwritten notes of EEOC interview of Daniel Althoff (EEOC4772-4773)		
187.	Kathy Nusz's handwritten notes of EEOC interview of Paula Allen (EEOC4774-4775)		
188.	Transcript and Audio of EEOC Interview of Ross Walkup	Tudor does not know what transcript the Defendants are referring to here. Transcripts of interviews were not produced in discovery.	
189.	Transcript and Audio of EEOC Interview John Mischo	Tudor does not know what transcript the Defendants are referring to here. Transcripts of interviews were not produced in discovery.	
190.	Transcript and Audio of EEOC	Tudor does not know what	

	Interview of Bryon Clark	transcript the Defendants are referring to here. Transcripts of interviews were not produced in discovery.	
191.	Transcript and Audio of EEOC Interview of Claire Stubblefield	Tudor does not know what transcript the Defendants are referring to here. Transcripts of interviews were not produced in discovery.	
192.	Transcript and Audio of 2/9/2012 DOJ Interview of Jane McMillan	Tudor does not know what transcript the Defendants are referring to here. Transcripts of interviews were not produced in discovery. Furthermore, this description is inaccurate because the EEOC conducted this interview, not DOJ.	
193.	Transcript and Audio of 2/8/2012 DOJ Interview of Larry Minks	Tudor does not know what transcript the Defendants are referring to here. Transcripts of interviews were not produced in discovery. Furthermore, this description is inaccurate because the EEOC conducted this interview, not DOJ.	
194.	Transcript and Audio of 2/8/2012 DOJ Interview of Doug McMillan	Tudor does not know what transcript the Defendants are referring to here. Transcripts of interviews were not produced in discovery. Furthermore, this description is inaccurate because the EEOC conducted this interview, not DOJ.	
195.	Transcript and Audio of 2/8/2012 DOJ Interview of Charles Weiner	Tudor does not know what transcript the Defendants are referring to here. Transcripts of interviews were not produced in discovery. Furthermore, this description is inaccurate because the EEOC conducted this interview, not DOJ.	
196.	Transcript and Audio of 2/8/2012 DOJ Interview of Cathy Conway	Tudor does not know what transcript the Defendants are referring to here. Transcripts of interviews were not produced in discovery. Furthermore, this description is inaccurate because the EEOC conducted this interview, not DOJ.	
197.	Kathy Nusz letter to Claire Stubblefield dated 1/5/2012 RE: Additional Information Needed and Request to Interview Personnel (EEOC4743-4744)(Plaintiff's Depo Exhibit #43)		
198.	Claire Stubblefield email to Kathy Nusz dated 1/11/2012	This description of the document is inaccurate in that it erroneously indicates that the	

	RE: February 7th date (EEOC4741-4742)(Plaintiff's Depo Exhibit #43)	document is Plaintiff's Deposition Exhibit 43.	
199.	Rachel Tudor email to John Mischo dated 10/27/2009 RE: Tenure Promotion Committee (PI000583)(Plaintiff's Depo Exhibit #87)		
200.	Lucretia Scoufos email to Ross Walkup dated 1/3/2011 RE: Scoufos.pdf (DEF1132-1135)(Plaintiff's Depo Exhibit #139)		
201.	Memorandum from Larry Minks to Lucretia Scoufos dated 6/15/2010 RE: Notification of Tenure and/or Promotion Decision (EEOC902)(Plaintiff's Depo Exhibit #152)		
202.	Randy Prus email to Lucretia Scoufos dated 4/30/2010 RE: "Open Mic" publisher (EEOC904)(Plaintiff's Depo Exhibit #154)		
203.	Rachel Tudor's Personnel File from Collin College (CC1-CC1083)	No documents matching this description and/or bearing Bates mark CC1-CC1083 have been produced in this litigation.  Additionally, it is unclear what documents the Defendants are referring to and the Defendants should clarify. Tudor reserves the right to object after she receives further clarification from the Defendants.  Additionally, Tudor objects to admissions of these documents for the reasons she sets forth in her motion <i>in limine</i> (ECF No. 189).	
204.	Plaintiff/Intervenor's Response to RUSO's Interrogatory No. 2 [Doc. 177-2]		
205.	4/30/2010 D. McMillan memo to Tudor re Denial of Application for Tenure and Promotion (DEF001186 - 87) [Doc. 177-7]		
206.	Plaintiff/Intervenor's DOE Charge dated August 31, 2010 (DOE00013-16) [Doc. 177-8]		

