

CASE NO. 15-cv-324-C

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

UNITED STATES OF AMERICA,

Plaintiff,

RACHEL TUDOR,

Plaintiff-Intervenor,

v.

SOUTHEASTERN OKLAHOMA STATE UNIVERSITY and
THE REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA,

Defendants.

DEFENDANTS AMENDED SOUTHEASTERN OKLAHOMA STATE
UNIVERSITY AND REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA'S
RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION FOR
RECONSIDERATION OF REINSTATEMENT, OR, ALTERNATIVELY, FOR
FRONT PAY

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March 20, 2018

TABLE OF CONTENTS

TABLE OF CONTENTS i

TABLE OF AUTHORITIES iii

**DEFENDANTS SOUTHEASTERN OKLAHOMA STATE UNIVERSITY
AND REGIONAL UNIVERSITY SYSTEM OF OKLAHOMA’S RESPONSE
IN OPPOSITION TO PLAINTIFF’S MOTION FOR RECONSIDERATION
OF REINSTATEMENT, OR, ALTERNATIVEL, FOR FRONT PAY** 1

INTRODUCTION 2

ARGUMENT AND AUTHORITIES 3

PROPOSITION I:

REINSTATEMENT IS NOT APPROPRIATE IN THIS CASE 3

PROPOSITION II:

**MORE SUPPLEMENTATION IS NOT APPROPRIATE AT THIS
 TIME** 6

PROPOSITION III:

**FRONT PAY NOT WARRANTED IN THE WAY PLAINTIFF
 ARGUES** 6

 A. The Calculation of Front Pay 8

 1. *Work Life Expectancy* 8

 2 and 3. *Salary and benefits at termination, expected promotions,
 adjustments* 10

 4. *Unavailability of other opportunities* 11

 5. *Discount award to net present value* 18

 B. The Propriety of Front Pay Request 19

 1. *Amount is not appropriate* 19

2. <i>Firing</i>	19
3. <i>After acquired evidence</i>	20
4. <i>Plaintiff seeks a windfall</i>	21
CONCLUSION	22
CERTIFICATE OF SERVICE	23

TABLE OF AUTHORITIES

CASES

Abuan v. Level 3 Comm., Inc.,
353 F.3d 1158 (10th Cir. 2003) 6, 8, 11, 13, 21

Albemarle Paper Co. v. Moody,
422 U.S. 405 (1975) 22

Arline v. School Bd.,
692 F.Supp. 1286 (M.D. Fla. 1988) 12

Buonanno v. AT&T Broadband, LLC,
313 F.Supp.2d 1069 (D. Colo. 2004)..... 10

Carter v. Sedgwick County, Kan.,
929 F.2d 1501(10th Cir. 1991) 17, 18

Courtney v. Safelite Glass Corp.,
811 F.Supp. 1466 (D. Kan. 1992) 9

Cox v. Shelby State Cmty. Coll.,
194 F.App'x 267 (6th Cir. 2006) 13, 14

Davoll v. Webb,
194 F.3d 1116 (10th Cir. 1999) 21

James v. Sears, Roebuck & Co.,
21 F.3d 989 (10th Cir. 1994) 8, 13

Johnson v. Chapel Hill Indep. Sch. Dist.,
853 F.2d 375 (5th Cir. 1988) 12

Mason v. Okla. Turnpike Auth.,
115 F.3d 1442 (10th Cir. 1997) 7

NLRB v. Madison Courier, Inc.,
472 F.2d 1307 (D.C. Cir. 1972)..... 12

Padilla v. Metro-North Commuter, R.R.,
92 F.3d 117 (2nd Cir. 1996)..... 9, 13, 15

Passantino v. Johnson & Johnson Consumer Products, Inc.,
212 F.3d 493 (9th Cir. 2000) 9, 13

Rasimas v. Mich. Dep’t of Mental Health,
714 F.2d 614 (6th Cir. 1983) 16

Shore v. Federal Express Corp.,
777 F.2d 1155 (6th Cir. 1985) 22

Whittington v. Nordam Group, Inc.,
429 F.3d 986 (10th Cir. 2005) 8, 9, 10, 11, 14, 21

RULES

Fed. R. Civ. P. 37(e)..... 14

OTHER

faq.ssa.gov/link/portal/34011/34019/Article/3732/When-can-I-get-Social-Security-retirement-benefits..... 9

diversityinhighereducation.com 17

insidehighered.com..... 17

chronicle.com 17

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SOUTHEASTERN OKLAHOMA STATE
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**DEFENDANTS AMENDED¹ SOUTHEASTERN OKLAHOMA
STATE UNIVERSITY AND THE REGIONAL
UNIVERSITY SYSTEM OF OKLAHOMA'S RESPONSE IN
OPPOSITION TO PLAINTIFF'S MOTION FOR RECONSIDERATION
OF REINSTATEMENT, OR, ALTERNATIVELY, FOR FRONT PAY**

Defendants, Southeastern Oklahoma State University, ("SEOSU"), and The Regional University System of Oklahoma ("RUSO"), (collectively "University Defendants" or "the State"), submit the following Response in Opposition to Plaintiff's Motion for "Reconsideration² of Reinstatement, or, Alternatively, For Front Pay"

¹ This Response is being amended to correct exhibits. The correct Exhibit 5 was inadvertently left out of [Doc. 283]. Thus, causing Exhibits 5 and 6 to be misnumbered, which is being corrected in this amended response.

² The Motion in question is at least Plaintiff's third (3rd) filing submitted in an attempt to convince this Court to subject the students, faculty, staff, and administration of Defendants Southeastern Oklahoma State University and the Regional University System of Oklahoma to the unwelcome and unworkable situation of Plaintiff's reinstatement.

(hereinafter “Motion”), [Doc. 279]. For reasons already argued and examined at some length, the Court should once again deny Plaintiff’s request for reinstatement. For the reasons newly set forth herein, Plaintiff’s reinstatement should, again, be denied. Further, the Court should deny Plaintiff’s request for front pay.

INTRODUCTION

Since the last time the Court and Defendants heard from Plaintiff, she and/or agents working on her behalf have apparently manufactured supposedly new and compelling evidence in an attempt to cause this Court to doubt its multiple prior determinations regarding reinstatement and the awarding of tenure. The efforts of Plaintiff, (and her advocates), in this regard should not be rewarded. Even if some of Defendants’ employees were open to Plaintiff’s return to campus, those employees do not speak for Defendants on this point. Defendants strongly, and steadfastly, oppose Plaintiff’s return to employment at SEOSU or RUSO.

Once again, Plaintiff seeks to present her “new” pieces of “evidence” that she chose not to present in her Motion for Reinstatement. And, yet again, Plaintiff presents in her Motion *ad hominem* attacks on the undersigned counsel for Defendants, (now simply referring to Defendants’ “counsel” collectively and generically, rather than individually by name), no less than three times in her Motion, a continuation of Plaintiff’s consistent insistence on infusing the litigation of this matter, (like her professional disagreements), with personal animus. Plaintiff presents in her Motion yet another set of newly-blossoming and self-serving “declarations;” one from herself and another from her admitted “close friend,” both of

whom testified at length at trial and already presented similar “declarations” multiple times previously in this quest for reinstatement [Docs. 268 and 271] in the first place. The Court should not reward Plaintiff’s ongoing attempts to do an end-run around the Court’s orders regarding reinstatement.

ARGUMENT AND AUTHORITIES

PROPOSITION I: REINSTATEMENT IS NOT APPROPRIATE IN THIS CASE.

The Court already fully, and directly, addressed this line of Plaintiff’s requests. Once again, despite the absence of any legal justification, Plaintiff asks this Court reconsider its Order denying her request for reinstatement. [Doc. 275]. Previously, on February 9, 2018, Plaintiff filed a motion in support of Reconsideration of Reinstatement. [Doc. 276]. In that motion, Plaintiff asked the Court to reconsider its determination for four alleged reasons: (1) unsupported factual findings, (2) legal holdings conflict with binding precedent, (3) equitable considerations, and (4) new evidence of scholarly productivity. Addressing the substance of Plaintiff’s motion, the Court correctly noted, “Every issue raised by Plaintiff’s Motion was considered and rejected by the Court in its Order denying her request for reinstatement.” Accordingly, the Court denied Plaintiff’s motion for reconsideration. [Doc. 278]. The Court should deny Plaintiff’s second motion for reconsideration for the same reasons.

As the Court noted in its initial order denying reinstatement, Plaintiff’s only evidence in support of reinstatement was the testimony/declarations of Plaintiff and Dr. Meg Cotter-Lynch. The same circumstances remain true now, and the new declarations of Plaintiff and Cotter-Lynch provide no legal support for

reconsideration of the Court's Order denying reinstatement. Once again, these "declaration" documents are replete with nothing but the declarants' personal preferences for Plaintiff's reinstatement.

Plaintiff erroneously contends there is new evidence supporting her request for reconsideration, relying solely upon the fact that Plaintiff sought permission from, and received from, the state chapter of the American Association of University Professors ("AAUP"), an opportunity to make a presentation at a state AAUP conference held on Southeastern's campus on March 10, 2018.³ The crux of Plaintiff's argument is that by getting to publicly grind her axe about appellate processes in higher education, (under the auspices of the AAUP conference agenda), somehow refutes all of the solid legal and factual bases the Court relied upon in denying reinstatement.

Plaintiff attempts to impute to Southeastern the actions taken by the local AAUP chapter, and a few of its members arranging the conference. This is a blatant distortion of the facts. The AAUP is an independent organization and not an arm of the University, nor a part of the University's shared governance. (*Affidavit of Bryon*

³ As of the date of drafting this Response, Defendants are aware that Plaintiff has filed a Motion to Supplement her Motion for Reconsideration of Reinstatement or Alternatively, for Front Pay [Doc. 280], in order to submit additional nonconsequential information regarding the AAUP conference. Defendant's objection to Plaintiff's request to supplement is noted in Plaintiff's motion. The night before this Response was due, Plaintiff apparently filed two more motions seeking to supplement, [Docs. 281 and 282], which the undersigned has not had the time to read, and therefore they are not addressed at all herein. In the event the Court permits Plaintiff's multiple and late-blooming efforts at supplementation, Defendants will seek leave to supplement this response at a later time.

Clark, attached as Exhibit 1, at ¶3.) The conference which Plaintiff lifts up as being so significant was only attended by forty-two (42) people, eleven (11) of whom were not even from the SEOSU campus. *Id.* at ¶4. In fact, SEOSU currently has a total faculty body of two-hundred and forty-one (241) full time and adjunct faculty members. *Id.* at ¶1. The AAUP chapter at SEOSU does not speak for the university, nor even its collective faculty. *Id.* at ¶2. With only thirty (30) members total, the AAUP chapter at Southeastern has less than 13% of SEOSU's total faculty as its membership. Finally, the invitation to speak at the conference was not extended by the University. *Id.* at ¶5. Plaintiff repeatedly argues that AAUP chapter's singular act of permitting Plaintiff to speak at the conference (a) evidences a complete lack of impediment to her return to campus, (b) reflects the entire SEOSU faculty's views, concerns, desires, and assessment of Plaintiff's achievements, and (c) directly evidences SEOSU's desire for Plaintiff to return. It is also important to highlight that Dr. Cotter-Lynch, Plaintiff's avowed "close friend," and cheerleader during this litigation, is actively involved in SEOSU's AAUP chapter, and has recently served as its president. [Doc. 279-4, ¶3]. One could likely surmise that she played a role in securing Plaintiff's presentation at the AAUP conference. Notably, although Plaintiff seeks to supplement her request for reinstatement [Doc. 280], she provides no indication of how many people actually attended her presentation to the AAUP conference. [Doc. 280-1].

SEOSU's willingness to allow the AAUP conference to take place on its campus evidences nothing more than SEOSU's hospitality to the state AAUP organization,

and SEOSU's respect and recognition of the principles of academic freedom generally, to which the AAUP is dedicated. To suggest SEOSU played any role in selecting conference presenters, or worse, that SEOSU would interfere with selections made by conference members, is outside the realm of credibility. For the reasons set forth above, as well as for the reasons set forth in Defendants' Response in Opposition to Plaintiff's Motion for Reinstatement [Doc. 270] and Defendants' Surreply [Doc. 274], Plaintiff's second motion to reconsider should be denied.

PROPOSITION II: MORE SUPPLEMENTATION IS NOT APPROPRIATE AT THIS TIME.

The manufactured and hollow "new evidence" Plaintiff proffers is irrelevant and misleading. As noted in Footnote 2, Defendants will refrain from addressing [Doc. 280] at length unless the Court is inclined to permit Plaintiff's request. In that event, Defendants respectfully request leave to fully brief that issue at a later time.

PROPOSITION III: FRONT PAY NOT WARRANTED IN THE WAY PLAINTIFF ARGUES.

In the alternative, Plaintiff argues that she is entitled to front pay in an amount in excess of two million dollars. Plaintiff sites *Abuan v. Level 3 Comm., Inc.*, 353 F.3d 1158,1176-77 (10th Cir. 2003) in support of such an award, but fails to mention that *Abuan* not only cautions courts against granting plaintiffs a windfall, but also limits plaintiff's front pay award to two years. The *Abuan* court, states that, "[I]n determining whether, and how much, front pay is appropriate, the district court must attempt to make the plaintiff whole, yet the court must avoid granting the plaintiff a windfall." *Abuan v. Level 3 Communication*, 353 F.3d at 1176-77 quoting

Mason v. Okla. Turnpike Auth., 115 F.3d 1442, 1458 (10th Cir.1997) (internal quotations omitted) (emphasis added). Plaintiff here is attempting to procure a two million dollar windfall judgment of front pay where she has manifestly failed to mitigate her damages. Plaintiff seeks an exorbitant amount based solely on unsupported speculation.

Plaintiff consistently ignores her employment with, and eventual separation from, Collin Community College. Plaintiff's time there shows several things. First, it shows that Plaintiff was still employable in higher education, despite her having failed to get tenure, when she left SEOSU. *See* [Doc. 270-6, at CC5, CC13]. Second, it shows that she was able to receive compensation comparable to, or even higher than, what she made during her last year on campus at SEOSU. *See* [Doc. 270-6, at CC5, CC13]; *see also SEOSU Employee Transaction form dated Feb. 25, 2011 showing Plaintiff's base salary at the time*, attached as Exhibit 2. Third, Plaintiff's employment at Collin College shows that she was able to work, (at least enough so as to have her employment renewed multiple times there). *See* [Doc. 270-6, at CC16, CC19 and CC25]. Fourth, Plaintiff's time at Collin College shows that she received mixed evaluations from students ([Doc. 270-12, at CC1067-1082]) and administration ([Doc. 270-7, at CC299-307]), but that ultimately the school's administration saw fit to remove her. [Doc. 270-7, at CC307]. Ignoring these four factors will lead to an improper award of front pay.

A. The Calculation of Front Pay

The Tenth Circuit has put forth a test to determine when front pay is appropriate in *Whittington v. Nordam Group, Inc.*, 429 F.3d 986, 1000-01 (10th Cir. 2005). The factors of the test, (as laid out by the Court of Appeals), are: (1) work life expectancy, (2) salary and benefits at the time of termination, (3) any potential increase in salary through regular promotions and cost of living adjustments, (4) the reasonable availability of other work opportunities, (5) the period within which the plaintiff may become re-employed with reasonable efforts, and (6) methods to discount any award to net present value.

In response to Plaintiff's request for front pay, Defendants proffer the following:

1. Work Life Expectancy:

Plaintiff baldly asserts that she would have worked until the age of seventy-five (75) at SEOSU, and therefore the Court is obligated to award her front pay for twenty-one (21) years. As the *Whittington* court points out, in calculating front pay, the court may consider all of the evidence presented at trial concerning the individualized circumstances of both the employee and employer. *Whittington v. Nordam Group, Inc.*, 429 F.3d 986, 10001 (10th Cir. 2005). Further, it is the sole discretion of the trial court to determine if front pay is an appropriate remedy. *Abuan v. Level 3 Comm., Inc.*, 353 F.3d 1158, 1176 (10th Cir. 2003) quoting *James v. Sears, Roebuck & Co.*, 21 F.3d 989, 997 (10th Cir.1994). But, this court is not bound by Plaintiff's statement of employment longevity to age 75, which is, at best, arbitrarily

made and insufficiently supported. *See Whittington v. Nordam Group, Inc.*, 429 F.3d 986, 1001 (10th Cir. 2005) quoting *Courtney v. Safelite Glass Corp.*, 811 F.Supp. 1466, 1476 (D.Kan.1992)(Affirming a Kansas district court's statement that it was not bound by the Plaintiff's assertion of how long he intends to continue work in the calculation of front pay damages and decision to only grant front pay until the age of 65).

Plaintiff fails to point out that social security benefits become available at age sixty-two (62), and that most individuals reach full retirement at the age of sixty-six (66). (<https://faq.ssa.gov/link/portal/34011/34019/Article/3732/When-can-I-get-Social-Security-retirement-benefits>). Further, while there are credits for those that wait to retire until age seventy (70), the award of front pay through the age of seventy-five (75) would not only be too speculative, but grants Plaintiff a windfall judgment.

In the first case cited by Plaintiff in support of her request for a 21-year front pay award, *Passantino v. Johnson & Johnson Consumer Products, Inc.*, 212 F.3d 493, 511 (9th Cir. 2000), wherein the plaintiff was awarded twenty two years of front pay, the front pay award was only granted till the plaintiff's normal retirement age of 65. In the second case Plaintiff cites in support of her two-decade front pay request, *Padilla v. Metro-North Commuter R.R.*, 92 F.3d 117, 125-26 (2nd Cir. 1996), the twenty year front pay award was based on that plaintiff's job expectancy through the age of 67. Plaintiff here attempts to mask her request for excessive front pay by describing it as a "conservative estimate" of earning potential. [Doc. 279, p. 15]. But in reality, Plaintiff has no law to support the exorbitant amount of front pay

requested, and at no time presented evidence to support that she would take on all of the duties she has calculated into her front pay award.

2 and 3. Salary and benefits at termination, expected promotions, adjustments:

Plaintiff's Motion presents no evidence that she took on administrative duties while at SEOSU in the six (6) years she was employed, nor that she taught overage classes during her time at SEOSU. Her history of limited service and work provides evidence that she would not have taken on additional duties. The test laid out by the Tenth Circuit is not a test that allows plaintiffs to throw any and all possible salary increases and extra duties at the wall and see what sticks. The calculation is based upon "potential increases in salary through *regular promotions*," *Whittington v. Nordam Group, Inc.*, 429 F.3d 986, 1000-01 (10th Cir. 2005) (emphasis added). Even if Plaintiff would have received tenure, the evidence does not support that she should be entitled to any of the extremely speculative pay for work responsibilities she was unlikely to take based on the evidence presented at trial. Further, the calculation of speculative losses, like Plaintiff's request for retirement contributions, should be excluded from a front pay calculation. *Buonanno v. AT&T Broadband, LLC*, 313 F.Supp.2d 1069, 1085 (D. Colo. 2004)(rejecting front pay for a loss of a 401K matching program as too speculative.) To include this type of speculative loss ignores Plaintiff's obligation to seek and obtain other comparable employment, with comparable benefits.