207.	Excerpts from SEOSU response to EEOC Request for Information (DEF459; 1949-50)[Doc.177-9]	The header on the document Bates numbered DEF459 is a hearsay statement from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	1003
208.	Plaintiff/Intervenor's Responses to RUSO's Interrogatory No. 11 [Doc. 177-10].		
209.	SEOSU Anti-Sexual Harassment Policy with Grievance Procedure (DEF348-50; 495-96) [Doc. 177-12]	The headers on the documents Bates numbered DEF348-50, and DEF495-96 are hearsay statements from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	1003
210.	SEOSU Equal Opportunity and Anti-Discrimination Policy (DEF344)[Doc. 177-13]	The header on the document Bates numbered DEF344 is a hearsay statement from the EEOC. Also, because the header is not an original part of the document, the version of this document with the header does not satisfy FRE 1003 since it is not a duplicate. Tudor would not object to this exhibit if the header were redacted.	1003
211.	All exhibits listed by Plaintiff/Intervenor not objected to by Defendants.		
212.	All documents needed for rebuttal purposes.		

## 7. WITNESSES:

Unlisted witnesses in chief will not be permitted to testify unless, by order of the court, the final pretrial order is amended to include them.

### A. Plaintiff/Intervenor:

Plaintiff/Intervenor will call the following witnesses:

<b>No.</b>	<b>Name and Address</b>	<b>Proposed Testimony</b>
1	Dr. 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.
2	Dr. Margaret Cotter-Lynch  c/o Joan and Barry Cotter 2920 Coventry Lane McKinney, TX 75069	Witness's testimony is expected to include, but not be limited to, Dr. Tudor's qualifications for promotion and tenure; Southeastern's process for evaluating applications for promotion and tenure; and the effects that Defendants discrimination had on Dr. Tudor.
3	Dr. Robert Dale Parker  Department of English University of Illinois 608 S. Wright Street Urbana, IL 61801	Expert witness who is expected to testify on the matters addressed in his report.
4	Dr. George R. Brown  549 Miller Hollow Road Bluff City, TN 37618-4108	Expert witness who is expected to testify on the matters addressed in his report.
5	Ms. Melinda "Mindy" House  3105 Butlan Circle Durant, OK 74701	Witness's testimony would be expected to include, but not limited to, information related to Southeastern administrators' treatment of and interactions with Dr. Tudor.
6	Dr. Mark Spencer  Witness is a current faculty member at Southeastern and can be contacted at her work address.	Witness's testimony is expected to include, but not be limited to, Dr. Tudor's qualifications for promotion and tenure; Southeastern's process for evaluating applications for promotion and tenure; how Defendants treated him when he applied for promotion and tenure; and Southeastern's process for considering Dr. Tudor's application for tenure and promotion to Associate Professor.
7	Whitney Popchoke  Witness is currently employed by RUSO and can be contacted at her work address.	Witness's testimony would be expected to include, but not be limited to, information about Defendants' health benefits plans trans exclusion from 2007 through 2016 as well as circumstances surrounding the removal of the exclusion for plans in effect from 2017 going forward.