Plaintiff's speculation and argument in this area ignores the history and facts of Plaintiff's conduct. For example, Plaintiff would have this Court assume that she

would have taught summer courses at a rate of \$3,700 per course, and that she would have taught overage classes, each at a rate of \$2,100 per course, per year. However, Plaintiff's history does not support that. First, Plaintiff did not always teach summer courses. In fact, in some instances, she elected to teach no summer courses at all and instead filed requests for unemployment with the Oklahoma Employment Security Commission. *OESC Documents*, attached as Exhibit 3. To put a fine point on it, Plaintiff thought it was a better use of her professional credentials and the State's resources for her to do nothing in the summertime but collect unemployment than it was for her to be in the classroom teaching or otherwise serving the university community. Plaintiff claims she taught summer classes as available regularly, however, she has failed to produce to the Court any evidence supporting that claim.

4. Unavailability of other opportunities:

Plaintiff incredibly argues that she will be unable to find *equivalent* work to that of her employment at SEOSU. *See* [Doc. 279 at 10 and 13] (emphasis added). In her argument Plaintiff has again misunderstood the factors for the award of front pay. The pertinent factors are "the reasonable availability of other work opportunities and the period within which the plaintiff may become re-employed with reasonable efforts." *Whittington v. Nordam Group, Inc.*, 429 F.3d 986, 1000-01 (10th Cir. 2005). The *Abuan* court considered Mr. Abuan's education and experience in assessing the length of time a person with Mr. Abuan's credentials would need to find another position. Within this analysis, there is no mention of front pay always being appropriate in the absence of equivalent employment opportunities. Rather, any

plaintiff has a duty to mitigate damages by finding comparable employment through reasonable efforts. *Johnson v. Chapel Hill Indep. Sch. Dist.*, 853 F.2d 375, 383 (5th Cir. 1988). (Court remanded the case with instructions to limit a qualified teacher's front pay award where she did not exercise due diligence in securing comparable employment).

Plaintiff argues that because she cannot secure employment equal to that of her time at SEOSU, she is entitled to front pay. This is not true. Plaintiff has simply chosen not to actively pursue employment opportunities, in the teaching arena or elsewhere. To the extent that the terms "comparable" and "equivalent" might be interchangeable, (which Defendants do not concede), where a court uses one or the other, the courts can hardly be said to be encouraging Plaintiffs to *only* search for jobs that are *exactly* like that of the one lost. *NLRB v. Madison Courier, Inc.*, 472 F.2d 1307, 1320 (D.C. Cir. 1972)(back pay case wherein court held that after a reasonable search time, a plaintiff must take an available job, even if it is not substantially comparable.); *Arline v. School Bd.*, 692 F.Supp. 1286, 1292 (M.D. Fla. 1988) (plaintiff seeking front pay or reinstatement failed to mitigate damages where she made only minimal efforts to locate employment outside the teaching field); *Johnson v. Chapel Hill Indep. Sch. Dist.*, 853 F.2d 375, 383 (5th Cir. 1988)(Court remanded the case with instructions to limit a qualified teacher's front pay award where she did not exercise due diligence in mitigating her damages by securing comparable employment).

The case cited by Plaintiff in support of her inability to find comparable work, *Padilla v. Metro-North Commuter R.R.*, 92 F.3d 117, 125 (2d Cir.), is distinguishable from the case at bar. The *Padilla* court held that the plaintiff, Mr. Padilla, a high school graduate, who at the time of his dismissal held the title of superintendent of train operations, would be unable to find employment because his job was so specialized that he was unlikely to find a job of that caliber that yields that salary. In that case, the plaintiff took a lower paying job in the same industry and so the court awarded the difference in salary between his lost job and his subsequent lesser employment through the age of 67. *Id.* at 126. The present Plaintiff's unwillingness to work at all since her dismissal from Collin College is not a fulfillment of her duty to mitigate damages and the law does not support rewarding her sloth with front pay. Plaintiff also cites *Passantino v. Johnson & Johnson Consumer Products, Inc.*, 212 F.3d 493, 511 (9th Cir. 2000) wherein the court upheld a twenty-two year award of front pay to an employee who had eighteen years of experience with the company prior to her lost job. However here, Plaintiff had only six (6) years of employment at SEOSU. It is important to note that in both cases cited by this Plaintiff, the jury was given the power to decide the award of front pay, not the court, which may very well be customary in the Second and Ninth Circuits, but is not the controlling law within the Tenth Circuit. See *Abuan v. Level 3 Comm., Inc.*, 353 F.3d 1158, 1176 (10th Cir. 2003) quoting *James v. Sears, Roebuck & Co.*, 21 F.3d 989, 997 (10th Cir.1994).

In the unreported case of *Cox v. Shelby State Cmty. Coll.*, 194 F.App'x 267, 276 (6th Cir. 2006) cited by Plaintiff, the court analyzed factors similar to those

enumerated in *Whittington v. Nordam Group, Inc.*, 429 F.3d 986, 1000 (10th Cir. 2005). Those factors included the plaintiff's future in his position, the relationship he had with his employer, and the availability of other job opportunities in their consideration to award front pay to a 64 year old professor. The professor in *Cox* had been teaching at Shelby State Community College for approximately twenty-five (25) years prior to his loss of employment, and was 64 years old at the time of the judgment. *Cox v. Shelby State Cmty. Coll.*, 194 F.App'x 267, 276 (6th Cir. 2006). The present Plaintiff was nearly two decades younger than the professor in *Cox* and left SEOSU with a significantly shorter term of employment. The Sixth Circuit in *Cox* also held that the plaintiff's unsuccessful attempts at procuring employment satisfied his duty to mitigate where the plaintiff testified that he had applied to teaching positions in other states without success. *Id.* at 276.

In contrast, Plaintiff persists in her belief that only a tenure track position will do for her, as we see in Plaintiff's Exhibit 3 ¶ 4(b). [Doc. 279-3, ¶ 4(b)]. Plaintiff's argument that she is unable to find *equivalent* employment, (as a tenure track professor), as opposed to any employment, does not absolve her of her duty to mitigate her damages. When Defendants' counsel contacted the colleges and universities listed by Plaintiff as ones to which she supposedly applied for employment, most of them had no record of Plaintiff's application at all. Further, Plaintiff conveniently has no record of such applications. Plaintiff's lack of relevant evidence should be construed against the Plaintiff. *See* Fed. R. Civ. P. 37(e). Plaintiff either never applied to these schools at all, or she destroyed any evidence showing that she did apply. While

Plaintiff contends that she applied to over one hundred (100) schools in her responses to written discovery requests in this case, more than fifty (50) of those colleges and universities affirmatively indicated to counsel for Defendants a total absence of any documents or records relating to Plaintiff. *See Responses from Colleges Plaintiff Allegedly Applied to*, attached as Exhibit 4. This suggests Plaintiff never actually applied to those schools, or perhaps her employment inquiries were so minimal as to not warrant recording by the schools. It is also possible that the schools at one time had records, but have since purged them. In that event, it was Plaintiff's burden to keep records, (not Defendants'), showing the efforts to mitigate damages. But, in that case, Plaintiff's spoliation of evidence should not be rewarded.

Either way, the Court is left without evidence of diligent, (or even reasonable), efforts at mitigation of damages by Plaintiff. Further, Plaintiff shows no evidence that she sought employment with any other teaching positions in high schools or other educational institutions. Given the rationale in *Padilla*, Plaintiff should have pursued lesser employment to help mitigate the situation. Either Plaintiff chose not to do so, or she applied for such employment and was deemed unqualified by the hiring entities. Even Plaintiff's former colleague, and "close friend," Dr. Meg Cotter-Lynch's testimony is instructive in this regard. Dr. Cotter-Lynch testified in pertinent part at trial, as follows:

- Q. When you were going up for tenure, did you have any understanding of what would happen to you if you didn't get it within the seven years you had allotted at Southeastern?
- A. So if I didn't get tenure at all at Southeastern and had to leave?
- Q. (Nods head.)

- A. I mean, the year I was up for tenure, I did apply out. So I applied to other universities, which is not unusual. . . . So, I mean, had I not gotten tenure and had to leave, honestly, I would probably be teaching high school at this stage, which is a fine thing to do, but it's a different career.

Trial Transcript, Vol. 2, at pp. 331-332, attached as Exhibit 5. Certainly, with a Ph.D. in English, Plaintiff could have gotten a job teaching high school, but she also could have applied at other universities when she was going up for tenure. She chose not to do so. Plaintiff's expert testified that Dr. Cotter-Lynch was the best of the tenure-seekers he reviewed, and even she took the prudent step of applying outside of SEOSU at other schools in case she did not receive tenure. Plaintiff failed to take that most basic effort, even during her last year on campus when she knew she had already been denied tenure at SEOSU. The former Dean, Dr. Scoufos, even testified that part of the reason Plaintiff was given another year on campus at SEOSU after tenure denial was to help give her time to find another job. (See below.)

Defendant recognizes the duty to show that comparable work was available and that Plaintiff did not seek it out. *Rasimas v. Mich. Dep't of Mental Health*, 714 F.2d 614, 623-24 (6th Cir. 1983). However, absent any records from Plaintiff to support her applications, it can hardly be said that she has sought out, in good faith, employment to mitigate the damages she seeks now. A simple review of the website www.higheredjobs.com by the undersigned showed that there were five hundred and seventy-five (575) job postings in the area of "English and Literature" on March 19, 2018. See *HigherEdJobs Printout*, attached Exhibit 6. Those positions included titles such as "Lecturer," "Instructor," "Adjunct Assistant Professor," "Assistant Professor,"

“Part Time Instructor,” “Faculty,” among others, and include twelve (12) different positions at schools located within the State of Oklahoma. Four (4) of those listed in Oklahoma included “Tenure” in the title of the job posting. *See HighEdJobs Printout of Available Position*, attached as Exhibit 7. Similar job postings can be found online at a variety of sources.⁴

Additionally, in the midst of her relentless arguments that only a tenure track job is worthy of her time and effort, Plaintiff ignores Tenth Circuit precedent that requires that any front pay award be calculated by “tak[ing] into account any amounts that plaintiff[] could earn using reasonable efforts.” *Carter v. Sedgwick County, Kan.*, 929 F.2d 1501, 1505 (10th Cir.1991). In Plaintiff’s attempts to “ward off any windfall” her “conservative estimates” of her damages fail to account for any monies she earned during her time spent at Collin College, or that she could earn through other reasonable efforts as required. *See* [Doc. 279, p. 14], and Plaintiff’s brief generally.

Finally, it bears noting here that Plaintiff materially misrepresents some of the testimony offered at trial. In particular, Plaintiff’s Motion states the following:

Dr. Scoufos testified that tenure denial and ejection from one university almost always marks the end of one’s career as a university professor and ruins a professor’s professional reputation. (Exhibit 18 at 596).

[Doc. 279, p. 10].

⁴ For example, www.diversityinhighereducation.com, www.insidehighered.com, and www.chronicle.com

But, this was not Dr. Scoufos' testimony at all. In fact, her sworn testimony was just the opposite. Dr. Scoufos testified at trial, in pertinent part, as follows:

- Q. Do they [professors not getting tenure] have the ability to go to another college or university and have a successful career?
- A. Yes, they do, and that was part of the reason that she was given another year. That was the reason that she was given another year, so she could look for employment.
- Q. If somebody is denied tenure at one university, does it ruin their professional reputation?
- A. I – I would suppose not . . .

[Doc. 279-18, p. 596, ln. 8-18]. The difference between Plaintiff's assertion in her Motion and the actual sworn testimony of this witness is obvious. Plaintiff's career was not finished. Her professional reputation was not ruined. While Plaintiff's time at SEOSU had concluded, she could have taken her career elsewhere. Instead, she abandoned scholarly work and community service almost entirely for nearly a decade.

5. Discount award to net present value:

All scenarios Plaintiff puts forth should be ignored entirely because none of them account for the amounts Plaintiff could have earned through reasonable efforts, as required. *See Carter v. Sedgwick County, Kan.*, 929 F.2d 1501, 1505 (10th Cir.1991). And, the scenarios all depend upon an assumption of Plaintiff working through the implausible age of 75, during all summer and interim sessions, teaching overage classes, and assuming extra administrative duties. Given Plaintiff's historical failure to teach at that frequency, and to work at those levels, the award sought by Plaintiff would be an unjust windfall.

B. The Propriety of Front Pay Request

1. Amount is not appropriate:

Plaintiff claims to be driven to work until the age of seventy-five, (75), however she has chosen to not find *any* job since her time at Collin College. To be clear, since leaving Collin College Plaintiff has failed to fulfill any of her duty to mitigate the damages she requests, much less to support her assertion that she would have only sought retirement at such an advanced age. Plaintiff argues that no employment equivalent to her position at SEOSU is available to her, and that therefore she should be awarded “full compensation for the totality of her remaining career.” [Doc. 279, p. 16]. But, as her actions since leaving Collin College, (and even since the trial), show, it is unlikely that she has the drive to work until age seventy-five since she has chosen not to work at any job in some many years. As previously addressed, the law does not support such an opinion that only work of equal value will do. Plaintiff argues that she is a qualified teacher, and she repeatedly asserts her qualifications for tenure and her capacity to teach. Yet Plaintiff has apparently chosen not to pursue a career in teaching at any level, despite her self-proclaimed qualifications and capacity. It is inappropriate to award Plaintiff her requested damages, and it would amount to granting Plaintiff a windfall judgment.

2. Firing:

There is no factual dispute that after leaving SEOSU, Plaintiff was hired at Collin College. There is also no factual dispute that Plaintiff was employed at College for several years, and was then terminated. Whether Collin College and Plaintiff refer

to that as a “firing,” or the more genteel “non-renewal,” the net effect is the same. If Plaintiff really possessed the vaunted professional skills that she and her advocates claim, then perhaps she simply did not exercise those skills during her time teaching students at Collin College. If she did not really have those skills in the first place then surely that fact would have come to light had she stayed longer at SEOSU, (just as it did at Collin College). Abrogation of a tenured professor’s employment is a difficult and steep endeavor. While Defendants have consistently argued that Plaintiff did not merit tenure in the first place, Defendants have not argued that they knew that abrogation of tenure would have been undertaken had she somehow received tenure at SEOSU. Plaintiff’s argument in this regard is misplaced.

3. After acquired evidence:

Plaintiff conflates information presented at trial on different subjects. Plaintiff’s “after-acquired evidence” argument, on page 18 of her brief, shows a fundamental misunderstanding on Plaintiff’s part. After-acquired evidence is evidence that is uncovered after the adverse employment action is taken, but which a party contends would have supported the underlying action had it been known at the time the action was taken. However, Defendants do not claim that Plaintiff’s failures at Collin College would have served as the basis for denial of tenure in 2010. Rather, Plaintiff’s experience at Collin College serves two distinct roles in consideration of the issues at hand today. First, it shows that Dr. Randy Prus’ initial assessment, and current opinion, of Plaintiff’s academic promise as less than sufficient was, and is, accurate. Second, the College Collin experience shows that

Plaintiff's post-SEOSU work history is poor, and illustrates her present inability to meet the demands of her avowed profession. In short, her job performance at Collin College militates against giving her a job at SEOSU in 2018. Defendants do not contend that they acquired information or evidence subsequent to the decision to deny tenure to Plaintiff that would have proven to be the basis for tenure denial. Instead, Defendants look to the factors set forth in *Whittington* and *Abuan* to show that Plaintiff's weaknesses, ineptitude, and lack of motivation are significant factors for consideration today, all of which support Defendants' position that Plaintiff is entitled to no front pay, or at most, a minimal amount.

4. Plaintiff seeks a windfall.

Plaintiff's situation is not one of "professional vulnerability [due to] Defendants' own making." Rather, Plaintiff's poor position today results mostly from (a) her decision not to spend the last year on campus at SEOSU looking for a job elsewhere, (b) her inability to keep a job at Collin College, (c) her poor performances in job interviews, (d) her lack of professional service and production, and (e) her unwillingness to mitigate her own damages by taking employment in roles less demanding than those to which she considers herself entitled. While the Court has discretion to award front pay to Plaintiff today, "[t]hat discretion . . . should be measured against an anti-discrimination statute's purpose to make the plaintiffs 'whole.'" *Davoll v. Webb*, 194 F.3d 1116, 1143 (10th Cir. 1999) (citations omitted). Any "front-pay award must specify an end date and take into account any amounts that plaintiffs could earn using reasonable efforts." *Id.* Further, "the district court's . . .

determination ‘must be based on ‘more than mere guesswork.’” *Id.* (citing *Shore v. Federal Express Corp.*, 777 F.2d 1155, 1160 (6th Cir.1985)). *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 416, 95 S.Ct. 2362 (1975) (“That the court's discretion [to award Title VII back pay] is equitable in nature ... hardly means that it is unfettered by meaningful standards or shielded from thorough appellate review.”). The fact remains undisputed that Plaintiff was able to secure employment subsequent to her leaving SEOSU. She was able to keep that employment for a time, but ultimately proved unable to hold a job teaching. Any front pay award must reflect those realities.

CONCLUSION

The case law is clear: windfalls are not favored, and plaintiffs have a duty to mitigate their damages, even if that means taking jobs that they believe are beneath them or for which they might be overqualified. Plaintiff’s career at SEOSU was over, but that did not mean her career in education or scholarship were over. Plaintiff’s lackadaisical approach to scholarship and service, both while at SEOSU and after should not be rewarded with a license to sit around doing nothing for the next two or more decades. Encouraging people to indulge in a life of lassitude is not the purpose of Title VII.

Respectfully submitted,

/s/ Jeb E. Joseph

DIXIE L. COFFEY, OBA #11876

JEB E. JOSEPH, OBA #19137

KINDANNE JONES, OBA #11374

TIMOTHY M. BUNSON, OBA#31004

Assistant Attorneys General Oklahoma
Attorney General's Office

Litigation Division
313 NE 21st Street
Oklahoma City, OK 73105
Telephone: 405.521.3921
Facsimile: 405.521.4518
Email: dixie.coffey@oag.ok.gov
Email: jeb.joseph@oag.ok.gov
Email: kindanne.jones@oag.ok.gov
Email: tim.bunson@oag.ok.gov
*Attorneys for Defendants Southeastern
Oklahoma State University and The Regional
University System of Oklahoma*

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of March 2018, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Ezra Young
Law Office of Ezra Young
30 Devoe, 1a
Brooklyn, NY 11211-6997
Email: ezraiyoung@gmail.com
Attorney for Plaintiff

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

Marie E. Galindo
1500 Broadway, Ste. 1120
Lubbock, TX 79401
Email: megalindo@thegalindolawfirm.com
Attorney for Plaintiff

/s/Jeb E. Joseph

Jeb E. Joseph

AFFIDAVIT OF DR. BRYON CLARK

1. Southeastern Oklahoma State University currently has 127 full time faculty members, and 114 adjunct faculty members, for a total of 241 faculty.
2. The American Association of University Professors (AAUP) chapter at Southeastern Oklahoma State University has 30 members, and is not the elected representative body for faculty. The AAUP is an organization dedicated to principles of academic freedom, professional standards and economic security for the professorate.
3. The AAUP is an independent organization and not an arm of the University or a part of the University's shared governance
4. The state conference of the AAUP held at Southeastern's campus on March 10, 2018 had 42 attendees. Eleven (11) of the attendees were from other campuses.
5. While it appears that the AAUP indeed hosted Dr. Tudor as a speaker during its one-day conference, the invitation was not extended by the University.

I state under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Execute on this 16 day of March, 2018, in Durant, OK



 Dr. Bryon Clark

NOTARIZED:

County of Bryan

On the 16th day of March, 2018 before me, the undersigned Notary Public, personally appeared Bryon Clark, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same. IN WITNESS WHEREOF, I have set my hand and seal the day and year as above written.





Notary Public for Oklahoma

Residing at 2857 Cordell Rd/Colbert OK 74733

Commission Expires: 6-15-2021

OKLAHOMA EMPLOYMENT SECURITY COMMISSION NOTICE OF DETERMINATION

SS# LOFP 07-01 EFFECTIVE 07/09/2006 PROGRAM UI

LOCAL OFFICE ADDRESS: UI SERVICE CENTER, P.O. BOX 35706, TULSA, OK 74153
FAX #(918)622-8739 E-MAIL ADDRESS: UI.APPEALS@OESC.STATE.OK.US

THIS DETERMINATION WAS MAILED ON 11/14/2006 TO THE CLAIMANT AND/OR THE EMPLOYER AT THEIR RESPECTIVE ADDRESSES SHOWN ON THIS DETERMINATION

CITY OF EMPLOYMENT
CLAIMANT

CLMT PH # [REDACTED]
EMPLOYER

T R TUDOR

SOUTHEASTERN OKLAHOMA STATE
UNIVERSITY
STATION A BOX 4240
DURANT OK 74701

[REDACTED] 74701

74701

THE APPLICABLE SECTION OF THE OKLAHOMA SECURITY ACT IS SECTION 2-209 ; BENEFITS SHALL NOT BE PAID BASED ON SERVICES IN EMPLOYMENT IN A PROFESSIONAL CAPACITY FOR AN EDUCATIONAL INSTITUTION, OR IN ANY OTHER CAPACITY FOR AN EDUCATION INSTITUTION, DURING PERIODS BETWEEN YEARS OR TERMS OR PAID SABBATICAL LEAVE OR A VACATION PERIOD OF HOLIDAY RECESS AND IF THERE IS A CONTRACT OR REASONABLE ASSURANCE SUCH SERVICES WILL BE PERFORMED IN THE NEXT ACADEMIC YEAR OR TERM, OR FOLLOWING SUCH VACATION PERIOD OF HOLIDAY RECESS. IF BENEFITS ARE DENIED TO AN INDIVIDUAL UNDER THIS SECTION AND THE INDIVIDUAL WAS NOT GIVEN AN OPPORTUNITY TO PERFORM SERVICES FOR THE EDUCATIONAL INSTITUTION FOR THE SECOND ACADEMIC YEAR OR TERM THE INDIVIDUAL MAY BE ENTITLED TO A RETROACTIVE PAYMENT FOR EACH WEEK FOR WHICH THE INDIVIDUAL FILED A TIMELY CLAIM AND FOR WHICH BENEFITS WERE DENIED SOLELY BY REASON OF THIS CLAUSE.

YOU ARE DISALLOWED BENEFITS FOR WEEK ENDING 07/15/2006 AND INDEFINITELY AS LONG AS THERE IS NO CHANGE IN THE CONDITION UPON WHICH THIS DETERMINATION IS MADE. BASIS FOR DETERMINATION-

YOU WERE EMPLOYED BY AN EDUCATIONAL INSTITUTION IN THE LAST ACADEMIC YEAR. YOU HAD A WRITTEN AGREEMENT OR REASONABLE ASSURANCE THAT YOU WOULD RETURN TO EMPLOYMENT IN THE NEXT ACADEMIC YEAR OR TERM. BENEFITS ARE DENIED.

IF YOU DISAGREE WITH THIS DETERMINATION YOU MAY FILE AN APPEAL WITHIN TEN (10) DAYS OF THE MAILING DATE OF THIS DETERMINATION. YOU MAY FILE AN APPEAL BY MAIL, FAX, E-MAIL, OR TELEPHONE. IF YOU LIVE WITHIN THE OKLAHOMA CITY METROPOLITAN AREA, PLEASE CALL 525-1500. IF YOU LIVE OUTSIDE THE OKLAHOMA CITY METROPOLITAN AREA, PLEASE CALL 1-800-555-1554. AS A CONVENIENCE IN FILING AN APPEAL, A UI SERVICE CENTER MAILING ADDRESS, FAX NUMBER, AND E-MAIL ADDRESS HAVE BEEN LISTED AT THE TOP OF THIS DOCUMENT. IF YOU HAVE ANY QUESTIONS OR NEED ADDITIONAL INSTRUCTIONS, PLEASE REFER TO YOUR "INFORMATION FOR WORKERS WHO ARE UNEMPLOYED" OR "EMPLOYER'S INFORMATION ABOUT UNEMPLOYMENT INSURANCE" BOOKLET OR CONTACT THE LOCAL OFFICE.

CLAIMANT COPY PREPARED 11/13/2006 BY LBB3 UIB282

<http://204.87.93.53/docushare/dsweb/Get/Document-2594118/46117684...> 12/12/2006

OKLAHOMA EMPLOYMENT SECURITY COMMISSION NOTICE OF DETERMINATION

SS# LOFP 07-01 EFFECTIVE 07/09/2006 PROGRAM UI

LOCAL OFFICE ADDRESS: UI SERVICE CENTER, P.O. BOX 35706, TULSA, OK 74153
FAX #(918)622-8739 E-MAIL ADDRESS: UI.APPEALS@OESC.STATE.OK.US

THIS DETERMINATION WAS MAILED ON 11/14/2006 TO THE CLAIMANT AND/OR THE
EMPLOYER AT THEIR RESPECTIVE ADDRESSES SHOWN ON THIS DETERMINATION
CITY OF EMPLOYMENT CLMT PH # [REDACTED]

EMPLOYER CLAIMANT
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY
STATION A BOX 4240 DURANT OK 74701
T R TUDOR [REDACTED] 74701

THE APPLICABLE SECTION OF THE OKLAHOMA SECURITY ACT IS SECTION 2-209 ;
BENEFITS SHALL NOT BE PAID BASED ON SERVICES IN EMPLOYMENT IN A PROFESSION-
AL CAPACITY FOR AN EDUCATIONAL INSTITUTION, OR IN ANY OTHER CAPACITY FOR AN
EDUCATION INSTITUTION, DURING PERIODS BETWEEN YEARS OR TERMS OR PAID SAB-
BATIONAL LEAVE OR A VACATION PERIOD OF HOLIDAY RECESS AND IF THERE IS A CON-
TRACT OR REASONABLE ASSURANCE SUCH SERVICES WILL BE PERFORMED IN THE NEXT
ACADEMIC YEAR OR TERM, OR FOLLOWING SUCH VACATION PERIOD OF HOLIDAY RECESS.
IF BENEFITS ARE DENIED TO AN INDIVIDUAL UNDER THIS SECTION AND THE INDIVI-
DUAL WAS NOT GIVEN AN OPPORTUNITY TO PERFORM SERVICES FOR THE EDUCATIONAL
INSTITUTION FOR THE SECOND ACADEMIC YEAR OR TERM THE INDIVIDUAL MAY BE EN-
TITLED TO A RETROACTIVE PAYMENT FOR EACH WEEK FOR WHICH THE INDIVIDUAL
FILED A TIMELY CLAIM AND FOR WHICH BENEFITS WERE DENIED SOLELY BY REASON OF
THIS CLAUSE.

YOU ARE DISALLOWED BENEFITS FOR WEEK ENDING 07/15/2006 AND INDEFINITELY
AS LONG AS THERE IS NO CHANGE IN THE CONDITION UPON WHICH THIS DETERMINA-
TION IS MADE. BASIS FOR DETERMINATION-

YOU WERE EMPLOYED BY AN EDUCATIONAL INSTITUTION IN THE LAST ACADEMIC YEAR.
YOU HAD A WRITTEN AGREEMENT OR REASONABLE ASSURANCE THAT YOU WOULD RETURN
TO EMPLOYMENT IN THE NEXT ACADEMIC YEAR OR TERM. BENEFITS ARE DENIED.

RECEIVED

NOV 20 2006

HUMAN RESOURCES

IF YOU DISAGREE WITH THIS DETERMINATION YOU MAY FILE AN APPEAL WITHIN TEN
(10) DAYS OF THE MAILING DATE OF THIS DETERMINATION. YOU MAY FILE AN APPEAL
BY MAIL, FAX, E-MAIL, OR TELEPHONE. IF YOU LIVE WITHIN THE OKLAHOMA CITY
METROPOLITAN AREA, PLEASE CALL 525-1500. IF YOU LIVE OUTSIDE THE OKLAHOMA
CITY METROPOLITAN AREA, PLEASE CALL 1-800-555-1554. AS A CONVENIENCE
IN FILING AN APPEAL, A UI SERVICE CENTER MAILING ADDRESS, FAX NUMBER, AND
E-MAIL ADDRESS HAVE BEEN LISTED AT THE TOP OF THIS DOCUMENT. IF YOU HAVE
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"INFORMATION FOR WORKERS WHO ARE UNEMPLOYED" OR "EMPLOYER'S INFORMATION
ABOUT UNEMPLOYMENT INSURANCE" BOOKLET OR CONTACT THE LOCAL OFFICE.

EMPLOYER COPY PREPARED 11/13/2006 BY LBB3 UIB282

Appeal Tribunal
Oklahoma Employment Security Commission
P. O. Box 53345
Oklahoma City, Oklahoma 73152-3345.
(405) 840-1422 FAX (405) 840-1431

PAGE 1 OF 1

DOCKET NO 07-02276
SSA NO
DATE MAILED 12-21-2006
L.O. NO 07-01

DATE JAN 04, 2007
TIME 9:10 AM (OKLA TIME)
PLACE OF HEARING VIA TELEPHONE
HEARING OFFICER SYDNEE THOMPSON

APPEALING PARTY

SOUTHEASTERN OKLAHOMA STATE UNIVERSITY
STATION A BOX 4240
DURANT OK 74701-0000

T R TUDOR

NOTICE OF TELEPHONE HEARING

CALL IN PROMPTLY. IF YOU ARE LATE THE APPEAL MAY BE DISMISSED.

A TELEPHONE HEARING IS SCHEDULED COVERING THE ISSUES LISTED BELOW. CALL THE APPEAL TRIBUNAL AT LEAST TEN (10) MINUTES BEFORE THE SCHEDULED TIME:
- WITHIN OKLAHOMA CITY (OKC) LOCAL CALLING AREA: CALL 840-1422
- WITHIN THE STATE OF OK/OUTSIDE OKC: CALL 1-800-522-8218 OR 1-800-362-2356
- OUTSIDE THE STATE OF OK: CALL 1-800-654-8291
IF YOU FAIL TO CALL ON TIME, YOU MAY NOT BE ALLOWED TO PARTICIPATE AND WILL HAVE TO FILE A WRITTEN REQUEST FOR A NEW HEARING.

THE LEGAL ISSUES TO BE COVERED

WHETHER THE CLAIMANT HAD A CONTRACT OR REASONABLE ASSURANCE OF RETURNING TO EMPLOYMENT IN AN EDUCATIONAL INSTITUTION IN THE NEXT ACADEMIC YEAR OR TERM.

WHETHER THERE IS GOOD CAUSE TO WAIVE THE 10-DAY FILING PERIOD FOR APPEALS.

SECTION 2-209 OF THE O.E.S. ACT PROVIDES: "WITH RESPECT TO SERVICES PERFORMED AFTER IN ANY OTHER CAPACITY FOR AN EDUCATIONAL INSTITUTION, BENEFITS SHALL NOT BE PAID ON THE BASIS OF SUCH SERVICES TO ANY INDIVIDUAL FOR ANY WEEK WHICH COMMENCES DURING A PERIOD BETWEEN TWO (2) SUCCESSIVE ACADEMIC YEARS OR TERMS IF SUCH INDIVIDUAL PERFORMS SUCH SERVICES IN THE FIRST OF SUCH ACADEMIC YEARS OR TERMS AND THERE IS A REASONABLE ASSURANCE THAT SUCH INDIVIDUAL WILL PERFORM SUCH SERVICES IN THE SECOND OF SUCH ACADEMIC YEARS OR TERMS."

SECTION 2-614 OF THE O.E.S. ACT, WAIVER OF APPEAL TIME, THE TEN-DAY TIME PERIOD PROVIDED FOR APPEALS PURSUANT TO THE PROVISIONS OF THE EMPLOYMENT SECURITY ACT OF 1980, MAY BE WAIVED FOR GOOD CAUSE SHOWN.

RECEIVED

JAN 03 2007

HUMAN RESOURCES

Read Back of Notice for Important Information

BEFORE THE HEARING YOU WILL RECEIVE A COPY OF ALL DOCUMENTS THAT WILL BE CONSIDERED AT THE HEARING. THE ISSUES COVERED WILL BE LIMITED TO THOSE

OAG/DLC/USA v. SOSU - CIV-15-324/006242

Exhibit 3

UIB304L1

OKLAHOMA EMPLOYMENT SECURITY COMMISSION
NOTICE OF APPEAL

APPEALING PARTY

SOUTHEASTERN OKLAHOMA STATE
UNIVERSITY
STATION A BOX 4240
DURANT OK 74701

T R TUDOR


ISSUE 2209

SSA#		DATE OF APPEAL	12-08-2006
EFFECTIVE DATE	07-09-2006	DATE OF DETERMINATION	11-14-2006
LOCAL OFFICE	07-01		

AN APPEAL HAS BEEN FILED TO THE APPEAL TRIBUNAL IN THIS CASE. PARTIES
WILL BE NOTIFIED OF THE SCHEDULED DATE AND LOCATION OF HEARING.

PLEASE READ ENCLOSED 'INFORMATION FOR APPEAL HEARING AND DECISION'.

RECEIVED
JAN 03 2007
HUMAN RESOURCES

OAG/DLC/USA v. SOSU - CIV-15-324/006243

Exhibit 3

Oklahoma Employment Security Commission

Untimely

Document of Appeal

Claimant Name: T. R. Tudor	Social Security No.:	Effective Date: 07/09/06
Employer Name: Southeastern Oklahoma State University	Section of Law: 2209	Form # 541
Determination Mail Date: 11-14-06	Appealing Party: Claimant	OP #

Special Needs: Please indicate below if you will need assistance such as an interpreter at the time of the appeal. Type of Assistance: N/A

Special Notice to Claimant: To claim benefits while unemployed and while your claim is under appeal, you must continue to file claims on your regular dates as directed by your Local Office or Call Center. Backdated claims will not be accepted. If you were allowed benefits and your employer files an appeal, benefits will continue while your claim is in the appeal process. If you have any questions, contact your Local Office or Call Center.

I wish to file an appeal on the attached determination. My reason(s) for filing an appeal is as follows: State how you disagree with this determination, in detail, then sign and date the form. Please be specific. I have 2 reasons. When I filed my claim I clearly indicated where I worked. I didn't understand from the questions that public school teachers included University employees. I interpreted educational institution to be public schools not universities. The second reason is whoever was responsible for approving the claim should have caught it. I also feel that this ruling is unfair because an agent should have notified me I was disqualified. As a member of the public I understood education to mean public school teachers. And a third reason is because this ruling discriminates against higher education professionals.

If your appeal was not filed within ten days from the determination mail date, explain why:
N/A

Appeal was filed In Person By Mail By FAX By Telephone By e-mail

By Phone
Appellant's Signature

12/08/06
Date

Steven J. Harper *[Signature]*
Claimstaker's Signature

12/08/06
Date

Postmark Date

0701
Local Office

RECEIVED
DEC 13 2006
UI TECHNICAL UNIT

Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.

OS-400 (Rev. 8-00)

Oklahoma Employment Security Commission

FACT FINDING > 409 QUESTIONS - rc1540
Notice of Pre-Determination Factfinding

ADDRESS: T TUDOR



PHONE:

FAX:

SYSTEM DATE: 12/12/06
SYSTEM TIME: 08:02:20

SSN:

CLAIM ID: 129069847

DATE: 11072006 TIME: 131932

NAME: T TUDOR

ISSUE: 2209 10 Day Call:

EMPLOYER: SOUTHEASTERN OKLAHOMA STATE
STATION A BOX 4240
DURANT OK 74701
PHONE: 5809240121

The information received previously from you will be considered in issuing a determination. However, additional detailed information is needed regarding the enclosed statement and/or above-mentioned Unemployment Insurance Claim. This information must be received by 5:00pm on or before the date listed below:

RESPOND BY DATE:

<http://204.87.93.172/rc1540.asp>

12/12/2006



Received by OESC 7/20/2006 3:16:51 PM

Office of Human Resources
PO Box 4016
Durant, OK 74701-0906
T 580.745.2162
F 580.745.7484

confidential facsimile transmittal

To: OESC Unemployment Insurance Service, PO Box 52006, Oklahoma City, OK Fax: 405.962.7524

From: Cathy Conway Date: 7/20/2006

Re: T. R. Tudor Notice of Application for Unemployment Compensation Pages: 5 pages plus cover

Urgent X For Review Please Comment Please Reply Please Recycle

To Whom It May Concern in the Oklahoma City Unemployment Insurance Office:

Robert Tudor is a full-time regular member of the faculty at Southeastern Oklahoma State University and has a 10 month appointment (August through May). He should fall under the 6th item in the box on your application notice form as "an individual whose benefits are based on service with an education institution " who "may be ineligible for benefits for weeks between two academic years or terms" since he has "performed services in the first academic year or term and there is a contract or reasonable assurance of performing services in the second academic year or term." I contacted the Dean and his immediate supervisor, the department chair, and they nor Human Resources have been given notice or any indication from Robert Tudor that he is not coming back this August to continue in his position. Please see appointment letters attached.

Thank you, Cathy Conway, Director of Human Resources *Cathy Conway*

Confidentiality Notice: This fax and any attachments accompanying it may contain privileged or confidential information intended only for the use of the individual or entity named above and is protected by law. If you have received this fax message in error, immediately notify us by telephone or e-mail, and destroy all copies of this fax and any attachments.

.....