8	<p>Mr. Charles Babb</p> <p>Witness is former General Counsel to RUSO and can be contacted through his former employer.</p>	<p>Witness's testimony is expected to include, but not be limited to, information regarding Southeastern's and RUSO's policies as applied to Dr. Tudor, discussions he had with various other RUSO and Southeastern personnel, and the new policy developed during Dr. Tudor's grievance process during the 2010-11 school year.</p>
9	<p>Dr. Bryon Clark</p> <p>736 Webb Smith Rd. Sherman, TX 75090</p>	<p>Witness's testimony is expected to include, but not be limited to, information regarding Dr. Tudor's grievance of the decision not to let her apply for promotion and tenure during the 2010-11 academic year and information regarding Southeastern's process for evaluating applications for promotion and tenure.</p>
10	<p>Dr. Lisa Coleman</p> <p>Witness is a current faculty member at Southeastern and can be contacted at her work address.</p>	<p>Witness's testimony is expected to include, but not be limited to, Dr. Tudor's qualifications for promotion and tenure, Southeastern's process for evaluating applications for promotion and tenure, and Southeastern's process for considering Dr. Tudor's application for tenure and promotion to Associate Professor.</p>
11	<p>Ms. Cathy Conway</p> <p>3043 Quail Ridge Cir. Durant, Oklahoma</p>	<p>Witness's testimony is expected to include, but not be limited to, conversations that Ms. Conway had with Dr. Tudor and other employees of Southeastern regarding Dr. Tudor's gender transition.</p>
12	<p>Dr. William Fridley</p> <p>Witness is a current faculty member at Southeastern and can be contacted at his work address.</p>	<p>Witness's testimony is expected to include, but not be limited to: activities and records of the Faculty Senate; activities and records of the Faculty Senate's Personnel Policies Committee; and application and interpretation of Southeastern and RUSO policies.</p>
13	<p>Dr. Charla Hall</p> <p>Witness is a current faculty member at Southeastern and can be contacted at her work address.</p>	<p>Witness's testimony is expected to include, but not be limited to, information related to grievances that Dr. Tudor filed in connection with her efforts to obtain tenure and promotion to Associate Professor and information regarding Southeastern's process for evaluating applications for promotion and tenure.</p>
14	<p>Dr. James Knapp</p>	<p>Witness's testimony is expected to include, but</p>

	Witness is a current faculty member at Southeastern and can be contacted at his work address.	not be limited to, information related to grievances that Dr. Tudor filed in connection with her efforts to obtain tenure and promotion to Associate Professor and information regarding Southeastern's process for evaluating applications for promotion and tenure.
15	Dr. Douglas McMillan  4047 Woodlawn Road Denison, TX 75021	Witness's testimony is expected to include, but not be limited to, the reasons for decisions that Southeastern made in connection with Dr. Tudor's application for tenure and promotion to Associate Professor during the 2009-10 cycle; her attempted application for tenure and promotion to Associate Professor during the 2010-11 cycle; actions Southeastern took regarding Dr. Tudor when she went through her gender transition; and Southeastern's process for evaluating applications for promotion and tenure.
16	Dr. Larry Minks  3450 N. Commerce Street, No. 707 Ardmore, OK 73401	Witness's testimony is expected to include, but not be limited to, information about Dr. Tudor's application for tenure and promotion to Associate Professor during the 2009-10 cycle; her attempted application for tenure and promotion to Associate Professor during the 2010-11 cycle; and Southeastern's process for evaluating applications for promotion and tenure.
17	Dr. John Mischo  Witness is a current faculty member at Southeastern and can be contacted at his work address.	Witness's testimony is expected to include, but not be limited to, Dr. Tudor's qualifications for promotion and tenure; Southeastern's process for evaluating applications for promotion and tenure; and Southeastern's process for considering Dr. Tudor's application for tenure and promotion to Associate Professor.
18	The Honorable Judge Richard Ogden  Oklahoma County Courthouse 321 Park Ave., Rm. 115 Oklahoma City, OK 73102	Witness's testimony would be expected to include, but not be limited to, information about Defendants' internal investigations of Dr. Tudor's discrimination complaints and grievances.
19	Dr. Virginia Parrish	Witness's testimony is expected to include, but not be limited to, Dr. Tudor's qualifications for

	P.O. Box 577 Durant, OK 74702-0577	promotion and tenure, Southeastern's process for evaluating applications for promotion and tenure, and Southeastern's process for considering Dr. Tudor's application for tenure and promotion to Associate Professor.
20	Dr. Randy Prus  Witness is a current faculty member at Southeastern and can be contacted at his work address.	Witness's testimony is expected to include, but not be limited to, Dr. Tudor's qualifications for promotion and tenure; Southeastern's process for evaluating applications for promotion and tenure; Southeastern's process for considering Dr. Tudor's application for tenure and promotion to Associate Professor; and facts related to Southeastern's decision not to let Dr. Tudor apply for promotion and tenure during the 2010-11 cycle.
21	Dr. Lucretia Scoufos  1200 W. Morton Street Denison, TX	Witness's testimony is expected to include, but not be limited to, the reasons for decisions that Southeastern made in connection with Dr. Tudor's application for tenure and promotion to Associate Professor during the 2009-10 cycle and Tudor's attempted application for tenure and promotion to Associate Professor during the 2010-11 cycle and information regarding Southeastern's process for evaluating applications for promotion and tenure.
22	Dr. Jesse Snowden  1200 W. Morton Street Denison, TX	Witness's testimony would be expected to include, but not be limited to, Defendants' treatment of other professors during their promotion and tenure application processes.
23	Dr. Claire (Gilmore) Stubblefield  830 Franklin Drive Ardmore, OK 73401	Witness's testimony is expected to include, but not be limited to, how the Defendants' responded to Tudor's discrimination (including hostile work environment) and retaliation complaints.
24	Mr. Ross Walkup  2001 Live Oak Durant, OK 74701	Witness's testimony is expected to include, but not be limited to, why Defendants refused to accept Dr. Tudor's application for tenure and promotion to Associate Professor during the 2010-11 cycle, and information regarding Southeastern's process for evaluating applications for promotion and tenure.
25	Dr. Charles Weiner	Witness's testimony is expected to include, but