Received by OESC 7/20/2006 3:16:51 PM

Southeastern Oklahoma State University

Durant, Oklahoma 74701-0609 (580) 745-2000

Office of the President

Robert Tudor
Name of Employee

July 1, 2005
Date

English, Humanities, and Languages
Department or Office

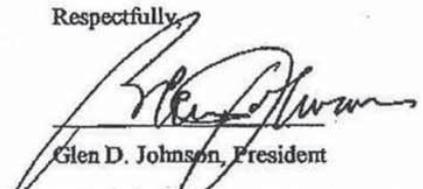
FACULTY APPOINTMENT

The Board of Regents of Oklahoma Colleges has approved your appointment as a on tenure track member of the faculty with the rank and/or position of Assistant Professor at Southeastern Oklahoma State University, subject to all the rules and regulations of the Board of Regents of Oklahoma Colleges, the laws and constitutions of Oklahoma and the United States, and the policies adopted by the University. This appointment is effective August 2005.

Summary of Compensation

SALARY:		\$ 44,420.00
	HEALTH INSURANCE	\$ 3,876.00
	LIFE INSURANCE	\$ 327.36
	LTD	\$ 183.01
	TIAA/CREF	\$ 1,776.80
	<i>(Based on 12-month calculation, must be 23 years of age)</i>	
	OTRS	\$ 2,082.36
	TOTAL COMPENSATION FOR OTRS PURPOSES	\$ 52,665.53
 COST RELATED TO COMPENSATION:		
	OTRS ADMIN FEE	\$ 3,859.73
	OASDI	\$ 2,754.04
	MEDICARE	\$ 644.09
	WORKERS COMP	\$ 328.71
	UNEMPLOYMENT COMP	\$ 333.15
	TOTAL FINANCIAL COMMITMENT	\$ 60,585.24

Respectfully,



Glen D. Johnson, President

NOTE: Benefit cost figures are provided to reflect the approximate cost for the fiscal year. Exact amounts depend upon the insurance rates that are subject to change during the year. Total compensation may vary a few cents due to rounding of figures in the computer program.

**OKLAHOMA EMPLOYMENT SECURITY COMMISSION
APPELLATE DIVISION**

Jon Brock, Executive Director
Karl Jahnke, Appellate Division Director

HEARING OFFICERS

Gayle Cleary
Pam Dowd
Ed Evans
Margaret Goree
Paul Riggins
Barbara Sommer
James Sommer
Steven Sommer
Paula Stout
Sydney Thompson
Joan Beckham-Whitmore
Charles Wright



NOTICE TO PARTIES

You are a party to an appeal before the Appeal Tribunal of the Oklahoma Employment Security Commission. Enclosed are documents the Commission has forwarded to the Appeal Tribunal that might be used during your hearing. If you have other documents you want considered at the hearing, they must be sent as soon as possible to:

**Appeal Tribunal
P.O. Box 53345
Oklahoma City, Ok 73152
Or FAX to 405-840-1431.**

At the hearing, if you want the Hearing Officer to consider any document when making their decision, you need to offer the document and ask that it be entered into the record of the hearing. Only documents entered into the record will be considered. If you are not sure a document was entered, ask the Hearing Officer before the hearing is closed. Once the record is closed, the Hearing Officer must rule based only on the evidence and testimony presented.

If you have questions about the procedures of the Appeal Tribunal, please refer to the Appeal Hearings and Decisions booklet mailed to you separately, or call the Appeal Tribunal at: 405-840-1422 or 1-800-522-8218. If calling from outside Oklahoma, call 1-800-654-8291.

A Notice of Hearing will follow with the date, time, and instructions for appearing at your hearing.

Karl Jahnke
Director, Appellate Division

Appeal Tribunal, 7301 N. Broadway Ext. Ste.101, P.O. Box 53345, Oklahoma City, Oklahoma 73116, Telephone (405) 840-1422, FAX (405) 840-1431

Oklahoma Employment Security Commission



Jon Brock, Executive Director

Brad Henry, Governor

Representing Employers
Julius Hilburn, Commissioner
Gayle Harris, Commissioner

Representing the Public
Rev. W. B. Parker, Chairman

Representing Employees
Mike Wester, Commissioner
Susan Stoll, Commissioner

SOUTHEASTERN OKLAHOMA STATE UNIVERSITY
STATION A BOX 4240
DURANT, OK 74701

October 26, 2006

RE: ~~TR Tudo~~
Employer Acct. # 84-0006601

Dear Employer:

This refers to your inquiry with Tax Enforcement Officer Linda Pierce concerning the 3rd quarter 2006 assessment for reimbursement. Benefits were paid to the above listed claimant as a result of the action indicated below.

This claimant was allowed benefits based on the separation from your employment however since your inquiry additional fact-finding will be made regarding benefits paid during the summer. If it is found that benefits should not have been allowed an overpayment on the claim will be established. If recovery of the overpayment is made a credit will be applied to your account.

Section 3-803 OF THE OKLAHOMA EMPLOYMENT SECURITY ACT: Requires that an employer who has elected to reimburse the Fund in lieu of contributions must reimburse benefits paid attributable to service in their employ, "Regardless of Reason for Separation". Based on your voluntary election to reimburse and the above-cited Section, you are liable for benefits paid to this individual.

Section 3-806 Payment of in-lieu contributions

A. At the end of each calendar quarter the Oklahoma Employment Security Commission shall notify in writing each nonprofit organization, or the agent of a group of such organizations, which has elected to make payments in lieu of contributions, the amount, if any, equal to the full amount of regular benefits plus one-half (1/2) of the amount of extended benefits paid by the Commission during such quarter that is attributable to service in the employ of such organization.

RECEIVED

OCT 31 2006

HUMAN RESOURCES

**PART 8. FINANCING BENEFITS TO EMPLOYEES
OF NONPROFIT ORGANIZATIONS**

••3-801. Applicability

Benefits paid to employees of nonprofit organizations shall be financed in accordance with the provisions of this part. For the purpose of this part, a nonprofit organization is an organization or group of organizations defined in paragraph (4) of Section 1-210 of this title.

••3-802. Contributions

Any such nonprofit organization which is, or becomes, subject to this act, on or after January 1, 1972, shall report and pay contributions to the Commission in the same time, manner and amounts as required of nongovernmental employers for profit subject to this act subject, except as herein provided, to the same rights, remedies, obligations and penalties as a nongovernmental employer for profit.

••3-803. Election to make payments in lieu of contributions

A nonprofit organization may elect, in accordance with this section, in lieu of contributions, to pay to the Commission for the Unemployment Compensation Fund an amount equal to the amount of regular benefits and of one-half (1/2) of the extended benefits paid in accordance with this act that is attributable to service in the employ of such nonprofit organization for weeks of unemployment which begin during the effective period of such election, regardless of reason for separation.

••3-804. Period of election—Organizations subject to act after January 1, 1972

Any nonprofit organization which becomes subject to this act on or after January 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than the remainder of the calendar year in which subjectivity occurs and the next two (2) succeeding calendar years by filing a written notice of its election with the Commission not later than thirty (30) days immediately

TITLE 40
CONTRIBUTIONS

ARTICLE 3.

paid that are attributable to service in the employ of such employer. If benefits paid to an individual are based on wages paid by more than one employer under this act and one or more of such employers are liable for payments in lieu of contributions, the amount payable to the fund by each employer that is liable for such payments shall be determined in accordance with the provisions of subsection (2) or subsection (3) of this section.

(2) If benefits paid to an individual are based on wages paid by one or more employers that are liable for contributions under this act, the amount of benefits payable by each employer that is liable for payments in lieu of contributions shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages, as defined by this act, paid to the individual by such employer bear to the total base period wages paid to the individual by all of his base period employers, as defined by this act.

(3) If benefits paid to an individual are based on wages paid by two or more employers that are liable for payments in lieu of contributions, the amount of benefits payable by each such employer shall be an amount which bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of his base period employers.

(4) Amounts paid that are to be reimbursed under this section shall not be considered as benefits for the purposes of this act, nor shall any benefit wages be created under this act by such payments.

•3-808. Election to become reimbursing employer

Any nonprofit organization which had been liable for paying contributions for a period subsequent to January 1, 1972, may change to a reimbursable basis by filing with the Commission not later than the last day of January immediately following the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next calendar year.

•3-809. Group accounts

Two or more employers that have elected to become liable for payments in lieu of contributions, in accordance with the provisions of this Part, may, within the same period of time required for the filing of such election, file a joint application to the Commission for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this Part. Upon its approval of the application, the Commission shall establish a group account for such group of employers. Such group account shall remain in effect for not less than two (2) full calendar years and thereafter until terminated at the discretion of the Commission or upon application by the group. Members of a group may prorate the cost of reimbursement of benefits paid from the fund by any method upon which the members of the group may mutually agree. Notwithstanding this pro rata provision, in the event such group is delinquent and it is necessary to enforce the payment by legal means, each member of the group shall be individually liable for that portion of the benefits paid from the fund attributable to wages paid by the member in the same manner as if no group account had been established. The Commission shall prescribe such rules as it deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this section, for addition of new members to, and withdrawal of active members from, such accounts, and for the determination of the amounts that are payable under this section by members of the group and the

OES-617 (1-03) NOTICE OF APPLICATION FOR UNEMPLOYMENT COMPENSATION
FAILURE TO RESPOND COULD AFFECT YOUR TAX RATE

OKLAHOMA EMPLOYMENT SECURITY COMMISSION

UNEMPLOYMENT SERVICE CENTER
P.O. BOX 52006
OKLAHOMA CITY, OK 73152

L.O. 55-44

FAX #: 405-962-7522

RECEIVED

JUL 21 2006

HUMAN RESOURCES
R TUDOR

NAME T

SOCIAL SECURITY NUMBER

The above named individual has applied for Unemployment Compensation Benefits under the Oklahoma Employment Security Act. This individual stated that separation from employment on 05-30-2006 was a result of: LACK OF WORK

Your written reply must be mailed to the address shown above within ten days of 07-12-2006.

If your reply envelope is not postmarked within ten (10) days of the date indicated, you will not be considered an interested party to the separation.

Only a timely, written response will make you an interested party to the separation. However, you may be contacted by telephone for information concerning this individual's reason(s) for separation.

If this individual voluntarily quit work or was fired for misconduct, your reply must include full details. In the case of voluntary quit, include the reason the individual gave you for leaving and explain why you do or do not feel the reason was justified. If the individual was fired, explain the reason(s) in detail. Include any additional information which might affect the claimant's right to receive benefits.

Information furnished by you will be shown to the individual. Should additional information be required, you will be contacted by telephone or mail.

- 1 An unemployed individual, to be eligible for unemployment compensation benefits, must be registered for work, able to perform work duties in keeping with his work experience, training and education and available to seek and accept work at any time.
- 1 An individual shall be disqualified for benefits for leaving the last work voluntarily without good cause connected to the work, being discharged for misconduct connected with the work, or failure to search for or accept suitable work.
- 1 An individual may be disqualified for any week if he/she is receiving any pension or retirement pay based on previous work if such pension or retirement pay is under a plan maintained, or contributed to, by a base period employer.
- 1 An individual may be disqualified while unemployed due to a stoppage of work because of a labor dispute.
- 1 An individual may be ineligible if such individual is enrolled in and entering into scheduled school activities, unless such activity has been determined by the commission to be approved training.
- 1 An individual, whose benefits are based on service for an educational institution, may be ineligible for benefits for weeks between two academic years or terms if the individual performed services in the first academic year or term and there is a contract or reasonable assurance of performing services in the second academic year or term.
- 1 An individual, who is an alien not lawfully authorized to work in the United States under law may be ineligible to receive benefits.
- 1 An individual, who is a professional athlete shall be ineligible to receive benefits between two successive sport seasons.

ORM OES-866

State of Oklahoma
OKLAHOMA EMPLOYMENT SECURITY COMMISSION
WILL ROGERS MEMORIAL OFFICE BUILDING
Oklahoma City, Oklahoma 73152

1,326

NOTICE TO REIMBURSING AND GOVERNMENTAL EMPLOYERS

526

SOUTHEASTERN OKLAHOMA STATE
UNIVERSITY
NATION A BOX 4240
GRANT OK 74701

EMPLOYER NAME AND ACCOUNT #
SOUTHEASTERN OKLAHOMA STATE
4-0006601

DATE THIS NOTICE MAILED
07-12-2006

EMPLOYER NAMED CLAIMANT HAS FILED A CLAIM FOR UNEMPLOYMENT INSURANCE.
EMPLOYER SOCIAL SECURITY NUMBER EFFECTIVE DATE OF CLAIM
07-09-2006

NAME AND ADDRESS OF CLAIMANT	QUARTER ENDING	WAGES
R TUDOR	03-2006	13,259.58 13,326
[REDACTED]	06-2005	1,085.77 8,526
TOTAL WAGES		14,345.35

LOCAL OFFICE CLAIM FILED
311 HIGHWAY 70 WEST 07-01
GRANT OK 74701

THE WAGES SHOWN ABOVE HAVE BEEN USED TO DETERMINE THE CLAIMANT'S
EMPLOYMENT INSURANCE ELIGIBILITY. IF THERE ARE QUESTIONS
ABOUT THESE WAGES YOU MAY REQUEST A REVIEW BE MADE WITHIN TEN (10)
DAYS OF DATE OF NOTICE. IF YOU ARE A REIMBURSING EMPLOYER
AND THE CLAIMANT IS PAID BENEFITS BASED ON THESE WAGES, YOU WILL
BE BILLED AT A LATER DATE AS REQUIRED BY SECTION 3-802 OF THE
OKLAHOMA EMPLOYMENT SECURITY ACT.

THIS NOTICE DOES NOT REPLACE OTHER FORMS YOU MAY RECEIVE FROM THIS
COMMISSION, SUCH AS THE NOTICE OF APPLICATION FOR UNEMPLOYMENT
COMPENSATION. THIS NOTICE DOES NOT PROVIDE FOR PROTEST BASED ON
ANY REASON FOR SEPARATION FROM YOUR EMPLOYMENT.

TAX NUMBER 405-962-7504 WEB SITE HTTP://WWW.OESC.STATE.OK.US
NO040

RECEIVED
JUL 18 2006
HUMAN RESOURCES



[REDACTED]

January 21, 2009

Rachel Tudor
[REDACTED]

Dear Rachel:

Enclosed is a Notice Levy on Wages or Salary received by the payroll office from the Oklahoma Employment Security Commission. I will begin withholding the garnishment from your pay for each pay period beginning January 2009. This is a continuing withholding order and will continue until the debt is paid. I have enclosed a copy of the Levy. Since you are subject to withholding for child support the maximum allowable is 50%. You currently pay 13% for your child support order. Your deduction for the levy is 25%; therefore, your first payment in January will be \$1,112.27.

I handle these cases confidentially. If you would like any information concerning this order, please do not hesitate to give me a call. I can be reached by telephone at (580) 745-2156 or by email mrobertson@se.edu.

Sincerely,

A handwritten signature in cursive script that reads "Marjorie Robertson".

Marjorie Robertson
Payroll Manager

Enclosure

OFFICE OF HUMAN RESOURCES
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY
1405 N. EASTERN AVE. BLDG. 4016 • DURHAM, OK 74701-0600 • 580-745-2162 • FAX 580-745-7484 • WWW.SE.EDU

OAG/DLC/USA v. SOSU - CIV-15-324/006369

Exhibit 3

STATE OF OKLAHOMA
OKLAHOMA EMPLOYMENT SECURITY COMMISSION
P.O. BOX 52925
Oklahoma City, OK 73152-2925

NOTICE OF LEVY ON WAGES OR SALARY

Date: 1/16/2009

Levy Number: 09-120001

To:

Name and Address of Debtor:

SOUTHEASTERN OKLAHOMA STATE UNIVERSITY TR TUDOR
1405 N 4 AVE PMB 4016
DURANT, OK 747010609

Social Security Number of Debtor

OESC REPRESENTATIVE:

RENDELL SHAWNEE
BENEFIT PAYMENT CONTROL UNIT
P.O. BOX 52925
OKLAHOMA CITY, OK 73152-2925
(405) 557-5397

The debtor named above is indebted to the Oklahoma Employment Security Commission for an overpayment of unemployment compensation plus statutory interest in the amount of \$1,597.68

This amount includes interest through the date of this notice. Interest will continue to accrue at the rate of 1% on the 1st of each month. Before computing the final payment, call the number shown above for a final payoff amount.

This is not a bill for taxes or an obligation you owe. It is a Notice of Levy on the wages or salary of the person named in the upper right of this form.

The Employment Security Act of 1980 establishes a lien for the indebtedness stated above and authorizes the issuance of this Notice of Levy. (40 O.S. Sections 2-616, 2-617, and 2-618). Notice and demand for payment have been made and the debtor has neglected or refused to make payment. This amount is still due, owing and unpaid. All wages, salary, money, credits or deposits now in your possession and belonging to this debtor (or for which you are obligated) are levied upon for payment of the indebtedness, plus all additions provided by law.

If you are currently in possession of any wages, salary, money, credits or deposits in which this debtor has an interest, you must complete the answer form served with this levy, complete the calculation for the wage or salary deduction, and make the appropriate deduction from the wages or salary of your employee. This levy for wages and salary has the same effect, and is governed by the same rules, as a Continuing Wage Garnishment authorized by 12 O.S. Section 1173.4. This levy will become effective in the same manner and for the same time period as a continuing garnishment.

Please return your completed answer form to the address of the OESC Representative named above. Checks and money orders should be made payable to the Oklahoma Employment Security Commission. Please write the debtor's social security number in the memo section of the check and return the answer form with the check.

If you are indebted to the debtor for wages or salary, you will also be required to immediately deliver to the debtor, a copy of this Notice of Levy, the Notice of Claims and Exemptions, and the Request for Hearing form. You may accomplish this by personal delivery or by mailing a copy of these documents by first class mail to the last known address of the debtor.



Signature of the OESC Representative

JAN 20 2009

OAG/DLC/USA v. SOSU - CIV-15-324/006370

Exhibit 3

STATE OF OKLAHOMA
OKLAHOMA EMPLOYMENT SECURITY COMMISSION
RETURN OF SERVICE FOR NOTICE OF LEVY

Notice of Levy issued on: 1/16/2009

Levy Number: 09-120001

I. SERVICE BY SHERIFF:

I, _____, being duly sworn, state that:

1. I am the Sheriff or Deputy Sheriff of BRYAN County
2. I served the above numbered Notice of Levy on _____, 20____, at _____ o'clock _____ m., by delivering it to: _____.
3. Request is made for payment of the \$50.00 Sheriff's service fee pursuant to 40 O.S. Section 2-618(F)

Signature

II. SERVICE BY MAIL:

I, RENDELL SHAWNEE, hereby certify that on 1/16/2009,
the above numbered Notice of Levy was served, by certified mail, return receipt requested, and
delivered to the addressee at the following address:

SOUTHEASTERN OKLAHOMA STATE UNIVERS
1405 N 4 AVE PMB 4016
DURANT OK 747010609

Rendell Shawnee

Signature

STATE OF OKLAHOMA
OKLAHOMA EMPLOYMENT SECURITY COMMISSION
P.O. BOX 52925
OKLAHOMA CITY, OK 73152-2925

ANSWER OF EMPLOYER TO NOTICE OF LEVY ON WAGES OR SALARY

Name of Debtor: T R TUDOR Social Security Number [redacted]
Name of Employer: SOUTHEASTERN OKLAHOMA STATE UNIVE Levy Number: 09-120001

STATE OF OKLAHOMA)
COUNTY OF BRYAN)
(AFFIANT) MARJORIE ROBERTSON, being
duly sworn, deposes and says:

IF EMPLOYER IS AN INDIVIDUAL:
That he is the employer herein. That he does business in the name of

IF EMPLOYER IS A PARTNERSHIP
That he is a member of , a partnership that is the employer of the debtor.