	1517 W. Elm Durant, Oklahoma	not be limited to, a restroom restriction Defendants placed on Dr. Tudor as a condition of her employment upon her gender transition from male to female in 2007; the Defendants' tenure and promotion policies; Defendants' response to a grievance that Dr. Tudor filed; Defendants' decision not to accept Dr. Tudor's application for tenure and promotion during the 2010-11 cycle; and information regarding Southeastern's process for evaluating applications for promotion and tenure.
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**B. Defendants:**

Defendants will call the following witnesses:

<b>No.</b>	<b>Name and Address</b>	<b>Proposed Testimony</b>
1	Charlie Babb  c/o Defendants' Attorneys Assistant Attorneys General 313 NE 21 <sup>st</sup> Street Oklahoma City, OK 73105	Will testify about Intervenor's employment, tenure process and grievance process, SEOSU tenure process, RUSO policies and procedures, and allegations in this lawsuit
2	Bryon Clark  736 Webb Smith Rd. Sherman, TX 75090	Will testify about Intervenor's grievance process, SEOSU policies and procedures
3	Lisa Coleman  Address Unknown	Will testify about Intervenor's employment, Intervenor's allegations against her, Intervenor's tenure process and SEOSU tenure process
4	Cathy Conway  3043 Quail Ridge Circle Durant, OK	Will testify about Intervenor's employment, Intervenor's transition, SEOSU policies and procedures, role as HR Director and Affirmative Action Officer, and allegations in this lawsuit.
5	Meg Cotter-Lynch  c/o Joan and Barry Cotter 2920 Coventry Lane	Will testify about Intervenor's employment and tenure process, SEOSU policies and procedures, and Plaintiff's allegations in this lawsuit.

	McKinney, TX 75069	
6	<p>Mike Davis SEOSU EEO and Director of Safety and Compliance</p> <p>c/o Defendants' attorneys, Assistant Attorneys General, 313 NE 21<sup>st</sup> Street Oklahoma City, OK 73105</p>	Will testify about his job duties, SEOSU policies and procedures related to his job duties, and Plaintiff's allegations in this lawsuit.
7	<p>Sheridan McCaffree RUSO Executive Director</p> <p>c/o Defendants' Attorneys Assistant Attorneys General 313 NE 21<sup>st</sup> Street Oklahoma City, OK 73105</p>	RUSO's involvement in tenure process of regional universities; RUSO's evaluation process; RUSO Policies and Procedures; role of RUSO Board
8	<p>Doug McMillan</p> <p>4047 Woodlawn Road Denison, TX 75021</p>	Will testify about Intervenor's employment, tenure process, SEOSU policies and procedures, and allegations in this lawsuit.
9	<p>Jane McMillan</p> <p>3450 N. Commerce Street, No. 707 Ardmore, OK 73401</p>	Will testify about the facts and circumstances re: Intervenor's employment and allegations in this lawsuit.
10	<p>Lawrence Minks</p> <p>3450 N. Commerce Street, No. 707 Ardmore, OK 73401</p>	Will testify about the facts and circumstances re: Intervenor's employment and allegations in this lawsuit.
11	<p>John Mischo</p> <p>155 Mills Drive Durant, OK</p>	Will testify about Intervenor's employment, Intervenor's tenure process and SEOSU tenure process.
12	<p>Virginia Parrish</p> <p>P.O. Box 577 Durant, OK 74702</p>	Will testify about Intervenor's employment, Intervenor's tenure process and SEOSU tenure process.
13	<p>Randy Prus</p> <p>720 North 8t Avenue</p>	Will testify about Intervenor's employment and tenure process and SEOSU tenure process.