IF EMPLOYER IS A CORPORATION
That he is the Payroll Manager of Southeastern Oklahoma State University
(Official Title) (Employer)
a corporation, organized under the laws of the State of Oklahoma

Employer or Marjorie Robertson, on behalf of employer, having been served with a
Notice of Levy on the 20th day of January, 20 09, having knowledge of the facts and being sworn, states:

1. At the time of the service of the Notice of Levy, or upon the date it became effective, the employer was not indebted to the
judgment debtor for any amount of money nor did the employer have possession or control of any property, money, goods,
chattels, credits, negotiable instruments or effects belonging to the judgment debtor or in which the judgment debtor had an
interest because the employee/individual/judgment debtor was:
[] Not Employed Last day worked
[] Employed but no amounts due--specify reason:
[] Other, specify:

2. At the time of service of the Notice of Levy or upon the date it became effective, the employer was indebted to the judgment
debtor or had possession or control of the following property, money, goods, chattels, credits, negotiable instruments or effects
belonging to the judgment debtor as follows:
[x] Earnings as shown on the Calculation for Continuing Levy of Earnings Form (on next page) which is incorporated by
reference into this Answer;
[] Other, specify:

3. Nothing has been withheld due to a prior garnishment or Continuing garnishment which will expire on
and is in case # in the District Court of County, Oklahoma.

4. On January 21, 2009, the employer mailed a copy of the Notice of Levy Exemptions and Application
for Hearing by first-class mail to the judgment debtor at:
1124 North 10th Durant, OK 73439 1/21/09
Street Address City/State Zip Code Date
or hand-delivered the same to judgment debtor at:

NOTE: THIS MUST BE DONE DURING EACH PAY PERIOD IN WHICH THE GARNISHMENT IS IN EFFECT.

5. The employer makes the following claim of exemption on the part of the judgment debtor, or has the following objections,
defenses, or setoffs to judgment creditor's right to apply employer's indebtedness to judgment debtor upon judgment creditor's claim.

Check here if additional pages are necessary []



By: Marjorie Robertson
Title: Payroll Manager

Subscribed and sworn to before me this 21st day of January, 20 09
My Commission Expires: 7-31-2012
Notary Public

NOTICE: CONTINUING LEVY REMAINS IN EFFECT UNTIL ONE OF THE FOLLOWING OCCURS: 1) THE JUDGMENT IS PAID
IN FULL; 2) THE EMPLOYMENT RELATIONSHIP IS TERMINATED; 3) THE EXPIRATION IS VACATED, MODIFIED
OR PAID IN FULL; 4) THE LEVY ACTION IS WITHDRAWN; 5) THE EXPIRATION OF 180 DAYS FROM THE DATE OF
SERVICE OF THE NOTICE OF LEVY. (IF A PAY PERIOD BEGINS WITHIN 180 DAYS BUT ENDS AFTER THE
EXPIRATION, THE PAY PERIOD IS SUBJECT TO THE LEVY.)

WHEN COMPLETED, FOLLOW THE INSTRUCTIONS AT BOTTOM OF NEXT PAGE.

STATE OF OKLAHOMA
OKLAHOMA EMPLOYMENT SECURITY COMMISSION
CALCULATION FOR CONTINUING LEVY OF EARNINGS

NAME T R TUDOR

Social Security Number [REDACTED]

For the pay period in effect at the time of, or subsequent to, the service of the Levy:

- 1. (a) Enter the pay period of judgment debtor (weekly, bi-weekly, semi-monthly, monthly or other). If other, describe: monthly 1.(a) monthly
- (b) Enter the date the judgment debtor's present pay period began (present pay period means the pay period for which the calculation is made) 1.(b) 01/01/09
- (c) Enter the date the judgment debtor's present pay period ends: 1.(c) 01/31/09
- 2. (a) Enter the gross earnings for entire pay period: 2.(a) 4968.60
- (b) Calculate deductions from said amount as required by law:
 - (1) Federal income tax withholding 87.36
 - (2) F.I.C.A. withholding 379.18
 - (3) State income tax withholding 53.00
 - TOTAL: (1), (2), (3) 2.(b) 519.54
 - (c) Net earnings 2(a) less 2(b): 2.(c) 4449.06
- 3. (a) If judgment debtor is subject to withholding for child support garnishment or income assignment, enter maximum allowable percentage (50%, 55%, 60% or 65%): 3.(a) 50%
- (b) Enter actual percentage withheld: 3.(b) 13%
- (c) Subtract 3(b) from 3(a) and enter percentage: 3.(c) 37%
- (d) Enter the lesser of 25% or line 3(c) here (If no child support or income assignment enter 25%): 3.(d) 25%
- 4. Multiply the percentage in 3(d) times the net earnings in 2(c) and enter: 4. 112.27
- 5. (a) Multiply and enter the present Federal minimum wage as follows: Weekly or more often by 30; Bi-weekly by 60; Semi-monthly by 65; or monthly by 130. (For any other pay periods, increase the multiplier for a weekly pay period using the assumption that a month contains 4-1/3 weeks.) 5.(a) 851.50
- (b) Subtract the amount on line 5(a) from the amount on line 2(c) and enter: 5.(b) 3597.56
- 6. Enter the smaller of the amounts entered on line 4 or 5(b). 6. 112.27

Pay this amount to the Oklahoma Employment Security Commission.

WHEN COMPLETED, MAIL ORIGINAL ANSWER AND YOUR CHECK TO:
OKLAHOMA EMPLOYMENT SECURITY COMMISSION
P.O. BOX 52925
OKLAHOMA CITY, OK 73152-2925

MAKE YOUR CHECK PAYABLE TO THE OKLAHOMA EMPLOYMENT SECURITY COMMISSION AND INCLUDE THE EMPLOYEES' SOCIAL SECURITY NUMBER ON THE CHECK

STATE OF OKLAHOMA
OKLAHOMA EMPLOYMENT SECURITY COMMISSION
P.O. BOX 52925
Oklahoma City, OK 73152-2925

CLAIM FOR EXEMPTION AND REQUEST FOR HEARING

- 1. The funds sought in the levy are exempt from execution because they are (check applicable box):
 - A. Social Security Benefits - 42 U.S.C. Section 407.
 - B. Supplemental Security Income - 42 U.S.C. Section 1383(d).
 - C. Unemployment Benefits - 40 O.S. Section 2-203.
 - D. Workmans' Compensation Benefits - 85 O.S. Section 48.
 - E. Welfare Benefits - 56 O.S. Section 173.
 - F. Veterans' Benefits - 38 U.S.C. Section 3101, 31 O.S. Section 7.
 - G. Monies in possession of Police Pensions - 11 O.S. Section 50-124.
 - H. Monies in possession of Firemans' Relief and Pension Fund - 11 O.S. Section 49-126.
 - I. Monies in possession of County Employees Retirement Fund - 19 O.S. Section 959.
 - J. Monies in possession of Public Employees Retirement Fund - 74 O.S. Section 923.
 - K. Teachers Annuities or Retirement Allowance - 70 O.S. Section 17-109.
 - L. Annuities and Pension payments under Railroad Retirement Act - 45 U.S.C. Section 231(m).
 - M. United States Civil Service Retirement and Disability Pension Fund Payments 5 U.S.C. Sec 8346.
 - N. United States Civil Service Survivors Annuities - 5 U.S.C. Section 8346.
 - O. Interest in Retirement, Pension and Profit Sharing Plans - 60 O.S. Section 327-328.
 - P. The wages of Seamen - 46 U.S.C. Section 601.
 - Q. Funds vested in the Alien Property Custodian - 50 U.S.C. Appx. Section 9(f).
 - R. Prepaid Burial Benefits - 36 O.S. Section 6125.
 - S. Proceeds of Group Life Insurance Policy - 36 O.S. Section 3632 and 4026.
 - T. Alimony, support, separate maintenance, or child support necessary for support of judgment debtor or dependent - 31 O.S. Section 1-1.
 - U. Personal wage exemption because of undue hardship - 31 O.S. Section 1.1.
 - V. _____

*Student loans 140,000
4 years ago + no notification
would deduct if
received anything*

Other - (please state)

- 2. Check one box:
 - All funds are exempt OR
 - I believe the following amount of money is exempt \$ _____ (fill in the amount of funds to be exempt.)
- 3. Check if applicable:
 - I have attached copies of the documents that show that my money is exempt.
- 4. If garnishment is for wages, this claim and request is filed for the pay period _____ through _____, inclusive.
- 5. I request that this matter be set for hearing.

Signature

Social Security Number

This claim for exemption must be filed within ten (10) days of the date the levy of the Commission was served.

MAIL TO: OKLAHOMA EMPLOYMENT SECURITY COMMISSION
P.O. BOX 52925
Oklahoma City, OK 73152-2925

Notice of your hearing will be mailed to you at the address you have on file with the Commission. If you need to change the address on file, please call (405) 557-7180

NOTICE OF LEVY ON EARNINGS AND EXEMPTIONS

**IMPORTANT: YOUR MONEY MAY BE TAKEN TO PAY A JUDGEMENT.
READ THIS CAREFULLY.**

A levy against your account(s), wages or other property has been served on the named employer. Money held for you by the named employer or bank may be taken by the Oklahoma Employment Security Commission to pay the indebtedness you owe. However, some money is protected by law ("exempt") and cannot be taken to pay judgments. The following is a list of funds that are exempt. By law, additional exemptions may also be available:

- A. Social Security Benefits - 42 U.S.C. Section 407.
- B. Supplemental Security Income - 42 U.S.C. Section 1383(d).
- C. Unemployment Benefits - 40 O.S. Section 2-203.
- D. Workmens' Compensation Benefits - 85 O.S. Section 48.
- E. Welfare Benefits - 56 O.S. Section 173.
- F. Veterans' Benefits - 38 U.S.C. Section 3101, 31 O.S. Section 7.
- G. Monies in possession of Police Pensions - 11 O.S. Section 50-124.
- H. Monies in possession of Firemens' Relief and Pension Fund - 11 O.S. Section 49-126.
- I. Monies in possession of County Employees Retirement System - 19 O.S. Section 959.
- J. Monies in possession of Public Employees Retirement Fund - 74 O.S. Section 923.
- K. Teachers Annuities or Retirement Allowance - 70 O.S. 17-109.
- L. Annuities and Pension Payments under Railroad Retirement Act - 45 U.S.C. Section 231(m).
- M. United States Civil Service Retirement and Disability Pension Fund Payments - 5 U.S.C. Sec 8346.
- N. United States Civil Service Survivor Annuities - 5 U.S.C. Section 8346.
- O. Interest in Retirement, Pension and Profit Sharing plans - 60 O.S. Section 327-328.
- P. The wages of Seamen - 46 U.S.C. Section 601.
- Q. Funds vested in the Alien Property Custodian - 50 U.S.C. Appx. Section 9(f).
- R. Prepaid Burial Benefits - 36 O.S. Section 6125.
- S. Proceeds of Group Life Insurance Policy - 36 O.S. Section 3632 and 4026.
- T. Alimony, support, separate maintenance, or child support necessary for support of judgment debtor or defendant - 31 O.S. Section 1.1.
- U. Personal wage exemption because of undue hardship - 31 O.S. Section 1.1.

If a bank account is being levied upon and the money in the account does not belong to you, or if you are aware of other reasons why money should not be taken to pay the judgment, you may want to consult an attorney. Because of the levy, the employer or bank was required to withhold the amount of money claimed by the OESC. You may not now withdraw that money.

If you believe that you are entitled to an exemption, complete the following steps immediately. You must complete the steps and return the form to the OESC within ten (10) days from the date you receive this notice.

1. On the attached "Claim for Exemptions and Request for Hearing" form, check the box next to the exemption or exemptions you claim.
2. Check whether you claim all money is exempt. If you do not claim that all money is exempt, write in the amount you believe is exempt.
3. Sign your name and write your social security number in the space indicated on the form.
4. Mail the Claim for Exemptions and Request for Hearing to the OESC. You may include copies of any information you have that the money is exempt, such as copies of documents or letters from government agencies.

THE OESC MUST RECEIVE THE CLAIM FOR EXEMPTION AND REQUEST FOR HEARING WITHIN TEN (10) DAYS FROM THE DATE YOU RECEIVED THIS NOTICE. The OESC will set the matter for hearing and notify you. At the hearing, you will have to prove that your money is exempt from levy. You may want to consult an attorney for advice or assistance concerning the hearing. You will be provided with a claim for exemption and request for hearing during each pay period during the levy period.

If you do not request a hearing within ten (10) days from the date you receive this notice, but believe you are entitled to an exemption, you should consult an attorney. The attorney may be able to assist you in claiming an exemption by filing a motion with the OESC.

YOU MUST MAIL A COPY OF THE CLAIM FOR EXEMPTION AND REQUEST FOR HEARING

**TO: OKLAHOMA EMPLOYMENT SECURITY COMMISSION
P.O. BOX 52925
OKLAHOMA CITY, OK 73152-2925**



March 28, 2016

Dixie L. Coffey and Jeb E. Joseph
Assistants Attorney General
Oklahoma Attorney General's Office
313 NE 21st Street
Oklahoma City, OK 73105

Dear Ms. Coffey and Mr. Joseph:

RE: Civil Action No. CIV-15-324-C
United States of America v. Southeastern Oklahoma State University, et. al.

I am in receipt of the subpoena to produce documents, information or objects regarding this civil action.

The delivery address of 1100 E. University, Tempe, AZ, 85281 ties to ASU's Office of Human Resources. This subpoena was delivered to our office this morning.

We do not have any responsive documents.

Sincerely,

A handwritten signature in cursive script that reads "Karen Brown".

Karen Brown
Customer Service Lead

Office of Human Resources
PO Box 871304
1100 E. University Drive, Tempe, AZ 85287-1304
(855) 278-5081



March 28, 2016

Mr. Jeb E. Joseph and Ms. Dixie L. Coffey
Assistant Attorneys General
313 NE 21st Street
Oklahoma City, OK 73105

Sent Via Email jeb.joseph@oag.ok.gov, dixie.coffey@oag.ok.gov

RE: Subpoena in Civil Action No. CIV-15-324-C

Mr. Joseph and Ms. Coffey:

This is to confirm that Ball State University is not in possession of any records responsive to this Subpoena. If you have any questions, please do not hesitate to contact me directly.

Sincerely,

Sali K. Falling
Vice President and General Counsel



PimaCountyCommunityCollegeDistrict

District Office

Office of the College General Counsel
4905C East Broadway Boulevard
Tucson, Arizona 85709-1005
Telephone (520) 206-4678
TTY: (520) 206-4817
Fax (520) 206-4990
www.pima.edu

March 28, 2016

Oklahoma Attorney General's Office
313 NE 21st Street
Oklahoma City, OK 73105

Re: *United States of America v. Southeastern Oklahoma State University, et al*
Civil Action No. CIV-15-324-C

Pursuant to the subpoena dated March 22, 2016, there were no records found in our system for Rachel Tudor, aka T.R. Tudor aka Robert Tudor. We believe this satisfies your request.

Should you have any questions or if we can be of further assistance, please do not hesitate to contact Jeff Silvyn, General Counsel at 520-206-4678.

Sincerely,

A handwritten signature in cursive script that reads "Angela Wesson".

Angela Wesson
Support Coordinator to
Jeff Silvyn

From: [Jeb Joseph](#)
To: [Lori Cornell](#)
Subject: FW: Subpoena Georgia Institute of Technology
Date: Tuesday, March 29, 2016 3:26:28 PM

FYI and for our file.

From: Gosden, Kathleen T [mailto:kathleen.gosden@legal.gatech.edu]
Sent: Tuesday, March 29, 2016 2:08 PM
To: Dixie Coffey; Jeb Joseph
Subject: RE: Subpoena Georgia Institute of Technology

Ms. Coffey and Mr. Joseph:

We searched our records of students and employees and did not any records relating to Rachel Tudor or Robert Tudor.

Thanks, Kathleen

Kathleen T. Gosden

Senior Attorney
Georgia Institute of Technology
Office of Legal Affairs
760 Spring Street, Suite 324
Atlanta, Georgia 30332-0495
404.894.4812

Mailing address:
Office of Legal Affairs
Georgia Institute of Technology
Atlanta, GA 30332-0495

Visit our web site at www.legal.gatech.edu

Please note that most communications to and from Georgia Tech employees are a public record and available to the public and media upon request under Georgia's broad open records law. Therefore, this email communication and any response may be subject to public disclosure.

From: Gosden, Kathleen T
Sent: Tuesday, March 29, 2016 1:56 PM
To: 'dixie.coffey@oag.ok.gov'; 'jeb.joseph@oag.ok.gov'
Subject: Subpoena Georgia Institute of Technology

Ms. Coffey and Mr. Joseph:

Georgia Tech's Office of Legal Affairs just received your subpoena for records related to Rachel Tudor. We will not be able to meet the deadline of 5 p.m. today. We should be able to provide a copy of the individual's personnel file by close of business Monday. Please let me know if this is acceptable.

Thanks, Kathleen

Kathleen T. Gosden

Senior Attorney
Georgia Institute of Technology
Office of Legal Affairs
760 Spring Street, Suite 324
Atlanta, Georgia 30332-0495
404.894.4812

Mailing address:

Office of Legal Affairs
Georgia Institute of Technology
Atlanta, GA 30332-0495

Visit our web site at www.legal.gatech.edu

Please note that most communications to and from Georgia Tech employees are a public record and available to the public and media upon request under Georgia's broad open records law. Therefore, this email communication and any response may be subject to public disclosure.

From: [Angela Valuck](#)
To: [Lori Cornell](#)
Subject: Subpoena - Tudor
Date: Tuesday, March 29, 2016 4:01:57 PM
Attachments: [SKMBT_42316032816230.pdf](#)

Lori,

Good afternoon. I am sending this e-mail as a follow up to my phone inquiry related to the attached subpoena.

After receiving Helen's e-mail below I contacted Dixie Coffey and left her a message asking for additional information because I could not find a former employee with the last name of Tudor in our system. She returned my call and left me a message stating that Ms. Tudor claims that she had applied for faculty positions in the English Department beginning in Spring 2011 through the end of 2012.

Illinois College does not have record of an applicant by the name of Rachel Tudor, or with the last name of Tudor. Elise Meyer, Administrative Manager in the Office of Academic Affairs, tracks all faculty applicants. She conducted a search of her spreadsheets for all vacant Department of English positions prior to and after 2011. She also conducted a search of her employee e-mail account, as well as the Dean Search Illinois College e-mail account with no returned results.

Please let me know if you need additional information.

Thank you,
Angela Valuck

----- Forwarded message -----

From: **Helen Kuhn** <hkuhn@mail.ic.edu>
Date: Mon, Mar 28, 2016 at 4:57 PM
Subject: Supoena request from my phone call
To: Angela Valuck <angela.valuck@mail.ic.edu>

Angela,

Here's the subpoena we received from the president's office today. We couldn't find a student with any of these names so I called and talked to Jeb Joseph [405-521-3921](tel:405-521-3921). He said it was an employee or applicant. Since we didn't have any records, I didn't confirm the validity of the requestor.

The due date is Tuesday at 5:00 (tomorrow/today.) He said they could work with us on that. Let me know if you need the original. I will have it at the front counter in an envelope for you.

Helen

From: copier@mail.ic.edu [mailto:copier@mail.ic.edu]
Sent: Monday, March 28, 2016 4:23 PM
To: hkuhn@mail.ic.edu
Subject: Message from KMBT_423

--

Angela Valuck '08, PHR, SHRM-CP

Director of Human Resources
and Title IX Coordinator

Illinois College
1101 West College Avenue
Jacksonville, IL 62650
(P) 217.245.3002
(F) 217.245.3148
<http://www.ic.edu/>



CERTIFICATION OF NO RECORDS

I, a custodian of records for **JAMES MADISON UNIVERSITY**, a UNIVERSITY (type of organization), certify that a thorough search of our files were done in the ordinary course of business by authorized personnel on or about the time of the event or act. A careful search for the records has revealed no records were found on the named applicant.

THE DOCUMENTS REQUESTED ARE NOT IN OUR POSSESSION DUE TO THE FOLLOWING:

RZ ~~XXXX~~ NO RECORDS*

RECORDS DESTROYED AFTER 5 YEARS

*It is to be understood that this does not mean the requested information does not exist, but no records were found due to; another name, under another spelling, or not enough information provided. However, with the information furnished to our office and to the best of our knowledge, I certify the above to be a true and accurate statement.

Signed: [Signature]
Affiant

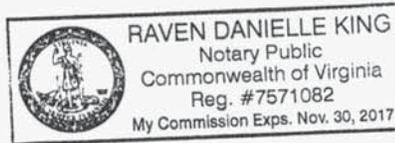
Name: F.P. Zappa Jr. (Print)

Title: Records & Cust. Serv. Coord.
24A

Sworn to and subscribed before me this date _____ day of October 2017.

Raven King
Notary Public

My Commission expires:
Nov. 30, 2017





VIA EMAIL: dixie.coffey@oag.ok.gov; jeb.joseph@oag.ok.gov

March 29, 2016

Oklahoma attorney General's Office
Attention: Dixie L. Coffey and Jeb E. Joseph, Asst. Attorneys General
313 NE 21st Street
Oklahoma City, OK 73105

Re: *CIV-15-324-C*
Related to: Rachel Tudor, a/k/a T. R. Tudor, a/k/a Robert Tudor

Dear Ms. Coffey and Mr. Joseph:

In response to the Subpoena for any and all documents submitted by, sent to or relating to Rachel Tudor, a/k/a T. R. Tudor, a/k/a Robert Tudor which was issued to and received by Rasmussen College, (attached for your reference) we respond as follows:

After a diligent search of our records we have discovered no records responsive to this subpoena.

Please feel free to contact me at 630-366-2940 or lori.kruizenga@rasmussen.edu if you have any questions.

Sincerely,

Lori J. Kruizenga
General Counsel

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

UNITED STATES OF AMERICA)	
<i>Plaintiff</i>)	
v.)	Civil Action No. CIV-15-324-C
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY, ET AL.)	
<i>Defendant</i>)	

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Rasmussen College
3629 95th Ave. NE, Blaine, MN 55014
(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: ANY AND ALL DOCUMENTS SUBMITTED BY, SENT TO, OR RELATING TO RACHEL TUDOR, a/k/a T.R. TUDOR a/k/a ROBERT TUDOR

Place: Oklahoma Attorney General's Office 313 NE 21st Street, Oklahoma City, OK 73105	Date and Time: 03/29/2016 5:00 pm
------------------------------------------------------------------------------------------	--------------------------------------

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/22/2016

CLERK OF COURT

OR

_____ <i>Signature of Clerk or Deputy Clerk</i>	/s/Jeb E. Joseph <i>Attorney's signature</i>
----------------------------------------------------	-------------------------------------------------

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Defendants Southeastern OSU and Regional University System of Okla. _____, who issues or requests this subpoena, are:

Dixie L. Coffey and Jeb E. Joseph, Assistant Attorneys General, 313 NE 21st St., Oklahoma City, OK 73105, 405 521 3921; dixie.coffey@oag.ok.gov; jeb.joseph@oag.ok.gov

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

U.S. POSTAGE PITNEY BOWES



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OK 731
22 MAR '16
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OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA
313 N.E. 21ST
OKLAHOMA CITY, OK 73105



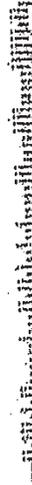
Rasmussen College
3629 95th Ave. NE
Blaine, MN 55014



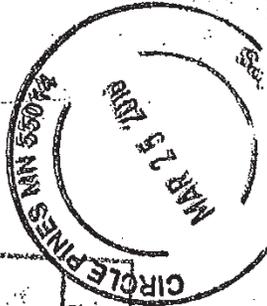
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IN THE
UNITED STATES
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UNLV | HUMAN
RESOURCES

UNIVERSITY OF NEVADA, LAS VEGAS

March 29, 2016

To Whom It May Concern:

This letter will confirm that the University of Nevada, Las Vegas has no current or prior record of employment for **Rachel Tudor, aka T.R. Tudor, aka Robert Tudor.**

If you should have any further questions, please contact our office.

Sincerely,

Kayla Ecker

Salary Administration Representative
Office of Human Resources
University of Nevada, Las Vegas
4505 Maryland Parkway
Las Vegas, NV 89154-1026
(702) 895-3504 – *Main*
(702) 895-1545 - *Fax*
HRST@unlv.edu

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the
Western District of Oklahoma

UNITED STATES OF AMERICA
Plaintiff
v.
SOUTHEASTERN OKLAHOMA STATE
UNIVERSITY, ET AL.
Defendant
Civil Action No. CIV-15-324-C

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: University of Nevada, Las Vegas
4505 S. Maryland Pkwy., Las Vegas, NV 89154
(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: ANY AND ALL DOCUMENTS SUBMITTED BY, SENT TO, OR RELATING TO RACHEL TUDOR, a/k/a T.R. TUDOR a/k/a ROBERT TUDOR

Place: Oklahoma Attorney General's Office
313 NE 21st Street, Oklahoma City, OK 73105
Date and Time: 03/29/2016 5:00 pm

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:
Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/22/2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk /s/Jeb E. Joseph
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendants Southeastern OSU and Regional University System of Okla., who issues or requests this subpoena, are: Dixie L. Coffey and Jeb E. Joseph, Assistant Attorneys General, 313 NE 21st St., Oklahoma City, OK 73105, 405.521.3921; dixie.coffey@oag.ok.gov; jeb.joseph@oag.ok.gov

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

RECEIVED 2/17/16

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CIV-15-324-C

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

MAR 28 '18 PM 2:17 HR

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

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(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

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(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee X	
1. Article Addressed to: University of Nevada, Las Vegas 4505 S. Maryland Pkwy. Las Vegas, NV 89154	B. Received by (Printed Name)	C. Date of Delivery
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
Domestic Return Receipt	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
91 7199 9991 7034 7003 7933		
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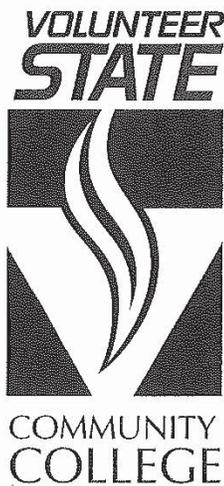
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• Sender: Please print your name, address, and ZIP+4 in this box •

Lori Cornell
 Office of Attorney General
 313 NE 21st Street
 Oklahoma City, OK 73105
Tudor SDTs to Colleges



**Office of
Records and
Registration**

Main Campus
1480 Nashville Pike
Gallatin, TN 37066-3188
615-452-8600
1-888-335-VSCC (8722)

Vol State at Livingston
113 Windle Community Rd
Livingston, TN 38570
931-823-7065
1-800-563-8220

Vol State at Highland Crest
150 Laureate Avenue
Springfield, TN 37172
615-433-7030
1-855-724-8722

Vol State at McGavock
3150 McGavock Pike
Nashville, TN 37214-1634
615-885-8910

15723-40 Volunteer State Community College, a Tennessee Board of Regents Institution, is an AA/EEO employer and does not discriminate on the basis of race, color, national origin, sex, disability, age, religion, sexual orientation, or veteran status in its programs and activities. The following person has been designated to handle inquiries regarding the nondiscrimination policies: Director of Human Resources, Affirmative Action Officer, Title IX Coordinator, 1480 Nashville Pike, Gallatin, TN 37066, 615-230-3592.

March 29, 2016

Dixie L. Coffey
Assistant Attorney General
313 NE 21st St
Oklahoma City, OK 73105

RE: United States of America v. Southeastern Oklahoma State University,
Et. Al. CIV-15-324-C

Dear Ms. Coffey:

We have received a subpoena from your office for the record of Rachel Tudor, a/k/a T.R. Tudor, a/k/a Robert Tudor. We do not have anyone in our system by any of those names having ever been a student or having been employed by our institution.

Please contact this office if we can be of further assistance in this matter.

Sincerely,

Tim Amyx
College Registrar

TA/srb

Enclosure

WWW.VOLSTATE.EDU

From: [Dixie Coffey](#)
To: [Lori Cornell](#)
Subject: Averett University - update on documents for Tudor, R.
Date: Wednesday, March 30, 2016 11:57:29 AM

Dixie L. Coffey
Assistant Attorney General
Litigation Division, Office of the Attorney General
Phone:(405)522-2891; Fax (405) 521-4518

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Kathie Tune [mailto:ktune@Averett.edu]
Sent: Wednesday, March 30, 2016 11:06 AM
To: Dixie Coffey
Subject: An update on documents for Tudor, R.

Dear Ms. Coffey,

I contacted our English department chair who has no documents from our 2011/12 search for a full time faculty member. She checked with a former chair who had no records either. We do have documentation of an opening and the position was posted in the Chronicle of Higher Education as validated by their customer service representative. Ultimately, we filled the position with an adjunct instructor and held the search the following year.

Please contact me with any further questions.

Sincerely,

Kathie Tune
Averett University
Director, HR

Dickinson

OFFICE OF GENERAL COUNSEL

P.O. Box 1773
Carlisle, PA 17013-2896

717-245-1013 phone
www.dickinson.edu

March 30, 2016

**SENT CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Dixie L. Coffey
Jeb E. Joseph
Assistant Attorneys General
313 NE 21st Street
Oklahoma City, OK 73105

Re: United States of America v. Southeastern Oklahoma State University, et al.
USDC Western District of Oklahoma, CIV-15-324-C
(*subpoena served on Dickinson College*)

Dear Ms. Coffey and Mr. Joseph:

First, thanks to Ms. Coffey for our conversation yesterday during which she was able to clarify the scope of your inquiry for records pertaining to T. R. Tudor, Rachel Tudor or Robert Tudor. Dickinson College conducted a review of student records and employee records and has no record of anyone by that name having been a matriculated student or ever having worked for the College. We also searched for records of applicants for positions of employment in the English Department by these names from 2011 to the present. We can confirm that no application for a full-time or adjunct faculty position by a person with any of these names was made.

If you have any further questions, please do not hesitate to contact me.

Sincerely,



Dana Scaduto
General Counsel

Exhibit 4

CERTIFICATION OF NO RECORDS

I, a custodian of records for ENTERPRISE STATE COMMUNITY COLLEGE, a public two-year college (type of organization), certify that a thorough search of our files were done in the ordinary course of business by authorized personnel on or about the time of the event or act. A careful search for the records has revealed no records were found on the named applicant.

THE DOCUMENTS REQUESTED ARE NOT IN OUR POSSESSION DUE TO THE FOLLOWING:

NO RECORDS*

RECORDS DESTROYED AFTER YEARS

*It is to be understood that this does not mean the requested information does not exist, but no records were found due to; another name, under another spelling, or not enough information provided. However, with the information furnished to our office and to the best of our knowledge, I certify the above to be a true and accurate statement.

Signed: Kevin Ammons
Affiant

Name: Kevin Ammons (Print)

Title: Associate Dean of Students

Sworn to and subscribed before me this date 26th day of October 2017.

Sammy Bruce Jones
Notary Public

My Commission expires:
My Commission Expires:
February 18, 2020



10/26/2017

Enterprise State Community College Mail - Subpoena for records



ENTERPRISE STATE
COMMUNITY COLLEGE

Kevin Ammons <kammons@escs.edu>

Subpoena for records

4 messages

Lori Cornell <lori.cornell@oag.ok.gov>

Mon, Oct 16, 2017 at 6:34 PM

To: "alandrum-sims@escs.edu" <alandrum-sims@escs.edu>

Cc: "kammons@escs.edu" <kammons@escs.edu>, "hthomas@escs.edu" <hthomas@escs.edu>

On March 31, 2016, you email Dixie Coffey and Jeb Joseph in our office with regards to a subpoena you received requested documents you have regarding a Robert Tudor a/k/a Rachel Tudor. (A copy of that email is attached). Additionally, I have attached a Certification of No Records, as you indicate there were no records available. If you would, please execute the attached form and return it to me prior to November 1, 2017. Should you have any questions, please do not hesitate to contact me. Your assistance and cooperation is greatly appreciated.

Thanks,

Lori Cornell

Office of the Attorney General

Paralegal

313 N.E. 21st Street

Oklahoma City, Oklahoma 73105

Telephone: 405.521.3921

Direct: 405.522.2906

Facsimile: 405.521.4518



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Save a tree. Don't print this e-mail unless it's really necessary.

2 attachments

Enterprise State Community College.docx

CERTIFICATION OF NO RECORDS

I, a custodian of records for **TOWSON UNIVERSITY**, at the Office of the Provost, certify that a thorough search of our files were done in the ordinary course of business by authorized personnel on or about the time of the event or act. A careful search for the records has revealed no records were found on the named applicant.

THE DOCUMENTS REQUESTED ARE NOT IN OUR POSSESSION DUE TO THE FOLLOWING:

 NO RECORDS*

 RECORDS DESTROYED AFTER 3 YEARS

*It is to be understood that this does not mean the requested information does not exist, but no records were found due to; another name, under another spelling, or not enough information provided. However, with the information furnished to our office and to the best of our knowledge, I certify the above to be a true and accurate statement.

Signed: S. Maggie Reitz
Affiant

Name: S. Maggie Reitz

Title: Vice Provost for Academic Affairs

Sworn to and subscribed before me this date 24 day of October 2017.

Elizabeth A. Carbone
Notary Public

My Commission expires:
April 2, 2018



[Faint, illegible text]

[Faint, illegible text]

[Faint, illegible text]

[Handwritten signature]

[Handwritten signature]





March 30, 2016

Jeb E. Joseph
Assistant Attorney General
Office of Attorney General
State of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105

Dear Mr. Joseph

In response to the enclosed subpoena, we have found no records responsive to your requests. Also, tenure-track positions are not available at our university.

Sincerely

A handwritten signature in cursive script that reads "Geri Morris".

Geri Morris
Executive Director
Human Resources

Enclosure



March 31, 2016

Jeb Joseph, Esq
313 NE 21st ST
Oklahoma City, OK 73106-7055

Dear Mr. Joseph,

Bainbridge State College is in receipt of *Civil Action #CIV-15-324-C*. The College does not believe the subpoena was properly served meaning it is not from the proper jurisdiction. Nevertheless, the College does not have responsive documents.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Carter". The signature is written in a cursive style.

Kimberly Carter
Interim HR Director



March 31, 2016

UNITED STATES DISTRICT COURT
OKLAHOMA Attorney General's Office
313 NE 21st St
Oklahoma City OK 73105

TO Jeb E. Joseph:

Per your request, we were unable to locate any educational records pertaining to Rachel Tudor, a/k/a T.R. Tudor a/k/a/ Robert Tudor in our database at CNM (Central New Mexico Community College).

If you have any questions regarding these records, please contact me at (505) 224-3202.

Sincerely,

A handwritten signature in black ink that reads "Pam Dudley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Pam Dudley
Student Services Technician

Enclosures



From: [Jeb Joseph](#)
To: [Lori Cornell](#)
Subject: FW: Subpoena
Date: Thursday, March 31, 2016 3:43:03 PM

FYI and for the file.

From: Alonzetta Landrum-Sims [mailto:alandrum-sims@escs.edu]
Sent: Wednesday, March 30, 2016 1:57 PM
To: Dixie Coffey; Jeb Joseph
Cc: Kevin Ammons; Heather Thomas; Alonzetta Landrum-Sims
Subject: Subpoena

Enterprise State Community College has no records related to the individual(s) named in Civil Action No. CIV-15-324-C.

--

Alonzetta Landrum-Sims, MBA
Enterprise State Community College
Dean of Finance and Administration
334.347.2623 ext. 2211
alandrum-sims@escs.edu

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the
Western District of Oklahoma

UNITED STATES OF AMERICA
Plaintiff
v.
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY, ET AL.
Defendant
Civil Action No. CIV-15-324-C

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: LeTourneau University
2100 Moberly Ave, Longview, TX 75602
(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: ANY AND ALL DOCUMENTS SUBMITTED BY, SENT TO, OR RELATING TO RACHEL TUDOR, a/k/a T.R. TUDOR a/k/a ROBERT TUDOR

Place: Oklahoma Attorney General's Office
313 NE 21st Street, Oklahoma City, OK 73105
Date and Time: 03/29/2016 5:00 pm

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:
Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/22/2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk /s/Jeb E. Joseph
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendants Southeastern OSU and Regional University System of Okla., who issues or requests this subpoena, are: Dixie L. Coffey and Jeb E. Joseph, Assistant Attorneys General, 313 NE 21st St., Oklahoma City, OK 73105, 405.521.3921; dixie.coffey@oag.ok.gov; jeb.joseph@oag.ok.gov

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CIV-15-324-C

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because: We have no records for this person.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 3-30-2016

Phyllis Turner
Server's signature
Phyllis Turner, HR Generalist
Printed name and title

2100 S. Moberly Av. Longview, TX 75602
Server's address

Additional information regarding attempted service, etc.:

CERTIFICATION OF NO RECORDS

I, a custodian of records for NEVADA STATE COLLEGE, an educational institution (type of organization), certify that a thorough search of our files were done in the ordinary course of business by authorized personnel on or about the time of the event or act. A careful search for the records has revealed no records were found on the named applicant.