	Durant, OK	
14	Sharon Robinson 1516 North 12 <sup>th</sup> Avenue Durant, OK 74701	Her involvement with Title IX issues, discussions with federal officers/agencies, SEOSU practices, policies and procedures.
15	Lucretia Scoufos 1200 W. Morton Street Denison, TX	Will testify about Intervenor's employment and tenure process and SEOSU tenure process.
16	Jesse Snowden 1200 W. Morton Street Denison, TX	Will testify about SEOSU tenure process.
17	Mark Spencer 1405 N. 4 <sup>th</sup> Ave. Durant, OK 74701	Will testify about Intervenor's employment and tenure process and SEOSU tenure process.
18	Claire Stubblefield 830 Franklin Drive Ardmore, OK 73401	Will testify about duties performed as affirmative action officer, Intervenor's employment, tenure process, Intervenor's complaints and grievances and investigation of same.
19	Rachel Tudor c/o Ezra Young 30 Devoe, 1a Brooklyn, NY 1121	Will testify about the facts and circumstances re: Intervenor's employment and allegations in this lawsuit.
20	Ross Walkup 2001 Live Oak Durant, OK	Will testify about Intervenor's grievance process re: tenure and reapplication.
21	Dr. Don Weasenforth Collin College 2800 E. Spring Creek Parkway Plano, TX 75074	Will testify about Intervenor's employment at Collins College, including, but not limited to Intervenor's job performance and nonrenewal.
22	Holly Newell c/o Matthew Stangl Assistant Attorney General 313 NE 21 <sup>st</sup> Street Oklahoma City, OK 73105	Intervenor's application and interview process at Seminole State College.

Defendants may call the following witnesses:

<b>No.</b>	<b>Name and Address</b>	<b>Proposed Testimony</b>
1	Charla Hall  159 Eagle Lake Drive Durant, OK 74701	Will testify about tenure process, SEOSU policies and procedures, Intervenor's grievance process, and Plaintiff's allegations in this lawsuit.
2	James Knapp  509 Belmont Lane Van Alstyne, TX 75495	Will testify about the facts and circumstances re: Intervenor's employment and allegations in this lawsuit.
3	Kathy Nusz  OKC EEOC Office	Expected to testify about Intervenor's charges made to the EEOC, the EEOC's investigation of Intervenor's complaints, and documents produced by the EEOC; lack of guidelines, rules or policies applicable to Dr. Tudor's claims.
4	Larry Prather 1405 N. 4 <sup>th</sup> Ave. Durant, OK 74701	Will testify about Intervenor's employment, Intervenor's tenure and grievance process and SEOSU tenure process.
5	Charles Weiner  1517 West Elm Durant, OK	Will testify about SEOSU tenure process, SEOSU grievance process, and Intervenor's grievance process re: tenure.
6	Witness(es) to testify regarding subpoenas responded to by various educational institutions identified by Intervenor in her efforts to demonstrate mitigation of damages and acquire gainful employment.	
7	All witnesses on Plaintiff's and/or Plaintiff/Intervenor's witness lists to which Defendants do not object.	

8. **ESTIMATED TRIAL TIME:** 7 days

A. Plaintiff's Case: 3.5 days

B. Defendant's Case: 3.5 days

9. **BIFURCATION REQUESTED:** Yes \_\_\_\_\_ No X

**10. POSSIBILITY OF SETTLEMENT:**

Good \_\_\_\_\_ Fair \_\_\_\_\_ Poor   X  

**11. OTHER**

Plaintiff/Intervenor Dr. Tudor and Defendants approve this report and understand and agree that this report supersedes all pleadings, shall govern the conduct of the trial, and shall not be amended except by order of the Court.

/s/Ezra Young  
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Admitted *Pro Hac Vice*  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 17th day of October 2017, I electronically transmitted the foregoing Joint Pretrial Report to the Clerk of the Court using the ECF System for filing and service upon all counsel of record.

/s/ Ezra Young  
Ezra Young