THE DOCUMENTS REQUESTED ARE NOT IN OUR POSSESSION DUE TO THE FOLLOWING:

NO RECORDS*

___ RECORDS DESTROYED AFTER ___ YEARS

*It is to be understood that this does not mean the requested information does not exist, but no records were found due to; another name, under another spelling, or not enough information provided. However, with the information furnished to our office and to the best of our knowledge, I certify the above to be a true and accurate statement.

Signed: Adelfa Sullivan
Affiant

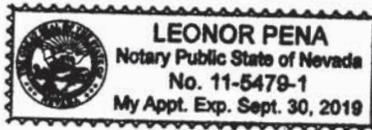
Name: ADELFA SULLIVAN (Print)

Title: Registrar

Sworn to and subscribed before me this date 25 day of October 2017.

Leonor Pena
Notary Public

My Commission expires:
SEPTEMBER 30, 2019



From: [Jeb Joseph](#)
To: [Lori Cornell](#)
Subject: FW: Tudor Subpoena
Date: Thursday, March 31, 2016 1:38:22 PM
Attachments: [Tudor - Subpoena for records - March 2016.pdf](#)

FYI from Wartburg College.

From: Richard Seggerman [mailto:richard.seggerman@wartburg.edu]
Sent: Tuesday, March 29, 2016 2:53 PM
To: Dixie Coffey; Jeb Joseph
Cc: Tracy Rucker
Subject: Subpoena

Good afternoon,

Thank you for providing your email information on a subpoena Wartburg College received today (our offices were closed last Friday and this Monday for Easter). The notice we received is attached.

Wartburg was asked to provide "Any and all documents submitted by, sent to, or relating to Rachael Tudor, a/k/a T.R. Tudor a/k/a Robert Tudor" by 5 p.m. today, March 29, 2016.

Even though we just received this subpoena today, an initial scan of students (current and former), employees, vendors, and donors produced no records with the 3 names noted. We assume this email will meet the requirements of the subpoena.

If you have any questions, please feel free to contact me. I would appreciate an email response acknowledging that you have received this email. Thanks!

Rich Seggerman | *Vice President*

Finance and Administration | [Wartburg College](#)

100 Wartburg Blvd. | Waverly, Iowa 50677

Office: 319.352.8215 | Mobile: 319-830-9201

Wartburg College is dedicated to challenging and nurturing students for lives of leadership and service as a spirited expression of their faith and learning.

From: [Jeb Joseph](#)
To: [Tom Hutchinson](#); [Dixie Coffey](#)
Cc: "[Cara Wald](#)"; [Lori Cornell](#)
Subject: RE: U.S. vs. Southeastern Oklahoma State University, et.al., Civil Action No.: CIV-15-324-C
Date: Friday, April 01, 2016 4:07:37 PM

Tom,

Thanks very much for your efforts, and for Bethel's prompt response. Your email is definitely sufficient for our purposes at this point.

Have a wonderful weekend,
Jeb

Jeb E. Joseph
Assistant Attorney General
Litigation Division
Office of the Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 522-8940 - Office
(405) 521-4518 - Fax

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Help conserve trees and space. Don't print this e-mail unless it's really necessary.

From: Tom Hutchinson [mailto:thutchinson@eschylaw.com]
Sent: Friday, April 01, 2016 3:51 PM
To: Dixie Coffey; Jeb Joseph
Cc: 'Cara Wald'
Subject: U.S. vs. Southeastern Oklahoma State University, et.al., Civil Action No.: CIV-15-324-C

Attorney Coffey and Attorney Joseph:

This email follows my discussion yesterday with your legal assistant, Lori.

I act as general counsel for Bethel University located at 3900 Bethel Drive, St. Paul, Minnesota 55112. The purpose of this email is to respond to the subpoena that your office served upon the University recently in regard to an action entitled United States of America vs. Southeastern Oklahoma State University, et al., Civil Action No. CIV-15-324-C.

Please be advised that after a diligent search, University personnel have been unable to find any documents responsive to your subpoena. Specifically, Bethel University has no documents

submitted by, sent to, or relating to Rachel Tudor, aka T. R. Tudor, aka Robert Tudor.

Your assistant indicated that a response by email would be sufficient. If, however, you require anything further, please contact me. Thank you for your courtesy.

Please acknowledge receipt of this email for my records.

Best regards,
Tom Hutchinson

Thomas F. Hutchinson
Eastlund, Solstad, Cade, Hutchinson & Ysebaert
4200 County Road 42 West
Savage, MN 55378-4048
Firm: 952-894-6400
Fax: 952-894-6421
[email: thutchinson@eschylaw.com](mailto:thutchinson@eschylaw.com)



April 1, 2016

To Whom It May Concern,

In reference to your inquiry about Rachel Tudor aka Robert Tudor, Grayson College has no record of attendance or educational records. If you feel this may be in error, please feel free to contact me at klemiukc@grayson.edu or 903-463-8650.

Sincerely,

Christy A. Klemiuk
Registrar and Director of Admissions
Grayson College



**ILLINOIS STATE
UNIVERSITY**
Illinois' first public university

Office of General Counsel
208G Hovey Hall
Campus Box 1010
Normal, IL 61790-1010
Phone: (309) 438-8999
Fax: (309) 438-7200

April 1, 2016

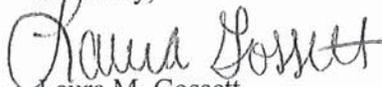
Jeb Joseph
Assistant Attorney General
313 NE 21st Street
Oklahoma City, OK 73105

RE: US v. Southeastern Oklahoma State University

Dear Mr. Joseph:

On March 28, 2016, Illinois State University received a subpoena in the above-reference matter. The University has no documents responsive to this request.

Sincerely,


Laura M. Gossett
Paralegal



March 30, 2016

Jeb E. Joseph
Assistant Attorney General
Office of Attorney General
State of Oklahoma
313 N.E. 21st Street
Oklahoma City, OK 73105

Dear Mr. Joseph

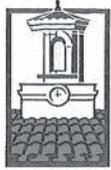
In response to the enclosed subpoena, we have found no records responsive to your requests. Also, tenure-track positions are not available at our university.

Sincerely

A handwritten signature in cursive script that reads "Geri Morris".

Geri Morris
Executive Director
Human Resources

Enclosure



TEXAS A&M
UNIVERSITY
KINGSVILLE

COMPLIANCE OFFICE
MSC 221 LEWIS HALL RM 130 • KINGSVILLE, TEXAS 78363-8202
PHONE (361) 593-4758 • FAX (361) 593-4755

MEMORANDUM

To: Oklahoma Attorney General's Office
313 NE 21st Street
Oklahoma City, OK 73105

From: Karen Royal, Director of Compliance *KAR*

Date: April 4, 2016

Subject: Subpoena (Civil Action No. CIV-15-324-C)

After diligent review of our records, we have nothing responsive to your request.

From: [Howell, Stephanie](#)
To: [Lori Cornell](#)
Subject: RE: Rachel Tudor
Date: Monday, April 04, 2016 1:50:08 PM
Attachments: [image001.png](#)

Ms. Cornell - Please be advised after a diligent search, UNF is not able to locate any record for (to or from) Rachel Tudor, T.R Tudor or Robert Tudor. We will prepare a formal response to the subpoena and forward same very shortly.

If I can be of further assistance, please let me know.

Stephanie C. Howell, CP, FRP
Certified Paralegal
Office of the General Counsel
The University of North Florida
1 UNF Drive
Building 1, Room 2100
Jacksonville, FL 32224
(904)620-1028
Fax (904)620-2829
Email: showell@unf.edu

From: Lori Cornell [<mailto:lori.cornell@oag.ok.gov>]
Sent: Tuesday, March 29, 2016 3:11 PM
To: Howell, Stephanie
Subject: RE: Rachel Tudor

The last of Dr. Tudor's SSN are 4868.

Lori Cornell
Office of the Attorney General
Paralegal
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
Telephone: 405.521.3921
Direct: 405.522.2906
Facsimile: 405.521.4518



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Save a tree. Don't print this e-mail unless it's really necessary.

From: Howell, Stephanie [<mailto:showell@unf.edu>]

Sent: Tuesday, March 29, 2016 1:45 PM

To: Lori Cornell

Subject: Rachel Tudor

Lori – Could you please provide a date of birth or last 4 digits of the subject’s social? Thank you.

Stephanie C. Howell, CP, FRP
Certified Paralegal
Office of the General Counsel
The University of North Florida
1 UNF Drive
Building 1, Room 2100
Jacksonville, FL 32224
(904)620-1028
Fax (904)620-2829
Email: showell@unf.edu



INDIANA UNIVERSITY

OFFICE OF THE VICE PRESIDENT
AND GENERAL COUNSEL

April 5, 2016

Dixie L. Coffey
Jeb E. Joseph
Assistant Attorneys General
313 NE 21st Street
Oklahoma City, OK 73105

Re: USA v. Southeastern Oklahoma State University, Et Al.
CIV-15-324-C

I am responding to your subpoena dated March 22, 2016, pursuant to FCR 34 and 45. We have conducted a search for the documents requested and have determined that Indiana University has no responsive documents. If any such documents existed, they have now been destroyed pursuant to our data management policy.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Westerhaus Adams".

Jennifer Westerhaus Adams
Associate General Counsel

**PALM BEACH STATE
COLLEGE**

**OFFICE OF THE
GENERAL COUNSEL**

4200 Congress Avenue
Lake Worth, FL 33461-4796

561-868-3143 OFFICE
561-868-3504 FAX

April 5, 2016

Via Electronic Mail and Regular Mail

Oklahoma Attorney General's Office
C/O Dixie L. Coffey and Jeb E. Joseph, Assistant Attorneys General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

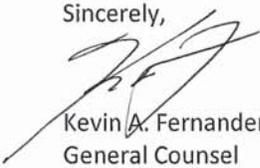
Re: Civil Action No. CIV-15-324-c
United States of America v. Southeastern Oklahoma State University, Et Al
Certification of No Records

To whom it may concern,

I certify that a thorough search of our files revealed no records on the person named in the attached copy of the ***Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action.***

It is to be understood that this does not mean that records do not exist under another spelling, another name or under another classification, but with the information furnished to our office, and to the best of our knowledge, no such records exist in our files.

Sincerely,


Kevin A. Fernander,
General Counsel

Attachment: Copy of Subpoena to Produce Documents

From: [Jeb Joseph](#)
To: [Lori Cornell](#)
Cc: [Dixie Coffey](#)
Subject: FW: Subpoena for Personnel Records of Rachel Tudor
Date: Wednesday, April 06, 2016 10:06:53 AM
Attachments: [image001.png](#)

FYI and for the file.

From: Mark Lupe [mailto:Mark.Lupe@fsw.edu]
Sent: Wednesday, April 06, 2016 9:19 AM
To: Jeb Joseph
Cc: Susan Marcy
Subject: Subpoena for Personnel Records of Rachel Tudor

Jeb,

I have inquired of HR for the job application materials pertaining to Rachel Tudor. I was advised by HR that the pertinent computer based records for the period spring 2011 through December 2012 were lost when the College changed software systems to Neogov for the automated job application system. HR has conducted a search of its remaining records and can't locate a responsive document.

Please let me know if you have any questions.

Mark E. Lupe
General Counsel

(239) 433-6948 (Work)
(239) 246-8250 (Cell)
mlupe@FSW.edu

Florida Southwestern State College
8099 College Parkway
Fort Myers, Florida 33919-5566



Please note: Due to Florida's broad open records law, most written communication to or from College employees is public record, available to the public and the media upon request.

Therefore, this e-mail communication may be subject to public disclosure.
[You are the Key to Information Security. Click Here to Learn More.](#)

CERTIFICATION OF NO RECORDS

I, a custodian of records for **THE DISTRICT BOARD OF TRUSTEES OF FLORIDA SOUTHWESTERN STATE COLLEGE, FLORIDA**, a political subdivision of the State of Florida, certify that a thorough search of our files were done in the ordinary course of business by authorized personnel on or about the time of the event or act. A careful search for the records has revealed no records were found on the named applicant Rachel Tudor.

THE DOCUMENTS REQUESTED ARE NOT IN OUR POSSESSION DUE TO THE FOLLOWING:

Computer based records were for the period spring 2011 through December 2012 were lost when the College changed software systems to Neogov for the automated job application system.

*It is to be understood that this does not mean the requested information does not exist, but no records were found due to; another name, under another spelling, or not enough information provided. However, with the information furnished to our office and to the best of our knowledge, I certify the above to be a true and accurate statement.

Signed: Susan Bronster
Affiant

Name: SUSAN BRONSTEIN (Print)

Title: DIRECTOR HR

Sworn to and subscribed before me this date 20th day of October 2017.

Melissa Ramey
Notary Public

My Commission expires:

5-8-18



From: [Melissa Nace-Perez](#)
To: [Jeb Joseph](#); [Dixie Coffey](#)
Cc: [Lori Cornell](#)
Subject: RE: Robert Tudor
Date: Wednesday, April 06, 2016 7:21:45 AM
Attachments: [image001.png](#)

Good morning,

We have no application files on this person; however the job applications may have been purged (such as after 1 year of the position hire date). I was not in this position at that time so cannot confirm.

Melissa

Melissa Nace-Perez
Director of Human Resources
Oxbridge Academy
3151 North Military Trail
West Palm Beach, Florida 33409
MNace-Perez@oapb.org
T: (561) 972-9634
F: (561) 584-6781
oapb.org



From: Jeb Joseph [mailto:jeb.joseph@oag.ok.gov]
Sent: Monday, April 4, 2016 4:50 PM
To: Melissa Nace-Perez <MNace-Perez@oapb.org>; Dixie Coffey <dixie.coffey@oag.ok.gov>
Cc: Lori Cornell <lori.cornell@oag.ok.gov>
Subject: RE: Robert Tudor

Melissa,

Thank you for your prompt review and response. To clarify, Dr. Tudor claims that she applied for a job at Oxbridge. Would your **job applicant** records be covered by the review already performed?

Best regards,
Jeb

Jeb E. Joseph
Assistant Attorney General
Litigation Division
Office of the Attorney General
313 N.E. 21st Street
Oklahoma City, OK 73105
(405) 522-8940 - Office
(405) 521-4518 - Fax

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Help conserve trees and space. Don't print this e-mail unless it's really necessary.

From: Melissa Nace-Perez [<mailto:MNace-Perez@oapb.org>]
Sent: Monday, April 04, 2016 1:22 PM
To: Dixie Coffey; Jeb Joseph
Subject: Robert Tudor

Oxbridge Academy received the attached subpoena. Oxbridge Academy cannot find record of this person as a student, parent, employee, contractor or volunteer. Please confirm you have received this email and if you have additional questions.

Thank you,

Melissa Nace-Perez

Director of Human Resources

Oxbridge Academy

3151 North Military Trail

West Palm Beach, Florida 33409

MNace-Perez@oapb.org

T: (561) 972-9634

F: (561) 584-6781

oapb.org



St. Petersburg College

SPC

Office of the General Counsel
District Office
727-341-3325

April 6, 2016

Jeb E. Joseph
Assistant Attorney General
Oklahoma Attorney General's Office
31 NE 21st Street
Oklahoma City, OK 73105

**RE: Rachel Tudor, a/k/a T.R. Tudor a/k/a Robert Tudor
Civil Action No: CIV-15-324-C**

Dear Mr. Joseph:

We are in receipt of your Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action regarding Ms. Tudor. We show no listing in the college's database that matches the SS# and birth year provided for this individual. Therefore, there are no records to be produced at this time.

If you should have any questions regarding this matter, please feel free to contact me.

Very truly yours,



Pamela S. Smith, MBA, CLA
Legal Services Coordinator

PSS:jjm



UNIVERSITY OF OREGON

Sent via email to lori.cornell@oag.ok.gov

April 6, 2016

Lori Cornell
Attorney General's Office
313 NE 21st St
Oklahoma City, OK 73105

Re: *United States of America v. Southeastern Oklahoma State University, et al.*
Civil Action No. CIV-15-324-C

Dear Ms. Cornell:

The University of Oregon has completed a search for records responsive to the attached civil subpoena dated March 22, 2016, as clarified by your office and the University (see Attachment 1), and I write to inform you that the University does not have responsive records.

Please contact our office with any questions or concerns. Thank you.

Sincerely,

Jessie McClendon
Legal Assistant

cc: Dixie Coffey, via email
Jeb Joseph, via email

Enclosures

OFFICE OF THE GENERAL COUNSEL

1226 University of Oregon, Eugene OR 97403-1266 T (541) 346-3082 F (541) 346-6110 www.uoregon.edu

An equal-opportunity, affirmative-action institution committed to cultural diversity and compliance with the Americans with Disabilities Act

Exhibit 4

From: [Jeb Joseph](#)
To: [Lori Cornell](#)
Subject: FW: Subpoena for records in US v. Southeastern Oklahoma Sate University
Date: Thursday, April 07, 2016 4:59:04 PM

FYI and for the file, from the University of Maryland.

From: Carolyn W. Skolnik [mailto:cskolnik@umd.edu]
Sent: Thursday, April 07, 2016 3:34 PM
To: Dixie Coffey; Jeb Joseph
Cc: Jill Nolan
Subject: Subpoena for records in US v. Southeastern Oklahoma Sate University

Dear Ms. Coffey and Mr. Joseph:

The University has reviewed its English department records for all tenure track and staff searches going back to 2007. Our Business Office, Professional Writing Program, and Academic Program have also reviewed their records regarding applications for lecturer positions. There are no records showing that a Rachel Tudor, Robert Tudor, and/or T.R. Tudor applied for a position in the Department.

Therefore, we have no records to provide in response to the subpoena received in this office. Please let me know if you have any questions.

Best,

Carolyn W. Skolnik
Associate General Counsel
Office of the General Counsel
University of Maryland
2101 Main Administration Bldg.
College Park, MD 20742
301.405.4943



P.O. Box 587 • Pendleton, South Carolina 29670 • www.tctc.edu
(864) 646-8361 • 1-866-269-5677 (Within 864 Area Code)

April 8, 2016

Office of Attorney General
State of Oklahoma
313 N.E. 21st
Oklahoma City OK 73105

Re: Rachel Tudor, a/k/a T.R. Tudor a/k/a Robert Tudor

To Whom It May Concern:

This letter acknowledges receipt of your request on March 29, 2016 for the records of the above-referenced individual. No records were found for this individual as we have no record of him ever being admitted or attending our institution.

Sincerely,


REGISTRAR

Scott Harvey, Registrar

ESD

From: [Jeb Joseph](#)
To: [Lori Cornell](#)
Subject: FW: CIV-15-324-C USA v. Southeastern Oklahoma State University, et al.
Date: Monday, April 11, 2016 9:29:28 AM
Attachments: [image001.png](#)

FYI and for the file.

From: Calhoun, Laura [mailto:calhounl@xavier.edu]
Sent: Friday, April 08, 2016 3:52 PM
To: Dixie Coffey; Jeb Joseph
Subject: CIV-15-324-C USA v. Southeastern Oklahoma State University, et al.

Dear Counsel,

Pursuant to the Subpoena Duces Tecum issued in this case to Xavier University, please be advised that we have no responsive records. We are unable to confirm or deny whether Rachel Tudor a/k/a T.R. Tudor a/k/a Robert Tudor ever applied for employment with Xavier University because we do not keep records concerning employment searches beyond two years. The time frame in question was outside the scope of our records retention/destruction period. We can confirm that this individual is not a current or former employee as we would have located him/her in the search we performed by name and social security number.

Please advise if you need further documentation or will consider this email a sufficient response.

Thank you,

Laura M. Calhoun
Paralegal
Office of the General Counsel
Xavier University
3800 Victory Parkway
Cincinnati, OH 45207-4551



P: (513) 745-3908
C: (513) 382-0860
F: (513) 745-3912
E: CALHOUNL@XAVIER.EDU

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Office of Operational Review and EEO
Administration and Finance

P.O. Box 41006
Lafayette, LA 70504-1006
Office: (337) 482-1394
Fax: (337) 482-1350

Université des Acadiens

April 15, 2016

Dixie L. Coffey
Jeb E. Joseph
Oklahoma Attorney General's Office
313 NE 21st Street
Oklahoma City, OK 73105

RE: United States of America v. Southeastern Oklahoma State University, et al.

Dear Ms. Coffey and Mr. Joseph,

The University of Louisiana at Lafayette is in receipt of your Subpoena requesting "any and all documents submitted by, sent to, or relating to Rachel Tudor, a/k/a T.R. Tudor a/k/a Robert Tudor." Following due diligence, no documents responsive to your Subpoena were located in UL Lafayette's records.

If we can be of any other assistance in this matter, please feel free to contact me.

Regards,

A handwritten signature in cursive script, appearing to read "Christine Brasher".

Christine Brasher
Director, Operational Review

cc: Dr. E. Joseph Savoie

CERTIFICATION OF NO RECORDS

I, a custodian of records for **OBERLIN COLLEGE**, a liberal arts college (type of organization), certify that a thorough search of our files were done in the ordinary course of business by authorized personnel on or about the time of the event or act. A careful search for the records has revealed no records were found on the named applicant.

THE DOCUMENTS REQUESTED ARE NOT IN OUR POSSESSION DUE TO THE FOLLOWING:

X NO RECORDS*

RECORDS DESTROYED AFTER YEARS

*It is to be understood that this does not mean the requested information does not exist, but no records were found due to; another name, under another spelling, or not enough information provided. However, with the information furnished to our office and to the best of our knowledge, I certify the above to be a true and accurate statement.

Signed: Tim Elgren
Affiant

Name: Tim Elgren (Print)

Title: Dean of Arts and Sciences

Sworn to and subscribed before me this date 25 day of October 2017.

Chelsey Felty
Notary Public

My Commission expires:

CHELSEY FELTY
NOTARY PUBLIC, STATE OF OHIO
LORAIN COUNTY
My Commission Expires 9/22/2021



Office of the General Counsel



Penn Medicine

Helen C. Logan
Sr. Admin. for Legal Svcs.
Direct Dial: 215-746-5235
helen.logan@ogc.upenn.edu

April 22, 2016

Dixie L. Coffey
Asst. Attorney General
313 NE 21 St.
Oklahoma City, OK 73105

Re: Rachel Tudor or Robert Tudor

Dear Ms. Coffee:

In response to your subpoena to the University of Pennsylvania for records concerning Ms. or Mr. Tudor, we have located none.

Sincerely,

A handwritten signature in cursive script that reads "Helen C. Logan".

Helen C. Logan
Sr. Admin. for Legal Svcs.



Human Resources

April 27, 2016

Office of Attorney General
State of Oklahoma
Dixie L. Coffey
Jeb E. Joseph
Assistant Attorneys General
313 NE 21st Street
Oklahoma City, OK 73105

Dear Attorney Coffey and Joseph:

RE: Civil Action No. CIV-15-324-C
United States of America v.
Southeastern Oklahoma State University, ET AL.

In response to the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises received on March 29, 2016, I write to inform you that Butler County Community College does not have any record that Rachel Tudor, a/k/a T.R. Tudor a/k/a Robert Tudor applied for a position with the College. I appreciate your patience as we manually researched your request since we do not have an electronic application process to access this information quickly.

If you have any questions, please contact me at 724-287-8711, Ext. 8353 or by email at linda.dodd@bc3.edu.

Sincerely,

A handwritten signature in cursive script that reads 'Linda M. Dodd'.

Linda M. Dodd, SHRM-CP, PHR
Executive Director of Human Resources/
Equal Opportunity Compliance Officer

From: [Kristi Mallett](#)
To: racheltudor3731@gmail.com
Date: Friday, March 25, 2016 4:07:57 PM

May 23, 2012

Rachel Tudor
racheltudor3731@gmail.com

Dear Dr. Tudor:

Thank you for your interest in the Assistant Professor of Humanities position at Rogers State University. After an extensive search and much deliberation, a decision has been made by the search committee. Although you were not selected, the committee members would like to express their appreciation for your patience throughout the process. We wish you the best in your career endeavors.

Sincerely,

Kristi Mallett
Employment & Benefits Coordinator
Rogers State University



April 12, 2016

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Dixie L. Coffey
Jeb E. Joseph
Assistant Attorneys General
313 NE 21st ST
Oklahoma City, OK 73105

Re: Rachel Tudor, a/k/a T.R Tudor, a/k/a Robert Tudor
SSN: none provided
Civil Action No: CIV-15-324-C

Dear Sirs:

The enclosed subpoena requests documents from Polk State College. We cannot comply with your request as we do not have any educational record of the above names, or variations thereof listed in our database at Polk State College.

If you wish to request additional research of records please include a social security number with your request.

If you require any additional information regarding this matter, please contact Lavern Williams at 863-297-1010 extension 5171.

Sincerely,

Kathleen Bucklew
Registrar

KB: sec
Enclosure

4/25/16 4:01

Call fr Jeb E Joseph
Asst. Attorney

Individual may
have applied in 2011/12

[Redacted]

Will provide written verification
of SSN if info available

999 Avenue H, N.E. • Winter H

Exhibit 4



OFFICE OF
HUMAN RESOURCES

May 2, 2016

Re: The United States of America v Southeastern Oklahoma State University, ET AL.

To Whom It May Concern,

There were no records found related to Rachel Tudor, a/k/a T. R. Tudor a/k/a/ Robert Tudor

Subpoena was completed and return on May 2, 2016.

Sincerely,

A handwritten signature in cursive script that reads 'Chris Newton'.

Chris Newton
Executive Director of Human Resources

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the
Western District of Oklahoma

UNITED STATES OF AMERICA
Plaintiff
v.
SOUTHEASTERN OKLAHOMA STATE UNIVERSITY, ET AL.
Defendant
Civil Action No. CIV-15-324-C

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: Philander Smith College
900 W. Daisy L. Gatson Bates Dr., Little Rock, AR 72202
(Name of person to whom this subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: ANY AND ALL DOCUMENTS SUBMITTED BY, SENT TO, OR RELATING TO RACHEL TUDOR, a/k/a T.R. TUDOR a/k/a ROBERT TUDOR

Place: Oklahoma Attorney General's Office
313 NE 21st Street, Oklahoma City, OK 73105
Date and Time: 03/29/2016 5:00 pm

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: Philander Smith College
You have no records for Rachel Tudor, a/k/a T.R. Tudor a/k/a Robert Tudor
Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 03/22/2016

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk /s/Jeb E. Joseph
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Defendants Southeastern OSU and Regional University System of Okla., who issues or requests this subpoena, are:

Dixie L. Coffey and Jeb E. Joseph, Assistant Attorneys General, 313 NE 21st St., Oklahoma City, OK 73105, 405.521.3921; dixie.coffey@oag.ok.gov; jeb.joseph@oag.ok.gov

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. CIV-15-324-C

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

I returned the subpoena unexecuted because: *Phitambar Singh College*
Rachal Taler *Have no documents related to*

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

PHILANDER
SMITH COLLEGE
EST. 1877
900 DAISY BATES DRIVE
LITTLE ROCK, AR 72202

U.S. POSTAGE PITNEY BOWES
ZIP 72202 \$ 000.46⁵
02 1W
0001376686 MAY. 03. 2016

*Office of Attorney General
State of Oklahoma
313 N.E. 21st
Oklahoma City, Ok 73105*
RECEIVED
MAY - 5 2016
ATTORNEY GENERAL

T H I N K J U S T I C E

7310555207 0009



Jury Trial - Volume 2
November 14, 2017

1
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

DR. RACHEL TUDOR,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-15-324-C
)	
SOUTHEASTERN OKLAHOMA STATE)	
UNIVERSITY and THE REGIONAL)	
UNIVERSITY SYSTEM OF)	
OKLAHOMA,)	
)	
Defendants.)	
)	

VOLUME 2
TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE ROBIN J. CAUTHRON
TUESDAY, NOVEMBER 14, 2017; 9:15 a.m.
OKLAHOMA CITY, OKLAHOMA

Proceedings recorded by mechanical stenography,
transcript produced by computer.

Jury Trial - Volume 2
November 14, 2017

	C O N T E N T S		VOLUME	PAGE
1				
2				
3	PLAINTIFF WITNESSES:			
4	RACHEL TUDOR, Ph.D.			
	DIRECT EXAMINATION BY MR. YOUNG.....	1		37
5	CROSS-EXAMINATION BY MS. COFFEY.....	1		130
	CONTINUING CROSS-EXAMINATION BY MS. COFFEY..	2		205
6	REDIRECT EXAMINATION BY MR. YOUNG.....	2		209
7	ROBERT PARKER, Ph.D.			
	DIRECT EXAMINATION BY MR. YOUNG.....	2		212
8	CROSS-EXAMINATION BY MR. JOSEPH.....	2		275
	REDIRECT EXAMINATION BY MR. YOUNG.....	2		291
9	RE-CROSS-EXAMINATION BY MR. JOSEPH.....	2		294
10	MEG COTTER-LYNCH, Ph.D.			
	DIRECT EXAMINATION BY MR. YOUNG.....	2		297
11	CROSS-EXAMINATION BY MR. JOSEPH.....	2		353
	REDIRECT EXAMINATION BY MR. YOUNG.....	2		371
12	JOHN MISCHO, Ph.D.			
13	DIRECT EXAMINATION BY MS. NOVOTNY.....	3		384
	CROSS-EXAMINATION BY MR. BUNSON.....	3		409
14	REDIRECT EXAMINATION BY MS. NOVOTNY.....	3		427
	RE-CROSS-EXAMINATION BY MR. BUNSON.....	3		430
15	MARK SPENCER, Ph.D.			
16	DIRECT EXAMINATION BY MR. YOUNG.....	3		431
	CROSS-EXAMINATION BY MR. BUNSON.....	3		450
17	REDIRECT EXAMINATION BY MR. YOUNG.....	3		459
18	RANDY PRUS, Ph.D.			
	DIRECT EXAMINATION BY MS. NOVOTNY.....	3		464
19	CROSS-EXAMINATION BY MR. JOSEPH.....	3		470
	REDIRECT EXAMINATION BY MS. NOVOTNY.....	3		481
20	RE-CROSS-EXAMINATION BY MR. JOSEPH.....	3		486
21	JAMES KNAPP, Ph.D.			
	DIRECT EXAMINATION BY MR. YOUNG.....	3		488
22	CROSS-EXAMINATION BY MR. BUNSON.....	3		504
	REDIRECT EXAMINATION BY MR. YOUNG.....	3		507
23	MELINDA HOUSE			
24	DIRECT EXAMINATION BY MR. YOUNG.....	3		508
	CROSS-EXAMINATION BY MR. BUNSON.....	3		529
25	REDIRECT EXAMINATION BY MR. YOUNG.....	3		547

Jury Trial - Volume 2
November 14, 2017

1 is that then you can be more actively involved in the
2 conversations on campus.

3 I certainly got very noisy after tenure. Part of that
4 was, quite frankly, motivated by what had happened to Rachel
5 and my being upset about that, but...

6 Q. Did you feel safer complaining at that point, after you
7 had tenure?

8 A. Yes. I mean, I figured that it would be harder for them
9 to fire me. So that makes it a little easier.

10 Q. When you were going up for tenure, did you have any
11 understanding of what would happen to you if you didn't get it
12 within the seven years you had allotted at Southeastern?

13 A. So if I didn't get tenure at all at Southeastern and had
14 to leave?

15 Q. (Nods head.)

16 A. I mean, the year I was up for tenure, I did apply out.
17 So I applied to other universities, which is not unusual.

18 Honestly, I was not really worried about getting tenure.
19 My husband was going up the same year at a much more
20 competitive university. So we both went on the market,
21 applied for other jobs, kind of as insurance.

22 But if you don't get tenure at all and just lose your
23 job, it looks bad, so --

24 MR. JOSEPH: Objection, Your Honor. Speculation.

25 THE COURT: Overruled.

Jury Trial - Volume 2
November 14, 2017

1 THE WITNESS: So, I mean, had I not gotten tenure
2 and had to leave, honestly, I would probably be teaching high
3 school at this stage, which is a fine thing to do, but it's a
4 different career.

5 I'm married. I have two kids. So moving is not super
6 easy. So we may have looked elsewhere. My husband's job
7 might have turned out to be more mobile if I didn't have a job
8 too. It's easier to move. I mean, I'm unemployed.

9 But, certainly, my professional life would be entirely
10 different and a lot of just my life generally would look very
11 different.

12 Q. (BY MR. YOUNG) Have you served on hiring committees at
13 Southeastern in the English department?

14 A. Yes.

15 Q. Can you just tell me generally how a hiring committee in
16 the English department looks at a candidate who has not gotten
17 tenure in a previous job?

18 A. It looks very suspicious. Hiring for a tenure-track job
19 in English is super competitive. The hiring committees I have
20 been on at Southeastern, we've had in the neighborhood of plus
21 or minus 50 applicants for one job.

22 At other schools -- I know I applied for a job where
23 there were over 400 applicants. I would say, average,
24 probably 100. So it's really competitive to get a
25 tenure-track job.



English and Literature

CREATE A JOB AGENT

EXPAND SEARCH

Sort by:

Display:

Results 1 - 25 of 575 

Lecturer/Senior Lecturer for Full-Time English

Teacher  PRIORITY

International Business College, Dongbei University of Finance & Economics
Dalian, China

English as a Second Language

Posted 03/09/18

Adjunct Assistant Professor -English

Ocean County College
Toms River, NJ

English and Literature

Posted 03/19/18

Adjunct Instructor - English Composition - AIU Online

AIU Online
Online/Remote

English and Literature

Posted 03/19/18

Assistant Professor English

Broward College
Coconut Creek, FL

English and Literature

Posted 03/19/18

Assistant Professor, English (Tenure-Eligible)

McLennan Community College
Waco, TX

English and Literature

Posted 03/17/18

Adjunct Instructor, English

Palm Beach State College
Palm Beach Gardens, FL

English and Literature

Posted 03/17/18

English Instructor Tenure-Track

Everett Community College
Everett, WA

English and Literature

Posted 03/17/18

TRiO Outreach Summer Program English Language Arts (ELA) Instructor

University of California, San Diego
San Diego, CA

Extension and Outreach

Posted 03/17/18

Assistant Professor of English, Creative Writing Specialization Tennessee Tech University Cookeville, TN	English and Literature Posted 03/16/18
Associate Chairperson, English Department Middlesex County College Edison, NJ	English and Literature Posted 03/16/18
Lecturer Ithaca College Ithaca, NY	English and Literature Posted 03/16/18
Instructor and Assistant Director of the Program in Creative Writing and Translation University of Arkansas Fayetteville, AR	English and Literature Posted 03/16/18
Visiting Assistant Professor Composition, Technical Writing and/ or Undergraduate Literature Oklahoma State University Stillwater, OK	English and Literature Posted 03/16/18
English Instructor SOWELA Technical Community College Lake Charles, LA	English and Literature Posted 03/16/18
Part-Time Instructor-English Composition Nevada State College Henderson, NV	English and Literature Posted 03/16/18
Assistant Professor of English (Fall 2018) University of North Georgia Gainesville, GA	English and Literature Posted 03/16/18
Middle School English Instructor East Tennessee State University Johnson City, TN	English and Literature Posted 03/16/18
Assistant or Associate Professor Mississippi State University Starkville, MS	English and Literature Posted 03/16/18
Assistant Teaching Professor or Lecturer of English Penn State DuBois DuBois, PA	English and Literature Posted 03/16/18

Adjunct Faculty, English

South University
Virginia Beach, VA

English and Literature
Posted 03/16/18

Assistant Professor of British Literature

Saint Mary-of-the-Woods College
Saint Mary of the Woods, IN

English and Literature
Posted 03/16/18

English Instructor (Full-time Tenure-Track Faculty Position)

San Mateo County Community College District
San Mateo, CA

English and Literature
Posted 03/16/18

English Composition Instructor Fall 2018 (Multiple Positions)

College of Southern Nevada
Las Vegas, NV

English and Literature
Posted 03/16/18

Faculty in Literature

Bard High School Early College Baltimore
Baltimore, MD

English and Literature
Posted 03/16/18

Assistant Professor of English (Tenure Track) (Two Positions)

Peru State College
Peru, NE

English and Literature
Posted 03/15/18

1 | 2 | 3 | 4 | 5 | ... | 23

Results 1 - 25 of 575 < >



English and Literature

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Visiting Assistant Professor Composition, Technical Writing and/ or Undergraduate Literature

Oklahoma State University
Stillwater, OK

English and Literature
Posted 03/16/18

English Instructor

Western Oklahoma State College
Altus, OK

English and Literature
Posted 03/15/18

Assistant Professor Of Composition Studies

Southwestern Oklahoma State University
Weatherford, OK

English and Literature
Posted 02/20/18

Instructor Of English

Southwestern Oklahoma State University
Weatherford, OK

English and Literature
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Assistant Professor, English

Cameron University
Lawton, OK

English and Literature
Posted 12/02/17

Assistant Professor, English

Cameron University
Lawton, OK

English and Literature
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English, Full-Time, Tenure-Track, Assistant Professor

University of Central Oklahoma
Edmond, OK

English and Literature
Posted 11/06/17

English-Technical Writing, Full-Time, Tenure-Track, Assistant Professor

University of Central Oklahoma
Edmond, OK

English and Literature
Posted 10/31/17

English, Full-Time, Tenure-Track, Assistant Professor
University of Central Oklahoma
Edmond, OK

English and Literature
Posted 10/31/17

English, Full-Time, Tenure-Track, Assistant Professor
University of Central Oklahoma
Edmond, OK

English and Literature
Posted 10/31/17

English, Adjunct
University of Central Oklahoma
Edmond, OK

English and Literature
Posted 08/17/17

English Composition Adjunct Professor
Oklahoma City Community College
Oklahoma City, OK

English and Literature
Posted 07/01/17

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